Mr. Gash.

On motion, by Mr. Kelly,

The Senate adjourned.

THURSDAY, DECEMBER 6TH, 1866.

Prayer by the Rev. R. S. Mason, D. D.

Reports from standing and select committees were submitted and filed as follows, viz :

By Mr. Cunningham, from the Committee on *Propositions and Grievances :*

S. 24, bill to authorize the Justices of the County of Cumberland to fund the interest due on its Bonds issued in payment of its Stock in the Western Rail Road, with an amendment, recommending its passage.

By Mr. Gash, from the Select Committee on the *Penitentiary :*

S. 42, bill to establish a Penitentiary, recommending its passage. Ordered to be printed.

By Mr. Leach, from the Joint Select Committee on the *Constitutional Amendment :*

S. 43, resolution rejecting the Amendment to the Constitution of the United States, submitted as Article 14th, with special report, as follows :

The Joint Select Committee on Federal Relations to which was referred that part of the Governor's message relating to a communication from the Honorable Wm. H. Seward, Secretary of State for the United States, covering an attested copy of a Joint Resolution of Congress, proposing a fourteenth Article as an Amendment to the Constitution of the United States, to be submitted to this General Assembly for ratification or rejection, have had the same under consideration, and ask leave to report :

The Committee, impressed with the importance of the subjects embraced in the proposed Constitutional Amendment, as affecting the Commonwealth of North Carolina not merely

for the present, but, in all human probability, for ages to come, have given the whole matter a careful and respectful consideration, and now offer the reasons for the conclusions at which they have arrived.

A number of radical changes in the fundamental law of the country are proposed to be embraced in one Article, and to be accepted or rejected together, and if but one of these Amendments is disapproved, this General Assembly will be under the necessity of rejecting all; leaving no alternative of accepting some of the Sections in the proposed Article and rejecting others; and it is submitted that this mode of amending the Constitution of the United States is unwise, and without precedent, and ought not to find favor in any portion of this great nation.

The Committee entertain the opinion that this proposition has not been submitted in a constitutional manner, and in pursuance of the forms prescribed by the Constitution. North Carolina, and her ten sister seceding States, have been repeatedly recognized *as States in th Union*, by all the Departments of the Federal Government, both during and since the war. *Congress* did this by the Resolutions of July, 1861, which declared that "the object of the war was not for any purpose of conquest or subjugation, nor for the purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution and to preserve the Union with all the dignity, equality and rights of the several States unimpaired." And again: by an Act apportioning taxation among the States; by an Act assigning them their respective numbers of Representatives; by an Act at the last session re-adjusting the Federal Judicial Circuits; by accepting as valid the assent of Virginia to the division of that State, and thereupon establishing the State of West Virginia; and by other Acts. The *Judiciary* has recognized them by hearing and deciding causes carried up from their Courts. The *Executive* has done so by approving the aforesaid Acts of Congress. This recognition of them as States in the Union is *now repeated* by the Federal Government, in submitting to them for ratification the pending proposition of Amendment,

since only States in the Union can vote on such a question.

The Federal Constitution declares, in substance, that Congress shall consist of a House of Representatives, composed of members apportioned among the respective States in the ratio of their population, and of a Senate, composed of two members from each State. And in the Article which concerns Amendments, it is expressly provided that "no State, without its consent, shall be deprived of its equal suffrage in the Senate." The contemplated Amendment was not proposed to the States by a Congress thus constituted. At the time of its adoption, the eleven seceding States were deprived of representation both in the Senate and House, although they all, except the States of Texas, had Senators and Representatives duly elected and claiming their privileges under the Constitution. In consequence of this, these States had no voice on the important question of *proposing the Amendment*. Had they been allowed to give their votes, the proposition would doubtless have failed to command the required two-thirds majority. Had they voluntarily relinquished the exercise of their right and privilege in this matter, as they had done in the case of the late Amendment respecting slavery, they would, perhaps, be estopped from objecting to the regularity of the proceeding. But as their Senators and Representatives elect were seeking admission to their seats and were deprived of them against their consent, the subject is presented in a different light.

If the votes of these States are necessary to a valid ratification of the Amendment, they were equally necessary on the question of proposing it to the States; for it would be difficult, in the opinion of the Committee, to show by what process in logic, men of intelligence could arrive at a different conclusion. And it is submitted that this irregularity, in the initiative step, would make the amendment of doubtful validity, even if ratified. It would certainly constitute a dangerous precedent, give rise to troublesome questions hereafter, remove the landmarks established by the fathers, and greatly tend to diminish that regard for the sacredness of the Constitution, which all our people ought ever to cherish.

The Committee are of the opinion that the Constitution was not complied with in *another particular*, in the manner of proposing this Amendment. The third clause of section second, article first, provides that "*every* order, resolution, or *vote*, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States, *and before the same shall take effect* it shall be approved by him, or being disapproved by him, shall be *repassed* by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill." A proposition to amend the Constitution is certainly included in the terms of that provision, as being a matter requiring the concurrent action of both Houses. The pending Amendment, however, was never presented to the President, for his approval or disapproval, but sent directly to the Department of State, to be transmitted thence to the respective States.

And it is far from a satisfactory answer to this, to say that because the proposition was originally passed by a two-thirds majority. it need not be presented to the President, since his disapproval could not affect it; for his disapproval might affect it when put upon its *re-passage*, after he had returned it with his objection—an occurrence not remarkable in the past history of the government. And this *re-passage* over his *veto* by the two-thirds majority is required before any "order resolution or vote" of Congress can "*take effect*," even though on its original passage it may have received an unanimous support.

If it should be said thas any doubts as to the validity of the proposed Amendment, whether ratified or rejected, under present circumstances, will be obviated by the strong arm of power which will validate it at all hazards, the ready answer is, that if the strong arm can give validity to an amendment adopted in disregard and defiance of *some* of the prescriptions of the organic law, it can, with the same propriety, set them *all* aside. On that supposition, the Constitution would be at the mercy of the strongest, and could at any time be moulded according to the will of a mere majority, however unscrupu-

lous or despotic that majority might be. It would thus become the plaything of politicians and parties—its sanctity profaned and its glory departed.

The Committee do not present these views in any spirit of captiousness, nor as the advocates of mere sectional interests, notwithstanding the amendment proposed is unquestionably designed to operate on the Southern States of this Union; indeed, such are the avowals of its advocates. But the question of its ratification, under existing auspices, is of the gravest import to the whole country, and to the cause of free constitutional government. In the mutations of human affairs, and the conflict of intetest and opinion that may arise in the future history of this great and wide-spread nation, the time may come when changes in the Federal Constitution may be made in derogation of the rights and interests of *other parts of the Union*. In so grave a matter too much precaution cannot be used. The Constitution is the basis of our liberties. No true American has ever ceased to regard it as peculiarly sacred, as well or for its own intrinsic excellence, as for the exalted character of its patriotic founders. And it should never be forgotten that those good and great men, inspired by lofty deeds, in a spirit of forbearance, conciliation and compromise, and in the exercise of an enlightened statesmanship, framed this great bulwark of civil and religious liberty. Even those, who are called "rebels," have never spoken lightly of it. The affections of all sincere lovers of liberty twine around it, like ivy around some hallowed shrine where the heart pours fourth its profoundest devotions.

Many of the prominent questions of the present time are of temporary interest only, and will soon be forgotten; and with them will pass away the passions and hate which they have engendered. But the Constitution was made for all ages—for peace and for war. All patriots will unite in the hope that its majesty and symmetry may not be marred by the incorporation of Amendments, shaped amid the excitement of these tempestuous days, and made a part of it through methods of proceeding which are hasty and ill-considered, and unwarranted by the provisions of the instrument itself.

Proceeding more in detail to the merits of the proposed Amendment, the Committee have confined themselves to its most prominent features.

In the first section it is provided that "no State shall make or enforce any law which shall abridge the *privilege or immunities* of citizens of the United States." What those privileges and immunities are, is not defined. Whether reference is had only to such privileges and immunities as may be supposed now to exist, or to all others which the Federal Government may hereafter declare to belong to it, or may choose to grant to citizens, is left in doubt, though the latter construction seems the more natural, and is one which that Government could at any time insist upon as correct and entirely consistent with the language used. With this construction placed upon it, what limit would remain to the power of that Government to interfere in the internal affairs of the States? And what becomes of the right of a State to regulate its domestic concerns in its own way? Whatever restrictions any State might think proper, for the general good, to impose upon any or all its citizens, upon a declaration by the Federal Government that such restrictions were an abridgement of the privileges or immunities of the citizens of the Union, such State laws would at once be annulled. For instance: the laws of North Carolina forbid the inter-marriage of white persons and negroes. But if this Amendment be ratified, the Government of the United States could declare that this law abridged the privileges of citizens, and must not be enforced; and miscegenation would thereupon be legalized in this Commonwealth. Grant that such action on the part of the Government would not be probable, still it would be possible; and its bare possibility sufficiently exemplifies the boundlessness of the powers which the Amendment would confer on the Federal Government.

The power to regulate suffrage has always been claimed to belong to the several States, and it is thought by some, that this point is securely guarded by the provisions of the second section of the proposed Amendment; but a slight inspection will reveal the fact that the power of the States to regulate suffrage is by no means *expressly* recognized therein; nor is

their right to "deny" or "abridge" the franchise distinctly set forth. The provision touching the matter merely declares that when the right to vote, of any male citizen twenty-one years old, is "denied" or "abridged," the basis of represntation shall be reduced in any State where that shall occur. It is not said who shall have the power to deny or abridge the right to vote. If the power of a State, over this subject, is recognized at all, it is only by implication, and an implication, too, which is conveyed solely in the language used for fixing a penalty upon the exercise of such power, and without saying whether its exercise may not hereafter be prohibited. No *exclusive* right, nor even a limited right of a State in the premises, is *expressly* admitted, but all is allowed to rest on a doubtful inference. With the right of a State thus left doubtful, suppose the Federal Government, in the exercise of the power already spoken of as conferred by the first section of the Amendment, should think proper to declare that the right to vote is one of the "privileges" and "immunities" of the citizen, what could a State do except to yield the point, and what would prevent universal suffrage from being at once inaugurated? Nothing.

The founders of our polity left the management of municipal affairs, and the protection of the ordinary personal and property interests of the citizens of the States, to the States themselves, uncontrolled by the supervision or interference of the Federal authorities; because they rightly judged that as the welfare of the individual citizen was most intimately connected with the welfare of his State, his interest could be most safely trusted to the protection of his State. The dangerous innovation involved in the clause of the Amendment now under review, coupled with the final section, giving Congress "power to enforce all the provisions of this Article by appropriate legislation," consists in the fact that it authorizes the Federal Government to come in, as an intermeddler, between a State, and the citizens of a State, in almost all conceivable cases;—to supervise and interfere with the ordinary administration of justice in the State Courts, and to provide tribunals,—as has to some extent been already done in the Civil Rights Bill,—to which an unsuccessful litigant, or a

criminal convicted in the Courts of the State, can make complaint that justice and the equal protection of the laws have been denied him, and however groundless may be his complaint, can obtain a rehearing of his cause. The tendency of all this to break down and bring into contempt the judicial tribunals of the States, and ultimately to transfer the administration of justice both in criminal and civil causes, to Courts of Federal jurisdiction, is too manifest to require illustration.

A serious objection to the second section, if it should be understood as implying the power of a State to regulate the question of suffrage, is, that it imposes a penalty upon any restriction of the franchise, and offers a premium for its extension: the representation of a State, and its consequent political importance, being diminished in the one event, and increased in the other. The manifest design of this provision is, to bring about, by indirect means, the adoption of universal suffrage. irrespective of race or color. And thus a premium is offered for the prostitution of the franchise. Nothing could be more threatening to the stability of our republican institutions. There can scarcely be a doubt that if the question of negro suffrage could be calmly considered purely on its own merits, and aside from the prejudices of the times, all thoughtful and well-informed men would unite in condemning it as in the highest degree impolitic and unwise.

A leading feature of this second section is, that, virtually, it makes the basis of representation to consist of the voters only, which is manifestly inconsistent with the theory of our political system. The voters are merely the appointing power, whose function is to select the representative; but his true constituency is the whole population. It is a great fallacy to maintain that an officer represents only those who vote for him. Senators are chosen by the State Legislature, but they represent not the Legislature merely, but all classes of the State population with their varied interests. But it is urged by the advocates of the policy of basing representation on the voters only, that this is necessary in order to give equal weight to a voter in different States, and yet there is neither justice on the one hand, nor any practical im-

portance on the other, in this idea. Say two States have equal population, equal voting strength, and equal representation; and suppose one of them should choose to restrict the franchise so that its quota of Representatives would be selected by half its former number of voters; this, indeed, would be a matter of interest to its own citizens, but of what possible concern could it be to the citizens of the other State? A complaint that the *weight* of voters was not equal, would come with bad grace from a State, which, by extending widely the franchise, had thereby diminished the relative importance of its individ ual voters. If two States had equal population, but one of them should allow twice as many voters as the other, then, according to the pending Amendment, one would be entitled to twice as many Representatives as the other. This might be giving equal weight to voters, but would certainly be giving very unequal weight to the respective non-voting populations; so that no consideration is given to the non-voters who must always constitute the great majority of the people, and bear a large share of the public burdens. And while the negroes, who form so large an element in the population of this Commonwealth, cannot wisely exercise the right of suffrage, and should not, therefore, be allowed to do so, yet if there ever was a time when that race should be counted in the basis of representation, it is *now;* for they are thrown as an immense burden on a few States, and will for many years demand the utmost exercise of every moral agency for their advancement in the scale of being.

The third section of the Amendment is designed solely to affect the South. It virtually disfranchises a large portion of the people of North Carolina. It is well known that most of our able-bodied men were Confederate soldiers during some part of the late war; and of those of our people who were not in the army, scarcely an individual can truthfully say that he rendered "no aid or comfort" to the Southern cause; and all who had ever previously taken an oath to support the Federal Constitution, either as a Member of Congress, or as an officer of the United States, or as a member of a State Legislature, or Executive or Judicial officer of any State, are excluded from, forever hereafter, holding any office, either in the

State or Federal Government, unless the disability is removed by a two-thirds vote of both Houses of Congress. And it may be added, in this connexion, that Congress, by providing for the removal of disabilities by its action upon a two-thirds vote, infringes the Constitutional right of the President to grant pardons.

Very few, indeed, of the men of this State, of mature years, and capable of filling such positions, have not at some time held one or more of the aforesaid offices, and taken the oath specified. The immediate practical effect, therefore, of the Amendment, if ratified, will be to destroy the whole machinery of our State Government, and reduce all our affairs to complete chaos, by throwing out nearly every public officer, even to Justices of the Peace and Constables, and it would be hardly possible to find enough of men qualified to fill those various offices, and re-organize our State Government.

And besides this, all experience proves that men rising to power on the ruin of their fellows, and expecting success only by the suppression of the popular will, are generally the worst of all the enemies of their own people; and the great mass of the people of this Commonwealth would, in the opinion of the Committee, prefer to commit themselves, their honor, and their interests to Congress, as now composed, rather than to those, whose only hope of ruling lies in the disfranchisement and oppression of more loyal and better men.

The impolicy of imposing this general disability upon those who, in any way, took part in the late conflict, is shown also by the indubitable fact that the most of them are now as conservative, as loyal, and as well affected towards the General Government as any class of citizens. Those who personally participated in the great trial of arms, are perhaps more thoroughly convinced than any others, of the finality of the decision, and the utter folly of any future appeal to the arbitrament of war; and hence have, with few exceptions, readily acquiesced in the settlement which has been made of the questions in dispute. Many of those who would be disabled from holding office, are among the most prominent and excellent citizens of the State, who always opposed secession; and their

services and co-operation would be greatly needed in the important work of restoring her prosperity.

But if this, and other degrading disabilities, must be imposed upon so many of her citizens, how can North Carolina herself, while she retains any sense of honor or self-respect, assist in imposing it? How can those now controlling the destinies of the Union, ask or expect her to do so, and thus set the seal to her own disgrace? How can they expect or even desire that her Representatives, either now or hereafter shall assist in the work of her own degradation?

What her people have done, they have done in obedience to her own behests. Must she now punish them for obeying her own commands? If penalties have been incurred, and punishments must be inflicted, is it magnanimous, is it reasonable, nay, is it honorable, to require us to become our own executioners? Must we, as a State, be regarded as unfit for fraternal association with our fellow citizens of other States, until after we shall have sacrificed our manhood and tarnished our honor? Surely not. North Carolina feels that she is still one of the daughters of the great American family. Wayward and wilful, perhaps, she has been; but honor and virtue still are hers. If her errors have been great, her sufferings have been greater. Like a stricken mother, she now stands leaning in silent grief over the bloody graves of her slain children. The mementos of former glory lie in ruins around her. The majesty of sorrow sits enthroned on her brow. Proud of her sons who have died for her, she cherishes, in her heart of hearts, the living children who were ready to die for her; and she loves them with a mother's warm affection. Can she be expected to repudiate them? No! it would be the act of an unnatural mother. She can never consent to it,—*Never!*

It is said, however, that Congress can easily remove the disabilities which this section imposes; but is it likely that Congress will do so? If they can be so readily removed, why impose them at all? And it should not be forgotten that Congress could, through this dispensing power, manage to fill the State offices of every grade, almost entirely according to its own choice and dictation, by relieving from disabilities

only such as might serve its purposes: and thus the freedom of elections would be virtually destroyed, and the State governments might become the willing and subservient tools of grasping ambition and usurping tyrrany.

All that need be said of the fourth section of the proposed Amendment is, that it is useless. The Federal debt is already sufficiently secured by the honest intention of the people to pay it. And a noticeable fact is, with what cheerfulness the people of this Commonwealth, taxed without representation, and depressed and impoverished by the war, pay their Internal Revenue taxes. By seeking to bind the people of the whole country further to the payment of the public debt, by means of a Constitutional provision, the government betrays a lack of confidence, not perhaps more in the people of the *South* than in those of the *North*. The Confederate debt is equally certain to remain unpaid. Indeed, most of it can never fall due, by the terms on which it was contracted, and the impoverishment of the whole South, and the Acts of repudiation which have already been passed, will doubtless secure the non-payment of the remainder.

The refusal to pay for our slaves emancipated is doubtless a great injustice, especially to those citizens who did not favor *secession;* but the Committee entertain the opinion that the people have never hoped, seriously, for its reparation.

In the final section, power is given to Congress "to enforce by appropriate legislation, all the provisions of this Article." How wide a door is hereby opened for the interference of Congress, with subjects hitherto regarded beyond its range, it is impossible adequately to conceive, until experience shall have tested the matter. As the Committee have already submitted, one of the most serious evils to be apprehended from this Amendment, consists in the vast addition it makes, in so many ways, to the powers of the General Government. No enlightened patriot, who has studied carefully our system of government, and has realized how much of its excellence lies in the due division of its powers, between the Federal and State authorities, can have failed to witness, with the profoundest alarm, the tendency to centralization and consolidation, which has in late years been developed. The

exercise of the mighty energies, and the assumption of new and unusual prerogatives, required to prosecute successfully the recent war, in the nature of things gave to the General Government an overshadowing influence and prestige beyond what it had ever before possessed. And this result was increased by the overwhelming defeat of those States which had always stood forth as the peculiar advocates of State Rights. Every one must perceive, therefore, that even without new Constitutional grants of authority, the Federal Government is no longer what it once was, but that it has expanded into a mighty giant, threatening to swallow up the States, and to concentrate all power and dignity in itself. In the interests of liberty, it appears to the Committee, that this centralizing tendency, instead of being fostered, needs to be checked. The American people ought not, by new grants of power, to seem to authorize the continual exercise of extraordinary prerogatives, undreamed of in the purer and happier days of the Republic. The Constitution, as it stands, was good enough for our fathers; if administered in its true spirit it will also be good enough for ourselves and our posterity.

But suppose North Carolina were to accept the Amendment, thus yielding up her honest convictions of duty and of principle, in her most anxious desire for the restoration of her former relations with the General Government, and the admission of her Representatives into Congress, what guarantee, nay, even what hope, is there that such ratification would thus restore her? So far from it, the unmistakable record of the last Congress, as well as all the in ications since exhibited, of tone and temper, are, that this humiliation and surrender of right and principle would not, in the opinion of the Committee, be likely to facilitate restoration, much less effect it.

The Committee having, at some length, gone into an analysis of the different sections of the proposed Article of Amendment, ought, perhaps, in closing, to say a word in regard to the intimations sometimes thrown out, that if the Southern States refuse to ratify the pending Amendment, harder terms and deeper humiliation will be imposed upon them. These are deemed only as the intempsrate declarations of heated

individual partizans. No responsible body of our countrymen has dishonored itself, or us, by making such treats. It would, indeed, be mockery to submit a question so grave and important to this Commonwealth, and then place her under duress to compel her to vote in the affirmative. No humiliation could be deeper, no degradation more profound, than that which she would impose upon herself by yielding to intimidation, and ratifying, under the influence of base fear, a measure which she disapproved. The Committee are sure that this Honorable Legislature will not do an act so inconsistent with it own dignity, and the dignity of the State. A question of such vital concern to the entire Union and to the cause of liberty itself, will surely be calmly and seriously considered, with the impartiality and wisdom that should characterize the conduct of Statesmen, and with the manly independence of freemen; and it is therefore confidently believed, that the action this body shal take upon this grave question, will be worthy of the State of North Carolina.

For the reasons submitted in this report, the Committee respectfully recommend the adoption of the following resolution, to wit:

Resolved, That the General Assembly of the State of North Carolina do not ratify the Amendment proposed as the fourteenth Article of the Constitution of the United States.

J. M. LEACH, *Chairman*,
HENRY T. CLARK,
H. M. WAUGH,
JOS. J. DAVIS,
THOS. S. KENAN,
J. P. H. RUSS,
ARCH. McLEAN,
PHILLIP HODNETT,
JOHN M. PERRY,
J. MOREHEAD, JR.,
D. A. COVINGTON,
W. D. JONES.

The undersigned, a member of the Joint Select Committee on the "Howard Amendment," dissents from the report of the Committee, believing it would be to the interest of the State of North Carolina, considering all the circumstances, to ratify the Amendment proposed as the fourteenth Article of the Constitution of the United States.

P. A. WILSON.

Mr. Harris, of Rutherford, moved that the Report and Resolution be printed and made the special order for Thursday, 13th instant, at 12 o'clock, M.

Mr. Love moved to amend by striking out *Thursday* 13th, and inserting *Friday* 7th, which did not prevail, there being counted seventeen ayes and twenty-one nays.

Mr. Harris' motion then prevailed.

A message was received from the House, transmitting the report of the committee to superintend the election for six Councillors of the State, as follows, viz:

House vote 108. Senate 46. Whole vote 154. Necessary to a choice 78. Mr. Eaton received 99 votes; Mr Joyner 74; Mr. Jones 73; Mr. Mebane 45; Mr. Simonton 39; Mr. Shepherd 33; Mr. Parrott 33; Mr. Phillips 32; Mr. J. J. Yeates 32; Mr. Rankin 32; Mr. Martin 30; Mr. Root 31; Mr. Foard 29; Mr. Poindexter 29; Mr. Grissom 26; Mr. Caldwell 26; Mr. McDowell 26; Mr. Shober 23; Mr. Ruffin 20; Mr. Vance 20; Mr. Leak 19; Mr. Winston 14; Mr. W. J. Yates 13; Mr. Wadsworth 13; Mr. Dickson 31; Mr. Dick 11; Mr. Hoke 9; Mr. Barringer 8; Messrs. Logan, Russell, Hood, Thompson and Williams 7 each; Messrs. Peebles and Bridges 5 each; Messrs. J. J. Davis and J. T. Leach 3 each; Messrs. Arendell, W. D. Jones, Cowles, J. M. Leach, T. Wilson, Stowe, Lamb, Eldridge, J. D. Williams and Settle 2 each; Messrs. Burgin, R. H. Smith, Bagley, W. F. Green, R. M. Henry, R. Don Wilson, Dockery and Carter 1 each. Mr. Eaton having received a majority of the whole number was duly elected. The report was concurred in.

A message was received from the House, proposing to go forthwith into the election for Comptroller. The names of Messrs. Cowper and Holderby being withdrawn from, and

Engrossed bill, (H. 74,) to enable the Wilmington, Charlotte and Rutherford Rail Road Company, to complete its road, pay its debts to the State, and extend its road to the Tennessee line. Referred to the Committee on *Internal Improvement.*

Engrossed bill, (H. P. 2,) to incorporate the Newbern Steam Fire Engine No. 1. Filed.

Engrossed bill, (H. 68,) to enhance the value of the bonds to be issued for the completion of the Western North Carolina Rail Road, and for other purposes. To *Internal Improvements.*

Engrossed bill, (H. 66,) to amend section 2d, chapter 34, of an Act ratified the 12th day of March, A. D., 1866, entitled "An Act to improve the law of evidence. To the *Judiciary.*

Engrossed bill, H. 20,) to repeal an act ratified February 7th, 1866. To *Propositions and Grievances.*

Engrossed bill, (H. 21,) to incorporate the South Union Manufacturing Company of Richmond County. Filed.

Engrossed bill, (H. 26,) for the benefit of the poor of the County of Bladen and for other purposes. Filed.

Engrossed bill, (H. 141,) to re-enact and confirm the charter of the Williamston and Tarboro' Rail Road Company, and the amendment thereto. To *Internal Improvements.*

Engrossed bill, (H. 70,) to amend section 30, chapter 54, of Revised Code, entitled "Guardian and Ward." Filed.

Engrossed bill, (H. 38,) to authorize the President and Directors of the Blount's Creek Manufacturing Company, of the town of Fayetteville, to borrow money to rebuild their Factory. Filed.

Engrossed bill, (H. 131,) to amend the 3d section of the 97th chapter of the Revised Code, entitled "Religious Societies." Filed.

Engrossed bill, (H. 146,) to amend 2d section of chapter 58th, Revised Code. Filed.

By Mr. Adams: resolution (S. 73,) in regard to Taxes, and for other purposes. To *Finance.*

Resolution (S. 74,) in regard to State Bonds. To *Finance.*

Resolution (S. P. 24,) in favor of Mrs. P. P. Dick, Executrix of the late Judge John M. Dick. To *Finance*.

By Mr. Leach: bill (S. 75,) to repeal an Act, entitled an Act to improve the law of evidence. To the *Judiciary*.

By Mr. Clark: bill (S. 76,) to exempt Individual Corporaters from penalties, &c., in certain cases. To the *Judiciary*.

By Mr. Battle: bill (S. 77,) extending the jurisdiction of the Courts on persons failing to work the public roads or highways. To the *Judiciary*.

By Mr. Moore: bill (S. 78,) to amend chapter 42, Private Laws, 1866. To *Corporations*.

By Mr. Marshall: bill (S. P. 25,) in favor of K. P. Harris.

On motion, by Mr. Marshall,

The rule was suspended, and the bill passed its second and third readings.

Ordered, To be engrossed.

By Mr. Hall: bill (S. 79,) to amend the charter of the Wilmington and Weldon Rail Road Company. To *Internal Improvements*.

Bill (S. 80,) to incorporate the Yadkin and Cape Fear Canal Company. To *Internal Improvements*.

Resolution in regard to adjournment came up as unfinished business.

Mr. Clark moved that the vote by which the "17th December" was stricken out, and the "22d of December" inserted, be reconsidered. Carried.

The question recurring upon the amendment offered by Mr. Love, it was withdrawn.

The question then recurring upon the amendment offered by Mr. Leach, it was withdrawn.

The resolution, as reported by the Committee of Conference, was then adopted.

Ordered. That the House of Commons be informed thereof.

The hour of 12 o'clock having arrived, the Speaker called up the Special Order, viz:

Resolution (S. 43,) rejecting the Amendment to the Constitution of the United States, submitted as Article 14th.

And the question being upon the Report of the Joint Select Committee on the *Constitutional Amendment*, was put, and

Decided in the affirmative, { Yeas, ... 42.
Nays, ... 2.

On motion of Mr. Covington,
The yeas and nays being ordered,
Those who voted in the affirmative, are:
Messrs. Adams, Avery, Battle, Barnes, Berry, Brown, Clark, Covington, Cowles, Cunningham, Edwards, Eth ridge, Ferebee, Gash, Hall, Hand, Harris of Franklin, Hill, Johnston, Jones, Kelly. Koonce,Leach, Love, Lloyd, Marshall, McCorkle, McLean, McRae, Moore, Paschal, Perkins, Respass, Robins, Speed, Spencer, Thompson, Thornton, Wiggins, Willey, Williams and Wilson

The following voted in the negative, viz:
Messrs. Harris, of Rutherford, and Richardson.

So the report was adopted.

The question then being upon the Resolution, Mr. Harris, of Rutherford, moved to amend by striking out the word *not* between the words *do* and *ratify*, and the question thereon was put, and

Decided in the negative, { Yeas, ... 1.
Nays, ... 43.

On motion, by Mr. Harris, of Rutherford,
The yeas and nays being ordered,
Mr. Harris, of Rutherford, voted in the affirmative.
Those who voted in the negative, are:
Messrs. Adams, Avery, Battle, Barnes, Berry, Brown, Clark, Covington, Coward, Cowles, Cunningham, Edwards, Etheridge, Ferebee, Gash, Hall, Hand, Harris of Franklin, Hill. Johnston, Jones, Kelly, Koonce, Leach, Love, Lloyd, McCorkle, McLean, McRae, Moore, Paschal, Perkins, Richardson, Robins, Snead, Speed, Spencer, Thompson, Thornton, Wiggins, Willey, Williams, Wilson.

The question now recurring upon the passage of the Resolution was put, and

Decided in the affirmative, { Yeas, ... 45
Nays, ... 1

On motion, by Mr. Wiggins,
The yeas and nays being ordered,
Those who voted in the affirmative, are:
Messrs. Adams, Avery, Battle, Barnes, Berry, Brown, Bul-

lock, Clark, Covington, Cowles, Cunningham, Edwards, Etheridge, Ferebee, Gash, Hall, Hand, Harris of Franklin, Hill, Johnston, Jones, Kelly, Koonce, Leach, Love, Lloyd, Marshall, McCorkle, McLean, McRae, Moore, Paschal, Perkins, Respass, Richardson, Robins, Snead, Speed, Spencer, Thompson, Thornton, Wiggins, Willey, Williams and Wilson.

Mr. Harris, of Rutherford, voted in the negative.

On motion, by Mr. Clark,

Ordered, That the Report and Resolution be transmitted to the House of Commons for their action, with a proposition to print ten copies for each member of the General Assembly.

A message was received from the House, transmitting the Report of the Commissioners of the Sinking Fund, with a proposition to print. Concurred in.

A message was received from the House, transmitting the names of sundry persons recommended by that body as Justices of the Peace for the counties of Currituck, Northampton, Surry, Wake, Madison, Richmond, Robeson, Granville, Transylvania, Mecklenburg, Anson and Edgecombe. The Senate concurred in the recommendations.

Ordered, That they be transmitted to the Governor for commission.

A message was received from the House, transmitting a message from the Governor, covering certain correspondence with the Military authorities, with the following proposition, viz:

To send three Commissioners to Washington, to enquire into the alleged necessity for the order, with a view to remove such necessity, if any actually exists; and, if it be otherwise, to correct the misapprehensions, with regard to the administration of justice in our State, which led to the supposed necessity; and that his Excellency be requested to act as the head of this Commission and to select his associate Commissioners. The Senate concurred in the proposition.

The Correspondence was ordered to be printed.