JOURNAL
OF
THE SENATE
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF NORTH CAROLINA,
AT ITS
SESSION OF 1865-'66.

RALEIGH:
W. M. E. PELL, PRINTER TO THE STATE.
1865.
At a General Assembly of the State of North-Carolina, begun and held in the city of Raleigh, on Monday, the twenty-seventh day of November, Anno Domini, one thousand eight hundred and sixty-five, and in the ninetieth year of the Independence of the United States of America, being the day appointed by law for the meeting of the General Assembly, the following Senators were present, and exhibited their credentials, and were qualified, as follows:

1st District, Pasquotank and Perquimans—Tim. Morgan.
2d " Camden and Currituck—D. D. Ferebee.
3d " Gates and Chowan—Mills L. Eure.
4th " Tyrrell and Hyde—Charles McCleese.
5th " Northampton—R. H. Garner.
7th " Bertie—John Pool.
8th " Martin and Washington—Charles Latham.
9th " Halifax—M. L. Wiggins.
10th " Edgecombe and Wilson—George Howard.
11th " Pitt—E. J. Blount.
12th " Beaufort—E. J. Warren.
13th " Craven—J. D. Whitford.
14th " Carteret and Jones—M. F. Arendell.
17th " Duplin—J. D. Stanford.
18th " Onslow—I. N. Sanders.
19th " Bladen, Brunswick and Columbus—A. J. Jones.
20th District, Cumberland and Harnett—A. D. McLean.
23d " Johnston—T. D. Sneed.
24th " Wake—W. D. Jones.
25th " Nash—H. G. Williams.
26th " Franklin—Washington Harris.
28th " Granville—B. T. Bullock.
29th " Person—C. S. Winstead.
31st " Alamance and Randolph—Thomas Black.
32d " Chatham—L. W. Gorrell.
33d " Moore and Montgomery—D. A. Boyd.
34th " Richmond and Robeson—Giles Leitch.
35th " Anson and Union—D. A. Covington.
36th " Guilford—J. T. Morehead.
37th " Caswell—T. A. Dotano.
38th " Rockingham—Thomas Settle.
40th " Stanly and Cabarrus—J. E. McEachern.
41st " Rowan and Davie—F. E. Shober.
42d " Davidson—J. M. Leach.
43d " Stokes and Forsythe—J. Boner.
44th " Ashe, Surry, Watauga and Yadkin—A. C. Cowles.
45th " Wilkes, Iredell and Alexander—A. M. Bogle.
48th " Polk, Rutherford and Cleveland—C. L. Harris.
49th " Buncombe, Henderson, Madison, Transylvania, Yancey and Mitchell—L. S. Gash.
50th " Haywood, Macon, Cherokee, Jackson and Clay—Joseph Keener.

W. A. Graham, the Senator elect from the County of Orange, (being the 30th Senatorial District,) in presenting his certificate of election as Senator therefrom, said he deemed it his duty to make known to the Senators present,
that there was an impediment to his qualification, without the removal of which, he should not offer to participate in the proceedings of the Senate. He had applied to the President of the United States, for special pardon under his proclamation of the 29th of May last. Pending the application and except in the event of favorable action in the premises, he should not propose to occupy the seat to which he had been elected.

A quorum, consisting of a majority of the whole number of Senators being present, on motion of Mr. Wiggins, Thos. I. Faison, the Senator from the County of Sampson, acting as Clerk, the Senate proceeded to vote, *viva voce*, for Speaker.

Mr. Whitford placed in nomination, D. D. Ferebee, the Senator from Camden and Currituck.

Mr. Leach of Davidson added the name of Hon. Thomas Settle, the Senator from Rockingham.

The following named Senators voted for Thomas Settle, viz:


The following Senators voted for D. D. Ferebee, viz:


Mr. Ferebee voted for J. D. Whitford.

The Committee reported that no one having received a majority of all the votes, there was no election.

The Senate, upon motion of Mr. Bogle, proceeded to vote again for Speaker, with result as follows:

The following named Senators voted for Mr. Settle, viz:

Messrs. Arendell, Black, Blount, Bogle Boner, Boyd,
Bullock, Covington, Coward, Cowles, Garner, Gash, Gorrell, Harris of Rutherford, Jones of Columbus, Jones of Wake, Leach of Davidson, Morgan, Pool, Snead, Warren and Winstead—22.

The following Senators voted for D. D. Ferebee, viz:
Mr. Ferebee voted for Mr. Whitford.

The Committee reported that no one had received a majority of the votes.

Upon motion of Mr. Leitch of Robeson, the Senate adjourned until to-morrow at 10 o'clock.

TUESDAY, NOVEMBER 28TH, 1865.

The Senate was called to order by Mr. Wiggins, the Senator from Halifax County.

On motion of Mr. Morehead the roll was called. Several Senators being absent, Mr. Leach of Davidson moved that the Senate take a recess of half an hour, which was concurred in.

At the expiration of the recess, the Senate was again called to order by Mr. Wiggins, and an election was had for Speaker, under the superintendence of Messrs. Pitchford, Winstead and Leitch of Robeson, which resulted as follows:

Messrs. Arendell, Black, Blount, Bogle, Boner, Boyd, The following named Senators voted for Mr. Settle, viz: Bullock, Covington, Cowles, Coward, Garner, Gash, Gorrell, Harris of Rutherford, Jones of Columbus, Jones of Wake, Leach of Davidson, Morgan, Pool, Snead, Warren, and Winstead.—22.
The following Senators voted for Mr. Ferebee, viz:

Mr. Ferebee voted for Mr. Whitford.

The Committee reported to the Senate that forty-three votes had been cast, and Hon. Thomas Settle having received a majority of them was duly elected Speaker of the Senate.

The Speaker was conducted to the chair by Messrs. Whitford and Leach of Davidson.

On motion of Mr. Shober,

The Senate then proceeded to vote *viva voce*, for Principal Clerk.

Mr. Shober nominated Joseph A. Engelhard, of Edgecombe.

Mr. Winstead nominated J. W. Alspaugh, of Forsythe.

Messrs. Morehead and Cowles were appointed to superintend the election, which resulted as follows:

The following named Senators voted for Mr. Engelhard, viz:

The following Senators voted for Mr. Alspaugh, viz:
Messrs. Speaker, Black, Blount, Bogle, Boyd, Coward, Cowles, Gash, Gorrell, Jones of Columbus, Jones of Wake, Keener, Leach of Davidson, Morgan, Pool, Sneed, Warren, Winstead—18.

Mr. Harris, of Rutherford, voted for C. H. Brogden.

The Committee reported that forty-four votes had been recorded, and that Mr. Engelhard had received a majority.
of the whole number given in, who was announced by the Speaker as duly elected Principal Clerk of the Senate.

On motion of Mr. Morgan,
The Senate proceeded to the election of Assistant Clerk.

Mr. Morgan placed in nomination the name of Mr. J. W. Albertson, of Perquimans.

Mr. Howard placed in nomination the name of Mr. H. W. Husted, of Wake.

Mr. Jones, of Wake, placed in nomination the name of Mr. W. Whitaker, of Wake.

Messrs. Morehead and Cowles were appointed to superintend the election, with result as follows:

The following named Senators voted for Mr. Albertson, viz:


The following Senators voted for Mr. Husted, viz:


The following Senators voted for Mr. Whitaker, viz:


There being no election, the Senate proceeded again to vote for Assistant Clerk, Mr. Jones of Wake, having withdrawn the name of Mr. Whitaker.

The following named Senators voted for Mr. Albertson, viz:

Messrs. Speaker, Arendell, Black, Blount, Bogle, Boner, Boyd, Bullock, Coward, Cowles, Donaho, Eure, Garner, Gorrell, Harris of Rutherford, Jones of Columbus, Jones of

The following Senators voted for Mr. Husted, viz:

J. W. Albertson having received a majority of the whole number of votes given in, was declared duly elected Assistant Clerk.

The Senate proceeded to vote for Principal Doorkeeper.
Mr. Wiggins placed in nomination Mr. James Page, of Randolph, when
On motion of Mr. Leach of Davidson,
Mr. Page was appointed unanimously.
On motion of Mr. McCleese,
The Senate proceeded to vote for Assistant Doorkeeper, with result as follows, viz:
The following Senators voted for Mr. C. C. Tally, of Chatham, viz:

The following named Senators voted for Mr. Mark M. Williams, of Wake, viz:
- Messrs. Harris of Rutherford, Jones of Wake and Snead.—3.

The following Senators voted for Mr. R. H. Forlow, of Duplin, viz:
- Messrs. Stanford and Williams.—2.

Mr. Gash voted for Mr. Patrick McGowan, of Wake.
Mr. Tally having received a majority of the votes given, was declared duly elected.

On motion of Mr. Shober,

Ordered, That a message be sent to the House of Commons, informing that body that the Senate has been duly organized by the election of the Hon. Thomas Settle, Speaker; Joseph A. Engelhard, Principal Clerk; John W. Albertson, Assistant Clerk; James Page, Doorkeeper, and C. C. Tally, Assistant Doorkeeper, and is now ready to proceed to business.

On motion of Mr. Howard, the Senate adjourned until to-morrow at 11 o'Clock.

WEDNESDAY, NOVEMBER 29TH, 1865.

The following Senators appeared, filed their credentials, and being sworn, took their seats:

16th District, New Hanover,—E. D. Hall.

22nd " Wayne—Benj. Aycock.


The House of Commons informed the Senate, by message, that it had been organized by the election of S. F. Phillips, Speaker; Seaton Gales, Principal Clerk; W. M. Hardy, Assistant Clerk; H. B. Kingsbury, Principal Doorkeeper, and John Hill, Assistant Doorkeeper.

On motion of Mr. Morehead,

Ordered, That a message be sent to the House of Commons proposing to go forthwith into the election of Public Printer.

Mr. Wiggins placed in nomination the name of Wm. E. Pell.

Mr. Jones of Wake, added to the nomination the name of Joseph W. Holden.
The message being sent, the House of Commons afterwards concurred, and so informed the Senate, when the Speaker appointed Messrs. Harris of Franklin and Bullock to superintend the election,—Messrs. Luke and Ferrell being appointed on the part of the House.

An election for Public Printer was then held, which resulted as follows:


The following Senators voted for Mr. Holden, viz: Messrs. Speaker, Arendell, Black, Bogle, Boyd, Bynum, Coward, Cowles, Donaho, Garner, Gash, Gorrell, Harris of Rutherford, Jones of Columbus, Jones of Wake, Leach of Davidson, Morgan, Pool, Snead, Warren, Winstead—21.

Ordered, 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 wait on his Excellency, the Governor, and inform him of the due organization of both branches of the General Assembly, and of their readiness to receive any communication he may have to make to them.

On motion of Mr. Leitch, of Robeson,

Ordered, That a committee of three be appointed by the Speaker to prepare Rules of Order for the Government of the Senate, and that meanwhile the Rules of the last session be continued.

A message was received from the House of Commons proposing to proceed at once to the election of three Engrossing Clerks, and informing this body that the names of the following gentlemen were in nomination: For Principal Engrossing Clerk, E. B. Freeman, of Wake; for Assistant
Engrossing Clerks, John A. Hampton, of Yadkin; Bennett Barnes, of Wilson; Charles M. Busbee, of Wake; Erasmus Page, of Wake; M. J. McSween, of Richmond, and James A. Moore, of Wake.

On motion of Mr. Howard,

Ordered, That the message be laid on the table until the Senate heard what disposition was made of the proposition to go into the election of Public Printer, already sent to the House of Commons.

A message was received from the House of Commons, concurring in the proposition to appoint a committee of two from each House to wait on his Excellency, the Governor, and that Messrs. Wheeler and Page constitute the committee on the part of the House.

On motion of Mr. Covington,

Resolved, That a committee of three be appointed by the Speaker to wait upon Lieut. General Grant, now in this City, and invite him at such time as may suit his convenience, to visit the Senate Chamber, and allow the members of the body an opportunity to pay their respects to him.

The Speaker announced the Senate branch of the joint committee to wait on the Governor, viz: Messrs. Leitch of Robeson and Harris of Rutherford.

The committee to wait on General Grant was announced as follows: Messrs. Covington, Warren and Euro.

The proposition of the House of Commons to proceed to the election of three Engrossing Clerks, was now concurred in, of which they were informed by message. The name of John Boner, of Forsythe, having been added to the nominations by Mr. Warren, Messrs. Garner and Donaho were appointed to superintend the election.

The following named Senators voted for Mr. Freeman, viz: Messrs. Speaker, Arendell, Aycock, Black, Blount, Bogle, Boner, Boyd, Bullock, Bynum, Covington, Coward, Cowles, Cowper, Donaho, Euro, Faison, Ferebee, Garner, Gash,

The following Senators voted for Mr. Hampton, viz:

Messrs. Speaker, Arendell, Aycock, Black, Blount, Bogle, Boner, Boyd, Bullock, Bynum, Covington, Coward, Cowles, Cowper, Donaho, Garner, Gash, Gorrell, Harris of Rutherford, Jones of Columbus, Jones of Wake, Keener, Leach of Davidson, Leitch of Robeson, McCleese, McEachern, Morgan, Pool, Sanders, Snead, Williams, Winstead—82.

The following Senators voted for Mr. McSween, viz:


The following Senators voted for Mr. Page, viz:


The following Senators voted for Mr. Boner, viz:


The following Senators voted for Mr. Moore, viz:


The following Senators voted for Mr. Busbee, viz:


The following Senators voted for Mr. Barnes, viz:

Mr. Covington, from the committee to wait on General Grant, reported that the General was then in the Hall of the House of Commons, and would visit the Senate in a short time.

Mr. Harris of Franklin, from the committee to superintend the election of Public Printer, reported that there had been one hundred and forty-seven votes cast in the same, of which Wm. E. Pell had received eighty-six, and Joseph W. Holden sixty-one; and that Mr. Pell having received a majority of all the votes cast, had been duly elected. The report was concurred in.

Mr. Warren, from the committee to wait on General Grant, appeared with the General, and introduced him to the Speaker. The Speaker welcomed him to the Capitol, and in behalf of the Senate invited him to a seat in the chamber.

On motion of Mr. Warren,

The Senate took a recess of half an hour, for the purpose of allowing Senators to be introduced to General Grant.

At the expiration of the recess, Mr. Leitch of Robeson, from the committee to wait on the Governor, reported that his Excellency would communicate with the General Assembly, in writing, to-morrow at 12 o'clock.

On motion of Mr. Wiggins,

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

THURSDAY, NOVEMBER 30, 1865.

Mr. Garner, from the committee to superintend the election of Engrossing Clerks, made a report as follows:

That the whole number of votes cast was one hundred and sixty-one. Necessary to a choice, eighty-one. Of these, Mr. Freeman received 139; McSween 82; Hampton 77;
Barnes 59; Busbee 46; Moore 41; Page 24, and Boner 14. That Messrs. Freeman and McSween having received a majority of the whole number of votes cast, were duly elected. The report was concurred in.

Mr. McEachern introduced the following resolution:

Resolved, That the Speaker of the Senate invite the Clergy of the different denominations in this City, to open with prayer every day, the deliberations of this body, under such arrangements as they may agree upon among themselves.

The resolution lies over.

On motion of Mr. Latham,

Ordered, That a message be sent to the House of Commons proposing to go forthwith into the election of a third Engrossing Clerk.

Messrs. Latham and Coward were appointed to superintend the election on the part of the Senate.

The following message was received from the House of Commons:

House of Commons, Nov. 30th, 1865.

Mr. Speaker:—It has been ordered by this House that a message be sent to the Senate proposing to raise a joint select committee of five (5) members on the part of the House and three (3) on the part of the Senate to report joint rules of order for the government of the two Houses during the present session.

The committee on the part of the House consists of Messrs. Waugh, Jenkins of Warren, Henry, Baxter and Wilson.

S. F. PHILLIPS,

Speaker House Commons.

By order: Seaton Gales, Clerk.

On motion of Mr. Whitford,

Resolved, That a joint select committee of three (3) from the Senate and five (5) from the House of Commons be ap-
pointed to examine into the present condition and future prospects of all Railroads in North-Carolina, and report as early as practicable.

The House of Commons concurred in the proposition of the Senate to go forthwith into the election for third Engrossing Clerk.

Messrs. Simmons and Lyon constitute the committee on the part of the House.

The names of James A. Moore and John Boner were withdrawn.

The Senate then proceeded to vote for an Engrossing Clerk as follows:


The following Senators voted for Mr. Busbee, viz: Messrs. Morehead, Whitford and Wilson—3.

The following Senators voted for Mr. Page, viz: Messrs. Faison and Ferebee—2.

The following Senators voted for Mr. Barnes, viz: Messrs. Aycock and Stanford—2.

Mr. Ferebee, from the committee on Rules for the government of the Senate, submitted the following report:

RULES OF ORDER.

Rules of Order for the Government of the Senate.

1. It shall be the duty of the Speaker to invite the pastors of the several churches in this city, under such arrangements as they may make among themselves, to perform the
service of prayer, at the opening of the daily sessions of the Senate.

2. 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.

3. After the reading of the journal of the preceding day, the Senate shall proceed to business in the following order: 1. The receiving of petitions, memorials, pension certificates, and papers addressed either to the General Assembly or to the Senate; 2. The Reports of Standing Committees; 3. The Reports of Select Committees; 4. Resolutions; 5. Bills; 6. Bills, resolutions, petitions, memorials, messages, pension certificates, and other papers on the table; then, the orders of the day. But motions and messages proposing to elect officers shall always be in order.

4. When any member is about to speak in debate, or deliver any matter to the Senate, 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 is to name the one who is first to speak. No member shall speak more than twice on the same question or nomination for office, without leave from the Senate; and when any member is speaking, he shall not be interrupted by any person, either by speaking, or by standing, or by passing between him and the Chair.

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

6. If any member, in speaking, or otherwise, transgress the rules of the Senate, 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 Senate 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.
the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case requires it, he shall be liable to the censure of the Senate.

7. 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 commit or to amend; which several motions shall have precedence in the order they stand arranged; and any motion to adjourn or lay on the table shall be decided without debate; and a motion to adjourn shall always be in order.

8. 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 be required, the Speaker shall name two members, one from each side, to tell the number in the affirmative, which being reported, he shall then name two others, one from each side, to tell those in the negative, which being also reported, he shall state the decision to the Senate and announce the 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.

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

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

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

12. Petitions, memorials, and other papers addressed to the Senate, 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 Senate.

13. Resolutions for the appropriations of public money, and all other resolutions of a public nature, as well as all bills, shall be read the first time for information, and upon this reading shall not be subject to amendment, but may be amended on the second and third readings. And the Clerk shall keep a calendar of all such resolutions and bills, with the order taken on each, in the order in which they are introduced, and they shall be taken up and considered as they stand on the calendar, unless otherwise ordered; and the calendar shall be daily revised and kept on the Speaker's table for the inspection of members, and all bills shall be numbered and dispatched in the order in which they stand upon the calendar.

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

15. After a bill or resolution has been once rejected, postponed indefinitely, or to a day beyond the session, another of like provision shall not be introduced during the session.
16. When a question has been once decided, it shall be in order for any member in the majority to move a reconsideration thereof, on the same or succeeding day, if the bill, resolution or paper upon which the question has been taken, be in possession of the Senate; and no bill or resolution of a public nature shall be sent from the Senate until 12 o'clock the succeeding day; but when the motion to reconsider is laid on the table, it shall not again be called up.

17. 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 required to decide any question for amendments, or extending to the merits, short of the final question.

18. When a 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 a reconsideration; and a motion for reconsideration shall be decided by a majority of votes.

19. The Speaker shall examine and correct the Journal before it is read; he shall have the general direction of the hall; he shall designate who shall compose all committees except when otherwise ordered; and the Select Committees of the Senate shall consist of five members.

20. 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.
A Committee on Banks and Currency.
A Committee on Corporations.
A Committee on Military Affairs, and
A committee on Agriculture, consisting of seven members each.

21. When the Senate 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.

22. When a petition, memorial, or other paper addressed to the Senate 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 referred.

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

24. 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.

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

26. When the Senate adjourns, the members shall keep their seats until the Speaker leaves the chair.

27. Saturday in every week shall be set apart for the consideration of private bills and private business, in preference to any other, unless otherwise determined by the majority of the Senate, and the Clerk shall keep a separate calendar of the same.

28. 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, nor without the consent of two-thirds of the members present; but the rules may be suspended temporarily for a special purpose, by the concurrence of two-thirds of the members present.

Mr. Latham, from the committee to superintend the election for Engrossing Clerk, reported as follows: The whole number of votes cast was 158. Necessary for a choice, 79. Of which Mr. Hampton received 101; Mr. Barnes, 50; Mr. Busbee, 4, and Mr. Page 3. Mr. Hampton having received a majority of all the votes cast, was duly elected.

The report was concurred in.

A message was received from the House of Commons, transmitting the following engrossed resolution, in which they ask the concurrence of the Senate, viz:

(H. R. 1,) Resolutions adopting the Constitutional Amendment abolishing slavery within the United States, which was read the first time and placed on the calendar.

On motion of Mr. Warren,

Ordered, That one hundred copies of the Rules of Order be printed for the use of the Senate.

A message was received from the House of Commons transmitting a message from His Excellency, the Governor, and accompanying documents, with a proposition to print five copies for each member of the Senate and House.

The Senate concurred in the proposition.

The Message is as follows:
Gentlemen of the Senate and of the House of Commons:

I regret that a severe and painful illness, from which I am still suffering, has prevented me from preparing for your consideration a more full and detailed statement of the condition of public affairs, and of the progress which has been made in restoring North-Carolina to her natural position as a member of the Union, under the Federal Constitution. I am gratified to state, however, that my health is improving, and I hope soon to be in a condition to impart to you at length any information in my possession in relation to public affairs which you may desire.

The progress thus far made in the work of restoration has been attended by a great labor; and I have been very anxious to discharge my duties as Provisional Governor, under the instructions of the President, in such a way as to promote the best interests of the State, and to ensure a restoration of our Constitutional relations to the Federal Government at the earliest practicable period.

We can entertain no hope that confidence and activity in business will be revived, or that our people can even begin to renew their former prosperity until the State shall have been fully restored to her place in the Union. The greatest good of the present and of all coming generations, will be embodied in the practical fact that we are once more a part of the freest, proudest and most prosperous government in the world. As long as this fact is unrealized, the State must necessarily languish in all its interests, and instead of availing herself of her great natural advantages
and springing forward in competition with other States in the career of wealth and prosperity, she will become more and more impoverished.

Let us, then, omit nothing which may be deemed necessary, or even expedient, to attain the great end we have in view, to wit, the complete restoration of the State to all its Constitutional relations to the common government. Let the divisions and differences which exist among us, and which are calculated to obstruct the work of restoration, disappear under the influence of a more intense and a more devoted patriotism. He who does any thing now, whether by word or act, calculated or intended to embarrass the national administration, or to obstruct the work of restoration, incurs a grave responsibility, and can be no friend either to the Federal Union or to North-Carolina.

The Convention of the people of this State, recently in session, very wisely ordained,

1st, That the so-called ordinance of secession, adopted the 20th day of May, 1861, "is now, and at all times hath been, null and void," and that "the ordinance of the Convention of the State of North-Carolina, ratified on the 21st day of November, 1789, which adopted and ratified the Constitution of the United States, and also all acts and parts of acts of the General Assembly, ratifying and adopting amendments to the said Constitution, are now, and at all times since the adoption and ratification thereof, have been in full force and effect."

2d. That "slavery and involuntary servitude, otherwise than for crimes, whereof the party shall have been duly convicted, shall be, and is hereby forever prohibited within the State."

3d. That it shall be the duty of the General Assembly to provide for the payment of all debts and obligations created or incurred by the State, otherwise than in aid of the late rebellion. But that "all debts and obligations created or
incurred by the State, in aid of the late rebellion, directly or indirectly, are void, and no General Assembly of this State shall have power to assume or provide for the payment of the same, or any portion thereof.”

These are safe and proper steps in the right direction, and such as were expected of the representatives of a loyal people.

But, in order to remove the last obstacle in the way of restoration, it is indispensable that the Legislature shall ratify the amendment to the Constitution of the United States prohibiting the existence of slavery throughout the United States. I herewith transmit to you a communication on this subject, from Hon. William H. Seward, Secretary of State, and also a certified copy of the joint resolution which has passed Congress on the subject, approved February 1st, 1865.

I beg leave, gentlemen, most respectfully and earnestly to urge on you the propriety of ratifying this amendment unanimously, at the earliest practicable moment. It is the wish of our best friend, the President of the United States, that this shall be done. Such ratification cannot fail to hasten our restoration to the Union, and thus lay anew for us and our children the foundations of permanent prosperity and glory.

Under the provisions of an Ordinance passed by the Convention at its late session, I have appointed the Hon. B. F. Moore, the Hon. Richard S. Donnell, and William S. Mason, Esquire, Commissioners to prepare and report to the Legislature a system of laws upon the subject of freedmen, and to designate such laws and parts of laws, now in force, as should be repealed, in order to conform the statutes of the State to the ordinance of the Convention abolishing the institution of slavery.

In conclusion, permit me to assure you, gentlemen, of my readiness and anxiety to co-operate with you cordially
and zealously in every thing which may be calculated to relieve our unfortunate and beloved State from her present depressed and unhappy condition.

With sentiments of high respect, I have the honor to be, &c.,

W. W. HOLDEN,
Provisional Governor.

[DUPLICATE.]

UNITED STATES OF AMERICA.

DEPARTMENT OF STATE.

To all whom these Presents shall come Greeting:

I certify that the annexed is a true copy of a Joint Resolution of Congress, entitled "A Resolution submitting to the Legislatures of the several States a proposition to amend the Constitution of the United States," approved February 1st, 1865; the original of which is on file in this Department.

In testimony whereof, I, WILLIAM H. SEWARD, Secretary of State of the United States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed. Done at the City of Washington, this second day of February, A. D., 1865, and of the Independence of the United States of America, the eighty-ninth.

WILLIAM H. SEWARD.

A RESOLUTION SUBMITTING TO THE LEGISLATURES OF THE SEVERAL STATES A PROPOSITION TO AMEND THE CONSTITUTION OF THE UNITED STATES.

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of both Houses concurring,) That the following article be proposed to the Legislatures of the several States as an
amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid, to all intents and purposes, as a part of the said Constitution, namely:

**Article XIII.**

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Sec. 2. Congress shall have power to enforce this article by appropriate legislation. [Approved February 1, 1865.]

On motion of Mr. Latham,

Ordered, That a message be sent to the House of Commons proposing to go forthwith into the election of three Judges of the Supreme Court.

A message was received from the House of Commons proposing to go into the election for United States Senator, to fill the unexpired term of Hon. T. L. Clingman; also, concurring in the proposition of the Senate to go forthwith into the election of three Judges of the Supreme Court; and that Messrs. Blackmer and Jenkins of Warren, would superintend the election on the part of the House. The Hon. Messrs. R. M. Pearson, M. E. Manlv, B. F. Moore, E. G. Reade, Nathaniel Boyden, W. N. H. Smith, W. H. Battle and R. R. Heath were in nomination in that House.

The Senate refused to concur in the proposition to go into the election of United States Senator, and so informed the House by message.

Messrs. Latham and Blount were appointed to superintend the election for Supreme Court Judges, on the part of the Senate.

An election for three Judges of the Supreme Court was then held.
The following Senators voted for Hon. R. M. Pearson, viz:


The following Senators voted for the Hon. W. H. Battle, viz:


The following Senators voted for the Hon. E. G. Raze, viz:

Messrs. Speaker, Black, Blount, Bogle, Boner, Boyd, Bullock, Coward, Cowles, Donaho, Eare, Faison, Ferebee, Hall, Harris of Franklin, Howard, Jones of Columbus, Keener, Leitch of Robeson, McCleese, McEachern, McLean, Morehead, Pitchford, Sanders, Stanford, Whitford, Williams and Wilson—22.

The following Senators voted for the Hon. M. E. Manly, viz:

Messrs. Aycock, Bynum, Eare, Faison, Ferebee, Hall, Harris of Franklin, Howard, Jones of Columbus, Keener, Leitch of Robeson, McCleese, McEachern, McLean, Morehead, Pitchford, Sanders, Stanford, Whitford, Williams and Wilson—21.

The following Senators voted for B. F. Moore, Esq., viz:

Messrs. Arendell, Black, Boyd, Bullock, Coward, Cowper,


The following Senators voted for Hon. Nathaniel Boyden, viz: Messrs. Cowles and Shoher—2.

The Speaker announced the Senate branch of the committee on Railroads, under the resolution of Mr. Whitford, as follows: Messrs. Whitford, Leach of Davidson and Hall.

Also the Senate branch of the committee on Joint Rules, as follows: Messrs. Winstead, Morehead and Arendell.

Whereupon, it being 2 o'clock, the Senate, On motion of Mr. Ferbee,
Adjourned until to-morrow at 11 o'clock, A. M.

FRIDAY, DECEMBER, 1st, 1865.

Prayer by the Rev. A. Smedes, D. D.

Mr. Latham, from the committee to superintend the election for three Judges of the Supreme Court, reported as follows:

That the whole number of votes cast was 189. Necessary for a choice, 80, of which R. M. Pearson received 133; W. H. Battle, 97; E. G. Reade, 89; M. E. Manly, 68; B. F. Moore, 34; W. N. H. Smith, 32; Nathaniel Boyden, 15; R. R. Heath, 11. That R. M. Pearson, W. H. Battle and E. G. Reade having received a majority of all the votes cast were duly elected. The report was concurred in.

Bills of the following titles were introduced, read the first time, passed and placed on the calendar.

By Mr. Wilson, a bill (S. 2,) to extend the charter of the Bank of the State of North-Carolina.
By Mr. Wilson, a bill (S. 3,) to amend chapter thirty-three of the Revised Code.

The engrossed resolutions (H. R. 1,) adopting the Constitutional Amendment abolishing slavery in the United States, came up on their second reading.

When a message was received from the House of Commons proposing to go forthwith into an election for United States Senator for the term commencing on the 4th of March last and continuing for six years; and that Hon. Wm. A. Graham was in nomination in the House.

And the same being read,

Mr. Wiggins moved that the engrossed resolutions be laid on the table and made the special order for 1 o'clock to-day, and the question thereon was put and

Decided in the affirmative, \{ Yeas .................. 25
\} Nays .................. 21

On motion of Mr. Leach of Davidson,

The yeas and nays being ordered,

The following voted in the affirmative, viz:


And the following in the negative; viz:


A message was received from the House of Commons, proposing, with the concurrence of the Senate, to have printed for each member of the General Assembly one copy of the Constitution of the United States and of this State, the Rules of Order for the Senate and for the House of Commons, and the Joint Rules of Order of the two Houses.
The Senate concurred in the proposition.

On motion of Mr. Leach, of Davidson,

Ordered, That a message be sent to the House of Commons, proposing to go into an election for two United States Senators, on Monday next, at 12 o'clock, M.

Received a message from the House of Commons, proposing to go immediately into an election for a Judge of the Superior Court for the 1st Judicial District, and that Hon. D. A. Barnes was in nomination.

The Senate concurred.

Messrs. Cowper and Bogle were appointed to superintend the election in the Senate.

Those who voted for Mr. Barnes, are:


Mr. Ferebee voted for Hon. R. R. Heath.

Mr. Latham voted for Hon. W. N. H. Smith.

A message was received from the House of Commons concurring in the proposition to go into the election of two United States Senators on Monday next at 12 o'clock, M.

On motion of Mr. Wiggins,

Ordered, That a message be sent to the House of Commons proposing to go forthwith into an election for Secretary of State.

Mr. Wiggins placed in nomination the name of Samuel T. Williams, of Nash.

Mr. Warren placed in nomination the name of Robert W. Best, of Greene.

Mr. Donaho nominated William R. Hill, of Caswell.
Received a message from the House of Commons concurring in the proposition to go forthwith into the election for Secretary of State, and that the name of James H. Foote, of Wake, was in nomination in that House, and that Messrs. Faircloth of Greene and Arrington would superintend the election on the part of the House.

Messrs. Cowles and Donaho were appointed to superintend the election on the part of the Senate.

The following Senators voted for Mr. Williams, viz:


The following Senators voted for Mr. Best, viz:


The following Senators voted for Mr. Foote, viz:


The following Senators voted for Mr. Hill, viz:

Messrs. Donaho, Morehead and Winstead—3.

Mr. Cowper, from the committee to superintend the election for Judge of the 1st Judicial District reported,

That the whole number of votes cast was 158, necessary to a choice 80, of which Hon. D. A. Barnes received 155; Hon. W. N. H. Smith 1; Hon. R. R. Heath 1; and Mills L. Eure 1. Hon. D. A. Barnes having received a majority of the whole number of votes cast, was duly elected.

The report was concurred in.

On motion of Mr. Ferebee,

Ordered, That a message be sent to the House of Commons, proposing to go forthwith into an election for Solicitor for the 1st Judicial District; and that Mr. Mills L. Eure of Gates, was in nomination.
Mr. Cowper placed in nomination the name of Jesse J. Yeates, of Hertford.

Messrs McEachern and Gash were appointed to superintend the election in the Senate.

Mr. Cowles, from the committee to superintend the election for Secretary of State, reported,

That the whole number of votes cast was 157, necessary for a choice 79. Of these Mr. Best received 63; Mr. Williams 57; Mr. Foote 28; Mr. Hill 9. That no one having received a majority of the whole number of votes cast, there was no election.

The House of Commons concurred by message in the proposition of the Senate to go into an election for Solicitor for the 1st Judicial District, and informed that body that Messrs. Cox and Moore of Martin, would superintend the election in the House.

The following Senators voted for Mr. Eure, viz:


The following Senators voted for Mr. Yeates, viz:


At 10 o'clock the Speaker announced the special order, viz: Engrossed resolutions (II. R. 1.) adopting the Constitutional Amendment abolishing slavery in the United States.

The resolutions passed their second reading, when

On motion of Mr. Leach of Davidson,

The rules were suspended and the resolutions read a third time and passed.
Ordered to be enrolled.

On motion of Mr. Latham,

Ordered, That a message be sent to the House of Commons proposing to go forthwith into an election for a Judge of the 2d Judicial District.

Mr. Latham placed in nomination the name of the Hon. George Howard.

Mr. Arendell placed in nomination the name of Hon. E. J. Warren.

Messrs. Stanford and Gorrell were appointed to superintend the election on the part of the Senate.

Received a message from the House of Commons proposing to go forthwith into an election for a Judge for the 5th Judicial District, and that Messrs. R. P. Buxton, W. A. Wright and R. S. French were in nomination.

Which being read,

On motion of Mr. Latham,

It was not concurred in, and the House of Commons were so informed by message.

Mr. Gorrell, from the committee to superintend the election for Solicitor for the 1st Judicial District, reported,

That the whole number of votes cast was 153. Necessary for a choice 77, of which Mr. Eure received 82; Mr. Yeates 71. Mr. Eure having received a majority of the whole number of votes cast was duly elected.

The report was concurred in.

A message was received from the House of Commons concurring in the proposition to go into the election for a Judge of the 2d Judicial District, and that Messrs. Hyman and Stilly would superintend the election in the House.

An election was then held for a Judge for the 2d Judicial District, which resulted as follows:

The following Senators voted for Mr. Howard, viz:

Messrs. Aycock, Covington, Cowper, Donaho, Eure, Faison, Ferebee, Hall, Harris of Franklin, Keener, Latham, Leitch

The following Senators voted for Mr. Warren, viz:

Messrs. Speaker, Arendell, Black, Blount, Bogle, Boner, Boyd, Bullock, Bynum, Coward, Cowles, Garner, Gash, Gorrell, Harris of Rutherford, Jones of Columbus, Jones of Wake, Leach of Davidson, Morgan, Pool, Shober, Snead and Winstead—23.

On motion of Mr. Blount,

Ordered, That a message be sent to the House of Commons, proposing to go immediately into an election for Solicitor for the 2d Judicial District.

Mr. Blount placed in nomination the name of Mr. W. T. Faircloth, of Wayne.

Mr. Sanders placed in nomination the name of James G. Scott, of Onslow.

Mr. Arendell placed in nomination the name of Mr. John M. Perry, of Carteret.

Mr. Stanford, from the committee to superintend the election for Judge for the 2d Judicial District, reported,

That the whole number of votes cast was 157. Necessary to a choice 79: Of which Mr. Warren received 89; Mr. Howard 68. Mr. Warren having received a majority of all the votes cast was duly elected.

The report was concurred in.

Received a message from the House of Commons proposing to go forthwith into another election for Secretary of State, and that Messrs. Faircloth of Greene, and Arrington would superintend the election in the House.

An election for Secretary of State was then held under the superintendence of Messrs. Cowles and Donaho, the names of Messrs. Foote and Hill having been withdrawn, which resulted as follows:

The following Senators voted for Mr. Best, viz: Messrs. Speaker, Arendell, Blount, Boner, Boyd, Coward, Garner, Gash, Gorrell, Harris of Rutherford, Jones of Columbus, Jones of Wake, Leach of Davidson, Morgan, Pool, Snead and Warren—17.

Received a message from the House of Commons concerning in the proposition to go into an election for Solicitor for the 2d Judicial District, and that the name of William A. Allen of Duplin, was in nomination in that House in addition to the names sent in by the Senate.

An election was then held for Solicitor for the 2d Judicial District, Messrs. Coward and Covington superintending on the part of the Senate, with the following result.

Those who voted for Mr. Faircloth, are: Messrs. Speaker, Black, Blount, Boner, Bullock, Coward, Cowles, Donaho, Garner, Gash, Gorrell, Harris of Rutherford, Jones of Wake, Keener, Leach of Davidson, Morgan, Pool and Warren—18.

Those who voted for Mr. Scott, are, Messrs. Cowper, Hall, Latham, McCleese, Morehead, Pitchford, Sanders, Whitford, Wiggins, Williams and Wilson—11.

Those who voted for Mr. Allen, are: Messrs. Covington, Eure, Faison, Ferebee, Harris of Franklin, Howard, McEachern, McLean and Stanford—9.

Those who voted for Mr. Perry, are: Messrs. Arendell, Bogle, Boyd, Snead and Winstead—9.
Mr. Cowles, from the committee to superintend the election for Secretary of State, reported,

That the whole number of votes cast was 154. Necessary to a choice 78, of which Mr. Best received 78; Mr. Williams 76. Mr. Best having received a majority of all the votes cast was duly elected.

The report was concurred in.

Whereupon, it being 2 o’clock,

On motion of Mr. Correll,

The Senate adjourned until 11 o’clock to-morrow morning.

SATURDAY, DECEMBER 2d, 1865.

Prayer by the Rev. Henry Hardie.

Mr. Covington, from the committee to superintend the election for Solicitor for the 2d Judicial District, reported,

That the whole number of votes cast was 147. Necessary for a choice 74, of which Mr. Faircloth received 88; Mr. Allen 30; Mr. Scott 21; Mr. Perry 8. That Mr. Faircloth having received a majority of all the votes cast, was duly elected.

The report was concurred in.

A bill (S. 2,) to extend the charter of the Bank of the State of North-Carolina, came upon its second reading, when,

On motion of Mr. Leitch of Robeson,

It was laid on the table.

A message was received from the House of Commons proposing to go forthwith into an election for Judge for the 3d Judicial District, and that the names of Hon. D. G. Fowle and William Eaton, Jr., were in nomination,

Which being read, was,

On motion of Mr. Pitchford,
Laid on the table, and the House was so informed by message.

Mr. Leach of Davidson introduced the following resolution:

Resolved, That a message be sent to the House of Commons proposing to go into the election of two United States Senators on Monday next at 1 o'clock; and that of the two gentlemen elected, he who shall receive the largest number of votes shall be declared to be elected for the long term, and he who shall receive the smaller number of votes for the short term.

And the same being read,

Mr. Eure moved it be laid on the table, and the motion prevailed.

A message was received from the House of Commons asking the concurrence of the Senate in the following resolution, viz:

Resolved, By the House of Commons, (the Senate concurring,) that in the execution of the joint order of the two Houses to go into the election of the Senators of the United States at 12 o'clock M. on Monday next, the election shall first be to fill the Senatorial term beginning on the 4th day of March, 1865, and immediately thereafter to fill the unexpired term, beginning on the 4th day of March, 1861.

Which being read,

Mr. Leach of Davidson, moved to substitute therefor the resolution introduced by himself, and the question thereon was put and

Decided in the negative, { Yeas..........................18
Nays..........................28

On motion of Mr. Ferrebce,
The yeas and nays being ordered,
The following voted in the affirmative, viz:
Messrs. Arendell, Black, Bogle, Boyd, Coward, Cowles,
Garner, Gash, Gorrell, Harris of Rutherford, Jones of Columbus, Jones of Wake, Leach of Davidson, Morgan, Pool, Snead, Warren and Winstead.

And the following in the negative, viz:


The question recurring upon the proposition of the House of Commons,

It was concurred in, and that body so informed by message.

Received a message from the House of Commons, proposing to go forthwith into an election for Judge of the 4th Judicial District, and that the Hon. R. B. Gilliam was in nomination in the House. Messrs. Jenkins, of Granville, and Moore, of Alamance, constitute the committee on the part of the House, to superintend the election.

The Senate concurred.

An election was then held for Judge of the 4th Judicial District, Messrs. Williams and Morgan superintending on the part of the Senate, which resulted as follows:

The following Senators voted for Mr. Gilliam, viz:


On motion of Mr. Faison,
Ordered, That a message be sent to the House of Commons proposing to go forthwith into an election for Solicitor for the 4th Judicial District.

Mr. Faison placed the name of the Hon. Thomas Settle of Rockingham, in nomination.

On motion of Mr. Pitchford,

The message from the House of Commons proposing to go into an election for a Judge for the 3d Judicial District, was taken from the table, when,

A message was received from the House of Commons concurring in the proposition to go forthwith into the election for a Solicitor for the 4th Judicial District; and that Messrs. Burton and Dalby would superintend the election on the part of the House.

An election was then held for Solicitor of the 4th Judicial District, Messrs. Faison and Latham superintending, which resulted as follows:


Mr. Williams, from the committee to superintend the election for Judge for the 4th Judicial District, reported,

That the whole number of votes cast was 155. Necessary to a choice 78, of which Mr. Gilliam received 155, which being the whole number of votes cast, was duly elected.

The report was concurred in.

The question recurring on the proposition from the House—
of Commons to go into an election for a Judge for the 3d Judicial District.

Mr. Covington moved that the Senate concur, when,
On motion of Mr. Leach of Davidson,
It was laid on the table until 1 o'clock.

Mr. Faison, from the committee to superintend the election for a Solicitor for the 4th Judicial District, reported,
That the whole number of votes cast was 141. Necessary to a choice 72, of which Mr. Settle received 140; Mr. Wilson 1. Mr. Settle having received a majority of the whole, was duly elected.

The report was concurred in.

Received a message from the House of Commons proposing to go forthwith into an election for Judge of the 5th Judicial District, and that Messrs. R. P. Buxton, R. S. French, W. A. Wright and H. L. Holmes were in nomination.

Messrs. Russell and Everett would superintend the election on the part of the House.

The Senate concurring, an election was held for Judge of the 5th Judicial District, Messrs. Wilson and Bogle superintending, which resulted as follows:

The following Senators voted for Mr. Buxton, viz:

The following Senators voted for Mr. French, viz:
Messrs. Aycock, Covington, Eare, Ferebee, Ha l, Howard, Latham, Leitch of Robeson, McLean, Morehead and Wilson—11.

The following Senators voted for Mr. Holmes, viz:
Messrs. Faison Harris of Franklin, McEachern, Shobery, Stanford, Whitford and Williams—7.
The following Senators voted for Mr. Wright, viz:

Mr. Bogle, from the committee to superintend the election for a Judge for the 5th Judicial District, reported,
That the whole number of votes cast was 155. Necessary to a choice 78. Of which Mr. Buxton received 101; Mr. French 27; Wright 18; Holmes 9. Mr. Buxton having received a majority of the whole number, was duly elected.

The report was concurred in.

A message was received from the House of Commons, proposing to go forthwith into an election for Solicitor of the 5th Judicial District, and that Messrs. W. S. Devane, J. W. Cameron, A. M. Waddell, Neill McKay, Giles Leitch, James McCorkle and A. R. McDonald were in nomination.

The Senate concurring, of which the House was informed by message, an election was held for a Solicitor for the 5th Judicial District, under the superintendence of Messrs. Garner and Bullock, which resulted as follows;

The following Senators voted for Mr. McKay, viz:

The following Senators voted for Mr. Leitch, viz:

The following Senators voted for Mr. Devane, viz:

The following Senators voted for Mr. McCorkle, viz:

The following Senators voted for Mr. McDonald, viz:
The following Senators voted for Mr. Cameron, viz:

The following Senators voted for Mr. Waddell, viz:
Messrs. Cowper and Shober—2.

Mr. Pitchford moved to take from the table the message from the House of Commons proposing to go into an election for a Judge for the 3d Judicial District, when the Speaker held that by laying the message on the table it was a non-concurrence in the proposition and the House had been so informed.

On motion of Mr. Pitchford,

Ordered, That a message be sent to the House of Commons proposing to go forthwith into an election for Judge of the 3d Judicial District.

Mr. Ferebee nominated William Eaton, Jr, of Warren.
Mr. Cowles placed in nomination Hon. D. G. Fowle, of Wake.

Mr. Ferebee asked for, and obtained, permission to spread upon the journal his objection to the second clause of the Constitutional Amendment abolishing slavery within the United States.

Messrs. Faison, Sanders and Cowper also desired to unite with Mr. Ferebee, which was granted.

Mr. McLean gave notice that he would at an early day introduce resolutions stating his position on this subject.

A message from the House informed the Senate that the proposition to go forthwith into an election for Judge for the 3d Judicial District was concurred in, and Messrs. Judkins and Ferrell would superintend the election in the House.

An election for Judge for the 3d Judicial District was then held, Messrs. Pitchford and Arendell superintending which resulted as follows:

The following Senators voted for Mr. Fowle, viz:
Messrs. Speaker, Arendell, Black, Bogle, Böner, Boyd,

The following Senators voted for Mr. Eaton, viz:


Mr. Stanford, upon the call of his name, informed the Senate that in this election he had paired off with Mr. Blount.

Mr. Bullock, from the committee to superintend the election for Solicitor for the 5th Judicial District, reported,

That the whole number of votes cast was 146. Necessary to a choice 74. Of which Mr. McKay received 74; Mr. Leitch 20; Mr. Cameron 15; Mr. McCorkle 13; Mr. McDonald 12; Mr. Devane 8; Mr. Waddell 4. Mr. McKay having received a majority of the whole number, was duly elected.

The report was concurred in.

When it being 1 o'clock and 30 minutes,

On motion of Mr. Bogle,

The Senate adjourned until 10 o'clock Monday.

MONDAY, December, 4th, 1865.

Prayer by the Rev. C. H. Wiley.

Mr. James M. Isbell, the Senator from the 46th Senatorial District, composed of the counties of Burke, McDowell and Caldwell, appeared, presented his credentials and was qualified.

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


On Judiciary—Messrs. Warren, Howard, Morehead, Bynum, Wilson, Leach of Davidson and Bogle.

On Internal Improvements—Messrs. Jones of Columbus, Whittord, Hall, Jones of Wake, Shober, Bogle and Pitchford.


On Agriculture—Messrs. Covington, Harris of Franklin, Coward, Williams, Pitchford, Faison and Bullock.

The following Joint Standing Committees were also announced as follows:

On Finance—Messrs. Wiggins, Bynum, Morehead, Jones of Columbus, Leitch of Robeson, Covington, Cowper and Whitford.

On Military Affairs—Messrs. Ferebee, Cowles and Eure.


On Cherokee Lands and Western Turnpikes—Messrs. Gash, Keener and Harris of Rutherford.

On Swamp Lands—Messrs. Latham, Coward and McCleese.

On Library—Messrs. Morehead, Donaho and Gorrell.


The Speaker announced the following committee, viz:


Mr. Wiggins presented the memorial of Messrs. George Little and R. W. Lassiter, in behalf of the Raleigh and Gaston Railroad, praying for an amendment to the charter of said railroad. Referred to the committee on Propositions and Grievances.

Bills and Resolutions of the following titles then being introduced and read, passed the first reading and were disposed of as follows:

By Mr. Wiggins, bill (S. 4,) to exempt the Raleigh and Gaston Railroad Company from rebuilding the bridge across the Roanoke at Gaston. Referred to committee on Propositions and Grievances.

By Mr. McCleese. Resolutions (S. R. 5,) in favor of Hon. Z. B. Vance, as follows:

Resolved, by the General Assembly of North-Carolina, That the members of this body, having entire confidence in the loyalty and honor of Hon. Z. B. Vance, would be pleased to see an extension of the Executive clemency in his pardon, and believe that this action would be highly gratifying to the people of the State.

Resolved, That the Speakers of this body be and they are hereby instructed to lay these resolutions before his Excellency, the Provisional Governor, and ask him to forward them to the President of the United States, with the assurance that the action of this assembly in the premises springs from a sincere desire to promote the patriotic aims of his Excellency, the President, in re-constructing the Union, and restoring to it the blessings of domestic tranquility.
Passed, ordered to be engrossed and transmitted to the House of Commons.

By Mr. McLean, a resolution (S. 6,) touching the amendment of the Constitution of the United States, known as the 13th article.

Ordered to be printed and referred to Judiciary.

From the House of Commons a bill (H. 7,) to amend an act passed at the session of the General Assembly of 1860-'61, entitled "An act to appoint tax collectors for Bertie and other counties."

Placed on the calendar.

From the House of Commons, resolutions (H. R. 8,) declaring the loyalty of the people of North-Carolina.

Passed, and ordered to be enrolled.

Mr. Ferebee introduced the following resolution:

Resolved, That a joint select committee of three on the part of the Senate and five on the part of the House of Commons, be appointed to confer with the Board, which, under the authority of the Convention, was appointed by the Provisional Governor, to prepare a Code of Laws for the government of freedmen; the said committee will ascertain what progress has been made by the Board, and when a report may be expected.

And it was adopted, of which the House of Commons was informed by message.

A message was received from the House of Commons informing the Senate of the appointment of Messrs. McNair, Smith of Cumberland, Bryson, Moore of Alamance, and Scoggins to the committee on enrolled bills.

Mr. Howard introduced the following resolution:

Resolved, That the committee on the Judiciary be instructed to enquire what legislation is necessary to enable the several counties of the State to make provision for the poor, and report by bill or otherwise.

Which being read, was adopted.
On motion of Mr. Cowles,

Ordered, That a message be sent to the House of Commons proposing to go forthwith into an election for Judge for the 6th Judicial District.

Mr. Cowles nominated Hon. Anderson Mitchell.

Mr. Ferebee nominated Hon. James W. Osborne.

A bill (S. 76) to amend chapter 33d of the Revised Code was read second time, referred to the committee on the Judiciary and ordered to be printed.

A bill (S. 0,) introduced by Mr. McCleese, to establish a Homestead Freehold by exempting from execution a certain portion of the land of any citizen of the State of North-Carolina.

On motion of Mr. Leitch of Robeson,

Ordered, That it be printed and referred to the Committee on the Judiciary.

Mr. Pitchford, from the committee to superintend the election for Judge of the 3d Judicial District reported,

That the whole number of votes cast was 153. Necessary to a choice 77. Of which Mr. Fowle received 110; Mr. Eaton 43. Mr. Fowle having received a majority of the whole number, was duly elected.

The report was concurred in.

A message was received from the House of Commons concurring in the proposition, to go forthwith into the election for Judge for the 6th Judicial District, and that Messrs. Hatchison and Sharpe would superintend the election in the House.

An election was then held for a Judge for the 6th Judicial District, under the superintendence of Messrs. Ferebee and Cowles, with result as follows, viz:

The following Senators voted for Mr. Mitchell, viz:

Messrs. Speaker, Arendell, Black, Bogie, Boner, Boyd, Bullock, Coward, Cowles, Cowper, Donaho, Garner, Gash, Gorrell, Harris of Rutherford, Isbell, Jones of Columbus,

The following Senators voted for Mr. Osborne, viz:


On motion of Mr. Leitch of Richmond,

Ordered, That a bill, (S. 2,) to amend the charter of the Bank of the State of North-Carolina be taken from the table and placed on the calendar.

At 12 o'clock the Speaker announced the special order, viz: the election of a United States Senator for the term beginning on the 4th of March, 1865.

Mr. Wiggins nominated Hon. W. A. Graham.

The House of Commons were informed that the Senate would proceed to vote upon the return of the messenger.

An election was then held for United States Senator, for the term beginning on the 4th of March, 1865, Messrs. Wiggins and Bogle superintending, with result as follows:

The following Senators voted for Mr. Graham, viz:


The following Senators voted for Hon. Nathaniel Boydén, viz:


Mr. Harris of Rutherford, voted for Hon. Bedford Brown.

Mr. Cowles, from the committee to superintend the election for Judge of the 6th Congressional District, reported,
That the whole number of votes cast was 164. Necessary to a choice 83. Of which Mr. Mitchell received 94; Mr. Osborne 70. Mr. Mitchell having received a majority of the whole was duly elected.

The report was concurred in.

Received a message, from the House of Commons, transmitting an engrossed resolution (H. R. 10,) concerning the per diem and mileage of the officers and members of this Legislature.

It was read first time, passed and placed on the calendar.

Received a message, from the House of Commons, concurring in the resolution of the Senate to appoint a joint select committee of three on the part of the Senate and five on the part of the House to confer with the board appointed to prepare a code for the government of Freedmen.

An election was then held for a Senator of the United States for the term beginning on the 4th March, 1861, under the superintendence of Messrs. Wilson and Snead.

Mr. Sanders having nominated John Pool, Esq.,
Mr. Faison having nominated Hon. Bedford Brown;
And Mr. Covington having nominated Hon. Thomas S. Ashe, which resulted as follows, viz:

The following Senators voted for Mr. Pool, viz:

The following Senators voted for Mr. Brown, viz:

The following Senators voted for Mr. Ashe, viz:
Mr. Eure voted for Mr. Smith.
Mr. Pitchford voted for Mr. Eaton.
Mr. Stanford gave notice that he had paired off, in this election, with Mr. Blount.

A message was received from the House of Commons, after the conclusion of the vote, announcing that Hon. R. P. Dick and Nathaniel Boydén were in nomination in that House.

Mr. Wiggins, from the committee to superintend the election for United States Senator for the term beginning on the 4th March, 1865, reported,

That the whole number of votes cast was 154. Necessary to a choice 78. Of these Mr. Graham received 138; Mr. Boydén 8; Mr. Dick 7; Mr. Browh 1. Mr. Graham having received a majority of the whole number was duly elected.

The report was concurred in.

The Speaker ratified in open Senate the enrolled resolutions adopting the Constitutional Amendment abolishing slavery within the United States.

A message was received from the House of Commons proposing to go forthwith into an election for Judge for the 8th Judicial District; and that Messrs Merrimon and Leinor were in nomination. Messrs. Craig and Wilson constitute the committee on the part of the House to superintend the election.

The Senate concurred, and an election was then held for Judge of the Superior Court, under the superintendence of Messrs. Bogle and Morgan, which resulted as follows, viz:

The following Senators voted for Mr. Merrimon, viz:
Messrs. Speaker, Arendell, Black, Bogle, Boner, Boyd, Bullock, Bynum, Coward, Cowles, Cowper, Donaho, Garner, Gash, Gorrell, Jones of Columbus, Jones of Wake, Latham, Leach of Davidson, Leitch of Robeson, Mc Cleese, McEachern,

The following Senators voted for Mr. Lenoir, viz:


Mr. Wilson, from the committee to superintend the election for United States Senator for the term beginning on the 4th March, 1861, reported as follows:

That the whole number of votes cast was 160. Necessary to a choice 81, of these Mr. Pool received 80; Mr. Ashe 47; Mr. Brown 22; Mr. Boyden 7; Mr. Smith 2; Mr. Eaton 1; Mr. Henry 1. No one having received a majority of all the votes, there was no election.

The report was concurred in.

Mr. Leach of Davidson moved that a message be sent to the House of Commons proposing to go forthwith into the election for a United States Senator for the term beginning on the 4th March, 1861.

Mr. Ferrebee moved to lay the motion on the table, and the question thereon was put and

Decided in the negative, \{ Yea's, .................23
\{ Nays, .................23

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


And the following voted in the negative, viz:

Messrs. Arendell, Black, Bogle, Bomer, Boyd, Ballock, Brynum, Coward, Cowles, Garner, Gash, Gorrell, Harris of Rutherford, Isbell, Jones of Columbus, Jones of Wake,
Leach of Davidson, Morgan, Pool, Sneed, Warren, Wilson and Winstead.  

The Speaker voting with the negative, the Senate refused to lay on the table.  

A message being received from the House of Commons proposing to go into an election for Senator of the United States for the term beginning on the 4th of March, 1861, at 1½ o'clock, which being read,  

By the unanimous consent of the Senate, Mr. Leach of Davidson, withdrew his motion, and moved to concur with the proposition of the House.  

The discussion which ensued, lasting beyond the proposed hour (1½ o'clock) when,  

Mr. Howard rose to a point of order, that the hour having passed, the Senate in fact had refused to concur, and the discussion was out of order.  

The Speaker ruled the point well taken.  

Mr. Bogle, from the committee to superintend the election for Judge of the 8th Judicial District, reported as follows:  
That the whole number of votes cast was 159. Necessary to a choice 80. Of which Mr. Merrimon received 104; and Mr. Lenoir 55. Mr. Merrimon having received a majority of the whole, was duly elected.  

The report was concurred in.  

Mr. Pitchford introduced the following resolution, viz:  
Resolved, That the Committee on the Judiciary be instructed to ascertain what laws are now in force in regard to the salaries of the Supreme and Superior Court Judges of the State and report to this Legislature as soon as possible.  

The resolution was adopted.  

The Speaker announced a communication to the Senate, which was read as follows:
To the Hon. Thomas Settle,
Speaker of the Senate:

Sir,—Having been chosen a Senator of the United States, I beg leave hereby to resign the seat in the Senate, to which I have been elected from the 30th District, composed of the county of Orange.

With the kindest and most respectful sentiments towards each member of the Senate,

I remain with true regard,

Your obedient servant,

W. A. GRAHAM.

The resignation was accepted.

Mr. Howard introduced the following resolution, viz:

Resolved, That the Judiciary committee be instructed to enquire and report whether the United States Senatorial term, commencing March 4th, 1861, is vacant or not.

Mr. Leach of Davidson, moved to lay the resolution on the table, and the question was put and

Decided in the negative, 22: Ayes, 23: Noes,

On motion of Mr. Howard, the ayes and noes being ordered, the following voted in the affirmative, viz:


And the following in the negative, viz:

Messrs. Aycock, Boner, Bullock, Covington, Cowper, Eure, Faison, Ferebee, Hall, Harris of Franklin, Howard, Keener, Latham, Leitch of Robeson, McCleese, McEachern, McLean,

The question recurred.

And the resolution was adopted.

Mr. Shober introduced the following resolution, viz:

Resolved, That the Speaker of the Senate issue his warrant to the Sheriff of Orange county, directing an election to be held, as provided by law, for a Senator in the 30th district, composed of the county aforesaid, on Thursday the fourteenth day of December instant,

Which being read, was adopted.

Whereupon, it being 1 o'clock and 40 minutes,

On motion of Mr. Jones of Wake,

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

TUESDAY, DECEMBER, 5TH, 1865.

Prayer by the Rev. T. E. Skinner.

Mr. Gash introduced two memorials from the Grand Juries of Buncombe and Transylvania counties, in regard to the colonization of the freedmen by the General Government, and failing that, the passage of stringent laws by this General Assembly for their government.

They were, on his motion, referred to the committee on Propositions and Grievances.

Mr. Warren, from the committee on the Judiciary, made the following report:

The committee on the Judiciary who were "instructed to inquire and report whether the United States Senatorial term, commencing March 4th, 1861, is vacant or not," ask leave to submit the following report:

They are of the opinion that the General Assembly has not, much less has the Senate, the right to declare vacant a seat in the Senate of the United States—that body being the final and sole judge in the premises. But they assume that
the principles of the common law in relation to the forfeiting of offices by abandonment or non-user, are recognized by the Government of the United States, as they are by the government of this State. Proceeding upon this assumption, it is clear that the Hon. Thos. L. Clingman, who was elected a Senator for the term commencing on the 4th day of March, 1861, and ending on the 3d day of March, 1867, is not now entitled to claim a seat in the Federal Congress by virtue of that election, whether he was ever admitted thereto or not. If he was admitted thereto, as the committee are informed he was, his seat is vacant by his voluntary withdrawal therefrom. If he was not admitted, it is vacant by his failure for more than four years to apply for admission or to attempt to exercise the functions of his office.

Nor is the fact to be overlooked, that during this time, Mr. Clingman has been in armed hostility to the Government of the United States, whose officer he was. His acts are unequivocal evidences of his intention to abandon all connection with that Government.

The committee are informed and are confident that the information is correct, that the Senate of the United States has passed upon the question, and that the members thereof from this State were expelled, under the authority conferred upon each branch of the National Legislature by Section 5, Article 1, of the Constitution.

They therefore believe it to be the duty of this General Assembly to fill the vacancy thus created, and they report the accompanying resolution as embodying their views, and recommend its adoption.

E. J. WARREN, Chm'n.

Resolved, That in the opinion of the Senate the seat of the Hon. Thos. L. Clingman in the Senate of the United States is vacant; and that it is the duty of the General Assembly to fill such vacancy.
The question being upon the adoption of the report, the same was put and

Decided in the affirmative, { Ayes, .................... 47
{ Noes, .................... 00

On motion of Mr. Warren,

The ayes and noes being ordered,

The following voted in the affirmative, viz:


So the report was concurred in, and the resolution adopted.

On motion of Mr. Leach of Davidson,

Ordered, That a message be sent to the House of Commons proposing to go forthwith into an election for United States Senator for the term beginning on the 4th March, 1861.

Mr. Sanders nominated John Pool, Esq.

Mr. Hall nominated Hon. Thos. S. Ashe.

Mr. Donaho withdrew the name of Hon. Bedford Brown.

A message was received from the House of Commons, proposing to go forthwith into an election for a Solicitor for the 8th Judicial District; and that Messrs. David Coleman, Bedford Brown, Jr., and J. L. Henry were in nominations in the House.

On motion of Mr. Leach of Davidson,

The Senate refused to concur, and the House so informed by message.

The House of Commons, by message, concurred in the proposition from the Senate, to go forthwith into the election for United States Senator for the term beginning on the 4th.
March, 1861, and Messrs. Henry and Niven would superintend in the House.

An election was then held, Messrs. Howard and Sanders superintending, with result as follows, viz:

The following Senators voted for Mr. Pool, viz:

The following Senators voted for Mr. Ashe, viz:

The following Senators voted for Hon. W. N. H. Smith, viz:

Mr. Ferebee introduced the following resolution:

Resolved, That the Secretary of State be instructed to report to the Senate whether the letter book of the Governor and other public records, heretofore deposited in this Capitol, and since removed by military authority, have been restored to his office; if not, what effort he is using to procure them, and the prospect of success.

Which, being read, was adopted.

The following, (S. R. 13) introduced by Mr. Harris of Rutherford, was read first time, passed and placed on the calendar.

Resolved, That the State Librarian be required to make and publish a complete catalogue of books now in the Library.

On motion of Mr. Cowles,

Ordered, That a message be sent to the House of Com-
mons proposing to go forthwith into an election for Solicitor for the 6th Judicial District.

Mr. Bogle nominated Mr. L. Q. Sharpe; Mr. Shober nominated Mr. D. M. Furches; Mr. McEachern placed in nomination Gen. R. Barringer; Mr. Covington nominated Mr. C. M. T. McCauley, and Mr. Wilson nominated Mr. R. P. Warring.

Mr. Howard, from the committee to superintend the election for United States Senator for the term beginning 4th March, 1861, reported as follows:

That the whole number of votes cast was 163. Necessary to a choice 82. Of which Mr. Pool received 93; Mr. Ashe 60; Mr. Smith 9; and Mr. Boyden 1. Mr. Pool having received a majority of the whole number was duly elected.

The report was concurred in.

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

By Mr. McLean, (S. 11,) a bill to carry into effect an Ordinance of the Convention, in regard to the election of Clerks and Sheriffs. Referred to committee on Judiciary.

By Mr. Gash, (S. 12,) a bill to amend an act passed at the session of 1854-'55, to incorporate the Little River Turnpike Company; Cherokee Lands and Western Turnpikes.

Received, a message from the House of Commons, concurring in the Senate proposition to go into the election for Solicitor of the 6th Judicial District; and that Messrs. Trull and Whitley would superintend the election on the part of the House.

An election was then held, in accordance therewith, under the superintendence of Messrs. Shober and Covington, with result as follows:

The following Senators voted for Mr. Sharpe, viz:

Messrs. Arendell, Blount, Bogle, Bullock, Bynum, Cowles, Cowper, Donaho, Eure, Harris of Rutherford, Isbell, Jones
of Columbus, Jones of Wake, Keener, Leach of Davidson, McCleese, Pitchford, Sanders, Warren, Whitford, Wiggins, Williams and Winstead—23.

The following Senators voted for Mr. Barringer, viz:

The following Senators voted for Mr. Furches, viz:
Messrs. Speaker, Black, Boner, Boyd, Coward, Gash, Gorrell, Latham, Morgan, Shoiber and Snead—11.

For Mr. McCaulky, Messrs. Covington and Moorehead—2.
For Mr. Waring, Mr. Wilson—1.

The Speaker announced, as the Senate branch of the committee to confer with Board appointed by the Provisional Governor to prepare a Code for the government of freedmen, Messrs. Ferebee, Leach of Davidson and Covington.

On motion of Mr. Leach of Davidson,
Ordered, That a message be sent to the House of Commons proposing to go forthwith into an election for Solicitor for the 8th Judicial District.

Mr. Donaho nominated Bedford Brown, Jr.

Mr. Keener placed in nomination the names of David Coleman and J. L. Henry.

An Engrossed bill (H. 3,) to amend an act passed at the session of the General Assembly of 1860-'61, entitled "An act to appoint tax collectors for Bertie and other counties," came up on its second reading and was referred to the committee on Propositions and Grievances.

The House of Commons, by message, concurred in the proposition to go forthwith into the election for Solicitor for the 8th Judicial District, and informed the Senate that Messrs. Craig and Bryson was the committee to superintend the election on the part of the House.

The Senate then proceeded to vote in accordance with
this joint agreement, Messrs. Winstead and Keener superintending, with the following result,

The following Senators voted for Mr. Brown, viz:

Messrs. Speaker, Arendell, Black, Bogle, Boyd, Bullock, Covington, Cowles, Cowper, Garner, Gash, Gorrell, Harris of Franklin, Harris of Rutherford, Isbell, Jones of Columbus, Jones of Wake, Latham, Leach of Davidson, Morehead, Morgan, Snead and Winstead—23.

The following Senators voted for Mr. Coleman, viz:


The following Senators voted for Mr. Henry, viz:

Messrs. Blount, Coward and Eure—3.

Mr. Shoher, from the committee to superintend the election for Solicitor for the 6th Judicial District, reported as follows:

That the whole number of votes cast was 159. Necessary to a choice 80. Of these Mr. Sharpe received 63; Mr. Furches 44; Mr. Barringer 22; Mr. Waring 21; and Mr. McCauley 9. No one having received a majority of all the votes cast, there was no election.

The report was concurred in.

An engrossed resolution (H. R. 11.) concerning the per diem and mileage of the officers and members of this General Assembly, was read the second time, passed its second reading, and,

On motion of Mr. Wiggins,

The rules were suspended, and the resolution was read the third time, passed its third reading,

Ordered to be enrolled.

On motion of Mr. Wilson,

Ordered, That a message be sent to the House of Com-
mons, proposing to go forthwith into an election for Solicitor for the 6th Judicial District.

Mr. Wilson withdrew the name of Mr. Waring.

Mr. Covington withdrew the name of Mr. McCauley.

A bill, (S. 2,) to extend the charter of the Bank of the State of North-Carolina, came up on its passage,

On motion of Mr. Wilson,

Referred to the committee on Banks and Currency.

Received, a message, from the House of Commons, proposing to go at once into an election for Attorney General, and that Hon. Sion H. Rogers and S. F. Phillips were in nomination in the House.

The Senate concurring, the Speaker appointed Messrs. Leitch of Robeson, and Black to superintend, and an election was held, which resulted as follows:

The following Senators voted for Mr. Rogers, viz:


The following Senators voted for Mr. Phillips, viz:


The following message was received from the House of Commons, announcing the House branch of joint standing committees, viz:

HOUSE OF COMMONS, Dec. 5, 1865.

MR. SPEAKER:

The following constitute the House branch of the joint standing committees, viz:
Finance—Messrs. Smith of Hertford, Rayner, Cowan, Murphy, Thompson, Holderby, Holmes and Harper.


Cherokee Lands—Messrs. Logan, Hamilton, Coates, Crawford and Mathews.


Library—Messrs. Cameron, Kenan and Russell.

Deaf, Dumb and Blind Asylum—Messrs. McKay, Jenkins, of Warren, Allison, Davis of Halifax and Craig


S. F. PHILLIPS, Speaker.

By Order;

SEATON' GALES, Clerk.

On motion of Mr. Morehead,

Ordered, 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 make the necessary arrangements for counting the votes for Governor, polled on the ninth day of November last.

Mr. Winstead, from the committee to superintend the election of Solicitor for the 8th Judicial District, reported as follows:

That the whole number of votes cast was 156. Necessary to a choice 79. Of which Mr. Bedford Brown received 77; Mr. David Coleman received 68; Mr. J. L. Henry received 10, and Mr. W. W. Lenoir received 1. No one having received a majority of the whole number of votes, there was no election.

The report was concurred in.

The Speaker announced Messrs. Morehead and Snead as
constituting the Senate branch of the committee to count the votes polled at the election for Governor in November last.

On motion of Mr. Harris of Rutherford,

Resolved, That a joint select committee be raised, three on the part of the Senate and five on the part of the House, to prepare a scale of depreciation of the Confederate currency under an Ordinance of the Convention.

Which being read, was passed and the concurrence of the House asked therein.

The House of Commons concurring in the proposition to go forthwith into the election for Solicitor of the 6th Judicial District, the Senate proceeded to vote, under the superintendence of Messrs. Shober and Covington, as follows:

The following Senators voted for Mr. Sharpe, viz:


The following Senators voted for Mr. Furches, viz:

Messrs. Speaker, Black, Boner, Boyd, Coward, Garner, Gash, Gorrell, Jones of Wake, Leach of Davidson, Morgan, Shober and Sneed—13.

The following Senators voted for Mr. Barringer, viz:


Mr. Leitch of Robeson, from the committee to superintend the election for Attorney General, reported as follows:

That the whole number of votes cast was 159. Necessary to a choice 80. Of which Mr. Rogers receives 82; Mr. Phillips 76; and Mr. Mason 1. Mr. Rogers having received a majority of all the votes cast, was duly elected.

The report was concurred in.

On motion of Mr. Shober,
Ordered, That a message be sent to the House of Commons, proposing to go forthwith into an election for Judge of the 7th Judicial District.

Mr. Shoher nominated Hon. W. M. Shipp.

Mr. Harris of Rutherford, nominated Hon. G. W. Logan.

Mr. Shoher, from the committee to superintend the election for Solicitor for the 6th Judicial District, reported as follows:

That the whole number of votes cast was 185. Necessary to a choice 80. Of these Mr. Sharp received 91; Mr. Furches 42; and Mr. Barringer 24. Mr. Sharpe having received a majority of the whole number was duly elected.

The report was concurred in.

A message was received from the House concurring in the proposition to go forthwith into the election of a Judge for the 7th Judicial District; also informing the Senate that Hon. B. S. Gaither was in nomination in that House.

The Senate, in accordance with the joint agreement, proceeded to vote, under the superintendence of Messrs. Hall and Boner, as follows:

The following Senators voted for Mr. Shipp, viz:


The following Senators voted for Mr. Gaither, viz:


The following Senators voted for Mr. Logan, viz: Messrs. Black and Harris of Rutherford—2.

On motion of Mr. Wilson,

Ordered, That a message be sent to the House of Com-
mons proposing to go forth with into the election of a Solicitor for the 7th Judicial District.

Mr. Wilson nominated Mr. W. P. Bynum.

The Speaker laid before the Senate the following communication:

RALEIGH, N. C., December 5th, 1865.

Hon. Thomas Settle,

Speaker of the Senate:

Sir:—Having been elected a Senator of the United States, I hereby resign my seat in the Senate of North-Carolina as a member from the seventh district.

With much respect and esteem,

I am your obedient servant,

JOHN POOL.

The resignation having been accepted,

On motion of Mr. Leach of Davidson,

Resolved, That a writ of election issue to the Sheriff of Bertie County, directing him to hold an election in the 7th Senatorial district, on Thursday, 21st December, 1865, to elect a Senator to supply the vacancy occasioned by the resignation of the Hon. John Pool.

It was so ordered.

Mr. Williams introduced the following resolution, viz:

Resolved, That a joint select committee of two on the part of the Senate and three on the part of the House of Commons, be appointed to take into consideration the business before the General Assembly, and recommend a time for a recess or adjournment.

Which being adopted, the concurrence of the House was asked by message.

Mr. Boner, from the committee to superintend the election of Judge of the 7th Judicial District, reported as follows:

That the whole number of votes cast was 158. Necessary
to a choice 80. Of which Mr. Shipp received 117; Mr. Gaither 23, and Mr. Logan 2. Mr. Shipp having received a majority of the whole number cast, was duly elected.

The report was concurred in.

The House of Commons having concurred in the proposition to go into the election for Solicitor of the 7th Judicial District, of which the Senate were informed by message, as also, that Messrs. G. W. Whitfield and G. N. Folk were in nomination in that House, the Senate proceeded to vote therein under the superintendence of Messrs. Wilson and Donaho, as follows:

The following Senators voted for Mr. Bynum, viz:


The following Senators voted for Mr. Folk, viz:


Whereupon it being 1 o'clock and 40 minutes,

On motion of Mr. Blount,

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

WEDNESDAY, December, 6th, 1865.

Prayer by the Rev. Mr. Hudson.

A message was received from the House of Commons proposing to go forthwith into an election for Solicitor of the 8th Judicial District; and that Messrs. Coleman, McAden, Brown, Candler and Folk, were in nomination in
the House, and that Messrs. Craig and Bryson would superintend the election in that body.

The Senate concurring, an election was held in accordance therewith, under the superintendance of Messrs. Gorrell and McEachern, with result as follows:

The following Senators voted for Mr. Coleman, viz:


The following Senators voted for Mr. Brown, viz:


The following Senators voted for Mr. McAden, viz:


The following Senators voted for Mr. Folk, viz:

Messrs. Blount, Bogle, Boyd, Isbell and Jones of Columbus—5.

For Mr. Candler, Mr. Gash—1.

Mr. Wilson, from the committee to superintend the election for Solicitor for the 7th Judicial District, reported as follows:

That the whole number of votes cast was 153. Necessary to a choice 77. Of which Mr. Bynum received 136; Mr. Folk 12; and Mr. Whitfield 5. Mr. Bynum having received a majority of all the votes cast, was duly elected.

The report was concurred in.

Received the following message from the House of Commons, viz:
Mr. Speaker:

The House concurs in the resolution for the appointment of a joint select committee to prepare a scale of depreciation of Confederate currency.


The House also concurs in the proposition to raise a committee to count the vote for Governor.

House committee: Messrs. Wheeler and Waugh.

And also, in the proposition to raise a joint select committee to consider the matter of adjournment.

House committee: Messrs. Jenkins of Warren, Murphy and Harrison.

S. F. PHILLITS, Speaker.

By order: SEATON GALES, Clerk.

The Speaker announced the Senate branch of the committee in regard to the depreciation of Confederate currency: Messrs. Harris of Rutherford, Hall and Boner.

The Senate branch of the committee on adjournment: Messrs. Williams and Bynum.

Mr. Winstead, from the committee on Propositions and Grievances, made the following report, viz:

The committee on Propositions and Grievances, to whom was referred "A bill to exempt the Raleigh and Gaston Railroad Company from rebuilding the bridge across the Roanoke at Gaston," report favorably thereon.

Mr. Leach of Davidson, introduced the following resolution, which was passed:

Resolved, That the committee on the Judiciary be instructed to enquire into the propriety of so modifying or amending the law, as more effectually to restrain the crime of horsestealing, and to report by bill or otherwise, such legislation, if any, as may be deemed necessary.
By Mr. Gash: A resolution, viz:

Resolved, That the committee on Finance be instructed to enquire into the expediency and propriety of transferring the funds, now known as the Literary or School Fund, together with that of the Sinking Fund to the State Treasurer, and to abolish all offices pertaining to said funds; and further, to assume the payment of the land taxes due the Federal Government by this State, and report a bill or bills for that purpose.

By the same: A resolution, viz:

Resolved, That the committee on the Judiciary be required to enquire into the necessity of the establishment of a Penitentiary in this State, with authority for the several large and populous counties, whenever the magistrates of the same shall determine it, to establish work houses in their respective counties, for the punishment of crime and other purposes.

These resolutions were passed.

A message was received from the House of Commons, proposing to raise a joint select committee of two on the part of the Senate and three on the part of the House, to consider the subject of official salaries and fees generally, and to report a bill fixing them at reasonable and proper rates.

The proposition was concurred in, and the House so informed.

Mr. Pynum introduced the following resolutions, viz:

Resolved, By this General Assembly, (the House of Commons concurring,) that the Provisional Governor be requested to communicate to the General Assembly, whether he has the power conferred upon him by the National Government, to restore the several Courts of the State, with their accustomed jurisdiction.

Resolved, That if he has the power to do so, that the Provisional Governor be requested to restore said Courts,
with their ancient jurisdiction, civil and criminal, subject to limitation and restrictions, as may be imposed by this General Assembly.

The resolutions were adopted and transmitted to the House of Commons for their concurrence.

On motion of Mr. Harris of Rutherford,

The resolution (S. R. 13,) requiring the Librarian to make and publish a catalogue of Books in the Library, was referred to the committee on the Library.

Mr. McEachern, from the committee to superintend the election for Solicitor for the 8th Judicial District, reported as follows:

That the whole number of votes cast was 155. Necessary to a choice 78. Of these Mr. Coleman received 66; Mr. Brown 47; Mr. McAden 23; Mr. Folk 14; and Mr. Candler 4. No one having received a majority of all the votes, there was no election.

The report was concurred in.

Mr. Warren introduced a bill, (S. 14,) to repeal an act entitled "An Act to establish the office of Auditor of Public Accounts" and for other purposes, which was read the first time, passed its first reading, and

On motion of Mr. Warren,

Referred to the committee on Finance.

A message was received from the House, proposing to go forthwith into an election for Public Treasurer, and that Messrs. K. P. Battle and William Sloan were in nomination.

The Senate concurring, an election was held in conformity thereto, Messrs. Boyd and Eure superintending, with result as follows:

The following Senators voted for Mr. Battle, viz:

Messrs. Aycock, Blount, Bogle, Boner, Bullock, Covington, Cowper, Donaho, Eure, Faison, Ferebee, Hall, Harris of Franklin, Howard, Keener, Latham, Leitch of Robeson,

The following Senators voted for Mr. Sloan, viz:


An engrossed bill, (H. 4,) concerning the burning of the Register's Books in the county of Burke, was read the first time, passed its first reading and placed on the calendar.

A bill, (S. 4,) to exempt the Raleigh and Gaston Railroad Company from rebuilding the bridge across the Roanoke at Gaston, was read the second time, passed its second reading, and

On motion of Mr. Wiggins,

The rules were suspended, and the bill passed its third reading.

Ordered to be engrossed.

A message was received from the House of Commons proposing to go forthwith into an election for Solicitor of the 8th Judicial District; and that the names of Messrs. Folk and McAden had been withdrawn; Messrs. Coleman,andler and Brown being still in nomination.

The Senate concurring, of which the House of Commons was informed by message, an election was held, Messrs. Boner and Latham superintending in the Senate, which resulted as follows:

The following Senators voted for Mr. Coleman, viz:


The following Senators voted for Mr. Brown, viz:

Messrs. Black, Bogle, Boner, Boyd, Bullock, Covington,
Cowles, Garner, Gorrell, Harris of Rutherford, Isbell, Jones of Columbus, Jones of Wake, Leach of Davidson, Morehead, Morgan, Snead and Winstead—18.

The following Senators voted for Mr. Candler, viz:

Messrs. Speaker, Blount and Gash—3.

The Speaker ratified in open Senate the enrolled resolutions in behalf of Hon. Z. B. Vance.

Mr. Eure, from the committee to superintend the election for Public Treasurer, reported as follows:

That the whole number of votes cast was 153. Necessary to a choice 68. Of which Mr. Battle received 89; Mr. Sloan 66. Mr. Battle having received a majority of all the votes cast, was duly elected.

The report was concurred in.

Private Bills, &c., of the titles following, were read first time, passed their first reading and placed on the calendar.

By Mr. Morgan, a bill (S. 1,) to empower the sureties on the official bonds of Josiah R. White, late sheriff of Perquimans county to collect arrears of taxes in said county for the years 1860-'61 and '62.

By Mr. Warren, a resolution (S. P. R. 2,) in favor of W. B. Campbell, late Sheriff of Beaufort county.

The following resolution, introduced by Mr. Gash, was adopted, viz:

Resolved, That the committee on Cherokee Lands and Western Turnpikes, be instructed to enquire into the expediency of selling the Western Turnpike now belonging to the State of North-Carolina, running from Asheville, North-Carolina, to the Georgia and Tennessee lines, and report by bill or otherwise.

Mr. Boner, from the committee to superintend the election for Solicitor for the 8th Judicial District, reported as follows:

That the whole number of votes cast was 149. Necessary to a choice 75. Of which Mr. Coleman received 90; Mr.
Brown 55; Mr. Candler 3; and Mr. McAden 1. Mr. Coleman having received a majority of all the votes cast was duly elected.

The report was concurred in.

On motion of Mr. Harris of Rutherford,

Ordered, That a message be sent to the House of Commons, proposing that when the two Houses adjourn, they adjourn over until Friday morning.

On motion of Mr. Whitford,

Leave of absence was extended to Mr. Hall until Monday next.

On motions of Messrs. Wiggins and Harris of Rutherford, Similar indulgence was granted to Messrs Aycock and Snead respectively.

On motion of Mr. Leach of Davidson,

Resolved, That a joint select committee of five on the part of the Senate and five on the part of the House of Commons, be appointed to be styled a committee on Federal Relations.

It was so ordered, and the House of Commons informed thereof.

Mr. Warren was excused from serving on the committee on the Insane Asylum, and Mr. Eure substituted in his place.

On motion of Mr. Gorrell,

The Senate adjourned until to-morrow at 10 o'clock.

THURSDAY, DECEMBER 7TH, 1865.

The Senate met at 10 o'clock, and no quorum being present,

On motion of Mr. Leach of Davidson,

The Senate adjourned until to-morrow at 11 o'clock.
FRIDAY, DECEMBER 8TH, 1865.

Prayer by the Rev. A. Smedes, D. D.

The Speaker announced as the Senate branch of the committee on Federal Relations, viz:

Messrs. Leach of Davidson, Howard, Warren, Cowper and Isbell.

The following Senators were designated as the Senate branch of the committee on Salaries and Fees, viz:

Messrs. Winstead and Hall.

Mr. Wilson, from the committee on Banks and Currency, submitted the following report, viz:

The committee to which was referred the bill to extend the Charter of the Bank of the State of North-Carolina having taken the same under consideration, beg leave to report,

That the charter of the Bank, by its own limitation, will expire on the first day of January, 1866. That the corporation has been in the course of liquidation for several years: that there is a considerable amount of assets, belonging thereto, in the shape of debts, which have not been collected by reason of the interposition of legal impediments during the war, and the depreciation of the currency of the country; that the State is interested in these assets as a stockholder in the corporation; that there is a considerable amount of the issues of the Bank still outstanding in the hands of innocent holders. For these considerations the passage of the bill is respectfully recommended.

The report was concurred in and the bill placed on the calendar.

The committee on the Judiciary to whom was referred "A bill to carry into effect an Ordinance of the Convention in regard to the election of Clerks and Sheriffs," reported the same back to the Senate with the recommendation that it do pass.

Mr. Morehead, from the committee to count the vote cast
at the election in November last for Governor, reported that they have proceeded to perform the duty assigned to them and recommend that the two Houses of this General Assembly assemble in the House of Commons, on Saturday, 9th day of December, 1865, at the hour of 12 M, and then and there, in the presence of both Houses, compare the votes cast for Governor of the State on the day aforesaid.

On motion of Mr. Wilson,

The report was laid on the table, in order that he might introduce an amendment.

Mr. Williams, from the joint select committee on the adjournment of the two Houses, reported as follows, viz:

The joint select committee appointed to consider the time of adjournment of the Legislature have had the same under consideration, and beg leave to report, that situated as we are, there is but little legislation requiring our immediate attention. The Legislature is only provisional and until the State is restored to the Union, or power granted, we have no right to enter upon general legislation. They are informed that there is money sufficient in the Treasury to pay the ordinary expenses of the Government for some time to come, and that there is no immediate necessity for any other tax bill in addition to the one passed by the Convention.

They, therefore, recommend the adoption of the following resolution, viz:

Resolved, 'That this Legislature do adjourn on Monday next, the 18th inst., at 6 o'clock A. M., to meet again on the first Monday of February next.

All of which is most respectfully submitted.

H. G. WILLIAMS,
Chairman.

The report was concurred in and the resolution adopted.
A message was received from the House of Commons transmitting the names of Messrs. Cameron, Burton, Sharpe,
Hutchinson and Russell as the House branch of the committee on Federal Relations.

Also, the following named gentlemen as the House branch of the committee on Salaries and Fees, viz:


A message was received 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 take into consideration the subject of a Stay Law.

The Senate concurred, and Messrs. Jones of Columbus, Wilson and Bynum were designated as the Senate branch of the committee.

Received, from the House of Commons, the following message, viz:

HOUSE OF COMMONS. December 8th, 1865.

MR. SPEAKER:—The House of Commons proposes that the two Houses of the General Assembly, meet in the Hall of the House of Commons on Saturday, the 9th inst., at 12 o'clock, the Speaker of the Senate presiding, for the purpose of counting the vote for Governor.

One person shall be appointed as teller on the part of the Senate and two on the part of the House to count the vote.

The result and the person elected shall be announced by the Speaker of the Senate; which announcement shall be a sufficient declaration of the person elected, and, together with the list of votes, shall be entered on the Journals of the two Houses.

S. F. PHILLIS, Speaker H. C.

By order: SEATON GALES, Clerk.

Received from the House of Commons an engrossed bill (H. P. B. 6,) to incorporate Stokesbury Lodge, No. 220, of A. Y. M., in the county of Stokes.
The bill was read first time, passed its first reading, and placed on the private calendar.

The Speaker laid before the Senate the following communication from the Secretary of State, viz:

Office of Secretary of State,
December 8th, 1865.

Hon. Thos. Settle, Speaker Senate.

Sir: I have the honor to acknowledge the receipt of a "Resolution of Enquiry" of the Senate in relation to the books and records heretofore deposited in the Capitol.

I was not aware that they were missing until I received the resolution.

Immediately, however, upon its reception, I made enquiry, and was informed by Mr. Jonathan Worth, that they had been sent to Washington City by Maj. Gen'l. Schofield.

I then addressed Brevet Maj. Genl. Ruger, commanding Dept. of N. C., the following note. (See Document A.)

This morning I received the following in reply. (See Document B.)

As to the prospect of recovering them I am not able to report, Gen'l. Ruger not answering that portion of my note to him.

I am, very respectfully,
Your obt. Servant,

R. W. Bést,
Sec. of State.

[Doc. A.]
Office Secretary of State,
Raleigh, December 6th, 1865.

General:—I herewith transmit to you a copy of a "Resolution of Enquiry," from the Hon. Thomas Settle, Speaker of the Senate.

Upon receiving the aforesaid resolution, I made enquiry;
and was informed that the letter book and public records alluded to, had been sent to Washington, D. C., by order of Maj. General Schofield. I desire to know if such is the fact, and if so, what course I shall pursue to get them.

Please answer immediately.

I have the honor to be,

Very respectfully your ob't serv't,

R. W. BEST,
Secretary of State.

Brevet Maj. General Ruger,
Command'g Department of N. C., Raleigh.

[Doc. B.]

HEADQUARTERS DEPARTMENT OF NORTH-CAROLINA.
Honorable R. W. Best, Secretary of State,
Raleigh, North-Carolina.

Sir:—I have the honor to acknowledge the receipt of your letter of the 6th inst., transmitting a "Resolution of Inquiry of the Senate of the State of North-Carolina in relation to the disposition made of the Letter Book of the Governor and other Public Records heretofore deposited in the Capitol and since removed by military authority," and to state, in reply, that the Letter Book and other Public Records were forwarded, the 2d of June, 1865, by my predecessor, to the Headquarters of the Armies of the United States, Washington, D. C.

Very respectfully,

Your obedient servant,

THOS. H. RUGER,

The following resolutions were introduced and severally adopted, viz:

By Mr. Covington,

Resolved, That the committee on Military Affairs be instructed to ascertain whether or not arms and ammunition,
one or both, can be immediately obtained, with a view of enabling the militia in the State (recently organized in each county, under an Ordinance of the Convention, as auxiliaries to the public authorities) to more effectually suppress any insurrectionary movement on the part of "Free Negroes," should they attempt it, and report by bill or otherwise.

By Mr. Wilson,

Resolved, (the House of Commons concurring,) That the committee appointed to count the votes polled for Governor in November last, be instructed to make arrangements for the administration of the oaths of office to the Governor elect, at the same time the returns are opened and the votes counted.

By Mr. Warren,

Resolved, That it be referred to the joint select committee on the subject of Salaries and Fees to ascertain and report a proper compensation for the Judges or any of them for services rendered under the Ordinance of the Convention, "to protect the owners of property and for other purposes."

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

By Mr. McEachern, a resolution (S. P. R. 4,) in favor of Daniel Coleman, Administrator of Josiah L. Bundy, deceased, late Sheriff of the county of Cabarrus. Placed on the private calendar.

By Mr. Jones of Columbus, a bill (S. P. 5,) to exempt certain hands from working on the public roads. Referred to the committee on Proposition and Grievances.

By Mr. Ențre, a bill (S. 16,) to extend the time allowed to widows to enter their dissent to the last will and testament of their husbands. Judiciary.

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

Resolved, That it be referred to the committee on the Judiciary, to inquire into the expediency of enabling the
collection of taxes, which were not paid within the fiscal years when due.

An engrossed bill (H. 4,) concerning the burning of the Register’s Books in the county of Burke, came up for consideration, upon its second reading.

Mr. Faison moved the following amendments, and they were severally adopted.

1st Amendment: Add to the title the words “and the destroying of the Records and unregistered papers by the Federal army, in the Register’s office in the County of Sampson.”

2d. After the word “papers,” in the preamble, insert the words, “also the destroying of records and unregistered papers by the Federal army in the Register’s office in the county of Sampson.”

3d. In the third section, strike out the word “county,” where it first occurs, and insert the word “counties,” and after the word “Burke,” where it first occurs, insert the words “and Sampson;” also, strike out the word “county,” in the parenthesis, and insert the word “counties,” and after the word “Burke,” in the parenthesis, insert the words “and Sampson.”

4th. In the fourth section strike out the word “county,” where it last occurs, and insert the word “counties,” and after the word “Burke,” insert the words “and Sampson.”

The bill as amended passed its second reading, and,

On motion of Mr. Bynum,

The rules were suspended and the bill passed its third reading.

Ordered to be sent to the House of Commons, asking concurrence in the amendments.

The following message was received from the House of Commons, which was concurred in, viz:

6
Mr. Speaker:

Upon recommendation of the joint committee on the Insane Asylum, the House of Commons elected the following named gentlemen as Directors of that Institution, and ask the concurrence of the Senate therein, viz:

M. F. Arendell, Carteret County.
Joseph Keener, Jackson "
Isaac N. Sanders, Onslow "
H. M. Waugh, Surry "
R. W. Allison, Cabarrus "
W. H. Wheeler, Forsythe "
Giles Leitch, Robeson "
M. L. Holmes, Rowan "
W. K. Lane, Wayne "
A. H. Davis, Halifax "
A. D. McLean, Harnett "
Ruffin Williams, Wake "
Henderson Hodge, Wake "
W. D. Jones, Wake "
W. S. Mason, Wake "
S. F. Phillips, S. H. C.

By order: Seaton Gales, Clerk.

A message was received from the House of Commons concurring in the resolution to adjourn on Monday, the 18th inst., to meet again on the first Monday of February next.

A bill (S. 2,) to extend the charter of the Bank of the State of North-Carolina, was taken from the calendar and placed upon its second reading and passed its second reading; and

On motion of Mr. Wilson,

The rules were suspended and the bill passed its third reading.
Ordered to be engrossed.

A message was received from the House of Commons, concurring in the proposition of the Senate, directing the committee to count the vote for Governor to make arrangements for the administration of the oaths of office to the Governor elect.

The Speaker ratified in open Senate the following resolutions, viz:

Resolutions declaring the loyalty of the people of North Carolina.

Resolution concerning the per diem and mileage of the Officers and Members of this Legislature.

On motion of Mr. Latham,

Leaves of absence were granted to Mr. Jones of Wake, until Monday next, and to Mr. Harris of Franklin, until Wednesday next.

On motions of Messrs. Stanford and Arendell,

Leaves of absence were granted, respectively, to Messrs. Williams and Boyd until Monday next.

Whereupon it being 1 o'clock,

On motion of Mr. Boyd,

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

SATURDAY, DECEMBER 9th, 1865.

Prayer by the Rev. Henry Hardie.

A message was received from the House of Commons, proposing to go into an election of seven Counsellors of State on Monday next, at 12 o'clock.

The message was concurred in.

Also a message announcing the following gentlemen as constituting the House branch of the committee on the
Stay Law, viz: Messrs. Waugh, McNair, Jones, Farrow and Whitley.

And the following as the House committee to count and compare the vote for Governor, viz: Messrs. Waugh and Wheeler.

The Speaker designated Mr. Morehead as the teller on the part of the Senate to count and compare the vote for Governor.

Reports of standing committees were filed as follows:

Mr. Warren, from the committee on the Judiciary, reported back the resolution of Mr. Gash, concerning the establishment of a penitentiary, with the request that they be discharged from the further consideration, inasmuch as in the opinion of the committee it is inexpedient to legislate upon the subject at the present time.

The Senate concurred.

By Mr. Warren, from the same committee, (S. 9,) a bill "to establish a homestead freehold from execution, by exempting from execution a certain portion of the land of any citizen of the State of North-Carolina," with a recommendation that the same do not pass.

By Mr. Warren, from the same committee, the resolution of Mr. Pitchford upon the subject of the salaries of the Supreme and Superior Court Judges of the State, with the recommendation that the same be referred to the committee on Salaries and Fees. The Senate concurred.

Mr. Bynum, from the same committee, submitted the following special report, viz:

The majority of the committee on the Judiciary, to which was referred the joint resolution of this General Assembly, touching the amendment to the Constitution of the United States, ratified at the present session, and known as the 13th article, having considered the same, beg leave to report:

This General Assembly has ratified the following amendment to the Constitution of the United States, to wit:
Sec. 1. "Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

Sec. 2. Congress shall have power to enforce this article by appropriate legislation.

It is clear that no after action of this body, can change the legal effect of this amendment, or enlarge or restrict the powers of Congress conferred either by the 1st or 2d sections thereof. The subject has passed beyond the control of this body, and has become a matter of judicial interpretation only.

It is plain to this committee and to the people of North Carolina, and as this committee believes, to every fair minded statesman and jurist, North and South, that this amendment confers no power on Congress to legislate upon the subject of freedmen, within the States. While, however, the legal effect of this amendment, is so plain to us, the majority of the committee, cannot shut their eyes to contemporaneous history. The power to legislate within the States, founded on this amendment, is now claimed, in and out of Congress, by statesman and lawyers, eminent for their abilities and formidable for their numbers, zeal and influence.

The tribunal appointed by the Constitution for its own interpretation, has not always proved a barrier to legislative encroachments; nor can the majority of this committee undertake to say, that it will hereafter prove a safe-guard to the reserved rights of the States.

Mindful, therefore, of the encroachments of power, of the momentous issues involved, and conscious of the rectitude of their own intentions, the majority of the committee, in discharge of a plain duty to themselves, to posterity and the truth of history, desire to spread before the country, in the most solemn form, they sense in which they, and, as
they believe the people of the State, through them, have accepted and ratified this amendment to the Constitution of the United States.

They, therefore, report back and recommend the adoption of the following joint resolution.

W. P. BYNUM,
For Majority of Committee.

Resolved, by the General Assembly of the State of North Carolina, That we have accepted and ratified the said amendment, in the sense given to it by the Hon. William Seward, Secretary of State of the United States, to-wit: That it does not enlarge the powers of Congress to legislate on the subject of freedmen, within the States.

On motion of Mr. Leitch of Robeson,
Ordered, That the report be printed and made the special order for Wednesday next at 12 o'clock.

Mr. Wiggins, from the joint standing committee on Finance, reported back, a bill (S. 14,) to repeal an act entitled "An act to establish the office of Auditor of Public Accounts," and for other purposes, with an amendment, recommending its passage.

Mr. Winstead, from the committee on Propositions and Grievances, reported back an engrossed bill, (H. 3,) to amend an act passed at the session of the General Assembly of 1860-'61, entitled "An act to appoint tax collectors for Bertie and other counties," with a recommendation that it do pass.

Mr. Blount, from the same committee, reported back a bill, (S. P. 5,) to exempt certain hands from working the public roads, with a recommendation that it do pass.

Mr. Gash, from the committee on Cherokee Lands and Western Turnpikes, reported back a bill (S. 12,) to amend an act passed at the session of 1854-'55, entitled "An Act to incorporate the Little River Turnpike Company," recommending its passage.
Mr. Ferebee, from the committee on Military Affairs, stated that in accordance with the resolution introduced by the Senator from Union and Anson, (Mr. Covington,) on yesterday, the committee had called upon Maj. General Ruger, commanding the Department of North-Carolina, in reference to the arming and supplying ammunition to the militia of the State, but that they were unable to see that officer. They had requested a reply to be sent to the resolution of inquiry this morning, but none had yet been received. The committee were consequently unable to report.

Mr. Jones of Columbus, introduced the following resolution, which was adopted.

Resolved, That a message be sent to the House of Commons proposing to raise a joint select committee of five, two on the part of the Senate, and three on the part of the House to inquire into the ownership of the Piedmont Railroad; that they report the charter, if any, under which it was incorporated; the stockholders therein; with what funds it was built; how they were supplied with funds, and especially the property in said Company which belonged to the Confederate States and to individuals; that for these purposes the committee have power to send for persons and papers; to examine witnesses on oath, if necessary, and report to this or the adjourned session of the Legislature.

Bills of the titles following, then being introduced and read, passed the first reading, and other proceedings were had, as follows, viz:

By Mr. Latham: a bill, (S. 17,) providing for the holding of courts in the county of Washington. Filed on the calendar.

By Mr. Bynum: a bill, (S. 18,) for the relief of such persons as may suffer from the destruction of records and other documents and papers.

On motion of Mr. Bogle,
Referred to the committee on the Judiciary.

By Mr. Latham: a bill (S. 19,) for the relief of such persons as may suffer from the burning of the Court House and records of Washington county.

On motion of Mr. Latham,
The rules were suspended, and the bill passed its second and third readings.

Ordered to be engrossed.

On motion of Mr. Leitch of Robeson,
Mr. McLean obtained leave of absence until Wednesday.

A message was received from the House of Commons proposing to rescind the joint order providing for the administering the oaths of office to the Governor elect, when the votes are counted.

The Senate concurred, there being counted yeas 15; nays 13.

The hour of 12 o'clock having arrived, the Senate repaired to the hall of the House of Commons for the purpose of comparing and counting the vote for Governor.

The Speaker of the Senate presiding over the Convention, announced the business before the two Houses.

The returns were thereupon opened by the Speaker of the Senate, who read aloud the report from each county.

The returns were immediately entered, in separate columns, opposite the names of the several counties, and read aloud to the Convention by Mr. Morehead, the teller on the part of the Senate; as follows, viz:

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<th>Scat'ring</th>
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<tr>
<td>Surry</td>
<td>329</td>
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</tbody>
</table>
No official returns received from the counties of Anson and Brunswick.

The returns being completed, the tellers retired, and returning, (through Mr. Morehead,) reported to the Convention that the whole number of votes cast was 57,616; of which Jonathan Worth received 31,643; William W. Holden received 25,704, and that there were scattering 269; that the majority for Jonathan Worth was 5,939; that the said Jonathan Worth is therefore duly elected.

The committee further recommend, that the names of the counties be arranged in alphabetical order, with the number of votes cast by each, and spread upon the journals of each House.

The report was concurred in.

Whereupon the Speaker of the Senate repeated the same report and said, "There being no dissent, I declare Jonathan Worth has been duly elected Governor of North-Carolina under an Ordinance of the Convention, from such time as the Provisional Government shall terminate, either before the first day of January, 1866, or afterwards, before the first of
January, 1867; provided, however, the authority of the Provisional Government shall cease before the said first day of January, 1867.

The Senate, then, returned to its own Chamber and resumed its session.

Mr. Gash, from the committee on Cherokee Lands and Western Turnpikes, to which was referred a resolution of inquiry into the expediency of selling out the Western Turnpike, reported a bill (S. 20,) to amend an act passed at the session of 1848-'49, to provide for a Turnpike Road from Salisbury west to the lines of the State of Georgia, &c., (generally known as the Western Turnpike Road,) with the recommendation that it lie over until the first Monday in February next.

The report was concurred in, and the bill read, passed its first reading and filed on the calendar.

Mr. Gash introduced the following resolution, viz:

Resolved, That the committee on Banks and Currency be required to inquire whether there be any legislation necessary to enable the banks in this State to resume business or to wind up their affairs; also whether it would require any legislation to authorize the several Railroad Companies in this State to establish National Banks under the acts of Congress, provided they can procure the bonds necessary to enable them to do so, by exchange of their bonds or otherwise, for United States bonds.

Adopted.

A message was received from the House of Commons concurring in the proposition to raise a joint select committee to inquire into certain matters connected with the Piedmont Railroad. Messrs. Smith of Columbus, Murphy and Allison constitute the House branch of the committee.

Whereupon it being 2 o'clock and 15 minutes,

On motion of Mr. Bogle,

The Senate adjourned until 11 o'clock on Monday.
MONDAY, December 14th, 1865.

Prayer by the Rev. Mr. Lacy, D. D.

The Speaker designated Messrs. Morehead and Jones of Columbus as the Senate branch of the committee on the Piedmont Railroad.

On motion of Mr. Ferebee,

Ordered, That a message be sent to the House of Commons proposing to rescind the joint order to go into the election of seven Counsellors of State to-day at 12 o'clock.

Mr. Bynum introduced the following preamble and resolution to ascertain what portion of the public debt was incurred in aid of the late rebellion.

Whereas, By an ordinance of the late Convention, ratified the 19th day of October, 1865, it is made the duty of the General Assembly to provide for the payment of all debts and obligations created or incurred by the State, otherwise than in aid of the late rebellion.

And whereas, By the same ordinance all debts and obligations, created or incurred by the State in aid of the late rebellion, directly or indirectly, are declared void, and the General Assembly is prohibited from assuming or providing for the payment of the same or any portion thereof.

And whereas, Much doubt and uncertainty prevail to the injury of public creditors and others, and to the hindrance of correct legislation in the premises, as to what debts and obligations of the State, are in force, and what are void.

Therefore resolved, That the joint standing committee on Finance be instructed to inquire and report by bill or otherwise, what portion of the debts and obligations of the State, was made in aid of the late rebellion and therefore void, and what portion was made not in aid of the late rebellion, and therefore to be provided for.

Adopted.
Mr. Jones introduced the following preamble and resolution concerning what laws of the State are in force or ought to be repealed:

Whereas, It is declared by an ordinance passed during the recent session of the Convention, that "all the laws of the State, except as hereinafter is excepted, which, on the twentieth day of May, eighteen hundred and sixty-one, were compatible with the allegiance of the citizens of the State to the government of the United States, and not since repealed or modified; and all the laws and ordinances passed since that day, except as hereinafter excepted, compatible with such allegiance, and not since repealed or modified, and which are consistent with the Constitution of the State and the United States, are hereby declared to have been, at all times since their enactment, and now to be in full force in like manner and to the same extent, and not otherwise, as if the State had not, on that day, nor at any time since, attempted to secede from the government of the United States, and as if no question had been made of the lawful authority of the Convention assembled on that day, or of any General Assembly assembled since that day, to enact such laws and ordinances, and all other of said ordinances and laws are hereby declared to have been and to be null and void: Provided, however, That nothing herein contained shall be so construed as to prevent the General Assembly from repealing or modifying any of said laws and ordinances hereby ratified, which shall not form a part of the Constitution of the State."

And whereas, Many laws and ordinances passed in anticipation of and during the recent war are thus annulled, and others there be of which doubts may arise, whether they are annulled; and many which are not thus annulled, but ought to be repealed.

Be it therefore resolved by the General Assembly, That the committee on the Judiciary be instructed to report a bill
declaring what part of the laws and ordinances passed since the first day of January, 1861, are annulled by the said ordinance, and what part not thus annulled, ought to be repealed, and provide in said bill for repealing them.

Be it further resolved, That they report to this or the adjourned session of the Legislature.

Adopted.

A message was received from the House of Commons informing the Senate that they had not concurred in the resolution asking information of the Governor relative to the restoration of the several courts, with their ancient jurisdiction.

A message was received also informing the Senate of the concurrence of the House of Commons in the amendments to the engrossed bill, (H. 4,) concerning the burning of the Registers Books, in the county of Burke.

Ordered to be enrolled.

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

From the House of Commons: An engrossed bill, (H. 23,) to provide for the payment of the State debt contracted before the war.

On motion of Mr. Morehead,

Ordered to be printed.

By Mr. Morehead: A bill, (S. 22,) to prevent horse stealing. Placed on the calendar.

By the same: A bill, (S. 23,) to provide for the poor. Filed on the calendar.

By Mr. Wilson: A bill, (S. 24,) to incorporate the Mining, Manufacturing and Improvement Company. To the committee on Corporations and ordered to be printed.

By the same: A bill (S. 25,) to incorporate the American Industrial Agency. Same reference and order.

By Mr. Arendell: A resolution (S. P. R. 6,) in favor of
George Dill, late Sheriff of Carteret county. Filed on the private calendar.

By Mr. Cowles: A bill (S. 26,) to repeal section 2d of an ordinance of the Convention, to raise revenue. Finance.

By Mr. Morehead: A bill (S. 27,) to enable Sheriffs to collect arrearages of taxes. Filed.

Mr. Fure introduced the following resolution, viz:

Resolved, That the Judiciary committee be instructed to inquire if any, and if any, what legislation is required for the relief of guardians and other persons holding funds in trust, who have invested such funds in Confederate stocks and in State stocks now repudiated by the ordinance of the Convention, and that they report by bill or otherwise. Adopted.

Received a message from the House of Commons declining to concur in the proposition to rescind the joint order to go into the election of seven Counsellors of State to-day at 12 o'clock.

Also a message asking the concurrence of the Senate in the following resolution, viz:

Resolved, (the Senate concurring,) That a joint committee, consisting of five, three from the House and two from the Senate, be appointed by the Speakers to notify the Governor elect of his election and make arrangements for administering the oaths of office before the recess of the General Assembly.

The Senate concurred, and the Speaker designated Messrs. Bynum and Faison as the Senate branch of the committee.

S. 11. bill to repeal an act entitled "An act to establish the office of Auditor of Public Accounts," and for other purposes, was read the second time, and the question being on the amendment proposed by the joint standing committee on Finance.

And it was adopted.
On motion of Mr. Warren,

The rules were suspended, and the bill was read the third time, and the question being thereon,

Mr. Cowper moved to amend by striking out "two thousand," and inserting "one thousand five hundred."

And pending the question,

The Speaker announced the hour for the special order, viz: the election for seven Counsellors of State.

A message was sent to the House of Commons, informing them that the Senate would proceed to comply with the joint order upon the return of the messenger.

Mr. Bullock nominated Mr. P. H. Winston, 1st District.
Mr. Garner nominated Mr. Jesse J. Yeates, 1st.
Mr. Cowles nominated Mr. D. M. Carter, 1st.
Mr. Stanford nominated Mr. James Dickson, 2nd.
Mr. Arendell nominated Mr. J. M. Parrott, 2nd.
Mr. Whitford nominated Mr. W. A. Wright, 2nd.
Mr. Leitch of Robeson, nominated Mr. N. A. McLean,
Mr. Faison nominated Dr. H. A. Bizzell, 3rd.
Mr. Sanders nominated D. L. Russell, Sr., 3rd.
Mr. Gorrell nominated Hon. A. Dockery, 3rd.
Mr. Covington nominated Mr. J. R. Hargrave, 3rd.
Mr. Pitchford nominated Mr. Wm. Eaton, Jr., 4th.
Mr. Black nominated Hon. R. P. Dick, 5th.
Mr. Boner nominated Mr. H. A. Lemley, 5th.
Mr. Wilson nominated Mr. W. J. Yeates, 6th.
Mr. Shober nominated Mr. Wm. Murphy, 6th.
Mr. Bogle nominated Mr. C. J. Cowles, 6th.
Mr. Keener nominated Hon. A. T. Davidson, 7th.
Mr. Isbey nominated Mr. R. L. Patterson, 7th.

The Senate then proceeded to vote, under the superintendence of Messrs. Arendell and Faison, with result as follows, viz:

The following Senators voted for Mr. Patterson, viz:

The following Senators voted for Mr. Eaton, viz:

The following Senators voted for Mr. Lemley, viz:

The following Senators voted for Mr. Parrott, viz:

The following Senators voted for Mr. Winston, viz:

The following Senators voted for Mr. Cowles, viz:

The following Senators voted for Mr. Wright, viz:

The following Senators voted for Mr. Russell, viz:
The following Senators voted for Mr. Dick, viz:

The following Senators voted for Mr. Murphy, viz:

The following Senators voted for Mr. J. J. Yeates, viz:

The following Senators voted for Mr. Carter, viz:
Messrs. Speaker, Arendell, Bogle, Boyd, Cowles, Gorrell, Harris of Rutherford, Morgan, Shober, Sneed and Warren—11.

The following Senators voted for Mr. Davidson, viz:

The following Senators voted for Mr. W. J. Yeates, viz:

The following Senators voted for Mr. Dockery, viz:

The following Senators voted for Mr. Bizzell, viz:

The following Senators voted for Mr. McLean, viz:

The following Senators voted for Mr. Drake, viz:

The following Senators voted for Mr. Dickson, viz:

The following Senators voted for Mr. W. W. Lexoir, viz:

The following Senators voted for Mr. W. S. Mason, viz:

The following Senators voted for Hon. J. T. Leach, viz:

The following Senators voted for Hon. G. W. Logan, viz:
Messrs. Speaker and Harris of Rutherford—2.

The following Senators voted for Mr. J. R. Hargrave, viz:

The following Senators voted for Mr. Henry Adams, viz:
Messrs. Boyd and Harris of Rutherford—2.

The following Senators voted for John Norfleet, viz:

Mr. Gorrell voted for Mr. D. F. Caldwell.
Mr. Snead voted for Mr. L. Eldridge.

The Senate resumed the consideration of S. 14, the question being on the amendment of Mr. Cowper to strike out "two thousand," and insert "one thousand five hundred," and the question thereon was put, and

Decided in the negative,

\[
\begin{align*}
\text{Yea} & : 19 \\
\text{Nay} & : 20
\end{align*}
\]

On motion of Mr. Wiggins,
The yea and nay being ordered,
The following voted in the affirmative, viz:

And the following voted in the negative, viz:
Messrs. Arendell, Blount, Bogle, Boner, Boyd, Bynum

The question now recurring on the passage of the bill,

Mr. Wiggins moved to amend, by striking out "one thousand two hundred" as the salary to be paid to the clerk, and insert "one thousand;" and the amendment did not prevail, there being counted yeas 16, nays 20.

The question again recurring in the passage of the bill, was put and

Decided in the affirmative,  Yeas .......... ............... 26

Nays ..................... 13

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


And the following in the negative, viz:


So the bill passed the third reading.

Ordered to be engrossed.

Whereupon it being 1 o'clock and 45 minutes,

On motion of Mr. Jones of Columbus,
The Senate adjourned until 10 o'clock to-morrow.

TUESDAY, DECEMBER, 12TH, 1865.

Mr. Winstead, from the committee on Propositions and Grievances, to which was referred two petitions relative to freedmen in the counties of Buncombe and Transylvania,
having considered the same, reported them back to the Senate, and asked to be discharged from their further consideration.

The report was concurred in.

Mr. Harris of Rutherford, from the committee on the depreciation of the Confederate currency, submitted the following report, which was concurred in:

REPORT OF COMMITTEE RELATIVE TO THE DEPRECIATION OF CONFEDERATE CURRENCY.

The joint select committee, to whom was referred a resolution on the scale of depreciation of Confederate currency, state that they have had the same under careful consideration, and, after mature deliberation, ask leave to submit the following report:

_The Confederate prices of money from May 1st, 1861, to May 1st, 1865._

<table>
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<td>May</td>
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<td>5.50</td>
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<td>9.00</td>
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<td>14.00</td>
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<td>15.00</td>
<td>30.00</td>
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<tr>
<td>December</td>
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<td>2.50</td>
<td>20.00</td>
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<td>&quot; 20th to 30th</td>
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<td>49.00</td>
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This scale includes the entire month, from the first to the last day, except the month of December, 1864, which is divided into three parts, on account of its rapid depreciation.

C. L. HARRIS, for the Committee.
Mr. Warren, from the committee on the Judiciary, to which was referred a bill (S. 16,) to extend the time allowed to widows to enter their dissent to the last will and testament of the husbands, reported the same back, with a recommendation that it do not pass.

Mr. Covington introduced the following resolution, viz:

Resolved, That the Judiciary committee enquire if there is a general law authorizing a less number of Justices than a majority to constitute a quorum for the transaction of county business, and if not to take into consideration the propriety of enacting that a definite number, say twelve or fifteen, shall constitute a quorum to do any county business, unless by law otherwise specifically ordered, and that they report by bill or otherwise.

Adopted.

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

By Mr. Black: A bill (S. 28,) to repeal sec. 3, chapter 39, of an act passed at the first session 1860-'61, entitled "An act to diminish costs in Equity sales for partition."

Referred to the Judiciary.

By Mr. Bynum: A bill (S. 29,) for the relief of all persons that may suffer from the destruction of records and other papers during the war. To the Judiciary.

By Mr. McCleese: A bill (S. 30,) to extend the time for registering deeds and other conveyances. Filed.

By Mr. Latham: A bill (S. 31,) to amend sec. 3, chapter 86 of the Revised Code.

On motion of Mr. Latham,

The rules were suspended and the bill passed its second and third readings.

Ordered to be engrossed.

From the House of Commons: An engrossed bill (H. 29,) to qualify the Superior Court Clerks lately elected.
On motion of Mr. Bogle,
The rules were suspended and the bill passed its second reading, and was read the third time, when
On motion of Mr. Wilson,
Referred to the Judiciary.
Pending the above question,
On motion of Mr. Wilson,
Leave of absence for the balance of the day was granted to Messrs. Speaker, Morehead and Leach of Davidson, who were called from the Chamber on important business.
Mr. Arendell, from the committee to superintend the election for seven counsellors of State, submitted the following report, viz:
The whole number of votes cast was 137. Necessary to a choice 69, of which Wm. Eaton, Jr., received 86; D. L. Russell, Sr., 67; H. A. Lemley 66; J. J. Yeates 58; W. A. Wright 52; C. J. Cowles 47; R. L. Patterson 47; J. M. Parrott 41; P. H. Winston 41; Wm. Murphy 36; W. W. Lenoir 35; D. M. Carter 33; J. T. Leach 23; J. R. Hargrave 22; E. J. Hale, Sr., 21; W. J. Yeates 19; A. T. Davidson 17; H. A. Bizzell 18; D. F. Caldwell 21; E. J. Yellowley 17; R. P. Dick 16; T. Allison 14; Miller 13; A. Dockery 12; B. M. Baxter 10; J. A. Drake 10; N. A. McLean 7; James Dickson 5; W. S. Mason 4; N. M. Roan 4; Mr. Wadsworth 4; John Norfleet 3; H. Adams 3; L. Eldridge 3; G. W. Logan 2. Mr. Eaton having received a majority of the whole number cast was duly elected.
The report was concurred in.
An engrossed bill (H. 9,) to authorize the construction of a bridge across the French Broad River in the county of Buncombe, transmitted by message from the House of Commons, was read the first time, passed first reading, and
On motion of Mr. Gash,
The rules were suspended, and the bill passed its second and third readings, and
Ordered to be enrolled.

On motion of Mr. Cowles,

Ordered, That a message be sent to the House of Commons proposing to go into an election for six Counsellors of State.

On motion of Mr. Latham,

S. 17, a bill providing for the holding of Courts in the county of Washington, was taken from the calendar and placed upon its second reading, and being read,

Passsed its second reading.

On motion of Mr. Latham,

The rules were suspended and the bill passed its third reading.

Ordered to be engrossed.

The House of Commons concurring, by message, in the proposition to go into an election for six Counsellors of State, the Senate proceeded to vote, under the superintendence of Messrs. Bullock and Sanders.

Mr. Leitch of Robeson having withdrawn the name of N. A. McLean,

Mr. Boyd having withdrawn the name of Hon. A. Dockery, and

Mr. Leitch of Robeson having added to the names in nomination, E. J. Hale, Sr.,

Mr. Howard placing in nomination the name of Mr. B. M. Baxter, and

Mr. Williams nominating Dr. J. A. Drake, which resulted as follows, viz:

The following Senators voted for Mr. Lemley, viz:

The following Senators voted for Mr. Russell, viz:

The following Senators voted for Mr. Patterson, viz:

The following Senators voted for Mr. Parrott, viz:

The following Senators voted for Mr. J. J. Yeates, viz:

The following Senators voted for Mr. Cowles, viz:

The following Senators voted for Mr. Wright, viz:

The following Senators voted for Mr. Baxter, viz:

The following Senators voted for Mr. Bizzell, viz:
Messrs. Aycock, Eure, Faison, Ferebee, Howard, Keener,

The following Senators voted for Mr. Hale, viz:

The following Senators voted for Mr. Lenoir, viz:

The following Senators voted for Mr. Drake, viz:

The following Senators voted for Mr. W. J. Yeates, viz:

The following Senators voted for Mr. Carter, viz:

The following Senators voted for Mr. Murphy, viz:
Messrs. Boner, Bullock, Keener, Sanders and Shoher—5.

The following Senators voted for Mr. Dick, viz:

The following Senators voted for Mr. Hargrave, viz:

The following Senators voted for Mr. Davidson, viz:
Messrs. Aycock, Latham and Winstead—3.

The following Senators voted for Mr. Winston, viz:

The following Senators voted for Mr. Dickson, viz:

The following Senators voted for Mr. Leach, viz:
Messrs. Black and Boyd—2.

The following Senators voted for Mr. Caldwell, viz:
Messrs. Gorrell and Pitchford—2.

Mr. Black voted for Mr. Dockery.
Mr. Faison voted for Mr. Miller.
The introduction of bills was then continued, and bills, etc., of the titles following were introduced, read first time passed first reading, referred or otherwise ordered as follows, viz:

From the House: A bill (H. P. 9,) to amend an act ratified 29th January, 1849, in reference to amending the Charter for building a bridge across Pasquotank River.

On motion of Mr. Ferebee,

The rules were suspended and the bill passed its second and third readings.

Ordered to be enrolled.

From the House: A resolution (H. P. R. 2,) in favor of S. G. Ward. Filed on the private calendar.

From the House: A bill (H. 5,) to incorporate the Durham Academy in the county of Orange. Filed.

From the House: A resolution (H. R. 16,) authorizing the Secretary of State to send Convention documents to the Clerks of the County Courts of the State. Filed.

Mr. Ferebee, from the joint select committee to confer with the Commission appointed to prepare a Code of Laws for the government of freedmen, submitted the following special report, viz:

The joint select committee appointed for that purpose, have conferred with the Commission authorized by an ordinance of the late Convention of the State, to prepare and present a Code of Laws for the government of freedmen, and offer the following report and ask the concurrence of the General Assembly.

The present session of the General Assembly, now within a few days of its close, does not afford the time and opportunity necessary for the consideration and discussion of the many and complicated subjects which must properly arise in the preparation of such a Code. The sudden change in the condition of the negro from slavery to freedom, renders it difficult properly to devise and prepare a Code that will.
be best suited to protect their interests and promote their welfare. Time and thought are necessary to this end.

The experience and action also of our sister States may be brought to us in a few weeks, and may shed much light upon the subject, to guide and support us.

As the Legislature will re-assemble early in February next, the committee, with the concurrence and advice of the Commission appointed to prepare said Code, are of the opinion that the subject can, with more convenience and wisdom, be considered and matured at that time.

The committee, therefore, do accordingly recommend that the further action of the General Assembly on this subject, be postponed until the re-assembling of the same in February next, and to that session the Commissioners be requested to make their report.

All of which is respectfully submitted,

D. D. FEREabee, Chairman.

Concurred in.

Mr. Howard introduced the following resolution, viz:

Resolved, That the committee on the Judiciary be instructed to inquire into the propriety of providing by law that all wills executed before the 1st day of May, 1865, be null and void, where the testator or testatrix has become non compos, and report by bill or otherwise.

Adopted.

The Speaker announced as the committee on Enrolled Bills for the week,

Messrs. Gorrell, Harris of Franklin and McEachern.

Bills, etc., of the titles following, then being read the second time and the question put, passed the second reading or were otherwise ordered, as follows, viz:

S. 9, bill to establish a Homestead Freehold, by exempting from execution a certain portion of the land of any citizen of the State of North Carolina.

On motion of Mr. McCleese,
Laid upon the table.
H. 3, bill to amend an act passed at the session of the General Assembly of 1860-'61, entitled "An act to appoint tax collectors for Bertie and other counties."

On motion of Mr. Cowper,
The rules were suspended, and the bill passed its third reading.
Ordered to be enrolled.
S. 11, bill to carry into effect an ordinance of the Convention in regard to the election of Clerks and Sheriffs.
S. 12, a bill to amend an act passed at the session of 1854-'55, to incorporate the Little River Turnpike Company.

On motion of Mr. Gash,
The rules were suspended, and the bill passed its second and third readings.
Ordered to be engrossed.
H. 23, bill to provide for the payment of the State debt contracted before the war.
On motion of Mr. Wiggins,
Postponed until the first Monday in February next.
S. 23, bill to provide for the poor.
On motion of Mr. Jones of Columbus,
Laid upon the table.
S. 27, bill to enable Sheriffs to collect arrearages of taxes.
On motion of Mr. Hall,
Laid upon the table.
S. P. 1, bill to empower the sureties on the official bonds of Josiah R. White, late Sheriff of Perquimans county to collect arrears of taxes in said county for the years 1860, 1861 and 1862.
On motion of Mr. Hall,
Laid on the table.
S. P. R. 2, resolution in favor of W. B. Campbell, late Sheriff of Beaufort county.
On motion of Mr. Latham, Laid upon the table.
S. P. R. 4, resolution in favor of Daniel Coleman, Administrator of Josiah L. Bundy, deceased, late Sheriff of the county of Cabarrus.

On motion of Mr. Gash, Laid upon the table.
S. P. 5, bill to exempt certain hands from working the public roads.

On motion of Mr. Jones of Columbus, Laid upon the table.
S. P. R. 6, resolution in favor of George Dill, late Sheriff of Carteret county.

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

Whereupon it being 1 o'clock and 30 minutes.
Mr. Harris of Rutherford, moved to adjourn until 11 o'clock to-morrow.
Mr. Wiggins moved, by way of amendment, that the Senate adjourn until 10 o'clock to-morrow, which being put,
The amendment prevailed, there being counted yeas 17, nays 11.
The question recurring on the amended motion, was put and

Decided in the affirmative, \{ Yeas, ....................: 19
Nays, ....................: 18

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


So the Senate adjourned until 10 o'clock to-morrow.

WEDNESDAY, December, 13th, 1865.

Mr. Jones of Columbus introduced the following resolution, viz:

(S. R. 36,) Resolved, That the Public Treasurer be, and he is hereby authorized to sell all of the stocks or interests owned by the State of North-Carolina, in any and every corporation: Provided, however, That said sale shall not be made at a price less than the par value of said stocks or interests.

Ordered, To be printed and referred to the joint select committee on Railroads.

Mr. Sanders, from the committee to superintend the election for Counsellors of State, submitted a report as follows, viz:

Whole number of votes 148. Necessary to a choice 75. Of which Mr. Lemley received 116; Mr. Russell 88; Mr. J. J. Yeates 77; Mr. Lenoir 59; Mr. Wright 57; Mr. Baxter 58; Mr. Parrott 53; Mr. Bizzell 41; Mr. Patterson 44; Mr. Cowles 39; Mr. Drake 37; Mr. Murphy 26; Mr. Hale 22; Mr. W. J. Yeates 21; Mr. Dick 20; Mr. Carter 17; Mr. Hargrave 11; Mr. J. T. Leach 15; Mr. Winston 6; Mr. Davidson 4; Mr. Davis 3; Mr. Dickson 2; Mr. D. F. Caldwell 2.

Messrs. Lemley, Russell and J. J. Yeates having received a majority of all the votes cast were duly elected.

The report was concurred in.
Mr. Whitford introduced the following resolution, viz:

Resolved, That the joint select committee on Railroads be and are hereby authorized to send for persons and papers and to administer oaths, if they may deem necessary, to carry out the object of their appointment.

Adopted.

Mr. Covington introduced the following resolution, viz:

Resolved, That the Judiciary committee be instructed to take into consideration the formation of a law, having for its object the protection and ease of debtors, and to prevent their property being sacrificed; and at the same time to give protection to creditors; and that they report by bill or otherwise.

Adopted.

On motion of Mr. Cowper,

Ordered, That a message be sent to the House of Commons proposing to go into an election for three Counsellors of State.

On motion of Mr. Wilson,

The concurrence of the Senate, in the report of the committee on the depreciation of Confederate currency, was withdrawn.

A message was received from the House of Commons concurring in the proposition to go into the election for three Counsellors of State.

The Senate proceeded to vote under the superintendence of Messrs. Stanford and Black, with result as follows, viz:

The following Senators voted for Mr. Wright, viz:


The following Senators voted for Mr. Cowles, viz:

Messrs. Arendell, Blount, Bogle, Boyd, Ballock, Bynum, Coward, Cowles, Garner, Gash, Gorrell, Harris of Ruther-
ford, Isbell, Jones of Columbus, Jones of Wake, Leach of Davidson, Morgan, Sanders, Snead and Warren—20.

The following Senators voted for Mr. Lenoir, viz:


The following Senators voted for Mr. Patterson, viz:


The following Senators voted for Mr. Baxter, viz:


The following Senators voted for Mr. Bizzell, viz:


The following Senators voted for Mr. Parrott, viz:


The following Senators voted for Mr. Hale, viz:


The following Senators voted for Mr. W. J. Yeates, viz:


The following Senators voted for Mr. D. F. Caldwell, viz:


The following Senators voted for Mr. Dick, viz:

Messrs. Bogle, Jones of Wake and Morehead—3.

The following Senators voted for Mr. Drake, viz:
The following Senators voted for Mr. Murray, viz:
Messrs. Keener and Leach of Davidson—2.

On motion of Mr. Wilson,
*Ordered*, That the report from the committee on the depreciation of Confederate currency, be recommitted to said committee, with instruction to report a bill.

A message was received from the House of Commons proposing, with the concurrence of the Senate, in compliance with the report of the joint committee, to receive the Governor elect, in the Hall of the House of Commons, on Friday next, at 12 o'clock, for the purpose of having the oaths of office administered.

The Senate concurred.

A message was received from the House of Commons transmitting a memorial to His Excellency, the President of the United States, asking the concurrence of the Senate therein.

Which being read,

On motion of Mr. Jones of Columbus,
*Ordered*, To be printed and referred to the committee on Federal Relations.

Mr. Howard introduced the following resolution, viz:

*Resolved*, That the committee on the *Judiciary* be instructed to consider whether any modification of the laws relating to mortgages and deeds of trust is needed at this time, and report by bill or otherwise.

*Adopted*.

Mr. Covington introduced a bill with the following title, which was read the first time and passed and referred to the committee on the *Judiciary*, viz:

A bill (S. 37,) to authorize the Wardens of the Poor of each county to seize and sell the property of paupers who are admitted to the poor house of their respective counties
Mr. Stanford, from the committee to superintend the election for Counsellors of State, reported as follows, viz:

Whole number of votes cast 152. Necessary to a choice 77. Of which Mr. Lenoir received 82; Mr. Wright 69; Mr. Baxter 67; Mr. Parrott 51; Mr. Cowles 46; Mr. Bizzell 37; Mr. Caldwell 29; Mr. Patterson 20; Mr. Murphy 16; Mr. Yeates 13; Mr. Dick 10; Mr. rake 9; Mr. Hale 5.

Mr. Lenoir having received a majority of the whole number cast, was duly elected.

The report was concurred in.

S. 16, bill to extend the time allowed to widows to enter their dissent to the last will and testament of their husbands, was read the second time, and,

On motion of Mr. Eure,

Postponed until the first Monday in February next.

A message was received from the House of Commons, with information of their concurrence in the report of the joint select committee to confer with the Commission on the subject of freedmen.

A message was also received transmitting the concurrence of the House in the resolution giving to the joint select committee on Railroads the power to send for persons and papers and to administer oaths.

A further message was received, informing the Senate of the adoption by the House of Commons of the following resolution, in which they ask their concurrence.

Resolved. That in the event of any contract having been entered into by any Railroad Company in this State, with any person or company, whereby preferences or exclusive rights of transportation either in priority or arrangement is given to such person or company, the Attorney General of the State is hereby instructed to institute proceedings against such Railroad Company for a forfeiture of its charter.

Which being read, Mr. Ferebee moved that the rules be
suspended, and the resolution be placed upon its passage.

A message was received from the House of Commons, proposing to go forthwith into the election of two Counsellors of State.

The Senate concurred, and informed the House, that they would proceed to vote upon the return of the messenger.

Mr. McLean (by permission) introduced a memorial from certain citizens of Cumberland in regard to the distillation of grain, asking for legislation to prevent it.

On motion of Mr. McLean,

Referred to the committee on Proposition and Grievances.

The Senate now proceeded to vote for two Counsellors of State, Messrs. Boner and Isbell superintending, with result as follows, viz:

The following Senators voted for Mr. Cowles, viz:


The following Senators voted for Mr. Wright, viz:


The following Senators voted for Mr. Parrott, viz:


The following Senators voted for Mr. Baxter, viz:

Messrs. Covington, Donaho, Eure, Ferebee, Hall, Harris

The following Senators voted for Mr. Hale, viz:
Messrs. Aycock, Leitch of Robeson and McLean—3.
The following Senators voted for Mr. Lizzell, viz:
The following Senators voted for Mr. Yeates, viz:
Mr. Bogle voted for Patterson.
The Speaker announced the special order, viz: S. R 6, resolution touching the amendment to the Constitution of the United States, known as the 13th Article, which being read,

On motion of Mr. Bynum,

The further consideration was postponed until to-morrow at 12 o'clock.

The Senate resumed the consideration of the unfinished business, being the resolution of instruction to the Attorney General, transmitted from the House of Commons.
The question being on the motion of Mr. Ferebee to suspend the rules; which being put, was decided in the affirmative, and the resolution was read the second time.
Mr. Jones of Wake moved to refer it to the committee on the Judiciary, and the motion did not prevail, there being counted ayes 16, noes 23.
The question recurring upon the passage of the resolution its second reading, it was put, and decided in the affirmative.

Under a further suspension of the rules, the resolution passed its third reading.

Ordered, To be enrolled.
Mr. Hall introduced the following resolution, viz:
Resolved, That a select committee of three be appointed, whose duty it shall be to prepare and report a bill to the next meeting of this General Assembly, best calculated to
promote and encourage emigration to this State: to prevent fraud and imposition on the emigrant: to ensure the performance of contracts between the contractor and emigrant; and all such other matters that may be connected with the subject.

Adopted.

Mr. Bonner, from the committee to superintend the election of two Counsellors of State, reported as follows, viz:

Whole number of votes cast 150. Necessary to a choice 76. Of which Mr. Wright received 84; Mr. Cowles 78; Mr. Baxter 70; Mr. Parrott 49; Mr. Yeates 14; Mr. Bizzell 5; Mr. Hale 3; Mr. Patterson 1.

Messrs. Wright and Cowles having received a majority of all the votes cast, were duly elected.

The report was concurred in.

The Senate concurred in the following resolution transmitted from the House of Commons, viz:

Resolved, (the Senate concurring,) That the unfinished business depending in the two Houses of the General Assembly at the adjournment, ordered by their joint action, on Monday next, shall be continued over the recess and resumed at the next meeting of the same in like manner as in adjournments from day to day.

Mr. McLean introduced the following resolution, viz:

Resolved, That the Judiciary committee be instructed to consider whether any legislation is necessary to relieve wards of their present distress by permitting such disposition of their property as will insure due provision for them; and report by bill or otherwise.

Adopted.

A message was received from the House of Commons, transmitting a bill (S. 14,) to repeal an act entitled "An Act to establish the office of Auditor of Public Accounts," and for other purposes, which they had passed with two amendments; 1st, to strike out "$2,000," as the salary of
the Comptroller, and insert "$1,500." 2d, strike out the clause allowing the Comptroller a clerk; asking the concurrence of the Senate in the amendments.

The Speaker holding that the vote could be taken separately, the question was, upon concurring in the first amendment, and it was put, and

Decided in the affirmative, \( \frac{\text{Yeas}}{\text{Nays}} \) = \( \frac{26}{18} \)

On motion of Mr. Latham,
The yeas and nays being ordered,
Those who voted in the affirmative, are,


And those who voted in the negative, are:


So the Senate concurred in the first amendment.

The question now recurring on the second amendment, it was put and

On motion of Mr. Hall,

Decided in the negative, \( \frac{\text{Yeas}}{\text{Nays}} \) = \( \frac{15}{26} \)

The yeas and nays being ordered,
Those who voted in the affirmative, are,


And the following voted in the negative,

Messrs. Arendell, Blount, Bogle, Boner, Boyd, Bynum, Covington, Coward, Cowles, Cowper, Donaho, Eure, Garner, Gash, Harris of Rutherford, Isbell, Keener, Leitch of

The Senate refused to concur in the second amendment, and the House informed thereof.

Bills of the titles following, being considered on their second reading, passed the second reading, and were otherwise disposed of as follows, viz:

S. 30, bill to extend the time for registering deeds and other conveyances.

On motion of Mr. Cowper,

The rules were suspended, and the bill passed its third reading. 

Ordered to be engrossed.

H. 5, bill to incorporate "The Durham Academy" in the county of Orange.

H. R. 16, resolution authorizing the Secretary of State to send Convention Documents to the Clerks of the County Courts of the State.

On motion of Mr. McCleese,

The rules were suspended, and the bill passed its third reading.

Ordered to be enrolled.

H. P. R. 2, resolution in favor of L. G. Ward.

On motion of Mr. Keener,

The rules were suspended, and the resolution passed its third reading.

Ordered to be enrolled.

And bills of the following titles, being considered on their third reading, passed, and were ordered as follows, viz:

S. 11. bill to carry into effect an ordinance of the Convention in regard to the election of Clerks and Sheriffs.

Ordered to be engrossed.

H. P. 6, bill to incorporate Stokesbury Lodge, No. 220, A. Y. M., in the county of Stokes.

Ordered to be enrolled.
Mr. Latham (by permission) introduced a bill (S. 38,) to modify an ordinance to organize a temporary force for the preservation of law and order, which being read,

On motion of Mr. Latham,
The rules were suspended, and the bill passed its several readings.

Ordered to be engrossed.

Whereupon it being 1 o'clock and 30 minutes,
Mr. Arendell moved to adjourn until 11 o'clock to-morrow.
Mr. Wiggins moved, by way of amendment, that the Senate adjourn until 10 o'clock, and the question thereon was put, and

Decided in the affirmative, \{ Yeas ..................... 31, \\
Nays ..................... 11. \\

On motion of Mr. Latham,
The yeas and nays being ordered,
Those who voted in the affirmative, are,

And those who voted in the negative, are:

The question recurring on the amended motion, was put and decided in the affirmative, there being counted ayes 20, noes 14.

So the Senate adjourned until 10 o'clock to-morrow.
THURSDAY, DECEMBER 14TH, 1865.

Reports were submitted, received and filed from select and standing committees as follows, viz:

By Mr. Jones of Columbus, from the committee on the Stay Law, asking to be discharged from the further consideration of the subject until the first Monday in February next.

By Mr. Warren, from the committee on the Judiciary, to which was referred a resolution of enquiry, whether there is a general law, authorizing a less number than a majority of Magistrates to constitute a quorum for the transaction of county business, reporting there was a general law authorizing fifteen Magistrates to transact county business, when a majority cannot be obtained, and in their opinion no further legislation is necessary upon the subject at present.

Mr. Harris of Rutherford, from the committee on the Depreciation of Confederate Currency, reported a bill (S.43,) to be entitled an act to establish a scale of depreciation of Confederate currency, with a special report, recommending the passage of the bill.

Ordered, That the bill be printed.

The report is as follows:

The joint select committee, charged under the resolution of the Senate, with the duty of preparing a scale of depreciation of Confederate currency from its first issue to the close of the war, submit the following report:

The committee have had before them evidence of the current rates of gold prevailing during the war in the markets of Raleigh, Wilmington and Richmond, in the form of tables furnished by persons dealing largely in exchange. These rates do not essentially differ, and the committee derive from this evidence the information upon which their own schedule is based.

The gold dollar is adopted as the standard of value, pos-
sessing in a greater degree than any other the essential elements of uniformity and permanence.

The committee submit, with their report, a scale of depreciation for each month, and for parts of December, 1864, inasmuch as the depreciation in that month was large and rapid, and also a bill to give effect to the same, and recommend its passage.

C. L. HARR’S,

for Committee.

By Mr. Bynum, from the committee on the Judiciary.

S. 29, bill for the relief of all persons who may suffer from the destruction of records and other papers during the late war, with the recommendation the same do pass.

By Mr. Warren, from the same committee, asking to be discharged from the further consideration of “a resolution in favor of guardians and other persons holding funds in trust,” during the present session.

By Mr. Howard, from the same, asking to be discharged from the further consideration of a “resolution to insure due provision for the poor,” as the proclamation of the Provisional Governor makes any legislation on the part of the General Assembly, unnecessary.

By Mr. Howard, from the same committee,

S. 40, bill concerning advancements, with a recommendation the same do pass.

S. 41, bill to revoke certain wills, with a recommendation the same do pass.

H. 29, bill to qualify the Superior Court Clerks lately elected, with the following amendments:

In the third line of the second clause, strike out the word “shall,” and insert the words “and after the termination of the Provisional Government, shall enter on the discharge of the duties, and,” and strike out all of the third clause after the word “shall” in the second line, and insert “have the oaths aforesaid subscribed and return the same together with the
bonds to the first regular term of the Superior Court that may be held after the termination of the Provisional Government, according to section 7, chapter 10, of the Revised Code."

And so amended, recommended it do pass.

By Mr. Arendell, from the committee on Corporations,
S. 24, bill to incorporate the Mining, Manufacturing and Improvement Company, with a recommendation that the same do pass.

S. 25, bill to incorporate the American Industrial Agency, and recommend the passage of the same.

By Mr. Arendell, from the committee on the Institution for the Deaf and Dumb and the Blind,
S. R. 42, resolutions concerning the North-Carolina Institution for the Deaf and Dumb and the Blind, with a special report, recommending the same do pass.

The report is as follows:

The committee on the North-Carolina Institution for the Deaf and Dumb and the Blind, beg leave to submit the following report:

They learn from the report of the Principal and Directors, submitted to his Excellency, Gov. Holden, and laid before the Convention and Legislature, that during the session ending June 20th, 1865, eighty-four pupils were in attendance, being the largest number ever present during any previous session. The stock of provisions secured for the Institution being exhausted early in May, upon a representation of the fact to Maj. Genl. Schofield then commanding the Department of North-Carolina, he ordered the Commissary Department to issue such rations as were necessary for the support of all connected with the Institution. The same order has been continued up to the present time.

His Excellency, Gov. Holden, after entering upon the discharge of his duties as Provisional Governor, re-appointed the old Board of Directors, who had shown from the zeal and energy manifested in the discharge of their duties for
many years, that they were deeply interested in the prosperity of the Institution. The committee hereby endorse the action of Gov. Holden in their re-appointment.

At the close of the session, June 30th, 1865, all of the pupils except thirteen were sent home. These were forced to remain from various causes. Since that time the Board of Directors have deemed it best, owing to the want of funds and other causes, not to resume the regular exercises of the school until directed to do so by the Legislature.

Two of the mechanical departments connected with the Institution, the Printing Office and Book Bindery, have continued in operation up to this time, and in addition to paying expenses, have contributed materially to the support of the Institution. The Shoe Shop was suspended soon after the close of the session, owing to the lack of work. In addition to the amount received from the mechanical departments, Gov. Holden has authorized the Public Treasurer to furnish such funds as were absolutely necessary for the support of the Institution.

At the close of the session all of the officers of the Institution were discharged, except the Principal, Steward, Housekeeper, Matron and Foremen in the Mechanical Departments, and thus the expenditures were reduced to the smallest possible amount. As your committee believe that it is highly important that the regular exercises of the Institution be resumed at an early day, they beg leave to submit the accompanying resolutions, and ask their adoption by the Legislature, feeling assured that the Board of Directors will see that the strictest economy is observed in the management of the Institution, and that they will do all in their power to improve the condition of those unfortunate children confided to their care.

In conclusion, the committee beg leave to state, that the Principal, W. J. Palmer, Esq., deserves much commend-
tion for his zeal, capacity and fidelity to the interests of the Institution.

M. F. ARENDELL, Chm'n.

By Mr. Wilson, from the Judiciary, asking that the resolution concerning what laws of the State are in force or ought to be repealed, be printed and its further consideration be postponed until the first Monday in February next.

By Mr. Howard, from the same committee,

S. 44, bill concerning Mortgages, Deeds of Trust and Judgments confessed, with the recommendation the same do pass.

Mr. Morehead, from the committee on the Library, submitted the following report, viz:

The committee to whom was referred the bill proposing to consolidate the offices of Public Librarian and Keeper of the Capitol, have had the same under consideration, and beg leave to report,

That they think it would be highly inexpedient to consolidate said offices. The committee think the Librarian ought to be a gentleman of education, of literary attainments and acquainted with books, whilst the keeper of the Capitol requires scarcely any other qualification than that of using a broom with dexterity and efficiency. The offices are regarded by the committee as utterly incompatible, and they do, therefore, report the bill back to the two Houses, with a recommendation that it do not pass. It is bad policy to secure incompetent services at any price.

All of which is respectfully submitted,

JAMES T. MOREHEAD, Chm'n.

Which being read, was on his motion, laid on the table.

A message was received from the House of Commons, informing the Senate that they had passed the bill (S. 39,) to extend the time for registering deeds and other conveyances, with an amendment, striking out the words "two
years," in the 11th line, and insert the words "three years."

The Senate concurred in the amendment.

A message was also received from the House of Commons declining to recede from their amendment to the bill (S. 114) to repeal an act entitled "An Act to establish the office of Auditor of Public Accounts," and for other purposes, and asked a conference thereon.

The Senate concurring, the Speaker appointed Messrs. Faison, Garner and Gorrell on the part of the Senate.

Also a message transmitting the report of the committee of Arrangements on the administration of the oaths of office to the Governor elect, asking the concurrence of the Senate therein.

The Senate concurred.

The report is as follows:

The joint committee, appointed to make arrangements for the administration of the oaths of office to Jonathan Worth, Esq., Governor elect, ask leave to make the following report, viz:

That the Speakers of the two Houses will occupy the place at the table in the Commons Hall; and that the Governor elect, and the Hon. D. G. Fowle, one of the Judges of the Superior Court, will occupy a place at the Clerks desk assigned him; the Governor on the right, and the committee of Arrangements immediately in front of the Clerk's table. The members of the Senate will occupy the front seats on the right of the Speaker's chair in the Commons Hall, the residue of the said seats on the right, and those on the left of the Speaker's chair will be occupied by the members of the House. After the Governor elect shall have taken and subscribed the oaths of office, and delivered his address in presence of both branches of the General Assembly, the Speaker of the Senate will announce that the Senators will retire to their Chamber, and thereupon the Governor, Judge and committee of Arrangements will first
retire, and the Speaker of the Senate will retire at the head of the members of the Senate.

All of which is most respectfully submitted,

H. M. WAUGH, Chm'n.

Also received a further message, transmitting the report of the Commissioners of the Sinking Fund, with a proposition to print, and a reference to a joint select committee, to consist of two members on the part of the Senate and three on the part of the House.

The Senate concurring, Messrs. Bynam and Wilson were designated as the Senate branch of the committee.

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

By Mr. Jones of Wake: A resolution (S. P. R. 9,) in favor of Briggs & Dodd.

On motion of Mr. Jones of Wake,

The rules were suspended, and the resolution passed its second reading, and

Referred to committee on Claims.

From the House: An engrossed bill (H. 22,) for the relief of the holders of State bonds issued since 20th May, 1861, under the Act ratified 16th February, 1861, entitled "An Act to secure the completion of the Wilmington, Charlotte and Rutherford Railroad and amend its charter."

Referred to the committee on Internal Improvements.

From the House: An engrossed bill (H. 31,) to extend the time for registering deeds and other conveyances. Filed on the calendar.

From the House: An engrossed bill (H. P. 21,) to incorporate Enoe Lodge of Free and Accepted Masons. Filed.

From the House: A resolution in favor of M. A. Curtis. Filed.

A bill (H. 5,) to incorporate "The Durham Academy" in the county of Orange, was read the third time, passed its third reading,
Ordered to be enrolled.

On motion of Mr. Bynum,
The rules were suspended, and a bill (S. 29,) for the relief of all persons that may suffer from the destruction of records and other papers during the war, was read the second and third time, and passed.

Ordered, To be engrossed.

On motion of Mr. Howard,
The rules were suspended and a bill, (S. 40,) concerning Advancenrents, was placed upon its several readings and passed,

Ordered, To be engrossed.

On motion of the same,
The rules were again suspended, and a bill (S. 41,) to revoke certain wills, passed its second and third readings.

Ordered, To be engrossed.

On motion of Mr. Arendell,
The rules were suspended, and the resolutions, (S. R. 42,) concerning the Institution for the Deaf and Dumb and the Blind, passed their several readings.

Ordered, To be engrossed.

The Speaker announced the hour for the special order, viz: the resolution of Mr. McLean (S. R. 6,) touching the amendment to the Constitution of the United State, known as the 13th Article.

The question being upon the passage of the resolution its second reading, was put, and decided in the affirmative.

On motion of Mr. Leitch of Robeson,
The rules were suspended, and the resolution read the third time, and the question being thereon,

Mr. Bynum proposed a substitute by way of amendment,

And it was adopted.

A message was received from the House of Commons, proposing to go forthwith into an election for Comptroller.

On motion of Mr. Howard,
It was laid on the table.

The question recurring upon the passage of the amended resolution,

A message was received from the House of Commons, proposing to go into the election of Comptroller to day at 1 o'clock P. M.

The Senate concurred.

The further consideration of the special order was postponed until after the execution of the joint order.

A message was received from the House of Commons, transmitting the report of the President and Superintendent of the Deaf and Dumb and the Blind Asylum, received from his Excellency, the Provisional Governor, with a proposition to print the same.

The Senate concurred.

The hour having arrived for the execution of the joint order, viz: the election for Comptroller, the House of Commons were informed that the Senate would proceed to vote upon the return of the messenger.

Mr. Shober nominated Mr. A. C. Cowles.

Mr. Faison nominated Gen. C. H. Brogden

Mr. Bullock nominated Mr. W. F. Collins.

The Senate then proceeded to vote, under the superintendence of Messrs. Donaho and Isbitt, with result as follows, viz:

The following Senators voted for Mr. Cowles, viz:


The following Senators voted for Mr. Brogden, viz:


The following Senators voted for Mr. Collins, viz:

A message was received from the House of Commons, concurring in the amendments to the bill (H. 29,) to qualify the Superior Court Clerks lately elected.

Ordered, To be enrolled.

The question again recurring upon the amended resolution (S. R. 6,) touching the amendment to the Constitution of the United States.

On motion of Mr. Morehead,

It was made the special order for to-morrow at 11 o'clock.

Mr. Donaho, from the committee to superintend the election of Comptroller, reported as follows, viz:

Whole number of votes cast 154. Necessary to a choice 78. Of which Mr. Brogden received 63; Mr. Cowles 52; Mr. Collins 38. No one having received a majority of the whole, there was no election.

The report was concurred in.

A bill (S. 22,) to prevent horse stealing, was read the second time, and the question was, upon the amendment of Mr. Gash, which was put and decided in the negative.

A message was received from the House of Commons proposing to go forthwith into the election for Public Comptroller.

The Senate concurring, the election was held under the superintendence of Messrs. Donaho and Isbell, with result as follows, viz:

The following Senators voted for Mr. Cowles, viz:

Messrs. Speaker, Arendell, Blount, Bogle, Boner, Boyd, Bynum, Coward, Donaho, Garner, Gash, Gorrell, Har. is of Rutherford, Isbell, Jones of Columbus, Keener, Leach of Davidson, Morehead, Morgan, Shober, Sneed, Warren and Williams—23.

The following Senators voted for Mr. Brogden, viz:

Messrs. Aycock, Black, Cowper, Eure, Faison, Ferebee,

The following Senators voted for Mr. Collins, viz:


The Senate resumed the consideration of the bill (S. 22,) to prevent horse stealing:

Mr. Howard moved to refer to the committee on the Judiciary.

Mr. Warren moved to lay on the table, and the question thereon was put and decided in the negative, there being counted ayes 17, nays 25.

Mr. Donaho, from the committee to superintend the election for Comptroller, reported as follows, viz:

Whole number of votes cast 153. Necessary to a choice 77. Of which Mr. Brogden received 80 ; Mr. Cowles 66 ; Mr. Collins 7. Mr. Brogden having received a majority of the whole was duly elected.

The report was concurred in.

The question now recurring upon the motion of Mr. Howard to refer the bill (S. 22,) to prevent horse stealing to the committee on the Judiciary, was put, and the Senate refused to refer.

Mr. Warren moved to lay on the table, and the question being thereon, was put, and,

Decided in the negative, \{ Yeas:..............................15
   Nays:..............................29

On motion of Mr. Morehead,

The yeas and nays being ordered,

Those who voted in the affirmative, are,


Those who voted in the negative, are,
Messrs Aycock, Blount, Boner, Bullock, Covington, Coward, Cowles, Cowper, Donaho, Eure, Ferebee, Gash, Gorrell, Harris of Franklin, Howard, Jones of Wake, Leach of Davidson, McCleese, McEachern, McLean, Morehead, Morgan, Pitchford, Sanders, Shober, Snead, Williams, Wilson and Winstead.

Mr. Howard moved to amend, by inserting after the words "shall," in the first clause, the words "receive one or more whippings of thirty-nine lashes each, in the discretion of the Court, for the first offence, and for the second offence shall," and the question being thereon, was put, and

Decided in the affirmative, { Yea... 33,
{ Nays... 12.

On motion of Mr. Morehead,
The yeas and nays being ordered,
Those who voted in the affirmative, are,

Those who voted in the negative, are,
Messrs. Aycock, Coward, Cowles, Cowper, Gorrell, Jones of Wake, McCleese, Morehead, Pitchford, Sanders, Snead and Williams.

The question recurring upon the passage of the bill as amended its second reading,
On motion of Mr. Morehead,
It was laid on the table.
On motion of Mr. Hall,
The vote by which the Senate adopted a resolution to appoint a committee of three to encourage foreign emigration, was rescinded, and, upon his motion, the committee was,
increased to five, and the resolution, as amended, was adopted.

The Speaker announced, as the committee under this resolution, Messrs. Hall, Howard, Warren, Shober and Bynum. And then it being 2 o'clock and 30 minutes, the Senate, On motion of Mr. Arendell, Adjourned until to-morrow at 10 o'clock and 30 minutes.

FRIDAY, DECEMBER 15TH, 1865.

Prayer by the Rev. A. Smedes, D. D.

Reports from select and standing committees were submitted, received and filed as follows, viz:

Mr. Ferebee, from the committee on Military Affairs, submitted the following special report:

The committee on Military Affairs, who were instructed by a resolution of the Senate, to ascertain whether ammunition and arms can be immediately obtained for the State Militia, organized under a recent Ordinance of the Convention, have discharged that duty, and submit the following report:

The committee waited upon Maj. Gen. Thomas H. Rugar, commanding the Department of North Carolina, at his Headquarters in Raleigh, and laid before him a copy of the Senate resolution. At this interview, the committee stated, that in their opinion, much apprehension existed in the public mind of a meditated outbreak, or insurrectionary movement on the part of the negroes, during the approaching Christmas holidays; that these apprehensions proceeded from reports widely current, and believed not to be without foundation, of menacing language and unexplained and significant acts, expressions of discontent proceeding from many of them; and that this uneasiness was largely increased by the fact that in some localities, and especially in
the eastern part of the State, the whole white population, to a greater or less degree, has been deprived of their arms—while on the other hand, the negroes, many of whom have been recently discharged from the military service of the United States, have arms. The committee further stated to Gen. Ruger, that even the police ordered for the several counties were imperfectly organized and poorly provided with arms, and it was important that arms should be supplied to them.

General Ruger received the committee with courtesy, and was frank and unreserved in the expression of his own views on the subject to which his attention had been invited. From any information which he had been able to obtain, he did not regard a projected insurrectionary movement among the freedmen as at all probable; and, if attempted, he believed the force under his command was adequate to any emergency likely to arise. He, however, stated that he would embody his answer to the Senate resolution in a written communication, addressed to the chairman of the committee on Military Affairs. This communication has since been received.

Failing in this attempt to procure arms and ammunition, for the purpose of enabling the Militia in this State, recently organized in each county under an ordinance of the Convention, as auxiliary to the police authorities, to more effectually suppress any insurrectionary movement, the committee know of no other source from which they can be immediately obtained. They have, therefore, instructed me to report the resolution back to the Senate, with the accompanying answer of Maj. Gen. Ruger, and asked to be discharged from the further consideration of the same.

D. D. FEREabee, Chm'n.
Headquarters Department of North-Carolina,
Raleigh, N. C., December 14th, 1865.

Hon. D. D. Ferebee, Chairman

Senate Committee on Military Affairs, Raleigh, N. C.:

Sir: I have the honor to acknowledge receipt of copy of resolution, as follows:

"Resolved, That the committee on Military affairs be instructed whether or not ammunition and arms can be immediately obtained, with a view of enabling the militia of the State, (recently organized in each county, under an ordinance of the Convention, as auxiliaries to the police authorities,) to more effectually suppress any insurrectionary movement on the part of free negroes, should they attempt it, and report by bill orotherwise." And to reply to inquiry based thereon, I have no authority to order the issue of arms or ammunition to any militia organization of the State. The manner such issues are made by the General Government to the several States, is prescribed by act of Congress, and does not come within my province as Department Commander.

The use, as stated in the resolution, for which arms and ammunition are desired, is to suppress any insurrectionary movement on the part of the freedmen. The matter of a possible outbreak on the part of the freedmen, in certain parts of the State, during the season of the coming holidays, has been brought to my attention, but I have been unable to ascertain that there is any evidence of such intention on their part. There is sufficient force at the disposal of the military authorities to enforce order.

The concentration of all colored troops, whose presence has been a source of disquiet to the people of some localities, to the sea coast forts under recent orders, and the garrisoning of stations formerly occupied by them by white troops, should, when taken in connection with the fact that the troops will be so stationed as to be within easy reach of
all parts of the State, be sufficient to allay apprehension, to be inferred as existing, from the resolutions above quoted. The local police companies in localities where there are no troops stationed, would have authority to act in case of emergency, with the assistance if necessary of the people, could promptly suppress any attempted outbreak.

Very respectfully,

Your obedient servant,

THOS. H. RUGER,


Mr. Faison, from the committee on conference in regard to fixing the salary of the Public Comptroller, reported that the committee were unable to agree, and asked to be discharged from the further consideration until the adjourned session of the Legislature.

Mr. Cowes, from the committee on Claims, reported (S. P. R. 9,) resolution in favor of Briggs & Dodd, with a recommendation that it do pass.

Mr. Jones of Columbus, from the committee on Internal Improvements, (H. 22,) bill for the relief of holders of State bonds issued since May 20th, 1861, under the act ratified 16th February, 1861, entitled "An Act to secure the completion of the Wilmington, Charlotte and Rutherford Railroad Company and amend its charter," with recommendation the same do pass.

Mr. Wiggins, from the committee on Finance, (S. 26,) bill to repeal section third of an ordinance passed by the Convention on the 18th October, 1865, to raise revenue, recommending the same do not pass.

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

From the House: (H. 53,) bill entitled an act to legalize certain proceedings of the Provisional Justices for Randolph county. Filed on the calendar.
From the House: (H. 34,) bill to amend an act entitled "An Act concerning the county site of Mitchell county," and repealing the same.

On motion of Mr. Gash,
The rules were suspended, and the bill passed the second and third readings.

Ordered to be enrolled.

From the House: (H. P. 23,) to incorporate Catawba Valley Lodge, No. 217, Free and Accepted Masons. Filed.

From the House: (H. P. 14,) for the relief of the citizens of Alexander county, who may be injured by the destruction of its Public Records. Filed.

By Mr. Bynum: (S. 47,) bill to amend an act entitled "An Act to incorporate the Western North-Carolina Railroad Company. Referred to the committee on Internal Improvements.

From the House: (H. P. 13,) bill to amend an act to incorporate the town of High Point in Guilford county, passed by the General Assembly at its session February, 1859. Filed.

From the House: (H. P. 25,) bill to authorize the Raleigh and Gaston Railroad to establish a Ferry at Gaston for the transportation of passengers and freight across the Roanoke River.

On motion of Mr. Howard,
The rules were suspended, and the bill passed its several readings.

Ordered, To be enrolled.

Mr. Williams moved to reconsider the vote by which the Senate laid on the table a bill (S. 22,) to prevent horse-stealing.

Mr. Wiggins moved to lay the motion to reconsider on the table, and the question thereon being put, and tellers appointed, was decided in the negative, yeas 10, nays 30.
The question being upon the motion of Mr. Morehead, it was decided in the affirmative.

The question then recurring upon the passage of the bill as amended, its second reading was put, and

Decided in the affirmative, \{ Yeas \ldots \ldots \ldots \ldots 33
\{ Nays \ldots \ldots \ldots \ldots 11

On motion of Mr. Morehead,
The yeas and nays being ordered.

Those who voted in the affirmative, are,

Those who voted in the negative, are,

At 11 o'clock the Speaker announced the special order, viz: the resolution (S. R. 6,) touching the amendment of the Constitution of the United States, known as the 13th Article.

On motion of Mr. Bynum,
It was postponed until 1 o'clock.

On motion of Mr. Jones of Columbus,
H. 22, bill for the relief of holders of State bonds issued since May 20th, 1861, under an act ratified 16th February, 1861, entitled "An act to secure the completion of the Wilmington, Charlotte and Rutherford Railroad Company, and amend its charter, was taken from the calendar, and placed upon its passage.

Mr. Cowles demanded the yeas and nays, desiring to record his vote against the passage of the bill, but the demand was not sustained.
The bill passed its second reading, and, under a suspension of the rules, it passed the third reading.

Ordered to be enrolled.

On motion of Mr. Jones of Columbus,
The title of the bill was amended, so as to read as follows:

A bill authorizing and directing the renewal of certain State bonds in the hands of the Wilmington, Charlotte and Rutherford Railroad Company.

On motion of Mr. Jones of Wake,
S. P. R. 3, resolution in favor of Briggs & Dodd, was taken from the calendar and considered, passed the second reading, and, under a suspension of the rules, passed the third reading.

Ordered to be engrossed.

On motion of Mr. Shober,
Leave of absence from and after to-day for the balance of the session was granted to Mr. Boner.

On motion of Mr. Harris of Rutherford,
Similar indulgence was granted to Mr. Bullock.

The hour having arrived at which the two Houses had agreed to receive the Governor elect, for the purpose of administering to him the oaths of office, the Senators repaired to the hall of the House of Commons.

The ceremony of administering the oaths of office to his Excellency, Jonathan Worth, having been completed, the Senators returned to their chamber, and were called to order by the Speaker.

Mr. Gash introduced the following resolution, viz:

Resolved, That a message be sent to the House of Commons, proposing to rescind so much of the joint order on adjournment as relates to the convening of the General Assembly on the 1st Monday in February, and the 4th Monday of January substituted therefor.

The resolution was not adopted.
Mr. Gash introduced the following resolution, viz:

Resolved, That the time allowed to the Sheriffs of the State to make their return of taxes, which requires them to be made on or before the first day of February next, be extended to the second Monday in February, to enable the distant Sheriffs to send their returns by the members of the Legislature, on their return to the Capital.

Read first time and filed.

On motion of Mr. Morehead, S. 27, to enable Sheriffs to collect arrearages of taxes, was taken from the table and considered.

The question being on the amendment of Mr. Blount to insert after "Sheriffs" the words "and Tax Collectors," when

The Speaker announced the hour had arrived for the consideration of the special order on its third reading, viz: S. R. 6, resolution touching the amendment of the Constitution of the United States, known as the 13th Article, and the question thereon was put, and the resolution passed.

Ordered to be engrossed.

Mr. Howard introduced the following resolution, viz:

Resolved, That the Judiciary committee be instructed to enquire whether any legislation can be adopted with justice to the Sheriffs of the State, whereby the expense of making their returns in February next can be decreased.

Adopted.

And then it being 1 o'clock and 40 minutes,

On motion of Mr. Arendell,

The Senate adjourned until 10 o'clock and 30 minutes tomorrow.
SATURDAY, DECEMBER 16TH, 1865.

A message was received from the House of Commons concurring in the amendment to the title of (H. 22,) bill for the relief of the holders of State bonds issued since 20th May 1861, under the act ratified 16th February, 1861, entitled "An Act to secure the completion of the Wilmington, Charlotte and Rutherford Railroad Company, and amend its charter."

Mr. Jones of Columbus, from the committee on Internal Improvements, reported (S. 47,) bill to amend an act entitled "An Act to incorporate the Western North-Carolina Railroad Company, with a recommendation the same do pass.

On motion of Mr. Hall,
The bill was laid on the table until the first Monday in February next.

On motion of Mr. Howard,
The Senate took a recess for one hour.

At the expiration of the hour, the Senate was called to order by Mr. Leach of Davidson, Speaker pro tem.

Reports from standing committees were submitted and filed as follows, viz:

By Mr. Warren, from the committee on the Judiciary, asking to be discharged from the further consideration of a resolution of inquiry in relation to the collection of taxes, the subjects having been disposed of by the action of the Senate.

By Mr. Howard, from the same committee, S. 50, bill to decrease the expense of Sheriff’s returns, recommending the passage of the same.

By Mr. Warren, from the same committee, S. 37, bill to authorize the Warden’s of the Poor, to seize and sell the property of paupers, who are admitted to the Poor House of their respective counties, with an amendment, recommending the passage of the same.
S. 28, bill to repeal section 3, chapter 39, of an act passed at the first session of 1860-'61, entitled "An Act to diminish costs on Equity sales for partition, with the recommendation that the further consideration thereof be postponed until the next session of this Legislature.

Also asking to be discharged from the further consideration of a resolution requesting them to take into consideration the formation of a law, having for its object the protection and ease of debtors, &c., as there was a special committee on the subject.

By Mr. Bogle, from the same committee, asking to be discharged from the further consideration of resolution instructing the committee on the Judiciary to inquire into the propriety of so amending the law as to suppress more effectually the crime of horse stealing.

On motion of Mr. Howard,

Ordered, That so much of the sixteenth rule of the Senate as requires that no bill or resolution of a public nature shall be sent from the Senate until 12 o'clock the day succeeding its passage, be suspended for the day.

On motion of Mr. Howard,

The rules were suspended, and (S. 50.) a bill to decrease the expense of Sheriff's returns, was put upon its several readings, and passed its second reading.

It being read the third time, Mr. Gash moved to lay on the table, and the motion did not prevail, there being counted yeas 15, nays 15.

And the question recurring upon the passage of the bill, its third reading was put, and,

Decided in the affirmative, \{ Yeas ..................... 22

Nays ..................... 10

On motion of Mr. Morehead,

The yeas and nays being ordered,

The following Senators voted in the affirmative, viz:

Messrs. Arendell, Aycock, Blount, Boyd, Covington,

And the following voted in the negative, viz:
Messrs. Black, Bogle, Coward, Cowper, Garner, Gash, Hall, Jones of Columbus, Leitch of Robeson and Morehead.

A message was received from the House of Commons transmitting engrossed bills of the titles following, viz:

H. 17, bill to regulate the terms of the Supreme Court and for other purposes. Filed.

H. 19, bill to prevent the discontinuance of causes in certain cases. Filed.

H. 54, bill to repeal the tenth section of the twelfth chapter of the acts of the General Assembly, passed at its second extra session in the year 1861.

H. P. 10, bill to empower A. C. Latham, of Craven county to collect arrears of taxes.

On motion of Mr. Morehead, Laid on the table.

H. P. 20, bill to amend an act passed at the session of 1850-'51, and amended at the sessions of 1854-'55 and 1858-'59, entitled "An Act to incorporate the Tuckasegee and Keowee Turnpike Company." Filed.

H. P. 22, bill to authorize the Mayor and Commissioners of Fayetteville to issue certificates of indebtedness and appoint assessors of taxables. Filed.

A message was also received from the House of Commons transmitting an engrossed bill (H. 56,) to declare valid certain elections and acts since May 20th, 1861.

On motion of Mr. Howard,

The rules were susdended, and the bill put upon its second and third readings.

It passed the second reading, and being read the third time,
Mr. Jones of Wake, moved to refer it to the committee on the **Judiciary**, and the question thereon was put, and

Decided in the negative, \{ Yeas, ...................... 15,  
Nays, ...................... 16.  

On motion of Mr. Howard,  
The yeas and nays being ordered,  
Those who voted in the affirmative, are,  
Messrs. Arendell, Blount, Bogle, Boyd, Coward, Cowles, Garner, Gash, Gorrell, Jones of Columbus, Jones of Wake, Leitch of Robeson, Morehead, Morgan and Warren.  
And those who voted in the negative, are,  
Mr. Warren moved to postpone the further consideration of the bill until first Monday in February next, and it was

Decided in the negative, \{ Yeas ...................... 16,  
Nays ...................... 17.  

On motion of Mr. Howard,  
The yeas and nays being ordered,  
Those who voted in the affirmative, are,  
Messrs. Arendell, Black, Blount, Bogle, Coward, Cowles, Garner, Gash, Gorrell, Jones of Columbus, Jones of Wake, Keener, Leach of Davidson, Leitch of Robeson, Morgan and Warren.  
Those who voted in the negative, are,  
Mr. Arendell moved to adjourn until Monday morning at 6 o'clock, and the question was put, and

Decided in the negative, \{ Yeas ...................... 15,  
Nays ...................... 18.  

On motion of Mr. Howard,  
The yeas and nays being ordered,
Those who voted in the affirmative, are,
Messrs. Arendell, Black, Bogle, Boyd, Coward, Cowles, Garner, Gash, Gorrell, Jones of Columbus, Jones of Wake, Leach of Davidson, Leitch of Robeson, Morgan and Warren.

Those who voted in the negative, are,

Mr. Arendell moved to lay the bill on the table, and the question being put, was

Decided in the negative, \[\begin{align*}
\text{Yeas} & : \quad 11 \\
\text{Nays} & : \quad 15
\end{align*}\]

On motion of Mr. Ferebee,
The yeas and nays being ordered,
Those who voted in the affirmative, are,

Those who voted in the negative, are,

Mr. Warren moved to adjourn until Monday morning at 6 o’clock, and the question thereon was put, and

No quorum voted, \[\begin{align*}
\text{Yeas} & : \quad 3 \\
\text{Nays} & : \quad 16
\end{align*}\]

On motion of Mr. Faison,
The yeas and nays being ordered,
Those who voted in the affirmative, are,
Messrs. Leach of Davidson, Leitch of Robeson and Warren.

Those who voted in the negative, are,
Messrs. Aycock, Covington, Cowper, Eure, Faison, Fere-
Mr. Ferebee moved a call of the Senate.
Mr. Warren moved to adjourn, and the question thereon was put, and

Decided in the negative, \( \{ \text{Yea}s \} \cdots \cdots \cdots \cdots \cdots \cdots \cdots \, 2 \)
\( \{ \text{Nay}s \} \cdots \cdots \cdots \cdots \cdots \cdots \cdots \, 14 \)

On motion of Mr. Ferebee,
The yeas and nays were ordered,
The following voted in the affirmative, viz:
Messrs. Leach of Davidson and Warren.
And the following in the negative,

The question now recurring upon the motion for a call of the Senate, was put and decided in the affirmative.

The following Senators answered to their names, viz:

Absent with leave, Messrs. Boner and Bullock.
Messrs. Cowles and Sanders were absent, having paired off.

The following Senators were absent, viz:

The doors were ordered to be closed, and the Speaker directed the Doorkeeper to go after absent Senators and
request their attendance, the Speaker pro tem (Mr. Leach of Davidson,) holding that he was not entirely satisfied of the power of the Senate to compel the attendance of absent Senators, or possessing the power the manner in which it could be exercised.

A quorum finally appearing,

On motion of Mr. Ferebee,

Ordered, That all further proceedings against absent Senators be dispensed with, and the doors be opened.

The question now recurring upon the passage of the bill (H. 56,) to declare valid certain elections and acts since May 20th, 1861, its third and last reading,

On motion of Mr. Warren,

It was postponed until the first Monday in February next.

The following Protest not being inserted at the proper place, December 2d, (see page 43) is herewith appended:

THE PROTEST OF D. D. FEREБEE, ESQ.,

Senator from the Second District, against the action of the Senate, in adopting the second section of the proposed amendment to the Constitution of the United States, upon the subject of slavery within the States. December 2d, 1865.

I desire to set forth briefly, and to have the same spread upon the Journal of the Senate, some of the reasons why I non-concur in the action of the Senate, in adopting the proposed amendment to the Constitution of the United States, on the subject of slavery. In doing so, it is my desire to act, and to be so understood, in good faith and proper loyalty, in the discharge of all my duties and obligations to the Federal Government; and at the same time not to forget the obligations I owe, in an equal degree, to my State, to truth, and to humanity.
The amendment proposed to the Constitution of the United States, and which is submitted to us for our approval, is in the following words:

"Sec. 1st. Neither slavery, nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

"Sec. 2. Congress shall have power to enforce this article by appropriate legislation. [Approved February 1st, 1865."

It is not denied that each of the Southern States, in obedience to the plan of reconstruction proposed by the President of the United States, acted in good faith in abolishing and forever prohibiting the institution of slavery within its borders. It was a necessity required of them for readmission to the Union, and they accordingly submitted to it.

In his relation to government the slave bore a two-fold character—as property, and as a human being. The former has been given up—it has ceased—it will not again exist. In regard, then, to that relation of the negro, but little legislation is needed.

If, therefore, the first section alone were proposed and adopted, the objection to it would not be so great or so serious. All legislation for the negro, in either relation, would still be by the States. The Federal Government could have nothing to do with him, in his condition as property, except through the judiciary; and limited indeed would be the field over which that tribunal would be called to exercise its jurisdiction.

But the second section of the proposed amendment, presents another, and quite a serious, question. It proposes to legislate for the colored race, within the States, in all matters where it may be supposed they are restrained in their rights and privileges. If adopted, it is clearly seen what a boundless field will again be opened, where restless politicians—invoked by ambition—may act as trumpeters to animate the populace to discontent, turmoil and confusion. It would
open afresh, and with increased irritation, in the body politic, the wounds which all lovers of peace and order and Constitutional liberty, had fondly hoped were soon to be restored to permanent health and vitality.

The Congress of the United States never has had, and unquestionably should not now have, the right to control, by its legislation, the municipal regulations of a State, either as to individuals, or classes of individuals. These are properly, and exclusively, the subjects of State legislation. The power to legislate over such subjects, is among the reserved rights of the States. It is a legacy which the wisdom of our fathers did not deem proper to bestow on the Federal Government. They did not desire, or contemplate, a consolidated government.* The philosophy of government, and of history, they had studied with much profit and wisdom. Hence it was, that the history of ages was so successfully laid under requisition, to furnish principles for a government, which, while it guaranteed to each, the greatest personal liberty, compatible with happiness and the rights of man, would secure, at the same time, uniformity and permanency in its institutions and laws. That form of government, wrought up by their skilful hands, Minerva-like, seemed to have sprung into existence, in full shape and maturity. Under that government, the right to legislate for

*It is true that the proceedings of the Convention which framed the Constitution, at an early period, intimated a wish, on the part of delegates for a National, in contradistinction to a Federal, Government. The gradual influence of public sentiment, however, upon the deliberations of that body, is clearly visible in the progressive development of the Federative feature. The Convention, at a later period of its session, directly and distinctly repudiated the word National, and therein also the idea of a consolidated Government. This is conclusively shown by the notes of "The Secret Debates" of the Convention, taken by Yates and Lansing. The following is an extract:

"June ten, met pursuant to adjournment. Present, eleven States.
Judge Ellsworth: I propose and move to expunge the word National in the first resolve, and place in the room of it, "Government of the United States," which was agreed to, mem. con."
our own domestic institutions—the right to make and enforce laws for the protection of our lives, our hearths, and our firesides—to say who shall testify in our courts, or sit in the jury box, or on our judicial benches—who shall be invested with the elective franchise—or whether the negro may be permitted to intermarry with the white race—these rights truly constitute, to the States, the very keystone in the arch, upon which rests the temple of liberty. The power to exercise all these rights by the Congress of the United States, will, doubtless, be claimed and used under that second section.

The freedom of the negro is a question of fact which every one will decide according to his peculiar ideas as to what constitutes freedom. The advocates of negro equality will, under this amendment, contend that he is not free, so long as there is a distinction or discrimination between him and the white man; they will insist that there shall be but one law common to both races.

It is further urged that the Constitutions of the Southern States, by reason of their sanction of slavery, are therefore anti-republican, and that we must approve this amendment, in order to be restored to the Union, and to be entitled to the protection of the Government. The occasion furnishes a pretext, rather than a reason, for this action of the Federal Congress. If the people of the Southern States were lawfully in the possession of slave property, and were entitled to the protection and regulation of the same under the Constitution, what circumstances have made that right, a wrong? The war could not do it. What was constitutionally right before the war, cannot, abstractly, be otherwise, after it. The war settled no principle of interpretation of the Constitution. If the Constitution of any State that sanctioned slavery, was for that reason anti-republican after the war, it must have been equally so, before the war. If otherwise, what excuse could be rendered by the Federal Government
for delay so long to guarantee to the Southern States a republican form of government? It was a criminal neglect in them, if the present position be true.

But why call the national government a republic, if the toleration of slavery by the Constitution of a State, makes it anti-republican? There was a time, in the history of this country, when the Constitutions of all the States permitted slavery, and therefore, by present logic, they were not then republican in their form of government. The Federal Government being composed of "powers delegated" by the people of the States for the good of all, cannot, in its substance and spirit, differ from the donors. The argument therefore, so often used and persistently urged, that these Southern States are anti-republican, because of their pro-slavery constitutions, proves too much, and accordingly fails.

By giving our assent to this Constitutional amendment, we yield into the hands of Congress the right of a State to legislate for itself. When that right is once granted, it can never be recalled. By this donation, the States exhaust their powers, and render themselves, ever afterwards, impotent for self-protection. If Congress once begins to legislate for the States, it will never stop, until the power of the States to make laws for themselves, is entirely swept away. The beginnings of confusion, may indeed, be feeble enough; yet, in the history of this nation, we know not, but that we may see an infancy, still more feeble, "growing by moments into a strength to heap mountains upon mountains, and to wage war with Heaven itself." Better to be despised for too anxious apprehensions, than ruined by too confident a security.

To carry out the idea conveyed by the amendment, and such others of like import, as will undoubtedly be proposed, and our sanction asked, is to change the character of the government entirely. A revolution is demanded of us, in
all our social relations. It will not then be the government of our fathers, but something new, set up by discreet reformers, under the guidance of passion; nor will it be the fruit of calmness and reflection, but of that spirit of innovation, which is generally the result of a selfish temper and confined views. "People will not look forward to posterity who never look backward to their ancestors."

But why should the right to legislate for the freedmen be transferred to the Congress of the United States? To do so, is not alone to yield an important right which our ancestors wisely reserved to the States, but it is to bestow it where there is a less probability of its being exercised judicially, than by the States. The negro will not be benefitted by it; it will add nothing to his comfort or his happiness. Here, he has grown up with his former owners; was the playmate of many of them. His habits, his peculiar temperament, his wants, both physical and moral, are better understood by us, than they possibly can be, by strangers. Nor should we forget the moral tie, which, at the South, binds the two races together. The Southern people are impulsive, with warm hearts, and generous motives. Their sympathies are deeper and more lasting—active over a wider field, and not so readily exhausted, as those of a people in a Northern clime. It is concluded, therefore, that the happiness of the negro—in all that constitutes his moral and physical comforts, and his general welfare—will not be promoted by yielding to the Congress of the United States, the right to legislate for him within the States.

But there is another serious objection, just now, to adopting this amendment. It is proposed at a time, when the Southern States are helpless to resist, and are, therefore, bound, to a great extent, to submit to dictation. Freedom of thought and action, is not permitted to them. A rod is held over the Southern States, to force them into abject submission. In this great and momentous crisis, we should feel
our way hesitatingly and cautiously, through the untried path, to a dark and eventful future. In this turmoil of passion, and the consequent confusion of ideas, an effort is made to allure the States into the sanction of a proposition which, in the hour of quiet and reflection, of peace and order, they would not hesitate to reject. Nothing is to be gained by this concession. The yielding of our outpost, will but increase the desire, and augment the power, for another attack upon reserved rights.

But what if after all our concessions—after the full and undisguised evidence of our loyalty to the Federal Government, and of our efforts to be restored to the Union, that we may participate in its legislative councils, our motives shall, even then, be impugned—our acts despised—our voice of entreaty be listened to with indifference—be rejected—be spurned?

It would indeed be a cheap consolation to say, we have been imposed on; that for our obedience and our loyalty, we have been rewarded, in turn, by bad faith.

We stand in a position of great peril. It is not the part of wisdom to suffer ourselves to be entrapped into giving up the sovereign right of a State to make its own laws. I cannot in this, or any other instance, suffer any cause, outside of a vital sense of duty, to control my action. No extraneous circumstances—no supposed contingency, can exempt me from the obligations imposed by truth and justice. Neither the hand of power, nor the allurements of place, shall work a forfeit of that obligation, which, in my judgment, honest action justly owes to intelligent reason, to honor, and to humanity.

For the reasons above assigned, I do protest against the action of the Senate, in adopting the second section of the proposed amendment to the Constitution of the United States upon the subject of slavery, and ask that the same may be spread upon the Journal of the Senate.

D. D. FEREabee,
Senator from the Second District.
On motion of Mr. Eure,
At 4 o'clock and 15 minutes the Senate adjourned until Monday morning at 6 o'clock.

MONDAY, DECEMBER 18TH, 1866.

Six o'clock, A. M.

On motion of Mr. Morehead,
Mr. Shofer was appointed Speaker pro tem.

On motion of Mr. Faison,
Ordered, That a message be sent to the House of Commons, stating that the hour agreed upon for the adjournment of the two Houses having now arrived, the Senate was prepared to adjourn accordingly.

Received a message from the House of Commons, concurring in the proposition of the Senate to adjourn until the 1st Monday in February next, in pursuance of the joint order heretofore made, and that the House would adjourn upon the return of the messenger.

Whereupon the Speaker pro tem adjourned the Senate until the first Monday in February, A. D., 1866.
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At a session of the General Assembly of North Carolina, begun and held in the City of Raleigh, on Thursday, the 18th day of January, in the year of our Lord one thousand eight hundred and sixty-six, and in the ninetieth year of the Independence of the United States of America, convened by proclamation of the Governor of the State; which proclamation is in the words following, viz:

Whereas, I. Jonathan Worth, Governor of North Carolina, with the concurrence and advice of the Council of State, do deem it absolutely necessary that the General Assembly of this State be convened before the time appointed for its meeting:

Now, therefore, I do hereby issue this, my proclamation, notifying and requesting the members of the General Assembly of North Carolina to meet in special session, at the Capitol, in the City of Raleigh, on Thursday, the 18th day of this month.

Given under my hand, and attested by the great seal of the State, at office, in Raleigh, this the 3rd day of [L. s.] January, A. D. 1866, and in the year of our Independence the ninetieth.

By the Governor:

JONATHAN WORTH.

Wm. H. Bagley, Private Secretary.
And the said proclamation being read by the Clerk, the following members of the Senate answered to their names, upon the call of the roll, viz:


A quorum, consisting of a majority of the whole number of Senators, being present,

On motion of Mr. Wiggins,

John Berry, the Senator elect from the County of Orange, being the 30th Senatorial district, in place of Wm. A. Graham, resigned, was permitted, upon the presentation of his certificate of election, to qualify according to law.

On motion of Mr. Ferebee,

A message was sent to the House of Commons, informing that body that the Senate was prepared for the dispatch of business, but the messenger returned, being unable to deliver the message, the House not being in session.

On motion of Mr. Howard,

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

FRIDAY, JANUARY 19TH, 1866.

A message was received from the House of Commons, informing the Senate that the House was fully organized and ready to proceed to the dispatch of public business.

On motion of Mr. Ferebee,

Ordered, That a message be sent to the House of Commons, proposing to raise a joint select committee of one on the part of the Senate, and two on the part of the House, to wait on his Excellency, the Governor, informing him of the due organi-
zation of the General Assembly, and that they are prepared to receive any communication he may have to make to them.

The House of Commons concurring, informed the Senate by message that Messrs. McKay and Jenkins of Warren, would constitute the House branch of said committee.

Mr. Ferebee was designated as the Senate branch of the committee.

Bills, &c., of the titles following, were introduced, read first time, passed their first reading, referred, or otherwise ordered, as follows, viz:

By Mr. Boner: A bill (S. P. 20,) to incorporate Salem Female Academy. Referred to Committee on Corporations.

By Mr. Bynum: A bill (S. P. 21) to continue in office the Provisional Commissioners of Lincolnton.

On motion of Mr. Bynum,

The rules were suspended and the bill placed upon its several readings.

On motion of Mr. Shober,

The provisions of the bill were extended to the town of Salisbury.

On motion of Mr. Hall,

The city of Wilmington was also included within the operation of the bill.

Similar amendments were offered by Messrs. Coward and Harris of Rutherford, to include the towns of Kinston and Rutherfordton.

On motion of Mr. Wilson,

The bill was laid on the table.

By Mr. Berry: A bill (S. 55,) making provisions for the payment of interest on State Bonds now due. Ordered to be printed and referred to the Committee on Finance.

By the same: A bill (S. 56,) directing coupons of the Bonds of the State to be received in payment of State taxes. Same order and reference.

By Mr. Jones of Columbus: Resolutions (S. R. 57,) con-
cerning the Banks of the State. Ordered to be printed and referred to the Committee on the Judiciary.

Mr. Ferebee, from the committee to wait on the Governor, reported that his Excellency would communicate with the General Assembly immediately.

A message was received from the House of Commons proposing to set apart to-morrow, at 12 o'clock, for the appointment of magistrates, which was concurred in.

S. 22, bill to prevent horse stealing, came up on its third reading and passed.

Ordered, To be engrossed.

Mr. Ferebee (by permission) introduced a bill (S. 58,) to limit the number of Justices of the Peace, which, on his motion, was laid on the table.

A message was received from the House of Commons transmitting the message of his Excellency, the Governor, with accompanying documents, with a proposition to print fifty copies of the same for each member of the General Assembly.

The message was read and the proposition to print concurred in.

Also, received a message transmitting the report of the Public Treasurer, with a proposition to print five copies thereof for each member of the Legislature, which was concurred in.

Mr. Hall introduced the following resolution:

Resolved, That so much of the tax law passed at the last session of the Convention, as refers to the collection of taxes before the passage of said ordinance, be referred to the committee on the Judiciary, with a request that they give their opinion as to the legality of said part of the ordinance of the Convention; and that they further inquire into the proposition of extending the time for collecting said taxes, and report by bills or otherwise.

Adopted.

On motion of Mr. Shober,
Leave of absence was granted to Mr. Leach of Davidson, on account of the severe illness of a member of his family.

On motion of Mr. Morehead,
The Senate adjourned until 10 o'clock to-morrow.

SATURDAY, January 20, 1865.

Prayer by Rev. H. Hardie.

Mr. Wilson, from the Committee on the Judiciary, reported back the "resolution for the relief of tax-payers under the ordinance of the Convention," and asked to be discharged from the further consideration thereof.

Discharged accordingly.

On motion of Mr. Winstead,

Ordered, That a message be sent to the House of Commons proposing to appoint a joint select committee of two on the part of the Senate and three on the part of the House, to inquire into the necessity of refitting the residence provided for the Governor of North Carolina, and that they report by bill or otherwise.

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

By Mr. Donaho: A bill (S. P. 22,) to declare the Dan River, a water course, sufficient, instead of a lawful fence in Caswell county.

On motion of Mr. Donaho,
The rules were suspended; and the bill passed its several readings.

Ordered, To be engrossed.

From the House: Engrossed bill (H. P. 27,) to authorize holding an election for Commissioners of the town of Goldsboro' in Wayne county and for other purposes. - Filed.

From the House: Engrossed resolutions (H. R. 65,) in behalf of disabled soldiers.
On motion of Mr. Howard,

The rules were suspended, and the resolutions passed their several readings.

Ordered, To be enrolled.

By Mr. Gash: A bill (S. 60,) to establish a Penitentiary and Work Houses. Ordered to be printed and referred to the committee on Propositions and Grievances.

On motion of Mr. Bynum,

A bill (S. P. 21,) to continue in office the Provisional Commissioners of Lincolnton, was taken from the table and placed upon its passage.

Amendments were offered and adopted, extending the provisions of the bill to several towns, and the bill was referred to the Committee on the Judiciary.

Received a message from the House of Commons, proposing to change the hour of appointing Justices of the Peace from 12 o'clock M., to 11 o'clock A. M.

Concurred in.

A message was received from the House of Commons, proposing to print fifty additional copies of the Governor's Message and accompanying documents for the Executive Office.

Concurred in.

Also, received a message, concurring in the proposition of the Senate to raise a Joint Select Committee, concerning the refitting the Executive Mansion; and that Messrs. Dargan, Baxter and Allison constitute the House branch of the Committee.

Messrs. Winstead and Whitford were designated as the Senate branch.

On motion of Mr. Howard,

A bill, (S. 44,) concerning Mortgages, Deeds of Trusts and Judgments confessed, on its second reading, was placed on its passage.

On motion of Mr. Morehead,

It was laid on the table.
The hour for the special order, viz: the appointment of Justices of the Peace, having arrived, the Clerk proceeded to call the districts.

A number of Magistrates for the counties of Forsythe, Polk, Rutherford, Transylvania and Wilson were recommended and agreed to and transmitted to the House of Commons for concurrence.

A message was received from the House of Commons, asking the concurrence of the Senate in the following resolutions, which had been passed in that House, to-wit:

Resolved, (the Senate concurring,) That so much of the Governor's Message, in regard to donation of land by the Congress of the United States, be referred to a Joint Select Committee of three on the part of the House, and two on the part of the Senate.

Resolved, (the Senate concurring,) That so much of the Governor's Message as relates to Banks and Banking be referred to a Joint Select Committee of two on the part of the Senate and three on the part of the House.

The Senate concurred, and the Speaker designated Messrs. Bynum and Morehead as the Senate branch of the Committee called for by the first resolution, and Messrs. Jones, of Columbus, and Wilson, by the second.

A message was received from the House of Commons, transmitting sundry recommendations for Justices of the Peace, which were concurred in, with the following exceptions:

The recommendations from the counties of Burke, Perquimans, Wake and Wayne, were laid on the table.

Those from the counties of Bladen, Chowan, Gaston, Gates, Guilford, Harnett, Henderson, Lenoir, Northampton and Onslow were amended and returned to the House for concurrence.

Mr. Stanford announced the death of Thomas I. Faison, the Senator from Sampson, and introduced the following resolutions, viz: 

Whereas, By the inscrutable will of the Supreme Architect
of the Universe, Thomas I. Faison, a member of this body from the county of Sampson, has been suddenly cut down in the midst of his usefulness. Therefore,

Resolved, That we have heard with deep regret of the sudden death of our much esteemed fellow-member, and that our heartfelt sympathies are hereby tendered to the afflicted family of the deceased in their sad bereavement.

Resolved, That in the death of Thomas I. Faison, this body has lost a valuable and industrious member, and the State a useful and patriotic citizen.

Resolved, That a copy of these resolutions be sent to the family of the deceased.

Resolved, That as a mark of respect to the memory of the deceased, the Senate do now adjourn until Monday morning at 10 o'clock.

Messrs. Stanford, Williams and Howard paid eloquent tributes to the memory of the deceased.

The resolutions were unanimously adopted and the Senate adjourned.

MONDAY, JANUARY 22, 1866.


The speaker designated Messrs. Covington, Coward and Berry as the Committee on Enrolled Bills for the present week.

On motion of Mr. Cowles,

The vote by which the Senate concurred in the recommendations for Justices of the Peace for Yadkin county was reconsidered, and it was made the special order for 12 o'clock to-morrow.

On motion of Mr. Leitch of Robeson,

The lists of Justices of the Peace for Burke county was
taken from the table, and made the special order for to-morrow, at 12 o'clock.

On motion of Mr. Black,

The vote by which the Senate concurred in the list of appointments of Justices of the Peace for Randolph county was reconsidered, and it was made the special order for to-morrow, at 12 o'clock.

Mr. Jones of Columbus, introduced a series of resolutions of a public character, which were ordered to be printed.

Mr. Wilson introduced resolutions, proposing to raise a Joint Select Committee of two on the part of the Senate, and four on the part of the House, to take into consideration whether the adjournment of the General Assembly on the 18th of December, 1865, to the 1st Monday in February, 1866, constituted, in law, a close of the session, as contemplated by the sixth ordinance of the Convention, relative to the cessation of the powers of the Provisional Justices of the Peace and other officers, and also the regularity of the meeting of the General Assembly, under the proclamation of the Governor, and if regular, whether the meeting thereof creates, in law, a new session.

Adopted.

A message was received from the House of Commons, recommending the names of sundry citizens of Brunswick county as Justices of the Peace for said county.

Concurred in.

A further message was received, informing the Senate that Messrs. Moore of Martin, Dalby, McGuire, Matthews and Dunn constituted the House branch of the Committee on Enrolled Bills for the week.

Bills, &c., of the titles following were introduced, read first time, passed their first reading, referred or otherwise disposed of, as follows, viz:

From the House: Engrossed Resolution (H. R. 20), pro-
viding for extra copies of the report of the Public Treasurer. Filed.

From the House: Engrossed bill (H. 72,) to empower the Provisional Clerks of the County Courts, or the Clerks of the Superior Courts to administer oaths.

On motion of Mr. Cowles.
The rules were suspended, and the bill passed its second and third readings.

Ordered, To be enrolled.

By Mr. Shober: A bill (S. 63,) to authorize the Public Treasurer to collect and sell State property. Filed.

By Mr. Eure: A bill (S. P. 24,) to incorporate the "Albemarle, Steam Navigation Company." Filed.

By Mr. Shober: A bill (S. 64,) to extend the operation of an ordinance appointing a Judge to determine State claims to property. Referred to the Committee on the Judiciary.

On motion of Mr. McLean,

An Engrossed bill (H. P. 22,) to authorize the Mayor and Commissioners of Fayetteville to issue certificates of indebtedness, and appoint assessors of taxables, was taken up.

On motion of Mr. Morehead,

It was laid on the table, and subsequently, upon the motion of the same Senator, the bill was referred to the Committee on the Judiciary.

Mr. Arendell rose to announce the death of Mr. Hanrahan, one of the members of the House of Commons from the county of Pitt, and as a mark of respect to the memory of the deceased, moved that the Senate adjourn until to-morrow, at 11 o'clock.

Mr. Whitford, in seconding the motion, paid a feeling tribute to the deceased.

The motion was adopted; and the Senate adjourned.
Prayer by the Rev. H. Hardie.

Mr. Bynum, from the committee on the Judiciary, reported back the bill (S. P. 21,) to continue in office the Provisional Commissioners of Lincolnton and other towns, with a recommendation that it do pass, without the amendment offered including all the incorporated towns of the State.

Bills, &c., of the titles following, were introduced, referred, or otherwise ordered, as follows, to wit:

By Mr. Gash: A bill (S. 65,) to compel County and Superior Court Clerks, and Clerks and Masters in Equity, who do not live in town, to keep deputies, resident within the corporation, &c. Referred to the Judiciary.

By Mr. Harris of Rutherford: A bill (S. 66,) to attach the county of Mitchell to the 8th judicial circuit and for other purposes. Judiciary.

By Mr. Bynum: A bill (S. 67,) to continue in office Clerks and Masters until their successors are appointed. Judiciary.

From the House: A bill (H. 74,) to extend the time for collecting taxes.

On motion of Mr. Cowles,

The rules were suspended, and the bill passed its several readings.

Ordered, To be enrolled.

From the House: A bill (H. P. 35,) to incorporate the "Ministers Relief Society" for the Eastern Baptist Association. Filed.

Mr. Aycock submitted a recommendation of sundry citizens of Wayne county as Justices of the Peace for said county, which were agreed to and transmitted to the House of Commons.

On motion of Mr. Jones of Wake.

The list of magistrates for Wake county, was taken from the table and concurred in.
The list of magistrates for Perquimans county was taken from the table, amended and transmitted to the House for concurrence.

A message was received from the House of Commons transmitting several additional names as Justices of the Peace for Randolph and Alamance counties. Concur'red in.

A message was also received transmitting a series of resolutions, proposing to raise a Joint Select Committee of two on the part of the Senate and three on the part of the House, upon the subject of revising all the laws and ordinances passed by the several Legislatures and Conventions of this State since the —— day of February, 1861, and, further, to take into consideration the propriety of holding County Courts once in each month without jury trials, and as many terms of the Superior Courts as will give speedy relief in all matters, or such other plan as they may approve.

The resolutions were concurred in, and Messrs. Morehead and Leach of Davidson were designated as the Senate branch of the committee. Messrs. Smith of Hertford, Faircloth of Wayne and McKay compose the House branch.

Bills, &c., of the titles following, were read the second time, passed their second reading, or otherwise disposed of as follows, to wit:

S. 58, bill to limit the number of the Justices of the Peace.
Laid on the table.

H. R. 70, resolution providing for extra copies of the report of the Public Treasurer.

S. 63, bill to authorize the Public Treasurer to collect and sell State property.

H. P. 27, engrossed bill to authorize holding an election for Commissioners of the town of Goldsboro', in Wayne county, and for other purposes.

On motion of Mr. Aycock.

The rules were suspended and the bill passed its third reading.
Ordered, To be enrolled.
S. P. 21, bill to continue in office the Provisional Commissioners of Lincolnton and other towns.

On motion of Mr. Bynum,
The rules were suspended and the bill 'read the third time, amended so as to include the towns of Hillsboro', Louisburg, Milton and Kenansville, and passed.

Ordered, To be engrossed.

On motion of Mr. McLean.
The list of magistrates for Cumberland county, was taken from the table, amended and transmitted to the House for concurrence.

The speaker announced the hour for the special order, to wit: The motion to reconsider the vote by which the Senate had concurred in the recommendation of certain persons as Justices of the Peace for Yadkin county.

The Speaker held that the matter had passed out of the hands of the Senate, and the motion was not in order.

Mr. Cowles appealed from the decision of the chair, and the question being, "Shall the decision of the chair be held as the decision of the Senate," was put

Decided in the affirmative, \(\begin{align*}
\text{Yeas,} & \quad \text{23} \\
\text{Nays,} & \quad \text{14}
\end{align*}\)

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

Those who voted in the affirmative are,

Those who voted in the negative are,
Messrs. Bogle, Bynum, Cowles, Eure, Ferebée, Harris of Franklin, Jones of Columbus, McLean, Morehead, Pitchford, Sanders, Shober, Stanford and Winstead.
On motion of Mr. Bynum,
The list of magistrates for Burke county was made the special order for Thursday at 12 o'clock.

A message was received from the House of Commons transmitting the report of the Treasurer of the University, with a proposition to print. Concurred in.

On motion of Mr. Aycock,
Leave of absence was granted to the Assistant Clerk until Thursday morning.

On motion of Mr. Williams,
The vote by which the Senate sustained the decision of the chair, in the ruling in regard to the motion to reconsider the vote by which the Senate had concurred in the recommendations for Justices of the Peace for Yadkin county, was reconsidered.

On motion of Mr. Cowles,
The Senate adjourned until 11 o'clock tomorrow.

WEDNESDAY, January 24, 1866.

David E. Tayloe, Senator elect from the county of Bertie, being the seventh Senatorial District, in place of Hon. John Pool, resigned, presented his credentials, and was qualified according to law.

Mr. Jones of Columbus, introduced resolutions referring different parts of the Governor's message to the appropriate committees. Adopted.

Bills, &c., of the titles following were introduced, read first time, referred or otherwise disposed of, as follows, viz:

By Mr. Hall: A bill (S. 69;) for the relief of certain Freedmen. Referred to the Committee on the-Judiciary.

From the House: A bill (H. P. 34,) to re-organize the corporation governments of the City and Academy of Newbern.

On motion of Mr. Whitford,
The rules were suspended, and the bill passed its several readings.

*Ordered*, To be enrolled.

From the House: A bill (H. P. 32,) to prevent obstructions to the passage of fish up the waters of Catawba river, in the county of McDowell.

From the House: A bill (H. 66,) for the more complete re-organization of the State Government, and for other purposes.

*Ordered* to be printed and referred to the Judiciary.

The ruling of the Chair, in relation to the motion to re-consider the vote by which the Senate had concurred in the list of Justices of the Peace for Yadkin county, came up as the unfinished business, the question being, "Shall the decision of the Chair stand as the decision of the Senate," was put, and decided in the negative.

The question recurring upon the motion to reconsider, was put and decided in the affirmative.

On motion of Mr. Cowles,

The list of magistrates for Yadkin county was laid on the table.

Bills, &c., of the titles following being read the third time, passed, and were ordered as follows, to wit:

H. R. 70, engrossed resolutions providing for extra copies of the report of the Public Treasurer.

*Ordered*, To be enrolled.

S. 63, bill to authorize the Public Treasurer to collect and sell State property.

*Ordered*, To be engrossed.

A message was received from the House of Commons transmitting the names of sundry citizens as Justices of the Peace for the counties of Hyde, Duplin, Currituck, Harnett, Nash and Chatham, which were concurred in.

The Speaker designated the following Senators as members of the several standing and joint Committees, in place of Mr. Warren, resigned as follows:
Judiciary—Mr. Winstead.

Education and Literary Fund—Mr. Tayloe.

Banks and Currency—Mr. Berry.

Deaf, Dumb and Blind Asylum—Mr. Bullock.

Representations of a public character heretofore introduced by Mr. Jones, of Columbus, were adopted and transmitted to the House of Commons for concurrence.

Mr. Cowles submitted recommendations for Justices of the Peace for Yadkin county, which were agreed to and transmitted to the House of Commons.

On motion of Mr. Covington,

The Senate adjourned until to-morrow at 10 o' clock.

THURSDAY, JANUARY 25, 1865.

Prayer by the Rev. R. S. Mason, D. D.

Reports from standing committees were submitted and filed as follows:

By Mr. Bynum, from the Committee on the Judiciary, S. 66 bill, to attach the county of Mitchell to the 8th Judicial Circuit and for other purposes, with the recommendation that the same do pass.

S. 67, bill to continue in office Clerks and Masters until their successors are appointed, with the recommendation that the same do pass.

By Mr. Leach, of Davidson, from the same committee, resolutions concerning the Banks of the State, asking to be discharged from their further consideration and their reference to the Joint Select Committee on Banks and Banking. Ordered accordingly.

Mr. Harris, of Rutherford, introduced the following resolution:

Resolved, That in order to devise some plan to raise revenue in some way, that will be equitable and the least burdensome
to the people, the Committee on Finance be and are hereby requested to consider the expediency of adopting a "Stamp law," and that they report by bill or otherwise, in connection with other reports that they may have to make on the subject.

Adopted.

Bills, &c., of the titles following were introduced, passed the first reading, referred or otherwise disposed of, as follows:

By Mr. Covington: A bill (S. 71,) in relation to constables and other officers. Referred to the Committee on the Judicairy.

From the House: A bill (H. 91,) to authorize the Justices of Carteret county to levy taxes for the support of the Poor and for other county purposes.

On motion of Mr. Arendell,

The rules were suspended and the bill passed its several readings.

Ordered, To be enrolled.

From the House: A bill (H. 64,) to prohibit for a limited time the distillation of spirituous liquors from grain.

Orderd, To be printed and referred to the Committee on the Judiciary.

From the House: A bill (H. P. 31,) to incorporate the "Clarendon Bridge Company," and to invest certain other powers therein. Referred to the committee on Corporations.

Bills of the titles following being read the second time, passed and were disposed of, as follows:

S. 66, bill to attach the county of Mitchell to the 8th Judicial Circuit and for other purposes.

On motion of Mr. Bynum,

The rules were suspended, and the bill passed its third reading.

Ordered, To be engrossed.

S. 67, bill to continue in office Clerks and Masters until their successors are appointed.

On motion of Mr. Bynum,

The rules were suspended, and the bill was read the third
time, and the question being on the passage of the same, was put and

Decided in the negative, \{ Yeas, ..................... 26
\} Nays, ..................... 13

On motion of Mr. Wilson,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are:
Messrs. Berry, Covington, Cowper, Donaho, Gash, Hall, Harris, of Rutherford, Leitch, of Robeson, McEachern, McLean, Sanders, Wiggins and Wilson.

Ordered, To be engrossed.

A message was received from the House of Commons transmitting recommendations for Justices of the Peace for Bertie and Northampton counties, which were concurred in.

Received a further message notifying the Senate that the House of Commons had concurred in the recommendations for Justices of the Peace for Yadkin county; and also transmitting recommendations for the counties of Montgomery, Rowan, Union, Watauga, Haywood, Macon, Johnston and Polk.

The recommendations for Montgomery were laid on the table, the others were concurred in.

The Speaker announced the hour for the special order, to wit: The recommendations for Justices of the Peace for Burke county.

On motion of Mr. Shober,
They were laid on the table.
Mr. Eure moved that the Senate proceed to the consideration of the unfinished business on the calendar, introduced at the last session.

The Speaker ruled that as this General Assembly was now
sitting under the call of the Governor and not upon their own adjournment, it was a new session, and all business must begin de novo. The motion was therefore held to be out of order.

On motion of Mr. Wilson,
The Senate adjourned until 11 o'clock to-morrow.

FRIDAY, January 26, 1866.

Prayer by the Rev. H. Hardie.

Reports from standing committees were submitted and filed as follows, to wit:

By Mr. Winstead, from the committee on the Judiciary, H. P. 22, bill to authorize the mayor and commissioners of Fayetteville to issue certificates of indebtedness, and appoint assessors of taxes, asking to be discharged from its further consideration, there being no evidence that notice had been given. Discharged accordingly.

By Mr. Arendell, from the Committee on Corporations, S. P. 20, bill to incorporate Salem Female Academy, with the recommendation that it do pass.

H. P. 31, bill to incorporate the "Clarendon Bridge Company," and to invest certain other powers therein, with a recommendation favorable to its passage.

A message was received from the House of Commons, transmitting recommendations for Justices of the Peace for the counties of Camden, Rockingham, Hertford, Jackson, New Hanover and Lenoir.

The Senate concurred in all the recommendations, with the exception of New Hanover, which were amended and transmitted to the House for concurrence.

A further message was received, transmitting the following resolution, passed by the House of Commons, in which the concurrence of the Senate was asked, to wit:

Resolved, That the Secretary of State have the journals of
the General Assembly of the session of 1864–1865 printed and distributed in accordance with section 7, Revised Code, ch. 93. Filed.

Mr. Leach of Davidson, introduced the following resolution, viz:

Resolved, That the committee on the Judiciary be instructed to inquire into the propriety of hereafter designating (to avoid confusion and unnecessary discrimination,) all persons of color, including those who were formerly slaves, as well as those who have always been free, as free negroes, instead of designating the two classes respectively, as free negroes and freedmen.

Adopted.

Bills, &c., of the titles following being introduced, passed their first reading and were referred or otherwise disposed of, as follows:

By Mr. Leach of Davidson: A bill (S. 74,) for the relief of the people by authorizing the Banks of the State to subscribe for stock in the National Banks.

Ordered, To be printed and referred to the Committee on Banks and Currency.

From the House: A bill (H. 80,) to amend chapter 101, section 9, of the Revised Code, entitled “Roads, Ferries and Bridges.” Filed.

From the House: A bill (H. 95,) concerning the per diem and mileage of the Council of State. Filed.

By Mr. Morehead: A bill (S. 77,) to enable sheriffs and tax collectors to collect arrearages of taxes for the year 1864.

Ordered, To be printed and referred to the Committee on the Judiciary.

By Mr. Arendell: A bill (S. 78,) concerning the North-Carolina Institution for the Deaf, Dumb and the Blind.

Ordered, To be printed.

By Mr. Gash: A bill (S. 79,) to secure taxes on distillation of spirituous liquors.
Ordered, To be printed and referred to the Committee on the Judiciary.

From the House: A bill (H. P. 29,) to legalize the election of Mayor and Commissioners in the town of Morganton. Filed.

From the House: A bill (H. P. 33,) to incorporate the town of "Company Shops," in the county of Alamance. Filed.

From the House: A bill (H. P. 36,) to incorporate "The Portis Gold Mining Company," in the county of Franklin. Filed.

From the House: A bill (H. P. 42,) to incorporate the town of Newport, in the county of Carteret.

On motion of Mr. Arendell,
The rules were suspended, and the bill passed its several readings.

Ordered, To be enrolled.

From the House: A bill (H. P. 37,) supplemental to act entitled "An Act for the government of the town of Elizabeth City in the county of Pasquotank, passed by the General Assembly in 1852."

On motion of Mr. Ferebee,
The rules were suspended and the bill passed its several readings.

Ordered, To be enrolled.

A message was received from the House of Commons, informing the Senate of the concurrence of that body in the recommendations for Justices of the Peace for the counties of Alexander, Surry and Ashe, and concurring in the amendments to the New Hanover recommendations.

On motion of Mr. Eure,
Leave of absence was granted to Mr. Blount until Wednesday next.

On motion of Mr. Gash,
The Senate adjourned until 11 o'clock to-morrow.
SATURDAY, JANUARY 27, 1866.

Prayer by the Rev. Mr. Hudson.

On motion of Mr. Cowper,

Leave of absence was granted to Mr. Garner until Monday morning.

On motion of Mr. Whitford,

Leave of absence was granted until Tuesday next to Mr. Coward.

Reports from standing committees were submitted, as follows, to wit, viz:

By Mr. Winstead, from the Committee on Propositions and Grievances: Memorial from citizens of Cumberland county, in regard to the distillation of grain, with a request to be discharged from its further consideration, as the whole subject is now before the Senate in an engrossed bill.

Discharged accordingly.

By Mr. Bynum, from the Committee on the Judiciary: S. 65, Bill concerning Superior and County Court Clerks and Clerks and Masters, with a substitute therefor, recommending the passage of the substitute.

Mr. Leach of Davidson, introduced a resolution, which was adopted, instructing the Committee on the Judiciary to inquire into the legal liabilities of Administrators and Guardians as to the assets and depreciated currency in their hands during the war, and at its termination, and report what legislation, if any, is necessary.

A resolution transmitted on yesteaday from the House of Commons, directing the Secretary of State to have the Journals of the General Assembly of the session of 1864-'65, printed and distributed according to law, was adopted.

Bills of the titles following were introduced, read first time, referred, or otherwise disposed of as follows, to wit:

By Mr. Jones of Columbus: A bill (S. 80,) regulating the jurisdiction of the Courts and for other purposes.
Ordered, to be printed and referred to the Joint Select Committee on the Stay Law.

From the House: A bill (H. 97,) to amend an act passed 1865–66, concerning the records of Burke and Sampson counties. Filed.

From the House: A bill (H. P. 39,) to incorporate “Dillwood Cemetery,” in the county of Guilford. Filed.

By Mr. Cowles: A bill (S. 82,) to amend an act, entitled “An act for the relief of Landlords.” Filed.

Bills of the titles following being read the second time, passed, and were filed for their third reading, or otherwise disposed of as follows, to wit:

S. P. 24, bill to incorporate the Albemarle Steam Navigation Company.

On motion of Mr. Eure,

The rules were suspended, and the bill passed its several readings.

Ordered, to be engrossed.

H. P. 35, engrossed bill to incorporate the “Minister's Relief Society,” for the Eastern Baptist Association.

On motion of Mr. Morehead,

Laid on the table.

H. P. 32, engrossed bill to prevent obstructions of fish up the waters of Catawba river, in the county of McDowell.

S. P. 19, bill to authorize the Mayor and Commissioners of Fayetteville to issue certificates of indebtedness and appoint assessors of taxables, and the question being on the passage of the same its second reading, was put, and

Decided in the negative, \( \{ \text{Yea}\), 13, \( \{ \text{Nay}\), 18.

On motion of Mr. Black,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Boner, Covington, Cowles, Hall, Harris of Franklin,
Jones of Wake, Leitch of Robeson, McEachern, McLean, Sanders, Shober, Williams and Wilson.

Those who voted in the negative are:

Messrs. Black, Boyd, Bynum, Cowper, Donaho, Eure, Ferebee, Gash, Harris of Rutherford, Jones, of Columbus, Keener, McCleese, Morehead, Morgan, Pitchford, Tayloe, Whitford and Winstead.

S. 20, bill to incorporate the Salem Female Academy.

On motion of Mr. Boner,

The rules were suspended, and the bill passed its several readings.

Ordered, To be engrossed.

A message was received from the House of Commons, transmitting recommendations for Justices of the Peace for the counties of Mecklenburg, Anson, Alexander and Montgomery.

Those for Alexander were laid on the table, the others were concurred in.

Mr. Covington presented additional recommendations for Union county, which were concurred in by the House.

Mr. Cowles made additional recommendations for Alleghany.

A message was received from the House of Commons, proposing to go forthwith into an election for seven Trustees of the University; and that Messrs. J. H. Hyman, J. W. Cameron of Richmond, county, Seaton Gales, Luke Blackmer, Jas. S. Amis, Geo. Washington, of Lenoir county, H. W. Guon, B. S. Gaither, Tod. R. Caldwell, H. G. Williams, J. M. Hutchison, W. A. Jenkins, A. C. Cowles, R. S. Donnell, W. E. Pell, W. N. H. Smith and J. F. Hoke were in nomination in that House.

The Senate concurred, and Messrs. D. D. Ferebee, J. M. Perry and J. A. Engelhard were added to the nominations by Messrs. McCleese, Arendell and Shober, respectively.

A further message was received from the House, transmitting the names of Rev. R. S. Mason, W. W. Holden, P. Hor-
ton, D. D. Ferebee, Thos. Donaho and Nath'l. Boyden, as having been added to the nominations in that House.

The Senate then proceeded to ballot for seven Trustees of the University, under the superintendence of Messrs. Leach of Davidson and Whitford, with result as follows, viz:


On motion of Mr. Wilson,
The Senate adjourned until Monday morning, at 11 o'clock.

MONDAY, JANUARY 29, 1866.

Mr. McKoy, Senator elect from the county of Sampson, being the 21st Senatorial District, to supply the unexpired term of Thomas I. Faison, deceased, appeared, presented his credentials and was qualified according to law.

The Speaker designated Messrs. Donaho, Cowles and Eure as the Committee on Enrolled Bills for the present week.

Mr. Wilson, from the Joint Select Committee on the “status” of the present Legislature, submitted the following special report, to-wit:

The Joint Select Committee, to whom was referred the Resolution directing an enquiry as to the legal “status” of the present General Assembly, have had the same under consideration and ask leave to submit the following report:
The facts are found to be as follows, to wit: The General Assembly, by a joint resolution, adjourned on the 18th of December, 1865, to the first Monday in February, 1866. That the Civil Governor of the State, under the advice of the Council thereof, by proclamation, convened the Body on the 18th of January, 1866. That the Assembly convened on the day appointed by the Governor's proclamation. That when the Assembly adjourned as aforesaid, it was not its purpose by so doing to close the session, but to take a recess, as indicated by the adoption of various propositions postponing the further consideration of bills pending before the Body to the first Monday in February, 1866.

In view of these facts, the Committee is of the opinion that the adjournment of the Assembly, and its meeting under the proclamation of the Governor as aforesaid, should constitute but one session, and therefore respectfully recommend the adoption of the following Resolution:

Resolved, by the Senate and House of Commons, in General Assembly convened, That the adjournment of the Body, and its meeting again, under the circumstances as aforesaid, is hereby declared to be but one session of this General Assembly.

Respectfully submitted,

J. H. WILSON, Chm'n.

On motion of Mr. Bynum,

Ordered, To be printed and made the special order for Thursday at 12 o'clock.

A message was received from the House of Commons, proposing to go forthwith into an election for five Trustees of the University, and that Messrs. S. S. Jackson, J. D. Whitford, R. H. Cowan, Evans Benbow, Jno. H. Haughton and W. P. Bynum were added to the names in nomination, and that the names of Messrs. H. G. Williams, Thomas Donaho, W. E. Pell, B. S. Gaither, N. Boyden and H. W. Guion were withdrawn.
On motion of Mr. Wilson,
Laid on the table.

A message was also received from the House of Commons transmitting the names of sundry persons recommended for Justices of the Peace for the counties of Carteret, Tyrrell, Surry, Alamance, Madison, Transylvania and Sampson, which were concurred in.

Mr. Gash recommended an additional name for Madison county, which was agreed to and transmitted to the House.

Bills, &c., of the titles following were introduced and passed their first reading, referred or otherwise disposed of as follows, viz:

By Mr. Morehead: A bill (S. 83,) for the relief of Landlords. Judiciary.

From the House: Resolution (H. R. 106,) authorizes the Public Treasurer to employ an assistant clerk.

On motion of Mr. Wiggins,
The rules were suspended and the resolution passed its several readings.

Ordered, To be enrolled.

From the House: A bill (H. P. 40,) to incorporate the Weldon Enterprise Company.

On motion of Mr. Wiggins,
The rules were suspended and the bill was read the second time.

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

Mr. Leach, of Davidson, from the Committee to superintend the election for Trustees of the University, reported as follows, to-wit:

Whole number of votes cast 130. Necessary to a choice 66. Of which W. N. H. Smith received 95; Luke Blackmer 79; John W. Cameron 62; Seaton Gales 59; D. D. Ferebee 50; W. A. Jenkins 50; J. H. Hyman 44; R. S. Donnell 37; A. C. Cowles 35; J. F. Hoke 32; D. G. Fowle 32; James S. Amis 31;
J. A. Engelhard 30; P. Horton 24; H. G. Williams 22; T. R. Caldwell 21; Nathaniel Boyden 19; J. M. Peny 18; W. E. Pell 18; J. D. Whitford 13; H. W. Guion 12; B. S. Gaither 12; W. P. Bynum 10; D. F. Caldwell 10; scattering 14. Messrs. Smith and Blackmer, having received a majority of the whole number of votes cast, were duly elected.

The report was concurred in.

A message was received from the House of Commons, returning an engrossed bill (S. 22,) to prevent horse-stealing, with several amendments, which were concurred in, when

On motion of Mr. Wiggins,

The votes by which the Senate concurred in the amendments were re-considered, and the bill ordered to be laid on the table.

Bills of the following titles were read the second time, passed their second reading, filed or otherwise disposed of as follows, to-wit:

H. P. 31, bill to incorporate the "Clarendon Bridge Company" and to invest certain other powers therein.

On motion of Mr. McLean,

The rules were suspended and the bill passed its several readings.

Ordered, To be enrolled.

S. 65, bill to compel County and Superior Court Clerks, and Clerks and Masters in Equity, who do not live in towns, to keep deputies resident within the corporation.

H. 80, bill to amend Chapter 101, Section 9 of the Revised Code, entitled "Roads, Ferries and Bridges."

H. 95, bill concerning the per diem and mileage of the Council of State.

On motion of Mr. Shober,

The bill was amended as follows; strike out all after the enacting clause in the first section and insert, "That the officers and members of the Council of State, and also of the Literary Board and of the Internal Improvement Board, shall receive,
when assembled upon the summons of the Governor, the same per
diem and mileage as the members of the General Assembly."

H. 97, bill to amend an Act passed 1865-'66, concerning the
records of Burke and Sampson counties.

S. 82, bill to amend an Act entitled "An Act for the relief of
Landlords."

On motion of Mr. Ferebee,

The vote by which the Senate rejected the bill (H. P. 22,) to
authorize the Mayor and Commissioners of Fayeteville to
issue certificates of indebtedness and appoint assessors of tax-
ables, on its second reading, was reconsidered and the bill
laid on the table.

Mr. Jones, of Wake, by permission, introduced a resolution
(S. P. R. 36,) in favor of Drury King.

Referred to the Committee on Claims.

A message was received from the House of Commons, pro-
posing to go forthwith into an election for five Trustees of
the University, in which the Senate concurred and under the
superintendence of Messrs. Howard and Shober bailed as
follows: Whole vote 41. For J. A. Engelhard 35; D. D. Fer-
ebee 32; W. P. Bynum 22; J. H. Hyman 20; J. H. Haughton
14; A. C. Cowles 11; John W. Cameron 9; J. D. Whitford 8;
W. A. Jenkins 8; S. S. Jackson 7; P. Horton 6; Seaton Gales
5; J. F. Hoke 4; James S. Amis 4; scattering 20.

On motion of Mr. Jones, of Wake,

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

TUESDAY, JANUARY 30, 1865.

Prayer by the Rev. N. B. Cobb.

Received a message from the House of Commons, transmit-
ting a message from the Public Treasurer, asking its reference
to the Committee on Finance.

Concluded in.
An additional name was recommended as a Justice of the Peace for Rowan county, by message from the House, in which the Senate concurred.

Reports from standing committees were submitted and received, as follows, viz:

By Mr. Morehead, from the Committee on the Judiciary: S. 83, bill for the relief of Landlords, with the recommendation that the same do not pass.

By Mr. Leach of Davidson, from the same committee: H. P. 40, engrossed bill to incorporate the Weldon Enterprise and Loan Company, with the recommendation that the same do pass.

By Mr. Howard, from the same committee: H. 66, engrossed bill for the more complete re-organization of the State government and for other purposes, with amendments, recommending the passage of the same.

On motion of Mr. Howard,

The rules were suspended, and the bill placed upon its passage, and the amendments offered by the Judiciary committee, as follows: Strike out in section 4th, the words, "and dispatch the same by special messenger, or such other agency as he may deem safe and expeditious," and strike out all after the enacting clause in section 6th, and insert as follows: "That any two magistrates of a county are hereby authorized to qualify the person elected Superior Court Clerk for their county, November 9th, 1865, according to section 7th, chapter 19th, Revised Code, in like manner, as if they had been commissioned so to do by a Judge."

The question being upon agreeing to the amendments proposed by the committee, was put and decided in the affirmative.

Ordered, To be transmitted to the House of Commons for concurrence.

Bills of the titles following being introduced, were read, filed, or otherwise disposed of, as follows:

From the House: A bill (H. 114,) to amend an Ordinance
of the State Convention, entitled, "An Ordinance to incorporate the Piedmont Railroad Company," ratified the 8th day of February, 1862.

By Mr. Gash: A bill (S. 86,) to repeal that part of section 2, chapter 68, Revised Code, which relates to bonds on marriage licenses. Referred to the Committee on Finance.

Mr. Shoher, from the committee to superintend the election for five Trustees of the University, reported as follows, to wit:

Whole number of votes cast 138. Necessary to a choice 70. Of which D. D. Ferebee received 68; Jno. W. Cameron 68; Scaton Gales 64; J. H. Hyman 63; W. A. Jenkins 63; J. H. Haughton 48; J. A. Engelhard 39; W. P. Bynum 33; P. Horton 29; A. C. Cowles 27; J. F. Hoke 24; R. H. Cowan 18; J. D. Whitford 13; S. S. Jackson 13; Jas. S. Amis 11; D. G. Fowle 11; T. R. Caldwell 10; J. M. Hutchison 10; D. F. Caldwell 7; For all others 11. No one having received a majority of the whole number cast, there was no election.

Concurred in.

Bills of the titles following, on their third reading, were passed, or otherwise disposed of, as follows:

S. 65, to compel County and Superior Court Clerks and Clerks and Masters in Equity, who do not live in town, to keep deputies resident within the corporation.

Mr. Leach of Davidson, moved to amend by striking out the words "within the corporate limits of the respective towns of their counties," and insert the words "at the towns in which the courthouse is situated," in the first section, and also at the end of the section strike out the words, "Provided, however, the towns be incorporated," and the question being thereon, they were adopted.

Mr. Garner moved to amend by inserting in the first section after the words "Clerks and Masters in Equity," the words "and sheriffs," and the question being put, it was adopted.

Mr. Cowper moved to amend the second section by adding
the words, "Provided, That the provisions of this act shall not extend to the county of Hertford," and it was adopted.

And the question recurring upon the passage of the bill, as amended.

On motion of Mr. Cowper,

The bill was laid on the table.

H. 80, engrossed bill to amend chapter 101, section 9, of the Revised Code, entitled "Roads, Ferries and Bridges." Referred to the Committee on Propositions and Grievances.

H. 95, bill concerning the per diem and mileage of the Council of State.

Ordered, To be transmitted to the House of Commons for concurrence in amendment.

H. 97, engrossed bill to amend an act passed 1865-'66, concerning the records of Burke and Sampson counties.

Ordered, To be enrolled.

Additional names for Justices of the Peace were nominated for the counties of Hertford, Ashe, Cabarrus and Macon, recommended and transmitted to the House of Commons for concurrence.

Received a message from the House proposing to go forthwith into an election for five trustees of the University, and that the names of Rt. Rev. Thos. Atkinson, Rev. R. H. Marsh, Rev. T. M. Jones and Rev. Alex. Wilson were added to, and the names of Messrs. R. H. Cowan, A. C. Cowles, D. F. Caldwell, Jas. S. Amis and J. M. Hutchison were withdrawn from, those in nomination.

The Senate concurred, and Rev. N. Shotwell was added to, and J. A. Engelhard withdrawn from, the names in nomination in this body, and, under the superintendence of Messrs. Cowper and Winstead, a ballot was had.

And pending the report of the committee, the Senate,

On motion of Mr. Keener,

Adjourned until 11 o'clock to-morrow.
WEDNESDAY, January 31, 1866.

Prayer by Rev. H. Hardie.

Reports from Standing and Select Committees were received and filed as follows, to-wit:

By Mr. Wiggins, from the committee on Finance: S. 55, bill making provision for the payment of interest on State Bonds now due, with a recommendation that the bill do not pass.

By Mr. Bynum from the same Committee: S. 56, bill directing coupons of the Bonds of the State to be received in payment of State taxes, recommending that it do not pass.

By Mr. Morehead, from the committee on the Judiciary: S. 75, bill in relation to constables and other officers, recommending its passage.

By Mr. Winstead, from the committee on Propositions and Grievances: H. 80, bill to amend Chapter 101, Section 9 of the Revised Code, entitled "Roads, Ferries and Bridges," with the recommendation that it do pass.

By Mr. Jones, of Columbus, from the Joint Select Committee on the Piedmont Railroad, a report embracing information on the subject matter referred to said Committee, asking to be discharged from the further consideration thereof.

Discharged accordingly.

Mr. Cowper, from the Committee to superintend the election for five Trustees of the University, submitted a report, as follows, to wit:

Whole number of votes cast 141. Necessary to a choice 71. Of which John W. Cameron received 86; Seaton Gales 76; D. D. Ferebee 73; W. A. Jenkins 66; J. H. Hyman 60; J. F. Hoke 54; W. P. Bynum 42; Rev. T. M. Jones 38; Rt. Rev. Thomas Atkinson 44; Rev. R. H. Marsh 33; J. H. Haughton 29; Rev. Alex. Wilson 29; P. Horton 12; E. G. Yellowly 12; and all others 46. Messrs. Cameron, Gales and Ferebee, having each received a majority of the whole, were duly elected.

The report was concurred in.
Mr. Ferebee gave notice that Mr. Latham, the Senator from Washington and Martin, had been and still was detained at home on account of very severe illness in his family.

Bills, &c., of the titles following were read the second time, filed or otherwise disposed of, as follows, to wit: S. 83, bill for the relief of landlords, indefinitely postponed.

H. 114, engrossed bill to amend an ordinance of the State Convention, to incorporate the “Piedmont Railroad Company,” ratified the 8th day of February, 1862.

The question being on the passage of the bill its second reading, was put and

Decided in the affirmative, \{ Yeas, \ldots \ldots \ldots \ldots 33, Nays, \ldots \ldots \ldots \ldots 10.\}

On motion of Mr. Jones, of Columbus,
The yeas and nays being demanded,
Those who voted in the affirmative are:

Those who voted in the negative are:
Messrs. Arentdell, Aycock, Hall, Harris, of Franklin, Harris, of Rutherford, Jones, of Columbus, Jones, of Wake, Leitch, of Robeson, McLeese and Pitchford.

On motion of Mr. Leach, of Davidson,
The rules were suspended, and the bill passed its third reading.

Ordered, To be enrolled.

H. P. 40, engrossed bill to incorporate the Weldon Enterprise and Loan Company.

On motion of Mr. Wiggins.
The rules were suspended and the bill passed its third reading.

Ordered, To be enrolled.
H. P. 32, engrossed bill to prevent obstructions to the passage of fish up the waters of Catawba river in the county of McDowell. Referred to the Committee on the Judiciary.

H. P. 29, engrossed bill to legalize the election of Mayor and Commissioners in the town of Morganton.

H. P. 36, engrossed bill to incorporate the "Portis Gold Mining Company," in the county of Franklin.

H. P. 33, engrossed bill to incorporate the town of "Company Shops" in the county of Alamance.

H. P. 39, engrossed bill to incorporate "Dillwood Cemetery" in the county of Guilford.

A message was received from the House of Commons, with information that the House had passed Senate bill (S. 63,) to authorize the Public Treasurer to collect and sell State property, with several amendments.

The Senate concurred in the amendments.

Ordered, To be enrolled.

A bill (S. 29,) for the relief of all persons that may suffer from the destruction of records and other papers during the war, was also transmitted from the House, as having passed that body, with amendments, in which the Senate concurred.

Ordered, To be enrolled.

A message was received from the House of Commons, informing the Senate that the House had concurred in the Senate amendments to the bill (H. 66,) for the more complete reorganization of the State Government and for other purposes.

Ordered, To be enrolled.

The message also transmitted the bill (S. 67,) to continue in office Clerks and Masters until their successors are appointed, with an amendment in which the Senate concurred.

Ordered, To be enrolled.

Recommendations were received from the House for Justices of the Peace for the counties of Columbus and Warren, which were concurred in.
Additional recommendations were made for Justices of the Peace for the counties of Columbus, Rowan, Hyde and Stokes. Mr. Isbell made nominations for the county of Burke. They were agreed to, and ordered to be transmitted to the House for concurrence.

An engrossed bill (H. 28,) to authorize a Court of Pleas and Quarter Sessions for the county of Cabarrus was received from the House, read first time and filed.

A bill (S. 82,) to amend an Act, entitled "An Act for the relief of Landlords," was read the third time.

Mr. Gash moved to amend by adding the following section to the bill: "Be it further enacted, That the Sheriff and Jurors shall be allowed their usual fees, costs, mileage and per diem as allowed for similar services in the Courts," which was adopted.

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

Mr. McLean moved that the vote by which the Senate rejected the bill (H. P. 22,) to authorize the Mayor and Commissioners of Fayetteville to issue certificates of indebtedness and appoint assessors of taxables, be reconsidered, and the motion prevailed.

The question recurring upon the passage of the bill its second reading, was put and

Decided in the affirmative, 20
Yea's, ................................. 20
Nays, ................................. 15

On motion of Mr. Cowper,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Aycock, Boner, Covington, Cowles, Donaho, Eure, Gash, Hall, Harris, of Franklin, Howard, Jones, of Wake, Keener, Leach, of Davidson, Leitch, of Robeson, McLean, Sanders, Shober, Tayloe, Williams and Wilson.
Those who voted in the negative are:
Messrs. Berry, Black, Bogle, Boyd, Bullock, Coward, Cow-
per, Garner, Isbell, Jones, of Columbus, McCleese, Morehead, Morgan, Pitchford and Whitford.

On motion of Mr. McLean,
The rules were suspended and the bill passed its third reading.

Ordered, to be enrolled.

On motion of Mr. Ferebee,

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

The House being in Committee of the Whole, the messenger was not received.

On motion of Mr. Whitford,
The Senate adjourned until 11 o'clock to-morrow.

THURSDAY, FEBRUARY 1, 1866.

Prayer by the Rev. R. S. Mason, D. D.

Mr. McLean presented a memorial from citizens of Harnett county, praying for relief from the State on account of rosin taken by agents of the State from the memorialists.

Referred to the Committee on Propositions and Grievances.

Mr. Gash moved to reconsider the vote by which the Senate, on yesterday, passed the bill (H. P. 22,) to authorize the mayor and commissioners of Fayetteville to issue certificates of indebtedness and appoint assessors of taxables.

Mr. Leitch of Robeson, moved to lay the motion on the table, and the question, being thereon, was put and

Decided in the negative, \{ Yeas, \ldots \ldots \ldots \ldots 10. \}
\{ Nays, \ldots \ldots \ldots \ldots 28. \}

On motion of Mr. Jones of Columbus,
The yeas and nays were ordered.
Those who voted in the affirmative are,

Those who voted in the negative are.


The question, recurring upon the motion to reconsider, was put and decided in the affirmative.

Mr. Jones of Columbus, moved to suspend the rules and place the bill upon its third reading:

A message was received from the House of Commons, proposing to go forthwith into an election for two Trustees of the University, which was,

On motion of Mr. Jones of Columbus,

Laid on the table.

The question recurring upon the motion to suspend the rules,

Mr. Morehead moved to lay the bill upon the table, but it did not prevail, and the rules were suspended, and the question recurring upon the passage of the bill its third reading was put, and

Decided in the negative, { Yeas, .................. 13.
Nays, .................. 23.

On motion of Mr. Garner,
The yeas and nays being ordered,

Those who voted in the affirmative are,


Those who voted in the negative are,

Reports from standing and select committees were submitted and received as follows, to wit:

By Mr. Wiggins, from the Committee on Finance: A communication of the Public Treasurer in regard to the issuing of certificates and reasonable fees, asking to be discharged from its further consideration.

Discharged accordingly.

By Mr. Garner, from the committee on Public Buildings:
A resolution (S. R. 88,) concerning the Public Square, with a recommendation that it do pass.

By Mr. Morehead, from the committee on the Judiciary: A bill (S. 82,) to amend an act, entitled "An Act for the relief of landlords," with amendments, recommending the passage of the same.

By Mr. Harris of Rutherford, from the Committee on Privileges and elections:
That portion of the Governor's Message in relation to "Privileges and Elections," asking to be discharged from its further consideration, as the evils alluded to have already been provided for by the legislation of the General Assembly.

Discharged accordingly.

By Mr. Cowles, from the Committee on Claims: Resolution (S. P. R. 36,) in favor of Drury King, recommending the passage of the same.

By Mr. Howard, from the Committee on the Judiciary:
An engrossed bill (H. 64,) to prohibit, for a limited time, the distillation of spirituous liquors from grain, with amendments, recommending its passage.

By Mr. Leach of Davidson, from the same:
A bill (S. 79,) to secure taxes on distillation of spirituous liquors, asking to be discharged from its further consideration.

Discharged accordingly.

By Mr. Bynum, from the Joint Select Committee on the status of the present session of the General Assembly:
A minority report, with accompanying resolutions, which
were ordered to be printed, and, in connection with the majority report, were made the special order for to-morrow, at 12 o'clock.

The report is as follows, to wit:

The minority of the Joint Select Committee, appointed by resolution, to enquire into and report upon the status of the present and last sitting of this General Assembly, beg leave to submit the following report:

By an ordinance of the Convention, ratified the 18th October, 1865, the General Assembly convened on the 4th Monday of November, 1865, and on the 18th December, by joint resolution, adjourned to the 1st Monday in February, 1866. The Governor of the State, by proclamation, convened the said General Assembly on the 18th day of January, 1866. The question presented is, whether the present sitting, so convened by the call of the Governor, is a new session of the General Assembly, or but a continuation of the former sitting, all constituting but one session of the General Assembly.

If the General Assembly, when once in session, continues in session until an adjournment without day, it would be difficult to find any authority for the Governor to call the present session, involving as it does the absurdity of convening a session of a body already in session, at the time of the call. Hence, we are driven to discard the old English theory, that a session has a legal existence beyond its setting, and to admit that the Governor had the rightful power to call the present session of the General Assembly, under the Revised Code, chapter 52, sections 25 and 26. But the Governor also derives his power to convene the Legislature from a higher source than the Revised Code. By the 19th section of the Constitution of the State, the Governor is invested "with all the executive powers of Government, limited and restrained as by this Constitution is mentioned." In the country from which we derive our notions of law and government, the
power to convene the legislature is inherent in the king, who is the executive branch of the government. Such, also, was the power of our colonial Governors, and it was with reference to this inherent executive power, that our political institutions were framed. The power to convene the General Assembly on occasions of "absolute necessity," is, therefore, inherent in the Governor, as well as expressly confined by the Constitution and laws thereunder. If there was no clause in the Revised Code, investing the Governor with power to convene the Legislature, could it be contended that he has no power, "in cases of absolute necessity," to do so under the Constitution? If then, the Governor has the constitutional right to convene the General Assembly, and he exercises that right, what is the status of that body so assembled? In England, Parliament assembles at the call of the King; in our country, the Legislature is first called into session at times fixed by the Constitution, and then by the Governor, under the authority of the Constitution, and without restriction of time. When Parliament assembles on the call of the sovereign, it constitutes the beginning of a session; when, under the Constitution, the Legislature is convened by the Governor, it must constitute the beginning of a session, both bodies alike being called in the exercise of a constitutional right.

But it is contended that the General Assembly, having adjourned from the 18th December to the 5th February, the call of that body by the Governor, in the interval of its meeting, is but the continuation of the same session begun on the 18th December. This position, it is believed, cannot be maintained. Suppose the General Assembly, by joint resolution, to adjourn from the 1st December to the 1st November, eleven months thereafter, and that the Governor should convene it on the 1st June, between the two periods, and that it should then adjourn without day, can it be pretended, in this case, that it would not convene on the 11th November, under the joint resolution? But if the called session was but a part and con-
termination of the adjourned session, the adjournment without day would terminate the session; thus showing that the session called by the Governor is a new and distinct session. This view is supported by authority.

The Parliament of Great Britain separates in three ways: 1st, by the adjournment of each House separately; 2d, by prorogation of the King, and 3d, by dissolution or expiration of the time for which they were elected. Adjournment by joint resolution is unknown there, each House having the power to sit upon its own adjournment only, and therefore such adjournment cannot terminate a session. In our country legislative bodies separate in two ways: by adjournment and by dissolution from efflux of time. We are apt to confound the English adjournment of each House, which cannot end a session, with the American adjournment by joint resolution, which appears to take the place of a prorogation which terminates the session. In England, prorogation by the King is the adjournment of Parliament, not sine die, but to a day certain, therein being precisely like our adjournment by joint resolution. As the one terminates the session, there seems no good reason why the other, which is but the substitute, does not have the same effect. Adjournment by joint resolution here, would be prorogation in England. We have American precedents in point. If the President convenes Congress, it is held this begins a new session, and determines the preceding one to have been a session. And it can make no difference whether Congress is convened after an adjournment without day, or after adjournment to a day certain and before that day; for the holding makes no exception, and neither reason nor analogy can make a distinction. If the Governor convenes the General Assembly in a constitutional mode, it is as much a session as if it meets at the time fixed by the Constitution, which certainly begins a session.

There can be no difficulty in ascertaining what is the beginning of a session. Cushing, in his work on this subject,
holds thus: "In order to determine what kind of a meeting of a legislative assembly in this country will constitute a session, it seems necessary to consider its commencement, its proceedings, and its termination. In regard to its commencement, there can be no doubt when an assembly comes together, at the time required by law, for the commencement of the regular session; or, in pursuance of an executive proclamation, for an extraordinary session; or, in pursuance of an adjournment by both branches, for the purpose of closing one session and commencing another; that, in all these cases, there is the commencement of a session." If, therefore, a session of the General Assembly commenced on the 18th January, the preceding session had, or was then, terminated, else there would now be two sessions of the same General Assembly at the same time, which is absurd.

What constitutes the termination of a session is a question of more difficulty, and is one rather of fact than of law. A positive declaration of such purpose, circumstances equivalent thereto, and common usage and understanding will terminate a session. The General Assembly can establish what is a session by a declaration, or by its own usages, and can, by joint resolution, regulate the order of business of a succeeding adjourned session.

We have precedents in point in our own legislative history. On the 17th December, 1862, the General Assembly passed this joint resolution:

"Resolved, That the Speakers of the two Houses of this General Assembly close the present session thereof on Monday morning, the 22d instant, 5 o'clock, A. M., by adjourning their respective houses until 11 o'clock, A. M., Monday, the 19th January next."

This is a case where the session was expressly closed and another session appointed.

On the 20th December, 1862, the following joint resolution was passed:
"Resolved, That after the 3d day of any succeeding session of the present General Assembly, the bills, resolutions, reports and other business pending at the time of the next preceding session, shall be taken up in their regular order, as if there had been no adjournment."

This is a case where, although the session terminated two days thereafter, yet the business did not fall through, as in the English Parliament, but was adjourned over to the next session.

The journals of the many adjourned sessions held in the years 1863 and '64 will show that they opened by mutual messages, informing their respective houses of their organization, and by sending joint committee to wait upon the Governor and inform him of their organization and readiness to receive his communications. So they closed by resolutions of thanks to the Speakers, making extra allowances to officers, claiming mileage as on adjournment sine die.

The ceremonies used at the opening and close of these adjourned sessions were just such as were observed at the opening of the regular sessions and their adjournment sine die, all clearly indicating the fact as well as the intent and purpose to begin and terminate a session.

To come to the present time: On the 18th December last, the General Assembly passed the following resolution:

"Resolved, the Senate concurring, That the unfinished business depending in the two Houses of the General Assembly at the adjournment ordered by their joint action, on Monday next, shall be continued over the recess and resumed at the next meeting of the same."

This resolution was passed after the adjournment ordered, and had reference thereto. It would, therefore, be a clear violation of the spirit and intent of the resolution to take up at this session the business of the last, which is adjourned to the session beginning on the 5th of February. This resolution is cited to show that it was the intent of the Legislature to close its session on the 22d December, but to save the business from
falling through, which would have followed, in the absence of such resolution.

In arriving at the foregoing conclusions, we only sustain the action of our State government, our magistrates, judicial and municipal, public opinion, and the legislation of this General Assembly in ratifying and legalizing the acts and proceedings of all the officers of the State, whose functions were supposed to have ceased with the close of the last session of this General Assembly.

As the result of this enquiry, the minority of the committee beg leave to submit the following joint resolutions which are recommended to be adopted by the General Assembly.

All of which is respectfully submitted.

W. P. BYNUM.

RESOLUTIONS OF THE MINORITY OF COMMITTEE TO ENQUIRE INTO AND REPORT UPON THE STATUS OF THE PRESENT SESSION OF THE GENERAL ASSEMBLY, AND FOR OTHER PURPOSES.

1. Resolved by this General Assembly, the House of Commons concurring, That the sitting of this General Assembly, which began on the 9th day of November, 1865, and terminated by adjournment on the 22d December, 1865, constitutes, and is hereby declared to be, one session of this General Assembly.

2. Resolved, That the sitting of this General Assembly, convened by the proclamation of the Governor on the 18th January, 1866, constitutes, and is hereby declared to be, one session of the General Assembly.

3. Resolved, That the present session of the General Assembly be brought to a close on the third day of February, 1866, by adjournment, to meet again on the 5th day of February, 1866.

4. Resolved, That the unfinished business depending in the two Houses of the General Assembly on the adjournment at the close of the present session, shall be continued over and resumed at the next session, which is to meet on the 5th day of February, 1866, as if there had been no adjournment.
Mr. Arendell introduced the following resolution, viz:

Resolved, That a message be sent to the House of Commons, proposing to raise a Joint Select Committee of three on the part of the Senate and five on the part of the House of Commons, whose duty it shall be to prepare and report a bill to consolidate the North-Carolina Railroad and the Atlantic & North-Carolina Railroad, should they deem such consolidation advantageous to the State. Adopted.

Bills, &c., of the titles following were introduced, passed the first reading, referred, or otherwise disposed of as follows, to wit:

By Mr. Gash: A resolution (S. R. 89,) to furnish Revised Code to Clerks,

On motion of Mr. Gash,

The rules were suspended, and the bill placed on its passage.

Mr. Latham moved to amend, by adding another resolution, as follows, to wit:

"And be it resolved, That the different acts of the General Assembly, since the adoption of the Revised Code, be also furnished to the officers above named, and also to the sheriffs who have never been supplied with the same, or who now have them not: Provided, such acts be on hand."

And it was adopted.

The bill, as amended, passed its several readings.

Ordered, To be engrossed.

By Mr. McKoy: A bill (S. P. 37,) to amend the Act of incorporation of the town of Clinton, in Sampson county. Filed.

By Mr. Gash: A bill (S. 91,) to prevent the carrying of pistols in this State without license. Referred to the Committee on the Judiciary.

From the House: Resolutions (H. R. 121,) authorizing certain proceedings against "The Cape Fear Navigation Company." Referred to the Committee on the Judiciary.

Mr. Leitch, of Robeson, introduced a resolution instructing
the Committee on the Judiciary to consider the provisions of "An Act concerning the Statute of Limitations," ratified the 10th day of January, 1863, with a view to ascertain whether the same ever had any force or effect, and, if so, whether or not the provisions of the Act are yet in force; and, if not, to indicate the day when it ceased to operate, and report by bill or otherwise.

Adopted.

On motion of Mr. Garner,

The rules were suspended, and the resolution (S. R. 88,) concerning the Public Square, passed its several readings.

Ordered, To be engrossed.

On motion of Mr. Jones, of Wake,

The rules were suspended, and the resolution (S. P. 36,) in favor of Drury King, passed its several readings.

Ordered, To be engrossed.

A message was received from the House of Commons, transmitting a message from his Excellency, the Governor, in relation to property claimed by the State, which is also claimed by individuals, with a proposition to refer it to the Committee on Finance.

Concurred in.

Also transmitting additional names as Justices of the Peace for Edgecombe county, which were agreed to and sent to the Governor to be commissioned.

Bills of the titles following being read the second time were disposed of as follows, to wit:

S. 55, bill making provision for the payment of interest on State Bonds now due.

On motion of Mr. Morehead,

Made the special order for Tuesday next at 12 o'clock.

S. 56, bill directing coupons of the bonds of the State to be received in payment of State taxes.

On motion of Mr. Berry,

Laid on the table.
On motion of Mr. Garner,
The Senate adjourned until 11 o'clock to-morrow.

FRIDAY, February, 2, 1866.

Prayer by the Rev. A. Smedes, D. D.

Reports from standing committees were submitted and received, as follows, to wit:

By Mr. Wiggins, from the Committee on Finance: S. 86, bill to repeal that part of section 2, chapter 68, Revised Code, which relates to bonds on marriage licenses, asking to be discharged from its further consideration, and its reference to the Committee on the Judiciary.

So ordered.

By Mr. Winstead, from the Committee on Propositions and Grievances: S. 60, bill to establish a Penitentiary and Work Houses, with a recommendation that it do not pass.

By Mr. Bynum, from the Committee on Finance: S. 91, bill to prevent the carrying of pistols in this State without license, asking to be discharged from its further consideration, as the bill involves a question of public policy rather than of finance.

Discharged accordingly.

By Mr. Leach of Davidson, from the committee on Banks and Currency: S. 74, bill for the relief of the people, by authorizing the Banks of the State to subscribe for stock in the National Banks, with recommendation that the same do pass.

On motion of Mr. Wiggins,

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

Mr. Howard moved that the vote, by which the Senate rejected the bill (H. P. 22,) to authorize the Mayor and Commissioners of Fayetteville to issue certificates of indebtedness
and appoint assessors of taxables, be reconsidered, and the motion prevailed.

Received a message from the House of Commons, concurring in the proposition to go forthwith into an election for two Trustees of the University, and the Senate, in accordance therewith, under the superintendence of Messrs. Keener and McEachern, proceeded to ballot.

Received a message from the House, transmitting a message from the Governor, covering a memorial of the Trustees of the University, with a proposition to print and refer to the Committee on Finance.

The Senate concurred.

The message also covered a communication from Rev. Dr. Curtis, assistant to Prof. Emmons, late State Geologist, in reference to printing certain reports. The Senate concurred also in the proposition to print and refer to the Committee on Finance.

The House, by message, recommended additional appointments of Justices of the Peace for Tyrrell county, in which the Senate concurred, and ordered them to be transmitted to the Governor for commission.

Bills, &c., of the titles following were read the first time, referred, filed or otherwise disposed of, as follows, to wit:

By Mr. Morehead: A bill (S. 92,) giving original jurisdiction to the Supreme Court in certain cases. Referred to the Committee on the Judiciary.

From the House: Engrossed resolution (H. R. 48,) making appropriation for the Lunatic Asylum.

From the House: Engrossed bill (H. 118,) to amend an Act, entitled "An Act to incorporate the Macon County Turnpike Company," passed at the session of 1856-'57. Referred to the Committee on Cherokee Lands and Western Turnpikes.

From the House: Engrossed bill (H. 119,) to protect the culture of the grape and other fruits.

From the House: Engrossed resolutions (H. R. 122,) to ap-
point Commissioners on the condition of the Albemarle and Chesapeake Canal Company.

The hour of 12 o'clock having arrived, the Speaker announced the special order, to wit: The majority and minority reports (S. R. 97,) from the committee to enquire into and report upon the status of the present session of the General Assembly.

The question being upon the motion to strike out the resolutions reported by the majority of the Committee, and substitute the report of the minority,

Mr. Leach, of Davidson, called for a division of the question.

The question being upon the motion to strike out, was put and carried.

The resolutions of the minority were then read seriatim, on motion of Mr. Howard.

Mr. Howard moved to amend the first resolution by inserting after the word "declared" the words, "and was so intended," which was accepted.

The other resolutions were adopted without amendment.

The question now recurring upon the adoption of the resolutions as amended, was put and decided in the affirmative.

On motion of Mr. Bynum,

The rules were suspended, and the resolutions passed their third reading:

*Ordered, To be engrossed.*

Mr. Keener, from the Committee to superintend the election for two Trustees of the University, submitted a report as follows, viz:

Whole number of votes cast 149. Necessary to a choice 75. Of which W. A. Jenkins received 71 votes; J. H. Hyman 67; J. F. Hoke 51; W. P. Bynum 40; J. H. Haughton 26; Alex. Wilson 8; T. M. Jones 8; for all others 18. No one having received a majority of all the votes cast, there was no election.

The report was concurred in.
On motion of Mr. Leach, of Davidson,
The Senate adjourned until to-morrow at 11 o'clock.

SATURDAY, FEBRUARY 3, 1865.

Mr. Garner offered additional names as Justices of the Peace for Northampton county, which were recommended and sent to the House of Commons for concurrence.

Mr. Jones of Columbus, from the Joint Select Committee on Banks and Banking, to whom was referred so much of the Governor's Message as relates to Banks and Banking, and the resolutions enquiring into the condition of the Banks of the State, reported that in the opinion of the committee, the charter of the Banks had expired, and the legislature cannot interfere, it being a subject for the Judiciary.

The report was ordered to be printed.

On motion of Mr. Gash,

Resolved, That the Committee on Finance be instructed to make provision for the collection of the taxes laid by the late Convention in the several counties, where no person filed bonds, or no taxes have been collected, as well as where the taxes have only been partially collected, by giving further time for the same, or authorizing and requiring the present or succeeding sheriffs to make said collections; and that they report by bill or otherwise.

On motion of Mr. Gash,

Resolved, That the Committee on Swamp Lands be instructed to inquire whether the swamp lands belonging to the State are being trespassed upon, and whether there are not valuable portions of them likely to be lost to the State by a limitation of an actual possession: whether any legislation is necessary to protect the interests of the State in these lands, and report by bill or otherwise.
Bills of the titles following were introduced, read the first time, filed or referred, as follows, viz:

By Mr. Shober: A bill (S. 98,) for the benefit of the Public Schools of the State. Referred to the Committee on Education and Literary Fund.

By Mr. Sanders: A bill (S. P. 38,) to extend the limits of the town of Swansboro', Onslow county, and for other purposes. Referred to the Committee on Corporations.

From the House: Engrossed bill (H. 110,) to repeal the 6th chapter of an act of the General Assembly, passed on the 6th day of July, 1863.

From the House: A bill (H. 113,) to incorporate the North-Carolina Immigration Company.

A message was received from the House of Commons, transmitting recommendations for Justices of the Peace for the county of Washington, which were agreed to.

Messrs. Latham and Boner nominated additional names as Justices of the Peace for the counties of Washington and Forsythe, respectively, which were recommended and transmitted to the House for concurrence.

Bills, &c., of the titles following, being read the second time, passed, filed or otherwise disposed of, and other proceeding were had, as follows:

H. 28, engrossed bill to authorize a Court of Pleas and Quarter Sessions for the county of Cabarrus.

On motion of Mr. McLachern.

The rules were suspended and the bill passed its several readings.

Ordered. To be enrolled.

H. R. 122, engrossed resolutions to appoint Commissioners on the condition of the Albemarle and Chesapeake Canal Company.

On motion of Mr. Ferebee,

The rules were suspended and the resolutions passed their several readings.
Ordered, To be enrolled.
S. P. 37, bill to amend the act of incorporation of the town of Clinton, in Sampson county.

On motion of Mr. McKoy,
The rules were suspended and the bill passed its several readings.

Ordered, To be engrossed.
S. 60, bill to establish a Penitentiary and Work Houses.

On motion of Mr. Howard,
Laid on the table.
S. 71, bill in relation to constables and other officers.

Mr. Gash moved to amend by adding another section, as follows: "Be it further enacted, That all constables and other officers, hereafter, shall be allowed, in addition to present fees allowed by law, two and one-half per cent, commissions on all sums they may collect on judgments and executions issued by a Justice of the Peace, in the same manner as other costs."

Mr. Garner moved to amend the amendment by striking out the words "judgments and," and the motion did not prevail.

The question recurring upon the motion to amend, was put and decided in the negative.

The bill then passed its second reading and was filed.
H. 64, bill to prohibit for a limited time, the distillation of spirituous liquors from grain. Made the special order for Wednesday, 7th February, at 12 o'clock.
S. 74, bill for the relief of the people, authorizing the Banks of the State to subscribe for stock in the National Banks. Made the special order for Thursday, 8th of February, at 12 o'clock.
S. 78, bill concerning the North-Carolina Institution for the Deaf, Dumb and the Blind.

On motion of Mr. Arendell,
The rules were suspended, and the bill passed its second
reading, and pending its third reading, it was made the special order for Monday, February 5th, at 12 o'clock.

S. 79, bill to secure taxes on distillation of spirituous liquors. Postponed until Wednesday, 8th February.

S. 82, bill to amend an act, entitled "An Act for the relief of landlords."

The question being on the amendment offered by the committee on the Judiciary, as follows: Strike out all after the enacting clause, and add the following sections:

"Sec. 6th. That the provisions of said act shall be construed to include tenants from year to year, where three months previous notice has been given to such tenants before the expiration of the year.

Sec. 7th. That the sheriffs and jurors summoned under the provisions of said act, shall be entitled to the same compensation, as is now allowed by law for like services and attendance in the county court, to be taxed in the bill of costs."

Mr. Howard moved to indefinitely postpone the bill, and the question being thereon, was put, and

Decided in the negative, { Yeas, .................. 9,
Nays, .................. 27.

On motion of Mr. Wilson,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Those who voted in the negative are,

Mr. Morehead moved to amend by striking out section 7, of the amendment offered by the committee, and it was adopted.

Mr. Morehead moved to add to section 6th, the following
words, "and also to all other persons who shall enter and possess real estate without color of title," and the motion prevailed.

On motion of Mr. Hall,

The amendment, carrying with it the bill, was laid on the table, there being counted ayes 17, noes 16.

S. 91, bill to prevent the carrying of pistols in this State without license. Referred to the Committee on the Judiciary.

Bills of the titles following being read the third time, passed and were ordered as follows:

H. P. 29, bill to legalize the election of Mayor and Commissioners in the town of Morganton.

Ordered, To be enrolled.

H. P. 36, bill to incorporate "The Portis Gold Mining Company," in the county of Franklin.

Ordered, To be enrolled.

H. P. 33, bill to incorporate the town of "Company Shops," in the county of Alamance.

Ordered, To be enrolled.

H. P. 39, bill to incorporate "Dillwood Cemetery" in the county of Guilford.

Ordered, To be enrolled.

H. P. 22, bill to authorize the Mayor and Commissioners of Fayetteville to issue certificates of indebtedness, and appoint assessors of taxables.

Mr. Howard moved to amend as follows:

1st. Strike out 1st section.

2nd. In 2nd section strike out the words "said town" and insert "town of Fayetteville."

3rd. In 2nd section strike out the words "have heretofore assessed" and insert "asses."

4th. Add the following section: "Be it enacted, That this Act shall be in force from and after its passage."

The amendments were severally adopted.

Mr. Howard moved that the title of the bill be amended so
as to read: "A bill to amend the Charter of the town of Fayetteville," and it was so amended.

Ordered, To be sent to the House of Commons for concurrence.

On motion of Mr. Leach, of Davidson,
The vote by which the Senate postponed the bill (S. 78,) concerning the North Carolina Institution for the Deaf and Dumb and the Blind until Monday next, was re-considered, and the bill passed its third reading.

Ordered, To be engrossed.

On motion of Mr. Leach, of Davidson,
The Senate took a recess until 7 o'clock P. M.

Seven o'clock; P. M.

Mr. Keener, by permission, introduced a bill (S. 101,) to perpetuate the peace of our Country, which was read and filed.

A message was received from the House of Commons, transmitting messages from the Governor, covering report of the Albemarle and Chesapeake Canal Company, and a communication from W. J. Palmer, Principal, &c., asking directions as to the disposition of certain books belonging to the State, with a proposition to print.

On motion of Mr. Howard,
Laid on the table.

On motion of Mr. Bynum,
Resolved, That a Joint Select Committee of two on the part of the Senate, and three on the part of the House of Commons, be appointed to examine the books printed for the State, at the Deaf and Dumb and the Blind Institution, and report what disposition should be made of them.

On motion of Mr. Wilson,
The vote by which the Senate ordered the report of the
Joint Select Committee on Banks and Banking, submitted this morning, to be printed, was re-considered, and referred to the Judiciary Committee.

Bills, &c., of the titles following being read the second time, were disposed of as follows:

H. P. 48, resolution making appropriation for the Lunatic Asylum. Laid on the table.

H. 119, bill to protect the culture of the grape and other fruits. Rejected.

The following bill was read the third time and passed, viz: H. 80, bill to amend Chapter 101, Section 9, of the Revised Code, entitled "Roads, Ferries and Bridges."

Ordered, To be enrolled.

On motion of Mr. McKoy, H. P. 35, bill to incorporate the "Ministers' Relief Society" for the Eastern Baptist Association, was taken from the table and passed its several readings.

Ordered, To be enrolled.

Received a message from the House of Commons, informing the Senate that the House had passed the resolutions concerning the status of the present session of the General Assembly, with the following amendments:

In the first resolution strike out the words "and was so intended."

In the second resolution substitute the words "a session" for the words "one session."

Strike out the last two resolutions, and insert, in lieu thereof, the following:

"Resolved, That so much of the joint resolution of the first session of this General Assembly, ratified on the 7th day of December, 1865, as requires the General Assembly to meet again on the 5th day of February, is hereby rescinded."

In which they ask the concurrence of the Senate.

Mr. Bynum moved to amend the amendments by adding the following resolution:
"Resolved, That all the unfinished business of the last session, which was continued over the recess, be resumed on the 5th day of February as on an adjournment from day to day."

The motion prevailed, and, as amended, the amendments of the House were concurred in, and transmitted to that body for concurrence in the Senate amendment.

Received a message from the House of Commons, informing the Senate that they had passed the following additional resolution to the series defining the status of the present session of the General Assembly, in lieu of the amendments proposed by the Senate:

"Resolved, That the unfinished business of the last session of this General Assembly, which adjourned on the 18th of December, 1865, has been properly resumed at this session of the General Assembly, and that the General Assembly now in session shall be, and it is hereby declared to be, fully competent to the completion of all business that would have devolved on it at the adjourned session intended to commence the 5th day of February inst."

In which the Senate concurred.

On motion of Mr. Arendell,

The Senate adjourned until 11 o'clock, Monday.

MONDAY, February 5, 1866.


The Speaker designated Messrs. Cowles, Cowper and Ferebee as the Committee on Enrolled Bills for the week.

Mr. McKoy was placed on the Committee on Privileges and Elections and on Agriculture, in place of Thomas I. Faison, deceased.

Mr. Ferebee presented a memorial from the President and Directors of the Dismal Swamp Canal Company, praying for a confirmation by the General Assembly of the Act of Vir-
ginia of January 23d, 1810, increasing the tolls of the same, asking that it be transferred to the House of Commons, with a proposition to refer to the Committee on Finance, to report by bill or otherwise.

So ordered.

Mr. Howard, from the Committee on the Judiciary, reported back the bill (S. 86,) to repeal that part of section 2, chapter 68, Revised Code, which relates to bonds on marriage licenses, with the recommendation that the same do pass.

Bills, &c., of the titles following were introduced, passed their first reading, referred, or otherwise disposed of, as follows, to wit:

By Mr. Boner: A bill (S. P. 39,) to prevent the sale of spirituous liquors in the town of Salem, Forsythe county. Referred to the Committee on the Judiciary.

By Mr. Morehead: A bill (S. 102,) to outlaw felons, who flee from justice. Referred to the Committee on the Judiciary.

By Mr. Gash: A bill (S. P. 40,) to incorporate the Transylvania Institute. Referred to the Committee on Education and the Literary Fund.

By Mr. Covington: A bill, (S. 103,) to authorize the Wardens of the Poor to seize and sell the property of paupers who are admitted to the Poor Houses of their respective counties. To the Judiciary.

From the House: Engrossed bill (H. 100,) to amend the 12th section of the 118th chapter of the Revised Code. Filed.

From the House: Engrossed bill (H. 126,) to amend an act, entitled "An act for the better regulation of the town of Greenville, and to increase the powers of the Commissioners of said town." Filed.

From the House: Engrossed bill (H. P. 47,) supplemental of and amendatory of an act to re-organize the corporation governments of the City and Academy of New-Berne, passed at this General Assembly.

On motion of Mr. Whitford,
The rules were suspended, and the bill passed its several readings.

Ordered, To be enrolled.

By Mr. Hall: A bill (S. P. 43,) for the benefit of the Firemen of the town of Wilmington.

On motion of Mr. Hall, the rules were suspended, and the bill passed its several readings.

Ordered, To be engrossed.

A message was received from the House of Commons, transmitting the names of sundry persons recommended for Justices of the Peace for the counties of Harnett, Davidson, Caswell, Stanly, Sampson, Randolph and Yadkin.

Those for Caswell were laid on the table.

Those for Yadkin were indefinitely postponed, and the others were concurred in.

A message was received from the House of Commons, proposing to go forthwith into an election for two Trustees of the University.

On motion of Mr. Leitch of Robeson, the message was laid on the table.

A further message was received, stating that the House had concurred in the amendments to the bill (H. P. 22,) to authorize the Mayor and Commissioners of Fayetteville to issue certificates of indebtedness, and appoint assessors of taxables.

Ordered, To be enrolled.

Mr. Cowles presented additional names for Justices of the Peace for the county of Watauga.

Recommended, and transmitted to the House.

A message was received from the House of Commons, transmitting a message from his Excellency, the Governor, enclosing the resignation of W. W. Lenoir, as Councillor of State, also a message in relation to the Cherokee Indians within the State.
On motion of Mr. Keener,

Ordersd, That a message be sent to the House of Commons, proposing to raise a Joint Select Committee of two on the part of the Senate and three on the part of the House, to whom shall be referred the message of the Governor in relation to the Cherokee Indians.

The Senate concurred in the additional names transmitted from the House, as recommended for Justices of the Peace for Wilson county.

Bills, &c., of the the titles following being read the second time, were referred, or otherwise disposed of, as follows, viz:

S. 3, bill to amend chapter 33d of the Revised Code. Referred to the Committee on the Judiciary.

S. 20, bill to amend an act passed at the session of 1848-'9, to provide for a Turnpike Road from Salisbury, West, (generally known as the Western Turnpike Road.) to the Georgia line, &c. To the Committee on Cherokee Lands and Western Turnpikes.

H. P. 20, Engrossed bill to amend an act passed at the session of 1850-'51, and amended at the sessions of 1854-'55 and 1858-'59, entitled "An act to incorporate the Tuckasegee and Keowee Turnpike Company. To the Committee on Cherokee Lands and Western Turnpikes.

S. 26, bill to repeal section 3d of an ordinance of the Convention to raise revenue. Laid on the table.

S. 27, bill to enable sheriffs to collect arrearages of taxes. Laid on the table.

S. 28, bill to repeal section 3d, chapter 39, of an act passed at the first session of 1860-'61, entitled "An act to diminish costs in Equity sales for partition." Referred to the Judiciary.

S. 43, bill to be entitled "An act to establish a scale of depreciation of Confederate currency." Re-committed to the Committee on the Depreciation of Confederate Currency.

H. 31, engrossed bill to extend the time for registering deeds and other conveyances. Filed for third reading.
S. 47, bill to amend an act entitled "An act to incorporate the Western North-Carolina Railroad Company." Made the special order for Friday, 10th of February, at 12 o'clock.

H. 53, bill to legalize certain proceedings of the Provisional Justices for Randolph county. Passed second reading and filed.

S. 49, resolution in aid of sheriffs in making their tax returns. Laid on the table.

H. 56, engrossed bill to declare valid certain elections and acts since May 20th, 1861. Referred to the Judiciary.

On motion of Mr. Gorrell,
Leave of absence was granted to Mr. Black, until Wednesday next.

On motion of Mr. Ferebee,
The Senate adjourned until to-morrow, at 11 o'clock.

TUESDAY, FEBRUARY 30, 1865.

Prayer by the Rev. N. B. Cobb.

Reports from Standing Committees were submitted and received as follows, to wit:

By Mr. Ferebee, from the committee on Education and Literary Fund:
S. P. 40, bill to incorporate Transylvania Institute, with an amendment, recommending its passage.

By Mr. Morehead, from the Committee on the Judiciary.
S. 102, bill to outlaw felons, who flee from justice, recommending its passage.

S. P. 39, bill to prevent the sale of spirituous liquors in the town of Salem, Forsythe county, with the recommendation that it do pass.

By Mr. Wilson, from the same committee: S. 103, bill to authorize the Wardens of the Poor to seize and sell the property of paupers, who are admitted to the poor houses of their
respective counties, with a substitute therefor, recommending the passage of the substitute.

By Mr. Latham, from the Committee on Corporations:
S. P. 38, bill to extend the limits of the town of Swansboro', Onslow county, and for other purposes, with a recommendation that it do pass.

By Mr. Gash, from the Committee on Cherokee Lands and Western Turnpikes:
S. 20, bill to amend an act passed at the session of 1848-'49, to provide for a turnpike road from Salisbury, west to the lines of the States of Georgia and Tennessee, (generally known as the Western Turnpike Road,) with the recommendation that it do not pass.

H. P. 20, bill to amend an act passed at the session of 1850-'51, and amended at the sessions of 1854-'55 and 1858-'59, entitled "An Act to incorporate the Tuckasegee and Keowee Turnpike Company, with amendments, recommending its passage.

H. 118, bill to amend an act entitled "An Act to incorporate the Macon County Turnpike Company," passed at the session of 1856-'57, with an amendment, with recommendation that it do pass.

Received a message from the House of Commons concurring in the proposition to refer the message of the Governor, relative to the Cherokee Indians to a Joint Select Committee, and that Messrs. Wilson, Crawford and Dickey would constitute the House branch of said committee.

The Speaker designated Messrs. Keener and Gash as the Senate branch thereof.

Received a message from the House, recommending additional names for Justices of the Peace for the counties of Jackson, Yancey, Mitchell and Alamance, in which the Senate concurred.

Messrs. Leach, of Davidson, Bogle and Eure nominated additional names as Justices of the Peace for the counties of
Cumberland, Iredell and Gates, respectively, which were agreed to and transmitted to the House.

Mr. Whitford introduced a bill: S. P. 44, to incorporate the Carolina Joint Stock and Insurance Company. Referred to the Committee on Corporations.

Bills, &c., of the titles following were read the third time, and disposed of as follows, viz:

H. 31, engrossed bill to extend the time for registering deeds and other conveyances. Passed.

Ordered, To be enrolled.

H. 53, engrossed bill to legalize certain proceedings of the Provisional Justices for Randolph county. Referred to the Committee on the Judiciary.

Bills, &c., of the titles following were read the second time, referred, or otherwise disposed of, as follows, to wit:

H. 17, engrossed bill to regulate the terms of the Supreme Court and for other purposes. Referred to the Judiciary.

H. 19, engrossed bill to prevent the discontinuance of causes in certain cases. To the Judiciary.

H. 54, engrossed bill to repeal 10th section, 12th chapter of the Acts of the General Assembly, passed at its second extra session in the year 1861. To the Judiciary.

S. 71, bill in relation to Constables and other officers. Passed.

On motion of Mr. Gash,

The rules were suspended, and the bill passed its third reading.

Ordered, To be engrossed.

S. 86, bill to repeal that part of Section 2, Chapter 68, Revised Code, which relates to bonds on marriage licenses. Rejected.

The hour of 12 o'clock having arrived, the Speaker announced the special order, to wit:

S. 55, bill making provision for the payment of the interest on State Bonds now due.
Mr. Berry moved to strike out in the first section, seventh and eighth lines, the words "two and one half" and insert "three." Adopted.

Mr. Berry moved to strike out in second section, third line, the figures "1868" and insert "1870." Adopted.

Mr. Morehead moved to strike out in the second section, fourth line, the word "six" and insert the words "one fourth of one."

A message was received from the House of Commons, proposing to go forthwith into an election for two Trustees of the University, in which the Senate concurred, and a ballot was had under the superintendence of Messrs. Williams and Gash.

Mr. Williams subsequently reported as follows, viz:

Whole number of votes cast was 134. Necessary to a choice 68. Of which W. A. Jenkins received 68; W. P. Bynum 60; J. H. Hyman 60; J. F. Hoke 52; J. H. Haughton 11: for all others 13. Mr. Jenkins, having received a majority of the whole number, was duly elected.

The report was concurred in.

The question now recurring upon the amendment of Mr. Morehead,

Mr. Wiggins moved that the Senate adjourn until 10 o'clock to-morrow.

Mr. Whitford moved, by way of amendment, that the Senate adjourn until 11 o'clock, and the motion prevailed.

Whereupon the Speaker declared the body adjourned until to-morrow at 11 o'clock.

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WEDNESDAY, February 7, 1866.

Prayer by the Rev. Thompson Bird.

D. M. Carter, Senator elect from the county of Beaufort, being the 12th Senatorial District, in place of E. J. Warren,
resigned, presented his credentials and was qualified according to law.

Reports from Standing Committees were submitted and received, as follows, viz:

By Mr. Latham, from the Committee on Corporations:
S. P. 44, bill to incorporate the Carolina Joint Stock Insurance and Trust Company, with the recommendation that it do pass.

By Mr. Morehead, from the Committee on the Judiciary:
H. 17, engrossed bill to regulate the terms of the Supreme Court and for other purposes, recommending its passage.

By Mr. Howard, from the same: H. 56, engrossed bill to declare valid certain elections and acts, since May 20th, 1861, with the pending amendment, recommending the adoption of the amendment, and that the bill do not pass.

H. 54, engrossed bill to repeal the twelfth section of the tenth chapter of the acts of the General Assembly, passed at its second extra session in the year 1861, recommending its passage.

S. 91, bill to prevent the carrying of Pistols in this State without license, recommending its rejection.

Mr. Morehead introduced the following resolution, viz:

Resolved. That a message be sent to the House of Commons, proposing to raise a Joint Select Committee of two on the part of the Senate, and three on the part of the Commons, to inquire into the expediency of having a part or all the State printing and binding done at the printing office and bindery belonging to the State in the Asylum for the Deaf, Dumb and the Blind.

Adopted.

Mr. McKoy introduced the following preamble and resolution, to wit:

Whereas, The increase of crime in the country demands the utmost vigilance in order for its suppression and prevention, and there being no more certain and effectual way than to
have the guardians of the public peace ever on the alert for its detection and punishment:

Therefore, be it resolved, That the Judiciary committee, be instructed to inquire into the expediency of so amending the law as to require that Grand Jurors shall be drawn, empanelled and charged at one term to serve at the next term of our courts; and that said Grand Jurors shall be bound to take notice of all offences committed; which may come to their knowledge, committee to report by bill or otherwise.

Adopted.

On motion of Mr. Howard,

Resolved, That a message be sent to the House of Commons, proposing to raise a Joint Select Committee of two on the part of the Senate, and three on the part of the House, to take into consideration the propriety of removing the books, papers, &c., belonging to the Adjutant General, Quartermaster General and Commissary Departments of North-Carolina from the office of Secretary of State, to the room in the Capitol lately used by the State Geologist.

Received a message from the House of Commons, proposing to go forthwith into an election for one Counsellor of State in place of W. W. Lenoir, resigned.


The Senate refused to concur.

Additional nominations for Justices of the Peace for the county of Cherokee, transmitted from the House, were agreed to.

Messrs. Wiggins, Snead and Stanford made nominations for additional Justices of the Peace for the counties of Halifax, Johnston and Duplin, respectively, which were agreed to and transmitted to the House.

The House of Commons, by message, concurred in the re-
commendations for Justices of the Peace, for the counties of Cumberland, Gates and Iredell.

Bills, &c., of the titles following being introduced, were referred or filed, as follows, viz:

By Mr. Whitford: A bill (S. 105,) to amend "An Act for the relief of Landlords." Referred to the Committee on the Judiciary.

From the House: Engrossed bill (H. 77,) to restore jury trials in criminal cases to the Courts of Pleas and Quarter Sessions of the State. Filed.

Engrossed bill (H. 108,) to charter "The High Shoals Railroad Company." Filed.

Engrossed resolution (H. R. 141,) defining the duty of the Governor with regard to the distribution of an act passed by this General Assembly, &c. Filed.

The consideration of the bill (S. 55,) making provision for the payment of interest on State bonds now due, was resumed as the unfinished business.

The question being on the amendment of Mr. Morehead, to strike out, in section first, line fourth, the word "six," and insert the words "one fourth of one," which was put and decided in the affirmative.

Mr. Berry moved to strike out in the second section, eleventh and twelfth lines, the words "seven hundred and fifty," and insert the words "eight hundred," and in the twelfth line, strike out the word "five," and insert the word "six," and in the thirteenth line, strike out the word "three," and insert the word "five," and they were severally adopted.

Mr. Jones, of Wake, moved to amend the fourth section by adding the following proviso:

"Provided, That past due bonds of the State which remain unpaid, shall bear the same rate of interest from the time when they are due, payable at the same time and place as the original bonds, until said bonds shall be paid, and the said interest shall be paid by Treasury notes as above provided."
Adopted.

Mr. Wiggins moved to strike out, in the fifth section, all after the words "respective counties," in the fourth line.

Adopted.

Mr. Berry moved to amend by inserting in the sixth section, third line, after the word "time," the words "after the first day of January, A. D., 1870."

Adopted.

Mr. Berry moved to amend by striking out in the seventh section, eleventh line, the words "two and one-half," and insert the word "three."

Adopted.

The Speaker announced the hour for the special order, to wit: The bill (H. 64,) to prohibit, for a limited time, the distillation of spirituous liquors from grain.

The question being upon the amendment of the Judiciary committee to strike out in the first section the words "fifteenth day of February," and insert the words "first day of March."

And the question thereon was put, and

Decided in the negative, { Yea, .................. 20.
{ Nays, .................. 22.

On motion of Mr. Bogle,

The yeas and nays being ordered,

Those who voted in the affirmative are:


Those who voted in the negative are:


Mr. Williams moved to strike out the words "first of March" and insert the words "tenth of March," and the amend-
ment prevailed, and, as amended, the first amendment of the Committee was adopted.

Mr. Latham moved to strike out in the first section, sixth line; the word “or,” and insert after the word “peas” in same line and section the words “or potatoes,” and the amendment prevailed.

Mr. Jones, of Wake, moved to insert after the word “them” in the seventh line, the following: “and no person, in the year 1866, shall be allowed to plant and cultivate more than four acres of cotton or two acres of tobacco to the hand; male hands between the ages of sixteen and fifty years to be counted as one hand; males between the ages of twelve and sixteen and above the age of fifty years to be counted as half hands; and females above the age of fourteen and under sixty, to be counted as half hands.”

The question being thereon,

On motion of Mr. Howard,

The further consideration of the bill was postponed until 11 o’clock to-morrow.

A message was received from the House of Commons, during the discussion of the foregoing bill, proposing to go forthwith into an election for one Trustee of the University, in which the Senate concurred, and a ballot was had under the superintendence of Messrs. Winstead and Berry.

Mr. Winstead subsequently reported the result of the ballot as follows, viz:

Whole number of votes cast was 135. Necessary to a choice 68. Of which Mr. Bynum received 63; Mr. Hyman 42; Mr. Jones 1. No one having received a majority of the whole number of votes cast, there was no election.

Concorded in.

Mr. Howard moved that the vote by which the Senate rejected a bill (86,) to repeal that part of Section 2, Chapter 68, Revised Code, which relates to bonds on marriage licenses, be re-considered, and the vote was re-considered, and the bill placed on the calendar.
Mr. Wiggins introduced the following resolution, to wit:

Resolved, That the Senate meet daily after the 8th instant, during the remainder of this session, at 10 o'clock, A. M., unless otherwise changed.

The resolution lies over.

On motion of Mr. Whitford.

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

THURSDAY, FEBRUARY 8, 1866.

Prayer by the Rev. R. S. Mason, D. D.

The Speaker designated Mr. Latham as a member of the Senate branch of the Committee of Conference on the bill (S. 14,) to repeal an Act entitled "An Act to establish the office of Auditor of Public Accounts," and for other purposes.

Reports from standing Committees were submitted and filed as follows, viz:

By Mr. Wiggins, from the Committee on Finance: S. 109 bill to abolish the office of Superintendent of Public Schools, Treasurer of the Literary Fund, and for other purposes, recommended by the Committee in obedience to the Senate resolution instructing them to inquire into the expediency of transferring the fund, known as the Literary or School Fund, to the State Treasurer.

The Committee asked to be discharged from the further consideration of that part of the resolution having reference to the Sinking Fund.

Discharged accordingly.

By Mr. Howard, from the Judiciary Committee: H. R. 121, engrossed resolutions authorizing certain proceedings against the Cape Fear Navigation Company, recommending the passage of a substitute accompanying the report.

By Mr. Morehead, from the same Committee: H. 53, engrossed bill entitled an Act to legalize certain proceedings of
the Provisional Justices for Randolph county, recommending the adoption of a substitute reported.

On motion of Mr. Howard,

The Committee on the Judiciary was enlarged to nine members.

The Speaker designated Messrs. Carter and McKoy as the additional members thereof.

The House of Commons concurred, by message, in the propositions of the Senate to raise Joint Select Committees, to inquire into the expediency of having the State printing done at the Asylum of the Deaf and Dumb and the Blind, and to take into consideration the propriety of transferring certain books, papers, &c., from the office of the Secretary of State to the room lately occupied by the State Geologist.

Messrs. Allison, Arrington and McEachern compose the House branch of the Committee in relation to printing; and Messrs. Waugh, Keenan and Smith, of Cumberland, as the House branch of the Committee in reference to removing certain papers, books, &c., to the room lately occupied by the State Geologist.

The Speaker appointed Messrs. Morehead and Harris, of Rutherford, and Messrs. Cowles and Pitchford, as the Senate branches, respectively, of the above Committees.

The House of Commons passed the following resolution, in which they asked the concurrence of the Senate, viz:

Resolved, That a Joint Select Committee of two on the part of the Senate, and three on the part of the House, be raised, to take into consideration the communication of Rev. Dr. Curtis, sent to this House by his Excellency, the Governor, in relation to a catalogue of plants of North Carolina, &c., and report such measures as may be deemed necessary and proper.

The Senate concurred, and the Speaker designated Messrs. Ferebee and Carter as the Senate branch of the Committee.

The House subsequently transmitted the names of Messrs. Cowan, Hyman and Webb as the House branch thereof.
Messrs. Boyd, McLean, Morgan and Williams presented additional names for Justices of the Peace for the counties of Moore, Cumberland, Pasquotank and Nash, respectively, which were recommended and transmitted to the House.

Bills, &c., of the titles following were introduced, passed their first reading, referred, or otherwise disposed of, as follows, to wit:

By Mr. Black: A resolution (S. R. 110,) instructing the Public Treasurer to pay over to the Trustee of the county of Randolph two hundred and sixty dollars. Referred to the Committee on Propositions and Grievances.

From the House: A bill (H. 131,) to give further security to a widow for her year's provision. To the Judiciary.

By Mr. Wilson: A bill (S. P. 47,) to incorporate the Rock Island Manufacturing Company in the county of Mecklenburg. To Corporations.


A bill (H. 132,) to incorporate the Trustees of the General Assembly of the Presbyterian Church in the United States. To Corporations.

A resolution (H. R. 158,) for the relief of the University of North Carolina. Filed.

A resolution (H. P. 43,) in favor of A. W. Fraps. Filed.

A bill (H. P. 48,) to incorporate "Richland Female Academy," in the county of Ouslow. To Corporations.

The Senate resumed the consideration of the unfinished business, to wit:

H. 65, bill to prohibit for a limited time the distillation of spirituous liquors from grain.

The question being upon the amendment offered on yesterday by Mr. Jones, of Wake, was put and

Decided in the negative, {Yeas, .................. 11,  
{Nays, .................. 30.
On motion of Mr. Cowles,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Arendell, Bogle, Cowles, Harris, of Rutherford, Jones, of Wake, Leach, of Davidson, McCleese, Morgan, Pitchford, Tayloe and Winstead.

Those who voted in the negative are:


The amendment of the Committee on the Judiciary to strike out all after the word "fined," in the ninth line, first section, and insert the words, "or imprisoned, or both, at the discretion of the Court," was adopted.

Mr. Leach of Davidson, moved to strike out the words "or part of a day," in the third line, second section, and it was adopted.

Mr. Jones of Wake, moved to amend, by inserting after the word "same," in the fourth line, fifth section, this proviso, to wit: "Provided, That grain brought into the State, to be ground for the purpose of distillation, may be transported out of the State," and the motion prevailed.

Mr. Wiggins moved to strike out the fifth section, and the question being thereon, was put, and

Decided in the negative,  
\[
\begin{align*}
\text{Yeas} & : 22 \\
\text{Nays} & : 23 
\end{align*}
\]

On motion of Mr. Wiggins,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Arendell, Bullock, Carter, Coward, Cowper, Ferebee, Gash, Gorrell, Harris, of Franklin, Harris, of Rutherford, Isbell, Jones, of Columbus, Jones, of Wake, McCleese, Morgan,

Those who voted in the negative are:


Mr. Pitchford moved to insert the following as an additional section, viz:

"Be it further enacted, That any person hauling cotton out of the State, for the purpose of manufacture into any article, composed entirely or in part of cotton, shall be deemed guilty of a violation of this act, and, upon conviction, shall be liable to all the penalties recited herein."

And the question being thereon, was put, and

Decided in the negative,

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<th>Yeas</th>
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On motion of Mr. Arendell.

The yeas and nays being ordered.

Those who voted in the affirmative are:

Messrs. Arendell, Bogle, Carter, Cowles, Cowper, Ferebee, Gorrell, Harris, of Rutherford, Isbell, Jones, of Columbus, Leach, of Davidson, McCleese, Morgan, Shober, Tayloe, Whitford and Winstead.

Those who voted in the negative are:


Mr. Bogle moved to add the following as an additional section, to wit:

"Be it further enacted, That the counties of Surry, Yadkin, Iredell, Lincoln, Gaston, and all counties west of them, be exempt from the operation of this act."
It was not adopted.

Mr. Harris, of Rutherford, moved to insert the following, to come in after the fifth section, as an additional section, viz:

"Be it further enacted, That any person hauling or shipping any bacon, pork or beef beyond the limits of the State, shall be subject to all the penalties of this act."

And the question being thereon, was put, and decided in the negative, 11. Yeas, 31. Nays.

On motion of Mr. Harris, of Rutherford,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Arendell, Bogle, Carter, Cowles, Harris, of Rutherford, Isbell, McCleese, Morgan, Shober, Whitford and Winstead.

Those who voted in the negative are,


Mr. Williams moved to amend, by striking out the "first of March," in the amendment offered by the Judiciary Committee, proposing to strike out the words "fifteenth of February," in the second line, fifth section, and insert the words "tenth of March," and it was adopted.

On motion of Mr. Bynum,

The following proviso was added to the sixth section, viz:

"Provided, That any indictment pending at the expiration of the act, shall be prosecuted to judgment, notwithstanding the expiration of this act."

On further motion of Mr. Bynum,

The following section was inserted to the bill, to come in after the fifth section, to wit:
"Be it further enacted, That a charge in the bill of indictment that the defendant distilled spirituous liquors out of grain, shall be held to include all the articles prohibited to be distilled by this act, and proof that the defendant distilled any of said articles or a mixture thereof, shall be sufficient to convict."

The question now recurring upon the passage of the bill, as amended, was put, and

Decided in the negative, Yeas, 21, Nays, 25.

On motion of Mr. Cowles,

The yeas and nays were ordered.

Those who voted in the affirmative are:

Messrs. Aycock, Berry, Black, Blount, Boner, Bullock, Bynum, Covington, Garner, Hall, Harris, of Franklin, Keener, Latham, Leitch, of Robeson, McEachern, McKoy, McLean, Morehead, Stanford, Williams and Wilson.

Those who voted in the negative are:

Messrs. Arendell, Bogle, Boyd, Carter, Coward, Cowles, Cowper, Eure, Ferebee, Gash, Gorrell, Harris, of Rutherford, Isbell, Jones, of Columbus, Jones, of Wake, Leach, of Davidson, McCleese, Morgan, Pitchford, Shober, Snead, Tayloe, Whitford, Wiggins and Winstead.

Mr. Howard asked to be excused from voting. He believed the bill wrong in principle, and he had not been convinced by its friends that there existed any overruling necessity for its passage.

The request was granted.

Received a message from the House of Commons, concurring in the proposition of the Senate to raise a Joint Select Committee, to report what shall be done with certain books belonging to the State, in the hands of W. J. Palmer, Principal, &c., and that Messrs. Newsom, Kenan, Bonner and Faircloth, of Greene, constituted the House branch of said committee.
The Speaker designated Messrs. Bynum and Williams as the Senate branch thereof.

The Senate concurred in recommendations for Justices of the Peace for the counties of Iredell, Rockingham, Greene and Burke, transmitted from the House.

On motion of Mr. Ferebee,
Leave of absence was granted to Mr. Hall until Tuesday next.

On motion of Mr. Winstead,
A similar indulgence was granted to Mr. Aycock.

On motion of Mr. Blount,
Leave of absence, until Wednesday next, was given to Mr. Coward.

The resolution of Mr. Wiggins, introduced yesterday, designating 10 o'clock as the hour for the meeting of the Senate during the remainder of this session, unless otherwise ordered, came up for consideration.

Mr. Gash moved to amend by adding the following resolution, viz:

"Resolved further, That evening sessions be held on and after Monday next, meeting at 7 o'clock, P. M.

And the question being thereon,

Mr. Morehead moved that the Senate adjourn until to-morrow at 11 o'clock.

Mr. Howard moved, by way of amendment, that the Senate adjourn until 10 o'clock.

And the question being thereon, was put and

Decided in the affirmative, \( \text{Yea}_s \)\ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 26
\( \text{Nay}_s \)\ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 15

On motion of Mr. Latham,
The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Aycock, Berry, Black, Blount, Boner, Bullock, Bynum, Covington, Cowper, Eure, Garner, Gash, Gorrell, Harris, of Franklin, Harris, of Rutherford, Howard, Latham, McKoy,
McLear, Morgan, Pitchford, Snead, Stanford, Wiggins, Williams and Winetead.

Those who voted in the negative are:

Messrs. Arendell, Boyd, Carter, Cowles, Ferebee, Jones, of Columbus, Keener, Leach, of Davidson, Leitch, of Robeson, McEachern, Morehead, Shober, Tayloe, Whitford, and Wilson.

The question recurring upon the motion as amended,

Mr. Whitford moved to amend by striking out "10 o'clock" and inserting "9 o'clock," and the question being thereon, was put and

Decided in the affirmative, \[ \text{Yeas,} \quad 24, \]
\[ \text{Nays,} \quad 16. \]

On motion of Mr. Whitford,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Arendell, Black, Boner, Boyd, Bynum, Eure, Garner, Gorrell, Harris, of Franklin, Harris, of Rutherford, Howard, Jones, of Columbus, Jones, of Wake, Latham, Leach, of Davidson, Leitch, of Robeson, McEachern, McKoy, Morehead, Whitford, Wiggins, Williams, Wilson and Winetead.

Those who voted in the negative are:


The question being upon the amendment as amended,

Mr. Arendell moved to strike out "nine o'clock," and insert "eight o'clock," and the motion did not prevail.

Mr. Gash moved to amend by striking out "nine o'clock," and inserting "seven o'clock, P. M." and it was not adopted.

Mr. Carter moved to strike "nine o'clock," and insert "eleven o'clock," and the amendment prevailed.

Mr. Howard moved to strike out "eleven o'clock" and insert "ten o'clock," and it was not adopted.

Mr. Howard then moved to strike out "eleven o'clock" and insert "nine o'clock."
Mr. Leach, of Davidson, moved to adjourn until 6½ o'clock and Mr. Cowles moved to adjourn until 10½ o'clock.

The Speaker here remarked that he had entertained the various propositions to amend the motion to adjourn, in obedience to a custom that had grown up in the General Assemblies of this State, which he was satisfied was entirely a variance with parliamentary law, and he would now rule an so hold in the future, unless otherwise ordered by the Senate, that motions to adjourn are not subject to amendment.

Mr. Morehead moved to adjourn until 11 o'clock to-morrow, and the question being thereon, was put, and

Decided in the affirmative, 20; Nays, 17.

On motion of Mr. Howard, The yeas and nays being ordered.
Those who voted in the affirmative are:
Messrs. Arendell, Boyd, Carter, Cowles, Cowper, Eure, Ferree, Gorrell, Harris, of Rutherford, Jones, of Columbus, Jones, of Wake, Leach, of Davidson, Leitch, of Robeson, McEachern, McLean, Morehead, Morgan, Shoher, Whitford and Williams.
Those who voted in the negative are:

The Speaker declared the Senate adjourned until to-morrow at 11 o'clock.

FRIDAY, February 9, 1866.

Prayer by the Rev. A. Smedes, D. D.

Mr. Gash presented a memorial from citizens of Buncombe county, praying for legislation to meet the necessary expenses of the State, by issuing bonds or otherwise, in order to make it unnecessary to levy a burdensome tax, and that pro-
cess for the collection of debts be so far postponed as to put it in the power of honest debtors to meet their liabilities in a reasonable time, and avoid the necessity of a general bankrupt law, which was, on his motion, referred to the Committee on Finance.

Reports from Standing and Select Committees were submitted and filed as follows, to wit:

By Mr. Wiggins, from the Committee on Finance: A communication from the Governor, in regard to property claimed by the State, asking to be discharged from its further consideration, and its reference to the Committee on the Judiciary.

So ordered.

By Mr. Howard, from the Judiciary Committee: S. 3, bill to amend Chapter thirty-third of the Revised Code, with the recommendation that it do pass.

A resolution, instructing the Committee on the Judiciary to inquire into the expediency of amending the law as to Grand Jurors, asking to be discharged from its further consideration.

Discharged accordingly.

H. 131, engrossed bill to give further security to a widow for her year's provision, with the recommendation that it be rejected.

By Mr. Bogle, from the same Committee: H. P. 32, engrossed bill to prevent obstructions to the passage of fish up the waters of Catawba river in the county of McDowell, with the recommendation that it do not pass.

By Mr. Keener, from the Joint Select Committee on Cherokee Indians; S. 115, bill to authorize certain Cherokee Indians to remain permanently in North Carolina, and

S. R. 116, resolution concerning Cherokee Indians, which the Committee had introduced upon information furnished by his Excellency the Governor, in relation to the Cherokee Indians, recommending their passage.

Bills, &c., of the titles following being introduced, passed
their first reading, and were referred or otherwise disposed of as follows, to wit:

By Mr. Carter: A bill (S. P. 48,) to be entitled "An act for the relief of Wm. B. Campbell, Sheriff of Beaufort county." To the Judiciary.

By Mr. Bynum: A bill (S. 117,) to establish the rate of interest, and repeal Chapter 114 of the Revised Code. To the Judiciary.

From the House: Engrossed bill (H. 119,) further suspending the operation of the statute of limitation. To the Judiciary.

By Mr. Ferebee: A bill (S. 118,) confirming certain resolutions in favor of the "Old Dominion Company." To the Judiciary.

From the House: Engrossed resolution (H. R. 136,) in favor of Jacob Siler. Filed.

The resolution of Mr. Wiggins, in regard to the hour for the daily meeting of the Senate, came up for consideration as the unfinished business.

The question being upon the amendment of Mr. Gash, it was withdrawn.

The question recurring upon the adoption of the resolution, it was decided in the affirmative.

The Senate concurred in recommendations for Justices of the Peace for the counties of Harnett and Alexander, transmitted from the House.

On motion of Mr. Donaho,

The recommendation of an additional name as a Justice of the Peace for Caswell county was taken from the table and concurred in, and other names were transmitted to the House as Justices for this county, for their concurrence.

On motion of Mr. Howard,

The consideration of the bill (S. 55,) making provisions for the payment of interest on State Bonds now due, was resumed.
The question being on the passage of the bill its second reading, was put and

Decided in the negative,

\[
\begin{align*}
\text{Yeas} & : 9, \\
\text{Nays} & : 32.
\end{align*}
\]

On motion of Mr. Howard,

The yeas and nays were ordered.

Those who voted in the affirmative are:

Messrs. Berry, Bogle, Bullock, Donaho, Jones, of Wake, McEachern, McLean, Morehead and Wiggins.

Those who voted in the negative are:

Messrs. Arendell, Black, Blount, Boner, Boyd, Bynum, Carter, Cowles, Cowper, Eure, Ferebee, Garner, Gash, Gorrell, Harris, of Franklin, Harris, of Rutherford, Howard, Jones, of Columbus, Keener, Latham, Leitch, of Robeson, McCleese, McKoy, Morgan, Pitchford, Sneed, Stanford, Tayloe, Whitford, Williams, Wilson and Winstead.

The Speaker laid before the Senate a communication from the Public Comptroller in reference to the salary attached to his office.

On motion of Mr. Ferebee,

Ordered, That it be transmitted to the House of Commons, with the proposition to refer it to the Joint Committee of Conference in relation to that subject.

The Speaker announced the hour for the special order, to wit:

A bill (S. 47,) to amend an act entitled "An act to incorporate the Western North Carolina Railroad Company."

Mr. Jones, of Columbus, moved to amend the first section by adding the following proviso: "Provided, That this act shall extend only to the payment of one instalment of twenty thousand dollars, and shall be appropriated to the repair of the road."

The amendment was adopted.

The question recurring upon the passage of the bill, as amended, was put, and
Decided in the negative,  

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On motion of Mr. Cowper.
The yeas and nays being ordered,
Those who voted in the affirmative are:

Messrs. Bogle, Boyd, Bynum, Covington, Gash, Harris, of Rutherford, Jones, of Columbus, Jones, of Wake, Keener, Leitch, of Robeson, McKoy, Shober, Stanford, Tayloe, Whitford and Wilson.

Those who voted in the negative are:

Messrs. Berry, Black, Blount, Bunker, Bullock, Cowles, Cowper, Donaho, Eare, Eerebee, Garner, Harris, of Franklin, Latham, McCleese, McKachern, McLean, Morehead, Morgan, Pitchford, Sneed, Wiggins, Williams and Winstead.

Mr. Cowles stated that he had voted in the negative in order to move a reconsideration of the vote just taken, on tomorrow, as he thought, with additional information, the Senate would reverse its decision.

S. 20, bill to amend an act passed at the session of 1848-'49, to provide for a Turnpike Road from Salisbury west, (generally known as the Western Turnpike Road,) to the lines of the States of Georgia and Tennessee, being read the second time was

On motion of Mr. Gash,
Laid on the table.

Received a message from the House of Commons, proposing to raise a Joint Select Committee, to examine into the condition of the public business and report when this General Assembly can probably adjourn without detriment to the same.

On motion of Mr. Arendell,
It was laid on the table.

On motions of Messrs. Leitch of Robeson, and Morehead,
Leaves of absence were granted to Messrs. McEachern and Wilson until Wednesday next.

On motions of Messrs. Eure and Harris, of Rutherford, leaves of absence were granted to Messrs. Williams and Bullock until Tuesday next.

On motion of Mr. Jones, of Wake, The Senate adjourned.

SATURDAY, February 10, 1865.

Prayer by the Rev. Henry Hardie.

On motions of Messrs. Pitchford and Wiggins, leaves of absence were granted to Messrs. Blount and Garner respectively until Tuesday next.

Reports from standing and select committees were submitted and filed as follows, to wit:

By Mr. Bynum, from the Committee on the Judiciary: S. 117, bill to establish the rate of interest, and repeal chapter 114, of the Revised Code, with the recommendation that it do pass.

By Mr. Howard, from the same committee: S. P. 48, bill to be entitled "An act for the relief of Wm. B. Campbell, sheriff of Beaufort county, with the recommendation that it do pass.

By Mr. Latham, from the Committee of Conference: S. 14, bill to repeal an act, entitled "An act to establish the office of Auditor of Public Accounts," and for other purposes, recommending that the Senate concur in the amendment of the House of Commons.

By Mr. Harris, of Rutherford, from the Committee on the Depreciation of Confederate Currency: S. 43, bill to be entitled "An act to establish a scale of Depreciation of Confederate Currency," recommending its passage.

With the report was a minority report, with a different scale, which was,
On motion of Mr. Gorrell, 

Ordered, To be printed.

A message was received from the House of Commons, transmitting additional names as Justices of the Peace for the counties of Beaufort, Rowan and Randolph, which were concurred in.

Messrs. Covington, Cowper and Stanford made additional nominations for Justices of the Peace for the counties of Anson, Hertford, and Duplin, respectively, which were recommended and transmitted to the House of Commons.

Bills, &c., of the titles following being then introduced, were read the first time, referred, or otherwise ordered, as follows, viz:

By Mr. Wilson: A bill (S. P. 50,) to incorporate the Planters' Loan Association. To Corporations.

By Mr. Eure: A bill (S. 120,) to regulate the issuing of executions in the courts, and by Justices of the Peace. To Stay Law.

By Mr. Harris, of Rutherford: A bill (S. 121,) to authorize the arbitration of disputes by consent of parties.

Ordered, To be printed and referred to the Committee on the Judiciary.

By Mr. Pitchford: A bill (S. 122,) concerning private acts of incorporation. Filed.

By Mr. Shober: A bill (S. 123,) concerning indictments in the Courts of Oyer and Terminer. To the Judiciary.

Received a message from the House of Commons, proposing to go forthwith into an election for one Councillor of State, in which the Senate concurred, and under the superintendance of Messrs. Gorrell and Cowper, proceeded to vote as follows, viz:

The following named Senators voted for Mr. Jas. T. Morehead, Jr., viz:

The following named Senators voted for Mr. J. J. Davis, viz:
Messrs. Eure, Harris, of Franklin, Howard, Jones, of Wake, Tayloe and Wiggins—6.
The following Senators voted for Mr. R. A. Simonton, viz:
The following Senators voted for Hon. Giles Mebane, viz:
The following Senators voted for Hon. G. W. Logan, viz:
Messrs. Carter, Gash and Harris, of Rutherford—3.
The following Senators voted for Hon. R. P. Dick, viz:
The following Senators voted for Mr. Tyre Glenn, viz:
Mr. Leitch, of Robeson, voted for N. A. McLean.
Mr. Gorrell subsequently, from the committee to superintend the election for Councillor of State, reported as follows:
Whole number of votes cast 121. Necessary to a choice 61. Of which Mr. Simonton received 61; Mr. Morehead 17; Mr. Logan 14; Mr. Davis 12; Mr. Mebane 7; Mr. Glenn 4; Mr. McLean 4; and Mr. Dick 2. Mr. Simonton, having received a majority of the whole number cast, was duly elected.
The report was concurred in.
Bills, &c., of the titles following then being read the second time, were referred, passed, or otherwise disposed of, as follows, to wit:
H. P. R., engrossed resolution in favor of M. A. Curtis.
To Select Committee on the subject.
H. P. 21, Engrossed bill to incorporate Enoe Lodge of Free and Accepted Masons.
The rules were suspended and the bill passed its third reading.
Ordered, to be enrolled.
H. P. 23, engrossed bill to incorporate Catawba Valley Lodge, N. 217, Free and Accepted Masons.

The rules were suspended and the bill passed its third reading.

Ordered, To be enrolled.

H. P. 14, engrossed bill for the relief of the citizens of Alexander county, who may be injured by the destruction of its Public Records.

On motion of Mr. Bynum,
Indefinitely postponed.

H. P. 13, engrossed bill to amend an act to incorporate the town of High Point, in Guilford county, passed by the General Assembly at its session, February 1859.

On motion of Mr. Howard,
The rules were suspended and the bill passed its third reading.

Ordered, To be enrolled.

H. P. 20, engrossed bill to amend an act passed at the session of 1850-51, and amended at the sessions of 1854-55 and 1858-59, entitled "An act to incorporate the Tuckaseggee and Keowee Turnpike Company."

The amendments of the committee were adopted.

On motion of Mr. Keener,
The rules were suspended and the bill passed its third reading.

Ordered, To be transmitted to the House for concurrence.
S. P. 24; bill to incorporate the Mining, Manufacturing and Improvement Company. To the Judiciary.
S. P. 25, bill to incorporate the American Industrial Agency. To the Judiciary.

H. P. 32, engrossed bill to prevent the obstructions of the passage of fish up the waters of the Catawba river, in the county of McDowell.

On motion of Mr. Cash,
Indefinitely postponed.
S. P. 38, bill to extend the limits of the town of Swansboro', Onslow county, and for other purposes.

On motion of Mr. Howard,
Referred to the Judiciary.

S. P. 39, bill to prevent the sale of spirituous liquors in the town of Salem, Forsythe county.

On motion of Mr. Boner,
The rules were suspended and the bill passed its third reading.

Ordered, To be engrossed.

S. P. 40, bill to incorporate Transylvania Institute.
The question being on the amendment offered by the Committee on Education and Literary Fund, striking out the fourth section,

Mr. Gash accepted the amendment, and the bill, as amended, passed.

On motion of Mr. Gash,
The rules were suspended, and it passed its third reading.

Ordered, To be engrossed.

H. 126, bill to amend an act, entitled "An act for the better regulation of the town of Greenville, and to increase the powers of the Commissioners of said town."

On motion of Mr. Carter,
Referred to the Judiciary.

S. P. 44, bill to incorporate the Carolina Joint Stock Insurance and Trust Company.

On motion of Mr. Carter,
The rules were suspended, and the bill read the third time.

On motion of Mr. Carter,
Referred to the Judiciary.

H. P. R. 43, engrossed resolution in favor of A. W. Fraps.

On motion of Mr. Ferebee,
Referred to Committee on Claims.

H. R. 136, engrossed resolution in favor of Jacob Siler.

On motion of Mr. Gash
The rules were suspended, and the resolution was read the third time.

On motion of Mr. Ferebee,

Referred to the Committee on Claims, with instructions to report the sums received by the said Siler, in both Confederate and North-Carolina treasury notes—designating the sum of each separately, and the time when received,

On motion of Mr. McKoy,

The rules were suspended, and the engrossed resolution (H. R. 158,) for the relief of the University, placed on its several readings, passed second reading, and the question being on the passage of the resolution the third reading, was put, and

Decided in the affirmative, \begin{align*}
\text{Yeas,} & \quad \ldots \ldots \ldots \ldots \ldots \quad 24, \\
\text{Nays,} & \quad \ldots \ldots \ldots \ldots \ldots \quad 10.
\end{align*}

On motion of Mr. Morehead,

The yeas and nays being ordered,

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Cowles, Gorrell, Harris, of Franklin, Harris, of Rutherford, Keener, Latham, Morehead, Pitchford, Stanford and Winstead.

Ordered, To be enrolled.

On motion of Mr. Bynum,

The rules were suspended, and the engrossed resolutions (H. R. 141,) defining the duty of the Governor with regard to the distribution of an act passed at the General Assembly, entitled "An act for the more complete re-organization of the State Government," passed its several readings.

Ordered, To be enrolled.

On motion of Mr. Howard,
The vote by which the Senate, on yesterday, rejected the bill (S. 55,) making provision for the payment of interest on State bonds now due, was re-considered.

On motion of Mr. Pitchford,
The bill was laid on the table.

On motion of Mr. Cowles,
The vote by which the Senate rejected the bill (S. 147,) to amend an act, entitled "An act to incorporate the Western North-Carolina Railroad Company," was reconsidered, and the bill filed on the Calendar.

A message was received from the House of Commons, proposing to go forthwith into an election for one Trustee of the University.

On motion of Mr. Arendell,
It was laid on the table.

On motion of Mr. Harris, of Rutherford,
The Senate adjourned.

MONDAY, February 12, 1866.

Prayer by J. M. Atkinson.
The Speaker designated Messrs. Boner, Gash, and Wilson as the Committee on Enrolled Bills during the week.

Reports from standing and select committees were submitted and filed, as follows, to wit:

By Mr. Howard, from the Committee on the Judiciary: S. 118, bill concerning certain resolutions in favor of the "Old Dominion Trading Company," recommending its passage.

H. 143, engrossed bill, further suspending the operation of the Statute of Limitations, with an amendment, with the recommendation that it do pass.

By Mr. Bynum, from the Committee on Finance: S. R. 124, resolutions declaring what debts are valid and not valid, un-
der the ordinance of the Convention, with a special report from the committee, recommending their passage.

Ordered, To be printed.

By Mr. Winstead, from the Joint Select Committee on the Governor's Mansion: S. R. 125, resolutions making appropriation for the Governor's Mansion, reported in obedience to a resolution adopted by this General Assembly, to inquire into the necessity of refitting the residence provided for the Governor of North-Carolina, recommending their passage.

A message was received from the House of Commons, returning (S. R. 89,) resolution to furnish Revised Code to Clerks of the several Courts not already supplied, proposing a substitute therefor. The Senate refused to concur.

On motion of Mr. Ferebee,

A Committee of Conference was proposed, to reconcile the difference between the two Houses: Messrs. Ferebee and Gash were announced as the Senate branch of the committee, should the House concur.

The Senate concurred in the additional recommendations for Justices of the Peace for Edgecombe and Brunswick counties, transmitted from the House.

A message was received from the House of Commons, proposing to go forthwith into an election for one Trustee of the University,

On motion of Mr. Arendell,

Laid on the table.

Mr. Gash introduced the following resolution, viz:

Resolved. That the Committee on the Judiciary be instructed to inquire into the propriety of changing the rules of Evidence in the Pleadings in this State, by allowing both Plaintiff and Defendant to testify in their own suits, and report by bill or otherwise.

Adopted.

S. 14, bill to repeal an act, entitled "An act to establish the office of Auditor General of Public Accounts," and for other
purposes, being read, the amendment of the House of Com-
mons was concurred in.

On motion of Mr. Howard,
H. 54, engrossed bill to repeal the twelfth section of the
tenth chapter of the act of the General Assembly, passed at
its second extra session in the year 1861, was called up, being
on its second reading.

Mr. Morehead moved to indefinitely postpone the bill, and
the question being thereon, was put and

Decided in the affirmative, } Yeas. .................... 21
\ Nays, ...................... 15

On motion of Mr. Howard,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Arendell, Black, Boner, Boyd, Bynum, Covington,
Cowper, Garner, Gash, Gorrell, Harris, of Franklin, Harris, of
Rutherford, Isbell, Jones, of Columbus, Latham, McCleese,
McLean, Morehead, Morgan, Tayloe and Wiggins.
Those who voted in the negative are:
Messrs. Carter, Cowles, Donaho, Eure, Ferebee, Howard,
Jones, of Wake, Keener, Leitch, of Robeson, McKoy, Pitch-
ford, Shober, Stanford, Wilson and Winstead.

Mr. Cowles, from the Committee on Claims, (by permission.)
submitted a report, viz:

H. P. R. 43, engrossed resolution in favor of A. W. Fraps,
recommending its passage.

H. R. 136, engrossed resolution in favor of Jacob Siler, re-
porting back the same, with the desired information, asking
to be discharged from its further consideration.

Mr. McCleese presented additional recommendations for
Justices of the Peace for Hyde county, which were agreed to
and transmitted to the House of Commons.

On motion of Mr. Covington,
The Senate adjourned.
TUESDAY, FEBRUARY 13, 1863.

Prayer by the Rev. N. B. Cobb.

A message was received from the House of Commons, concurring in the Senate amendments to the bill (H. P. 20,) to amend an act passed at the session of 1850-'51, and amended at the sessions of 1854-'55 and 1858-'59, entitled "An act to incorporate the Tuckaseegee and Keowee Turnpike Company."

Ordered. To be enrolled.


Messrs. Holmes and Yellowley constitute the House branch of the Committee of Conference on the resolutions (S. R. 89,) to furnish Revised Code to Clerks of the several Courts not already supplied.

A message was received from the House of Commons covering two messages from his Excellency, the Governor, the one in relation to artificial limbs, the other in reference to a place of deposit for the State funds.

The Senate concurred in the proposition to refer the latter to the Committee on Finance.

The Senate concurred in recommendations for Justices of the Peace for the counties of Macon, Surry and Johnson.

A memorial from Justices of the Peace for Randolph county, in reference to the Revenue Law, was referred to the Committee on Finance, as was proposed by the House of Commons.

Bills, &c., of the titles following being read the first time, passed their first reading, and were filed, viz:

From the House: Engrossed resolutions (H. R. 138,) accepting a donation of lands by the Congress of the United States, under the act approved July 2, 1862.

From the House: An engrossed bill (H. 145,) to incorporate the Leaksville Male Academy in the county of Rockingham and to appoint the Trustees thereof.
From the House: An engrossed bill (H. 149,) to amend the county line of Mitchell county, and to annex a part of Yancey county to the county of Mitchell.

Bills of the titles following were read the second time and disposed of, as follows, to wit:

S. 3, bill to amend chapter thirty-third of the Revised Code.

On motion of Mr. Wilson,

Laid on the table.

S. 16, bill to extend the time allowed to widows to enter their dissent to the last will and testament of their husbands.

Mr. Eure moved to amend by striking out the words "and distribution," in the second section, which was adopted.

The bill, as amended, passed its second reading.

Mr. McKoy announced the death of Mr. Sanders, the Senator from Onslow, and paid a feeling tribute to the deceased, and submitted the following resolutions, viz:

Whereas, By the decree of an overruling Providence, to which all that is mortal must bow in humble submission, Isaac Newton Sanders, a member of this body from the county of Onslow, has been suddenly cut down in the midst of his usefulness; therefore

Resolved, That we have heard, with deep regret, of the sudden death of our esteemed fellow member, and that our heart-felt sympathies are hereby tendered to the afflicted family of the deceased in their sad bereavement, and may He who has promised to temper the wind to the shorn lamb, temper this affliction to their saddened hearts.

Resolved, That in the death of Isaac Newton Sanders, this body has lost a valuable and industrious member, and the State a useful and patriotic citizen.

Resolved, That a copy of these resolutions be sent to the family of the deceased.

Resolved, That as a mark of respect to the memory of the deceased, the Senate do now adjourn.
The resolutions were adopted, and the Senate, in accordance therewith, adjourned.

WEDNESDAY, February 14, 1866.

Reports from Standing Committees were submitted and filed, as follows, viz:

By Mr. Arendell, from the Committee on Corporations: H. 132, engrossed bill to incorporate the Trustees of the General Assembly of the Presbyterian Church in the United States, with the recommendation that it do pass.

H. P. 48, engrossed bill to incorporate "Richland Female Academy," in the county of Onslow, recommending that the same do pass.

S. P. 47, bill to incorporate the Rock Island Manufacturing Company, in the county of Mecklenburg, with an amendment, recommending its passage.

S. P. 50, bill to incorporate the Planter's Loan Association, with the recommendation that the same do not pass.

The House of Commons concurred, by message, in the recommendation for Justices of the Peace for Hyde county.

Mr. Gash introduced a resolution, instructing the Committee on Finance to enquire into the expediency of exempting all evidences of debt from taxation, and to levy the taxes on money actually collected on debts due prior to 1st January, 1866, and provide for collecting officers to retain the taxes on all moneys collected from non-residents, and pay the same over to the Sheriff or tax collector of their respective counties: and, also, the propriety of levying a mere nominal tax on land and polls for the State, leaving these two items for the County Courts to levy their County taxes on, and substitute a small tax on Railroad and Canal travel in lieu thereof; which was adopted.
Bills, &c., of the titles following were introduced, read first time, referred, or otherwise disposed of, as follows:

By Mr. Shober: A bill (S. P. 52,) to amend an act, entitled "An act to amend the charter of the town of Salisbury." Filed.

From the House: Engrossed bill (H. 173,) to establish a board of Commissioners of Navigation. Referred to the Committee on Corporations.

Engrossed bill (H. 153,) to incorporate the Rudisill Gold Mining Company, in the county of Mecklenburg, North-Carolina. To Corporations.

Engrossed bill (H. 155,) to incorporate "The Bladen Land Company." To Corporations.

Engrossed bill (H. 157,) to be entitled an act to amend an act entitled "An act to incorporate the town of Graham," in the county of Alamance. To Corporations.

Engrossed bill (H. 174,) to consolidate and amend the several acts heretofore passed for the better regulation of the town of Jacksonville, in Onslow county. To Corporations.

Engrossed bill (H. 176,) to repeal the 17th section of an act passed by the General Assembly, at its session in the year 1825, entitled "An act for the better regulation of the town of Beaufort." To Corporations.

Mr. Leitch, of Robeson, gave notice that the Senator from Davidson (Mr. Leach) had been for some days, and still was detained from his seat by severe illness in his family.

On motion of Mr. Jones, of Columbus, Leave of absence was granted to Mr. Boyd until Thursday next.

Mr. Cowles submitted recommendations for Justices of the Peace for Yadkin county, which were agreed to and transmitted to the House.

S. 16, bill to extend the time allowed to widows to enter their dissent to the last will and testament of their husbands, being read the third time

Mr. Eure moved to amend, by inserting after the words
"sixty-five" in the first section the words "whose real estate has not been sold," and the amendment prevailed.

The question recurring upon the passage of the bill as amended, was put and decided in the affirmative, there being counted, ayes 18, noes 15.

Ordered, To be engrossed.

The House of Commons refused, by message, to concur in the recommendations for Justices of the Peace for the county of Yadkin.

Bills, &c., of the titles following being then read the second time, were passed and filed for their third reading, or otherwise disposed of as follows, viz:

H. 23, engrossed bill to provide for the payment of the State debt contracted before the war. Laid on the table.

S. 37, bill to authorize the Wardens of the Poor of each county to seize and sell the property of paupers, who are admitted to the Poor Houses of their respective counties.

On motion of Mr. Covington,

Indefinitely postponed.

H. 53, engrossed bill entitled an Act to legalize certain proceedings of the Provisional Justices for Randolph county.

On motion of Mr. Wilson,

Laid on the table.

H. 56, engrossed bill to declare valid certain elections and acts since May 20th, 1861.

The question being on the amendment offered by Mr. Jones, of Wake, to wit: "Provided, That this act shall not be so construed as to exclude from their respective officers or appointments, any Officer, Agent, Director or Appointee, elected, chosen, appointed or made by the General Assembly, which convened on the fourth Monday of November, 1865," was put and the amendment was adopted.

The question then recurring upon the passage of the bill as amended, was put and decided in the negative.
H. 17, engrossed bill to regulate the terms of the Supreme Court and for other purposes. Filed for third reading.

S. 79, bill to secure taxes on distillation of spirituous liquors. Laid on the table.

S. 86, bill to repeal that part of Section second, Chapter sixty-eight, Revised Code, which relates to bonds on marriage licenses.

Mr. Gash moved to amend by inserting the following as an additional section, to wit:

"Be it further enacted, That any person who shall take out a marriage license in any case, where the marriage of said parties is unlawful by the laws of this State, shall be guilty of a misdemeanor, and upon conviction thereof, in any court having jurisdiction of the same, shall be fined or imprisoned at the discretion of the court."

Adopted.

The question recurring upon the passage of the bill as amended,

On motion of Mr. Carter,

Recommitted to the Committee on the Judiciary.

S. 91, bill to prevent the carrying of pistols in this State without license. Filed for third reading.

H. 118, engrossed bill to amend an act entitled "An act to incorporate the Macon County Turnpike Company," passed at the session of 1856-'57.

The question being on the amendment offered by the Committee on Cherokee Lands and Western Turnpikes to insert an additional section as the third, to wit:

"Be it further enacted, That this act shall not be so construed as to apply to an act passed at the present session of this Legislature to amend the charter of the Tuckasegee and Keowee Turnpike Company in the county of Jackson," was put and the amendment was adopted.

Mr. Jones, of Columbus, moved to amend by inserting after
the word "subscribed" in the first section the words "and paid," and the amendment prevailed.

The question recurring upon the passage of the bill, as amended, its second reading, was put and decided in the affirmative.

On motion of Mr. Keéner,
The rules were suspended, and the bill passed its third reading.

Ordered, To be transmitted to the House of Commons for concurrence in the amendments.

H. 110, engrossed bill to repeal the 6th Chapter of an act of the General Assembly, passed on the 6th day of July, 1863.

On motion of Mr. Shober,
Laid on the table.

H. 113, engrossed bill to incorporate the North Carolina Immigration Company. Referred to the Committee on Corporations.

S. 103, bill to authorize the Wardens of the Poor to seize and sell the property of paupers who are admitted to the Poor Houses of their respective counties.

The question being upon the adoption of the substitute offered by the Committee on the Judiciary, was put and decided in the affirmative.

The bill as amended passed its second reading.

H. 100, engrossed bill to amend the 12th Section, 118th Chapter, Revised Code. Referred to the Committee on the Judiciary.

H. 77, engrossed bill to restore jury trials in criminal cases to the Courts of Pleas and Quarter Sessions of this State. Referred to the Judiciary.

H. 108, engrossed bill to charter "The High Shoal Railroad Company."

On motion of Mr. Bynum,
The rules were suspended, and the bill read the third time. Mr. Wilson moved to amend by striking out the figures and
words "25th chapter" and insert "26th chapter," and it was adopted.

Mr. Harris, of Rutherford, moved to amend by inserting the following proviso to section first: "Provided, That said road shall be the same gauge as that of the Wilmington, Charlotte and Rutherford Railroad," and the amendment prevailed.

The question recurring upon the bill as amended, was put and decided in the affirmative.

Ordered, To be transmitted to the House for concurrence in the amendments.

S. 109, bill to abolish the office of Superintendent of Public Schools, Treasurer of the Literary Fund and for other purposes.

On motion of Mr. Shoher,
Laid on the table.

H. 131, engrossed bill to give further security to a widow for her year's support. Rejected.

S. 115, bill to authorize certain Cherokee Indians to remain permanently in North Carolina. Filed for third reading.

S. R. 116, resolution concerning Cherokee Indians. Filed for third reading.

S. 118, bill confirming certain resolutions in favor of the "Old Dominion Trading Company." Made the special order for to-morrow (February 15th,) at 12 o'clock, M.

Mr. McKoy introduced the following resolution, to wit:

Resolved, That the Speaker of the Senate issue, according to law, a writ of election to fill the vacancy occasioned by the death of Isaac N. Sanders, late Senator from Onslow; and that the Sheriff of Onslow county be directed to hold said election on the first Thursday of March, being the first day of March, 1866.

Adopted.

On motion of Mr. Arendell,

Leave of absence was granted to Mr. McKoy from and after Saturday next until Thursday following.
On motion of Mr. Wilson,
Leave of absence was granted to Mr. Latham from and after to-day until Tuesday next.

On motion of Mr. Bogle,
The Senate adjourned.

THURSDAY, FEBRUARY 15, 1865.

Reports from Standing and Select Committees were submitted, and filed as follows, viz:

By Mr. Wiggins, from the Committee on Finance: S. 129, bill to provide for the collection of taxes of 1865, in counties where no sheriff or other officer was qualified, under the Revenue Ordinance of the Convention, reported in obedience to a resolution of the Senate instructing the committee to report a bill upon the subject, recommending its passage.

Resolution on the subject of taxes, asking to be discharged from its further consideration, as the whole subject matter contained in the resolution has been considered in framing the Revenue Bill.

Discharged accordingly.

By Mr. Howard, from the Committee on the Judiciary: S. 123, bill concerning indictments in the Courts of Oyer and Terminer, recommending its passage.

S. 92, bill to give original jurisdiction to the Supreme Court in certain cases, with a recommendation favorable to its passage.

S. 105, bill to amend an act, entitled "An act for the relief of Landlords," with the recommendation that the same do pass.

H. 123, engrossed bill to amend an act, entitled "An act for the better regulation of the town of Greenville," and to increase the powers of the Commissioners of said town, with an amendment, recommending its passage.

By Mr. Carter, from the same committee: Resolution to change the rules of evidence in this State, asking to be discharged from its further consideration, as printed copies of such a bill are now lying on the desks of members, having been introduced in the House of Commons.

Discharged accordingly.

By Mr. Gash, from the Joint Select Committee of conference on the resolution (S. R. 89,) to furnish Revised Code to clerks of the several courts not already supplied, with a substitute therefor, with the recommendation that the substitute be adopted.

By Mr. Cowles, from the Joint Select Committee appointed to arrange the packing and transfer of the papers and documents belonging to the Adjutant General's office, Quartermaster's and Commissary's Departments to the room in the Capitol, known as the "Geological room," asking to be discharged, as the more valuable papers had been purloined, and the remainder were in a deranged and disordered condition.

Discharged accordingly.

Mr. Gash introduced the following resolution, viz:

Resolved, That the Secretary of State be instructed to have the acts passed in the secret sessions of 1864-'65, printed, with the acts already ordered to be printed for those sessions.

On motion of Mr. Ferebee,

Referred to the Committee on the Judiciary.

Mr. Jones, of Columbus, introduced the following resolution, to wit:

Resolved, That a message be sent to the House of Commons, proposing to raise a Joint Select Committee of two on the part of the Senate, and three on the part of the House, to inquire whether any modification or additional legislation is necessary as to a supply of limbs to soldiers, who lost
their limbs in the military service of the State, and that the committee report by bill or otherwise.

Adopted.

The Speaker designated Messrs. Jones, of Columbus, and McKoy as the Senate branch of the committee in case of a compliance by the House.

A message was received from the House of Commons, transmitting additional names for Justices of the Peace for Anson county, which were concurred in.

Mr. Bynum moved that the vote by which the Senate passed the bill (H. 108,) to charter "The High Shoal Railroad Company," be reconsidered, and the motion prevailed.

On further motion of Mr. Bynum,

The vote by which the Senate adopted the amendment offered by Mr. Harris, of Rutherford, to require the gauge of the proposed road to be the same as that of the Wilmington, Charlotte and Rutherford Railroad, was reconsidered, and the bill as amended, passed.

Ordered, To be transmitted to the House for concurrence.

Bills, &c., of the titles following being read the third time, were disposed of, as follows, viz:

H. 17, engrossed bill to regulate the terms of the Supreme Court and for other purposes.

Mr. Morehead moved to amend by striking out all after the word "docket," in the second section, and insert the words "by the clerk," and the motion prevailed.

The bill, as amended, passed.

Ordered, To be transmitted to the House of Commons for concurrence in the amendments.

S. 91, bill to prevent the carrying of pistols in this State, without license. Rejected.

S. 103, bill to authorize the Wardens of the Poor, in case any indigent person becomes chargeable to a county, possessed of any estate, to subject the same to the indemnity thereof.

Passed.
Ordered, To be engrossed.
S. 115, bill to authorize certain Cherokee Indians to remain permanently in North-Carolina, passed.
Ordered. To be engrossed.
S. R. 116, resolution concerning Cherokee Indians, passed.
Ordered. To be engrossed.

The Speaker announced the hour, 12 o'clock, for the Special Order, to wit:

S. 118, bill confirming certain resolutions in favor of the "Old Dominion Trading Company."

The Speaker remarked that while he was not entirely satisfied in reference to the matter, he was under the impression that the bill was a private bill requiring notice, and would refer the matter to the decision of the Senate.

The question being, "Is this a private bill requiring notice?" was decided in the affirmative, there being counted ayes 24, noes 15.

A message was received from the House of Commons, concurring in the amendment to the bill (H. 118,) to amend an act, entitled "An act to incorporate the Macon county Turnpike Company," passed at the session of 1856–57, and the bill (H. 108,) to charter "The High Shoal Railroad Company."

Ordered, To be enrolled.

A communication from the Governor was transmitted from the House, informing the General Assembly of the death of L. Q. Sharpe, Solicitor in the 6th Judicial Circuit.

The House concurred in the proposition to raise a Joint Select Committee upon the subject of artificial limbs for soldiers, and Messrs. Yellowley, Hutchison and Bryson, constitute the House branch of the committee.

The Senate refused to concur in the proposition of the House to go forthwith into an election for Solicitor of the 6th Judicial Circuit.

Bills, &c., of the titles following being read the second time, were disposed of as follows, viz:
S. 43, bill to be entitled An act to establish a scale of depreciation of Confederate currency.

The question being on the amendment reported by the minority of the committee,

Mr. Howard moved to lay it on the table,

And the question being thereon, was put, and

Decided in the negative, yeas, 7; nays, 31.

On motion of Mr. Harris, of Rutherford,

The yeas and nays being ordered:

Those who voted in the affirmative are:

Messrs. Bogle, Howard, Jones, of Columbus, McKoy, Morehead, Stanford and Wilson.

Those who voted in the negative are:

Messrs. Arendell, Aycock, Berry, Black, Blount, Boner, Bullock, Bynum, Carter, Covington, Cowles, Cowper, Donaho, Eare, Ferebee, Garner, Gash, Gorrell, Harris, of Rutherford, Isbell, Jones, of Wake, Keener, Leitch, of Robeson, McCleese, McEachern, McLean, Pitchford, Tayloe, Wiggins, Williams and Winstead.

On motion of Mr. Carter,

Made the special order for Tuesday, 20th February inst.

S. 102, bill to outlaw felons who flee from justice, passed, and filed for third reading.

H. 132, engrossed bill to incorporate the Trustees of the General Assembly of the Presbyterian Church in the United States.

Mr. Carter moved to amend, by adding the following proviso to the first section, viz:

"Provided, That the property, real and personal, held or possessed by the said Corporation, shall not exceed two million dollars."

And the amendment prevailed.

The bill, as amended, passed, and was filed for the third reading.
S. 117, bill to establish the rate of interest, and repeal chapter 114 of the Revised Code. Made the special order for tomorrow, (16th inst.,) at 12 o'clock.

H. 143, engrossed bill further suspending the operation of the Statute of Limitations.

The question being upon the amendment offered by the Committee on the Judiciary, to wit: Strike out all after the figures "1861," and insert the words and figures "and the 1st day of January, 1867, shall not be counted," was put and decided in the affirmative.

The bill, as amended, passed, and was filed for the third reading.

S. 122, bill concerning private acts of incorporation.

Mr. Jones, of Wake, moved to amend by adding the following proviso, viz:

"Provided, This act shall not apply to any corporations of Religious or Literary Societies;"

And it was not adopted.

The bill passed, and was filed for the third reading.

On motion of Mr. Harris, of Rutherford,
The Senate adjourned.

FRIDAY, February 16, 1866.

Prayer by the Rev. A. Smedes, D. D.

Mr. Carter presented a memorial from citizens of Beaufort county, praying that the bill, proposing to make a new county from parts of Beaufort and Craven counties, do not pass.

Mr. Wiggins, from the minority of the Committee on Finance, submitted a report in response to certain resolutions in reference to the public debt, which was,

On motion of Mr. Cowper,

Ordered, To be printed.
Mr. Carter introduced a resolution, (S. R. 130,) concerning
the collection of the State taxes in Beaufort county.

On motion of Mr. Wilson,
The rules were suspended, and the resolution passed its
several readings.

Ordered, To be engrossed.

Mr. Eure introduced a bill (S. 131,) to authorize the Clerks
of the Courts of Pleas and Quarter Sessions to qualify the
sheriffs elect of their respective counties in certain cases.

On motion of Mr. Eure,
The rules were suspended, and the bill amended to restrict
its operation to Chowan county, and passed its several read-

ings.

Ordered, To be engrossed.

Bills, &c., of the titles following being read the third time,
passed, and were ordered as follows, viz:  
S. R. 89, resolution to furnish Revised Code to Clerks.
The question being on the substitute offered by the Com-
mittee of Conference, was put and decided in the affirmative.
The bill, as amended, passed its third reading.

Ordered, To be transmitted to the House of Commons for concurrence.

S. 102, bill to outlaw felons who flee from justice.
Ordered, To be engrossed.

H. 152, engrossed bill to incorporate the Trustees of the
General Assembly of the Presbyterian Church in the United
States.

Ordered, To be enrolled.

H. 143, engrossed bill further suspending the operations of
the Statute of Limitations.

Ordered, To be transmitted to the House for concurrence
in the amendment.

S. 122, bill concerning private acts of incorporations.
The question being upon its passage, was put, and
Decided in the affirmative, \( \begin{align*}
\text{Yea}s, & : \quad 28, \\
\text{Nay}s, & : \quad 11.
\end{align*} \)

On motion of Mr. Morehead,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Arendell, Aycock, Berry, Black, Blount, Bullock, Rynum, Carter, Covington, Cowles, Cowper, Donahoo, Eure, Ferebee, Garner, Gorrell, Harris, of Franklin, Harris, of Rutherford, Jones, of Wake, Keener, McCleese, McEachern, Morehead, Pitchford, Shober, Snead, Tayloe and Winstead.

Those who voted in the negative are:


Ordered, To be engrossed,

A message was received from the House of Commons, proposing to go forthwith into an election for Solicitor of the 6th Judicial District, which was,

On motion of Mr. Cowles,

Laid on the table.

The Senate concurred in recommendations for Justices of the Peace for the counties of Northampton and Onslow.

H. R. 121, engrossed resolutions authorizing certain proceedings against the Cape Fear Navigation Company, being read the second time, and the question being upon the substitute offered by the Committee on the Judiciary, was put and

Decided in the negative, \( \begin{align*}
\text{Yea}s, & : \quad 24, \\
\text{Nay}s, & : \quad 17.
\end{align*} \)

On motion of Mr. Carter,

The yeas and nays being ordered,

Those who voted in the affirmative are:


Those who voted in the negative are:
Messrs. Arendell, Aycock, Boner, Bynum, Covington, Cowles, Cowper, Ferebee, Garner, Gorrell, Hall, Harris, of Franklin, Harris, of Rutherford, Jones, of Columbus, Keener, McCleese, Morehead, Morgan, Pitchford, Sneed, Stanford, Tayloe, Wiggins and Williams.

The resolutions passed their second reading.

The Speaker announced the special order, to wit:

S. 117, bill to establish the rate of interest and repeal chapter 114 of the Revised Code.

On motion of Mr. Morehead, Laid on the table.

On motion of Mr. Wilson,

The rules were suspended, and H. R. 138, engrossed resolutions accepting a donation of lands by the Congress of the United States, under the act approved July 2, 1862, was taken from the calendar and referred to the Committee on the Judiciary.

A message was received from the House, transmitting an engrossed bill (H. 177,) to regulate salaries and fees. Filed.

The Senate concurred in recommendation transmitted from the House for Justices of the Peace for Burke county.

The House of Commons refused to concur in the amendments to engrossed bill (H. 143,) further suspending the operation of the statute of limitations, and the engrossed bill (H. 17,) to regulate the terms of the Supreme Court, and for other purposes.

The House concurred in the substitute proposed by the Committee on Conference, to the resolution (S. R. 89,) to furnish Revised Code to clerks.

The Senate concurred in the recommendations for Justices of the Peace for Halifax and Carteret counties.

On motions of Messrs. Ferebee and Bogle,

Leaves of absence were granted to Messrs. Wilson and Harris, of Franklin, until Tuesday next.

On motion of Mr. Shober,
Leave of absence was granted to Mr. Boner until Wednesday next.

On motion of Mr. Shoher, The Senate adjourned.

SATURDAY, February 17, 1866.

Reports from Standing and Select Committees were submitted and filed as follows, to wit:

By Mr. Arendell, from the Committee on Corporations:

H. 157, engrossed bill to be entitled an act to amend an act entitled "An act to incorporate the town of Graham in the county of Alamance," recommending its passage.

H. 174, engrossed bill to consolidate and amend the several acts heretofore passed for the better regulation of the town of Jacksonville in Onslow county, recommending that it do pass.

H. 176, engrossed bill to repeal the 17th section of an act passed by the General Assembly at its session in the year 1826, entitled "An act for the better regulation of the town of Beaufort," recommending its passage.

H. 113, engrossed bill to incorporate the North Carolina Immigration Company, with recommendation that it do pass.

H. 107, engrossed bill to authorize the formation of the English and American Wool and Vine Growing, Manufacturing, Mining and Agricultural Association in the United States of America, with amendments, recommending its passage.

H. 173, engrossed bill to establish a Board of Commissioners of Navigation, with the recommendation that the same do pass.

By Mr. Morehead, from the Judiciary Committee:

S. R. 133, resolution to print the acts of the secret sessions of 1864–65, with recommendation that it do pass.
By Mr. Jones, of Columbus, from the Joint Select Committee as to supplying artificial limbs to maimed soldiers:

S. 135, resolutions amendatory of the resolution for supplying artificial limbs to maimed Soldiers, ratified on the twenty-third day of January, 1866, with the recommendation that it do pass.

On motion of Mr. Jones, of Columbus,

The rules were suspended, and the resolution passed its several readings.

Ordered, To be engrossed.

Messrs. McLean, Harris, of Rutherford, and Black submitted recommendations for Justices of the Peace for the counties of Harnett, Rutherford, Cleaveland and Alamance, which were adopted and transmitted to the House.

The Senate concurred in recommendations for Justices of the Peace for the counties of Gates, Alexander, Chowan and Cleaveland, transmitted from the House.

Bills, &c., of the titles following being introduced, passed their first reading, and were otherwise disposed of, as follows, to wit:

By Mr. Carter: A bill (S. 135,) to amend the 4th section of chapter 35, Revised Code, relating to fugitives from justice. Referred to the Committee on the Judiciary.

By Mr. Coward: A bill (S. 136,) to authorize the appointment of a tax collector for Lenoir county.

On motion of Mr. Coward,

The rules were suspended, and the bill placed upon its several readings.

Mr. Pitchford moved to amend by striking out the word "shall" in the first section and insert the word "may," and the motion prevailed.

The bill as amended passed its second and third readings.

Ordered, To be engrossed.

By Mr. Carter: A resolution (S. R. 134,) in favor of Edward
Sanders, Executor of Isaac N. Sanders, late Senator from the county of Onslow.

On motion of Mr. Carter,
The rules were suspended and the resolution passed its several readings.

Ordered, To be engrossed.

From the House: Engrossed resolution (H. R. 52,) in favor of Mrs. Sarah Hanrahan.

On motion of Mr. Blount,
The rules were suspended and the resolution passed its several readings.

Ordered, To be enrolled.

On motion of Mr. McEachern,
The resolution (S. P. R. 4,) in favor of Daniel Coleman, Administrator of Josiah L. Bundy, deceased, late sheriff of the county of Cabarrus, was taken from the table, and had its second reading:

On motion of Mr. Bogle,
It was laid on the table.

A message was received from the House of Commons, concurring in the amendment adopted by the Senate to the engrossed bill (H. 143,) further suspending the operation of the Statute of Limitations.

The House again refused to concur in the Senate amendment to the engrossed bill (H. 17,) to regulate the terms of the Supreme Court, and for other purposes, and invited a committee of conference.

The Senate concurred, and Messrs. Morehead and Carter were designated as the Senate branch of said committee, and Messrs. Smith, of Hertford, and Manly compose the House branch thereof.

Received a message from the House of Commons, transmitting the bill (S. 131,) to authorize the Clerk of the Court of Pleas and Quarter Sessions of Chowan county, which they had
passed, with an amendment, in which they ask the concurrence of the Senate.

The Senate concurred.

H. R. 136, engrossed resolution in favor of Jacob Siler, being read the third time,

Passed.

Ordered, To be enrolled.

Bills, &c., of the titles following being read the second time, passed their second reading, and were disposed of, as follows, viz:

H. 126, engrossed bill to amend an act, entitled "An act for the better regulation of the town of Greenville," and to increase the powers of the commissioners of said town.

The question being on the amendment proposed by the Judiciary committee, to strike out the fifth section, was put and decided in the negative.

On motion of Mr. Blount,

The rules were suspended and the bill passed its third reading.

Ordered, to be enrolled.

H. P. 43, engrossed resolution in favor of A. W. Fraps. Filed for third reading.

H. P. 48, engrossed bill to incorporate "Richland Female Academy," in the county of Onslow.

On motion of Mr. Keener,

The rules were suspended and the bill passed its third reading.

Ordered, To be enrolled.

On motion of Mr. Gash,

The rules were suspended, and the resolution (S. R. 133,) to print the acts of the secret sessions of 1864-'65, was considered and passed its second reading.

The question being, "Shall the resolution pass its third reading?"

Mr. Hall moved to lay on the table.
And the question thereon was put, and

Decided in the negative,

Yeas, .................. 12
Nays, .................. 27

On motion of Mr. Arendell,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Aycock, Berry, Cowper, Donaho, Eure, Ferebee, Hall, McCleese, McLean, Pitchford, Wiggins and Williams.

Those who voted in the negative are:

Messrs. Arendell, Black, Blount, Bogle, Boyd, Bullock, Bynum, Carter, Covington, Coward, Cowles, Garner, Gash, Gorrrell, Harris, of Rutherford, Isbell, Jones, of Columbus, Jones, of Wake, Keener, Leitch, of Robeson, McEachern, Morehead, Morgan, Shober, Snead, Tayloe and Winstead.

The question recurring upon the passage of the bill,

Mr. Arendell moved to amend by inserting before the figures "1864-'65," the word and figures "1862-'63 and," and it was adopted.

The question, "Shall the resolution pass?" being put, was

Decided in the affirmative,

Yeas, .................. 28
Nays, .................. 11.

On motion of Mr. Jones, of Columbus,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Arendell, Black, Blount, Bogle, Boyd, Bullock, Bynum, Carter, Covington, Coward, Cowles, Garner, Gash, Gorrrell, Harris, of Rutherford, Isbell, Jones, of Columbus, Jones, of Wake, Keener, Leitch, of Robeson, McEachern, Morehead, Morgan, Shober, Snead, Tayloe and Winstead.

Those who voted in the negative are,

Messrs. Aycock, Berry, Cowper, Donaho, Eure, Ferebee, Hall, McLean, Pitchford, Wiggins and Williams.

Ordered, To be engrossed.

The House of Commons did not concur in the recommendation of the additional name for Justice of the Peace for Cleaveland county, transmitted from the Senate.
The Senate concurred in the recommendation of additional names as Justice of the Peace for Lincoln county, transmitted from the House.

On motion of Mr. Williams,
Leave of absence was granted to Mr. Pitchford until Wednesday next.

On motion of Mr. Cowles,
The Senate adjourned.

MONDAY, FEBRUARY 19, 1866.


The Speaker designated Messrs. Blount, Bullock and Hall as the Committee on Enrolled Bills for the present week.

Received a message from the House of Commons, informing the Senate that Messrs. Kenan, Houston, Jones, Campbell and Shaw compose the House branch of the Committee on Enrolled Bills.

The Senate concurred in the recommendations for Justices of the Peace for the counties of McDowell and Alamance, transmitted from the House of Commons.

Mr. Keene presented a memorial from a number of citizens of Cherokee county, praying for a new county. Referred to the Committee on Propositions and Grievances.

Reports from Standing Committees were submitted and filed as follows, to wit:

By Mr. Carter, from the Committee on the Judiciary:

H. 138, engrossed resolutions accepting a donation of lands by the Congress of the United States under the act approved July 2nd, 1862, recommending its passage.

By Mr. Arendell, from the Committee on Corporations:

H. 153, engrossed bill to incorporate the Rudisill Gold Mining Company, in the county of Mecklenburg, North Carolina, recommending its passage.

H. R. 121, engrossed resolution authorizing certain proceedings against "The Cape Fear Navigation Company," being read the third time, passed.

Ordered, To be enrolled.

Bills, &c., of the titles following being read the second time, were disposed of, as follows, to wit:

S. 47, bill to amend an act entitled "An act to incorporate the Western North Carolina Railroad Company." Referred to the Committee on Internal Improvements.

S. 92, bill to give original jurisdiction to the Supreme Court in certain cases. Passed and filed for third reading.

H. 113, engrossed bill to incorporate the North Carolina Immigration Company. Laid on the table.

S. 105, bill to amend an act entitled "An act for the relief of Landlords." Passed second reading and filed.


S. 123, bill concerning indictments in the Courts of Oyer and Terminer. Passed and filed for third reading.

S. R. 124, bill declaring what debts are valid and what not valid under the ordinance of the Convention. Laid on the table.

S. R. 125, resolution making appropriations for the Governor's Mansion. Passed and filed for third reading.

H. 173, engrossed bill to establish a Board of Commissioners of Navigation. Rejected.

S. 129, bill to provide for the collection of taxes of 1865 in counties where no Sheriff or other officer was qualified under the Revenue Ordinance of the Convention. Passed and filed for third reading.

H. 177, engrossed bill to regulate salaries and fees.
The question being "Shall the bill pass its second reading?"

Mr. Jones, of Columbus, moved to strike out the words "two thousand dollars" as the salary of the Public Treasurer, and insert the words "two thousand, five hundred dollars," and the motion prevailed.

Mr. Leitch, of Robeson, moved to amend by striking out the words "twenty-five hundred dollars" as the salary of the Supreme and Superior Court Judges, and insert the words "three thousand dollars," and it was not adopted.

Mr. Jones, of Columbus, move to strike out the words "five hundred dollars" as the salary of the Private Secretary of the Governor, and insert the words "one thousand dollars."

And the question being thereon was put and

Decided in the affirmative, \{ Yeas, \dots \dots \dots \dots 29 \}
\{ Nays, \dots \dots \dots \dots 4 \}

On motion of Mr. Ferebee,

The yeas and nays being ordered,

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Aycock, Cowles, Ferebee and McCleese.

Mr. Shober moved to amend, by striking out the words "twenty dollars," wherever it occurs, as the amount to be paid the Attorney General and Solicitors for their attendance upon terms of the Superior Court, and insert the words "thirty dollars" in lieu thereof, and insert the words "fifty per cent. in addition to" before the words "the fees allowed in chapter 102, Revised Code," in reference to the fees to be paid the Attorney General and Solicitors.

Mr. Covington moved to amend the amendment by striking-
out the words "fifty per cent." and insert the words "forty per cent.," and the motion did not prevail.

Mr. Bogle moved to amend the amendment, by striking out the words "thirty dollars" and insert the words "forty dollars," and it was not adopted.

The question recurring upon the amendment of Mr. Shoher, was put, and

Decided in the affirmative, \[\begin{align*}
\text{Yeas,} & \quad 20, \\
\text{Nays,} & \quad 10.
\end{align*}\]

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

Those who voted in the affirmative are:

Messrs. Arendell, Blount, Bogle, Carter, Covington, Coward, Donaho, Gash, Hall, Isbell, Jones, of Columbus, Jones, of Wake, Keener, Leitch, of Robeson, McEachern, McLean, Morehead, Morgan, Shoher and Winstead.

Those who voted in the negative are:

Messrs. Aycock, Black, Bullock, Cowles, Cowper, Ferebee, Gorrell, Harris, of Rutherford, Wiggins and Williams.

Mr. Carter moved to amend the first section by adding thereto the following proviso:

"Provided, That the salaries and fees hereinbefore fixed are to be regarded as payable in currency of the United States, and may be hereafter reduced by the General Assembly, but this reduction shall not be below the present relative value of gold to said currency, and shall, in that case, be payable in gold": and it was adopted.

Mr. Arendell moved to amend, by adding to the first section the following words: "the Messenger in Governor's office four hundred dollars."

Mr. Bogle moved to amend the amendment, by striking out "four" and inserting "five"; and the amendment prevailed.

The amendment, as amended, was adopted.

The question then being, "Shall the bill, as amended, pass its second reading?" was put, and
Decided in the affirmative; \{ Yeas, \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 18, \\
Nays, \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 13. \\

On motion of Mr. Gorrell,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Those who voted in the negative are:
Messrs. Aycock, Black, Bullock, Coward, Cowles, Cowper, Ferebee, Gorrell, Harris, of Rutherford, Leitch, of Robeson, McCleese, Wiggins and Williams.

Mr. Jones, of Columbus, moved that the rules be suspended and the bill be put upon its third reading, and the question being thereon, was put, and two-thirds vote being required,

Decided in the negative; \{ Yeas, \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 16, \\
Nays, \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 16. \\

On motion of Mr. Gorrell,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Arendell, Bogle, Bynum, Carter, Coward, Cowles, Donaho, Eure, Gash, Isbell, Jones, of Columbus, Keener, Morgan, Shober, Tayloe and Winstead.
Those who voted in the negative are:
Messrs. Aycock, Black, Blount, Bullock, Covington, Cowper, Ferebee, Garner, Gorrell, Harris, of Rutherford, Leitch, of Robeson, McCleese, McLean, Morehead, Wiggins and Williams.

Mr. Carter moved to suspend the rules, and place the bill (S. P. 48,) to be entitled An act for the relief of Wm. B. Campbell, sheriff of Beaufort county, on its several readings, and the motion prevailed.

Mr. Arendell moved to amend so as to include George Dill, sheriff of Carteret county, and A. C. Latham, sheriff of Cra-
ven county, within the operations of the bill; and the amendment was adopted.

The bill, as amended, passed.

Ordered, To be engrossed.

Bills, &c., of the following titles, transmitted from the House of Commons, were read the first time, referred or otherwise ordered, as follows, to wit:

H. 185, engrossed bill to incorporate the inhabitants of the town of Wilmington.

On motion of Mr. Hall,

The rules were suspended, and the bill passed its several readings.

Ordered, To be enrolled.

H. 169, engrossed bill to incorporate Mystic Tie Lodge, No. 237, in the town of Marion, McDowell county. Filed.

H. 193, engrossed bill to amend an act incorporating the town of Lenoir, in Caldwell county. Filed.

H. 198, engrossed bill for the relief of the President, Directors and Company of the Washington Toll Bridge.Filed.

H. 86, engrossed bill to punish seditious language, insurrections and rebellions in the State. Referred to the Judiciary.

H. 184, engrossed bill to empower the Court of Pleas and Quarter Sessions to authorize Executors, Administrators and Guardians to sell for cash. To the Judiciary.

H. 197, engrossed bill to authorize the County Court of Cumberland to appoint Inspectors of Naval Stores. Filed.

H. 198, engrossed bill to re-enact the 4th section, 102d chapter, Revised Code. To the Judiciary.

On motion of Mr. Covington,

The Senate adjourned.
TUESDAY, February 20, 1865.

Prayer by the Rev. N. B. Cobb.

Reports from Standing and Select Committees were submitted and filed, as follows, viz:

By Mr. Wiggins, from the Committee on Finance:
Resolutions in reference to stamp tax, asking to be discharged from the further consideration thereof, as the subject matter had been considered in framing and preparing the revenue bill.

Discharged accordingly.

By Mr. Black, from the Committee on Propositions and Grievances:
S. R. 110, resolution instructing the Public Treasurer to pay over to the Trustee of the county of Randolph, two hundred and sixty dollars, with recommendation that it do pass.

On motion of Mr. Black,
The rules were suspended, and the resolution placed upon its several readings.

Mr. Bynum moved to amend by adding the following additional resolution, to wit:

"Resolved further, That the Public Treasurer be, and he is hereby authorized to refund to the County Trustee of any county of the State, in which Courts of Oyer and Terminer have been held since the passage of said revenue ordinance, any taxes, fines and forfeitures, heretofore paid into the office of the County Trustee for county purposes, but which, under said ordinance, have been or may be paid into the State Treasury by the sheriffs of the counties"; and it was adopted.

The resolution then passed.

Ordered, To be engrossed.

By Mr. Bynum, from the Committee on the Judiciary:
H. 198, engrossed bill to re-enact the 4th section, 102 ch.
Revised Code, recommending its passage.

By Mr. Morehead, from the same committee:
H. 86, engrossed bill to punish seditious language, insur-
rections and rebellions in the State, with recommendation that it do pass.

By Mr. Carter, from the same committee:

S. 135, bill to amend the 4th section of chapter 35, Revised Code, relating to fugitives from justice, with a recommendation favorable to its passage.

By Mr. Pynum, from the Joint Select Committee, to whom was referred so much of the Governor's Message as relates to a work, entitled "Sketches of Lower North-Carolina."


Messrs. Ferebee and McLean presented additional names as Justices of the Peace for the counties of Camden and Cumberland, which were approved and transmitted to the House of Commons.

Bills, &c., of the titles following were introduced, passed their first reading, filed or referred, as follows, to wit:

By Mr. Arendell: A bill (S. 142,) to be entitled "An act to consolidate the North-Carolina Railroad Company and the Atlantic and North-Carolina Railroad Company." Referred to the Judiciary.

From the House: Engrossed bill (H. 83,) to punish persons pursuing and injuring horses and other live stock, with intent to steal them.

Engrossed bill (H. 84,) to prevent willful trespass on lands, and stealing any kind of property therefrom.

Engrossed bill (H. 85,) to punish vagrancy.

Engrossed bill (H. 87,) to prevent enticing servants from fulfilling their contracts or harboring them.

Engrossed bill (H. 88,) to secure agricultural laborers their pay in kind.

Engrossed bill (H. 89,) more effectually to secure the maintenance of bastard children and the payment of fines and costs on conviction in criminal cases.
Engrossed bill (H. 90,) to establish work houses or houses of correction in the several counties of the State.

Engrossed bill (H. 156,) to legalize the transfer of registered bonds of this State to bearer.

Engrossed bill (H. 172,) to repeal so much of the twentieth section of an act, entitled "An act to change the jurisdiction of the courts and the rules of pleading therein," ratified the 11th day of September, 1861, as requires executors to give security.

Engrossed bill (H. P. 50,) to incorporate "Little River Select School," in the county of Orange.

Engrossed bill (H. 154,) to authorize the construction of a toll-bridge across the Catawba River at or near Rock Island Factory, between the counties of Mecklenburg and Gaston.

Engrossed bill (H. 168,) to incorporate Stokes Lodge, No. 32, of Free and Accepted Masons in the town of Concord, in Cabarrus county.

Engrossed bill (H. 170,) to incorporate "Union Mining Company," in the county of Rowan, North Carolina.

Engrossed bill (H. 175,) to incorporate the Hiwassee Turnpike Company.

On motion of Mr. Cowles,

Ordered, That a message be sent to the House of Commons, proposing to go forthwith into the election for Solicitor for the 6th Judicial District.

Mr. Cowles placed in nomination the name of Mr. W. P. Caldwell, of Iredell county.

Mr. Shober nominated Mr. D. M. Furches, of Davie county.

Mr. Williams nominated Mr. A. J. Dargan, of Anson county.

Mr. Carter moved to reconsider the vote by which the Senate on yesterday rejected the engrossed bill (H. 128,) to establish a Board of Commissioners of Navigation, and the motion prevailed.

On motion of Mr. Carter,
It was laid on the table.

The House of Commons did not concur in the proposition to go forthwith into the election for Solicitor for the 6th Judicial District.

The Senate concurred in recommendations for Justices of the Peace for the counties of Nash, Washington, Bladen and Davidson, transmitted from the House.

Bills, &c., of the titles following being read the third time, were passed and ordered as follows, viz:

**S. 92**, bill to give original jurisdiction to the Supreme Court in certain cases.

*Ordered*, To be engrossed.

**S. 105**, bill to amend an act, entitled “An act for the relief of Landlords.”

*Ordered*, To be engrossed.

**S. 123**, bill concerning indictments in the Courts of Oyer and Terminer.

*Ordered*, To be engrossed.

**S. R. 125**, making appropriation for the Governor's Mansion.

*Ordered*, To be engrossed.

**S. 129**, bill to provide for the collection of taxes of 1865 in counties where no Sheriff or other officer was qualified under the Revenue Ordinance of the Convention.

*Ordered*, To be engrossed.

**H. 177**, engrossed bill to regulate salaries and fees, being read the third time, and the question being on its passage,

Mr. Keener moved to amend by fixing the salary of the Secretary of State at “twelve hundred and fifty dollars and twenty-five per cent. in addition to the fees allowed in Chapter 102, Revised Code,” and it was adopted.

Mr. Arendell moved to amend by adding to the second section, after the words “the Messenger in Governor's office, five hundred dollars,” the following: “Clerks of the Supreme, Superior and County Courts, Clerks and Masters in Equity, Sher-
Mr. Ferebee moved to amend the amendment by inserting after the word "Supreme," the words, "Court five hundred dollars, and forty cents for recording as heretofore, besides the fees allowed in 102 Chapter, Revised Code," and it was adopted.

The question recurring upon the adoption of the amendment, as amended, was put and decided in the affirmative.

Mr. Morehead moved to amend by striking out the words, "and Superior Courts" after the words "Judges of the Supreme," and insert the word: "Court," and insert after the words "twenty-five hundred dollars" the words "and Judges of the Superior Court two thousand dollars."

Mr. Hall moved to amend the amendment as follows: "that the salaries of the Judges of the Supreme and Superior Courts shall be the same as it was before the war and that the same shall be paid in gold or its equivalent," and it was not adopted.

The question being on the amendment proposed by Mr. Morehead, was put and

Decided in the negative. Yeas, .......................... 13, 
Nays, .......................... 19.

On motion of Mr. Morehead, The yeas and nays being ordered.
Those who voted in the affirmative are, 
Messrs. Aycock, Berry, Black, Bullock, Cowles, Cowper, Ferebee, Gorrell, Harris, of Franklin, Harris, of Rutherford, McLean, Morehead and Wiggins.

Those who voted in the negative are: 

Mr. Leitch, of Robeson, moved to strike out the words "the Judges of the Supreme and Superior Courts twenty-five hundred dollars."
Mr. Bogle moved to amend as follows, to wit: "That the Judges of the Supreme and Superior Courts have a salary of three thousand dollars";

And the question being thereon, was put, and

Decided in the negative,

\[
\begin{align*}
\text{Yeas} & : 1 \\
\text{Nays} & : 30
\end{align*}
\]

On motion of Mr. Bogle,

The yeas and nays being ordered,

Mr. Bogle voted in the affirmative.

Those who voted in the negative are:

Messrs. Arendell, Aycock, Berry, Black, Blount, Bullock, Carter, Covington, Coward, Cowles, Cowper, Donaho, Eure, Ferebee, Garner, Gash, Gorrell, Harris, of Franklin, Harris, of Rutherford, Jones, of Columbus, Jones, of Wake, Keener, McEachern, McLean, Morehead, Morgan, Shober, Wiggins, Williams and Winstead.

Mr. Covington moved to amend as follows, to wit: "The Judges of the Supreme Court shall receive three thousand dollars, and the Judges of the Superior Court two thousand five hundred dollars, and one hundred dollars for each extra term of the Superior Court."

And the question thereon being put, was

Decided in the negative,

\[
\begin{align*}
\text{Yeas} & : 7 \\
\text{Nays} & : 24
\end{align*}
\]

On motion of Mr. Covington,

The yeas and nays being ordered,

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Aycock, Berry, Black, Blount, Bullock, Cowles, Cowper, Ferebee, Gash, Gorrell, Harris, of Franklin, Harris, of Rutherford, Howard, Isbell, Jones, of Columbus, Jones, of Wake, Keener, McLean, Morehead, Morgan, Tayloe, Wiggins, Williams and Winstead.
The question recurring upon the amendment offered by Mr. Leitch, of Robeson, and being stated "Shall the words stand as a part of the bill?" was put, and

Decided in the affirmative, \{ Yeas, \cdots \cdots \cdots 32. \\ Nays, \cdots \cdots \cdots 2. \}

On motion of Mr. Leitch, of Robeson,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Arendell, Berry, Black, Blount, Bogle, Bullock, Bynum, Covington, Coward, Cowles, Cowper, Donaho, Eure, Ferebee, Garner, Gash, Gorrell, Harris, of Franklin, Harris, of Rutherford, Howard, Isbell, Jones, of Columbus, Jones, of Wake, Keener, McLean, Morehead, Morgan, Shober, Tayloe, Wiggins, Williams and Winstead.
Those who voted in the negative are:
Messrs. Leitch, of Robeson, and McEachern.
The question recurring, "Shall the bill pass its third reading?" was put, and

Decided in the affirmative, \{ Yeas, \cdots \cdots \cdots 21. \\ Nays, \cdots \cdots \cdots 12. \}

On motion of Mr. Cowper,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Arendell, Black, Blount, Bogle, Covington, Coward, Donaho, Garner, Gash, Harris, of Rutherford, Isbell, Jones, of Columbus, Jones, of Wake, Keener, McEachern, McLean, Morehead, Morgan, Shober, Tayloe and Winstead.
Those who voted in the negative are:
Messrs. Aycock, Berry, Bullock, Cowles, Cowper, Ferebee, Gorrell, Harris, of Franklin, Howard, Leitch, of Robeson, Wiggins and Williams.
A message was received from the House of Commons, transmitting the following resolution, which had been passed by the House, and in which they asked the concurrence of the Senate, viz:
Resolved, That a Joint Select Committee of two on the part of the Senate, and three on the part of the House, be appointed to inquire and report when the two Houses can adjourn without detriment to the public business.

The Senate concurred, and the Speaker designated Messrs. Covington and Harris, of Rutherford, as the Senate branch of said Committee.

Bills, &c., of the titles following being read the second time, were disposed of as follows, viz:

H. R. 128, engrossed resolutions accepting a donation of land by the Congress of the United States, under the act approved July 2d, 1862, passed second reading.

On motion of Mr. Arendell,

The rules were suspended, and the resolution passed its third reading.

Ordered, To be enrolled.

H. 197, engrossed bill to authorize the County Court of Cumberland to appoint Inspectors of Naval Stores.

The question being on the passage of the bill its second reading,

Mr. McLean moved to strike out all after the enacting clause, in the second section, and, in lieu thereof, insert as follows:

"That the Inspectors of Naval Stores for the town of Fayetteville shall receive, as their fees, five cents for guaging and inspecting each cask of spirits of turpentine, and two and one half cents for each barrel of crude turpentine and rosin, which fees, in all cases, shall be paid by the purchaser; and if any Inspector shall demand, receive or exact any other fee, he shall be guilty of a misdemeanor, and, on conviction thereof in the County or Superior Court, shall be fined at the discretion of the same. Provided, however, That the foregoing shall not be so construed as to prohibit Inspectors from receiving such fees as are just and equitable for cooperage."

And it was adopted.

9
Mr. McLean further moved to amend the third section by striking out the words "crude turpentine or spirits of turpentine," and insert, in lieu thereof, the words "Naval Stores," and it was adopted.

The question recurring upon the passage of the bill its second reading, was put and decided in the affirmative.

On motion of Mr. Jones, of Wake,
The rules were suspended, and the bill, (S. P. 44,) to incorporate the Carolina Joint Stock and Insurance Company, placed upon its several readings.
The amendment proposed by the Committee on the Judiciary was adopted, and the bill passed.

Ordered, To be engrossed.

On motion of Mr. Bogle,
The Senate adjourned.

WEDNESDAY, FEBRUARY 21, 1866.

Prayer by Rev. H. Hardie.

Reports from Standing Committees were submitted, and filed as follows, viz:

By Mr. Winstead, from the Committee on the Judiciary:
H. 184, engrossed bill to empower the Courts of Pleas and Quarter Sessions to authorize executors, administrators and guardians to sell for cash, with a recommendation that it do pass.

By Mr. Bynum, from the Committee on Finance:
Memorial of citizens of Buncombe county in reference to taxes, asking to be discharged from its further consideration, as the prayer of said memorial is before the Legislature in various bills and resolutions now pending and under discussion.

Discharged accordingly.

A message was received from the House of Commons, trans-
mitting the names of Messrs. Smith, of Columbus, Blackmer and Hoke, as the House branch of the Committee on the subject of Adjournment.

A message proposing to go forthwith into an election for Solicitor of the 6th Judicial District, was received from the House.

The Senate concurred, and proceeded to vote *viva voce*, under the superintendence of Messrs. McEachern and Bullock, as follows, viz:

The following Senators voted for Mr. Caldwell, viz:


The following Senators voted for Mr. Dargan, viz:


The Senate concurred in recommendations for Justices of the Peace for the counties of Rockingham, Gaston and Polk, transmitted from the House.

A bill of the title following being introduced by Mr. Jones, of Wake, passed its first reading and referred to the Committee on Judiciary, viz:

Bill (S. 152,) to be entitled "An act to prevent prosecutions in certain cases."

H. 197, engrossed bill to authorize the County Court of Cumberland to appoint Inspectors of Naval Stores, being read the third time, passed.

*Ordered,* To be transmitted to the House of Commons for concurrence in the amendments.

S. 43, bill to be entitled "An act to establish a scale of depreciation of Confederate Currency," being read the second time, and the question being upon the amendment offered by
The minority of the Committee on the Depreciation of Confederate Currency, was put, and

Decided in the affirmative, \[ \begin{align*}
\text{Yeas,} & \quad 22, \\
\text{Nays,} & \quad 11. 
\end{align*} \]

On motion of Mr. Morehead,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Aycock, Berry, Black, Bogle, Bynum, Carter, Cowington, Coward, Cowles, Cowper, Eure, Ferebee, Garner, Gorrell, Harris, of Franklin, Jones, of Wake, McEachern, McLean, Morehead, Morgan, Wilson and Winstead.

Those who voted in the negative are:
Messrs. Arendell, Blount, Bullock, Gash, Harris, of Rutherford, Howard, Isbell, Keener, Leitch, of Robeson, Stanford and Wiggins.

Mr. McEachern, from the committee to superintend the election for Solicitor of the 6th Judicial District, submitted a report as follows, viz:
Whole number of votes cast 123. Necessary to a choice 62. Of which W. P. Caldwell received 66; A. J. Dargun 55; D. M. Furches 1; and Mr. Dowd 1. Mr. Caldwell having received a majority of the whole number of votes cast was duly elected.
Concurred in.
The question recurring upon the passage of the bill (S. 43,) to be entitled "An act to establish a scale of depreciation of Confederate Currency,"

Mr. Wilson offered an amendment, and the question being thereon,

On motion of Mr. Wilson,
The Senate adjourned.
THURSDAY, February 22, 1866.

Prayer by the Rev. R. S. Mason, D. D.

Reports from Standing Committees were submitted and filed as follows, viz:

By Mr. Howard, from the Committee on the Judiciary:

S. 28, bill to repeal section 3d, chapter 39, of an act passed at the first session of 1860-61, entitled "An act to diminish costs on Equity sales for partition," recommending that it do not pass.

S. 69, bill for the relief of certain "Freedmen," with recommendation that it do not pass.

S. 86, bill to repeal that part of section 2d, chapter 68, Revised Code, which relates to bonds on marriage licenses, recommending its passage.

S. 152, bill to be entitled "An act to prevent prosecutions in certain cases, recommending that it do not pass.

By Mr. Wilson, from the same committee:

H. 100, engrossed bill to amend the 12th section of the 118th chapter of the Revised Code, recommending that it do not pass.

By Mr. Carter, from the same committee:

S. 142, bill to be entitled "An act to consolidate the North-Carolina Railroad Company and the Atlantic and North-Carolina Railroad Company," with a special report, recommending its passage.

The report is as follows, to wit:

"The committee believes that a union of the two roads would very greatly diminish their aggregate expenses, and would also lessen the cost, and facilitate the dispatch of transportation of all kinds over the roads.

Under this arrangement, cars loaded at Charlotte, or any other point west of Greensboro', will deliver their freight at Newbern or Morehead City, on the wharves, without breaking bulk, and without detention; thus securing an important if not indispensable advantage to the ports of our own State."
and making it possible for the two roads, in which the State owns so large a proportion of the stock, to compete with rival lines.

The decision of the question of consolidation is referred, by the bill, to the majority of the stockholders of each road; and it is believed by the committee that it may be safely entrusted to them, and that the interest of the State will be carefully guarded in the transaction, by the large representation to which she is entitled in general meetings of the stockholders."

Bills, &c., of the titles following being introduced, passed their first reading, filed or referred, as follows, to wit:

By Mr. Bullock: A bill (S. 153,) for establishing a college for the education of teachers and ministers of the gospel of the colored race. To Committee on Education and Literary Fund.

By Mr. Bynum: A bill (S. 154,) to compensate Judges acting under ordinance of Convention. To the Judiciary.

From the House: Engrossed resolution (H. 213,) in regard to the papers in the office of the Clerk of the House of Commons.

The bill (S. 43,) to be entitled "An act to establish a scale of depreciation of Confederate currency," came up for consideration as the unfinished business.

The question being on the amendment offered by Mr. Wilson, to wit:

"Be it further enacted, That all contracts made during the war, based upon property, shall be solvable upon the basis of the value of such property as of the 20th May, 1861, and if paid in federal treasury or national bank notes, such payment shall be made in the value of such currency at the gold standard of the value thereof, at the time of such payment."; was put, and decided in the negative.

Mr. Aycock moved to re-consider the vote by which the Senate on yesterday adopted the scale of depreciation of Con-
federate currency, offered by the minority of the committee, and the motion prevailed.

Mr. Bynum offered a scale as an amendment to the amendment proposed by the minority, and it was adopted, there being counted ayes 18, nays 13.

The question then being upon the adoption of the scale proposed by Mr. Bynum,

On motion of Mr. Bynum,

The scale, as introduced by himself, with the accompanying bill, was ordered to be printed.

Mr. Carter introduced the following resolution, viz:

Resolved, That a message be sent to the House of Commons, informing that body that the Senate will adjourn today, at 12 o'clock, M., as a mark of profound respect to the memory of George Washington, the Father of his Country.

Adopted.

A message was received from the House of Commons, informing the Senate that the House had concurred in the amendments to the engrossed bill (H. 197,) to authorize the County Court of Cumberland to appoint Inspectors of Naval Stores.

Ordered, To be enrolled.

The Senate concurred in recommendations for Justices of the Peace for the counties of Wilkes, Gates, Catawba and Yancey, transmitted from the House.

Messrs. McEachern, Cowles and Bynum made recommendations for Justices of the Peace for the counties of Cabarrus, Yadkin and Catawba, which were approved and transmitted to the House.

A message was received from the House of Commons, informing the Senate that the House did not concur in the amendments to the bill (H. 177,) to regulate Salaries and Fees.

A further message informing the Senate that the House had passed the following resolution, in which the concurrence of the Senate was asked, viz:
Resolved, (the Senate concurring,) That a Joint Select Committee be raised, consisting of four on the part of the House of Commons and two on the part of the Senate, to take into consideration the policy and practicability of establishing a National Bank in the State of North-Carolina, to aid the State in its financial operations, and to supply the people thereof with a healthy currency, based upon a mortgage of real estate on the part of individuals, and the hypothecation of stocks on the part of the State, in order to raise a sufficient fund for the establishment of said bank; and that said committee report by bill or otherwise.

The resolution was adopted, and Messrs. Carter and Covington designated as the Senate branch of said Committee.

The hour of 12 o'clock having arrived, the Speaker adjourned the Senate.

FRIDAY, FEBRUARY 23, 1866.

Prayer by the Rev. A. Smedes, D. D.

On motion of Mr. Gash,

Leave of absence was granted to Mr. Bogle until Tuesday next.

Mr. Black introduced a resolution, proposing that from this time forward to the day of adjournment the Senate hold two sessions daily, unless circumstances make it necessary to depart from the rule.

Messrs. Blount, Covington, Williams and Winstead submitted recommendations for Justices of the Peace for the counties of Pitt, Union, Nash and Person, which were approved and transmitted to the House of Commons.

Mr. Covington, from the Committee on Finance, submitted a special report in behalf of a portion of that Committee, designated and requested to examine and compare the books and vouchers in the Comptroller's office, as follows, viz:
The Committee have carefully examined and compared each item of the several accounts of the Literary Fund receipts and disbursements, and the Sinking Fund receipts and disbursements, and have also counted, compared and cancelled all the coupons received by the Comptroller, as well as the vouchers for the various entries from the close of the fiscal year September 30, 1864, to the end of February, 1865, at which period of time all entries ceased on the books of the Office for reasons not necessary to mention.

During the occupation of Raleigh by the United States Army, and the continuance of the Provisional Government, the office of Comptroller was of course vacated.

At the recent session of this General Assembly, the former Comptroller, C. H. Brogden, Esq; was re-elected to that office and has entered upon the discharge of his duties.

The books and vouchers in the Comptroller's office exactly correspond and agree, and the undersigned cheerfully bear testimony to the order and system with which the office has been kept, and we think the Comptroller merits, as a matter of simple justice, the confidence and approval of this General Assembly.

Respectfully submitted,

D. A. COVINGTON,
M. L. HOLMES,
J. C. HARPER,
R. G. COWPFPR.

On motion of Mr. Jones, of Columbus,

Engrossed bill (H. 23,) to provide for the payment of the State debts contracted before the war was taken from the table and made the special order for Monday next, 26th inst.

Bills, &c., of the titles following being introduced, passed the first reading, and were filed or referred as follows, to wit:

By Mr. Harris, of Rutherford: A bill (S. 156,) to extend the
charter of the Wilmington, Charlotte and Rutherford Railroad. To Corporations.

By Mr. Cowper: A bill (S. 157,) to allow the Comptroller a Clerk. To Finance.

By Mr. Carter: A bill (S. 158,) to authorize the Public Treasurer to receive and invest the land scrip donated to this State by Congress for the endowment of an Agricultural and Mechanical College. To the Judiciary.

By Mr. McLean: A resolution (S. R. 159,) for the relief of the town of Fayetteville. To Finance.

From the House: Engrossed bill (H. P. 53,) to be entitled “An act to authorize Willis S. Grandy and others to continue a toll-bridge across Pasquotank river.”

Engrossed bill (H. 214,) to revive and amend an act entitled “An act to incorporate Sulphur Springs Camp Ground” in the county of Cleveland.

The engrossed bill (H. 177,) to regulate salaries and fees was considered as the unfinished business. The question being upon the motion of Mr. Howard, that the Senate recede from its amendments, was put and decided in the negative.

On motion of Mr. Carter,

A Committee of Conference was proposed to the House of Commons.

The Senate resumed the consideration of the bill (S. 43,) to be entitled “An act to establish a scale of depreciation of Confederate currency.”

The question being the adoption of the scale proposed by Mr. Bynum, as an amendment to the scale proposed by the majority of the Committee, was put and decided in the affirmative.

Mr. Bynum offered the other sections of his bill as an amendment for the original bill.

Mr. Howard offered an amendment to the amendment, which was ordered to be printed.

On motion of Mr. Wilson,
The bill and amendments were referred to the Committee on the Judiciary.

On motion of Mr. Bynum,

The rules were suspended and the bill (S. 117,) to establish the rate of interest and repeal Chapter 114 of the Revised Code was taken from the table and placed upon its several readings, passed its second reading, and being read the third time, and the question being "Shall the bill pass its third reading?" was put and

Decided in the affirmative,}  
Yea, ...................... 25  
Nay, ..................... 13

The yeas and nays being ordered,

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Blount, Cowles, Cowper, Gorrell, Harris, of Franklin, Latham, Leitch, of Robeson, Morgan, Pitchford, Snead, Stanford, Wiggins and Williams.

Ordered, To be engrossed.

Received a message from the House of Commons, informing the Senate that Messrs. Allison, Thompson, Manly and Murphy constitute the House branch of the Committee under the joint resolution upon the subject of a National Bank.

Messrs. Hoke, Blackmer, Henry and Kenan compose the House branch of the Committee of Conference on the bill (H. 177,) to regulate salaries and fees.

The Speaker designated Messrs. Carter and Leitch, of Robeson, as the Senate branch of the Committee of Conference.

The Senate concurred in the recommendations for Justices of the Peace for the counties of Lenoir, Brunswick and Edgecombe, transmitted from the House.
The Senate also concurred in the following resolution transmitted from the House, viz:

Resolved, That his Excellency, the Governor, be requested to have forthwith the flag of the United States hoisted upon the Capitol.

On motion of Mr. Bynum,

S. R. 141, resolution in reference to "Sketches of Lower North Carolina," was considered on its several readings.

Mr. Cowles moved to amend by inserting "Trinity" after "Davidson," and it was adopted.

As amended, the bill passed its second and third readings.

Ordered, To be engrossed.

A message was received from the House of Commons, transmitting the resolution (S. 133,) to print the acts of the sessions of 1862-'63 and 1864-'65, with an amendment, to insert after the word "Acts," the words "and Journals."

The Senate refused to concur.

Mr. Shober, from the Committee on Education and Literary Fund, by permission, reported,

S. 153, bill for establishing a college for the education of teachers and ministers of the gospel of the colored race, recommending its passage.

Mr. Shober, from the Committee on Internal Improvements, by permission, reported back S. 47, bill to amend an act, entitled "An act to incorporate the Western North-Carolina Railroad Company, with an accompanying bill, viz: "A bill to authorize the President of the Western North-Carolina Railroad Company to borrow money on the faith and credit of the State,' as a substitute therefor, recommending its passage.

On motion of Mr. Shober,

The rules were suspended, and the bill placed upon its several readings.

The question being upon the adoption of the substitute bill as an amendment, was put and decided in the affirmative.
The bill, as amended, passed its second reading, and the question "Shall the bill pass its third reading?" was put, and decided in the affirmative, \( \text{Yeas, } 22 \), \( \text{Nays, } 11 \).

On motion of Mr. Howard,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Arendell, Blount, Boyd, Bynum, Carter, Covington, Cowles, Gash, Hall, Harris, of Rutherford, Jones, of Columbus, Jones, of Wake, Keener, Leitch, of Robeson, McEachern, McLean, Morgan, Shober, Snead, Tayloe, Whitford and Wilson.
Those who voted in the negative are:
Messrs. Berry, Bullock, Cowper, Eure, Garner, Harris, of Franklin, Howard, Latham, Pitchford, Stanford and Winstead.
Ordered, To be engrossed.

On motion of Mr. Gash,
S. 86, bill to repeal that part of section 2, chapter 68, Revised Code, which relates to bonds on marriage licenses, was taken from the calendar and considered on its second reading.
Mr. Wilson offered an amendment, by way of substitute, and it was not adopted.
The bill passed its second reading, and being read the third time, and the question being on its passage was put, and decided in the affirmative, \( \text{Yeas, } 22 \), \( \text{Nays, } 16 \).

On motion of Mr. Ferebee,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Those who voted in the negative are:
Messrs. Berry, Black, Ferebee, Garner, Hall, Harris, of Franklin, Jones, of Columbus, Leitch, of Robeson, McEachern,
Ordered, To be engrossed.

Bills, &c., of the titles following being read the second time, were disposed of, as follows, viz:

S. 28, bill to repeal section 3, chapter 39, of an act passed at the first session of 1860-'61, entitled "An act to diminish costs on equity sales for partition." Rejected.


H. 100, engrossed bill to amend the 12th section of the 118th chapter of the Revised Code. Rejected.

H. 149, engrossed bill to amend the county line of Mitchell county, and to annex a part of Yancey county to the county of Mitchell, passed second reading.

On motion of Mr. Gash,

The rules were suspended and the bill passed its third reading.

Ordered, To be enrolled.

S. 135, bill to amend the 4th section of chapter 35, Revised Code, relating to fugitives from justice, passed second reading.

On motion of Mr. Carter,

The rules were suspended, and the bill passed its third reading.

Ordered, To be engrossed.

H. 86, engrossed bill to punish seditious language, insurrections and rebellions in the State, passed and filed for third reading.

H. 184, engrossed bill to empower the Courts of Pleas and Quarter Sessions to authorize executors, administrators and guardians to sell for cash.

Mr. Latham moved to amend by inserting after the word "Court," the words "a majority of the Justices being present;" And the question being thereon,

On motion of Mr. Whitford,

The Senate adjourned.
SATURDAY, FEBRUARY 24, 1866.

Reports of Standing and Select Committees were submitted and filed as follows, viz:

By Mr. Howard, from the Committee on the Judiciary:

H. 19, engrossed bill to prevent the discontinuance of causes in certain cases, with a substitute, viz: A bill to prevent the abatement of suits in certain cases; recommending its passage.

H. 77, engrossed bill to restore jury trials in criminal cases to the Courts of Pleas and Quarter Sessions of this State, with the recommendation that it do pass.

S. 121, to authorize the arbitration of disputes by consent of parties, with recommendation that it do not pass.

S. 124, bill to compensate Judges acting under ordinance of the Convention, asking to be discharged from its further consideration, as it is a mere question of compensation by way of salaries or fees.

Discharged accordingly.

S. 158, bill to authorize the Public Treasurer to receive and invest the land scrip donated to this State by Congress for the endowment of an Agricultural and Mechanical College, recommending that it do pass.

By Mr. Bynum, from the same committee:

S. 43, bill to be entitled "An act to establish a scale of depreciation of Confederate currency," with a recommendation that the substitute offered by Mr. Bynum be adopted, with an additional section, to wit:

"Sec. 6. Be it further enacted, That the scale of depreciation established by the 1st section of this act, shall be applied to contracts, as at the time they were made, subject, nevertheless, to the provisions of said section."

By Mr. Wiggins, from the Committee on Finance:

S. 157, bill to allow the Comptroller a clerk, recommending that it do not pass.

S. R. 159, resolution for the relief of the town of Fayetteville, recommending that it do pass.
By Mr. Jones, of Columbus, from the Joint Select Committee on the subject of a Stay Law:

S. 80, bill regulating the jurisdiction of the courts and for other purposes, asking to be discharged from its further consideration.

Discharged accordingly.

S. 120, bill to regulate the issuing of executions in the courts and by Justices of the Peace, asking to be discharged from its further consideration.

Discharged accordingly.

By Mr. Carter, from the Committee of Conference:

H. 177, engrossed bill to regulate salaries and fees, with recommendations as a compromise between the conflicting opinions of the two Houses.

By Mr. Covington, from the Joint Select Committee on Adjournment, a resolution, viz:

Resolved, That this General Assembly do adjourn sine die, on Monday, the 12th day of March next, at 6 o'clock, A. M., with a recommendation that it do pass.

By Mr. Howard, from the Committee on the Judiciary:

S. P. 38, bill to extend the limits of the town of Swansboro', Onslow county, and for other purposes, recommending its passage.

Mr. Latham submitted recommendations for Justices of the Peace for the county of Washington, which were approved and transmitted to the House.

On motion of Mr. Wilson,

O. d. r. d., That a message be sent to the House of Commons, proposing to go forthwith into an election for one Trustee of the University.

The Senate concurred in the recommendation for Justices of the Peace for the counties of Orange, Cumberland and Currituck.

A message was received from the House of Commons, trans-
mitting a message from his Excellency, the Governor, responding to inquiry in relation to the State Salt Works.

The Senate concurred in the following resolution, transmitted from the House of Commons, viz:

Resolved, That this General Assembly adjourn sine die, on Monday, the 12th of March next at seven o'clock, A. M.

Received a message from the House of Commons, transmitting a petition of George Cole, a citizen of Richmond county. Referred to the Committee on Claims.

The House of Commons having concurred in the proposition to go forthwith into an election for one Trustee of the University, the Senate proceeded to ballot, under the superintendence of Messrs. Arendell and Black, in accordance with the joint agreement.

On motion of Mr. Cowper,

Leave of absence was granted to Mr. Garner until Monday next.

Mr. Shober stated that Messrs. Boner and Leach, of Davidson, were detained at home, by severe illness in their families.

Mr. Eure moved that the vote by which the Senate passed the bill (S. 117,) to establish the rate of interest and repeal chapter 114 of the Revised Code, be reconsidered,

And the question being thereon was put and

Decided in the affirmative, Yeas, 24, Nays, 10.

On motion of Mr. Keener,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Arendell, Berry, Black, Blount, Boyd, Bullock, Cowles, Cowper, Eure, Harris, of Franklin, Harris, of Rutherford, Isbell, Jones, of Columbus, Keener, Leitch, of Robeson, McEachern, McLean, Morehead, Morgan, Pitchford, Shober, Snead, Stanford and Wiggins.

Those who voted in the negative are:

Resolutions of the titles following being then introduced, were disposed of, as follows, viz:

By Mr. Whitford: Resolutions (S. R. 160,) concerning the Commissioners and the Secretary of the Sinking Fund. Referred to the Committee on Finance:

From the House: Resolution (H. 231,) of thanks to the President of the United States. Passed and

Ordered, To be enrolled.

Mr. Arendell, from the committee to superintend the election for one Trustee of the University, reported as follows, viz:

Whole number of votes cast 128. Necessary to a choice 65. Of which Mr. Bynum received 89; Mr. Hoke 38; and Mr. Haughton 1. Mr Bynum having received a majority of all the votes cast, was duly elected.

Concurred in.

The engrossed resolution (H. P. 43,) in favor of A. W. Fraps, passed its third reading.

Ordered, To be engrossed.

On motion of Mr. Gash,

The bill (S. 60,) to establish a Penitentiary and Work Houses, was taken from the table and made the special order for Tuesday next, 27th inst., at 12 o'clock, M.

On motion of Mr. Ferebee,

The bill (S. 82,) to amend an act, entitled "An act for the relief of Landlords," was taken from the table and placed on the calendar.

On motion of Mr. Arendell,

The engrossed resolution (H. R. 48,) making an appropriation for the Lunatic Asylum, was taken from the table and filed.

Bills, &c., of the titles following being read the second time, passed their second reading, and were otherwise disposed of, as follows, viz:

S. P. 47, bill to incorporate the Rock Island Manufacturing Company, in the county of Mecklenburg.
The question being upon the amendment proposed by the Committee on Corporations, limiting the period of incorporation to thirty years.

Mr. Jones, of Columbus, moved to lay the amendment, carrying the bill with it, upon the table, and the question being thereon, was put, and

Decided in the negative, \( \frac{1}{2} \) Yeas, ................. 8.
\( \frac{1}{2} \) Nays, ................. 27.

On motion of Mr. Jones, of Columbus,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Gorrell, Harris, of Rutherford, Jones, of Columbus, Morehead, Pitchford, Snead, Stanford and Winstead.
Those who voted in the negative are:

The question recurring on the passage of the amendment, was put, and

Decided in the affirmative, \( \frac{1}{2} \) Yeas, .................. 21.
\( \frac{1}{2} \) Nays, .................. 15.

On motion of Mr. Gorrell,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Arendell, Black, Blount, Boyd, Bullock, Bynum, Cowper, Gorrell, Hall, Harris, of Franklin, Harris, of Rutherford, Howard, Jones, of Columbus, Leitch, of Robeson, Morehead, Pitchford, Snead, Tayloe, Wiggins, Williams and Winstead.
Those who voted in the negative are:

The bill, as amended, passed its second reading.
On motion of Mr. Wilson,
The rules were suspended and the bill passed its third reading.

Ordered, To be engrossed.

H. 174, engrossed bill to consolidate and amend the several acts heretofore passed for the better regulation of the town of Jacksonville, in Onslow county.

On motion of Mr. Arendell,
The rules were suspended, and the bill passed its third reading.

Ordered, to be enrolled.

S. P. 52, bill to amend an act, entitled "An act to amend an act to charter the town of Salisbury.

Mr. Arendell proposed an additional section, to wit:

"Be it further enacted, That this act shall go into force and effect upon its ratification"; and it was adopted.

The bill then passed.

On motion of Mr. Arendell,
The rules were suspended and it passed its final reading.

Ordered, To be engrossed.

H. 193, engrossed bill to amend an act incorporating the town of Lenoir, in Caldwell county.

On motion of Mr. Bynum,
The rules were suspended and the bill passed its third readings.

Ordered, To be enrolled.

H. 145, engrossed bill to incorporate the Leaksville Male Academy, in the county of Rockingham, and to appoint the Trustees thereof.

On motion of Mr. Arendell,
The rules were suspended and the bill passed its third reading.

Ordered, To be enrolled.

S. P. 38, bill to extend the limits of the town of Swansboro, Onslow county, and for other purposes.
On motion of Mr. Howard,

The rules were suspended, and the bill passed its third reading.

Ordered, To be engrossed.

The Speaker announced the following communication to the Senate, viz:

Raleigh, N. C., February 24th, 1866.

Hon. Thos. Settle,

Speaker of the Senate:

Sir: I hereby tender my resignation as Senator from the third District, composed of the counties of Chowan and Gates. With sentiments of great respect for yourself, and each member of the Senate, I am,

Very respectfully, your ob't servant,

M. L. Eure.

Mr. Cowper introduced the following resolution, viz:

Resolved, That the Speaker of the Senate be authorized to issue writs of election to the sheriffs of the counties of Chowan and Gates, ordering an election to be held on the 5th day of March next, for a Senator from that District to fill the vacancy occasioned by the resignation of M. L. Eure.

Adopted.

The resolution of Mr. Black, in reference to the daily sessions of the Senate, was considered.

Mr. Bynum moved to amend, by striking out all after the word "Resolved," and insert as follows:

"That from and after to-day, the daily sessions of the Senate shall be as follows, to wit: Meet at 10 A. M., and adjourn at 2 P. M.; meet at 7 P. M., and adjourn at 10 P. M."

And the amendment was adopted.

Mr. Wilson moved to strike out "7 P. M." and insert "7½ P. M." and the amendment prevailed.
The resolution as amended, was adopted.

On motion of Mr. McLean,
The Senate adjourned.

MONDAY, FEBRUARY 26, 1866.

The Speaker designated Messrs. Isbell, Keener and Latham as constituting the Committee on Enrolled Bills.

Mr. Cowles, from the Committee on Claims, to whom was referred the petition of George Cole, asked to be discharged from its further consideration, as the payment of such claims by the Legislature would be setting a dangerous precedent and opening the door of the Treasury to certain bankruptcy.

Discharged accordingly.

A message was received from the House of Commons, announcing Messrs. Wilson, Webb, Mott, Blair and Farrow as the Committee on Enrolled Bills for the present week.

The House of Commons having concurred in the report of the Committee of Conference on the engrossed bill (H. 177,) to regulate salaries and fees, transmitted the same to the Senate.

The Senate concurred in the report.

Ordered, To be enrolled.

Bills, &c., of the titles following were introduced, passed their first reading, and were disposed of, as follows, to wit:

By Mr. Carter: A bill (S. 162,) to extend the terms of office of certain County office. Referred to the Committee on the Judiciary.

From the House: Engrossed bill (H. 194,) to change the jurisdiction of the Courts and the rules of pleading therein. Ordered to be printed and made the special order for Wednesday, 28th inst.

The Senate resumed the consideration of the engrossed bill
(H. 184,) to empower the Courts of Pleas and Quarter Sessions to authorize Executors, Administrators and Guardians to sell for cash, as the unfinished business of Friday last, the pending question being upon the adoption of the amendment of Mr. Latham, to insert in the first section after the word "Court" the words "a majority of the Justices being present," and the amendment was adopted.

The question recurring upon the passage of the bill its second reading, was put and

\[
\text{Decided in the negative,} \quad \begin{align*}
\text{Yeas,} & : 11, \\
\text{Nays,} & : 22.
\end{align*}
\]

On motion of Mr. Carter,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Those who voted in the negative are,
Messrs. Berry, Blount, Bullock, Bynum, Covington, Cooper, Ferebee, Garner, Gash, Hall, Harris, of Franklin, Harris, of Rutherford, Jones, of Columbus, Latham, Leitch, of Robeson, McEachern, McKoy, McLean, Stanford, Wiggins, Williams and Wilson.

The engrossed bill (H. 86,) to punish seditious language, insurrections and rebellions in the State was considered upon its third reading:

Mr. Leitch, of Robeson, moved to lay the bill on the table, and the question being thereon was put, and

\[
\text{Decided in the negative,} \quad \begin{align*}
\text{Yeas,} & : 7, \\
\text{Nays,} & : 23.
\end{align*}
\]

On motion of Mr. Carter,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Ferebee, Hall, Harris, of Franklin, Leitch, of Robeson, McKoy, McLean and Wilson.
Those who voted in the negative are:
Messrs. Arendell, Berry, Black, Blount, Boyd, Bynum, Car-

The question recurring upon the passage of the bill was put and

Decided in the affirmative, \[\begin{align*}
\text{Yeas,} & \quad 22, \\
\text{Nays,} & \quad 9.
\end{align*}\]

On motion of Mr. Leitch, of Robeson,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are:
Messrs. Ferebee, Gash, Hall, Harris, of Franklin, Leitch, of Robeson, McKoy, McLean, Morgan and Stanford.

Ordered, To be enrolled.

Bills, &c., of the titles following being read the second time, the following proceedings were had, viz:

H. 19, engrossed bill to prevent the discontinuance of causes in certain cases.

The question being upon the substitute offered by the Committee on the Judiciary, to wit: A bill to prevent the abatement of suits in certain cases, was put and decided in the affirmative.

The bill, as amended, passed its second reading, and was filed.

H. R. 48, engrossed resolution making appropriation for the Lunatic Asylum:

The question being stated, "Shall this resolution pass its second reading?" was put, and

Decided in the affirmative, \[\begin{align*}
\text{Yeas,} & \quad 22, \\
\text{Nays,} & \quad 11.
\end{align*}\]

On motion of Mr. Carter,
The yeas and nays being ordered,
Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Berry, Black, Carter, Cowles, Cowper, Gorrell, Hall, Harris, of Rutherford, McKoy, Snead and Williams.

H. 23, engrossed bill to provide for the payment of the State debt contracted before the war.

And the question pending thereon, the hour arriving,

The Senate adjourned until 7 1/2 o'clock, P. M.

7 1/2 o'clock, P. M.

The consideration of engrossed bill (H. 23,) to provide for the payment of the State debt contracted before the war, was resumed.

Mr. Cowles moved to lay it on the table,

And the question being thereon, was put, and

Decided in the negative, { Yeas, ..................... 8,  Nays, ..................... 25.

On motion of Mr. Cowles,

The yeas and nays being ordered,

Those who voted in the affirmative are,

Messrs. Black, Blount, Cowles, Harris, of Franklin, Isbell, Pitchford, Stanford and Winstead.

Those who voted in the negative are:

The question recurring upon the passage of the bill, Mr. Cowles moved to amend, by striking out all after the enacting clause in the third section, and insert as follows:

"That this act shall not go into operation until the first day of January, 1867."

And the question being thereon, the hour of 10 o'clock arriving, the Speaker adjourned the Senate.

TUESDAY, FEBRUARY 27, 1865.

Mr. Donaho was appointed on the Committee on Public Printing instead of Mr. Morehead, excused.

Mr. Arendell, from the Committee on Corporations, reported back the bill (S. 156,) to extend the charter of the Wilmington, Charlotte and Rutherford Railroad, recommending its passage.

Mr. Wilson introduced the following resolution, viz:

Resolved, That the Committee on the Lunatic Asylum be instructed to inquire into the propriety of providing by law that all dues to the Asylum shall be paid into the Treasury of the State, and also into the propriety of providing, by law, that the County Courts of the respective counties shall levy a tax for the support of the indigent insane from each, during the year 1865.

Adopted.

Bills, &c., of the titles following being introduced, passed their first reading and were disposed of, as follows, viz:

By Mr. McLean: A bill (S. P. 70,) to incorporate the Fayetteville Iron Works. Referred to Corporations.

From the House: Engrossed bill (H. 164,) to enable the Banks of the State to close their business. Filed.

Engrossed bill (H. 245,) to legalize the acts of the County Courts of Gaston and Lincoln counties. Filed.

The Senate resumed the consideration of the engrossed bill
(H. 23,) to provide for the payment of the State debt contracted before the war.
The question being upon the amendment offered by Mr. Cowles,

By unanimous consent, the amendment was withdrawn.
Mr. Cowles moved to amend by striking out the figures "1866" in the first section and insert the figures "1867."
And the question being thereon, was put and

Decided in the negative, \[
\begin{align*}
\text{Yeas,} & \quad 14, \\
\text{Nays,} & \quad 23.
\end{align*}
\]

On motion of Mr. Wilson,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Those who voted in the negative are:
Mr. Cowles moved to amend by inserting in the first section after the word "shall" the word "not," and the question being thereon, was put and

Decided in the negative, \[
\begin{align*}
\text{Yeas,} & \quad 19, \\
\text{Nays,} & \quad 19.
\end{align*}
\]

On motion of Mr. Cowles,
The yeas and nays being ordered.
Those who voted in the affirmative are:
Messrs. Arendell, Black, Blount, Boyd, Bynum, Coward, Cowles, Ferebee, Gorrell, Harris, of Franklin, Harris, of Rutherford, Isbell, Keener, Latham, McKoy, Pitchford, Snead, Williams and Winstead.
Those who voted in the negative are:
Messrs. Berry, Boner, Carter, Covington, Cowper, Donaho,
Garner, Gash, Hall, Jones, of Columbus, Jones, of Wake, Leitch, of Robeson, McEachern, McLean, Morgan, Stanford, Tayloe, Wiggins and Wilson.

The Speaker voted with the negative.

Mr. Bynum moved to amend by striking out all after the word "and" in the sixteenth line, first section, and insert the words "the interest accruing thereon shall be subject to taxation as other property of the State."

And the question being thereon, was put and

Decided in the affirmative, \{ Yeas, \ldots \ldots \ldots \ldots 18, Nays, \ldots \ldots \ldots \ldots 18.

On motion of Mr. Cowles,

The yeas and nays being ordered,

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Berry, Carter, Covington, Donaho, Garner, Hall, Harris, of Rutherford, Jones, of Columbus, Jones, of Wake, Keener, Latham, Leitch, of Robeson, McEachern, McLean, Morgan, Tayloe, Wiggins and Wilson.

The Speaker voted in the affirmative.

The question recurring upon the passage of the bill, as amended its second reading,

Mr. Hall moved to amend by adding the following proviso to the first section, viz:

"Provided, That said tax shall not exceed the tax of money on interest"; and the amendment was adopted.

The question recurring upon the passage of the bill, was put, and it passed,

The second reading, \{ Yeas, \ldots \ldots \ldots \ldots 30, Nays, \ldots \ldots \ldots \ldots 8.

On motion of Mr. Carter,

The yeas and nays being ordered,

Those who voted in the affirmative are:
Messrs. Arendell, Berry, Boner, Boyd, Carter, Covington, Cowper, Donaho, Ferebee, Garner, Gash, Hall, Harris, of Franklin, Harris, of Rutherford, Isbell, Jones, of Columbus, Jones, of Wake, Keener, Latham, Leitch, of Robeson, McCEachern, McKoy, McLean, Morgan, Shober, Stanford, Tayloe, Whitford, Wiggins and Wilson.

Those who voted in the negative are:
Messrs. Black, Blount, Bynum, Cowles, Gorrell, Pitchford, Snead and Winstead.

Received a message from the House of Commons, transmitting recommendations for Justices of the Peace for the counties of Yadkin, Sampson, Stokes, Pitt, Buncombe and Jones.

Those for Yadkin were laid on the table, the others were approved and transmitted to the Governor for commission.

On motion of Mr. Gash,
S. 60, bill to establish a Penitentiary and Work Houses, heretofore made the special order for to-day, was taken up,
When the hour arriving, the Senate adjourned.

7½ o'clock, P. M.

The Senate resumed the consideration of the bill (S. 60,) to establish a Penitentiary and Work House, and the question being on its passage, was put, and decided in the negative.

Bills, &c., of the titles following being read the second time, were disposed of as follows, viz:

H. 77, engrossed bill to restore jury trials in criminal cases to the Courts of Pleas and Quarter Sessions of this State. Passed.

On motion of Mr. McLean,
The rules were suspended, and the bill passed its third reading:

Ordered, To be enrolled.
S. 120, bill to regulate the issuing of executions in the Courts, and by Justices of the Peace. Rejected.

S. 121, bill to authorize the arbitration of disputes by consent of parties.

On motion of Mr. Harris, of Rutherford,
Laid on the table.

H. 198, engrossed bill to re-enact the 4th section, 102d chapter Revised Code. Passed.

On motion of Mr. Leitch, of Robeson,
The rules were suspended, and the bill passed its third reading.

Ordered, To be enrolled.

S. 142, bill to be entitled an act to "consolidate the North-Carolina Railroad Company and the Atlantic and North-Carolina Railroad Company."

On motion of Mr. Harris, of Rutherford,
Made the special order for Thursday next, 1st March, at 12 o'clock.

On motion of Mr. Wiggins,
S. 109, bill to abolish the office of Superintendent of Public Schools, Treasurer of the Literary Fund, and for other purposes, was taken from the table and placed on the calendar.

On motion of Mr. Carter,
The Senate adjourned.

WEDNESDAY, FEBRUARY 28, 1866.

Prayer by Rev. H. Hardie.

Mr. Hall introduced a memorial and counter-memorial from citizens of New Hanover, in reference to the fees for inspection of turpentine and tar, and guaging of spirits. Referred to the Committee on Propositions and Grievances.

Reports from Standing and Select Committees were submitted and filed, as follows, viz:
By Mr. Bynum, from the committee on the Judiciary:
Resolution concerning the property of Wards, asking to be discharged from its further consideration.
Resolution concerning the provisions of an act concerning the Statute of Limitations, asking to be discharged from its further consideration, the matter of said resolution, having been embodied in an act already passed at the present session of the General Assembly.
Resolution in regard to the propriety of designating all freedmen and free persons of color by the one name of free negroes, asking to be discharged from the further consideration thereof, the matter involved being before the General Assembly in bills now pending.
Resolution in reference to the legal liabilities of administrators and guardians, arising out of the depreciated currency in their hands, asking to be discharged from the further consideration thereof.
Resolution concerning what laws of the State are in force or ought to be repealed, asking to be discharged from its further consideration, as the subject matter is already in the hands of a committee to carry into effect the substance of this resolution.
The committee was discharged from the further consideration of the several resolutions.
S. 64, bill to extend the operation of "An Ordinance appointing a Judge to determine State claims to property," recommending that it do pass.
S. 162, bill to extend the terms of office of certain county officers, recommending its passage.
By Mr. McKoy, from the same committee:
S. P. 24, bill to incorporate the Mining, Manufacturing and Improvement Company, with recommending that it do not pass.
S. P. 25, bill to incorporate the American Industrial Agency, with recommendation unfavorable to its passage.
By Mr. Wilson, from the same committee:
S. 77, bill to enable sheriffs and tax collectors to collect arrearages of taxes for the year 1864, with an amendment, recommending its passage.

By Mr. Cowles, from the Committee on Claims:
S. R. 166, resolution in favor of Cherokee Indians, introduced in response to petitions from said Indians, recommending its passage.

The Senate concurred in recommendations for Justices of the Peace for Mecklenburg county, transmitted from the House of Commons.

Mr. Gash introduced the following resolution, viz:
Resolved, That the Committee on Public Buildings be instructed to inquire into the necessity and propriety of removing the water closets out of the Capitol, and locating them elsewhere, and report by bill or otherwise.

Adopted.

Bills, &c., of the titles following being introduced, were read the first time, passed and ordered as follows, viz:
By Mr. Bynum: Resolutions (S. R. 167,) to maintain the faith and credit of the State. Ordered to be printed.
By Mr. Hall: Resolution (S. P. R. 71,) in favor of S. R. Bunting. To Committee on Claims.
By Mr. Covington: Resolution (S. R. 168,) in favor of certain disabled soldiers.

On motion of Mr. Carter,
The rules were suspended, and the resolution passed its several readings.

Ordered, To be engrossed.
By Mr. Hall: A bill (S. P. 72,) to incorporate the Yadkin and Cape Fear Canal Company. Referred to the Committee on Corporations.
By Mr. Jones, of Wake: A bill (S. P. 73,) to charter the City of Raleigh. To Committee on Corporations.

On motion of Mr. Cowles,
S. R. 166, resolution in favor of Cherokee Indians, passed its several readings under a suspension of the rules.

Ordered, To be engrossed.

Engrossed bill (H. 194,) to change the jurisdiction of the Courts and the rules of pleading therein, heretofore made the special order for 12 o'clock to-day, was postponed until 8 o'clock P. M.

S. 109, bill to abolish the office of Superintendent of Public Schools, Treasurer of the Literary Fund and for other purposes, being read the second time, and the question being upon its passage,

Mr. Cowles moved to amend by striking out all after the enacting clause, and insert as follows, viz:

"That the office of Superintendent of Common Schools and Treasurer of the Literary Fund are hereby abolished, and that the Treasurer of the State is hereby authorized to take charge of and safely keep all the funds and assets now in the hands of the Treasurer of the Literary Fund, and shall be held accountable upon his official bond for the same.

Be it further enacted, That this act shall be in force from and after its ratification."

The question being thereon,

Mr. Wilson moved to amend the amendment by striking out all after the enacting clause, and insert as follows, viz:

"That the 27th section of chapter 66, of the Revised Code be, and is hereby, repealed.

Be it further enacted, That the President and Directors of the Literary Fund are hereby authorized and empowered, at discretion, to appoint a Superintendent of the Common Schools in the State, at such salary as may be prescribed by said officers, for the purpose of keeping up the organization of the Common School System."

And pending the question thereon, the hour of 2 o'clock arriving,

The Speaker adjourned the Senate.
Mr. Jones, of Columbus, moved a call of the Senate, and the motion prevailed. The Clerk proceeded to call the roll.

On motion of Mr. Jones, of Columbus,

Further proceedings under the call were suspended.

The Senate resumed the consideration of the bill (S. 109,) to abolish the office of Superintendent of Public Schools, Treasurer of the Literary Fund, and for other purposes.

The question being upon the amendment offered by Mr. Wilson, was put and decided in the negative.

The question then recurring upon the amendment offered by Mr. Cowles, it was not adopted.

The bill then passed its second reading.

On motion of Mr. Jones, of Columbus,

The engrossed bill (H. 194,) to change the jurisdiction of the courts and the rules of pleading therein, heretofore made the special order for 8 o'clock, P. M., this evening, was made the special order for to-morrow, Thursday, 1st of March, at 11 o'clock, A. M.

Bills of the titles following being considered on their second reading, passed and were otherwise ordered, as follows, viz:

H. 84, engrossed bill to prevent wilful trespass on lands, and stealing any kind of property therefrom.

On motion of Mr. Latham,

The rules were suspended and the bill passed its third reading.

Ordered, To be enrolled.

H. 83, engrossed bill to punish persons pursuing and injuring horses and other live stock, with intent to steal them.

On motion of Mr. Ferebee,

The rules were suspended, and the bill passed its third reading.

Ordered, To be enrolled.

H. 85, engrossed bill to punish vagrancy.

On motion of Mr. Jones, of Columbus,
The rules were suspended, and the bill passed its third reading.

Ordered, To be enrolled.

H. 87, engrossed bill to prevent enticing servants from fulfilling their contracts, or harboring them.

On motion of Mr. Gorrell,
The rules were suspended, and the bill passed its final reading.

Ordered, To be enrolled.

H. 88, engrossed bill to secure to agricultural laborers their pay in kind.

On motion of Mr. Cowles,
The rules were suspended, and the bill passed its final reading.

Ordered, To be enrolled.

H. 89, engrossed bill more effectually to secure the maintenance of bastard children, and the payment of fines and costs on conviction in criminal cases.

On motion of Mr. Latham,
The rules were suspended, and the bill passed its final reading.

Ordered, To be enrolled.

H. 90, engrossed bill to establish Workhouses or Houses of Correction, in the several counties of the State.

On motion of Mr. Berry,
The rules were suspended, and the bill passed its final reading.

Ordered, To be enrolled.

Bills of the titles following were received from the House of Commons, read the first time, passed their first reading, and were otherwise disposed of, as follows, viz:

H. 82, engrossed bill concerning negroes and persons of color, or of mixed blood.

Mr. Carter moved that the rules be suspended, and the bill
be placed upon its second reading, and the question being thereon, was put, and

Decided in the negative, \{ Yeas, \ldots \ldots \ldots \ldots 16. \}
\{ Nays, \ldots \ldots \ldots \ldots 21. \}

On motion of Mr. Cowper,
The yeas and nays being ordered,
Those who voted in the affirmative, are:
Messrs. Arendell, Berry, Black, Blount, Boner, Boyd, Bynum, Carter, Donaho, Gash, Gorrell, Jones, of Columbus, Latham, Shober, Whitford and Winstead.

Those who voted in the negative are:

Mr. Covington moved to make the bill the special order for Monday next, 5th March, at 11 o'clock.

Mr. Carter moved that it be made the special order for Friday, 2d March, at 11 o'clock, and the question being thereon, was put, and

Decided in the affirmative, \{ Yeas, \ldots \ldots \ldots \ldots 27. \}
\{ Nays, \ldots \ldots \ldots \ldots 10. \}

On motion of Mr. Carter,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are:
Messrs. Bullock, Covington, Cowles, Ferebee, Harris, of Franklin, Leitch, of Robeson, McKoy, Snead, Whitford and Williams.

H. 178, engrossed bill concerning assignments. Referred to the Committee on the Judiciary.
H. 267, engrossed bill in relation to the town of Goldsboro', in the county of Wayne. Referred to the Committee on Corporations.

On motion of Mr. Carter,

The vote by which the Senate rejected the bill (S. 60,) to establish a Penitentiary and County Work Houses, was reconsidered, and the bill laid upon the table.

Mr. Harris, of Rutherford, by permission, introduced the following resolution, viz:

Resolved, That from and after the 1st day of March, no member of the Senate shall be excused from his seat, until the close of the session.

The resolution lies over.

On motion of Mr. Carter,

The Senate adjourned.

THURSDAY; MARCH 1, 1866.

Prayer by the Rev. R. S. Mason, D. D.

Mr. Howard presented a memorial from certain citizens of Edgecombe, asking an amendment to the law in reference to fences. Referred to the Committee on Agriculture.

Mr. Cowles, from the Committee on Claims, reported back resolution (S. P. R. 71,) in favor of S. R. Bunting with an amendment, recommending its passage.

On motion of Mr. Cowles,

The rules were suspended, and the resolution placed upon its several readings.

The question being upon the amendment offered by the Committee on Claims, viz:

"Provided, That the said S. R. Bunting shall be governed and restricted in all collections he may make under authority conferred by this resolution, by the scale fixing the depreciation of Confederate currency that may be hereafter adopted.
by this General Assembly," was put, and the amendment was adopted.

The bill, as amended, passed its several readings.

Ordered, To be engrossed.

Messrs. Stanford and Black recommended additional names as Justices of the Peace for the counties of Duplin and Alamance, which were approved and transmitted to the House.

The Senate concurred in the recommendations for Justices of the Peace for the counties of Harnett and Macon, transmitted from the House of Commons.

The resolution, introduced by Mr. Harris, of Rutherford, in reference to the attendance of Senators for the balance of the session, was considered and rejected.

Mr. Pitchford introduced the following resolution, viz:

Resolved, That from and after to-day no Senator shall be allowed, at any one time, to speak for a greater length of time than fifteen minutes on any question in debate.

The resolution lies over.

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

By Mr. McLean: Resolution (S. 171,) to facilitate rafting of lumber and timber on the Cape Fear River above Fayetteville. To Internal Improvements.

From the House: Engrossed resolution (H. P. 49,) in favor of C. Keuster and Brother. To Claims.

Engrossed resolution (H. 189,) in favor of R. W. Best. To Claims.

S. 154, bill to compensate Judges acting under Ordinance of the Convention was referred to the Joint Select Committee on Salaries and Fees.

The hour of 11 o'clock arriving, the Senate considered the engrossed bill (H. 194,) to change the jurisdiction of the Courts and the rules of pleading therein, as the special order. The bill was read by sections.

Mr. Latham moved to amend the first section by striking
out all after the word "peace" in the sixth line to the word "except" in the eighth line, and the motion did not prevail.

Mr. Howard moved to insert in the third line, first section, after the word "That" the words "from and after the first day of July A. D. 1866," and the amendment was adopted.

Mr. Howard further moved to amend the first section by adding the following proviso, viz:

"Provided further, That all writs of debts, assumpsit, covenant and account issued to Spring Term, 1866, shall be returned to Fall Term, 1866," and the amendment prevailed.

Mr. Carter moved to amend by adding to section third the words "for the benefit of the debtor," and the amendment was not adopted.

Mr. Howard moved to amend the third section by adding the following proviso, viz:

"Provided, Nothing contained in this section shall be held to revive dormant judgments," and the amendment was adopted.

Mr. Carter moved to amend the ninth section by adding the following words, viz:

"And that all deeds of trust and mortgages hereafter made, and judgments confessed to secure debts, shall be void as to creditors, unless it is expressly declared therein that the proceeds of sale thereunder shall be appropriated to the payment of all the debts and liabilities of the trustor or mortgagor equally pro rata: Provided, That the provisions of this section shall not apply to sheriffs or other public officers who may make a mortgage or deed in trust, to secure sureties to their official bonds: And, provided, further, That this act shall not apply to sales of land or other property, where the deed of trust or mortgage is taken at the time of sale, to secure any part of the purchase money thereof."

The question being thereon, was put and

Decided in the affirmative, { Yeas, .................. 21,
{ Nays, .................. 20.}
On motion of Mr. Carter,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Arendell, Aycock, Black, Boner, Bullock, Bynum, Carter, Covington, Cowper, Garner, Gash, Gorrell, Hall, Harris, of Rutherford, Jones, of Columbus, Latham, Leitch, of Robeson, Pitchford, Shober, Tayloe and Wiggins.

Those who voted in the negative are:

Mr. Howard moved to amend the eleventh section by adding the following proviso, viz:

"Provided, That executors be, and they are hereby, required to give security as administrators are now required to do, unless otherwise directed by the will."

And the question being thereon, was put and
Decided in the negative, } Yea, .................. 17,
\n\n\nNays, .................. 21.

On motion of Mr. Cowper,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are:
Messrs. Arendell, Berry, Black, Blount, Boner, Boyd, Bullock, Bynum, Carter, Cowles, Cowper, Gash, Harris, of Rutherford, Jones, of Wake, Keener, Leitch, of Robeson, McLean, Morgan, Pitchford, Wiggins and Winstead.

Mr. Gash moved to amend the fourteenth section, by inserting after the word "Equity," in the fifteenth line, the
words “nor debts contracted since first day of May, 1865”; and the amendment was adopted.

Mr. Carter moved to amend, by adding another section, as follows, viz:

“Sec. 15. Be it further enacted, That this act, in all its parts, shall be no longer operative after the 31st day of December, 1866; and that from and after that day, chapter 31 of the Revised Code, entitled ‘Courts, County and Superior,’ is hereby fully restored and enacted.”

And the question being thereon, was put, and

Decided in the negative, \{ Yeas, ....................... 3, \\
Nays, ....................... 36. \\

On motion of Mr. Cowles, 
The yeas and nays being ordered, 
Those who voted in the affirmative are:
Messrs. Carter, Harris, of Rutherford, and Leitch of Robeson.
Those who voted in the negative are:

Mr. Hall moved that the vote by which the Senate adopted the amendment offered by Mr. Carter to the ninth section, be reconsidered,

And the question being thereon, was put, and

Decided in the negative, \{ Yeas, ....................... 21, \\
Nays, ....................... 21. \\

On motion of Mr. Hall, 
The yeas and nays being ordered, 
Those who voted in the affirmative are:
Messrs. Aycock, Berry, Blount, Boyd, Cowles, Donaho, Ferebee, Hall, Harris, of Franklin, Howard, Isbell, Jones, of Wake, Keener, Leitch, of Robeson, McCleese, McKoy, Stanford, Whitford, Williams, Wilson and Winstead,
Those who voted in the negative are:

Messrs. Arendell, Black, Boner, Bullock, Bynum, Carter, Covington, Cowper, Garner, Gash, Gorrell, Harris, of Rutherford, Jones, of Columbus, Latham, McLean, Morgan, Pitchford, Shober, Snead, Tayloe and Wiggins.

The Speaker voted in the negative.

The question recurring upon the passage of the bill its second reading,

On motion of Mr. Carter,

The Senate adjourned.


$7\frac{1}{2}$ o'clock, P. M.

The Senate resumed the consideration of the engrossed bill (H. 194,) to change the jurisdiction of the Courts and the rules of pleading therein, as the unfinished business.

The question being upon the passage of the bill its second reading, was put, and

Decided in the affirmative, \{ Yeas, ....................... 30, Nays, ....................... 6.\}

On motion of Mr. Wiggins,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Arendell, Aycock, Berry, Black, Blount, Boner, Boyd, Bullock, Bynum, Covington, Cowles, Cowper, Donaho, Garner, Gorrell, Hall, Harris, of Franklin, Harris, of Rutherford, Howard, Jones, of Columbus, Jones, of Wake, Keener, Latham, McCleese, Morgan, Snead, Stanford, Tayloe, Wiggins and Winstead.

Those who voted in the negative are:


Bills, &c., of the titles following were considered on their second reading, and were disposed of as follows, and other proceedings are had, viz:
S. 142, bill to be entitled "An act to consolidate the North-Carolina Railroad Company, and the Atlantic and North-Carolina Railroad Company."

Mr. Howard moved to refer the bill to the Committee on Internal Improvements,

An the question being thereon, was put, and


On motion of Mr. Arendell,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Aycock, Berry, Bullock, Ferebee, Garner, Hall, Harris, of Franklin, Howard, Jones, of Columbus, Jones, of Wake, Leitch, of Robeson, McCleese, McKoy, McLean, Pitchford, Stanford, Whitford, Wiggins, Williams and Wilson.

Those who voted in the negative are:


S. 64, bill to extend the operation of an "An ordinance appointing a Judge to determine State claims to property." Passed.

On motion of Mr. Bynum,

The rules were suspended, and the bill passed its third reading.

Ordered, To be engrossed.

S. 77, bill to enable Sheriffs and Tax Collectors to collect arrearages of taxes for the year 1864.

The question being upon the amendment of the Committee on the Judiciary, was put, and the amendment was adopted.

The question recurring upon the passage of the bill its second reading, was put, and

Decided in the negative.  Yeas, 10.  Nays, 27.
On motion of Mr. Leitch, of Robeson, 
The yeas and nays being ordered, 
Those who voted in the affirmative are: 
Messrs. Aycock, Blount, Bynum, Covington, Hall, Harris, 
of Rutherford, Jones, of Wake, McKoy, McLean and Wilson. 
Those who voted in the negative are: 
Messrs. Arendell, Berry, Black, Boner, Boyd, Bullock, Carter, Cowper, Donaho, Ferebee, Garner, Gash, Gorrell, Howard, 
Isbell, Jones, of Columbus, Latham, Leitch, of Robeson, McCleese, Morgan, Pitchford, Snead, Stanford, Tayloe, Whitford, 
Wiggins and Winstead.

Mr. McCleese moved to reconsider the vote by which the Senate referred the bill (S. 142,) to be entitled "An act to consolidate the North Carolina Railroad Company and the Atlantic and North Carolina Railroad Company to the Committee on Internal Improvements," and the motion prevailed.

The question then recurring upon the motion to refer the bill to the Committee on Internal Improvements was put and

Decided in the negative, 19, 22.

On motion of Mr. Carter, 
The yeas and nays being ordered, 
Those who voted in the affirmative are: 
Messrs. Aycock, Berry, Bullock, Cowper, Ferebee, Garner, 
Hall, Harris, of Franklin, Howard, Jones, of Columbus, Leitch, 
of Robeson, McKoy, McLean, Pitchford, Stanford, Whitford, 
Wiggins, Williams and Wilson.

Those who voted in the negative are: 
Messrs. Arendell, Black, Blount, Boner, Boyd, Bynum, Carter, Covington, Cowles, Donaho, Gash, Gorrell, Harris, of 
Rutherford, Isbell, Jones, of Wake, Keener, Latham, Morgan, 
Shober, Snead, Tayloe and Winstead.

The question recurring upon the passage of the bill its second reading,
Mr. Jones, of Wake, moved to amend by adding the following amendment to the second section, viz:

"Provided, That when said Roads are consolidated, that it shall be the duty of the managers of said Road to allow their cars, when loaded with freight or merchandise, to pass on the different connecting roads, in which the State has an interest, upon such terms as the Board of Internal Improvements may direct;" and the amendment was adopted.

Mr. Hall moved to amend by adding at the end of the second section, the following proviso, viz:

"Provided, That in the election for ratification or rejection the individual stockholders alone shall be allowed to vote."

And pending the question thereon, the hour arriving, The Senate adjourned.

FRIDAY, MARCH 2, 1866.

Prayer by the Rev. A. Smedes, D. D.

Reports from Standing Committees were submitted and filed as follows, to wit:

By Mr. Cowles, from the Committee on Claims:
H. 189, engrossed resolution in favor of R. W. Best, recommending its passage.

By Mr. Wiggins, from the Committee on Finance:
S. R. 160, resolutions concerning the Commissioners and the Secretary of the Sinking Fund, recommending that it do not pass.

Mr. Wilson introduced the following resolution, viz:

Resolved, That the Committee on the Judiciary be, and are hereby instructed to inquire into the propriety of amending the law applicable to burglary, so as more effectually to secure the citizens of the State in their rights of property, and report by bill or otherwise.

Adopted.
The resolution introduced yesterday by Mr. Pitchford, viz:

Resolved, That from and after to-day, no Senator shall be allowed, at any one time, to speak for a greater length of time than fifteen minutes on any question in debate was considered.

Mr. Covington moved to amend by striking out "fifteen," and insert "ten."

Mr. Wilson moved to lay the bill and amendment on the table, and the question being thereon, was put, and

Decided in the negative.  

On motion of Mr. Wilson,  
The yeas and nays being ordered,  
Those who voted in the affirmative are:  

Those who voted in the negative are:  
Messrs. Arendell, Aycock, Berry, Black, Blount, Boner, Boyd, Bullock, Covington, Cowper, Donaho, Gash, Gorrell, Hall, Harris, of Rutherford, Howard, Jones, of Columbus, Jones, of Wake, Latham, McCleese, McLean, Morgan, Pitchford, Snead, Whitford, Wiggins, Williams and Winstead.

The question recurring upon the amendment of Mr. Covington, was put, and

Decided in the negative,  

On motion of Mr. Covington,  
The yeas and nays being ordered,  
Those who voted in the affirmative are:  

Those who voted in the negative are:  
Messrs. Arendell, Berry, Blount, Boyd, Bynum, Carter, Cowles, Cowper, Donaho, Ferebee, Garner, Howard, Isbell,
Jones, of Columbus, Jones, of Wake, Keener, Leitch, of Robeson, McCleese, McEachern, McLean, Pitchford, Shober, Tayloe and Wilson.

The question recurring upon the adoption of the resolution, was put, and decided in the affirmative.

Bills, &c., of the titles following being introduced, passed their first reading, and were referred, as follows, viz:

By Mr. Morgan: Resolution (S. P. 77,) in favor of W. E. Mann. To Claims.

By Mr. Jones, of Columbus: Bill (S. P. 78,) for the relief of Goodman Durden, late sheriff of Washington county. To the Judiciary.

On motion of Mr. Ferebee, H. 194, bill to change the jurisdiction of the Courts and the rules of pleading therein, was made the special order for Monday next, 5th inst., at 11 o'clock.

A message from the House of Commons informed the Senate that the House had concurred in the recommendations for Justices of the Peace for the county of Duplin, and laid on the table the recommendations for Alamance county.

The Senate concurred in the recommendation for Justices of the Peace for Lenoir and Granville counties, transmitted from the House.

Messrs. Cowper and Aycock made recommendations for Justices of the Peace for Hertford and Wayne counties, which were approved, and transmitted to the House.

The consideration of the bill (S. 142,) to be entitled "An act to consolidate the North Carolina Railroad Company and the Atlantic and North Carolina Railroad Company" was resumed as the unfinished business.

The question being upon the amendment of Mr. Hall.

By unanimous consent the amendment was withdrawn.

Mr. Hall moved to amend as follows, viz:

1st. In sixth line, second section, after the word "vote" insert "of individual stockholders."
2d. Insert in the same section, ninth line, the word "individual" after the word "the."

3rd. In the same section, twentieth line, insert the word "individual" after the word "the."

4th. In the same section, twenty-fifth line, after the word "of" insert the word "individual."

And the question being thereon,
Mr. Donaho moved to lay the bill and amendment on the table, and the question being thereon was put and

Decided in the affirmative, } Yeas, ..................... 23.
                          } Nays, ..................... 20.

On motion of Mr. Donaho,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Aycoock, Berry, Bullock, Covington, Cowper, Donaho, Ferebee, Garner, Hall, Harris, of Franklin, Howard, Jones, of Columbus, Leitch, of Robeson, McCleese, McKoy, McLean, Pitchford, Stanford, Whitford, Wiggins, Williams, Wilson and Winstead.

Those who voted in the negative are:

The engrossed bill (H. 82,) concerning negroes and persons of color or of mixed blood, on its second reading, was considered as the special order.
The bill was read by sections.
Mr. Carter moved to amend the fourth section by striking out all after, and inclusive of, the word "Provided," and the question thereon was put, and

Decided in the negative, } Yeas, ..................... 15.
                          } Nays, ..................... 24.

On motion of Mr. Harris, of Rutherford,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are:

Messrs. Aycock, Berry, Black, Bullock, Covington, Ferebee, Garner, Hall, Harris, of Franklin, Harris, of Rutherford, Howard, Jones, of Columbus, Jones, of Wake, Latham, McCleese, McEachern, McKoy, McLean, Morehead, Pitchford, Snead, Stanford, Wiggins and Wilson.

Mr. Carter moved to amend section ninth by striking out the words,

"Provided, That this section shall not go into effect until jurisdiction in matters relating to freedmen shall be fully committed to the courts of this State."

And the question thereon, was put and decided in the negative, yeas, 18, nays, 26.

On motion of Mr. Carter,

The yeas and nays being ordered,

Those who voted in the affirmative are,

Messrs. Arendell, Black, Blount, Boner, Boyd, Bynum, Carter, Covington, Donaho, Gash, Gorrell, Harris, of Rutherford, Latham, Morgan, Shober, Tayloe, Whitford and Wilson,

Those who voted in the negative are:

Messrs. Aycock, Berry, Bullock, Cowles, Cowper, Ferebee, Garner, Hall, Harris, of Franklin, Howard, Isbell, Jones, of Columbus, Jones, of Wake, Keener, Leitch, of Robeson, McCleese, McEachern, McKoy, McLean, Morehead, Pitchford, Snead, Stanford, Wiggins, Williams and Winstead.

A message was received from the House of Commons, transmitting an engrossed bill (H. 200,) to be entitled "Revenue."

On motion of Mr. Gorrell,

Made special order for Tuesday next, March 6th, at 11 o'clock.

The hour arriving, the Senate adjourned.
Bills of the titles following having been transmitted from the House, were read the first time and referred as follows, viz:

H. 195, engrossed bill to establish freehold homesteads for citizens of this State. To the Judiciary.

H. 261, engrossed bill to be entitled "An act to amend an act passed by the General Assembly at the session of 1838-'39," entitled "An act to incorporate the Trustees of Greensboro' Female College," in the county of Guilford.

On motion of Mr. Black,
The rules were suspended, and the bill placed upon its second and third readings, passed its second reading, and
Referred to the Judiciary.

H. 265, engrossed bill to amend the charter of the Governor's Creek Steamboat Transportation and Mining Company. To Corporations.

On motion of Mr. Winstead,
Leave of absence was granted to Mr. Williams until Monday next.

The consideration of the unfinished business, viz: engrossed bill (H. 82,) concerning negroes and persons of color or of mixed blood.

The question being upon the adoption of the ninth section, Mr. Ferebee moved that it be stricken out, and the question thereon was put, and


On motion of Mr. Ferebee,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Aycock, Bullock, Covington, Cowles, Cowper, Ferebee, Gorrell, Harris, of Franklin, Harris, of Rutherford, Jones, of Columbus, Jones, of Wake, Leitch, of Robeson, McCleese, McLean, Pitchford, Snead, Wiggins, Williams and Winstead.

Those who voted in the negative are:

The several remaining sections were read without amendment being offered.

The question now recurring upon the passage of the bill, its second reading was put, and

Decided in the negative, { Yeas, 18. } Nays, 22.

On motion of Mr. McLean,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are:
Messrs. Aycock, Blount, Bullock, Covington, Cowles, Cooper, Ferebee, Garner, Gorrell, Harris, of Franklin, Harris, of Rutherford, Jones, of Columbus, Jones, of Wake, Leitch, of Robeson, McCleese, McKoy, McLean, Morgan, Pitchford, Snead, Wiggins and Williams.

Bills, &c., of the titles following being read the second time, were disposed of, as follows, viz:
S. 43, bill to be entitled "An act to establish a scale of depreciation of Confederate Currency."

The question being upon the amendment of Mr. Howard, to strike out the first section of the amendment offered by Mr. Bynum, and insert as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the several Courts of Pleas and Quarter Sessions (a majority of the Justices being present) shall, at the first term after the ratification of this act, or at a subsequent term, if not disposed of at the said first term, proceed to establish a scale of depreciation of Confederate currency for each month
from the 1st day of September, A. D. 1861, to May 1st, A. D. 1865.

Sec. 2. Be it further enacted, That at the same time the said court shall adjust a schedule of prices of all articles of personal property of ordinary traffic in their respective counties, and also the value of labor, and that from time to time they shall add to said list, as they may be requested to do by any citizen of the county.

Sec. 3. Be it further enacted, That the said scale of depreciation and schedule of prices shall be held and taken to be the proper value of said currency, personal property or labor, in settling all matters of indebtedness in the respective counties.

Sec. 4. Be it further enacted, That the respective Courts may appoint a commission of three or more persons to make and report said scale and schedule, subject to their approval; should they deem said course advisable.

And the question thereon was put, and

Decided in the negative, \{ Yeas, \ 14, \} Nays, \ 22.

On motion of Mr. Howard,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Aycock, Harris, of Franklin, Harris, of Rutherford, Howard, Jones, of Wake, Latham, Leitch, of Robeson, McEachern, McKoy, Pitchford, Snead, Stanford, Whitford and Williams.

Those who voted in the negative are:

The amendment offered by Mr. Bynum was then adopted.
The question recurring upon the passage of the bill, as amended, its second reading was put, and

Decided in the affirmative, \{ Yeas, \ 25, \} Nays, \ 13.
On motion of Mr. Howard,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Those who voted in the negative are:
Messrs. Arendell, Aycock, Boner, Ferebee, Harris, of Franklin, Harris, of Rutherford, Howard, Leitch, of Robeson, McKoy, Snead, Stanford, Wiggins and Williams.
H. 156, engrossed bill to legalize the transfer of registered bonds of this State to bearer. Filed for third reading.
S. 152, bill to prevent prosecutions in certain cases.
On motion of Mr. Jones, of Wake,
Laid on the table.
S. 153, bill for establishing a college for the education of teachers and ministers of the gospel of the colored race. Filed for third reading.
H, 213, engrossed resolution in regard to the official papers in the Clerk's office of the House of Commons.
On motion of Mr. Pitchford,
Laid on the table.
S. 156, bill to extend the charter of the Wilmington, Charlotte and Rutherford Railroad.
On motion of Mr. Harris, of Rutherford,
The rules were suspended, and the bill passed its third reading.
Ordered, To be engrossed.
H. 172, engrossed bill to repeal so much of the twentieth section of an act, entitled "An act to change the jurisdiction of the courts and the rules of pleading therein," ratified the 11th day of September, 1861, as requires executors to give security.
On motion of Mr. Leitch, of Robeson, Laid on the table.
S. 157, bill to allow the Comptroller a clerk.
On motion of Mr. Gorrell, Indefinitely postponed.
S. 158, bill to authorize the Public Treasurer to receive and invest the land scrip donated to this State by Congress for the endowment of an Agricultural and Mechanical College.
On motion of Mr. Jones, of Columbus, The rules were suspended and the bill read the third time.
Mr. Whitford offered an amendment, which was lost.
Mr. Howard moved to amend by striking out "twenty-five hundred dollars," and insert "fifteen hundred dollars," and the amendment prevailed.
The bill, as amended, passed its final reading.
Ordered, To be engrossed.
S. R. 159, resolution for the relief of the town of Fayetteville.
The question being "Shall the resolution pass its second reading?" was put, and

Decided in the affirmative,

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On motion of Mr. Arendell, The yeas and nays being ordered, Those who voted in the affirmative are:

Messrs. Aycock, Berry, Boner, Bynum, Carter, Covington, Donaho, Ferebee, Hall, Harris, of Franklin, Harris, of Randolph, Howard, Jones, of Columbus, Jones, of Wake, Keener, Latham, Leitch, of Robeson, McEachern, McCoy, McLean, Pitchford, Stanford, Whitford, Williams and Wilson.

Those who voted in the negative are:


Mr. Pitchford introduced the following resolution, viz:
Resolved, That when the Senate adjourns to-morrow afternoon at 2 o'clock, it adjourn to meet on Monday morning at 10 o'clock:
Lies over.
The hour of adjournment arriving,
The Senate adjourned.

SATURDAY, MARCH 3, 1866.
Prayer by Rev. Mr. Hudson.
Reports from Standing and Select Committees were submitted and filed, as follows, viz:
By Mr. Covington, from the Committee on Agriculture: Memorial from certain citizens of Edgecombe in regard to the law in relation to fences, asking to be discharged from its further consideration.
Discharged accordingly.
By Mr. Cowles, from the Committee on Claims: S. P. 77, resolution in favor of W. E Mann, with an amendment, recommending its passage.
By Mr. Arendell, from the Committee on Corporations: H. 257, engrossed bill in relation to the town of Goldsboro in the county of Wayne, recommending its passage. S. P. 72, bill to incorporate the Yadkin and Cape Fear Canal Company, recommending that it do pass. S. P. 73, bill to charter the City of Raleigh, recommending its passage.
By Mr. Latham, from the same Committee: S. P. 70, bill to incorporate the Fayetteville Iron Works, recommending that it do pass.
By Mr. Howard, from the Committee on the Judiciary: H. 178, engrossed bill concerning Assignments, recommending its passage.
S. R. 57, resolution concerning the Banks of the State, with
the report of the Select Committee on Banks and Banking, with a special report, asking to be discharged from its further consideration.

The Committee was discharged, and the report ordered to be printed.

By Mr. Latham, from the Committee on Corporations:
H. 265, engrossed bill to amend the charter of the Governor's Creek Steamboat Transportation and Mining Company, recommending that it do pass.

By Mr. Harris, of Rutherford, from the Joint Select Committee on Printing and Binding:
S. R. 176, resolution in relation to the Public Printing and Binding, recommending its passage.

The resolution was adopted and transmitted to the House.

The Senate concurred in the recommendation for Justices of the Peace for the counties of Wake, Wilkes and Catawba, transmitted from the House of Commons.

The resolution introduced by Mr. Pitchford, on yesterday, in reference to adjourning over until Monday morning, was adopted.

Bills, &c., of the titles following being introduced, passed their first reading, and were disposed of, as follows, to wit:

Resolution (S. 174,) in favor of John True, of Person county.

On motion of Mr. Winstead,
The rules were suspended and the bill placed upon its several readings.

Mr. Latham moved to amend by striking out the word "annually."

And the question thereon, being put was

Decided in the affirmative, { Yeas, ...................... 23,
{ Nays, ...................... 20.

On motion of Mr. Winstead,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are:
Messrs. Aycook, Berry, Bullock, Covington, Coward, Donahoo, Ferebee, Hall, Harris, of Franklin, Harris, of Rutherford, Howard, Isbell, McCleese, McKoy, McLean, Snead, Stanford, Whitford, Wiggins and Winstead.

Mr. Winstead moved to amend by striking out the words "one hundred dollars" and insert the words "three hundred dollars." Adopted.

The resolution, as amended, passed its second reading.

The question then being upon its passage the third reading.

Mr. Howard moved to amend by striking out all after "Resolved," and insert the original resolution, to wit:

"That the Public Treasurer be, and is hereby authorized to pay John True, of the county of Person, who lost both arms in the late war, one hundred dollars, annually, out of any money in the Treasury not otherwise appropriated," and the question pending thereon,

Mr. Jones, of Wake, moved to amend by inserting the words "and to Wm. H. Hamilton, of Wake, fifty dollars annually." Adopted.

Mr. Cowles moved to amend by inserting after the word "war" the words "and to Wade Lindsey, of the county of Yadkin, each," and the motion prevailed.

The amendment, as amended, was adopted.

The question being "Shall this resolution pass its third reading?" was put, and

Decided in the affirmative, \(\text{Yeas} \quad 25\), \(\text{Nays} \quad 14\).

On motion of Mr. Donahoo,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Aycock, Bullock, Bynum, Covington, Coward, Cowles, Donaho, Ferebee, Hall, Harris, of Franklin, Harris, of Rutherford, Howard, Jones, of Columbus, Jones, of Wake, Keener, McCleese, McEachern, McKoy, McLean, Shober, Snead, Stanford, Whitford, Wiggins and Winstead.

Those who voted in the negative are:

On motion of Mr. Winstead,
The rules were suspended, and the resolutions ordered to be engrossed at once, and transmitted to the House.

By Mr. Wilson: A bill, (S. 177,) to declare valid an act of the General Assembly, amending the charter of the Chatham Railroad Company. Referred to the Committee on Internal Improvements.

From the House: Engrossed resolution (H. P. 55,) in favor of Daniel W. Chambers.

On motion of Mr. Covington,
The rules were suspended, and the resolution passed its second and third reading.

On motion of Mr. Ferebee,
The rules were further suspended, and it was ordered to be enrolled forthwith.

Engrossed bill (H. 240,) to incorporate the Business Exchange of Elizabeth City and vicinity. Filed.

H. 248, engrossed bill to authorize the sale of a Lot in the City of Raleigh, for a burial ground. Filed.

H. 251, engrossed bill to authorize the sale of the Roanoke Valley Railroad Company. Referred to Committee on Internal Improvements.

H. 255, engrossed bill to reduce the bonds of sheriffs and other officers. Filed.

H. 258, engrossed bill to require a deposit of securities to
be made by foreign Insurance Companies, during business in this State. Referred to the Committee on Corporations.

H. 272, engrossed bill to legalize the Courts of Pleas and Quarter Sessions, held by the Provisional Justices in Mecklenburg county.

On motion of Mr. Wilson,

The rules were suspended, and the bill passed its several readings.

Ordered, To be enrolled.

H. 237, engrossed resolution to repair the State House, and to have such other repairs made as may be necessary. Filed.

Messrs. Boyd and Harris, of Rutherford, submitted recommendations for additional Justices of the Peace for the counties of Moore and Rutherford, which were approved, and transmitted to the House.

On motion of Mr. McKoy,

The Senate reconsidered the vote by which they rejected the engrossed bill (H. 82,) concerning negroes and persons of color, or of mixed blood.

Mr. Howard moved to make it the special order for Tuesday next, March 6th, at 7½ o'clock, P. M., and the motion did not prevail, there being counted yeas 19, nays 19. The Speaker voted in the negative.

The question recurring, "Shall the bill pass its second reading?" was put, and

Decided in the affirmative, {Yeas, .................... 25.
                                      {Nays, ..................... 17.

On motion of Mr. Carter,

The yeas and nays being ordered,
Those who voted in the affirmative are:


Those who voted in the negative are:
Messrs. Bullock, Cowles, Cowper, Ferebee, Garner, Gorrell, Harris, of Franklin, Harris, of Rutherford, Jones, of Columbus, Jones, of Wake, Leitch, of Robeson, McCleese, McLean, Morgan, Pitchford, Snead and Wiggins.

On motion of Mr. Bynum,

S. R. 124, resolution declaring what debts are valid and what not valid under the ordinance of the Convention, was taken from the table, and made the special order for Monday next, March 5th, at 10½ o'clock, A. M.

On motion of Mr. Howard,

H. 164, engrossed bill to enable the banks of the State to close their business, was referred to the Committee on the Judiciary.

Bills, &c., of the titles following being read the second time, passed, and under a suspension of the rules passed their third reading, and were ordered, as follows, viz:

H. 153, engrossed bill to incorporate the Rudisell Gold Mining Company, in the county of Mecklenburg.

Ordered, To be enrolled.

H. 155, engrossed bill to amend an act entitled "An act to incorporate the town of Graham, in the county of Alamance."

Ordered, To be enrolled.

H. 176, engrossed bill to repeal the 17th section of an act passed at the session of 1825, entitled "An act for the better regulation of the town of Beaufort."

Ordered, To be enrolled.

H. 169, engrossed bill to incorporate Mystic Tie Lodge, No. 237, in the town of Marion, McDowell county.

Ordered, To be enrolled.

H. 198, engrossed bill for the relief of the President, Directors and Company of the Washington Toll Bridge.

Ordered, To be enrolled.

H. P. 50, engrossed bill to incorporate "Little River Select School," in the county of Orange.

Ordered, To be enrolled.
Ordered, To be enrolled.

H. 170, engrossed bill to incorporate "Union Mining Company," in the county of Rowan. 
Ordered, To be enrolled.

H. 175, engrossed bill to incorporate the Hiwassee Turnpike Company. 
Ordered, To be enrolled.

H. 214, engrossed bill to revive and amend an act, entitled "An act to incorporate Sulphur Springs Camp Ground," in the county of Cleveland. 
Ordered, To be enrolled.

S. P. 70, bill to incorporate the Fayetteville Iron Works. 
Ordered, To be engrossed.

S. P. 73, bill to charter the City of Raleigh. 
Ordered, To be engrossed.

H. 257, engrossed bill in relation to the town of Goldsboro, in Wayne county. 
Ordered, To be enrolled.

H. 189, engrossed resolution in favor of R. W. Best. 
Ordered, To be enrolled.

S. P. 77, resolution in favor of W. E. Mann, 
Ordered, To be engrossed.

H. 265, engrossed bill to amend the charter of Governor's Creek Steamboat Transportation and Mining Company. 
Ordered, To be enrolled.

H. 154, engrossed bill to authorize the construction of a toll bridge across the Catawba River at or near Rock Island Factory between the counties of Mecklenburg and Gaston. 
Amended on motion of Mr. Arendell, limiting the operation of the act to thirty years. 
Ordered, To be transmitted to the House for concurrence in amendment.
H. P. 53, engrossed bill to authorize Willis S. Grandy and others to continue a toll bridge across Pasquotank river.

Mr. Ferebee moved to amend by adding at the end of the first section the following proviso, viz:

"Provided, That the said Courts of Pasquotank and Camden shall be, and they are hereby, authorized to fix a tariff of tolls, as, in their discretion, they may deem proper, not however less than the rates allowed in 1860: Provided, further, That nothing herein contained shall effect the proportion of interest now held by the parties owning said ferry," and the amendment prevailed.

As amended, the bill passed its final reading.

Ordered, To be transmitted to the House for concurrence.

S. P. 72, bill to incorporate the Yadkin and Cape Fear Canal Company, passed its second reading and was filed.

Bills of the titles following were indefinitely postponed, viz:

S. 24, bill to incorporate the Mining, Manufacturing and Improvement Company.

S. 25, bill to incorporate the American Industrial Agency.

S. P. 50, bill to incorporate the Planter's Loan Association.

On motion of Mr. Bynum,

The rules were suspended, and the engrossed bill (H. 245,) to legalize the acts of the County Courts of Gaston and Lincoln counties passed its several readings.

Ordered, To be enrolled.

On motion of Mr. Gash,

H. 107, engrossed bill to authorize the formation of the English and American Wool and Vine Growing, Manufacturing, Mining and Agricultural Association in the United States of America, was taken from the table and placed upon the calendar.

When the hour arriving,

The Senate adjourned.

Mr. Jasper Etheridge, Senator elect from the county of Onslow, being the 18th Senatorial District, in place of Isaac N. Sanders, deceased, appeared, presented his credentials and was qualified.

The Speaker designated Messrs. Boyd, Tayloe and Stanford as the Committee on enrolled bills for the week.

Reports from standing Committees were submitted and filed as follows, viz:

By Mr. Wiggins, from the Committee on Finance.
S. 184, bill concerning the Dismal Swamp Canal, recommending its passage.

By Mr. Blount, from the Committee on the Insane Asylum.
S. 185, bill in relation to the Insane Asylum, recommending its passage.

The bill was ordered to be printed.

Mr. Howard introduced a bill of the title following, when proceedings were had as follows, to wit:
S. 186, bill concerning salaries and fees.

On motion of Mr. Howard,

The rules were suspended, and the bill passed its several readings.

Ordered, To be engrossed.

A message from the House of Commons transmitted the names of Messrs. Paschal, Ashworth, Leigh, of Tyrrell, Thigpen and Foster as constituting the House branch of the Committee on enrolled bills for the present week.

The Senate concurred in recommendations of the Peace for the county of Davidson, transmitted from the House.

S. R. 124, resolutions declaring what debts are valid and what not valid under the Ordinance of the Convention, was considered on its second reading, as the special order.

The resolutions were read **seriatim**.
Mr. Gash moved to amend the fifth resolution by adding the following proviso, viz:

"Provided, That the payment of said salaries and fees shall be made in currency, and be made in accordance with the scale fixing the value of Confederate currency passed by this General Assembly." Rejected.

Mr. Harris, of Rutherford, moved to amend the fifth resolution by adding the following proviso, viz:

"Provided, however, That said officers shall not receive more than the salaries received prior to May 20th, 1861, or its equivalent in the currency of the United States." Adopted.

Mr. Cowles moved to strike out the fifth resolution, and the question being put was

Decided in the negative, \{ Yea, \} 13,
\{ Nays, \} 26.

On motion of Mr. Cowles,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are,
Messrs. Arendell, Blount, Boner, Boyd, Bynum, Carter, Cowington, Coward, Donaho, Etheridge, Ferebee, Garner, Gash, Hall, Harris, of Franklin, Harris, of Rutherford, Jones, of Columbus, Jones, of Wake, Keener, Latham, Leitch, of Robeson, McKoy, McLean, Pitchford, Shober and Wilson.

The other resolutions were adopted without objection, and were filed for third reading.

H. 194, engrossed bill to change the jurisdiction of the courts and the rules of pleading therein, being considered on its third reading, as the special order,

Mr. Cowles moved that the bill be made the special order for Wednesday next, March 7th, at 11 o'clock, and the question thereon was put, and
Decided in the affirmative, \{ Yeas, 22. \} Nays, 18.

On motion of Mr. Cowles,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Aycock, Boner, Boyd, Bullock, Covington, Coward, Cowles, Cowper, Donaho, Etheridge, Ferebee, Harris, of Franklin, Harris, of Rutherford, Howard, McCleese, McEachern, McLean, Morehead, Pitchford, Stanford, Wiggins and Williams.

Those who voted in the negative are:

Mr. Cowles made recommendations for additional Justices of the Peace for the counties of Alleghany and Yadkin, which were approved and transmitted to the House.

On motion of Mr. Shober,
H. 260, engrossed bill to be entitled Revenue, heretofore made the special order for Tuesday next, March 6th, was considered on its second reading.

The bill was read by sections.

Mr. Gash moved to amend section second, line first, by striking out the words "one dollar," and insert the words "fifty cents." Rejected.

Mr. Carter moved to amend the second section, seventh line, by inserting the words "colored person," after the word "or." Lost.

Mr. Covington moved to amend the third section by striking out the words "twenty dollars," at the end of the section, and insert the words "ten dollars." Not adopted.

Mr. Howard moved to amend the seventh section by striking out all after "dollars," in the sixth line, and insert as follows: "and less than one thousand dollars, one per cent; if amounting to one thousand dollars, one and one-half per cent;"
if amounting to two thousand and below three thousand dollars, two per cent.; if amounting to three thousand and below four thousand dollars, two and one-half per cent.; if amounting to four thousand and below five thousand dollars, three per cent.; if amounting to five thousand dollars and upwards, three and one-half per cent. on such total salary and fees.”

And the question being thereon, was put and

Decided in the negative, 1 Yeas, ...................... 16,

Nays, ...................... 23.

On motion of Mr. Howard,

The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are:

When the hour arriving, the Senate adjourned.

7½ o'clock, P. M.

The Senate resumed the consideration of the engrossed bill (H. 200,) to be entitled Revenue, as the unfinished business.

Mr. Howard moved to strike out “Class 1.” of section thirteen of Schedule A. Not adopted.

Mr. Latham moved to amend the eighteenth section of Schedule B, by striking out the word “sells,” and insert the words “has for sale.” Rejected.

Mr. Harris, of Rutherford, moved to amend the same section by inserting the words “or gives away,” after the word “sells,” in the first line. Lost.

Mr. Latham moved to amend the same section by striking
out the words "fifty cents" and insert the words "one dollar," in the first line, and the motion did not prevail.

Mr. Carter moved to amend the ninetieth section by striking out the word "two" and insert the word "one," in the third line. Not adopted.

Mr. Wiggins moved to amend the twenty-ninth section by inserting the words "for each county" after the word "dollars" in the third line. Adopted.

Mr. Gash moved to amend the thirtieth section by inserting after the word "whisky," the words "fifty cents," and the question was put, and

Decided in the affirmative,  

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On motion of Mr. Wilson,
The yeas and nays being ordered,

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Arendell, Blount; Bullock, Carter, Coward, Cowles, Cowper, Harris, of Rutherford, Jones, of Columbus, McCleese, Morgan, Shober, Tayloe, Whitford and Wiggins.

Mr. Latham moved to amend the same section by striking out the word "special" before the words "County Court." Adopted.

Mr. Cowles moved to amend the same section by striking out the word "brandy" in the first line, and after the word "liquors," in the second line, insert the words "except brandy," and the question thereon was put, and

Decided in the negative,  

<table>
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<tr>
<th>Yeas</th>
<th>Nays</th>
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<td>5</td>
<td>34</td>
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</table>

On motion of Mr. Carter,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Blount, Cowles, Leitch of Robeson, Pitchford and Williams.

Those who voted in the negative are:

Mr. Carter moved to amend the same section by striking out the words "twenty-five" in the third line, and insert the word "fifty," and the question thereon was put, and

Decided in the negative,  

<table>
<thead>
<tr>
<th>Yeas.</th>
<th>Nays.</th>
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On motion of Mr. Cowles,
The yeas and nays being ordered,

Those who voted in the affirmative are:

Those who voted in the negative are:
Messrs. Aycock, Black, Blount, Bullock, Bynum, Covington, Cowles, Cowper, Donaho, Gash, Harris, of Franklin, Harris, of Rutherford, Howard, Jones, of Wake, Latham, Leitch, of Robeson, McEachern, McKay, McLean, Morehead, Pitchford, Wiggins, Williams, Wilson and Winstead.

Mr. Cowles moved to amend the same section by inserting after the words "fifty cents" in the first line, the words "spirits of turpentine," and the question was put, and

Decided in the negative,  

<table>
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<tr>
<th>Yeas.</th>
<th>Nays.</th>
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<td>38</td>
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On motion of Mr. Cowles,
The yeas and nays being ordered,

Mr. Cowles voted in the affirmative.
Those who voted in the negative are:

Mr. Bynum moved that the vote by which the Senate adopted the amendment of Mr. Gash, to wit: in thirtieth section and first line after the word "whisky" insert the words "fifty cents," be reconsidered,

And the question being thereon, was put and

Decided in the affirmative, \{ Yeas, .................. 20.\\ Nays, .................. 20.\\

On motion of Mr. Latham,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are:
Messrs. Aycock, Black, Boner, Covington, Donaho, Ferebee, Gash, Harris, of Franklin, Howard, Jones, of Columbus, Jones, of Wake, Latham, Leitch, of Robeson, McEachern, McKoy, McLean, Morehead, Williams, Wilson and Winstead.

The Speaker voted in the affirmative.
The question then being, "Shall the amendment proposed by Mr. Gash be adopted?" was put and

Decided in the negative, \{ Yeas, .................. 19,\\ Nays, .................. 21.\\

On motion of Mr. Latham,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Aycock, Black, Boner, Covington, Donaho, Gash, Harris, of Franklin, Howard, Jones, of Columbus, Jones, of Wake, Latham, Leitch, of Robeson, McEachern, McCoy, McLean, Morehead, Williams, Wilson and Winstead.

Those who voted in the negative are:


Mr. Gash moved to amend by adding an additional section to the bill, as follows, to wit:

"Be it further enacted, That one-half cent on the mile for all travel over Railroads and canals in this State, and two cents in addition on every mile travelled on what is called "Dead Heads," to be collected by the collecting officers of the Railroads and Canals, and paid over to the Treasurer of the State quarterly, deducting five per cent. for collecting. Rejected.

The bill then passed its second reading.

When the hour, 10 o'clock, P. M., arriving,

The Senate adjourned.

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TUESDAY, MARCH 6, 1866.

Mr. Ferebee presented a memorial from certain citizens of Currituck county, praying for the appointment of the names therein contained as Justices of the Peace for that county. The names were approved and transmitted to the House.

Reports from the Committee on Internal Improvements were submitted and filed as follows, viz:

S. R. 171, resolution to facilitate rafting of lumber and timber on the Cape Fear River above Fayetteville, recommending that it do not pass.

H. 251, engrossed bill to authorize the sale of the Roanoke Valley Railroad Company, recommending its passage.
Bills, &c., of the titles following being introduced, passed their first reading, and were disposed of as follows, viz:

By Mr. Howard: A bill (S. 187,) to amend Chapter 40, Revised Code, entitled "Draining and Damning Low Lands."

On motion of Mr. Howard,
The rules were suspended, and the bill passed its several readings.

Ordered, To be engrossed.

By Mr. Jones, of Wake: Resolution (S. P. 83,) in favor of William Thompson, of Wake county. Referred to the Committee on Claims.

From the House: Engrossed bill to amend Chapter 75 of the Revised Code entitled "Notaries."

On motion of Mr. Howard,
The rules were suspended, and the bill placed upon its several readings.

Mr. Wilson moved to amend by adding to the first section the following proviso:

"Provided, That nothing herein contained shall be construed to allow the privy examination of *femines covert* to be taken otherwise than by law is specially directed." Adopted.

The bill, as amended, passed its second and third readings.

Ordered, To be transmitted to the House for concurrence in the amendment.

H. 199, engrossed bill relating to debts created during the late war. Filed.

H. 229, engrossed bill for the relief of the owners of lands and houses. Filed.

H. 230, engrossed bill to amend the act concerning Justices of the Peace in Bladen county. Filed.

H. 219, engrossed bill to authorize the Chairman of the County Court for Alamance county to sell real estate. Filed.

H. 236, engrossed bill to extend the time for collecting taxes under the Revenue Ordinance of the Convention. Filed.
H. 269, engrossed bill to authorize the Public Treasurer to make special deposits. Filed.
H. 274, engrossed bill to amend the charter of the Williamston and Tarboro Railroad Company and for other purposes. Filed.
H. 196, engrossed bill to incorporate the North Carolina Mining Company. Filed.
H. 271, engrossed bill to extend relief to Robert Christy and others. Filed.
H. 285, engrossed bill to regulate the sale of spirituous liquors in the town of Salem in Forsythe county. Filed.
Mr. Harris, of Franklin, submitted additional names as Justices of the Peace for Franklin county, which were approved and transmitted to the House.
The Senate concurred in the recommendations for Justices of the Peace for the counties of Robeson, Harnett, Tyrrell and Edgecombe, transmitted from the House.
Engrossed bill (H. 235,) for collecting revenue was received from the House, and passed its first reading.
On motion of Mr. Wilson,
S. 177, bill to establish the rate of interest and repeal Chapter 114 of the Revised Code was considered on its third reading.
Mr. Cowles moved to lay the bill on the table, and the question thereon was put and
Decided in the affirmative, \{ Yeas, \ldots \ldots \ldots \ldots 22,  \\
\{ Nays, \ldots \ldots \ldots \ldots 22.  \\
On motion of Mr. Bogle,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Aycock, Black, Blount, Bogle, Boyd, Cowles, Copper, Donaho, Gorrell, Hall, Harris, of Franklin, Keener, Latham, Leitch, of Robeson, McCleese, Morehead, Morgan, Pitchford, Stanford, Whitford, Wiggins and Winstead.
Those who voted in the negative are:
Messrs. Arendell, Boner, Bullock, Carter, Covington, Cow-
ard, Etheridge, Ferebee, Garner, Gash, Harris, of Rutherford, Howard, Isbell, Jones, of Columbus, Jones, of Wake, MeEachern, McKoy, McLean, Shoher, Tayloe, Williams and Wilson.

The Speaker voted in the affirmative.

S. 74, bill for the relief of the people by authorizing the banks of the State to subscribe for stock in the national banks, was considered on its second reading, and the question being "Shall the bill pass?" was put and

Decided in the negative, | Yeas, ..................... 16,  
| Nays, ..................... 21.

On motion of Mr. Arendell,

The yeas and nays being ordered.

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Arendell, Black, Blount, Bogle, Boner, Bullock, Coward, Cowles, Cowper, Etheridge, Gorrell, Harris, of Franklin, Harris, of Rutherford, Jones, of Columbus, Keener, Latham, McCleese, Morehead, Morgan, Pitchford and Tayloe.

On motion of Mr. McLean,

The rules were suspended, and the resolution (S. 171,) to facilitate rafting of lumber and timber on the Cape Fear River above Fayetteville, was considered on its several readings.

Mr. McLean moved to amend by adding the following proviso, to wit:

"Provided, That this license shall be approved by a majority of the Internal Improvement Board of the State."

Adopted.

Mr. Carter moved to amend by adding the following proviso, viz:

"Provided, That the persons who remove these dams shall first enter into bonds with good security, to be approved by the Board of Internal Improvements, in the sum of five hun-
dred thousand dollars to restore said dams in good condition when called on to do so by said Board."

And the question being thereon,

On motion of Mr. Arendell,

It was indefinitely postponed.

H. 107, engrossed bill to authorize the formation of the English and American Wool and Vine Growing, Manufacturing, Mining and Agricultural Association in the United States of America, being read the second time,

Mr. Jones, of Columbus, moved to postpone the consideration of the bill indefinitely, and the question thereon was put and

The motion prevailed, Yeas, 22; Nays, 21.

On motion of Mr. Jones, of Columbus,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Arendell, Black, Blount, Bogle, Boner, Bullock, Coward, Cowper, Donaho, Garner, Gorrell, Harris, of Rutherford, Isbell, Jones, of Columbus, McCleese, Morehead, Morgan, Pitchford, Snead, Tayloe, Whitford and Winstead.

Those who voted in the negative are:


The Speaker, in a brief and impressive address, resigned the position of presiding officer of the Senate, having been at the first session of this General Assembly elected Solicitor of the 4th Judicial District.

Mr. Williams introduced the following resolution, viz:

Resolved, That the thanks of the Senate are due and hereby tendered to the Hon. Thos. Settle for the able, courteous and dignified manner in which he has discharged the duties of Speaker of this body.

The resolution was unanimously adopted.
The Senate proceeded to elect a Speaker *viva voce*, the Clerk having designated Messrs. Covington and Morgan to superintend the election.

Mr. Wiggins nominated Mr. D. D. Ferebee, the Senator from Camden and Currituck.

Mr. Arendell nominated Mr. C. S. Winstead, the Senator from Person.

The following Senators voted for Mr. Winstead, viz:

The following Senators voted for Mr. Ferebee, viz:

Mr. Ferebee voted for Mr. Wiggins.

Mr. Jones, of Columbus, voted for Mr. Carter.

Mr. Latham voted for Mr. Shober.

The Committee reported that no one had received a majority of the whole vote, and that there was no election.

On motion of Mr. Bogle,

The Senate proceeded to vote again for Speaker with result as follows, viz:

The following Senators voted for Mr. Winstead, viz:

The following Senators voted for Mr. Ferebee, viz:

Mr. Ferebee voted for Mr. Wiggins.
Mr. Jones, of Columbus, voted for Mr. Carter.
Mr. Latham voted for Mr. Shober.

The committee reported that no one had received a majority of the whole number of votes cast, and that there was no election.

Mr. Cowper moved that the Senate adjourn until 7½ o'clock P. M., and the question being thereon, was put and

Decided in the negative, \( \frac{21}{24} \) Yeas, \( \frac{22}{23} \) Nays,

On motion of Mr. Cowper,

The yeas and nays being ordered,

Those who voted in the affirmative are:
Messrs. Aycock, Cowper, Ferebee, Harris, of Franklin, Harris, of Rutherford, Howard, Jones, of Columbus, Keener, Latham, Leitch, of Robeson, McCleese, McEachern, McKoy, McLean, Morehead, Shober, Stanford, Whitford, Wiggins, Williams and Wilson.

Those who voted in the negative are:

Mr. Carter moved that the Senate proceed to vote for Speaker.
Mr. Hall moved to adjourn until 7½ o'clock, P. M., and the question thereon, was put and

The motion did not prevail, \( \frac{22}{23} \) Yeas, \( \frac{23}{24} \) Nays,

On motion of Mr. Harris, of Rutherford,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Those who voted in the negative are:

The question recurring upon the motion of Mr. Carter.

Mr. Hall called the yeas and nays, and

The call was sustained, Yeas, 24, Nays, 21.

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Aycock, Cowper, Ferebee, Hall, Harris, of Franklin, Howard, Jones, of Columbus, Keener, Leitch, of Robeson, McCleese, McEachern, McKoy, McLean, Morehead, Pitchford, Shober, Stanford, Whitford, Wiggins, Williams and Wilson.

Mr. Wiggins moved that the Senate adjourn until 7½ o'clock, P. M.

Mr. Carter raised the point of order as to whether the motion of Mr. Wiggins was in order.

The Clerk held the motion to be in order.

Mr. Carter appealed from the decision.

And the question thereon being stated, "Shall the decision of the Clerk stand as the decision of the Senate?" was put, and

Decided in the affirmative, Yeas, 25, Nays, 19.

On motion of Mr. Cowper,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Those who voted in the negative are:

The question recurring upon the motion of Mr. Wiggins, was put, and

Decided in the affirmative, \( \frac{23}{22} \).

On motion of Mr. Wiggins,
The yeas and nays being ordered,
Those who voted in the affirmative are,

Those who voted in the negative are,

The Clerk declared the Senate adjourned until 7 1/2 P. M.

\[ \text{7 1/2 O'clock, P. M.} \]

The Senate proceeded to vote for Speaker with result as follows, viz:

The following named Senators voted for Mr. Winstead, viz:

The following named Senators voted for Mr. Ferebee, viz:
Messrs. Aycock, Covington, Cowper, Hall, Harris, of Frank-
Mr. Ferebee voted for Mr. Wiggins.

Mr. Jones, of Columbus, voted for Mr. Carter.

Mr. Latham voted for Mr. Shober.

The Committee reported forty-five vote cast. Necessary to a choice twenty-three. No one having received a majority of the whole number, there was no election.

The Senate proceeded forthwith to vote again for Speaker, which resulted as follows, to wit:

The following named Senators voted for Mr. Winstead, viz:


The following named Senators voted for Mr. Ferebee, viz:


Mr. Ferebee voted for Mr. Wiggins.

Mr. Latham voted for Mr. Shober.

The Committee reported that the whole number of votes cast was 44. Necessary to a choice, 23. No one having received a majority of all the votes cast, there was no election.

The Senate proceeded to vote again for Speaker with the following result.

The name of Mr. Ferebee having been withdrawn from, and that of Mr. F. E. Shober added to the names in nomination, viz:

The following named Senators voted for Mr. Winstead, viz:

Messrs. Arendell, Black, Blount, Boner, Boyd, Bullock, Carter, Coward, Cowles, Donaho, Etheridge, Garner, Gash, Gor-
rell, Harris, of Rutherford, Isbell, Jones, of Columbus, Jones, of Wake, Morgan, Settle, Snead, Tayloe and Williams—23.

The following named Senators voted for Mr. Shoer, viz:

The following named Senators voted for Mr. Whitford, viz:
Messrs. Howard and Shoer—2.

The following named Senators voted for Mr. Wiggins, viz:
Messrs. Leitch, of Robeson, and Pitchford—2.

Mr. Covington, on the part of the committee to superintend this election, reported as follows, viz:
Whole number of votes cast 45. Necessary to choice 23. Of which Mr. Winstead having received twenty-three, a majority of the whole number, was duly elected.

The Clerk designated Messrs. Arendell and Wiggins to conduct the Speaker elect to the Chair.

The Speaker returned his thanks in a few impressive remarks.

Mr. Howard moved that the Senate do now adjourn, and the question thereon was put, and

Decided in the negative, Yea's, ...................... 14,
Nay's, ...................... 30.

On motion of Mr. Carter.
The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are:
Messrs. Arendell, Aycock, Black, Blount, Boner, Boyd, Bullock, Carter, Covington, Coward, Donaho, Etheridge, Ferebee, Garner, Gash, Gorrell, Hall, Harris, of Franklin, Harris, of Rutherford, Isbell, Jones, of Columbus, Jones, of Wake, Keen-
Mr. Arendell moved to reconsider the vote by which the Senate indefinitely postposed the engrossed bill (H. 107,) to authorize the formation of the English and American Wool and Vine Growing, Manufacturing, Mining and Agricultural Association in the United States of America.

And the question being thereon, was put, and

Did not prevail, \[
\begin{align*}
\text{Yea} & : 21 \\
\text{Nay} & : 22
\end{align*}
\]

On motion of Mr. Morehead,

The yeas and nays being ordered,

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Black, Blount Bogle; Boner, Bullock, Cowper, Donaho, Garner, Harris, of Franklin, Harris, of Rutherford, Howard, Isbell, Jones, of Columbus, Leitch, of Robeson, McCleese, McKoy, Morehead, Morgan, Pitchford, Snead, Standford and Tayloe.

Mr. Bogle moved that the Senate adjourn,

And the motion did not prevail, \[
\begin{align*}
\text{Yea} & : 10 \\
\text{Nay} & : 33
\end{align*}
\]

On motion of Mr. Howard,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Bogle, Cowles, Harris, of Franklin, McKoy, Morehead, Morgan, Pitchford, Shober, Stanford and Williams.

Those who voted in the negative are:

Messrs. Arendell, Aycock, Black, Blount, Boner, Boyd, Bullock, Carter, Covington, Coward, Donaho, Etheridge, Ferebee, Garner, Gash, Gorrell, Hall, Harris, of Rutherford, Howard, Isbell, Jones, of Columbus, Jones, of Wake, Keener, Latham,

Engrossed bill (H. 23,) to provide for the payment of the State debt contracted before the war was considered on its third reading.

Mr. Morehead moved to lay the bill on the table and the question thereon was put and

Decided in the negative, | Yeas, ......................... 12, | Nays, ......................... 31.

On motion of Mr. Morehead,
The yeas and nays being ordered.
Those who voted in the affirmative are:
Messrs. Black, Blount, Bogle, Coward, Cowles, Gash, Harris, of Franklin, Keener, McCleese, Morehead, Pitchford and Stanford.

Those who voted in the negative are:

The question recurring upon the passage of the bill,

Mr. Carter moved to amend by striking out the words “The interest accruing thereon shall be subject to taxation on other property: Provided, That said tax shall not exceed the taxes of money on interest,” in the first section.

And the question pending thereon,
The hour arriving, the Senate adjourned.

WEDNESDAY, MARCH 7, 1866.

Prayer by Rev. Mr. Brewer.

Mr. Blount, from the Committee on Propositions and Grievances, reported back the two memorials from citizens of
Wilmington, in reference to the fees of Inspectors of Naval Stores, asking to be discharged from its further consideration.

Discharged accordingly.

Mr. Cowles, from the Committee on Claims, reported back the resolution (S. P. 83,) in favor of William Thompson, of Wake county, recommending its passage.

On motion of Mr. McKoy.

Leave of absence was granted to Mr. Morgan from and after to-morrow until the end of the session.

The Senate concurred in recommendations for Justices of the Peace for the counties of Surry, Orange, Alamance and Stanly, transmitted from the House.

The House of Commons concurred in the Senate amendment to the engrossed bill (H. 260,) to amend chapter 75 of the Revised Code, entitled "Notaries."

Ordered, To be enrolled.

Mr. Whitford introduced the following resolution, when proceedings were had, viz:

Resolved. That a message be sent to the House of Commons, proposing to go into an election for Solicitor of the 4th Judicial Circuit, as that office is vacant, the person elected holding an office incompatible therewith.

And the question being thereon.

Mr. Pitchford introduced the following amendment, by way of substitute, viz:

Whereas, Hon. Thomas Settle, State Senator from the 38th Senatorial district, was, by the present General Assembly, on the 2d day of December last, elected Solicitor of the 4th Judicial district, and, whereas, the said Thomas Settle has, up to this present 7th day of March, 1866, continued to discharge the duties of his office, as Senator, and neglected or refused to qualify as Solicitor, the two offices being clearly incompatible, and the duties thereof not to be discharged, at the same time, by one and the same person: Therefore,
Resolved, That, in the opinion of this General Assembly, the office of Solicitor of the 4th Judicial district is now vacant.

Resolved, further, That a message be sent to the House of Commons proposing to go forthwith into an election of Solicitor for the 4th Judicial district.

And the question being upon this amendment, Mr. McKoy offered the following resolution, as an amendment to the amendment, viz:

Resolved, That a message be sent to the House of Commons proposing to raise a Joint Select Committee to inquire as to whether there is a vacancy in the office of Solicitor of the 4th Judicial Circuit, owing to the non-acceptance of the Hon. Thomas Settle, now acting Senator from Rockingham upon the floor of the Senate, and that said committee be instructed to report by bill or otherwise.

Mr. Cowles moved to lay the amendment on the table.

And the question being taken, was

Decided in the negative, yeas, 21; nays, 23.

On motion of Mr. Cowles, The yeas and nays being ordered.

Those who voted in the affirmative are:

Messrs. Arendell, Black, Blount, Bogle, Boner, Boyd, Bullock, Carter, Coward, Cowles, Etheridge, Garner, Gash, Gorell, Harris, of Rutherford, Isbell, Jones, of Columbus, Jones, of Wake, Morgan, Snead and Tayloe.

Those who voted in the negative are:


The question now recurring upon the adoption of the amendment offered by Mr. McKoy, it was lost.
The question then being upon the amendment offered by Mr. Pitchford, was put, and

Decided in the negative,  Yeas, 22,  Nays, 23.

On motion of Mr. Whitford,

The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are:
Messrs. Arendell, Berry, Black, Blount, Bogle, Boner, Boyd, Bullock, Carter, Coward, Cowles, Donaho, Garner, Gash, Gorrell, Harris, of Rutherford, Isbell, Jones, of Columbus, Jones, of Wake, Keener, Morgan, Snead and Tayloe.

The question recurring upon the resolution of Mr. Whitford, was put, and

Decided in the affirmative,  Yeas, 24,  Nays, 21.

On motion of Mr. Cowles,

The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are:
Messrs. Arendell, Berry, Black, Blount, Boner, Boyd, Bullock, Carter, Coward, Cowles, Donaho, Garner, Gash, Gorrell, Harris, of Rutherford, Isbell, Jones, of Columbus, Jones, of Wake, Morgan, Snead and Tayloe.

Mr. Shober, from the Committee on Internal Improvements, reported back the bill (S. 177,) to declare valid an act of the
General Assembly amending the charter of the Chatham Railroad Company, with an amendment, recommending its passage.

Bills, &c., of the titles following being introduced, passed their first reading, and were filed or referred as follows, viz:

By Mr. Wilson: A bill (S. 197,) for the better protection of the Milling and Manufacturing interest in the State. To the Judiciary.

By Mr. Morehead: A bill (S. 198,) to incorporate Concord Mining Company. To Corporations.

From the House: Engrossed bill (115,) to authorize the banks of the State to subscribe for stock in national banks. To the Judiciary.

Engrossed resolutions (H. 277,) in favor of disabled soldiers.

Engrossed bill (H. 278,) to re-enact Chapter 70, Revised Code, entitled "Militia," and to amend the same.

Engrossed resolutions (H. 264,) directing the publication of certain acts of the Legislature.

Engrossed resolution (H. P. 56,) to incorporate County Line Lodge, No. 224 A. Y. M.

A message was received from the House of Commons, concurring in the proposition to go forthwith into an election for Solicitor for the 4th Judicial District, and that the name of A. M. Scales was in nomination in that House.

Mr. Harris, of Rutherford, nominated the Hon. Thos. Settle.

The Senate, under the superintendence of Messrs. Bogle and Jones, of Columbus, voted as follows, to wit:

The following named Senators voted for Mr. Settle, viz:

Messrs. Speaker, Arendell, Berry, Black, Blount, Bogle, Borer, Boyd, Bullock, Carter, Covington, Coward, Cowles, Danahoe, Etheridge, Garner, Gash, Gorrell, Harris, of Franklin, Harris, of Rutherford, Isbell, Jones, of Columbus, Jones of Wake, Keener, Latham, Leitch, of Robeson, McEachern, McLean, Morehead, Morgan, Pitchford, Shober, Snead and Tayloe—34.
The following named Senators voted for Mr. Scales, viz: Messrs. Aycock, Cowper, Ferebee, Hall, Howard, McCleese, McKay, Stanford, Whitford and Wilson—10.

The engrossed bill (H. 194,) to change the jurisdiction of the Courts and the rules of pleading therein, was considered on its third reading as the special order.

Mr. Ferebee moved to amend the first section by striking out all after the enacting clause and insert as follows, viz:

"That from and after the first of December next the several Supreme Courts of law shall have exclusive original jurisdiction to hear, try and determine all causes of a civil nature not cognizable before a Justice of the Peace. Provided, That nothing herein contained shall be construed to apply to any causes of action which may hereafter originate, nor to prevent a Court of Pleas and Quarter Sessions from empaneling a jury to try controversies respecting wills upon issues devisavit vel non, nor to apply to any cause of action arising ex delicto, or to any process of distress for the collection of rent."

Mr. Howard moved to amend the section by adding the following proviso, to wit:

"Provided, further, That in all suits, ex contractu, the defendant or defendants shall be allowed six months from the return term to plead or demur."

Mr. Ferebee accepted the amendment in lieu of his own.

The amendment was adopted.

Mr. Ferebee moved to amend by striking out the words and figures "Fall Term, 1866" in the second section, and insert the words and figures "Spring Term, 1867." Adopted.

Mr. Ferebee moved to amend the fourth section, eleventh line, by striking out the words "one half" and insert the words "one third." Rejected.

Mr. Howard moved to amend the ninth section by striking out the following words, viz:

"And that all deeds of trust and mortgages hereafter made, and judgments confessed to secure debts, shall be void as to
creditors, unless it is expressly declared therein that the proceeds of sale thereunder shall be appropriated to the payment of all the debts and liabilities of the trustor or mortgagor equally, \textit{pro rata}. \textit{Provided}, That the provisions of this section shall not apply to sheriffs or other public officers who may make a mortgage or deed of trust, to secure sureties to their official bonds: \textit{And provided further}, That this act shall not apply to sales of land or other property, where the deed of trust or mortgage is taken at the time of sale, to secure any part of the purchase money thereof.

And the question thereon was put, and

Decided in the negative, \{ Yeas, 21, Nays, 22. \}

On motion of Mr. Howard,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Berry, Blount, Boyd, Cowles, Donaho, Terbee, Hall, Harris, of Franklin, Harris, of Rutherford, Howard, Isbell, Jones, of Wake, Keener, McCleese, McKoy, McLean, Morgan, Snead, Stanford, Williams and Wilson.

Those who voted in the negative are:


Mr. Jones, of Columbus, moved to amend, by way of an additional section, as follows, viz:

\textit{"Be it further enacted, That in all suits brought by any bank of the State, or by any assignee or endorsee of said bank, or any officer of said bank, that it shall and may be lawful for the defendant or defendants to sett off, by pleas or on trial, any note issued by said bank or its branches, whether the same has been presented for payment or not, any law or usage to the contrary notwithstanding. \textit{Provided}, That this act}
shall not apply to any debt reduced by the scale of depreciation of Confederate currency."

Mr. Carter moved to amend the amendment, by inserting after the word "notwithstanding," as follows, viz: "but said plea of set off or set off on trial, shall not avail to carry costs against the plaintiff, unless there has been a tender of such payment before suit has been brought." Adopted.

The amendment, as amended, prevailed.

Mr. Latham moved to amend the first section, by striking out the following words, viz: "and arising out of contracts entered into before the first day of May, in the year 1865"; and the question thereon pending.

The Speaker announced a communication to the Senate, as follows, viz:

*Senate Chamber, March 7, 1866.*

Hon. C. S. Winstead,

My Dear Sir: I hereby resign the position of Senator for the 38th District, composed of the county of Rockingham.

With sentiments of high regard for yourself and every Senator on this floor,

I have the honor to be

Your ob't. serv't,

THOMAS SETTLE.

The hour of 2 o'clock, P. M. arriving,
The Senate adjourned.

---

7½ o'clock, P. M.

Mr. Howard introduced the following resolution, viz:

Resolved, That on and after Thursday, the Senate will meet at 10 o'clock, adjourn at 2 P. M. Meet at 3½ o'clock, P. M., adjourn at 5½, P. M. Meet at 7½ o'clock, and adjourn at 11 o'clock, P. M.
On motion of Mr. Howard,

The rules were suspended, and the resolution was adopted.

Mr. Arendell, by permission, introduced a bill (S. P. 87,) to pay the clerk employed by the committee appointed by the Provisional Governor to prepare a Code for Freedmen, which was referred to the Committee on Claims.

The unfinished business being the amendment of Mr. Latham to the first section of the engrossed bill (H. 194,) to change the jurisdiction of the Courts and the rules of pleading therein, it was not adopted.

Mr. Gash moved to amend the fourteenth section, twelfth line, by inserting after the word "first," the words "and ninth," and change the word "section" to "sections," and the amendment prevailed.

Mr. Howard moved to amend the ninth section, by adding as follows, viz: "nor to any such deed made by a lessee of land for any crop growing upon the same, for the purpose of securing the rent reserved for the lease of said land." Adopted.

Mr. Leitch, of Robeson, moved to amend by striking out all after the enacting clause and insert as follows, viz:

"That an act, entitled "An act to change the jurisdiction of the courts and the rules of pleading therein," ratified the 11th day of September, 1861, be, and the same is hereby repealed.

Sec. 2. Be it further enacted, That this act shall be in force and take effect from and after the first day of January, one thousand eight hundred and sixty-seven." Rejected.

The bill then passed its third reading.

Ordered, To be transmitted to the House for concurrence in the amendments.

Engrossed bill (H. 23,) to provide for the payment of the State debt contracted before the war, on its third reading, was considered as unfinished business.

The question being upon the amendment of Mr. Carter, viz: strike out in the first section, the words "the interest accruing
thereon shall be subject to taxation as on other property of the State; Provided, That said tax shall not exceed the taxes of money on interest."

And the question thereon, was put and

Decided in the affirmative, \( \frac{\text{YeaS}}{} : 25, \quad \frac{\text{Nays}}{} : 18. \)

On motion of Mr. Cowles,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Messrs. Arendell, Berry, Bogle, Boner, Boyd, Carter, Covington, Coward, Cowper, Donaho, Etheridge, Garner, Hall, Harris, of Rutherford, Isbell, Jones, of Columbus, Jones, of Wake, Leitch, of Robeson, McLean, Morgan, Shober, Snead, Tayloe, Wiggins and Wilson.

Those who voted in the negative are:

Messrs. Aycock, Black, Bullock, Cowles, Gash, Gorrell, Harris, of Franklin, Howard, Keener, Latham, McCleese, McEachern, McKoy, Morehead, Pitchford, Stanford, Whitford and Williams.

Mr. Morehead moved to amend by striking out all after the enacting clause, and insert as follows, to wit:

That for the purpose of paying the interest on the bonds of the State of North-Carolina now due, the Public Treasurer is hereby authorized and required to cause treasury notes to be prepared, to an amount not exceeding in the whole three and one-half millions of dollars: which said notes shall be signed by the Public Treasurer on behalf of the State, and countersigned by the Comptroller; and each of these officers shall keep, in proper books, separate and accurate accounts, showing the number, date and amount of each of said notes, signed and countersigned by them respectively; and also accounts showing all such of said notes as may be paid or redeemed and cancelled from time to time; and the Treasurer shall account, monthly, for all such of said notes as shall have been.
-countersigned by the Comptroller, and delivered to the Treasurer for issue.

Sec. 2. Be it further enacted, That the said Treasury notes shall be payable at the public treasury to the bearer, on the first day of January, A.D., 1870, and shall bear interest from date at the rate of six per centum per annum for every hundred dollars, and in that proportion for sums greater or less than one hundred dollars; and shall be of the several denominations of five dollars, ten dollars, twenty dollars, fifty dollars, one hundred dollars, and be issued in the following proportions; that is to say: of the notes of five dollars and ten dollars, one million dollars each: of twenty dollars, seven hundred and fifty thousand dollars; of fifty dollars, five hundred and fifty thousand dollars; of one hundred dollars, two hundred thousand dollars.

Sec. 3. Be it further enacted, That the principal money and interest due on said notes shall be paid at maturity to the several holders thereof, upon demand at the treasury, out of any moneys not otherwise appropriated.

Sec. 4. Be it further enacted, That the said notes may be issued by the Public Treasurer in payment of interest due on any bond of the State of North-Carolina, bearing interest, whether there be coupons attached or not; but in all cases of coupon bonds, the coupons due at the time of such payment shall be surrendered to the Treasurer. The said notes shall also, at any time hereafter, be receivable at the treasury in payment of taxes for lands entered, and any other debt due to the State; and in making such payment, the holder shall have credit for the principal money and the interest due on his notes up to the day of payment to the Treasurer, Sheriff, Tax Collector, or other agent of the State; and accounts shall be kept by the Treasurer aforesaid, of the notes thus paid or redeemed, distinguishing the amounts paid for interest from the principal.

Sec. 5. Be it further enacted, That the said treasury notes
shall be received by the Sheriffs and other collecting officers, in payment of the public and county taxes to the amount of three-fourths of such tax, in their respective counties, and the said officers so receiving any of said notes, shall, at the time of payment, take from the person paying them a receipt on the back of or attached to each note, for the amount allowed therefor, with the date thereof; and such Sheriffs or officers shall each keep a distinct and specific account of the notes so received, showing the person from whom received, the number and date, the day on which received, and the separate amounts of principal and interest allowed by him, and deliver said notes and accounts to the Treasurer; and he shall receive credit for the same, upon making oath to the truth of the account.

Sec. 6. Be it further enacted, That the holders of the treasury notes issued under the authority of this act, may fund the same at any time, after the first day of January, 1870, to the Public Treasurer, who is hereby authorized to deliver in exchange for them, computing interest as well as principal, bonds of the State payable in thirty years or earlier, at the pleasure of the Legislature, at the public treasury, bearing interest at the rate of six per cent. per annum, payable half yearly, secured by coupons attached thereunto: Provided, That such bonds shall be issued in sums of five hundred dollars, and one thousand dollars only. And they shall be made to bear interest from the first day of January, April, July or October, in the year of their issue, and interest on the notes received in exchange for them, shall not be allowed beyond such day; and of the bonds and notes delivered and received, full and accurate accounts shall be kept as aforesaid; the said bonds to be prepared and issued agreeably to the provisions of the ninetieth chapter of the Revised Code.

Sec. 7. Be it further enacted, That the treasury notes received at the treasury as aforesaid shall not be re-issued, but shall be deemed to be paid and be cancelled; but other treas-
ury notes of the same amounts and denominations may be issued as aforesaid, in lieu of those thus cancelled, for the payment of interest on the Bonds of the State from time to time, as the same shall fall due, which shall be capable of all the uses, and subject to the provisions, mentioned in this act: Provided, That the amount of said notes at any time outstanding, shall not exceed the sum aforesaid of three and one-half millions of dollars.

Sec. 8. Be it further enacted, That for falsely making, forg ing, counterfeiting, or causing or procuring the same to be done, or willingly aiding or assisting therein, any treasury note, bond or coupon aforesaid; and for uttering or publishing, passing, delivering or attempting to pass or deliver any false, forged or counterfeited treasury note, bond or coupon aforesaid, as provided in regard to other instruments in writing, in section 60 and 61 of the Revised Code, chapter 34; any person so offending shall, on conviction, be punished as therein prescribed.

And the question thereon was put and

Decided in the negative. 1 Yea.s. ...................... 12.
Nays. .......................... 30.

On motion of Mr. Morehead,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Aycock, Berry, Black, Bullock, Cowles, Forebee, Gash, Howard, Morehead, Pitchford, Stanford and Whitford.

Those who voted in the negative are:

The question then recurring upon the passage of the bill,
When the hour of adjournment arriving,
The Senate adjourned.
PRAYER BY REV. MR. MILLER.

Reports from standing Committees were submitted and filed as follows, to wit:

By Mr. Howard, from the Committee on the Judiciary:

H. 164, engrossed bill to enable the banks of the State to close their business with a substitute, recommending the adoption thereof.

S. 172, bill to facilitate pleadings in Courts of law, asking to be discharged from its further consideration, as its provisions have been incorporated in a bill already passed by the Senate.

Discharged accordingly.

H. 195, engrossed bill to establish freehold homesteads for citizens of this State, asking to be discharged from its further consideration.

Discharged.

S. 197, bill for the better protection of the Milling and Manufacturing interests in the State, recommending its passage.

H. 115, engrossed bill to authorize the banks of the State to subscribe for stock in national banks, asking to be discharged from its further consideration.

Discharged.

S. P. 78, bill for the relief of Goodman Durden, late Sheriff of Washington county, recommending that it do not pass.

H. 261, engrossed bill to amend an act passed by the General Assembly at the session of 1838-'39, entitled an act to incorporate the Trustees of Greensboro' Female College in the county of Guilford, recommending that the same do pass.

By Mr. Blount, from the Committee on Propositions and Grievances:

Memorial of citizens of Cherokee county: asking to be discharged from its further consideration.

Discharged accordingly.
By Mr. Arendell, from the Committee on Corporations:
S. 198, bill to incorporate Concord Mining Company, with an amendment, recommending its passage.

H. 258, engrossed bill to require a deposit of securities to be made by foreign Insurance Companies doing business in this State, asking to be discharged from its further consideration.

Discharged accordingly.

By Mr. Cowles, from the Committee on Claims:
S. P. 87, resolution to pay the clerk employed by the committee appointed by the Provisional Governor, under the resolution of the Convention "to prepare and report to the Legislature a system of laws upon the subject of freedmen," recommending that it do not pass.

Mr. Jones, of Columbus, from the committee to superintend the election of Solicitor for the 4th Judicial District, reported as follows, viz:

Whole number of votes cast 146. Necessary to a choice 74. Of which Hon. Thos. Settle received 106; Hon. A. M. Scales 40. Mr. Settle, having received a majority of the whole number of votes cast, was duly elected.

The report was concurred in.

Messrs. Berry, Garner and Arendell submitted recommendations for Justices of the Peace for the counties of Orange, Northampton and Jones, which were approved and transmitted to the House.

A message was received from the House of Commons, covering messages from the Governor and Public Treasurer in regard to State cotton, with recommendation proposing to refer it to a Joint Select Committee of two on the part of the Senate, and three on the part of the House. The Senate concurred, and proposed to have the messages printed.

The Speaker designated Messrs. Arendell and McKoy as the Senate branch of the committee.
The House subsequently concurred in the proposition to print.

Messrs. Hutchison, Joyner and Cowan constitute the House branch of the committee.

Bills, &c., of the titles following being introduced, passed, were filed, referred, or otherwise disposed of as follows, viz:

By Mr. Cowles: A bill (S. 203,) for the relief of the people of the several counties of the State.

On motion of Mr. Cowles, the rules were suspended, and the bill passed its several readings.

Ordered, To be engrossed.

From the House: Engrossed bill (H 280,) for the benefit of the Common Schools.

Engrossed bill (H. 276,) supplemental and amendatory of an act to reorganize the corporation government of the city and academy of Newbern, passed at this session of the General Assembly.

Engrossed resolution (H. 260,) in favor of T. N. Ramsey.

Engrossed resolution (H. 256,) in favor of R. H. Bradley.

A message was received from the House of Commons, transmitting the resolutions (S. R. 168,) in favor of certain disabled soldiers, with an amendment, in which they ask the concurrence of the Senate.

The engrossed bill (H. 23,) to provide for the payment of the State debt contracted before the war, on its third reading, came up as the unfinished business.

The question being "Shall the bill pass its third reading?"

Mr. Howard moved to amend by striking out all after the enacting clause and insert as follows, viz:

"That on application by the holders of coupons due on bonds of the State dated prior to May 20th, 1861, and of past due bonds of the State, dated prior to said day, it shall be the duty of the Commissioners of the Sinking Fund, to sell for not less than the par value thereof, payable in said secu-
Be it further enacted, That the coupons and bonds redeemed in the manner aforesaid, shall be cancelled by the said Commissioners, and a record of the same shall be kept by the Public Treasurer.

And the question thereon was put and,

Decided in the negative, \( \frac{13}{28} \) Yea., \( \frac{28}{28} \) Naye.

On motion of Mr. Harris, of Rutherford.

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Aycock, Cowles, Freckler, Gash, Harris, of Franklin, Howard, Keener, Latham, McCleese, McKoy, Morehead, Stanford and Williams.

Those who voted in the negative are:

Messrs. Arendell, Berry, Blount, Boner, Boyd, Bullock, Carter, Covington, Coward, Cowper, Donaho, Etheridge, Garner, Hall, Harris, of Rutherford, Isbell, Jones, of Columbus, Jones, of Wake, Leitch, of Robeson, McEachern, McLean, Morgan, Pitchford, Shober, Snead, Tayloe, Wiggins and Wilson.

The question recurring upon the passage of the bill was put and

Decided in the affirmative, \( \frac{25}{18} \) Yea., \( \frac{18}{18} \) Naye.

On motion of Mr. Carter.

The yeas and nays being ordered,

Those who voted in the affirmative are:


Those who voted in the negative are:

Ordered. To be enrolled.

Engrossed bill (H. 236,) to extend the time for collecting taxes under the Revenue Ordinance of the Convention, under a suspension of the rules, was considered on its second reading.

Mr. Latham moved to amend the first section by striking out the word "April" and insert the word "May." Adopted.

Mr. Latham moved to further amend the bill by adding an additional section, as follows, to wit:

"Be it further enacted, That when such additional returns of the Sheriffs or collectors shall be less than one thousand dollars, they shall be allowed six per cent. commissions; when equal to one thousand dollars and not exceeding two thousand, five per cent. and when two thousand dollars and upwards, four per cent. commissions."

Adopted.

Mr. Morehead moved to amend by adding the following as an additional section, viz:

"Be it further enacted, That the Sheriffs and tax collectors of the State, and in the event of the death of such Sheriffs and tax collectors, their sureties shall have until the first day of January, 1867, to collect all taxes due in the year 1864, and no longer."

Rejected.

The bill, as amended, passed its second and third readings.

Ordered. To be transmitted to the House for concurrence in the amendments.

Engrossed bill (H. 200,) to be entitled "Revenue" was considered upon its third reading.

Mr. Covington moved to amend the eighth section, Schedule A, by inserting after the word "government" in the 24th line the following proviso, viz:
"Provided, That in estimating the income for the year preceding the first day of April, 1866, those subjects on which taxes have actually been paid under the Revenue Ordinance of the Convention shall not be included."

Adopted.

Mr. Howard moved to amend by striking out all after the enacting clause in the eighth section, and insert as follows, viz:

"On surgeon dentists, practicing physicians, practicing lawyers, whose income from their practice shall exceed five hundred dollars, one per cent. on the gross receipts."

And the question being thereon, was put, and

Decided in the negative, Yeas, 12, Nays, 25.

On motion of Mr. Latham,

The yeas and nays being ordered,

Mr. Cowles voted in the affirmative.


Those who voted in the negative are:


Mr. Hall moved to amend the eighth section, thirty-fifth line, (fifth exception,) by inserting after the word "food," the words "cost of insurance." Rejected.

Mr. Cowles moved to amend the twelfth section, fifth line, by striking out the word "fifteen," and insert the words "twenty-five." Lost.

Mr. Gash moved to amend the same section by striking out the words "for the purpose of sale," in the fourth and fifth lines, and insert the words "fifty cents per gallon, and." Rejected.
Mr. Howard moved to amend the thirteenth section by striking out "Class 1."

And the question being thereon, was put, and

Decided in the affirmative, \( \{ \text{Yeas,} \quad 27, \) \( \{ \text{Nays,} \quad 11. \) \)

On motion of Mr. Howard,

The yeas and nays being ordered,

Those who voted in the affirmative are,

Messrs. Arendell, Aycock, Blount, Boner, Bullock, Carter, Coward, Cowles, Donaho, Etheridge, Ferebee, Garner, Gash, Gorrell, Hall, Harris, of Franklin, Harris, of Rutherford, Howard, Jones, of Columbus, Jones, of Wake, Latham, Leitch, of Robeson, McEachern, McKoy, Pitchford, Snead and Tayloe.

Those who voted in the negative are:


Mr. Cowles moved to amend the same section by striking out "Class 2." Rejected.

Mr. Covington moved to amend the first section of Schedule B, by adding the following proviso, viz:

"Provided, That if such exhibition be in an incorporated town of two thousand inhabitants or more, a tax of two hundred dollars." Not adopted.

Mr. Hall moved to insert the word "itinerant" before the word "stage," in the first line of the second section, and at the end of the section add as follows, to wit: "and two hundred dollars when such company perform for a longer time than two months in any county," and the amendment prevailed.

Mr. Hall moved to amend the fourth section by striking out the words "except companies for mutual assurance." Rejected.

Mr. Hall moved to amend the sixth section by inserting in the first line after the word "every," the words "agency of," and change the word "company" into "companies." Adopted.

Mr. Shober moved to amend the thirteenth section by striking out the words "and fifty," in the first line. Rejected.
Mr. Pitchford moved to amend the same section by inserting the word "public" before the word "bailie." Lost.

Mr. Latham moved to amend the eighteenth section by striking out the word "sells," and insert the words "purchases in or out of the State for sale or gift," and strike out the word "sold" in the second line, and insert "so bought or brought into the State," and the amendments prevailed.

Mr. Hall moved to amend the same section by striking out the words "four hundred" in the sixth line, and insert, in lieu thereof, the words "two hundred and fifty." Adopted.

Mr. Hall moved to amend the twentieth section by inserting after the word "merchandise" in the first and second lines, the words "whether the growth or manufacture of this country, or imported from foreign countries," and the amendment prevailed.

The hour arriving, the Senate adjourned.

3½ O'clock. P. M.

The consideration of the engrossed bill (H. 200,) to be entitled "Revenue," was resumed.

Mr. Hall moved to amend the twenty-first section, Schedule B, tenth line, by striking out the word "Provided," and strike out all after the word "manufacturer," in the fourteenth line and insert the following words "shall pay a tax of one tenth of one per cent." Adopted.

Mr. Cowles moved to amend the thirtieth section, third line, by striking out the words "twenty-five," and insert the word "fifteen." Rejected.

Mr. Howard moved to amend the thirtieth section by striking out the words "this provision," where it occurs in the thirteenth and fifteenth lines, and insert, in lieu thereof, the words "the foregoing proviso concerning license." Adopted.
The bill as amended, passed its third reading.

Ordered, To be transmitted to the House for concurrence in the amendments.

Bills of the titles following being received from the House of Commons, passed their first reading and were filed, as follows, viz:

Engrossed bill (H. 261) regulating fees in the Supreme Court.
Engrossed bill (H. 244,) authorizing the renewal of certain State bonds in the hands of the Chatham Railroad Company.
Engrossed bill (H. 193,) to incorporate the Newbern Savings Institution.

The Senate concurred in recommendations transmitted from the House, for additional Justices of the Peace for Bladen county.

A message was received from the House of Commons, transmitting the engrossed bill (H. 194,) to change the jurisdiction of the courts and the rules of pleading therein, informing the Senate that they refused to concur in the amendment to the ninth section, and also the amendment to line twelfth, section fourteenth.

Mr. Howard moved that the Senate recede from the amendments, and the question thereon being put, was

Decided in the affirmative,

Yeas, ...................... 22,
Nays, ...................... 18.

On motion of Mr. Morehead,
The yeas and nays being ordered.
Those who voted in the affirmative are:
Those who voted in the negative are:
Mr. Tayloe submitted additional names as Justices of the Peace for Bertie county, which were approved and transmitted to the House.

Bills of the titles following being read the third time, were disposed of as follows, to wit:

S. 43, bill to be entitled “An act to establish a scale of depreciation of Confederate currency.”

Mr. Harris, of Rutherford, moved to amend by striking out the scale in the first section, and insert the following scale, viz:

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<th>Months</th>
<th>1861</th>
<th>1862</th>
<th>1863</th>
<th>1864</th>
<th>1865</th>
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<tr>
<td>January</td>
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<td>1.20</td>
<td>3.00</td>
<td>21.00</td>
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<td>February</td>
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<td>23.00</td>
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<td>March</td>
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<td>May</td>
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<td>9.50</td>
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<td>1.50</td>
<td>14.00</td>
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<td>July</td>
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<td>2.00</td>
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<td>August</td>
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<td>2.00</td>
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<td>September</td>
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<td>October</td>
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<td>20th to 30th</td>
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And the question thereon was put and decided in the affirmative, Yeas, 27, Nays, 16.

On motion of Mr. Carter, the yeas and nays being ordered, those who voted in the affirmative are:

Messrs. Arendell, Aycock, Blount, Boner, Coward, Cowper, Donaho, Ferebee, Hall, Harris, of Franklin, Harris, of Rutherford, Howard, Isbell, Keener, Latham, Leach, of Davidson,
Leitch, of Robeson, McCleese, McEachern, McKoy, McLean, Morgan, Shober, Snead, Stanford, Wiggins and Williams.

Those who voted in the negative are:


The question recurring upon the passage of the bill, as amended, was put, and

Decided in the affirmative, Yeas, .................... 28.

Nays, .................... 14.

On motion of Mr. Carter,
The yeas and nays being ordered, Those who voted in the affirmative are,

Messrs. Arendell, Aycock, Blount, Bogle, Boner, Coward, Cowper, Donaho, Gash, Hall, Harris, of Franklin, Harris, of Rutherford, Howard, Isbell, Keener, Latham, Leach, of Davidson, Leitch, of Robeson, McCleese, McEachern, McKoy, McLean, Morgan, Shober, Snead, Stanford, Wiggins and Williams.

Those who voted in the negative are:


Ordered, To be engrossed.

H. 19, engrossed bill to prevent the abatement of suits in certain cases. Passed.

Ordered, To be transmitted to the House for concurrence in amendments.

S. 82, bill to amend an act, entitled "An act for the relief of landlords."

On motion of Mr. Howard,

Laid on the table.

H. 48, engrossed resolution making appropriation for the Lunatic Asylum.
Mr. Cowles moved to amend, by adding the following proviso, viz: 

"Provided, That no part of said sum shall be applied to the payment of said salaries due before the first day of April last."

And the question thereon pending,

The hour arriving,

The Senate adjourned.

7½ o'clock, P. M.

The consideration of the engrossed resolution (H. 48.) making appropriation for the Lunatic Asylum, was resumed as the unfinished business.

The question being upon the amendment of Mr. Cowles, it was put, and decided in the negative.

Mr. Howard moved to amend, by striking out all after the enacting clause, and insert the bill (S. 185.) in relation to the Insane Asylum, with an additional section, as follows:

"Be it further enacted, That the Board of Supervisors shall be, and they are hereby authorized to draw from the treasury of the State such sums as they may find, on full investigation, to be necessary to support the Asylum, and keep the same in proper repair during the present fiscal year: Provided, The aggregate thus drawn shall not exceed thirty-five thousand dollars.

The amendment was adopted.

As amended, the bill passed, and was transmitted to the House for concurrence.

On motion of Mr. Latham,

The rules were suspended, and the engrossed bill (H. 235.) for collecting revenue was considered, on its second and third readings.
Mr. Howard moved to amend the twenty-first section of Schedule C., by adding the following proviso, viz:

"Provided. That in all cases where counties have failed to lay county taxes at the first term in this year, the Court of Pleas and Quarter Sessions held thereafter, or a Special Term called according to this section, may lay the same."—Adopted.

The bill, as amended, passed its several readings.

Ordered. To be transmitted to the House for concurrence in the amendment.

Bills, &c., of the titles following being read the third time, were disposed of as follows, viz:

S. R. 124, resolutions declaring what debts are valid, and what not valid under the ordinance of the Convention.

Mr. Wiggins moved to lay the resolutions on the table.
And the question was put, and

Decided in the affirmative.  Yea's. ................. 19; Nays. .................. 18.

On motion of Mr. Wilson, The yea's and nay's being ordered.
Those who voted in the affirmative are:

Those who voted in the negative are:
Messrs. Arendell, Black, Blount, Bogle, Boyd, Coward, Garner, Gash, Gorrell, Hall, Harris, of Rutherford, Jones, of Columbus, Jones, of Wake, Latham, Leitch, of Robeson, Mc Cleese, Morehead and Tayloe.

H. 156, engrossed bill to legalize the transfer of registered bonds of this State to bearer. Passed.

Ordered. To be enrolled.

S. 153, bill for establishing a College for the education of teachers and ministers of the gospel of the colored race.

And the question "Shall the bill pass?" was put, and
Decided in the affirmative, \[ \text{Yeas,} \quad 18, \text{ Nays,} \quad 10. \]

On motion of Mr. McCleese,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Arendell, Berry, Black, Blount, Boner, Boyd, Bullock, Coward, Cowles, Donaho, Gash, Gorrell, Hall, Harris, of Rutherford, Jones, of Wake, Leitch, of Robeson, McEachern and Wilson.

Those who voted in the negative are:
Messrs. Aycock, Cowper, Jones, of Columbus, Keener, Latham, McCleese, McLean, Morehead, Snead and Wiggins.

Ordered, To be engrossed.
S. R. 159, resolutions for the relief of the town of Fayetteville. Passed.

Ordered, To be engrossed.

On motion of Mr. Howard,
The Senate adjourned.

FRIDAY, MARCH 9, 1866.

Prayer by the Rev. A. Smedes, D. D.

Mr. Garner, from the Committee on Public Buildings, reported back the resolution in reference to the removing of the Water Closets from the Capitol, asking to be discharged from its further consideration.

Discharged accordingly.

Messrs. Gorrell and Snead made additional recommendations for Justices of the Peace for the counties of Chatham and Johnson, which were approved and transmitted to the House.

The Senate concurred in recommendations for Justices of the Peace for the counties of Edgecombe, Pitt, Granville and Yancey, transmitted from the House.
A message was received from the House of Commons transmitting the report of the Joint Select Committee, under the resolution to raise funds to establish National Banks, based on mortgages of real estate.

Bills and resolutions of the titles following being read the first time, passed their first reading, and were disposed of, as follows, viz:

By Mr. Carter: A resolution (S. 207.) to authorize the Public Treasurer to have his name engraved on the coupons of State bonds.

On motion of Mr. Carter,

The rules were suspended, and the resolution passed its several readings.

Ordered, To be engrossed.

By Mr. Carter: A resolution (S. 208.) to provide for a deficiency in the treasury.

On motion of Mr. Carter,

The rules were suspended, and the bill passed its several readings.

Ordered, To be engrossed.

From the House: Engrossed bill (H. 254.) to amend an act, entitled "An act to promote and encourage the planting of Oysters and Clams." Filed.

Engrossed bill (H. 281.) to amend the 64th section of the 6th chapter of the Revised Code. Filed.

Engrossed bill (H. 206.) to amend the Asheville and Greenville Plank Road Company. Filed.

Engrossed bill (H. 210.) to incorporate the Mayor and Board of Aldermen of the City of Charlotte. Filed.

Engrossed bill (H. 216.) to incorporate the Weldon Publishing Company. Filed.

Engrossed bill (H. 194.) to extend the corporate limits of the town of Kinston, and for other purposes. Filed.

The Senate concurred in the recommendations for Justices
of the Peace for the counties of Northampton and Craven, transmitted from the House.

The Senate concurred in the amendment of the House of Commons to the resolution (S. 174.) in favor of John True and others.

On motion of Mr. Whitford,

The rules were suspended and the engrossed bill (H. 276.) supplemental and amendatory of an act to reorganize the corporation governments of the city and academy of Newbern, passed at this session of the General Assembly, placed upon its several readings and was passed.

Ordered, To be enrolled.

On motion of Mr. Howard.

The rules were suspended, and the engrossed bill (H. 261.) regulating fees in the Supreme Court, passed its several readings.

Ordered, To be enrolled.

The House of Commons concurred in the amendments to the engrossed bills (H. 200.) to be entitled "Revenue" and (H. 235.) for collecting "Revenue."

Ordered, To be enrolled.

The House of Commons concurred in the Senate amendment to the engrossed bill (H. 17.) to regulate the terms of the Supreme Court, the same having been agreed upon by the Committee of Conference of the two houses.

Ordered, To be enrolled.

Mr. Snead moved that the vote by which the Senate laid on the table the resolutions (S. R. 124.) declaring what debts are valid and what not valid under the Ordinance of the Convention, be reconsidered.

Mr. Donaho moved to lay the motion on the table, and it did not prevail. 1 Yeas, 16, 1 Nays, 23.

On motion of Mr. Harris, of Rutherford,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are:

Messrs. Arendell, Black, Blount, Bogle, Boner, Boyd, Bullock, Carter, Cowles, Etheridge, Garner, Gash, Gorrell, Harris, of Rutherford, Isbell, Jones, of Columbus, Jones, of Wake, Latham, Morehead, Pitchford, Shober, Snead, and Tayloe.

And the question recurring upon the motion of Mr. Snead, was put, and:

Decided in the affirmative, \( Y \) Yeas, \( 23 \). \( N \) Nays, \( 16 \).

On motion of Mr. Carter.

The yeas and nays being ordered.

Those who voted in the affirmative are:

Messrs. Arendell, Black, Blount, Bogle, Boner, Boyd, Bullock, Carter, Coward, Etheridge, Garner, Gash, Gorrell, Harris, of Rutherford, Isbell, Jones, of Columbus, Jones, of Wake, Latham, Morehead, Pitchford, Shober, Snead and Tayloe.

Those who voted in the negative are:

Messrs. Aycock, Berry, Covington, Cowles, Cowper, Donaho, Ferbee, Hall, Harris, of Franklin, Keener, McCleese, McKoy, McLean, Standiford, Wiggins and Wilson.

Mr. Cowper moved to strike out the fifth resolution, and the question thereon was put and

Decided in the affirmative, \( Y \) Yeas, \( 32 \). \( N \) Nays, \( 4 \).

On motion of Mr. Cowper.

The yeas and nays being ordered.

Those who voted in the affirmative are:

Those who voted in the negative are,
Messrs. Ferebee, Gash, Hall and Leitch, of Robeson.
The question now recurring upon the passage of the resolutions their final reading was put, and

Decided in the negative. \{ Yea, \ldots 15, \\
\} Nays, \ldots 19.

On motion of Mr. Cowper,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Black, Blount, Boner, Boyd, Carter, Etheridge, Garner, Gash, Gorrell, Harris, of Rutherford, Jones, of Wake, Latham; Pitchford, Snead and Tayloe.
Those who voted in the negative are:
The engrossed bill (H. 82,) concerning negroes and persons of color or of mixed blood, was considered on its third reading.
Mr. Carter moved to amend the fourth section by striking out the following words, viz:

"That the former masters of any such apprentice, when they shall be regarded as suitable persons by the court, shall be entitled to have such apprentices bound to them in preference to other persons."

And the amendment did not prevail. \{ Yea, \ldots 15, \\
\} Nays, \ldots 25.

On motion of Mr. Carter,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Bogle, Boner, Boyd, Carter, Cowles, Donaho, Gash, Gorrell, Harris, of Rutherford, Jones, of Columbus, Jones, of Wake, Keener, Leitch of Robeson, Shober and Tayloe.
Those who voted in the negative are:
Messrs. Aycock, Berry, Black, Blount, Bullock, Covington,
Mr. Carter moved to amend the ninth section by striking out the following words, viz:

"Provided, That this section shall not go into effect until jurisdiction in matters relating to freedmen shall be fully committed to the courts of the State."

And the amendment was not adopted. Yeas, 18; Nays, 22.

On motion of Mr. McCleese,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Arendell, Black, Bogle, Boner, Boyd, Bullock, Carter, Covington, Donaho, Gash, Gorrell, Harris, of Rutherford, Isbell, Jones, of Columbus, Jones, of Wake, Shober, Tayloe and Wilson.

Those who voted in the negative are:

Mr. Leitch, of Robeson, moved to amend by striking out the ninth section, and the question thereon was put, and

Decided in the negative, Yeas, 15; Nays, 20.

On motion of Mr. Leitch, of Robeson,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Bullock, Cowles, Cowper, Ferebee, Harris, of Rutherford, Jones, of Columbus, Jones, of Wake, Latham, Leitch, of Robeson, McCleese, McLean, Morehead, Pitchford, Snead and Wiggins.

Those who voted in the negative are:

The question recurring upon the passage of the bill, was put, and

Decided in the affirmative, \{ Yeas, \hspace{1em} 22, \}
\{ Nays, \hspace{1em} 19. \}

On motion of Mr. McCleese,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are:
Messrs. Bullock, Covington, Cowles, Cowper, Ferebee, Garner, Harris, of Franklin, Harris, of Rutherford, Jones, of Columbus, Jones, of Wake, Latham, Leitch, of Robeson, McCleese, McLean, Morehead, Pitchford, Snead, Wiggins and Williams.

Ordered, To be enrolled.

On motion of Mr. Pitchford,
Leave of absence was granted to Mr. McLean from and after to-day, for the rest of the session.

S. 109, to abolish the office of Superintendent of Public Schools, Treasurer of the Literary Fund, and for other purposes, came up in order on its third reading.

Mr. Howard moved to amend by striking out all after the enacting clause, and insert the engrossed bill (H. —,) for the benefit of the Common Schools.

Mr. Jones, of Columbus, moved to amend the amendment by striking out that part of section ninth, appropriating seventy-five thousand dollars for the support of the Common School for the present year.

The question being thereon,
A message was received from the House of Commons, transmitting the bill (S. 43,) to establish a scale of depreciation of Confederate Currency, with amendments.

And the question being upon the concurrence in the amendments of the House of Commons,

The hour arriving, the Senate adjourned.

3½ O'Clock, P. M.

The message from the House of Commons, asking the concurrence of the Senate in amendments to the bill (S. 43,) to establish a scale of depreciation of Confederate Currency, being the pending question, the Senate concurred.

The consideration of the bill (S. 109,) to abolish the office of Superintendent of Public Schools, Treasurer of the Literary Fund and for other purposes, was resumed as the unfinished business. The question being upon the amendment of Mr. Howard, was put, and

The amendment was adopted, \{ Yeas, ............... 23, \\
\{ Nays, ............... 14. \\

On motion of Mr. Jones, of Columbus,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Arendell, Aycock, Berry, Blount, Bogle, Boyd, Bullock, Carter, Covington, Cowles, Cowper, Etheridge, Garner, Gash, Gorrell, Harris, of Franklin, Harris, of Rutherford, Jones, of Columbus, Jones, of Wake, McCleese, Pitchford, Tayloe and Wiggins.

Those who voted in the negative are:


Mr. Howard moved to amend, by making the appropriation fifty thousand dollars, and strike out the proviso to ninth section. Lost.
The amendment of Mr. Howard was then rejected.

The question then recurring upon the passage of the bill, was put, and the bill was passed.

Ordered, To be engrossed.

Bills and resolutions of the titles following being read the second time, were disposed of as follows, viz:

S. 80, bill regulating the jurisdiction of the Courts, and for other purposes.

Laid on the table.

S. R. 160, resolutions concerning the Commissioners and the Secretary of the Sinking Fund.

Indefinitely postponed.

S. 162, bill to extend the terms of office of certain county officers.

On motion of Mr. Carter,

The rules were suspended, and the bill passed its several readings.

Ordered, To be engrossed.

H. 269, engrossed bill to authorize the Public Treasurer to make special deposits.

On motion of Mr. Wiggins,

The rules were suspended, and the bill passed its several readings.

Ordered, To be enrolled.

On motion of Mr. Carter,

So much of the sixteenth rule of the Senate as prevents bills from being sent from the Senate, until 12 o'clock the day succeeding their passage, was suspended.

The hour arriving,

The Senate adjourned.
On motion of Mr. Jones, of Columbus,
S. 117, bill to establish the rate of interest and repeal chapter 114, Revised Code, was taken from the table, and considered on its third reading.

Mr. Howard moved to amend the first section, by striking out the words "the excess of interest beyond six per cent. per annum," and insert the words "the interest." Adopted.

Mr. Leitch, of Robeson, moved to indefinitely postpone its further consideration, and the question being put, was

Decided in the negative, \{ Yeas, 15, Nays, 21. \}

On motion of Mr. Wiggins,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Aycock, Blount, Cowles, Cowper, Gorrell, Isbell, Latham, Leach, of Davidson, Leitch, of Robeson, McCleese, Morehead, Pitchford, Snead, Stanford and Wiggins.

Those who voted in the negative are:
Messrs. Arendell, Berry, Boyd, Bullock, Carter, Covington, Coward, Donaho, Etheridge, Ferebee, Garner, Gash, Harris, of Rutherford, Howard, Jones, of Columbus, Jones, of Wake, Keener, McKoy, Tayloe, Whitford and Williams.

Mr. Morehead moved to postpone the further consideration of the bill until Monday, March 12th, at 6 o'clock, A. M.,
And the question being put, was

Decided in the negative, \{ Yeas, 16, Nays, 20. \}

On motion of Mr. Morehead,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Aycock, Berry, Black, Blount, Cowles, Cowper, Gorrell, Harris, of Franklin, Leach, of Davidson, Leitch, of Robeson, McCleese, Morehead, Pitchford, Snead, Tayloe and Wiggins.
Those who voted in the negative are:
Messrs. Bogle, Boyd, Bullock; Carter, Covington, Donaho, Etheridge, Ferebee, Gash, Harris, of Rutherford, Howard, Isbell, Jones, of Columbus, Jones, of Wake, Keener, McKoy, Stanford, Whitford, Williams and Wilson.

And the question recurring upon the passage of the bill, was put, and

Decision in the affirmative,

- Yeas, 20.
- Nays, 18.

On motion of Mr. McCleese,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are:
Messrs. Aycock, Berry, Black, Blount, Cowles, Cowper, Gorrell, Harris, of Franklin, Isbell, Latham, Leach, of Davidson, Leitch, of Robeson, McCleese, Morehead, Pitchford, Snead, Wiggins and Williams.

-Ordered, To be engrossed.

Bills and resolutions of the titles following being read the second time, were disposed of as follows, to wit:

- H. 164, engrossed bill to enable the Banks of the State to close business. Postponed until Saturday, March 10th, at 10½ o'clock.
- H. 230, engrossed bill to amend an act concerning Justices of the Peace in Bladen county.

On motion of Mr. Jones, of Columbus,
The rules were suspended, and the bill passed its several readings.

-Ordered, To be enrolled.

On motion of Mr. Wilson,
The rules were suspended, and the engrossed bill, (H. 261,)
to amend an act passed by the General Assembly at the session of 1838-'39, entitled "An act to incorporate the Trustees of Greensboro' Female College, in the county of Guilford," was considered on its third reading, and passed.

Ordered, to be enrolled.

The Senate concurred in the amendment to the resolution (S. R. 168,) in favor of certain disabled soldiers, transmitted from the House.

Engrossed bill (H. 229,) for the relief of the owners of lands and houses, was laid on the table.

The Senate concurred in recommendations for Justices of the Peace for the counties of Craven and Caldwell, transmitted from the House.

A message was received from the House of Commons, refusing to concur in the Senate amendment to the bill (H. 19,) to prevent the discontinuance of causes in certain cases.

The Senate receded from the amendment.

The Senate concurred in the following resolution, transmitted from the House, viz:

Resolved, That the correspondence in relation to the cotton belonging to the State be deposited with the Public Treasurer, and that he be, and is hereby required to prosecute the investigation, to the end that the interests of the State may be subserved.

Adopted.

The House concurring in the Senate amendments to the engrossed bill (H. 236,) to extend the time for collecting taxes under the Revenue Ordinance of the Convention; it was

Ordered, To be enrolled.

A message was received from the House of Commons, concurring in the substitute proposed by the Senate to the engrossed resolutions making an appropriation for the Lunatic Asylum, with an amendment.

The Senate refused to concur in the amendment.
Bills of the titles following being received from the House, passed their first reading, and were disposed of as follows, viz:

Engrossed bill (H. 193, to amend the act of incorporation of the town of Newton, in Catawba county. Filed.

Engrossed bill (H. 204,) authorizing the town of Wadesboro' to levy taxes.

On motion of Mr. Covington,
The rules were suspended, and the bill passed its several readings.

Ordered, To be enrolled.

On motion of Mr. Harris, of Rutherford,
The Senate adjourned.

SATURDAY, MARCH 10, 1866.

Mr. Cowles, from the Committee on Claims, reported back the engrossed resolution (H. P. 49,) in favor of C. Kuester & Bro., with an amendment, recommending its passage.

Messrs. Wiggins and Cowles submitted recommendations for Justices of the Peace for the counties of Halifax and Yadkin, which were approved and transmitted to the House.

The Senate concurred in the recommendations for Justices of the Peace for the counties of Forsythe, Martin, Rowan, Anson and Guilford, transmitted from the House.

Those for Currituck county were laid on the table.

Resolutions of the titles following, being introduced, were disposed of as follows, viz:

By Mr. McCleese: Resolution (S. P. 98,) in favor of the Doorkeepers.

On motion of Mr. McCleese,
The rules were suspended and the resolution passed its several readings.

Ordered, To be engrossed.
By Mr. Cash: Resolution (S. 212,) to take the sense of the people upon a Penitentiary.Filed.

From the House: Engrossed resolution (H. 266,) in favor of Catharine Kendall. Filed.

The Senate concurred in the amendment proposed by the House of Commons, to the bill (S. P. 73,) to charter the City of Raleigh.

The Senate was informed by message that the House of Commons receded from its amendment to the bill (S. 185,) in relation to the Insane Asylum.

Engrossed bill (H. 164,) to enable the banks of the State to close business, on its second reading, was considered as the special order, the question being upon the amendment proposed by the Committee on the Judiciary.

Mr. Howard moved to amend the amendment by adding as an additional section the following, viz:

"Be it further enacted, That all suits on debts due the banks, contracted with a branch, must be brought in the county where the branch was established, and, if brought in any other county, may be dismissed on motion."

Adopted.

As amended, the amendment prevailed.

Ordered, To be transmitted to the House for concurrence in the amendment.

A resolution of the title following being considered on its second reading, was passed under a suspension of the rules, and ordered to be engrossed, viz:

Resolution (S. P. 100,) in favor of Wm. Thompson, of Wake county.

Engrossed bills, &c., of the titles following, on their second reading, were passed to their enrollment, under a suspension of the rules, and were so ordered, viz:

H. 278, to re-enact Chapter 70, Revised Code, entitled "Militia," and to amend the same.
H. 173, to establish a Board of Commissioners of Navigation.

H. 271, for the relief of Robert Christy and others.

H. P. 56, to incorporate County Line Lodge, No. 224, A. Y. M.

H. 260, in favor of R. H. Bradley.

H. 280, to incorporate the Newbern Savings' Institution.

H. 254, to incorporate the Mayor and Board of Aldermen of the City of Charlotte.

H. 161, to amend the charter of the Asheville and Greenville Plankroad Company.

H. 266, to incorporate the Weldon Publishing Company.

H. 242, to extend the corporate limits of the town of Kingston and for other purposes.

H. 236, to amend the act of incorporation of the town of Newton in Catawba county.

H. 279, in favor of Catharine Kendall.

Engrossed bills, &c., of the following titles were amended as follows, passed and transmitted to the House for concurrence, viz:

H. P. 49, in favor of C. Keuster & Bro. Amended by reducing the account by the scale of depreciation of Confederate currency.

H. 235, to regulate the sale of spirituous liquors in the town of Salem, Forsythe county. Amended on motion of Mr. Boner, by striking out "one gallon" in the first section and inserting "three gallons"; and by striking out "twenty-five" in the second section and inserting "fifty."

The House of Commons having subsequently concurred in these amendments, the bills were ordered to be enrolled.

Bills, &c., of the titles following were indefinitely postponed, viz:

H. 153, engrossed bill to incorporate the "Bladen Land Company."
S. P. 72, bill to incorporate the Yadkin and Cape Fear Canal Company.
S. P. 78, bill for the relief of Goodmen Durden, late Sheriff of Washington county.
H. 240, engrossed bill to incorporate the Business Exchange of Elizabeth City and vicinity.
H. 196, engrossed bill to incorporate the North Carolina Mining Company.
S. P. 87, bill to pay the Clerk employed by the Committee appointed to prepare a Code for Freedmen.
H. 115, engrossed bill to authorize the banks of the State to subscribe for stock in national banks was
Indefinitely postponed,

\[
\begin{align*}
\text{Yea}s & : 19, \\
\text{Nay}s & : 15.
\end{align*}
\]

On motion of Mr. Jones, of Columbus,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Arendell, Bogle, Boner, Boyd, Bullock, Carter, Coward, Cowles, Etheridge, Garner, Gorrell, Harris, of Franklin, Harris, of Rutherford, Jones, of Columbus, Keener, Morehead, Pitchford, Snead and Tayloe.
Those who voted in the negative are:
A message was received from the House of Commons, informing the Senate that they had concurred in the Senate amendment to the engrossed bill (H. 164.) to enable the banks of the State to close business.
Ordered, To be enrolled.
The following engrossed bills being received from the House, were disposed of as follows, to wit:
H 209, bill to legalize the official acts of Sheriffs.
On motion of Mr. Howard,
The bill was amended by inserting the word "intended" be-
fore the words "to be" in the proviso, and, under a suspension of the rules, passed.

Ordered, To be transmitted to the House for concurrence in the amendment.

The House subsequently concurring in the amendment, the bill was ordered to be enrolled.

H. 167, bill improving the law of evidence, the rules were suspended, and the question being "Shall the bill pass?" was put and

Decided in the affirmative,  
\[
\begin{align*}
\text{Yeas,} & : 27. \\
\text{Nays,} & : 7. 
\end{align*}
\]

On motion of Mr. Cowper,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Those who voted in the negative are:
Messrs. Aycock, Berry, Cowper, Jones, of Columbus, Leitch, of Robeson and Morehead.

Ordered, To be enrolled.

S. 177, bill to declare valid an act of the General Assembly, amending the charter of the Chatham Railroad Company, was considered on its second reading
The question being upon the amendment proposed by the Committee on Internal Improvements, viz:

Strike out all after the word "scaled," in the first section, and insert the following words: "according to the specie value of subscription at the time of payment, by the rule of scaling laid down by the General Assembly," it was adopted.

The hour arriving, the Senate adjourned.
3½ O'clock, P. M.

The consideration of the bill (S. 177,) to declare valid an act of the General Assembly, amending the charter of the Chatham Railroad Company, was resumed as the unfinished business.

Mr. Howard moved that the further consideration of the bill be indefinitely postponed, and the question being thereon, was put, and

Decided in the affirmative, } Yeas, ....................... 16.
{ Nays, ....................... 14.

On motion of Mr. Howard,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Aycock, Berry, Blount, Boner, Boyd, Covington, Cowles, Cowper, Donaho, Etheridge, Ferebee, Garner, Gash, Howard, Jones, of Columbus and McClees.
Those who voted in the negative are:
Messrs. Arendell, Bullock, Carter, Coward, Gorrell, Harris, of Rutherford, Jones, of Wake, Keener, Leitch, of Robeson, McKoy, Pitchford, Shober, Snead and Wilson.

Mr. Ferebee, from the Joint Select Committee on the subject, reported a resolution (S, 214,) in relation to the report of Dr. Curtis, which, under a suspension of the rules, passed its several readings.

Ordered, To be engrossed.

The Senate concurred in a recommendation for Justices of the Peace for Brunswick county, transmitted from the House.

Those for Columbus were laid on the table.

The Senate concurred in the resolution of thanks to Rev. C. H. Wiley, transmitted from the House.

Bills of the titles following, on their second reading, passed, under a suspension of the rules, to their engrossment, and were so ordered, viz:

S. 184, concerning the Dismal Swamp Canal.
S. 197, for the better protection of the Milling and Manufacturing interest in the State.

Engrossed bills, &c., of the titles following, passed their second and third readings and were ordered to be enrolled, viz:

H. 251, to authorize the sale of the Roanoke Valley Railroad Company.
H. 255, to reduce the bonds of sheriffs and other officers.
H. 237, to repair the State House and to have other repairs made as may be necessary.
H. 219, to authorize the Chairman of the County Court for Alamance county to sell real estate.
H. 274, to amend the charter of the Williamston and Tarboro' Railroad Company, and for other purposes.
H. 210, in favor of disabled soldiers.
H. 199, relating to debts created during the late war.
H. 257, directing the publication of certain acts of the Legislature.
H. 217, to amend the 64th section of the 60th chapter of the Revised Code.

Bills, &c., of the titles following were indefinitely postponed, viz:

H. 178, engrossed bill concerning assignments.
S. 172, bill to facilitate pleadings in courts of law.
H. 195, engrossed bill to establish freehold Homesteads for citizens of the State.
H. 248, engrossed bill to authorize the sale of a lot in the City of Raleigh for a burial ground.
H. 258, engrossed bill to require a deposit of securities to be made by Foreign Insurance Companies, doing business in this State.
S. 198, bill to incorporate Concord Mining Company.
H. ——, engrossed bill for the benefit of the Common Schools.
H. 233, engrossed bill authorizing the renewal of certain State Bonds in the hands of the Chatham Railroad Company.
H. 284, engrossed bill to amend an act, entitled "An act
to promote and encourage the planting of oysters and clams.
H. 270, in favor of T. N. Ramsay.

On motion of Mr. Ferebee,
The Senate adjourned until Monday morning at 6 o'clock.

MONDAY; March 12, 1866.
6 o'clock, A. M.

The Speaker designated Messrs. McKoy, Boner, Shoher, Donaho, McCleese and Boyd as Committee on Enrolled Bills.

Mr. Leitch, of Robeson, introduced the following resolution, (McCowles in the chair,) viz:

Resolved, That the thanks of the Senate are due and hereby tendered to Hon. C. S. Winstead for the dignity, impartiality and ability with which the duties of the office of Speaker have been discharged by him.

Adopted unanimously.

Mr. McCleese introduced the following resolution, viz:

Resolved, That the thanks of the Senate are due and hereby tendered to the Principal and Assistant Clerks and the Doorkeepers of this House, for the faithful performance of their duties during the present General Assembly.

Adopted.

A message was received from the House of Commons, informing the Senate that they were prepared to execute the joint order in regard to adjournment.

The Speaker, resuming the chair, bid farewell to the Senators in a few appropriate remarks, and declared the Senate adjourned without day.

C. S. WINSTEAD,
Speaker.

Jos. A. Engelhardt,
Clerk.
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