

WESTERN SENTINEL.

VOL. X.—NO. 23.

WINSTON, NORTH CAROLINA, FRIDAY, JUNE 8, 1866.

[\$2.00 PER ANNUM

THE WESTERN SENTINEL.

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PROCEEDINGS OF THE CONVENTION.

ADJOURNED SESSION.

THURSDAY, May 31st, 1866.

Mr. Wilson made a report from the committee on the stay law recommending the passage of an ordinance.

The committee on salaries and fees reported an ordinance recommending its passage.

Mr. Moore, from the constitutional committee, reported an ordinance as a substitute for an ordinance concerning debts of the State to be hereafter contracted, to be entitled an ordinance concerning debts to be hereafter contracted and revenue levied, making the provisions of the ordinance also applicable to county debts.

Mr. McIver introduced an ordinance providing that when persons were unable to give bail, they should be sent to a work house, and not to close confinement.

Mr. Grissom introduced an ordinance authorizing an exchange of registered State bonds for bonds now being issued by Public Treasurer, and extending the privilege only to citizens of the State.

Mr. Mebane introduced an ordinance to incorporate the co-operation Association at Company Shops.

Mr. Faulkner introduced an ordinance providing against obstruction to the passage of fish through the streams of the State.

Mr. Simmons introduced a resolution that no business of a legislative character shall be entertained by the convention after the second day of June, unless recommended by the Governor.

The unfinished business of yesterday was resumed, being the consideration of Mr. Caldwell's amendment to section 9 of the bill of rights, dispensing with trial by jury for misdemeanors, giving such trials to magistrates, but securing the right of appeal.

Mr. Mebane moved a substitute to Mr. Caldwell's amendment to section 9 as follows: "The Legislature may, however, provide other modes of trial with right of appeal for misdemeanors," which was accepted.

Mr. Moore of Wake, in an able argument reviewed the whole matter, and offered the following amendment as a substitute:

"Provided, nevertheless, That Courts may be established and held in cities and incorporated towns, and at the Court Houses, in which may be tried, without the intervention of grand and petit juries, as shall be prescribed by law, all misdemeanors except such whereof the punishment may be corporal, other than imprisonment, whenever the accused shall elect to be so tried. Provided, That in all cases where the party may be imprisoned or fined above fifty dollars, he may appeal to any Court having jurisdiction of the case.

Pending this amendment, a communication was received from his Excellency, the Governor, relative to the Geological Survey, State title to certain Swamp Lands, &c., which, on motion of Mr. Moore, of Wake, was referred to a select

committee.

The Convention resumed the unfinished business.

The question recurring on the amendment, offered by Mr. Moore, of Wake, to the amendment before pending, on motion of Mr. Logan, the Convention adjourned until 10 o'clock to-morrow.

FRIDAY, June 1st, 1866.

A petition from Davidson county, presented by Mr. Jones, in relation to prosecutions for violations of civil laws during the rebellion. Referred to the committee on State amnesty.

Mr. Dackery from the select committee an ordinance to authorize the sale of the State interest in the Western N. C. Railroad company, recommending its passage.

Mr. Jones of Davidson a resolution to carry into effect an ordinance to pay the just debts of the State and to prohibit the payment of all debts in aid of the rebellion.

Mr. Jones of Henderson an ordinance legalizing certain acts of the Courts of Pleas and Quarter Sessions of certain counties. Referred to finance committee.

Mr. Moore, of Wake an ordinance concerning the marriage of persons of color—repealing that provision of the law in relation to marriages requiring a bond of \$1,000 and good security.

Mr. Moore moved to suspend the rules and put it on its several readings.

Considerable discussion ensuing, Mr. Ferebee moved to lay on the table. Agreed to.

Mr. Jones, of Rowan, an ordinance to provide for a better government of the Insane Asylum.

Mr. Wright from committee on finance recommending the rejection of an ordinance to pay certain provisional judgments.

Mr. Wright from same committee reported, recommending that ordinance suspending the collection of taxes to Jan. 1, 1865, also a resolution upon same subject be rejected.

Mr. Warren an ordinance authorizing Wm. B. Campbell to collect arrearages of taxes.—Referred.

THE UNFINISHED BUSINESS.

Being the consideration of the amendments proposed to section 9 of the Declaration of Rights,

Mr. Moore of Wake, proposed a substitute for his amendment to the proposed amendments to the 9th section, as follows: But the General Assembly may establish courts of record to be held publicly and at stated times and places by one or more judges or justices of the peace who may hear and determine without any jury, grand or petit, all misdemeanors, the punishment whereof is not corporal, otherwise than his imprisonment, whenever the accused shall consent to be tried.

The question being on the amendment of Mr. Moore, the yeas and nays were demanded, and the amendment was lost, yeas 8, nays 96.

Mr. Smith, of Johnston, an amendment to the amendment providing that the Legislature shall provide that such magistrates as shall try the cases of misdemeanor shall be elected by the people. Rejected.

The question recurring on Mr. Mebane's amendment, accepted by Mr. Caldwell, the yeas and nays were demanded, and resulted in the adoption of the amendment.

The reading of Bill of Rights was resumed, when in section 16 Mr. Caldwell of Burke, moved to amend by striking out the words "ought," and insert "shall not," thus providing that the remedy of the writ of *habeas corpus* shall not be denied or delayed in any case. Adopted.

Mr. Bynum moved to amend by general consent section 7, guaranteeing to every man in all criminal prosecutions counsel for his defence.

Mr. Phillips moved to strike out in section 14 the words "ought to," in last line, and insert "shall." Adopted.

In sections 15, 16, 22, and 23 the same

amendment was adopted.

Debate arising on the action of the Convention in substituting "shall" for "ought to."

On motion of Mr. Moore, the Convention reconsidered its action in that matter, and "ought to," was again inserted.

The Declaration of Rights being read and passed, the Convention adjourned, after postponing the consideration of the balance of the Constitution until Monday morning.

SATURDAY, June 2nd, 1866.

The Convention was called to order at ten o'clock, A. M.

Mr. Caldwell, of Guilford, from the Finance Committee, reported back a resolution to pay the commissioners appointed to prepare a code for the government of Freedmen, recommending its passage.

Mr. Moore, of Wake, from the committee on Revision of the Constitution, reported a substitute for the ordinance to create the office of Lieutenant Governor—recommending its incorporation in the amended Constitution. (The substitute retains the substantial provisions of the original ordinance.)

Mr. Satterthwaite introduced a resolution in favor of the Principal Secretary of the Convention.

Mr. Brooks, an ordinance concerning widows, who have qualified as Executrix of the last wills and testaments of their husbands.

Mr. Faircloth, a resolution relative to the binding of Convention documents.—(Authorizes the Secretary of State to have such binding done at the Asylum for the Deaf and Dumb and the Blind.) Adopted, under a suspension of the rules.

On motion of Mr. McKay, of Harnett, the ordinance to pay Provisional Judges for their services in holding Courts of Oyer and Terminer was re-committed to the Finance Committee.

Mr. Moore, of Wake, introduced an ordinance to amend the charter of the Union Mining Company, in the County of Rowan, and the charter of the Rudesill Gold Mining Company, in the County of Mecklenburg.

The rules were suspended and the ordinance passed its second reading.

Mr. Mebane moved, on its third reading, to amend the payment of the usual Revenue tax, on acts of incorporation or amendment of charter.

Mr. Moore, of Wake, opposed the amendment, and Mr. Mebane withdrew it.

Mr. Wright saw no reason why these Companies should be exempted from the tax. He therefore renewed the amendment.

Mr. Brown, of Caswell, moved to lay the ordinance on the table. He was opposed to the Convention's entering upon a general course of legislation.

The Convention refused to lay on the table.

The amendment was then adopted, and the ordinance passed its third reading.

A resolution in relation to privies and water closets, (abating a nuisance in the Capitol,) was adopted under a suspension of the rules.

MONDAY, June 4.

The Convention was called to order at ten o'clock A. M.

Prayer by Rev. J. M. Atkinson, of the Presbyterian Church.

The Journal of Saturday was read and approved.

Mr. McGehee, for the select Committee to which was referred Mr. McDonald's resolutions declaring what has been done, and appointing a Committee to ascertain what is necessary to be done, to restore the State to the Federal Union, reported the following as a substitute therefor:

Whereas, the people of the State of North Carolina have manifested their loyalty to the general government by promptly adopting such measures as were deemed necessary to restore their relations to that Government, to-wit: An ordinance declaring null and void the ordinance of secession; an ordinance prohibiting slavery in the State of North Carolina; an ordinance prohibiting the payment of all pub-

lic debts created or incurred in aid of the rebellion; which said ordinances have become a part of the organic law of the State: And whereas, the relations of the State to the general Government have not yet been fully recognized; and whereas, the people of the State do ardently desire that whatever obstacles are still in the way may be removed:

Be it Resolved, That a Committee of seven be appointed by the President of this Convention to proceed to Washington and confer with the authorities of the general Government and report the results of their conference to this Convention at an early day.

Mr. Ward introduced an ordinance to incorporate the North Carolina Petroleum and Mining Company. Referred to a standing committee of five, to be styled the committee on Corporations.

Mr. Caldwell, of Guilford, an ordinance for exchanging the stocks of the State for bonds issued before the year 1861.

Mr. McRae, an ordinance to enable the Fayetteville and Florence Railroad Company to establish a National Bank in the town of Fayetteville. Referred to the committee on Currency.

Mr. Grissom, a resolution to hold evening sessions from and after to-day. Lies over under rule.

Mr. Wright, from the committee to which was referred the petition of Rev. Thos. D. Fleury for relief from pedlar's tax for the year 1865, submitted an ordinance to grant such relief, accompanied by a lengthy and humorous report, setting forth the reasons why the committee, while recommending relief in this particular instance, were opposed to its further extension.

Mr. Pearsall moved to lay the report and ordinance on the table, which was not agreed to.

The Convention proceeded to consider the amended Constitution.

Mr. Phillips moved to amend the Declaration of Rights by adding the following:

Sec. 27. All courts shall be open, and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay. Adopted.

Sec. 28. No soldier shall in time of peace be quartered in any house without consent of the owner; nor in time of war, but in a manner to be prescribed by law.

The consideration of those sections of Article 2nd of the Constitution, which relate to the basis of representation, was postponed for the present.

On motion of Mr. Moore, of Wake, the following section was interpolated in Article II, between sections 13 and 14, viz:

"The style of the acts and laws shall be, 'Be it enacted by the General Assembly of the State of North Carolina, as follows.'"

Mr. Moore, of Wake, moved to amend by adding the following section:

"Each member of the General Assembly before his taking his seat shall take an oath or affirmation that he is constitutionally qualified to take his seat."

On motion of Mr. Buxton, the amendment was amended by adding the words "to the best of his knowledge and belief."

The amendment as amended was then adopted—yeas 88, nays 11.

Mr. Smith, of Johnston, moved to amend section 22, by striking out the words "by one-fifth of the members present." (The section as it stands requires a call for the yeas and nays in the General Assembly to be sustained by one-fifth of the members present.)

Mr. Smith, of Johnston, said that this amendment merely proposed to restore the Constitution as it formerly stood. The change requiring a motion for the yeas and nays to be sustained by one-fifth of the members present was made by the Convention of 1861. Messrs. Turner and Leach, in opposing the spirit of secession manifested in the State Senate in 1860-61, had approved the secessionists by repeated calls for the yeas and nays. He believed the change was made with a view to silencing the voices of loyal men, and depriving them of a record.