

The Semi-Weekly Sentinel

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RALEIGH N. C. WEDNESDAY, AUGUST 24, 1870.

NO. 4.

THE SENTINEL.

JUDGE BROOKS' OPINION.

When a military force is ordered to disperse an unauthorized assembly of citizens, the force is authorized to use force. The organization of such a force is a conspiracy against the State—a conspiracy which should be suppressed by every available means should be employed to quash the thing at once.

Judge Brooks, at Salisbury, did not have the question of the lawfulness of the State Troops directly before him, but he incidentally decided it. He held that any parole given by or made made to Kirk, was neither legally nor morally binding upon any one, for the reason that he had no authority to grant a parole. The decision is no doubt correct. Gov. Holden has no lawful authority to organize State Troops, to clothe or equip or arm them, to feed them while in service or pay them a dollar out of the public Treasury. No claim against the public Treasury of North Carolina or against the State, for clothing or for commissary stores, or for horses or wagons or provisions of any kind for the State Troops is a legal claim. If you choose to credit Gov. Holden, or Kirk, or Clarke, or any of their personal responsibility as the State is not bound to pay a dollar to support these troops. We give this warning to the people. Let them heed it. Don't credit Holden, or Clarke, or Kirk, or any of their subordinates, for a dollar's worth of provisions or anything else, expecting to get it out of the State. We tell you that neither Gov. Holden nor Mr. Jenkins, the Public Treasurer, have the right to pay out a dollar for that purpose. Judge Pearson and all the Judges know this. They have sworn to support the Constitution of the United States and they know that this is forbidden by the U. S. Constitution.

COL. CLARKE AND KIRK'S AUTHORITY.

Clarke nor Kirk, in their hot haste to get position, stopped to enquire into the responsibilities they assumed in raising the State Troops. In this respect Kirk has acted ignorantly perhaps; but Clarke did not. Clarke knew beforehand that Holden had no more right to organize and equip a volunteer military force in North Carolina, than any other man in the State.

What responsibilities have Holden, Clarke, or Kirk or any of their officers incurred by raising these troops? They are amenable to the law, as well as the parties themselves, for any thefts or robberies they have committed, for any rapes, murders or arrests they have made, in fact for everything they do, they are amenable to the law, and every one of their soldiers is amenable to the law, and every one of their officers is amenable to the law, and every one of their officers is amenable to the law, and every one of their officers is amenable to the law.

HELDEN STILL ENLISTING STATE TROOPS.

We stated some time since, that a few days ago, at least, his excellency, Governor Holden, arrived at Kirk's camp at Company Store. A few days before, and nothing had been sent up for them.

DR. J. A. MACOZ, OF ALABAMA.

Dr. J. A. Macoz, of Alabama, requests this newspaper to publish in its columns his judgment upon his conduct in the "Alabama" published in the Standard over his signature, until he is able to lay before the public a full statement of all the facts in the case.

JUDGE PEARSON AND GOV. HOLDEN.

The appearance of the two prominent figures in the law, for short terms, is a curious sight to the people, who simply desire to have the laws faithfully and impartially administered. The sentiment universally prevails, that nearly all our Judges are so warmly enlisted as partisans in the Republican cause, that from bias of mind, justice is too often perverted from considerations of party, and for the maintenance of party advancement.

Judge Pearson, once free and independent, has recently incurred the distrust and condemnation of the public, by the irregular participation of his own and a leading and extending doctrine he has proclaimed. The address of which for centuries, has been enlarging and expanding, so as to cover every possible case and secure to the citizen immunity from the slightest tyrannical oppression, is now in his hands found too contracted to furnish relief in cases as harsh as occurred in the reign of King John or any of the Stuarts. In the fault in the act or in the blindness or unwillingness of the Judge—No doubt can be entertained, when it is recalled that other Judges in England and America, have always found the act sufficiently liberal, to authorize them to inquire in every case whether the parties were or were not entitled to the benefits of that simple law.

Whether the Government is obligated or not, if Tennessee or our own lawless citizens band together to arrest or imprison our people, they must submit to violence, and be left to the bad will, for fear of resistance! The inculcation of such a doctrine is clearly odious if not contemptible, as having insurrection and violence on a scale sufficiently large to entitle them to a exemption from the law.

As a further excuse, the Judge says, I have no power, I am powerless—This is an ingenuous but very unjustifiable turn to give to the matter; no Judge has any power, unless the power belongs to the Sheriff; and they call out the power of their several courts when necessary to execute process, sec. 15 of the habeas corpus act provides:

"In the execution of any attachment, precept or writ, under sections 15, 16 and 17, the Sheriff, Coroner, or other persons to whom it may be directed as in other cases." And in sec. 15 it is provided, "that the process may be directed to the Sheriff of any county within this State, and Sec. 17 authorizes "The Coroner or Judge to direct the process to any Sheriff, Coroner or other person, commanding him to bring forth with before such Court or Judge, the party wherever he is found, for whose benefit the writ of habeas corpus shall have been granted."

These guarantees have been acquired by the perseverance of ages. For centuries personal liberty has been manfully contending with the giant of oppression, and it was believed that it had at last settled and bound him, as to render him harmless for the future. Kings and Councils, Expeditions and Star Chambers, Sheriffs and Judges, had all been subdued in the contest, and the citizen felt that unless he defended the law, that law would certainly protect him, and there was no one to make him afraid.

In the hour of security however, the Chief Justice is heard to announce, there is yet one man left greater than the Johns and Sturtes, who may continue to arrest, maltreat and imprison the people without being accountable to the law. One W. W. Holden yet wields the tyrant's awe in defiance of law, Constitution and the sacred rights of habeas corpus. "The Chief Justice of the Supreme Court has no power under the habeas corpus act, to order the arrest of the Governor of the State."

This is certainly a very strange doctrine, and a wilful repudiation of the plainest and most unequivocal language of an act, originally conceived to frustrate the tyranny of kings. Section 15 of the habeas corpus act provides:

"If any person or officer, or whom any writ of habeas corpus shall have been duly issued, shall refuse or neglect to obey the same, it shall be the duty of the Court or Judge, before whom said writ shall be issued, to issue an attachment against each person or officer, directed to the Sheriff of any County within this State and commanding him forthwith to apprehend such person or officer and bring him immediately before such Court or Judge, and on being so brought, such person or officer shall be committed to the custody in the jail of the county, where such Court or Judge may be, without being allowed the liberties thereof, until such person or officer makes return to such writ and comply with any order that may be made by such Court or Judge in relation to the party, for whose relief the writ shall have been issued."

MR. TURNER AT SALISBURY AND HIS INSURRECTIONARY LANGUAGE.

At Salisbury Thursday morning at 8 o'clock, found a large crowd of citizens congregated at the depot in anticipation of seeing the prisoner, but they were doomed to disappointment, as they were to arrive on an extra train later in the day.

We stopped at the well known and deservedly popular house, patroned of a most excellent breakfast, found everything in good order, in fact, done up in the best style.

A large number of gentlemen gathered in front of the Hotel, where they were engaged in conversation. Mr. Turner was not to be seen. Mr. Rodgers, a prominent citizen, was seen, but he was not to be seen.

When the Court adjourned the hour for returning home was near at hand, and there was a great throng of citizens. The train moved off amidst loud and continued cheers for "Joe Turner" "long may he live."

At Salisbury the train was halting. Mr. Turner and his associates, who were all dressed in the most elegant and costly attire, were seen. They were all dressed in the most elegant and costly attire, and they were all dressed in the most elegant and costly attire.

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THE REVOLUTION IN NORTH CAROLINA.

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CONGLETON'S CELEBRATED MEDICINES.

THE GREAT DISCOVERIES OF MODERN SCIENCE AND PHARMACY.

These medicines do not claim to have discovered cures, but what these medicines are guaranteed to do is to guarantee them to do, as a certain evidence of their effect on the human system, they have been found to be of great benefit in various cases of disease, and it is a well known fact that they have been used by the medical profession for many years.

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