THE SENTINEL.

JOSIAH TURNER, Jr., EDITOR

THURSDAY, AUGUST 18, 1870.

CHIEF JUSTICE PEARSON AND THE KU KLUX.

It has been understood for several days, that Gov. Holden, in order to defeat the purposes of Judge Brooks in giving to the parties arrested by Holden's order the benefits of the habeas corpus under the 14th amendment of the Constitution of the United States, had appealed to Chief Justice Pearson to return to this city, in order that he might surrender those of the prisoners who applied for the benefit of the writ to Judge Pearson, in fact.

The delay of Judge Pearson led us to hope that he would no further interfere in the case, until by possibility the matter came before him in regular course of the Supreme Court. These and other cognate matters must come ultimately before that Court, and it strikes us that the ends of justice might be better secured, under the circumstances, were he to stand aloof until that period. Moreover, he had been so completely broken down and apparently frightened from his propriety by Holden, we had supposed that having "exhausted *all* the powers of the Court" as he alleged, the writs had become *functus officio*. The injured citizens of Alamance and Caswell had applied to him in vain for relief, and despairing of it from him, their final appeal was to Judge Brooks, of the U. S. District Court, no longer hoping for or desiring further, the aid of Judge Pearson.

In our first supposition it appears we were mistaken. Chief Justice Pearson we learn, came down last night, and it is understood at the instance of Gov. Holden, he has declared illegal revive the writs, and has ordered the prisoners heretofore named, to appear before him in Chambers to-day. We learn that that portion of the prisoners arrived here after three o'clock, P. M.

The rest of the prisoners, those not included in the writs and not before Judge Pearson, we learn, will appear before Judge Brooks at Salisbury, to-day. The case is an anomalous and singular one. To us it approaches very nearly the ridiculous. What Judge Brooks will do in the premises, we are not able to say. We hope that the whole affair will soon terminate in the full vindication of the right, of justice and law, and to the utter discomfiture and punishment of bad men.

P. S. Since the above was in type, we have received the following correspondence. Let the reader call to mind the previous history of this case. Judge Pearson may attempt to throw all the responsibility of the delay upon Gov. Holden, but the people and posterity will hold him to the full extent of the obligation his official position imposes. It now looks very much as if Judge Brooks had resurrected the writs which Kirk failed to return:

EXECUTIVE DEPARTMENT,
STATE OF NORTH CAROLINA,
Raleigh, Aug. 15, 1870.

To the Hon. R. M. Pearson,
Chief Justice Supreme Court of N. C.

DEAR SIR—In my answer to the notices served upon me by the Marshal of the Supreme Court, in the matter of Adolphus G. Moore and others, *ex parte*, I stated to your Honor that at that time the public interest forbade me to permit Col. Geo. W. Kirk to bring before your Honor the said parties; at the same time I assured your Honor that as soon as the safety of the State should justify it, I would cheerfully restore the civil power and cause the said parties to be brought before you together with the cause of their capture and detention.

That time has arrived, and I have ordered Col. Geo. W. Kirk to obey the writs of habeas corpus issued by your Honor. As the number of prisoners and witnesses is considerable, I would suggest to your Honor that it would be more convenient to make return to the writ at the Capital in Raleigh. Col. Kirk is prepared to make such return, as soon as your Honor shall arrive in Raleigh.

With great respect,
Your ob't servant,
W. W. HOLDEN,
Governor.

REPLY OF CHIEF JUSTICE PEARSON.

RALEIGH, August 15th, 1870.

To His Excellency, Gov. Holden.

DEAR SIR:—Your communication of this date was handed to me by Mr. Smith, Marshal, &c. I will be in the Supreme Court Room early to-morrow A. M., but, to receive the return by Col. Kirk of the bodies of A. G. Moore and the others (in whose behalf writs of habeas corpus have heretofore been issued) together with the cause of their arrest and detention.

Reserving the return day, after the delay to which you allude, of several weeks, is not to be taken as concurring on my part in the propriety of the delay, or as assuming any portion of the responsibility attached to it. The entire responsibility rests on you. I was anxious to prompt the State into a great war upon a mere question of time.

With great respect, your ob't serv't,
R. M. PEARSON, Ch. J. S. C.

NEW YORK TIMES ON THE MILITARY REMEDY FOR KU KLUX.

We have steadily [illegible] military plans for [illegible] the Ku Klux. For [illegible] authority of law, [illegible] because of the [illegible] to the peace and quiet of the State. Thirdly, because the discovery of the perpetrators of the alleged outrages could have been more easily and [illegible] effected by civil process, than by military violence. Fourthly, because of the palpable design to make use of the military as a means to secure a Radical victory in the August election. Fifthly, because of the enormous expense involved in military charges. Other and these reasons can be successfully overturned. Their truth is thinner palpable to any understanding, and either one of them was sufficient to itself to have deterred any State Executive from the course taken by Gov. Holden, if indeed, he had any regard whatever for the Constitution or the laws, or for humanity or for civil liberty or for the peace of the community. It is an extremely rare case in which any man possessed of ordinary sense would have taken the course he has; but Gov. Holden is a rare man—a *sui generis* [illegible] whose ruling ambition, sheer selfishness and bad heart would prompt him to do just anything that promised to gratify them.

He has applied his military remedy and what has he gained by it? What good has been done by it? What proofs of lawlessness and crime have been made known by this agency which could not have been more easily and more fully brought out by a civil process. Suppose Gov. Holden had been disposed to respect the law, had felt himself bound to adhere to all his previously expressed views of the sacred rights of habeas corpus, and had in the [illegible] charges, instead upon such a rigid course of investigation as has been had in New York in the case of Mr. Nathan, and suppose every man in Alamance and Caswell likely to know any thing of the alleged crimes, had been put on the witness stand and subjected to a rigid examination, is it not palpable, that in a community like those, unused to trickery and concealment, that more material facts connected with them might have been brought out, than has been elicited by Kirk's outrages? We have no doubt of it.

It is alleged by Gov. Holden and his coadjutors, that material facts have been *forced* out of the arrested parties? All these and more might have been drawn out by the course suggested by us. But these *material* facts must yet be subjected to legal scrutiny, and only when this is done can the people judge of the facts. The fact that particulars may have been drawn out of men under arrest, some by voluntary confession and others by constraint, prejudices seriously the cause of the Governor among all unprejudiced men. The strong probabilities of bias from fear and the hope of escape, may have drawn out some facts, but are they material in fixing undoubted guilt upon any one? We seriously doubt it. But if, by the process, *the truth and nothing but the truth be elicited*, we say emphatically, let the innocent be protected, and *let the guilty be punished*. We never have been an apologist for crime in any one, and never will be. If there are persons in the land, who are reckless of human life and the peace of society, and will jeopard them by taking the law in their own hands, let them be dealt with fully and legally, and if convicted of crime, let them be punished.

THE CONSTITUTION AND THE [illegible]

There are serious objections to the Constitution and laws of the State as enacted the past two years by the Radical Convention and General Assembly. In many respects they are plainly inadapted to the tastes, the habits and the wants of our people. Many of their provisions are designed to meet the wishes of a portion of the people to the utter disregard of the interests of another portion. However well some of the principles of the Constitution may be suited to city and populous States, they are wholly inapplicable to a poor, sparse population like ours. Neither property nor life are secured, while a large class of our best citizens are subject to the control and are liable to be injured, at the will of the ignorant rabble.

While these things are true, our people have manifested no desire to effect a violent change of them, although suffering severely under their operation. No opposition whatever has been offered to their enforcement. No one raises a hand against the officers of the law in their due execution. Our people determined to obey them, until by legitimate means and the "voice second thought" of the people, a change could be effected in the manner prescribed by the Constitution.

That there is opposition in this State, to the National or State governments, as republican organizations we deny, all the hostility lies in some of the vicious principles [illegible] the organic and statute laws, and to the conduct of the government. Not those who heartily assented to those provisions which relate to the conferring civil and political rights upon the negro. Many thought they were premature and injudicious, but no one contemplates or desires any change by which the negro shall be deprived of any right the Constitution and laws now guarantee to him.

[illegible]

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NEW YORK TIMES ON THE [illegible]

This paper is one of the most able and [illegible] Republican Journals of the country. It presents a fair and honorable [illegible] which it does not believe and have evidence of, [illegible] that conceives in [illegible] right, power of [illegible] to be [illegible]

The people of North Carolina have cause to honor the Times for its ability [illegible] of law and of civil liberty in this State and [illegible] the vindication of Mother [illegible] and [illegible] that man has made.

For the Sentinel.

LEXINGTON, Aug. 16, 1870.

MR. EDITOR, Dear Sir:—After waiting a reasonable time, and [illegible] long to digest the contents of my last letter, permit me to address you again, in continuation of the first, upon the deplorable condition of public affairs, brought about by your highhanded unwarranted, vindictive proscriptive policy.

In my first letter, Governor, I attributed your infamous course either to incompetency, insanity, hypocrisy or a depravity of heart and wickedness of purpose, that would make Satan blush and perdition wean.

Governor, as you have not yet proceeded to define your position, as you have not confessed nor forsaken your wicked course, in justice to you, myself and those whom you are oppressing, I will attempt to account for your high handed, profligate and wicked course upon the ground of your depravity of heart and wickedness of purpose.

In my first epistle I confined myself to the use of small arms alone, in endeavoring to demolish the citadel of your depravity and corruption; I now leave, now with your kind permission, to bring to bear the artillery of truth against your fortress of wickedness and corruption.

Judging from the wincing of the galled jade and the thunders of an indignant, injured and insulted people, I think that the block house of your infamy can be carried without the shedding of innocent blood.

Governor, I will not caricature your crimes, I will state facts from the records, yea, Governor, from the record you swore to support, the Constitution, saying nothing of the laws made in pursuance thereof.

In the first place, Governor, permit me to call your attention to your oath of office, which you will find in the Constitution of the State, Article 3, section 4. For your edification, Governor, I will transcribe it: The Governor, before entering upon the *duties* of his office, shall, in the presence of the members of both branches of the General Assembly, or before any Justice of the Supreme Court, take an oath or affirmation that he will support the Constitution of the United States and of North Carolina, and that he will faithfully perform the duties appertaining to the office of Governor to which he is elected.

Governor, I suppose with all your temerity and dogged pertinacity, you will not deny that under our form of government, that there are three co-ordinate branches, the legislative, judicial and executive, and that you swore, as Governor, to support the Constitution and laws of North Carolina—you are not either the legislative nor the judicial branch, it is not in your power either to make or expound the Constitution or the laws of North Carolina, but to carry them into effect or superintend the execution or enforcement of them.

Now Governor, let us analyze the matter and see how you stand; the first inquiry is, have you, as the Executive Department of the State, confined yourself to the execution of the laws. I charge Governor, that you have not, but that you have in palpable violation of the constitution and your oath—infringed upon both the legislative and judicial branches of the State government. I am aware, Governor that I use strong language, but if the constitution sustains me the fault lies at yours and not my door.

There is no other way of reaching you Governor, but by facts so apparent that a wayfaring man, though a fool could not, nor would not err therein.

Though I may succeed in convincing an impartial public of the criminality of your course; but I not know you in your better days I should now despair of extorting from you an honest confession of your sins on the truth of my charges. I hope Governor, that your intellect is not so blunted, nor your conscience so scarred by crime as not to admit the truth of my charges now that you have been arraigned, tried and convicted by the honest, confiding, unsuspecting people you have betrayed and tyrannized over with a high hand and an outstretched arm. Yes, Governor, the people have spoken out trumpet tongued at the ballot box; they have consigned the putrid slough Radicalism of which you are the corner stone, to interminable oblivion and infamy.

As your charges in your bill of indictment against the people of North Carolina in the shape of proclamations come under the head of criminal proceeding, I beg leave, Governor, to call your attention to those parts of the Bill of Rights and Constitution that are germain to the purpose of convicting you of a dereliction of duty. For that purpose, Governor, permit me to call your kind and prayerful attention to the eleventh, twelfth, thirteenth, seventeenth, eighteenth, twenty first and twenty-fourth sections of the Bill of Rights and the eighth and ninth sections of the third article of the Constitution.

For the sake of perspicuity, I propose to take those parts of the Constitution referred to above and discuss them categorically for your special benefit.

Sec. 11th. In all criminal prosecutions every man has the right to be informed of the accusation against him and to confront the accusers and witnesses with other testimony, and to have counsel for his defence, and not be compelled to give evidence against himself, or to pay cost, jail fees or necessary witness fees of the officer unless found guilty.

Permit me Governor, to ask you how many of the prisoners you have had arrested by your subaltern—have been arrested under warrant—how many have been informed of the accusation against them—how many have been permitted to confront the accusers and witnesses with other testimony—how many have you permitted to have counsel—say governor? If not, you have been guilty not only of a flagrant violation of the Constitution, that you have sworn to support; but a violation of your oath of office. The 18th Section next claims our attention. It reads thus:

Sec. 18th. No person shall be put to answer any criminal charge, except as hereinafter allowed (what?) but by indictment, presentment or impeachment.

Governor tell the people of North Carolina, how many of your prisoners you have indicted or caused to be indicted—how many of your prisoners you have presented, or caused to be presented, how many of your prisoners have you impeached or caused to be impeached? Say answer, Governor? If you have not, this is another high handed, flagrant usurpation of power and a violation of the Constitution and your oath.

Let us, Governor, take another step forward and see what the 19th, Section says: let us see whether you stand acquitted or condemned by that clause.

Sec. 19th, No person shall be convicted of any crime, but by the unanimous verdict of a jury of good and lawful men in open Court.

Have you, Governor, shaped your course toward your prisoners in reference to this section of the constitution? Is it not a notorious fact, Governor, that you have issued a drum-head court martial to try, convict and execute those men held under arrest by you? If so, Governor, how do you stand; don't you think a jury of good and lawful men would bring in a verdict of guilty against you without leaving the box? But yes, let you and your court martial convicted or exonerated, say you, leave the matter for that Governor, nothing but a tear of the strong arm of the law forestal you, and saved in all probability the shedding of innocent blood.

Now, Governor, let us proceed another step forward, and read in your hearing the 20th section. Surely Governor, you never read it, it must have escaped your axe-sizing eye in your ravenous quest of blood and carnage; but Governor I will be merciful to you, I will not tread heavily upon your fore or wound your conscience vindictively.

I am going to give you a fair showing, Governor, if you are convicted and suffer the extreme penalty of the law, on your guilty conscience, I intend Governor, that my skirts shall be clear alike of your blood and sin. Don't infer from my remarks that there is any danger of violence from the outside world, if you don't act the part of a Judas, my word for it you will live as long as Methusala, and then be in the morning of your life. If you will permit it I will become a hostage for your personal safety, if you will enter in bond and good security that you will not be guilty of suicide. Governor, if you knew in what execration you are held by all honest men it would impel every doubt as to your personal safety you have descended out of the reach of the assassins knife. I repeat, there is no danger.

Yours,
J. T. LEACH.

(Sentinel continued to morrow.)

For the Sentinel.

BIG CALCULATIONS.

The result of the late election came like a clap of thunder from a clear sky to many of the Radical aspirants. Some of them had been enjoying the loaves and fishes by anticipation for some time past, and felt so sure of success that they began to tell what a lift they would experience in the way of dollars. Perhaps cousin Mad. Hawkins got about as hard a fall as any poor fellow ever did get. In the month of June he might have been seen, on the excursion train, with his whole family, going North, what for, we may guess. Did he introduce his family at the Capital of the nation, and select a residence for the coming winter? if so, what shall be done with it? But, perhaps, cousin Mad. had never been to the Capital, and thought it necessary to go at least one time, so that when it should really come his turn to go, he might not miss the path. Half grown chickens caught out in a shower and coming home dripping to roost, never looked slimmer nor felt smaller than many of his ilk. They deserved the defeat, if nothing more. The fact is, the Radicals had been carrying everything before them by such overwhelming majorities, especially in this District, that a nomination seemed almost equal to an election; and the transaction between an aspirant and the leading men of the party was a very simple affair. "If I join you can I get the nomination? If yes, you may count me in." But this time some of the eggs—they were bad eggs—didn't hatch. All well enough, for some men who would do well enough to break uncle Sam's clods, would hardly answer for legislators.

It will probably turn out to be true that Holden and his party regarded this election as the last one they would be able to carry in N. C. It was said at Henderson that a particular friend of the Governor made the statement there on the day of election.—This is quite plausible, and is corroborated by the fact of employing the military, which could only help the *party for this time*.—The Governor was willing to sacrifice the weal of his party every where else, if it might prolong the life of the party here.

A good thing occurred at Henderson on the day of election. A certain white man who had not a great while since given in his adherence to Radicalism and was soon thereafter placed in a lucrative position, made himself quite busy about the polls.—Presently there came up an old darkey to vote the Conservative ticket. "old man," said the Rad, "you are going to disgrace your color." "You, sir," said the old negro, "have already disgraced yours."

ROUND ABOUT.

P. S. Cousin Mad. got his cue from one in negro Jim Harris, who assured the people at Louisburg that Mr. Hawkins and himself were just as good as Selected, and that all they looked was to count out the votes. The same dusky oracle assured the people that in a little while no man would be found to acknowledge himself a *Democrat*.

If Jim will now go through the State on a lecturing tour amongst "breathring," he may yet do them good, in which case we claim permission to suggest the topic—BIG CALCULATIONS. Text: "Blessed am day dat specks nuffin, for day shant be disappinted."

R. A.

MISCELLANEOUS NEWS ITEMS.

DEATH OF ADMIRAL FARRAGUT.

Admiral David Glasoe Farragut, of the United States Navy, died at Portsmouth, N. H., on last Sunday. He was born in the State of Tennessee in 1801. His father was a native of the Island of Minorca, in the Mediterranean, came to this country during the Revolutionary struggle, enlisted in the Continental army and fought till the close of the war. He subsequently married a North Carolina lady and located in East Tennessee, near Knoxville.

Admiral Farragut had been in the naval service of the United States for nearly sixty years at the time of his death.

YELLOW FEVER AT NEW YORK QUARANTINE.—The New York *Post* says:

Five vessels are at present anchored in the low quarantine with their crews suffering from yellow fever. They are the bark Morning Star, from St. Jago, which has lost two men from the disease; the bark White Wing, from Havana, whose entire crew is sick, the brig Ceres, from St. Jago, whose crew is in like condition, and the brig Oliver Cutts and schooner Royal Arch, both of whose crews are affected.

THE SIAMESE TWINS—CHANG ATTACKED WITH PARALYSIS.—New York, August 13. Chang and Eng, the Siamese twins, arrived here to day on the Cunard ship Palmyra, from Liverpool. On the second day out Chang was attacked with paralysis, which affects the left side, and has almost wholly deprived him of the use of his limbs and of the power of speech. Eng has so far felt no symptoms of the illness which has affected his twin brother. The twins are accompanied by three of their sons, and will proceed to their home in North Carolina as soon as Chang's health will permit.

DEATH FROM STARVATION.—Miss Ann Swartout, known widely as the founder of the Elmwood Seminary, at Glen Falls, N. Y., died lately from starvation in a Michigan Insane Asylum. Close application to study was the cause of her insanity, and she refused to take any food.

A NEW SECT.—Indiana threatens to become famous for new sects. A society has been established in that State, the members of which call themselves Christadelphians. They claim that the Europeans war will spread all over the world. Their first address teaches as follows: "The Christadelphians will soon claim the throne, emperors and potentates will fall before them. Forty years. One thousand years peace. What is the Gospel? Hasten to enter the name of Jesus. The kingdom of God now near at hand. Jesus to arrive at Mount Olive. The resurrection near at hand."

MISCELLANEOUS.

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aug 13-tf

50 BBLS. LIME in store to-day.
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June 15-dawtwlm.

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THE place is now occupied by Dr. Vogel, (known as the TUCKER PLACE.)
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July 21-tf AGENT.

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The best and Cheapest Parers ever offered in this market.
CALL AND EXAMINE THEM.
July 12-tf T. H. BRIGGS.

WAR! WAR!!

FLOUR! FLOUR!!

LAY in your Flour, 200 Barrels bought before the rise. Come quick.
July 23-tf G. T. STRONACH.

FISH GOING UP HIGHER EVERY DAY. Mackerel in Kits; ½ Barrels and Barrels; N. C. Cut Herrings.
July 23-tf G. T. STRONACH.

SUGARS AND MOLASSES.
July 23-tf G. T. STRONACH.

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THE Session of this Institution commences annually on the 1st day of October and continues without interruption till the Thursday preceding the 4th of July ensuing.
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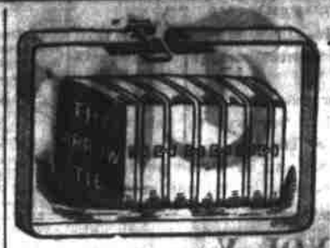

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Prices as low or lower than GOOD TIES can be bought at in any market on the Coast.

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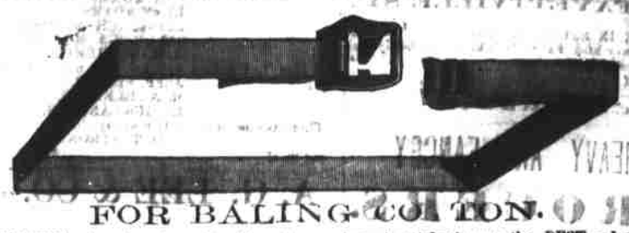

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