

THE RALEIGH STAR AND NORTH CAROLINA GAZETTE.

T. J. LEMAY, Editor and Proprietor.

"NORTH CAROLINA—POWERFUL IN MORAL, INTELLECTUAL AND PHYSICAL RESOURCES—THE LAND OF OUR BIRTH AND THE HOME OF OUR AFFECTIONS."

[THREE DOLLARS A YEAR—IN ADVANCE.]

VO. 37.

RALEIGH, N. C. WEDNESDAY DEC. 9, 1946.

No. 49

GREAT

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LEGISLATURE OF N. C.

HOUSE OF COMMONS.

Saturday, Nov. 28.

Mr. DANCY, from the Committee on Education, reported, with sundry amendments, the bill to reduce the Tax on Billiard Tables; when Mr. FLEMING, of Yancey, said as a majority of the Committee on Education, had determined upon a reduction of the tax on Billiard Tables, and had also reported an amendment to the Bill before the House, by which it is proposed, that the Revenue arising from that source shall be applied to the general expenditures of Government instead of the School Fund; he thought it proper that the Bill should be referred to the Committee on the Judiciary, and moved its reference accordingly.

Mr. WASHINGTON said, that as a member of the Judiciary Committee as well as the committee on Education, he concurred in the views of the gentlemen from Yancey, (Mr. Fleming.) It did seem somewhat out of the committee on Education to be reporting "a bill for the reduction of the tax on Billiard Tables." It was certainly difficult on the first blush, to see the exact connection between the two subjects. But it would be recollected by the House, that the original bill introduced by the gentleman from New Hanover, Mr. Williams, was entitled "a bill to increase the School Fund," and such being the title as well as the aim and object of the bill, it was very naturally and properly referred to the committee on Education.

In the consideration of the bill, that committee thought two questions presented themselves: first, ought the tax on Billiard Tables to be reduced at all? And secondly, if the tax was reduced, should any Revenue arising therefrom, be added to the School Fund of the particular Counties in which such Tables were established, or go into the Public Treasury to meet the current expenses of the Government? On the first point, the committee were unanimously of opinion, that while the present tax of five hundred dollars was never intended by the Legislature as a prohibition, it had nevertheless in fact operated as such; and as a Revenue measure, that it was both necessary and proper, that there should be a reduction of the tax imposed. To this proposition, Mr. W. himself, the more readily assented, because a very large and respectable portion of his constituents, had by a memorial which he had the honor to present a few days ago, expressed a wish that such reduction should be made, so far at least as the County of Craven was concerned.

On the question of the appropriation of any Revenue which might be raised from the tax on Billiard Tables, there was naturally much more difficulty and division among the members of the committee. It was contended on the one hand that as there would be of course but few, Billiard Tables in the State, and as those Counties where they were situated would necessarily not only pay the principal part of the tax imposed, but mainly suffer the injury and inconvenience arising from the establishment of such Tables, those Counties ought in justice and equity, to receive the whole Revenue arising therefrom. Of this opinion, was Mr. W. himself. It certainly was a strong inducement with him to vote for the proposed alteration in the law; to reflect that if we encouraged a necessary evil, good might at least come of it; and that while gentlemen were apparently wasting their time and their money, they were indirectly contributing to the education of the innocent youth of the Country.

But it was contended on the other hand, that in the present condition of the finances of the State, it was not only proper, but absolutely necessary that all Revenue arising from new or extraordinary sources, should go into the Public Treasury; and a majority of the committee being of that opinion, the amendment before the House, was adopted and reported. The aim and object of the bill being thus defeated, and its passage a subject being thus disconnected from the subjects of Common Schools, and

education, a change of title was made necessary. The Bill, therefore, appears before the House now simply as "a Bill to reduce the tax on Billiard Tables," and having nothing on earth to do with the subject of education. Mr. W. concurred with the gentlemen from Yancey, (Mr. Fleming,) that "a reference to the committee on the Judiciary, or the committee on Finance, would be decidedly proper, and he hoped therefore, that the motion would prevail.

SENATE, Nov. 30, 1946.

Mr. THOMPSON offered an amendment to the bill to incorporate the Charlotte and Camden Rail Road Company, to bind the private property of the stockholders for the debts of the company. Mr. PATTERSON hoped the amendment would not be adopted. However applicable such a provision might be to companies chartered for private purposes, it was totally inapplicable to the great public work contemplated by the bill, which was intended to benefit the State, by increasing the facilities of travelling and conveying produce to market, for the people of an important and extensive region of the country. It was an enterprise for public improvement, not private interests; and if this bill were thrown around it, it would totally defeat the measure.

Mr. WADDELL said, he deeply regretted the introduction of the amendment of his friend from Wake. He had not then discussed the question of private interests. There was a vast difference between the objects proposed by this bill and those of mere private corporations, for the advancement of individual interests. He was not one of those who looked upon the State as a mere market for the sale of the products of the democratic party had of late invariably made it a *sine qua non*. If these railroads were of value in affording facilities in travelling and transportation of produce; in stimulating industry, increasing the commercial and social intercourse of our citizens, and in developing the resources of the State, they were not to be regarded with that abhorrence with which they were viewed by some. To adopt the amendment, would be to defeat the one in question; and there were other such bills which would inevitably share the same fate, and then was the time for the friends of these great State improvements to come out promptly and put it down. There were some among the democratic party who, he was sure, could not approve the amendment nor sanction any attempt to make it a party test. He should not attempt to be their Mentor, their Nestor, nor their counsellor in an hour; but he called upon his friends to rally against this attempted barrier to all public enterprise and improvement. He appealed to them to show how wise, patriotic and fearless statesmen should act on great occasions; and implored them not to mingle their mere party feelings in a great question of public interest like this. He acknowledged he was a party man; he spoke and acted as such on all proper occasions; but no party should ever drive him from his duty to his constituents and his country. What should they there permit a few transient feeling, rankings in a few bosoms, to control them—to cause them to swerve from the plain path of duty? They would soon pass away, and those who cherished them would soon be laid under the earth; but the improvement, or want of improvement, would last long after their names were forgotten! The restriction, he said, was wrong; and he asked pardon for saying it ought to be disclaimed by those who would score to be the slaves of party. It involved no principle. He was for holding that and all other corporations to the strictest responsibility; but to fasten this clog upon the charter in question, would be to render it nugatory, and to disappoint the just expectations of a large and highly deserving portion of the citizens of the commonwealth.

But the matter did not stop there. He saw his friend from Cumberland and his friend from New Hanover, who had bills on the table for works of vast importance, in which he himself, as well as many others, felt a deep interest; and there was a proposition in the other House of much importance to the north eastern portion of the State, for whose welfare, for many reasons, they were all bound to feel a lively concern. Adopt this principle, and all will be defeated.

Pass the amendment, and when South Carolina came to see an embarrassment like this, she would refuse her cooperation. Why should we throw such obstacles in the way of the prosperity of the glorious old county of Mecklenburg, which had been written in letters of light on the pillar of fame ever since 1775? What right should we have to complain at the refusal of South Carolina? The work required the joint action of both States, and could not be done without the assistance of our neighbor. This feature is unknown to her laws; and it would be unjust to make the stockholders liable on one side of the line, while those on the other side were exempt.

The very name of the road made his cheeks to mantle, and more deeply did he blush, when he learned its object. What was it? It was to open a way for our citizens, to carry their produce to market out of the State, because no means would be provided for them to get to one, or they had none to go to, in it. A distinguished individual had said, in reference to the fact, that for the want of internal channels of communication, the State was drained by Virginia on one side and South Carolina on the other, that "North Carolina was

like a strong man bleeding at both arms." It was a melancholy truth. In South Carolina, in making up their financial estimates, they regularly count on their province of North Carolina paying so much. And should we sit still and suffer her to fasten the chains still stronger upon us? If we would not, she would make the road, and let our citizens under what tribute she pleased for the use of it. What Senator, with the high and noble feelings of patriotism and independence, which burn in the bosom of every true son of North Carolina, could be willing to contribute or consent to such a humiliating result?

Mr. THOMPSON said, he did not rise for the purpose of discussing the propriety or impropriety of making this a party question. It was not his connexion with the Democratic party that had induced him to submit his amendment; but the result of his own reflections. He was not the enemy of the State or its interests; and he was sorry his friend had regarded his motion as evidence to the contrary. If the honorable Senator from Orange would convince him of the utility and propriety of any measure for the furtherance of that object, he would go with him. He knew from the history of the past, that most pecuniary embarrassments had grown out of the want of proper guards and checks in rail road charters, and he should be recreant to his constituents and recreant to the State, to sit still and see the present bill pass without such salutary clauses. He asked why should this clause obstruct the course of improvement? He knew the stockholders would be glad to have the most liberal of charters; but thought they could not object to this provision. What was there, he asked, in the history of our rail roads—the Raleigh and the Charlotte and Camden—that had filled them to an exemption? Had this clause been in their charters, they and the State would both have saved the embarrassments under which they now labor. He avowed himself the friend of Internal Improvements, but he contended they should be conducted with caution and prudence.

Mr. WADDELL replied, at some length, in a speech of great strength and eloquence. It was because his friend from Wake was the friend of improvement that he had hoped better things from him. He hoped the remarks he had made had given no painful sensations. He did not intend to offend any one. He had always made it a rule to exercise towards his political opponents, a lofty, generous and honorable forbearance. But it was obvious that there was a disposition in the Democratic party to make this provision a party test, and he could not close his eyes to the fact. On a former occasion, it had been attempted in the other end of the capitol; but he was glad there were those of the party, distinguished and honorable gentlemen, who had the intelligence and patriotism to frown upon any such attempt.

The Senator from Wake, he said, had made a painful allusion to the "little town of Wilmington." That town had thrown around its brow an amaranth that would ever remain fresh and unfading—it had covered itself with imperishable honor. He spoke with much warmth of his early associations with the place, and proceeded—it was a subject of pride to the people of Wilmington that they had made the longest rail road in the world that in less than six years it had nearly thrived their population—from 3500 it had advanced to 9000; and their spirit of enterprise was still on the wing and did not desire a resting place. It would carry them forward until they would become a great city, rivaling the city of Charleston; if the vast resources of the West were opened to them. We wanted such a town, where capitol and intellect would be centered and the fine arts cultivated and encouraged, which would unite the interests, sympathies, and pride of our people, and doubt not that they would be to the South Carolina; it was Charleston—a city which gave life and energy, tone and character to the State. He might be wandering from the question; but the Senator from Wake had asked what these roads had done for us; and he was glad he had thus given him an opportunity to render this small tribute of justice to the projectors and executors of these great enterprises. As to the Raleigh and Gaston Road, he did not know that there would be any losses on that, except to the stockholders. It was a work of great importance to the public interest and convenience. They had built it at a cost of \$2,000,000 dollars and the State had bought it for \$368,000! The State wanted to sell the road, and if liberal charters were granted for connecting it with the South Carolina road, she might do so with advantage; but if they were restricted by any such amendments, that desirable object could not be accomplished. South Carolina would refuse to accept such a provision; and the State herself might take stock in the road, and we could not make the liability clause apply to them. He then argued conclusively, that the few creditors of the road ought not to be put into the scale with magnanimous and public spirited individuals who stepped forward and opened their purses to advance the honor, prosperity and happiness of the State. He knew one family that had given 40,000 dollars in the construction of one of these roads; and they never expected more than the return of their capital. He supposed some of 50 gentlemen who were prepared to contribute an amount sufficient to carry on and complete a work of importance for the public benefit, at the risk of losing the entire amount thrown in; and asked if their proposition was to be rejected, because, forthwith, it was possible their common fund might be exhausted, and leave some griping creditor, in

fluenced by selfish feelings alone, in his dealings with the company, unpaid, or would it be just to say to those patriotic and liberal hearted individuals you shall not undertake the work unless you will first agree to lose double the amount? Could any one, under such circumstances, be induced to embark in the enterprise? A great public work, he contended ought not to be embarrassed by such a clause. There was no rail road charter in North Carolina in which there was such an one; they were all in the East, he was from the West—this was the only act the West had asked. Were they to be denied the boon? and were they only benefits to be extended to the East?

Mr. THOMPSON made a few observations in reply, still declaring that his only object was to protect creditors. He said the Raleigh and Gaston road had left some of its creditors unpaid—that there was a memorial, which he held in his hand and would read if the gentleman desired it, then before that body, presenting claims for four thousand dollars against the corporation—the claims of mechanics and laborers for work executed for the company. Had he asked if such as these honest laborers ought not to be protected?

SENATE, Tuesday, December 1. John Walker, Esq., Senator elect from the 50th Senatorial District, composed of the Counties of Mecklenburg and Lincoln, appeared, produced his credentials, was qualified and took his seat. Mr. PATTERSON presented the names of sundry citizens of Wilkes, against the division of said County; which was referred to the committee on Propositions and Grievances. Mr. PATTERSON from the committee on Internal Improvements, reported the Bill to amend an Act entitled an Act for a Canal from the Cape Fear to Lumber River, and recommended its passage. Ordered to lie on the table. Mr. Ehringhaus reported from the Joint Select committee on Military Affairs, the following Bills, viz: A Bill to incorporate the Perquimans and Pasquotank Guards; A Bill to incorporate a volunteer corps of Infantry of the line styled "The Corsacks"; also a Bill to incorporate the Pasquotank Artillery, with sundry amendments; which were read and ordered to lie on the table. Mr. Halsey, from the committee on Finance, reported, that upon a minute and careful examination, said committee found all the Accounts in the Treasurer's and Comptroller's Departments, correctly stated, and that they had burned the sum of twenty two dollars and seventy five cents, in Treasury notes, which were found on hand in the former Department. Mr. Halsey introduced the following Resolution, which passed its first reading: Resolved, That Charles L. Hinton, Public Treasurer, be allowed in the settlement of his Accounts, twenty two dollars and seventy five cents, the amount of Treasury Notes counted and burned by the present committee on Finance.

Mr. Francis introduced the following Resolution, which passed its first reading: Resolved, That Samuel J. Finch, Principal Doorkeeper of the House of Commons in 1840, and who attended and officiated as Doorkeeper for one day at the organization of the House of Commons in 1842, be allowed his mileage and pay for one day's attendance at that Session. Mr. Francis also introduced the following Resolution, which was adopted: Resolved, That the Public Treasurer be, and he is hereby authorized and required to correspond with the Banks of Cape Fear and ascertain whether they will, at the Principal Banks and at their Branches and Offices of Deposit or Agencies act as Agents for the State to receive on deposit from the several Sheriffs or Coronors the amount of Taxes payable yearly, (subject to the check of the Public Treasurer) from each of said Sheriffs or Coronors, into the Public Treasury, and that said Banks, Branches or Offices of Deposit will report to the Treasurer or Comptroller as the case may be any default in either of said Officers, under the law now in force or that may hereafter be enacted, for the collection of the Revenue of the State.

Mr. Speight introduced a Bill to restrain pauper Free Negroes from removing from one County to another; which passed first reading, and was referred to the Committee on Propositions and Grievances. On motion of Mr. Francis, the Committee on Finance were instructed to inquire into the expediency of destroying all vouchers heretofore passed upon by them, now accumulating in the Comptroller's office, and that they report by Bill or otherwise. Mr. Gilmer introduced a Bill concerning the trial of causes in the Superior Court; which passed first reading and was referred to the Committee on the Judiciary. Mr. Carter introduced a Bill to authorize the laying off and establishing a Potomac Road from Mattamuskeet Lake, in Hyde County, and at the Head of Carter's and Spencer's Canal, to Columbia, in Tyrrell County; which passed first reading and was referred to the Committee on Internal Improvements.

Mr. Waddell introduced a Bill for declaratory intent and meaning of an Act passed at the Session of the General Assembly begun and held on Monday, the 16th day

of November, 1840, entitled an Act to amend the Revised Statutes, entitled an Act for preventing frauds and fraudulent conveyances and to repeal the third section thereof which passed first reading and was referred to the Committee on the Judiciary. Mr. Street introduced a Bill to regulate the appointment of Principal Clerks of the two Houses, and for other purposes; which passed first reading. The Resolution in favor of Wm. Alexander, was read the third time and on motion of Mr. Patterson laid on the table. The Senate, on motion of Mr. Francis, then proceeded to the re-consideration of the Bill to incorporate the Camden and Charlotte Rail Road Company, together with the amendment proposed by Mr. Thompson, making the private property of the Stockholders liable for debts. After a very lengthy discussion by Messrs. Francis, Patterson, Cameron, Thompson, Gilmer and Ashe, the Yeas and Nays were called for, and the amendment rejected. Yeas 19 Nays 29.

Mr. Ehringhaus moved an amendment to the Bill, which was adopted, and the Bill, as amended, passed second reading. The Senate then adjourned. HOUSE OF COMMONS. Mr. Williams, of New Hanover, presented a memorial from the Wilmington Rail Road Company, praying an extension of credit on the debt due the Literary Fund, which was read and referred to the committee on Propositions and Grievances. Mr. Foy, of Jones, presented a memorial from certain citizens of the County of Jones, praying the enactment of a law providing for the payment of Juries in said County, which was referred to the committee on Propositions and Grievances. Mr. Washington, of Craven, presented a Bill in addition of the Revised Statutes, entitled Frauds and Fraudulent Conveyances, which passed first reading and was referred to the committee on the Judiciary. Mr. Calloway, of Ashe, a bill to regulate the price hereafter to be paid for vacant land and other purposes; which passed first reading and was referred to the committee on Proposition and Grievances. Mr. Wilder, of Wake, a Bill to incorporate Manteo Lodge number eight in the City of Raleigh, of the Independent Order of Odd Fellows, which passed first reading and referred to the committee on Private Bills.

Mr. Baxter, of Henderson, presented a Resolution in favor of Clinton Moore, and Mr. Gambill, of Wilkes, one favor of W. H. Hill, which passed first reading and were referred to the committee on Claims. Mr. Washington, from the same committee, reported unfavorably on the Bill to amend the second section of the 59th chapter of the Revised Statutes; when the said Bill was postponed indefinitely. Mr. Mcbane, from the committee on Propositions and Grievances, reported to the House the petition of John Cameron and other persons, of the County of Cumberland, in relation to the emancipation of certain Slaves, heretofore referred to them, and prayed that the committee be discharged from the further consideration of the subject. The report was concurred in and the committee discharged. Mr. Moxe of Edgecomb, offered the following Resolution which was adopted: Resolved, That the committee on Military Affairs be instructed so to amend the Militia Laws, as to expeliate the filling of vacancies among Field Officers, and that they report by Bill or otherwise. Mr. Person, of Moore, introduced a Bill to repeal an Act passed at the Session of 1844, entitled Act more effectually to prevent imprisonment of honest Debtors; which passed first reading. Mr. Fagg, of Buncombe, a Bill to extend to the County of Buncombe, the provisions of an Act of Assembly ratified the 26th January, 1843, entitled an Act for the relief of purchasers of lands sold for taxes in the Counties of Haywood and Henderson, which passed first reading and was referred to the committee on the Judiciary. Mr. Washington, of Craven, a Bill to incorporate the Atlantic Fire Company, No. 1, in the Town of Newbern; which was read the first time and referred to the committee on Private Bills.

Mr. Fleming, of Yancey, called up for consideration the Bill, heretofore on his motion laid on the table to change the location of the Court House of the County of Lincoln; and for other purposes. The question being on his second reading. Mr. Austin, of Warren, moved that the Bill be postponed until the first day of March next. The question thereon was determined in the affirmative; Yeas 60, Nays 49. Mr. Hicks, of Macon, introduced a Bill to pay the Field Officers of the Militia for the time occupied in reviewing; which passed first reading and was referred to the committee on Military Affairs. The House then adjourned.

SENATE, Wednesday, Dec. 2, 1946. Mr. Ehringhaus, reported from the committee on Military Affairs, a Bill to regulate the Distribution of the Public Arms; which passed first reading. Mr. Albright reported from the committee on Propositions and Grievances, against the Bill to restrain Pauper Free Negroes from moving from one County to another; which was ordered to lie on the table.

Mr. Albright, from the same committee, reported to the Senate a Bill to lay off and establish a new County by the name of Gaston, with sundry amendments thereto. Ordered to lie on the table. Mr. Melchior introduced a Bill to enable the People of Stanly County to restore the records and papers, which were lost in the burning of the Court House and Clerks' office in Montgomery County; which passed first reading.

The Resolution in favor of James H. Wiggins, and A. Nichols, and the Engrossed Bill to repeal and act entitled an Act to repeal the 3d section of an Act passed in the year 1835, chap. 1271, entitled an Act to direct the manner in which licenses shall hereafter be issued to Retailers of Spirituous Liquors, so far as regards the Counties of New Hanover and Richmond, were severally read the third time, passed and ordered to be enrolled.

The Bill to amend an Act entitled an Act for a Canal from Cape Fear to Lumber River, was read the second time and passed. Mr. Waddell moved that a message be sent to the House of Commons, proposing to postpone the election of Attorney General until Tuesday next. The Yeas and Nays being called for it was decided in the negative—Yeas 22, Nays 25. Mr. Waddell, from the Committee on the Judiciary reported following Bills, viz: A Bill to regulate arrests on meane process in North Carolina and recommended its rejection, also, a Bill supplemental to an Act entitled an Act to regulate the State against liability incurred for the Raleigh and Gaston Rail Road Company, and for the relief of the same and a Bill to amend an Act entitled an Act to amend the Revised Statutes entitled an Act concerning last Wills and Testaments and recommended their passage.—The said Bills and reports ordered to lie on the table.

The Bill to provide for holding a Term of the Supreme Court once a year in the County of Craven, the State passed second reading. Mr. Daniel moved to amend by striking out Anson and Montgomery, and substituting Union and Cabarrus, which was agreed to. The Senate then proceeded to execute the Joint order of the two Houses by going into an election for Attorney General. Mr. Whitaker received 24 votes Mr. Moore 10, Mr. Stanley 9, Mr. Keat 3, Mr. Watcull 1, Mr. Elliott 1, Mr. Miller 1, and Mr. Gilmer 1. No gentleman having received a majority of the whole number of votes cast there was no election. A message was received from His Excellency, the Governor relative to a claim of John Neibald, Agent for the Raleigh and Gaston Rail Road, which was read and on motion of Mr. Francis transmitted to the House of Commons, with a proposition to refer the same to a Joint Committee.

HOUSE OF COMMONS. Mr. Steele of Richmond, introduced a Bill to revise the Act of Incorporation of the Richmond Academy; which passed first reading and was referred to the Committee on Education. Mr. Adams, of Guilford, a Bill to alter the mode of electing the Warden Court for Guilford County, and for other purposes; which passed first reading and was referred to the Committee on Private Bills. Mr. Ogburne, of Guilford, a Bill in reference to M. Rigages & Deeds of Trust; which was read the first time and referred to the Committee on the Judiciary. Mr. Washington of Craven a Bill authorizing the Governor to establish a Depot of Arms at Newbern; which passed first reading and was referred to the Committee on Military Affairs. Mr. Gilliam from the Committee on the Judiciary, reported with an amendment, the Bill in addition to the Revised Statutes entitled an act concerning Mills and Millers; the amendment was adopted and the Bill passed second reading.

Mr. Gilliam, from the same Committee, reported unfavorably on the Bill to repeal 88th Section of the 102nd chapter of the Revised Statutes; when the said Bill was read and on his motion laid on the table. A message was received from the Senate stating that they had passed the Engrossed Bill to incorporate Buck Horn Academy, in the County of Hertford, and an Engrossed Resolution in favor of James Page, and asking the concurrence of the House.—The same were read first time and passed. Mr. Hawkins, from the Committee on Claims reported the Resolution in favor of Clinton Moore and M. H. Hill which passed second reading. Mr. Hawkins, from the same Committee, reported unfavorably on the memorial of David Patton, asking additional compensation to be made him as State Architect in rebuilding the State Capitol; and asked that the Committee be discharged from the further consideration of the subject. The report was concurred in and the Committee discharged accordingly. Mr. D. A. Barnes from the Committee on Private Bills reported, without amendment the Bill to incorporate Manteo Lodge, No. 8, in the City of Raleigh of the Independent Order of Odd Fellows; the Bill to incorporate the Atlantic Fire Company, No. 1 in the Town of Newbern; and the Bill to incorporate the Town of Windsor in Birtle County. The Bills were read the second time and passed.

Mr. Williamson, from the same Committee reported, without amendment the Bill to incorporate Thedusa Lodge, No. 8, of

the Independent Order of Odd Fellows; the Bill to incorporate the Town of Windsor in Birtle County. The Bills were read the second time and passed.

Mr. Albright reported from the committee on Propositions and Grievances, against the Bill to restrain Pauper Free Negroes from moving from one County to another; which was ordered to lie on the table.

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