

# The Semi-Weekly Sentinel.

VOL. 2.

RALEIGH, N. C., SATURDAY, JANUARY 18, 1868.

NO. 64.

## THE SENTINEL.

WM. H. FELL, PROPRIETOR.

### THE CONVENTION, YESTERDAY—HIGH-HANDED PROCEEDING.

It will be seen, by reference to our report of the proceedings of the so-called Convention, on yesterday, that the Sentinel was the special object of the ire of the white and negro "loyal" individuals in that remarkable body. Several thousand dollars were spent in abusing the Sentinel. We hope that the "patrons" that better, after having disgorged themselves of such a quantity of black bile and prospectively put so much money in their pockets.

True, the Sentinel was not specifically mentioned in the resolution which was offered, by Mr. Abbott, of Massachusetts, via New Hanover, and adopted by the so-called Convention, but it leaked out, in the course of the discussion, that it was the destined victim of their mighty wrath,—it the free Press which they would gag, and its Editors the men whom they would "exterminate," (that was the word used, we understand, by one of the mongrels,) if their power was at all commensurate with their silly and contemptible vindictiveness and spite.

The head and front of our offending, it appears, is that our Reporter draws an "odoriferous" distinction, as Dogberry would say, in "classifying" gentlemen of African descent" as negroes. We recollect that, at the Radical Convention, which assembled in this city, in March last, some toady with a white skin took occasion to express a puritanical anxiety that all distinctions of color should be abolished in enrolling the names of delegates, when Harris (the present negro delegate from this county,) protested against it. He said that "he was not ashamed of his color, and he hoped the gentleman over the way was not ashamed of his." We are sorry to see that Jim has become ashamed of his color. Perhaps, it is not so surprising that white men, who have gone down to the level of the negro, should be ashamed of theirs!

We have only this to say: That we shall continue to allow our Reporter to make a report of the doings of this august body in his own way, save that we shall see to it that no man, white or black, is misrepresented. If it be a misrepresentation of Harris, Hood, Coffee Mayo, or any other of the black Radicals, to call them negroes, we shall probably continue to misrepresent them, however much it may offend their sensibilities or those of their white and loving friends and admirers.

If, for this, they choose to "excite" our Reporter from the Hall, they can do so.—We shall still have it in our power to furnish our readers with a sketch of their proceedings, and they will stand convicted of a craven fear of the Sentinel and a tyrannical attempt to muzzle an independent press. "They fear the light because their deeds are evil."

The mainly stand taken by Messrs. Durham, Hodnett, Graham, Ellis, Lennon, McCubbins, Hare, Williams and Sanderson, and others, whom we have not present space to enumerate, in behalf of the liberty of the Press, deserves all commendation. We shall make such further comments as we may think proper, at another time. More we have neither time nor limits to say, this morning.

### THE CONSERVATIVES IN THE CONVENTION.

The Richmond *Whig* speaks some words of excellent counsel to the few Conservatives in the Virginia Mongrel Convention, which are so applicable to our own condition, that we may well appropriate them. The small body of Conservatives in the Convention, which professes to represent North Carolina, cannot, in any measure, shape its action, (in the language of the *Whig*, with reference to Virginia,) but they can set an example of moderation, dignity and true patriotism, that will place them in pleasing contrast with the black and white Radical extremists. Were our advice asked, we would admonish them to avoid much speaking and to abstain from all excited demonstrations. In time like these, discretion is a virtue beyond all price, and indiscretion is to be avoided as the most dangerous of enemies. Constituted as the Convention is, it is not possible for the small band of Conservatives to do much positive good, but it might be easy for them to do harm. My impudence in speech and action, they may possibly injure the whole State. Let the Radicals do all the mischief, and create all the excitement, and strive for all the notoriety. Let them have full rope and they will hang themselves.

Should the Senate follow the House in its nomination of the Judicial Department of the government, the immediate result will be a veto, and such a veto as will make the case of the country tight. Suppose that the law is passed over the veto, the Court itself will then pass upon it. It is hardly to be supposed that the Supreme Court, an independent branch of the government, erected for the special purpose of passing on the acts of Congress, will agree that a bare majority of Congress shall pass a law, and then say that a majority of the Court shall not pass upon it. What then?

A CONVENTION LAW.—As the members and spectators were leaving the Capitol building after adjournment, yesterday, a negro outsider was overheard to say a negro delegate, what had been done in Convention during the morning session. The negro held delegate replied: "Nothing kept pass a law again Fell & Gale's paper."

### CONGRESS VS. THE SUPREME COURT.

It is almost beyond comprehension to what lengths the lust of partisan power and partisan malice will lead men, upon whom the impartiality of the people has conferred high position. It cannot be that the Radical members of Congress have all run mad, or that all of them are stricken with judicial blindness, or that all of them have forgotten, or have become so morally obtuse or degraded as to disregard, the responsibilities of the oath they have taken to support and defend the Constitution of the United States. Partyism, when allied with fanaticism, becomes oblivious of the character of the means, so the end is attained. It acts upon the rule, which is always called in to the aid of those who have become bankrupt in morals, that "the end justifies the means." Such seems to be the rule which dictates the action of Congress.

Few respectable Republican presses at the North swallow, without an effort, the new Congressional scheme of reconstruction. There does seem, except among the more unscrupulous, a shuddering at the possible consequences of placing Gen. Grant as the military Dictator of the South. And well there may be. But the proposed action of the Congress, in regard to the Supreme Court, starts every journal that has borne any character for principle and cool, serious thought. The New York *Times* does not conceal its abhorrence of so violent a proceeding, which may result in a very speedy destruction of the Court itself and of every vestige of Republican government in the country.

The time has been, when the Supreme Court of the United States challenged the respect and admiration of the world. Until very lately its decisions have been regarded as deserving universal consent and approval. Our people have looked upon the Court as the guardian of the Constitution and of the liberties of the people, above all the Departments of the government. But the proposed action of Congress would humiliate it to the low and contemptible office of being the mere eruditor of its will, leaving the Congress free to interpret and enforce its own edicts.

We are glad to observe that the Conservative press, generally, regard this assault upon the Supreme Court as the most fearful step yet taken by Congress—menacing the foundations of the government itself, and only tending to the ruin that must follow, if Radical rule triumphs.

The New York *World* treats this action with becoming seriousness. It says: "Our free institutions are completely subverted if Congress succeeds in this attempt to emancipate itself from the Constitution. If the Constitution is not to bind it, or not to bind it in any other sense than a party majority may choose to adopt, there is an end of constitutional government in this country. It will make no difference whether the pending constitutional amendment is ratified or not; no difference whether it is declared ratified by three-fourths of the represented States or by three-fourths of the whole number; no difference whether Grant or some other tyrant shall be made the agent of Congressional tyranny for the hour; no difference whether a shadow of State governments is permitted to remain in any of the States or not. The whole country will be subject to the arbitrary despotism of a body of men who, by excluding from Congress as many of their political opponents as they please, by disfranchising as many of the States as they please, and by remodelling or gagging the courts of justice as they please, may convert what was once the freest, into the worst governed, country under the sun."

HOW THEY LIE.—AND HOW THEY CATCH THEMSELVES.—One Rev. Mr. Lynch, who has been acting as one of the agents and emissaries of the Radical National Committee, in the South, lectured in Washington, on Tuesday evening, the Washington *Express*, a neutral paper, gives the following abstract of his lecture:

"He has spent some months in Mississippi—visited, in fact, 53 out of 61 counties.—In one breath he told us of the insecurity of the life and property of the negro, and in the next that they were rapidly acquiring wealth. At one time he was pointing to the intolerance of the whites; and at another we were assured that no court-house was ever razed him, that courts were invariably adjourned to come out and hear him, and that he never was threatened with violence but once. At one moment we were assured of the strong aversion of the whites to the blacks, so strong as to break out in all sorts of oppression, and at another we had a glowing picture of the good feeling, the hand-shaking and congratulations between the races which prevailed during Christmas week."

"THE FRIEND AND ENEMY."—Already we hear that some of the white Radicals in the so-called Convention have expressed their annoyance at the loquacity and officiousness of their white confederates, who, with an assumption of something that looks more like superiority over their pale allies, than the promised equality, are very forward and conspicuous in all the proceedings of the "Convention." Possibly there may be a cabinet fight for the purpose of muzzling them. We hope that they will not say "muzzled." Are we not all equals and brethren?"

TURNED OVER.—We hear that Gen. Ochs has ordered Anthony Jackson, the colored sailor, late of the 49th, to be turned over to the military authorities for trial. Since the murder, he has been in military custody.

### STANTON.

It is understood, from Washington, that the President has notified Gen. Grant that all future orders in reference to the army given by the Executive will be sent to him for execution, as Stanton will not be recognized as Chief of the War Department. It is also stated that the President intimated that if the officers of the War Department chose to allow Stanton office room in the War Department building, he had no objections.

By the Constitution, the heads of the Executive Departments are made the confidential advisers of the President. To suppose that any man will retain in confidence a confidential, advisory relation to another, when the latter has announced that he has no confidence in and will have no dealing with him, is so revolting to common sense and ordinary decency, that it could not be believed possible of any creature less degraded than this man Stanton.

The retention of the War Office, as intimated above, can be made so easily of no practical account, that no self-respecting man would remain in it; for it cannot be supposed for a moment that the President cannot enforce his orders through other hands than those of the Secretary, and, indeed, nullify the directions which his inferior may give. The President is commander-in-chief, the Secretary of War is but the chief executive clerk of the War Office, and the Executive is under no obligation to deal with or through him.

It may, if he sees fit, transact all business relating to the army through the army headquarters proper. He may, if he chooses, dispense with the officers of the War Department, and transfer their duties to any other Department. And indeed he may subject the General-in-Chief to a severe censure, if not court-martial, for turning over to another a military trust reposed in him by his immediate superior, without orders.

### STATE NEWS.

The Rector of St. James' Parish, Wilmington, acknowledges gratefully the receipt of thirteen hundred dollars for the benefit of St. James' Home for the indigent, aged and orphaned—the fruits in trying times, of the energy of the ladies of the Parish and of the liberality of the people of Wilmington.

The Postmaster at Tarboro' has issued over two hundred money orders since September 9th. Forty-seven, amounting to \$1,364.89, were drawn upon and paid at the Petersburg office.

In respect to the memory of the Right Reverend Bishop Topinka, of Vermont, Presiding Bishop of the Protestant Episcopal Church of America, St. James' Church in Wilmington was dressed in mourning on Sunday last. The altar was covered with a purple cloth, with the inscription, "Blessed are the Dead who die in the Lord," and the galleries were hung around with the long gray moss of the Cape Fear woods. The announcement of the death of the venerable Bishop was made by the Rector during morning service, who, in a few brief remarks, paid a fitting tribute to his memory.

The Assistant Assessor reports that, up to the present date, 6,500 bales of cotton have been shipped from Edgecombe county, upon which the tax has been paid to the amount of \$61,888.

The store of Dr. J. F. Foulkes, in Fayetteville, was destroyed by fire on Friday evening last, together with his valuable stock of goods. Much of the stock of Messrs. J. D. Kyle & Co., and Mr. A. R. Carver, adjoining, was also destroyed. The burned building was owned by Jas. Kyle, Esq., and was not insured. Dr. Foulkes' stock was valued at \$14,000, and was insured for \$8,000. Messrs. Kyle & Co. were insured for \$10,000 in the Home and Underwriters, both Northern Companies, and had in store a stock of at least \$22,000, and more of which they saved, in damaged and all, not more than \$2,000 worth. The building occupied by Mr. Carver was not burned, but his loss was heavy from damage and breakage, estimated to be at least \$20,000. The *News* says that this is a heavy blow to the property-owners, besides a serious loss to the community.

The Fayetteville *News* pays the following tribute to that excellent man, the late Charles T. Haigh, of that town: "It becomes our melancholy duty to announce the death of one of our oldest, best and most esteemed citizens, Mr. Chas. T. Haigh, on Wednesday last, the 8th inst., at about noon, aged nearly 74 years. Mr. Haigh was born in England, on the 8th of June, 1794, and had been a citizen of this place since 1838—42 years. He was in all the times one of our leading business men, and did, for a great number of years, a large and very prosperous business, from which he had, up to the close of the war, amassed a very handsome fortune, and which was nearly all swept away at once by the great calamity that befell us all. He held, for many years, the office of Cashier of the Bank of Cape Fear in this town, and the Presidency, also, of the Rockfish Manufacturing Co. In his lifetime he dispensed from his simple fortune charity, by no means small, and the loss of that fortune may be said to be the loss of others as well as his own. It is unnecessary for us to say to those who knew Mr. Haigh—and he was extensively known in this and many other States—that the loss of a man of his integrity in any relation of his life was deemed among the impossibilities. By birth, education, taste, habits and associations, he was a gentleman—and more, he was just man and a Christian."

From the Baltimore *Gazette*. "The Reconstruction Committee is stated to have agreed, on Saturday, upon resolutions, which it proposes to recommend to Congress for adoption. They will be found elsewhere in this day's issue of the *Gazette*. They virtually strip the President of the power of his office, in terms constitute Gen. Grant absolute dictator, and hand over ten States to anarchy and despotism. As we took occasion to remark when the infamous scheme was first broached in Congress, it is trifling with the sense of the country, to discuss this usurpation in connection with the Constitution and laws of the United States. If the people are prepared to submit to the total and final subversion of Constitutional government and civil liberty, then enslavement and ruin are now near at hand. If they would save themselves they must manifest now, or never, the patriotism and the resolution that have ever distinguished men who are fit to be free."

### THE RADICAL SUBVERSION OF THE GOVERNMENT.

As the National *Intelligencer* remarks, from the first moment when the Radical faction in Congress began to tinker at the Constitution, they have gone continually and with fearful rapidity from bad to worse. From the moment when they took the first step in the direction of maintaining party ascendancy through Congressional legislation "outside of the Constitution," they have been hurried onward in a fatal career of flagrant wrong, outrageous usurpation, blushing fraud, and treasonable revolution, until, in their mad dash and desperation, they have been driven to the last resort of openly attempting to abrogate entirely both of the other co-ordinate and independent branches of the Government—the Executive and Judicial Departments—and subjecting them absolutely to military dictation and control.

That our readers may see how their latest plan to destroy the government is received at the North, we compile the following extracts from leading journals. We might multiply them almost indefinitely, but these will suffice.

From the New York *Times* (Republican). "In a party sense, the movement is destructive. Reconstruction has put the Republican party on its trial, and the Republic must be against it, if after two years' experimentalizing, it confesses itself no nearer success than when it started. The country has sustained it so far, under a belief that it would quickly and safely restore the integrity of the Union. With that integrity, or confidence, with what justice or decency will it be possible to ask for further support, if the tools and devices of two years are declared by their authors an ignominious failure? What reliance can be placed on the capacity—that trust in the judgment—of Republican statesmanship, if it thus repudiates its own handiwork?"

From the New York *Herald*. "Reconstruction moves onward unwaveringly in its revolutionary career. The House of Representatives will have before it today, from the Reconstruction Committee, the bill to establish an imperium upon the limits of the United States. It seems that the system of five military districts is not, in its operation, sufficiently destructive to suit the radical purpose. It does not stamp out the States. It does not crush beyond all semblance of recognition the local social and political forms which we are familiar in the ten Southern communities. That system does not satisfactorily put the white man's head under the single head. State lines are left State Courts, State Statutes and State rights. If the law presses too hard—if the radical will is too despotically put in force by some tyrant schooled in the small domain of his regiment—there is a remedy for the people; the national Executive reduces the suddenly exalted captain general to his little level, and puts in his place some man less ready to plunder to the mad extravagance of political passion. And this, in the Radical view, is all wrong. Radicalism holds that it blinds, when it is five military districts, as geographical quantities and defined its districts by State lines. It argues that it has no power unless it has all power; admits that its purpose is so little consonant with our national spirit that it cannot be executed so long as there is authority left anywhere to dispute it. Hence it now proposes to merge its five military districts into one grander district exactly analogous to the Roman Empire. Under the Roman Empire all the great dependencies—as Gaul, Spain, Germany, Syria, Greece and Africa—were held by absolute military power, subject only to a commander and the Senate. No courts existed save by the will of the commander. There were no laws save the laws of the commander, as managed by his creatures to plunder the country more completely. And this is a model of the form of government that the Congress of the United States now proposes to set up in a territory comprising ten States of this Union—ten States of a nation whose primary political principle is the sovereignty of the people. It is a model of the imperial form within our borders. Congress abolishes the States in all their political and legal forms, sweeps away the governmental system and the courts, all the machinery that gives stability to order and security to property, and puts in the place of everything one military commander—General Grant. He declares the Constitution of the United States null and void by saying that in ten States of the Union the President no longer has executive authority, and that he will be guilty of a misdemeanor if he exercises in those States the duties the Constitution imposes upon him. And in all this there is no principle—no great point of view of safety to secure—nothing, whether by the dagger and a party result, or by the sword and law and an old established system the negro cannot resist. But return to chaos, throw down all the present relations of things, reduce society to the primitive barbarous level, so that the negro and the white man may start even, then give the negro an army for his ally, and perhaps he may consent to share. This is the idea that underlies the new bill."

Let the people of the North—let the people of the nation—remember that the danger in this matter is to their own liberties, not to those of the Southern people; for the South is no better than now that it is out of Federal power; there is hardly a depth of political degradation that in people have not witnessed under radical military rule, and they seem to feel that any change may possibly be for the better. The danger is to those who are still free. The danger is that as we grow daily in anarchy, as we grow from bad to worse under the misgovernment of a Congress, we forget the plain duty of the nation, the plain duty of the nation, the people by and by may grow to envy even those who live under the tranquility of a despotism, and may look on with satisfaction when the commander of an army pointed to keep down the Southern people (perhaps recruited to a great extent in the Southern States) shall suddenly march to Washington, seize the Capitol and Government, and, after a few days' arbitrary and contemptible rule, the Congress shall be the United States."

From the Baltimore *Gazette*. "The Reconstruction Committee is stated to have agreed, on Saturday, upon resolutions, which it proposes to recommend to Congress for adoption. They will be found elsewhere in this day's issue of the *Gazette*. They virtually strip the President of the power of his office, in terms constitute Gen. Grant absolute dictator, and hand over ten States to anarchy and despotism. As we took occasion to remark when the infamous scheme was first broached in Congress, it is trifling with the sense of the country, to discuss this usurpation in connection with the Constitution and laws of the United States. If the people are prepared to submit to the total and final subversion of Constitutional government and civil liberty, then enslavement and ruin are now near at hand. If they would save themselves they must manifest now, or never, the patriotism and the resolution that have ever distinguished men who are fit to be free."

From the New York *World*. "The bill to suddenly proposed is prompted by the expectation that the Reconstruction acts will be brought before the Supreme Court within the next few days. The bill of course cannot be retrospective; for in that case it would unsettle every constitutional decision ever rendered by the Supreme Court. A disgraceful attempt is therefore to be made by Congress to run a race against the Supreme Court, and hurry an act through inspiring the powers of that tribunal before it shall have time to set aside an unconstitutional law. So many Republicans have openly questioned or denied the constitutionality of the Reconstruction acts, that it is no wonder Congress dares not trust the Supreme Court to pronounce an opinion on the subject. But a bill to deprive judges of their authority is so bold and so will an infringement of the rights of the Court, that it will react against the party most destructively than anything it has yet done. The object of the bill is to punish judges for perceiving that an act of Congress is unconstitutional, by depriving them of their authority. Its practical effect will be the same as removing a certain number of dissenting judges from the bench, 1868, and a particular case of cases. It is all the same whether Judge Nelson is legislated for from the bench outright, or an act is passed depriving his opinion of its influence upon a decision. It is all the same whether Congress flings out three judges in order to reduce the Conservative predominance, or whether it simply nullifies their votes by declaring that three judges on one side shall balance six on the other.

In the next place, this bill is manifestly suicidal, because the Supreme Court has just the same power to declare it unconstitutional, as any other. This the Republican party would incur the odium of passing such a bill without reaping for it any advantage."

COMPOSITION OF THE SUPREME COURT.—As the Supreme Court has again emerged from its retirement, before the public view, in connection with important constitutional questions, our readers will doubtless be pleased to be informed as to its composition and political complexion. There are at present eight judges, as follows: Salmon P. Chase, Ohio, Chief Justice; Nathan Clifford, Maine; Samuel Nelson, New York; Robert C. Grier, Pennsylvania; David Davis, Illinois; Noah W. Swayne, Ohio; Samuel F. Miller, Iowa; Stephen J. Field, California. Their ages as far as can be ascertained are as follows: Chase, sixty; Grier, seventy-two; Miller, sixty-eight; Clifford, sixty-four; Nelson, sixty-five; Davis, sixty; Swayne, fifty-five. Of these, Chase, Miller, Swayne, Davis and Field were appointed by Lincoln; Grier by Buchanan or Pierce; Justice Nelson and Clifford are Democrats. Grier is claimed on the same side. Justice Field is pronounced by a Republican authority as a reconstructed Johnsonian. Justices Chase, Swayne and Miller are avowed Republicans, whilst Justice Davis is called a very moderate Republican. The full number of Supreme Justices was nine, but the death of Justice Wayne, of Georgia, (Republican) created a vacancy which an act of Congress has provided shall not be filled by President Johnson. A bill now pending before the House of Representatives proposes to require two-thirds of the Supreme Court to concur in pronouncing upon the constitutionality of any law of Congress.

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### CORRESPONDENCE BETWEEN JUDGE ALDRICH AND GENERAL CANN.

BARNWELL, S. C., December 27th, 1867. Sir:—I have been informed that the Hon. the Treasurer of the State has been instructed by you not to pay me my salary after the 31st of October. When I received your "Special Order No. 183," suspending me, I did not suppose you intended to deprive me of the property in my office. If never occurred to me that, in suspending me, you would also suspend my salary, I could not be so unjustly to be punished by being deprived of the salary, which, in the impoverished state of the country, is the only means left to me for the support of my family.

I trust it is only necessary to bring to your notice the fact that the Judge has a property in his office, and that, during his suspension, he cannot be legally deprived of its emolument. As I have no idea that your purpose is to inflict personal injury on one who, I trust, has shown himself as zealous and honest in the discharge of his duties as you have in the discharge of yours, I therefore respectfully submit this question to your more mature consideration. In the hope that upon investigating the legal proposition, you will see that you have unintentionally done me an injustice.

Very respectfully,  
Your obt. servt.,  
A. P. ALDRICH,  
Law Judge of South Carolina,  
Maj. Gen. Cannon, Commanding District.

HEADQUARTERS 2D. MIL. DISTRICT, CHARLESTON, S. C., January 4th, 1868. A. P. ALDRICH, Esq., Barnwell Court House, S. Carolina.

Sir: I have the honor to acknowledge the receipt of your communication in relation to the salary claimed by you, as Judge of the Court of Common Pleas and General Sessions, and to state in reply, that your action involved a serious delay in the administration of justice, and imposed upon the State, in its impoverished condition, additional expenses for the maintenance of prisoners and for holding special terms of the courts in several of the districts in the Southern Circuit. I did not consider it proper or just to add to those burdens, by authorizing compensation to be made for services that were not rendered.

Very respectfully,  
Ed. R. CANN,  
Brevet Major General Commanding.

BARNWELL, January 7, 1868. Sir: I reply immediately to your note of the 4th January, just received. I did not expect and did not ask, that you, a Military Commander, would consider the constitutionality of the reconstruction acts. But I did expect that you would point to the clause in which I am empowered you to suspend me from the performance of the duties of my office, and then to deprive me of my property in that office, by ordering the State Treasurer to withhold the salary which the State contracted to pay me when I was commissioned one of her judges. You will remember that I am a Judge of South Carolina. You have not returned to me any answer, yet, and if you had, you cannot deprive me of my office. You cannot put any authority in the acts, but excuse your injustice and usurpation by saying, "that as your action involved a serious delay in the administration of justice, and imposed upon the State, in its impoverished condition, additional expenses for the maintenance of prisoners and for holding special terms of the courts in several of the districts in the Southern Circuit, I did not consider it proper or just to add to those burdens by authorizing compensation for services that were not rendered."

I indignantly repel this slander. I was in the actual performance of my duties, under the laws of the State of South Carolina, that had conferred on me my judicial office, and to whom, alone, I am accountable, when you, by a high handed usurpation of authority, not conferred on you by any law of Congress, or article of war, suspended me in the very office. I was making to administer justice for a suffering people. What justice was to be administered, which justice as you had directed to be drawn? You know or should have known, that your orders as to jurisdiction was not authorized by any act of Congress. You know or should have known that justice furthest selected as you directed presented the most serious impediment to the administration of justice. You know or should have known, that by such an office prevented me from carrying out your order—and yet, as a subordinate, without considering the dignity of my position, the character of my beloved State, or the responsibility of your own station, in the very wantonness of power, you put upon me an indignity which was unworthy of the great government you represent, and, I must add, which may be said to be no less a dishonor to me than to the State.

As a conscientious judge and a man of honor, I could not carry out your order without violating my oath of office. I said so frankly. You suspended me. I yielded without a murmur, and now, because I have a conscience that will not consent to be so treated, to violate my oath of office, with high handed tyranny, you not only deprive me of the dignity of that office, but rob me of its support, and then insultingly tell me that my action has involved a serious delay in the administration of justice, forgetting that it was your own unauthorized and officious interference with the laws of the State, that placed the first and only impediment in the way of justice. With what consistency can you talk about the "impoverished condition" of the State, when only on the 31st of December last, you issued General Order No. 129, imposing a tax for the very salary you have directed the Treasurer to withhold, and did actually make an appropriation for its payment! How does it help the people at all to suspend me, and to write laws out of them, which you afterwards direct to be locked up in the Treasury?

Why trouble yourself about State burdens, when the people (I mean white people, tax payers) with singular unanimity approve my course, and sustain me under my present rank? No sir, I am not despondent, nor is the country. I will hold fast to my office, and I will not be deprived of the property in it, until you make your way to the great butchery of liberty—the trial by jury—with a very slimy way.

I commend you to the personal of General Hancock's Special Order No. 203, to show

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BARNWELL, January 7, 1868. Sir: I reply immediately to your note of the 4th January, just received. I did not expect and did not ask, that you, a Military Commander, would consider the constitutionality of the reconstruction acts. But I did expect that you would point to the clause in which I am empowered you to suspend me from the performance of the duties of my office, and then to deprive me of my property in that office, by ordering the State Treasurer to withhold the salary which the State contracted to pay me when I was commissioned one of her judges. You will remember that I am a Judge of South Carolina. You have not returned to me any answer, yet, and if you had, you cannot deprive me of my office. You cannot put any authority in the acts, but excuse your injustice and usurpation by saying, "that as your action involved a serious delay in the administration of justice, and imposed upon the State, in its impoverished condition, additional expenses for the maintenance of prisoners and for holding special terms of the courts in several of the districts in the Southern Circuit, I did not consider it proper or just to add to those burdens by authorizing compensation for services that were not rendered."

I indignantly repel this slander. I was in the actual performance of my duties, under the laws of the State of South Carolina, that had conferred on me my judicial office, and to whom, alone, I am accountable, when you, by a high handed usurpation of authority, not conferred on you by any law of Congress, or article of war, suspended me in the very office. I was making to administer justice for a suffering people. What justice was to be administered, which justice as you had directed to be drawn? You know or should have known, that your orders as to jurisdiction was not authorized by any act of Congress. You know or should have known that justice furthest selected as you directed presented the most serious impediment to the administration of justice. You know or should have known, that by such an office prevented me from carrying out your order—and yet, as a subordinate, without considering the dignity of my position, the character of my beloved State, or the responsibility of your own station, in the very wantonness of power, you put upon me an indignity which was unworthy of the great government you represent, and, I must add, which may be said to be no less a dishonor to me than to the State.

As a conscientious judge and a man of honor, I could not carry out your order without violating my oath of office. I said so frankly. You suspended me. I yielded without a murmur, and now, because I have a conscience that will not consent to be so treated, to violate my oath of office, with high handed tyranny, you not only deprive me of the dignity of that office, but rob me of its support, and then insultingly tell me that my action has involved a serious delay in the administration of justice, forgetting that it was your own unauthorized and officious interference with the laws of the State, that placed the first and only impediment in the way of justice. With what consistency can you talk about the "impoverished condition" of the State, when only on the 31st of December last, you issued General Order No. 129, imposing a tax for the very salary you have directed the Treasurer to withhold, and did actually make an appropriation for its payment! How does it help the people at all to suspend me, and to write laws out of them, which you afterwards direct to be locked up in the Treasury?

Why trouble yourself about State burdens, when the people (I mean white people, tax payers) with singular unanimity approve my course, and sustain me under my present rank? No sir, I am not despondent, nor is the country. I will hold fast to my office, and I will not be deprived of the property in it, until you make your way to the great butchery of liberty—the trial by jury—with a very slimy way.

I commend you to the personal of General Hancock's Special Order No. 203, to show

### CORRESPONDENCE BETWEEN JUDGE ALDRICH AND GENERAL CANN.

BARNWELL, S. C., December 27th, 1867. Sir:—I have been informed that the Hon. the Treasurer of the State has been instructed by you not to pay me my salary after the 31st of October. When I received your "Special Order No. 183," suspending me, I did not suppose you intended to deprive me of the property in my office. If never occurred to me that, in suspending me, you would also suspend my salary, I could not be so unjustly to be punished by being deprived of the salary, which, in the impoverished state of the country, is the only means left to me for the support of my family.

I trust it is only necessary to bring to your notice the fact that the Judge has a property in his office, and that, during his suspension, he cannot be legally deprived of its emolument. As I have no idea that your purpose is to inflict personal injury on one who, I trust, has shown himself as zealous and honest in the discharge of his duties as you have in the discharge of yours, I therefore respectfully submit this question to your more mature consideration. In the hope that upon investigating the legal proposition, you will see that you have unintentionally done me an injustice.

Very respectfully,  
Your obt. servt.,  
A. P. ALDRICH,  
Law Judge of South Carolina,  
Maj. Gen. Cannon, Commanding District.

HEADQUARTERS 2D. MIL. DISTRICT, CHARLESTON, S. C., January 4th, 1868. A. P. ALDRICH, Esq., Barnwell Court House, S. Carolina.

Sir: I have the honor to acknowledge the receipt of your communication in relation to the salary claimed by you, as Judge of the Court of Common Pleas and General Sessions, and to state in reply, that your action involved a serious delay in the administration of justice, and imposed upon the State, in its impoverished condition, additional expenses for the maintenance of prisoners and for holding special terms of the courts in several of the districts in the Southern Circuit. I did not consider it proper or just to add to those burdens, by authorizing compensation to be made for services that were not rendered.

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Ed. R. CANN,  
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