THE SENTINEL.

JOSIAH TURNER, Jr.,
E. B. KINGSBURY, Associate Editor.

WEDNESDAY MORNING, JUNE 25, 1873.

SPECIAL TAX BONDS.

We referred last week to a meeting in New York of the holders of the special tax bonds. These holders met to hear the opinion of Hon. Reverdy Johnson, of Baltimore, read. This opinion is based upon the following alleged facts:

By the act of the Legislature of North Carolina, of December 18th, 1868, the prior acts of 1868, to amend the charter of some five railroad companies, were ratified and re-enacted, and the bonds of the State which had been issued under the said acts "were ratified and made good, to all intents and purposes, as if issued under and in pursuance of this act." By the third section of the act of 18th December, 1868, it was enacted that "to provide for the payment of the interest that has accrued, and may from time to time accrue, on the bonds so issued, there should be annually levied and collected a special tax of one-thirtieth of one per cent. on the taxable property of the State." Under these acts of the State, coupon bonds of the State were issued and placed in possession of the several railroad companies. And these were afterward put upon the market and sold to innocent holders, and for value, and are now largely held by persons in England, Canada and the United States. Under the authority of the acts named, special taxes for the payment of the interest on the bonds were levied, and the proceeds paid into the treasury, and some of the coupons paid. By the act of March 8, 1870, the State enacted that the money so collected should be appropriated to the State and credited to the counties in the proportions received from them. By the act of 1870-'71, the latter provision was repealed and the amount appropriated to the State generally, and it is said has since been used for State purposes. This has been called by the bondholders a misappropriation of the fund. By the act of March 8, 1870, the laws under which the bonds had been issued were repealed, and the several railroad companies were directed to return to the State the bonds in the hands of the president or other officer of such companies.

It is argued that these bonds are all right properly authenticated, in due form, binding to the State and are constitutional. So Mr. Johnson and Mr. Caleb Cushing, of Massachusetts, hold.

They assume what is denied. They say the bonds are all right. Others hold with equal confidence that they are fraudulent and unconstitutional. The Supreme Court of North Carolina, a tribunal that can claim for some of its members some legal erudition and ability, has denied that those bonds that have been issued *since* the war in aid of certain railroad projects were constitutional. There are other bonds too that are fraudulent and illegal. But says Mr. Johnson, speaking of the purchasers of these bonds:

"They could not look behind the laws and the bonds in order to ascertain whether there was anything wrong in the conduct of the Legislature in the matter, or in that of the companies to whom the bonds were delivered. The mere delivery of the bonds to the companies could not accomplish the object for which they were issued and delivered, unless the companies had the right to dispose of them. When they disposed of them, therefore, the purchasers had a right to look exclusively to the State, as absolutely as if they had purchased them directly from the State, and paid the proceeds into the treasury. If there had been anything wrong on the part of the Legislature, it was a wrong under which the State cannot refuse recognizing the bonds, or complying with the provisions of the several acts under which they were issued.

The Supreme Court of the United States has uniformly held this doctrine." " "

Mr. Johnson claims much innocence and ignorance for the purchasers. But is it not true that they bought them with a full knowledge that they were illegal, fraudulent *or* unconstitutional? We have heard that they were duly notified of the character of these special bonds, and yet because they were so very cheap they determined *to take the* chances, and make a good thing out of it, provided, of course, that they could by some legal hocuspocus, by some writ of mandamus or other process, compel the payment by the state. And so, the bondholders having the legal opinions of such eminent counsel as Messrs. Johnson and Cushing, have resolved to bring suit. They have already levied upon each bondholder's certain sum to pay their lawyers fees.

Mr. Johnson, in his opinion, assumes that "it would be very dishonest and disreputable in North Carolina to disregard her plighted faith and honesty" in the matter of the bonds. We have only this to say: This State from the time in which she joined the Confederation and placed her signature to the great indenture until the present, has always guarded her honor with the most scrupulous care and unfaltering jealousy. She has never permitted the taint of suspicion to attach to her good name. In all contracts into which she has entered, she has been prompt to all and faithful to her own good name. But she does not regard herself bound by the acts of certain corrupt scoundrels and thieves who plundered the treasury and fastened a debt upon the State. The bonds they issued were illegal and fraudulent, and the parties purchasing knew that they were so. We are unwilling to believe that the pleas of the bond holders will be successful however ingeniously and strengthened by leading lawyers. When the contest takes place, we hope the State's cause will be represented by our best talent.

Since we wrote the above the Richmond *Dispatch* of the 23d has received us containing a long and printed article on the suits to be brought. Speaking of Messrs. Johnson and Cushing, it says:

Both these gentlemen have high reputations as lawyers, but both are supposed to be afflicted with an infirmity that leads them sometimes to take wrong views of legal matters. But, after making all the allowance for their partisan zeal, money, and for the fact that lawyers are ready to be found who for a collateral consideration will give an opinion on any side of any question, we may set it down as certain that Johnson and Cushing will make a case worthy of the consideration even of the Supreme Court of the United States, to which tribunal, we take it for granted, the case will eventually go. All that the telegraph tells us on the subject does not enable us to imagine how the constitutional difficulty is to be overcome. Article XI. of amendments to the Federal Constitution is in these words:

"The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State."

This prohibits all suits by individuals either "in law or equity," against any State, to be prosecuted in the Federal courts. The prohibition applies to everybody in the world, saving that all men are either citizens of one of the United States or else subjects of some foreign State. If Mr. Johnson or Mr. Cushing had been asked twenty years ago whether such a suit as they are now about to commence could be prosecuted in the Federal courts, they would probably have replied in the negative. Inasmuch, however, as the Federal Government has latterly monopolized almost all the powers of government, perhaps they have discovered some plausible method of restoring to the courts the jurisdiction which is so clearly denied to them in the article of the Constitution quoted above. Blackstone's teaching that "there must be a remedy for every wrong" does not apply as against constitutional inhibitions, though it is good law in England where there is no written constitution, and where Parliament is omnipotent.

THE MEXICAN OUTRAGES.

From time to time we have kept our readers informed concerning certain outrages that were perpetrated by roving bands of Mexicans upon peaceable citizens of Texas living along the Mexican border. So flagrant and frequent were these depredations, that the United States government after what appears to have been a long and unnecessary delay, appointed an Investigating Commission, which began its work in July of last year. They seem to have done their work thoroughly and are now ready to make an official report. They have been able to discover many cases of outrage, four hundred of which were heard. They also filed and heard the affidavits of thirteen hundred persons. These labors necessitated the travelling of the entire distance from the mouth of the Rio Grande to the Western border of Texas. The commission report that all along this line there are no cattle by reason of the constant thieving. Mexican cattle stealers will sell for $2.00 a head Texas cows that are worth $8.00 at home. The offenders are Mexicans, and Indians. The loss to Texas for one year alone is estimated at one hundred thousand head of cattle. In addition thousands are greatly injured or maimed. Women and children had been greatly abused and many testified before the Commission as to the character of the cruelties and indignities to which they had been subjected. It is stated that the Indians sell their white captives to each other. The Commissioners estimate the loss to Texas at the large sum of sixty millions of dollars.

These wrongs and outrages are simply unbearable, and the government should take such steps as will afford protection to its own people and, if possible, bring the marauders to grief. The people of Texas cry out to the government for help, for protection and at every cost it seems right that their demand should be promptly heard and their wrongs promptly redressed.

We do not believe that one strong power should make war upon Mexico because it is a weak power, but we do not hesitate to say, that the outrages against the people of Texas are intolerable and ought not to be allowed. If the Mexican authorities cannot and will not prevent a continuance of the depredations and kidnappings of women and children, then the United States government should intervene and resort to such measures as may be necessary to cure the disease—to remedy the crying evil. We do not suppose any one desires to see our Government assuming an attitude of indifference in this matter of moment. If Grant wishes to serve the country, he can do so much more readily by directing his force against banditti and marauders who are pillaging and abusing our people, than by carrying on a predatory warfare against the peaceable and oppressed people of one of the sovereign States of the Union—Louisiana.

HISTORICUS.

The Associate took the liberty of publishing some articles from the pen of Daniel R. Goodloe, Esq., without committing Mr. Turner or the SENTINEL to the views set forth. We also offered to publish any replies that might be sent him, if written in the right spirit. Having allowed Mr. Goodloe a hearing against the fact of the Mecklenburg Declaration, he also publishes another article from a gentleman of Granville who is no adherent of Mr. Goodloe. The other side shall have a full hearing in turn. We do not believe that any harm can arise from the discussion of any subject when the end aimed at is truth.

For the Sentinel.

THE TRUTH OF HISTORY.

I am a native North Carolinian. I take much interest in whatever concerns the history of our State. I am glad to see that you are publishing some historical information. If any State papers, edited by ignorant and incompetent fellows, endeavor to discourage you, heed them not. Rely upon it the intelligent and true people will be pleased at your efforts to spread light—to inform all. I was glad to read Mr. Goodloe's able articles on the Mecklenburg Declaration. They are very clear, very concise, and it seems to me, quite conclusive. I would like to read his more elaborate discussion to which he refers. He is doing the right thing. No candid, truth-loving man can desire to believe a lie. If there was no such meeting, as is claimed, on the 20th of May, then let us abandon the claim, and stand by the resolutions of 31st May, which are indisputable. Mr. Goodloe has stated some objections that must be met by those who oppose his view. His arguments must be fairly met and no pooh-poohing will do. The greatest names cannot sanctify a wrong or uphold an untruth when punctured. So those who enter the arena of debate must expect to achieve no victory unless by the weapons of argument and fact. I make this remark, because I have heard enough to convince me that some who hold the old view, are disposed to maintain their point more by an appeal to prejudice and pride than to reason and facts. The late Peter Force, of Washington, knew more of our colonial history than any man in America, and he had collected more historical material than any other man. He placed no confidence whatever in the claim set up as to the 20th May Declaration, regarding it as a mere myth—without historical basis. Some of the ablest lawyers that our state has ever produced held or hold the same opinion.

I am glad that Mr. Goodloe has gone into the matter. The advocates in favor of the Declaration have had it their way too long. It is high time the structure reared by sophistry and "false facts" should be toppled to the ground. I hope Mr. Goodloe will carefully attend to all that may be said in reply to him, and that he will in another article give a summary of the points he has made, and state clearly and precisely how many of those points have been partially or wholly met, and how many stand intact and unchallenged. You may hear again from me at some other time upon this subject.

HISTORICUS.

Granville county, 1873.

THE CONSTITUTIONAL AMENDMENTS.

The following are the eight proposed amendments to the State Constitution, to be voted on the first Thursday in August, and which were agreed to at the last session of the General Assembly:

I.

Amend section five of the said article, by striking out all that precedes the words "the said Senate District," and by striking the phrase, "as aforesaid or," in said section; the part so stricken out having reference to the State census.

II.

Amend section two of the second article by striking out the word "annually," and inserting in lieu thereof the word "biannially;" being in reference to the sessions of the General Assembly.

Amend section six of the third article by striking out the word "annually," and inserting in lieu thereof the word "biennially," so as to conform to the provisions respecting the sessions of the General Assembly.

III.

Amend section sixth of the fifth article by inserting after the word "instrument," in said section, the words "or any other personal property."

IV.

Strike out the words, "superintendent of Public Works," wherever they occur in the constitution, thus abolishing that office.

V.

Amend section six of the first article by striking out the first clause thereof, down to and including the word "but," this being the clause relating to the State debt.

Strike out section four of the fifth article relating to taxation to pay the State debt and interest.

VI

Strike out section five of the ninth article, and in lieu thereof insert the following: "The General Assembly shall have power to provide for the election of trustees of the University of North Carolina, in whom, when chosen, shall be vested all the privileges, rights, franchises and endowments heretofore in anywise granted to or conferred upon the trustees of said University; and the General Assembly may make such provisions, laws and regulations, from time to time, as may be necessary and expedient for the maintenance and management of said University."

Strike out sections thirteen, fourteen and fifteen in the ninth article, relating to the University of North Carolina.

VII.

Strike out sections two and three of the fourth article, being the provisions which refer to the appointment and duties of the code commissioners.

VIII.

Alter section seven of the fourteenth article so that said section shall read as follows: No person who shall hold any office or place of trust or profit under the United States or any department thereof, or under any State, or under any other State or government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either House of the General Assembly; Provided, That nothing herein contained shall extend to officers in the militia, justices of the peace, commissioners of public charities, or commissioners for special purposes.

AN OLD TIME CABINET.—In bestowing the great places of the Government, Jefferson evidently had it in view to exalt and stimulate the intellectual side of human nature, then under a kind of ban in Christendom. Every member of his cabinet was college-bred; and every man of them was in some peculiar way identified with knowledge. Madison was, above all things else, a student of constitutional law. Gallatin, the founder of the glass manufacture of Pittsburgh, was accomplished in the science of his day, eminently an intellectualized person. Dearborn, a graduate of Harvard, had also been admitted to one of the learned professions. Robert Smith, of Maryland, secretary of the Navy, a graduate of Princton, after long eminence at the bar and in public life, died President of the Agricultural Society and Professor of the University of Maryland. Gideon Granger, of Connecticut, Postmaster General, a graduate of Yale, a lawyer of learning and high distinction, sought through the Connecticut Legislature the liberal school fund to which that State is so much indebted. He was noted, all his life, as the intelligent and public spirited friend of everything high and advanced. It was he who promoted internal improvements in a manner to which the utterest extravagance could not object, by giving a thousand active leaders to the Erie canal. Chancellor Livingston, whom Mr. Jefferson invited to be cabinet, and induced to go as Minister to France, was the most liberal patron of science and art found in America. A graduate of King's College in New York, he spent his leisure and his fortune in promoting art, science and agriculture. It was his intelligent faith and his liberal outlay of money that enabled Robert Fulton to carry out John Fitch's idea of a steamboat. James Monroe, the most learned of the men whom Jefferson advanced, could give a glorious reason why he was not a graduate of college. The battle of Lexington cut his way from William and Mary to the camp at Cambridge.—*James Parton in Harper for July.*

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The school is designed not only to prepare young men for college, but to fit them also for honorable and useful stations in life.
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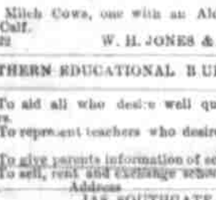
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LEGAL NOTICES.

IMPORTANT SALE
OF A
RAILROAD.

In the District Court of the United States for the Albemarle District in the Eastern District of North Carolina.

In the matter of the Bankruptcy of the Williamston & Tarboro' Railroad Company, a corporation formed under the laws of North Carolina and adjudicated a Bankrupt. } In Bankruptcy.

A petition in the above entitled case having been filed by the Assignee in bankruptcy of said bankrupt to sell all of the property, rights and franchises of said bankrupt free from any and all liens, mortgages and incumbrances, and at, order therefore having been made for the persons interested in said incumbrances to show cause, &c., and said order having been served as therein directed, and the necessary parties thereto having appeared in Court in compliance with said order, and upon argument thereof it having been adjudged that the assignee be authorized and empowered to sell all of the property, &c., of whatever kind, of said bankrupt, free and clear of and discharged from every and all liens and branches and particularly of and from the mortgages or deeds in trust, and the bonds and coupons thereby secured, made and delivered by said bankrupt.

Now, therefore, the undersigned as assignee of said bankrupt, will offer at public sale, on TUESDAY, THE 8TH DAY OF JULY, 1873, at the Court House in Tarboro', North Carolina, all of the property, rights, titles and interests in or to property of every kind whatsoever together with all the choses in action, rights and franchises of said bankrupt.

The property in part consists of road-bed, superstructure, rights of way bridge across the Tar river, lots of land, iron, chairs, spikes and cross-ties. The road is substantially graded from Tarboro' to Williamston (22 miles) and about seven miles of the track laid with iron weighing 40 pounds to the lineal yard.

The road will connect the railways of the State with its eastern waters at a point to which boats from Baltimore or other cities can come at any season of the year.

Terms of sale: For road bed, &c. and franchises and such movables as are sold to remain on the line of the road including iron, chairs, spikes, &c., one half cash, balance secured by approved note at six months with interest from sale. For credits and choses in action and such personal property including iron, chairs, spikes, &c., sold to be removed cash unless the purchaser is a railroad company incorporated under the laws of North Carolina, and such property is not to be moved beyond the State, then terms same as for road bed.

If required by any one at sale road-bed, &c., and franchises will be first sold, and then iron, chairs, &c., will be separately sold.

JAS. EDWIN MOORE,
June 6 11aw4w Assignee.

NORTH CAROLINA, JOHNSTON CO. } SUPERIOR COURT.
Charity Harper against Abram Harper } Summons for Relief in Divorce.

To the Sheriff of Johnston County—Greeting:

You are hereby commanded to summon Abram Harper, the defendant above named, if he be found within your county, to appear at the office of the clerk of the Superior Court for the county of Johnston, within twenty days, after the service of this summons on him, exclusive of the day of such service, and answer the complaint a copy of which is served with this summons, and let him take notice, that if he fail to answer the said complaint within that time, the plaintiff will apply to the court for the relief demanded in the complaint.

In proof fail not, and of this summons make due return.

Given under my hand and seal of said court this 27th day of March, 1873.
P. T. MASSEY,
Clerk Superior Court Johnston County.
June 15 w6w

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may 21 1m Attorney at Law.

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