THE GLEANER.

E. S. PARKER, Editor.

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Any short-comings of this number we trust our friends will excuse, as the editor has been engaged with his law matters. Court was in session for three days during the past week. We feel certain that our friends will make due allowance for any seeming want of attention, when they are told that it is attributable to attention to other duties. This can happen very seldom, and shall happen as seldom as possible.

DO YOU KNOW JUST WHAT IT IS?

You have heard much of the writ of *habeas corpus*. You first commenced hearing much about it during the war; and since, each year, you have heard more and more about it. Why was it, that you scarcely, if ever, heard of this great writ before the war? Why, because there was seldom occasion for calling it into use. Where there are no chills people hear little of quinine. In the midst of war, this writ of personal liberty remained intact here. No enrolling officer, or others in military authority, dared disobey its commands. It has been considered the great barrier to the encroachments of tyrants upon personal liberty. Since the 5th of June, A. D. 1215; when King John, at Runnymede, a place in England famous for the treaties often before made there, in the presence of the barons who had taken up arms for the restoration of the laws of Henry I, with great solemnity signed and sealed the Great Charter. In the reign Charles II an act was passed called the *habeas corpus* act, but this not being sufficiently ample in its provisions to secure the right of personal liberty under all circumstances, the statute 56 George III was passed which extended to relief against the unlawful restraint of personal liberty under every conceivable pretext or excuse. The great charter, with these acts, came to us as law; and we recognized them in the constitution, and have statutes enacted in addition thereto, the tendency and intention of which is to render, more available this great remedy against the restraint of citizens of the State, and of the United States. If you are arrested and put in jail, it makes no difference whether upon any charge, without this writ you must lie there; with this writ you can and must, if application is made, be carried before a Judge, who must examine into the reasons why you are detained; and upon the hearing must discharge you, admit you to bail, or remand you as in his judgment and opinion, law and justice require. There is no other means whereby you can get a hearing, or hope for release. Any magistrate in the State can have you arrested and sent to jail upon any charge whatever; and he may do this maliciously, or may be erroneously, but, if you are deprived of the writ of *habeas corpus* you are as powerless to help yourself from prison as if you were in the hands of the Modocks or any other savage tribe. The Constitution of the United States says "the privilege of the writ of *habeas corpus* shall not be suspended unless when in cases of rebellion, or invasion the public safety may require it."

The republican caucus, of members of Congress, has determined to give the President power to take from the people the right, if arrested, to have the cause of their arrest and detention looked into. The republicans are now in a large majority, and can pass this bill if they wish; and the latest telegrams from Washington say that it will be passed. It is charged that the President demands this power, and that it will be given. Then you will move, if not live and have your being at the pleasure of one man only. He can order your arrest and imprisonment without any sort of regard to whether you are guilty, or even charged with the commission of any crime whatever, and you have no remedy. It makes no difference what your politices are now, or may have been, are you in favor of placing your liberty, or that of others in the unrestrained and unquestioned power of any man, however good and exalted you may regard him? If you are not you cannot consistently help elevate men to place and power who are; and who are now engaged in so doing.

One Maj. Thomas G. Jones, on the 10th of last May, delivered in Montgomery, Ala., a Confederate memorial oration in which the cessation of strife between the North, and the South, and the cultivation of peaceful relations at home were urged. This was published, and reached a Northern lady who in consideration of he great service, thus done the cause of peace and good will left the Major [illegible] hundred dollars, in her will.

CONVENTION.

The bills introduced into the legislature before the recess to call a convention, seem to sleep. The people are anxious about the matter. What does the legislature intend to do? Are they afraid of the question? Has Grant's Arkansas message, and the threatened suspension of the writ of *habeas corpus* demoralized our representatives to the extent of abandoning their duty?

That the Constitution should be amended all agree; that this legislature will do so it has resolved. Now, if the amendments are needed and are to be made, why not make them in the most speedy and economical manner? If amendments are needed at all they are needed at once,—as soon as they can regularly be made. That the convention mode is the speediest none can dispute. So that part of the subject is disposed of. That the cheapest method should be adopted, common prudence and our impoverished condition alike remind us. Then, would a convention be cheaper to alter the Constitution than to do so by legislative enactment? One of these ways must be adopted. There is no other. If there was but one amendment to make about which there was little or no controversy; then to make it by legislative enactment might be the cheapest; but, when there are a great many, and about which there would likely be much difference of opinion, a convention would, unquestionably, be the cheapest. It would be the cheapest, because there would be one hundred and twenty members, instead of one hundred and seventy; and there would be only one house instead of two. Now, after long discussion in the Senate, for instance, a measure is passed, it has then to go to the House where all the discussion and delay is again met with—in a convention there would be but one house, and one discussion and one reason of delay. That the Constitution should be amended all agree. That it should be amended in *many* particulars nearly all agree.

That this legislature will do it has been resolved.

That to do so by a convention is the quickest way, none can doubt.

That to do so by a convention is the cheapest way cannot be successfully denied.

Then why not call a convention at once!

ONE REASON WHY.

One reason why our county taxes are so high is on account of the heavy amounts of bills of costs that have to be paid. One Alex. Gray, a negro boy, from appearance some twenty years old, has cost the tax-payers of this county nearly or quite two hundred dollars, within the last year. Shortly before the term of our Superior Court one year ago, he was arrested and put in jail for stealing some trifling articles, and at Court was discharged. In less than a month, he was charged with stealing some old clothes, arrested and put in jail again. At August term of the Court, on account of the absence of the witness to identity the articles, a submission was taken and judgment suspended. He went back to jail because he could't pay the cost, stayed sixty days, and then swore out. In about a week he was charged with stealing a bushel of wheat, and is now in jail—will be tried this court, and guilty or innocent the county must foot the bill which, taken with the others will amount to at least two hundred dollars. There are similar cases in every county perhaps; and nothing can be done to save the people, in part at least, of this heavy expense, under our present Constitution. Instead of allowing the legislature from time to time, in such localities as necessity might require, to establish such courts, with such jurisdiction as in its judgment were necessary, the Constitution desiguates the courts and prescribes their jurisdiction; and none others, save for municipal corporations, can be established; nor can the jurisdiction of those created be abridged or enlarged. The difference in the costs that counties now pay for state failures and insolvent defendants, under our present judicial system, and what they would be required to pay if we had courts of competent criminal jurisdiction at convenient intervals, during the difference of time required to amend the constitution by legislative enactment and by a convention, would pay the cost of a convention.

Our jails are crowded with that class of prisoners, who, whether convicted or acquitted, have to be fed by the county. Should we not have courts with criminal jurisdiction oftener than once in six months, so that the people would not have to feed these prisoners so long?

A motion has been made before Judge Bond in Baltimore, for an injunction to prohibit the holding of the municipal election in Wilmington under the charter recently passed by the legislature upon the ground that it disfranchises the negro. We suppose the new charter prevents them voting more than once, or something of the kind. The case will be tried in Raleigh the 6th of March.

ALEXANDER H. STEPHENS.

Some time ago this gentleman seemed to think it would not be so bad, after all, if Grant should succeed in his ambitious scheme of being President for a third term; provided he would not treat the South too badly. He is represented now as saying "Grant's reelection would be a sad calamnity. Stephens, it appears, first met Grant, when the Southern Confederacy was in the agonies of death, and then formed a favorable opinion of him, which he has given to the world in his history of ot the war between the States. We suspect he disliked to confess his first impression was wrong, but then Grant has been acting so badly lately, that the little old man is bound to own that his conclusions were hastily formed. So they are going; the opponents who apologized for Grant, those who disowned being supporters of his, yet excused him, and those who warmly supported him are everywhere leaving him in troops. But for his extensive patronage he would not have as many friends and followers as President Tyler had, when those of his party who indorsed his course and were counted his admirers, were designated as "the corporals guard." Well, much to give, and the necessity of giving it is apt to make pretended friends of no other kind.

THE ARGUMENT AGAINST CONVENTION.

It is urged that to call a convention would be impolitic as a party measure. That by so doing the democratic party would probably loose the election, at least for State officers, in 1876. That the matter had not been discussed before the people in the last campaign, and therefore, there is no evidence that the people want an alteration of our Constitution, at least by a convention. Should the amending of our Constitution, or the call of a convention for that purpose be a party question? And if it is to be, are we the democratic party so to make it? A Constitution is for the benefit of all, and no provision should enter into it as a party measure to afterwards subserve the interest of any political party as such. It should be for the good of the people, suited to to their wants, and condition, under whosesoever administration the State government may be. It should be sufficiently broad to allow all wholsesome legislation, and sufficiently restrictive to protect the people, all classes, against any invasion of their rights, and sufficiently explicit to bear interpretation with at least some degree of certainty. It is the charter of power, given by the people to their agents, the executive, judicial, and legislative officers, filling their respective places and thus forming a government. It should confer powers, unmistakeable and ample, for all useful purposes at the same time limited in its provisions to prevent dangerous legislation, and the exercise of unnecssary powers by the executive and judicial departments of the government.

Davy Crocket found a coon up a tree, where said coon 'was violating no law, but as soon as his coonship espied the famous hunter he came down without more ado about it. Now Crocket would doubtlessly have shot that coon and the end would have been the same; so the coon really lost, nor gained anything by his abject submission save his reputation. He lost all sympathy because of his cowardly conduct and his friends can not now claim for his memory any manliness or independence of action. Had he pursued his acorn hunting, as he had an unquestioned right to do, and not surrendered before even being asked, it would have been better for his reputation. Our legislature, we fear are about as much afraid of Grant, as the coon was of Crocket, and it has reason to be, for Grant is as sure death to leglaistures as Crocket was to coons but let it follow the example of all the other coons that waited to be shot and not this one which alone behaved with so little regard for his rights. We hope they'll not come down from the convention tree because they see or think they do, old man Grant prowling about with a long gun.

A letter written from New Orleans to the *World* says:

If any one would read the history of the past year, let him look upon the streets of New Orleans to-day and contrast the sight with what he saw there one short year ago. He will be astounded. The sad faces of the people will tell him something is wrong. Would he know what that somthing is? Let him turn to the State-House. There, assembled in solemn conclave, making laws for a proud people, sit a crowd of ignorant negroes, controlled by three or four white men who stand convicted of crimes of the worst kind. Let him take up the official journal and he will find thirty-nine columns of tax sales advertised to take place within a week, to furnish money to feed thieves, vagabonds and perjurers, while the wise and virtuous amongst the whites are denouxced by thier own servants as rebels and banditti, and the legally elected members of the Legislature are expelled that base tools of a usurpation may take thier seats.

A negro in New Orleans has killed a Federal soldier. Where *is* Sheridan?

GRANT AS MR. BUMBLE.

The New York *World* has a good thing under this heading, in answer to a New York journal which has had the effrontery to say: "Is quite certain that from the day of Lee's surrender downward, the personal course of General Grant, in relation to the Southern people, has been of friendship and magnanimity, not of vindictiveness or opposition."

The *World* declares that those vicious and unregenerate Southern people cannot be induced to love and honor their "great and good friend!" Such black ingratitude is really heart-rending. After that little scene in the White House when Pesident Grant insulted the taxpayers of South Carolina because Patterson had slipped in and told him that somebody had spoken disrespectful of him in their convention six months before. After that neat little message from the President to the most respectable citizens of Louisiana advising them to stay at home and not trouble themselves to come to Washington, since nothing they could say would change His Execellency's views. After that gushing and genial telegram to inform Sheridan that "the President and all of us, approved his friendly and magnanimous proposition to put New Orleans and her people out of the law as a nest of "banditi." It is truly melancholy. It is more. In the pathetic words of Mr. Bumbler, "It is sickening; it is antimonial!" The only parallel we can think of for such insensibility, indeed, is supplied by the experience of the eminent beadle to whom we have just alluded, who took almost as much pains to make himself beloved by Oliver Twist as Grant has taken to win the affections of the "Southern people," and with as unsatisfactory result."

"Mr. Bumble entered the shop of Mr. Sowerberry, the undertaker," says the veracious chronicler of that good man's career, "and, supporting his cane against the counter, drew forth his large leathern pocket-book, from which he selected a small scrap of paper which he handed over to Sowerberry."

"Aha!" said the undertaker, glancing over it with a lively countenance, "an order for a coffin, eh?"

"For a coffin first, and a perochial funeral afterwards," replied Mr. Bumole.

"Bayton,?" said the undertaker, looking from the scrap of paper to Mr. Bumble, "I never heard the name before."

Mr. Bumble shook his head as he replied. "Obstinate people, Mr. Sowerberry; very obstinate. Proud, too, I'm afraid, sir."

"Proud, eh?" exclaimed Mr. Sowerberry, with a sneer, "come, that's too much!"

"Oh, it's sickening," replied the beadle; "it's antimonial, Mr. Sowerberry!

* * * A woman who lodged in the same house made an application to the perochial committee to send the perochial surgeon to the woman as was very bad indeed. He had gone out to dinner, but his 'prentice (which is a very clever lad) sent 'em some medicine in a blacking-bottle—off hand."

"Ah! there's promptness," said the undertaker.

"Promptness indeed!" replied the beadle. "But what's the consequence? What's the behavior or these ungrateful rebels, sir? Why the husband sends back word that the medicine won't suit his wife's complaint, and so she shan't take it—says she snan't take it, sir. Good strong wholesome medicine as was given with great success to two laborers and a coal-heavier the week before—sent 'em for nothin', with the blacking bottle thrown in—and he sends back word that she shan't take it, sir!"

Here is Louisiana taken sick, and Grant sends her free gratis for nothing and with "promptness' Sheridan, "good strong wholesome medicine as was taken with great success by a lot of Piegans" only a short time before, with gun-boats and drumhead "thrown in"—and the ungrateful rebel actually says the medicine won't suit her complaint, and that she won't take it!

Wil. Journal.

For the information of our readers we present below the full text of the usury bill, which has passed the Senate and two readings in the House:

Section 1. *The General Assembly of North Carolina do Enact*, That the legal rate of interest shall be six per cent. per annum, or for such time as interest may accrue, and no more; *Provided, however*, that upon special contract in writing, signed by the party to be charged therewith, or his agent, so great a rate as eight per cent. may be allowed.

Sec. 2. That no person, banking institution, corporation, or company, upon any contract shall directly or indirectly take for loans of any moneys, wares merchandise, real estate or commodities, whatever above the value of six dollars or eight dollars as provided in section first of this act, by way of discount or interest for the forbearance of one hundred dollars for one year, and so after the the rate as above specified for a greaier or less sum, or for a longer or shorter time. All bonds, contracts, and assnrance whatsoever, for the payment of any principal or money to be lent, or covenanted to be performed, upon or for, any usury, whereupon or whereby there shall be reserved or taken above the rate of six dollars on the hundred as aforesaid shall be void, and every person, banking institution, corporation or company, who, upon any contract, shall take, accept and receive, by way of any corrupt bargain, loan or other means whatsoever, for the forbearing or giving day of payment, a rate of interest greater than hereinbefore specified, shall forfeit and lose for every such offence, the double value of the moneys, wares, merchandise or real estate so lent, bargained or exchanged to any person who will sue for the same.

Sec. 3. That every person, banking institution, corporation or company, who shall violate the provisions of this act, shall be guilty of a misdemeaner, and, on conviction in the Superior Court, shall be fined not less than one hundred dollars nor more than one thousand dollars.

Sec 4. That the provisions of this act shall not be construed to apply to any existing contract made in conformity with law, nor to invalidate any remedy or rights now exercised by any Building and Loan Association for the redemption of their own stock.

Sec. 5. That all laws or clauses of laws in conflict with this act are hereby repealed.

Sec. 6. That this act shall take effect and be in force thirty days from and after its retification,

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Last May Mr. Grant issued a proclamation for the admonition of the "turbulent and disorderly persons" who maintained that Joseph Brooks was elected Governor of Arkansas. This week he has written himself down as a turbulent and disorderly person. If he attempted to put his message to Congress into execution any officer of the army would be bound by the President's proclamation of last May to arrest him and deal with him as such. It is one of the strongest signs of the times that this message has created scarcely a ripple of excitement in Congress or in the country. The apathy with which it is received, is in effect, an expression of the general belief that nothing Mr. Grant may do ought to surprise anybody. The proposition is entirely revolutionary. It virtuely disputes a proposition at least three centuries old in England, that no man shall suffer for upholding a *de facto* government, although it may be that of an usurper. It proposes to reopen the wounds which have been completely closed in Arkansas for the purpose of putting into power there the present partisans of Grant, and with the effect of making waste paper of a solemn official proclamation of the same man who now signs it. The best Mr. Grant's friend's can say for his message is that it is the result of an appeal from Philip drunk to Philip sober. We see no reason for supposing that the Philip who wrote the message is any soberer than the Philip who issued the proclamation. Although the President makes a more contemptible and pitiable exhibition of his own character in this Arkansas business than he made in the Louisiana business, although nobody seems to take notice of this, perhaps, for one reason, because it has not yet borne its natural fruits of civil strife. They will come in due season, and we have no reason for supposing that Mr. Grant will regret their coming, as we have, from the debate on the Civil Rights bill, explicit reason to know that Mr. Grant's chief champion, Butler, will not regret their coming. If disturbance in the South be, as we are inclined to think it is, the best chance for Grant's political future, he is taking the best way to produce it. In that view only is his Arkansas message intelligible.—*N. Y. Word.*

PRESENT AND HEARD FROM.

The men who lend money at 12 and 20 per cent. have infested the Legislature all the session. The men who borrow at these ruinous rates have not been able to get here. They will not be heard from until the next election. Not one man in fifty in North Carolina favors a law by which money can be loaned at more than eight per cent., the rates allowed by the bill now before the Legislature. The people's Representatives have found out what makes the panic. When they attempt to apply the remedy a panic is produced among the few who produced the panic among the many. The panic so prevalent among the farmers for two years past, now prevails among the usurers. They declare the country is ruined if they can't lend money at just such rates as they wish and their greed for gain demands. If not allowed they will loan their money in Virginia. Let them do so as Holden said before he got religion and be——, Virginia has just about as much as she wants at the usurers ruinous rates. The bond holders of the North who pay no tax on their bonds bought at 50 cents in the dollar during the war should be no longer allowed to establish banks among us and charge what they will for the use of money. We cannot prevent their establishing banks, but we can say you shall not have more than eight per cent., the Legislature have said so, and it remains to be seen if they will stand by their word, or if banks and usurers can drive or buy them from it.—*Raleigh Sentinel.*