

Friday Evening, May 11, 1866.

LEWIS HANES, Editor.

Judging from information which we gather from our various exchanges, we think that the plan of restoration reported by the famous Committee of Fifteen meets with but little favor in any quarter, and we do not believe that it will ever be agreed to even by the requisite majority of each House of Congress. The plan is not warmly received by any of the leading Republican papers, while many of the ablest of those oppose it outright. We have not the least idea that the plan will ever be adopted. Even if Congress should agree to present the proposed Constitutional amendments to the States, they will not be ratified by three-fourths of the "loyal" States, much less by "three-fourths of all the States." We think the full elections, which will turn upon this issue, will result in a defeat of Radicalism in all the Middle and a portion of the Western States, and that the policy of the President will finally prevail we do not entertain a doubt. Yet, owing to the power of the Radicals in the present Congress, we think it very doubtful whether any of the Southern States with the probable exception of Tennessee and Arkansas will be represented in that branch of the government before the meeting of the next Congress.

Trouble in the Radical Camp.

The Radicals, says the Richmond Enquirer, have been sorely troubled by the defection of Secretary Stanton, and his adhesion to the President. When the statement was published a few days ago, of the result of the Cabinet consultation on the Report of the Reconstruction Committee, and when they saw it affirmed that Stanton had expressed his concurrence with the President in his opposition to that pestilent programme, while Harlan was reduced to non-committalism and silence, they were confounded and alarmed.

The first expedient was to deny the correctness of the account. It had been manipulated by the President and Seward, and made simply what they wished it. "Responsible and well-informed friends of Mr. Stanton" had been heard to say that it was impossible—that it was absurd! Stanton to turn upon the friends who had held him in his seat when delicacy and propriety commanded him to withdraw, in order that he might watch and embarrass and betray the President? Incredible!

But time passed, and brought no contradiction, no qualification, from Mr. Stanton! His endorsement of the President, his denunciation of the programme of the Committee of Fifteen, have had at least the confirmation of his silence. Contrary to all expectation, both of his former friends and his former foes, Stanton seemed indeed to have swapped the one for the other, and taken his stand against Radical extravagance, and on the side of common sense, the Constitution and the President.

If any lingering hope or doubt remained as to the accuracy of the statement of Mr. Stanton's present position, it has now been dispelled. In the National Republican of yesterday we are quasi officially informed that the account of the Cabinet consultation was from the highest source—was in effect official.

And not only does the Republican, by its new outgiving, clinch the nail as to Stanton, but it takes Secretary Harlan out of the neutral, silent, non-committal position before allowed him, and again affirms that he, too, after the council broke up, declared, in retiring, his concurrence in the views of the President, and the other members of the Cabinet! It thus appears that instead of regaining Stanton, the Radicals have lost Harlan, also! The Cabinet is a unit, save Speed, and he is at his home in Kentucky.

The effect of these defections, and of the defection of leading newspapers at the North, has been to bring the Radicals to a halt. As the "subject" told the mesmerist who, after being obeyed in a multitude of other commands, ordered him to descend into a well, they find that in their Reconstruction proceedings they "are carrying things a little too far." Forney, even though more bitter, speaks less loudly, and the Senate has taken the back track. By a vote of twenty-one to eighteen, they have reconsidered the amendment to the Post-Office bill by which they sought to strip the President of his power of removal. They knew it would be vetoed, and they discovered that they could not pass it over the veto; and they concluded to beat a retreat.

Having begun to give way, it is to be hoped that Radicalism is near its overthrow. The great point to be gained in combatting with enthusiasm Wrong, is to destroy its prestige of inviolability. The first staggering blow, is the victory; for it never recovers.

"Error, wounded, writhes in pain, And dies amid her worshippers." Let all good men and true patriots be encouraged to write, and press with zeal on the retreating ranks of fanaticism, disunion and anarchy.

From the Federalist Herald.
Interesting Decision with Regard to Confederate Money.

An important decision was rendered a few weeks ago, by the Hon. George R. Clayton of Columbus, acting as special Judge, the interest of which hinges upon the validity of a payment made in Confederate money. The case was that of Duke & Cade vs. John W. Perkins, being a bill for specific performance of contract. It was tried in the Sixth Judicial district of Mississippi; the Judge, Hon. H. W. Foote, not sitting in the case, hence the necessity of the special Judge.

The Mobile Register has compiled the following facts, of which we avail ourselves: On the 27th of January, 1864, the defendant sold to complainant's 20,000 pounds of lint cotton for the sum of \$7000, which was paid at the time in treasury notes of the Confederate States. The defendant (Perkins) agreed to take ordinary care of the cotton and deliver it to complainants when afterwards required, &c. The defendant failing and refusing to deliver the cotton, when required, the bill was instituted to enforce a specific performance of the contract.

The defendant, by his counsel, submitted the following grounds of defence:

1st. That the act of secession by the State of Mississippi, and consideration with other States being a violation of the Constitution of the United States, no government was created by said Confederacy which could perform any binding act, and the issuing of treasury notes to be used as money was as nullity, and consequently was not such a consideration as would make a contract legal between individuals.

2d. That the Constitution of the United States prohibited the States from "emitting bills of credit," and that the States could not do collectively what they were prohibited from doing separately. That said treasury notes which formed the consideration of the contract sued on, were "bills of credit," and having been issued in violation of the Constitution of the United States, were illegal and void, and said contract, founded on said illegal consideration, cannot be enforced either in law or equity.

3d. That said Treasury notes were issued to carry on a rebellion against the government of the United States, and the same having been issued in violation of the Constitution, law and public policy could raise no consideration upon which a legal and binding contract could be erected.

The lucid and learned decision of Judge Clayton on the questions thus presented is published in the Columbia Sentinel. We have not sufficient space to copy it in full, and can only briefly state its general purport. After a statement of the origin of late war, the Judge proceeds to refute the fallacy of the argument for the defence, which undertook to prove that the Constitution and laws of the United States were in full operation over the Southern States during the war. He shows that the citizen, owing partial allegiance, at least, to both governments, could not commit the crime of treason, when his action was controlled by State authority. So far as this principle carried in England, that the citizen is held exonerated from the crime of treason operated from the crime of treason even for supporting a usurper against the rightful sovereign. He quotes Blackstone, who says:

"It is held that a King *de facto* and not *de jure*, in other words a usurper that hath got possession of the throne, is a King, within the meaning of the statute, as there is a temporary allegiance due to him, for his administration of the government and temporary protection of the public; and therefore treasons committed against Henry VI., were punished under Edward IV., though all the line of Lancaster had been previously declared usurpers by act of Parliament." And again, "When, therefore, a usurper is in possession, the subject is excused and justified in obeying and giving him assistance; otherwise under usurpation no man could be safe, if the lawful prince had a right to hang him for obedience to the power in being, as the usurper would certainly do for disobedience."

Reasoning on the basis of these well established principles, Judge Clayton says: "It is evident that, if this doctrine be correct, and treason cannot be committed by rendering assistance to a usurper who has possession of the government against the lawful prince, most certainly the citizen of a State, owing not only temporary, but permanent allegiance to the State government, cannot be amenable to the general government for rendering obedience to the authority of his State, notwithstanding by so doing he will violate his federal allegiance. A contrary doctrine in conflict between a State and general government, would render the escape of a citizen from the crime of treason impossible; for the obedience of one would constitute treason against the other."

The Judge proceeds to show that the late war could not, then, be considered as a mere rebellion, but that it was a genuine war between belligerent powers—a "civil war," as he terms it, and that individuals engaged in it are not personally responsible for acts committed in obedience to the authority of their respective governments.

This position is sustained by a full array of authorities—among them by the decisions of the United States courts during the war. The next step in the argument is thus stated:

"We cannot hold that the suspension of the Federal Constitution and laws left the Confederate States in perfect anarchy, with no law controlling contracts or rights of property. But we conceive, that as the States continued all their power and function of government which they possessed before the war, and created a *de facto* government with belligerent power, the two combined possessed authority to enforce the law and give ample protection and validity to the property, rights, and

contracts of the citizens. The commercial and municipal laws of the States, regulating transactions and contracts between citizens, were not affected by the war, but remained intact, within the jurisdiction of the Confederate States."

Judge Clayton then proceeds to consider the powers of the Confederate Government during its *de facto* existence, and shows very conclusively that, as a *de facto* measure, it possessed the power of issuing treasury notes, and to this power was entirely independent of any question of its character *de jure*. He shows, also, that the Federal Government has recognized the validity of purchase made with these notes, by seizing cotton and other property of the Confederate States, the title to which was acquired by the Confederate Government through purchases made with these treasury notes.

From these considerations the conclusion is drawn with irresistible force, that contracts, of which the consideration was the payment of Confederate money during the *de facto* existence of the Confederate Government, are valid and obligatory.

Our limits of space and time prohibit any further statement of this able and interesting decision, although it is impossible to condense it without injustice to the argument. It is, in our judgment, exhaustive and irrefutable.

The prayer of the bill was granted, and a decree entered for the delivery of the cotton to the complainants, or, in case the cotton could not be had, for the value of it—the defendant to pay the costs of the suit.

WASHINGTON ITEMS.

The Post Office Appropriation—Radical Alarm About the Bill—Position of the President—The Presidential Question—Congress Floundering—The Pardon Docket to be Cleared—The Colorado Bill—The New Orleans Report.

The Washington correspondent of the Baltimore Sun writes as follows:

The Senate is somewhat alarmed at the prospect of losing the postoffice appropriation bill for the next fiscal year, by the adoption of the amendment to the bill making it a condition precedent to the payment of any money to any civil officer that his appointment shall be confirmed by the Senate. If this condition be insisted upon, the President will veto the bill, for he cannot, of course, sign a bill that deprives him of all his constitutional power. The consequence will be that the Post-office Department will be closed and the postal service suspended. This would be revolutionary. Congress could, by pursuing the same course of usurpation, destroy the Government.

The post-office appropriation bill was once defeated by the obstinacy of a Senator. But as Congress was ready to pass the bill as soon as it met again, the Department was enabled to get along by issuing certificates of indebtedness. But no one would trust this Congress to do any better at the next session than at this.

The motion to reconsider the amendment was before the Senate to-day, and Mr. Poland objected to it. He could not stand before the people, he said, upon the proposition to refuse payment to a public officer. But Mr. Trumbull could, and the people, he said, would support Congress in the refusal to pay money to aid in the defeat of measures which Congress deems necessary to maintain the Government and perpetuate the Union. Mr. Sherman took a very practical and reasonable view of the question. As to some officers, the President, as he urged, must of necessity have absolute power of removal—such as the cabinet ministers and diplomatic agents. The President, for these and other officers, must have around him his personal friends.

If the Republican majority are alarmed at the removal of half-a-dozen officers in Pennsylvania and Illinois, what will be the effect of a general sweep of all the Radical office-holders?

Congress is blundering and floundering, and don't know from day to what their own policy is. They agree in opposition to the President's policy, no matter what that may be. If his policy should be better than theirs, if indeed they should ever have any policy, he will have a better chance to be elected President without a nomination than any one else with the nomination of Congress. It is the Presidential question that Congress is looking to, and not to the promotion of any policy for the restoration of the Union.

An order is understood to have been received at the office of the Attorney General from the President, directing that the dockets of applicants for pardon be cleared entirely, which is almost equivalent to the issue of a general amnesty, the leaders and prominent individuals being alone excepted. Certain it is, the issue of a general order cannot now be much longer delayed.

COLORADO DOOMED.

Some of those who voted for the Colorado bill are industriously circulating a report that the President will sign it; but I am assured he will do nothing of the kind. What is more, the bill cannot be passed over the veto so the question may be considered as settled against the young territory.

I have seen a sketch of the report of Hon. Beverdy Johnson and James T. Brady, Esq., which the Secretary of War has informed the President it would be incompatible with the public interests to transmit to Congress, and I violate no confidence when I say it is one of the raciest documents that the war has produced. The field of exploration in New Orleans was large and rich in the extreme, and there is very little respect of persons in the report which the gentlemen appointed make. The *quere* is, will it ever be published?

The new Parisian bonnets are described as a cross between a soup plate and an inverted geranium pot.

From the Old North State.
"Memory's Voices"—A Twilight Dream.

Inscribed to Mrs. L. A. H., Davidson County.

As I sit here watching the light of this beautiful May evening, as it sinks to rest beneath the far, purple-tinted hills of the West, my thoughts are all with "loved ones gone before." To me, there is something inexpressibly sweet in the very name of evening, which seems devoted to calm reflection, and all the holier feelings of one's nature—a soothing spell that seems to us more like a glimpse of the soul's immortality than anything we may know in the scenes of every day life; and with this spell comes the forms of those we know and loved long ago—but who are now repaying nature's great law—"dust to dust."

Like the murmuring of some distant river as it rolls onward to the bounding ocean waves—like the gentle music of the summer breeze, as it comes, laden with a refreshing coolness to the fevered brow of the lovely sufferer—and like all that is dear of this heart comes the memory of "lost friends." Sweet voices! Gentle Whispers! "Ye come like music that we hear in dreams!" And when sorrow clouds the brow; when misfortune throws her dark mantle around us, we love to be all alone to listen to the "spirit voices" that come with words of love and kindness, for they leave us purer, better than we were before such visits. They come from those who are ever hovering about us—watching over our lives and ready to bear us away

"To the Isles of the Blessed,
To the gem-spangled shore,"
where no sin, no unkindness can wound the loving heart.

A few days ago, while looking over some "old letters"—leaflets of memory hidden away as mementoes of the beautiful past, my eye fell on a package tied with crimson emblem of sadness—and oh! the memories that came crowding fast to my heart! The bright "hope-castles," the sweet day dreams of childhood all seemed to shed a halo of light around me, as I read the familiar letters from a dear cousin who used to play long ago at the same home among the wild-wood, birds and flowers. Those were brave, good letters,

"In each line was some sweet token
Treasured for the thoughts it gave;
In each one, some bright hope spoken,
Shining still in memory's wave."
The hand that penned them sleeps far away now, in "a soldier's lone grave," none of those he loved best shall drop the tear of affection there, no kind hand may strew the "moss-covered mound" with flowers, those meet emblems of the "still heart" beneath—the vacant chair at home may never be filled as of yore, with its bright occupant, but we may meet him again, and when "life's fitful fever" is passed wear with him the crown of eternal life, for

"His dust to dust beneath the sod,
But there, up there, 'tis heart to heart."

As I closed the letters, a feeling of sadness mingled with a sense of loneliness crept over me, but I would not wish the writer back when I recollect the words of some kind person in speaking of this young soldier's death. "Mourner round the domestic hearth, wouldst thou call the pure boy back again?" No, no, rest on young heart, secure from the cares you once said "must come to all young minds as they grow older." They cannot cast a shadow over your sunny spirit again—Sleep on! many who were near and dear to you, are resting beneath the sod—other gentle voices are missed from the same "home circle," but sad tears will dim the eyes of her who watched over each one, for

"They grew in beauty side by side
They filled one home with gloom."

But time has somewhat softened the grief for those, and it will be felt anew whenever she thinks of her "little E's grave."

Memory's voices! They can lead me backward through long, almost forgotten years. They bring up scenes we have lost sight of amid life's busy hours; and cause our hearts to beat fast with emotions awakened at their sound. A forgotten song, learned long ago, has the power to call up many thoughts and feelings, when it is heard after many years; and will always be connected in our minds with some loved one. At the still hour of twilight I love to listen to the music of "Home, Sweet Home," hummed by some cheerful workman on his homeward way; but sweeter, more soul-soothing to the world-weary mind as the thrilling song "Rock me to sleep Mother," for it is *easy* to bring with it a thousand "memories" of the one who taught me to "lift the heart and bend the knee." At such a moment our hearts echo back the lines:

"Tired of the hollow, the base and untrue,
Mother, Oh! mother, my heart calls for you."

And ere we know it, we are kneeling in imagination, by a grave where the best friend we ever knew, is laid, and from it we bear away in our hearts, a talisman that will throw light into all the shaded places of our "life-path"—it is this: "Meet me in the Better Home." We go forth with a determination to lead a new life, to battle with the ills of adverse fortune, and do all the good we can, that we too may leave a lamp still burning, a light that will point others to the Port of rest even as we are guided by our talisman of Hope.

We are sometimes prone to murmur over departed days, complaining of the dull present, and think our lives are worthless, and devoid of pleasure, but we may make happiness if we try—if we pass the thorns by cheerfully, and only remember the roses that bloom along our pathway!

My twilight dream is almost ended.—The twinkling stars peep out from the "deep blue" above me, and the "bird music" warbles among the leafy boughs around, and recall me from the dreary "El Dorado land." The still, musical voices of memory are growing faint, and soon the busy thoughts and every day objects will drive away the calming spell that has come over me, bringing up firms and

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Bright, beautiful sleepers! "Grass plumes wave above your graves"—the ivy, like my heart, still clings around them, and will entwine there many a year. Your lives were good and noble, and there are many to whom "this remembrance will come like the dreams of an angel," as it has come this pleasant spring evening, and brought a repose that does not seem born of earth—longing desire to the heart of
"CALLORE."

Thomasville, N. C.



Proceedings in Congress.
Washington, May 9.

SENATE.
Mr. Grimes, from the Naval Committee, reported a bill to restore Commander Chas. Hunter to his former rank in the navy. In the early part of the war, Commander Hunter pursued a blockade runner and ran her ashore and captured her on the coast of Cuba within a marine league of that island. The Spanish government took umbrage at this as a violation of the neutrality laws, and Commander Hunter was cashiered at its demand. The bill was passed.

The resolutions introduced yesterday relative to preventing the introduction of the cholera into this country and Postal Appropriation Bill were further discussed, without definite action on either. A bill was introduced to regulate appointments to and removals from office.

HOUSE.
The House passed a bill to allow Vice Admiral Farragut a secretary with the rank and pay of a Lieutenant in the Navy.

The special order, viz: The joint resolution proposing an amendment to the Constitution was taken up and several members availed themselves of the opportunity to deliver thirty minute speeches for or against the proposition.

Among those who endorsed the amendment was McKee, of Ky.

Mr. Raymond said he was willing to accept the report provided the third section was stricken out.

From South America.

New York, May 9.—Panama advises state that the news is unimportant.

Matters remained perfectly quiet in Valparaiso since the bombardment. All the Spanish fleet, with one exception, had sailed for northern ports.

The Danish Consul General sent a note to the Spanish Admiral, saying that his government would hold Spain responsible for the damage done to Danish property in Valparaiso. The Admiral refused to receive the note.

Immediately after the bombardment of Valparaiso, the English Minister was required to vacate the premises occupied by him, and no one will rent him another house. His name was also stricken from the list of members of the "Club de la Union."

Only two lives were lost and eight persons wounded during the bombardment. One hundred and fifty-one government stores, containing upwards of \$8,000,000 worth of foreign merchandise, were destroyed. The bulk of the loss will fall on foreigners.

At Callao preparations were actively making for the reception of the Spanish fleet, by the erection of fortifications.

The Death Warrant of Probst.

Philadelphia, May 9.—The death warrant for the execution of Antoine Probst, on Friday, 8th of June, was received by the Sheriff this morning. The prisoner received the announcement quietly, seeming entirely unmoved. He had previously told his confessor, that he believed death was the only expiation for his crime, and he was willing to suffer it.

Cholera Reports.

New York, May 9.—The Health Officer reports four new cases of cholera, but no deaths in the hospital ship since the last report.

Baltimore Market.

Baltimore, May 9.
Flour buoyant; high grades advanced 50c. Wheat firm. Corn steady; white 84s85c, yellow 80c. Oats dull at 55c. Provisions active. Sugars firm. Coffee dull. Whiskey steady.

New York Markets.

New York, May 9.
Flour has advanced 20c.; sales 50,000 bbls. Wheat advanced 10s15c. Corn advanced 1c. Beef unchanged. Pork firm. Lard dull. Cotton quiet at 34s35c. Sugar and Coffee steady. Naval Stores firm. Gold 129s.

A French machine makes eleven pounds of ice an hour at a cost of half a cent a pound.

PASCEGOLA BAY.

BY MATTHEW O. FIELD.

Moonlight is sleeping on the wave,
You sandy beach shines in the ray,
And silver are the sands that pave
Fair Pascegola bay.
You isles of green seem spirit-bound,
While spell-like silence floats around;
And you mysterious object, mark!
Far o'er the glassy surface, see
The branching root of some dead tree
Peep out above the shallow sea,
Like water spirit, dark.

Like some lone spirit of the water
Gazing upon the fair moonlight,
Or sighing for some earthly daughter
In silence and in night,
Does sorrow dwell beneath the wave?
In coral grot and crystal cave?
And do the nymphs and naiads know
To weep? Does now some fair Undine,
Beneath you bay of silver moon,
Hiding her face in tresses green,
Drop amber tears of woe?

Ah! sorrow ever o'er the earth
With joy goes, almost hand in hand,
Changing and mingling joy and mirth
Thick as you silver sand.
The songsters on their summer wings,
The fairest and the best of things,
Find mirth still mingled with alloy.
Ah! sadness dwelleth everywhere
Upon the earth and in the air,
And 'neath the waves, yes, even 'tween
Grief mingles still with joy.

Hark! listen! doth my musing, lone
And dismal, lift my fancy high?
Or whence this sad and sighing tone
Of music floating by?
Now swells it ever leaf and bough,
Beneath, along the water now,
And ah! how very sad it seems,
Mournful as solemn tolling bells,
Echoes of by-gone funeral knells,
Like spirits sighing their farewells,
Or music heard in dreams.

And 'tis not fancy, for they tell
How long ago was heard the sound;
How here the red men fought and fell,
And in the bay—were drowned.
They say it is a spirit land
Mourning in Pascegola's sand;
The bones of many tribes are there;
Their moans left echoes on the waves
That roll o'er their eternal graves,
And as the beach the waters lave,
Sad music fills the air.

Again! how strange! it cannot be
The night wind, for the night is still,
And not a leaf stirs on the trees,
Or blade upon the hill:
Now deep, now distant, now so near,
You start and smile at your own fear,
And all so mournful I swells along
The sound it thrills your feelings deep,
You long to steal away and weep,
You sigh to listen—and to sleep,
Lulled by this spirit song.

Not when the tempest whips the wave,
Not when the storm send's rage is stirred,
But when 'tis silent as the grave,
Then is the music heard;
Then, wildly, sweetly, from the lake
The spirit-son is heard to break,
And o'er the glassy wave to play;
The war song of the Indian brave
Comes from his deep and watery grave,
And floats upon the silver wave
Of Pascegola bay.

Nothing teaches us patience like the garden. You may go round and watch the open bud from day to day; but it takes its own time, and you cannot urge it on faster than it will. All the best results of a garden, like those of life, are slowly but regularly progressive.

"What will you take first in Canada?" asked a quizzing Yankee of a faithful Fenian. "Hot whisky punch," was the prompt reply.

MAGGIEL'S FEVER AND AGUE CURE.

DR. J. MAGGIEL'S Fever and Ague Pills also cure Chills and Fever. They are an infallible tonic for the system in all miasmatic districts, and should be kept in the medicine chest of every family.

A box of PILLS will be sent free to any suffering with the above complaints, and no money need be returned by the patient until he feels that he is getting cured by the use of MAGGIEL'S CHILLS AND FEVER PILLS. They are sold by all Druggists at \$2.00 per box, and a perfect cure is guaranteed with from one to three boxes, if the directions are implicitly followed.

Sold by all Druggists and Dr. J. MAGGIEL, 43 Fulton Street, New York, at \$2.00 per box, and to whom all orders should be addressed.

Caution.—I have noticed with much pain that many Druggists, both at home and abroad, are offering my Billious and Diarrhoea Pills to patients for the cure of Chills and Fever, and Ague. My Billious and Diarrhoea Pills are infallible for what they claim to be, but nothing more. Do not then be imposed upon. My Chills and Fever remedies have their name on the boxes, and are entirely different from any of my other medicines. I have been at considerable expense to have a label engraved difficult to counterfeit, and it is hoped that the consumer will narrowly scrutinize what he purchases, purporting to be mine.

J. MAGGIEL, M. D.
43 Fulton St., New York