

PROCEEDINGS OF THE LEGISLATURE OF NORTH CAROLINA.

SENATE.

MONDAY, Feb. 4th, 1861.

The Speaker called the Senate to order, at 10 o'clock.

Journal of Saturday read and approved.

Mr. Thomas, of Jackson, from the committee on Internal Improvements, reported back the bill to incorporate the Goldsboro Railroad Company, and recommended its passage.

Mr. W. H. introduced a bill in relation to Banks. Passed on file.

The Speaker called Messrs. Turner, Thomas, and Johnson, as the Senate branch of the Committee on Enrolled Bills, for the present week.

A message was received from the House of Commons announcing their branch of the Committee on Enrolled Bills, for the present week.

Also transmitting a statement of the Mines and Planners Bank, with a proposition to print the same. On motion of Mr. Outlaw, the statement was referred to the committee on Banks and Currency.

The hour of 11 o'clock having arrived, the Speaker announced the special order, viz: The bill to change the pleadings in the several Superior Courts, and for the relief of the people. The bill was read the second time. Mr. Outlaw offered several amendments to the same.

Mr. Winstead spoke in opposition to the bill, and presented a substitute to the same, which was read for the information of the Senate. Mr. Outlaw opposed the proposed substitute and defended his amendments at some length.

Mr. Avery spoke in opposition to the bill and amendments.

Mr. Hall offered an amendment, which was after some discussion between Messrs. Hall and Outlaw, rejected.

Mr. Winstead then withdrew his amendment. The bill, at the request of Mr. Speight, as amended, was then read. Mr. Winstead offered an amendment.

Mr. Faison demanded the yeas and nays. The amendment rejected. Yeas 13; nays 27.

Mr. Faison moved to postpone the special order for 12 o'clock until the hour of 1, and on the consideration of the bill now before the Senate, Carried.

Mr. Street then addressed the Senate in opposition to the bill. Mr. Worth moved Mr. Street in opposition to the bill. Mr. Avery then spoke in opposition to the bill.

The discussion was further continued by Messrs. Outlaw, Speight, Sharpe, Bledsoe, and Whitaker.

Mr. Speight then offered an amendment to the 6th section of the bill, which was rejected.

The question then recurred upon the passage of the bill its second reading. Mr. Simpson demanded the yeas and nays. The bill passed, yeas 21; nays 8.

Mr. Faison moved to suspend the rules and put the bill on its third reading. Mr. Outlaw demanded the yeas and nays.

The rules were suspended, yeas 25; nays 16, as it required two thirds to suspend.

On motion of Mr. Outlaw, the bill was made the special order for to-morrow at 11 o'clock.

The Senate then proceeded to execute the special order, viz: The bill to amend the charter of the Western Railroad Company to extend their road to some point on the North Carolina Railroad. The bill was read the second time.

The amendments proposed by the committee on Internal Improvements to whom the bill was referred, were then read.

Messrs. Worth, Hall, Thomas, of Jackson, and Barringer, spoke in favor of the passage of the bill. The question on the amendments recommended by the committee, and the same being put, was decided in the affirmative.

The question then recurred upon the passage of the bill its second reading. Mr. Outlaw demanded the yeas and nays. The bill passed, yeas 22; nays 12.

The bill to incorporate the Albemarle Steam Packet Company was read the second time, and passed, in connection with the amendment recommended by the committee.

The rules, on motion of Mr. Eure, were suspended, the bill read the third time, and passed.

The bill to incorporate the Bank of Thomasville read second time.

A message was announced from the House of Commons.

Mr. Thomas, of Davidson, moved to amend the 20th section by striking out 4 per cent and inserting in its stead 5 per cent.

Mr. Thomas, of Davidson, moved also to strike out the 21st section.

Mr. Lane opposed striking out.

The motion to strike out did not prevail.

Mr. Thomas, of Davidson, moved to amend slightly the 1st section of the bill. Not adopted.

Mr. Dockery opposed the passage of the bill at length.

Mr. Thomas, of Davidson, replied to Mr. D., and in defense of the bill.

Mr. Dockery rejoined.

Mr. Barringer offered an additional section to the bill, to authorize the Bank of Thomasville to establish a branch at the Town of Concord. Adopted.

The question recurred upon the passage of the bill its second reading, as amended. Mr. Outlaw demanded the yeas and nays. The bill passed, yeas 24; nays 11.

Mr. Hall moved to reconsider the vote by which was passed the bill, on Saturday last, to incorporate the Albemarle and other Guards. Adopted.

Mr. Hall then offered an amendment to include Cape Fear Rifles. Adopted.

Mr. Avery, to insert the Burke mounted Riflemen. Adopted.

Mr. Barringer moved to make the bill incorporate the Greensboro and Dan River Railroad Company the special order for Wednesday at 11 o'clock.

Mr. Simpson gave notice that to-morrow he would move to change the rules, so as to require the Senate to meet at 10 o'clock. A. M. Take a recess at 4 P. M., reassemble at 2 P. M., and adjourn at the Senate.

A message from the House announced the passage of the bill to incorporate the Haywood Male and Female Academy, and the bill to amend an act to incorporate the Board of Charities. Adopted.

On motion of Mr. Slaughter, the Senate, at 10 minutes past 3, adjourned.

HOUSE OF COMMONS.

MONDAY, Feb. 4, 1861.

The House met at 10 o'clock.

The Journal of Saturday was read.

Committee on Enrolled Bills for the week—Messrs. Yeates, Peebles, Marsh, Newby and Pearson.

Mr. Hill presented the proceedings of a public meeting held in Caswell county.

Mr. Yeates presented the proceedings of a meeting held in Hertford county.

REPORTS.

Mr. Person, from the committee on the Judiciary, a resolution and memorial in favor of Wm. Peace with a total statement connected therewith, recommending the sale of certain lots belonging to the State in the city of Raleigh, and the payment of \$1,500 to Mr. Peace out of the proceeds of the sale of the lots.

Mr. Bester, a bill to lay off and establish a new county by the name of Brevard—not to pass; a bill to lay off a public road in Ashe county—to pass; a bill to authorize the establishment of a ferry over the Catawba river—to pass; a resolution relating to the Fayetteville and Western Plank road—to pass; a bill to grant certain lands reserved by draining Lake Ellis—discharged, and the bill referred to the Committee on Swamp Lands.

Mr. Yeates, a resolution proposing to the Senate to adjourn sine die on Friday next.

Mr. Fagg opposed the resolution, and said that his expectations were not to be disappointed, and that the kind ways were attended with no benefit to the State. He thought it was the duty of the Legislature to attend to the public interest, and, after having gotten through with it, to adjourn.

Mr. Merrimon said that it was well known that very little business of a public character had been done this year, and he hoped, before considering discharge of duty to the public.

Mr. Hill thought the proposition ought to be concurred in, and was of the opinion if the Legislature would go to work, the business could be done, and an adjournment be had by the same specified.

Mr. Yeates said he was not surprised that the gentlemen wishing large appropriations made on the bill for protecting the session. He thought that the revenue bill ought to be considered and acted on, and an adjournment be had at bedtime proposed by him. The resolution was referred.

Mr. Booth offered a resolution proposing to the Senate to take a recess from Thursday next until the second Monday in April. Referred to the joint committee on the subject.

Mr. Farrow introduced a bill to divide the county of Hyde into five Wreck districts. Referred to the special order, being the consideration of a bill to amend the act creating the sinking fund, was taken up at 11 o'clock.

Mr. Bridges explained the object of the bill, and it passed the second reading, and, on Mr. Batcher's motion, the bill was put on its third reading and passed.

Mr. Person introduced a bill concerning inane persons, &c., which, on his motion, was passed its third reading.

BILLS INTRODUCED AND REFERRED.

Mr. Person, a bill to lay off and establish a new county by the name of Ellis out of parts of Catawba, Alexander, Burke and Caldwell counties; by Mr. Waugh, a bill to improve a public road from Johnson to the top of the Blue Ridge.

BILLS ON THEIR THIRD READING.

A bill to incorporate the University Railroad Company—passed; a bill to authorize the survey of the county line between the counties of Surry and Wilkes—passed; a bill to extend the time for registration of grants, deeds, &c.—passed.

A bill to alter the Caswell Railroad Company was considered.

Mr. Hill proposed an amendment requiring the road to run by the town of Yanceyville.—Adopted.

Mr. Person proposed to amend so as to require the stock to be taken and have the work commenced within two years, or the charter to be forfeited.

Mr. Hill opposed the amendment and complained that unusual restrictions should be placed upon this road.

Mr. Person did not think that his proposition was unusual.

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The special order being the resolutions of Mr. Hill, relating to the position North Carolina should occupy, provided all efforts for an adjustment of the national question should prove abortive, was taken up and passed.

Mr. Merrimon, by consent, introduced a resolution directing the Secretary of State to provide seasoned wood for the use of the House, which was adopted.

Mr. Slade, by consent, introduced a bill to charter the Bank of Winstead. Referred.

The special order for 12 o'clock being the revenue bill.

Mr. Speight moved to postpone the further consideration until Monday next. Lost.

There was quite a number of suggestions as to time for postponement.

Mr. Latham moved to make it the special order for Wednesday evening next, and said that he thought that by that time all could examine the bill and understand it thoroughly before voting upon it.

Mr. Meares thought so important a matter as the revenue bill should not be considered hurriedly. He expected to vote for the bill, and he wanted sufficient time allowed for a full and fair consideration of the subject.

Mr. Speight concurred in the views advanced on the subject by Mr. Meares.

Mr. Gaither moved to postpone until Thursday at 12 o'clock. Concurred in.

The vote was taken on the Caswell Railroad bill, and it passed.

A bill for the benefit of widows was considered and a substitute recommended by the Committee passed its third reading.

The bill to lay off the State into two districts of four judicial circuits each, was taken up and considered, but, before any action was had thereon, the hour for adjournment arrived.

YEAS AND NAYS.

MONDAY, Feb. 4.

The House proceeded to the consideration of the bill to divide the State into two districts of four judicial circuits each—the question being on Mr. Barringer's motion to amend.

Messrs. Person, Waters and Batcher spoke in favor of the bill, and Messrs. Henry, Bowman, Kallum and Yeates against it.

The bill was then taken, and the bill was indefinitely postponed.

Mr. Marsh moved to reconsider the vote.

Mr. Gaither moved to lay the motion on the table.

Mr. Batcher demanded the yeas and nays, and the motion prevailed.

A bill for arming the State was passed over informally.

A bill concerning the levying of taxes for common school purposes, and the bill to amend Mr. Crumpler explained the objects contemplated by the bill.

Mr. Latham moved to indefinitely postpone, and the motion prevailed.

Mr. Crumpler moved to change his vote in order to move a re-consideration, that the bill could be amended as to apply to his county.—He accordingly made that motion, but the House refused to consider it.

A bill to amend the Revised Code, concerning Witnesses, was taken up and considered.

Mr. Latham explained the objects of the bill, and the reasons that influenced him in introducing it.

Mr. Batcher opposed the bill in reply to Mr. Latham.

Mr. Latham rejoined, and said he was aware that gentlemen who were on Committees and reported against bills, were called upon to insist upon the House concurring in the reports. He, however, in deference to the Committee, thought this bill ought to pass, notwithstanding the report and the speech of the gentleman from Warren (Mr.) against it.

The vote was then taken and the bill passed its second reading.

Mr. Foy, by consent, called up a bill concerning the amendment of the Forsyth Co. Passed its second and third readings; also, a bill to prevent the selling of timber in the north prong of Belvidere Creek, in Forsyth county—passed second and third readings.

A bill from the Senate to give the falling of timber in certain streams in Iredell county was passed its second and third readings.

A resolution in favor of J. S. Harris was indefinitely postponed.

Leave of absence was granted to Mr. Williamson until Monday next.

Mr. White, by consent, introduced a resolution to change the rules of the House relative to hour of adjournment. Laid over.

Mr. Fagg, by consent, introduced a bill to amend the Revised Code concerning the levying of taxes for common school purposes. Placed on the Calendar.

Several bills were passed their second readings, and when they came up on their third will be noticed.

A bill to increase the fees of constables in certain cases was indefinitely postponed.

Mr. Clark, of Craven, moved to amend by striking out Wilmington and inserting Newbern in the bill.

Mr. Hayes moved to amend by inserting Cherokee.

The question was taken and the House refused to strike out.

Mr. Lane, on 10 having arrived, the House adjourned.

SENATE.

TUESDAY, Feb. 5th, 1861.

The Senate was called to order by the Speaker at 10 o'clock.

Prayer by Rev. Dr. Mason.

Journal of yesterday read and approved.

Mr. Hall, from the committee on Slaves and Free persons of Color, reported a bill on that subject, and recommended its passage with an amendment.

Mr. Avery, from the committee on the Judiciary, reported back sundry bills, which were placed on the Calendar.

Mr. Barringer, from the committee on Propositions and Grievances, reported back sundry bills for the establishment of new counties, recommending their passage.

Mr. Avery, from the Judiciary Committee, reported a bill to amend the Revised Code, concerning witnesses, and recommended its passage.

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Mr. Thomas, of Jackson, from the committee on Internal Improvements, reported back sundry bills, which were placed on the Calendar.

Mr. Barringer, from the committee on the Insane Asylum, submitted a report recommending sundry appropriations for said Asylum. On motion of Mr. Bledsoe, the same was transmitted to the House of Commons, with a proposition to print.

Mr. Bledsoe, from the committee on Claims, reported back sundry bills, recommending their passage. Placed on the Calendar.

Mr. Thomas, of Davidson, presented a recommendation for Justices of the Peace, which was concurred in.

Mr. Thomas, of Davidson, submitted a personal explanation, vindicating himself from any intention to impugn the motives of the Senator from Richmond (Mr. Dockery, in his opposition to the bill to establish the Bank of Thomasville) to the discussion which took place between himself and that Senator yesterday. In the course of the remarks of the Senator from R., he understood him as considering his (Mr. T's) remarks in reference to him (Mr. D.) as a matter of course, and that he was induced to make this explanation, and wished that Senator to understand that he disclaimed any such intention.

Mr. Dockery submitted an explanation satisfactory to the Senate, from Davidson.

The hour of 11 o'clock having arrived, the special order, viz: the bill to alter the jurisdiction of Courts of the State and to change the pleadings in the several Superior Courts, was taken up. The bill was read the third time.

Messrs. Walker, Hall and Worth, spoke in opposition to the bill.

Mr. Outlaw followed in reply, and in support of the bill.

Mr. Person moved to postpone the special order for 12 o'clock, until the consideration of this bill shall have been concluded. Agreed to.

Mr. Faison then addressed the Senate in favor of the bill.

Mr. Avery offered an amendment to the bill to repeal the 8th section of the 4th chapter of the Revised Code with regard to the pleadings of the Courts. Mr. Avery then spoke in support of the bill. Mr. Avery succeeded Mr. Avery in defense of the bill.

Mr. Bledsoe defended the bill.

Messrs. Barringer and Whitaker, opposed it.

The question on the bill was taken, and the bill passed.

Mr. Fagg opposed the amendment, and said that if the amendment was adopted he thought it would be better to let the officers that had the fancy work, and the proposition was Democratic.

Mr. Davis said that he hoped the amendment would prevail; but he was not in favor of the right men to select the officers that had the fancy work, and the proposition was Democratic.

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