AT a General Assembly of the State of North Carolina, begun and held in the City of Raleigh, on Monday the 20th day of November, in the year of our Lord, one thousand eight hundred and forty-eight, and in the seventy-third year of the Independence of the United State of America, being the day appointed by law for the meeting of the General Assembly; the following members of the Senate appeared, exhibited their credentials, and were qualified according to law, viz:

From the 1st District—Pasquotank and Perquimons—Wm. B. Shepard.
From the 2d District—Camden and Currituck—John Barnard,
   " 7th do. Bertie—Lewis Thompson.
   " 8th do. Martin—Daniel Ward.
   " 9th do. Halifax—Andrew Joyner.
   " 10th do. Edgecomb—Wyatt Moyo.
   " 12th do. Beaufort and Hyde—Thomas D. Swain.
   " 14th do. Carteret and Jones—E. S. Bell.
   " 15th do. Lenoir and Greene—Edwin G. Speight.
   " 16th do. New Hanover—William S. Ashe.
   " 17th do. Onslow—John F. Spicer.
   " 18th do. Duplin—Stephen Graham.
   " 19th do. Brunswick, Bladen and Columbus—
Richard Wooten.
From the 20th District—Cumberland—A. Murchison.

" 21st " Sampson—M. I. Faison.
" 22d " Wayne—John Exum.
" 23d " Johnston—William H. Watson.
" 24th " Wake—George W. Thompson.
" 25th " Nash—John H. Drake.
" 26th " Franklin—James Collins.
" 28th " Granville—John Hargrove.
" 29th " Person—Robert H. Hester.
" 30th " Orange—John Berry.
" 31st " Chatham—William Albright.
" 32d " Moore and Montgomery—John M. Worth.

From the 33d District—Robeson and Richmond—J. A. Rowland.

From the 34th District—Anson—D. D. Daniel.

" 35th " Randolph—W. B. Lane.
" 36th " Guilford—John A. Gilmer.
" 37th " Caswell—Calvin Graves.
" 38th " Rockingham—W. D. Bethell.
" 39th " Mecklenburg—John W. Walker.
" 40th " Cabarrus & Stanly—R. Kendall.
" 41st " Rowan & Davie—J. A. Lillington.
" 42d " Davidson—J. W. Thomas.
" 43d " Stokes—John Reich.
" 44th " Surry and Ashe—George Bower.
" 45th " Iredell—G. F. Davidson.
" 47th " Rutherford & Cleveland—W. J. T. Miller.

From the 48th District—Burke, Caldwell, Wilkes, and McDowell—S. F. Patterson.

From the 49th District—Buncombe, Yancy and Henderson—N. W. Woodfin.

From the 50th District—Haywood, Macon and Cherokee—W. H. Thomas.

A quorum consisting of a majority of the whole number of
members being present, Mr. Gilmer nominated Andrew Joyner, of Halifax, for Speaker.

On motion of Mr. Ashe, the name of Calvin Graves, of Caswell, was added to the nomination, and the Senate voted as follows:

FOR MR. JOYNER:


FOR MR. GRAVES:


There being no election, on motion of Mr. Halsey, the Senate proceeded to vote again for Speaker, which resulted as follows, viz:

FOR MR. JOYNER:


FOR MR. GRAVES:


There still being no election, on motion of Mr. Ashe, the Senate adjourned until to-morrow morning, ten o'clock.

TUESDAY, NOVEMBER 21.

The Senate met according to adjournment.

On motion of Mr. Lillington, the Senate proceeded to vote for Speaker, which resulted as follows, viz:
FOR MR. JOYNER:

FOR MR. GRAVES:

There being no election, on motion of Mr. Walker, the Senate voted again as follows, viz:

FOR MR. JOYNER:

FOR MR. GRAVES:

There still being no election, on motion of Mr. Ashe, the Senate proceeded to vote again, which resulted as follows, viz:

FOR MR. JOYNER:

FOR MR. GRAVES:
It being announced that there was no election, on motion of Mr. Exum, the Senate adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, Nov. 22.

The Senate met according to adjournment.

Mr. Halsey presented a communication from the Secretary of State, which, on his motion, was ordered to lie on the table.

On motion of Mr. Lillington, the Senate proceeded to vote for Speaker, which resulted as follows, viz:

FOR MR. JOYNER:

FOR MR. GRAVES:

There being no election, on motion of Mr. Bower, the Senate proceeded to vote again, which was as follows, viz:

FOR MR. JOYNER:

FOR MR. GRAVES:
There was no election.

Mr. Ashe moved that the Senate adjourn until to-morrow morning, 10 o'clock; which was decided in the negative, yeas 15, nays 28. Mr. Thomas of Davidson, demanded the yeas and nays.

Those who voted in the affirmative are—


Those who voted in the negative are—


Mr. Ashe moved that the Senate adjourn until this afternoon, 3 o'clock, which was decided in the negative, yeas 15, nays 34.

Mr. Spicer demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Albright, Barnard, Bethell, Bell, Bower, Daniel, Davidson, Eborn, Exum, Faison, Gilmer, Hawkins, Hester, Kendall, Lane, Lillington, Miller, Murchison, Patterson, Reich, Rogers, Rowland, Shepard, Smaw, Smith, Spicer, Thomas, of Davidson, Thomas, of Haywood, Thompson, of Bertie, Washington, Watson, Willey, Woodfin, and Worth.

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

The following Senate is voted
FOR MR. JOYNER:

The following Senators voted

FOR MR. GRAVES:

There being no election, on motion of Mr. Reich, the Senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, NOVEMBER 23.

The Senate met according to adjournment.
On motion of Mr. Drake, the Senate proceeded to vote for Speaker, which resulted as follows, viz:

FOR MR. JOYNER:

FOR MR. GRAVES:

There being no election, on motion of Mr. Thomas, of Davidson, the Senate voted again, as follows, viz:
FOR MR. JOYNER:
Messrs. Albright, Bell, Barnard, Daniel, Davidson, Gilmer, Halsey, Hargrove, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth—23.

FOR MR. GRAVES:

There still being no election, on motion of Mr. Reich, the Senate proceeded to vote again, which resulted as follows, viz:

FOR MR. JOYNER:

FOR MR. GRAVES:

There being no election, the Senate proceeded, on motion of Mr. Lillington, to vote again, which resulted as follows, viz:

FOR MR. JOYNER:

FOR MR. GRAVES:
There was no election.
On motion of Mr. Walker, the Senate adjourned until to-morrow morning, 10 o'clock.

FRIDAY, NOV. 24.

The Senate met according to adjournment.
On motion of Mr. Walker, the Senate proceeded to vote for Speaker, which resulted as follows, viz:

FOR MR. JOYNER:

FOR MR. GRAVES:

There being no election, on motion of Mr. Thompson, of Wake, the Senate adjourned until to-morrow morning, ten o'clock.

SATURDAY, NOV. 25.

The Senate met according to adjournment.
On motion of Mr. Lillington, the Senate proceeded to vote for Speaker, which resulted as follows, viz:

FOR MR. JOYNER:
Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn,
Gilmer, Halsey, Hargrove, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth—23.

FOR MR. GRAVES:

Mr. Thomas, of Davidson, voted for Mr. Shepard.

There being no election, on motion of Mr. Thomas, of Davidson, the Senate proceeded to vote again; the result was as follows, viz:

FOR MR. JOYNER:

FOR MR. GRAVES:

There still being no election, on motion of Mr. Rowland, the Senate proceeded to vote again, which resulted as follows, viz:

FOR MR. JOYNER:

FOR MR. GRAVES:
Mr. Graves voted for Mr. Ashe, and Mr. Joyner voted for Mr. Shepard.

There being no election, Mr. Bower moved that the Senate adjourn until this afternoon, 3 o'clock; which was decided in the negative, yeas 19, nays 27. Mr. Thomas of Davidson, demanded the yeas and nays.

Those who voted in the affirmative are —


Those who voted in the negative are —


On motion of Mr. Albright, the Senate voted again for Speaker, as follows, viz :

FOR MR. JOYNER:


FOR MR. GRAVES:


There still being no election, on motion of Mr. Reich, the Senate adjourned until three o'clock, this afternoon.
Mr. Patterson presented for the consideration of the Senate, the following preamble and resolutions, viz:

Whereas. The interest of the State requires that the Senate should organize without further delay—And whereas, this important object is not likely to be effected, without conciliation and concession:
Therefore Resolved, First—That the Speaker be given to the Democratic Party;
Second—That the present Clerks be retained;
Third—That the standing Committees be appointed according to the Rules of the last Session. The Whig Party to have at least three out of the seven on each Committee.
Fourth—If the Whigs at any time during the Session, desire to increase the number on the Committee on Privileges and Elections, they shall be at liberty, on motion, to add one of their party to that Committee.
Fifth—That in all cases of a tie in the Committee on Privileges and Elections, each half shall be at liberty to proceed and report the facts, with the testimony, to the Senate, for its action.

Mr. Ashe moved, that Mr. Patterson be requested to act as presiding officer of the Senate during the consideration of the said Preamble and Resolutions, which was agreed to, and Mr. Patterson took the Chair.

After some time spent in discussing the Preamble and Resolutions, the question was taken thereon, and decided in the affirmative; Yeas 25, Nays 21.

Mr. Gilmer demanded the Yeas and Nays.

Those who voted in the affirmative are:

Those who voted in the negative are:
Messrs. Ashe, Bethell, Bower, Berry, Collins, Conner, Drake, Exum,

Mr. Gilmer then withdrew the name of Andrew Joyner from the nomination for Speaker, and moved that the Senate proceed to vote again for that Officer, which was decided in the affirmative, and the Senate voted as follows, viz:

FOR MR. GRAVES:

Mr. Barnard voted for Mr. Shepard, and Mr. Rowland voted for Mr. Joyner.

Mr. Graves having received a majority of the votes cast, and being duly elected Speaker of the Senate, was conducted to the Chair by Mr. Gilmer, the Senator from Guilford, and Mr. Ashe, the Senator from New Hanover, and made his acknowledgments in an appropriate address.

Mr. Washington moved that the Officers of the last Session of the Senate, Principal and Assistant Clerks and Principal and Assistant Doorkeepers be re-appointed; which was agreed to.

On motion of Mr. Lillington,

Ordered, That a message be sent to the House of Commons, informing that Body of the due organization of the Senate, by the election of Calvin Graves, Esq., Senator from Caswell, Speaker; Henry W. Miller, Principal Clerk; H. W. Husted, Clerk Assistant, and Green Hill and Patrick McGowan, Doorkeepers, and that it is ready to proceed to public business.

Mr. Patterson moved that a message be sent to the House of Commons, proposing to raise a joint select Committee to wait on His Excellency the Governor, and inform him that the two Houses of the General Assembly are ready to receive any communication which he may have to make to them.

Before the question was taken, on motion of Mr. Bower, the Senate adjourned until Monday morning, 10 o'clock.
Monday, November 27.

The Senate met according to adjournment.

On motion of Mr. Patterson,

Ordered, That a message be sent to the House of Commons, proposing to raise a Committee of two on the part of each House, to wait on His Excellency, the Governor, and inform him of the due organization of both Branches of the Legislature, and their readiness to receive any communication he may have to make.

On motion of Mr. Halsey,

Resolved, That the Rules of Order for the government of the last Senate be adopted for the government of the present Senate, until otherwise ordered.

A message was received from the House of Commons, announcing the due organization of that body, by the appointment of Robert B. Gilliam, of Granville, Speaker; Perrin Busbee, Chief Clerk; James R. Dodge, Clerk Assistant; William R. Lovell and William S. Webster, Doorkeepers, and informing the Senate that they are ready to proceed to the dispatch of public business.

On motion of Mr. Bower, a message was sent to the House of Commons, proposing to vote forthwith for Engrossing Clerk. Mr. Bower nominated for that appointment, Robert K. Bryan.

The following additional nominations were then made, viz:

- By Mr. Walker—James J. Thomas.
- By Mr. Daniel—Sanders M. Ingram.
- By Mr. Thompson, of Wake—T. G. Whitaker.
- By Mr. Gilmer—David Lewis.
- By Mr. Smith—James F. Simmons.
- By Mr. Lane—Thomas A. Futrell and T. M. Moore;

and the House of Commons were informed of said nominations.

On motion of Mr. Halsey,

Resolved, That the Speaker of the Senate assign places to Reporters, to report the proceedings of the Senate during its present Session.
Received from the House of Commons a message, concurring in the proposition of the Senate to appoint a Select Committee on the part of each House, to wait upon his Excellency, the Governor, and inform him of the due organization of the Legislature, and its readiness to receive any communication from him; and also stating, that Messrs. Headen and Spivey form the Committee on the part of that House. Messrs. Patterson and Hawkins were appointed the Committee on the part of the Senate, and the House of Commons were informed thereof.

Received from the House of Commons a message, concurring in the proposition of the Senate to go forthwith into an election for Engrossing Clerk, and informing the Senate that the name of James Iredell is added to the nomination, and that Messrs. Cannady and Gambill form the Commons branch of the committee to superintend said election. Messrs. Lane and Hower were appointed the committee on the part of the Senate, and the House of Commons were informed thereof; and that the Senate would proceed to vote on the return of the messenger.

The Senate then voted as follows, viz:


For Mr. Ingram—Messrs. Bell, Daniel, Eborn, Kendall, Rowland, Smaw, and Thomas, of Davidson—7.

For Mr. Moore—Messrs. Gilmer, Lane, Miller and Worth—4.

For Mr. Whitaker—Messrs. Bethell, Thompson, of Wake, and Watson—3

For Mr. Lewis—Messrs. Albright, Barnard and Washington—3.

For Mr. Simmons—Messrs. Halsey, Joyner, Smith, and Thompson, of Bertie—4.

For Mr. Bryan—Messrs. Ashe, Bower, Davidson, Faison, Graham, Lillington, Murchison, Rogers, Spicer and Wooten—10.

For Mr. Iredell—Messrs. Berry, Patterson, Shepard, Willey and Woodfin—5.

On motion of Mr. Halsey, the communication from the Sec-
retary of State, relating to the Public Printing, was taken up, read, and transmitted to the House of Commons.

On motion of Mr. Walker,

Resolved, That a Committee of five be appointed to report Rules for the government of the Senate, during its present session.

Under this resolution, the Speaker appointed the following committee, viz: Messrs. Walker, Joyner, Ashe, Halsey and Speight.

On motion of Mr. Patterson,

Ordered, That a message be sent to the House of Commons, proposing to raise a Joint Select Committee to report Joint Rules for the government of the two Houses.

Mr. Bower, from the committee appointed to superintend the election of Engrossing Clerk, reported that no one having received a majority of votes cast, there was no election.

On motion of Mr. Bower, a message was sent to the House of Commons, proposing to vote again forthwith for Engrossing Clerk.

Mr. Thomas, of Davidson, presented the following Resolution, viz:

Resolved by the two Houses of the General Assembly, That the Doorkeepers be required to keep the large Lamps on the Capitol Square lit up during the present Session.

Which was read and adopted.

Mr. Gilmer presented the Memorial of Hugh Waddell, Esq. contesting the seat of the sitting Senator from the 30th Senatorial District; and upon the reading of the same, Mr. Gilmer moved the following Preamble and Resolution, which were read and adopted, viz:

Whereas, a memorial has been presented by Hugh Waddell of the County of Orange, touching the right of the sitting Senator from the 30th Senatorial District, to his seat in the Senate of North Carolina; therefore

Resolved by the Senate, That a Commission signed by the Speaker, issue at the instance of either party, to Peyton M.
Moore and Richardson Nichols, Justices of the Peace of Orange County, or in case of their inability to act, to any other two Justices of the said County, authorizing and empowering them to take the Depositions of any person or persons, offered in the said Contested Election from said District for a seat in this body touching said Contested Election now pending, and return said Depositions, sealed up to the Speaker, provided the party offering the Witnesses shall give to the adverse party ten days' previous notice in writing, of the time and place of taking such depositions, and that when such depositions are received by the Speaker of this Body, they shall be referred, with the memorial of the person contesting the seat of the sitting member to the committee on Privileges and Elections.

Received from the House of Commons a message, agreeing to the proposition of the Senate to vote again for Engrossing Clerk, and stating that Messrs. Atkin and Love form their branch of the committee to superintend said election. Messrs. Walker and Gilmer were appointed the committee on the part of the Senate, and the House of Commons were informed thereof, and that the Senate would vote on the return of the messenger.

The Senate then voted as follows, viz:

For Mr. Bryan—Messrs. Speaker, Bethell, Bower Davidson, Faison, Lillington, Murchison, Rogers, Spicer, and Wooten—10.

For Mr. Moore—Messrs. Albright, Gilmer, Lane, Miller, and Worth—5.

For Mr. Iredell—Messrs. Barnard, Patterson, Thompson of Bertie, Willey and Woodfin—5.

For Mr. Ingram—Messrs. Bell, Daniel, Eborn, Kendall, Rowland, Smaw, and Thomas of Davidson—7.


For Mr. Simmons—Messrs. Halsey, Joyner and Smith—3.

For Mr. Whitaker—Messrs. Thompson of Wake and Watson—2.

Received from the House of Commons a message transmitting the Message of His Excellency, Governor Graham, with
a proposition that the same be printed, five copies for each member of the Legislature. The Message of His Excellency was read, and the proposition to print concurred in.

Mr. Walker, from the Committee appointed to superintend the election of Engrossing Clerk, reported that no one having received a majority of the votes given, there was no election.

On motion of Mr. Smith, the name of Mr. Simmons; on motion of Mr. Thompson of Wake, the name of Mr. Whita
der; on motion of Mr. Daniel, the name of Mr. Ingram and on motion of Mr. Gilmer the name of Mr. Lewis, were seve-
really withdrawn from the nomination for Engrossing Clerks, and information thereof sent to the House of Commons.

On motion of Mr. Walker,

Ordered, That a message be sent to the House of Commons, proposing to vote again forthwith for Engrossing Clerk.

On motion of Mr. Thompson of Wake, the Senate adjourn-
ed until to-morrow morning, ten o'clock.

Tuesday, November 28.

The Senate met according to adjournment.

Received from the House of Commons a message, agreeing to the proposition of the Senate, to appoint a Joint Select Com-
mittee of three, on the part of each House, to report Rules of Order for their joint government, and that Messrs. Mebane,
Dancey, and I. H. White, form the Committee on the part of
that House. Messrs. Patterson, Watson and Wooten, were ap-
pointed the committee on the part of the Senate, and the House of Commons was informed thereof.

Received from the House of Commons a message, propos-
ing that the two Houses vote again, forthwith, for Engrossing Clerk, and informing the Senate that the name of Mr. Ingram is withdrawn from the nomination, which proposition was con-
curred in; and Messrs. Faison and Daniel were appointed the
committee on the part of the Senate, and the House of Commons were informed thereof.

A message was then received from the House of Commons, announcing that Messrs. A. J. Leach and Former, form the Committee on their part, and the Senate voted as follows, viz:

For Mr. Bryan—Messrs. Ashe, Bethell, Bower, Davidson, Faison, Graham, Lillington, Murchison, Rogers, Spicer, and Wooten—11.

For Mr. Iredell—Messrs. Barnard, Eborn, Berry, Joyner, Patterson, Shepard, Washington, Willey, and Woodfin—9.


For Mr. Moore—Messrs Albright, Bell, Daniel, Gilmer, Halsey, Kendall, Lane, Miller, Reich, Rowland, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, and Worth—15.

Mr. Lane introduced a Bill entitled "A Bill to repeal an act entitled An Act providing for the appointment of Engrossing Clerks," which was read the first time and passed.

Mr. Daniel from the Committee appointed to superintend the election of Engrossing Clerk, reported that there was no election.

On motion of Mr. Halsey, a message was sent to the House of Commons, proposing that the two Houses vote this day at 12 o'clock for Secretary of State, and that the name of William Hill, is in nomination for that office.

Received from the House of Commons a message concurring in the proposition of the Senate to vote at 12 o'clock this day, for Secretary of State, and stating that Messrs. T. J. Person and Headen form the Committee on the part of that House to superintend said election.

Mr. Thomas, of Davidson, moved that a message be sent to the House of Commons, proposing that the two Houses proceed on Thursday next, to the election of United States Senator for the term of six years from and after the 4th of March next; which was decided in the negative—yeas 23, nays 24.

Mr. Thomas, of Davidson, demanded the yeas and nays.
Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Miller, Patterson, Rowland, Smaw, Thomas, of Davidson Thompson, of Bertie, Washington, Willey, Woodfin, and Worth.

Those who voted in the negative are:


Received from the House of Commons a message proposing to vote again forthwith, for Engrossing Clerk, which was concurred in, and the House of Commons were informed thereof, and that Messrs. Graham and Worth form the Committee on the part of the Senate to superintend said Election.

A message was then received from the House of Commons stating that Messrs. Keen and Carmichael form their branch of the Committee; and the Senate proceeded to vote as follows:

For Mr. Bryan—Messrs. Ashe, Bethell, Bower, Faison, Lillington, Murchison, Rogers, Spicer, Thompson, of Wake, Watson and Wooten—11.

For Mr. Moore—Messrs. Albright, Bell, Daniel, Gilmer, Halsey, Kendall, Lane, Miller, Rowland, Smaw, Smith, Thomas of Davidson, and Worth—13.

For Mr. Iredell—Messrs. Barnard, Davidson, Eborn, Joyner, Patterson, Shepard, Thompson of Bertie, Washington, Willey, and Woodfin—10.

For Mr. Thomas—Messrs. Speaker, Berry, Collins, Conner, Drake, Exum, Graham, Hargrove, Hawkins, Hester, Mote, Reich, Speight, Thomas, of Haywood, Walker, and Ward—16.

The hour of 12 o'clock having arrived, a message was sent to the House of Commons, stating that Messrs. Halsey and Drake form the Committee on the part of the Senate to superintend the election of Secretary of State, and that the Senate would proceed to vote on the return of the messenger.
The Senate voted as follows, viz:

FOR MR. HILL:

Messrs. Speaker, Albright, Bell, Bethell, Bower, Collins, Daniel, Davidson, Drake, Eborn, Faison, Gilmer, Graham, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Moye, Murchison, Patterson, Reich, Rogers, Rowland, Shepard, Smaw, Smith, Speight, Spicer, Thomas, of Haywood, Thomas, of Davidson, Thompson, of Bertie, Thompson, of Wake, Walker, Washington, Watson, Willey, Woodfin, and Worth—41.

Messrs. Exum and Hester voted for J. O. Watson, Esq.

Received from the House of Commons, a proposition to vote again for Engrossing Clerk, which was concurred in; and Messrs. Reich and Thomas, of Davidson, appointed the Committee to superintend the election on the part of the Senate. A message was received from the House of Commons, stating that Messrs. Blow and McMullen form the Committee to superintend the election on the part of that House, and that they would proceed to vote on the return of the messenger.

The Senate then voted as follows, viz:

For Mr. Bryan—Messrs. Ashe, Berry, Bethell, Bower, Davidson, Faison, Hawkins, Murchison, Reich, Rogers, Spicer, Thompson, of Wake, Watson, and Wooten—14.

For Mr. Moore—Messrs. Albright, Barnard, Bell, Daniel, Gilmer, Halsey, Kendall, Lane, Lillington, Miller, Rowland, Shepard, Smaw, Thomas, of Davidson, Woodfin, and Worth—16.


For Mr. Iredell—Messrs. Eborn, Patterson, Smith, Thompson, of Bertie, Washington, Willey, and Joyner—7.

Mr. Joyner introduced a Bill entitled, "A Bill to authorize the County Court of Halifax to sell and convey the lot in the town of Halifax, on which the old Court House was situated;" which was read the first time and passed.

Mr. Thomas, of Davidson, from the Committee superintending the election of Engrossing Clerk, reported that there was no election.

Mr. Halsey, from the Committee appointed to superintend
the election of Secretary of State, reported that William Hill having received a majority of the votes given, is duly elected.

Received from the House of Commons, a message transmitting certain documents from other States, which accompanied the message of His Excellency, the Governor, and proposing that they be referred to a Joint Select Committee, to consist of five on the part of each House, which was concurred in; and the Speaker announced the following Committee viz: Messrs. Ashe, Lillington, Conner, Davidson, and Rogers—and the House of Commons were informed thereof.

Received from the House of Commons a message, proposing that the two Houses vote again forthwith for Engrossing Clerk, and stating that the name of Mr. Thomas is withdrawn from the nomination. Concurred in, and Messrs. Hawkins and Miller appointed the committee on the part of the Senate to superintend the election; and the House of Commons were informed thereof. A message was then received from that body, stating that Messrs. C. W. Williams and Piggott, form their branch of the committee to superintend said election, and that they would proceed to vote on the return of the messenger.

The Senate then voted as follows, viz:

FOR MR. BRYAN:


FOR MR. MOORE:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Kendall, Lane, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth—23.

FOR MR. IREDELL—Mr. Joyner.

Mr. Hawkins, from the committee appointed to superintend the election of Engrossing Clerk, reported that Mr. Bryan having received a majority of all the votes given, is duly elected.

A message was received from His Excellency, Governor
Graham, through his Private Secretary, transmitting the vote of the several Counties of the State, at the recent election for Electors for President and Vice President of the United States, &c. which, on motion of Mr. Halsey, was ordered to be laid on the table.

On motion of Mr. Halsey, the Senate adjourned until tomorrow morning, 10 o'clock.

Wednesday, Nov. 29.

The Senate met according to adjournment.

Mr. Walker, from the committee appointed to prepare and report Rules of Order for the Government of the Senate, reported the following, which were read and adopted, viz:

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

Rule 2d. After the reading of the Journal of the preceding day, the Senate shall proceed to business in the following order, viz:

1st. The receiving petitions, memorials, pension certificates, and papers addressed either to the General Assembly or to the Senate.
2d. The reports of Standing Committees.
3d. The reports of Select Committees.
4th. Resolutions.
5th. Bills.
6th. Bills, Resolutions, Petitions, Memorials, Messages, Pension Certificates, and other papers on the table. Then the Orders of the Day; but motions and messages to elect Officers shall always be in order.
Rule 3rd. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat, and respectfully address himself to the Speaker, and shall confine himself to the question under debate, and avoid personality. And when two or more members happens to rise at once, the Speaker shall name the one who is first to speak.—No member shall speak oftener than twice on the same question without leave of the House. And when any member is speaking, he shall not be interrupted by any person, either by speaking, or by standing, or passing between him and the Chair.

Rule 4th. All Bills and Resolutions introduced, shall pass, as a matter of course, the first reading.

Rule 5th. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call him to order; in which case, the member so called to order, shall immediately sit down, unless permitted to explain, and the House shall, if appealed to, decide on the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in 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 6th. 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 correct, 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 7th. Questions may be stated by the Speaker sitting, but shall be put standing. Questions shall be distinctly put in this form: "Senators—as many as are of opinion that (as the case may be,) say Aye;" and after the affirmative voice is expressed, "As many as are of a contrary opinion, say No." If the Speaker doubt as to the voice of the majority, or a division be called for, the Speaker shall call on those in the affirmative of the question, to rise from their seats, and after-
wards, 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 the number in the negative, which being also reported, he shall state that division to the House, and announce its decision. No member, who was without the bar of the Senate when any question was but 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 8th. When any member shall make a motion which is not of course, he shall reduce the same to writing, if required.

Rule 9th. 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 majority shall make the division equal, and when an equal division shall be produced by the Speaker's vote, the question shall be lost.

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

Rule 11th. 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 12th. 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 the bills, with the orders taken on them, for the inspection of the members of the Senate.
Rule 13th. 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 afterward paragraph by paragraph, and held open for amendment.

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

Rule 15th. When a question has once been 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 the possession of the Senate, and no bill or resolution of a public nature shall be sent from the Senate; until 12 o'clock the succeeding day.

Rule 16th. The Speaker shall examine and correct the Journal before it is read; he shall have the general direction of the Hall; he shall designate the members who shall compose all committees, except when otherwise ordered, and the Select Committees of the House shall consist of five members.

Rule 17th. There shall be appointed by the Speaker the following Committees, viz: A Committee of Propositions and Grievances; a committee of Privileges and Elections; a committee of Claims; a committee on the Judiciary; a committee on Internal Improvement, and a committee on Education and the Literary Fund, consisting of seven members each.

Rule 18th. 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 19th. 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 20th. 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 21st. No person except members of the House of Commons, Officers and Clerks of the two Houses of the General Assembly, Judges of the Supreme and Superior Courts, Officers of the State resident at the seat of Government, Members of Congress, persons particularly invited by the Speaker, and such gentlemen as have been members of either House of the Legislature, shall be admitted within the Hall of the Senate.

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

Rule 23d. When the House adjourns, the members shall keep their seats until the Speaker leaves the Chair.

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

Rule 25th. 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 consent of two-thirds of the members present.

CALVIN GRAVES,
Speaker of the Senate.

By order,
HENRY W. MILLER, Clerk.

The Speaker appointed the following Standing Committees under the Rules of the Senate:


On Claims—Messrs. Conner, Kendall, Speight, Thomas of Davidson, Spicer, Willey and Moye.

On *Internal Improvements*—Messrs. Patterson, Thomas, of Haywood, Thompson of Bertie, Murchison, Miller, Berry and Davidson.


Mr. Patterson, from the Joint Select Committee appointed to report Rules for the joint government of the two Houses, reported a set of Joint Rules, which were adopted, and transmitted to the House of Commons for its concurrence.

On motion of Mr. Patterson,

*Ordered*, That a message be sent to the House of Commons, proposing that the Rules of the Senate, the Rules of the House of Commons, the Joint Rules, together with the Constitution of the State and of the United States, be printed in pamphlet form, one for each member.

The Speaker announced that Messrs. Drake, Smaw, Hawkins, Lane, Hester, Gilmer, Watson, and Worth, form the Senate's Branch of the Joint Select Committee on Finance; and that Messrs. Smith, Graham, and Ward, form the Senate's Branch of the Joint Committee on the Library, and the House of Commons were informed thereof.

Mr. Kendall, presented the following Resolution, which was read and adopted:

*Resolved*, That the Committee on the Judiciary be instructed to enquire into the expediency of providing that Witnesses who are summoned to give testimony before a Clerk to bring an account in cases against Guardians, and before a Clerk and Master taking depositions, be allowed the same pay and mileage as witnesses who attend in suits in Court, and that the same be deemed as part of the Costs; and further, that the Committee enquire into the expediency of ascertaining, by law, the compensation to be allowed Clerks and Masters for taking depositions, and that the Committee report by bill or otherwise.

Received from the House of Commons, a message proposing to refer so much of the Governor's Message as relates to
setting apart some day within each year as a day of Thanksgiving, be referred to a Joint Select Committee to consist of five on the part of that House, and three on the part of the Senate; and also proposing that so much of said Message as relates to the erection of a Monument in honor of Brigadier Generals Francis Nash and William Davidson, be referred to a Joint Select Committee of three on the part of that House, and two on the part of the Senate; which propositions were agreed to, and the House of Commons informed thereof.

Received from the House of Commons a Message transmitting the resignation of Justices of the Peace, which accompanied the Message of His Excellency, the Governor; also a proposition to refer so much of said Message as relates to an agricultural, geological and mineralogical survey of the State, to a Joint Select Committee of five on the part of each House—which was concurred in.

A message was also received from the House of Commons, transmitting the Report of C. L. Hinton, the Public Treasurer, with a proposition to print the same, which was concurred in; and the House of Commons informed thereof.

Mr. Shepard presented the following Resolution, viz:

Resolved, That the Governor be requested to communicate to the Legislature the particulars of the arrangement alluded to in his Message, by which "A Company might be organized to embrace the entire line from Gaston to Charlotte, and the Road now owned by the State transferred to them at a fair valuation in payment of her subscription for Stock."

Which was read and adopted.

Received from the House of Commons a message transmitting a memorial from Miss D. L. Dix, with a proposition that it be printed—twelve copies for each member of the Legislature, and be referred to a Joint Select Committee of seven on the part of each House; which propositions were concurred in, and Messrs. Washington, Hawkins, Patterson, Thomas of Haywood, Conner, Woodfin and Bower, were appointed said Committee, and information thereof sent to the House of Commons.
Mr. Murchison, introduced a Resolution for the relief of the County Court Clerk of Cumberland, which was read the first time, passed, and on his motion, referred to the Committee on Propositions and Grievances.

Mr. Gilmer, moved that a message be sent to the House of Commons, proposing that the two Houses proceed on Monday next to the election of United States Senator for the term of six years, from and after the 4th day of March next, which was decided in the negative; Yeas 25, Nays 24.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth.

Those who voted in the negative are:


Mr. Speaker Graves voted in the negative.

On motion of Mr. Walker, the Senate adjourned until to morrow morning, 10 o'clock.

THURSDAY, NOV. 30.

The Senate met according to adjournment.

The Speaker announced that Messrs. Ashe, Shepard, Murchison, Smith, and Walker, form the Senate's branch of the Joint Select Committee on so much of the Governor's Message as relates to an Agricultural, Geological and Mineralogical survey of the State; that Messrs. Gilmer, Bower, and Eborn, form the Senate's branch of the Joint Select Committee
on so much of said Message as relates to setting apart a day of Thanksgiving, and that Messrs. Conner and Washington form the Senate's branch of the Committee agreed to be raised on the part of each House, on so much of the Governor's Message as relates to a Monument in honor of Brigadier Generals Nash and Davidson; and the House of Commons were informed thereof.

Received from the House of Commons, a message stating that the following Committees have been appointed on the part of that House, viz:


On the Memorial of Miss Dix—Messrs. Ellis, Stanly, Biggs, Dobbin, Wadsworth, Johnson, and J. J. Williams.

Received also, a message, concurring in the proposition of the Senate, to print the Joint Rules of Order, &c., one copy for each member of the General Assembly.

Also, a message proposing that a Joint Select Committee of three on the part of the House of Commons, and two on the part of the Senate, be raised, whose duty it shall be to inquire into the most appropriate method of testifying the approbation of the General Assembly, for the gallant and heroic conduct of such native sons of North Carolina, as have distinguished themselves in the late war with Mexico; which proposition was concurred in.

Mr. Conner presented the memorial of the Wardens of Lincoln County, which was, on his motion, referred to the Committee on the Judiciary.

Mr. Rowland introduced a Bill entitled, "A bill to clear out Lumber river;" which was read the first time, passed, and ordered to be referred to the Committee on Internal Improvements.

Mr. Halsey introduced a Bill entitled, "A Bill for the relief of Executors and Administrators," which was read the first time, passed, and on motion of Mr. Halsey, referred to the Committee on the Judiciary.

Mr. Gilmer introduced a Bill entitled, "A Bill to incorpor-
ate the Deep River Mining and Smelting Company; which was read the first time and passed.

Mr. Rowland introduced a Bill entitled, "A Bill to incorporate Lumberton Academy," which was read the first time, passed, and on motion of Mr. Washington, referred to the Committee on Education.

Received from the House of Commons, a message transmitting the Pension Certificates of Ann Patterson and Thomas Ewell, which were read, and on motion of Mr. Washington, ordered to be countersigned by the Speaker of the Senate.

The Senate took up for consideration the Bill entitled, "A Bill to repeal an act entitled an act providing for the appointment of Engrossing Clerks," which was read the second time and rejected.

Mr. Washington presented the Pension Certificate of Alexander Taylor; which was read, and on his motion, ordered to be signed by the Speaker of the Senate, and transmitted to the House of Commons.

The Bill to authorize the County Court of Halifax, to sell and convey the lot in the town of Halifax, on which the old Court House is situated, was taken up, read the second time and passed.

Mr. Gilmer moved that a message be sent to the House of Commons, proposing that the two Houses vote on Tuesday next, for United States' Senator, for the term of six years, from and after the 4th of March next.

Mr. Ashe moved to amend the motion, by striking out the words, "Tuesday next," and inserting the words, "the 20th of December next," which was rejected; yeas 24, nays 25.

Mr. Rogers demanded the yeas and nays.

Those who voted in the affirmative are—


Those who voted in the negative are:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer.
Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas of Davidson, Thompson of Bertie, Washington, Willey, Woodfin and Worth.

The question then recurred on the original motion, and was decided in the negative; Yeas 25, Nays 24.

Mr. Woodfin demanded the Yeas and Nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


The Speaker, Mr. Graves, voted in the negative.

Received from the House of Commons a message, proposing that the two Houses go into an election of Attorney General of the State, on to-morrow, at 12 o'clock.

Mr. Collins moved to lay the message on the table; which was decided in the negative, Yeas 23, Nays 26.

Mr. Gilmer demanded the Yeas and Nays.

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Reich, Rowland, Shepard, Smaw, Smith,
Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth.

The question then recurred on concurring in the proposition of the House of Commons, and was decided in the affirmative; Yeas 26, Nays 23.

Mr. Thomas of Davidson, demanded the Yeas and Nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Reich, Rowland, Shepard, Smaw, Smith, Thomas of Davidson, Thompson of Bertie, Washington, Willey, Woodfin, and Worth.

Those who voted in the negative are:


A message was received from the House of Commons, proposing that the two Houses proceed on Saturday next, at 11 o'clock, to the election of Solicitor of the 7th Judicial Circuit; which was concurred in, Yeas 26, Nays 23.

The Yeas and Nays were demanded by Mr. Conner.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Reich, Rowland, Shepard, Smaw, Smith, Thomas of Davidson, Thompson of Bertie, Washington, Willey, Woodfin, and Worth.

Those who voted in the negative are:


The message of the House of Commons likewise stated, that Burgess S. Gaither is in nomination for the office of Solicitor of the 7th Judicial Circuit.

Mr. Halsey moved that a message be sent to the House of
Commons, proposing that the two Houses proceed, on to-morrow, at 1 o'clock, to the election of Solicitor of the first Judicial Circuit; which was not agreed to.

On motion of Mr. Bethell, the Senate adjourned until to-morrow morning, 10 o'clock.

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**Friday, Dec. 1.**

The Senate met according to adjournment.

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

Mr. Walker presented the Pension Certificate of Martha Thompson, which was read, and on his motion, ordered to be countersigned by the Speaker of the Senate, and sent to the House of Commons.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a resolution for the relief of the Clerk of the County Court of Cumberland, reported the same to the Senate, and recommended its adoption. Ordered to lie on the table.

Mr. Walker presented the resignation of William A. Lawring, a Justice of the Peace for the county of Mecklenburg; which was read and accepted.

Mr. Graham presented the following Preamble and Resolutions, viz:

Whereas, The members of the Senate have heard since the last general election for members to the Legislature, that James K. Hill, Senator elect, who for many years ably and faithfully represented the Senatorial District composed of the county of Duplin, in the Legislature of North Carolina, has departed this life. Therefore,

Be it Resolved, That in consideration of his sterling worth and undeviating attachment to the interest of the State, th
members do deeply deplore the death of the said James K. Hill.

Be it further resolved, That this Preamble and Resolutions be spread upon the Journals of the Senate, and a copy of the same be transmitted by the Speaker of the Senate to the family of the deceased.

Which Preamble and Resolutions were unanimously adopted.

A message was sent to the House of Commons, stating that Messrs. Hawkins and Shepard, from the Senate's branch of the Joint Select Committee agreed to be raised, whose duty it shall be to enquire into the most appropriate method of testifying the approbation of the General Assembly, for the gallant and heroic conduct of such native sons of this State, as have distinguished themselves in the late war with Mexico.

Mr. Joyner, introduced a bill entitled, "A Bill to unite the Roanoke Railroad, and the Seaboard and Roanoke Railroad Companies, and for other purposes;" which was read the first time, passed, and on motion of Mr. Joyner, referred to the Committee on Internal Improvement.

Mr. Shepard, introduced a Bill entitled, "A Bill to amend the 15th section of the 102d chapter of the Revised Code, which was read the first time, passed, and on his motion, referred to the Committee on the Judiciary.

The Bill to authorise the County Court of Halifax, to sell and convey the lot in the town of Halifax, on which the old Court House is situated, was read the third time, passed, and ordered to be engrossed.

Mr. Washington presented the memorial of sundry citizens of the town of Newbern, praying the emancipation of a slave named John Good, the property of George Bishop, for meritorious conduct; which was referred, on Mr. Washington's motion, to the Committee on Propositions and Grievances.

Mr. Ashe presented the memorial of J. S. Green, and others, of the town of Wilmington, praying the emancipation of a slave named J. G. Hostler, which was referred, on the motion of Mr. Ashe, to the Committee on Propositions and Grievances.

Mr. Conner, presented the memorial of sundry citizens of
the County of Gaston, praying an alteration of the division line between the Counties of Lincoln and Gaston; which was on motion of Mr. Conner, referred to the Committee on Propositions and Grievances.

Mr. Halsey, introduced the following Resolutions, to wit:

Resolved, That so much of the Governor's Message as relates to the fiscal affairs of the State, and the demands upon the Treasury, be referred to the Committee on Finance.

Resolved, That so much of the Governor's message as relates to the Internal Improvements of the State, be referred to the Committee on Internal Improvements, as also that relating to the Public Roads.

Resolved, That so much of the Governor's message as relates to the Cherokee Lands, be referred to a Select Committee.

Resolved, That so much of the Governor's message as relates to the Courts of the State, be referred to a Joint Select Committee of Five on the part of each House, and that a proposition to that effect be sent to the House of Commons.

Resolved, That so much of the Governor's message as relates to Public Schools and the instruction of Deaf Mutes and Blind persons, be referred to the Committee on Education and the Literary Fund.

Resolved, That so much of the Governor's message as relates to the improvement of our militia system, be referred to the Committee on Military Affairs.

Which Resolutions were read and adopted.

Mr. Smith introduced a bill entitled "A Bill to expedite the trial of suits belonging to the original jurisdiction of the Supreme Court;" which was read the first time, passed, and on his motion referred to the Committee on the Judiciary.

Received from the House of Commons a message, stating that that House had passed the engrossed Resolution in favor of John R. Dyke, late Sheriff of Cherokee County; and asking the concurrence of the Senate.

The said Resolution was read the first time, passed, and on motion of Mr. Halsey referred to the Committee on Propositions and Grievances.
A message from the House of Commons, proposing to raise a Joint Select Committee of five on the part of each House as a Committee on Military Affairs, which was concurred in, and Messrs. Moye, Bower, Conner, Patterson, and Joyner, were appointed on the part of the Senate, and the House of Commons informed thereof.

The Biennial Report of the President and Directors of the Literary Fund was received from the House of Commons, with a proposition to print; which was concurred in.

Mr. Ashe introduced a bill entitled, "A Bill to amend — section of the — chapter of the Revised Statutes," which was read the first time, passed, and on his motion, referred to the Committee on the Judiciary.

Received from the House of Commons, the resignation of A. B. Oxford, Justice of the Peace for the County of Caldwell; which was read and accepted.

Mr. Joyner introduced the following Resolution, viz:

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

Which was read and adopted:

Received from the House of Commons a message, stating that the hour of 12 having arrived, they would proceed, on the return of the messenger, to vote for Attorney General, in accordance with the joint agreement, and announcing that Messrs. Rayner and Jones of Orange, form their branch of the committee to superintend said election, and that the names of Bartholomew F. Moore and Duncan K. McRae, are in nomination for said appointment.

The House of Commons were informed that Messrs. Washington and Speight form the Senate's branch of the committee to superintend said election; and the Senate proceeded to vote as follows, viz:

FOR MR. MOORE:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington,
Miller, Patterson, Rowland, Smaw, Smith, Thomas, of Davidson Thompson, of Bertie, Washington, Willey, Woodfin, and Worth—25.

FOR MR. McRAE:


Mr. Washington from the said Committee, appointed to superintend the election of Attorney General, reported that Mr. Moore, having received a majority of the whole number of votes, is duly elected.

Received from the House of Commons, a message proposing that the two Houses proceed on Monday next, at 12 o'clock, to the election of Judge of the Supreme Court, in the place of the Hon. J. J. Daniel, deceased, which proposition was concurred in; and Messrs. Gilmer and Rogers appointed to superintend said election, and the House of Commons were informed thereof.

Also, a message proposing that the House proceed, on Tuesday next, at 1 o'clock, P. M., to the election for Solicitor of the first Judicial Circuit; which was concurred in, and Messrs. Graham and Halsey, appointed the Committee on the part of the Senate to superintend said election; and the House of Commons were informed thereof.

On motion of Mr. Walker, the Senate adjourned until tommorrow morning, 11 o'clock.

Saturday, Dec. 2.

The Senate met according to adjournment.

A message was sent to the House of Commons, announcing that Messrs. Albright and Thomas of Haywood, form the Senate's branch of the committee to superintend the election of
Solicitor for the 7th Judicial Circuit. Whereupon, a message was received from that House, stating that Messrs. Tod R. Caldwell and Fay, form their branch of said committee; and that the hour of 11 o'clock having arrived, they would proceed to vote on the return of the messenger.

The Senate then proceeded to vote as follows, viz:

FOR MR. GAITHER:

FOR MR. AVERY:

Mr. Albright, from the committee superintending said election, reported that Mr. Gaither having received a majority of the whole number of votes, is duly elected.

Mr. Patterson, from the committee on Internal Improvement, to whom was referred "a bill to unite the Roanoke Rail Road and the Seaboard and Roanoke Rail Road Companies, and for other purposes," reported the same to the Senate, with an amendment. Ordered to lie on the table.

Mr. Patterson, from the same committee, to whom was referred a bill to clear out Lumber river, reported the said bill back to the Senate, without amendment. Ordered to lie on the table.

On motion of Mr. Bower,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses proceed, on Monday next, at 11 o'clock, to the election of Solicitor of the 6th Judicial Circuit.

Mr. Watson introduced a bill, entitled "A Bill explanatory of section 10th, chapter 34, of the Revised Statutes;" which
was read the first time, passed, and on motion of Mr. Watson, was referred to the committee on the Judiciary.

On motion of Mr. Halsey, a message was sent to the House of Commons, proposing that the two Houses proceed to vote on Monday next, at 1 o'clock, P. M. for Judge of the Superior Courts of Law and Equity, to supply the vacancy occasioned by the resignation of the Hon. W. H. Battle.

A message was received from the House of Commons, proposing to raise a joint select committee of five members, from each House, on that part of the Governor's Message, relating to Cherokee Lands; which was concurred in.

Mr. Washington presented the memorial of sundry citizens of Lenoir county, praying the emancipation of two slaves, Charlotte and Hollen; which was referred, on his motion, to the Committee on Propositions and Grievances.

A message was received from the House of Commons, announcing that Messrs. Steele, Brogden, Green, Regan, and Logan, form their branch of the Committee on Military Affairs; that Messrs. Steele, R. H. Jones, Isaac White, Smith, and Brown, form their branch of the Committee on that part of the Governor's Message which recommends the appointment of a Thanksgiving day, and that Messrs. Dancy, Farmer, and Headen, form their branch of the Committee on adopting the best mode of doing appropriate honors to such native sons of North Carolina, as distinguished themselves in the Mexican war.

Received from the House of Commons, a message transmitting a communication from the Adjutant General, with a proposition to print; concurred in.

Also transmitting a communication from His Excellency, the Governor, proposing to distribute the documents referred to thereon; which was also concurred in.

A message was received from the House of Commons, proposing to raise a Joint Select Committee to consist of seven on the part of that House and five on the part of the Senate, to whom shall be referred so much of the Governor's Message as relates to the investigation of the affairs of the Raleigh and Gaston Railroad; which was concurred in.

A message from the House of Commons, proposed that the
Public Printer be directed to furnish Miss Dix with 200 copies of her Memorial to the General Assembly on the subject of building an Asylum for the Insane; which was concurred in, and the House of Commons informed thereof.

A message was sent to the House of Commons, stating that Messrs. Thomas, of Haywood, Patterson, Bower, Gilmer, and Thompson, of Wake, form the Senate's branch of the Committee on Cherokee Lands.

The bill entitled, "A Bill to incorporate the Deep river Mining and Smelting Company, was read the second time and passed.

A Resolution for the relief of the Clerk of the County Court of Cumberland, was taken up, read the second time and passed.

Mr. Woodfin introduced a Resolution in favor of Charles Baker, sheriff of Yancy County; which was read the first time and passed.

Mr. Thomas of Haywood, presented the Memorial of James Whitaker, praying that a grant issue to him for a tract of land; which was referred, on his motion, to the Committee on Cherokee Lands.

Received from the House of Commons, a message stating that they have passed the Engrossed Resolution relating to lighting the lamps on the Public Square, with an amendment, in which they ask the concurrence of the Senate.

The amendment was concurred in, and the House of Commons informed thereof by message.

On motion of Mr. Ashe, the Senate adjourned until Monday morning, 10 o'clock.

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Monday, December 4.

The Senate met according to adjournment.

A message was sent to the House of Commons, announcing the concurrence of the Senate, in the proposition of that House, to raise a joint select committee of twelve, to consist
of seven on the part of the House of Commons, and five on the part of the Senate, to take into consideration so much of the Governor's message as relates to the investigation of the affairs of the Raleigh and Gaston Rail Road, and that Messrs. Hawkins, Joyner, Murchison, Hargrove and Ashe, form the Senate's branch of said Committee.

On motion of Mr. Bower, the name of Daniel Coleman, and on motion of Mr. Worth, the name of Hamilton Jones, were put in nomination for Solicitor of the sixth Judicial Circuit, and the House of Commons informed thereof.

A message was received from the House of Commons agreeing to the proposition of the Senate to vote this day at 11 o'clock for Solicitor of said 6th Judicial Circuit, and announcing that Messrs. Coffield and Nicholls form their branch of the Committee to superintend said election. The House of Commons were then informed by message, that Messrs. Bower and Thomas of Davidson, form the Committee on the part of the Senate to superintend said election, and that the Senate would proceed to vote on the return of the messenger.

The Senate then voted as follows, viz:

FOR MR. COLEMAN:

FOR MR. JONES:
Messrs. Barnard, Bell, Davidson, Eborn, Gilmer, Halsey, Joyner, Lane, Lillington, Miller, Patterson, Rowland, Sheppard, Smith, Thomas, of Davidson, Thompson, of Bertie, Willey, and Worth—18.

FOR MR. GUION:

FOR MR. LILLINGTON:

FOR MR. ELLIS—Mr. Reich.
Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a Resolution in favor of John R. Dyke, late Sheriff of Cherokee county, reported the same to the Senate, and recommended its passage. Ordered to lie on the table.

Mr. Walker, from the same committee, to whom was referred the memorial of sundry citizens of the county of Gaston, in reference to the dividing line between that county and the county of Lincoln, reported the same back to the Senate, and recommended the rejection of the prayer of said memorialists. Ordered to lie on the table.

Mr. Albright presented the following resolution:

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of amending an act concerning Executors and Administrators, chapter 4th, of Revised Statutes, section 15th, so as to authorise Executors and Administrators in the payment of the debts of their Testators and Intestates, from and after where there are not funds enough in their hands to pay off all the debts of the same dignity, pro rata, provided the said claims be presented to the Executor or Administrator, within twelve months from the time of the qualification of said Executor or Administrator, and that they report by bill or otherwise.

Which was read and adopted.

Mr. Bell presented the following Preamble and Resolution, viz:

Whereas, The Club Foot and Harlem Creek Canal, which connect the waters of the Neuse and Newport Rivers, and which form a communication between the town of Newbern, Craven County, and the town of Beaufort, Carteret County, and now belonging to the State of North Carolina, has ceased to be of public advantage or private benefit, and is in a decaying condition and likely to become a nuisance to the public:

Therefore, resolved, That as much of the Governor's message as relates to that subject be referred to the Committee on Internal Improvements, with instruction to enquire into the expediency and propriety of a surrender of the said Work to the
Counties in which it is situated, and report by Bill or otherwise.

Which were read and adopted.

On motion of Mr. Halsey,

Resolved, That a message be sent to the House of Commons, proposing to raise a Joint Select Committee of two on the part of each house, to fix the time and manner of counting and comparing the votes cast for Governor in the State, at the last August Election.

Received from the House of Commons a message, stating that they have passed the engrossed Bill, entitled "A Bill for dividing the County of Stokes;" and asking the concurrence of the Senate therein.

The said bill was read the first time, passed, and on motion of Mr. Reich, referred, with the accompanying memorials, to the Committee on Propositions and Grievances.

Mr. Bower from the Committee appointed to superintend the election of Solicitor of the 6th Judicial Circuit, reported that no one having received a majority of votes, there was no election.

Received from the House of Commons a message, stating that the hour of 12 having arrived, that House would, on the return of the Messenger, proceed to vote for Judge of the Supreme Court—that Messrs. Barringer and Dobbin form their branch of the Committee to superintend said election; and also, that the Hon. Richmond M. Pearson, the Hon. Robt. Strange, and the Hon. William H. Battle, are in nomination for the office.

The Senate then voted as follows, viz:

FOR MR. STRANGE:


FOR MR. PEARSON:

Messrs. Albright, Daniel, Davidson, Gilmer, Kendall, Lane, Lillig-
Mr. Rogers, from the Committee appointed to superintend the election of Judge of the Supreme Court; reported that no one having received a majority of the votes given, there was no election.

Mr. Washington introduced a bill entitled, "A Bill to emancipate John Good, a slave;" which was read the first time and passed, and on his motion, referred to the Committee on Propositions and Grievances.

On motion of Mr. Walker,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses vote again, forthwith, for Solicitor of the 6th Judicial Circuit.

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

Whereas, A Member of this Body hath been duly elected one of the State Electors at the late election for President of these United States, And whereas, doubts have been expressed as to the Constitutional right of a member to hold his seat in the Senate after he has cast his vote in the Electoral College:

Be it therefore Resolved, That in the opinion of the Senate, there is no constitutional objection to the duties of both stations being discharged by the same person.

Which was read the first time and passed. On motion of Mr. Ashe, the rules of the Senate were suspended, and the said Resolution was read the second and third times and passed.
On motion of Mr. Bethell,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses vote again, forthwith, for Judge of the Supreme Court.

A message was then received from the House of Commons, concurring in said proposition, and stating that Messrs. Smith and Martin, form their branch of the Committee to superintend said election. A message was sent to the House of Commons, announcing that Messrs. Bethell and Lillington, form the Senate's branch of said Committee, and that it would proceed to vote on return of the messenger.

The Senate then proceeded to vote as follows, viz:

FOR MR. STRANGE:

FOR MR. BATTLE:
Messrs. Barnard, Bell, Eborn, Halsey, Hargrove, Joyner, Patterson, Smaw, Thompson of Bertie, Willey and Woodin—11.

FOR MR. PEARSON:

A message was received from His Excellency, the Governor, through his Private Secretary, responding to a Resolution of inquiry adopted by the Senate in reference to the Raleigh and Gaston Railroad; which was read, on motion of Mr. Halsey, ordered to be sent to the House of Commons, with a proposition to print.

Mr. Bower introduced a bill entitled "A Bill to lay off and establish a new county by the name of Watauga; which was read the first time and passed, and on his motion, ordered that said bill with the accompanying memorials, be referred to the Committee on Propositions and Grievances.

Mr. Halsey gave notice, that on to-morrow he would move to amend the fourth rule of the "Rules of Order for the gov-
ernment of the Senate," by striking out the words, "and Res-
olutions" therein.

Received from the House of Commons, a message stating that Augustus Moore, of Chowan; William A. Wright, of New Hanover; Thomas Bragg, of Northampton, and Joshua Roberts, of Buncombe, are in nomination for Judge of the Superior Court, and that Messrs. Coefield and Nichols form their branch of the Committee to superintend said election. A message was sent to the House of Commons, announcing that Messrs. Ashe and Thompson, of Bertie, form the Senate's branch of said Committee, and this House would proceed to vote on the return of the messenger, as the hour of one o'clock, P. M., had arrived.

The Senate then proceeded to vote as follows, viz:

FOR MR. MOORE:

FOR MR. BRAGG:

FOR MR. REID:
Messrs. Faison, Graham, and Murchison—3.

FOR MR. WRIGHT—Mr. Ashe.

Mr. Lillington, from the committee appointed to superintend the election of Supreme Court Judge, reported that there was no election.

On motion of Mr. Bethell,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses vote again, forthwith, for Supreme Court Judge.

A message was received from the House of Commons, proposing to increase the number of the joint select committee
on Militar: Affairs in the House of Commons, from five to nine; which was not concurred in by the Senate, and the House of Commons informed thereof.

The Senate concurred in a proposition from the House of Commons, to raise a joint select committee to consist of five on the part of that House, and three on the part of the Senate, to take into consideration so much of the Governor's message as relates to the School for the Deaf Mutes in the city of Raleigh, whose duty it shall be to visit said School, and report in reference thereto, by bill or otherwise.

A message was received from the House of Commons, transmitting a message from His Excellency, the Governor, with a Resolution of the National Medical Convention, with a proposition to print the same; concurred in by the Senate, and the House of Commons informed thereof.

On motion of Mr. Exum, the Senate adjourned until tomorrow morning, eleven o'clock.

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Tuesday, December 5.

The Senate met according to adjournment.

The Speaker announced that Messrs. Walker, Hargrove and Berry, form the Senate's branch of the joint select committee on the School for the Deaf and Dumb; and the House of Commons were informed thereof.

A message was sent to the House of Commons, stating that the Senate has passed the Engrossed Bill entitled "A Bill to authorise the County Court of Halifax county to sell and convey the lot in the town of Halifax, on which the old Court House is situated, and asking their concurrence.

A message received from the House of Commons, announcing that Messrs. Satterthwaite, Rayner, Courts, Ellis, and Hayes, form their branch of the Committee on Cherokee Lands; and that Messrs. Martin, Rayner, Dobbin, Stanly, El-
his, Stevenson, and McClanahan form their branch of the Committee on the Raleigh and Gaston Railroad.

Received also, a message stating that Messrs. Coleman J. T. Gambill, T. L. Skinner, Paine, and Clement, form their branch of the Committee on so much of the Governor's Message as relates to the Courts of the State.

Also, a message stating that the House of Commons had ordered the Pension Certificate of Martha Thompson, to be countersigned by the Speaker of that body and returned to the Senate.

Also, a message proposing to raise a Joint Select Committee of two on the part of each House to enquire into the expediency of enclosing the whole of the public grounds pertaining to the Governor's residence, &c.; which was concurred in, and Messrs. Thompson, of Wake, and Albright, appointed the Committee on the part of the Senate, and the House of Commons informed thereof.

Mr. Woodfin introduced "A bill to provide for making a Turnpike road from Salisbury, West to the line of the State of Georgia; which was read the first time, passed, and on motion of Mr. Woodfin, referred to the Committee on Internal Improvements.

Mr. Speight introduced a bill entitled, "A Bill authorizing Daniel Skeen, a free man of color, to emancipate his wife and daughter, upon certain conditions;" which was read the first time, passed, and on motion of Mr. Speight, referred to the Committee on Propositions and Grievances.

Mr. Thompson, of Bertie, from the Committee appointed to superintend the election of Judge of the Superior Court, reported that there was no election.

Mr. Walker from the Committee on Propositions and Grievances, to whom was referred a bill entitled, "A Bill to divide the county of Stokes," reported the same to the Senate, and recommended its passage; ordered to lie on the table.

The bill to incorporate the Deep river Mining and Smelting Company, was read the third time, passed, and ordered to be engrossed.

On motion of Mr. Ralsey,

Ordered, That a message be sent to the House of Commons,
proposing that the two Houses vote again, forthwith, for Judge of the Supreme Court.

A resolution in favor of Charles Baker, Sheriff of Yancy, was read the second time and passed; on motion of Mr. Woodfin, the Rule was suspended, and said Resolution was read the third time, passed, and ordered to be engrossed.

The resolution in favor of the Clerk of the County Court of Cumberland, was read the third time, passed, and ordered to be engrossed.

The bill to clear out Lumber River, in the counties of Richmond and Robeson, was taken up, read the second time, and on motion of Mr. Rowland, ordered to lie on the table.

Received from the House of Commons a message, announcing their concurrence in the proposition of the Senate to vote again forthwith for Judge of the Supreme Court, and that Messrs. Rheinhardt and Scott form their branch of the Committee to superintend said election. The House of Commons were informed that Messrs. Halsey and Graham form the Senate's branch of said committee, and that the Senate would proceed to vote on return of the messenger.

The Senate then voted as follows, viz:

FOR MR. STRANGE:


FOR MR. PEARSON:

Messrs Albright, Daniel, Davidson, Gilmer, Kendall, Lane, Lillington, Miller, Rowland, Shepard, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, and Worth—15.

FOR MR. BATTLE:


The engrossed resolution in favor of John R. Dyke, late Sheriff of Cherokee county, was read the second time and passed. On motion of Mr. Walker, the Rule of the Senate was suspended, and said resolution was read the third time, passed, and ordered to be enrolled.
The report of the committee on Propositions and Grievances, on the memorial of sundry citizens of Gaston County, praying an alteration of the dividing line between that county and Lincoln, was taken up, read, and concurred in, and the prayer of the said memorialists was rejected.

On motion of Mr. Walker,

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

On motion of Mr. Worth, the name of Hamilton C. Jones was withdrawn from the nomination for Solicitor of the said Sixth Judicial Circuit, and the House of Commons informed thereof.

Mr. Halsey, in accordance with notice given by him on yesterday, moved to amend the Rules of the Senate, by striking out the fourth section of said Rules, and inserting the following in lieu thereof, viz:

"All bills, and likewise all resolutions, which require three readings, shall pass as a matter of course the first reading;" which was agreed to.

Received from the House of Commons a message, agreeing to the proposition of the Senate to vote again, forthwith, for Solicitor of the Sixth Judicial Circuit, and stating that the name of Joseph P. Caldwell is added to the nomination for said office; and also, that Messrs. Sherard and Miller form their branch of the committee to superintend said election. A message was then sent to the House of Commons, stating that Messrs. Walker and Davidson form the Senate's branch of said committee, and that this House would proceed to vote on return of the messenger.

The Senate then voted as follows, viz:

FOR MR. COLEMAN:
FOR MR. LILLINGTON:

FOR MR. CALDWELL:
Messrs. Daniel, Davidson, Kendall, Lane, Miller, and Patterson—6.

FOR MR. JONES—Mr. Lillington—1.
FOR MR. ELLIS—Mr. Thomas of Davidson—1.

Mr. Halsey, from the committee appointed to superintend the election of Judge of the Supreme Court, reported that there was no election.

Received from the House of Commons a message, announcing that Messrs. Carmichael and Spivey, form their branch of the Joint Select Committee for counting and comparing the vote for Governor.

Mr. Thompson, of Wake, introduced the following Resolution, viz:

Resolved, That a committee of three be appointed to visit the Institution for the education of the Deaf and Dumb, and that they report to this House the present condition and progress of its buildings. Which was adopted, and Messrs. Thompson, of Wake, Bell, and Drake, were appointed on said committee.

Received from the House of Commons, a message stating that the hour of 1 o'clock having arrived, the House would proceed, on return of the messenger, to the election of Solicitor of the first Judicial Circuit, according to the Joint agreement of the two Houses, and stating that William F. Martin, of Pasquotank, and W. N. H. Smith, of Hertford, are in nomination, and also, that Messrs. Griggs and Biggs, form their branch of the Committee to superintend said election. Messrs. Halsey and Graham, being announced as the committee on the part of the Senate; the vote was taken as follows, viz:

For Mr. Smith—Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn. Gilmer, Halsey, Hargrove, Joyner, Kendall,
Lane, Lillington, Miller, Patterson, Reich, Rowland Shepard, Smaw, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth—25


Mr. Davidson, from the committee appointed to superintend the election of Solicitor of the 6th Judicial Circuit, reported that there was no election.

Mr. Halsey, from the committee appointed to superintend the election of Solicitor of the 1st Judicial Circuit, reported that W. N. H. Smith, having received a majority of the votes given, was duly elected.

On motion of Mr. Conner,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses vote again, forthwith, for Solicitor of the 6th Judicial Circuit.

Received from the House of Commons a message, proposing that the two Houses vote again, forthwith, for Judge of the Superior Court; which proposition was not concurred in, and the House of Commons were informed thereof.

Also a message, proposing that the two Houses vote again for Judge of the Supreme Court, to-morrow at 11 o'clock;—which was not agreed to, and the House of Commons informed of the same.

Mr. Lillington moved that a message be sent to the House of Commons proposing to go again forthwith into an election for Judge of the Supreme Court, which was decided in the negative—yeas 24, nays 25.

Mr. Gilmer demanded the Yeas and Nays.

Those who voted in the affirmative are:

Those who voted in the negative are:


Mr. Woodfin introduced a bill entitled "A Bill to incorporate the town of Asheville;" which was read the first time and passed.

On motion of Mr. Ashe, the Senate adjourned until to-morrow morning, 10 o'clock.

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**Wednesday, Dec. 6.**

The Senate met according to adjournment.

Mr. Walker, from the Committee on Propositions and Grievances, to whom was referred a bill entitled "A Bill to emancipate John Good, a slave," reported the same to the Senate, and recommended its passage; ordered to lie on the table.

Mr. Walker, from the same committee, to whom was referred a bill entitled "A Bill to lay off and establish a new county by the name of Watauga," reported the same to the Senate, and recommended its passage. Ordered to lie on the table.

Mr. Halsey, from the joint select committee, to whom was referred the matter of counting and comparing the votes for Governor, reported the following Resolution, and recommended its adoption.

*Resolved, That the two Houses of the General Assembly shall convene in the Hall of the House of Commons, on Saturday next, the 9th day of December, 1848, 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 given for Governor of the State of North Carolina, as they shall be declared by the Speaker of the Senate; 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 votes and the person elected, if it appear that a choice has been made agreeably to the Constitution of the State; which communication shall be deemed a sufficient declaration of the person elected, and together with the list of votes, shall be entered on the Journals of the Senate.

Which was adopted, and on motion of Mr. Halsey, a message was sent to the House of Commons, asking their concurrence in the same.

Mr. Gilmer introduced the following Resolutions, viz:

Resolved by the Senate, That in the case of the contested election, pending before this body between Messrs. Waddell and Berry, that depositions may hereafter be taken on three days notice, before any Justice of the Peace in Orange County.

Resolved further, That all depositions hereafter taken before a Justice of the Peace in said County, with ten days notice, given under the Resolutions first adopted in this case, shall be read, if in other respects competent.

After some time spent in debate on said Resolutions, their consideration was suspended to receive a Message from the House of Commons, proposing that the two Houses vote again, forthwith, for Solicitor of the 6th Judicial Circuit.

Mr. Halsey moved to lay the said message on the table, which was determined in the negative; yeas 25, nays 24.

Mr. Exum demanded the Yeas and Nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smau, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth.
Those who voted in the negative are:


Mr. Speaker Graves voted in the negative.

The question then recurred on concurring in the proposition of the House of Commons, that the two Houses vote again, forthwith, for Solicitor of the sixth Judicial Circuit, and was decided in the affirmative; yeas 25, nays 24.

Mr. Gilmer demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


Before the message announcing the concurrence of the Senate in the said proposition of the House of Commons was despatched, on motion of Mr. Collins, the Senate adjourned until to-morrow morning, 10 o’clock.

Thursday, December 7.

The Senate met according to adjournment.

A message was sent to the House of Commons, announcing
that the Senate have passed the following Engrossed Resolutions and Bill, and asking the concurrence of that House, viz:

"A resolution in favor of Charles Baker, Sheriff of Yancy county;"

"A resolution for the relief of the Clerk of the County Court of Cumberland;"

"A bill to incorporate the Deep River Mining and Smelting Company."

The Senate proceeded to the consideration of the unfinished business of yesterday, viz: the resolutions presented by Mr. Gilmer, in reference to the Contested Election pending before the Senate between Messrs. Berry and Waddell.

Before any question was taken on said Resolutions, their further consideration was suspended to receive a message from the House of Commons, proposing that the two Houses proceed, forthwith, to the election of Judge of the Superior Court. The proposition was concurred in, and the House of Commons were informed thereof, and that Messrs. Hargrove and Collins form the Senate's branch of the committee to superintend said election. A message was then received from the House of Commons, stating that Messrs. Hayman and Ballard form their branch of said committee, and that the name of Joshua Roberts is withdrawn from the nomination.

The Senate then proceeded to vote as follows, viz:

FOR MR. MOORE:


FOR VR. BRAGG:


FOR MR. ELLIS:

FOR MR. WRIGHT—Mr. Ashe.

FOR MR. EATON—Mr. Hawkins.

Received from the House of Commons a message, transmitting the Pension Certificates of Captain John Rhem; which were ordered to be countersigned by the Speaker of the Senate, and returned to the House of Commons.

Also a message, announcing that Messrs. Rayner and Dobbin, form their branch of the Joint Committee on enclosing the grounds around the Governor's residence.

Mr. Hargrove, from the Committee appointed to superintend the election of Superior Court Judge, reported that Augustus Moore, having received a majority of the votes given, is duly elected.

Received from the House of Commons, a message proposing that the two Houses proceed to vote again forthwith for Solicitor of the Sixth Judicial Circuit; which was concurred in, and the House of Commons informed thereof, and that Messrs. Willey and Faison, form the Senate's branch of the committee to superintend the said election. A message was then received from the House of Commons, stating that Messrs. Stowe and J. J. Gambill, form their branch of the committee to superintend said election, and that the House of Commons would proceed to vote on return of the messenger.

The Senate then proceeded to vote as follows, viz:

FOR MR. COLEMAN:

FOR MR. CALDWELL:
Messrs. Albright, Bell, Daniel, Davidson, Eborn, Gilmer, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Smaw, Smith, Thomas of Davidson, Thompson, of Bertie, Washington, Willey, and Woodfin—20.
FOR MR. JONES—Messrs. Halsey, Rowland and Worth—3

The Senate then resumed the consideration of the Resolutions of Mr. Gilmer.

A preliminary question of order was raised by Mr. Gilmer, viz: whether the Senator from Orange, Mr. Berry, was entitled to vote on the said Resolutions?

The Speaker decided that the Senator was not entitled to vote. Which decision was acquiesced in by the Senate.

Mr. Thompson, of Wake, moved to amend the Resolution by adding the following, viz:

Resolved, If the sitting member in the progress of the investigation should file an affidavit on oath, that a longer time than three days is necessary to collect evidence, then he shall be allowed a reasonable time for that purpose.

The consideration of said amendment was suspended to receive a message from the House of Commons, proposing that the two Houses vote again forthwith for Judge of the Supreme Court, which was concurred in by the Senate; and the House of Commons informed thereof; and that Messrs. Eborn and Hester form the Committee on the part of the Senate, to superintend said election.

A message was received from the House of Commons, stating that Messrs. Coleman and Palmer form their branch of said Committee, and that they would proceed to vote on return of the messenger.

The Senate then voted as follows, viz:

FOR MR. STRANGE:


FOR MR. PEARSON:

Messrs. Albright, Barnard, Daniel, Davidson, Gilmer, Hargrove, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smith,
Thomas of Davidson, Thompson, of Bertie, Washington, Willey and Worth—19.

FOR MR. BATTLE:


Mr. Eborn, from the Committee appointed to superintend said election, reported there was no election.

The Senate then resumed the consideration of the amendment moved by Mr. Thompson, of Wake, to the Resolutions of Mr. Gilmer. The said amendment was rejected; yeas 22; nays 24.

Mr. Bethell demanded the Yeas and Nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


The question then recurred on the original Resolutions. Mr. Ashe called for a division of the question, and the same was taken on the passage of the first Resolution, and was decided in the affirmative; yeas 24, nays 22.

Mr. Woodfin demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson of Bertie, Washington, Willey Woodfin, and Worth.
Those who voted in the negative are:


The question was then taken on the second Resolution, and decided in the affirmative; yeas 35, nays 13.

Mr. Woodfin demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


Mr. Faison, from the committee appointed to superintend the election of Solicitor of the 6th Judicial Circuit, reported that Daniel Coleman having received a majority of the votes given, was duly elected.

Received from the House of Commons a message, proposing that a Joint Select Committee, to consist of five on the part of this House, and ten on the part of the House of Commons, be raised, to take into consideration the propriety of establishing a Medical Board; which was concurred in. Also, announcing the following committees on the part of that House:

On School for Deaf and Dumb—Messrs. T. W. Williams, Atkins, Erwin, Hayman, and Hamrick.

On comparing votes for Governor—Messrs. Carmichael and Spivey.
Received from the House of Commons a message proposing to vote again forthwith for Judge of the Supreme Court. Before the question was taken, Mr. Thomas of Haywood moved that the Senate adjourn until to-morrow morning, ten o’clock; which was decided in the negative, yeas 19, nays 29.

Mr. Gilmer demanded the yeas and nays,

Those who voted in the affirmative are:


Those who voted in the negative are—

Messrs. Albright, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Moye, Murchison, Patterson, Rogers, Rowland, Smaw, Smith, Speight, Thomas, of Davidson, Thompson, of Bertie, Ward, Washington, Watson Willey, Woodfin, and Worth.

The question was then taken on concurring in the proposition of the House of Commons, and decided in the affirmative, and they were informed thereof; and also, that Messrs. Moye and Worth form the Senate’s branch of the committee to superintend the election. A message was then received, announcing that Messrs. Newsom and Farrow form their branch of said committee, and that they would proceed to vote on return of the messenger.

The Senate then voted as follows, viz:

FOR MR. STRANGE:


FOR MR. PEARSON:

The Senate met according to adjournment.

The Speaker announced that Messrs. Berry and Washington are added to the committee appointed to examine the Deaf and Dumb School Buildings. Also, that Messrs. Lane, Spicer, Miller, Walker and Drake, form the Senate's branch of the joint select committee on the subject of establishing a Medical Board in this State; and the House of Commons were informed thereof by message.

Mr. Moye, from the committee appointed to superintend the election of Supreme Court Judge, reported that no one having received a majority of the whole number of votes, there was no election.

Received from the House of Commons, a message proposing that the two Houses vote again, forthwith, for Judge of the Supreme Court, which was concurred in, and the House of Commons were informed thereof; and that Messrs. Rowland and Wooten form the Senate's branch of the committee to superintend said election. A message was received from the House of Commons, stating that Messrs. McDade and Mc-
Cleese form their branch of said committee, and that they would proceed to vote on return of the messenger.

The Senate then voted as follows, viz:

FOR MR. STRANGE:

FOR MR. PEARSON:
Messrs. Albright, Barnard, Daniel, Davidson, Gilmer, Hargrove, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smith, Thomas of Davidson, Thompson, of Bertie, Washington, Willey, and Worth—19.

FOR MR. BATTLE:

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a bill authorizing Daniel Skein to emancipate his wife and daughter, reported the same to the Senate, and recommended its passage. Ordered to lie on the table.

Mr. Walker, from the same committee, to whom was referred the memorial of sundry citizens of the town of Wilmington, praying the emancipation of a slave named J. G. Hostler, reported "A Bill to emancipate James G. Hostler;" which was read the first time and passed.

On motion of Mr. Eborn,

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of so amending the law in relation to Patrols, as to authorise the County Courts, (if said Courts deem it expedient) to lay a tax on the Black poll, to pay Patrols, and such further alterations, as said committee may deem proper, to the obtaining a more efficient Patrol, and that they report by bill or otherwise.
Mr. Rowland, from the committee appointed to superintend the election of Judge of the Supreme Court, reported that no one having received a majority of votes, there was no election.

Received from the House of Commons a message, proposing that the two Houses vote again for Judge of the Supreme Court; which was concurred in, and the House of Commons were informed thereof; and that Messrs. Berry and Kendall form the Senate's branch of the committee to superintend said election. A message was then received from the House of Commons, stating that Messrs. Carmichael and Sheek, form their branch of said committee, and that they would proceed to vote on return of the messenger.

The Senate then voted as follows, viz:

FOR MR. STRANGE:

FOR MR. PEARSON:

FOR MR. BATTLE:

Mr. Halsey introduced a bill, entitled "a bill to suppress vice;" which was read the first time, passed, and on his motion, referred to the committee on Finance.

Mr. Exum introduced a bill, entitled "a bill to incorporate Macon Academy, in the county of Wayne;" which was read the first time and passed.

Mr. Joyner introduced a bill, entitled "a bill to authorise the Roanoke Navigation Company to become common carriers of agricultural products, goods, wares and merchandize, on Roanoke, Dan and Staunton rivers;" which was read the first time and passed.
Mr. Spicer introduced a bill, entitled "A bill to regulate the duties of Constables in the county of Onslow;" which was read the first time, passed, and referred to the committee on the Judiciary.

Mr. Washington introduced a bill, entitled "A bill for the relief of the inhabitants of the town of Waynesboro;" which was read the first time, passed, and on motion of Mr. Washington, referred to the committee on the Judiciary.

Mr. Graham presented the memorial of sundry citizens of the county of Duplin, praying that the Constitution be amended so as to abolish the fifty acre qualification of voters for the Senate of the State Legislature; also, praying the abolishment of Jury Trials in the County Courts and enlarging the jurisdiction of Justices in certain cases; which was referred, on motion of Mr. Graham, to the Committee on the Judiciary.

Mr. Miller introduced a bill entitled, "A Bill to incorporate the town of Shelby, in Cleveland county; which was read the first time and passed.

Mr. Smaw introduced a Bill entitled, "A Bill to incorporate Phalanx Lodge, No. 10, of the Independent Order of Odd Fellows;" which was read the first time and passed.

Mr. Berry, from the committee appointed to superintend the election of Judge of the Supreme Court, reported that there was no election.

Mr. Thomas, of Haywood, presented the petition of sundry citizens of Haywood county, "praying the amendment of the charter of the Oconalufa Turnpike Company;" which was referred, on his motion, to the committee on Internal Improvements.

The engrossed bill "for dividing the county of Stokes," was read the second time and passed.

Mr. Miller introduced a bill to alter the time of holding the Spring and Fall terms of the courts of Pleas and Quarter Sessions for the County of Cleveland;" which was read the first time and passed.

Mr. Thomas, of Haywood, presented "the petition of sundry citizens of Macon and Haywood counties, praying the establishment of a new county to embrace a portion of each of
said counties;" which was, on his motion, referred to the committee on Propositions and Grievances.

A bill to incorporate the town of Asheville, was read the second time and passed.

Mr. Smith introduced a bill entitled, "A Bill to authorize the further taxation of costs in trial of action at Law;" which was read the first time, passed, and on motion of Mr. Smith, referred to the committee on the Judiciary.

A message from the House of Commons, proposing that a joint select committee of three, on the part of that House, and two on the part of the Senate, be raised to consider the propriety of having tiers of seats erected in each House, out side of the bar, for the accommodation of visitors; which was not concurred in, and the House of Commons were informed thereof.

Also, a message transmitting the report of the President of the Commercial Bank at Wilmington, with a proposition to print; which was concurred in.

Also, a report from the commissioners of the Raleigh and Gaston Railroad, with a proposition to print; which was also concurred in.

Also, a message stating that Messrs. Carmichael, Thornton, McMillan, Campbell, and Sanders, form their branch of the committee on Enrolled Bills. A message was sent to the House of Commons, announcing that Messrs. Gilmer, Graham, and Patterson, form the Senate's branch of said committee.

Received from the House of Commons, a message proposing that the two Houses vote again, forthwith, for Judge of the Supreme Court; which on motion, was ordered to lie on the table.

On motion of Mr. Walker,

Resolved, That hereafter, when the Senate adjourn, with a view to hasten the despatch of business, the adjournment be to the hour of 10 o'clock.

On motion of Mr. Thompson of Wake,

Resolved, That the Engrossing Clerks be permitted to use
Mr. Lillington introduced the following Preamble and Resolution, viz:

Whereas, this is a Government in which all political power is vested in and derived from the People;
Whereas, it is the manifest duty of Representatives to carry out strictly the known wishes of their constituents in the discharge of all their elective duties;
Whereas, the free People of this State have recently, at the ballot box, declared their political preference in a voice which their representative agents ought not to slight or disregard;
Whereas, respectful deference on the part of the minority for the will of the majority, when legally and constitutionally expressed, is true republicanism;
And whereas, all delay and management, under pretence however fair and imposing, the object of which is to defeat the will of the People thus expressed, are contrary to the spirit and genius of the Government;
Resolved, That a message be sent to the House of Commons, proposing that the two Houses, on Tuesday next, at 12 o'clock, proceed to the election of a United States' Senator.

Mr. Ashe moved to lay the said Preamble and Resolution upon the table, which was decided in the negative—yeas 23, nays 24.

The yeas and nays were demanded Mr. Gilmer.

Those who voted in the affirmative are—


Those who voted in the negative are:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Row-
land, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin and Worth.

The question was then taken on the adoption of the said Preamble and Resolution, and decided in the negative; yeas 24, nays 23.

Mr. Woodfin demanded the Yeas and Nays.

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Ashe, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hester, Moye, Murchison, Reich, Rogers, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson, and Wooten.

Mr. Speaker Graves, voted in the negative.

On motion of Mr. Thomas of Haywood, the Senate adjourned until to-morrow morning, 10 o'clock.

Saturday, Dec. 9.

The Senate met according to adjournment.

Mr. Woodfin, from the committee on the Judiciary, to whom was referred a bill entitled, "A bill to amend the — section of the — chapter of the Revised Statutes;" reported the same to the Senate, and recommended its passage, with sundry amendments. Ordered to lie on the table.
Mr. Woodfin, from the same committee, to whom was referred a bill entitled, "A Bill to amend the 15th section of the 102 chapter of the Revised Code;" reported the same to the Senate, with sundry amendments. Ordered to lie on the table.

Mr. Woodfin, from the same committee, to whom was referred a Resolution in reference to paying witnesses in certain cases, reported a bill entitled, "A bill to provide for paying witnesses for their attendance before Clerks and Masters in Equity; and for commissioners to take depositions and for other purposes;" which was read the first time and passed.

Mr. Woodfin, from the same committee, to whom was referred "A bill to expedite the trial of suits belonging to the original jurisdiction of the Supreme Court;" reported the same to the Senate, and recommended its rejection. Ordered to lie on the table.

Mr. Woodfin, from the same committee, to whom was referred a bill entitled, "A bill explanatory of section 10th chapter 34th, Revised Statutes;" reported the same and recommended its passage, with an amendment. Ordered to lie on the table.

Received from the House of Commons, a message concurring in the proposition of the Senate, as to the manner and time of counting the votes for Governor at the last August election, and announcing that the House of Commons will be ready to receive the Senate in their Hall at 12 o'clock to-day for that purpose.

The Speaker then announced that Mr. Patterson will act as teller on the part of the Senate, and the House of Commons were informed thereof.

Mr. Rogers introduced the following Preamble and Resolution, viz:

Whereas, By the Constitution of the United States, it is provided that the Senate of the United States, shall consist of two Senators from each State, chosen by the Legislature thereof; And whereas, By the Constitution of this State, the Legislative authority is vested in two distinct branches, both dependent on the People, to wit: a Senate and House of Com-
mons; And whereas, The Members of the Senate and House of Commons of the Legislature of this State, derive their seats from the sovereign people of their districts and counties respectively; And whereas, An election of a United States' Senator, to represent this State in the Congress of the United States, for six years from and after the 4th of March next, devolves upon the present General Assembly; And whereas, the said United States' Senator, when elected, is the servant and representative of the whole people of the State; And whereas, it is both right and expedient that the people of Yancy county should have a voice in the election of United States Senator; And whereas, An election was held on yesterday, the 8th instant, in the said county of Yancy, for a member in the other branch of this Legislature, which member elect will probably take his seat by the 20th instant. Therefore,

Be it Resolved, That a message be sent to the House of Commons, proposing that the two Houses shall go into an election of United States' Senator on the 20th instant, at 12 o'clock.

Mr. Woodfin moved that the Preamble and Resolution be laid on the table; which was decided in the negative; yeas 24, nays 23.

Mr. Rogers demanded the Yeas and Nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


Mr. Speaker Graves, voted in the negative.
Mr. Gilmer moved to amend the Resolution by adding the following, viz:

Resolved further, That in the election of United States' Senator, the members of this Assembly should represent the political opinions of a majority of the People of the whole State as clearly ascertained on the 7th of November last.

Mr. Thomas of Davidson, moved that the Resolution and amendment be indefinitely postponed; which was decided in the negative—yeas 22, nays 25.

Mr. Thomas of Davidson, demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Berry, Conner, Daniel, Eborn, Halsey, Joyner, Kendall, Lane, Miller, Patterson, Reich, Rowland, Shepard, Smaw, Thomas, of Davidson, Thompson of Bertie, Washington, Willey, Woodfin, and Worth.

Those who voted in the negative are:


Mr. Bower moved to amend the amendment by striking out the words "the 7th of November last," and inserting in lieu, the words "the third of August last in the election of members of the Legislature."

Before the question was taken on this amendment, the further consideration of the whole subject was suspended to receive a message from the House of Commons, announcing that Messrs. Courts and Mebane had been appointed tellers on the part of that House to superintend the counting and comparing the votes for Governor, and that the hour of 12 o'clock, M. having arrived, they were ready to receive the Senate in their Hall.

The Senate then repaired to the Commons Hall. Mr. Spea-
Graves made the following announcement to the convention of the two Houses, viz:

Gentlemen of the Senate,

and of the House of Commons:

In execution of the joint agreement of the two Houses of the General Assembly, and in conformity to law, we have assembled on this occasion to examine the returns from the several counties in this State, of the votes given on the third day of August last, by the freemen of North Carolina, for Governor of the State.

In the discharge of a duty which devolves on me, I now proceed to open these returns in the presence of the two Houses of the General Assembly.

The returns were then opened, and the votes compared in the presence of the convention of the two Houses, under the inspection of Mr. Patterson as teller on the part of the Senate, and Messrs. Courts and Mebane as tellers on the part of the House of Commons. Mr. Patterson, on behalf of the tellers, reported the result to the convention, as follows, viz:

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<th>Counties</th>
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<th>For D. S. Reid</th>
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<td>Counties</td>
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<td>Rockingham</td>
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<td>968</td>
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The following announcement was then made by the Speaker of the Senate, to the Convention of the two Houses, viz:

_Gentlemen of the Senate,_

_and of the House of Commons:_

The returns made by the Sheriffs of the several Counties of this State, of the votes given on the third day of August last, for Governor, have been opened and published in your presence, according to law.

The Tellers appointed by both Houses of the General Assembly, to examine the returns and make a list of the votes, report, that Forty-two Thousand Five Hundred and Thirty-six votes, were given for Charles Manly, and that Forty-one Thousand Six Hundred and Eighty-two votes, were given for David S. Reid.

Charles Manly having received the highest number of votes given at said election, and no objection having been made to the report of the Tellers, I do therefore declare that Charles Manly is duly elected Governor of the State of North Carolina, for two years, from and after the 1st day of January next.

CALVIN GRAVES,

Speaker of the Senate.

The members of the Senate then returned to the Senate Chamber, and the consideration of the amendment moved to
Preamble and Resolution introduced by Mr. Rogers, was resumed, but before any question was taken thereon, on motion of Mr. Speight, the Senate adjourned.

**Monday, December 11.**

The Senate met according to adjournment.

On motion of Mr. Shepard,  
*Ordered, That the message transmitted by His Excellency, the Governor, to the Senate, in reference to the plan referred to in his biennial Message, for extending the line of the Raleigh and Gaston Rail Road to Charlotte, &c., be referred to a select committee of five.*

The Senate then proceeded to the consideration of the unfinished business of the last session, viz: the Preamble and Resolution introduced by Mr. Rogers; the question being on striking out the words "the 7th of November last," and inserting the words, "the third of August last, in the election of members of the Legislature." Mr. Washington asked that the question be divided, and taken first upon striking out. The Senate refused to, yeas 21, nays 25.

Mr. Halsey demanded the Yeas and Nays.

Those who voted in the affirmative are:

Messrs. Ashe, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hester, Moye, Murchison, Rogers, Reich, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, and Ward.

Those who voted in the negative are:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, Wooten, and Worth.
The question was then taken on the amendment moved by Mr. Gilmer, and decided in the affirmative, yeas 25, nays 22.

The yeas and nays were demanded by Mr. Halsey.

Those who voted in the affirmative are—

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth.

Those who voted in the negative are—


The question then recurred on the adoption of the Preamble and Resolution as amended, and was decided in the affirmative; yeas 31, nays 17.

Mr. Miller demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


Ordered, That a message be sent to the House of Commons, asking their concurrence in said Resolutions.

A message was received from the House of Commons, propos-
ing that the two Houses vote again, forthwith, for Judge of the Supreme Court; concurred in, and Messrs. Bethell and Thompson of Bertie, appointed the Senate’s branch of the committee to superintend said election. A message from the House of Commons announced that Messrs. Skinner and A. J. Leach, form their branch of said committee.

The Senate then voted as follows, viz:

FOR MR. BATTLE:

FOR MR. PEARSON:
Messrs. Albright, Daniel, Davidson, Gilmer, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smith, Thomas of Davidson, Thompson of Bertie, Washington, Willey and Worth—18.

FOR MR. STRANGE:

Mr. Thompson of Bertie, from the Committee appointed to superintend the said election, reported that no one having received a majority of the votes given, there was no election.

On motion of Mr. Kendall,

Ordered, That a message be sent to the House of Commons proposing that the two Houses vote again forthwith for Judge of the Supreme Court.

Mr. Halsey introduced the following Preamble and Resolutions, viz:

Whereas, the General Assembly of the State of North Carolina now in Session, have witnessed with profound admiration, the zealous labors of Miss Dix, of New York, in the cause of the suffering Insane within our borders; and

Whereas, this body is desirous of testifying its respect and gratitude for the enlarged and noble philanthrophy which has prompted these labors—it is
Resolved, That the thanks of the People of this State are due, and through this General Assembly, representing the People, are tendered to that A M I A B L E C H R I S T I A N P H I L A N T H R O P I S T for her self-sacrificing devotion to the cause of those unfortunate sons and daughters of North Carolina, whose claims she has so eloquently and ably urged.

Resolved further, That His Excellency, the Governor, be requested to transmit to Miss Dix, a copy of the above Preamble and Resolutions.

Which were read and adopted, and on motion of Mr. Halsey, ordered that the said Preamble and Resolutions be sent to the House of Commons, with a message asking their concurrence.

Received from the House of Commons, a message concurring in the proposition of the Senate, to vote again, forthwith, for Judge of the Supreme Court, and stating that Messrs. J. M. Leach and Herring, form their branch of the committee to superintend said election, and also, announcing that the name of W. H. Battle is withdrawn from nomination. Messrs. Worth and Speight were appointed the committee on the part of the Senate, to superintend said election, and the House of Commons informed thereof, and that the Senate would proceed to vote on return of the messenger.

The Senate then voted as follows, viz:

FOR MR. PEARSON:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Hargrove, Halsey, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Reich, Shepard, Smaw, Smith, Thomas of Davidson, Thompson, of Bertie, Washington, Willey Woodfin and Worth—26.

FOR MR. STRANGE:


Mr. Worth, from the committee superintending said election of Judge of the Supreme Court, reported that no one having received a majority of votes given, there was no election.
On motion of Mr. Lillington,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses vote again, forthwith, for Judge of the Supreme Court.

The Speaker announced that Messrs. Shepard, Walker, Bethell, Hawkins, and Gilmer, form the select committee, on so much of the Governor's Message as refers to the connection of the Raleigh and Gaston Railroad with the Charlotte or a Western Railroad.

Mr. Washington introduced a Resolution, in favor of J. H. Van Bokkelin, which was read first time, passed, and referred to the committee on Claims.

Mr. Murchison introduced a bill entitled, "A bill to amend the Revised Statutes, chapter 104;" which was read the first time and passed.

Mr. Lane introduced a bill entitled, "A bill to incorporate the Island Ford Manufacturing Company, in the county of Randolph;" which was read the first time and passed.

Mr. Drake introduced a bill entitled, "A bill to incorporate Mount Lebanon Lodge, No. 117;" which was read the first time and passed.

Mr. Bower introduced a bill entitled, "A Bill limiting the time of service of Sheriffs;" which was read the first time and passed.

Mr. Walker introduced a bill entitled, "A bill to incorporate the Mecklenburg Agricultural Society;" which was read the first time, passed, and on motion of Mr. Walker, (as there was no Committee on Agriculture) referred to the Committee on Internal Improvements.

Mr. Washington, a bill entitled, "A Bill to secure the title of purchasers of land sold under execution;" which was read the first time passed, and on motion of Mr. Washington, referred to the Committee on the Judiciary.

Received from the House of Commons, a message agreeing in the proposition of the Senate to vote again, forthwith, for Supreme Court Judge, and announcing that Messrs. Atkins and Kelly, form their branch of the Committee to superintend said election. Messrs. Lillington and Ward were appointed on
the part of the Senate and the House of Commons were informed thereof, and that the Senate would proceed to vote on return of the messenger.

The Senate then voted as follows, viz:

FOR MR. STRANGE:

FOR MR. PEARSON:

Mr. Lillington, from the committee superintending said election, reported that the Hon. Richmond M. Pearson, having received a majority of the whole number of votes cast, is duly elected Judge of the Supreme Court.

Mr. Walker presented a memorial praying the amendment of the act, entitled "An Act for the establishment and better regulation of Common Schools; which was referred, on motion of Mr. Walker, to the committee on Education.

Mr. Woodfin presented the memorial of sundry citizens of the county of Buncombe, in reference to the office of Sheriffs and Tax Collectors; which was read, and referred, on motion of Mr. Woodfin, to the committee on Finance.

The Engrossed Bill entitled "A Bill for dividing the county of Stokes," was read the third time and passed; yeas 32 nays 9.

Mr. Thomas of Davidson demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Bell, Bethell, Bower, Collins, Conner, Daniel, Davidson, Eborn, Faison, Graham, Halsey, Hargrove, Hawkins, Hester, Joyner, Kendall, Lane, Murchison, Patter-
son, Reich, Shepard, Smaw, Smith, Speight, Thomas of Davidson, Thomas, of Haywood, Thompson, of Bertie, Thompson, of Wake, Washington, and Watson.

Those who voted in the negative are:


Ordered, That the said bill be enrolled.

Mr. Washington introduced a bill, entitled "a bill to emancipate Lewis Williams, a slave, the property of Elizabeth Johnson;" which was read the first time, passed, and referred, on motion of Mr. Washington, to the committee on Propositions and Grievances. Also, a bill entitled "a bill to amend an act passed at the session of 1846-7, entitled "an act authorizing the Governor to establish a Depot of Arms in the town of Newbern;" which was read the first time and passed.

The bill to incorporate the town of Ashville, was read the third time, passed, and ordered to be engrossed.

The following bills were read the second time and passed, viz:

"A bill to alter the time of holding the Spring and Fall Terms of the Courts of Pleas and Quarter Sessions for the County of Cleveland;"

"A bill to incorporate the Town of Shelby, in Cleveland county;"

"A bill to incorporate Phænix Lodge, No. 10, of the Independent Order of Odd Fellows;"

"A bill to authorise the Roanoke Navigation Company to become common carriers of Agricultural products, goods, wares, and merchandize, on Roanoke, Dan, and Staunton Rivers;"

"A bill to incorporate Macon Academy, in the county of Wayne;"

"A bill to unite the Roanoke Rail Road, and the Seaboard and Roanoke Rail Road Companies, and for other purposes."

The bill entitled "a bill to provide for paying witnesses for
their attendance before Clerks and Masters in Equity and Commissioners for taking depositions, and for other purposes," was taken up, read the second time, and on motion of Mr. Kendall, ordered to lie on the table.

The bill entitled "a bill to lay off and establish a new county by the name of Watauga," was read the second time, and on motion of Mr. Patterson, ordered to lie on the table.

Received from the House of Commons, a message proposing to raise a joint select committee of seven on the part of the House of Commons, and five on the part of the Senate, to whom shall be referred the subject of the Swamp Lands; concurred in, and Messrs. Joyner, Bower, Patterson, Drake, and Walker, appointed the Senate's branch of said committee, and the House of Commons were informed thereof.

Also, a message transmitting a communication from Charles L. Hinton, Public Treasurer, with accompanying Reports from the Bank of the State and the Merchants Bank of Newbern, with a proposition to print. Concurred in, and the House of Commons informed thereof.

On motion of Mr. Thomas of Haywood, the Senate adjourned.

Tuesday, December 12.

Mr. Eborn introduced a bill entitled "A Bill to amend the 10th section of 102d chapter of the Revised Statutes, concerning Pedlars;" which was read the first time and passed, and on motion of Mr. Eborn, said bill with the accompanying memorials were referred to the committee on the Judiciary.

Mr. Patterson, from the committee on Internal Improvements, to whom was referred a bill entitled, "A Bill to incorporate the Mecklenburg Agricultural Society;" reported the same to the Senate and recommended its passage. Ordered to lie on the table.
Mr. Thomas, of Haywood, presented the memorials of sundry citizens of the county of Cherokee, for the establishment of a Turnpike Road on Nautchola River;" also, a memorial praying the formation and incorporation of a Company to construct a Turnpike Road from Waynesville, North to the Tennessee Line;" which were referred, on motion of Mr. Thomas, of Haywood, to the committee on Internal Improvements.

Mr. Lillington presented the memorial of the Officers of the 63rd Regiment, in relation to a change in the Militia Laws; which was referred, on motion of Mr. Lillington, to the committee on Military Affairs.

Mr. Conner introduced a bill entitled, "A bill to repeal an act concerning the Wardens of the Poor of the county of Lincoln;" which was read the first time, passed, and referred, on motion of Mr. Conner, to the committee on the Judiciary.

The following bills were introduced, read the first time and passed, viz:

By Mr. Smith, a bill to incorporate the Trustees of the Chowan Female Institute.

By Mr. Eborn, "A bill to incorporate Midway Male and Female Academy in the county of Pitt.

By Mr. Gilmer, "A bill concerning the Practice of the Law."
The following bills were read the third time and passed.

A bill to authorize the Roanoke Navigation Company to become common carriers of agricultural products, goods, wares, and merchandise, on Roanoke, Dan and Staunton rivers.

"A bill to unite Roanoke Railroad and the Seaboard and Roanoke Railroad Companies, and for other purposes."

Ordered, that said bills be engrossed.

Mr. Lillington introduced the following Resolution, viz:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the act in relation to Registers and Clerks and Masters, as to require them to keep their offices at the Court Houses of their respective counties, and that they report by bill or otherwise.

Which was adopted.

Mr. Smith introduced the following Resolutions, viz:
Resolved, That the Literary Board, as soon as convenient after the termination of the present Session of the General Assembly, cause to be prepared and printed, an abstract of the laws in force on the subject of Common Schools, with such forms and instructions as may be deemed useful in securing uniformity and regularity in the performance of the duties imposed upon the Superintendents and District School Committees, and that they cause the same to be distributed among the several Counties of this State at the time of the distribution of the Acts of this Session, in the ratio of fifty copies to each member, to which the counties may be entitled in the House of Commons.

Resolved further, That the expenses attending the preparation, printing and distribution of the said abstract, be paid out of the Literary Fund.

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

Received from the House of Commons, a message stating that they do not concur in the proposition of the Senate to proceed, on the 20th instant, to the election of United States' Senator, for six years, from and after the 4th of March next, and proposing that the two Houses proceed to the said election, this day at 12 o'clock, M.; which proposition was concurred in; yeas 25, nays 23; and the House of Commons were informed thereof.

The Yeas and Nays were demanded by Mr. Gilmer.

Those who voted in the affirmative are—

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth.

Those who voted in the negative are—

Rogers, Speight, Spicer, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Watson, and Wooten.

A message was sent to the House of Commons, announcing that Messrs. Thompson of Wake and Davidson, form the Senate's branch of the committee to superintend said election.

The bill, entitled "a bill to provide for paying witnesses for their attendance before Clerks and Masters in Equity, and Commissioners to take depositions, and for other purposes," was taken up, read the second time, and rejected.

The following bills were taken up, read the third time, passed, and ordered to be engrossed, viz:

"A bill to incorporate Phenix Lodge, No. 10, of the Independent Order of Odd Fellows;"
"A bill to incorporate the Town of Shelby, in Cleveland County;"
"A bill to incorporate Macon Academy, in the county of Wayne."

The following bills were read the second time and passed, viz:

"A bill to incorporate the Island Ford Manufacturing Company, in the county of Randolph;"
"A bill to incorporate Mount Lebanon Lodge, No. 117;"
"A bill to amend an act passed at the session of 1846-7, entitled an act authorizing the Governor to establish a Depot of Arms in the Town of Newbern."

The bill "to alter the time of holding the Spring and Fall Terms of the Courts of Pleas and Quarter Sessions for the county of Cleveland," was read the third time and passed, and ordered to be engrossed.

The bill, entitled "a bill to amend the Revised Statutes, chapter 104," was read the second time, and on motion of Mr. Gilmer, postponed indefinitely.

Received from the House of Commons a message, proposing that a Joint Select Committee of three on the part of each House, be raised, whose duty it shall be to take into consider-
At the propriety of changing the time of the meeting of the General Assembly, with leave to report by bill or otherwise. Which was concurred in.

Also a message, announcing that Messrs. Hayman, Nichols, Cherry. Williamson, McNeil, McCleese, and Farrow, form their branch of the Joint Select Committee on Swamp Lands.

Received also from the House of Commons, a message stating that the hour of 12 o'clock, M. having arrived, that body would proceed to vote, on the return of the messenger, for United States' Senator, for six years, from and after the 4th of March next, and that Messrs. L. B. Sanders and W. L. Long, form their branch of the committee to superintend said election, and also announcing, that Hon. George E. Badger is in nomination for said office.

The Senate then proceeded to vote as follows, viz:

FOR GEORGE E. BADGER.

FOR WELDON N. EDWARDS.
Messrs. Speaker, Berry, Bower, Drake, Hawkins, Reich, Speight, and Thompson, of Wake—8.

FOR JAS. J. MCKAY:
Messrs. Bethell, Faison, Graham, Moya, Murchison, Rogers, Spicer, and Wooten,—8.


FOR CHARLES FISHER—Mr. Conner—1.

FOR W. F. LEAK—Messrs. Exum and Walker.

FOR K. RAYNER—Mr. Shepard.

The bill entitled, "A bill limiting the time of service of Sheriffs," was read the second time; on motion of Mr. Halsey, the said bill was laid on the table, yeas 32, nays 17.

Mr. Halsey demanded the Yeas and Nays.

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Ashe, Berry, Bower, Conner, Exum, Gilmer, Hester, Lane, Miller, Murchison, Reich, Rowland, Thomas, of Davidson, Thompson, of Wake, Walker, Woodfin, and Wooten.

Mr. Davidson, from the committee appointed to superintend the election of United States' Senator, reported that no one having received a majority of the votes given, there is no election.

The bill to emancipate John Good, a slave, was read the second time and passed.

Mr. Lillington presented the resignation of the Hon. Richmond M. Pearson, as one of the Judges of the Superior Courts of Law and Equity; which was read and accepted.

On motion of Mr. Halsey,

Ordered, That said resignation be transmitted to the House of Commons.

The Speaker announced that Messrs. Conner, Washington, and Walker, form the Senate's branch of the Joint Select Committee agreed to be raised to enquire into the expediency of changing the time of the meeting of the General Assembly, and the House of Commons were informed thereof.

On motion of Mr. Speight, the Senate adjourned.


Wednesday, December 13.

Mr. Patterson presented the memorial of sundry citizens of the county of Wilkes, against being embraced within the boundaries of the proposed new county of Watauga; which was, on motion of Mr. Patterson, ordered to lie on the table, to be taken up with the bill pending in reference to the subject of said memorial.

Mr. Patterson, from the committee on Internal Improvements, to whom was referred a bill to provide for making a Turnpike Road from Salisbury, West to the line of the State of Georgia, reported the same to the Senate, and recommended its passage. Ordered to lie on the table.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a bill to emancipate Lewis Williams, a slave, reported the same to the Senate, and recommended its passage. Ordered to lie on the table.

Mr. Smith, from the committee on the Judiciary, to whom was referred a bill entitled "a bill for the relief of Executors and Administrators," reported the same to the Senate, with a substitute. Ordered to lie on the table.

On motion of Mr. Halsey,

Whereas, In consequence of the increased number of counties, and the great accumulation of business on the Dockets of the Superior Courts of this State, it is expedient, in order that more speedy justice be administered, that an additional Judicial District be formed:

Be it therefore resolved, That a Select Committee of one from each Judicial District be raised, to take the subject into consideration, and report thereon.

Mr. Worth introduced a bill, entitled "a bill to amend an act passed in the year 1846-7, entitled an act to provide for a re-assessment of the lands of this State, and a more accurate enlistment of the Taxable Polls;" which was read the first time and passed.

Mr. Washington introduced a bill, entitled "a bill to amend an act entitled "an act to incorporate the Atlantic Fire Com-
pany, No. 7, passed at the session of 1846-7;" which was read the first time and passed.

Received from the House of Commons a message, announcing that Messrs. Keen, Erwin, Dancy, J.J. Williams, Skeen, A.J. Leach, J. M. Leach, Ballard, and Walser, form their branch of the Joint Select Committee on the subject of creating a Medical Board.

Also, stating that they have adopted the engrossed resolution from the Senate, entitled "a resolution relative to Miss Dix."

Also, that they have passed the Engrossed Resolutions, viz:

"A resolution relative to O. A. Buck;"

"A resolution relative to the State's Claim against the General Government," and asking the concurrence of the Senate.

Said resolutions were read the first time and passed.

Received also from the House of Commons, a message proposing that a Joint Select Committee of two on the part of that House, and one on the part of the Senate, be raised, to wait upon His Excellency, Charles Manly, and inform him of his election as Governor of the State of North Carolina, and to ascertain from him, when it will be convenient for him to appear before the General Assembly, and take the Oaths of Office. Concurred in, and Mr. Thompson, of Bertie, appointed on the part of the Senate, and the House of Commons informed thereof.

Received from the House of Commons a message, proposing that the two Houses vote, on Saturday next, at 11 o'clock, for Judge of the Superior Court, to fill the vacancy occasioned by the resignation of the Hon. R. M. Pearson; which was not concurred in, and the House of Commons were informed thereof.

The following bills were read the second time and passed, viz:

"A bill to emancipate James G. Hostler."

"A bill to incorporate Midway Male and Female Academy, in the county of Pitt."

"A bill concerning the practice of the law;" and

"A bill to incorporate the Trustees of the Chowan Female Institute."
The following bills were read the third time, passed, and ordered to be engrossed, viz:

"A bill to amend an act passed at the session of 1846-7, entitled, An Act authorising the Governor to establish a Depot of Arms in the town of Newbern."

"A bill to incorporate Mount Lebanon Lodge, No. 117."

A bill to incorporate the Island Ford Manufacturing Company in the County of Randolph."

The bill to emancipate John Good, a slave, was read the third time and passed; yeas 33, nays 13.

Mr. Exum, demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


Ordered, That said bill be engrossed.

The bill entitled, "A Bill explaining the 10th section chapter 34 Revised Statutes;" was read the second time, amended on motion of Mr. Smith, and passed.

The bill entitled, "A bill to expedite the trial of suits belonging to the original jurisdiction of the Supreme Court;" was read the second time, the report of the Judiciary Committee in reference thereto concurred in, and said bill rejected.

The bill to amend the — section of the — chapter of the Revised Statutes;" was taken up, read the second time and the amendments proposed thereto by the committee on the Judiciary, concurred in. The title of said bill was amended so as to read, "A bill to secure, more effectually, the rights of
appeal in certain cases." On motion of Mr. Joyner, ordered that the said bill be laid on the table and printed.

The bill to amend the 15th Section of the 103d Chapter of the Revised Code, with the amendment proposed thereto by the Committee on the Judiciary, was taken up, and on motion of Mr. Thomas of Haywood, ordered to be laid upon the table; and that the bill and amendments be printed.

Mr. Walker moved that a message be sent to the House of Commons proposing that the two Houses vote, forthwith, for Judge of the Superior Court, to fill the vacancy occasioned by the resignation of the Hon. R. M. Pearson.

On motion of Mr. Thomas of Davidson, ordered, that said motion lie on the table.

The bill to incorporate the Mecklenburg Agricultural Society, was read the second time and passed.

Mr. Thomas of Haywood, introduced the following Preamble and Resolution, viz:

Whereas, there has been presented during the present Session, an unusually large number of petitions, memorials and bills, in which the whole People of the State are deeply interested; and whereas, continued motions to go into elections have a tendency to consume so much of the time of the present Session, that the Legislation referred to in the said memorials, petitions and bills, will probably be prevented. In order, therefore, to prevent any further loss of time, and secure speedy action on those measures in which the whole People of the State feel a deep interest,

Be it Resolved by the Senate, and the House of Commons concurring, That they proceed to the election of a United States' Senator at 12 o'clock, on the 22d of this month; and for a Circuit Judge on the 23d of the same month, at 1 o'clock.

Which were read, and on motion of Mr. Lillington, ordered to lie on the table.

On motion of Mr. Joyner, the Senate adjourned.
THURSDAY, DECEMBER 14.

The Speaker announced that Messrs. Halsey, Graham, Thompson, of Wake, Gilmer, Ashe, Lillington, and Thomas, of Haywood, form the select committee to enquire into the expediency of creating an additional Judicial Circuit.

Mr. Drake, from the committee on Finance, to whom was referred a bill entitled "A Bill to suppress vice," reported the same to the Senate, with an amendment, and recommended its passage.

Mr. Shepard, from the committee on Education, to whom was referred a bill "to incorporate Lumberton Academy," reported the same to the Senate, and recommended its passage. Ordered to lie on the table.

A message was sent to the House of Commons, stating that the Senate have passed the following Engrossed Bills, in which they ask the concurrence of the House, viz:

"A bill to incorporate the town of Asheville."
"A bill to unite the Roanoke Railroad and the Seaboard and Roanoke Railroad Companies, and for other purposes.
"A bill to incorporate the town of Shelby."
"A bill to incorporate Mount Lebanon Lodge, No. 117, in Edgecombe."
"A bill to incorporate Macon Academy, in the County of Wayne."
"A bill to emancipate John Good, a slave;" and "A bill to incorporate Phalanx Lodge, No. 10, of the Independent Order of Odd Fellows."

Received from the House of Commons, a message transmitting a communication from His Excellency, Governor Graham, in reference to a memorial and presentment of the Grand Jury of McDowell County;" which communication, memorial and presentment were referred, on motion of Mr. Halsey, to the committee on Propositions and Grievances.

A message was sent to the House of Commons, stating that the Senate have passed the following Engrossed Bills, and asking their concurrence, viz:
"A bill to authorize the Roanoke Navigation Company to become common carriers, &c."

"A bill to incorporate Island Ford Manufacturing Company."

"A bill relative to amending an act concerning the Depot of Arms at Newbern."

"A bill to alter the time of holding the Spring and Fall Terms of the Courts of Pleas and Quarter Sessions for the County of Cleveland.

Received from the House of Commons, a message stating that they have passed the following Engrossed Bills, and asking the concurrence of the Senate, viz:

"A bill to amend the 17th section of the Revised Laws of this State."

"A bill to incorporate the trustees of Snow Creek Male Academy in the county of Iredell."

"A bill to incorporate Dallas Male Academy."

"A bill to incorporate the Foresters, an Independent Company of Infantry in the County of Richmond."

"A bill to authorize the County Court of Mecklenburg to pay over certain funds to the County Court of Union;" also, the following resolutions, viz:

A resolution in favor of Abram Harshaw.
A resolution in favor of Isaac Cooke and others.

Which bills and resolutions were severally read the first time and passed.

The following bills were read the third time, passed, and ordered to be engrossed, viz:

"A bill to incorporate the Mecklenburg Manufacturing "Society."

"A bill explanatory of section 10th chapter 34, Revised Statutes.

"A bill to incorporate the Trustees of Chowan Female Institute."

"A bill to incorporate Midway Male and Female Academy in the county of Pitt.

"A bill concerning the practice of the law."

The bill to emancipate James G. Hostler, was taken up, read
the third time, and on motion of Mr. Washington, laid on the table.

The following bills and resolutions were read the second time and passed, viz:

A bill to amend an act entitled an act to incorporate the Atlantic Fire Company, No. 7, passed at the session of 1846-7.

"A resolution relative to O. A. Buck."

"A bill to amend an act passed in the year 1846-7, entitled, "An act to provide for a reassessment of the lands of this State, and a more accurate enlistment of the taxable Polls.

"The resolution in relation to the State's claim against the General Government," was read the second time, and on motion of Mr. Patterson, laid on the table.

Received from the House of Commons, a message transmitting the report of the committee on Finance, stating that they have examined the books and accounts of the Treasurer's and Comptroller's Offices and find them correctly kept, and the duties of said Offices have been faithfully performed. The Report was concurred in.

Received from the House of Commons a message, proposing that the two Houses vote, forthwith, for Public Treasurer. Concurred in, and Messrs. Spicer and Bell form the committee on the part of the Senate to superintend said election, and the House of Commons were informed thereof. Also, on motion of Mr. Halsey, that the name of Charles L. Hinton is in nomination for said appointment. Received from the House of Commons a message, stating that Messrs. Farmer and Thigpen form their branch of the said committee, and that they would proceed to vote on return of the messenger.

The Senate then voted as follows, viz:

FOR MR. HINTON:

Messrs. Speaker, Albright, Ashe, Barnard, Bell, Berry, Bethell, Bower, Daniel, Davidson, Eborn, Gilmer, Graham, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Murchison, Patterson, Reich, Rogers, Rowland, Shepard, Smaw, Smith, Speight, Thomas, of Davidson, Thomas, of Haywood,

FOR MR. COURTS:

FOR MR. WATSON—Messrs. Conner, Collins, and Spicer—3

FOR MR. BASKERVILLE—Mr. Hawkins—1.

Received from the House of Commons a message, proposing to vote, forthwith, for Comptroller of the State. Not concurred in.

The bill to lay off and establish a new county by the name of Watauga, was taken up, read the second time, and on motion of Mr. Shepard, re-committed to the committee on Propositions and Grievances, with instructions to report the Federal Population included in the Territory proposed to be formed into a new county.

Mr. Bell, from the committee appointed to superintend the election of Public Treasurer, reported that Charles L. Hinton, having received a majority of the votes given, is duly elected.

The bill, entitled "a bill to provide for making a Turnpike Road from Salisbury, West to the line of the State of Georgia," was taken up, and on motion of Mr. Patteison, ordered to be printed.

The bill to authorise Daniel Skeen, a free man of color, to emancipate his wife and daughter, upon certain conditions; Also,

A bill to emancipate Lewis Williams, a slave, the property of Elizabeth Johnson; were read the second time and passed.

Received from the House of Commons a message, proposing that the two Houses vote on to-morrow, at 11 o'clock, for Comptroller of the State; which was concurred in. Messrs. Moye and Daniel appointed to superintend said election, and the House of Commons informed thereof. Also, a message proposing that the two Houses vote on to-morrow, at 12 o'clock, for Counsellors of State; which was concurred in, and Messrs. Rowland and Speight appointed the committee to superintend
said election, and the House of Commons were informed thereof.

The bill for the relief of Executors and Administrators was taken up, and the amendment proposed thereto by the Judiciary committee, concurred in; and on motion of Mr. Washington, said bill, as amended, was ordered to be printed.

Mr. Bell introduced a bill, entitled "a bill to authorise the Board of Internal Improvement to make sale of the Club Foot and Harlow Creek Canal;" which was read the first time, passed, and referred, on motion of Mr. Bell, to the committee on Internal Improvement.

Mr. Miller presented a memorial from sundry citizens of the county of Rutherford, praying for the relief of certain purchasers of Cherokee Lands; which was referred, on his motion, to the committee on Cherokee Lands.

On motion of Mr. Halsey, the Senate adjourned.

Friday, Dec. 15.

A message was sent to the House of Commons, asking their concurrence in the following Engrossed Bills, which have been passed by the Senate, viz:

"A bill to incorporate the Mecklenburg Agricultural Society."

"A bill to incorporate Midway Male and Female Academy in the county of Pitt."

"A bill to incorporate the Trustees of the Chowan Female Institute."

"A bill explanatory of section 10th chapter 34, of the Revised Statutes;" and

"A bill concerning the practice of the law."

Mr. Exum presented the Pension Certificate of Theopholus Gardner, which was read, and on motion of Mr. Exum, order-
Ordered to be signed by the Speaker and transmitted to the House of Commons.

Mr. Patterson presented the memorial of sundry citizens of the county of Wilkes, and Caldwell," praying the erection of a new county out of parts of those counties. On motion of Mr. Patterson, the said memorial was referred to the committee on Propositions and Grievances.

Mr. Woodfin, from the Committee on the Judiciary to whom was referred the subject of laying an additional tax on the black polls to pay Patrols, reported adversely thereto—concurred in.

Mr. Woodfin, from the same committee, under a Resolution of inquiry, reported a bill entitled "A bill concerning Registers and Clerks and Masters in Equity," which was read the first time and passed.

Mr. Woodfin, from the same committee to whom was referred the memorial of sundry citizens of the county of Duplin, on the subject of amending the constitution in reference to the qualification of voters for the State Senate, and for other purposes; asked that the committee be discharged from the further consideration of said memorial. The committee was discharged.

Mr. Woodfin, from the same committee to whom was referred a bill "to amend the 10th section, of the 102d chapter of the Revised Statutes, concerning Pedlars;" reported the same to the Senate, and asked to be discharged from its further consideration. Committee was discharged, and on motion of Mr. Collins, said bill was referred to the committee on Finance.

Mr. Woodfin, from the same committee, to whom was referred a bill to authorize the further taxation of costs in the trials of action at law; reported the same to the Senate and recommended its passage. Ordered to lie on the table.

Mr. Woodfin, from the same committee, to whom was referred, "A bill to repeal an act concerning the Wardens of the Poor of the county of Lincoln;" reported the same to the Senate. Ordered to lie on the table.

Mr. Joyner introduced "a Resolution in favor of the Executors of Joseph J. Daniel;" which was read the first time, pass-
ed, and referred, on motion of Mr. Joyner, to the committee on the Judiciary.

Mr. Miller introduced the following Resolution, viz:

Resolved, That the committee on Education be instructed to enquire into the expediency of giving the several County Courts, discretionary power to lay a tax on their respective counties, a sum equal to the amount received from the Literary Board, and that they report by bill or otherwise.

Which was read and adopted:

Mr. Joyner introduced a bill, entitled "a bill making better and more suitable provisions for femes covert;" which was read the first time, passed, and on motion of Mr. Joyner, referred to the committee on the Judiciary.

Mr. Reich introduced a bill, entitled "a bill supplemental to an act passed at the present session of the General Assembly, entitled "an act to divide the County of Stokes into two distinct counties;" which was read the first time, passed, and referred, on motion of Mr. Reich, to the committee on the Judiciary.

Received from the House of Commons a message, stating that Messrs. Green and Keen form their branch of the committee to superintend the election of Comptroller, and that William F. Collins, and William J. Clark, are in nomination for said appointment; and that the House of Commons would proceed to vote on return of the messenger.

The Senate then voted as follows, viz:

FOR MR. COLLINS:

FOR MR. CLARK:

Mr. Moye, from the committee appointed to superintend the
said election, reported that William F. Collins having received a majority of the votes given, is duly elected.

Received from the House of Commons, a message announcing that they have passed the following Engrossed Bills, and asking the concurrence of the Senate, viz:

"A bill to incorporate the Summerfield Guards;"
"A bill to incorporate Blount's Creek Manufacturing Company, in the Town of Fayetteville;"
"A bill to condemn a part of Hayne street, in the Town of Monroe, in Union County, for the purpose of erecting a Public Jail thereon;"
"A bill to lay off a road from Newton to Morganton;"
"A bill to incorporate the Bertie Guards;"
"A bill to amend an act, entitled an act to amend the Laws regulating the inspection of Turpentine, ratified the 14th of January, 1847;"

The said bills were read the first time and passed.

A message from the House of Commons, announcing that Messrs. Ferebee and Spivey form their branch of the Joint Committee, to wait on his Excellency, Charles Manly.

The following bills were read the third time, passed, and ordered to be engrossed, viz:

"A bill to amend an act passed in the year 1846–7, entitled "an act to provide for a re-assessment of the lands of this State, and a more accurate enlistment of the Taxable Polls."

A bill to amend an act entitled "An act to incorporate the Atlantic Fire Company, No. 7, passed at the Session of 1846–7. A bill authorizing Daniel Skeen, a free man of color, to emancipate his wife and daughter, upon certain conditions."

A bill to emancipate Lewis Williams, a slave, the property of Elizabeth Johnson.

The Engrossed Resolution relative to O. A. Buck, was read the third time, passed, and ordered to be enrolled.

The Engrossed bill to amend the 17th Section of the Revenue Laws of this State, was read the second time and rejected.

Received from the House of Commons a message, stating that
the following persons are in nomination for Counsellors of State, viz: Lewis Bond, Joshua Tayloe, Nathaniel T. Green, Charles L. Payne, John Winslow, Thomas A. Allison, A. J. Erwin, Jesse R. Siler, William Norfleet, Josiah O. Watson, Oliver D. Fitts, Thomas N. Cameron, George Williamson and William F. Martin; also stating that Messrs. Simms and McIntosh form their branch of the Committee to superintend said election.

The Senate then voted as follows, viz:

For Messrs. Bond, Tayloe, Greene, Payne, Winslow, Allison and Erwin—


For Messrs. Siler, Norfleet, Watson, Fitts, Cameron, Williamson and Martin—


Mr. Murchison voted for Messrs. Siler, Norfleet, Watson, Fitts, Cameron, Williamson and Winslow.

Making for Messrs. Bond, Tayloe, Green, Payne, Allison and Erwin, 25 votes each.

For Mr. Winslow, 26.

For Messrs. Siler, Norfleet, Watson, Fitts, Cameron and Williamson, 24 votes each.

For Mr. Martin, 23.

Mr. Rowland from the Committee appointed to superintend the said election, reported that Messrs. Bond, Tayloe, Green, Payne, Winslow, Allison and Erwin, having each received a majority of the votes given, are duly elected Counsellors of State.

On motion of Mr. Ashe,

Ordered, that a message be sent to the House of Commons proposing that the two Houses vote for Superior Court Judge, on to-morrow, at 12 o'clock, M.
The bill to emancipate James Hostler, a slave, was read the third time, passed, and ordered to be engrossed.

The following engrossed bills were read the second time and passed, viz:

"A bill to incorporate the Trustees of Snow Creek Male Academy, in the county of Iredell;"
"A bill to incorporate Dallas Academy;"
"A bill to incorporate the Foresters, an Independent Company of Infantry, in the county of Richmond."

Mr. Gilmer introduced the following Resolution, viz:

Resolved, That a message be sent to the House of Commons, proposing that the two Houses proceed, forthwith, to the election of United States' Senator.

Mr. Thomas, of Haywood, moved to amend the Resolution, by striking out the word "forthwith," and inserting in lieu thereof, the words "on the third day of January next."

Before the question was taken, Mr. Walker moved that the Senate adjourn, which was negatived, Yea's 23, Nay's 26.

Mr. Gilmer, demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


The question then recurred on the motion of Mr. Thomas of Haywood.
Mr. Joyner called for a division of the question, and it was first taken on striking out the word "forthwith," and determined in the negative; Yeas 22, Nays 26.

Mr. Gilmer demanded the Yeas and Nays.

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Reich, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth.

Mr. Rogers moved to amend the Resolution, by adding the following, viz:

"And that in the election of said United States' Senator, each member of the Legislature should vote in accordance with the wishes of his constituents, as expressed in his election on the third of August last."

Mr. Halsey moved to amend the amendment, by striking out the word "his," before the word "election," and inserting the word "the." The question was divided, and taken first on striking out, and decided in the negative; yeas 25, nays 24.

Mr. Halsey demanded the yeas and nays.

Those who voted in the affirmative are—

Those who voted in the negative are—


Mr. Speaker Graves, voted in the negative.

On motion of Mr. Thomas of Haywood, the Senate adjourned.

Saturday, Dec. 16.

A message was sent to the House of Commons, asking their concurrence in the following engrossed bills, which have been passed by the Senate, viz:

A bill authorising Daniel Skeen, a free man of color, to emancipate his wife and daughter, upon certain conditions;

A bill to amend an act entitled "an act to incorporate the Atlantic Fire Company, No. 7, in the town of Newbern;

A bill to amend an act, passed in the year 1846-7, entitled "an act to provide for a reassessment of the lands of the State," &c. And,

A bill to emancipate James G. Hostler."

Mr. Exum presented the Pension Certificate of William Sasser; which, on his motion, was ordered to be signed by the Speaker, and sent to the House of Commons.

The Senate then proceeded to the consideration of the unfinished business of yesterday, viz: the amendment moved by Mr. Rogers to the Resolution of Mr. Gilmer.

Mr. Gilmer moved to amend the amendment, by striking out all thereof after the word "and," and inserting the following, viz:
That the Senator to be voted for and elected, in his political opinions, should reflect the political opinions of a majority of the people of the State.

On motion of Mr. Worth, the amendment was laid on the table.

Mr. Smith introduced a bill entitled "A bill to amend the acts now in force, on the subject of Common Schools;" which was read the first time, passed, and on motion of Mr. Smith, referred to the committee on Education.

Mr. Rogers introduced a bill entitled, "A bill to amend the 7th section of the Revised Statutes, passed 1844-5, entitled Guardian and Ward," which was read the first time, passed, and referred to the committee on the Judiciary.

Received from the House of Commons, a message stating that they do not concur in the proposition of the Senate, to vote for Judge of the Superior Court, this day at 12 o'clock, M., and proposing that the two Houses vote for said officer at 1 o'clock, P. M.; which was concurred in, and the House of Commons informed thereof, and that Messrs. Kendall and Graham, form the Senate's branch of the committee to superintend said election.

Received from the House of Commons, a message proposing that the two Houses vote on this day, at 12 o'clock, M., for United States' Senator, for six years, from and after the 4th day of March next; which was concurred in, and the House of Commons informed thereof, and that Messrs. Watson and Smith form the Senate's branch of the committee to superintend said election.

Received from the House of Commons a message, transmitting a message of His Excellency, Governor Graham, with a Report from the Board of Internal Improvement, with a proposition to print. Concurred in, and the House of Commons informed thereof.

Received from the House of Commons, the resignations of W. G. James and John Falls, as Justices of the Peace; which were read and accepted.

The Engrossed Resolution, "relative to the State's claim a-
Against the General Government," was taken up, amended on motion of Mr. Patterson, and passed its second reading.

The following Engrossed Bills were read the third time, passed, and ordered to be Enrolled, to-wit:

- A bill to incorporate the Snow Creek Male Academy, in the county of Iredell;
- A bill to incorporate the Foresters, an Independent Company of Infantry, in the county of Richmond;
- A Bill to incorporate Dallas Male Academy.

The bill to emancipate Lewis Williams, a slave, the property of Elizabeth Johnson, was read the third time, passed, and ordered to be engrossed.

The engrossed resolution in favor of Isaac Cook and others, was taken up, read the second time, and on motion of Mr. Thomas, of Haywood, laid on the table.

The following Engrossed Bills were read the second time and passed, viz:

- A bill to authorise the County Court of Mecklenburg to pay over certain funds to the County Court of Union;
- A bill to incorporate the Summerfield Guards;
- Also, a resolution in favor of Abram Harshaw.

Received from the House of Commons a message, stating that Messrs Stevenson and Walser, form their branch of the committee to superintend the election of United States' Senator, and that the hour of 12 o'clock having arrived, they would proceed to vote, on return of the messenger.

The Senate then voted as follows, viz:

FOR GEORGE E. BADGER.

FOR J. B. SHEPARD:
FOR WM. B. SHEPARD:

FOR T. L. CLINGMAN:
Messrs. Ashe, Reich, Speight, Thomas, of Haywood, and Ward—5.


FOR K. RAYNER—Mr. Shepard.

The bill to amend an act entitled "An act to amend the laws regulating the inspection of Turpentine, ratified January 14, 1847," was read the second time, and on motion of Mr. Bell, referred to the Committee on Propositions and Grievances.

The following Engrossed Bills were read the second time, and passed, viz:

A bill to condemn a part of Hayne Street, in the Town of Monroe, in Union County, for the purpose of erecting a public Jail thereon.

"A bill to lay off a road from Newton to Morganton;"

"A bill to incorporate Blount's Creek Manufacturing Company, in the Town of Fayetteville;"

"A bill to incorporate the Bertie Guards;"

Mr. Watson from the Committee appointed to superintend the election of United States' Senator, reported that no one having received a majority of the whole number of votes given, there was no election.

The Bill concerning Registers and Clerks and Masters in Equity, was read the second time.

Mr. Halsey moved to amend the bill by striking out the words "the Register and of;" which was rejected—yeas 5, nays 24.

Mr. Halsey demanded the Yeas and Nays.
Those who voted in the affirmative are:

Messrs. Halsey, Miller, Smith, Thomas, of Davidson, and Walker.

Those who voted in the negative are:


The question was then taken on the passage of the bill the second reading, and decided in the affirmative.

A message was then received from the House of Commons, stating that William H. Battle, and John W. Ellis, are in nomination for Judge of the Superior Court, and that Messrs Headen and Dickson form their branch of the committee to superintend the election, and that the hour of one o'clock, P. M., having arrived, they would proceed to vote, on return of the messenger.

The Senate then proceeded to vote as follows, viz:

FOR MR. BATTLE:


FOR MR. ELLIS:


The Bill entitled "A Bill to suppress vice," was read the second time, and the amendments proposed by the Committee on Finance, concurred in.
Mr. Thomas of Haywood moved that said Bill be indefinitely postponed, which was not agreed to—yeas 12, nays 34.

Mr. Thomas, of Haywood, demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


The Bill was further amended, on motion of Messrs. Halsey and Ashe, and the question on its passage its second reading, was decided in the affirmative—yeas 40, nays 7.

The yeas and nays were demanded by Mr. Rogers.

Those who voted in the affirmative are:


Those who voted in the negative are:


Mr. Kendall from the Committee appointed to superintend the election of Judge of the Superior Court, reported, that John
W. Ellis having received a majority of votes given, is duly elected.

Mr. Thomas of Davidson, presented the following Resolution, viz:

Resolved, That the committee on Education be instructed to enquire into the expediency of so changing the existing law which gives escheated property to the University of North Carolina, and that hereafter, all such property shall pass to the Common School Fund; and report by bill or otherwise.

Which was read and adopted:

Mr. Patterson introduced a resolution in relation to the Club Foot and Harlow Creek Canal; which was read the first time, passed, and referred, on his motion, to the committee on Internal Improvement.

On motion of Mr. Graham,

Resolved, That the committee on Finance be requested to consider the expediency of reducing the Tax on Billiard Tables from the sum of Five hundred dollars, to that of Three hundred dollars.

On motion of Mr. Bower, the Senate adjourned until Monday morning, 10 o'clock.

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Monday, Dec. 18,

A message was sent to the House of Commons, stating that the Senate have passed the following Engrossed Bill, in which they ask the concurrence of that House, viz:

A bill to emancipate Lewis Williams, a slave; Also, that the Pension Certificate of William Sasser has been signed by the Speaker of the Senate, and ordered to be transmitted to the House of Commons.
Mr. Walker, from the committee on Propositions and Grievances, to whom was recommitted the bill to lay off and establish a new county by the name of Watauga, with specific instructions, reported. Ordered, that said bill and report be laid on the table.

Received from the House of Commons, a message stating that they have passed the Engrossed Bill to incorporate the Forestville Female Academy, in Wake county; in which they ask the concurrence of the Senate.

The said bill was read the first time and passed.

Mr. Gilmer, from the Joint Select Committee, to whom was referred so much of the Governor's Message as relates to a Day of Thanksgiving, reported a resolution to that purpose, and in accordance with the recommendation in said Message. Ordered to lie on the table.

The following bills were read the second time, and passed, viz:

A bill to incorporate Lumberton Academy;
A bill to repeal an act concerning the Wardens of the Poor in the county of Lincoln.

The engrossed bill to authorise the County Court of Mecklenburg to pay over certain Funds to the County Court of Union, was read the third time, amended on motion of Mr. Walker, and passed.

Ordered, that a message be sent to the House of Commons, asking their concurrence in said amendment.

Mr. Patterson, at his own request, was excused from serving on the committee on Swamp Lands, and Mr. Halsey was substituted.

Mr. Walker was also excused from serving on said committee, at his own request, and Mr. Thompson of Bertie, was substituted.

The resolution in favor of Abram Harshaw, was read the third time, amended on motion of Mr. Thomas of Haywood, and passed.

Ordered, That a message be sent to the House of Commons, asking their concurrence in said amendment.
The following engrossed bills were read the third time, passed, and ordered to be enrolled, viz:

"A bill to lay off a road from Newton to Morganton;"
"A bill to condemn a part of Hayne street, in the Town of Monroe, in Union County, for the purpose of erecting a Public Jail thereon;"
"A bill to incorporate the Summerfield Guards."

The bill to clear out Lumber River, in the counties of Richmond and Robeson, was read the second time and rejected; yeas 18; nays 28.

Mr. Exum demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


The engrossed bill to incorporate Blount's Creek Manufacturing Company, in the Town of Fayetteville, was read the third time and passed;

Also, the engrossed bill, entitled "a bill to incorporate the Bertie Guards."

Ordered, That said bills be enrolled.

The bill concerning Registers and Clerks and Masters in Equity, was read the third time, passed, and ordered to be engrossed.

The engrossed resolution relative to the State's claim against the General Government, was read the third time and passed.

Ordered, That a message be sent to the House of Commons,
asking their concurrence in the amendment passed by the Senate to said resolution.

The bill, entitled "a bill to suppress vice," was read the third time and passed. On motion of Mr. Halsey, the title of said bill was amended so as to read, "a bill to increase the Revenue of the State."

Ordered, That said bill be engrossed.

Mr. Gilmer introduced the following Resolution, to-wit:

Resolved by the Senate, and the House of Commons concurring, That the two Houses adjourn, sine die, on the second day of January next.

Which was adopted, Yeas 31, Nays 15.

Mr. Gilmer demanded the Yeas and Nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell, Berry, Bower, Collins, Conner, Daniel, Drake, Eborn, Exum, Faison, Gilmer, Graham, Halsey, Hester, Kendall, Lane, Moye, Murchison, Reich, Rogers, Rowland, Smaw, Thomas, of Davidson, Thomas, of Haywood, Thompson, of Bertie, Walker, Watson, Willey, and Woodfin.

Those who voted in the negative are:


On motion of Mr. Joyner,

Resolved, That the committee to whom was referred the Governor's Message and plan or project of a Rail Road from Gaston to Charlotte, enquire into the expediency of commencing the said work at Weldon, on Roanoke River.

On motion of Mr. Thomas of Davidson,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses vote, forthwith, for Senator of
the United States, for six years, after the 4th day of March next.

Mr. Rogers moved that the Senate adjourn, which was decided in the negative, Yeas 24, Nays 25.

Mr. Lillington demanded the yeas and nays.

Those who voted in the affirmative are—


Those who voted in the negative are—


On motion of Mr. Halsey, the Senate adjourned.

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Tuesday, December 19.

Mr. Shepard presented the memorial of William Glover and others, in reference to the navigation of the waters of the Albemarle, where Fisheries are situated. Referred, on motion of Mr. Shepard, to the Committee on the Judiciary.

Mr. Patterson, from the Committee on Internal Improvement, to whom was referred a Resolution proposing a surrender of the "Club Foot and Harlows Creek Canal," reported adversely thereto, and asked to be discharged. Concurred in, and said Committee discharged accordingly.

Mr. Davidson presented the memorial of Andrew Baggerly; which was referred, on his motion, to the Committee on Propositions and Grievances.
Mr. Shepard from the Joint Select Committee, to whom was referred so much of the Governor’s message as relates to the extension of the Raleigh and Gaston Rail Road to Charlotte, reported a bill entitled “A bill to incorporate the North Carolina Rail Road and for other purposes;” which was read the first time, passed, and on motion of Mr. Shepard, laid on the table and ordered to be printed.

Mr. Patterson, from the Committee on Cherokee Lands, to whom was referred a memorial for the relief of the purchasers of Cherokee Lands, reported a bill entitled “A Bill to provide relief for the Purchasers of Cherokee Lands at the sale of 1838, and to secure a portion of the debts of the State;” which was read the first time, passed, and on motion of Mr. Thomas of Haywood, said bill and report were ordered to lie on the table, and be printed.

Mr. Thompson of Wake, introduced a resolution in favor of Robert W. Haywood, which was read the first time, passed, and on motion of Mr. Thompson of Wake, referred to the Committee on Claims.

Mr. Speight introduced the following Preamble and Resolution, viz:

WHEREAS, there has been no map of the State since the year 1831, and the one then made was exceedingly defective, especially to the Western portion of the State;

And whereas, since that time, the division of Counties, establishment of Town and County Seats have contributed largely to render said map still more defective;

And whereas, it is a cause of reproach to us as a People, and greatly reflects on the state of Education, that we have taken so little interest in the more perfect knowledge of the Territory whose unity makes us one People;

And whereas, in many cases there can be no enlightened legislation without a correct knowledge of the topography of the State; and for all these reasons, a more perfect map made upon correct surveys is desired:

Be it therefore resolved, That it be referred to the committee on the Library, to enquire into the propriety of procuring a new and accurate map of the State, and if in the opinion of
the committee such map ought to be procured, then to report the most practicable mode of doing so.

Which was read and adopted.

Mr. Rogers presented the following Preamble and Resolutions, to-wit:

Whereas, His Excellency, the Governor, in his Message to the present General Assembly, suggests for its consideration various schemes of Internal Improvement, in addition to those already constituted; And whereas, the funds of the State have been applied both in payment for stock in the Wilmington and Raleigh Rail Road, and bonds endorsed by the State through the Legislature; And whereas, the People ought to be informed of the pecuniary transactions of the State:

Therefore, Resolved, That the Governor be requested to communicate to the Senate, at as early a day as practicable, the amount of stock held by the State in the Wilmington and Raleigh Rail Road, and the amount the State has paid as Endorser for said Company, as well as for the Raleigh and Gaston Rail Road Company, specifying the time as well as the amount of each payment, the amount falling due on the first day of January next, and that His Excellency be requested also to inform the Senate, of the amount of liabilities or indebtedness of the State, on account of the said Rail Roads, falling due from and after the first day of January next, and the interest likely to accrue thereon, making apparent the whole amount the State has paid, and may hereafter have to pay, as a Stockholder, and as security for the said Rail Road Companies.

And be it further Resolved, That His Excellency be requested to inform the Senate, by what authority the loan of twenty-five thousand dollars was applied for and obtained from the Bank of the State, and a deed in trust given on the Raleigh and Gaston Rail Road and its appendant property, to secure the same; and also what amount the State will, in his opinion, probably realize from the suits now pending against the stockholders and other obligors of the said Rail Road Company, to recover the indemnity stipulated, in the event of any loss to the State by reason of her suretyship for that Company.
Which were adopted—yeas 25, nays 19.

Mr. Rogers demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Barnard, Bell, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Halsey, Hester, Moye, Murchison, Reich, Rogers, Speight, Spicer, Thompson, of Wake, Ward, Walker, Watson, Willey and Wooten.

Those who voted in the negative are:


Mr. Miller introduced "a bill to authorise the erection of a Male and Female Academy, in or near the Town of Shelby, in Cleveland county;" which was read the first time and passed.

Mr. Shepard introduced "A bill to incorporate Perquimans County Academy;" which passed its first reading, and was referred to the Committee on Education. Also, "a bill to extend the time of the duration of the Charter for erecting a Bridge across Pasquotank River;" which also passed its first reading, and was referred to the Committee on Internal Improvements.

On motion of Mr. Bower, the vote on the passage of the Bill to clear out Lumber River, in the Counties of Richmond and Robeson, its second reading, was re-considered, and on motion of Mr. Rowland, said Bill was referred to the Committee on Internal Improvement.

Mr. Thomas of Davidson, moved that a Message be sent to the House of Commons, proposing to vote forthwith for United States' Senator.

Mr. Rogers moved to amend the motion, by striking out the word "forthwith," and inserting in lieu thereof, the words "tomorrow, at 12 o'clock."

Pending this motion, Mr. Thomas of Haywood moved that
the Senate adjourn; which was decided in the negative, yeas 14, nays 33.

Mr. Gilmer demanded the yeas and nays. Those who voted in the affirmative are:

Messrs. Berry, Bethell, Bower, Collins, Conner, Drake, Graham, Murchison, Rogers, Shepard, Speight, Thomas, of Haywood, Thompson, of Wake, and Watson.

Those who voted in the negative are:


The question was then taken on the amendment moved by Mr. Rogers, to the motion of Mr. Thomas of Davidson, and decided in the affirmative; Yeas 24, Nays 23.

Mr. Thomas, of Haywood, demanded the Yeas and Nays. Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Joyner, Kendall, Lane, Miller, Patterson, Reich, Rowland, Smaw, Smith, Thomas of Davidson, Thompson, of Bertie, Washington, Willey, Woodfin, and Worth.

The motion as amended was then agreed to, and a message was sent to the House of Commons, asking their concurrence. Mr. Smith introduced "a bill to confer on the Courts cer-
tain powers over Imprisoned Lunatics;" which was read the first time, passed, and referred to the committee on the Judiciary.

A message was received from the House of Commons, transmitting the Report of the Attorney General upon the claim of the Devises of Mr. Cathcart, with a proposition to print; which was concurred in. Also, stating, that they have ordered the Pension Certificate of T. Gardner and William Sasser, to be countersigned by the Speaker of the Commons, and returned to the Senate.

On motion of Mr. Lillington, the Senate then adjourned.

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Wednesday, December 20.

Mr. Thompson, of Wake, presented the memorial of sundry persons, Trustees of Wake Forest College, praying the passage of a law to forbid the retailing of Ardent Spirits within three miles of said College. On motion of Mr. Thompson of Wake, said memorial was referred to the committee on Propositions and Grievances.

Mr. Thompson, of Bertie, from the Joint Select Committee appointed to wait on His Excellency, Governor Manly, and learn from him, at what time it will be convenient for him to take the oaths of office, reported, that he signified his readiness to appear before the two Houses, for that purpose, on the first day of January next.

Mr. Walker, from the Committee on Propositions and Grievances, to whom was referred a bill to amend an act, entitled "An act to amend the laws regulating the inspection of Turpentine," reported the same with an amendment. Ordered, that said bill and amendment lie on the table.

On motion of Mr. Moye,

Whereas, there are cases where gross injustice has been done to persons who were provided for in Deeds of Trust, by
the makers thereof, in which large sums were given the Trustees by way of commissions:

Resolved, That the Judiciary Committee be instructed to take into consideration the propriety of passing a law, giving to Trustees, in all cases where the sale is made for cash, only two and a half per cent. commissions; and when the property is sold on credit, not more than five per cent. commissions; and that they report by bill or otherwise.

The following bills were introduced, read the first time and passed, viz:

By Mr. Moye—
"A bill to incorporate Tosnot Depot and Hickory Grove, in the County of Edgecomb, into a town by the name of Wilson."

By Mr. Shepard—
"A bill to incorporate Achoree Lodge, No. 14, of the Independent Order of Odd Fellows."

By Mr. Spicer—
A bill to revive an act entitled "An act to establish and incorporate a Town at Onslow Court House, in the County of Onslow, by the name of Jacksonville."

Received from the House of Commons, a message, stating their concurrence in the proposition of the Senate, to vote this day at 12 o'clock, for United States' Senator, and that Messrs. Satterthwaite and Wooten form the House branch of the Committee to superintend said election.

Mr. Drake introduced a bill to increase the compensation of the Chairman of the Board of Superintendents of Common Schools; which was read the first time, passed, and ordered to be referred to the Committee on Education.

Received from the House of Commons a message, stating that they have passed the following Engrossed bill, in which they ask the concurrence of the Senate, viz:

"A bill to incorporate a Female College in the County of Anson."

Said bill was read the first time and passed.

Mr. Woodfin introduced a Resolution directing the Doorkeepers to purchase chairs for the Committee Rooms; which was read the first time and passed. The Rules were suspend-
ed, and said Resolution was read the second and third times, passed, and ordered to be engrossed.

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, viz:

"Resolution for the relief of Fendall Griffin;"
"Resolution in favor of M. O. Dickerson."

Mr. Thomas of Haywood, presented the memorial of sundry citizens of the county of Cherokee, praying the grant of a burying ground on the public lands. Also, from the citizens of Haywood and Macon, for a new county out of portions of said counties. Also, from sundry citizens of Cherokee county, relating to the Cherokees on Valley River; all of which memorials were referred, on motion of Mr. Thomas, of Haywood, to the committee on Propositions and Grievances.

On motion of Mr. Woodfin, the bill to provide for making a Turnpike Road from Salisbury, West to the line of the State of Georgia, was taken up and made the order of the day for to-morrow.

The following Bills and Resolution were read the second time and passed, viz:

"A bill to authorise the erection of a Male and Female Academy, in or near the town of Shelby, in Cleveland county;"
"A bill to incorporate the Trustees of Forestville Female Academy, in Wake county;"
"Resolution to appoint a day of Thanksgiving;"
"A bill to authorise the further taxation of costs in the trial of actions at law."

The following Bills were read the third time, passed, and ordered to be Engrossed, viz:

"A bill to repeal an act concerning the Wardens of the Poor in the county of Lincoln;"
"A bill to incorporate Lumberton Academy."

Mr. Miller presented the memorial of Andrew Hoyle and
James P. Oats, of Gaston county; which was referred, on his motion, to the committee on Propositions and Grievances.

Received from His Excellency, the Governor, a message transmitting the petition of John H. Wheeler, with an accompanying letter from the American Minister in London, in reference to procuring documents and copies of records, &c., from the Archives of Great Britain, in relation to our Colonial History; which were referred, on motion of Mr. Washington, to a Select Committee: Messrs. Washington, Shepard, Ashe, Halsey and Graham, were appointed on said committee.

The bill to lay off and establish a new county by the name of Watauga, was taken up, and on motion of Mr. Walker, laid on the table.

The hour of twelve having arrived, a message was sent to the House of Commons, stating that Messrs. Thomas of Davidson, and Bethell, form the Senate’s branch of the committee to superintend the election of United States’ Senator, and the Senate would proceed to vote on return of the messenger.

The Senate voted as follows, viz:

FOR MR. BADGER.

FOR MR. CLINGMAN:

FOR MR. LEAK—Messrs. Berry, Exum and Hester—3.


FOR MR. W. B. SHEPARD—Messrs.Rogers, and Thompson, of Wake—2.

FOR MR. McKAY—Mr. Faison—1.

FOR MR. RAYNER—Mr. Shepard—1.
Mr. Thomas of Davidson, from the committee appointed to superintend said election, reported that no one having received a majority of the votes given, there is no election.

On motion of Mr. Thomas, of Davidson,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses vote again, forthwith, for United States' Senator.

Received from the House of Commons, a message stating that they concur in the proposition of the Senate to vote again, forthwith, for United States' Senator, and that Messrs. W. K. Martin, and Biggs, form the committee on the part of the House, to superintend said election; and also, that the Hon. D. L. Swain is in nomination for said appointment.

A message was sent to the House of Commons, announcing that Messrs. Lillington and Graham form the Senate branch of the Committee to superintend said election, and that the Senate would vote on return of the messenger.

The Senate then voted as follows, viz:

FOR MR. BADGER:

FOR MR. CLINGMAN:

FOR MR. EDWARDS: Messrs. Hawkins, Moye, Rogers—3.

FOR MR. LEAK: Messrs. Exum and Hester—2.


FOR MR. MR. McKAY: Mr. Graham—1.

FOR MR. RAYNER: Mr. Shepard—1.

Mr. Lillington, from the Committee appointed to superintend
said election, reported, that no one having received a majority of the votes given, there was no election.

Mr. Thomas, of Haywood, moved that the Senate adjourn; which was decided in the negative—yeas 18, nays 31.

The yeas and nays were demanded by Mr. Miller.

Those who voted in the affirmative are:


Those who voted in the negative are:


Received from the House of Commons, a message proposing that the two Houses vote again forthwith for Senator of the United States; which was concurred in, and Messrs. Gilmer and Hawkins appointed on the part of the Senate, to superintend said election, and the House of Commons informed thereof.

A message was received from the House of Commons, announcing that Messrs. D. F. Caldwell and Coffield, form their branch of the Committee to superintend said election, and that they would proceed to vote on return of the messenger.

The Senate then voted as follows, viz:

FOR MR. BADGER:


FOR MR. CLINGMAN:

FOR MR. LEAK: Messrs. Conner and Hester—2.


FOR MR. RAYNER: Mr. Shepard—1.

On motion of Mr. Hester, the Senate then adjourned,

Thursday, December 21.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a memorial from the Grand Jurors of McDowell county, reported the same to the Senate, and asked to be discharged from the further consideration of the subject. The committee were discharged accordingly.

Mr. Shepard, from the committee on Education, to whom was referred a bill to incorporate the Perquimans Academy, reported the same to the Senate, and recommended its passage. Ordered to lie on the table.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred the memorial of Andrew Baggerly, of Iredell county, reported adversely thereto. Report ordered to lie on the table.

Mr. Woodfin, from the committee on the Judiciary, to whom was referred a bill to secure the title of purchasers of land sold under execution, reported the same with an amendment, and recommended its passage. Ordered to lie on the table.

Mr. Smaw, from the committee on the Judiciary, to whom was referred "a bill to Increase the Revenue of the State," reported adversely thereto. Ordered to lie on the table.

Mr. Gilmer, from the committee appointed to superintend the election of United States' Senator, for six years, from and after the 4th of March next, reported that the Hon. George E. Badger having received a majority of the votes given, is duly elected.

Mr. Patterson introduced a bill to authorise E. S. Moore to
collect arrears of taxes; which was read the first time and passed.

Received from the House of Commons, a message transmitting the resignation of the Hon. W. H. Battle, of the unexpired part of his term as Judge of the Supreme Court; which was read and accepted. Also, transmitting a communication from His Excellency, Gov. Graham, in reference to the surrender of thirty tracts of Cherokee lands, and the cancellation of the bonds given by the purchasers, under the act of 18th of January, 1847; which was read, and referred to the committee on Cherokee Lands.

The resolution relative to a day of Thanksgiving, was read the third time, passed, and ordered to be engrossed; Also, The bill entitled "a bill to authorise the erection of a Male and Female Academy in the Town of Shelby, in Cleveland county;" which was also ordered to be engrossed.

The engrossed "bill to incorporate the Trustees of Forestville Academy, in Wake county," was read the third time, passed, and ordered to be enrolled.

The engrossed bill to amend an act, entitled "an act to amend the laws regulating the inspection of Turpentine, ratified 14th of January, 1847," was read the third time, amended, and passed.

Ordered, That a message be sent to the House of Commons, asking their concurrence in said amendment.

On motion of Mr. Walker, the Senate took up for consideration the bill for laying off and establishing a county by the name of Watauga; which was read the second time and passed, yeas 33, nays 13.

Mr. Halsey demanded the Yeas and Nays.

Those who voted in the affirmative are:

Messrs. Albright, Berry, Bethell, Bower, Conner, Daniel, Davidson, Drake, Faison, Graham, Gilmer, Hester, Joyner, Kendall, Lane, Lillington, Miller, Moye, Murchison, Patterson, Reich, Smaw, Speight, Thomas, of Davidson, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Washington, Watson, Woodfin, Wooten and Worth.
Those who voted in the negative are:


The bill to authorise the further taxation of costs in the trial of actions at law, was read the third time, and amended on motion of Mr. Washington, passed, and ordered to be engrossed.

The Senate then proceeded to the consideration of the order of the day, to-wit, "the bill to provide for making a Turnpike Road from Salisbury, West to the line of the State of Georgia;" on its second reading.

After the adoption of sundry amendments thereto, and before the question was taken on its passage, the Senate, on motion of Mr. Thomas of Haywood, adjourned.

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Friday, Dec. 22.

Mr. Patterson, from the Committee on Internal Improvement, to whom was referred a bill to extend the time for the duration of the charter for erecting a bridge across Pasquotank River reported the same to the Senate, and recommended its passage. Ordered to lie on the table.

Mr. Halsey introduced the following Resolution, which was adopted:

Resolved, That the Speaker of the Senate, and the Speaker of the House of Commons, inform the Hon. George E. Badger, of his election as Senator of the United States, for the State of North Carolina, for six years, from and after the 4th day of March next.

Ordered, That said Resolution be transmitted to the House of Commons, for their concurrence.
Mr. Berry introduced the following Preamble and Resolution, to-wit:

Whereas, there is a number of projects before the General Assembly, now in session, for the construction of Rail Roads, Plank Roads, Turnpike Roads, the improvement of Rivers, and the erection of a Lunatic Asylum, which, if carried out, would involve the State in an enormous debt; And whereas, it has become necessary to increase the taxes on the people, for the purpose of meeting the liabilities of the State, already existing for similar works, it is therefore important that we should, as prudent Legislators, avail ourselves of all the lights that may be derived from the experience of our predecessors:

Therefore, Resolved, That the Public Treasurer be requested to furnish to the General Assembly, now in session, with a statement of the different works of Internal Improvement, including the drainage of Swamp Lands, from the year 1817 up to 1848, with their costs, and profits, and losses to the State, from those works.

Mr. Patterson moved to amend the said resolution, by adding the following, viz: "And that the Public Treasurer be authorised to employ such assistance as may be necessary to enable him to furnish the foregoing information before the close of the present session, and that he pay for the same out of the Public Treasury, such compensation as may be just and proper."

Mr. Halsey moved to amend the amendment, by adding thereunto the following, viz: "Provided, the information desired can, in his opinion, be obtained before the close of the Session;" which was agreed to.

The question was then taken on the amendment as amended and decided in the affirmative.

The Resolution as amended, then passed its first reading—yeas 33, nays 4.

Mr. Berry demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Bell, Berry, Bethell, Bower, Daniel, Drake, Eborn, Exum, Faison, Gilmer, Graham, Halsey, Hargrove,
Hawkins, Hester, Lane, Lillington, Miller, Murchison, Patterson, Reich, Rogers, Rowland, Shepard, Smaw, Smith, Thomas of Haywood, Thompson, of Wake, Walker, Washington, Watson and Wooten.

Those who voted in the negative are:

Messrs. Barraud, Davidson, Joyner, and Woodfin.

Mr. Woodfin, from the Committee on the Judiciary, to whom was referred a Resolution instructing them to enquire into the expediency of passing a law regulating the commission of Trustees in Deeds in Trust, reported, and asked to be discharged. Ordered to lie on the table.

Mr. Woodfin, from the same Committee, to whom was referred a bill to confer on the Courts certain powers over imprisoned Lunatics, reported the same to the Senate, and recommended its passage.

Ordered to lie on the table.

Mr. Woodfin, from the same Committee, to whom was referred a Resolution in favor of the late Joseph J. Daniel, reported the same back to the Senate, and recommended its passage.

Ordered to lie on the table.

Mr. Smith, from the Committee on the Library, to whom was referred the subject of procuring a more perfect map of the State, reported it back to the Senate, and asked to be discharged. The Committee was discharged accordingly, and the said subject, on motion of Mr. Speight, was referred to the Committee on a Geological Survey of the State.

Mr. Washington, from the Committee on the Judiciary, to whom was referred "A bill to regulate the duties of Constables in the County of Onslow," reported a substitute for said bill.

Ordered to lie on the table.

Mr. Woodfin, from the Committee on the Judiciary, to whom was referred the memorial of William Glover and others, reported a Bill to carry out the prayer of the memorialists; which bill was read the first time and passed.

The following bills were introduced, read the first time and passed, viz:

By Mr. Walker—
“A bill to incorporate Charlotte Fire Engine Company;”

By Mr. Halsey—
“A bill to amend the laws now in force, relating to Bail.”
Ordered to be referred to the committee on the Judiciary;

By Mr. Rogers—
“A bill to indemnify the owners of slaves convicted of Felony.” Ordered to be referred to the committee on Propositions and Grievances.

By Mr. Gilmer—
“A bill to emancipate Thomas Gossett.” Referred to the committee on Propositions and Grievances.

The engrossed bill to amend an act entitled an act to amend the laws regulating the inspection of Turpentine, ratified 14th of January, 1847, was read the third time, passed, and a message sent to the House of Commons, asking their concurrence in the amendment thereto.

Received from the House of Commons a message, transmitting a communication and report from Charles L. Hinton, Public Treasurer, with a proposition to print. Said proposition was concurred in. Also, transmitting the report of the Treasurer of the University, and a message of His Excellency, Governor Graham, accompanying the same. On motion of Mr. Washington, a message was sent to the House of Commons, proposing to print the report of the Treasurer of the University.

The bill to provide for the settlement of Estates in the hands of Executors and Administrators, and for the relief the same, was taken up, amended, and passed its second reading.

The bill to lay off and establish a new County by the name of Watauga, was read the third time, passed, and ordered to be engrossed—yeas 30, nays 15.

Mr. Smith demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Ashe, Berry, Bethell, Bower, Conner, Daniel, Drake, Faison, Gilmer, Hester, Joyner, Kendall, Lane, Lillington, Miller, Moye, Murchson, Patterson, Reich, Smaw,

Those who voted in the negative are:


Mr. Gilmer, from the Committee on Finance, reported a bill entitled "A bill concerning the Wilmington and Raleigh Rail Road Company;" which was read the first time, passed, and ordered, on motion of Mr. Gilmer, to be printed.

The Senate then proceeded to the consideration of the order of the day, being the unfinished business of yesterday, viz:

A bill to provide for making a Turnpike Road from Salisbury West, to the line of the State of Georgia.

Mr. Conner moved to amend the bill by striking out the word "Salisbury," and inserting in lieu thereof, the words—"Charlotte, by Beaties' Ford, thence on the River Road, to Morganton."

Pending this question, the bill and amendment were, on motion of Mr. Gilmer, laid on the table, and made the special order of the day for Friday next.

On motion of Mr. Washington,

Ordered, that a message be sent to the House of Commons, proposing that when the two Houses adjourn on to-morrow, they adjourn to meet again on Tuesday next.

Leave of absence was granted to Mr. Ashe, on his own motion, from and after to-morrow, until Wednesday next.

On motion of Mr. Washington, the Senate adjourned until to-morrow, 10 o'clock.
A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill to lay off and establish a new county by the name of Watauga.

Mr. Walker presented the memorial of sundry citizens of Mecklenburg county, praying the incorporation of a Band of Music attached to the 68th Regiment of the North Carolina Militia; which on motion of Mr. Walker, was referred to the committee on Military Affairs.

Mr. Shepard presented the memorial of sundry citizens of the county of Pasquotank, praying a tax on Ardent Spirits. Referred, on his motion, to the committee on Propositions and Grievances.

Mr. Shepard, from the committee on Education, reported a bill, entitled "a bill to amend an act entitled an act to consolidate and amend the acts heretofore passed on the subject of Common Schools; which was read the first time, passed, and on motion of Mr. Shepard, ordered to be printed.

Mr. Walker, from the committee on Propositions and Grievances, to whom the subject was referred, reported. "a bill for the further protection of Wake Forest College." Read the first time and passed.

Mr. Patterson, from the committee on Internal Improvement, to whom was referred a bill and resolution in relation to the sale of the Club Foot and Harlow Creek Canal, reported a substitute for said bill; which was read the first time and passed.

On motion of Mr. Patterson,

Resolved, That the committee on Finance be instructed to enquire into the propriety of increasing the tax on Licence to Retailers of Spirituous Liquors by the small measure, and that they report by bill or otherwise.

Mr. Lane introduced a resolution in favor of Isham Hancock; which was read the first time, passed, and on motion of Mr. Lane, referred to the committee on Claims.
Received from the House of Commons, a message proposing
that the two Houses vote this day, at 12 o'clock, for a Judge
of the Supreme Court, to fill the unexpired term of Judge
Battle, resigned. Concurred in, and Messrs. Exum and Worth
appointed to superintend said election. The message from
the House also announced, that the name of Richmond M.
Pearson is in nomination for said appointment.

Mr. Washington, from the committee on the Judiciary, to
whom was referred a bill to amend an act entitled An act to
amend an act, passed at the session of 1844-45, entitled an
act to amend the 7th section of the Revised Statutes, entitled
Guardian and Ward, reported a substitute for said bill; which
was read the first time, passed, and ordered to be printed.

Mr. Woodfin introduced "a bill to establish a Toll Bridge
on French Broad River;" which was read the first time and
passed.

Mr. Lane introduced a bill to incorporate the Union Manu-
factoring Company; which was read the first time and passed.

Mr. Woodfin introduced a bill to appoint Commissioners for
the new bridge on French Broad River, in Buncombe county;
which was read the first time and passed.

Mr. Bower introduced a bill to extend the time of perfecting
titles to lands heretofore entered; which was read the first
time and passed.

Received a message from the House of Commons, concur-
ing in the amendment of the Senate to the "Engrossed Bill
to authorise the County Court of Mecklenburg to pay over
certain funds to the County Court of Union;" also in the a-
mendment to the resolution in relation to the State's Claim
against the General Government.

Ordered, That said bill and resolution be enrolled.

Received also from the House of Commons a message, con-
curring in the proposition of the Senate, that when the two
Houses adjourn this day, they adjourn until Tuesday next, 10
o'clock.

Mr. Speight presented a recommendation of sundry persons
for Justices of the Peace, for the County of Lenoir. Ordered
to be transmitted to the House of Commons.
Received from the House of Commons, a message stating that J. M. Taylor and Hargrove form their branch of the Committee to superintend the election of Judge of the Supreme Court to fill the unexpired term of Judge Battle, resigned, and that they would proceed to vote on return of the Messenger.

The Senate then voted as follows, to wit:

FOR MR. PEARSON:

Mr. Hester voted for Mr. Calvin Graves.

Mr. Exum, from the said Committee, reported that Mr. Pearson having received a majority of the votes given, is duly elected.

Mr. Thomas, of Haywood, presented the memorial of sundry citizens of the Counties of Haywood and Macon, in reference to the establishment of a new County out of portions of said counties. Referred to the committee on Propositions and Grievances.

The following bills were read the second time, and passed, viz:

A bill to incorporate a Female Academy in the county of Anson;
A bill to incorporate Achoree Lodge of I. O. O. F.
A bill to incorporate Tosnot Depot and Hickory Grove, in Edgecomb county, into a town by the name of Wilson.
A bill to incorporate the Charlotte Fire Engine Company.
A bill to revive an act, entitled an act to establish and incorporate a town at Onslow Court House. Also,
A resolution in favor of Fendall Griffin; And
A resolution in favor of M. O. Dickerson, formerly Sheriff of Rutherford.

Mr. Woodfin introduced a resolution in favor of Thomas Loring, which was read the first time and passed; Also, a reso-
lution in favor James W. Walton, which was read the first time and passed.

On motion of Mr. Speight, the Senate adjourned.

Tuesday, December 26.

Mr. Thomas, of Haywood, presented the memorial of a number of Cherokee Indians, who have become citizens of Haywood and Macon counties, asking of the Legislature protection. Referred to the committee on Propositions and Grievances.

Mr. Patterson presented the memorial of sundry citizens of Wilkes county, praying the establishment of a new county out of portions of Wilkes and Caldwell counties. Referred to the committee on Propositions and Grievances.

Mr. Shepard, from the committee on Education, to whom was referred the message of the Governor, in relation to our Revolutionary and Colonial History, reported a resolution to carry out the object of the message, entitled a resolution in relation to our Revolutionary and Colonial History; which was read the first time and passed, and ordered, with the report of the committee, &c., to be printed.

Mr. Patterson introduced a bill to amend an act passed at the last session, entitled an act to provide for the sale of certain lands in Cherokee and Macon counties, which have been surrendered to the State. Read the first time, passed, and referred to the committee on Cherokee Lands.

Mr. Halsey introduced a bill to amend the 6th section of the act of the last General Assembly, entitled "an act to provide for a re-assessment of the lands of the State," &c. Read the first time and passed.

Mr. Conner introduced a bill entitled a bill to authorise Osborn Hickel, to erect a Gate across a public highway; which
was read the first time, passed, and referred to the committee on Propositions and Grievances.

Received from the House of Commons, a message transmitting the resignation of Dr. James Webb, as Trustee of the University; which was read and accepted, and referred, on motion of Mr. Washington, to the committee on Education.

Received from His Excellency, Governor Graham, a message in response to a resolution passed by the Senate for information in relation to the liabilities of the State for Railroads, &c.; which was, on motion of Mr. Halsey, ordered to lie on the table and be printed—ten copies for each member of the Senate.

"The bill 'to incorporate Achoree Lodge, No. 14 of I. O. O. F.,'" was read the third time, passed, and ordered to be engrossed.

The following Engrossed Bills and Resolutions were read the third time, passed, and ordered to be Enrolled, viz:

"A bill to incorporate a Female Academy in the county of Anson."

A bill to incorporate Tosnot Depot and Hickory Grove in the county of Edgecombe, into a town by the name of Wilson.

"A bill to incorporate Charlotte Fire Engine Company."

Resolution for the relief of Fendall Griffin.

Resolution in favor of M. O. Dickerson, former Sheriff of Rutherford county.

"The bill to revive an act entitled an act to establish and incorporate a town at Onslow Court House, &c.; was read the third time, passed, and ordered to be engrossed.

The following Resolutions were read the second time and passed, viz:

Resolution in favor of James W. Walton.

Resolution in favor of Thomas Loring.

On motion of Mr. Woodfin the rules of the Senate were suspended and said resolutions were read the third time, passed, and ordered to be engrossed.
The bill to authorize E. S. Moore to collect arrears of Taxes, was read the second time and passed. On motion of Mr. Patterson, the rules were suspended, and said bill was read the third time, passed, and ordered to be engrossed.

The following Bills were read the second time and passed, viz:

- A bill to incorporate the Union Manufacturing Company;
- A bill to extend the time of perfecting titles to lands heretofore entered;
- A bill to appoint Commissioners for the new bridge on French Broad River, in Buncombe county;
- A bill to establish a Toll Bridge on French Broad River; also,
  - A bill for the further protection of Wake Forest College;" which was, also, on motion of Mr. Kendall, read the third time, the rules of the Senate being suspended, passed, and ordered to be engrossed.

Also, a bill to incorporate the Perquimans Academy, was read the third time, passed, and ordered to be engrossed.

The bill for the better protection of Seins and Nets, was read the second time and passed. On motion of Mr. Halsey, the rules were suspended, and said bill was read the third time, amended on motion of Mr. Shepard and Mr. Halsey, passed, and ordered to be engrossed.

Mr. Willey introduced a resolution in favor of Thomas Reddick, Sheriff of Gates county; which was read the first time, passed, and referred to the committee on Claims.

The bill to extend the time of the charter for erecting a Bridge across Pasquotank river, was read the second time and passed. On motion of Mr. Kendall, the rules were suspended, and said bill was read the third time, passed, and ordered to be engrossed.

A bill to amend the 15th section of 102d chapter of the Revised Statutes, was read the second time, amended and passed.

On motion of Mr. Miller, the Senate then adjourned.
Wednesday, December 27.

A message was sent to the House of Commons, stating that the Senate have passed the following Engrossed Bills and Resolutions, in which they ask their concurrence, viz:

"A bill to incorporate the town of Wilson;"

"A bill to incorporate Charlotte Fire Engine Company;"

"A bill to incorporate Achoree Lodge, No. 14, of I. O. O. F;"

"A bill to incorporate Perquimans Academy;"

"A bill for the further protection of Wake Forest College;"

"A bill to revive the town of Jacksonville;"

"A bill to extend the charter of Pasquotank River Bridge;"

"A bill for the better protection of seins and nets;"

"A resolution in favor of James W. Walton;"

"A resolution in favor of Thomas Loring;"

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of Pasquotank county, praying an additional tax upon Spirituous Liquors, reported adversely. Ordered to lie on the table.

Mr. Walker, from the same Committee, to whom was referred "A bill to indemnify the owners of slaves convicted of Felony," reported adversely thereto, and prayed to be discharged from its further consideration.

Ordered to lie on the table.

The following bills were introduced, read the first time and passed, viz:

By Mr. Walker—

"A bill giving longer time to register grants of land in the State, deeds of mesne conveyances, powers of attorney, &c."

By Mr. Bower—

"A bill to open and improve the road leading from Council's Store, in Ashe county, to Bedford Wiseman's Store, in Yancy County."

By Mr. Walker—

"A bill to incorporate the Providence Band of Mecklenburg County."
Referred to the Committee on Military Affairs.

On motion of Mr. Halsey,

Resolved, That a message be sent to the House of Commons proposing to raise a Joint Select Committee of four, on the part of the Senate, and four on the part of the House of Commons, who shall be required to make the necessary arrangements for inducting into office, the Governor elect, on the first day of January next.

Mr. Washington introduced a bill authorising Francis J Bentess to collect arrears of taxes. Read the first time and passed.

The following bills were read the third time, passed, and ordered to be engrossed, viz:

"A bill to appoint Commissioners for the New Bridge on French Broad River in Buncombe County;"
"A bill to establish a Toll Bridge on French Broad River;"
"A bill to incorporate the Union Manufacturing Company."

Received from the House of Commons, a message proposing to raise a Joint Select Committee of five on the part of the Senate, and seven on the part of the House of Commons, whose duty it shall be to taken into consideration the propriety of altering the time of holding the elections, and report by bill or otherwise; which was not concurred in.

Also, a message concurring in the proposition of the Senate to print the Report of the Treasurer of the University. Also, concurring in the proposition of the Senate that the Speakers of the two Houses inform the Hon. George E. Badger, of his election to the Senate of the United States.

Also, transmitting a memorial from the Indians of Cherokee county, with a proposition to refer it to a joint select committee of five on the part of the House, and three on the part of the Senate. Concurred in.

Also, transmitting the memorial of A. Whitney, in reference to a Railroad from Michigan to the Pacific. A proposition was sent to the House of Commons, on motion of Mr. Woodfin, to refer said memorial to a joint select committee of two on the
part of the Senate and three on the part of the House of Commons.

"The bill extending the time of perfecting titles to lands heretofore entered," was read the third time, passed, and ordered to be engrossed.

Messrs. Woodfin, Thomas of Haywood, and Graham, were appointed the committee on the part of the Senate on the Cherokee memorial received from the House of Commons, and that body were informed of the same.

The bill to amend the 6th section of the Act of the last General Assembly entitled An act to provide for a reassessment of the lands of the State, &c., was taken up and referred, on motion of Mr. Bower, to the committee on the Judiciary.

The resolution calling on the Public Treasurer for information in relation to the past expenditure, &c. of the State for Internal Improvements, was read the second time, amended on motion of Mr. Berry and Mr. Conner, and passed.

On motion of Mr. Shepard, the bill to amend an act entitled an act to consolidate and amend the acts heretofore passed, on the subject of Common Schools, was made the order of the day for Thursday week next, at 12 o'clock.

The bill to provide for the settlement of Estates in the hands of Executors and Administrators, and for the relief of the same, was read the third time, passed, and ordered to be engrossed.

Mr. Lillington introduced a bill to amend the third section, chapter 99, Revised Statutes, entitled Religious Societies.—Read the first time and passed.

Mr. Conner, from the committee on Claims, to whom was referred a resolution in favor of Thomas Reddick, Sheriff of Gates, reported the same to the Senate. On motion of Mr. Conner, said resolution was read the second and third time, passed, and ordered to be engrossed.

On motion of Mr. Bower, the Senator from Moore and Montgomery, (Mr. Worth) was added to the committee on Privileges and Elections.

Mr. Bower presented "a bill to amend the 9th section of the 42d chapter of the Revised Statutes, entitled Entries and
Grants; which was read the first time, passed, and referred to the committee on the Judiciary.

Received from the House of Commons a message, stating that they have passed the Engrossed bill entitled "A bill to provide for the establishment of a State Hospital for the Insane of North Carolina," in which they ask the concurrence of the Senate. Said bill was read the first time and passed.

On motion of Mr. Lillington, the Senate then adjourned.

Thursday, December 28.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed Bills and Resolution, in which they ask the concurrence of the House of Commons, viz:

"A bill to establish a Toll Bridge on French Broad River;"
"A bill to provide for the settlement of Estates in the hands Executors and Administrators, and for the relief of the same;"
"A bill for extending the time of perfecting titles to lands heretofore entered;"
"A resolution in favor of Thomas Reddick, Sheriff of Gates county."

Mr. Walker, from the Committee on Propositions and Grievances, to whom was referred the petition of Andrew Hoyle and James P. Oats, reported adversely thereto. Ordered to lie on the table.

Mr. Walker, from the same committee, to whom was referred, "A bill to authorise Osborn Hickel, to erect two Gates across a public Highway," reported adversely thereto. Ordered to lie on the table.

Mr. Walker, from the same committee, to whom was referred sundry memorials from Cherokee Indians, citizens of Haywood and Macon counties, reported the same back to the Sen-
ate, and asked to be discharged from their further consideration. Committee discharged and said memorials referred, on motion of Mr. Walker, to the joint select committee on Cherokee Memorials.

Mr. Walker, from the same committee, to whom was referred a bill to emancipate Thomas Gossitt, reported the same to the Senate, and recommended its passage. Ordered to lie on the table.

Mr. Shepard presented to the Senate, a letter from the Hon. George Bancroft, Minister of the United States, at London, transmitting a copy of a letter of James Wright, in reference to the Colonial History of North Carolina. Said letters were, on motion of Mr. Shepard, ordered to be printed.

Mr. Halsey introduced the following Resolution, viz:

Resolved, That the Principal Clerks of the two Houses of the General Assembly, be directed to dismiss the Engrossing Clerks, who have been appointed by them at the present session, and appoint others, who will remain at their posts and discharge the duties assigned them. Which was read and adopted, and on motion of Mr. Halsey,

Ordered, That said Resolution be transmitted to the House of Commons, with a message, asking their concurrence in the same.

Received from the House of Commons, a message concurring in the proposition of the Senate, to raise a joint select committee of four on the part of each House, to make arrangements for inducting His Excellency, Charles Manly, into office; and that Messrs. Ferebee. Thornton, Erwin, and Spivey, form their branch of said Committee.

Messrs. Halsey, Bethell, Patterson, and Hawkins, were appointed the Senate branch of said committee and the House of Commons informed thereof.

The following bills were introduced, read the first time and passed, viz:

By Mr. Washington—
A bill to amend the law in relation to the collection of Taxes for the town of Newbern.
By Mr. Bell—
A bill to revive an act entitled an act to establish and incorporate a town at Trent Bridge, in the county of Jones, by the name of Pollocksville.

By Mr. Barnard—
A bill to incorporate the Camden Guards.

By Mr. Halsey—
A bill to provide for the better keeping of the State Capitol, the preservation of the enclosure of the Capitol Square, and the improvement of the grounds thereof. Ordered to be printed.

By Mr. Patterson—
A bill for the more speedy administration of Justice in certain cases. Referred to the committee on the Judiciary.

The resolution in relation to our Revolutionary and Colonial History, was read the second time and passed.

The bill to amend the 15th section of the 102nd chapter of the Revised Code, was read the third time, passed, and ordered to be engrossed.

The following bills were read the second time and passed, viz:

A bill giving longer time to register grants of land in this State, deeds of mesne conveyances, powers of attorney, &c.

A bill to open and improve the road leading from Council's Store, in Ashe, to Bedford Wiseman's in Yancy county.

A bill to amend section 3d, chapter 99, Revised Statutes, entitled Religious Societies.

The bill to authorise Francis J. Prentiss to collect arrears of taxes, was read the second time, amended on motion of Mr. Daniel, by extending its provisions to George D. Boyle, late Sheriff of Anson county, and passed.

Mr. Conner introduced the following resolution, to-wit:

Resolved, That the committee on Finance be instructed to enquire into the expediency of reducing the tax on Gates erected on public roads.

Which was adopted.
Received from the House of Commons a message, concurring in the proposition of the Senate to refer the memorial of A. Whitney, Esq. on the subject of a Railroad from Michigan to the Pacific Ocean, to a joint select committee of two on the part of the Senate, and three on the part of the House of Commons, and stating that Messrs. Rayner, Dobbin, and Satterthwaite, form their branch of said committee. Messrs. Woodfin and Walker were appointed the Senate branch of said committee, and the House of Commons informed thereof.

Received also from the House, a message stating that Messrs. T. R. Caldwell, Stockard, A. M. Gambill, Palmer, and Skinner, form the House branch of the joint select committee on the Cherokee Indian memorial.

Received also from the House of Commons, the resignation of Alfred Hall, of Macon, and Will. S. Pender, of Bertie, as Justices of the Peace for said counties respectively; which were read and accepted.

The engrossed bill to provide for the establishment of a State Hospital for the Insane in North Carolina, was read the second time and passed.

Received from the House of Commons, a message stating that they have passed the following Engrossed Bills, in which they ask the concurrence of the Senate, viz:

A bill to incorporate the Male Academy in the county of Iredell;

A bill to provide for the payment of the debt of the State to the Bank of Cape Fear, to the Bank of the State, and other debts due on account of the endorsement by the State, of the Raleigh and Gaston Rail Road Bonds.

Said bills were read the first time and passed.

The bill to indemnify the owners of slaves convicted of Felony, was read the second time and rejected; Yeas 1, Nays 38.

Mr. Albright demanded the Yeas and Nays.

Mr. Rogers voted in the affirmative.
Those who voted in the negative are:


Mr. Halsey introduced the following resolution, viz:

Resolved, That the Treasurer pay Thomas Anderson, Five dollars, for bringing to this place returns relating to the contested election from Orange county.

Which was read the first time and passed.

On motion of Mr. Washington, the bill to provide for the establishment of a State Hospital for the Insane in North Carolina, was made the order of the day for Saturday next, at 12 o'clock.

On motion of Mr. Halsey, the Senate adjourned.

Friday, Dec. 29.

A message was sent to the House of Commons, stating that the Senate have passed the following Engrossed Bills.

A bill to incorporate the Union Manufacturing Company.
A bill to appoint Commissioners for the New Bridge on French Broad river, in Buncombe county.

In which they asked the concurrence of the House of Commons.

Mr. Bower, from the committee on Military Affairs, to whom was referred, "a bill to incorporate the Providence Band, of Mecklenburg county;" reported the same and recommended its passage. Ordered to lie on the table.
Mr. Washington, from the committee appointed to examine and report upon the Buildings now being erected in the city of Raleigh, for the accommodation and education of the Deaf and Dumb, reported a bill entitled, "A bill amendatory and supplemental to an act passed at the last session of the General Assembly, entitled an act to provide suitable buildings for the comfortable accommodation of Deaf Mutes and Blind persons of this State; which was read the first time and passed. On motion of Mr. Washington, ordered that said bill and the report be printed.

The following bills were introduced, read, and passed the first time, viz:

"A bill to incorporate the Davidson Mining and Smelting Company"—by Mr. Thomas, of Davidson.

"A bill in favor of the Sheriffs of the State"—by Mr. Gilmer.

"A bill to open and improve the Road from Saluthiel Stone's old place, in Forsyth County, to the Virginia line, near the mouth of Wilson, in Ashe County"—by Mr. Bower.

A bill to revive and amend an act entitled "An act to amend an act passed at Raleigh, 1805, entitled an act to establish an Academy in the County of Buncombe"—by Mr. Woodfin.

Received from the House of Commons, a message transmitting a communication from His Excellency, Gov. Graham, announcing an additional vacancy in the Board of Trustees of the University.

Also stating, that they have passed the following engrossed Bills and Resolutions, in which they ask the concurrence of the Senate, viz:

A bill to repeal the 2nd section of an act entitled "An act to incorporate the town of Windsor, in Bertie," and to amend the same.

A bill to incorporate the Union Manufacturing Company, in the town of Fayetteville.

A bill to incorporate the North Carolina Blues, in the county of Wake.

A bill to amend the first section of the 109th chapter of the Revised Statutes, entitled "An act concerning Sheriffs."
A bill to amend an act passed in 1844-45, entitled "An act to incorporate the town of Monroe, in the county of Union."

A bill to extend the time for registering grants, mesne conveyances, powers of attorney, bills of sale, and deeds of gift.

A bill for the incorporation of the town of Salisbury.

Resolution in favor of William Angel.

Resolution in favor of the Clerk of the County Court of Martin; and

Resolution for the relief of Young Patterson.

Received from the House of Commons, a message proposing that the two Houses vote on Monday next, for four Trustees of the University. Conceded in.

Also, proposing to set apart to-morrow for the purpose of appointing Justices of the Peace. Ordered to lie on the table.

Received also, a message stating that they do not concur in the resolution of the Senate, directing the Principal Clerks to dismiss the two Engrossing Clerks who were absent.

The Senate then proceeded to the consideration of the order of the day, viz: "A bill to provide for a Turnpike Road from Salisbury West to the line of the State of Georgia." The question being on the amendment moved by Mr. Conner, to strike out the word "Salisbury" in the first section of the bill, and insert in lieu thereof, the words "Charlotte by Beatie's Ford, thence on the River Road to Morganton." The amendment was rejected. The question then recurred on the passage of the bill on its second reading, and was decided in the affirmative.

On motion of Mr. Thomas, of Haywood, the Senate adjourned.

Saturday, Dec. 30.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed Bill and asking their concurrence, viz:
A bill to amend the 15th section of the 102nd chapter of the Revised Statutes. Also, stating that the Senate concur in the proposition to vote for four Trustees of the University, at 11 o'clock, on Monday next, and that Messrs. Murchison and Albright form the Senate branch of the committee to superintend said election.

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 alter and amend the 1st, 3rd, and 4th sections of chapter 94, of the Statutes of 1846-7, entitled an act to appoint commissioners to view and law off a road from Asheville, in Buncombe county, to Burnsville, in Yancy county;

A bill for the relief of James Stewart, of Cherokee county;

A bill to incorporate Pamlico Encampment, No. 6, of the Independent Order of Odd Fellows, in the town of Washington;

A bill to secure the more certain administration of Justice.

A bill to exempt the Wardens of the Poor and the County Trustees of the several counties of the State from Military duty.

A bill to incorporate Antioch Academy in the county of Robeson.

A bill to amend an act entitled "An act authorising the County Court of Lincoln to exercise exclusive jurisdiction on the public road, which is the dividing line between the counties of Lincoln and Cleveland."

A bill to incorporate the Duplin Guards, an independent corps of Cavalry in the county of Duplin.

A bill to amend an act, supplemental to an act passed at the Session of 1842-43, entitled "An act to lay off and establish a County by the name of McDowell."

A bill to amend an act entitled "An act to incorporate the Orapeake Canal and Turnpike Company."

A bill to empower the Justices of the Peace of the county of New Hanover to sell the Poor House in said County.

A bill to regulate the duties of Sheriffs.
A bill to alter the time of holding the non Jury Term of the Court of Pleas and Quarter Sessions for the county of Lincoln.

A bill to incorporate Union Chapter, No. 17, in the county of Duplin.

A bill to facilitate the taking of depositions of witnesses in the State, to be read in suits pending in the Courts of other States.

A bill to extend the limits of the town of Lincoln.

A bill for the incorporation of the Grand Lodge of North Carolina of the I. O. O. F.

A bill to amend the 49th chapter of the Revised Statutes, entitled "Forcible Entry or Detainer;" also the following engrossed Resolutions, viz:

Resolution in favor of Messrs. Hall and Kincey.

Resolution for the relief of the Clerk of the County Court of New Hanover.

Which bills and resolutions were read the first time and passed.

Received also, from the House of Commons, a message proposing that the following be adopted as one of the Joint Rules of both Houses, viz:

There shall be a joint committee on Public Buildings and Grounds, consisting of three members on the part of the House of Commons and two on the part of the Senate, whose duty it shall be to consider all subjects relating to the Public Edifices and Grounds, within the city of Raleigh, which may be referred to them, and report such propositions relating thereto, as may seem to them expedient.

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

Mr. Halsey, from the joint select committee, appointed to provide for the induction into office of His Excellency, Charles Manly, Governor elect, reported arrangements therefor; which report was concurred in by the Senate.

Mr. Gilmer, from the committee on the Judiciary, to whom was referred a bill supplemental to an act passed at the present General Assembly, entitled an act to divide the county of Stokes into two distinct counties;" reported the same to the
Senate, with sundry amendments. Ordered to lie on the table.

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 revive and amend the 7th section of an act supplemental to an act passed by the General Assembly, in the year 1842, entitled an act to establish and lay off a new county by the name of Catawba.

A bill to alter the time of holding the Superior Courts of Law and Equity and Courts of Pleas and Quarter Sessions, in the county of Lenoir.

A bill to incorporate the Newbern Manufacturing Company. A bill to amend an act entitled an act concerning Weights and Measures.

A bill to incorporate Covenant Lodge, No. 17, of the I. O. O. F. in the town of Greenville, Pitt county.

A bill to incorporate Neuse Lodge, No. 6, in the town of Goldsboro', Wayne county.

A bill more effectually to suppress the traffic with slaves, and amendatory of the 75th section of the 34th chapter of Revised Statutes, entitled Crimes and Punishments.

Said bills were read the first time and passed.

Mr. Bower introduced the following Resolution, viz:

Resolved, That the committee on Privileges and Elections, be empowered to employ a Clerk during the time the said committee are engaged in the investigation of the case of the contested Senatorial Election for the 30th Senatorial District, provided the said Clerk be not allowed more than two dollars a day.

Which was read the first time and passed. On motion of Mr. Bower, the said Resolution was read the second and third times and passed—the rules of the Senate being suspended for that purpose.

Mr. Worth introduced "A bill to incorporate the Clay Mining Company;" read the first time and passed.

Mr. Conner "A bill to improve the navigation of the Ca-
tawba river, from the point where the Railroad from Columbia to Charlotte crosses said river, as far up as may be practicable;" read the first time, passed, and referred to the committee on Internal Improvement.

The following Bills were read the third time, passed, and ordered to be engrossed, viz:

A bill to open and improve the road leading from Council’s Store, in Ashe county to Bedford Wiseman’s, in Yancy county.

A bill to amend section 3d chapter 99, Revised Statutes, entitled Religious Societies.

The resolutions calling on the Public Treasurer, for information in reference to expenditures heretofore made by the State for Internal Improvements, &c., were taken up and read the third time. Mr. Woodfin, moved to amend the Resolution by adding thereto, the following, viz: "and similar information as to all the sister States." Before the question was taken on said amendment, the further consideration of the resolution was suspended to take up the special order of the day, being the bill to provide for the establishment of a State Hospital for the Insane of North Carolina.

After some time spent in the discussion of said bill, the question on its third reading, was taken and decided in the affirmative. Ordered that said bill be enrolled.

On motion of Mr. Washington, the Senate adjourned until Monday morning, 10 o’clock.

Monday, Jan. 1, 1849.

Mr. Conner moved to amend the Journal of Saturday last, in that part which announces the passage on its third reading, of the Engrossed Bill "to provide for the establishment of a State Hospital for the Insane in North Carolina," by adding the following, to wit: "Mr. Conner called for a count. There-
upon Mr. Smith, of Hertford, and Mr. Conner, of Lincoln, were appointed, and reported 30 for the bill.

Mr. Patterson, moved that said motion be laid on the table; which was decided in the affirmative; yeas 26, nays 17.

Mr. Conner demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Hawkins, Joyner, Kendall, Lane, Miller, Moye, Murchison, Patterson, Rowland, Shepard, Smaw, Smith, Speight, Thomas, of Davidson, Washington, Willey, and Woodfin.

Those who voted in the negative are:


Mr. Moye then moved that the vote by which said bill passed its third reading, and was ordered to be enrolled, be reconsidered, which was decided in the negative; yeas 21, nays 22.

The Yeas and Nays were demanded by Mr. Moye.

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Albright, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Hawkins, Joyner, Kendall, Lane, Miller, Murchison, Patterson, Reich, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Washington, and Woodfin.

Received from the House of Commons a message, proposing that the joint order for the election of four Trustees of the University, this day at 11 o'clock, be reconsidered and
that said election be had on to-morrow, at 11 o'clock. Con-
curred in.

On motion of Mr. Albright,

Resolved, That the Comptroller furnish the Senate with a
statement of the amount due on Cherokee Lands, taken at the
Land sale of 1838, (exclusive of the bonds furnished for sur-
rrendered Lands). Also, what amount of money has been paid
into the Treasury on account of the sales of Cherokee Lands
in 1838.

The following bills were introduced, read the first time, and
passed, viz:

By Mr. Reich—
A bill to incorporate the Young Mens' Missionary Society,
in the town of Salem, in the county of Stokes.

By Mr. Washington—
A bill to repeal an act passed at the last session of the Gen-
eral Assembly, entitled an act to amend an act to reduce into
one the several acts concerning Pilots and Commissioners of
Navigation, Revised Statutes, chapter 88, section 40.

By Mr. Smith—
A bill to amend an act passed at the last session of the Gen-
eral Assembly, entitled an act to increase the Public Revenue.

By Mr. Ashe—
A bill to locate the Judges of the Superior Courts of Law
and Equity in North Carolina.

Mr. Woodfin, from the committee on the Judiciary, to whom
was referred a bill to amend the Revised Statutes, relating to
bail, reported to the Senate the same, and recommended its
passage. Ordered to lie on the table.

Mr. Watson, from the committee on Finance, to whom was
referred a bill to amend the tenth section of the 102d chapter
of the Revised Statutes, concerning Pedlars, reported a sub-
stitute for the same. Ordered to lie on the table.

A bill giving further time to register grants of land, &c., in
this State, was taken up, and on motion of Mr. Walker, order-
ed to lie on the table.

The bill to provide for making a Turnpike Road from Salis-
bury, West to the line of the State of Georgia, was read the third time, and on motion of Mr. Thomas, of Haywood, laid on the table.

Mr. Bell presented the memorial of sundry citizens of the county of Carteret, in reference to the Club Foot and Harlow Creek Canal, which was referred to the committee on Internal Improvements.

The resolution in relation to our Colonial and Revolutionary History, was read the third time. Mr. Shepard moved to amend the same, by striking out the words "six hundred," and inserting in lieu thereof, the words "one thousand."

Pending the question on this motion, a message was received from the House of Commons, announcing that they were prepared to receive the Senators into their Hall, for the purpose of inaugurating the Governor elect. The members of the Senate then repaired to the Hall of the House of Commons, and after the ceremony of inaugurating his Excellency, Charles Manly, as Governor of the State, was concluded, they returned to the Senate Chamber, were called to order by the Speaker, and the consideration of the amendment proposed to the resolution in relation to our Colonial and Revolutionary History, resumed. The said amendment was adopted, and the resolution as amended, passed its third reading, and was ordered to be engrossed.

The bill to authorize Francis J. Prentiss and George D. Boyle, to collect arrears of taxes, was read the third time, passed, and ordered to be engrossed.

Mr. Patterson presented the memorial of sundry citizens of Wilkes, praying that the Legislature pass some law extending the privilege of "affirming," in lieu of "swearing" in Courts of Justice, and other places. Referred to the committee on the Judiciary.

Mr. Woodfin, from the committee on the Judiciary, to whom was referred a bill to amend the 9th section, chapter 42nd, of the Revised Statutes, entitled "Entries and Grants," reported the same to the Senate, and recommended its passage. Ordered to lie on the table.

The following bills were read the second time and passed, viz:
A bill to incorporate the Camden Guards.
A bill to revive an act entitled an act to establish and incorporate a town at Trent Bridge, in the county of Jones, to be called Pollocksville.
A bill to incorporate the Stateville Male Academy, in the county of Iredell.
A bill to amend the law in relation to the collection of taxes in the town of Newbern.
Also, a resolution in favor of Thomas Anderson.

On motion of Mr. Murchison, the Senate adjourned.

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Tuesday, Jan. 2.

Mr. Conner, from the committee on Claims, to whom was referred a resolution in favor of Isham Hancock, reported the same to the Senate and recommended its passage. Ordered to lie on the table.

Mr. Washington introduced a bill entitled, "A bill to amend an act entitled an act to make real estate assets;" which was read the first time and passed. On motion of Mr. Washington, said bill was referred to the committee on the Judiciary.

Mr. Miller introduced a bill to amend the fourth section of the 65th chapter of the Revised Statutes, which was read the first time, passed, and referred to the Committee on the Judiciary.

Mr. Ashe introduced a bill to repeal the 48th chapter of the acts of the General Assembly, passed in 1846, which was read the first time, passed, and referred to the committee on the Judiciary.

Mr. Drake introduced "a bill to empower single Justices of the Peace to tax prosecutors on State Warrants, with payment of cost in certain cases;" which was read the first time, passed, and referred to the committee on the Judiciary.
Mr. Albright introduced "a bill to provide for the transfer of the Internal Improvement Fund to the Public Treasury;" which was read the first time and passed.

Mr. Miller introduced a bill to amend the Revised Statutes, section 5, chapter 102; which was read the first time, passed, and referred to the committee on Finance.

Received from the House of Commons, a message stating that they have passed "the Engrossed Resolutions upon the memorial of Asa Whitney," and asking the Senate's concurrence in the same. Said resolutions were read the first time and passed.

The Engrossed Bill to incorporate the Statesville Male Academy, in the county of Iredell; was read the third time, passed, and ordered to be enrolled.

Received from the House of Commons, a message stating that the hour of 11 o'clock, having arrived, the House would proceed on return of the messenger, to vote for four Trustees of the University; that Messrs. Hargrove and Foy, form their branch of the Committee to superintend said election, and that the following gentlemen are in nomination for the appointment of Trustees of the University, viz: James C. Dobbin, J. W. Osborne, W. R. Steele, W B. Rodman, D. S. Reid, Lewis Thompson, L. B. Sanders, Anderson Mitchell, H. T. Clarke, C. B. Hassell, T. F. S. Procter, Jesse R. Siler, James T. Miller, and William R. Smith. On motion of Mr. Albright, the name of Dr. Hall was added to the nomination.

The Senate then voted by ballot (Messrs. Albright and Mur- chison superintending the same) for said Trustees.

The Senate then proceeded to the consideration of the unfinished business, viz: the resolution calling on the Public Treasurer for information in reference to expenditures for Internal Improvements, the question being on the amendment moved by Mr. Woodfin. Said amendment was withdrawn by Mr. Woodfin, and the following moved by him as a substitute therefor, viz: "Together with such information from any of the other States of the Union, as may be in his power." This amendment was rejected. Mr. Woodfin moved further to amend
said resolution, by striking out the Preamble. Decided in the affirmative, Yeas 23, Nays 20.

Mr. Berry demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Ashe, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Hawkins, Joyner, Kendall, Lane, Miller, Patterson, Rowland, Shepard, Sma, Smith, Thomas, of Davidson, Thompson, of Bertie, Washington, Willey, and Woodfin.

Those who voted in the negative are:


Mr. Gilmer moved to amend the Resolution by adding the following, viz:

"Resolved further, That in all cases where schemes or attempts at Internal Improvement have failed, that he report the causes of such failure.

Mr. Rogers moved to amend the amendment, by adding thereto, the following, viz:

Provided, That the said Treasurer may have documentary evidence in his possession, clearly demonstrating the fact as to the losses or profits accruing to the State, on account of said Internal Improvement." Mr. Thomas of Davidson, moved to lay said amendment and resolution on the table. Negative, yeas 7, nays 39.

Mr. Berry demanded the Yeas and Nays.

Those who voted in the affirmative are—

Messrs. Albright, Bell, Halsey, Hargrove, Reich, Thomas, of Davidson, and Thompson, of Bertie.

Those who voted in the negative are:

The question was then taken on the amendment moved by Mr. Rogers, and decided in the negative, yeas 21, nays 23.

The yeas and nays were demanded by Mr. Rogers.

Those who voted in the affirmative are:


Those who voted in the negative are:


The question then recurred on the amendment moved by Mr. Gilmer, and was decided in the affirmative.

The resolutions then passed their third reading, yeas 41, nays 5.

Mr. Berry demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Albright, Ashe, Berry, Collins and Daniel.

Ordered, That said resolutions be engrossed.
Mr. Albright, from the committee appointed to superintend the balloting for Four Trustees of the University, reported that Mr. Dobbin received 130 votes; Mr. Hassell, 67; Mr. Steele, 49; Mr. Thompson, 53; Mr. Rodman, 23; Mr. Reid, 44; Mr. Osborne, 47; Mr. Mitchell, 33; Mr. Clarke, 29; Mr. Procter, 23; Mr. Siler, 24; Mr. Saunders, 26; Mr. Smith, 18; Mr. Collins, 13; Mr. Atkins, 1; Mr. Hall, 13; Mr. Miller, 11; Mr. Lea, 3; Mr. Hardy, 2; Mr. Rayner, 3; Mr. Ashe, 2; Mr. Stanly, 2; Mr. Gales, 1; Mr. Ellis, 1; Mr. Speight, 3; Mr. Jordan, 2; Mr. Holden, 2; Mr. James, 2; Mr. Washington, 1; Mr. Thornton, 1; Mr. Heflin, 1; Mr. Worth, 1; and Mr. Ferebee, 1.

Whole number of votes given 159; necessary for a choice 80: Mr. Dobbin declared duly elected; report concurred in.

The following bills were read the third time, passed, and ordered to be engrossed, viz:

A bill to incorporate the Camden Guards.
A bill to revive an act incorporating the town of Pollocks-ville.
A bill to amend the laws in relation to the collection of taxes for the town of Newbern. Also,
A Resolution in favor of Thomas Anderson.

The following bills were read the second time and passed, viz:

A bill incorporating the Davidson Mining and Smelting Company.
A bill to extend the time for registering grants, mesne conveyances, powers of Attorney, bills of sale, and deeds of gift.
A bill to amend an act passed in 1844-45 entitled "An act to incorporate the town of Monroe, in the county of Union."
A bill for the incorporation of the town of Salisbury.
A bill to amend the 1st section of 109th chapter Revised Statutes, entitled "An act concerning Sheriffs." Referred on motion of Mr. Washington, to the Committee on the Judiciary.
Also, a Resolution in favor of William Angel, of Macon county.
A resolution for the relief of Young Patterson, Clerk of the County Court of Franklin.

A resolution in favor of the Clerk of the County Court of Macon.

On motion of Mr. Gilmer, "the bill concerning the Wilmington and Raleigh Railroad Company," was taken up and made the special order of the day for Friday next, at 12 o'clock.

The bill to provide for the payment of the debt of the State to the Bank of Cape Fear, to the Bank of the State, and other debts due on account of endorsements by the State for the Raleigh and Gaston Railroad; was read the second time, amended on motion of Mr. Shepard, and passed. On motion of Mr. Gilmer, the rules of the Senate were suspended, and said bill was read the third time, passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

The bill to open and improve the road from Salathiel Stone's Old Place, in Forsyth county, to the Virginia line, near the mouth of Wilson, in Ashe county, was read the second time and passed.

Mr. Exum introduced a bill to incorporate the town of Goldsboro; which was read the first time and passed, and referred to the committee on the Judiciary.

Mr. Woodfin introduced a bill to amend the 6th section of the 30th chapter Revised Statutes, entitled Crimes and Punishments; which was read the first time and passed.

Mr. Patterson gave notice that on to-morrow or next day, he should move to amend the rules of the Senate, so as to prohibit the introduction of any Private Bills, after the 12th instant.

Received from the House of Commons, a message transmitting the resignation of the Hon. Augustus Moore, as one of the Judges of the Superior Courts of Law and Courts of Equity, in this State, which was read and accepted.

The Senate adjourned.
Wednesday, January 3.

Mr. Patterson, from the committee on Internal Improvement, to whom was recommitted the bill to clear out Lumber River, reported the same back to the Senate. Ordered to lie on the table.

Mr. Joyner, from the joint select committee on Swamp Lands, made a report on the petition of Maj. John Clark, which was read and ordered to be sent to the House of Commons.

Mr. Daniel introduced a bill to amend an act passed at the session of 1846-7, entitled an act to provide for a reassessment of the lands of this State, and a more accurate enlistment of taxable polls; which was read the first time, passed, and referred to the committee on the Judiciary.

Received from the House of Commons, a message stating that Messrs. Satterthwaite, S. J. Person, and McClannahan, form their branch of the joint committee on Public Buildings and Grounds.

Also, proposing that the two Houses vote, forthwith, for three Trustees of the University, yet to be elected; which was concurred in, and the House informed thereof, and that Messrs. Bethell and Patterson form the Senate branch of the committee to superintend said election.

A message was then received from the House of Commons, stating that Messrs. F. J. Person, and McIntosh, form their branch of the committee to superintend said election; and the Senate then voted by ballot.

Received from the House of Commons a message, stating that they concur in the amendment of the Senate to the engrossed bill to provide for the payment of the debt of the State to the Bank of Cape Fear, to the Bank of the State, and other debts due on account of endorsements by the State for the Raleigh and Gaston Railroad, and ordered the said bill to be enrolled.

Also, that they have passed the following Engrossed Bills, in which they ask the concurrence of the Senate, viz:

A bill to repeal the act of 1846-7, entitled an act to lay off and establish the county of Polk.
A bill to consolidate and amend the several acts now in force, relating to fishing with seins and nets, in Tar and Pamlico Rivers.

A bill for the better regulation of the Militia, in the county of Cleveland.

Said bills were read the first time and passed.

The following bills were read the third time, passed, and ordered to be enrolled, viz:

A bill to extend the time for registering grants, mesne conveyances, &c.

A bill to amend an act passed in 1844-45, entitled an act to incorporate the town of Monroe, in the county of Union.

A resolution in favor of Young Patterson, Clerk of the County Court of Franklin.

A resolution in favor of the Clerk of the County Court of Macon.

The following bills were read the third time, passed, and ordered to be engrossed, viz:

A bill to open and improve the road from Salathiel Stone's Old Place, in Forsyth county, to the Virginia line, near the Mouth of Wilson, in Ashe county.

A bill to incorporate the Davidson Mining and Smelting Company.

On motion of Mr. Woodfin, the Senate took up for consideration, the bill supplemental to an act passed at the present session of the General Assembly, to lay off and establish a county by the name of Forsyth, which was read the second time. Mr. Gilmer moved to amend the bill by striking out all thereof after the enacting clause, and inserting a substitute. Before the question was taken thereon, on motion of Mr. Shepard, the Senate proceeded to the special order of the day, being a bill entitled, "a bill to incorporate the North Carolina Railroad Company, and for other purposes." Said bill was read the second time. On motion of Mr. Shepard, the Senate resolved itself into a committee of the whole for the consideration of said bill, Mr. Patterson in the Chair. After some time
spent therein, the committee rose and reported progress through their Chairman to the Senate, and asked leave to sit again. Leave was granted, and on motion of Mr. Speight, the Senate adjourned.

Thursday, January 4.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed Bill to incorporate the Davidson Mining and Smelting Company, in which they ask their concurrence.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a bill to repeal an act of 1846-7, entitled an act to lay off and establish the County of Polk, reported the same to the Senate, and recommended its passage. Ordered to lie on the table.

Mr. Joyner, from the joint committee on Swamp Lands, reported a bill, entitled a bill concerning the President and Directors of the Literary Fund; which was read the first time and passed.

Mr. Patterson, from the committee appointed to superintend the election of three Trustees of the University, reported that 159 votes were given, of which, 80 were necessary for a choice; that Mr. Hassell received 85 votes; Mr. Thompson, 56; Mr. Reid, 45; Mr. Steele, 43; Mr. Osborne, 41; Mr. Saunders, 28; Mr. Mitchell, 25; Mr. Clarke, 24; Mr. J. T. Miller, 22; Mr. Feebee, 17; Mr. Procter, 16; Mr. Siler, 15; Mr. Smith, 10; Mr. Collins, 9; Mr. Rodman, 8; Scattering, 28. Mr. Hassell duly elected. Report concurred in.

On motion of Mr. Patterson,

Resolved, That no private bill or private resolution, shall be introduced in the Senate, after the 12th instant, to the end of the present session.
Mr. Miller introduced a bill to incorporate the Shelby Male and Female Academy, in the county of Cleveland; which was read the first time and passed.

Mr. Murchison introduced a bill to provide for opening and clearing out Big Rock Fish Creek, in the counties of Cumberland and Robeson, and to prevent obstructions to the free navigation of the same; which was read the first time, passed, and referred to the committee on Propositions and Grievances.

Mr. Patterson introduced a bill, entitled a bill to produce conformity in the charters granted to the Charlotte and South Carolina Rail Road Companies, by the States of North and South Carolina; which was read the first time and passed.

Mr. Bell introduced a bill entitled "A bill to provide for the improvement of Club Foot and Harlow Creek Canal, and for other purposes;" which was read the first time, passed, and referred to the Committee on Internal Improvement.

Mr. Lane introduced 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.

Mr. Shepard introduced a bill entitled "A bill to amend an act entitled an act to incorporate a Mutual Insurance Company in the State of North Carolina;" which was read the first time and passed.

Mr. Hargrove introduced a bill entitled "A bill to incorporate the Granville County Mechanic's Association;" which was read the first time, passed, and referred to a Select Committee.

On motion of Mr. Speight,

Ordered, that a message be sent to the House of Commons proposing that the two Houses vote again, forthwith, for two Trustees of the University.

Mr. Moye withdrew the name of Henry T. Clarke from nomination for Trustee of the University, and information thereof was sent to the House of Commons.

Received from the House of Commons, a message, transmitting a communication from His Excellency, Gov. Manly, with the resignation of certain Justices of the Peace; also sta-
ting, that they have passed the Engrossed Bill from the Senate entitled, "A bill to unite the Roanoke Rail Road and the Sea Board and Roanoke Rail Companies and for other purposes," with an amendment, in which they ask the concurrence of the Senate. Said amendment was concurred in.

The resolution in favor of the Executors of Joseph J. Daniel, was read the second time and passed; on motion of Mr. Joyner, the rules of the Senate were suspended, and said resolution was read the third time passed, and ordered to be engrossed.

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, viz:

A bill for the better regulation of the public highways; in Rutherford County.

A bill to amend an act entitled an act to tax the vendors of foreign made riding vehicles, ratified the 18th of January, 1847. Also, "A bill to amend and consolidate the several acts heretofore passed, for the better regulation of the town of Concord, in the county of Cabarrus.

Said bills were read the first time and passed.

Received from the House of Commons, a message concurring in the proposition of the Senate, to ballot, forthwith, for two Trustees of the University, and stating that Messrs. F. B. Satterthwaite, Dennis T. Ferrebee, and Lewis Thompson, are in nomination, and that the name of F. S. Procter, is withdrawn from nomination, and stating that Messrs. J. M. Taylor and Skinner, form their branch of the committee to superintend said election. Messrs. Worth and Bower, were appointed the committee on the part of the Senate, the House of Commons informed thereof, and the Senate then voted by ballot.

The Speaker laid before the Senate a communication from the Comptroller, in relation to Cherokee Bonds, which was read, and on motion of Mr. Albright, ordered to be printed.

Received from the House of Commons, a message stating that they have passed the engrossed resolution in relation to an Asylum for the Deaf and Dumb; which was read and adopted.

The Speaker then announced the special order of the day,
A bill to amend an act entitled an act to consolidate and amend the acts heretofore passed, on the subject of Common Schools.

On motion of Mr. Shepard, the consideration of said bill was postponed, and the same made the special order of the day, for Saturday next.

On motion of Mr. Shepard, the Senate resolved itself into a committee of the Whole, on the bill entitled "a bill to incorporate the North Carolina Rail Road Company, and for other purposes," Mr. Patterson in the Chair, and after some time spent therein, the committee rose, reported through their Chairman the amendments adopted in committee, and recommended their adoption.

The question on said amendment was decided in the affirmative.

Mr. Bower moved to amend the bill, by striking out the fifth section, as follows, viz:

"Be it further enacted, That as an inducement to the old stockholders in, and obligors for, the said Raleigh and Gaston Company to subscribe to, and procure subscription for the construction of said Rail Road, whenever the aforesaid sum of five hundred thousand dollars shall be subscribed by individuals or corporations, whose solvency shall be ascertained and certified by the Board of Internal Improvement, as herein before provided, it shall be the duty of the Governor, and he is hereby directed forthwith to cause all suits which are now, or may be hereafter pending against said stockholders and obligors, for the Raleigh and Gaston Rail Road Company, to be dismissed, and the said stockholders and obligors shall be, and are hereby declared to be forever released and discharged from all liability for, or on account of said Raleigh and Gaston Rail Road Company."

Mr. Bethell moved the said bill and amendment be postponed indefinitely.

Pending this question, the Senate, on motion of Mr. Smith, adjourned.
Friday, Jan. 5, 1849.

A message was sent to the House of Commons, stating that the Senate concur in the amendment made by them to the bill to unite the Roanoke and Seaboard and Roanoke Rail Road Companies, and for other purposes.

Also, that they have passed the engrossed bill to open and improve the road from Salathiel Stone’s old place, to the Virginia line.

Also, the engrossed resolution in favor of the Executors of Joseph J. Daniel; in which they ask the concurrence of the House.

Mr. Bower, from the committee appointed to superintend the election of two Trustees of the University, reported that 162 votes were given, 81 necessary for a choice. Mr. Thompson received 78; Reid, 48, Steele, 34; Satterthwaite, 35; Ferebee, 25; Osborne, 31; Siler, 1; Saunders, 14; J. T. Miller, 14; Collins, 15; Clarke, 5; Smith, 8; scattering, 16. No election. Concurred in.

Mr. Joyner, from the joint select committee on Swamp Lands, to whom was referred so much of the report of the President and Directors of the Literary Fund, as relates to Swamp Lands, reported thereon; which was concurred in, and said report sent to the House of Commons.

Mr. Thomas, of Haywood, presented the petition of Wahchuchacha or Grasshopper, a native Indian, praying to be granted equal privileges. Referred to the committee on Cherokee Indian Memorials.

Mr. Thomas, of Haywood, also introduced a resolution in favor of S. Enloe; which was read the first time, passed, and on his motion, referred to the committee on Cherokee Indian Memorials.

Mr. Ashe introduced a bill, entitled “a bill relating to the town Magistrate for the town of Wilmington; which was read the first time and passed.

On motion of Mr. Miller,
Resolved, That the Senate, after to-morrow, take a recess, each day, from half past one o'clock, P. M., until half past 6 o'clock, until otherwise ordered.

Received from the House of Commons a message, stating that they have passed an engrossed bill to provide for a reassessment of the lands in the counties of New Hanover, Brunswick, Bladen, Johnston and Sampson, and other counties, in which they ask the concurrence of the Senate.

Said bill was read the first time and passed.

Also, stating that they have passed an Engrossed Bill, entitled a bill to improve Cape Fear and Deep River, above Fayetteville, in which they ask the concurrence of the Senate. Read the first time and passed.

Also, transmitting sundry resignations of Justices of the Peace; which were read and accepted.

Mr. Woodfin introduced a bill, entitled A Bill to appoint Commissioners to lay off a Road in the counties of Buncombe and Yancy; which was read the first time and passed.

On motion of Mr. Thomas, of Davidson,

Ordered, that a message be sent to the House of Commons proposing that the two Houses vote again, forthwith, for two Trustees of the University.

On motion of Mr. Thomas of Haywood, the Senate took up the bill to provide for making a Turnpike Road from Salisbury West, to the line of the State of Georgia.

Said bill passed its third reading, and was ordered to be engrossed—yeas 26, nays 20.

Mr. Drake demanded the yeas and nays.

Those who voted in the affirmative are:

Those who voted in the negative are:


On motion of Mr. Ashe, the Senate took up for consideration, the bill to locate the Judges of the Superior Courts of Law and Equity in North Carolina; and the same was read the second time and passed.

Received from the House of Commons, a message stating that the name of Hessrs. Osborne, Saunders, Satterthwaite, Smith, Mitchell, and Hall, are withdrawn from nomination for Trustee of the University, and that they concur in the proposition to vote again for two Trustees, and that Messrs. Carmichael and Mosely, are the committee on their part to superintend said election. Messrs. Thomas, of Davidson, and Drake, were appointed the Senate branch of said committee, and the House of Commons were informed thereof. The Senate then voted by ballot.

The Senate took up for consideration “the bill supplemental to an act passed at the present session, dividing the county of Stokes into two distinct counties;” the question being on the substitute moved by Mr. Gilmer. The said substitute was rejected; yeas 19, nays 26.

Mr. Reich demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Albright, Barnard, Bell, Bower, Collins, Davidson, Graham, Halsey, Hargrove, Joyner, Kendall, Lane, Patterson, Reich, Rowland, Smaw, Smith, Thomas, of Davidson, Thomas, of Haywood, Thompson, of Bertie, Thompson, of Wake, Walker, Washington, Willey, Wooten, and Worth.
The question then recurred on the passage of the bill its third reading, and was decided in the affirmative—yeas 30, nays 8.

Mr. Thomas of Davidson, demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Drake, Exum, Faison, Hester, Miller, Speight, Spicer and Watson.

Mr. Drake, from the committee appointed to superintend the election of two Trustees of the University, reported that 161 votes were given in—necessary for a choice 81. Mr. Thompson received 106; D. S. Reid, 64; Collins, 40; Steel, 49; Ferabee, 30. The residue scattering. Mr. Thompson declared duly elected.

Report concurred in.

The bill concerning the Wilmington and Raleigh Rail Road, was taken up, being the special order of this day.

On motion of Mr. Halsey, said bill was postponed until Tuesday next, and made the special order of that day.

On motion of Mr. Miller, the Senate took up for consideration, the engrossed bill to repeal the act of 1846—7, entitled an act to lay off and establish the county of Polk, being on its second reading. Mr. Miller moved to amend the bill by striking out all thereof after the enacting clause, and inserting a substitute, providing for the location of the Court House of said County of Polk.

Mr. Halsey moved that the bill and amendment be postponed indefinitely; which was not agreed to; Yeas 5, Nays 36.
Mr. Miller demanded the yeas and nays

Those who voted in the affirmative are:
Messrs. Daniel, Davidson, Halsey, Patterson, and Woodfin.

Those who voted in the negative are:

The question was then taken on the substitute moved by Mr. Miller, and decided in the negative, yeas 11, nays 30.

Mr. Miller demanded the yeas and nays.

Those who voted in the affirmative are:
Messrs. Daniel, Davidson, Halsey, Joyner, Kendall, Miller, Patterson, Reich, Thomas of Davidson, Thomas, of Haywood, and Woodfin.

Those who voted in the negative are:

The question then recurred on the passage of the bill its second reading, and was decided in the affirmative, yeas 32, nays 10.

Mr. Patterson demanded the yeas and nays.

Those who voted in the affirmative are:
Those who voted in the negative are—

Messrs. Daniel, Davidson, Halsey, Joyner, Kendall, Miller, Patterson, Reich, Thomas, of Haywood, and Woodfin.

On motion of Mr. Bethell, the Senate adjourned.

Saturday, Jan. 6.

Mr. Patterson, from the committee on Internal Improvement, to whom was referred the memorial of sundry citizens of Carteret county, and a bill entitled, "A bill to provide for the improvement of Club Foot and Harlow Creek Canal, and for other purposes, reported. Ordered to lie on the table.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a bill to provide for the opening and clearing out of Big Rock Fish Creek, in the counties of Cumberland and Robeson, and to prevent obstructions to the free navigation of the same; reported the same back to the Senate, and recommended its passage. Ordered to lie on the table.

On motion of Mr. Patterson,

Whereas, By a Resolution passed at the last session of the General Assembly, the Comptroller of Public Accounts was directed to make certain entries on the accounts of the purchasers of Cherokee Lands on the Books of his Office, for which a certain amount of compensation was to be allowed when the work was performed.

Be it therefore Resolved, That a committee be appointed to examine the said accounts, and report whether or not the entries have been made in conformity to the above mentioned resolution.

Mr. Gilmer introduced a resolution directing the President and Directors of the Literary Fund, to lend seven thousand
dollars to the President and Trustees of the Greensboro Female College; which was read the first time and passed.

The following bills were introduced, read the first time, and passed, viz:

By Mr. Ashe—

A bill to amend the 136th section, chapter 31 of the Revised Statutes. Referred to the committee on the Judiciary.

By Mr. Halsey—

A bill making it the duty of Sheriffs and other Officers, making sales of lands and slaves, to prepare and execute deeds for the same; referred to the committee on the Judiciary.

By Mr. Washington—

A bill in relation to Sheriffs, Clerks of the County and Superior Courts and Clerks and Masters.

By Mr. Lane—

A bill to impose taxes on Transient Merchants in the incorporated towns of this State.

The Speaker announced, that Messrs. Watson, Gilmer, Halsey, Hester and Worth, form the Committee under the Resolution in reference to the examination of accounts in the Comptroller's Office, passed this day.

Mr. Thomas, of Haywood, introduced a bill to incorporate the Mountain Guards. Read the first time and passed.

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

A bill to establish the Bank of Fayetteville.

A resolution directing the enclosure of Grounds appertaining to the Governor's Residence, and appropriation for furniture; which were read the first time and passed.

On motion of Mr. Smith,

Resolved, That a message be sent to the House of Commons proposing to raise a Joint Select Committee of eight, three from the Senate, and five from the House of Commons, to take into consideration the subject of International Exchange, on the plan proposed by M. Alexander Vattemare.
On motion of Mr. Shepard, the order of the day being the bill to amend the several acts for the regulation of Common Schools in this State, was postponed, and made the special order of the day for Wednesday next.

The Senate then proceeded to the consideration of the unfinished business, being "the bill to incorporate the North Carolina Rail Road Company, and for other purposes." The question being on the motion of Mr. Bethell to postpone the bill and amendment proposed thereto by Mr. Bower, indefinitely. Mr. Bethell withdrew his motion.

Mr. Rogers moved to amend the fifth section, by striking out all after the word "aforesaid," to the word "solveney," and inserting in lieu thereof the following words, viz: "Stockholders and obligors, or any of them, shall have subscribed for stock to the amount of five hundred thousand dollars, and their," and insert after the word Improvement, the words, "and the Attorney General of the State." Said amendment was rejected, Yeas 13, Nays 31.

Mr. Rogers demanded the Yeas and Nays.

Those who voted in the affirmative are:

Messrs. Berry, Drake, Exum, Gilmer, Murchison, Rogers, Rowland, Spicer, Thompson, of Bertie, Thompson, of Wake, Ward, Willey, and Wooten.

Those who voted in the negative are:


Mr. Joyner moved to amend the fifth section, by adding the following, viz: "whenever the said sum of five hundred thousand dollars shall have been paid by the said subscribers, and on the payment of cost incurred;" which was rejected, yeas 19, nays 24.

Mr. Thompson, of Bertie, demanded the yeas and nays.
Those who who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Albright, Bell, Berry, Bethell, Bower, Collins, Conner, Drake, Faison, Halsey, Hargrove, Hester, Kendall, Murchison, Reich, Rogers, Smith, Speight, Thomas, of Davidson, Thompson, of Bertie, Walker, Ward, Willey, and Wooten.

Mr. Smith moved to amend the said section by striking out all after the word "enacted," and inserting the following, viz:

That as an inducement to secure a subscription for the construction of said Railroad, whenever the aforesaid sum of Five Hundred Thousand Dollars shall be subscribed by the said Stockholders and Obligors, or other persons, and adequate security, to be judged of by the Board of Internal Improvement, and the Attorney General, given by the subscribers for the punctual payment of the amount of their respective subscriptions, as from time to time the same may be required, such obligors and stockholders, so as aforesaid subscribing, shall be released and discharged from further liability to the State, to the amount of their several subscriptions; and as to such as shall subscribe the full amount of their liability to the State as aforesaid, the Attorney General is hereby authorised and directed to cause the present proceeding against them, to be dismissed on payment of the costs thereof.

Mr. Exum called for a division of the question, and it was taken first upon striking out, and decided in the affirmative; Yeas 23, Nays 21.

Mr. Exum demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Berry, Bethell, Bower, Collins, Drake, Exum, Faison, Hester, Moye, Murchison, Reich, Rogers, Rowland, Smith, Speight, Spicer, Thompson, of Bertie, Walker, Ward, Watson, Willey and Wooten.
Those who voted in the negative are:


The question was then taken on the amendment moved by Mr. Smith, and decided in the negative; Yeas 21, Nays 24.

Mr. Smith demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


The question then recurred on the motion of Mr. Bower to strike out the whole of the fifth section, and was decided in the affirmative.

The bill, as amended, was then put on its second reading, and rejected; Yeas 21, Nays 25.

Mr. Bower demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Ashe, Bell, Daniel, Davidson, Gilmer, Halsey, Hargrove, Hawkins, Joyner, Lane, Miller, Patterson, Shepard, Smaw, Thomas, of Davidson, Thomas of Haywood, Thompson, of Wake, Washington Woodfin, and Worth.

Those who voted in the negative are:

The Senate then proceeded, on motion of Mr. Ashe, to the consideration of the Resolutions upon the memorial of Asa Whitney. Said resolutions were read the second time, and on motion of Mr. Shepard, laid on the table. Yeas 40, Nays 6.

Mr. Daniel demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell, Berry, Bethell, Bower, Collins, Conner, Daniel, Drake, Exum, Faison, Gilmer, Graham, Halsey, Hargrove, Hawkins, Haster, Joyner, Kendall, Lane, Miller, Moye, Patterson, Reich, Rogers, Rowland, Shepard, Smaw, Smith, Speight, Spicer, Thomas, of Davidson, Thomas, of Haywood, Thompson, of Bertie, Thompson of Wake, Ward, Willey, and Wooten.

Those who voted in the negative are:


Received from the House of Commons, a message, transmitting a communication from Governor Manly, accompanied by a letter from Miss Dix; which were read.

Mr. Smith gave notice, that on Monday next, he should move to amend the Rules of the Senate.

On motion, the Senate adjourned.

MONDAY, JANUARY 8.

Mr. Washington, from the committee on the Judiciary, to whom was referred a bill for the relief of the inhabitants of the town of Waynesboro', reported the same to the Senate, and asked to be discharged from its further consideration.
Committee discharged, and report and bill ordered to lie on
the table.

Mr. Gilmer introduced a bill to incorporate the Greensboro' and Mount Airy Turnpike Company; which was read the first
time and passed.

The engrossed resolution directing the enclosure of the
Grounds appertaining to the Governor's, &c. was taken up on
motion of Mr. Bethell, read the second time, and on motion of
Mr. Drake; referred to the committee on Public Buildings.

Received from the House of Commons, a message pro-
posing to invite M. Alexander Vattemare, to address the
two Houses on Thursday evening next, on the subject of his
system of International Literary Exchanges, and that the joint
select committee heretofore appointed on said subject, extend
said invitation. Concurred in.

On motion of Mr. Joyner,

Ordered, That a message be sent to the House of Commons,
proposing that the two Houses vote, on to-morrow, at 12 o'-
clock, for Judge of the Superior Court, to fill the vacancy oc-
casioned by the resignation of Judge Moore.

The following bills were read the second time, and passed,
viz:

A bill to incorporate the Union Manufacturing Company, in
the town of Fayetteville.

A bill to amend an act supplemental to an act passed at the
session of 1842-3, entitled an act to lay off and establish a
county by the name of McDowell.

A bill to incorporate the North Carolina Blues, in the county
of Wake.

A bill to repeal the second section of an act entitled, "an
act to incorporate the town of Windsor, in the county of
Bertie;" and to amend the same.

A bill to revise and amend the 7th section of an act supple-
mental to an act passed by the General Assembly in 1842, en-
titled an act to lay off and establish a new county by the name
of Catawba.
A bill to revive and amend an act entitled "an act to amend an act passed at Raleigh in 1805, entitled an act to establish an Academy in the county of Buncombe."

The bill entitled a bill in favor of Sheriffs of the State, was read the second time and on motion of Mr. Exum, postponed indefinitely.

On motion of Mr. Graham, the vote by which the bill to incorporate the North Carolina Railroad, and for other purposes, was rejected on its third reading, was reconsidered, and on motion of Mr. Joyner, the said bill was laid on the table and made the order of the day for Thursday next.

Mr. Ashe introduced a bill to regulate the holding of elections for Commissioners of Navigation; which was read the first time and passed.

The engrossed bill to incorporate the Duplin Guards, an independent corps of Cavalry, in the county of Duplin, was read the second time and passed.

The bill, entitled "a bill to locate the Judges of the Superior Courts of Law and Equity, in North Carolina," was read the third time and passed; Yeas 32, Nays 14.

Mr. Halsey demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are—

Messrs. Albright, Bethell, Daniel, Davidson, Gilmer, Hester, Joyner, Lane, Lillington, Miller, Patterson, Thomas of Davidson, Ward, and Worth.

The following engrossed bills were read the second time and passed, viz:

A bill to amend the 49th chapter of the Revised Statutes, entitled "Forcible Entry and Detainer;"
A bill to improve Cape Fear and Deep Rivers above Fayetteville.

Mr. Bower introduced a bill entitled "A bill to lay off and establish the 8th Judicial Circuit;" which was read the first time and passed.

Received from the House of Commons a message, stating that they concur in the proposition of the Senate to go into an election for Judge of the Superior Court, to-morrow at twelve o'clock. The Committee on their part are Messrs. Scott and S. J. Person, to superintend said election; and also stating, that the Hon. W. H. Battle is in nomination for said office.

On motion of Mr. Patterson,

Ordered, that a message be sent to the House of Commons proposing to set apart Wednesday afternoon next, for the recommendation of Justices of the Peace.

Mr. Thompson introduced the following Resolution which was read and adopted:

Resolved, That Bartholomew F. Moore be allowed compensation for his investigation and report, on the matter referred to the Attorney General by the last Legislature concerning the Devisees of Cathcart; and that it be referred to the Committee on the Judiciary, to report what is a suitable compensation.

On motion of Mr. Ashe,

Ordered, that the use of the Senate Chamber for to-morrow afternoon, be tendered to the Committee appointed by the citizens of Wilmington to present a pair of Silver Pitchers to Col. R. T. Paine, as a mark of their consideration for his services as Colonel of the North Carolina Regiment, in the late war with Mexico.

The Speaker then announced that the hour of half past one o'clock, having arrived, the Senate would take a recess according to the resolution heretofore passed.
The bill to repeal an act passed at the last session of the General Assembly, entitled an act to amend an act to reduce into one the several acts concerning Pilots and Commissioners of Navigation, Revised Statutes, chapter 88, section 40; was read the second time, amended, and on motion of Mr. Bell, postponed indefinitely.

The following bills were introduced, read the first time, and passed, viz:

By Mr. Ashe—
A bill to incorporate the Wilmington and Walker's Ferry Plank road Company.

By Mr. Graham—
A bill to incorporate the Wilmington and Masonboro' Plank Road Company.

On motion of Mr. Thomas, of Davidson, the bill supplemental to an act passed at the present session of the General Assembly, to divide the county of Stokes into two distinct counties, was taken up, read the third time, amended, and before the question on the passage of the bill, its third reading was taken, on motion of Mr. Lillington, the Senate adjourned; yeas 24, nays 22.

Mr. Halsey demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Albright, Barnard, Bower, Faison, Gilmer, Halsey, Hargrove, Hawkins, Kendall, Miller, Moye, Patterson, Reich, Rogers, Smith, Spicer, Thomas, of Davidson, Thompson, of Bertie, Walker, Willey, Wooten, and Worth.
Tuesday, Jan. 9.

Mr. Miller presented the memorial of sundry citizens of Cleveland county, praying the restoration of Jury Trials to the County Courts of said county. Referred to the committee on Propositions and Grievances.

Mr. Patterson, from the joint select committee on Cherokee Lands, to whom was referred a bill to amend an act passed at the last session, entitled an act to provide for the sales of certain lands in Cherokee and Macon counties, reported the same to the Senate and recommended its passage. Ordered to lie on the table.

Received from the House of Commons, a message agreeing to the proposition of the Senate, to set apart Wednesday afternoon next, for the recommendation of Justices of the Peace; also transmitting the resignation of A. Stowe, as Justice of the Peace for Gaston County.

The bill supplemental to an act passed at the present Session of the General Assembly to divide the County of Stokes into two distinct Counties, being the unfinished business of yesterday, passed its third reading, and was ordered to be Engrossed.

The following Engrossed Bills were read the third time, passed, and ordered to be enrolled, viz:

A bill to improve Cape Fear and Deep Rivers above Fayetteville.

A bill to amend the 49th chapter of the Revised Statutes, entitled "Forcible Entry and Detainer."

A bill to incorporate the Duplin Guards, an independent corps of Cavalry, in the county of Duplin.

A bill to amend an act, supplemental to an act passed at the session of 1842–3, entitled an act to lay off and establish a county by the name of McDowell.

A bill to incorporate the North Carolina Blues, in the county of Wake.

On motion of Mr. Smith, the Senate took up for consideration the bill to amend the 7th section of the Revised Statutes, passed in 1844—45, entitled Guardian and Ward, being on its
second reading. The substitute reported by the committee on the Judiciary, was adopted, and said bill as amended, passed its second reading.

The engrossed bill to incorporate the Union Manufacturing Company, in the town of Fayetteville, was read the third time and passed.

Ordered, That said bill be enrolled.

On motion of Mr. Shepard, the vote of yesterday, by which the bill to repeal an act passed at the last session of the General Assembly, entitled an act to amend an act to reduce into one the several acts concerning Pilots and Commissioners of Navigation, Revised Statutes, chapter 88, section 40, was indefinitely postponed, was reconsidered, and said motion was rejected, and the bill passed its second reading.

The following Engrossed Bills were read the third time, passed, and ordered to be enrolled, viz:

A bill to repeal the section of an act entitled an act to incorporate the town of Windsor, in the county of Bertie.

A bill to revise the 7th section of an act supplemental to an act passed by the General Assembly, in the year 1842, entitled an act to lay off and establish a new county by the name of Catawba.

The bill to revise and amend an act passed at Raleigh, in the year 1805, entitled an act to establish an Academy in the county of Buncombe, was read the third time, passed, and ordered to be engrossed.

The hour of 12 o'clock having arrived, the House of Commons were informed that Messrs. Graham and Halsey, form the committee on the part of the Senate to superintend the election of Judge of the Superior Court, and that the Senate would proceed to vote on return of the messenger.

The Senate then voted as follows, viz:

FOR MR. BATTLE:

Messrs. Speaker, Albright, Barnard, Bell, Berry, Daniel, Davidson, Gilmer, Graham, Halsey, Hargrove, Hawkins, Joyner, Kendall, Lane, Lillington, Miller, Moya, Murchison, Patterson, Rogers, Shepard, Smaw, Smith, Speight, Thomas, of


FOR MR. CRAIGE—Mr. Conner—1.

FOR MR. WHITAKER—Mr. Drake—1.

The following engrossed bills were read the second time, and passed, viz:

A bill for the incorporation of the Grand Lodge of North Carolina of the I. O. O. F.

Resolution for the relief of the Clerk of the County Court of New Hanover.

Mr. Rogers introduced the following resolution, viz:

Resolved, That a message be sent to the House of Commons, proposing to adjourn the two Houses of the General Assembly on the 20th day of January, 1849.

Mr. Woodfin moved that the resolution be laid on the table. Decided in the negative; yeas 17, nays 28.

Mr. Rogers demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


The said resolution was then adopted. Mr. Halsey from the
committee appointed to superintend the election of Judge, reported that the Hon. W. H. Battle is duly elected.

Mr. Worth presented a resolution in relation to a call session of the General Assembly, which was read the first time and passed.

The bill concerning the Wilmington and Raleigh Railroad Company, being the order of the day for this day, was taken up, and after the adoption of an amendment thereto, moved by Mr. Joyner, Mr. Worth moved that the bill be postponed indefinitely. Pending this motion the hour of half past 1 o'clock, having arrived, the Senate took a recess until half past 6 o'clock.

Half Past 6 o'clock, P. M.

The Senate adjourned, on motion of Mr. Woodfin, to hear the address of M. Alexander Vattemare, on the subject of International Literary Exchanges, to be delivered in the Commons Hall, under the joint invitation, heretofore given by the two Houses of the General Assembly.

Wednesday, January 10.

A message was sent to the House of Commons, stating that the Senate have passed the following Engrossed Bills, in which they ask the concurrence of that body, viz:

A bill supplemental to a bill passed at the present session of the General Assembly, to divide the county of Stokes into two distinct counties.

A bill to revive and amend an act, entitled an act to amend an act passed at Raleigh, in the year 1805, entitled an act to establish an Academy in the county of Buncombe.
Mr. Drake, from the committee on Finance, to whom was referred a bill to amend the Revised Statutes, section 5, chapter 102, reported the same with a substitute. Ordered to lie on the table.

The following bills were reported upon, from the Judiciary committee, by Mr. Woodfin, viz:

A bill making better and more suitable provision for females covert, with an amendment.

A bill to amend the 4th section of the 65th chapter of the Revised Statutes; recommending its passage.

A bill to incorporate the town of Goldsboro; recommending its passage.

Said bills and reports were ordered to lie on the table.

Mr. Woodfin introduced a bill supplemental to an act passed at the present session of the General Assembly, entitled an act to provide for the establishment of a State Hospital for the Insane in North Carolina; which was read the first time and passed.

Mr. Albright introduced a Resolution to furnish a full set of Weights and Measures to Chatham county; which was read the first time and passed.

On motion of Mr. Halsey,

Resolved, That the resolution requiring a recess of the Senate from half past 1 until half past 6, be and is hereby recinded, and that hereafter the Senate take a recess from half past 1 until three o'clock, P. M., each day.

Mr. Spicer introduced a Resolution in favor of George J. Ward, late Sheriff of Onslow; which was read the first time and passed.

Mr. Hawkins introduced a bill to extend the limits of the town of Warrenton; which was read the first time, passed, and referred to the committee on Propositions and Grievances.

Mr. Washington introduced a bill to amend the 13th chapter of the Revised Statutes, entitled "an act concerning Bills, Bonds, and Promissory Notes." Read the first time and passed, and referred to the committee on the Judiciary.
Mr. Gilmer introduced a bill to repeal an act entitled "An act more effectually to prevent the imprisonment of honest Debtors, and to direct in what manner the issue shall be made up and tried between a creditor and debtor according to the provisions of the 10th and 11th sections of the Revised Statutes, chapter 58." Read the first time, passed, and ordered to be referred to the Committee on the Judiciary.

Mr. Smaw introduced a bill to incorporate Fair Field Canal Company, in Hyde County; which was read the first time and passed.

Received from the House of Commons, a message, transmitting a communication from His Excellency, Governor Manly, which was read, and the resignation of Justices of the Peace, accompanying the same—accepted.

Also stating, that the House of Commons have rejected the Engrossed bill from the Senate, to emancipate Lewis Williams, a slave; also, authorizing Daniel Skeen, a free man of color, to emancipate his wife and daughter, upon certain conditions;—also, to emancipate John Good, a slave.

Mr. Spicer presented the resignation of sundry Justices of the Peace for the county of Onslow.

The Senate then proceeded to the consideration of the unfinished business of yesterday, viz:

The bill in relation to the Wilmington and Raleigh Rail Road, the question being on the motion of Mr. Worth, to postpone said bill indefinitely. The said motion was withdrawn. After the adoption of an amendment offered by Mr. Joyner, Mr. Smith moved to amend the bill by striking out the 12th section.

Before the question on this motion was taken, the hour of half past one o'clock having arrived, the Senate took a recess until three o'clock.
Three O'clock, P. M.

On motion of Mr. Patterson, the unfinished business of the morning, being the bill in relation to the Wilmington and Raleigh Rail Road, and the amendment proposed thereto by Mr. Smith, was postponed until to-morrow morning, 11 o'clock.

Mr. Ashe introduced a bill to further justice in the County Court of New Hanover; which was read the first time and passed.

The following engrossed bill was read the third time, passed, and ordered to be enrolled, viz:

A bill for the incorporation of the Grand Lodge of North Carolina, of the Independent Order of Odd Fellows. Also,

A resolution for the relief of the Clerk of the County Court of New Hanover.

The bill to regulate the duties of Constables, in the county of Onslow, was read the second time. Mr. Wooten moved to amend the bill, by extending its provisions to the counties of Bladen and Columbus. Mr. Ashe, to the county of New Hanover; and Mr. Hawkins, to the county of Warren; which several amendments were agreed to, and the bill as amended, passed.

The bill to incorporate the Shelby Male and Female Academy, in the county of Cleveland, was read the second and third times, passed, and ordered to be engrossed.

Mr. Halsey gave notice, that on to-morrow, he would move to amend the fifth Rule of the Rules of Order of the Senate, so as to provide, that all motions to suspend or postpone the orders of the day, shall be decided without debate.

The following engrossed bills were read the second time, and passed, viz:

A bill to amend an act entitled an act authorising the County Court of Lincoln; to exercise exclusive jurisdiction over the public road, which is the dividing line between the counties of Lincoln and Cleveland.
A bill to extend the limits of the town of Lincoln, in Lincoln county.

A bill to incorporate Antioch Academy, in the county of Robeson.

The following engrossed bills were read the second and third time, (the rules being suspended) passed, and ordered to be enrolled, viz:

A bill to incorporate Neuse Lodge, No. 6, in the town of Goldsboro, Wayne county.

A bill to incorporate Pamlico Encampment, No. 6, of the I. O. O. F., in the town of Washington.

A bill to incorporate Covenant Lodge, No. 17, of the I. O. O. F., in the town of Greenville, Pitt county.

A bill to alter the time of holding the Non-Jury Terms of the Court of Pleas and Quarter Sessions for the counties of Lincoln and Catawba.

A bill to incorporate Union Chapter, No. 17, in the county of Duplin.

A bill for the better regulation and organization of the militia in the County of Cleveland.

A bill to alter the time of holding the Superior Courts of Law and Equity, and the Courts of Pleas and Quarter Sessions of the County of Lenoir.

On motion of Mr. Washington, the vote by which the last named bill passed its third reading, was reconsidered, and on motion of Mr. Speight, laid on the table.

The engrossed bill for the better regulation of the public Highways in the County of Rutherford, was read the third time, amended on motion of Mr. Patterson, and passed, and a message sent to the House of Commons asking their concurrence in said amendment.

The Senate then proceeded to the fulfilment of the joint agreement of the two Houses, and after passing upon the recommendations of the members of the several Counties of persons for Justices of the Peace, adjourned until to-morrow morning, 10 o'clock.
Thursday, January 11.

A message was sent to the House of Commons, stating that the Senate have passed the following Engrossed Bill, in which they ask the concurrence of that body, viz:

A bill to incorporate the Shelby Male and Female Academy in the county of Cleveland.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a bill to extend the limits of the town of Warrenton, reported the same to the Senate, and recommended its passage. Ordered to lie on the table.

Mr. Patterson, from the committee on Internal Improvements, to whom was referred a bill to incorporate the Catawba Navigation Company, reported a substitute for the same; which was read and ordered to lie on the table.

Mr. Watson, from the committee on Finance, to whom was referred a resolution instructing them to enquire into the expediency of increasing the tax on Retailers of Spirituous Liquors, reported a bill to amend the 20th section of 102d chapter of the Revised Statutes, entitled Revenue; which was read the first time and passed.

Mr. Conner, from the committee on Claims, to whom was referred a resolution in favor of R. W. Haywood, reported the same to the Senate, and recommended its passage, with an amendment, proposing to strike out "$500," and insert "$300." Ordered to lie on the table.

Mr. Woodfin, from the committee on the Judiciary, to whom was referred a bill to repeal the 48th chapter of the acts of the General Assembly, passed in 1846, reported adversely thereto. Ordered to lie on the table.

Mr. Gilmer introduced a bill to amend an act entitled an act for regulating Ordinaries; which was read the first time, passed, and referred to the committee on the Judiciary. Also, a bill to repeal certain acts heretofore passed, in relation to insolvent debtors, and the amendments thereto, and to re-enact and amend the same. Read the first time, passed, and referred to the same committee.
The following bills were introduced, read the first time, and passed, viz:

By Mr. Watson—
A bill to incorporate Johnston Academy, in the county of Johnston.

By Mr. Woodfin—
A bill concerning the Supreme Court holding its Sessions at Morganton.

By Mr. Spicer—
A bill to repeal the third section of an act passed at the session of 1846-7, so far as it relates to the county of Onslow.

By Mr. Smith—
A bill to provide for the removal of civil causes from the County Courts, to the Superior Courts of Law. Referred to the committee on the Judiciary.

By Mr. Patterson—
A resolution in relation to the distribution of the Military Tactics.

By Mr. Woodfin—
A resolution in favor of Joseph Livingston.

Mr. Thomas, of Davidson, presented the memorial of sundry citizens of the town of Lexington, setting forth the advantages of that place as a location for the Lunatic Asylum; which was read, and on motion of Mr. Patterson, laid on the table.

The hour of 11 o'clock having arrived, the Senate proceeded to the consideration of the unfinished business of yesterday, viz: The bill in relation to the Wilmington and Raleigh Railroad, the question being on striking out, on motion of Mr. Smith, the 12th section as follows, viz: "And whereas, By the completion of the contemplated Railroad from Wilmington to Manchester, in South Carolina, the stock in the Wilmington and Raleigh Railroad Company will be greatly increased; And whereas, The individual stockholders of the said Wilmington and Raleigh Railroad Company have subscribed to the capital stock of the said Wilmington and Manchester Railroad Company to a large amount from their individual funds, and
therefore, it is right that the State should also contribute to the construction of the said Wilmington and Manchester Railroad; Therefore, be it further enacted, That one half of the shares of stock, now owned by the State, in the Wilmington and Raleigh Railroad Company, be transferred by the Public Treasurer, to the President and Directors of the Wilmington and Raleigh Railroad Company, to be by them disposed of, so as to be applied, or the proceeds thereof to be applied, as a subscription of stock to the said Wilmington and Manchester Railroad Company, in behalf of the State of North Carolina, and the said Wilmington and Raleigh Railroad Company is hereby authorised to make a subscription to the stock of the said Wilmington and Manchester Railroad Company, to an amount not exceeding Three Hundred Thousand Dollars, including the proceeds of the stock directed to be transferred by this act; *Provided*, That the transfer of the stock of the State, in the Wilmington and Raleigh Railroad Company, by this act authorised, shall not be made until the Public Treasurer shall be satisfied that a subscription of stock, in the said Wilmington and Manchester Railroad Company, to the amount of, at least, Four Hundred Thousand Dollars, shall have been otherwise made; *And provided*, That the shares of stock owned by the State in the Wilmington and Raleigh Railroad Company, authorised to be sold and transferred by this section, shall not be sold for a less price than Fifty Dollars per share.

Said motion was decided in the negative; yeas 20, nays 27.

Mr. Worth demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Barnard, Bell, Berry, Bethell, Collins, Conner, Hester, Kendall, Lillington, Miller, Patterson, Rogers, Smith, Thomas, of Davidson, Thompson, of Bertie, Thompson, of Wake, Walker, Ward, Willey, and Worth.

Those who voted in the negative are:

Messrs. Ashe, Bower, Daniel, Davidson, Drake, Exum Faison, Gilmer, Graham, Halsey, Hargrove, Hawkins, Joyner,
Lane, Moye, Murchison, Reich, Rowland, Shepard, Smaw, Speight, Spicer, Thomas, of Haywood, Washington, Watson, Woodfin, and Wooten.

Mr. Thompson, of Bertie, moved to amend the bill, by adding the following Proviso, viz:

*Provided, That before the said bonds shall be issued, the Stockholders of said Company shall enter into bond, 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 to any time where the State shall be compelled to pay any part of the bonds endorsed as aforesaid, and a recovery effected for the amount of the bonds so given by the stockholders as aforesaid.*

Said amendment was rejected; Yeas 14, Nays 32.

Mr. Thompson of Bertie, demanded the Yeas and Nays.

Those who who voted in the affirmative are:


Those who voted in the negative are:


After the adoption of sundry other amendments, the question was taken on the passage of the bill its second reading, and decided in the affirmative; Yeas 32, Nays 16.

Mr. Hester demanded the yeas and nays.

Those who voted in the affirmative are:

Those who voted in the negative are:


The Senate then proceeded to the consideration of the order of the day, being the bill to incorporate the North Carolina Rail Road Company. The question on the passage of the bill its second reading, was decided in the negative; Yeas 23, Nays 25.

Those who voted in the affirmative are:

Messrs. Albright, Ashe, Bell, Daniel, Davidson, Gilmer, Hargrove, Hawkins, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Thomas, of Davidson, Thomas, of Haywood, Thompson, of Wake, Washington, Woodfin, and Worth.

Those who voted in the negative are:


The bill to consolidate and amend the acts heretofore passed, on the subject of Common Schools, was taken up and read the second time.

Mr. Bower moved to amend the bill, by striking out the first section. Decided in the negative; Yeas 18, Nays 29.

Mr. Bower demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bower, Collins, Conner, Daniel,
Drake, Exum, Graham, Hester, Moyer, Murchison, Rogers, Smaw, Speight, Thompson, of Wake, Walker, and Ward.

Those who voted in the negative are:

Messrs. Ashe, Bell, Berry, Bethell, Davidson, Faison, Gilmer, Halsey, Hargrove, Hawkins, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Reich, Rowland, Shepard, Smith, Spicer, Thomas, of Davidson, Thompson, of Bertie, Washington, Watson, Willey, Woodfin, Wooten, and Worth.

Mr. Gilmer moved to amend the bill, by inserting the following, as an additional section, after the third section, viz:

"Be it further enacted, That the Literary or School Fund shall hereafter be distributed among the several counties in this State, according to the free White population thereof."

During the consideration of this amendment, the hour of half past one having arrived, the Senate took a recess until 3 o'clock.

THREE O'CLOCK, P. M.

The subject before the Senate being the amendment offered by Mr. Gilmer, (to the bill to consolidate and amend the acts heretofore passed on the the subject of Common Schools) was resumed, and said amendment was rejected; yees 16, nays 31.

Mr. Woodfin demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Bethell, Bower, Daniel, Davidson, Gilmer, Kendall, Lane, Lillington, Miller, Patterson, Reich, Thomas, of Davidson, Thomas of Haywood, Walker, Woodfin, and Worth.

Those who voted in the negative are:

Messrs. Albright, Ashe, Barnard, Berry, Bell, Collins, Conner, Drake, Exum, Faison, Graham, Halsey, Hargrove, Hawkins,

Mr. Bower moved the indefinite postponement of the bill. Decided in the negative; yeas 13, nays 34.

Mr. Gilmer demanded the yeas and nays.

Those who voted in the affirmative are—

Messrs. Albright, Barnard, Bower, Conner, Daniel, Exum, Hargrove, Moye, Murchison, Reich, Speight, Thomas, of Haywood, and Walker.

Those who voted in the negative are:


Mr. Washington moved to amend the bill by adding the following words to the 6th section, viz: And the committee so appointed, shall accept the office and perform the duties thereof, under a penalty of $50, to be recovered in the name of the chairman, to the use of the School Fund.

Which was rejected; yeas 6, nays 40.

Mr. Exum demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Davidson, Murchison, Rowland, Smith, Thompson, of Bertie, and Washington.

Those who voted in the negative are:

After the adoption of sundry other amendments, the question was taken on the passage of the bill, its second reading, and decided in the affirmative.

Mr. Ashe introduced a bill to give assent to the purchase by the United States, of certain parcels of land on the Cape Fear river, and ceding the jurisdiction of North Carolina, over the same, under certain limitations and conditions; which was read the first time and passed.

Mr. Thomas, of Haywood, presented the petition of James Whitaker, which was referred to the committee on Cherokee Lands. Also, the petition of sundry citizens of Haywood and Cherokee counties, in reference to a new county. Referred to the committee on Propositions and Grievances.

On motion, the Senate adjourned.

FRIDAY, JAN. 12, 1849.

Mr. Kendall moved the following Resolution, viz:

Resolved, That the Journal of the Senate of yesterday, be amended, so as to state, that when the vote was taken upon the passage of the bill to incorporate the North Carolina Railroad Company, its second reading, Mr. Kendall, the Senator from Stanly and Cabarrus, stated that he voted for the bill with the distinct understanding, that it should not be considered as a test vote, his desire being to give the friends of the bill an opportunity to make it less objectionable by its third reading.

On motion of Mr. Joyner, the said resolution was ordered to lie on the table.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred the memorial of sundry citizens of Cleveland county, praying the restoration of Jury Trials, reported the same back to the Senate, and asked to be discharged. Committee discharged accordingly.

Mr. Woodfin, from the committee on the Judiciary, to whom was referred a bill to amend the 136th section of the 31st chap-
ter of the Revised Statutes, reported the same to the Senate, and recommended its passage. Ordered to lie on the table.

Mr. Woodfin, from the same committee, to whom was referred a bill to amend the 13th chapter of the Revised Statutes, entitled an act concerning Bills, Bonds, and Promissory Notes, reported the same and recommended its passage. Ordered to lie on the table.

Mr. Patterson, from the committee on Cherokee Lands, to whom was referred so much of the Message of His Excellency, Governor Graham, as refers to some disposition of the surrendered and un conveyed lands of the Cherokee Lands, reported, and asked to be discharged. Committee discharged accordingly.

Mr. Joyner, from the select committee, to whom was referred so much of the Governor's Message, as relates to the Raleigh and Gaston Railroad, reported a resolution entitled, "Resolution on the subject of the Raleigh and Gaston Railroad Company;" which was read the first time and passed. On motion of Mr. Walker, said report and resolution were ordered to be printed.

Mr. Gilmer introduced a bill concerning cost in certain cases in Equity; which was read the first time and passed.

Mr. Ashe introduced a bill to incorporate the North Carolina Railroad Company; which was read the first time, passed, and on motion of Mr. Gilmer, made the order of the day for to-morrow, at 3 o'clock, P. M.

On motion of Mr. Joyner,

Resolved, That a committee to consist of the Senators from Edgecomb, Nash, and Halifax, be appointed to enquire into the expediency of further legislation, to remove obstructions to the passage of fish up Fishing Creek.

Mr. Washington introduced a bill, to alter the 8th section of the 89th chapter of the Revised Statutes, so far only as to provide that the action therein given, shall be in the name of the State of North Carolina; which was read the first time and passed.

On motion of Mr. Patterson, the vote by which the bill read
this day was made the order of the day for three o'clock, P. M. to-morrow, was reconsidered; and on motion of Mr. Shepard, said bill was ordered to be printed; and on motion of Mr. Gilmer, made the order of the day for Tuesday next.

Mr. Smith presented a memorial of sundry citizens of Hertford county, in relation to the Meherrin River; which was referred, on his motion, to the committee on Propositions and Grievances.

The bill to lay off the 8th Judicial Circuit, was read the second time, amended, and on motion of Mr. Thomas, of Davidson, postponed indefinitely; Yeas 34, Nays 12.

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Bethell, Bower, Davidson, Gilmer, Joyner, Miller, Patterson, Reich, Smith, Thomas of Haywood, Washington, and Woodfin.

The bill to repeal an act passed at the last session of the General Assembly, entitled an act to amend an act to reduce into one the several acts concerning Pilots, Commissioners of Navigation, Revised Statutes, chapter 88, section 40, was read the third time, and laid on the table.

The bill to regulate the duties of Constables, in certain counties, was read the third time, and on motion of Mr. Exum, postponed indefinitely.

The resolution authorising the President and Directors of the Literary Fund to loan the Greensboro' Female College, the sum of seven thousand dollars, was read the second time and passed, and the rule being suspended, it was also read the third time, passed, and ordered to be engrossed.
A bill to amend the 7th section of the Revised Statutes, passed in 1844-45, entitled "Guardian and Ward," was read the third time, passed, and ordered to be engrossed.

A bill to amend an act, entitled an act authorising the County Court of Lincoln to exercise exclusive jurisdiction over the Public Road, which is the dividing line between the counties of Lincoln and Cleveland, was read the third time, passed, and ordered to be enrolled.

A bill to extend the limits of the town of Lincolnton, in Lincoln county, was read the third time, amended on motion of Mr. Woodfin, passed, and ordered that a message be sent to the House of Commons, asking their concurrence in the amendments.

The engrossed bill to incorporate Antioch Academy, in the county of Robeson, was read the third time, passed, and ordered to be enrolled.

The engrossed bill to repeal the act of 1846-7, entitled an act to lay off and establish the county of Polk, was read the third time, passed, and ordered to be enrolled; Yeas 30, Nays 16.

Mr. Patterson demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Bower, Daniel, Davidson, Halsey, Joyner, Kendall, Lane, Miller, Murchison, Patterson, Reich, Thomas, of Davidson, Thomas, of Haywood, Woodfin, Wooten, and Worth.

The Senate then took a recess.
The bill to provide for the opening and clearing out of Big Rock Fish Creek, in the counties of Cumberland and Robeson, and to prevent obstruction to the free navigation of the same; was read the second and third times, (rules being suspended) passed, and ordered to be engrossed.

A bill to produce conformity in the charters granted the Charlotte and South Carolina Railroad Company, by the States of North and South Carolina; was read the second and third times, passed, and ordered to be engrossed.

A bill to incorporate the town of Goldsboro', in the county of Wayne, was read the second and third times, passed, and ordered to be engrossed.

The engrossed bill for the relief of James Stewart, of Cherokee county, was read the second and third times, passed, and ordered to be enrolled.

The engrossed Resolution in favor of Messrs. Hall and Kinsey, merchants of the City of Raleigh, was read the second and third times, passed, and ordered to be enrolled.

Also, the engrossed bill to amend an act entitled an act concerning Weights and Measures.

Also, a bill to alter and amend the 1st, 3d, and 4th sections of chapter 94th of the Statutes of 1846-7, entitled an act to appoint Commissioners to view and lay off a road from Asheville, in Buncombe county, to Burnsville, in Yancy county.

Also, the engrossed bill to incorporate the Newbern Manufacturing Company.

Also, the engrossed bill to amend and consolidate the several acts heretofore passed, for the better regulation of the town of Concord, in the county of Cabarrus.

On motion of Mr. Exum, the vote by which the bill to incorporate the town of Goldsboro', passed its third reading, was reconsidered, and after an amendment proposed thereto by Mr. Exum, was adopted. The said bill passed, and was ordered to be engrossed.

The bill to repeal an act passed at the last session of the
General Assembly entitled, "An act to amend an act to reduce into one the several acts concerning Pilots and Commissioners of Navigation, Revised Statutes, chapter 88, section 40," was taken up, amended on motion of Mr. Washington, and passed its third reading. On motion of Mr. Washington, the title of the said bill was amended by striking out the word "repeal" therein, and inserting the word "amend," and the same was ordered to be engrossed.

The engrossed bill to authorise the inspection of Provisions, was read the second time and passed.

The bill to incorporate the Greensboro' and Mount Airy Turnpike Company; was read the second and third times, passed and ordered to be engrossed.

Also, the bill to appoint Commissioners for the town of Ashboro, in the county of Randolph, and to incorporate the same.

Mr. Woodfin introduced a bill to lay off a road from the Iron Mountain road, down Big Rock Creek to the Indian Grave Gap and Burnsville road, in Yancy county, in North Carolina; which was read the first time and passed.

On motion of Mr. Graham, the Senate adjourned.

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Saturday, Jan. 13.

Mr. Patterson, from the committee on Cherokee Lands, to whom was referred a resolution in favor of S. Enloe, reported the same to the Senate, and recommended its passage. Ordered to lie on the table.

Mr. Gilmer presented the memorial of sundry citizens of the counties of Guilford and Randolph, in reference to Militia Musters in this State. Ordered to lie on the table.

Mr. Miller introduced a bill to alter the time of holding the Superior Courts of Law and Equity, in the county of Cleveland; 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, viz:

A bill to appoint Commissioners to lay off a Road in Wilkes county.
A bill to incorporate the Williamson Library Association, in the county of Martin.
A bill to incorporate Concordia Lodge, No. 11, of the I. O. O. F., in the town of Beaufort.
A bill to alter an act concerning a Road in Iredell county.
A bill to authorise Cornelius Shields to build a bridge across Bear Creek, in the county of Moore.
A bill to amend the acts heretofore passed, for the better regulation of the town of Williamson.
A bill to incorporate the Wake County Rifle Company, at Dunnsville, in Wake county.
A bill to amend an act entitled an act to authorise A. R. S. Hunter, of Macon county, to erect a Bridge across the Hiwassee river, passed at the session of 1834. Also to amend the acts of 1838 and 1840.

Which bills were read the first time and passed.

Mr. Conner, from the committee on Claims, to whom was referred "a Resolution in favor of J. H. Van Bokelin, keeper of the Public Arms at Newbern;" reported the same to the Senate, and recommended its passage. Ordered to lie on the table.

Also, "a Resolution in favor of William Angel," favorable thereto. Ordered to lie on the table.

Received from the House of Commons, a message stating that they have passed the engrossed bill to incorporate the Martin and Bertie Turnpike Company, in which they ask the concurrence of the Senate. Said bill was read the first time and passed.

Also, a message, stating that they have passed the engrossed bill to attach a portion of Yancy county to the county of Buncombe, which was read the first time and passed.

The engrossed bill to secure the more certain administration of Justice, was read the second time, and on motion of Mr. Gilmer, postponed indefinitely.
Mr. Bower introduced a bill supplemental to an act passed at the present session, laying off the county of Watauga; which was read the first time and passed.

Mr. Gilmer introduced a bill entitled "A bill to increase the Revenue of the State;" which was read the first time, and passed.

The bill to provide relief for purchasers of the Cherokee lands at the sales of 1838, and to secure a portion of the debts due the State, was read the second time.

Mr. Albright moved to amend the bill by striking out the 8th section. Pending this question,

On motion of Mr. Woodfin,

The said bill and motion to amend were laid on the table and made the order of the day for Monday next.

The bill concerning the Wilmington and Raleigh Rail Road Company, was read the third time, and passed—yeas 22, nays 19.

Mr. Worth demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Ashe, Bell, Bower, Davidson, Drake, Exum, Faison, Gilmer, Graham, Halsey, Hargrove, Joyner, Miller, Moye, Patterson, Rowland, Shepard, Speight, Thomas, of Haywood, Thompson, of Bertie, Watson and Woodfin.

Those who voted in the negative are:

Messrs. Albright, Barnard, Berry, Collins, Conner, Hester, Kendall, Lane, Lillington, Reich, Rogers, Smaw, Smith, Spicer, Thomas, of Davidson, Thompson, of Wake, Walker, Willey and Worth.

Ordered that said bill be engrossed.

Mr. Woodfin, from the Committee on the Judiciary, made the following reports, viz:

A bill to amend the 6th section of the act of the last session of the General Assembly, entitled an act to provide for a reassessment of the lands of this State, and a more accurate enlistment of the taxable polls. Recommending its passage.

A bill to empower single Justices of the Peace to tax prose-
cutor's on State warrants, with the payment of costs in certain cases. Recommending its passage.

On the petition of sundry citizens of Wilkes, praying some legislation on the subject of allowing persons to give evidence without taking an oath, praying to be discharged. Conceded in.

On the resolution instructing the committee on the Judiciary to enquire into the expediency of changing the laws in reference to intestate's estates. Reporting adversely thereto.

On the resolution instructing said committee to examine the amount of services rendered by B. F. Moore, Esq., in the matter of the Devisees of Calhcart, and report what compensation would be fair and proper for the same, reporting a resolution entitled, A Resolution in favor of B. F. Moore, Esq., which was read the first time and passed.

Mr. Gilmer, from the committee appointed to examine the entries on the Comptroller's Books, in reference to the purchasers of Cherokee Lands, &c., reported that they found that the same had been correctly made, and reported also a resolution entitled A Resolution in favor of William F. Collins, Comptroller of State. Read the first time and passed.

The Bill supplemental to an act, passed at the present Session of the General Assembly, to establish an Asylum for the Insane in North Carolina.

Mr. Gilmer moved to amend the bill by inserting the words "west of Raleigh," before the words "within three," in the 11th line of the bill.

Before the question was taken on this motion, the Senate took a recess.

THREE O'CLOCK, P. M.

The following Engrossed Bills were read the third time, passed, and ordered to be enrolled, viz:

A bill more effectually to suppress the traffic with slaves, and
amending of the 75th section of the 34th chapter of the Revised Statutes, entitled Crimes and Punishments. Also,

A resolution in favor of William Angel, of Macon county.

The Senate then proceeded to the consideration of the unfinished business of the morning, being the bill supplemental to the act passed at the present session of the General Assembly, to establish an Asylum for the Insane in North Carolina. The first question being on the amendment moved by Mr. Gilmer; said amendment was withdrawn. Mr. Patterson moved to amend the bill by filling the first blank with the word "Morganton," and the second with the word "Burke," which was not agreed to. Mr. Halsey moved to fill the blanks in the bill with the words "Raleigh" and "Wake." Rejected; yeas 10, nays 31.

Mr. Halsey demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Barnard, Bell, Collins, Drake, Exum, Halsey, Patterson, Rogers, Sma, Thompson, of Wake.

Those who voted in the negative are:


Mr. Gilmer moved to fill the blanks with the words "Greensboro," and "Guilford." Rejected; yeas 14, nays 25.

Mr. Thomas, of Davidson, demanded the Yeas and Nays.

Those who who voted in the affirmative are:

Messrs. Albright, Bell, Bethell, Davidson, Gilmer, Halsey, Joyner, Patterson, Rowland, Spicer, Thompson, of Bertie, Willey, Woodfin, and Worth.

Those who voted in the negative are:
Mr. Thomas, of Davidson, moved to fill the blanks with the words "Lexington" and "Davidson." Determined in the affirmative; yeas 34, nays 8.

Mr. Worth demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell, Bethell, Bower, Conner, Davidson, Exum, Gilmer, Halsey, Hargrove, Hester, Joyner, Kendall, Lane, Lillington, Miller, Moye, Patterson, Reich, Rowland, Shepard, Smaw, Smith, Speight, Thomas, of Davidson, Thompson, of Wake, Walker, Ward, Willey, Woodfin, Wooten, and Worth.

Those who voted in the negative are:

Messrs. Berry, Collins, Drake, Faison, Graham, Rogers, Spicer, and Watson.

The bill as amended, passed its second reading.

On motion of Mr. Exum, the Senate adjourned.

Monday, January 15.

A message was sent to the House of Commons, stating that the Senate have passed the following Engrossed Bills, in which they ask the concurrence of that body, viz:

A bill to appoint Commissioners for the town of Ashboro.
A bill concerning Pilots and Commissioners of Navigation.
A bill to amend the act entitled Guardian and Ward.
A bill to provide for the opening of Big Rock Fish Creek; And,
A resolution in favor of Greensboro' Female College.
A bill to incorporate Greensboro' and Mt. Airy, Turnpike Company; And,
A bill to incorporate the Town of Goldsboro'.

Mr. Shepard introduced the following Resolutions, viz:

Resolved, That the States came into the Union as equals, and that the citizens of each State are entitled to equal rights, privileges and immunities, under the Constitution of the United States.

Resolved, That the proceedings of the Convention by which the Federal Constitution was framed, clearly demonstrate that the institution of slavery was maturely considered, and that the union of the States was finally secured by incorporating into that instrument, distinct and ample guaranties of the rights of the slaveholder.

Resolved, That we view with deep concern and alarm, the constant aggressions on the rights of the slaveholder, by certain reckless politicians of the North, and that the recent proceeding of Congress, on the subject of slavery, are fraught with mischief, well calculated to disturb the peace of our country, and should, call forth the earnest and prompt disapprobation of every friend of the Union.

Resolved, That the enactment of any law by Congress, which shall directly or indirectly deprive the citizens of any of the States, of the right of emigrating with their slave property into any of the Territories of the United States, and of exercising ownership over the same, while in said Territories, will be an act not only of gross injustice and wrong, but the exercise of power, contrary to the true meaning and spirit of the Constitution, and never contemplated by the framers thereof.

Resolved, That while we do not intend hereby to be understood as conceding, that Congress has the power under the Constitution to enact a law prohibiting slavery in any portion of the Territories of the United States; yet, for the sake of preserving the peace, and promoting the perpetuity of the U-
nion, we are willing that the basis of the Missouri Compromise should be adopted, in reference to the recently acquired Territories of New Mexico and California, by extending the line then agreed upon, to the Pacific Ocean.

Resolved, That a copy of the foregoing Resolutions, be signed by the Speakers of the Senate and House of Commons, and forwarded to our Senators and Representatives in Congress, with a request that they be laid before their respective Houses.

Said Resolutions were read the first time, passed, and made the order of the day for Tuesday next, at 11 o'clock.

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, viz:

A bill to amend an act entitled an act to incorporate the Hickory Nut Turnpike Company, passed at the session of the General Assembly of 1840-1.

A bill to incorporate a Mutual Life Insurance Company, in North Carolina.

A bill to amend an act passed at the last session of the General Assembly, entitled an act to provide for the apprehension of runaway slaves in the Great Dismal Swamp.

A bill to incorporate Phalanx Lodge, No. 31, of Ancient York Masons, in the town of Charlotte.

A bill to authorise A. H. Erwin, to establish a Toll Bridge over the Catawba River, in the county of Burke.

A resolution in favor of the Executor and Executrix of John R. Stamey, late Sheriff of Lincoln county.

Also, a message stating that they have passed the engrossed bill concerning Registers and Clerks and Masters, with an amendment in which they ask the concurrence of the Senate. Concurred in, and the House of Commons informed of the same.

Mr. Murchison introduced a bill to incorporate La Fayette Division, No. 2, of the Order of the Sons of Temperance, in the town of Fayetteville, which was read the first time and passed.

Mr. Halsey introduced a resolution in favor of Samuel Kis-
Mr. Gilmer introduced the following Resolutions, viz:

Whereas, In the contested election pending between Hugh Waddell and John Berry, from Orange County, the 37th Senatorial District, the sense of the Senate, on the question whether Bargainors in Deeds of Trusts, Trustees, and Cestuis Que Trust, had a Constitutional right to vote, will shorten, if not determine, the inquiry.

Be it Resolved, That all the votes of Bargainors in Deeds in Trust, given to either of the parties are illegal.

Be it further Resolved, That all the votes of Trustees in Deeds of Trust given as aforesaid, are illegal.

Be it further Resolved, That all the votes of Cestui Que Trusts, given as aforesaid, are illegal.

Which were read the first time and passed.

The bill to exempt the Wardens of the Poor and County Trustees of the several counties from militia duty, was read the second and third times, amended on motion of Mr. Kendall, and passed, and a message was sent to the House of Commons, asking their concurrence in said amendment.

A message was sent to the House of Commons, stating that they have passed the engrossed bill concerning the Wilmington and Raleigh Railroad Company, in which they ask their concurrence.

The following bill was read the second and third times, passed, and ordered to be engrossed, viz:

A bill to incorporate the Clay Mining Company.

On motion of Mr. Joyner, the bill making better and more suitable provisions for femes covert, was made the order of the day for Wednesday next.

The bill to amend the 9th section of the 42d chapter of the Revised Statutes, entitled Entries and Grants; was read the second time, and on motion of Mr. Albright, postponed indefinitely.

The engrossed bill to regulate the duties of Sheriffs, was
read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to facilitate the taking of Depositions of Witnesses in the State, to be read in suits pending in the Courts of other States, was read the second time and passed.

Received from the House of Commons, sundry recommendations for Justices of the Peace; which were read and approved.

The Senate then took up for consideration, the bill entitled a bill to amend an act, entitled an act to consolidate and amend the acts heretofore passed, on the subject of Common Schools; which was read the third time.

Mr. Walker moved that the bill be postponed indefinitely. Decided in the negative; yeas 18, nays 23.

Mr. Lillington demanded the yeas and nays.

Those who voted in the affirmative are—

Messrs. Albright, Barnard, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Hester, Moye, Reich, Rogers, Speight, Thompson of Wake, Walker, and Wooten.

Those who voted in the negative are:

Messrs. Bell, Davidson, Gilmer, Halsey, Hargrove, Hawkins, Joyner, Kendall, Lane, Lillington, Murchison, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Ward, Watson, Woodfin, and Worth.

Mr. Bower moved to amend the bill by striking out the first section, which prevailed; Yeas 22, Nays 21.

Mr. Gilmer demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Berry, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hester, Kendall, Moye, Patterson, Reich, Rogers, Speight, Spicer, Thompson, of Bertie, Thompson of Wake, Walker, Ward, and Wooten.

Those who voted in the negative are:

Messrs. Barnard, Bell, Bethell, Davidson, Gilmer, Halsey, Hargrove,
Mr. Gilmer moved to fill the blank in the 8th section, (appointing a general Superintendant of Common Schools) with the sum of $1600. Rejected, Yeas 14, Nays 28.

Mr. Exum demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Davidson, Gilmer, Hargrove, Hawkins, Joyner, Lane, Lillington, Patterson, Rowland, Shepard, Smith, Thompson, of Bertie, Ward, and Woodfin.

Those who voted in the negative are:

Messrs. Albright, Barnard, Bell, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Halsey, Hester, Kendall, Miller, Moye, Murchison, Reich, Rogers, Smaw, Speight, Spicer, Thomas, of Davidson, Thompson, of Wake, Watson, Wooten, and Worth.

Mr. Kendall moved to strike out the 8th section, which provided for the appointment by the General Assembly, of a General Superintendant of Common Schools for the whole State; which motion was determined in the affirmative; Yeas 24, Nays 18.

Mr. Lillington demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Faison, Graham, Hester, Kendall, Moye, Murchison, Reich, Rogers, Speight, Spicer, Thompson of Wake, Walker, Watson, and Wooten.

Those who voted in the negative are:

Messrs. Davidson, Gilmer, Halsey, Hargrove, Hawkins, Joyner, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Ward, Woodfin, and Worth.
On motion of Mr. Shepard, the bill was laid on the table.

The bill entitled a bill to provide for the transfer of the Internal Improvement Fund, to the Public Treasury; was read the second time and rejected.

The following engrossed bills were read the second and third times, passed, and ordered to be enrolled, viz:

A bill to empower the Justices of the Peace of New Hanover county, to sell the Poor House of said county.

A bill to amend an act entitled an act to incorporate the Orapop Canal and Turnpike Company.

The bill to amend the 60th section of the 34th chapter of the Revised Statutes, entitled Crimes and Punishments; was read the second time and passed; yeas 34, nays 7.

Mr. Halsey demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Berry, Bethell, Bower, Conner, Davidson, Drake, Exum, Gilmer, Halsey, Hester, Joyner, Kendall, Lane, Lillington, Miller, Moye, Murchison, Patterson, Reich, Rowland, Shepard, Smaw, Smith, Speight, Thomas, of Davidson, Thompson, of Bertie, Thompson, of Wake, Walker, Ward, Watson, Woodfin, Wooten, and Worth.

Those who voted in the negative are:


On motion of Mr. Speight, the vote by which the engrossed bill more effectually to suppress trading with slaves, passed its third reading on Saturday, was reconsidered, and on motion of Mr. Smith, the consideration of said bill was postponed until this afternoon.

The engrossed bill to consolidate and amend the several acts now in force, relating to fishing with seins and nets in Tar and Pamlico rivers, was read the second time, and on motion of Mr. Bell, laid on the table.
The bill to increase the Revenue of the State, was read the second time, and before the question on its passage was taken, the Senate took a recess.

THREE O'CLOCK, P. M.

The bill to increase the Revenue of the State, being the unfinished business of the morning, was laid on the table on motion of Mr. Moye.

The bill to incorporate the town of Salisbury, was read the third time, passed, and ordered to be enrolled.

The bill more effectually to suppress the trading with slaves, and amendatory of the 75th section of the 34th chapter of the Revised Statutes, entitled Crimes and Punishments, was taken up. Mr. Smith moved to amend the bill by striking out from the first section the words "nor fowls of any kind." Decided in the affirmative; yeas 22, nays 18.

Mr. Walker demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Ashe, Bell, Berry, Bethell, Collins, Drake, Gilmer, Halsey, Hargrove, Lane, Lillington, Miller, Patterson, Reich, Rowland, Smaw, Smith, Thomas, of Davidson, Thompson, of Bertie, Woodfin, and Worth.

Those who voted in the negative are:


On motion of Mr. Moye, the vote by which the bill to consolidate the acts in relation to Common Schools was laid on the table, was reconsidered, and said bill was taken up.

Mr. Speight moved to strike out all after the enacting clause,
and insert a substitute. Mr. Patterson moved a reconsideration of the vote by which the first section of the bill was stricken out.

On motion of Mr. Speight, this motion was laid on the table.

The bill to amend an act passed at the last session of the General Assembly, entitled an act to increase the Public Revenue, was read the second and third times, passed, and ordered to be engrossed.

The bill concerning the President and Directors of the Literary Fund, was read the second and third times, amended on motion of Mr. Joyner, passed, and ordered to be engrossed.

The following Bills were read the second and third times, passed, and ordered to be engrossed, viz:

A bill relating to the town Magistrate for the town of Wilmington.

A bill to incorporate the Mountain Guards.

A bill to appoint Commissioners to lay off a Road in the counties of Buncombe and Yancy.

A bill to incorporate Fairfield Canal Company, in Hyde county.

A bill to incorporate the Wilmington and Walker's Ferry Plank Road.

A bill to incorporate the Wilmington and Masonboro' Plank Road.

A bill to regulate the holding of elections for Commissioners of Navigation.

A bill concerning costs in certain cases in Equity.

A bill to alter an act concerning a Road in Iredell county.

Ordered to be enrolled.

The following engrossed bills were read the second and third times, passed, and ordered to be enrolled, viz:

A bill to incorporate Concordia Lodge, No. 11, of the I. O. O. F., in the county of Beaufort.

A bill to incorporate the Williamston Library Association, in the county of Martin.
The bill to alter the times of holding the Superior Courts of Law and Equity, in the county of Cleveland, was read the second time and passed.

Mr. Bell, Mr. Wooten, and Mr. Bower, presented recommendations of sundry persons for Justices of the Peace, in their respective counties; which were read, approved, and transmitted to the House of Commons.

Mr. Murchison introduced a bill, entitled a bill to revive an act entitled an act to incorporate the North and South Carolina Rail Road Company; which was read the first time and passed.

The engrossed bill to incorporate the Martin and Bertie Turnpike Company, was read the second and third times, passed, and ordered to be enrolled.

The following bills were read the second and third times, passed, and ordered to be engrossed, viz:

A bill to repeal the third section of an act passed 1846-47, so far as it relates to the county of Onslow.

Resolution to furnish Weights and Measures to Chatham County.

The resolution in favor of George J. Ward, late Sheriff of Onslow county, was read the second time and rejected.

The bill to further Justice in the County Courts of New Hanover, was read the second time and passed.

The bill to amend the Revised Statutes, section 5, chapter 102d, was read the second time, and postponed indefinitely.

The bill to incorporate Johnston Academy, in the county of Johnston, was read the second and third times, passed, and ordered to be engrossed.

Mr. Woodfin, introduced "a bill to establish a Turnpike road, in Yancy county;" which was read the first time and passed.

On motion, the Senate adjourned.
Tuesday, Jan. 16.

A message was sent to the House of Commons, stating that they have passed the engrossed bill to produce conformity in the charters granted to the Charlotte and South Carolina Railroad Company, by the States of North and South Carolina, in which they ask their concurrence.

Mr. Conner, from the committee on Claims, to whom was referred a Resolution in favor of Samuel Kissam, of the county of Washington, reported favorably thereto. Ordered to lie on the table.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred the Petition of sundry citizens of the counties of Wilkes and Caldwell, praying the erection of a new county out of portions of said counties, reported adversely. Ordered to lie on the table.

Mr. Woodfin, from the Judiciary Committee, made the following Reports, viz:

On a bill to amend an act passed at the session of 1846-7, entitled an act to provide for a reassessment of the lands of this State, and a more accurate enlistment of the taxable polls. Recommending its rejection.

A bill to amend the first section of the 109th chapter of the Revised Statutes, entitled an act concerning Sheriffs; recommending its rejection.

A bill to provide for the removal of civil causes from the County Courts to the Superior Courts of Law; recommending its passage.

A bill to repeal certain acts heretofore passed in relation to insolvent debtors, and the amendments thereto, and to re-enact and amend the same; recommending its rejection.

A bill making it the duty of the Sheriff and other officers, making sales of land or slaves to prepare and execute deeds for the same; recommending its passage.

Said reports and bills were ordered to lie on the table.

Mr. Murchison introduced a resolution in favor of John
Maxwell, which was read the first time, passed, and referred to the committee on Propositions and Grievances.

Mr. Halsey introduced a resolution in relation to the Public Arms; which was read the first time and passed.

A message was received from the House of Commons, stating that they concur in the amendment of the Senate, to the bill to alter the time of holding the Superior Courts of Law, and Courts of Pleas and Quarter Sessions, of the county of Lenoir.

Also, stating that they have passed the engrossed bill to extend the limits of the town of Lincolnton, in Lincoln county, and that they have rejected the engrossed bill from the Senate, entitled a bill concerning the practice of the law.

Also, that they have passed the engrossed bill, entitled a bill to amend the 16th section of the 31st chapter of the Revised Statutes, entitled Courts of Equity; in which they ask the concurrence of the Senate. Read the first time and passed.

The Senate then proceeded to the consideration of the order of the day, being the resolutions introduced yesterday, on the subject of slavery, on their second reading.

Mr. Shepard moved to amend the fourth resolution, by inserting after the words "which shall," in the 2nd line, the words "abolish slavery or the slave trade in the District of Columbia, or shall." The question was then taken on the Resolutions separately.

Mr. Daniel calling for a division of the question.

The first resolution passed; Yeas 48.

The Yeas and Nays were demanded by Mr. Conner.

Those who voted in the affirmative are—

The second resolution passed unanimously; Yeas 48.

Those who voted in the affirmative are:


The third resolution passed unanimously; Yeas 48.

Those who voted in the affirmative are the same as those who voted for the first and second resolutions.

The fourth Resolution passed, yeas 44; nays 2.

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Albright, and Daniel.

The fifth Resolution passed, yeas 45, nays 2.

Those who voted in the affirmative are:

Those who voted in the negative are:

Messrs. Albright, and Daniel.

The sixth and last Resolutions also passed unanimously—yeas 47.

Those who voted in the affirmative are:


The rules of the Senate were suspended, and the said resolutions were read the third time. Mr. Gilmer called for a division of the question on their passage.

The yeas and nays were demanded by Mr. Conner.

The first resolution passed unanimously, yeas 46.

Those who voted in the affirmative are:


The question was then taken on the second, third, fifth, and sixth Resolutions jointly, and decided in the affirmative, by a unanimous vote; yeas 46.

Those who voted in the affirmative are:

The same as those who voted for the first resolution.
The question on the passage of the fourth resolution was then taken, and decided in the affirmative; yeas 44, nays 2.

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Albright, and Daniel.

Ordered, That said Resolutions be engrossed, and sent to the House of Commons.

The Speaker announced the order of the day for 12 o'clock, viz: The bill to incorporate the North Carolina Railroad Company, on its second reading. On motion of Mr. Ashe, said bill was laid on the table for the present.

The following bills were read the second and third times, passed and ordered to be engrossed, viz:

A bill to confer on the Court certain powers over imprisoned Lunatics.

A bill to alter the time for holding the Superior Courts of Law and Equity, in the county of Cleveland.

Mr. Halsey introduced a resolution in favor of S. M. Preston, which was read the first time and passed.

The Engrossed bill to establish the Bank of Fayetteville was read the second time, and passed.

The Senate then took a recess.
Three O'Clock, P. M.

The Engrossed bill to authorise the inspection of Provisions, was read the third time, passed, and ordered to be enrolled.

Mr. Thompson of Wake, presented the memorial of Joseph Reamy and H. Cook, in reference to certain bonds deposited in the Treasurer's office. Referred to the Committee on Propositions and Grievances.

The Engrossed bill to facilitate the taking of depositions of witnesses in the State, to be read in suits pending in the Courts of other States, was read the third time, passed, and ordered to be enrolled.

The bill supplemental to an act passed at the present Session, entitled an act to provide for the establishment of a State Hospital for the Insane in North Carolina, was read the third time, amended on motion of Mr. Thomas, of Davidson, and passed. Ordered that said bill be engrossed.

The bill to further justice in the County Court of New Hanover, was read the third time, amended on motion of Mr. Ashe, passed, and ordered to be engrossed.

Mr. Gilmer moved to make the Resolutions, introduced by him in reference to the contested election of the 37th Senatorial District, the order of the day for to-morrow, at 11 o'clock.

Mr. Exum moved to amend the motion, by substituting "Thursday, at 11 o'clock." Rejected, Yeas 21, Nays 24.

Mr. Exum demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington.
The question then recurred on the motion made by Mr. Gilmer, and was decided in the affirmative.

Mr. Ashe moved that the sitting member from the 37th Senatorial District, be allowed counsel to be heard in his behalf on the floor of the Senate, in reference to the contested election from that District. Decided in the affirmative; Yeas 29, Nays 17.

Mr. Thompson, of Wake, demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Albright, Barnard, Daniel, Davidson, Gilmer, Halsey, Hargrove, Joyner, Kendall, Lane, Lillington, Patterson, Smaw, Smith, Thompson, of Bertie, Woodfin, and Worth.

The Resolutions on the subject of the Raleigh and Gaston Rail Road, were read the second time.

Mr. Rogers moved to amend the Resolutions, by adding the following, viz:

Resolved further, That the Legislature, in making the appropriation provided for in the foregoing Resolution, intends only to protect and preserve the honor and faith of the State inviolate, and not to approve of, but to condemn in decided terms, the manner in which the said debt has been incurred, and to enter a decided protest against the contracting of debts for the future, by the public officers of the State, not only without authority of law, but in violation of law.

Mr. Gilmer moved to amend the amendment, by striking out all after the word "Resolved," and inserting the following, viz:
"That the Raleigh and Gaston Railroad shall not be further run at the expense of the State."

Mr. Exum called for a division of the question, and it was taken first on striking out, and decided in the affirmative; Yeas 23, Nays 14.

Mr. Exum demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative are:


The question was then taken on inserting the amendment moved by Mr. Gilmer, and decided in the affirmative; Yeas 27, Nays 3.

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Albright, Hester, and Worth.

The amendment was then adopted, and the question recurring on the passage of the resolutions, as amended, their second reading, was decided in the affirmative.

The following bills were read the second and third times, passed, and ordered to be engrossed, viz:
A bill to empower single Justices of the Peace, to tax prosecutor's on State Warrants with costs in certain cases.

A bill to extend the limits of the town of Warrenton.

A bill to incorporate the Providence Band, in Mecklenburg county.

A resolution in favor of Robert W. Haywood.

The question on the amendment made to the bill to consolidate and amend the several acts relating to fishing with seins and nets in Tar and Pamlico rivers, was reconsidered; and on motion of Mr. Eborn, the bill and amendment were laid on the table.

On motion of Mr. Gilmer, the vote by which the bill to regulate the tax to be levied upon gates across public roads was rejected, was reconsidered, and on motion of Mr. Miller, the bill was laid on the table.

The bill to amend the 10th chapter of the Revised Statutes, relating to bail, was read the second time and passed.

On motion of Mr. Kendall, the Senate adjourned.

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**Wednesday, January 17.**

Mr. Bower, from the committee on Privileges and Elections, to whom was referred the contested election from the 37th Senatorial District, between Hugh Waddell and John Berry, made a report. Mr. Gilmer, from the same committee, submitted a counter report.

On motion of Mr. Bower,

*Ordered*, That the said reports, the journal of the committee, and the evidence, and exhibits referred to in the reports, be printed, and the index thereto.

Mr. Hargrove, from the select committee, to whom was referred a bill to incorporate the Granville County Association, reported the same to the Senate and recommended its passage. Ordered to lie on the table.
Mr. Ashe introduced the following Preamble and Resolutions, viz:

Whereas, There is a contested election pending before the Senate, in which the following questions, of a constitutional character arises, on the making of the correct determination of which the Senate feel great difficulty. Therefore,

Be it Resolved, That the said question be respectfully submitted to the Supreme Court, for their consideration, with a request that the said Court would furnish the Senate as soon as practicable, their opinion on the same.

Question 1st—Is or is not the vote of a Bargainor, in a Deed of Trust, legal?

Question 2nd—Is or is not the vote of the Trustee, under a Deed of Trust, legal?

Question 3rd—Is or is not the vote of a Cestui Que Trust, legal?

Which were read and adopted.

Mr. Wooten introduced a resolution in favor of Charles H. Stevens, Administrator of Geo. W. Melvin, which was read the first time, passed, and referred to the committee on Propositions and Grievances.

Mr. Patterson introduced a resolution, authorising Charles L. Hinton, to sell certain public lots therein named; which was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the engrossed resolution, authorising the principal Clerks of the two Houses to appoint one or more assistant Engrossing Clerks, and asking the concurrence of the Senate. Said resolution was read the first, second, and third times, and passed.

Mr. Washington introduced a bill in relation to Justices of the Peace; 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, viz:

A bill concerning the Public Roads in Brunswick and Beaufort counties.
A bill to incorporate the South Creek Swamp Land Company.

A bill to repeal the third and fourth sections of chapter 100, of the Statutes of the Legislature of 1846-47.

A bill to authorise the Superintendent of Common Schools, of Rowan County, to invest a portion of its funds.

A bill to amend an act, entitled an act to incorporate the town of Wilkesboro' in the county of Wilkes, and for the better regulation thereof; ratified 18th of January, 1847.

A bill to incorporate Plymouth Academy, in the town of Plymouth, Washington county.

A bill supplemental to an act passed at the present General Assembly, entitled "An act to unite the Roanoke Rail Road and the Sea Board and Roanoke Rail Road Companies."

A bill to incorporate Rock Spring Tent, No. 180, Independent Order of the Rechabites, in the town of Wilmington.

A bill to establish a Board of Directors for the Deaf and Dumb Institution of this State.

A bill to amend and consolidate the several acts heretofore passed in favor of poor debtors.

A bill to amend the 3d section of the 86th chapter, Revised Statutes, concerning Patrols.

A bill to amend the 19th section of the 35th chapter of the Revised Statutes, entitled "an act concerning proceedings in criminal cases."

Said bills were read the first time and passed.

The bill amendatory and supplemental to, an act passed at the last Session of the General Assembly, entitled an act to provide suitable buildings for the comfortable accommodation of the Deaf Mutes and Blind persons of this State, was read the second and third times, passed, and ordered to be engrossed.

Mr. Gilmer introduced a bill to supply an omission in the 46th chapter of the Revised Statutes; which was read the first time and passed.

The bill to amend an act entitled "An act to incorporate a Mutual Insurance Company in the State of North Carolina," was read the second time and passed.

Mr. Hawkins, from the committee to whom was referred the
engrossed Resolution directing the enclosure of the grounds appertaining to the Governor's residence, and an appropriation for furniture, reported the same to the Senate, and recommended their passage.

Said Resolutions were read the second and third times, passed, and ordered to be enrolled.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a memorial in relation to the Meherrin river, reported a bill to amend the 48th chapter of the Revised Statutes, concerning fences. Read the first time and passed.

Mr. Smith, from the committee on the Judiciary, to whom was referred a bill entitled, a bill to amend an act to make Real Estate Assets; reported adversely thereto. Concurred in.

The Senate then took a recess.

THREE O'CLOCK, P. M.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills and resolutions, in which they ask their concurrence, viz:

A bill to incorporate the Wilmington and Walker's Ferry Plank Road.

A bill to incorporate the Wilmington and Masonboro' Plank Road.

A bill to repeal 3rd section of an act passed in 1846-7, so far as relates to the county of Onslow.

A bill to incorporate the Mountain Guards.

A bill to appoint Commissioners to lay off a Road in the counties of Buncombe and Yancy.

A bill to amend an act entitled an act to increase the Public Revenue.
A bill to incorporate Fairfield Canal Company.
A bill to regulate elections for Commissioners of Navigation.
A bill concerning costs in certain cases in Equity.
A bill concerning the President and Directors of the Literary Fund.
A bill relating to the town Magistrate for the town of Wilmington.
A resolution respecting furnishing Weights and Measures for Chatham county. Also.
Resolutions respecting Slavery in the Territories.
Mr. Thompson, of Wake, introduced a bill to incorporate the Caswell Rangers, a Company of Cavalry, in the county of Caswell, which was read the first, second, and third times, passed, and ordered to be engrossed.
The resolution in relation to the Club Foot and Harlow's Creek Canal, was read the second and third times, passed, and ordered to be engrossed.
A bill making more suitable and better provisions for females covert, was read the second time, amended, and passed.
Received from the House of Commons, a message stating that they have passed the engrossed bill to lay off and establish a new county by the name of Alamance, in which they ask the concurrence of the Senate. Said bill was read the first, second, and third times, passed, and ordered to be enrolled.
The engrossed bill to establish a Bank of Fayetteville, was read the third time, passed, and ordered to be enrolled.
Received from the House of Commons, a message stating that they concur in the amendments of the Senate to the bill more effectually to suppress the traffic with slaves; also, the amendments to the bill to exempt Wardens of the Poor, &c., from militia duty. Also, transmitting a message from His Excellency, Governor Manly, with accompanying documents in relation to the Deaf and Dumb Building, in the city of Raleigh, with a proposition to print. Concurred in.
Also, stating that they have passed the engrossed bill supplemental to an act passed at the present session of the General Assembly, repealing the law establishing the county of Polk. Also,
A bill to provide for the better regulation of the town of Gatesville, in Gates county. Said bills were read the first time and passed.

The bill to amend the 10th section of the 102nd chapter of the Revised Statutes, concerning Pedlars, was read the third time, amended, passed, and ordered to be engrossed.

The bill to amend the 8th section of the 102d chapter of the Revised Statutes, was read the second time, amended, on motion of Mr. Miller, and passed. The bill was then read the third time, passed, and ordered to be engrossed; yeas 19, nays 15.

Mr. Daniel demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell, Berry, Bower, Collins, Corner, Drake, Faison, Hawkins, Hester, Kendall, Miller, Moye, Murchison, Patterson, Reich, Walker, and Washington.

Those who voted in the negative are:


The bill supplemental to an act passed at the present session, laying off the county of Watauga, was read the second and third times, passed, and ordered to be engrossed.

Received from the House of Commons, a message proposing that the two Houses vote on to-morrow, at 11 o'clock, for one Trustee of the University. Concurred in.

Mr. Lillington introduced a bill to incorporate the Charlotte and Danville Railroad Company, which was read the first time, passed, and made the order of the day for Friday next.

On motion, the Senate adjourned.
Thursday, January 18.

A message was sent to the House of Commons, stating that the Senate have passed the following bills, in which they ask the concurrence of that House, viz:

A bill to incorporate the Clay Mining Company.

A bill to incorporate the Providence Band, of Mecklenburg county.

A bill to incorporate Johnston Academy, in the county of Johnston.

A bill to further Justice in the county of New Hanover.

A bill to empower single Justices of the Peace, to tax Prosecutor's, on State Warrants, with the payment of costs in certain cases.

A bill to confer certain powers on the Courts over imprisoned Lunatics.

A bill to alter the times of holding the Superior Courts of Law and Equity, in the county of Cleveland.

A bill supplemental to an act passed at the present session, entitled an act to provide for the establishment of the State Hospital for the Insane, in North Carolina.

A bill amendatory and supplemental to an act passed at the last session of the General Assembly, entitled an act to provide suitable buildings for the comfortable accommodation of the Deaf Mutes and Blind persons of the State.

A bill to amend the 60th section of the 34th chapter of the Revised Statutes, entitled Crimes and Punishments.

A bill to amend the Revised Statutes, section 5, chapter 102.

A bill to extend the corporate limits of the town of Warrenton.

A bill supplemental to an act passed at the present Session of the General Assembly, laying off and establishing the county of Watauga.

Resolution in relation to the Club Foot and Harlow Creek Canal.

Resolution in favor of R. W. Haywood.

Received from the House of Commons, the following en-
grossed bills, which were read the first time and passed, viz:
A bill to incorporate the Granville County Mechanics' Association.
A bill to amend the 73d chapter of the Revised Statutes, entitled an act concerning the Militia of the State, and for other purposes.
A bill to repeal in part an act entitled an act to prevent the destruction of Oysters.

The bill to amend the 10th chapter of the Revised Statutes, relating to bail, was read the third time and passed. Ordered to be engrossed.

Mr. Thompson, of Wake, introduced a bill to incorporate the Dan River Mechanics' Association, in the town of Milton; which was read the first time and passed.

On motion of Mr. Speight, the vote by which the bill to amend the 10th section of the 102d chapter of the Revised Statutes, concerning Pedlars, passed its third reading on yesterday, was reconsidered, and after the adoption of an amendment thereto by Mr. Drake, the said bill passed its third reading, and was ordered to be engrossed, yeas 34, nays 6.

Those who voted in the affirmative are:

Those who voted in the negative are:

Said bill was engrossed and sent to the House of Commons, by message, asking their concurrence.

The resolution in reference to the contested election from
the 37th Senatorial District, being the order of the day, was taken up, and on motion of Mr. Gilmer, made the order of the day for to-morrow, 11 o'clock.

Resolution in favor of Isham Hancock, was read the second and third times, and ordered to be engrossed.

The bill to amend an act, entitled an act to incorporate a Mutual Insurance Company, in the State of North Carolina, was read the third time, passed, and ordered to be enrolled.

Mr. Woodfin introduced a bill, to amend the 4th chapter of the Revised Statutes, entitled "An Act concerning Appeals and Proceedings in the nature of Appeals"; which was read the first, second, and third times, passed, and ordered to be engrossed.

The bill to provide for the removal of Civil causes from the County Courts to the Superior Courts of Law, was read the second time and rejected.

A message was received from the House of Commons, stating that Messrs. Hayman and Love form the Committee on the part of that House, to superintend the election of Trustee of the University, and that the name of Mr. Steele was withdrawn from nomination, and that William F. Dancey is added to the nomination. The Senate then voted, Messrs. Bower and Miller superintending the same.

The bill to incorporate the Granville County Mechanics' Association, was read the second time, and on motion of Mr. Hargrove, laid on the table.

Mr. Bower, from the committee to superintend the election of one Trustee of the University, reported that Mr. David S. Reid received 58 votes; W. F. Collins, 31; D. F. Ferebee, 21; W. F. Dancey, 19; scattering, 27. There were 156 votes given; 79 being necessary for a choice, there was no election.

On motion of Mr. Washington,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses vote again, forthwith, for Trustee of the University.

The bill to provide for the Improvement of Club Foot and Harlow's Creek Canal, and for other purposes, was read the se-
cond and third times, amended on motion of Mr. Bell, and passed; yeas 23, nays 11.

Mr. Exum demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Hargrove, Lane, Lillington, Miller, Murchison, Patterson, Reich, Shepard, Smaw, Speight, Ward, Washington, Watson, Woodfin, Wooten, and Worth.

Those who voted in the negative are:


Said bill was ordered to be engrossed.

The following bills and resolutions were read the second and third times, passed, and ordered to be engrossed, viz:

A bill to amend the 13th chapter Revised Statutes, entitled an act concerning Bills, Bonds, and Promissory Notes.

A bill to amend an act passed at the last session, entitled an act to provide for the sale of certain Lands in Cherokee and Macon Counties, which have been surrendered to the State.

A resolution in favor of J. H. Van Bokelin, keeper of Public Arms.

Resolution in favor of Scoope Enloe.

The bill to clear out Lumber river, was taken up, and on motion of Mr. Rowland, laid on the table.

The engrossed bill to incorporate a Mutual Life Insurance Company in North Carolina, was read the second and third times, passed, and ordered to be enrolled.

Mr. Walker, from the committee of Propositions and Grievances, to whom was referred a resolution in favor of Charles H. Stevens, Administrator of G. W. Melvin, late Sheriff of Bladen, reported the same to the Senate, and recommended its passage. Said resolution was read the second and third times, passed, and ordered to be engrossed.
The bill to secure the Title of Purchasers of Land sold under execution, was read the second and third times, passed, and ordered to be engrossed.

The Senate then took a recess.

Three O'clock, P. M.

Received from the House of Commons, sundry recommendations for Justices of the Peace; which were read and approved.

The engrossed bill to amend the 1st clause of the 10th section of the 109th chapter of the Revised Statutes, entitled "An Act concerning Sheriffs," was read the third time, passed, and ordered to be enrolled.

The bill to amend an act passed at the Session of 1846-47, entitled an act to provide for the reassessment of the Lands of this State, and a more accurate enlistment of the Taxable Polls, was read the second time and rejected. Also, the bill to repeal certain acts heretofore passed, in relation to Insolvent Debtors, and the amendments thereto, and to re-enact the same.

The bill to consolidate and amend the several acts now in force, relating to fishing with seins and nets in Tar and Pamlico Rivers, was read the third time, passed, and ordered that a message be sent to the House of Commons, asking their concurrence in the amendment.

The bill to improve the Navigation of the Catawba river, from the point where the Rail Road from Columbia to Charlotte crosses said river, up to the Rocky Ford, near Morganton, was read the second time, and the substitute reported by the committee adopted, and the bill passed.

The Speaker laid before the Senate, a Communication from the Chief Justice of the Supreme Court, which was read, and on motion of Mr. Thomas, of Davidson, ordered to be printed,
ten copies for each member of the Senate; and on motion of Mr. Lillington, said Communication was ordered to be entered at length on the Journals of the Senate. It is as follows, viz:

Raleigh, January 18th, 1849.

Sir: The Resolution of the Senate, passed on the 17th instant, requesting the Judges of the Supreme Court to furnish the Senate with their opinions on certain questions therein mentioned, touching the qualifications of persons to vote for members of the Senate, under the Constitution of this State, was laid before the Judges on the evening of yesterday.

Although not strictly an act of official obligation, which could not be declined, yet from the nature of the questions, and the purposes to which the answers are to be applied—being somewhat of a judicial character—the Judges have deemed it a duty of courtesy and respect to the Senate, to consider the points submitted to them and to give their opinions thereon. I am, accordingly, directed to communicate it.

Three questions are proposed, which are thus expressed:

"First. Is or is not the vote of a Bargainor in a deed of trust legal?

"Second. Is or is not the vote of a Trustee under a deed of trust legal?

"Third. Is or is not the vote of a Cestui que Trust legal?"

It is to be premised, that categorical answers to these enquiries could not be useful to the Senate, for want of the precision in the terms of the questions themselves, which is usual and requisite in legal discussions. For, neither the subject of the conveyance, nor the nature of the trusts, nor the estates or the bargainor and bargainee are specified. But, referring to the nature of the controversy before the Senate, as stated in the resolution, it is supposed that the case to which the Senate alludes is of this kind: That one entitled to at least fifty acres of land for life or some greater estate, conveys it by deed of bargain and sale to a trustee, to secure debts to other persons, with a power to the trustee to sell the estate, and out of the
proceeds to pay the debts. Then supposing the proper residences of the parties, the points are, whether the bargainor, the bargainee, or the creditor, and, if either, which of them, hath a right to vote for a member of the Senate.

The Judges would have been gratified to have heard, before forming their opinion, an argument on the part of the gentlemen concerned on opposite sides; and, if the matter of law, involved in the questions of the Senate, were deemed by them doubtful, they would have been obliged to defer their answer until the parties or their counsel could submit their views. But as the Judges, upon conference, have found that their opinions entirely concur, and that no one of them entertains a serious doubt upon the subject, they have felt safe, and that it was proper to deliver their opinion at once, in order to remove the difficulty felt by the Senate in determining the pending contest, as far as their opinion can contribute to that end.

The questions depend entirely upon the proper construction of the second clause of the third section of the first article of the amendments to the Constitution of the State. It is, that “all freemen, (except free negroes, &c.) who have been inhabitants of any one district within the State twelve months immediately preceding the day of any election, and possessed of a freehold within the same district, of fifty acres of land for six months next before and at the day of election, shall be entitled to vote for a member of the Senate.” This language is precise and positive, that the right to vote belongs only to him who is possessed of a freehold. The first enquiry, then, naturally is, what is a freehold, and who is a freeholder, within the meaning of the Constitution?

The term, “Freehold,” is a legal one, of very ancient use, and of known signification in the Common Law. It means an estate in land, of which a freeman is seised for the term of his own life, or the life of another, at least. In its proper sense, it is restricted to such an estate at law. In reference to private rights it is always used in pleadings and statutes, as applicable to legal rights and to legal rights only. It has likewise been used in the same sense, in reference to the qualifications of vo-
Long before the settlement of the Colony of North Carolina, the right of voting for a member of parliament was limited, by an ancient Statute of England, to "Freeholders." A conclusive proof, that a freeholder, as meant in that Statute, was as at Common Law, one who had the legal estate in himself, is furnished by the facts, that it required a subsequent Statute in that country to enable a mortgagor of a freehold estate, continuing in possession, to vote, and another to disable the mortgagee from voting, when he is not in the actual possession of the mortgaged premises, or in the permanency of the profits. So, by an Act passed in the year 1760, by our Colonial Legislature, substantially following a previous one of the year 1743, it was thought necessary or useful to define the term, "freeholder," as descriptive of one entitled to vote for Representatives; and therein it was provided, that a person who bona fide hath an Estate Real for his own life or the life of another, or an estate of greater dignity, of a sufficient number of acres of land, should be accounted a "freeholder," and entitled, as such, to vote; and in a subsequent clause, it was further enacted, that the voter must be "possessed of a freehold within the meaning of that act—that is, an estate real for life at least—' in fifty acres of land." It is, thus, easy to see, whence the framers of the Constitution, in 1776, and in 1835, derived the notion of the particular qualification of a freehold, and also the terms of its description. Certainly, the settled sense of the word "freehold," as a term of the law descriptive of an estate in land, and in like manner as descriptive of a property qualification of voters, both in the mother country and in this Colony, is that, in which it must be received when used in the Constitution, when prescribing such a qualification for voters.

It may be thought by some persons, that, in favor of the elective franchise, the Constitution should receive an equitable interpretation, enlarging the term "freehold," so as to embrace also, what is called an "equitable freehold." But that instrument is to be fairly construed and received, according to the plain and popular import of its language generally, or
according to their legal sense when it uses technical legal terms. It is not to be crippled by a rigorous adherence to the letter, on one hand, nor stretched out of bounds on the other, by a latitudinous construction of words of definite and well known signification. The very fact of requiring a property qualification, repels all attempts to fritter it away upon a plea of favor to the citizen. The Constitution forbids any such favor, by the plain implication, that such a qualification is deemed indispensably requisite to the security of the citizens, or the stability of the government; and its provisions in this respect ought no more to be enlarged, than restricted, by construction. Now "freehold" and "freeholder," are terms of art, of the definite signification in the law, hitherto mentioned, and therefore they ought so to be understood. It is true, that writers on that peculiar branch of our jurisprudence, which is called Equity, in contradistinction to the common or statute laws, and also Chancellors, sometimes use the expression "equitable freeholder." But, in thus using it, they speak, not in a literal, but a figurative sense. They do not mean, that there really is a freehold in equity; but only that one, who in the view of a Court of Equity, is entitled in presenti to the profits of land for life, of which another is seised, is to be regarded in that Court, to many purposes, as if he were seised of the land, instead of being entitled to the use and profits merely. But that refers solely to the beneficial rights of property in equity, in respect to the enjoyment, disposition, and transmission of the use by descent, or the like; and not at all to legal rights, or political privileges. To such rights and privileges, the clause in the Constitution relates; and its terms cannot therefore be controlled by any peculiar sense in which a Chancellor might figurately use them in reference to certain equitable interests, which in some respects have a similitude to freeholds in land, but are not really freeholds.

The foregoing considerations have so much weight in establishing the proposition, that a bargainor in such a deed of trust as that supposed, or a mortgagor, is not entitled to vote for a member of the Senate; that the Judges would entertain that opinion on those grounds, were there nothing else bearing on the point. But there are various other reasons, arising out of
the purposes of the provision in the Constitution, and from the nature of such trusts and the rights of mortgagors, which strongly tend to the same result. Undoubtedly, the object in requiring the freehold qualification, was to constitute one branch of the Legislature peculiarly the guardian of property, by having it chosen by the owners of property. To answer that end, the ownership of the property ought to be bona fide and substantial, and not colourable and covinous, or nominal merely. Then, it is to be observed, that debtors frequently mortgage their estates, or convey them in trust, as a security for debts to a greater amount than the value of the land. In those cases they have such interests in the equity of redemption or resulting trust, that, while they continue in the possession and enjoyment of the land, they may be called "the equitable freeholders" in the Court of Chancery, though their estates, or rather, interests are, really of no value. It would be a gross abuse of the Constitution for such persons to vote; as they have neither a legal or beneficial property. That might, indeed, be otherwise, if the Constitution required a freehold of a particular value. In that case, possibly, the value of the land above the incumbrance might be deemed or declared to be the measure of the equitable freehold, as it is called. But there can be no such discrimination in this State. No act of the Legislature can add to the qualifications for voting, or take anything away. No law can now declare what is a freehold, so as to make it different from that described and meant in the Constitution. As therefore, debtors who convey their estates in mortgage or in trust to secure more than their value, cannot, in any just sense, or by any intelligent or upright tribunal, be deemed freeholders, to the purposes of the Constitution, and, as there is no power to create a distinction between such mortgages and deeds of trust, and those in which the debts are less than the value of the estate; it appears to follow necessarily, that no mortgagor, or bargainor in a deed of trust of that kind, is competent to vote. For, as all cannot be admitted to the polls, none can: since they all have rights of the same nature, though of different values in the market, and the Constitution refers exclusively to the quantity of land and the nature of the estate in it, without regard to value in any case.
Moreover, if persons claiming equitable interests under express reservations or declarations of trust were entitled to vote; so, in like manner, would those entitled by way of resulting or implied trusts. Thus, upon a contract for the purchase of a freehold, the vendor before a conveyance becomes a trustee for the vendee, and the latter the equitable owner of the land, provided he has paid the purchase money or performed the contract on his part. But it seems quite clear, that it was not contemplated in the Constitution to make such nice and doubtful equities as often arise out of such dealings, the subject of controversy at the polls, to be decided by the judges of the election. On the contrary, it was proper, that the title to vote should be defined clearly and rendered simple, so that the rights and duties of the citizen could be easily understood and readily determined. By viewing the Constitution in the legal and obvious sense of its language the right to vote is thus defined, and vested in the owner of the land for life—"the freeholder" in possession.

The conclusion of the Judges is, and they are all of opinion, that the bargainor in such a deed of trust, as that supposed, is not entitled to vote for a member of the Senate, in virtue of any trust or interest in the land or in the surplus of its proceeds, after payment of the debts, reserved or resulting to him.

It follows, that a creditor, secured by such a deed, cannot as a *cestui que trust*, vote for a Senator; for he has neither a legal nor an equitable right to the land, but only a right to have his debts raised out of it. Indeed, if a conveyance be made to one upon an express and pure trust for another for life, the reasons already addressed upon the first point, satisfy the Judges, that the *cestui que trust* is not entitled to vote; because, in their opinion, merely equitable interests are not within the purview of the Constitution at all, but proper freeholds only.

Upon the remaining question as framed, namely: Whether the bargainee or trustee in such a deed be entitled to vote, the opinion of the Judges is likewise in the negative. Such a per-
son is a freeholder; and if that by itself would suffice, he would be entitled tovote. But, by the words of the Constitution, one must not only have a freehold, but be "possessed" of it. That is a material, and indeed, essential part of the provision. In legal language, "possessed" is not the appropriate term to describe the quantity of an estate, as being a freehold. Technically, he who has a freehold, is said to be "seised," and we know thereby, that he is fully invested of the estate. "Possessed," then, when applied to a freehold, means something more than that the party is seised for life; for such seisin is implied in the term "freehold," by itself. It can therefore only mean, that the person must be in possession of the land as his freehold. "Possessed," is therefore very properly applied to the term "freehold," in the Constitution—not as denoting merely, that a person hath a lawful right to the land, but further, that he is in the actual enjoyment, by possession or perception of the profits, or at least that no one else is.

As has already been remarked, the policy of the Constitution is, that voters for members of the Senate should have a substantial interest in the country in the form of a freehold, in at least, fifty acres of land. Now, there may be such a freehold; which gives no beneficial interests to the freeholder, in whom the estate was vested for the use and benefit of another entirely. It is manifest that such a freeholder does not stand in such a relation to the property and the country as affords a reasonable expectation, that he will exercise the elective franchise upon the motives and to the ends, for which the property qualification is required. A mere mortgagee, that is, one not in possession, has the estate barely as a security for a sum of money; and a trustee in like condition holds the title exclusively for the benefit of others. It often happens, that the legal estate is outstanding in the trustee long after the debts are paid or other trusts are satisfied; in which cases the trustee cannot rightfully enter for any purpose, but is bound to reconvey the land upon request. If such a trustee were allowed to vote, it would plainly violate the policy and meaning of the Constitution, and not
less its language. If however, a mortgagee take actual possession by himself or his lessee, he becomes thereby a freeholder in possession. Indeed, he has a substantial interest, as well as the estate, and is in fact enjoying it, and therefore his right to vote is unquestionable. It is not so obvious, that a trustee, in a deed to secure debts to others, is within the fair sense of the Constitution, though he take possession; and it can hardly be doubted that were the Constitution such an instrument as deals in details, such a trustee would have been expressly excluded, or, had the case occurred to the Convention, that to the words "possessed of a freehold," would have been added "to his own use," or some provision of similar import. But the Constitution, in fact, contains no such qualification upon the right of the freeholder in possession to vote; and therefore though not plainly within the reason of the Constitution a trustee who is in possession, or in the actual receipt of the profits, though not to its own use, is fully within the express words of the provision in the Constitution as it is, and consequently he must be admitted to his vote. For there is no authority for a judicial or legislative interpolation of an exception, that the person must be "possessed to his own use," when the Constitution is not thus qualified, but is expressed in language, not in itself of doubtful import, but having a clear and settled sense.

The question of the Senate has no reference to the possession of the land by the trustee, and it must therefore be understood as referring to the right of a trustee to vote by force, merely, of the conveyance to him, vesting the legal freehold in him.—Thus understood, the answer of the Judges to it is, that in their opinion, such a trustee is not entitled to vote.

But, at the same time, they deem it their duty to say further, that they are likewise of opinion, that if a mortgagee go into possession of the mortgaged premises or receives the profits, or if a trustee, in such a deed as that all along supposed, actually enter into possession, or take the profits for the requisite period, then the former, undoubtedly, and in the opinion of the Judges, the latter also, is entitled to vote for a member of the Senate.
It will be observed, that the effect of these answers is, that, except when the Trustee is in possession, neither the Bargain- or nor the Trustee can be allowed to vote. It may possibly occur to the minds of some, as an objection to the principles laid down, that the land is thereby excluded from representation altogether, and in so doing, that the Constitution is disregarded. But the objection, though it may at first appear plausible, has no real force, for the land is in no case represented. The right is in the owner. It is true, the right is conferred on him in respect to the land. But it is only for the security of his rights and interests as a citizen and owner of land; and he is not obliged by the Constitution to vote; or, after once acquiring the right to vote, not to part from it. The truth is, that there is a great deal of land on which no one votes or can vote; as, for example, that belonging to single women and infants, and to persons residing in a different district from that in which the land lies. So, if one conveys his land in such a manner as not to leave in himself a "freehold," he, of course, parts with his right to vote, though he continued to occupy the land. But it does not follow, that by depriving himself of that right, he transfers it to the alienee of the freehold. For, while the former owner cannot vote for the want of a freehold, the new owner does not become entitled to vote by having the "freehold," unless he has also become "possessed" of it. There is, consequently, no inconsistency in holding that neither of them is entitled, when the Trustee is not in possession either actually or by receipt of the profits.

I am, sir, with very great respect,
Your most obedient servant,

THOMAS RUFFIN.

To the Hon. CALVIN GRAVES, Speaker of the Senate.

The following engrossed bills were then read the second and third times, passed, and ordered to be enrolled, viz:

A bill to establish a Board of Directors for the Deaf and Dumb Institution in this State.

A bill supplemental to an act passed at the present General Assembly, repealing the law establishing the county of Polk.
A bill to amend the 1st section of the 109th chapter of the Revised Statutes, entitled "An act concerning Sheriffs."

A bill to amend an act to authorise A. R. S. Hunter, of Macon County, to erect a bridge across Hiwassee River, passed at the Session of 1834.

The engrossed bill to provide for the re-assessment of the lands in the counties of New Hanover, Bladen, &c., was read the second and third times, amended, on motion of Mr. Drake, by extending its provisions to the county of Nash; passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

The bill in relation to Sheriffs, Clerks of the County and Superior Courts, Clerks and Masters, was read the third time, passed, and ordered to be engrossed.

Mr. Gilmer introduced a bill to incorporate the Head Buffalo Volunteer Company; which was read the first time and passed.

On motion, the Senate adjourned.

Friday, Jan. 19, 1849.

Mr. Walker, from the committee of Propositions and Grievances, to whom was referred a resolution in favor of John Maxwell, reported the same to the Senate, and recommended its passage. Ordered to lie on the table.

Mr. Walker, from the same committee, to whom was referred the memorial of Joseph Kearney and H. Cooke, reported a resolution in their favor; which was read the first time and passed.

A message was sent to the House of Commons, asking their concurrence in the following engrossed bills and resolutions, which have been passed by the Senate, viz:

A bill to amend the 10th section of the 102d chapter of the Revised Statutes, concerning Pedlars.

A resolution in favor of J. H. Van Bokelin, keeper of the Public Arms.
Resolution in favor of Charles H. Stevens, Administrator on the estate of G. W. Melvin, late Sheriff of Bladen county.

A bill to secure the purchasers of lands sold under execution.

Received also from the House of Commons, a message stating that they had passed the engrossed bill entitled a bill to provide for making a Turnpike Road from Salisbury, West to the line of the State of Georgia, and asking the concurrence of the Senate in certain amendments made thereto. The said amendments were concurred in, and the House of Commons were informed thereof.

Mr. Woodfin, from the committee on the Judiciary, to whom was referred a bill to repeal an act entitled "An Act more effectually to prevent the imprisonment of honest Debtors, and direct the manner in which issues shall be tried," reported the same to the Senate, and recommended its rejection.

Ordered, to lie on the table.

Mr. Woodfin, from the same committee, to whom was referred a bill for the more speedy administration of Justice in certain cases, reported the same to the Senate, and recommending its passage.

Ordered to lie 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, viz:

A bill to amend an act passed at the last session of the General Assembly of North Carolina, 1846-7, entitled an act to amend an act passed at the Session of 1827, entitled an act to prevent the obstruction of the passage of fish up Roanoke and Cashie Rivers.

A bill to lay off and establish a Public Road, beginning at the Trap Hill, in Wilkes County, and running across the Blue Ridge to Gap Civil, in the county of Ashe.


A resolution in favor of Joseph Livingston.

A bill concerning the mode of Widows' dissenting from the
last Will and Testament of deceased Husbands in certain cases.

And, Resolution in favor of Horace L. Robards.

Said bills and resolutions were read the first time and passed.

The hour of eleven o'clock having arrived, the Senate proceeded to the consideration of the Order of the Day, being the Resolutions introduced by Mr. Gilmer, in reference to the votes of Bargainors, Trustees, and *Cestuis que Trust*, in the Contested Election from the 37th Senatorial District.

Said Resolutions were read the second time. Mr. Ashe called for a division of the question, and the vote was taken on the first Resolution, viz:

*Be it Resolved, That all the votes of Bargainors in Deeds of Trust, given to either of the parties, are illegal.*

Decided in the affirmative, yeas 35, nays 4.

Mr. Gilmer demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Ashe, Collins, Drake, and Ward,

The call for the yeas and nays was then withdrawn by Mr. Gilmer, and allowed by the Senate. The question was taken on the second and third resolutions, as follows:

2. *Be it further Resolved, That all the votes of Trustees in deeds of Trust, given as aforesaid, are illegal.*

3. *Be it further Resolved, That all the votes of cestui que trust, given as aforesaid, are illegal—and decided in the affirmative.* On motion, the said resolutions were read the third time and passed.

The bill to incorporate the Charlotte and Danville Railroad Company, being one of the orders of the day, was taken up,
and on motion of Mr. Lillington, laid on the table for the present.

The Senate, on motion of Mr. Patterson, proceeded to the consideration of the bill entitled a bill to provide relief for the purchasers of the Cherokee Lands at the session of 1838, and to secure a portion of the debts due the State.

Mr. Albright moved to amend the bill by striking out the 7th section, as follows, viz:

**And Whereas,** It may happen that in some cases the purchasers of Cherokee Lands at the sale of 1838, as aforesaid, have paid in full for the lands so purchased by them, and there is no reason why they should not be placed on the same footing as those who have not paid in full, or those who have been returned insolvent.

_Be it further enacted,_ That in all cases, the said purchasers, on making application to the Board of valuation, as required by this act, shall be entitled to all the benefits and privileges herein granted to those who have not paid in full, and upon its appearing to the agent, after making a calculation as provided for in the 4th section of this act, that any such purchaser has paid more than the valuation placed upon the land by the Board of Valuation, he shall give to said purchaser a certificate, setting forth the amount of said excess or over payment, and the same purchaser shall be at liberty to take in payment of the same, any of the lands surrendered under the act of 1844, and valued under the act of 1846, or any of the lands which have been surrendered since, at such valuation, as has been or may be placed upon them by said Board. _Provided,_ That in all cases where an excess or overpayment is found to exist, the original purchaser, in whose favor it is found, shall, in the selection of the lands to satisfy the same, have due regard to the claims of the original purchasers of said lands, who shall have a priority in all cases, for the term of three months, and after that period, the purchaser or purchasers, having made the overpayment, shall have a priority over second persons to take any aforementioned lands in discharge of such excess or overpayment, and in case any such person shall de-
sire to take a tract of land, the value of which is greater than the amount of excess certified to have been paid by such purchaser, he shall be at liberty to do so by executing to the agent aforesaid, his, her, or their bonds, with good security for the amount of difference, payable as provided in the fourth section of this act.

Decided in the affirmative. Yeas 22, Nays 12.

Mr. Albright demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


Mr. Worth moved that the bill be postponed indefinitely. Decided in the negative; Yeas 11, Nays 26.

Mr. Thomas, of Davidson, demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


The question was then taken on the passage of the bill its second reading, and decided in the affirmative; Yeas 27, Nays 12.
Mr. Moye demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


Mr. Gilmer introduced a bill to incorporate the Greensborough Fire Engine Company, in the town of Greensborough; which was read the first, second, and third times, passed, and ordered to be engrossed.

The bill to incorporate the Dan River Mechanics' Association, in the town of Milton, was read the second and third times, amended on motion of Mr. Thompson, of Wake, passed, and ordered to be engrossed.

The Senate then took a recess.

THREE O'CLOCK, P. M.

Received from the House of Commons a message, stating that they have passed the engrossed bill, entitled A Bill to incorporate the North Carolina Rail Road Company, in which they ask the concurrence of the Senate. Read first time and passed.

The following bill and resolution were read the second and third times, passed, and ordered to be engrossed, viz:

A bill to amend the 4th section of the 65th chapter of the Revised Statutes.
Resolution authorising the Treasurer of the State to sell certain Town Lots.

The bill concerning the Supreme Court holding its Sessions at Morganton, was read the second time, and on motion of Mr. Woodfin, laid on the table.

The bill to amend the 136th section, chapter 31, of the Revised Statutes, was read the second time, and on motion of Mr. Smith, postponed indefinitely.

So also, the bill to impose taxes on Transient Merchants, in the incorporated towns of this State.

The resolution relating to a call session of the Legislature, was read the second time, and on motion of Mr. Worth, ordered to lie on the table.

The bill assenting to the purchase by the United States of certain parcels of land on the Cape Fear river, was read the second and third times, passed, and ordered to be engrossed.

The engrossed bill to repeal in part an act entitled an act to prevent the destruction of Oysters, was read the second time, and on motion of Mr. Gilmer, the said bill was referred to the Senator from Craven, to report on the same.

The bill to view and lay off the Iron Mountain road along Big Rock Creek, was read the second and third times, passed, and ordered to be engrossed.

The bill to authorise the Superintendents of Common Schools, of Rowan county, to invest a portion of its funds, was read the second and third times, and on motion of Mr. Moye, amended by extending its provisions to the County of Edgecombe, and passed. A message was sent to the House of Commons, asking their concurrence in said amendment.

The bill to alter the 8th section of the 89th chapter of the Revised Statutes, so far only as to provide that the action therein given, shall be in the name of the State of North Carolina, was read the second and third times, passed, and ordered to be engrossed.

The bill to incorporate the Head Buffaloe Volunteer Company in the county of Guilford, was read the second and third times,
amended, on motion of Mr. Gilmer, passed, and ordered to be engrossed.

The Resolution respecting the Entries of Cherokeeland claims in the Books of the Comptroller, was read the second time, and on motion of Mr. Patterson, laid on the table.

The following engrossed Bills were read the second and third times, passed, and ordered to be enrolled, viz:

A bill to authorise Cornelius Shields to build a bridge across Bear Creek, in the County of Moore.

A bill to amend the acts heretofore passed for the better regulation of the town of Wilmington.

The bill to establish a Turnpike Road in the County of Yancy, was read the second time and passed.

The engrossed bill to appoint Commissioners to lay off a Road in Wilkes county, was read the second and third times, amended on motion of Mr. Patterson, and passed.

Ordered, that a message be sent to the House of Commons, asking their concurrence in said amendment.

On motion, the Senate then adjourned.

Saturday, Jan. 20.

A message was sent to the House of Commons, stating that the Senate has passed the following engrossed bills and resolutions, in which they ask their concurrence, viz:

A bill to amend the 4th chapter Revised Statutes, entitled an act concerning appeals and proceedings in nature of appeals.

A bill to amend the 13th chapter Revised Statutes, entitled an act concerning Bills, Bonds, and Promissory Notes.

A bill to amend an act entitled an act to provide for the sale of certain lands in Cherokee and Macon counties, which have been surrendered to the State.
A bill to amend the 4th section, chapter 65, Revised Statutes.

A bill in relation to Sheriffs, Clerks of the County and Superior Courts, and Clerks and Masters.

A bill to provide for the improvement of Club Foot and Harlow's Creek Canal.

A resolution authorising the State Treasurer to sell certain town lots.

And a resolution in favor of Scoope Enloe.

A message was received from the House of Commons, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, viz:

Resolution relating to M. Vattemare's system of Literary and Scientific Exchanges.

A bill to provide for the support of the system of International Literary and Scientific Exchanges.

A bill to incorporate Germanton Lodge of Ancient York Masons, in the county of Stokes.

Resolution in favor of Young Patterson.

A bill to incorporate the town of Sladesville, in Hyde county. And

By three-fifths of that House, A bill providing for the Amendment of the Constitution of the State of North Carolina.

Said Bills and Resolutions were read the first time and passed.

The Resolutions and Bill relating to M. Vattemare's system of International, Literary, and Scientific Exchanges, were on motion, read the second and third times, and passed unanimously, and ordered to be enrolled.

On motion of Mr. Shepard, the foregoing engrossed bill, providing for the Amendment of the Constitution of the State, was made the special order of the day for Monday next.

Mr. Albright introduced a resolution in reference to the printing of the Acts of the Assembly in future; which was read the first time and passed.

Mr. Moye introduced a bill entitled a bill to prevent obstructions to the passage of fish up the waters of Swift Creek, which was read the first time and passed.
The resolution in favor of S. M. Preston, was read the second and third times, amended on motion of Mr. Woodfin, so as to extend its provisions to Stephen Lee and James H. Norwood, Principals of the Asheville Military Academy and Classical School, in the county of Buncombe, and passed. Ordered, that said resolution be engrossed.

The resolutions on the subject of the Raleigh and Gaston Rail Road, were read the third time and passed. Ordered to be engrossed.

On motion of Mr. Smith, the bill to amend an act entitled an act to consolidate the acts heretofore passed on the subject of Common Schools, was taken up, the question being on the adoption of the substitute proposed by Mr. Speight. Before the question was taken, the further consideration thereof, was postponed for the present.

A message from the House of Commons, proposing to adjourn the two Houses sine die, on Monday the 29th instant, was, on motion of Mr. Shepard, laid on the table.

Mr. Shepard moved that a message be sent to the House of Commons, proposing that the two Houses adjourn on Saturday the 27th instant, without day.

On motion of Mr. Exum, said motion was laid on the table.

Received from the House of Commons, a message stating that they have passed the engrossed bill, granting to the Superior Courts of the counties of Lincoln and Gaston, original and exclusive jurisdiction in all cases where the intervention of a Jury may be necessary, and asking the concurrence of the Senate therein.

Said bill was read the first time and passed.

Also, a message stating that they have passed the engrossed resolution in favor of Ailsey Medlin, of Franklin, which was read the first time and passed.

Also, stating that they concur in the amendment made by the Senate to the bill providing for a reassessment of the lands in the counties of New Hanover, Brunswick and other counties.

Also, asking the concurrence of the Senate in an Engrossed
Bill to abolish Jury Trials in Burke County Court. Said bill was read the first time and passed.

The Senate then proceeded to the consideration of the order of the day, viz:

The reports and resolutions from the committee of Privileges and Elections, in reference to the contested election from the 37th Senatorial District.

Mr. Moye introduced the following resolution, viz:

Resolved, That the Senate confirm all the votes agreed on by a majority of the committee, which votes do not conflict with the opinion of the Supreme Court, and the Senate then take up the votes that are alleged to be illegal, given to Mr. Waddell, and apply the evidence and determine them, and then the votes that are alleged to be illegal, given to Mr. Berry, and apply the evidence to them, and determine the whole matter accordingly.

Pending the question on said Resolution, the Senate took a recess.

THREE O'CLOCK, P. M.

The unfinished business of the morning, in reference to the Contested Election from the 37th Senatorial District, was postponed until Monday, and made the order of that day at 3 o'clock, P.M.

Mr. Smith introduced the following Resolution, viz:

Resolved, That in proceeding with the Contested Election from the Senatorial District, of Orange, the following rules be adopted, viz:

1st. The case of Trustees, Bargainors in Trust, and Cestuis que Trust, who voted in said election, will first be considered.

2nd. The alleged illegal votes given to the sitting member.
3rd. The alleged legal votes offered for the sitting member and refused.

4th. The alleged illegal votes given to the contestant.

5th. The alleged legal votes offered for the contestant and refused.

6th. In examining each class of votes given or refused, each vote will be considered and disposed of by itself in the following order, to wit:

1st. The evidence tending to impeach the vote shall first be read.

2nd. The evidence tending to support it.

3rd. When the evidence in each case has been read, the parties may be heard in person, or by counsel, and the Senate shall afterwards proceed to consider and decide it.

7th. When the investigation is finished, and the votes disposed of, the State of the polls as returned by the Sheriff of Orange, shall be reformed according to the decisions of the Senate, and the Senate shall thereupon proceed to determine who is entitled to the seat in the contest.

On motion of Mr. Ashe, said Resolutions were laid on the table.

On motion of Mr. Thomas, of Haywood, the Senate took up for consideration the bill to provide relief for the purchasers of Cherokee lands, of the sales of 1838, and to secure a portion of the debts of the State.

Mr. Patterson moved to amend the bill by adding the section which was stricken out on its third reading, extending the provisions of the bill to those who have paid in full for the purchase of Cherokee lands. Decided in the affirmative—yeas 22, nays 16.

Mr. Patterson demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Barnard, Bell, Conner, Davidson, Drake, Gilmer, Graham, Lane, Lillington, Miller, Murchison, Patterson, Shepard, Smith, Speight, Thomas, of Davidson, Washington, Willey, Woodfin, Wooten and Worth.

Those who voted in the negative are:

The question was then taken on the passage of the bill its third reading, and determined in the affirmative. Yeas 24, Nays 14.

Mr. Albright demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Ashe, Bell, Bower, Conner, Daniel, Davidson, Faison, Gilmer, Graham, Miller, Murchison, Patterson, Reich, Shepard, Smaw, Thomas, of Davidson, Thomas, of Haywood, Thompson, of Wake, Walker, Ward, Washington, Woodfin, Wooten, and Worth.

Those who voted in the negative are:


Ordered that said bill be engrossed.

The engrossed bill to incorporate the North Carolina Railroad Company, was read the second time, on motion of Mr. Thomas, of Davidson, and passed; yeas 22, nays 19.

Mr. Exum demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Ashe, Bell, Daniel, Davidson, Gilmer, Hargrove, Hawkins, Joyner, Lane, Lillington, Miller, Patterson, Reich, Shepard, Smaw, Thomas, of Davidson, Thomas, of Haywood, Thompson, of Wake, Washington, Watson, Woodfin, and Worth.

Those who voted in the negative are:

On motion of Mr. Washington, the vote by which the bill to impose Taxes on Transient Merchants in the Incorporated Towns in this State was postponed indefinitely, was reconsidered, and said bill was laid on the table.

The Senate then adjourned.

Monday, January 22.

A message was sent to the House of Commons, stating that the Senate had passed the following engrossed bills and resolutions, in which they ask the concurrence of that body, viz:

A bill to amend the 10th chapter of the Revised Statutes, relating to bail.

A bill to incorporate the Dan River Mechanics' Association, in the town of Milton.

A bill to amend an act entitled an act to incorporate a Mutual Insurance Company, in the State of North Carolina.

A bill assenting to the purchase, by the United States, of certain parcels of land on the Cape Fear River, and ceding the jurisdiction of North Carolina over the same.

A bill to incorporate the Greensboro' Fire Engine Company, in the town of Greensboro'.

A bill to alter the 8th section of the 89th chapter of the Revised Statutes.

A bill to incorporate the Head Buffalo Volunteer Company.

A bill to provide relief for purchasers of Cherokee Lands, at the sale of 1838, and to secure a portion of the debts of the State.

Resolution in favor of S. M. Preston and others.

Resolution in favor of Isham Hancock.

Received from the House of Commons a message, stating that they have passed the engrossed resolutions from the Senate, on the subject of Slavery in the Territories, with the fol-
lowing amendment, in which they ask the concurrence of the Senate, viz:

6. **Resolved**, That we believe the People of North Carolina, of all parties, are devotedly attached to the Union of the States, that they regard it as a main pillar in the edifice of real Independence—the support of tranquility at home, of peace abroad, of safety, of prosperity, and of that very liberty, they so highly prize—that they cherish a cordial, habitual, and immoveable attachment to it, and that they watch for its preservation with jealous anxiety—that they believe it the duty of their public servants to discountenance whatever may suggest even a suspicion that it can in any event be abandoned, and to repel indignantly every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

Said amendment was concurred in; Yeas 33, Nays 3.

Mr. Lillington demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


Mr. Murchison introduced a bill to incorporate the Cape Fear Steam Boat Company, 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, viz:

A bill to amend an act of the General Assembly of N. C., passed at its session of 1846-7, entitled "an act to alter the mode of electing Wardens of the Poor; chapter 62.'
A bill to facilitate the collection of certain debts given for Cherokee Lands, and other purposes.

A bill to lay off a road in Yancy county, from Flat Rock to the Burnsville and Indian Gap Road.

A bill to prevent fishing near the mouth of Raymond's Creek, in Camden County.

A bill to prevent the sale of spirituous liquors within a certain distance of Floral College.

Said bills were read the first time and passed.

The Senate then proceeded to the consideration of the bill to amend the act in relation to Common Schools; the question being on the adoption of the amendment proposed by Mr. Gilmer, viz: To restore the first section of the original bill, requiring the Justices of the several counties to levy a tax in the same manner that other county taxes are now levied for other county purposes, which shall not be less than one third of the estimated amount to be received by each county for that year, from the Literary Board.

Said amendment was adopted; yeas 20, nays 17.

Mr. Bower demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative are:


After the adoption of sundry amendments, on motion of Mr. Speight, the bill was laid on the table.

The Senate then proceeded to the consideration of the order of the day, being a bill to provide for the amendment of the Constitution of the State of North Carolina.

Mr. Gilmer moved to amend the Preamble to the bill, by
striking out the word "Commonwealth," and inserting the word "State." Adopted.

Mr. Shepard moved to amend the bill by striking out the preamble thereof; which was rejected—yeas 20, nays 26.

Mr. Gilmer demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Ashe, Berry, Bethell, Bower, Collins, Conner, Drake, Exum, Gilmer, Graham, Hester, Lane, Lillington, Miller, Moye, Patterson, Reich, Smaw, Speight, Thomas of Davidson, Thomas of Haywood, Walker, Watson, Woodfin, Wooten, and Worth.

Mr. Hawkins moved that the bill be postponed indefinitely. Decided in the negative; Yeas 18, Nays 28.

Mr. Hawkins demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Ashe, Bower, Berry, Bell, Bethell, Collins, Conner, Drake, Exum, Gilmer, Graham, Hester, Kendall, Lane, Lillington, Moye, Murchison, Patterson, Reich, Rowland, Speight, Thomas of Davidson, Thomas of Haywood, Walker, Watson, Woodfin, Wooten, and Worth.

Mr. Woodfin moved to amend, by adding the following as the second section of the bill, viz:

Be it further enacted, (three-fifths of the members of each House concurring,) that the first section of the first article of the amended Constitution be amended, by striking out in the seventh line the words, "public Taxes paid into the Treasury of the State by the citizens thereof, and the average of the
Public Taxes paid by such county into the Treasury of the State for the five years preceding the laying off of the districts, shall be considered as its proportion of the public taxes, and constitute the basis of apportionment,” and insert in lieu thereof, the words “Free White population.” In the fourteenth line of the same section, strike out the word “taxation,” and insert in lieu thereof, the words “Free White population,” and in the seventeenth line, strike out the word “taxation,” and insert in lieu thereof, “Free White population.”

Mr. Smith moved to amend the amendment, by adding thereto the following, viz:

Be it further enacted, That the following words contained in the second clause of the third section of the fourth article of the amended constitution, viz: “free,” and the words, “all slaves over the age of twelve years and under the age of fifty years,” be stricken out, so that said section shall read as follows:

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

The question on the amendment, to the amendment, was decided in the negative; yeas 19, nays 28.

Mr. Smith demanded the Yeas and Nays.

Those who voted in the affirmative are—


Those who voted in the negative are:

Messrs. Albright, Berry, Bethell, Bower, Collins, Conner, Daniel, Davidson, Faison, Gilmer, Graham, Hester, Kendall, Lane, Lillington, Moye, Miller, Murchison, Patterson, Reich,
Mr. Gilmer moved to amend the amendment proposed by Woodfin, by striking out the words, "free white," wherever they occur and inserting in lieu thereof, the word "federal." Decided in the negative; yeas 8, nays 37.

Mr. Lillington demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


The question was then taken on the amendment proposed by Mr. Woodfin, and decided in the negative; yeas 16, nays 31.

Mr. Woodfin demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Barnard, Bell, Daniel, Davidson, Gilmer, Hargrove, Kendall, Lane, Lillington, Miller, Patterson, Shepard, Thomas, of Davidson, Woodfin, and Worth.

Those who voted in the negative are:


Mr. Gilmer moved to amend the bill by inserting the following as an additional section, viz:

*Be it further enacted, (Three fifths of the members of each*
House concurring,) that the first section of the first article of the amended Constitution, be amended as follows: strike out the following paragraph, viz: "2nd. The House of Commons shall be composed of one hundred and twenty representatives, biennially chosen by ballot, to be elected by the counties according to their federal population, that is, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons; and each county shall have at least, one member in the House of Commons, although it may not contain the requisite ratio of population;" and in lieu thereof insert the following:

"Section 2nd. The House of Commons shall be composed of one hundred and twenty representatives, biennially chosen by ballot, to be elected by counties, according to free white population, and each county shall have at least one member in the House of Commons, although it may not contain the requisite ratio of free white population."

The question on said amendment, was decided in the negative; yeas 13, nays 34.

Mr. Gilmer demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Daniel, Davidson, Gilmer, Kendall, Lane, Lillington, Miller, Patterson, Shepard, Thomas of Davidson, Woodfin, and Worth.

Those who voted in the negative are:


The Senate then took a recess.
Received from the House of Commons, a message stating that they have concurred in the amendments of the Senate to a bill to appoint Commissioners to lay off a Road in Wilkes County. Also, the amendment to the bill to authorise the Superintendant of Common Schools of Rowan County, to invest a portion of its funds.

The Senate then proceeded to the consideration of the order of the day, being the Reports and Resolutions from the committee on Privileges and Elections, in relation to the Contested Election from the 37th Senatorial District, and after some time spent in hearing the Counsel of Mr. Berry, who addressed the Senate, in favor of the Report and Resolutions submitted by the Chairman of the Committee, before he had concluded, on motion of Mr. Bower, the Senate adjourned—yeas 36, nays 3.

Mr. Gilmer demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Eborn, Gilmer, and Woodfin.

Tuesday, Jan. 23.

The engrossed bill to incorporate Rock Spring Tent, No. 180, Independent Order Rechabites, in the town of Wilming-
ton, was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill, providing for the amendment of the Constitution of the State of North Carolina, being a part of the unfinished business of yesterday, was taken up, and the question on its passage the second reading, was decided in the negative, (three-fifths of the whole number of the members of the Senate not voting in the affirmative) Yeas 25, Nays 19.

Mr. Miller demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Barnard, Bell, Daniel, Davidson, Eborn, Faison, Gilmer, Hargrove, Hawkins, Miller, Patterson, Rogers, Shepard, Smaw, Smith, Thompson, of Wake, and Willey.

The Senate then proceeded to the consideration of the unfinished business of yesterday, being the Reports and Resolutions from the Committee on Privileges and Elections. After some time spent in hearing the Counsel of Mr. Berry, the Senate took a recess.

THREE O'Clock, P. M.

The Senate resumed the consideration of the unfinished business of the morning, being the Reports and Resolutions from the Committee on Privileges and Elections, in relation to the Contested Election from the 37th Senatorial District.
After some time spent thereon, and before any question was taken, on motion of Mr. Thompson, of Wake, their further consideration was postponed until to-morrow afternoon, three o'clock.

On motion of Mr. Ashe, the Senate adjourned.

**Wednesday, January 24.**

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, viz:

- A bill supplemental to an act passed at the present session of the Legislature, to improve the Cape Fear and Deep rivers above Fayetteville.
- A bill to incorporate the Wilmington Thalian Association.
- A bill to incorporate the Fayetteville and Western Plank Road Company.
- A bill to amend the 24th chapter of the Revised Statutes.
- A bill to authorise Major John Clark, of Beaufort County, to make a road on his own land, from Pautego to the head of Pungo, and to receive toll for the same.
- A bill to amend the act incorporating Rockford, in Surry County.

Resolution in favor of N. B. Marriner, late Sheriff of Martin County.

Said bill and resolution were read the first time and passed. The engrossed resolution in favor of Horace L. Robards, was read the second and third times, passed, and ordered to be enrolled.

Received from the House of Commons, a message transmitting a message from Governor Manly, with accompanying communication from the President of the Raleigh and Gaston Railroad, and proposing to print. Concurred in.
On motion of Mr. Bethell, the Senate took up for consideration the message from the House of Commons, proposing that the two Houses adjourn *sine die*, on Monday next, the 29th inst.

The proposition was concurred in—yeas 42, nays 4.

Mr. Bethell demanded the yeas and nays

Those who voted in the affirmative, are:


Those who voted in the negative are:


The engrossed Resolution in favor of Ailsey Medlin, of Franklin county, was read the second time, on motion of Mr. Miller.

Mr. Thomas, of Haywood, moved to amend the resolution by striking out all after the word "Resolved," and inserting the following, viz: "Whereas, the land for which compensation is claimed by Ailsey Medlin, escheated to, and was sold for the use of the University, the Trustees of the University are hereby authorised to pay Ailsey Medlin, out of the funds belonging to the University, the amount received from the land of Ailsey Medlin, with interest from the time it was received, until payment is made."

On motion of Mr. Bethell, the resolution and amendment were postponed until to-morrow morning, 11 o'clock.

The bill making better and more suitable provisions for femes covert, was read the third time, passed, and ordered to be engrossed; yeas 33, nays 8.

Mr. Joyner demanded the yeas and nays.

Those who voted in the affirmative are:

Those who voted in the negative are:

Messrs. Hester, Kendall, Lane, Shepard, Smith, Speight, Spicer, and Willey.

Mr. Moye, from the select committee, to whom was referred a resolution instructing them to enquire into the expediency of further legislation to remove obstructions to the passage of fish up Fishing Creek, reported that no further legislation is necessary, and asked to be discharged. Concluded in, and Committee discharged accordingly.

Mr. Washington, to whom was referred an engrossed bill to repeal in part an act entitled "an act to prevent the destruction of Oysters," reported sundry amendments to the bill, which were concurred in; and on motion of Mr. Bell, the bill as amended, was laid on the table.

The Senate, on motion of Mr. Murchison, proceeded to the consideration of the Engrossed bill to incorporate the Fayetteville and Western Plank Road Company, on its second reading. The question thereon, was decided in the affirmative—yeas 22, nays 20.

Mr. Hester demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Ashe, Bell, Bower, Daniel, Davidson, Gilmer, Hargrove, Hawkins, Joyner, Lane, Lillington, Murchison, Patterson, Rowland, Shepard, Smaw, Thomas of Davidson, Thomas of Haywood, Thompson, of Wake, Washington, Woodfin and Worth.

Those who voted in the negative are:

On motion of Mr. Worth, the Senate took up the engrossed bill supplemental to an act passed at the present session of the Legislature, to improve the Cape Fear and Deep rivers above Fayetteville.

Mr. Bower moved to amend the bill by adding thereto sundry sections, incorporating the Charlotte and Danville Railroad Company.

Pending the question on this amendment the Senate took a recess.

THREE O'CLOCK, P. M.

The following bills and resolutions were read the second and third times, passed, and ordered to be engrossed, viz:

A bill to prevent obstructions to the passage of fish up the waters of Swift Creek, in the County of Edgecombe.

Resolution in favor of John Maxwell.

On motion of Mr. Smith, the bill to amend the acts now in force on the subject of Common Schools, was taken up, read the third time and passed, and ordered to be engrossed; yeas 24, nays 18.

Mr. Joyner demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:

The Senate then took up for consideration the orders of the day, being the reports and resolutions from the committee on Privileges and Elections, in relation to the contested election from the 37th Senatorial District.

On motion of Mr. Lillington, the consideration of said report and resolutions was postponed until Friday afternoon, 3 o'clock; yeas 23, nays 21.

Mr. Conner demanded the Yeas and Nays.

Those who voted in the affirmative are—

Messrs. Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Hargrove, Hawkins, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Rowland, Shepard, Smaw, Smith, Thomas, of Davidson, Washington, Willey, Woodfin, and Worth:

Those who voted in the negative are:


The Senate then proceeded to the consideration of the unfinished business of the morning, being the engrossed bill supplemental to an act passed at the present session of the Legislature to improve the Cape Fear and Deep rivers, the question being on the amendment proposed by Mr. Bower. Said amendment was withdrawn. The bill then passed its second reading; yeas 25, nays 15.

The yeas and nays were demanded by Mr. Moye.

Those who voted in the affirmative are:

Messrs. Ashe, Bell, Bethell, Bower, Daniel, Davidson, Gilmer, Hargrove, Hawkins, Joyner, Kendall, Lane, Lillington, Murchison, Patterson, Reich, Rowland, Shepard, Smaw, Thomas, of Davidson, Thomas, of Haywood, Thompson, of Wake, Washington, Woodfin, and Worth.

Those who voted in the negative are:

The bill to incorporate the Charlotte and Danville Railroad Company, was read the second time and passed; yeas 23, nays 17.

Mr. Exum demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Ashe, Bell, Bethell, Bower, Conner, Davidson, Gilmer, Hargrove, Hawkins, Joyner, Kendall, Lane, Lillington, Miller, Murchison, Patterson, Reich, Smaw, Thomas, of Haywood, Walker, Washington, Woodfin, and Worth.

Those who voted in the negative are:


The following engrossed Bills were read the second and third times, passed, and ordered to be enrolled, viz:

A bill to authorise A. H. Erwin to establish a Toll Bridge over the Catawba river, in the county of Burke.

A bill to incorporate the Granville County Mechanics' Association.

The bill to incorporate the La Fayette Division, No. 2, of the Order of the Sons of Temperance, in the town of Fayetteville, was read the second and third times, passed, and ordered to be engrossed.

The resolution in favor of B. F. Moore, Esq, was read the second and third times, passed, and ordered to be engrossed.

The following bills and resolutions were read the second and third times, passed, and ordered to be engrossed, viz:

A bill to incorporate the Fayetteville and Cape Fear Steam Boat Company.

A bill in relation to Justices of the Peace.
A bill to revise an act entitled an act to incorporate the North Carolina and South Carolina Railroad Company.

Resolution in relation to the distribution of Military Tactics.

Resolution relating to the Public Arms.

The bill to repeal the 48th chapter of the Acts of the General Assembly, passed in 1846, was read the second time and rejected.

The bill to establish a Turnpike Road in Yancy county, was read the third time, passed, and ordered to be engrossed. Also, the bill to supply an omission in 46th chapter Revised Statutes, entitled Executors and Administrators.

The bill to incorporate the Young Mens' Missionary Society, in the town of Salem, in the county of Forsythe, was read the second time and passed; Yeas 23, Nays 17.

Mr. Exum demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Bell, Bower, Collins, Davidson, Drake, Faison, Gilmer, Graham, Joyner, Kendall, Lane, Lillington, Miller, Murchison, Patterson, Smith, Thomas, of Davidson, Thomas, of Haywood, Walker, Willey, Woodfin, and Worth.

Those who voted in the negative are:


The bill was then read the third time and passed. On motion of Mr. Bower, said vote was reconsidered, and he moved to amend the bill, so as to limit the amount of property which said corporation shall hold, to ten thousand dollars. Before the question was taken on this motion, the Senate adjourned, according to a motion previously made by Mr. Shepard, until seven o'clock.
Received from the House of Commons a message, stating that they have passed the engrossed bill from the Senate, to incorporate Perquimans Academy, with an amendment, in which they ask the concurrence of the Senate. Concurred in.

Also, that they have passed the engrossed bill, to incorporate a Male and Female Academy in Shelby county, with an amendment. Concurred in.

A message was sent to the House of Commons, informing them of the concurrence of the Senate in said amendments; and also, that they have passed the engrossed bill to amend the acts in force, on the subject of Common Schools, in which they ask their concurrence.

The Senate then took up the unfinished business of the afternoon session, being the bill to incorporate the Young Men's Missionary Society, in the county of Forsythe.

The amendment moved by Mr. Bower was adopted, and the bill as amended passed its third reading, and was ordered to be engrossed, the title thereof being amended, on motion of Mr. Washington, by making it read, "A Bill to incorporate the Young Men's Museum Society, in the county of Forsythe.

The following bills were read the second and third times, passed, and ordered to be engrossed, viz:

A bill relating to the duties of Sheriffs and other officers, to prepare and execute deeds.

A bill to amend the 48th chapter of the Revised Statutes, entitled an act concerning fences, so far as relates to lands on the Meherrin, in the county of Hertford.

Also, a resolution in favor of Joseph Kearny and Howell Cook.

A resolution in favor of Samuel Kissam, of the county of Watauga.

The bill to emancipate Thomas Gossitt, was read the second time and rejected.

The following engrossed bills were read the second and third times, passed, and ordered to be enrolled, viz:
A bill to lay off a Road in Yancy county, North Carolina, from Flat Rock to the Burnsville and Indian Gap Road.

A bill to incorporate Germanton Lodge, No. 116, of Ancient York Masons, in the county of Stokes.

A bill concerning the Public Roads in Brunswick and Beaufort counties.

The bill to amend the 20th section of the 102d chapter Revised Statutes, entitled Revenue, was read the second time and passed. On motion said bill was read the third time and passed; yeas 27, nays 11.

Mr. Joyner demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Barnard, Bell, Bower, Collins, Conner, Gilmer, Hester, Joyner, Reich, Ward, and Willey.

On motion of Mr. Bethell, the vote by which the bill to emancipate Thomas Gossett was rejected, was reconsidered; and on motion of Mr. Gilmer, was laid on the table.

The following engrossed bills were read the second and third times, passed, and ordered to be enrolled, viz:

A bill to amend the act incorporating Rockford, in Surry County.

A bill to authorise Major John Clark, of Beaufort County, to make a road on his own land, from Pautego to the head of Pungo.

A bill to incorporate the Wilmington Thalian Association.

Resolution in favor of N. B. Marriner, late Sheriff of Martin County.

A bill to prevent fishing near the mouth of Raymond's Creek in Camden County.
A bill to prevent the sale of spirituous liquors within a certain distance of Floral College.

The engrossed bill to amend an act entitled "An act to incorporate Hickory Nut Turnpike Company," passed at the Session of the General Assembly of 1840—41, was read the second time, and on motion of Mr. Woodfin, postponed until to-morrow, 12 o'clock.

The following engrossed bills were read the second and third times, passed, and ordered to be enrolled, viz:

A bill to incorporate the Town of Sladesville, in Hyde county.

A bill to incorporate the South Creek Swamp Land Company.

Resolution in favor of J. W. Livingston.

A bill granting to the Superior Courts of the Counties of Lincoln and Gaston, original and exclusive jurisdiction in all cases where the intervention of a Jury may be necessary, was read the second time, passed, and on motion of Mr. Conner, laid on the table.

The following engrossed bills were read the second and third times, passed, and ordered to be enrolled, viz:

A bill to amend an act entitled "An act to incorporate the Town of Wilkesboro' in the County of Wilkes."

A bill to incorporate Plymouth Academy, in the town of Plymouth, in Washington County.

On motion of Mr. Exum,

The Senate adjourned—yeas 13, nays 12.

Mr. Gilmer demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Bell, Berry, Conner, Drake, Eborn, Exum, Graham, Hargrove, Hester, Lane, Reich, Speight, and Watson.

Those who voted in the negative are:

A message was sent to the House of Commons stating that the Senate have passed the following engrossed bills and resolutions, in which they ask the concurrence of that House, viz:

A bill to revise an act entitled "An act to incorporate the North and South Carolina Rail Road Company."

A bill to incorporate the Young Men's Museum Society, in the Town of Salem, in the County of Forsyth.

A bill to prevent obstructions in the passage of Fish up the waters of Swift Creek, in the County of Edgecomb.

A bill to incorporate the Fayetteville Steam Boat Company.

A bill to incorporate La Fayette Division, No. 2nd, of the Order of the Sons of Temperance, in the town of Fayetteville.

A bill relating to Justices of the Peace.

Resolution in favor of John Maxwell.

A Resolution in favor of B. F. Moore, Attorney General.

A Resolution in relation to the distribution of Military Tactics.

Mr. Gilmer introduced the following bills, which were read the first time and passed, viz:

A bill to repeal part of the 4th section of an act entitled an act to aid Internal Improvements of the State.

A bill more effectually to secure the execution of the 14th section of the 102d chapter Revised Statutes.

A bill concerning a Convention to amend the Constitution of the State of North Carolina.

Mr. Ashe introduced a bill to extend the limits of the town of Wilmington, and for other purposes, which was read the first time and passed.

Mr. Woodfin introduced a bill to provide for a survey of the Catawba river, which was read the first time and passed.

Received from the House of Commons, a message stating that they do not concur in the amendment made by the Senate to the bill to consolidate and amend the several acts now in force relating to fishing with seins and nets in Tar and Pamlico rivers. On motion of Mr. Moye, the Senate receded from
the said amendment, and the House of Commons were informed thereof.

The hour of eleven o'clock having arrived, the Senate proceeded to the consideration of the engrossed resolution in favor of Ailsey Medlin, of Franklin, the question being on the amendment offered by Mr. Thomas of Haywood; said amendment was withdrawn.

Mr. Thomas, of Haywood, then moved to amend the Resolution, by striking out the words, "Provided this act does not extend to any Swamp Lands of this State."

Rejected, yeas 3, nays 41.

Mr. Thomas, of Haywood, demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Lillington, Thomas of Haywood, and Woodfin.

Those who voted in the negative are:


Mr. Thomas, of Haywood, moved to amend the resolution, by adding to the "Proviso," the following words: "nor to any lands included in the 7th section of the act passed at the present session, to provide for making a Turnpike from Salisbury, West to the line of the State of Georgia."

Rejected, Yeas 3, Nays 33.

The yeas and nays were demanded by Mr. Thomas of Haywood.

Those who voted in the affirmative are:

Messrs. Ashe, Bethell, and Thomas, of Haywood.

Those who voted in the negative are:

Messrs. Barnard, Bell, Bower, Collins, Conner, Daniel, Davidson, 36

Mr. Thomas, of Haywood, moved to amend the Resolutions, by adding the following: "Provided, the provisions of these resolutions shall not extend to any lands in Cherokee county, on which the purchasers, their heirs or assigns, under a bill passed by the Senate, are entitled to occupant rights."

Rejected; Yeas 9, Nays 31.

Mr. Thomas, of Haywood, demanded the Yeas and Nays.

Those who voted in the affirmative are:

Messrs. Davidson, Lane, Lillington, Murchison, Patterson, Speight, Thomas of Haywood, Thompson, of Wake, and Woodfin.

Those who voted in the negative are:


The question then recurred on the passage of the Resolutions their second reading, and was decided in the affirmative; Yeas 41, Nays 1.

The yeas and nays were demanded by Mr. Thomas, of Haywood.

Those who voted in the affirmative, are:


Mr. Thomas of Haywood, voted in the negative.
The said resolutions, on motion of Mr. Miller, were then read the third time, passed, and ordered to be enrolled.

The engrossed bill to amend an act entitled an act to incorporate the Hickory Nut Turnpike Road, was read the second time.

Mr. Woodfin moved to postpone the bill indefinitely. Yeas 8, Nays 25.

Mr. Woodfin demanded the yeas and nays

Those who voted in the affirmative are:


Those who voted in the negative are:


Mr. Woodfin moved to amend the bill, by adding thereto the following Proviso, viz: "That no citizens of Henderson county shall be compelled to pay Toll on said Road."

Decided in the negative; Yeas 2, Nays 31.

Mr. Woodfin demanded the Yeas and Nays.

Those who voted in the affirmative are—

Messrs. Watson, and Woodfin.

Those who voted in the negative are:


The bill was then amended on motion of Mr. Miller, passed its second and third readings, and a message sent to the House of Commons, asking their concurrence in said amendment.
On motion of Mr. Conner, the engrossed bill granting to the Superior Courts of the counties of Lincoln and Gaston, original and exclusive jurisdiction in all cases where the intervention of a Jury may be necessary, was taken up, read the third time, passed, and ordered to be enrolled.

Received from the House of Commons, a message stating that they have postponed indefinitely, the engrossed bill to amend an act, entitled an act to amend the 7th section of the Revised Statutes, entitled Guardian and Ward.

On motion of Mr. Ashe, the Senate took up for consideration the engrossed bill to incorporate the Fayetteville and Western Plank Road Company. Said bill was read the third time, passed, and ordered to be enrolled. Yeas 22, Nays 19.

The yeas and nays were demanded by Mr. Exum.

Those who voted in the affirmative are:


Those who voted in the negative are:


The Senate then proceeded, on motion of Mr. Woodfin, to the consideration of the engrossed bill to incorporate the North Carolina Rail Road Company, on its third reading. Said bill was read the third time, but before any question was taken thereon, the Senate took a recess.
Three O'clock, P. M.

The Senate proceeded to the consideration of the unfinished business of the morning, being the bill to incorporate the North Carolina Railroad Company, on its third reading. After sundry amendments, moved by Mr. Patterson and Mr. Washington were adopted, Mr. Moye moved to amend the bill by inserting the following as an additional section, after the 38th section, viz:

Whereas, It is unwise to create a large State debt, without providing the ways and means for, at least, paying the interest, or a part of the interest yearly, on the debt thus created.

Be it further enacted, That a tax of six cents on every hundred dollars value of real estate, and twenty cents on the poll be, and the same is hereby levied, and to be collected and accounted for as other taxes are, for the purpose of paying a part of the interest of this debt by the State; Provided, This tax shall not be levied and collected until it is necessary for the purpose above mentioned.

The amendment was rejected; yeas 15, nays 28.

Mr. Moye demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Ashe, Barnard, Bell, Collins, Daniel, Davidson, Gilmer, Graham, Hargrove, Hawkins, Joyner, Lane, Lillington, Miller, Murchison, Patterson, Rogers, Rowland, Shepard, Smaw, Spicer, Thomas, of Davidson, Thomas, of Haywood, Thompson, of Wake, Washington, Willey, Woodfin, and Worth.

After the adoption of an amendment moved by Mr. Washington, filling the blank in the third section of the bill with the names of several persons as General Commissioners, Mr.
Walker raised a question of order, whether members of the Senate, who were originally stockholders in the Raleigh and Gaston Railroad Company, or who have given bonds to the State to secure it against loss on account of its endorsements for the said Raleigh and Gaston Railroad Company, are entitled to vote. The Speaker decided that the bill being a public bill, and the interests of the Senators referred to, if any, being incidental and not direct, they were entitled to vote. After the rejection of an amendment moved by Mr. Watson, requiring that the said road shall pass by the town of Smithfield, the question was taken on the passage of the bill its third reading, and decided in the affirmative; yeas 22, nays 22.

Mr. Drake demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Ashe, Bell, Daniel, Davidson, Gilmer, Hargrove, Hawkins, Joyner, Lane, Lillington, Miller, Murchison, Patterson, Rowland, Shepard, Snaw, Thomas, of Davidson, Thomas, of Haywood, Thompson, of Wake, Washington, Woodfin, and Worth.

Those who voted in the negative are:


The affirmative and the negative vote being thus equal, Mr. Speaker Graves cast his vote in the affirmative.

Ordered, that a message be sent to the House of Commons, asking their concurrence in the amendments to the said bill.

On motion of Mr. Lillington the Senate adjourned.

Friday, Jan. 26, 1849.

On motion of Mr. Walker, leave of absence was granted to Mr. Miller, the Senator from Rutherford, from and after tomorrow.
A message was sent to the House of Commons, asking their concurrence in the following engrossed bills, which have been passed by the Senate, viz:

A bill to establish a Turnpike Road in Yancy county.

A bill to supply an omission in the 46th chapter Revised Statutes, entitled an act concerning Executors and Administrators.

A bill to amend the 20th section of the 102d chapter Revised Statutes.

A bill to amend the 48th chapter of the Revised Statutes, entitled an act concerning fences, so far as relates to lands on the Meherrin River.

A bill making it the duties of Sheriffs and other officers, making sales of land and slaves, to prepare and execute deeds for the same.

A resolution in favor of Samuel Kissam.

Resolution relating to the Public Arms.

Also, a resolution in favor of Joseph Kearny and Howell Cook.

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, viz:

A bill to alter the time of holding two terms of the Court of Pleas and Quarter Sessions, in the counties of Lincoln and Catawba.

A bill to repeal an act passed in the year 1824, entitled an act to establish a Poor and Work-house, in the counties of Jones and Randolph.

A bill to authorise Abner Carmichael, late Sheriff of Wilkes county, and others, to collect arrears of taxes.

A bill to lay off a Public Road from Alexander Chevelies', in Wilkes county, to William Phillips', in Ashe county.

A bill to incorporate Johnston Little River Manufacturing Company, in the county of Johnston.

Resolution for the relief of S. W. Tillinghast.

Resolution in favor of Charles L. Hinton.

A bill to provide for the better keeping of the State Capitol Square, and the improvement of the grounds thereof.
A bill allowing compensation to the Reporter of the Supreme Court, for reporting the cases decided at the terms held at Morganton.

A bill to amend the 11th section of the 90th chapter of Revised Statutes, concerning prison bounds.

A Resolution directing the Public Treasurer to procure a Seal of Office.

A bill to effect a better organization of the Militia in Iredell County.

A bill to regulate the dismissal of Appeals in the Supreme Court, to regulate the fees of Sheriffs for serving process issued from said Court.

A bill to annex a part of Burke to the County of Catawba.

Resolutions relating to re-opening Roanoke Inlet.

Said bills and resolutions were 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 bill to incorporate the Hickory Nut Turnpike Company, passed at the General Assembly of 1840-1.

Also, a message proposing that the hour for the adjournment of the two Houses, on Monday next, be 8 o'clock, A. M. Concurred in.

On motion of Mr. Patterson,

Resolved, That a message be sent to the House of Commons, proposing that the 8th Joint Rule of both Houses be altered, so as to read as follows:

After examination and report, each bill be ratified and signed, first by the Speaker of the House of Commons, and then by the Speaker of the Senate.

Received from the House of Commons, a message stating that they have passed the engrossed bill from the Senate, entitled a bill concerning the Wilmington and Raleigh Railroad Company, with sundry amendments, in which they ask the concurrence of the Senate. The said amendments were concurred in, and the House of Commons were informed of the same.
The bill to emancipate Thomas Gossett, was read the second time, and rejected.

Mr. Patterson, from the Committee of Internal Improvements, to whom was referred the petition of James Whitaker, reported the same back to the Senate, and asked to be discharged.—Committee discharged accordingly.

The following engrossed bills were read the second and third times, passed, and ordered to be enrolled, viz:

A bill to authorize William R. Abbott to cut a canal and make a road thereon.

A bill to abolish Jury Trial in Burke County.

A bill to incorporate the Wake County Rifle Company at Dunnsville, in Wake County.

A bill to amend an act of the General Assembly of North Carolina, passed at its Session of 1846-7, entitled "An act to alter the mode of electing Wardens of the Poor;" chapter 62; ratified 18th January, 1847.


The engrossed bill to amend an act entitled "An act to tax the vendors of foreign made riding vehicles," was read the second time, amended, and rejected.

Received from the House of Commons, a message concurring in the proposition of the Senate to alter the 8th Joint Rule of the two Houses.

On motion of Mr. Worth, the Senate took up for consideration, the engrossed bill entitled a bill supplemental to an act passed at the present session of the Legislature to improve the Cape Fear and Deep Rivers above Fayetteville, on its third reading, Mr. Rowland moved to amend the bill by adding the following, after the 5th section thereof, viz:

Be it further enacted, That the sum of Fifteen Thousand Dollars be, and the same is hereby appropriated for clearing out, and removing obstructions to navigation from Lumber River, the whole of which sum is to be applied to that part of said river, between Blue's Bridge, in Richmond county and the South Carolina line.
Be it further enacted, That the Court of Pleas and Quarter Sessions, in and for the county of Robeson, a majority of the Justices of the Peace of said county being present, shall appoint five Commissioners, Freeholders in said county, whose duty it shall be to superintend the clearing out and removing obstructions from the said river aforesaid.

Be it further enacted, That the Treasurer of the State, for the time being, shall, out of any monies in the Treasury, not otherwise appropriated, pay over the sum of Fifteen Thousand Dollars, to the Commissioners aforesaid; the Clerk of the County Court, of said county of Robeson, first certifying, under his hand and seal, that said Commissioners have been appointed according to the provisions of this act.

Be it further enacted, That the Court of Pleas and Quarter Sessions of said County of Robeson aforesaid, are hereby authorised to make such compensation to said Commissioners for their services, as to said Court shall seem expedient; and that said Court are hereby authorised to lay a tax on the taxable property, for raising funds necessary for the payment of said Commissioners; and that the Sheriff of said county shall collect and account for said tax, in the same manner as he collects and accounts for other taxes by him collected.

Be it further enacted, That said Commissioners shall give bond and security, to be approved by the County Court of Robeson aforesaid, in the sum of Twenty Thousand Dollars, payable to the State of North Carolina, for the faithful performance of their duties as Commissioners.

Mr. Conner moved to amend the amendment, by adding thereto sundry sections, appropriating One Hundred Thousand Dollars to improve the navigation of the Catawba River, from the point where the Rail Road from Columbia to Charlotte crosses said River, up to the Rocky Ford, near Morganton.

Said amendment was rejected—yeas 20, nays 23.

Mr. Conner demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Ashe, Berry, Bell, Collins, Conner, Davidson, Gilmer, Har-
Those who voted in the negative are:


The question then recurred on the adoption of the amendment moved by Mr. Rowland, and was decided in the negative; yeas 20, nays 23.

Mr. Kendall demanded the Yeas and Nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


The Senate then took a recess.

THREE O'CLOCK, P. M.

Mr. Rowland moved that the vote by which the engrossed bill to incorporate the North Carolina Railroad Company passed its third reading, be reconsidered. The Speaker announced that a message had been received, and was on his table, from the House of Commons, in reference to the amendments made by the Senate to the said bill. The message was read, and stated that the House of Commons had concurred in the amendments made by the Senate to the said bill, and ordered
the same to be enrolled. Mr. Walker inquired, at what time in the day the message asking the concurrence of the House in the said amendments, was transmitted to that House. The reply of the Clerk of the Senate was, that the said message was not sent until after 12 o'clock, this day.

The Speaker thereupon decided that the motion to reconsider was not in order, the said bill not being in the possession of the Senate. Mr. Rowland appealed from the decision of the Chair, but subsequently withdrew his appeal, and moved that the Rule of the Senate, with which a motion to reconsider the final vote on the passage of the said bill conflicts, be suspended. Subsequently, Mr. Rowland moved that his said motion be laid on the table, which was decided in the affirmative.

Mr. Patterson moved that the vote by which the amendment moved by Mr. Rowland, to the engrossed bill supplemental to an act passed at the present session of the Legislature, to improve the Cape Fear and Deep rivers above Fayetteville, be reconsidered. Decided in the negative; yeas 21, nays 22.

Mr. Exum demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Ashe, Barnard, Bell, Daniel, Davidson, Gilmer, Hargrove, Hawkins, Joyner, Lane, Lillington, Miller, Murchison, Patterson, Rowland, Smau, Thomas, of Davidson, Thomas, of Haywood, Washington, Woodfin, and Worth.

Those who voted in the negative are:


The Senate then took up for consideration the order of the day, being the Reports and Resolutions from the committee on Privileges and Elections, in relation to the contested election from the 37th Senatorial District. Mr. Bower called for a division of the question on the Resolutions, and the yeas and nays on them. The question was then taken on the first resolution as follows, viz:
Resolved, That John Berry was duly elected to a seat in this Senate, under the election in August last.
Adopted; yeas 26, nays 17.

Those who voted in the affirmative are:

Those who voted in the negative are:
Messrs. Barnard, Daniel, Davidson, Eborn, Gilmer, Hargrove, Joyner, Lane; Lillington, Patterson, Shepard, Smaw, Thomas, of Davidson, Washington, Willey, Woodfin, and Worth.

The question was taken on the second resolution as follows, viz:

Resolved, That John Berry is entitled to his seat under that election.

And decided in the affirmative; yeas 22, nays 21,

Those who voted in the affirmative are:

Those who voted in the negative are:
Messrs. Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Hargrove, Joyner, Kendall, Lane; Lillington, Miller, Patterson, Shepard, Smaw, Smith, Thomas, of Davidson, Washington, Willey, Woodfin, and Worth.

The question was then taken on the third Resolution as follows, viz:

Resolved, That John Berry was duly elected at the election in November.

And decided in the affirmative; yeas 21, nays 21.

Those who voted in the affirmative are—

Those who voted in the negative are:

Messrs. Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Shepard, Smaw, Smith, Thomas, of Davidson, Washington, Willey, Woodfin, and Worth.

Mr. Speaker Graves cast his vote in the affirmative.

The question was then taken on the fourth resolution as follows, viz:

Resolved; That John Berry is entitled to his seat by virtue of that election.
And decided in the affirmative; yeas 21, nays 20.

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Smaw, Smith, Thomas, of Davidson, Washington, Willey, Woodfin, and Worth.

The question was then taken on the fifth resolution as follows, viz:

Resolved, That Hugh Waddell is not entitled to the seat.
And decided in the affirmative; yeas 22, nays 20.

Those who voted in the affirmative are:

Those who voted in the negative are:

Messrs. Barnard, Bell, Daniel, Davidson, Eborn, Gilmer, Hargrove, Joyner, Kendall, Lane, Lillington, Miller, Patterson, Smaw, Smith, Thomas, of Davidson, Willey, Woodfin, Worth, and Washington.

Mr. Moye moved that a message be sent to the House of Commons, requesting that House to return to the Senate a bill entitled a bill to incorporate the North Carolina Railroad Company, for the purpose of further action in this body.

Mr. Joyner moved that the said motion be laid on the table. Decided in the affirmative; yeas 22, nays 20.

Mr. Moye demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative are—


The Senate then took a recess until half past 7 o'clock.

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Half Past 7 O'clock, P. M.

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, viz:

A bill to amend an act passed at the session of the General Assembly, 1846-7, entitled an act to authorize laying off and establishing a Turnpike Road from the head waters of Carter's
and Spencer's Canal, near Mattamuskeet Lake, in Hyde County, to Columbia in Tyrrell County.

A bill to repeal an act entitled "An act to alter the mode of electing Constables in the county of Wilkes.

A bill to incorporate the Macon County Cavalry Company.

A bill to prevent the felling of timber in Alamance River.

A bill to incorporate Belmont Lodge, in Duplin County.

A bill for the relief of Ephraim Lutz, in Catawba County.

A bill to amend an act establishing the County of Alexander.

A bill to amend an act passed 24th of December, entitled "An act to incorporate the Trustees of Milton Female Institute, in the County of Caswell."

A bill supplemental to an act passed by the present General Assembly, entitled "An act to lay off and establish a new county by the name of Alamance."

Resolutions concerning the improvement of the Indian Tribes.

Which bills and resolutions were read the first time, and passed.

Received also from the House of Commons a message, stating that they have passed the engrossed bill to increase the Revenue of the State, and asking the concurrence of the Senate.

Said bill was read the first and second times, and passed.

The bill to extend the limits of the Town of Wilmington, was read the second and third times, amended, on motion of Mr. Speight, and passed. Ordered that said bill be engrossed.

On motion of Mr. Exum, the engrossed bill to amend an act passed at the Session of 1846—7, entitled "An act to amend an act passed at the Session of 1827, entitled an act to prevent the obstruction of the passage of Fish up Roanoke and Cashie Rivers and their waters," was read the third time, passed, and ordered to be enrolled.

On motion of Mr. Bethell, the Senate took up for consideration the bill to incorporate the Charlotte and Danville Rail Road Company, on its third reading.

On motion of Mr. Bethell, the bill was amended by striking out the word "Charlotte," wherever it occurs in the bill, and inserting in lieu thereof the word "Yadkin."
Mr. Bethell moved to amend the bill further, by striking out from the first section of the Bill, the words "between the town of Charlotte in the State of North Carolina, and the town of Danville, in the State of Virginia," and inserting in lieu thereof, the words "at some point East of the Yadkin, between the North Carolina Rail Road, and the town of Danville, in the State of Virginia."

Mr. Woodfin moved to amend the amendment, by inserting the words "South Greensboro", after the word "Yadkin." Rejected.

The question was then taken on the amendment, and decided in the affirmative.

Mr. Gilmer moved to amend the bill by inserting the following after the thirty seventh section, viz:

Sec. 38. Be it further enacted, That all the privileges and powers in this act, granted to the said Yadkin and Danville Rail Road Company, shall, for the first ten years, be confined to a route from Danville to the most convenient point on the route of the North Carolina Rail Road, South of Greensboro; and should the North Carolina Rail Road Company put their road under contract from Raleigh to Salisbury within ten years, then all the powers and privileges of the said Yadkin and Danville Rail Road Company, shall terminate at the point where it shall connect with the said North Carolina Rail Road; otherwise, the said Yadkin and Danville Rail Road Company shall have power and privilege to build, contract and continue, their road from said point of junction, to the town of Charlotte, under the provisions of this act.

Mr. Bethell moved to amend the amendment by inserting after the word "South," the word "West." Adopted—yeas 20, nays 16.

Mr. Gilmer demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Berry, Bethell, Bower; Collins, Conner, Drake, Exum, Hester, Kendall, Miller, Moye, Murchison, Reich, Rogers, Rowland, Smith, Walker, Watson, Wooten; and Worth.
Those who voted in the negative are—


On motion of Mr. Worth, said vote was reconsidered, and the amendment to the amendment was rejected, and the question on the adoption of the amendment was decided in the affirmative.

The question then recurred on the passage of the bill its third reading, and was determined in the affirmative—yeas 20, nays 18.

Mr. Ashe demanded the Yeas and Nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


Ordered that said bill be engrossed.

On motion of Mr. Ashe, the Senate adjourned.

Saturday, Jan. 27.

Mr. Patterson introduced a Resolution proposing to alter the Joint Rules, so that all bills of a private or local character that have been registered in a fair hand, and to which no amendments have been made after engrossment, shall be ratified and
signed by the Speakers of the two Houses, without being enrolled. Adopted; and a message sent to the House of Commons asking their concurrence.

Mr. Bower introduced a Resolution in favor of William J. Clark, the Clerk of the Committee of Privileges and Elections, which was read the first, second and third times, passed, and ordered to be engrossed.

Mr. Patterson introduced a resolution in favor of the Secretary of State, authorising him to employ a Clerk; which was read the first time and passed.

Mr. Patterson, from the committee on Cherokee Lands, to whom was referred the petition of James Whitaker, reported the same back to the Senate and asked to be discharged; and the said committee was discharged accordingly.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred sundry petitions from Haywood and Cherokee Counties, in reference to the formation of a new county, reported the same back to the Senate, and asked to be discharged. Discharged accordingly.

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, viz:

A bill for the improvement of the public road from Raleigh to Hillsboro'.

A bill to amend the 8th section of an act entitled an act to incorporate the Caldwell and Ashe Turnpike Company.

A bill to incorporate the Deep River Manufacturing Company.

A bill authorising the Judges, who may hold Special Terms of the Superior Court, under the provision of the act passed in the year 1844, chapter 10th, to take jurisdiction of Equity cases, in like manner as they are by that act authorized to take cognizance of Civil suits.

A bill concerning the improvement of Smith's River, in the county of Rockingham.

A bill to incorporate the McDowell and Yancy Turnpike Company.

A bill to authorise the erection of a Toll Bridge over Cataw-
ba river, between the counties of Caldwell and Catawba, and to incorporate a Company for that purpose.

Resolution in favor of the Public Treasurer.

Resolution directing the continuation of the road from the Lake Pungo to the town of Plymouth, in Washington county.

A bill to provide more effectually for the education of the Deaf Mutes in the State.

A bill for the better regulation of the Court of Pleas and Quarter Sessions, of the county of Nash.

A bill more effectually to prevent the selling or giving away of Spirituous Liquors, at or near places of Public Worship.

Resolution instructing the Literary Board to sell the Swamp Lands of the State belonging to said Fund, if they deem it necessary.

A bill more effectually to prevent administering poisons, with an intent to kill or murder.

A bill concerning Wardens of the Poor.

A bill concerning the debt due from the Trustees of Wake Forest College, to the Trustees of the Literary Board.

A bill to incorporate Crane's Creek Burial Ground Company, in the county of Moore.

A bill to incorporate the McDowell and Yancy Turnpike Company.

A bill to incorporate the Columbus Guards, a Volunteer Company.

A bill amendatory of an act passed at the session of the General Assembly of 1846-7, entitled an act to charter a Turnpike Road from Morganton to the forks of the road near the seventeen mile post, on the road leading from Yorkville, S. C.

A bill to open and improve the road from Salathiel Stone's Old Place, in Forsyth county, to the Virginia line.

A bill to incorporate Concord Division, No. 1, of the Sons of Temperance.

Said bills and resolutions were read the first time and passed.

Mr. Ashe introduced the following Preamble and Resolutions, viz:

WHEREAS, In the case of the contested election from Orange county, it is apparent to the Senate, that the Contestant
acted under the honest belief that he was elected, and hath been at great expense and loss of time:

1. Be it Resolved, That the contestant, Hugh Waddell, be allowed the usual pay of a member, from the day of filing his memorial, to the 27th instant.

2. Be it further Resolved, That the Commissioners be allowed the sum of Two Dollars per day, for the time they were respectively engaged in this investigation.

Said Resolutions passed their first reading, and the rules being suspended they were read the second time. Mr. Drake called for a division of the question, and being taken on the first Resolution, it was rejected. Mr. Berry moved to amend the second Resolution, by inserting therein after the word "Commissioners," the words, "and Clerks." Adopted.

The question was then taken on the passage of the second Resolution, and decided in the affirmative.

Received from the House of Commons a message, stating that they have passed the engrossed bill from the Senate, entitled "A bill supplemental to an act passed at the present Session, entitled an act to provide for the establishment of a State Hospital for the Insane in North Carolina, with the following amendments, in which they ask the concurrence of the Senate, viz:

In the first section, 13th line, strike out "within three miles of the town of Lexington, in the county of Davidson," and insert "near the City of Raleigh."

The question on concurring in this amendment, was decided in the negative—yeas 16, nays 23.

Mr. Thomas, of Davidson, demanded the Yeas and Nays.

Those who voted in the affirmative are:

Messrs. Bell, Berry, Collins, Drake, Eborn, Exum, Gilmer, Graham, Hargrove, Moye, Rogers, Smaw, Speight, Spicer, Thomas, of Haywood, and Thompson, of Wake.

Those who voted in the negative are:

Messrs. Ashe, Bethell, Bower, Conner, Davidson, Faison, Hawkins, Hester, Joyner, Kendall, Lane, Lillington, Miller, Mur-
The question was then taken on the second amendment proposed by the House of Commons, viz: to strike out the second section of the engrossed bill, and decided in the negative.

The third amendment was not concurred in.

The fourth and fifth amendments were concurred in by the Senate, and a message was sent to the House of Commons informing them accordingly.

Mr. Smith, from the joint committee on the Library, reported resolutions authorising the Governor to furnish the Library of the Supreme Court of the United States, with a copy of the North Carolina Supreme Court Reports; which were read the first, second, and third times, passed, and ordered to be engrossed.

On motion of Mr. Berry, the vote by which the first resolution of those introduced by Mr. Ashe, to pay Hugh Waddell up to the 27th inst. was rejected, was reconsidered. Said resolution was laid on the table.

On motion of Mr. Woodfin, the engrossed bill supplemental to an act passed at the present session of the Legislature, to improve the Cape Fear and Deep rivers, above Fayetteville, was taken up. Said bill was read the third time, passed, and ordered to be enrolled. Yeas 21, Nays 17.

Those who voted in the affirmative are:

Messrs. Albright, Ashe, Bell, Daniel, Davidson, Gilmer, Hargrove, Hawkins, Joyner, Lane, Lillington, Miller, Murchison, Patterson, Rowland, Smaw, Thomas, of Davidson, Thompson, of Wake, Washington, Woodfin, and Worth.

Those who voted in the negative are:

Messrs. Berry, Bower, Conner, Drake, Eborn, Exum, Faison, Graham, Kendall, Moye, Reich, Rogers, Speight, Spicer, Walker, Watson, and Wooten.

The Senate then took up for consideration, on motion of Mr.
Rowland, the bill to clear out Lumber River. Said bill was read the second time and passed; yeas 20, nays 16.

Mr. Moye demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Ashe, Bell, Davidson, Gilmer, Hargrove, Hawkins, Joyner, Lane, Lillington, Miller, Murchison, Patterson, Rowland, Thomas, of Davidson, Thomas, of Haywood, Washington, Wooten, and Worth.

Those who voted in the negative are:


The Senate then took a recess.

Three O'clock, P. M.

The engrossed bill for the better organization of the Courts of Pleas and Quarter Sessions, for the county of Nash, was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill supplemental to an act passed by the present General Assembly, entitled an act to lay off and establish a new county by the name of Alamance, was read the second time. Mr. Berry moved to amend the bill by striking out the word, "Graham," and inserting the word "Montgomery." Adopted; yeas 19, nays 16.

Those who voted in the affirmative are:

Messrs. Ashe, Berry, Bower, Collins, Conner, Drake, Exum, Faison, Hester, Joyner, Moye, Murchison, Reich, Rogers, Speight, Spicer, Walker, Watson, and Wooten.
Those who voted in the negative are:

Messrs. Bell, Bethell, Daniel, Eborn, Gilmer, Graham, Hawkins, Joyner, Kendall, Lane, Patterson, Smith, Thomas, of Davidson, Thomas, of Haywood, Willey, and Woodfin.

Said bill then passed its second reading:

The Senate then proceeded to the consideration of the bill to improve the navigation of the Catawba River. Mr. Conner moved to amend the bill by striking out all from the same that constitutes the State a Stockholder in said corporation. Adopted, yeas 27, nays 6.

Mr. Woodfin demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Gilmer, Hawkins, Lane, Patterson, Smaw, and Woodfin.

The resolution authorising the Secretary of State to employ a Clerk, was read the second time and rejected.

On motion of Mr. Woodfin, the Senate proceeded to the consideration of the engrossed bill to increase the Revenue of the State. Said bill was read the third time. Mr. Smith moved to amend the bill, by striking out the first section, as follows, viz:

1. Be it enacted, That hereafter, there shall be levied the sum of three cents on each dollar of interest safely secured and actually due or received, upon all sums of money at interest, whether in this State or out of it, at any time during the year next preceding the time when the owner thereof shall give in his, her, or their tax list.

Rejected; Yeas 3, Nays 32.

Mr. Gilmer demanded the yeas and nays.
Those who voted in the affirmative are:

Messrs. Bell, Eborn, and Smith.

Those who voted in the negative are:


Mr. Smith moved to amend the first section of the bill by striking out the words "whether" and "out of it." Rejected; yeas 1, nays 34.

Mr. Woodfin demanded the yeas and nays.

Mr. Smith voted in the affirmative.

Those who voted in the negative are:


Mr. Smith moved to amend the first section by striking out "three," and inserting "two;" (making the tax two cents.)—Rejected; yeas 14, nays 24.

The yeas and nays were demanded by Mr. Ashe.

Those who voted in the affirmative are—

Messrs. Bell, Berry, Bethell, Conner, Eborn, Graham, Hester, Moyé, Patterson, Smith, Speight, Thomas, of Davidson, Washington, and Willey.

Those who voted in the negative are:

Mr. Smith moved to amend the bill, by striking out the Proviso to the second section of the bill, by which Bank Stock is excepted from further taxation. Rejected; Yeas 17, Nays 18.

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Ashe, Bethell, Collins, Daniel, Gilmer, Graham, Hargrove, Hawkins, Joyner, Kendall, Lane, Lillington, Patterson, Rogers, Smaw, Thompson, of Wake, Woodfin, and Worth.

Mr. Speight moved to amend the bill, by striking out from the 7th section, the words "pleasure carriages." Rejected; Yeas 9, Nays 27.

The yeas and nays were demanded by Mr. Woodfin.

Those who voted in the affirmative are:

Messrs. Berry, Exum, Hester, Moye, Smith, Speight, Thomas, of Davidson, Watson, and Willey.

Those who voted in the negative are:


The question on the passage of the bill its third reading, was then taken, and determined in the affirmative; Yeas 20, Nays 16.

Mr. Woodfin demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Ashe, Bethell, Daniel, Davidson, Gilmer, Hargrove, Hawkins, Joyner, Kendall, Lane, Lillington, Moye, Patterson, Spicer, Thomas, of Davidson, Thomas, of Haywood, Thompson, of Wake, Washington, Woodfin, and Worth.
Those who voted in the negative are:


Received from the House of Commons a message, stating that they insist upon their amendments to the engrossed bill, entitled "A Bill supplemental to an act passed at the present session of the General Assembly, entitled an act to provide for the establishment of a State Hospital for the Insane in North Carolina."

A committee of conference was moved. Rejected.

On motion of Mr. Ashe, the Senate receded from its disagreement to the amendments of the House of Commons. Said amendments were concurred in, and the bill was ordered to be enrolled.

The yeas and nays were demanded on the motion to recede.

Those who voted in the affirmative are:


Those who voted in the negative are:


Received from the House of Commons a message, stating that they have passed the engrossed resolution to protect the interest of the State in the Raleigh and Gaston Rail Road; which was read the first time and passed. The Rules were suspended, and the said resolution was read the second and third times, passed, and ordered to be enrolled.

The yeas and nays were demanded by Mr. Hester, on the passage of the said resolution its second reading, and were as follows, viz:
Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Berry, Bower, Conner, Drake, Exum, Faison, Hester, Kendall, Moya, Rogers, Smith, Speight, Watson, Willey, and Wooten.

Received from the House of Commons, a message proposing that the Joint Committee on enrolled bills, be increased by the addition of five on the part of the House of Commons, and three on the part of the Senate. Concurred in, and Messrs. Watson, Worth, and Speight, appointed on the part of the Senate.

The resolution in favor of William F. Collins, Comptroller of the State, was read the second and third times, amended, on motion of Mr. Lillington and Mr. Bower, passed and ordered to be engrossed. Mr. Bower moved to reconsider the vote by which the Resolution in favor of the Comptroller of the State was passed its third reading. Rejected.

A message from the House of Commons was received, stating that the additional members on enrolled bills on the part of that House, are Messrs. Erwin, Logan, Nixon, Scott and Stevenson.

The engrossed bill for the relief of Ephraim Lutz, of Catawba County, was read the second time and passed, and on its third reading, was rejected. Yeas 11, Nays 20.

Mr. Exum demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:
Messrs. Ashe, Daniel, Drake, Eborn, Exum, Faison, Joyner, Kendall, Lane, Patterson, Smaw, Smith, Speight, Spicer, Thomas, of Davidson, Thompson, of Wake, Willey, Woodfin, Wooten, and Worth.

The Resolutions in favor of Hugh Waddell and others, were read the second time and passed—yeas 15, nays 10.

Mr. Moye demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are—

Messrs. Collins, Conner, Drake, Exum, Faison, Kendall, Moye, Murchison, Speight and Wooten.

Ordered that said Resolutions be engrossed.

Received from the House of Commons, a message stating that they concur in the proposition of the Senate, that the 6th Joint Rule be changed so that all bills of a private nature and local character, that have been engrossed in a fair hand, and to which no amendments have been made after engrossment, shall be ratified and signed by the Speakers of the two Houses, without being enrolled.

The bill to provide for a survey of the Catawba River, was read the second and third times, passed and ordered to be engrossed.

The engrossed bill to annex a part of Burke to the county of Catawba, was read the second time, and on motion of Mr. Woodfin, laid on the table.

The engrossed bill supplemental to an act passed at the present General Assembly, entitled an act to lay off and establish a new county by the name of Alamance, was read the 3rd time, amended on motion of Mr. Bower, by striking out the word “Montgomery,” and inserting “Graham,” passed, and ordered to be enrolled.
On motion of Mr. Rowland, the Senate took up for consideration, on its third reading, the bill to clear out Lumber River, in the counties of Robeson and Richmond.

Said bill was read the third time and rejected; yeas 14, nays 16.

Mr. Exum demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative are—


The engrossed bill to provide for the better keeping of the State Capitol, the preservation of the enclosure of the Capitol Square, and the improvement of the grounds thereof, was read the second time, and on motion of Mr. Bower, ordered to lie on the table.

The following engrossed Bills were read the second and third times, passed, and ordered to be enrolled, viz:

A bill to provide more effectually for the education of the Deaf Mutes within this State.

A Resolution directing the Public Treasurer to procure a Seal of Office.

A bill to amend an act establishing the County of Alexander.

Resolution for the relief of S. W. Tillinghast and others.

Resolution in favor of Charles L. Hinton.

Resolution directing the continuation of the road from the Lake Pungo to the town of Plymouth, in Washington county.

A bill to incorporate Johnston Little River Manufacturing Company in the County of Johnston.

Resolutions concerning the improvement of the Indian Tribes.
A bill to open and improve the road from Salathiel Stone’s Old Place, in Forsyth county, to the Virginia line.

A bill to incorporate the Columbus Guards, a Volunteer Company.

A bill to amend the 73d chapter, Revised Statutes, entitled “An act concerning the Militia of the State, and for other purposes.”

A bill to incorporate Phalanx Lodge; No. 31, of Ancient York Masons.

A bill allowing compensation to the Reporter of the Supreme Court for reporting the cases decided at the terms held at Morganton.

A bill to repeal the third and fourth sections, chapter 100, of the Statutes, of the Legislature of 1846—7.


A bill to amend and consolidate the several acts heretofore passed in favor of Poor Debtors.

A bill to affect a better organization of the Militia of Iredell County.

A bill to amend the 8th section of an act to incorporate the Caldwell and Ashe Turnpike Company.

A bill to amend the 24th chapter, Revised Statutes.

A bill to incorporate the Macon County Cavalry Company.

Resolution in favor of Isaac Cook and others.

The following bills were read the second time, and postponed indefinitely, viz:

A bill for the more speedy administration of justice in certain cases, &c.

A bill concerning the debt due from the Trustees of Wake Forest College, to the Literary Board.

Received from the House of Commons a message, stating that they have postponed indefinitely the Engrossed bill from the Senate to incorporate the Dan River Mechanics’ Association, in the Town of Milton; also, that they have passed the engrossed bill to extend the limits of the town of Wilmington, and for other purposes, with an amendment. Amendment con-
curred in by the Senate, and said bill ordered to be enrolled.

The following engrossed bills were read the second and third times, passed, and ordered to be enrolled, viz:

A bill to alter the time of holding two terms of the Court of Pleas and Quarter Sessions in the Counties of Lincoln and Catawba.

A bill to incorporate Belmont Lodge, in Duplin County.

A bill to prevent the felling of timber in Alamance River, in the county of Orange.

A bill to regulate the dismissal of appeals in the Supreme Court, and for other purposes.

A bill to incorporate Concord Division, No. 1, of the Sons of Temperance.

A bill to amend an act passed 24th of December, 1844, entitled "An act to incorporate the Trustees of Milton Female Institute, in the County of Caswell."

A bill to attach a portion of Yancy county to the county of Buncombe.

A bill to amend the third section, chapter 86, Revised Statutes, concerning Patrons.

A bill to amend an act passed at the session of the General Assembly of 1846-7, entitled an act to authorise laying off and establishing a Turnpike Road from the head of Carter's and Spencer's Canal, near Mattamuskeet Lake, to Columbia, in Tyrrell County.

A bill to facilitate the collection of certain debts, given for Cherokee Lands, and for other purposes.

A bill to incorporate the McDowell and Yancy Turnpike Company.

A bill to incorporate Kinston, in the county of Lenoir.

A bill to amend the 16th section of 31st chapter of Revised Statutes, entitled Courts of Equity.

On motion of Mr. Conner, the Senate adjourned until Monday morning, 4 o'clock.
Monday Morning, 4 O'Clock.

Mr. Gilmer introduced a resolution in favor of the Principal and Assistant Doorkeepers; which was read the first and second times, and passed. On motion of Mr. Gilmer, said resolution was laid on the table.

Received from the House of Commons, a message stating that they have passed the engrossed bill to appoint Commissioners for the New Toll Bridge on French Broad River, in Buncombe County, with an amendment. Amendment concurred in, and the bill ordered to be enrolled.

Also, a resolution in favor of the President and Trustees of the Greensboro' Female College, with an amendment. Amendment concurred in, resolution ordered to be enrolled.

Received also 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, viz:

A bill to amend an act passed at the last session of the General Assembly, entitled an act to lay off and establish a new county by the name of Alexander.

Resolution providing for publishing and distributing the Revenue Act, passed at the present session.

A bill more effectually to prevent the selling or giving away of Spirituous Liquors, at places of Public Worship.

A bill concerning the improvement of Smith's River, in the county of Rockingham.

A bill to authorise the erection of a Toll Bridge over Catawba River, between the counties of Caldwell and Catawba, and to incorporate a Company for that purpose.

Said bills and resolutions were read the first, second, and third times, passed, and ordered to be enrolled.

The bill to repeal part of the fourth section of an act entitled an act to aid Internal Improvements of the State, was read the second time, and on motion of Mr. Walker, 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, viz:

A bill concerning Wardens of the Poor.

A bill to lay off and establish a Public Road, beginning at Trap Hill, in Wilkes county, and running across the Blue Ridge to Gap Civil, in the county of Ashe.

A bill to amend an act passed at the last session of the General Assembly, entitled an act to provide for the apprehension of runaway slaves in the Great Dismal Swamp, and for other purposes, and to extend the provisions thereof.

Received from the House of Commons, a message stating that they have passed the engrossed resolution to suspend the collection of Cherokee Bonds, &c., in which they ask the concurrence of the Senate. Said resolution was read the first, second, and third times, amended on motion of Mr. Smith, passed, and a message sent to the House of Commons, asking their concurrence in said amendment.

The engrossed resolution in favor of Perrin Busbee, was read the first, second, and third times, passed, and ordered to be enrolled.

Also, a bill amendatory of an act passed at the session of the General Assembly of 1846-7, entitled an act to charter a Turnpike Road from Morganton, in the county of Burke, to the forks of the road near the 17th mile post, on the road leading to Yorkville, South Carolina.

On motion of Mr. Gilmer, the Resolution in favor of the Doorkeepers, was taken up, read the third time and rejected; yeas 13, nays 14.

Mr. Watson demanded the yeas and nays.

Those who voted in the affirmative are—

Messrs. Daniel, Davidson, Gilmer, Hargrove, Hawkins, Joyner, Smaw, Smith, Speight, Thomas, of Haywood, Washington, and Woodfin,

Those who voted in the negative are:

The following engrossed resolutions and bills were read the second and third times, passed, and ordered to be enrolled:

Resolution in favor of the Doorkeepers.
A bill concerning the mode of Widows' dissenting from the last Will and Testament of deceased husbands, in certain cases.
A bill for the improvement of the Public Road from Raleigh to Hillsboro'.
A resolution to pay the contingent expenses of this Legislature.
Resolution making compensation to Assistant Engrossing Clerks.
A bill to authorize Abner Carmichael, late Sheriff of Wilkes, county, and others, to collect arrears of Taxes due them.

On motion of Mr. Gilmer, a message was ordered to be sent to the House of Commons, proposing to suspend the joint agreement to adjourn this day at 8 o'clock, until ten o'clock, this day.

Mr. Bower demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Berry, Bower, Collins, Conner, Faison, Kendall, Reich, Rogers, Speight, Thompson, of Wake, Walker, and Watson.

The following engrossed Bills were read the second and third times, passed, and ordered to be enrolled, viz:

A bill to authorize the Judges who may hold special terms
of the Superior Courts, under the acts of 1844; chapter 10, to take jurisdiction of Equity cases.

A bill to incorporate the town of Swansboro.

Resolution instructing the Literary Board to sell the Swamp Lands of the State belonging to said Fund, if they deem it necessary.

Received from the House of Commons a message, agreeing to the proposition of the Senate to suspend the Joint agreement of the two Houses to adjourn *sine die*, this day at 8 o'clock, until 10 o'clock this day.

The engrossed resolution, relative to the opening of Roanoke Inlet, was read the second time and passed.

Received from the House of Commons a message, stating that they have passed the engrossed bill to amend an act to incorporate Panther's Creek and Tennessee Mountain Turnpike Company, in which they ask the concurrence of the Senate. Said bill was read the first second and third times, passed, and ordered to be enrolled.

The engrossed bill to incorporate Deep River Manufacturing Company, was read the second and third times, passed, and ordered to be enrolled.

Received from the House of Commons a message, informing the Senate, that having disposed of all the public business before them, they are ready, according to the previous order of the two Houses, to adjourn *sine die*.

On motion of Mr. Joyner, a message was sent to the House of Commons stating, that the Senate having dispatched all the public business before it, is also ready to adjourn *sine die*.

Mr. Joyner then called up the following Resolution, which was introduced by him a few days since, and at his request, laid on the table, viz:

*Resolved*, That the thanks of the Senate are justly due, and are hereby tendered, to the Hon. Calvin Graves, for the able, faithful, and impartial manner in which he has discharged the duties of the Chair, during the present Session.

The said Resolution passed unanimously, and Mr. Speaker Graves resumed the Chair, (Mr. Patterson having occupied it
temporarily) and returned his thanks to the Senate in a very appropriate farewell address, and concluded by resigning his appointment as Speaker of the Senate.

On motion of Mr. Speight, Mr. Joyner was unanimously elected Speaker of the Senate, and having returned his thanks therefor, forthwith adjourned the same without day.

CALVIN GRAVES,
Speaker of the Senate.

By order,
H. W. Miller, Clerk.
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**BILLS OF THE SENATE.**

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