towns not specially excepted in this act, all persons now in office by virtue of any election, shall continue in office until the first general election in May, 1871." Adopted.

Mr. Mabson, having given notice, moved to amend by striking out the provision allowing voters to be challenged on the day of election. Lost.

Mr. Ashe, having given notice, offered an amendment excepting Wilmington from the provisions of the bill. Adopted.

Mr. Ellison, having given notice, moved to amend by striking out "May" and inserting "January." Lost.

The bill then passed its final reading by the following vote:

YEAS—Messrs. Anderson, Ashe, Atwater, Broadfoot, Bryson, Clinard, Crawford, Currie, Dickey, Dunham, Furr, Gambrel, Gore, Gullick, Grayson, Gregory, Hampton, Harris, of Franklin, Henderson, Houston, Hill, Hinnant, Johnston, of Buncombe, Johns, Jones, of Caldwell, Jordan, Kelly, of Davie, Kelly, of Moore, Kelsey, Kincade, Lassiter, Lucas, Luckey, Marler, Maxwell, McAfee, McCauley, Mc-Neill, Mills, Mitchell, Nicholson, Powell, Rankin, Reid, Robinson, Settle, Shull, Smith, of Anson, Smith, of Wayne, Sparrow, Stanford, Stewart, Tomlinson, Waring, York.—54.

NAYS—Messrs. Brooks, Bryant, of Halifax, Bryan, of Jones, Bunn, Cawthorne, Dudley, Ellison, Faulkner, Fisher, Fletcher, Garrison, Gatling, Goodwyn, Hargrove, Hardy, Johnston, of Edgecombe, Jones, of Northampton, Lyon, Mabson, Morris, Morgan, of Montgomery, Newsome, Nisson, Page, Parrott, Phillips, Reavis, Robbins, Smith, of Halifax, Sykes, Tucker, Willis, Young, of Wake. 33.

Mr. Robbins introduced a bill allowing county commissioners to fill vacancies in their own bodies. Calendar.

A Senate resolution providing for a recess from the 22d of December to the 11th of January, 1871, was taken up.

Mr. Currie moved to amend by striking out "22d" and inserting "26th," and by striking out "11th" and inserting "16th." Lost.

Mr. Sparrow moved to amend by striking out "22d" and inserting "24th," and striking out "11th" and inserting "16th." Adopted.

The resolution, as amended, was then adopted.

The Senate bill to call a Convention was taken up as special order. The bill provides for an election for a Convention on the 16th day of February, 1871; and for the meeting of the Convention, if called, on the 1st Monday in April, 1871. The restrictions of power proposed by the bill are as follows:

"Sec. 10. That said Convention shall have power to consider and propose all necessary amendments and alterations to the Constitution of the State, (excepting the restrictions hereinafter mentioned,) not inconsistent with the Constitution of the United States. But said Convention shall have no power or authority whatever, to offer or propose any amendment or alteration of, or in anywise interfere with, repeal, or modify the Homestead and personal property exemptions, as provided for in Article 10 of the Constitution of the State, nor shall they in any way interfere with, modify, repeal or do any other act to restrict, or impair the rights, privileges, or immunities, of any person in the State, on account of race, color, or previous condition, which are now guaranteed to him, by the 13th, 14th and 15th amendments to the Constitution of the United States; nor shall they propose any amendment to the Constitution of the State, in any way impairing or restricting said rights, privileges or immunities; nor shall said Convention pass any ordinance or propose any amendment to the Constitution of this State which shall in any wise provide for payment to the late slave holders of the State, or any other person, for the loss sustained by them by reason of the emancipation of said slaves; nor shall said Convention pass any ordinance, or offer any amendment, which shall otherwise provide for the payment of any debt, or debts, contracted in aid of the late rebellion; nor shall said Convention pass any ordinance, or offer any amendment which shall in anywise provide for the infliction of corporeal punishment for criminal offences; nor said Convention have power to abolish the present system of public instruction, but to make such alterations to said system as said Convention may deem necessary and proper; nor shall said Convention have power to pass any ordinance, to abolish, or in any way interfere with the meetings or adjournments of this General Assembly; nor shall said Convention propose any amendment or alteration, requiring any property or educational qualification for voters or officers; nor shall said Convention change the present ratio between the poll and property tax, or provide for raising the poll tax, on one poll above two dollars for all (ordinary State and county,) purposes; nor shall said Convention be allowed to pass any ordinance or ordinances legislative in their character, except such as are necessary to submit the Constution as amended, to the people of the State for their ratification or rejection, and provide for filling such vacancies as may occur by reason of any amendment or amendments made by said Convention, to the Constitution of the State; and except ordinances in relation to the public debt; nor shall said Convention have any power to modify or repeal, that clause in the present Constitution, which provides for a mechanics' and laborers' lien law; nor shall said Convention have any power to modify or repeal those clauses in the present Constitution, which provide that there is no right to secede, and that every citizen owes paramount allegiance to the Constitution and government of the United States.—(Article 1, section 4 and 5.")

The bill also provides that the constitution, as proposed to be amended, shall be submitted to the people for ratification or rejection.

Mr. Harris, of Franklin, spoke eloquently and logically in opposition to the passage of the bill at the present time. If this mode of proceeding was to be continued, constitutions would soon cease to be reverenced, and the law would become nothing more than a rope of sand.

Mr. Harris, of Guilford, was opposed to the bill at present. He knew that the bill contained certain restrictions, but such restrictions would not be regarded by the members of that Convention, if there should be one called. It would be a Convention of the people, and they would act regardless of dictation.

Mr. Wilcox said that he came here pledged against a convention, that is, a convention ordered by the General Assembly. As this bill submitted the question to the people he was in favor of its immediate passage.

Mr. McAffee wanted it understood that he was in favor of a convention, no matter how authorized, and he would vote for one.

Mr. Martin moved to amend the first section of the bill by inserting a proviso that no device shall be used on the tickets in voting for or against a convention. Subsequently withdrawn.

Mr. Settle moved that further consideration of the bill be postponed till 7½ o'clock, P. M. Lost.

Mr. Harris, of Guilford, moved to amend by requiring the election for a convention on the 16th of March instead of 16th of February.

Mr. Johnston, of Buncombe, was opposed to the amendment. He was glad to see that Republicans on this floor were not disposed to offer captious objections to the bill under consideration. The people want relief, and demand it at our hands. He took the ground, before his constituents, that he would oppose the calling of a convention by the Legislature. This bill allows the people to call a convention.

Mr. Lyon thought that the people, especially the representatives now and heretofore, of Buncombe, were like the climate and temperature of that county—very peculiar. He was opposed to the amendment.

Mr. Johnston courteously rebuked the remarks of Mr. Lyon in relation to the temperature, &c.

Mr. Nicholson opposed the amendment offered. In the spring-time all the farmers of the county would be busily engaged. In February they would generally be idle.

Mr. Harris, of Guilford, thought that the people ought to have ample time to consider the question of calling a Convention. A vote on the 16th day of February would not call a convention sooner than a vote on the 26th day of March. He thought a convention ought to be had, but he was opposed to springing this question on the people precipitately.

Mr. McAfee was opposed to the amendment, and spoke at length.

Mr. Jarvis moved to amend the amendment by requiring the election for a Convention on the first Thursday of March, 1871. Adopted.

Mr. Jarvis moved to amend section 3d by instructing the Governor and counsel to compare votes, &c., on the 24th instead of the 10th of March. Adopted.

Mr. Dunham moved to amend by inserting that the Convention shall assemble on the 3d instead of the 1st Monday in April.—Adopted.

Mr. Harris, of Franklin, moved to amend that portion of the bill which prevents any one from voting on a certificate from the registrar of his own township. Lost.

Mr. Waring moved to amend the bill by incorporating in the restrictions imposed the words "the Convention shall incorporate a clause in said Constitution recognizing and declaring that the decision made in the Supreme Court in the case of Sarah Hill *vs.* Tobias Kessler shall be taken to be the true and final decision of the question." [Decision of Supreme Court alluded to is retrospective—covers old debts.] Adopted.

Mr. Ashe moved to amend the bill by striking out the word "rebellion," [referring to the late war] and inserting the word "war." The amendment was adopted.

Mr. Anderson moved to amend by providing that the convention shall have no power to rescind, modify or in any way interfere with sec. 5, art. 5, of the present constitution, which relates to lending the credit of the State in aid of corporations, &c.

Mr. Jarvis opposed the amendment, and thought that the clause of the constitution which it is proposed to strike out has been the cause of all our financial troubles.

Mr. Johnston, of Buncombe, favored the amendment. The perversion of the clause of the constitution alluded to was the cause of the financial evils mentioned.

On motion of Mr. Sparrow, the House agreed to hold a night session, beginning at 7½ o'clock.

The House then adjourned.

HOUSE.

NIGHT SESSION.

Wednetday, Dec. 21, 1870.

The House met at 7½ o'clock.

Mr. Robinson in the chair.

The unfinished business of the morning was resumed; viz: consideration of the convention bill.

The question being on the adoption of the amendment offered by Mr. Anderson, the same was rejected.

Mr. Houston moved to amend the 11th section of the bill by adding the following words: "That said convention shall ordain as the constitution of this State the constitution of North Carolina as it was on the 19th May, 1861, with such additions thereto of the existing constitution of N. C. as are forbidden to be interfered with by the foregoing restrictions; that said convention shall make said constitution of 1861, so revised, conform to each, every and all the restrictions in this bill, and shall make said constitution of 1861, so further revised, conform in all its parts to the constitution of the United States as now amended, but no such revised constitution shall have any force or validity until the same shall have been satisfied by a majority of qualified voters of the State, to whom the same shall be submitted according to the mode to be prescribed by ordinance of said convention. [*Verbatim.*]

Mr. Houston thought that there were no provisions in the bill, as proposed, protecting the rights of white people. It was altogether in favor of the white men. We have a guarantee that the present township system shall be abolished—that the old county courts will be restored—that the number of Judges of the Supreme court will be lessened. That is all.

Mr. Fletcher spoke of Convention of 1835, which deprived the so-clalled "freeman" of his rights. That convention deprived the colored man of the privilege to vote. He would like to vote for general amnesty today, because he had been a slave, and knew the sweetness of freedom; but he was very much afraid that the spirit of magnanimity, &c., would be ill-spent if lavished on the men who now propose to call a Convention.

Mr. Tucker thought that the bill to call a Convention ought to be read as presented, but should be read "backwards." For instance the bill declares that the Homestead provision shall *not* be interfered with; and that the loss to slave-owners by emancipation shall *not* be paid. Read the bill "*backwards,*" and you will see that these provisions mean just exactly what they *do not* say.

The amendment offered by Mr. Houston was then rejected.

The bill being on its second reading,

Mr. Phillips spoke at length. He had taken no part in amending the bill, and did not propose to offer any amendment. He wanted the friends of the bill to arrange it to suit themselves; they could not make it palatable to him, no matter how they fixed it. He objected to the form of the bill and to the general scope of the objects in view. The Legislature has clearly no right to call a convention or to submit the question to the people unless by a *two-thirds vote* of all the members of the General Assembly. In 1834 a two-thirds vote was required of and observed by the Legislature in calling the convention for 1835. At that time nineteen old Whigs split from their party and voted for the amendment to the convention bill then pending, which required a two-thirds vote. The question of calling a convention is no longer original—it is a question of precedence.

Mr. Johnston, of Buncombe—Was not the convention question in 1835 a *sectional* affair?

MR. PHILLIPS.—At that time the Democrats *all* voted together, and the Whigs split. How could that be a sectional question? Judge Mitchell, of the West, at that time denounced Mr. Graham's course as *revolutionary*. Mr. Mitchell and Mr. Ashe agreed in their views then. I tell you, gentlemen, the good people of North Carolina have reason to be apprehensive of trouble when you propose to call a Convention as you do now. As to the "restrictions" you speak of, they will amount to nothing. The Convention of 1835 went far beyond its charter, and that was a *restricted Convention*. As to the "oath" embodied in the bill under consideration, which members of the Convention would be required to take, I would not give the snap of my fingers for it—it isn't worth that much. I wish to be understood on this point. I have reverence for an oath properly understood and honestly taken.

Mr. Sparrow. Couldn't the gentlemen trust the honesty of the members of the Convention, when they shall have taken the oath mentioned?

MR. PHILLIPS: Gentlemen, I tell you I can't trust *any* body of men whose minds are strongly biased. I will not put confidence in *any* body of men who leap into the political arena heated by passion and hatred. The whole history of human liberty is full of proofs of the danger of relying on "oaths." Your reasons for wanting a Convention are not as plainly told the people as they might be. If your plans are carried out, you will remove the Judges now on the Supreme Court bench, and soon after *that* there will be *no homestead law* left for the people.

The House then proceeded to vote on the bill, on its second reading, and the vote resulted as follows:

YEAS—Messrs. Ashe, Atwater, Broadfoot, Bryson, Clinard, Crawford, Currie, Duckworth, Dunham, Gambrel, Grayson, Gregory, Hill, Hinnant, Johnston, of Buncombe, Jordan, Kelly, of Davie, Kelsey, Kincade, Luckey, Maxwell, McNeill, Mills, Mitchell, Nicholson, Powell, Rankin, Reid, Robinson, Scott, Shull, Smith, of Anson, Smith, of Wayne, Sparrow, Standford, Stewart, Waring, Wilcox and York—39.

NAYS—Messrs. Brooks, Brown, Bryant, of Halifax, Bryan, of Jones, Bunn, Cawthorne, Copeland, Dudley, Ellison, Falkner, Fisher, Fletcher, Furr, Gatling, Goodwyn, Harris, of Franklin, Hargrove, Hardy, Lyon, Mabson, Marler, Morris, Newsom, Nisson, Page, Phillips, Reavis, Smith, of Halifax, Sykes, Tucker, Tomlinson and Willis—32.

Before the vote was announced, Mr. Hargrove arose to a point of order. He read from the Constitution, art. XIII, sec. 1, viz: "No Constitution of the people shall be called by the General Assembly unless by the concurrence of two-thirds of each House of the General Assembly." Mr. H. insisted that, according to the vote just taken, the bill had not passed constitutionally, and if the Speaker should declare that the bill had passed its 2nd reading, he desired to appeal from the decision of the chair.

The Speaker announced that the bill *had passed* its 2nd reading.

Mr. Hargrove desired to appeal from this decision; but the Speaker *ruled the appeal out of order and would not entertain it.*

Mr. French spoke briefly. The opponents of the bill would offer no amendment, etc., but they wanted to appear correctly before the people by opposing this manner of proceeding as illegal. He hoped the entire matter would be truly recorded in the journal of the House.

Adjourned.

Articles of Impeachment.

Articles exhibited by the House of Representatives of the State of North Carolina in the name of themselves, and all the people of the State of North Carolina, against William W. Holden, Governor of the State of North Carolina, in maintenance and support of their impeachment against him, for high crimes and misdemeanors in his said office.

ARTICLE I.

That by the Constitution of the State of North Carolina, the Governor of said State has power to call out the militia thereof, to execute the laws, suppress riots or insurrection, and repel invasion wherever the execution of the law shall be resisted, or there shall exist any riot, insurrection or invasion, but not otherwise; that William W. Holden, Governor of said State, unmindful of the high duties of his office, the obligation of his solemn oath of office, and the Constitution and laws of said State, and intending to stir up civil war and subvert personal and public liberty and the Constitution and laws of said State, and the United States, and contriving and intending to humiliate and degrade the said State and the people thereof, and especially the people of the county of Alamance, and to provoke the people to wrath and violence, did, under color of said office, on the seventh day of March, in the year of our Lord, one thousand, eight hundred and seventy, in said State, of his own false, corrupt and wicked mind and purpose, proclaim and declare that the county of Alamance, in said State, was in insurrection; and did, after the days and times last aforesaid, send bodies of armed, desperate, and lawless men, organized and set on foot, without authority of law, into said county, and occupy the same by military force and suspend civil authority, and the Constitution and laws of the State; and did, after the days and times last aforesaid and before the time of impeachment in this behalf, through and by means of such armed, desperate and lawless men, arrest many peaceable and law-abiding citizens of said county of Alamance, then and there about their lawful business; and did detain, hold, imprison, hang, beat, and otherwise maltreat and injure many of them, to wit: Lucin H. Murray, George S. Rogers. Wm. Bingham, Alexander Wilson, Walter Thornton, Wm. Redding, Thomas M. Holt, George Andrews, John Andrews, Fred. Blanchard, Adolphus G. Moore, John Roberson, James N. Holt, Wm Tate, Alex. Patton, Jessee Grant, Lem Whitsett, Josiah Thompson, Sidney Steel, George Johnson, Wm. Patton, Joseph Right, Ben. McAdams, Ruffin Andrews, Thomas Ray, Joseph Pritchard, Loften Tear, Joseph Thompson, Henry Cook, Wm. Andrews, M. N. Shaw, John Long, James H. Anderson, Joseph Gibson, Henry Prichard, Joseph Nelson, James R. Murphy, Jr., Wm. Kirkpatrick. Thomas Gray, Jefferson Younger, Frank Mebane, Clement Curtis, John W. McAdams, Wm. Moore, Wm. Clendenin, D. W. Wheeden, Daniel Moses, P. Thompson, David Moore, Monroe Fowler, Henry C. Hurdle, William Whitsett, Albert Murray, J. G. Moore, Joseph Kirkpatrick, W. V. Montgomery, John Trollinger, Jerry Whitsett, Calvin Gibson, John G. Albright, Robt. Hannah, Wm. Johnson, Henderson Scott, William Stockard, James Dickson, K. A. Albright, Thomas Lutherloh, John Grant, James Foust, John Curtis, A. Thompson, Robt. Stockard, J. A. Moore, James T. Hunter, James S. Scott, John Smith, George Andrews, Millon Pickard, Henry Robertson, John R. Stockard, John Curtis and Joseph Stockard, when, in fact and truth, there was no such or any insurrection in said county of Alamance.

And he, the said William W. Holden, Governor, as aforesaid, well knew that such and said proclamation was utterly groundless and false, and that there was no insurrection in said county, and that all civil authorities, both State and county, in said county, were peacefully and regularly in full free and unrestrained exercise, in all respects, of the functions of their offices, and the Courts were all open, and the due administration of the law was unimpeded by any resistance whatsoever, whereby the said William W. Holden, Governor, as aforesaid, did, then and there, and in the way and manner, and by the means aforesaid, commit and was guilty of a high crime in office against the Constitution and laws of said State and the peace, interest and dignity thereof.

ARTICLE II.

That by the Constitution of the State of North Carolina, the Governor of said State has power to call out the militia thereof to execute the law, suppress riots or insurrection, whenever the execution of the law shall be resisted, or there shall exist any riot, insurrection, or invasion, but not otherwise. That William W. Holden, Governor of said State, unmindful of the high duties of his office, the obligations of his solemn oath of office, and the Constitution and laws of said State, and intending to stir up civil war, and subvert personal and public liberty, and the Constitution and laws of said State and of the United States, and contriving and intending to humiliate and degrade the said State and the people thereof, and especially the people of the county of Caswell in said State, and to provoke the people to wrath and violence, did, under the color of his said office, on the eighth day of July, in the year of our Lord, one thousand eight hundred and seventy, in said State, of his own false, corrupt and wicked mind and purpose, proclaim and declare the county of Caswell, in said State, in insurrection, and did, after the days and times last aforesaid, send bodies of armed, desperate and lawless men, organized and set on foot without authority of law, into the said county, and occupy the same by military force, and suspend the civil authority and the Constitution and laws of the State, and did, after the days and times aforesaid and before the time of impeachment in this behalf, through and by means of such armed, desperate and lawless men, arrest many peaceable and law-abiding citizens of said county of Caswell, then and there about their lawful business, and did detain, hold, imprison, and otherwise maltreat and injure many of them, to wit: John Kerr, Samuel P. Hill, William B. Bowe, Nathaniel M. Roan, Frank A. Wiley, Jesse C. Griffith, J. T. Mitchell, Thomas J. Womack, A. G. Yancey, John McKee, A. A. Mitchell, Yancey Jones, J. M. Neal, Barzillai Graves, Robert Roane, James R. Fowler, M. Z. Hooper, James C. Williamson, and Peter H. Williamson, when, in fact and truth, there was no such or any insurrection in said county of Caswell; and he, the said William W. Holden, Governor as aforesaid, well knew that such and said proclamation was utterly groundless and false, and that there was no insurrection in said county of Caswell, and that all the civil authorities, both State and county, in said county, were peacefully and regularly in the full, free and unrestrained exercise, in all respects, of the functions of their offices, and the courts were all open, and the due administration of the law was unimpeded by any resistance whatsoever; whereby the said William W. Holden, Governor as aforesaid, did then and there, and in the way and manner, and by the means aforesaid, commit and was guilty of a high crime in office against the Constitution and laws of said State, and the peace, interest, and dignity thereof.

ARTICLE III.

That the said William W. Holden, Governor of the State of North Carolina, on the fifth day of August, in the year of our Lord, one thousand eight hundred and seventy, in the county of Orange in said State, did then and there unlawfully and without any lawful warrant and authority, and in defiance and subversion of the Constitution and laws of said State, and in violation of his oath of office, and under color of his said office, incite, procure order and command one John Hunnicutt and other evil-disposed persons, to assault, seize, detain and imprison and deprive of his liberty and privileges as a freeman and citizen of said State, Josiah Turner, Jr., a citizen and resident of the county of Orange in the State aforesaid; and in pursuance of said incitement, procurement, order and command the said John Hunnicutt, and the evil-disposed persons aforesaid, did assault, seize, detain, imprison and deprive of his liberty and privilege as a freeman and citizen of said county and State for a long time, to-wit: For the time of ten days, and more, the said Josiah Turner, Jr., whereby the said William W. Holden, Governor as aforesaid, did then and there commit a high misdemeanor in office against the Constitution and laws of said State and the peace, interests and dignity thereof.

ARTICLE IV.

That the said William W. Holden Governor of the State of North Carolina, on the first day of August, in the year of our Lord one thousand eight hundred and seventy, in the county of Caswell in said State, did, then and there, unlawfully and without any lawful warrant and authority, and in defiance and subversion of the constitution and laws of said State, and in violation of his oath of office and under color of his said office, incite, procure, order and command one George W. Kirk, and one B. G. Burgen and other evil disposed persons to assault, seize, detain and imprison and deprive of their liberty and privileges as freemen and citizens of said State, John Kerr, Samuel P. Hill, William B. Bowe and Nathaniel M. Roane, citizens and residents of the county of Caswell, in the State aforesaid; and in pursuance of said incitement, procurement, order and command, the said George W. Kirk and the said B. G. Burgen and the evil disposed persons aforesaid, did assault, seize, detain, imprison and deprive of their liberty and privileges as free men and citizens of said county and State for a long time to-wit: for the time of one month and more the said John Kerr, Samuel P. Hill, William B. Bowe, and Nathaniel M. Roane, whereby the said William W. Holden, Governor as aforesaid, did, then and there commit and was guilty of a high misdemeanor in office against the constitution and laws of said State, and the peace, interest and dignity thereof.

ARTICLE V.

That the said William W. Holden, Governor of the State of North Carolina heretofore to wit: in the months of June, July and August, in the year of our Lord, one thousand eight hundred and seventy, under color of his said office, unlawfully recruited, armed and equipped as soldiers, a large number of men, to wit: five hundred men and more, and organized them as an army, and appointed officers to command, and use such armed men as he the said William W. Holden, Governor under color of his said office, might from time to time direct; that during the said months of June, July and August, he, the said William W. Holden, Governor as aforesaid, under color of his said office, placed a large number of said armed men under the immediate command and control of one George W. Kirk, as Colonel, aided by one B. G. Burgen, as Lieutenant-Colonel, one H. C. Yates, as Major, and sundry other persons as Captains and Lieutenants, and sent such last mentioned armed men, under the immediate command of George W. Kirk as Colonel, B. G. Burgen as Lieutenant Colonel, H. C. Yates as Major and said sundry other persons as Captains and Lieutenants into the county of Alamance and by the procurement, order and command of him the said William W. Holden, Governor as aforesaid, under color of his said office, the same armed men last aforesaid, seized, held, detained and imprisoned, in said county of Alamance one Adolphus G. Moore, a peaceable and law abiding citizen of said county, then and there engaged about his lawful business. That the said Adolphus G. Moore, being so seized, held, detained and imprisoned and deprived of his liberty, was then and there, in the custody of the said George W. Kirk acting as Colonel and commanding the armed body of men, last aforesaid, by the order, command and procurement of the said William W. Holden; that the said Adolphus G. Moore being so seized, held and imprisoned and deprived of his liberty made due application to the Honorable Richard M. Pearson, Chief Justice of the Supreme Court of said State, as by law he might do, for the writ of *habeas corpus*, to the end that he the said Chief Justice might duly inquire the cause of said seizure, detention and imprisonment and deliver him from the same according to law. That the said Chief Justice issued the writ of *habeas corpus* at the instance of the said Adolphus G. Moore, directed to the said George W. Kirk commanding him forthwith to produce the body of the said Adolphus G. Moore before him the said Chief Justice, at the Chamber of the Supreme Court in the City of Raleigh in said State; that said George W. Kirk was on the seventeenth day of July in the year of our Lord one thousand eight hundred and seventy, in the county of Alamance, duly served with the said writ of *habeas corpus*, that he made no return of or to the same, as required by law, and refused to produce the body of the said Adolphus G. Moore before the Chief Justice according to the exigency of said writ, avowing and declaring that he had made such seizure and detained and imprisoned the said Adolphus G. Moore at the instance of and by the procurement, command and order of the said William W. Holden, Governor as aforesaid, and would not produce the body of him the said Adolphus G. Moore, before the said Chief Justice according to the exigency of said writ, unless compelled so to do by superior armed force, or by the express order and command of the said William W. Holden, Governor as aforesaid. That such refusal of the said George W. Kirk to obey the said writ was made duly to appear before the said Chief Justice, whereupon the said Chief Justice made enquiry of the said William W. Holden, Governor as aforesaid, if he had so ordered the said George W. Kirk, to seize, detain and imprison the said Adolphus G. Moore, that the said William W. Holden, Governor as aforesaid, made answer in substance and to the effect to said enquiry of said Chief Justice, that he had theretofore ordered and commanded the said George W. Kirk to so seize, detain and imprison and deprive of his liberty the said Adolphus G. Moore and that such seizure and detention was made by his order and command, whereupon the said Chief Justice upon due consideration solemnly adjudged in substance and effect that acording to the Constitution and laws of said State the privilege of the writ of *habeas corpus* was not suspended, and that the said George W. Kirk and the said William W. Holden, Governor as aforesaid, were in duty bound to bring and produce the body of the said Adolphus G. Moore, before him the said Chief Justice according to the exigency of the said writ, yet the said William W. Holden, Governor as aforesaid, unmindful of his solemn oath of office and his high duties as the Executive of said State, and contriving and then and there intending to deprive the said Adolphus G. Moore of his liberty as a free citizen of said State, and to defy and subvert the Constitution and laws of said State declared that he had so ordered and did still so order, and commanded the said George W. Kirk, not to obey the said writ so issued by the said Chief Justice, and then and there declared to said Chief Justice that he, the said William W. Holden, Governor as aforesaid, would not obey the said writ or the command of the said Chief Justice in that behalf, and that he would not allow the said George W. Kirk to obey the same and produce the body of the said Adolphus G. Moore, before the said Chief Justice, according to the exigency of said writ, until such time as in his discretion he might think proper so to do. That while the said William W. Holden, Governor as aforesaid, so seized, held, detained, imprisoned and deprived of his liberty, said Adolphus G. Moore, and so refused to obey the said writ, and to command the said George W. Kirk so to do, and so resisted the laws and the lawful authority of the said Chief Justice, he was, by his own procurements order and command, supported in that behalf by the means and use of said armed men, so commanded and controlled as aforesaid, and so the said William W. Holden, Governor as aforesaid, did in the way and manner and by the means aforesaid, procure, order and command the said George W. Kirk, so charged by said writ of *habeas corpus*, to refuse to make due return of or to the same, and produce the body of the said Adolphus G. Moore, before the said Chief Justice, according to the exigency of the said writ, and to resist the same and the lawful authority of the said Chief Justice, and did, himself, then and there, in the way and manner and by the means aforesaid, resist the due execution of the said writ, and the lawful authority of the said Chief Justice, and did, then and there, in the way and manner and by the means and armed force aforesaid, suspend the privilege of the writ of *habeas corpus* and did, unlawfully and violently, seize, detain, hold, imprison and deprive of his liberty, the said Adolphus G. Moore, and for a long time, to-wit: for the space of a calendar month, after the said Chief Justice had adjudged such detention illegal, did continue to hold and detain and cause to be held and detained said Adolphus G. Moore, and did, in the way and manner and by the means aforesaid, make the military supersede and prevail over the lawful civil power of the State, all which acts, matters and things, he, the said William W. Holden, Governor as aforesaid, did as aforesaid, in violation of his solemn oath of office, and whereby he, the said William W. Holden, Governor as aforesaid, did, then and there, commit high crimes and misdemeanors in office against the Constitution and laws of said State and the peace, dignity and interests thereof.

ARTICLE VI.

That the said William W. Holden, Governor of the State of North Carolina, heretofore, to wit: In the months of June, July and August, in the year of our Lord, 1870, under color of his said office, unlawfully recruited, armed and equipped as soldiers, a large number of men, to wit: five hundred men and more and organized them as an army, and appointed officers to command and use such armed men as he, the said William W. Holden, Governor as aforesaid, under color of his said office, might from time to time order and direct; that during the said months of June, and July and August, he the said William W. Holden, Governor as aforesaid, under color of his office, placed a large number of said armed men under the immediate control of one George W. Kirk, as Colonel, aided by one B. G. Burgen, as Lieutenant Colonel, one H. C. Yates as Major and sundry other persons as Captains and Lieutenants, and sent such last mentioned armed men under the immediate command of George W. Kirk as Colonel, B. G. Burgen, as Lieutenant Colonel, H. C. Yates as Major and said sundry other persons as Captains and Lieutenants, in the county of Caswell, and by the procurement, order and command of him, the said William W. Holden, Governor as aforesaid, under color of his said office, the said armed men last aforesaid seized, held, detained and imprisoned, in said county of Caswell; John Kerr, Samuel P Hill, Jesse C Griffith, Frank A Wiley, J T Mitchell, Thomas J Womack, A G Yancey, John McKee, A A Mitchell, Yancey Jones, J M Neal, William B Bowe, Barzilla Graves, Nathaniel M Roane, Robt Roane, James R Fowler, M Z Hooper, J C Williamson and Peter H Williamson, peaceable and lawabiding citizens of said county, then and there engaged about their lawful business; that the said John Kerr, Samuel P Hill, Jesse C Griffith, Frank A Wiley, J T Mitchell, Thomas J Womack, A G Yancey, John McKee, A A Mitchell, Yancey Jones, J M Neal, Wm B Bowe, Barzilla Graves, N M Roane, Robert Roane, James R Fowler, M Z Hooper, James C Williamson and Peter H Williamson being so seized, held, detained, and imprisoned and deprived of their liberty were then and there in the custody of the said George W. Kirk, acting as Colonel and commanding the armed body of men last aforesaid by the order, command and procurement of the said William W. Holden, Governor as aforesaid, that the said John Kerr, Samuel P Hill, Jesse C Griffith, Frank A Wiley, J T Mitchell, Thomas J Womack, A G Yancey, John McKee, A A Mitchell, Yancey Jones, J M Neal, Wm B Bowe, Barzilla Graves, Nathaniel M Roane, Robert Roane, James R Fowler, M Z Hooper, Jas C Williamson and Peter Williamson being so seized, held and imprisoned and deprived of their liberty, made due application to the Hon. Richmond M. Pearson, Chief Justice of the Supreme Court of said State, as by law they might do, for the writ of *habeas corpus*, to the end that the said Chief Justice might duly enquire the cause of said seizure, detention and imprisonment and deliver them from the same according to law. That the said Chief Justice issued the writ of *habeas corpus* at the instance of the said John Kerr, Samuel P Hill, Jesse C Griffith, Frank A Wiley, J T Mitchell, Thomas J Womack, A G Yancy, John McKee, A A Mitchell, Yancy Jones, J M Neal, Wm B Bowe, Barzillia Graves, Nathaniel M Roane, Robt Roane, James R Fowler, M Z Hooper, James C Williamson, and Peter H Williamson on the 26th day of July, in the year of our Lord, 1870, directed to the said George W. Kirk, commanding him forthwith to produce the bodies of the said John Kerr, Samuel P Hill, Jesse C. Griffith, Frank A. Wiley, J. T. Mitchell, Thomas J. Womack, A. G. Yancey, John McKee. A. A. Mitchell, Yancey Jones, J. M. Neal, Wm. B. Bowe, Barzillai Graves, Nathaniel M. Roane, Robert Roane, James R. Fowler, M. Z. Hooper, James C. Williamson, and Peter H. Williamson, before him the said Chief Justice, at the Chamber of the Supreme Court in the city of Raleigh, in said State; that the said George W. Kirk, was on the first day of August, in the year of our Lord, one thousand, eight hundred and seventy in the County of Caswell, duly served with the said writ of *habeas corpus*. But instead of making due return to the said writ, stated, that "I hold the said prisoners under orders from W. W. Holden, Governor and commander-in-Chief of Militia."—and refused to produce the bodies of the said John Kerr, Samuel P. Hill, Jesse C. Griffith, Frank A. Wiley, J. T. Mitchell, Thomas J. Womack, A. G. Yancey, John McKee, A. A. Mitchell, Yancey Jones, J. M. Neal, William B. Bowe, Barzillai Graves, Nathaniel M. Roane, Robert Roane, James R. Fowler, M. Z. Hooper, James C. Williamson and Peter H. Williamson, before the said Chief Justice, according to the exigences of the said writ; and thereafter the said George W. Kirk continued to hold and detain and deprive of their liberty the said John Kerr, Samuel P. Hill, Jesse C. Griffith, Frank A. Wiley, J. T. Mitchell, Thos. J. Womack, A. G. Yancey, John McKee, A. A. Mitchell, Yancey Jones, J. M. Neal, Wm. B Bowe, Barzillai Graves, Nathaniel M. Roane, Robert Roane, James R. Fowler, M. Z. Hooper, James C. Williamson, and Peter H. Williamson, for a long time, to-wit: for the space of one calendar month, the said siezure and detention of the said John Kerr, Samuel P. Hill, Jesse C. Griffith, Frank A. Wiley, J. T. Mitchell, Thos. J. Womack, A. G. Yancey, Jno. McKee, A. A. Mitchell, Yancey Jones, J. M. Neal, Wm. B. Bowe, Barzillai Graves, Nathaniel M. Roane, Robt. Roane, Jas. R. Fowler, M. Z. Hooper, Jas C. Williamson, and Peter H. Williamson, by the said Geo. W. Kirk, and the military force under his command as aforesaid, having been made and continued as aforesaid, by the orders of the said W. W. Holden, Governor of the State aforesaid, he, the said W. W. Holden, Governor as aforesaid, well knowing that the privileges of the writ of *habeas corpus* was not suspended, and that the said John Kerr, Samuel P. Hill, Jesse C. Griffith, Frank A. Wiley, J. T. Mitchell, Thomas J. Womack, A. G. Yancey, John McKee, A. A. Mitchell, Yancey Jones, J. M. Neal, William B. Bowe, Barzillai Graves, Nathaniel M. Roane, Robert Roane, Jas. R. Fowler, M. Z. Hooper, Jas. C. Williamson, and Peter H. Williamson were so detained without authority of law, whereby he, the said William W. Holden, Governor as aforesaid, did then and there commit high crimes and misdemeanors in office against the Constitution and laws of said State, and peace, dignity and interests thereof.

ARTICLE VII.

That the said William W. Holden, Governor of North Carolina, unmindful of his high duty to uphold and protect the Constitution and laws of said State, and the good name, dignity, and honor of the people thereof, and unmindful of the obligation of his solemn oath of office, under color of said office, did, in the months of June, July and August, in the year of our Lord one thousand eight hundred and seventy, in said State without any authority of law, but in contravention and subversion of the Constitution and laws of said State and the United States, and intending to provoke and stir up civil strife and war, recruit and call together, from this State and the State of Tennessee, a large number of men, to-wit: five hundred men or more, many of them of the most reckless, desperate, ruffianly and lawless character, and did then and there organize, arm and equip them as an army of soldiers, and place the same under the chief command of a notorious desperado, from the State of Tennessee, by the name of Geo. W. Kirk, having falsely proclaimed the counties of Alamance and Caswell, in said State, in a state of insurrection, and did send large numbers of such armed, desperate men into said counties, under the immediate command of said George W. Kirk, and two other desperadoes from the State of Tennessee, to-wit: one B. G. Burgen and one H. C. Yates, and did then and there, without any warrant or authority, seize, hold, imprison, and deprive of their liberty, for a long time, to-wit: for the time of twenty days and more, many of the peaceable and law-abiding citizens of said counties, to-wit: John Kerr, Samuel P. Hill, —— Scott, John R. Ireland, and many others, and seize, hold, imprison, and deprive of their liberty, and hung by the neck William Patton, Lucien H. Murray, and others, and did thrust into a loathsome dungeon Josiah Turner, Junior, and F. A. Wiley.

And to maintain, support and aid the lawless armed men, so organized, armed and equipped, did, under color of his said office, from time to time, during the said months of June, July, and August, without any lawful authority, make his warrant upon David A. Jenkins, Treasurer of the State, for large sums of money, to-wit: for the sum of seventy thousand dollars and more, and cause and procure the said David A. Jenkins, the Treasurer of the State, to recognize such unlawful warrant, and pay out of the Treasury such said large sums of money to the agent or paymaster of the said William W. Holden, Governor as aforesaid, for the unlawful uses and purposes aforesaid, whereby the said William W. Holden, Governor as aforesaid, did then and there, and by the means and manner aforesaid, commit a high misdemeanor in office, in violation of the Constitution and the laws of the State, and the peace, and interests, and dignity thereof.

ARTICLE VIII.

That the said William W. Holden, Governor of the said State, unmindful of the high duties of his said office, and the obligations of his solemn oath of office, and contriving and intending and with a view and for the purpose of supporting and maintaining an armed military force in said State which he had then and there recruited, organized and formed for illegal purposes without the sanction of the constitution and laws of the said State, but in contravention of the same did from time to time in the months of June, July and August, in the year of our Lord one thousand eight hundred and seventy, under color of his said office, in said State without the sanction of the constitution and laws of said State, and in violation of the same, make his warrants as such Governor upon the Treasurer of the said State for larger sums of money, to wit: for the sum of eighty thousand ($80,000) dollars and more, to be used for the unlawful purposes aforesaid.

That the said William W. Holden, Governor as aforesaid, under color of his said office then and there, persuaded, commanded, incited and procured David A. Jenkins, Treasurer of said State to recognize such and said unlawful warrants on the Treasury of said State, and to deliver such and said sums of money to such agents of the said William W. Holden, Governor as aforesaid, as he the said William W. Holden, Governor as aforesaid might from time to time designate and appoint; that in pursuance of such warrants and orders of the said William W. Holden, Governor as aforesaid, the said David A. Jenkins, Treasurer as aforesaid delivered to one A. D. Jenkins, called the paymaster appointed by the said William W. Holden, Governor as aforesaid for such purposes large sums of money from said Treasury, to-wit: the sum of forty thousand dollars or more; that thereafter, to-wit: in the month of August in the year of our Lord, one thousand eight hundred and seventy, one Richard M. Allison, a citizen of the county of Iredell, in said State brought his suit in the Superior Court of the last named county, in his own behalf and in behalf of all the tax payers of said State, praying that a writ of injunction might then and there be granted, and issued according to law, restraining the said David A. Jenkins, Treasurer as aforesaid, from delivering any sum or sums of money to the said William W. Holden, Governor aforesaid, or any other persons in obedience to such orders and for such purposes, and also restraining the said A. D. Jenkins, as such paymaster or in any other respect or capacity from disbursing or disposing of said sums of money, so in his said hands or any part thereof for the purposes thereof. That the Honorable Anderson Mitchell, Judge of said Superior Court, then and there granted the writ of injunction so prayed for enjoining and forbidding the said David A. Jenkins, Treasurer as aforesaid from delivering any money from said Treasury in obedience to any such warrant or order, so made by the said William W. Holden, Governor as aforesaid, and enjoining and forbidding the said A. D. Jenkins as such paymaster or agent from using or disbursing the said money or any part of it so in his hands to or for the use of said armed body of men for any of the purposes aforesaid.

That the said David A. Jenkins, Treasurer, and the said A. D. Jenkins were each duly served with said writ of injunction, but nevertheless, the said William W. Holden, Governor as aforesaid, wickedly intending to suspend and subvert the laws of said State, and to defy and disregard the lawful authority of said Court, did afterwards to wit: after the month last aforesaid persuade, incite, order, procure and command the said A. D. Jenkins to defy and disregard the said writ of injunction, and to deliver the said money so in his custody to another agent of the said William W. Holden, Governor as aforesaid, to be used for the unlawful purposes aforesaid. That the said A. D. Jenkins, in obedience to such last mentioned order, command and procurement of the said William W. Holden, Governor as aforesaid, and in disregard of such writ of injunction and the lawful authority of said Judge, did deliver the said money so in his hands to another agent of the said William W. Holden, Governor as aforesaid, to wit: to one Richard T. Berry, to be used for the unlawful purpose aforesaid, and the said William W. Holden, Governor, as aforesaid, did then and there, in the way and manner, and by the means and for the purpose aforesaid, procure, order and command the said A. D. Jenkins so to disregard and disobey the said writ of injunction, and the lawful authority of said Judge, and did then and there, and in the way and manner, and by the means and for the unlawful purpose aforesaid defy, disregard, ignore, contravene, suspend and defeat the lawful purposes and effect of the writ of injunction so granted and issued by the said Judge. And thereupon and thereafter the said William W. Holden, Governor as aforesaid, the said sum of public money, thus transferred as aforesaid to the hands of the said Richard T. Berry, did order and cause to be paid out and disbursed by him, the said Richard T. Berry, to, for and about the illegal purposes aforesaid, to wit: the payment of the expenses in keeping on foot, sustaining and maintaining the said illegal military force as aforesaid. Whereby the said William W. Holden, Governor as aforesaid, was then and there guilty of a high misdemeanor in his said office, in violation of his oath of office and in subversion of the laws of said State, and the peace, interests and dignity thereof.

THOS. J. JARVIS,

Speaker of House of Representatives. Attest:

W. W. GAITHER, Clerk.

Weekly Standard

Wednesday, Dec. 28, 1870.

The Homestead and the Convention.

The Democrats are framing a bill to have the people vote for a Convention. They propose to restrict the Convention, and among other things, to forbid the interference with the Constitutional Homestead.

Fellow citizens, beware! How is it that thousands are now saved from starving by having a homested for their wives and little ones? The Supreme Court gave it to you. All the Democratic lawyers in the canvass of 1868 proclaimed that the homestead did not protect from past debts, and yet the *Republican Supreme Court held that it was*. Thus, and thus alone, you have your little homes for yourselves and children. If you call a Convention, especially a Democratic Convention, they will depose Reid, Settle and Dick and the other Justices of the Supreme Court; and with Thomas Bragg, B. F. Moore, D. G. Fowle, E. J. Warren and A. S. Merrimon, pledged against the homestead, the judgments now against you will shoot out in executions and you will be driven off your little homes—Republican homes—by merciless creditors. Think of it! Reason upon it—and vote as you like.

Convention Bill.

This bill was postponed to day until after the recess. We are unable to get in the proceedings of the Senate and House to-day. They will appear to morrow. The Legislature will not lose anything by postponing the bill. A conference with the people will be beneficial to both representative and people.

On Wednesday last the lower House of the Congress postponed the amnesty bill until after the recess by a vote of 102 to 85. This action was brought about by the revolutionary and unconstitutional proceedings of the present Legislature. We are directly and reliably informed that the Congress is ready to act and will not see this State revolutionized and placed under the control of the Ku Klux Klan. *We know whereof we speak.*

Rea, charged with killing his wife, was tried and acquitted before Judge Logan at Cabarrus Court this week.

North Carolina Land Agency,

B. P. Williamson's New Store,

Corner of Fayetteville and Martin Streets.

Raleigh, N. C., December, 1870.

To Land Owners:

The object of this enterprise since its commencement, now nearly two years, has been and will continue to be to induce immigration to our State, and to turn the tide from the great West to our sunny South; also to call their attention to the superior advantages and inducements we hold out over all other States.

Now being the season of the year when farmers and others have leisure to travel, and many are visiting our State, examining farms with a view of purchasing, to come and make their homes with us, we would particularly request all land owners, who have land to sell or lease, and wish to find buyers for the same to call at our office or address us as below. There is scarcely a day goes by but what we receive letters making inquiry, and as it costs nothing to try to sell through this Agency, and so many are anxious to find customers that all can avail themselves of this opportunity of offering for sale land of every kind. *Our charges being only two and one half per cent on gross amount of sales, for advertising, and all other expenses included, and this only when a sale is perfected.* Many, I know, have a delicacy in offering their lands, as they do not wish their neighbors to know that their property is on the Market. This is prevented in our office, no information given unless we know the parties to be buyers, and we do not advertise any farms or lands within the State unless requested to do so. I have been trying and making every effort since I came here two years ago, to induce our land owners to divide their large tracts, and sell one-half or more to energetic men, with money, at a reasonable price, and on easy terms, to enable them to improve the part they bought. Some have taken my advice, and now the one-half is worth more than the whole was eighteen months ago. This is the true course to be pursued, as but very few buyers from the Northern States want more than from one hundred to three hundred acres in a farm, and will give more in proportion for such tracts than they will for the large plantations of one thousand and two thousand acres. If you want to encourage immigration, send us a part of your lands for sale, that we may offer such inducements as will bring thousands to our State.

R. KINGSLAND, Secretary,

P. O. Box 240,

dec 23—w2m Raleigh, N. C.