

North



State.

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State of North Carolina, WATAUGA COUNTY.

Court of Pleas and Quarter Sessions April Term, 1868.

Farthing & Co., vs. Thomas & R. E. Brown Attachment levied on land.

It appearing to the satisfaction of the Court that the defendants, Thomas & R. E. Brown reside beyond the limits of this State: It is ordered that publication be made for six weeks in the Watchman & Old North State notifying said defendants to be and appear at our next Court of Pleas and Quarter Sessions to be held for the county of Watauga, at the court-house in Boone, on the 2nd Monday in July next, and then there shew cause if any they have why the land levied on shall not be condemned to the use of the plaintiff.

Witness, J. B. Todd, clerk of our said court at office the 2d Monday in April, A. D. 1868.

J. B. TODD, Clerk

State of North Carolina, STANLY COUNTY.

In Equity, September Term, 1868.

Adaline Eudy vs. Jacob Eudy. PETITION FOR DIVORCE.

It appearing to the satisfaction of the Court that the defendant Jacob Eudy, resides beyond the limits of this State: It is ordered that publication be made for six weeks in the "Watchman & Old North State," notifying said defendant to be and appear at our next Superior Court of Law, to be held for the county of Stanly, at the Court-House in Albemarle, on the 1st Monday in March next, then and there to answer or demur to the plaintiff's petition; otherwise, the same will be heard and granted.

Witness, James D. Hearne, clerk of our said Court at office, the 1st Monday in March, 1868.

J. D. HEARNE, C.M.E.

State of North Carolina, CATAWBA COUNTY.

Court of Equity, Spring Term, 1868.

Moses M. Hunt and wife Rhoda, et al., vs. J. E. Fry and wife Anna, et al.

PETITION TO SELL LAND.

It appearing to the satisfaction of the Court that the defendants, Noah Fry and wife, & F. W. Wing and wife Catharine, reside beyond the limits of this State, It is therefore ordered that publication be made for six weeks in the "Watchman and Old North State," notifying the defendants to be and appear at our next Superior Court of Law, to be held for the county of Catawba at the court-house in Newton, on the 2d Monday in August next, then and there to plead to, answer or demur, or judgment pro confesso will be taken as to them.

Witness, O. Campbell, clerk of our said Court at office, 2d Monday of February, 1868.

O. CAMPBELL, C.M.E.

State of North Carolina, WATAUGA COUNTY.

Court of Pleas and Quarter Sessions April Term 1868.

Win. Horton, Guardian vs. Thomas & R. E. Brown. Attachment levied on land.

It appearing to the satisfaction of the Court that the defendants Thomas & R. E. Brown reside beyond the limits of this State: It is ordered by the Court that publication be made for six weeks in the Watchman & Old North State, notifying said defendants to be and appear at our next Court of Pleas and Quarter Sessions to be held for the county of Watauga at the court-house in Boone, on the second Monday in July next, then and there shew cause if any they have why the land levied on shall not be condemned to the use of the plaintiff.

Witness, J. B. Todd, Clerk of our said court at office, the 2nd Monday in April, A. D. 1868.

J. B. TODD, Clerk.

State of North Carolina, YADKIN COUNTY.

Court of Pleas and Quarter Sessions, April Term, 1868.

A. Speer vs. W. H. Rodwell. ATTACHMENT LEVIED ON LAND.

In this case it appearing to the satisfaction of the Court that the defendant is not a resident of the State of North Carolina, It is ordered, therefore, by the Court, that publication be made for six weeks in the "Watchman and Old North State," notifying said defendant to be and appear before the Justices of our Court of Pleas and Quarter Sessions to be held for the county of Yadkin, at the court-house in Yadkinville, on the second Monday in July next, then and there to plead, answer or demur to said attachment, or the same will be heard or parte, the judgment confirmed, the land levied on condemned to satisfy plaintiff's debt, and an order of sale granted.

Witness, J. G. Marler, clerk of our said Court at office in Yadkinville, the second Monday in April, A. D. 1868.

J. G. MARLER, C.C.C.

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GENERAL ASSEMBLY OF NORTH CAROLINA.

BY AUTHORITY OF CONGRESS. FIRST SESSION.

SENATE. RALEIGH, N. C., July 2d, 1868.

The Senate was called to order at 4 o'clock.

Mr. Barrow, of Northampton, introduced resolutions in reference to the election of U. S. Senators—fixing the election on the 6th of July. Lies over.

[The law of Congress provides for the election of U. S. Senators on the second Tuesday of the session.]

A message was received from the House, transmitting a joint resolution ratifying the Howard Amendment, or the 14th article of the Constitution of the United States, and asking the concurrence of the Senate.

Mr. Rich, of Pitt, moved that the Senate do concur.

Mr. Robbins, Senator from Rowan, said:

I rise, Mr. President, to present a few only of the reasons, why, in my judgment, the Senate of North Carolina should refuse to ratify this amendment. It is not hoped that anything now to be said could influence the action of this body upon the question; for the decree has gone forth, not only that we will, but that we must, give an affirmative vote; and it is but too evident that a majority here are impatient to do the bidding of their masters.

But I oppose it, first, upon the merits of the amendment itself. I respectfully ask North Carolinians, what has North Carolina to gain by its adoption? This measure changes the basis of representation in Congress, and virtually places it, not upon the population, but the number of voters in each State. This is of little importance to States having a homogenous population, and where no class of the people is likely ever to be deprived of equal suffrage. But in North Carolina there are two widely distinct races, dwelling together on the same soil. True, by the present Constitution, both are invested with equal rights of suffrage. I oppose this, and deprecate it still; while I, at the same time claim to be a friend of the colored race, and wish to see their real welfare promoted. I will also add, that while the present Constitution remains the de facto Constitution of the State, I shall give my aid towards making it work as little evil as possible. And as Senator here, I shall pursue no mere factious course, but assist in the adoption of the measures best calculated to advance the welfare of North Carolina under the present regime.

But will the policy of allowing equal rights of suffrage to both races be permanent here? Impossible. Even its friends must admit it to be an untried experiment, uncertain in its results. The voice of history is against it; for I can recall no instance in which two peoples have dwelt together on the same soil, without amalgamation or the subordination of one to the other; unless, indeed, both were in subjection to a common tyrant.

And apropos of that last remark, does any gentleman here suppose that we would have inaugurated this negro suffrage experiment, had it not been forced upon us at the point of the bayonet? When the bayonets shall depart, if they ever do, then look out for the re-action. Then the bottom rail will descend from the top of the fence,—not merely by my vote, but by yours, Senators. Pardon me for predicting that, in five years from this day, an overwhelming majority of the people, and, therefore, a still more overwhelming

majority of the politicians, of North Carolina, will be clamorously demanding a change in the negro suffrage feature of our Constitution and the restriction of the African's right to vote. Equally singular metamorphoses in political sentiment are recent; and this one will be a sensible one, and inevitably resulting from our speedy experience of the present system.

Why then should North Carolina assist in so amending the Federal Constitution that she cannot make this inevitably early change in her own organic law, without losing a portion of her representation in Congress? Is it to her interest? Nay, verily. She has much to lose by it, and nothing to gain.

But I am told that by voting for this measure we shall at length "go home" again; and men grow strangely enthusiastic, talking of getting back to the old homestead; forgetting that the tree of liberty which we used to stand there, and under which we, children of a happy land, once sported, has been hewn by the remorseless axe of fanaticism, and the weather-beaten mansion looks, alas! but little like the glorious fabric we venerated of yore!

I am told that by voting for this amendment we shall get back into the Union.—When did we get out of the Union? Did those men who voted here, seven years ago, for the ordinance of secession, really take us out of the Union? They may be pardoned for thinking so; for they are Disunionists. But I, as a good Union man, utterly deny it. We fought to get out of the Union, and the United States fought to keep us in. If we are out, we whipped the United States; it was Washington, not Richmond, that fell; and Grant surrendered to Lee, under the apple tree. But history tells no such flattering tale to me. No, Senators, we were never out of the Union; and the pretence that we were is a subterfuge, invented since the war, for obvious political and partizan purposes.

To show its absurdity it is only necessary to ask ourselves how comes it that we vote to-day upon an amendment to the Federal Constitution? Were North Carolina not a State in the Union, she would have no more right to vote on such a question than the republic of Liberia, which she is beginning so much to resemble. This position is too obvious to admit of argument.

I oppose this amendment because its adoption involves a dishonorable act on the part of North Carolina, in that she will aid in imposing political disabilities upon thousands of her sons merely for obeying her own commands. Seven years ago, speaking through the voices and votes of many gentlemen now sitting in high places here, including her present distinguished Executive Chief, North Carolina called her children to the field.—Thither they rushed by thousands to bleed and die for her. A battle scarred remnant only survives; and now, upon this poor remnant of survivors, she is asked to affix the stigma of political disfranchisement! Is it honorable? But I forbear to enlarge upon this point, for in these days of "great moral ideas," to insist upon the claims of honor, is in danger of being deemed mere "Old Fogysm."

But in vindication of our dear old mother let me say, that when she shall see this day to pronounce that hard sentence upon her children, it is not North Carolina that speaks; it is only a horrid apparition which personates her. She is prostrate with the heel of the tyrant in her mouth, and is voiceless; but her great heart is bursting with blessings on her gallant sons.

I oppose this measure because of its unfairness in application. Thousands are punished by it who were sincere opponents of the war, and who only aided it by giving a few blankets or articles of clothing to suffering neighbor boys in the Confederate Army. But here stand I, a Confederate officer for four years, with the smoke of forty battles on me, unbanned and free,—simply because I never was a Squire! Will the fair-minded portion of mankind, in Massachusetts, in North Carolina, think it unpardonable in me because my sense of justice revolts against giving my voice in favor of a measure so inconsistent and unfair?

I oppose this proposition, because North Carolina has once voted upon it. And I respectfully submit that no State has the legal right to vote twice on such a question. If I mistake not, this amendment has once been acted upon by all, or a sufficient number, of the States, and, not having received a three-fourths vote, stands rejected. Shall we assist in galvanizing the corpse into a semblance of life again? Rather let the dead be buried.

But I utterly protest against this ratification, because we are not allowed a free vote. We are told that we will vote "nay" at our peril. If we vote "yea" we are promised a recognition of our Statehood; otherwise, we must remain a territory under indefinite military rule. What a mockery! We are in duress; and, in law, our deed this day is really invalid, yet.

and will be so held when passion and fear subside, and Courts are liberated once more.

Our dignity demands that we respectfully say to the Congress, "unfetter us, and give us the assurance that our privileges will be unaffected by our vote." Then can we vote as proud American citizens should do. But now we cannot—we dare not—give an independent vote; we vote as others dictate; we vote as slaves. Would to God North Carolina might this day be permitted to render an unbiased decision! But alas! our grand old mother is in the dust, and the mailed soldier stands over her with the bayonet at her bosom, demanding that she dishonor herself. "Drive the bayonet home to her heart," say I, "if Heaven so wills it, and let her die; but let her never submit to voluntary dishonor."

But this is not a question of feeling and sentiment; it is one of vital importance to the safety of the Constitution.—By the Constitution, Congress is empowered to propose amendments to that instrument. But if Congress can dictate how States shall vote upon amendments, by placing them under disabilities as States, until they are forced into compliance, is not Congress become all powerful, and can it not mould the organic law to its will? May it not, by this means, decree an amendment subordinating the co-ordinate departments, and make itself sole ruler? What rapid and revolutionary strides it has already taken towards absolute power, let the present posture of public affairs speak.

Senators, the dangers I have depicted do not seem to me imaginary. They are dread realities, and we be unto us if we go blindly on, and help, by our votes, to drive the ship of State upon the breakers! We are making history this day. By an affirmative vote we shall give our sanction to a precedent fraught with untold perils to constitutional liberty. I speak not as a partizan. I speak not now even as a North Carolinian. I speak as an American citizen, and, in the course I pursue this day, I deem myself the champion of the liberties of New York and Ohio as of my own ever loved native State.—And here in this venerated chamber, hallowed by the memories of great and good men gone before, I raise my solitary voice in solemn warning of the deadly perils which lie in the path you are urged to pursue.

Senators, we are in the midst of a sea of troubles. Our people are impoverished, bereaved, humiliated, miserable. Our homes are desolate; our kinsmen slain. But in all our misfortunes let us never forget our dignity, nor dare, by our action this day, to bring a stain on the untarnished name of North Carolina.

Mr. Blythe, of Henderson, and Mr. Welker, of Guilford, addressed the Senate in support of the joint resolution.

Mr. Cook, of Johnston, at this point introduced an amendment, which was understood to be an excuse for calling the previous question to cut off debate, and called for the vote.

Mr. Robbins called for the yeas and nays, and, the vote being taken, the entire vote of the majority was cast against it and none in favor.

Mr. Cook then called for the previous question on the joint resolution.

Mr. Blythe called for the yeas and nays which resulted as follows.

Yeas—Messrs. Barrow, Beasley, Bellamy, Brogden, Burns, Blythe, Colgrove, Cook, Davis, Eaves, Etheridge, Epps, negro, Forkner, Galloway, negro, Hayes, Harrington, Hall, Hyman, negro, Jones, of Wake, Logg, Lindsay, Lassiter, Long, Martindale, Moore, Mason, Rich, Respass, Smith, Shofter, Sweet, White, Winstead and Welker—34.

Nays—Messrs. Melcher and Robbins.

On motion the Senate adjourned to tomorrow morning, 11 o'clock.

"The wicked flee when no man pursueth." This proverb was literally illustrated at a "Red String" meeting in Anson county, several nights since. On the night in question, says the Wadesboro' Argus, a number of white members of the order were called together at a school house in Diamond Hill precinct, with orders for every member to go thoroughly armed, as some alleged that they would be interfered with by "Ku-Klux." Shortly after assembling, a team of five mules, which had just been taken from a broken-down wagon, passed rapidly by the school house, with their harness and traces loudly clapping and jingling. Without waiting to see what it was that caused such a "rumpus," and without standing on the "order of their going," the brethren vacated the premises with a rush, and, judging from what we have heard, may be running yet.