

Miscellaneous.

THE CONSTITUTIONAL CONVENTION.

WEDNESDAY, JAN. 29, 1868.

The convention was called to order at 11 o'clock.

Prayer by the Rev. Ashley, of the Convention.

A communication was received from the Public Treasurer, in compliance with a resolution passed some days ago, asking information in regard to the amount of stock held by the State in the Albemarle and Chesapeake canal.

Mr. W. H. Wake, negro, a memorial from the State of North Carolina, in relation to the late election. Referred to the Committee on Elections.

Mr. Jones, of Caldwell, a majority report from the Committee on Households. Ordered to be printed.

Harris, of Wake, negro, a memorial contesting the vote of Mr. Williams, of Sampson, by one Hall. Referred to the Committee, with instructions to report as soon as possible.

Mr. Jones, of Caldwell, a majority report from the Committee on Households. Ordered to be printed.

Harris, of Wake, negro, a resolution, that the Convention will not act upon private bills for relief, until the Constitution or civil government is formed and an ordinance passed for the relief of the people. He wished the rules suspended and the resolution put on its passage.

Mr. Abbott thought the matter had been settled by Mr. Pool's ordinance. The bill for the relief of the Wilmington, Charlotte and Rutherford Railroad Company was the best relief for the people of North Carolina. It saved two millions of dollars to the State, and Harris' resolution would effectively kill it.

Galloway, negro, thought that all resolutions should be over the rule; he was opposed to the suspension of the rules. If the Convention passed the resolution, it would be a death blow to the party. He was opposed to repudiation; it was only the rich who favored that measure, the poor owned nothing. The amount repudiated was introduced here, it would be a death blow to the Republican party. The best method to give relief to the people was to encourage internal improvements. He hoped the resolution would be over.

Harris, negro, said the resolution was intended only to expedite the business that brought them here. Mr. Tougee hoped the vote would be taken and the rules were accordingly suspended and the resolution voted down.

Mr. Rich, a resolution calling on efforts for the number of executions and amount of money to be collected thereon. Laid over.

Mr. Congleton, a resolution in favor of immediate action on Constitution and Relief. Laid over.

THE HOUR OF 12 O'CLOCK HAVING ARRIVED, Mr. Tolson's report, as Chairman of the Committee on Relief, the special order of the hour, was taken up.

The following is the report: The undersigned, a majority of the Select Committee on Relief, respectfully report the following Ordinance and Resolution and recommend their passage:

AN ORDINANCE RESPECTING THE JURISDICTION OF THE COURTS OF THIS STATE. Section 1. Be it ordained by the people of North Carolina in Convention assembled, That no Court of law or equity of this State shall have jurisdiction of any suit or action founded on any contract made prior to the first day of May, 1865, (except actions against public officers, as citizens, administrators, executors, and others acting in a fiduciary capacity, and their sureties, for breach of their respective duties, by the appropriation to their own use of money or property actually received by them, or other fraudulent acts, or of any action or process to revive or enforce any judgment heretofore recovered on any such contract, whether such action be now pending, or shall be commenced hereafter, and whether such process has been already issued or shall be hereafter issued) and the sheriff, coroner and constable of this State, having in their hands any final process issued upon any judgment, founded on such a contract, are hereby commanded to stay all proceedings upon the same, and return the same to the proper courts.

This Ordinance shall be in force from and after its ratification by this Convention, and shall continue in force until the first day of July, 1868, or until the Constitution, which this Convention has not adopted shall go into effect, whichever shall first happen.

Resolved, That a copy of the foregoing Ordinance be sent to Major General Canby, Commanding, &c., and that he be respectfully requested to cause the same to be entered.

Mr. McDonald, one of the Committee, agreed in recommending the foregoing, with the exception of the exception in the first section, which he thinks should be stricken out.

WILL B. RODMAN, Chairman. JOHN A. McDONALD, JOHN B. HARRIS, G. W. HAZARD, J. H. DEWEY.

Mr. R. moved its adoption. He said that they were called "repudiators," and admitted that as any law passed, affecting debts and contracts was to some degree repudiation to some extent. But the people of the State were impoverished and beggared, and in justice to posterity, some measure should be taken to prevent the sacrifice of property. It was a necessity and necessity knew no law. History ever of some measure, which had passed through a thousand and devastating wars, and not left the same condition as ours at present. He quoted various instances where repudiation in some degree had been resorted to and still left the national honor unimpaired. The bill only touches debts, &c., contracted prior to May 1865, and expired by its own limitation on the 1st July, 1868. If some measure of this kind is not taken, the land would be owned by a large class of absentee landlords. We would labor under the same suffering as Ireland. He did not care where the purchase was made, but he would like to draw labor among us. He would say to the debt-

or, "you must pay," and to the creditor, "you must give time."

Mr. Jones, of Washington, had great pleasure to meet an ordinance that bore the signature of the gentleman from Beaufort. The people wanted relief and substantial relief. He thought the ordinance calculated to mislead, its language was susceptible of great misconstruction. He thought the ordinance that had been drawn by the gentleman from the bar had been drawn by a gentleman who did not apply to a Republican. The ordinance gave to debtors too great a scope. He thought the picture of absolute insolvency—only drawn to influence the imagination, not the solid judgment. He did not believe that the property of the State consisted in retaining large amounts of lands, and cited the manner in which lands were worked in the State to the advantage of the North.

Mr. Moore, of Granville, asked if the gentleman was winking at confiscation.

Mr. Jones: By no means. That was a dead duck—a bag-bear to frighten rebels—but it might come, if the present ordinance to the government was sustained. He had made an argument, in obedience to a suggestion of the Judge, on his circuit, in regard to the constitutionality of the stay law, passed by the Legislature, and on being asked by the Judge if he thought the stay law of the Convention was also unconstitutional, he would not discuss that; he and other gentlemen of the bar had agreed that the necessities of the people were so great that they would not moot the question. This ordinance would expire on the 1st of July, 1868. Why did not Gen. Canby's order cover the same ground? His idea of relief was to set the State on its feet. He was for keeping the honor of North Carolina inviolate; at the moment, such a declaration was made, the people of the North would begin to feel confidence in the bonds of the State. Then the stream of prosperity would set in and the struggle for supremacy would begin. That was his idea of substantial relief.

Mr. Watts said he stood here a Republican, but the circumstances that surrounded them. Cities for relief were heard from every quarter. It was not dishonorable. He would say, publicly, that they were not States and not being States, we could grant the relief. Congress had declared that we had no legal government. Then we had no law. He agreed with Thad Stevens in his declaration that the Constitution had no application to the conquered provinces, or territories. Such was the settled policy of Congress with regard to us, and such was our condition. Therefore, we were granted broad and sweeping relief. We may be called dishonorable; we may be charged with acting dishonestly, but the day would come when such cries would be hushed forever.

Mr. W. closed his remarks by offering the following amendment: "Strike out all included in the exceptions, and insert: 'Contract or engagement entered into for the purchase of real estate, when one-half of the purchase money has not been paid.'"

Mr. Graham, of Orange, said, substantially: "Mr. President: I rise to suggest some objections, which, if the advocates of this measure will remove, I will cheerfully support it. Can we, under our oath, pass this law? Is not the exception in section 1, in regard to Executors and Trustees, unjust? Is not the relief proposed illusory and a deception? Cannot we accomplish the object proposed, more surely, by referring the matter to Gen. Canby and by making with the Virginia Government in their petition to Congress to extend the time in the first clause of the Bankrupt law and to reduce the expenses? Can we not so amend the Stay Law of 1865, as to give judgment for the installment due, if not paid at the time mentioned, instead of for the whole amount, or give judgments for one-tenth of the old debts, every year for ten years?"

I do not intend to argue, at this time, the constitutionality of the reconstruction measure, but to view the whole matter from a "loyal" basis. And here I would remind this Convention that we have been selected as men who have never violated our oath to support the Constitution of the United States. All who, as officers, took an oath to support that Constitution, and afterwards, when the time to try men's souls came upon us, yielded to their feelings of kindness and blood, so far as to remain neutral in the late terrible contest, have been excluded. Should we not pause and consider that clause which says: "No State shall pass any law impairing the obligation of contracts?" But it is said that clause does not apply. That we are not a State but only a Territory. Was not North Carolina asked as a State, to ratify the amendment abolishing slavery? As I said I would argue this question on a loyal basis, I quote Thad Stevens. Was not the origin of the whole reconstruction scheme of Congress "to inquire into the condition of the States, which formed the so-called Confederate States of America?" Was not the last article proposed: "Representation shall be apportioned among the several States?" Did not Stevens say, in his speech: "I hold that these States have the right, and always had it, to fix the elective franchise within their own States." Did not Chief Justice Chase recognize North Carolina as a State, in his address to the Bar in our circuit, last June?

But does this measure give real relief? Instead of bread, does it not give a stone? Is this the form in which the people seek relief? Mr. President, as our power is questioned, had we not best refer the matter to Gen. Canby, who can have his orders enforced? I think that our greatest distress comes from the United States Courts, and the expenses connected with filing petitions in Bankruptcy. Why not petition Congress to change the law, so as to better accomplish the purposes for which it was designed? Why should Executors and Trustees be subjected to suit, when they cannot collect to meet the calls upon them? It is to the interest of the State that all these old debts should be compromised and settled. I believe the people would prefer to know how they stand; that the amount should be determined, but concessions should be allowed, until their property would command better prices, and until their industry had somewhat relieved their present distress. Let us not trifle with them on this subject. I do not believe that our people are dishonest. I see no dishonesty, or any way being charged, when a man, unable to discharge his debts in full, surrenders his property (with the exceptions allowed by law) for the benefit of his creditors. If we reduce the expenses and make the property bring full value, and enlarge the

exemptions, we will accomplish true relief. But to do this we must petition Congress. Let us appoint a committee for that purpose, and so alter our present Stay Law, as I have above proposed, and we will have accomplished more than we can do by adopting the measure now before us.

Mr. McDonald, of Chatham, next upon the floor, claimed that the State was in a territorial status. He had heard Governor Vance acknowledge the fact, some time ago, when on the train. He spoke of Gen. Dan Sickles as the great soldier and patriot, who had saved the State from all evils of war, and, in the course of his remarks, alluded to the fact that judgments in the amount of \$25,000 had been taken in his county. Property was being sacrificed for a mere song, and our own citizens are the principal parties, and creating all the distress. Yankées were our friends; he would rather trust them.

Mr. Graham, of Orange, asked the gentleman, if it was not a fact that Northern creditors had taken judgments in this State, in the U. S. District Court, to the amount of a half a million of dollars.

Mr. McDonald, in a reply, said he hoped the gentleman would not interrupt him. Questions were being always asked, to drive one away from the main question.

Hood, (negro,) moved to re-commit the report to the Committee. Mr. Tougee opposed the recommitment, but favored the stay of all debts until a homestead clause could be inserted in the Constitution of a retroactive nature; he was willing however, that it should be recommitted, with instructions to the Committee to petition Gen. Canby to stay all debts.

A motion was here made to adjourn, but withdrawn, in order to allow Mr. Heaton to submit a report from the Bill of Rights Committee, which was ordered to be printed.

Mr. French, of Chwan, by consent introduced the following resolution: Resolved, That the Committee on Finance, either in the name of this whole Convention or in the name of a sub-Committee, be authorized to negotiate a loan, not to exceed \$10,000, in order to pay the mileage of members.

Mr. F. said he would move to suspend the rules, because immediate action should be taken upon it; as there were some members in need of money.

The rules were suspended and the resolution adopted. On motion the Convention adjourned until 11 o'clock to-morrow.

THURSDAY, JAN. 30, 1868. The convention was called to order at 11 o'clock. Prayer by the Rev. Mr. Lennon, of the Convention.

A communication was read from Dr. E. O. Fisher, Superintendent of the Insane Asylum, inviting the members of the convention to visit the Institution.

Galloway, (negro,) offered a resolution requesting the committee on cities and towns to inquire by what authority the towns of Wilmington claim to be a city.

Mr. Ashley, a resolution in regard to laborers and mechanics. Referred.

By the same: A resolution that debts for labor performed shall be a precedence. Referred.

Mr. Gunter, a resolution that the convention shall assemble at 10 o'clock, instead of 11, A. M., as heretofore. Laid over.

Mr. Logan, a resolution changing the terms of the Court of Pleas and Quarter Sessions in Rutherford county. Referred.

Mr. McDonald, of Chatham, an ordinance levying a tax of 75 per cent., on old debts.

Mr. Tougee, a resolution instructing the committee of three, appointed to confer with Gen. Canby, to ascertain how far he would recognize legislation on the part of this Convention. Referred.

Mr. Abbott, by consent, a report from the Committee on Privileges and Elections to whom was referred the memorial of our Hall, of Sampson county, containing the seat of Mr. Williams, of that county, recommending that Mr. Hall be declared elected. Laid over.

Mr. Rodman submitted a report from the committee on Relief. Ordered to be printed.

Mr. Pool presented a majority report from the committee on "Village." [Two or three minority reports, accompanied the majority report, one of which, by Messrs. Graham and Durham, will be published to-morrow.] They were ordered to be printed and made for special order for Thursday next.

Mr. Rich moved that the rules be suspended, and his resolution offered day before yesterday, calling on Sheriffs to furnish a statement of the number of executions in their counties, and the amount of money to be collected thereon, be taken up.

Mr. Rich, a resolution that the Committee on Governor, &c., consider and report the propriety of giving the Governor the veto power. Laid over.

Mr. Tougee, a resolution that the Committee provided for by Hood's negro, resolution be instructed to petition Congress to relieve the disabilities of persons who were not in accord with the reconstruction acts, but who were sound and unflinching Union men during the war. They should have never been disfranchised, and the resolution did not do them justice. Besides he was opposed to a pay law in the shape of a "previous question."

The hour of 12 having arrived, the unfinished business of yesterday, on the Bill of Rights was taken up in order, when Mr. Heaton said that this matter was of two much importance to be hurried through, and he moved to postpone its consideration until Saturday next, and he made the special order, that the report of the committee on "Governor and Executive Officers" be next considered. Agreed to.

Mr. Sweet moved that the House resolve into committee of the whole, for its consideration. Agreed to; whereupon Mr. Jones, of Washington, was called to the Chair.

Section 3d, of the report was, on motion of Mr. Abbott, adopted. After some debate, the Bill as amended, with the following modification: Strike out all after the word "that," in the fourth line, and insert "he will support the Constitution of the United States and of the State of North Carolina, and honestly and faithfully perform the duties of the office to which he has been elected."

Section 5th was adopted without debate.

Section 6th was modified as follows, and adopted: "Strike out the words 'treason and,' in the third line, and insert the word 'in,' strike out all of the word 'pardon,' in the seventh line, down to the word 'reprieve,' inclusive."

Sections 7, 8 and 9 were adopted without debate.

Mr. Graham, of Orange, moved to strike out the whole of section 10th, giving the Governor power to nominate, and, with the concurrence of the Senate, appoint certain officers.

Mr. Hodnett concurred with Mr. G., and said that the section completely overthrew the time-honored and established customs of North Carolina. He was opposed to allowing to so small a body such complete power. The people would not be represented, only the Governor and his party. The whole thing would just amount to a party machine, and he would oppose such being incorporated into a Constitution that he had anything to do with.

Mr. Graham's motion to strike out was then put to a vote and lost.

The section, as reported by the committee, was then adopted.

Sections 11, 12 and 13 were adopted, without objection.

Mr. Graham opposed the change made by section 14 in the Governor's Council. He thought the present system the best. The members of the Council were elected by the Legislature, and in some measure came direct from the people. He did not think that a set of men, who were continually under the same roof and around the Governor, should constitute his sole advisers. He moved to strike out the first five lines.

Mr. McDonald, of Chatham, agreed with Mr. G., as he was in favor of having all officers elected by the people.

Mr. Graham's amendment was put to a vote and lost. The section, as it stood, was adopted. Sections 15 and 16 were adopted.

Section 17 was, on motion of Mr. Rodman, stricken out. Section 18 was modified as follows, and then adopted: "Strike out, in the first line the word 'any,' and insert the word 'shall' and, in second line, make it read 'A Bureau of Statistics, Agriculture and Immigration.'"

Mr. Nicholson moved to reconsider the vote of yesterday on the 2nd section. Agreed to.

Mr. N. then offered the following substitute, which was adopted: "No person shall be eligible as Governor or Lt. Governor, unless he shall have attained 30 years of age, shall have been a citizen of the United States for 5 years, and have been resident in this State for 2 years next before the day of election; no shall the person elected to either of these two offices be eligible to the same office more than two years, in any term of six years, unless the office shall have been cast upon him as Lt. Governor or President of the Senate."

Mr. Rodman moved to reconsider the vote upon the first section. Carried.

Mr. R. offered an amendment, but withdrew it, as Mr. Tougee's amendment of yesterday covered the same ground.

Mr. Tougee moved to amend his amendment of yesterday, by striking out the word "ratification," and insert the word "approval," and to strike out the figures "30," and insert "10."

The amendment was agreed to, and the section, as amended, was then adopted.

The Report of the Committee on the Militia was next taken up for consideration, and, after a time spent in amendments and discussion, sections 1 and 2 were adopted, in form following:

Sec. 1. All able bodied male citizens of the State of North Carolina, between the ages of 21 and 40 years, who are citizens of the United States, shall be liable to duty in the militia; provided that all persons, who may be adverse to bearing arms, from religious scruples, shall be exempt.

Sec. 2. The General Assembly shall provide for the organizing, arming, equipping and discipline of the militia, and for paying the same, when called into active service.

Pending the consideration of the 3d section, the Committee, on motion of Galloway, (negro,) rose, the Chairman reported progress and asked leave to sit again.

On motion of Galloway, (negro) the House adjourned until to-morrow, 11 o'clock.

The President called the Convention to order at 11 o'clock.

Prayer by the Rev. Mr. Warwick, (negro.)

Mr. Bryan presented a petition from the citizens of Wilkes, praying the removal of disloyal officers and replacing them with "loyal men." Referred.

Mr. Tougee, a report from the Committee on Towns, &c., to whom was referred Eppes' negro, resolution, and asked to be discharged from its consideration, as the subject matter did not come within their province.

Mr. Rich, a resolution that the Committee on Governor, &c., consider and report the propriety of giving the Governor the veto power. Laid over.

Mr. Tougee, a resolution that the Committee provided for by Hood's negro, resolution be instructed to petition Congress to relieve the disabilities of persons who were not in accord with the reconstruction acts, but who were sound and unflinching Union men during the war. They should have never been disfranchised, and the resolution did not do them justice. Besides he was opposed to a pay law in the shape of a "previous question."

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had been passed to protect them from insult, and if it was not enforced by expelling the reporter he gave notice he would seek redress elsewhere.

Harris, of Wake, negro, said that he had had interviews with a large number of respectable and intelligent white gentlemen of this State; they never had indulged in such language. The proper meaning of the word "nigger" was "low, dirty fellow;" and if the editor had an application, it should be applied to the editors of that paper. If the paper had a reporter on the floor, he should have for his expulsion—not for the language in question, but for the evident intention to insult the Convention.

Mr. Ashley said that the report was taken from another paper, and altered to the editor's views, and that the reporter, now in his seat, had requested him to state that he wished to stand and fall by his own report in future.

Hood, (negro,) did not wish any notice taken of the affair.

Mr. Abbott said he had been misinterpreted in regard to the motives that led him to introduce the resolution concerning the expulsion of a (the Sentinel) Reporter, some time ago. Editors could, in their editorial and local columns, comment as they pleased, but reporters, who held their seats by the courtesy of the house, should treat the body with proper respect. He thought then, and thought now, that the resolution should be enforced. If the required change was not made, (by the Sentinel reporter) but the matter was entirely in the hands of the President.

The President entered into a long explanation why he had not enforced the resolution; that the colored men did not think themselves insulted by the term "nigger," and that it gave a certain class a chance to raise the "hue and cry" that an attempt was being made on the liberties of the press, &c.

Here the reporter of the Carolinian carried his manuscript to the President, as a specimen of what his report should be to-morrow. The President, after reading it, declared that the language was insulting as to justify his exclusion, (so ordered.)

Mr. Durham protested against such a proceeding, contending that the reporter had no right to make out his report as he pleased; he protested against the infamy of the whole proceeding.

Mr. Ashley said that he had made his first statement in regard to the matter, under the impression that the young man was disclaiming any intention to insult the Convention, and branded this proceeding, on the part of the reporter, as infamous and intolerable.

Mr. Durham was in favor of the Convention protecting itself from insult, but, at the same time, he wanted no attempt at restricting the liberties of the Press. He protested, not for the reporter, but in the name of the people of North Carolina. They should know what inquiries were being practiced here. He protested against the resolution, that gave the President the power to expel a reporter.

Mr. McDonald, of Chatham, was opposed to the whole proceeding; it gave a certain party too much political capital to work upon.

The President entered into another statement, and, in the course of his remarks, said the reporter of the Carolinian had acknowledged that his statement was intended to insult, and asked him to expel him.

Harris, of Wake, negro, next on the floor spoke for a few moments.

The excitement on the Reporterial question having now subsided.

The consideration of Mr. Durham's amendment to Mr. Tougee's resolution was resumed.

Mr. Rodman suggested that the Bill be taken from Cleveland, instead of substituting his resolution for that of the delegate from Guilford, made an addition thereto. Mr. R. said he was in favor of what he proposed in the amendment of the gentleman from Cleveland. He came here, instructed by his people, and pledged to vote in favor of removing every disfranchisement, on account of participation in the rebellion. He earnestly desired to accomplish this, and if the gentleman from Cleveland will introduce his measure, either as an addition or separately, he would vote for it, and he thought it would stand a much better chance of success, than in its present form.

Mr. Durham said the gentleman (Mr. R.) was evidently trying to dodge the question. His amendment embraced everybody—not such persons as this Convention should deem fit. If gentlemen were in favor of a general amnesty, why could they not come squarely out and support this amendment?

Hood, (negro,) thought that the adoption of such a measure would cause Congress to suspect their loyalty.

Mr. Rich said that Mr. Durham's amendment would embarrass the committee to that extent that a report could never be made, as there were some five or six thousand disfranchised persons in this State.

Mr. Heaton had understood gentlemen, on the other side, to say, yesterday, that they wanted nothing at the hands of this convention. He, for one, was for holding them up to it.

Mr. Pool said the temper of the people was not ready for a general amnesty, but it was for universal suffrage. He would vote against Mr. Tougee's resolution and Mr. Durham's amendment.

Harris, of Wake, (negro,) said something. Mr. May was sorry so much bitter feeling had been displayed in regard to the matter. The report of each day's work was "nothing done." He thought this discussion was out of place. He wanted the whole matter voted down, and the convention to proceed to its proper and legitimate work. Let the matter be considered when it comes up in its proper time.

Mr. Mann moved to lay the amendment on the table.