

N. C. STATE CONVENTION.

Eighth Day.

Tuesday, October 10.

Mr McIver, from the Committee on Magistrates, reported the following ordinance:

An Ordinance Limiting the Number of Justices of the Peace, and for other Purposes.

Be it ordained and declared by the delegates of this Convention, in Convention assembled, and it is hereby ordained by the authority of the same, That the number of Justices of the Peace shall not exceed two in each Captain's district in the several counties of the State, except in the districts in which the courts houses are situated, and the number in such districts shall not exceed four. And that no person shall be eligible who is not a man of integrity, intelligence and good moral character.

Be it further ordained, That the Legislature shall prescribe the powers, duties and fees of Justices of the Peace.

Mr Garland of Yancy, in behalf of the minority of that committee reported the following ordinance:

Be it ordained by the delegates of the people of North Carolina, in Convention assembled, and it is declared and ordained, That hereafter the Justices of the Peace in the several counties in this State, shall be elected by ballot, and shall hold their office for the term of four years. And the number of Justices of the Peace in each county shall be determined by the number of qualified voters for members of the General Assembly, giving to each Captain's district, containing forty qualified voters (as aforesaid), not less than eight, one Justice of the Peace, and to each district containing eighty and less than one hundred and twenty, two Justices of the Peace, and so on progressively, and three additional Justices of the Peace for each county town; and that all qualified voters for members of the General Assembly shall be entitled to vote for Justices of the Peace.

Be it further ordained, That the time of holding and manner of conducting said elections, together with the powers, duties, responsibilities and pay of Justices of the Peace, shall be fixed and regulated by the General Assembly.

The minority report is signed by Mr Garland and Mr Diekey. These reports lie over.

Mr Winston of Franklin, from the committee to whom the questions touching the public and private debts were referred, made a report in regard to the debts of the State, as follows:

"They have heard no difference of opinion with regard to the debt of the State before the war known as the 'old debt.' All persons concurring in the sentiment and the purpose, that this debt should be paid, and should be paid."

As to the debt since the 20th of May, 1861, much diversity of opinion exists. Information is needed as to what part of it was for one purpose rather than another. The entire amount of it and many other facts concerning it, material to be known, are not yet fully ascertained.

The committee are of opinion that there should be an investigation and subsequent session of this body. They so understand the general sentiment of the Convention. The establishment of North Carolina as a State in the Union is the great and leading object of our people. This, in the judgment of the committee, renders it prudent that there should be a final adjournment now.

The committee recommend that no action of any kind be had at the present session in regard to the old or the new debt of the State.

They therefore ask to be discharged from the further consideration of said public debts at the present session.

Mr Settle of Rockingham, moved to suspend the rules in order to take up the report. The Convention refused to suspend the rules by a vote of 70 to 47.

Mr Pool of Bertie, offered the following resolutions requesting the President to proclaim the people of North Carolina restored to their rights and privileges under the Constitution and the Union:

Resolved by the delegates of the people of North Carolina in Convention assembled, That the good people of the State of North Carolina, now relieved from the constraint of the late military usurpation, by the lawful action of the Government of the United States, under the powers delegated to it by them, to suppress insurrections and defend the Union, are hereby restored to the full enjoyment and exercise of the rights and privileges secured to them by the Constitution and the Union, and claim the reciprocal protection, right and guarantee secured to them by the same as loyal and peaceful citizens.

Resolved, That all purposes of resistance to the Government of the United States have ceased in this State—and that there will be no attempt to renew it in any form—and that the President of the United States be and he is hereby respectfully requested, at as early a day as he deems consistent with the general welfare, to discontinue military law in North Carolina, and that he make known by public proclamation that the good people of the State of North Carolina are restored to the full enjoyment and exercise of the rights and privileges secured to them by the Constitution of the United States.

Resolved, That a copy of these resolutions, duly authenticated, be sent to the President of the United States and the Provisional Governor of this State.

The President announced the committee on "Basis of Representation."—Messrs Bynum, of Lincoln; Henry of Macon; McKay, of Harnett; Stubbs, Martin; and Conigland, Halifax.

Ninth Day.

Wednesday, October 11.

Reports of Committees. Mr Eaton, of Warren, from the committee on "Limiting the power of the Legislature to increase the indebtedness of the State," reported "an ordinance concerning the debt of the State, hereafter to be contracted." [Provides that no law shall be passed to raise a loan of money on the credit of the State or to pledge the faith of the State for the payment of any debt, hereafter to be contracted, unless the bill for that purpose shall have been read three times on three several days before each house of the General Assembly, and agreed to by a majority of the whole number of members of both houses, and unless the yeas and nays on the passage of the bill shall have been entered on the journal.]

Mr Manly, of Craven, from the committee to report what laws and ordinances of this Convention shall be referred to the people, made a report recommending the ordinance declaring null and void the ordinance of May 20th, 1861, and the ordinance prohibiting slavery in the State, to be referred to the people of the State.

THE FREEDMEN.

Mr Pool of Bertie, from the committee to whom the "Freedmen's Address" was referred, made the following report: The subject matter of the Address and Petition could be more appropriately acted on by the Legislature, than by this Convention. But the importance of the subject, and the necessity for careful and considerate action are so great, that it may be proper for the Convention to take some preliminary steps towards its adjustment.

The former relations of master and slave having ceased in North Carolina, new and material rights and duties have supervened, which require corresponding legislation: A large class of the population, ignorant and poor, has been released from the stringent restraints of its late social and political position, and from its dependence upon the individual obligations of another class for its support, government and protection. And it now becomes the duty of the State to assume, and enact such laws as right and justice may require, and as may be most conducive to the general welfare.

The abolition of slavery has been adopted in good faith, and with full determination that it shall not again exist in the State, either in form or substance. But the consequences of its former existence will inevitably affect the state of society for years to come. In consequence of his late condition as a slave, the freedman is ignorant of the operations of civil government, improvident of the future, careless of the restraints of public opinion, and without any real appreciation of the duties and obligations impressed by the change in his relations to society. It is the interest of the white race, if he is to reside among us, to improve and elevate him by the enactment of such laws, conceived in a spirit of fairness and liberality, as will encourage him to seek his true welfare in honest industry and the faithful discharge of the duties of his white fellow citizen, and his social condition must depend upon his industry and virtue.

Prejudices of a social character will probably never exist. They are not confined to this State, nor to those States or countries where the institution of African slavery has been recognized; but have pervaded every society where the two races have been brought in contact. However unjust such prejudices may be deemed in theory, wisdom and prudence require that they should be so far recognized and respected by legislators, as to avoid rash attempts at measures that might serve only to inflame and strengthen them. Although we cannot hope for the entire correction of many of the evils under which we now labor yet time will naturally modify them, and much may be safely trusted to its silent but effective operation. Hastily and inconsiderate action should be avoided; and above all things, should the delicate questions evolved from the new relations among us be kept from the arena of party politics.

There are, at present, in North Carolina, some real bonds of attachment between the two races. Families have been brought up and nurtured together under our former domestic relations; the faithful servants have gained the esteem and confidence of their former masters, and possess and reciprocate tender feelings of affection from those whose infancy they have watched, and in the pleasures and sports of whose childhood they have participated. Their services and sympathy in affliction are remembered, and the dearest memories of the dead are associated and shared with them. From such ties, and from the common feelings of interest, justice and humanity, more is to be hoped for the improvement and welfare of the colored race; than from the agitation of impracticable claims for social and political rights, or from the aid of those whose interference is likely to be regarded with jealousy and met with resentment. We deplore the premature introduction of any schemes that may disturb the operations of their kindly feelings, or inflame the inherent social prejudice that exists against the colored race. The necessary legislation should be conceived in a spirit of perfect fairness and justice, and in full and unreserved conformity to existing relations. But it should be suited to the actual condition of the parties—and be aimed rather to their material and moral welfare, and to the general peace and prosperity of the State, than to any theoretical scheme of social and political equality.

These of our laws that are inapplicable to the changed relation of master and slave, and those that are in contravention of it should be repealed. And many new laws are now indispensably necessary to meet the present condition of things. Those laws should be drawn with great care, and with the most mature consideration.

The committee therefore recommend that the Provisional Governor of the State be requested to appoint and constitute a commission of three gentlemen, eminent for legal ability to propose and submit to the consideration of the Legislature at its next session a system of laws upon the subject of freedmen—and to designate such laws or parts of laws now in force, as should be repealed in order to conform to the statute of the State to the ordinance of this Convention abolishing the institution of slavery.

For the Committee, JOHN POOL, Chairman.

A resolution to constitute a commission to prepare and report to the Legislature a code of laws on the subject of freedmen:

Resolved by the delegates of the people of North Carolina in Convention assembled, That a commission of three persons be appointed and constituted by the Provisional Governor to prepare and report to the Legislature at its next session, a system of laws upon the subject of freedmen, and to designate such laws and parts of laws now in force, as should be repealed in order to conform to the statute of the State to the ordinance of this Convention abolishing the institution of slavery.

Resolved, That a copy of these resolutions, duly authenticated, be sent to the President of the United States and the Provisional Governor of this State.

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Mr Pool of Bertie, from the committee to whom the "Freedmen's Address" was referred, made the following report: The subject matter of the Address and Petition could be more appropriately acted on by the Legislature, than by this Convention. But the importance of the subject, and the necessity for careful and considerate action are so great, that it may be proper for the Convention to take some preliminary steps towards its adjustment.

The former relations of master and slave having ceased in North Carolina, new and material rights and duties have supervened, which require corresponding legislation: A large class of the population, ignorant and poor, has been released from the stringent restraints of its late social and political position, and from its dependence upon the individual obligations of another class for its support, government and protection. And it now becomes the duty of the State to assume, and enact such laws as right and justice may require, and as may be most conducive to the general welfare.

The abolition of slavery has been adopted in good faith, and with full determination that it shall not again exist in the State, either in form or substance. But the consequences of its former existence will inevitably affect the state of society for years to come. In consequence of his late condition as a slave, the freedman is ignorant of the operations of civil government, improvident of the future, careless of the restraints of public opinion, and without any real appreciation of the duties and obligations impressed by the change in his relations to society. It is the interest of the white race, if he is to reside among us, to improve and elevate him by the enactment of such laws, conceived in a spirit of fairness and liberality, as will encourage him to seek his true welfare in honest industry and the faithful discharge of the duties of his white fellow citizen, and his social condition must depend upon his industry and virtue.

Prejudices of a social character will probably never exist. They are not confined to this State, nor to those States or countries where the institution of African slavery has been recognized; but have pervaded every society where the two races have been brought in contact. However unjust such prejudices may be deemed in theory, wisdom and prudence require that they should be so far recognized and respected by legislators, as to avoid rash attempts at measures that might serve only to inflame and strengthen them. Although we cannot hope for the entire correction of many of the evils under which we now labor yet time will naturally modify them, and much may be safely trusted to its silent but effective operation. Hastily and inconsiderate action should be avoided; and above all things, should the delicate questions evolved from the new relations among us be kept from the arena of party politics.

There are, at present, in North Carolina, some real bonds of attachment between the two races. Families have been brought up and nurtured together under our former domestic relations; the faithful servants have gained the esteem and confidence of their former masters, and possess and reciprocate tender feelings of affection from those whose infancy they have watched, and in the pleasures and sports of whose childhood they have participated. Their services and sympathy in affliction are remembered, and the dearest memories of the dead are associated and shared with them. From such ties, and from the common feelings of interest, justice and humanity, more is to be hoped for the improvement and welfare of the colored race; than from the agitation of impracticable claims for social and political rights, or from the aid of those whose interference is likely to be regarded with jealousy and met with resentment. We deplore the premature introduction of any schemes that may disturb the operations of their kindly feelings, or inflame the inherent social prejudice that exists against the colored race. The necessary legislation should be conceived in a spirit of perfect fairness and justice, and in full and unreserved conformity to existing relations. But it should be suited to the actual condition of the parties—and be aimed rather to their material and moral welfare, and to the general peace and prosperity of the State, than to any theoretical scheme of social and political equality.

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on the charge of killing a deserter before the surrender. And with regard to Captain Wilson, who was a Confederate officer, and is now confined in the city of Raleigh, and use his endeavors to have them turned over to the civil authorities for presentation, indictment and trial in the respective counties where the offences are alleged to have been committed.

Unfinished Business.

The ordinance declaring what laws and ordinances are in force and for other purposes, came up as the unfinished business.

The section in regard to declaring that those persons lately regarded as slaves and now emancipated, who cohabit together as man and wife, shall be deemed to have been lawfully married from the time of their cohabitation and the issue reported to be born of such cohabitation shall be deemed to have been born in lawful wedlock and legitimate from their birth, was under discussion, and the careful and learned debate, in which Messrs Moore of Wake, Phillips of Orange, Winston of Franklin, Conigland of Halifax, McGehee of Caswell and Dockery of Richmond, evinced not only much legal research, but great interest for the freedmen.

The section was amended in several particulars, and was finally struck out by a vote of sixty-eight to forty-two, upon the suggestion of Mr Phillips of Orange and the report of Pool of Bertie in regard to freedmen, to refer the whole matter of a "freedman's code" to a commission.

The ordinance as amended passed its second reading.

Several delegates gave notice that upon the third reading they would offer amendments, and the ordinance will be reported as finally passed.

The resolutions (heretofore reported) asking for a general amnesty of the President of the United States, for all the citizens of North Carolina not yet pardoned, were passed.

An ordinance introduced by Mr Settle, entitled "An ordinance recognizing the just debts of North Carolina and prohibiting the payment of public debts created and incurred in aid of rebellion," with the adverse report of the Committee on Finance to which it was referred came up on their second reading.

Mr Mebane of Alamance, moved to lay them on the table. The motion did not prevail—yeas 51, nays 62. The Convention adjourned.

Tenth Day. Thursday, October 12.

Mr Walkup of Union, introduced the following resolution: A resolution for the appointment of a committee to memorialize Congress to remove the free persons of color from this State.

Resolved, That a committee of seven, one from each Congressional District in this State, be appointed to take into consideration the propriety of memorializing the Congress of the United States for the removal from this State of all free persons of color, or any part of them, and especially of those persons lately held as slaves, but now emancipated. And that they report the result of their deliberations for the action of this Convention.

Unfinished Business.

The ordinance introduced by Mr Settle to recognize the just debts of the State, and to prohibit the payment of all debts contracted in aid of the rebellion came up as the unfinished business.

Messrs Thompson and Ward advocated the ordinance refusing to pay the war debt. Mr Winston opposed it.

At the close of the discussion, Mr B F Moore offered the following as a substitute for Mr Settle's ordinance:

An Ordinance in Relation to the Public Debt. Be it ordained by the delegates of the people of North Carolina, in Convention assembled, and it is hereby declared and ordained by the authority of the same, That it shall be the duty of the General Assembly as soon as practicable, and at farthest within three years after the 1st day of January, 1866, to make provision for the redeeming sum of the bonds of the State and the coupons thereof, as shall then be due and payable, and were not issued after the 1st day of January, 1861. And that after the 1st day of January, 1866, it shall be the duty of said General Assembly, and they are hereby instructed to make provision for the payment of such others issued before the said 1st day of January, 1861, and their coupons as they may become due.

Provided, however, that nothing herein contained shall be so construed as to prevent the General Assembly from inquiring into the price obtained upon the sale of the bonds issued in behalf of the Wilmington, Charlotte & Rutherford Railroad Company, and amending this ordinance as to those if it shall appear that any reduction ought in justice to be made.

Be it further ordained, That it shall be in the power of the General Assembly before the year 1871, to assume the payment of any part of any debt of the State contracted to aid in prosecuting the late rebellion of the State against the United States. Provided, however, that nothing in this ordinance contained shall be construed as an instruction then to assume said debts, or any part of them, or as an expression of opinion whether any part thereof should be paid.

The Convention then adjourned.

Eleventh Day. Friday, October 13th.

The ordinance for laying off the State into seven Congressional districts was passed.

The ordinance in relation to the public debt was taken up as unfinished business, and after some discussion was laid on the table by a vote of sixty-three to fifty.

The pay of members of the Convention was fixed at six dollars per day and mileage.

The ordinance declaring what laws and ordinances are in force, was taken up on the third reading but before any action was had on it the Convention adjourned.

THE PRESIDENTS OF THE UNITED STATES.—John Van Buren, in a speech at Albany, N. Y., recently said:

"It is a very curious fact, that during the last sixty-five years only three Federalist Presidents have been elected—Generals Harrison and Taylor, and Mr Lincoln. Each one of these died a Democrat. So that, during the whole of these sixty-five years Democratic principles have been in the ascendency. I wonder that some of these clerical Republicans who look for the finger of God in everything, do not see what a providential dispensation it is? No Democratic President has ever died in office, and no Federalist President ever lived out his term in it, showing the watchful care of Providence over the United States. From the first gun of the revolution to the last scene of the rebellion, no way has this been more Providentially and conspicuously preserved than in the way the people have been saved from the curse of Federal domination."

REMARKS OF MR. A. McIVER, of Mecklenburg county.

In the Debate on the Ordinance declaring null and void the Ordinance of 1861. On the motion to strike out, he said:

Mr. PRESIDENT: I desire to say a few words in explanation of the vote which I shall give on the question pending. From the language of the substitute which is offered in place of the resolution introduced by the committee, I see no reason why any one may not support it. I do not assent to the proposition which has been asserted by gentlemen on this floor, that the adoption of the substitute would be an endorsement of the doctrine of secession. The very reverse is true. I agree with the distinguished gentleman from Orange, that the adoption of the substitute would be a decision by this Convention in its judicial capacity against the doctrine of secession. The substitute declares most explicitly that the ordinance of 1861 is null. And this is the proper disposition of it. It is null not because the arbitrament of war has decided against it. Secession is a creature of the mind and cannot be subdued by physical force. Though it may be crushed down for a time by the power of the sword it will rise again, if it is not crushed by the force of law. It is in its judicial function decides it to be so. Thus far the substitute agrees with the original resolution; but it goes farther and repeals the ordinance, after declaring it to be void. This has been shown in the common usage, and confirms the statement of the distinguished gentleman from Craven, that the original ordinance is unusual in its form.

But the principal difference as I understand it is this. The substitute does not decide upon the effect of the ordinance of 1861, and the resolution of the committee does. The substitute ignores the question of validity or invalidity. It leaves it an open question: The ordinance of 1861 never had any force or effect. That ordinance was passed in due form by a Convention of the people called for that very purpose. Although it was a violation of the constitution of the United States, and I have always believed that it was, it cannot be said that it had no force or effect so long as it remained unrevoked and without a decision against it by the proper tribunal.

Standing here, as we do, in presence of the great events of the last four years—in presence of great facts—we cannot say that the ordinance of '61 had no validity. Silence upon the question of its validity is all that is expected of us now. Our silence upon this question would be impressive and appropriate to the occasion. The proclamation of President Johnson, authorizing this Convention, and that of Mr. Holden calling it together, stated the object of the Convention to be to amend the Constitution of the State, so as to restore the State to its former relations to the United States. Nothing is said about adjudicating the validity or invalidity of the ordinance of secession. This is reasonable and becoming. It is a maxim of the common law, that no one shall be held to testify himself. This is true of the community. No people should be held to testify themselves. For the last four years we have all acknowledged the validity of the ordinance of 1861. And when I say we, I mean the people of North Carolina. We have all acted under it—we have fought under it—we have legislated under it—we have formed parties under it—and it is unbecoming now to turn upon it, and say it never had any force or effect. No one asks us to do this. No one expects it, and becoming self-respect does not permit it.

I did not intend, Mr. President, to say anything upon the question pending, but I think it proper to give this explanation of the vote which I shall give.

GREENLY AGAIN ADVOCATES SECESSION.—A despatch to the Chicago Times gives an account of the lecture of Horace Greely at St. Paul, Minnesota, on the 29th ultimo. He spoke before the Literary Association of that city, and his topic was "The East and West." He deprecated any hostility between these sections; advocated a protective tariff; said the very differences between the East and West were to their mutual advantage; charged the whole work and credit of New England with organizing public schools; alluded to his famous position that the Union could never be pieced together with bayonets; said he had nothing to regret—it was as true now as when he said it. Whenever any portion of this Union were deliberately convinced that the Union was oppressive or contrary to their highest interest, that moment the Union was at an end. He said if the Pacific States should at any time deliberately make up their mind to quit the Union, and would apply peaceably and politely for the privilege, he would be in favor of letting them go, and that he was opposed to coercion. These sentiments, it is said, were feebly applauded.

The Minnesota Press stigmatizes this as South Carolina doctrine; and the despatch says truthfully that if a Democrat had made such a speech he would have hazarded his personal safety.

Between the doctrine of Sumner, that the Southern States have gone out of the Union and are extinct, and the theory of Greely, that the Western States may go out whenever they deliberately resolve to do so, what becomes of the Union?—Albany Argus.

No more secession for us, Mr. Greely, if you please.

COOLIES.—The Mobile Register has been called upon by Captain Thomas H. Boyle, formerly of the ship Frederoga, and for some time engaged in transporting Chinamen to Havana:

He is well acquainted with these people, and believes they will afford the best and cheapest labor in the world. He proposes, on guarantee payment of their passage money, to bring here first from Cuba, where their contracts are about expiring, and afterwards from China, such numbers as may be required.

They make good plantation hands, and are unsurpassed as servants. They are of course free, and can be hired at from four to six dollars per month, and require to be furnished board and four suits of clothing a year.

HOW TO MARRY A BELLE.—In Canada a rich old widower is said to have practised an ingenious scheme to gain the hand of the belle of the village. He hired an old gipsy to tell the young lady's fortune, and instructed her to state that a wealthy old widower (giving a description of his personal appearance and dress) would pay her a visit and offer himself, and that she would accept, and be left a wealthy young widow before the close of the year. Her next husband would be a young man she liked at present. The gipsy did her duty, the old man presented himself, and the marriage followed. He is likely to live many years, and the village belle may be a grandmother before she becomes a widow.

Mrs. C. T. Howey has been appointed post-mistress at Shelby, Cleaveland county, vice S. A. Howey, declined.

EARTHQUAKE IN CALIFORNIA.

San Francisco, Oct. 8.—At a quarter before one o'clock to-day the severest earthquake ever felt here frightened almost our entire population out of their houses into the streets. During half a minute there were tremendous shocks, which caused the buildings to rock to and fro in a manner altogether alarming.

The services were over in most of the churches. A large congregation in the Unitarian Church were being dismissed when the shock commenced. The ladies shrieked and all rushed for the doors faster than they could be accommodated with an exit.

The rush of people was so great from the Roman Catholic Church on Vallego street that the large doors to the main entrance were carried away and several persons injured by being trampled upon. The walls of many buildings were cracked in many places.

More or less plastering fell from perhaps half the ceilings in the city; cornices and face walls fell from many buildings, and the entire front of a four story brick building, just erected, fell outward. One of the chimneys of Liek House fell, and crashed through the roof of the dining-room upon the tables and dishes, much to the astonishment of the boarders, who were taking lunch.

The City Hall bell commenced ringing on account of the vibration of the tower, and the interior walls of the building were much broken up. Fissures two or three inches wide were opened in the ground in the lower part of the city where there is made ground, and some of this ground was elevated many inches above its former level.

Brief accounts from Sacramento, Stockton and San Jose represent the shock as the severest ever felt in those cities. It was not felt at Marysville nor Placerville, but the town of Santa Cruz was shocked with greater severity, and some brick buildings suffered much damage, two or three being destroyed.

NEWS ITEMS.

WASHINGTON, Oct. 12.—The Committee from the South Carolina Convention waited on the President to-day concerning the release of Jefferson Davis.

The President has issued a proclamation releasing Kentucky from martial law.

Gen. Slocum has made a speech in New York, advocating the immediate withdrawal of military force from the Southern States. The Democracy of the Empire State are running on that distinct issue, among others, and there is every prospect that they will sweep away the many thousands of republican majority without difficulty.

PENNSYLVANIA.—So far as heard from the State has gone for the Republicans.

Mr. Michael, Union, elected Mayor of Philadelphia, by over five thousand majority.

Harrist elected Auditor General of the State, and Campbell, Surveyor General.

OHIO.—Gen. J. D. Cox, Union candidate for Governor carried the State