

was clear that it was not taking an oath of holding an office that banned a man, but both. Is a county Solicitor an office of the State? He is not a commissioned officer; he is neither a Judicial or an Executive officer, but, like Sheriffs, he is a ministerial officer, and that is the point decided by Judge Pearson. Are you now satisfied that Maj. Avery was either an Executive or Judicial officer, or you satisfied that he took an oath? He was satisfied, from the experience he had had in law, and acting under a solemn oath, that Mr. Avery was not barred by the Howard Amendment. You hold that he was a Judicial officer, and I deny it, with Judge Brooks' decision to sustain me. If there is any doubt about these decisions, why such haste? Why not wait until a decision can be had by the Supreme Court or a certified copy from Judge Brooks?

Mr. More of Carteret, called the previous question.

Mr. Rich asked him to withdraw it, in order to allow him to move a resolution to the Committee, but the motion was insisted on, and carried.

The yeas and nays were called and the resolution passed as follows:

Yeas.—Messrs. Barrow, Bellamy, Brogden, Burns, Blythe, Colgrove, Cook, Davis, Eaves, Edgerly, Epps, (colored,) Forkner, Galloway, (colored,) Hayes, Hyman, (colored,) Laister, Long, Martindale, Moore, of Carteret, Smith, Stephens, Welker, White and Wray—24.

Nays.—Messrs. Beasley, Beeman, Grabain Jones, of Wake, Lindsay, Lyle, Melcher, Moore, of Yancey, McLaughlin, Purdie, Rieh, Richardson, Respass, Robbins, Winstead and Wilson—16.

A. H. Galloway's, (colored,) explanation of his vote in the affirmative was that Mr. Avery, in the campaign, had held his (Galloway's) name up to scorn, and told his people to scratch the name of the "dam nigger" off the ticket. Therefore, he would vote against admitting him.

On motion, the Senate adjourned until to-morrow 11 o'clock.

HOUSE OF REPRESENTATIVES.

FRIDAY, NOV. 20, 1868.

The House was called to order at 10 o'clock.

Prayer by Rev. B. W. Morris, colored, of the House.

The Chair announced that he had received a communication from S. D. Wilkie, Esq., the member from Jones, on account of bad health.

Leaves of absence for a short time were granted to Messrs. Parker, Pearson, McMillan and French.

Mr. Hicks was changed, at his request, from the Committee on Finance to the Committee on Education.

BILLS.

By Mr. Ingram: A bill concerning the qualifications of officers.

Mr. I. said that he introduced the bill more at the request of the counselor of his county Commissioners, than from any feeling of the matter. The bill was read and referred to the appropriate Committee.

By Mr. Pon: A bill entitled an act to amend an act establishing a rate of interest and to repeal Chapter 114, Revised Code, entitled "Usury."—Referred.

By the same: A bill to regulate the sale of State bonds, by Railroad Companies. Referred.

By Mr. Franklin: A bill entitled an act to amend an act establishing a Special Court in the city of Wilmington, Lies over.

CALANDAR.

The bill repealing Sec. 14 of the Act concerning the government of counties was taken up and put on its 3rd reading, when,

Mr. Seymour offered the following amendment, which was adopted:

WHEREAS, doubts have arisen in regard to the proper construction of the sub division 14, sec. 8, of an act entitled an act concerning the government of counties, approved Aug. 14, 1868, and the Commissioners of counties in some parts of the State, have been advised that it was their duty to cause new surveys of their counties to be made and map of the same filed with the Secretary of State, before Jan. 1st, 1869, contrary to the intention of the farmers of said act:

Therefore, For the purpose of removing all doubt in the premises, the General Assembly of North Carolina do enact: That subdivision 14, of sec. 8, of said act shall not be so construed as to make a survey of their counties mandatory upon the Commissioners, but such survey shall be made, when, in the opinion of the Commissioners, it is necessary for the proper defining of township boundaries, at such time as may be convenient, and, when made, a map and survey shall be filed, as provided by said section.

The bill, as amended, then passed its 3rd reading, and was ordered to be engrossed and sent to the Senate.

House resolution No. 2, introduced by Mr. Sinclair, yesterday, which provides that such Trustees of the University, as are not members of the Assembly, shall receive the same *per diem* and mileage as members,

while attending the annual session of the Board, was next debated.

Mr. French offered a substitute, paying such persons \$3 per day and 10 cents mileage, while actually engaged in such duty.

Mr. Sinclair said that he had offered the resolution in good faith—the subject in doing so was to bring the matter before the House.

He was opposed to allowing a few men around the Capitol to have the complete control of affairs. Now a great many of these Trustees were poor men, and could not afford to leave their homes and business and come here at their own expense. He would, however, accept the substitute of the gentleman from New Hanover, (Mr. French)

The Chair said by the original and substitute had become property of the House.

J. H. Harris, of Wake, colored who voted in the affirmative, for the purpose, moved a reconsideration of the vote.

Mr. French said he would support the motion to reconsider. He thought that all the State should be represented upon the Board of Trustees, and wished to pay those gentlemen attending the sessions of the Board, their expenses, while engaged in that duty, and nothing more. He thought \$3 per day and 10 cents mileage amply sufficient. In his opinion, members of this House were receiving too much *per diem* and mileage.

Mr. Ingram thought the matter premature, and, therefore, opposed the motion to reconsider. He thought the affairs of the University in good hand, and, when action on the part of the House, in regard to its affairs was necessary, they would hear from the Trustee in a proper manner.

J. H. Harris, of Wake, colored, again spoke in support of the motion. He wished the matter reconsidered and he laid over for some convenient day.

After some discussion, he withdrew his motion reconsider, with the understanding that the matter would be again taken up.

During the above debate, a message was received from the Governor, transmitting the reports of the Public Treasurer and the Board of location of the Penitentiary.

On motion of Mr. Bowman, the reports were ordered to be printed.

By Mr. Smith, of Martin: A bill reviving and putting in force the provisions of Chapter 62, Section 11th, of the Revised Code, in relation to staying the execution of claims, and repealing all stay laws and parts of stay laws now in force in the State, passed since the year 1861.

Mr. Gunter moved to indefinitely postpone it.

Upon that motion, the yeas and nays were demanded.

The call, being sustained, resulted, yeas, 81; nays, 21.

The House then adjourned until to-morrow, 10 o'clock.

SENATE.

The Senate was called to order at 11 o'clock.

Mr. Brogden, from the Committee on Finance, to whom was referred a bill to provide for the collection of taxes in the county of Carteret for the year 1868, reported favorably.

Mr. Long, from the Committee on Privileges and Elections, to whom were referred the credentials of James G. Scott, Senator elect from the 12th District, reported favorably, and the Senator qualified and took his seat.

BILLS.

By Mr. Barrow: A bill to amend title 7, section 72, of the Civil Code of Procedure. Referred to the Committee on the Judiciary.

By the same: A bill to amend sec. 19, chap. 119, of the Revised Code. Takes its place on the Calendar.

CALENDAR.

Resolutions instructing the State Librarian, with the advice of the Governor, to purchase certain volumes, for the use of the State Library, was taken up. Numerous amendments were offered, and,

On motion of Mr. Respass, the whole matter was referred to the Committee on Public Library.

Mr. Robbins arose to a question of privilege. He did not know that it was a matter that Senators were interested in, but it was of some interest to himself. He had been misrepresented by one of the newspapers published in this city (the *Standard*). He was accused of saying things that he did not say, and also of going over to their party. He considered it a serious charge, and one calculated to do him more injury than an open attack could. He was a Democrat and expected to remain one until the sun should rise in the West and set in the East. They may have written the article in jest, but he thought it entirely too serious a matter to trifle with. A man's principles are as sacred as the virtue of a woman. He had no idea of concealing his politics, and desired to be above suspicion.

The President said that, in justice to the Reporter, he would state, that he saw the article before it appeared, and the Reporter was not responsible, as the article appeared as an Editorial.

Mr. Robbins replied that his remarks were well aimed, and they had his where he intended.

On motion of Mr. White, the Senate adjourned until Monday morning, 11 o'clock.

The Old North State

SALISBURY, N. C., NOV. 24, 1868.

OPINION ACROSS THE WATER.

The reception of the intelligence of the result of our Presidential election appears to have caused considerable excitement in England. The London *Telegraph*, a Liberal paper, expatiates upon the lofty character of Gen. Grant, but seems to regret the defeat of the Democratic party, which, it says, was well deserved, because its leaders ought to have accepted the results of the war, and proved to our people that they had done so by nominating Judge Chase and not Gov. Seymour. The *Telegraph* contends that as Seymour was a Peace Democrat, his election would have been a virtual recantation by the country of all that the war had accomplished.

The *Daily News*, another organ of the Liberals, thinks that the American people are tired of their last two years' experience, and hope, by the election of Gen. Grant, to secure a strong government.

The *Times* says, "no one is disposed to regret the success of Gen. Grant. He has fairly won his high rank by hard work, real devotion to his country, and services which will live long in its remembrance. He is not of a clan, and will take his office with greater freedom than if, as the hero of a hundred battles, he had uttered all the Shibboleths of party."

She *Standard*, a Tory journal, charges the Republican party with the suppression of the freedom of voting in several States, the disfranchisement of hundreds of thousands of ignorant blacks, and the disfranchisement of nearly all the Southern people, and argues that as the Radical hold possession of the State government the Democrats fought at a great disadvantage. But the *Standard* agrees with the *Telegraph* in the opinion that if Chase had been nominated the result would have been different; and such seems to be the general opinion among the English politicians.

Both of the great parties of this country seem to be represented in England—the Conservatives siding with the Democratic and the Liberals with the Republican party. But both the Conservatives and Liberals are agreed in the opinion that if Judge Chase had been nominated by the Democrats and Conservatives he would have been elected.

THE ELECTIONS.

The Official majority for Grant and Colfax in North Carolina is something over 12,000.

In the first, second, third, fourth and fifth districts the Republican candidates for Congress have been elected by majorities ranging from 2,000 to 3,500. In this [the sixth] district Mr. Shober, Conservative, has been elected by over 1,100 majority. In the seventh district Plato Durham's majority, from the official returns, is 18. His right to his seat will be contested by his competitor, Hon. A. H. Jones, to whom we have no doubt the seat will finally be awarded.

CODE OF CIVIL PROCEDURE.

We are glad to see that that influential and popular paper, the *Wilmington Journal*, warmly seconds the proposition of our correspondent, "One of the Profession," to hold a meeting of the bench and bar, at Raleigh on the 16th of December to consult with the Code Commissioners as to what changes should be made in our laws. We hope that the press of the State generally will urge the matter upon the attention of their legal readers, as it is certainly one of great importance to the people of North Carolina.

The *Journal* says:

"The proposition emanates from a distinguished Republican officer under the Government, and cannot be viewed as a party movement.

We trust that something will be done in this matter. That change is necessary no lawyer or intelligent gentleman in the State will deny, and we know of no better plan than the one proposed. This is a matter above party, affecting all. And since the people of North Carolina have decided to give the present system of laws a fair trial, let them be perfected as far as the legal ability of the State can do so.

We hope, therefore, there will be a large attendance of the lawyers present on the occasion, and that something will be done to reform some of the crying evils of our present Code."

JUDGE BUXTON.

"DATA," the Fayetteville correspondent of the *Wilmington Journal*, gives the following as Judge Buxton's defense of his course in the Callahan matter at the opening of Cumberland Superior Court:

"Judge Buxton, at the opening of Court on Monday, addressed the bar (and whoever else may have been at

that time in the Court-room) in a few remarks explanatory of his action with regard to the appointment of the Clerk elect. He stated that he felt it proper to do so, as he was before men among whom all his life had been passed, and who could claim the right to know the motives of his actions. He stated that his last appointment—before the acceptance of the bond—was in effect an extension, which extension he had a right to make, and which Callahan deserved, as a Clerk elected by a majority of the people, and as showing proof that, if allowed time, he could offer a sufficient bond. He also pointed to the fact that the law provided for forfeiture and that equity abhorred it.

MARRIED.

At the Register's Office in this city, on the 24th inst., by Rev. William Lambeth, Mr. RICHARD A. SMITH to Miss MARY BUSTIAN.

SALISBURY MARKETS.

NOVEMBER 21, 1868.

REPORTED BY BISHOP & CO., GROCERS.	
Wheat, per bushel	18 to 23
Oats, per bushel	10 to 15
Barley, per bushel	12 to 18
Corn, per bushel	10 to 15
Peas, per bushel	10 to 15
Beans, per bushel	10 to 15
Flour, per sack	4.25 to 4.50
Wheat, per sack	4.25 to 4.50
Oats, per sack	2.50 to 3.00
Barley, per sack	3.00 to 3.50
Corn, per sack	2.50 to 3.00
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