

# North

THE OLD



# State.

By HANES & BRUNER,

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## ECLECTIC MAGAZINE

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LEGISLATURE OF NORTH CAROLINA. SENATE. WEDNESDAY, Nov. 25, 1868.

The Senate was called to order at 11 o'clock. The President stated that he had applied to the Ministers who are members of the Senate to open the sessions with prayer, and they had respectfully declined, owing to the action of the Senate, several days ago, in reference to that matter.

Mr. Smith presented a petition from W. G. Hicks, late Sheriff of Wake county, praying for an extension of time to collect back taxes. Referred to the Committee on Propositions and Grievances.

REPORTS OF COMMITTEES. Mr. Welker, from the Committee on Public Charities, to whom was referred a resolution authorizing the Superintendent of the Insane Asylum to insure said property, reported favorably, and the resolution was adopted.

Mr. Winstead, from the Committee on the Judiciary, to whom was referred a bill to amend the law in relation to the wills of married persons, reported favorably, and the bill passed its second reading.

The same, to whom was referred a bill to amend title 7, section 72, of the Code of Civil Procedure, reported an amendment, and recommended its passage. The amendment was adopted, and the bill passed its second reading.

Mr. Brogden, from the Committee on Finance, to whom was referred the bill to incorporate the North Carolina Mutual Home Insurance Company, reported back the same, recommending its passage.

On motion of Mr. Kich, it was laid on the table and ordered to be printed. The same, from the Committee on Finance, to whom was referred a resolution in favor of Quentin Basbee, reported back the same and moved its reference to the Committee on Claims. This reference was made.

By Mr. Etheridge: A bill to protect the fowling interests of Currituck county. It appears that certain persons have posted their marsh lands to prevent hunting on them. This bill declares null and void the action of the Court in such cases and the towing and fishing interests. Referred to a special committee appointed on that subject.

By Mr. Lindsay: A resolution in favor of Wm. Thompson, Wm. Grimes, Wiley D. Jones and R. K. Fretwell. Lies over. By Mr. Robbins: A resolution proposing to raise a Joint Committee, composed of one member from each Judicial District, to examine section 11, title 2, of the Code of Procedure, and report by bill any changes which they may determine on. Adopted.

By Mr. Blythe: A resolution, instructing the Committee on the Judiciary to give the Code of Procedure a critical examination, and to report to this body such amendments as they may deem necessary.

After considerable discussion, on motion of Mr. Winstead, it was amended, by recommitting the Code to the Commissioners appointed on that subject.

The question recurring on the adoption of the resolution, as amended, on motion of Mr. Hayes, the whole matter was laid on the table.

A message was received from the House, transmitting a bill to amend an act entitled an act in relation to punishments of Wilmington and Newbern. (This bill proposes to establish a Special Court in

the city of Raleigh, empowering the Judge to appoint the Solicitor of the Court. (Referred to the Committee on the Judiciary.) Also a bill fixing the time for holding the Superior Court in the county of Henderson.

On motion of Mr. Blythe, it was laid on the table. On motion of Mr. Winstead, the Judiciary Committee was ordered to be increased—the additional number subject to the decision of the Chair. The President appointed Mr. Graham, Senator from Orange, on that Committee.

The resolution in favor of A. C. Avery was reported from the Enrolling Committee and ratified. Leaves of absence were granted the Senators from New Hanover and Warren.

On motion, the Senate adjourned until Friday morning, to-morrow being Thanksgiving, at 11 o'clock.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, Nov. 25, 1868.

House called to order at 10 o'clock. Prayer by the Rev. Mr. Long, of Chatham, of the House.

Leaves of absence were granted to Messrs. Poir, Gibson, Ellis, and Price, colored. PETITIONS AND MEMORIALS.

Mr. Gibson presented a petition from W. H. Heister. Referred. Mr. Kelly, of Davie, presented the report of the Commissioners of his county, with survey and map. Referred to Committee on Counties and Townships.

Mr. Hodnett wished to know if the law required the report to be presented to the General Assembly. Mr. Argo presented a memorial from several Superior Court Clerks in the State. Referred to Committee on Salaries and Fees.

REPORTS OF COMMITTEES. Mr. Poir, from the Committee on Judiciary, reported upon the following bills, viz:

To provide for the appointment of Entry Takers, and recommend its passage. For the protection of debtors, recommending that it do not pass. To amend chapter 9, Code of Civil Procedure, recommending that it do not pass.

The bills were placed upon the Calendar. RESOLUTIONS AND BILLS.

By Mr. Poir: A resolution (the Senate concurring) to allow members elect, named by the 14th Article, who had been present, their mileage and per diem for the time of their attendance.

Mr. Poir moved that the rules be suspended, and the resolution be adopted at once. B. W. Morris, colored, moved to refer the matter to the Committee on Privileges and Elections.

J. H. Harris, colored, of Wake, opposed the resolution, and urged the adoption of the resolution. After considerable discussion, Mr. Foster moved to refer to a special committee.

Mr. Estes opposed any reference, and took the ground that whether or not any of these gentlemen came here in good faith, they were entitled to mileage and per diem for the time they were here.

J. S. Leary, colored, favored the resolution in a speech of some length, in which he cited the case of Stephens in the Senate. Mr. Ingram also supported the measure and opposed any reference.

He would support the resolution upon the broad principles of justice. Mr. Foster called the previous question upon his motion to refer to a Special Committee. The call was sustained and the motion was put and lost.

The motion to refer to the Committee on Privileges and Elections was also put and lost. The rules were then suspended and the question recurring upon the amendment of the Mr. Poir, limiting the operation of the resolution from the 1st of July to the 16th.

The question was put and carried. Upon the passage of the resolution, the yeas and nays were called, and resulted in the adoption of the resolution, as amended, by Yeas, 77, Nays—29.

Mr. Barnett, from the committee on Corporations, reported favorably upon the bill to incorporate the N. C. Lumber and Lumber Company.

Mr. French gave notice he would introduce a bill making an appropriation to pay rejected members, as he did not think the action here to-day legal. By Mr. Green: A bill to amend the charter of the Cheraw and Coalfields R. R. Co. Referred.

Mr. Poir, on the part of the Judiciary Committee, presented a bill to amend an act entitled an act in relation to punishments of Wilmington and Newbern. (This bill proposes to establish a Special Court in

the city of Raleigh, empowering the Judge to appoint the Solicitor of the Court. (Referred to the Committee on the Judiciary.) Also a bill fixing the time for holding the Superior Court in the county of Henderson.

On motion of Mr. Blythe, it was laid on the table. On motion of Mr. Winstead, the Judiciary Committee was ordered to be increased—the additional number subject to the decision of the Chair. The President appointed Mr. Graham, Senator from Orange, on that Committee.

The resolution in favor of A. C. Avery was reported from the Enrolling Committee and ratified. Leaves of absence were granted the Senators from New Hanover and Warren.

On motion, the Senate adjourned until Friday morning, to-morrow being Thanksgiving, at 11 o'clock.

## CALENDAR.

The bill to authorize the Commissioners of New Hanover county to issue bonds (introduced by Mr. French) was taken up, and put on its third reading, when, J. H. Harris, of Wake, colored, said he would like an amendment added to require the sale of the bonds, whenever they should be worth so much. It would prevent any fraudulent speculations. As the bill stood, there was room for some underhanded practice.

Mr. French replied that it was proposed to deposit bonds to the amount of \$7,000 as collateral security,—the Commissioners giving their note. Upon the deposit, they expected to raise \$5,000, and when the note matured, it was to be hoped the bonds would be at par.

J. H. Harris, col., moved to add Wake county. Carried. Mr. Gudger moved to reconsider the vote, by which Chatham county was included yesterday. Carried.

If then moved to strike out that county from the list. Carried. Mr. Seigrist moved to add Wilkes Co. Carried.

Mr. Ingram moved to amend by increasing the amount to \$10,000, instead of \$7,000, as provided for in the bill. Mr. French said he thought that a larger sum than \$7,000 would be needed, but he feared that an increase would defeat the bill. Therefore he hoped the amendment would be withdrawn.

Mr. Ingram withdrew it. J. S. Leary, colored, said he opposed the bill yesterday, but, upon careful consideration, he had changed his mind concerning it, and moved to include Cumberland county. Carried.

The bill then passed its second reading by a vote of yeas 61, nays 31. House bill No. 21, providing for the appointment of Entry Takers, was next reached and passed its second reading.

House bill No. 22, establishing a Ferry across Neuse River, in Craven county, also passed its second reading. By consent, Mr. Estes offered a resolution, instructing the Judiciary Committee to inquire into the constitutionality of the bill passed, last session, incorporating the North Carolina Loan and Trust Company. Lies over.

The following bills, reported adversely upon by the Judiciary Committee, were taken from the calendar, and rejected upon their second reading, viz: The bill for the protection of debtors, introduced by Mr. Ragland; the bill to amend chapter 9, Code of Civil Procedure.

House resolution No. 20, introduced by Mr. Wilson, of Burke, petitioning Congress to remove the disabilities imposed by the 14th Article, from all citizens who have been in hearty accord with the Reconstruction Acts, who have not endeavored to get up another rebellion, and who have faithfully kept their amnesty oaths, was taken up.

Mr. French wanted to know how it was to be found out who had been loyal; nothing was contained in the resolution looking towards it. Mr. Durham moved to amend by striking out after the word "State" the words "make its operation include all citizens in the State." Carried.

Mr. French said he was opposed to a general removal of disabilities. It was true there were some Democrats entitled to it, but there were others who were not. Those men who said, in the last canvass, that if they were defeated at the ballot-box, they would appeal to bullets and rally again around their now folded flag,—for such men he would never vote to have their disabilities removed.

Mr. Estes moved to postpone the whole matter until the 1st Monday in January next. Carried.

On motion of Mr. Argo, the House then adjourned until Friday, A. M., 10 o'clock.

FATAL ACCIDENT.—We are grieved to learn that Mr. Henry Giles, of Baltimore, was killed near Owensville, Sampson county, on Monday night while en route to Fayetteville.

He was riding with the driver, and the horses taking fright, he was either thrown from his seat or jumped, and his feet becoming entangled in the reins, he fell. The wheels passed over his head, crushing it. Instant death ensued.—Wilkes Journal.