Decision of Judge Pearson in the Habeas Corpus Case.

Ex parte Adolphus G. Moore. Upon proof of service and the failure of Col. Kirk

mitted two motions: 1. For an attachment against G. W. Kirk for fail-

ing to make return. 2. For a writ, to be directed to the Sheriff of some county, commanding him, with the power of the county, if necessary, to take the prisoner out of the hands of said Kirk and have him before the Chief

was a sufficient foundation for these motions. But the affidavit sets out further, that G. W. Kirk said, "he was acting under the orders of Gov. Holden and should make no return.'

This extraneous matter, if true, had in my judgment, an important bearing on the pending motions, the verbal statement of Col. Kirk, I addressed a communication to His Excellency, asking to be informed if Col. Kirk had such orders?

The purpose was to have the order to Col. Kirk avowed or disavowed, and make it a final fact one way or the other, and to afford an opportunity to His Excellency, if avowed, of setting out the ground of his action and of being neard by counsel. The cause of truth is always served by argument on both

1. The main question, and one on which both motions depend, is this. Does the fact that the Governor had declared the county of Alamance to be in a state of insurrection and had taken 'military possession, have the legal effect to suspend the privilege of the writ of habeas corpus in that county? If so, the prisoner takes nothing by either motion; if otherwise, it will become necessary to give them

It was insisted by the counsel of the prisoner that the Governor's reply is no part of this proceeding and cannot be noticed. In my opinion, it forms a part of the proceedings to the extent of the avowal of the orders given to Col. Kirk, (that is in direct response to my inquiry,) and of the fact that in the exercise of the power conferred on him, he had declared the county of Alamance to be in a state of insurrection, taken military possession and ordered the arrest and detention of the petitioner as a military prisoner. The action of His Excellency is relevant, for, if the privilege of the writ of habeas corpus be suspended, the writ now moved for ought not to be awarded. (Exparte Tobias, Watkins, 3 Peters, 193, the Chief Justice says: "the writ ought not to be awarded, if the Court is satisfied that the prisoner would be remanded." This case is cited and approved, ex parte, Milligan, 4 Wallace, 111.

His Excellency was also pleased to set out some

on the Constitution: "The Governor shall be commilitia to execute the law, suppress riots and insurrections and to repel invasion," Art. XII, sec 3. And on the statute, act 1869-'70, chap. XXVII, sed. 1, "The Governor is hereby authorized and empowered, whenever in his juagment the civil authorities in any county are unable to protect its citizens in the enjoyment of life and property, to declare such county to be in a state of insurrection, and to call into active service the militia of the State to such an extent as may become necessary to suppress the insurrection," and he insisted,

1. This clause of the constitution and the statute empowers the Governor to declare a county to be in a state of insurrection, whenever in his judgment the civil authorities are unable to protest its cutzens in the enjoyment of life and property. The Governor has so declared in regard to the county of Alamance, and the judiciary cannot call his action in question or review it, as the matter is comfided solely to the judgment of the Governor.

Governor all powers "necessary" to suppress the insurrection, and the Governor has taken military possession of the county and ordered the arrest and detention of the petitioner as a military prisoner. This was necessary, for unlike other insurrections, it is not open resistance, but a novel kind of insurrection, seeking to effect its purpose by a secret association spread over the country, seeking to effect its purpose by secret association, scourging and other crimes committed in the dark and evading the civil authorities by masks, fraud, perjury and intimidation. It follows, that the privilege of the writ of habeas corpus be suppressed. I accede to the first proposition; full faith and credit are due to the action of the Governor in this matter, because he is the competent authority, acting in pursuance of the constitution and the law. The power from its nature must be exercised by the Executive, as in case of invasion or open insurrection. The extent of the power is alone the subject of Judicial determination. As to the second, it may be that the arrest and also the detention of the petitioner is necessary as a means to suppress the insurrection. But I cannot yield my assent to the conclusion; the means must be proper, as well as necessary, and the detention of the petitioner as a military prisoner, is not a proper means, for it violates the Declaration of Rights. "The privilege of the writ of habeas corpus shall not be suspended." Constitution, Art. 1, Sec. 21. This is an express provision, and there is no rule of construction or principle of constitutional law, by which an express provision can be abrogated and made of no force by an implication trons any other provision of

The clauses should be construed so as to give effect to each, and prevent connict. This is done by giving to Art. X11, sec. 3, the effect of allowing military possession of a county to be taken and the arrest of all suspected persons, to be made by military | forces of the State? authority, but requiring by force of Art 1, sec. 21. the persons so arrested, to be surrendered for trial

not be delivered over without the writ.

"Declaration of Rights," trial by jury, &c., all of which have been handed down to us by our fathers and by our English ancestors; as great fundamental principles, essential for the protection of civil liberty. I declare my opinion to be that the privilege of the writ of habeas corpus has not been suspended by the action of his Excellency. That the Governor has power under the Constitution and laws to declare a county to be in a state of insurrection, to take military possession, to order the wrest of all suspected persons and to do all other things necessary to suppress the insurrection, but he has no power to disoney the writ of habeas corpus, or to order the trial of any citizen otherwise than by jury, according to the law of the land. Such action would be in excess

The Judiciary has power to declare the action of the Executive, as well as acts of the tieneral Assemannounced by the Judiciary. Indeed he cannot responsibility of acting on the extreme principle, the Executive. "The safety of the State is the supreme law." will venture to hope, as evil as the times may be, the Marshai: our country has not yet reached the point when a To David A. Wicker, Marshal of the Supreme resort to extreme measures has become a public

necessity. 2. The motion for an attachment against Col Kirk is based on the habeas corpus act, acts 1868-'69, chapt. 1, sec. 15: "If any person on whom a writ of habeas corpus is served, shall refuse or neglect to obey the same by producing the body, &c., within the time required and no sufficient excuse be shown, it shall be the duty of the Judge or Court, forthwith RICHMOND M. PEARSON, to issue an attachment against such person to the Sheriff of any county in the State, commanding him immediately to arrest such person and bring him before the Judge or Court, and such person shall be the Governor, exhibit to him this writ and a copy of committed to jail, until he shall make return to the the opinion in "Moore's case" and make return to writ, and comply with any order that may be made me. in relation to the party for whose relief the writ July 23rd, 1870.

Col. Kirk has refused to make return. The question is, do the facts before me "show a sufficient excuse?" The affidavit sets out that Col. Kirk put his refusal on the ground that he had orders from his commander-in-chief, who is the Governor of the State, not to obey the writ. His Excellency avows that Col. Kirk was acting under his orders. So, we have this case. Col. Kirk is com-

the writ. What was the man to do? He elected to obey his orders. In my opinion there was sufficient excuse for refusing to return the writ. The motion to return the writ, the counsel of the prisoner sub- the idea of punishing for a contempt of the Judge or George W. Kirk. Court, but of compelling a return to the writ and the production of the body. It is a substitute for the provision in "the old kabeas corpus act," which punshed the officer or person refusing or neglecting to make due return "upon conviction by indictment," with a fine of \$500 for the first offence, and of \$1,000 and incapacity to hold office for the second. The ustice.

The fact of service and the failure to make return
vas a sufficient foundation for these motions. But of indictment and the severe punishment of imprisonment. Both acts are evidently intended to ties. punish for not making return, and the last is also

intended for the immediate relief of the party in whose behalf the writ is issued. The notion of punishing for a contempt of the Judge or Court, is not and not being at liberty to assume it to be true, on involved in either act, certainly not in that 1868-'69; that is provided for by the "contempt act," (same session.) The proceeding is, by a rule to show cause why an attachment should not issue. And yet I was urged, with much vehemence by learned and aged counsel to rule Kirk up for a contempt of the Chief Justice, in this, the athdavit of service sets out that Col. Kirk, when the writ was served, said, "tell them such things are played out, I have my orders from Gov. Holden, and shall not obey the writ." "I will surrender them on Gov. Holden's order, but not otherwise, unless they send a sufficient force to whip me." This, as was well said by Mr Badger, is the language of a rude sold er and not as courteous as

we usually find in Judicial proceedings. The mo- not entirely on account of their political opinions; tion for a rule to show cause for this contempt is not pertinent to the matter now on hand. The evidence on which it rests comes in a questionable shape, extraneous matter put into an affidavit of service to excite prejudice, and the motion made at the instance of one who is under arrest for the horrid crime of murder by midnight assassination; at a time when, as Mr Bragg feelingly remarked "we are in the last ditch; we took to the Judiciary as our only hope, if that fails us the country is gone! gone!

I do not feel it to be my duty to leave grave matters and turn aside to put a rule on a rude soldier to show cause for making a flippant speech. I will be borne out by every member of the profession in saying, during thirty years I have had the henor of a seat on the bench, I have never been slow to punish for contempt and preserve the dignity of the Court when I believed there was an intent to assail it. I know my duty and trust, I have firmness enough to discharge it. These remarks seemed called for because of the earnestness with which the motion was pressed, in language more courtly but fully as strong as that used by the rude soldier, and of the special facts that satisfied him that the civil the excited manner in which I was reminded of my authorities of the county were unable to protect its | duty and exhorted to perform it, nay, the oath of citizens in the enjoyment of life and property; it is office was read to me, and I had the benefit of hearnot mine to pass upon these facts or judge of their | ing read much of the lofty language of Lord Mans-

mander-in-chief, and have power to call out the fore me, and if necessary to take with him the power ical and partly social in its objects; that this of the county, is based on the 17th and 18th sections of the habeas corpus act. "The Court or Judge may direct a precept to any Sheriff, Coroner, or other party (wherever to be found) for whose benefit the writ of habeas corpus shall have been granted.' "In the execution of this writ the Sheriff or person designated may call out the power of the county."

I have considered the matter fully and have come to the conclusion not to direct it to a Sheriff. The act gives a discretion. In the present condition of clared to be in a state of insurrection and occupied by military forces, and the public mind feverishly excited; it is highly probable, nay, in my opinion, 2 The Constitution and this statute confers on the certain, that a writ in the hands of a Sheriff, (with authority to call out the power of the county) by which he is commanded with force, if necessary, to take the petitioner out of the bands of the military authorities, will plunge the whole State into civil

If the Sheriff demands the petitioner of Col. Kirk, comes war. The country has had war enough But it was said by the counsel of the petitioner, "if in the assertion of civil liberty, war comes, let it come! The blood will not be on your hands or on ours; it will be on all who disregard the sacred writ is suspended in that county, until the insurrection of hubeas corpus. Let Justice be done if the heavens their sympathizers are almost always on the

It would be to act with the impetuosity of youth and not with the calmness of age, to listen to such counsels. "Let justice be done if heaven falls, is a beautiful figure of speech, quoted by every one of the five learned counsel. Justice must be done, or the power of the Judiciary be exhausted, but I would forfeit all claim to prudence tempered with firmness should I, without absolute necessity, add fuel to the flame, and plunge the country into civil war, provided my duty can be fully discharged without that awful consequence. Wisdom dictates, if justice can be done "let heaven stand." Unless the Governor revokes his orders Col. Kirk will resist; that appears from the affidavit of service.

The second branch of the motion, that the power of the county be called out if necessary to aid in I have exercised Constitutionally and lawfully; taking the petitioner by force out of the hands of Kirk, is as difficult of solution as the first.

The power of the county, or "posse comitatus, means the men of the county in which the writ is to be executed; in this instance Caswell; and that county is declared to be in a state of insurrection. Shall insurgents be called out by the persons who is to execute the writ, to join in conflict with the military they should persist in their course.

It is said a sufficient force will volunteer from other counties; they may belong to the association, to the civil authorities on habeas corpus should they or be persons who sympathise with it. But the posse comitatus' must come from the county where the writ is to be executed, it would be illegal to take This prevents conflict with the habeas corpus clause and harmonizes with the other articles of the men from other counties; this is settled law; shall illegal means be resorted to in order to execute a

Again; every able bodied man in the State belongs to the militia. The Governor is by the constitution "Commander in Chief of the militia of the State." Art. III, sec. 8. So the power of the county is composed of men who are under the command of the the insurgents. The civil and the military are the eye of the genuine artist, and we saw among Governor; shall these men be required to violate, slike Constitutional powers; the civil to protect her specimens faces familiar to us, reproduced with force, the orders of their Commander in Chief, and do battle with his other forces that are already in the field? In short, the whole physical power of the State is by the constitution under the control of the Governor; the Judiciary has only a moral power; judicial power. Your Honor has done your ing and scaling of the paint, brought back to by the theory of the constitution there can be no duty, and in perfect harmony with you I seek to life and restored to all their original freshness conflict between these two branches of the Govern-

The writ will be directed to the Marshal of the Supreme Court, with instructions to exhibit, it and bly, when in violation of the Constitution, void and a copy of this opinion to His Excellency the Gover- done by the insurrection in the counties referred mausions, from which all but their glorious of no effect. Having conceded tall faith and credit nor. If he orders the petitioner to be delivered to to. I do not see how I can restore the civil memories have departed, that need the reviving to the action of his Excellency within the scope of the Marshal, well; if not, following the example authority until I "suppress the insurrection," hand of the artist to preserve them as a legacy the power conferred on him, I feel assured he will of Chief Justice Taney, in Merriman's case, Anin like manner give due observance to the law as | nual Cyclopædia, for the year 1861, page 555, 1 have discharged my duty, the power of the Judiciafuse to do so, without taking upon himself the re- ry is exhausted, and the responsibility must rest on

The following is the order of the Chief Justice, to

You are hereby commanded in the name of the State of North Carolina, forthwith to bring Adolphus G. Moore, wherever to be found, before me, Richmond M. Pearson, Chief Justice of the Supreme CHIEF JUSTICE SUPREME COURT

Raleigh; July 30th, 1870. Instructions - You will wait upon His Excellency, R. M. PEARSON, C. J. S. C.

Reply of Gov. Holden. EXECUTIVE DEPARTMENT. Raleigh, July 26, 1870. To the Honorable R. M. Pearson, Chief Justice

of the Supreme Court of North Carolina. SIR:-I have had the honor to receive, by paper if chronicled.

manded by the Chief Justice to produce the body. He is ordered by his commander in-chief not to obey a copy of your Opinion in the matter of A. G. Moore; and the Marshal has informed me of the writ in his hands for the body of said Moore, is not allowed. The act in question does not rest on now in the custody of my subordinate officer, Col.

I have declared the counties of Alamance and Caswell in a state of insurrection, and have taken military possession of them. This your Honor admits I had the power to do "under the Constitution and laws." And not only this, but to do all things necessary to suppress the insurrection," including the power to "arrest all

tive, and that, therefore, you will not issue the there. writ for the production of the body of Moore to any of the men of the said counties; that "the posse comitatus must come from the county where the writ is to be executed," and that any other means would be illegal.

I have official and reliable information that in the counties above named, during the last twelve months, not less than one hundred persons, "in the peace of God and the State," have been taken from their homes and scourged, mainly if that eight murders have been committed, including that of a State Senator, on the same account; that another State Senator has been compelled from fear for his life, to make his escape to a distance State. I have reason to believe that the government of the said counties have been mainly if not entirely in the hands of men who belong to the Kuklux Klan, whose members have perpetrated atrocities referred to; and that the county government have not merely omitted to ferret out and bring to justice those of this Klan who has thus violated the law, but that they actually shielded them from arrest and punishment. The State judicial power in the said counties, though in the hands of energetic, learned an upright men, has not been able to bring criminals to justice; indeed, it is my opinion, based on facts that have come to my knowledge, that the life of the Judge whose duty is to ride the circuit to which the said counties belong. has not been safe, on account of the hatred entertained towards him by the Klan referred to because of his wish and purpose to bring said criminals to justice. For be it known to your Mr Badger, of counsel for His Excellency, relied 3. The motion for a precept directed to the Sheriff Honor that there is a wide spread and formidof some county to bring the petitioner forthwith be- able secret organization in this State, partly politorganization is know, first, as "The Constitution- Graves of Danville, Va., was recently arrested in al Union Guard"-secondly, as "The White person to be designated therein, commanding him Brotherhood,"-thirdly, as "The Invisible Em- a visit to Yanceyville. The Governor of Virto bring forthwith before such Court or Judge the pire;"-that the members of this organization ginia telegraphed to Gov Holden and the latter are united by oaths which ignore or repudiate ordered his release. The same report says that the ordinary oaths or obligations that rest upon the arresting of Ludolphus Gunn in Danville by all other citizens to respect the laws and uphold The petitioner is entitled to this writ, the only the government; that these ouths inculcate question is, to whom should it be directed. The hatred by the white against the colored people good source .- Hillsboro Recorder. notion is that it should be directed to the Sheriff of State; that the members of this Klan are irreconcilably hostile to the great principle of political and civil equality, on which the government of this State has been reconstructed; hings, the counties of Alamance and Caswell de- that these Klans meet in secret. in disguise, with arms, in uniform of a certain kind intended to conceal their persons and their horses, and to terrify those whom they assault or among whom they move; that they hold their camps in secret places, and decree judgment against their peaceable fellow-citizens, from mere intimidation to scourgings, mutilations and murder, and that certain persons of the Klan are deputed to exewith his present orders, he will refuse, and then cute these judgments; that when the members of this Klan are arrested for violations of law. it is most difficult to obtain bills of indictment against them, and still more difficult to convict them, first, because some of the members or grand and petit juries, and secondly, because blushingly commit perjury to screen their confederates and associates in crime; that this Klan, thus constituted and having in view the odjects Hendersonville. - . referred to, is very powerful in at least twenty- St. John in the Wilderness, five counties of the State, and has had absolute Leicester, Buncombe county, control for the last twelve months of the counties Waynesville.

of Alamance and Caswell. Under these circumstances I would have been Shelby, recreant to duty and faithless to my oath, if I Lincolnton, had not exercised the power in the several coun- High Shoals, ties which your Honor has been pleased to say especially as, since October, 1868, I have repeatedly, by proclamations and by letters, invoked public opinion to repress these evils, and warned criminals and offenders against the laws of the fate that must in the end overtake them, if, under the auspices of the Klan referred to,

I beg to assure your Honor that no one subscribes more thoroughly than I do to the great specimens of her painting, including original principles of habeas corpus and trial by jury. Except in extreme cases, in which beyond all by jury should be maintained.

authorities are unable at this time to deal with liamson certainly possesses both the hand and life and property when it can, and the military with astonishing fidelity. We saw also valuable only when the former has failed. As the Chief portraits, which, from their great age, had be-Executive I seek to restore, not to subvert the come almost entirely obliterated, from the crack-

supplanted the civil authority; that has been still upon the halls of our stately old Southern which your Honor declares I have the power to for posterity, and we know no one more compedo; and I do not see how I can surrender the tent to preserve them than the lady whose skill insurgents to the civil authority until that au- we have the pleasure to commend. The specithority is restored. It would be a mockery in mens of colored photographs which we examined me to declare that the civil authority was unable were beautiful and faithful pictures, and this to protect the citizens against the insurgents, combination of arts will enable those who, unaand then turn the insurgents over to the civil ble to procure portraits of their loved ones, to authority. My oath to support the Constitution procure at least a beautiful and durable picture. makes it imperative on me to "suppress the in- We hope that this estimable and accomplished surrection" and restore the civil authority in the lady will secure that liberal patronage to which Counties referred to, and this I must do. In her talents undoubtedly entitle her. doing this I renew to your Honor expressions of my profound respect for the civil authority, and my earnest wish that this authority may soon be restored to every county and neighborhood in

I have the honor to be, with great respect, Your ob't serv't. W. W. HOLDEN, Governor.

THE LOCAL NEWS .- Always when you come in possession of any important news go directly to \$200. to your home paper and inform the editor. You will not only receive his grateful acknowledgment of the favor, but also the thanks of his patrons. guages. Many items of news doubtless escape our notice every week, which would add interest to our Post Office Davidson College, N. C.

North Carolina News.

BOARD OF TRADE. - The Charlotte Board of Dowd, A. Macaulay, F. Scarr, B. Koopmann, gregate wheat crop, as compared with that of rectors. - Observer.

MOVEMENTS OF TROOPS,-We learn that suspected persons" in the above-mentioned count the Governor has ordered Capt. Gant's company of Col. Clarke's regiment, under command of Your Honor has thought proper also to declare Maj. Henry M. Miller, to Carthage, Moore that the citizens of the counties of Alamance county, to preserve order in that county which and Caswell are insurgents, as the result of the is dangerously infested by the Kuklux, who Constitutional and lawful action of the Execu- threaten that there shall be no free election

> Capt. Hancock with his company will relieve Capt. Gant's company at Hillsboro'

One company will be stationed at Newton, Catawba county; one at Ruffin Depot; two at Yanceyville and two at Raleigh .- Rall Standard.

LARGE YIELD.-E. A. Vogler, Esq., of this place, raised on five acres of ordinary ground, well prepared, from six bushels of seed sown 20th October last, 132 bushels of wheat weighthe acre. This shows what can be realized from a small quantity of land well prepared. Mr. Vogler has raised as high as 34 bushels on one acre, but no five acres have ever yielded so well for him before. - Salem Press.

On Friday night the 22nd ult., at Beaufort, a German named Rudolphe, leader of the Hotel, and was injured so badly that death ensued in a few hours. He was drunk at the time of the accident.

ODD FELLOWS .- At the annual communication of the Grand Lodge of the I. O. O. F. of N. C., held in this place, July 19th, 20th and 21st, 1870, the following officers were elected

M. W. G M., Seaton Gales, Raleigh. R. W. D. G. M., J. G. Efland, Greenshoro R. W. G. M., W. J. Yopp, Wilmington. R. W. G. S., J. W. Gulick, Goldsboro. R. W. G. T., J. H. Baker, Tarboro.

Appointed Officers: R. W. G. W., W. H. Porter, Greensboro. R. W. G. C., H. B. Bryan, Tarboro. G. W. G. G., P. P. Clark, Wilson.

We are informed that Capt. Pinkney Yanceyville by Col. Kirk. Mr Graves was on Kirk's mon is a mistake. We know not whether this information be correct, but we get it from a

THE HON. BEDFORD BROWN .- We traveled | will consume more than in peace. in company to Raleigh with this veteran and gentlemanly reception and heard with attention tobacco crop, will give us a splendid margin for his statement of the case. The result was unfa- turning the balance of European trade in our

Bishop Atkinson's Appointments. witnesses who are members or sympathizers un- Morganton, - - - Aug. 7th Calvary Ch. Henderson County, " 17th 18th 23rd Rutherfordton, 11th

FOR THE CHARLOTTE DEMOCRAT.]

CHARLOTTE, N. C., July 30, 1870. MR. EDITOR: I notice in your advertising columns the card of Mrs. A. C. Williamson, in which she offers her services to the public as an artist. It is with pleasure that I avail myself of this opportunity to commend her to the readers of your journal as an artist of no ordinary merit. I have carefully examined many portraits of children and adults, landscapes, conies of the works of the old masters, photoquestion the safety of the State is the supreme graphs colored and old portraits renovated, and law," these privileges of habeas corpus and trial unhesitatingly pronounce her services invaluable to those who, in this isolated section, desire I have already declared that, in my judgment, to guard the loved lineaments of friends and reyour Honor and all the other civil and judicial latives from the ravages of time. Mrs. Wiland beauty of coloring, with no feature lost or It is not I nor the military power that has even marred. There are many such portraits

Announcement.

We are authorized to announce J. NICK HUNTER as an Independent Candidate for the office of Regis-July 25, 1870.

DAVIDSON COLLEGE Its Collegiate year will begin September 8th, 1870. Annual expenses for Tuition, Board, &c., \$145 FOR "BACHELOR OF SCIENCE" there will be a

three years course independent of the Ancient Lan-A catalogue, or particular information will be sen by the Rev. G. W. McPhail, D. D. LL. D., President. July 25, 1870 4w

The Crops of the United States.

The report of the national Commissioner of Trade organized on Monday, the 25th ult., by Agriculture on the gathered and growing crops electing J. Y. Bryce, President; John L. Brown. of the year throughout the United States is 1st Vice President; James H. Carson, 2nd Vice encouraging, though not so good as we hoped President; Francis Justice, Secretary, and for, looking to the subsistence of our own people Joseph McLaughlin, Treasurer. W. J. Yates, and our prospective surplus products for expor-F. W. Ahrens, A. R. Nisbet, R. A. Springs, C. tation. The present estimate of this year's ag-Josiah Asbury and S. P. Smith were elected Di- last year, makes a deficiency of forty-eight million bushels, the estimate for this year being 210,000,000 bushels against 250,000,000 last year. The Commissioner, says, however, that

"future reports of the condition at and after the harvest are still elements of the ultimate estimate." which means that the harvest has not yet been all guthered in or reported. We cannot believe that there will be a deficiency of forty-eight millions of bushels in this season's wheat crop as compared with the last, or a loss, say of seventy millions in a single crop of a single product. We rather incline to the opinion that when all the reserves of the harvest are ascertained the deficit will hardly reach twenty million bushels. We have at the same time on hand a considerable portion of last year's crop, which must be taken into the account in estimating our actual resources.

The Commissioner, on the other hand, says ing 64 lbs to the bushel, being 261 bushels to that the increase in the breadth of corn (Indian corn, our great staple of subsistence) is greater than the decrease in the average of wheat. In the States of the great Northwest the increase of acres planted in corn ranges from ten to twenty-five per cent, while the indications in those States "of a good crop have never been so general since the inauguration of the official crop Wilson Brass Band, fell from the top of King's returns." There is reason, then, for the conclusion that the decrease in our wheat crop will be more than counterbalanced by the increase in our yield of Indian corn, and the last was a good year, too, in this important staple.

In cotton, as compared with last year, there is an increase of nearly a million of acres in the area planted. On the average of a bale for an acre this would give us an increase of a million bales, or in gross receipts an increase of a hundred millions of dollars, assuming that such is the general demand for the raw material that the average price will not be very much reduced by the addition of a million bales to the crop of last year as the average crop. The Commissioner, however, thinks that this year's crop will Gen D H Hill, " Southern Home, hardly exceed three million five hundred thou- Col Wm Johnston, Pres't C, C & ARR, sand bales, against lust year's crop of three million bales, which will give us half a million TW Dewey, Banking House Tate & Dewey. bales increase; but with a cotton season length- Hon R Y McAden, Pres't 1st Nat. Bank, " ened out like that of last year we may count upon four millions of bales Such an extraordinarily favorable season is hardly to be expected.

The oat crop promises well, and with an increased breadth of land of five per cent devoted to tobacco the indication are that we shall have this year a handsome gain in cash from this cash article in our foreign exchanges. War or Lenoir, N. C., claim that their rates of Tuition are no war, French and Germans must have their tobacco, with this difference, that in war they

The prospect for a large apple yield is unusuhonored son of Caswell. He came straight ally fine. Peaches will not be so abundant. from Washington City to Raleigh without stop- Grapes promise a good yield. Of the important ping at his home, traveling all night and all day article of potatoes, Irish or sweet, we have no -and for what? To try and do good for his report, but from the Irish potatoes coming into State. Oh that our "coming men" of this day this market from Jersey we should judge that were Bedford Browns! Mr. Brown had a short in quality and quantity the crop will be very interview with President Grant. Grant was 'fix- fine. Upon the whole the Commissioner's reing" to go over to Long Branch the next morn- port is gratifying. In any event within human ing; and what with packing away Mrs. Garnt's foresight we shall have a valuable surplus of clothes, bridling his horses and boxing up his breadstuffs for exportation, and from five hunrat terriers, he had a very limited time for Mr. | dred thousand to a million bales of cotton more Brown. However he gave him a courteous and than from last year's planting, which, with our vorable. Gen. Grant gave Mr. Brown little or no favor, "excepting those bouds," Never, in encouragement .- Hillsboro Recorder, July 27. short, has any great nation in the history of mankind occupied a position so favorable or possessed advantages so great for prosperity at home and credit and influence abroad as these United States possess at this important epoch in the affairs of the civilized world .- N. Y. Herald

The Human Form Divine.

What sad havoc Scrofula inflicts on the human system. How Rheumatism distorts the frame. What misery the injudicious use of Calomel entails. How sad the effects of Syphilis transmitted from parent to child. Would you avoid these terrible afflictions, fail not to use DR. TUTT'S SARSAPARILLA AND MOUNT PLEASANT, CABARRUS CO., N. C. QUENN'S DELIGHT. It penetrates every fibre of the system, even into the bones, and eradicates every trace of disease. August 1, 1870.

Just Received. Apple Parers to core and slice, at the Hardware BREM, BROWN & CO.

July 25, 1870 LAND FOR SALE. A Tract of LAND containing One Hundred and Sixty-five Acres, five miles from Charlotte on the Statesville Railroad-a fair proportion of wood land,

good meadow and branch bottom-good grain and cotton lands. Also, One Thousand Acres of first-rate Cotton Lands in Fairfield county, South Carolina, can be divided into several tracts.

For terms and particulars address, J. C. CALDWELL, Gladden's Grove, Fairfield county, S. C. July 25, 1870

Griswold's Improved Cotton Gins FOR SALE.

Manufactured at Macon, Ga. Every one war- E. M. HOLT. ranted. Call and examine before buying. We warrant them equal to any Giu made in the United States. One always on hand for inspection. July 25, 1870 2m E. M. HOLT & SON.

Elk Mountain Cheese. ELK MOUNTAIN CHEESE, just received

Sheep Wanted. I wish to buy from Fifty to One Hundred good fat

Turnip Seed. A fresh supply of Turnip Seed just received at McADEN'S CORNER DRUG STORE, consisting of the following varieties:

Flat Dutch, Red or Purple Top, Yellow Globe and June 18, 1870.

I have a good MILCH COW for sale.

July 25, 1870.

White Norfolk, White Globe, Ruta Baga. J. H. MCADEN.

W. A. COOK, Butcher.

Gem Fruit Jars, All glass, acknowledged by every person that has examined them to be the best for preserving all kind of Fruits. For sale at

JAMES HARTY'S China Hall, next door to Court House. July 18, 1870.

House to Rent in Lincolnton. with ample Rooms and Garden of vegetables, for the balance of the year, on good terms. Apply to Dr. J. C. RUDISILL, Liucolnton, or at the Charlotte Hotel, Charlotte. July 18, 1870

Conservative Ticket.

For Attorney General of the State HON. WM. M. SHIPP.

For Congress -6th District HON. F. E. SHOBER. MECKLENBURG CANDIDATES.

For the Senate, H. C. JONES. For the House of Representatives, SOL. REID, R. P. WARING. J. SOL. REID, For Sheriff, R. M. WHITE.

S. E. BELK. For County Surveyor, JOHN E. MOORE, For Register, For County R. L. DRARMOND.

S. W. REID. T. L. VAIL,

R. M. OATES,

Election on first Thursday in August.

Cheaper than Ever. We are daily receiving fresh Groceries, such as Coffee, Rie and Java; Sugars of all grades; Molasse from the cheapest to the best New Orleans; Porter and Ale, of the very best brands. Also, a large lot of Flour—all of which we will sell cheap for cash. Give us a call. July 18, 1870. GRIER & ALEXANDER

Notice to whom it may Concern Application will be made to the Commissioners of Mecklenburg County, N. C., on the first Monday in September next, to have laid off a new Township in said county to be called Pineville Township. composed of a portion of Steel Creek, Sharon and Providence Townships, a plot of which will be furnished on the day of said meeting of the Commi July 18, 1870.—4w MANY CITI MANY CITIZENS

Charlotte Female Institute. CHARLOTTE, N. C.

The 13th Annual Session of this Institution commences the 30th of September and continues until 30th of June, 1871. An accomplished corps of Teachers has been em

ployed in all branches usually taught in first-class Female Seminaries. For Circular and Catalogue containing full particulars as to terms, &c., address

REV. R. BURWELL & SON. REFERENCES: W J Yates, Editor Democrat,

Gen John A Young, Col Jno Y Bryce. Rev Chas Phillips, D D, Davidson College, N C. Prof J R Blake,

July 18, 1870. Inducement Extraordinary. The authorities of the Davenport Female College, already unusually low; and yet they offer, as a pre-mium for hard study, a discount from their usual rates the next session in favor of such pupils as make

creditable proficiency in the studies of the regular course, according to the following table: Sessional Standing. Discount next Session. From 75 to 79 inclusive, Ten per cent. " 80 to 84 Twenty " 85 to 89 Thirty 90 to 94 " 95 to 100 " Industrious pupils thus assist in paying the ex-

penses of their education. The Fall Session, 1870, will open on Monday, July Edgeworth Female Seminary

The next Session will commence on the first Monday of September. We make good scholars, good musicians and good teachers of our pupils, and give them a training fitted to make them practical and useful women. For Circulars address,

J. M. M. CALDWELL. Greensboro, N. C

N. C. College, MOUNT PLEASANT, N. C. The next Session of this Institution will commence on the first Monday of August, 1870.

For particulars, send for Catalogue. Address Professor of Mathematics.

MOUNT PLEASANT, CABARRUS CO., N. C. Board per Session of 5 months, Tuition in Primary Department, \$ 7 50 to 10 00 " " Collegiate " Music, Painting and Modern Languages extra. The next first half session will commence on the first Monday in August. For information or Catalogues address

DANIEL I. DREHER, Principal. Atmospheric Fruit Jars,

For Preserving Fruit, for sale at WILSON & BLACK'S Drug Store, next to Stenhouse, Macaulay & Co's. Wheat Wanted.

5000 Bushels Wheat wanted, for which the highest market price will be paid. W. J. BLACK. July 11th, 1870.

Wool! Wool!! We want to purchase a large amount of WOOL, for which we will pay the highest market price.

McMURKAY, DAVIS & CO. L. S. HOLT.

E. M. HOLT & SON. (Successors to E. M. Holt & Co.,) Grocers & Commission Merchants, CHARLOTTE, N. C.

Our stock of Groceries is complete in every department, and we hope by strict attention to the the liberal patronage bestowed on us during the past

Wanted, Cotton, Corn, Bacou, &c., &c., for which we pay the

highest cash prices Agents for Holt's Yarn, Sheeting, Plaids, &c. Also, for the unrivalled Brands of Flour made at

our own Mills. It will be to your interest to see us before buying or selling. June 20, 1870. State of North Carolina, Catawba county.

Superior Court Clerk's Office. Alfred K. Finger, Administrator of Henry Finger, dec'd, vs. J. F. Finger, D. F. Finger et. al. Petition to sell Land to make Assetts .- M. L. Mc-

Corkle, Attorney for Petitioner.

1t appearing to the satisfaction of the undersigned Clerk, that D. F. Finger, one of the above named defendants, is a non-resident of this State and cannot be reached by the ordinary process of law, it is therefore ordered that publication be made for six successive weeks in the "Western Democrat," a weekly newspaper published in the City of Charlotte, N. C., for said Defendant to be and appear before the Clerk of this Court, at office in the Town of Newton, on the 1st Monday in September next, and answer Plaintiff's petition, otherwise judgment will be taken against him according to prayer of peti-

MILES O. SHERRILL, C. S. C. 31-6wpd