The Semi-Weekly Sentinel.

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THE SENTINEL.

IMPEACHMENT.

TRIAL OF

W. W. HOLDEN.

THIRTY FIFTH DAY.

SENATE CHAMBER, March 11, 1871.

Court met. Hon. Chief Justice Pearson in the chair.

Roll called and thirty nine senators present.

Mr. McGlamery submitted an order that hereafter the session of the court shall be from 11 a. m. to 2 p. m., and from 3 p. m. to 5 p. m. each day.

Mr. Troy called for the yeas and nays which the call was sustained.

The chief justice put the question and the order was adopted, yeas 35, nays 4.

WM. A. HORNADAY, sworn for the respondent, testified:

Questioned by Mr. Badger.

I live in Alamance, am twenty six years of age, on the 23d of December, 1868.

The CHIEF JUSTICE: The presiding office would have rather to senators that they ought to stop reading newspapers while the examination was going on.

The WITNESS: On the 31st December some disguised men came to my house. I was in bed and heard them when they were on the piazza. I asked them who it was and told them they had better mind how they came about there. They went around the house and fired in the window, the ball passing over my bed, in which my wife was lying. They were disguised but had no horns.

On cross examination witness stated that there have been no christmas frolic, it was customary in dutch settlements for negroes to go about on christmas times and no about white leaders houses. Though often visited in consequence, and that he did not think it was for the purpose of getting balls so that they should be fired into houses.

[illegible] I am forty four years old, live in Graham, Alamance county. Am clerk of the superior court, have been since 1868. True bills were found in one instance against three negroes, now in penitentiary for some, disguised. No other case, no another conviction. A bill was sent in to the grand jury at the instance of Joe Harvey, col., but it was returned "not a true bill found." These are the only bills that I ever heard of. Previous to the proclamation placing the county in insurrection, some eight or ten warrants were sent to court by magistrates, but never heard of true bills being found on any. Bills were sent to solicitor, and I don't know what he did with them. Feeling between the races, and towards white republicans, before the proclamation, was bitter. It was between parties—no more towards colored than white republicans. I am generally acquainted with the administration of justice in my county.

I only know of outrages by the war cools sent up.

Mr. Badger wished to ask the witness as to feeling of terror in the county on part of the republicans.

Mr. Merrimon objected to the question as having before been ruled out; and as nothing but hearsay evidence.

The chief justice decided the question competent.

Mr. Merrimon asked the sense of the senate.

Yeas and nays ordered, and the evidence was rejected by 15 yeas, 24 nays.

Witness: I was frequently in Raleigh. I don't know that I ever called on the governor relative to militia. I never knew anything of the militia coming there. I frequently told the governor of the condition of the county, represented affairs to be terrible, carried upon him the importance of something being done to produce quietude. I never informed him that the civil law was inoperative. The only notice I have ever seen is a written one, signed by myself and others. I think it contained a correct statement of affairs at the time, though I don't recollect it asked him to send militia to that county. We asked him to let the county militia be organized and to appoint Mr. Ray to command it.

Cross examination, by Mr. Graham.

The courts of justice, all the courts and offices of the county were regularly opened. The county authorities were generally republican. I know of no instance of an application to a magistrate, on proper evidence for a warrant, and a failure to get it. No resistance to any of the officers at all. In Joe Harvey's case there was returned, "not a true bill." I don't know that Harvey has admitted there that he was mistaken as to the men. I did not deny, nor did I acknowledge, having signed the letter with Major Ballanan. I had no idea of asking that Kirk be sent. When he came I telegraphed the governor, expressing my strong disapprobation of it. When the men were being arrested I telegraphed the governor, asking him to allow them (the prisoners) to give bail, but never received any reply. The feeling between the parties is no more towards black than white republicans. I am an active republican. On the 4th of July, 1868, I read an address to an assemblage of the league. I was never a member of the league, but attended one meeting, by request of Outlaw. At this meeting a discussion arose, participated in by Alex. Ruffin, Allen Paisley and others, who advocated the policy of burning out their political adversaries. I have made the remark that if I was outraged as some had been, I would retaliate. I said to Mr. W. R. Rogers that I would burn them out, but immediately took it back, seeing its imprudence. I don't know that the league threatened a member for voting the democratic ticket. The meeting held in January, 1870, to express disapprobation of the Shoffner bill was composed of both parties. It was held in good faith. Resolutions denouncing outrages were passed in good faith, as far I know. Political feeling was as strong on one side as on the other. It was personal between some—not generally so. Usual business relations existed between the races.

PINKNEY ROLLINS, sworn on behalf of respondent, testified:

Now reside in Asheville, formerly lived in Madison county. I am acquainted with general character of George W. Kirk. He was a brave and dashing officer, treated prisoners humanely and kindly, and respectful to citizens. I know of a petition being sent to Gen'l. Stoneman, commanding department of East Tennessee, signed by nearly every leading citizen of Asheville, asking him to send Kirk to that place to take command. I saw the petition, and it stated that from general character of Kirk they (the signers) had learned to fear him, but since they have known him they learned to love him.—Kirk was a law abiding and peaceable citizen.

Cross examination, by Mr. Merrimon.

The general reputation of Kirk was that he was a desperate and lawless man. He was so thought of by the confederates—others did not. My brother was a major of his regiment. I never belonged to the regiment myself, but went with it to Asheville. Most of the regiment were deserters from the confederate army. It was generally reported that he killed a man a short distance from Asheville, while he was on his knees begging for his life, though I don't know that such was the case. Before he got to Asheville, the people generally believed he would burn the place, and it was reported that the general commanding preventing him from so doing. There was great terror among them at the time. After Stoneman passed, Kirk was left in command, and the houses were pillaged by the troops. Kirk was called on by some for guards for protection.

CONRAD, Representative from Mitchell, sworn and testified that Kirk had two general reputations, one good, the other very bad. Political opponents and negroes thought him a desperado, loyal men thought him a good man and friend. Rebels thought him a "thunderbolt of war," others like him. I am a republican.

JOHN W. FOGLE, MILTON HOPKINS, WILLIS S. CAPPS, sworn and testified to having been members of the White Brotherhood, but nothing further. Also, DAVID CUMMINS.

JOSEPH MERANE, col., sworn on behalf of respondent, and testified:

I now live in Johnson county, teach school. I taught school in Caswell county last year, leaving there about some time in March. While in Caswell, about the latter end of February, 1870, disguised men passed my house. I was sitting in Mr. Samuel Allen's, a colored man. The next time I saw them a short time after they passed by, was when they made the attack on Mr. Allen. I was secreted in the back of the house, and heard him struck. Then a rushing against the door. Allen was told to open the door. He said he did not open the door. His wife objecting to it, he delayed in unlocking. He finally opened it, and they told him to come out. He said he would not do it. They advanced on him and he ran back and got a sword. By this time one of the disguised men was standing in the door. Mr. Allen immediately rushed upon him, stuck the sword into him, and closed the door. Heard the men say they were going to set the house on fire. Heard them striking matches. Mrs. Allen went through a *colored* into the kitchen, and begged them not to burn the house. Mr. Allen got out and ran. They followed, shooting at him. As they were coming on back, heard them say they would have revenge. Then had a *discourse* with Mrs. Allen, and asked her where the teacher was, meaning myself. She told them I went home with the children that evening. I kept very still myself. After they left, Mrs. Allen told me to leave, and I at once traveled. This was on the 9th of May. I taught my school out that week. I stood guard every night, taught school every day. While watching one night, sitting in house by the fire, I looked up the road and saw something white. I told Capt. Fields, and we [illegible] Pretty soon down they came, and we traveled. Robin Jacobs, instead of going with us, went another route. Next morning I saw his dead body, near Allen's house. He was shot through the shoulder. These men were disguised, with horns. I saw them every time they came. I *suggest* there appeared to me to be two or three hundred of them, the last time. I left there the next morning.

Cross examined by Mr. Graham.

Allen told me that he stuck the sword in the disguised man so far that he could hardly pull it out. I don't know whether he fell on the steps or not, or that his body was taken up the next morning and buried. I have not studied a profession—no law or medicine.

SAMUEL ALLEN, col., sworn and testified substantially the same about visit of Ku klux to his house, as given by Mebane.

He left Caswell the 15th of May, was afraid to stay there. Believes that it was decreed to kill him the first opportunity. When I left my house I went to Yanceyville to carry a message to Mr. Stephens, which a lady gave my wife for me to deliver. I then came to Raleigh, saw the governor, in formed him of the condition of the county. I had seen the governor before about this. At the second conversation with him I told him the colored people and myself were in a great terror, that we wanted protection. I had been run off from all I possessed, and asked a guard to return with me to get my things. For one week I importuned the governor and a general who was here, Littlefield I believe, and begged with all my soul for protection. I told him that I had the concurrence of all my people in my county.

Cross examination by Mr. Merrimon.

I live three miles from Person line, four from Orange. I belonged to the league. I know nothing of barns being burned. Never was charged in court with stealing or any crime. The kuklux gave me no reason for treating me as they did. I got generally acquainted with the people by traveling over the county making speeches. Am a politician. All that part of the county in which I spoke was the eastern portion. If I can speak I can tell what caused bad feelings.

Mr. Merrimon: Don't want any more of your speeches, am afraid you have been speaking too much.

Witness: I generally make speeches in behalf of the republican party, though not all the time. Good many democrats were elected through my exertions.

Mr. Merrimon. You are a pretty good democrat any way are you not?

Witness. Not a good democrat, but they generally like me nightly.

WESLEY MITCHELL, col., sworn and testified:

I left Caswell county the 14th of October last, and went to Alamance. I lived a short distance, one hundred yards from Samuel Allen's. In February disguised men passed by my house, did not do anything. The 9th of May I again heard them at Allen's house. I got up, looked out of a crack over my bed. There was about an acre of ground about them, and it looked like it was thick with them. Good many came around my house, called me to open my door. I did it, they made obedience to me, and asked me if I saw them. I said I did. Asked who was there. I told them no one but a little boy, who came to stay with me, and my brother. Made them come out. Then asked me for Allen. Told them he went there. Then asked me if I was scared. I said I was. Said you dont look like it. I said I was, then again asked for Allen. Made me and my brother go with them to look for Allen. Went over to his house. Sent us in first, made us make a fire. Did not get the fire as soon as they wanted, and they cursed me and told me if I did not hurry up would fasten me to the fire with forty lashes. After I went over the house, and could not find any one, they came in run up to the bed and pushed their guns under it and run a *steer*, or scabbard, I don't know which, through the bed. They said they were hunting guns and pistols, and heard that they were going to organize the militia to catch them. They told me to tell Sam when they caught him they would hang him. They asked me if I knew them. I said I did'nt, asked me again, and then said, if I did not know them, did not say anything about the ku klux, and would behave myself, they would not trouble me.

The witness then testified to having heard firing on another occasion when they were there, and to finding the dead body of his uncle Robin Jacobs the next morning. No inquest held over the body.

Cross-examination did not amount to anything.

Court adjourned, at 3 p. m.

THIRTY SIXTH DAY.

SENATE CHAMBER, March 13, 1871.

Court met. Hon. Chief Justice Pearson in the chair.

Adolphus E. Deaver, I now reside in Asheville. Lived formerly in Madison county, am doing business in the revenue department. I have knowledge of Geo. W. Kirk's general character and think it good with a majority of the people of Buncombe and Madison counties. I was connected with Kirk's command in 1864 as a recruiting officer.

Thos. J. Foster, I reside in Caswell county near Yanceyville. I am a magistrate. James W. Jones was outraged in 1870, he showed me his maths, he appeared to have been severely whipped, marks as long as my finger. He applied to me because I was a justice of the peace. I issued a warrant; he did not tell me who the parties were. I told him to go to the commissioners for a room to do business in in the courthouse, they did not let me have it. Mr. Stephens then offered me the use of a room at his house, which I accepted. I had been doing business nearly all day and remained until after night on one occasion to finish up. While there some one shot two or three charges of balls over the house. I heard the balls whistle. Several colored people applied to me for assistance about that time, said they were distressed. I called to see Gov. Holden and told him that I should leave the county as well as others unless, there was some protection furnished.

Terror pervaded the county. I felt insecure in person and property. The feeling between the races and democrats and republicans was pretty bitter there a paper was exhibited, which the witness says he had seen sticking up at Courthouse before the election adopting the Constitution.)

Cross examination.

Parties are divided in Caswell, republicans have several hundred majority. The two shots over the top of the house, was all the terror to which I was subjected. I never saw any kuklux. I was a *volunteer* in Confederate army in 1861. I was in the same company with Capt. Fields, that I thought the people were so enraged, that with a little effort every barn and house in the county could be burned. Capt. Fields told me afterwards, in presence of (reporter did not catch the name) that I had told him, that I could have every barn and house burned in the county. I never advised the colored people to burn barns. I belonged to the League.

William H. Stephens, sworn.

I am a brother of Senator Stephens. I was at Yanceyville the day of the democratic meeting. My brother attended and was talking some. Col. Brown was speaking when I was there. I saw my brother go out with Mr. Wiley about 4 o'clock. About 5 o'clock I went to his house; his wife was uneasy because he had not returned by 4 o'clock, as she expected. I went up town to look for him, with others I went round the courthouse, and made general enquiry for him. My other brother got some keys and examined rooms in the courthouse; the key of one room could not be found. We got a candle and looked through the window, could not see any thing but a pile of wood; could not raise the window. Dr. Roan said the windows were usually fastened inside with a stick. I have seen two colored men that had been whipped; one was whipped badly, the other not so bad. It was in the spring of 1870. I have no personal knowledge of other outrages—the state of feeling was bad in the spring of 1870. There has been no punishment for any of those of fences, so far as I know. (The witness gave an account of the finding of the body of John W. Stephens, about the same as has been heretofore published.)

John W. Stephen's life was insured at the time of his death for $10,000. The alarm on account of his absence was as early as 5 o'clock in the afternoon. His wife said he was to have been at home at 4 o'clock. We guarded the courthouse that night. Mr. Groom looked in at the window at night. George Bow, a negro, discovered the body, in the morning. I spoke to Mr. Samuel P. Hill to act as counsel and conduct the examination before the jury of inquest. The inquest was fairly conducted. (The witness was shown a card, published soon after the occurrence, signed by himself and brother.) He thought it about the same he had signed. The card was not written by him; only signed—it was brought to him by Dr. Roan, with a request to sign it. He recognized the hand-writing of John Kerr, as having written it. He also exhibited a letter received from some member of Congress from Virginia, in which it was stated that something of the kind was necessary, for the exoneration of certain parties in the community from unjust suspicion. After having it altered, we signed it. I signed it to create a better state of feeling toward us; there was such a state of feeling I did not know but that we would be bushwhacked. Mr. Kerr and Dr. Roan had never been charged with it—it was to relieve the community. I don't know whether the card was true or false.

Mr. —— Chandler, sworn:

Some time in April, 1870, some half dozen disguised men came to my house and enquired as to whether —— did not live near me. I informed them he did, they then required me to show them his house, which I did, after returning I heard some shooting in that direction. I live in the southern portion of the county and never saw any more of them.

Arch. Doll, col., sworn:

The day Mr. Stephens was killed I was sitting near the court house, I saw three men (naming them) come out of the court house, they remarked that Stephens, a d—ned son of a bitch, was taking notes, he had better be saving his prayers as he would be in hell before night. I have told this before. I was not examined at the inquest. I told old man Tilman Brown; I did not tell Mr. Hill or any of them that was trying to find out, I knew they were trying to find out, but I did not have myself to tell. I told old Kirk.

Tilman Brown, colored, sworn.

I was at my shop at work, the day Stephens was murdered. Stated about the same as last witness about hearing men make remarks after coming out of the meeting. I told Mr. Stephens what I had heard the next day. I was never summoned before now about this either to go before jury or come to Raleigh. I told nearly all the white and colored men I saw about it—Mr. Green and others. I was convicted for taking corn out of a field belonging to a man that owed me. I paid the cost, about $4.

David Johnson, colored, sworn.

I was a magistrate, a parcel of disguised men came to my house and asked who lived there. I replied Squire Johnson. They ordered me to open the door, shooting some four or five times at the house. They asked me if I was a radical, I told them I was a republican, they told me to look out they were putting up all the radicals. They called me out, I went and shook hands with them. There was forty. They bid me good bye and said may be we might meet again. I knew of no outrages myself. At that time the feeling between the races, it seemed to me, was bad. I have always got along on good terms with the white folks. I thought it was bad to have my house shot at. The whites generally employ blacks to work for them, some rented the colored people land.

J. K. Cooke, col., sworn. Am a justice of the peace. In spring of 70 found notice sticking on post, about as follows: "Cook take care of your head or we will have it before you leave the county." The sheriff of the county once refused to serve a warrant issued by me, he said that I was not a legal magistrate and therefore he would not serve it. I then wrote to Mr. Stephens, the dispute about the legality of the magistrate commission was settled, and he served many afterwards issued by me. This is the only time he refused to serve. I served many afterwards issued by me, Mr. Stephens tested a warrant on the same complaint, and he deputized a man to serve it. The warrant alluded to, was taken out by one colored man against another colored man for stealing a hog.

I never heard of any convictions for burning barns, I saw the ashes of one barn that had been burnt. I called to see the governor, I told him I thought we ought to have more troops, the few federal troops there could not protect the whole county. I told the governor that if a hog was taken or a barn burnt, they could find out who did it, but could not detect the kuklux. He said that troops would do no good, we could not get five magistrates to sign our paper. There was some feeling against John W. Stephens, the colored people wanted to put Wilson Cary in the senate, and Stephens would not give way, the colored people wanted to do this because they were largely in the majority. No kuklux were punished. I am a minister of the methodist church. I sent my family off, and determined to remain in that county until after conference.

Cross examination.

I was not a member of the white brotherhood. I was a member of the constitutional union guard. I don't know the number of members in the county, I suppose some fifty, eighteen or nineteen belonged to my klan when I was commander in the southwest portion of the county. I was elected commander in the spring of 1870. There never was, so far as I know, any outrage committed by the klan to which I belonged. I know of but one other klan in the county. I heard the testimony of Andy Shoffner, col., he stated that certain parties lived in Alamance which I knew lived in Guilford at the time he said they were living in Alamance. This negroes character was very bad. I have heard several persons, that were well acquainted with his character, speak of him as a bad character. I know that these men he said whipped him were living in Guilford at the time he stated it was done, and not in Alamance, as he said they were.

Adjutant-general Fisher was called and testified to the fact of Kirk and Bergen taking the official oath as officers. Also as to the fact that Kirk's family were here a portion of the time. He was in the service and that the colored troops were mustered in a seperate detachment, some of them were employed as teamsters, &c., at Graham.

Abby Allen, colored, was called and sworn. Her testimony was about the same in substance as that of her husband, Saul Allen, heretofore given.

A. D. Jenkins was called and testified to the fact that he was sent for by the governor to let him know if there was any general funds out of which troops could be paid. This was before the troops were called out. I told him no, and that I knew of none that could be applied to that purpose before the dividend from the N. C. Railroad would come in.

Mr. Boyden here stated, that so far as was now known, the testimony for respondent was closed but claimed the privilege of introducing other if any should have been overlooked, &c.

A DIABOLICAL MURDER.—One of the most horrible murders ever perpetrated in this county has just been brought to light. A little negro child, five years of age, was literally roasted to death by a negro boy of some twelve years, a negro woman being present, either witnessing or aiding the hellish deed. The boy murderer is the brother of Mollie, second wife of Scott Palmer. The person murdered was the child of Scott by another wife, Mollie, his present wife, was in bed, she says, when her brother took Scott's child and tying its clothes over its head, held it in the fire until it was thoroughly baked. Strange to say, the little sufferer survived from Friday night, when the awful cruelties were committed, until Tuesday last. The murderers were informed against by Mr. Jenkins, upon whose land they lived, and they have been arrested. The woman pretends that she remonstrated, but the boy would do it. Doubtless she is as guilty as the boy, for it must have been done through her instigation.—*Oxford Ger. Reporter News, 11th.*

EXECUTION OF OXENDINE.—The Lowry outlaw, Henderson Oxendine, is to be hanged on Friday next, at Lumberton. It is stated that he has made a confession, in which he located Lowry's camp, also leader of the gang, and also indicated the burial place of the murdered U. S. Detective Saunders. It is also stated that the body of Saunders has been recovered.

Legislature of North Carolina.

SENATE.

EVENING SESSION.

FRIDAY, March 10, 1871.

The Senate met at the usual hour.

On motion of Mr. Allen, a call of the Senate was made and forty two Senators answered to their names.

The consideration of the bill to enable railroad and other corporations to pay taxes the stock of the state in such corporations, &c., was postponed and made the special order for Wednesday night next.

THE CONVENTION BILL.

The bill to submit to a vote of the people (two thirds of each House concurring) the question of "Convention" or "No Convention," being the special order, was taken up on its second reading.

Mr. Latham briefly explained the provisions of the bill, which he said, were almost identical with those of the act of February last, differing merely in the two thirds requirement and in the enacting clause. As that bill had been thoroughly discussed, he now moved the previous question.

Messrs. Love and Olds gave notice of amendments they proposed to offer on the third reading of the bill.

The call for the main question was sustained—yeas 26, nays 17.

The bill then passed its second reading by a vote of 41 to 12.

On motion of Mr. Allen, the bill was put upon its third reading, and he called the previous question.

Mr. Love, having given notice, moved to amend the bill by inserting an additional restriction, viz: that the proposed Convention shall have no power to interfere with the provisions of the present State Constitution prohibiting appropriations of money by the State to works of internal improvement not now in progress of construction or begun, unless by a direct vote of the people.

In support of this resolution Mr. Love, while concurring with Mr. Latham that it would be important that the people should be allowed an opportunity to express themselves upon the question, stated that he was willing to trust the people of the State, and he proceeded to show that the constitutional provision he desired to see incorporated was their only hope of ever seeing their railroads west completed. He hoped the additional restriction would be put in the bill.

Mr. Allen now insisted upon the call for the previous question, a lengthened discussion being apparent. He was willing to give way to any proposition coming from the friends of the bill, but in consequence of the conduct of the opponents of the measure, they had forfeited all consideration.

The main question was then ordered—ayes 31, nays 14.

Mr. Love's amendment was rejected without a division.

The ayes and nays were then called on the passage of the bill on its third reading.

Mr. Love, in explanation of his vote said that in attempting to impose the additional restriction he had performed his duty to his people, and as the bill did not provide for a Convention absolutely, he would vote aye.

Mr. Robbins of Rowan, in explanation, stated that he was willing that the opponents of the measure have an opportunity of expressing themselves, when offering the amendment would rise in his place and pledge himself to vote for the bill in the event of his amendment being adopted. He passed for a response. Noise being heard, Mr. Robbins voted aye.

The bill passed its third reading—ayes 41, nays 12, (over two thirds) as follows:

YEAS—Messrs. Adams, Albright, Allen, Battle, Brown, Cook, Cornell, Crowell, Dargan, Edwards, Flemming, Gilmer, Graham, of Alamance, Graham, of Orange, Jones, Latham, Leilbetter, Linney, Love, Mauney, McNamee, Merrimon, Moseley, Murphy, Robbins, of Davidson, Robbins, of Rowan, Skinner, Speed, Troy, Waddell, Warren, Whiteside, and Worth, 41.

NAYS—Messrs. Beasley, Bellamy, Brogden, Eppes, Fleming, Hawkins, Hyman, King, Lehman, McCotter, Moore, and Olds, 12.

[The bill passed its second reading by precisely the same vote as on the third reading.]

Mr. Flemming moved to reconsider the vote just taken and to lay that motion on the table. Adopted.

Mr. Edwards moved to adjourn. Rejected.

Mr. Speed moved a suspension of the rules to take up the bill to encourage immigration. Rejected.

The second special order in regard to certain railroad matters (the title of which we did not catch) was postponed till Monday night next.

On motion of Mr. Latham, the rules were suspended and the bill to authorize the County Commissioners of Perrell County to levy a special tax passed its final reading—ayes 29, nays 6.

On motion of Mr. Love, the rules were suspended and the bill to establish a new county by the name of Lee was taken up. The proposed county is to be formed out of a portion of Cherokee.

Mr. Speed moved to strike out "Lee" wherever it occurred in the bill and insert the name of "Harvey." Mr. Speed was opposed to going out of the State for names to distinguish. If it was the purpose to honor men in these matters, North Carolina had numberless names worthy of the highest distinction. If it was the purpose to honor heroes, then the name of Harvey, which he proposed to substitute, was that of the first soldier who ever drew a sword for liberty in North Carolina and the first whose blood had been shed in that sacred cause.

Mr. Gilmer suggested the name of "Ransour."

A division of the question was moved, and the question recurred on striking out "Lee."

Mr. Merrimon was opposed to striking out. He handsomely eulogized Gen. Lee and claimed him, as the world now does, an American, not a Virginian.

Mr. Graham, of Orange, was opposed to the bill without regard to the name of the proposed county. He had voted for the county of Swain because it was claimed by the west as a set-off against the county of Dare in the east, which he had voted against. But the thing must stop. He could not, as the representative of a populous county go further in giving to counties with a voting population of 400, the same weight in the House of Representatives as counties giving upwards of 2000 votes.

Mr. Gilmer considered it important that whenever it could be done North Carolina should honor North Carolinians, as had been done in the bright example of Hoke. As to the name of Lee North Carolina had already shown her high appreciation of him in the devotion exhibited by her sons during our late struggle. In the past North Carolina had been reticent to her duty in the matter of State pride. Instead of longer toadying to South Carolina and Virginia, she should now adopt a North Carolina sentiment and a North Carolina policy in all her concerns.

Mr. Cook concurred with Mr. Graham. He was opposed to the erection of more of these small counties.

Mr. Speed concurred with Mr. Gilmer.

The Senate refused to strike out the name of Lee—21 to 19.

On motion, the senate adjourned.

SENATE.

SATURDAY, March 11th, 1871.

Called to order by President Warren. Journal of yesterday read and approved.

Mr. Brogden introduced a resolution relative to sheriffs collecting taxes, under the act to collect railroad taxes; referred.

Mr. Moore, from Committee on Corporations, reported: calendar.

Mr. Robbins of Rowan, introduced a resolution changing time of election for members of Congress from the first Thursday in August to Thursday after the first Monday in November; placed on calendar.

Leave of absence granted Mr. Hawkins until Wednesday.

Mr. Mauney introduced a bill in favor of James H. Moore, Printer to the State—Passed its several readings under suspension of the rules, ordered to be engrossed and sent to the House at once.

Mr. Robbins of Davidson, from committee on Enrolled Bills, reported; calendar.

Mr. Speed moved to take from the calendar, bill to promote Immigration; failed, for want of a sufficient number voting to suspend the rules.

Mr. Allen moved to take up and consider the House Bill authorizing the public Treasurer to employ counsel to defend a suit in the United States Circuit Court. Motion prevailed, and bill put on its second reading.

Mr. Olds said that he would not vote against this resolution, but he thought that circumstances alter cases. During 1870, the Attorney General had counsel assigned him, at a cost of $[illegible] and they were numerous, and the expense was great. He was willing to bear his share in bearing their aid. It mattered but little to him, as he knew he had right on his side, as this resolution would indicate.

Mr. Love thought the wording of the resolution was wrong. It authorizes the treasurer to "retain" the attorney general, &c. It was made the duty of the attorney general to appear in all cases when the State was a party, in State courts, and, by request of Governor or either branch of the General Assembly, he should appear for the State at any other tribunal.

Mr. Allen argued in favor of the bill.

Mr. Edwards moved to amend by authorizing the Treasurer to request the services of the Attorney General and the Attorney General be authorized to retain such associate counsel as he may deem necessary.

Mr. Moore opposed the resolution.

Mr. Linney moved to strike out that portion authorizing the Attorney General to employ additional counsel.

Mr. Allen hoped this last amendment would not prevail. It was too important a matter for this Senate to be niggardly over.

Pending consideration the chair announced the arrival of the hour for the trial of the court of impeachment, and called to order the court of impeachment.

Mr. Lehman was excused from serving on Committee concerning the alteration of the dividing line between Nash and Edgecombe, on motion of Mr. Edwards.

Mr. Olds was appointed instead.

Mr. Robbins, of Davidson, submitted report from Committee on Enrolled Bills.

Mr. Linney, from Judiciary Committee, reported; calendar.

Mr. Love, from Committee on Propositions and Grievances, reported; calendar.

Mr. Worth introduced a bill to provide for the reduction of the public debt; referred to be printed and made special order for next Wednesday morning.

Adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, March 11, 1871.

House called to order at the usual hour.

Prayer by Rev. Mr. Hardy, of the House.

Journal of yesterday read and approved.

Mr. Withers, from the Committee on Judiciary; Mr. Stanford from the same Committee; Mr. McCauley, from the Committee on Counties and Township, submitted reports.

Mr. Grayson: A resolution to encourage immigration; referred.

By Mr. Wilson: A resolution calling upon the Treasurer for information in regard to the unappropriated State capitation tax; placed on calendar.

By Mr. Martin: A resolution calling upon Hon. Z. B. Vance to resign his claim to a seat in the U. S. Senate; placed on the calendar.

[Mr. Martin said he had the highest respect for the honorable gentleman named in the resolution, and was induced to offer the resolution in justice to his constituents &c.]

By Mr. Jordan: A bill for the appointment of Tax Collectors in Wake, Chatham, Bladen, Harnett, New Hanover, Wayne, Wilson, Buncombe, Jackson and Johnston counties; referred.

By Mr. Clinard: A bill to amend chapter 137, laws of 1868-69; referred.

By Mr. Wilson: A bill to grant amnesty for offences committed during the war; referred.

By Fletcher, col.: A bill for the collection of arrearages of taxes in Richmond county; referred.

CALENDAR.

The bill to repeal the act to incorporate the N. G. Beneficial Association was taken up and indefinitely postponed.

On motion of Mr. Marler, the bill in favor of George Nix, late Sheriff of Yadkin county, was taken up and passed its second reading.

On motion of Mr. Jordan, the name of the Sheriff of Person county was inserted.

On motion of Mr. Anderson, the name of G. G. Bristol, tax collector of Clay county, was inserted. The bill then passed its third reading.

On motion of Mr. Withers, his resolution calling upon the Treasurer for information in regard to the unappropriated State capitation tax was taken up and adopted.

The bill to authorize the Commissioners of Onslow county to levy a special tax was taken up and passed its third reading by a vote of yeas 60, nays 4.

The bill to enlarge the powers of County Commissioners in relation to township lines was taken up and, on motion of Mr. Justice, was passed over.

A bill to repeal section 14 of the law concerning registration and elections, was taken up and, on motion of Mr. Joyner of Johnston, was laid on the table.

The bill to authorize the Commissioners of Lenoir county to levy a special tax was taken up and passed its second reading by a vote of yeas 43, nays 26.

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

On motion of Mr. Waring, the resolution in favor of Jas. H. Moore, contractor for the public printing, was taken up and passed its several readings.

The resolution in favor of R. A. Howell, late sheriff of Robeson county, was taken up and passed its several readings.

On motion of Mr. Jordan, the resolution imposing the penalty of forfeiture of per diem for the unauthorized absence of members of the House, was taken up and adopted by a vote of yeas 58, nays 12.

The resolution to allow the Commissioners of Chatham county to levy a special tax and appoint a tax collector was taken up and, on motion of Mr. Womack, laid on the table.

The resolution ordering the advertisement for thirty days in the Raleigh Sentinel and Telegram, the act for the renewal of actions, &c., from one judicial district to another was taken up and adopted.

The bill to empower the Commissioners of Richmond county to appoint a tax collector was taken up and passed its several readings.

The bill authorizing Township Boards of Trustees to build township houses and to levy a special tax for this purpose, &c., was taken up and, on motion of Mr. Maxwell, was laid on the table.

On motion of Mr. Stanford, the bill to compel Sheriffs to settle for taxes was taken up.

Mr. Stanford advocated the bill as a measure necessary to the present condition of the State.

Mr. Jordan read a statement from the Auditor, showing that there were eleven defaulting Sheriffs in the State for 1870, who yet owed a balance of $107,380 of unsettled taxes. [Among them the Sheriff of Wake county who owes $26,955.56 for 1870.]

Mr. Crawford occupied the floor for sometime in advocacy of the bill. He had introduced the bill because the [illegible]

On motion of Mr. Rogerson, the bill was made special order for Tuesday next at 12 1/2 o'clock.

By Mr. Lucas: A bill to appoint a weigher and inspector of cotton in New bern; referred.

The resolution in favor of G. W. and R. W. Dickey, of Cherokee County, was taken up and passed its second reading by a vote of yeas 44, nays 18.

Mr. Ashe, from the Finance Committee, submitted a report.

By Mr. McCauley: A bill to extend the provisions of the homestead and personal exemption law; referred.

On motion the House then adjourned.

SENATE.

MONDAY, March 13, 1871.

Senate met pursuant to adjournment. President Warren in the chair.

Prayer by Rev. Mr. Atkinson, of the Presbyterian Church.

Journal of Saturday read and approved.

Messrs. Speed and Linney submitted reports from their committees.

Mr. Lehman introduced a concurrent resolution relating to the proposed Centennial anniversary celebration of American Independence on the 4th of July, 1876, at the city of Philadelphia, as follows:

Resolved, That the Senate and the Speaker of the House are instructed to appoint a committee of eight members, three from the Senate and five from the House, whose duty it shall be to communicate with centennial committee in Philadelphia, having the matter in charge, in order to ascertain what action will be necessary to insure representation at said centennial celebration and report the information to the General Assembly at its next annual session. The governor is requested to cause a copy of these resolutions to be forwarded to the governor of Pennsylvania.

Mr. Speed: A bill to authorize the incorporation of Elizabeth City Ship Building Association; calendar.

Mr. Brogden: A long protest to the passage of bill which passed the Senate Friday evening last, for a call of a convention.

Mr. Speed said that the paper was disrespectful to the majority of the Senate. He would not say that its statements were false, but it was highly disrespectful, and the charges made in it against the majority of this Senate, were unfair to say the least of it, and might be characterized in much stronger language than he cared to employ.

Mr. Brogden claimed it as a constitutional right to enter his protest, and challenged the recital of a single instance where such right had been denied to a senator—minorities had rights which should be respected.

Mr. Latham asked Mr. Brogden if he was not one of the principal movers of the previous question at the time it was made a rule of the Senate, the operation of which he now complained so much of as a gag.

Mr. Brogden stated in response that he was on the committee to submit rules for the government of the Senate at the time to which the senator alludes. Senator Sweet was the getter up of that rule he could not say that he favored it.

Mr. Latham said up to 1868 no bail never had any such rule. The senator from Wayne (Mr. Brogden) was here then and agreed to its adoption, worked under it, and saw it applied with the utmost rigor to the close of the last legislature. To-day he says he did not favor it, and places the responsibility upon parties not here. He had no objection to the senator's entering a protest, but it was due to the Senate to see that such paper should be couched in respectful terms towards members of the body. The gentleman has had this privilege awarded to him on one if not more occasions already, and if he will confine his remarks within the legitimate limits of parliamentary usage, he would not deny him the privilege now or ever, but if his object was as it would seem to place upon the journal one of his usual speeches here, he hoped the clerk would be required to report his usual manner as well.

Mr. Jones said: I simply desire to call the attention of the Senator from Wayne to the Journal of the Senate for the session of 1869 and '70. The speaker of the previous question as an "infamous gag law," and complains with furious declamation of not having been allowed to introduce some amendments to the convention bill that he desired. He certainly has not forgotten that memorable occasion when the Shoffner bill came up upon its third reading in the Senate of the last Legislature. Then his party was in a great majority, and the party to which I belonged was in a feeble minority. He has not forgotten that upon that occasion the Senator from Warren, a member of his own party, called the previous question immediately upon the reading of the bill, and that the call was sustained by his party. The importance of that bill did not operate upon the Senator nor upon his party, it was fraught with awful consequences to the entire State. It was the most [illegible] in the whole history of the legislature of the State, and yet the previous question was called and sustained. I [illegible] protest then from the Senator from Wayne; I heard no declamation in favor of free speech from him then. That legislature originated the rule of the previous question in this State, and the Senator's own party applied it then without a moment's mercy. He has mixed too much for his declamation. As to his protest I do not think it respectful in its language, and am therefore opposed to its being entered upon the journals in its present shape. I hope, therefore, that it will be referred to a special committee to expunge such portions of it as are manifestly disrespectful to the Senate.

Mr. Graham, of Orange, said: The constitution, article 11, section 19, provides, "any member of either House may dissent from and protest against any act or resolve which he may think injurious to the public or any individual, and have the reasons of his dissent entered in the journal." The Senator from Wayne under a pretext of availing himself of this privilege enters into a long harangue on the subject of his being excluded from the privilege of speaking on the Convention bill. If he has any reason why he thinks that the said bill will work injury to the public or any individual he has a perfect right to have them set forth—but this protest contains nothing of the kind. The bill was passed regularly under our rules and the Senator wants to have entered his protest against the previous question being a part of Parliamentary law. This is pretty cool after his assistance in forcing it on the minority of the last session in the instances of the School bill and Shoffner bill. But as it is in no way a deprivation of his constitutional privilege I shall vote for the motion of the Senator from Pasquotank. Whenever the Senator from Wayne has any protest conforming to the constitution to present there will be no objection to it being entered.

Mr. Speed said that the Senator from Wayne came to his seat and asked him if he was going to have this paper. He had thought it was from the Senator from Wayne. He had talked with the fourth of the alacrity on the occasion referred to, as he did this morning in his efforts to get the floor in regard to this protest, he could have done so. He thought the Senate ought to pass his motion to return the paper. It was wanting in respect to the Senate, not to say it was impertinent.

The vote was taken, and the motion was carried.

The hour having arrived, the Senate resolved itself into a court of impeachment, the Chief Justice in the chair.

HOUSE OF REPRESENTATIVES.

MONDAY, March 13, 1871.

House called to order at the usual hour.

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

Journal of Saturday read approved.

Mr. Clinard, from the Committee on Engrossed Bills, and Mr. Henderson from the Committee on Corporations, submitted reports.

By Mr. Marler: A resolution in regard to private bills and resolutions; placed on calendar.

By Mr. Garrison: A resolution in regard [illegible] calendar.

By Mr. Gregory: A resolution in reference to leaves of absence; placed on calendar.

By Mr. Shull: A bill to lay out a public road through the counties of