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EXECUTOR'S NOTICE.

THE UNDERSIGNED HAVING ON THE 10th day of September, 1870, duly qualified before the Judge of Probate of New Hanover County, as the Executor of the last will and testament of James M. Rooks, deceased, hereby gives notice to all persons indebted to said deceased to make immediate payment thereof; and to all persons having claims against the same to exhibit them to the undersigned on or before the 10th day of October, 1871, or this notice will be pleaded in bar of their recovery.

JAMES F. BLAND,
Executor.
nov 18 41-6t*

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oct 21 37—eow2m*

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oct 21 37-6mch

SUPERIOR COURT OF NEW HANOVER COUNTY.

Hanson F. Murphy, as Administrator de bonis non of William Keith, plaintiff,
Against
Elizabeth Larkins, Benjamin F. Keith, Annabella Moore, and David Jones and Margaret Ann, his wife, defendants.

AMENDED PETITION FOR A SALE OF the lands of William Keith, deceased, for the payment of his debts. The defendants, Elizabeth Larkins, and David Jones and Margaret Ann, his wife, are notified to appear before the said Court, at the Clerk's office in the Court House, in the city of Wilmington, on the 3d day of January, A. D, 1871, and plead, answer, or demur to the amended petition, or judgment will be rendered according to the prayer thereof.

J. C. MANN, Clerk.
DAVIS & MURPHY,
Attorneys for Petitioner.
nov 11 40-w1aw6w

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dec 15 67-1td2tw

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I NOW OFFER FOR SALE MY PLANTATION two miles and a half from Goldsboro,' on the N. C. R. R., containing twelve hundred and seventy-four (1,274) acres good cotton land.—Come and see. Terms liberal.

W. B. CARR.
nov 27 52-d1t—wtf

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dec 1 48-2tw

Legislature of North Carolina.

SENATE.

WEDNESDAY, Dec. 14, 1870.

The Senate was called to order at the usual hour.

A bill from the House appointing a commission to investigate alleged frauds and illegalities connected with the election in the county of Wayne, was read.

On motion of Mr. McClammy, the rules were suspended and the bill passed its several readings.

A communication from the Code Commission transmitting a bill fixing certain fees, &c., was presented.

Mr. Gilmer moved the reference of the bill to the Judiciary without being read.

Mr. Love opposed the reference. It was well known by himself and others, that by a vote of the last Legislature this Code Commission was abolished, but by some means the bill was made way with and not ratified. It was an imposition upon the State as the matter now stands, and he was not disposed to recognize this Code Commission in any manner whatever; he therefore moved to lay it on the table.

The vote was taken and the motion prevailed.

Mr. Lehman introduced a bill prepared by the Code Commission, amending the Code of Civil Procedure.

During the reading of the bill, Mr. Warren inquired if this was not the same bill that had been laid on the table, as coming from the Code Commission.

Mr. Lehman replied, saying that the bill was introduced by himself, that he had not received it from the clerk.

Mr. Warren had opposed the reference of the bill, and he believed that this attempt to get the bill before the House was a subterfuge. He therefore moved its rejection.

Mr. Lehman said that he had introduced the bill—having adopted it as his own. It was true that he did not draw the bill. It was not unusual for Senators to introduce bills that were not drawn by themselves. He said that to dispose of this bill in the manner indicated by the Senator from Beaufort, would in effect be to deny him his rights as a Senator.

Mr. Warren disclaimed any intention of treating the Senator from Craven (Mr. L.) with disrepect. For him he entertained high respect. It was, however, evident, that this was a subterfuge, and he could not characterize it as anything else. The Senate has just declined to consider this very bill, coming from the Code Commission.

Mr. Lehman disclaimed offering the bill as a subterfuge. He was aware that gentlemen entertained serious objections to the Code of Civil Procedure. He entertained objections to it himself. He thought it susceptible of amendments.—He thought this bill would exhibit to the Senate the fact that it could be so improved as not to necessitate the abolishment of the Code.

Mr. Robbins, of Davidson, hoped the motion to reject would prevail. It was a notorious fact that the Commission framing this bill had been abolished but by dereliction of duty, not to say gross fraud, the act had been suppressed. He therefore should vote to reject the bill.

Mr. Love would not infringe upon any right of the Senator from Craven, but the bill introduced by him purports to be framed by the Code Commission and not by the Senator himself. He was opposed to either directly or indirectly recognizing that Commission.

Mr. Dargan would be as far as any man from reflecting on any gentleman in this Senate, but he favored the passage of this motion to reject. He did not deem the recommendations of this Commission entitled to any respect or consideration at the hands of the Legislature.

Its duties had ceased. It had been abolished. It seemed, however, that it was a kind of feline character, with about nine lives, and when we thought it dead, it keeps creeping in these halls.

Mr. Murphy would vote for this motion, but in doing so he designed no reflection upon the Senator from Craven. He thought it an outrage that this Code Commission was yet forcing themselves upon the attention of this Senate. He well recollected that the bill abolishing the Code Commission passed the last Legislature. It had been suppressed and he hoped that steps would be taken to investigate the matter, and that the guilty parties would be discovered and properly punished.

Mr. Brogden agreed with the Senator relative to the passage of the bill abolishing the Code Commission, but he thought that this bill should be referred.

Mr. Lehman argued to show that the Code Commission was a constitutional requirement and could not be abolished by a mere act of the Legislature. He reiterated that he did not offer the bill as a report of the Commission but had adopted as his own.

Mr. Olds said he thought the object of this whole matter was to render the Code odious, with a view of advancing the interest of a call of a Convention.

The question recurring on the motion to reject, it was carried, yeas 29, nays 13.

Mr. Cook, from the Committee on Constitutional Reform, reported a Convention bill. The bill provides for submitting the question of calling a Convention to a vote of the people on the 16th of February next—delegates to be elected at the same time and restricts the Convention, not permitting any interference with either the political or civil status of the freedman, or alteration of the homestead or personal property exemption, or mechanics lien law.

After some discussion the further consideration was postponed until to-morrow, 11 o'clock.

The Senate then adjourned until 10 o'clock Thursday.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, Dec. 14.

Mr. Sparrow from the Judiciary Committee made report on the impeachment of the Governor. (Heretofore published.)

Mr. Johnston of Buncombe, from the Special Committee on Constitutional Reform, reported favorably upon the bill calling a Convention, with certain amendments. The bill with amendments were placed on the calendar and ordered to be printed.

On motion of Mr. Strudwick, the rules were suspended and the resolution reported by the Judiciary Committee impeaching W. W. Holden, Governor of North Carolina, was taken up.

Dudley, col., moved to lay it on the table. The yeas and nays being called the motion was rejected by a vote of yeas 37, nays 61, (a party vote.)

Mr. French said that there was no evidence upon which to base such a resolution.

Mr. Sparrow said he must express his surprise at the course pursued by the gentlemen on the other side of the House.—He had supposed that for once a resolution had been introduced into this House which would meet the approval of all parties. An assault has been made by the Chief Executive officer of the Commonwealth upon the Constitution and laws of the State, which he was sworn to defend. The people of the State of North Carolina demanded of their representatives a vindication of the outraged law. Indeed, the public sentiment of the whole country demanded it. The accredited organ of the Governor, published in this city, had demanded of this House that the Governor be allowed, at the bar of the Senate, to vindicate his character against what it characterizes as slanders. After this demand by the Governor himself, he was surprised at the course pursued by the Governor's friends on the floor of this House. The gentleman from New Hanover wished to know upon what testimony the committee based their action in this matter.

Upon evidence, sir, which is now matter of public history, and known to every member of the House and the whole country. Upon evidence reported to us by the Governor himself, in his annual message, and also from evidence on file in the records of the Courts and in the hands of the members of this House. Evidence which we not only may, but are bound to take notice of. We do not sit here to try the Governor; this is the province of the Senate, the members of which will sit as sworn jurors, and where the Governor will be entitled to a full and fair trial.

Page, colored, made a constitutional argument against the resolution.

Tucker, colored, took strong grounds against the resolution.

Mabson, colored, said the resolution of impeachment, presented by the Judiciary Committee, was sustained by no evidence.

Mr. Brown argued against the resolution.

Mr. Waring was in favor of the resolution, because serious charges of gross violations of the law of the land were made against the Executive of this State, and it was due to the fair fame of the State that, if the charges were true, he should be impeached and turned out of office, and if not true, it was also due to the fair fame of the State that these foul charges against its Governor should be blotted out by a full and fair investigation as the law directs. He did not see how Republicans, who extol the patriotism and integrity of the Governor whom they elected to office, could oppose this, their only means to acquit the Governor before the world of these damning charges. He did not know W. W. Holden in this matter, but he wished the serious charges brought against the Governor of North Carolina, to be freely and fairly investigated. He was a Conservative, but he came to this Legislature not to seek revenge for past wrongs, but to legislate and act for the integrity of his State.

If the charges of these violations of law by the Governor of the State be true, why turn him out of office, if they are not true, why it will so appear at the trial, and he will have had the advantage of vindicating himself in the eyes of the world.

Messrs. Ellison, col., and Sykes, col., opposed the resolution.

Mr. Sparrow said that he would state in behalf of the Judiciary Committee for the information of members, that the adoption of this resolution did not end the matter in this House. After the adoption of the resolution a Committee would be appointed to draft and present articles of impeachment, which would be open for discussion by the House.

Mr. Phillips opposed the resolution in a speech of some length.

Messrs. Hargrove and Harris of Franklin opposed the resolution.

Mr. Sparrow called the previous question.

The yeas and nays were called and the call was rejected by a vote of yeas 37, nays 66.

Mr. Crawford in an able and eloquent speech advocated the resolution.

Mr. French moved to postpone the resolution until the 16th of January.

Mr. Robinson hoped the motion to postpone would be considered as a test and voted down. He thought it due to the dignity of the House that the resolution should be acted upon to-day. He felt that this was a very important matter, and he had approached its consideration with a great deal of caution.

Mr. Strudwick also opposed the motion to postpone.

The yeas and nays were called and the motion to postpone was rejected by the following ballot:

YEAS—Messrs. Brooks, Brown, Bryant, of Halifax, Bryan, of Jones, Bryson, Bunn, Buxton, Cawthorne, Carson, Chamberlain, Clinard, Collis, Copeland, Darden, Dudley, Duckworth, Ellison, Faulkner, Fisher, Fletcher, French, Grimbrel, Garrison, Grayson, Harris, of Franklin, Harris, of Guilford, Hargrove, Hardy, Jones, of Northampton, Justice, Lyon, Mabson, Morris, Morgan, of Montgomery, Morgan, of Wake, Newsome, Nisson, Page, Parrott, Phillips, Reavis, Robbins, Smith, of Halifax, Sykes, Tucker, Willis, Young of Wake, and York—48.

NAYS—Messrs. Anderson, Armstrong, Ashe, Atwater, Atkinson, Broadfoot, Crawford, Currie, Dickey, Dunham, Furr, Gore, Gullick, Gregory, Hampton, Henderson, Hill, Hinnant, Johnston, of Buncombe, Johns, Jones, of Caldwell, Joyner, of Johnston, Joyner, of Pitt, Jordan, Kello, of Davie, Kelsey, Kincade, Lassiter, Lucas, Luckey, Martin, Marler, Maxwell, McAfee, McCauley, McNeill, Mills, Mitchell, Nicholson, Powell, Rankin, Reid, Regan, Robinson, Scott, Settle, Shull, Smith, of Anson, Smith of Wayne, Sparrow, Stanford, Stewart, Strudwick, Tomilson, Waring, Welch, Womack and Young, of Yancey—58.

Mr. Strudwick called the previous question.

The call was sustained by a vote of yeas 54, nays 47.

The yeas and nays were called and the resolution of impeachment was then adopted by the following ballot:

YEAS.—Messrs. Armstrong, Ashe, Atwater, Atkinson, Broadfoot, Cawthorne, Carson, Chamberlain, Crawford, Currie, Dunham, Furr, Gore, Gullick, Grayson, Gregory, Hampton, Henderson, Hill, Hinnant, Johnston, of Buncombe, Johns, Jones, of Caldwell, Joyner, of Johnston, Joyner, of Pitt, Jordan, Kelley, of Davie, Kelsey, Kincade, Lassiter, Lucas, Luckey, Martin, Marler, Maxwell, McAfee McCauley, McNeill, Mills, Mitchell, Nicholson, Powell, Rankin, Reid, Regan, Robinson, Scott, Settle, Shull, Smith, of Anson, Smith, of Wayne, Sparrow, Stanford, Stewart, Strudwick, Tomlinson, Waring, Welch, Womack, Young, of Yancey—60.

NAYS.—Messrs. Anderson, Brooks, Brown, Bryant, of Halifax, Broan, of Jones, Bryson, Bunn, Buxton, Clinard, Collis, Copeland, Darden, Dickey, Dudley, Duckworth, Ellison, Faulkner, Fisher, Fletcher, French, Garrison, Harris, of Franklin, Harris, of Guilford, Hargrove, Hardy, Jones, of Northampton, Lyon, Mabson, Morris, Morgan, of Montgomery, Morgan, of Wake, Newsome, Nisson, Page, Parrott, Phillips, Reavis, Robins, Smith, of Halifax, Sykes, Tucker, Willis, Young, of Wake.

Adjourned.

SENATE.

THURSDAY, Dec. 15.

Mr. Jones moved to take from the calendar a bill declaratory of the meaning of the act entitled an act to repeal certain acts passed at the session of 1868–'69, making appropriations to Railroad Companies. ratified on the 8th of March, 1870, and for no other purposes.

Mr. Jones said his motive in making the motion was that he should introduce a bill upon the same subject, and he desired that both of them should be referred to the Committee on the Judiciary. The motion was lost.

COMMITTEE FROM THE HOUSE.

The doorkeeper announced the arrival of a committee from the House, composed of Messrs. Welch, Sparrow and Strudwick.

The committee was invited forward in front of the bar of the Senate, and Mr. Welch said:

MR. PRESIDENT AND SENATORS: I would display the most callous indifference, the most remarkable and unnatural absence of sensibility, if, in appearing at the bar of this senate of North Carolina, in obedience to the commands of the representatives of the people, charged as I am with the performance of so solemn a duty—that of impeaching the Governor of a great Commonwealth—were I not oppressed with the awful responsibility of the situation, but sustained by a consciousness of right, and calling to the aid of my inexperience the experience of one of England's purest patriots and most distinguished statesmen, I proceed with more confidence than I would otherwise have.

Permit me, Mr. President and Senators, to adopt almost the very language used by him under circumstances somewhat similar, and to ask, "What is it we want here to a great act of national justice? Do we want a cause? "You have the cause of an oppressed people." "Do you want a criminal?" "Where was there so much iniquity ever laid to the charge of any one?"

Senators, "is it a prosecutor you want? You have before you the Representatives of the people of North Carolina. "Do you want a tribunal?" Senators, "so example of antiquity—nothing in the modern world—nothing in the range of human imagination can supply us with a tribunal superior to this." "Therefore it is ordered by the Representatives of the people of this Commonwealth that 'I impeach William W. Holden, Governor of North Carolina, of high crimes and misdemeanors in office."

I impeach him in the name of the Representatives of North Carolina, "whose national character he has dishonored."

"I impeach him in the name of all the people of North Carolina," whose laws, rights and liberties he has subverted."

I impeach him in the name and by virtue of those eternal laws of justice which he has violated. *I impeach him* "in the name of human nature itself which he has cruelly outraged, injured and oppressed" and in the name of the Representatives of the people do demand that the Senate organize a high court of impeachment and take order that William W. Holden appear at its bar to answer the particular charges which the House of Representatives will in due time exhibit and make good by proper testimony, and that the Senate do make such other and farther orders in the premises as shall seem to them best calculated to bring this trial to a just and speedy termination; and in conclusion the House of Representatives, through us, most heartily pray that God, the God of eternal justice may protect the right.

The President, Mr. Caldwell, said he was absent when the Committee arrived, consequently did not know what was done on their entrance to the Senate Chamber, and asked the following query to wit:

Have articles of impeachment been drawn up and presented?

Mr. Welch replied that such articles would be drawn and presented in due time.

The President then read the following section of the law relating to Proceedings of Impeachment, to wit:

SEC. 3. EXHIBITION OF ARTICLES:

All impeachments must be delivered by the House of Representatives to the presiding officer of the Senate, who shall thereupon cause proclamation to be made in the following words, viz: "All persons are commanded to keep silence on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of North Carolina, Articles of Impeachment against the Governor." After which the articles shall be exhibited, and then the presiding officer of the Senate shall inform the House of Representatives that the Senate will take proper order on the subject of impeachment,—of which due notice shall be given to the House of Representatives."

Mr. Warren moved that the Committee be informed that the message is received, will be considered, and the Senate will take proper order thereon, which prevailed.

The President so informed the Committee, and they retired.

SPECIAL ORDER.

Bill to be entitled an act concerning a Convention of the people.

On motion of Mr. Warren, the Senate agreed to consider it by sections.

The Senate considered and perfected sections 1, 2, 3 and 4. Pending the consideration of section 5,

Mr. Troy moved that when the Senate adjourn, it adjourn to meet again at 7:15, to-night, which prevailed.

On motion of Mr. Robbins of Rowan, the further consideration of the bill was postponed until to-night at 7:15.

Mr. Warren, by leave, introduced the following resolution, to wit:

Resolved, That the message of the House of Representatives, relating to the impeachment of W. W. Holden, Governor of North Carolina, be referred to a select committee of five, to be chosen by the Senate, to consider and report thereon; and that said committee be instructed to prepare and report rules of practice and procedure for the Senate, when sitting for the trial of impeachment, which was adopted.

On motion the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, Dec. 15, 1870.

Mr. Houston was allowed to record his vote in the affirmative on the passage of the resolution impeaching the Governor. He was detained from his seat yesterday by sickness, when the vote was taken.

Johnson, col., recorded his vote in the negative on the same resolution.

Resolved, That a Committee of three be appointed to go to the Senate, and at the bar thereof, in the name of the House of Representatives and of all the people of the State of North Carolina, to impeach William W. Holden, Governor of the State of North Carolina, of high crimes and misdemeanors in office, and to acquaint the Senate, that the House of Representatives will, in due time, exhibit particular articles of impeachment against him and make good the same; and that the Committee do demand that the Senate take order for the appearance of said William W. Wolden to answer to said impeachment.

Resolved, That a Committee of seven be appointed to prepare and report articles of impeachment against William W. Holden, Governor of the State of North Carolina, with power to send for persons, papers and records, and to take testimony under oath.

The resolutions were placed on the calendar.

By Mr. Dickey: A resolution in favor of W. J. A. Strange, of Cherokee; referred.

On motion of Mr. Sparrow, the rules were suspended and his resolutions appointing a committee of three to proceed to the Senate and inform that body of the action of the House in regard to impeachment, and also raising a committee of seven to draft articles of impeachment, were taken up.

The resolutions were adopted.

Messrs. Strudwick, of Orange, Welch, of Haywood, and Sparrow, of Beaufort, were called to the Speaker's desk, who said:

GENTLEMEN: In accordance with resolutions which have passed the House, a copy of which is herewith handed you, you are hereby appointed to appear at the bar of the Senate, in the name of the House of Representatives and all the good people of North Carolina, to impeach William W. Holden, Governor of North Carolina, of high crimes and misdemeanors in office.

The Committee thus appointed proceeded to the Senate Chamber, to discharge the duty imposed on them.

Mr. Robinson from the Committee on Enrollment, reported that the resolution impeaching W. W. Holden, had been correctly enrolled.

The committee appointed to proceed to the Senate and demand the impeachment of Governor Holden, returned and proceeded to the bar of the House.

Mr. Sparrow, in behalf the Committee said:

MR. SPEAKER: In obedience to the order of the House, we proceeded to the bar of the Senate, and in the name of this body and of all the good people of the State of North Carolina, we impeached, as we were directed to do, William W. Holden, Governor of North Carolina, of high crimes and misdemeanors, and we demanded that the Senate should take order to make him appear before that body to answer for the same, and announced that the House would soon present articles of impeachment and make good the same. To which the response was:

"The Senate has received the message and will consider the same and will take proper action thereon."

Mr. Phillips wished a letter read from the Governor, addressed to two or three members of the House.

Mr. Sparrow objected to the reading of a private letter from the Governor addressed to individual members of this House. The Governor had no right to communicate with the House except in his official capacity. He did not object that the Governor be heard on any subject, but it was due to the House that they preserve their self respect. The letter was proper for the newspapers and for them alone. The Governor could in this way have a hearing.

On motion, consent was given for the reading of the letter and it was accordingly read. [The letter is addressed to S. F. Phillips, Stewart Ellison, col., W. W. Morgan, col., and T. W. Young, members of the House from Wake County, and in substance is a denial of the *fact* that the *Standard* is his organ in the sense charged and denying that the article in that paper demanding and daring impeachment were authorized by him.]

By Mr. Ashe: A resolution asking our members in Congress to endeavor to procure additional appropriations for the improvement of the mouth of the Cape Fear river; referred.

The Chairman announced the following gentlemen as a committee of seven to prepare articles of impeachment against William W. Holden, Governor of North Carolina: Messrs. Scott, Dunham, McAfee, Jordan, Gregory, Waring, and Broadfoot.

On motion of Mr. Jordan, the rules were suspended and the bill authorizing the Commissioners of Person county to levy a special tax, was taken up, [the Committee on Propositions and Grievances reporting favorably upon the bill, stating that its passage had been called for by an official communication from the Commissioners of the said county,] and passed its second reading by a vote of yeas 50, nays 15.

Adjourned.

SENATE.

THURSDAY EVENING, Dec. 15, 1870.

Mr. Graham in the chair.

The 5th section of the convention bill being under consideration, and Mr. Cowles having presented a substitute therefor, Mr. Robbins, of Rowan, offered a substitute for the substitute. The substitute provides that every man shall vote in the township where he resides, and forbids the giving of certificates.

Mr. Brogden claimed that this would prevent many persons from voting. He himself owned land in two townships, sometimes residing in one and sometimes in another, and at the last election he voted in neither. Candidates especially could not often vote at home. All unnecessary restrictions upon the ballot are contrary to the spirit of republicanism, and the restriction is unnecessary.

The Senate adopted the substitute.

The section was then adopted by the following vote: Ayes 30, nays 11.

Mr. Brogden asked to have his protest spread upon the journal.

The sixth and seventh sections passed with little comment.

The 8th provides for pay and mileage. Mr. Dargan moved to strike out the section. The convention is the great law making power of the State. It seems to me that that section is unnecessary. The convention is higher power than constitutions,—power that overturns constitutions, and makes such constitutions as it thinks proper. Why direct the people? It seems to me a small business, as though we were afraid of them.

Mr. Olds moved to amend by inserting $3 per dien, and 10 cents a mile.

Mr. Love fully agreed with the Senator from Anson. He did not wish to think of laying down a rule to govern the Convention, a body supreme in North Carolina, coming here to revise the organic law of the State. If we can trust them in regard to that great duty we can trust them in all the rest.

Mr. Olds' amendment was rejected. Ayes 18, nays 30.

Mr. Dargan's motion to strike out was rejected. Ayes 18, nays 25.

A protracted discussion followed, on the qualification of members, and the 9th section was adopted with some amendments.

The 10th section restricts the powers of the convention.

Mr. Lehman moved to amend by inserting the words "nor shall said convention have any power to modify or repeal those clauses in the present constitution which provides that the State has no right or power to secede, and that the individual owes paramount allegiance to the United States." Amendment adopted. Yeas 42, nays Messrs. Battle and Murphy.

Mr. Moore moved to strike out all the restrictions. He wanted the bill to say what it meant. The Senator from Anson had just declared that no power on earth could restrict a convention, and certainly this Legislature could not, and he did not wish the people to be deceived by a show of words.

Mr. Love moved to amend by refusing to the Convention power to intervene in the meetings or adjournments of this General Assembly. He thought the Senate undestood his purpose just as well if he had talked an hour.

Mr. Jones thought if we got a convention the Senator from Craven would lose some of his republican judges.

Mr. Olds agreed with the Senator from Jackson. He thought as we were in we had butter stay in! It was hard work to get in! The convention might alter the constitution but they must not touch our per diem for that is a vital matter!

Mr. Gilmer hoped the amendment would not pass. We were here to do our duty, and take the consequences.

Mr. Warren was in favor of leaving something for this convention to do. He did not believe that all wisdom was confined to this body.

Mr. Merrimon was willing to trust the people. Why should we sit here hour after hour putting in restrictions against men sent here by the people, he could not see. He wished to restrict on the homestead.

Mr. Robbins, of Rowan, saw only one reason for restricting and that was to save time.

The amendment was lost.

The amendment removing all restrictions was lost.

The section was then adopted substantially as introduced.

Adjourned.

SENATE.

FRIDAY, Dec. 16, 1870.

On motion of Mr. Gilmer, a bill concerning elections was taken up and put upon its second reading. The bill restricts the ballot by permitting registered voters to be challenged on the day of election, and also by compelling citizens to vote at the precinct where they reside.

Mr. Olds moved to amend so that elections shall continue two days in all towns and cities where the population is more than two thousand.

Mr. Olds' amendment was then rejected, ayes 14, nays 34.

On the passage of the bill on its second reading, Mr. Hyman called for the ayes and nays, and the vote stood, ayes 31, nays 13.

The bill passed its third reading by the following vote:

Those voting in the affirmative are—Messrs. Adams, Albright, Battle, Cook, Council, Cowles, Crowell, Currie, Dargan, Flemming, Graham, Gilmer, Jones, Latham, Ledbetter, Linney, Love, Mauney, Merrimon, McClammy, McCotter, Morehead, Murphy, Norment, Robbins, of Davidson, Robbins, of Rowan, Skinner, Speed, Troy, Waddell, Whitesides and Worth—30.

Those voting in the negative are—Messrs. Beasley, Bellamy, Brogden, Eppes, Blythe, Hyman, King, Moore and Olds—9.

The bill was ordered to be engrossed and sent to the House. Ayes 34, nays 8.

The Convention bill was then taken up. The 12th section which relates to submitting the proposed Constitution to the people, was amended so as to give power to the Convention to pass "such amendments as may be agreed on," and was adopted, yeas 32, nays 10.

The 12th section relates to the oath of members.

Mr. Moore moved to strike out the section.

Motion lost, ayes Messrs. Lehman and Price, nays 31.

Section amended and adopted.

The 13th section relates to the duties of judges of elections.

Mr. Price moved to amend by inserting a proviso that no person whose name is on the registration books, shall be challenged on the day of election. Amendment lost. Section adopted.

Mr. Price moved a proviso to section 10. that nothing shall be so construed as to convey the idea that this Legislature may restrict the Convention.

The bill passed its second reading, with the distinct understanding that it was to be printed and open to amendment.

The Senate then chose Messrs. Warren, Graham, Lehman, Dargan and Merrimon, as a select committee on impeachment.

The bill on mileage and *per diem* was taken up.

Five dollars as *per diem* was struck out, yeas 24, nays 7. $4 was then inserted and 15 cents mileage, and the bill passed its 2d reading.

On the 3d reading the vote stood, ayes 25, nays 11.

Adjourned till 7½ p. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, Dec. 16, 1870.

Messrs. Fisher and Ashe were appointed commissioners to proceed to Wayne county to take depositions in contested elections.

Mr. McNeill from the committee on Propositions and Grievances, reported favorably on the bill in favor of S. A. Kelly.

RESOLUTIONS.

From the committee on counties and townships, Mr. McCauley introduced a bill to extend the duties of commissioners of Richmond, also to make failure to work on public roads a misdemeanor which was appropriately referred.

INTRODUCTION OF BILLS.

On motion of Mr. McNeill, the rules were suspended and House bill for the relief of all sheriffs in arrears for taxes for 1868–'69–'70 was taken up. The report of the committee was concurred in, and the bill passed its several readings.

By permission, Mr. Ashe submitted a report from the Judiciary Committee on the Cape Fear Bar.

On motion of Mr. Brooks the rules were suspended and the House bill to authorize the Commissioners of Brunswick county to issue bonds for certain purposes was taken up. The report of the Committee was concurred in and the bill passed its second reading.

On motion of Mr. Marler, the House adourned.

A Riotous Negro Killed by a Policeman for Resisting Arrest.

Between three and four o'clock yesterday afternoon, a terrible tragedy was enacted on Commerce street, in the northern portion of the city, causing the very greatest excitement among the citizens of that section. About the time mentioned, two negroes were observed riding down Overton street at a furious rate, conducting themselves in a very disorderly manner. The two policemen on the beat, officers Ed. Maloney and Jas. Kennedy stopped them, and cautioned them to behave themselves. The negroes slacked the pace of their horses, and turned off at one of the crossings into a side street, and the policemen, fearing a repetition of the former disorderly conduct of the colored individuals, followed them towards Commerce street, and just as they entered that street, they observed Michael Glenn, an old, respected citizen of Memphis, standing on the sidewalk with his right hand pressed to his side, and presenting the appearance as if suffering from acute pain.—He informed the officers that he had been nearly run down by the negroes as he was crossing the street in his dray, and had been struck with a brick by one of them. The officers gave chase and succeeded in coming up with one of the negroes named Lunden Mathews, who was in the rear, and seizing his horse by the bridle called on him to "halt." The other, Fred Smith by name, turned partially around and seeing his comrade in custody was about to ride off, when the officers three times called on him to "halt," when he replied that "no d—d s—n of a b—h of a policeman could arrest him." Notwithstanding this brutal and offensive taunt, officer Maloney again called on him to "halt," but he answered the call derisively, and was about to ride off when Maloney drew his navy six and fired. The bullet sped on its fatal errand and entering the left side of Smith passed out of his body near the region of the heart. He fell from his horse to the ground and expired almost without a groan.

Lunden Mathews was taken into custody and will have a hearing before Recorder Scales. Mr. Glenn had two of his ribs broken by the blow received from one of the negroes. His attending physician reports his condition critical.

Memphis *Avalanche*.

A Young Lady Becomes Insane on Hearing her Death Predicted within Six Months.

On last Saturday morning a young lady employed in McLeod & McKibbin's bookbindery, 47 and 49 Greene street, attracted the attention of her companions by her strange actions. In the afternoon of the same day she was removed to her home, laboring under a slight aberration of the mind. Continuing to grow worse, she was removed on Thursday to the Lunatic Asylum by her friends. A short time ago this young lady consulted her family physician in reference to a slight cough which affected her very much. In an unguarded moment some friend uttered the remark in her hearing, "that she would not live long," which so preyed on her mind as to produce insanity. Her religious tendencies were very strong, and her thoughts were constantly on Heaven. With another sister who is employed in the same establishment they were the only support of their widowed mother.

New York *Sun*.

An Outrage in Delaware.

On Saturday last, Mrs. Mary Lenderman, wife of Isaac Grubb Lenderman, residing in Brandywine Hundred, was made the victim of a most brutal outrage. It appears that three men, named Jackson Saville, Jacob Martin and Edward Mousley, are concerned in the horrible affair, two of whom have been arrested. They had a hearing before Mayor Valentine on Monday, when the former was held in $500 and the latter in $2,000 for their appearance at the next session of New Castle Court. Saville, the principal actor in the dreadful drama, and who alone, it is said, accomplished his purpose, has evaded the most diligent search of the officers up to the present time.—Baltimore *Gazette*.

The Title to the Arlington Estate.

As the exact relationship of the Lee family to the Arlington property was not clearly stated in the recent debate in the Senate, it should be understood that it never belonged to General Lee. At the death of George W. P. Custis a life-interest in it was bequeathed to Mrs. Lee, his daughter, and at her death it was to go to his grandsons, Custis and Fitzhugh Lee. The taxes upon the property having accumulated during the rebellion it was sold therefor, and purchased by the Government; thus it will be seen it is held by virtue of a tax title. Subsequently efforts were made to redeem it by paying the amount of taxes, but they were unsuccessful, and the title is still vested in the government by virtue of the tax sale alluded to.

A New Narrow Gauge Road.

A number of gentlemen from Reading, Lebanon, Harrisburg and Allentown, are making arrangements to build a two feet six inch gauge railroad from Allentown, via Reading and Lebanon to Harrisburg, running along the Tulpehocken and Swatara creeks, for the purpose of carrying local freights and passengers.

They purpose using the Farley engines on a narrow track, as the cost of construction and equipment is only one-third that of the wide gauge road of four fee eight inches. The speed of these road is from twenty to twenty-five miles an hour, and freight can be carried at one cent per ton per mile, and yield a handsome revenue upon the investment.

The roads are used extensively in Wales and many places on the continent, in Australia, and in Canada. In the latter place they are now building a road of this kind a distance of one hundred and twenty miles. The Pacific Railroad Company are employed building one a distance of ninety miles as a tributary to their main road.—Lebanon *Courier*.

Population of Philadelphia.

The new or revised census of Philadelphia, just taken by the United States Marshal, shows a total population of 672,720—an increase of 16,567 over the number reported a few months ago by the same officer.

The Eclipse Party.

A letter has been received from Prof. Schott, of the coast survey, and one of the parties detailed to observe the eclipse on the 22d inst., stating that the entire party had safely arrived at Lisbon, and would immediately leave for Sicily, the point of destination.

The springs in North Iowa are almost dried up. No rain has fallen in that section for months.

MARRIED.

In this city, on the 15th instant, by Rev. Mr. Wood, Mr. C. W. IRVING to Miss MARY E. MOTTE.

DIED.

Near Thomasville, Ga., on Monday morning, Dec. 5th, aged 39 years, Dr. W. L. LEDBETTER, formerly of Anson county. Dr. L. expected in a few days to return to North Carolina to reside, when, already in feeble health, he was stricken down and sank rapidly.

Death casts his sombre shadow on man's pathway, and in his terrible march of conquest he demands our costliest tributes. Our loveliest, sweetest flowers, our most priceless jewels, our noblest and our best, are the treasures that he pitilessly gathers to himself. Not for his icy fingers are our faded garlands and the sere leaves only of the fallen bough: from the tender bonds of the home circle, from the joys of the domestic hearth, from the innermost shrine of our hearts' dearest, purest love, he claims the most cherished of all we have garnered in the brief journey of life. Oh! how poignant would be the grief of the bereaved; how bitter the tears of the mourner, if we were not taught to believe that this noiseless messenger comes "not in cruelty, not in wrath," but as an angel visiting the green earth. Thus he bears our loved ones back to Him who gave them, to Him, who hath promised that the mother shall find her babe upon the bosom of the Saviour, and that the trials and changes of this life shall avail not there to sunder the loving, faithful hearts of husband and wife.

And the many who, with the writer of this notice, have known for years the deceased, Dr.