JOURNAL

OF

THE SENATE

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF NORTH-CAROLINA,

AT ITS

SESSION OF 1866-'67.

RALEIGH, N. C.:  
WM. E. PELL. STATE PRINTER
1867.
At a General Assembly of the State of North Carolina, begun and held in the City of Raleigh, on Monday, the nineteenth day of November, Anno Domini, one thousand eight hundred and sixty-six, and the ninety-first year of the Independence of the United States of America, being the day appointed by law for the meeting of the General Assembly, the following members of the Senate appeared, exhibited their credentials and were qualified according to law, viz:

1st District, Pasquotank and Perquimans—R. K. Speed.
2d " Camden and Currituck—W. B. Ferebee.
3d " Gates and Chowan—H. Willey.
4th " Tyrrell and Hyde—Jones Spencer.
5th " Northampton, H. C. Edwards.
6th " Hertford—James Barnes.
8th " Martin and Washington—J. E. Moore.
9th " Halifax—Mason L. Wiggins.
10th " Edgecombe and Wilson—Henry T. Clark.
11th " Pitt—C. Perkins.
12th " Beaufort—Isaiah Respass.
13th " Craven—M. E. Manly.
14th " Carteret and Jones—Calvin Koonce.
16th " New Hanover—E. D. Hall.
17th " Duplin—Isaac B. Kelly.
18th " Onslow—Jasper Etheridge.
19th " Bladen, Brunswick and Columbus—S. Lloyd.
20th " Cumberland—Arch’d McLean.
21st " Sampson—John C. Williams.
22d " Wayne—W. A. Thompson.
23d " Johnston—Thomas D. Snead.
24th " Wake—W. D. Jones.
25th District, Nash—L. N. B. Battle.
26th " Franklin—Washington Harris.
28th " Granville—J. D. Bullock.
29th " Person—J. W. Cunningham.
30th " Orange—John Berry.
31st " Alamance and Randolph—M. S. Robins.
32d " Chatham—R. B. Paschal.
33d " Moore and Montgomery—W. B. Richardson.
35th " Anson and Union—D. A. Covington.
36th " Guilford—Peter Adams.
37th " Caswell—Livingston Brown.
41st " Rowan and Davie—R. F. Johnston.
42d " Davidson—James M. Leach.
43d " Stokes and Forsythe—James E. Matthews.
44th " Ashe, Surry, Watauga and Yadkin—A. C. Cowles.
45th " Wilkes, Iredell and Alexander—J. H. Hill.
46th " Burke, McDowell and Caldwell—A. C. Avery.
47th " Lincoln, Gaston and Catawba—M. L. McCorkle.
48th " Rutherford, Polk and Cleaveland—C. L. Harris.
50th " Haywood, Jackson, Cherokee and Macon—Jas. R. Love.

A quorum, consisting of a majority of the whole number of Senators, being present, Mr. Cunningham nominated M. E. Manly, the Senator from Craven, for Speaker.

Mr. Covington nominated J. H. Wilson, the Senator from Mecklenburg.

The Clerk appointed Messrs. Speed and Moore to superintend the election.

The following named Senators voted for Mr. Manly:

Messrs. Battle, Barnes, Clark, Cunningham, Edwards, Etheridge, Ferebee, Hall, Harris, of Franklin, Kelly, Koonce, Lloyd, Moore, Speed, Spencer, Thompson, Thornton, Wiggins, Willey, Williams, and Wilson.—21.

The following Senators voted for Mr. Wilson, viz:
The following Senators voted for Mr. Leach, viz:
Messrs. Bullock, Coward, Cowles, Hill, Jones, Matthews, Paschall, Richardson, Robins and Snead.—10.
Mr. Leach voted for Mr. Cowles.
Mr. Harris, of Rutherford, voted for Mr. Snead.
The Committee reported that no one having received a majority of the votes, there was no election.
The Senate proceeded to vote again for Speaker, with result as follows:
The following named Senators voted for Mr. Manly, viz:
The following Senators voted for Mr. Wilson, viz:
The following Senators voted for Mr. Leach, viz:
Messrs. Bullock, Coward, Cowles, Hill, Jones, Matthews, Respass, Richardson, Robins and Snead.—10
Mr. Leach voted for Mr. Cowles.
Mr. Harris, of Rutherford, voted for Mr. Snead.
There was no election.
Mr. Leach stated that his name was not before the Senate as a candidate for Speaker, and hoped his friends would not vote for him.
The Senate proceeded to ballot a third time for Speaker, with result as follows:
The following named Senators voted for Manly, viz:
The following Senators voted for Mr. Wilson, viz:
The following Senators voted for Mr. Cowles, viz:
Messrs. Coward and Matthews—2.

The tellers reported to the Senate that forty-six votes had been cast, and Hon. M. E. Manly, having received a majority of them, was duly elected Speaker of the Senate.

The Clerk designated Messrs. Cunningham and Covington, to conduct the Speaker to the chair, who returned his acknowledgments to the Senate in a few graceful and appropriate remarks.

The Senate then proceeded, upon motion of Mr. Leach, to vote for Principal Clerk.

Mr. Wilson nominated Jos. A. Engelhard, of New Hanover.

On motion of Mr. Cunningham,
Mr. Engelhard was elected by acclamation.
On motion of Mr. Avery,
The Senate proceeded to the election of Assistant Clerk.

Mr. Avery nominated Mr. Quentin Busbee, of Wake.
Mr. Hall nominated Mr. Daniel Coleman, Jr., of Cabarrus.
Mr. Adams nominated Mr. H. W. Husted of Wake.

The Speaker designated Messrs. Avery and Hall to superintend the election.

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

The following Senators voted for Mr. Coleman, viz:

The following Senators voted for Mr. Husted, viz:
Messrs. Adams, Berry, Clark, Harris of Franklin, Kelly, Koonce, Leach, Manly, McLean, Perkins, Spencer, Wiggins, Willey and Williams—14.

There being no election, a second ballot was had, with the following result, viz:
The following Senators voted for Mr. Busbee, viz:

The following Senators voted for Mr. Coleman, viz:

The following Senators voted for Mr. Husted, viz:
Messrs. Speaker, Berry, Clark, Hall, Kelly, McLean and Wiggins.—7.

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

The Speaker administered the oath of office to the Clerks.
The Senate proceeded to elect Principal Doorkeeper.
Mr. Leach nominated Mr. James Page, of Randolph.
Mr. Page was appointed unanimously.

On motion of Mr. Cunningham,

The Senate proceeded to vote for Assistant Doorkeeper.
Mr. Cunningham nominated Mr. C. C. Tally, of Chatham.
Mr. Jones nominated Mr. Rufus Ruth, of Wake.

Messrs. Cunningham and Jones were appointed to superintend the election.

The following Senators voted for Mr. Tally, viz:

The following Senators voted for Mr. Ruth, viz:

Mr. Tally, having received a majority of the votes, was declared duly elected.
On motion of Mr. Cowles,
A message was sent to the House of Commons, informing them of the organization of the Senate, and that it was ready to proceed to business.

On motion of Mr. Wiggins,
The rules of the last Senate were adopted for the government of the Senate until the adoption of permanent rules.

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

TUESDAY, NOVEMBER 20TH, 1866.

Prayer by the Rev. J. M. Atkinson,
A message was received from the House of Commons informing the Senate of the organization of that body by the election of Rufus Y. McAden, Speaker; Seaton Gales, Principal Clerk; W. M. Hardy, Assistant Clerk; Wallace Alexander, Principal Doorkeeper; and John H. Hill, Assistant Doorkeeper, and were ready to proceed to the dispatch of public business.

A message was received from the House of Commons, proposing to raise a Joint Select Committee of three on the part of the House and two on the part of the Senate, to wait on his Excellency, the Governor of the State, and inform him of the organization of the two Houses, and their readiness to receive any communication he may have to make.

On motion of Mr. Cowles,
The message was laid on the table.

On further motion of Mr. Cowles,
Ordered, That a message be sent to the House of Commons proposing that a committee of two on the part of each House be appointed for this purpose.

A message was received from the House and concurred in, proposing to go into the election for Public Printer at 1 o'clock. Mr. Wm. E. Pell being in nomination in the House of Commons.
Mr. Jones added to the nomination Messrs. Nichols, Gorman & Neathery.

Mr. Harris, of Franklin, placed in nomination Mr. William B. Smith.

The House was informed of these nominations by message. Mr. Thomas Badger was recommended for Justice of the Peace for the County of Wake by the House of Commons, and concurred in by the Senate.

The House concurred, by message, in the proposition of the Senate to appoint a Joint Committee of two on the part of each House, to wait on the Governor.

Messrs. Holderby and Russ constitute the House branch of the Committee.

The Speaker designated Messrs. Cowles and McCorkle as the Senate branch of the Committee.

On motion of Mr. Wilson,

Ordered, That a Committee of three be appointed by the Speaker to prepare Rules of Order for the government of the Senate.

Messrs. Wilson, Clark and Hall were appointed as the Committee.

On motion of Mr. Clark,

Ordered, That a message be sent to the House proposing to raise a Joint Committee, of five on the part of the House and three on the part of the Senate, to prepare Joint Rules of Order for the government of the two Houses during the present session.

Mr. Cowles, from the Committee to wait on the Governor, reported that his Excellency would communicate with the General Assembly, in writing, to-day at 12 o'clock.

Mr. Speed introduced the following resolution, viz:

Resolved, That the Committee on the Judiciary be instructed to bring in a bill requiring all the printing for the offices of Treasurer, Comptroller, Secretary of State, the Governor's office, and the two Houses of the General Assembly be executed at the printing establishment of the Institution of the Deaf and Dumb and the Blind, and that the Governor be authorized and empowered to procure types and other fixtures necessary for the purpose, and that the execution of
the same be supervised by the Secretary of State under the direction of the Governor, and that the same shall go into effect on the first day of January, 1868.

The resolution was adopted.


Messrs. Rogers and Baker were appointed to superintend the election in the House.

The Senate, under the superintendence of Messrs. Battle and Wiley, proceeded to vote as follows:

The following Senators voted for Mr. Stone, viz:

Messrs. Speaker, Battle, Barnes, Bullock, Clark, Covington, Cunningham, Edwards, Etheridge, Ferebee, Hall, Harris of Franklin, Harris of Rutherford, Jones, Kelly, Love, Lloyd, Marshall, McLean, Richardson, Speed, Spencer, Thompson, Thornton, Wiggins, Willey and Williams.—27.

The following Senators voted for Mr. Ramsay, viz:


The following Senators voted for Mr. Busbee, viz:

Messrs. Speaker, Adams, Avery, Battle, Barnes, Brown, Coward, Cunningham, Edwards, Ferebee, Harris, of Franklin, Jones, Koonce, Leach, Matthews, Robins, Snead, and Thornton.—18.

The following Senators voted for Mr. Freeman, viz:


The following Senators voted for Mr. Long, viz:
Messrs. Coward, Cowles, Harris, of Rutherford, Hill, Johnston, Leach, Marshall, Paschal, Respass, Richardson, Snead, Thompson, and Williams.—13.

The following Senators voted for Mr. Hampton, viz:
Messrs. Bullock, Covington, Coward, Cowles, Harris, of Rutherford, Hill, Johnston, Koonce, Leach, Respass, Richardson, and Snead.—12.

The following Senators voted for Mr. Joyner, viz:

The following Senators voted for Mr. Barbee, viz:
Messrs. Avery, Berry, Hall, Paschal and Wilson—5.

The following Senators voted for Mr. Taylor, viz:

The following Senators voted for Mr. Whiting, viz:

Mr. Avery voted for Mr. Blackstock.

A message was received from the House, transmitting a Report of the Comptroller and Secretary of State, relative to "Confederate and State Securities," in obedience to an Ordinance of the Convention, with a proposition to print, which was concurred in.

Mr. Battle, from the committee to superintend the election for three Engrossing Clerks, reported that the whole number of votes was 162; necessary to a choice 82. Mr. Stone received 99, Mr. Ramsay 97, Mr. Hampton 61, Mr. Long 50, Mr. Freeman 46, Mr. Busbee 37, Mr. Whiting 29, Mr. Joyner 17, Mr. Taylor 17, Mr. Barbee 9, and Mr. Blackstock 7. Messrs. Stone and Ramsay, having each received a majority of the whole number of votes cast, were duly elected. The report was concurred in.

The hour having arrived to execute the joint order, the Senate proceeded to vote for Public Printer, Messrs. Moore and Matthews superintending. Messrs. McNair and Waugh conducted the election on the part of the House.

The following named Senators voted for Mr. Pell, viz:
Messrs. Speaker, Adams, Avery, Battle, Barnes, Berry, Brown, Covington, Cowles, Cunningham, Edwards, Ferebee, Hall, Hill, Johnston, Kelly, Koonce, Leach, Love, Lloyd,

The following named Senators voted for Messrs. Nichols, Gorman & Neathery, viz:


The following Senators voted for Mr. Smith, viz:

Messrs. Bullock, Clark, Harris of Franklin, and Richardson—4.

A message was received from the House, transmitting the message of his Excellency, the Governor, and accompanying documents, with proposition to print ten copies for each member of the General Assembly, and one hundred copies for the use of the Governor.

Mr. Hall moved to dispense with the reading;

And the question being put was

Decided in the negative, \( \frac{1}{2} \) Yeas......................15
\( \frac{1}{2} \) Nays......................30

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


And the following in the negative, viz:


The message was then read and the proposition concurred in.

Mr. Matthews, from the committee to superintend the election for Public Printer, reported whole number of votes 157; necessary to a choice, 79. Mr. Pell received 115, Messrs. Nichols, Gorman & Neathery, 37, and Mr. Smith 5. Mr. Pell, having received a majority of the whole, was duly elected. The report was concurred in.
A message was received from the House, proposing to go forthwith into an election for one Engrossing Clerk. Laid on the table.

The House concurred in the proposition of the Senate to raise a Joint Committee on Rules of Order for the government of the two Houses. Messrs. Hutchison, Logan, Latham, of Washington, McKay and Richardson, compose the House branch of the Committee.

On motion of Mr. Love,
The Senate adjourned until 11 o'clock to-morrow.

WEDNESDAY, NOVEMBER 21st, 1866.

Mr. Murdock McRae, the Senator from the 34th Senatorial District, composed of the Counties of Richmond and Robeson, appeared, presented his credentials and was qualified.

Messrs. Wiggins and Leach were designated as the Senate branch of the Joint Committee on the Rules of Order for the government of the two Houses.

A message was received from the House, proposing to go into an election for one Engrossing Clerk at 11½ o'clock.

Mr. Love moved that the message be laid on the table, and the question being thereon, was put and

Decided in the negative, \( \frac{7}{36} \) Yeas, \( \frac{36}{36} \) Nays.

On motion of Mr. Love,
The yeas and nays being ordered,
The following Senators voted in the affirmative, viz:
Messrs. Berry, Jones, Kelly, Love, McCorkle, Snead and Thompson.

And the following voted in the negative, viz:
The message was then concurred in, and the hour having arrived, the Senate proceeded to vote under the superintendence of Messrs. Cowles and Ferebee.

Messrs. Hutchison and Kenan conducted the election on the part of the House.

The name of Mr. Joyner, of Franklin, was withdrawn.

The following Senators voted for Mr. Hampton, viz:

The following Senators voted for Mr. Busbee, viz:

The following Senators voted for Mr. Whiting, viz:
Messrs. Speaker, Ferebee, Harris of Franklin, Kelly, Love, McLean, McRae, Moore and Thompson.—9.

The following Senators voted for Mr. Long, viz:
Messrs. Berry, Bullock, Johnston, Lloyd, Paschal, Richardson and Williams.—7.

Mr. Williams, from the Committee on Rules of Order, reported a series of twenty-eight Rules and asked to be discharged. Discharged accordingly.

Mr. Cowles, from the Committee to superintend the election for one Engrossing Clerk, reported that the whole number of votes cast was 158; necessary to a choice 80. Mr. Hampton received 76 votes; Mr. Long 41; Mr. Whiting 21; Mr. Busbee 18. No one having received a majority of the votes cast, there was no election. The report was concurred in.

A message was received from the House proposing to go forthwith into an election for Engrossing Clerk. The names of Messrs. Whiting and Busbee were withdrawn.

The message was concurred in, and the Senate proceeded to vote, with result as follows:

The following named Senators voted for Mr. Hampton, viz:
Messrs. Speaker, Avery, Battle, Barnes, Berry, Brown, Clark, Covington, Coward, Cowles, Cunningham, Etheridge, Ferebee, Harris of Franklin, Hill, Jones, Koonce, Leach, Love, Marshall, Matthews, McCorkle, McRae, Moore, Perkins, Res-
pass, Richardson, Speed, Spencer, Wiggins, Willey and Wilson.—32.


Mr. Hall voted for Mr. Busbee.

A message was received from the House, proposing to go forthwith into an election for Secretary of State, which was concurred in; Mr. R. W. Best being in nomination.

Messrs. Holderby and Rogers constitute the Committee on the part of the House to superintend the election.

The Senate proceeded to vote, under the superintendence of Messrs. Robins and Lloyd, with result as follows:

The following Senators voted for Mr. Best, viz: Messrs. Speaker, Avery, Battle, Barnes, Berry, Brown, Bullock, Clark, Covington, Cowrad, Cowles, Cunningham, Edwards, Etheridge, Erebee, Harris, of Franklin, Harris, of Rutherford, Hill, Jones, Kelly, Koonce, Leach, Love, Lloyd, Marshall, Matthews, McCorkle, McLean, McRae, Moore, Paschal, Perkins, Respasa, Richardson, Robins, Snead, Speed, Spencer, Thompson, Thornton, Wiggins, Willey, Williams, and Wilson.—44.

Mr. Cowles, from the Committee to superintend the election of one Engrossing Clerk, reported that the whole number of votes cast was 157; necessary to a choice, 79. Mr. Hampton received 103, Mr. Long 53. Mr. Hampton having received a majority, was duly elected. Concurred in.

A message was received from the House, proposing to go forthwith into an election for Comptroller, the names of Pulaski Cowper and C. H. Brogden being in nomination.

On motion of Mr. Wilson, Laid on the table.

Mr. Robins, from the Committee to superintend the election of Secretary of State, reported that the whole of votes cast was 148; necessary to a choice 75. Mr. Best received 148, being the whole number cast, and was duly elected.

The report of the Committee to prepare Rules for the government of the Senate was considered, and Rule 15th was
amended, upon motion of Mr. Wiggins, by striking out, in the third line, the word "considered" and inserting the word "introduced," and the 22d Rule was amended, upon motion of Mr. Leach, by striking out all after the word "referred," in the fifth line.

The report as amended was adopted, as follows:

**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. If 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 appropriation 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, 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 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; but such appointment shall not extend beyond an adjournment.

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.

On motion of Mr. Jones,
The Senate adjourned until 11 o'clock to-morrow.
Mr. Gash, the Senator elect from the 49th Senatorial District, composed of the counties of Buncombe, Henderson, Yancey, Transylvania, Madison and Mitchell, appeared, presented his credentials and was qualified.

Bills of the titles following were introduced and disposed of as follows:

By Mr. Jones: Bill (S. 1,) to extend the present term of the Court of Pleas and Quarter Sessions of the county of Wake.

On motion of Mr. Jones,

The rules were suspended, and the bill passed its several readings.

Ordered to be engrossed.

By Mr. Berry: Bill (S. 2,) to establish Freehold Homesteads for the citizens of the State. Ordered to be printed and referred to the committee on the Judiciary.

By Mr. Love: Bill (S. 3,) to repeal an Ordinance of the late Convention entitled "An Ordinance for the exchanging the stocks of the State for Bonds issued before the year one thousand eight hundred and sixty-one. Filed on the calendar.

By Mr. Speed: Bill (S. 4,) for the relief of honest debtors. Ordered to be printed.

By Mr. Speed: Bill (S. 5,) to prevent frauds upon the Revenue of the State. Ordered to be printed and referred to the committee on Finance.

From the House: Engrossed Resolution in regard to the Message of the Governor and the Report of the Public Treasurer. Passed and

Ordered to be enrolled.

On motion of Mr. Jones,

The rules were suspended and the engrossed bill (S. 1,) to extend the present term of the Court of Pleas and Quarter Sessions of the county of Wake, was transmitted to the House forthwith.

A message was received from the House, transmitting the following resolution, asking concurrence therein, viz:

Resolved, (the Senate concurring) That the second Saturday in December next be set apart for the election of Justices
of the Peace; and that no motion for that purpose shall be entertained until that day.

On motion of Mr. Leach,
Laid on the table.

On motion of Mr. Leach,
Ordered, That a message be sent to the House of Commons proposing to appoint a joint select committee of five on the part of the Senate and eight on the part of the House, to consider and report upon so much of the Governor's Message as refers to a joint Resolution of Congress, proposing an amendment to the Constitution of the United States.

The House subsequently, by message, concurred in the proposition.

Received a message from the House, proposing to raise a joint select committee of five from the House and three from the Senate, to whom shall be referred so much of the Governor's Message as relates to the African race and to apprentices. The Senate concurred in the proposition and the Speaker designated Messrs. Berry, Thornton and Covington as the Senate branch of the committee. Messrs. Moore of Hertford, Logan, Waugh, Davis and McKay were announced, by message, as the House branch of the committee.

A further message was received from the House, proposing to go into an election for United States Senator on Tuesday next at 12 o'clock M. Concurred in.

Messrs. Etheridge and Harris, of Rutherford were appointed to superintend the election in the Senate. Messrs. Blair and Crawford, of Lewer, superintended the election on the part of the House.

A message was received from the House, in which the Senate concurred, proposing to raise a joint select committee of three on the part of the House and two on the part of the Senate, to whom shall be referred so much of the Governor's Message as relates to the Agricultural and Mechanical College, and that they report by bill or otherwise; and the Speaker appointed Messrs. Clark and Gash as the Senate branch of the committee. Messrs. Foard, Blair and Boyd were announced as the House branch of the committee.
A message was received from the House, proposing to go forthwith into the election for Comptroller, in which the Senate did not concur, but

On motion of Mr. Battle,

Ordered, That a message be sent to the House proposing to go into an election for Comptroller on Monday next at 12 o'clock M.

The House, by message, announced its refusal to concur in this proposition, but again proposed to go into the election forthwith.

The Senate refused to concur.

On motion of Mr. Paschal,
The Senate adjourned until to-morrow at 11 o'clock.

FRIDAY, NOVEMBER 23d.

Leave of absence was granted to Mr. Snead until Tuesday next, on motion of Mr. Cowles.

The Speaker announced the following Standing Committees, viz:

Propositions and Grievances—Messrs. Cunningham, Kelly, Covington, Harris of Franklin, Jones, Brown and Willey.


Judiciary—Messrs. Wilson, Leach, McCorkle, Moore, Brown, Avery and Robins.

Internal Improvements—Messrs. Avery, Hall, Wiggins, Speed, Koonce, McLean and Love.


Corporations—Messrs. Clark, Moore, Paschal, Johnston, Willey, Thompson and Respass.
Military Affairs—Messrs. Leach, Battle, Richardson, Bullock, Love, Williams and Kelly.

Agriculture—Messrs. Covington, Barnes, Clark, Thornton, Perkins, Richardson and Koonce.

The following were announced as the Senate branches of the Joint Standing Committees, viz:


Public Buildings and Grounds—Messrs. Thornton and Barnes.

Cherokee Lands and Western Turnpikes—Messrs. Gash, Love and McCorkle.

Swamp Lands—Messrs. Koonce, Spencer and Coward.

Library—Messrs. Clark, Outlaw and Cunningham.

Insane Asylum—Messrs. Speed, Wilson and Berry.

Deaf, Dumb and Blind Asylum—Messrs. Hall, Harris of Rutherford and Robins.

Messrs. Leach, McLean, Covington, Clark and Jones were designated as the Senate branch of the Committee on so much of the Governor's Message as relates to the Joint Resolution of Congress proposing an amendment to the Constitution of the United States.

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

Resolved, That the Committee on the Judiciary be instructed to enquire and report to the Senate, whether in their opinion the General Assembly has not the power and constitutional right to repeal or modify an Ordinance of the Convention "to change the jurisdiction of the Courts, and the rules of pleading therein," especially in regard to the Stay Law, and the jurisdiction of Justices of the Peace, and all other Ordinances of said Convention of a legislative character.

Mr. Speed introduced a resolution in regard to persons owning bonds, notes, bills and other evidences of debt, subject to taxation, who refuse or neglect to list them. Adopted and referred to the Committee on Finance.

The House, by message, transmitted the following joint
resolution, in which they asked the concurrence of the Senate:

Resolved, That the Secretary of State be authorized and required to furnish each member of this General Assembly with a copy of the Ordinances and Resolutions of the second session of the last State Convention.

On motion of Mr. Leach,

Laid on the table.

A message was received from the House, proposing to raise a Joint Select Committee of two on the part of the Senate, and three on the part of the House, to make the necessary arrangements for the purpose of opening the returns and counting the votes for Governor. The proposition was concurred in, and Messrs. Kelly and Robins designated as the Senate branch of the Committee.

A message was received from the House, announcing Messrs. Harper, Patton, Latham of Washington, Cowan, Lutterloh, Guees, Lowe and Holderby, as the House branch of the Joint Standing Committee on Finance.

A further message was received from the House, proposing to raise a Joint Select Committee of three on the part of the House and two on the part of Senate, to whom shall be referred so much of the Governor's Message as relates to a Penitentiary; which was concurred in, and Messrs. Gash and McCorkle were appointed as the Senate branch of the Committee.

The Speaker designated Messrs. Avery and Wilson as the Committee on Enrolled Bills for the week.

A message was received from the House, proposing to go forthwith into an election for Comptroller. The Senate refused to concur.

A message was received from the House announcing Messrs. Perry of Carteret, Davis, Morehead, Kenan, Wilson of Forsythe, Russ, Waugh and Hodnett, as the House branch of the Committee on so much of the Governor's Message as refers to the Joint Resolution of Congress proposing an amendment to the Constitution of the United States.

A message was received from the House, transmitting Joint Rules of Order for the government of the two Houses.
Mr. Clark moved to amend by striking out in the sixteenth rule, the concluding words, as follows: "the result of such election to their respective Houses," and the following words in the beginning of the seventeenth rule, "in all elections by joint vote, the balloting committee shall report," and combine the two rules as the sixteenth rule. Adopted.

Mr. Wilson moved to amend the sixteenth rule by adding the following proviso:

Provided, That this rule shall not apply to the election of United States Senator, but that such elections take place in conformity to the Act of Congress prescribing the mode of conducting the same." Adopted.

Mr. Clark moved to amend, by adding the following as an additional rule, viz:

"There shall be a Joint Committee of three from the Senate, and five from the House of Commons, to whom all recommendations of Justices of the Peace, in either House, shall be referred; and that committee shall make their report first to the House of Commons, stating the number of Justices in each county, the necessity of the appointment and the worthiness of the candidate; and the House of Commons, after acting upon these recommendations, shall transmit the report of the Committee, with their action on it, to the Senate for concurrence, and the Clerks of the two Houses shall jointly certify to the Governor the names of all persons thus recommended for commission."

And the question being thereon, was put and


On motion of Mr. Harris, of Rutherford,
The yea and nay being ordered,
The following Senators voted in the affirmative:


The following Senators voted in the negative:

Messrs. Berry, Bullock, Covington, Coward, Cowles, Cunningham, Perebee, Harris, of Rutherford, Hill, Jones, Love,
McCorkle, McRae, Paschal, Perkins, Respass, Richardson, Robins, Spencer, Thornton, Willey, and Williams.

The rules, as amended, were then adopted.

Ordered, To be transmitted to the House for concurrence in the amendments.

A message was received from the House, proposing to print one copy of the House and Senate Rules, together with the Joint Rules and the Constitution of this State and of the United States, for the use of each member of the General Assembly.

On motion of Mr. Wilson, Laid on the table.

A message was received from the House, transmitting a message from his Excellency, the Governor, covering the report of Jacob Siler, Agent of Cherokee Lands, with the proposition to refer the same to the Joint Standing Committee on Cherokee Lands and Western Turnpikes; in which the Senate concurred.

The House transmitted a communication from the Governor, covering one from Col. J. V. Bomford, Acting Assistant Commissioner of Refugees, Freedmen and Abandoned Lands for this State, in reference to the continuance of the issue of rations to the destitute of this State, with proposition to refer to a joint select committee of five from the House, and three from the Senate. Concurred in.

On motion of Mr. Wilson, The Senate adjourned until to-morrow at 11 o'clock.

SATURDAY, NOVEMBER 24TH, 1866.

Prayer by the Rev. Mr. Hudson.

Messrs. Cowles, Cunningham and Respass were appointed as the Senate branch of the Committee on the communication of Colonel J. V. Bomford, U. S. A. Assistant Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands on the subject of the issue of rations to the indigent people of the State.
Mr. Covington introduced the following resolution, which was adopted, viz:

Resolved, That the Judiciary Committee be requested to take into consideration the expediency of enacting a law which will allow a creditor to indulge his debtor without danger of the Statute of Limitations being a bar to his recovery; and report by bill or otherwise.

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

Resolved, That the Committee on Propositions and Grievances be, and are hereby, instructed to take into consideration the subject of the introduction into our State of Foreign immigration, and digest a practicable plan for such purpose, and report by bill or otherwise.

A circular upon the same subject from Robert Gibson, of Louisville, Kentucky, was read, which was also referred to the Committee on Propositions and Grievances.

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

Resolved, That so much of the Governor's Message, as relates to the compensation of Judges holding Courts of Oyer and Terminer, be referred to the Committee on the Judiciary, with instructions to report by bill or otherwise.

A message was received from the House, transmitting the House branch of the Joint Standing Committees, viz:

Library—Messrs. Long of Cabarrus, Williams of Martin, and Umstead.


Cherokee Lands and Western Turnpikes—Messrs. Bryson, Crawford of Macon, Sudderth, Davidson, and Kelsey.

Swamp Lands—Messrs. Latham of Washington, Murrill, Harding, Chadwick and Farrow.

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 be known as the Committee on Salaries and Fees. The Senate refused to concur.

Bills of the titles following being introduced, were disposed of as follows:

By Mr. Gash: Bill (S. 6,) to establish a Penitentiary. Ordered to be printed and referred to the Joint Select Committee on the Penitentiary.

By Mr. Hill: Bill (S. 7,) to repeal an ordinance of the Convention. Referred to Committee on Privileges and Elections.

By Mr. McRae: Bill (S. 8,) in reference to the appointment of Justices of the Peace. Referred to the Judiciary.

By Mr. Spencer: Bill (S. 9,) in relation to the County Courts of the County of Hyde. Filed.

Mr. Robins introduced a resolution, which was adopted, as follows:

Resolved, That so much of the Governor's Message, as relates to the re-printing of a portion of the Reports of the Supreme Court of North Carolina, be referred to the Committee on Finance, with instructions to report by bill or otherwise.

A message was received from the House concurring in the amendments to the Joint Rules of Order—the Rules as adopted being as follows:

JOINT RULES OF BOTH HOUSES.

1. Each House shall perfect and finally act on all bills, resolutions and orders, before the same shall be communicated to the other for its concurrence; and if amended in the House to which it is transmitted, it shall be communicated to the House in which it originated, asking the concurrence of that House in which it originated.

2. In any case of amendment of a bill, resolution or order agreed to in one House, and disagreed to in the other, if either House shall request a Conference, and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, each committee shall consist of
an equal number, and they shall meet and state to each other the reasons of their respective Houses, for and against the amendment, and confer freely thereon, and make a report in writing to their respective Houses, of the result of their conference.

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

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

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

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

7. When bills are enrolled, they shall be carefully examined by a Joint Committee of three from the Senate, and five from the House of Commons, whose duty it shall be to carefully compare the enrollment with the Engrossed Bills, as passed in the two Houses, and to correct any errors that may be discovered in the enrolled bills, and make their report of the said bills to the House.

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

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

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

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

12. The Committee on Finance shall be joint, consisting of eight members from each House; the Committee on Public Buildings and Grounds shall be a joint committee of two from the Senate and three from the House of Commons; the Library Committee shall be a joint standing committee consisting of three members from each House, appointed by the Speakers thereof respectively; the Committees on the Deaf and Dumb, and Blind Asylum, the Insane Asylum, Military Affairs, Swamp Lands, and on Cherokee Lands and Western Turnpikes, shall be joint standing committees, consisting each of three members from the Senate and five from the House of Commons.

13. In all Joint Committees, the member first named on the committee, on the part of the House proposing to raise such committee, shall convene the same, and when convened they shall choose their own Chairman.

14. Either House may make reference to any Joint Committee, and all reports shall be made to the House ordering such reference.

15. Whenever either House shall order any paper or document to be printed, it shall be printed in octavo form, on good paper, and fair type; and those documents ordered to be printed by the Senate, shall be printed as "Senate Documents," and those ordered to be printed by the House of Commons, shall be printed as "House Documents," and numbered in regular order, except when communications are made to either House by the Governor, Treasurer, Comptroller or Secretary of State, and ordered to be printed, they shall be designated "Executive Documents," and said papers and documents shall be distributed in the following manner: One copy thereof to each member of the General Assembly, one copy to the Clerks of each House for the use thereof, and two copies shall be deposited in the Public Library, and the Public Librarian required to have them neatly bound.

16. All elections requiring a joint vote shall be *viva voce*, and a Select Committee of two members in each House shall be appointed to superintend the same in their respective
Houses. After the vote shall have been taken, said Select Committee shall confer together, and report, first to the House of Commons, stating the number of votes in each House, and the number given to each person voted for, and the House of Commons, after acting upon it, shall transmit it to the Senate for its concurrence. The Speakers shall make a joint certificate of all elections thus made to the Governor: Provided, That this rule shall not apply to the election of United States Senator, but that such elections shall take place in conformity to the Act of Congress, prescribing the mode of conducting the same.

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

On motion of Mr. Clark.

Ordered, That a message be sent to the House of Commons, proposing to print, in pamphlet form, the Rules of the Senate, the Rules of the House of Commons, the Joint Rules of the two Houses, with the names of the officers and members of the General Assembly, their Counties and post offices, a list of the Standing, Select and Joint Committees of each House of the General Assembly, with a copy of the Constitution of the United States, the Bill of Rights and Constitution of North Carolina; one copy for each officer and member of the General Assembly, two copies for the State Library, and four copies for each of the Libraries of the Senate and House of Commons.

The House subsequently concurred in the proposition.

A message was received from the House transmitting the Report of the State Librarian, and a communication from the Comptroller, with a proposition to print the first. Concurred in.

Bill (S. 3.) to repeal an Ordinance of the late Convention, entitled "An Ordinance for exchanging the Stock of the State for Bonds issued before the year one thousand eight hundred and sixty-one," being read the second time, was referred to the Committee on Internal Improvements.

On motion of Mr. Wilson,

The Senate adjourned until to-morrow at 11 o'clock.
Mr. Love presented a memorial from certain citizens of Cherokee county, asking a consolidation of the Atlantic & North Carolina Rail Road, the North Carolina Rail Road, and the Western North Carolina Rail Road, and suggesting a plan to build the unfinished lines from Morganton to Duck Town and to Paint Rock, &c. Referred to the committee on Internal Improvements.

Mr. Speed introduced a petition to extend the corporate limits of Elizabeth city in Pasquotank county. Referred to the committee on Corporations.

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

Resolved, That the Committee on the Judiciary be requested to enquire whether or not it would be best for the people of North Carolina to pay their private debts, contracted before the war, in Bank bills of the State of North Carolina or their equivalent in current funds, as that was the money, on the faith and credit of which said debts were contracted, and the people have depreciated in pecuniary matters in accordance with said currency; and that the committee report by bill or otherwise.

Mr. Cunningham introduced the following resolution, viz:

Resolved, That the Committee on the Judiciary be instructed to take into consideration the whole subject of popular relief against the danger of forced collections of debts, during the passing crisis of general financial embarrassment, having in view the Ordinance of the State Convention on the subject, and the questions arising as to its adaptation to the wants of the times, and its constitutionality, and to report at an early day upon the possibility of some legislation necessary to save the country from the ruin which would inevitably result from a resort to execution sales. Adopted.

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

Resolved, That the Committee on the Judiciary be instructed to enquire into the propriety and necessity of report-
ing a bill to protect debtors, and relieve from ruinous
sacrifice property sold under execution.

Mr. Wilson introduced a resolution as follows:

*Resolved, That the Committee on Propositions and Griev-
ances be, and are hereby, instructed to enquire into the pro-
priety of providing by law compensation to Justices of the
Peace for official services rendered by them, and that the
Committee report by bill or otherwise. Adopted.*

Bills of the titles following being introduced, passed their
first readings and were referred or otherwise ordered, as
follows:

By Mr. Love: Bill (S. 10.) to consolidate the Atlantic &
North Carolina Rail Road Company, the North Carolina
Rail Road Company, and the Western North Carolina
Rail Road Company. Ordered to be printed and referred
to the Committee on Internal Improvements.

By Mr. McRae: (S. 11.) to amend an Act passed at the
session of the General Assembly of North Carolina, A. D.,
1866, chapter 58. Ordered to be printed and referred to the
Committee on the Judiciary.

By Mr. Adams: Bill (S. P. 1.) to incorporate the Lexington
Mining Company. To Corporations.

My Mr. Speed: Bill (S. P. 2.) to incorporate Pasquotank
Lodge, No. 103, Ancient Free and Accepted Masons, at Eliz-
abeth City, North Carolina. To Corporations.

By Mr. Hall: Bill (S. P. 3.) to incorporate the Hibernian
Benevolent Society of the city of Wilmington. To Corpora-
tions.

By Mr. Avery: Bill (S. 12.) to protect Landlords against
Insolvent Debtors. To the Judiciary.

From the House: Engrossed Bill (H. 7.) to construe an
Act, entitled "An Act to establish a scale of depreciation of
Confederate currency." To the Judiciary.

A message was received from the House, announcing the
following named gentlemen as constituting the House
branches on the Joint Select Committees named, viz:

*On Communication from the Assistant Commissioner of the
Bureau of Refugees, Freedmen and Abandoned Lands—Messrs.
Moore, of Hertford, Jenkins, of Gaston, Rogers and Blythe.*

To Count and Compare the vote for Governor—Messrs. Kenan, Crawford, of Rowan and Black.

S. 9, bill in relation to the County Courts of the county of Hyde, was read the second time and passed.

On motion of Mr. Spencer,
The rules were suspended and the bill passed its third reading.

Ordered to be engrossed.

On motion of Mr. Covington,
The Senate adjourned until to-morrow, at 11 o'clock.

TUESDAY, NOVEMBER, 27th, 1866.

Prayer by the Rev. Mr. Hardie.

Reports from committees were filed as follows, viz:

By Mr. Wiggins, from the committee on Finance:
S. 5, bill to prevent fraud upon the Revenue of the State, with recommendation that it do not pass.

A resolution to prevent Fraud upon the Revenue, asking to be discharged from its further consideration. Discharged accordingly.

By Mr. Robins, from the committee on the Judiciary:
A resolution in reference to the Execution of the Public Printing at the Institution of the Deaf, Dumb and the Blind, reporting that the legislation contemplated by the resolution is inexpedient and ask to be discharged from its further consideration. Discharged.

By Mr. Cunningham, from the committee on Propositions and Grievances:
Resolution upon the subject of the introduction of Foreign Immigration into the State of North, Carolina with special report, as follows:

The committee on Propositions and Grievances, to whom was referred "A resolution upon the subject of the introduction of Foreign Immigration into the State of North Carolina,"
report that they have had the subject under consideration, and that they regard it as one of importance, and when the way is open, worthy of the serious attention of our people and authorities. The committee, however, are of opinion that the present is not a favorable time for the State to engage in this enterprise, unless it could do so without appropriations from the Public Treasury. In view of our embarrassed financial condition and the unsettled state of political affairs, the committee do not feel at liberty to recommend any policy which will commit the faith of the State to engagements which subsequent events may compel her to abandon, and thereby impair her character, and possibly embarrass parties interested in such engagements.

Mr. Robins introduced a resolution as follows, which was adopted, viz:

Resolved, That so much of the Governor’s Message as relates to the repairing of the Governor’s Palace, be referred to the committee on Public Buildings and Grounds, with instructions to report by bill or otherwise.

On motion of Mr. Clark,

Ordered, That a message be sent to the House, proposing that a joint committee of three from each House be appointed to take into consideration the proper construction of the Act of Congress directing the mode of electing United States Senator, and prepare suitable regulations for conducting the same, in conformity to said Act, and that they have leave to sit during the session of each House, and report as early as possible.

The House concurred in the proposition, and Messrs. Dargan, Konan and Beasley were announced as the House branch of the committee.

The Speaker designated Messrs. Clark, Wilson and Love as the Senate branch of the committee.

Bills of the titles following passed their first reading, were referred and ordered as follows:

By Mr. Jones: Bill (S. 14,) to grant aid to the Cheraw & Coalfields Rail Road Company. Ordered to be printed and referred to the committee on Internal Improvements.
praying the bill was a petition from the President and Directors of the Company asking aid.

By Mr. Robins: Bill (S. 15,) to amend an act passed by the General Assembly, and ratified on the 27th day February, 1866, entitled "An Act to regulate Salaries and Fees." To Propositions and Grievances.

By Mr. Avery: Bill (S. 16,) to enhance the value of the Bonds to be issued for the completion of the Western North Carolina Rail Road and for other purposes. Ordered to be printed and referred to the committee on Internal Improvements.

By Mr. Berry: Bill (S. 17,) for the better suppression of the crime of stealing Horses and Mules. Ordered to be printed and referred to the committee on the Judiciary.

By Mr. Richardson: Bill (S. 18) to authorize certain counties to subscribe to the capital stock of the Cheraw & Coalfields Rail Road Company. Referred to the Judiciary.

A message was received from the House, announcing that the hour had arrived for the execution of the joint order to go into the election for United States Senator, and that the House would proceed to vote upon the return of the messenger, Hons. John Pool, M. E. Manly, Thomas S. Ashe, W. N. H. Smith, George Howard, and P. H. Winston, M. L. Wiggins and D. D. Ferebee, Esqrs., being in nomination.

An election was then held, in conformity to the Act of Congress to regulate the times and manner of holding elections for Senators in Congress, Approved July 25th, 1866, for United States Senator, under the superintendence of Messrs. Harris of Rutherford, and Etheridge, with result as follows:

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

The following Senators voted for Mr. Pool, viz:
Messrs. Bullock, Cowles, Gash, Harris, of Rutherford, Jones, Leach, Respass, and Richardson—8.

The following Senators voted for Mr. Howard, viz:
Messrs. Speaker, Clark, Hall, Moore and Paschal—5.

The following Senators voted for Mr. Smith, viz:
Messrs. Barnes, Perkins, Spencer, Willey and Williams.—5.
The following Senators voted for Mr. Ashe, viz:
The following Senators voted for Mr. Ferebee, viz:
Messrs. Ferebee, Speed and Wiggins.—3.
The following Senators voted for Mr. Wiggins, viz:
Messrs. Adams and Battle.—2.
The following Senators voted for Mr. M. W. Ransom, viz:
Messrs. Edwards and Love.—2.
Mr. Hill voted for Mr. S. F. Phillips.
Mr. Johnston voted for Mr. A. J. Mitchell.
Mr. Robins voted for Mr. P. H. Winston.
Mr. Avery voted for Mr. Z. B. Vance.
Mr. Berry voted for Mr. Josiah Turner.
Mr. Brown voted for Mr. E. G. Reade.
Mr. Harris, of Rutherford, reported that Mr. Manly received
9 votes, Mr. Pool 8, Mr. Smith 5, Mr. Howard 5, Mr. Ashe 5.
Mr. Ferebee 3, Mr. Wiggins 2, Mr. Ransom 2, Mr. Winston 1, Mr. Vance 1, Mr. Turner 1, Mr. Reade 1, Mr. Phillips 1, Mr. Mitchell 1. The whole number of votes cast was 45; 23 being a majority.
Whereupon it was declared that no one person had received a majority of the votes given in the Senate.
Mr. Clark moved that the Senate proceed to vote again for United States Senator, and the question being thereon, was put and

Decided in the affirmative, \( \frac{\text{Yea}s}{\text{Nay}s} = \frac{31}{12} \).

On motion of Mr. Wilson,
The yeas and nays being ordered,
The following Senators voted in the affirmative, viz:
Messrs. Avery, Battle, Barnes, Clark, Covington, Cowles, Cunningham, Edwards, Etheridge, Ferebee, Gash, Hall, Harris, of Franklin, Harris, of Rutherford, Kelly, Koonce, Leach, Lloyd, Marshall, McCorkle, McLean, McRae, Paschal Perkins, Respass, Richardson, Spencer, Thompson, Thornton, Willey and Williams.
The following Senators voted in the negative, viz:

The Senate then proceeded to vote again for United States Senator, the name of M. W. Ransom being added to, and M. L. Wiggins withdrawn from, the names in nomination, with result as follows:

The following Senators voted for Mr. Manly, viz:
Messrs. Avery, Battle, Clark, Cunningham, Etheridge, Hall, Harris of Franklin, Kelly, Koonce, Moore, Thompson, Thornton and Williams—13.

The following Senators voted for Mr. Pool, viz:

The following Senators voted for Mr. Ashe, viz:

The following Senators voted for Mr. Smith, viz:

The following Senators voted for Mr. Ransom, viz:

The following Senators voted for Mr. Gilmer, viz:
Messrs. Adams and Berry—2.

The following Senators voted for Mr. Phillips, viz:

Mr. Brown voted for Mr. Reade.
Mr. Speaker voted for Mr. Howard.
Mr. Ferebee voted for Mr. D. D. Ferebee.

Mr. Harris, of Rutherford, from the Committee to superintend the election on the part of the Senate, reported that Mr. Manly received 13 votes; Mr. Pool 9; Mr. Ashe 8; Mr. Smith 4; Mr. Ransom 3; Mr. Gilmer 2; Mr. Phillips 2; Mr. Howard 1; Mr. Reade 1; Mr. Ferebee 1. The whole number of votes cast was 43, twenty-two being a majority.

Whereupon it was declared that no one person had received a majority of the votes given in the Senate.

Mr. Cowles introduced a resolution, proposing to send a message to the House of Commons to raise a Joint Select Committee of five on the part of the Senate and seven on the part of the House, to be called the Committee on Stay Laws,
whose duty it shall be to consider, and report upon, all measures for the relief of the people and all propositions to amend or alter the existing Stay Law.

And the question being thereon was put and,

Decided in the negative, \( \{ \text{Yea}s, \ldots \ldots \ldots \ldots \ldots 19. \) \( \{ \text{Nay}s, \ldots \ldots \ldots \ldots \ldots 22. \) \n
On motion of Mr. Wilson,
The yeas and nays being ordered.

Those who voted in the affirmative, are:

Messrs. Adams, Brown, Bullock, Cowles, Cunningham, Ferebee, Gash, Harris, of Franklin, Harris, of Rutherford, Jones, Kelly, Koonce, Paschal, Perkins, Respass, Richardson, Spencer, Thompson and Thornton.

Those who voted in the negative, are:


A message was received from the House, transmitting a message from his Excellency, the Governor, covering a report from the Public Treasurer, with a copy of a Revenue Bill prepared by him in compliance with an act of the General Assembly, with a proposition to print five copies of the report for each member of the General Assembly, and two hundred copies for the use of the Treasurer's Office, and that the usual number of copies of the Revenue Bill be printed. Concurring in.

A message was received from the House, transmitting a message from his Excellency, the Governor, covering reports from the Secretary of State and the Comptroller, with a proposition to print. Concurring in.

A message was received from the House, proposing that when the two Houses adjourn to-morrow, they adjourn until 11 o'clock, A. M. on Friday, that the members may have the privilege of observing Thanksgiving Day, as recommended by the Governor, and the President of the United States. The Senate refused to concur.

A further message was received from the House, proposing to raise a Joint Select Committee of three from the House
and two from the Senate, to whom shall be referred that part of the Governor's Message relative to Weights and Measures. Not concurred in.

The Senate adopted the report of the committee to compare and count the votes for Governor, that the two Houses shall meet in Joint Convention on Tuesday, the 4th of December next, in the Hall of the House of Commons, at 12 M., for the purpose of comparing and counting the votes cast at the late election for Governor of the State, which was transmitted from the House by message.

On motion of Mr. Paschal,
The Senate adjourned until 11 o'clock to-morrow.

WEDNESDAY, NOVEMBER, 28TH 1866.

Prayer by Rev. Mr. Skinner, D. D.

Mr. McRae presented a petition from certain citizens of the county of Richmond, commending the petition of the Directors of the Cheraw & Coalfields Rail Road Company to the attention of the General Assembly. Referred to the Committee on Internal Improvements.

Reports from Standing and Select Committees were received and filed as follows:

By Mr. Cunningham, from the Committee on Propositions and Grievances:

Resolution in relation to allowing compensation to Justices of the Peace for the performance of official duties, asking to be discharged from its further consideration. Discharged accordingly.

By Mr. Wilson, from the Committee on the Judiciary:


By Mr. McCorkle, from the same Committee:

S. 8, bill in reference to the appointment of Justices of the Peace, with recommendation that it do not pass.
By Mr. Battle, from the Committee on Privileges and Elections:

S. 7, bill to repeal an Ordinance of the Convention, recommending that it do pass.

By Mr. Cowles, from the Joint Select Committee on the Communication of Col. J. V. Bumford, in relation to the relief of the people:

S. R. 19, resolutions instructing the Governor to accept the aid proffered by the Government, with a report recommending their adoption.

Mr. Wilson, from the Committee to take into consideration the proper construction of the Act of Congress regulating the manner of electing Senators in that body, and also to report rules for the government of the Joint Assembly in carrying out the provisions of said Act, reported that as each House proceeded to vote before it was practicable for the Committee to consider and report the proper construction thereof, they asked to be discharged from the further consideration of that duty.

That as to the mode of proceeding in Joint Assembly, the Committee ask leave to report the following Rules for the government of the Joint Assembly, and recommend their adoption, to wit:

1st. That provision be made for the accommodation of the Senate in the Hall of the House of Commons, where the Joint Assembly shall be held.

2d. That at 12 o'clock, Meridian, on this day, the Senate, with its officers, shall proceed to the Hall of the House of Commons; that the Speaker of each House occupy the Speaker's rostrum, the Speaker of the Senate occupying the position to the right of the Speaker of the House; that the Speaker of the Senate shall be the President of the Joint Assembly; that the Clerks of each House shall occupy the Clerks' desk; that so much of the Journals of each House as relates to the election of Senator on yesterday shall be read. If it is ascertained that no person voted for has received a majority of all the votes in each House, such result to be ascertained by the appointment of a committee of four members consisting of two on the part of the Senate and a like
number on the part of the House, to be appointed by the President of the Joint Assembly, then it shall be the duty of the President to announce such result. Whereupon the Joint Assembly shall then proceed to elect in the following manner, to wit:

The roll of the Senate shall be first called by the Clerk thereof, and Senators required to vote; that after such call is completed, the roll of the House of Commons shall be called by the Clerk thereof, and the members of that House required to vote; that the Committee, appointed as aforesaid, shall superintend the election, and report the result to the Joint Assembly; that in case any person thus voted for shall have received a majority of all the votes thus given, the President shall announce such person duly elected. In case of a failure to give such majority, the Joint Assembly shall proceed to vote in conformity to the provisions of said Act until such election is completed; that when such election is completed, the President of the Joint Assembly shall certify the result to the Governor of the State.

3d. That any question which may arise in relation to the duty or duties required of the Joint Assembly by virtue of said Act, shall be considered by each House in their respective Halls, and the result of such consideration communicated to each House by message from one to the other.

4th. That motions necessary to be made in Joint Assembly, in discharge of the objects thereof, accompanied by a statement on the part of the mover, shall be in order, but it shall not be in order to discuss the same in Joint Assembly.

5th. That the proceedings of the Joint Assembly shall be recorded by the Clerks of each House, upon the respective Journals thereof.

The report was adopted and transmitted to the House, which subsequently concurred therein, by message.

Mr. Cunningham introduced the following resolution, viz:

Resolved, (The House concurring) That this Assembly will adjourn, sine die, on Saturday, the 22d day of December next. Filed.

Mr. Cowles introduced the following resolution, which was adopted, to wit:
Resolved, That so much of the Governor's message as relates to making compensation to W. S. Mason, for the services rendered to the State, be referred to the Committee on Claims.

The resolution of the title following, was read the first time, passed and referred as follows:

By Mr. Edwards: Resolution (S. P. 4.) in favor of the Hon. David A. Barnes. To Claims.

On motion of Mr. Wilson,

Ordered, That a message be sent to the House, announcing that the hour having arrived, the Senate was prepared to meet in Joint Assembly to ascertain the result of the voting for United States Senator on yesterday.

The House announced, by message, its readiness to receive the Senate.

Whereupon, the members of the Senate, preceded by the Speaker and Clerks, repaired to the hall of the House of Commons for the purpose of comparing the result of the votes for United States Senator given on yesterday.

The Joint Assembly was organized by the Speaker of the Senate, being the President thereof, who announced the purposes of the Assembly. The Clerk of the House of Commons read the Journal of that body containing the proceedings in relation to the voting for United States Senator. The Clerk of the Senate read the Journal of the Senate embracing the action of that body in the voting for United States Senator on yesterday.

The President appointed Messrs. Peebles and Beasley on the part of the House of Commons, and Harris of Rutherford, and Etheridge on the part of the Senate, to ascertain the result of the vote on yesterday.

Mr. Harris, of Rutherford, from this committee, reported that Hon. W. N. H. Smith had received a majority of all the votes cast in the House of Commons, and that no person had received a majority of the whole number of votes cast in the Senate. No person had therefore been elected. The report was concurred in.

The Joint Assembly, in accordance with the Act of Congress to regulate the times and manner of holding elections for
Senators in Congress, Approved July 25th, 1866, proceeded to vote for a United States Senator, with result as follows:

The following Senators voted for Mr. Manly, viz:


The following Senators voted for Mr. Smith, viz:

Messrs. Adams, Barnes, Berry, Ferebee, Hill, Matthews, Paschal, Perkins, Robins, Spencer, Willey and Williams—12.

The following Senators voted for Mr. Pool, viz:


The following Senators voted for Mr. Ashe, viz:


Mr. Speed voted for Hon. John A. Gilmer.

Mr. Wilson voted for Mr. W. A. Wright.

The following members of the House of Commons voted for Mr. Manly, viz:


The following voted for Mr. Smith, viz:


The following voted for Mr. Pool, viz:

Messrs. Ashworth, Beasley, Blythe, Bright, Bryson, Carson, Freeman, Gambril, Garrett, Godwin, Himnant. Horton, of Watanga, Horton, of Wilkes, Jenkins, of Gaston, Jenkins,
of Granville, Jordan, Logan, Lyon, Moore, of Chatham, Morton, Morrissett, Perry, of Wake, Rogers, Routantree, Russ, Scoggin, Stevenson, Teague, Vestal, Wilson, of Forsyth, Williams, of Yaney, Womble and York.—33.

The following voted for Mr. Ashe, viz:
Messrs. Boyd, Clement, Crawford, of Rowan, Dargan, Kendall, May, McRae and Trull.—8.

Mr. Peebles reported that the whole number of votes cast were 159. Necessary to a choice 80. Of which Mr. Smith received 50, Mr. Manly 49, Mr. Pool 42, Mr. Ashe 16, Messrs. Gilmer and Wright 1 each. There was no election.

The Joint Assembly proceeded to vote again for a Senator in Congress, with result as follows:

The following Senators voted for Mr. Manly, viz:

The following Senators voted for Mr. Smith, viz:
Messrs. Adams, Barnes, Berry, Ferebee, Hill, Johnston, Matthews, McCorkle, McLean, Paschal, Perkins, Robins, Spencer, Willey and Williams—15.

The following Senators voted for Mr. Pool, viz:

For Mr. Ashe: Mr. Speaker.

The following members of the House of Commons voted for Mr. Manly, viz:

The following voted for Mr. Smith, viz:
Messrs. Boyd, Bowe, Bradsher, Clement, Crawford of Macon, Davis, Davidson, Galloway, Gorham, Guess, Harding, Harper,


Mr. Peebles, from the committee to superintend the election, reported that the whole vote cast was 159. Necessary to a choice 80. Mr. Manly received 60, Mr. Smith 56, Mr. Pool 42 and Mr. Ashe 1. No one having received a majority of the whole, there was no election.

The Joint Assembly proceeded to vote again with the following result:

The following Senators voted for Mr. Manly, viz:

The following voted for Mr. Smith, viz:
Messrs. Speaker, Barnes, Berry, Ferebee, Hill, McLean, Perkins, Robins, Willey and Williams.—11.

The following Senators voted for Mr. Pool, viz:
Messrs. Bullock, Cowles, Etheridge, Gash, Harris, of Rutherford, Jones, Matthews, Respass, Richardson and Snead.—10.

The following members of the House of Commons voted for Mr. Manly, viz:
Messrs. Speaker, Allen, Autry, Baker, Barden, Boyd, Brown, Chadwick, Clark, Clements, Cowan, Crawford, of Rowan, Dargan, Daniel, Davis, Durham, Everett, Foard, Garriss, Granberry, Hutchison, Judkins, Kenan, Kendall, Latham, of
The following voted for Mr. Smith, viz:


The following voted for Mr. Pool, viz:

Messrs. Ashworth, Beasley, Blythe, Bright, Bryson, Carson, Freeman, Gambril, Garrett, Godwin, Hinnant, Horton, of Watauga, Horton, of Wilkes, Jenkins, of Gaston, Jenkins, of Granville, Jordan, Lyon, Moore, of Chatham, Morton, Morrissett, Perry, of Wake, Rogers, Rountree, Russ, Scoggin, Teague, Vestal, Wilson, of Forsyth, Williams, of Yancey, Womble and York.—31.

Mr. Logan voted for Mr. R. W. Lassiter.

Mr. Peebles, from the Superintending Committee, reported the whole vote to be 159. Necessary to a choice 80. Mr. Manly received 69; Mr. Smith 48; Mr. Pool 41: Mr. R. W. Lassiter 1. There was no election.

The Joint Assembly proceeded to vote the fourth time for Senator.

The following Senators voted for Mr. Manly, viz:


The following Senators voted for Mr. Smith, viz:


The following Senators voted for Mr. Pool, viz:
Messrs. Bullock, Cowles, Gash, Harris, of Rutherford, Jones, Matthews, Respass, Richardson and Snead—9.

The following members of the House of Commons voted for Mr. Manly, viz:


The following voted for Mr. Smith, viz:


The following voted for Mr. Pool, viz:

Messrs. Ashworth, Beasley, Blythe, Bright, Bryson, Carson, Freeman, Galloway, Gambril, Garrett, Godwin, Himnant, Horton, of Watanga, Horton, of Wilkes, Jenkins, of Gaston, Jenkins, of Granville, Jordan, Lyon, Moore, of Chatham, Morton, Morrisett, Perry, of Wake, Rogers, Rountree, Russ, Scoggin, Teague, Vestal, Wilson, of Forsyth, Williams, of Yancey, Womble and York—32.

Mr. Logan voted for Mr. C. R. Thomas.

Mr. Peebles, from the Superintending Committee, reported that 160 votes had been given, and that 81 was necessary to a choice. Of these Mr. Manly received 91; Mr. Pool 41; Mr. Smith 27, and Mr. Thomas 1. Mr. Manly having received a majority of all the votes cast, was duly elected.

The report was concurred in.

The President, thereupon, declared the purposes for which the two Houses had convened in Joint Assembly accom.
plished, dissolved the same, and the Senators returned to their Hall.

A message was received from the House of Commons, proposing that when the two Houses adjourn to-day, they adjourn to meet Friday morning at 11 o'clock. Concluded in.

On motion of Mr. Matthews,
The Senate adjourned.

FRIDAY, NOVEMBER 30TH, 1866.

Prayer by Rev. Dr. Craven, D. D.

Mr. Cunningham, from the committee on Propositions and Grievances, reported favorably upon

S. 15, bill to amend an act passed by the General Assembly, and ratified on the 27th day of February, 1866, entitled "An Act to regulate Salaries and Fees."

Mr. Gash introduced the following resolution, which was adopted, as follows:

Resolved, That the committee on Internal Improvements be instructed to enquire into the tariff of passage and freights charged on all the Rail Roads in the State, where the State is part owner, between the different points on said Roads, as well as the through passage and freights, and ascertain whether any or all of them are discriminating injuriously against the interests of each other or of the citizens of the State, by irregular or exorbitant charges, and report by bill or otherwise a remedy for that and all other abuses of power or neglect of duty on the part of said Rail Road managers and agents.

Mr. Clark introduced a resolution as follows:

Resolved, That the committee on the Public Library enquire into any loss of Books, Papers or Documents, in any of the Departments at Raleigh, from the late invasion or any other cause, and report any means for their restoration. Adopted.

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

By Mr. Wiggins: Resolution (S. 20,) concerning the per
Diem and mileage of the Officers and Members of this Legislature. Filed.

By Mr. Adams: Bill (S. P. 5,) to encourage Immigration. Referred to committee on Corporations.

By Mr. Cowles: Bill (S. 21,) to amend an act for the relief of such persons as may suffer from the destruction of the records and other papers of the several counties of this State, and for other purposes. To the Judiciary.

By Mr. Love: Bill (S. 22,) to amend the Law of Evidence. Ordered to be printed and referred to the Judiciary.

The resolution concerning the adjournment of the General Assembly, sine die, came up as the unfinished business.

The resolution is as follows:

Resolved, (the House concurring) That this Assembly will adjourn, sine die, on Saturday, the 22nd day of December next.

Mr. Covington moved to lay the resolution on the table, and the question being thereon was put and

Decided in the negative,

Yeas: 10
Nays: 34

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


Those who voted in the negative are:


Mr. Leach moved to postpone its further consideration until 12 M. on to-morrow, Saturday.

Mr. Wilson moved to amend the amendment by striking out Saturday and inserting Monday, 10th day of December.

And the question was put and

Decided in the negative,

Yeas: 16
Nays: 28

On motion of Mr. Cunningham,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Adams, Avery, Bullock, Covington, Etheridge,
Ferebee, Harris of Franklin, Harris of Rutherford, Hill, Love,
Marshall, Matthews, Moore, Paschal, Robins and Wilson.
Those who voted in the negative, are,
Messrs. Battle, Barnes, Berry, Brown, Clark, Coward,
Cowles, Cunningham, Gash, Hall, Johnston, Jones, Koonce,
Leach, Lloyd, McCorkle, McLean, McRae, Perkins, Respass,
Richardson, Snead, Speed, Spencer, Thornton, Wiggins,
Willey, and Williams.
The question now recurring upon the amendment offered
by Mr. Leach, was put and

Decided in the negative,  \{ Yeas.......................17
\}\ Nays.......................27

On motion of Mr. Cunningham,
The yeas and nays being ordered,
Those who voted in the affirmative are,
Messrs. Adams, Avery, Bullock, Covington, Etheridge,
Harris of Franklin, Harris of Rutherford, Hill, Leach, Love,
Marshall, Matthews, Moore, Respass, Robins, Wiggins and
Wilson.
Those who voted in the negative are,
Messrs. Battle, Barnes, Berry, Brown, Clark, Coward,
Cowles, Cunningham, Ferebee, Gash, Hall, Johnston, Jones,
Koonce, Lloyd, McCorkle, McLean, McRae, Paschal, Perkins,
Richardson, Snead, Speed, Spencer, Thornton, Willey,
and Williams.
Mr. McLean moved to amend by striking out “Saturday
22d,” and insert Friday 21st, at 6 A. M.
Mr. Cunningham accepted the amendment.
Mr. Love moved to strike out “Friday 21st,” and insert
“Monday 24th.”
And the question thereon was put and

Decided in the negative,  \{ Yeas, .......................16
\}\ Nays, .......................28

On motion of Mr. Love,
The yeas and nays being ordered,
Those who voted in the affirmative are,
Messrs. Adams, Avery, Berry, Bullock, Clark, Covington, Gash, Harris, of Franklin, Harris, of Rutherford, Jones, Love, Matthews, Moore, Paschal, Wiggins and Wilson.

Those who voted in the negative are,


Mr. Jones moved to amend by striking out Friday 21st,” and insert “Monday 17th.”

And the question was put and

Decided in the affirmative,

\[
\begin{align*}
\text{Yeas} & : 25 \\
\text{Nays} & : 19
\end{align*}
\]

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


Those who voted in the negative are:

Messrs. Adams, Berry, Clark, Gash, Hall, Johnston, Koonce, Lloyd, Matthews, McCorkle, McLean, Paschal, Perkins, Snead, Spencer, Thornton and Williams.

The question now recurring upon the passage of the resolution as amended, was put and

Decided in the affirmative,

\[
\begin{align*}
\text{Yeas} & : 35 \\
\text{Nays} & : 9
\end{align*}
\]

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

Messrs. Avery, Battle, Barnes, Berry, Brown, Bullock, Clark, Coward, Cowles, Cunningham, Etheridge, Ferebee, Hall, Harris, of Rutherford, Hill, Johnston, Jones, Koonce, Leach, Lloyd, Matthews, McLean, McRae, Moore, Paschal, Perkins, Respass, Richardson, Snead, Speed, Spencer, Thornton, Wiggins, Willey and Williams.
Those who voted in the negative are:


The Senate refused to make proposition to the House to go forthwith to the election of Comptroller, as moved by Mr. Matthews.

S. 4, bill for the relief of honest debtors, was read second time and

On motion of Mr. Leach,
Made the special order for Monday next at 12 o'clock M.

On motion of Mr. Cowles,

The rules were suspended and a bill (S. 15,) to amend an Act passed by the General Assembly and ratified on the 27th day of February, 1866, entitled "An Act to regulate Salaries and Fees," was read a second time.

Mr. Hall moved to lay on the table, which was put and

Decided in the affirmative, {Yeas, ....................... 22.
{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. Adams, Barnes, Berry, Brown, Bullock, Clark, Covington, Cowles, Cunningham, Gash, Hi., Love, Matthews, McCorkle, McRae, Paschal, Perkins, Richardson, Robins, Speed and Willey.

On motion of Mr. Johnston,

Ordered, That a message be sent to the House, proposing to go into the election of seven Councillors of State to-morrow at 12 M.

On motion of Mr. Harris, of Rutherford,
The Senate adjourned until to-morrow at 11 o'clock.
Prayer by Rev. A. Smedes, D. D.
Reports from committees received and filed as follows:
By Mr. Gash, from the Committee on Cherokee Lands and Western Turnpikes:
Financial Report of Jacob Siler, Agent of the State for the Sale of the Cherokee Lands, asking to be discharged from its further consideration. Discharged.
By Mr. Wilson, from the Judiciary:
S. 18, bill to authorize certain counties to subscribe to the Capital Stock of the Cheraw and Coalfields Rail Road Company, with favorable recommendation.
By Mr. McCorkle, from the same Committee:
S. 17, bill for the better suppression of the crime of stealing Horses and Mules, recommending the passage of a substitute.
By Mr. Avery, from the same Committee:
S. 12, bill to protect Landlords against Insolvent Tenants, with an amendment, recommending its passage.
Mr. Leach introduced a resolution, which was adopted, instructing the Judiciary Committee to inquire into the propriety and expediency of repealing or modifying the Act of the last General Assembly, imprisoning defendants for costs in State cases, and report by bill or otherwise.
Mr. Hall introduced a resolution, referring so much of the Governor's Message as relates to the "Hillsboro' Military Academy," to the Committee on Education and the Literary Fund. Adopted.
Bills of the titles following being introduced, were referred as follows, having passed their first reading:
By Mr. Covington: Bill (S. 23.) authorizing a majority of the Justices of the several counties to fix the rates of jailor's fees. To Propositions and Grievances.
By Mr. McLean: Bill (S. P. 6.) to incorporate the Fayetteville Street Railway Company. To Corporations.
By the same: Bill (S. P. 7.) to incorporate the McLean Fire Engine Company No. 1, in the town of Fayetteville. To Corporations.
By the same: Bill (S. 24.) to authorize the Justices of the county of Cumberland to fund the interest due on the Bonds issued in payment of its stock in the Western Rail Road. To Propositions and Grievances.

By the same: Bill (S. 25.) to authorize the Mayor and Commissioners of Fayetteville to fund the interest due on their Bonds in payment for stock in the Western Rail Road. To Propositions and Grievances.

From the House: Engrossed bill (H. 46) granting a General Amnesty and Pardon to all Officers and Soldiers of the State of North Carolina, or of the late Confederate States armies or of the United States, for offences committed against the criminal laws of the State of North Carolina. To the Judiciary.

Engrossed resolution (H. P. 6,) in favor of Rufus H. Jones. To the Judiciary.

Engrossed resolution (H. P. 9,) for the relief of Seth Jones' Estate. To the Judiciary.

Engrossed bill (H. P. 65,) to change the times of holding the Courts of Pleas and Quarter Sessions of Yadkin. Filed.

Engrossed bill (H. 62,) to postpone the Special Term appointed for Chowan county, on the second Monday in December.

On motion of Mr. Willey,

The rules were suspended, and the bill placed upon its second and third readings.

Mr. Willey moved to amend, by adding the following as an additional section, viz:  

*Be it further enacted, That this Act shall be in force from and after its ratification.*  

Adopted.

The bill as amended passed, and was transmitted to the House for concurrence. The House concurred in the amendment.

*Odered* to be enrolled.

By Mr. Cunningham: Bill (S. 29,) to abolish imprisonment for Debt. To the Judiciary.

A message was received from the House, transmitting a message from the Governor, covering correspondence with
the United States Treasury Department, with a proposition to print. Concluded in.

The House of Commons refused to concur in the resolution of the Senate to adjourn, sine die, on Monday, 17th December next, of which the Senate was informed by message.

A message from the House announced the concurrence of that body in the proposition to go into the election of seven Councillors of State to-day, at 12 o'clock.


Mr. Cowles added the name of Mr. N. L. Williams, of Yadkin.

Mr. Johnston nominated Mr. F. E. Shober, of Rowan.

Mr. McLean nominated Mr. J. G. Shepherd, of Cumberland.

Mr. Thornton nominated Wm. Eaton, Jr., of Warren.

Mr. Berry nominated Thomas Ruffin, of Orange.

Mr. Avery nominated Samuel Love, of Haywood.

Messrs. Allen and Latham, of Craven, were announced as the committee to superintend the election on the part of the House.

An election was then held for seven Councillors of State, under the superintendence of Messrs. Love and Moore, with result as follows:

The following Senators voted for Mr. Eaton, viz:

For Mr. Wright:


For Mr. Shober:


For Mr. Ruffin:

Messrs. Speaker, Berry, Bullock, Covington, Hall, Harris, of Franklin, Love, Marshall, Matthews, McCorkle, Moore, Paschal, Richardson, Wiggins, Williams and Wilson—16.

For Mr. Shepherd:


For Mr. Rankin:


For Mr. Joyner:


For Mr. Simonton:

Messrs. Adams, Barnes, Berry, Ferebee, Harris, of Franklin, Love, Paschal, Robins, Speed, Thornton, Wiggins and Willey.—12.

For Mr. Jones:

Messrs. Cowles, Gash, Hall, Harris, of Franklin, Hill, Johnston, Love, Moore, Paschal, Richardson and Robins.—11.

For Mr. Phillips:

Messrs. Berry, Coward, Cowles, Etheridge, Gash, Hill, Leach, McRae, Paschal, Respass and Richardson.—11.
For Mr. Mebane:
Messrs. Avery, Berry, Brown, Cunningham, Hall, Harris, of Franklin, McRae, Robins, Spencer, Thornton and Willey—11.

For Mr. Love:

For Mr. W. J. Yates:

For Mr. J. A. Leak:

For Mr. Martin:
Messrs. Speaker, Avery, Clark, Etheridge, Ferebee, Moore and Speed—7.

For Mr. Vance:
Messrs. Berry, Ferebee, Gash, Hall, Leach, McLean, McRae, and Williams—8.

For Mr. J. J. Yeates:

For Mr. Winston:
Messrs. Barnes, Berry, Bullock, Leach, Robins, Wiggins and Willey—7.

For Mr. Poindexter:
Messrs. Adams, Coward, Leach, Perkins and Respass—5.

For Mr. Wadsworth:
Messrs. Speaker, Koonce, McLean, McRae and Richardson—5.

For Mr. Bridges:
Messrs. Speaker, Brown, Clark, Cunningham and Thornton—5.

For Mr. Caldwell:
Messrs. Brown, Coward, Etheridge, Harris, of Rutherford, and Respass—5.

For Mr. McDowell:

For Mr. Russell:
For Mr. Grisson:

For Mr. Hoke:
Messrs. Cunningham, Matthews and McCorkle—3.

For Mr. Williams:
Messrs. Brown, Cowles and Richardson—3.

For Mr. G. W. Logan:
Messrs. Coward, Harris, of Rutherford and Respass—3.

For Mr. Peebles:
Messrs. Speaker and Love—2.

For Mr. Burgin:
Messrs. Avery and Clark—2.

For Mr. Smith:

For Mr. Bagley:
Messrs. Avery and Moore—2.

For Mr. R. P. Dick:
Messrs. Coward and Respass—2.

For Mr. Lewis Thompson:
Messrs. Coward and Respass—2.

For Mr. L. Brown:
Mr. Harris, of Rutherford.

For Mr. Foard:
Mr. Johnston.

For Mr. W. D. Jones:
Mr. Harris, of Rutherford.

For Mr. C. J. Cowles:
Mr. Harris, of Rutherford.

For Mr. J. M. Parrott:
Mr. Coward.

For Mr. J. M. Leach:
Mr. Speed.

For Mr. J. S. Dancy:
Mr. Speed.

For Mr. M. F. Arendell:
Mr. Harris, of Rutherford.

For Mr. R. C. Puryear:
Mr. Speed.
A message was received from the House, transmitting the report of the President and Directors of the Western North Carolina Rail Road, with a proposition to print. Concurring in.

On motion of Mr. Cowles,
The rules were suspended, and S. 19, resolutions instructing the Governor to accept the aid proffered by the United States Government, read the second time.

On motion of Mr. Wilson,
The resolutions were re-committed.

S. 20, resolution concerning the per diem and mileage of the Members and Officers of this Legislature, was read the second time and passed.

On motion of Mr. Wilson,
The rules were suspended and the resolution placed upon its passage.

Mr. Robins moved to amend by fixing the pay of the members at four dollars instead of six.

Mr. Hall moved to amend by fixing the per diem at three dollars.

The amendment to the amendment did not prevail.

The question recurring upon the amendment was

Decided in the negative, \( \text{Yeas, } 10 \), \( \text{Nays, } 29 \).

On motion of Mr. Robins,
The yeas and nays being ordered.

Those who voted in the affirmative are:


Those who voted in the negative are:


The resolutions then passed the third reading.

Ordered, To be engrossed.

A message was received from the House, asking concurrence in the following resolution, viz:
Resolved, That a Joint Select Committee of three on the part of each House be appointed, to take into consideration and report the earliest practicable day on which this General Assembly can adjourn, and whether this adjournment shall be sine die.

Concurred in.

On motion of Mr. Bulleck,
The Senate adjourned until Monday at 11 o'clock.

MONDAY, DECEMBER 3d, 1866.

Prayer by the Rev. Mr. Hudson.

Mr. Hand, Senator elect from the County of Rockingham, being the 38th Senatorial District, appeared, presented his credentials and was duly qualified.

Messrs. Adams, Battle and Williams were designated as the Senate branch of the Committee on Enrolled Bills for the week.

Messrs. Clark, Adams and Love were designated as the Senate branch of the Committee on Adjournment.

Messrs. McClanmy, Crawford, of Rowan, and Carson were announced as the House branch of the Committee.

Reports from committees were read and filed as follows, viz:

By Mr. Gash, from the Committee on Claims:
S. P. 4, resolution in favor of the Hon. David A. Barnes, recommending its passage.

By Mr. Avery, from the Committee on Internal Improvements:
S. 3, bill to repeal an Ordinance of the late Convention, entitled "An Ordinance for exchanging the Stocks of the State for Bonds issued before the year one thousand eight hundred and sixty one," with favorable recommendation.

By Mr. Cowles, from the Special Committee on the communication of Col. Bomford on the distribution of rations to the destitute people of the State.
S. 19, resolutions authorizing the Governor to accept the aid proffered by the United States Government, with special report embracing the resolutions, as follows:

The Committee to whom was referred the communication of the Governor, covering an enquiry of Col. Bomford, Chief Assistant of the Freedman's Bureau in this State, as to the ability of the State to supply all her needy people who ought to receive charitable assistance in the way of food, have had the same under consideration, and report that in many of the Counties of the State, owing to unpropitious seasons, the crops of wheat and corn were very short, and in those portions of the State where the crops were most deficient, other marketable products are not made at all or to a small extent, whereby there is an extreme scarcity of money. So that the people are unable to pay taxes to purchase needful supplies for the poor white and black. We therefore deem it expedient to accept the proposed assistance, and, to carry the same into effect, we recommend the adoption of the following resolutions:

Resolved, That the Governor be instructed, in order to ascertain the extent of the destitution in the several Counties of the State, to open correspondence with the Chairmen of the Wardens Courts in their respective Counties, and report the result of such inquiry to the Chief Assistant Commissioner of the Freedman's Bureau in this State.

Resolved, further, That the Governor be authorized to do all acts necessary to carry out the objects contemplated by the foregoing resolution, and that each county shall make provision to pay the expenses of transportation and all other expenses upon such supplies as may be received for the benefit of the poor of such counties respectively.

A message was received from the House, proposing to go forthwith into an election for Comptroller; which was concurred in.

Messrs. Brogden, Cowper, Holderby and Collins were in nomination in the House.

Messrs. Boyd and Lowe were announced as the House branch of the committee to superintend the election.
The Senate then proceeded to vote for Comptroller, under the superintendence of Messrs. Brown and Spencer, with result as follows:

For Mr. Cowper:
Messrs. Avery, Barnes, Clark, Cunningham, Hall, Kelly, Love, McLean, McRae, Moore, Perkins, Robins, Spencer and Willey—14.

For Mr. Holderby:

For Mr. Brogden:
Messrs. Speaker, Berry, Etheridge, Harris of Franklin, Johnston, Koounce, McCorkle, Paschal, Richardson and Williams—10.

For Mr. Collins:

Subsequently, a message was received from the House, transmitting a report of the committee to superintend the election of Comptroller, as follows, which had been concurred in by the House, viz: House vote 101. Senate 42. Whole number 143. Necessary to a choice 72. Of which Mr. Brogden received 50, Mr. Cowper 36, Mr. Holderby 28, Mr. Collins 29. Mr. Love 7 and Mr. Root 1. As no one person had received a majority of the whole vote, there was no election. Concurred in.

A further message was received from the House, transmitting the report of the joint committee to superintend the election for seven Councillors of State, which had been concurred in by the House, as follows:

House vote 101; Senate vote 41. Whole vote 142. Necessary to a choice 72. Mr. Wright received 84, Mr. Eaton 70, Mr. Jones 50, Mr. Phillips 43, Mr. Simonton 42, Mr. Rankin 39, Mr. Leak 34, Mr. Poindexter 33, Mr. Mebane 32, Mr. Foard 30, Mr. Grissom 29, Mr. Wadsworth 29, Mr. McDowell 27, Mr. W. J. Yates 27, Mr. J. J. Yeates 27, Mr. R. B. Vance 27, Mr. Winston 25, Mr. Caldwell 24, Mr. Bridges 23, Mr. Martin 22, Mr. Hoke 20, Mr. Joyner 20, Mr. Shober 18, Mr. Ruffin 17, Mr. Peebles 17, Mr. Burgin 16, Mr. Dickson 13.
Mr. Root 13, Mr. Russell 12, Mr. Love 12, Mr. Shepherd 19, Mr. Dick 11, Mr. Thompson 10, Mr. Stowe 7, Mr. Logan 8, Mr. Smith 7, Mr. Lemly 5, Mr. Williams 5, Mr. Parrott 4, Mr. J. J. Leak 3, Mr. Eldridge 3, Mr. Bagley 3, Messrs. Z. B. Vance, Cowles and W. D. Jones, 2 each, and Messrs. Settle, Lassiter, Carson, Carter, Galloway, Arendell, Brown, J. M. Leach, Dancy and Burgin 1 each. Mr. Wright having received a majority of the whole number was duly elected. Concurred in.

Bills of the titles following, being introduced, passed their first reading, and were ordered as follows, viz:

By Mr. Hall: Bill (S. P. 10,) to incorporate the Merchants and Planter’s Mutual Benefit Company. Ordered to be printed and referred to the Judiciary.

From the House: Engrossed bill (H. P. 1,) to incorporate Union Camp Ground, in the county of Cleaveland. To Corporations.

The Senate concurred in a proposition from the House to go forthwith into the election for Comptroller, and voted as follows, Mr. D. W. Bain having been added to the names in nomination.

For Mr. Cowper, Messrs. Avery, Barnes, Clark, Cunningham, Hall, Kelly, McLean, Moore, Perkins, Speed, Spencer, and Willey.—12.

For Mr. Brogden:
Messrs. Speaker, Berry, Etheridge, Harris, of Franklin, Johnston, Koonce, Marshall, McCorkle, Paschal, Richardson, and Williams.—11.

For Mr. Holderby:

For Mr. Collins:
For Mr. Bain: Messrs. Cowles, Gash, Hill and Robins.—4
For Mr. J. G. Martin: Mr. Love.

Subsequently the report of the superintending committee was received from the House as follows:

House vote 100, Senate 39. Whole vote 139. Necessary
to a choice 70. Mr. Brogden received 56, Cowper 32, Halderby 23, Collins 17, Bain 10 and Martin 1.

There was no election. Concurred in.

S. 4, bill for the relief of Honest Debtors, was considered upon its second reading.

Mr. Speed moved to amend by striking out all after the enacting clause and insert the following, viz:

**SECTION 1.** That any citizen of this State owing debts, which he is unable to discharge, may file his petition in the Court of Equity in the county in which he resides, stating that he is unable to pay all his liabilities; and offering to deliver up for the benefit of his creditors _pro rata_ all of his property, real, personal and mixed, and exhibiting a schedule of his property and a list of all the debts due from and owing to him with the names of his debtors and creditors, as nearly as may be, all of which he shall verify upon oath, and shall annex to his petition an affidavit that he will deliver up for the benefit of his creditors _pro rata_ all the property, estate, rights and claims of any and every description to which he is in any manner entitled, (saving and excepting such articles as shall be hereinafter specified) and that he has not at any time since the passage of this act, sold, lessened, transferred or disposed of all or any part of his property for the use or benefit of any person or persons, or entrusted all or any part of his money or other property, debts, rights or claims, thereby to delay or defraud his creditors or any of them, or to secure the same so as to receive or expect to receive any profit or advantage to himself therefrom.

**Sec. 2. Be it further enacted,** That upon the filing of the said petition as hereinbefore specified, the court shall appoint a commissioner, who shall give bond to the State for the faithful discharge of his duties as commissioner aforesaid, with security in such sum as the court may direct, and the petitioner shall convey to the commissioner all his property and estate of every description; and upon the approval by the court of the bond and security, all the property, rights and claims of every description of the petitioner shall vest in said commissioner, as well such as are enumerated and described in his schedule as property, rights and claims, as those which
are not so described and enumerated, save and except such property as is now exempt by law from execution.

Sec. 3. *Be it further enacted*, That the commissioner in whom said property is vested, shall, under the direction of the court, summons three discreet, disinterested freeholders, unconcerned, either with the petitioner or any one of the creditors named in the petition, who, after first being duly sworn to do justice between the petitioner and his creditors named in the petition, shall, in addition to the articles now exempt by law from execution, lay off and set apart to the petitioner one horse or mule, one-horse cart or waggon and harness, one cow and calf, one bed, bedstead and necessary furniture for every two members of the petitioner's family, himself included, all the wearing apparel of the petitioner and his family, the necessary farming implements for a one-horse farm, a reasonable allowance in provisions for the support of the petitioner and his family for one year, necessary household and kitchen furniture, and, if the petitioner be an artizan, mechanic or professional man, such articles as are necessary for the proper conducting of his art, trade or profession; which award the said commissioner shall cause to be set forth in writing, under the hands and seals of the freeholders aforesaid and attested by himself, and said award shall be by said commissioner returned to court, which award, when approved by the court, shall be registered by the clerk, and shall vest the title to the property in said petitioner, and the court shall enjoin the issuing or execution of any *capias ad satisfaciendum* or *fi ci facias* against the person of the petitioner or the property so set apart and allotted to the said petitioner for any debt mentioned in said petition.

Sec. 4. *Be it further enacted*, That the Court shall, prior to the setting apart to the petitioner, as directed in the preceding section, any portion of the property surrendered fix, a day for the petitioner to appear and answer such interrogations or allegations as his creditors, endorsers or securities, or any of them, shall propose or allege in writing against him, and shall order not less than forty days' notice to be given of said day, either by the Commissioner or petitioner
to the Creditors named in the petition in such manner as it may direct.

Sec. 5. Be it further enacted, That if the creditors, endorsers or securities shall fail to make any allegations or propose any interrogations in writing, or if being proposed shall be answered satisfactorily or determined in favor of the petitioner, the Court shall discharge the petitioner from all debts, liabilities and contracts made before the filing of his petition, and he shall be forever released from all such debts, liabilities and contracts, and such discharge and release shall embrace all cases where he is endorser, security or joint contractor, and he shall not be liable to pay any joint contractor, security or endorser who may pay any debt or perform any contract after the filing of his petition, which was entered into before the filing of said petition: Provided, That the release of any person under the act shall not release any other person who may be liable as endorser, security or otherwise, for the petitioner.

Sec. 6. Be it further enacted, That no person shall be released under this act, who has conveyed, concealed, lessened or disposed of his property or any of it, to delay or defraud his creditors, or to prevent the same from being applied to the payment of his debts, and any confession of judgment, or any conveyance, or assignment made by any petitioner under this act, for the purpose of defrauding his creditors, or giving any undue preference, shall be void, and the property or thing conveyed shall vest in the Commissioner, and all acts done by the petitioner before the filing of his petition, when he shall have had no reasonable expectation of being exempt from liability to execution on account of his debts or responsibilities, without petitioning for the benefit of this act, shall be deemed to be within the meaning and purview thereof.

Sec. 7. Be it further enacted, That any creditor who shall collude with any petitioner, under this act, for the purpose of making his debt appear larger than is justly due, shall forfeit his whole claim for the benefit of the other creditors, and any judgment or decree confessed to give any undue preference to any creditor or creditors, for the purpose of defrauding any
other creditor or creditors, shall be void and excluded in the
distribution under this act.

Sec. 8. Be it further enacted, That the petitioner may, at
the discretion of the Court, retain the possession of the pro-

perty conveyed to the Commissioner for the benefit of his
creditors, until such time as the Court shall order the Com-
missioner to sell the same, or to collect such claims as are
mentioned in the petition, and the Court may order the pro-
perty sold for cash or upon time, and at such time and place as
may be for the mutual interest of the parties, and order the
Commissioner to bring the proceeds of such sale into Court,
with a detailed statement thereof; and when so brought into
Court, the Court shall order the same distributed among the
creditors named in the petition, pro rata, and in its final
decree ordering a pro rata distribution of said estate, the
Court shall perpetually enjoin the issuing or execution of any
capias ad satisfaciendum or fieri facias against the person or
property of said petitioner for any debt mentioned in said
final decree.

Sec. 9. Be it further enacted, That any property or debts of
the petitioner not mentioned in his schedule may be taken
under a fieri facias or attachment at the suit of any creditor,
(except such articles as are or may be by law exempt from
execution,) but nothing in this section shall be construed to
impair the right or title of the Commissioner to such property
or debts as provided by this act, but shall only operate to give
the judgment creditor who shall discover such property or
debts a priority to be paid out of the receipts thereof.

Sec. 10. Be it further enacted, That no deed or conveyance
to a trustee for creditors generally, shall be deemed fraudu-

lent, or a fraudulent and undue preference, because of a con-

dition requiring the creditors to release the debtor, and depri-
ving any creditor who refuses to release from all benefit of
property so conveyed in trust. But all such deeds of trust
are declared to be valid, and shall not be set aside at the suit
of any Commissioner under this act, or at the suit of any
creditor: Provided, also, That five years shall not be con-
sidered and adjudged an unreasonable time for a deed of trust
to run before it can be foreclosed, unless by the unanimous consent of the creditors named therein.

Sec. 11. Be it further enacted, That any creditor may examine orally or in writing, any petitioner in open Court, or any one to whom he may have conveyed property or may have issue, joined and tried by a jury at any time before final decree, and if the jury find that any fraud has been practiced the Court shall dismiss the petition, and any creditor may file allegations of fraud at any time within two years after final decree, and if the jury find that any fraud has been practiced the petition, and any creditor may file allegations of fraud at any time within two years after final decree, and if such issue be found against the petitioner, his discharge and release shall be annulled and rescinded, and in any case of objection to the release of a petitioner under this act, whether by interrogatories or otherwise, the party against whom the decision is made shall pay the costs.

Sec. 12. Be it further enacted, That any person interested may appeal from the decision, provided the application for an appeal be made within the term of the Court at which final decree is made, and provided that bond and security be given to prosecute the appeal with effect, or to pay the costs.

Sec. 13. Be it further enacted, That this Act is not to apply to fines or forfeitures for violations of the laws of the State or the ordinances of municipal corporations, but any person having remained in jail for thirty days for non-payment of fines and forfeitures may be released as now prescribed by law.

Sec. 14. Be it further enacted, That the costs of proceedings under this Act shall be paid out of the estate surrendered to the Commissioner, and the Court shall make the Commissioner a reasonable allowance for the execution of his trust; Provided, That not more than six per cent. upon the estate surrendered shall be allowed any Commissioner, unless, in the opinion of the Court, the execution of any particular trust required extraordinary pains and diligence, in which case a commission of ten per cent may be allowed.

Sec. 15. Be it further enacted, That this Act shall be in force from and after its ratification.

The amendment was adopted, and

On motion by Mr. Speed,
Ordered, To be printed and referred to the Judiciary.

S. 5, bill, to prevent frauds upon the Revenue of the State was considered on its second reading.

Mr. Speed moved to amend by striking out all after the enacting clause and insert as follows:

That any person holding money, bonds, notes or other evidences of debt, whether in their own right or as guardian, attorney, agent or trustee, subject to taxation by any of the Statutes of this State, shall list the same separately, specifying the amount of principal money due upon such.

Be it further enacted, That in any action that may be brought in any court of record in this State, or on any warrant that may be returned before any Justice of the Peace, it shall be competent for the defendant to plead and show upon trial, that there has been a failure on the part of the plaintiff or any person to whom the evidence of debt upon which the action is based, to list the same for taxation, as required by law; and upon such fact being made to appear, the Court or Justice before which said action is pending shall dismiss the same at the cost of the plaintiff.

And the question thereon was put and

Decided in the affirmative, \( \begin{align*} \text{Yeas,} & \quad \ldots \quad \ldots \quad 28 \\ \text{Nays,} & \quad \ldots \quad \ldots \quad 9 \end{align*} \)

On motion of Mr. Speed,
The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Avery, Berry, Clark, Cunningham, Ferebee, Harris, of Franklin, Harris, of Rutherford, Johnston, Jones, Kelly, Koonce, Leach, Love, Lloyd, Marshall, Matthews, McCorkle, McLean, McRae, Moore, Paschal, Richardson, Speed, Thornton, Wiggins, Willey and Williams.

Those who voted in the negative are:


So the amendment was adopted.

On motion of Mr. Covington,

Ordered To be referred to the Committee on Finance.

A message was received from the House, proposing to go
forthwith into the election for Public Treasurer, Mr. Kemp P. Battle being in nomination in the House.

The question being, "Shall the Senate concur?" was put and

Decided in the affirmative, \{ Yeas, \ldots \ldots \ldots 24 \}
\{ Nays, \ldots \ldots \ldots 17 \}

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. Adams, Berry, Clark, Cowles, Etheridge, Hall, Harris, of Franklin, Harris, of Rutherford, Kelly, Koonce, Love, Matthews, Moore, Richardson, Speed, Thornton and Wilson.

An election was then held for Public Treasurer. Messrs. Dargan and Long superintending on the part of the House, and Messrs. Lloyd and Hill on the part of the Senate.

And Senators voted as follows:

For Mr. Battle:

For Mr. G. W. Mordecai:
Messrs. Hall and Wilson.—2.

For Mr. D. W. Bain:
Mr. Harris, of Rutherford.

The report of the joint committee on this election was transmitted from the House with the concurrence of that body, as follows, viz:

House vote 97. Senate 40. Whole vote 137. Necessary to a choice 67. Mr. Battle received 134, Mr. Mordecai 2, Mr.
Bain 1. Mr. Battle having received a majority of the whole vote, was duly elected. The report was concurred in.

The Senate refused to concur in a proposition, transmitted from the House, to go into an election of six Councillors of State.

S. 7, bill to repeal an Ordinance of the Convention, was considered on its second reading.

Mr. Wilson moved to amend by adding an additional section, as follows:

*Be it further enacted*, That so much of the provisions of Chapter 52, Revised Code, prescribing the time and mode of conducting said elections, as were changed by said Ordinance, are hereby declared to be in full force and effect. Adopted.

As amended the bill passed its second reading.

On motion, by Mr. Love, the rules were suspended, and the bill passed its third reading.

*Ordered* to be engrossed.

On motion, by Mr. Cowles, the Senate adjourned until 10 o'clock to-morrow.

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**THURSDAY, December, 4th, 1866.**

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

Reports from standing committees were read and filed, as follows:

By Mr. Cunningham, from the Committee on *Propositions and Grievances*:

S. 23, bill authorizing a majority of Justices of the several counties to fix the rates of Jailor's Fees, recommending its passage.

By Mr. Wilson, from the *Judiciary*:

S. 2, bill to establish Freehold Homesteads for the citizens of the State, recommending its rejection.

S. 11, bill to amend an act passed at the session of the General Assembly of North Carolina, A. D. 1866, Chapter
58, recommending the adoption of a substitute accompanying the report.

By Mr. Robins, from the same Committee:

S. 33, resolutions allowing compensation to Judges holding Courts of Oyer and Terminer, reported in obedience to a resolution referring so much of the Governor’s Message as relates to this subject, recommending their passage.

By Mr. Gash, from the Committee on Claims:

S. P. R. 12, resolution in favor of W. S. Mason, with favorable recommendation.

On motion, by Mr. Clark,

Ordered, That a message be sent to the House of Commons, proposing that the daily sessions of each body shall begin at 10½ o’clock A. M., until otherwise ordered.

The House, by message, concurred in the proposition.

On motion, by Mr. Clark,

Ordered, That a message be sent to the House of Commons, proposing to increase the Joint Select Committee on the Agricultural and Mechanical College to five in each House.

The House concurred in the proposition.

On motion, by Mr. Cowles,

Resolved, That so much of the Governor’s Message as refers to Maimed Soldiers and Artificial Limbs, be referred to the Committee on Military affairs.

Bills and resolutions of the titles following, being introduced, were referred or otherwise acted upon, as follows:

- By Mr. Love: Resolution (S. 30,) with regard to Confederate Soldiers from North Carolina detained in Northern prisons.

On motion, by Mr Love,

The rules were suspended and the resolution passed its several readings.

Ordered to be engrossed.

By Mr. Leach: Bill (S. 31,) to protect property sold under execution from sacrifice. Ordered to be printed and referred to the Judiciary.

By Mr. Paschal: Bill (S. 32,) to declare valid an Act of the General Assembly, amending the Charter of the Chatham
Rail Road Company. Ordered to be printed and referred to the Committee on Internal Improvements.

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

S. 3, bill to repeal an Ordinance of the late Convention, entitled "An Ordinance for exchanging the Stocks of the State for Bonds, issued before the year one thousand eight hundred and sixty-one." Passed.

S. 8, bill in reference to the appointment of Justices of the Peace.

On motion, by Mr. McRae, Ordered, That it lie on the table.

S. 12, bill to protect Landlords against Insolvent Tenants.

The amendments proposed by the Committee on the Judiciary were severally adopted, and the amended bill passed to a third reading.

H. 7, engrossed bill to construe an act, entitled "An Act to establish a scale of depreciation of Confederate Currency." Passed to a third reading.

A message was received from the House of Commons, stating that the hour had arrived, which had been agreed upon for counting and comparing the votes cast for Governor on the 18th of October last, and that the House of Commons were ready to receive the Senate for that purpose.

The Senate repaired to the Commons Hall, and the Speaker of the Senate made the following announcement to the Convention of the two Houses:

Gentleman of the House of Commons and Senate:

We are assembled, on this occasion, in Joint Convention, in obedience to the laws of the State, to open, examine and sum up the votes given at the late election for Governor and to declare the result.

The returns were then opened, and the vote compared in the presence of the Convention of the two Houses, under the inspection of Messrs. Marshall and Bullock on the part of the Senate and Mesers. Kenan and Crawford, of Rowan, on the part of the House, as Tellers.

Mr. Kenan, in behalf of the Tellers, reported the result as follows:
## VOTE FOR GOVERNOR.

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VOTE FOR GOVERNOR.—Continued.

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## VOTE FOR GOVERNOR.—Continued.

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The following announcement was made by the Speaker of the Senate to the convention of the two Houses, viz:

*Gentlemen of the House of Commons and Senate:*

The returns of votes given at the election on the 18th of October, for Governor of the State, have been opened and published according to law.

The tellers appointed on the part of both Houses, to examine the returns and make a list of the votes, have reported that Jonathan Worth received 34,250 votes, being the highest number of votes given; that Alfred Dockery received 10,759 votes, and that there were 117 scattering.

No objection having been made to said report, I do declare that Jonathan Worth, of the county of Randolph, is duly elected Governor of North Carolina, for two years from the first day of January next.

The members of the Senate then returned to the Senate chamber.
A message was received from the House, proposing to go forthwith into the election for Comptroller. The Senate concurred, and the Speaker appointed Messrs. Coward and Matthews to superintend it. Messrs. Perry, of Carteret and Williams, of Martin, constitute the House branch.

The Senate voted as follows:

For Mr. Brogden:
Messrs. Speaker, Berry, Covington, Etheridge, Harris, of Franklin, Johnston, Leach, McCorkle, McRae, Paschal, Richardson and Williams.—12.

For Mr. Cowper:
Messrs. Avery, Barnes, Clark, Cunningham, Kelly, McLean, Moore, Perkins, Spencer and Willey.—10.

For Mr. Collins:

For Mr. Holderby:

For Mr. Bain:
Messrs. Adams, Hill, Jones and Robins.—4.

For Mr. J. G. Martin:
Mr. Love.

A message was received from the House, transmitting the report of the committee to superintend the election of Comptroller, as follows:

House vote, 106. Senate 44. Whole vote 150. Necessary to a choice 76. Mr. Brogden received 59. Mr. Cowper 32. Mr. Holderby 27. Mr. Collins 29. Mr. Bain 4. Messrs. Boyd and Martin one each.

The report having already been concurred in by the House was also concurred by the Senate.

A message was received from the House, proposing to vote again for Comptroller, which was concurred in. Messrs. Daniel and Morehead were announced as the House branch of the committee to superintend the election.

The Senate voted as follows for Comptroller under the superintendence of Messrs. Coward and Matthews.

For Mr. Brogden:
Messrs. Speaker, Besry, Bullock, Covington, Etheridge, Harris, of Franklin, Hill, Leach, McCorkle, McRae, Paschal, Richardson, Spencer and Williams.—14.

For Mr. Cowper:

For Mr. Holderby:

For Mr. Collins:
Messrs. Battle, Coward, Ferebee, Thornton and Wiggins.—5.

For Mr. Bain:
Mr. Robins.

A message was received from the House, proposing to increase the number of the Committee on Public Buildings and Grounds to five on the part of the House and three on the part of the Senate.

Ordered, That it lie on the table.

S. 17, bill for the better suppression of the crime of stealing horses and mules was considered on its second reading.

The question was on the substitute presented by the Committee on the Judiciary, and pending its adoption

A debate arose; and

On motion by Mr. Covington.

The Senate adjourned.

WEDNESDAY, DECEMBER 5TH 1866.


Reports from standing committees were read and filed, as follows:

By Mr. Robins, from the Judiciary:
S. 29, bill to abolish imprisonment for debt, with recommendation adverse to its passage.
By Mr. Moore, from the same committee:
S. 22, bill to amend the law of Evidence, with report adverse to its passage.

By Mr. McCorkle, from the same committee:
S. 21, bill to amend an act for the relief of such persons as may suffer from the destruction of the records and other papers of the several Counties of this State, and for other purposes, with an amendment, recommending its passage.

By Mr. Cunningham, from the Committee on Propositions and Grievances:
S. 25, bill to authorize the Mayor and Commissioners of Fayetteville to fund the interest due on their Bonds issued in payment for Stocks in the Western Rail Road Company, with an amendment, recommending its passage.

By Mr. Speed, from the Committee on Internal Improvements:
S. 14, bill to grant aid to the Cheraw and Coalfields Rail Road Company, asking to be discharged from its further consideration. Discharged.

On motion of Mr. Robins,
Resolved, That so much of the Governor's message as relates to Weights and Measures be referred to the Committee on Propositions and Grievances, with instructions to report by bill or otherwise.

On motion by Mr. Love,
Ordered, That a message be sent to the House, proposing that a committee of two on the part of each House be appointed to wait on Jonathan Worth, and inform him of his election as Governor of North Carolina, for two years from the first day of January next, and to ascertain from him when it will suit his convenience to appear before the two Houses of this General Assembly and take the oaths of office.

The House concurred in the proposition, and Messrs. Morehead and Vestal were announced as the House branch of the committee.

Messrs. Love and Moore were appointed on the part of the Senate.

Bills and resolutions of the titles following were intro-
duced, passed their first reading, filed or referred as follows:

By Mr. Gash: Resolution (S. 34,) providing for the payment of Sheriffs holding elections.

By Mr. Harris, of Rutherford: bill (S. 35,) to repeal that portion of an Act passed at the session of 1865-'66, as relates to persons committed for fine and cost of criminal prosecution.

By Mr. Hall: Bill (S. 36,) to amend an Act passed in 1833, to incorporate the Wilmington & Raleigh Rail Road Company. To Internal Improvements.

By Mr. Clark: Bill (S. 37,) to extend the time for the registration of deeds, grants, &c.,

From the House: Engrossed bill (H. 33,) to extend the time for the collection and return of taxes in certain Counties.

Engrossed bill, (H. 84,) to enable the County Courts of Craven and Cumberland to extend their sessions.

On motion by Mr. Clark,

The rules were suspended and the bill passed its several readings.

Ordered, To be enrolled.

Engrossed bill (H. 86,) to change the time of holding the Courts of Pleas and Quarter Sessions of Alexander County.

By Mr. Avery: Bill (S. 41,) to repeal part of the 14th section of the 26th chapter of the Revised Code. To Corporations.

A message was received from the House, transmitting the report of the committee to superintend the election for Comptroller, as follows:

House vote 108. Senate vote 44. Whole vote 152. Necessary to a choice, 77. Mr. Brogden received 65; Mr. Copper 34; Mr. Holderby 33; Mr. Collins 18; Mr. Bain 1; Mr. Boyd 1. No election. Concurred in.

A message was received from the House, proposing to go forthwith into the election of Comptroller. Concurred in. Messrs. Kelsey and Davidson were announced as the House branch of the committee to superintend the election. Messrs. McAee and Hill were appointed on the part of the Senate.
The Senate then voted as follows:
For Mr. Cowper:
For Mr. Brogden:
Messrs. Speaker, Berry, Bullock, Covington, Etheridge, Harris, of Franklin, Hill, Kelly, Marshall, McCorkle, McRae, Paschal, Respass, Richardson and Williams—15.
For Mr. Holderby:
Messrs. Adams, Brown, Cowles, Hand, Harris, of Rutherford, Jones and Lloyd—7.
For Mr. Collins:
For Mr. W. W. Lenoir:
Mr. Love—1.
The Speaker laid before the Senate a message from the Governor, covering a communication from the Public Treasurer.

On motion of Mr. Clark,
Order, To be referred to the Committee on the Judiciary.
S. 17, bill for the better suppression of the crime of stealing Horses and Mules, was considered on its second reading, as the unfinished business.
The question being on the amendment proposed by the Committee on the Judiciary, as a substitute, as follows:

Whereas, The crime of stealing Horses and Mules hath of late, notwithstanding the punishment provided by law, become much more common than formerly, to the great loss of many persons and the injury of public morals, for remedy whereof:

Section 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 every person who shall steal any horse, mare, gelding or mule, and shall thereof be convicted, according to due course of law, shall for the first offence receive two or more public whippings, and may also be put in the stocks and pillory, and imprisoned at the discretion of the
Court for a term not exceeding twelve months; and for the second offence shall suffer death.

Sec. 2. Be it further enacted, That any accessory before the fact to any such felony and stealing as aforesaid, also on due conviction thereof, shall suffer the like punishment, as the principal, for the first offence; and for the second offence, shall suffer death.

Sec. 3. Be it further enacted, That all laws and clauses of laws, coming in conflict with this act, are hereby repealed.

Sec. 4. Be it further enacted, That this act shall be in force from and after its ratification.

Mr. Clark moved to amend the amendment by striking out the preamble. Adopted.

Mr. Paschal moved to amend the amendment by striking out so much of the first section as prescribes the punishment and insert the following:

“For the first offence the culprit shall be branded with a hot piece of iron in the shape of a small horse-shoe, and receive thirty-nine lashes on his bare-back at the public whipping post, and for the second offence he shall suffer death.” Not adopted.

Mr. Wilson moved to amend the amendment by striking out the last section. Adopted.

The question being upon the amendment as amended, it was

Decided in the negative, \{ Yeas, .................... .18. \\

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

And the following in the negative:
Messrs. Adams, Avery, Battle, Barnes, Berry, Bullock, Covington, Coward, Cowles, Cunningham, Etheridge, Harris, of Franklin, Harris, of Rutherford, Jones, Kelly, Lloyd, Marshall, McRae, Perkins, Richardson, Robins, Speed, Spencer, Thornton, Williams and Wilson.
So the amendment did not prevail.

The question recurring upon the original bill,

Mr. Love moved to amend by striking out “first day of February,” as the time for the Act to go into operation, and insert first day of March. Rejected.

The question again recurring upon the passage of the bill, it was

Decided in the affirmative, \{ Yeas, \ldots \ldots \ldots \ldots 30. \\
Nays, \ldots \ldots \ldots \ldots 12. \\

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

Messrs. Adams, Avery, Battle, Barnes, Berry, Bullock, Covington, Coward, Cowles, Cunningham, Etheridge, Ferebee, Hand, Harris, of Franklin, Harris, of Rutherford, Hill, Jones, Kelly, Lloyd, Marshall, McLean, McRae, Perkins, Richardson, Robins, Speed, Spencer, Thornton, Williams and Wilson.

Those who voted in the negative, are:


So the bill passed to a third reading:

A message was received from the House, transmitting the report of the committee to superintend the election for Comptroller, as follows:

House vote 106. Senate 45. Whole vote 151. Necessary to a choice 76. Mr. Brogden received 62, Mr. Cowper 37, Mr. Holderby 31, Mr. Collins 19, Mr. Boyd 1, Mr. Lenoir 1. No election.

Concurred in.

A Message was received from the House, proposing to go into the election for Comptroller forthwith. The Senate concurred, Messrs. McRae and Hill being appointed to superintend on the part of the Senate. Messrs. Bright and Clark were announced as the House branch of the committee.

The Senate voted as follows:

For Mr. Brogden:

Messrs. Speaker, Battle, Berry, Bullock, Covington, Etheridge, Gash, Harris of Franklin, Hill, Johnston, Koonce, Mar-
shall, McCorkle, McRae, Paschal, Respass, Richardson, Wiggins and Williams—19.

For Mr. Cowper:
Messrs. Avery, Barnes, Clark, Cunningham, Edwards, Ferebee, Hall, Jones, Kelly, McLean, Moore, Perkins, Robins, Speed, Spencer and Willey—16.

For Mr. Holderby:

For Mr. Collins:
Messrs. Coward and Thornton.

For Mr. Lenoir:
Mr. Love.

S. 2, bill to establish Freehold Homesteads for the citizens of the State, being considered on its second reading,

On motion of Mr. Berry,

Ordered, That the further consideration thereof be postponed to, and be the order for the day of Wednesday, the 12th instant at 12 o’clock M.

S. 11, bill to amend an act passed at the session of the General Assembly of North Carolina, A. D. 1866, Chapter 58, was considered on its second reading, the question being upon the substitute offered by the Committee on the Judiciary, viz: A Bill to amend an act passed at the session of the General Assembly A. D. 1866, chapter 58, entitled “An Act to prevent enticing servants from fulfilling their contracts or harboring them.”

The amendment was adopted and the bill passed to a third reading.

A message was received from the House, transmitting the report of the committee to superintend the election for Comptroller, as follows: House vote 106. Senate 46. Whole vote 152. Necessary to a choice 77. Mr. Brogden received 69; Mr. Cower 35; Mr. Holderby 34; Mr. Collins 12; Mr. Boyd 1; Mr. Lenoir 1.

No election. Concluded in.

A message was received from the House, proposing to go forthwith into the election for Comptroller. The Senate concurred. Messrs. McRae and Hill were appointed to superin-
tend in the Senate. Messrs. Turnbull and Harding were announced on the part of the House.

The name of Mr. Collins was withdrawn.

Mr. Avery added the name of Mr. Love to those in nomination.

The Senate voted as follows:

For Mr. Brogden:
Messrs. Speaker, Berry, Bullock, Covington, Etheridge, Harris of Franklin, Hill, Marshall, McCorkle, McRae, Pascal, Respass, Richardson, Wiggins and Williams—15.

For Mr. Cowper:

For Mr. Love:

For Mr. Holderby:

For Mr. Bain:
Mr. Coward—1.

The committee reported, which was transmitted from the House by message, that the House vote was 105. Senate 44. Whole vote 149. Necessary to a choice 75. Mr. Brogden received 62; Mr. Cowper 47; Mr. Holderby 33; Mr. Love 15; Mr. Boyd 1; Mr. Bain 1. No election.

Report concurred in.

On motion by Mr. Clark,

The proposition of the House of Commons, to increase the number of the Committee on Public Buildings and Grounds to five on the part of the House, and three on the part of the Senate, was taken from the table and considered.

Ordered, That it lie on the table.

On motion by Mr. Cowles,

The rules were suspended and,

S. 19, resolutions instructing the Governor to accept the aid proffered by the Government, were read the second time.
The substitute offered by the Special Committee on the subject was adopted, and, as amended, the resolutions were passed, and, under a further suspension of the rules, they were read the third time and passed.

Ordered, To be engrossed.

A message was received from the House, proposing to go forthwith into the election for six Councillors of State. The Senate concurred.

Messrs. Garriss and Russ were announced as a Committee, on the part of the House, to superintend the election. The Speaker designated Messrs. Edwards and Marshall on the part of the Senate.

The Senate voted as follows:

For Mr. Eaton:


For Mr. Joyner:


For Mr. Jones:


For Mr. Ruffin:


For Mr. Shepherd:
Messrs. Speaker, Edwards, Etheridge, Ferebee, Hand, Harris, of Franklin, Hill, Johnston, Kelly, Lloyd, Marshall, Matthews, McLean, McRae, Richardson and Williams.—16.

For Mr. J. J. Yeates:

For Mr. Mebane:
Messrs. Berry, Brown, Clark, Cunningham, Ferebee, Hall, Harris, of Franklin, McLean, Robins, Spencer, Thornton and Willey.—12.

For Mr. Phillips:
Messrs. Berry, Coward, Cowles, Cunningham, Etheridge, Gash, Jones, Leach, Paschal, Perkins, Richardson and Spencer.—12.

For Mr. Shober:

For Mr. Simonton:
Messrs. Adams, Avery, Barnes, Coward, Cowles, Hill, McCorkle, Robins, Speed and Willey.—10.

For Mr. Vance:
Messrs. Avery, Berry, Clark, Ferebee, Gash, Hall, Kelly and Love.—8.

For Mr. Leak:

For Mr. Rankin:

For Mr. Martin:

For Mr. Wadsworth:
Messrs. Speaker, Kelly, McLean, Perkins, Richardson and Spencer—6.

For Mr. Parrott:
Messrs. Avery, Coward, Cowles, Koonce, Leach and Love—6

For Mr. Caldwell:
For Mr. McDowell:
For Mr. Foard:
For Mr. Winston:
Messrs. Barnes, Moore and Wiggins—3.
For Mr. Williams:
Messrs. Speaker, Coward and Cowles—3.
For Mr. Grissom:
Messrs. Bullock, Harris of Rutherford, and Jones—3.
For Mr. W. J. Yates:
Messrs. Coward, Cowles and Williams—3.
For Mr. Poindexter:
For Mr. Arendell:
For Mr. W. D. Jones:
For Mr. Cowles:
For Mr. Logan:
For Mr. Thomas Wilson:
For Mr. J. M. Leach:
For Mr. Peebles:
For Mr. C. B. Root:
Messrs. Cunningham and Jones—2.
For Mr. Bagley:
Mr. Moore.
For Mr. Russell:
Mr. Lloyd.
For Mr. R. H. Smith:
Mr. Hall.
For Mr. Burgin:
Mr. Gash.

On motion, by Mr. Kelly,
The Senate adjourned.

THURSDAY, DECEMBER 6TH, 1866.

Prayer by the Rev. R. S. Mason, D. D.

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

By Mr. Cunningham, from the Committee on Propositions and Grievances:

S. 24, bill to authorize the Justices of the County of Cumberland to fund the interest due on its Bonds issued in payment of its Stock in the Western Rail Road, with an amendment, recommending its passage.

By Mr. Gash, from the Select Committee on the Penitentiary:

S. 42, bill to establish a Penitentiary, recommending its passage. Ordered to be printed.

By Mr. Leach, from the Joint Select Committee on the Constitutional Amendment:

S. 43, resolution rejecting the Amendment to the Constitution of the United States, submitted as Article 14th, with special report, as follows:

The Joint Select Committee on Federal Relations to which was referred that part of the Governor's message relating to a communication from the Honorable Wm. H. Seward, Secretary of State for the United States, covering an attested copy of a Joint Resolution of Congress, proposing a fourteenth Article as an Amendment to the Constitution of the United States, to be submitted to this General Assembly for ratification or rejection, have had the same under consideration, and ask leave to report:

The Committee, impressed with the importance of the subjects embraced in the proposed Constitutional Amendment, as affecting the Commonwealth of North Carolina not merely
for the present, but, in all human probability, for ages to come, have given the whole matter a careful and respectful consideration, and now offer the reasons for the conclusions at which they have arrived.

A number of radical changes in the fundamental law of the country are proposed to be embraced in one Article, and to be accepted or rejected together, and if but one of these Amendments is disapproved, this General Assembly will be under the necessity of rejecting all; leaving no alternative of accepting some of the Sections in the proposed Article and rejecting others; and it is submitted that this mode of amending the Constitution of the United States is unwise, and without precedent, and ought not to find favor in any portion of this great nation.

The Committee entertain the opinion that this proposition has not been submitted in a constitutional manner, and in pursuance of the forms prescribed by the Constitution. North Carolina, and her ten sister seceding States, have been repeatedly recognized as States in the Union, by all the Departments of the Federal Government, both during and since the war. Congress did this by the Resolutions of July, 1861, which declared that "the object of the war was not for any purpose of conquest or subjugation, nor for the purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution and to preserve the Union with all the dignity, equality and rights of the several States unimpaired." And again: by an Act apportioning taxation among the States; by an Act assigning them their respective numbers of Representatives; by an Act at the last session re-adjusting the Federal Judicial Circuits; by accepting as valid the assent of Virginia to the division of that State, and thereupon establishing the State of West Virginia; and by other Acts. The Judiciary has recognized them by hearing and deciding causes carried up from their Courts. The Executive has done so by approving the aforesaid Acts of Congress. This recognition of them as States in the Union is now repeated by the Federal Government, in submitting to them for ratification the pending proposition of Amendment,
since only States in the Union can vote on such a question.

The Federal Constitution declares, in substance, that Congress shall consist of a House of Representatives, composed of members apportioned among the respective States in the ratio of their population, and of a Senate, composed of two members from each State. And in the Article which concerns Amendments, it is expressly provided that "no State, without its consent, shall be deprived of its equal suffrage in the Senate." The contemplated Amendment was not proposed to the States by a Congress thus constituted. At the time of its adoption, the eleven seceding States were deprived of representation both in the Senate and House, although they all, except the State of Texas, had Senators and Representatives duly elected and claiming their privileges under the Constitution. In consequence of this, these States had no voice on the important question of proposing the Amendment. Had they been allowed to give their votes, the proposition would doubtless have failed to command the required two-thirds majority. Had they voluntarily relinquished the exercise of their right and privilege in this matter, as they had done in the case of the late Amendment respecting slavery, they would, perhaps, be estopped from objecting to the regularity of the proceeding. But as their Senators and Representatives elect were seeking admission to their seats and were deprived of them against their consent, the subject is presented in a different light.

If the votes of these States are necessary to a valid ratification of the Amendment, they were equally necessary on the question of proposing it to the States; for it would be difficult, in the opinion of the Committee, to show by what process in logic, men of intelligence could arrive at a different conclusion. And it is submitted that this irregularity, in the initiative step, would make the amendment of doubtful validity, even if ratified. It would certainly constitute a dangerous precedent, give rise to troublesome questions hereafter, remove the landmarks established by the fathers, and greatly tend to diminish that regard for the sacredness of the Constitution, which all our people ought ever to cherish.
The Committee are of the opinion that the Constitution was not complied with in another particular, in the manner of proposing this Amendment. The third clause of section second, article first, provides that "every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States, and before the same shall take effect it shall be approved by him, or being disapproved by him, shall be re-passed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill." A proposition to amend the Constitution is certainly included in the terms of that provision, as being a matter requiring the concurrent action of both Houses. The pending Amendment, however, was never presented to the President, for his approval or disapproval, but sent directly to the Department of State, to be transmitted thence to the respective States.

And it is far from a satisfactory answer to this, to say that because the proposition was originally passed by a two-thirds majority it need not be presented to the President, since his disapproval could not affect it; for his disapproval might affect it when put upon its re-passage, after he had returned it with his objection—an occurrence not remarkable in the past history of the government. And this re-passage over his veto by the two-thirds majority is required before any "order resolution or vote" of Congress can "take effect," even though on its original passage it may have received an unanimous support.

If it should be said that any doubts as to the validity of the proposed Amendment, whether ratified or rejected, under present circumstances, will be obviated by the strong arm of power which will validate it at all hazards, the ready answer is, that if the strong arm can give validity to an amendment adopted in disregard and defiance of some of the prescriptions of the organic law, it can, with the same propriety, set them all aside. On that supposition, the Constitution would be at the mercy of the strongest, and could at any time be moulded according to the will of a mere majority, however unscrupu-
lous or despotic that majority might be. It would thus become the plaything of politicians and parties—its sanctity profaned and its glory departed.

The Committee do not present these views in any spirit of captiousness, nor as the advocates of mere sectional interests, notwithstanding the amendment proposed is unquestionably designed to operate on the Southern States of this Union; indeed, such are the avowals of its advocates. But the question of its ratification, under existing auspices, is of the gravest import to the whole country, and to the cause of free constitutional government. In the mutations of human affairs, and the conflict of interest and opinion that may arise in the future history of this great and wide-spread nation, the time may come when changes in the Federal Constitution may be made in derogation of the rights and interests of other parts of the Union. In so grave a matter too much precaution cannot be used. The Constitution is the basis of our liberties. No true American has ever ceased to regard it as peculiarly sacred, as well or for its own intrinsic excellence, as for the exalted character of its patriotic founders. And it should never be forgotten that those good and great men, inspired by lofty deeds, in a spirit of forbearance, conciliation and compromise, and in the exercise of an enlightened statesmanship, framed this great bulwark of civil and religious liberty. Even those, who are called "rebels," have never spoken lightly of it. The affections of all sincere lovers of liberty twine around it, like ivy around some hallowed shrine where the heart pours forth its profoundest devotions.

Many of the prominent questions of the present time are of temporary interest only, and will soon be forgotten; and with them will pass away the passions and hate which they have engendered. But the Constitution was made for all ages—for peace and for war. All patriots will unite in the hope that its majesty and symmetry may not be marred by the incorporation of Amendments, shaped amid the excitement of these tempestuous days, and made a part of it through methods of proceeding which are hasty and ill-considered, and unwarranted by the provisions of the instrument itself.
Proceeding more in detail to the merits of the proposed Amendment, the Committee have confined themselves to its most prominent features.

In the first section it is provided that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." What those privileges and immunities are, is not defined. Whether reference is had only to such privileges and immunities as may be supposed now to exist, or to all others which the Federal Government may hereafter declare to belong to it, or may choose to grant to citizens, is left in doubt, though the latter construction seems the more natural, and is one which that Government could at any time insist upon as correct and entirely consistent with the language used. With this construction placed upon it, what limit would remain to the power of that Government to interfere in the internal affairs of the States? And what becomes of the right of a State to regulate its domestic concerns in its own way? Whatever restrictions any State might think proper, for the general good, to impose upon any or all its citizens, upon a declaration by the Federal Government that such restrictions were an abridgement of the privileges or immunities of the citizens of the Union, such State laws would at once be annulled. For instance: the laws of North Carolina forbid the inter-marriage of white persons and negroes. But if this Amendment be ratified, the Government of the United States could declare that this law abridged the privileges of citizens, and must not be enforced; and miscegenation would thereupon be legalized in this Commonwealth. Grant that such action on the part of the Government would not be probable, still it would be possible; and its bare possibility sufficiently exemplifies the boundlessness of the powers which the Amendment would confer on the Federal Government.

The power to regulate suffrage has always been claimed to belong to the several States, and it is thought by some, that this point is securely guarded by the provisions of the second section of the proposed Amendment; but a slight inspection will reveal the fact that the power of the States to regulate suffrage is by no means easily recognized therein; nor is
their right to "deny" or "abridge" the franchise distinctly set forth. The provision touching the matter merely declares that when the right to vote, of any male citizen twenty-one years old, is "denied" or "abridged," the basis of representation shall be reduced in any State where that shall occur. It is not said who shall have the power to deny or abridge the right to vote. If the power of a State, over this subject, is recognized at all, it is only by implication, and an implication, too, which is conveyed solely in the language used for fixing a penalty upon the exercise of such power, and without saying whether its exercise may not hereafter be prohibited. No exclusive right, nor even a limited right of a State in the premises, is expressly admitted, but all is allowed to rest on a doubtful inference. With the right of a State thus left doubtful, suppose the Federal Government, in the exercise of the power already spoken of as conferred by the first section of the Amendment, should think proper to declare that the right to vote is one of the "privileges" and "immunities" of the citizen, what could a State do except to yield the point, and what would prevent universal suffrage from being at once inaugurated? Nothing.

The founders of our polity left the management of municipal affairs, and the protection of the ordinary personal and property interests of the citizens of the States, to the States themselves, uncontrolled by the supervision or interference of the Federal authorities; because they rightly judged that as the welfare of the individual citizen was most intimately connected with the welfare of his State, his interest could be most safely trusted to the protection of his State. The dangerous innovation involved in the clause of the Amendment now under review, coupled with the final section, giving Congress "power to enforce all the provisions of this Article by appropriate legislation," consists in the fact that it authorizes the Federal Government to come in, as an intermeddler, between a State, and the citizens of a State, in almost all conceivable cases;—to supervise and interfere with the ordinary administration of justice in the State Courts, and to provide tribunals,—as has to some extent been already done in the Civil Rights Bill,—to which an unsuccessful litigant, or a
criminal convicted in the Courts of the State, can make complaint that justice and the equal protection of the laws have been denied him, and however groundless may be his complaint, can obtain a rehearing of his cause. The tendency of all this to break down and bring into contempt the judicial tribunals of the States, and ultimately to transfer the administration of justice both in criminal and civil causes, to Courts of Federal jurisdiction, is too manifest to require illustration.

A serious objection to the second section, if it should be understood as implying the power of a State to regulate the question of suffrage, is, that it imposes a penalty upon any restriction of the franchise, and offers a premium for its extension: the representation of a State, and its consequent political importance, being diminished in the one event, and increased in the other. The manifest design of this provision is, to bring about, by indirect means, the adoption of universal suffrage, irrespective of race or color. And thus a premium is offered for the prostitution of the franchise. Nothing could be more threatening to the stability of our republican institutions. There can scarcely be a doubt that if the question of negro suffrage could be calmly considered purely on its own merits, and aside from the prejudices of the times, all thoughtful and well-informed men would unite in condemning it as in the highest degree impolitic and unwise.

A leading feature of this second section is, that, virtually, it makes the basis of representation to consist of the voters only, which is manifestly inconsistent with the theory of our political system. The voters are merely the appointing power, whose function is to select the representative; but his true constituency is the whole population. It is a great fallacy to maintain that an officer represents only those who vote for him. Senators are chosen by the State Legislature, but they represent not the Legislature merely, but all classes of the State population with their varied interests. But it is urged by the advocates of the policy of basing representation on the voters only, that this is necessary in order to give equal weight to a voter in different States, and yet there is neither justice on the one hand, nor any practical im-
portance on the other, in this idea. Say two States have equal population, equal voting strength, and equal representation; and suppose one of them should choose to restrict the franchise so that its quota of Representatives would be selected by half its former number of voters; this, indeed, would be a matter of interest to its own citizens, but of what possible concern could it be to the citizens of the other State? A complaint that the weight of voters was not equal, would come with bad grace from a State, which, by extending widely the franchise, had thereby diminished the relative importance of its individual voters. If two States had equal population, but one of them should allow twice as many voters as the other, then, according to the pending Amendment, one would be entitled to twice as many Representatives as the other. This might be giving equal weight to voters, but would certainly be giving very unequal weight to the respective non-voting populations; so that no consideration is given to the non-voters who must always constitute the great majority of the people, and bear a large share of the public burdens. And while the negroes, who form so large an element in the population of this Commonwealth, cannot wisely exercise the right of suffrage, and should not, therefore, be allowed to do so, yet if there ever was a time when that race should be counted in the basis of representation, it is now; for they are thrown as an immense burden on a few States, and will for many years demand the utmost exercise of every moral agency for their advancement in the scale of being.

The third section of the Amendment is designed solely to affect the South. It virtually disfranches a large portion of the people of North Carolina. It is well known that most of our able-bodied men were Confederate soldiers during some part of the late war; and of those of our people who were not in the army, scarcely an individual can truthfully say that he rendered "no aid or comfort" to the Southern cause; and all who had ever previously taken an oath to support the Federal Constitution, either as a Member of Congress, or as an officer of the United States, or as a member of a State Legislature, or Executive or Judicial officer of any State, are excluded from, forever hereafter, holding any office, either in the
State or Federal Government, unless the disability is removed by a two-thirds vote of both Houses of Congress. And it may be added, in this connexion, that Congress, by providing for the removal of disabilities by its action upon a two-thirds vote, infringes the Constitutional right of the President to grant pardons.

Very few, indeed, of the men of this State, of mature years, and capable of filling such positions, have not at some time held one or more of the aforesaid offices, and taken the oath specified. The immediate practical effect, therefore, of the Amendment, if ratified, will be to destroy the whole machinery of our State Government, and reduce all our affairs to complete chaos, by throwing out nearly every public officer, even to Justices of the Peace and Constables, and it would be hardly possible to find enough of men qualified to fill those various offices, and re-organize our State Government.

And besides this, all experience proves that men rising to power on the ruin of their fellows, and expecting success only by the suppression of the popular will, are generally the worst of all the enemies of their own people; and the great mass of the people of this Commonwealth would, in the opinion of the Committee, prefer to commit themselves, their honor, and their interests to Congress, as now composed, rather than to those, whose only hope of ruling lies in the disfranchisement and oppression of more loyal and better men.

The impolicy of imposing this general disability upon those who, in any way, took part in the late conflict, is shown also by the indubitable fact that the most of them are now as conservative, as loyal, and as well affected towards the General Government as any class of citizens. Those who personally participated in the great trial of arms, are perhaps more thoroughly convinced than any others, of the finality of the decision, and the utter folly of any future appeal to the arbitrament of war; and hence have, with few exceptions, readily acquiesced in the settlement which has been made of the questions in dispute. Many of those who would be disabled from holding office, are among the most prominent and excellent citizens of the State, who always opposed secession; and their
services and co-operation would be greatly needed in the important work of restoring her prosperity.

But if this, and other degrading disabilities, must be imposed upon so many of her citizens, how can North Carolina herself, while she retains any sense of honor or self-respect, assist in imposing it? How can those now controlling the destinies of the Union, ask or expect her to do so, and thus set the seal to her own disgrace? How can they expect or even desire that her Representatives, either now or hereafter shall assist in the work of her own degradation?

What her people have done, they have done in obedience to her own behests. Must she now punish them for obeying her own commands? If penalties have been incurred, and punishments must be inflicted, is it magnanimous, is it reasonable, nay, is it honorable, to require us to become our own executioners? Must we, as a State, be regarded as unfit for fraternal association with our fellow citizens of other States, until after we shall have sacrificed our manhood and tarnished our honor? Surely not. North Carolina feels that she is still one of the daughters of the great American family. Wayward and wilful, perhaps, she has been; but honor and virtue still are hers. If her errors have been great, her sufferings have been greater. Like a stricken mother, she now stands leaning in silent grief over the bloody graves of her slain children. The mementos of former glory lie in ruins around her. The majesty of sorrow sits enthroned on her brow. Proud of her sons who have died for her, she cherishes, in her heart of hearts, the living children who were ready to die for her; and she loves them with a mother's warm affection. Can she be expected to repudiate them? No! it would be the act of an unnatural mother. She can never consent to it,—Never!

It is said, however, that Congress can easily remove the disabilities which this section imposes; but is it likely that Congress will do so? If they can be so readily removed, why impose them at all? And it should not be forgotten that Congress could, through this dispensing power, manage to fill the State offices of every grade, almost entirely according to its own choice and dictation, by relieving from disabilities
only such as might serve its purposes: and thus the freedom of elections would be virtually destroyed, and the State governments might become the willing and subservient tools of grasping ambition and usurping tyranny.

All that need be said of the fourth section of the proposed Amendment is, that it is useless. The Federal debt is already sufficiently secured by the honest intention of the people to pay it. And a noticeable fact is, with what cheerfulness the people of this Commonwealth, taxed without representation, and depressed and impoverished by the war, pay their Internal Revenue taxes. By seeking to bind the people of the whole country further to the payment of the public debt, by means of a Constitutional provision, the government betrays a lack of confidence, not perhaps more in the people of the South than in those of the North. The Confederate debt is equally certain to remain unpaid. Indeed, most of it can never fall due, by the terms on which it was contracted, and the impoverishment of the whole South, and the Acts of repudiation which have already been passed, will doubtless secure the non-payment of the remainder.

The refusal to pay for our slaves emancipated is doubtless a great injustice, especially to those citizens who did not favor secession; but the Committee entertain the opinion that the people have never hoped, seriously, for its reparation.

In the final section, power is given to Congress "to enforce by appropriate legislation, all the provisions of this Article." How wide a door is hereby opened for the interference of Congress, with subjects hitherto regarded beyond its range, it is impossible adequately to conceive, until experience shall have tested the matter. As the Committee have already submitted, one of the most serious evils to be apprehended from this Amendment, consists in the vast addition it makes, in so many ways, to the powers of the General Government. No enlightened patriot, who has studied carefully our system of government, and has realized how much of its excellence lies in the due division of its powers, between the Federal and State authorities, can have failed to witness, with the profoundest alarm, the tendency to centralization and consolidation, which has in late years been developed. The
exercise of the mighty energies, and the assumption of new and unusual prerogatives, required to prosecute successfully the recent war, in the nature of things gave to the General Government an overshadowing influence and prestige beyond what it had ever before possessed. And this result was increased by the overwhelming defeat of those States which had always stood forth as the peculiar advocates of State Rights. Every one must perceive, therefore, that even without new Constitutional grants of authority, the Federal Government is no longer what it once was, but that it has expanded into a mighty giant, threatening to swallow up the States, and to concentrate all power and dignity in itself. In the interests of liberty, it appears to the Committee, that this centralizing tendency, instead of being fostered, needs to be checked. The American people ought not, by new grants of power, to seem to authorize the continual exercise of extraordinary prerogatives, undreamed of in the purer and happier days of the Republic. The Constitution, as it stands, was good enough for our fathers; if administered in its true spirit it will also be good enough for ourselves and our posterity.

But suppose North Carolina were to accept the Amendment, thus yielding up her honest convictions of duty and of principle, in her most anxious desire for the restoration of her former relations with the General Government, and the admission of her Representatives into Congress, what guarantee, nay, even what hope, is there that such ratification would thus restore her? So far from it, the unmistakable record of the last Congress, as well as all the intimations since exhibited, of tone and temper, are, that this humiliation and surrender of right and principle would not, in the opinion of the Committee, be likely to facilitate restoration, much less effect it.

The Committee having, at some length, gone into an analysis of the different sections of the proposed Article of Amendment, ought, perhaps, in closing, to say a word in regard to the intimations sometimes thrown out, that if the Southern States refuse to ratify the pending Amendment, harder terms and deeper humiliation will be imposed upon them. These are deemed only as the intemperate declarations of heated
individual partizans. No responsible body of our country men has dishonored itself, or us, by making such treats. It would, indeed, be mockery to submit a question so grave and important to this Commonwealth, and then place her under duress to compel her to vote in the affirmative. No humiliation could be deeper, no degradation more profound, than that which she would impose upon herself by yielding to intimidation, and ratifying, under the influence of base fear, a measure which she disapproved. The Committee are sure, that this Honorable Legislature will not do an act so inconsistent with its own dignity, and the dignity of the State. A question of such vital concern to the entire Union and to the cause of liberty itself, will surely be calmly and seriously considered, with the impartiality and wisdom that should characterize the conduct of Statesmen, and with the manly independence of freemen; and it is therefore confidently believed, that the action this body shall take upon this grave question, will be worthy of the State of North Carolina.

For the reasons submitted in this report, the Committee respectfully recommend the adoption of the following resolution, to wit:

Resolved, That the General Assembly of the State of North Carolina do not ratify the Amendment proposed as the fourteenth Article of the Constitution of the United States.

J. M. LEACH, Chairman,
HENRY T. CLARK,
H. M. WAUGH,
JOS. J. DAVIS,
THOS. S. KENAN,
J. P. H. RUSS,
ARCH. McLEAN,
PHILLIP HODNETT,
JOHN M. PERRY,
J. MOREHEAD, Jr.,
D. A. COVINGTON,
W. D. JONES.
The undersigned, a member of the Joint Select Committee on the "Howard Amendment," dissents from the report of the Committee, believing it would be to the interest of the State of North Carolina, considering all the circumstances, to ratify the Amendment proposed as the fourteenth Article of the Constitution of the United States.

P. A. WILSON.

Mr. Harris, of Rutherford, moved that the Report and Resolution be printed and made the special order for Thursday, 13th instant, at 12 o'clock, M.

Mr. Love moved to amend by striking out Thursday 13th, and inserting Friday 7th, which did not prevail, there being counted seventeen ayes and twenty-one nays.

Mr. Harris' motion then prevailed.

A message was received from the House, transmitting the report of the committee to superintend the election for six Councillors of the State, as follows, viz:

House vote 108. Senate 46. Whole vote 154. Necessary to a choice 78. Mr. Eaton received 99 votes; Mr. Joyner 74; Mr. Jones 73; Mr. Mebane 45; Mr. Simonton 39; Mr. Shepherd 33; Mr. Parrott 33; Mr. Phillips 32; Mr. J. J. Yeates 32; Mr. Rankin 32; Mr. Martin 30; Mr. Root 31; Mr. Foard 29; Mr. Poindexter 29; Mr. Grissom 26; Mr. Caldwell 26; Mr. McDowell 26; Mr. Shoeb 23; Mr. Ruffin 20; Mr. Vance 20; Mr. Leak 19; Mr. Winston 14; Mr. W. J. Yates 13; Mr. Wadsworth 13; Mr. Dickson 31; Mr. Dick 11; Mr. Hoke 9; Mr. Barringer 8; Messrs. Logan, Russell, Hood, Thompson and Williams 7 each; Messrs. Peebles and Bridges 5 each; Messrs. J. J. Davis and J. T. Leach 3 each; Messrs. Arendell, W. D. Jones, Cowles, J. M. Leach, T. Wilson, Stowe, Lamb, Eldridge, J. D. Williams and Settle 2 each; Messrs. Burgin, R. H. Smith, Bagley, W. F. Green, R. M. Henry, R. Don Wilson, Dockery and Carter 1 each. Mr. Eaton having received a majority of the whole number was duly elected. The report was concurred in.

A message was received from the House, proposing "to go forthwith into the election for Comptroller. The names of Messrs. Cowper and Holderby being withdrawn from, and
those of Mr. Winslow Burgin, of Buncombe, and Mr. William Cowles, being added to those in nomination.

The Senate concurred, and the name of Mr. Love was withdrawn.

Messrs. Lowe and Crawford, of Macon, were announced as the House branch of the Committee to superintend the election. The Speaker designated Messrs. Richardson and Snead on the part of the Senate.

The Senate voted as follows:

For Mr. Cowles:
Messrs. Adams, Battle, Barnes, Berry, Coward, Cowles, Ferebee, Hall, Hand, Harris, of Franklin, Harris, of Rutherford, Hill, Johnston, Jones, Leach, Matthews, McRae, Moore, Perkins, Respass, Robins, Snead, Speed, Spencer, Thornton, Willey and Wilson—27.

For Mr. Brogden:

For Mr. Burgin:

A message was received from the House, transmitting the names of Messrs. Dargan, and Latham, of Washington, as constituting the additional members of the House branch of the Committee on Agricultural and Mechanical College.

On motion of Mr. Cunningham,
Leave of absence was granted to Mr. Perkins until Tuesday next.

Mr. Thornton introduced the following resolution, viz:

Resolved, (The House of Commons concurring,) That the twelfth Joint Rule of the two Houses be altered so as to place four members of each House on the Committee on Public Buildings and Grounds. Lies over.

A message was received from the House, transmitting the report of the committee to superintend the election for Comptroller as follows:

House vote 110. Senate 48. Whole vote 158. Necessary to a choice 80. Mr. Burgin received 62, Mr. Brogden 60,
Mr. Cowles 36. No election. The report was concurred in.

A message was received from the House, proposing to vote again for Comptroller, which was concurred in. Messrs. Durham and Dargan from the House, and Messrs. Snead and Richardson from the Senate, superintending.

The Senate voted as follows:

For Mr. Cowles:
Messrs. Adams, Barnes, Coward, Cowles, Ferebee, Hand, Harris, of Franklin, Harris, of Rutherford, Hill, Jones, Leach, Matthews, McRae, Perkins, Respess, Richardson, Robins, Snead, Speed, Spencer, Thornton, Wiggins, Willey and Wilson.—24.

For Mr. Brogden:
Messrs. Battle, Berry, Brown, Bullock, Covington, Cunningham, Etheridge, Kelly, Koonce, Marshall, Paschal and Williams.—12.

For Mr. Burgin:
Messrs. Speaker, Avery, Clark, Edwards, Gash, Hall, Lloyd, McCorkle, McLean and Thompson.—10.

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

By Mr. McLean: Bill (S. P. 13,) to amend the 122d chapter of the Acts of 1858-'59, entitled "Act to incorporate the Bingham Coal Mining Company." To Corporations.

By Mr. Koonce: Bill (S. P. 14,) to authorize Thomas J. Whitaker, late Sheriff of Jones County, to collect arrears of taxes. To Propositions and Grievances.

A message was received from the House, transmitting the report of the committee to superintend the election for Comptroller, as follows, viz:

House vote 109. Senate 46. Whole vote 155. Necessary to a choice 78. Mr. Burgin received 62; Mr. Brogden 53, and Mr. Cowles 40. No election. The report was concurred in.

A message was received from the House, proposing to go forthwith into the election of Comptroller. Conceded in. Messrs. Kenan and Lutterloh were designated as the House branch, and Messrs. Snead and Richardson as the Senate branch of the committee to superintend the election.
The Senate voted as follows:

For Mr. Cowles:

For Mr. Brogden:
Messrs. Battle, Berry, Brown, Bullock, Covington, Etheridge, Harris, of Franklin, Kelly, Koonce, Marshall, Paschal, Richardson, Snead, Wiggins, Willey and Williams.—16.

For Mr. Burgin:

The House, transmitted by message, the report of the committee to superintend the election for Comptroller, as follows:
House vote 111. Senate 48. Whole vote 159. Necessary to a choice 80. Mr. Burgin received 70; Mr. Brogden 57; Mr. Cowles 31, and Mr. Collins 1. No election. The report was concurred in.

A message was received from the House, proposing to go forthwith into the election for Comptroller,—the name of Mr. Cowles being withdrawn. The Senate concurred.

Messrs. Williams, of Pitt, and Reinhardt were announced as the House branch of the committee to superintend the election. Messrs. Richardson and Snead were appointed on the part of the Senate.

The Senate voted as follows:

For Mr. Burgin:

For Mr. Brogden:
Messrs. Battle, Berry, Brown, Bullock, Covington, Cunningham, Etheridge, Harris, of Franklin, Harris, of Rutherford, Kelly, Koonce, Leach, Marshall, Paschal, Respass, Richardson, Snead, Wiggins, Willey, and Williams.—20.
A message was received from the House, transmitting the report of the committee to superintend the election for Comptroller, as follows:

House vote 109. Senate 48. Whole vote 157. Necessary to a choice 79. Mr. Burgin received 89. Mr. Brogden 67. Mr. Cowles 1. Mr. Burgin having received a majority of the whole vote was duly elected

The report was concurred in.

S. 14, bill to grant aid to the Cheraw & Coalfields Rail Road Company, was read the second time and considered, when

Debate arose.

Mr. Leach moved that it lie on the table. When,

On motion by Mr. Thornton,

The Senate adjourned.

FRIDAY, DECEMBER 7TH, 1866.

The Speaker designated Messrs. Avery, McLean and Edwards as the additional members of the Senate branch of the committee on Agricultural and Mechanical College.

On motion by Mr. Cowles,

Leave of absence was granted to Mr. Harris, of Rutherford, from and after to-day, until Thursday next.

On motion by Mr. Robins,

Leave of absence was granted to Mr. Paschal until Friday next.

On motion by Mr. Wilson,

Leave of absence was granted to Mr. Harris, of Rutherford, until Wednesday next.

Reports from Standing and Select Committees were submitted and filed, as follows, viz:

By Mr. Moore, from the Committee on Corporations:

S. P. 2, bill to incorporate Pasquotank Lodge, No. 103, A. F. and A. Masons, at Elizabeth City, with favorable recommendation.

By Mr. Johnston, from the same Committee:
S. P. 3, bill to incorporate the Hibernian Benevolent Society, of the city of Wilmington, recommending its passage.

By Mr. Clark, from the same Committee:
S. P. 7, bill to incorporate the McLean Fire Engine Company, No. 1, in the town of Fayetteville, recommending its passage.

By Mr. Hall, from the Committee on Finance:
S. 5, bill to prevent fraud upon the Revenue, with report unfavorable to its passage.

By Mr. Love, from the joint select committee to wait on the Governor, a report, stating that his Excellency had designated Saturday, the 15th of December, 1866, at 12 o'clock, M., as the time at which he would take the oaths of office. The report was transmitted to the House of Commons.

Bills and Resolutions of the titles following being introduced, were read the first time, passed, referred and filed, as follows, viz:

By Mr. Hall: Resolution (S. P. 15) in favor of D. G. Fowle. To Claims.

From the House: Engrossed bill, (H. 12) to incorporate the Bladen Land Company. To Corporations.

By Mr. Leach: Bill, (S. P. 17,) to incorporate the North Carolina Dental Association, and for the establishment of a Board of Dental Examiners. To Corporations.

From the House: Engrossed bill, (H. 11,) to incorporate the Bladen Manufacturing Company. To Corporations.

Engrossed bill (H. 112,) to amend section 1st, of chapter 29, of the laws of North Carolina, passed by the General Assembly of 1865-’66, relative to Roads, Ferries and Bridges. Filed.

By Mr. Avery: Bill (S. 44,) to amend section 16, chapter 111, Revised Code. To the Judiciary.

By Mr. Clark: Bill (S. 45,) to direct the mode of holding the Superior Courts in the Judicial Circuits by the Judges thereof. To the Judiciary.

A message was received from the House, proposing to raise a joint select committee, of three on the part of each House, to take into consideration so much of the Governor's
message as relates to the office of Comptroller of Public Accounts. The Senate refused to concur.

On motion by Mr. Avery,

Ordered, That a message be sent to the House of Commons, proposing to refer so much of the Governor's Message as relates to the Comptroller of Public Accounts, to the Committee on Finance.

The House concurring.

The resolution introduced on yesterday, to change the joint rules of both Houses, so as to increase the Joint Standing Committee of Public Buildings and Grounds, came up and was adopted, and transmitted to the House.

The House of Commons having concurred, the name of Mr. Murrill was announced as the additional member from the House, and Messrs. Berry and Marshall were appointed in the Senate.

S. 14, Bill to grant aid to the Cheraw & Coalfields Rail Road Company was taken up as the unfinished business.

The pending question, upon the motion of Mr. Leach, that it lie on the table, was withdrawn.

On motion, by Mr. Jones,

Ordered, That it lie on the table.

S. 6. bill to establish a Penitentiary was read the second time, and

On motion, by Mr. Gash,

Ordered, That its further consideration be postponed, and it be made the Special Order for Tuesday, 11th December, at 12 o'clock M.

S. 18, bill to authorize Counties to subscribe to the Capital Stock of the Cheraw & Coalfields Rail Road Company was read the second time and passed.

On motion, by Mr. Covington,

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

Ordered to be engrossed.

On motion, by Mr. McRae,

S. 8, bill in reference to the appointment of Justices of the Peace, was taken from the table and considered on its second reading.
Mr. McRae moved to amend by striking out all after the enacting clause, and insert as follows:

"That to enable the Representatives of the people in General Assembly to act advisedly in the appointment of Justices of the Peace, the several Courts of Pleas and Quarter Sessions of each county in the State, a majority of the Justices being present, and consenting thereto, at the term immediately preceding the meeting of the General Assembly, shall make a report, through their representatives, setting forth the number of Magistrates, the number in each Captain's District, and if in their judgment public justice requires the appointment of others, stating the number and names of suitable persons in such District as may require more, and recommend the same; which report and recommendation shall be addressed to the respective representatives of the counties, and shall be signed by the Chairman and attested by the Clerk, with the seal of the Court.

Be it further enacted, That the Legislature in all cases of appointments shall be governed by the recommendations of the Court, made by and through the representatives in the General Assembly: Provided, nevertheless, That this act shall not be so construed as to debar a majority of the citizens of any county from petitioning the Legislature, through their representatives, for other appointments of Justices of the Peace.

Mr. Paschal moved to lay the amendment on the table, and the question being put, was

Decided in the affirmative, \{ Yeas, \ldots \ldots \ldots \ldots \ldots 24 \}
\{ Nays, \ldots \ldots \ldots \ldots \ldots 18 \}

On motion, by Mr. Cowles,
The yeas and nays being ordered,
Those who voted in the affirmative, are:

Those who voted in the negative, are:
Messrs. Clark, Covington, Hall, Hand, Johnston, Jones,
Kelly, Leach, Love, Lloyd, Marshall, Matthews, McCorkle, McRae, Speed, Thompson, Willey and Wilson.

So the amendment and bill was laid on the table.

S. 21, bill to amend an act for the relief of such persons as may suffer from the destruction of the records and other papers of the several counties of this State, and for other purposes, was read the second time and considered.

Section 12th was inserted instead of section 1st, as proposed by the Committee on the Judiciary, and, as amended, the bill passed its second reading.

On motion, by Mr. Cowles,
The rule was suspended and it passed its third reading.

Ordered to be engrossed.

A message was received from the House, proposing to go forthwith into the election for six Councillors of State, the names of Messrs. Ashe of Anson, J. G. Shepherd, R. C. Puryear, Giles Mebane, Thomas Ruffin, Sr., A. Rencher and A. Costner being added to the nominations. The Senate concurred, and the Speaker appointed Messrs. Johnston and Lloyd to superintend the election; the Senate. Messrs. Jenkins of Gaston, and Rogers were announced as the House branch of the committee.

The Senate voted as follows:

For Mr. Joyner:

For Mr. Jones:
Messrs. Speaker, Avery, Battle, Brown, Clark, Coward, Cowles, Cunningham, Edwards, Etheridge, Ferebee, Gash, Hall, Hand, Harris, of Franklin, Jones, Kelly, Koonce, Leach, Marshall, Matthews, McLean, McRae, Moore, Paschal, Respass, Snead, Speed, Thompson, Thornton, Wiggins and Williams—32.

For Mr. Shepherd:

For Mr. Mebane:

For Mr. Martin:

For Mr. Simounton:
Messrs. Adams, Avery, Barnes, Coward, Cowles, Gash, Hand, Jones, Leach, Matthews, McRae, Moore, Paschal, Respass, Robins, Snead, Speed, Spencer and Willey.—19.

For Mr. Ashe:

For Mr. Ruffin:

For Mr. J. J. Yeates:

For Mr. Phillips:
Messrs. Berry, Etheridge, Jones, Richerson, Robins and Spencer.—6.

For Mr. W. N. H. Smith:

For Mr. Carter:
Messrs. Jones, Respass and Snead.—3.

For Mr. Caldwell:
Messrs. Bullock, Coward and Harris, of Rutherford.—3.
For Mr. Parrot:
Messrs. Brown, Coward and Thompson.—3.
For Mr. Rankin:
Messrs. Robins and Speed.—2.
For Mr. Puryear:
Messrs. Cowles and Johnston.—2.
For Mr. Vance:
Messrs. Berry and Love.—2.
For Mr. Cowles:
Messrs. Bullock and Harris, of Rutherford.—2.
For Mr. Arendell:
For Mr. Grissom:
For Mr. Cannon:
For Mr. Leach:
Mr. Respess.
For Mr. Costner:
Mr. McCorkle.
For Mr. Howard:
Mr. Love.
For Mr. Williams:
Mr. Cowles.
For Mr. Poindexter:
Mr. Adams.
For Mr. Wadsworth:
Mr. Speaker.
S. 22, bill to amend the law of evidence, was read the second time and rejected.
S. 23, bill authorizing a majority of Justices of the Peace of the several counties to fix the rates of Jailors' fees, came up on its second reading and passed.
On motion, by Mr. Covington,
The rules were suspended and the bill passed its third reading.
Ordered, To be engrossed.
S. 24, bill to authorize the Justices of the County of Cumberland, to fund the interest due on its Bonds issued in pay-
ment of its Stock in the Western Rail Road, was read the second time.

The question being upon the amendment of the Committee on *Propositions and Grievances*, it was adopted.

Mr. McLean moved to amend by striking out seven per cent. wherever it occurs, and insert ten per cent. Adopted.

As amended the bill passed to a third reading.

On motion, by Mr. Love,

The rule was suspended, and engrossed bill (H. 33,) to extend the time for collection and return of taxes in certain Counties, was taken up.

Mr. Respass moved to amend by inserting in the seventh line, after the word Wilkes, the words and Beaufort, which was agreed to.

As amended, the bill passed the second and third readings.

*Ordered*, To be tramitted to the House for concurrence in the amendment.

On motion, by Mr. McCorkle,

Leave of absence was granted to Mr. Hall until Tuesday next.

On motion, by Mr. Berry,

Leave of absence was granted to Mr. Wiggins for three days.

On motion, by Mr. Clark,

Leave of absence was granted to the Principal Clerk for two days.

On motion, by Mr. Paschal,

The Senate adjourned.

SATURDAY, December 8th, 1866.

Prayer by the Rev. Dr. Smedes.

Under the rule setting apart Saturdays of each week for the consideration of private bills, the following were severally read the second time and passed; and the rule, on motion of Mr. Clark, being suspended, were each read the third time, passed and ordered to be engrossed, to wit:
S. P. 2, bill to incorporate Pasquotank Lodge, No. 103, Ancient Free and Accepted Masons, at Elizabeth City, N. C.;
S. P. 3, bill to incorporate the Hibernian Benevolent Society in the city of Wilmington;
S. P. 7, bill to incorporate the McLean Fire Engine Company, No. 1, in the town of Fayetteville; and
S. P. 12, resolution in favor of W. S. Mason.

A message was received from the House, transmitting an engrossed bill, H. 83, to amend the charter of the Washington Toll Bridge Company, asking the concurrence of Senate thereto.

Said bill was read the first time and passed.

On motion, by Mr. Respass,

The rule was suspended, and the bill read the second and third times, passed and ordered to be enrolled.

Received a message from the House, transmitting the following report from the Joint Select Committee to superintend the election of Councillors of State, to wit:

Whole number of votes given, 152. Necessary to a choice, 77. Of which, E. W. Jones received 77; Dr. H. Joyner, 76; J. G. Shepherd, 65; Thos. S. Ashe, 69; Giles Mebane, 71; W. F. Martin, 33; Thomas Ruffin, Sr., 35; R. F. Simonton, 37; S. F. Phillips, 20; R. C. Puryear, 23; J. J. Yeates, 10; Robert Vance, 8; Mr. Wadsworth, 6; Mr. Poindexter, 24; Mr. Parrott, 29; T. R. Caldwell, 16; Mr. Cowles, 2; Mr. Arendell, 2; Mr. Grissom, 15; Mr. Cannon, 2; W. N. H. Smith, 4; N. L. Williams, 2; D. M. Carter, 4; Geo. Howard, 1; Mr. Costner, 6; Mr. Leach, 3; Mr. Rankin, 3; D. L. Russell, Sr., 3; C. B. Root, 12; Mr. Foard, 1; R. P. Dick 12; Mr. Thompson, 4; T. D. McDowell, 10; P. Winston, 9; Thos. Bragg, 2; W. J. Yates, 3; Mr. Dickson, 6; Mr. Gaither, 1; Thos. Settle, 3; D. M. Barringer, 9; Mr. Bridgers, 4; Mr. Peebles, 1; Mr. J. D. Williams, 5; Mr. Winstead, 3; Mr. Hood, 3; Mr. Dockery, 2; Mr. Rencher, 5; Mr. Venable, 1; Mr. Dargan, 2; Mr. Bright, 1; Mr. Leak, 2; Mr. Murrill, 1; Mr. Yellowly, 1; and Mr. Scales, 1.

That Mr. E. W. Jones, having received a majority of the votes given, is elected one of the Councillors of State; and
that no one else received such majority; which report was concurred in.

Received a message from the House of Commons, proposing to go forthwith into the recommendation of Justices of the Peace.

Mr. Robins moved to lay the message on the table; which motion did not prevail.

The message was concurred in, and the House informed thereof.

Mr. Avery, by leave, introduced a bill (S. 47,) to incorporate the North Carolina Land and Immigration Aid Company," which was read the first time, passed, and,

On motion, by Mr. Avery,

Ordered, To be printed, and referred to the Committee on the Judiciary: Also

Mr. Speed a bill, (S. 48,) to authorize the Dismal Swamp Canal Company to issue 8 per cent. Coupon Bonds; which was read the first time, passed, and,

On motion, by Mr. Leach,

The rule was suspended, and the bill passed its second and third readings, was ordered to be engrossed, and transmitted at once to the House of Commons.

Mr. Clark, by leave, reported from the Committee on Corporations, H. P. No. 1, to wit:

A bill to incorporate Union Camp Ground in the County of Cleaveland, with an amendment, and recommended its passage.

The resolution (S. P. 4,) in favor of the Hon. D. A. Barnes, was read the second time and passed.

Received a message from the House of Commons, concurring in the amendment proposed by the Senate to the engrossed bill, (H. 33,) "to extend the time for the collection of taxes in certain Counties;" whereupon said bill was ordered to be enrolled.

Also, a message transmitting the following Engrossed bills and resolutions, and asking the concurrence of the Senate therein, to wit:

A bill, (H. 81,) "to repeal an Act entitled an Act to provide hands to work on the public roads."
A bill, (H. 4,) "to amend the 6th section of chapter 48, Revised Code; which were severally read the first time and passed.

And a bill, (H. 2,) "to enable the Western Rail Road Company to complete its road from the Coal Fields in Chatham County, to some point on the North Carolina Rail Road," which passed its first reading, and,

On motion, by Mr. Avery,

Was referred to Committee on Internal Improvements.

And a resolution (H. 14,) in favor of Hon. A. S. Merrimon, which was read the first time and passed, and,

On motion, by Mr. Wilson,

Referred to the Committee on Claims.

Also, a message, transmitting the following resolutions, asking the concurrence of the Senate therein; which were read, and,

On motion, by Mr. Love,

Ordered, To be printed, and made the Special Order for Friday next, at 11 o'clock, A. M., to wit:

"Whereas, This General Assembly has unmistakable evidence that there are persons in the State, who consider themselves interested in misrepresenting the condition of things and the state of public sentiment here with reference to the Federal Government: And whereas, it is understood, that these misrepresentations are used in Washington City, where the voice of the people of North Carolina cannot be heard: And whereas, the silence of this Assembly, representing the whole people of the State, and familiar with their views, may be used to the disparagement of the community: Therefore, be it

"Resolved, That the charges of disloyalty—of persecution towards those styling themselves the original Union men—and of the partial administration of justice, are false, and known by those in our midst, who make them, to be without the shadow of foundation.

"Resolved, That no better evidence of the law-abiding character of our people can be afforded, than their honorable forbearance towards native citizens, who utter publicly the grossest slanders on the land of their birth, and for their own selfish ends, would invoke upon a people struggling with
adversity, and assiduously devoting themselves to the arts of peace, the stringent measures justified only in cases of actual treason.

"Resolved, That this Assembly deems it due to itself, and to the people whom it represents, to record, in this solemn form, its sense of the injustice attempted to be done by unscrupulous partizans, to a community as devoted to peace, and to the cause of law and order and Union, and to all their Constitutional obligations, State and Federal, as any in the United States."

Received a message from the House of Commons, transmitting a communication from his Excellency, the Governor, with a report from the Board of Internal Improvement, with a proposition to print the same. Concurred in, and the documents ordered to be printed.

Mr. Gash presented sundry recommendations for Justices of the Peace in Henderson County; which were concurred in, and,

Ordered, To be sent to the House of Commons.

Received a message from the House, transmitting recommendations for Justices of the Peace in the several Counties in the State, and asking the Senate's concurrence therein.

On motion, by Mr. Love,

The list containing the recommendations for Haywood County was laid on the table.

And on motion, by Mr. Robins,

The list for Randolph County was amended, by striking out all the names except that of R. E. Blair, and inserting in lieu thereof the names of A. S. Horney, Micajah Cox, J. M. Odell, Paschal McCoy, Henry L. Steed, G. W. Dorsett and Wm. Burney. The list, as amended, was sent to the House.

Thus amended, the several recommendations were concurred in, and,

Ordered to be presented to his Excellency, the Governor.

On motion, by Mr. Clark,

The Senate adjourned.
MONDAY, DECEMBER 10TH, 1866.

The Speaker announced Messrs. Barnes, Willey and Wiggins as the Senate Committee on Enrolled Bills for the week, and the House of Commons was informed thereof by message.

Mr. Cunningham, from the Committee on Propositions and Grievances, to whom was referred so much of the Governor's message as relates to Weights and Measures, reported the following resolutions, which were read the first time and passed, to wit:

"Resolved, That the Governor be authorized to set apart any room in the Capitol, not occupied by any of the officers of the State, as a receptacle and for the safe keeping of the balances to be furnished by the United States, for the adjustment of standard weights and capacity measures, and for all the standard weights and measures, belonging to the State; and to have such alterations and arrangements made in said room, as he may deem necessary to adapt the same to the purposes intended. And if he can find no such room in the Capitol, that he have a portion of the old Arsenal building fitted up for the purpose; and that he draw on the Public Treasurer, out of any money not otherwise appropriated, for the expenses incurred.

"Resolved, further, That the Governor be authorized to appoint a suitable person to take care of such balances and weights and measures, and perform the duties relating to weights and measures, now imposed by law on the Governor, and such other duties as the Governor may prescribe, touching said balances and weights and measures. And that he take from such person a bond, with surety to be approved by the Governor, in the penal sum of five hundred dollars, for the safe keeping of said weights and measures, and for the performance of all his duties.

"Resolved, further, That such person be allowed such compensation for his services as the Governor shall deem adequate, not to exceed two hundred dollars per annum, to be paid quarterly upon the warrant of the Governor.

"Resolved, further, That these resolutions take effect from the date of their ratification."
Mr. McCorkle, from the Committee on the Judiciary, reported as follows, to wit:

"The Judiciary Committee, to whom was referred a resolution instructing the Committee to enquire and report what power the General Assembly has to repeal or modify an Ordinance of the Convention, "to change the jurisdiction of the Courts and the pleadings therein," &c.; and also a resolution requiring said Committee to consider the expediency of changing the rule of said Ordinance, putting in operation the Statute of Limitations as provided by said Ordinance, have considered the same, and a majority of said Committee are of opinion, that the questions therein presented are abstract questions of law, and an expression of opinion on which will be of no practical utility; for the reason, that no bill has been introduced and referred to this Committee proposing legislation on the subjects therein referred to; and the Committee ask to be discharged from their further consideration."

Report concurred in and the Committee discharged.

Mr. Avery, from the Committee on Internal Improvements, to whom was referred the "Bill to declare valid an Act of the General Assembly, amending the Charter of the Chatham Rail Road Company," section 32, reported the same back to the Senate, recommending its passage.

Mr. Wilson moved to re-commit the Bill to the same Committee.

Mr. Avery moved to amend said motion, by substituting the Judiciary Committee, which did not prevail.

The question recurring upon the original motion, it was carried.

Received a message from the House of Commons, informing of its agreement to the amendment proposed by the Senate, to the recommendation for Justices of the Peace in Randolph County.

Also, a message transmitting the following Engrossed bill and resolutions, to-wit:

A bill, (H. 120,) "to make valid the sale of the old jail lot by the County Court of Edgecombe, and to secure the title to the purchaser, and to sell and purchase other lands for certain purposes," which was read the first time and passed.
On motion, by Mr. Moore,

The rule was suspended, and the bill read the second and third times, passed and ordered to be enrolled.

A resolution, (H. 130,) authorizing the Public Treasurer to employ counsel in certain cases; which was read the first time and passed; and

A resolution amending a resolution, passed at the present session of the General Assembly; which was read, adopted and ordered to be enrolled.

Also a message transmitting recommendations for Justices of the Peace, in the counties of Martin, Onslow, Wayne, Madison, Rowan and Montgomery.

On motion, by Mr. Moore.

The list for Martin county was laid on the table, and as thus amended, the recommendations were concurred in, and ordered to be presented to the Governor.

Received a message from the House of Commons, transmitting the following resolution, and asking the concurrence of the Senate therein, to-wit:

Resolved, That this General Assembly do adjourn Monday, December the 24th, at 6 o'clock, A. M., to meet again at 12 M., Monday, January 22d, 1867.

Mr. Matthews moved to amend the resolution, by striking out all after the words, "December 24th, at 6 o'clock, A. M." and inserting, in lieu thereof, the words, "sine die," which

Motion was carried, Yeas, ....................... 20.  
{ Nays, ....................... 16.}

On motion, by Mr. Matthews,

The yeas and nays being ordered,

The following Senators voted in the affirmative, viz:


And the following in the negative, to-wit:

The question then recurring upon the adoption of the resolution, as amended, was

Decided in the affirmative, \[ \begin{align*}
\text{Yeas,} & \quad 26. \\
\text{Nays,} & \quad 10.
\end{align*} \]

On motion, by Mr. Speed,
The yeas and nays being ordered,
The following Senators voted in the affirmative, to-wit:

And the following in the negative, to-wit:

A message was sent to the House of Commons, asking their agreement to the amendment.

On motion, by Mr. Leach,
Leave of absence was granted to the Senator from Wake till Wednesday next.

Received a message, from the House of Commons, transmitting a message from his Excellency, the Governor, with sundry documents, proposing to print the same. Concurred in.

Also, a message informing that the House disagrees to the amendment proposed by the Senate to the Resolution concerning adjournment.

Also, a message proposing to go forthwith into an election for four Councillors of State. Message concurred in, and Messrs. McCorkle and Hand were appointed to superintend the election in the Senate, and the House informed thereof by message.

Received a message from the House, informing, that Messrs. Morehead and Williams of Pitt, were the committee on the part of the House to superintend the election.

Upon the return of the messenger, the Senate proceeded to as follows, to-wit:

For Mr. Mebane:
Messrs. Speaker, Adams, Avery, Battle, Barnes, Berry, Brown, Bullock, Covington, Cunningham, Edwards, Eth-
For Mr. Joyner:

For Mr. Ashe:

For Mr. Shepherd:

For Mr. Phillips:
  Messrs. Berry, Brown and Robins.

For Mr. Ruffin:
  Mr. Berry.

The bill (S. 5,) to prevent fraud upon the Revenue of the State, was taken up, read the second time, and pending the consideration thereof,

On motion, by Mr. Leach,
  The Senate adjourned.
Prayer by Rev. Mr. Hardie.

A message was received from the House, proposing to raise a committee of two from each House to be called the Committee of *Conference on Adjournment*. The Senate concurred, and the Speaker designated Messrs. Covington and Leach. Messrs. Moore of Hertford, and Patton constitute the House branch of the committee.

A message was received from the House, transmitting the report of the committee to superintend the election for four Councillors of State, as follows, viz: Senate 38. House 99. Whole vote 137. Necessary to a choice 69. Mr. Joyner received 125; Mr. Mebane 119; Mr. Ashe 118; Mr. Shepherd 115; Mr. Poindexter 8; Mr. Grissom 6; Mr. Dick 5; Messrs. Leach, Simonton and Thompson each 4; Messrs. Settle, Williams, Ruffin and Phillips 3 each; Messrs. Martin, Caldwell, Dockery, Rankin and Parrott 2 each; Messrs. Root, Dickson, Lamb, Dargan and Puryear 1 each. Messrs. Joyner, Mebane, Ashe and Shepherd, having received a majority of the whole number of votes, were duly elected. The Senate concurred in the report.

Mr. Richardson presented the petition of citizens of Moore county, asking a transfer of Rail Road Stock to the Cheraw and Coalfields Rail Road.

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

By Mr. Gash, from the Committee on *Claims*:
S. P. 15, resolution in favor of Daniel G. Fowle, recommending its passage.
H. P. 20, engrossed resolution in favor of Hon. A. S. Merrimon, recommending its passage.

By Mr. Avery, from the Committee on *Internal Improvements*:
H. 2, engrossed bill to enable the Western Rail Road Company to complete its Road from the Coalfields in Chatham county to some point on the North Carolina Rail Road, with special report as follows:

"Besides the general policy of completing the system of
Internal Improvements already commenced in the State, which the committee fully endorse, as the best for the State; they are the more decided in favor of the passage of the Bill, as it asks no appropriation of money from the Treasury, and is calculated to enhance the value of the interest of the said Road without further increase of taxes. For these and the further consideration that the debt due the State cannot, in any way, be recovered without a ruinous sacrifice to the State and a total loss of the stock at present held by individuals in said Road, the committee consider it of the greatest importance that the bill should pass.”

S. 32, bill to declare valid an Act of the General Assembly amending the Charter of the Chatham Railroad Company, with favorable recommendation.

By Mr. Leach, from the Committee on the Judiciary:
S. 31, bill to protect property sold under execution from sacrifice, with an amendment recommending its passage,
By Mr. Moore, from the same Committee:
S. 4, bill for the relief of Honest Debtors, with unfavorable recommendation.

By Mr. Robins, from the same Committee:
S. 45, bill to direct the mode of holding the Superior Courts in the Judicial Circuits by the Judges thereof, with adverse recommendation.

On motion, by Mr. Speed,
Bill (S. 4,) for the relief of Honest Debtors, was made the Special Order for Friday, 14th instant, at 12 o’clock.
Bills and resolutions of the titles following, being introduced, passed their first reading and were disposed of as follows, viz:

From the House: Engrossed resolution (H. 140,) in favor of the City of Raleigh. Ordered to be printed and referred to the Committee on Internal Improvements:
Engrossed bill (H. 121,) to empower the County Court of Mecklenburg to hold extra terms. Filed.
By Mr. Paschal: Bill (S. 59,) to protect the people of Chatham county.

On motion, by Mr. Paschal.
The rules were suspended, and the bill read the second
time, and the question being, "Shall the bill pass its second reading?" was put and

Decided in the affirmative,

- Yea........................................................................28.
- Nays........................................................................12.

On motion by Mr. Battle,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are:

So the bill passed its second reading.
Upon a further suspension of the rule, the bill passed its third reading.

Ordered, To be engrossed.

By Mr. Adams: Bill (S. 60,) to amend the Constitution of North Carolina. Ordered to be printed and referred to the Committee on the Judiciary.

By Mr. Love: Bill (S. 61,) to repeal an Act entitled "An Act for the better regulation of the Western Turnpike Road," and for other purposes.

Referred to the Committee on Cherokee Lands & Western Turnpikes.

By Mr. Respess: Bill (S. 62,) to lay off and establish the county of Vance. Referred, with a memorial, to the Committee on Propositions and Grievances.

Messages were received from the House, transmitting the names of sundry persons who had been recommended as Justices of the Peace, for the counties of Perquimans and Forsyth. The Senate concurred in the recommendations.

Mr. Matthews submitted a recommendation for Justices of the Peace, for Stokes county, which was ordered to be transmitted to the House.

On motion, by Mr. Cowles,
H. 65, Engrossed bill to change the time of holding the Courts of Pleas and Quarter Sessions of Yadkin county was considered on its second reading, under a suspension of the rules, and passed its second and third readings.

Ordered, To be enrolled.

S. 5, bill to prevent fraud upon the Revenue of the State, was considered on its second reading, as the unfinished business.

Mr. Wilson moved that it lie on the table.
And the question thereon was put, and

Decided in the affirmative, \{ Yeas, \ldots \ldots \ldots \ldots 29
{ Nays, \ldots \ldots \ldots \ldots 4

On motion, by Mr. Wilson,
The yeas and nays were ordered.
Those who voted in the affirmative are:

Those who voted in the negative are:
Messrs. Ferebee, Leach, Lloyd and Speed.
So it was

Ordered, That the bill lie on the table.

S. 6, and S. 42, bills to establish a Penitentiary, were considered on their second readings, as the special order.

On motion, by Mr. Gash,

Ordered, That they be re-committed.

Bills and resolutions of the titles following, being considered on their second readings, were disposed of as follows, viz:

S. 25, bill to authorize the Mayor and Commissioners of Fayetteville, to fund the interest due on their Bonds, issued in payment for stock in the Western Rail Road Company.

The question being on the amendment proposed by the Committee on Propositions and Grievances, as follows: Provided, The issues shall not be of a less denomination than thirty dollars, to come in between the words “expedient” and “to.”

The amendment was adopted.

As amended, the bill passed to its third reading.
S. 29, bill to abolish imprisonment for debt, and the question being, "Shall the bill pass its second reading?" was put and


On motion, by Mr. Leach,
The yeas and nays being ordered,
Those who voted in the affirmative, are:

Those who voted in the negative are,

So the bill was rejected.

S. 33, resolution allowing compensation to Judges holding Courts of Oyer and Terminer.

Mr. Speed moved to amend, by striking out the following words in the second resolution, to-wit: "to be paid by the county in which such Court may be held."

The amendment was adopted.

As amended, the bill passed to a third reading.

S. 34, resolution providing for the payment of Sheriffs, holding elections. Referred to the Committee on Claims.

S. 35, bill to repeal that portion of an Act, passed at the session of 1865-'66, as relates to persons committed for fine and costs of criminal prosecutions. Referred to the Committee on the Judiciary.

S. 37, bill to extend the time for the registration of deeds, passed, and

On motion, by Mr. Cunningham,
The rule was suspended, and the bill passed its third reading.

Ordered, To be engrossed

H. 86, Engrossed bill to change the time of holding the Courts of Pleas and Quarter Sessions of Alexander county,

Mr. Hill moved to amend, by striking out the word first
and insert the word *third*, in the eighth line of the first section, which was adopted.

As amended, under a suspension of the rule, the bill passed its second and third readings.

*Ordered*, To be transmitted to the House for concurrence.

H. 112, Engrossed bill to amend section 1, chapter 29, of the laws of North Carolina, passed by the General Assembly of 1865–66, relative to Roads, Ferries and Bridges, passed second reading; and

On motion, by Mr. Berry,

The rule was suspended, and the bill passed its third reading.

*Ordered*, To be enrolled.

H. 4, Engrossed bill to amend the sixth section of the forty-eighth chapter of the Revised Code, passed to its third reading.

H. 81, Engrossed bill to repeal an Act, entitled "An Act to provide hands to work on the public roads." Referred to the Committee on *Propositions and Grievances*.

H. 130, Engrossed resolution, authorizing the Public Treasurer to employ counsel in certain cases. Rejected.

S. 56, resolutions relative to *Weights and Measures* : passed to its third reading.

S. 32, bill to declare valid an Act of the General Assembly, amending the charter of the Chatham Rail Road Company. Referred to the Committee on the *Judiciary*.

S. 3, bill to repeal an Ordinance of the Convention, entitled "An Ordinance for exchanging the stocks of the State for bonds issued before the year one thousand eight hundred and sixty-one," was considered on its third reading. When debate arose, and

On motion, by Mr. Cowles,

The Senate adjourned.
Prayer by Rev. Mr. Atkinson.

A message was received from the House, concurring in the Senate's amendment to the engrossed bill, (H. 86) to change the time of holding the Courts of Pleas and Quarter Sessions of Alexander county.

Ordered. To be enrolled.

On motion, by Mr. Moore,

The vote by which the Senate on yesterday rejected the engrossed bill, (H. 130,) authorizing the Public Treasurer to employ counsel in certain cases, was re-considered.

Ordered, That the bill lie on the table.

Mr. Avery, from the Committee on the Judiciary, to which was referred a resolution "to enquire whether or not it would be best for the people of North Carolina to pay their debts contracted before the war, in bank bills of the State of North Carolina, or their equivalent in current funds," reported it back, asking to be discharged from its further consideration, as the legislation contemplated by said resolution was, in the opinion of the Committee, impracticable.

The committee was discharged.

Mr. Covington, from the joint select committee of conference, concerning an adjournment, reported that the committee regard it better for the public interest that the Senate recede from its amendment to the House resolution, and concur in the adoption of said resolution, as follows: viz:

Resolved, That this General Assembly do adjourn Monday, December 24th, 6 o'clock A. M., to meet again at 12 M., January 22d, 1867.

The Senate receded from its amendment.

Mr. Leach moved to amend, by striking out the words and figures, December 24th, and insert the words and figures, December 17th, and strike out the words and figures January 22d, and insert the words and figures, January 17th. The amendments were severally adopted.

Mr. Love moved to amend by striking out all after the word Resolved, and insert as follows: "That no business of a general public nature, nor bill appropriating money, shall be considered and finally acted upon by this General Assembly
from the 24th day of December, to and until the 8th day of January, 1867.

And the question being upon the adoption thereof, was put and

Decided in the negative, \( \frac{\text{Yeas}}{\text{Nays}} \) 
\[
\begin{array}{c}
\text{Yeas} \quad \text{Nays} \\
\hline
9 \quad 31
\end{array}
\]

On motion, by Mr. Berry,

The yeas and nays being ordered,

Those who voted in the affirmative, are:


Those who voted in the negative, are:


So the amendment was not adopted.

A message was received from the House, informing the Senate of the concurrence of that body in the report of the Joint Committee of Conference on Adjournment.

The Speaker announced that the hour had arrived for the Special Order, viz: Bill (S. 2,) to establish Freehold Homesteads for the citizens of this State.

On motion, by Mr. Moore,

Ordered, That the Special Order be postponed for ten minutes.

The question now recurring upon the adoption of the resolution as amended,

Mr. Love moved to amend by striking out December 17th, and insert December 22d, and the amendment prevailed.

Mr. Respass moved to amend by striking out January 17th and insert March 4th, and the amendment did not prevail.

The Speaker again announced the hour for the Special Order, and the bill (S. 2,) to establish Freehold Homesteads for the citizens of this State, was considered on its second reading:

Mr. Berry moved to amend the eight line of section first by striking out seventy-five and inserting one hundred. Adopted.
Mr. Berry moved to amend the sixth section and eighth line by striking out the word or, and inserting the word of. Adopted.

The bill, as amended, passed its second reading.

On motion, by Mr. Gash,

The rule was suspended and the bill read the third time.

Mr. Gash moved to amend by striking out all after the enacting clause, and inserting the following, viz:

"That section 1 of chapter 38, Acts of 1858-'59, be amended by striking out the word 'White,' and in the fourth line of the same section, strike out 'one hundred,' and in the seventh line strike out the words 'five hundred,' and insert 'one thousand.'"

Mr. Wilson moved to amend the amendment by striking out "one thousand," and insert "two thousand."

And pending the question,

Debate arose, and

On motion, by Mr. McCorkle,

The Senate adjourned.

THURSDAY, DECEMBER 13TH, 1866.

Prayer by Rev. Dr. Mason.

Reports from Standing Committees were submitted and filed as follows, viz:

By Mr. Cunningham, from the Committee on Propositions and Grievances:

S. P. 4, resolution in favor of Thomas G. Whitaker, late Sheriff of Jones County, asking to be discharged from its further consideration. The Committee was discharged.

By Mr. Clark, from the Committee on Corporations:

S. P. 13, bill to amend the 122d chapter of the Acts of 1858-'59, entitled "An Act to incorporate the Bingham Coal Mining Company," recommending its passage.

By Mr. Johnston from the same Committee:

S. P. 5, bill to encourage Immigration, recommending its rejection.
H. 11, engrossed bill to incorporate the Bladen Manufacturing Company, recommending its passage.

H. 12, engrossed bill to incorporate the Bladen Land Company, recommending its passage.

By Mr. Gash, from the Committee on Claims:
S. 34, resolution providing for the payment of Sheriffs holding elections, recommending its passage.

By Mr. Wilson, from the Committee on the Judiciary:
H. P. 6, engrossed resolution in favor of Rufus H. Jones, with amendments, recommending its passage.

By Mr. Gash, from the Committee on Cherokee Lands and Western Turnpikes:
S. 61, bill to repeal an act, entitled "an Act for the better regulation of the Western Turnpike Road," and for other purposes, recommending its passage.

On motion, by Mr. Robins,
Ord red, 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 and report arrangements for administering the oaths of office to the Governor elect on Saturday next, 15th instant.

The House, by message, concurred in the proposition, and Messrs. Kenan and Morehead were announced as the House branch of the committee.

The Speaker appointed Messrs. Robins and Moore as the Senate branch of the committee.

Mr. Robins, from this Committee, subsequently reported the following resolution, which was adopted, as follows, viz:

Resolved, (By the Senate, the House concurring,) That so much of the joint order, heretofore adopted by the two Houses, as sets apart Saturday the 15th instant, to administer the oaths of office to the Governor elect, be rescinded, and that instead thereof, said oaths shall be administered on Saturday, the 22d instant, at 12 o'clock, M.

Bills and resolutions of the titles following being introduced, were referred or filed as follows, viz:

From the House, Engrossed bill, (H. 49,) for the construction of a Bridge across Notla River in the county of Cherokee and for other purposes. Filed.
Engrossed bill, (H. 74,) to enable the Wilmington, Charlotte and Rutherford Rail Road Company, to complete its road, pay its debts to the State, and extend its road to the Tennessee line. Referred to the Committee on *Internal Improvement*.

Engrossed bill, (H. P. 2,) to incorporate the Newbern Steam Fire Engine No. 1. Filed.

Engrossed bill, (H. 68,) to enhance the value of the bonds to be issued for the completion of the Western North Carolina Rail Road, and for other purposes. To *Internal Improvements*.

Engrossed bill, (H. 66,) to amend section 2d, chapter 34, of an Act ratified the 12th day of March, A. D., 1866, entitled "An Act to improve the law of evidence. To the *Judiciary*.

Engrossed bill, H. 20,) to repeal an act ratified February 7th, 1866. To *Propositions and Grievances*.

Engrossed bill, (H. 21,) to incorporate the South Union Manufacturing Company of Richmond County. Filed.

Engrossed bill, (H. 26,) for the benefit of the poor of the County of Bladen and for other purposes. Filed.

Engrossed bill, (H. 141,) to re-enact and confirm the charter of the Williamston and Tarboro' Rail Road Company, and the amendment thereto. To *Internal Improvements*.

Engrossed bill, (H. 70,) to amend section 30, chapter 54, of Revised Code, entitled "Guardian and Ward." Filed.

Engrossed bill, (H. 38,) to authorize the President and Directors of the Blount's Creek Manufacturing Company, of the town of Fayetteville, to borrow money to rebuild their Factory. Filed.

Engrossed bill, (H. 131,) to amend the 3d section of the 97th chapter of the Revised Code, entitled "Religious Societies." Filed.

Engrossed bill, (H. 146,) to amend 2d section of chapter 58th, Revised Code. Filed.

By Mr. Adams: resolution (S. 73,) in regard to Taxes, and for other purposes. To *Finance*.

Resolution (S. 74,) in regard to State Bonds. To *Finance*.
Resolution (S. P. 24,) in favor of Mrs. P. P. Dick, Executrix of the late Judge John M. Dick. To Finance.

By Mr. Leach: bill (S. 75,) to repeal an Act, entitled an Act to improve the law of evidence. To the Judiciary.

By Mr. Clark: bill (S. 76,) to exempt Individual Corporations from penalties, &c., in certain cases. To the Judiciary.

By Mr. Battle: bill (S. 77,) extending the jurisdiction of the Courts on persons failing to work the public roads or highways. To the Judiciary.

By Mr. Moore: bill (S. 78,) to amend chapter 42, Private Laws, 1866. To Corporations.

By Mr. Marshall: bill (S. P. 25,) in favor of K. P. Harris. On motion, by Mr. Marshall, The rule was suspended, and the bill passed its second and third readings.

Ordered, To be engrossed.

By Mr. Hall: bill (S. 79,) to amend the charter of the Wilmington and Weldon Rail Road Company. To Internal Improvements.

Bill (S. 80,) to incorporate the Yadkin and Cape Fear Canal Company. To Internal Improvements.

Resolution in regard to adjournment came up as unfinished business.

Mr. Clark moved that the vote by which the "17th December" was stricken out, and the "22d of December" inserted, be reconsidered. Carried.

The question recurring upon the amendment offered by Mr. Love, it was withdrawn.

The question then recurring upon the amendment offered by Mr. Leach, it was withdrawn.

The resolution, as reported by the Committee of Conference, was then adopted.

Ordered. That the House of Commons be informed thereof.

The hour of 12 o'clock having arrived, the Speaker called up the Special Order, viz.:

Resolution (S. 43,) rejecting the Amendment to the Constitution of the United States, submitted as Article 14th.

And the question being upon the Report of the Joint Select Committee on the Constitutional Amendment, was put, and
Decided in the affirmative, \{ Yeas, \ldots \ldots \ldots \ldots \ldots \ldots \ldots 42. \}
\{ Nays, \ldots \ldots \ldots \ldots \ldots \ldots \ldots 2. \}

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

The following voted in the negative, viz:
Messrs. Harris, of Rutherford, and Richardson.
So the report was adopted.

The question then being upon the Resolution, Mr. Harris, of Rutherford, moved to amend by striking out the word *not* between the words *do* and *ratify*, and the question thereon was put, and

Decided in the negative, \{ Yeas, \ldots \ldots \ldots \ldots \ldots \ldots \ldots 1. \}
\{ Nays, \ldots \ldots \ldots \ldots \ldots \ldots \ldots 43. \}

On motion, by Mr. Harris, of Rutherford,
The yeas and nays being ordered,
Mr. Harris, of Rutherford, voted in the affirmative.
Those who voted in the negative, are:

The question now recurring upon the passage of the Resolution was put, and

Decided in the affirmative, \{ Yeas, \ldots \ldots \ldots \ldots \ldots \ldots \ldots 45 \}
\{ Nays, \ldots \ldots \ldots \ldots \ldots \ldots \ldots 1 \}

On motion, by Mr. Wiggins,
The yeas and nays being ordered,
Those who voted in the affirmative, are:
Messrs. Adams, Avery, Battle, Barnes, Berry, Brown, Bul-

Mr. Harris, of Rutherford, voted in the negative.

On motion, by Mr. Clark,

Ordered, That the Report and Resolution be transmitted to the House of Commons for their action, with a proposition to print ten copies for each member of the General Assembly.

A message was received from the House, transmitting the Report of the Commissioners of the Sinking Fund, with a proposition to print. Concluded in.

A message was received from the House, transmitting the names of sundry persons recommended by that body as Justices of the Peace for the counties of Currituck, Northampton, Surry, Wake, Madison, Richmond, Robeson, Granville, Transylvania, Mecklenburg, Anson and Edgecombe. The Senate concurred in the recommendations.

Ordered, That they be transmitted to the Governor for commission.

A message was received from the House, transmitting a message from the Governor, covering certain correspondence with the Military authorities, with the following proposition, viz:

To send three Commissioners to Washington, to enquire into the alleged necessity for the order, with a view to remove such necessity, if any actually exists; and, if it be otherwise, to correct the misapprehensions, with regard to the administration of justice in our State, which led to the supposed necessity; and that his Excellency be requested to act as the head of this Commission and to select his associate Commissioners. The Senate concurred in the proposition.

The Correspondence was ordered to be printed.

S. 2, bill to establish Freehold Homesteads for the citizens of the State, was considered on its third reading, as the unfinished business.
The question being on the amendment to the amendment, and it was accepted.

The question then being upon the amendment offered by Mr. Gash, to amend by striking out all after the enacting clause and insert the amendment previously stated,

Mr. Speed moved a division of the question, and the question being upon striking out, was put, and

Decided in the negative, | Yeas. .......................... 23
                        | Nays. .......................... 21

On motion, by Mr. Cunningham,
The yeas and nays being ordered,
Those who voted in the affirmative, are:

Those who voted in the negative, are:
Messrs. Avery, Barnes, Berry, Brown, Clark, Cowles, Etheridge, Ferebee, Hand, Johnston, Kelly, Koonce, Moore, Perkins, Respess, Richardson, Speed, Spencer, Thompson, Thornton, Wiggins, Willey and Williams.

So the Senate refused to strike out.

Mr. McRae moved to reconsider the vote by which the Senate refused to strike out,

And the question thereon was put, and

Decided in the affirmative, | Yeas. .......................... 23
                        | Nays. .......................... 21

On motion, by Mr. Berry,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative, are:
Messrs. Avery, Barnes, Berry, Brown, Clark, Cowles, Etheridge, Ferebee, Kelly, Koonce, Moore, Perkins, Respess, Richardson, Speed, Spencer, Thompson, Thornton, Wiggins, Willey and Williams.

So the vote was re-considered.
The question then recurred upon the motion to strike out.

Mr. McRae moved to amend, by adding the following proviso to the sixth section, viz:

Provided. That the homestead provided in the foregoing sections shall not be exempt from debts incurred for making improvements thereon, or cultivating the same.

And the question being thereon, it was

Decided in the affirmative, \( \frac{28}{13} \)

On motion, by Mr. Robins,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative, are: Messrs. Avery, Barnes, Berry, Clark, Ferebee, Kelly, Moore, Speed, Spencer, Thompson, Thornton, Willey and Williams.

So the amendment was adopted.

Mr. Speed moved that the Senate do now adjourn, and the question was put and

Decided in the negative, \( \frac{14}{29} \)

On motion, by Mr. Johnston,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Etheridge, Ferebee, Hall, Harris, of Franklin, Harris, of Rutherford, Hill, Moore, Paschal, Richardson, Snead, Speed, Thompson, Wiggins and Willey.

Those who voted in the negative, are:

So the Senate refused to adjourn.

Mr. Leach moved to amend, by adding the following proviso to the sixth section, viz:
Provided further, That such exemption shall continue after the death of such householder, or householders, for the benefit of the children, as a home, until the youngest child shall become twenty-one years of age.

And the question being thereon, Mr. Speed moved that the Senate adjourn, and it was

Decided in the negative, Yeas, ..................... 11
  Nays, ..................... 31

On motion, by Mr. Cunningham,
The yeas and nays being ordered,
Those who voted in the affirmative are,
Messrs. Battle, Brown, Etheridge, Harris, of Franklin, Harris, of Rutherford, Moore, Snead, Speed, Thompson, Wiggins and Willey.

Those who voted in the negative are,

So the Senate refused to adjourn.
The amendment was then adopted.

Mr. Perkins moved to amend by striking out the words “two acres,” in the eighth line of the first section, and insert the words “one-half acre.” Adopted.

Mr. Jones moved to amend by inserting in the ninth line of the first section, after “city or town,” as follows:

“Provided it shall not exceed in value the sum of three thousand dollars,”

And the question being thereon,

On motion, by Mr. Cowles,
The Senate adjourned.
Prayer by Rev. Mr. Hardie.

Mr. Bullock asked for and obtained permission to record his vote in favor of the resolution (S. 43,) rejecting the Amendment to the Constitution of the United States, submitted as Article 14.

The Speaker laid before the Senate a communication from the Memorial Association of Richmond, Virginia. Referred, with accompanying appeal, to the Committee on Propositions and Grievances.

Mr. Hall presented a memorial from Michael Robbins, asking to be relieved from the tax on nostrums. Referred to the Committee on Finance.

Reports from Standing Committees were submitted and filed as follows, viz:

By Mr. Robins, from the Judiciary Committee:

H. 46, engrossed bill granting a general amnesty and pardon to all officers and soldiers of the State of North Carolina, or of the late Confederate States armies, or of the United States, for offences committed against the criminal laws of the State of North Carolina, recommending its passage.

By Mr. Moore, from the same Committee:

Resolutions instructing the Judiciary Committee to take into consideration the whole subject of popular relief, asking to be discharged from its further consideration. Discharged accordingly.

By Mr. Cunningham, from the Committee on Propositions and Grievances:

H. 81, engrossed bill to repeal an act entitled "An Act to provide hands to work on the public roads," recommending its passage.

By Mr. Avery, from the Committee on Internal Improvements:

H. 68, engrossed bill to enhance the value of the bonds to be issued for the completion of the Western North Carolina Rail Road, and for other purposes, recommending its passage.
H. 141, engrossed bill to re-enact and confirm the charter of the Williamston & Tarboro' Rail Road Company, and the amendment thereto, recommending its passage.

By Mr. McLean, from the same Committee:

H. 74, engrossed bill to enable the Wilmington, Charlotte & Rutherford Rail Road Company to complete its Road, pay its debt to the State, and extend its Road to the Tennessee line, recommending its passage.

S. 79, bill to amend the Charter of the Wilmington & Weldon Rail Road, with favorable recommendation.

S. 36, bill to amend an act passed in 1833 to incorporate the Wilmington & Raleigh Rail Road Company, recommending its passage.

By Mr. Clark, from the Committee on Corporations:

S. P. 17, bill to incorporate the North Carolina Dental Association, and for the establishment of a Board of Dental Examiners, with favorable recommendation.

S. P. 27, bill to extend the corporate limits of the town of Elizabeth City, reported in answer to the prayer of citizens of Pasquotank county, recommending its passage.

On motion, by Mr. Leach,

Resolved, (by the Senate, the House concurring) That a certified copy of the Resolution recommended by the Joint Select Committee on the proposed amendment of the Constitution of the United States, as a fourteenth Article, which Resolution has been passed by this General Assembly, rejecting and refusing to ratify said Amendment, be transmitted by his Excellency, Governor Worth, to his Excellency, the President of the United States, and also to the Secretary of State of the United States.

The House, by message, concurred in the resolution.

On motion, by Mr. Leach,

Resolved, That the Committee on the Judiciary be instructed to enquire into the propriety and justice of so amending the law, that County Solicitors, who prosecute criminals for petit larceny, shall receive the same tax fees as Solicitors in the several Superior Courts are by law entitled to, and report by bill or otherwise.
A message was received from the House, transmitting the concurrence of that body to the resolution postponing the administration of the oaths of office to the Governor elect until Saturday, 22nd instant.

A message was received from the House, transmitting a message from the Governor, covering 'the Annual Report of the Treasurer of the University, with a proposition to print. The Senate concurred.

The Speaker called up the Special Order, viz:

H. 52, resolutions declaring the loyalty of North Carolina, and the question being upon their adoption,

Mr. Jones offered the following as a substitute, viz:

WHEREAS, The late unfortunate conflict of arms between the United States Government and the Government of the Confederate States, so-called, begat feelings of great hostility, not only between the people of the two sections of our common country, but between the inhabitants of North Carolina on the one side known as Union men, and on the other as Secessionists; and, whereas, resistance to the authorities of the United States ceased with the surrender of the Southern armies; and, whereas, it is the duty of every one having surrendered in good faith to observe inviolate in thought, action and speech, the oath of loyalty by him subscribed; and, whereas, doubts seem to pervade the minds of our Northern brethren as to the actual state of public sentiment among us upon these subjects:

Therefore, be it resolved, That the members of this General Assembly do individually and collectively declare their desire for harmony and prosperity among all classes of our people, North, South, East and West; that they earnestly and conscientiously desire a restoration of the Union, and of fraternal feelings, with the citizens of any and every State thereof, and they will also inculcate, both by their action as legislators and citizens, the lessons of true loyalty and obedience to the United States Government, for the present as well as for the future.

Resolved, That they cherish for their fellow-citizens in affliction, caused by the late war, of whatever class, the deepest sympathy, and take this occasion to express, especially
towards that portion of our people, who, during the conflict, were exiled or injured in any way or manner whatever, the kindest and most brotherly feelings, and that setting aside forever the troubles of the past, we are willing to strive with them for the maintenance and perpetuation of a common country, proscribing no one for opinion's sake merely.

Resolved, That with "charity towards all, and malice towards none," we deem it our duty, as Legislators, holding in trust the honor and welfare of the whole people, to protest against violent language or heated controversy at this time of our common calamity, and invoke all to remember, that but lately words led us to blows, and blows to the destruction of our property, our government, and many of our best and bravest citizens.

Resolved, That, regretting the errors of the past, and willing to improve the future by the use of every means in our power to render our country happy and prosperous once more, we recommend to the present generation charity and forbearance to all of the citizens of our common country.

Resolved, That a copy of these resolutions be forwarded to the President of the United States, to be laid before Congress.

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

A message was received from the House, transmitting recommendations for Justices of the Peace, for the counties of Martin, Orange, Craven and Halifax. The recommendations were concurred in by the Senate.

Ordered, That they be transmitted to the Governor for commission.

Bills of the titles following, were introduced and disposed of, as follows, viz:

From the House: Engrossed bill (H. 128,) for the relief of disabled Soldiers. Referred to the Committee on Propositions and Grievances.

Engrossed resolution (H. 162) to postpone the valuation of lands in this State.

On motion, by Mr. Wiggins,

The rule was suspended and the resolution passed its second and third readings.
Ordered, To be enrolled.

The hour of 12 o'clock having arrived, a bill (S. 4,) for the relief of honest debtors, was considered on its second reading as the order of the day.

And the question being thereon,

Debate arose, and

On motion, by Mr. Paschal,

The Senate adjourned.

SATURDAY, DECEMBER 15TH, 1866.

Mr. Hall presented a memorial from the Hon. R. M. Saunders, praying for relief. Referred to the Committee on Finance.

Reports from Standing and Select Committees were submitted, and filed, as follows, viz:

By Mr. Wiggins, from the Committee on Finance:

S. 73, resolution in regard to tax, and for other purposes, recommending its passage.

S. 83, resolution in regard to re-printing the Reports of the Supreme Court, reported in conformity to a resolution referring so much of the Governor's Message as relates to the re-printing of a portion of the Reports of the Supreme Court of North Carolina to the Committee on Finance, with recommendation favorable to its passage.

By Mr. Adams, from the same Committee:

S. P. 24, resolution in favor of Mrs. P. P. Dick, executrix of the late Judge John M. Dick, recommending its passage.

By Mr. Cunningham, from the Committee on Propositions and Grievances:

S. 62, bill to lay off and establish the County of Vance, asking to be discharged from its further consideration. The committee was discharged.

By Mr. Black, from the Committee on Corporations:

S. P. 1, bill to incorporate the Lexington Mining Company, with amendments, recommending its passage.
By Mr. Clark, from the Joint Select Committee on the Agricultural and Mechanical College:

Bill (S. 84,) to transfer the Land Scrip, donated by the United States for an Agricultural College, recommending its passage.

A message was received from the House, transmitting the names of sundry citizens, recommended as Justices of the Peace for the counties of Hyde, Polk, Rutherford, Mecklenburg, New Hanover, Nash and Rowan. The Senate concurred in the recommendations.

Ordered, That they be transmitted to the Governor for commission.

The Senate concurred in the joint resolution, transmitted from the House, concerning the publication of the Ordinances of the Convention of 1865-'66.

Ordered, To be enrolled.

The Senate also concurred in the joint resolution, instructing the Attorney General to enquire into the legality of tax on cotton.

Ordered, To be enrolled.

Bills of the titles following, being introduced, passed their first reading, and were disposed of as follows, viz:

From the House: Engrossed bill, (H. 77,) to incorporate the Yanceyville & Milton Rail Road Company.

On motion, by Mr. Brown,

The rule was suspended, and the bill passed its second and third readings.

Ordered, To be enrolled.

Engrossed bill, (H. 102,) to abolish jury trials in the County Court of Macon county. Filed.

Engrossed bill, (H. 160,) to incorporate the Rocky Mount Manufacturing Company. Filed.

By Mr. McRae: Bill (S. 87,) to establish Edinborough Medical College in Robeson county. Referred to the Committee on Education and Literary Fund.

On motion, by Mr. Leach,

S. 84, bill to transfer the Land Scrip donated by the United States for an Agricultural College, was read the second time,
under a suspension of the rule, and the question being thereon, was put and

Decided in the affirmative, \{ Yeas, \ldots \ldots \ldots \ldots \ldots \ldots 34.
\{ Nays, \ldots \ldots \ldots \ldots \ldots \ldots 9.

On motion, by 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. Adams, Bullock, Cowles, Harris, of Rutherford, Jones, Lloyd, Paschal and Speed.
So the bill passed its second reading.

On motion, by Mr. Wilson,
Ordered, That the further consideration of the bill be postponed and it be made the Special Order for Monday, 17th inst., at 12 o'clock, and that it, with the report of the Committee, be printed.

On motion, by Mr. Speed,
S. P. 27, bill to extend the corporate limits of the town of Elizabeth City, was called up and placed upon its passage, and passed its second and third readings.
Ordered, To be engrossed.

On motion, by Mr. Harris, of Rutherford,
The rule was suspended and the bill was engrossed forthwith, and transmitted to the House of Commons.

On motion, by Mr. Moore,
H. 141, engrossed bill to re-enact and confirm the Charter of the Williamston & Tarboro' Rail Road Company, and the amendments thereto, was placed upon its several readings and passed, under a suspension of the rule.
Ordered, To be enrolled.

On motion, by Mr. McLean,
H. 2, engrossed bill to enable the Western Rail Road Company to complete its Road from the Coalfields in Chatham
County to some point on the North Carolina Rail Road, was called up, and the further consideration thereof was postponed, and it was made the Special Order for Monday, the 17th instant, at 12 ½ o'clock.

On motion, by Mr. Hall,
The various "Rail Road bills" on the calendar were taken up and their further consideration was postponed until Tuesday and Wednesday, the 18th and 19th instants, after the morning business.

S. P. 4, resolution in favor of the Hon. D. A. Barnes, was considered on its third reading, and the question "shall the resolution pass its third reading?" was put and

Decided in the negative, \{ Yeas, \ldots \ldots 18. \\
\{ Nays, \ldots \ldots 19. \\
The yeas and nays being ordered,
Those who voted in the affirmative, are:
Those who voted in the negative, are:

So the bill was rejected.

On motion, by Mr. Clark,
H. 46, engrossed bill granting a general amnesty and pardon to all officers and soldiers of the State of North Carolina or of the United States, for offences committed against the Criminal Laws of the State of North Carolina, was considered on its second reading, under a suspension of the rules.

Mr. Berry moved to amend by stiking out the words and figures "1st day of January, A. D. 1866," wherever they occur, and insert the words and figures "1st day June, A. D. 1865," and the amendment did not prevail.

The question then being "shall the bill pass its second reading" was put and

Decided in the affirmative, \{ Yeas\ldots\ldots\ldots 34. \\
\{ Nays\ldots\ldots\ldots 9. \\
On motion, by Mr. Paschal,
The yeas and nays being ordered,
Those who voted in the affirmative, are:
Those who voted in the negative, are:
So the bill passed its second reading.
The bill being read the third time, under a further suspension of the rules, it was passed.
Ordered to be enrolled.
On motion, by Mr. Covington,
The Senate adjourned.

MONDAY, DECEMBER 17th, 1866.

Prayer by the Rev. Mr. Hudson.
Messrs. Brown, Berry and Thornton were appointed the Committee on Enrolled Bills for the week.
Reports from standing committees were submitted and filed as follows, viz:
By Mr. Cunningham, from the Committee on Propositions and Grievances:
H. 128, engrossed bill for the relief of Disabled Soldiers, recommending its passage.
By Mr. Avery, from the Committee on the Judiciary:
S. 44, bill to amend section sixteen, chapter one hundred and eleven, Revised Code, with an amendment recommending its passage.
By Mr. McCorkle, from the same Committee:
S. P. 10, bill to incorporate the Merchants and Planters Mutual Benefit Company, asking to be discharged from its further consideration. The committee was discharged.
On motion, by Mr. Leach,

Resolved, That the Committee on the Judiciary be instructed to enquire into the propriety and necessity, having regard to the financial embarrassment of the people of the State, of suspending for the term of two years all judgments and executions, whether in any of the several Courts or before Justices of the Peace; and also all actions of debt whether sued on or not, and report by bill or otherwise.

Bills and resolution of the titles following being introduced, passed their first reading and were disposed of as follows, viz.:

From the House: Engrossed bill (H. 170,) concerning Appeals in Criminal Cases. Referred to the Committee on the Judiciary.

Engrossed bill (H. 97,) restoring to married women their common law right of Dower. To the Judiciary.

Engrossed bill (H. 47,) concerning the county site of Clay County. To Propositions and Grievances.

Engrossed resolution (H. P. 27,) in favor of the Sheriff of Gaston county.

On motion, by Mr. McCorkle,
The rule was suspended and the bill passed its second and third readings.

Ordered to be enrolled.

By Mr. Hall: Bill (S. 91,) to enable the city of Wilmington to provide for the payment of the debt of said city. Filed.

On motion, by Mr. Avery,
S. 44, bill to amend sec. 16, chap. 111, Revised Code, was considered on its several readings under a suspension of the rule.

The question being on the amendment proposed by the Committee on the Judiciary, it was adopted. As amended the bill passed its second and third readings.

On motion, by Mr. Avery,
The title was amended to read as follows:

"A Bill to repeal all acts heretofore passed in relation to the incorporation of the town of Morganton, and to provide a substitute therefor."

Ordered to be engrossed.
The House of Commons transmitted by message a recommendation for Justice of the Peace for the county of Lincoln.

The Senate concurred.

Ordered, to be transmitted to the Governor for commission.

On motion, by Mr. Hall,

A nomination was made for Justice of the Peace for New Hanover county, which was agreed to and transmitted to the House for concurrence.

S. 4, bill for the relief of Honest Debtors, came up as the unfinished business on its second reading.

The question, "Shall the bill pass its second reading?" was put and

Decided in the negative. \( \text{Yea}s, \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 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\ldots \l
Those who voted in the affirmative, are:

Those who voted in the negative, are:

So the Senate refused to adjourn.
The bill was further considered, when
Debate arose, and

On motion, by Mr. Wilson,
The Senate adjourned.

TUESDAY, DECEMBER 18th, 1866.

Prayer by the Rev. Mr. Atkinson.

On motion, by Mr. McCorkle,

Leave of absence was granted, until Friday, to Mr. Leach.

Reports from Standing and Joint Committees were submitted and filed, as follows, viz:

By Mr. Speed, from the Joint Standing Committee on the Insane Asylum:
S. 93, bill providing for the support of the Insane Asylum, report in behalf of the Committee, recommending its passage. Ordered to be printed, with the accompanying report.

By Mr. Cunningham, from the Committee on Propositions and Grievances:
H. 20, engrossed bill to repeal an Act, ratified February 7th, 1866, recommending its passage.

By Mr. Clark, from the Committee on Corporations:
S. P. 6, bill to incorporate the Fayetteville Street Railway Company, with favorable recommendation.

By Mr. Clark, from the Joint Standing Committee on the Library:
S. 94, resolution in favor of the Public Librarian, reported from the Committee, recommending its passage.

By Mr. Hall, from the Joint Standing Committee on the Institution for the Deaf Dumb and the Blind:
S. 95, resolution for the benefit of the Institution for the Deaf, Dumb and the Blind, reported from the Committee, recommending its passage.

Ordered, To be printed, with the report accompanying it and made the special order for Wednesday, 19th inst., at 7 1/2 o'clock, P. M.

By Mr. Hall, from the Committee on Education and the Literary Fund:
S. 87, bill to establish the Edinborough Medical College in Robeson county, recommending its passage.

By Mr. Wilson, from the Judiciary Committee:
H. P. 9, engrossed resolution for the relief of Seth Jones' estate, with an amendment, recommending its passage.

On motion, by Mr. Gash,
Resolved, That when the Senate adjourns to-day, it adjourn to meet at 7 o'clock, P. M., and continue night sessions for the remainder of this week, unless otherwise ordered.

Bills and resolutions of the titles following, being introduced, passed their first reading and were filed, or referred, as follows, viz:

By Mr. Koonce: Bill (S. P. 38,) to incorporate the Board of Trade of the city of New Berne. To Corporations.

By Mr. Hall: Bill, (S. 96,) to amend "An Act to incorporate and establish the Hillsboro' Academy at Hillsboro." To Education and the Literary Fund.

By Mr. Thompson: Bill (S. P. 39,) to change the name of Wayne Female College. To Corporations.

From the House: Engrossed resolution, (H. P. 19) for the relief of William S. Mason. To Claims.

Engrossed resolution (H. P. 13,) in favor of A. J. Adkins and others. To Claims.

Engrossed bill, (H. P. 15,) bill for the relief of Henry Williams. To Claims.

Engrossed resolution, (H. P. 19) in favor of the Trustees of the Rex Hospital Fund.
Engrossed bill, (H. P. 31,) to change the name of the Carolina Joint Stock Insurance and Trust Company.


Engrossed bill (H. 95,) to incorporate the "Thomas Gold Mining Company," in the county of Franklin. To Corporations.

Engrossed bill, (H. 155,) to amend an Act, ratified the 1st day of February, 1865, entitled "An Act to authorize the Secretary of State to employ a Clerk."

Engrossed bill, (H. P. 16,) for the relief of the estate of L. O'B. Branch, deceased.

A message was received from the House, transmitting a resolution proposing to raise a Joint Select Committee to inquire into the management of the North Carolina Railroad Company. The Senate refused to concur.

On motion by Mr. McLean,

H. P. 2, Engrossed bill to incorporate the New Berne Steam Fire Engine Company, No. 1, was considered on its several readings, under a suspension of the rule, and passed.

Ordered, To be enrolled.

H. 2, Engrossed bill to enable the Western Rail Road Company to complete its Road from the Coalfields in Chatham County to some point on the North Carolina Rail Road, came up on its second reading as the Special Order.

Mr. Wilson moved that its further consideration be postponed until the 22d day of January next.

And the question thereon was put and

Decided in the negative, Yea's, ...................... 17.

Nay's, ...................... 28.

On motion, by Mr. Hall,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are:

Messrs. Adams, Avery, Barnes, Brown, Covington, Cowles, Etheridge, Ferebee, Gash, Hall, Harris, of Franklin, Harris, of Rutherford, Hill, Jones, Kelly, Koonce, Love, Lloyd, Matthews, McCorkle, McLean, McRae, Paschal, Respass, Richardson, Robins, Thompson and Willey.

So the consideration of the bill was not postponed.

Mr. Adams moved to amend by striking out the words, "or cross," in the fifth line of the third section. Adopted.

Mr. Wilson moved to amend section third by inserting after the words, "to issue the Mortgage Bonds of said Company," the following, "not exceeding in amount $900,000, and to be negotiated at not less than par, and not to mature at an earlier period than thirty years," and strike out the words, "or such other evidences of indebtedness as they may determine."

And the question thereon was put and

Decided in the affirmative, \( \frac{31}{14} \) Yeas, \( \frac{14}{14} \) Nays.

On motion by Mr. Wilson,

The yeas and nays being ordered,

Those who voted in the affirmative are:


Those who voted in the negative are:


So the amendment was adopted.

Mr. Wilson moved to amend the third section by inserting after the words, "at such rate of interest," the words "not to exceed eight per cent," and strike out the words "as may be authorized by said Company." Adopted.
Mr. Moore moved to amend by adding to the first section the following proviso:

Provided, That said Company shall release all right to any further issue or exchange of bonds, that said Company may be entitled to on the extension of said Road.

The amendment was rejected.

The question then recurring upon the passage of the bill, Debate arose, and

On motion, by Mr. Moore,
The Senate adjourned until 7 ½ P. M.

HALF-PAST SEVEN O’CLOCK, P. M.

Mr. Clark moved that the Special Order be postponed and the consideration of the bills on the Calendar be resumed.

And the question thereon was put, and

Decided in the negative, \( \text{Yea} \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ ld
to some point on the North Carolina Rail Road, came up as the unfinished business.

And the question, "Shall the bill pass its second reading?" was put and

Decided in the affirmative, \( \{ \text{Yea}s, \text{Nays} \} = 21 \). \( \{ \text{Yea}s, \text{Nays} \} = 21 \).

On motion,
The Yeas and nays being ordered.
Those who voted in the affirmative, are:

Those who voted in the negative are:
Messrs. Battle, Barnes, Berry, Bullock, Clark, Cunningham, Edwards, Ferebee, Harris, of Franklin, Hill, Johnston, Mr. Corkle, Perkins, Respass, Smead, Speed, Spencer, Thornton, Wiggins, Willey and Wilson.

The Speaker voted with the affirmative.

So the bill passed its second reading.

S. 36, bill to amend an Act passed in 1833, to incorporate the Wilmington & Raleigh Rail Road Company, came up and passed its second reading.

H. 74, Engrossed bill to enable the Wilmington, Charlotte & Rutherford Rail Road Company to complete its Road, pay its debt to the State, and extend its Road to the Tennessee line, came up on its second reading.

Mr. Hall moved to amend the second section by adding the following proviso:

"Provided, That when the bonds of the Company to the amount of four millions of dollars shall have been negotiated, the Company shall be required to pay the debt due the State, in bonds of the State at par, equal in value to the bonds issued to the Company."

The amendment was adopted.

The question, "Shall the bill pass its second reading?" was put and

Decided in the affirmative, \( \{ \text{Yea}s, \text{Nays} \} = 24 \). \( \{ \text{Yea}s, \text{Nays} \} = 19 \).
On motion by Mr. Berry,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Those who voted in the negative are:
So the bill passed its second reading.
Mr. Wiggins moved that the Senate do now adjourn, and the question being thereon, was put and


On motion, by Mr. Love,
The yeas and nays being ordered.
Those who voted in the affirmative, are:
Those who voted in the negative, are:
So the Senate adjourned.

WEDNESDAY, DECEMBER 19TH, 1866.

Mr. Outlaw, the Senator elect from the seventh Senatorial District, composed of the county of Bertie, appeared, presented his credentials and was qualified.
Mr. Speed presented a memorial from a number of citizens of Perquimans county, in reference to fences, which was referred to the Committee on Propositions and Grievances.

A message was received from the House, transmitting recommendations for Justices of the Peace, for the counties of Wilkes, Rockingham, Davidson, Northampton, Cleaveland and Hertford. The Senate concurred in the nominations.

Ordered, To be transmitted to the Governor for commission.

Mr. Matthews submitted recommendations for Justices of the Peace, for the county of Stokes, and Mr. Robins for the county of Randolph, which were agreed to.

Ordered, To be transmitted to the House, for concurrence.

Reports from Standing Committees were submitted, and filed, as follows, viz:

By Mr. Wiggins, from the Committee on Finance:
S. 76, resolution in relation to State Bonds, with a substitute by way of amendment, recommending the passage of the substitute.

Memorial of Michael Robbins, asking to be discharged from its further consideration. The committee was discharged.

By Mr. Cunningham, from the Committee on Propositions and Grievances:
H. 47, engrossed bill concerning the county site of Clay county, recommending its passage.

By Mr. McCorkle, from the Committee on the Judiciary:
S. 47, bill to incorporate "the North Carolina Land and Immigration Aid Company," asking to be discharged from its further consideration.

The Committee was discharged.

By Mr. Clark, from the Committee on Corporations:
H. 94, engrossed bill to incorporate "The Collins' Gold Mining Company" in the county of Franklin, with favorable recommendation.

H. 95, engrossed bill to incorporate the "Sturgis Gold Mining Company," recommending its passage.

H. 96, engrossed bill to incorporate "The Thomas Gold Mining Company," in the county of Franklin, with favorable report.
S. P. 38, bill to incorporate the Board of Trade of the city of New Berne, recommending its passage.
S. P. 39, bill to change the name of Wayne Female College, with favorable recommendation.
S. 78, bill to amend chapter 42, Private Laws, 1866, recommending its passage.

By Mr. Gash, from the Committee on Claims:
H. P. 10, engrossed resolution for the relief of William S. Mason, asking to be discharged from its further consideration. The committee was discharged.
H. P. 13, engrossed resolution in favor of A. J. Adkins and others, with an amendment, recommending its passage.
H. P. 15, engrossed bill for the relief of Henry Williams, with favorable recommendation.

Mr. Bullock introduced the following resolution, viz:
Resolved, That no member of the Senate be allowed to speak more than fifteen minutes on any one subject at one time, except by permission of a majority of the Senators present, and not to speak more than twice on any subject except special leave be granted.

Mr. Cunningham moved to amend by striking out all after the word "present." Adopted.

The resolution was then adopted.

A message was received from the House, transmitting the following communication, viz:

STATE OF NORTH CAROLINA,

Senate Chamber,
Raleigh, December 19th, 1866.

To the General Assembly of the State of North Carolina:

I deem it proper to announce, as I now do, before the close of this session, my grateful acceptance of the high office of United States Senator, to which I have been called by the joint vote of the Assembly.

It is deemed proper, at this time, also, to state that I purpose, before the close of the adjourned session and prior to the fourth of March, to resign my positions as Speaker of the Senate and representative in that body from the county of
Craven; to the end that another person may be elected Speaker, and, if need be, Senator for the county.

After consulting with friends in and out of the Assembly, this course has been decided upon as most proper and convenient, and as entirely consistent with the wishes of my constituents.

With the highest respect,

MATHIAS E. MANLY.

Bills of the titles following, being introduced, passed their first reading and were referred as follows, viz:

By Mr. Covington: Bill (S. P. 41,) to incorporate Monroe Lodge, No. 244, of Free and Accepted Masons, in the town of Monroe, county of Union. To Corporations.

By Mr. Matthews: Bill (S. 97.) to prevent litigation and the ruinous sacrifice of the property of honest debtors.

Ordered to be printed and referred to the Committee on the Judiciary.

H. 68, engrossed bill to enhance the value of the bonds to be issued for the completion of the Western North Carolina Rail Road and for other purposes, came up on its second reading as the Special Order.

And the question, "Shall the bill pass its second reading?" was put and

Decided in the affirmative, \[ \begin{array}{c}
\text{Yeas,} \\
\text{Nays,}
\end{array} \] \[
\begin{array}{c}
28 \\
15
\end{array}
\]

On motion, by Mr. Wilson,
The yeas and nays being ordered,
Those who voted in the affirmative, are:


Those who voted in the negative, are:


So the bill passed its second reading.
On motion, by Mr. Jones,
S. 14, bill to grant aid to the Cheraw and Coalfields Rail Road Company, was taken from the table and filed on the calendar.

On motion, by Mr. Leach,
The rule was suspended, and
H. 185, engrossed bill for the relief of disabled soldiers, was called up and passed its second and third readings.
Ordered, To be enrolled.

On motion, by Mr. Clark,
The vote by which the Senate rejected the resolution proposing a Joint Committee to investigate the affairs of the North Carolina Rail Road was re-considered.
Mr. Robins moved to amend by striking out all after the words "to send for persons and papers," and insert the following words, "and report to this General Assembly at its adjourned session, and that the committee have leave to sit during the recess of the General Assembly." Adopted.
Mr. Love moved to amend by striking out "one," as the number of the Senate branch of the committee, and insert "two." Adopted.
The resolution was then passed.
Ordered, To be transmitted to the House for concurrence in the amendments.

On motion, by Mr. Speed,
S. 93, bill providing for the support of the Insane Asylum, was called up, and its further consideration postponed, and it was made the Special Order for to-morrow at 11 o'clock.
S. 79, bill to amend the Charter of the Wilmington & Weldon Rail Road Company, came up on its second reading and passed.
S. 14, bill to grant aid to the Cheraw & Coalfields Rail Road Company, was considered on its second reading.
Mr. Jones moved to amend by striking out the word "five" in the ninth line of the first section, and insert "three." Adopted.
Mr. Jones moved to amend by striking out the word "five," in the second line of the third section, and insert "three." Adopted.
The question, "Shall the bill pass its second reading?" was then put and

Decided in the negative, \[\text{Yeas, } \ldots \ldots \ldots \ldots \ldots \ldots 9\]
\[\text{Nays, } \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 34\]

On motion, by Mr. Hall,
The yeas and nays being ordered,
Those who voted in the affirmative are,
Messrs. Avery, Covington, Gash, Harris, of Rutherford, Jones, Leach, McLean, McRae, Paschal and Richardson.
Those who voted in the negative are:
So the bill was rejected.

S. 36, bill to amend an Act passed in 1833, to incorporate the Wilmington & Raleigh Rail Road Company, came up on its third reading and was passed.

Ordered, To be engrossed.

H 2, engrossed bill to enable the Western Rail Road Company to complete its road from the Coalfields in Chatham County, to some point on the North Carolina Rail Road, was considered on its third reading.

Mr. Wilson moved to amend by striking out the first and second sections, and insert at the end of the third section the following proviso:

Provided, That the monies arising upon the negotiations of the bonds of said Company, hereby authorized to be issued, shall primarily be applied to the purchase of the amount of bonds heretofore issued by the State in aid of said Company.

And pending the question thereon,
Debate arose, and

Mr. Respass moved that the Senate do now adjourn, and the question thereon was put and

Decided in the affirmative, \[\text{Yeas, } \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 26.\]
\[\text{Nays, } \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 20.\]

On motion, by Mr. Avery,
The yeas and nays being ordered,
Those who voted in the affirmative, are:

Those who voted in the negative, are:

So the Senate took a recess until 7 o'clock, P. M.

S. 95, resolution for the benefit of the Institution for the Deaf, Dumb and the Blind came up as the Special Order, on its second reading.

On motion, by Mr. Avery,
Its further consideration was postponed, and the bill placed on the calendar.

H. 2, engrossed bill to enable the Western Rail Road Company to complete its Road from the Coalfields in Chatham county to some point on the North Carolina Rail Road, on its third reading, was considered as the unfinished business.

The question being upon the amendment offered by Mr. Wilson was put and

Decided in the negative, \{ Yeas, \ldots \ldots \ldots \ldots 12. \}
\{ Nays, \ldots \ldots \ldots \ldots 23. \}

On motion, by Mr. Berry,
The yeas and nays being ordered,
Those who voted in the affirmative, are:
Messrs. Barnes, Berry, Bullock, Clark, Cunningham, Perkins, Snead, Spencer, Thornton, Wiggins, Willey and Wilson.

Those who voted in the negative, are:
Messrs. Adams, Avery, Brown, Etheridge, Gash, Hall, Hill,
Johnston, Jones, Kelly, Koonce, Leach, Love, Lloyd, Matthews, McCorkle, McLean, McRae, Paschal, Richardson, Robins, Thompson and Williams.

Mr. Covington gave notice that he had paired off with Mr. Battle.

The amendment was not adopted.

The question then recurring, "Shall the bill pass its third reading?" was put and

Decided in the affirmative, \{ Yeas, \ldots \ldots \ldots \ldots \ldots \ldots 21 \}
\{ Nays, \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 20 \}

On motion, by Mr. Outlaw.

The yeas and nays were ordered.

Those who voted in the affirmative are:

Those who voted in the negative, are:
Messrs. Barnes, Berry, Bullock, Clark, Cunningham, Edwards, Ferebee, Harris, of Franklin, Hill, Johnston, McCorkle, Moore, Perkins, Snead, Speed, Spencer, Thornton, Wiggins, Willey and Wilson.

Mr. Covington paired off with Mr. Battle.

Mr. Jones paired off with Mr. Outlaw.

So the bill passed.

Ordered, That it be transmitted to the House of Commons for concurrence in the amendments.

H. 74, engrossed bill to enable the Wilmington, Charlotte & Rutherford Rail Road Company to complete its road, pay its debts to the State, and extend its road to the Tennessee line, came up on its third reading, and the question thereon was put and

Decided in the affirmative, \{ Yeas, \ldots \ldots \ldots \ldots \ldots \ldots 26 \}
\{ Nays, \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 17 \}

On motion, by Mr. Berry,

The yeas and nays being ordered,

Those who voted in the affirmative are:
Messrs. Adams, Avery, Covington, Cowles, Etheridge, Ferebee, Gash, Hall, Harris, of Rutherford, Hill, Jones, Kelly, Koonce, Leach, Love, Lloyd, Matthews, McCorkle, McLean,
McRae, Paschal, Robins, Speed, Thompson, Williams and Wilson.

Those who voted in the negative, are:
Messrs. Barnes, Berry, Brown, Bullock, Cunningham, Edwards, Harris, of Franklin, Johnston, Moore, Perkins,Respess, Richardson, Snead, Spencer, Thornton, Wiggins and Willey.

The bill passed its third reading.
Order, To be transmitted to the House of Commons, for concurrence.

On motion, by Mr. Avery,
H. 68, engrossed bill to enhance the value of the Bonds to be issued for the completion of the Western North Carolina Rail Road, and for other purposes, was taken upon its third reading, under a suspension of the rule.

Mr. Wilson moved to amend, by striking out the first section.

And the question being thereon, was put and

Decided in the negative, \{ Yeas, ......................15. \\ Nays, ......................24. \\

On motion, by Mr. Wilson,
The yeas and nays being ordered,
Those who voted in the affirmative, are :
Messrs. Barnes, Berry, Brown, Bullock, Cunningham, Edwards, Ferebee, Harris, of Franklin, Kelly, Perkins, Richardson, Snead, Thornton, Willey and Wilson.

Those who voted in the negative, are :
Messrs. Adams, Avery, Covington, Etheridge, Gash, Hall, Harris, of Rutherford, Hill, Johnston, Jones, Koonce, Leach, Love, Lloyd, Matthews, McCorkle, McLean, McRae, Paschal, Robins, Speed, Thompson, Wiggins and Williams

Mr. Spencer announced that he had paired off with Mr. Cowles in the amendment, and on the passage of the bill
The question then recurring, "Shall the bill pass its third reading?" was put and

Decided in the affirmative, \{ Yeas ......................23 \\ Nays ......................14

On motion, by Mr. Love,
The yeas and nays being ordered,
Those who voted in the affirmative are :

Those who voted in the negative, are:

Messrs. Barnes, Berry, Brown, Cunningham, Edwards, Ferebee, Harris, of Franklin, Kelly, Perkins, Richardson, Snead, Thornton, Willey and Wilson.

So the bill passed its third reading.

Ordered, To be enrolled.

S. 79, bill to amend the Charter of the Wilmington & Weldon Rail Road Company came up and passed its third reading.

Ordered, To be engrossed.

On motion, by Mr. Berry,

The Senate adjourned.

THURSDAY, DECEMBER 20TH, 1866.

A message was received from the House, announcing its concurrence in the amendments to the joint resolution in relation to the North Carolina Rail Road.

Reports from Committees were submitted and filed, as follows, viz:

By Mr. Leach, from the Committee on Military Affairs:

Resolution referring so much of the Governor's Message as refers to maimed soldiers to the committee, asking to be discharged from its further consideration, as the object sought to be accomplished by the resolution having been passed to a law.

By Mr. Wilson, from the Judiciary Committee:

S. 32, bill to declare valid an Act of the General Assembly amending the Charter of the Chatham Rail Road Company, with recommendation unfavorable to its passage.

By Mr. Robins, from the same Committee:

S. 77, bill extending the jurisdiction of the Courts on persons failing to work the public roads or highways, with adverse recommendation.
By Mr. Moore, from the same Committee:

H. 80, engrossed bill to amend section 2d, chapter 43, of an Act ratified the 12th day of March, A. D. 1866, entitled "An Act to improve the law of Evidence," with adverse recommendation.

S. 75, bill to repeal an Act, entitled "An Act to improve the law of Evidence," with recommendation adverse to its passage.

By Mr. Brown, from the same Committee:

S. 76, bill to exempt individual corporators from penalties, &c., in certain cases, recommending its passage.

S. 52, resolutions declaring the loyalty of North Carolina, recommending the adoption of the following in lieu thereof:

Be it resolved by the Senate and House of Commons of the General Assembly of North Carolina, That we, the representatives of the people of North Carolina, feel it to be an imperative duty to those we represent, under existing circumstances, when grave and important questions are pending in reference to the restoration of the State to the Federal Union, to vindicate the loyalty and good faith of the people of North Carolina, and to solemnly declare, that in accepting the issue of the late conflict of arms, and in submitting to the authority of the Government of the United States, they did so in entire candor and good faith, which have been made manifest in the character and conduct of our people in relation to the Federal Government, and they also declare, that all imputations or doubts, as to the loyalty and good faith of the people of North Carolina, are alike unjust to the people of the State and injurious to their true interests.

Resolved. That it is the most ardent wish of the people of North Carolina to be restored to all their constitutional rights and relations under the Federal Government, and that no honorable exertions shall be wanting on their part, or that of their constituted authorities, to accomplish that great end, which they believe to be identified with the permanent peace and prosperity of our whole country.

Resolved. That it is also the ardent wish of the people of North Carolina to be restored, not only to their constitutional relations to the Federal Government, but to relations of peace
and concord with all the people of the United States, that
the differences of the past may be buried in oblivion, and
that the good and patriotic of all sections of our country may
unite in the restoration of our noble and excellent form of
government, as the lasting pledge of peace and union in the
future, as it has been in the past.

The resolutions were ordered to be printed and made the
special order for 12 o'clock, M., to-morrow.

On motion, by Mr. Gash,
Resolved, That the Committee on the Judicairy be instructed
to enquire whether there are any outstanding claims against
the Literary Board in the hands of Chairmen of Common
Schools in the different counties, or other persons, that ought
to be paid, and if so, what amount, the nature and condition
of the same, and report by bill or otherwise.

Bills and resolutions of the titles following being intro-
duced, passed their first reading, and were disposed of as
follows, viz:

By Mr. Cunningham: Bill (S. 98,) to construe an act enti-
tled, "An Act to secure the maintenance of Bastard Children
and the payment of fines and costs on conviction in criminal
cases," ratified 2nd March, 1866.

On motion, by Mr. Cunningham,
Under a suspension of the rule, the bill passed its several
readings.

Ordered, To be engrossed, and transmitted to the House
forthwith.

By Mr. Thompson: Resolution (S. P. 42,) in favor of Lewis
Hammell, of Wayne county. Filed.

By Mr. Hill: Resolution (S. P. 43,) in favor of R. F. Arm-
field. Referred to the Committee on Claims.

By Mr. Ferebee: Bill (S. 99,) authorizing Executors and
Administrators of insolvent estates to settle the same prorata.
Ordered to be printed and referred to the Committee on Pro-
positions and Grievances.

From the House: Engrossed bill (H. 55,) to amend the
charter of the Oceanic Hook and Ladder Company of the
town of Beaufort. Filed.
Engrossed bill (H. 163,) to amend sec. 2nd of an act to incorporate the town of Marshall. Filed.

Engrossed bill (H. 196,) to amend the charter of the town of Wilson. Filed.

Engrossed bill (H. 58,) to exempt certain personal property from seizure under execution or attachment and to provide a Homestead. Referred to the Committee on the Judiciary.

Engrossed resolution (H. P. 33,) in favor of the Sheriff of Richmond county.

On motion, by Mr. McRae,

The rule was suspended, and the bill was placed on its second reading.

Mr. McRae moved to amend by striking out the figures 1866 and insert the figures 1867. Adopted.

Mr. Richardson moved to amend by adding after the word "Richmond" the words "and Moore," in the second line. Adopted.

As amended, the resolution passed its several readings.

Ordered, To be transmitted to the House for concurrence.

Engrossed bill (H. P. 30,) in favor of Jas. S. Snow, Sheriff of Halifax county.

On motion, by Mr. Wiggins,

The rule was suspended and the bill passed its several readings.

Ordered to be enrolled,

S. 93, bill providing for the support of the Insane Asylum came up on its second reading, as the order of the day, and passed.

On motion, by Mr. Speed,

The rules were suspended and the bill read a third time.

Mr. Speed moved to amend by adding an additional section. Adopted.

The bill then passed its third reading.

Ordered, To be engrossed and transmitted forthwith to the House.

On motion, by Mr. Adams,

The rule was suspended, and

S. 73, resolution in regard to tax and for other purposes, passed its several readings.
Ordered, To be engrossed and transmitted forthwith to the House.

On motion, by Mr. Hall,
S. 95, resolution for the benefit of the Institution for the Deaf, Dumb and the Blind, was considered on its several readings, under a suspension of the rule, and passed.

Ordered, To be engrossed and transmitted forthwith to the House.

A message was received from the House, transmitting the concurrence of that body to the amendments to the following bills, to-wit:

H. 2, engrossed bill to enable the Western Rail Road Company to complete its Road from the Coalfields in Chatham county to some point on the North Carolina Rail Road.

H. 74, bill to enable the Wilmington, Charlotte & Rutherford Rail Road Company to complete its Road, pay its debt to the State, and extend its Road to the Tennessee line.

Ordered, That they be enrolled.

A message was received from the House of Commons, transmitting the resolutions of that body relative to the death of Thos. I. Judkins, one of the Commoners from the county of Warren. Appropriate tributes being paid to the memory of the deceased,

The Senate adjourned until 10½ o'clock to-morrow.

FRIDAY, DECEMBER 21ST, 1866.

Prayer by Rev. Mr. Hardie.

On motion, by Mr. McLean,

Leave of absence was granted to Mr. Williams for the remainder of the session.

The Speaker announced Messrs. Robins and Adams as the Senate branch of the committee to investigate the affairs of the North Carolina Railroad.

Mr. Ferebee presented a memorial from E. J. Barnes, late Sheriff of Camden county, praying for an extension of time
for the collection of taxes, which was referred to the Committee on Propositions and Grievances.

Mr. Love presented the names of sundry persons as Justices of the Peace for the county of Haywood, and Mr. Cowles names for Justices of the Peace for the county of Ashe, which were recommended and transmitted to the House.

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

By Mr. Cunningham, from the Committee on Propositions and Grievances:

S. 101, bill to provide for the building of a fence in Perquimans county, reported from the committee in conformity to a memorial from citizens of that county.

Ordered, To be printed.

By Mr. Leach, from the Committee on the Judiciary:

H. 170, engrossed bill concerning appeals in criminal cases, with an amendment, recommending its passage.

By Mr. Wilson, from the same Committee:

Reporting back sundry bills and resolutions heretofore referred to the Committee and not reported upon, asking to be discharged from their further consideration until the 22d day of January next. The Committee was discharged.

By Mr. Avery, from the Committee on Internal Improvements:

H. 140, engrossed bill in favor of the city of Raleigh, recommending its passage.

Mr. Leach introduced the following resolution, viz:

Resolved, That the Governor be respectfully requested to communicate to the Senate, what action, if any, has been had under a resolution of the last General Assembly, concerning the Cape Fear Navigation Company.

Ordered. That it lie on the table.

On motion, by Mr. Wilson,

Resolved, (the House of Commons concurring,) That the unfinished business depending in the two Houses 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 General Assembly, in like manner as in adjournment from day to day.
Ordered, To be transmitted to the House.

Bill and resolutions of the titles following, being introduced, were read the first time, and disposed of as follows, to-wit:

By Mr. Wiggins: Resolution, (S. P. 48,) in favor of David Outlaw, Senator from the seventh Senatorial District.

On motion, by Mr. Wiggins,
The rule was suspended, and the resolution passed its several readings.

Ordered, To be engrossed and transmitted to the House, forthwith.

By Mr. Robins: Resolution, (S. P. 49,) for the benefit of the Sheriffs of Randolph, Yadkin and Bertie counties.

Under a suspension of the rule, the resolution passed its several readings.

Ordered, To be engrossed and transmitted to the House, forthwith.

From the House: Resolution authorizing the Committee on Finance to burn Treasury Notes and Coupons in Comptroller’s Office. The resolution was adopted.

Resolution authorizing the Governor to extend the provisions of the Act granting Amnesty and Pardon. Filed.

H. 179, engrossed bill to authorize incorporated Towns and Cities to establish systems of Public Schools. Referred to the Committee on Education and Literary Fund.

H. 208, engrossed resolution in favor of the people of Lincoln county.

On motion, by Mr. McCorkle,
The resolution passed its several readings.

Ordered, To be enrolled.

H. 209, engrossed resolution in favor of the Sheriffs of Cumberland, Northampton, Wayne, Onslow, Moore and Caswell.

On motion by Mr. Edwards,
The resolution passed its several readings.

Ordered, to be enrolled.

H. 214, engrossed resolution of thanks to his Excellency, the Governor, and others.

Under a suspension of the rule, the resolution passed its several readings.
Ordered, To be enrolled.

H. 191, engrossed resolution in favor of the county of Stanly.

The rule being suspended, and the question being put upon the passage of the bill its second reading, it was

Decided in the negative, yeas......................18
Nays..............................20

On motion, by Mr. Cowles,
The yeas and nays being ordered,
Those who voted in the affirmative, are:

Those who voted in the negative are:
Messrs. Adams, Berry, Brown, Cowles, Cunningham, Harris of Rutherford, Kelly, Koonce, McCorkle, Moore, Parish, Robins, Snead Spencer, Thompson, Wiggins and Willey.

The bill did not pass.

A message was received from the House, concurring in the amendment to the resolution (H. P. 33,) in favor of the Sheriff of Richmond County.

Ordered, To be enrolled.

The Senate concurred in the recommendation for Justices of the Peace for the Counties of Rockingham and Jones, transmitted from the House.

Ordered, To be sent to the Governor for commission.

A message was received from the House, transmitting a communication from the Governor, covering an order from the War Department of the United States, directing the revocation of Gen'l. Sickles' order forbidding corporeal punishment.

On motion, by Mr. Hall,

H. 131, engrossed bill to amend 3d section, 97th chapter of the Revised Code, entitled "Religious Societies," was considered on its second reading.

Mr. Hall moved to amend by confining its operation to St. James' Parish, of the City of Wilmington. Adopted.

The bill then passed its second and third reading.

Ordered, To be transmitted to the House for concurrence.
On motion, by Mr. Gash,
S. 34, resolution providing for the payment of Sheriffs holding elections, was considered on its several readings, under a suspension of the rule, and passed.

Ordered, To be engrossed.

On motion, by Mr. Cunningham,
H. P. 31, engrossed bill to change the name of the Carolina Joint Stock and Insurance Company, passed its several readings under a suspension of the rule.

Ordered, To be enrolled.

On motion, by Mr. Jones,
H. P. 9, engrossed resolution in favor of Seth Jones' estate, was considered on its several readings.

The amendment proposed by the Committee on the Judiciary was adopted.

As amended, the resolution passed.

Ordered, To be transmitted to the House for concurrence.

On motion, by Mr. Jones,
H. P. 6, engrossed resolution in favor of Rufus H. Jones, was taken up on its several readings and considered.

The amendment proposed by the Committee on the Judiciary was adopted.

The bill then passed.

Ordered, To be transmitted to the House for concurrence.

Resolutions (S. 52,) declaring the loyalty of North Carolina, came up as the order of the day.

The question being upon the amendment proposed by the Committee on the Judiciary to the amendment offered by Mr. Jones, it was adopted.

The amendment was then adopted to the original resolutions.

The question then being, "Shall the resolutions pass?" was put and

Decided in the affirmative, \{ Yeas ................. 44. \}
\{ Nays .................... 1. \}

On motion, by Mr. Leach,
The yeas and nays being ordered,
Those who voted in the affirmative, are:

12

Mr. Harris, of Rutherford, voted in the negative.

The resolutions were adopted.

Ordered, To be transmitted to the House of Commons for concurrence.

Mr. Gash, by leave, submitted a report from the Committee on Claims, which was filed, as follows, viz:

S. P. 43, resolution in favor of R. F. Armfield, asking to be discharged from its further consideration. The Committee was discharged.

S. 2, bill to establish Freehold Homesteads for the citizens of the State, came up as the unfinished business, on its third reading.

On motion, by Mr. Love,

Its further consideration was postponed to, and made the Special Order for 22d January next, at 1 o'clock, P. M.

S. 3, bill to repeal an Ordinance of the late Convention, entitled "An Ordinance for exchanging the stocks of the State for bonds issued before the year one thousand eight hundred and sixty-one," came up as the unfinished business on its third reading.

And the question, "Shall the bill pass its third reading?" was put and


On motion, by Mr. Cowles,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Avery, Barnes, Brown, Clark, Covington Cunningham, Edwards, Etheridge, Ferebee, Gash, Hall, Hand, Harris of Franklin, Hill, Jones, Kelly, Koonce, Leach, Love, Matthews, McCorkle, Moore, Outlaw, Paschal, Perkins,
Richardson, Robins; Snead, Speed, Spencer, Thompson, Thornton and Wilson.

Those who voted in the negative, are:
Messrs. Battle, Berry, Bullock, Cowles, Wiggins and Willey.

So the bill passed.

Ordered, To be engrossed.

On motion, by Mr. Hall,
The Senate took a recess until 7 o'clock, P. M.

Resolution authorizing the Governor to extend the provisions of the Act granting Amnesty and Pardon was taken up and passed.

Ordered, To be enrolled.

H. 192, engrossed resolution in favor of the people of Union county, being transmitted from the House, had its first reading.
Mr. Wilson moved that the rule be suspended, and the resolution be placed upon its several readings.
And the question was put and

Decided in the affirmative, Yeas, .................... 23
Nays, .................... 9

On motion, by Mr. Berry,
The yeas and nays being ordered,
Those who voted in the affirmative, are:

Those who voted in the negative, are:
Messrs. Adams, Berry, Brown, Cowles, Cunningham, Kelly, Moore, Paschal and Robins.

So the rule was suspended.
Mr. Wiggins moved that the further consideration of the
resolution be postponed until the 24th day of January next, and the question was put and

Decided in the negative, \{ Yias.......................... 16

On motion, by Mr. Wiggins,
The yeas and nays being ordered,
Those who voted in the affirmative, are:
Messrs. Adams, Berry, Brown, Cowles, Cunningham, Gash, Harris, of Rutherford, Love, Matthews, Moore, Paschal, Richardson, Robins, Snead, Thornton and Wiggins.
Those who voted in the negative, are:
The Speaker voted in the negative.
So the motion did not prevail.
Mr. Paschal moved to amend, extending the provisions of the bill to Chatham county. Adopted.
On motion, by Mr. Leach,
Its further consideration was postponed to, and it made the special order for, January 25th, at 1 o’clock, P. M.

On motion, by Mr. Love,
The vote by which the Senate rejected an engrossed resolution (H. 191,) in favor of the county of Stanly was re-considered.
On motion, by Mr. Leach,
Its further consideration was postponed to, and it was made the special order for, 1 o’clock, P. M. January 25th, 1867.
Mr. Speed, by leave, introduced resolutions of the titles following, viz:
H. S. P. 53, resolution in favor of A. E. Jones. Referred to the Committee on Finance.
Resolution (S. 105,) in favor of the Literary Board. Filed.
On motion, by Mr. Hill,
H. P. 13, resolution in favor of A. J. Adkins and others, was considered on its several readings.
The amendment, proposed by the Committee on Claims, was adopted.
As amended, the resolution passed.
Ordered, To be transmitted to the House for concurrence.

On motion, by Mr. Robins,

S. 15, bill to amend an Act passed by the General Assembly, and ratified on the 27th day of February, 1866, entitled "An Act to regulate Salaries and Fees," was taken from the table and filed on the calendar.

On motion, by Mr. Love,

H. 49, engrossed bill for the construction of a bridge across Notla River, in the county of Cherokee, and for other purposes, was called up, and under a suspension of the rule passed its second and third readings.

Ordered, To be enrolled.

On motion, by Mr. Wilson,

H. 121, engrossed bill to empower the County Court of Mecklenburg to hold extra terms, was called up, and passed its second and third readings, under a suspension of the rule.

Ordered, To be enrolled.

On motion, by Mr. Thornton,

The Senate adjourned.

SUNDAY, DECEMBER 22d, 1866.

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

Mr. Robins, from the joint select committee to make arrangements for the inauguration of the Governor elect, reported as follows, viz:

That the Speakers of the two Houses will occupy the place at the Speaker's table in the Commons Hall, and that the Governor elect and his Honor, Daniel G. Fowle, one of the Judges of the Superior Court of Law, will occupy the Clerk's desk, the Governor on the right and the committee of arrangements, two immediately on the right and two immediately on the left of the Clerk's desk. 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 seats on the right, and those on the left of the Speaker's chair, will be occupied by the members of the House of Commons. After
the Governor elect shall have taken and subscribed the oaths of office and delivered his inaugural address, in the presence 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.

The report was adopted and transmitted to the House.

The House, by message, concurred in the report.

On motion, by Mr. Gash,

H. 163, engrossed bill to amend sec. 2, of an act to incorporate the town of Marshall, was called up and passed.

Ordered to be enrolled.

The following bills and resolutions being received from the House, were disposed of as follows, viz:

H. P. 36, engrossed resolution in favor of Mrs. T. I. Judkins.

Under a suspension of the rule, passed its several readings.

Ordered to be enrolled.

H. 203, engrossed bill to change the jurisdiction of the Courts and the rules of pleading therein. Referred to the Committee on the Judiciary.

H. 201, engrossed bill to allow fees to Magistrates of Mecklenburg county, and to increase those of Constables in said county.

On motion, by Mr. Wilson,

The rule was suspended and the bill passed its second and third readings.

Ordered to be enrolled.

H. P. 36, resolution for the relief of W. H. Philot, Sheriff of Granville county.

On motion, by Mr. Cunningham,

The resolution passed its several readings under a suspension of the rule.

Ordered to be enrolled.

H. 153, engrossed bill to incorporate the town of Durham, in the county of Orange.

On motion, by Mr. Berry,
The rule was suspended and the bill passed its second and third readings.

Ordered to be enrolled,

Mr. Outlaw recommended the names of sundry persons as Justices of the Peace for Bertie county, which were concurred in, and

Ordered to be transmitted to the House.

A message was received from the House, transmitting the names of sundry persons, recommended as Justices of the Peace for Johnston, Davidson, Randolph and Alamance counties.

Those for Randolph were laid on the table; the others were recommended.

Ordered to be transmitted to the Governor for commission

A message was received from the House, concurring in the amendments to the following bills and resolutions, viz:

H. P. 9, engrossed resolution for the relief of Seth Jones' estate.

H. P. 6, engrossed resolution in favor of Rufus J. Jones.

H. P. 13, engrossed resolution in favor of A. J. Atkins and others.

H. 131, engrossed bill to amend 4th sec. 97th chap. Rev. Code, entitled "Religious Societies."

S. 52, resolutions declaring the loyalty of North Carolina.

Ordered that they be enrolled,

On motion, by Mr. Harris, of Franklin.

The following bills were considered, under a suspension of the rules, and passed their several readings, viz:

H. 94, engrossed bill to incorporate the Collins Gold Mining Company in the county of Franklin.

H. 95, engrossed bill to incorporate the Sturgis Gold Mining Company, in the county of Franklin.

H. 96, engrossed bill to incorporate the Thomas Gold Mining Company, in the county of Franklin.

Ordered that they be enrolled.

On motion, by Mr. Leach,

H. 170, engrossed bill concerning appeals in Criminal Cases, was called up on its second reading.
The question being upon the amendment proposed by the Committee on the Judiciary, was adopted.

The bill, as amended, passed its second and third readings. Ordered to be transmitted to the House.

The House of Commons, by message, concurred in the amendment. Ordered to be enrolled.

On motion, by Mr. Avery,

H. 196, engrossed bill to amend the charter of the town of Wilson, was considered and passed its several readings. Ordered to be enrolled.

Messrs. Lowe and Waugh were announced as the House branch of the committee to investigate the affairs of the North Carolina Rail Road.

The House concurred in the resolution relative to continuing the unfinished business over the recess.

The hour having arrived, the members of the Senate repaired to the Hall of the House of Commons, for the purpose of executing the joint order, inaugurating his Excellency, Jonathan Worth, the Governor elect.

The members of the Senate having returned to the Senate Chamber,

On motion by Mr. McLean,

H. 38, engrossed bill to authorize the President and Directors of the Blount Creek Manufacturing Company to borrow money to rebuild their Factory, was considered on its several readings and passed. Ordered to be enrolled.

On motion, by Mr. Wilson,

The Senate adjourned until Monday 5 o'clock, A. M.

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MONDAY, DECEMBER 24th, 1866.

Received a message from the House of Commons, informing the Senate that the House was now ready to execute the
joint order, to-wit: to adjourn till the 22nd day of January next, whereupon,

On motion by Mr. Harris, of Franklin,
The Senate adjourned.
SENATE JOURNAL.

ADJOURNED SESSION.

TUESDAY, JANUARY 22, 1867.


Upon a call of the roll, the following Senators answered to their names, viz:

Messrs. Speaker, Adams, Barnes, Berry, Coward, Cunningham, Edwards, Etheridge, Harris, of Franklin, Harris, of Rutherford, Koonce, Love, Matthews, Paschal, Perkins, Robins, Thompson, Thornton and Williams—19.

Whereupon, there being no quorum,

On motion by Mr. Cunningham,

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

WEDNESDAY, JANUARY 23, 1867.

On motion by Mr. Jones,

Ordered, That a message be sent to the House of Commons, informing that body that the Senate was ready for the transaction of public business.

A message was received from the House of Commons, informing the Senate of the appearance of a quorum, and that the House was ready for the transaction of business.
A message was received from the House, 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 readiness of the General Assembly to receive any communication he may have to make.

The Senate concurring, Messrs. Love and Lloyd were appointed as the Senate branch of the Committee. Messrs. Waugh and Hutchison were appointed on the part of the House.

Bills and resolutions of the titles following being introduced, were filed or referred as follows, viz:

By Mr. Thornton: Bill (S. P. 58) concerning the town of Warrenton. To Corporations.

Bill (S. P. 59) authorizing the Justices of the Court of Pleas and Quarter Sessions of Warren County to sell certain property belonging to said County. To the Judiciary.

By Mr. Berry: Senate 108, making provision for the payment of State Bonds now due and the interest on the debt of the State. Ordered to be printed and referred to the Committee on Finance.

By Mr. Love: Bill (S. P. 60) to incorporate the American Mining and Manufacturing Company. To Corporations.

Bill (S. P. 61) to incorporate the Pigeon River Mining and Manufacturing Company of Haywood County. To Corporations.

Bill (S. P. 62) to incorporate the Waynesville Baptist College in the County of Haywood. To Education and the Literary Fund.

From the House: Engrossed House Bill 90, to amend and renew the charter of the Shelby and Broad River Rail Road Company.

Engrossed House Bill 175, to promote the Agricultural interests of the State, and for other purposes.

Engrossed House Bill 192, to permit the people of Currituck County to elect Commissioners of Wrecks.

Engrossed House Bill 176, to amend the charter of Plaster Bank and Salt Works Rail Road Company.

Engrossed House Bill 88, to prohibit citizens of other States from fishing in Currituck Sound.
Engrossed House Bill 92, to incorporate the Hoover Hill Mining Company.

On motion by Mr. Gash, the rule was suspended, and the bill passed its several readings.

Ordered to be enrolled.

Engrossed House Bill 167, to amend an Act, entitled "An Act to incorporate the North Carolina Joint Stock Company."

Engrossed House Bill 76, to prevent the cutting and felling of timber in Pigeon River in Haywood County, above Killian's Bridge.

Engrossed House Bill 110, to incorporate "Franklin Lodge, No. 109," of Free and Accepted Masons in the town of Beaufort.

Mr. Love, from the Committee to wait on the Governor, reported that his Excellency had no special communication for the General Assembly.

The following resolution, transmitted from the House, was adopted, to-wit:

Resolved, That the Committee appointed to examine the books, enquire into alleged abuses and the general management of the North Carolina Rail Road, be authorized to administer oaths whenever they may deem it expedient.

The Senate concurred in recommendations for Justices of the Peace for the Counties of Chatham, Bladen, Wake, Carteret, Iredell, Granville and Madison, transmitted from the House.

Ordered, To be transmitted to the Governor for commission.

Mr. Matthews introduced the following resolutions, viz:

Resolved, That the Senate has learned with regret of the death of Ulysses Hand, late Senator from the County of Rockingham.

Resolved, That in his death the State has lost a citizen of the noblest impulses, and his County one of its most charitable men.
Resolved, That in respect to his memory, the Senate do now adjourn, and that a copy of these resolutions be transmitted to the family of the deceased.

Massrs Brown and Covington paid feeling tributes to the memory of the deceased.

Whereupon, the Senate adjourned until 10½ o'clock, to-morrow morning.

THURSDAY, JANUARY 24, 1867.

A message was received from the House, transmitting a communication from the Public Treasurer, with a proposition to print. Concurred in.

Resolution (S. P. 69) in favor of W. B. March and John Peebles, introduced by Mr. Johnston, was referred to the Committee on Claims.

Bills and resolutions of the titles following, on their third reading, were considered and disposed of as follows, viz:

S. 2, bill to establish Freehold Homesteads for the citizens of the State.

On motion by Mr. Berry,

Its further consideration was postponed to, and it was made the special order for, Monday, 28th inst., at 12 o'clock M.

S. 11, bill to amend an act passed at the session of the General Assembly of North Carolina, A. D., 1866, chapter 58. Passed.

On motion by Mr. Wilson,

The title was amended, so as to read, A Bill to amend an Act passed at the session of the General Assembly, A. D., 1866, chapter 58, entitled "An Act to prevent enticing servants from fulfilling their contracts, or harboring them. Ordered to be engrossed.

H. 7, Engrossed bill to construe an act entitled "An Act to establish a scale of depreciation of Confederate currency." Passed.

Ordered to be enrolled.
S. 17, bill for the better suppression of the crime of stealing Horses and Mules.

Mr. Wilson moved to amend, by striking out the words "on or after the first day of February next," in the first section, and the words "from and after the said first day of February next," in the third section; the amendments were severally adopted.

Mr. Leach moved to amend, by striking out the word "years," in the second line of the third section, and insert the word "months." Rejected.

The question recurring upon the adoption of the bill, was put and

Decided in the affirmative, \{ Yeas, ........................ 23
\{ Nays, ........................ 13

On motion by Mr. Hall,
The yeas and nays being ordered,
Those who voted in the affirmative, are:
Messrs. Adams, Barnes, Berry, Bullock, Covington, Coward, Cowles, Cunningham, Etheridge, Harris, of Franklin, Hill, Jones, Lloyd, Marshall, Matthews, McRae, Perkins, Richardson, Robins, Thompson, Thornton, Williams and Wilson.

Those who voted in the negative are,

So the bill passed.
Ordered to be enrolled.

Mr. Gash made recommendations for Justices of the Peace for the Counties of Transylvania and Henderson, which were concurred in.
Ordered to be transmitted to the House.

Bills of the titles following, by permission, being introduced, passed their first reading, and were further ordered as follows, viz:

By Mr. Adams: Senate Bill 112, to amend an act entitled "An Act more effectually to secure the maintenance of Bastard Children and the payment of fines and costs on conviction in criminal cases."
Ordered to be printed and referred to the Committee on the Judiciary.

By Mr. Coward: Senate Bill 113, for the relief of Guardians and Minor children.

Ordered to be printed and referred to the Committee on the Judiciary.

Engrossed resolution (H. P. 38) in favor of the Sheriffs of Orange, Union, Brunswick, and the tax collectors of Wayne and Johnston Counties, transmitted from the House, passed its first reading.

On motion by Mr. Berry,

The rule was suspended and the resolution passed its several readings.

Ordered to be enrolled.

The consideration of bills upon their third reading was resumed, as follows:


Ordered to be engrossed.

S. 56, resolutions, relative to Weights and Measures. Passed.

Ordered to be engrossed.

H. 4, Engrossed bill to amend the sixth section of the forty-eighth chapter of the Revised Code. Passed.

Ordered to be enrolled.

On motion by Mr. Moore,

H. 130, Engrossed bill authorizing the Public Treasurer to employ counsel in certain cases, was taken from the table, and, under a suspension of the rule, passed its second and third readings.

Ordered to be enrolled.

Bills and resolutions of the titles following, upon their second reading, were considered and disposed of as follows, to-wit:

S. 15, bill to amend an act passed by the General Assembly and ratified on the 27th day of February, 1866, entitled "An Act to regulate Salaries and Fees."

Mr. Wilson moved to amend, by striking out the words "County Court Clerks." Rejected.
The question then being upon the passage of the bill its second reading, was put and

Decided in the affirmative, \( \text{Yeas, } 32 \)
\( \text{Nays, } 2 \).

On motion of Mr. Cowles,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Adams, Barnes, Berry, Brown, Bullock, Covington, Cowles, Cunningham, Edwards, Etheridge, Gash, Hall, Harris, of Franklin, Harris, of Rutherford, Hill, Johnston, Jones, Koonce, Leach, Love, Lloyd, Marshall, Matthews, McRae, Paschal, Perkins, Richardson, Robins, Thompson, Thornton, Willey and Williams.

Those who voted in the negative are:

So the bill passed.

On motion by Mr. Berry,
The rule was suspended and the bill passed its third reading.

Ordered to be engrossed.
S. 31, bill to protect property sold under execution from sacrifice.

Mr. Richardson moved to amend, by striking out the words “at least three-fourths,” in the third section, eleventh and twelfth lines, and insert the words, “the full amount,” and in the twentieth line of the same section, strike out the words “three-fourths,” and insert the words, “the full amount,” and the question being thereon, was put and

Decided in the affirmative, \( \text{Yeas, } 23 \)
\( \text{Nays, } 10 \).

On motion of Mr. Richardson,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Berry, Brown, Bullock, Cowles, Cunningham, Edwards, Etheridge, Gash, Harris, of Franklin, Harris, of Rutherford, Jones, Koonce, Leach, Love, Lloyd, Marshall, Matthews, Moore, Paschal, Richardson, Thompson, Thornton, Wiggins, and Willey.

Those who voted in the negative are:

14

So the amendment prevailed.

Mr. Leach moved to amend the third section by adding the following words, viz:

"And should said property not be sold at such execution sales, the plaintiff or plaintiffs shall lose his or their lien and the said judgment shall be declared dormant." Adopted.

The question recurring upon the passage of the bill as amended, was put and

Decided in the affirmative, Yeas, 29; Nays, 5.

On motion, by Mr. Wilson,
The yeas and nays being ordered,

Those who voted in the affirmative are:

Those who voted in the negative are:
Messrs. Covington, Hall, McRae, Robins and Wilson.

So the bill passed its second reading.

A message was received 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 it to a Joint Select Committee of five from the House and three from the Senate. Concluded in.

On motion, by Mr. Wiggins,
The Senate adjourned.

FRIDAY, JANUARY 25, 1867.

Messrs. Bullock, Covington and Thompson were appointed as the Committee on Enrolled Bills for the week.
Messrs. Houston, Perry, of Wake, Whitfield, Whitley and Scoggin, were announced, by message, as the House branch of the Committee on Enrolled Bills for the week.

The Speaker designated Messrs. Hall, Gash, and Moore as the Senate branch of the Committee upon the Memorial of the Trustees of the University of North Carolina.

Reports from Standing Committees were submitted and filed as follows, viz:

By Mr. Johnston, from the Committee on Corporations: S. P. 58, bill concerning the town of Warrenton, recommending its passage.

By Mr. Gash, from the Committee on Claims: S. P. 69, resolution in favor of W. B. March and John Peebles, with favorable recommendation.

By Mr. Cunningham, from the Committee on Propositions and Grievances: S. 99, bill authorizing Executors and Administrators of insolvent estates to settle the same, pro rata, recommending its passage.

Bills and resolutions of the titles following, being introduced passed their first reading, and were referred or otherwise disposed of as follows, viz:

By Mr. Leach: Resolution (S. P. 71,) in favor of Churchill Perkins. To Claims.

By Mr. Covington: Bill (S. 114,) to amend chapter 22, section 55, of the Acts of 1866. To Finance.

By Mr. Koonce: Bill (S. P. 72,) to enable the Commissioners of Jones county to sell a lot belonging to said county.

On motion of Mr. Koonce,

The rule was suspended and the Bill passed its second and third readings.

Ordered to be engrossed.

S. 12, bill to protect Landlords against insolvent tenants, was considered on its third reading.

On motion of Mr. Jones,

Laid on the table.

A message was received from the House, proposing to raise a Joint Select Committee of three on the part of each House
to be entitled "The Committee on Federal Relations." Con-
curred in.

S. 31, bill to protect property sold under Execution from
sacrifice, was considered on its third reading.

Mr. Johnston moved to amend by striking out the following
words in the third section:

"And should said property not be sold at such execution
sales, the plaintiff or plaintiffs shall lose his or their lien, and
the said judgment shall be declared dormant."

And insert in lieu thereof the words—

"The Sheriff or other officer shall postpone the sale of said
property for twelve months."

And the question being thereon,

Mr. Covington moved that the Senate adjourn, which was
put and

Decided in the negative, { Yeas, .................. 14.
{ Nays, .................. 23.

On motion, by Mr. Speed,
The Yeas and nays were ordered.

Those who voted in the affirmative are:
Messrs. Berry, Bullock, Covington, Hall, Hill, Koonce,
McCorkle, McKae, Paschal, Robins, Thompson, Thornton,
Wiggins and Wilson.

Those who voted in the negative are:
Messrs. Adams, Barnes, Cowles, Cunningham, Edwards,
Etheridge, Gash, Harris of Franklin, Harris of Rutherford,
Johnston, Jones, Kelly, Leach, Love, Lloyd, Marshall, Mat-
thews, Moore, Perkins, Richardson, Speed, Willey and
Williams.

So the Senate refused to adjourn.

The Speaker announced the hour for the Orders of the
day, viz:

Engr ssed bill (H. 182,) in favor of the people of Union
county, and engrossed resolution (H. 191,) in favor of the
county of Stanly.

On motion, by Mr. Thornton,

Their consideration was postponed until the bill under dis-
cussion was disposed of.
The question recurring upon the adoption of the amendment, was put and decided in the affirmative.

The question then recurring upon the passage of the bill, when
Debate arose.

On motion of Mr. Wilson,
The Senate adjourned.

SATURDAY, JANUARY 26, 1867.

Messrs. McKay, Harper, Patton, Kenan and Morehead, were announced by message, as the House branch of the Committee on the Memorial from the Trustees of the University of North Carolina.

The House of Commons refused to concur in the recommendations for Justices of the Peace for Henderson County transmitted from the Senate.

Mr. McCorkle, from the Committee on the Judiciary, submitted reports as follows, viz:

S. P. 59, bill authorizing the Justices of Warren County to sell certain property belonging to said County, recommending its passage.

H. 97, Engrossed bill restoring to married women the common law right of Dower, recommending that it do not pass.

On motion by Mr. Wiggins,

Resolved, That the Judiciary Committee be instructed to enquire into the expediency of passing some law empowering Executors, Administrators and Guardians to compromise claims with persons who may be indebted to their Wards and Estates, and that they report by bill or otherwise.

Mr. Gash introduced the following resolution, which was rejected, viz:

Resolved. That the Committee on Finance be instructed to enquire into the propriety of, and, if practicable, to report a bill for, raising Revenue by a tax on all persons riding on Rail Roads in this State.
Bills and Resolutions of the titles following, being introduced, passed their first reading, were filed or otherwise disposed of, as follows, viz:

By Mr. Adams: Bill (S. P. 73) to authorize the issue of duplicates for destroyed Bonds to Charles S. Mills, Executor of Nicholas Mills. To Finance.

By Mr. Wilson: Bill (S. P. 74) to incorporate the Mecklenburg Female College in the City of Charlotte. To Corporations.

From the House: Engrossed Resolution (H. P. 41) in favor of Mrs. Theresa Bell.

Engrossed Bill (H. 174) to amend section 7, chapter 40, Acts of 1866.

Engrossed Bill (H. 104) to amend an act for the relief of Landlords, ratified 26th day of January, 1863, and an act amendatory of the same, ratified the 28th day of May, 1864.

Engrossed House Bill 157, to regulate the retailing of spirituous liquors in the town of Williamston.

Engrossed House Resolution 127, to supply artificial limbs to disabled soldiers.

Engrossed House Bill 239, relating to apprentices.

Engrossed House Bill 225, to change the time of holding the Summer and Winter Terms of the County Courts of Buncombe and Mitchell Counties.

On motion by Mr. Gash,

The rule was suspended and the bill passed its second and third readings.

Ordered to be enrolled.

Engrossed House bill 240, to amend chapter 5th of Revised Code, entitled "Apprentices."

On motion of Mr. Berry,

The rule was suspended and the bill passed its several readings.

Ordered to be enrolled.

Engrossed House bill 82, to prevent the destruction of Ginseng in the mountains of North Carolina.

On motion by Mr. Love,

The rule was suspended and the bill passed its second and third readings.
Ordered to be enrolled.

Messrs. McCorkle and Etheridge presented recommendations for Justices of the Peace for the counties of Catawba and Onslow, which were concurred in.

Ordered to be transmitted to the House.

On motion by Mr. Thornton,

Bill (S. P. 59) authorizing the Justices of Warren County to sell certain property belonging to said County, was considered, under a suspension of the rule, on its several readings and passed.

Ordered, to be engrossed.

Mr. Marshall moved to suspend the rule and take from the calendar the Engrossed bill (H. 182,) in favor of the people of Union County, and the question thereon was put and

Decided in the affirmative, \[ \begin{align*} \text{Yeast} & : & 26 \\ \text{Nays} & : & 11 \end{align*} \]

On motion by Mr. Robins,
The yeas and nays being ordered,

Those who voted in the affirmative were:


Those who voted in the negative are:

Messrs. Adams, Barnes, Berry, Cowles, Cunningham, Gash Kelly, Love, Paschal, Robins and Willey.

Mr. Robins moved to amend, by inserting after the word "Stanly," the words, "and every other County, the Special Court of which shall certify that it is necessary to relieve their suffering citizens, and shall apply for the same."

And the question thereon, was put and

Decided in the negative, \[ \begin{align*} \text{Yeast} & : & 14 \\ \text{Nays} & : & 24 \end{align*} \]

On motion by Mr. Robins,
The yeas and nays being ordered,

Those who voted in the affirmative, are:
Messrs. Adams, Berry, Brown, Cowles, Cunningham, Gash, Harris, of Rutherford, Kelly, Matthews, Paschal, Perkins, Richardson, Robins, and Willey.

Those who voted in the negative are:

Mr. Wilson moved to amend, by striking out the following words, “to be distributed among and apportioned to the relief of the needy in said County,” and insert, in lieu thereof, the following, “be applied by the Justices of said County in the purchase and distribution of supplies to relieve the wants of the suffering poor in said County.” Adopted.

The question recurring, “Shall the bill pass its second reading?” was put and

Decided in the affirmative, \{Yea\s, \ldots \ldots \ldots \ldots 26. \}
\{Naye\s, \ldots \ldots \ldots \ldots 11. \}

On motion by Mr. Robins,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are:
Messrs. Adams, Barnes, Berry, Brown, Cunningham, Gash, Kelly, Love, Paschal, Robins and Willey.

So the bill passed its second reading.
Under a further suspension of the rule, the bill passed its third reading.
Ordered to be transmitted to the House for concurrence in the amendment.
Under a suspension of the rule, House engrossed resolution 182, in favor of the people of Union County, was considered on its second reading.

On motion by Mr. Covington,
Laid on the table.
Mr. Gash, by leave, introduced a bill with title following, viz:
S. P. 75, bill to amend the charter of the town of Hendersonville.

On motion by Mr. Gash,
The rule was suspended and the bill passed its several readings.

Ordered to be engrossed.
S. P. 1, bill to incorporate the Lexington Mining Company, was considered on its second reading, the question being upon the amendments offered by the Committee on Corporations. The amendments were severally adopted.

On motion by Mr. Adams,
The bill was re-committed.

Bills and resolutions of the titles following, on their second reading, passed their second and third readings, under a suspension of the rules, and were ordered as follows, viz:

Engrossed bill (H. P. 1) to incorporate Union Camp Ground in the County of Cleveland.

Ordered to be transmitted to the House for concurrence in the amendments.

Engrossed bill (H. 11) to incorporate the Bladen Manufacturing Company.

Ordered to be enrolled.

Engrossed bill (H. 12) to incorporate the Bladen Land Company.

Ordered to be enrolled.

Bill (S. P. 58) concerning the town of Warrenton.

Ordered to be engrossed.

Resolution (S. P. 69) in favor of W. B. March and John Peebles.

Ordered to be engrossed.

On motion by Mr. Avery
The Senate adjourned.
MONDAY, JANUARY 23th, 1867.

The Speaker designated Messrs. Hall, Willey and Cowles, as the Senate branch of the Committee on Federal Relations.

Messrs. Cunningham, Speed and Coward, were appointed as the Committee on Enrolled Bills for the week.

The Speaker presented a communication from Elijah M. Haines, of Chicago, Illinois, upon Local Self-Governments. Referred to the Committee on Federal Relations.

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

By Mr. Cunningham, from the Committee on Propositions and Grievances:

Memorial from E. J. Barco, late Sheriff of Camden County, with adverse recommendation.

By Mr. Brown, from the Committee on the Judiciary:

S. 69, bill to amend the Constitution of North Carolina, with a substitute, recommending the adoption of the substitute. Ordered to be printed.

On motion by Mr. Avery,

Resolved, That a joint select Committee of five from each House be appointed to take into consideration the policy of remodeling the judicial system of North Carolina, in such manner as to make twelve Judicial Districts of the State, and three Divisions, of four Districts each, one Judge to reside in each District, and the Judges of each Division to interchange ridings, ad libitum, and of reconstructing the Supreme Court so that it shall be composed of the four senior Circuit Judges; and of further providing that the Courts of Pleas and Quarter Sessions, shall have jurisdiction only as Courts of Probate, the Superior Courts to be held three times a year in every county, or oftener when necessary, at the discretion of the resident District Judge.

Bills and resolutions of the titles following, being introduced, passed their first reading, and were filed, or referred, as follows, viz:

By Mr. Gash: Senate Bill 122, to secure the right of redemption to land sold under execution.
Ordered to be printed and referred to the Committee on the Judiciary.

From the House: Engrossed bill (H. 248) amendatory of the acts heretofore passed for the better regulation of the town of Jacksonville.

Engrossed bill (H. P. 24) to incorporate Perquimans Male and Female Seminary.

Engrossed bill (H. 39) to amend section 12, chapter 118, Revised Code, entitled "Widows."

Engrossed bill (H. 52,) to provide for including the value of stamps in the taxation of costs.

Engrossed bill (H. 69,) allowing fees to Justices of the Peace, and regulating the same.

The House concurred in the amendments of the Senate to the engrossed bill (H. 191,) in favor of the county of Stanly. Ordered to be enrolled.

On motion, by Mr. Hill,

H. 127, engrossed bill to supply Artificial Arms to disabled Soldiers, and for other purposes, was considered on its second reading and passed.

Being reading the third time, Mr. Hall moved to amend by striking out the third section. Adopted.

On motion, by Mr. Love,

Referred to the Committee on Propositions and Grievances.

The hour of 12 o'clock having arrived, the bill (S. 2,) to establish Freehold Homesteads for the citizens of the State, was considered on its third reading, the question being upon the amendment of Mr. Jones, viz: Insert, in the first section, ninth line, after the words "city or town," the words "Provided, at the time the petition is filed, it shall not exceed in value the sum of three thousand dollars;" and the question thereon was put, and

Decided in the negative, Yeas, ..................... 22.

On motion, by Mr. Berry.

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Battle, Barnes, Covington, Cowles, Cunningham, Gash, Harris of Franklin, Harris of Rutherford,

The who voted in the negative are:


The Speaker voted in the negative.

The amendment did not prevail.

Mr. Berry moved to amend by adding the following as an additional section, to be numbered as the 7th, as follows, viz:

Be it further enacted, That the following property of each head of a family or housekeeper, shall be exempt from execution, except for taxes, after the ratification of this act, to wit: All necessary farming and mechanical tools, one work horse, one yoke of oxen, one cart or wagon, one milch cow and calf, fifteen head of hogs, five hundred pounds of pork or bacon, fifty bushels of corn, twenty bushels of wheat or rice, and household and kitchen furniture, not to exceed, in value, two hundred dollars. Adopted.

And the question recurring upon the passage of the bill was put, and

Decided in the affirmative, Yeas, 38. Nays, 6.

On motion, by Mr. Wilson,

The yeas and nays being ordered,

Those who voted in the affirmative are:


Those who voted in the negative are:


Ordered to be engrossed.
On motion by Mr. McRae,
S. 87, bill to establish Edinborough Medical College in Robeson county, was taken up from the Calendar and considered on its second reading.

Ordered to be printed and re-committed to the Committee on Education and Literary Fund.

On motion by Mr. Love,
H. P. 16, engrossed bill for the relief of the estate of L. O'B. Branch, deceased, was taken from the Calendar and referred to the Committee on Claims.

On motion by Mr. Avery,
S. 12, bill to protect Landlords against Insolvent Tenants, was taken from the table and ordered to be printed and made the Special Order for Wednesday, 30th instant, at twelve o'clock, M.

S. 31, bill to protect property sold under execution from sacrifice, was considered as the unfinished business, on its third reading.

Mr. Covington moved to amend by striking out the words "the full amount," and insert "at least three-fourths," in the third section.

And the question was put and

Decided in the affirmative, \[ \text{Yea}s \ldots \ldots \ldots \ldots \ldots 25 \]
\begin{align*}
\text{Nay}s. & \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldOTS

On motion by Mr. Richardson,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are:
Messrs. Berry, Bullock, Cunningham, Etheridge, Ferebee, Harris, of Franklin, Harris, of Rutherford, Jones, Koonce, Lloyd, Matthews, Paschal, Perkins, Richardson, Snead, Thornton and Williams.
The question recurring upon the passage of the bill, when
Debate arose.
On motion by Mr. Wiggins,
The Senate adjourned.

TUESDAY, JANUARY 29, 1867.

Reports from Standing Committees were filed as follows, viz:

By Mr. Cunningham, from the Committee on Propositions and Grievances:

S. 126, resolution providing for the marking and protecting the graves of the North Carolina soldiers in Oakwood Cemetery, Virginia, reported in response to a communication from the Ladies' Memorial Association for Confederate Dead, of Oakwood, with special report as follows, viz:

The Committee on Propositions and Grievances, to whom was referred sundry papers from the Ladies' Memorial Association of Richmond, Virginia, asking for an appropriation to aid in marking and protecting the graves of North Carolinians, who fell in the late war and are buried near Richmond, have instructed me to report: That the subject is one deserving the favorable consideration of this Assembly. The protection of the resting place of the dead is a duty regarded as sacred in all Christian lands; and many of those who have fallen in the late contest far from home, at the command of the State, have left families who are unable to visit their graves, much less to remove and re-inter their remains. Voluntary associations have been formed in various places for the enclosure of the burying places of Southern soldiers, and for the erection of head-boards, with suitable inscriptions, and the Committee believe that the States interested should make appropriations in aid of this work so becoming a Christian people. They, therefore, recommend the passage of the resolution.
By Mr. Gash, from the Committee on Claims:
H. P. 16, bill for the relief of the estate of L. O'B. Branch, deceased, recommending its passage.
S. P. 71, resolution in favor of Churchill Perkins, with special report as follows, viz:
The Committee on Claims, to whom was referred the resolution in favor of C. Perkins, has had the same under consideration, and beg leave to make the following report, viz: That the said Perkins did, on the 2nd day of February, 1863, lend to the Treasurer of the State, for the use of the State Treasury, the sum of seven thousand and fifty-five dollars, in Confederate currency, and that the same was used and paid out by the Treasurer indiscriminately as other funds of the Treasury, for salaries, *per diem* of members of the General Assembly, bounties to soldiers, &c., &c., under the various acts and resolutions of the Legislature and Convention appropriating money.

Your Committee finds the Convention ratified an Ordinance on the 12th day of May, 1862, authorizing the issuing of two millions of dollars of Treasury notes. The second section of said Ordinance authorizes the Treasurer, on certain conditions, to borrow money from the banks and other sources in lieu of the Treasury notes, so authorized. Your Committee presumes the money was so borrowed under the authority of that Ordinance, and for the purposes intended by it.

Therefore, the majority of the Committee instruct me to report that, in their opinion, the claim is on the same footing of money borrowed from the banks, under the same Ordinance, and is barred by the Ordinance of the Convention, ratified the 19th day of October, 1865, declaring all debts contracted by the State, directly or indirectly, in aid of the rebellion, to be void. Therefore, your Committee respectfully ask to be discharged from its further consideration.

Bills and resolutions of the titles following, being introduced, passed their first reading, and were ordered as follows, viz:

By Mr. Willey: Resolution (S. P. 81,) in favor of R. H. L. Bond, Sheriff of Gates county.

On motion, by Mr. Willey,
The rule was suspended and the resolution passed it several readings.

Ordered to be engrossed.

By Mr. Wilson: Bill (S. P. 82,) to incorporate the Cleveland Mineral Springs Company. Referred to the Committee on Corporations.

By Mr. Matthews: Senate Bill 127, to change the jurisdiction of the Courts and the manner of pleading therein.

Ordered, To be printed and referred to the Committee on Propositions and Grievances.

The House of Commons concurred in the amendments of the Senate to the bill (H. P. 1,) to incorporate Union Camp Ground in the county of Cleveland.

Ordered to be enrolled.

The House concurred in the Senate Resolution to raise a Joint Select Committee on the revision of the Judicial system.

A message was received from the House, transmitting the following resolution adopted by that body, viz:

Resolved, That a Joint Select Committee of three on the part of each House be appointed, to take into consideration the expediency of an adjournment sine die at an early day and report as soon as practicable.

On motion by Mr. Covington, Laid on the table.

Messrs. McNair, Davis and Logan were announced by message, as the House branch of the Committee on Federal Relations

Messrs. Dargan, Kenan, Durham, Perry and Davis were announced by message, as the House branch of the Committee to consider the policy of reforming the Judicial system of the State.

The Speaker designated Messrs. Avery, Leach, Moore, Brown and McCorkle as the Senate branch of the Committee.

Engrossed bill (H. P. 47) to incorporate New Berne Lodge No. 245, A. Y. M., received from the House, had its first reading and was filed.

On motion by Mr. Etheridge,
Engrossed bill (S. 248,) amendatory of an Act to the several Acts heretofore passed, for the better regulation of the town of Jacksonville, in Onslow county, was considered on its second and third readings, under a suspension of the rule, and passed.

Ordered to be enrolled.

S. 31, bill to protect property sold under execution from sacrifice, came up as the unfinished business, upon its third reading.

Mr. Cowles moved to amend by adding to the third section the following: Provided that this Act shall not apply to debts contracted since the first day of May, 1865; and it was

Decided in the negative, \( \begin{align*}
\text{Yeas} & : 17 \\
\text{Nays} & : 25
\end{align*} \)

On motion by Mr. Paschal,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are:
Messrs. Adams, Barnes, Berry, Bullock, Cunningham, Edwards, Etheridge, Ferebee, Harris, of Franklin, Johnston, Kelly, Koonce, Leach, Lloyd, Matthews, McLean, Paschal, Perkins, Richardson, Snead, Speed, Thompson, Thornton, Willey and Williams.

So the amendment did not prevail.

Mr. Love moved to add to the third section the following proviso, viz:

"Provided, That this Act shall not apply to notes or evidences of debt held by guardians, administrators or executors of deceased persons as such, unless the creditor or heir to said estate shall be compelled to receive said property as a part or whole of his claim, at the price said guardian, executor or administrator may have to pay for the same under the provisions of this Act."

And it was put and

Decided in the negative, \( \begin{align*}
\text{Yeas} & : 21 \\
\text{Nays} & : 22
\end{align*} \)
On motion by Mr. Robins,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are:
Messrs. Barnes, Berry, Bullock, Cowles, Edwards, Etheridge, Ferebee, Harris, of Franklin, Jones, Kelly, Leach, Lloyd, Marshall, Matthews, Paschal, Perkins, Richardson, Snead, Speed, Thompson, Thornton and Williams.

Mr. McCorkle moved to amend by inserting after the words "twelve months," at the end of the third section, the following words, "by the defendants in the execution giving bond and security for the forthcoming of the property so executed upon at the end of said time."

And it was not adopted.

Mr. Avery moved to amend, by adding the following proviso to the third section, viz:

"Provided, That this act shall not apply to persons acting in a fiduciary capacity, where such person or persons shall be plaintiff or plaintiffs, but such person so acting in a fiduciary capacity shall be permitted to purchase property in the names of persons entitled to the beneficial estate, subject to the approval of the Court of Pleas and Quarter Sessions, if he shall make payment therefor in evidence of indebtedness held in the name of the person or persons for whom he is acting."

And the question thereon was put, and

Decided in the negative, \{ Yeas, \ldots \ldots \ldots \ldots 15. \}
\{ Nays, \ldots \ldots \ldots \ldots 30. \}

On motion by Mr. Berry,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are:

The question recurring, "Shall the bill pass its third reading?" was put and

Decided in the affirmative.

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
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<td>35</td>
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On motion by Mr. Leach,
The yeas and nays being ordered.

Those who voted in the affirmative are:

Those who voted in the negative are:
Messrs. Avery, Gash, Hall, Harris, of Rutherford, Hill, McCorkle, McRae, Robins and Wilson.

So the bill passed.

Ordered to be engrossed.

Mr. Jones moved that the vote by which Senate bill 2, to establish Freehold Homesteads for the citizens of the State, was passed, be re-considered.

Mr. Hall moved to lay the motion on the table.

On motion by Mr. Paschal,
The Senate adjourned.

WEDNESDAY, JANUARY 30, 1867.

Mr. Joseph H. Cardwell, the Senator elect from the 38th Senatorial District, composed of the county of Rockingham, to supply the vacancy occasioned by the death of Mr. Ulysses Hand, appeared, presented his credentials and was duly qualified.
Reports from Committees were submitted and filed, as follows, viz:

By Mr. Wiggins, from the Committee on Finance:
S. P. 54, resolution in favor of A. E. Jacobs, recommending that it not pass.
S. P. 73, resolution to authorize the issue of duplicates of destroyed bonds to Charles S. Mills, with favorable recommendation.

By Mr. McCorkle, from the Judiciary Committee:
S. 97, bill to prevent litigation and the ruinous sacrifice of the property of honest debtors, with adverse recommendation.

By Mr. Leach, from the same Committee:
S. 131, bill fixing the fees of County Solicitors in certain cases, reported, in response to a resolution referred to the Committee upon the subject, recommending its passage.

Mr. Hall introduced the following resolution, viz:

Resolved, That the Finance Committee be instructed either to amend the Revenue Bill of the present session, or to prepare a separate Bill, so as to raise an additional sum of two hundred thousand dollars; the said amount to be applied to the resuscitation of the Common Schools of the State.

Ordered to be printed and made the order of the day at 12 o'clock, on Wednesday, February 6th.

Bills and resolutions of the titles following being introduced, passed their first reading, and were further ordered, as follows, viz:

By Mr. Perkins: Resolutions (S. P. 84) in favor of Wm. H. Perkins, tax collector of Pitt county.

On motion, by Mr. Perkins,
The rule was suspended and the resolutions passed their second reading.

On motion by Mr. Wilson,
The last resolution was stricken out, and, as amended, the resolutions passed.

Ordered to be engrossed.

By Mr. Covington: Resolution (S. P. 85) for the relief of Culpepper Austin, Sheriff of Union county. Referred to the Committee on Finance.
By Mr. Cunningham: Senate Bill 128, requiring the Plaintiff to make affidavit in action of debt, &c. To the Judiciary.

By Mr. Robins: Senate Bill 129, to amend the charter of the Western Rail Road Company.

On motion by Mr. Robins,

The rule was suspended and the bill passed its second reading.

On motion by Mr. Paschal,

The bill was amended by inserting "Chatham," after the word "Alamance," and, as amended, the bill passed.

Ordered to be engrossed and transmitted forthwith to the House of Commons.

By Mr. Adams: Bill (S. P. 86) to amend an act entitled "An Act to incorporate the Trustees of the Greensboro Female College in the county of Guilford." To Corporations.

By Mr. Speed: Bill (S. P. 87) to incorporate Kittrells' Springs Female College. To Corporations.

From the House: Engrossed bill (H. 64) to incorporate the Albemarle Swamp Land Company. To Corporations.

Engrossed resolution (H. P. 64) to increase the pay of the Governor's Messenger. Filed.

By Mr. Jones: Senate Bill 133, the better to secure the payment of rents. To be printed and referred to the Judiciary.

A message was received from the House, transmitting a communication from his Excellency, the Governor, in regard to a petition of certain citizens of Granville County, for the establishment of a Tobacco Ware House and Inspection. Referred to the Committee on Propositions and Grievances.

The motion of Mr. Hall, to lay the motion of Mr. Jones, to reconsider the vote by which the Senate passed Senate bill 2, to establish Freehold Homesteads for citizens of the State, on the table, came up as the unfinished business, and the question was put and

Decided in the affirmative, \{Yeas, \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots

On motion by Mr. Jones,

The yeas and nays being ordered,

Those who voted in the affirmative are:
Messrs. Barnes, Berry, Brown, Bullock, Clark, Cowles, Cunningham, Edwards, Etheridge, Ferebee, Gash, Harris, of Franklin, Johnston, Kelly, Koonce, Leach, Lloyd, Marshall, Paschal, Perkins, Richardson, Snead, Speed, Thornton, Willey and Williams.

Those who voted in the negative are:


Bills of the titles following, passed their third reading and were ordered to be engrossed, viz:

S. 24, bill to authorize the Justices of the county of Cumberland to fund the interest due on its bonds issued in payment of its stock in the Western Rail Road.

S. 25, bill to authorize the Mayor and Commissioners of Fayetteville to fund the interest due on their bonds issued in payment for stocks in the Western Rail Road Company.

S. 12, bill to protect Landlords against Insolvent Tenants, was considered on its third reading as the Special Order.

Mr. Wiggins offered a substitute, by way of amendment. The substitute was ordered to be printed and the bill re-committed to the Judiciary.

On motion by Mr. Adams,

S. 74, resolution in relation to State Bonds, Act of 1861, were taken from the Calendar and referred to the Committee on Finance.

S. 32, bill to declare valid an Act of the General Assembly amending the charter of the Chatham Rail Road Company, on its second reading was considered.

Mr. Jones moved to amend by striking out the figures "250,000," and insert the figures "200,000," in the eighth line of the preamble to the bill. Adopted.

Mr. Leach moved to amend, by striking out the words 'adopted by said Company at a meeting, of which thirty days' notice shall be given, until the whole amount of the stock issued shall not exceed ten hundred and fifty thousand dollars,' at the end of the first section, and insert in lieu thereof the following words, "agreed upon by the Board of Internal Improvement and the President and Directors of
said Rail Road Company: *Provided*, That the sum to which said stock shall be thus scaled, shall not exceed one hundred and seventy-six thousand dollars.” Adopted.

The question recurring upon the passage of the bill, Debate arose, and

On motion by Mr. Berry,
The Senate adjourned.

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THURSDAY, JANUARY 31, 1867.

Prayer by the Rev. Mr. Hudson.

The Speaker laid before the Senate a communication from Mr. Richard N. Tiddy, of New Bern, in regard to the tax on Insurance Companies. Referred to the Committee on Finance.

Reports from Committees were submitted and filed, as follows, *viz*:

By Mr. Clark, from the Committee on Corporations:

S. P. 41, bill to incorporate Monroe Lodge, No. 224, of Free and Accepted Masons in the town of Monroe, County of Union, recommending its passage.

S. P. 1, bill to incorporate the Lexington Company, with an amendment, recommending its passage.

By Mr. Johnston, from the same Committee:

H. 64, engrossed bill, to incorporate the Albemarle Swamp Land Company, with an amendment, recommending its passage.

By Mr. Avery, from the Committee on Internal Improvements:

S. 80, bill to incorporate the Yadkin and Cape Fear Canal Company, with favorable recommendation.

By Mr. Avery, from the Committee on the Judiciary:

S. 112, bill to amend an act entitled “An Act more effectually to secure the maintenance of Bastard Children, and the payment of fines and costs on conviction in criminal cases,” with adverse recommendation.
By Mr. Hall, from the Committee on Education and the Literary Fund:

S. 87, bill to establish Edinborough Medical College in Robeson County, with amendments, recommending its passage.

S. 96, bill to amend an act to incorporate and establish the Hillsborough Academy, at Hillsborough, with favorable recommendation.

H. 179, engrossed bill to authorize incorporated towns and cities to establish systems of Public Schools, with an amendment, recommending its passage.

On motion by Mr. Love,

H. 47, engrossed bill concerning the County site of Clay County, was taken from the Calendar and referred, with a memorial from certain citizens of the county, protesting against its passage, to the Committee on the Judiciary.

A message was received from the House of Commons, transmitting a message from the Governor, covering a report from the Chairman of the Board of Managers of the Cape Fear and Deep River Navigation Company, with a proposition to refer to a joint select committee of three from each House. Concurred in.

The Speaker designated Messrs. McLean, Williams and Paschal as the Senate branch of the said Committee.

On motion by Mr. Cowles,

Resolved, That the Committee on the Judiciary are instructed to report back to the Senate, the engrossed bill (H. 203) to change the jurisdiction of the Courts and the rules of pleading therein, to the end that some action may be taken thereon.

Bills and resolutions of the titles following, being introduced, passed their first reading, and were further ordered, as follows, viz:

By Mr. Wilson: Resolution (S. 134) in favor of Seward & Wright. Referred to the Committee on Claims.

By Mr. Gash: Senate Bill 134, to prevent unnecessary costs to suits on official bonds. To the Judiciary.

By Mr. Moore: Senate Bill 135, to re-enact and amend an Ordinance to change the jurisdiction of the Courts and the rules of pleading therein.
Ordered to be printed and referred to the Committee on the Judiciary.

From the House: Engrossed bill (H. 222) to abolish imprisonment for debt. To the Judiciary.

Engrossed bill (H. 266) to authorize the appointment of Special Magistrates for incorporated towns in Carteret County. Filed.

Engrossed bill (H. 281) to require the Principal Clerks to index the "Journals" and the "Public Laws."

On motion by Mr. Hall.

The rule was suspended and the bill passed its second and third readings.

Ordered to be enrolled.

Engrossed bill (H. P. 56) for the benefit of Daniel Johnson, senior, of Bladen county. Filed.

Engrossed bill (H. P. 57) to incorporate the Trustees of the Lowell Colored School Society, in the county of Washington. Filed.

On motion by Mr. Cunningham,

S. 126, resolutions providing for the marking and protecting of the graves of North Carolina soldiers in Oakwood Cemetery, Virginia, was considered, under a suspension of the rule, on its second and third readings, and passed.

Ordered to be engrossed.

Mr. Covington, by leave, submitted a report from the Committee on Finance, as follows, viz:

S. 114, bill to amend chapter 22, section 55, of the Act of 1866, recommending the adoption of a substitute accompanying the bill.

On motion by Mr. Covington,

The rule was suspended and the substitute adopted, and the bill, as amended, passed its second and third readings.

The title was amended so as to read, "A Bill to extend the time for the return to the County Courts of the lands to be sold for taxes."

Ordered to be engrossed.

S. 32, bill to declare valid an act of the General Assembly, amending the Charter of the Chatham Rail Road Company,
was considered as the unfinished business, upon its second reading.

Mr. Robins moved to amend, by striking out all from the word "that," in the third line of the first section, to the words "the Governor," in the eighth line.

Mr. Wilson moved to lay the amendment on the table, and it was

Decided in the affirmative, 25.

On motion by Mr. Wilson,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are:
Messrs. Adams, Avery, Cowles, Gash, Hall, Harris, of Franklin, Harris, of Rutherford, Hill, Jones, Leach, Love, Matthews, McLean, McRae, Paschal, Richardson, Robins, Wiggins and Williams.

So the motion prevailed.

A message was received from the House of Commons, transmitting a message from his Excellency, the Governor, covering the report of the State Geologist, with a proposition to print twenty copies for each member of this General Assembly, two hundred copies for the Governor, and two hundred copies for the use of the State Geologist.

Mr. Paschal gave notice that should the Senate refuse to concur, he would have to propose the printing of ten copies for each member, and one hundred copies for the Governor, and a like number for the State Geologist.

The Senate concurred in the proposition of the House of Commons.

On motion by Mr. Speed,
S. 101, bill to provide for the building a fence in Perquimans County, was taken from the Calendar and placed upon its passage, under a suspension of the rule.
Upon further motion by Mr. Speed, the bill was amended in several particulars and passed. 

Ordered to be engrossed.

On motion by Mr. Bullock, the Senate adjourned.

FRIDAY, FEBRUARY 1ST, 1867.

The Speaker laid before the Senate the resignation of Quentin Busbee, Assistant Clerk.

Mr. Clark placed in nomination the name of Mr. Charles M. Busbee, to fill the vacancy.

Mr. Jones added the name of Mr. F. G. Foster.

The Speaker appointed Messrs. Clark and Jones to superintend the election, and the Senate voted as follows, viz:

The following voted for Mr. Busbee, viz:


The following voted for Mr. Foster, viz:

Messrs. Harris, of Rutherford, Sneed and Thompson—3.

Mr. Clark, from the committee to superintend the election, reported that Charles M. Busbee received 41 votes, and F. G. Foster 3. Mr. Busbee having received a majority of all the votes, was duly elected.

Mr. Busbee was duly qualified by taking the oath of office and entered upon the discharge of his duties.

Mr. Wilson presented a memorial from a committee of the Mecklenburg Agricultural Society on the subject of Immigration, which was ordered to be printed and referred to the Committee on Propositions and Grievances.

Mr. Hall presented a petition from the Justices of the Peace of New Hanover County in regard to the payment of
Justices required to attend sessions of the Court. Referred to the Committee on Proposition and Grievances.

Reports from Committees were submitted and filed, as follows, viz:

By Mr. Cunningham, from the Committee on Propositions and Grievances:

S. 127, bill to change the jurisdiction of the Courts and the manner of pleading therein, with special report, as follows, viz: That the Committee report the bill back, with a request to be discharged from its further consideration. A large number of bills, on the important subject referred to, are now before the Committee on the Judiciary, and the whole subject is being maturely considered by it. Very important legal and constitutional questions are involved, and the Committee on Propositions and Grievances believe that the Committee on the Judiciary, appointed with reference to such questions, is the proper one to consider them. They deem it highly expedient that this General Assembly should mature some safe plan for a stay in the collection of debts, and believe that a definite conclusion will be more easily reached by having all the plans on the subject before one Committee, that they may be compared and the best selected and recommended.

The Committee was discharged and the bill referred to the Committee on the Judiciary.

By Mr. Wiggins, from the Committee on Finance:

S. 74, resolution in relation to State Bonds, Act of 1861, with a substitute, recommending the adoption of the substitute.

S. 108, bill making provision for the payment of the State Bonds now due, and the interest on the debt of the State, recommending its passage.

S. P. 85, resolution for the relief of Culpepper Austin, Sheriff of Union county, with favorable report.

By Mr. Thompson, from the Committee on Corporations:

S. P. 61, bill to incorporate the Pigeon River Mining and Manufacturing Company of Haywood county, recommending its passage.

S. P. 87, bill to incorporate Kittrells Springs Female College, with favorable report.

By Mr. Leach, from the Committee on the Judiciary:
H. 203, engrossed bill to change the jurisdiction of the Courts and the rules of pleading therein, with amendments, recommending its passage.

On motion, by Mr. Leach,
The bill was made the Order of the day for Tuesday, February 5th, at 11 1/2 o'clock, A. M.

By Mr. Hall, from the Committee on Education and the Literary Fund:
S. 62, bill to incorporate the Waynesville Baptist College, in the county of Haywood, recommending its passage.
Mr. Gash introduced a bill with the following title, viz:
S. 139, bill to establish a State Penitentiary. Passed first reading, and made the Special Order for Monday, February 4th, at 12 o'clock, M.

On motion, by Mr. Avery,
S. 47, bill to incorporate the "North Carolina Land and Immigration Aid Company," was taken from the Calendar and referred to Committee on Corporations.

On motion, by Mr. Jones,
S. 32, bill to declare valid an Act of the General Assembly amending the Charter of the Chatham Rail Road Company, was taken from the table, and its further consideration postponed to, and made the Special Order for, Tuesday, February 7th, at 11 1/2 o'clock.

Bills and resolutions of the titles following, upon their second reading, were disposed of as follows, viz:
S. 45, bill to direct the mode of holding the Superior Courts in the Judicial Circuits by the Judges thereof. Referred to the Joint Select Committee on the revision of the Judicial system of the State.

H. 81, engrossed bill to repeal an Act, entitled "An Act to provide hands to work on the public roads."
Mr. Speed moved to amend by striking out the first section, and the question thereon was put, and
Decided in the negative, \{ Yeas, \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 10.\}
\{ Nays, \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 29.\}

On motion, by Mr. Speed,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Barnes, Berry, Coward, Harris of Franklin, Kelly, Koonce, Snead, Speed, Thompson and Wiggins.

Those who voted in the negative are:

The question recurring, the bill passed its second reading.
Under a suspension of the rule, the bill passed its third reading.

Ordered to be enrolled.

H. 140, engrossed resolutions in favor of the city of Raleigh, passed second and third readings.

Ordered to be enrolled.

On motion by Mr. Hall.

S. 91, bill to enable the city of Wilmington to provide for the payment of the debt of said city, was considered on its several readings, under a suspension of the rule.

Mr. Wiggins moved to amend by striking out the following words at the close of the first section, "and said bonds and the interest to accrue thereon, shall be exempt from taxation." Adopted.

As amended the bill passed.

Ordered to be engrossed.

S. 60, bill to amend the Constitution of North Carolina, came up on its second reading, the question being upon the amendment proposed by the Judiciary Committee.

Mr. Hall moved to lay the amendment on the table and the question thereon was put, and

Decided in the negative, \{ Yeas, \ldots \ldots \ldots \ldots 19 \}
\{ Nays, \ldots \ldots \ldots \ldots 23 \}

On motion by Mr. Robins,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Barnes Bullock, Cardwell, Coward, Ferebee, Hall, Harris, of Rutherford, Kelly, Koonce, Love, McCorkle, Mc.
Lean, Paschal, Speed, Thompson, Wiggins, Willey and Williams.

Those who voted in the negative are:

Messrs. Adams, Avery, Berry, Brown, Clark, Covington, Cunningham, Edwards, Etheridge, Gash, Harris, of Franklin, Hill, Johnston, Jones, Leach, Matthews, McRae, Perkins, Richardson, Robins, Snead, Thornton and Wilson.

The question then recurring upon the amendment of the Judiciary Committee,

Debate arose, and

On motion by Mr. Ferebee,

The Senate adjourned.

SATURDAY, FEBRUARY 2, 1867.

Prayer by the Rev. Mr. Hardie.

Messrs. Love, Hill and Speed submitted recommendations for Justices of the Peace for the counties of Jackson, Iredell, and Perquimans respectively. The recommendations were adopted and ordered to be transmitted to the House.

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

By Mr. Wilson, from the Committee on the Judiciary:

S. 113, bill for the relief of Guardians and Minor Children, with adverse recommendation.

Resolution in regard to Executors, Administrators and Guardians, compromising claims, with unfavorable recommendation, regarding the law as ample upon the subject.—The Committee was discharged.

By Mr. Avery, from the same Committee:

S. 12, bill to protect Landlords against insolvent tenants, recommending its passage.

By Mr. McCorkle, from the same Committee:
S. 133, bill the better to secure the payment of rents, asking to be discharged from its further consideration. Discharged accordingly.

By Mr. Cunningham, from the Committee on Propositions and Grievances.

H. 127, engrossed bill to supply artificial arms to disabled soldiers and for other purposes, with an amendment, recommending its passage.

By Mr. Johnston, from the Committee on Corporations:

S. P. 86, bill to amend an act, entitled "An act to incorporate the Trustees of the Greensboro' Female College, in the county of Guilford," recommending its passage.

S. P. 60, bill to incorporate the American Mining and Manufacturing Company, with amendments, recommending its passage.

By Mr. Koonce, from the Committee on Internal Improvements:

S. 10, bill to consolidate the Atlantic and North Carolina Rail Road Company, the North Carolina Rail Road Company and the Western North Carolina Rail Road Company, recommending its passage.

Bill of the titles following being introduced, passed their first reading, and were ordered as follows, viz:

By Mr. Wiggins: Senate bill 140, to authorize new bonds to be issued to the Western Rail Road Company, in exchange for bonds of the State, dated October 1st, 1861. Filed.

By Mr. Gash: Senate bill 141, to pay Magistrates in Henderson county. Filed.

By Mr. Robins: Bill (S. P. 92) to incorporate the town of Franklinsville, in the county of Randolph. To Corporations.

From the House: Engrossed bill (H. 288) to revise and consolidate the various acts relating to the collection and return of taxes for the support of the indigent insane.

On motion by Mr. Gash,

The rule was suspended and the bill passed its second and third readings.

Ordered to be enrolled.

A message was received from the House, transmitting a communication from the Governor, covering a telegram from
certain persons in New York, in relation to furnishing provisions for the indigent of the State, with a proposition to refer to a joint select committee of three on the part of each House. Concurred in.

The Speaker designated Messrs. Harris, of Franklin, Cardwell and Kelly, as the Senate branch of the Committee.

A further message was received from the House, transmitting a message from the Governor, covering the report of the President and Superintendent of the Wilmington and Weldon Rail Road Company, with a proposition to refer to the Committee on Finance. Concurred in.

On motion by Mr. Covington,

S. P. 85, resolution for the relief of Culpepper Austin, Sheriff of Union County, was considered, under a suspension of the rule, and passed its second and third readings.

Ordered to be engrossed, and transmitted forthwith to the House of Commons.

On motion by Mr. Leach,

H. P. 47, Engrossed bill to incorporate New Berne Lodge, No. 245, A. Y. M., was taken from the file and passed its several readings.

Ordered, to be enrolled.

On motion by Mr. Berry,

S. 108, bill making provision for the payment of the State bonds now due, was taken from the Calendar, and its further consideration postponed to, and made the special order for, Wednesday, February 6th, at 1 o'clock.

Bills and resolutions of the titles following, came up on their second reading, and were disposed of as follows, viz:

S. P. 1, bill to incorporate the Lexington Mining Company.

The amendment, proposed by the Committee on Corporations, altering the term of duration from "ninety-nine," to "sixty" years, was adopted.

Mr. Johnston moved to amend, by adding the names of Daniel McCann and James E. Parris to the corporators. Adopted.

As amended, the bill passed its second and third readings. Ordered to be engrossed.

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S. P. 5, bill to encourage Immigration. Referred to Corporations.

S. P. 6, bill to incorporate the Fayetteville Street Railway Company. Passed its several readings.

Ordered to be engrossed.

S. P. 10, bill to incorporate "The Merchants and Planters Mutual Benefit Company."

Mr. McCorkle moved to amend, by adding, to the second section, the following: "Provided, however, That the lien shall be postponed in favor of landlords, when advancements may be made to tenants." Adopted.

Mr. McCorkle moved to amend further, by adding to the fourth section, the following: "and the corporate privileges herein granted shall continue seven years." Adopted.

As amended, the bill passed its second and third readings.

Ordered to be engrossed.

S. P. 13, bill to amend the 122d chapter of the Acts of 1858-59, entitled "An Act to incorporate the Bingham Coal Mining Company." Passed second and third readings.

Ordered to be engrossed.

S. P. 17, bill to incorporate the North Carolina Dental Association, and for the establishment of a Board of Dental Examiners. Recommitted to Corporations.

H. P. 10, resolution for the relief of William S. Mason.

Mr. Johnston moved to amend, by striking out the word "three," in the fourth line, and insert "two." Adopted,

As amended, the resolution passed its several readings.

Ordered to be transmitted to the House for concurrence.

On motion by Mr. Speed,

The Senate adjourned.

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MONDAY, FEBRUARY 4, 1867.

The Speaker designated Messrs. Clark, Cowles and Snead as the Committee on Enrolled Bill for the week.
Messrs. Horton, of Watauga, Everett, Foard, Gambill and Garrett, were announced, by message, as the House branch of the Committee on Enrolled Bills for the week.

Mr. Cunningham, from the Committee on Propositions and Grievances, submitted a report as follows, viz:

S. 148, bill concerning the Justices of the Peace of New Hanover county, reported in response to a petition from the Justices of said county, recommending its passage.

On motion by Mr. Hall,

Resolved, That the Committee on the Judiciary be, and are hereby requested, to inquire into the propriety of amending the third section of the seventh clause of the Revised Code, so as more effectually to protect the citizens against the wrongful suing out of attachments.

Mr. Battle introduced the following resolution, viz:

Resolved, (the House concurring;) That no bills or new matter shall be introduced and considered by this General Assembly, from and after Friday, the 15th inst.

And it was decided in the affirmative, \( \text{Yeas} \ldots \ldots \ldots \ldots 27. \) \( \text{Nays} \ldots \ldots \ldots \ldots 10. \)

On motion, by Mr. Battle, The yeas and nays being ordered, Those who voted in the affirmative are:


Those who voted in the negative are:


On motion, by Mr. Hall, The vote by which the resolution was just adopted was reconsidered.

Mr. Hall moved to amend by striking out Friday, the 15th, and insert Monday, the 11th.

Mr. Love moved to lay the amendment on the table, and the question was put, and
Decided in the negative, \( \{ \text{Yea}s \ldots \ldots \ldots \ldots \ldots .14 \} \)
\( \{ \text{Nay}s . . . . . . . . . . \ldots .22 \} \)

On motion, by Mr. Love,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Those who voted in the negative are:
The question recurring on the amendment,
It was decided in the affirmative, \( \{ \text{Ney}s . . . . . . . . . . \ldots .22 \} \)
\( \{ \text{Yeas} . . . . . . . . . . \ldots .16. \} \)

On motion, by Mr. Cunningham,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Those who voted in the negative are:
So the resolution as amended passed.

Ordered to be transmitted to the House.

Bills of the titles following, being introduced, passed their first reading and were ordered as follows, viz:
By Mr. Hall: Senate bill 144, to increase the fees of Inspectors of Naval Stores for the City of Wilmington. Referred to Propositions and Grievances.
By Mr. Love: Senate bill 145, to incorporate the North Carolina Express Company. Ordered to be printed and referred to the Committee on Corporations.
By Mr. Gash: Senate 149, to prescribe the duties of Clerk in issuing marriage licenses. Referred to the Judiciary.
A message was received from the House, transmitting recommendations for Justices of the Peace for sundry Counties.

Those for Randolph, Yadkin and Warren were laid on the table, and the remainder concurred in, and

Ordered to be transmitted to the Governor for commission.

Mr. Thornton recommended the names of sundry persons as Justices of the Peace for Warren county, which was concurred in, and

Ordered to be transmitted to the House.

S. 60, bill to amend the Constitution of North Carolina, came up as the unfinished business.

On motion by Mr. Berry,

Its further consideration was postponed to and made the Special Order for Friday, 8th of February, at 12 o'clock.

S. 139, bill to establish a State Penitentiary, was considered on its second reading, as the order of the day.

Mr. Gash moved to amend by striking out the word "is," in the third line of the first section, and insert the words "and his council are." Adopted.

Mr. Gash moved to amend by striking out the words "one thousand five hundred," in the sixth line of the same section, and insert the words "two thousand," and

It was determined in the negative, \[ \text{Yeas,} \quad 17 \]
\[ \text{Nays,} \quad 21 \]

On motion by Mr. Berry,

The yeas and nays were ordered,

Those who voted in the affirmative, are:


Those who voted in the negative are:

Messrs. Avery, Battle, Barnes, Cardwell, Covington, Cunningham, Edwards, Etheridge, Ferebee, Harris, of Rutherford, Johnston, Kelly, Love, Marshall, Matthews, McCorkle, Paschal, Richardson, Thornton, Willey and Williams.

On motion by Mr. Gash,
To fill the blank in the fifth line of the second section with "ten thousand,"

It was determined in the affirmative.

On motion by Mr. Covington,

To amend the tenth section by striking out the words, "the same mileage and per diem for each one," and insert the words, "actual traveling expenses;"

It was determined in the affirmative.

On motion by Mr. Covington,

To amend by inserting after the words "return and," in the eighth line of the same section, the words "two dollars per diem and;"

It was determined in the affirmative, Yeas, 22; Nays, 13.

On motion, by Mr. Covington,

The yeas and nays being ordered,

Those who voted in the affirmative are:


The who voted in the negative are:


On motion by Mr. Gash, to amend the second line of the twelfth section, by inserting, after the word "dollars," the words "each for the years 1867 and 1868;"

It was determined in the affirmative.

On motion by Mr. Love, to amend by inserting an additional section between the 5th and 6th sections, to be numbered the sixth, as follows:

"Be it further enacted, That it shall not be lawful for the Superintendent, by himself, or his Agent, directly or indirectly, to be interested in any contract relating to the building of the Penitentiary;"

It was determined in the affirmative.

As amended, the bill passed its second reading.
S. 10, bill to consolidate the Atlantic and North Carolina Rail Road Company, the North Carolina Rail Road Company and the Western North Carolina Rail Road Company, was, on motion by Mr. Love, postponed to and made the Special Order for Monday, February 11th, at 12 o'clock, M.

S. 12, bill to protect Landlords against Insolvent Tenants, was considered on its second reading.

The question being on the substitute offered by Mr. Wiggins, viz:

Strike out all after the enacting clause, and insert the following:

That in all cases where land has been, or may hereafter be rented, the landlord shall have a lien upon the crop and stock of the tenant for the amount due for rent, which lien shall have the same effect and operation as if the same were levied upon under an execution, and the sale of any portion of said crop shall be null and void, before all the rent due shall have been paid, and this shall apply as well where the rent is payable in money as in part of the crop.

Sec. 2. Be it further enacted, That should any tenant, in violation of this act, sell or in any manner dispose of any part of the crop, before payment of all the rent due, the landlord may, by writ of replevin, seize the same wherever to be found, or, by bill of equity, may proceed against the purchaser and the tenant, and upon affidavit of the landlord, his agent or attorney, that the tenant is disposing of or is threatening to dispose of the crop, whereby the landlord is likely to be deprived of his rent, or that there is good reason to believe that the tenant will leave the State without paying the rent due, it shall be the duty of any of the Judges of the courts of law and equity, in this State, upon a bill filed and sworn to, setting forth, in substance, any of the above causes of complaint, to issue writs of sequestration, injunction and ne exeat, against such tenant, his aiders and abettors, and to direct that so much of the crop, the stock, or any other personal property of the tenant, shall be delivered into the possession of the landlord, as shall be sufficient to pay all the rent due, and the expenses of such suit.
Sec. 3. *Be it further enacted*, That the removal for any cause of any part of the crop off the land on which it is produced, before payment of all the rent, shall amount to a forfeiture of the term or lease of the entire crop, and shall operate as a transfer as much as if done by deed or other writing, of the entire crop to the landlord, and he shall be authorized, in that event, to take immediate possession of the land and crop as his own, and any act or proceedings of the tenant, or any other person under any pretext whatever, done or threatened, with a view to keep the landlord out of possession as aforesaid, shall be a misdemeanor, and, upon indictment and conviction, the party or parties so offending, shall be fined or imprisoned, either or both, at the discretion of the court.

Sec. 4. *Be it further enacted*, That whenever land is or has been rented, and stock and provisions and necessary supplies furnished by the landlord to the tenant, any act done in disposing of any such stock or supplies or any thing else, in violation of the agreement between the parties to such contract, shall operate as a forfeiture of all the rights and interest of the tenant under such contract, and the landlord may, by action of replevin, recover the property wherever found, and, upon due notice to any person holding said property of the rights of the landlord, and refusal to deliver the same, he shall be guilty of a misdemeanor, and, upon indictment and conviction, shall be fined double the value of such property.

Sec. 5. *Be it further enacted*, That the executor, administrator, heirs and assigns of any landlord, may and shall have all the rights, remedies and proceedings for the recovery and security of any rent due, as are here provided for the original landlord.

Sec. 8. *Be it further enacted*, That this act shall take effect from its ratification.

On motion, by Mr. Berry, to strike out the third section, it was

Decided in the affirmative, \{ Yeas, \ldots \ldots \ldots \ldots 20. \}
\{ Nays, \ldots \ldots \ldots \ldots 16. \}

On motion, by Mr. Berry,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are


Mr. Gash moved to amend, by striking out the fourth section.

After debate thereon,

On motion by Mr. Covington,

The Senate adjourned.

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TUESDAY, FEBRUARY 5, 1867.


Mr. Richardson presented a memorial from citizens of Moore county, in reference to the "Relief of the People." Referred to the Committee on the Judiciary.

Mr. Bullock presented names for Justices of the Peace for Granville county, which were recommended, and

Ordered to be transmitted to the House.

Reports from Committees were submitted and filed as follows, viz:

By Mr. McCorkle, from the Committee on the Judiciary:

S. 134, bill to prevent unnecessary costs to suits on official bonds, recommending that it do not pass.

By Mr. Koonce, from the same Committee:

S. 135, bill to re-enact and amend an Ordinance to change the jurisdiction of the Courts and the rules of pleading therein, asking to be discharged from its further consideration. Discharged.

By Mr. Cunningham, from the Committee on Propositions and Grievances:
Memorial in regard to Immigration, with report that they had maturely considered the subject, and consider it one of importance, but that if private capital cannot accomplish the purposes contemplated, they believe the financial condition of the State will not justify any expenditure of public funds to secure it. They, therefore, adhere to the views advanced in a former report on the same subject, and ask to be discharged from its further consideration.

The Committee was discharged.

By Mr. Speed, from the Committee on the Insane Asylum:

S. P. 93, resolution in favor of William Gordon, recommending its passage.

S. 147, resolution in favor of the creditors of the Insane Asylum, recommending its passage.

Mr. Gash submitted the following resolution for consideration:

Resolved, That the Senate, after to-day, hold evening sessions, commencing at half after seven o'clock, P. M.

On motion by Mr. Wiggins to lay on the table, it was

Decided in the affirmative, Yeas 23, Nays 16.

On motion, by Mr. Cunningham,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Avery, Battle, Berry, Bullock, Clark, Covington, Cowles, Etheridge, Ferebee, Harris of Franklin, Harris of Rutherford, Leach, Matthews, McCorkle, McLean, Moore, Paschal, Richardson, Speed, Thornton, Wiggins, Williams and Wilson.

Those who voted in the negative are:


Bills and resolutions of the titles following, being introduced, were disposed of as follows, viz:

By Mr. Kelly: Bill (S. 148,) to amend the Charter of the Wilmington Railway Bridge Company. Referred to the Committee on Internal Improvements.
By Mr. McLean: Bill (S. P. 94,) to set apart and make perpetual the McIntyre Cemetery in the county of Cumberland. Filed.

Bill (S. 149,) to authorize new bonds to be issued in exchange for bonds of the State issued to the Wilmington, Charlotte and Rutherford Rail Road Company, dated July 1, 1862. Filed.

By Mr. Cowles: Bill (S. 150,) to authorize the President of the Western North Carolina Rail Road Company to borrow money on the faith and credit of the State. To Internal Improvements.

By Mr. Avery: Bill (S. 151,) to incorporate the "Northwestern Rail Road Company." Ordered to be printed and referred to the Committee on Internal Improvements.

A message was received from the House, transmitting a message from his Excellency, the Governor, covering the report of the Attorney General, touching the affairs of the Cape Fear Navigation Company, with a proposition to refer to a Joint Select Committee of three on the part of each House; which, being concurred in, Messrs. Hall, Lloyd and Williams were designated as the Senate branch of the Committee.

A message from the Governor, in regard to the Literary Fund, transmitted from the House, with a proposition to print and refer to the Committee on Education and Literary Fund, was so ordered.

A message was received from the House, informing the Senate of the non-concurrence of that body in the resolution prohibiting the introduction of bills or other matter after the 11th inst.

On motion, by Mr. Willey,

S. P. 98, resolution in favor of William Gordon, was considered, under a suspension of rules, and passed its several readings.

Ordered to be engrossed and transmitted forthwith to the House.

The House concurred in the amendments to the resolution (H. P. 10,) for the relief of Wm. S. Mason.

Ordered to be enrolled.
A message was received from the House, concurring in the recommendations for Justices of the Peace for Granville county.

Ordered to be transmitted to the Governor for commission.

H. 203, engrossed bill to change the jurisdiction of the Courts and the rules of pleading therein, came up, as the Order of the day.

The amendments passed by the Committee on the Judiciary were severally adopted.

Mr. Moore moved to amend by striking out all after the enacting clause and insert the following, viz:

That the jurisdiction of the several Courts of this State, and of Justices of the Peace, and the rules of pleading in said Courts, and also the rules to be observed in trials by Justices of the Peace, shall be the same as prescribed and provided in an Ordinance of the Convention, adopted June 23rd, 1866, except as hereinafter otherwise directed.

Sec. 2. Be it further enacted, That all writs in actions of debt, covenant, assumpsit or accounts, issued to Fall Term, 1866, or to Spring Term, 1867, of the Superior Courts, shall be returned by the Sheriffs to Spring Term, 1868, and actions of debt, covenant, assumpsit or account now pending in the Superior Courts, shall be continued to Spring Term, 1868, and if the defendant has entered his plea he shall be allowed to withdraw the same, and take the benefits of section 3, of the Ordinance hereby enacted and amended.

Sec. 3. Be it further enacted, That sections 4, 6, 7, 8, 10, 11 and 12, of said Ordinance, are hereby amended, so as to read Spring Term, 1868, instead of Spring Term, 1867, and that in the third proviso of section 10, shall be read Spring Term, 1869, instead of Spring Term, 1868. And that 1st proviso, section 20, be amended so as to read that the time from the first of September until the Spring Term of the Court 1868, barring action or suits or presuming satisfaction or abandonment of rights, shall not be counted. And that section 11 be further amended by adding just preceding the 1st proviso, the words "and all warrants issued in accordance with this section shall be executed at least sixty days before the trial thereof."
Sec. 4. Be it further enacted, That any Sheriff, Clerk or other officer, failing to execute any of the provisions of this Act, and that part of the Convention Ordinance not amended or repealed by this Act, when the execution thereof devolves on him, or issuing, receiving or executing any process whatever, contrary to the provisions of this Act, and that part of the Convention Ordinance not amended or repealed by this Act, shall be subject to a penalty of one thousand dollars, to be recovered by rule of Court as penalties and fines were recovered in 1860.

Sec. 5. Be it further enacted, That sections 21 and 24 of the Convention Ordinance are hereby repealed, and all the parts and provisions of said Ordinance, not amended or repealed by this act, are by this act confirmed and validated.

Sec. 6. Be it further enacted, That this act shall be in force from and after its ratification.

On motion, by Mr. Jones, to refer the bill under consideration, and all others upon the subject of relief to the people, to the Joint Select Committee upon the revision of the Judicial system, it was

Decided in the affirmative, Yeas.........................25

Nays.........................15

On motion by Mr. Barnes,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Avery, Barnes, Brown, Cardwell, Clark, Coward, Cunningham, Etheridge, Ferebee, Gash, Hall, Harris, of Rutherford, Hill, Johnston, Jones, Koonce, Leach, Love, Matthews, McCorkle, McRae, Speed, Thornton, Wiggins, and Willey.

Those who voted in the negative are:

Messrs. Battle, Berry, Bullock, Covington, Cowles, Harris, of Franklin, Kelly, Lloyd, Marshall, McLean, Moore, Paschal, Richardson, Williams and Wilson.

On motion, by Mr. Bullock, that the Senate adjourn, it was

Decided in the negative, Yeas, .........................16.

Nays, .........................18.

On motion, by Mr. Berry,
The Yeas and nays were ordered.
Those who voted in the affirmative are:
Messrs. Avery, Berry, Bullock, Covington, Coward, Etheridge, Ferebee, Hall, Harris, of Franklin, Harris, of Rutherford Leach, Matthews, Paschal, Speed, Wiggins and Wilson.
Those who voted in the negative are:
Messrs. Battle, Barnes, Cardwell, Clark, Cunningham, Gash, Hill, Johnston, Jones, Kelly, Koonce, Love, McCorkle, McLean, McRae, Thornton, Willey and Williams.
S. 12, bill to protect Landlords against Insolvent Tenants, came up as the unfinished business.
The question was upon the motion by Mr. Gash, to strike out the fourth section of the substitute, and
It was determined in the negative.
The question recurring upon the striking out and inserting the amendment of Mr. Wiggins,
Mr. Avery called for a division of the question, and
After debate,
On motion of Mr. Avery,
The Senate adjourned.

WEDNESDAY, FEBRUARY 6, 1867.

Reports from Committees were submitted and filed as follows, viz:
By Mr. Wilson, from the committee on the Judiciary:
H. 222; engrossed bill to abolish imprisonment for debt, recommending the rejection of the same, with special report, as follows:
1st. The bill proposes a discrimination between actions based upon Contracts and those based upon Tort; a distinction which, in the opinion of the Committee, is wholly arbitrary and not founded upon any principle of right and justice.
2d. It proposes a radical change in our laws regulating Bail and Insolvency, as contained in chapter 11 and 59, Revised Code, materially impairing, if not entirely abrogating those chapters, containing a series of laws, which have been upon our Statute Book for many years, which have received the consideration and sanction of our wisest and best statesmen and jurists, and, as your Committee believe, now meet with the approval of the people of the State.

3d. The effects of the bill, if passed into a law, in the opinion of your Committee, will be to impair the solemn obligations of contracts, and, consequently, prove demoralizing in its tendency, enabling the dishonest to practise their fraudulent devices with impunity, whereas the character of all legislation should be such as to encourage and promote fair dealing between man and man, and to enable those who are honest to be protected in their just rights.

By Mr. McCorkle, from the same committee:
S. 127, bill to change the jurisdiction of the Courts and the manner of pleading therein, asking to be discharged from its further consideration.

Discharged, and the bill referred to the Joint Select Committee on Judicial Reform.

By Mr. Moore, from the same committee:
H. 47, engrossed bill concerning the county site of Clay county, with adverse recommendation.

By Mr. Leach, from the same committee:
Memorial for the relief of the people, from the county of Moore, asking to be discharged from its further consideration.

Discharged, and the memorial referred to the Joint Select Committee on Judicial Reform.

By Mr. Gash, from the committee on Claims:
S. P. 89, resolution in favor of Seward & Wright, recommending its passage.

By Mr. Johnston, from the committee on Corporations:
S. P. 92, bill to incorporate the town of Franklinville, in the county of Randolph, recommending its passage.

By Mr. Avery, from the committee on Internal Improvements:
S. 148, bill to amend the charter of the Wilmington Railway Bridge Company, any, recommending its passage.

S. 150, bill to authorize the President of the Western North Carolina Rail Road Company to borrow money on the faith and credit of the State, with favorable recommendation.

Bills of the titles following, being introduced, were disposed of as follows, viz:

By Mr. Hill: Bill (S. P. 95) to incorporate the Agricultural and Mineral Company. Referred to the committee on Corporations.

By Mr. Battle: Bill (S. P. 96) to authorize Evan H. Morgan, late Sheriff of Nash county, to collect arrears of taxes. To the Judiciary.

On motion by Mr. Wilson,

Engrossed bill (H. 104) to amend an Act for the relief of Landlords, was taken from the file and referred to the committee on the Judiciary.

On motion of Mr. Harris, of Rutherford,

Engrossed bill (H. 222) to abolish imprisonment for debt, was taken from the file, and its consideration was postponed to and made Special Order for Tuesday, February 12th, at 12 o'clock, M.

S. 12, bill to protect Landlords against Insolvent Tenants, was considered on its third reading as the unfinished business, the question being upon the proposition to strike out all after the enacting clause, and insert the amendment offered by Mr. Wiggins—Mr. Avery having called for a division of the question.

On motion, by Mr. Speed, to amend the original bill by inserting after the word, "measurement," in the twenty-third line of the first section, the words, "or weight,"

It was determined in the affirmative.

The Speaker announced the hour for the Special Order, to-wit: Resolution (S. 130) with regard to Common Schools.

On motion, by Mr. Hall,

Its consideration was postponed and the resolution placed upon the file.
The Senate resumed the consideration of the bill (S. 12) to protect Landlords against Insolvent Tenants.

On motion, by Mr. Moore, to amend by adding an additional section, viz:

SEC. 2. Be it further enacted, That when the rent of land is to be paid in money, the Landlord may attach enough of the crop raised on the land to secure the rent due said Landlord upon making oath that the rent is then due and that he believes the Tenant is about to remove and make way with the crop grown on said land, and that he believes the tenant has no other property to secure said rent by action at law, notwithstanding the parties may be resident of the same county.

It was decided in the affirmative.

On motion, by Mr. Clark, to reconsider the vote by which the amendment was adopted, it was

Decided in the negative, \{ Yeas, \ldots \ldots \ldots \ldots \ldots 17. \}
\{ Nays, \ldots \ldots \ldots \ldots \ldots 22. \}

On motion by Mr. Leach,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Avery, Berry, Bullock, Clark, Cowles, Etheridge, Ferebee, Harris, of Rutherford, Hill, Leach, Matthews, McCorkle, McLean, Paschal, Speed, Thornton and Wilson.

Those who voted in the negative are:

The question upon striking out recurring, it was

Decided in the negative, \{ Yeas, \ldots \ldots \ldots \ldots \ldots 17. \}
\{ Nays, \ldots \ldots \ldots \ldots \ldots 22. \}

On motion by Mr. Wilson,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Adams, Battle, Barnes, Cardwell, Covington, Coward, Cunningham, Johnston, Jones, Kelly, Leach, Love, Loyd, Matthews, McRae, Wiggins and Willey.

Those who voted in the negative are:
Messrs. Avery, Berry, Brown, Bullock, Clark, Cowles, Etheridge, Eerebee, Gash, Hall, Harris, of Franklin, Harris, of Rutherford, Hill, Koonce, Marshall, McCorkle, McLean, Moore, Paschal, Speed, Thornton, and Wilson.

Mr. Jones moved to amend by striking out all after the enacting clause and insert as follows, viz:

That upon complaint on oath, being made to any of the officers named in section 1, chapter 7, Revised Code, entitled Attachments, by any lessor of lands or tenements, by lease in writing wherein a sum certain, or a certain part or share of the crops to be made on the demised lands, is reserved as rent, or by the executors, administrators, heirs, or assigns of such lessor, or by his or their agent or agency, that a certain sum of money is due, and payable as rent upon such lease, and is unpaid; or that the rent reserved, in a part of the crop to be made on the demised land, and that the lessee, his executors, administrators, or assigns has removed, or is about to remove from the demised land, the crop or some part thereof made on the demised land, contrary to the stipulations of the lease, without the consent of the lessor or his proper representatives, and without having paid to the lessor or his representatives the rent reserved in the lease, such officer shall issue an attachment as provided in said section; notwithstanding that oath's not made that the person against whom the attachment is prayed for is a non-resident of the county or State, or that he hath removed, or is removing himself from said county, or hath absconded, or absents himself so that the ordinary process of law cannot be served on him; and notwithstanding that the said defendant is an inhabitant of the county in which the attachment is prayed, and the ordinary process of law can be served on him.

Sec. 2. Be it further enacted, Every such officer, before issuing such attachment, shall require the plaintiff, his agent or attorney, to give bond as required in section 3, chapter 7, of Revised Code.

Sec. 3. Be it further enacted, The proceedings upon such attachments shall be as in other cases of attachments, except in the following respects: A copy of the attachment, and of
every levy which may be made by the authority thereof, shall be delivered to the defendant as soon after the making of such levy as may be; and no property levied on, under such attachment, shall be repleved, unless the defendant, his agent or attorney, shall give a bond, with good surety, payable to the plaintiff, in double the amount of the debt or demand sued for,—with condition that it shall be void if the plaintiff shall fail to prosecute his suit with effect, or if the defendant shall pay all such debt, damages and costs, as the plaintiff shall recover in his said suit; otherwise to be of full force and virtue: and every defendant, on his giving such bond, to the officer levying the attachment, shall have the property levied on restored to him, and said bond shall be returned to the court with the attachment.

Sec. 4. Be it further enacted, Attachments shall also issue, when any lessor, or his proper representative, shall complain on oath, before any proper officer, that the lessee hath broken, or failed and neglected to perform, any covenant or undertaking on his part, entered into any lease in writing, whereby the plaintiff hath sustained any certain damage, the amount of which shall be stated, and the proceedings therein shall be as required in the preceding section of this Act.

Sec. 5. Be it further enacted, No attachment shall be issued under this Act where the cause of action shall have existed more than ninety days (Sundays included) before issuing out the same.

Sec. 6. And be it further enacted, If, by any lease in writing, for a term of one or more years, in which either a sum certain, or a share of the crop to be made on the demised land, shall be reserved as rent to be paid to the lessor or his proper representative, it shall be stipulated and agreed that the lessee shall not remove from the demised lands, any part of the crop to be made thereon, before paying and delivering to the lessor, or his proper representatives, his or their agreed rent; the said lessor, or his proper representative, to whom said rent is payable, shall have a lien on said crop for said rent. And, in like manner, when it is agreed in any such lease, that the performance of any or all the covenants, on the part of the lessee and his representatives, shall be secured by
a lien on the crop to be made on such demised land, the said lessor, or his representatives, shall have such lien, and if any of the cases in this section provided for the lessee, or his executors, administrators or assigns, should, without the consent of the lessor or his representatives, remove any part of such crop, without having paid the rents and performed all the covenants and understandings on his and their part in said lease contained, he or they, so removing any part of said crop, shall be held guilty of a misdemeanor.

Sec. 7. And be it further enacted, Every sale of such crop, or any part thereof, made by any such lessee, shall be held as void, as against the lessor or his proper representatives; and every levy made by any Sheriff, Coroner or Constable, on the said crop, under execution against the said lessee or his representatives, shall be deemed and subject to the claim of the lessor or his representatives, to the payment of the rent, and the performance of all the other covenants by said lessee, in said lease contained.

On motion, by Mr. Leach, to amend the amendment, by striking out the words "that a certain sum of money is due and payable as rent upon such lease," in the first section, and the words "either a sum certain, or," in the sixth section,

They were severally determined in the affirmative.

The question recurring upon striking out and inserting, it was

Decided in the negative, { Yeas,................. 9.
{ Nays,................. 28.

On motion by Mr. Wilson,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Battle, Barnes, Covington, Coward, Jones, Leach, McRae, Wiggins and Willey.
Those who voted in the negative are:
Messrs. Adams, Avery, Berry, Brown, Bullock, Cardwell, Clark, Cowles, Cunningham, Etheridge, Ferebee, Gash, Hall, Harris, of Franklin, Harris, of Rutherford, Hill, Kelly, Koonce, Love, Matthews, McCorkle, McLean, Moore, Paschal, Richardson, Speed, Thornton and Wilson.
The Speaker announced the hour for the consideration of the Special Order, to-wit:

S. 108, bill making provision for the payment of the State bonds now due.

On motion by Mr. Love,
Its consideration was postponed until the bill under debate was disposed of.

The question then recurring upon the passage of the bill, it was

Decided in the affirmative, \( \frac{1}{2} \) Yea s ......................... 30
\( \frac{1}{2} \) Nays ................. 10

On motion by Mr. Leach,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Adams, Avery, Battle, Barnes, Berry, Brown, Cardwell, Clark, Covington, Coward, Cunningham, Etheridge, Gash, Hall, Harris, of Franklin, Harris, of Rutherford, Hill, Johnston, Jones, Kelly, Koonce, Marshall, Mattews, McCorkle, McLean, McRae, Moore, Richardson, Thornton and Wilson.

Those who voted in the negative are:

Ordered to be engrossed.

Mr. Clark gave notice that he would, to-morrow, move to amend the Rules of the Senate, proposing the Parliamentary rule of the previous question.

S. 108, bill making provision for the payment of State Bonds now due, was considered, as the Special Order, on its second reading.

On motion by Mr. Berry,
The bill was amended in several sections.

Mr. Gash moved to re-consider the several votes by which the amendments were adopted.

Mr. Paschal moved that the Senate adjourn until 10½ o'clock to-morrow.

On motion, by Mr. Hall, to amend by fixing the time at 7½ o'clock, P. M., this evening, it was
Decided in the negative, { Yeas, .................... 17.
{ Nays, .................... 21.

On motion by Mr. Hall,
The yeas and nays being ordered,
Those who voted in the affirmative are,
Messrs. Adams, Battle, Barnes, Berry, Brown, Cardwell, Cunningham, Gash, Hall, Johnston, Jones, Kelly, Koonce, Love, McCorkle, McRae and Willey.
Those who voted in the negative are:
Messrs. Avery, Bullock, Clark, Covington, Cowles, Etheridge, Ferebee, Harris, of Franklin, Harris, of Rutherford, Hill, Leach, Marshall, Matthews, McLean, Moore, Paschal, Richardson, Speed, Thornton, Wiggins and Wilson.
The question recurring upon the motion of Mr. Paschal,
The Senate adjourned.

THURSDAY, FEBRUARY 7th, 1867.

Mr. Avery, from the joint select Committee on Judicial Reform, to whom were referred sundry bills relative to the Relief of the People, reported a bill, as follows:
S. 152, bill to change the jurisdiction of the Courts and the rules of pleading therein, recommending its passage.

On motion, by Mr. Cowles,
The rule was suspended and the bill placed upon its several readings.

On motion, by Mr. Cowles, to amend by striking out in the sixth section the following words, viz: “If the defendant or defendants at the Spring Term, 1867, shall make oath that they have made honest and diligent efforts to pay one-tenth of the principal and interest and costs, but have failed to do so, and they cannot raise the sum without a ruinous sacrifice of property, then,” it was

Decided in the affirmative, { Yeas, .................... 36.
{ Nays, .................... 5.
On motion, by Mr. Cowles,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Mr. Adams, Avery, Battle, Barnes, Berry, Brown, Bullock, Cardwell, Clark, Covington, Cowles, Cunningham, Edwards, Etheridge, Ferebee, Gash, Hall, Harris of Franklin, Harris of Rutherford, Hill, Johnston, Jones, Kelly, Koonce, Leach, Love, Lloyd, Marshall, Matthews, McLean, Moore, Paschal, Richardson, Thornton, Wiggins and Willey.

Those who voted in the negative are:
Messrs. McCorkle, McRae, Speed, Thompson and Willey.

On motion, by Mr. Cowles,
The bill was referred to a Select Committee, with instructions to conform it to the amendment just adopted, and that the first installment of one-tenth, payable at Spring Term, 1867, shall be postponed until Spring Term, 1868, and that the Committee report as soon as practicable.

The Speaker designated Messrs. Cowles, Leach and Moore, as composing the Committee.

A message was received from the House, transmitting recommendations for Justices of the Peace for the counties of Buncombe, Davidson, Richmond, Halifax, Caldwell, Guilford, Rowan and Mecklenburg, which were concurred in.

Ordered to be transmitted to the Governor for commission.

Messrs. Cowan, Richardson and Kenan were announced by message, as the House branch of the Committee on the Report of the Attorney General, concerning the Cape Fear Navigation Company.

Bills and resolutions of the titles following, being transmitted from the House, were disposed of as follows, viz:
H. 312, engrossed resolution authorizing the Governor to pay freight on supplies furnished by Benevolent Societies.

On motion, by Mr. Kelly,
The rule was suspended and the resolution passed its second and third readings.

Ordered to be enrolled.

H. 320, engrossed bill to amend chapter 46, section 51, Revised Code, making real estates liable to the payment of Widows' year's allowance. Filed.
H. 321, engrossed bill to repeal an Ordinance of the Convention to alter the time of holding the Courts of Pleas and Quarter Sessions of Stanly county.

On motion, by Mr. Marshall,

The rule was suspended, and the bill passed its several readings.

Ordered to be enrolled.

H. 311, engrossed bill to incorporate the town of Rocky Mount, in the county of Edgecombe. Filed.

A message was received from the House, transmitting the following resolution, viz:

Resolved, That this General Assembly do adjourn, sine die, on Monday, the 18th inst., at 8 o'clock, A. M.

On motion, by Mr. Love,

Laid on the table.

S. 32, bill to declare valid an Act of the General Assembly amending the Charter of the Chatham Rail Road Company, was considered on its second reading as the Special Order.

The question being on the amendment of Mr. Robins, to strike out the following words in the first section, "the said Act of February, 1863, amending the charter of the Chatham Rail Road Company is compatible with the allegiance of the State to the United States, and consistent with the Constitution of the State and of the United States, and is in full force and,"

It was determined in the affirmative.

On motion by Mr. Berry, to amend by adding the following proviso to the first section, viz:

Provided further, That the Bonds that were exchanged with the city of Raleigh, and the Raleigh and Gaston Rail Road Company, authorized by an Ordinance of the Convention, ratified on the 30th January, 1862, for the purpose of enabling those corporations to subscribe to the capital stock of the Chatham Rail Road Company, are not in accordance with our allegiance to the government of the United States, nor in accordance with an Ordinance passed by the Convention on the 19th October, 1865, repudiating the war debt, and therefore not valid:

It was
Decided in the negative,

\[
\begin{align*}
\text{Yea}\text{s,} & \quad \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 13 \\
\text{Nays,} & \quad \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 23
\end{align*}
\]

On motion by Mr. Berry,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Barnes, Berry, Bullock, Covington, Cowles, Cunningham, Edwards, Etheridge, Kelly, McCorkle, Speed, Thompson and Thornton.

Those who voted in the negative are:
The question recurring, "Shall the bill pass its second reading?"
It was

Decided in the negative,

\[
\begin{align*}
\text{Yea}\text{s,} & \quad \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 19 \\
\text{Nays,} & \quad \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 21
\end{align*}
\]

On motion by Mr. Wilson,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are:
Messrs. Battle, Barnes, Berry, Bullock, Cardwell, Clark, Covington, Cowles, Cunningham, Edwards, Etheridge, Ferebee, Johnston, Kelly, McCorkle, Moore, Speed, Thompson, Thornton, Willey and Wilson.

Mr. Cowles, from the Select Committee, to whom was referred S. 152, bill to change the jurisdiction of the Courts and the rules of pleading therein, reported the bill back with amendments.

On motion by Mr. Wilson,
The Senate adjourned.
The Speaker laid before the Senate a communication from Henry B. Blackwell, of New York, upon the subject of suffrage.

Referred to the Committee on Federal Relations.

Mr. Love presented a Memorial from the citizens of New Berne, upon the subject of the consolidation of the various Rail Roads from Ducktown to Beaufort. Filed with bill on the Calendar.

Reports from Committees were submitted and filed, as follows, to-wit:

By Mr. Hall, from the Committee on Education and Literary Fund:

S. 156, bill to protect certain interests of the Common Schools, and for other purposes, reported upon communications from the President and Directors of the Literary Fund, recommending its passage.

By Mr. Johnston, from the Committee on Corporations:

S. P. 5, bill to encourage Immigration, with amendments, recommending its passage.

Mr. Battle submitted the following resolution, which was considered and agreed to:

Resolved, That from and after to-day, the rule of last session, prohibiting debate by any one Senator, longer than fifteen minutes on the same subject, without consent, be enforced in the Senate.

Bills and resolutions of the titles following, being introduced, passed their first reading, and were otherwise disposed of as follows, viz:

By Mr. Barnes: Bill (S. P. 98) to amend the Charter of the town of Murfreesboro', in the County of Hertford.

On motion by Mr. Barnes,

The rule was suspended and the bill passed its second and third readings.

Ordered to be engrossed.

By Mr. Johnston: Senate bill 157, to amend the 13th section, chapter 111, Revised Code. Referred to the Committee on Corporations.
By Mr. Speed: Senate bill 158, to grant amnesty and pardon to Females. Filed.

By Mr. Jones: Senate bill 159, to provide for the sale of the Chatham Rail Road. To Internal Improvements.

Senate bill 160, to amend the charter of the Raleigh and Gaston Rail Road Company. To Internal Improvements.

By Mr. Wilson: Senate bill 161, to promote the administration of Justice in the County Courts. To Judicial Reform.

From the House: Engrossed bill (H. 198) to raise Revenue.
Ordered to be printed.

Engrossed bill (H. P. 82) to incorporate the “Dupl n Manufacturing Company.” To Corporations.

Engrossed bill (H. P. 88) to amend the charter of the Cape Fear Steam Boat Company. Filed.

Engrossed bill (H. 259) to incorporate the town of Nahunta, in Wayne county. Filed.

On motion by Mr. Thompson,
S. 62, to lay off and establish the county of Vance, was taken from the file, and its consideration postponed to, and made the special order for, Wednesday, February 13th, at 12 o'clock, M.

A message was received from the House, transmitting recommendations for Justices of the Peace for Stokes county. Concurred in.
Ordered to be transmitted to the Governor for commission.

A message was received from his Excellency, the Governor, covering a communication from the President and Directors of the Literary Fund, transmitted from the House, with a proposition to refer to the Committee on Finance, was so ordered.

S. 60, bill to amend the Constitution of North Carolina, came up as the special order.

On motion, by Mr. Berry,
Its consideration was postponed until, and made the Special Order for, Wednesday, February 13th, at 1 o'clock, P. M.

A message was received from the House, transmitting a message from the Governor, covering a communication from
the Public Treasurer, with a proposition to refer to the Committee on Finance. Concurred in.

S. 152, bill to change the jurisdiction of the Courts and the rules of pleading therein, came up as the unfinished business, on its second reading. The amendments of the Select Committee were severally adopted.

On motion, by Mr. Avery, to amend by striking out the word "six" and insert the word "twelve" in the first and third sections,

It was determined in the affirmative.

On motion, by Mr. Harris, of Rutherford, to strike out the word "one-tenth" in the third section and insert the word "one-twentieth,"

It was determined in the negative.

Mr. Speed moved to amend by striking out all after the enacting clause and insert as follows, viz:

"That the civil jurisdiction of Justices of the Peace, the County and Superior Courts of Law and Equity in this State, be and is hereby suspended, from and after the ratification of this Act until the first day of January, 1868.

Sec. 2. That there shall not be any Superior Court of Pleas and Quarter Sessions held in this State for the hearing or determination of any civil cause before the aforesaid first day of January, 1868.

Sec. 3. That the civil jurisdiction of the Supreme Court of North Carolina is hereby suspended from and after the ratification of this Act, until the first day of June, 1868.

Sec. 4. That the Governor be, and is hereby authorized, empowered and required to appoint Courts of Oyer and Terminer, to be held for every county in the State for the trial of all violations of the criminal laws and statutes of the State, at least twice in each county in the State, between the time of the ratification of this Act and the aforesaid first day of January, 1868; and to appoint one of each of the Judges of the Superior Courts of Law and Equity to hold the same in each of the Judicial Districts of the State, under the same rules, regulations, laws and restrictions as heretofore used for the holding of Courts of Oyer and Terminer, and, as far as practicable, at the times and places as is now provided by
law for holding the Superior Courts of Law and Equity in this State.

Sec. 5. That the Governor be, and is hereby authorized and empowered to convene the Supreme Court of North Carolina, at the city of Raleigh, by and with the advice and consent of his Council, at any time after the first day of July, 1867, to hear and determine any criminal causes that may be brought before it by appeal from the Courts of Oyer and Terminer hereinbefore directed to be held, and for no other purpose.”

On motion, by Mr. Leach, to amend the amendment by adding the following section, viz:

“That the time from the twentieth day of May, 1861, until the first day of January, 1870, shall not be counted so as to bar actions or suits or presume satisfaction or abandonment of rights,”

It was determined in the affirmative.

On motion, by Mr. Adams, to amend the original bill by adding the following proviso to the sixth section, viz:

“Provided, however, That any debtor tendering or paying to his creditor on any debt contracted prior to the first day of May, A. D. 1865, one-tenth of his indebtedness without a suit having been brought on the same, the said one-tenth shall be entered as a credit on the evidences of said indebtedness, thereupon the remainder of said indebtedness shall not be sued on for twelve months after the payment or tender of said one-tenth.”

And it was determined in the affirmative.

The question recurring upon striking out and inserting the amendment offered by Mr. Speed, it was

Decided in the negative, \( \frac{10}{32} \) Yeas, \( \frac{32}{32} \) Nays,

On motion, by Mr. Hall,
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 passage of the bill on its second reading, it was

Decided in the affirmative, { Yeas, ..................... 38

On motion, by Mr. Kelly,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are:

On motion, by Mr. Matthews, to amend by adding an additional section, as follows, viz:

Be it further enacted, That the jurisdiction of the Supreme Court, for the years 1867 and 1868, is hereby abolished and suspended in all civil actions: Provided, That said Court, at said terms, shall have power and jurisdiction to hear and adjudicate all criminal prosecutions that shall come before them for their decision.

It was determined in the negative.

The question "Sshall the bill pass its third reading?" being taken,

It was determined in the affirmative.

On motion by Mr. Leach,
The Senate adjourned.
Mr. Hall presented the petition of Mr. James F. McRee protesting against the passage of the bill to amend the charter of the Wilmington Railway Bridge Company. Filed with the bill.

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

By Mr. Clark, from the Committee on Corporations:

S. 41, bill to repeal part of the 14th section of the Revised Code, with favorable recommendation.

S. P. 74, bill to incorporate "The Mecklenburg Female College, in the city of Charlotte," with favorable recommendation.

S. P. 95, bill to incorporate the Agricultural and Mineral Company, recommending its passage.

H. P. 82, engrossed bill to incorporate the "Duplin Manufacturing Company," with favorable recommendation.

By Mr. Thompson, from the same Committee:

S. P. 94, bill to incorporate the Cleveland Mineral Springs Company, with an amendment, recommending its passage.

By Mr. Avery, from the Committee on Internal Improvements:

S. 151, bill to incorporate "The Northwestern Rail Road Company," recommending its passage.

By Mr. Avery, from the Committee on the Judiciary:

S. P. 96, bill to authorize Evan H. Morgan, late Sheriff of Nash county, to collect arrears for taxes, with favorable recommendation.

A message was received from the House, transmitting recommendations for Justices of the Peace for the counties of Washington, Duplin, Chatham, Cherokee, Burke, Carteret, Macon, Bertie, Onslow, Granville, Wake, Caswell and Northampton, which were concurred in.

Ordered to be transmitted to the Governor for commission.

Messrs. Cardwell, Leach, Avery and Cowles made recommendations for Justices of the Peace, for the counties of Rockingham, Davidson, Burke and Yadkin, respectively, which were approved.
Ordered to be transmitted to the House of Commons for concurrence.

On motion by Mr. Wiggins, 
S. 153, bill to grant pardon and amnesty to Females, was called up and referred to the Committee on Propositions and Grievances.

Mr. Gash submitted the following resolution for consideration, viz:

Resolved, That the Senate, from and after to-day, hold night sessions, commencing at 7½ o'clock, Monday evening. 

Determined in the negative.

A message was received from the House, transmitting the following resolution, viz:

Resolved, That a message be sent to the Senate, to raise a Joint Committee of three on the part of each House, to recommend a day of adjournment of this General Assembly.

On motion, by Mr. Love, to lay on the table, it was

Decided in the affirmative, { Yeas, .................... 17. 
{ Nays, .................... 16.

On motion by Mr. Cunningham, 
The yeas and nays being ordered, 
Those who voted in the affirmative are:

Those who voted in the negative are:
Messrs. Berry, Brown, Cardwell, Clark, Covington, Cowles, Cunningham, Etheridge, Gash, Hall, Jones, Lloyd, McCorkle, McRae, Willey and Wilson.

Bills and resolutions of the titles following, being received from the House, passed their first reading, and were further disposed of as follows, viz:

Engrossed bill, (H. 309,) to establish a Criminal Court in the county of Craven.

On motion, by Mr. Hall, 
The rule was suspended and the bill passed its second and third readings.

Ordered to be enrolled.
Engrossed bill (H. 271,) to establish a Criminal Court in the county of New Hanover.

On motion, by Mr. Hall,

The rule was suspended and the bill passed its several readings.

Ordered to be enrolled.

Engrossed bill (H. 72,) in favor of Widows. Referred to the Committee on the Judiciary.

Engrossed bill (H. 230,) to incorporate the North Carolina Agricultural and Manufacturing Company. Filed.

Engrossed resolution (H. P. 91,) in favor of J. J. Kitchum, Elisha Davis, of Wilkes, and others.

On motion, by Mr. Cowles,

The rule was suspended and the resolution passed its second and third readings.

Ordered to be enrolled.

A message was received from the House, transmitting the bill (S. 84,) to transfer the Land Scrip donated by the United States for an Agricultural College, with amendments, asking the concurrence of the Senate therein.

The Senate concurred in the amendments.

Bills and resolutions of the titles following, being read the second time, were disposed of as follows, viz:

S. P. 5, bill to encourage Immigration. Laid on the table.

S. P. 14, resolution in favor of Thomas J. Whitaker, late Sheriff of Jones county. Sejected.


Ordered to be enrolled.

H. 21, engrossed bill to incorporate the South Union Manufacturing Company, of Richmond county. Passed second and third readings.

Ordered to be enrolled.

S. P. 24, resolution in favor of Mrs. P. P. Dick, Executrix of the late Judge John M. Dick. Passed second and third readings.

Ordered to be engrossed.
H. 160, engrossed bill to incorporate the Rocky Mount Manufacturing Company.

On motion, by Mr. Clark, to amend by adding to the first section the following words: "On corporations organized under the provisions thereof."

It was determined in the affirmative.

As amended, the bill passed its second and third readings.

Ordered to be transmitted to the House for concurrence in the amendments.

S. 94, resolution in favor of the Public Librarian. Passed second and third readings.

Ordered to be engrossed.

H. P. 15, engrossed bill to be entitled "An Act for the relief of Henry Williams." Passed second and third readings.

Ordered to be enrolled.

H. P. 19, engrossed bill in favor of the Trustees of the Rex Hospital Fund. Referred to the Committee on Finance.

S. P. 38, bill to incorporate the Board of Trade of the city of New Berne. Passed second and third readings.

Ordered to be enrolled.

S. P. 39, bill to change the name of Wayne Female College. Passed second and third readings.

Ordered to be engrossed.

H. P. 16, engrossed bill for the relief of the estate of L. O'B. Branch, deceased. Referred to the Committee on Finance.

A message was received from the House, transmitting the bill (S. 152,) to change the jurisdiction of the Courts and the rules of pleading therein, which had been passed by that body with amendments. The Senate concurred in the amendments.

On motion, by Mr. Ferebee,

The Senate adjourned.
Messrs. Gash, Ferebee, and Etheridge were designated as the Committee on Enrolled Bills for the week.

Messrs. Granbery, Guess, McRae, Stone and Kelsey were announced as the House branch of the Committee.

Mr. Covington presented a petition from citizens of Union county, in regard to the appointment of John D. Williams a Justice of the Peace for said county, protesting against the same. Referred to the Committee on the Judiciary.

Reports from Committees were filed as follows, viz:

By Mr. Cunningham, from the Committee on Propositions and Grievances:
S. 144, bill to increase the fees of the Inspectors of Naval Stores for the city of Wilmington, recommending its rejection.

By Mr. Wilson, from the Committee on the Judiciary:
S. 146, bill prescribing the duties of Clerks in issuing marriage licenses, recommending the passage of a substitute.

The House of Commons concurred in the recommendations for Justices of the Peace for the counties of Davidson, Rockingham, Burke and Yadkin.

Recommendations for Justices of the Peace for the counties of Cumberland and Jones, transmitted from the House, were concurred in.

Ordered to be transmitted to the Governor for commission.

The following resolution, transmitted from the House, was adopted, viz:

Resolved. That a message be sent to the Senate, proposing to rescind the joint order in reference to the daily sittings of the two Houses of the Legislature, so as to meet at ten instead half past ten o'clock.

The following resolution, transmitted from the House, viz:

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee, to consist of three on the part of each House, to take into consideration the whole subject of Adjournment; whether, when the Legislature adjourns, it shall do so sine die, or to some future day.

Decided in the affirmative, {Yeas, ......................... 22.}
{Nays, ......................... 15.}
On motion of Mr. Cowles,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Battle, Brown, Cardwell, Clark, Covington, Cowles, Cunningham, Etheridge, Hall, Harris, of Franklin, Harris, of Rutherford, Hill, Johnston, Koonce, Lloyd, McRae, Paschal, Richardson, Snead, Thompson, Willey and Wilson.
Those who voted in the negative are:
The Speaker designated Messrs. Cowles, Wiggins and Clark, as the Senate branch of the Committee.
Mr. Cowles submitted the following resolution for consideration, viz:
Resolved, That the Public Printer be instructed to print twenty copies of the "Stay Law," for the use of each member of the General Assembly.
It was determined in the affirmative, and ordered to be transmitted to the House for concurrence.
Mr. Berry moved that the vote, by which the Senate passed the engrossed resolution (H. P. 91) in favor of J. J. Kitchum, Elisha Davis, of Wilkes, and others, be rescinded. Filed on the Calendar.
Bills and resolutions of the titles following, being introduced, passed their first reading and were disposed of, as follows, viz:
By Mr. Hall: Resolution (S. P. 103) in favor of Edmund Bradford. Referred to the Committee on Finance.
Bill (S. P. 104) to incorporate the Wilmington Hook and Ladder Company. To Corporations.
By Mr. Speed: Senate resolution 167, in regard to Federal Relations. To Committee on Federal Relations.
The house having concurred in the amendments to the engrossed bill (H. 160) to incorporate the Rocky Mount Manufacturing Company, it was
Ordered to be enrolled.
A message was received from the House, proposing to have five copies of the "Stay Law" printed for each member of the General Assembly.

On motion, by Mr. Cowles,
Laid on the table.

On motion by Mr. Adams,
S. P. 86, bill to amend an act, entitled "An Act to incorporate the Trustees of the Greensboro Female College," passed its second and third readings, under a suspension of the rule.

Ordered to be engrossed.

S. 99, bill authorizing Executors and Administrators of Insolvent Estates, to settle the same, pro rata, was taken up and referred to the Committee on the Judiciary.

H. 174, engrossed bill to amend section 7th, of the 40th chapter of the Acts of 1866, was taken up and referred to the Committee on the Judiciary.

S. 10, bill to consolidate the Atlantic and North Carolina Rail Road Company, was considered on its second reading as the special order.

On motion by Mr. Love, to amend by adding the following words after the word "company," in the eleventh line of the third section, viz:

"And if they deem it advisable for the best interest of the Company and State, shall, (out of their number,) have power to elect a Vice President, who shall assist the President in the discharge of his duties, and may elect or appoint a Secretary and Treasurer, and such other officers, Engineers, Superintendents, Clerks, Agents, Assistants and other employees as they shall from time to time, find necessary for the proper transaction of the business of said Company."

It was determined in the affirmative.

On motion by Mr. Love, to amend by adding an additional section as follows, viz:

Sec. 6. Be it further enacted, That said consolidated Company be, and the same is hereby authorized and empowered
to connect with the roads from the States of Tennessee and Georgia, upon such terms as may be agreed on between the companies of the respective roads and States: *Provided, however, That in making such connections no discriminations shall be made against the Rail Roads and Sea-ports of this State; And provided further, That the same shall be approved by the Legislature."

It was determined in the affirmative.

Mr. Hall moved to amend the second section so that the question of consolidation should be left to the Stockholders. Adopted.

The question recurring, "Shall the bill pass its second reading?"

It was

Decided in the negative, } Yeas. ....................... 8
\ Nays. ....................... 29

On motion by Mr. Harris, of Rutherford,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Avery, Covington, Cowles, Gash, Koonce, Love, Matthews and Snead.

Those who voted in the negative are:
Messrs. Adams, Battle, Berry, Brown, Bullock, Cardwell, Clark, Cunningham, Etheridge, Ferebee, Hall, Harris, of Franklin, Harris, of Rutherford, Hill, Johnston, Lloyd, McCorkle, McLean, RcRae, Moore, Paschal, Perkins, Richard-son, Robins, Speed, Thornton, Wiggins, Willey and Wil-son.

A message was received from the House, proposing to go into the election for Judge of the Criminal Court of New Hanover county to-morrow at 11½ o'clock. Concurred in.

Mr. O. P. Meares was in nomination in the House.

S. 108, bill making provision for the payment of the State Bonds, now due, was considered on its second reading as the unfinished business.

After debate,

On motion by Mr. Cowles,
The Senate adjourned.

Reports from Committees were submitted and filed as follows, viz:

By Mr. Johnston, from the Committee on Corporations:
S. P. 104, bill to incorporate the Wilmington Hook and Ladder Company, recommending its passage.

By Mr. Cunningham, from the Committee on Propositions and Grievances:
S. 158, bill to grant amnesty and pardon to Females, with favorable recommendation.

By Mr. Wiggins, from the Committee on Finance:
H. P. 16, engrossed bill for the relief of the estate of L. O'B. Branch, deceased, with adverse report.

By Mr. Hall, from the Joint Select Committee on Cape Fear Navigation Company:
S. 168, resolution in regard to the Cape Fear Navigation Company, recommending its passage.

By Mr. Avery, from the Joint Select Committee on Judicial Reform:
S. 45, bill to direct the mode of holding the Superior Courts in the Judicial Circuits by the Judges thereof, recommending the adoption, in lieu thereof, of the bill (S. 169) to change the Judicial system of the State.

S. 169, bill to change the Judicial system of the State, reported in accordance with the resolution to remodel the Judicial System of the State, recommending its passage. The bill was ordered to be printed and made the Special Order for Friday, February 15th, at 8 o'clock, P. M.

A message was received from the House, transmitting the names of Messrs. Waugh, Harper and Kenan, as the House branch of the Committee on Adjournment.

A message was also received from the House, informing the Senate that the House refused to concur in the proposition to print twenty copies of the "Stay Law," for each member of the General Assembly.

On motion by Mr. Wiggins,
The resolution from the House, proposing to print five copies of the "Stay Law," for each member of the General Assembly, was taken from the table and adopted.

A further message was received from the House, proposing to go into an election for Judge of the Criminal Court of Craven County, at fifteen minutes before 12 o'clock, Mr. George Green being in nomination. Concurred in.

On motion by Mr. Wiggins, H. 198, engrossed bill to raise Revenue, was taken from the file, and its further consideration was postponed to, and made the Special Order for, Thursday, February 14th, at 12 o'clock, M. S. 108, bill making provision for the payment of the State bonds, was considered on its second reading, as the unfinished business.

On motion, by Mr. Berry, to amend, by inserting in the first section and twelfth line, after the word "Comptroller," the words: "Provided, That said officers may, if deemed advisable, cause their signatures to be engraved on said notes, with proper guards against counterfeiting."

It was determined in the affirmative.

On motion, by Mr. Berry, to add the following proviso to the first section, viz: "Provided, That this act shall not extend to any interest or principal, fundable under the provisions of the act of March 10th, 1866, commonly called the Funding Act."

It was determined in the affirmative.

A message was received from the House, transmitting the names of Messrs. Neal and Sudderth, as the House branch of the Committee to superintend the election for Judge for the Criminal Court of New Hanover County, and that the House would vote upon the return of the messenger.

Mr. Paschal nominated Hon. Hugh Waddell.
Mr. Etheridge nominated William A. Wright.

The Speaker designated Messrs. Lloyd and Hill to superintend the election.

The following Senators voted for Mr. Meares, viz:
Messrs. Speaker, Avery, Battle, Berry, Brown, Cardwell, Covington, Hall, Harris, of Franklin, Hill, Johnston, Koonce, McLean, Moore, Thompson and Wilson—16.
The following Senators voted for Mr. Waddell:

The following Senators voted for Mr. Wright:

A message was received from the House, transmitting the name of David Carter as in nomination for Judge of the Criminal Court of Craven county, and that Messrs. Chadwick and Neal constituted the House branch of the Committee to superintend the election.

The Senate proceeded to vote, under the superintendence of Messrs. Koonce and Perkins, as follows, viz:

The following Senators voted for Mr. Green:

The following Senators voted for Mr. Carter:
Messrs. Gash, Harris of Rutherford and Snead.

A message was received from the House, transmitting the report of the committee to superintend the election for Judges of the Criminal Court of New Hanover county, as follows, viz:

Whole vote 139. Necessary to a choice 70. Mr. Meares received 63 votes, Mr. Waddell 59, Mr. Wright 14, scattering 3. No election. Concurred in.

The House proposed to go forthwith into the election for Judge of the Criminal Court for New Hanover county. Concurred in.

The Senate, under the superintendence of Messrs. Lloyd and Hill, voted as follows:

For Mr. Waddell:
Messrs. Adams, Bullock, Cowles, Ferebee, Harris of Rutherford, Jones, Love, Marshall, Matthews, Paschal, Richardson,
Robins, Snead, Speed, Thompson, Thornton, Wiggins and Willey—18.

For Mr. Meares:
Messrs. Speaker, Avery, Battle, Berry, Brown, Cardwell, Covington, Hall, Harris of Franklin, Hill, Johnston, Koonce, Lloyd, McLean, Perkins and Wilson—16.

For Mr. Wright:
Messrs. Cunningham, Etheridge, Gash, McCorkle and Moore.

The report of the Committee to superintend the election for Judge of the Criminal Court of Craven county was received from the House, and was as follows, viz:

Whole vote 139. Necessary to a choice 70. Mr. Green received 114 votes, Mr. Carter 24, and Mr. Williams of Martin, 1. Mr. Green having received a majority of the whole number cast, was duly elected. Concluded in.

Bills and resolutions of the titles following, being received from the House, passed their first reading, and were filed or referred as follows, viz:

H. P. 42, engrossed bill to incorporate Jerusalem Lodge, No. 95, A. Y. M.
H. P. 44, engrossed bill to incorporate the Rockford Male and Female Seminary.
H. P. 45, engrossed bill to incorporate Tuckasegee Gold and Copper Mining Company.
H. P. 46, engrossed bill in favor of Jacob Siler, Agent of Cherokee Lands.
H. P. 66, engrossed bill to incorporate Carolina Lodge, No. 141, F. and A. M.
H. P. 40, engrossed bill to incorporate St. Phillip's Singing Society.
H. 261, engrossed bill to incorporate the Wilmington Manufacturing Company.
H. P. 43, engrossed bill to incorporate the New Market Foundry and Manufacturing Company of Randolph county.
H. P. 59, engrossed bill to incorporate the Wilson Lodge, No. 226, F. and A. M.
H. P. 72, engrossed bill to incorporate the Trustees of Table Rock Seminary, in the county of Burke.
H. P. 65, engrossed resolution in favor of Horton S. Reeves, of Alleghany county.

H. 224, engrossed bill to establish the dividing line between the towns of Salem and Winston.

H. P. 49, engrossed bill to enable the representatives of W. E. Mann, deceased, late Sheriff of Pasquotank county, to collect arrears of taxes.

H. P. 39, engrossed bill to incorporate the New Berne Memorial Association.

H. P. 79, engrossed bill to incorporate Wilmington Institute, in the city of Wilmington, county of New Hanover.

H. P. 86, engrossed bill to incorporate the Wadesboro Savings Institute. Referred to Corporations.

H. 270, 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.

H. 202, engrossed bill to incorporate the Chamber of Commerce, of the city of Wilmington, North Carolina.

On motion, by Mr. Speed, to suspend the rule to take from the file the resolution (S. 147,) in favor of the creditors of the Insane Asylum,

It was determined in the negative, (two-thirds being required,)

Yeas ................................................................. 19.

Nays ................................................................. 16.

On motion, by Mr. Gash,

The yeas and nays being ordered,


Those who voted in the negative are :

Messrs. Adams, Avery, Battle, Covington, Cowles, Cunningham, Harris of Rutherford, Johnston, Love, McCorkle, Moore, Paschal, Richardson, Robins, Speed and Thompson.

H. 222, Engrossed bill to abolish imprisonment for debt, came up as the special order, on its second reading.
On motion, by Mr. Avery, to amend, by adding the following proviso to the — section, viz:

"Provided, That a lien shall attach upon all the property of a defendant from the time of the service of the writ, and shall have the force of an execution." It was

Decided in the negative, { Yeas, .................. 9. 
{ Nays, .................. 26.

On motion by Mr. Speed,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are:
Messrs. Adams, Battle, Berry, Brown, Bullock, Cardwell, Etheridge, Ferebee, Harris, of Franklin, Harris, of Rutherford, Johnston, Jones, Koonce, Love, Lloyd, Matthews, McLean, Paschal, Perkins, Richardson, Speed, Thompson, Thornton, Wiggins and Willey.

The question recurring upon the passage of the bill, it was

Decided in the affirmative, { Yeas, .................. 24. 
{ Nays, .................. 12.

On motion, by Mr. Speed,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Adams, Brown, Bullock, Cardwell, Cowles, Cunningham, Etheridge, Ferebee, Gash, Harris, of Franklin, Harris, of Rutherford, Johnston, Jones, Koonce, Lloyd, Matthews, Paschal, Perkins, Richardson, Snead, Speed, Thornton, Wiggins and Willey.

Those who voted in the negative are:

Mr. Bullock moved that the Senate do now adjourn.
On motion, by Mr. Johnston, to amend, by adjourning until 7½ o'clock, P. M., it was

Decided in the negative, { Yeas, .................. 16 
{ Nays, .................. 17

On motion by Mr. Johnston,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are:
Messrs. Adams, Berry, Bullock, Cowles, Etheridge, Ferebee, Harris, of Franklin, Harris, of Rutherford, Jones, Matthews, McLean, Paschal, Robins, Speed, Thornton, Wiggins and Wilson.

The question recurring,
The Senate adjourned.

WEDNESDAY, February 13, 1867.

Prayer by the Rev. Mr. Hardie.
Reports from Committees were submitted and filed as follows, viz:

By Mr. Wiggins, from the committee on Finance:
H. P. 19, engrossed resolution in favor of the Trustees of the Rex Hospital Fund, recommending its passage.
S. P. 103, resolution in favor of Edmund Bradford, asking to be discharged from its further consideration, and its reference to the committee on Claims.

Ordered accordingly.

By Mr. McCorkle, from the Committee on the Judiciary:
H. 174, engrossed bill to amend section 7th, of the 40th chapter of the Acts of 1866, recommending its rejection.

By Mr. Brown, from the same Committee:
H. 72, engrossed bill in favor of Widows, with unfavorable recommendation.

By Mr. Moore, from the same committee:
Memorial from citizens of Union county, asking for the removal of John D. Williams, as Justice of the Peace of said county, asking to be discharged from its further consideration. Discharged.
Bills, &c., of the titles following being introduced, passed their first reading, and were disposed of as stated:

By Mr. Gash: Bill (171) to authorize the Comptroller to employ a Clerk. Referred to the committee on Finance.

By Mr. Wilson: Bill (S. P. 122) to incorporate "The Charlotte Water Works." To Corporations.

By Mr. Hall: Bill (S. 172) in relation to Inspectors of Wilmington. To Propositions and Grievances.

By Mr. Love: Bill (S. 173) to harmonize and give through freight and travel without the expense of transhipment on the different rail road lines of this State. To Internal Improvements.

Mr. Speed, by permission, presented a petition from citizens of Elizabeth city to sell the Academy Lot in said town. Referred to the committee on Propositions and Grievances.

Mr. Kelly submitted a recommendation for Justice of the Peace for Duplin county, which was made.

Ordered to be transmitted to the House for concurrence.

A message was received from the House, transmitting a recommendation for Justice of the Peace for Bladen county, which was concurred in.

Ordered to be transmitted to the Governor for commission.

The report of the committee to superintend the election of Judge for the Criminal Court of New Hanover county, was transmitted from the House, and is as follows, viz:

Whole vote 140. Necessary to a choice 71. Mr. Meares received 73 votes, Mr. Waddell 58, Mr. Wright 7, Scattering 2. Mr. Meares having received a majority of the whole was elected. Concurred in.

Engrossed bill (H. 204,) to charter the Oxford branch of the Raleigh and Gaston Railroad, transmitted from the House, passed its first reading. Filed.

On motion, by Mr. Koonce,

H. 266, engrossed bill to authorize the appointment of special Magistrates for incorporated towns in Carteret county, was taken up and passed its several readings.

Ordered to be enrolled.

On motion, by Mr. McCorkle,
H. 127, engrossed bill to supply Artificial Arms to disabled soldiers and for other purposes, was taken up and passed third reading.

Ordered to be transmitted to the House for concurrence in the amendment.

On motion, by Mr. Hall,

The rule was suspended and the bills on the Private Calendar were considered on their second and third readings.

Bills of the titles following were passed and ordered to be engrossed, viz:

S. P. 41, bill to incorporate Monroe Lodge, No. 224, of F. A. M., in the town of Monroe, county of Union.
S. P. 60, bill to incorporate the American Mining and Manufacturing Company.
S. P. 51, bill to incorporate the "Pigeon River Mining and Manufacturing Company of Haywood county."
S. P. 62, bill to incorporate the Waynesville Baptist College, in the county of Haywood.

The following bills were ordered to be enrolled, viz:
H. 55, engrossed bill to amend the charter of the Oceanic Hook and Ladder Company, of the town of Beaufort.
H. 167, engrossed bill to amend an act entitled "An Act to incorporate the North Carolina Joint Stock Publishing Co."

The following bills were referred as follows, viz:
H. P. 16, engrossed bill for the relief of the estate of L. O'B. Branch, deceased. Recommitted to Finance.
H. 176, engrossed bill to amend the charter of the Plaster Bank and Salt Works Rail Road Company. To Internal Improvements.
H. 90, engrossed bill to revive and amend the charter of the Shelby and Broad River Rail Road Company. To Internal Improvements.

Resolutions of the titles following were disposed of as stated, viz:
S. P. 44, resolution in favor of Lewis Hummell, of Wayne county. Indefinitely postponed.
S. P. 54, resolution in favor of A. E. Jacobs. Rejected.
Mr. Hall moved that the Senate resolve itself into Committee of the Whole upon the bill (S. 62,) to lay off and establish the county of Vance, and

It was determined in the affirmative.

The Senate accordingly resolved into the Committee of the Whole, and after some time spent therein, the Speaker resumed the Chair, and Mr. Wilson reported that the Committee having, according to order, had the bill (S. 62,) to lay off and establish the county of Vance under consideration, had directed him to report the said bill back, with an amendment, recommending its rejection.

The amendment offered to the bill, to change the name from "Vance" to "Pamplico," was agreed to.

On motion by Mr. Gash,

To amend by adding the following as an additional section, viz:

Be it further enacted, That the said County of Pamplico shall assume and pay her just proportion of the public debt of Craven County, justly owing on the first day of January last, apportioned according to the taxable property of the two counties, after the next assessment of taxable property in this State: Provided, however, That only that portion of Pamplico county, originally belonging to Craven county, shall be computed in said assessment; but that portion taken from Beaufort county may be assessed in the same manner, to pay the just proportion of the public debt of Beaufort county.

It was decided in the affirmative.

On motion by Mr. Hall,

To amend, by striking out the words "within the limits of the proposed new county of Pamplico," and insert "within each of the counties of Craven and Beaufort,"

It was decided in the negative.

The question recurring upon the passage of the bill,

It was decided in the negative, Yeas, .......... 19

On motion by Mr. Covington,

The yeas and nays were ordered,

Those who voted in the affirmative, are:

Those who voted in the negative are:

Messrs. Avery, Battle, Berry, Cardwell, Cowles, Cunningham, Hall, Harris, of Franklin, Hill, Love, McCorkle, McLean, Moore, Respass, Robins, Speed, Wiggins, Willey and Wilson.

The Speaker voted with the negative.

On motion by Mr. Wilson,
The Senate adjourned.

THURSDAY, FEBRUARY 14, 1867.

Prayer by the Rev. Mr. Hudson,
Reports from Committees were submitted, and filed as follows, viz:

By Mr. Wilson, from the Committee on the Judiciary:
H. 107, engrossed bill to amend an act for the relief of landlords, with adverse recommendation.

By Mr. Gash, from the Committee on Claims:
S. P. 103, resolution in favor of Edmund Bradford, with recommendation adverse to its passage.

By Mr. Wiggins, from the Committee on Finance:
S. 171, bill to authorize the Comptroller to employ a Clerk.

By Mr. Johnston, from the Committee on Corporations:

By Mr. Moore, from the same Committee:
S. P. 17, bill to incorporate the North Carolina Dental Association, and for the establishment of a Board of Dental Examiners, and

Bills of the titles following, being introduced, were disposed of as follows, viz:

By Mr. Paschal: Senate bill 175, to consolidate the Chatham Rail Road and the Western Rail Road. Referred to the Committee on Internal Improvements.

By Mr. Hall: Senate bill 176, to secure advances for agricultural purposes. To the Judiciary.

From the House: Engrossed bill (H. 126) concerning Surveyors and Proce-sioners. Filed.

Engrossed bill (H. 138) to pay jurors in capital cases. Filed.

Engrossed bill (H. 149) to amend an act, entitled "An Act to extend the time for perfecting titles to lands," passed 7th day of February, A. D., 1865. Filed.

Engrossed bill (H. 297) to authorize the President and Directors of the Western North Carolina Rail Road Company to put said Road under contract. Referred to Committee on Internal Improvements.

Engrossed bill (H. 323) concerning mileage. Filed.

Engrossed resolution (H. 361) in favor of the Memorial Association of the City of Raleigh.

On motion by Mr. Cunningham,

The rule was suspended and the resolution passed its second and third readings.

Ordered to be enrolled.

A message was received from the House, informing the Senate of the non-concurrence of that body in the amendment to the engrossed bill (H. 127) to supply artificial arms to disabled soldiers, and for other purposes.

The Senate recessed.

Ordered to be enrolled.

On motion, by Mr. Cardwell,

To re-consider the vote by which the Senate rejected Senate bill 62, to lay off and establish the county of Vance,

Mr. Wiggins moved to lay on the table, and it was
Decided in the negative, \{ Yeas, \ldots \ldots \ldots \ldots \ldots 14. \}
\{ Nays, \ldots \ldots \ldots \ldots \ldots 24. \}

On motion, by Mr. Covington,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Barnes, Berry, Cowles, Cunningham, Edwards, Hall, Harris, of Franklin, Hill, Johnston, Robins, Speed, Wiggins, Willey and Wilson.

Those who voted in the negative are:

The motion to re-consider prevailed.

The question recurring upon the passage of the bill, it was
Decided in the negative, \{ Yeas, \ldots \ldots \ldots \ldots \ldots 20. \}
\{ Nays, \ldots \ldots \ldots \ldots \ldots 20. \}

On motion by Mr. Covington,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Adams, Covington, Etheridge, Ferebee, Gash, Harris, of Rutherford, Jones, Kelly, Koonce, Leach, Lloyd, Marshall, Matthews, Paschal, Perkins, Richardson, Snead, Thompson, Thornton and Williams.

Those who voted in the negative are:

A message was received from the House, transmitting recommendations for Justices of the Peace for Stanly and Sampson counties. Those from Stanly were laid on the table, those for Sampson were concurred in, and

Ordered to be transmitted to the Governor for commission.

Mr. Marshall submitted recommendations for Justices of the Peace for Stanly county, which were approved and transmitted to the House for concurrence.

S. 108, bill making provision for the payment of State bonds now due, was taken up as the unfinished business, on
its second reading, and the question being upon its passage, it was

Decided in the negative,  \begin{align*}
\text{Yeas,} & \quad \ldots \quad 15 \\
\text{Nays,} & \quad \ldots \quad 27
\end{align*}

On motion by Mr. Berry,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Those who voted in the negative are:
Messrs. Battle, Barnes, Brown, Cardwell, Cowles, Cunningham, Edwards, Ferebee, Hall, Harris, of Franklin, Harris, of Rutherford, Hill, Kelly, Leach, Marshall, McCorkle, McLean, Moore, Paschal, Perkins, Richasdson, Robins, Snead, Speed, Thornton, Willey and Williams.

On motion by Mr. Bullock,
H. 204, engrossed bill to charter the Oxford Branch of the Raleigh and Gaston Railroad, was taken from the file and referred to the Committee on Internal Improvements.

On motion by Mr. McLean,
Leave of absence was granted to the Speaker.

On motion by Mr. Battle,
Leave of absence was granted to Mr. Hall, until Monday next.

On motion by Mr. Moore,
The Senate reconsidered the vote by which it rejected the bill (S. 198,) making provisions for the payment of the State bonds now due. Filed.

A message was received from the House, proposing to raise the number of the Joint Select Committee on Federal Relations to five in each House. The Senate refused to concur.

Mr. Cowles submitted the following resolution for consideration, viz:

Resolved, That the Senate and House of Commons assemble to-morrow at 12 M., in joint convention upon the State of the Union, for the purpose of considering the resolution, (S. 167,) upon Federal Relations, and for the purpose of ma-
turing some plan as a basis of reconstruction of the Government.

On motion by Mr. Hall,
To amend by changing the time until Wednesday next,
It was determined in the affirmative.

On motion by Mr. Leach,
Laid on the table.

H. 198, engrossed bill to raise revenue, came up as the Special Order, on its second reading.

Mr. Wiggins moved to amend Rule 8, by inserting, after word "authorized" in the second line, the words "and required." Adopted.

On motion by Mr. Jones,
To amend the section on Poll Tax, by striking out the words, "It shall be the duty of all persons and corporations to list and pay the tax of such persons liable to the same, as are in their employment, on the 1st. day of April of each year, as laborers, and the amount of said tax may be retained out of any moneys due such employees. Such employees shall be listed in the county where they are employed," and insert in lieu thereof the words, "Every person who on the first day of April shall have any person subject to poll tax as a member of his family, or in his employment or living on his land or in his house by consent of the owner of said lands, shall list such persons and pay the tax and may retain the same out of any moneys due him;"

It was determined in the negative.

On motion by Mr. Avery,
To add to the section the following proviso, to wit:

"Provided, That no species of property shall be exempt from execution for poll tax,"

It was decided in the affirmative.

Mr. Jones moved to amend section third of class one, by striking out the words, "and kitchen." Adopted.

On motion by Mr. Leach,
To amend the same section by striking out the figures "100" and insert "500,"

It was decided in the affirmative.

On motion by Mr. Gash,
To amend by striking out the proviso to the ninth section, class one as, follows:

"Provided, That this section does not apply to vessels of more than five tons burden,"

It was determined in the affirmative.

On motion by Mr. Wilson,

To amend the sixth section of the second class, by adding the following proviso, viz:

"Provided, That the salaries of the Judges of the State shall not be subject to the operations of this section,"

Mr. Moore moved to amend the amendment by striking out the words "or of this or any other State," in the bill, and insert the words "or of any other State than this," which was not adopted; and the question recurring upon the amendment of Mr. Wilson, it was

Decided in the negative, Yeas, 3. Nays, 36.

On motion by Mr. Love,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Harris, of Rutherford, Speed and Wilson.
Those who voted in the negative are:

On motion by Mr. Jones,
To amend the same section by adding the following proviso, viz:

"Provided, That the salaries and fees of mechanics shall not be taxed, where their salaries and fees do not exceed one thousand dollars."

It was decided in the negative.

On motion by Mr. Wiggins,
The Senate adjourned.
FRIDAY, FEBRUARY 15, 1867.

The Senate was called to order by Mr. Wilson, Speaker pro tem.

Reports from Committees were submitted and filed as follows, viz:

By Mr. Wiggins, from the committee on Finance:
H. P. 16, engrossed bill for the relief of the estate of L. O'B. Branch, deceased, recommending the adoption of a substitute.

By Mr. Wiggins, from the committee on Internal Improvements:
H. 160, bill to amend the charter of the Raleigh and Gaston Rail Road Company, with an amendment, recommending its passage.

By Mr. Koonce, from the same committee:
H. 297, engrossed bill to authorize the President and Directors of the Western North Carolina Rail Road Company to put said Road under contract, with favorable recommendation.

By Mr. Love, from the same committee:
H. 176, engrossed bill to amend the charter of the Plaster Bank and Salt Works Rail Road Company, recommending its passage.

By Mr. McCorkle, from the Committee on the Judiciary:
S. 99, bill authorizing Executors and Administrators of insolvent estates to settle the same pro rata, recommending its rejection.

By Mr. Johnston, from the Committee on Corporations:
H. P. 86, engrossed bill to incorporate the Wadesboro' Savings Institution, recommending its passage.

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

By Mr. McCorkle: Resolution (S. P. 123) in favor of Jas. H. White. Referred, with accompanying memorial, to the committee on Finance.

By Mr. Gash: Senate bill 183, to encourage the sale of State bonds and for other purposes. To Finance.
By Mr. Leach: Senate bill 184, to establish a Board of Regents for the University and the Male Colleges of the State. To Education and Literary Fund.

By Mr. Jones: Senate bill 185, to amend the 11th section of the 31st chapter of the Revised Code. To the Judiciary.

From the House: Engrossed bill (H. 199) to regulate taxation by the County Courts. Filed.

On motion by Mr. Avery,

The order making the bill (S. 169) to change the Judicial System of the State, the Special Order for Friday, February 15th, at 8 o'clock, P. M. was rescinded.

The following resolution, transmitted from the House, was concurred in, viz:

Resolved, That for the purpose of facilitating the public business, from and after Monday next, the two Houses hold evening sessions, commencing at half past seven o'clock.

A message was received from the House, concurring in the recommendations for Justices of the Peace for the county of Stanly, and also transmitting recommendations for Gaston, Beaufort and Columbus counties, which were concurred in.

Ordered to be transmitted to the Governor for commission.

Also, transmitting bill (S. P. 75) to amend the charter of the town of Hendersonville, with an amendment, asking the concurrence of the Senate.

The Senate refused to concur.

Also, proposing to hold a Joint Convention of the two Houses, on Monday next at 12 o'clock, M., in the Hall of the House of Commons, and that Messrs. Brown, Boyden, Hanes and Leach be requested to meet the Convention and make such revelations as will enable the members of this General Assembly to enter upon the important subject of Federal Relations understandingly.

The Senate refused to concur.

On motion by Mr. Leach,

The resolution introduced by Mr. Cowles, on the same subject, was taken from the table, by

The following vote, \{ Yeas, \} \{ Nays, \}

\{ Yeas, \} \{ Nays, \}
The yeas and nays being ordered,
Those who voted in the affirmative are:
Those who voted in the negative are:
Mr. Love moved to amend, by striking out all after the word "resolved," and insert as follows:
"That a message be sent to the House of Commons, proposing to hold a joint Convention of the two Houses on Wednesday next, at 12 o'clock, in the Hall of the House of Commons, and that Messrs. Brown, Boyden, Hanes and Leach be requested to meet the Convention and make such revelations as will enable the members of this General Assembly to enter upon the important subject of Federal Relations understandingly."
Mr. Avery moved to amend the substitute, by striking out the words, "to hold a joint Convention of the two Houses on Wednesday next, at 12 o'clock, M., in the Hall of the House of Commons, and that," and insert in lieu thereof, the words "to invite," and strike out the words "be requested to meet the Convention," and insert the words, "to address the members of the two Houses informally assembled in the Hall of the House of Commons."
Mr. Leach proposed the following as a substitute for the resolution, viz.:
Resolved, That a message be sent to the House of Commons, proposing to hold a joint Convention of the two Houses on Wednesday next at 12 o'clock, in the Hall of the House of Commons, to confer together, and consider the condition of the country, and the subject matter of the resolutions introduced into the Senate by the Senator from Pasquotank.
On motion by Mr. Kelly, to lay on the table, it was
Decided in the affirmative, { Yeas, ................. 21. { Nays, ................. 20.
On motion, by Mr. Kelly,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Adams, Avery, Battle, Bullock, Cardwell, Cunningham, Edwards, Etheridge, Ferebee, Gash, Harris, of Franklin, Kelly, Koonce, Myers, Moore, Paschal, Thompson, Thornton, Wiggins, Willey and Williams.

Those who voted in the negative are,

On motion by Mr. Wiggins,
H. 323, engrossed resolution concerning mileage, was taken up on its second reading.

And the question, "Shall the resolution pass?" was
Decided in the affirmative,
\[
\begin{align*}
\text{Yea} & : & 27 \\
\text{Nay} & : & 14 \\
\end{align*}
\]

On motion, by Mr. Cardwell,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are.
Messrs. Battle, Barnes, Brown, Cardwell, Cowles, Cunningham, Etheridge, Harris, of Rutherford, Jones, Kelly, Perkins, Robins, Snead and Thornton.

The resolution passed its third reading.

Ordered, To be enrolled.

On motion by Mr. Gash,
S. 139, bill to establish a State Penitentiary, was taken up, and its further consideration was postponed to and made the Special Order for Monday, February 18th, at 8 o'clock. P. M.

On motion by Mr. Adams,
S. 60, bill to amend the Constitution of North Carolina, was called up and its further consideration was postponed to
and made the Special Order for Wednesday, February 20th.
at 12 o'clock M.

H. 198, engrossed bill to raise Revenue came up as the un-
finished business.

On motion by Mr. Speed,
To amend by inserting the following words after the word
“State” in the seventh line, section six, class one, viz:

Provided, That any holder of credits liable to taxation
shall return the same to the tax list taker at the same time
that other property is listed for taxation in each and every year,
a statement of each Bond, Note or Bill of Exchange, held or
owned by him, with the amount of principal money due upon
each. It was

Decided in the negative, 7

On motion, by Mr. Speed,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Bullock, Etheridge, Ferebee, Harris, of Rutherford,
Jones, Koonce and Speed.

Those who voted in the negative are:
Messrs. Adams, Avery, Barnes, Brown, Cardwell, Covington,
Cowles, Gunningham, Edwards, Gash, Hill, Johnston,
Kelly, Koonce, Love, Lloyd, Marshall, Matthews, McCorkle,
McLean, Moore, Paschal, Perkins, Richardson, Robins,
Thompson, Thornton, Wiggins, Willey and Williams.

On motion by Mr. Speed, to amend the second section of
third class, by striking out the word “ten,” in fifth line, and
insert the words, “seven and one-half,”

It was determined in the negative.

On motion by Mr. Cowles, to amend the same section by
striking out the word “fifteen,” in the seventh line, and insert
the word “fifty.”

It was decided in the affirmative.

On motion by Mr. Moore, to strike out the proviso, at the
close of the same section, and insert, in the next section,
after the word “gallon,” in the fifth line, the following pro-
viso, viz:

Provided, That whenever the purchaser of liquors, men-
tioned in this or the preceding section, agrees to pay the tax
due the United States, or this State, on such liquor, said tax shall be held part of the purchases,

It was decided in the affirmative.

On motion by Mr. Speed, to amend, by striking out all after the words "one dollar," in the fourth line of section fourteen, class three,

It was decided in the negative.

On motion by Mr. Cowles, to amend the fifth section of Schedule B, by adding the following words, viz: "On each lecture for reward, five dollars,"

It was decided in the affirmative.

On motion by Mr. Cowles, to amend the sixth section of Schedule B, by inserting in the first line, after the word "each," the word "public,"

It was decided in the affirmative.

On motion by Mr. Cowles, to amend the same section, by adding the following words, viz: "The County Courts shall have power to discriminate in levying taxes for county purposes, by taxing liquors distilled at a higher or lower rate than on other subjects of taxation."

On motion by Mr. Gash, to amend the amendment, by adding the following words, "and that they may also tax brandy at their discretion for the same purpose,"

It was decided in the negative.

Mr. Cowles' amendment then prevailed.

On motion by Mr. Robins, to amend the eighteenth section of Schedule B, by inserting, after the word "Court," in the seventh line, the words "or Justices;"

It was adopted.

On motion, by Mr. Robins, to amend the twentieth section, by inserting after the word "Court," in the sixth line, the words "or Justices."
It was adopted.

On motion by Mr. Robins, to amend the fourth section of Schedule C, by striking out the figures “500,” and insert the figures “100,”

It was determined in the affirmative.

On motion by Mr. Gash, to amend the fifth section, by inserting after the word “Treasury,” in line twelve, the words, “for the seal of a Court of Equity or Superior or County Court, twenty-five cents,”

It was not adopted.

On motion by Mr. Robins, to amend the same section, by adding the following proviso, viz:

“Provided, That the provisions of this section shall not extend to seals of Courts of Equity, Superior or County Courts,”

It was determined in the affirmative.

Mr. Gash moved to amend the seventh exception in the sixth section, by striking out the words, “in the military, naval or marine service of the State or the late Confederate States,” in the second and third lines.

On motion by Mr. Cowles,

To amend by striking out the words “military, naval, or marine service of the State or the late Confederate States,” and insert the words “in the late war,”

It was not adopted.

The question recurring on the amendment of Mr. Gash, it was

Decided in the affirmative, { Yeas, .................. 28.  
{ Nays, .................. 8.

On motion by Mr. Jones,

The yeas and nays being ordered,

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Battle, Barnes, Edwards, Harris, of Franklin, Kelly, Thompson, Thornton and Williams.
On motion, by Mr. Gash,

The section was still further amended by striking out the words, "in said service," in the sixth line, and the words, "of all persons who have lost their lives in said service," in the sixth and seventh lines.

On motion by Mr. Wiggins,

To amend by inserting the following as an additional section, to be numbered the seventh, viz:

"On every charter of incorporation of any Company, granted by the General Assembly, other than those for charity, benevolence or literature, when the corporators had power to become incorporate under the provisions of chapter 26, Revised Code, entitled "Corporations," and on amendments of every such charter, whether originally granted by the General Assembly or secured by letters patent or otherwise, there shall be a tax of twenty-five dollars, paid directly to the Public Treasurer. No Company shall be organized under such special act of incorporation, or derive benefit from any act to amend their charter, without first obtaining a certified copy of such act from the Secretary of State, which shall not be furnished until the Treasurer's receipt for the said tax shall be filed in the office of the said Secretary."

It was determined in the affirmative.

The bill as amended passed its second reading.

On motion by Mr. Wiggins,

It was made the Special Order for Monday, February 18th, at 12 o'clock, M.

On motion by Mr. Wiggins,

The Senate adjourned.

SATURDAY, FEBRUARY 16, 1867.

Mr. Wilson, Speaker pro tem., in the chair.

Reports from standing committees were submitted and filed, as follows, viz:
By Mr. Wiggins, from the committee on Finance:

S. 183, bill to encourage the sale of State bonds, and for other purposes, recommending its passage.

By Mr. Gash, from the same committee:

S. P. 123, resolution in favor of James H. White, with favorable recommendation.

By Mr. McLean, from the committee on Internal Improvements:

S. 175, bill to consolidate the Chatham Rail Road and the Western Rail Road, recommending its passage.

Bills and resolutions of the titles following, being introduced, passed their first reading and referred, as follows, viz:

By Mr. Jones: Bill (S. 178) to incorporate the Colored Educational Association of North Carolina. To Education and Literary Fund.

By Mr. Cowles: Resolution (S. P. 124) in favor of Horace C. Davis, of Yadkin county. To Finance.

By Mr. Jones: Bill (S. 188) to donate to the Wake county Work House the tract of land known as the Camp Mangum tract. To Propositions and Grievances.

A message was received from the House, refusing to recede from its amendments to the Senate Bill 75, to amend the Charter of the town of Hendersonville.

The Senate insisted upon its disagreement.

Also, covering a message from his Excellency, the Governor, transmitting a communication from the Assistant Adjutant General of the United States, in reference to prisoners of war.

Also, a joint resolution proposing to raise a joint select committee of inquiry, concerning the University of the State. Conceded in.

Mr. Barnes, by leave, introduced a bill of the title following, which passed its first reading, and was filed, viz:

S. P. 125, bill to incorporate Wiccacon Lodge, No. 240, A. Y. M.

On motion, by Mr. Paschal,

The motion to re-consider the vote by which the Senate passed the engrossed resolution, (H. P. 91,) in favor of J. J
Ketchum, Elisha Davis, of Wilkes County, and others, was laid on the table.

Bills and resolutions of the titles following, on their second reading, were referred as stated:

H. P. 41, engrossed resolution in favor of Mrs. Theresa Bell. To Claims.


S. P. 73, resolution to authorize the issue of duplicates of destroyed Bonds, to Charles S. Mills. To the Judiciary.

Bills and resolutions of the titles following passed their second and third readings, and were ordered to be engrossed, viz:

S. P. 17, bill to incorporate the North Carolina Dental Association and for the establishment of a Board of Dental Examiners.

S. P. 74, bill to incorporate "The Mecklenburg Female College, in the city of Charlotte."

S. P. 82, bill to incorporate the Cleveland Mineral Springs Company.

S. P. 87, bill to incorporate Kittrells' Springs Female College.

S. P. 92, bill to incorporate the town of Franklinville, in the county of Randolph.

S. P. 84, bill to set apart and make perpetual the McIntyre Cemetery in the county of Cumberland.

S. P. 95, bill to incorporate the American Agricultural and Mineral Company.

Bills and resolutions of the titles following, were passed and ordered to be enrolled:

House bill 259, engrossed bill to incorporate the town of Nahunta, in Wayne county.

H. P. 19, engrossed bill in favor of the Rex Hospital Fund.

House bill 176, engrossed bill to amend the charter of the Plaster Bank and Salt Works Rail Road Company.

House bill 76, engrossed bill to prevent the cutting and felling timber in Pigeon River, in Haywood county, above Killian's.
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House bill 110, engrossed bill to incorporate "Franklin Lodge, No. 109," of Free and Accepted Masons, in the town of Beaufort.

House bill 157, engrossed bill to regulate the retailing of spirituous liquors in the town of Williamston.

H. P. 88, engrossed bill to amend the charter of the Cape Fear Steam Boat Company.

H. P. 24, engrossed bill to incorporate Perquimans Male and Female Academy.

H. P. 56, engrossed bill for the benefit of Daniel Johnson, Senior, of Bladen county.

H. P. 82, engrossed bill to incorporate the Duplin Manufacturing Company.

Bills and resolutions of the titles following being amended, were ordered to be transmitted to the House for concurrence, as follows, viz:

H. P. 16, engrossed bill for the relief of the estate of L. O'B. Branch, deceased.

House bill 64, engrossed bill to incorporate the Albemarle Swamp Land Company.

House bill 311, engrossed bill to incorporate the town of Rocky Mount in the county of Edgecombe.

Bills and resolutions of the titles following were laid on the table, viz:

S. P. 71, resolution in favor of Churchill Perkins.

S. P. 89, resolution in favor of Seward and Wright.

S. P. 96, bill to authorize Evan. H. Morgan, late Sheriff of Nash County, to collect arrears of taxes.

On motion by Mr. Perkins,

William H. Perkins, Tax Collector, of the county of Pitt, was included under the provisions of the bill.

On motion by Mr. Jones, that it be laid on the table,

Decided in the negative, \{ Yeas ....................... 13 \}
\{ Nays ....................... 20 \}

On motion by Mr. Jones,

The yeas and nays being ordered,

Those who voted in the affirmative are:

20

Those who voted in the negative are:

Mr. Speed moved amend by including the legal representatives of W. E. Mann, late Sheriff of Pasquotank county.
On motion by Mr. Cowles,
To lay the amendment on the table,
It was decided in the affirmative.
S. P. 103, resolution in favor of Edmund Bradford, on its second reading, was rejected.
On motion by Mr. Johnston,
The Senate took a recess until 7½ o'clock P. M.

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SEVEN AND A-HALF O'CLOCK, P. M.

S. P. 104, bill to incorporate the Wilmington Hook and Ladder Company passed its second and third readings.

Ordered, to be engrossed.

Bills and resolutions of the titles following being read the second and third times were ordered to be enrolled, as follows:

H. P. 45, engrossed bill to incorporate the Tuckaseege Gold and Copper Mining Company.

H. P. 45, engrossed bill to incorporate Jerusalem Lodge, No. 95, of Free and Accepted Masons.

H. P. 44, engrossed bill to incorporate the Rockford Male and Female Seminary, in the county of Surry.

H. P. 39, engrossed bill to incorporate the New Berne Memorial Association.

H. P. 43, engrossed bill to incorporate the New Market Foundry and Manufacturing Company of Randolph county.
H. P. 59, engrossed bill to incorporate Wilson Lodge, No. 226, of Free and Accepted Masons.

H. P. 46, engrossed resolution in favor of Jacob Siler, Agent of the State for the collection of Cherokee lands.

H. P. 40, engrossed bill to incorporate the St. Phillip's Episcopal Singing Society, of New Berne.

H. P. 49, engrossed bill to enable the representatives of W. E. Mann, deceased, late Sheriff of Pasquotank county, to collect arrears of taxes, was rejected.

On motion by Mr. Clark,
The Senate adjourned.

MONDAY, FEBRUARY 18, 1867.

Prayer by the Rev. Mr. Hardie.

The Speaker pro tem. designated Messrs. Harriss, of Rutherford, Johnston and Paschal as the committee on Enrolled Bills for the week.

Messrs. Horton of Wilkes, Shelton, Lutterloh, May and Martin were announced, by message, as the House branch of the committee.

On motion by Mr. Berry,

Leave of absence was granted to Mr. Robins, Chairman of the committee on the North Carolina Railroad Company, for the day, in order to prepare his report.

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

By Mr. Cunningham, from the committee on Propositions and Grievances:

Communication from His Excellency the Governor, enclosing a petition from sundry citizens of Granville County, praying for the erection of a suitable Tobacco Ware House at Henderson, and the establishment of a tobacco inspection, with adverse recommendation.
By Mr. McLean, from the Committee on Internal Improvements:

H. 90, engrossed bill to revive and amend the charter of the Shelby and Broad River Railroad Company, recommending its passage.

By Mr. Gash, from the Committee on Claims:

H. P. 44, engrossed resolution in favor of Mrs. Theresa Bell, with favorable recommendation.

A message was received from the House, transmitting recommendations for Justices of the Peace for the counties of Buncombe, Wilkes, Cabarrus, Gates, Chatham and Mecklenburg, which were concurred in.

Ordered, To be transmitted to the Governor for commission.

Messrs. Loyd, McCorkle and Perkins submitted recommendations for Justices of the Peace, for the counties of Brunswick, Catawba and Pitt, which were approved, and

Ordered, To be transmitted to the House for concurrence.

Bills and resolutions of the titles following being introduced, passed their first reading and were otherwise disposed of as follows, viz:

By Mr. Hall, resolution (S. P. 126,) in favor of S. R. Bunting. Referred to the Committee on Claims.

From the House: Engrossed bill (H. 45,) to declare the Roanoke River a sufficient fence in the County of Martin. Filed.

Engrossed bill (H. 101) to amend section 12, chapter 52, of the revised Code. Filed.

Engrossed bill (H. 109) to incorporate Pythagoras Lodge, No. 249, in the town of Smithville. Filed.

Engrossed bill (H. 115) to incorporate Black Rock Lodge, No. 135, in the county of Brunswick. Filed.

Engrossed bill (H. 143) to convert the debt due the State from the Atlantic and North Carolina Rail Road Company, into capital stock. Filed.

Engrossed bill (H. 231) to enable the Western Rail Road Company, to extend its road across the North Carolina Rail Road to the Virginia line, near Mt. Airy, in the county of Surry. To Committee on Internal Improvements.
Engrossed bill (H. 263) to declare Tar River, through the county of Edgecombe, a water course sufficient for a fence. Filed.

Engrossed bill (H. P. 54) to amend an act, entitled "An Act to establish Work Houses or Houses of Correction, in the several counties of the State," ratified 2d day of March, 1866. To the Judiciary.

A message was received from the House, asking for a committee of Conference upon the disagreement between the Houses upon the amendment to Senate bill 75, to amend the charter of the town of Hendersonville. Concurred in.

Messrs. Gash, Love and Covington were designated as the Senate branch of the Committee.

Messrs. Logan, Harper and Garrett were announced, by message, as the House branch.

A message was received from the House, transmitting the concurrence of that body in the amendments to the following bills, which were ordered to be enrolled, viz:

H. P. 16, engrossed bill for the relief of the estate of L. O'B. Branch, deceased.

H. 64, engrossed bill to incorporate the Albemarle Swamp Land Company.

H. 311, engrossed bill to incorporate the town of Rocky Mount, in the county of Edgecombe.

Bills and resolutions of the titles following, passed their second reading, and were filed for a third reading, viz:

S. 41, bill to repeal part of the 14th section of the 26th chapter of the Revised Code.

S. 61, bill to repeal an act entitled "An Act for the better regulation of the Western Turnpike Road," and for other purposes.

H. 26, engrossed bill for the benefit of the Poor of the county of Bladen, and for other purposes.

S. 78, bill to amend chapter 42, Private Laws, 1866.

S. 83, resolution in regard to re-printing the Reports of the Supreme Court.

H. 102, engrossed bill to abolish jury trials in the County Court of Macon County.

On motion by Mr. Love,
To amend, by adding to the fourth section the following:

"Provided, That if jury trials should not be dispensed with the Clerks of the County and Superior Courts shall not be required to perform any of the duties imposed in this act."

It was determined in the affirmative.

H. 32, engrossed bill to amend section 30, chapter 54, of the Revised Code, entitled Guardian and Ward. Referred to the Committee on the Judiciary.

Bills of the titles following were laid on the table, viz:

S. 45, bill to direct the mode of holding the Superior Courts in the Judicial circuits, by the Judges thereof.

S. 47, bill to incorporate "the North Carolina Land and Immigration Aid Company."

H. 20, engrossed bill to repeal an act ratified February 7th, 1866.

H. 146, engrossed bill to amend second section of chapter 58, Revised Code.

S. 75, bill to repeal an act entitled "An Act to improve the law of evidence."

Bills of the titles following were rejected, viz:

H. 80, engrossed bill to amend section 2nd, chapter 43, of an act ratified the 12th day of March, A. D., 1866, entitled an Act to improve the law of evidence.

S. 77, bill extending the jurisdiction of the Courts on persons bailing to work the Public Roads and Highway.

H. 97, engrossed bill restoring to married women their common law right of dower, by

The following vote, 

{ Yeas, ......................... 15. 
 Nays, ......................... 16. 

On motion by Mr. Kelly,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Messrs. Bullock, Clark, Etheridge, Ferebee, Harris, of Franklin, Harris, of Rutherford, Kelly, Koonce, Lloyd, Matthews, Paschal, Respass, Speed, Thornton and Williams.

Those who voted in the negative are:

Messrs. Battle, Barnes, Berry, Brown, Cardwell, Covington, Cunningham, Edwards, Gash, Hall, Jones, Love, McCorkle, Moore, Perkins and Wiggins
Mr. Jones filed a motion to reconsider this vote.

By permission, bills and resolutions of the titles following being introduced, passed their first reading and were referred as follows, viz:

By Mr. Speed: Resolution (S. 195,) in regard to what debts are valid and what not valid under the ordinance of the Convention. To the Judiciary.

By Mr. Hall: Resolution (S. 196,) in favor of Sheriffs. To the Judiciary.

By Mr. Moore: Bill (S. 197,) to aid the Williamston and Tarboro Railroad Company. To Internal Improvements.

A message was received from the House, transmitting the following communication from the Ladies’ Memorial Association of Raleigh:

To the Gentlemen of the Legislature of North Carolina:

The Ladies Memorial Association tender to you their heartfelt thanks for the generous appropriation of fifteen hundred dollars to the memorial cause.

The blessing of those whose loved ones lie beneath our soil, will follow you to your homes; and they will have the consolation of knowing that the valor and virtues of their countrymen are cherished by a grateful people. The heart-rending sacrifice still lingers around our sorrowing hearth-stones. “Tho’ lost to sight, to memory dear.”

Very Respectfully,

S. A. PARTRIDGE,

Feb. 18th, 1867.

Secretary of L. M. A.

H. 198, engrossed bill to raise Revenue, came up as the Special Order, on its third reading.

On motion by Mr Battle,

To amend the section on Poll Tax, by adding the following, viz:

“And upon failure so to do any person or persons, subject to such Poll Tax, removing himself or selves from one county into another, on, before or just after the 1st day of April of each year, shall take with him or them a certificate from the
Tax list-taker of his or their district, or some other responsible man, who may have listed him or them, showing him or them to be duly listed for said Tax. Upon failure so to do, shall be subject to double tax, retained from his or their wages by the first person employing him or them, whose duty it shall be to pay over the same to the Sheriff, and take his receipt therefor; otherwise be subject to said double tax, in every instance ascertained and collected by distraint.”

It was determined in the affirmative.

On motion by Mr. Leach,
To strike out the word “if” in the third section, first line of class one.
It was adopted.

On motion by Mr. Gash,
To amend the same section by inserting the words “in value” after the figures “300” in the second line.
It was adopted.

On motion by Mr. Mr. McLean,
To amend the sixth section of class 2, by striking out the figures “500” and inserting the figures “100,”
It was rejected.

On motion by Mr. Wiggins,
To amend section one of class 3, by inserting after the second section, class 3, in the seventh line, the word “fifty,” and insert the word “thirty,”
It was adopted.

On motion by Mr. McLean,
To amend the eighth section of the same class by striking out the word “gross” and insert the word “nett,”
It was decided in the negative.

On motion by Mr. Clark,
To amend class 2, of section sixteen, by striking out the last paragraph thereof, and insert the following, viz:

“To facilitate the collection of the tax on collaterals, every person applying to be qualified as Executor or Administrator on any estate shall make a statement in writing of the names of the heirs or legatees of the deceased and their degrees of relationship as far as known. And no one shall be allowed to qualify without furnishing the aforesaid statement to be
recorded with the application, and the Clerk of the Court of Pleas and Quarter Sessions shall furnish the Sheriff, at the close of each term, with a list of each Executor or Administrator qualified during the term.”

It was determined in the affirmative.

On motion by Mr. Hall,
To amend section one of Schedule B, by adding the following words, viz:
“Where theatrical exhibitions are by the season of not less than three months, the tax shall be one hundred dollars,”

It was adopted.

On motion by Mr. Speed,
To amend the seventh section by inserting, in the first line, between the words “on” and “gift” the word “all,” and strike out the words “so called,”

It was decided in the affirmative.

On motion by Mr. Hall, to amend section ten, by adding the following: “When said tables may be used for four months or less, one-half of the above rates shall only be payable,”

It was adopted.

On motion by Mr. Hall, to amend, by adding the following to the eleventh section, viz: “When the same may be used for four months or less, one-half of the above rates shall only be paid,”

It was adopted.

On motion by Mr. Gash, to amend, by striking out the following words at the end of the fourteenth section, viz: “The County Court shall have power to discriminate in levying taxes for county purposes, by taxing liquors distilled, at a higher or lower rate, than on other subjects of taxation,”

It was adopted.

On motion by Mr. Gash, to amend the same section, by inserting after the word “pay,” in the third line, the words “if from fruit, ten cents per gallon,”

It was rejected.

On motion by Mr. McLean, to amend the same line, by inserting, after the word “gallon,” the words “if from fruit, five cents per gallon,”
It was not adopted.

On motion by Mr. Speed, to insert, after the word "gallon," the words "if from fruit, seven and one-half cents per gallon," it was

Decided in the negative, \{ Yeas....................... 10 \} Nays....................... 25

On motion by Mr. Speed,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Those who voted in the negative are:
Messrs. Avery, Battle, Barnes, Brown, Bullock, Cardwell, Clark, Cunningham, Hall, Harris, of Franklin, Harris, of Rutherford, Koonce, Leach, Love, Marshall, Matthews, McCorkle, Moore, Paschal, Perkins, Respass, Thornton, Wiggins, Willey and Williams.

On motion by Mr. Gash, to amend the seventh section of Schedule C, by adding the following, viz: "The benefits of this section shall extend to all corporations granted at the sessions of the Legislature for 1865 and 1866, and the Convention, not heretofore accepted by the corporators,"

It was decided in the affirmative.

On motion by Mr. Speed, to amend the seventh exception of the eighth section, Schedule C, by inserting, in the tenth line, after the word "value," the words, "in addition to property exempted in section 3, clause 1,"

It was rejected.
The bill then passed its third reading:
Ordered to be transmitted to the House for concurrence.

On motion by Mr. Covington,
The Senate took a recess until 7 ½ o'clock, P. M.

SEVEN AND A-HALF O'CLOCK, P. M.

A message was received from the House, transmitting a joint resolution to provide for the distribution of seats to the members of the General Assembly.
The Senate refused to concur.

Also, transmitting the following bills and resolutions, which had their first reading and were filed, or referred, as follows, viz:

- Engrossed bill (H. 368) in regard to Weights and Measures. To Education and the Literary Fund.
- Engrossed bill (H. P. 90) to incorporate the Charlotte Merchants' and Planters' Benefit Association. To Corporations.
- Engrossed resolution (H. P. 102) in favor of Mary M. Transom. To Claims.
- Engrossed bill (H. P. 96) to incorporate the Town Fork Coal and Petroleum Company.
- Engrossed bill (H. 226) to incorporate the Olivia Quick Silver Mining Company, of Macon county.
- Engrossed bill (H. 235) to incorporate the town of Hookerton, in Greene county.
- Engrossed bill (H. 249) to amend the charter of the Cheoib Turnpike.
- Engrossed bill (H. 337) to amend the act to incorporate the town of Jefferson, in the county of Ashe.
- Engrossed bill (H. 353) to incorporate the North Carolina Orphan Asylum. To Corporations.
- Engrossed bill (H. P. 104) to amend the Charter of Olin High School. To Education and the Literary Fund.
- Engrossed bill (H. 136) to incorporate Centre Hill Lodge, No. 260, Free and Accepted Masons, in the county of Chowan.
- Engrossed bill (H. 231) to incorporate the Flat Swamp, Lock's Creek and Evan's Creek Canal Company, of the county of Cumberland. To Corporations.
- Engrossed bill (H. 305) to extend the limits of the town of Lumberton, in Robeson county.
- Engrossed resolution (H. P. 103) in favor of J. L. Withers and James H. White. To Claims.
- Engrossed bill (H. P. 89) to incorporate the Neuse River Ferry Company. To Corporations.
- Engrossed bill (H. P. 111) to incorporate the Locky Point Manufacturing Company in the county of Cumberland. To Corporations.
Engrossed (H. P. 109) to incorporate the town of Rockingham in the county of Richmond.

S. 139, bill to establish a State Penitentiary came up on its third reading, as the order of the day.

On motion by Mr. Gash,
To amend by adding an additional section referring the question to the ratification of the people,

It was decided in the affirmative, \( \text{Yea's} = 28 \) \( \text{Nay's} = 8 \).

On motion by Mr. Berry,
The yeas and nays being ordered,
Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Battle, Barnes, Clark, Hall, Harris, of Rutherford, Kelly, Moore and Wiggins.

On motion by Mr. Covington,
To amend by adding to the last section the following proviso, viz:

"Provided, That nothing in this act shall prevent any future General Assembly from modifying or changing the plan of the Penitentiary herein provided for,"

It was not adopted.
The question recurring upon the passage of the bill,
It was

Decided in the affirmative, \( \text{Yea's} = 32 \) \( \text{Nay's} = 2 \).

On motion, by Mr. Kelly,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are:
Messrs. Harris, of Rutherford, and Kelly.

Ordered to be engrossed.

On motion by Mr. Leach,
H. 297, engrossed bill to authorize the President and Directors of the Western North Carolina Rail Road Company to put said Road under contract, was taken up under a suspension of the rule, and considered on its second reading.

Mr. Battle moved that it lie on the table.

On motion by Mr. Berry,
That the Senate adjourn, it was

Decided in the affirmative, \{ Yeas, \ldots \ldots \ldots \ldots 18. \}
\{ Nays, \ldots \ldots \ldots \ldots 14. \}

On motion by Mr. Battle,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Berry, Bullock, Cardwell, Clark, Coward, Edwards, Etheridge, Hall, Harris, of Franklin, Jones, Koonce, Leach, Lloyd, Matthews, McCorkle, Moore, Wiggins and Williams.

Those who voted in the negative are:
Messrs. Avery, Battle, Barnes, Brown, Covington, Cunningham, Harris, of Rutherford, Johnston, Kelly, Love, Perkins Thornton and Willey.

So the Senate adjourned.

TUESDAY, FEBRUARY 22, 1867.

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

By Mr. Berry, from the joint committee on Public Buildings:
S. 199, resolution in regard to repairs on Executive Mansion;
S. 200, bill in regard to Burke Square and other public property in the city of Raleigh;
S. 201, bill for the assignment of certain rooms in the Capitol; recommending their passage.

By Mr. Cunningham, from the committee on Propositions and Grievances:

S. P. 145, bill to authorize the sale of the Academy lot in the town of Elizabeth City, recommending its passage.

On motion by Mr. Clark,
Ordered, That the Judiciary committee be instructed to prepare and report, without delay, a Supplementary Bill, modifying an act passed the present session of the General Assembly, entitled "An Act to change the jurisdiction of the Courts and the rules of pleading therein."

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

By Mr. Hall: Resolution (S. P. 146) in favor of John A. Gilmer, Jr. To Claims.

By Mr. Kelly: Bill (S. 202) to more effectually prevent crime and lawlessness. To the Judiciary.

By Mr. Jones: Bill S. (203) to authorize the Courts of Pleas and Quarter Sessions for Wake county to borrow money and issue bonds. To Finance.

Bill (S. P. 147) to amend the charter of the North Carolina Mutual Life Insurance Company. To Corporations.

Bill (S. P. 148) to amend the charter of the North Carolina Mutual Fire Insurance Company. To Corporations.

By Mr. Wilson: Bill (S. 204) to extend the Term of Chowan Superior Court.

On motion by Mr. Wilson,
The rule was suspended and the bill passed its second and third readings.

Ordered to be engrossed.

On motion by Mr. Berry,
H. 235, engrossed bill to incorporate the town of Hookerton, in Greene county, passed its second and third readings.

Ordered to be enrolled.

On motion by Mr. Speed,
S. 147, resolution in favor of the creditors of the Insane Asylum, was considered on its second reading, and
On motion by Mr. Hall,
The bill was re-committed to the committee on the Insane Asylum, with instructions to adjust the claims by the scale of depreciation adopted by the last General Assembly.

On motion by Mr. Clark,
Ordered, That a message be sent to the House of Commons, proposing to appoint an additional committee on Enrolled Bills, for the present week.

Engrossed resolution (H. 186,) in favor of soldiers in the late war, received from the House, had its first reading.

On motion by Mr. Jones,
The rule was suspended and the resolution read the second time.

On motion by Mr. Love,
To amend by including, under the provisions of the resolution, those who had lost arms,
It was adopted.

On motion by Mr. Hall,
To extend the provisions of the resolution to those who had lost both eyes,

Decided in the affirmative,

Y: N. 34: 0

On motion by Mr. Hall,
The yeas and nays being ordered,
Those who voted in the affirmative are:

On motion by Mr. Respass,
To extend its provisions to women,

Decided in the affirmative,

Y: N. 17: 15

On motion by Mr. Respass,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Avery, Berry, Brown, Bullock, Covington, Coward, Etheridge, Gash, Harris, of Rutherford, Johnston, Jones, Koonce, Perkins, Respass, Snead, Speed and Willey.

Those who voted in the negative are:

Mr. Cunningham moved to amend by adding the following:

"Provided further, That where they have lost both arms or legs they shall have double the amount."

On motion, by Mr. Perkins,
That the amendment lie on the table,

Decided in the negative, \( \begin{align*}
&\text{Yeas,} &\cdots &\cdots &9, \\
&\text{Nays,} &\cdots &\cdots &29.
\end{align*} \)

On motion, by Mr. Perkins,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Battle, Barnes, Clark, Harris, of Rutherford, Kelly, McCorkle, Perkins, Willey and Wilson.

Those who voted in the negative are:

The question recurring upon the amendment offered by Mr. Cunningham, it was

Decided in the affirmative, \( \begin{align*}
&\text{Yeas,} &\cdots &\cdots &33, \\
&\text{Nays,} &\cdots &\cdots &0
\end{align*} \)

On motion by Mr. Cunningham,
The yeas and nays being ordered,
Those who voted in the affirmative are:

On motion by Mr. Avery, to amend, by adding the following:
"And that the Governor be authorized to pay to such soldiers as can produce satisfactory evidence that they have been totally disabled, the amount paid as commutation for the most costly legs."

It was adopted.

The question recurring upon the passage of the resolution,

It was decided in the negative, \( \frac{1}{2} \) Yeas, \( \frac{3}{4} \) Nays.

The yeas and nays being ordered,

Those who voted in the affirmative are:


The resolution then passed its third reading:

Ordered, To be transmitted to the House for concurrence.

On motion of Mr. Wiggins,

The Senate took a recess until 7½ o'clock, P. M.

Seventeen and a-half o'clock, P. M.

Bills and resolutions of the titles following, received from the House of Commons, had their first reading and were disposed of as follows, viz:

House bill 357, engrossed bill to authorize the exchange of certain bonds, issued during the war for internal improvement purposes, for new bonds. Filed.

H. P. 94, engrossed bill to incorporate Rocky Point Academy in the county of New Hanover. Filed.

H. P. 93, engrossed bill to incorporate Scotland Neck.—Filed.
H. P. 101, engrossed bill to authorize the Trustees of Vine Hill Academy, in the County of Halifax, to sell a part of the lands belonging to the Institution. Filed.

H. P. 80, engrossed bill to incorporate the National Loan and Trust Company. To Corporations.

H. P. 92, engrossed bill to incorporate the Jones County Savings Institution. To Corporations.

H. 233, engrossed bill to enable the Buncombe Turnpike Company to subscribe the stock in their road to the Western North Carolina Rail Road. Filed.

H. 310, engrossed bill supplemental to "An Act to empower the County Court of Mecklenburg to hold extra terms." Filed.

H. 223, engrossed bill to amend the 39th chapter of Acts of 1860-'61. Filed.

H. P. 190, engrossed bill to amend an act, entitled "An Act to authorize the Roanoke Navigation Company to discontinue the use of their Canal." Filed.

H. 232, engrossed bill to incorporate the Greensboro' and Dan River Rail Road Company. To Internal Improvements.

On motion by Mr. Speed,

Resolved, That the Committee on the Insane Asylum be, and they are hereby authorized, to send for persons and papers, to administer oaths, examine witnesses upon oath, in regard to the outstanding claims against said Asylum, and also to appoint a clerk, who shall be paid a reasonable compensation for his services.

On motion by Mr. Avery.

S. 150, bill to authorize the President of the Western North Carolina Rail Road Company, to borrow money on the faith and credit of the State, was called up on its second reading.

On motion by Mr. Avery, to amend, by striking out all after the enacting clause, and insert a substitute,

It was decided in the affirmative.

As amended, the bill passed its second and third readings.

On motion by Mr. Avery,

The bill was changed, so as to read, "A Bill to enable the Western North Carolina Rail Road to discharge its debts."

Ordered to be engrossed.
A message was received from the House, transmitting Senate bill 2, to establish Freehold Homesteads for the citizens of the State, with a substitute in lieu thereof.

The question, "Shall the Senate concur?" was put and

Decided in the negative, \{ Yeas, ..................... 12 \\ Nays, ..................... 29 \\

On motion by Mr. Berry,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Bullock, Cardwell, Coward, Johnston, Koonce, Lloyd, Matthews, Paschal, Snead and Speed.

Those who voted in the affirmative are:

A message was received from the House, concurring in the proposition to raise an additional committee on Enrolled Bills for the week.

Messrs. McArthur, Turnbull, Brown, Holderby and Murrill, constitute the House branch of the committee.

Also, transmitting the engrossed bill (H. 198) to raise Revenue, concurring in all the amendments thereto, except striking out the proviso to section nine, class 1, Schedule A, and the substitute for the last paragraph of class 2, Schedule B.

The Senate receded from the last, but refused to recede from the first.

On motion by Mr. Speed,
The Senate adjourned.

WEDNESDAY, FEBRUARY 20, 1867.

The Speaker designated Messrs. Moore, McLean and McRae as the Senate branch of the additional committee on Enrolled Bills for the week.
Mr. Wilson presented a Memorial from certain citizens of Rowan County, asking some change in the law in regard to Landlords and Tenants. Referred to the committee on Propositions and Grievances.

Report from committees were submitted and filed as follows, viz:

By Mr. Wilson, from the committee on the Judiciary:
- S. P. 73, Resolution to authorize the issue of duplicates of destroyed Bonds to Charles S. Mills, with adverse report.
- H. P. 54, Engrossed bill to amend an act entitled "An act to establish Work Houses or House of Correction in the several counties of the State," recommending its passage.

H. 32, Engrossed bill to amend Section 30, Chapter 54, of the Revised Code, entitled Guardian and Ward, recommending its rejection.

By Mr. McCorkle, from the same committee:
- S. 176, Bill to secure advances for agricultural purposes, with an amendment, recommending its passage.

By Mr. Leach, from the same committee:
- S. 202, bill to more effectually prevent crime and lawlessness, with recommendation unfavorable to its passage.

By Mr. Gash, from the Committee on Claims:
- H. P. 103, engrossed resolution in favor of J. L. Withers and James H. White, recommending its passage.
- H. P. 102, engrossed resolution in favor of Mary S. Transom, with favorable recommendation.

By Mr. McLean, from the Committee on Internal Improvements:
- S. 159, bill to provide for the sale of the Chatham Rail Road, with favorable recommendation.
- H. 231, engrossed bill to enable the Western Rail Road Company to extend its road across the North Carolina Rail Road to the Virginia line, near Mt. Airy, in the county of Surry, recommending its passage.

By Mr. Avery, from the same committee:
- S. 197, bill to aid the Williamston and Tarboro’ Rail Road Company, recommending its passage.
H. 204, engrossed bill to charter the Oxford Branch of the Raleigh and Gaston Rail Road, with adverse recommendation.

By Mr. Love, from the same committee:

H. 232, engrossed bill to incorporate the Greensboro' and Dan River Rail Road Company, recommending its passage.

On motion, by Mr. Cunningham,

Resolved, That for the balance of the session, no Senator shall speak longer than five minutes at any one time.

On motion, by Mr. Leach,

Resolved, That the Committee on the Judiciary be instructed to inquire whether the Courts of Equity have not now the power to enter judgments, on motion, on all bonds or notes held for sales of property and on other debts due in Court, notwithstanding the passage of the Stay Law Act of the present session of the General Assembly, and if so, in the opinion of said committee, that it be instructed to report a bill corresponding with the Stay Law Act, applying also to said Courts of Equity.

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

By Mr. Speed : Resolution (S. 211,) to ascertain the number of wounded and disabled officers and soldiers, the widows and orphans of deceased soldiers in the late war. Filed.

By Mr. Jones : Bill (S. 212,) to amend an Act to establish Work Houses or Houses of Correction in the several counties of the State. To the Judiciary.

By Mr. McCorkle : Bill (S. 213,) to change the time of holding the Courts in the 7th Judicial Circuit. To the Judiciary.

By Mr. Gash : Bill (S. 214,) to repeal chapter 70, Revised Code, entitled "Militia." To Military Affairs.

From the House : Engrossed bill (H. 366,) to incorporate the town of Columbia, in the county of Tyrrell. Filed.

Engrossed bill (H. 262,) to exchange a certain amount of the stock in the North Carolina Rail Road Company with the Cheraw and Coalfields Rail Road Company, and for other purposes. To Internal Improvements.
Engrossed bill (H. 330,) for the relief of Executors, Administrators, &c. To the Judiciary.

Engrossed bill (H. 379,) to extend the session of the Courts of Pleas and Quarter Sessions for the county of Wake.

On motion, by Mr. Jones,

The rule was suspended, and the bill passed its second and third readings.

Ordered to be enrolled.

Engrossed resolution (H. 383,) providing for commutation to soldiers who have lost arms in the military service.

On motion, by Mr. Leach,

The rule was suspended, and the bill passed its several readings.

Ordered to be enrolled.

Engrossed bill (H. P. 121,) to incorporate the Perquimans Steam Navigation Company.

On motion, by Mr. Speed,

The rule was suspended and the bill passed its several readings.

Ordered to be enrolled.

On motion, by Mr. Cowles,

H. 231. engrossed bill to enable the Western Rail Road Company to extend its Road across the North Carolina Rail Road to the Virginia line, near Mt. Airy, in the county of Surry, was taken up and its further consideration was postponed to and made the Special Order for Friday, February 22nd, at 10 o'clock, M.

Ordered to be printed.

H. 297, engrossed bill to authorize the President and Directors of the Western North Carolina Rail Road Company to put said Road under contract, came up as the unfinished business.

The motion that the bill lie on the table was withdrawn.

On motion, by Mr. Love, to amend by adding to the third section the following: Provided, That the stock subscribed in lands under this section shall be fixed at a cash valuation in gold at the time of subscribing; and said lands to be held by the Company for sale at any time or to be mortgaged by the Company to raise the amount subscribed on the part of indi-
viduals, companies, counties or corporations, and, provided further, that the State and Company are to have the benefits arising from the increased value of the lands subscribed:

On motion by Mr. Wilson,
It was ordered to be printed and its further consideration postponed to and made the Special Order for Friday, February 22d, at 8 o'clock, P. M.

On motion by Mr. Hall,
S. 148, bill to amend the charter of the Wilmington Railway Bridge Company, was considered on its second and third readings.

On motion by Mr. Hall,
The second section was striken out.
As amended, the bill passed.
Ordered to be engrossed.

On motion by Mr. Moore,
S. 197, bill to aid the Williamston and Tarboro' Rail Road Company, was passed under a suspension of the rule.
Ordered to be engrossed.

Mr. Jones called up the motion to re-consider the vote by which the Senate rejected the engrossed bill (H. 97) restoring to married women their Common Law right of Dower.

On motion by Mr. Wilson,
That it lie on the table, it was
Decided in the negative, ½ Yeas, ..................... 8.
½ Nays, ..................... 33.

On motion by Mr. Wilson,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are:
Messrs. Adams, Avery, Berry, Brown, Bullock, Cardwell, Clark, Cowles, Cunningham, Edwards, Etheridge, Ferebee, Harris, of Franklin, Harris, of Rutherford, Johnston, Jones, Kelly, Koonce, Leach, Love, Lloyd, Matthews, McLean, McRae, Paschal, Perkins, Respass, Snead, Thompson, Thornton, Wiggins, Willey and Williams.
The motion to re-consider then prevailed.
Ordered, That it be re-committed to the committee on the Judiciary.

A message was received from the House of Commons, with recommendations for Justices of the Peace for the counties of Franklin, Wake, Union, Lenoir, Craven, Alamance, Pitt and Mitchell.

Those from Franklin were laid on the table; the others were concurred in.

Ordered to be transmitted to the Governor for commission.

S. 60, bill to amend the Constitution of North Carolina, came up as the order of the day.

The question being on the amendment proposed by the committee on the Judiciary,

On motion by Mr. Kelly,

That the amendment lie on the table, it was

Decided in the affirmative, yeas, 25; nays, 16.

On motion by Mr. Cowles,

The yeas and nays being ordered,

Those who voted in the affirmative are:


Those who voted in the negative are:


S. 74. resolution in relation to State bonds, Act of 1861, was considered on its second reading, the question being on the amendment proposed by the committee on Finance.

On motion by Mr. Speed to amend the amendment by striking out the words "such place as the Public Treasurer may prescribe," and insert the words "the Public Treasurer in Raleigh,"

It was determined in the affirmative.

On motion by Mr. Speed that the bill lie on the table, it was so ordered.
A message was received from the House, transmitting the report of the committee of Conference on the disagreement between the two Houses upon the amendment to Senate bill 75, to amend the Charter of the town of Hendersonville.

The Senate concurred in the report,

Also, insisting upon the substitute to Senate bill 2, to establish Freehold Homesteads.

On motion by Mr. Berry, that the Senate insists upon its disagreement, and to propose a committee of Conference.

It was decided in the affirmative.

Also refusing to concur in the amendments to the engrossed House bill 186, in favor of soldiers maimed in the late war.

On motion by Mr. Avery that the Senate refuse to recede and propose a committee of Conference,

It was decided in the affirmative.

Also, refusing to recede from its objection to the Senate amendment to the engrossed House bill 188, to raise Revenue viz: striking out the proviso to section nine, Class 1, Schedule A, asking a committee of Conference.

The Senate agreed to the proposition, and Messrs. Wiggins, Gash and Hall were designated as the Senate branch of the committee. Messrs. Farrow, Durham and Latham of Craven, were announced as the House branch.

On motion by Mr. Avery,

To Senate took a recess until 7½ o'clock, P. M.

**Seven and a-half o'clock, P. M.**

A message was received from the House, transmitting the report of the Joint Select Committee on the affairs of the North Carolina Rail Road Company, with a proposition to print.

The Senate concurred.

Bills and resolutions of the titles following were disposed of as follows, viz:

S. 41, bill to repeal part of the 14th section of the 26th Chapter of the Revised Code. Passed.
Ordered to be engrossed.

S. 61, bill to repeal an act entitled "An Act for the better regulation of the Western Turnpike Road," and for other purposes. Passed.

Ordered to be engrossed.

S. 47, bill to incorporate "The North Carolina Land and Immigration Aid Company." Amended and passed.

Ordered to be engrossed.

H. P. 101, engrossed bill to authorize the Trustees of Vine Hill Academy, in the county of Halifax, to sell a part of the lands belonging to the Institution.

Ordered to be enrolled.

H. 224, engrossed bill to establish the dividing line between the towns of Salem and Winston. Passed.

Ordered to be enrolled.

H. P. 93, engrossed bill to incorporate Scotland Neck.—Passed.

Ordered To be enrolled.

H. 26, engrossed bill for the benefit of the poor of the county of Bladen, and for other purposes. Passed.

Ordered to be enrolled.

S. 78, bill to amend chapter 42, Private Laws of 1866.—Passed.

Ordered to be engrossed.

S. 80, bill to incorporate the Yadkin and Cape Fear Canal Company. Amended and re-committed to the committee on Internal Improvements.

S. 83, resolution in regard to re-printing the Reports of the Supreme Court. Passed.

Ordered to be engrossed.

H. 102, engrossed bill to abolish jury trials in the County Court of Macon county. Passed.

Ordered to be enrolled.

S. 87, bill to establish Edinborough Medical college in Robeson county. Amended and passed.

Ordered to be engrossed.

S. 158, bill to grant amnesty and pardon to Females.—Passed.

Ordered to be engrossed.
H. 222, engrossed bill to abolish imprisonment for debt.

Mr. Cowles moved to amend by striking out the words "nor upon any capias ad satisfaciendum issuing from any Justice of the Peace in this State."

On motion of Mr. Leach to divide the question, the Senate refused to strike out.

The question recurring upon the passage of the bill its third reading, it was

Decided in the affirmative, \begin{align*}
\text{Yea}s, & \quad 26 \\
\text{Nay}s, & \quad 19
\end{align*}

On motion, by Mr. Bullock, \begin{itemize}
\item Those who voted in the affirmative are:
\begin{itemize}
\item Messrs. Adams, Bullock, Cardwell, Coward, Cowles, Cunningham, Etheridge, Ferebee, Gash, Harris, of Rutherford, Johnston, Jones, Koonce, Leach, Love, Matthews, Paschal, Perkins, Richardson, Snead, Speed, Thompson, Thornton, Wiggins, Willey and Williams.
\end{itemize}
\item Those who voted in the negative are:
\begin{itemize}
\item Messrs. Avery, Battle, Barnes, Berry, Brown, Clark, Covington, Edwards, Hall, Hill, Kelly, Marshall, McCorkle, McLean, McRae, Moore, Respess, Robins and Wilson.
\end{itemize}
\end{itemize}

Ordered to be enrolled.

A message was received from the House, consenting to the proposition to refer the disagreements between the two Houses upon Senate bill 2, to establish Freehold Homesteads for the citizens of the State, to a committee of conference. Messrs. Cowan, Hutchison and Richardson, were announced as the House branch of the committee.

The Speaker designated Messrs. Berry, Avery and Moore, as the Senate branch.

Also agreeing to refer the disagreements in regard to the engrossed bill (H. 186) in favor of soldiers maimed in the late war, to a committee of conference. Messrs. Stone, McClammy and Crawford, of Macon, were announced as the House branch of the committee.
Messrs. Leach, McCorkle, and Harris, of Rutherford, were designated as the Senate branch.

On motion by Mr. Ferebee,
The Senate adjourned.

THURSDAY, FEBRUARY 21, 1867.

The Speaker designated Messrs. Hall, Clark and Love, as the Senate branch of the committee to investigate the affairs of the University of North Carolina.

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

By Mr. Clark, from the Committee on Corporations:
S. P. 147, bill to amend the charter of the North Carolina Mutual Life Insurance Company.
S. P. 148, bill to amend the charter of the North Carolina Mutual Fire Insurance Company; recommending their passage.

By Mr. Johnston, from the same Committee:
H. P. 90, engrossed bill to incorporate the Charlotte Merchant's and Planter's Benefit Association.
H. P. 92, engrossed bill to incorporate the Jones County Savings Institution; recommending their passage.
H. P. 353, engrossed bill to incorporate the North Carolina Orphan's Asylum, with an amendment, with favorable recommendation.

By Mr. Wilson, from the Committee on the Judiciary:
S. 219, bill to amend section 3, chapter 7, Revised Code, reported in conformity to a resolution to more effectually protect the citizens against the wrongfully suing out of attachments, recommending its passage.

By Mr. McCorkle, from the same Committee:
S. 212, bill to amend an act to establish Work Houses, or Houses of Correction, in the several counties of the State, with adverse recommendation.
By Mr. Avery, from the same Committee:
S. 213, bill to change the time of holding the courts in the 7th Judicial circuit, with an amendment, recommending its passage.

By Mr. Moore, from the same Committee:
S. 185, bill to amend the 11th section, 31st chapter, Revised Code, with favorable recommendation.

By Mr. Cunningham, from the Committee on Propositions and Grievances:

S. 172, bill in relation to Inspectors of Wilmington, recommending its rejection.

By Mr. Gash, from the Committee on Claims:
S. P. 124, resolution in favor of Horace C. Davis, of Yadkin county, with adverse recommendation.
S. P. 146, resolution in favor of John A. Gilmer, Jr., asking to be discharged from its further consideration. Discharged accordingly.

By Mr. Love, from the Committee on Internal Improvements:
S. 173, bill to harmonize and give through freight and travel without the expense of trans-shipment, on the different Rail Road lines in this State, recommending its passage.

By Mr. Gash, from the Committee on Finance:
S. 203, bill to authorize the Court of Pleas and Quarter Sessions for Wake county, to borrow money and issue bonds, with an amendment, recommending its passage.

By Mr. McCorkle, from the joint select committee of Conference, on the disagreement between the Houses upon the amendments to the engrossed resolution (H. 186) in favor of soldiers maimed in the late war, reported that they recommend that the Senate recede from amendments in relation to supplying women with artificial limbs, and authorizing the Governor to pay commutation to those totally disabled, &c.; and that it do not recede from amendments as to furnishing commutation to those who have lost both eyes or both legs or both arms.

The Senate concurred in the report.
The House subsequently concurred in the report of this committee.
Ordered to be enrolled.

Mr. Clark gave notice, that on to-morrow, he would propose sundry alterations to the Rules of the Senate, and the Joint Rules of the two Houses.

Bills of the titles following, were received from the House, passed their first reading, and were filed or referred, as follows, viz:

Engrossed bill (H. 378) relating to Wills, Deeds, and other papers destroyed in the late war.

Engrossed bill (H. 246) to amend the charter of the Fayetteville and Florence Rail Road Company. To Internal Improvements.

Engrossed bill (H. 294) to incorporate the North Carolina Land Agency for the encouragement of Immigration. To Corporations.

Engrossed bill (390) authorizing the Commissioners of the town of Halifax, to grant the right of way through said town to the Wilmington and Weldon Rail Road.

A message was received from the House, asking the concurrence of the Senate in a resolution to adjourn, sine die, on Thursday, the 28th inst., at 2 o'clock, P. M.

On motion by Mr. Wiggins, that it lie on the table, it was

Decided in the affirmative, Yeas, 23. Nays, 22.

On motion, by Mr. Berry,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are:
Messrs. Barnes, Berry, Cardwell, Clark, Covington, Cunningham, Etheridge, Hall, Harris, of Rutherford, Hill, Johnston, Kelly, Koonce, McCorkle, McRae, Moore, Perkins, Robins, Snead, Willey, Williams and Wilson.

Mr. Wiggins submitted the following resolution for consideration, viz:
Resolved, (the House of Commons concurring) That the General Assembly adjourn on Thursday, the 28th inst., at 2 o'clock, P. M., to meet again on the second Tuesday in October next.

On motion by Mr. Gash, to amend, by striking out "Thursday, the 28th inst.," and insert "Tuesday, the 5th of March,"

It was not adopted.

On motion by Mr. Berry, to strike out "Thursday, the 28th inst.," and insert "Friday, the 29th inst.," and strike out "to meet again on the second Tuesday in October next," and insert "sine die."

It was not adopted.

On motion by Mr. Gash, that the resolution lie on the table, it was

Decided in the negative, Yeas, 19
Nays, 26.

On motion by Mr. Gash,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are:
Messrs. Avery, Battle, Barnes, Bullock, Coward, Cowles, Edwards, Ferebee, Hall, Harris, of Franklin, Harris, of Rutherford, Johnston, Leach, Matthews, McLean, Moore, Paschal, Perkins, Respass, Richardson, Snead, Speed, Thornton, Wiggins, Willey and Williams.

The question recurring upon the passage of the resolution, it was

Decided in the affirmative, Yeas, 29
Nays, 17.

On motion by Mr. Berry,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Adams, Avery, Battle, Barnes, Bullock, Clark, Coward, Cowles, Edwards, Etheridge, Ferebee, Hall, Harris, of Franklin, Harris, of Rutherford, Leach, Marshall, Mat-
thews, McLean, Paschal, Perkins, Respass, Richardeon, Snead, Speed, Thompson, Thornton, Wiggins, Willey and Williams.

Those who voted in the negative are:


Ordered to be transmitted to the House for concurrence.

Mr. Respass presented a memorial from certain citizens of Beaufort county, praying for the repeal of the Act concerning the Washington Toll Bridge Company. Referred to the committee on Propositions and Grievances.

On motion by Mr. Avery,

Ordered, That the communication from the Governor, in regard to the affairs of the Cape Fear and Deep River Navigation Company, be printed.

On motion by Cunningham,

H. 204, engrossed bill to charter Oxford Branch of the Raleigh and Gaston Rail Road, was taken up and recommitted to the committee on Internal Improvements.

Bills of the titles following being read the second time, the following proceedings were had, viz:

S. 76, bill to exempt individual corporators from penalties in certain cases.

On motion by Mr. Robins,

That it be indefinitely postponed, it was

Decided in the affirmative, \{ Yeas, \ldots \ldots \ldots 34. \}

\{ Nays, \ldots \ldots \ldots 10. \}

On motion, by Mr. Robins,

The yeas and nays being ordered,

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Berry, Clark, Covington, Hall, Kelly, McLean, Moore, Perkins, Thompson and Wilson.
S. 96, bill to amend the act to incorporate and establish the Hillsboro’ Academy, at Hillsboro’, passed second and third readings.

Ordered to be engrossed.

S. 97, bill to prevent litigation and the ruinous sacrifice of the property of honest debtors.

Ordered that it lie on the table.

S. 99, bill authorizing Executors and Administrators of insolvent estates to settle the same pro rata.

Ordered that it be rejected.

S. 105, resolution in favor of the Literary Board.

Ordered that it be referred to the Committee on Education and Literary Fund.

S. 199, resolution in regard to repairs upon the Executive Mansion, passed second reading.

The question being upon its passage a third time, it was

Decided in the affirmative,

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On motion, by 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. Cowles, Etheridge, Hall, Harris of Rutherford, Johnston, Jones, Love, Matthews, McCorkle, McRae, Moore, Paschal, Richardson, Sneed and Thompson.

Ordered to be engrossed.

S. 200, bill in regard to Burke Square and other public property in the city of Raleigh. Passed second and third readings.

Ordered to be engrossed.

S. 201, bill for the assignment of certain rooms in the Capitol.

Passed second and third readings.

Ordered to be engrossed.
Messrs. Peebles, Durham and Morehead were announced as the House branch of the committee on the affairs of the University.

A message was received from the House, transmitting the report of the committee of Conference upon the engrossed bill (H. 198) to raise Revenue, viz:

Strike out section 9, Class 1, Schedule A, and insert in lien thereof, as follows:

"Ships, barges, boats and other water-crafts, or any interest therein, with their tackling, rigging and furniture and all else pertaining to them, if exceeding one thousand dollars in value, whether in the waters of this State at the time of listing or not."

The report was conncurred in.

On motion by Mr. Covington,
The Senate took a recess until 7½ o'clock, P. M.

Seven and-a-half O'Clock, P. M.

Mr. Berry, from the Joint Select Committee of Conference, upon the disagreement between the Houses upon the bill (S. 2) to establish Freehold Homesteads for the citizens of the State, reported that the committee had agreed upon the following, viz:

1st. Add to the title of the bill the words, "also to exempt certain personal property."

2d. First section, thirteenth line, strike out the word "half."

3d. Add to the first section the following:

"Provided, That if any building other than the necessary out-houses, or houses belonging to the curtilage, shall be erected on any part of said Homesteads in a town or city, then so much of the land as is covered by said buildings shall not be exempted longer from execution under the provisions of this act."
4th. Add at the end of the seventh section the following:

"The libraries of licensed Attorneys at Law, practising Physicians and Ministers of the Gospel also the instruments of Surgeons and Dentists, used in their profession."

The Senate concurred.

Ordered to be transmitted to the House.

Bills and resolutions of the titles following, on their second reading, were disposed of as follows, viz;

H. 155, engrossed bill to amend an act to authorize the Secretary of State to employ a Clerk.

Ordered to be enrolled.

S. 108, bill making provision for the payment of the State bonds now due.

Ordered that it lie on the table.

S. 112, bill to amend an act entitled an act to more effectually secure the maintenance of bastard children.

Ordered that it be rejected.

S. 112, bill for the relief of guardians and minor children.

Ordered that it be rejected.

S. 127, bill to change the jurisdiction of the Courts and the rules of pleading therein.

Ordered that it be indefinitely postponed.

S. 130, resolution with regard to Common Schools.

Ordered that it lie on the table.

S. 131, bill fixing the fees of County Solicitors in certain cases.

Ordered that it be rejected.

H. P. 64, resolution to increase the pay of Governor's Messenger.

Ordered to be enrolled.

S. 133, bill the better to secure the payment of rents.

Ordered that it be indefinitely postponed.

S. 134, bill to prevent unnecessary costs to suits on official bonds.

Ordered that it be indefinitely postponed.

S. 135, bill to re-enact and amend an ordinance to change the jurisdiction of the Courts and the rules of pleading therein.

Ordered that it lie on the table.
S. 140, bill to authorize new bonds to be issued to the Western Rail Road Company in exchange for bonds of the State, dated October 1st, 1861.

Ordered that it lie on the table.

S. 141, bill to pay magistrates in Henderson county.

Ordered that it be rejected.

S. 143, bill concerning the Justices of the Peace of New Hanover county.

Ordered to lie on the table.

S. 144, bill to increase the fees of the Inspectors of Naval Stores for the city of Wilmington.

Ordered that it lie on the table.

S. 149, bill to authorize new bonds to be issued in exchange for bonds of the State issued to the Wilmington, Charlotte, and Rutherford Rail Road Company, dated July 1, 1862.

Ordered to lie on the table.

S. 151, bill to incorporate the Northwestern Rail Road Company. Amended.

Ordered to be engrossed.

S. 156, bill to protect certain interests of the Common Schools, and for other purposes.

Ordered, to be engrossed.

S. 157, bill to provide for the sale of the Chatham Rail Road. Passed second reading.

Ordered to be filed.

S. 160, bill to amend the charter of the Raleigh and Gaston Rail Road Company. Amended.

Ordered to be engrossed.

S. 168, resolution in regard to the Cape Fear Navigation Company. Read second time and pending consideration.

Mr. Thornton moved that the Senate adjourn, and it was

Decided in the affirmative; \( \frac{24}{18} \).

On motion by Mr. Gash,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Avery, Berry, Brown, Bullock, Cardwell, Covington, Etheridge, Ferebee, Harris, of Franklin, Jones, Koonce, Leach, Marshall, Matthews, McLean, Moore, Paschal, Res-
pass, Richardson, Robins, Speed, Thompson, Thornton and Wiggins.

Those who voted in the negative are:

Messrs. Adams, Battle, Barnes, Clark, Cowles, Cunningham, Edwards, Gash, Harris, of Rutherford, Hill, Johnston, Kelly, McCorkle, McRae, Perkins, Snead, Willey and Wilson.

So the Senate adjourned.

FRIDAY, FEBRUARY 22, 1867.

Reports of committees were submitted and filed as follows, viz:

By Mr. Cunningham, from the Committee on Propositions and Grievances:

S. 223, bill to repeal an act, entitled "An Act to amend the charter of the Washington Toll Bridge Company," reported in conformity to a memorial from citizens of Beaufort county, recommending its passage.

By Mr. Wilson, from the committee on the Judiciary:

S. 128, bill requiring the plaintiff to make affidavit in action of debt, asking to be discharged from its further consideration. Discharged.

By Mr. Brown, from the same committee:

S. 224, bill explanatory of an act, entitled "An Act to change the jurisdiction of the courts and the rules of pleading therein," reported in conformity to resolutions upon the subject, recommending its passage.

By Mr. Hall, from the committee on Education and the Literary Fund:

S. 184, bill to establish a Board of Regents for the University and the Male Colleges of the State, recommending its rejection.

S. 187, bill to incorporate the Colored Educational Association of North Carolina.
H. P. 57, engrossed bill to incorporate the Trustees of the "Lowell Colored School Society, in the county of Washington;" recommending their passage.

H. P. 104, bill to amend the charter of Olin High School, with an amendment, recommending its passage.

By Mr. McCorkle, from the committee on the Judiciary:

Resolution relative to the propriety of enacting a law to suspend judgments and executions, asking to be discharged from its further consideration. The committee was discharged.

By Mr. Clark, from the committee on Corporations:

S. 145, bill to incorporate the North Carolina Express Company, with adverse recommendation.

By Mr. Thompson, from the same committee:

H. P. 89, bill to incorporate the Neuse River Ferry Company.

H. P. 111, bill to incorporate Rocky Point Manufacturing Company, in the county of Cumberland.

H. 221, bill to incorporate the "Flat Swamp, Lock's Creek and Evan's Creek Canal Company, with amendments, recommending their passage.

On motion by Mr. Clark,

Resolved, That the committee on Finance be instructed to inquire into, and report to the Senate, whether the contracts of sale of the stocks owned by the State, in the Raleigh and Gaston Rail Road Company, reported by the Treasurer to have been made to said Company, have been discharged, and if so, when the payments and prerequisites were made, and what kind of State bonds were accepted in payment thereof.

A message was received from the House, transmitting the concurrence of that body in the resolution to adjourn on the 28th, to meet again on the 2nd Tuesday in October.

Also transmitting the following resolution, viz;

Resolved, That the two Houses will meet after to-day at 10 o'clock, every morning, (Sundays excepted) and sit until one o'clock, P. M., and that they meet again at three o'clock, P. M., and sit until six o'clock, P. M., of the same day.

The Senate refused to concur.
Also, announcing the substitution of Mr. Foard for Mr. Durham, upon the Committee on the University.

Also, announcing the passage of the bill (S. 17,) for the better suppression of the crime of stealing horses and mules, with an amendment, striking out the third section.

The Senate concurred.

Also, the bill (S. 31,) to protect property sold under execution from sacrifice, which had been passed by that body, with amendments.

The Senate concurred in the amendments.

Bills and resolutions of the titles following, being introduced, were filed or otherwise disposed of as follows, viz:

By Mr. Berry, (S. 225,) providing for the expense of the State Government and paying the interest of the State Debt.

Ordered to be printed and referred to the Committee on Banks and Currency.

By Mr. McRae: Bill (S. 226,) to authorize the Justices of the Court of Pleas and Quarter Sessions of Robeson county to appoint a Special Magistrate for said county.

By Mr. Clark: Bill (S. 227,) to provide for the payment of the interest of the Public Debt and for other purposes. Made the Special Order for 11 o'clock Monday, February 25th.

By Mr. McLean: Bill (S. 228,) to authorize the Mayor or Chief Magistrate of incorporated cities and towns in the State to enforce collection and payment of fines and penalties.

From the House: Engrossed bill (H. 364,) to extend the regular terms of the County Court of Granville county.

On motion, by Mr. Bullock,

The rule was suspended and the bill passed its second and third readings.

Ordered to be enrolled.

By Mr. Richardson: Bill (S. P. 158,) to incorporate the Crane's Creek Lodge, No. 213, of Free and Accepted Masons, in Moore county. Referred to the Committee on Corporations.

By Mr. McLean: Bill (S. P. 159,) to increase the capital stock of the "Clarendon Bridge Company."
From the House: Engrossed bill (H. 400,) to amend "an Act to improve the Public Road from Taylorsville to Boone by way of Russell's Gap and Holdman's Ford."

Engrossed bill (H. 398,) to regulate the cultivation of Oysters. To Corporations.

Engrossed bill (H. 286,) to secure a better drainage of the lowlands on Lower creek, in the county of Caldwell.

Engrossed bill (H. 382,) to consolidate the Fire Companies in the city of New Berne.

On motion, by Mr. Perkins,
The rule was suspended and the bill passed its second and third readings.

*Ordered* to be enrolled.

A message was received from the House, transmitting the following resolution for the concurrence of the Senate, viz:

Resolved, That the joint resolution fixing the day of adjournment of this General Assembly be rescinded; and it was

Decided in the affirmative, {Yea$,..........................31.
{Nays,..........................15.

On motion by Mr. Wilson,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are:

On motion by Mr. Wiggins,
H. 390, engrossed bill authorizing the Commissioners of the town of Halifax, to grant the right of way through said town, to the Wilmington and Weldon Rail Road, was taken up, and, under a suspension of the rule, passed.

*Ordered*, To be enrolled.

On motion by Mr. Jones,
S, 159, bill to provide for the sale of the Chatham Rail Road, was called up on its third reading.

Mr. Hall moved to amend, by adding the following section, to-wit:

*Be it further enacted,* That on the acceptance of this act, the said Chatham Rail Road Company shall be deemed and held to surrender all claim to a subscription to its capital stock by the State, under the act of the General Assembly, ratified 10th February, 1863, entitled "An Act to amend the charter of the Chatham Rail Road Company," and said act shall be, on such acceptance, repealed. But nothing in this section shall be so construed as to acknowledge or disavow the validity of said act of the General Assembly, passed the 10th February, 1863.

On motion by Mr. Speed, that the bill be indefinitely postponed, it was

Decided in the negative, {Yeas, ....................10

{Nays, .................... 31

On motion by Mr. Jones,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Barnes, Berry, Bullock, Cardwell, Coward, Feree, Perkins, Snead, Speed and Willey.

Those who voted in the negative are:

The question recurring upon the amendment offered by Mr. Hall,

It was decided in the affirmative, {Neas.............26.

{Yeas.............17.

On motion by Mr. Jones,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are:
Messrs. Avery, Bullock, Coward, Cowles, Harris, of Franklin, Harris, of Rutherford, Hill, Jones, Leach, Matthews, McLean, McRae, Respass, Richardson, Speed, Thornton and Williams.

On motion of Mr. Cunningham,
Ordered, That it be indefinitely postponed.
Mr. Cowan submitted the following resolution, viz:
Resolved, That the General Assembly of the State of North Carolina do adjourn on Monday, 4th day of March next, to meet again the 1st Monday in August next.

Mr. Outlaw moved to amend by striking out the words "to meet again the 1st Monday in August next," and insert sine die, and, pending the question thereon,
The Speaker announced the hour for the Special Order, viz:

H. 231, engrossed bill to enable the Western Rail Road Company to extend its road across the North Carolina Rail Road to the Virginia line, near Mount Airy, in the county of Surry, on its second reading.

The bill passed, and was made the special order for Saturday, February 23rd, at 11½ o'clock, A. M.

The following resolutions proposing alterations in the Rules of the Senate and the Joint Rules of the two Houses, introduced yesterday by Mr. Clark, were adopted, viz:
Resolved, That whenever a bill shall have passed its second reading, it shall forthwith be placed on its third reading, if no objection is made.

Resolved, That the Joint Rules shall be altered so as to permit any bill that has passed either House, written in a plain, legible hand, without any erasure or interlineation or amendment, to be transmitted to the other House, as an engrossed bill.
Resolved, That when necessary, the Speakers may employ additional Engrossing clerks.

On motion by Mr. Paschal, the Senate took a recess until 7 1/2 o'clock, P. M.

Seven and a-Half O'Clock, P. M.

S. 168, resolution in regard to the Cape Fear Navigation Company, was considered as the unfinished business. Passed second and third reading.

Ordered to be engrossed.

The resolution in regard to adjournment offered by Mr. Coward was considered.

The question being on the amendment of Mr. Outlaw, it was

Decided in the affirmative, \{ Yea s, \ldots \ldots \ldots \ldots .19. \}
{ Naye s, \ldots \ldots \ldots \ldots .18. }

On motion by Mr. Berry, the yeas and nays being ordered, those who voted in the affirmative are:

Messrs. Avery, Berry, Brown, Cardwell, Clark, Covington, Cunningham, Etheridge, Hall, Hill, Kell, Koonce, McCorkle, McLean, McRae, Moore, Robins and Wilson.

Those who voted in the negative are:

Messrs. Adams, Battle, Barnes, Bullock, Edwards, Gash, Harris, of Rutherford, Jones, Leach, Marshall, Matthews, Paschal, Perkins, Richardson, Speed, Thorton, Wiggins and Willey.

On motion by Mr. Kelly to strike out "Monday, the 4th of March," and insert "Thursday, the 29th inst."

It was decided in the affirmative, \{ Yea s, \ldots \ldots \ldots \ldots .28. \}
{ Naye s, \ldots \ldots \ldots \ldots .10. }

On motion by Mr. Kelly, the yeas and nays being ordered, those who voted in the affirmative are:

Messrs. Battle, Barnes, Berry, Brown, Bullock, Cardwell, Clark, Covington, Cunningham, Edwards, Ferebee, Hall, Hill, Jones, Kelly, Koonce, Marshall, McCorkle, McRae,

Those who voted in the negative are:


Mr. Speed moved to strike out the words "sine die," and insert, "to the second Monday in August."

On motion, that the resolution and amendments lie on the table, it was

Decided in the negative, { Yeas,.....................20.
{ Nays,.....................21.

On motion, by Mr. Wiggins,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Messrs. Adams, Avery, Bullock, Ferebee, Gash, Harris, of Rutherford, Jones, Leach, Love, Matthews, McLean, McRae, Paschal, Perkins, Respass, Richardson, Speed, Thompson, Thornton and Wiggins.

Those who voted in the negative are:


On motion by Mr. Harris, of Rutherford, to strike out "sine die," and insert "the third Tuesday in August," it was

Decided in the negative, { Yeas.....................20
{ Nays.....................19.

On motion by 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 Speaker voted in the negative.
Pending the passage of the resolution, the hour for the Special Order arrived, viz:

H. 237, engrossed bill to authorize the President and Directors of the Western North Carolina Rail Road Company to put said road under contract.

On motion by Mr. Avery, to amend, by adding the following to section third:

*Provided further,* That the State Treasurer shall not be called upon for the State subscription, when the individual subscription is made in land, until the Directors shall have realized the estimated value in money in accordance with the charter,

It was adopted.

On motion by Mr. Wilson, to amend the first section, by adding the following:

*Provided further,* That the issue of bonds on the part of the State, shall be sold by the Treasurer of the State, at not a less rate than par, and the proceeds of such sale paid over to the President or other authorized agent of said company: it was

Decided in the negative, \( \{ \text{Yeas} \} \quad 17 \)
\( \{ \text{Nays} \} \quad 23 \)

On motion by Mr. Wilson,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are:
Messrs. Adams, Avery, Clark, Covington, Coward, Cowles, Etheridge, Gash, Hall, Hill, Koonce, Leach, Love, Matthews, McCorkle, McLean, McRae, Moore, Paschal, Richardson, Robins, Speed and Wiggins.

The question recurring upon the passage of the bill its second reading, it was

Decided in the affirmative, \( \{ \text{Yeas} \} \quad 23 \)
\( \{ \text{Nays} \} \quad 17 \)

On motion by Mr. Barnes,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Avery, Clark, Covington, Cowles, Etheridge, Gash, Hall, Harris, of Rutherford, Hill, Koonce, Leach, Love, Marshall, Matthews, McCorkle, McLean, McRae, Moore, Paschal, Richardson, Robins, Speed and Wiggins.

Those who voted in the negative are:

The bill then passed its third reading.
Ordered to be transmitted to the House for concurrence in the amendments.

On motion by Mr. Koonce,
H. 143, engrossed bill to convert the debt due the State from the Atlantic and North Carolina Rail Road Company into capital stock, was considered on its second reading,
And the question, "Shall the bill pass?" was put and
Decided in the negative,

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\text{Yeas} & \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldothas who voted in the affirmative are:

Those who voted in the negative are:

On motion by Mr. Cunningham,
Leave of absence was granted to Mr. Edwards from and after to-day, for the balance of the session.

On motion, by Mr. Love,
The Senate adjourned.
Prayer by the Rev. A. Smedes, D. D.

Reports from Committees were submitted, and filed as follows, viz:

By Mr. Clark, from the Committee on Corporations:
H. P. 80, engrossed bill to incorporate the National Loan and Trust Company, with amendments, recommending its passage.

S. P. 158, bill to incorporate the Crane's Creek Lodge, No. 213, of Free and Accepted Masons in Moore county, with favorable recommendation.

By Mr. Cowles, from the Committee on Banks and Currency:
S. 225, bill providing for the expenses of the State government, and paying the interest of the State debt, recommending its passage.

By Mr. Cunningham, from the Committee on Propositions and Grievances:
S. 188, bill to donate to the Wake county Work House the tract of land known as Camp Mangum, with adverse recommendation.

By Mr. Leach, from the Committee on Military Affairs:
S. 214, bill to repeal chapter 70, Revised Code, entitled "Militia," recommending its rejection.

By Mr. Avery, from the Committee on Internal Improvements:
H. 262, engrossed bill to exchange a certain amount of the stock in the North Carolina Rail Road Company with the Cheraw and Coalfields Rail Road Company, and for other purposes, recommending its passage.

By Mr. McLean, from the same committee:
H. 246, engrossed bill to amend the charter of the Fayetteville and Florence Rail Road Company, with favorable recommendation.

By Mr. Avery, from the Committee on the Judiciary:
H. 320, engrossed bill for the relief of Executors, Administrators, &c., recommending its passage.

A bill of the title following, introduced by Mr. Gash,
passed its several readings, under a suspension of the rule, viz:

S. 232, bill to provide for taxing Shad Nets.  
*Ordered* to be engrossed.  
Under a suspension of the rule, bills and resolutions of the titles following passed, and were ordered as follows, viz:

H. P. 102, engrossed resolution in favor of Mary M. Transom.  
*Ordered* to be enrolled.  
H. P. 103, engrossed resolution in favor of J. L. Withers and James H. White.  
*Ordered* to be enrolled.  
S. 203, bill to authorize the Courts of Pleas and Quarter Sessions for Wake county to borrow money and issue Bonds. Amended.  
*Ordered* to engrossed.  
S. 223, bill to repeal an Act entitled "an Act to amend the charter of the Washington Toll Bridge Company.  
*Ordered* to be engrossed.  

On motion, by Mr. Battle,

The vote by which the Senate rejected the engrossed bill (H. 143.) to convert the debt due the State from the Atlantic and North Carolina Rail Road Company into Capital Stock, was reconsidered.  
*Ordered* that it be filed.  
H. 231, engrossed bill to enable the Western Rail Road Company to extend its Road across the North Carolina Rail Road to the Virginia line, near Mt. Airy, in the county of Surry, on its third reading, came up as the Special Order.  
On motion, by Mr. Wiggins, to amend by striking out the third and fourth sections, it was  

Decided in the negative,  
\[
\begin{array}{c}
\text{Yeas,} & \text{14} \\
\text{Nays,} & \text{26}
\end{array}
\]

On motion, by Mr. Battle,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Battle, Barnes, Berry, Brown, Clark, Cunningham, Ferebee, Kelly, McCorkle, Moore, Thornton, Wiggins, Willey and Wilson.
Those who voted in the negative are:

The question recurring upon the passage of the bill, it was
Decided in the affirmative, Yeas.........................23.
Nays.........................19.

On motion by Mr. Wilson,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are:

Ordered to be enrolled.

Bills and resolutions of the titles following, passed their second and third readings and were ordered to be engrossed.
S. P. 122, bill to incorporate the "The Charlotte Water-Works Company."
S. P. 123, resolution in favor of James H. White.
S. P. 125, bill to incorporate Wiccacon Lodge, No. 240, A. Y. M.
S. P. 159, bill to increase the capital stock of the Clarendon Bridge Company.

Engrossed bills and resolutions of the titles following, passed their second and third readings and were ordered to be enrolled, viz:
H. P. 41, resolution in favor of Mrs. Theresa Bell.
H. P. 66, bill to incorporate Carolina Lodge, No. 141, of Free and Accepted Masons in the county of Anson.
H. P. 72, bill to incorporate the Trustees of Table Rock Seminary in the county of Burke.
H. P. 79, bill to incorporate Wilmington Institute in the city of Wilmington, county of New Hanover.

H. P. 86, bill to incorporate the Wadesboro' Savings Institution.

H. P. 57, bill to incorporate the Trustees of the Lowell Colored School Society in the county of Washington.

H. P. 96, bill to incorporate the Town Fork Coal and Petroleum Company.

H. 109, bill to incorporate Pythagoras Lodge, No. 249, in the town of Smithville.

H. 115, bill to incorporate Black Rock Lodge, No. 135, in the county of Brunswick.

H. 202, bill to incorporate the Chamber of Commerce of the city of Wilmington, North Carolina.

H. 136, bill to incorporate the Centre Hill Lodge, No. 260, Free and Accepted Masons, in the county of Chowan.

H. 226, bill to incorporate the Olivia Quick Silver Mining Company of Macon county, North Carolina.

H. 249, bill to amend the charter of the Cheoah Turnpike, so as to establish a Ferry or Bridge across the Tennessee River.

H. 261, bill to incorporate the Wilmington Manufacturing Company.

H. 337, bill to amend an act to incorporate the town of Jefferson, in the county of Ashe.

H. P. 353, bill to incorporate the North Carolina Orphan Asylum.

A message was received from the House, proposing that when the two Houses adjourned, it should be to meet again on Monday.

The Senate concurred.

H. P. 104, engrossed bill to amend the charter of Olin High School, was amended and passed.

Ordered to be transmitted to the House for concurrence in the amendment.

H. 270, 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, passed second reading and was referred to the committee on Corporations.

Bills of the titles following were ordered to lie on the table, viz:

S. P. 147, bill to amend the charter of the North Carolina Mutual Life Insurance Company.

S. P. 148, bill to amend the charter of the North Carolina Mutual Fire Insurance Company.

H. P. 90, engrossed bill to incorporate the Charlotte Merchants' and Planters' Benefit Association.

S. P. 124, resolution in favor of Horace C. Davis, of Yadkin county, was rejected.

P. P. 65, resolution in favor of Horton S. Reeves, passed second reading, and, being read a third time,

It was passed to an enrollment, Yeas, .................. 27. Nays, ............... 9.

On motion by Mr. Love,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Messrs. Adams, Avery, Barnes, Bullock, Cardwell, Clark Coward, Cowles, Eerebee, Gash, Hall, Harris, of Franklin, Harris, of Rutherford, Hill, Jones, Leach, Love, Matthews McRae, Perkins, Respass, Robins, Speed, Thompson, Thornton, Wiggins and Willey.

Those who voted in the negative are:

Messrs. Battle, Cunningham, Etheridge, Kelly, McCorkle, McLean, Moore, Paschal, and Wilson.

H. 90, engrossed bill to revive and amend the charter of the Shelby and Broad River Rail Road, had its second reading.

On motion by Mr. Harris, of Rutherford, that it be indefinitely postponed,
It was determined in the negative.
The question recurring upon the passage of the bill, it was


On motion by Mr. Harris, of Rutherford,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Avery, Cardwell, Cunningham, Gash, Lloyd, McLean, Robins, Speed and Thompson.

Those who voted in the negative are:

Messrs. Adams, Battle, Barnes, Berry, Bullock, Covington, Cowles, Ferebee, Hall, Harris, of Franklin, Harris, of Rutherford, Hill, Jones, Kelly, Marshall, Matthews, McCorkle, McRae, Paschal, Perkins, Snead, Thornton, Wiggins, Willey and Wilson.

S. P. 145, resolution in favor of John A. Gilmer, Jr., was read the second time, and the question being upon its passage, it was

Decided in the negative, \( \text{Yeas,} \) ...................... 18.
\( \text{Nays,} \) ...................... 22.

On motion by Mr. Love,
The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Avery, Brown, Clark, Gash, Hall, Harris, of Franklin, Hill, Leach, Lloyd, Matthews, McLean, McRae, Moore, Robins, Speed, Wiggins and Willey.

Those who voted in the negative are:


On motion, by Mr. Wiggins,
The Senate adjourned.

MONDAY, FEBRUARY 25, 1867.

The Speaker designated Messrs. Hall, Cardwell, Jones, Harris, of Franklin, Matthews and Marshall, as the Senate branch of the Committee on Enrolled Bills for the week.

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

By Mr. Cunningham, from the committee on Propositions and Grievances:
Memorial from citizens of Rowan county, in regard to the laws in reference to Landlords and Tenants, asking to be discharged from its further consideration, as no legislation upon the subject is required. Discharged.

By Mr. Clark, from the committee on Corporations:
H. 398, engrossed bill to regulate the cultivation of Oysters, asking to be discharged from its further consideration. Discharged.

By Mr. Hall, from the committee on Education and the Literary Fund:
H. 368, engrossed bill in relation to Weights and Measures, with amendments, recommending its passage.

By Mr. Hall, from the joint select committee on Federal Relations:
S. 167, resolution in regard to Federal Relations with special report, as follows, viz:

Your Committee are fully persuaded that the proposition contained in the Resolution, if submitted to the people of North Carolina, with an assurance that it would accomplish the object they have so much at heart, would be accepted by them. Wearyed by the continued agitation of this vexed question; suffering severely from the effects of a disorganized social and political society, and satisfied that no material prosperity will ever be possible until a political union of the different States can be brought about upon a just and honorable basis; they would willingly agree that North Carolina should do every thing in her power, consistent with her honor, to attain an end so much desired. And your Committee see nothing in the proposition to which North Carolina could not or ought not, at this time, to consent, provided that by so doing a final settlement of our troubles could be arrived at.

But after a survey of the present indications of the political animus of the Federal Congress, your Committee can see no good that can be accomplished by the Resolutions referred to them, but, on the other hand, are of the opinion that such action, on the part of the General Assembly, may be so construed as to place the people of the State in a position, at
once false and degrading. It is a matter of common fame known to all, that Congress has just passed an Act, in effect destroying the organization of the State and placing restrictions on her action, evidently intended as punishments to our people.

In view of this fact, it does seem to your Committee to be an opportune time to come forward with propositions of our own. Notwithstanding the fact that we are now and have been, at all times, since the final abandonment of armed resistance to the Federal Government, willing to yield all the issues of the late unfortunate contest, and, indeed, more than might have been legitimately involved therein,—your Committee think there is a point beyond which our self-respect and honor forbid us to go. If suffer we must, let us try to conduct ourselves, in this hour of our unparalleled misfortune and woe, in such a manner as not to bring shame upon the record of the past, hoping that, after the lapse of time, when wiser, more dispassionate and cooler counsels shall prevail, that the people of North Carolina will be better understood and more confidence be accorded to their oft repeated assertion that their great wish is now for the formation of a more perfect union and the restoration of peace and harmony on an indestructible basis.

For the reasons assigned, your Committee beg leave to be discharged from the further consideration of the Resolution.

The committee were discharged and the Report ordered to be printed, and the Resolution made the Special Order for Wednesday, February 27th, at 12 o'clock M.

Bills and resolutions of the titles following, being introduced, were filed or otherwise disposed of as follows, viz:

By Mr. Ferebee: Resolutions (S. 233,) in regard to the adjournment and future meeting of the General Assembly.

By Mr. Cowles: Resolution (S. 238,) in regard to Sheriffs. Passed second and third readings.

Ordered to be engrossed.

From the House: Engrossed bill, (H. 406,) to give the County and Superior Courts of Law authority to decree a sale
of land for partition in certain cases. Referred to the Judiciary.

Engrossed bill, (H. 387,) explanatory of an act granting General Amnesty and Pardon. Referred to the Judiciary.

Engrossed bill, (H. 277,) for the relief of purchases of vacant land in Macon county.

Engrossed bill, (H. 280,) to amend the 46th chapter of the Revised Code, entitled Executors and Administrators.

Engrossed bill, (H. 359,) to authorize the consolidation of the Securities of the State, held by the Literary Board, and for other purposes. Passed second and third reading.

Ordered to be enrolled.

Engrossed bill, (H. 250,) to amend section 6, of chapter 90, Revised Code.

Engrossed bill, (H. 370,) to provide for the collection and payment into the Treasury of moneys due by paying patients in the Insane Asylum.

Engrossed bill, (H. 274,) to incorporate the Rockingham and Henry Rail Road Company.

Engrossed bill, (H. 253,) giving to the County and Superior Courts authority to sentence criminals to work the public roads.

Engrossed resolution, (H. P. 127,) to extend the time for the collection of taxes in the county of Halifax. Passed second and third readings.

Ordered to be enrolled.

Engrossed resolution, (H. P. 78,) in favor of William Patterson, late sheriff of Alamance county.

Engrossed bill, (H. 385,) to amend an act concerning the Howard Gap Turnpike Road, passed at the session of 1835, chapter 53. Passed second and third readings.

Ordered to be enrolled.

Engrossed bill, (H. P. 124,) in favor of the representatives of D. F. Bagley, late Sheriff of Perquimans county.

Engrossed bill, (H. 275,) to incorporate the American Industrial Association of North Carolina. Referred to Corporations.

Engrossed bill, (S. P. 122,) to incorporate the Raleigh Memorial Association.
Engrossed bill, (H. 251,) to incorporate Holston Annual Conference of the M. E. Church, South.

A message was received from the House of Commons, announcing Messrs. McClammy, McGougan, Morehead, Shelton and York as the House committee on Enrolled Bills for the week.

Also, announcing the concurrence of that body to the amendment to the Joint Rules concerning Engrossed Bills; and authorizing the Speakers to employ additional Engrossing Clerks.

Also, transmitting recommendations for Justices of the Peace for the counties of Wayne, Davidson, Mecklenburg, Sampson, Yadkin, Moore, Chatham and Randolph.

Those for Chatham and Randolph were laid on the table. The others were concurred in.

Ordered to be transmitted to the Governor for commission.

Mr. Obins submitted recommendations for Justices of the Peace for Randolph county, which were concurred in, and ordered to be transmitted to the House for concurrence.

A message was received from the House, concurring in the amendment of the Senate to the Engrossed bill, (H. 297,) to authorize the President and Directors of the Western North Carolina Rail Road Company to put said road under contract.

Ordered to be enrolled.

Also, transmitting the resolution, (S. 238,) in regard to Sheriffs, with an amendment, asking the concurrence of the Senate.

The Senate concurred.

Also, the engrossed bill, (H. P. 100,) to amend the charter of Olin High School, concurring in the amendment of the Senate.

Ordered to be enrolled.

Also, refusing to concur in the recommendation for Justices of the Peace for Randolph county.

Also, transmitting the following resolution, viz :
Resolved, That the General Assembly adjourn sine die on Monday, the 4th of March next, at 6 o'lock, A. M.

The question being upon the concurrence of the Senate, it was

Decided in the negative. ¹ Yeas, ..................... 15.
¹ Nays, ..................... 22.

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

On motion by Mr. Wiggins,
Those who voted in the negative are:
Messrs. Adams, Battle, Barnes, Bullock, Cardwell, Cowles, Etheridge, Ferebee, Harris, of Franklin, Harris, of Rutherford, Kelly, Leach, Love, Lloyd, Matthews, Paschal, Perkins, Respass, Richardson, Speed, Thornton, Wiggins, and Willey.

Mr. Matthews submitted the following resolution for the consideration of the Senate, viz:

Resolved, That the two Houses of this General Assembly adjourn on Monday, the 4th of March, next, at 6½ o'clock, A. M., to meet again on the third Monday in August next, at 12 o'clock, M.

And it was adopted, ¹ Yeas, ..................... 23.
¹ Nays, ..................... 15.

On motion by Mr. Berry,
The yeas and nays being ordered.
Those who voted in the affirmative are:
Messrs. Adams, Battle, Barnes, Bullock, Cardwell, Cowles, Etheridge, Ferebee, Gash, Harris, of Franklin, Harris, of Rutherford, Leach, Lloyd, Marshall, Matthews, Paschal, Perkins, Respass, Richardson, Speed, Thornton, Wiggins and Willey.

Those who voted in the negative are:

A resolution concerning adjournment, heretofore introduced by Mr. Coward, came up as the unfinished business.

Ordered to lie on the table.
On motion by Mr. Hall,

S. 176, bill to secure advances for Agricultural purposes, was called up on its second reading. The amendment proposed by the committee on the Judiciary was adopted and the bill passed its second and third readings.

Ordered to be engrossed.

On motion by Mr. Leach,

H. 262, engrossed bill to exchange a certain amount of the stock in the North Carolina Rail Road Company, and for other purposes, was called up and made the Special Order for 8 o'clock, P. M.

On motion by Mr. Hall,

The vote by which the Senate rejected the engrossed bill (H. 90) to revive and amend the charter of the Shelby and Broad River Rail Road Company, was re-considered, and the bill filed.

S. 227, bill to provide for the payment of the interest on the Public Debt, and for other purposes, came up as the Special Order.

On motion by Mr. Berry,

Its further consideration was postponed to, and made the Special Order for, Tuesday, February 26th, at 11 o'clock, A. M.

On motion by Mr. Wiggins,

H. 199, engrossed bill to regulate taxation by the County Courts, was taken up. The amendments proposed by the committee on the Judiciary were adopted.

On motion by Mr. Etheridge, to amend, by adding the following as an additional section, viz:

"That the Justices of any county, who may have hereafter, prior to the promulgation of this act, levy taxes under the Revenue Act of March 12th, 1866, may, at a general or special term of the Court of Pleas and Quarter Sessions of their respective counties, impose taxes under the Revenue Act passed at the present session of the General Assembly,"

It was decided in the affirmative.

As amended, the bill passed its second and third readings.

Ordered to be transmitted to the House for concurrence in the amendments.
On motion by Mr. Avery,
S. 213, bill to change the time of holding the Courts in the Seventh Judicial District, was taken up and considered. The amendment proposed by the committee on the Judiciary was adopted. As amended, the bill passed its second and third readings.

Ordered to be engrossed.

A message was received from the House, concurring in the proposition to adjourn on the 4th of March next, to meet again on the third Monday in August.

Bills of the titles following, being read the second time, were disposed of as follows, viz:
S. 158, bill requiring the plaintiff to make affidavit in action of debt. Indefinitely postponed.
S. 169, bill to change the Judicial System of the State. Ordered to lie on the table.
S. 171, bill to authorize the Comptroller to employ a Clerk.

Mr. Love moved to amend, by striking out all after the enacting clause, and substitute a bill repealing all the acts relating to Salaries and Fees, and regulating all Salaries and Fees by chapter 102, Revised Code.

Mr. Wilson called for a division of the question

On motion by Mr. Ferebee, that the amendment lie on the table,

It was decided in the negative, \( \frac{1}{3} \) Yeas, \( \frac{2}{3} \) Nays,

On motion by Mr. Love,
The yeas and nays being ordered,

Those who voted in the affirmative are:

Those who voted in the negative are:
Messrs. Adams, Avery, Battle, Berry, Brown, Clark, Covington, Cunningham, Gash, Hall, Harris, of Franklin, Hill, Leach, Love, Matthews, McLean, McRae, Moore, Perkins, Respass, Richardson, Robins, Speed, Wiggins, Willey and Wilson.
The question recurring upon the motion to strike out, it was

Decided in the negative, \( \{ \text{Yeas,} \quad \text{Nays,} \} \)
\[
\begin{align*}
\text{Yeas,} & \quad 11 \\
\text{Nays,} & \quad 26
\end{align*}
\]

On motion by Mr. Love,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Berry, Bullock, Cowles, Cunningham, Etheridge, Harris, of Rutherford, Kelly, Love, Lloyd, Paschal and Richardson.

Those who voted in the negative are:

The question recurring upon the passage of the bill,
On motion by Mr. Love, that it be indefinitely postponed, it was

Decided in the negative, \( \{ \text{Yeas,} \quad \text{Nays,} \} \)
\[
\begin{align*}
\text{Yeas,} & \quad 16 \\
\text{Nays,} & \quad 21
\end{align*}
\]

On motion by Mr. Cowles,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Barnes, Berry, Bullock, Cowles Cunningham, Etheridge, Harris, of Rutherford, Kelly, Love, Lloyd, Marshall, Matthews, Paschal, Richardson, Thornton and Willey.

Those who voted in the negative are:

The bill then passed its second and third readings.
Ordered to be engrossed.
H. 246, engrossed bill to amend the charter of the Fayetteville and Florence Rail Road Company, came up as the Special Order.

On motion by Mr. Hall,
To amend by adding the following to the second section, viz:

"Provided, That the funds arising from such appropriation shall first be expended, or as much thereof as is necessary, to complete the Road between Fayetteville and some point hereafter to be designated on the Wilmington, Charlotte and Rutherfordton Rail Road."

It was decided in the affirmative.

On motion by Mr. Wilson,

To amend by striking out the second and third sections, it was

Decided in the affirmative, \( \frac{1}{2} \) Yeas \( = 20 \)

\( \frac{1}{2} \) Nays \( = 15 \)

On motion by Mr. Wilson,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Battle, Barnes, Berry, Brown, Bullock, Cardwell, Clark, Cunningham, Ferebee, Harris, of Franklin, Harris, of Rutherford, Kelly, Moore, Outlaw, Paschal, Robins, Thornton, Wiggins, Willey and Wilson.

Those who voted in the negative are:


As amended, the bill passed its second reading.

Being read a third time,

On motion, by Mr. McRae,

it was ordered to lie on the table.

On motion by Mr. Paschal,

The Senate adjourned until 7 ½ o'clock, P. M.

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SEVEN AND A-HALF O'CLOCK, P. M.

A message was received from the House, transmitting the bill (S. 91,) to enable the city of Wilmington to provide for
the payment of the debt of said city, with an amendment, asking the concurrence of the Senate.

The Senate concurred.

Also, concurring in the Senate amendments to the engrossed bill (H. 199,) to regulate taxation by the County Courts.

Ordered to be enrolled.

Also, a resolution directing the Public Printer to complete the printing of the Laws and Journals, and the Secretary of State to distribute the same, without waiting for the adjourned session in August next.

The Senate concurred in the resolution.

S. 172, bill in relation to Inspectors of Wilmington, on its second reading, was indefinitely postponed.

S. 175, bill to consolidate the Chatham Rail Road and the Western Rail Road Companies, came up on its second reading: Passed second and third readings.

Ordered to be engrossed.

H. 262, engrossed bill to exchange a certain amount of the stock in the North Carolina Rail Road Company with the Cheraw and Coalfields Rail Road Company, and for other purposes, came up as the Special Order on its second reading.

And the question, "Shall the bill pass?" was put, and

Decided in the negative, | Yeas ......................18. 
                        | Nays ......................19.

On motion, by Mr. Berry,
The yeas and nays being ordered,
Those who voted in the affirmative are: Messrs. Adams, Avery, Covington, Coward, Etheridge, Gash, Harris of Franklin, Harris of Rutherford, Jones, Leach, Marshall, Matthews, McLean, McRae, Paschal, Perkins, Respass and Richardson.


On motion, by Mr. Bullock,
The Senate adjourned.

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

By Mr. Clark, from the committee on Corporations:
Engrossed bill (H. 270) to authorize the formation of the English and American Wool and Vine growing, Manufacturing, Mining and Agricultural Association in the United States of America.

Engrossed bill (H. 294) to incorporate the North Carolina Land Agency, for the encouragement of Immigration.

Engrossed bill (H. 275) to incorporate the American Industrial Association of North Carolina, recommending their passage.

By Mr. Avery, from the committee on Internal Improvements:

Engrossed bill (H. 204) to charter Oxford branch of the Raleigh and Gaston Rail Road, with an amendment, recommending its passage.

A bill of the title following, presented by Mr. Jones, passed its first reading, and was referred to the committee on the Judiciary, viz:

S. 244, bill to punish Fruit thieves.

On motion by Mr. Wiggins,

The vote by which the Senate passed the engrossed bill (H. 199) to regulate taxation by the County Courts, was reconsidered, and the bill referred to the committee on Finance.

On motion by Mr. Cunningham,

H. P. 190, engrossed bill to amend an act, entitled "An Act to authorize the Roanoke Navigation Company to discontinue the use of their Canal around the Grand Falls of the Roanoke River, &c.," was called up and passed its second and third readings.

Ordered to be enrolled.

On motion by Mr. Gash,

H. 270, 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 up and passed its several readings.

Ordered to be enrolled.

On motion by Mr. Brown,

S. 224, bill explanatory of an act, entitled "An Act to change the jurisdiction of the Courts and the rules of pleading therein," was called up and made the Special Order for to-day at 1 o'clock, P. M.

S. 173, bill to harmonize and give through freight and travel, without the expense of trans-shipment, on the different Rail Road lines in the State, had its second reading.

On motion by Mr. Wilson, to amend, by striking out the word "trans-shipment," wherever it occurs, and inserting the word "transfer;"

It was decided in the affirmative.

The bill, as amended, passed its several readings.

The title, as amended by striking out the word "trans-shipment," and inserting the word "transfer;"

Ordered, to be engrossed.

S. 183, bill to encourage the sale of State bonds, and for other purposes, on its second reading, was

Rejected,

Yeas, ................................................. 12.
Nays, ................................................. 26.

On motion by Mr. Gash,

The yeas and nays being ordered,

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Battle, Berry, Brown, Bullock, Cardwell, Clark, Coward, Cowles, Cunningham, Ferebee, Hall, Harris, of Franklin, Harris, of Rutherford, Hill, Jones, Kelly, Leach, Lloyd, Matthews, Moore, Outlaw, Robins, Speed, Thompson, Thornton and Wilson.

Mr. Love moved that the vote by which the Senate rejected the engrossed bill, (H. 262) to exchange a certain amount of the stock in the North Carolina Rail Road Company with the Cheraw and Coalfields Rail Road Company, and for other purposes, be re-considered. Adopted.
S. 227, bill to provide for the payment of the interest of the public debt, and for other purposes, was considered as the Special Order.

On motion by Mr. Berry,

To amend by striking out all after the enacting clause and inserting the following:

"That for the purpose of providing for the expenses of the State government, and the payment of the interest of the State debt, the Treasurer is hereby authorized and required, to cause bills to be prepared to an amount not exceeding, in the whole, seven hundred and fifty thousand dollars, which said bills 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 bills, signed and countersigned by them respectively, and also accounts showing all of such of said bills as may be paid or redeemed and cancelled from time to time; and the Treasurer shall account monthly for all such of said bills as shall have been countersigned by the Comptroller and delivered to the Treasurer for issue: Provided, said bills shall not be paid out for any coupon bond provided for in the act passed the 10th of March, 1866, authorizing the interest of the State debt to be funded.

Sec. 2. Be it further enacted, That the said Treasury bills shall be payable at the Public Treasury, to the bearer, on the first of January, A. D., 1870, and shall bear interest at the rate of one-tenth of one per cent. per annum, for every hundred dollars, and in that proportion for sums greater or less than one hundred dollars, and be of the several denominations of one dollar, two dollars, five dollars, ten dollars, and twenty dollars, and be issued in the following proportions, that is to say; of the bills of one dollar and two dollars, one hundred thousand dollars each; bills of five dollars and ten dollars, two hundred thousand dollars each; and the bills of twenty dollars, one hundred and fifty thousand.
SEC. 3. *Be it further enacted*, That the principal money and interest due on said bills, shall be paid at maturity, in national currency to the several holders thereof, upon demand, at the Public Treasury, out of any money not otherwise appropriated.

SEC. 4. *Be it further enacted*, That the said bills may be issued by the Public Treasurer in payment of all audited claims against the State of North Carolina. But in all cases of coupon bonds, the coupons due at the time of such payment shall be surrendered; the said bills shall also, at any time hereafter, be receivable at the Treasury, in payment of all public dues, and in making such payment, the holder shall have credit for the principal money and the interest due on said bills 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 bills thus paid or redeemed, distinguishing the amounts paid for interest from the principal.

SEC. 5. *Be it further enacted*, That the said Treasury bills shall be received by the Sheriffs and other collecting officers in payment of the public dues and county taxes in their respective counties.

SEC. 6. *Be it further enacted*, That the Treasury bills received at the Treasury as aforesaid, shall not be re-issued, but shall be deemed to be cancelled; but other Treasury bills of the same amounts and denominations may be issued, as aforesaid, in lieu of those thus cancelled, for the purposes set forth in the first section of this bill: *Provided*, That the amounts of said bills at any time outstanding shall not exceed the sum of seven hundred and fifty thousand dollars.

SEC. 7. *Be it further enacted*, That a tax of one-tenth of one per cent. shall be levied on all subjects of taxation, after the first of January, 1868, embraced in the Revenue bill, that are taxed *ad valorem*, and the same rates on all subjects of taxation that are taxed specifically, as is levied on the same, for
the purpose of creating a sinking fund to redeem said bills at maturity.

Sec. 8. Be it further enacted, That for falsely marking, forging, counterfeiting, or causing or procuring the same to be done, or willingly aiding or assisting therein, any Treasury bill, and for uttering or publishing, passing, delivering, or attempting to pass or deliver, any false, forged or counterfeited Treasury bill, as provided for in regard to other instruments of writing in sections 60 and 61, of the Revised Code, chapter 31, any person so offending shall, on conviction, be punished as therein prescribed."

It was

Decided in the negative, 
Yeas, .......................... 12. 
Nays, .......................... 29.

On motion, by Mr. Berry,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Adams, Barnes, Berry, Brown, Bullock, Cowles, Harris, of Rutherford, Jones, Perkins, Respess, Robins and Wiggins.

Those who voted in the negative are:
Messrs. Avery, Battle, Cardwell, Clark, Covington, Coward, Cunningham, Etheridge, Ferebee, Gash, Hall, Harris, of Franklin, Hill, Kelly, Love, Lloyd, Marshall, Matthews, McLean, McRae, Moore, Outlaw, Paschal, Richardson, Speed, Thompson, Thornton, Wille and Wilson.

Mr. Hall moved to amend by striking out all after the enacting clause, and inserting the following:

"That a tax shall be levied, payable on or before the 15th day of December, 1867, and on or before the 1st day of October of each year thereafter, equal to one hundred per cent of the tax imposed by the Revenue Act, passed by the present General Assembly, on the subjects and persons therein named, which tax shall be payable in the existing National currency."
Sec. 2. It shall be the duty of the Public Treasurer to advertise, that on the 1st day of January, 1868, and thereafter, until the money herein directed to be collected shall be exhausted, fifty per cent. of interest due by the State, on bonds issued under Acts passed prior to May 20th, 1861, and since May 20th, 1865, will be paid to any person entitled to the same, in full of the said interest.

Sec. 3. In case after six months from the date of said advertisement, persons entitled to interest shall fail to accept the terms herein offered, the moneys collected under this Act or any residue thereof, shall be paid to the commissioners of the Sinking Fund, to be by them invested in bonds of the State, dated prior to May 20th, 1861, and since May 20th, 1865.

Sec. 4. This act shall be in force from and after its ratification.

On motion by Mr. Speed to amend the amendment by striking out all after the words "be paid," in the 3rd section, and inserting the following, "To any persons holding Coupon Bonds of the State, issued before the 20th day of May, 1861, and since the 20th day of May, 1865, they will receive fifty per cent of the same in full discharge thereof, so far as the same will go,"

It was decided in the negative.

The question recurring upon the amendment offered by Mr. Hall,

On motion by Mr. Paschal, it was

Indefinitely postponed,

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On motion, by Mr. Paschal,
The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Battle, Berry, Bullock, Cardwell, Coward, Cowles, Cunningham, Ferebee, Harris, of Franklin, Harris, of Rutherford, Jones, Kelly, Lloyd, Marshall, Matthews, Paschal,
Those who voted in the negative are:

S. 224, bill explanatory of an Act entitled "an Act to change the jurisdiction of the Courts and the rules of pleading therein," coming up as the Special Order.

On motion, by Mr. Clark,
Its further consideration was postponed to and made the Special Order for 8 o'clock this evening.

On motion, by Mr. Matthews,
The Senate adjourned until 7½ o'clock, P. M.

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Seven and a-half o'clock, P. M.

Mr. Respass, by leave, introduced a bill with the following title, viz:

S. P. 169, bill for the benefit of the County Court Clerk of Beaufort county. Filed.
On motion, by Mr. Clark,
H. 263, engrossed bill to declare Tar River, through the county of Edgecombe, a water course sufficient for a fence, was taken up and passed its second and third readings.
Ordered to be enrolled.

On motion, by Mr. Avery,
H. 286, engrossed bill to secure a better drainage of the low lands on Lower creek, in the county of Caldwell, was called up.
Mr. Avery proposed sundry amendments, which were adopted.
The title was amended by inserting the words "and Burke," after the word "Caldwell,"
Ordered to be transmitted to the House for concurrence.
S. 224, bill explanatory of an Act entitled "an Act to change the jurisdiction of the Courts and the rules of pleading therein," came up as the Special Order.

On motion, by Mr. Leach, to amend by striking out the word "includes" in the second section and inserting the words "shall include all."

It was decided in the affirmative.

On motion, by Mr. Leach, to add to the second section the following:

"And that the provisions of the Act, of which this Act is explanatory, shall apply to this section,"

It was decided in the affirmative.

The bill passed its second and third readings.

Ordered to be engrossed.

Bills of the titles following, being read the second time, were disposed of as follows, viz:

S. 184, bill to establish a Board of Regents for the University and the Male Colleges of the State. Rejected.


Ordered to be engrossed.

S. 188, bill to donate to the Wake County Work House the tract of land known as the Camp Mangum tract. Indefinitely postponed.

S. 202, bill to more effectually prevent Crime and Lawlessness. Rejected.

The motion to reconsider the vote by which the Senate rejected the engrossed bill (H. 262,) to exchange a certain amount of the stock in the North Carolina Rail Road Company with the Cheraw and Coalfields Rail Road Company, and for other purposes, was called up.

On motion, by Mr. Berry, that the motion lie on the table, it was

Decided in the negative, \{ Yeas, ............... 15. \)

\{ Nays, ............... 22. \)

On motion by Mr. Berry,

The yeas and nays being ordered,

Those who voted in the affirmative are:
Messrs. Barnes, Berry, Cardwell, Clark, Cunningham, Ferebee, Hall, Kelly, McCorkle, Moore, Robins, Thornton, Wiggins, Willey and Wilson.

Those who voted in the negative are:

Messrs. Adams, Avery, Brown, Bullock, Covington, Cowles, Etheridge, Harris, of Franklin, Harris, of Rutherford, Jones, Leach, Love, Loyd, Marshall, Matthews, McLean, McRae, Paschal, Respass, Richardson, Snead and Speed.

The vote was then re-considered.

The question recurring upon the passage of the bill, it was

Decided in the negative,

| Yeas, ......................... | 18. |
| Nays, ......................... | 21. |

On motion by Mr. Berry,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Adams, Avery, Covington, Coward, Cowles, Gash, Harris, of Franklin, Harris, of Rutherford, Jones, Leach, Marshall, Matthews, McLean, McRae, Paschal, Respass, Richardson and Snead.

Those who voted in the negative are:


Mr. Robins entered a motion to re-consider this vote.

On motion by Mr. Adams,

S. P. 73, bill authorizing the issuing of duplicates of destroyed bonds, to Charles S. Mills, was taken up and re-committed to the Judiciary.

On motion by Mr. Wiggins,

H. P. 92, engrossed bill to incorporate the Jones County Savings' Institution, was taken up and passed its several readings.

Ordered to be enrolled.

On motion by Mr. Ferebee,

H. 88, engrossed bill to prohibit citizens of other States from fishing in Currituck Sound, was called up, and passed its second and third readings.

Ordered to be enrolled.
On motion by Mr. Speed, H. 143, engrossed bill to convert the debt due the State from the Atlantic and North Carolina Rail Road Company into capital stock, was taken up, and the question being on its passage, it was

Decided in the negative: \( \text{Yeas,} \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 17. \)
\( \text{Nays,} \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots \ldots 20. \)

On motion by Mr. Wilson, The yeas and nays being ordered.
Those who voted in the affirmative are:
Messrs. Avery, Battle, Bullock, Coward, Etheridge, Gash, Harris, of Rutherford, Jones, Leach, Love, McLean, McRae, Paschal, Richardson, Speed, Wiggins and Willey.
Those who voted in the negative are:

The motion to reconsider the vote by which the Senate rejected the engrossed bill (H. 262,) to exchange a certain amount of the stock in the North Carolina Rail Road Company with the Cheraw and Coalfields Rail Road Company, and for other purposes, was considered and adopted.

On motion, by Mr. Clark, to amend by striking out the first, second and third sections,
It was decided in the affirmative.
The bill then passed its second and third readings.
On motion, by Mr. Leach, to amend the title so as to read "A bill to authorize the subscription of lands, bonds and stocks to the Cheraw and Coalfields Rail Road;"
It was adopted.
Ordered to be transmitted to the House for concurrence.
On motion, by Mr. Respass,
S. P. 163, bill for the benefit of the County Court Clerk of Beaufort county, was taken up and passed its second and third readings.
Ordered to be engrossed.
Bills and resolutions of the titles following, passed their second and third readings and were ordered to be engrossed, viz:

S. 211, resolution to ascertain the number of wounded and disabled officers, and the widows and orphans of deceased soldiers in the late war.

S. 219, bill to amend the 3rd section, chapter 7, Revised Code.

S. 226, bill to authorize the Justices of the Court of Pleas and Quarter Sessions of Robeson county to appoint a Special Magistrate for said county.

S. 228, bill to authorize the Mayor or Chief Magistrate of incorporated cities and town in the State to enforce collection and payment of Fines and Penalties.

On motion by Mr. Wilson,

H. P. 90, engrossed bill to incorporate the Charlotte Merchants' and Planters' Benefit Association, was taken from the table and recommitted to the committee on Corporations.

Bills of the titles following, being read the second time, were disposed of as stated, viz:

Engrossed bill (H. 32,) to amend section 30, chapter 54, of the Revised Code, entitled "Guardians and Wards." Rejected.

Engrossed bill (H. 47,) concerning the County Site of Clay county. Rejected.

Bill (S. 185,) to amend the 11th section, 31st chapter, Revised Code. Rejected.

Bill (S. 212,) to amend an Act to establish Work Houses or Houses of Correction in the several counties of the State. Indefinitely postponed.

Bill (S. 214,) to repeal chapter 70, Revised Code, entitled "Militia." Rejected.

Bill (S. 225,) providing for the expenses of the State Government and paying the interest of the State debt. Ordered to lie on the table.

On motion, by Mr. Bullock,
The Senate adjourned.
Reports from Committees were submitted and filed as follows, viz:

By Mr. Wiggins, from the Committee on Finance:
H. 199, engrossed bill to regulate taxation by the County Courts, recommending its passage.

On motion, by Mr. Wiggins,
The rule was suspended and the bill passed its third reading.

Ordered to be enrolled.

By Mr. Robins, from the Committee on the Judiciary:
H. 387, engrossed bill explanatory of an Act granting general Amnesty and Pardon, with adverse recommendation.

By Mr. McCorkle, from the same committee:
H. 97, engrossed bill restoring to Married Women their common law right of Dower.

H. 406, engrossed bill to give the County and Superior Courts of Law authority to decree a sale of land for partition in certain cases, with adverse recommendations.

Bills and resolutions of the titles following had their first reading and were filed or referred as follows, viz:

By Mr. Respass: Bill (S. 245,) for the relief of certain persons for taxes. To Propositions and Grievances.

From the House: Engrossed bill (H. 278) relating to Deeds of Trust and Mortgages.

Engrossed bill (H. 279) amendatory of an act, entitled An Act to amend chapter 101, section 9, Revised Code, entitled “Roads, Ferries and Bridges.”

Engrossed bill (H. 285) to authorize a public road from the town of Shelby to the South Carolina line, and the construction of a Toll Bridge and dam across Broad River. To Corporations.

Engrossed bill (H. 287) to amend the charter of the Western North Carolina Rail Road.

Engrossed bill (H. 289, in regard to Standard Weights.

Engrossed bill (H. 293) to amend the 20th section, chapter 34, of Revised Code.
Engrossed bill (H.306) to change the location of the county site of Haywood county. To the Judiciary.

Engrossed bill (H. 316) to amend section 6, chapter 40, of an act concerning negroes and persons of color, or of mixed blood.

Engrossed bill (H. 317) to amend chapter 62, section 16, Revised Code.

Engrossed bill (H. 415) to change the mode of appointing Auctioneers.

Engrossed bill (H. P. 129) authorizing the formation of the Durham North Carolina Industrial Association, in the county of Orange.

Engrossed bill (H. 282) authorizing the Chairman of the County Court of Anson to sell certain lots in the town of Wadesboro'.

Engrossed bill (H. 283) extending the several Terms of the County Courts of Anson.

Engrossed bill (H. 399) in favor of the Attorney General.

A message was received from the House, transmitting the bill (S. 148) to amend the charter of the Wilmington Railway Bridge Company, with an amendment, asking the concurrence of the Senate.

The Senate concurred.

Also, transmitting recommendations for Justices of the Peace for the county of Union, in which the Senate concurred.

Ordered to be transmitted to the Governor for commission.

On motion by Mr. Harris, of Franklin,

A list of Justices of the Peace recommended by the House for the county of Franklin, were taken from the table and concurred in.

Ordered to be transmitted to the Governor for commission.

On motion by Mr. Bullock,

H. 204, engrossed bill to charter Oxford Branch of the Raleigh and Gaston Rail Road, was called up and passed its second and third readings.

Ordered to be enrolled.
On motion by Mr. Harris, of Franklin,
H. 330, engrossed bill for the relief of Executors, Administrators, &c., was taken up and its further consideration postponed to and made the Special Order for 8 o'clock, P. M., to-day.

On motion by Mr. McLean,
H. 246, engrossed bill to amend the charter of the Fayetteville and Florence Rail Road Company, was taken from the table, and its further consideration postponed to and made the Special Order for 1 o'clock, P. M., to-day.

Engrossed bills of the titles following, on their second reading, were disposed of as follows, viz:

H. 175, bill to promote the agricultural interests of the State, and for other purposes. Passed second reading and referred to the committee on Corporations.

H. 179, bill to authorize incorporated towns and cities to establish systems of Common Schools. Passed second and third readings.

Ordered to be enrolled.

H. 192, bill to permit the people of Currituck county to elect Commissioners of Wrecks. Passed second and third readings.

Ordered to be enrolled.

H. 239, bill relating to Apprentices.

Ordered to lie on the table.

H. 104, bill to amend an act for the relief of Landlords. Passed second reading.

Mr. Harris, of Rutherford, moved to amend by striking out "five," in the third section, and inserting "fifteen," and striking out "three," and inserting "twelve," and pending the question,

The Speaker announced the hour for the Special Order, viz:

Resolution (S. 167) in regard to Federal Relations.

Mr. Richardson moved to amend by striking out all after "Whereas," and inserting the following, viz:

"The Federal Relations once existing between and among the States comprising the government of the United States
of America have, at least, to a very great extent, been dissolved: And whereas, it is the duty of the loyal people of said government, and each of its members, to render all the aid in their power to unite and firmly establish said government upon a true and loyal basis; be it therefore,

Resolved, That we accept the Act lately passed by the Congress of the United States of America, for the purpose of re-organizing the rebel States, in good faith, and will use every effort to carry out the same upon a true and loyal basis."

On motion by Mr. Outlaw,

That it lie on the table,

It was decided in the affirmative,

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On motion by Mr. Outlaw,

The yeas and nays being ordered,

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Coward, Cowles, Harris, of Rutherford, Jones, Love, Matthews, Respass, Richardson, Robins, Snead and Speed.

A bill and resolution, of the titles following, were introduced, by leave, passed their first reading and were disposed of as follows, viz:

By Mr. Matthews: Senate bill 256, amendatory of an act passed at this session of the General Assembly, ratified the 12th day of February, 1867, "to change the jurisdiction of the Courts and the rules of pleading therein," and for other purposes. Referred to the Judiciary.

By Mr. Love: Senate resolution 257, proposing a National Convention. Filed.
H, 246, engrossed bill to amend the charter of the Fayetteville and Florence Rail Road Company, came up as the Special Order, on its third reading.

On motion by Mr. McRae, to amend, by adding the following to the second section, viz:

Provided, That the sum above appropriated shall be expended, first, between Fayetteville and the Wilmington, Charlotte and Rutherford Rail Road; and, Provided further, That before said subscription shall be made by the Treasurer, the President and Directors of said Fayetteville and Florence Rail Road Company shall execute to the Treasurer a bond, with good and sufficient security, that the said company will take back, at its par value, in five years from the date of said subscription, the said five hundred thousand dollars of stock, and pay for the same in the outstanding bonds of the State of North Carolina: Provided further, That the sureties on said bonds shall cast the vote of the State, in meetings of the stockholders of said company, so long as they are bound under the bond hereby required to be given.

It was not adopted.

The bill then passed its third reading.

Ordered to be transmitted to the House for concurrence in the amendment.

H. 104, engrossed bill to amend an act for the relief of Landlords, was considered as the unfinished business, the question being on the amendment proposed by Mr. Harris, of Rutherford. It was

Decided in the negative,

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On motion by Mr. Wilson,

The yeas and nays being ordered,

Those who voted in the affirmative are:


Those who voted in the negative are:
Messrs. Adams, Avery, Battle, Barnes, Berry, Brown, Cardwell, Covington, Cunningham, Etheridge, Gash, Harris, of Franklin, Jones, Kelly, Marshall, Matthews, McRae, Paschal, Perkins, Respass, Richardson, Snead, Wiggins and Willey.

The bill then passed its third reading.

Ordered to be enrolled.

On motion by Mr. Berry,
The Senate took a recess until 7½ o'clock, P. M.

Seven and a-half o'clock, P. M.

Mr. Matthews presented recommendations for Justices of Peace for the county of Stokes, which were agreed to, and ordered to be transmitted to the House for concurrence.

On motion by Mr. Covington,

H. 282, Engrossed bill authorizing the Chairman of the county Court of Anson, to sell certain lots in the town of Wadesboro', was taken up and passed its second and third readings.

Ordered to be enrolled.

On motion by Mr. Covington,

H. 283, engrossed bill extending the several Terms of the county courts of Anson, passed its several readings.

Ordered to be enrolled.

H. 97, engrossed bill restoring to married women their Common Law Right of Dower, was considered on its second reading.

On motion by Mr. Avery to amend, by adding the following to the second section, viz:

"And that the chairmen of the Courts of Pleas and Quarter Sessions, as to lands located in their respective counties, shall have the same power to conduct such examination as is now given by law to the Judges of the Supreme and Superior Courts, and the certificates of such chairmen, touching lands in their respective counties, shall have the same force and effect as if signed by a Judge,"

It was decided in the affirmative.
The question recurring upon the passage of the bill, it was

Decided in the affirmative, \( Y \) Yea\(\)s, \( Y \) Yea\(\)s, \( N \) Nays, \( N \) Nays, 24, 14.

On motion by Mr. Ferebee,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Adams, Avery, Barnes, Bullock, Cardwell, Coward, Etheridge, Ferebee, Gash, Harris of Franklin, Harris of Rutherford, Jones, Leach, Lloyd, Marshall, Matthews, Paschal, Perkins, Respass, Richardson, Snead, Thompson, Thornton and Willey.

Those who voted in the negative are:

The question then being on the passage of the bill on its third reading, it was

Decided in the affirmative, \( Y \) Yea\(\)s, \( Y \) Yea\(\)s, \( N \) Nays, \( N \) Nays, 23, 17.

On motion, by Mr. Bullock,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Adams, Barnes, Bullock, Clark, Coward, Etheridge, Ferebee, Gash, Harris of Franklin, Harris of Rutherford, Jones, Leach, Lloyd, Marshall, Matthews, Paschal, Perkins, Richardson, Snead, Speed, Thompson, Thornton and Willey.

Those who voted in the negative are:

Ordered, That it be transmitted to the House for concurrence in the amendment.

H. 330, engrossed bill for the relief of Executors, Administrators, &c, came up as the Special Order.

On motion, by Mr. Avery to amend, by adding the following as an additional section, viz:

Be it further enacted, That Executors and Administrators shall have power to prefer any creditor or creditors of the de-
ceased persons, whom they represent, over all other creditors of equal dignity, though the creditor or creditors, so preferred, may not have commenced suit, and though such Executor or Administrator may have notice, by suit commenced, of the existence of other debts, equal in dignity to those so preferred; and such payments shall have like force and effect, and such personal representative shall, in all respects, be treated in Law and Equity, as though judgment had been conferred in favor of the preferred creditor or creditors, as now allowed by law:

It was decided in the affirmative.
The bill passed its second reading.
And the question being upon its passage its third reading, it was

Decided in the affirmative, } Yeas, ........................ 39.
Nays, ........................ 8.

On motion, by Mr. Robins,
The yeas and nays being ordered,
Those who voted in the affirmative are:

Those who voted in the negative are:

On motion, by Mr. Hall, to reconsider the vote by which the Senate rejected the engrossed bill (H. 143,) to convert the debts due the State from the Atlantic and North Carolina Rail Road Company into capital stock, it was

Decided in the affirmative, } Yeas ....................... 27.
Nays ........................ 9.

On motion by Mr. Cardwell,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Adams, Avery, Battle, Barnes, Bullock, Covington, Coward, Etheridge, Ferebee, Gash, Hall, Harris, of Franklin,
Harris, of Rutherford, Jones, Leach, Lloyd, Marshall, Matthews, McCorkle, McLean, Paschal, Perkins, Respass, Speed, Wiggins, Willey and Wilson.

Those who voted in the negative are:

Messrs. Berry, Brown, Cardwell, Cunningham, Hill, McRae, Robins, Snead and Thornton,

A message was received from the House, transmitting the following bill and resolution, with amendments, asking the concurrence of the Senate, viz:

Senate resolution 168, in regard to the Cape Fear Navigation Company.

Senate bill 224, explanatory of an act, entitled "An Act to change the jurisdiction of the Courts and the rules of pleading therein."

The Senate concurred.

Also, transmitting the concurrence of that body in the Senate amendments to the following engrossed bills, viz:

H. 262, bill to authorize the subscription of lands, bonds and stocks to the Cheraw and Coalfields Rail Road.

H. 286, bill to secure a better drainage of the low lands on Lower Creek in the counties of Caldwell and Burke.

Ordered that they be enrolled.

Mr. Speed, by leave, introduced a bill of the title fol lowing, viz:

Senate bill 258, to allow the representatives of W. E. Mann, late Sheriff of Pasquotank, to collect arrears of taxes.

On motion by Mr. Speed,

The bill passed its several readings, under a suspension of the rule.

Ordered be engrossed.

Engrossed bills and resolutions of the titles following, received from the House, had their first reading, and were filed or otherwise disposed of, as follows, viz:

House bill 418, to give to the Courts of Pleas and Quarter Sessions original jurisdiction in all criminal cases in which they now have concurrent jurisdiction with the Superior Court. Referred to the Judiciary.
House bill 358, authorizing the County Courts of Perquimans, Pasquotank, Washington and Tyrrell counties, to elect County officers.

House bill 431, to amend the act for collecting Revenue, ratified March 12th, 1866.

On motion by Mr. Wiggins,
The rule was suspended, and the bill passed its second and third readings.

Ordered to be enrolled.

House bill 413, in reference to disabled soldiers.

House bill 346, to authorize Courts of Law to grant relief in cases of lost negotiable bonds, bills and notes. Referred to the Judiciary.

House resolution 334, in regard to printing the reports of Rail Road and other companies.

House bill 359, to authorize a special Court for the county of Wilson.

On motion by Mr. Clark,
The rule was suspended and the bill passed its several readings.

Ordered to be enrolled.

House bill 342, to repeal an act of 1865-'66, to establish a Board of Commissioners for the Port of Ocracoke, &c.

House bill 355, to stay executions in Courts of Record.

House bill 360, to provide for keeping up a Public Road near Sampson Mountain.

House bill 367, to amend an act ratified the 23rd of December, 1864, to authorize attachments against corporations.

House bill 356, authorizing the chairman of the County Court of Lenoir county to sell the old jail lot in the town of Kinston.

House bill 328, to authorize the County Court of Cumberland to appoint Inspectors of crude turpentine in the town of Fayetteville.

On motion by Mr. Perkins,
The Senate adjourned.
Reports from committees were submitted, and filed as follows, viz:

By Mr. Clark, from the committee on Corporations:

H. P. 90, engrossed bill to incorporate the Charlotte Merchants' and Planters' Benefit Association, asking to be discharged from its further consideration, on account of imperfect engrossment.

The bill was ordered to be transmitted to the House.

H. 175, engrossed bill to promote the agricultural interests of the State, and for other purposes, with adverse recommendation.

By Mr. Cunningham, from the committee on Propositions and Grievances:

S. 245, bill for the relief of certain persons for taxes, asking to be discharged from its further consideration. Discharged.

By Mr. Avery, from the committee on Internal Improvements:

S. 80, bill to incorporate the Yadkin and Cape Fear Canal Company, recommending its passage.

By Mr. Wilson, from the committee on the Judiciary:

Resolution in relation to outstanding claims against the Literary Board, asking to be discharged from its further consideration, as the object has been accomplished by suitable legislation.

S. 244, bill to punish Fruit Thieves, recommending its passage.

S. 9, resolution in regard to what debts are valid and what invalid, under the Ordinance of the Convention.

H. 58, engrossed bill to exempt from seizure; under execution or attachment, certain personal property therein named, and to provide a Homestead.

S. P. 73, resolution to authorize the issue of duplicates of destroyed Bonds to Chas. S. Mills: with adverse recommendations.

By Mr. Moore, from the same committee:
S. 35, bill to repeal a portion of an act passed at the session of 1865-'66, as relates to persons committed for fine and cost of criminal prosecution, recommending its rejection.

By Mr. McCorkle, from the same committee:

S. 122, bill for right of redemption for Lands sold under execution, with adverse recommendation.

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

By Mr. Cowles: Bill, (S. P. 176,) to appoint commissioners to improve the road from John Allen's to the top of the Blue Ridge, in Surry county.

On motion of Mr. Cowles,

The rule was suspended and the bill passed its second and third readings.

Ordered to be engrossed.

By Mr. Respass: Bill, (S. P. 177,) to establish a Free Ferry across the Pamlico River, opposite the town of Washington, Beaufort county. Referred to the committee on Propositions and Grievances.

By Mr. Berry: Resolution, (S. P. 178,) in favor of the Joint Select Committee on the affairs of the North Carolina Rail Road.

On motion of Mr. Berry,

The rule was suspended and the resolution passed its several readings.

Ordered to be engrossed,

Mr. Thompson presented recommendations for Justices of the Peace for the county of Wayne, which were adopted, and transmitted to the House.

On motion by Mr. Speed,

Leave of absence was granted to Mr. Ferebee, from and after to-day for the balance of the session.

The Speaker laid before the Senate the following communication, viz:
To the Honorable

The General Assembly of North Carolina.

Having accepted the position of Senator of the United States, to which I was elected by the General Assembly, at its last session, I do now, in accordance with a purpose expressed at the time of accepting that post, resign my office of Speaker of the Senate, to take effect at 12 o'clock, M. to-morrow.

I am,
Very respectfully,
Your obedient servant,
M. E. MANLY.

On motion by Mr. Wiggins,
Engrossed resolution, (H. 399,) in favor of the Attorney General, was called up and passed its second and third readings.

On motion by Mr. Speed,
S. 195, resolution in regard to what debts are valid, and what invalid, under Ordinance of the Convention, was called up and rejected.
Engrossed bills of the titles following, being read the second time, were disposed of as follows, viz:
Bill (H. 35,) to declare the Roanoke River a sufficient fence.
Ordered to be enrolled.
Bill (H. 39,) to amend section 12, chapter 118, Revised Code, entitled Widows.
Ordered to be laid on the table.
Bill. (H. 52,) taxing all necessary Revenue stamps in the Bill of Costs. Passed.
Ordered to be enrolled.
Bill. (H. 54,) to amend an act entitled "An Act to estab-
lish Work Houses, or Houses of Correction, in the several counties of the State." Passed.
Ordered to be enrolled.
Bill, (H. 69,) allowing fees to Justices of the Peace, and re-
gulating the same.
Ordered, to lie on the table.

Bill (H. 72,) in favor of widows.
Ordered, to lie on the table.

Bill (H. 101) to amend section 12, chapter 52, Revised Code. Passed.

Ordered to be enrolled.

Bill, (H. 126,) concerning Surveyors and Processioners.

Ordered to lie on the table.

Bill, (H. 133,) to pay Jurors in Capital cases.

Ordered to be enrolled.

Bill, (H. 149,) to amend an act entitled "An act to extend the time for perfecting titles to lands, passed 7th day of February, A. D., 1865," Referred to the Judiciary.


Bill, (H. 230,) to incorporate the North Carolina Agricultural and Manufacturing Company. Passed.

Ordered to be enrolled.

Bill (H. 289,) in regard to Standard Weights. Passed.

Ordered to be enrolled.

Bill (H. 368,) in regard to Weights and Measures. Amended and passed.

Ordered to be transmitted to the House for concurrence in the amendment.

Bill (H. 357,) to authorize the exchange of certain Bonds issued during the war, for internal improvement purposes; for new bonds.

On motion, by Mr. Berry, to refer to the committee on the Judiciary, it was

Decided in the negative, | Yeas, ..................... 12.
| Nays, ..................... 22.

On motion, by Mr. Avery,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Battle, Barnes, Berry, Bullock, Cardwell, Cowles, Cunningham, McCorkle, Paschal, Robins, Sneed and Wilson.
Those who voted in the negative are:
Messrs. Adams, Avery, Clark, Covington, Etheridge, Ferabee, Gash, Hall, Harris of Franklin, Harris of Rutherford,
Hill, Leach, Love, Lloyd, Matthews, McLean, McRae, Moore, Outlaw, Speed, Thornton and Wiggins.

Mr. Outlaw moved to amend by adding the following to the first section, viz:

Provided, That all the Bonds issued, whose caption is headed "Confederate States of America," shall be included, and that new Bonds shall be issued headed "United States of America:" And, provided further, that said Bonds were authorized to be issued before the late rebellion and were not in aid of said rebellion.

Debate arising thereon,

On motion, by Mr. Avery, that the Senate take a recess until 7½ o'clock, P. M., it was

Decided in the affirmative, \{ Yeas, \ldots 25.
\{ Nays, \ldots 14.

On motion by Mr. Cunningham,

The yeas and nays being ordered,

Those who voted in the affirmative are:


Those who voted in the negative are:

Messrs. Adams, Barnes, Berry, Cardwell, Cowles, Cunningham, Etheridge, Gash, Love, Lloyd and Matthews.

Seven and a-half O'clock, P. M.

H. 357, engrossed bill to authorize the exchange of certain bonds issued during the war, for Internal Improvement purposes, for new bonds:

The question being upon the amendment offered by Mr. Outlaw,
It was decided in the negative.
The bill then passed its second reading.
The bill was read the third time, and the question being upon its passage,

It was

Decided in the affirmative,

Yeas....................21.
Nays.....................14.

On motion, by Mr. Ferebee,
The yeas and nays being ordered,

Those who voted in the affirmative are:
Messrs. Adams, Avery, Barnes, Cardwell, Clark, Covington, Etheridge, Gash, Hall, Harris, of Franklin, Harris, of Rutherford, Hill, Love, Lloyd, McCorkle, McLean, McRae, Moore, Thornton, Wiggins and Wilson.

Those who voted in the negative are:
Messrs. Berry, Ballock, Cowles, Cunningham, Ferebee, Matthews, Paschal, Perkins, Respass, Richardson, Robins, Snead, Speed and Willey.

Ordered to be enrolled.

On motion by Mr. Harris, of Franklin,
Engrossed bill (H. 294) to incorporate the North Carolina Land Agency for the encouragement of Immigration, was taken up and passed its second and third readings.

Ordered to be enrolled.

On motion by Mr. Paschal,
Recommendations for Justices of the Peace for the county of Chatham were made.

Ordered to be transmitted to the House for concurrence.

On motion by Mr. Cardwell,
H. 232, engrossed bill to incorporate the Greensboro' and Dan River Rail Road Company, was taken up and passed its several readings.

Ordered to be enrolled.

On motion by Mr. Love,
Resolutions (S. 257) proposing a National Convention, were taken up and their further consideration was postponed to and made the Special Order for Friday, March 1st, at one o'clock, P. M.

On motion by Mr. Barnes,
Engrossed resolution (H. 413) in reference to disabled Soldiers, was taken up and passed second and third readings.

Ordered to be enrolled.

On motion by Mr. Robins,

Engrossed resolution (H. P. 78) in favor of William Patterson, late Sheriff of Alamance county, passed its several readings.

Ordered to be enrolled.

Engrossed resolution (H. P. 140) in favor of James M. Neal, transmitted from the House, had its first reading.

On motion by Mr. Hall,

The rule was suspended and the resolution placed upon its second and third readings.

On motion, by Mr. Hall,

To add the following resolution, viz:

"Be it further resolved, That the provisions of the foregoing resolution be extended to the securities of W. T. J. Vann, late Sheriff of New Hanover county, to enable them to collect the uncollected taxes due upon the tax lists for the years 1862 and 1863: Provided, The claim of the county against them and the taxes to be collected be subject to the scale of depreciated currency,"

It was decided in the affirmative, and the resolution passed its second reading.

The resolution being read a third time,

Mr. Perkins moved to amend by adding the Tax Collector of Pitt county to collect taxes for 1863-'64, subject to the scale of depreciated currency.

Mr. Cunningham moved to amend the amendment by including, under the provisions of the resolution, the late Sheriff of Chatham county.

On motion, by Mr. Clark,

The Senate adjourned.
FRIDAY, MARCH 1st, 1867.

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

Reports from Committees were submitted and filed as follows, viz:

By Mr. Cunningham, from the committee on Propositions and Grievances:

S. P. 177, bill to establish a free ferry across the Pamlico river, opposite the town of Washington, in Beaufort county, recommending its passage.

By Mr. Clark, from the committee on Corporations:

H. 285, engrossed bill to authorize a public road from the town of Shelby to the South Carolina line, and the construction of a toll bridge and dam across Broad River, recommending its passage.

By Mr. Wilson, from the committee on the Judiciary:

Sum by bills, heretofore referred to them, asking, on account of a want of time to give the proper consideration, to be discharged. The committee was discharged.

By Mr. Wiggins, from the committee on Finance:

The resolution instructing that committee to inquire and report in regard to the sale of the Stocks, owned by the State in the Raleigh and Gaston Rail Road Company, with special report, as follows, viz:

The Committee on Finance, to whom was referred a Resolution "To inquire into and report to the Senate whether the contracts of sale of the Stocks, owned by the State, in the Raleigh and Gaston Rail Road Company, reported by the Treasurer to have been made to said Company, have been discharged, and if so, when the payments were made, and what kind of State Bonds were accepted in payment thereof;" have discharged the mandates of said Resolution and beg leave to report that—

The Committee find that the Public Treasurer advertised the said Stocks so as to give the largest publicity to the transaction, and in accordance with said advertisement, in presence of the Governor and Comptroller, opened the bids
made, and awarded the Stock to the highest bidder, which award was approved by the Governor and Comptroller.

After the acceptance of the bids, the successful bidders commenced the delivery of the Bonds under the contract.

There were delivered in the month of

<table>
<thead>
<tr>
<th>Month</th>
<th>Amount</th>
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<tbody>
<tr>
<td>November</td>
<td>$267,000</td>
</tr>
<tr>
<td>December</td>
<td>239,000</td>
</tr>
<tr>
<td>January</td>
<td>114,500</td>
</tr>
<tr>
<td>February</td>
<td>62,000</td>
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Total, 682,500

Also premiums paid in coupons of said Bonds, $3,333 87\(^{1/2}\)

All of the above Bonds were issued before the 20th of May, 1861. Interest against the State was only allowed to 1st of November, 1866.

About $60,000, bonds commonly denominated "Floyd Bonds," were tendered by the purchasers of the Stocks, but the Treasurer, under advice, declined to receive them and the substitution of others for them involved delay.

The Committee find that the Public Treasurer consulted the Governor and Attorney General, as to his duties under the Ordinance, providing for the exchange of Stocks of the State for Bonds issued prior to May 1st, 1861, and his action accorded with their advice, and they are of opinion that he used proper care and diligence in carrying out the provisions of said Ordinance.

Bills and resolutions of the titles following being introduced, passed their first reading, were filed or otherwise disposed of as stated, viz

By Mr. Clark: Bill (S. P. 180,) to incorporate the Key-Stone Publishing Company, in the city of Raleigh.

On motion, by Mr. Clark,

The rule was suspended, and the bill passed its second and third readings.

Ordered to be engrossed.
By Mr. Jones: Bill (S. P. 181,) to authorize and empower the Court of Pleas and Quarter Sessions of Wake county, to reform their financial system.

On motion, by Mr. Jones,

The rule was suspended and the bill passed its several readings.

Ordered to be engrossed.

From the House: Engrossed bill (H. 119,) in regard to Dormant Judgments.

Engrossed bill (H. 352,) to amend an Act entitled "an Act to encourage the raising of Sheep in the counties of Watauga and Ashe."

Engrossed bill (H. 381,) to amend an Act entitled "an Act to lay off, locate and establish a road from the town of Statesville, in the county of Iredell, to the town of Wilkesboro', in the county of Wilkes."

Engrossed bill (H. 433,) to authorize the Governor to employ counsel in certain cases.

Engrossed bill (H. 434,) relating to Debts contracted during the late war.

Engrossed bill (H. 437) submitting the question as to whether there shall not be a Penitentiary, to the voters of the State.

Engrossed bill (H. 439) to empower the Secretary of State and Public Treasurer to administer oaths, &c.

On motion by Mr. Wiggins.

The rule was suspended and the bill passed its several readings.

Ordered to be enrolled.

On motion by Mr. Cunningham,

A list of Justices of the Peace for Person county was submitted and recommended.

Ordered to be transmitted to the House for concurrence.

On motion by Mr. Covington,

Resolved, That the Judiciary committee be requested to take into consideration the expediency of enacting a law to prevent persons from interfering with contracts of laborers, and enticing them from their premises, and report by bill or otherwise.
Mr. Wilson, subsequently, from the committee on the Judiciary, reported that the grievance complained of had been provided for by suitable legislation, and the committee was discharged.

A message was received from the House, asking the concurrence of the Senate in a resolution proposing to continue the joint select committee on the North Carolina Rail Road, and that they report to the adjourned session of this General Assembly, having the powers now invested in them, with the further proposition that the committee be increased, by an addition of two from each House. The Senate refused to concur.

Mr. Berry introduced a resolution continuing the joint select committee on the North Carolina Rail Road, which was engrossed and ordered to be transmitted to the House.

A message was received from the House, transmitting Senate bill 47, to incorporate the North Carolina Land and Immigration Company, which had been passed with an amendment, in which the concurrence of the Senate was asked.

The Senate concurred.

Also, transmitting recommendations for Justices of the Peace for the counties of Wake and Johnston.

The Senate concurred.

Ordered to be transmitted to the Governor for commission.

Also, returning engrossed bill (H. 246) to amend the charter of the Fayetteville and Florence Rail Road Company, and Engrossed bill (H. 368) in regard to Weights and Measures, concurring in the amendments proposed by the Senate.

Ordered to be enrolled.

Also, returning engrossed bill (H. 97) restoring to married women their Common Law right of Dower, and

Engrossed bill (H. 330) for the relief of executors, administrators, &c., concurring in the amendments proposed by the Senate.

Ordered to be enrolled.

On motion by Mr. Cowles,

Senate bill 256, amendatory of an act passed at this session of the General Assembly, to change the jurisdiction of the Courts and the rules of pleading therein, was taken up.
On motion by Mr. Matthews, to amend, by making the act take effect ten days after ratification,

It was adopted.

The bill then passed its second and third readings.

*Ordered* to be engrossed.

H. 143, engrossed bill to convert the debts due the State from the Atlantic and North Carolina Rail Road Company into capital stock, was considered as the Special Order.

And the question being, "Shall the bill pass its third reading?" It was

Decided in the affirmative, \( \frac{\text{Yeas}}{\text{Nays}} = \frac{22}{16} \).

On motion by Mr. Carroll,

The yeas and nays being ordered,

Those who voted in the affirmative are:

Messrs. Avery, Battle, Barnes, Covington, Etheridge, Gash, Hall, Harris, of Franklin, Jones, Leach, Love, Lloyd, Matthews, McLean, McRae, Outlaw, Perkins, Snead, Speed, Thompson, Wiggins, and Wiley.

Those who voted in the negative are:

Messrs. Adams, Berry, Brown, Bullock, Cardwell, Cowles, Cunningham, Ferebee, Harris, of Rutherford, Hill, McCorkle, Moore, Richardson, Robins, Thornton, and Wilson.

On motion, by Mr. McRae,

Engrossed bill (H. 252) giving to the County and Superior Courts authority to sentence criminals to work the Public Roads, was considered on its second reading.

And pending its consideration, (Mr. Clark in the chair,)

Mr. Thornton submitted the following resolution, *viz*:

Resolved, That the thanks of the Senate are tendered to the Hon. M. E. Manly, for his attention to the business of the Senate and his able and impartial discharge of the duties of the Chair.

Which was unanimously adopted.

The Speaker, resuming the Chair, resigned the position of presiding officer of the Senate.

The Senate proceeded to elect a Speaker *vivo voce*, the Clerk having designated Messrs. Hill and Thompson to superintend the election.
Mr. Covington nominated Mr. J. H. Wilson, the Senator from Mecklenburg.

Mr. Matthews nominated Hon. J. M. Leach, the Senator from Davidson.

Mr. Cardwell nominated Mr. E. D. Hall, the Senator from New Hanover.

Mr. Ferebee nominated Mr. R. K. Speed, the Senator from Pasquotank and Perquimans.

The following Senators voted for Mr. Leach:

The following Senators voted for Mr. Wilson:

The following Senators voted for Mr. Hall:
Messrs. Avery, Cardwell, Clark, Etheridge, Manly, McRae, Thornton and Wilson—8.

The following Senators voted for Mr. Speed:
Messrs. Ferebee, Harris, of Franklin, Leach, Outlaw, Wiggins and Willey—6.

The following Senators voted for Mr. Wiggins:

For Mr. Jones:
Messrs. Bullock, Harris, of Rutherford and Richardson—3.

For Mr. Cowles: Mr. Jones.

The committee reported that there was no election.

The Senate proceeded to vote forthwith for Speaker, with result as follows, the name of Mr. Speed having been withdrawn:

For Mr. Leach:

For Mr. Hall:
Messrs. Avery, Battle, Cardwell, Clark, Etheridge, Harris, of Franklin, Manly, McLean, McRae, Outlaw, Thornton and Wilson—12.

For Mr. Wilson:
Messrs. Barnes, Berry, Covington, Cunningham, Gash, Hall, Hill, McCorkle and Moore—9.

For Mr. Wiggins:
Messrs. Leach, Love and Thompson—3.

For Mr. Jones:
Messrs. Bullock, Harris, of Rutherford and Richardson—3.

The committee reported that there was no election.

The Senate proceeded to vote again for Speaker, with the following result:

For Mr. Leach:

For Mr. Hall:
Messrs. Avery, Battle, Cardwell, Clark, Etheridge, Harris, of Franklin, Manly, McLean, McRae, Outlaw, Thornton and Wilson—12.

For Mr. Wilson:
Messrs. Barnes, Berry, Covington, Gash, Hall, Hill, McCorkle, Moore and Speed—10.

For Mr. Jones:
Messrs. Bullock and Harris, of Rutherford—2.

For Mr. Wiggins: Mr. Leach.

For Mr. Gash: Mr. Love.

For Mr. Bullock: Mr. Jones.

The committee reported that there was no election.

The Senate voted again for Speaker with the following result:

For Mr. Leach:

For Mr. Hall:
Messrs. Avery, Battle, Cardwell, Clark, Etheridge, Harris, of Franklin, Manly, McLean, McRae, Outlaw, Thornton, Wiggins and Wilson—13.

For Mr. Wilson:
Messrs. Berry, Covington, Cunningham, Gash, Hall, Hill McCorkle, Moore and Speed—9.
For Mr. Wiggins:
Messrs. Barnes, Leach and Love—3.

For Mr. Jones:
Messrs. Bullock and Harris, of Rutherford—2.
The committee reported no election.
The names of Messrs. Wilson and Leach were withdrawn.
Mr. Berry nominated Mr. Robins.
Mr. Speed nominated Mr. Cunningham.
Mr. Matthews nominated Mr. Cowles.
The Senate voted as follows:

For Mr. Hall:
Messrs. Avery, Battle, Cardwell, Clark, Covington, Cunningham, Etheridge, Ferebee, Harris, of Franklin, Love, Lloyd, Manly, McCorkle, McLean, McRae, Moore, Outlaw and Wiggins—18.

For Mr. Cunningham:

For Mr. Cowles:

For Mr. Robins:

For Mr. Jones:
Messrs. Bullock, and Harris, of Rutherford—2.

For Mr. Wilson: Mr. Hill.
The Senate proceeded to vote forthwith for Speaker, with result as follows, the committee having reported that there was no election:

For Mr. Hall:
Messrs. Adams, Avery, Battle, Cardwell, Clark, Covington, Cunningham, Etheridge, Ferebee, Harris, of Franklin, Love, Lloyd, Manly, McCorkle, McLean, McRae, Moore, Outlaw and Wilson—19.

For Mr. Cunningham:

For Mr. Cowles:
Messrs. Bullock, Matthews, Bespass, Richardson, Robins, Snead and Thompson.

For Mr. Robins:
Messrs. Berry, Cowles, Gash, Jones and Leach.

For Mr. Wilson: Mr. Hill.

For Mr. Jones: Mr. Harris, of Rutherford.

The Committee reported that there was no election.

The names of Messrs. Cunningham, Robins and Cowles were withdrawn.

Mr. Jones nominated Mr. Wilson.

The Senate voted as follows:

For Mr. Wilson:
Messrs. Adams, Battle, Barnes, Berry, Brown, Bullock, Covington, Cowles, Gash, Harris, of Rutherford, Hill, Jones, Matthews' McCorkle, Perkins, Bespass, Richardson, Robins, Snead, Spead, Thompson and Willey—22.

For Mr. Hall:
Messrs. Avery, Cardwell, Clark, Cunningham, Etheridge Ferebee, Harris, of Franklin, Love, Lloyd, Manly, McLean, McRae, Moore, Outlaw, Thornton and Wiggins—16.

For Mr. Wiggins:
Messrs Hall and Leach—2.

The committee to superintend the election reported that forty votes had been cast. Of which Mr. Wilson received 22; Mr. Hall 16, and Mr. Wiggins 2. Mr. Wilson, having received a majority of the whole vote, was duly elected.

The report being concurred in, the Clerk appointed Messrs. Jones and Cardwell to conduct the Speaker elect to the Chair.

The Speaker returned his thanks in a few appropriate remarks.

Resolution (S. 257,) proposing a National Convention, was considered as the Special Order.

Mr. Speed moved to amend by striking out all after "Whereas" and insert the following:

“A plan has been agreed upon, and published by parties, representative men of the South, identified with the South in thought, feeling and interest, to be suggested to the Congress
of the United States, as a basis of settlement of the delicate and difficult questions agitating the section, to-wit:

PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

ARTICLE XIV.

Section 1. The Union under the Constitution is, and shall be perpetual. No State shall pass any law or ordinance to secede or withdraw from the Union, and any such law or ordinance shall be null and void.

Sec. 2. The public debt of the United States, authorized by law, shall ever be held sacred and inviolate. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the Government or authority of the United States.

Sec. 3. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the States in which they reside. No State shall make or enforce any law which, shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Sec. 4. Representatives shall be apportioned among the several States, according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when any State shall, on account of race or color, or previous condition of servitude, exclude from voting at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, members of the Legislature or other officers elective by the people, any of the male inhabitants of such State, being twenty-one years of age and citizens of the United
States, then the entire class of persons so excluded from the elective franchise, shall not be counted in the basis of representation. No State shall require as a property qualification for voters more than two hundred and fifty dollars worth of taxable property, nor, as an educational qualification, more education than enough to enable the voter to read the Constitution of the United States in the English language, and write legibly his own name.

PROPOSED AMENDMENT TO STATE CONSTITUTIONS.

ARTICLE.

Every male citizen who has resided in this State for one year, and in the county in which he offers to vote six months, immediately preceding the day of election, and who can read the Constitution of the United States in the English language and can write his name, or who may be the owner of two hundred and fifty dollars worth of taxable property, shall be entitled to vote at all elections for Governor of the State, members of the Legislature and all other officers elective by the people of the State: Provided, That no person by reason of this article, shall be excluded from voting, who has heretofore exercised the elective franchise under the Constitution and laws of this State, or who, at the time of the adoption of this amendment, may be entitled to vote under said Constitution and laws.

And, whereas, from the outgivings of representative men of the North, in the event of the rejection by the States, of the amendment proposed by Congress for their ratification, as the 14th article of the amendment to the Constitution of the United States:

"That if those communities that have been in rebellion have anything to propose, if they think there is a better mode, a more generous mode, a mode better calculated to secure the peace and harmony and prosperity of this great land, let them come forward and propose it, and the people will listen and judge."
And whereas, it is now conceded, the aforesaid proposed amendment will not receive the assent of the constitutional number of States to ratify the same as a part of the Constitution of the United States; and whereas, we believe the before recited proposition is "a better mode, a more generous mode, a mode better calculated to secure the peace and harmony and prosperity of this great land:" and whereas, there is no sacrifice of honor "in coming forward and proposing" the before recited plan as a basis of final settlement;

*Be it therefore resolved by the General Assembly of the State of North Carolina, That the State of North Carolina, desiring a final settlement of the troubles existing between the two great sections of the Union, will, looking to that end, adopt the aforesaid proposition by a Convention of her people."

Debate arising,
On motion by Mr. Cardwell,
The Senate took a recess until 7½ o'clock, P. M.

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Seven And A-Half O'clock, P. M.

On motion by Mr. Jones,
Leave of absence was granted to Mr. Perkins from and after to day for the balance of the session.
Resolution (S. 257) proposing a National Convention, was considered as the unfinished business, the question being on the substitute offered by Mr. Speed, which was withdrawn.
On motion by Mr. Avery,
To postpone the further consideration until to-morrow at 8 o'clock, P. M., it was

Decided in the negative, {Yeas, ...................... 14.
{Nays; .......................... 17.
On motion by Mr. Love,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Adams, Avery, Bullock, Cardwell, Cunningham, Etheridge, Harris, of Rutherford, Jones, Moore, Richardson, Robins, Thornton, Wiggins and Wiley.
Those who voted in the negative are:
The question recurring upon the passage of the resolution, it was

Decided in the affirmative, \( \frac{27}{6} \) Yeas
Decided in the negative, \( \frac{6}{6} \) Nays

On motion by Mr. Love,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Adams, Avery, Battle, Barnes, Berry, Brown, Clark, Covington, Cowles, Cunningham, Etheridge, Ferebee, Gash, Harris, of Franklin, Hill, Jones, Leach, Love, Lloyd, Matthews, McCorkle, McLean, McRae, Outlaw, Robins, Speed, Thornton, Wiggins and Willey.
Those who voted in the negative are:
Messrs. Bullock, Cardwell, Harris, of Rutherford, Respass, Richardson and Thompson.
The resolution then passed its third reading.
Ordered to be engrossed.
Engrossed resolution (H. P. 140) in favor of James M. Neal, came up on its third reading, as the unfinished business.

On motion by Mr. Speed, to exempt executors and administrators,
It was determined in the affirmative.
The resolution passed.
Ordered to be transmitted to the House for concurrence in the amendments.
Engrossed bill (H. 252) giving to County and Superior Courts authority to sentence criminals to work the Public
Roads, on its second reading, was considered as the unfinished business.
The bill passed its second reading, and being read the third
time, it passed, \{ Yeas, ...................... 27.  
Nays, ......................  7.  

On motion by Mr. Ferebee,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Adams, Avery, Battle, Barnes, Berry, Brown, Bullock, Cardwell, Clark, Covington, Cowles, Cunningham, Etheridge, Gash, Harris, of Franklin, Hill, Jones, Leach, Love, Lloyd, Matthews, McCorkle, McLean, McRae, Thompson, Thornton, and Wiggins.

Those who voted in the negative are:
Messrs. Ferebee, Harris, of Rutherford, Outlaw, Richardson, Robins, Speed and Willey.

Ordered to be enrolled.

On motion by Mr. Harris, of Franklin,
H. P. 366, engrossed bill to incorporate the town of Columbia, in Tyrrell county, was called up and passed its several readings.

Ordered to be enrolled.

On motion by Mr. Hill,
H. 381, engrossed bill to amend the act to lay off a road from the town of Statesville, to the town of Wilkesboro', was taken up and passed its second and third readings.

Ordered to be enrolled.

Mr. Leach, by leave, introduced a bill with the following title, viz:
Senate bill 275, to provide for the call of a Convention.

On motion by Mr. Cowles, to postpone its consideration until to-morrow at 11 o'clock, A. M., it was

Decided in the negative, \{ Yeas, ...................... 13  
Nays, ...................... 23  

On motion by Mr. Cowles,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Battle, Brown, Bullock, Cardwell, Cowles, Etheridge, Harris, of Rutherford, Jones, McRae, Moore, Outlaw, Respass and Richardson.
Those who voted in the negative are:
Messrs. Adams, Avery, Barnes, Berry, Clark, Covington, Cunningham, Ferebee, Gash, Harris, of Franklin, Hill, Leach, Love, Lloyd, Matthews, McCorkle, McLean, Robins, Speed, Thompson, Thornton, Wiggins and Willey.

The question recurring upon the passage of the bill on its first reading, (two-thirds of the whole Senate being required,) it was

Decided in the negative, { Yeas, .................. 27.
               { Nays, ...... ............  7.

On motion by Mr. Leach,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Adams, Avery, Barnes, Berry, Brown, Bullock, Cardwell, Clark, Covington, Cunningham, Ferebee, Gash, Harris, of Franklin, Hill, Leach, Love, Lloyd, Matthews, McCorkle, McLean, McRae, Respass, Robins, Speed, Thompson, Thornton and Willey.

Those who voted in the negative are:
Messrs. Battle, Cowles, Etheridge, Harris, of Rutherford, Jones, Moore, Outlaw, Richardson and Wiggins.

On motion by Mr. Cardwell,
H, 274, engrossed bill to incorporate the Rockingham and Henry Rail Road Company, was taken up and passed.

Ordered to be enrolled.
Engrossed bills of the titles following being received from the House, passed their first reading, and were filed or otherwise ordered as follows, viz:
Bill (H. 421,) to incorporate the Cumberland Savings Bank.
Bill, (H. 423,) supplemental to an act entitled, “An Act to incorporate the North Western Railroad Company.”

On motion by Mr. Avery,
The rule was suspended and the bill passed its several readings.
Ordered to be enrolled.
Bill (H. 424,) for the protection of fruits and vegetables.
A message was received from the House, returning bill (S. 256,) amendatory of an act passed at this session of the General Assembly, and ratified the 12th day of February, 1867, to change the jurisdiction of the Courts and the rules of pleading therein, with amendments, asking the concurrence of the Senate.

The Senate concurred.

Also, concurring in the resolution concerning the Joint Select Committee on the North Carolina Railroad.

Ordered to be enrolled.

Also, transmitting recommendations for Justices of the Peace for Cleaveland county, in which the Senate concurred.

Ordered to be transmitted to the Governor for Commission.

Mr. Covington, by leave, submitted the following resolution for consideration, viz:

Resolved, (The House of Commons concurring,) That so much of the Joint Resolution on adjournment as fixes the 3d Monday in August next for this General Assembly to meet again, be, and the same is hereby rescinded.

On motion by Mr. Cowles that the Senate adjourn, it was,

Decided in the negative, { Yeas........................14
{ Nays.......................20

On motion by Mr. Robins,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Bullock, Cardwell, Clark, Ferbee, Harris, of Franklin, Harris, of Rutherford, Leach, Matthews, Outlaw, Respass, Thompson, Thornton and Wiggins.

Those who voted in the negative are:

The question recurring upon the resolution,
On motion by Mr. Wiggins, that it lie on the table, it was

Decided in the affirmative, { Yeas........................23.
{ Nays.......................11.
On motion by Mr. Wiggins,
The yeas and nays being ordered,
Those who voted in the affirmative are:
Messrs. Battle, Barnes, Bullock, Cardwell, Cowles, Etheridge, Ferebee, Harris, of Franklin, Harris, of Rutherford, Jones, Leach, Lloyd, Matthews, McCorkle, McLean, McRae, Outlaw, Respass, Richardson, Thompson, Thornton, Wiggins and Willey.
Those who voted in the negative are:
On motion by Mr. Bullock,
The Senate adjourned.

SATURDAY, MARCH 2, 1867.

Prayer by the Rev. A. Smedes, D. D.
Mr. Berry, from the Joint Standing Committee on the Insane Asylum, reported that after long and diligent investigation of the claims against the Institution, it was impracticable to complete the report and submit the same to the Senate at the present session, so as to do justice to all the parties. The Committee were discharged.

Bills and resolutions of the titles following, being introduced, passed their first reading, and were disposed of as stated, viz:

By Mr. McLean: Bill (S. P. 185) to authorize the county of Cumberland, and the town of Fayetteville, to issue bonds for their indebtedness.

On motion by Mr. Avery,
The rule was suspended and the bill passed its several readings.
Ordered to be engrossed.

By Mr. McLean: Bill (S. 278) to amend the charter of the Cape Fear Navigation Company. Filed.
By Mr. Leach: Resolution (S. P. 186) in favor of the Hon. David A. Outlaw. Passed several readings.

Ordered to be engrossed.

Bill (S. 279) to establish a Board of Regents for the Male Colleges of North Carolina.

Ordered to be engrossed.

Resolution (S. 280) in favor of certain creditors of the Insane Asylum. Filed.

From the House: Engrossed bill (H. 446) supplemental to and explanatory of an act passed by this General Assembly, entitled "An Act to abolish imprisonment for debt." Passed second and third readings.

Ordered to be enrolled.

Engrossed bill (H. 433) to establish the Clinton Savings Bank. Referred to the Committee on Corporations.

Engrossed bill (H. P. 144) to incorporate the Neuse and Trent River Ferry Company. Filed.

Engrossed bill (H. 389) to incorporate the Charlotte and Georgetown Rail Road Company. Referred to the Committee on Internal Improvements.

Engrossed bill (H. 265) to amend an act in relation to the bridge across the Notla River. Passed several readings.

Ordered, To be enrolled.

Engrossed resolution (H. P. 138) in favor of Jesse B. Lee, late Sheriff of Currituck county. Passed.

Ordered to be enrolled.

Engrossed resolution (H. 444) authorizing the publication of the Botany of North Carolina. Passed.

Ordered to be enrolled.

Engrossed bill (H. P. 134) to incorporate the Cranbery Mining and Manufacturing Company. Passed.

Ordered to be enrolled.

Mr. William A. Branch was appointed an additional Enrolling Clerk.

A message was received from the House, returning the engrossed resolution (H. P. 140) in favor of James M. Neal, concurring in the amendments.

Ordered to be enrolled.
Also, returning bill (S. 160) to incorporate the Oxford Branch of the Raleigh and Gaston Rail Road, and
Bill (S. P. 181) to authorize and empower the Court of Pleas and Quarter Sessions of Wake county to reform their financial system, with amendments, asking the concurrence of the Senate.
The Senate concurred.
Also, transmitting joint resolutions proposing to rescind so much of the Order for Adjournment as requires the General Assembly to meet the third Monday in August next; and
The Senate refused to concur,

\[
\begin{align*}
\text{Yea}s & \quad \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots \cdots 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Berry, Brown, Clark, Cunningham, Hill, Love, McLean, McRae and Robins. Those who voted in the negative are: Messrs. Avery, Cardwell, Cowles, Gash, Harris, of Rutherford, Jones, Leach, Lloyd, Matthews, McCorkle, Moore, Respess, Richardson, Thompson, Thornton and Wiggins. A resolution, transmitted from the House, rescinding the joint order to hold night sessions, was concurred in. The Senate concurred in the recommendations for Justices of the Peace for Onslow county. Ordered to be transmitted to the Governor for commission. The Speaker laid before the Senate the following communication:}\\\\To the Honorable, The Senate of North Carolina: Since my election to the Senate of the United States, in pursuance of what I supposed to be the wishes of my constituents, I continued to perform the duties committed to me as State Senator, until this late period of the session. The term of service to which I have been elected in the United States Senate, now drawing to its commencement, it becomes proper I should resign my seat as State Senator, to
the end that it may be filled, should it be thought expedient to do so, by a proper writ of election.

I am, very respectfully,
Your obedient servant,

M. E. MANLY.

On motion by Mr. Leach,

Resolved, That a writ of election issue to the Sheriff of Craven, to advertise and hold an election on Thursday, the 21st day of March, instant, to elect a Senator for the 13th Senatorial District of North Carolina, to supply the vacancy occasioned by the resignation of the Hon. M. E. Manly.

Engrossed bills and resolutions of the titles following passed their second and third readings, and were ordered to be enrolled, viz:

Bill (H. P. 89) to incorporate the Neuse River Ferry Company.
Bill (H. P. 90) to incorporate the Charlotte Merchant's and Planter's Benefit Association.
Bill (H. P. 94) to incorporate the Rocky Point Academy, in the county of New Hanover.
Bill (H. P. 109) to incorporate the town of Rockingham, in the county of Richmond,
Bill (H. P. 111) to incorporate Rocky Point Manufacturing Company, in the county of Cumberland.
Bill (H. P. 122) to incorporate the Raleigh Memorial Association.
Resolution (H. P. 124) in favor of the representatives of D. F. Bagley, late Sheriff of Perquimans county.
Bill (H. P. 129) authorizing the formation of the Durham North Carolina Industrial Association in the county of Orange.
Resolution (H. P. 140) in favor of James W. Neal.
House bill 233, to enable the Buncombe Turnpike Company to subscribe the stock in their road to the Western North Carolina Rail Road.
Bill (H. 251,) to incorporate Holston Annual Conference of the M. E. Church, South.
Bill (H. 275,) to incorporate the American Industrial Association of North Carolina.

Bill (H. 287,) to amend the charter of the Western North Carolina Rail Road.

Bill (H. 305,) to extend the town of Lumberton, in Robeson county.

Bill (H. 310,) supplemental to "an Act to empower the County Court of Mecklenburg to hold extra sessions."

Bill (H. 316,) to amend section 6, chapter 40, of an Act passed in 1866, entitled "an Act concerning negroes and persons of color or mixed blood.

Resolution (H. 324,) in regard to printing the reports of Rail Road and other Companies.

Bill (H. 328,) to authorize the County Court of Cumberland to appoint Inspectors of Crude Turpentine in the town of Fayetteville.

Bill (H. 342,) to repeal an Act of 1865-'66 to establish a Board of Commissioners for the port of Ocracoke, &c.

Bill (H. 351,) authorizing the Chairman of the County Court of Lenoir county to sell the old jail lot in the town of Kinston.

Bill (H. 352,) to amend an Act entitled "an Act to encourage the raising of Sheep in the counties of Watauga and Ashe."

Bill (H. 358,) authorizing the County Courts of Perquimans, Pasquotank, Washington and Tyrrell counties to elect county officers.

Bill (H. 360,) to provide for keeping up a Public Road near Sampson Mountain.

Bill (H. 367,) to amend an Act ratified the 23rd day of December, 1864, "to authorize attachments against Corporations.

Bill (H. 355,) to Stay Executions in Courts of Record.

Bill (H. 370,) to provide for the collection and payment into the Treasury of moneys due by paying patients in the Insane Asylum.

Bill (H. 378,) relating to Wills and Deeds and other papers destroyed in the late war.
Bill (H. 400,) to amend an Act entitled "an Act to improve the Public Road from Taylorsville to Boone, by way of Russell's Gap and Holdman's Ford."

Bill (H. 415,) to change the mode of appointing Auctioneers.

Resolution (H. 433,) to authorize the Governor to employ Counsel in certain cases.

Bill (H. 434,) relating to Debts contracted during the war.

Bills and resolutions of the titles following were disposed of as stated, viz:

S. 35, bill to repeal that portion of an Act passed at the session of 1865-'66, as relates to persons committed for fine and cost of criminal prosecution. Amended and passed.

Ordered to be engrossed.

S. P. 73, resolution to authorize the issue of destroyed Bonds to Charles S. Mills, Indefinitely postponed.

S. 105, resolutions in favor of the Literary Board. Referred to the committee on Education and the Literary Fund.

S. 245, bill to incorporate the North Carolina Express Company. Ordered to lie on the table.

S. 244, bill to punish Fruit Thieves. Ordered to lie on the table.

Engrossed bill (H. 406,) to give the County and Superior Courts of Law authority to decree a sale of land for partition in certain cases, was postponed until the second day of the next session.

Engrossed bills of the titles following were referred to the Judiciary, viz:

House bill 119, in regard to Dormant Judgments.

House bill 149, to amend an Act entitled "an Act to extend the time for perfecting titles to land."

House bill 280, to amend chapter 46, Revised Code, entitled Executors and Administrators.

House bill 250, to amend section 6, chapter 90, Revised Code.

House Bill 278, relating to Deeds of Trust and Mortgages.

House bill 317, to amend chapter 62, section 16, Revised Code, so as to compel the return of executions issued by Justices of the Peace.

House bill 346, to authorize Courts of Law to grant relief in cases of lost negotiable bonds, bills and notes.
Engrossed bills of the titles following, were ordered to lie on the table, viz:

House bill 306, to change the location of the county site of Haywood county, on motion by Mr. Moore.

House bill 424, for the protection of fruits and vegetables.

House bill 437, submitting the question as to whether there shall or shall not be a Penitentiary, to the voters of the State.

Engrossed bills of the titles following were indefinitely postponed, viz:

House bill 58, to exempt from seizure, under execution or attachment, certain personal property therein named, and to provide a Homestead.

House bill 175, to promote the Agricultural interests of the State, and for other purposes.

House bill 387, explanatory of an act granting General Amnesty and Pardon.

House bill 276, amendatory of an act, entitled "An Act to amend chapter 101, section 9, Revised Code, entitled Roads, Ferries and Bridges."

House bill 398, to regulate the cultivation of Oysters.

Bill, (H. 418,) to give to the Courts of Pleas and Quarter Sessions exclusive original jurisdiction in all criminal cases in which they now have concurrent jurisdiction with the Superior Courts.

Resolutions of the titles following were indefinitely postponed, viz:

Resolution (S. 196,) in favor of Sheriffs.

Resolution (S. 233,) in regard to the adjournment and future meetings of the General Assembly.

Engrossed bills of the titles following were rejected, viz:

Bill (H. 223) to amend the 39th chapter of the Acts of 1860-'61.

Bill (H. 293) to amend section 20, chapter 34, Revised Code.

Bill (H. 320,) to amend chapter 46, section 51, Revised Code, making real estates liable to the payment of widows' years' allowance,
Engrossed bill, (H. 90,) to revive and amend the charter of the Shelby and Broad River Rail Road Company, was ordered to lie on the table.

On motion by Mr. Harris, of Rutherford, The Senate adjourned until 5 o'clock, A. M., Monday.

MARDAY, MARCH 4, 1867.

The Speaker ratified sundry acts and resolutions.

On motion of Mr. Harris, of Rutherford,

A message was sent to the House, informing that body that the hour having arrived, the Senate was prepared to execute the joint order in regard to adjournment.

A message was received from the House, informing the Senate of the readiness of that body to execute the joint order on adjournment, which would be done on the return of the messenger.

JOS. H. WILSON,
Speaker of the Senate.

Jos. A. ENGELHARD,
Clerk.
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