THE WILMINGTON JOURNAL

WILMINGTON, N. C.,

FRIDAY, MARCH 24, 1871.

HOLDEN CONVICTED.

End of Impeachment—W. W. [Holden Convicted on Six Articles—Radicals Vote "Guilty"—"Farewell, a [Long Farewell to all My Greatness."

[SPECIAL TO THE JOURNAL.]

RALEIGH, N. C., March 22.

The High Court of Impeachment closed its labors to-day. W. W. Holden, Governor of the State, has been found guilty of high crimes and misdemeanors, and judgment has been pronounced against him. His guilt was so palpable from the evidence submitted that in three of the Articles he has been convicted with the aid of Radical Senators. Five voted for conviction on the Fifth Article. [The vote shows but 49 Senators present, 36 Conservatives and 13 Radicals—one Radical being absent—Mr. Flythe, of Northampton. There were eight Articles, upon six of which he has been found guilty. The absence of one Senator made 33 necessary for conviction. ED. JOURNAL.] The vote in detail is as follows:

Article 1. [That Holden did proclaim the county of Alamance in a state of insurrection; that he sent bands of desperate, lawless and armed men into said county, and that he arrested eighty citizens when there was no insurrection]. Yeas 30, nays 19. All the Radicals, and Messrs. Cook, of Wilkes, Cowles, of Yadkin, Flemming, of McDowell, Gilmer, of Guilford, Speed, of Chowan, and Norment, of Robeson, Conservatives, voted nay—Not guilty.

Article 2. [The same allegations as in Article 1, but in reference to Caswell county]. Yeas 32, nays 17. All the Radicals, and Messrs. Cook, Cowles, Flemming and Norment, Conservatives, voting nay—Not guilty.

Article 3. [That Holden did incite John Hunnicutt and others to seize, detain and deprive of liberty, Josiah Turner, Jr.] Yeas 39, nays 12. All the Conservatives and Senator Moore, of Craven, Radical, voting yea—Guilty.

Article 4. [That Holden did procure Kirk, Bergen and other desperate persons to assault, seize and imprison John Kerr, Samuel P. Hill and others.] Yeas 33, nays 16. All the Radicals, and Messrs. Cook, Cowles and Flemming, Conservative, voting nay—Guilty.

Article 5. [That Holden recruited armed men under Kirk, and arrested A. G. Moore, of Alamance, and that he refused him, upon application, the benefit of the writ of *habeas corpus*, issued by the Chief Justice.] Yeas 40, nays 9. All the Conservatives, and Messrs. Hawkins, of Franklin, Lehman, of Craven, McCotter, of Pitt, and Moore, of Craven, Radicals, voting yea—Guilty.

Article 6. [Is substantially the same as the fifth, except that it recites the names of nineteen citizens of Caswell who obtained writs of *habeas corpus*, which Kirk refused to make return to, but held the prisoners by Holden's order.] Yeas 41, nays 8. All the Conservatives, and Messrs. Barnett, of Person, Hawkins, Lehman, McCotter and Moore, Radicals, voting yea—Guilty.

Article 7. [That Holden incarcerated Josiah Turner, and that Kirk and Bergen hung by the neck Patton and Murray, and did appropriate unlawfully large sums of money to maintain his armed force.] Yeas 36, nays 13. A party vote—Guilty.

Article 8. [That Holden did unlawfully appropriate large sums of money, and that he did cause the Treasurer to disregard the injunction granted by Judge Mitchell to Richard M. Allison, restraining him from using the State funds to maintain his armed force.] Yeas 36, nays 13. A party vote—Guilty.

An order was then passed, in accordance with the provision of the Constitution, removing Governor Holden from office and disqualifying him from holding any office of honor or profit in North Carolina. On this order the vote was, yeas 36; nay s 13, being a party vote.

Blair and Pool—A Gallant Friend—A Degenerate Son.

[SPECIAL TO THE JOURNAL.]

WASHINGTON, D. C., March 22.

During the discussion upon the proposition to legislate in regard to the condition of the Southern States the following debate occurred between Senators Blair and Pool:

Senator Pool, of North Carolina, in the few minutes remaining before taking the vote briefly replied to what he called the grave charge of the Senator from Missouri—Blair—because he—Pool—had asked for legislation to repress assassination and murder; that the Senator had intimated that the purpose was to put down the Democratic party. He believed that if the Democratic party could not exist except by such means it ought to be put down. The Senator's remarks would justify the belief that his party was inciting murder and crime. To keep his party in the South, however, they might disguise it. This was what the party friends of Senator Blair were at. They were endeavoring to substitute violence for law and to use the assassin's dagger to keep their party in power. He, Mr. Pool, in behalf of the Southern people asked for legislation to prevent assassins from holding power by means of the halter and the scourge. His people wanted to be saved not only from assassins but from their aiders and abettors. There were some men whose eyes were so jaundiced that they could see nothing except through the medium of party. He was not among them. He would see the Democratic party and every other humbled in the dust before he would see them maintain themselves by plunder and assassination. He stood here to ask that the South be no longer made the foot-ball of assassins, and that his political associates would do nothing to preclude the Judiciary Committee from taking the subject into consideration.

The hour of 2 o'clock fixed for taking a vote here arrived. Mr. Blair asked to make one remark. It was that the murderers and assassins convicted in North Carolina by the proofs before the Senate were Republicans.

Mr. Pool—"That is because Republicans punish such men and Democrats do not." [Calls for the question.]

Blair—"Now let me respond to that. The only persons in office in North Carolina, the Judges, Solicitors and all the rest are Republicans, and if there were any Democrats to punish for committing these crimes it would be done." [Excitement and calls to order.]

Mr. Pool—But the jurors are Democrats; they are the men who wield the power of punishment." [Renewed calls to order from all parts of the Chamber.]

Mr. Blair, vociferating—"The Republicans have the selection of the jurors; they have it by the laws which they have made." [Cries of order, question.]

Mr. Blair, continuing—"That is the fact, and no man shall charge it home upon me that these men are not punished because they are Democrats, when it is shown that the only men who break the laws, so far as the discovery has been made, are Republicans." [The Vice-President here interposed to maintain order and to close the debate.]

Judge Jones.

We learn that Judge "Jaybird" Jones was so gratified at his escape from impeachment that he came off from Raleigh gloriously drunk. At Selma he made an ineffectual effort to replenish his empty tickler, but was so drunk that he was unable to get off the cars. Our spotless judiciary!

Sumner vs. Grant.

The New York *Times* says: "Sumner declares indiscriminately to his visitors that Grant ought to be impeached, and will be impeached; and a few nights since, at a dinner, where were present the representatives of foreign governments, he met the mention of the President's name for renomination with a similar declaration, in language so strong that the whole table was startled. He is known to have filled his forthcoming speech with expressions toward the President of a disrespectful and insulting character, and these he has read to Senators and others who have called upon him."

Governor Vance.

Our information, though trustworthy, was incorrect in regard to the resignation of Governor VANCE as United States Senator. He has not resigned, as we now definitely learn, but has hopes of his ultimate admission.

We have not heretofore urged our Senator elect to resign, nor do we do so now. The representatives of the people of North Carolina elected him to the Senate with a full knowledge of the disabilities under which he was laboring. His election under the circumstances was the best evidence of his popularity in the State, and we are compelled to believe that he was the decided choice of a large majority of the Conservative voters of North Carolina. Thus convinced, we do not think he ought to resign until he is satisfied that there is no chance for his admission. His election while under disabilities gives him the authority to use all honorable means to secure his admission. He is commissioned by the people of North Carolina to make this effort.

It is not proper to pronounce judgment in regard to his admission in advance of his own action. We have confidence in his judgment and patriotism, and we are satisfied that when he becomes convinced that his admission is impossible he will resign. In the meantime we are willing to abide his action. His opportunities of forming a correct opinion of the situation are better than ours.

The New Hampshire Election.

View it as we will, and, in our enthusiasm, over-estimate as much as we can, still the result of the New Hampshire election, under all the circumstances which surround it, is the most important political event which has occurred since the war. It comes at a crisis in politics when it must tell with great effect upon future elections. Sufficient time has now elapsed to see its full force and effect. We publish elsewhere extracts from leading Northern papers of all shades of political opinion, in regard to this election, and from them we can judge of its effect upon the people of that section.

The excuses made by the Radical papers for this last defeat would be amusing if they were urged with honesty. Some regard the treatment of Senator SUMNER as the cause of the disaster. Others as warmly urge the San Domingo job, the reconstruction legislation, the income tax, the bayonet election law, the President's nepotism, government extravagance and the tariff, each as the moving cause of the disaster, just as the various writers may regard these political outrages. But beyond question, it was the cumulative force of the whole which has revolutionized the sturdy Radicalism of New Hampshire, which had for seventeen years, with unflinching fidelity, been true to the party. Had Senator SUMNER not been removed, or if the San Domingo annexation had not been urged, or if any one or two of the alleged causes had been omitted, the result in New Hampshire would have been the same.

The disaffection by which the Granite State has been lost to the Radical party is of slow but sure growth. The President's bitter partisanship and the usurpations of Congress have sown broad-cast the seeds of disaffection and alienation. Taking root first in the South, it has already overspread several of the Northern States and is cropping out in all of them. New York, Pennsylvania, Indiana, Missouri, Connecticut, West Virginia, California, Oregon and New Hampshire have, one by one, dropped away from the Radical ranks, while Ohio, Illinois, Minnesota and other States are almost prepared to take the same steps.

In the midst of all this consternation in their ranks, the Radicals are divided and are bitterly wrangling among themselves. Their personal bickerings, from the President down, as bitter and disgraceful as they are, are not so significant as the divisions which are springing up in regard to the legislation now pending upon the tariff, income tax and the South. In one and all they fear to act, and yet they dare not adjourn without action. Every attempt is attended with denunciations of one wing of the party by the other, and they must inevitably go home without accomplishing anything from a mutual distrust of each other and from the fear of making their political doom more certain.

In the meantime it behooves those who control the destinies of the National Democratic party to take advantage of their past defeats and the present disordered condition of the Radical party. If wisdom and prudence and an enlarged statesmanship dictate the issues of the ensuing Presidential canvass, its result is a foregone conclusion—victory is already assured. The golden opportunity of redeeming the country from the party which has brought it upon the verge of utter ruin must not be thrown away.

FROM ROBESON COUNTY—A STARTLING ITEM.—A note from a friend at Lumberton informs us that Capt. J. W. Plummer, formerly a mail agent on the W., C. & R. R. R., but lately doing business at Plummerville, Robeson county, was arrested last Saturday on a warrant issued by Justice Sinclair. The warrant was based upon statements made by Henderson Oxendine in a confession made just previous to his death, and which was to the effect that the said Plummer had been in the habit of trading with the gang of Robeson county outlaws, and furnishing them with information; that he advised them to "upset" a neighbor of his with whom he was not on friendly terms, &c.; that Henry Berry Lowrey left a watch with Plummer to be repaired, and exchanged with him a gun for a pistol, &c. A negro named Jordan Shine, who lived with Plummer, has also been implicated, and both were placed in jail at Lumberton to await an investigation, which was to have been held yesterday, with Messrs. W. S. Norment, Leitch and Rowland for the State.

The above are all of the facts that were communicated to us. In the absence of further information, we withhold comment, but we do most earnestly hope that Capt. Plummer will disprove the charges against him, which may be sustained, but which, on the other hand, should be received very cautiously, coming, as they did, from such a source.

Marshals MacMahon and Bazaine.

It is announced from Paris that although Marshal MacMahon supports the present government of France he will retire from the army to private life. This simply means that the Marshal still adheres to Napoleon and does not intend to compromise his future by taking service under the new government. Marshal Bazaine, on the other hand, although supposed to be the most violent Bonapartist among the French commanders, does not intimate any intention of resigning, but insists upon an investigation into his conduct at Metz. It was stated some time ago that Bazaine had begun coquetting with the Orleans princes, and it is likely enough that he is taking the initial steps to abandoning Napoleon. If he is, his conduct will appear in marked contrast to that of Marshal MacMahon, and will leave a stain upon his reputation.

War as a Money-Making Business

Among the new lessons to be derived from the recent European events is the profitableness of successful war. Heretofore nations or rather governments have made war for various motives—such as ambition, the maintenance of a balance of power, or the promotion of dynastic interests. But it was not until now that war has proved for the successful party a means of making money. England has been called a nation of shop-keepers—and it is true that the vast resources of her Indian empire and still more, her extraordinary energy in the pursuits of industry and commerce made her prodigiously wealthy; but her great wars in Europe during which she subsidized the armies of Russia and Germany, although ending in the triumph of her arms, had no other pecuniary result than to saddle her with an enormous debt. The wars of the last twenty years—in Crimea and Italy, China and Abyssinia, terminating successfully for England and France were, nevertheless, if considered only from a financial point of view, great pecuniary misfortunes.

The Franco-Prussian war, so extraordinary in many respects, is none the less so in its financial results. The Germans have exhibited a great deal more of the "shop-keepers" spirit in their course than ever the English did. Whatever credit they may claim for bravery, discipline and skill, they certainly can claim none for magnanimity. In their treatment of France since they refused to listen to terms of peace after Sedan, they have acted like a man who, having a personal quarrel with another, first knocks him down and beats him unmercifully and then proceeds to rifle his pockets and plunder him of his last farthing. This is not chivalrous—but it is practical, and the plea advanced is that, as money is the sinew of war, it is wise to take these sinews from France to prevent her from renewing the struggle. Harsh as it appears, it may be a useful lesson to warlike nations to learn that if they draw the sword, they must suffer very heavily in case of defeat. On the other hand, it is a very dangerous incentive held out to powerful nations to engage in wars which will probably end, not only to their glory—but also in territorial aggrandizement and great pecuniary profit.

The change in the financial condition of France and Prussia is enormous. Before the war France had greatly the advantage. Her debt was about seven thousand millions of francs, (about $1,500,000.) Now, estimating the indemnity to be paid to Prussia of five thousand millions of francs, the onerous condition upon which she will have to borrow this amount, the enormous losses she has sustained by the ravage of her territory, the damage to her industry by the loss of so many men and by numerous other causes, the French debt will be raised to not less than fifteen or sixteen thousand millions of francs, (upwards of three thousand millions of dollars.) This is a burden, upon the French nation already very heavily taxed, which must almost crush it for many years to come.

On the other hand, Prussia receives five thousand millions of francs—nearly one half more than her estimated war expenses; and if she is wise enough to give up Alsace and Lorraine, as is already intimated, she is to receive one thousand five hundred millions more. She extorts two millions from poor pitiful Luxemburg for alleged violation of neutrality; and she may very likely press similar claims upon Belgium and Switzerland, since these nations are too weak to resist. Added to all this, is the pecuniary value of at least half a million of Chassepots and countless thousands of cannon and munitions of war surrendered into her hands.

These prodigious resources in money and materials of war, together with an immense army of trained veterans, make Prussia the arbiter of Europe, and a threatening danger to all other nations, not even excepting her good friend and ally, Russia. Certainly, in the present condition of affairs, these two powers can divide the continent as they please. If the money extorted from France were employed in promoting peaceful industry and relieving the German people of part of their heavy taxes, it might add to the permanent riches and prosperity of Germany. But the probability is that the people will not be relieved of one stiver of taxation, and that the new German Empire will employ its recently acquired wealth in the construction of a powerful iron-clad navy, and in other armaments still more threatening to the peace of the world.

OUR RALEIGH LETTER.

Trial Concluded and Vote Taken—Excitement in the House—Convention Bill—Not One Radical Votes for It—Reconsideration—The Question to be Submitted—Adjournment April 3—Governor Vance in Raleigh.

RALEIGH, N. C., March 21, 1871.

Dear Journal:—At length the trial is ended, the argument concluded, and ere this reaches you, the final vote will be taken. Gov. Bragg spoke for two hours and a half on yesterday, and the same length of time again last night, and finally concluded to-day, having spoken somewhat over six hours. It was undoubtedly *the* speech of the case, and verified the old saying "the best is always reserved for the last." It was a perfect and complete summary of the whole case, clothed in language dignified, earnest, and at times eloquent, and delivered in a manner most clear, forcible and emphatic. If any person could hear such an argument and fail to be convinced of Holden's guilt, he is sincerely to be pitied for his obtuseness. According to an order adopted by the Court to-day, the vote will be taken on the article, *seriatim*, to-morrow at 11 o'clock, when no debate or explanation of votes will be allowed, but each Senator is permitted to file within one week his written opinion, which will be printed with the proceedings. The galleries for the past two days have been thronged with the ladies, and the lobbies crowded by the many visitors in attendance. No doubt that to-morrow every available space will be occupied by an immense crowd. The voting and reading of the articles will occupy over two hours. The readers of the JOURNAL shall at once be informed of the final result by a special telegram. Everything is very quiet, every one anxiously awaiting the morrow's sun, when the excitement will reach its culminating point. It is thought the accused will be acquitted on the first one or two Articles, and convicted on all the others, as some Senators have doubts as to his guilt in declaring Alamance county to be in insurrection.

A most exciting and interesting scene has been witnessed in the House to day.—The Convention Bill was the special order and occupied, all the day, the attention of the House. It failed to obtain the requisite two-thirds, the vote being seventy-three to forty-two. Mr. J. C. Mills, of Burke, was the only Democrat who voted against it, except Mr. Strudwick, of Orange, who did so merely for the purpose of moving for a reconsideration, which he did in a most handsome and eloquent speech. Not a single, solitary, Radical voted for it. Being determined that the people should not be debarred the simple privilege of voting on the question themselves, the two-thirds clause was stricken out of the bill, and it then passed its second reading by a strict party vote. So that this Legislature is determined that the question of "Convention or no Convention," shall be submitted to the voters of North Carolina, on the first Thursday in August next, Radicals to the contrary, notwithstanding. The two thirds clause was only inserted to quiet the qualms of conscience of certain Radicals, who pretended to favor it, but as they refused to vote for the bill with that clause, it was simply stricken out, and the bill will become a law by a mere majority, and the people thus allowed an opportunity of expressing their wishes.

The Legislature will no doubt adjourn on Monday, the 3d of April, and even then many bills will be left on the Calendar undisposed of.

The Senate to day adopted a resolution to hold sessions every night, so as to dispose of as many bills as possible before adjournment.

Hon. Z. B. Vance arrived here this afternoon from Washington. It is a mistake that he has resigned. HAL.

Legislature of North Carolina.

SENATE.

SATURDAY, March 18, 1871.

Mr. Troy introduced a bill extending the corporate limits of Fayetteville, and providing for an election in May, the present municipal incumbents continuing until that time. Referred.

Mr. Whitesides introduced a bill providing for the issuance of new State grants, and for other purposes. Referred.

Mr. McClammy introduced a bill incorporating the co-operative store of Wilmington; referred.

Mr. Cowles introduced a joint resolution in regard to the erection of the penitentiary:

WHEREAS, In the present impoverished condition of the people and the State Treasury we regard the building of a penitentiary upon the elaborate plan of architecture adopted by the Commissioners as unwise and disproportioned to the means of the people and not in accord with an economical administration of the State government; therefore

Resolved, That the Committee on "Penal Institutions" be and they are hereby instructed to ascertain upon what terms the existing contract for the erection of the penitentiary can be rescinded to the end that a less expensive arrangement for the erection of the same may be entered into. Lies over under the rules.

Mr. Troy introduced a joint resolution that the General Assembly adjourn *sine die* on the first day of April next. Lies over.

Bill instructing State Treasurer to request the services of the Attorney General and authorize him to retain such additional aid as may be necessary to protect the State's interest in a suit pending against the State's interest in the N. C. Railroad came up as unfinished business.

On motion of Mr. Edwards the bill was laid on the table.

Mr. Edwards stated that this legislation was unnecessary, as the Attorney General already had the power to employ additional counsel whenever he might deem it necessary.

Mr. Olds introduced a bill amending section 82, chapter 270 of the laws of 1868-'69. Referred.

HOUSE OF REPRESENTATIVES.

SATURDAY, March 18, 1871.

By Mr. Joyner, of Johnston: A resolution in reference to adjournment; placed on calendar.

By Dudley, colored, a resolution requesting our members in Congress to use their influence to secure the passage of a bill erecting in Newbern a public building to be used as a custom house, post office, &c., referred.

By Mr. Nicholson, a bill to protect the interest of policy holders in this State. Referred.

By Dudley, colored, a bill to repeal chapter 168, sec. 13, laws of 1868-'69.

A communication was received from the Code Commission (W. H. Bailey and W. B. Rodman) submitting certain reports.

Mr. Robinson said he did not wish to treat this concern with any sort of respect The people, through their representatives, had twice rejected this Constitution.

The last Legislature, 12 months ago, passed a bill abolishing the pay of this body, and the bill was very mysteriously lost, after being ratified, between the offices of the Secretary of State and the Public Printer, and though the Code Commission were cognizant of the passage of the bill, they continued to draw pay, &c. He would move to reject this communication, as he did not, as far as he was concerned, wish to treat it with any sort of respect or recognize the Commission in any way.

Mr. Johnston, of Buncombe, in remarks of length, concurred with Mr. Robinson.

Mr. Hargrove wished to receive the communication.

Mr. Strudwick moved to refer the matter to the Judiciary Committee.

Mr. Rankin did not know why the Commission were so persistent in trying to bring their reports before this General Assembly. They had already tried in four or five different ways to accomplish this.—He also thought the report should be rejected.

After some debate, Mr. Robinson called the previous question on his motion to reject. The call was sustained, and the motion to reject was put to a vote and prevailed, yeas 56, nays 25.

By Mr. Lucas: A bill to repeal an act creating the county of Dare; referred.

By Mr. Goodwyn: A resolution raising a committee of three to ascertain the condition of the bill that passed the last General Assembly, abolishing the pay of the Code Commissioners; placed on Calendar.

SENATE.

MONDAY, March 20, 1871.

Mr. Moore asked a suspension of the rules to take up an act supplemental to an act incorporating Mount Vernon Academy on Bay river. Motion prevailed, and bill passed its several readings. Ordered to be engrossed and sent to the House at once.

Mr. Edwards moved to suspend the rules and take up report of conference committee on dividing line between Edgecombe and Nash, and send message to the House transmitting said report, as that is the body to whom the report should first be presented. Motion prevailed.

On motion of Mr. Speed, the rules were suspended and bill to promote immigration was taken up. Bill put on its second reading.

Mr. Brogden, as Director of the Wilmington and Weldon Railroad, protested against this road being included in this proposition, and was opposed to this immigration any way. He endorsed what Washington wrote to Adams in 1776 upon this subject. Thought an immigration of idlers would injure the State and work detrimentally to our own native (colored) laborers.

Mr. Speed said the bill contemplated nothing that Mr. Brogden had been talking about. It simply proposes to permit the several railroads in the State to associate themselves together for the purpose of promoting immigration, and to use their own money in aiding such immigrants. He said he was not the peculiar defender of the colored people, but he represented as large a colored constituency as any man on this floor, and he would go as far in protecting them and promoting their interests as any man, and whenever anything should be proposed looking to their injury, he would defend them as earnestly, if not as loud, as the Senator from Wayne, and would do so as long as he occupied a place on this floor.

Bill passed its second reading.

Put on its third reading and passed—27 yeas, 4 nays.

Mr. Allen obtained a suspension of the rules and put the bill on to construct a railroad from Kenansville to Clinton on its passage. Passed its second reading.

Mr. Robbins, of Rowan, presented a communication from Governor Scott, of South Carolina, relative to the Waccamaw and Little River Canal, stating that he would take pleasure in laying the matter before the General Assembly of his State, &c.

Mr. Murphy introduced a joint resolution appointing Dr. George W. Blacknall, a member of the board of public charities, to take effect 1st July, 1871; lies over.

HOUSE OF REPRESENTATIVES.

MONDAY, March 20, 1871.

By Mr. McNeill: A bill in relation to Coroners; referred.

By Mr. Ashe: A bill to annex a part of New Hanover county to Sampson county. [This bill was accompanied by a memorial and was introduced by Mr. Ashe by request.]

By Mr. Ashe: A bill to raise revenue; ordered to be printed and referred to the Finance Committee.

On motion of Mr. Smith, of Anson, the bill to allow the Commissioners of Anson county to levy a special tax was taken up and passed its second reading by a vote of yeas 82, nays 6.

The bill to be entitled an act to submit the question of "Convention" or "No Convention" to the people and to provide for the election of delegates, being the special order for this hour it was taken up.

On motion of Mr. Johnston, of Buncombe, the special order was postponed until to morrow at 11 o'clock.

SENATE.

WEDNESDAY, March 21, 1871.

By Mr. Robbins, of Rowan: A resolution of instruction to the judiciary committee, requesting a bill defining the powers of justices of the peace in criminal cases; lies over.

On motion of Mr. Linney, the rules were suspended and the bill in relation to justices of the peace and constables was put on its second reading. (Requires every justice to enter into bond of $1,000.) Passed its second and third readings.

By Mr. Latham, a bill to incorporate the Land Improvement company of North Carolina; referred.

By Epps, col., a bill in favor of widows of persons dying intestate; referred.

By Mr. McClammy, a bill to incorporate the Wilmington and Smithville Steamboat Company; referred.

SPECIAL ORDER

was announced, a bill to amend an act to provide for a system of public instruction. (Provides that the capitation tax collected in each county shall be wholly applied in such county, and that the amount now in the treasury belonging to this fund be returned to the several county treasurers.)

Bill passed third reading.

Bill to construct a railroad from Kenansville to Clinton, on third reading. Passed.

Mr. Murphy, from committee on corporations, reported favorably on bill extending corporate limits of the town of Fayetteville.

On motion of Mr. Troy, the rules were suspended, and the bill, as reported upon by committee on corporations, through Mr. Murphy, was put through its several readings.

On motion of Mr. Love, rules were suspended, and bill supplemental to a bill creating the county of Swain, was taken up and put on its second reading. Passed.

HOUSE OF REPRESENTATIVES.

TUESDAY, March 21, 1871.

By Mr. McNeill: A bill to allow appeals from the County Commissioners to the Superior Court: referred.

SPECIAL ORDER

was announced, which, being the Convention bill, the Clerk proceeded to read it.

Mr. Johnston, of Buncombe, called the previous question.

Mr. French called for the yeas and nays. The call was sustained, and the previous question was ordered by a vote of yeas 55, nays 55. [The Speaker voted in the affirmative.]

The bill was then put on its second reading and failed to pass by the following ballot:

YEAS.—Messrs. Anderson, Armstrong, Ashe, Atwater, Atkinson, Broadfoot, Bryson, Carson, Chamberlain, Clinard, Crawford, Currie, Dickey, Drake, Dunham, Furr, Gambril, Gatling, Gore, Gullick, Grayson, Gregory, Hampton, Harris, of Guilford, Henderson, Honston, Hill, Hinnant, Johnston, of Buncombe, Johns, Jones, of Caldwell, Joyner, of Johnston, Joyner, of Pitt, Jordan, Kelly, of Davie, Kelly, of Moore, Kelsey, Kincaid, Lassiter, Lucas, Luckey, Martin, Marler, Maxwell, McAfee, McAllister, McDaniley, McNeill, Mitchell, Nicholson, Paylor, Powell, Rankin, Reid, Regan, Robinson, Scott, Settle, Shull, Smith, of Anson, Smith, of Wayne, Sparrow, Stanford, Stewart, Tomlinson, Waring, Welch, Withers, Womack, Woodhouse and Young, of Yancey—71.

NAYS.—Messrs. Brooks, Brown, Bryant, of Halifax, Bryan, of Jones, Bunn, Buxton, Cawthorn, Collie, Copeland, Dudley, Ellison, Faulkner, Fisher, Fletcher, French, Garrison, Goodwin, Grythier, Harris, of Franklin, Hargrove, Hardy, Johnson, of Edgecombe, Jones, of Northampton, Justice, Loftin, Lyon, Mabson, Morris, Morgan, of Montgomery, Morgan, of Wake, Mills, Newsome, Nisson, Page, Phillips, Beavis, Robbins, Smith, of Halifax, Strudwick, Sykes, Tucker, Willis, Williamson, and Young, of Wake—41

The Speaker declared that the bill had not received the requisite two-thirds' vote.

Mr. Stradwick then moved to reconsider the vote by which the bill failed to pass its second reading, (he having voted against it for that purpose.)

Mabson, colored, moved to lay the motion to reconsider on the table.

The yeas and nays were called and the House refused to table the motion to reconsider by a vote of yeas 43, nays 70.

The motion to reconsider was then put to a vote and carried—yeas 70, nays 49.

Mr. Strudwick said that this insertion of this two-thirds clause in the bill was a concession in Radicalism which should bring the blush of shame to to the cheek of every Democrat. He wished the amendment adopted, and then if this tough headed accidental official should still usurp the power to thwart the almost unanimous will of the people, the House should by a simple resolution, install the President of the Senate, *pro tem* in the Executive chair, and he would perhaps have conscience better adapted to the occasion.—He moved to strike from the bill the words "two-thirds concurring."

Mr. Morris, (Rep.) offered a substitute for the whole bill, which in substance strikes from the Constitution article 4, section 5, which requires that the Legislature shall levy a sufficient tax to pay the interest on the public debt. [This substitute proposes to amend the Constitution by legislative enactment.]

Mr. French, (Rep.) took the floor in opposition to any Convention bill. He thought that this Legislature should at once, in a manly way, grapple with these questions of finance. He thought that amendments to the Constitution by legislative enactment was the proper mode of proceeding, and would bring relief speedily enough. He thought the passage of this bill without a two-thirds vote would be revolutionary.

Mr. Johnston, of Buncombe, said that the positions taken by Mr. French and the accidental Governor in regard to this matter were in conflict. Mr. F. acknowledges that if this bill had passed by a two-thirds vote it would have been perfectly constitutional and not revolutionary, but his accidental Excellency declared in his arrogant and presumptuous communication, that the people, his masters, could not call a Convention in any way. Mr. Johnston continued for sometime in support of the recent action of the Legislature upon the first Convention bill. The people had every right to call this Convention and relieve themselves of the burdens and chains placed on them by a horde of strangers, and under which they still groan.

Mr. J. continued to some length in arguing upon the legal and constitutional points involved and in denunciation of the course of the accidental Governor and other Radicals in seeking to deprive the people of their rights and powers, and preventing a redress of their numerous wrongs and grievous burdens under which they are now laboring.

Messrs. Harriss, of Franklin, and Justice were opposed to any Convention bill whatever. Mr. Justice was willing to shoulder his musket, if need be, to sustain Gov. Caldwell.

Mr. Mills was in favor of Mr. Strudwick's amendment. He did not like to set the precedent that it took a two-thirds vote for the people to say whether they would have a Convention, therefore, he voted against the bill, as he believed that those words "two-thirds concurring" was a direct blow at the rights and liberties of his people. He was heartily in favor of a bill submitting this matter to a vote of the people and let them decide; therefore, he hoped the amendment offered by Mr. Strudwick would prevail.

Mr. Chamberlain said that when he first came into the Legislature he was strongly in favor of a Convention, but the discussion had alarmed him. Call your Convention by a majority vote, and what do we see? Gov. Caldwell marching up the street with Mr. Justice by his side, with his musket on his shoulder, ready to do battle in his defence!

Mr. Chamberlain occupied the floor at length in an eloquent and most forcible argument for Convention, as an imperative necessity to the wants of the people. [Mr. C's speech will appear hereafter in full.]

Mr. Phillips made a lengthy argument in opposition to any sort of a Convention proposition whatever. He dwelt especially on the point that the oaths of the members of the Convention not to interfere with certain things would not avail anything. *It would not be binding.*

Mr. Wilcox was allowed to record his vote in the affirmative on the bill on its second reading.

The amendment of Mr. Strudwick was put to a vote and was adopted by the following ballot: Yeas, 57. Nays, 54.

The chair ruled the substitute of Mr. Morris out of order.

Mr. Phillips appealed from the decision of the chair.

The yeas and nays were called and the decision of the chair was sustained by a vote of yeas 67, nays 41.

The bill, as amended, then passed its second reading by the following ballot:

Yeas.—Messrs. Anderson, Armstrong, Ashe, Atwater, Atkinson, Bryson, Chamberlain, Crawford, Currie, Dickey, Drake, Dunham, Furr, Gore, Gullick, Grayson Gregory, Henderson, Honston, Hill, Hinnant, Johnson, of Buncombe, Johns, Jones, of Caldwell, Joyner, of Johnston, Joyner, of Pitt, Jordan, Kelly, of Davie, Kelly, of Moore, Kelsey, Kincaid, Lassiter, Lucas, Luckey, Martin, Maxwell, McAfee, McAllister, McNeill, Mills, Mitchell, Nicholson, Paylor, Rankin, Reid, Regan, Robinson, Scott, Settle, Shull, Smith, of Anson, Smith, of Wayne, Sparrow, Stanford, Stewart, Strudwick, Warring, Welch, Withers, Woodhouse, Young, of Yancey.—61.

Nays.—Messrs. Brooks, Brown, Bryant, of Halifax, Bryan, of Jones, Bunn, Buxton, Cawthorn, Carson, Collie, Copeland, Dudley, Ellison, Faulkner, Fisher, Fletcher, French, Garrison, Gatling, Goodwin, Grythier, Hampton, Hargrove, Hardy, Johnson, of Edgecombe, Jones, of Northampton, Justice, Loftin, Lyon, Mabson, Harler, McCauley, Morgan, Morriss, of Montgomery, Morgan, of Wake, Newsome, Nisson, Page, Phillips, Beavis, Robbins, Smith, of Halifax, Sykes, Tucker, Willis, Williamson, Young, of Wake.—46.

By Mr. Phillips: A resolution to protect the property of the State from fire; referred.

From the Washington Patriot,

Our Diplomacy Disgraced.

Two swift witnesses, who figured in the recent pretended investigation of the condition of North Carolina, have received the rewards of their revolting infamy. Our history furnishes no example, under any former administration, of public patronage being prostituted to the scandalous purposes which are revealed in the appointments to which public attention is now invited. Thomas Settle was known in North Carolina as one of the most violent secessionists and enemies of the Union during the rebellion. When Holden and others like him, who had dragged the State into secession, recanted and made a profitable transfer of their "principles" to the Union side, Settle joined them, and was appointed a judge of the Supreme Court in 1861, in consideration of his newborn "loyalty." But he could not take his seat without being first purified in the crucible of a Radical Congress. This fact was reluctantly extorted from him when he appeared before the committee, and we cite it, in order that his true *status* may be understood:

Question. Were you ever under political disabilities?

Answer. Yes, sir.

Question. Were they removed?

Answer. They were * * in 1868.

This person labored throughout his testimony to produce the impression that disorder prevailed in North Carolina, and he came prepared with a rehash of all the old calumnies and reports, which Mr. Morton had elaborated with such little effect upon the public mind over a year ago. After his partisan recital, he was compelled to admit that it had no present application, as will be seen by the following passage:

Question. I understand you to say that *all these cases of gross outrages* but *one* were committed *eighteen months ago?*

Answer. Yes, sir.

In order to understand the interested motive of this witness, it should be stated that a convention to reform the constitution of North Carolina is about to be called, by which Holden's corrupt courts, of which Settle is a judge, and other official impositions which now oppress the people will be swept away. He had hardly completed his testimony before the committee when he was appointed Minister Plenipotentiary to Peru.

Flagrant as this case is, it bears no comparison with another which has just occurred. The country is familiar with the names of Kirk and Bergen, two hired ruffians whom Holden imported from East Tennessee into North Carolina last summer, and who, at the head of several hundred men, perpetrated many atrocious outrages upon the most respectable and peaceful citizens of Caswell and Alamance counties. These outlaws were brought before the Investigating Committee to testify against the very people whom they had so cruelly and barbarously treated, and to swear in their own behalf against the damning evidence which exists against them and their employers.

In order that the public may have some idea of the character about to be presented to notice, a few extracts are taken from his own testimony:

George B. Bergen sworn and examined:

Question. Were you, at any time during the year 1870, Lieutenant Colonel under Colonel Kirk, in command of the North Carolina State militia?

Answer. I was. * * *

Question. Of what State are you a native?

Answer. New Jersey.

Question. Were you ever a citizen of North Carolina?

Answer. I am not sufficiently well informed to answer that question. * * *

Question. Was the period of your service there the only period of your residence in that State at that time?

Answer. Yes; I never was in the State before. * * *

Question. Upon what charges were you arrested at Danville?

Answer. Upon the charge of larceny—of stealing a pistol from F. A. Willey. *

Such is the description which Bergen gives of himself. Now let us see what is said of him by some of the people whom he and his gang outraged so shockingly:

Lucien H. Murray, a merchant, sworn and examined:

Answer. * * Colonel Bergen came to my tent with a candle in his hand. I had not gone to sleep. I raised up my head. Said he, "Is that you, Murray?" Said I, "It is," and he walked back to his tent.—In a short time he came back again without any candle, touched me on my feet, and told me to get up and come out. I asked him if I could put on my shoes. He told me, "No, you won't have any use for them long." I went out, and he took me into his tent with three other men. They all had pistols. He told me I must now make a confession; if I did not he would blow my damned heart out.

Question. He had a pistol in his hand?

Answer. Yes, sir.

Question. Cocked?

Answer. No, sir; he did not have it cocked then; he was sitting on the bed.

Question. How many men had he?

Answer. Three men. I told him I knew of nothing to confess. * * *

Question. You then told him about what you had told us?

Answer. Just what I have told you—about the same thing. He told me then, "You are a damned liar," and got up, and all four of them cocked their pistols, and he told me if I did not confess he would blow my heart out.

Question. Pointed the pistols at your breast?

Answer. Yes, sir. * * * Then he put a rope around my neck, took me out to a piece of woods about seventy-five yards, tied my hands behind me, and led me up to a tree, threw the rope over a limb, and asked me if I was ready to make my confession. I told him I had no confession to make. Then they drew me up off the ground, and let me hang there a little while—not long.

Question. By a slip-knot?

Answer. It was a slip-knot.

Question. Choked you?

Answer. Yes: choked me pretty bad; let me hang a little while. Then let me down and asked me if I was ready to confess; I told him I had no confession to make.—Said he, "If you don't confess I will break your damned neck," and he gathered the rope again and he and another pulled me up very roughly, and suspended me a great deal longer than he did before; I can't tell how long; I hung there until I became unconscious. He then let me down; I was not able to stand. When I came to I was leaning or siting up against