

FOR GOVERNOR,

JONATHAN WORTH,
OF RANDOLPH.

NATIONAL RESTORATION

Soon after the meeting of the Convention an effort was made to convince our people that PRESIDENT JOHNSON and the Radicals were about to compromise upon the basis of the Howard Amendment, and in anticipation of such compromise there were those in the State, and among them men of prominence, who desired the Convention to signify in advance its willingness to accept the degrading proposition. It is noted at the time that there was any foundation whatever upon which to base such an opinion, and strongly expressed our belief that the President would adhere to his plan as long as there remained the slightest hope for its success—that he would never abandon it until it was manifest that further persistence in it would outrage those whom he meant to serve, and that that time had not arrived, and that it would arrive if the Conservatives of the State would only remain true to the country and to each other, and forgetting old party animosities form a new Constitutional Union party upon the basis of the President's policy.

That we were not mistaken in saying that there was no foundation for the opinion that the President would except the Howard Amendment, is now made manifest by his brief message to Congress, which we publish to-day. This message entirely sustains our position, and declares that all the Southern States, except Texas, "have been entirely restored to all their functions as States, in conformity with the law of the land, and have appeared at the National Capitol by their Senators and Representatives, who have applied for and have been refused admission to the vacant seats."

This sentence comprises the whole case in a nut shell. The government of the United States and the Northern people demand the right of secession to the Southern States. If that right did not exist—as we believe it did not—then the ordinances of secession passed by the Southern States were mere nullities, and said States were always, *de jure*, States in the Union. Hence being brought to bear to sustain and make good the action of those States in their attempt to separate themselves from the Federal Government, they were for the time being—during the prevalence of this war—practically out of the Union. But upon the failure of this force, and its surrender to that of the United States Government, the integrity of the Union was restored, and the States lately in rebellion to the Government became again members in the Union *de facto et de jure*. They forfeited none of their rights as States by rebellion. Ours is not a government purely Federal, in which the laws of Congress operate upon the States. It is a compound government—a Federal Republic upon a national basis. The ultimate sovereignty resides with the people, who have granted certain sovereign powers to the General Government, and have reserved certain others to the State governments. The exercise of the powers granted, both governments are equally sovereign, each being supreme within its proper sphere. The laws of the United States Government operate, not upon the States, but upon the citizens of the United States, who alone owe allegiance to and can commit treason against it. These laws are executed by the General Government without the co-operation and assistance of the State Governments. It has its own courts, its own judges, marshals, assessors, tax-collectors, and all other officers necessary to the proper administration of its laws. These officers may be taken from any part of the United States, so that in the execution of its laws it is almost wholly independent of the State Governments.

Upon this theory—and it is the one upon which the Government of the United States acted and upon which alone it can justify its action in the late war—every citizen of a State, he being also a citizen of the United States—may commit treason, but a State cannot. The State Constitutions are as much a part of the Federal system as the Federal Constitution itself, and the former can no more be destroyed by the rebellion of any portion of the people of the United States than can the latter. The war closed, then, leaving the constitution and laws of the several seceding States, "not inconsistent with the Constitution and laws of the United States," in full force and effect—they were not destroyed by it as contended by some. When the President issued his proclamation declaring that the war had deprived the States of rebellion of all civil government, and ap-

pointing Provisional Governors for the purpose of restoring the same, he only meant to say that there was no longer any administrations of the civil governments in said States, those who formerly administered the same having forfeited their offices by abjuring their allegiance to the Government of the United States. These Provisional Governors, by the aid of the several State Conventions, have accomplished their object in every State except Texas. The President has long since issued his proclamation announcing this fact, and that the insurrection was at an end in those States, and he reiterates it in this message when he declares that all the Southern States except Texas, "have been entirely restored to their functions as States."

So far as all the Southern States are concerned, except Texas, restoration is an accomplished fact. The Sovereign powers of the Federal Government over the State governments are derived from the Constitution, and are precisely the same now that they were before the war. The idea of conquest of a State as a right under the power to suppress insurrection is not only an absurdity, but it is a legal impossibility. North Carolina, then, has the same right to be represented in the Congress of the United States that any of the Northern States have whenever she presents herself, as she has done, in the person of loyal Senators and Representatives. The great mass of her citizens, we admit, had been, technically at least, guilty of treason, but they have accepted the proffered clemency of the executive and have thus been restored to all their former rights of citizenship. They have taken the amnesty oath in good faith, and are now as loyal as the people of any other State. Whence, then, all this clamor about "reconstruction"? "We do not," says Mr. Seward, "reconstruct that which has never been destroyed." The question is not one of reconstruction, but of our rights under a Constitution which has never been destroyed—under a Union which has always had an existence *de jure*, and which has long since been restored practically.

If the promises of PRESIDENT JOHNSON, Mr. Seward, Mr. Doolittle, Mr. Cowan and many others among the ablest jurists and statesmen of the Republican party be true, it at least raises a question of doubt as to whether the Congress in the absence of the Senators and Representatives of the Southern States possessed the right of proposing amendments to the Federal Constitution. But waiving all doubts on this point, we do not hesitate to affirm that they have not the shadow of right to propose amendments to the Constitution and present them to the Southern States, as a *sine qua non* upon which they may be allowed to exercise a right under the Constitution which is as clearly theirs as any right can be, which is, in fact, inherent in the very nature of our government, and of which they cannot be deprived for any great length of time without subverting the Government itself. Will the people of North Carolina ever consent to purchase a right to which they are clearly entitled, and which is withheld from them by a usurping majority in Congress, by accepting at their hands any amendment to the Constitution, even though it should be far less objectionable than the Howard amendment? We do not believe they will.

But what shall we do? is a question frequently asked. We answer, preserve our temper, and oppose a constant but dignified opposition to the Radical propositions. Let us wait with a manly patience for a returning sense of right and justice in the minds of our Northern Brethren. If the Southern people will do this, if they will refrain from doing anything calculated to inflame the Northern people against us, they are bound to triumph sooner or later. The Radicals cannot always keep us out of Congress without such violations of the Constitution—without such gross violation of the fundamental principles of our government as will endanger liberty, not only in the Southern States but throughout the whole nation. The Northern people are far too intelligent not to see this, and when the passions and prejudices of the hour shall have passed away, and reason shall have resumed her sway—as will be the case in a short time if we of the South pursue a proper course—they will abandon to their fate the revolutionary leaders who are now misleading them and abusing their confidence, and rally to the support of the Constitution and the Union. They will not long remain idle spectators of injustice and oppression. They will not long permit any large portion of the people of the United States to be subjected to the injustice of "taxation without representation," remembering, as they do, that it was to redress that same grievance that their Revolutionary fathers went to war with the mighty power of Great Britain.

The slightest yielding on the part of the Southern people would greatly encourage the Radicals, and would be of infinite service to them in the approaching election, while steadfastness in our opposition will

tend greatly to weaken them. They would greatly weaken the President's party at the North, if they could only show that there was the slightest disposition on the part of any of the Southern people to abandon him, but if we stand firm and display the proper temper it will tend greatly to weaken them. We think that the nearest road to admission lies in a moderate, yet firm and unyielding support of the President's plan. Not only do we support the President on principle, but in order to the speedy attainment of the great end in view, we regard it as the only wise policy. We repeat that if we stand firm the Radicals cannot long keep us out of Congress. In a government like ours, it is utterly impossible to exclude for any length of time eleven great political communities from their just participation in the administration of the government without producing revolution and bloodshed, and to this length the Northern people will never permit their representatives to go. In proof of our assertion we beg leave to introduce the opinion of one of the wisest and best of English statesmen given in a similar case. In the year 1825 the Catholic association agitated for emancipation with powerful effect. "The Tories," says McAuley, "acted after their kind. Instead of removing the grievance, they tried, to put down agitation, and brought in a law, apparently sharp and stringent, but in truth utterly impotent, for restraining the right of petition." Against this law the late Lord Holland entered a protest which should, of itself, have distinguished him for all time to come as one of the noblest friends of civil and religious liberty. From that protest we make the following extracts:

"We are well aware that the privileges of the people, the rights of free discussion, and the spirit and letter of our popular institutions, must render—and they are intended to render—the continuance of an extensive grievance, and the dissatisfaction consequent thereupon, dangerous to the tranquility of the country, and ultimately subversive of the authority of the State. . . . If, therefore, the illegal method of seeking redress, which has been resorted to by persons laboring under grievous disabilities be fraught with immediate or remote danger to the State, we draw from that circumstance a conclusion long since foretold by great authority—namely, that the British constitution and large exclusions cannot subsist together; that the constitution must destroy them, or they will destroy the constitution."

Not only were these the words of wisdom, but they were the words of prophecy also. The Whig ministers, Gray and Canning, we believe, being beaten on the Catholic emancipation question were compelled to resign, and were succeeded by the Duke of Wellington. Sir Robert Peel, who opposed it, but the very next year they were compelled to yield to the force of public sentiment and the demands of justice, and grant emancipation to the Catholics of the British Empire. Thus was verified in the short space of a little over a year the truth of Lord Holland's prediction, that "Free Constitutions and large exclusions cannot subsist together; that the constitution must destroy them or they will destroy the Constitution."

As it was in England, so it will be here. In a short time the constitution will destroy this exclusion, or it will destroy the constitution, and we do not believe that the constitution will be destroyed. The Radicals will never carry the contest that far—they could not if they would. We believe that the constitution will live, and that the country will be come greater and more prosperous under it than ever, and that it will soon destroy this exclusion. Let our people, then, by a prudent course render all the aid they can to PRESIDENT JOHNSON and our Northern friends, for upon them we must chiefly rely for deliverance.

From the National Intelligencer.

The abandonment of the projected conference of the leading powers at Paris, and the failure of the London Consolidated Bank, serve to revive the subsiding panic in England. The financial effect of actual war on the continent was a subject of speculation in England. That it will cause a continued drain of gold from London is shown by the fact that the suspension of specie payments in Italy has already drawn off gold to France. So with Austria and the other belligerent powers, when the war commences specie payments will necessarily be suspended, and gold will accumulate unemployed in the countries which will be engaged in war; gold and silver even will be sent to England. At any rate, there will be no further demand for specie in those countries. The gold demand in England will subside, and the drain from the United States to England and Germany will cease. The rise of gold in New York above sixty, upon the receipt of the late intelligence, was not warranted by any prospect of a continued demand for it abroad. It was the result of speculation, and merely creates a contest between the longs and the shorts. When the war shall become actually flagrant, panic in England will subside, for the reality will not justify the apprehension. Besides, consols are now at as low a rate as they ever were during the most doubtful and disastrous crisis of the war in the Crimea, and all Government stocks are much lower. There are no securities which have not apparently touched bottom.

The rise of gold here leaves our Government bonds at the same price in currency which they held before. But if the gold premium be maintained our bonds will undoubtedly rise, inasmuch as currency is superabundant, and without profitable employment at this season of the year.

Stay Law.

AN ORDINANCE TO CHANGE THE JURISDICTION OF THE COURTS, AND THE RULES OF PLEADING THEREIN.

SECTION 1. *Be it ordained by the people of North Carolina, in Convention assembled, and it is hereby ordained by authority of the same, That the jurisdiction of the several Courts of the State, and of Justices of the Peace, except as provided in this ordinance, shall be as in the year 1860.*

SEC. 2. *Be it further ordained, That the several Superior Courts of Law, at the Spring Terms thereof only, unless otherwise herein provided, shall have exclusive original jurisdiction to hear, try, and determine all actions of debt, covenant, assumpsit or account, where the sum, due or owing, amounts (principal and interest) to sixty dollars or more.*

SEC. 3. *Be it further ordained, That all writs in debt, covenant, assumpsit or account shall be returnable to Spring Term and be served at least thirty days [Sundays included] before the return day.— Within the first three days of the return term, should the defendant pay to the plaintiff or into Court to his use, one-tenth of the debt or demand (principal and interest) and all costs to that time, he shall be allowed until next Spring Term to plead. At the said Spring Term, should the defendant pay to the plaintiff, or into Court to his use, one-fifth of the residue of the debt or demand and cost, he shall be allowed until the succeeding Spring Term to plead. At the said Spring Term the plaintiff shall have judgment for the residue of his debt or demand: *Provided, however, That the plaintiff, if required, shall file his debt or demand in writing, and if the defendant shall make oath that the whole or any part thereof is not justly due or that he has a counter claim, all of which shall be particularly set forth by affidavit, then the defendant shall only pay the instalment required, of what he admits to be due, and the Court shall order a jury, at the same or some subsequent term, to try the matters in dispute between the parties, and at the next Spring Term the defendant shall be allowed time to plead only upon payment of one-fifth of the residue of the admitted amount, and whatever the jury may find him indebted over and above the same: *Provided, further, That should the defendant fail to pay the first or any subsequent instalment, then and in that case the plaintiff shall be entitled to proceed to judgment and execution according to the course of the Court in 1860.***

SEC. 4. *Be it further ordained, That all suits in actions of debt, covenant, assumpsit or account issued to Fall Term of the Superior Courts, shall be returned by the Sheriffs to Spring Term, 1867, and all actions of debt, covenant, assumpsit or account, now pending in the Superior Court, shall be continued to Spring Term, and if the defendant has entered his pleas, he shall be allowed to withdraw the same, and take the benefits of section 3 of this ordinance.*

SEC. 5. *Be it further enacted, That dormant judgments shall only be revived by actions of debt, and every scire facias to revive a judgment shall be dismissed on motion: *Provided, That those now issued shall be dismissed at the cost of the debtor.**

SEC. 6. *Be it further ordained, That the Clerks of the several County Courts shall transfer all actions of debt, covenant, assumpsit or account now pending in their respective Courts, to the Spring Term, 1867, of the Superior Courts, and the said Spring Term shall be deemed the return term thereof and the said actions shall stand as if originally instituted in that Court.*

SEC. 7. *Be it further ordained, That the Clerks of the several County Courts, if requested so to do by the plaintiffs, sixty days before the Spring Terms, 1867, of the Superior Courts, shall transmit to said Spring Terms certified copies of the judgments in actions of debt, covenants, assumpsit or account entered on the dockets of their Courts, together with the writs of fieri facias or venditioni exponas issued thereon, and shall issue notices thereof to the defendants, which notices shall be served at least thirty days before said Superior Courts. At the Spring Terms aforesaid, the Courts shall on motion order the said judgments to be entered on the minute dockets, provided the same were not dormant when transmitted from the County Courts, and on such entries being made, the said judgments shall be taken and held to be judgments of the Superior Courts and writs of fieri facias and venditioni exponas may issue, as provided in section 10 of this ordinance, following the writs transmitted from the County Courts and preserving the liens, as if issued by the same Court.*

SEC. 8. *Be it further ordained, That the Sheriff in each county shall return all writs of fieri facias and venditioni exponas issued from the County Court on judgment in actions of debt, covenant, assumpsit or account to the next term of said Court, without sale; and shall return all writs of fi fa or venditioni exponas issued on similar judgments from the Superior Court or decrees of the Court of Equity on money demanded to Spring Term, 1867, without sale.*

SEC. 9. *Be it further ordained, That no writs of fi fa or venditioni exponas on judgments in actions of debt, covenants, assumpsit or account shall hereafter issue from the County Courts, nor shall said writs on such judgments issue from or to the fall Terms of the Superior Courts, except in cases where defendant fails to comply with the provisions of this ordinance, and it is directed that plaintiff may proceed according to the regular course of the Court.*

SEC. 10. *Be it further ordained, That no writs of fi fa or venditioni exponas on judgments in actions of debt, covenant, assumpsit or account, or decrees for money demands in Equity shall issue from Spring Term, 1867, without permission of Court, and should the defendant within the first three days pay one-tenth of the judgment or decree and costs, then the writ shall be credited one-tenth, issued and immediately*

returned "Indulged." *Provided, No plaintiff shall be allowed to take the said one-tenth without first entering his assent to said return: And provided further, That such assent and return shall not prejudice any lien the plaintiff may then have by virtue of said fi fa or venditioni exponas: *Provided further, That at Spring Term, 1865, the defendant upon paying one-fifth of the residue of the judgment or decree and costs shall have indulgence in like manner.**

SEC. 11. *Be it further ordained, That upon all warrants before Justices of the Peace for a demand (principal and interest) of \$25 or less, should the defendant pay one-fifth to the plaintiff or to the collecting officer for his use, he shall be allowed six months to plead, and at the expiration of said six months, should he pay as aforesaid one-half of the residue, he shall be allowed six more to plead, and at the expiration of said six months plaintiff shall have judgment and execution for the residue. Upon demands (principal and interest) of less than \$60 and more than \$25, the defendant shall be allowed twelve months instead of six, on each payment: *Provided, That the plaintiff shall file his claim in writing, and if the defendant, on oath, shall deny the same, or present a counter claim, the Justice shall proceed to try the same. Upon judgment the defendant shall be allowed a stay of execution for six or twelve months, as the case may be, upon paying one-fifth, and afterwards one-half, as before judgment: *Provided, That all Justices' judgments for \$60 or more, not dormant, shall be transmitted, together with the warrant or other papers, by the Justice to Spring Term, 1867, of the Superior Court, and notice thereof shall be given to the defendant at least twenty days before Court; and in the Superior Court the same proceedings shall be had as on judgments from the County Court, according to section 7 of this ordinance.***

SEC. 12. *Be it further ordained, That all writs of scire facias to subject bail, issued from the Superior or County Courts upon judgments in actions of debt, covenant, assumpsit or account, shall be returned to Spring Term, 1867, of the Superior Courts, and should the tenth, fifth and half of the judgments be paid from Spring Term to Spring Term, time to plead shall be allowed, according to section 3 of this ordinance.*

SEC. 13. *Be it further ordained, That this ordinance shall not apply to judgments for costs only.*

SEC. 14. *Be it further ordained, That this ordinance shall not apply to the remedies for the collection of Town, County or State Revenue.*

SEC. 15. *Be it further ordained, That this ordinance shall not apply to proceedings by attachment, unless the defendant replevy and give bail, and then in that case the proceedings shall be subject to the provisions of this ordinance as if commenced by writ or warrant.*

SEC. 16. *Be it further ordained, That where the action is by or on behalf of infants, still minors at the return term, and the interest exceeds one-tenth, the first payment shall be increased to the amount of interest due, not to exceed one-fifth of the whole debt.*

SEC. 17. *Be it further ordained, That the provisions of this ordinance shall not be construed to extend to any debts or demands contracted, or penal ties incurred, since the first day of May, A. D., 1865, or which may be hereafter be contracted or incurred, but that the remedies for the recovery of the same shall be in all respects similar to the remedies for the recovery of debts which were in force in the year 1860.*

SEC. 18. *Be it further ordained, That any creditor, attempted to be defrauded as set forth in Sec. 1, chap. 50, Revised Code may, without obtaining judgment at law, file his bill in Equity, and said Court is hereby authorized and empowered to direct proper issues to be made up and tried, and to make such orders and decrees, as to right and justice may appertain; and said proceedings shall not affect the creditor's right to proceed at the same time at law; and any surety, before paying the debt of his principal thus attempting to defraud his creditors, may institute proceedings in equity, in like manner, to the end that he may obtain relief.*

SEC. 19. *Be it further ordained, That every executor or administrator shall file, on oath, at the termination of two years from the time of his qualification, a full statement of his receipts and disbursements and the condition of the assets, particularly setting out all money collected and how disbursed, and on motion the Court may allow further time to settle the estate, from year to year, not exceeding three years: *Provided, That on each motion to extend the time, a supplemental statement shall be filed: *Provided, That any creditor or next of kin may oppose said motion, and if the statement is not full and fair, file interrogatories which the executors or administrators shall answer, before his motion for time is allowed: *Provided further, That the Court may also extend the time for pleading: *Provided further, That all executors or administrators, who have heretofore qualified, shall be allowed until the County Court next after the first of January, 1867, to file his statement.*****

SEC. 20. *Be it further ordained, That all acts and parts of acts, suspending the operations of the statutes of limitation in the Revised Code, are hereby repealed, except as herein provided: *Provided, That the time elapsed since the first day of September, one thousand eight hundred and sixty-one, barring actions or suits, or presuming the satisfaction or abandonment of rights shall not be counted: And provided further, That nothing contained in this ordinance, or in the acts hereby repealed, shall be so construed as to prevent judgments from becoming dormant.**

SEC. 21. *Be it further enacted, That any Sheriff, Clerk, or other officer, failing to execute any of the provisions of this ordinance, when the execution thereof devolves on him, or issuing, receiving, or ex-*

cuting any process whatever contrary to the provisions of this ordinance, shall be subject to a penalty of five hundred dollars, to be recovered by rule of Court, as penalties and fines were recovered in 1860.

SEC. 22. *Be it further ordained, That in all actions brought by any bank or other corporation having exercised banking privileges, or by any assignee or endorsee, or officer of said bank or corporation, it shall and may be lawful for the defendant to set off by plea or on trial any note or certificate of deposit issued by said bank or its branches, or other corporations, whether the same has been presented for payment or not, any law or usage to the contrary notwithstanding, but said plea of set off, or set off on trial, shall not avail to carry costs against the plaintiff, unless there has been a tender of such payment before suit brought: *Provided, That should the defendant require the debt to be sealed according to the scale of depreciation of said notes or certificates of deposit shall not be a set off in any manner.**

SEC. 23. *Be it further ordained, That "An Act to change the jurisdiction of the Courts and the rules and pleading," ratified the 11th day of September, 1861; an act entitled "An Act to restore the Courts and for other purposes," ratified the 14th December, 1863; also an act entitled "An act to change the jurisdiction of the Courts and the rules of pleading therein," ratified the 10th of March, A. D., 1866, and all laws in conflict with this ordinance, be and the same are hereby repealed.*

SEC. 24. *Be it further ordained, That the General Assembly shall have no power to repeal, alter or modify this ordinance until the third Monday of November, 1868, and this ordinance shall take effect and be in force from and after its ratification.*

Adopted by the Convention, June 21, 1866.

A MESSAGE FROM THE PRESIDENT ON THE RECONSTRUCTION QUESTION.

Washington, June 22.—The President sent into Congress to-day the following message in relation to the reconstruction amendment to the Constitution:

To the Senate and House of Representatives:— I submit to Congress a report of the Secretary of State, to whom was referred the concurrent resolution of the 18th inst. respecting a submission to the Legislature of the States of an additional article to the Constitution of the United States. It will be seen from this report that the Secretary of State had, on the 16th instant, transmitted to the Governors of the several States certified copies of the joint resolution passed on the 13th instant proposing an amendment to the Constitution.

Even in ordinary times any question of amending the Constitution must be justly regarded as of paramount importance.— This importance at the present time is enhanced by the fact that the joint resolution was not submitted by the two Houses for the approval of the President; and that of the thirty-six States which constitute the Union, eleven are excluded from representation in either house of Congress, although, with the single exception of Texas, they have been entirely restored to all their functions as States, in conformity with the organized law of the land, and have appeared at the National Capitol by Senators and Representatives, who have applied for and have been refused admission to the vacant seats; nor have the sovereign people of the nation been afforded an opportunity of expressing their views upon the important question which the amendment involves. Grave doubts, therefore, naturally and justly arise as to whether the action of Congress is in harmony with the sentiments of the people, and whether State Legislatures elected without reference to such an issue should be called upon by Congress to decide respecting the ratification of the proposed amendment. Waiving the question as to the Constitutional validity of the proceedings of Congress upon the joint resolution proposing the amendment, or as to the merits of the article which it submits through the Executive department to the Legislatures of the States, I deem it proper to observe that the steps taken by the Secretary of State, as detailed in the accompanying report, are to be considered as purely ministerial, and in no sense whatever committing the Executive to an approval or a recommendation of the amendment to the State Legislatures or to the people. On the contrary, a proper appreciation of the letter and spirit of the Constitution, as well as of the interests of the national order, harmony and union, and due deference for an enlightened public judgment, may at this time suggest a doubt whether any amendment to the Constitution ought to be proposed by Congress and passed upon the legislatures of the States for final decision, until after the admission of such loyal Senators and representatives of the now unrepresented States as have been or may hereafter be chosen in conformity with the Constitution and laws of the United States.

ANDREW JOHNSON.

Accompanying the message of the President is the report of the Secretary of State announcing that he had, in conformity with the proceeding which had been adopted by him, in 1865, in regard to these proposed and afterwards adopted Congressional amendments to the Constitution of the United States concerning the prohibition of slavery, transmitted certified copies of the joint resolution to the Governors of the several States, together with a certificate and circular letter.

Parties from the North are to put up five hundred neat dwelling houses at Newport News. Newport News was for a long time an important point during military operations on the Peninsula.

Wheat was being harvested in Elizabeth county last Monday. The crop will be short but better than was anticipated.