

PROCEEDINGS OF THE LEGISLATURE OF NORTH CAROLINA.

SENATE.

THURSDAY, Dec. 13th, 1860.

The Senate assembled at 11 o'clock and was called to order by the Speaker.

Prayer by Rev. Mr. Stradley.

Journal of yesterday read and approved.

The Committee on Federal Relations was discharged from the consideration of the subjects submitted to it.

Mr. Whitaker presented a series of resolutions from a portion of the citizens of Halifax and Martin counties, in public meeting, which were read and ordered to lie on the table.

Mr. Shary, resolutions from a portion of the citizens of Iredell county, in public meeting. Read and laid on the table.

Mr. Sharp said that these resolutions embodied the entire sentiment of all the citizens of Iredell county, but also of Wilkes and Alexander; and that they were adopted by a portion of his constituents without regard to party.

Mr. Erwin introduced a resolution empowering the Military Commission to examine, qualify and advise them in their deliberations, and allowing him mileage and per diem for and during his attendance on the Commission. Passed its first reading.

Mr. Erwin moved to suspend the rules and put the resolution on its second and third readings.—Not agreed to.

Mr. Stowe introduced a bill to amend the 9th section of 18th clause of the Revised Code, relative to the death.

Mr. Dockery offered the following resolution: Resolved, That the Commission on Finance be instructed to impose no higher tax on estates deceased persons than that which shall impose on estates descending, bequeathed or distributable among legal descendants of the deceased. Consideration of the resolution postponed until to-morrow.

Mr. Erwin introduced a bill relative to trading with slaves. Passed its first reading and referred to the Committee on the Judiciary.

Mr. Barringer, a bill to incorporate the town of Davids, in the County of Mecklenburg.—Passed its first reading and referred to the Committee on Corporations.

Mr. Dockery, a bill to authorize James T. Bostick, late Sheriff of Richmond county, to collect arrears of taxes. Referred to the Committee on Claims.

Mr. Erwin, a bill to establish a new county by the name of Transylvania, out of portions of Henderson and Jackson counties. Passed its first reading and referred to the Committee on Propositions and Grievances.

By the same, a bill to permit a billiard table to be kept at Warm Springs, in Madison county, free from taxation. Passed its first reading, and referred to the Committee on Propositions and Grievances.

The Speaker laid before the Senate a report from the President and Commissioners of the Sinking Fund.

Mr. Bledsoe moved to suspend the reading thereof, and transmit the same to the House of Commons, with a proposition to print. Agreed to.

A message from the House of Commons transmitted a message from Gov. Ellis, in connection with a report of the Commissioners of the Sinking Fund, with a proposition to print the same. Concurred in.

The hour of twelve o'clock having arrived, the Senate resumed the consideration of the unfinished business of yesterday, viz: Mr. Brown's resolutions.

The Speaker stated that the question upon the amendment of Mr. Turner to the resolution of Mr. Avery.

Mr. Morehead addressed the Senate at some length in an able and eloquent manner. He said that he opposed this conference with South Carolina, because he did not want to confer with any State; that if she wishes to go out of the Union, let her go, but she should not be invited to join her into the Union, because such an event was not contemplated by the framers of that instrument. He thought the Union could yet be saved. There was already a retiring sense of justice in the Northern States.

Mr. Brown addressed the Senate at length in defense of his resolutions.

Mr. Morehead again addressed the Senate. Mr. Ramsey moved to postpone the further consideration of the resolutions and make them the special order for to-morrow at 11 o'clock. Mr. Brown demanded the yeas and nays.

The motion was not agreed to—yeas 23, nays 23. On motion, the Senate adjourned until to-morrow at 11 o'clock.

HOUSE OF COMMONS.

THURSDAY, Dec. 13th, 1860.

The House met at 10 o'clock for adjournment.

Prayer by Rev. T. E. Skinner.

Journal read and approved.

A message was received from the Senate, announcing the Senate branch of the committee on Federal Relations. Also, a message from the Senate, proposing to print the reports of the committee on Federal Relations. The message was laid on the table.

A message was sent from the House to the Senate informing that body that the House had already ordered the printing of the documents.

MEMORIALS AND PETITIONS.

By Mr. Foust, a memorial from the citizens of Randolph county, in favor of taxing dogs, and in order to encourage the growing of Wool. Referred to committee on Finance.

By Mr. Peables, a memorial from a portion of the citizens of Northampton county, in favor of transporting free Negroes, or of reducing them to slavery. Referred to the committee on Judiciary.

Mr. Gaither presented the proceedings of a public meeting, held in the county of Iredell, upon Federal Affairs. Referred to the committee on Federal Relations.

Mr. Waugh presented the proceedings of a meeting, held in the county of Surry, on the same subject. Referred to the same committee.

The following reports were made from standing committees:

By Mr. Byrum, from the committee on Agriculture, on the bill for the encouragement of Agricultural Societies, recommending that it do not pass.

By Mr. Fleming, from the committee on Internal Improvements, the bill to amend the revised code upon the subject, recommending that it do not pass.

From the same, a bill to incorporate the University Rail Road Company with an amendment authorizing the North Carolina Rail Road Company to subscribe \$50,000 to the Stock, recommending its passage.

Mr. Henry introduced a resolution, calling upon the public treasurer, to furnish the items embraced in his report under the title of "expenses \$113." Adopted.

Mr. Biss, a resolution instructing the committee on Military Affairs to inquire into the propriety and cost of erecting two arsenals in this State, and to report by bill or otherwise. Referred accordingly.

By Mr. Wilkerson, a resolution to allow J. Teasdale, of Alamance, to collect arrears of taxes. Referred to committee on claims.

The following bills were introduced, passed their first reading, and appropriately referred:

By Mr. Clark of Craven, a bill for the benefit of Daniel and J. Doydley, with a memorial praying for relief from the penalty prescribed by law for females marrying under the age of 15.

By Mr. Fagg, a bill to exempt certain property from taxation. On Mr. Fagg's motion, this bill was ordered to be printed.

By Mr. Marsh, a bill to provide for United Companies.

By Mr. Cowie, a bill to allow the Banks of this State to issue bills of any sum not less than \$1. Also a bill in favor of the Bank of York county, allowing him to collect arrears of taxes.

By Mr. Davis of Mecklenburg, a bill to Charter the Industrial Savings Bank of Charlotte.

By Mr. Person, a bill to incorporate the Wilmington Water Works Company.

By Mr. Faison, a bill to restrict the power of the County Courts of Sampson, (prohibits the

granting of license to retail spirituous liquors in any district where a majority of the citizens of the same are opposed).

By Mr. Ewell, a bill to permit Olla Lynch, a free woman of color, to sell herself into slavery.

By Mr. Wright, a bill to incorporate the Lafayette Light Infantry Company of Fayetteville.

By Mr. Barringer, a bill for the relief of the several Sheriffs of North Carolina. Afterwards on Mr. Barringer's motion, this bill was ordered to be printed.

By Mr. Small, a bill to prevent Slaves and free Negroes from acting as political meetings.

By Mr. Williamson, a bill concerning county Courts in Columbus county.

By Mr. Wilkerson, a bill to increase the pay of Constables in certain cases.

By Mr. Shary, a bill to require the registration of free negroes.

By Mr. Guthrie, a bill to abolish the freehold qualification for Jurors.

A message was received from the Governor, transmitting the report of the President and Directors of the Literary Board, which was sent to the Senate with a proposition to print.

By Mr. Gorrell, a bill to abolish jury trials in the Courts of pleas and quarter sessions.

A message was received from the Senate, transmitting an engrossed bill to amend 120 Chap. of the Revised Code, entitled Wrecks. Read the 1st time.

By Mr. Gorrell, a bill for the relief of securities.

By Mr. Wright, a bill to reduce the salary of the Superior Judges of Common Schools.

House bill for the relief of the people was taken up. The bill extends the time for stays on executions.

Mr. Crumpler proposed two amendments, which were adopted, and he defended the bill in a speech of considerable length.

Mr. Fagg moved to lay the bill on the table.

Mr. Fagg thought there ought to be a bill of this kind passed before the session closes. He called for the yeas and nays being called by Mr. Crumpler—yeas 49.

A message was received from the Senate, concurring in the proposition to print the message from the Governor, and the report of the Commissioners of the Sinking Fund, also, a message transmitting the report of the Commissioners of the Sinking Fund, with proposition to print.—Concurred in.

Mr. Erwin moved that bill No 17, be taken up, that it might be referred. Agreed to.

After one or two ineffectual attempts to adjourn, The House laid itself adjourn on Mr. Gorrell's motion.

SENATE.

FRIDAY, Dec. 14th.

The Speaker called the Senate to order at 11 o'clock and 30 A. M.

Journal of yesterday read and approved.

Mr. Shaw presented a memorial from Hector McLess and others from Cumberland county, in relation to the Sinking Fund, and asked the same to be referred to the Committee on Claims. Agreed to.

Mr. Lane, from the Committee on Propositions and Grievances, reported back the following bill: A bill in favor of George W. Glass, late sheriff of McDowell county.

A resolution in favor of G. H. Holland, late sheriff of Haywood county.

A resolution in favor of the sureties of Wm. Green, late sheriff of Haywood county.

A resolution in favor of Cooper Prince and John H. Harward.

A resolution in favor of Leah Coleman.

A resolution in favor of the sureties of George W. Glass, late sheriff of McDowell county.

Said bill and resolutions were placed on the calendar.

Mr. Humphrey, from the Committee on Corporation to whom was referred the bill to incorporate the Lake Ellis Company in Craven county, reported the same back to the Senate and recommended its passage.

Said bill was placed on the calendar.

A resolution in favor of introducing a bill to incorporate the Silver Valley Company in the county of Davidson. Read and referred to Committee on Corporations.

Mr. Stowe moved to take up the bill introduced by Mr. Erwin yesterday, concerning the bill, and refer it to the Committee on the Judiciary. Agreed to.

Mr. Turner introduced a bill to abolish freehold qualifications for Jurors. Passed its first reading and referred to the Committee on the Judiciary.

On motion of Mr. Dockery, the resolution introduced by him on yesterday relative to abolishing tax on collateral descent was taken up for consideration.

The resolution was taken up from the House of Commons was announced.

Messrs. Turner, Hall, Lane and Dobson, opposed the resolution.

Mr. Dobson moved to lay the resolution on the table.

Mr. Dockery demanded the yeas and nays.

The motion of Mr. Dobson prevailed. Yeas 24; nays 21.

Mr. Avery introduced a bill to re-peal an act passed by the Legislature of 1858, creating the Superior Court of Burke county, original and exclusive jurisdiction of all criminal causes and State prosecutions, where the intervention of a jury may be necessary. Read 1st time and passed.

On motion, the House of Representatives, who were present, transmitted a pension certificate of Alexander Taylor of Craven county.

The bill to amend 31st and 40th sections of 31st chapter of the Revised Code, was read the 2nd time.

Mr. Morehead advocated the passage of the bill in a few remarks.

Mr. Brown moved to lay the bill on the table for the present, and proceed to the consideration of the unfinished business of yesterday, viz: the resolutions introduced by the meeting commissioners to South Carolina. Agreed to.

The question recurred upon the amendment of Mr. Turner to the resolution of Mr. Avery.

Mr. Erwin then addressed the Senate to a considerable length.

Mr. Ramsey said he did not rise to consume time. The Senate had shown a disposition to shorten debate on yesterday, but as other Senators had been indulged in the latitude in the discussion on this subject, he desired to be heard. He recognized the fact that we were in the midst of excitement, perhaps of revolution; but he did not believe the people of the State were as much excited as they were represented to be, and he was manufacturing public opinion for the use of the agitators. The disunionists, who proposed to inaugurate new events, were now, as revolutionists always were, more active than those who did not desire change. The resolutions received here did not believe reflected the popular will. The call for the meeting in Rowan was made only for those who were in favor of a convention, and many friends of the Union, after consultation, did not attend the meeting. The cause of the present excitement was ostensibly the question of negro slavery. The real cause was the ambition of designing men, and a struggle for commercial and political power.—The resolutions were not in the State, and had been here for years. Mr. Calhoun had inaugurated the move in 1853, and Mr. R. believed that if the slavery question was settled to-morrow that discussion would be agitated in some other shape. R. here read extracts from the debates in the Legislature of South Carolina in 1851, to show that this was the case. He believed the election of Mr. Lincoln was only a pretext arranged by these men to disrupt the Government. This was the real cause of the present excitement. The cause was received with demonstrations of joy in many parts of the South. It was now declared that the election of Lincoln, together with northern aggressions, and the antecedents of the Sinking Fund, was just cause for secession. The Senator from Burke said so now, but had for reasons satisfactory to himself not said so before

the election. But that ground was untenable. Lincoln was constitutionally elected, and to revolute for that cause, would be to revolute against the constitution. He was elected by a minority of the people; the opposition vote against him in the North was more than the whole Southern vote; and the majority against him in the Union was nearly one million. He was not a King; he was the servant of the people, elected to execute and not to make the laws. We, said Mr. R., are the "citizens Kings" of our own land; and if Lincoln violates the law, let us impeach him, in the language of the Senator from Caswell, "expel the tyrant from the throne," and if necessary execute him.

The personal liberty bills of the North were now held up as furnishing just cause for secession. Mr. R. did not defend these. They were odious, offensive, unconstitutional, and he would join in demanding their repeal. But they had existed under former administrations, and if he was not mistaken the law of Pennsylvania had been on the statute book for seventeen years. He recommended to State rights men the consideration of the fact, that the nullification act of South Carolina had set a bad example. Buchanan's message disclosed the fact that he had executed the fugitive slave law in spite of those statutes, why should we dissolve the Union on an abstraction?

The Senator from Cabarrus said that it was the duty of disunion and fanaticism, not the throne, but the power behind the throne, at the North, that he feared. Mr. R. recognized fallen humanity as the same in the South as in the North, and a dissolution of the Government would not free us from the sin which would beget this question forever. Would separation settle it? Would it not have a resolution in a Southern confederacy? He thought so, and preferred to settle it in the Union to attempting settlement out of it.

What were the remedies proposed? The first was secession, and Senators spoke of secession without bloodshed. They betrayed themselves; they were preparing for war. They ignored the opinions of Washington, that as inevitable in the event of dissolution. If the North was so fanatical as to push matters to the extremity of dissolution, they would make fanatical raids upon us afterwards. We should be ready to defend the Union, we should be ready to defend the Union, if we did not surrender every thing by secession we must fight. A State Convention was proposed. Mr. R. did not fear the people; he had no doubt they would declare for the Union, yet it might not be wise to let the Legislature do as it pleased; and the Legislature could do as it pleased; and a convention was necessary only in case we intended otherwise. It would nullify the disunionists with a protest to transfer agitation from the leaders to the people. We should be ready to defend the Union, we should be ready to defend the Union, if we did not surrender every thing by secession we must fight.

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Mr. Folks said that he hoped the bill would pass; that one of a similar character had once before been passed by the House of Commons, but had been vetoed by the President. He thought the portion of his county which would be taken would not effect its population to much extent; that all the counties which would furnish the parts for the new county all had largely over the required population, and knew that the people and agriculture had great difficulties to encounter in attending courts.

The question was then put, and the bill passed its second reading. Yeas 59; nays 41.—Mr. Bullock called for the yeas and nays.

A message was received from the Governor, transmitting a communication from Gov. Houston, of Texas, with a joint resolution, passed by the Legislature of Texas, advising a Convention of all the Southern States, to consider the difficulties now in our case, and to take such action as they might deem proper.

After being read, on motion of Mr. Hayes, it was sent to the Senate with a proposition to print.

Mr. Fagg introduced a bill to permit the putting up and use of billiard table at the Warm Springs, in Madison county, provided no charge is made for the use of same.

On Mr. Morehead's motion, the substitute for the bill to amend Revised Code, relative to Corporations, recommended by the Committee on Corporations, was taken up for consideration.

Mr. Morehead explained the object of the Committee had in view in proposing the bill; it was to save time and expense, and relieve the Legislature entirely from applications for such charters as the bill contemplated.

Mr. Shober said that his section of the State was largely interested in the bill, and that he would support it in every way.

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