THE SENTINEL.

SEMI-WEEKLY.

"I WOULD RATHER BE RIGHT THAN BE PRESIDENT"—Henry Clay.

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THE SENTINEL.

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For the Sentinel.

The New Constitution.

MESSRS EDITORS:—A writer in the *Sentinel*, of the 25th. inst., gives forcible expression to the very common opinion that the late Convention had no powers other than those conferred on it by the President of the United States.—He limits those powers to three things: The repudiation of the State war debt; the abolition of slavery and the renunciation of secession. Beyond these, he insists that its acts, whether of ordinary legislation or in regard to the fundamental law, are void and cannot be validated by any ratification of the people.

The style of this writer is rather discursive than argumentative, arising, no doubt, from the epistolary form in which his thoughts are moulded. And it will be admitted, too, I think, that there is a vein of passion running through all that he has said. It is more like a *oratio ad populum*, than a calm discussion of a question, which draws deep down in our most vital interests. We cannot have things as we would like them. We must look straight at the situation, in the view of public law, without a fear or an emotion in our eye.

There is a grand fact in the situation, which admits of no denial, and is conclusive of the whole question: In May, 1861, North Carolina, in league with certain other States, made war against the United States; and in May, 1865, North Carolina and her allies surrendered unconditionally to the force of arms. Here is a clear case of conquest, and the rights of conquest plainly attach. That there are rights of conquest, none will deny. What are they?

Our attempt to withdraw from the Union and establish a separate nationality may be regarded from two points of view: One deems it an ordinary case of rebellion. This is almost universally the view at the North, and is far too common among ourselves. If it be the correct one, the argument may as well stop. You will search the writers on public law in vain, for any distinctive limitations upon the will of the conqueror over subdued rebels. They talk, indeed, a good deal of his being bound by the claims of justice and humanity in dealing with this unfortunate class of his people, and particularly urge the duty of clemency towards the mass of offenders. But beyond these vain and empty generalities, in behalf of rebels, they do not go; while, on the other hand, the rights of the offended ruler are set forth with potent and terrible significance. He may hang—he may confiscate—he may withhold liberties—he may overthrow institutions. Not a single writer but insists that he may utterly demolish that form of government under which the armed rebels waged war upon him, and constitute a new one, at will, in its stead. If we were rebels merely, so far from complaining justly of the right of the President to abolish our State governments and institute another over us by a Convention or in any other mode he deemed best, I assert confidently, that that right is based upon the clearest principles of public law. Nor, indeed, has the President done a tithe of what that law would have justified.

But our case is not fairly that of a revolutionary rebellion. It is immensely more favorable. Vattel shall state it for us: B. 3. C. 18.

"Civil war breaks the bands of society and government, or, at least, it suspends their force and effect. It produces in the nation two independent parties, who consider each other as enemies, and acknowledge no common judge. Those two parties, therefore, must necessarily be considered as thenceforward constituting, at least for a time, two separate bodies, two distinct societies. Though one of the parties may have been to blame in breaking the unity of the State and resisting the lawful authority, they are not the less divided in fact. They stand, therefore, in precisely the same predicament as two nations, who have recourse to arms." This is our case—a case of civil war, where both parties were acknowleged as belligerents, not only by foreign nations, but as between themselves.

The Executive and Judicial authorities of the U. S. repeatedly recognized us as belligerents; and Vattel argues that, in such a case, the common laws of war—the maxims of humanity, moderation and honor, should not only be observed by both parties during the progress of the struggle, but that they also should guide and restrain the conduct of the conqueror, when the struggle is over.

Now, he is putting the case as favorably for us as truth will allow; and we have simply to consider what are the rights of conquest as between two independent nations. There are many distinctly enumerated in the books. The detail were tedious. One is enough for our present purpose. Vattel, and all the writers, with one accord lay it down repeatedly that the conqueror acquires over a subjugated country all the rights—no more—no less—that belonged to the sovereign against whom we had taken up arms. In the exercise of these rights he must conform, as near as circumstances will allow, to the limitations and modifications of power as defined in the laws of the conquered State. This is decisive of our question, as plain facts will show. As the people of North Carolina, against whom the United States had waged a successful war, could call a Convention and abolish or amend the organic law at pleasure, so the President, as the representative of the United States, evidently could of right do the same thing. Our last was his plea.

I trace up his right to call a Convention, you will perceive, to that of a conqueror—a violent but still as lawful a source of title as that by purchase. If it do not flow from this fountain, I am ready to admit it is no right at all. I am unable to comprehend any other source which will render it legitimate. We only bewilder ourselves when we attempt to reason on this subject from written constitutions, whether that of the United States or of North Carolina.

I go onward, indeed, I allow that the President has not conformed to the public law which has given the guidance of rulers in like cases. His right to convene a Convention [illegible] might [illegible] law, which [illegible] all the writers are [illegible] the rebellious [illegible] to convoke a Convention [illegible] to the terms of the Constitution [illegible] promptly, [illegible] of [illegible] quality [illegible] a presidential [illegible] and legitimacy was not adopted. If it be said this would have been a recognition of the rebel State government, I reply that the President has had to recognize that government and its laws any how and in many instances.

I do not, however, urge that this slight departure on the part of the President vitiates his act in calling a Convention. He conformed, no doubt, as he thought, as near as he could under the circumstances, to the fundamental laws then in force amongst us.

The writer in the *Sentinel* denies the validity of all ordinances of the Convention, except those touching the three points already referred to. Why this exception? Does he not see that any exception is fatal to his position? Admit that right of the President to call a Convention for three specific objects; by what process of reasoning is it that you put a limitation upon that right at a particular point? He had no more authority, manifestly, to convoke a limited than an unlimited Convention. If his power as military chief extends to one, please name an author or a precedent that denies it to the other, or which marks the line of separation? If the people of North Carolina had the right to call an unlimited Convention, why had not the President? Let any man show that the principle of remission or substitution, already referred to, does not extend in its amplitude to our case. And, in point of fact, we know the President did call an unlimited Convention. Declaring that the civil government in North Carolina was at an end, (by which he meant not that every law was abrogated, but that every arm of the civil authority which had waged war against the United States,—the executive, judicial and legislative departments,—had been cut off,) he proceeds simply to call a Convention without restriction. Now, says this writer, he could do so for the purpose of abolishing slavery, which destroyed incalculable values, and effected alarming changes in our industrial system, but he dare not touch the basis of representation, or alter the tenure of office in North Carolina. The doctrine may be sound, but we would like to see a clearer demonstration than has yet been offered.

As to ratification by the people, the writer's argument is exhaustive that it will do no good. It will add no force or affect to the new constitution. If a Convention be called by competent authority, which in our case we insist is as lawful as though called by the people themselves, being founded in the indisputable right of conquest, we have never deemed that its acts derived any validity from the sanction of the people. It was a silly thing, and nothing but a sheer complication of affairs for the Convention to submit the instrument to popular suffrage.

The discussion of this question is searching. It goes to the very bottom of the causes which led to the war, and of the results which must inevitably follow its unhappy catastrophe. The war was Radical. The issue involved was nothing less than the *existence* of the States.—Congress did not so understand it—for the reason, that the masses rarely comprehended any movement in its principles—but only in its results. We see now every day that the results of the conflict are rendering obvious to the popular apprehension its underlying elements. And yet our ignorance was wilful.—At least a generation before the actual collision of arms, we were forewarned what the end would be, if we failed. *Nothing less than the utter extinction of State Rights!* The veil of sovereignty, which hides a State what modesty is to a woman, is rent in twain from top to bottom. The decision has been made in the most imposing form known to man. It cannot be reversed, except by another and a more successful appeal to arms; or by a Convention of the States, which shall authoritatively declare their relation to the Central government.

Pardons.

Additional warrants of pardons have been received at the Executive Office for the following persons, who can obtain them by personal application, or through Attorney with written authority. Blank certificates of acceptance accompany the pardons, which must be filled up, signed, and returned to the Secretary of State, Washington. The oath of amnesty should be retaken, and a regularly authenticated copy thereof forwarded with the acceptance:

ALAMANCE.—Wesley S. Cobb.

ALLEGHANY.—Horatio S. Hives, and Nathan Worster.

ANSON.—George W. Marsh, R. H. Bevers, Joel E. Horn, Robert P. Simmons, and W. G. Meadows.

ASHE.—Samuel C. Waugh, David Worth, and Reuben H. Waugh.

BEAUFORT.—Edward G. Clark.

BLADEN.—Wm. W Anders and Jas R. Wilkinson.

BUNCOMBE.—George C Alexander.

BURKE.—Joseph Reid.

CABARRUS.—Thos. H. Robinson, J. [illegible] kelley, Christopher Melchor, [illegible] Alexander Fohl, James R. Spen[illegible] melor.

CALDWELL.—W. [illegible]connally.

CARTERET.—[illegible] Walker.

CASWELL.—[illegible] Ashish Graves, Alexand[illegible] [illegible]ance H. J. Fields, James E. Lea, Thomas [illegible] E., Daniel R. Price, A. G. Anderson, Thomas C. Dodson, Wm. Russell, Thos. J. Womack, and Hampton Neal.

CATAWBA.—George Setzer, John W. Gabriel, S. Fry, John [illegible] J. H. Brown, and Joseph Rost.

CHATHAM.—R. R. Gunn, S. Edwards, John S. Norris, D. P. Stringfield, Thomas C. Womble and Isaac T. Brooks.

CHEROKEE.—R. H. Smith, John W. Parish, Thomas Cochran, Jr., and Edward Warren.

CLEAVELAND.—N. N. Thompson, R. R. R. Chambers, John L. Gladden and Gilbreth Dickson.

CRAVEN.—Jno H Gatlin, Jno J C Gore, T. B. Hancock, Henry Nimmell, Neill McPhail, Hezekiah Lenoir, J. H Smith, Alex Smith, W. M. [illegible] Alexander G Smith, Jos D Small, [illegible] [illegible] Andrews & Nowell and Henry G. [illegible] [illegible] Wm. Turner.

CUMBERLAND.—George R Williams, John Pemberton, Jno D Williams and B McLaughlin [illegible] Lord Rock.

DAVIE.—W. R. Sharpe, Wiatt Stone, M. C. Sanford, Charles Anderson, John K. Williams, [illegible] Robinson, Jr.

DUPLIN.—Allen Warren.

FRANKLIN.—Edmund Green, J. B. Littlejohn and Rachel T. Wilder.

FORSYTHE.—Elis Wescott, H. R. Logan, and H. E. Thomas.

GASTON.—W. W. Gleno, Jos. McNair, Benajah Black, W. O. Harrelson, Saml. W. Craig, Jno. O. Rendall, Richard Rankin, James H. White, and Lawson Wilson.

GATES.—William P. Roberts and Wm. E. Costen.

GRANVILLE.—Benj. F. Harris, W. Puryear, J. H. Davis, James Cooper, R. F. Cheatham, Richard S. Wood, John C. Utey, Warren Overtey, Samuel W. Smith and James R. Duty.

GUILFORD.—S. W. Ormond and K. Corbett.

GUILFORD.—T. G. Wharton, Augustus L. Gilmer and Andrew Murray.

HALIFAX.—Wm Fenner, Jas H Parker, John O'Brien, Mrs M W Davis and Jesse Pittard.

HARNETT.—Alex Murchison, Alfred Smith, Wm Parker, A H Dewar and L D Cameron.

HAYWOOD.—H C Lee and J C Leatherwood.

HENDERSON.—R. O. Blythe, Joel. T. Freeman, R. J. Allen, T. R. Murray, Peter Smedley, and V. Ripley.

HERTFORD.—J. J. Scull, John O. Askew, E. D. Wiltborne, James M. Trader and James A. Riddick.

HYDE.—James K. Fisher, and Sandford A. Long.

IREDELL.—Wilford Turner, Silas J. Rickert, Henry C. Eckles, J. R. B. Adams, W. T. Gaither, Miles Brandy, A. P. Sharpe, W. D. Summers, P. B. Chambers, Axel Deacons, and L. D. Wellborn.

JACKSON.—John L. Potts, Hugh Rodgers, Allen Fisher, H. M. Cook and Dillard A. Love.

JOHNSTON.—Jno. W. Hodges, Edwin Boykin, J. A. Williams and Christopher Radford.

LENOIR.—Jesse Lassiter, Alexander Fields, J. M. Morris, John Wooten, and N. B. Whitfield.

LINCOLN.—Jonas W. Derr, J. A. Caldwell, and D. Schenck.

MACON.—A. J. Patton, and J. L. Robinson.

MADISON.—T. T. Bowyer, L. L. Branson, and W. McElroe.

MCDOWELL.—R. C. Bargin, J. H. Brown, Joseph C. Newland, and James M. Young.

MECKLENBURG.—Arthur Grier, Robert Grier, James W. Darrows, A. C. Williamson, and S. P. Alexander.

MITCHELL.—Jere H. Green and David Davenport.

MONTGOMERY.—I. D. Andrews, J. W. Ewing, James W. Ewing, Calvin H. Rush, R. H. Sanders, A. H. Sanders, Jesse A. Sanders and P. C. Sanders.

MOORE.—Edward Garner, Eli N. Moffit, Evander McGilvary, Daniel McKenzie, George W. Clark, John M. F. Baker and Thomas Rollins.

NASH.—W. J. B. Harper and R. B. Williford.

NEW HANOVER.—W. H. McRary, F. D. Poisson, Mrs. C. A. Fuller and Wm. J. Fuller.

NORTHAMPTON.—Cornelius Lassiter, Andrew J. Harrell, John T. Wheeler, W. W. Peebles, E. C. Worrell, W. T. Stevenson, Thomas G. Tucker and John Sykes.

ONSLOW.—A. J. Sheppard, James M. Wooten, Hill King, L. O. Fonvills and M. D. Thomas.

ORANGE.—W. W. Allison.

PASQUOTANK.—Wm. H. Davis, John Cartwright and Joseph B. Shaw.

PENQUIMANS.—Benjamin W. Thach, George D. Newby and John Fallon.

PERSON.—J. M. McAden, Thos. T. Lawson, W. W. Reun, and J. W. Townsend.

PITT.—W. J. Moye, P. H. Mayo, Jesse Smith, Samuel Morrill, and J. L. Ballard.

POLK.—J. R. Simpson.

RANDOLPH.—Wm. S. Cox, James Lambert, Orlando Cox, and Malcom Shaw.

RICHMOND.—J. A. Baldwin.

ROBESON.—Benj. Godwin, James Gaddy, J. T. Pope, Hector McNeill, Maj. McNair, Sim. Alford and John W. Allford.

ROCKINGHAM.—E. F. Broadnax, jr., Thomas L. Black, Alvis Daniel, V. H. Holderby, P. M. Winchester, Henry Smith, Elisha Wade, and Jos. M. Cox.

ROWAN.—George P. Barringer.

RUTHERFORD.—W. Fortune, James G. Fortune, R. J. McCluer, James McFarland, R. A. Mills, W. R. McEntire, J. R. Bowman, Wm. Bevenport, M. O. Dickerson and James J. Weaver.

SAMPSON.—W. B. Faison, A. Monk, Blackman Lee and Thomas J. Lee.

STANLY.—T. H. Tomlinson, John O. Ross, J. H. Melton and Henry Stanley.

STOKES.—John G. Sides, Samuel S. Wall, William B. Carter, A. Westmoreland, Robert Wall, Thomas Martin, Lafayette Smith, [illegible] Massey, John W. Sitting, Sterling Adams, [illegible] Wm. D. Taylor and Christopher C. Smith.

SURRY.—[illegible] V. Thompson, Darius [illegible] Davis and [illegible] Rogers.

TRANSYLVANIA.—[illegible] R. Thomas, W. [illegible] Alsbury, [illegible] Hogsworth, Thomas [illegible] gey, J. [illegible] and R. F. [illegible]

UNION.—J. R. [illegible] [illegible] S. Mallet, Jas. T. Dooley, A. J. Gibbons, Geo. W. Crockett, George Little, J. M. Harris and James H. Dock.

WARREN.—John S. Ferrell, John Wilks, Thomas B. Beckwith and D. B. Marshall.

WASHINGTON.—W. A. Hardison, John G. Larkins, David G. Spruiller, E. [illegible] and A. L. Clawson.

WATAUGA.—Wm. J. Atkinson, John A. Isaac and Joseph P. Mast[illegible]

WAYNE.—G. W. Dewberman, George P. McNeill, James Galloway, E. Bliss, W. B. Tennent, and E. H. Smith.

WILKES.—Robert Wrenn, B. M. Selby, L. D. Farmer and Geo. H. Gwyer.

YADKIN.—Joseph Williams, Felix W. Williams, James Hillsaygas and W. B. Madison.

BUNCOMBE CASUALTIES.—J. W. Turley.

An Irish laborer, who was in the employment of an English gentleman, residing in Berkshire, was one evening about going to a fair, being accosted at a neighboring village, when his master interposed to dissuade him from his design. "You always come home with a broken head from these fairs," said he. "To-morrow will be time enough to come to-day. Desire, and I'll give you five shillings." "True, your honor," replied Darby, "and I'm much obliged to you, indeed he, "but I'd take five shillings to-day, your honor, sooner than [illegible] to-morrow, for I'm not sure of getting [illegible] to-day."

"God's hand is our National Ensign." Was the closing address of the minister of the chaplain of the House of Representatives. Abolition hands in Uncle Sam's pockets would have been more appropriate.

TELEGRAPHIC.

Congress.—Both Houses Adjourned.

WASHINGTON, July 28, P. M.

The nomination of Gen. Dix as minister to the Hague has been confirmed.

Mr. Rogers, of New Jersey, submitted a report this morning, in the House, as a minority report of the Judiciary Committee, in the case of Mr. Davis, showing the perjury and utter worthlessness of the witnesses brought forward to establish the alleged guilt of Mr. Davis, and others, in the assassination of Abraham Lincoln.

In the Senate this morning, a resolution was passed, after considerable discussion, granting the use of a recently erected wooden building, on Pennsylvania Avenue, in this city, for any lawful purpose, but more especially for meetings held with the view to the liberation of Ireland.

The credentials of Mr. Harlan, Senator elect from Iowa, for six years from the fourth of March next, were presented and ordered to lie on the table.

This afternoon both Houses adjourned *sine die*.

Three Days Later From Europe.

FASTNET POINT, July 28.

The steamship Peruvian from Liverpool, on Thursday, July 19th, via Londonderry, July 20, passed this point at 3 o'clock this afternoon, en route for Quebec. The following is her latest news, via Londonderry.

LIVERPOOL, July 20.

The military position is unchanged, and large forces are concentrating on both sides, before Vienna.

The Moniteur says, that Prussia has consented to abstain from hostilities for five days, provided that Austria agrees to do the same, and give her discretion on the basis proposed, within that period.

COMMERCIAL.

Cotton has declined ¼d. on the quotations of the week. The sales of the week have been 71,000 bales,—to-day, (Friday) the sales are estimated at 12,000 bales, the market closing steady. Middling Orleans is quoted at 14¼d., and Middling Uplands 13¾d. Breadstuffs are very dull. Corn is easier. Provisions are dull. Consols closed at 87½@88¼ for money. U. S. Five-Twenties 69¾@70. Illinois central shares 77@77½; Erie 42½@46½. The amount of bullion in the Bank of England has decreased 347,000 pounds sterling.

AUSTRIA REFUSES PRUSSIA'S CONDITIONS FOR PEACE, &c.

It is reported that Austria has decidedly refused to accept Prussia's conditions for peace.

The *Moniteur Du Soir* denies that the French Government had any intention of becoming an armed mediator in the difficulty.

The Prussians have occupied Darmstadt.

From Ohio.—Delegates To The Philadelphia Convention.

CINCINNATI, July 28.

Hon. Mr. Vallandingham and Judge Gilmore were, yesterday, appointed delegates to the Philadelphia Convention, from the Third Congressional District of this State.

The Markets.

New York, July 28—6 P. M.

Gold 139. Cotton steady, but dull—sales of 800 bales at unchanged prices. Southern flour steady. Wheat firm and quiet. Beef unchanged. Pork heavy at $31 00. Lard steady. Sugar 9@9¾. Coffee quiet and firm. Molasses dull. Naval Stores quiet. Spirits Turpentine 69@71 cents per gallon; Rosin $3 75@$4 50. Registered Sixes of 1881, 104. Coupons of '81, 107½; do. of '64, 106½. Ten forties, 98½; Treasury's 105¾@106; North Carolina Sixes, new bonds, 53.

Arrival of the Great Eastern—The Atlantic Cable a Success.

NEW YORK, July 29.

The Atlantic Cable is a great success! The following has been received:

[illegible] July 28.

We a[illegible] morning.—[illegible] has been laid and [illegible]

[illegible] Third Dispatch.

LONDON COURANT, July 25.

England and America are united by telegraph! The cable is in perfect order. We have been receiving messages through the whole cable since the splice on the 19th inst., all Valentia. [illegible]

ARTHUR W. FIELD.

News from Europe up to Saturday—Treaty of Peace between Prussia and Austria

ADMIRALTY TELEGRAPH OFFICE,
ANTRIM, Ireland, July 28.

The London Times of the 27th, says of the telegraph: It is a great success—and those who have assisted it deserve to be honored as benefactors to the race.

A treaty of peace has been signed between Austria and Prussia. A preliminary armistice had been for five days signed between Austria and Prussia commencing on the 22d. [illegible] Austrians claim [illegible]

A peace [illegible] of the Ideo[illegible] [illegible] victory [illegible] [illegible] [illegible]