

THE STATE CONVENTION.

We did not publish Saturday's proceedings of the Convention, for the reason that we received no Raleigh papers on yesterday containing them; but their absence was more than atoned for by the excellent letter of our able Raleigh correspondent, who is one of the most intelligent members of that body. His letters not only give in fact all that is interesting in the proceedings, but many just and weighty observations upon the same. We most sincerely congratulate ourselves and our readers upon having secured the services of so able and intelligent a gentleman as a correspondent, as his letters must necessarily add much to the interest of our paper during the session of the Convention, which we suppose will last for some two or three weeks.

We think the Convention acted wisely in refusing to adjourn sine die. Although it was in fact called for a particular purpose, and that purpose has been accomplished, yet it is not, in a strict sense, functus officio; for the reason that its powers extend to many objects besides those for which it was especially called. It is, in fact, the representative of the reserved sovereign powers of the State, and its powers are only limited by the prohibitions, express or implied, upon the States in the Federal Constitution. It is vested with all the legitimate powers of any other Convention that ever assembled in the State; and, such being the case, it should, now that it is in session, proceed to make the necessary amendments to our State Constitution. The whole instrument should be re-written, as some of the phraseology of it is imperfect. It is at present in many detached parts, and should be consolidated or codified. So much of the Constitution of 1776 as still remains in force, the amendments of 1835, the Free Suffrage amendment, and all other amendments which have been made since that time, or which is now proper to make, should be embodied into one compact instrument. Apart from these necessary alterations and amendments to our State Constitution, we confess that we can see but little for the Convention to do at present. We are opposed to its assuming general legislative powers. We think it should legislate only in cases where there may be an urgent necessity for it.

"We have not a paper in the State devoted in the slightest degree to her material interests. With the exception of an editorial in this paper arguing in favor of the establishment of Work Houses, and one in the Raleigh Sentinel on the subject of Railroads, we do not remember to have seen any articles devoted to matters of State importance, unless it be the discussions in the Northern papers on the subject of consolidating the N. C. and Atlantic R. R. Companies."—Old North State. "Our cotemporary is mistaken in one particular: The Sentinel has, in addition to the matter referred to, contained a number of articles in advocacy of the establishment of a Real Estate Bank, which, in our judgment, promises more benefit to the people of the State than any other measure that could be devised at present, and has frequently urged the introduction of capital and labor to our midst. But the Old North State is right in the main. The press, generally, and ourselves among them, have been too inattentive to State interests, and have devoted too much space and time to the unprofitable consideration of Federal politics and relations. It is our wish and design to improve in this respect—to pay more regard to our industrial and internal condition. Our people, while still anxious for restoration and reconciliation, have ceased, under the pressure of Radical injustice, to feel that intense interest in national affairs which they formerly did."—Sentinel.

Upon reflection, we see that we have done some injustice to our cotemporary of the Sentinel, and perhaps others, as well as ourselves. We wrote hastily and from memory, but we remember the articles to which the Sentinel refers, as well as some written by ourselves and the Charlotte Times, in favor of the introduction of capital and labor into the country. But, as the Sentinel says, we are in the main correct.

NOTICE TO N. C. COTTON SHIPPERS.—A great deal of inconvenience and expense is incurred by our North Carolina cotton planters, because of their neglect or non-acquaintance with the revenue laws. They send their cotton to their merchants here and elsewhere, for sale, with no sufficient evidence of the payment of the tax. The proper method is to send, in every instance, to the commission merchant, let a certificate of the payment of the tax, and 2nd, a permit for exportation, both of which the officer receiving the tax is required to furnish. Otherwise the tax must, in all cases, be paid upon before shipment after sale, here or elsewhere.—Pet. Index.

The Episcopal Church at Hagerstown, Md., was entirely consumed by fire on Tuesday, the 23d. The organ and some of the church furniture were saved in a partially damaged condition. There was a small insurance. An adjoining building, used as a stable, was likewise destroyed, and several small houses were injured.

STATE CONVENTION.

ADJOURNED SESSION. MONDAY, May 22.

The Convention was called to order at 10 o'clock, A. M. Prayer by Rev. J. M. Atkinson; of the Presbyterian Church. The Journal of yesterday was read and approved.

REPORTS OF COMMITTEES.

Mr. McIver, from the committee appointed to inquire and report as to the expediency of establishing a Penitentiary, submitted a report to the effect, that in view of the recent action of the General Assembly, and the finances of the State, it would be inexpedient at this time to take any action in the premises. The Committee asked to be discharged. The report was concurred in.

Mr. Moore, of Wake, from the committee appointed to collate and re-write the Constitution of the State, reported the amended Constitution, which was ordered to be printed.

Messrs. F. B. Satterthwaite (Pitt) and Jno. A. Richardson (Bladen) delegates elected to fill vacancies, appeared and were qualified.

Mr. Logan introduced a resolution to raise a committee of seven, to take into consideration the subject of a circulating medium, for the people of the State, and report by ordinance or otherwise. Adopted under a suspension of the rules.

Mr. McLaughlin, a resolution to change the manner of settling with Executors, Administrators, &c.

Mr. Polk, a resolution reducing the per diem and mileage of the officers and members of the Convention.

Mr. Henry, an ordinance in relation to debts incurred by the counties in aid of the rebellion.

Mr. Jones, of Davidson, a resolution concerning salaries and fees. (Proposes to raise a committee of five to consider the propriety of amending an act passed by the late Legislature, entitled "Salaries and Fees.")

Mr. Hodge, an ordinance to establish courts of authentication and record.

Mr. Russell, an ordinance concerning the election of Clerks and Sheriffs.

Mr. Rumley, an ordinance incorporating the Oceanic Hook and Ladder Company, of the town of Beaufort. (On introducing this ordinance, Mr. Rumley stated, that, as the ordinance was purely of a legislative character, he thought the legislature was the proper body to act upon it, but as such ordinances were coming before the Convention daily, he felt bound to introduce this.)

Mr. Faulkner, from the Committee on Homesteads, reported an ordinance to amend the Constitution so as to provide homesteads.

Mr. Phillips, a resolution to have an abstract of the census of 1860 printed for the use of the Convention. Adopted under a suspension of the rules.

Mr. Polk, a resolution concerning evening sessions. [Proposing that the Convention, from and after the 29th inst., hold evening sessions, commencing at 4 1/2 o'clock P. M., daily.]

On motion of Mr. Polk, the rules were suspended. Sundry amendments were offered.

On motion of Mr. Henry, the resolutions were laid on the table.

Mr. Winburne, an ordinance to secure the rights of the citizens of North Carolina in the navigable waters of the State.

Mr. Pool, a resolution to pay the commissioners appointed to report to the General Assembly on the subject of Freedmen. Referred, on motion of Mr. Pool, to the Committee on Finance.

Mr. Wright, for the Committee to which was referred the communication of the Public Treasurer, reported "an ordinance in relation to the act of the General Assembly entitled 'Revenue.'"

UNFINISHED BUSINESS. An ordinance to grant a general amnesty and pardon to all persons guilty of violating the criminal laws of the State of North Carolina, except to those guilty of capital felonies, was put on its second reading.

Mr. Jones, of Henderson, moved to amend, by striking out the words "first of May 1865" and inserting "first of January, 1866," as the time to which the proposed amnesty should extend, which was rejected.

Mr. Caldwell, of Burke, urged the passage of the ordinance, as a measure of compromise, to allay the bitterness and ill feeling which in various sections of the State had grown out of the late war.

Mr. McCorkle moved to amend the ordinance by adding the following proviso: "Provided, That all homicides committed by persons in the so-called Confederate States army, while acting under orders emanating from commanding officers to whom the defendants belonged, shall also be exempted from prosecution."

Mr. Faulkner moved to lay the ordinance on the table, and on this motion the Convention refused to lay on the table.

YEAS.—Messrs. Adams, Baines, Brooks, Bryan, Bynum, Caldwell, of Guilford, Cooper, Dickey, Ellis, Faircloth, Faulkner, Furches, Ganagan, Garland, Griesom, Harris, of Guilfd, Harris of Rutherford, Haynes Jones, of Davidson, Lash, Love, of Chatham, Lyon, McKay, of Harnett, McDonald, of Chatham, McDonald, of Moore, Richardson, Russell, Rush, Satterthwaite, Simmons, Sloan, Starbuck, Stewart, Swan, Walkup, Willey, Winburne and Winston. 39.

NAYS.—Messrs. Alexander, Allen, Bagley, Baker, Barrow, Beam, Bell, Berry, Bingham, Bradley, Brickell, Brown, Burgin, Buxton, Caldwell, of Burke, Conigland, Dick, Doekery, Eaton, Ferebee, Garrett, Gilliam, Godwin, Henry, Hedge Jackson, Jarvis, Johnson, Jones, of Henderson, Joyce, Joyner, King, Love, of Jackson, McCauley, McCorkle, McKoy,

of Sampson, McInnes, McIver, N. A. McLean, Nat. McLean, McLaughlin, Meeks, Mebane, Moore, of Chatham, Moore, of Wake, Morphy, Odum, Patterson, Pennington, Perkins, Person, Phillips, Polk, Pool, Rumley, Smith, of Anson, Smith, of Wilkes, Spence, of Hyde, Spencer, of Montgomery, Stephenson, Thompson, Ward, Williamson, Wilson and Wright. 65.

On motion of Mr. Phillips, the ordinance and amendment were referred to a select committee of nine.

Mr. McIver, (by leave) introduced a resolution instructing an inquiry by the Finance committee in relation to certain provisions of the Revenue Law. Adopted.

ON CALENDAR. A resolution of inquiry concerning State appropriations for the Chatham Rail Road Company was adopted. An ordinance in relation to imprisonment for debt was referred on second reading to the committee on Constitutional Amendment, on motion of Mr. Moore, of Wake.

Ordinances on 2d reading, introduced by Mr. Moore, of Wake, to amend "an act of the General Assembly concerning negroes and persons of color or of mixed blood," were referred, on motion of Mr. Moore, of Wake, to a select committee.

An ordinance calling a Convention in 1871, and a resolution to raise a committee on the subject of adjournment, introduced by Mr. Phillips, were, on his motion, laid on the table.

A resolution in favor of W. H. Harrison, on second reading, was laid on the table, on motion of Mr. McLaughlin.

SPECIAL ORDER. An ordinance concerning debts of the State to be hereafter contracted, on second reading. [This ordinance declares that the General Assembly shall make no bill making an appropriation of public moneys or raising loans on the faith and credit of the State, unless the bill making such appropriation, or raising such loan, shall have passed three readings on three several days in each house of the General Assembly, and received in each House the votes of a majority of the whole number of members. I further requires a record of the yeas and nays upon the passage of such bill in either House.]

On motion of Mr. Eaton, the ordinance was amended, by inserting a provision that the yeas and nays on such bill shall be recorded on each reading in each House.

Mr. Love moved to amend by adding the following proviso: "Provided, that this requirement shall not be applicable to works of internal improvements already chartered or in progress of construction."

After some discussion, in which Messrs. Eaton and Winston urged the passage of the ordinance, and Messrs. Logan, Love and Caldwell, of Burke, opposed it, the latter moved that the amendment be laid on the table.

The Convention refused to lay on the table, yeas 39; nays 58.

Mr. Brown addressed the Convention in support of the ordinance.

The question recurring on Mr. Love's amendment, on motion of Mr. Henry, the Convention adjourned until 10 o'clock tomorrow.

From the National Intelligencer. Austro-Prussian Difficulty.

Debate in the English House of Lords on the Prospect of War.

In the House of Lords, on the 8th, Lord Cadogan, after some preliminary remarks upon the threatening aspect of political affairs upon the continent, asked whether the Government had made an offer of mediation to bring about a pacific solution of the question in dispute.

The Earl of Claremont. I beg my noble friend's pardon. It is perfectly true that Parliament has been without any information communicated by us on the subject, and for this reason—that, so far as the action of the Government is concerned, this country will, neither directly or indirectly, take any part in war if war should unfortunately occur. Of course we have always been ready to answer any inquiry addressed to us; but until last night, in the other House of Parliament, and tonight in this House, no inquiry of that nature has been addressed to us. I am sure that has not been from any want of vigilance or want of interest in continental affairs, but because it was felt that the public are just as well informed as the Government on passing events. There is now little of that secret diplomacy which in former days so much prevailed. There is on the part of every Government—such is the power of public opinion—so great an anxiety to appeal to it and obtain its support, that despatches of the most important character and entailing the gravest consequences are no sooner delivered than they are published, and the telegram secures that there shall be no priority of information. We are, therefore, all placed on the same footing. We know the complaints of Prussia against Austria, and in what manner Austria has answered those accusations. We know by the able papers they have published what are the opinions of Bavaria and Saxony as to the conduct of these two great neighbors, and what are the opinions of the rest of the German powers. We know how loud have been the remonstrances throughout Germany against a war uncalled for by national honor and forbidden by national interests. The fall of the funds and of public securities throughout the exchanges of Europe—the paralysis of credit, of commerce, and industry—the enormous losses that were entailed as soon as the rumor of war assumed an appearance of reality—seemed to be so many warnings to sovereigns how they trifled with the interests of their subjects. Up to about a fortnight ago there was an appearance that moderate counsels would prevail, and that the calamity of war would be averted; but within the last fortnight this hope became less and less felt, and

the trial can only end in one of three ways: 1. By verdict of guilty. 2. By verdict of not guilty. 3. By the inability of the jury to agree. In the event of this third alternative arising, the first question which will arise is, whether Mr. Davis will be entitled to bail. The Constitution provides that "in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial." In determining whether Mr. Davis, after more than a year's close imprisonment, would be considered, in the event of the disagreement of the jury, to be discharged on bail, would be a question of legal discretion, to be determined by the judge.

By the celebrated habeas corpus act of 21 Charles II., it was provided, 6, "that every person committed for treason or felony shall, if he require it, the first week of the next term, or the first day of the next session of Oyer and Terminer, be indicted in that term or session, or else admitted to bail, unless the King's witness cannot be produced; and if not indicted and tried in the second term or session, he shall be discharged from his imprisonment for such criminal offense." [Cheers.]

Lord Stratford de Redcliffe condemned the ambitious policy which threatened to involve Europe in a general war, and repudiated the notion that Austria could have any aggressive intentions.

Lord Grey also deprecated the apprehended outbreak of war, and imputed England's loss of influence over European affairs to what he deemed to be the overstrained interpretation of the doctrine of non-intervention which had prevailed of late years. Our acquiescence in the spoliation of Denmark had kept us out of war for a time, but he believed the coming danger would be far greater than that which we had then avoided.

Lord Russell vindicated the conduct of the Government, observing that they had not laid down any rule not to interfere when English interests were not affected, but they had always felt long and careful deliberation should precede any decision of adopting the last argument of war.

Lord Derby imputed to the Government that in the Schleswig-Holstein war, they had approved the cause of Denmark, but had nevertheless allowed the German powers to carry out their intentions.

Lord Russell replied that the Government had held that Germany had at first grounds for complaint against Denmark, but when the latter was prepared to comply with the demands which were made, the subsequent war became unjust.

After a few words from Lord Hardwicke, in reply to whom Lord Clarendon explained that the Government had taken steps to ascertain whether any offer of friendly intervention would be acceptable, but meeting with no encouragement, these efforts were not pressed, the subject was allowed to drop.

From the National Intelligencer. THE recent references to the trial of Mr. Davis have called public attention to this subject, which, very naturally, in a large degree interests the public mind.

The indictment in the usual form for treason has been found by the grand jury, in the United States Circuit Court, at Norfolk.

Mr. Davis is indicted under the act of 1790, under which the penalty, on conviction, is death.

He could have been indicted under the act of July 31, 1861, for a seditious conspiracy, the punishment of which is fine, not over \$5,000, and imprisonment, with or without hard labor, not over six years.

One of the most important points is the drawing of the petit jury, who are charged with the trial of the prisoner.

The jury is to be drawn according to lot, or otherwise, according to the mode practiced in the State for selecting juries for the highest courts of law. The number of jurors to be summoned is left to the discretion of the court, as at common law.

The act of July 16, 1862, repeals so much of the act of 1789 as requires, in cases punishable with death, that twelve petit jurors be summoned from the county where the offense was committed.

Under the act of June 17, 1862, no person is allowed to sit on the jury who was in any degree of complicity with the rebellion. This is an act of controlling importance, because it insures that the trial shall be before a loyal jury.

Mr. Davis cannot be tried by any of his confederates. His fate will rest entirely with his political opponent.

The jury must be unanimous, or there can be no verdict. This is the invariable rule of the common law, and has existed time whereof the memory of man runneth not to the contrary.

The trial can only end in one of three ways: 1. By verdict of guilty. 2. By verdict of not guilty. 3. By the inability of the jury to agree. In the event of this third alternative arising, the first question which will arise is, whether Mr. Davis will be entitled to bail. The Constitution provides that "in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial." In determining whether Mr. Davis, after more than a year's close imprisonment, would be considered, in the event of the disagreement of the jury, to be discharged on bail, would be a question of legal discretion, to be determined by the judge.

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Proceedings in Congress. HOUSE.

Washington, May 26.—The House debated the tax bill at great length, and nearly concluded its consideration. In discussing the question of the appointment of a special Commissioner of Revenue, Mr. Stevens moved an amendment providing for the election of that officer by Congress, instead of being appointed by the Secretary of the Treasury. He made a violent onslaught upon Mr. McCulloch because that officer said he would not appoint any opponent of the President's policy to the office. Stevens denounced McCulloch as the recreant tool of a recreant President.

A sharp discussion ensued, and without result on the amendment. Mr. Hale, (Republican), reported Stevens, and showed that Congress had no such power of appointment as he proposed to exercise.

Mr. Delano, (Republican), defended the Secretary, who was, he said, not a slave, and thus prevented from speaking his sentiments. Dare he not have an opinion of his own? Must we all square our opinions by a regular line at the dictation of an individual? Just such acts as Stevens' were creating a very bad sentiment throughout the country.

Mr. Stevens thus discomfited, withdrew his amendment, promising to renew it Monday.

Later from Europe.

Arrival of the City of Boston. New York, May 27.—The steamship City of Boston has arrived from Liverpool with dates to the 17th inst. Cotton is reported brisk. The sales of two days, 13,000 bales: Middling Uplands quoted at 13a13d. Consols closed at 86a 87 1/2. United States Five-twenties 65 1/2a 66. The war question is unchanged, though the chances of an European Congress are improving. More failures are reported. In both Houses of the British Parliament the bombardment of Valparaiso has been noticed in terms of indignation, but the neutral attitude of the British Admiral was defended and fully endorsed by the Government. The English press and people loudly denounce the act of Spain. An indignation meeting at Liverpool adopted strong resolutions expressing gratitude for the exertions of Commodore Rogers, United States Navy.

Great Fire in Oil City.

Oil City, May 27.—Half of the business portion of this city is in ashes, including seventy-five stores, eight hotels, forty dwelling houses, churches and a seminary. Loss 1,000,000.

Health of New York.

New York, May 27.—The city is remarkably healthy; all fears of the cholera seem to have abated. General Robert Anderson is seriously ill here.

The Counsel for Ex-President Davis.

Fortress Monroe, May 27.—Messrs. O'Conner and Shae, Davis' counsel arrived here to-day.

New York Markets.

New York, May 27. The total shipments of specie for the week amount to \$11,000,000. This is the largest in the history of the port for one week. Cotton buoyant; sales of 3,000 bales Uplands at 41c.; Orleans 43c. Flour has advanced 10a20c. Wheat dull. Pork heavy—Mess 830 50a50 75. Naval Stores firm. Turpentine 95a97 1/2. Gold 138 1/2.

From Brazil.

Washington, May 27.—The State Department has received information that the Brazilian Government is resolved to open the coast-wise trade to ships of all nations.

Latest Foreign News.

New York, May 26.—The London Shipping Gazette, of the 15th, announces that the Bank of England has raised the interest for advances on stock to 12 per cent., in consequence of the great pressure for assistance in this shape, on speculative accounts.

On stock exchange the demand for discount accommodation was active. Hallett, Conancy & Lee, bankers, and Griffith & Braston, stock-brokers, have suspended. Several failures are reported in Liverpool. The liabilities of Wakefield, Nash & Co., are £200,000; of Penny & Co., £140,000, with assets of only £29,000.

New Orleans Market.

New Orleans, May 25. Cotton unchanged. Sales of 2,300 bales at 26a37c. Bank Sterling 56 cents.—Gold 44.

A Hint to Beginners.

Two young men commenced the sail making business at Philadelphia. They bought a lot of duck from Stephen Girard on credit, and a friend had engaged to endorse for them. Each caught a roll and was carrying it off, when Girard remarked: "Had you not better get a dray?" "No; it is not far, and we can carry it ourselves." "Tell your friend he need not endorse your note. I'll take it without."