DEMOCRAT, CHARLOTTE, N. C. WESTERN THE

Che Bestern Democrat. CHARLOTTE, N. C.

IMPORTANT LEGAL OPINION OF CHIEF JUSTICE CHASE. From the Raleigh Standard.

At a recent term of the United States Circuit Court, held in this City, his honor Chief Justice Chase delivered the following important opinion of the Court, upon the question, how far the people of the South were relieved from liability to Northern creditors by the Confiscation and Sequestration acts of the late so-called Confederate States. He arrives at the following conclusion, "We hold therefore, that compulsory payment, under the sequestration acts, to the rebel receiver of the debt due to the plaintiffs from the defendant, was no discharge." He also held that the plaintiff was not discharged from the payment of interest.

SHORTRIDGE et al vs. MACON.

This is an action for the recovery of the amount of a promisory note with interest.

There is no question of the liability of the defendant to the demand of the plaintiffs, unless he is excused by coerced payment of the note sued upon under an act of the self-styled Confederate Congress, passed August 30th, 1851, entitled "an act for the sequestration of the estates of alien enemies," and an amendatory act passed February 15th, 1862.

It is admitted that the plaintiffs were citizens of Pennsylvania; that the defendant was a citizen of North Carolina; that the note sued upon was made by the defendant to the plaintiffs; and that the defendant was compelled, by proceedings instituted in the Courts of the so-called Confederate States, to pay the amount due upon it to the receiver appointed under the Sequestration acts.

Upon these facts it is insisted that the defendant is discharged from his liability to the plaintiffs. It is claimed, that, while it existed, the Confederate government was a de facto government; that the citizens of the States which did not recognize its authority were aliens, and in time of war, alien enemies; that consequently, the acts of sequestration were valid acts; and, therefore, that payment to a Confederate agent of debts due to such citizens, if compelled by proceedings under those acts, relieved the debtor from | since rebellion laid down its arms. all obligations to the original creditors.

and demanding immense efforts and immense expenditures of treasure and blood for their defeat and suppression, swell beyond the boundaries of the definition, and become inpocent in the proportion of their enormity ?

Supreme Court. We think otherwise.

In modern times it is the usual practice of civilized governments attacked by organized and formidable rebellion, to exercise and concede belligerent rights. Instead, under such circumstances, of punishing rebels when made prisoners in war as criminals, they agree on cartels for exchange and make other mutually beneficial arrangements; and instead of insisting upon of the laws of the State, elected by the people of fensive terms and designations in intercourse the State, and clothed as such with the Chief with the civil or military chiefs, treat them, as Executive power. Nor is he appointed as a far as possible, without surrender of essential principles, like foreign foes engaged in regular ful Governor, under the pressure of an existing warfare.

lative and Executive departments of government vacancy occasioned by a military order, and to in the exercise of political discretion and in the put him in the place of the removed Governor. interest of humanity, to mitigate vindictive pas- to execute the functions of the office as provided sions inflamed by civil conflicts, and prevent the by law. The law takes no cognizance of such frightful evils of mutual reprisals and retaliations. an official, and he is clothed with no authority. They establish no rights except during the war. or color of authority. What is true as to the And it is true that when war ceases and the Governor, is equally true as to all the other authority of the regular government is fully re- Legislative, Executive and Judicial officers of established the penalties of violated law are sel- the State. If the military commander can oust dom inflicted upon many. Wise governments never forget that the crim-

inality of individuals is not always or often equal to that of the acts committed by the organization

convictions; or hurried along by excitements due | removal, and thus frustrate the very right secured to social and State sympathies, and even by the to the people by this act. Certainly this act is compulsion of a public opinion not their own. When the strife of arms is over, such governments, therefore, exercising still their political discretion, address themselves mainly to the work of conciliation and restoration, and exert the preregative of mercy, rather than that of justice.

Complete remission is usually extended to large classes by amnesty or other exercise of legislative or executive authority, and individuals not included in these classes with some exceptions of the greatest offenders, are absolved by pardon, either absolutely or upon conditions prescribed by the government.

These principles, common to all civilized nations, are those which regulated the action of the

In some respects the forbearance and liberality To maintain these propositions the counsel for of the nation exceeded all example. While hostilities were yet flagrant, one act of Congress practically abolished the death penalty for treason subsequently committed, and another provided a vail it is not allowable to displace the civil offimode in which citizens of rebel States maintaining a loyal adhesion to the Union, could recover any idea that the military commander can better ercised by the National Government and accor- after war, the value of their captured or aban-.ded to the armed forces of the rebel Confederacy; doned property. and upon the decisions of the State Courts, during The National Government has steadily sought to facilitate restoration with adequate guaranties of union, order and equal rights.

ATTORNEY GENERAL'S OPINION Of the Powers of Military Commanders, and a Summary of the Qualifications of Voters. The following extract covers the conclusions But it is said that this is the doctrine of the of the Attorney General in reference to the power of removal of State officers by the military commanders of the several military districts :

> I find it impossible, under the provisions of this act, to comprehend such an official as a Governor of one of these States, appointed to office by one of these military commanders. Certainly, he is not a Governor recognized by military governor for a State which has no lawnecessity, to exercise powers at large. The in-

But these are concessions made by the Legis- tention, no doubt, was to appoint him to fill a one from his office, he can oust them all. If he of time mentioned. can fill one vacancy he can fill all vacancies, and thus usurp all civil jurisdiction into his own with which they are connected. Many are car- hands, or the hands of those who hold their apried into rebellion by sincere though mistaken pointments from him, subject to his power of rigorous enough in the power which it gives. With all its severity the right of electing their own officers is still left with the people, and it must be preserved.

I must not be understood as fixing limits to the power of the military commander in case of an actual insurrection or riot. It may happen that an insurrection in one of these States may be so general and formidable as to require the temporary suspension of all civil government, and the establishment of martial law in its place, and the same thing may be true as to local disorder or riot in reference to the civil government of Government of the United States during the war the city or place where it breaks out. Whatof the rebellion and have regulated its action ever power is necessary to meet such emergencies, the military commander may properly exercise. I confine myself to the proper authority of the military commander where peace and order prevail. When peace and order do precers and appoint others in their places under perform his duties and carry out the general purposes of the act by the agency of civil officers of his own choice, rather than by the lawful incumbents. The act gives him no right to resort to such agency, but does give him the right to have "a sufficient military force to enable him to perform his duties and enforce his authority over all the citizens of the Republic, or conceded within the district to which he is assigned.' to citizens in arms against their country the In the suppression of insurrection and riot the military commander is wholly independent of the civil authority. So, too, in the trial and punishment of criminals and offenders, he may supercede the civil foreign nations the performance of neutral duties | these special emergencies, and the means are put into his hands by which it is to be exercised. That is to say, "a sufficient military force to enable such officer to perform his duties and enforce his authority," and military tribunals of his own appointment to try and punish offenders. These are strictly military powers, to be executed by military authority-not by the civil to the doctrine which connsel endeavor to deduce authority or by civil officers appointed by him from it, that the insurgent States by the act of to perform ordinary civil duties. If these emer- offence of engaging in rebellion. I repeat that Dispatch. geneies do not happen-if civil order is pre- two things must exist as to any person to disserved, and criminals are duly prosecuted by qualify him from voting: first, the office held This proposition being denied, it must result the regular courts-the military power, though prior to the rebellion, and afterwards, participapresent, must remain passive. Its proper func- tion in the rebellion. for the support of the rebellion, debts due to any tion is to preserve the peace, to act promptly 14. An act to fix upon a person the offence citizen of the United States, the insurgent author- when the peace is broken, and restore order. of engaging in rebellion under this law must be ities committed illegal violence, by which no ob- When that is done, and the civil authority may an overt and voluntary act, done with the intent again safely resume its functions, the military of aiding or furthering the common unlawful power becomes again passive, but on guard and purpose A person forced into the rebel serwatchful. This, in my judgment, is the whole scope of thority which he could not safely disobey, and the military power conferred by this act, and in That war began, doubtless, like the recent arriving at this construction of the act, I have not found it necessary to resort to the strict construction which is allowable.

except, perhaps Virginia, as to which State act to be by ballot. The board will keep a respecial instructions will be given,

and requires strict attention to arrive at its eral of the District. meaning. I deem it proper to give the exact 19. The board appointed for registration and words. The applicant must swear or affirm as for superintending the elections, must take the the advice, of the invalidity of the removals and follows :

"That I have never been a member of any State Legislature, nor held any executive or judicial office in any State, and afterwards engaged in an insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof; that I have never taken an oath as a member of Congress of the United States, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, and afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof."

Two elements must concur in order to disqualify a person under these clauses: First, the office and official oath to support the Constitution of the United States; second, engaging afterwards in rebellion. Both must exist to work disqualification, and must happen in the order

A person who has held an office and taken the oath to support the Federal Constitution, and has not afterwards engaged in rebellion, is not disqualified. So, too, a person who has engaged in rebellion, but has not theretofore held an office and taken that oath, is not disqualified. | already been subscribed by citizens of Baltimore.

8. Officers of the United States. As to these the language is without limitation. The person who has at any time prior to the rebellion held any office, civil or military, under the United States, and has taken an official oath to support the Constitution of the United States, is subject to disqualification.

9. Military officers of any State, prior to the rebellion, are not subject to disqualification. 10. Municipal officers, that is to say, officers of incorporated cities, towns and villages, such as mayors, aldermen, town council, police, and other city or town officers, are not subject to disqualification.

11. Persons who have, prior to the rebellion, been members of the Congress of the United mitting the circumstances for his review. The

EXECUTIVE ACTION UNDER THE OPINION cord and poll-book of the election, showing the OF THE ATTORNEY GENERAL -We have sat. 7. As to disfranchisement arising from having votes, list of voters, and the persons elected by isfactory authority for saying that there is no held office followed by participation in rebellion. a plurality of the votes cast at the election, and foundation for the industrious representations This is the most important part of the oath, make returns of these to the Commanding Gen- multiplied all over the country to the effect that

oath prescribed by the act of Congress approved appointments of civil officers by the usurping July 2, 1862, entitled "an act to prescribe an commandants at the South, he is, therefore, oath of office. I have the honor to be, with great respect,

HENRY STANBERY, Washington, June 12.

STATE NEWS.

HON. R. C. PURYEAR .- The numerous friends and admirers of this gentleman will be greatly gratified to learn that he is recovering from a stroke of paralysis, and is in a fair way to become entirely restored .- Winston Sentinel.

N. C. RAILROAD .- The Eighteenth Annual Meeting of the Stockholders of the North Carolina Rail Road Company will be held in the town of Greensboro, on Thursday, the 11th day be governed by the circumstances, as they are of July next.

THE GUANO COMPANY .- It has been announced heretofore that the valuable and beautiful property just north of this city, known as Hilton," had been purchased by gentlemen who question in every one of these cases of infraction propose to establish a large Guano manufactory. To do this it is proposed to raise a joint stock company, with a capital stock of two hundred and fifty thousand dollars, one-half of which has dictively .- Washington Intelligencer. on condition that a like amount shall be subscribed in North and South Carolina. When fifty thousand dollars, however, shall have been subscribed in these States, the company will be incorporated under the general Incorporation Law of North Carolina, without individual liability. The Guano proposed to be prepared is similar to that so well and favorably known as the Patapsco Guano. It is the intention of the Company to get ready to prepare Guano for the crops give him a call.

of the next year .- Wilmington Journal. CASE OF DISTRICT ATTORNEY STARBUCK .- It

now appears that U. S. District Attorney Starbuck, before taking the "iron-clad" test oath, actually consulted Attorney General Speed, sub-

States, or members of a State Legislature, are first law officer of the government believed Mr S. subject to disqualification. But those who have could take it with propriety in a legal view, and

because the President has been officially advised, and having with his Cabinet approved about to rush precipitately to a complete nulli. fication of all that has been done by these Generals, without discrimination and irrespective of Attorney Gen'l. expediency. These statements are altogether groundless, and calculated to excite and inflame in advance the disapprobation of all who thisk they realize that some progress, however little has been made toward a restoration of the South. and who would regret to see this progressive movement thrust back to its starting point. Even in such flagrant examples of usurpation as those of Sheridan in the cases of the Goy. ernor and Judges at New Orleans, now that the wrong is to be redressed not avenged, the ques. tion is viewed as one of rational expediency, to now, and not as they were when the outrage was committed. We learn that investigations are to be made, reports are to be had, and the whole matter deliberated upon as a practical

of the laws of Congress and the principles of the Constitution. In a word, the President will act efficiently, but he will act remedially, not vin-

tor The Rev. S. Caldwell Alexander has been installed as pastor of the South River Presbyterian Church, in Bladen county.

DENTISTRY.

DR. WM. E. CARR, late of Wilmington, having located in Charlotte, is prepared to attend promptly to all calls relating to his profession. Having had seventeen years experience in the practice of Dentistry, he is satisfied that he can please all who may

All work done with reference to neatness, durability and dispatch. Office over Barringer, Wolfe & Co's, where he can be found at all hours of the day. All work warranted to give entire satisfacfaction. Teeth filled and extracted without pain. June 10, 1867.

Concord Female College.

MR. EDITOR: You and your readers, both in North and in South Carolina, are respectfully invited to attend the Annual Examination in the Con cord Female College at Statesville, during the last week of June. Wm. M. Robbins, Esq , of Salisbury, will deliver a Literary Address on Thursday the 27th, which will be commencement day. J. M. M. CALDWELL June 10, 1867 3 w Statesville, N. C.

the defendant rely upon the decisions of the Supreme Court of the United States to the effect that the late rebellion was a civil war, in the prosecution of which belligerent rights were exand after the close of the American war for independence, which affirmed the validity of confiscations and sequestrations decreed against the property of non-resident British subjects and the inhabitants of colonies or States hostile to the United Colonies or United States.

But these decisions do not, in our judgment, are cited.

There is no doubt that the State of North Carolina by the acts of the Convention of May, the State; by subsequent acts of all the departments of the State Government; and by the acts of the people at the elections held after May, 1861, set aside her State government and Constitution, connected, under the National Constifution with the government of the United States, and established a new Constitution and government connected with another, so-called central government, set up in hostility to the United States; and entered upon a course of active warfare against the National government. Nor is there any doubt that, by these acts, the practical relations of North Carolina to the Union were suspended, and very serious liabilities incurred by those who were engaged in them.

But these acts did not effect, even for a moment, the separation of North Carolina from the Union, any more than the acts of an individual who commits grave offences against the State by resisting its officers and defying its authority, separate him from the State. Such acts may subject the offender even to outlawry, but can discharge him from no duty nor relieve him from any responsibility.

The National Constitution declares that "Treagon against the United States shall consist only in levying war against them or in adhering to their enemies, giving them aid and comfort."

The word "only" was used to exclude from the criminal jurisprudence of the new Republic the odious doctrines of constructive treason. Its use, made, bowever, while limiting the definition to plain overt acts, brings these acts in conspicuous relief as being always, and in essence, treasonable,

War, therefore, levied against the United States by citizens of the Republic under the pre-North Carolina or of the so called Confederate with approval. government which assumed the title of the "Confederate States," was treason against the United States.

It has been supposed, and by some strenuously maintained that the North Carolina Ordinance of 1861, which purported to repeal the North of the Constitutions, did in fact repeal that Ordi- tempt. and, itself, broken up and destroyed. nance and those acts, and thereby absolved the people of the State from all obligation as citizens of the United States and made it impossible to commit treason by levying war against the

On no occasion, however, and by no act have the United States ever renounced their constitutional jurisdiction over the whole territory or

character of alien enemies, or admitted the exissustain the propositions in support of which they | tence of any government, de facto, within the boundaries of the Union, hostile to itself.

In the Prize Cases the Supreme Court simply asserted the right of the United States to treat 1861; by the previous acts of the Governor of the insurgents as belligerents, and to claim from jurisdiction. His power is to be exercised in under the penalties known to international law. The decision recognized, also, the fact of the exercise and concession of belligerent rights, and affirmed, as a necessary consequence, the proposition that during the war, all the inhabitants of the country loyal to the Union were enemies reciprocally each of the other. But there is nothing in that opinion which gives countenance rebellion and by levying war against the nation became foreign States, and their inhabitants alien enemies.

that in compelling debtors to pay to receivers,

ligation of debtors to creditors could be cancelled, or, in any respect. affected.

Nor can the defence in this case derive more support from the decisions affirming the validity of confiscation during the war for American Independence.

civil war, in rebellion. Had it terminated unsuccessfully, and had English Tribunals subsequently affirmed the validity of colonial confiscation and sequestration of British property and of debts due to British subjects, those decisions would be in point. No student of international law or of history needs to be informed how impossible it is that such decisions could have been | this time ;

Had the recent rebellion proved successful, and

erate Courts, it is not improbable that the decisions of the State Courts, made during and after tended authority of the new State government of the revolutionary war, might have been cited

> were made under circumstances widely differing touching the qualifications of the applicant, or tions as arise from the voluntary loan of money from those which now exist.

had succeeded in their attempt to sever their that, if false, the person taking it shall be tried on the rebellion, all work disqualification. colonial connexion with Great Britain, and sanc- and punished for perjury. Sarolina Ordinance of 1789, by which the Con- wholly upon that success; and can have no appli tioned acts which depended for their validity stitution of the United States was ratified and to cation to acts of a rebel self-styled government, repeal also all subsequent acts by which the as- seeking the severance of constitutional relations sent of North Carolina was given to amendments of States to the Union, but defeated in the at- either by witnesses or any other form of proof. support of the rebellion, such as members of the Fall Term opens July 24th. Course of instruction

WHO ARE ENTITLED TO REGISTRATION.

The following summary as to who are entitled to vote, will be read with peculiar interest at

1 The oath prescribed in the supplemental had the validity of the confiscations and seques. act defines all the qualifications required, and trations actually enforced by the insurgent au. every person who can take the oath is entitled thorities been afterwards questioned in Confed- to have his name entered upon the list of voters.

2. The board of registration have no authority to administer any other oath to the persons applying for registration than this prescribed oath; do not disqualify. But voluntary contributions But it hardly needs remark, that those decisions nor to administer any oath to any other person to the rebel cause, even such indirect contribu- MAN & SONS, Baltimore. the falsity of the oath so taken by him. The to rebel authorities, or purchase of bonds or se-They were made by the Courts of States which act, to guard against falsity in the oath, provides curities created to afford the means of carrying

No provision is made for challenging the qualifications of the applicant, or entering upon of the common uplawful purpose, where the du any trial or investigation of his qualifications, ties of the office necessarily had relation to the

3. As to citizenship and residence.

been members of conventions framing or amending the constituion of a State, prior to the rebellion, are not subject to disqualification.

12 All the executive or judicial officers of any State who took an oath to support the Constitution of the United States are subject to disqualification, and in these I include county officers, as to whom I made a reservation in the opinion beretofore given. After full consideration I have arrived at the conclusion that they

are subject to disqualification if they were required to take as a part of their official oath, United States.

13. Persons who exercised mere agencies or as they are insolvent, in reality, and are only edgements of deeds, and lawyers.

ENGAGING IN REBELLION.

Having specified what offices held by any one subsequent conduct fixes upon such person the

vice by conscription, or under a paramount auwho would not have entered such service if left free to the exercise of his own will, cannot be held to be disqualified from voting.

15 Mere acts of charity, where the intent is widow now resides, subject to the said Widow's to relieve the wants of the object of such charity, and not done in aid of the cause in which he may have been engaged, do not disqualify But organized contributions of food and clothing for the general relief of persons engaged in the rebellion, and not of a merely sanitary character, but contributed to enable them to perform their

unlawful object, may be classed with acts which do disqualify. Forced contributions to the rebel cause, in the

form of taxes or military assessments, which a person may be compelled to pay or contribute.

cial capacity, were engaged in the furtherance

rebel Conventions, Congresses and Legislatures,

in a conscientious aspect that gentleman had no doubt of his fitness .- Raleigh Progress.

CIRCUIT COURT .- This Court adjourned on Monday afternoon. We learn that the investigations, in the matter of the presentment in the case of District Attorney Starbuck, satisfied the Court that no action could be sustained, and the case was dismissed.-Raleigh Sentinel.

NORTH CAROLINA RAILROADS -- Information received at Washington from North Carolina announces the fact that proceedings will soon be he oath to support the Constitution of the instituted to force the Railroads of this State, in within four miles of the city of Charlotte, is offered which the State has an interest, into bankruptcy,

employments under State authority, are not dis- allowed to keep in running order through the and Ox cart-all with Iron axles-and a Yoke of qualified; such as commissioners to lay out sufferance of their creditors. We cannot think well broke young Oxen. roads, commissioners of public works, visitors of this statement is true, and trust if our surmise is State institutions, directors of State banks or correct that some of our railroad folks will at other State institutions, examiners of banks, no- once correct reports so hurtful to the credit of taries public, commissioners to take acknowl. the State and the corporations interested .- Ral-

eigh Progress.

"Impending Crisis," did more than any other prior to the rebellion come within the meaning man to secure the Radical victory in 1860, is of the law, it is necessary next to set forth what out in a book advocating the expulsion of the negro race from the United States.-Richmond

Administrator's Sale.

As Administrator of Daniel Hoffman, deceased, I vill sell in the town of Dallas, on Friday the 12th day of July next, the property known as Hoffman's

Hotel. Also, one other House and Lot located in front and east of the Court House (1 acre). Also, 4 acres adjoining said town, on which is located a good Tan Yard. Also, 3 1 acre Lots adjoining the Tan Yard Also, 288 acres of Land situated 14 miles South of Dallas, known as Hoffman's Mills, consisting of Flouring Mills. Saw Mill, Cotton Gin,

&c., subject to the Widow's Dower. I will sell on Saturday, the 13th day of July next, at Wood Lawn, Gaston county, a Valuable Tract of Land containing 270 acres, on which F. L. Hoffman's

dower. TERMS-A credit of twelve months will be given vith approved security. W. H. HOFFMAN, June 10, 1867 4 wAdministrator

Notice to Farmers.

Farmers wishing to purchase Agricultural Imple nents of any kind, Threshing Machines, Fans, Reapers, Mowers, Horse Rakes, Corn Mills, Corn Shellers, Straw Cutters and Plows of any kind, can get them from us at the Baltimore retail price, with eight and drayage added.

We are Agents of the large Agricultural Implement Manufacturing Establishment of E. WHIT-

HUTCHISON, BURROUGHS & CO. E. NYE HUTCHISON. J. C. BURROUGHS. R. A. SPRINGS Charlotte, June 17, 1867.

BINGHAM SCHOOL. MEBANEVILLE, N. C.

SESSION OF 1867.

Teeth Extracted Without Pain,

BY A NEW REMEDY.

the "Nitrous Oxide Gas" in extracting

On Tuesday, the 9th day of July ensuing, will be

sold at public sale, the FAIR GROUNDS belonging

The property contains 12 acres of land, more or

Sale positive. Any information regarding the

Freedom from pain or danger guaranteed.

Office No. 5, Granite Row.

Charlotte, June 17, 1867.

DR. JNO. H. WAYT is prepared to administer

CLASSICAL, MATHEMATICAL and COMMERCIAL For Circular address

COL. WM. BINGHAM. June 17, 1867

3m

A. B. DAVIDSON.

President M. A. Society

| ALLAN MACAULAY,

CHARLOTTE, N. C.

STEAM SAW-MILL AND GRIST MILL. For Sale.

A Steam Saw-Mill, in good order, now running for sale at a reasonable price. Attached thereto is a first rate Corn Mill in complete order. Will be sold with the Mills, if desired, a first rate wagon

> P. S. WHISNANT. 3wpd

HAVE YOU SEEN THE ELEPHANT! If not just walk down to PRESSON & GRAY'S

June 10, 1867.

Bor Hinton Rowan Helper, who, with his Family Grocery and Provision Store,

Where they are daily receiving fresh supplies of Groceries of every description, and buy your supplies while the Horse and Wagon is standing before the door ready to convey your purchases to your house anywhere within the corporate limits, free of B. M. PRESSON. charge. June 10, 1867. N. GRAY.

The Equitable Life Assurance Society.

HUTCHISON, BURROUGHS & CO.,

AGENTS AT CHARLOTTE, N. C.

This Company, which has been under its present able management from the time of its organization, has been progressing steadily until it is now in the foremost ranks of Life Insurance Companies. During the past year its increase in business has

been enormous, the amount of policies issued being over thirty millions of dollars.

It is a purely mutual Company, declaring Its dividends yearly to all policy-holders. June 17, 1867.

CATAWBA

English and Classical High School, NEWTON, N. C.

The next Session of this Institution will commence the 1st of July next. The School is in a flourishing condition. Ample provision is made to accommodate a large number of boys and young men, both in rooms, boarding and instruction. No pains are spared in fitting pupils thoroughly for the best Colleges of the country, and in giving them a thorough and practical business education.

Pupils have access to valuable Libraries, and njoy the advantages of a well regulated Literary Society

Tuition per Session of 20 Weeks from \$9 to \$22.50 n currency

Board in families fro	om \$8 to \$12 per month; in
clubs at about half the	se prices.
For Circulars and pa	rticulars, address J. C Clapp,
Newton, N. C.	P OF LER A P
	J. C. CLAPP, A. B.
June 3, 1867.	S. M. FINGER, A. B.

NEW GOODS AT MCLEOD & STEELE'S.

We are receiving a general stock of all grades of Seasonable Goods. We have now in store man; desirable styles of

16. All those who, in legislative or other offi-

commit treason by levying war against the National government.

That question, as a practical one, is at rest and bere, in our judgment, the answer which it has of the debt due to the plaintiffs from the defen- of his citizenship should be noted opposite his peace, and were necessary to the preservation of thousands of cases in the principal cities, without received from events, is that which the soundest | dant. was no discharge. construction of the Constitution warrants and requires.

rebellion attains the proportions and assumes the they respectively resided. character of civil war, it is purged of its treasonwar.

Courts have no policy and can exercise no potreason, but is no longer such when levied by ten thousand or ten hundred thousand? that the armed attempts of a few, attended by no serious danger to the Union and suppressed by slight exertions of the public force, come, unquestion-ably, within the constitutional definition, but atwith imminent peril the very life of the Republic shirt on fire.

hostile to the rightful government, are violations of law, and originate no rights which can be re-No elaborate discussion of the theoretical ques- cognized by the Courts of the Nation whose aution thus presented seems now to be necessary .- therity and existence have been alike assailed. We hold, therefore, that compulsory payment, is not likely to be revived. It is enough to say under the Sequestration acts, to the rebel receiver. one year. As to such a person the exact length only such duties as belong even to a State of Teeth. This agent has been successfully used in

> It is claimed, however, that whatever may be the right of the plaintiffs to recover the principal

debt from the defendant, they cannot recover in-Nor can we agree with some persons, distin- terest for the time during which war prevented guished by abilities and virtues, who insist when all communication between the States in which oath, but an alien who has been naturalized, can a person has by speech or by writing, incited Sale of Valuable Real Estate.

We cannot think so. Interest is the lawful be required from him. . able character and can only be punished by the fruit of principal. There are. indeed. some audefeat of its armies, the disappointment of its thorities to the point that interest which has achopes, and the calamities incident to unsuccessful crued during war between independent nations, cannot be afterwards recovered; though the debt.

with other interest. may be. But that rule, in our judgment, is applicable only to such wars. litical powers. They can only declare the law, We perceive nothing in the act of the 13th July. On what sound principle, then, can we say judi- 1861. which suspended for a time all pacific inter- of any State, or of the United States, can salely tion list, and if such proves to be the fact, it is property may be had of Col. John A. Young, Charcially that the levying of war ceases to be treason course between the legal and insurgent portion take this oath. when the war becomes formidable ? that war of the country, that requires or justifies the aplevied by ten men or ten hundred, is certainly plication of that rule to the case before us, Legal rights could neither be originated nor defeated by the action of the central authorities of the late rebellion.

The plaintiff must have judgment for the principal and interest of his debt, without deduction.

election district. He may be registered if he ties, or whose duties appertained to the support has been such citizen for a period less than twelve of the rebel cause, must be held to be disqualimonths at the time he applies for registration, | fied.

but he cannot vote at any election unless his citizenship has then extended to the full term of charged official duties not incident to war, but name on the list, so that it may appear on the order and the administration of law, are not to the slightest danger.

the full term has then been accomplished. 4. An unnaturalized person cannot take this or sympathics would not disqualify, but where take it, and no other proof of naturalization can

5. No one who is not twenty-one years of age at the time of registration can take the oath, for perintend the elections. he must swear that he has then attained that age.

The actual participation in a rebellion, or the cannot receive the vote of any person whose actual commission of a f-lony, does not amount name is not upon the list, though he may be J. E. STENHOUSE, to disfranchisement. The sort of disfranchise. ready to take the registration oath, and although ment here meant is that which is declared by he may satisfy them that he was unable to have competent authority, or which has been fixed his name registered at the proper time in conupon the criminal by the sentence of the court sequence of absence, sickness, or other cause. which tried him for the crime

A poet intended to say, "See the pale martyr No law of the United States has declared the to the qualifications of any person whose name tempts by a vast combination, controlling several in a sheet of fire," instead of which the printer penalty of disfranchisement for participation in is not on the list, or as to the qualifications of Cotton, Cotton Yarns, Naval Stores, &c., and the States, putting great armies in the field, menacing made him say, "See the pale martyr with his the rebellion alone. Nor is it known that any any person whose name is on the list. such law exists in either of these ten States, 18. The mode of yoting is provided in the

But officers who, during the rebellion, dis-

day of election, upon reference to the list, whether be considered as thereby engaging in rebellion or as disqualified Disloyal sentiments, opinions,

> others to engage in rebellion, he must come under the disqualification.

17. The duties of the Board appointed to su- to the Mecklenburg Agricultural Society.

less, situated within a short distance of the corpor-This board, having the custody of the list of ate limits of Charlotte, and therefore most desirable 6. No oue who has been disfranchised for registered voters in the district for which it is for building sites. Sale will take place on the participation in any rebellion against the United constituted, must see that the name of the per- Public Square at 12 o'clock M. TERMS CASH. States, or for felony committed against the laws son offering to vote is found upon the registrathe duty of the board to receive his vote. They lotte, N. C.

June 17, 1867.

STENHOUSE & MACAULAY, COMMISSION MERCHANTS. 49 Stone Street, New York.

The board cannot enter into any inquiry as

Prompt personal attention given to the sale of purchase of Merchandise generally. Consignments solicited. June 10, 1867.

NEW YORK

LADIES' DRESS GOODS,

Such as black and colored Silks, black and colored Silk Grenadines; black, white and colored S. Warn Shallies, Bareges, Tissues, Tamartine, Crape Moretts, Shawl Crape 8-4, black English Cassimeres, black, white and colored Alpacca, Lustres, Poplins, &c. A beautiful line of French Organdies, printed; linen and cotton Lawns, Table Linen, Napkins, Doylies, Damask Merino, cotton and linen Sheetings, brown and bleached Domestic, black French Cloths and Cassimeres, French Drob de etc, Linen Drills and Ducks, Perchals Solid and Printed Marseilles and Aleadale Quilts, Prints-all grades ; Alamance Plaids, Rock Island Cassimeres, at Factory prices. Bradle,'s Duplex Hoopshirts, Summer Balmoral Skirts-a beautiful article.

A full line of Notions, Hosiery, Gloves, Straw Goods, Bonnets and Bonnet Ribbons, French Flowers, Hats and Caps, Boots and Shoes,

Crockery, Groceries,

and a general stock of Hardware. Our entire stock was selected with much care, and we feel confident will compare favorably with any in the city, in style and price. We are anxious to sell, and respectfully ask an examination of our stock, hear our prices, &c., as

we are determined not to be undersold. MCLEOD & STEELE. April 22, 1867.

JUST RECEIVED AT

Wilson Bros.,

Embroidered Bareges, Striped Mozambiques, Plain Mozambiques, Lawas, Striped Poplins, and a good assortment of Prints. May 6, 1867,