# The Semi-Weekly Sentinel.

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## THE SENTINEL.

### Legislature of North Carolina.

#### SENATE

SATURDAY, Dec. 10th, 1870.

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

Prayer by the Rev. Mr. Atkinson of the city.

INTRODUCTION OF BILLS.

By Mr. Graham: Bill to incorporate the Yanceyville, Danville and Coalfield Rail Road Co; referred to the committee on Internal Improvements.

By Mr. Troy: Bill to incorporate the Fayetteville Independent Bucket Company; referred to the committee on Corporations.

By Mr. Whitesides: Bill to regulate the per diem and mileage of officers and members of the General Assembly. It proposes to give the Speakers $5, *per diem*, Members $4, Principal and Assistant Clerks $5, Engrossing Clerk $4, and Door Keepers $4, and in addition to the *per diem* 10 cents mileage.

Mr. Whitesides moved a suspension of the rules in order to put the bill through its several readings, which was lost, and it was referred to the special committee on Per diem and Mileage.

By Mr. McClammy: Bill to amend section 16, title 4, chapter 1 of the Code of Civil Procedure; referred to the committee on the Judiciary.

By Mr Love: Bill to repeal certain acts relating to the Western Turnpike Road; referred to the committee on Internal Improvements.

By Mr. Allen: Bill to repeal an act authorizing the Commissioners of Jones county, to levy a special tax, and also a similar act, subsequently ratified; referred to the committee on Propositions and Grievances.

By Mr. Graham: Bill to incorporate the Hebrew Benevolent Society of the City of Charlotte; referred to the committee on Corporations.

By Mr. Murphy: Bill concerning divorce; referred to the committee on the Judiciary.

RESOLUTIONS INTRODUCED.

By Mr. Olds: Resolution authorizing the Treasurer to pay Hackney Pool $85.80, a claim against the State for supplies furnished the Insane Asylum; lies over.

By Mr. Adams, resolution of enquiry of Governor Holden, relative to his authority to declare a county in a state of insurrection, as to troops being sent into certain counties, by whose orders, how many, what were they payed, if payed, how much, and what money was used, &c., which was laid on the table.

By Mr. Murphy: Resolution authorizing the Committee on Printing to have printed and placed in the Senate Chamber, the Senate Committees and the Joint Standing Committees, which was adopted.

On motion of Mr. Currie the vote by which the Senate rejected the bill fixing the per diem and *mileage* of officers and members of the General Assembly at $7 for speakers; $5 for members; $6 for Principal and Assistant Clerks; $5 for Enrolling and Engrossing Clerks; $3 for Doorkeeper and Assistant and 20 cents *mileage* in addition for the whole, was reconsidered.

John Hyman, (col.) called the previous question on the passage of the bill, which was sustained, and it passed by the following ballot, to-wit:

YEAS.—Messrs. Allen, Battle, Beasley, Bellamy, Council, Crowell, Currie, Dargan, Eppes (col.) Fleming, Graham, Hyman, (col.) Jones, Lassiter, Latham, Love, McClammy, Norment, Olds, Speed, Waddell and Warren—21.

NAYS.—Messrs. Adams, Albright, Cook, Cowles, Fleming, Gilmer, Lehman, Ledbetter, Linney, Mauney, McCotter, Merriman, Moore, Murphy, Robbins, of Rowan, Troy, Whitesides and Worth 18.

The President designated the Senate Branch of the Committee on Constitutional Reform to consist of Messrs. Cook, Latham, Linney, Moore and Hyman, (col.)

Leave of absence was granted Mr. Graham, until Thursday and to G. W. Price, (col.) until Tuesday.

On motion of Mr. Cowles the resolution proposing to let the Governor's Mansion and grounds to the highest bidder on the 1st of January next, was taken up, for which he offered a substitute.

After some discussion on motion of Mr. Jones its further consideration was postponed, and it was laid on the table for the present.

On motion of Mr. Allen, the rules were suspended, and the bill to repeal an act entitled "an Act to secure the better protection of life and property," (Shoffner bill) was taken up.

Mr. Moore spoke at some length in opposition to the bill.

Mr. Jones called the previous question on its passage, which was sustained, and the bill passed its final reading by the following ballot:

YEAS—Messrs. Adams, Albright, Allen, Battle, Cook, Council, Cowles, Crowell, Currie, Dargan, Fleming, Gilmer, Graham, Jones, Latham, Ledbetter, Linney, Love, Mauney, McClammy, McCotter, Merriman, Murphy, Norment, Robbins of Rowan, Speed, Troy, Waddill, Warren, Whitesides, and Worth—31.

NAYS—Messrs. Beasley, Eppes (col.), Hyman (col.), Lassiter, Lehman, Moore, and Olds—7.

The following resolutions were taken up and disposed of as follows, to-wit:

Resolution requesting the Representatives of this State in Congress to use their influence to secure aid for the purpose of creating an educational fund, from the sale of Public Lands, was postponed till Tuesday next, and made a special order for that day.

Resolution concerning appropriation for the Insane Asylum, was adopted.

Resolution proposing to raise a joint committee of 3, composed of 2 on the part of the Senate and of 3 on the part of House, to inquire into the expediency of establishing three courts per year in each county, was adopted.

Resolution authorizing the General Assembly to take recess from and after 22d of December to the 11th of January, 1871.

Mr. Jones moved to postpone its consideration in Tuesday next.

Mr. Love moved to indefinitely postpone which was lost.

Mr. Murphy called the previous question, which was sustained, the motion to postpone to Tuesday, was lost, and the resolution passed by a vote of 25 to 12.

Resolution in relation to a National system of Public Instruction, requesting the Representatives of this State in Congress to use their influence to establish such system.

On motion its further consideration was postponed to Wednesday next.

Resolution instructing the Committee on the Judiciary to report a bill for the purpose of establishing a House of Refuge for Young convicts and to regulate the punishment of vagrants, was rejected.

On motion of Mr. Dargan, the bill to supply a deficiency in the Treasury was taken up. This bill authorizes the Treasurer to borrow $100,000 of the dividend declared by the North Carolina Railroad Company, and passed its second reading.

On motion of Mr. Troy, the bill to restore to the Western Railroad Company its original chartered privileges to regulate the appointment of State Directors and to define the vote of the State in the general meetings of the Stockholders of said Company was taken up.

Mr. Troy in an able and eloquent appeal urged the immediate passage of the bill.

Mr. Graham offered the following proviso to the 1st section, to-wit:

*Provided*, That no claim whatever of the State for stock in said Company shall be surrendered until the bonds by which such stock was obtained shall be returned to the Treasury, which was adopted.

Mr. Gilmer offered to amend but withdrew it in order to allow the bill to pass its second reading and gave notice of his intention to renew it on its third reading.

Mr. Graham also gave notice of another amendment, and the bill passed its second reading.

On motion of Mr. Albright, the bill authorizing the Commissioners of Chatham county to levy a special tax and to appoint a special tax collector, was taken up and passed its third reading.

On motion, the Senate adjourned until Monday morning at 10 o'clock.

#### HOUSE OF REPRESENTATIVES.

SATURDAY, Dec. 10, 1870.

House called to order at the usual hour.

Prayer by Rev. Mr. Atkinson of the city.

Journal of yesterday read and approved.

Mr. Henderson, from the Committee on Corporations, reported on various bills, which were appropriately disposed of.

Mr. Robinson, from the Committee on Enrolment, reported several bills and resolutions as being correctly enrolled.

Mr. Jordan, from the Committee on Pedigree, reported on various bills, in regard to the communication of the Commissioners appointed to superintend the erection of the Penitentiary, and presenting a bill providing for the relief of the Penitentiary.

By Mr. Hill: A bill to amend the act chartering the Bank of Statesville; referred.

By Mr. Joyner, of Johnston: A bill to repeal section 15, chapter 137, laws of 1868–'69; referred.

On motion of Mr. Justice, the rules were suspended and the Joint Resolution that the General Assembly take recess from the 19th of December 1870 to the 9th of January 1871, was taken up.

Mr. Welch hoped the question of holiday would be voted down. He thought members should have patriotism enough to give up their selfish pleasures and stay here at their work and give to the people that speedy relief which they expected and demanded at the hands of this General Assembly.

Mr. Johnston of Buncombe, moved to amend by striking out the "10th of December" and insert the "26th," and strike out the "9th of January" and insert the "6th."

Mr. Johnston advocated his amendment in remarks of some length.

Mr. Graham, of Orange, spoke in favor with the gentleman from Haywood (Mr. Welch.) He was opposed to any recess except that of a day or two to commemorate, as good christians should, the natal day of our Saviour. He thought gentlemen should remain at their post of duty, and give the people the relief promised them.

Mr. Robinson offered a substitute for the whole taking a recess from the 22d of December to the 26th inst.

Mr. McAfee was willing to do away with a recess altogether, but if the General Assembly intended to have one, he thought a reasonable one should be taken.

Messrs. York and Harris, of Guilford, were in favor of a reasonable recess.

After some further debate the whole matter under discussion was, on motion of Mr. Carson, laid on table.

On motion of Mr. Carson, the rules were suspended and the joint resolution taking a recess from the 22d of December, 1870, to the 10th of January, was taken up.

The previous question was called and the resolution passed its second reading by a vote of yeas 81, nays 25.

Mr. Sparrow, from the Judiciary Committee, reported upon various bills and resolutions, which were appropriately disposed of.

Mr. Crawford, from the Committee on Engrossed Bills, reported a number of bills as being correctly engrossed.

On motion of Mr. Justice, the rules were suspended and the resolution in regard to a recess was taken up and put on its third reading.

Mr. Johnston, of Buncombe, moved to amend by striking out the "10th of January" and insert the "26th of December;" lost.

Mr. Houston moved an amendment that the members and officers of the General Assembly do not receive any *per diem* during the recess. Mr. Carson accepted the amendment and the resolution passed its third reading.

CALENDAR.

The resolution in favor of the Sheriff of Davie county, was taken up and amended so as to include almost every present and former Sheriff in the State.

After a long debate and the adoption and rejection of numerous amendments, the whole matter was referred to the Committee on Propositions and Grievances.

Mr. Strudwick, from the Committee on Rules, submitted a report adopting with some amendments the Joint Rules of the last General Assembly.

The report was concurred in and adopted.

By Mr. Marler: A bill to relieve administrators and executors of the guilt of a misdemeanor, who contrary to the act concerning the settlement of the estates of deceased persons, laws of 1868–'69, have *bona fide* administered according to the law as it was before the passage of the aforesaid act; referred.

By Mr. Grayson: A bill relative to the sale of land by the Commissioners of Marion, McDowell county; referred.

CALENDAR CONTINUED.

The resolution in reference to the House library was taken and adopted.

The resolution in favor George Higdon, late Sheriff of Macon, was taken up and passed its third reading.

Resolution authorizing a Committee to purchase, on the best terms possible, the stationery for the use of the House, was taken up and adopted.

By Mr. Ashe: A bill to provide another mode of taking depositions in the several Courts in the State; referred.

CALENDAR CONTINUED.

Resolution referring that portion of the Governor's message which alludes to matters in Caswell and Alamance counties to a special Committee, who shall have power to send for persons and papers, and administer oaths, was taken up and referred to the Judiciary Committee.

Resolution instructing the Finance Committee to report a bill in regard to the special tax money, was taken up and referred to the Committee on Finance.

By Mr. Justice: A resolution asking the House branch of the Joint Committee on Printing to report the terms of the contract for the public printing.

The rules were suspended and the resolution was adopted.

CALENDAR (CONTINUED.)

Resolution in regard to private bills was taken up and adopted.

Resolution in favor of the Sheriff of Haywood, was taken up and referred to the Committee on Propositions and Grievances.

Resolution concerning internal revenue on tobacco and distilled spirits, was taken up and passed its second reading.

Resolution instructing the Judiciary Committee to prepare a general bill for the relief of Sheriffs, was taken up and laid on the table.

On motion of Mr. Waring, the rules were suspended, and the Senate resolution asking Congress to remove the political disabilities of Hon. Z. B. Vance, was taken up and adopted by the following ballot:

YEAS.—Messrs. Anderson, Armstrong, Ashe, Atwater, Atkinson, Brooks, Broadfoot, Brown, Bryson, Buxton, Carson, Chamberlain, Clinard, Crawford, Currie, Dickey, Duckworth, Furr, Gambrel, Garrison, Gatling, Gore, Gullick, Grayson, Gregory, Hampton, Henderson, Houston, Hill, Johnston, of Buncombe, Johns, Jones, of Caldwell, Joyner, of Johnston, Joyner, of Pitt, Kelly, of Davie, Kelly, of Moore, Kelsey, Kincade, Lassiter, Lucas, Luckey, Martin, Marler, Maxwell, McAfee, McCauley, McNeil, Mills, Mitchell, Nicholson, Phillips, Powell, Rankin, Reid, Regan, Robinson, Scott, Settle, Shull, Smith of Anson, Smith of Wayne, Sparrow, Stanford, Stewart, Strudwick, Tomlinson, Waring, Welch, Wilcox, Womack, Woodhouse, Young of Yancey, and York.

NAYS.—Messrs. Bryant of Halifax, col., Bunn, col., Dudley, col., Ellison, col., Washington, Frankie, Hargrove, Johnson of Franklin, Edgecombe, Jones of Northampton, Justice, Lyon, Mabson, col. Morgan of Montgomery, Morgan of Wake, col., Newsome, col., Nixon, Page, Reavis, col., Robbins, col., Smith of Halifax, col., Tucker, col., and Willis, col.

By Mr. Martin: A bill to fix the *per diem* and mileage of members and officers of the General Assembly as follows:

Presiding officers $7 per day.

Principal and Assistant Clerks $6.

Enrolling and Engrossing Clerks, Doorkeeper and Members at $5 per day, and mileage at 20 cents.

On motion of Mr. Martin, the rules were suspended and the bill considered.

Mr. Johnston of Buncombe, moved to amend by making the *per diem*, of Presiding Officers at $6, Members $4, Clerks $5 and mileage 10 cents.

Mabson, col., moved to lay the amendment on the table, but on being informed that such a motion would carry the original bill with it, he withdrew it.

Mr. Harris, of Franklin, (Rep.), hoped the amendment would be voted down.

Mr. Collis (Rep.) offered a substitute giving the Presiding officers $10, Clerks $7, and allowing members to fix their own *per diem* not to exceed $6 and mileage 20 cents.

The yeas and nays were called and the substitute was rejected by a vote of yeas 6, nays 92. Those who voted in the affirmative were: Messrs. Broadfoot, (dem.) Chamberlain, (dem.) Collis, (Rep.) Copeland, (Rep.) Johnston of Edgecombe, (Rep.) and Lucas, (Dem.)

The question recurred upon Mr. Johnston's of Buncombe amendment.

Mr. McAfee offered a substitute making the *per diem* of Presiding Officers $7, Members $4, Clerks $5, Doorkeepers $14, and mileage 10 cents by most direct route. The substitute was voted down.

Mr. Martin called for the previous question. The call was sustained and the question recurred upon Mr. Johnston's amendment, which was voted down.

The question then recurred upon the original bill of Mr. Martin, which passed its second reading by the following vote:

YEAS—Messrs. Armstrong, Ashe, Atkinson, Brooks, Broadfoot, Bryant of Halifax, Bunn, Buxton, Chamberlain, Collis, Copeland, Currie, Darden, Dudley, Ellison, Faulkner, Fletcher, Garrison, Gatling, Goodwyn, Gullick, Gregory, Harris of Franklin, Harris of Guilford, Hargrove, Hardy, Henderson, Johnson of Edgecombe, Jones of Northampton, Justice, Kelly of Davie, Lucas, Lyon, Martin, Mabson, McNeil, Morgan of Montgomery, Morgan of Wake, Mills, Newsome, Page, Phillips, Reavis, Reid, Regan, Robbins, Scott, Smith of Anson, Smith of Halifax, Sparrow, Stanford, Stewart, Sykes, Tucker, Waring, Willis, Wilcox, Woodhouse, Young of Yancy—59.

NAYS—Anderson, Atwater, Brown, Bryson, Carson, Clinard, Crawford, Dickey, Duckworth, Furr, Gambrel, Gore, Grayson, Hampton, Houston, Hill, Johnston of Buncombe, Johns, Joyner of Johnston, Jordan, Kelly of Moore, Kelsey, Kincade, Lassiter, Luckey, Marler, Maxwell, McAfee, McCauley, Morris, Mitchell, Nicholson, Nixon, Rankin, Robinson, Settle, Shull, Smith of Wayne, Strudwick, Tomlinson, Welch, Womack—42.

On motion the rules were suspended and the bill passed its third reading by a vote of yeas 57, nays 41.

On motion, the House then adjourned.

NOTE.—During the ballot on the second reading of the bill in relation to *per diem* and mileage, Mr. Robinson said he voted against the proposition fixing *per diem* and mileage for three reasons: First, because he came here to vote for $4; secondly, because 20 cents a mile was too much, and thirdly, because it discriminated between Clerks, paying one class $5 and the other $6.

Tucker, col., would vote for $5 but would rather have the *per diem* made $6 per day.

The Reporter neglected to mention in the proper place an amendment offered by Mr. Tomlinson, making the *per diem* of members $3 per day, also the remarks in which he made in advocacy of it.

During the discussion, Mr. Jordan said he had not put in many appearances in this House; was content generally to let the propriety of his votes be their explanation; but this bill takes effect only from its ratification, thereby allowing members to receive the seven dollars allowed by the last General Assembly. Furthermore he was opposed to the amount proposed. Members owed it to their constituents to practice some self-denial, and not, because they occupied the anomalous position of being able to fix their own pay, to vote themselves what would make them perfectly easy. He would on both accounts oppose the bill.

#### SENATE.

MONDAY, Dec. 12, 1870.

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

PETITION.

Mr. Speed presented a petition from Mrs. Sarah Mann, widow of Wm. Mann, late Sheriff of Pasquotank county, praying the General Assembly for relief, which was referred to the Committee on the Judiciary.

[illegible]

A message was received from the House transmitting a bill to amend the charter of the city of Wilmington.

On motion of Mr. McClammy, it was placed on calendar without reference.

INTRODUCTION OF BILLS.

By Mr. Merriman: Bill to punish officers and agents of Railroad companies for embezzlement and other offences; referred to the Committee on the Judiciary.

This bill makes it *felony*, punishable with three years confinement at hard labor in the Penitentiary, and fine not less than one thousand dollars for any President, Treasurer, Director, Officer or Agent of any Railroad company in this State to embezzle, or in any way directly, or indirectly to apply the money, bonds or other property of such road to his own use or benefit or for the use or benefit of himself or any other person, firm or corporation [illegible] above for any such officer or agent to combine or conspire with any other person or persons to embezzle or apply to his own use or benefit, or for the benefit of himself or any other person any money, bonds or other property of any such road.

By Mr. Cook: Bill authorizing the construction of a bridge across the Yadkin river at or near Wilkesboro; referred to the Committee on Propositions and Grievances.

By Mr. Merriman: Bill in relation to *mileage* and *per diem* of Officers and Members of the General Assembly; referred to the Special Committee on *per diem*.

The following resolutions were taken up under the rule, to-wit:

WHEREAS, Neither justice, sound policy or the public welfare can be promoted by the sanction of combinations, to defraud the State or the people; *and whereas*, in the opinion of this General Assembly the users of North Carolina have paid more than their equitable proportion of the enormous appropriations made and squandered by the late Convention and General Assembly in the years 1868, '69 and '70, were conceived in fraud and consummated in corruption, and for that reason, there is neither moral, constitutional or legal obligation binding the State to pay them, therefore be it

*Resolved*, That the Committee on the Judiciary be, and is hereby, instructed to bring in a bill consolidating all the debts due by the State of North Carolina prior to the 1st of January, 1868, not declared void by the Constitution of 1865, acts of Congress, or Proclamations of the President of the United States, the same to be payable on and after the 4th of July 1900, with interest thereon at 3 per ct. per annum, payable semi-annually at the Treasury of South Carolina at Raleigh, North Carolina, in gold.

Mr. Olds moved to amend by striking out the preamble, which was voted down.

Mr. Jones moved to amend by striking out all after the preamble, and inserting the following, to wit:

"Now, therefore, be it resolved by the Senate of North Carolina, that the Committee on the Judiciary are instructed to enquire what legislation, under the Constitution, is practicable to consolidate or

After some discussion, the amendment was adopted and the resolution passed.

Resolution in favor of Hackney Pool was referred to the Committee on Claims.

Mr. Love moved a reconsideration of the vote by which the Senate agreed to take a recess from and after the 22d of December to the 11th of January, which prevailed.

Mr. Love moved amend the resolution by striking out 11th and inserting 18th.

Mr. Jones moved to postpone its further consideration until Saturday, which was lost.

Mr. Robbins, of Rowan, moved to lay the amendment on the table, which was lost.

Mr. Love demanded the previous question which was sustained, his amendment to extend the time to the 18th of January was voted down, and the resolution passed.

RESOLUTIONS INTRODUCED.

By Mr. Albright: Resolution proposing to hold night session, from and after date, until the 22d of December, which was voted down.

UNFINISHED BUSINESS.

The consideration of the resolution proposing that the General Assembly shall meet at 10 A. M., and adjourn at 3 P. M., each day, was taken up. Several amendments were offered and lost, and the resolution was finally rejected.

FROM THE HOUSE.

A message was received from the House transmitting the following bills and resolutions to wit:

Bill to repeal an act in relation to taking fish from the Northeast branch of the Cape Fear river; referred.

Bill to prescribe the time for Sheriffs to settle; referred.

Resolution in reference to an act that provides for the completion of the Western North Carolina Railroad; lies over.

Bill for the relief of J. H. Davis, Sheriff of Carteret; referred.

Resolution in favor of W. H. Gentry, Sheriff of Stokes; lies over.

Resolution proposing to take recess from 23d Dec. to 3th. 11th, and provides further, that the members shall receive no *per diem* during said recess; lies over.

Bill to confirm the sale of lots in the town of Sparta; referred.

Resolution in favor of W. H. Higdon, late Sheriff of Macon; referred.

Bill fixing *per diem* and *mileage* of officers and members of the General Assembly; referred.

On motion of Mr. Robbins of Rowan, the Committee on Finance was requested to report immediately the bill for the relief of J. D. Davis, Sheriff of Carteret, subsequently Mr. Jones reported the bill, and it passed its several readings under a suspension of the rules.

THIRD READING OF BILLS.

Bill to authorize the transfer of certain cases pending in the late Court of Equity; passed.

Bill requiring Sheriffs and Coroners to give notice to parties in whose favor they may have process for collecting money; passed.

Bill to consolidate the North Carolina and the North Western North Carolina Railroad Companies.

Mr. Merriman moved an amendment including the Western Division of the Western North Carolina Railroad.

Pending its consideration the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

MONDAY, Dec. 12.

House called to order at 10 o'clock.

Prayer by the Rev. Mr. Grayson of the House.

Journal of Saturday read and approved.

Mr. Powell was allowed to record his vote in the negative upon the question of $3 *per diem*, he being unavoidably detained from his seat when the vote was taken on Saturday.

Mr. Henderson, presented a memorial from the Grand Jurors of the last Fall term of the Cabarrus county Superior Court; referred.

Mr. Justice presented a memorial from the Commissioners of Rutherford county; referred.

The Chairmen of various Committees submitted reports from their respective Committees.

By Mr. Shuff: A resolution in favor of sight seeing; placed on calendar.

By Mr. Jones of Caldwell: A resolution concerning the University of North Carolina; referred.

By Mr. Norris: A resolution in regard to a system of public instruction; referred.

Mr. Martin of Carteret, introduced the following resolutions:

WHEREAS, The last Legislature made an appropriation of two thousand dollars ($2,000) for the construction of a State Marine Hospital at Beaufort Harbor, and

WHEREAS, said Hospital is yet unfinished, and not likely to be completed; and

WHEREAS, Sundry sums of money have been paid out of the State Treasury for the avowed purpose of "keeping said boat,"

*Resolved*, 1st, That the Committee on Finance be instructed to inquire into this matter, and ascertain, if possible, to whom the appropriation for the construction of said Hospital was paid, what amount was expended on said Hospital, and the present condition of the building.

*Resolved*, 2nd, That said Committee be instructed to inquire whether or not it is expedient to keep a boat for Hospital purposes, when no Hospital really exists.

*Resolved*, 3rd, That said Committee report to this General Assembly at an early day, by bill or otherwise.

The resolutions were read and placed on the calendar.

The Clerk of the House was directed to furnish the Comptroller of State to furnish this House with a journal of their proceedings; placed on calendar.

By Mr. Strudwick: A resolution requiring the Auditor to furnish an itemized statement of that portion of the Treasurer's Report which comes under the head "Contingencies;" placed on calendar.

By Mr. Sparrow: A bill concerning the city of Newbern; referred.

By Mr. McAfee: A bill in relation to Salaries and Fees.

By Mr. Collis: A bill in relation to certain Townships in Mitchell county; referred.

By Mr. Martin: A bill to appoint an Inspector and Weigher in the Port of Newbern; referred.

By Mr. Woodhouse: A bill to repeal chapter 42, laws of 1869–'70; referred.

By Mr. York: A bill to authorize the construction of a bridge over the Yadkin River at or near Wilkesboro; referred.

On motion of Mr. Waring, the rules were suspended and the report of the Committee on Printing was taken up.

The report states that a contract has been entered into with James H. Moore of the SENTINEL office of this city, on the following terms:

Plain work, 75 cents per 1000.

Press Work, 75 cts per token (240 impressions.

For binding books of the size of the Acts of 1868–'69, full sheep, 75 cents.

For size of 1869–'70, full sheep, 60 cts.

For size of 1869–'70, half sheep, 50 cts.

For size of 1869–'70, paper, 10 cts.

House Journals, size of 1869–'70, full sheep, 60 cents.

For folding and stitching bills, documents, &c., per 1000, of 8 page forms, 10 cents per thousand.

Mr. Waring stated that the Committee had advised with the leading printing establishments of the city, upon the proper prices to be paid for the different kinds and styles of work, and had likewise most carefully examined into the prices heretofore paid, and had closed a contract by which the printing would be done cheaper, than even in *ante bellum* days. The old way of counting by hook, measure was done away with, and the printing would be paid for by actual measurement by the thousand. He (Mr. W.) had resisted this contract, because he thought 75 cents per thousand too little, when paid by actual measure; he was in favor of 90 cents per thousand. He thought the contract too cheap, as it ground down the wages of printers; he wished labor to be fairly compensated. If the House would be at all economical in their printing orders, the public printing would, at an enormous estimate, not exceeding $8,000 per annum, whereas last year it cost the State $28,000.

After some little debate the report of the Committee was concurred in and the following resolution, which accompanied the report, passed its second reading:

*Resolved*, That no printing of the State by any other than the party who has contracted to do the public printing shall be paid for out of the public money; *Provided*, That the *Standard* newspaper office shall be paid for work contracted for (and performed) before the abolition of the office of State Printer, and this resolution shall be in force from the abolition of the said office.

A communication was read from the Attorney General in reference to the rights of the State in the Wilmington, Charlotte and Rutherford Railroad under existing laws. The communication was sent in compliance with a resolution of the House asking the opinion of that officer in regard to the above mentioned matter. The document was ordered to be printed.

On motion of Mr. McAfee, the rules were suspended and the bill to repeal the act extending the corporate limits of the town of Bethlehem was taken up.

Messrs. McAfee, Jones of Caldwell, and Sparrow advocated the bill.

Messrs. Justice and Hargrove opposed it.

After the adoption of an amendment submitting the question to the qualified voters of the town who resided within the old limits, the bill passed its second reading.

Mr. Robinson, from the Committee on Enrolment, reported various bills and resolutions as being correctly enrolled.

Mr. Crawford, from the Committee on Engrossed Bills, reported several bills and resolutions as being correctly engrossed.

On motion of Mr. Robinson, the rules were suspended and the bill in reference to the Keeper of the Capitol was taken up, (the bill takes away the appointment of the Keeper of the Capitol from the Board, creates by sec. 2, chap. 107 Revised Code and makes the office elective by the Legislature on the 4th Wednesday of each and every session).

The report of the Committee favorable to the passage of the bill was read and concurred in, and the bill passed its second reading by a vote of yeas 69, nays 24.

On motion of Mr. Robinson, the rules were suspended and the bill passed its third reading.

Mr. Nicholson, from the Committee on Privileges and Elections, submitted a report in regard to the Wayne county contested election between Moses Copeland, the sitting member, and Paxton. (The report recommends that a Commissioner be sent to Goldsboro to take depositions.)

On motion of Mr. Nicholson, the rules were suspended and the report was concurred in.

Mr. Nicholson then offered a bill appointing a Commissioner to proceed to Goldsboro and take evidence in the matter.

On motion of the same, the rules were suspended and the bill considered.

On motion of Mr. Harris, of Franklin, the bill was so amended as to authorize the appointment of two Commissioners instead of one. The bill then passed its second reading.

On motion of Mr. Nicholson, the rules were suspended and the bill then passed its third reading.

On motion, the House then adjourned.

NOTE.—In the ballot taken on Saturday on the $3 *per diem* question, Mr. York should have been reported as voting in the negative.

[illegible] to the *per diem* question, Mr. York should have been reported as voting in the affirmative.

[illegible] for Doorkeepers instead of "14" as a typographical error made the report state.

For the Sentinel.

DEAR EDITOR: I have just read the weak, undignified, tedious and disjointed "document," styled the "President's message to Congress."

The *general character* of the "message" reminds me of Hon. Charles O'Connor's illustration of "pleading under the *New York Code*." He says "you must tell your story, precisely as your clients tell it to you; just as some old woman in trouble would for the first time narrate her grievances, &c. One of the prominent, distinctive features of this "message" is indicated in the following declaration: "It is to be regretted that a free exercise of the elective franchise has by violence and intimidation been prevented in several States in rebellion, and the verdict of the people has thereby been reversed." The application of this to North Carolina, means that by violence and intimidation the people were prevented from voting. Hence Democratic victory.

"Some people seem to believe and to act on that belief, that "a lie well stuck to, is as good as the truth." This appears especially to be the philosophy or religion of the invisible editor of the *Standard*. (Raleigh *Sentinel*, Nov. 15th, 1870.) Please make the application to the "man" that the *sid dissent* "Admiral Porter" charges with wearing "borrowed plumes," "avaricious-ness," "lack of magnanimity," and "paucity for fame not earned," &c., &c.

North Carolina, Alabama, Tennessee, Florida, Missouri, and other Southern States, refute this charge, as a "base and glaring lie," conceived by the "arch-Devil" of lies for partizan purposes. Unfortunate, distressed South Carolina concedes its truthfulness. Some will readily conclude that this indicates "Congressional interference," and will counsel "moderation," and admonish against "hasty measures," such as impeachment. Mr. Editor, I feel proud of our Legislature, i. e., the material. I have confidence in such men as Allen, Warren, Robbins, Graham, and many others, that if they are right, and the gates of hell shall not prevail against them. If Holden, Pearson, *et id omne genus*, are guilty of crimes, of "commission" or "*omission*," which render them liable to impeachment, impeachment will be inevitable, Mr. Grant's message to the contrary notwithstanding.

WESTERN NORTH CAROLINIAN.

An Irish jockey, elated with his success at winning a race, observed, "By my sheul, *I'm first at last*, I've always been *behind before*."

### SUPREME COURT OPINION.

We give the following from the Knoxville (Tenn.) *Daily Press and Herald*, as a matter of interest to the general reader, and of especial interest to the Bar:

September Term; Knoxville, 1870; Joseph B. Heiskell, Attorney General and Reporter; No. 132; R. H. Ingersoll vs. A. W. Howard, Judge, &c.

The Act of 1868, c. ——, § 5, requiring the courts to administer the adjuration of the Ku-Klux, to "all officers," did not apply to Attorneys.

The courts had no power to require such oath, by a general rule.

If a judge improperly exclude an attorney from practice, and refuse to put the order on record, or allow him to appeal, he is a proper defendant to a mandamus, and liable for cost.

From the Criminal Court of Greene, A. W. Howard, J., presiding.

This cause being docketed in the name of *R. H. Ingersoll vs. the State*, on motion of the Attorney-General, it was ordered that the same be corrected, so as to stand *R. H. Ingersoll vs. A. W. Howard, J.* In support of the motion he cited *Bates vs. the Justices of Claiborne county*, 3 Hay., 26, 29. *Baier vs. the Justices of Washington county*. Peck, 231, 261, and *Hardin vs. the Justices of Hardin county*. Peck, 291.

OPINION.

At the March Term, 1869, of the Criminal Court of Greene county, the following rule of the court was read in open court, and ordered to be spread of record, as an order of court.

"Order or rule of court.

The subject matter of establishing a uniform rule of practice, for the government of attorneys practicing in the Criminal Court, in the First Judicial Criminal District of Tennessee, under the Act of the General Assembly of the State of Tennessee, passed on the 10th day of September, A. D., 1868, entitled "An Act to preserve the public peace," being under consideration; the Court is pleased to order and direct, that it shall hereafter be an established and uniform rule of the Court, in the First Judicial Criminal District, that all attorneys proposing to practice in said Court, in any of the counties in said district, before being permitted to do so, shall, under oath, give satisfactory evidence that they are in no way associated, obnoxious to the provisions of said Act of Assembly, passed on the 10th day of September, A. D., 1868, as required by said act, as the same is construed and understood by the Court. The above rule shall be peremptory and uniform, until, such time as the same may be altered or modified by the Court. It is not made with a view to oppress, nor with a view of making invidious distinctions, but in compliance with, what is understood by the Court, to be a solemn duty, made so by the provisions of said Act of Assembly, this January 12th, A. D., 1869.

Upon the entry of this rule upon the record, the Criminal Judge, A. W. Howard, ordered the Clerk to destroy the old roll of attorneys and make a new roll, and to enter the name of no attorney thereon, who had not complied with the above rule. In obedience to this order, the names of the attorneys were stricken from the roll, including the name of R. H. Ingersoll, the petitioner, who had been for six months, a practicing attorney in said court. Petitioner inquired of the Judge in open court, if such was the order of the court, whereupon, the Judge ordered the clerk to read said rule for the information of the attorneys present. Petitioner then stated to the Judge, that he was not obnoxious to the provision of the Act of Assembly; and, that he was opposed to the *Ku Klux Klan*, and all other secret political organizations in existence in Tennessee. U. S. but, as the rule was a new or in the one, and the oath extraordinary, he asked the privilege, in behalf of himself and brother attorneys, of being heard upon the same, but the privilege was "insultingly refused." Petitioner then stated to the court, in a respectful manner, that as there was a wide difference of opinion upon the construction of said Act of Assembly, between the presiding Judge and all the other Judges of the section of the State, he wished an authoritative construction of the same from the Supreme Court; and to enable it, moved the Judge to hear his motion for a record that petitioner be permitted to enter his appeal and to decide the same. The court [illegible] and to decide the same, [illegible] might have something from which to appeal to the Supreme Court. But this motion, the court refused to enter of record and fined petitioner, for contempt of Court, in making such a request, and peremptorily ordered him to take his seat, saying that petitioner had no right as an attorney or a party, to be heard in that court. Petitioner then procured another attorney who was not under *ban*, to make the same motion for the same purpose, but the Judge peremptorily refused again to enter said motion of record, and threatened to fine said attorney for contempt; at the same time stating, that he would not permit the correctness of that rule to be called into question, nor would he permit anything to go of record, from which, [illegible] said, then stated, that he would prepare a bill of exceptions to the action of his Honor, in refusing to allow the motion to be entered, but the court replied, that he would not sign any bill of exceptions to the action of the court in the premises.

In April, 1869, the said R. H. Ingersoll presented his petition, for a mandamus, to one of the Judges of the Supreme Court, in which the facts already cited, were alledged, when the said petition was granted, and the said A. W. Howard, required to appear and show cause why a peremptory mandamus should not issue, commanding him to have the proceedings complained of, entered of record, to the end that the same might be revised in the Supreme Court.

On the day fixed, the said A. W. Howard, entered his appearance, in the Supreme Court, and filed his answer, in which he states, at great length, his reason for adopting the said rule, and for refusing to allow petitioner's motions to be entered of record. He states, that the "act of the 10th of September, 1868, being placed in respondent's hands, and sworn as respondent, was to administer the law faithfully, and finding in the 5th section of said act, the following language, viz: "That it shall be the duty of all the officers of the State, to call before it, all the [illegible] of, who shall be sworn, and have this act read, or explained, to them, and the court shall ask said officer, if they shall have any knowledge of any person in the State, or out of the State, that shall be guilty of any of the offences, contained in this act," &c., "Construing the 5th section of said act, as including attorneys, as officers of the court, in the meaning of the makers of the statute, he had no alternative left him, in the court of his own conscience, but to administer to them the oath, in connection with the officers of the court," and hence, he adopted the rule, already set out. The reason of the respondent for not allowing petitioner's motions to be entered of record are stated as follows, viz: "that respondent did not regard the said Ingersoll as being associated in any way, obnoxious to the act of September 10, 1868, and had to refer his motive in resisting the rule, to some other cause.—And the conduct of Mr Ingersoll, warranted such conclusion. That he manifested a disposition to browbeat, and over ride the court, and bring its authority into contempt; believing this, respondent may have acted with some degree of promptness, which respondent might not, upon other occasions, where, manifest disourtesy was shown. Respondent believed at the time, and still believes, it was an absolute duty to the bench, to inflict some degree of punishment upon Mr. Ingersoll, which respondent believed at the time, and still insists, was done in leniency and forbearance."

As a further reason for not allowing petitioner's motion to be entered of record, respondent says: "To say that all the rules of the Circuit, Chancery, and Criminal Courts, made for their own protection and for the dispatch of their own business, and made in accordance with the written law, are subject to revision in the Supreme Court, whenever any captious attorney sees proper to make a question upon the rules, and carry them up to the Supreme Court, is just to destroy the inherent powers of the inferior tribunals, and take from them all their dignity, and all their rights of protecting themselves."

After spreading and filing his answer to the alternative mandamus, Judge Howard, at the July term, 1869, of the Criminal Court, at Greenville, had a complete record of the proceedings, on Mr. Ingersoll's motion, entered of record, including a bill of exceptions and the granting of an appeal, of which we have a transcript in this Court, under the improper caption of H. H. Ingersoll vs. the State. This is the record, to procure which, Mr. Ingersoll filed his petition for a mandamus, and which would have been procured by a peremptory mandamus, if one had been ordered by this Court. Whil