At a session of the General Assembly of North Carolina, begun and held in the City of Raleigh, on Monday, the 4th day of October, in the year of our Lord one thousand eight hundred and fifty two, and in the seventy seventh year of the Independence of the United States of America, convened by proclamation of the Governor of the State: which said proclamation is in the words following, viz:

PROCLAMATION.

"By his Excellency, David S. Reid, Governor of the State of North Carolina.

Whereas, with the advice of the Council of State, it has been deemed absolutely necessary to convene the General Assembly at an earlier day than is appointed by law for the regular meeting thereof, I do hereby issue this, my proclamation, notifying and requesting the Senators and Members of the House of Commons elect of the General Assembly of North Carolina to meet in session at the Capitol in the City of Raleigh, on Monday, the fourth day of October next.

Given under my hand and attested by the great seal of the State of North Carolina. Done at the City of Raleigh.
eigh, the 25th day August A. D. 1852, and in the 77th year of our Independence.  

DAVID S. REID.  

WM. H. JONES,  
Private Secretary.  

And the said Proclamation being read by the Clerk, the following members of the Senate appeared, exhibited their credentials and were qualified according to law, viz:  

From the 1st District—Pasquotank and Perquimans—Thos. F. Jones.  
"
2d do Camden and Currituck—  
"
3d do Gates and Chowan—Henry Willey.  
"
4th do Washington and Tyrrell—  
"
5th do Northampton—  
"
6th do Bertie—Lewis Thompson.  
"
7th do Martin—Daniel Ward.  
"
8th do Halifax—Andrew Joyner.  
"
9th do Edgecomb—Henry T. Clark.  
"
10th do Pitt—B. G. Albright.  
"
11th do Beaufort and Hyde—Riley Murray.  
"
12th do Craven—  
"
13th do Carteret and Jones—M. F. Arendell.  
"
14th do Lenoir and Greene—  
"
15th do New Hanover—James Kerr.  
"
16th do Onslow—  
"
17th do Duplin—B. W. Herring.  
"
18th do Brunswick, Bladen & Col.—T. S. D. McDowell.  
"
19th do Cumberland—Alex. Murchison.  
"
"
21st do Wayne—Curtis H. Brogden.  
"
22d do Johnson—Wm. H. Watson.  
"
23d do Wake—Wesley Jones.  
"
24th do Nash—John H. Drake.  
"
25th do Franklin—James Collins.  
"
"
27th do Granville—N. E. Cannady.  
"
28th do Person—J. W. Cunningham.  
"
29th do Orange—John Berry.  
"
30th do Chatham—Wm. Albright.  
"
31st do Moore and Montgomery—A. R. Kelly.  
"
32d do
When the second Senatorial District, composed of the Counties of Camden and Currituck, was called, H. M. Shaw and John Barnard each exhibited certificates of election, which, at the suggestion of Mr. Joyner, were passed over.

A quorum, consisting of a majority of the whole number of members, being present, Mr. Bower nominated Weldon N. Edwards, of Warren, for Speaker.

On motion of Mr. Bynum, the name of Andrew Joyner was added to the nomination: and the Senate voted as follows.

FOR MR. EDWARDS.

Messrs. Ward, Clark, Kerr, Herring, McDowell, Murchison, Bunting, Brogden, Watson, Wesley Jones, Drake, Collins; Cannady, Cunningham, Berry, Withers, Boyd, Caldwell, Hargrave, Barrow, Bower, Hoke and Thomas.—23.
FOR MR. JOYNER.

Messrs. T. F. Jones, Willey, Cowper, Thompson, Albritton, Murray, Arendell, Albright, Kelly, Steele, Richardson, Lane, Gilmer, Palmer, Lillington, Parks, Bynum, Mitchell, and Woodfin.—19.

Mr. Edwards having received a majority of the votes given, was declared duly elected speaker of the Senate, and, being conducted to the Chair by Messrs. Bower and Bynum, made his acknowledgements in an appropriate address.

Mr. Lillington introduced the following Resolution, viz:

Resolved, that John Hill be appointed principal Clerk and Geo. E. B. Singeltary assistant Clerk of the Senate during the present session of the Legislature.

The question on the adoption of said Resolution was determined in the affirmative: yeas 35, nays 9.

Mr. Hoke demanded the yeas and nays.

Those who voted in the affirmative are,

Messrs. Speaker, Arendell, Bower, Berry, Bunting, Drayden, Boyd, Barrow, Clark, Cannady, Caldwell, Collins, Cunningham, Drake, Gilmer, Hoke, Hargrave, Herring, Wesley Jones, Kerr, Kelly, Lane, Lillington, McDowell, Murchison, Mitchell, Parks, Richardson, Steele, Thomas, Willey, Woodfin, Ward, Watson and Withers.

Those who voted in the negative are,


On motion of Mr. Bower, James Page was appointed principal Door Keeper of the Senate.
Mr. Hoke nominated Patrick McGowan for assistant door-keeper. On motion of Mr. Bynum, the name of Green Hill was added to the nomination.

The Senate then voted as follows:

FOR MR. McGOWAN.


FOR MR. HILL.


Mr. Berry voted for Mr. Anderson.

Mr. McGowan, having received a majority of the votes given, was declared duly elected assistant Door-keeper.

On motion of Mr. Bower, the certificates presented by Messrs. Shaw and Barnard were read.

Whereupon, Mr. Hoke offered the following resolution, viz:

Resolved, That from the certificates of the Sheriffs, exhibited to the Senate, Henry M. Shaw is entitled to a seat in this House, as a Senator from the Counties of Camden and Currituck.

Mr. Woodfin moved to amend the resolution, by striking out all after the word resolved, and inserting the following, viz:
"That the evidences of election to a seat in this body, presented by John Barnard and H. M. Shaw, be referred to a select Committee of seven." Pending the question on said amendment,

On motion of Mr. Thomas, the Senate adjourned until to morrow morning, 11 o'clock.

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**Tuesday, Oct. 5th, 1852.**

Thomas J. Person, the Senator elect from the county of Northampton, (being the 5th Senatorial District) Charles McClees, the senator elect from the 4th District, composed of the Counties of Washington and Tyrrell, James P. Speight, the Senator elect from the 15th District, composed of the Counties of Lenoir and Green, and George McMillan, the Senator elect from Onslow County, (being the 17th District,) severally appeared, produced their credentials, were qualified and took their seats.

Received a message from the House of Commons, announcing the due organization of that body, by the appointment of John Baxter, Speaker, Stephen D Pool, principal Clerk, James R. Dodge, assistant Clerk, William R. Lovell, principal Door-Keeper and W. S. Webster, assistant Door-Keeper, and of their readiness to proceed to the dispatch of public business.

On motion of Mr. Bower,

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 Weldon N. Edwards, the Senator from Warren County, Speaker, John Hill, principal Clerk, George E. B. Singeltary assistant Clerk, James Page and Patrick McGowan, Door-keepers, and that it is ready to proceed to the dispatch of public business.

On motion of Mr. Steele.

Resolved, That the principal Door-keeper of the Senate be instructed to procure suitable tables for the use of Reporters and place them in the lobby behind the Speaker's Chair.

The Speaker laid before the Senate a communication from the Secretary of the State, relating to the public printing, which was read, and, on motion of Mr. Lillington, ordered to be sent to the House of Commons.

On motion of Mr. Brogden,

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.

Received a message from the House of Commons, proposing to appoint a Joint select 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 of their readiness to receive any communication he may have to make; which was concurred in, and Messrs. Joyner and Brogden appointed the Committee on the part of the Senate, and the House of Commons informed thereof.

Received a message from the House of Commons, informing that Messrs. Martin and Phillips form their branch of the Joint select Committee, to wait on his Excellency,
the Governor, in pursuance of the Joint agreement of the two Houses.

Mr. Joyner, from the Committee appointed to wait on his Excellency, the Governor, reported that the Committee had performed the duty assigned them and received for answer that he would be pleased to make a communication to the two Houses to day at 12 o'clock.

Received a message from the House of Commons transmitting the message of his Excellency, the Governor, and accompanying documents, with a proposition to print five copies of the same, for each member of the Legislature.

The message was read, and the proposition to print agreed to.

The Senate now proceeded to consider the resolution relative to the contested election from Comden and Currituck.

Mr. T. F. Jones offered the following, which was accepted by Mr. Woodfin, in view of his amendment of yesterday, viz:

"Whereas, the Sheriff of Camden County hath certified to the Senate that John Barnard, on the 5th of August last, was duly elected a member of the House, from the 2nd Senatorial District, composed of the Counties of Camden and Currituck;

Whereas, the Sheriff of Currituck County, was alive on the day the election was held, but died before the day fixed by law for comparing polls, whereupon, the Coroner of said Currituck County hath certified that H. M. Shaw is elected Senator in said District;"
Whereas, the certificate of the said Coronor, if admissible at all, can, (as it is insisted) be justified only by taking from said Barnard one vote received by him in Camden County, because on the certified return from one precinct, the votes counted out numbered one more than the voters at the same District listed by the Clerk, and by giving two votes to said Shaw in Currituck County, because two votes were found in the Governor's box at a precinct, where, without counting said two votes, the number of voters listed, and the number of votes counted out, were the same.

And whereas, neither applicant has on his behalf, the evidence required by law, before taking a seat to represent the freemen of North Carolina in this body, and, to enable the Senate to do justice to both, investigation is necessary:

Resolved, That it be referred to a select Committee of seven, whose duty it shall be to report the facts of this case at the very earliest day convenient.

By the consent of the Senate, a paper writing, relating to the subject before the Senate, was presented by Mr. T. F. Jones and read.

And pending debate,

On motion of Mr. Bynum, the Senate adjourned, until to-morrow morning 11, o'clock.
Wednesday, Oct. 6th, 1851.

Received a message from the House of Commons, proposing to raise a Joint select Committee of two on the part of each House, to take into consideration the furnishing each House in a manner suitable to the comfort and convenience of the members: which was concurred in: And Messrs. Bunting and Lillington appointed the committee on the part of the Senate.

Also, a message proposing to raise a joint select Committee, of five, on behalf of the House of Commons, and three on the part of the Senate, to prepare and report rules for the Government of the intercourse of the two Houses.—Concurred in: And Messrs. Bower, Thomas and Brogden, appointed the Committee on the part of the Senate.

Also, a message, proposing to raise a Joint Select Committee, to consist of nine on the part of the House, and five on the part of the Senate, on so much of the message of his Excellency, the Governor, as relates to the question of repealing, for the session, the existing law as to the period of the meeting of the General Assembly, and proceeding to act on the ordinary business of legislation.

The proposition was agreed to, and the House of Commons informed that Messrs. Caldwell, T. F. Jones, Hargrave, Drake and Albritton, form the Senate's branch of the committee on the subject.

Also, a message proposing to raise a Joint Select Committee, to consist of nine on the part of the House, and five on the part of the Senate, on so much of the message of the Governor as relates to the subject of prescribing the mode of electing Electors, to cast the vote of the State of
North Carolina, for President and Vice-President of the United States, and of changing the existing law in relation thereto.

Concurred in; and the House of Commons informed that Messrs. Hoke, Kelly, Thomas, Boyd and Woodfin, form the Senate's branch of the committee on the subject.

Also, a message proposing that the two Houses proceed into an election for Engrossing Clerk,

Which, on motion of Mr. Caldwell, was laid upon the table, and the House of Commons informed thereof.

Mr. Watson introduced the following resolution, viz:

*Resolved, That when the Senate is adjourned, it shall be to 10 o'clock, until otherwise ordered.*

Which, on motion of Mr. Bynum, was ordered to be laid upon the table.

Received, a message from the House of Commons, announcing that Messrs. S. P. Hill and Cherry form their branch of the Joint Select Committee for furnishing each House in a manner suitable to the convenience and comfort of the members.

Also, a message informing that Messrs. Wheeler, Watters, Avery, Wynne and Adams form their branch of the committee on the Joint Rules of the two Houses.

Also, a message, stating that Messrs. Leach, Carmichael, Love, Black, Strange, Amis, Wilder, Albertson and Stubbs form the committee on the part of the House of Commons, on so much of the Governor's message as relates to the meeting of the General Assembly.
Also, a message informing that Messrs. Dobbin, Fagg, Dobson, Lander, Wiley, J. Turner, Cherry, Dortch and W. H. Sanders form their branch of the Joint Select Committee, on so much of the Governor's message as relates to the subject of prescribing the mode of electing Electors, &c.

The Senate now resumed the consideration of the unfinished business of yesterday, viz: the contested election from Camden and Currituck.

Mr. T. F. Jones presented a paper in relation to the same, and asked that it be read. Mr. Hoke objected to the reading of the paper, as being not in order, but, by permission of the Senate, it was read, and ordered to be laid on the table.

Pending debate, on motion of Mr. Joyner, the Senate adjourned until to-morrow morning, 10 o'clock.

Thursday, Oct. 7.

Mr. Bower, from the Joint Committee appointed to prepare rules of order for the Government of the two Houses, reported the following Joint rules of order, which were adopted, viz:

1. Each House shall perfect and finally act on all Bills, Resolutions and orders, before the same shall be communicated to the other for its concurrence; and if amended in the House, to which it is transmitted, it shall be communicated to the House, in which it originated, asking the concurrence of that House in the amendment.
2. In any case of amendment of a Bill, Resolution or order, agreed to in one House and disagreed to in the other, if either House shall request a conference and appoint a Committee for that purpose, and the other House shall also appoint a committee to confer, each Committee shall consist of an equal number, and they shall meet and state to each other the reasons of their respective Houses for and against the amendment, and confer freely thereon, and make a report in writing to their respective Houses of the result of their conference.

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

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

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

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

7. When bills are enrolled, they shall be carefully examined by a Joint Committee of three from the Senate and five from the House of Commons, appointed at the meetings of the two Houses each Monday morning, as a committee for that purpose, for one week, whose duty it shall be to compare the enrolled with the engrossed bill, as passed in the two Houses, and to correct any errors that may be dis-
covered in the enrolled bills, and make their report of the said bills to the House.

8. After examination and report, each bill shall be ratified and signed in the respective Houses, first by the Speaker of the House of Commons, and then by the Speaker of the Senate.

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

10. When a bill or resolution, which shall have passed in one House, is rejected in the other, notice thereof shall be given to the House in which the same may have passed.

11. The Committee in each House shall, in all cases, make a statement of facts on which their report is founded; which statement, with all other papers on which any bill or resolution may be formed, shall be transmitted to the other House.

12. The Committee of Finance shall be Joint, consisting of eight members of each House.

13. The Library Committee shall be a Joint standing committee, consisting of three members from each House, appointed by the Speakers thereof respectively.

14. In all Joint Committees, the members first named on the Committee, on the part of the House proposing to raise such Committee, shall convene the same, and, when met, they shall choose their own Chairman.

15. Either House may make a reference to any Joint Committee, and all reports shall be made to the House ordering such reference.
15. When either House shall order any paper or document to be printed, it shall be printed in octavo form, on good paper, and with fair type, and shall be distributed in the following manner: one copy thereof to each member of the General Assembly, one copy to the Clerks to each House for the use thereof; ten copies shall be deposited in the public Library, and the public Librarian is requested to have them neatly bound.

16. All elections requiring a Joint vote shall be viva voce, and a select Committee of two members in each House shall be appointed to superintend the same in their respective Houses. After the vote shall have been taken, said select Committee shall confer together and report the result of such election to their respective Houses.

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

On motion of Mr. Clark,

Messrs. Clark, Joyner, Bower, Person and Gilmer were appointed a Committee to prepare and report rules of order for the Government of the Senate.

The Senate now resumed the consideration of the unfinished business of yesterday, viz: the contested election from Camden and Currituck.

The question being on the amendment offered by Mr. Jones, of Pasquotank and Perquimons, viz: "strike out all after the word resolved, and insert the following, viz:

"That it be referred to a select Committee of seven, whose duty it shall be to report the facts of the case, at the earliest moment convenient."
Mr. Bower called for a division of the question, and the same being first taken on striking out, was determined in the negative, ayes 21, noes 25.

Mr. Joyner demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Albritton, Arendell, Bynum, Cowper, Gilmer, Joyner, T. F. Jones, Kelly, Lane, Lillington, Mitchell, McClees, Murray, Parks, Palmer, Richardson, Steele, Thompson, Willey and Woodfin.

Those who voted in the negative are:


Mr. Lillington now offered the following amendment, viz:

Strike out all after the word resolved and insert as follows, viz: That, as in the contested election from the second Senatorial District, composed of the Counties of Camden and Currituck, it does not satisfactorily appear from the evidence produced by John Barnard and Henry M. Shaw, that either is entitled to the seat, that said election be referred to the people of said District for their decision, and that a writ of election issued:

A division of the question being called for by Mr. Bower, and being first taken on striking out, was determined in the negative. Ayes 21, noes 25.

Mr. Lillington demanded the ayes and noes.

Those who voted in the affirmative are:

Messrs. Albright, Albritton, Arendell, Bynum, Cowper, Gilmer, Joyner, T. F. Jones, Kelly, Lane, Lillington, Mitchell, McClees
Murray, Parks, Palmer, Richardson, Steele, Thompson, Willey and Woodfin.

Those who voted in the negative are,


So the Senate refused to strike out.

The question now recurred on the passage of the original Resolution, which declares that Henry M. Shaw is entitled to a seat in this House, as a Senator from the Counties of Camden and Currituck, and was decided in the affirmative—yeas 25, noes 21.

Mr. Joyner demanded the ayes and noes.

Those who voted in the affirmative are,


Those who voted in the negative are,

Messrs. Abright, Albritton, Arendell, Braum, Cowper, Gilmer, Joyner, T. F. Jones, Kelly, Lane, Lillington, Mitchell, McClees, Murray, Parks, Palmer, Richardson, Steele, Thompson, Willey and Woodfin.

Whereupon on motion of Mr. Hoke,

Henry M. Shaw appeared and was qualified according to law.

On motion of Mr. Hoke, the Senate adjourned until to-morrow morning 10 o'clock.
Friday, October 8th, 1852.

Mr. Joyner offered the following resolution, which was adopted, viz:

Resolved, That the Door-Keeper be instructed to furnish the members of the Senate with ice water, during the continuance of the present extreme hot weather.

Mr. Gilmer introduced the following resolution, viz:

Resolved, That H. Fowler be employed as an official Reporter of the proceedings, debates, &c., of the Senate, and that he be allowed the usual rates of compensation for stenographic reporting.

Resolved, further, That a copy of the reports, so made, be furnished each of the political papers of this city.

On motion of Mr. Steele, said resolution was referred to a select committee, consisting of Messrs. Steele, Bower and Woodfin.

Mr. Steele submitted the following declaration, by way of protest, in behalf of himself and others, who voted in the negative, on the resolution which follows, on the 7th inst., and the same is, by order, spread upon the Journal.

"The undersigned, who voted in the negative, do hereby most solemnly protest against the action of the Senate, on the 7th day of October, 1852, by which the following resolution was passed:

"Resolved, That, from the certificates of the sheriffs, exhibited to the Senate, Henry M. Shaw is entitled to a
seat in this House, as a Senator from the counties of Camden and Currituck."

The case before the Senate, at the time said resolution was passed, as we find it, was as follows:

The Sheriff of Camden county certifies, under his hand and seal, that John Barnard was duly elected. A person styling himself at one time "Coroner," and at another time, "returning officer of Currituck county," gives a certificate, not under seal, and without date, in which he professes to set forth the vote in both Camden and Currituck counties, and therein declares Henry M. Shaw duly elected by a majority of one vote. The affidavits of the inspectors, at one box in the county of Camden, state, that, at said box, the names of seventy-eight voters were recorded upon the scroll, and seventy-nine votes were found in, and counted out of the box, (a discrepancy not discovered by them at the time, and which, they believe, was produced by a failure to record the name of one voter, owing to the press around them, while the balloting was going on,) of which said seventy-nine votes, 62 were given for John Barnard, and 17 for Henry M. Shaw; that a certificate to that effect was written, signed by all the inspectors, and delivered to the officiating justice of the peace, to be by him delivered to the sheriff of Camden on the next day; that on the morning of the said next day, said justice discovered the discrepancy above named, and without the knowledge or consent of the other two inspectors, or any one else, drew his pen through the figure "2" of the "62," (the number of votes given for John Barnard,) and placed the figure "1" beneath the said mutilated figure "2," and, as thus altered, delivered the said certificate to the sheriff; that the sheriff of Currituck county was living on the day of election, but died before the day fixed by law for comparing the votes; that said "Coroner," or returning officer, met the sheriff of Camden on the day fixed by law for said purpose, and, according to the certificate of the sheriff of
Camden, refused or neglected, after a demand to that effect was made, to exhibit the poll books of any of the election precincts of his county, except one, or to determine the result of the election in the manner described by law. Also, the said "returning officer" from Currituck county, in his said certificate, states the whole number of votes given in Camden county, to have been 294, of which number John Barnard had 240, and Henry M. Shaw 53, showing one more vote cast than counted.

Further: Before the vote was taken on said resolution, John Barnard proposed to prove, that, at one precinct in Currituck county, where the number of votes recorded, and the number of votes in the box were precisely the same, the inspectors of said precinct added to the number received by Henry M. Shaw, two votes, which were found in the Governor's box; that other illegal votes were given for said Henry M. Shaw, and the sheriff of Currituck county and others had voted for him by proxy.

The undersigned, by a resolution introduced, asked and were refused a committee to hear proofs and report the facts. And further, before the vote was taken on said resolution, it was proposed by the undersigned to refer the whole question back to the people.

Therefore, we protest against the said action of the Senate, first, because the evidence presented by said Henry M. Shaw was not in conformity to the act of Assembly, which requires the certificates or joint certificate, under seal, of both returning officers, and did not, prima facie, entitle him to take his seat; secondly, because the other facts in the case did not support the certificate of the returning officer of Currituck county, or supply its deficiencies.

And, lastly, because said action makes a precedent dangerous to the liberties of the people, tending to take from them the right of selecting their own representatives, and to place it in the hands of a majority of the Senate.

M. F. ARENDELL.
JNO. A. LILLINGTON.
October, 5th, 1852.

Mr. Joyner introduced the following resolutions, which were unanimously adopted, viz:

Resolved, That this House have received, with deep regret, the melancholy intelligence of the death of the honorable William H. Haywood, jr., a resident of this city, and a distinguished citizen of the State.

Resolved, That the members of this House tender the expression of their deep sympathy to the family and relatives of the deceased, on this mournful event, and that they will attend his funeral at 4 o'clock on this day.

On motion of Mr. Hoke,

The Senate adjourned until to-morrow morning, at 10 o'clock.
Saturday, Oct. 9th, 1852.

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

A Bill providing for the election of Electors, to vote for President and Vice President of the United States, in the year 1852, which was read the first time and passed; and on motion of Mr. Woodfin, the rules were suspended, and the bill read the second and third times, passed, and ordered to be enrolled.

Mr. Clark, from the Committee appointed to prepare and report rules of order for the government of the Senate, reported the following, and recommended their adoption, 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 2nd. 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 the Senate.

2nd. The reports of standing Committees.

3rd. The reports of select Committees.
4th. Resolutions.

5th. Bills.

6th. Bills, resolutions, petitions, memorials, messages, pension certificates, and other papers on the table.

Then the orders of the day: but motions and messages to elect officers shall always be in order.

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 happen to rise at once, the Speaker shall name the one who is first to speak. No member shall speak oftener than twice on the same question, without leave of the House; and when any member is speaking, he shall not be interrupted by any person, either by speaking, or by standing or passing between him and the Chair.

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.

*4
Rule 6th. When a question is under debate, no motion shall be received but to adjourn, to lay on the table, to postpone indefinitely, to postpone to a 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 the opinion that (as the case may be) say aye, and after the affirmative voice is expressed, "as many as are of the contrary opinion say no." If the Speaker doubt as to the voice of the majority, or a division be called for, the Speaker shall call on those in the affirmative of the question to rise from their seats, and afterwards those in the negative. If the Speaker still doubt, or a count he 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 put from the chair, shall enter his yea or nay, without leave, unless he shall have been absent on some Committee: and the row of pillars shall be the bar of the Senate.

Rule 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 case shall he vote, unless his vote, if given to the minority, 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, 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 or third reading; and the Clerk shall keep a calendar of all such resolutions and bills with the orders taken on them, for the inspection of the members of the Senate.

Rule 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 afterwards 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 provision shall not be introduced during the same session.

Rule 15. When a question has once been decided, it shall be in order for any member in the minority 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. All questions, concerning amendments to the Constitution, requiring a vote of three fifths or two thirds for their passage, shall only be reconsidered by a vote necessary for the passage of the amendment. And the motion to reconsider shall be made by some member who voted with the prevailing side.

Rule 17th. 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 18th. There shall be appointed by the Speaker, the following Committees, namely: 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 Improvements; a Committee on Education and the Literary Fund; and a Committee on Corporations, consisting of seven members each.

Rule 19th. 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 20th. 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 21st. 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 the power to have the same cleared.

Rule 22d. 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 23d. Any member dissatisfied with the decision of the Speaker, on any question of order, may appeal to the House.

Rule 24th. When the House adjourns, the members shall keep their seats until the Speaker leaves the Chair.

Rule 25. On motion of adjournment, the question shall be decided without without debate.

"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."

Whereupon, said report was concurred in, and rules adopted, with the exception of section 16, which, being objected to, the further consideration of the same was, on motion of Mr. Hoke, laid on the table.
Mr. Steele, from the select committee to whom was referred a resolution in favor of the employment of H. Fowler, as an official reporter of the proceedings and debates of the Senate, reported the same back to the Senate, and recommended its adoption.

Whereupon, on motion of Mr. Bower, said resolution was laid on the table.

Mr. Arendell moved that the Senate do now adjourn, until Monday morning, 11 o'clock, which motion was determined in the negative—Ayes 20, noes 25.

Mr. Bower demanded the ayes and noes.

Those who voted in the affirmative, are:

Messrs. Albritton, Arendell, Bunting, Clark, Caldwell, Cowper, Gilmer, Herring, Joyner, T. F. Jones, Kelly, Lane, Lillington, McClees, Murray, Parks, Speight, Thompson, Willey and Woodfin.

Those who voted in the negative, are:

Messrs. Albright, Bower, Berry, Brogden, Boyd, Barrow, Bynum, Cannady, Collins, Cunningham, Drake, Hoke, Hargrave, Kerr, McDowell, Murchison, Mitchell, Person, Palmer, Richardson, Steele, Thomas, Ward, Watson and Withers.

Mr. McClees moved that the Senate adjourn until Monday morning, 10 o'clock, which motion was decided in the negative—Ayes 16, noes 27.

Those who voted in the affirmative, are:

Messrs. Albritton, Bunting, Clark, Caldwell, Cowper, Hoke, Herring, Joyner, Kelly, Lane, Murchison, McClees, Parks, Speight, Thompson and Woodfin.

Those who voted in the negative, are:
So the Senate refused to adjourn.

Mr. Joyner moved that the Senate do now adjourn until Monday morning 10 o'clock, which motion was determined in the affirmative, ayes 23, noes 18.

Those who voted in the affirmative are:

Messrs. Albright, Bunting, Brogden, Barrow, Clark, Caldwell, Gilmer, Hoke, Herring, Joyner, T. F. Jones, Kerr, Lane, McDowell, Murchison, Murray, Parks, Richardson, Speight, Thompson, Willey, Woodfin, and Ward.

Those who voted in the negative, are:


So the Senate adjourned until Monday morning, at 10 o'clock.

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Monday, Oct. 11th, 1852.

The Committee on Enrolled bills for the present week are Messrs. Hoke and Willey.

William H. Washington, the Senator elect from the County of Craven (being the 13th Senatorial District) appeared, produced his credentials, was qualified and took his seat.
On motion of Mr. Hoke, the Senate now took up for consideration, the report of the select Committee appointed to prepare rules of order for the Government of the Senate.

The question being on the adoption of section 16 as recommended by the Committee, Mr. Hoke moved the following amendment as a substitute, viz:

"When any question may have been decided by the Senate, in which two thirds of the members present are necessary to carry the affirmative, any member who votes on that side which prevailed in the question may be at liberty to move for a reconsideration, and a motion for reconsideration shall be decided by a majority of votes."

And the question being taken on said amendment, was decided in the negative—Ayes 20, noes 21.

Mr. Clark now moved the following amendment as a substitute for said 16th section.

16th. "When an amendment to be proposed to the Constitution is under consideration, a concurrence of two thirds or three fifths of the members present shall not be requisite to decide any question for amendments, or extending to the merits, being short of the final question.

17. When any question may have been decided by the Senate, in which three fifths or two thirds of the members present are necessary to carry the affirmative, any member who voted on that side which prevailed in the question, may be at liberty to move reconsideration; and a motion for reconsideration shall be decided by a majority of votes."

A division of the question being called for by Mr. Clark, the question was first taken on the adoption of the first
branch of the amendment marked as section no 16, and decided in the affirmative—ayes 37, noes 11.

Mr. Hoke demanded the ayes and noes.

Those who voted in the affirmative are,


Those who voted in the negative are,


The question was now taken on the second branch of the amendment offered as section no 17, and was determined in the affirmative—ayes 33, noes 15.

Those who voted in the affirmative are,


Those who voted in the negative are,


On motion of Mr. Bower,

Ordered, that a message be sent to the House of Commons proposing to print in pamphlet form the Constitution
of the United States, the Constitution of North Carolina, the rules of order of the Senate, the rules of order of the House of Commons, and the Joint Rules of the two Houses, one copy for each member of the Legislature, one for each principal and assistant Clerks, and ten for the Public Library.

On motion of Mr. Steele,

Ordered, That a message be sent to the House of Commons proposing to go into an Election for one Engrossing Clerk this day, 11½ o'clock.

Received a message from the House of Commons, concurring in the proposition to vote to day at ½ past 11 o'clock for an Engrossing Clerk, and informing that Messrs. Thomas D. Harris, Wm. J. Houston, Wm. A. Jenkins, Nathaniel McLean and Solomon Faison, are in nomination for the appointment; and that Messrs. Spruill and Dortch constitute the Committee on their part to superintend said Election.

Whereupon, a message was sent to the House of Commons, informing that Messrs. Steele and Cannady were appointed superintendents on the part of the Senate, and the Senate voted as follows, viz:

FOR MR. HARRIS.


FOR MR. FAISON.

Mr. Steele, from the Committee appointed to superintend the election for Engrossing Clerk, reported that Mr. Harris had received 83 votes, Mr. Jenkins 36 votes, Mr. Faison 27 votes, Mr. Houston 15 votes, and Mr. McLean 5 votes; that no person in nomination having received a majority of the votes given, there was no election. Concurring in.

Received from the House of Commons, a message proposing to go again, forthwith, into an election for Engrossing Clerk, and informing that the name of Nath'l McLean is withdrawn from the nomination.

The proposition was concurred in, ayes 24, noes 21, and the House of Commons, informed that Messrs. Steele and Cannady constitute the Committee on the part of the Senate to superintend said election.

Received a message from the House of Commons, stating that Messrs. George and Holeman form their branch of the Committee, to superintend the election for Engrossing Clerk, and that the name of Mr. Faison is withdrawn from the nomination.

The Senate, under the superintendence of Messrs. Steele and Cannady, voted as follows, viz:
FOR MR. HARRIS.


FOR MR. JENKINS.

Messrs. Speaker, Barrow, Berry, Bower, Boyd, Caldwell, Clark, Collins, Cunningham, Drake, Hargrave, Hoke, W. Jones, McMillan, Person, Shaw, Thomas, Ward and Withers.—19.

FOR MR. HOUSTON.


Mr. Steele, from the Committee appointed to superintend the election for Engrossing Clerk, reported that Mr. Harris received 82 votes, Mr. Jenkins 73 votes, and Mr. Houston 9 votes; that no person in nomination having received a majority of the whole number of votes given, there is no election. Concurred in.

Received a message from the House of Commons, proposing to vote again forthwith for Engrossing Clerk.

On motion of Mr. Bower, ordered, that said message be laid upon the table—Ayes 22, noes 20.

On motion of Mr. Steele, the resolution proposing to appoint H. Fowler as an official Reporter of the proceedings and debates of the Senate, was now taken up.

The question on the passage of said resolution was determined in the negative, ayes 11, noes 39.

Mr. Boyd demanded the yeas and noes.
Those who voted in the affirmative are,


Those who voted in the negative are,


So the resolution was rejected.

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

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Tuesday, October 12th, 1852.

The Speaker announced the appointment of the following Committees:

On Propositions and Grievances.—Messrs. Watson, Brogden, Albright, Boyd, Richardson, McMillan and Murray.


On Corporations.—Messrs. Clarke, Mitchell, Speight, Shaw, McClees, Bynum and Collins.

On Privileges and Elections.—Messrs. Person, Thompson, Caldwell, Woodfin, Hargrave, Herring and Palmer.

On Education and the Literary Fund.—Messrs. Washington, Bunting, Lane, Cunningham, Steele, Berry and McDowell.

A message was sent to the House of Commons, informing that Messrs. Bower, Thompson, Caldwell, Steele, Watson, Gilmer, Withers and Thomas form the Senate branch of the Joint Select Committee on Finance.

And that Messrs. Bunting, Washington and Parks form the Senate branch of the Joint Select Committee on the Library.

Received a message from the House of Commons, agreeing to the proposition of the Senate, to print, in pamphlet form, the Constitution of the United States, the Constitution of North Carolina, Rules of Order, &c.

And informing that Messrs. Stubbs, Monday, Webb, Black and Hawkins constitute the House Committee on enrolled bills the present week.

A message was received from the House of Commons, proposing to appoint a Joint Select Committee on the part of each House, to wait on his Excellency, the Governor, and inform him of the action of the General Assembly, in
refusing to adjourn, and their readiness to receive any communication he may have to make.

The proposition was concurred in; and Messrs. Boyd and Mitchell appointed said committee on the part of the Senate.

Received a message from the House of Commons, informing that Messrs. S. P. Hill and J. A. Caldwell form their branch of the committee to wait on the Governor.

A message was received from the House of Commons, proposing to vote this day at half-past 11 o'clock, for an engrossing Clerk.

Concurred in; and Messrs. Arendell and Drake appointed superintendents of said election, on the part of the Senate, and the House of Commons informed thereof.

Mr. Boyd, from the committee appointed to wait on his Excellency, the Governor, and inform him of the readiness of the Legislature to receive any communication he may have to make, reported, that the committee had performed the duty assigned them, and received for answer, that he would make a communication to both Houses of the Legislature on Thursday next, at 12 o'clock.

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.

Mr. Washington introduced a bill for the better administration of justice in the Courts of Pleas and Quarter Sessions of this State, which was read the first time and passed, and on his motion, referred to the Committee on the Judiciary, and ordered to be printed.
Received from the House of Commons, the resignation of Andrew Little, a Justice of the Peace, of Union county, which was read and accepted.

On motion of Mr. Hoke,

Resolved, That the Committee on Finance be instructed to enquire into the expediency of the passage of an act requiring the Public Treasurer to have coupons attached to all the bonds of the State hereafter issued by him, under authority of any act of Assembly now in force, or which may hereafter be passed.

Received from the House of Commons, a message, stating that Messrs. Wynne and Walton are appointed their branch of the committee to superintend the election of engrossing Clerk, and that the House would proceed to vote on the return of the messenger.

Whereupon, under the superintendence of Messrs. Drake and Arendell, the Senate voted as follows:

FOR MR. JENKINS.

Messrs. Speaker, Barrow, Bower, Boyd, Caldwell, Clark, Collins, Cunningham, Drake, W. Jones, Person, Shaw, Thomas, and Withers—14.

FOR MR. HARRIS.


FOR MR. HOUSTON.


Mr. Boyd introduced the following resolution, viz:
Resolved, That the Comptroller report to this House, a tabular statement of the public taxes paid into the Treasury of the State, by the citizens thereof, for the years 1848, '49, '50, '51 and '52: that he set forth in such report the aggregate amount of public taxes paid into the public treasury, in the five years aforesaid.

Also, the average amount paid by each County in this State. And that he further set forth in such report, the aggregate amount paid; also, the average amount paid by each County in the State, created since the last five years, as aforesaid. On motion of Mr. Boyd, the said Resolution was laid on the table.

Mr. Drake, from the Committee appointed to superintend the election of Engrossing Clerk, reported, that Mr. Harris received 86 votes, Mr. Jenkins 51 votes, and Mr. Houston 31 votes; that Mr Harris having received a majority of the whole number of votes given, is duly elected. Concluded in.

On motion of Mr. Bynum, the resolution this day introduced by Mr. Boyd, calling on the Comptroller of public accounts for information relative to the amount of taxes paid into the Treasury for certain years therein mentioned, was now taken up and passed.

Mr. T. F. Jones, introduced the following Resolutions, which were referred to the Committee on the Judiciary, viz:

Whereas, by the amended Constitution of the State article 2, section 7th, the General Assembly shall meet biennially; and whereas by an act of Assembly, chapter 52, section 25, it is declared, the meeting of the General Assembly shall be biennially on the third Monday in November, Therefore,

Resolved, That it is inexpedient to repeal the said statute, chapter 52, section 25.

*6
Resolved, That it is inexpedient to pass a statute fixing the first Monday of October for the biennial meeting of the General Assembly.

Resolved, That the convocation of the General Assembly, by his Excellency, the Governor, by virtue of the power in him vested by law, and upon an extraordinary occasion, does not constitute, within the meaning and contemplation of the Constitution, a session of the General Assembly.

On motion of Mr. Clark, the Senate adjourned until tomorrow morning, 11 o'clock.

WEDNESDAY, OCT. 13TH, 1852.

Received a message from the House of Commons, informing that their branch of the Joint Committee on Finance consists of Messrs. Cherry, Dobbin, Smith, Norfleet, Walters, Wheeler, W. J. Long and Durham;

And that Messrs. Wiley, Sharp and J. Turner constitute the House branch of the Joint Committee on the Library.

Also, a message from the House of Commons transmitting the following engrossed bill and resolutions, in which they ask the concurrence of the Senate, viz:

A bill to repeal in part the 25th section of the 25 chapter of the revised statutes;

A Resolution in favor of Perrin Busbee; and
A Resolution in favor of Seaton Gales.

The said bill was read the first time and passed: and, on motion of Mr. Mitchell, referred to the Committee on the Judiciary.

The Resolution in favor of Perrin Busbee was read the first time and passed: and, on motion of Mr. Bower, the rules were suspended, and said resolution read the second and third times, passed and ordered to enrollment.

The Resolution in favor of Seaton Gales was read the first time and passed; and, on motion of Mr. Washington, the rules were suspended, and the resolution read the second and third times, passed and ordered to enrollment.

Received a message from the House of Commons, proposing to raise a Joint Select Committee, to be called "the Committee on Apportionment;" to consist of nine members from each House, to whom shall be referred the subjects of the Electoral Districts, the Senatorial Districts, the apportionment of the House of Commons, according to the ratio of representation, and the dividing the State into eight Congressional Districts—the number of representatives apportioned to the State of North Carolina, under the last seventh enumeration of the inhabitants of the United States. On motion of Mr. Thompson, ordered, that said message be laid upon the table.

Mr. Gilmer introduced a bill to incorporate the Greensborough mining company, which was read the first time and passed; and, on motion of Mr. Clark, referred to the Committee on Corporations.

Mr. Boyd introduced the following Resolution, viz:
Resolved, That a message be sent to the House of Commons, proposing to raise a Joint Select Committee of one member from each Judicial District, to whom he referred the arrangement of the Senatorial Districts, and the apportionment of the House of Commons.

Which said resolution, by consent, was laid upon the table.

On motion of Mr. Joyner, the Senate now took up the message from the House of Commons proposing to raise a Joint select Committee to be called the Committee on apportionment, &c.

The question of concurrence in said message being put, was decided in the negative, ayes 6, noes 40.

Mr. Brogden demanded the ayes and noes.

Those who voted in the affirmative, are:


Those who voted in the negative are:


So the Senate refused to concur.

The Resolution of Mr. Boyd, proposing to raise a Joint Select Committee of one member from each Judicial District, to whom shall be referred the arrangement of the Senatorial Districts and the apportionment of the House of Commons, was now taken up and passed.
On motion of Mr. Thompson,

Resolved, That a message be sent to the House of Commons, proposing to raise a Joint Select Committee of nine on the part of the Senate and nine on the part of the House of Commons, to whom shall be referred the subject of apportioning the State into eight Congressional Districts.

On motion of Mr. Boyd,

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, whose duty it shall be to prepare or cause to be prepared, a skeleton map of the State, dividing the same into counties, with the federal population of each county, agreeable to the last census, and the average amount of taxes paid by each county, as reported by the Comptroller, laid down thereon.

On motion of Mr. Lillington,

The Senate now adjourn until to-morrow morning, at 11 o'clock.

Thursday, Oct. 14th, 1852.

Mr. Woodfin, from the Committee on the Judiciary, to whom was referred a bill to repeal in part the 25th section of the 53d chapter of the revised statutes, reported the same back to the Senate, and recommended its rejection.

Ordered to lie on the table.
On motion of Mr. Brogden,

Resolved, That the Public Treasurer be directed to report to the Senate the whole amount of stock held by the State in incorporated companies, specifying the amount in each company, and the fund to which it belongs. That he further report the amount of dividends or profits, if any, received by the State from stock held in each of said companies since the investments were made. That the Treasurer be further directed to report all the debts for which the State is now bound, either as principal or security, and when and how each debt or liability was created.

On motion of Mr. Boyd, the vote on the passage of the resolution proposing to raise a Joint Select Committee of one member from each Judicial District, to whom shall be referred the arrangement of the Senatorial Districts, and the apportionment of the House of Commons, was reconsidered; and, on his motion, amended by inserting, in the third line, the words, "on the part of each House."

The question now recurring on the adoption of the resolution, as amended, passed in the affirmative.

Mr. Bower introduced a bill to confirm the establishment of the county of Yadkin, which was read the first time and passed, and, on his motion, referred to the Committee on the Judiciary.

Mr. Woodfin, from the Committee on the Judiciary, to whom was referred certain resolutions respecting biennial sessions of the Legislature, and the convocation of the present General Assembly, reported the same back to the Senate, and asked to be discharged from the further consideration thereof. Discharged accordingly.

Mr. Woodfin, offered the following resolution, viz:
Be it Resolved by the General Assembly of North Carolina, That the two Houses do adjourn on the 15th of October, instant, to meet again on the third Monday of November next.

The question on the adoption of said resolution was decided in the negative—Ayes 19, noes 29.

Mr. Steele demanded the ayes and noes.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


Mr. Bynum introduced a bill to encourage the investment of capital for mining and manufacturing purposes, which was read the first time and passed, and, on his motion, referred to the Committee on Corporations, and ordered to be printed.

Mr. Lillington introduced the following resolution, viz

Resolved, That a message be sent to the House of Commons, proposing that the two Houses of the General Assembly adjourn sine die on the first Monday in December next.

Mr. Thomas moved to lay the said resolution on the table, which was disagreed to, ayes 21, noes 25.
Mr. Lillington demanded the ayes and noes.

Those who voted in the affirmative are:

Messrs. Barrow, Berry, Boyd, Bunting, Caldwell, Cannady, Clark, Drake, Hargrave, Herring, Hoke, W. Jones, Kelly, Kerr, McMillan, Murray, Speight, Steele, Thomas, Ward and Withers.

Those who voted in the negative are:


The question now recurring on the adoption of the Resolution, was determined in the affirmative—ayes 33 noes 13.

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Barrow, Boyd, Bunting, Caldwell, Clark, Drake, Hargrave, Herring, Hoke, Wesley Jones, Kelly, Steele and Ward.

On motion of Mr. Thomas,

Resolved, That the third section of the Resolution relating to the State Capitol, passed at the session of the General Assembly of 1846-47, be so amended as to permit the Engrossing Clerks to have a bed in their room during the present session.

Received a message from the House of Commons, transmitting the message of his Excellency, the Governor, and
accompanying documents, with a proposition to print ten copies of the message for each member of the two Houses.

The message was read and the proposition to print agreed to.

Mr. Bynum introduced the following resolution, which, on his motion, was laid on the table and ordered to be printed, viz:

Resolution concerning the Supreme Court:

Resolved, That the Committee on the Judiciary be instructed to prepare and report a bill providing, 1st., for dividing the State into ten Judicial Districts, and assigning to the three additional districts, the present Judges of the Supreme Court; 2d, for the abolishing all the jurisdiction now possessed and exercised by the present Judges of the Supreme Court, and conferring the same upon the ten Judges of the Superior Courts of Law and Equity—said tribunal to be styled the Supreme Court of North Carolina.

On motion of Mr. Steele, the Senate adjourned until tomorrow morning, at 11 o'clock.

Friday, October 15th, 1852.

The Speaker laid before the Senate a communication from the Comptroller of Public Accounts, accompanied by a report, in answer to a call of the Senate, showing the
amount of taxes received by the State, for the years 1847, '48, '49, '50 and 51.

On motion of Mr. Gilmer,

Ordered, That the same be sent to the House of Commons, with a proposition that said report be printed, one copy for each member of the Legislature.

Mr. Washington introduced a bill to amend an act passed at the session of 1850-'51, entitled an act to regulate the pay of jurors and witnesses in the county of Craven, which was read the first time and passed; and, on his motion, referred to the Committee on the Judiciary.

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

"A bill to amend an act, entitled an act to incorporate the Cape Fear and Deep River Steamboat Company."

The said bill was read the first time and passed; and

On motion of Mr. Murchison, the rules were suspended, and the bill read the second and third times, passed and ordered to enrollment.

Also, a message concurring in the proposition of the Senate to raise a Joint Select Committee of two on the part of each, to cause a skeleton map to be prepared, dividing the same into counties, &c.;

And informing that Messrs. Amis and McNeil form the House branch of the committee on the subject.
Whereupon, Messrs Boyd and Willey were appointed the committee on the part of the Senate.

The Senate now took up for consideration the engrossed bill, to repeal in part the 25th section of the 52d chapter of the revised statutes.

Whereupon, on motion of Mr. Bynum, the further consideration of the same was postponed to the first Monday in November next, and made the special order for that day.

On motion of Mr. Caldwell,

The Senate adjourned until to-morrow morning, at 11 o'clock.

Saturday, Oct. 16th, 1852.

Received a message from the House of Commons, proposing to raise a Joint Select Committee of five on the part of the House, and three on the part of the Senate, to be called "the Committee on Swamp Lands," with power to send for persons and papers.

On motion of Mr. Clark,

Ordered, That said message be laid on the table.

Also, a message proposing to raise a Joint Select Committee of six on the part of the House, and three on the part of the Senate, to enquire into the expediency of either
amending or revising the militia laws of this State, or abolishing the same altogether.

The proposition was concurred in; and Messrs. Person, Bynum, and Clark appointed the committee on the part of the Senate, and the House of Commons informed thereof.

Also, a message agreeing to the proposition of the Senate to raise a Joint Select Committee of nine on the part of each House, on the apportioning the State into Congressional Districts, and informing that Messrs. Stubbs, Brooks, Wheeler, Fagg, W. Long, Cook, W. E. Hill, Goodwin and Marshall, constitute their branch of the committee on the subject.

Whereupon, Messrs. Thompson, Caldwell, Thomas, Mitchell, Berry, Lane, McDowell, Drake and Washington, were appointed the committee on the part of the Senate.

Received a message from the House of Commons, concurring the proposition of the Senate to raise a Joint Select Committee of one from each Judicial Circuit, on the part of each House, for the arrangement of the Senatorial Districts, and Apportionment of the House of Commons, and informing that Messrs. Puryear, Wilder, Albertson, D. Reid, Erwin, McEntire and Scales, form their branch of the committee on the subject.

Whereupon, Messrs. Boyd, Joyner, Bower, Bunting, Woodfin, Brogden and Willey, were appointed the committee on the part of the Senate.

Received from the House of Commons, the resignation of Daniel A. Leach, a Justice of the Peace of Montgomery county, which was read and accepted.

On motion of Mr. Washington,
Resolved, That a message be sent to the House of Commons, proposing to print such of the documents accompanying the message of his Excellency, the Governor, as have not been heretofore printed, with the exception of the memorial of the Common Council of Philadelphia, the resolutions of New Hampshire, the resolutions of Florida, and the resolutions of Connecticut.

On motion of Mr. Boyd,

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 prepare and report to the House a tabular statement of the population of North Carolina, contained in the several counties, agreeable to the last census, and the federal population contained in each county.

Mr. Caldwell introduced the following resolution, which was adopted, viz:

Whereas, by the terms of the charter, incorporating "the North Carolina Railroad Company," the State of North Carolina cannot appoint, and be represented, by director in said company, until the individual stockholders have paid in, on their stock, five hundred thousand dollars;

Whereas, instalments on said individual subscriptions, to the amount of five hundred thousand dollars, have been called for, and, as alleged, more than four hundred and twenty thousand dollars thereof already paid in;

And Whereas, owing to the probable, if not certain, increase on the price of railroad iron, it may be greatly to the interest of the State, that she should be at once represented in said company:

Resolved, That the Committee on Internal Improvements, be instructed to confer with the Governor, to enquire, what, on this behalf, is best to be done for the interest of the State, and that they report by bill or otherwise.
Mr. Clark now moved to take up the message from the House of Commons, proposing to raise a Joint Select Committee on Swamp Lands, which was agreed to, and said message concurred in, and the House of Commons informed that Messrs. Joyner, Hoke, and T. F. Jones constitute the Senate's branch of the committee on the subject.

Mr. Gilmer offered the following resolution, viz:

Resolved, That the Committee on Privileges and Elections, be instructed to enquire whether Henry M. Shaw, a member of this House, was duly elected by a majority of votes cast for Senator, for the district composed of the counties of Currituck and Camden, at the election in August last, and that said committee report to this House whether said Shaw is entitled to his seat as a member of the Senate, from said district, together with the facts on which they base their opinion.

Pending the consideration of the resolution,

On motion of Mr. Lillington,

The Senate adjourned until Monday morning, at 10 o'clock.

Monday, Oct. 18th, 1852.

Messrs. Cunningham, Cowper and Barrow, constitute the Senate's branch of the Committee on Enrolled bills for the present week.

Mr. Kelly introduced a bill abolishing the trial by Jury in the County Courts, and for the more speedy and cer.
tain administration of Justice, which was read the first time and passed, and on his motion, referred to the Committee on the Judiciary, and ordered to be printed.

On motion of Mr. Bower,

Resolved, That so much of the Governor's Message as relates to the arrangement of the Senatorial Districts, and apportionment of the House of Commons, be referred to the Committee on Senatorial Districts and apportionment.

That so much of the Governor's Message as relates to the laying off the Congressional Districts, be referred to the Committee on Congressional Districts.

That so much of the Governor's Message as relates to internal improvement be referred to the Committee on Internal Improvements.

That so much of the Governor's Message as relates to the public revenue be referred to the Committee on Finance.

That so much of the Governor's Message as relates to the formation of one or two Judicial circuits be referred to the Committee on the Judiciary.

Mr. Lillington, introduced a resolution in favor of James R. Dodge, which was read the first time and passed, and on his motion, referred to the Committee on Claims.

Mr. Murchison, introduced a bill to appoint some discreet person to take the list of taxable property in the respective Counties, which was read the first time and passed, and, on his motion, referred to the committee on Finance.
On motion of Mr. Mitchell,

Resolved, That the Committee on internal improvements enquire into the expediency of a subscription by the State of a portion of the Stock in the Yadkin Navigation Company, that they report by bill or otherwise.

On motion of Mr. T. T. Jones,

Resolved, That the use of the Senate Chamber be tendered from and after 2 o'clock this day to the Delegates Assembled in this City for the organizing a State agricultural society.

On motion of Mr. Thompson,

Resolved, That a message be sent to the House of Commons proposing to print a list of the members of the Joint and Standing Committees of each House, one copy for each member of the Legislature.

Received from the House of Commons the resignation of Samuel Vines, a Justice of the peace of Pitt County, which was read and accepted.

Received a message from the House of Commons informing that Messrs. Gaither, Martin, Eure, Whitehurst and Phelps, constitute their branch of the Committee on enrolled bills for the present week.

Mr. Steele introduced a bill to alter the mode of taking the lists of taxable property, which was read the first time and passed, and on his motion, referred to the Committee on Finance.

The Senate now proceeded to the consideration of the unfinished business of yesterday, viz: The resolution instructing the Committee on Privileges and Elections to en-
quire whether Henry M. Shaw was duly elected in the Senatorial District composed of Camden and Currituck counties, &c: Whereupon, on motion of Mr. Person, the further consideration of the same was postponed until to-morrow, 12 o'clock, and made the special order of the day for that hour.

On motion of Mr. Gilmer, the Senate adjourned until to-morrow morning, 11 o'clock.

TUESDAY, OCT. 19th, 1852.

On motion of Mr. McDowell,

Resolved, That so much of the Governor's Message as relates to amendments to the Constitution, be referred to a select committee, consisting of five members.

On motion of Mr. Bynum,

Resolved, That so much of the Governor's Message as relates to the Geological and Agricultural survey of the State be referred to a select Committee of five.

Received a message from the House of Commons, agreeing to the proposition of the Senate to print a list of the standing and Joint Committees of each House.

Also, informing that Messrs. Cherry, Corbett, Jones, Furr and W. H. Lyon form their branch of the Joint Select Committee on Swamp Lands.
Also, that their branch of the Select Committee on a tabular statement of the population, &c., consists of Messrs. Waugh and Whitehurst.

Also, a message informing that Messrs. Webb, Hawkins, McDugal, Bryant, Teague and Pegram, constitute the House branch of the committee on revising or abolishing the militia laws.

Also, a message agreeing to print the documents accompanying the Governor's Message, as proposed by the Senate.

Mr. Bynum presented a memorial from sundry citizens of McDowell county, praying the passage of an act for running the dividing line between the counties of McDowell and Rutherford; which, on motion, was referred to the Committee on Propositions and Grievances.

Mr. Bower presented a bill, accompanied by a memorial to lay off and establish a new county out of a portion of the county of Ashe; which was read the first time and passed; and, on motion, referred to the Committee on Propositions and Grievances.

The Senate now proceeded to the consideration of the special order, being the resolution instructing the Committee on Privileges and Elections to enquire whether Henry M. Shaw was duly elected Senator for the district composed of the counties of Camden and Currituck, &c.

Mr. Clark rose to a point of order, and insisted that the resolution now under consideration was identically the same with an amendment to a resolution heretofore offered by Mr. Hoke and rejected, and that another of the same kind could not be entertained.

The Speaker overruled the point of order.

Whereupon the question recurred on the adoption of the resolution.
Mr. Hoke moved that the same be laid upon the table; and the question being put thereon, was carried in the affirmative—ayes 22, noes 19.

Mr. Hoke demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Barrow, Bower, Berry, Boyd, Brogden, Bunting, Cannady Clark, Collins, Cunningham, Drake, Herring, Hoke, W. Jones, Kerr McDowell, Murchison, Person, Spriglit, Thomas, Ward, and Withers,

Those who voted in the negative are,

Messrs. Albritton, Arendell, Bynum, Cowper, Gilmer, T. F. Jones, Joyner, Kelly, Lane, Lillington, McClees, Mitchell, Murray, Palmer, Parks, Richardson, Steele, Thompson and Willey.

On motion of Mr. Steele,

Resolved, That a select committee of nine, one from each Congressional District, be raised on the part of the Senate, upon the subject of agriculture.

Mr. Mitchell introduced a bill to expedite the trial of suits in certain cases, in the Courts of law; which was read the first time and passed.

On motion of Mr. Hoke, the Senate adjourned until tomorrow morning, 11 o'clock.

Wednesday, Oct. 20th, 1852.

A message was sent to the House of Commons, informing that Messrs. Boyd and Palmer form the Senate branch of the Committee on Tabular Statements, &c.
The Speaker announced that Messrs. Bynum, Person, Murchison, Albright and Arendell compose the committee on so much of the Governor's Message as relates to a Geological and Agricultural Survey of the State.

—And, that Messrs. McDowell, Hoke, Lillington, Joyner and Cannady constitute the committee on so much of the Governor's Message as relates to amendments of the Constitution.

—And, that the Committee on Agriculture consists of Messrs. Steele, Cunningham, Parks, Woodfin, Boyd, Clark, McMillan, Speight and Cowper.

Mr. Kelly introduced a bill to regulate the salary of the Attorney General and Solicitors, and for other purposes; which was read the first time and passed; and, on motion, referred to the Judiciary Committee, and ordered to be printed.

Mr. Hoke introduced a bill to establish a road in Catawba county, which was read the first time and passed.

On motion of Mr. Hoke, the Senate now took up for consideration, the resolution which was yesterday laid on the table, instructing the Committee of Privileges and Elections to enquire whether Henry M. Shaw was duly elected and entitled to a seat in the Senate from the District composed of the counties of Camden and Currituck.

After debate, Mr. Thomas moved that the Senate adjourn until to-morrow morning, 11 o'clock; which motion was not agreed to.

The question being on the adoption of the resolution, Mr. Hoke moved that the same be indefinitely postponed; but before the question was taken,
On motion of Mr. Gilmer, the Senate adjourned until to-
morrow morning, 11 o'clock.


Mr. Lillington introduced a bill to amend the charter of
the town of Salisbury; which was read the first time and
passed.

Mr. Palmer introduced a bill to give exclusive jurisdiction
to the Superior Courts for the county of Stanly; which
was read the first time and passed; and, on motion, refer-
red to the Committee on the Judiciary.

Mr. Steele introduced a bill to amend the 33d section of
the Constitution of this State; which was read the first time
and passed, and, on motion, referred to the Committee on
Amendments to the Constitution.

Received from the House of Commons a message trans-
mitting the pension certificate of Ann Patterson, which
was read and ordered to be countersigned by the Speaker
of the Senate.

Received a message from the House of Commons, trans-
mitting the following engrossed bills, in which they ask the
concurrence of the Senate, viz:

"A bill to incorporate the North Carolina Mining Com-
pany: and
A bill to incorporate the Trustees of Buena Vista Academy in the county of Iredell; which said bills were read the first time and passed, and, on motion, referred to the Committee on Corporations: also,

A bill to pay the tales jurors in the counties of Rutherford and Yancy the same compensation as is now paid to jurors of the regular panel; which was read the first time and passed.

Mr. Thompson introduced a bill to repeal an act passed at the session of 1850 and 1851, entitled an act to establish a new county by the name of Jackson; which was read the first time and passed.

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

A bill to incorporate Columbus Academy, near the town of Whitesville, Columbus county:

A bill to incorporate the True Brothers’ Society in the town of Wilmington:

A bill to incorporate the Guilford County Mining Company: which said bills were read the first time and passed; and, on motion, referred to the Committee on Corporations:

A bill to provide for paying tales jurors in the county of Halifax:

A bill to pay tales jurors in the county of Columbus the same compensation as is now paid to jurors of the regular panel:

A bill to amend an act of the revised statute, chapter 59th, entitled an act for establishing public landings and places of inspection, and for the appointment of inspector, and regulation of inspections which said bills were severally read the first time and passed.
On motion of Mr. Cowper,

Resolved, That the Committee on the Senatorial Districts, be instructed to examine the different returns made by the several sheriffs of this State, of the public taxes paid into the public treasury, for the years 1847, '48, '49, '50 and 1851, and that they compare the same with the report made by the Comptroller of State, the 8th October, 1852, and that they report such examination to the Senate.

Mr. Barrow introduced a bill to alter the name of the county seat of Stokes county; which was read the first time and passed.

The bill to expedite the trial of suits in certain cases, in the Courts of law, was read; and, on motion of Mr. Hoke, referred to the Committee on the Judiciary.

The bill to establish a road in Catawba county, was read the second time and passed; and, on motion of Mr. Hoke, the rules were suspended, and said bill read the third time, passed and ordered to be engrossed.

Mr. Boyd, from the Select Committee, to whom was referred the duty of procuring a skeleton map of the State, &c., reported, that the committee had procured a map, showing the relative position of the several counties in the State, the federal population, and the average amount of taxes paid by each county, as ascertained from the official report of the Comptroller; and recommended that ten copies be printed for the use of the members of the Legislature.

Mr. Steele moved to amend the report by striking out ten, and inserting one copy for each member of the Legislature; which was agreed to, and the report, as amended, concurred in.
Mr. Boyd from the Committee on Tabular Statements, made a report on the subject; which, on motion of Mr. Joyner, was laid on the table.

The Senate now resumed the consideration of the unfinished business of yesterday, being the resolution instructing the Committee on Privileges and Elections to enquire whether Henry M. Shaw was duly elected to a seat in Senate from the Camden and Currituck District.

Whereupon, on motion of Mr. T. F. Jones, the further consideration of the same was postponed until to-morrow, 12 o'clock.

On motion of Mr. Woodfin, the Senate adjourned until to-morrow morning, 11 o'clock.

Friday, Oct. 22d, 1852.

Received a message from the House of Commons proposing that the Secretary of State be directed to transmit forthwith to the Sheriffs of each County in the State a copy of the act passed at the present session of the Legislature for laying off the State into Electoral Districts for the election of Electors to vote for President and Vice President of the United States, &c.

Which proposition was concurred in, and the House of Commons informed thereof.
Received a message from the House of Commons, transmitting the following engrossed bills, in which they ask the concurrence of the Senate, viz:

A bill to incorporate the Hillsboro' Coal Mining and Transportation Company: and

A bill to incorporate the Greensboro' Mutual Life Insurance and Trust Company: which were read the first time and passed; and on motion of Mr. Clark, referred to the Committee on Corporations.

Mr. Clark from the Committee on corporations, reported a bill conferring corporate powers on associations for the purposes of benevolence and charity and for the promotion of education: which was read the first time and passed; and, on motion, ordered to be printed.

On motion, Mr. Caldwell was excused from further service on the Senate's branch of the committee on the arrangement of Congressional Districts.

The bill to provide for paying tales jurors in the county of Halifax was now taken up, amended, on motion of Mr. Drake, by extending its provisions to the county of Nash, and passed its second reading as amended.

The bill to pay tales jurors in the counties of Rutherford and Yancy was read the second time, and on motion of Mr. Gilmer, ordered to be laid on the table.

The bill to pay tales jurors in the county of Columbus was read the second time and passed.

The bill to repeal an act passed at the session of 1850 and 1851 entitled an act to establish a new county by the name of Jackson, was read the second time.
Mr. Thomas moved that said bill be laid on the table, on a division the vote being yeas 18, nays 18, the Speaker voted in the affirmative, and the motion prevailed.

Mr. Steele introduced a bill to make certain bonds of this State transferable, which was read the first time and passed; and on motion referred to the Committee on Finance.

The bill to alter the name of the county seat of Stokes county, was read the second time and passed.

The hour of 12 o'clock having arrived, the Senate proceeded to consider the special order, being the resolution of Mr. Gilmer, instructing the committee on privileges and elections to enquire whether Henry M. Shaw was duly elected and entitled to a seat in the Senate from the District composed of the Counties of Camden and Currituck.

The question being on the indefinite postponement of the resolution, was decided in the affirmative ayes 23, noes 20.

Mr. Hoke demanded the ayes and noes.

Those who voted in the affirmative are:


Those who voted in the negative are:

So the resolution was indefinitely postponed.

Mr. Steele moved to reconsider the vote of yesterday, by which the report of the Committee for procuring a skeleton map of the State, was concurred in: which motion was carried; the amendment to said report was then reconsidered and disagreed to, and the report concurred in.

Mr. Thompson now moved to take up the bill to repeal an act passed at the session of 1850 and 1851, entitled an act to establish a new county by the name of Jackson, which motion was agreed to, and, said bill, made the special order for to-morrow, 12 o'clock.

The engrossed bill to amend an act of the revised statute chapter 59th, entitled an act for establishing public landing and places of inspection, &c., was read the second time and passed.

Mr. Woodfin from the Committee on the Judiciary, reported favorably the bill to give exclusive jurisdiction to the Superior Courts for the county of Stanly, which was read the second time and passed; and, on motion of Mr. Palmer, the rules were suspended, and said bill read a third time, passed, and ordered to be engrossed.

On motion of Mr. Lillington, the Senate adjourned until to-morrow morning, 11 o'clock.
Saturday; Oct. 23d, 1852.

The Speaker announced that Mr. Hoke was appointed one of the committee on the arrangement of the Congressional Districts, in place of Mr. Caldwell who was excused from further service on the same.

Mr. Drake from the Committee on Claims, to whom was referred a resolution in favor of James R. Dodge, reported the same back to the Senate and recommended its passage.

The said resolution was read the second time and passed.

Mr. Clark, from the Committee on Incorporations, to whom several bills of incorporation was referred, made a report thereon, which, on motion, was ordered to be laid on the table.

Mr. McDowell introduced a bill for the better administration of justice, which was read the first time and passed; and, on motion, referred to the Committee on the Judiciary.

Mr. Bower introduced a bill to repeal the proviso to the 9th section of the 42d chapter of the revised statutes; which was read the first time and passed.

The bill to alter the name of the county seat of Stokes county; was read the third time, passed and ordered to be engrossed.

The engrossed bill to amend an act of the revised statute, chapter 59th, entitled an act for establishing public landings and places of inspection, and for the appointment of In-
spector and regulations of inspections; was read the third time, passed and ordered to be enrolled.

The hour of 12 o'clock having arrived, the Speaker announced the order of the day, being the bill to repeal an act passed at the session of 1850-1851, entitled an act, to establish a new county by the name of Jackson; and the same being read, on motion of Mr. Bower, was laid upon the table. On motion of Mr. Cunningham, the bill was subsequently taken up.

After some time spent in debate, Mr. Thomas moved that the further consideration of the same be postponed until 12 o'clock on Monday next.

When, on motion of Mr. Hoke, it was ordered to be laid on the table.

Mr. Clark from the Committee on Corporations, to whom was referred the engrossed bill to incorporate the Hillsboro' Coal Mining Transportation Company, reported the same back to the Senate without amendment.

The bill was read the second time and passed: and, on motion of Mr. Gilmer, the rules were suspended, and said bill read the third time, passed and ordered to enrollment.

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 give exclusive jurisdiction to the Superior Courts for the county of Stanly: and
A bill to establish a road in Catawba county.

On motion of Mr. Hoke, the Senate adjourned until Monday morning, 11 o'clock.
Monday, Oct. 25th, 1852.

The Speaker announced that Messrs. Murray, Ward and Herring constitute the Senate's branch of the Committee on Enrolled Bills, the present week.

Mr. McDowell introduced a bill to amend the Constitution of North Carolina: which was read the first time and passed; and, on motion, referred to the Committee on Amendments to the Constitution.

Mr. Joyner introduced a bill concerning the Seaboard and Roanake Railroad Company; which was read the first time and passed, and, on motion, referred to the Committee on Internal Improvements.

On motion of Mr. Boyd, the report of the Joint Select Committee to prepare a tabular statement of the population of the State, &c., was taken up; when Mr. Boyd submitted a substitute for said report; which, on his motion, was ordered to be laid on the table and printed.

Mr. Bower introduced a bill, accompanied by a memorial, to provide for the improvement of the road from Riddie's river to the Tennessee line; which, was read the first time and passed; and, on motion, referred to the Committee on Internal Improvements.

The bill to repeal the proviso to the 9th section of the 42d chapter of the revised statutes, was read the second time; and, on motion of Mr. Steele, referred to the Committee on Finance.

The resolution in favor of James R. Dodge, was read the third time; and, on motion of Mr. Thomas, ordered to be laid on the table.
The bill conferring corporate powers on associations for purposes of benevolence and charity; and for the promotion of education, was read the second time and passed.

Mr. Steele moved that the Senate do now take up for consideration, the bill for the repeal of Jackson county; which motion was agreed to, and said bill made the order of the day for to-morrow, 12 o'clock.

On motion of Mr. Woodfin, the Senate adjourned until to-morrow morning, 12 o'clock.

Tuesday, Oct. 26th, 1852.

Received a message from the House of Commons, transmitting the following engrossed bill and resolution, in which they ask the concurrence of the Senate, viz:

"A bill to attach a portion of the county of Wilkes to the county of Alexander: and
A resolution for furnishing the two Houses.

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

Also, a message stating that the Committee of the House on Enrolled Bills for the present week, consists of Messrs. Blow, Ellis, T. Bynum, W. Turner and Wood.

Received, also, from the House of Commons, the resignation of Samuel Howard, a Justice of the Peace of Lenoir county; which was read and accepted.
Sent a message to the House of Commons, informing that the Senate had passed the following engrossed bill, viz:

"A bill to alter the name of the county seat of Stokes county," in which they ask the concurrence of that House.

The hour of 12 o'clock having arrived, the Senate proceeded to the consideration of the order of the day, being the bill to repeal the act, entitled an act to establish a new county by the name of Jackson.

Mr Caldwell moved that said bill be referred to a select committee to consider and report thereon.

Which motion was disagreed to—Ayes 18, noes 24.

After debate, on motion of Mr. Brogden, the further consideration of the subject was postponed until to-morrow, 12 o'clock, and made the special order of the day for that hour.

Mr. Brogden introduced the following resolutions, which were unanimously adopted, viz:

Resolved, That we have heard with emotions of regret, of the death of Daniel Webster, one of the ablest statesmen of the age in which he lived, and who has acted a distinguished and important part in the public affairs of this country during the last thirty years.

Resolved, That as a mark of respect for the character and public services of Mr. Webster, this Senate do now adjourn.

Whereupon; on motion of Mr. Caldwell,

The Senate adjourned until to-morrow morning, at 11 o'clock.
Wednesday, October 27th, 1852.

Mr. Brogden introduced a bill to extend the time for registering grants, mesne conveyances, powers of attorney bills of sale and deeds of gift:

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

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

A bill to authorise the County Courts of Duplin to sell a part of the public lands in Duplin county;

A bill to amend an act to incorporate the Washington Mining Company, passed in the year 1838-9, and amended in the year 1850-'1;

A bill to amend an act, entitled an act providing for keeping a record of marriages in this State, passed at the session of 1850-'51, chapter 84;

A bill to amend an act passed by the General Assembly, at the session of 1850-'51, entitled an act to incorporate the Fayetteville and Centre Plank Road company;

And a bill to incorporate the Burnsville Division of the Sons of Temperance, No. 209:

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

The bill conferring corporate powers on associations for purposes of benevolence and charity, and for the promotion of education, was read the third time, passed and ordered to be engrossed.
On motion of Mr. Lane, leave of absence was granted to Mr. Joyner, from and after to day, until Tuesday next.

On motion of Mr. Drake, the resolution in favor of Jas. R. Dodge was taken up, read the third time, passed and ordered to be engrossed.

On motion of Mr. Lillington, the engrossed resolutions, for furnishing the two Houses, were taken up, and, on his motion, amended, by inserting in the second resolution, after the words, "alterations and improvements," the following, in the Hall of the House of Commons; and by adding after the words, therein specified, in same resolution, the words, "be and the same is hereby appropriated."

The question on the adoption of the resolutions, the second reading, as amended, passed in the affirmative; ayes 27, noes 15.

Mr. Bower demanded the ayes and noes.

Those who voted in the affirmative are.

Messrs. Albright, Arendell, Bunting, Caldwell, Cowper, Cunningham, Herring, Hoke, T. F. Jones, W. Jones, Kelly, Lane, Lillington, McClees, McDowell, Mitchell, Murchison, Palmer, Parks, Richardson, Shaw, Steele, Thompson, Thomas, Ward, Willey and Woodfin.—27.

Those who voted in the negative are:

Messrs. Albritton, Barrow, Berry, Bower, Boyd, Brogden, Cannon, Collins, Drake, Hargrave, McMillian, Murray, Person, Speight and Withers.—15.

On motion of Mr. Steele, the rules were suspended, and said resolutions were read the third time, and passed; and a message sent to the House of Commons, asking their concurrence in the amendment of the Senate.
The hour of 12 o'clock having arrived, the Speaker announced the special order, being the bill to repeal the act establishing the county of Jackson.

On motion of Mr. Person, the further consideration of the same was postponed until Monday week, and made the special order of that day at the hour of 12 o'clock.

Mr. Hoke moved that the Senate adjourn until to-morrow morning, 10 o'clock; which motion was agreed to.

On motion of Mr. Cunningham, the Senate adjourned until to-morrow morning, 11 o'clock.

Thursday, Oct. 28th 1852.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bill and resolution, in which they ask the concurrence of that body, viz:

"A bill conferring corporate powers on associations for purposes of benevolence and charity, and for the promotion of education; and a resolution in favor of James R. Dodge.

Mr. Steele introduced a bill to incorporate the Pedee Plank Road Company; which was read the first time and passed; and, on his motion, referred to the Committee on Corporations.

Received a message from the House of Commons, concurring in the amendments of the Senate to the engrossed
resolutions for furnishing the two Houses; whereupon, said resolutions were ordered to be enrolled.

Received a message from the House of Commons, stating that they have passed the accompanying engrossed bill to amend an act passed 1850-1, chapter 133, entitled an act to incorporate the Western Plank Road Company; in which they ask the concurrence of the Senate. The bill was read the first time and passed; and, on motion, referred to the Committee on Corporations.

Mr. Caldwell introduced a bill to incorporate the Bank of Charlotte, which was read the first time and passed; and, on motion, referred to the Committee on Corporations, and ordered to be printed.

The engrossed bill to amend an act, to incorporate the Washington Mining Company, passed in the year 1838-9, was read the second time; and, on motion of Mr. Clark, referred to the Committee on Corporations.

The engrossed bill to authorise the County Court of Duplin to sell a part of the public lands of Duplin County was read the second time; and, on motion of Mr. Drake, ordered to be laid on the table.

The engrossed bill to amend an act entitled an act providing for keeping a record of marriages, &c., was read the second time and passed: and, on motion of Mr. Kelly, referred to the Judiciary Committee.

The engrossed bill to amend an act passed by the General Assembly at the session of 1850-51 entitled an act to incorporate the Fayetteville and Centre Plank Road Company, was read the second time and passed.
The engrossed bill to incorporate the Burnsville Division of the Sons of Temperance, No. 209, was read the second time; and, on motion of Mr. Clark, referred to the Committee on Corporations.

On motion of Mr. Drake, the bill to provide for paying tales jurors in Halifax County was taken up. Motions were severally made to extend the provisions of the bill to the Counties of Granville, Perquimons, Pitt, Columbus and Brunswick, when, on motion of Mr. T. F. Jones, ordered that the same be laid on the table.

Mr. Thomas introduced the following preamble and resolution, viz:

Whereas, at the last session of the General Assembly, an act was passed, repealing an act establishing Polk county, in the Western portion of the State, by which the West is deprived of one member in the House of Commons;

And whereas, a resolution has been introduced, at this session, to repeal an act establishing another county in the West by the name of Jackson;

And whereas, under a recent decision of the Supreme Court of the State, the power of the General Assembly is conceded, to repeal the acts establishing any county in the State;

And whereas, the repeal of Western counties must lead to much dissatisfaction;

And whereas, if the General Assembly continue the policy of repealing acts, which establish counties in the west, and thereby lessen their number of representatives, it may lead to the repeal of a part of the counties in the eastern portion of the State, a considerable number of which do not possess their requisite share of population;
In order to prevent the evils resulting from the repeal of acts establishing counties, which, if continued, might be exercised by a political party having a majority in the Legislature, to weaken and disfranchise the minority:

Therefore, be it Resolved, That, in the opinion of this General Assembly, the power of repealing counties ought not to be exercised during the present session, and that, in the opinion of this General Assembly, the exercise of this power is one of doubtful expediency.

Which resolution was read the first time and passed.

Mr. Thomas moved that the Senate adjourn until to-morrow morning, 11 o'clock; which motion was decided in the negative—Ayes 19, noes 21.

Mr. Cunningham called for the ayes and noes.

Those who voted in the affirmative are,


Those who voted in the negative are,

Messrs. Albright, Albritton, Berry, Boyd, Cowper, Cunningham, Drake, Hargrave, Kelly, Lane, McClees, Mitchell, Murray, Parks, Person, Richardson, Steele, Thompson, Withers, Willey, and Woodfin—20.

Mr. Murchison moved that the Senate do now adjourn until to-morrow morning, 11 o'clock.

The vote on which motion resulted as follows: Ayes 20, noes 20.

Mr. Person demanded the ayes and noes.
Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Albritton, Arendell, Berry, Boyd, Bunting, Cowper, Cunningham, Drake, Hargrave, Herring, Lane, McClees, Murray, Person, Richardson, Steele, Thompson, Withers, Willey and Woodfin—20.

There being a tie, the Speaker voted in the affirmative,

And the Senate adjourned until to-morrow morning, at 11 o'clock.

FRIDAY, OCT. 29th, 1852.

Mr. Caldwell introduced a bill, accompanied by a memorial, to amend an act, entitled an act to incorporate Union Institute in Randolph county, a Normal College, which was read the first time and passed; and, on motion, said bill and memorial were referred to the Committee on Education, and ordered to be printed.

On motion of Mr. Berry, leave of absence was granted to Mr. Person from and after to-day, until Wednesday next.

Mr. Albright introduced a bill to incorporate the Haywood and Raleigh Plank Road company; which was read
the first time and passed, and, on motion, referred to the Committee on Corporations.

On motion of Mr. Richardson, leave of absence was granted to Mr. Steele, from and after to-morrow, until Friday next.

On motion of Mr. Cowper,

Resolved, That the Committee on the Judiciary be instructed to take under their consideration the 88th chapter of the Revised Statutes, concerning the appointment and duties of a patrol in each county in this State, and whether, in their opinion, some amendment thereto is not necessary to be made for the appointment and duties of patrols, and for their better regulation, management and protection; and that they report by bill or otherwise.

On motion of Mr. Clark, the Senate took up for consideration, the bill to encourage the investment of capital for mining and manufacturing purposes; which, on motion of Mr. Kelly, was ordered to be laid on the table.

On motion of Mr. Lillington, leave of absence was granted to Mr. Albritton, from and after to-day, until Thursday next.

Received a message from the House of Commons, transmitting a message from his Excellency, the Governor, accompanied by a report of the President and Directors of the Literary Fund, with a proposition to print the same; which was concurred in.

On motion of Mr. Drake, the engrossed bill to authorise the County Court of Duplin to sell a part of the public lands of Duplin county, was now taken up and read the second time and passed; and, on motion of Mr. Bower,
the rules were suspended, and said bill read the third time, passed and ordered to enrollment.

The engrossed bill to amend an act passed by the General Assembly at the session of 1850-'51, entitled an act to incorporate the Fayetteville and Centre Plank Road Company, was read the third time, passed and ordered to be enrolled.

The resolution respecting the power and expediency of repealing counties, was now taken up; but, on motion of Mr. Thomas, ordered to be laid on the table.

Mr. Steele moved that the same be printed; which motion was disagreed to.

Mr. Thompson introduced the following resolution, viz:

Resolved, That a message be sent to the House of Commons, proposing that the two Houses of the General Assembly adjourn from and after to-day, until Thursday next.

Received a message from the House of Commons, stating that they have indefinitely postponed the proposition of the Senate, that the two Houses adjourn from and after to-day, until Thursday next.

On motion of Mr. McDowell,

The Senate adjourned until to-morrow morning, at 11 o'clock.
Saturday, Oct. 30th, 1852.

On motion of Mr. Cunningham, leave of absence was granted to Mr. Shaw from and after to-day, until Thursday next.

On motion of Mr. T. F. Jones, leave of absence was granted to the Senator from Bertie county, from and after to-day, until Wednesday next.

Mr. Woodfin, from the Judiciary Committee, to whom was referred the bill to confirm the establishment of Yadkin county, reported the same back to the Senate and recommended its passage.

Ordered to be laid on the table.

On motion of Mr. Boyd,

Resolved, That a message be sent to the House of Commons, proposing to adopt the report of the Comptroller, giving the amount of taxes paid into the Public Treasury for the last five years, and the average for each county, as the basis for laying off the Senatorial Districts, with the following alterations, viz:

The average for Surry county, to be 923 63
Yadkin county 1,000 00
Forsythe county, to be 1,887 92
Madison county 334 91
Watauga county 286 37
Rutherford county, including amount paid by Polk county, in 1847, 2,030 49
Yancy county, to be 406 09

To the amount paid by Montgomery county, for 1850, $10 should be added, increasing the aggregate for said county to $3,829 84, making the average for Montgomery county, to be 735 96

The above alterations increase the aggregate amount of taxes paid within the last five years, to the sum of $631,467 53
On motion of Mr. Albright,

Resolved, That the Committee on the Judiciary be instructed to enquire into the expediency of amending the first section of 64th chapter of the Revised Code, entitled an act concerning filial portions, legacies and distributive shares of intestates' estates, so as to admit of representatives of uncles' and aunts' children and grand-children, and that they report by bill or otherwise.

Received a message from the House of Commons, accompanied by a communication from his Excellency, the Governor, transmitting sundry resignations of Justices of the Peace, resolutions of State Legislatures and the report of the Raleigh and Wilmington Rail Road Company; with a position to print said report.

The message was read, the proposition to print agreed to, and the resignations of Justices accepted.

Mr. Woodfin introduced a bill to incorporate the North Carolina and Western Rail Road Company, which was read the first time and passed; and, on motion, referred to the Committee on Internal Improvements and ordered to be printed.

Mr. Murchison introduced a bill to incorporate the Bank of North Carolina, which was read the first time and passed; and, on motion, referred to the Committee on Corporations, and ordered to be printed.

Mr. T. F. Jones presented a bill to authorise the Court of Pleas and Quarter Sessions of Perquimons County to sell a portion of its public square; which was read the first time and passed.

On motion of Mr. McClees, the Senate adjourned until Monday morning, 11 o'clock.
MONDAY, Nov. 1st.

On motion of Mr. McClees, leave of absence was granted to Mr. Willey from and after to-day, until Thursday next.

On motion of Mr. Arendell, leave of absence was granted to the Senator from Hertford from and after to-day, until Saturday next.

Received a message from the House of Commons, transmitting the report of the President and Directory of the Raleigh and Gaston Railroad Company, with a proposition to print the same; which was concurred in.

The said message also stated that Messrs. Strange, Calloway, Johnson, Dunn and Barco, constitute the Committee of the House of Commons on Enrolled Bills for the present week.

The Speaker announced that Messrs. Richardson, Speight, and Brogden, from the Senate's branch of the Committee on Enrolled Bills for the present week.

Mr. Kelly introduced a bill to amend the 1st section of the 64th chapter of the Revised Statutes, entitled, "legacies filial portions and distributive shares;" which was read the first time and passed.

The bill to authorize the Court of Pleas and Quarter Sessions of Perquimons county to sell a portion of the public square, was read the second time and passed; and, on motion of Mr. Bower, the rules were suspended and the bill read the third time, passed and ordered to be engrossed.
The bill to confirm the establishment of Yadkin county was read the second time and passed.

On motion of Mr. McClees, the Senate adjourned until to-morrow morning, 11 o'clock.

**Tuesday, Nov. 2nd, 1852.**

Mr. Hoke presented the memorial of citizens of the counties of Yancy, McDowell, Watauga, Burke and Caldwell, praying for the erection of a new County; which, on motion, was referred to the Committee on Propositions and Grievances.

On motion of Mr. Gilmer, the Senate adjourned until to-morrow morning, 11 o'clock.

**Wednesday, Nov. 3rd, 1852.**

Mr. Gilmer presented the memorial of the Grand Jury, and sundry citizens of Guilford county, praying for the passage of an act to pay tales jurors in said county; which, on motion, was ordered to be laid on the table.

My. Boyd introduced a bill to pay tales jurors in the county of Rockingham; which was read the first time and passed.
Mr. Thomas introduced a bill to incorporate the North Carolina and South Carolina Turnpike Company; which was read the first time and passed; and, on motion, referred to the Committee on Internal Improvements.

On motion of Mr. Thomas,

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 six on the part of the House, to take into consideration the Western Turnpike, and, also, the lands pledged for its construction; and that the said committee report by bill or otherwise, providing for a sale of said land.

On motion of Mr. Lillington, the Senate adjourned until to-morrow morning, 11 o'clock.

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Thursday. Nov. 4th, 1852.

Mr. Washington presented the pension Certificate of Thomas Ewell, of Craven county, which was ordered to be countersigned by the Speaker of the Senate, and sent to the House of Commons.

Mr. Hoke offered the following resolution, viz:

Resolved, That the Committee on Swamp Lands report to the Senate, at their earliest convenience, the number of acres of land owned by the State, the number acres drained and undrained, the value of the same, and the sum it would require to drain the said lands.
Mr. Jones moved to amend the resolution, by striking out the words, "Swamp Lands," and inserting "the Judiciary," which was not agreed to.

The resolution was then adopted.

Mr. Withers introduced the following preamble and resolution, which was read and adopted, viz:

WHEREAS, in many instances, squatters settle on the Lands of infants residing beyond the limits of this State, by reason where of injury and loss occur to such infants, and in some instances to the Literary Fund:

Resolved, That the Committee on the Judiciary, enquire whether legislation on this subject is necessary, and that they report by bill or otherwise.

Received a message from the House of Commons, proposing to raise a Joint Select Committee, to consist of the Senators and Members of the House of Commons representing the Counties of McDowell and Yancy, on so much of the Governor's Message as relates to the McDowell and Yancy Turnpike; and that said Committee enquire what further legislation may be necessary, and, that they report by bill or otherwise. Concurred in.

The message also stated that the House of Commons concur in the proposition of the Senate, to adopt the Comptroller's report as to the taxes paid into the public Treasury for the last five years, as a basis for laying off the Senatorial Districts.

Mr. Brogden introduced a bill making Rail Road Companies liable for all damages done by fire, from sparks falling from Locomotives: which was read the first time and passed; and, on motion, referred to the Committee on the Judiciary.
Received a message from the House of Commons, informing that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, viz:

A bill concerning the distribution of the School Fund in the county of Gaston;

A bill to authorise the wardens of the poor of Lincoln county to sell the lands in said county on which the poor House is situate;

A bill to authorise any fifteen Justices of the Peace of Craven County to appoint superintendents of Common Schools in said county;

A bill to extend the right of Appeal in certain cases;

A bill to amend the second section of the 39th chapter of the Revised Statutes, entitled Divorce and Alimony; and,

A bill to authorise the Courts of Pleas and Quarter Sessions to make compensation to Justices of the Peace, appointed to take the lists of taxable property; which said bills were severally read the first time and passed.

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

A bill to amend the 1st section of the 64th chapter of the Revised Statutes;

A bill to establish the dividing line between the counties of Beaufort and Craven;

A bill to amend an act, entitled an act, for establishing public landings and places of inspection, and for the appointment of inspectors, and regulation of inspections;

A bill concerning the embankment of low grounds; and

A bill to appoint Commissioners to sell a portion of the streets in the town of Shelby, in the county of Cleveland, and for other purposes.

Which said bills were severally read the first time and passed.
Also an engrossed bill authorising the probate of all deeds and bills of sale requiring registration, before the Clerks of the Courts of Pleas and Quarter Sessions, at any time, which was read the first time and passed: and, on motion of Mr. Gilmer, referred to the Committee on the Judiciary.

The bill to confirm the establishment of Yadkin county was read the third time, passed and ordered to be engrossed.

The bill to pay tares jurors in Rockingham county, was read the second time, amended, on motion of Mr. Gilmer, by extending its provision to the county of Guilford, and passed its second reading as amended.

On motion of Mr. Caldwell, the bill to repeal in part the 25th section of the 52d chapter of the Revised Statutes was now taken up, and, on his motion, made the special order for Tuesday next, at 12 o'clock.

The bill to amend the 1st section of the 64th chapter of the Revised Statutes, entitled legacies, filial portions and distributive shares, was read the second time, and, on motion of Mr. Gilmer, referred to the Committee on the Judiciary.

On motion of Mr. Thomas, the Senate adjourned until to-morrow morning, 11 o'clock.
Mr. Washington presented the pension certificates of Theophilus Gardner and William Sasser, of Wayne county; which were ordered to be countersigned by the Speaker of the Senate, and sent to the House of Commons.

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

"A bill for the better government of the town of Lincoln, and to amend the existing corporate laws of said town; which said bill was read the first time and passed, and, on motion of Mr. Hoke, referred to the Committee on Corporations.

Mr. Richardson introduced a bill to increase the capital stock of the Bank of Wadesborough, which was read the first time and passed.

Mr. Hoke presented a bill, accompanied by a memorial, to incorporate the Trustees of the Catawba College; which was read the first time and passed; and, on motion, said bill and memorial were referred to the Committee on Corporations.

The engrossed bill concerning the distribution of the School Fund in the county of Gaston, was read the second time and passed; and, on motion of Mr. Bower, the rules were suspended, and said bill read the third time, passed and ordered to be enrolled.

The engrossed bill to authorise the Wardens of the poor of Lincoln county, to sell the land in said county, on which the Poor House is situated, was read the second time, and, on motion of Mr. Hoke, ordered to be laid on the table.
The engrossed bill to extend the right of appeal in certain cases, was read the second time and passed; and, on motion of Mr. Washington, referred to the Committee on the Judiciary.

The engrossed bill to authorise any fifteen Justices of the Peace of Craven county to appoint Superintendents of Common Schools, was read the second time and passed; and, on motion of Mr. Washington, the rules were suspended, and the bill read the third time, passed and ordered to be enrolled.

The bill to amend the second section of the 39th chapter of Revised Statutes, entitled divorce and alimony, was read the second time, and, on motion of Mr. Hoke, referred to the Committee on the Judiciary.

On motion of Mr. Gilmer, Messrs. T. F. Jones and Washington were added to the Judiciary Committee.

The engrossed bill to authorise the Courts of Pleas and Quarter Sessions to make compensation to Justices of the Peace, appointed for taking the lists of taxables, was read the second time and passed.

The bill to amend the first section of the 64th chapter of the Revised Statutes, was read the second time, and, on motion of Mr. Lillington, referred to the Committee on the Judiciary.

The engrossed bill to establish the dividing line between the counties of Beaufort and Craven, was read the second time and passed.

The engrossed bill to amend an act, entitled an act, for establishing public landings and places of inspections;
The engrossed bill concerning the embankment of low grounds: and

The engrossed bill to appoint Commissioners to sell a portion of the streets in the town of Shelby, in the county of Cleaveland, and for other purposes, were severally read the second time and passed.

The bill to pay the wages of jurors in the counties of Rockingham and Guilford, was read the third time, passed and ordered to be engrossed.

On motion of Mr. Drake, the enrolled bill to provide for paying the wages of jurors in the county of Halifax, was now taken up, read the third time, amended by extending its provisions to the counties of Granville and Sampson, and passed as amended; and a message sent to the House of Commons, asking their concurrence in the amendments of the Senate.

On motion of Mr. McDowell, the Senate took up for consideration the engrossed bill, providing for the pay of jurors in Columbus county. The said bill was read the third time, amended by extending its provisions to the county of Onslow, and passed as amended, and, a message sent to the House of Commons, asking their concurrence in the Senate's amendment.

On motion of Mr. Gilmer, the Senate adjourned until to-morrow morning, 11 o'clock.
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 confirm the establishment of the county of Yakkin: a Bill to pay tales jurors in Rockingham and Guilford counties: and a Bill to authorise the Court of Pleas and Quarter Sessions of Perquimons county, to sell a portion of its public square.

Mr. Woodfin, from the Committee on Judiciary, to whom was referred the bill to extend the time of registering grants, mense conveyances, powers of attorney, bills of sale and deeds of gift, reported the same back to the Senate, and recommended its passage.

Ordered to lie on the table.

Mr. Woodfin, from the same committee, to whom was referred the bill authorising the probate of all deeds and bills of sale requiring registration, before the Clerks of the Courts of Pleas and Quarter Sessions, at any time, reported the same back to the Senate, with an amendment, and recommended its passage.

Ordered to lie on the table.

Mr. Woodfin, from the same committee, to whom was referred the bill making Railroad Companies liable for all da-
mages done by fire from sparks falling from Locomotives, reported the same and recommended its rejection.

Ordered to be laid on the table.

Mr. Woodfin, from the same committee, to whom was referred the bill to amend the 2nd section of the 39th chapter of the Revised Statutes, entitled divorce and alimony, reported the same and recommended its rejection.

Ordered to lie on the table.

On motion of Mr. Thomas,

Resolved, That the Committee on the Judiciary inquire into the expediency of so altering and amending the laws, as to require Justices of the Peace to give bonds and security for the faithful performance of duty: And upon giving bond, to be allowed fees for their services; that they be required to keep a record of their proceedings; that in all cases of assaults and batteries, brought before them, in cases of submission, to fine one or both of the parties, not less than two, nor more than fifty dollars; to allow the right of appeal to either party upon giving bond and security to indemnify the county against the payment of costs. In cases where no appeal is taken and the fines paid, to make it the duty of the justices to pay over the fines for the use of the county, and report to the Clerk of the Superior Court the cases of submission, which have been settled before them: And so provide in the duty of the Grand Jury, that no further proceeding shall be had thereon in court; and that said committee report by bill or otherwise.

Mr. Steele introduced a bill to alter the Constitution of this State; which was read the first time, and, on motion, referred to the Committee on Amendments to the Constitution.
Mr. Cannady introduced a bill in relation to executors of last Wills and Testaments; which was read the first time and passed, and, on motion, referred to the Committee on the Judiciary and ordered to be printed.

On motion of Mr. Steele, the vote by which the bill to alter the Constitution of this State was referred to the Committee on Amendments to the Constitution, was reconsidered.

And the question recurring on the passage of the bill its first reading, was determined in the negative; a constitutional majority not voting in its favor.

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

"A bill to incorporate the Haywood and Pittsboro Plank Road Company: and
A bill to incorporate the Concord and Anson Plank Road Company:

Which were severally read the first time and passed; and, on motion of Mr. Clark, referred to the Committee on Internal Improvements.

The engrossed bill to appoint commissioners to sell a portion of the streets in the town of Shelby, in the county of Cleveland, and for other purposes, was read the third time, passed and ordered to be enrolled.

The engrossed bill to authorise the Courts of Pleas and Quarter Sessions to make compensation to Justices of the Peace, appointed for taking the lists of taxable property, was read the second time; and, on motion of Mr. Steele, ordered to be laid on the table.
The engrossed bill to establish the dividing line between the counties of Beaufort and Craven was read the third time, passed and ordered to be enrolled.

The engrossed bill concerning the embankment of low grounds, was read the second time, and, on motion of Mr. Person, ordered to be laid on the table.

The bill to increase the capital stock of the Bank of Wadesborough, was read the second time; and, on motion of Mr. Clark, ordered to be laid on the table.

On motion of Mr. McDowell,

The Senate adjourned until Monday morning, at 11 o'clock.

MONDAY, NOV. 8th, 1852.

The Speaker announced that Messrs. McMillan, Albright and Kerr, compose the Committee on enrolled bills the present week.

Mr. Brogden introduced a bill to exempt persons of sixty-five years of age, and upwards, from serving as jurors, which was read the first time and passed, and, on motion, referred to the Committee on the Judiciary.

The bill to extend the time for registering grants, mesne conveyances, powers of attorney, bills of sale and deeds of gift, was read the second time and passed: and, on motion,
of Mr. Hoke, the rules were suspended and said bill read the third time, passed and ordered to be engrossed.

Received a message from the House of Commons, concurring in the proposition of the Senate to raise a Joint Select Committee of four from the Senate and six from the House, to take into consideration the Western turnpike road, and the lands pledged for its construction: and informing that their branch of the committee on the subject consists of Messrs. Blow, Smith, Lander, Fagg, Monday and Styles. Whereupon, Messrs. Thomas, Washington, Bower and Thompson were appointed the Committee on the part of the Senate.

Received a message from the House of Commons, concurring in the amendments of the Senate to the bill to provide for the paying tales jurors in the county of Halifax. And also, to the bill to pay tales jurors in the county of Columbus, the same compensation as is now paid to jurors of the regular panel,

Ordered that said bills be enrolled.

The message also stated, that the Committee on enrolled bills on the part of the House of Commons for the present week, consists of Messrs. Erwin, W. Harris, Monday, Rivas and Lowry.

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

A bill concurring public roads, ferries and bridges in the county of Bladen;
A bill to perfect titles to land entered in the County of Macon previous to the 15th of March 1852; and,
A bill to repeal an act, entitled an act, for the better organization of the Court of Pleas and Quarter Sessions for the county of Pasquotank, passed at the last session of the General Assembly, chapter 55; which bills were severally read the first time and passed.

Also, a bill concerning the sale and inspection of lumber and ton timber at Wilmington or other points on the Cape Fear River, which was read the first time and passed; and, on motion of Mr. Brogden, referred to the Committee on the Judiciary.

Also, a bill concerning the Superior Courts of Randolph, Alamance and Currituck Counties, which was read the first time, passed, and, on motion of Mr. Bower, referred to the Committee on the Judiciary.

The engrossed bill, authorising the probate of all deeds and bills of sale requiring registration before the Clerks of the Courts of Pleas and Quarter Sessions, at any time, was read the second time, the amendment recommended by the Committee agreed to, and the bill passed as amended.

The bill making railroad companies liable for all damages done by fire from sparks falling from locomotives, was read the second time, and, on motion of Mr. Person, ordered to be laid on the table.

The engrossed bill to amend the second section of the 29th chapter of the Revised Statutes, entitled divorce and alimony, was read the second time and rejected, and the House of Commons informed thereof.

On motion of Mr. Boyd, the report from the Committee on Tabular Statements was taken up and recommitted.

Whereupon, Mr. Boyd, in behalf of the committee, submitted another report. Mr. Thompson moved, that so much of said report as relates to the Indian population, be
referred to the Judiciary Committee; which was agreed to, and, on his motion, the balance of the report was ordered to be laid on the table.

Mr. Steele introduced a bill to incorporate Excelsior Lodge, No. 41, I. O. O. F., which was read the first time and passed; and, on motion, referred to the Committee on Corporations.

Mr. Kelly introduced a resolution requiring the Secretary of State to procure the names of the several acting Justices of the Peace in this State, and report to the General Assembly; which was read the first time and passed.

On motion of Mr. Hoke, the Senate proceeded to consider the engrossed bill to authorise the Wardens of the Poor of Lincoln county to sell the land in said county, on which the Poor-House is situated; which was read the second time and passed; and, on his motion, the rules were suspended, and the bill read the third time and passed, and ordered to be enrolled.

Mr. Thomas presented a resolution in favor of Rufus H. Page: which was read the first time and passed; and, on motion of Mr. Boyd, referred to the Committee on Claims.

The hour of 12 o'clock having arrived, the Senate proceeded to the consideration of the special order, being the bill to repeal the act of 1850-'51, entitled an act to establish a new county by the name of Jackson.

After some time spent in debate, Mr. Thomas moved that the further consideration of the same be postponed until 12 o'clock on Wednesday next, and be made the special order of the day for that hour.

Which motion was carried—Ayes 23, noes 20.
Mr. Steele demanded the ayes and noes.

Those who voted in the affirmative are,

Messrs. Berry, Bower, Boyd, Brogden, BunTING, Caldwell, Can-
nady, Collins, Cunningham, Drake, GIMMER, Hargrave, Herring, Hoke, W. Jones, Kerr, Lane, Parks, Speight, Thomas, Watson, Withers and Woodfin—23.

Those who voted in the negative are,

Messrs. Albright, Albritton, Barrow, Clark, Cowper, T. F. Jones, Joyner, Kelly, McChees, McDowell, McMulan, Mitchell, Palmer, Per-
son, Shaw, Steele, Thompson, Ward, Washington and Willey.—20.

Mr. Woodfin introduced a bill to amend the first section 
of the 41st chapter of the Revised Statutes, so as to give the sheriffs of Haywood, Macon and Cherokee twelve days to make return of the vote for Presidential Electors, in-
stead of eight: which was read the first time and passed; and, on motion of Mr. Woodfin, the rules were suspended, and the bill read the second time, and amended on the mo-
tions of Messrs. Shaw and Washington, by extending its provisions to the counties of Currituck and Carteret.

The bill was then read a third time, under a suspension of the rules, and so amended as to make it a general bill, allowing further time for the sheriffs in the several coun-
ties in this State to make returns of the vote of President-
tial Electors; passed as amended, and ordered to be en-
grossed.

Whereupon, on motion of Mr. Washington, the 15th rule for the government of the Senate was suspended, and a message sent to the House of Commons, informing that the Senate have passed the bill aforesaid, and asking their con-
currence in the same.

Mr. Hoke moved that the Senate do now adjourn until to-
morrow morning, 10 o'clock.
Mr. Woodfin proposed 11 o'clock.

And the question being taken on Mr. Woodfin's amendment, "that the Senate adjourn until to-morrow morning, 11 o'clock," was determined in the negative—Ayes 14, noes 28.

Those who voted in the affirmative, are:


Those who voted in the negative are:


The motion of Mr. Hoke was then withdrawn.

On motion of Mr. Kelly, the engrossed bill concerning public roads, ferries and bridges in the county of Bladen, was taken up and referred to the Committee on the Judiciary.

Mr. Clark asked that the Committee on Corporations be discharged from the further consideration of the bill for the better government of the town of Lincolnton, and to amend the existing corporate law, of said town; which motion was disagreed to.

Mr. Lillington moved that the Senate adjourn until to-morrow morning, 10 o'clock, which was carried in the affirmative—Yea 25, noes 18.

Mr. Gilmer demanded the ayes and noes.

Those who voted in the affirmative, are:
Messrs. Barrow, Berry, Bower, Bunting, Caldwell, Hargrave, Herr-

Those who voted in the negative are:

Messrs. Albright, Albritton, Boyd, Brogden, Cannady, Clark, Col-
lines, Cowper, Cunningham, Drake, Gilmer, Kelly, McClees, Palmer, Steele, Washington, Withers and Woodfin—18.

Tuesday, Nov. 9th, 1852.

A message was sent to the House of Commons, informing that the Senate have passed the following engrossed bills, in which they ask the concurrence of that body, viz:

"A bill to extend the time for registering grants, mesne conveyances, powers of attorney, bills of sale and deeds of gift: and

A bill to allow further time for Sheriffs to make their returns in Presidential Elections."

Mr. Caldwell presented the memorial of sundry citizens of Gaston county, protesting against being attached to Lincoln county; which, on motion, was referred to the Committee on Propositions and Grievances.

Mr. Clark presented the petition of the officers and privates of the 20th Regiment of the North Carolina Militia; which, on motion, was referred to the Committee to revise the Militia Laws.
Mr. Clark, from the Committee on Corporations, to whom was referred the bill to incorporate Catawba College, reported the same back to the Senate, with sundry amendments.

Ordered to lie on the table.

Mr. Hargrove introduced a bill to amend an act, passed in 1850 and 1851, incorporating the Lewis Gold Mining Company: and

A bill concerning the Conrad Hill Gold Mining Company; which said bills were read the first time and passed, and, on motion, referred to the Committee on Corporations.

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

"A bill to incorporate the Fayetteville and Raleigh Plank Road Company: a

Bill to incorporate the Gulf and Graham Plank Road Company: and

A bill to incorporate the Haywood and Chapel Hill Plank Road Company; which bills were severally read the first time and passed, and, on motion of Mr. Clark, referred to the Committee on Corporations.

Mr. Gilmer introduced a bill concerning the reports of the Supreme Court; which was read the first time and passed.

Mr. Kelly introduced a bill authorising Justices of the Peace to resign to the County Court, and for other purposes; which was read the first time and passed, and, on motion, referred to the Committee on the Judiciary.

Mr. Shaw introduced a bill to incorporate Indian Ridge Division, No. 220, of the Sons of Temperance; which
was read the first time and passed, and, on motion, referred to the Committee on Corporations.

The engrossed bill authorising the probate of all deeds and bills of sale, requiring registration before the Clerks of the Courts of Pleas and Quarter Sessions, at any time, was read the third time, and passed as amended; and a message sent to the House of Commons, asking their concurrence in the amendment of the Senate.

The engrossed bill to amend an act, entitled an act, for establishing public landings and places of inspection, and for the appointment of Inspectors, &c., was read the third time, passed and ordered to be enrolled.

The engrossed bill to repeal an act for the better organization of the Court of Pleas and Quarter Sessions for the county of Pasquotank, passed at the last session of the General Assembly, chapter 55, was read the second time and passed.

The engrossed bill to perfect titles to lands entered in the county of Macon, previous to the 15th of March, 1852, was read the second time and passed, and, on motion of Mr. Thoms, the rules were suspended, and the bill read the third time, passed and ordered to be enrolled.

The resolution requiring the Secretary of State to procure the names of the several acting Justices of the Peace in this State was read the second time and passed.

Mr. Hoke presented the petition of sundry citizens of the town of Lincolnton in relation to the act incorporating said town: which, on motion, was referred to the Committee on Corporations.
Mr. Hoke presented a petition, praying for the passage of an act in favor of Ephraim Lutz; which, on motion, was referred to the Committee on the Judiciary.

Mr. Thomas from the Committee on Internal Improvements to whom was referred the bill concerning the Seaboard and Roanoke Railroad Company, reported the same back to the Senate, with sundry amendments.

Ordered to lie on the table.

The hour of 12 o'clock having arrived, the Senate proceeded to the consideration of the special order, being the engrossed bill to repeal in part the 25th section of the 52nd chapter of the Revised Statutes. The bill was read the second time and passed.

On motion of Mr. Kelly, the Senate took up the bill to encourage the investment of capital for mining and manufacturing purposes, and said bill being read the second time, was amended on the several motions of Messrs. Kelly, Caldwell and Gilmer, and passed as amended.

On motion of Mr. Kelly, the rules were suspended, and the bill read the third time, passed and ordered to be engrossed.

Mr. Bower introduced a bill concerning the printing of the private acts of the General Assembly; which was read the first time and passed, and, on motion, referred to the Committee on the Judiciary.

Mr. Murchison introduced a bill to incorporate the Cumberland Academy in the county of Cumberland; which was read the first time and passed, and, on motion of Mr. Clark, referred to the Committee on Corporations.
On motion of Mr. Speight, the Senate adjourned until tomorrow morning, 10 o'clock.

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**Wednesday, Nov., 10th, 1852.**

Mr. Drake, from the Committee on Claims, to whom was referred a resolution in favor of Rufus H. Page, reported the same back to the Senate and recommended its adoption.

Ordered to lie on the table.

Mr. Clark from the Committee on Corporations to whom was referred a bill to incorporate the Haywood and Raleigh Plank Road Company, reported the same with sundry amendments.

Mr. Watson from the Committee on Propositions and Grievances to whom was referred a bill to lay off a new county out of a portion of Ashe, reported the same back to the Senate and recommended its passage.

Ordered to lie on the table.

Mr. Steele, from the Committee on Finance, to whom was referred the bill to repeal the proviso to the 9th section of the 42nd chapter of the Revised Statutes, reported the same back to the Senate, and recommended that the same do not pass.

Ordered to lie on the table.
Mr. Steele, from the same committee, to whom was referred the bill to make certain bonds transferable, reported the same back to the Senate, with amendments, and recommended its passage.

Ordered to lie on the table.

Mr. Boyd presented a resolution in favor of Rufus H. Page; which was read the first time and passed, and, on motion, referred to the Committee on Claims.

The resolution requiring the Secretary of State to procure the names of the several acting Justices of the Peace in this State, was read the third time, passed and ordered to be engrossed.

The engrossed bill to repeal an act, entitled an act, for the better organization of the Court of Pleas and Quarter Sessions for the county of Pasquotank, passed at the last session of the General Assembly, chapter 55, was read the third time, passed and ordered to be enrolled.

The bill concerning the reports of the Supreme Court, was read the second time and passed.

The bill to incorporate the Catawba College, was read the second time, the amendments recommended by the Committee agreed to, and the bill passed as amended.

The bill concerning the Seaboard and Roanoke Railroad Company, was read the second time, the amendments recommended by the committee agreed to; and the bill passed as amended.

On motion of Mr. Joyner, the rules were suspended, and the bill read the third time, passed, and ordered to be engrossed.
The engrossed bill to repeal in part the 25th section of the 25th chapter of the Revised Statutes, was now taken up, and read the third time; and the question being on the passage of the bill its third and last reading, was determined in the affirmative; ayes 25, noes 21.

Mr. Brogden demanded the ayes and noes.

Those who voted in the affirmative are:


Those who voted in the affirmative are,


Ordered that said bill be enrolled.

Mr. Gilmer introduced a bill, accompanied by a memorial, to attach a part of Davidson county to the county of Forsythe, which was read the first time and passed; and, on motion, the bill and memorial were referred to the Committee on propositions and grievances.

Mr. Thomas, from the Committee on Internal Improvements, to whom was referred the bill to incorporate the Haywood and Pittsboro' Plank Road company, reported the same to the Senate and recommended its passage.

Ordered to lie on the table.

Mr. Thomas from the same committee to whom was referred the bill to incorporate the Concord and Anson Plank
Road Company, reported the same, with an amendment; and recommended its passage.

Ordered to lie on the table.

Mr. McClees introduced a bill to amend an act, entitled an act concerning the draining of low grounds, which was read the first time and passed; and, on motion of Mr. Washington, referred to the Committee on the Judiciary.

The Senate now proceeded to consideration of the special order; being the bill to repeal an act passed at the session of 1850-51, entitled, an act to establish a new county, by the name of Jackson.

And the same being read the second time, Mr. Thomas moved that its further consideration be postponed until the 29th day of December next and made the special order for that day at the hour of 12 o'clock.

Mr. Woodfin moved that the same be indefinitely postponed; which was decided in the negative, ayes 19, noes 28.

Mr. Steele demanded the ayes and noes.

Those who voted in the affirmative are.

Messrs. Barrow, Bower, Boyd, Caldwell, Collins, Hargrave, Hoke, W. Jones, Kelly, Lane, Lillington, McDowell, Mitchell, Murchison, Parks, Speight, Thomas, Withers and Woodfin—19

Those who voted in the negative are:

The question now recurred on the passage of the bill its second reading, and was determined in the affirmative—ayes 27, noes 19.

Mr. McClees demanded the ayes and noes.

Those who voted in the affirmative are:


Those who voted in the negative are:


So the bill passed its second reading.

On motion of Mr. Thomas, the Senate adjourned until tomorrow morning, 11 o'clock.

Thursday, Nov. 11th, 1852.

A message was sent to the House of Commons, informing that the Senate have passed the following engrossed bill and resolution, in which they ask the concurrence of that body, viz:
"A bill to encourage the investment of capital for mining and manufacturing purposes; and, a resolution requiring the Secretary of State to procure the names of the several acting Justices of the Peace in this State."

Mr. Steele, from the Committee on Finance, to whom the subject was referred, reported a bill to increase the Revenue of the State in the sale of its bonds, which was read the first time and passed.

Mr. Washington, from the Committee on the Judiciary, to whom was referred the bill to amend an act passed at the Session of 1850-51, entitled, an act to regulate the pay of jurors and witnesses in the county of Craven, reported the same and recommended its passage.

Ordered to lie on the table.

Mr. Gilmer, from the Committee on the Judiciary, to whom was referred the bill for the better administration of justice, reported the same back to the Senate, and recommended its passage.

Ordered to lie on the table.

Mr. Drake introduced a resolution in favor of the Treasurer of the State, which was read the first time and passed; and, on motion of Mr. Thomas, referred to the Committee on Turnpike Roads and Cherokee Lands.

Mr. Palmer presented sundry resolutions, directing the Treasurer to subscribe for eight hundred shares of the Stock of the Fayetteville and Centre Plank Road Company, referred to the Committee on Internal Improvements.

Received a message from the House of Commons, transmitting the report of the Commissioners to revise and digest the public Statutes, with a proposition to print the same.
The proposition was concurred in.

Mr. Parks introduced a bill for dividing the county of Iredell, which was read the first time and passed; and, on motion, referred to the committee on propositions and grievances.

Mr. Caldwell introduced a bill to incorporate the Charlotte, North Carolina, and Cheraw, South Carolina, Plank Road Company, which was read the first time and passed; and, on motion, referred to the committee on corporations.

Mr. T. F. Jones presented the memorial of sundry citizens of Pasquotank, praying the passage of an act to make certain trespasses indictable; which, on motion, was referred to the Committee on the Judiciary.

The engrossed bill to attach a portion of the county of Wilkes, to the county of Alexander, was read the second time and passed.

The bill to amend the charter of the town of Salisbury, was read the second time and passed.

The engrossed bill to incorporate the Concord and Anson Plank Road Company; was read the second time, amended and passed.

The engrossed bill to incorporate the Haywood and Pittsboro' Plank Road Company, was read the second time and passed.

The bill to incorporate the Haywood and Raleigh Plank Road Company, was read the second time, amended and passed.
The bill concerning the reports of the Supreme Court was read the third time, passed and ordered to be engrossed.

The bill to incorporate Catawba College was read the third time, passed, and ordered to be engrossed.

On motion of Mr. Person, the Senate took up the engrossed bill concerning the embankment of low grounds, which was read the third time, passed, and ordered to be enrolled.

The bill to repeal an act of 1850-1851, entitled an act to establish a new county by the name of Jackson, was read the third time and passed.

On motion of Mr. Washington, the vote, by which the bill to repeal the county of Jackson was passed, was reconsidered.

Mr. Thomas moved that the further consideration of the bill be postponed until to-morrow 12 o'clock, and be made the special order of the day, for that hour, which motion was agreed to.

The bill to repeal the proviso to the 9th section of the 42nd chapter of the Revised Statutes, was read the second time and rejected.

The resolution in favor of Rufus H. Page was read the second time and passed; and, on motion of Mr. Drake, the rules were suspended, and the resolution passed the third time and ordered to be engrossed.

The bill to make certain bonds transferable, was read the second time, the amendment recommended by the Committee agreed to, and the bill passed as amended.
On motion of Mr. Steele, the rules were suspended, and said bill read the third time, passed and ordered to be engrossed.

The bill to amend the Charter of Salisbury was now taken up, and, on motion of Mr. Lillington, the rules were suspended, and said bill read the third time, passed and ordered to be engrossed.

On motion of Mr. Drake, the vote, by which the resolution in favor of the Treasurer of the State was referred to the Committee on Turnpike Roads and Cherokee lands, was reconsidered, and, on motion, referred to the Committee on Finance.

On motion of Mr. Kelly, the Senate adjourned until tomorrow morning, 11 o'clock.

**Friday, Nov. 12th. 1852.**

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 that House, viz:

"A bill concerning the Seaboard and Roanoke Railroad Company.
A bill to make certain bonds of this State transferable.
A bill concerning the reports of the Supreme Court.
A bill to amend the Charter of the town of Salisbury.
A bill to incorporate Catawba College: and
A resolution in favor of Rufus H. Page."
Mr. Caldwell presented the memorial of sundry citizens of Iredell county and others, protesting against a division of that county; which, on motion, was referred to the Committee on Propositions and Grievances.

Mr. Lillington, from the Committee on the Judiciary, to whom was referred the engrossed bill to extend the right of Appeal in certain cases, reported the same back to the Senate and recommended its rejection.

Ordered to lie on the table.

Mr. Clark, from the Committee on Corporations, to whom was referred the bill to amend an act passed in 1850-51, chapter 133, entitled an act to incorporate the Western Plank Road Company, reported the same back to the Senate and recommended its passage.

Mr. Clark, from the same Committee, to whom was referred the bill to amend an act passed in 1850-51, to incorporate the Lewis Gold Mining Company, reported the same back to the Senate and recommended its passage.

Ordered to lie on the table.

Mr. Clark, from the same Committee, reported back to the Senate the bill concerning the Conrad Hill Gold Mining Company, and recommended its passage.

Ordered to lie on the table.

On motion of Mr. Washington,

Resolved, That a message be sent to the House of Commons, proposing to raise a Joint Select Committee, to consist of three on the part of the Senate and six on the part of the House, to ascertain and report to the General Assembly, the
present condition of the Institution for the education of the Deaf, Dumb, and Blind, the manner in which the same has been, and is now, conducted, and the pupils therein taken care of and instructed.

Mr. Lillington, from the Committee on the Judiciary, to whom was referred the engrossed bill concerning the Superior Courts of Randolph, Alamance and Currituck counties, reported the same back to the Senate and recommended its passage.

Ordered to lie on the table.

Mr. Lillington, from the same committee, to whom was referred the bill to exempt persons of sixty five years of age and upwards from serving as jurors, reported the same back to the Senate and recommended its rejection.

Ordered to lie on the table.

Mr. Murray introduced a bill to incorporate Lake View Division, No. 161 of the Sons of Temperance, in Hyde county, which was read the first time and passed, and, on motion, referred to the Committee on Corporations.

Mr. Cowper presented a bill to ascertain the whole amount of taxes paid by the people of North Carolina, which was read the first time and passed, and, on motion, referred to the Committee on Finance.

The bill to incorporate the Haywood and Raleigh Plank Road Company was read the third time, amended, and passed, and ordered to be engrossed.

The engrossed bill to incorporate the Concord and Anson Plank Road Company was read the third time, passed as amended, and a message sent to the House of Com-
mons, asking their concurrence in the amendments of the Senate.

The engrossed bill to incorporate the ‘Haywood and Pittsboro’ Plank Road Company, was read the third time.

Mr. Gilmer moved to amend the same by striking out the word Garden. Upon a division, 17 were found voting in the affirmative, and 17 in the negative.

Mr. Joyner, who occupied the Chair temporarily, voted in the affirmative, and the motion prevailed.

The bill then passed as amended, and a message was sent to the House of Commons, asking their concurrence in the amendment of the Senate.

Mr. Clark, from the Committee on Corporations, to whom was referred the bill to incorporate the Greensboro’ Mutual Life Insurance and Trust Company, reported the same back to the Senate and asked to be discharged from its further consideration.

Discharged accordingly.

Mr. Woodfin, from the Committee on the Judiciary, to whom was referred a resolution in relation to lands belonging to non-resident infants, reported that further legislation on the subject is not required and asked to be discharged from its further consideration.

Discharged accordingly.

Mr. Woodfin, from the same committee, to whom was referred the bill authorising Justices of the Peace to resign to the County Court and for other purposes, reported the same
back to the Senate, with an amendment, and recommended its passage.

Ordered to lie on the table.

Mr. Woodfin, from the same Committee, to whom was referred the bill concerning the printing of the private acts of the General Assembly, reported the same back to the Senate and recommended its rejection.

Ordered to lie on the table.

Mr. Woodfin, from the same committee, to whom was referred the bill to expedite the trial of suits in certain cases in the Courts of law, reported the same back to the Senate and recommended its rejection.

Ordered to lie on the table.

Mr. Woodfin, from the same committee, to whom was referred the engrossed bill concerning public roads, ferries and bridges in Bladen county, reported the same back to the Senate and recommended its passage.

Ordered to lie on the table.

Mr. Kelly, from the Committee, on the Judiciary to whom was referred the engrossed bill to amend the 1st section of the 64th chapter of the Revised Statutes, reported a substitute for said bill and recommended its passage.

Ordered to lie on the table.

Mr. Kelly, from the same committee, to whom was referred the bill to amend the 1st section of the 64th chapter of the Revised Statutes, entitled Legacies, Filial po-
tions and distributive shares, reported the same back to the Senate and recommended its rejection.

Ordered to lie on the table.

The hour of 12 o'clock having arrived, the Senate proceeded to the consideration of the special order, being the bill to repeal an act passed at the session of 1850-'51, entitled an act to establish a new county by the name of Jackson.

The said bill being read the third time, Mr. Thomas moved to amend the same by striking out all after the enacting clause, and inserting in lieu thereof a substitute.

Whereupon, Mr. Steele called for a division of the question, and demanded the yeas and nays.

Mr. Thomas then moved that the bill and amendment be referred to the Committee on the Judiciary, and, the question being taken thereon, was determined in the affirmative; ayes 25, noes 22.

Mr. Steele demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:

On motion of Mr. McClees, the Senate adjourned until to-morrow morning, 11 o'clock.

Saturday. Nov. 13th, 1852.

Mr. Washington introduced a bill, accompanied by a memorial, to enlarge the powers of the Commissioners of the town of Newbern; which was read the first time and passed, and, on motion, referred to the Committee on Propositions and Grievances.

Mr. Clark, from the Committee on Corporations, to whom was referred the bill to incorporate the Gulf and Graham Plank Road Company, reported the same back to the Senate, with an amendment, and recommended its passage.

Ordered to lie on the table.

Mr. Clark, from the same committee, to whom was referred the bill to incorporate the Pedee Plank Road Company, reported the same back to the Senate, with an amendment, and recommended its passage.

Ordered to lie on the table.

Mr. Boyd introduced the following preamble and resolution, which was adopted, viz:

Whereas, at a session of the General Assembly, held in the year 1816, an act was passed declaring valid the proceedings of the subscribers for improving the navigation of the river Roanoke and tributaries:
And whereas, in the 3rd section of the before recited act, it is further enacted, that the articles following shall be and make part of the Charter of the aforesaid Company: "That if the said Company shall not open and complete the navigation of the said river and the tributary streams thereof, for the safe passage of boats, within twenty years from and after the first day of January, one thousand eight hundred and eighteen, then all preference in favor of the said company, in the navigation of said river and streams, respectively, not improved, shall cease and be forfeited:

Be it therefore,

Resolved, That the Committee on Internal Improvements be instructed to enquire whether the Roanoke Navigation company, in failing to improve that portion of Dan river running through the county of Rockingham, as set forth in the above recited act, or from any other cause, have not forfeited their right and control over the same.

Mr. Person introduced a bill to provide for paying tales jurors in the county of Northampton; which was read the first time and passed.

Mr. Lane introduced a bill giving the election of Clerks and Masters in Equity to the people; which was read the first time and passed, and, on motion, referred to the Committee on Propositions and Grievances.

The engrossed bill, to extend the right of appeal in certain cases, was read the second time and rejected, and the House of Commons informed thereof.

Mr. Woodfin, from the Committee on the Judiciary, to whom was referred the bill to repeal an act, passed at the session of 1850-'51, entitled an act, to establish a new county by the name of Jackson, and the amendment offered as a substitute for the same, made a verbal report thereon,
and asked to be discharged from the further consideration of the subject.

Discharged accordingly.

By general consent, the Senate now proceeded to the consideration of the bill.

The question being on the amendment offered by Mr. Thomas,

Mr. Gilmer moved to amend the amendment by striking out the proviso to the last section of the same; which motion was rejected—ayes 17, noes 25.

Mr. Steele now called for a division of the question on Mr. Thomas's amendment and demanded the yeas and nays thereon.

And the question being taken on striking out, was determined in the negative—ayes 7, noes 37.

Those who voted in the affirmative, are:

Messrs. Bower, Boyd, Hoke, W Jones, Lane, Thomas and Withers.—7.

Those who voted in the negative are:


So the Senate refused to strike out.
Mr. Thomas moved an adjournment, which was not agreed to.

Mr. Woodfin now moved to reconsider the vote just taken, by which the Senate refused to strike out; which was decided in the negative, ayes 20, noes 25.

Mr. McClees called for the ayes and noes.

Those who voted in the affirmative are,


Those who voted in the negative are,


So the Senate refused to reconsider.

Mr. Thomas now moved to amend the bill by adding the following proviso, viz:

"Provided that this act shall not take effect until the first day of March next, and not be entitled to a member until the next apportionment;" which said amendment was rejected.

Mr. Hoke moved that the Senate do now adjourn until Monday morning 10 o'clock, and, on this question, the Senate being equally divided, the Speaker voted in the negative, and the motion was lost.

The question on the passage of the bill its third reading was now taken and determined in the affirmative; ayes 27, noes 18.
Mr. Steele demanded the ayes and noes.

Those who voted in the affirmative are:


Those who voted in the negative are:


Ordered that said bill be engrossed.

Received a message from the House of Commons, transmitting a communication from the Governor, accompanied by a report and memorial from the President and Directors of the Cape Fear and Deep River Navigation Company, with a proposition to print the same; which was agreed to.

On motion of Mr. Lillington, the Senate adjourned until Monday morning, 11 o'clock.
Monday, Nov. 15th, 1852.

The Committee on Enrolled Bills for the present week consists of Messrs. Steele, Collins and McDowell.

A message was sent to the House of Commons, informing that the Senate have passed the following engrossed bill, in which they ask the concurrence of that body, viz:

"A bill to repeal an act to establish a new county by the name of Jackson."

Mr. Watson, from the Committee on propositions and grievances, to whom was referred the bill giving the election of Clerks and Masters in Equity to the people, reported the same back to the Senate and recommended its passage.

Ordered to lie on the table.

Mr. Watson, from the same committee, to whom was referred the bill for dividing the county of Iredell, reported the same back to the Senate and recommended its passage.

Ordered to lie on the table.

Mr. Clark, from the Committee on Corporations, to whom was referred the engrossed bill to incorporate the Haywood and Chapel Hill Plank Road Company, reported the same back to the Senate, with sundry amendments, and recommended its passage.

Ordered to lie on the table.
Mr. Steele introduced a bill to amend an act of the General Assembly of 1850-'51, entitled an act to incorporate the Anson Plank Road company; which was read the first time and passed.

Mr. Person introduced the following resolution, viz:

Resolved, That a message be sent to the House of Commons, proposing that the two Houses of the General Assembly adjourn sine die on the 15th day of December next.

The question on the adoption of the resolution was determined in the affirmative—yeas 38, noes 3.

Mr. Person demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


Received a message from the House of Commons, concurring in the amendments of the Senate to the engrossed bill authorising the probate of all deeds and bills of sale requiring registration before the clerks of the Courts of Pleas and Quarter Sessions at any time.

Ordered, that said bill be enrolled.

Also, a message concurring in the proposition of the Senate to raise a Joint Select Committee of three on the part of
the Senate, and six on the part of the House, to ascertain and report the condition of the institution for the deaf, and dumb, and blind &c., and informing that the committee on the part of the House consists of Messrs. J. Turner, J. B. Bynum, W. J. Long, Foreman, Shimpock and Christmas.

Whereupon, Messrs. Washington, Watson, and Jones, of Wake, were appointed the committee on the part of the Senate.

Also, a message stating that Messrs. W. E. Hill, Miller, W. Long, B. F. Williams, and Teague form the Commons branch of the Committee on Enrolled Bills, for the present week.

On motion of Mr. Steele,

Resolved, That a message be sent to the House of Commons, proposing that the two Houses proceed, at 12 o'clock, this day, to the election of Secretary of State.

Received a message from the House of Commons, agreeing to the proposition of the Senate to go into the election of Secretary of State, at 12 o'clock this day, and stating that Messrs. Amis and S. P. Hill form their branch of the committee to superintend said election.

The bill to amend an act passed in 1850-51, to incorporate the Lewis Gold Mining Company, and the bill concerning the Conrad Hill Gold Mining Company, were read the second time and passed.

The bill to provide for paying tales jurors in the county of Northampton was read the second time, amended, on motion of Mr. W. Jones, by extending its provisions to the county of Wake, and passed as amended. On motion of Mr. Person,
the rules were suspended, and said bill read the third time, passed and ordered to be engrossed.

Mr. Person introduced a bill, accompanied by a memorial, to emancipate James Lankford, a slave; which was read the first time and passed, and, on motion, said bill and memorial were referred to the Committee on Propositions and Grievances.

Mr. Murchison introduced a bill to incorporate the Kingsbury and Locksville Plank road company; which was read the first time and passed, and, on motion, referred to the Committee on Corporations.

On motion of Mr. Withers,

*Resolved*, That, hereafter, when the Senate adjourn, it will be to meet at 10 o'clock each day, until otherwise ordered.

Mr. Cowper introduced a bill to incorporate the trustees of the Wesleyan Female College at Murfreesborough, in the county of Hertford; which was read the first time and passed, and, on motion, referred to the Committee on Corporations.

The hour agreed upon by the two Houses, for going into the election of Secretary of State, having arrived, Mr. Steele nominated William Hill for the appointment, and a message was sent to the House of Commons, stating that Messrs. Cunningham and Steele 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:
For Mr. Hill.


On motion of Mr. Steele, the Senator from Hertford, Mr. Cowper, was added to the Committee on Finance.

The Speaker laid before the Senate the resignations of William Ives and Edmund Jones, Justices of the Peace for the county of Northampton; which were read and accepted and sent to the House of Commons.

The engrossed bill to incorporate the Gulf and Grahan Plank Road Company, was read the second time, amended and passed.

The bill to incorporate the Pedee Plank Road Company, was read the second time, amended and passed.

The engrossed bill to amend an act passed in 1850 '51 chapter 133, entitled an act, to incorporate the Western Plank Road Company, was read the second time and passed.

The engrossed bill concerning the Superior Courts of Randolph, Alamance and Currituck counties, was read the second time and passed, and, on motion of Mr. Gilmer, the rules were suspended, and said bill read the third time, passed and ordered to be enrolled.

Mr. Cunningham, from the Committee appointed to superintend the election of Secretary of State, reported that William Hill, had received a majority of the whole number of votes given, and was duly elected.

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Report concurred in.

The bill to exempt persons of 65 years of age and upwards from serving as jurors, was read the second time and rejected.

The engrossed bill to incorporate the Greensboro Mutual Life Insurance and Trust Company, was read the second time, and, on motion of Mr. Clark, ordered to be laid on the table:

The bill authorising Justices of the Peace to resign to the County Court and for other purposes, was read the second time, amended and passed.

The bill concerning the printing of the private acts of the General Assembly, was read the second time, and, on motion of Mr. Brogden, the further consideration of the same was postponed until the 4th day of March next.

The bill to expedite the trial of suits in certain cases in the Courts of law, was read the second time, and amended on motion of Mr. Mitchell.

Whereupon, on motion of Mr. Lillington, the said bill was laid upon the table and ordered to be printed.

On motion of Mr. Thomas, the Senate adjourned.
Tuesday, Nov. 16th, 1852.

Mr. Drake, from the Committee on Claims, to whom was referred a resolution in favor of Rufus H. Page reported the same back to the Senate and recommended its adoption.

Ordered to lie on the table.

Mr. Watson, from the Committee on propositions and grievances, to whom was referred the bill to attach a part of Davidson County, to the County of Forsythe, reported the same back to the Senate, and asked to be discharged from its further consideration.

Discharged accordingly.

On motion of Mr. Boyd,

Resolved, That the Committee on Finance be instructed to enquire into the propriety of so amending the Revenue Laws of last Session of the General Assembly as to embrace the following propositions:

1st. To equalise the tax on those who buy and sell slaves and those who buy and sell other species of trade.

2d. To amend the second section, so as to strike out the words, bills receivable, so that profits made by banks be placed on the same condition as others dividends or profits.

3d. To further amend the second section, so as to strike out the words: That any person shall have thirty dollars of interest, dividend or profit, and insert in lieu thereof, six dollars.

4th. The propriety of laying an ad valorem tax on every species of personal property, not already taxed, except slaves, which are now exempted by the constitution.
Mr. Thomas introduced a bill to incorporate the Charleston, Blue Ridge and Chattanooga Rail Road Company, which was read the first time and passed; and, on motion of Mr. Joyner, referred to the Committee on Internal Improvements.

Mr. Cannady introduced a bill to incorporate Mount Energy Lodge, No. 140, in Granville county, which was read the first time and passed, and on motion referred to the Committee on Corporations.

The bill concerning the Conrad Hill Gold Mining Company, was read the third time, and ordered to be engrossed.

The engrossed bill to amend an act passed 1850-51, chapter 138, entitled an act to incorporate the Western Plank Road Company, was read the first time, passed and ordered to be enrolled.

The engrossed bill to attach a portion of the county of Wilkes, to the County of Alexander, was read the third time, and, on motion of Mr. Clark, ordered to be laid on the table.

The bill authorising Justices of the Peace to resign to the County Court and for other purposes, was read the third time passed and ordered to be engrossed.

The engrossed bill to incorporate the Gulf and Graham Plank Road Company, was read the third time and passed as amended, and a message sent to the House of Commons asking their concurrence in the amendments of the Senate.

The bill to amend an act passed in 1850-51, to incorporate the Lewis Gold Mining Company, was read the third time, passed and ordered to be engrossed.
The bill concerning public roads, ferries and bridges in the county of Bladen, was read the second time, and, on motion of Mr. Brogden, ordered to be laid on the table.

The engrossed bill to amend the 1st section of the 64th chapter of the Revised Statutes, was read the second time, and, on motion of Mr. Gilmer, ordered that said bill be laid on the table and printed, together with the substitute offered in lieu of the same.

The bill to amend the 1st Section of the 64th chapter of the Revised Statutes, entitled legacies, filial portions and distributive shares, was read the second time, and, on motion of Mr. Steele, ordered to be laid on the table.

The bill for the better administration of justice was read the second time, and, on motion of Mr. Kelly, ordered to be laid on the table.

The bill to increase the revenue of the State in the sale of its bonds, was read the second time, amended and passed.

The bill to amend an act passed at the session of 1850-51, entitled, an act to regulate the pay of jurors and witnesses in the County of Craven, was read the second time and passed.

The bill to lay off and establish a new county out of a portion of Ashe, to be called New River, was read the second time, and, on motion of Mr. Bower, the further consideration of the same was postponed until to-morrow, 12 o'clock, and made the special order of the day for that hour.

The bill giving the election of Clerks and Masters in Equity to the people, was read the second time and passed.
The bill for dividing the county of Iredell was now taken up, and, on motion of Mr. Parks, ordered to be laid on the table.

The engrossed bill to incorporate the Haywood and Chapel Hill Plank Road Company, was read the second time, amended and passed.

The bill to amend an act of the General Assembly of 1850-51, entitled an act to incorporate the Anson Plank Road Company, was read the second time and passed.

The engrossed bill to incorporate the Fayetteville and Raleigh Plank Road Company, was read the second time, amended and passed.

Received a message from the House of Commons, concurring in the amendment of the Senate to the engrossed bill to incorporate the Haywood and Pittsboro Plank Road Company.

Ordered that said bill be enrolled.

Also, a message from the House of Commons, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, viz:

"A bill to incorporate Science Hill Male and Female Academy, in the county of Randolph; which was read the first time and passed, and, on motion, referred to the Committee on Corporations.

"A bill to confirm the grant heretofore issued to B. H. Stanmire; which was read the first time, and passed, and, on motion, referred to the Committee on the Judiciary: and

"A bill to repeal an act, entitled an act to prevent the obstruction of the passage of fish at the inlets on the sea
coast of the State, passed at the session of 1850-'51; which was read the first time and passed, and, on motion, referred to the Committee on Propositions and Grievances.

The engrossed bill to incorporate the Greensboro Mutual Life Insurance and Trust Company, was now taken up, read the second time, amended, on motion of Mr. Clark, and passed.

On motion of Mr. Gilmer, the rules were suspended, and said bill further amended, on motion of Mr. Mitchell, read the third time and passed as amended; and a message sent to the House of Commons asking their concurrence in the amendments of the Senate.

Mr. Cowper introduced the following resolution, viz:

Resolved, That a message be sent to the House of Commons, proposing to go into an election to-morrow at 12 o'clock, for a Solicitor for the first Judicial Circuit.

Which, on motion of Mr. Hoke, was ordered to be laid on the table.

On motion of Mr. Gilmer, the Senate adjourned.

Wednesday, Nov., 17th 1852.

Mr. Clark, from the Committee on Corporations, to whom was referred the bill to incorporate Cumberland Academy,
reported the same back to the Senate, with an amendment, and recommended its passage.

Ordered to lie on the table.

Mr. Clark, from the committee to whom was referred the bill to incorporate Mount Energy Lodge, No. 140, in Granville county, reported the same back to the Senate and asked to be discharged from its further consideration.

Discharged accordingly.

Mr. Woodfin presented the memorial of Jesse R. Siler of Macon county; which, on motion, was referred to the Committee on Propositions and Grievances.

The bill to increase the revenue of the State in the sale of its bonds; the bill to amend an act passed at the session of 1850-'51, entitled an act to regulate the pay of jurors and witnesses in the county of Craven, and the bill to amend an act of the General Assembly of 1850-'51, entitled an act to incorporate Anson Plank Road Company, were severally read the third time, passed and ordered to be engrossed.

The engrossed bill to incorporate the Haywood and Chapel Hill Plank Road Company, was read the third time, passed as amended, and a message sent to the House of Commons, asking their concurrence in the amendments of the Senate.

The engrossed bill to incorporate the Fayetteville and Raleigh Plank Road Company was read the third time, passed as amended, and a message sent to the House of Commons, asking their concurrence in the amendments of the Senate.

Mr. Gilmer introduced the following resolution, which was adopted, viz:
Whereas, the principal Doorkeeper is confined by sickness:

Resolved, That the Assistant Doorkeeper be allowed to employ an Assistant, until the principal Doorkeeper shall be able to attend his duties.

The bill giving the election of Clerks and Masters in Equity to the people, was read the second time and rejected; ayes 18, noes 25.

Mr. Thompson demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


Mr. Lillington moved to reconsider the vote by which was passed the bill to amend an act of the General Assembly of 1850-'51, entitled an act to incorporate the Anson Plank Road Company; which was agreed to.

Whereupon, Mr. Steele moved to amend the same, by striking out all after the enacting clause, and inserting a substitute in lieu thereof.

The amendment was agreed to, and the bill passed the third time, as amended, and was ordered to be engrossed.
Received a message from the House of Commons, concurring in the proposition of the Senate, that the General Assembly adjourn sine die on the 15th day of December next.

Also, a message stating that the House of Commons concur in the amendments of the Senate to the bill to incorporate the Gulf and Graham Plank Road Company.

Ordered that said bill be enrolled.

The resolution, allowing to Rufus H. Page the sum of $50, was read the second time and passed, and, on motion of Mr. Boyd, the rules were suspended, and the resolution read the third time, passed and ordered to be engrossed.

The bill to attach a part of Davidson county to the county of Forsythe, was read the second time, and, on motion of Mr. Gilmer, ordered to lie on the table.

Mr. Hoke presented a bill to confirm grants issued for bounty lands for the use of iron works in this State; which was read the first time and passed, and, on motion, referred to the Committee on the Judiciary.

The hour of 12 o'clock having arrived, the Speaker announced the special order; being the bill to lay off and establish a new county by the name of New River; which was read the second time and amended, on motion of Mr. Bower, by striking out New River and inserting Sevier.

The bill was then put upon its passage and rejected—ayes 15, noes 25.

Those who voted in the affirmative are:

Those who voted in the negative are:


On motion of Mr. Brogden, the Senate proceeded to the consideration of the bill, making Railroad Companies liable for damages done by fire from sparks falling from Locomotives, and the bill being read the second time, Mr. Brogden moved to amend the same by striking out the last clause of the first section, which was agreed to. Mr. Brogden moved further to amend the bill by inserting the following as section No. 3, viz:

§ 3 Be it further enacted, That it shall be lawful for the Sheriff, Constable, or other lawful officer, to serve any writ, warrant, or other process upon the President, Treasurer, or any of the Directors of said Railroad Company, or upon any of the Captains or Engineers in the service thereof, which shall be deemed and taken to be due and lawful notice of the service of process upon the Company, and upon the return of the writ executed by the Sheriff, or other proper officer of the county, the appearance of the Company shall be entered by the Clerk of the Court in the same manner as other actions at law are entered and their default may be entered for not pleading and the same process may be had against them in all respects, as if they had happened; which said amendment was rejected.

The question was now taken on the passage of the bill and determined in the negative—ayes 8, noes 36.

Mr. Person demanded the yeas and nays.

Those who voted in the affirmative are:

Those who voted in the negative are:

Messrs. Albright, Albritton, Arendell, Barrow, Berry, Bower, Boyd, Bunting, Caldwell, Cannady, Clark, Callies, Cowper, Cunningham, Gilmer, Hargrave, Herring, Hoke, T. F. Jones, W. Jones, Joyner, Kelly, Kerr, Lane, Lillington, McMillan, Mitchell, Murray, Palmer, Parks, Shaw, Speight, Steele, Thompson, Willey and Woodfin.—36.

Received a message from the House of Commons, transmitting a communication from the Honorable Thos. Ruffin, resigning the office of Chief Justice of the Supreme Court of this State, with a proposition to print the same, and that it be referred to a Joint Select Committee, to consist of five members on the part of the House of Commons and three on the part of the Senate.

The proposition was concurred in, and the House of Commons informed that Messrs. Joyner, Caldwell and Gilmer, constitute said committee on the part of the Senate.

On motion of Mr. Woodfin, the Senate adjourned.

THURSDAY, NOV. 18th, 1852.

Mr. Watson, from the Committee of Propositions and Grievances, to whom was referred the bill to emancipate Jas. Lankford, a slave, reported the same back to the Senate, and recommended its passage.

Ordered to lie on the table:
Mr. Brogden introduced the following resolution, viz:

Whereas, it is well known that the inducements which were held out to the Eastern part of the State, and which alone secured the passage of the act chartering the North Carolina Railroad company, and the subscriptions of stock that secured its charter, and reconciled much dissatisfaction on account of said road, were, that it was to unite the Eastern and Western people in interest and affection, by trade and intercourse, and thus assist to build up important seaboard cities and markets in North Carolina, thus giving her that commercial and political importance to which she is properly entitled among her sister States of this Union. These and other important considerations entitle the people and their representatives to be informed whether said road is being built in such manner as will carry out, in good faith, the great objects and intentions of the charter aforesaid: Therefore,

Resolved, That the President and Directors of said North Carolina Railroad company be requested to inform the Senate, with as little delay as possible, whether the Raleigh Depot of said road has been located in the extreme Western limits of said city, and if so, whether such location was the act of a full board, or of one of the members thereof only? How many acres of land has been purchased there for said site, and at what cost? What is the exact elevation of such site above grade, and what will it cost to reduce it to grade? Whether John Buffalo, of the city of Raleigh, did not, before the said location was made, offer to one or more members of said board, to make a present of six acres of land, as a site for said depot, on the South side of Raleigh, just in the rear of the Government House Garden, and immediately in the track of said road, and does not one of the stakes of said track on the side of the Fayetteville road, marked "grade," show that said six acres were very nearly at grade, and required only a small expense to fit it for said depot? Whether William Ashley did not also offer to same Board, or some of its members, a site for said depot on his unimproved lots, on the South side of the Southern boundary street of said city, near Governor Manly's garden, and upon the line of said
road, or very near it, and whether the survey of said road does not show that said site was at grade, or nearly so, and would have cost but very little to grade it, and add land enough for all the necessary purposes of a depot at that place? And they are further requested to inform the Senate why these advantageous offers of sites for said depot, and where fairness and justice to the eastern part of the State required it should be located, were rejected, and a more expensive one selected, and at a spot that will intercept and favor the turning away from our own seaports, to markets beyond the State, of the Western trade, before it even fairly reaches as far South as Raleigh.

The question on the adoption of the resolution was determined in the negative—ayes 13, noes 27.

Mr. Brogden demanded the yeas and nays.

Those who voted in the affirmative are,


Those who voted in the negative are:

Messrs. Albright, Barrow, Berry, Bower, Boyd, Caldwell, Cannady, Collins, Cowper, Hargrave, Hoke, W. Jones, Kelly, Lane, Lillington, McDowell, McMillan, Murray, Palmer, Parks, Person, Shaw, Steele, Thompson, Withers, Willey and Woodfin—27.

So the resolution was rejected.

Mr. Kelly introduced a bill to extend the right of appeal, prevent unnecessary accumulation of cost, expedite justice, and for other causes; which was read the first time and passed, and, on motion of Mr. Gilmer, referred to the Committee on the Judiciary.

Received from the House of Commons, the resignation of H. Dorsett, a Justice of the Peace, of Randolph county; which was read and accepted.
Received a message from the House of Commons, concurring in the amendments of the Senate to the bill to incorporate the Greensboro' Mutual Life Insurance and Trust company.

Ordered to be enrolled.

Mr. Clark, from the Committee on Corporations, to whom was referred the bill to incorporate the Bank of Charlotte, reported the same back to the Senate, and recommended that the same do not pass.

Ordered to lie on the table.

Received a message from the House of Commons, transmitting 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 Raleigh and Gaston Railroad company; which was read the first time and passed, and, on motion of Mr. Joyner, referred to the Committee on Internal Improvements; and

A bill to incorporate the town of Jonesville, in Yadkin county;” which was read the first time and passed.

Also, a message agreeing to the amendments of the Senate to the engrossed bill to incorporate the Concord and Anson Plank Road company.

Ordered that said bills be enrolled.

Also, a message from the House of Commons, transmitting a communication from the Governor, accompanied by a report of the President of the Raleigh and Gaston Railroad company, with a proposition to print the same.

Concurred in.
The bill to incorporate Cumberland Academy, in the county of Cumberland, was read the second time, amended, and passed; on motion of Mr. Clark, the rules were suspended, and said bill read the third time, passed and ordered to be engrossed.

Mr. Withers moved to reconsider the vote by which the bill to lay off and establish a new county by the name of Sevier, was rejected; which was agreed to.

When, on motion of Mr. Bower, the said bill was ordered to be laid on the table.

On motion of Mr. McClees, the Senate adjourned.

Friday, Oct. 19th, 1852.

Mr. Lillington, from the Committee on the Judiciary, to whom was referred the bill to confirm grants issued for bounty lands for the use of iron works in this State, reported the same back to the Senate and recommended its rejection.

Ordered to lie on the table.

Mr. Watson, from the Committee on Propositions and Grievances, to whom was referred the bill to repeal an act entitled an act to prevent the obstruction of the passage of fish at inlets on the sea coast of the State, &c., reported the same back to the Senate, and recommended its passage.
Ordered to lie on the table.

Mr. Caldwell introduced a bill, accompanied by a memorial, to repeal the sixth section of the act of 1838-'39, incorporating Davidson College and for other purposes; which was read the first time and passed, and, on motion, said bill and memorial were referred to the Committee on Corporations.

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

"A bill to provide for the appointment of a Superintendent of Common Schools and for other purposes; which was read the first time and passed, and, on motion of Mr. Boyd, referred to the Committee on Education and the Literary Fund.

Also, a message transmitting the report of the Comptroller of public accounts; and a message from his Excellency the Governor, accompanied by the report of the President and Directors of the Board of Internal improvements, with a proposition to print the same.

Concurred in.

Mr. Boyd introduced a resolution in favor of Charles Sully Wheeler; which was read the first time and passed, and, on motion, referred to the Committee on Claims.

The bill to emancipate James Lankford, a slave, was read the second time and passed, and, on motion of Mr. Person, the rules were suspended, and the bill read the third time, passed and ordered to be enrolled.
The enrolled bill to incorporate the town of Jonesville in Yadkin county, was read the second time and passed, and on motion of Mr. Steele, the rules were suspended, and the bill read the third time, passed and ordered to be enrolled.

Mr. Woodfin, from the Committee on the Judiciary, to whom was referred the bill, to amend an act, entitled an act, providing for keeping a record of marriages in this State, at the session of 1850-'51, chapter 84, reported the same back to the Senate and recommended its rejection.

Ordered to lie on the table.

On motion of Mr. Steele, the bill to increase the capital stock of the Bank of Wadesborough was now taken up and referred to the Committee on Corporations.

Mr. Lillington, from the Committee on the Judiciary, to whom was referred the report of the Joint Select Committee on Tabular Statements, respecting the enumeration of the Indian population of Macon; Haywood and Cheroke, reported that the same should be enumerated.

On motion of Mr. McClees, the Senate adjourned.

Saturday, Nov. 20th, 1852.

Mr. Clark, from the Committee on Corporations, to whom was referred the bill to amend the Charter of Davidson College, reported the same back to the Senate and recommended its passage.
Ordered to lie on the table.

Mr. Watson, from the Committee on Propositions and Grievances, to whom was referred the bill to enlarge the powers of the Commissioners of the town of Newbern, reported the same back to the Senate, with an amendment, and recommended its passage.

Discharged accordingly.

Mr. Cunningham introduced a bill to declare what persons may intermarry; which was read the first time and passed, and, on motion, referred to the Committee on the Judiciary.

Mr. Kelly introduced a bill for better compensating Constables; which was read the first time and passed, and, on motion, referred to the Committee on the Judiciary.

Received a message from the House of Commons, proposing to go into the election of United States Senator this day at 12 o'clock; which was agreed to.

WHEREUPON, Mr. Bower nominated James C. Dobbin for the appointment; and a message was sent to the House of Commons, informing that Messrs. Murchison and Thompson constitute the committee to superintend said election on the part of the Senate.

The report from the Committee on the Judiciary, to whom was referred the report of the Committee on Tabular Statements, relative to the enumeration of Indian population, was now taken up and concurred in.

Mr. Woodfin, from the Committee on the Judiciary, to whom was referred the bill to amend an act, entitled an act
concerning the drainage of low lands, reported the same back to the Senate, and recommended its passage.

Ordered to lie on the table.

Mr. Woodfin, from the same Committee, to whom was referred the bill in relation to executors of last wills and testaments, reported the same back to the Senate, and recommended its rejection.

Ordered to lie on the table.

Mr. McDowell introduced a bill to incorporate the Bladen Steamboat company; which was read the first time and passed, and, on motion, referred to the Committee on Corporations.

Mr. Steele introduced the following resolution, viz:

Resolved, That the State Librarian be directed to forward to John S. Meckan, Librarian of Congress, a copy of the acts of the General Assembly of this State, at the sessions, respectively, of 1833-4, 1836-7, 1838-9, 1840-1, 1844-5, 1846-7, 1848-9, 1850-1, and of each session of the General Assembly hereafter.

Which was read the first time and passed, and, on motion, the rules were suspended, and said resolution read the second and third times, passed, and ordered to be engrossed.

On motion of Mr. Boyd, the report of the Committee on Tabular Statements was ordered to be printed.

Mr. Woodfin introduced a bill to amend an act, entitled an act concerning the Supreme Court, Revised Statutes, chapter 33; and to amend an act concerning Courts of
Justice, Practice, Pleas and Process, Revised Statutes, chapter 31, which was read the first time and passed, and, on motion, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. Drake, from the Committee on Propositions and Grievances, to whom was referred the resolution in favor of Charles Sully Wheeler, reported the same back to the Senate, and recommended its adoption.

Ordered to lie on the table.

Received a message from the House of Commons, informing that they have passed, unanimously, the following engrossed resolutions, in which they ask the concurrence of the Senate, viz:

Resolved, unanimously, That the General Assembly receives, reluctantly, and with deep regret, the announcement, that Thomas Ruffin has resigned his office of Chief Justice of the Supreme Court of this State.

2. Resolved, unanimously, That the pre-eminent ability, profound learning, and unspotted integrity which mark his long career as a Magistrate, command the warmest acknowledgments of this General Assembly, the gratitude of the people at large, and ever will be the ornament and pride of administrative justice in North Carolina.

3. Resolved, That the proceedings of the General Assembly, upon this resignation, be signed by the Speakers of both Houses, and transmitted to Chief Justice Ruffin.

And the said resolutions being read, were unanimously adopted and ordered to be enrolled.

Received a message from the House of Commons, transmitting the following engrossed bill, in which they ask the concurrence of the Senate, viz:
"A bill to establish the Farmers' Bank of North Carolina;" which was read the first time and passed, and, on motion of Mr. T. F. Jones, made the special order of the day for Monday next, at the hour of 11 o'clock.

The said message was accompanied by a communication from the Governor, transmitting the report of the State Agent for the collection of Cherokee bonds, &c., and the report of the commissioner of the Western Turnpike road, with a proposition to print the same; which was concurred in.

Received a message from the House of Commons, transmitting the report of the Public Treasurer, with a proposition that the same be printed, which was agreed to.

The bill to confirm grants issued for bounty lands, for the use of iron works in this State, was read the second time and rejected.

The engrossed bill to repeal an act, entitled an act to prevent the obstruction of the passage of fish at inlets on the seacoast of the State, &c., was read the second time, and, on motion of Mr. Joyner, the said bill was made the special order of the day for Tuesday next, at the hour of 11 o'clock.

The bill to incorporate the Bank of Charlotte was read the second time, and, on motion of Mr. Caldwell, made the special order for Monday next, at 12 o'clock.

The engrossed bill to amend an act, entitled an act, providing for keeping a record of marriages in this State, passed at the session of 1850-'51, was read the second time and rejected.
Mr. Washington, from the Committee on Education, and the Literary Fund, to whom was referred the bill to amend an act, entitled an act, to incorporate Union Institute in Randolph county, a Normal College, reported the same back to the Senate, with sundry amendments; and recommended its passage.

Ordered to lie on the table.

On motion of Mr. McClees,

Resolved That the Committee on Military Affairs be instructed to enquire and report what disposition has been made of the public arms which have been apportioned off to the several counties.

On motion of Mr. Kelly, the Senate now took up the engrossed bill concerning public roads, ferries and bridges in the county of Bladen; which was read the second time and rejected.

Mr. Mitchell introduced a bill to insure greater certainty in the lists of taxable property; which was read the first time and passed, and, on motion, referred to the Committee on Finance.

Mr. Gilmer presented the memorial of the Grand Division of the Sons of Temperance, praying that the traffic in liquor be prohibited in this State; which, on his motion, was ordered to be laid on the table and printed.

Received a message from the House of Commons, stating that the hour of 12 o'clock having arrived, they would proceed to the election of United States Senator, according to the joint agreement of the two Houses; that the names of R. M. Saunders and James B. Shepard, were added to the nomination for said appointment, and that Messrs.
Strange and Spruill form their branch of the committee to superintend the election.

The Senate, under the superintendence of Messrs. Thompson and Murchison, then voted as follows:

FOR JAMES C. DOBBIN.

Messrs. Speaker, Barrow, Berry, Bower, Boyd, Bunting, Brogden, Caldwell, Cannady, Clark, Collins, Cunningham, Drake, Hargrave, Herring, Hoke, W. Jones, Kerr, McDowell, McMillan, Murchison, Person, Shaw, Speight, Thomas, Ward and Withers—27.

FOR JAMES B. SHEPARD.

Messrs. McClees and Watson.—2

FOR HENRY W. MILLER.

Messrs. Albright, Gilmer, Kelly, Lane, Lillington, Parks and Thompson—7

FOR EDWARD STANLY.

Messrs. Albritton, Arendell and Murray—3

FOR WILLIAM A. GRAHAM.

Messrs. Joyner, Palmer and Richardson—3.

FOR LEWIS THOMPSON.

Messrs. Cowper and Willey—2.

Mr. T. F. Jones voted for John A. Gilmer.

Mr. Mitchell voted for John Baxter.

Mr. Steele voted for David Outlaw.
Mr. Washington voted for Kenneth Rayner.

Mr. Woodfin voted for David L. Swain.

Mr. Mitchell introduced a bill for the protection of sheep; which was read the first time and passed, and, on motion, referred to the Committee on Propositions and Grievances.

Mr. Gilmer moved that the Senate do now adjourn, which was not agreed to—ayes 7, nays 38.

Mr. Hoke demanded the yeas and nays.

Those who voted in the affirmative are,

Messrs. Albright, Arendell, Gilmer, Kelly, Lane, Parks and Woodfin—7

Those who voted in the negative, are:


Mr. Thompson, from the Committee appointed to superintend the election of United States Senator, reported that no person in nomination having received a majority of the whole number of votes given, there is no election.

The report was concurred in.

Mr. Hoke moved that a message be sent to the House of Commons, proposing to vote again forthwith for United States Senator.

Mr. T. F. Jones moved an adjournment; which was not agreed to.

*20
The proposition of Mr. Hoke was then concurred in, and a message sent accordingly.

Mr. McDowell moved an adjournment, which was disagreed to—ayes 7, noes 37.

Mr. Woodfin demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. T. F. Jones, W. Jones, McClees, McDowell, Mitchell, Richardson and Woodfin—7

Those who voted in the negative are:

Messrs. Albright, Albrighton, Arendell, Barrow, Berry, Bower, Boyd, Brogden, Bunting, Caldwell, Cannady, Clark, Cowper, Cunningham, Drake, Gilmer, Hargrave, Herring, Joyner, Kerr, Lane, Lillington, McMillan, Murchison, Murray, Palmer, Parks, Person, Shaw, Speight, Steele, Thomas, Thompson, Ward, Washington, Withers and Willey—37.

Mr. Gilmer moved that the Senate do now take a recess until 3 o'clock; which was not agreed to—ayes 7, noes 38.

Mr. Thomas demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Albrighton, Bower, Cannady, Gilmer, Kelly, McDowell, and Parks—7

Those who voted in the negative are:

On motion of Mr. Washington, the Senate adjourned.

Monday, Nov. 22d, 1852.

The Speaker announced that Messrs. Palmer, Drake and Jones, of Wake, constitute the Committee on Enrolled Bills, for the present week.

Received a message from the House of Commons, proposing that the two Houses go into an election for Senator of the United States, this day at 12 o'clock; which was concurred in, and Messrs Washington and Jones, of Wake, appointed the committee on the part of the Senate to superintend said election.

The said message announced that Messrs McNeill, Simons, Bryant, Mills and Fonville form their branch of the Committee on Enrolled Bills, the present week.

Received from the House of Commons, the resignation of James E. Hoyt, a Justice of the Peace, of Beaufort county; which was read and accepted.

Mr. Washington presented the pension certificate of Zilphia Crocker, of the county of Wayne; which was ordered to be countersigned by the Speaker of the Senate, and transmitted to the House of Commons.

Mr. Washington presented the memorial of sundry citizens of Craven county, praying for the extension of the Central
Railroad; which was ordered to be transmitted to the House of Commons.

Mr. Gilmer, from the Committee on the Judiciary, to whom was referred the bill abolishing trial by jury, in the County Courts, and for the more speedy and certain administration of justice, reported a substitute for the same, and recommended its passage.

Ordered to lie on the table.

Mr. Clark, from the Committee on Corporations, to whom was referred the bill to increase the capital stock of the Bank of Wadesboro, reported the same back to the Senate without amendment.

Ordered to lie on the table.

Mr. Clark, from the same committee, to whom was referred the bill to incorporate the Trustees of the Wesleyan Female College, reported the same without amendment.

Ordered to lie on the table.

Mr. Joyner, from the Committee on Swamp Lands, to whom was referred a resolution on the subject, reported the following, which was agreed to, viz.

Resolved, That the President and Directors of the Literary Fund be requested to inform the Senate, if they have any satisfactory information on the subject, the number of acres of swamp lands vested in the said board, by law, free from dispute as to title, what number of acres in dispute between the board, on the one side, and individuals and companies, on the other side, and where situated, and what arrangements, if any, have been made in regard to the sale of the swamp lands, or any part of them, and such other information on the subject of this inquiry, as they may deem expedient.
Mr. T. F. Jones introduced the following resolution, which was rejected, viz:

Resolved, That a message be sent to the House of Commons, proposing to go into the election of a Judge of the Supreme Court, to fill the vacancy occasioned by the resignation of Judge Ruffin, on to-morrow at 12 o'clock.

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

Resolved, That a message be sent to the House of Commons, proposing to go into the election of Attorney General of the State, this day at half-past eleven o'clock.

Mr. McMillan moved a reconsideration of the vote by which the above resolution was adopted, which was agreed to, and the resolution rejected.

Mr. Clark introduced the following resolution, viz:

Resolved, That it shall be established as a joint rule of the two Houses, that no bill shall be introduced into the Senate or House of Commons during the present session, after the tenth day of December next.

Mr. Thomas moved that said resolution be laid on the table; which motion was disagreed to—ayes 8, noes 35.

Mr. Thompson demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Gilmer, Kelly, Lane, Lillington, McDowell, Murchison, Parks, and Thomas—8.

Those who voted in the negative are:

Messrs. Albright, Albritton, Barrow, Berry, Bower, Boyd, Brogden, Bunting, Caldwell, Cannady, Clark, Collins, Cowper, Cunningham,
Drake, Hargrave, Herring, T. F. Jones, W. Jones, Joyner, Kerr, McClees, McMillan, Mitchell, Murray, Palmer, Person, Richardson, Shaw, Speight, Steele, Thompson, Ward, Withers and Willey—35.

Motions were severally made by Messrs. T. F. Jones and Lillington, to amend the said resolution, and rejected.

Mr. Gilmer moved to amend the same, by inserting the word *private*; which was rejected, and before any question was taken on the passage of the bill, the hour of 11 o'clock having arrived, the Senate proceeded to the consideration of the special order, viz:

The engrossed bill to establish the Farmer's Bank of North Carolina; and the said bill being read the second time, Mr. Clark moved to amend the second section of the same, by striking out after the words, "*gold and silver*" the words "or their equivalent."

After some time spent in debate, the further consideration of the subject was suspended.

Received a message from the House of Commons, stating that the hour of 12 having arrived, they would proceed to vote for United States Senator, in pursuance of the joint order, and that Messrs, J. B. Bynum and Holeman form their branch of the committee to superintend the election.

The Senate, under the superintendance of Messrs. W. Jones and Washington, then voted as follows:

FOR JAMES C. DOBBIN.

Messrs. Speaker, Barrow, Berry, Bower, Boyd, Bunting, Brogden, Caldwell, Cannady, Clark, Collins, Cunningham, Drake, Hargrave, Herring, Hoke, W. Jones, Kerr, McDowell, McMillan, Murchison, Person, Shaw, Speight, Thomas, Ward and Withers—27.
FOR MR. SAUNDERS.

Messrs. Gilmer and Woodfin—2,

FOR MR. SHEPARD.

Messrs. Albright, Arendell, Cowper, McClees, Parks, Washington and Willey—7

FOR MR. RAYNER.

Messrs. Bynum and T. F. Jones—2,

FOR MR. GRAHAM.

Messrs. Joyner, Murray, Palmer and Richardson—4

FOR MR. SWAIN.


FOR MR. MILLER.

Messrs. Lane and Lillington—2,

For Mr. Lillington, Mr Albritton.

Mr. Thompson voted for Edward Stanly.

Mr. Steele voted for David A. Outlaw.

The Senate now resumed the consideration of the engrossed bill to establish the Farmer's Bank of North Carolina: the question being on the amendment of Mr. Clark; and the vote being taken thereon, the same was rejected.

Mr. Clark then moved to amend the third section of the bill, by striking out the words, "and generally to do and execute all acts, matters and things which a corporation
and body politic in law may or can lawfully execute;" which said amendment was disagreed to.

Mr. Clark moved to amend the 4th section of the bill, by striking out so much of the same as authorises the establishment of a branch; which was not agreed to.

Mr. Bower offered the following amendment to the bill, to come in as section 16, viz:

*Be it further enacted,* That the twenty-five cents imposed by the charter upon the share of one hundred dollars shall be considered as a bonus for the privilege of banking granted by the charter, and that the capital in said bank, shall be subject to the same tax that is now imposed by the revenue laws on capital invested in other business, or that may hereafter be imposed by law, on such capital.

Mr. Gilmer moved to amend the amendment, by adding the following, viz: and that the tax on all capital loaned or vested, from and after the passage of this act, shall be five cents on every dollar of interest or profit, instead of three cents, as now provided by law; which said amendment to the amendment was rejected.

The question now recurred on the adoption of the amendment offered by Mr. Bower, and was determined in the negative—ayes 20, noes 26.

Mr. Bower demanded the yeas and nays.

Those who voted in the affirmative are,

Messrs Barrow, Berry, Bower, Boyd, Brogden, Bunting, Bynum, Cannady, Clark, Collins, Cunningham, Drake, Hargrave, Herring, Hoke, W. Jones, Mitchell, Shaw, Speight and Withers—20.
Those who voted in the negative are:


So the amendment was rejected.

The question now recurred on the passage of the bill, its second reading, and was determined in the affirmative—ayes 26, noes 20.

Mr. Clark demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


A message was sent to the House of Commons, asking their concurrence in the engrossed bill of the Senate to emancipate James Lankford, a slave.

Mr. Boyd, on leave, introduced a bill to incorporate the Bank of the Tobaccoists of North Carolina, which was passed the first time, and on motion, ordered to be printed.

Mr. Washington, from the committee appointed to superintend the election for a Senator of the United States, reported that no person in nomination having received a majority of the whole number of votes given, there is no election.

*21
On motion of Mr. Hoke, the Senate adjourned.

Tuesday, Nov. 23rd, 1852.

Mr. Clark, from the Committee on Corporations, to whom was referred the bill to incorporate the Bladen Steamboat Company, reported the same back to the Senate with an amendment.

Ordered to lie on the table.

Mr. Cooper, from the Committee on Finance, to whom was referred the bill to ascertain the whole amount of taxes paid by the people of North Carolina, reported the same back to the Senate, and recommended its passage.

Ordered to lie on the table.

Mr. Thomas introduced the following resolution, viz:

Resolved, That our Senators and Representatives in Congress be respectfully requested to use their influence in favor of the establishment of a Naval Depot at Beaufort Harbor, in this State; which was read the first time and passed.

Mr. Thomas presented the following resolution, viz:

Resolved, That our Senators and Representatives in Congress be requested to use their influence in favor of abolishing the duties upon railroad iron; which was read the first time and passed.
Received a message from the House of Commons, transmitting the following engrossed bills, in which they ask the concurrence of the Senate, viz:

A bill to incorporate the Trustees of the Hillsboro Academy; which was read the first time and passed.

A bill to amend the 4th section of an act passed at the session of 1832-'33, entitled an act compensating jurors of the original panel in the county of Beaufort; which was read the first time and passed.

A bill to attach part of the county of Yadkin to the county of Forsyth; which was read the first time and passed, and, on motion, referred to the Committee on Propositions and Grievances.

A bill to amend the first section of the 20th chapter of the Revised Statutes, so as to give the election of Clerks and Masters to the people; which was read the first time and passed, and, on motion, referred to the Committee on the Judiciary.

A bill in relation to partnership and other debts; which was read the first time and passed, and, on motion, referred to the Committee on the Judiciary.

A bill to do away with collateral warrantees; which was read the first time and passed, and, on motion referred to the Committee on the Judiciary.

Received a message from the House of Commons, proposing to raise a Joint Select Committee of five on the part of the Commons and three on the part of the Senate, to enquire into the expediency of establishing a State lottery, for the purpose of raising an internal improvement and education fund; which was concurred in.

And the Commons informed that Messrs. Bynum, Person and McDowell, constitute the Senate's branch of the committee on the subject.
Also, a message transmitting a communication from the Governor, accompanied by the report of Professor Emmons, with a proposition to print 3000 copies of the same.

Concurred in.

On motion of Mr. Caldwell, the bill to incorporate the Bank of Charlotte, was now taken up and made the special order for this day at 12 o'clock.

Mr. Albright introduced a bill to protect the good citizens of this State against a great nuisance; which was read the first time and passed, and, on motion, referred to the Committee on the Judiciary, and ordered to be printed.

The Senate now resumed the consideration of the unfinished business of yesterday, viz:

The resolution of Mr. Clark, declaring that no bill shall be introduced into either House of the Legislature after the 10th of December next.

The question on the adoption of the resolution was determined in the affirmative—ayes 35, noes 10.

Mr. Clark demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative are,

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

A bill to pay tales jurors; which was read the first time and passed, and, on motion, referred to the Committee on the Judiciary.

A bill to amend the 53d section of the 34th chapter of the Revised Statutes; which was read the first time and passed, and, on motion, referred to the Committee on the Judiciary.

A bill to prohibit the sale of spirituous liquors to free persons of color; which was read the first time and passed, and, on motion, referred to the Committee on Propositions and Grievances.

A bill to incorporate Carolina Lodge, No. 141, of Ancient York Masons, in the county of Anson; which was read the first time and passed, and, on motion, referred to the Committee on Corporations.

A bill to amend the 5th section of an act concerning Common Schools, passed in 1844; which was read the first time, and, on motion, referred to the Committee on Education and the Literary Fund.

A bill to incorporate the Franklinsville Manufacturing company, in the county of Randolph; which was read the first time and passed, and, on motion, referred to the Committee on Corporations; and

A bill to incorporate the Lumberton and Cape Fear Plank Road Company; which was read the first time, passed, and, on motion, referred to the Committee on Corporations.

A message was sent to the House of Commons, stating that the Senate have passed the resolution in favor of Rufus H. Page, in which they ask the concurrence of that body.

The Senate now proceeded to the consideration of the special order, being the engrossed bill to repeal an act, enti-
tled "an act to prevent the obstruction of the passage of fish at inlets on the seacoast of the State," passed at the session of 1850-'51.

The said bill was read the second time and passed—ayes 23, noes 17.

Mr. McMillan demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative are:

Messrs. Albrighton, Borry, Bynum, Clark, Cowper, Gilmer, Hargrave, T. F. Jones, Joyner, McClees, Mitchell, Palmer, Richardson, Thompson, Withers, Willey and Woodfin—17.

The bill to increase the capital stock of the Bank of Wadesborough was read the second time and passed.

The hour of 12 having arrived, the Senate proceeded to the consideration of the special order, being the bill to incorporate the Bank of Charlotte: the said bill was read the second time, amended and passed—ayes 28, noes 17.

Mr. Cannady demanded the yeas and nays.

Those who voted in the affirmative, are:

Those who voted in the negative, are:

Messrs. Albritton Barrow, Berry, Bower, Bunting, Cannady, Clark, Collins, Cunningham, Hargrave, Herring, W. Jones, Kerr, Person, Shaw, Speight and Watson—17.

The bill to enlarge the powers of the commissioners of the town of Newbern, was read the second time, the amendments recommended by the committee rejected, and the said bill passed its second reading; on motion of Mr. Brogden, the rules were suspended, and the bill read the third time, passed and ordered to be engrossed.

The bill to establish the Farmers' Bank of North Carolina was read the third time.

Mr. Bynum moved to amend the fourth section of the bill, by striking out so much of the same as relates to the establishment of a branch, which motion was disagreed to.

The question now recurred on the passage of the bill, its third and last reading, and was determined in the affirmative: Ayes 28, noes 17.

Mr. Bynum demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:

Messrs. Barrow, Berry, Bower, Bunting, Bynum, Cannady, Clark Collins, Cunningham, Hargrave, Herring, W. Jones, Kerr, McDowell Shaw, Speight, and Watson—17.

Ordered that said bill be enrolled.
Mr. Bynum introduced a bill to regulate appeals to the Supreme Court, in the sixth Judicial Circuit; which was read the first time and passed, and, on motion, referred to the Committee on the Judiciary.

Mr. Thomas, from the Committee on Internal Improvements, to whom was referred the bill to incorporate the Charleston, Blue Ridge and Chattanooga Railroad Company, reported the same back to the Senate, with an amendment.

Ordered to lie on the table.

On motion of Mr. Lillington, the Senate adjourned.

Wednesday, Nov. 24th, 1852.

Mr. Clark, from the Committee on Corporations, to whom was referred the bill to incorporate the Charlotte, North Carolina, and Cheraw South Carolina Plank Road Company, reported the same back to the Senate with amendments.

Ordered to lie on the table.

Mr. Clark, from the same committee, to whom was referred the bill to incorporate the Kingsbury and Lockville Plank Road Company, reported the same back to the Senate with sundry amendments.

Ordered to lie on the table.

Mr. Washington, from the Committee on Education, &c., to whom was referred the bill to amend the 9th section of
an act concerning Common Schools passed in 1844, reported the same back to the Senate and recommended its passage.

Ordered to lie on the table.

Mr. Woodfin, from the Committee on the Judiciary, to whom was referred the bill to regulate the salary of the Attorney General and Solicitors, and for other purposes, reported the same back to the Senate with an amendment.

Ordered to lie on the table.

Mr. Woodfin, from the same committee, to whom was referred a bill concerning the sale and inspection of lumber and ton-timber at Wilmington, or other points on the Cape Fear river, reported the same back to the Senate with an amendment.

Ordered to lie on the table.

Mr. Watson, from the Committee on Propositions and Grievances, to whom was referred the bill to prohibit the sale of spirituous liquors to free persons of color, reported the same back to the Senate, and recommended its passage.

Ordered to lie on the table.

Received a message from the House of Commons, proposing to go into an election for United States Senator this day at 11 o'clock.

Mr. Hoke moved that said message be laid on the table; which was carried—ayes 22, noes 20.

Mr. Cowper demanded the yeas and nays.
Those who voted in the affirmative are,


Those who voted in the negative are:


Mr. Lillington offered the following resolution, which was rejected, viz:

Resolved, That a message be sent to the House of Commons, proposing to go into the election for Attorney General this day at 12 o'clock.

Mr. Clark moved to reconsider the vote of yesterday, by which 3000 copies of Professor Emmons’ report was ordered to be printed; not agreed to.

Mr. Caldwell moved to take up from the table the message from the House of Commons, proposing to go into the election of United States Senator, this day at 11 o’clock; which motion was agreed to—the message concurred in, and the House of Commons informed that Messrs. Bunting and Steele form the Senate’s branch of the committee to superintend said election.

Mr. Washington introduced a bill to incorporate the People’s bank in the town of Newbern, in the county of Craven; which was read the first time and passed.

Ordered to be laid on the table and printed.

Received a message from the House of Commons, transmitting the report of the President and Directors of the Institute for the education of the Deaf and Dumb, &c., with
a proposition to print the same; which was concurred in, and, on motion of Mr. Washington, ordered that said report be referred to the committee on the subject.

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

A bill to incorporate the bank of Yanceyville; and
A bill to incorporate the Greensboro and Deep river Plank Road Company; which were severally read the first time and passed.

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 that body, viz:

A bill to enlarge the powers of the Commissioners of the town of Newbern;
A bill authorizing Justices of the Peace to resign to the county Court, and for other purposes;
A bill to amend an act passed in 1850-51, to incorporate the Lewis Gold Mining Company;
A bill to provide for paying tales jurors in the county of Northampton;
A bill to amend the charter of the Anson Plank Road Company;
A bill to amend an act passed at the session of 1850-51, entitled an act to regulate the pay of Jurors and Witnesses in the county of Craven;
A bill to incorporate Cumberland Academy, in the county of Cumberland;
A bill to incorporate the Haywood and Raleigh Plank Road Company;
A bill to incorporate the Pedee Plank Road Company;

A bill to increase the revenue of the State in the sale of its bonds: and

A resolution to furnish the library of Congress with certain volumes of the acts of the General Assembly of this State.

Received a message from the House of Commons, stating that the hour of 11 o'clock having arrived, they would proceed to vote on the return of the messenger for a Senator of the United States, according to the joint agreement of the two Houses, and that Messrs Wilder and Jones form their branch of the Committee to superintend the election.

The Senate, under the superintendence of Messrs. Steele and Bunting, then voted as follows:

FOR JAMES C. DOBBIN.


FOR MR. SAUNDERS.

Messrs. Arendell, Gilmer and Woodfin—3.

FOR MR. SHEPARD


FOR MR. GRAHAM.

Messrs. Kelly, Mitchell, Palmer, and Steele—4

FOR MR. JOYNER.
Mr. Albritton voted for Mr. Lillington.

And Mr. Bynum voted for Mr. Rayner.

Mr. Jones, of Wake, introduced a bill to amend an act incorporating the Raleigh Savings' Institution; which was read the first time and passed, and, under a suspension of the rules, the bill was read the second and third times, passed and ordered to be engrossed.

Mr. Washington introduced a bill to incorporate the Swift Creek Plank Road company; which was read the first time and passed, and, on motion, referred to the Committee on Corporations.

On motion of Mr. Mitchell, the bill to expedite the trial of suits in certain cases, in the Courts of Law, was now taken up, read the second time and rejected.

Mr. Steele, from the Committee appointed to superintend the election of United States Senator, reported that no person in nomination having received a majority of the votes given, there is no election.

Concorded in.

Received a message from the House of Commons, proposing to vote again forthwith for United States Senator;
which was concurred in, and Messrs. Steele and Bunting ap-
pointed the committee to superintend the election on the part
of the Senate, and the House of Commons informed thereof.

Mr. Washington introduced a bill, accompanied by a me-
memorial, to amend the charter of the Neuse River Navigation
company; which was read the first time and passed, and, on
motion, referred to the Committee on Propositions and Griev-
ances.

Received a message from the House of Commons, stating
that the committee on the part of the House upon the subject
of raising a Lottery, for the purposes of internal improve-
ments and education, consists of Messrs. McEntire, Mooring,
Jones, W. E. Hill and Walton;

And that Messrs. D. Reid and Leach form their branch of
the committee to superintend the election of United States
Senator, and that the House of Commons would proceed to
vote on the return of the messenger.

The Senate, under the superintendence of Messrs. Steele
and Bunting, then voted as follows:

FOR MR. DOBBIN.

Messrs. Speaker, Barrow, Berry, Bower, Boyd, Bunting, Brogden,
Caldwell, Cannady, Clark, Collins, Cunningham, Hargrave, Her-
ing, Hoke, W. Jones, Kerr, McDowell, McMillan, Murchison, Person,
Shaw, Speight, Thomas, Ward and Withers—26.

FOR MR. SAUNDERS

Messrs. Gilmer and Woodfin.

FOR JAMES B. SHEPARD.

Mr. Bynum introduced a bill, accompanied by a memorial and counter memorial, to establish the county of Ruffin; which was read the first time and passed, and, on motion, said bill and memorials were referred to the Committee on Propositions and Grievances.

On motion of Mr. Washington, the Senate proceeded to the consideration of the bill to amend an act to incorporate Union Institute, in Randolph county, a Normal College; which was read the second time, amended and passed. On motion of Mr. Washington, the rules were suspended, and the bill read the third time, passed and ordered to be engrossed.

Mr. Gilmer introduced the following preamble and resolution, which were adopted, viz:

WHEREAS, To-morrow (Thursday) is the day appointed by the Governor of this State, in accordance with the recommendation of the Legislature, for a general Thanksgiving,

Resolved. That a message be sent to the House of Commons, proposing that the two Houses adjourn until Friday.
Mr. Steele, from the committee appointed to superintend the election of United States Senator, reported that no person in nomination having received a majority of the whole number of votes given, there is no election.

Concurred in.

On motion of Mr. Hohe,

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

On motion of Mr. Parks, the bill to divide the county of Fredell was now taken up and read the second time, but before any question was taken thereon, the consideration of the same was temporarily suspended, to receive

A message from the House of Commons, proposing that the two Houses, when they adjourn this day, do adjourn to meet on Friday next at 10 o'clock; which was agreed to.

Also, a message from the House of Commons, proposing to go forthwith into the election for United States Senator, which proposition was concurred in, and the House of Commons informed that Messrs. Steele and Bunting form the Committee on the part of the Senate, to superintend said election.

Received a message from the House of Commons, informing that Messrs. Fagg and Jarvis form their branch of the Committee, to superintend the election for United States Senator, and that they would proceed to vote on the return of the messenger.

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


FOR MR. SAUNDERS.

Messrs. Arendell, Gilmer, Steele, and Woodfin.—4.

FOR MR. SHEPARD.


FOR MR. JOYNER.


FOR MR. RAYNER.

Messrs. Bynum, Palmer and Richardson—3.

Mr. Albritton voted for Mr. Lillington.

Mr. Joyner, for Mr. T. F. Jones.

And Mr. Kelly for Mr. Woodfin.

The Senate now resumed the consideration of the bill to divide the county of Iredell, and the question recurring on the passage of the bill on its second reading, was determined in the negative.—ayes 8, noes 33.

Mr. Steele demanded the yeas and nays.

*23
Those who voted in the affirmative are:


Those who voted in the negative are,

Messrs. Albritton, Berry, Bunting, Caldwell, Cannady, Clark, Collins, Cowper, Cunningham, Hargrave, Herring, T. F. Jones, W. Jones, Kelly, Kerr, Lane, McClees, McDowell, McMillan, Mitchell, Murchison, Palmer, Richardson, Shaw, Speight, Steele, Thompson, Person, Ward, Watson, Withers, Willey and Woodfin.—33.

So the bill was rejected.

The bill to increase the Capital Stock of the Bank of Wadesborough, and the bill to incorporate the Bank of Charlotte, were severally read the third time, passed and ordered to be engrossed.

Received a message from the House of Commons, stating that they have passed the engrossed bill from the Senate, concerning the Seaboard and Roanoke Railroad Company, with amendments, in which they ask the concurrence of the Senate. The amendments were agreed to and the House of Commons informed thereof.

Mr. Steele, from the committee appointed to superintend the election for a Senator of the United States, reported, that no person in nomination having received a majority of the whole number of votes given, there is no election. Report concurred in.

The bill to amend an act, entitled "an act concerning the draining of low lands." was read the second time and passed.

On motion of Mr. Thomas, the bill to incorporate the
Charleston, Blue Ridge and Chattanooga Railroad Company, was now taken up and read, the amendments proposed by the Committee agreed to, and, on his motion, the report of the committee ordered to be printed.

On motion of Mr. Thomas, the Senate adjourned.

FRIDAY, NOV. 26TH 1852.

Mr. Boyd introduced a petition of sundry citizens of Rockingham County, and others, praying for the establishment of a bank at Lawsonsville in said county, which was ordered to lie on the table.

Mr. Clark from the Committee on corporations, reported back to the Senate, the bill to incorporate the Lumberton and Cape Fear Plank Road company, with sundry amendments.

Ordered to lie on the table.

Mr. Clark from the same committee reported back the bill to incorporate the Chapel Hill and Durhamsville Plank Road Company, with sundry amendments.

Ordered to lie on the table.

Mr. Washington, from the Committee on Education, reported back to the Senate, the engrossed bill to provide for
the appointment of a superintendent of Common Schools and for other purposes, and recommended its passage; which on motion of Mr. Cunningham, was postponed until Monday next, and made the special order for that day at the hour of 12 o'clock.

On motion of Mr. Joyner,

Resolved, That a committee to consist of nine members be appointed by the Chair, and to be taken from the members representing counties interested in the subject, to enquire what can rightfully be done to promote the great fishing interests of Albemarle and Pamlico Sounds, and render uniform the various acts concerning fishing in said Sounds and their tributary streams.

The Speaker announced that Messrs. Joyner, Shaw, McClees, Willey, Murray, Ward, Person, T. F. Jones and Cowper constitute said committee.

Mr. Kerr introduced a bill, accompanied by a memorial to emancipate James Hostler; which was read the first time and passed, and, on motion, referred to the Committee on Propositions and Grievances.

Mr. Woodfin introduced a bill to encourage agriculture, domestic manufactures and the mechanic arts; which was read the first time and passed, and, on motion, referred to the Committee on Agriculture.

Mr. Gilmer presented the petition of William Juact, of Guilford county, praying that a pension be allowed him for services rendered in 1812; which, on motion, was referred to the Committee on Propositions and Grievances.

On motion of Mr. Joyner, the engrossed bill to repeal an act, entitled "an act to prevent the obstruction of the passage of fish at inlets on the sea coast of the State," was taken up,
and, on his motion, made the special order for to-morrow, 12 o'clock.

The bill to amend an act, entitled an act concerning the drainage of low lands, was read the third time, passed and ordered to be engrossed.

Received a message from the House of Commons, stating that they have passed, by the constitutional majority, a bill to amend the constitution of North Carolina, and asking the concurrence of the Senate in the same; which, on motion of Mr. Steele, was made the special order of the day for Tuesday next at the hour of 12 o'clock.

On motion of Mr. Cunningham,

Ordered, That a message be sent to the House of Commons, proposing to go into an election for Comptroller of State, to-morrow, at the hour of 11 o'clock, A. M.

Mr. Bynum introduced a bill to attach a part of McDowell county to the county of Rutherford; which was read the first time and passed, and, on motion, referred to the Committee on Propositions and Grievances.

Mr. Bower presented the petition of sundry citizens of Watauga county, praying for the passage of an act establishing free trade in ardent spirits; which, on motion, was referred to the Committee on Propositions and Grievances.

Mr. Steele introduced the following resolution, viz:

Resolved, That a message be sent to the House of Commons, proposing to go into an election of Attorney General of this State, to-morrow at 12 o'clock.

Mr. Hoke moved that said resolution be laid on the table; which motion prevailed—Ayes 21, noes 22.
Mr. Lillington demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


The resolution in favor of Charles Sully Wheeler was read the second time and passed, and, on motion of Mr. Boyd, the rules were suspended, and the resolution read the third time, passed and ordered to be engrossed.

The bill in relation to executors of last wills and testaments was read the second time, and, on motion of Mr. Cannady, ordered to be laid on the table.

The bill to amend the charter of Davidson College was read the second time and passed.

The bill abolishing trial by jury in the County Courts, and for the more speedy and certain administration of justice, &c., was read the second time, and, on motion of Mr. Bynum, made the special order of the day for Wednesday next, at the hour of 12 o’clock, together with the resolutions concerning the Supreme and Superior Courts.

The bill to incorporate the Trustees of Wesleyan Female College, at Murfreesborough, in the county of Hertford, was read the second time and passed, and, on motion of Mr. Cowper, the rules were suspended, and the bill read the third time, passed and ordered to be engrossed;
On motion of Mr. Cannady, the bill in relation to executors of last wills and testaments was now taken up and amended, on the several motions of Messrs. Hoke and Bower;

But before any question was taken on the passage of the bill, its further consideration was temporarily suspended, to receive

A message from the House of Commons, proposing to go forthwith into an election for United States Senator; which proposition was concurred in, and the House of Commons informed that Messrs. Washington and Cannady constitute the Senate's branch of the committee to superintend the election.

The Senate were informed by a message from the House of Commons, that Messrs. Albertson and Bryant, form their branch of the Committee to superintend said election, and that they would proceed to vote upon the return of the message.

The Senate then voted as follows:

FOR MR. DOBBIN.


FOR MR. SAUNDERS.


FOR MR. SHEPARD.


FOR MR. RAYNER.

FOR MR. LILLINGTON.

Messrs. Albritton and Joyner—2.

Mr. Thomas voted for Mr. T. F. Jones.

Mr. Lane voted for Mr. Mitchell.

The Senate now resumed the consideration of the bill in relation to last wills and testaments; which, on motion of Mr. Bynum, was ordered to be laid on the table.

Mr. Lillington introduced a bill to amend an act passed at the session of 1846-'47, entitled "an act to make real estate assets;" which was read the first time and passed, and, on motion, referred to the Committee on the Judiciary.

The bill to incorporate the Kingsbury and Locksville Plank Road Company, was read the second time, amended and passed, and, on motion of Mr. Murchison, the rules were suspended, and the bill read the third time, passed and ordered to be engrossed.

Mr. Washington, from the Committee appointed to superintend the election for United States Senator, reported that Mr. Dobbin had received 73 votes, Mr. Saunders 35 votes, Mr. Shepard 20 votes, and that there were 19 scattering votes; and that no person in nomination having received a majority of the votes given, there is no election.

Report concurred in.

On motion of Mr. Steele,

Ordered, That a message be sent to the House of Commons, proposing to vote again forthwith for a Senator of the United States.
Received a message from the House of Commons, proposing to go forthwith into an election for Attorney General.

On motion of Mr. Caldwell, the said message was ordered to be laid on the table—ays 27, noes 22.

Mr. Lillington demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative are:


A message was received from the House of Commons, concurring in the proposition of the Senate to vote again for a Senator of the United States, and informing that Messrs. Rives and Erwin form the committee on their part to superintend the election; whereupon the House of Commons were informed that Messrs' Washington and Herring constitute the Senate's branch of the committee to superintend said election.

And the Senate voted as follows.

FOR MR. DOBBIN.

Messrs. Speaker, Barrow, Berry, Bower, Boyd, Bunting, Brogden, Caldwell, Cannady, Clark, Collins, Cunningham, Hargrave, Herring, Hoke, W. Jones, Kerr, McDowell, McMillan, Murchison, Person, Shaw, Speight, Thomas, Drake, Ward and Withers—27.
FOR MR. SAUNDERS.


FOR MR. SHEPARD

Messrs. Albright, Lane, McClees, Murray, Parks, Watson and Willey—7.

FOR MR. RAYNER.


Mr. Albritton voted for Mr. Lillington.

Mr. T. F. Jones voted for Mr. Joyner.

On motion of Mr. Mitchell, the Senate took up for consideration the bill in relation to executors of last wills and testaments; which was further amended, on motion of Mr. Woodfin, and passed its second reading as amended.

On motion of Mr. Bynum, the said bill was referred to the Committee on the Judiciary.

The bill to incorporate the Bladen Steamboat Company, and the bill to ascertain the whole amount of taxes paid by the people in North Carolina, were severally read the second time and passed.

Mr. Woodfin moved that a message be sent to the House of Commons, proposing to go forthwith into an election for Attorney General.

Mr. Person moved that said motion be laid upon the table, which was carried—yeas 26, noes 21.
Mr. Gilmer demanded the yeas and nays.

Those who voted in the affirmative are,


Those who voted in the negative, are:


The resolutions requesting our Senators and Representatives in Congress to use their influence to abolish duties on Railroad iron, was read the second time and passed.

The resolution, requesting our Senators and Representatives in Congress to use their influence to have a Naval Depot established at Beaufort Harbor in this State, was read the second time, and, on motion of Mr. Thomas, ordered to be laid on the table.

Mr. Washington, from the committee appointed to superintend the election for a Senator of the United States, reported that Mr. Dobbin received 75 votes, Mr. Saunders 35 votes, and Mr. Shepard 15 votes, and that there were sundry scattering votes; That no person in nomination having received a majority of the whole number of votes given, there is no election.

Report concurred in.

The engrossed bill, to incorporate the Trustees of the Hillsborough Academy, was read the second time and passed, and, on motion of Mr. Berry, the rules were suspend-
ed, and the bill read the third time, passed, and ordered to be enrolled.

On motion of Mr. Person,

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

The engrossed bill to amend the 4th section of an act passed at the session of 1832–33, entitled an act compensating jurors of the original panel in the county of Beaufort, was read the second time, and passed, and, on motion of Mr. Bower, the rules were suspended and the bill read the third time, passed, and ordered to be enrolled.

The bill to amend an act to incorporate the Charlotte, North Carolina, and Cheraw, South Carolina, Plank Road company was read the second time, amended and passed.

On motion of Mr. Gilmer, the Senate adjourned.

Saturday, Nov. 27th, 1852.

The Speaker laid before the Senate the resignation of C. McMMillan, a Justice of the Peace of Duplin county, which was read and accepted and ordered to be sent to the House of Commons.
Mr. Gilmer, from the Committee on the Judiciary, reported back to the Senate the bill to pay tales jurors, with an amendment.

Ordered to lie on the table.

Mr. Woodfin, from the Committee, reported back the bill to declare what persons may intermarry and recommended its passage.

Ordered to be be laid on the table.

Mr. Woodfin, from the Committee, reported back the bill to extend the right of appeal, prevent unnecessary accumulation of cost, expedite justice and for other purposes, and recommended its passage.

Ordered to lie on the table.

Mr. Lillington, from the same Committee, reported back the bill for better compensating constables and recommended its passage.

Ordered to lie on the table.

Mr. Steele introduced a bill to amend the Constitution of the State of North Carolina; which was read and ordered to be laid on the table.

Mr. Washington introduced a bill to emancipate Lewis Williams; which was read the first time and passed, and, on motion, referred, to the Committee on Propositions and Grievances.

Mr. Woodfin introduced a bill to alter the line of the county of Madison and to establish the county of Warm Springs; which was read the first time and passed.
Mr. Woodfin, also presented sundry memorials on the subject, which said bill and memorials were referred to the Committee on Propositions and Grievances.

Mr. Thompson, from the Committee on Congressional Districts, with leave, submitted a verbal report, in behalf of the majority, accompanied by a bill to lay off eight Congressional Districts within the State, and to designate the counties composing the same; which was read the first time and passed, and, on motion, ordered to be printed.

Mr. Berry, from the same committee, submitted a minority report in writing, accompanied by a bill, entitled a bill to repeal an act, to amend an act concerning the mode of choosing Representatives in Congress, ratified 2nd January, 1847, chapter 21; which was read the first time and passed, and, on motion ordered to be printed.

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

A bill to authorize James W. Lowe, Sheriff of Lincoln county, to collect arrears of taxes due him; and a bill to incorporate the town of Elizabethtown, in the county of Bladen; which said bills were read the first time and passed, and, on motion of Mr. McDowell, the bill last read was ordered to be laid on the table.

Mr. Kelly, by the consent of the Senate, moved to reconsider the vote, by which the bill, to divide the county of Iredell, was rejected on Wednesday last; which motion was carried—ayes 23, noes 20.

On this question, Mr. Hoke demanded the yeas and nays.

Those who voted in the affirmative, are:

Those who voted in the negative, are:


The question now recurring on the passage of the bill, Mr. Parks moved that the same be laid on the table; which motion was disagreed to.

Mr. Person now moved that the bill be indefinitely postponed, and the question thereon was determined in the affirmative—ayes 29, noes 12.

Mr. Person demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


So the bill was indefinitely postponed.

A message was sent to the House of Commons, informing that the Senate have passed the following engrossed bills and resolution, in which they ask the concurrence of that body, viz:

A bill to increase the capital stock of the bank of Wadesborough;
A bill to amend an act incorporating the Raleigh Savings' Institution;
A bill to amend an act, entitled an act to incorporate Union Institute in Randolph county, a Normal College: a Resolution in favor of Charles Sully Wheeler.

The bill to incorporate the bank of Cumberland, was read the second time and amended. The question on the passage of the bill was determined in the negative—ayes 23, nays 24.

Mr. Lillington demanded the ayes and noes.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


So the bill was rejected.

The Senate now proceeded to the consideration of the special order, being the engrossed bill to repeal an act, entitled 'an act to prevent the obstruction of the passage of fish at inlets on the sea coast of the State, &c.'

And the said bill being read the third time, Mr. T. F. Jones moved that the same be referred to the select committee, raised on the subject; which motion was rejected—ayes 18, noes 26.
Mr. Shaw demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


The question now recurred on the passage of the bill, and was determined in the affirmative—ayes 30, noes 12.

Mr. Shaw demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative are:


Ordered that said bill be enrolled.

Mr. Albritton introduced the following resolution, viz:

Resolved, That a message be sent to the House of Commons, proposing to go into an election to day at one o'clock P. M. for Attorney General.
Mr. Thomas moved that said resolution be laid on the table; which was carried, ayes 25, noes 20.

Mr. Thomas demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative are:


So the resolution was laid on the table.

The bill to amend the Charter of Davidson College was read the third time, passed, and ordered to be engrossed.

Mr. Woodfin introduced a bill to transfer part of the stock of the Fayetteville and Western Plank Road Company, to the Asheville and Greenville Plank Road company which was read the first time and passed, and on motion referred to the Committee on Internal Improvements.

Mr. Kerr introduced a bill to increase the Capital of the Commercial Bank of Wilmington; which was read the first time and passed and on motion referred to the Committee on Corporations.

The bill to ascertain the whole amount of taxes paid by the people of North Carolina;
The bill to incorporate the Bladen Steamboat Company:
And the resolutions requesting our Senators and Representatives in Congress to use their influence in favor of abolishing the duties on railroad iron, were severally read the third time, passed and ordered to be engrossed.

On motion of Mr. Bynum, the Senate adjourned.

Monday, Nov. 29th, 1852.

The Speaker announced, that Messrs. Boyd, Albritton and Palmer, compose the committee on enrolled bills the present week.

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 that body, viz:

A bill to amend an act, entitled "an act concerning the drainage of low lands:"

A bill to incorporate the Trustees of the Wesleyan Female College, at Murfreesborough, in the county of Hertford:

A bill to incorporate the Charter of Davidson College:
A bill to incorporate the Bladen Steamboat company:
A bill to incorporate the Bank of Charlotte:

And a resolution requesting our Senators and Representatives in Congress to use their influence in favor of abolishing the duties upon railroad iron.
Mr. Gilmer introduced a memorial from sundry citizens of Guilford county, in relation to the subject of raising sheep; which, on motion, was referred to the Committee on Finance.

Mr. Woodfin, from the Committee on the Judiciary, reported back the bill to regulate appeals to the Supreme Court in the 6th Judicial Circuit, and recommended its passage.

Ordered to lie on the table.

Mr. Woodfin, from the same committee, reported back the bill to amend the 53d section of the 34th chapter of the Revised Statutes, and recommended its passage.

Ordered to lie on the table.

Mr. Woodfin, from the same committee, reported back the bill to protect the good citizens of this State, against a great nuisance, and recommended its rejection.

Ordered to lie on the table.

Mr. Woodfin, from the same committee, reported back the bill to amend the 20th chapter of the Revised Statutes, so as to give the election of Clerks and Masters to the people, and recommended its rejection.

Ordered to lie on the table.

Mr. Watson, from the Committee on Propositions and Grievances, reported favorably the bill to emancipate James Hostler.

Ordered to lie on the table.
Mr. Watson, from the same committee, reported back the bill to attach a portion of the county of McDowell to the county of Rutherford, and recommended its passage.

Ordered to lie on the table.

Mr. Gilmer, from the Committee on the Judiciary, reported back the bill to amend an act entitled "an act concerning the Supreme Court, Revised Statutes, chapter 33, and to amend an act entitled "an act concerning courts of justice, practice, pleas, and process, Revised Statutes, chapter 31, and recommended that it be rejected.

Ordered to lie on the table.

Mr. Lillington, from the same committee, reported back the bill to amend an act passed at the session of 1845-'47, entitled an act to make real estate assets, and recommended its passage.

Ordered to lie on the table.

Mr. T. F. Jones, from the Committee on the Judiciary, to whom a memorial on the subject was referred, reported a bill to make indictable certain trespasses; which was read the first time and passed.

Mr. Watson, from the Committee on Propositions and Grievances, reported back the bill to establish the county of Ruffin, and recommended its rejection.

Ordered to lie on the table.

Mr. Watson, from the same committee, to whom was referred the memorial of sundry citizens of Watauga county, in relation to the sale of spirituous liquors, reported unfavorably on the same, and asked to be discharged from its further consideration.
Discharged accordingly.

Mr. Clark, from the Committee on Corporations, reported back the bill to incorporate the Swift Creek Plank Road company, with sundry amendments.

Ordered to lie on the table.

Mr. Clark, from the same committee, reported back the bill to incorporate the Franklinsville Manufacturing company, in the county of Randolph, without amendment.

Ordered to lie on the table.

Mr. Bynum introduced a bill to authorize the business of banking; which was read the first time, passed, and ordered to be printed, and, on motion, referred to a select committee consisting of Messrs. Bynum, Hoke, Mitchell, Shaw and Thomas.

Mr. Richardson introduced a bill to authorize the several Courts of Pleas and Quarter Sessions to pay the Wardens of the Poor; which was read the first time and passed, and, on motion, referred to the Committee on the Judiciary.

Mr. Bower introduced a bill, accompanied by a memorial to repeal the 4th section of an act passed by the General Assembly, at its session of 1850 '51, entitled "an act to amend an act, entitled an act to incorporate the Caldwell and Ashe Turnpike company; which was read the first time and passed, and, on motion, referred to the Committee on Propositions and Grievances.

Received a message from the House of Commons, transmitting the following engrossed bill, in which they ask the concurrence of the Senate, viz:
"A bill appointing commissioners to alter and establish the boundary lines between the counties of Lincoln, Gaston and Cleaveland," which said bill was read the first time and passed, and, on motion, referred to the Committee on Propositions and Grievances.

Also, a message informing that the Committee on Enrolled Bills on the part of the House of Commons for the present week consists of Messrs. W. S. Harris, Sherrell, J. F. Lyon, Webb and Russell.

The bill to declare what persons may intermarry, was read the second time and passed; and, on motion of Mr. Cunningham, the rules were suspended, and the bill read the third time, passed and ordered to be engrossed.

Mr. Woodfin introduced a bill to incorporate the French Broad Turnpike company; which was read the first time and passed, and, on motion, referred to the Committee on Internal Improvements.

Also, a bill supplemental to an act passed at the last session of the General Assembly, entitled "an act to alter the line between the counties of Buncomb and Henderson; which was read the first time and passed.

Mr. McDowell moved to reconsider the vote by which the Cumberland Bank Bill was rejected; which motion was ordered to be laid on the table.

The bill to incorporate the Bank of the Tobacconists of North Carolina was read the second time, and, on motion of Mr. Boyd, ordered to be laid on the table.

The engrossed bill to incorporate the Lumberton and Cape Fear Plank Road company was read the second time, amended and passed.
Received a message from the House of Commons, transmitting the report of the President and Directors of the North Carolina Railroad company;

And the report on the Hospital for the Insane, with a proposition to print the same.

Concurred in.

The engrossed bill concerning the sale and inspection of lumber and ton timber at Wilmington and other points on the Cape Fear, was read the second time, and, on motion of Mr. Lillington, ordered to be laid on the table.

The engrossed bill to incorporate the Chapel Hill and Durhamsville Plank Road Company, was read the second time, amended and passed.

The bill to prohibit the sale of spirituous liquors to free persons of color, was read the second time, and, on motion of Mr. Cowper, ordered to be laid on the table.

The engrossed bill to amend the 9th section of an act concerning Common Schools, passed in 1844, was read the second time and passed.

The bill to regulate the salaries of the Attorney General and Solicitors, and for other purposes, was read the second time; pending the consideration of which,

The hour of 12 o'clock having arrived, the Senate proceeded to the consideration of the special order, being the engrossed bill to provide for the appointment of a superintendent of Common Schools and for other purposes; and the said bill being read the second time, Mr. Person moved to amend the first section of the same, by striking out the word "Legislature," and inserting "Literary Board," which amendment was rejected.
Mr. Bower moved to amend the 12th section of the bill by striking out $500, so as to reduce the salary of the superintendent to $1000, instead of one thousand five hundred dollars; the amendment was disagreed to.

Mr. Brogden offered the following amendment to come in as section 16, viz:

And be it further enacted, That it shall be lawful for the General Assembly at any time hereafter to amend, modify, or repeal this act, as they may deem necessary and proper; which was rejected.—ayes 8, noes 40.

Mr. Brogden demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


The question now recurred on the passage of the bill on its second reading, and was determined in the affirmative, ayes 30, noes 18.

Mr. Brogden demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Albright, Albritten, Arendell, Boyd, Caldwell, Cowper, Cunningham, Gilmer, T. F. Jones, Joyner, Kelly, Kerr, Lane, Lillington, McClees, McDowell, McMillan, Mitchell, Morchison, Murray,
Palmer, Parks, Richardson, Shaw, Steele, Thompson, Washington, Watson, Willey and Withers.—30.

Those who voted in the negative are:


The Senate now resumed the consideration of the bill to regulate the salaries of the Attorney General and Solicitors, and for other purposes. On motion of Mr. Kelly, the further consideration of the same was postponed until Thursday next and made the special order for that day, at the hour of 12 o'clock.

On motion of Mr. Bynum, the bill to amend the act entitled "an act concerning the Supreme Court, Revised Statutes, chapter 33," and to amend an act entitled "an act concerning Courts of Justice, pleas and practice, &c., was now taken up and made the special order for Wednesday next, at the hour of 12 o'clock.

On motion of Mr. Woodfin, the bill to alter the line of the county of Madison and to establish the county of Warm Springs, was now taken up and referred to the Committee on Propositions and Grievances.

The engrossed bill to authorize James W. Lowe, of Lincoln county to collect arrears of taxes due him, was read the second time and rejected.

The bill for the better compensating Constables was read the second time and rejected.

Mr. Woodfin, presented a bill to incorporate the N. C. State Agricultural Society, which was read the first time and and passed.
On motion of Mr. Gilmer, the Senate adjourned.

Tuesday, Nov. 30th, 1852.

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 declare what persons may intermarry:
And a bill to incorporate the Kingsbury and Locksville Plank Road company.

Mr. Boyd presented the memorial of sundry citizens of Rockingham county, praying the establishment of a bank in said county; which was ordered to be laid on the table.

Mr. Clark, from the Committee on Corporations, reported back the bill to increase the Capital of the Commercial Bank, without amendment.

Ordered to lie on the table.

Mr. Lillington, from the Committee on the Judiciary, reported back the bill in relation to the collection of partnership and other debts, with sundry amendments.

Ordered to lie on the table.
Mr. Watson, from the Committee on propositions and grievances, reported back the bill to emancipate Lewis Williams and recommended its passage.

Ordered to lie on the table.

Mr. Watson, from the same Committee, reported back the bill to alter the line of the county of Madison, and establish the county of Warm Springs, and recommended its rejection.

Ordered to lie on the table.

Mr. Watson, from the same Committee, reported back the bill appointing Commissioners to alter and establish the boundary lines between the counties of Lincoln, Gaston, and Cleaveland, and recommended its rejection.

Ordered to lie on the table.

Mr. Watson, from the same Committee, reported favorably the bill to repeal the 4th section of an act passed at the session of 1850-'51, entitled "an act, to amend an act to incorporate the Caldwell and Ashe Turnpike Company."

Ordered to lie on the table.

Mr. Watson, from the same Committee, reported back the bill for the protection of sheep, and recommended its reference to the Committee of Finance; which report was concurred in.

Mr. Watson, from the same Committee, to whom was referred the petition of William Juact, reported unfavorably on the same.
Mr. Woodfin, from the Committee on the Judiciary, reported back the bill for the better administration of Justice in the Courts of Pleas and Quarter Sessions, and asked to be discharged from its further consideration; and, on his motion, said bill was made the special order of the day for Wednesday next at 12 o'clock.

On motion of Mr. Cunningham,

Ordered, That a message be sent to the House of Commons, proposing to go into an election of Senator of the United States, this day, at half past 11 o'clock.

Mr. Lane introduced a bill to give the Courts of Pleas and Quarter Sessions of the county of Randolph, Jurisdiction over the sale of real estate, for division amongst joint tenants and tenants in common; which was read the first time and passed, and, on motion, referred to the Committee on the Judiciary.

Received a message from the House of Commons, informing that they have laid upon the table the proposition of the Senate to go into an election for a Senator of the United States, today, at half past 11 o'clock.

On motion of Mr. Boyd, the bill to incorporate the Bank of the Tobacconists of North Carolina, was taken up, read the second time and rejected—ayes 17, noes 31,

Mr. Lillington called for the ayes and nays.

Those who voted in the affirmative, are:


Those who voted in the negative are:
Messrs. Albright, Berry, Bower, Brogden, Bunling, Byrum, Caldwell, Cannady, Clark, Collins, Cowper, Cunningham, Drake, Hargrave, Herring, Hoke, W. Jones, Kerr, Lane, Lillington, McDowell, Mitchell, Murray, Person, Shaw, Speight, Steele, Thompson, Watson, Joyner and Willey—31.

The engrossed bill to provide for the appointment of a Superintendent of Common Schools, and for other purposes, was read the third time and passed—Ayes 31, noes 16.

Mr. Speight demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:

Messrs. Barrow, Berry, Bower, Brogden, Bunling, Byhum, Cannady, Collins, Drake, Hargrave, Herring, Hoke, W. Jones, Person, Speight, and Withers—16.

Ordered that said bill be enrolled.

The engrossed bill, to amend the 9th section of an act concerning Common Schools, passed in 1844, was read the third time and passed, and ordered to be enrolled.

The bill to protect the good citizens of the State against a great nuisance, was read the second time.

Mr. Albright moved to amend the bill, by striking out all between the words, "five gallons," and the words, and if, and insert the following, viz:

"Upon the premises of any person, or on the public high way, within the boundary of said premises, without the
When, on motion of Mr. Gilmer, it was,

Resolved, That the use of the Senate Hall be tendered to the members of the Electoral College to morrow, (Wednesday) at 12 o'clock M. to cast their votes for President and Vice President of the United States.

The hour of 12 o'clock having now arrived, the Speaker announced the special order of the day, viz:

The engrossed bill to amend the Constitution of the State of North Carolina; the said bill being read the first time,

Mr. Brogden moved that the further consideration be postponed until Thursday next, and that it be made the special order for that day at the hour of 12 o'clock; which said motion was rejected.

The question now recurring on the passage of the bill its first reading, the result was as follows—ayes 31, nays 16.

Mr. Cunningham demanded the ayes and noes.

Those who voted in the affirmative, are:

Messrs. Albritton, Arendell, Barrow, Berry, Bower, Boyd, Brogden, Bunting, Caldwell, Cannady, Clark, Collins, Cunningham, Drake, Harrave, Herring, W. Jones, Kerr, Lillington, McDowell, McMillan, Mur-\n
Those who voted in the negative, are:
Messrs. Albright, Bynum, Cowper, Hoke, T. F. Jones, Joyner, Kelly, Lane, McClees, Mitchell, Murray, Palmer, Richardson, Thompson, Willey and Woodfin—16.

The constitutional majority of two-thirds of the whole Senate not voting in the affirmative, the Speaker announced that the bill was rejected.

Mr. Hoke now moved a reconsideration of the vote just taken, by which the said bill was rejected.

And the question being taken thereon, was decided in the affirmative—ayes 32, noes 17.

Mr. Albright demanded the yeas and nays.

Those who voted in the affirmative are,


Those who voted in the negative, are:

Messrs. Albright, Bynum, Cowper, Gilmer, T. F. Jones, Joyner, Kelly, Lane, McClees, Mitchell, Murray, Palmer, Parks, Richardson, Thompson, Willey and Woodfin—71.

So the Senate agreed to reconsider.

The question now recurring on the passage of the bill, its first reading, on motion of Mr. Brogden, the further consideration of the same was postponed until Friday next, and the bill made the special order for that day, at the hour of 12 o'clock.

The Senate now resumed the consideration of the bill to protect the good citizens of the State against a great nuisance.
The question being on agreeing to the amendment offered by Mr. Albright, after debate, on motion of Mr. Albright, ordered that said bill and amendment be laid on the table.

The bill to incorporate the Charlotte, North Carolina, and Cheraw, South Carolina, Plank Road Company, was read the third time, passed and ordered to be engrossed.

The engrossed bill to incorporate the Chapel Hill and Durhamsville Plank Road Company, was read the third time and passed as amended, and a message sent to the House of Commons, asking their concurrence in the amendments of the Senate.

The engrossed bill to incorporate the Lamberton and Cape Fear Plank Road Company, was read the third time and passed as amended, and a message sent to the House of Commons, asking their concurrence in the amendments of the Senate.

Mr. McDowell moved to reconsider the vote, by which on yesterday was rejected the engrossed bill to authorize James W. Lowe, of Lincoln county, to collect arrears of taxes due him; which motion was agreed to.

When, on motion of Mr. Hoke, the said bill was referred to the Committee on Propositions and Grievances.

On motion of Mr. Lillington, the Senate adjourned.
Wednesday, Dec. 1st, 1852.

Mr. Washington presented the petition of Richard N. Taylor and others, praying for permission to construct a plank road from Becton's old field to a point near Snow Hill &c.; which, on motion, was ordered to lie on the table.

Mr. Washington, from the committee, on the Judiciary, reported back the bill to confirm a grant heretofore issued to B. H. Stammire, and recommended its passage.

Ordered to lie on the table.

Mr. Joyner, from the select Committee, raised on the subject of the great fishing interest of the State, submitted a report in writing, accompanied by a bill, entitled a bill regulating fisheries in the Eastern part of this State; which was read the first time and passed, and, on motion of Mr. Thompson, said bill and report were ordered to be printed.

Mr. McMillian introduced a bill for the better regulation of the wardens of the poor for the county of Onslow, and for other purposes, which was read the first time and passed, and, on motion, referred to the Committee on the Judiciary.

Mr. Bynum, from the Committee, on the Judiciary, to whom was referred the bill in relation to Executors of last wills and testaments, reported a substitute for the same, and recommended its passage.

Ordered to lie on the table.
Mr. Lillington, from the same Committee, reported back, with amendments, the bill to do away with collateral warranties, and recommended its passage.

Ordered to lie on the table.

Mr. Woodfin introduced a resolution to provide for furnishing the courts and public officers with copies of Iredell's Digested Manual of the public laws passed since 1836, which was read the first time and passed.

Mr. Steele offered the following resolution, viz:

Resolved, That a message be sent to the House of Commons, proposing to go into an election of Comptroller of public accounts this day at 11 o'clock.

Mr. Caldwell moved to strike out Comptroller of public accounts and insert "United States Senator," which motion was agreed to and the resolution adopted as amended.

Message sent accordingly.

On motion of Mr. Lillington,

Resolved, That the select committee on so much of the Governor's message as relates to the Geological survey, be instructed to enquire into the expediency of having a larger number of copies of the report of Professor Emmons for distribution and also into the manner in which the same shall be distributed.

Mr. Washington, introduced a bill to incorporate the Neuse River and Snow Hill Plank Road Company, which was read the first time and passed, and, on motion, referred to the Committee on corporations.
Mr. Joyner introduced a bill, accompanied by a memorial, directing the public Treasurer to surrender bonds to the Seaboard and Roanoke Railroad Company; which was read the first time and passed, and, on motion, said bill and memorial were referred to the Committee on the Judiciary.

The bill to increase the Capital of the Commercial Bank of Wilmington, was read the second time, amended, on motion of Mr. Clark, by striking out $650,000 and inserting $250,000, and passed as amended.

The engrossed bill to incorporate the bank of Yanceyville was read the second time and rejected,—ayes 21 noes 26.

Mr. Thomas demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


Received from the House of Commons, a message from the Governor, transmitting the certificates of several Sheriffs of this State in relation to the election of electors to vote for President and Vice President of the United States, which, on motion of Mr. Joyner, was ordered to be laid on the table.
Mr. Bower moved to reconsider the vote of yesterday by which the bill to incorporate the bank of the Tobaccoists of North Carolina, was rejected.

On motion of Mr. Gilmer, the motion to reconsider was laid upon the table.

On motion of Mr. Lillington, the Senate adjourned.

Thursday, Dec. 2nd, 1852.

A message was sent to the House of Commons, informing that the Senate have passed the following engrossed bill, in which they ask the concurrence of that body, viz:

"A bill to ascertain the whole amount of taxes paid by the people of North Carolina."

Mr. Shaw, from the Select Committee on the Fisheries, submitted a minority report in writing, which report was laid upon the table.

Mr. Thomas, from the Committee on Internal Improvements, to whom was referred a resolution, directing the Treasurer to subscribe for eight hundred shares of the stock of the Fayetteville and Centre Plank Road Company, reported the same back to the Senate, and asked to be discharged from the further consideration of the same.

Discharged accordingly.
On motion of Mr. Boyd,

Resolved, That a message be sent to the House of Commons, proposing to raise a joint select committee of three on the part of each House, to designate the time and manner of comparing and counting the votes cast for Governor at the last August election.

Mr. T. F. Jones introduced a bill for the government of Elizabeth City, in the county of Pasquotank; which was read the first time and passed.

Mr. Washington introduced a bill to amend the 9th section of the 39th chapter of the Revised Statutes, entitled "an act concerning divorce and alimony; which was read the first time and passed, and, on motion, referred to the Committee on the Judiciary.

Mr. McMillan introduced a bill to improve the navigation of the southwest branch of Neuse river, in the county of Ouslow; which was read the first time and passed, and, on motion, referred to the Committee on Internal Improvements.

Mr. Willey introduced a bill to incorporate Sunbury Division, No. 174, of the Sons of Temperance, in the county of Gates; which was read the first time and passed, and, on motion of Mr. Withers, referred to the Committee on Corporations.

Mr. Albright moved to reconsider the vote of yesterday, by which, the bill to incorporate the Bank of Yanceyville, was rejected.

Mr. Washington moved that said motion be laid on the table; which was not carried.

The motion to reconsider was then agreed to.
The question now recurring on the passage of the bill its second reading, was determined in the affirmative—ayes 25, noes 18.

Mr. Cannady demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative are,

Messrs. Albright, Barrow, Berry, Bower, Boyd, Bunting, Cannady, Clark, Collins, Cowper, Drake, Hargrave, W Jones, Kerr, Lillington, Palmer, Thompson, and Willey—18.

On motion of Mr. Caldwell,

Ordered, That a message be sent to the House of Commons, proposing to go into an election for United States Senator this day at half-past 11 o'clock.

The bill to increase the capital of the Commercial Bank of Wilmington, was read the third time, and, on motion of Mr. Joyner, ordered to be laid on the table.

Received a message from the House of Commons, concurring in the proposition of the Senate to vote this day for United States Senator, at half-past 11 o'clock, and informing that Messrs. Watters and Norfleet form their branch of the committee to superintend the election.

The bill to emancipate Lewis Williams was read the second time, and, on motion of Mr. Kelly, ordered to be laid on the table.
The bill to alter the line of the County of Madison and establish the county of Warm Springs, was read the second time, and, on motion of Mr. Woodfin, the further consideration of the same was postponed until Saturday next, and made the special order for that day, at the hour of 12 o'clock.

On motion of Mr. Washington, the bill to emancipate Lewis Williams was now taken up and passed its second reading.

The engrossed bill appointing Commissioners to alter and establish the boundary lines between the counties of Lincoln, Gaston and Cleaveland, was read the second time, amended on motion of Mr. Hoke, by striking out so much as relates to the county of Cleaveland, and rejected.

The hour of 11 o'clock having now arrived, at which, by the joint agreement of the two Houses, they were to go into an election for United States Senator, the House of Commons were informed that Messrs. Drake and Kelly 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.

FOR MR. DOBBIN.

Messrs. Speaker, Barrow, Berry, Bower, Boyd, Bunting, Brogden, Caldwell, Cannady, Clark, Collins, Cunningham, Hargrave, Herrring, Hoke, W. Jones, Kerr, McDowell, McMillan, Murchison, Person, Shaw, Speight, Thomas, Drake, Ward and Withers—27.

FOR MR. SAUNDERS.


FOR MR. SHEPARD.

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FOR MR. LEWIS THOMPSON.

Messrs. Albritton, Cowper, T. F. Jones, McClee, Murray, Richardson, Steele and Willey—S.

FOR WILLIAM A. GRAHAM.


Mr. Bynum voted for Mr. Rayner.

On motion of Mr. Bower, the Senate now took up for consideration, the bill to establish a new county by the name of Sevier; whereupon, Mr. Bower offered a substitute for the same, proposing to establish Courts of Pleas and Quarter Sessions within the limits prescribed in the bill; which was read and agreed to, and, on motion of Mr. Lillington, said bill was referred to the Committee on the Judiciary.

The engrossed bill in relation to the collection of Partnership and other debts was read the second time and amended. Pending the consideration of which, a message was received from the House of Commons, proposing that the two Houses go into an election of Attorney General this day at half after 12 o'clock.

Mr. Person moved that said message be laid upon the table, which was carried—ayes 25 noes 21.

Mr. Person demanded the yeas and nays.

Those who voted in the affirmative, are:

Those who voted in the negative, are:


Received a message from the House of Commons, proposing that the two Houses go into an election for a Judge of the Supreme Court, this day, at one o'clock.

Mr. Thomas moved that the message be laid on the table, which was agreed to, ayes 25, noes 22.

Mr. Cowper demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative are:

Messrs. Albright, Albritten, Arendell, Bynum, Cowper, Cunningham, Gilmer, T. F. Jones, Joyner, Lane, Lillington, McClees, Mitchell, Murray, Palmer, Parks, Richardson, Steele, Thompson, Washington, Willey and Woodfin.—22.

Mr. Kelly, from the Committee appointed to superintend the election for a Senator of the United States, reported that no person in nomination having received a majority of the whole number of votes given, there is no election.

Report concurred in.

On motion of Mr. Cannady,
Ordered, That a message be sent to the House of Commons, proposing to go again forthwith into an election of United States Senator.

The Senate now resumed the consideration of the bill in relation to the collection of partnership and other debts.

The question on the passage of the bill its second reading was determined in the affirmative.

Received a message from the House of Commons, agreeing to go forthwith into the election of Senator of the United States, and stating the committee to superintend the election on the part of that House consists of Messrs. Scales and Adams.

Whereupon, the House of Commons were informed, that, Messrs. Drake and Kelly would superintend said election on the part of the Senate.

The Senate then voted as follows:

FOR MR. DOBBIN.

Messrs. Speaker, Barrow, Berry, Bower, Boyd, Brogden, Bunting, Caldwell, Cannady, Clark, Collins, Cunningham, Drake, Hargrave, Herring, Hoke, W. Jones, Kerr, McDowell, McMillan, Murchison, Person, Shaw, Speight, Thomas, Ward and Withers,—27.

FOR MR. SAUNDERS.


FOR LEWIS THOMPSON.

FOR MR. SHEPARD.

Messrs. Lane, Parks, and Watson—3.

FOR MR. RAYNER.


Received a message from the House of Commons, proposing that the two Houses go into an election for Attorney General, this day, at one o'clock.

Mr. Person moved, that said message be laid on the table; which resulted ayes 24, noes 24.

Mr. Lillington demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative are:


There being a tie, the speaker voted in the affirmative and the motion prevailed.

Received a message from the House of Commons, concurring in the proposition of the Senate to raise a joint select committee of three on the part of each House upon the subject of counting the votes for Governor; and informing
that the committee on the part of the Commons consists of Messrs. Stubbs, Lockhart, and Shimpock. The House of Commons were informed that Messrs. Boyd, Washington and Bunting compose the committee on the part of the Senate.

The bill to attach a portion of the county of McDowell to the county of Rutherford, was read the second time and passed.

The bill to repeal the 4th section of an act passed by the General Assembly, at its session of 1850-'51, entitled "an act to incorporate the Caldwell and Ashe Turnpike Company," was read the second time and passed.

The bill to repeal an act, to amend an act concerning the mode of choosing Representatives in Congress, ratified 2nd January, 1847, chapter 21, was taken up, and, on motion of Mr. Thompson, postponed until Monday next, and made the special order for that day, at the hour of 12 o'clock.

The bill to incorporate the Greensboro and Deep River Plank Road Company, was now taken up, and, on motion of Mr. Clark, referred to the Committee on Corporations.

The engrossed bill to pay tales jurors was read the second time, and, on motion of Mr. Bynum, indefinitely postponed.

Received a message from the House of Commons, proposing that the two Houses go into an election for Attorney General, this day, at half-past 10 o'clock.

The question on agreeing to said message was decided in the negative—ayes 24, noes 25.

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


Those who voted in the negative, are:


Mr. Drake, from the Committee appointed to superintend the election for a Senator of the United States, reported that no person in nomination having received a majority of the whole number of votes given, there is no election.

The hour of 12 o'clock having arrived, the Speaker announced the special order, viz: The bill to regulate the salary of the Attorney General and Solicitors, and for other purposes: the question being on the amendment, proposed by the committee, the same was disagreed to; pending the consideration of the bill,

A message was received from the House of Commons, proposing that the two Houses go into an election for a Judge of the Supreme Court, to-morrow morning, at half-past 11 o'clock.

Mr. Brogden moved that said message be laid on the table; which motion was disagreed to—Ayes 22, noes 25.

Mr. McClees demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Barrow, Berry, Bower, Boyd, Brogden, Bunting, Caldwell, Clark, Collins, Drake, Hargrave, Herring, W. Jones, Kerr, Mc-
Millan, Murchison, Person, Shaw, Speight, Ward, Watson and Withers.—22

Those who voted in the negative, are:


The message was then concurred in, and the House of Commons informed that Messrs. Clark and Thompson constitute the committee on the part of the Senate to superintend said election.

The Senate now resumed the consideration of the bill to regulate the salary of the Attorney General and Solicitors, and for other purposes: and the question recurring on the passage of the bill, its second reading, was determined in the negative—Ayes 10, noes 37.

Mr. Brogden demanded the ayes and noes.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


So the bill was rejected.

On motion of Mr. Steele, the Senate adjourned.
Friday, Dec. 3rd, 1852.

Mr. Washington laid before the Senate a statement of the Merchants' Bank of Newbern; which, on his motion, was ordered to be sent to the House of Commons, with a proposition to print the same.

Mr. Boyd, from the Committee on Senatorial Districts, submitted a report, accompanied by a bill dividing the State into fifty Senatorial Districts; which report and bill were ordered to be laid on the table and printed.

Mr. T. F. Jones introduced a resolution in favor of P. Cahoon and others, sureties of J. A. Pool, late Sheriff of Pasquotank, which was read and referred to the Committee on Finance.

Mr. W. Jones introduced a resolution in favor of George W. Scarborough; which was read the first time and passed, and, on motion, referred to the Committee on Claims.

Mr. Joyner presented a Resolution of enquiry, relative to certain iron, laid down on the Raleigh and Gaston Railroad; which was read and referred to the Committee on Internal Improvements.

Mr. Cannady introduced a bill to amend the several acts heretofore passed, for the government of the town of Oxford, in Granville county; which was read the first time and passed, and, on motion, referred to the Committee on Corporations.
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 Charlotte, North Carolina, and Cheraw, South Carolina, Plank Road company.

Mr. Joyner introduced a bill to incorporate Social Division, No. 130 of the Sons of Temperance; which, on motion, was referred to the Committee on Corporations.

Mr. Kelly introduced a bill to incorporate Troy Divisions, No. 58 of the Sons of Temperance; which, on motion, was referred to the Committee on Corporations.

Received a message from the House of Commons, transmitting the report of the Bank of Fayetteville, with a proposition to print the same; which was agreed to.

Mr. Woodfin, from the Committee on the Judiciary, reported back the bill to authorize the several Courts of Pleas and Quarter Sessions to pay the Wardens of the poor, and recommended its passage.

Ordered to lie on the table.

Mr. Woodfin, from the same committee, reported back the bill to give the Courts of Quarter Sessions of the county of Randolph jurisdiction over the sale of real estate for division amongst joint tenants and tenants in common, and recommended its rejection.

Ordered to lie on the table.

Received a message from the House of Commons, proposing to set apart the afternoon of Saturday, the 11th of De-
December, inst., for the appointment of Justices of the Peace, which was concurred in.

Also, stating that the House of Commons, have passed the following engrossed bill, in which they ask the concurrence of the Senate, viz:

"A bill to incorporate a Bank in the town of Plymouth, in the county of Washington; which was read the first time and passed, and, on motion of Mr. McClees, made the special order for to-morrow, at half-past 11 o'clock.

Mr. Thomas, from the Committee on Internal Improvements, reported, back with amendments, the bill to amend an act, entitled "an act to incorporate the Raleigh and Gaston Railroad Company.

Ordered to lie on the table.

Mr. Thomas, from the same committee, reported back, with amendments, the bill to provide for the improvement of the public road from Reddie's river to the Turnpike line.

Ordered to lie on the table.

Mr. Washington, from the Committee on the Judiciary, reported back the bill to amend the 9th section of the 39th chapter of the Revised Statutes, entitled "an act concerning divorce and alimony," and recommended its passage.

Ordered to lie on the table.

The bill to emancipate Lewis Williams was read the third time, passed and ordered to be engrossed.

The engrossed bill in relation to the collection of partnership and other debts, was read the third time, amended on
motion of Mr. Mitchell, and passed as amended; and a message sent to the House of Commons, asking their concurrence in the Senate amendments.

Received a message from the House of Commons, stating that the hour having arrived, at which, by the joint order of the two Houses, they were to vote for a Judge of the Supreme Court; that Messrs. Scales and Cherry form their branch of the committee to superintend said election, and that the names of B. F. Moore and William H. Battle are in nomination for the appointment.

The Senate, under the superintendence of Messrs. Clark and Thompson, then voted as follows:

FOR MR. MOORE.


FOR MR. BATTLE.


FOR ROBERT STRANGE.

Messrs. Berry, Bower, Boyd, Kerr and Withers—5.

FOR THOMAS BRAGG.

Messrs. Cunningham and Person—2.

FOR JOHN H. BRYAN.


FOR G. E. BADGER.


Mr. Watson voted for R. M. Saunders.
Mr. Bynum, from the Select Committee appointed to inquire into the expediency of printing an additional number of the report of Professor Emmons, reported the following resolution, viz:

Resolved, by the General Assembly of North Carolina, That the report of Professor Emmons be distributed amongst the members of the present General Assembly, giving an equal number of copies to each member, and that a sufficient additional number be printed to give each member 30 copies.

Which was read the first time and passed, and, on motion of Mr. Bynum, the rules were suspended, and the resolution read the second and third times, passed and ordered to be engrossed.

On motion of Mr. Steele, the rule requiring that no bill or resolution of a public nature shall be sent from the Senate until twelve o'clock the succeeding day, was suspended, and a message sent to the House of Commons, asking their concurrence in the adoption of the foregoing resolution.

The engrossed bill to incorporate the Bank of Yanceyville was read the third time, passed and ordered to be enrolled.

The bill to attach a portion of the county of McDowell to the county of Rutherford: and

The bill to repeal the 4th section of an act passed by the General Assembly at its session of 1850-'51, entitled "an act, to amend an act, entitled an act to incorporate the Caldwell and Ashe Turnpike Company; were severally read the third time, passed and ordered to be engrossed.
The hour of 12 o'clock having arrived, the Speaker announced the special order; being the engrossed bill to amend the Constitution of North Carolina, and stated this is the first time of reading the bill; pending the consideration of the same,

A message was received from the House of Commons, proposing that the two Houses go forthwith into an election for Comptroller of State; which was concurred in, and the House of Commons informed that Messrs. Jones of Wake, and Murray form the Senate's branch of the committee to superintend said election.

Also, a message proposing that the two Houses go into an election for Attorney General, this day at half-past one o'clock.

Mr. Drake moved that said message be laid on the table; which motion was carried—yeas 25, noes 24.

Mr. Lillington demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


The Senate now resumed the consideration of the special order, viz:
The bill to amend the Constitution of the State of North Carolina; and the question now recurring on the passage of said bill, its first reading, resulted as follows— ayes 33, noes, 15.

Mr. Brogden demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


The bill not being agreed to, by two-thirds of whole representation in the Senate, the Speaker announced that it is rejected.

Received a message from the House Commons, proposing that the two Houses go into an election for Supreme Court Judge, at a quarter before two o'clock, this day; which was concurred in:

And the House of Commons informed that Messrs. Clark and Thompson constitute the committee to superintend said election on the part of the Senate.

Also, a message, stating that Messrs. Strange and Webb form the House branch of the committee to superintend the election for Comptroller of State; and that the House would vote on the return of the messenger; whereupon, Mr. Woodfin nominated E. T. Miller for the appointment; and, on motion of Mr. Bower, Wm. J. Clarke was added to the nomination.
The Senate, under the superintendence of Messrs. Jones, of Wake, and Murray, then voted as follows:

**FOR MR. CLARKE.**


**FOR MR. MILLER.**

Messrs. Albright, Arendell, Bynum, Cowper, Gilmer, Lane, McClees, Mitchell, Murray, Palmer, Parks, Richardson, Thompson, Washington, Willey and Woodfin—16.

Mr. Thompson, from the Committee appointed to superintend the election for a Judge of the Supreme Court, reported that no one in nomination having received a majority of the whole number of votes given, there is no election.

Report concurred in.

On motion of Mr. Steele, the vote by which the bill to attach a portion of McDowell county to the county of Rutherford was passed, was reconsidered, and the question recurring on the passage of the bill, its third reading, the same was rejected.

Mr. Jones, of Wake, from the Committee appointed to superintend the election for Comptroller of State, reported that William J. Clarke received 97 votes, and E. T. Miller 62 votes; that Wm. J. Clarke having received a majority of the whole number of votes given, is duly elected.

Report concurred in.
A bill to incorporate the North Carolina State Agricultural Society was read the second time and passed.

The bill to extend the right of appeal, prevent the unnecessary accumulation of cost, expedite justice, and for other purposes;

The bill to regulate appeals to the Supreme Court in the 6th Judicial Circuit;

And the engrossed bill to amend the 53rd section of the 34th chapter of the Revised Statutes, were severally read the second time and passed.

The engrossed bill to amend the first section of the 20th chapter of the Revised Statutes, so as to give the election of clerks and masters of equity to the people, was read the second time, and, on motion of Mr. Lillington, indefinitely postponed.

The engrossed bill to incorporate the Franklinsville Manufacturing company, in the county of Randolph, was read the second time and passed.

On motion of Mr. Thompson, the Senate now took up for consideration the bill to incorporate the Charleston, Blue Ridge and Chattanooga Railroad Company; which was read the first time and passed.

Received a message from the House of Commons, stating that the hour having arrived, at which, by the joint order of the two Houses, they had agreed to go into an election of Judge of the Supreme Court; that Messrs. Norfleet and Phelps form their branch of the committee to superintend said election, and that the name of John H. Bynum was added to the nomination for appointment.
The Senate, under the superintendence of Messrs. Clark and Thompson, then voted as follows.

FOR MR. MOORE.


FOR MR. BRYAN.


FOR MR. BATTLE.


FOR MR. BADGER.

Messrs. Cannady, W Jones and Shaw—3.

FOR MR. BRAGG.

Messrs. Bower, Cunningham and Person—3.

FOR MR. TOOMER.

Messrs. McDowell and Murchison—2.

Mr. Boyd voted for Mr. Gilmer.

Mr. Hoke voted for Mr. Winston.

The bill to incorporate the Swift Creek Plank Road Company, was read the second time, amended and passed.
The bill supplemental to an act passed at the last session of the General Assembly, entitled 'an act to alter the line between the counties of Buncombe and Henderson," was read the second time and passed.

The bill to emancipate James Hostler, was read the second time; and the question shall the said bill pass its second reading, was determined in the affirmative—ayes 32, noes 15.

Mr. Bynum demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative are,

Messrs. Albritton, Bynum, Caldwell, Cannady, Clark, Collins, Copper, Cunningham, Drake, Hoke, Palmer, Richardson, Speight, Steele and Willey—5.

On motion of Mr. Woodfin, the bill to incorporate the North Carolina State Agricultural Society, was taken up and referred to the Committee on Agriculture.

On motion of Mr. Speight, the Senate adjourned.
Saturday, Dec. 4th, 1852.

Mr. Person, from the Select Committee on Military Affairs, reported a bill concerning the militia of North Carolina; which was read the first time and passed.

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 emancipate Lewis Williams: and
A bill to repeal the 4th section of an act of 1850-'51, entitled "an act to amend an act, entitled an act to incorporate the Caldwell and Ashe Turnpike Company."

Mr. Cunningham moved that a message be sent to the House of Commons, proposing that the two Houses go into an election for Attorney General, to-day at 12 o'clock; which on motion, was disagreed to, ayes 23, noes 24.

Mr. Cunningham demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:

Mr. Clark, from the Committee appointed to superintend the election for Judge of the Supreme Court, reported that Wm. H. Battle received 90 votes, B. F. Moore 37 votes, J. H. Bryan 24 votes, and that there were a number of scattering votes; that Wm. H. Battle, having received a majority the whole number of votes given, is duly elected.

Mr. Steele, from the Committee on Agriculture, reported back the bill to incorporate the North Carolina State Agricultural Society and recommended its passage, and on motion, said bill was read the third time, passed and ordered to be engrossed.

Mr. Boyd, from the committee appointed to designate the time and manner of counting and comparing the votes for Governor at the last August election, submitted the following report, viz:

"That the two Houses of the General Assembly shall convene in the Hall of the House of Commons, on Monday next, the 16th December inst., 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 the Governor of the State of North Carolina, as they shall be declared by the Speaker of the Senate, who shall announce to the two Houses, assembled as aforesaid, the state of the vote and the person elected, if it appears that a choice has been made agreeably to the Constitution of the State; which announcement 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 two Houses; which was read and adopted, and ordered to be sent to the House of Commons for their concurrence.

Mr. T. F. Jones introduced a bill to relieve Sheriffs and Jailors; which was read the first time, and, on motion, referred to the Committee on the Judiciary."
Mr. Thompson introduced a bill to repeal the 9th section of the Revised Statutes, entitled entries and grants; which was read the first time and passed, and on motion, referred to the Committee on Finance.

Mr. McMillan introduced a bill to incorporate the New River Canal Company; which was read the first time and passed, and, on motion, referred to the Committee on Internal Improvements.

Received a message from the House of Commons, proposing to go into an election for Attorney General, this day at half-past eleven o'clock; which proposition was disagreed to:

Received a message from the House of Commons, proposing to go into an election for United States Senator this day at a quarter-past 12 o'clock; which proposition was agreed to, and a message sent to the House of Commons, stating that Messrs. Person and Cowper constitute the committee on the part of the Senate to superintend said election.

Mr. Woodfin introduced a bill to amend the Ashville and Greenville Plank Road Company; which was read the first time and passed.

Mr. Bynum introduced a bill relating to trials in capital cases; which was read the first time, and passed, and, on motion, referred to the Committee on the Judiciary.

Mr. Gilmer moved to take up the bill to attach a part of Davidson county to the county of Forsyth; which motion was agreed to, when, on motion, said bill was made the special order of the day for Monday next, at the hour of 11 o'clock.

Mr. Woodfin introduced a bill to incorporate the French Broad Railroad company; which was ordered to be laid on the table, and printed.
Mr. McClees introduced a bill for the protection and benefit of sundry citizens within this State; which was read the first time and passed, and, on motion, referred to the Committee on the Judiciary.

Mr. Thomas introduced a bill to incorporate the Turnpike company, in the county of Cherokee; which, on motion, was referred to the Committee on Internal Improvements.

Mr. Bynum presented a memorial against the establishment of Ruffin county, which was ordered to be laid on the table.

The hour of half-past 11 o'clock having arrived,

The Speaker announced the special order, viz: The engrossed bill to incorporate a Bank in the town of Plymouth, in the county of Washington; which was read the second time. Pending the consideration of which,

A message was received from the House of Commons, stating that the hour of a quarter before 12 having arrived, they would proceed, on the return of the messenger, to vote for United States Senator, according to the joint order of the two Houses, and that Messrs. W. H. Sanders and W. Long form their branch of the committee to superintend said election.

The Senate, under the superintendence of Messrs. Person and Cowper, then voted as follows:

FOR MR. DOBBIN.

Messrs. Speaker, Barrow, Berry, Bower, Boyd, Brogden, Bunting, Caldwell, Cannady, Clark, Collins, Cunningham, Drake, Hargrave, Herring, Hoke, W. Jones, Kerr, McDowell, McMillan, Murchison, Person, Shaw, Speight, Thomas, Ward and Withers—27.

FOR MR. RAYNER.

Messrs. Albright, Bynum, Cowper, Gilmer, T. F. Jones, Joyner, Kelly, Lane, Lillington, McClees, Mitchell, Murray, Palmer, Parks,
Richardson, Steele, Thompson, Washington, Willey and Woodfin—20.

Mr. Arendell voted for Mr. Saunders.

Mr. Watson voted for Mr. Shepard.

Mr. Albright voted for Mr. Thompson.

On motion of Mr. Bynum, the resolution concerning the Supreme and Superior Courts of North Carolina;

The bill abolishing jury trials in the County Courts, and for the more speedy and certain administration of justice;

The bill to amend an act, entitled "an act concerning the Supreme Court, Revised Statutes, chapter 33, and to amend an act, entitled "an act concerning Courts of Justice, Practice, Pleas and Process;" and

A bill for the better administration of justice in the Courts of Pleas and Quarter Sessions of this State; were severally taken up and made the special order of the day for Monday next, at the hour of 11 o'clock.

The Senate now resumed the consideration of the order, viz:

"The engrossed bill to incorporate a Bank in the town of Plymouth, in the county of Washington," and the question recurring on the passage of the bill, its second reading, was determined in the negative—Ayes 17, noes 23.

Mr. Bower demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:

The hour of 12 o'clock having now arrived, the Speaker announced the special order, being the bill to alter the line of the county of Madison and to establish the county of Warm Springs; and the said bill being read the second time, was rejected—ayes 5, noes 43.

Mr. Brogden demanded the ayes and noes.

Those who voted in the negative, are:


Those who voted in the negative are:

Messrs. Albright, Albritten, Arendell, Barrow, Berry, Boyd, Brogden, Bunting, Bynum, Caldwell, Cannady, Clark, Collins, Cowper, Cunningham, Drake, Hargrave, Herring, T. F. Jones, W. Jones, Joyner, Kelly, Kerr, Lane, Lillington, McClees, McDowell, McMillan, Mitch-ell, Murchison, Murray, Palmer, Parks, Person, Richardson, Shaw, Speight, Steele, Thompson, Ward, Watson, Withers and Willey—43.

Received a message from the House of Commons, transmitting the report of the Bank of the State, with a proposition to print the same; which proposition was concurred in.

Also, a message concurring in the proposition of the Senate to print the statement concerning the Merchants' Bank of Newbern.

Mr. Cowper, from the Committe, appointed to superintend the election of United States Senator, reported, that no person in nomination having received a majority of the votes given, there is no election.
Received a message from the House of Commons, stating that they have passed the engrossed bill from the Senate, to repeal an act passed at the session of 1850-51, entitled "an act to establish a new county by the name of Jackson, with amendments, in which they ask the concurrence of the Senate.

Pending the consideration of which said amendments,

On motion of Mr. Steele, the Senate adjourned—ayes 32, noes 17.

Those who voted in the affirmative, are:


Those who voted in the negative, are:

Messrs. Albritton, Barrow, Berry, Bower, Boyd, Brogden, Bunting, Cannady, Collins, Cunningham, McDowell, Mitchell, Person, Shaw, Speight, Thomas and Withers—17.

Monday, Dec. 6th, 1852.

The Speaker announced that Messrs. Cannady, McClees and Berry constitute the Senate's branch of the Committee on Enrolled Bills for the present week.
Received a message from the House of Commons, informing that their Committee on Enrolled Bills for the present week consists of Messrs. Black, Wynne, Tripp, George and Munday.

Also, transmitting the report of the Bank of Cape Fear, with a proposition to print the same; which was concurred in.

On motion of Mr. Cunningham, the vote by which the engrossed bill to incorporate a Bank in the town of Plymouth, in the county of Washington, was rejected, was now reconsidered, and, on his motion, the bill was made the special order of the day for Wednesday next at the hour of one o'clock.

Received a message from the House of Commons, transmitting the engrossed bill to incorporate the Atlantic and North Carolina Railroad company, in which they ask the concurrence of the Senate.

The said bill was read the first time and passed.

Mr. Cannady moved that the bill be referred to the Committee on Internal Improvements; which motion was disagreed to.

On motion of Mr. Washington, said bill was made the special order of the day, for Thursday next, at the hour of 11 o'clock.

Received a message from the House of Commons, concurring in the report of the committee on counting and comparing the vote cast for Governor in August last.
The Speaker announced that Mr. Boyd was the Teller on the part of the Senate for counting and comparing the vote aforesaid, and the House of Commons was informed thereof.

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 North Carolina State Agricultural Society.

Also, a message informing that the Senate have rejected the engrossed bill from the House of Commons to amend the Constitution of the State of North Carolina.

Received a message from the House of Commons, informing that the Tellers appointed on the part of the House for counting and comparing the vote for Governor consists of Messrs. W. J. Long and Norfleet.

Also, proposing that the two Houses go into an election of United States Senator this day, at half past one o'clock; which proposition was concurred in, and the House of Commons informed that Messrs. Hargrave and Thompson form the Senate's branch of the committee to superintend said election.

Mr. Steele, from the Select Committee on Agriculture, to whom was referred the bill to encourage agriculture, domestic manufactures, and the mechanic arts, reported the same back to the Senate with sundry amendments.

Mr. Steele also submitted a report on the subject of agriculture; which said bill and report, on motion of Mr. Cunningham, were ordered to be printed.
Mr. Woodfin introduced a bill to appoint commissioners to locate the town of Marshall; which was read the first time and passed.

Also, a bill appropriating money in aid of internal improvements; which was read the first time and passed, and, on motion of Mr. Woodfin, said bill was made the special order of the day for Wednesday next, at the hour of half-past one o’clock.

The hour of 11 o’clock having now arrived, the Speaker announced the special order, being the bill to attach a part of the county of Davidson to the county of Forsythe.

The said bill was read the second time and rejected—ayes 8, noes 36.

Mr. Gilmer demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


Received a message from the Governor, as President ex-officio of the Literary Board, by the hands of his private Secretary, Mr. W. H. Jones, in answer to a resolution of the Senate, in relation to the swamp lands; which was read, and, on motion of Mr. Joyner, referred to the Committee on Swamp Lands.
Mr. Kelly moved that a message be sent to the House of Commons proposing that the two Houses go into an election for Attorney General, this day, at 2 o'clock P. M.

Upon a division, 23 were found voting in the affirmative, and 23 in the negative.

There being a tie, the Speaker voted in the negative, and the motion was lost.

The Senate now proceeded to the consideration of the resolution concerning the Supreme and Superior Courts; pending the consideration of which,

A message was received from the House of Commons, stating that the hour agreed upon for counting and comparing the votes cast for Governor in August last, had now arrived, and that the House of Commons was ready to receive the Senate for that purpose.

The Senate repaired to the Commons Hall, and Mr. Speaker Edwards made the following announcement to the Convention of the two Houses:

Gentlemen of the Senate:

and of the House of Commons:

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

The returns were then opened, and the vote compared in the presence of the Convention of the two Houses, under the inspection of Mr. Boyd, as Teller on the part of the Sen-
Mr. Boyd, in behalf of the Tellers, reported the result of the Convention as follows, viz:

<table>
<thead>
<tr>
<th>COUNTIES</th>
<th>For D. S. Reid</th>
<th>For John Kerr</th>
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</thead>
<tbody>
<tr>
<td>Ashe</td>
<td>682</td>
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<tr>
<td>Alexander</td>
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### Counties

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## Counties

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<td><strong>Total</strong></td>
<td><strong>48,567</strong></td>
<td><strong>43,003</strong></td>
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</table>

The following announcement was 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 Tellers, appointed by the two Houses, to compare the returns, and make a list of the votes given at the late election for Governor, in this State, report, that David S. Reid received 48,567 votes, being, the highest number of votes given; and that John Kerr received 43,003 votes. No objection being made to this report, I declare David S. Reid duly elected Governor of the State of North Carolina, for two years from the 1st of January next.

WELDON N. EDWARDS,
Speaker of the Senate

The members of the Senate then returned to the Senate chamber, and resumed the consideration of the resolution respecting the Supreme and Superior Courts; after some time spent in debate, on motion of Mr. T. F. Jones, the
further consideration of said resolution was postponed until to-morrow, half past 10 o'clock.

The bill in relation to executors of last wills and testaments, was now taken up, and the substitute proposed by the committee agreed to. The bill was further amended, on motion of Mr. Bynum; but before any vote was taken on the passage of the bill, its further consideration was suspended, to receive.

A message from the House of Commons, announcing that Messrs. Wheeler and W. J. Long from their branch of the committee to superintend the election for U. S. Senator and that the hour agreed upon by the two Houses, to go into said election, having arrived, the House of Commons would proceed to vote on the return of messenger. The message also announced that the name of R. M. Saunders is withdrawn, and that of Kenneth Rayner put in nomination.

The Senate then voted as follows:

FOR MR. DOBBIN.


FOR MR. RAYNER.


Mr. Watson voted for Mr. Shepard.

The Senate now resumed the consideration of the bill in relation to executors of last wills and testaments.
On motion of Mr. Caldwell, ordered that said bill be laid on the table.

The bill to incorporate the Charleston, Blue Ridge and Chattanooga Railroad company, was read the third time, passed and ordered to be engrossed.

On motion of Mr. Caldwell, the Senate adjourned.

Tuesday, Dec. 7th, 1852.

The Speaker laid before the Senate a statement of the bank of Wadesborough, which, on motion of Mr. Bynum was ordered to be printed.

Mr. Clark, from the Committee on Corporations, reported back the bill for the better government of the town of Lincolnton, and to amend the existing corporate laws of said town and, asked to be discharged from its further consideration.

Discharged accordingly.

Mr. Clark, from the same committee, reported back the bill to consolidate and amend the several acts heretofore passed for the government of the town of Oxford, and asked to be discharged from the further consideration of the subject.

Discharged accordingly.
Mr. Bynum, from the Select Committee to whom was referred the bill to authorize the business of banking, reported the same back without amendment and recommended its passage.

Ordered to lie on the table.

Received a message from the House of Commons, transmitting the following engrossed bill, to amend an act, (and the supplement thereto,) entitled "an act to incorporate the Cape Fear and Deep Rivers, above Fayetteville," in which they ask the concurrence of the Senate.

The said bill was read the first time and passed, and, on motion of Mr. Hoke, made the special order for Thursday next, at 12 o'clock.

Mr. Clark, from the Committee on Corporations, to whom was referred the bill to incorporate the Burnsville Division of the Sons of Temperance, No. 209

The bill to incorporate Indian Ridge Division, No. 220, of the Sons of Temperance:

The bill to incorporate Lake View Division, No. 161, of the Sons of Temperance:

The bill to incorporate Troy Division, No. 130, of the Sons of Temperance:

The bill to incorporate Social Division of the Sons of Temperance, No. 58: and

The bill to incorporate Sunbury Division of the Sons of Temperance:

Reported said bills back to the Senate, and recommended that no further action be taken on said bills.

Mr. Clark, from the same committee, reported the bill to incorporate the True Brothers Society in the town of Wil-
mington, and recommended that no further action be had on the subject.

Mr. Cunningham introduced the following resolution, viz:

Resolved, That from and after Thursday next, the Senate will take a recess from two o'clock until half past three o'clock, P. M., each day.

Mr. Bynum moved that the resolution be laid on the table, which motion was disagreed to—ayes 18, noes 26.

Mr. Cunningham demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative are:


The resolution was then adopted.

Mr. Bynum then called for the orders of the day; whereupon the Senate agreed to consider the resolution concerning the Supreme and Superior Courts; pending debate, Mr. Washington moved to postpone the further consideration of the same until the morning business had been gone through with; which motion was agreed to.

Mr. McClees presented the petition of Charles Latham and others; which, on motion, was referred to the Committee on Claims.
Mr. Hat'grave, from the Committee appointed to superintend the election of a United States Senator, reported that no person in nomination having received a majority of the whole number of votes given—there is no election.

Report concurred in.

Mr. DeDowel introduced a bill to regulate the pay of witnesses in the county of Brunswick; which was read the first time and passed.

On motion of Mr. Boyd,

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

Mr. Washington introduced a bill to amend an act concerning Courts of Justice, Practice, Pleas and Process; which was read the first time and passed, and, on motion of Mr. Bynum, referred to the Committee on Propositions and Grievances.

Mr. Murchison introduced a bill to incorporate the Upper Little River Navigation Company, in the county of Cumberland; which was read the first time and passed.

Received a message from the House of Commons, transmitting the following engrossed resolution and bill, in which they ask the concurrence of the Senate, viz:

A resolution for purchasing outline maps: and
A bill to prevent live stock from malicious destruction.
The resolution was read the first time and passed; and said bill read the first time and passed, and, on motion, referred to the Committee on the Judiciary.

On motion of Mr. Lillington,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses go into an election of a Superintendent of Common Schools, this day at quarter before 12 o'clock.

Mr. Berry introduced a bill to amend the Constitution of North Carolina; which being read the first time, Mr. Joyner raised a point of order and insisted that the bill now under consideration was identically the same with the bill heretofore rejected by the Senate, and that another of the same kind could not be entertained.

The Speaker decided the bill to be in order; from which decision Mr. Joyner appealed.

And the question—shall the decision of the Chair stand as the judgment of the Senate? was determined in the affirmative—ayes 29, noes 20.

Mr. Brogden demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:

So the Speaker was sustained.

Mr. Woodfin now moved that the further consideration of the bill be postponed until Tuesday next, and that it be made the special order for that day at the hour of 12 o’clock; which motion was rejected—ayes 22, noes 27.

Mr. Berry demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


Mr. Bynum now moved to postpone the further consideration of the bill until Monday next, at 11 o’clock; which motion was disagreed to—ayes 22, noes 27.

Mr. Brogden, demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative are,

Messrs. Barrow, Berry, Bower, Boyd, Brogden, Bunting, Caldwell, Cannady, Clark, Collins, Cunningham, Drake, Hargrave, Herring.
Mr. Lillington now moved an amendment to the bill.

The Speaker decided that no amendment was in order upon the first reading of a bill: From which decision Mr. Lillington appealed. And the question, shall the decision of the chair stand as the judgment of the Senate? was determined in the affirmative—ayes 28, noes 20.

Mr. Lillington demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:

Messrs. Albright, Arendell, Bynum, Cowper, Gilmer, T. F. Jones; Joyner, Kelly, Lane, Lillington, McClees, Mitchell, Murray, Palmer, Parks, Richardson, Steele, Thompson, Willey and Woodfin.—20.

So the Speaker was sustained.

Mr. Woodfin moved that the bill be postponed until Friday next, at 12 o' clock.

The question on which motion was disagreed to—ayes 22, nays 27.

Mr. Person demanded the yeas and nays.

Those who voted in the affirmative, are:

Those who voted in the negative, are:


Mr. Kelly now moved that the further consideration of the bill be postponed until Friday next, and that it be made the special order for that day, at the hour of 11 o'clock.

The question on which said motion was determined in the negative, ayes 24, noes 25.

Mr. Kelly demanded the ayes and noes.

Those who voted in the affirmative, are:


Those who voted in the negative are:


Before any question was taken on the passage of the bill, its further consideration was suspended.

To receive,

A message from the House of Commons, stating that they have laid on the table the proposition of the Senate to go...
into an election for a Superintendent of Common Schools at a quarter before 12 o'clock this day.

Also, announcing that the House of Commons concur in the proposition of the Senate to raise a joint committee of two on the part of the Commons, and one on the part of the Senate, to wait on his Excellency David S Reid, Governor elect, to inform him of his election and ascertain when it will suit his convenience to appear before the two Houses to take the oaths of office;

And, that the committee on the part of the House of Commons consists of Messrs. Carmichael and W. E. Hill.

Whereupon, Mr. Boyd was appointed the committee on the part of the Senate, and the House of Commons informed thereof.

Received a message from the House of Commons transmitting the resignation of Wm. H Battle, as Judge of the Superior Court; which was read and accepted.

On motion of Mr. Woodfin, the Senate adjourned.

Wednesday, Dec. 8th, 1852.

Mr. Clark, from the Committee on Corporations, to whom was referred the bill to incorporate Excelsior Lodge, No. 41, I. O. O. F. reported the same back to the Senate, and asked to be discharged from its further consideration.
Discharged accordingly.

Mr. Clark, from the same Committee, reported back to the Senate, the bill to incorporate Columbus Academy, near the town of Whitesville, Columbus county.

Also, the bill to incorporate the Trustees of Buena Vista Academy, in the county of Iredell: and

The bill to incorporate Science Hill Female Academy, in the county of Randolph, and asked to be discharged from their further consideration.

Discharged accordingly.

M. Clark, from the same committee, reported back, without amendment, the bill to incorporate the North Carolina Mining Company.

Ordered to lie on the table.

Mr Clark, from the same committee, reported back the bill to incorporate the Carolina Lodge, No. 141, of Ancient York Masons, in the county of Anson, and asked to be discharged from its further consideration.

Discharged accordingly.

Mr. Thomas, from the committee on Internal Improvements, reported back the bill to incorporate the North Carolina and Western Railroad Company, and asked to be discharged from its further consideration.

Discharged accordingly.

Mr. Boyd introduced a bill, accompanied by a statistical table respecting the same, to apportion the members of the House of Commons; which was read the first time and
passed, and, on motion said bill and table were ordered to be printed.

Mr. Gilmer introduced the following resolution, viz:

Whereas, the Charter of the Raleigh and Gaston Railroad Company, passed at the last session of the General Assembly, has been accepted, and the suits, heretofore ordered to be brought against the Stockholders of the late company, have been dismissed by the Governor, in pursuance of the said act, and the costs of the same remain unprovided for,

And whereas, counsel was employed by the State to aid in prosecution of said suits, whose compensation has never been fixed or paid;

Therefore,

Resolved, That it be referred to the Committee on the Judiciary, to enquire and report what is a just compensation to the Counsel, and also, a resolution to pay the same and all costs for which the State may be justly liable.

Which said resolution was read and adopted.

Mr. McMillan introduced a bill to incorporate the Jacksonville and Trent River Flankroad Company in the the county of Onslow; which was read the first time and passed, and, on motion, referred to the Committee on Corporations.

Mr. Caldwell introduced a bill to incorporate the Atlantic, Tennessee and Ohio Railroad Company; which was read the first time and passed, and, on motion, referred to the Committee on Internal Improvements.

Mr. Bower introduced a bill to extend the time for perfecting titles to lands heretofore entered; which was read the first time and passed, and, on motion of Mr. Lillington, referred to the Committee on the Judiciary.
Mr. Lane introduced a bill to incorporate the Ashboro and Salisbury Plank Road Company; which was read the first time and passed, and, on motion, referred to the Committee on Corporations.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill to incorporate the Charleston, Blue Ridge and Chattanooga Railroad Company, in which they ask the concurrence of that body.

Mr. Bynum introduced a bill to incorporate the Rutherford and Cleveland Plank Road Company; which was read the first time and passed.

Mr. Thomas, from the same committee, reported back the bill to incorporate the New River Canal Company, and recommended its passage.

Ordered to lie on the table.

Mr. Thomas, from the same committee, reported back the bill to improve the navigation of the Southwest branch of New River, in the county of Onslow, and recommended its passage.

Ordered to lie on the table.

Mr. Palmetto introduced a resolution in favor of Marvel Kirk, late Sheriff of Stanly county; which was read the first time and passed, and on motion, referred to the Committee on Propositions and Grievances.

Mr. McClees introduced a bill to repeal an act passed at the session of 1833-'34, entitled "an act concerning fishers on the Scuppernong river, in the counties of Tyrrel and Washington;" which was read the first time and passed.
Mr. Thomas, a resolution in favor of Binum W. Bell; which was read the first time and passed.

The Senate now resumed the consideration of the unfinished business of yesterday, viz:

"The bill to amend the Constitution of North Carolina, and the question recurring on the passage of the bill its first reading, was determined in the affirmative, three-fifths of the whole representation of the Senate having voted in its favor.

On motion of Mr. Caldwell, said bill was made the special order of the day for Friday next at the hour of 12 o'clock, and for each successive day until disposed of.

On motion of Mr. Bynum, the Senate now proceeded to the consideration of the resolution, concerning the Supreme and Superior Courts of this State; which said resolution was read and rejected.

On motion of Mr. Brogden, the engrossed bill to confirm the grant heretofore issued to B. H. Stanmire, was now taken up and read the second time.

Mr. Thomas moved to postpone the further consideration of the same until Friday evening next at the hour of 4 o'clock;

Pending the consideration of the bill,

The Speaker announced the special order, being the engrossed bill to incorporate a bank in the town of Plymouth, in the county of Washington.

On motion of Mr. Bynum, the consideration of said bill was postponed till Monday next at half past three o'clock, and made the special order for that hour.
The Senate then resumed the consideration of the bill to confer the grant heretofore issued to B. H. Stanmite.

Pending the consideration of which,

The hour of half-past one o'clock having arrived, the Speaker announced the special order, viz:

"The bill appropriating money in aid of Internal Improvements," and the said bill being read the second time, Mr. Steele moved the following amendment to come in after the appropriation for Yadkin River, namely: "$300,000 to the Pedee River, and $50,000 to Lumber River, commencing at the point where the Wilmington and Manchester Railroad crosses that stream."

Mr. Person moved to amend the amendment, by appropriating $25,000 for Roanoke River, to be expended in improving the same between the towns of Weldon and Plymouth; which amendment to the amendment was disagreed to.

But pending the consideration of Mr. Steele's amendment,

On motion of Mr. Bynum, the Senate adjourned.

Thursday, Dec. 9th, 1852.

Mr. Caldwell introduced the petition of Wm. Davidson of Mecklenburg county, in relation to his claim against the
N. C. Catawba Navigation company; which, on motion, was referred to the Committee on Claims.

Mr. Drake, from the Committee on Claims, reported back the resolution in favor of Geo. W. Scarborough, and recommended its adoption.

Ordered to lie on the table.

On motion of Mr. Lane,

Resolved, That the Committee on Education be instructed to enquire whither any, and what, additional Legislation is necessary, in regard to the mode of distributing the school fund, and that they report by bill or otherwise.

Mr. Barrow introduced a bill to incorporate the town of Winston; which was read the first time and passed, and, on motion, referred to the Committee on Corporations.

Received a message from the House of Commons, transmitting the engrossed resolution on the public lands, which was read the first time and passed.

On motion of Mr. Boyd, the Senate now took up for consideration the bill to lay off this State into fifty Senatorial Districts; which was read the first time and passed.

Mr. Willey introduced a bill to incorporate the Suffolk and Gatesville Railroad company; which was read the first time and passed, and, on motion, referred to the Committee on Internal Improvements.

Received a message from the House of Commons, proposing to raise a Joint Select Committee of five, on the part of the Senate, to whom shall be referred the report of the Commissioners relative to the Lunatic Asylum; which
proposition was agreed to, and the Commons informed that
the Senate's branch of the Committee consists of Messrs.
Cunningham, Lilloington, Hoke and Thompson.

Mr. Cowper, from the Committee on Finance, reported a
bill to refund to the Treasury, certain monies, and for other
purposes, as a substitute for the resolution heretofore pre-
sent by Mr. Drake; which was read the first time
and passed.

On motion of Mr. Washington, the consideration of the
bill to incorporate the Atlantic and North Carolina Railroad
company, which was made the special order for to day at
11 o'clock, was postponed until to-morrow 11 o'clock
and made the special order of the day for that hour.

On motion of Mr. Woodfin, the Senate now proceeded
to the consideration of the unfinished business of yesterday,
viz:

"The bill appropriating money in aid of Internal Im prov-
ments."

The pending question being on the amendment propo-
sed by Mr. Steele,

Mr. Woodfin moved to amend the amendment by
striking out so much of the same as appropriates $300,000
for the improvements of the Pee Dee River.

Which was agreed to.

Mr. Cowper now moved to amend the amendment by appropriating $25,000, for the improvement of the Me-
herrin River, from its mouth, as far as the navigation of the
same is practicable, within the limits of North Carolina.
Which was adopted.

Mr. Albritton moved to amend said amendment by appropriating $50,000, to the improvement of Tar River above Taft's Store.

Mr. Cannady moved that the bill and amendments be indefinitely postponed.

The motion to postpone indefinitely being withdrawn,

On motion of Mr. Gilmer, pending the question on Mr. Albritton's amendment, to the amendment, the further consideration of the same was postponed until to-morrow half after 3 o'clock, and made the special order of the day for that hour.

On motion of Mr. Bynum,

Resolved, That the Committee on the subject of the Lunatic Asylum be instructed to enquire and report, whether the Commissioners to superintend the construction of the said Asylum entered into any contract with any builder at the time the building was commenced, or before; whether any plan was then fixed upon; whether the cost of said plan was then ascertained; whether the plan has since been altered and by what authority said alteration has been made; and when the said Commissioners ascertained that the building would cost $140,000.

The Speaker announced the unfinished business of yesterday, viz:

The bill to confirm the grant heretofore issued to B. H. Staumire; which, being taken up, on motion of Mr. Caldwell, was ordered to be laid on the table.
On motion of Mr. Bynum, the Senate now proceeded to the consideration of last will and testaments.

The pending question being, on the amendment proposed as a substitute, by the committee; which was agreed to.

On motion of Mr. Mitchell, the bill was further amended and rejected—ayes 17, noes 29.

Mr. Collins demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


On motion of Mr. Shaw, the Senate adjourned.

Friday, Dec. 10th, 1852.

Received a message from the House of Commons, proposing that the two Houses go into an election this day at 11 o'clock, for a superintendent of Common Schools; which proposition was agreed to.
Upon leave had and obtained,

Mr. Steele laid on the table a bill, accompanied by a tabular statement, to apportion the representation in the House of Commons, and moved that said bill and statement be printed.

Which was agreed to.

Mr. McMillan introduced a resolution in favor of W. D. Humphrey, Sheriff of Onslow, which was read the first time and passed.

Mr. T. F. Jones, a bill to amend the 6th chapter of the Revised Statutes, concerning attachments; which was read the first time and passed, and, on motion, referred to the Committee on the Judiciary.

Mr. Washington, a bill to incorporate the North Carolina Mining company, which was read the first time and passed, and, on motion, referred to the Committee on Corporations.

Also, a bill to incorporate the Mantee Mining company, which was read the first time and passed, and on motion: referred to the Committee on Corporations.

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

Which was agreed to.

Also, a message, concurring in the amendments of the Senate to the following bills, viz:
A bill to incorporate the Chapel Hill and Durhamsville Plank Road company:
A bill to incorporate the Lumberton and Cape Fear Plank Road company:
A bill to incorporate the Fayetteville and Raleigh Railroad company:
A bill to incorporate the Haywood and Chapel Hill Plank Road Company:
A bill in relation to the collection of partnership and other debts.

Ordered that said bills be enrolled.

The bill to extend the right of Appeal, prevent unnecessary accumulation of costs, expedite justice, and for other causes, was now taken up.

Mr. Kelly moved that the same be laid on the table.

Not agreed to.

The bill was then read the third time.

Mr. Kelly moved that the said bill be recommitted.

Not agreed to.

Mr. Kelly then moved to lay the bill on the table, which motion prevailed.

Mr. Cunningham, with leave, introduced the following resolution, viz:

Resolved, That from and after to day no special order shall be taken up until after 12 o'clock; which was adopted.
Received a message from the House of Commons, transmitting a communication from the Governor, with a proposition to print the same; which proposition was concurred in.

Mr. Bynum, with leave, introduced a bill to revive and continue in force an act to incorporate the North Carolina Manufacturing, Mining and Land company, passed at the Session of the General Assembly of 1850: which was read the first time and passed.

The hour of 11 o'clock having arrived, the Speaker announced the special order, viz:

"The engrossed bill to incorporate the Atlantic and North Carolina Railroad company."

Mr. Caldwell moved that the Senate be discharged from the consideration of the order.

Which was not agreed to.

The bill was then read the second time.

Mr. Steele moved to amend the 134th section of the bill, by striking out so much of the same as provides for the transfer of $25,000 of the capital stock of the Fayetteville and Western Plank Road company; which motion was agreed to.

Mr. Bower now moved to amend said section by striking out so much of the same as authorizes the transfer of $475,000, of the capital stock of the Raleigh and Gaston Railroad Company.

The question on said amendment was decided in the negative—ayes 18, noes 26.
Mr. Bower demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


So the Senate refused to strike out.

Mr. Bower moved to amend the 37th section of the bill by striking out the following words viz: "which bonds shall be endorsed by the Treasurer of the State, upon the express condition that the authorities of such town or corporation shall annually levy and collect such an amount of taxes as may be sufficient to pay the interest on said bonds and gradually to pay and discharge the principal; and on their failure so to provide, it shall be lawful for the General Assembly to levy and collect such amount of taxes on the property and persons of such inhabitants in said town or corporation as shall be sufficient to pay off both principal and interest on such bonds."

Pending the consideration of which, the Senate took a recess until half-past 3 o'clock, P. M.
HALF-PAST THREE o'clock.

The Speaker announced the special order viz: the bill appropriating money in aid of internal improvements,

The pending question being on the amendment to the amendment; which, on motion of Mr. Albritton, was withdrawn.

The question now recurring on the amendment of Mr. Steele, as amended, the same was adopted.

Mr. Joyner moved to amend the bill by striking out so much of the same as provides for an appropriation of $500,000, to improve Nag's Head, which was agreed to.

Mr. Lillington moved an adjournment. Not agreed to.

Mr. Boyd moved the following amendment, viz: "That the sum of $500,000, be appropriated to the construction of a Railroad communication between Danville, in Virginia, and Greensborough, in Guilford county, or at such points near those places deemed most practicable;" which was rejected.

Mr. Bynum moved that the Senate do now adjourn; not carried.

On motion of Mr. Arendell, the bill was amended by inserting after the words "Shepard's Point," the words, "or Beaufort."

Mr. Woodfin moved that the bill be laid on the table.

Mr. Caldwell moved an adjournment; not carried.
The question on laying the bill on the table was disagreed to.

Mr. Caldwell now moved an adjournment; which was not carried.

Mr. Brogden moved that the bill be indefinitely postponed.

Pending which, on motion of Mr. Washington, the Senate adjourned.

Saturday, Dec. 11th, 1852.

Mr. Clark, from the Committee on Corporations, reported back the bill to incorporate the Jacksonville and Trent River Plank Road Company, with an amendment, and recommended its passage.

Ordered to lie on the table.

On motion of Mr. McDowell,

Resolved, That no bill shall be introduced into the Senate after Monday next, unless by unanimous consent.

Mr. Caldwell introduced the following resolution, viz:

Resolved, That the Public Treasurer pay to the North Carolina Railroad Company, one hundred thousand dollars, towards the first installment due from the State for stock subscribed in said company, and that he replace that amount in the public Treasury out of the proceeds of the first sale of the bonds of the State, sold to raise the State's subscription to said company.
Which was read the first time and passed, and, on motion, the rules were suspended and the resolution read the second and third time and passed, and ordered to be engrossed.

On motion of Mr. Caldwell, the 15th rule was suspended and the resolution sent to the House of Commons, asking their concurrence in the same.

Received a message from the House of Commons, accompanied by a communication from the Governor, transmitting the report of the Petersburg, Roanoke and Greenville Railroad Company.

Also, the statement of the Merchants' Bank of Newbern, with a proposition to print the same.

Concord in.

Also, transmitting the following resolution, in which they ask the concurrence of the Senate, viz:

"Resolution as to the bar at the mouth of Cape Fear River;" which was read, and on motion of Mr. Caldwell, ordered to be laid on the table.

Received, also, the resignation of F. D. Reinhardt, a Justice of the Peace of Cavtaba county; which was read and accepted.

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

A bill for the better regulation of the town of Clinton, in Sampson county; which was read the first time and passed.

Received a message from the House of Commons, transmitting the following engrossed bill, in which they ask the concurrence of the Senate, viz:
A bill to incorporate Ubarie and Yadkin Plank Road Company; which was read the first time and passed, and, on motion of Mr. Clark, referred to the Committee on Corporations.

On motion of Mr. T. F. Jones,

Resolved, That a message be sent to the House of Commons, proposing to go into the election of Superintendent of Common Schools on Monday next, at 11 o'clock.

The bill, to regulate appeals to the Superior Courts in the 6th Judicial Circuit, was read the third time, passed, and, ordered to be engrossed.

The engrossed bill to amend the 53rd section of the 34th chapter of the Revised Statutes, was read the third time, passed and ordered to be enrolled.

The engrossed bill to incorporate the Franklinsville Manufacturing Company, in the county of Randolph, was read the third time, passed and ordered to be enrolled.

The bill supplemental to an act passed at the last session of the General Assembly, entitled "an act to alter the line between counties of Buncombe and Henderson," was read the third time, passed and ordered to be engrossed.

The bill to incorporate the Swift Creek Plank Road Company, was read the third time, passed and ordered to be enrolled.

The bill to emancipate James Hostler was read the third time and passed—ayes 32, noes 13.

Mr. Bynum demanded the yeas and nays.

Those who voted in the affirmative, are:

Those who voted in the negative, are:

Messrs. Albritton, Bynum, Caldwell, Cannady, Clark, Cowper, Cunningham, Drake, Palmer, Shaw, Speight, Steele, and Willey—13.

Received a message from the House of Commons, concurring in the proposition of the Senate, that the two Houses vote for a Superintendent of Common Schools on Monday next, at 11 o'clock.

The bill to incorporate the North Carolina Mining Company was read the second time and passed, and, on motion of Mr. Albritton, the rules were suspended and the bill read the third time, passed and ordered to be engrossed.

Mr. Thomas, from the Committee on Internal Improvements, reported back the bill to transfer part of the stock of the Fayetteville and Western Plank Road Company, to the Ashville and Greenville Plank Road Company, and asked to be discharged from its further consideration.

Discharged accordingly.

Mr. Thomas, from the same committee, to whom was referred a resolution to improve the Yadkin River, reported the same back to the Senate, and asked to be discharged from its further consideration.

Discharged accordingly.

Mr. Thomas, from the same committee, reported back the bill to incorporate the Noulia River and Copper Mining Turnpike Company, and recommended its passage.
Ordered to lie on the table.

Mr. Gilmer introduced a bill relating to witnesses; which was read the first time and passed, and, on motion, referred to the Committee on the Judiciary.

The Senate now proceeded to the consideration of the amendment of the House of Commons, to the engrossed bill to repeal an act passed in 1850-51, entitled "an act to establish a new county by the name of Jackson," which said amendment provides for a due organization of the county aforesaid by a supplemental bill.

The question on concurring in the amendment was determined in the negative—ayes 22, noes 25.

Mr. McClees demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


So the amendment proposed by the House of Commons was disagreed to, and the House informed thereof.

The bill to consolidate and amend the several acts heretofore passed for the government of the town of Oxford, in Granville county, was now taken up, and, on motion of Mr. Joyner, ordered to be laid on the table.
The bill to appoint commissioners to locate the town of Marshall was read the second time and passed.

The bill to provide for the improvement of the road, from Reddie’s River, to the Tennessee line, was read the second time, and the amendment proposed by the committee agreed to.

The question now recurring on the passage of the bill, on its second reading, the same was determined in the affirmative—ayes 30, noes 15.

Mr. Willey demanded the ayes and noes.

Those who voted in the affirmative, are:


Those who voted in the negative are:

Messrs. Albritton, Brogden, Clark, Cowper, Cunningham, Drake, Joyner, McClees, Murray, Person, Richardson, Thompson, Watson, Withers and Willey—15.

So the bill passed its second reading.

The Speaker announced the unfinished business of yesterday, viz: The bill appropriating money in aid of Internal Improvements; which, on motion of Mr. Cunningham, was ordered to lie on the table.

A bill to incorporate the Atlantic and North Carolina Railroad company, was now taken up, as the unfinished business of yesterday—

The pending question being on the amendment of Mr. Bower; which was agreed to—ayes 29, noes 17.
Mr. Bower 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 Mr. Washington.

Mr. Hoke now offered an amendment to the bill, which provides for an extension of the road to the Tennessee line.

Mr. Mitchell moved to amend the amendments as follows, viz: Strike out the word "$1,000,000," in the 5th, 6th and 8th sections, and insert, in lieu thereof, $250,000; which was disagreed to.

Pending the consideration of the amendment of Mr. Hoke, The Senate took a recess until half-past 3 o'clock.

Half-Past 3 o'clock.

The Senate, in pursuance of a joint order heretofore made, proceeded to the appointment of Justices of the Peace in this State.
Several recommendations for Justices of the Peace were read and accepted, and ordered to be transmitted to the House of Commons.

Received a message from the House of Commons, containing recommendations for Justices of the Peace for sundry counties; which were read and accepted.

Also, for the county of Jackson; which, on motion, was laid on the table.

For the county of Pitt; which, on motion, was laid on the table.

For the county of Warren; which, on motion, was rejected.

For the county of Bladen; which, on motion of Mr. McDowell, was laid on the table.

For the county of Wilkes; which, on motion, was laid on the table.

Received a message from the House of Commons, informing that they had accepted the recommendation of certain persons as Justices of the Peace, for the county of Yadkin, made by Messrs Puryear and Gwyn, and asking the concurrence of the Senate.

Mr. Bower moved that said recommendations be laid on the table.

This question was decided in the affirmative—ayes 24, noes 16.

Mr. Gilmer demanded the yeas and nays.

Those who voted in the affirmative, are:
Messrs. Barrow, Berry, Bower, Boyd, Bunting, Caldwell, Clark, Cunningham, Drake, Hargrave, Herring, Hoke, Joyner, Kelly, McDowell, Murchison, Person, Richardson, Shaw, Speight, Steele, Ward, Watson and Withers—24.

Those who voted in the negative, are:


Also, a message informing that they had accepted the recommendation of sundry Justices of the Peace for Stokes county, in which they ask the concurrence of the Senate.

Mr. Barrow moved that said recommendations be laid on the table; which was carried—ayes 23, noes 15.

Mr. Gilmer demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


On motion of Mr McDowell, the Senate adjourned.
The Speaker announced that Messrs. Barrow, Berry and Arendell, constitute the Senate's branch of the Committee on enrolled bills for the present week.

Mr. Clark, from the Committee on Corporations, reported the bill to incorporate the Manteo Mining company, with an amendment, and recommended its passage.

Ordered to lie on the table.

Mr. Drake, from the Committee on Claims, reported unfavorably the memorial of Latham Waters, &c., and asked, to be discharged from its further consideration.

Discharged accordingly.

Mr. Clark, from the Committee on Corporations, reported with amendments, the bill to incorporate Neuse River, and Snow Hill Plank Road company, and recommended its passage.

Ordered to lie on the table.

Mr. Joyner, from the Committee on Internal Improvements, to whom was referred certain resolutions, in relation to the Charter of the Dan and Roanoke River Navigation company, submitted a report thereon, which was read and, on motion of Mr. Lane,

Ordered to lie on the table.

Mr. Thompson, from the Committee on Finance, to whom was referred the bill to repeal the 9th section of the 42nd
chapter of the Revised Statutes, entitled entries and grants, reported the same, without amendment, and recommended its passage.

Ordered to lie on the table.

Mr. Caldwell offered the following resolution, viz:

Resolved, That a message be sent to the House of Commons proposing to rescind the joint order to adjourn on the 15th inst.

Mr. Cunningham moved to amend the resolution, by adding the following words, viz: and to make the same on the 22d day of December.

The question on which said amendment was decided in the affirmative, ayes 26, noes 22.

Mr. McClees demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


So the amendment was agreed to.

But before any question was taken on the adoption of the resolution as amended, the further consideration of the same was suspended,
To receive a message from the House of Commons, stating that their committee on enrolled bills for the present week consists of Messrs. Dobson, Perkins, W. H. Sanders, Lockhart and Furr;

And that Messrs. Johnson and Fonville form their branch of the committee to superintend the election for a superintendent of Common Schools.

The hour agreed upon for going into an election of superintendent of Common Schools having arrived,

Mr. Thompson nominated C. H. Wiley.

Mr. Kerr nominated Thos. H. Williams, and, on motion of Mr. Shaw, the name of A. S. Mooring was added to the nominations.

And a message was sent to the House of Commons, informing of said nominations, and that Messrs. Lane and Ward form the Senate's branch of the committee to superintend the election.

The Senate then voted as follows:

FOR MR. WILEY.


FOR MR. WILLIAMS.


FOR MR. MOORING.

The Senate now resumed the consideration of Mr. Caldwell's resolution.

The question on the adoption of which was decided in the affirmative—ayes 25, noes 15.

Mr. Richardson demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


So the resolution was adopted.

Received a message from the House of Commons, proposing to go into an election for Public Treasurer, this day at one o'clock; which proposition was agreed to,

And the House of Commons informed, that Messrs. Boyd and Albritton form the Senate's branch of the committee to superintend the election.

Also, a message from the House of Commons, proposing that the two Houses go into an election for United States Senator this day at 12 o'clock.

Mr. Caldwell moved that the message be laid on the table; which motion was carried—ayes 25, noes 22.

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


Those who voted in the negative are,


Received a message from the House of Commons, stating that they adhere to their amendments to the engrossed bill to repeal an act passed at the Session of 1850–51, entitled an act to establish a new County by the name of Jackson.

Mr. Joyner moved that the Senate adhere to its disagreement to the amendments.

Mr. Bynum moved that the same be laid on the table, which motion prevailed.

Received a message from the House of Commons, agreeing to the proposition of the Senate to rescind the joint order of the two Houses, by which they agreed to adjourn 
sine die
on the 15th inst.

Also, agreeing to the proposition of the Senate, that the two Houses fix on the 22d inst. for an adjournment 
sine die.

Also, a message transmitting a statement of the Commercial Bank of Wilmington, with a proposition to print the same.
Concurred in.

Also, a message stating that the House of Commons have passed the following engrossed bill, in which they ask the concurrence of the Senate, viz.

"A bill to incorporate the Ladies' Benevolent Society, in the town of Wilmington;" which was read the first time and passed, and on motion of Mr. Kerr, the rules were suspended, and the bill read the second and third times, passed and ordered to be engrossed.

Mr. Bynum introduced a bill to lay off and establish a public road from Lincolnton to Greenville, South Carolina; which was read the first time and passed.

Mr. Albritton, a bill to empower Benjamin M. Selby Sr. to collect arrears of taxes; which was read the first time and passed and on motion referred to the Committee on Propositions and Grievances.

Mr. Lane, from the Committee appointed to superintend the election for a superintendent of Common Schools, reported that C. H. Wiley having received a majority of the whole number of votes given, is duly elected.

Concurred in.

On motion of Mr. Clark, the orders of the day were postponed for one hour.

Mr. Clark introduced a resolution directing the mode of printing the acts of the General Assembly; which was read the first time and passed, and on motion referred to the Committee on the Judiciary.
Mr. Clark introduced a bill defining the duties and powers of Turnpike and Plank Road companies, which was read the first time and passed.

Mr. Murchison introduced a bill to incorporate the Harrison Creek Division of the Sons of Temperance, in the county of Cumberland; which was read the first time and passed, and, on motion of Mr. Clark, ordered to be laid on the table.

Mr. Bower introduced a bill to authorize Ambrose Coldron and others to establish a toll bridge, over New River, in the county of Ashe; which was read the first time and passed.

Mr. Clark introduced a bill to incorporate the Tarboro' and Enfield Plank Road company, which was read the first time and passed, and on motion, referred to the Committee on Corporations.

Also, a bill to incorporate the Tarborough and Joyner's Depot Plank Road company, which was read the first time, and passed, and on motion, referred to the Committee on Corporations.

Mr. Kelly, a bill to incorporate the town of Troy in the county of Montgomery, and appoint Commissioners of the same, which was read the first time and passed.

The Senate now proceeded to the consideration of the unfinished business of yesterday viz:

The engrossed bill to incorporate the Atlantic and North Carolina Railroad company,

The pending question being on the amendment of Mr. Hoke.
But before any vote was taken thereon, the further consideration of the same was suspended, to receive

A message from the House of Commons, stating that the hour of one o'clock having arrived, that body would proceed, on the return of the messenger, to vote for Public Treasurer, and that Messrs. Avery and Thornburg form their branch of the committee to superintend said election; and also, announcing that Messrs. D. W. Courts and R. G. A. Love are in nomination.

The Senate, under the superintendence of Messrs. Boyd and Arendell, then voted as follows:

FOR MR. COURTS.


FOR MR. LOVE.

Messrs. Albright, Bynum, Cowper, Gilmer, Kelly, Lane, McClees, Murray, Palmer, Richardson, Thompson, Washington, Willey and Woodfin—14.

Received a message from the House of Commons, proposing that the two Houses go into an election for a Solicitor of the 7th Judicial Circuit, to-morrow at half-past 12 o'clock.

Which message, on motion of Mr. Thomas, was ordered to be laid on the table.

Also, a message proposing that the two Houses go into an election for four Trustees of the University, to-morrow at 12 o'clock.

On motion of Mr. Washington, said message was ordered to be laid on the table.
Also, a message proposing to go into an election to-morrow, at 11 o'clock, for a Judge of the Superior Court; which said message, on motion of Mr. Caldwell, was ordered to be laid on the table.

Mr. Boyd, from the committee appointed to superintend the election for Public Treasurer, reported that D. W. Courts received 81 votes, Mr. Love 56 votes, J. R. Dodge 1 vote, and C. L. Hinton 3 votes; that Mr. Courts having received a majority of the whole number of votes given, is duly elected.

Report concurred in.

The Senate now resumed the consideration of the amendment offered by Mr. Hoke to the bill to incorporate the Atlantic and North Carolina Railroad Company.

Pending the consideration of which, the Senate took a recess until half-past three o'clock.

\[\text{Half-past three o'clock.}\]

The Senate resumed the consideration of the unfinished business of the morning, viz:

The amendment of Mr. Hoke to the bill to incorporate the Atlantic and North Carolina Railroad Company.

Mr. Lillington moved to amend the amendment, by inserting in the 5th line of the first section the words, "at or near the town of Salisbury."
Which amendment to the amendment was agreed to—ayes 23, noes 18.

Mr. Lillington demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:

Messrs. Barrow, Berry, Bower, Brogden, Bunting, Bynum, Caldwell, Cunningham, Hoke, Kelly, McDowell, Mitchell, Murchison, Person, Shaw, Withers, Willey and Woodfin—18.

Mr. Woodfin moved to lay the bill and amendment on the table. Not agreed to.

Mr. Bynum moved that the same be indefinitely postponed, which motion was determined in the negative—ayes 21, noes 26.

Mr. Bynum demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


So the Senate refused to postpone indefinitely.
Pending the consideration of Mr. Hoke's amendment, on motion of Mr. Washington, the Senate adjourned.

Tuesday, Dec. 14th, 1852.

Mr. Clark, from the Committee on Corporation, reported back the bill to incorporate the town of Winston, and recommended its passage.

Ordered to lie on the table.

Also, the bill to incorporate the Uharie and Yadkin Plank Road company, and recommended its passage.

Ordered to lie on the table.

Also, the bill to incorporate the Tarboro' and Enfield Plank Road company, with amendments, and recommended its passage.

Ordered to lie on the table.

Also, the bill to incorporate the Neuse River and Snow Hill Plank Road company, with amendments, and recommended its passage.

Ordered to lie on the table.

Mr. Drake, from the Committee on Claims, reported unfavorably the memorial of Wm. Davidson, of Mecklenburg county, and asked to be discharged from its further consideration.
Discharged accordingly.

Mr. Watson, from the Committee on Propositions and Grievances, reported back the bill to attach a part of the county of Yadkin to Forsyth county, and recommended its passage.

Ordered to lie on the table.

Also, the bill to amend the charter of the Neuse River Navigation company, with amendments, and recommended its passage.

Ordered to lie on the table.

On motion of Mr. Cowper,

Resolved, That a message be sent to the House of Commons, proposing to go into an election of Solicitor, for the 1st Judicial Circuit to-morrow at 12 o'clock.

Mr. T. F. Jones moved to take up the bill to amend an act, and supplement thereto, entitled an act to improve the Cape Fear and Deep Rivers, above Fayetteville; upon which question Mr. Bynum demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Albright, Arendell, Albritton, Brogden, Cannady, Cowper, Cunningham, Gilmer, Hargrave, Hoke, T. F. Jones, Joyner, Keliy, Kerr, Lane, Lillington, McClees, McDowell, Mitchell, Murray, Palmer, Richardson, Steele, Thompson, and Willey.—25.

Those who voted in the negative are:

Messrs. Barrow, Berry, Bower, Boyd, Bunting, Bynum, Caldwell, Clark, Drake, Herring, W. Jones, Person, Shaw, Speight, Ward, Watson; and Withers—17.

The bill was then taken up and read the second time.
Mr. Person moved to amend the same, by adding an additional section, appropriating $25,000 for the improvement of the Roanoke; between the towns of Weldon and Plymouth.

Which was rejected.

The question on the passage of the bill its second reading was determined in the affirmative—ayes 27, noes 18.

Mr. Person demanded the ayes and noes.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


The bill to appoint Commissioners to locate the town of Marshall was read the third time, passed and ordered to be engrossed.

On motion of Mr. Gilmer, ordered that a message be sent to the House of Commons, proposing to go into an election of three Trustees of the University, this day at 12 o'clock.

The bill to provide for the improvement of Reddie's River was read the third time, passed and ordered to be engrossed.
Received a message from the House of Commons, proposing that the two Houses go into an election for United States Senator, tomorrow at 11 o'clock.

Which, on motion of Mr. Caldwell, was postponed until to-morrow morning, 11 o'clock—ayes 24, noes 20.

Mr. Gilmer demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


Received, a message from the House of Commons, proposing that the two Houses go into an election for Judge of the Superior Courts of Law, to-morrow at one o'clock, P. M.

Which, on motion of Mr. Caldwell, was ordered to be laid on the table—ayes 25, noes 19.

The yeas and nays being demanded.

Those who voted in the affirmative are:


Those who voted in the negative are:
Received, also, a message proposing that the two Houses go into an election for Solicitor of the 7th Judicial Circuit, at half after 11 o’clock, which, on motion of Mr. Woodfin, was ordered to be laid on the table.

Received a message from the House of Commons, concurring in the proposition of the Senate, that the two Houses vote for three Trustees of the University, this day at 12 o’clock, and announcing that Messrs. J. Tuner and Ellis form their branch of the committee to superintend said election.

Also, a message concurring in the proposition of the Senate, to vote for Solicitor of the first Judicial Circuit, tomorrow at 12 o’clock, and informing that Messrs. Brooks and Jarvis constitute the Committee on the part of the House of Commons to superintend said election.

The Resolution to provide for furnishing the Courts and public officers with copies of Iredell’s Digested Manual of the Public Laws, passed since 1836, was now taken up and read the second time and passed.

The engrossed bill to do away with collateral warrants was read the second time, the amendments recommended by the committee agreed to, and said bill passed its second reading.

The bill concerning the militia of North Carolina was read the second time, and, after debate, its further consideration suspended.

And the hour agreed upon for going into an election for three Trustees of the University having now arrived,
A message was sent to the House of Commons informing that Messrs. John G. Bynum, James F. Taylor, Walter L. Steele, Henry T. Clark, Samuel P. Hill, W. T. Dortch and R. H. Smith, are in nomination, and that Messrs. Cunningham and Murray form the Senate's branch of the committee to superintend said election.

The Senate then voted as follows:

FOR MR. BYNUM.


FOR MR. TAYLOR.


FOR MR. STEELE.


FOR MR. HILL.


FOR MR. DORTCH.


FOR MR. SMITH.

FOR MR. CLARK.

Messrs. Speaker, Barrow, Berry, Boyd, Caldwell, Cannady, Drake, Gilmer, Hargrave, Herring, T. F. Jones, W. Jones, Kerr, Lane, Lillington, McClees, McMillan, Mitchell, Murray, Person, Parks, Speight, Thomas, Ward, Washington, Watson, Withers and Woodfin.—28

Messrs. Drake, Hargrave Hoke, Kerr and Withers, voted for Thomas J. Person.—5.

The Senate now proceeded to the consideration of the unfinished business of yesterday, viz.

The engrossed bill to incorporate the Atlantic and North Carolina Railroad Company—

The pending question being on the amendment of Mr. Hoke, and the vote being taken thereon, the same was rejected—ayes 8, noes 36.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


So the amendment was rejected.

Mr. T. F. Jones now moved to amend the 34th section of the bill, by striking out of the 11th line, the words, "$500,000," and inserting $237,500.

After some time spent in debate, the further consideration of said amendment was temporarily suspended.
Whereupon, Mr. Cunningham, from the committee appointed to superintend the election of three Trustees of the University, reported that no person in nomination having received a majority of the whole number of votes given, there is no election.

Report was concurred in.

The Senate again resumed the consideration of Mr. Jones's amendment to the bill to incorporate the Atlantic and North Carolina Railroad Company.

Pending the consideration of which, the Senate took a recess until half-past 3 o'clock, P. M.

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Half-Past 3 o'clock.

The Senate now resumed the consideration of the unfinished business of the morning, viz:

The engrossed bill to incorporate the Atlantic and North Carolina Railroad Company.

The pending question being on the amendment of Mr. Jones.

After some time spent in debate,

On motion of Mr. Drake, the Senate adjourned.
Wednesday, Dec. 15th, 1852.

Received a message from the House of Commons, transmitting a communication from the Governor, with a proposition to print the same.

Agreed to.

The resignations of sundry Justices of the Peace were received from the House of Commons, read and accepted.

On motion of Mr. Joyner,

Resolved, That all the prior orders be postponed on tomorrow at 12 o'clock, at which hour the Senate will take up for consideration the bill to lay off the State into Congressional Districts.

Mr. DeDowell offered the following resolution, viz:

Resolved, That the Senate will take a recess from half-past 5 to half-past 7 o'clock, P. M. from and after to-morrow.

Mr. Kelly moved to lay the resolution on the table. Not agreed to.

The resolution was then adopted.

On motion of Mr. Shaw,

Resolved, That a message be sent to the House of Commons, proposing to go into the election for Solicitor for the 7th Judicial Circuit, this day at 1 o'clock.
On motion of Mr. Drake, the Senate now took up the bill to refund to the Treasury certain monies and for other purposes; which was read the second time and passed, and, on motion of Mr. Dower, the rules were suspended, and the bill read the third time, amended on motion of Mr. Hoke, passed and ordered to be engrossed.

On motion of Mr. Cunningham,

Ordered, That a message be sent to the House of Commons, proposing to go into an election for three Trustees of the University, to day at a quarter before 11 o'clock.

A message was sent to the House of Commons, informing that the Senate have passed the following engrossed bills in which they ask the concurrence of that body, viz:

A bill to incorporate the Swift Creek Plank Road Company:
A bill to regulate Appeals to the Supreme Court in the 6th Judicial Circuit:
A bill to emancipate James Hostler: and
A bill supplemental to an act passed at the session of the last General Assembly, entitled "an act to alter the line between the counties of Buncombe and Henderson."

Received a message from the House of Commons, stating that they have laid on the table the proposition of the Senate to vote for three Trustees of the University, this day at quarter after 11 o'clock.

Also, a message stating that they refuse to agree to the proposition of the Senate to vote for Solicitor of the 7th Judicial Circuit to day at 1 o'clock.

Mr. Watson moved to take up the engrossed bill to confirm a grant heretofore issued to B. H. Stanmire; which was agreed to.
The bill was then read the second time.

Pending the consideration of which,

The hour agreed upon for going into the election for Solicitor of the first Judicial Circuit, having arrived, a message was sent to the House of Commons, informing that Messrs. Shaw and Cowper form the Senate's branch of the committee to superintend said election, and that Lucius J. Johnson and W. N. H. Smith are in nomination for the appointment.

The Senate then voted as follows:

FOR MR. JOHNSON.


FOR MR. SMITH.


Mr. Cunningham moved that a message be sent to the House of Commons, proposing that the two Houses go into an election of United States Senator, at a quarter before one o'clock.

Which was agreed to.

On motion of Mr. Cunningham,

Ordered, That a message be sent to the House of Commons, proposing to go into an election for Attorney General, to-morrow at one o'clock.
Mr. Cowper, from the committee appointed to superintend the election for Solicitor of the first Judicial Circuit, reported that W. N. H. Smith having received a majority of the whole number of votes given, is duly elected.

Concurred in.

The Speaker announced the unfinished business of yesterday, viz:

"The bill to incorporate the Atlantic and North Carolina Railroad company."

The pending question being on the amendment of Mr. Jones, Mr. Bynum called for a division of the question, and the vote being first taken on striking out, was determined in the affirmative, unanimously.

Those who voted in the affirmative, are:


Negative—None.

The question, on inserting the sum of $237,500, was now taken, and decided in the affirmative—Ayes 24, noes 23.

Those who voted in the affirmative, are:


Those who voted in the negative, are:

Mr. T. F. Jones moved further to amend the bill, by adding the following words after the word Company, in the 12th line: "and after the remaining $150,000 shall have been paid into the treasury of said company, either in cash or labor performed on said road, and accepted by said company, then the Board of Internal Improvements shall subscribe, on behalf of the State, for the said company, another $237,500;" which said amendment was rejected.

The question now recurred on the passage of the bill, its second reading, and was determined in the negative—Ayes 22, noes 23.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


The Senate now proceeded to the consideration of the bill concerning the Militia.

The bill was read the second time, and, on motion of Mr. McDowell, indefinitely postponed—Ayes 25, noes 22.

Mr. Cannady demanded the yeas and nays.

Those who voted in the affirmative, are:

Those who voted in the negative, are:


The Senate now resumed the consideration of the bill to confirm a grant heretofore issued to B. H. Stanmire, which passed its second reading.

Mr. Brogden moved a suspension of the rules, in order that the bill might be read the third time; which motion was disagreed to—Ayes 21, noes 23.

Mr. Thomas demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


Received a message from the House of Commons, proposing that the two Houses go into an election for United States Senator, to-morrow at 12 o'clock; which was concurred in, and the House of Commons informed that Messrs. Bunting and Lillington constitute the Senate's branch of the committee to superintend said election.

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Also, a message proposing that the two Houses go into an election for four Trustees of the University this day at half-past one o'clock, and announcing that Samuel F. Phillips, Thomas J. Person, M. T. Hawkins and M. F. Arrendell are in nomination; which proposition was concurred in, and the House of Commons informed that Messrs. Hoke and Murray form the Senate's branch of the committee, to superintend said election.

On motion of Mr. Mitchell,

The bill to attach a portion of the county of Wilkes to the county of Alexander was now taken up, read the third time, passed and ordered to be engrossed.

On motion of Mr. Kelly, the Senate proceeded to consider the bill to amend the 1st section of the 64th chapter of the Revised Statutes, which was read the second time, amended and passed. Under a suspension of the rules, said bill was read the third time and passed, and a message sent to the House of Commons asking their concurrence in the amendments of the Senate.

The bill to amend an act, entitled an act, concerning the Supreme Courts, Revised Statutes, chapter 33, &c. was read the second time, and, on motion of Mr. Woodfin, ordered to be postponed until half-past 3 o'clock.

The bill for the better administration of justice in the Courts of Pleas and Quarter Sessions, was now taken up and on motion of Mr. Washington ordered to be laid on the table.

The bill to establish the County of Ruffin, was read the second time.
But pending debate, its further consideration was suspended,

To receive a message from the House of Commons, stating that the hour of half-past one having arrived, the House of Commons would proceed to vote for four Trustees of the University, according to the joint order, and that Messrs. Waugh and Adams constitute the committee on their part to superintend said election.

The Senate then voted as follows:

FOR MR. CLARK.


FOR MR. HILL.


FOR MR. DORTCH.


FOR MR. BYNUM.

Messrs. Speaker, Albright, Barrow, Bower, Bunting, Caldwell, Cannady, Cunningham, Cowper, Joyner, Kelly, Lane, Lillington, McClees, McDowell, Mitchell, Murray, Palmer, Parks, Person, Shaw, Watson, Gilmer, Hargrave, Hoke, W. Jones, and Woodfin—27.
FOR MR. STEELE.


FOR MR. TAYLOR.


FOR MR. PERSON.


FOR MR. SMITH.


FOR MR. ARENDELL.


FOR MR. CHERRY.

Messrs. T. F. Jones, Thompson and Willey—3.

Mr. Berry voted for Mr. Phillips.

Mr. Thomas voted for Mr. Siler.

Mr. Arendell voted for Mr. Stubbs.

Mr. Thomas voted for Mr. Willey.
Received a message from the House of Commons, proposing that the two Houses go forthwith, into an election, for Solicitor of the 7th Judicial Circuit; which, on motion of Mr. Caldwell, was ordered to be laid on the table.

Received a message from the House of Commons, concurring in the proposition of the Senate, that the two Houses go into an election for Attorney General to-morrow at one o'clock, and informing that Messrs. Williams and Christmas compose their branch of the committee to superintend said election.

The Senate now took a recess until half-past three o'clock.

Half-Past Three o'clock.

Received from the House of Commons, sundry recommendations of Justices of the Peace; which were read and accepted.

The recommendations of several Justices of the Peace were read and accepted, and sent to the House of Commons.

The Speaker announced the special order, viz.:

The bill to amend an act, entitled an act concerning the Supreme Court, Revised Statutes, chapter 33, &c; which, on motion of Mr. Clark, was ordered to be laid on the table.
The resolution to provide for the furnishing the Courts and Public Offices with Iredell's Digested Manual of the public laws, passed since 1836, was read the second time and rejected.

The engrossed bill to do away with collateral warrantees, was read the third time and passed as amended, and a message sent to the House of Commons, asking their concurrence in the Senate's amendments.

The Senate now proceeded to consider the unfinished business of the morning, viz:

The bill to establish the county of Ruffin.

The question on the passage of the bill its second reading, was determined in the negative.

Mr. Hoke, from the committee appointed to superintend the election of four Trustees of the University, reported that W. L. Steele, having received a majority of the whole number of votes given, is duly elected, and that no other person had received a majority.

Report concurred in.

The engrossed bill to amend an act, (and the supplement thereto,) entitled an act to improve the Cape Fear and Deep Rivers above Fayeteville, was read the third time.

Mr. Woodfin moved that the bill be laid on the table; which motion was disagreed to.

Mr. Bynum moved that its further consideration be postponed until half-past three o'clock tomorrow; which motion did not prevail.
Mr. Caldwell moved an adjournment; which was disagreed to.

Pending debate,

On motion of Mr. Gilmer, the Senate adjourned.

Thursday, December 16, 1852.

Mr. Watson, from the Committee on Propositions and Grievances, reported back the bill to empower B. M. Selby to collect arrears of taxes, and recommended that it do not pass.

Ordered to lie on the table.

Received a message from the House of Commons, proposing that the two Houses go into an election for three Trustees of the University, this day at one o'clock; which, on motion of Mr. Clark, was ordered to be laid on the table.

Mr. Gilmer presented the memorial of sundry citizens of Rockingham and Forsyth counties, in relation to the improvement of Dan River; which, on motion, was referred to the Committee on Internal Improvements.

Mr. Watson, from the Committee on Propositions and Grievances, reported unfavorably the resolution in favor of Marvel Kirk.

Ordered to lie on the table.
Mr. Watson, from the same committee, reported back the bill to authorize James W. Lowe to collect arrears of taxes, and recommended its rejection.

Ordered to lie on the table.

Mr. Watson, from the same committee, reported back the bill to amend an act, entitled an act concerning Courts of Justice, Practice, Pleas and Process, and recommended its passage.

Ordered to lie on the table.

Mr. Clark, from the Committee on Corporations, reported back the bill, to incorporate the Greensboro' and Deep River Plank Road company, with amendments.

Ordered to lie on the table.

Also, the bill to incorporate the North Carolina Mining company, with amendments.

Ordered to lie on the table.

On motion of Mr. Joyner,

Resolved, That, from and after this day, the business of the Senate shall be taken for consideration, in the following order, viz: All public bills, except those relating to plank roads, at the morning session, shall, after the usual morning business is over, be taken up in the order in which they stand on the calendar. At the session in the afternoon, public and private bills shall be considered in the order in which they stand on the calendar. And at the night session, none but private bills shall be considered, and they in the order in which they stand on the calendar.

Mr. Clark offered the following resolution:
Resolved, That from and after to-day, no member shall speak longer than fifteen minutes on any one question.

Mr. Joyner moved to amend the same, by inserting from and after to-morrow.

Disagreed to.

The resolution was then adopted.

Mr. Speight introduced a bill to authorize and empower Drury A. Sugg to collect arrears of taxes; which was read the first time and passed.

The Senate now proceeded to the consideration of the unfinished business of yesterday, viz:

The engrossed bill to amend an act (and the supplement thereto,) entitled an act to improve the Cape Fear and Deep Rivers above Fayetteville.

The question being on the passage of the bill its third reading, was determined in the affirmative—ayes 27, noes 18.

Mr. Person demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


*40
Ordered, that said bill be engrossed.

On motion of Mr. Cannady, the bill to consolidate and amend the several acts heretofore passed for the Government of the town of Oxford, was now taken up, read the second time, and amended on motion of Mr. Cannady.

Mr. Lillington moved that the bill be laid on the table, which was not agreed to; the bill then passed its second reading.

Received a message from the House of Commons, stating that the hour of 12 o'clock having arrived, the House of Commons would vote for a Senator of the United States, according to the joint order, and that Messrs. Turner and Lyon constitute the committee on their part to superintend said election.

The Senate then voted as follows:

FOR MR. DOBBIN.


FOR MR. RAYNER.


Mr. Albritton voted for R. S. Donnell, and Mr. Watson for Mr. Shepard.

The Senate now proceeded to consider the special order, viz:
The bill to lay off eight Congressional Districts within the State, and to designate the counties composing the same; and the same being read,

Mr. Berry moved to amend the bill by striking out all after the enacting clause and inserting the following substitute therefor, viz:

"That the act entitled an act, to repeal an act, concerning the mode of choosing Senators and Representatives in Congress of the United States, ratified 2d day of January, 1847, chapter 11, be and the same is hereby repealed.

Be it further enacted, That the second section of the act of 1847, chapter 21, be and the same is hereby altered and amended for the purpose of electing Representatives to the Congress of the United States, so as to divide the State into eight, instead of nine districts; and the said eight districts shall be composed of the following counties, to wit:

The first or the Buncombe district, shall be composed of the counties of Cherokee, Macon, Jackson, Haywood, Madison, Yancy, Watauga, Henderson, Buncombe, Rutherford, Cleaveland, McDowell, Burke and Caldwell.

The second or the Lincoln district, shall be composed of the counties of Ashe, Surry, Yadkin, Wilkes, Alexander, Iredell, Catawba; Lincoln, Gaston, Mecklenburg and Union.

The third or Caswell district, shall be composed of the counties of Stokes, Forsyth, Rockingham, Guilford, Caswell, Person, Orange and Alamance.

That the fourth or the Rowan district, shall be composed of the counties of Davie, Rowan, Davidson, Cabarrus,
Stanly, Anson, Montgomery, Randolph, Moore and Richmond.

The fifth or the Cumberland district, shall be composed of the counties of Bladen, Duplin, Columbus, Robeson, Brunswick, New Hanover, Sampson, Onslow and Cumberland.

The sixth or the Wake district, shall be composed of the counties of Granville, Warren, Franklin, Nash, Wake, Chatham and Johnson.

The seventh or Craven district, shall be composed of the counties of Carteret, Jones, Lenoir, Wayne, Green, Pitt, Craven, Beaufort, Hyde, Tyrrell, Martin and Washington.

The eighth or Edenton district, shall be composed of the counties of Currituck, Camden, Pasquotank, Perquimons, Gates, Chowan, Hertford, Bertie, Northampton, Halifax and Edgecombe; each of which districts shall be entitled to elect, and send one Representative to the Congress of the United States.

Be it further enacted, That the third section of said act, chapter 21, ratified 2nd January 1847, shall be and the same is hereby amended so as to make it the duty of the Sheriff, or other returning officer of each county, in each district, to meet on the Thursday next after each election, to compare the polls at the places hereafter named; that is to say:

In the first district, at the Court House in Asheville, in Buncombe county:

In the second district, at the Court House in Newton, in Catawba county:
In the third district, at the Court House in Yanceyville, in Caswell county:

In the fourth district, at the Court House in the town of Troy, in Montgomery county:

In the fifth district, at the Court House in the town of Wilmington:

In the sixth district, at the Court House in Raleigh:

In the seventh district, at the Court House in Newbern:

And in the eighth district, at the Court House in Winton, in Hertford county.

*Be it further enacted, That this act shall take effect from and after the fourth day of March next."

Pending debate,

Mr. Lillington, from the Committee appointed to superintend the election of United States Senator, reported that no person in nomination having received a majority of the whole number of votes given, there is no election.

Report concurred in.

On motion of Mr. Cunningham,

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

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 to locate the town of Marshall:
A bill to refund to the Treasury certain monies and for other purposes: and

A bill to provide for the improvement of a public road from Reddles River to the Tennessee line.

The hour agreed upon for going into the election for the Attorney General having arrived, a message was sent to the House of Commons, informing that Messrs. Clark and Cowper form the Senate's branch of the committee to superintend said election, and that the Senate would proceed to vote on the return of the messenger.

The Senate then voted as follows:

FOR MR. EATON.


FOR MR. RANSOM.


The Senate now resumed the consideration of the bill to lay off eight Congressional Districts within the State, and to designate the counties composing the same.

The pending question being on the amendment offered by Mr. Berry,

Mr. Thompson now moved an amendment to the amendment of Mr. Berry, when, on motion of Mr. Bynum, the same was ordered to be laid on the table and printed.
Mr. Clark, from the committee appointed to superintend the election for Attorney General, reported that no person in nomination having received a majority of the whole number of votes given, there is no election.

Report concurred in.

Mr. Hoke moved a reconsideration of the vote by which, on yesterday, the engrossed bill to incorporate the Atlantic and North Carolina Railroad was rejected, and moved that the motion to reconsider be laid on the table.

The vote on which motion resulted as follows—ayes 23, noes 22.

Mr. Person demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative are:

Messrs. Barrow, Berry, Bower, Bunting, Bynum, Caldwell, Cannady, Clark, Collins, Cunningham, Drake, Hargrave, Herring, W. Jones, Joyner, Kerr, McClees, McDowell, Person, Shaw, Watson and Withers—22.

The Speaker voted in the negative, and the motion was lost.

The question now recurred on the motion to reconsider and was decided in the negative—Ayes 20, noes 22.

So the Senate refused to reconsider.
Mr. Watson moved that a message be sent to the House of Commons, proposing that the two Houses go into an election for a Judge of the Superior Court, to-morrow at 11 o'clock; which was disagreed to.

On motion of Mr. Bynum,

Resolved, That from and after to day, the Senate take a recess each day, from half-past one o'clock, until half-past 3 o'clock.

On motion of Mr. Gilmer, the Senate adjourned until half-past 3 o'clock, P. M.

Half-past Three o'clock.

The engrossed bill to incorporate the Trustees of the Buena Vista Academy, in the county of Iredell, was read the second time and passed, and, on motion of Mr. Clark, ordered to be laid on the table.

The bill to incorporate Science Hill Male and Female Academy, in the county of Randolph, was read the second time and passed, and ordered to be laid on the table.

The bill to incorporate the True Brothers Society, in the town of Wilmington;

And the bill to incorporate the Burnsville Division, of the Sons of Temperance, were read, and, on motion, ordered to be laid on the table.
The resolution for purchasing out line Maps was read the third time and passed—ayes 31, noes 8.

Mr. Withers demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


Ordered that the resolution be engrossed.

The engrossed bill to incorporate Carolina Lodge No. 141, of Ancient York Masons:

And the bill to incorporate Columbus Academy, in the town of Whitesville, were taken up, and ordered to be laid on the table.

The engrossed bill to provide for the better government of the town of Lincolnton, and to amend the existing corporate laws of the said town, was read the second time and passed.

On motion of Mr. Hoke, the rules were suspended and said bill ordered to be read the third time.

Mr. Lillington now moved that the bill be indefinitely postponed, which motion was ruled to be not in order.

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Mr. McDowell, moved to reconsider the vote by which the rules were suspended, to have said bill read a third time, which was not agreed to.

The bill was then read the third time.

Mr. Bynum moved to amend the bill, by striking out the 31st section of the same, which was agreed to.

The bill then passed its third reading as amended, and a message was sent to the House of Commons asking their concurrence in the amendments of the Senate.

The engrossed bill to incorporate a bank in the county of Washington, was now taken up, amended, on motion of Mr. Thompson, and rejected—ayes 20, noes 26.

Mr. Arendell demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


On motion of Mr. Bynum, the Senate adjourned.
Friday, Dec. 17, 1852.

Received from the House of Commons, sundry recommendations of Justices of the Peace, which were read, and concurred in.

Received a message from the House of Commons, proposing to go into an election of the United States Senator, this day at 12 o'clock; which was concurred in, and the House of Commons informed that Messrs. Hoke and Steele form the Senate's branch of the committee to superintend said election.

Mr. Steele presented the memorials of sundry persons in relation to the traffic and use of ardent spirits, and moved that the same be referred to the Committee on Propositions and Grievances.

Mr. Clark moved that said memorials be laid on the table, which resulted as follows: ayes 23, noes 23.

Mr. McClees demended the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:

There being a tie, the Speaker, voted in the affirmative, and the memorials were laid on the table.

On motion of Mr. Gilmer, leave was granted to withdraw the memorials.

Received, a message from the House of Commons, proposing that the two Houses go into an election for Solicitor for the 6th Judicial Circuit, this day at half-past 12 o’clock; which was agreed to, and the House of Commons informed that Messrs. Murray and Cunningham form the Senate’s branch of the Committee to superintend said election.

Also, a message proposing that the two Houses go into an election for Solicitor of the 7th Judicial Circuit, this day at a quarter after 12 o’clock; which, on motion of Mr. Shaw, was laid on the table—ayes 26, noes 19.

Mr. Cowper demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


Also, a message proposing to go into an election for Attorney General, this day at half-past one o’clock; which, on motion of Mr. Watson, was laid on the table.
Also, a message proposing that the two Houses go into an election for three Trustees of the University, this day, at one o'clock; which was agreed to, and the House of Commons informed that Messrs. Bunting and Albright form the Senate's branch of the committee to superintend the election.

On motion of Mr. Bynum, ordered that a message be sent to the House of Commons, proposing that the two Houses go into an election of Attorney General, this day at a quarter past 1 o'clock.

Mr. Joyner presented a memorial; which, on his motion, was ordered to be printed.

Mr. Person, from the Committee on Military Affairs, reported a resolution respecting the public arms; which was read the first time and passed.

Mr. Clark, from the Committee on Corporations, reported back the bill to incorporate the Guilford county Mining Company, and recommended its passage.

Ordered to be laid on the table.

Mr. Bower, from the Committee on Finance, reported back the bill to ensure greater certainty in the lists of taxable property; and

The bill for the protection of sheep; and asked to be discharged from their further consideration.

Discharged accordingly.

Mr. Washington presented a memorial, which, on motion, was referred to the Committee on Propositions and Grievances.
Mr. Thompson offered the following resolution, viz:

Resolved That a message be sent to the House of Commons, proposing to go into the election of a Judge of the Superior Court of Law and Equity, for the 7th Judicial Circuit, on to-morrow at 12 o'clock.

Which, on motion of Mr. Bynum, was ordered to be laid on the table.

Mr. Hargrave offered a resolution in favor of Jere Adderton; which was read the first time and passed, and, on motion, referred to the Committee on Propositions and Grievances.

Received a message from the House of Commons, stating that they have passed the engrossed bill to amend an act, entitled an act, to incorporate Union Institute, in Randolph county, at Normal College, with an amendment, in which they ask the concurrence of the Senate.

The amendment was agreed to and the bill ordered to enrollment.

Received a message from the House of Commons, transmitting the following engrossed bill and resolutions, in which they ask the concurrence of the Senate, viz:

A Resolution in favor of Charles Latham, Sheriff of Washington county;

A bill authorizing the Commissioners of the town of Smithville to convey to the congregation of St. Philips, a certain lot within the limits of said town, upon which a Church Edifice now stands; which said bill and resolution were read the first time and passed.
A resolution, authorizing the Governor to furnish the Clerk of the County Court of Union, with the standard of weights and measures; which was read the first time and passed, and, on motion, referred to the Committee on Propositions and Grievances.

A bill to authorize John B. Gardner, to collect arrears of taxes in the county of Yaney for the year 1850, which was read the first time and passed, and on motion, referred to the Committee on Propositions and Grievances.

Received a message from the House of Commons, stating that the hour of 12 o'clock having arrived, the House of Commons would vote for a Senator of the United States, according to the joint order, and that Messrs. Smith and Christmas constitute the committee on their part to superintend said election.

Mr. Albright nominated N. W. Woodfin for the appointment, and the Senate then voted as follows:

FOR MR. DOBBIN.


FOR MR. WOODFIN.


Mr. Woodfin voted for J. A. Gilmer.

Mr. Watson voted for Mr. Shepard.
Received a message from the House of Commons, agreeing to the proposition of the Senate, to vote this day for Attorney General, at a quarter after one o'clock, and informing that Messrs. Simons and Herring form their branch of the Committee to superintend said election.

The bill to define the duties and powers of Turnpike and Pland Road companies, was read the second time and passed.

The bill to make indictable certain trespasses was read the second time and passed.

The bill to amend an act passed, at the Session of 1846-7, entitled an act to make real estate assets, was read the second time and passed.

Mr. Steele, from the Committee, appointed to superintend the election of United States Senator, reported that no person in nomination having receiving a majority of the whole number of votes given, there is no election.

Concurred in.

The bill abolishing trial by jury in the County Courts, and for the more speedy and certain administration of justice, was taken up, and, on motion of Mr. Kelly, ordered to be laid on the table.

The bill to give the Courts of Pleas and Quarter Sessions, of the county of Randolph, jurisdiction over the sale of real estate, for division amongst joint tenants, and tenants in common, was read the second time, amended, on motion of Mr. Cannady, and passed.

The bill to authorize the several Courts of Pleas and Quarter Sessions to pay the Wardens of the poor was read
the second time, amended, on motion of Mr. Watson, and passed.

Received a message from the House of Commons, stating that the hour of of twelve o'clock having arrived, they would proceed to vote for Solicitor of the 6th Judicial Circuit, according to the joint order, and that Messrs. Wheeler and Carmichael form their branch of the committee to superintend said election.

Also, that W. P. Bynum, and Wm. Lander are in nomination for the appointment.

The Senate then voted as follows:

FOR MR. LANDER.

Messrs. Speaker, Barrow, Berry, Bower, Boyd, Brogden, Bunting Caldwell, Cannady, Clark, Collins, Cunningham, Drake, Hargrave, Herring, W. Jones, Kerr, McDowell, McMullan, Person, Shaw, Speight, Hoke, Thomas, Ward, Watson, and Withers—27.

FOR MR. BYNUM.

Messrs. Albright, Albritton, Arendell, Bynum, Cowper, Gilmer, T. F. Jones, Joyner, Kelly, Lane, Lillington, McClees, Mitchell, Murray, Palmer, Parks, Steele, Thompson, Washington, Willey and Woodfin.—21

Mr. Cunningham, from the committee appointed to superintend the election of Solicitor of the 6th Judicial Circuit, reported that Wm. Lander having received a majority of the whole number of votes given, is duly elected.

Report concurred in.

On motion of Mr. Shaw,
Resolved. That a message be sent to the House of Commons, proposing to go into an election for a Solicitor of the 7th Judicial Circuit, to-morrow at one o'clock.

The Senate now took up for consideration the resolution directing the Public Treasurer to subscribe for eight hundred shares of the stock of the Fayetteville and Centre Plank Road company;

Pending the consideration of which,

A message was received from the House of Commons, stating that the hour of one o'clock having arrived, the House of Commons will proceed to ballot for three Trustees of the University, according to the joint order of the two Houses, and that their branch of the committee to superintend said election consists of Messrs. Perry and Sauls.

The Senate then proceeded to vote by ballot, under the superintendence of Messrs. Bunting and Albright.

The hour agreed upon for going into the election for Attorney General, having now arrived, a message was sent to the House of Commons, informing that Messrs. W. Jones and Richardson constitute the Senate's branch of the committee to superintend said election.

On motion of Mr. Person, the name of Wm. Eaton was withdrawn from the nomination; and, on motion of Mr. McClees, the name of Sion Rogers added thereto.

The Senate then voted as follows:

FOR MR. ROGERS.

Messrs. Clark, McClees, McDowell, Person.—4.
FOR MR. RANSOM.


FOR MR. EATON.

Messrs. Speaker, Barrow, Berry, Boyd, Kerr, McMillan, Thomas, Watson, Withers and Brogden—10.

FOR MR. BUSBEE.


FOR G. E. B. SINGELTARY.

Messrs. Drake and W. Jones.—2.

Mr. Collins voted for Mr. Lewis.

Received a message from the House of Commons, proposing that the two Houses go into an election for a Judge of the Superior Court, to-morrow at 12 o'clock; which, on motion of Mr. Thompson, was ordered to be laid on the table.

Also, a message transmitting a communication from the Governor; which, on motion of Mr. Bower, was ordered to be laid on the table.

Also, a message proposing to raise a Joint Select Committee of two on the part of each House, to whom shall be referred the plans and matters in regard to the subject of the Senatorial Districts.

Which proposition was agreed to, and the House of Commons informed that Messrs. Boyd and Woodfin constitute the Senate's branch of the committee on the subject.
The Senate now took a recess until half-after 3 o'clock.

**Half-Past Three o'clock.**

Mr. Jones, from the committee appointed to superintend the election for Attorney General, reported that Matt. W. Ransom having received a majority of the whole number of votes given, is duly elected.

Report concurred in.

On motion of Mr. McDowell,

*Ordered*, That the resolutions “as to the bar at the mouth of Cape Fear River,” be transmitted to the House of Commons, and suggest that they have not been engrossed according to the joint rules of the two Houses.

Received a message from the House of Commons, concurring in the proposition of the Senate to go into an election for Solicitor of the 7th Judicial Circuit, to-morrow at one o'clock; and informing that their committee to superintend said election consists of Messrs. Lowry and Sherrill.

Mr. Bunting, from the Committee appointed to superintend the election of three Trustees of the University, reported that S. P. Hill had received a majority of the whole number of votes given, and was duly elected, and that no other person had received a majority.

Report concurred in.
The Senate now resumed the consideration of the unfinished business of the morning, viz:

"The resolution directing the Public Treasurer to subscribe for eight hundred shares of the stock of the Fayetteville and Centre Plank Road company."

Amended, on motion of Mr. Kelly, and rejected—Ayes 18, noes 28.

Mr. McClees demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


On motion of Mr. Kelly, the bill to extend the right of appeal, prevent unnecessary accumulation of costs, expedite justice and for other purposes, was read the third time, the amendments proposed by the committee agreed to, and said bill passed the third reading, and ordered to be engrossed.

The bill to incorporate the People's Bank of Newbern, was taken up, and, on motion of Mr. Washington, ordered to be laid on the table.

The engrossed bill to incorporate the Uharie and Yadkin Plank Road Company, was read the second time and passed.
The engrossed bill to attach a part of the county of Yadkin to Forsyth county, was read the second time.

Mr. Bower moved to amend the bill, so as to make the Yadkin River the dividing line.

The amendment was rejected.

Mr. Bower now moved to amend the bill, so as to include the possessions of Joseph I. Conrad, in the county of Yadkin.

Agreed to.

Mr. Bynum moved to postpone the further consideration of the bill until the 2nd day of March next; which was not agreed to.

The bill then passed its second reading as amended.

The Senate now proceeded to the consideration of the following engrossed resolution concerning the Public Lands, viz:

Whereas, The Public Domain of the United States is the property of all the States, purchased and procured by the common efforts and common treasure of those States, and in which each and all are fairly entitled to participate; and any appropriation of the public lands, to particular States, for special and particular purposes, in those States, is creative of unequal, unjust and improper discrimination, in the use of a common fund:

And whereas, the precedent has been set, and the practice obtained, in the Congress of the United States, of granting immense donations of the public lands to particular States, for the purposes of internal improvement and education, &c.:
And whereas, the State of North Carolina, in a spirit of
generous patriotism and fraternal feeling, ceded to the
General Government, a large and valuable portion of the
public territory, and is, therefore, upon every principle of
justice, equality and sound policy, fairly and legitimately
entitled to her share of the public lands:

Therefore,

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

The resolution being read, Mr. Cunningham moved that
the same be laid on the table; which was disagreed to—
Ayes 18, noes 25.

Mr. Lillington demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Bower, Boyd, Bunting, Caldwell, Clark, Collins, Cunningham,
Drake, Herriag, W. Jones, Kerr, McDowell, Person, Shaw, Speight,
Ward, Watson, and Withers—18.

Those who voted in the negative, are:

Messrs. Albright, Albritton, Arendell, Barrow, Berry, Brogden,
Bynum, Cowper, Gilmer, Hargrave, T. F. Jones, Joyner, Kelly, Lane,
Lillington, McClees, McMillan, Mitchell, Murray, Richardson, Steele,

Mr. Bower moved to amend the resolution, so as to make
it read, "That our Senators be instructed and our Repre-
sentatives requested; which was agreed to—Ayes 24, nays
20.

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


Those who voted in the negative, are:


Mr. Brogden moved to amend the resolution, by striking out all after the words, "proceeds thereof," which was disagreed to.

Mr. Cannady moved to amend the resolution by striking out the words "or of the proceeds thereof;" which motion was rejected—Ayes 17, noes 26.

Mr. Cannady demanded the ayes and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


The Senate now took a recess until half-past 7 o'clock.
HALF-PAST SEVEN O’CLOCK.

On motion of Mr. Richardson, leave of absence was granted to Mr. Steele, from and after to-morrow, for the residue of the session.

The bill to incorporate Indian Ridge Division, No. 220 of the Sons of Temperance;

The bill to incorporate Lake View Division, No. 161, of the Sons of Temperance in Hyde county:

The bill to incorporate Sunbury Division, No. 174, of the Sons of Temperance;

The bill to incorporate Troy Division, No. 130, of the Sons of Temperance;

The bill to incorporate Social Division No. 58, of the Sons of Temperance, were severally taken up, and, on motion, ordered to be laid on the table.

The bill to regulate the pay of witnesses in the county of Brunswick was read the second time and passed, and, on motion of Mr. McDowell, the rules were suspended, and the bill read the third time, passed, and ordered to be engrossed.

The bill concerning the County Court of Edgecombe was read the second time and passed.

The resolution in favor of G. W. Scarborough was read the second time and passed.
The bill to revise and continue in force, an act to incorporate the North Carolina Manufacturing, Mining and Land Company, was read the second time and passed.

The bill for the better regulation of the town of Clinton in the county of Sampson, was read the second time and passed.

The engrossed bill to confirm a grant heretofore issued, to B. H. Stanmire, was now taken up.

Mr. Thomas moved to lay the said bill on the table, which motion was not carried.

The bill was then read the third time.

Mr. Thomas moved to amend the bill by striking out all after the enacting clause, and inserting the following, viz:

"That the Treasurer of the University, be, and he is hereby authorized to pay to B. H. Stanmire, the amount of money, which was received from the sale of the warrant, transferred to the use of the University, in the name of Benjamin Schoolfield, with interest to the present time."

Mr. Person called for a division of the question, and the question being first taken on striking out, was determined in the negative—ayes 9, noes 30.

Mr. Person demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:

So the Senate refused to strike out.

The question now recurred on the passage of the bill, its third reading, and was determined in the affirmative—Ayes 26, noes 11.

Mr. Thomas demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


Ordered that the bill be enrolled.

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 extend the right of appeal, prevent unnecessary accumulation of cost, as expedite justice and for other causes.

The bill to authorize James W. Lowe, of Lincoln county, to collect arrears of taxes due him, was read the second time, and, on motion of Mr. Bynum, indefinitely postponed.
The bill to consolidate, and amend the several acts heretofore passed, for the Government of the town of Oxford, in Granville county, was read the third time passed, and ordered to be engrossed.

The resolution in favor of Binum W. Bell of Macon county, was read the second time and passed.

The bill to incorporate Excelsior Lodge, No. 41, I. O. O. F. was taken up, and, on motion of Mr. Hoke, ordered to be laid on the table.

The bill for the government of Elizabeth City, in the county of Pasquotank, was read the second time, amended, on motion of T. F. Jones, and passed. On motion, the rules were suspended, and said bill read the third time, passed, and ordered to be engrossed.

The bill to empower B. M. Selby, to collect arrears of taxes, was read the 2d time, and, on motion of Mr. Cunningham, indefinitely postponed.

The resolution in favor of Marvel Kirk; was read the second time, and on motion of Mr. Washington, ordered to be laid on the table.

The bill to authorize Drury A. Sugg, to collect arrears of taxes, was read the second time. Mr. Cunningham moved that said bill be indefinitely postponed; which was carried—Ayes 18, nays 11.

Mr. Gilmer demanded the yeas and nays.

Those who voted in the affirmative, are:

Those who voted in the negative are:


So the bill was indefinitely postponed.

On motion of Mr. Gilmer, the Senate adjourned.

Saturday, December 18, 1852.

Received from the House of Commons, sundry recommendations of Justices of the Peace; which were concurred in.

Several recommendations of Justices were presented, read and accepted, and sent to the House of Commons for concurrence.

Received a message from the House of Commons, proposing that the two Houses go into an election on Monday next, for Judge of the Superior Court, at 11 o'clock, and that the Judge, who may be elected, shall be assigned and reside in the 1st, 3rd, 6th or 7th Judicial Circuit; which, on motion, was laid on the table.

Received a message from the House of Commons, stating that they concur in the amendments of the Senate, to the bill to amend the 1st section of the 64th chapter of the Revised Statutes.
Also, that they concur in the amendment of the Senate, to the bill to do away with collateral warrantes. Ordered that said bill be enrolled.

Also, informing that Messrs. Saunders and Amis form their branch of the committee on laying off the State into Senatorial Districts.

Mr. Clark, from the Committee on Corporations, reported back the bill to amend an act to incorporate the Washington Mining Company, passed in 1838 and 1839, and amended in 1850-'51, and recommended its passage.

Ordered lie on the table.

Also, the bill to incorporate the Ashboro and Salisbury Plank Road Company, with amendments.

Ordered to lie on the table.

Also, the bill to incorporate the Tarboro and Joiner Depot Plank Road Company, with an amendment.

Ordered to lie on the table.

Also, the bill to incorporate the Greensboro Mining Company, with an amendment.

Ordered to lie on the table.

Mr. Bunting introduced the following resolution, viz:

Resolved, That the State Librarian prepare and have printed a Catalogue of all the books in the State Library, and shall report to each succeeding Legislature, any increase or diminution to the said catalogue, and that he shall pro-
cure and preserve in the Library, two of the principal newspapers in the State.

Which was read the first time and passed, and, under a suspension of the rules, read the second time and passed.

Received from the House of Commons, a message, stating that they had passed the engrossed bill to incorporate the bank of Charlotte, with amendments, and ask the concurrence of the Senate therein.

The amendments were concurred in, and the bill ordered to be engrossed.

Mr. Washington, from the Committee on the Library, submitted a report on the subject of Wheeler’s History of North Carolina, accompanied by a resolution in relation to the same, and moved that they be printed; which was disagreed to.

The resolution was then read the first time and passed.

Mr. McDowell, from the Committee on Amendments to the Constitution, to whom was referred a bill to amend the 23rd section of the Constitution of this State, reported the same back to the Senate, and recommended its passage.

Ordered to lie on the table.

The Senate now resumed the consideration of the unfinished business of yesterday, viz:

"The resolution on the subject of the public lands."

Mr. Caldwell moved to amend the resolution, by striking out the word lands; which motion was disagreed to—Ayes 18, noes 29.
Mr. Lillington demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


Mr. Bower moved to amend the resolution, by inserting after the word requested, the words, if, in their opinion, Congress has the right, under the Constitution.

Which amendment was rejected.

Mr. Mitchell moved to amend the same, by striking out the words “public lands or proceeds thereof,” and inserting in lieu thereof “a fair and equitable proportion of the public lands; which amendment was ruled not to be in order.

The question now recurred on the passage of the resolution, its second reading, and was decided in the affirmative—Ayes 26, noes 19.

Mr. Arendell demanded the yeas and nays.

Those who voted in the affirmative, are:

Those who voted in the negative, are:


Received a message from the House of Commons, proposing that a Joint Select Committee be raised, consisting of two members from each House, to whom shall be referred the matter of dividing the State into eight Congressional Districts.

The proposition was agreed to, and the Senate informed that Messrs. Bynum and Person constitute the Senate's branch of the Committee on the subject.

The bill to amend an act, entitled an act to incorporate the Raleigh and Gaston Railroad Company, was read the second time and amended.

The question on the passage of the bill, was determined in the affirmative—Ayes 32, noes S.

Mr. Arendell demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Albright, Barrow, Barry, Boyd, Bunting, Caldwell, Cannady, Clark, Collins, Cowper, Cunningham, Drake, Gilmer, Hargrave, Herring, Hoke, T. F. Jones, W. Jones, Joyner, Kelly, Lane, Lillington, McMillan, Mitchell, Parks, Person, Richardson, Shaw, Speight, Thompson, Willey and Woodlin—32.

Those who voted in the negative, are:

The bill to amend the 9th section of the 39th chapter of the Revised Statutes, entitled an act concerning divorce and alimony, was read the second time and passed.

The bill to encourage agriculture, domestic manufactures and the mechanic arts, was read the second time, amended and passed.

On motion of Mr. Woodfin, the rules were suspended, and the bill read the third time, passed and ordered to be engrossed.

The bill to increase the capital stock of the Commercial bank of Wilmington, was read the third time and rejected—Ayes 19, noes 23.

Mr. Shaw demanded the ayes and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


The hour agreed upon by the two Houses, for going into the election of Solicitor of the 7th Judicial Circuit, having now arrived, Mr. Shaw nominated A. W. Burton and Mr. Woodfin nominated Burgess Gaither.

And the House of Commons were informed that Messrs. Hoke and Mitchell form the Senate branch of the Committee to superintend said election.
The Senate then voted as follows:

FOR MR. BURTON.


FOR MR. GAITHER.


The bill defining the duties and power of Turnpike and Plank Road companies was read the third time, passed, and ordered to be engrossed.

The bill to amend an act, passed at the Session of 1846-7, entitled an act, to make real estate assets, was read the third time, passed, and ordered to be engrossed.

The bill to authorize the several Courts of Pleas and Quarter Sessions, to pay the Wardens of the poor, was read the third time, amended, passed, and ordered to be engrossed.

Mr Hoke, from the Committee appointed to superintend the election, for Solicitor of the 7th Judicial Circuit, reported that A. W. Burton, having received a majority of the votes given, is duly elected.

Report concurred in.

The bill to make indictable certain trespasses, was read the third time, passed, and ordered to be engrossed.
The bill to amend an act, entitled an act, concerning the Supreme Court. Revised Statutes, chapter 33, and to amend an act, entitled an act, concerning Courts of Justice, Practice, Pleas, and Process, Revised Statutes, chapter 31, was read the second time.

Pending the consideration of which,

The Senate took a recess until half-past 3 o'clock.

Half-Past 3 o'clock.

Received a message from the House of Commons, announcing that Messrs. W. K. Martin and W. J. Long constitute their Committee on Congressional Districts.

Received from the House of Commons, the recommendations of sundry Justices of the Peace, which were read and accepted.

The bill to attach a part of the county of Yadkin to Forsyth county, was read the third time.

Mr. Bower moved to lay the bill on the table, which was not agreed to—Ayes 18, nays 21.

Mr. Gilmer demanded the yeas and nays.

Those who voted in the affirmative, are:

Those who voted in the negative, are:


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

The resolution in favor of Jos. R. Anderson, of Richmond, Virginia, was read the second time and passed.

The bill to amend the Asheville and Greenville Plank Road company, was read the second time and passed. On motion, the rules were suspended, and the bill read the third time, passed, and ordered to be engrossed.

Received a message from the House of Commons, proposing that the two Houses go into an election for two Trustees of the University, this evening at half-past four o'clock.

Which was disagreed to.

Mr. Person moved to reconsider the vote, by which the proposition to print the report of Mr. Washington, on the subject of Wheeler's History of North Carolina, was rejected; which motion was agreed to, and the report ordered to be laid on the table and printed.

The bill to incorporate the upper Little River Navigation company, in the county of Cumberland, was read the se-
cond time and passed. On motion, the rules were suspend-
ded, and the bill read the third time, passed and ordered to be engrossed.

The bill to incorporate the Rutherford and Cleveland Plank Road company, was read the second time and passed.

The bill to incorporate the New River Canal company, was read the second time and passed.

The bill to incorporate the Ulmarrie and Yadkin Plank Road company, in the county of Onslow, was read the second time, amended, and passed.

On motion Mr. Caldwell, leave was granted to with- draw the bill to incorporate the Plymouth bank, and the memorial, in relation to the same.

Mr. Caldwell moved to reconsider the vote by which was rejected, the bill to increase the Capital Stock of the Com- mercial bank of Washington; which was agreed to; whereupon, on motion, ordered that said bill be laid on the table.

The engrossed bill to incorporate the Ulmarrie and Yad- kin Plank Road company, was read the third time, passed, and ordered to be engrossed.

The engrossed bill for the better regulation of the town of Clinton, in the county of Sampson, was read the third time, passed, and ordered to be enrolled.
The bill to give the Courts of Pleas and Quarter Sessions of the county of Randolph jurisdiction over the sale of real estate for division amongst joint tenants, and tenants in common, was read the third time, passed, and ordered to be engrossed.

The bill to incorporate the Greensboro' and Deep River Plank Road Company, was read the second time, amended, and passed.

Mr. Caldwell moved to reconsider the vote, by which was rejected on yesterday, the resolution directing the Public Treasurer, to subscribe for eight hundred shares of the Fayetteville and Central Plank Road Company; which motion was agreed to. Ordered that the said resolution be laid on the table.

The Senate now took a recess until half-after 7 o'clock.

**Half-Past Seven o'clock.**

Sundry recommendations of Justices of the Peace, were received from the House of Commons; which were read and accepted.

On motion, Mr. Bynum was excused from further service as a member of the Select Committee on Congressional Districts, and Mr. Gilmer appointed in his place.

The bill concerning the County Court of Edgecombe, was read the third time, amended, on motion of Mr. Gilmer, passed, and ordered to be engrossed.
The resolution in favor of Biaum W. Bell was read the third time, passed, and ordered to be engrossed.

The bill to amend, and continue in force, an act to incorporate the North Carolina Manufacturing and Land company, was read the third time, passed, and ordered to be engrossed.

The resolution in favor of G. W. Scarboro' was read the third time, passed and ordered to be engrossed.

The resolution in favor of W. D. Humphrey was read the second time, and, on motion of Mr. Cunningham, indefinitely postponed.

The bill to incorporate the town of Winston was read the second time and passed.

The bill to authorise Ambrose Caldron and others to establish a toll bridge over New River, in the county of Ashe, was read the second time, amended, on motion of Mr. Mitchell, and passed.

The bill to incorporate the town of Troy, in the county of Montgomery, &c., was read the second time and passed.

The bill authorising the commissioners of the town of Smithville to convey to the congregation of St. Philip's, a certain lot within the limits of said town, upon which a church edifice now stands, was read the second time and passed.

The engrossed bill in favor of Charles Latham, sheriff of Washington county, was read the second time and passed.

On motion of Mr. McClees, the rules were suspended, and the bill read the third time, passed, and ordered to be enrolled.
The engrossed bill to incorporate the Guilford County Mining company was read the second time and passed.

The bill to incorporate Neuse River and Snow Hill Plank road company was read the second time, amended and passed.

The bill to incorporate the Tarboro' and Enfield Plank Road company was read the second time, amended, and passed.

The bill to incorporate the Perseverance Mining company was read the second time, amended, and passed.

The bill to incorporate the Manteo Mining company was read the second time, amended and passed.

The bill to incorporate the Neula River and Copper Mine Turnpike company was read the second time and passed.

Mr. Thomas, from the Committee in Internal Improvements, to whom was referred the bill to incorporate the Suffolk and Gatesville Railroad company, reported the same back to the Senate, and recommended its passage.

Ordered to lie on the table.

Under a suspension of the rules, the following bills were read the third time, passed and ordered to be engrossed, viz:

The bill to incorporate the town of Winston;

The bill to incorporate the town of Troy, in the county of Montgomery, and appoint commissioners of the same;

The bill to authorise Ambrose Goldron, &c., to establish a toll bridge over New River, in the county of Ashe;
The bill to incorporate the Perseverance Mining company;

The bill to incorporate the Tarboro' and Enfield Plank Road company; and

The bill to incorporate Neuse River and Science Hill Plank Road company.

The following engrossed bills, under a suspension of the rules, were read the third time, passed, and ordered to be enrolled, viz:

The bill to incorporate the Guilford County Mining Company; and

The bill authorising the commissioners of the town of Smithfield, to convey to the congregation of St. Philips, a certain lot within the limits of said town, upon which a church edifice now stands.

On motion of Mr. Arendell, the Senate adjourned.

Monday, Dec. 20, 1852.

The Speaker announced that Messrs. Kelly, McDowell and Shaw constitute the committee on enrolled bills for the present week.

Received a message from the House of Commons, stating that Messrs. Alberton, J. B. Bynnm, McEntire, Johnson and Waugh constitute their committee on enrolled bills the present week.
Mr. Woodfin, from the Committee on the Judiciary, reported back the bill to amend the 6th chapter of the Revised Statutes, concerning attachments, and recommended its passage.

Ordered to lie on the table.

Mr. Clark offered the following resolution, viz:

Resolved, That a message be sent to the House of Commons, proposing to rescind the joint order for adjournment on the 22nd instant, and to appoint Saturday the 25th instant for the adjournment of the General Assembly.

Mr. Cunningham moved that said resolution be laid on the table; which was agreed to.

The Senate resumed the consideration of the unfinished business, viz:

"The bill to amend an act, entitled an act concerning the Supreme Court, Revised Statutes, chapter 33rd, and to amend an act, entitled an act concerning Courts of Justice, Practice, Pleas and Process, Revised Statutes, chapter 31."

The pending question being on the amendment of Mr. Bynum; which provides for laying off the State into nine Judicial Circuits, and requires all the Judges to hold the Supreme Court.

The amendment was agreed to.

The question now recurred on the passage of the bill, its second reading, as amended, and was determined in the affirmative—Ayes, 23, noes 20.

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


Those who voted in the negative, are:


On motion of Mr. Brogden, the rules were suspended and said bill read the third time.

The question on the passage of the bill, the third and last reading, was determined in the negative—Ayes 20, noes 23.

Mr. Bower demanded the yeas and nays.

Those who voted in the affirmative, are:


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, viz:

A bill to encourage agriculture, domestic manufactures and the mechanic arts: and
A bill for the government of Elizabeth city; in which they ask the concurrence of that body.

The resolution respecting the public arms, was read the second time and passed.

The bill to repeal an act, passed in 1833-4, entitled an act concerning fisheries on the Scuppernong River, &c., was read the second time, and, on motion of Mr. Joyner, ordered to be laid on the table.

The bill for the protection of sheep, was read the second time and rejected.

The bill to repeal the 9th Section of the 42 chapter of the Revised Statutes, entitled entries and grants, was read the second time and passed.

The bill to amend the Constitution of North Carolina was read the second time.

Mr. Person moved to amend the bill by inserting after the words, "public tax," the words, "in the same year, on or before the day of election.

Which amendment was agreed to.

Mr. Lillington moved to amend the bill by striking out all after the enacting clause, and inserting the following substitute in lieu thereof, viz:

"That the Courts of Pleas and Quarter Sessions, of each and every county in the State, at the first term that shall be held after the first day of March, A. D. 1853, shall appoint two inspectors to superintend the polls to be opened at each and every election precinct, in said counties, for as-
certaining, by ballot, the will of the freemen of North Carolina, relative to the meeting of a convention, to amend, and alter the Constitution of this State; the delegates to which to be elected on the basis on which the members of the House of Commons are now elected: and if any Court or Courts shall fail to make such appointments, or if any inspectors, so appointed, shall fail to act, it shall be the duty of the Sheriff, or the person acting as his deputy on such occasion, or some Justice of the Peace or any two freeholders present, to appoint an inspector, or inspectors in the place of him, or them, who fail to act, which inspector or inspectors or freeholders, to perform the duties of their place with fidelity, shall have the same authority as if appointed by the Court.

21. Be it further enacted, That it shall be the duty of the Sheriffs of the respective counties of this State, to open polls at the several election precincts in said counties on the first Thursday in August, 1853, when and where all persons qualified by the constitution to vote for members of the House of Commons may vote for or against a State Convention; those who wish a Convention voting with a printed or written ticket, "Convention;" and those who do not want a Convention voting in the same way, "no Convention," or against a Convention."

3d. Be it further enacted, That it shall be the duty of the Sheriffs to make duplicate statements of their poll, in their respective counties, sworn to before the Clerk of the County Court, one copy of which shall be deposited in said Clerk’s office, and the other transmitted to the Governor of the State, at Raleigh, within thirty days after said election, and if any Sheriff or other officer appointed to hold said election shall fail to comply with the requirements of this act, he shall be liable to a fine of one thousand dollars, recoverable in the County or Superior Court, to the use of the county whose officer he is, in an action of debt, in the name
of the State, and it shall be the duty of county Solicitors and the Solicitors of the respective Judicial Circuits in the State, to prosecute such suits.

4th. **Be it further enacted, That** it shall be the duty of the Governor to communicate to the next General Assembly the results of said vote of the freemen of the State, relative to said Convention, in order that said General Assembly may certainly know, whether the people of North Carolina are willing to trust their constitution in the hands of delegates, elected by themselves, on the said federal basis."

Mr. Caldwell moved to amend the amendment of Mr. Lillington, by inserting, after the words, Convention or no Convention, *free suffrage or no free suffrage by Legislative enactment.*

Pending the consideration of which, on motion of Mr. Joyner, ordered that the same be laid upon the table.

Received a message from the House of Commons, proposing to raise a Joint Select Committee of three on the part of the Commons, and two on the part of the Senate, to consider the public business and report the earliest possible day for adjournment.

Which, on motion of Mr. Bynum, was ordered to be laid on the table.

Mr. Boyd, from the committee appointed to wait on his Excellency, Governor Reid, to inform him of his election, and to ascertain at what time it will suit his convenience to attend the two Houses and take the oaths of office, reported that he would attend the two Houses for that purpose, on Wednesday next, at 12 o'clock.
On motion of Mr. Boyd,

Resolved, That a message be sent to the House of Commons, proposing to raise a Joint Select Committee consisting of four members on the part of each House, whose duty it shall be to make suitable arrangements for the reception of his Excellency, David S. Reid, on Wednesday, the 22d instant, to take the oaths of office.

Mr. Thompson introduced the following resolution, viz:

Resolved, That a message be sent to the House of Commons, proposing to go into an election of a Senator in Congress, on to-morrow at 12 o’clock, and if an election cannot be effected during that day, it shall be postponed indefinitely, during the present session of the General Assembly.

Mr. Hoke moved to amend the resolution by striking out all after the word 12 o’clock.

Which was not agreed to.

The resolution was then agreed to—Ayes 26, noes 17.

Mr. Hoke demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


Mr. Lillington moved to reconsider the vote by which was passed the engrossed bill to attach a part of the county of Yadkin to Forsyth county; which motion was agreed to.
Mr. Lillington then moved to amend the bill, by striking out so much of the same as includes the possessions of Jos. J. Conrad, in the county of Yadkin.

Mr. Bower moved to lay the bill and amendment on the table; which motion was carried—Ayes 22, noes 19.

Mr. Lillington demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


Mr. Woodfin, from the Committee on the Judiciary, reported back the bill relating to trials in capital cases, and recommended its passage.

Ordered to lie on the table.

Mr. Woodfin, from the same committee, to whom was referred the bill directing the Public Treasurer to subscribe bonds to the Seaboard and Roanoke Railroad company, reported a substitute for the same, and recommended its passage.

Ordered to lie on the table.

Also, the bill for the better regulation of the Wardens of the Poor, for the county of Onslow, and recommended its passage.

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Ordered to lie on the table.

Also, the bill relating to witnesses, with amendments, and recommended its passage.

Ordered to lie on the table.

Also, the bill to extend the time for perfecting titles to lands heretofore entered, with an amendment, and recommended its passage.

Ordered to lie on the table.

Also, a bill for the protection and benefit of sundry citizens within this State, and recommended its rejection.

Ordered to lie on the table.

Mr. Lillington, from the same committee, reported back the engrossed bill to prevent live stock from malicious destruction, and recommended its rejection.

Ordered to lie on the table.

The bill to incorporate the North Carolina and Western Railroad company was read the second time.

Mr. Brogden moved to amend the bill by striking out the 36th section.

Pending the consideration of which, on motion of Mr. Bynum, the bill and amendment were postponed until half-past 3 o'clock, P. M.

The resolution in favor of J. R. Anderson was now taken up and read the third time.
Mr. Bynum moved to postpone the same until the third of March next.

Pending which,

The Senate took a recess until half-past 3 o'clock

**Half-Past 3 o'clock.**

Mr. Berry presented recommendations for Justices of the Peace for Orange and Alamance counties, which were read and accepted, and sent to the House of Commons, for their concurrence.

Received a message from the House of Commons agreeing to raise a Joint Select Committee of four on the part of each House, to make suitable arrangements for the reception of his Excellency, David S. Reid, on Wednesday the 22d instant, to take the oath of office; and announcing that Messrs. Wynne, Allen, Miller and A. Reid from their part of the committee on the subject.

Whereupon Messrs. Boyd, Hargrave, Drake and Bynum, were appointed the Committee on the part of the Senate.

Also, a message stating that the House of Commons agrees to the proposition of the Senate, that the two Houses vote for United States Senator, to-morrow at 12 o'clock.
And that their Committee to superintend said election, consists of Messrs. Cherry and Strange;

That the House does not agree to the proposition of the Senate, that if an election cannot be effected during that day, it shall be indefinitely postponed during the present Session of the General Assembly.

The Senate now resumed the consideration of the special order, viz:

"The bill to incorporate the North Carolina and Western Plank Road company."

The question pending, being on the motion of Mr. Brogden, to strike out the 36th section,

Mr. Joyner now moved to amend the said 36th section, by adding the following at the end of the same, viz:

"That, whenever solvent individuals in the said company shall have subscribed one million of dollars to the capital stock thereof, and shall have expended, either in money or labor, the sum of $500,000 towards the construction of the said railroad, and the Board of Internal Improvement is duly informed thereof, by a certificate signed by the Treasurer and countersigned by the President of the said company, it shall be the duty of the said Board, and they are hereby directed, to subscribe to the capital stock of said company, $200,000, for and on account of the State of North Carolina, which subscription shall be paid for in manner following, viz: $100,000 when the said certificate is presented, or as soon thereafter as conveniently practicable; $100,000 in ninety days thereafter, and at every subsequent ninety days, the same amount, until the sum of $500,000 shall have been paid; and whenever the said in-
individual stockholders shall have expended, in the construction of said road, in manner aforesaid, the remaining sum of $500,000, by them subscribed, and a certificate to that effect, signed by the Treasurer, and countersigned by the President of the said company, shall have been presented to the said Board of Internal Improvement, it is hereby declared to be their duty, and they are directed, to transfer, by proper deed, under the seal of the State, fifteen thousand shares of the stock held by the State, in the North Carolina Railroad company, to complete the State’s subscription of $2,000,000, to the capital stock of the said company: Provided, however, It shall be at the option of the General Assembly, at any time before the said transfer is made, to pay the whole of the State’s subscription in money, if deemed most advantageous to the State.

The question being first taken on the amendment, the same was rejected—Ayes 17, noes 27.

Mr. Joyner demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


The question now recurred on the motion of Mr. Brogden and was determined in the affirmative—Ayes 30, noes 15.

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


Those who voted in the negative, are:


On motion of Mr. Woodfin, ordered that said bill be laid on the table.

The Senate now proceeded to the consideration of the unfinished business of the morning, viz:

"The resolution in favor of J. R. Anderson.

The pending question being on the motion of Mr. Bynum, to postpone said resolution until the 3rd day of March next.

The motion of Mr. Bynum was withdrawn, and the resolution passed its third and last reading, and was ordered to be engrossed.

On motion of Mr. McDowell, the Senate now took up for consideration, the bill to incorporate the bank of North Carolina, in the county of Cumberland.

The question now recurred on the passage of the bill, its second reading, and was determined in the negative—Ayes 18, noes 21.
Mr. Clark demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative are:


So the bill was rejected.

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

A bill to facilitate the recovery of debts due from non-resident debtors; which was read the first time and passed.

Said message also asked the concurrence of the Senate in the following engrossed bills and resolutions, viz:

A bill to incorporate the Lockville and Hillsboro Plank Road Company;
A bill to incorporate the town of New Salem, in the county of Randolph;
A resolution to furnish the Governor's residence: and
A resolution in favor of Wm. R. Lovell.

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 consolidate and amend the several acts heretofore passed for the government of the town of Oxford, in Granville county;
A bill to amend the charter of the Ashville and Greenville Plank Road Company,
A bill to make indictable certain trespasses;
A bill to authorize Ambrose Coldron and others, to establish a toll bridge over New River, in the county of Ashe; and
A bill to give the Courts of Pleas and Quarter Sessions of the Courts of Randolph, jurisdiction over the sale of real estate for division amongst joint tenants and tenants in common.

The bill to amend the charter of the Neuse River Navigation Company, was read the second time and passed.

The bill to transfer part of the stock of the Fayetteville and Western Plank Road, to the Ashville and Greenville Plank Road, was read the second time, and, on motion of Mr. Drake, indefinitely postponed.

The bill to lay off and establish a public road from Lincolnton to Greenville, was read the second time and passed.

The bill to amend an act, entitled an act concerning Courts of Justice, Practice, Pleas and Process, was read the second time and passed.

The bill to insure greater certainty in the lists of taxable property, was read the second time, and, on motion of Mr. Byuum, indefinitely postponed.

The bill to incorporate the Ashboro and Salisbury Plank Road Company was read the second time, amended and passed.
On motion of Mr. Caldwell, the Senate adjourned until to-morrow morning, 10 o'clock.

Tuesday, December 21, 1852.

Sundry recommendations for Justices of the Peace for Warren county, were read and accepted, and sent to the House of Commons for their concurrence.

Received from the House of Commons, sundry recommendations for Justices of the Peace; which were read and accepted.

Mr. Joyner introduced a resolution in relation to the selling railroad iron, &c; which was read the first time and passed.

On motion of Mr. Joyner, the rules were suspended and the resolution read the second and third times, passed and ordered to be engrossed.

Mr. Woodfin, from the select committee, appointed to enquire into the condition of the institution for the Deaf, Dumb, and Blind &c. submitted a report thereon, accompanied by a bill, to amend the several acts of the General Assembly, in relation to the same, which was read the first time and passed. On motion of Mr. Bynum, said report and bill were ordered to lie on the table, and be printed.

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Received a message from the House of Commons, stating that they concur in the amendments of the Senate to the bill, to provide for the better Government of the town of Lincolnton, and to amend the existing corporate laws of the same.

Ordered that said bill be enrolled.

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

A resolution as to the bar at the mouth of Cape Fear River, which was read the first time and passed.

Also, a message transmitting the following engrossed bills, in which they ask the concurrence of the Senate, viz:

A bill to incorporate the Lumberton and Columbus Plank Road company,

And a bill on jury trials in the County Court of Columbus; which were read the first time and passed.

Also a message transmitting the following engrossed resolution, in which they ask the concurrence of the Senate, viz.

A resolution concerning intervention; which was read the first time and passed.

Also, a message transmitting the following engrossed bills in which they ask the concurrence of the Senate, viz:

A bill to protect the rights of person owing personal property in common;
A bill to provide for the holding of an extra term of the Superior Court of Wake;
A bill to regulate the form of bonds issued by the State; which bills were severally read the first time and passed.

Also, a bill to incorporate the Seaman's Friend Society, which was read the first time and passed, and, on motion, ordered to be laid on the table.

Also, a bill to incorporate the Salisbury and Wilkesboro' Plank Road Company, which was read the first time and passed.

Mr. Woodfin, from the select committee on the arrangement of the Senatorial Districts, reported, that said committee were unable to agree, and asked to be discharged from the further consideration of the subject.

Discharged accordingly.

Received a message from the House of Commons, proposing that the two Houses go into a election, for a Judge of the Superior Court this day at half past 11 o'clock, and that said Judge, when elected, shall reside in the 1st, 3rd, 5th or 7th Judicial Circuit; which, on motion of Mr. Kelly, was ordered to be laid on the table.

Mr. Kelly presented the following resolution, viz:

Resolved. That a message be sent to the House of Commons, proposing to go into the election of a Judge of the Superior Court of law and equity, for the 7th Judicial Circuit, this day at 11 o'clock; which, on motion of Mr. Cunningham, was laid on the table.

The following engrossed bills and resolutions from the House of Commons, were read the first time and passed, viz:
A bill to incorporate the town of New Salem in the county of Randolph;
A resolution in favor of Wm. R. Lovell;
A resolution to furnish the Governor's House;
A bill to incorporate the Locksville and Hillsboro' Plank Road Company.
A bill to change the name of the County site of Yadkin County.
A bill in favor of John Smith of New Hanover;
And a bill to incorporate the Mutual Insurance company in the town of Fayetteville.

Received a message from the House of Commons, transmitting the following engrossed resolution, in which they ask the concurrence of the Senate, viz.

"A resolution in favor of the engrossing Clerks;" which was read the first time and passed, and the rule being suspended, read the second and third times, passed and ordered to be enrolled.

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 regulate the pay of witnesses in the county of Brunswick;
A bill to authorize the several courts of pleas and quarter sessions to pay the wardens of the poor;
A bill to incorporate the Perseverance Mining company;
And a bill to incorporate the Manteo Mining company;

The following engrossed bill from the House of Commons was read the first time and passed, viz:
A bill to incorporate a Company to construct a Rail Road from some point on the Cape Fear River, at or near Fayetteville, to some point in the coal region hereafter to be determined.

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 that body, viz.

A bill to amend an act passed at the session of 1846-47 entitled an act to make real estate assets;

A bill to incorporate the town of Troy in the county of Montgomery and appoint Commissioners of the same;

A bill to revive and continue in force an act to incorporate the North Carolina manufacturing, mining and land Company, passed at the session of the General Assembly for 1850;

And a resolution in favor of Gov. W. Scarborough.

The hour agreed upon by the two Houses for going into the Elector for United States Senator having now arrived,

Mr. Watson withdrew the name of Mr. Shepard.

Mr. Bower withdrew the name of James C. Dobbin.

And, on motion of Mr. Caldwell, the name of T. L. Clingman was put in nomination.

And the House of Commons were informed that Messrs. Clark and Mitchell form the Senate's branch of the Committee to superintend said election.

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


FOR MR. WOODFIN.


Mr. McDowell voted for Mr. Bragg.

Mr. Bynum voted for A. H. Sheppard.

Mr. Hargrave for Burton Craig.

Mr. Speaker voted for Judge Strange.

Mr. Boyd, from the Committee on the subject, submitted the following report, viz:

"That the Speakers of the two Houses will occupy the place at the Speaker's table, in the Commons Hall, and that the Governor elect will occupy the place at the Clerks' table;

The committee of arrangements immediately in front of the Clerks' table;

The members of the Senate will set on the right of the Speaker's chair in the Commons' Hall, which will be set apart for that purpose; And after the Governor elect
shall have taken and subscribed the oaths of office, in the presence of the members of both branches of the General Assembly,

The Speaker of the Senate will announce that the Senators will retire to the Senate chamber, and thereupon the Governor and Committee of arrangements will first retire, and the Speaker of the Senate will retire at the head of the members of the Senate."

The report was concurred in and ordered to be sent to the House of Commons, requesting their concurrence in the same.

Mr. Clark, from the committee appointed to superintend the election for United States Senator, reported that no person in nomination having received a majority of the vote given, there is no election.

Report concurred in.

Received a message from the House of Commons, proposing to vote again forthwith for a Senator of the United States; which proposition was concurred in, and the House of Commons informed that Messrs. Mitchell and Clark form the committee, on the part of the Senate, to superintend said election.

Whereupon, a message was received from the House of Commons, stating that Messrs. Albertson and Dortch form their branch of the committee to superintend the election for United States Senator, and that they would proceed to vote on the return of the messenger.

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


FOR MR. WOODFIN.


FOR MR. STRANGE.

Messrs. Speaker and DeDowell—2.

Mr. Boyd voted for Mr. Ruffin.

Mr. McMillan voted for Mr. Dobbin.

Mr. Watson voted for Mr. Leake.

On motion of Mr. Joyner, the Senate took up for consideration, the bill regulating the fisheries in the Eastern part of the State; which was read the first time, and amended, on motion of Mr. Joyner.

Mr. Shaw moved to amend the bill by adding the following proviso, to come in at the 38th line of the 1st section, viz:

"And provided further, that this act shall not apply to shad nets."

Which amendment was rejected.

On motion of Mr. Gilmer, the bill was laid on the table.

Whereupon, Mr. Gilmer, from the Select Committee on Congressional Districts, reported a bill; which, on motion
of Mr. Hoke, was ordered to be laid on the table and printed.

The Senate, on motion, now took up for further consideration the bill regulating the fisheries, in the Eastern part of the State.

Mr. Shaw moved the following amendment, to come in as section 2nd, viz:

"Be it further enacted, That it shall not be lawful for any person to cut or save tabacco, wash or dig gold, or burn bricks on Sunday, in any county in this State; and any person who shall violate the provisions of this act, shall forfeit and pay the sum of $20 for each offence, to be recovered by warrant before any Justice of the Peace in the county where such offence shall be committed, to be applied, one half to the informer, warranting for the same, and the other half to the use of the Wardens of the Poor of said county."

Mr. Cunningham moved to amend the amendment, by striking out "cut or save tabacco;" which was disagreed to.

Mr. Person moved to amend, by striking out the words, "or burn bricks;" which motion was not agreed to.

The amendment of Mr. Shaw was then rejected.

Mr. Joyner moved the following amendment, to come in at the latter clause of the 1st section, viz:

"Provided, That the penalties of this act shall not be enforced against the owners of set nets, who, by stress of weather, are prevented from taking up their nets at the time required by law."

Pending the consideration of which,
The Senate took a recess until half-past 3 o'clock.

Half-past Three o'clock.

Mr. Clark, from the committee appointed to superintend election of United States Senator, reported that no person in nomination having received a majority of the whole number of votes given, there is no election.

Report concurred in.

The Senate resumed the consideration of the unfinished business of the morning, viz:

"The bill regulating the fisheries in the Eastern part of the State."

The pending question being on the amendment of Mr. Joyner; which was agreed to.

The question now recurred on the passage of the bill, its second reading, and was determined in the affirmative—Ayes 18, noes 17.

Mr. Shaw demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Albritton, Berry, Cannady, Clark, Gilmer, Hargrave, Herring, Joyner, Kerr, Lane, Lillington, Palmer, Parks, Person, Thompson, Ward, Willey and Woodfin.—18.
Those who voted in the negative, are:

Received a message from the House of Commons, concurring in the amendments made for the reception of the Governor on the 22nd instant.

The engrossed bill to incorporate the Greensboro' and Deep River Plank Road company, was read the third time and passed, as amended, and a message sent to the House of Commons, asking their concurrence in the amendments of the Senate.

The engrossed bill to amend an act, entitled an act, to incorporate the Raleigh and Gaston Rail Road company, was read the third time.

Mr. Withers moved to amend the third section of the bill, so as to give the State four Directors, instead of three.

Upon this question, Mr. Brogden demanded the yeas and nays, and the result was—ayes 22, noes 22.

Those who voted in the affirmative, are:

Those who voted in the negative, are:
Messrs. Albright, Barrow, Bunting, Cannady, Collins, Gilmer, Hargrave, T. F. Jones, Joyner, Kelly, Lane, Lillington, McClees, Mitchell, Murchison, Murray, Palmer, Parks, Richardson, Thompson, Willey and Woodfin—22.
There being a tie, the Speaker voted in the negative, and the amendment was lost.

Mr. Brogden moved to amend the bill in the third section, 6th line, by inserting, after the word "Directors," the words, "citizens of the State."

Which amendment was agreed to, ayes 29, noes 13.

Mr. Brogden demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


Mr. Arendell moved to amend the bill, by adding the bill to incorporate the Atlantic and North Carolina Rail Road Company. Mr. McDowell raised a point of order, and insisted that the amendment could not now be entertained, the same having heretofore been rejected by the Senate. Mr. Bower who occupied the chair temporarily decided the amendment to be in order.

From which decision Mr. McDowell appealed.

And the question—shall the decision of the Chair stand as the judgment of the Senate? was decided in the negative, ayes 13, noes 28.
Mr. McClees demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


So the chair was not sustained.

The question now recurred on the passage of the bill, the third and last time, and was determined in the affirmative—Ayes 28, noes 14.

Mr. Arendell 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 the amendment of the Senate.

Mr. Caldwell introduced the following resolution, viz:
Resolved, That a message be sent to the House of Commons, proposing to rescind the joint resolution fixing the day of adjournment on Wednesday, the 22d instant.

Mr. Person moved to amend the resolution, by adding "and that the two Houses adjourn sine die, on the 24th instant."

Mr. Lillington moved to amend the amendment, by striking out the 24th and inserting the 27th.

The question on which was decided in the negative—Ayes 19, noes 24.

Mr. McClees demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


The question now recurred on the amendment of Mr. Person, and was determined in the affirmative—Ayes 22, noes 21.

Mr. McClees demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Albritton, Barrow, Barry, Bunting, Cunningham, Drake, Gilmer, Hargrave, T. F. Jones, Joyner, Lillington, McClees, McDowell, Mitchell, Murchison, Person, Richardson, Shaw, Thompson, Withers, Willey and Woodfin—22.
Those who voted in the negative, are:


The question now recurred on the adoption of the resolution as amended, and was decided in the affirmative—Ayes 32, noes 10.

Mr. McClees demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative are:


The Senate now took a recess until half-past 7 o'clock.

Half-Past 7 o'clock.

Received a message from the House of Commons, transmitting a communication from the Secretary of State; which was read and ordered to be laid on the table.
Also a message transmitting the report of the Bank of Washington, with a proposition to print the same; which proposition was agreed to.

Received from the House of Commons, the resignation of James T. Russell, a Justice of the Peace, for Warren county; which was read and accepted.

The bill to incorporate the Greensboro' Company was read the second time, amended and passed.

The bill for the better regulation of the Wardens of the Poor, for the county of Onslow, and for other purposes, was read the second time and passed.

The bill to incorporate the Suffolk and Gatesville Railroad Company; was read the second time and passed.

The bill to incorporate the Rutherford and Cleaveland Plank Road Company, was read the third time, passed and ordered to be engrossed.

The bill to incorporate the New River Canal Company, was read the third time, passed and ordered to be engrossed.

The bill to improve the navigation of the Southwest branch of New River, in the county of Onslow, was read the third time, passed and ordered to be engrossed.

Mr. Bynum moved an adjournment.

Not agreed to.

The bill to incorporate the Jacksonville and Trent River Plank Road company, was read the third time, passed, and ordered to be engrossed.
The bill to lay off and establish a public road from Lin- colnton to Greenville was read the third time, passed, and ordered to be engrossed.

The bill to incorporate the Ashboro' and Salisbury Plank Road company, was read the third time, passed, and ordered to be engrossed.

The bill to amend the charter of the Neuse River Navigation Company, was read the third time, passed, and ordered to be engrossed.

The bill to incorporate the Tarboro' and Joyner's Depot Plank Road company, was read the second time and passed.

The engrossed bill to amend an act to incorporate the Washington Mining company, passed in the year 1838-9, and amended in the year 1850-1, was read the second time and passed.

The engrossed bill from the House of Commons, to prevent the stealing, taking, or conveying away of slaves, was read the first time and passed.

The resolution in relation to the public arms, was read the third time, passed, and ordered to be engrossed.

The bill to repeal the 9th section of the 42d chapter of the Revised Statutes, entitled entries and grants, was read the third time and passed, and ordered to be engrossed.

The engrossed bill concerning the official bonds of Sheriffs, Coronors and Constables, was read the first time and passed.
The engrossed resolution concerning the Public Treasury, was read the first time and passed. On motion, the rules were suspended, and the resolution read the second time and passed—ayes 38, noes 1.

Mr. Bynum demanded the ayes and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:

Mr. Bynum—1.

The rules were suspended, and the resolution read the third time, passed, and ordered to be enrolled.

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

A bill to repeal in part the 5th section of an act of the General Assembly, passed at its session of 1850-51, entitled an act to establish a Superior Court of law and equity for the county of Watauga;

A bill to amend an act, entitled an act, to incorporate the town of Lumberton, passed at the session of the General Assembly of 1850-51; and

A bill to authorize the union of the Greensville and Roanoke Rail Road company, with the Petersburg Railroad company.
On motion of Mr. Thompson, the Senate took up for consideration, the engrossed bill to regulate the form of bonds issued by the State, which was read the first time and passed.

On motion, the rules were suspended, and said bill read the second time.

Mr. Watson moved to amend the bill, by striking out, "New York;" which was not agreed to.

The bill then passed its second reading, and the rules being suspended, the said bill was read the third time, passed, and ordered to be enrolled.

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 their concurrence, viz:

A resolution in favor of J. R. Anderson;

A bill concerning the County Court of Edgecombe; and

A bill defining the duties and powers of Turnpike and Plank Road companies.

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

A bill to establish a public road in the county of Madison;

A bill to amend an act passed at the session of 1850-51, entitled an act, to incorporate the Greenville and Raleigh

Mr. Byrum moved an adjournment; which was disagreed to—ayes 18, noes 21.
Mr. Bynum demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


Mr. Bynum now moved that the Senate adjourn; which was carried—Ayes 22, noes 18.

Those who voted in the affirmative are:


Those who voted in the negative are:

Mr. W. Jones introduced a resolution in favor of P. F. Pescud; which was read the first time and passed, and, on motion, the rules were suspended, and the resolution read the second and third times, passed and ordered to be engrossed.

Mr. Withers introduced the following resolution, viz:

Resolved, That when a motion to adjourn has been rejected, a similar motion shall not be entertained until fifteen minutes have transpired.

Ordered to be laid on the table.

Mr. Clark offered the following resolution, viz:

Resolved, That a message be sent to the House of Commons, proposing to go into an election of seven Counsellors of State, to-day at 11 o'clock.

Which, on motion of Mr. Caldwell, was ordered to be laid on the table.

Mr. Clark moved that the resolution be now taken up for consideration.

Not agreed to.

Mr. Washington offered the following resolution, viz:

Resolved, That all engrossed bills of a private nature, engrossed in a fair hand, and free from omissions or inter-
lineations, which have passed both Houses, without amendment, shall be received as enrolled acts, and be ratified accordingly.

Agreed to.

The bill to amend the 9th section of the 39th chapter of the Revised Statutes, entitled an act concerning Divorce and Alimony, was read the third time, passed and ordered to be engrossed.

The bill to amend an act, entitled an act concerning Courts of Justice, Practice, Pleas and Process, was read the third time, and, on motion of Mr. Lillington, referred to the Committee on the Judiciary.

The bill concerning the Public Library was read the third time, passed and ordered to be engrossed.

The bill regulating the Fisheries in the Eastern part of the State was read the third time.

Mr. Shaw moved that the bill be indefinitely postponed; which was not agreed to.

The question now recurred on the passage of the bill, its third and last reading, and was determined in the affirmative—Ayes 24, noes 15.

Mr. Shaw demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:
Ordered that the bill be engrossed.

On motion of Mr. McDowell,

Resolved, That the Senate will, at 11 o'clock to-day take up and consider the bill to lay off the State into eight Congressional Districts: After that matter is disposed of, the bill to apportion the members of the House of Commons, and the bill to lay off the Senatorial Districts; and that no other business will be considered until these bills are disposed of.

The following engrossed bill from the House of Commons was read the first time and passed, viz:

"A bill to appoint the time of the meeting of the General Assembly." Under a suspension of the rules, the bill was read the second and third times, passed and ordered to be enrolled.

The Senate now proceeded to the consideration of the bill to lay off the State into eight Congressional Districts;

The question being on the bill reported by Mr. Gilmer, from the Select Committee.

Mr. Caldwell moved to amend the bill by adding Union to the 7th District and Cabarrus to the 6th District.

The question on the adoption of this amendment was decided in the affirmative—ayes 26, noes 19.

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


Those who voted in the negative are:


Mr. Lillington moved to amend the bill as follows, viz:

"Add Mecklenburg and Union to the 6th District, and Rowan and Davie to the 7th District;" which amendment was rejected—Ayes 18, noes 26.

Mr. Lillington demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


Mr. Cannady moved to amend the bill, by adding Granville to the 5th, and Chatham to the 4th, District.

Pending which,

A message was received from the House of Commons, announcing that they are now ready to receive the Sena-
The members of the Senate then repaired to the Hall of the House of Commons, and after the ceremony of inaugurating his Excellency, D. S. Reid, as Governor of the State, was concluded, they returned to the Senate chamber, and were called to order by the Speaker.

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

A resolution concerning the enrolling of private bills; which was read the first time and passed, and, under a suspension of the rules, read the second and third times passed and ordered to be enrolled.

The Senate now resumed the consideration of the bill to lay off the State into eight Congressional Districts.

The question pending, being on the amendment of Mr. Cannady; which was rejected—Ayes 11 noes 33.

Mr. Cannady demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative are:

On motion of Mr. Cunningham, the vote, by which the county of Union was added to the 7th, and the county of Cabarrus to the 6th District, was reconsidered and the amendment rejected.

The further consideration of the bill was temporarily arrested.

When, Mr. Caldwell moved that a message be sent to the House of Commons, proposing to vote forthwith for a Senator of the United States.

Mr. McDowell moved to lay the proposition on the table; which was carried—Ayes 26, noes 17.

Mr. Caldwell demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


The Senate now resumed the consideration of the bill to lay off the State into eight Congressional Districts.

Pending the consideration of which,

The Senate took a recess until half-past 3 o'clock, P. M.
HALF-PAST THREE o'clock.

Received a message from the House of Commons, proposing to go forthwith into an election for Counsellors of State; which was agreed to, and a message sent to the House of Commons, informing that Messrs. Cannady and Lane form the Senate's branch of the committee to superintend the election; and that Messrs. W. Stallings, W. K. Lane, P. Busbee, W. Hill, B. S. French, Archibald Henderson, Columbus Mills, J. W. Patton, G. F. Davidson, W. F. Leake, Cad. Jones, Sr., B. Lecraft, Josiah Granbury and A. H. Caldwell are in nomination.

Received a message from the House of Commons, proposing that the two Houses go forthwith into an election for a Judge of the Superior Court, for the 7th Judicial Circuit; which, on motion of Mr. Speight, was laid on the table—Ayes 26, noes 19.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


The Senate resumed the consideration of the unfinished business of the morning, to wit:

The bill to lay off the State into eight Congressional Districts.

Mr. Lillington moved that the bill be laid on the table.
Upon a division, 19 were found voting in the affirmative and 19 in the negative. There being a tie, the Speaker voted in the negative, and the motion was lost.

Mr. Thompson moved to amend the bill, by striking out all after the enacting clause, and inserting the printed bill heretofore submitted by him.

After debate, and before any question was taken thereon,

A message was received from the House of Commons, informing that Messrs. George and Carmichael form their branch of the committee to superintend the election of Counsellors of State, and that the House would proceed to vote on the return of the messenger.

The Senate then voted as follows;

**FOR MR. STALLINGS.**


**FOR MR. W. K. LANE.**

Messrs. Speaker, Albright, Barrow, Berry, Bower, Boyd, Bunting, Caldwell, Cannady, Clark, Collins, Cunningham, Drake, Hargrave, Herring, Hoke, W. Jones, Kerr, Lane, McDowell, McMillan, Marchison, Parks, Person, Shaw, Speight, Thomas, Watson, Withers and Woodfin—30.

**FOR MR. BUSBEE.**

Messrs. Speaker, Albright, Barrow, Berry, Bower, Boyd, Bunting, Caldwell, Cannady, Clark, Collins, Cunningham, Drake, Hargrave, Herring, Hoke, W. Jones, Kerr, Lane, McDowell, McMillan, Marchison, Parks, Person, Shaw, Speight, Thomas, Watson, Withers and Brogden—30.
FOR MR. HILL.

Messrs. Speaker, Albright, Barrow, Berry, Bower, Boyd, Bunting, Caldwell, Cannady, Clark, Collins, Cunningham, Drake, Hargrave, Herring, Hoke, W. Jones, Kerr, Lane, McDowell, McMillan, Murchison, Parks, Person, Shaw, Speight, Thomas, Watson, Withers and Brogden,—30.

FOR MR. FRENCH.

Messrs. Speaker, Albright, Barrow, Berry, Bower, Boyd, Bunting, Caldwell, Cannady, Clark, Collins, Cunningham, Drake, Hargrave, Herring, Hoke, W. Jones, Kerr, Lane, McDowell, McMillan, Murchison, Parks, Person, Shaw, Speight, Thomas, Watson, Withers and Brogden,—30.

FOR MR. HENDERSON.

Messrs. Speaker, Albright, Barrow, Berry, Bower, Boyd, Bunting, Caldwell, Cannady, Clark, Collins, Cunningham, Drake, Hargrave, Herring, Hoke, W. Jones, Kerr, Lane, Lillington, McDowell, McMillan, Murchison, Parks, Person, Shaw, Speight, Thomas, Watson, Withers and Brogden,—31.

FOR MR. MILLS.

Messrs. Speaker, Albright, Barrow, Berry, Bower, Boyd, Bunting, Caldwell, Cannady, Clark, Collins, Cunningham, Drake, Hargrave, Herring, Hoke, W. Jones, Kerr, Lane, McDowell, McMillan, Murchison, Parks, Person, Shaw, Speight, Thomas, Watson, Withers and Brogden,—30.

FOR MR. PATTON.


FOR MR. DAVIDSON.

FOR MR. LEAKE.


FOR MR. JONES.


FOR MR. LECRAFT.


FOR MR. GRANBURY.


FOR MR. SMITH.


FOR MR. PIPKIN.


Mr. Berry voted for Mr. Kirkland; and

Mr. Richardson voted for H. B. Hammons.

The Senate now resumed the consideration of the bill to lay off the State into eight Congressional Districts.
The pending question being on the amendment of Mr. Thompson.

After some time spent in debate; on motion of Mr. Bower, the bill was laid on the table.

Mr. Bower introduced the following resolution, viz:

Resolved, That a message be sent to the House of Commons, proposing to rescind the joint order to adjourn on to day, the 22d instant.

Mr. Lillington moved to amend the same by adding the following words, viz:

"And that the two Houses adjourn on Monday the 27th inst."

Mr. McDowell moved to amend the amendment, by adding the words, "at the hour of 6 o'clock, A. M."

Pending the consideration of which,

The Senate took a recess until half-past 7 o'clock

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Half-past Seven o'clock.

Mr. Lane, from the committee appointed to superintend the election for seven Counsellors of State, reported that Whitmel Stallings, W. K. Lane, Perrin Busbee, William
Hill, B. S. French, Archibald Henderson and Columbus Mills, had each received a majority of the whole number of votes given, and are duly elected.

Report concurred in.

The Senate now resumed the consideration of the unfinished business of the last session, viz:

The proposition of Mr. Bower to send a message to the House of Commons, proposing to rescind the joint order for adjournment.

The question being on the amendment of Mr. McDowell to the amendment of Mr. Lillington.

The amendment to the amendment was withdrawn,

And Mr. Bower accepted the amendment of Mr. Lillington, as a modification of the original resolution.

Mr. T. F. Jones moved to amend the resolution, by striking out 27th, and inserting 28th.

Not agreed to.

The Resolution was then adopted—Ayes 29, noes 15.

Mr. Clark demanded the yeas and nays.

Those who voted in the affirmative, are:

Those who voted in the negative, are:


On motion of Mr. Bower, the Senate now took up for consideration, the bill to lay off the State into eight Congressional Districts.

The pending question being on the amendment of Mr. Thompson,

Mr. Bower called for a division of the question; and the vote being taken on striking out, was determined in the negative—Ayes 18, noes 25.

Mr. Thompson demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


The question now recurred on the passage of the bill, on its second reading, and was decided in the affirmative—Ayes 26, noes 14.

Mr. Hoke demanded the yeas and nays.

Those who voted in the affirmative, are:

*50

Those who voted in the negative, are:


The Senate now proceeded to consider the Engrossed bill to apportion the representation of the House of Commons, among the several counties of this State; which was read the first time and passed. On motion of Mr. Woodfin, the rules were suspended, and the bill read the second time.

Mr. Bunting moved to amend the bill as follows, viz:

"Transfer the county of Chatham from those entitled to three members, to those entitled to two;"

And the county of Franklin from those entitled to one member to those entitled to two."

The amendment was rejected, and the bill passed its second reading.

The bill was then read a third time, under a suspension of the rules, passed, and ordered to be enrolled.

The bill to lay off the State, into fifty Senatorial Districts, was now taken up for consideration.

Mr. Bower moved that the bill be laid on the table.

Which was agreed to.
Mr. Hoke now moved to take up the amendments of the House of Commons, to the bill, to repeal the act passed in 1850-51, to establish a new county by the name of Jackson.

Which was agreed to.

Mr. Hoke moved that the Senate recede from their disagreement to the amendments of the House of Commons.

And the question—will the Senate recede? passed in the affirmative, and the amendments of the House were agreed to.

And the House of Commons were informed thereof.

Mr. McDowell moved a suspension of the rules, to take up the bill to lay off the State into eight Congressional Districts; which was carried,—ayes 23, noes 19.

Mr. Kelly demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


The bill was then taken up and read the third time.

Mr. Hoke moved to amend the bill as follows, viz:
Add the county of Cabarrus to the 6th District.

After debate,

Mr. Cannady moved that the bill be laid on the table.

Which was agreed to.

The bill to lay off the State into fifty Senatorial District, was now taken up, and read the second time.

Mr. McClees moved to amend the bill as follows, viz:

Strike out Washington, from the fourth district, and add it to the 8th District.

Which amendment was rejected—Ayes 19, noes 21.

Mr. McClees demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


The bill then passed its second reading.

The engrossed bill to amend an act, to incorporate the Washington Mining Company, passed in the year 1838-9,
and amended in 1850–1, was taken up, and, on motion of Mr. Woodfin, read the third time, passed, and ordered to be engrossed.

On motion of Mr. Person, the Senate now proceeded to consider the engrossed bill to authorize the union of the Greensville and Roanoke Railroad company, with the Petersburg Railroad Company; which was read the second time and passed. On motion of Mr. Person, the rules were suspended, and the bill read the third time, passed, and ordered to be engrossed.

The engrossed bill to prevent the stealing, taking, or conveying away slaves, was read the second time and passed. On motion of Mr. Woodfin, the rules were suspended, and the bill read the third time, passed, and ordered to be enrolled.

On motion of Mr. Hoke, the Senate took up the engrossed resolution to furnish the Governor’s residence; which was read the second time and passed. On motion the rules were suspended, and the resolution read the third time, passed, and ordered to be enrolled.

The engrossed bill concurring the official bonds of Sheriffs, Coroners and Constables, was read the second time, and on motion, ordered to be laid on the table.

The engrossed bill to prevent live stock from malicious destruction, was now taken up, and, on motion, laid on the table.

The engrossed bill to facilitate the recovery of debts due from non-resident debtors, under a suspension of the rules, was read the second and third times, passed, and ordered to be enrolled.
The engrossed bill to provide for the holding of an extra term of the Superior Court of Wake, was read the second time and passed. On motion, the rules were suspended, and the bill read the third time, amended, and a message sent to the House of Commons, asking their concurrence in the amendments of the Senate.

The engrossed bill to protect the rights of persons owning personal property in common, was read the second time and passed, and the rules suspended, and said bill read the third time, passed, and ordered to be enrolled.

The engrossed bill to incorporate the Salisbury, Mocksville and Wilkesboro' Plank Road company, was read the second time and passed. The rules being suspended, the bill was read the third time, passed, and ordered to be enrolled.

Received a message from the House of Commons, proposing, on condition, that the Senate will agree that both Houses of the General Assembly adjourn on to-morrow at 12 o'clock sine die, to rescind the joint order for adjournment on this, the 22d instant, and that the two Houses adjourn sine die, on to-morrow, at 12 o'clock.

The engrossed resolution, in favor of Door-Keepers, under a suspension of the rules, was read the first, second and third times; passed and ordered to be enrolled.

The bill to incorporate a company to construct a Railroad from some point on the Cape Fear river, at or near Fayetteville, to some point in the coal region, hereafter to be determined, was read the second time.

Mr. Clark moved to amend the bill by striking out the 22d section of the same.
Not agreed to.

The bill then passed its second reading.

On motion of Mr. Bower, the rules were suspended, and the bill was read the third time, passed and ordered to be enrolled.

Mr. Woodfin, with leave, introduced a bill to provide for holding the County and Superior Courts, in the seventh Judicial Circuit; which was read the first time and passed. The rules being suspended, said bill was read the second time.

Mr. Mitchell moved to amend the bill by striking out the time of holding the County Court of Caldwell; which was not agreed to.

The bill then passed its second reading. Under a suspension of the rules, said bill was read the third time, passed and ordered to be engrossed.

Mr. Brogden, from the Committee on Propositions and Grievances, to whom was referred a resolution authorizing the Governor to furnish the Clerk of the County Court of Union, with the standard of weights and measures, reported the same back to the Senate, and recommended its passage.

The resolution was read the second time and passed.

Mr. Brogden, from the same committee, to whom was referred the engrossed bill to authorize John B. Gardner to collect arrearages of taxes in the county of Yancy, for the year 1850, reported the same back to the Senate, and recommended its passage.

Ordered to lie on the table.
On motion of Mr. Lillington, the Senate now adjourned until to-morrow morning, half-past 9 o'clock.

THURSDAY, Dec. 23, 1852.

The bill to lay off the State into fifty Senatorial Districts, being now taken up, Mr. Caldwell offered an amendment to the same; which provides for the re-enactment of the Senatorial Districts of 1842.

The question on the amendment was determined in the affirmative—Ayes 30, noes 12.

Mr. Thompson demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


Mr. Kelly moved to lay the bill on the table till 11 o'clock; which was not agreed to.
The question now recurred on the passage of the bill, its third and last reading, and was determined in the affirmative—Ayes 29, noes 13.

Mr. Thompson demanded the ayes and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


So the bill passed its third and last reading, and was ordered to be engrossed.

Mr. Bower moved a suspension of the rules to introduce a resolution, to rescind the joint order for adjournment; which was agreed to.

Mr. Bower then offered the following resolution, viz:

Resolved, That the Senate propose that the two Houses agree to rescind the joint order, proposing to adjourn on this day at 12 M. and that they do adjourn on Monday the 27th instant.

The resolution was agreed to—Ayes 33, noes 10.

Mr. Person demanded the yeas and nays.

Those who voted in the affirmative are:

*51

Those who voted in the negative are:

Messrs. Albright, Arendell, Cowper, Hoke, Kelly, McClees, Palmer, Richardson, Thompson, and Willey.—10.

Mr. Drake reported back the resolution in favor of W. W. Green, &c, and recommended its rejection,

Ordered to lie on the table.

The bill to lay off the State into eight Congressional Districts, was now taking up for its third reading,

The pending question being on the amendment of Mr. Hoke, to add the county of Cabarrus to the 6th District,

The amendment was rejected—Ayes 11, noes 26.

Mr. Hoke demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


Mr. Hoke moved to amend the bill by adding Union to the 7th District; which was disagreed to—Ayes 9, noes 29.
Mr. Hoke demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative are:


Mr. Thompson moved to amend the bill by adding Northampton to the 1st District.

Pending the consideration of which,

A message was received from the House of Commons, concurring in the proposition of the Senate to rescind the joint order to adjourn to day at 12 o'clock, and agreeing that the two Houses adjourn on Monday next.

The Senate resumed the consideration of the amendment of Mr. Thompson, to the bill to lay off the State into eight Congressional Districts, viz: "Add Northampton to the 1st District."

Mr. Hoke moved to amend the amendment of Mr. Thompson, as follows: Add the county of Beaufort to the second District.

Mr. Woodfin moved to lay the bill and amendments on the table; which was agreed to.

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 body, viz:

A bill to incorporate Neuse River and Snow Hill Plank Road Company:
A bill to incorporate the Upper Little River Navigation Company, in the county of Cumberland:
A bill to incorporate the town of Winston:
A resolution in favor of Bynum W. Bell: and
A resolution in favor of P. F. Pescud.

Mr. W. Jones introduced a resolution in favor of S. H. Young, &c.; which was read the first time and passed, and, on motion of Mr. Cunningham, referred to the Committee on Claims.

Mr. Gilmer offered a resolution in favor of W. A. Walsh; which was read the first time and passed, and, on motion, referred to the Committee on Claims.

The engrossed bill in favor of John Smith was read the second time.

Mr. Bynum moved to postpone its further consideration until half-past 5 o'clock.

Not agreed to.

The bill then passed its second reading.

The engrossed bill to amend an act, passed at the session of 1850 '51, entitled an act to incorporate the Greenville and Raleigh Plank Road company; and

The engrossed bill to incorporate the Locksville and Hillsboro' Plank Road company, were severally read the second time and passed.
The engrossed bill to incorporate the Mutual Insurance company, in the town of Fayetteville, was read the second time and passed.

Received a message from the House of Commons, proposing that the two Houses go into an election for a Judge of the Superior Court of Law and Equity, this day at half-past 1 P. M., for the 7th Judicial Circuit.

On motion of Mr. Person, the message was laid upon the table—Ayes 24, noes 14.

Mr. McClees demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


On motion of Mr. Kelly, leave of absence was granted to Messrs. Richardson and Palmer, from and after to-morrow, for the residue of the session.

Mr. Clark introduced the following resolution, viz:

Resolved, That a message be sent to the House of Commons, proposing to go into an election for Judge of the third Judicial District, at 4 o'clock P. M.

Mr. Lillington moved to strike out 2d and insert 7th.
Mr. McDowell called for a division of the question, and the vote being first taken on striking out, was determined in the affirmative.

The question now recurred on the motion of Mr. Lingleton to insert 7th.

Pending which,

The Senate took a recess until half-past three o'lock P. M.

 Half-past 3 o'clock.

Mr. Drake, from the Committee on Claims, to whom was referred a resolution in favor of W. A. Walsh, &c.,

And a resolution in favor of Sam'l H. Young, &c., reported the same back to the Senate, and recommended their passage.

Ordered to lie on the table.

On motion of Mr. Washington, the Senate took up the bill to amend the several acts of the General Assembly in relation to the Deaf and Dumb, &c, which was read the second time, amended and passed. On motion, the rules were suspended, and the bill read the third time, passed, and ordered to be engrossed.

The Senate now resumed the consideration of the unfinished business of the morning, viz:
The resolution of Mr. Clark, proposing that the two House go into an election for a Judge, at 4 o'clock, P. M.

The pending question being on Mr. Lillington's motion to amend the resolution by inserting the word 7th; which was rejected—Ayes 15, noes 25.

Mr. Thompson called for the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative are:


On motion of Mr. Clark, ordered that the resolution be laid on the table.

Received a message from the House of Commons, informing that they agree to the amendments of the Senate, to the bill to amend an act, to incorporate the Raleigh and Gaston Railroad company.

Ordered that the bill be enrolled.

Mr. Hoke moved that a message be sent to the House of Commons, proposing to go into an election of U. S. Senator to morrow at 12, o'clock.

Which proposition was disagreed to—ayes 18, noes 22.

Mr. Hoke demanded the ayes and nays.
Those who voted in the affirmative are:

Messrs. Berry, Bower, Bunting, Cannady, Clark, Collins, Cunningham, Hargrave, Herring, Hoke, Joyner, McDowell, McMillan, Person, Shaw, Speight, Thomas, and Withers—18.

Those who voted in the negative are:


Mr. Shaw presented the following resolution, viz:

Resolved, That a message be sent to the House of Commons, proposing to go into an election for a Judge of the Superior Court for the 3d Judicial Circuit, to-morrow morning at 11 o'clock.

Which was rejected—ayes 18, noes 21.

The yeas and nays being demanded,

Those who voted in the affirmative are:

Messrs. Albright, Albritton, Barrow, Berry, Bower, Boyd, Cannady, Clark, Collins, Cunningham, Drake, Hargrave, W. Jones, Joyner, Person, Shaw, Speight, and Withers—18.

Those who voted in the negative are:


Mr. McDowell moved that a message be sent to the House of Commons proposing to vote for Judge of the Superior Court to-morrow at 11 o'clock.
Mr. Person moved to amend the resolution, by inserting 5th Circuit:

Which was not agreed to—Ayes 18, noes 22.

Mr. Cannady demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Abritton, Barrow, Berry, Bower, Boyd, Cannady, Clark, Collins, Cunningham, Drake, Hargrave, W. Jones, Joyner, McClees, Person, Shaw, Speight, and Withers—18.

Those who voted in the negative are:


The resolution was then rejected.

Mr. Gilmer presented the following resolution, viz:

Resolved, That a message be sent to the House of Commons, proposing to go into the election of Superior Court Judge, on to-morrow at 11 o'clock A. M. The said Judge to be located as the assembly at its present session may determine by resolution.

Mr. T. F. Jones moved to amend the resolution by striking out all after the words, "11 o'clock, A. M." and inserting "for the first Judicial Circuit."

Which motion was rejected—Ayes 15, noes 25.

Mr. T. F. Jones demanded the yeas and nays.

Those who voted in the affirmative are:

*52

Those who voted in the negative, are:


On motion of Mr. Cunningham, the resolution was laid on the table.

Mr. Woodfin, with leave, introduced a bill relating to Common Schools, in Madison county; which was read the first time and passed, and, on motion, the rules were suspended, and the bill read the second and third times, passed and ordered to be engrossed.

The Senate now took up for consideration, the bill to lay off the State into eight Congressional Districts;

The question being on the amendment to the amendment, offered by Mr. Hoke, which proposes to add the county of Beaufort to the second District.

Mr. Hoke withdrew his amendment to the amendment.

The question now recurred on the amendment of Mr. Thompson, viz: "Add Northampton to the first District," and was determined in the negative—Ayes 14, noes 24.

Mr. Thompson demanded the yeas and nays.

Those who voted in the affirmative, are:

Those who voted in the negative, are:


Mr. Hoke moved to amend the bill by adding Beaufort to the 2nd District; which was rejected—Ayes 14, noes 24.

Mr. Hoke demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


The question now recurred on the passage of the bill its third reading.

The bill was amended, on motion of Mr. Gilmer, by filling up the blanks in the same:

Mr. Kelly moved further to amend the bill as follows: "Add the county of Moore to the 6th District."

Which amendment was rejected—Ayes 9, noes 27.

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


Those who voted in the negative are:


Mr. Kelly moved to amend the bill by striking the county of Richmond from the 3rd District, and adding it to the 6th.

Which was rejected—Ayes 9, noes 26.

Mr. Kelly demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


Mr. Hoke moved to amend the bill, by adding Guilford to the 5th District.

Which was rejected—Ayes 8, noes 26.

Mr. Hoke demanded the yeas and nays.

Those who voted in the affirmative are:

Those who voted in the negative are:


The Senate now took a recess, until half-past seven o'clock.

Half-past Seven o'clock.

The Senate now resumed the consideration of the unfinished business of the last session, viz:

"The bill to lay off the State into eight Congressional Districts."

The question being on the passage of the bill, its third and last reading,

Mr. Hoke moved that the bill be laid on the table.

Which motion was agreed to.

Mr. Gilmer moved for a suspension of the rules, to enable him to introduce the previous question.
Which motion did not prevail.

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

"A bill to lay off the State into fifty Senatorial districts;"

Which was read the first time and passed.

The engrossed bill to incorporate the Atlantic and North Carolina Railroad company, and the North Carolina and Western Railroad company, was read the first time and passed.

The engrossed bill to incorporate Robeson Institute, in the county of Robeson, and for other purposes, was read the first time and passed.

On motion of Mr. Murchison, the rules were suspended, and the bill read the second and third times, passed and ordered to be enrolled.

The engrossed bill to repeal the 85th chapter of the statute, passed at the session of 1850-'51, was read the first time and passed.

The engrossed bill to authorise James C. Turrentine, sheriff of Orange county, to collect arrears of taxes due him, was read the first time and passed.

On motion of Mr. Berry, the rules were suspended, and the bill read the second time, and amended, on motion of Mr. Berry.

Mr. Drake moved further to amend, by extending the provisions of the bill to the sheriff of Nash county.
On motion of Mr. McClees, the bill and amendment were indefinitely postponed.

The engrossed bill to amend an act, entitled an act to incorporate the Roanoke Valley Railroad company, was read the first time and passed.

The engrossed bill to amend an act of 1848-'9, chapter 57, entitled an act to confer on County Courts certain powers over imprisoned lunatics, was read the first time and passed.

The engrossed bill to amend an act, entitled an act to incorporate a Bank in the town of Washington, in the county of Beaufort, passed at the last session of the General Assembly, was read the first time and passed.

On motion, the rules were suspended, and said bill read the second and third times, passed and ordered to be enrolled.

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

A bill to establish the Merchants' and Planters' Bank of Wilmington;

A bill to extend the power of the Commissioners of Navigation, for the port of Washington;

A bill to lay off a public road from Enock Vannay's Mill, in Wilkes county, to the Virginia line;

A bill to improve the public road leading from Holeman's Ford, on the Yadkin River, in Wilkes county, by way of the Deep Gap of the Blue Ridge, at Solomon Green's, and the Rich Mountain, near Welsh's Store, to the Tennessee line;
A bill to amend an act passed at the session of 1848-'49, entitled an act to provide for the establishment of a State Hospital for the insane in North Carolina, and an act supplemental to the same;

A bill to incorporate the North Carolina Steam Carriage Plank Road Company;

A bill to prevent the obstructions to the passage of Fish in the waters of Blunt's Creek, and its tributary streams;

A bill for the protection of boats, canals, coasting and sea vessels: and

A bill to incorporate the Fayetteville Ice Company;

The engrossed resolution in favor of Thomas Latham was read the first time and passed, and, on motion, referred to the Committee on Claims.

The engrossed bill to grant to the city of Raleigh a certain lot of land, to be added to the burial ground of said city, was read the first time and passed, and, on motion, referred to the Committee on Propositions and Grievances.

The engrossed resolutions concerning a road through Purgo Swamp was read the first time and passed.

The engrossed bill to incorporate the Washington and Tarboro Plank Road Company, was read the first time and passed.

Mr. Drake, from the Committee on Claims, to whom was referred the resolution in favor of Thomas Latham, reported the same back to the Senate, and recommended its passage.

The resolution, under a suspension of the rules, was read the second and third times, passed and ordered to be enrolled;
Under a suspension of the rules, the engrossed bill in favor of John Smith was read the third time, passed and ordered to be enrolled.

The engrossed bill to establish a public road from the stage road at Jones Burkett's, in Ashe county, to the Three Top Fork road, was read the first time and passed.

Mr. Watson moved an adjournment; which was not agreed to—Ayes 8, noes 20.

Mr. Gilmer demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


Received a message from the House of Commons, stating that they have passed the engrossed bill from the Senate to provide for paying tales jurors, in the counties of Northampton and Wake.

Also, the Senate bill to confirm the establishment of the county of Yankin, with amendments, in which they ask the concurrence of the Senate.

The amendments were agreed to, and the House of Commons informed thereof.

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:

53
A bill regulating the Fisheries in the Eastern part of the State;

A bill to amend the several acts of the Assembly in relation to the Deaf, and Dumb, and the Blind; and

A bill to provide for holding the County and Superior Courts; in the seventh Judicial Circuit.

The resolution authorizing the Governor to furnish the Clerk of the County Court of Union, with the standard of weights and measures, was read the second time and passed.

The bill to incorporate the Mutual Insurance Company, in the town of Fayetteville, was read the third time, under a suspension of the rules, passed and ordered to be enrolled.

Mr. Kelly moved that the Senate do now adjourn; which motion was disagreed to—Ayes 12, noes 21.

Mr. Gilmer demanded the yeas and nays.

Those who voted in the affirmative, are:

Messrs. Berry, Bower, Brogden, Bunting, Clark, Hargrave, Hoke T. F. Jones, Kelly, Murchison, Shaw and Watson—12.

Those who voted in the negative are:


On motion, the Senate adjourned.
Friday, Dec. 24th, 1852.

Mr. Joyner introduced the following resolution, which was adopted, viz:

Resolved, That the Clerk be directed to make up the estimates of pay and mileage due to the members of the Senate for their service the present session, to Monday next, inclusive.

The resolution in favor of S. H. Young, &c., was read the second time, amended and passed. On motion, the rules were suspended and said resolution read the third time, passed and ordered to be engrossed.

The resolution in favor of W. A. Walsh, was read the second time and passed, and, under a suspension of the rules, read the third time, passed and ordered to be engrossed.

Mr. McDowell offered the following resolution, viz:

Resolved, That a message be sent to the House of Commons, proposing to go into an election for Judge of the Superior Court at 12 o'clock this day, and that the Legislature will designate the Circuit to be filled by resolution.

On motion of Mr. Clark, ordered that the resolution be laid on the table.

The engrossed bill to prevent the filling and putting of timber in Hogan's creek, in the county of Rockingham, was read the first, second and third times, under a suspension of the rules, passed and ordered to be enrolled.

The engrossed resolution in favor of W. W. Green, &c., was read the second time, and, on motion, laid on the table.
The engrossed bill to authorize J. B. Gardner to collect arrearages of taxes in the county of Yancey, for 1850, was read the second time, and, on motion of Mr. Cunningham, indefinitely postponed.

The engrossed bill to change the name of the county seat of Yadkin county, was read the second and third times, under a suspension of the rules, passed and ordered to be enrolled.

The engrossed bill to incorporate the town of New Salem, in the county of Randolph, was read the second time and passed.

Mr. Gilmer, from the Judiciary Committee, reported a resolution in favor of P. Busbee, and others, which was read the first time and passed.

The bill to incorporate the Seaman's Friend Society, was taken up, and, on motion of Mr. Clark, laid on the table.

The engrossed resolution in favor of W. R. Lovell was read the second time and passed, and, under a suspension of the rules, read the third time, passed and ordered to be enrolled.

The engrossed resolution as to the bar at the mouth of Cape Fear River, under a suspension of the rules, was read the second and third times, passed and ordered to be enrolled.

The engrossed bill on jury trials, in the County Courts of Columbus, was read the second time amended and passed. The rules being suspended, said bill was read the third time and passed, and a message sent to the House of Com- mons asking their concurrence in the Senate's amendment.
The engrossed bill to repeal in part the 5th section of an act, of 1850-51, entitled an act, to establish a Superior Court of law and equity in the county of Watauga, was read the second time and passed.

The engrossed bill to incorporate the Lumberton and Columbus Plank Road Company, under a suspension of the rules, was read the second and third times, passed, and ordered to be enrolled.

The engrossed resolution, concerning Interventions, were read the second time.

Mr. Withers moved that said resolutions be indefinitely postponed, which motion was disagreed to—Ayes 10, noes 28.

Mr. McClees demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


Mr. Hoke now moved to lay the resolutions on the table, which was carried—ayes 22, noes 20.

Mr. McClees demanded the yeas and nays.

Those who voted in the affirmative are:

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 body, viz:

A bill to amend the character of the Neuse River Navigation company:

A bill to incorporate the New River Canal company:

A bill to lay off and establish a public road from Lincoln to Greenville, &c:

A bill to repeal the 9th section of the 42d chapter of the Revised Statutes, entitled entries and grants:

A resolution in relation to selling railroad iron:

And a resolution concerning the public arms.

The Senate now took up the bill, to lay off the State into eight Congressional Districts.

Which, on motion of Mr. Cunningham, was laid on the table.

On motion of Mr. Cunningham, the engrossed bill to lay off the State into fifty Senatorial Districts was now taken up, and read the second time.
Mr. Boyd moved to amend the bill as follows, viz:

"Transfer Stanly to Anson, and Union to Cabarrus."

The question on this amendment was determined in the affirmative—Ayes 23, noes 20.

Mr. Berry demanded the ayes and nays.

Those who voted in the affirmative are:


Those who voted in the affirmative are:


Mr. Cunningham moved that the bill be laid on the table until half-past 3 o'clock.

Not agreed to.

Mr. Lillington moved further to amend the bill, viz:

"Strike out Davie from the 41st District and attach it to the county of Davidson."

Pending the consideration of which amendment,

The Senate took a recess until half-past 3 o'clock.
HALF-PAST 3 O'CLOCK.

The engrossed resolution in favor of George Little, was read the first time and passed, and, on motion of Mr. Boyd, referred to the Committee on Claims.

The engrossed bill to incorporate the Wilmington Cemetery, was read the first time and passed.

Received a message from the the House of Commons, transmitting the report of the Cape Fear Navigation company, with a proposition to print the same.

Concurred in.

The engrossed bill concerning the militia of Rutherford county was read the first time and passed.

On motion of Mr. Thompson,

Resolved, That a message be sent to the House of Commons, proposing to raise a Joint Select Committee of two members on the part of each House, to report which one of the vacant Judicial Circuits, it is most expedient and proper, to elect a Judge of the Superior Court of law and equity to reside in, under the provisions of the law passed at the session of the General Assembly, held in the years 1848-9, in relation thereto—there being now a vacancy created by the resignation of Judge Battle.

The Senate now resumed the consideration of the unfinished business of the morning, viz:

The engrossed bill to lay off the State into fifty Senatorial Districts.
The pending question, being on the amendment of Mr. Lillington, viz:

Stri ke out Davie from the 41st District, and attach it to Davidson.

The amendment was withdrawn.

Mr. Caldwell now moved a reconsideration of the vote, by which, the amendment of Mr. Boyd, transferring the county of Stanly to Anson, and Union to Cabarrus, was adopted.

Which was agreed to.

The question now recurred on the adoption of the amendment, and was decided in the negative—Ayes 17, noes 24.

Mr. Berry demanded the ayes and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


So the amendment was rejected.

The question now recurred on the passage of the bill, its second reading.
Mr. Berry moved to amend the bill by striking out all after the enacting clause, and inserting the printed bill heretofore introduced by Mr. Boyd in lieu thereof.

Mr. Lillington called for a division of the question:

And the vote being first taken on striking out, was decided in the negative—Ayes 13, noes 29.

Mr. Lillington demanded the ayes and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


Mr. Berry moved to amend the bill as follows:

Seperate Alamance and Randolph into independent Districts, and place Onslow, Carteret and Jones in one District.

The amendment was rejected—Ayes 10, noes 29.

Mr. Berry demanded the ayes and nays.

Those who voted in the affirmative are:

Those who voted in the negative, are:


Mr. Berry moved to amend the bill as follows:

"Separate Alamance and Randolph, and connect Alamance with Rockingham."

Which amendment was rejected—ays 6, noes 34.

Mr. Berry demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


The question now recurred on the passage of the bill, its second reading, and was determined in the affirmative—

Ayes 29, noes 13.

Mr. Berry called for the yeas and nays.

Those who voted in the affirmative, are:

Those who voted in the negative are:


Mr. McDowell moved that the rules be suspended, and the bill read the third and last time.

Which was agreed to—Ayes 28, noes 14.

Mr. Berry demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


The bill was then read the third time and passed—Ayes 27, noes 14.

Mr. Berry demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:

Ordered to be enrolled.

Received a message from the House of Commons, agreeing to the proposition of the Senate to raise a Joint Select Committee of two on the part of each House, to report on the election of the circuit in which the Judge is to be elected, shall reside, &c; and informing that their committee consists of Messrs. Spruill and Wheeler.

Whereupon, Messrs. Cunningham and Albright were appointed the committee on the part of the Senate, and the House of Commons informed thereof.

On motion of Mr. Cunningham, the Senate now proceeded to the consideration of the bill to lay off the State into eight Congressional Districts; which was read the third time.

Mr. Hoke moved to amend the bill, by adding Caldwell to the 7th District

Which amendment was disagreed to—ayes 14, noes 25.

Mr. Hoke demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


Mr. Shaw moved to amend the bill, by striking out all after the enacting clause, and inserting a substitute therefor.
Mr. Hoke moved that the bill and amendment be laid on the table; which motion was disagreed to—Ayes 12, noes 27.

Mr. Hoke demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative, are:


The question now recurred on the adoption of the amendment offered by Mr. Shaw, and was determined in the affirmative—Ayes 27, noes 14.

Those who voted in the affirmative, are:


Those who voted in the negative, are:

Messrs. Albright, Barrow, Berry, Boyd, Bynum, Cunningham, Gilmer, Lane, Mitchell, Murray, Parks, Person, Withers and Woodfin—14.

The question now recurred on the passage of the bill its third and last reading as amended.

Mr. Person moved to amend the first District, by striking out Washington and Tyrrell, and inserting Warren.
Pending which,

The Senate took a recess until half-past 7 o'clock.

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**Half-past 7 o'clock.**

Mr. Cunningham, from the Joint Select Committee, appointed to enquire which of the Judicial Circuits it is most expedient to elect a Judge to reside in, made a report thereon, and recommended that the election be made for the third circuit.

On motion of Mr. Gilmer, ordered that the report be laid on the table.

Mr. Person moved that a message be sent to the House of Commons, proposing to go into the election for a United States Senator, to-morrow at 11 o'clock.

Mr. Hoke moved that the same be laid on the table; which motion prevailed—Ayes 25, noes 16.

Mr. Person demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:
Messrs. Berry, Bower, Bunting, Cadwell, Cannady, Clark, Collins, Cunningham, Gilmer, Hargrave, W. Jones, Person, Shaw, Speight, Thomas and Withers—16.

The Senate now resumed the consideration of the unfinished business of the last session, viz:

The bill to lay off the State into eight Congressional Districts.

The Speaker decided the motion of Mr. Person, to amend the bill, to be not in order.

Mr. Bower now moved a reconsideration of the vote, by which the amendment of Mr. Shaw was adopted.

Which motion was not agreed to—Ayes 15, noes 25.

Mr. Bower demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs Albright, Albritton, Arendell, Bynum, Caldwell, Cannady, Cowper, Hargrave, Herring, Hoke, T. F. Jones, Joyner, Kelly, Lane, Lillington, McClees, McDowell, McMillan, Murray, Parks, Shaw, Speight, Thompson, Willey and Woodlin,—25.

So the Senate refused to reconsider.

Mr. Berry now moved that the bill be laid on the table; which motion was not agreed to—Ayes 17, noes 25.
Mr. Berry demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:


So the Senate refused to lay on the table.

Mr. Thomas moved that the further consideration of the bill be postponed until to-morrow.

Not agreed to.

The question now recurred on the passage of the bill, its third and last reading, and was determined in the affirmative—Ayes 29, noes 14.

Mr. Person demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:

So the bill passed its third reading, and was ordered to be enrolled.

Mr. Person moved that a message be sent to the House of Commons, proposing to vote for a Senator of the United States, to-morrow at 11 o'clock.

Mr. McDowell moved to amend the message, by striking out U. S. Senator, and inserting Judge of the 3d Judicial Circuit.

Agreed to

Mr. Person moved that a message be sent to the House of Commons, proposing to go into the election of U. S. Senator, at half-past 11 o'clock, to-morrow morning.

Which was not agreed to—Ayes 14, noes 29.

Mr. Person demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative, are:


Mr. T. F. Jones moved that the 15th rule be suspended, and that the bill to lay off the State into eight Congressional
Districts be engrossed and sent to the House of Commons, for their concurrence.

Which proposition was agreed to.

Mr. Drake, from the Committee on Claims, reported back the resolution in favor of George Little, and recommended its passage.

The resolution was read the second time and passed, and the rules being suspended, the resolution was read the third time, passed and ordered to be enrolled.

On motion of Mr. Collins, the Senate took up the resolution in favor of W. W. Green, &c; which was read the second time and rejected.

On motion of Mr. Thompson, the engrossed bill to amend an act passed at the session of 1848-'49, entitled an act to provide for the establishment of a State Hospital for the insane in North Carolina, and an act supplemental to the same, was read the second time and passed.

Mr. Berry moved that the bill to amend the Constitution of North Carolina be now taken up, and made the special order for to-morrow at half past 11 o'clock; which motion was carried—Ayes 23, noes 13.

Mr. Berry demanded the yeas and nays.

Those who voted in the affirmative, are:

Those who voted in the negative, are:

Messrs. Albright, Byrum, Cowper, Gilmer, T. F. Jones, Lane, McClees, Mitchell, Murray, Parks, Thompson, Willey and Woodfin—18.

Mr. McMillan moved an adjournment.

Not agreed to.

Received a message from the House of Commons, stating that they have rejected the proposition of the Senate to go into the election of Judge of the Superior Court of Law and Equity, for the third Judicial Circuit, to-morrow at 11 o'clock.

Mr. Drake now moved that the Senate adjourn.

The result of the vote on this motion was—Ayes 19, noes 19.

Those who voted in the affirmative, are:


Those who voted in the negative, are:


There being a tie, Mr. Hoke, who occupied the Chair temporarily, voted in the negative, and the motion was lost.

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 incorporate the Jacksonville and Trent River Plank Road Company;

A bill to incorporate the Rutherford and Cleaveland Plank Road Company: and

A bill to incorporate the Ashboro’ and Salisbury Plank Road Company.

The engrossed bill to incorporate the Fayetteville Ice Company, was read the second time and passed.

The engrossed bill to incorporate the North Carolina Steam Carriage and Plank Road Company, was read the second time.

Mr. Murchison moved to lay the bill on the table.

Not agreed to.

The bill then passed its second reading. On motion, the rules were suspended, and the bill read the third time, passed and ordered to be enrolled.

The engrossed bill to prevent the obstruction of the passage of fish in the waters of Blunt’s Creek and its tributary streams, was read the second and third times, under a suspension of the rules, passed and ordered to be enrolled.

The engrossed bill to lay off a public road from Enoch Vannay’s Mill, in Wilkes county, to the Virginia line, was read the second time and passed; and, on motion, the rules were suspended, and the bill read the third time, passed and ordered to be enrolled.

The Senate then adjourned.
Saturday, Dec. 25th, 1852.

Received from the House of Commons, the recommendation of sundry persons for Justices of the Peace for Haywood county; which, on motion, was ordered to be laid on the table.

The recommendations for several other Justices of the Peace were read and accepted.

Mr. Thomas, from the Committee on Internal Improvements, reported with amendments, the bill to incorporate the Atlantic, Tennessee and Ohio Railroad Company; which was read the second time, and, on motion of Mr. Caldwell, ordered to be laid on the table.

Mr. Thomas, from the same committee, reported back with amendments, the bill to incorporate the French Broad Turnpike Company.

Ordered to lie on the table.

Mr. Clark offered the following resolution, viz:

Resolved, That a message be sent to the House of Commons, proposing to ballot at half-past 11 o'clock, for Judge of the 3rd Judicial Circuit.

Mr. Cannady moved to amend the same, by striking out half.

Agreed to.

Mr. Lillington moved to strike out 3rd and insert 5th District.
Not agreed to.

The resolution was then adopted.

The engrossed bill to improve the public road leading from Holeman's Ford, on the Yadkin River, in Wilkes county, by way of the Deep Gap, at the Blue Ridge, at Solomon Green's and the Rich Mountain, to the Tennessee line, was read the second time and passed.

On motion of Mr. Mitchell, the rules were suspended and the bill read the third time, passed and ordered to be enrolled.

The engrossed bill to amend an act of 1848-'49, chapter 57, entitled an act to confer on County Courts certain powers over Lunatics, was read the second time and passed, and, on motion, the rules were suspended and the bill read the third time, passed and ordered to be enrolled.

The bill to amend an act, entitled an act to incorporate the Roanoke Valley Railroad Company, was read the second and third times, under a suspension of the rules, passed and ordered to be enrolled.

Received a message from the House of Commons, agreeing to vote for a Judge this day at 11 o'clock, and informing that R. M. Saunders, D. A. Barnes, Asa Biggs, and Spier Whitaker are in nomination, and that Messrs. Mooring and Daniel form their branch of the Committee to superintend the election.

Messrs. Person and Albritton were appointed the committee on the part of the Senate, to superintend said election, and the Commons informed thereof.

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


FOR MR. BIGGS.


FOR MR. WHITAKER.


FOR MR. BARNES.

Messrs. Albright, Albritton, Cowper, T. F. Jones, Kelly, Lane, Lillington, Murray, Thompson, Willey, and Woodfin—11.

FOR MR. EATON.

Messrs. Speaker, Cunningham, and McMillan—3.

Received a message from the House of Commons, stating that they concur in the amendments of the Senate, to the bill on jury trials in the County Courts of Columbus. Ordered that the bill be enrolled.

Also, that they have passed with an amendment, the Senate bill to amend the Charter of the Ashville and Greenville Plank Road company.

The amendments were agreed to, and the House of Commons informed thereof.

Also, that they have passed the Senate bill to appoint Commissioners to locate the town of Marshall, with amendments marked A. and B.
The first amendment, marked A, was concurred in; the last was disagreed to, and the Commons informed thereof.

Also, that they have passed with an amendment the Senate's bill to give to the Court of Pleas and Quarter Sessions of the counties of Randolph and Granville, jurisdiction of the sale of real estate for division amongst joint tenants, and tenants in common.

The amendment was disagreed to, and the House of Commons informed thereof.

Mr. Person, from the Committee, appointed to superintend the election of Judge, reported that no one in nomination having received a majority of the votes given, there is no election.

Report concurred in.

On motion of Mr. McDowell, ordered that a message be sent to the House of Commons, proposing to vote again forthwith for Judge of the Superior Court for the third Judicial Circuit.

The engrossed bill to incorporate the Locksville and Hillsboro' Plank Road company was read the third time, passed, and ordered to be enrolled.

The Speaker announced the special order, being the bill to amend the Constitution of North Carolina.

The pending question being on the amendment of Mr. Caldwell, to the amendment of Mr. Lillington.

Mr. Woodfin moved to postpone the order till half-past three o'clock.
Not agreed to.

Mr. Gilmer moved to postpone the order till Monday, 10 o'clock.

Which was agreed to—Ayes 24, nays 17.

On this motion Mr. Berry demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the affirmative are


Received a message from the House of Commons, agreeing to vote again for Judge of the third Judicial Circuit, and informing that Messrs. Cotton and Norfleet compose the Committee on their part to superintend said election, and that the name of D. A. Barnes is withdrawn from the nomination; whereupon, a message was sent to the House of Commons, announcing that Messrs. Albright and Person, constitute the Committee on the part of the Senate, and that the Senate would proceed to vote on the return of the messenger.

The Senate then voted as follows:

FOR MR SAUNDERS.

Mr. Albrighton, from the Committee, appointed to superintend the election of a Judge of the Superior Court, reported that no person in nomination, having received a majority of the whole number of votes given, there is no election.

Concurred in.

On motion of Mr. Cunningham,

Ordered, that a message be sent to the House of Commons, proposing to vote again, forthwith, for a Judge of the Superior Court for the third Judicial Circuit.

Received a message from the House of Commons, agreeing to vote again, for a Judge of the Superior Court, and stating that Messrs. Black and Stubbs form their Committee to superintend said election.

A message was sent to the House of Commons, informing that Messrs. W. Jones and Cunningham form the Senate's branch of the Committee to superintend the election,

And, that the Senate would proceed to vote, on the return of the messenger.
The Senate then voted as follows:

FOR MR. BIGGS.


FOR MR. SAUNDERS.


FOR MR. EATON.

Mr. Speaker.

The engrossed bill to amend an act passed at the session of 1848–9, entitled an act to provide for the establishment of a State hospital for the insane in N. C. and, an act supplemented to the same, was read the third time.

Mr. Berry moved to amend the bill as follows:

Strike out Medical superintendent and insert the word "architect."

Which amendment was rejected—Ayes 15, nays 26.

Mr. Berry demanded the yeas and nays.

Those who voted in the affirmative, are:


Those who voted in the negative, are:

The bill was then passed its third reading, and ordered to be enrolled.

Mr. W. Jones, from the Committee, appointed to superintend the election of a Judge of the Superior Court of law and equity for the third Judicial Circuit, reported that R. M. Saunders, having received a majority of the whole number of votes given, is duly elected.

The report was concurred in.

Received from the House of Commons, the recommendation for several Justices of the Peace, from the county of Yadkin, which being read, Mr. Bower moved to lay the same on the table.

Which motion prevailed—Ayes 20, noes 16.

Mr. Gilmer demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative, are:


The recommendations were then called up, on motion of Mr. Bower, and concurred in.
Mr. Woodfin, with leave, offered a resolution in favor of James Fisher, which, under a suspension of the rules, was read the first, second and third times, passed, and ordered to be engrossed.

On motion of T. F. Jones, the resolution in favor of Perrin Busbee and others, was now taken up, read the second time, amended and passed.

On motion, the rules were suspended, and the resolution read the third time, passed, and ordered to be engrossed.

The bill to extend the power of the Commissioners of Navigation for the port of Washington was read the second time and passed, and, on motion, the rules were suspended, and said bill read the third time, passed, and ordered to be enrolled.

The bill extending the time of paying the bonds of the Seaboard and Roanoke Railroad company, was read the second time, amended, and passed, and on motion, the rules were suspended, and said bill read the third time, passed and ordered to be engrossed.

The engrossed bill to amend an act passed at the session of 1850–51, entitled an act, to incorporate the Greenville and Raleigh Plank Road company, was read the third time and ordered to be enrolled.

The Senate took a recess until half-past 3 o’clock.
HALF-PAST THREE o’CLOCK.

The engrossed bill for the protection of boats, canals, coasting and sea vessels, was read the second time and passed.

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

A resolution authorizing the Governor to furnish the clerk of the County Court of Union county, with the standard of weights and measures;

A bill to repeal in part the 5th section of an act of the General Assembly of 1850-'51, entitled an act to establish a Superior Court of Law and Equity, for the county of Watauga;

A bill to incorporate the Fayetteville Ice company;

And a bill to incorporate the town of New Salem, in the county of Randolph.

The bill to extend the time of perfecting titles to lands heretofore entered, was read the second time and passed, and ordered to be engrossed.

The engrossed resolution, providing for furnishing a set of standard weights for the county of Alexander, under a suspension of the rules, was read the first, second and third times, and ordered to be enrolled.

Mr. Person moved that a message be sent to the House of Commons, proposing to go into an election for United States Senator, this day at four and a-half o’clock.
Mr. McDowell moved to lay the motion on the table; which was carried—Ayes 28, nays 10.

Mr. Cunningham demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Berry, Bower, Cannady, Caldwell, Cunningham, Hargrave, Person, Thomas, Watson and Withers—10.

The resolution concerning a road through Pungo Swamp was read the second time and passed, and the rules were suspended, and said bill read the third time, passed and ordered to be enrolled.

The engrossed bill to establish a public road in the county of Madison was read the second time and passed, and, on motion, the rules were suspended, and the bill read the third time and ordered to be enrolled.

The engrossed bill to incorporate the Atlantic and North Carolina Railroad company, and the North Carolina and Western Railroad company, was read the second time.

Mr. Person moved to amend the bill, by striking out the 39th section.

Mr. Bower moved that the bill be laid on the table, until the 4th of March next; which was agreed to—Ayes 24, noes 18.

Those who voted in the affirmative are:

Those who voted in the negative are:


Mr. Lillington presented the following resolution, viz:

Resolved, That a message be sent to the House of Commons, proposing to fix upon the hour of 7 o'clock, A. M., on Monday next, as the hour of adjournment.

Which was agreed to.

The engrossed bill to enlarge the powers of the Magistrate of Police and Commissioners of Fayetteville, was read the second time and passed.

Mr. Joyner moved to reconsider the vote by which the bill was laid on the table until the 4th of March next, to incorporate the Atlantic and North Carolina Railroad Company, and North Carolina and Western Railroad Company.

Which was agreed to.

The bill was then amended, on motion of Mr. Joyner, by striking out the 39th and 47th sections.

Mr. Person moved further to amend the bill, by striking out the words in the 4th section, "by the Public Treasurer and to be refunded."

The amendment was rejected.

The bill then passed its second reading as amended.
The Senate now took a recess, until half-past seven o'clock.

**Half-past 7 o'clock.**

The engrossed bill to repeal the 85th chapter of the Statutes of 1850-'51, was read the second time and passed, and, on motion, the rules were suspended and the bill read the third time, passed and ordered to be enrolled.

The engrossed bill to amend an act of 1850-'51, entitled an act, to amend an act for the incorporation of the town of Washington, &c., was read the second time, and, on motion of Mr. Albritton, indefinitely postponed.

On motion of Mr. Lillington,

*Resolved*, That the rule of the Senate prohibiting the reading of bills or resolutions three times in one day, be suspended for the residue of the session, and that bills and resolutions be read first, second and third times on the same day.

The bill to amend an act, entitled an act to incorporate the town of Charlotte, in the county of Mecklenburg, was read the first, second and third times, passed and ordered to be enrolled.

The engrossed resolution for extra allowances to Clerks, was read the first, second and third times, passed and ordered to be enrolled.
Received a message from the House of Commons stating that they have passed the Senate bill to provide for holding the County and Superior Courts in the seventh Judicial Circuit, with amendments, in which they ask the concurrence of the Senate.

The amendments were agreed to, and the House of Commons informed thereof.

The engrossed bill to amend an act, entitled an act to incorporate the North Carolina Railroad Company, was read the first, second and third times, passed and ordered to be enrolled.

The engrossed bill to incorporate the Atlantic and North Carolina Railroad Company, and the North Carolina and Western Railroad Company, was read the third time, and amended, on motion of Mr. Joyner.

Mr. Person moved further to amend the bill in the 46th section, by striking out the words, "by the Public Treasurer and to be refunded."

Which amendment was rejected—Ayes 11, noes 26.

Mr. Person demanded the yeas and nays.

Those who voted in the affirmative are:

Messrs. Berry, Bower, Brogden, Cunningham, Drake, W. Jones, McDowell, Person, Watson, Withers and Willey—11.

Those who voted in the negative are:

Messrs. Albright, Arendell, Barrow, Boyd, Bunting, Cannady, Cowper, Gilmer, Hargrave, Herring, Hoke, T. F. Jones, Joyner, Kelly,
So the Senate refused to strike out.

The question now recurred on the passage of the bill, its third and last reading, and was determined in the affirmative — Ayes 28, noes 6.

Mr. Berry demanded the ayes and nays.

Those who voted in the affirmative are:


Those who voted in the negative, are:

Messrs. Berry, Cunningham, Drake, McDowell, Watson, and Withers—6.

So the bill passed its third and last reading, and a message was sent to the House of Commons, asking their concurrence in the amendments of the Senate.

Mr. Cunningham, in behalf of himself, and others, presented the following protest,

Which was ordered to be spread upon the Journal, viz:

"We, the undersigned, members of the Senate of North Carolina, hereby avail ourselves of the privilege secured to us by the 46th section of the Constitution of this State, which declares, "that any member of either House of the General Assembly shall have liberty to dissent from, and
protest against, any act or resolve which he may think injurious to the public, or any individual have the reasons of his dissent entered on the Journal.

We voted against the bill to lay off the State into eight Congressional Districts, which passed its third and last reading, in the Senate, on the 24th of December, and we were influenced solely by pure motives of public duty; we felt constrained to oppose the bill on account of the manner in which it distributes the political strength in the State. It was offered as a substitute for another bill on the same evening, that it passed its third reading, in the Senate, and but a very short time was allowed for examining whether the districts comprise the essential elements of compactness of form or similarity of pursuits.

The magnitude and importance of this subject entitled it to mature deliberation and careful investigation; and in the honest performance of our Legislative duties, it was indispensable to scrutinize impartially a subject, so materially affecting the political power of the State.

By the hasty action of the Senate, this was not allowed us. We therefore most solemnly dissent, and protest against the act laying off this State into Congressional Districts, and pray that this our protest may be entered on the Journals of the Senate.

JOHN H. CUNNINGHAM.
C. H. BROGDEN.
JNO. H. DRAKE.

The following engrossed resolution was received from the House of Commons, read and concurred in, viz: 

Resolved. The Senate concurring, that all engrossed bills for the incorporation of companies, which may have been passed by both Houses of the General Assembly, and passed upon, by the Committee of enrolled bills, shall be signed as enrolled bills, and ratified accordingly.
The engrossed bill to repeal an act, to alter the time of holding elections for the county of Edgecombe, was read 1st, 2nd and 3rd times, passed, and ordered to be enrolled.

The engrossed bill to amend an act to emancipate Lucy, a slave, and her child Laura, of 1850-51, was read the 1st, 2nd and third times, passed, and ordered to be enrolled.

The engrossed bill to amend an act, passed at the General Assembly, at the sessions of 1848-9, concerning the Militia and Courts Martial, was read and laid on the table.

Received a message from the House of Commons, informing that they have laid on the table the proposition of the Senate fixing the hour of 7 A.M. on Monday, for adjournment.

On motion of Mr. Gilmer,

Resolved, That a message be sent to the House of Commons, proposing that so much of the joint rules of the two Houses, as relates to the enrollment of bills, be so altered, as to allow their being sent from one House to the other without their being enrolled, provided there be no amendment, and are written in a plain legible manner, and free from grammatical error; and that engrossed bills be considered as enrolled bills.

The enrolled bill to incorporate the Caswell Plank Road Company, was read the first, second and third times, passed and ordered to be enrolled.

The engrossed bill to enlarge the powers of the Magistrates of Police and Commissioners of Fayetteville, was read the third time, passed and ordered to be enrolled.
The engrossed bill to amend an act, entitled an act to incorporate the town of Lumberton, passed at the session of the General Assembly of 1850-'51, was read the first, second and third times, passed and ordered to be enrolled.

The engrossed bill to incorporate the Wilmington and Tarboro Plank Road Company, was read the first, second and third times, passed and ordered to be enrolled.

The engrossed bill to incorporate the proprietors of the Wilmington Cemetery was read the second and third times, passed and ordered to be enrolled.

The engrossed bill concerning Rutherford county was read the second and third times, passed and ordered to be enrolled.

The engrossed bill to incorporate the French Broad Turnpike Company was read the second and third times, amended, passed and ordered to be engrossed.

Received a message from the House of Commons, stating that they have passed, with sundry amendments, the Senate bill regulating the fisheries in the Eastern part of the State, and asking the concurrence of the Senate.

The amendments were disagreed to, and the House of Commons informed thereof.

Received a message from the House or Commons, concurring in the amendments of the Senate, to the engrossed bill to incorporate the Atlantic and North Carolina Railroad Company, and the North Carolina and Western Railroad Company.

Ordered that said bill be enrolled.
Mr. Washington introduced a resolution allowing to Samuel Pearce and others, the use of the Public Library; which was read the first, second and third times, passed and ordered to be engrossed.

On motion of Mr. Hoke, the Senate adjourned until Monday morning, 9 o'clock.

Mr. Cunningham demanded the yeas and nays.

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Arendell, Berry, Brogden, Cunningham, T. F. Jones, Person, Withers and Woodfin—8.

MONDAY, Dec. 27th, 1852.

The Speaker announced that Messrs. Cowper, Hargrave and Shaw, compose the committee on enrolled bills the present week.

Received a message from the House of Commons, informing that Messrs. Norfleet, Stubbs, S. P. Hill, Matthews and
Albertson form their branch of the committee on enrolled bills for the present week.

Mr. Brogden, from the committee on Propositions and Grievances; to whom was reported a memorial from sundry citizens, asking for the establishment of a new county to be called Mount Vernon, reported the same back to the Senate, and asked to be discharged from its further consideration.

Discharged accordingly.

Mr. Brogden, from the same committee, to whom was referred the resolution in favor of Jere Adderton, reported the same back to the Senate, and recommended that it do not pass.

Ordered to lie on the table.

Mr. Brogden, from the same committee, reported back the engrossed bill to grant to the city of Raleigh a certain lot of land, to be added to the burial ground of said city, and recommended that it do not pass.

Ordered to lie on the table.

Mr. Brogden, from the same committee, to whom was referred the memorial of Jesse R. Siler, reported the same back to the Senate, and asked to be discharged from its further consideration.

Discharged accordingly.

Mr. Brogden, from the same committee, made an unfavorable report on the memorial of Hillory Groom, and asked to be discharged from its further consideration.

Discharged accordingly.
Mr. Woodfin, from the Committee on the Judiciary, to whom was referred the bill to establish a new county by the name of Sevier, reported the same back to the Senate, and recommended its rejection.

Ordered to lie on the table.

Mr. Woodfin, from the same committee, reported back the bill for the relief of sheriffs and jailors, and asked to be discharged from its further consideration.

Discharged accordingly.

Mr. Woodfin, from the same committee, reported back the bill to amend an act concerning Courts of Justice, Practice, Pleas and Process; which was ordered to be laid on the table.

Mr. Thomas presented a resolution authorizing the sale of railroad iron; which was read the first, second and third times, passed and ordered to be engrossed.

The engrossed bill to provide for the better regulation of the town of Louisburg, in Franklin county, was read the first, second and third times, passed and ordered to be enrolled.

Mr. Lillington offered a resolution in relation to the report of Professor Emmons; which was read the first, second and third times, passed and ordered to be engrossed.

The resolution in relation to Wheeler's History of North Carolina was read, and ordered to be laid on the table.

The engrossed resolution in favor of Joseph H. Bouditch was read the first, second and third times, passed and ordered to be enrolled.
Received a message from the House of Commons, stating that they have passed, with an amendment, the bill to incorporate the North Carolina State Agricultural Society, and ask the concurrence of the Senate in the same.

The amendment was concurred in, and the bill ordered to be engrossed.

The bill appointing Commissioners to lay off a road from Salisbury to the Virginia public road at the mouth of Wilson, was read the first time and rejected.

On motion of Mr. Cunningham, the vote by which the bill just read, was rejected, was reconsidered, and the bill passed its first reading.

The bill was then read the second and third times and passed, and a message sent to the House of Commons, asking their concurrence in the Senate's amendments.

Received a message from the House of Commons, stating that they have passed the Senate bill to provide for holding the County and Superior Courts, in the 7th Judicial Circuit, with amendments, in which they ask the concurrence of the Senate.

The amendments were agreed to, and the bill ordered to be enrolled.

The engrossed bill concerning elections in Beaufort county was read the first, second and third times, passed, and ordered to be engrossed.

The engrossed bill to appoint an agent of internal improvements on behalf of the State, was read the first time and passed, and, on motion of Mr. Cunningham,
Ordered to be laid on the table.

The engrossed bill to amend an act, entitled the Wilmington and Manchester Railroad company, was read the first, second and third times, passed and ordered to be enrolled.

Mr. Cunningham moved to take up the Resolution in relation to Wheeler's History of North Carolina.

Which was agreed to.

The resolution was then read the second time, amended and passed.

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

The engrossed bill to amend an act for re-assessment of land, &c., was read the first, second and third times, passed, and ordered to be enrolled.

On motion of Mr. T. F. Jones, the Senate now took up for consideration the bill to incorporate Suffolk and Gatesville Railroad company; which was read the third time, passed, and ordered to be engrossed.

Mr. Bower offered the following resolution, viz:

Resolved, That the resolution, passed at this session of the General Assembly, making appropriation for furnishing the Halls of the Capitol, be, and the same is hereby rescinded.

Which was read the first, second and third time, passed, and ordered to be engrossed.

Mr. Woodfin, with leave, introduced a bill to bring into market the lands pledged for the completion of the Western
Turnpike Road, which was read the first, second and third times, amended, on the several motions of Messrs. Hoke and Mitchell, passed, and ordered to be engrossed.

The engrossed resolution, in favor of R. M. Saunders, was read the first, second and third times, passed, and ordered to be engrossed.

The engrossed bill to legalize the transfer of the rights of the Cape Fear Navigation company, on the Cape Fear River above the mouth of Cross Creek, and for other purposes, was read the first, second and third times, passed, and ordered to be enrolled.

The following engrossed bills and resolution were read the first, second and third times, passed, and ordered to be engrossed, viz:

A bill to incorporate the Roanoke Ferry and Turnpike company;

A bill concerning the place of trial for civil process, returnable before Justices of the Peace;

A bill to amend an act passed at the session of 1848-49, entitled an act to incorporate the Johnson Little River Manufacturing company;

A bill to provide for clearing out Cypress Creek, in the county of Duplin;

A resolution in favor of the sureties of A. J. Poo', late Sheriff of Pasquotank county; and

A bill to incorporate the town of Kenansville.

The engrossed resolution in favor of M. W. Ransom, was read the first time and passed, and, on motion, referred to the Committee on Claims.

The engrossed bill to amend an act, entitled an act to incorporate the Red Mountain Turnpike company, in the
county of Haywood, was read the first, second and third times, passed and ordered to be engrossed.

The engrossed bill to incorporate Tarborough and Rocky Mount Plank Road company was read the first, second and third times, passed, and ordered to be engrossed.

The engrossed bill to amend the several acts heretofore passed, and which are now in force, for the incorporation, and government of the town of Tarborough, and to authorize and empower the Commissioners of the said town to lay off a portion of the commons of said town into lots, and sell the same, was read the first, second and third times, passed, and ordered to be enrolled.

The resolution in favor of David A. Ray, &c., was read the first and second times and passed, and, on motion, referred to the Committee on Claims.

The engrossed resolution concerning the county of Madison, was read the first, second and third times, passed and ordered to be enrolled.

The engrossed resolution in favor of James McKimmon was read the first, second and third times, passed, and ordered to be enrolled.

The engrossed bill to qualify every man of good mind and good character to serve as a juror, without reference to a freehold qualification, was read, and, on motion of Mr. Brogden, ordered to be laid on the table.

The engrossed bill to incorporate the Duplin Plank Road company was read the first, second and third times, passed and ordered to be enrolled.
The engrossed resolution in favor of W. L. Pomeroy was read the first, second and third times, passed and ordered to be engrossed.

The engrossed bill for the protection of boats, coasting and sea vessels, was read the third time, passed and ordered to be engrossed.

The engrossed bill authorising the Richmond and Danville Railroad company to establish a Depot in or near the town of Milton, was read the first, second and third times, passed, and ordered to be enrolled.

The engrossed bill to incorporate the Caswell Fire Insurance company, in the town of Milton, Caswell county, North Carolina, was read the first, second and third times, passed, and ordered to be engrossed.

The engrossed bill to establish the Merchants' and Planters' Bank of Wilmington was read the second time, and, on motion of Mr. Cunningham, indefinitely postponed.

The engrossed bill to incorporate the Robeson and Richmond Plank Road company, was read the first, second and third times, passed, and ordered to be enrolled.

The engrossed bill to provide for a reassessment of the real estate within the corporate limits of the town of Rockford, in the county of Surry, was read the first, second and third times, passed and ordered to be enrolled.

The Senate took a recess until half-past 3 o'clock.
Received a message from the House of Commons, proposing to rescind the joint order of the two Houses, as to adjourning this day, and that the two Houses adjourn sine die, to-morrow morning at 6 o'clock.

Not agreed to.

Mr. Lillington introduced a resolution in favor of James Small, and others, assistant engrossing clerks, which was read the first, second and third times, passed and ordered to be enrolled.

The engrossed bill to amend the 15th section of the 31st chapter of the Revised Statutes, so as to authorise the Superior Courts of Law and Equity to be held for two weeks, in the county of New Hanover, was read the first and second times, amended and passed.

The bill was then read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the Senate's amendments.

The engrossed bill directing the dividends on the stock of the State, in the Wilmington and Manchester Railroad company, to be paid into the Treasury, as a part of the Literary Fund, was read the first, second and third times, passed and ordered to be enrolled.

The engrossed bill to amend an act, entitled an act, to amend an act, incorporating the Wilmington and Raleigh Railroad company, was read the first time and rejected.

Mr. Berry presented the following protest, and asked that it be spread on the journal, viz:
The undersigned, Senator from the counties of Alamance and Orange, asks leave to enter his protest against the bill, which has passed the Senate, dividing the State into fifty Senatorial districts, because said bill is not founded in justice; because it does not have due reference to the great principle of taxation and similarity of pursuits and interests; because, under it, one of the political parties of the State will have an advantage over the other; and the undersigned, especially protests against the part of the bill which deprives Alamance of a Senator, and attaches her to Rutherford, while other counties, with larger deficits in taxation, were awarded Senators, and Alamance refused. Regarding this as a gross injustice to a portion of the constituency I represent, I desire to enter this, my protest, on the journal.

"JOHN BERRY."

On motion of Mr. Clark, the vote by which the bill to amend an act, entitled an act, to amend an act incorporating the Wilmington and Raleigh Railroad company, was rejected, was reconsidered.

The bill was then read the second and third times, passed and ordered to be enrolled.

The engrossed bill to incorporate the Roanoke Ferry Turnpike company was read the first, second and third times, passed and ordered to be enrolled.

Mr. Drake, from the Committee on Claims, reported back the resolution in favor of Mat. W. Ransom, which was read the second and third times, passed and ordered to be enrolled.

The engrossed bill to amend an act passed at the session of 1850-'51, entitled an act, to amend an act for the incorporation of the town of Washington, being chapter 199 of
the acts of 1846, was read the first time and indefinitely postponed.

Mr. Drake, from the Committee on Claims, reported back the resolution in favor of David A. Ray, &c.

Mr. Bower moved that the same be indefinitely postponed; which was carried.

The engrossed resolution in favor of Jesse Cole, was read the first, second and third times, passed and ordered to be enrolled.

The following engrossed bills were read the first, second and third times, passed and ordered to be enrolled, viz:

A bill to amend an act passed in 1850-'51, entitled an act to incorporate the Salisbury and Fayetteville Plank Road Company;

A bill to amend an act, entitled an act concerning Rutherford, passed at the session of 1850-'51;

A bill to amend an act, entitled an act, to amend an act, entitled an act to incorporate the McDowell and Yancy Turnpike Company: and

A bill to amend an act passed at the session of 1846-'47, entitled an act to amend an act, passed at the session of 1846-'47.

The engrossed resolution requiring the Governor to furnish weights and measures, for the county of Jackson, was read the first, second and third times, passed and ordered to be enrolled.

The engrossed bill to provide for making returns to the agent for collecting Cherokee bonds by the entry takers, was read the first time and rejected.
The engrossed bill to prescribe how persons shall be prosecuted for keeping insufficient fences, was read the first time and passed.

Mr. Cunningham moved that the bill be indefinitely postponed; which was carried.

The engrossed resolution in favor of Thompson, Williams and Haywood, &c, was read and laid on the table.

The engrossed bill in relation to wills and testaments, was read the first, second and third times, passed and ordered to be enrolled, viz:

A bill to amend the Revised Statutes for the better security of personal liberty;
A resolution in favor of H. P. King.
A bill to continue the Commissioners to revise and digest the Public Statute Laws of the State; and
A resolution in favor of S. Maitland & Co.

A message was received from the House of Commons, stating that they have passed with amendments, the engrossed bill of the Senate, to bring into market the lands pledged for the completion of the Western Turnpike road, in which they ask the concurrence of the Senate.

The amendments were agreed to, and the bill ordered to be enrolled.

The engrossed bill to incorporate the Spartansburg and Rutherford Plank Road Company, was read the first, second and third times, passed and ordered to be enrolled.

The engrossed bill explanatory of an act passed at the session of 1838-'39, was read the first, second and third times, passed and ordered to be enrolled.
The engrossed bill to amend an act, entitled an act to incorporate the Yadkin Navigation Company, was read the first, second and third times, passed and ordered to be enrolled.

The engrossed bill for the incorporation of a Mutual Marine Insurance Company, in the town of Wilmington, was read, and, on motion, of Mr. Kelly, ordered to be laid on the table.

The following engrossed bills were severally read the first, second and third times, passed and ordered to be enrolled, viz:

A bill to incorporate the Kinston and Snow Hill Plank Road Company;
A bill to incorporate the Winston and Wilkesboro' Plank Road Company;
A bill to incorporate the Chapel Hill and Raleigh Plank Road Company;
A bill to incorporate the Colly Navigation Company, in Bladen county; and
A bill to incorporate the Wilmington Fire and Marine Insurance Company.

On motion of Mr. Gilmer, the resolutions concerning the public lands were now called up and read the third time.

Mr. McDowell moved that said resolutions be laid on the table.

On the motion, the yeas and nays were demanded, and resulted as follows—Ayes 14, noes 14.

Those who voted in the affirmative, are:
Messrs. Bower, Boyd, Bunting, Caldwell, Cunningham, Drake, Herr-  

Those who voted in the negative, are:

Messrs. Albritton, Berry, Brogden, Bynum, Cowper, Gilmer, T. F.  
Jones, Joyner, Kelly, Lillington, Mitchell, Thomas, Washington and Woodfin—14

There being a tie, the Speaker voted in the affirmative,  
and the resolutions were laid on the table.

The Senate then took a recess until half-past 7 o'clock.

Half-past Seven o'clock.

Mr. Thomas, from the Committee on Internal Improve-  
ments, to whom was referred the bill to incorporate the  
North Carolina and South Carolina Turnpike Company, re-  
ported a bill as a substitute for the same.

Which was ordered to lie on the table.

The engrossed bill to authorise Doctor A. M. Powell, and  
others, to erect a toll bridge on or near Buffaloe Shoals, be-  
tween Catawba and Iredell counties, was read the first, sec-  
ond and third times, passed and ordered to be enrolled.

The Engrossed bill to amend an act, entitled an act, to a-  
mend an act, passed in the year 1818, Chapter 42, entitled  
an act to elect a magistrate for the town of Wilmington, was
read the first, second and third times, passed and ordered to be Enrolled.

The Engrossed bill authorizing the majority of acting Justices of Macon to abolish Jury trials in the County Court of said County was read the first, second and third times passed and ordered to be Enrolled.

The Engrossed Resolutions in relation to a Marine Hospital at or near Smithville or Wilmington, was read the first, second and third times, passed, and ordered to be Enrolled.

The Engrossed bill to incorporate the Hawfield Volunteer Regiment in the County of Orange, was read the first, second and third times, passed and ordered to be Enrolled.

The Engrossed bill to grant to the City of Raleigh a certain lot of Land, to be added to the burial ground of said City, was read the first time, and, on motion of Mr. Cannaday, ordered to be laid on the table.

On motion of Mr. Kelly, the Senate took up for consideration the Engrossed bill concerning the sale and inspection of lumber and ton timber at Wilmington, or other points on the Cape Fear river; which was read the second time.

Mr. Cunningham moved that the bill be indefinitely postponed.

Which motion was decided in the affirmative—Ayes 20, nays 11.

Mr. Cunningham demanded the yeas and nays.

Those who voted in the affirmative are:

Those who voted in the negative are:


So the bill was indefinitely postponed.

Mr. Gilmer moved that the Senate do now take up for consideration the Resolutions concerning the public lands, and upon this motion demanded the yeas and nays. The result was—ayes 17, nays 16.

Those who voted in the affirmative are:


Those who voted in the affirmative are:


The Speaker voted in the negative, and the motion was lost.

Mr. Kelly now moved a reconsideration of the vote by which the Engrossed bill to prescribe how persons shall be prosecuted for keeping insufficient fences was indefinitely postponed.

The motion was disagreed to.

Mr. Thomas presented the following protest and asked that it be spread on the Journals, viz:
PROTEST.

Mr. Speaker:

The passage of the bill for the confirmation of a grant to B. H. Stanmire, for 640 acres of land, in the county of Cherokee, now being certain, I have, to the utmost of my ability, endeavored to prevent the passage of the bill, and to discharge my duty to my constituents; but owing to a rule adopted since that bill was under consideration, restricting my reply to those who advocate its passage, to fifteen minutes, I have been unable even to read the evidence, laws and decision of the Supreme Court, necessary to a proper understanding of that case; and now when the Senate has determined to act on the bill, in the late hours of the night, with scarcely a quorum present, and has refused to postpone its consideration until to-morrow morning, when the absent Senators may be present, and has voted down the amendment offered by me, which authorized the Trustees of the University to pay to B. H. Stanmire, the amount of money received by the University, from the sale of a warrant transferred to that institution, as escheated property, in the name of Benj. Schoolfield, with interest thereon, from the time when the money was received, I cannot hope to get the bill reconsidered or prevent its passage. There is but one more privilege I can exercise in favor of my injured constituents, and that is, to exercise my individual right, as a member of this body, under the 43rd section of the Constitution, which is in these words:

"That any member of either House of the General Assembly shall have liberty to dissent from, and protest against, any act or resolve, which he may think injurious to the public, or any individuals, and have the reasons of his dissent entered on the Journals."

As a member of the Senate, I now claim the privilege al-
lowed me under this clause of the Constitution, and shall proceed to perform the solemn duty in behalf of my constituents, and, also, in behalf of the people of the State, in having my protest against the passage of the bill, and thereafter, entered on the Journals of the Senate, there to remain in all future time, as evidence on my part, that I endeavored to prevent an act of great injustice to a portion of the people I represent, and also, to the majority of the people of the State.

1. I protest against the passage of the bill, because it proposes to adopt a rule in the construction of Statutes, dangerous to the rights of property, and the liberty of the people, adopting as the rule of construction of a statute, the supposed intention of the Legislature, in direct opposition to the language of the law. In support of this position, I shall quote the resolution, and contrast its provisions with the construction attempted to be placed upon it, to justify the passage of the bill.

Resolved, That the Secretary of the State be, and he is hereby authorized, and required, to issue to Ailsey Medlin, for the services of her father, Benjamin Schoolfield, in the continental line of the State, in the war of the revolution, or her heirs or assigns, a grant or grants for a quantity of land, not exceeding 640 acres, to be located in one body, or in quarter sections of not less than 160 acres, on any of the lands of this State, now subject to entry by law, said grant or grants to be issued on the application of said Ailsey Medlin, her heirs or assigns, as she or they may prefer, in one or four grants.

2. That the said warrant or warrants shall or may be laid, so as to include any lands now belonging to the State, for which the State is not bound for title, provided that this act does not extend to any swamp lands of this State.

The protest will show, that there is nothing in the resolution which justifies the passage of the bill, as will be seen by contrasting the resolutions with the grant which it is proposed to confirm.
The resolutions authorize Mr. Stanmire, "to locate lands subject to entry under existing laws."

The lands located, and which have been included in the grant, were not subject to entry "under existing laws," but lands that the "existing laws" prohibited the entry of.

The language used in the resolution, proves, that the location was required to be made in a county where an entry office had been established, and an entry taker appointed, which the "existing laws" required.

In Cherokee county, where the location was made, no entry office had been established and no entry taker appointed. The resolution authorized the location of lands, worth ten cents per acre, which amounted to $64. The location was made on lands worth $12.50 per acre, which amounted to $8,000, that is only $7,736 more than the committee reported in favor of Ailesey Medlin, and the evidence is now in this city, which proves that Mr. Stanmire, after the report of the committee was made, complained that the resolution was illiberal, because it only authorized the entry of lands worth ten cents per acre.

The resolutions authorized the entry of lands for which the State was not bound for title.

Mr. Stanmire therefore had no right to locate any lands which had been previously entered by any other person, notwithstanding no grants had issued, because the State would be bound for title.

The lands included in the grant were sold in 1838, by the Commissioners appointed under the act of 1836: One eighth of the purchase money was paid down, and bonds given for the remainder, and the purchasers or their assignees have been in possession from that time to the present. By the act of 1830 '51, those purchasers were authorized to have their lands assessed by a Board of Commissioners appointed by the Governor, and to give new bond and security, to be approved of by the agent of the State, for the value of the land, and upon that being done the agent was authorized to cancel the bonds. This provision of the act, the follow-
ing letter from the agent proves to have been complied with. It is post-marked at Franklin, and bears date 13th November, 1852, addressed to me at this place.

"Sir: At the request of Stephen Whitaker, I submit to you the following facts, viz: On the 6th instant, I received a letter from Mr. Stanmire, requesting me not to dispose of the lands on Oalby River, of which the State had made him a grant. Three days previous to receiving the letter, I had permitted Stephen Whitaker, (son-in-law of David Taylor,) on presenting the certificate of valuation, to take up the Robeson and Taylor part of said land. I acted on the authority of the certificate, together with the decision of the Supreme Court; with these facts before me, I could not resist Whitaker's demands. Mr. Stanmire writes me that he is prosecuting his claims before the Legislature with a strong probability of having his grant confirmed. I suppose Mr. Whitaker's object is for you, as the representative of the District, to know the facts in the case, so that you might be prepared to resist any unfair measure likely to prejudice his interest."

Signed,

JACOB SILER,
Agent of Cherokee Lands.

In the decision of the Supreme Court, referred to in the letter of the agent, (B. H. Stanmire vs John A. Powell and others,) Judge Ruffin delivered the opinion of the Court, from which the following extracts are taken, which decision was made in the Superior Court of Cherokee county, at the fall term of 1851; and by an appeal, was taken to the Supreme Court. In delivering the opinion of the Court, Judge Ruffin says: "This question is, as to the validity of the grant to the lessor of the Plaintiff, (B. H. Stanmire.) When the law forbids the entry of vacant lands, in a particular tract of county, a grant for a part of such land is absolutely void, and that may be shown in ejectment. These entries in the Cherokee boundary were forbidden by
the acts of 1778 and 1783, and consequently the grants were held to be void, (Avery vs. Strother. Conf. Rep. 434, Strother vs. Cathey, 1 Murph. 102.) "It could not have been the purpose of the Legislature to give this person land which she sold to another.

The Supreme Court decided the grant void, and that the State is bound to the purchasers, now residing on the land. Hence, application is made to the Legislature to confirm the grant which was decided void, and to divest the title of the purchasers.

II. I protest against this being done, because, in addition to the reasons stated, it is an interference of the Legislative branch of the government with the Judicial branch, in violation of the 4th Section of the Bill of Rights, which declares, "That the Legislative, Executive, and Supreme Judicial powers of Government ought to be forever separate and distinct from each other."

The passage of the bill being intended to reverse that decision is, it is believed, a violation of the Bill of Rights, which forms a part of the Constitution, because it gives the Legislative branch control over the judiciary branch of the Government, which our ancestors determined should be independent, and to act as a check upon hasty and unconstitutional legislation.

III. Because, permitting the Legislature to supervise and control the decisions of the Supreme Court, has a tendency to cause the legal counsel of unsuccessful clients, of which the present case furnishes an example, to become members of the General Assembly, and be placed on the Judiciary Committees of both branches of the Legislature, where it is difficult, if not impossible, to divest themselves of previously formed opinions in favor of their clients, when they exercise much influence with their brother lawyers in procuring favorable reports from those committees, which exert upon questions of law almost an unlimited influence in favor of their clients, to the prejudice of the adverse parties, whose attorneys are not members of the Legislature.
The passage of this bill may operate against the class of the community engaged in the practice of the law, by aiding to pass a champerty law, like that passed by the State of Tennessee, that prohibits contracts being made with attorneys for contingent fees, which notwithstanding such a law may be regarded as necessary to protect the interests of the people, might be considered by those engaged in the practice of the law as diminishing the profits of their profession.

IV. Because the passage of the bill is believed to be a violation of the 5th section of the 1st article of the Constitution of the State, which is in the following words, viz:—"The General Assembly shall not pass any private law, unless it shall be made to appear thirty days notice of application to pass such law shall have been given, under such directions and in such manner as shall be provided by law." The notice herein required has not been given to enable the purchasers of the land included in the grant, to know that application would be made to this General Assembly, to divest their rights, and to confirm the grant to Stanmire.

V. Because it is believed to be a violation of the 12th section of the Declaration of Rights of individuals, which is in these words: "That no freeman ought to be taken, imprisoned, or seized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty or property, but by the law of the land."

VI. Because it is believed to be a violation of the 14th section of the Declaration of Rights, which is in these words: "That at all controversies at law, respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable." The passage of the bill prevents the decision between B. H. Stanmire and the purchasers of the land, included in the grant, remaining "sacred and inviolable."
VII. Because it is believed to be the exercise of a power prohibited by the 10th section of the first article of the Constitution of the United States; which is in the following words, viz:

"No State shall enter into any treaty," &c., "pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts."

As there is a subsisting contract existing between the State of North Carolina and David Taylor and the other purchasers of the Cherokee lands, included in the Stanmire grant, under the acts of 1836, and 1850-'51, which the present bill proposes to impair, it is believed to be a violation of this clause of the Constitution.

VIII. Because it is believed that the bill proposes to take the private property of the purchasers of Cherokee bonds, which is included in the Stanmire grant, without making compensation therefor, which is a violation of the 5th article of the amended Constitution of the United States, which is in the following words, to wit:

"No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of grand jury," &c., "nor shall any person be subject, for the same offence, to be twice put in jeopardy of life or limb; nor shall he be compelled in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

IX. Because, it is a dangerous precedent, to make the State liable to pay for all the escheated property which has, under the acts of the General Assembly, been transferred to the University. Independent of the large amount of es-
cheated property of other description, which has been re-
ceived by the University, and applied to the use of that in-
stitution, the Secretary of State reports that 562 warrants of offic-
ers and soldiers of the continental line of the revolution, have
been transferred to the University; of that number, the bill
proposes to pay for one of those claims $8,000. There will
then be to be legislated on and paid 561 of the same de-
scription of claims, and if the same allowance be made
for them, as is made to B. H. Stanmire, it will require the
enormous sum of $4,488,000 to pay those Claims.

X. Because, after you have once opened the door for these
claims, by the passage of the bill, in favor of B. H Stan-
mire, can the members who vote for it, refuse at future Leg-
islatures, to allow the balance of the 561 claims for war-
rants of the same description, supported by the same evi-
dence; and if you do not, you will have to repudiate the act
now passed in favor of B. H. Stanmire.

XI. Because the tax, which must be levied to satisfy those
claims, if the policy now adopted be continued, will operate
oppressively on the people, and be regarded by them as a
tax on the many for the benefit of the few. Because, not
more than one citizen of the State, out of every three thou-
sand, derives any benefit from that institution, the high
price of tuition confining its benefits principally to one
class of society, while all classes will be taxed to pay off the
claims against it for escheated property.

XII. Because the twenty-nine hundred and ninety nine,
out of every three thousand citizens of the State, who
receive no benefit from the University, ought not to be
taxed for the purpose of raising $4,488,000, to satisfy unjust
claims against that institution.

XIII. Because the bill proposes to transfer eight thou-
sand dollars, pledged by the act of 1848-'9, for the use of
constructing the Western Turnpike, owned exclusively by the State, to the use of paying one of those Galphin claims, to the assignees of B. H. Stanmire, who are among the wealthiest men in the county of Burke.

And for the reasons assigned, I enter this my protest against the passage of the bill.

WM. H. THOMAS.
Of the Senate, representing the Counties of Haywood, Jackson, Macon and Cherokee.

Received a message from the House of Commons, informing that they have acted on all the business before them, and are now ready to adjourn sine die.

On motion of Mr. Clark,

Ordered, That a message be sent to the House of Commons, informing that body, that the Senate is also ready to adjourn sine die.

The following resolution, which was introduced by Mr. Joyner, a few days since, and, at his request laid on the table, was now called up and unanimously adopted, viz:

Resolved unanimously, That the thanks of the Senate are due, and are hereby respectfully tendered to the Honorable Weldon N. Edwards, for the able, dignified, and impartial manner in which he has discharged his various duties as presiding officer of the Senate during the present session.

Whereupon, the Speaker addressed the Senate as follows:

Senators:

The resolution just read affords the most gratifying assurance that my endeavors, faithful I hope they have been,
to discharge worthily and acceptably to you the duties confided to me, have not been altogether unavailing.

To the public man, the approbation of those he has served, is his highest reward. For your generous bestowal of that reward upon my poor efforts in the Chair, and the indulgence, at all times, kindly extended to me, I pray you to accept my profound acknowledgments.

With the examples of decorum, courtesy and dignity, which have marked all the deliberations of the Senate, the task of your presiding officer could not have failed to be of easy performance. To such helps, and not to any merit of my own, I feel that I am indebted for whatever of success I may have attained. As for my poor self, give me leave once, but respectfully, to say, that in all I have done or said as the incumbent of this Chair, I have been prompted by motives, whose object was, singly and exclusively, my country's good.

If, Senators, in the course of our deliberations, any irritation has been occasioned, or any unkind expressions escaped us, let us, in the spirit of generous friendship, throw over them the mantle of forgetfulness, and recollect only the pleasures arising from association, and the consciousness, which I am sure pervades the bosom of every one, that all have been actuated by a high sense of public duty.

We are now about to separate, many of us, perhaps, for the last time. I can not take leave of you, without offering you, in all the sincerity of my heart, my fervent prayers, that the results of our labors may command the hearty well done of our constituents, and eminently redound to the honor, prosperity and welfare of our beloved State.

I wish each and all of you a speedy and safe return to your families and friends, and that you and they may enjoy a long life of peace, health and happiness.

It remains for me only to announce that the Senate stands adjourned sine die.
Whereupon, the Senate adjourned without day.

By Order.

WELDON N. EDWARDS.

Speaker of the Senate.

Jno. Hill, Clerk.
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