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STATE CONSTITUTIONAL CONVENTION.

FOURTEENTH DAY.

TUESDAY, Sept. 21, 1875.

Convention met at 10 o'clock, Mr. President Ransom in the chair.

Prayer by Rev. Mr. Spake, of the Convention.

The Journal of yesterday was read, and after considerable debate, engaged in by several delegates, in which complaint was made that the Journal did not contain the substance of amendments offered.

Mr. French offered a resolution providing that in future all propositions, except those tabled, be entered, in substance or form, on the Journal; and that a committee be appointed to assist the Secretary in inserting all such which may have been omitted up to this time.

Mr. Boyd, Rep., rose to a question of personal privilege, and asked one of the reporters to correct an error—the name of Mr. Byrd having been inserted for his own.

Mr. Smyth, rising to a question of privilege, complained of distinction being made by certain of the reporters between himself and other delegates respecting the prefix of "Mr." He did not think "Smyth, colored," as he was styled, was respectful towards him as a member.

Leave of absence was granted to Mr. Mabson, who paired with Mr. Cowell.

The President announced as the Committee under the resolution of Mr. French, Messrs. French, Durham and Badger.

REPORTS FROM STANDING COMMITTEES.

Mr. Morehead, from the Committee on Education and Mr. Durham, from the Committee on Taxation, &c., reported.

Mr. Stowd, by consent, introduced an ordinance to amend art. 3 of the Constitution, authorizing the General Assembly to establish a Department of Agriculture.

Leave of absence was granted to Mr. Byrd, who paired with Mr. Hinnaht.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS.

Appropriately disposed of. By Mr. Faison, Dem., resolution to amend sec. 17, art. 4, prohibiting the binding of white children to colored masters.

By Mr. King, of Lenoir, Rep., resolution of adjournment sine die.

By Mr. Cooper, Dem., ordinance to amend art. 5, sec. 6; requires an exemption of \$300.

By Mr. Turner, Dem., resolution condemning the system of bribery and corruption as practiced by the Chatham, alias Raleigh and Augusta Railroad.

By Mr. Durham, Dem., resolution proposing to amend Constitution so as to give Justices jurisdiction in misdemeanors and petit larcenies.

Mr. Durham moved to reconsider the vote by which the ordinance relating to the Judiciary passed, on yesterday, he doing so for the purpose of amending, so as to make the number of Judges eight.

Made special order for to-morrow at 10 o'clock.

By Mr. Justice, Rep., resolution declaring that mixed schools are not desired by any portion of our people. To Calendar.

CALENDAR RESUMED.

Resolution paying funeral expenses of late Gov. Graham, was considered. Rules suspended and passed third reading.

Other ordinances and resolutions, on second reading, were tabled or otherwise disposed of, adverse reports being made in many cases.

SPECIAL ORDER.

Ordinance to amend art. 4, by

striking out sec. 9; relating to holding terms of Supreme Court at Raleigh—leaving place to Legislature.

After discussion, passed second reading—ayes 47, noes 37.

Mr. Chamberlain, Rep., was excused from voting on this question.

Resolution to require the Secretary to preserve all ordinances introduced and deposit same in the office of the Secretary of State.

After considerable debate, the resolution passed second reading—ayes 56, noes 32.

Many ordinances of but little importance were tabled or made special order for future days.

The report of the special committee on per diem coming up (the figures have already been given in these columns.)

Messrs. Badger, Boyd, Robbins, Allertson, Chamberlain and others took part in the discussion of the same, the Republicans favoring a speedy settlement of the question.

Pending which, and at 2:05, on motion of Mr. Durham, the Convention adjourned till 10 o'clock to-morrow.

FIFTEENTH DAY.

WEDNESDAY, Sept. 22, 1875.

Convention met at 10 o'clock A. M., Mr. President Ransom in the Chair.

Prayer by Rev. Mr. Kerr, of the Convention.

The Journal of yesterday was read, and after correction, at suggestion of Mr. Boyd, was approved.

The President announced that he had added Mr. Patterson to the following Committees, viz: Bill of Rights; Municipal Corporations; and Miscellaneous Provisions.

Leave of absence was granted to Messrs. Bunn and Cooper.

Mr. Woodfin made an announcement that it was the wish of an artist to photograph in a group the delegates.

REPORTS FROM STANDING COMMITTEES.

Mr. Bennett, from the Committee on the Judicial Department; Mr. Durham, from the Committee on Revenue, Taxation, &c., and Mr. Roberts, of Gates, from the Committee on Enrolled Bills, submitted reports. The ordinances, &c., reported by the last committee were ratified in due form.

Mr. Smyth rose to a question of personal privilege in relation to an article in the Daily News of this date.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS.

Appropriately disposed of. By Mr. Bennett, Dem.: Ordinance to amend art. 2, of the Constitution; provides that no Convention or General Assembly shall act upon proposed amendments to the Constitution of the United States unless the body shall have been chosen after the presentation of said amendment.

By Mr. Sinclair, Dem., ordinance to amend sec. 10, art. 11; relates to the caring for of deaf mutes, blind and insane.

UNFINISHED BUSINESS.

The resolution fixing per diem and mileage of delegates and employees of the Convention. The report of the Select Committee having reported as follows: President \$8, members \$5, Principal and Assistant Secretary, each, \$6, Enrolling Clerks, each, \$5, Sergeant-at-Arms \$5, Doorkeepers \$5, Pages \$1, for thirty days, with 20 cents mileage.

Mr. Withers, Dem., offered a substitute, making the per diem of delegates the same as that of members of the General Assembly, and striking out the limitation as to number of days.

The previous question was sustained, on the call of Mr. Durham, Dem.—ayes 75, noes 18.

Mr. Withers' substitute was adopted—ayes 72, noes 22.

out sec. 9; relates to holding Supreme Court at Raleigh only.

Mr. Bennett, Dem., by leave, introduced an ordinance to amend art. 5; relates to exemptions.

By Mr. Munden, Rep.: Ordinance to amend sec. 2, art. 5 of the Constitution.

The Supreme Court ordinance was considered.

Mr. Avery, Dem., offered an amendment, allowing the Legislature to change place of meeting. Adopted—ayes 54, noes 36.

Under the operation of the previous question, passed third reading—ayes 53, noes 37.

Mr. Chamberlain, Rep., was excused from voting on this question.

SPECIAL ORDER.

The ordinance to remove the political disabilities of William W. Holden, imposed by the Senate, sitting as a Court of Impeachment, March 22, 1871, being on its second reading.

Mr. Badger, Rep., favored the passage of the ordinance in an able speech. To enable him to stand up in defence of his friend and the friend of the poor and oppressed, he was certain that prayers went up from the humble hovel, from the Sunday School pupils, and from the pastor who had led into the path of peace this man of no ordinary standing.

Mr. Badger showed from the best legal authorities that the Convention had the right to afford the relief sought by the ordinance under consideration, and appealed to the Convention to strike this badge of shame from the records.

Mr. Reid, Dem., stated that the Committee on the Judicial Department were of the opinion that there was no power expressed to pardon in case of impeachment.

Mr. Manning, of Chatham, Dem., said the committee were satisfied that the ordinance was legislative in its character, and therefore could not be acted upon by the Convention. They were of opinion that the object could only be met by an amendment to the Constitution.

Mr. McCorkle, Dem., took the same position held by Messrs. Reid and Manning, of Chatham.

Mr. Avery, Dem., offered a substitute, that such cases must be pardoned by the General Assembly, after five years from the sentence, and moved its reference.

Messrs. Chamberlain, King, of Lenoir, and Tourgee, Reps., addressed the Convention, refuting the argument of the Democrats. At the conclusion of the speech of the latter.

Mr. Manning, of New Hanover, by consent, introduced a sine die adjournment resolution, which was placed on Calendar.

At 2:20, pending consideration of the matter of relief of Ex Gov. Holden.

On motion of Mr. Albertson, the Convention adjourned till to-morrow morning 10 o'clock.

SIXTEENTH DAY.

THURSDAY, Sept. 23, 1875.

The Convention met at 10 o'clock, A. M., Mr. President Ransom in the Chair.

Prayer by Rev. Dr. Marshall, of the city.

The Journal of yesterday was read and approved.

Mr. Reid, from the Committee on Revision, submitted a report, being a substitute for an ordinance submitting to the voters the question of ratifying or rejecting the amendments made by this Convention; to vote at general election in November, 1876.

Passed second reading, ordered to be printed and made special order for Saturday at 11 o'clock.

REPORTS FROM COMMITTEES.

Mr. Manning, of Chatham, from the Committee on Privileges and Elections, submitted a majority report in the Robeson county contested election case. The report favored continuing in their seats the incumbents.

point of order, that, by the rules a delegate interested could not vote.

The President stated that he knew of no rule forbidding such from voting. [There is a rule bearing upon this, in which a disjunctive conjunction is used, to which, attention was called by Mr. Barringer.]

Mr. Shepherd, from the Committee on Municipal Corporations; and Messrs. French and Vaughn, from the Committee on the Legislative Department, submitted reports.

Leave of absence was granted to Messrs. Hoffman, French and Strowd.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS.

By Mr. Stallings, Dem.: Ordinance to amend sec. 3, art. 5; relates to taxing dogs.

By Mr. Avery, Dem.: Ordinance providing for working public roads by taxation.

By Mr. Wheeler, Rep.: Resolution of adjournment sine die.

UNFINISHED BUSINESS.

Ordinance to remove the political disabilities imposed upon W. W. Holden, by a Court of Impeachment.

Mr. Albertson, Rep., took the floor and made an able speech, in which he held that the Convention had the right to relieve Mr. Holden, without violating the oath of transcending the restrictions.

Mr. Hassell, Dem., said that nothing could be done beyond that "nominated in the bond"—prescribed in the act.

Mr. Barringer, Rep., said that under the oath the Convention, in his opinion, could not act in the matter; and while his feelings prompted him to favor removal of the ban, he could not vote for the ordinance.

Mr. Young, Rep., said that it was clear the power to remove was vested somewhere; and it having been plainly shown to him that the Convention had that power, he hoped delegates would forget whatever of party feeling they might have in the matter, and now that everybody else had been pardoned, give freedom to W. W. Holden.

Mr. Clingman, Dem., took the position occupied by those of his party who had preceded him.

Mr. Stallings, Dem., followed Mr. Clingman, and thought nothing short of an unrestricted Convention would enable him to do anything for the gentleman who, as a member of the same church with himself, enlisted his sympathy; but he would not admit that action should be taken by this body as a matter of right.

Mr. O'Hara, Rep., deprecated party spirit which was manifested in the matter, and favored the ordinance. In the course of his remarks he impressed upon those who are in positions to be heard the necessity of counselling peace and good will towards men.

At 1:25, Mr. Manning, of Chatham, Dem., called the previous question, when

Mr. Badger, Rep., as the introducer of the ordinance, claimed the right to close the debate.

The call was withdrawn, when Mr. Tourgee, Rep., who had been alluded to by the delegate from Martin, spoke at length. In reply to the charge of being blasphemous, he said that he thought the humblest could speak the name of Him who appeared among men in the flesh. He had simply said that such as the delegate from Martin represented were somewhat like those who persecuted One because, being not of them, "troubled the people." Mr. T. was proud to be called a "carpet-bagger" by the delegate from Martin, and reminded him that but for the liberal ideas of that element in the Convention of 1868, ministers of the gospel would not now sit in our legislative bodies.

Mr. Buxton, Rep., had a conscience which he would not strain even for a friend, and that conscience did not trouble him in this case. If the other delegates thought the Convention had the right to remove Gov. Holden's disabilities, they ought not to hesitate. He was of opinion that the right was clear and said that the Bill of Rights authorized the Convention to act.

Mr. Roberts, of Gates, from the Committee on Enrolled Bills, reported, and the ordinances so reported were ratified.

Mr. Jarvis, Dem., moved the previous question.

Mr. Durham moved to adjourn, and the ayes and noes being demanded, the Convention, at 2:25, by a vote of 56 to 50, adjourned till to-morrow morning 10 o'clock, the

consideration of the ordinance pending.

SEVENTEENTH DAY.

FRIDAY, Sept. 24, 1875.

Convention met at 10, A. M., Mr. President Ransom in the chair.

Prayer by Rev. Mr. Hassell, of the Convention.

The Journal of yesterday was read and approved.

REPORTS FROM COMMITTEES.

Mr. Reid, Dem., from the Committee on the Executive Department, submitted a report. The General Assembly may, after five years from conviction, pardon a case of impeachment by a majority vote; but such pardon shall not restore to the person impeached the right to again fill the office from which he was deposed.

Mr. Munden, Rep., from the same Committee, submitted a minority report, opposing the abolishment of the office of Lieutenant Governor and the reducing of terms of executive officers.

Mr. Clingman, from the Committee on the Legislative Department, and Mr. Bennett, from the Committee on the Judicial Department, also reported.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS.

By Mr. Woodfin, Rep.: Ordinance concerning printing of ordinances, &c., of the Convention.

By Mr. Green, Dem.: Ordinance authorizing the General Assembly to elect Attorney General and Solicitors by a joint vote.

On motion of Mr. Badger, the Committee on Contingent Expenses were authorized to employ servants to attend in Hall.

By Mr. Avery, Dem., ordinance to strike out sec. 35, art. 4.

UNFINISHED BUSINESS.

Ordinance to relieve W. W. Holden of political disabilities.

The previous question having been demanded on yesterday, Mr. Durham, Dem., hoped the usual courtesy would be shown the introducer (Mr. Badger).

The call was not sustained. The question recurring on the substitute offered by Mr. Avery, Dem., and his motion to commit, (the nature of the substitute being to give legislature power to pardon in such cases.)

Mr. Turner, Dem., claimed the right to close the debate.

Mr. Durham, Dem., said the delegate from Orange had no such right.

Mr. Badger, Rep., then made a few remarks. He asked mercy. It was not his purpose to complain of the action of the Court of Impeachment. If the Convention was of the opinion that the disabilities of Gov. Holden ought to be removed, let delegates act.

Mr. Avery asked leave to withdraw the substitute and motion to commit and to offer as a substitute the substance of the report submitted by the Committee on the Legislative Department bearing upon this subject.

Mr. Tourgee objected to withdrawal.

The President having decided that the substitute, &c., could be withdrawn.

Mr. Tourgee appealed from the decision, when the chair was sustained—ayes 91, noes 15.

Mr. Turner, Dem., in opposition to the ordinance, made a lengthy speech.

Yadkin, Stroud, and Mabson, were paired; Messrs. Lehman and Rumley made no response, and Mr. Blocker was excused from voting.

Leave of absence granted to Mr. Justice.

Mr. Woodfin, Rep., having offered a resolution declaring it unusual for delegates to vote in cases where interested—bearing upon the Robeson county case—he asked to be allowed to withdraw it, when,

On motion of Mr. Durham, Dem., he was not allowed to do so, and the resolution was ruled not in order by the chair (Mr. Jarvis, Dem.)

The ordinance in relation to reducing the number of Senators to twenty-five coming up.

Mr. Barringer, Rep., and Mr. Vaughan, Dem., favored it.

On motion of Mr. Badger, Rep., the ordinance was postponed, ordered to be printed and made special order for Wednesday next at 12 o'clock.

Mr. Durham moved that the Convention adjourn, and at 1:45, by a vote of 58 to 53, adjourned till to-morrow morning at 10 o'clock.

Oration of J. Williams Thorne, of Warren, upon the Resolution in Eulogy of Governor Graham.

Mr. J. Williams Thorne, delegate from Warren, said:

MR. PRESIDENT:—It gives me sincere pleasure on this interesting occasion, to say a few words in respect to the memory of that great departed statesman, Hon. Wm. A. Graham.

I had not, like many of you here, the honor of a personal acquaintance with him. But as his reputation was national,—indeed, almost world-wide, as a matter of course, I could not be ungrateful of his fame. In the good old State of Pennsylvania, where I was born, and where I passed more than fifty years of my life, his name was a household word. Like Washington and Jefferson, he was, in the olden time, the owner of slaves. But like those two immortal founders of our Republic, he was opposed to slavery and did his best to prevent its extension over new territory.

In 1840, under the auspices of such men as Wm. Goodell, James G. Birney, Gerrit Smith, John P. Hale and Thomas Earle, was inaugurated in opposition to slavery, a National Liberty Party. It was at first, but a little point of light struggling through the thick slavery fog that then bedimmed the whole political sky of the nation. But it was the germ of that mighty national movement in favor of human freedom, since known as the Republican Party. This Liberty germ was rapidly developed. It grew apace, in numerical power and moral influence. It forbade, in no far future hour, the destruction of one of the great political parties of that day, and the defeat of the other. In 1844, the ten thousand votes it cast in the State of New York, for James G. Birney, defeated the nation's favorite orator, the great leader of the Whigs, Henry Clay. In 1848, under the rallying cry of "free soil," it struck its first heavy blow against the great Democratic Party, by casting, in the same State, eighty thousand votes for Martin Van Buren, the "free soil" candidate for the Presidency; thereby, defeating Gen. Cass, the Democratic nominee.

In 1852, the Whig Party nominated Gen. Winfield Scott and the Hon. Wm. A. Graham as its candidates for President and Vice President. Both the distinguished nominees were opposed to the further extension of slavery. They were, therefore, satisfactory to the "Free Soil" Party which, this year, did not deem it necessary to make nominations, but gave the liberal Whig candidates its undivided support. This, as my friend Judge Tourgee has remarked, was the first and only occasion which ever presented, in which we Liberty Party, Free Soilers could conscientiously cast our votes for the Presidential candidates of either of the great National parties of those days. But history has recorded our Waterloo defeat. We carried, in the whole Union, but four States: North Carolina, Kentucky, Massachusetts and Vermont; North Carolina, led on by her illustrious and immaculate statesman, William A. Graham, whose glorious memory we this day delight to honor—

"—chose to be
In the right, with two or three;
Rather than in the wrong with the many."

It has been said, "De mortuis, nil nisi bonum." "Of the dead, nothing except good." But in the pure and noble character of the Hon. Wm. A. Graham, as exemplified, both in private and in public life, neither the rigid moralist, nor the opposing statesman, can find opportunity for unfriendly criticism. Indeed the severest scrutiny of his long and busy life, will find nothing to condemn, nothing which we could wish to cover with the well of charity from the eyes of the world. Indeed, we might say almost in the words of the immortal Bard of Avon, that in him were most happily and harmoniously blended all the noblest human virtues, "to give the world assurance of a man." If "Vox Populi, vox Dei," is an axiomatic truth, if, as I firmly believe, the voice of the whole people is the expressed will of God, then can there never be, for mortal man, a more exalted eulogy

than has been accorded to the Hon. Wm. A. Graham. For him, the trump of fame sounds no discordant note. Her voice is one of universal praise—the free-will offering of all the people. If not, like the immortal Father of his country, "first in war," we may truly say that he was like him, "first in peace and first in the hearts of his countrymen." In political life, he was a statesman of the broadest and most comprehensive views. He cast beneath his feet with ineffable disdain, all narrow-minded partizanship. He could not, as Goldsmith tauntingly said of Burke, "give man a word to party," rather to make his political life in accord with that noble Catholic utterance of the old Roman poet—"I am a man, therefore, nothing that is human, is foreign to me."

It has been said on this floor, by those who knew him best, that while he firmly adhered to his own conscientious convictions of right, and never faltered in the full expression of them, yet his utterances were never marred with the slightest taint of acrimony. That, while with irrefragable argument, he never failed to satisfy his friends, he gave no offence to his political opponents. His noble conception of true manhood, lifted him far above the little meanness of party bigotry. Such a reputation, above all praise. May we not warmly hope that so grand an example will not be lost on the statesmen of this generation. North Carolina has been the fruitful mother of a host of statesmen, scarce less illustrious than he whose memory we are this day proud to honor. We cannot forget that the halo of glory which encircles the name of the illustrious "Graham," includes also names of such statesmen as Macon, Gaston, Edwards, Badger, Stanly, Rayner, Clingman, Manning, Bryan and many others, whose burning words and noble deeds, have made for them a fame that cannot die.

With such bright examples of past and present statesmanship before us, the future of the Old North State is full of the grandest promise. She was the first to strike off the chains of foreign despotism, and now, that the glorious sun of equal liberty to all, has dawned upon the land, never more will she permit the oppression of any class within her borders. Let us bear aloft the pure white banner of justice, peace and progress inscribed with the glorious legend "Excellence." Then, with aspirations high-er, loftier and nobler, for the welfare of all, the stalling of the imminent future, will reflect with redoubled and dazzling brilliancy the immortal fame and resplendent glory of the past. In this noble movement upward and onward, North Carolina will not be alone. Other States will make haste to join with her in generous emulation. Soon the whole nation will be one in heart, as it is one in name. Then, our national motto, "E Pluribus Unum," will no longer be a meaningless sham. "Unity," there will have come "one" great united nation of free and happy people.

Then on each remotest shore,
Shall our fame be, ever more;
For a freedom unconquered,
To narrower bounds than all mankind,
And our starry flag, floating free
Over all land, over all sea,
All changeless, all immortally,
The glory of the world shall be.

Bourbon Democracy wants reconciliation, but it must be on a Democratic basis, or none at all. This is the way the Louisville Courier-Journal (Dem.) regards the situation.

The South is readier than the North to celebrate the national birthday. It is the Radical party that stands across the path, breathing hate and death, flourishing its bloody weapons and displaying not the beautiful Star Spangled Banner—emblem of liberty and law—but the black flag of subjugation, with skulls and cross-bones.

The Republican party was brought into existence to defend and maintain "the beautiful Star Spangled Banner—emblem of liberty and law." When Bourbonism becomes reconciled to this banner, and the only issue before the country is, which party can best protect this "emblem of liberty and law," we shall have reached the true basis of reconciliation. For this "good time coming" the Republican party is earnestly laboring.—Washington Republican.

Governor Brogden.

While in Raleigh last week we had the pleasure of calling upon and making the personal acquaintance of our excellent and honest Governor, Curtis H. Brogden. We found him to be genial and open hearted—a man in whom the "milk of human kindness" largely abounds. He has been a public man for many years and has always filled the positions called upon to occupy in a manner to command the respect and the confidence of all parties. He has never been beaten before the people. As Governor he is giving entire satisfaction to his party and to the State, and is proving to be one of the best Executive officers North Carolina has ever had. His name is prominently mentioned in various quarters as a probable candidate for Vice President. He would certainly fill the bill.—Elizabeth City Currier.

The Collectorship of the customs at Chicago has been tendered to J. Russell Jones.



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