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Debate on the Secession Question.

UNFINISHED BUSINESS, FRIDAY, OCT. 6.

The Convention resumed the consideration of the unfinished business of yesterday's session, viz: "An ordinance declaring null and void the ordinance of May 20th, 1861," and the substitute offered by Mr. Ferebee, heretofore published.

The question being upon striking out the Committee's ordinance, Mr. McIver addressed the Convention in support of the substitute, which he preferred because it did not undertake to decide what the effect of the secession ordinance was. It ignored this question of validity. The committee's ordinance did not, but declared the secession ordinance of non-effect. In this respect he deemed the substitute preferable. We have fought, legislated, and formed parties under the ordinance of secession, and, he said, it did not now become us to stultify ourselves by denying its validity.

Mr. N. A. McLean said he had never believed that a State had a constitutional right to secede. He *had* believed in the right of *revolution*. He thought there had been too much discussion already about a mere difference of phraseology. The language used was immaterial. South Carolina, knocking at the door of the Union for admission, would hardly be driven away because, in annulling her ordinance of secession, her Convention had used the word "repeal." There was but one objection to the committee's report. The secession was a matter of record. It could not be wiped out. With the effects of the ordinance of secession before us, and the revolutionary government which its passage inaugurated, fresh in our memories, it was idle to say that the ordinance has always been null and void. With this explanation, he was willing to vote for the committee's ordinance.

Mr. Thompson thought the opposition to the adoption of the committee's ordinance was very unusual. The ordinance was the unanimous report of the committee to which the Convention had referred the matter. Adverting to Mr. Ferebee's statement that the substitute was offered by him by way of compromise, Mr. Thompson wished to know what necessitated any compromise, when the gentlemen supporting the substitute professed to agree with the committee in repudiating the right to secede, and stigmatizing secession as revolutionary.

Mr. T. proceeded at length to expose the fallacy of the doctrine of secession, and urge the adoption of the committee's report.

Mr. Eaton supported the substitute. He said its character had been misrepresented. It had been held up as a *mere repeal*. It was more. It retained the title of the committee's ordinance, declaring the ordinance of secession *null and void*. Alluding also to the words "rescind, abrogate and repeal" used in the substitute. Mr. Eaton denied that the substitute in any manner or to any extent endorsed the doctrine of secession; the gentleman from Bertie was, therefore, wasting his ammunition by firing in the air, in bringing forward at this time a labored argument against secession. The object of the substitute was the speedy restoration of civil law and the return of the State to the Union. This desire was general, and was evidenced by the unanimous vote for Mr. King's resolution requiring the hoisting of the national flag on the Capitol. He preferred the amendment as better calculated to secure a unanimous vote. Its language was more respectful to the Convention of 1861, and to the people of North Carolina who sent them there to do what they did. As for himself he had always regarded the doctrine of secession as implying a mere revolutionary right. In the Legislature of 1852, in discussion with Mr. Avery, of Burke, he had earnestly opposed the assertion of the doctrine as a constitutional right. Referring to Washington's Farewell Address and Jefferson's Inaugural as his political guides, he expressed the hope that with the return of peace, the sword be beaten into the ploughshare, and our people everywhere emulous of securing those victories which peace no less than war has in store for her votaries.

Mr. Warren had hoped that a vote would have been reached on yesterday, but as a member of the committee who reported the pending ordinance, and also of the Convention of 1861, which passed the secession ordinance, he deemed it due to himself that he should give brief expression to his views. It was alleged by those who supported the amendment that the original proposition is discourteous to the Convention of 1861. He regarded it as somewhat singular that he and two others, members of the Convention of 1861, who were also on the committee that reported the present ordinance, should have failed to see anything in the ordinance which could be construed into a reflection upon themselves. It was well understood that he and those who thought with him constituting a large majority of the Convention of 1861, were made by the ordinance of secession to say what was untrue, and this was the first opportunity they had had to give expression to what were then their views. So far from being discourteous to them it was the highest act of justice. He thought that little courtesy was due to the dominant, hot-headed majority that governed and guided that Convention. The first proposition was offered them by Mr. Badger—"The great light"—to whom the gentleman from Edgecombe (Mr. Howard) had referred. If that gentleman and those who acted with him had followed Mr. Badger's lead, there had been no bloody war—no desolated fields—no vacant seats at hearthstone and board. He proposed a declaration of independence, placing the State on a revolutionary ground. But this did not suit the views of the majority. Chief Justice Ruffin, representing the county of Alamance in the Convention of 1861, offered a substitute for Mr. Craig's ordinance—the one adopted. This substitute was an ordinance of separation, pure and simple, and he had previously moved a reference of the ordinance to a committee. But the majority were in hot haste, and he, whose reputation as a jurist is co-extensive with the republic, was swept away like a feather, when he came into conflict with that majority; yet these are the men that are to be treated with peculiar courtesy! This dignified body having passed the secession ordinance, resolved itself into a mob under the firing of cannon and ringing of bells. "I speak this," said Mr. W., "in the presence of the venerable President of that Convention." [Hon. Weldon N. Edwards was present in the Hall.]

Mr. Warren added that this charge of discourtesy was general, and therefore was not susceptible of refutation. The mover of the substitute came as a peace-maker, bearing the olive branch, and how conciliatory, he asked, in this pacification, when he sets out by characterizing the committee's ordinance as bearing malice prepense upon its face? Some gentlemen oppose the ordinance, but are somewhat reluctant to state the grounds of their opposition, while others object to the recital, declaring in effect that the ordinance of 1789 had never been invalidated. He deemed the wording of the committee's ordinance peculiarly appropriate, for delegates to the Convention of 1861 did not content themselves with seceding, but went out of their way and undertook to repeal the ordinance of 1789.

Some contend there is no difference between the two propositions. The delegate from Alamance (Mr. Mebane) is exceedingly in love with both—rather objects to the first because it is a commentary on the Constitution, and prefers the latter because it is a repeal "pure and simple." He thought the gentleman from Orange (Mr. Phillips) mistaken in the opinion that in legal effect there was no difference between the two propositions. It was passing strange there should be such strenuous opposition from the gentlemen from Craven and Wilson, (Messrs. Manly and Howard,) if the difference were merely one of phraseology. In conclusion, he argued that the substitute did not speak the truth. It spoke, he said, the same old heresy of 1861, and comes here for re-endorsement.

Mr. Brown said that as a member of the Convention of 1861, he had voted for the secession ordinance; he therefore deemed it due to himself that he should give some exposition of the reasons that would influence his present vote. He should support the substitute offered by the gentleman from Camden. In concert with the gentleman from Richmond, (Mr. Dockery,) he had opposed the doctrine of secession in the State Senate of 1860–'61, and he could truthfully disclaim all sympathy with the fatal step that involved the country in war. Although as a member of the committee that reported the pending ordinance, he had assented to their report. On subsequent consideration he had changed his opinion, and could not consistently with his own self-respect, and respect for the people of the State, support the ordinance.

He believed that two-thirds of the people in 1861, were opposed to secession, *per se*; but when all the Southern States had seceded, North Carolina occupied an isolated position. The secession of Virginia and President Lincoln's proclamation had put the State under political duress. She had either to unite with the seceded States or engage in a fierce and sanguinary civil war. Thus acting under inexorable necessity, the words which the great dramatic delineator of human character puts in the mouth of his actors,

"My poverty, not my will, consents,"

might well, with a little alteration, have been used by her. She might well have said,

"My *situation*, not my will, consents."

Again adverting to his consistent opposition to secession, Mr. Brown stated that he had been elected in his county by a majority of over three to one, opposing secession; and further, that during the session of the Virginia Convention, he had visited the city of Richmond, and urged members to stand fast, and telling them that North Carolina would never secede while Virginia maintained her loyalty to the Union.

He said that the language of the substitute went further than the repealing ordinance of any other Southern State. It accomplished restoration to the Union, and left no stigma on a great people. It was his decided conviction that a large majority of the delegates to the Convention of 1861, were elected with the expectation, on the part of their constituents, that they would pass the ordinance of secession, and he was unwilling to pass an ordinance reflecting upon them. The President's proclamation, he said, does not require us to lay down platforms and platitudes, nor does it require dissertations upon Constitutional Law.

Mr. Moore, of Wake, said that the report of the committee embodied the great political truth of the land, and he could not see how an assertion of this truth could aggrieve any one. The ordinance was an enunciation of his political faith, and he had a right to ask its endorsement. He asked what was the effect of the Secession Ordinance? Did it carry the State out of the Union, or did it not?

Mr. Howard said, in reply, that the State was sustained in its action for four years by military power; that during this period, she was to all intents and purposes, independent, having Executive, Legislative and Judiciary departments—all the machinery of government—in the full exercise of their functions.

Mr. Moore did not deem this a full answer to his question, as it did not touch the matter of right. When the ordinance of secession passed, the State went out of the Union or it did not go. If it did, how could delegates take an oath to support the Constitution of the United States while the ordinance remained unrepealed? He argued at some length to show that the secession ordinance (as asserted by the committee's report) was null *ab initio* and never had any legitimate legal effect. The hoisting, said he, of the National Flag on the Capitol, was under any other hypothesis, both absurd and degrading.

The discussion was continued, Messrs. Ferebee, Manly, Boyden and Caldwell, of Burke, participating. The latter advocated the committee's ordinance, the former supporting the substitute. [The length this report has attained, precludes further notice of the debate.]

The question recurring on the motion to strike out, on motion of Mr. Smith, of Johnson, the yeas and nays were ordered. Yeas 19, nays 94.

So the Convention refused to strike out.

The question now being on the passage of the ordinance its second reading,

Mr. Moore, of Wake, moved to amend the ordinance by inserting after the word "States," the words "and also all acts and parts of acts of the General Assembly, ratifying and adopting amendments to the said Constitution are" and by substituting in the 8th line "have" for "hath." These amendments were adopted. Their effect is to assert the validity, past as well as present, of the acts and parts of acts referred to.

The ordinance then passed its second reading as follows:

The yeas and nays were ordered, on motion of Mr. Stewart.

Those who voted *yea* were Messrs. Adams, Alexander, Baines, Barrow, Beam, Bell, Berry, Bingham, Boyden, Bradley, Brickell, Brown, Brooks, Bryan, Burgin, Buxton, Bynum, Caldwell, of Burke, Caldwell, of Guilford, Clark, Conigland, Cowper, Dickey, Dockery, Donnel, Eaton, Ellis, Faircloth, Faulkner, Furches, Gahagan, Garland, Garrett, Gilliam, Godwin, Grissom, Harris of Guilford, Harris of Rutherford, Haynes, Henrahan, Henry, Hodge, Jackson, Jarvis, Jones of Columbus, Jones of Davidson, Jones of Henderson, Jones of Rowan, Joyce, Kelly, Kennedy, King, Lash, Logan, Love, of Chatham, Love, of Jackson, Lyon, McCauley, McCorkle, McDonald, of Chatham, McDonald, of Moore, McGehee, McIver, McKay, N. A. McLean, Neal McLean, McLaughlin, McRea, Mebane, Moore, of Chatham, Moore, of Wake, Nicholson, Norfleet, Odom, Patterson, Perkins, Phillips, Polk, Pool, Reade, Rumley, Russell, Rush, Sanders, Settle, Simmons, Sloan, Smith, of Anson, Smith, of Johnson, Smith, of Wilkes, Spencer, of Hyde, Spencer, of Montgomery, Starbuck, Stephenson, Stewart, Stubbs, Swann, Thompson, Walkup, Warren, Willey, Winburne, Winston, Wright—105.

Nays—Messrs. Allen, Faison, Ferebee, Howard, Joyner, Manly, McCoy, Murphy, Ward—9.

On motion of Mr. Manly, the rules were suspended, and the ordinance passed its third reading.

On motion of Mr. Manly, the Convention suspended the rule, and an ordinance, heretofore introduced by him, "in relation to the authentication of ordinances and other acts of the Convention," passed its second and third readings.

REMARKS OF JUDGE HOWARD OF WILSON.

On the substitute offered by Col. Ferrebee of Camden, to the ordinance declaring null and void the ordinance of May 20, 1861.

In the Convention of 1861, on meeting with the delegate from Wake, whose great intellect has been since overcast, to the great loss of the country, and my own deep regret, he asked me if I really believed in the right of secession. To which I replied I have no faith in political rights without remedies. As there is no provision of the Constitution expressly authorizing the Government to coerce a State, and none expressly reserving the right to the State to withdraw to settle the question of construction, the sword is the only arbiter—success alone will justify either side. This being so I have never thought a State should attempt secession without just cause—cause for revolution—as that alone would unite our people of all political opinions. But so far as the citizens of the State are concerned, I believe and hold that an ordinance, passed by a Convention constitutionally called, binds every one—this alone can prevent anarchy, which is worse than war. To this he answered, "your secession is practically my right of revolution."