CAUGHT. The Standard having declared in one of its articles on the Virginia elections that "The Republican party advocates the liberal principles of Universal Suffrage and General Amacsty," we Lest week propounded to it the following ques-

" Is the Standard in favor of the passage of a General Act of Congress, immediately upon its a sembling in December next, for the removal of

el, a plain simple answer, yes or no. And, after the Standard's liberal articles and its endorse-

ply. It answers it in a column article, in which it, they cannot "kick against the pricks." attempts to extricate itself from the dilems in | We do not believe in the right of Secession- be submitted to the people.

to study the decisions of the Supreme Court of had a right to suppose it would. insurrection or rebellion, but that it was a civil will be with the party that triamphs. ligerent rights were accorded were guilty of trea- justice" in the Standard's "statement." son, but those who were never guilty of any overt act until after that time cannot be justly held accountable as traitors. And of those who in our courts. Neither could it be done by an a "True Republican" and a sound Conservative net of Congress, as that body could not pass an |-of the school of Lee, Baldwin, Stuart and recently.

supposed to be familiar. We simply asked the | can," which is a sound Conservative. Judges of the United States Courts."

principles," which the Standard says it party do a very visit party organized in this State in ing opinion in the case, notwithstanding the treparty. And to show that we have done the Ston- Feb. 1867, and is still. dard no injustice in saying that its expression-"GENERAL AMNESTY" went to the whole extent of J'resident and conferred upon Congress.

that it would favor the passage of a "General sary to pay the interest on the enormous State certain cases" declared constitutional in rethe disabilities imposed by the 14th Amendment?" All who abandoned seats in the Federal Con- already issued for the purpose of completing the Every intelligent reader familiar with the gress for the purpose of aiding in the organiza- unfinished roads in which the State has an inmeaning of the term, "General Amnesty," em- tion of the Confederate Government; All who terest. But it applies to all new bonds that may ployed by the Standard, knows that the question resigned commissions in the United States army hereafter be issued for such purposes. which we propounded to that paper amounts or Navy for the purpose of accepting commis- The effect of this decision is great and its imto this: "Are you in favor of a 'GENERAL AM- sions in the Confederate Army or Navy. And portance cannot easily be over estimated-it will NESTY, which you say your party a frocates, or not." many of these they are willing to relieve certainly raise the credit of the State at once. It. We expected, as our readers must have expect- by the passage of a special act. We repeat-we in effect, compels the payment of the old debt

ment of the leaders of the Walker party in Vir- we have described, and we hazard nothing in for the completion of unfinished roads. But it ginia, GEN. LEE and JOHN B. BALDWIN inclussaying that the whole Walker party in Virginia effectually puts an end to any increase of the itself. ded, we had a right to expect, and did expect it are for the passage of a bill at least as liberal, - State's debt until she pays what she already But we have been disappointed in our expec- lief to the people of the South, as well as a great to meet it will fall below the limit of the equatation. The Standard had evidently forgotten benefit to the U.S. government, and its passage tion fixed by the Constitution. This opinion of tation. The Standard had evidently forgotten benefit to the U.S. government, and its passage the Court accords with the views of the Court how very liberal some of its articles had been - cannot be long delayed. The spirit which de- the Court accords with the views of the Consti--that it had endorsed a party the great object feated Wells in Virginia, and which index fair to of which is to secure the passage of a bill for a defeat Stokes in Tennessee, will be satisfied with that instrument was under discussion, and by the in actions brought to this court," and all other matters whereof jurisdiction is hereby "General Removal" of disabilities. Instead of nothing less, The mulignant Brownlow has al- Conservatives generally. simply answering, yes, it unswers positively that ready succumbed to this liberal spirit, and so has We almost omitted to say that the Court held

which it finds itself placed. The tone and tem- we never did. But when we remember that from We publish this week the per of the Standard's article is unobjectionable. the foundation of the Government agreat party. Chief Justice and Justice Reade in this case 4t is courteous and respectful, and, in that res -the party to which both the present and the and will publish that of Justice Rodman, if not spect, is highly creditable to the present editor former editor of the Standard belonged—headed those of Justices Dick and Settle, next week. of the Standard. But in all other respects is a by such men as Mr. Jefferson, and others scarce. If the editor of the North State is the Consermost unfortunate one for that paper. It takes a ly less distinguished, taught the doctrine we were varive he professes to be how can be not with wide range, involving the highest questions of not surprised that an effort was made to reduce the radical Democracy. Universal Public Law, as well as of Constitu- it to practice. And remembering this we have The most radical Democracy which we have tional Law, and many others. And upon all of been enabled to judge those who were thus missever had any knowledge of is to be found in the this section confers no jurisdiction on any these questions, we regret to say, the Standard led with leviency, and regard with them charity so-called Republican party. That is the reason one to act as a Judge, either expressly or by has manifested the profoundest ignorance, not - "charity toward all and malice toward none." we have been unable to act with that party. | implication. withstanding its natural intelligence. We have And we must be permitted to remind the Stand- "If he admits the conversation of the Ross It may as well point to the sheriff or any withstanding its natural intelligence. We have so often discussed these various questions in our columns, in 1806-'07, that we shall not go into them now.

The Standard does not seem to be aware of the Standard does not seem to be aware of the solution with sand to be a solution of the standard does not seem to be aware of the solution with sand others, and only, by taking in consideration was, how is the public debt to be met? And the 4th section provides, that a specific tax shall be laid for that.

In regard to the construction of the first four section 12 divides the State into twelve judi-section 12 divides the State into the shear of the interval of the state into the shear of the interval of the disfinction which all the writers on Public Law, which, according to its former teachings, is not Walkern party have warned the people of the be chosen, who shall hold a Superior Court it may be as to what constitutes "the public law," American as well as European, make between treason, others it will make a number of the an insurrection and a civil war-between a re- most distinguished members of its own party the an insurrection and a civil war—between a remost distinguished members of its own party the
bellion and a territorial war. It seems to be utshame the sandard ourbit to out such talk as

the policy which has just prevailed in Virginia &c." These districts accounties. The arguterly uninformed as to the course of our own shame the standard ought to quit such talk as government in the premises. It would do well that; and from some of its recent articles we the Republican party North, who control the meet is in this wise; Section 12 requires

the United States in the Prize cases, and the And, by-the-way, the people of North Carolicase of Mrs. Alexander's cotton. Also the case na would like to know whether the Standard is per in the South. The first negotiations ever of L.G. Lash vs. ---, in the U.S. District for Stokes or Senter. But they are not at all opened with the Republican leaders in Congress Court of Minnesota. It will there see that the likely to know until after the election. Then, Courts held that the late war was not merely an as was the case with the Virginia elections, it

war -a territorial war, and that no distinction | The Standard closes its article by asking: were in sentiment on the side of the Union and swer yes, it satisfies us that the Standard's libercordingly. Those who committed overt acts of having our "moral feelings," as we hope, "very of war against the U. S. Government before be- much blunted" we are yet able to see much "in-

The editor of the Standard very good humorare banned by the 14th Amendment not ong in edly replies to our article of last week under this sen could ever have been convicted of treason, caption. He says that the fact that "the pill," as every lawyer whose opinion is worth anything which we presented to him, "is sugar coated will say. Nor were they, or but very few of does not make it less nauseous, or make him then, at the time they were thus banned liable feel any more inclined to swallow it." We are to the charge of treason. It was impossible to very sorry for this. The "pitl" is a specific for inflict any punishment upon them by indictment political heterodoxy and would have made him

ex post facto law. It equid only be done as it was Walker. But he rejected the "pill" which done-by an amendment to the Constitution would have restored him to political health and which, contrary to the genius of civil liberty, vigor, and he will continue to lingur in his preswas ex post facto in its operations. This as post ent sickly condition until he changes his mind facto amendment banned all the respectable or goes to "that bourne from whence no travel-Unionists in North Carolina as well as Rebels er returns." He says that "some of the facts above quotation. It is a very comprehensive and Secessionists. And yet the Standard talks stated by the Old North State are true, but the term, and carries the editor back to the time about the magnationity of the Government. All deductions are entirely wrong." Well, if the when he first "crossed the line of accountabiliof our intelligent readers will concur in the opin- Editor of the Standard cannot accept our conclu- ty." As he has been a Republican, so-called, ion that if the Standard is capable, of magnan- sions we are gratified to know that he admits for only a few months, we wish to know whether imity it is a virtue which it has acquired very our premises. There is much hope for him still he was a "true Conservative" when he was a But in nothing has the Standard displayed low" the "pill," nauseating as it is. We repeat, of a democratic paper! more ignorance than in discussing the 14th it will do him good-restore him to political health amendment, with which every intelligent child is and vigor and convert him into a "True Republi-

Standard if it favored the passage of a "General The Standard still claims to be a Conservative Act by Congress for the removal of the disabili- paper. Not long since it gloried in the name of ties imposed by that amendment,"—not of an Radical. It now claims that the Republican to nobody but themselves, and true to themselves Act to smend said amendment. We are an- party is the Conservative party. Not long since swered that "it is a portion of the Constitution it claimed that it was the Radical party. Either of the United States," it "can only be repeal- the Standard has changed, or the signification of THE HOMESTEAD - CHIEF JUSTICE ing in actions brought to said court, why ed by the whole people of the United States" *** the terms have changed, and we have shown that a "total regreat of the Amendment would that the Standard has not really changed, notbe neither advisable or proper" *** that "we are | withstanding appearances. The Standard does | willing to have the Amendment so modified as us but justice when it says that we deny that we preme Court, declaring the Homestead Law enumerated? to place the pardoning power in the District our paper are Democratic. But while we are no Constitutional and retrospective in its opera-Democrat, and have little sympathy with the tions. We forbear making any comments. The 14th Amendment embraces several im- ultras of the Democratic party we have much though we could scarcely repress a smile when portant principles, one of which is the political less with the ultras of the Republican party, so- we read the Court's definition of "a Retrospect- strument mean! It some imes happens for disability clause. We asked for no "repeal," called. Both will have to be put under the ban ive Homestead." The question seems to us to this reason that the draftsman is less to be no "amendment," and no "modification" of it. before the country can have peace, as has been be, not what the Court said it was but, whether relied on than almost any other person, to in the case of the University. Railroad Court said it was but, whether relied on than almost any other person, to in the case of the University.

after or change it any way. As it now stands it of certain Demogratic papers mentioned by the collect a debt which, according to the testimony clause in Sec. 17. The clerks of the Suprovides that the disabilities therein imposed Standard. They never recognized us their lead- in the case, could easily have been collected but perfor court shall have jurisdiction, "of may "be removed by a two-thirds vote of both or nor do we recognize them as our leader. In- for said law, impaired the obligation of con- such other matters as shall be prescribed by Houses of Congress." Under this power, un- deed one of them, the Tarboro' Southerner, cut tracts. Side by side with the opinion of the law." Under this clause the General As mistakably conferred upon Congress, we simply our acquaintance a year ago, and we never knew Conrt we publish the dissenting opinion of Chief sembly had power to enact the code of asked the Standard if it really favored the pass of any cause for it except that the Old North Justice Pearson, which is a severer comment civil procedure by which the functions of the Superior court are to some extent diyided between the Judge and the clark, and the Eastern and Western Railroad, and the
liable toward the Court as the Chief Justice is had appeared in its columns. The answer is, temporaries for their course, and have been sus- toward his brethren. We believe it is possible bly has power to repeal, suspend, modify or contrary to our expectations, a most decided tained by few of them in our conciliatory and for the best of men to be biased by the pressure change its enactments. so as to make writs tained by few of them in our conciliatory and conservative course. In fact the Old North State of surrounding circumstances and yet be wholly of surrounding circumstances and yet be wholly of the Superior course. We are obliged to conclude that "the liberal has always been an independent paper, save for unconscious of the fact, principles," which the Standard says it party "ad- a very brief time when it was committed to the The Chief Justice, by filing his single dissent-

NEW RAILROADS-TAXES.

a General Removal of political disabilities, we will The Supreme Court has made a most impor- the opinion of every high-minded man in the whether exercising the jurisdiction conferred a General Removal of political disabilities, we will give Nosh Webster's definition of the term:

General Amnesty, an act of oblivion, a generation, &c. The decision was made in the man
General Amnesty, an act of oblivion, a generation, &c. The decision was made in the man
General Amnesty, an act of oblivion, a generation, &c. The decision was made in the man
General Amnesty, an act of oblivion, a generation, &c. The decision was made in the man
General Amnesty, an act of oblivion, a generation of the state are as follows:

On them by the Canstitution as Probate University Railroad, 1-100 of one per cent;

General Amnesty, an act of oblivion, a generation, &c. The decision was made in the man
General Amnesty, an act of oblivion, a generation of the state are as follows:

On them by the Canstitution as Probate University Railroad, 1-100 of one per cent;

General Amnesty, an act of oblivion, a generation of the state are as follows:

On them by the Canstitution as Probate University Railroad, 1-100 of one per cent;

General Amnesty, an act of oblivion of the term:

On them by the General Amnesty of the State are as follows:

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On the original amnesty of the state are as follows:

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O al pardon of the offenses of subjects against the damus case of the University Railroad Company government, or the proclamation of such par- vs. W. W. Holden. The mandamus was disdon." Now it must be obvious to the dullest missed upon the ground that the charter did not gave last week on this question was based upon. As in this particular the code of civil procomprehension that as long as these disabilities create such a body politic as could enforce its the opinion of the Supreme Court in the case of certure is a creature of the General Assemgre retained as a punishment for the offence of rights by a mandamus. The Court further held the Commissioners of Moore County against Wor- bly. The Court cannot allow it to be greater the subject there is no "general pardon"—that that all appropriations made for the construction thy, and may be relied upon as correct. That as long as they remain there can be no "oblic- of new roads, by the late legislature, are unconsti- case has been carried up to the Supreme Court 22n." And by the 14th amendment the pardon- intional and void. No such appropriations can of the United States, and we hope its decision with the Chief Justice. ing power is, to a certain extent, taken from the now be made in any event without the approval will greatly reduce the number who are now Justice Rodman gives a long dissenting of the people at the polls.

The Standard having proclaimed itself in fa- The Court also discusses at much length the WRITS OF SUMMONS RETURNABLE TO vor of a "General Anniesty" we only asked it question of taxation and arrives at the concluif it favored the passage of a " General Bill," Ac. sion that the principle of equation in the Consti-We did not expect the Standard to say that it tion, which limits the legislature and the counfavored the passage of a bill for the removal of ties to two dollars on the noll and two dollars on all the disabilities imposed by the 14th Amend- the three hundred dollars worth of property, ment. But we certainly had a right to expect does not apply to the "adequate" taxation neces-

Bill," accompanied with certain exceptions. We debt existing at the time the constitution was have heard several eminent Republicans say adopted. Nor does it apply to any taxation that the Superity Courts." that they were in favor of the possage of a bill may be necessary to defray the ordinary, or exto remove all political disabilities imposed by traordinary, expenses of the State government. said amendment, except from the following Nor does it affect the specific tax to be laid by classes of persons, viz: All who held office the legislature after the year 1880, to pay the in the Executive, Legislative or Judicial De principal of the public debt, nor to the tax partments of the Confederate government; All necessary to erect the Penitentiary. Nor does as he claims, it violates art. 4, sec. 28, of who represented it abroad as Foreign Ministers; it apply to the taxes to pay the interest on bonds | the constitution.

know that there are many Republicans in North the necessary expenses of the State Government, Carolina who favor the passage of such a bill as and those bonds which had already been issued The passage of such a bill would be a great re- owes, or so for reduces her debt that the taxation

at is "Not in favor of the passage" of such an Ben Wade. But Gov. Holden and the Standard that there was no limit to the power of the coun-Act. But it does not answer the question sim-still hold out against it. We warn them that ties to levy taxes, provided they obtain a special Sec. 103. law of the tieneral Assembly, and they need not . Is this so ordered by the Constitution?

government, was first advocated by the Old North State, and for a long time by no other pahaving that o'dect in view, were opened in Washington City by a number of gentlessen from the South in January 1867, of whom we were the least and most insignificant. Those with whom | Erga, the constitution confers on the clerk could be made between those in the South who "Does this satisfy the North State?" We anwere in sentiment on the side of the Union and the side of the Union and the Samuel of -that they were all alike, not rebels or traitors but alien enemies and that they were treated ac- having a very "acute" perception, and without compromise was agreed upon that would have of a State which appoints a Judge of the supposed, that a Constitution would be framed to make this public announcement, that from personally urged upon several of the leaders of struc it to mean that the Superior courts my in expenditures, but when any extraordinary necessity arises the whole power of the

"No, until be acts as a conservative we cannot regard him as the conservative he professes." Every sensible man in North Carolina that knows anything of our course knows that we are, where the clerk acts as surrogate. Allow ive, because the counties and Legislature have and have always been, the conservative we pro- that this does not fully satisfy the words of the power in extraordihary cases to make them ess, and it is a matter of little consequence to us whether the Standard so regards us or not.

"As we are on the Republican side we have dwoys been on the side of the TRUE conserva-

We have italicised the word "always" in the

"The present State government *** consists the country and true to North Carolina.

This will be news to most people. While the ves in no exalted sense.

PEARSON.

We publish this week the opinion of the Su-

a law which was retrospective in its operation, construe an instrument, whether it be a pany vs. the Governor and Treasurer, that sp We did not propose to crase it from the Constitution, as the Standard seems to suppose, or, to

We are in no way responsible for the course

and which, therefore, rendered it impossible to

All difficulty between the recently in Virginia.

> mendous pressure of public sentiment, has shown trial." harmonizes, an I every thing is made himself worthy of the high position he occupies to fit. "Issues of fact joined before them ?" by his noble independence. And this must be Who? The clerks of the Superior courts.

WHO ARE BANNED.-The opinion which we held by our Supreme Court to be banned.

PERIOR COURTS.

Opinion of the Supreme Court in McAdoo us. Benbow. from Guilford county. 'Act suspending the Code of Civil Procedure in spect to the enactment. "write of summons hall be returnable to the regular terms of

His Hogor decides, that the statute, enti-His Hopor decides, that the statite, entitled. "An act suspending the gode of givil
procedure in certain cases," is muconstitutloual, in respect to the enactment. "Writs
of summons shall be returnable to the reguiar terms of the Superior courts," because
as he claims, it violates art. 4, sec. 28, of
the constitution.

Railroad without the vote of the people; but it
do agree that the Legislature has no power to
give or lend its aid to others to build a new Rrailread without the vote of the people; but it
do agree that the Legislature has no power to
give or lend its aid to others to build a new Rrailread without the vote of the people; but it
do agree that the Legislature has no power to
give or lend its aid to others to build a new Rrailread without the vote of the people; but it
do agree that the Legislature has no power to
give or lend its aid to others to build a new Rrailread without the vote of the people; but it
give or lend its aid to others to build a new Rrailread without the vote of the people; but
is an expectation of the people; but it
give or lend its aid to others to build a new Rrailread without the vote of the people; but
is an expectation of the people; but
is an expectation of the people. In so farair the question discussed in this case, are involved in the case of Galloway as Jenkins,
(63 N. C. R.,) I feel myself bound by that decision, although I did not concur in it.

But I

No court should declare a statute to be old, except in a clear case, for, it is supported by the presumption of intelligence in e legislative brane , of the government. This court is of opinion, that in the par-

cular now under consideration, this statute does not violate the constitution, and his Penitentiary for New York, would it be sup-Assembly has not power to repeal, suspend, build a State House or Penitentiary "out an nodify or change the code of civil procedure, out," for North Carolina? Or would it be sup-Assembly has not power to repeal, suspend. in respect to the judicial functions conferred posed that this view was answered by the arg by it, upon the clerks of the Superior courts. other than that conferred by the constitution

The question is, does the constitution divide the Superior court so as to confer certain of its functions upon the Judge proper, other purposes than Railroads. If the object and certain other of its functions upon the was to keep the State from going in debt, why elerk as Judge-subordinate? Among othgiven to the Superior court unless the Judge approving, or disapproving, the internal improvement policy; because it is not a Judge's thereof. be expressly referred to." C. C. P.,

There is no express provisions to that effect. So we come to the point. Is this power!

It is claimed that art. 4, sec. 28 of the The Superior courts shall be, at all times. open for the transaction of all business vithin their jurisdiction, except the trial of issues of fact requiring a jury." By itself.

in each county of said listrict, at least twice a year, to continue for two weeks nuless, times for two weeks, in each county twice

By section 28, "The Superior court shall be at all times open for the transction of all the bonds, but only the interest, leaving the lusiness &c." This is impossible, if the Judge is to hold the courts, for he is required, for under section 4. The power to issue these to be absent, holding courts in other coun-

ies nearly half the year. of the Superior court judicial functions to of So. Ca. Gov. Parsons of Ala. Gov. Sharkey. be exercised, in place of the Judge! Nonof Miss, Gov. Maryin, of Pia., and Hon. No. sequitur-it only follows that section 28 the Walker movement the policy of taking, at shall be at all times open for the transaction that time, the course which they subsequently of all such business as can be done in the took, but in vain, except as to Mr. Sutherlin, of writs of summons, taking undertakings for without a vote of the people. It was supposed appeals, special proceedings for arrests, injunctions, &c., taking probate of deeds. granting letters testamantary and letters of fall upon the State? It need not be inferred administration. appointing guardians, &c. | that either county or State taxes will be excess section 28. The question again comes up, so. Until the new Constitution, there was no what is there in the Constitution to confer the judicial functions under consideration upon the clerks ! And that, too, in face of

the express enumeration of the judicial funcions conferred on them and set out in section 17. recuressio unius erclusio alterius Section 17 is in these words . "The clerks of the Superior Courts shall have jurisdiction of the probate of deeds, the granting of from an unequal property tax, for the ordinary letters testamentary and of administration." Ne., and of such other matters as shall be

prescribed by law. our premises. There is made nope for him sail member of the democratic party and the editor detion divides the Superior court only to the extent of conferring on the clerk subordinate jurisdiction in respect to certain matters. of men who are true to the government, true to which had been before exercised by the county Court, and most of which in other States is exercised by the Surrogate Court, remark may be true as to a very few of them, and in England by the Court of the Ordinmost of them are generally believed to be true ary. If it was intended to make a further division of the functions of the Superior courts in the constitution, by conferring on the clerks jurisidiction to hear and decide on

> was not that set out in the Constitution, like the jurisidiction to grant letters testamentary and of administration, and the other matters Here it may be remarked, in putting a construction upon an instrument, the onestion for the court is, not what the draftsman meant but what the words of the in-

All difficulty, however, is removed by this under this same clause, the General Assem- Edenton and Suffolk Railroad,

In this view the next clause of Sec. 17. in its wisdom under the words: "All such per cent, Aggregating 17-200 of per cent, or 84 other matters as shall be prescribed by law." than its maker. Judgment reversed

PEARSON, J. Justices Reade, Dick and Settle concur

In the case of the University Railroad Com-pany w. W. W. Holden Opinion by Julige Roads.

OPINION OF JUSTICE READS. I agree with the Chief Justice, that ng con-

portion is created by the act, and, therefore, the mandamus must be dismissed.

I do not agree with him and my samed brothers, Rodman and Dick, that the Legislature has no power to contract a debt to build a new Railroad without the vote of the people; but I am wholloy unable to comprehend how it fol lows, that because the State cannot lend its aid to others to build a Railroad for their benefit, that, therefore, it cannot build a Railroad out and out for its own benefit ! If the Constitution forbade the Legislature to lend the aid of the State to New York to build a State House or ment, that the greater includes the less, and it it cannot build a roll with the aid of others, it cannot build one without such aid? It is said that the object was to prevent the Legislature from contracting new debts. And yet it is admitted that it may contract new debts for only two sides?" But I will not pursue the matter further. And I purposely refrain from province to do so, I only seek to expound what has been done by the Constitution and by the Legislature. If the lawmakers have erred in matters of policy, the remedy is with the peo-

My construction of the taxing power of the souferred on the clerk by the Constitution, Legislature under the Constitution is as follows:

1. The first object of the Convention in the 5th Art. of the Constitution, was to provide for constitution confers these judicial functions the ardinary and current expenses of the government. That is done in sections 1, 2 and 3 And for that purpose the tax is limit d to \$2 or the poll, and the same amount on \$300 worth of property, and equation must be observed .-This was thought to be sufficient for the ordinary and economical administration of the gov-

2. We had a considerable public debt, and after providing for current expenses, the next consideration was, how is the public debt to be

tion, except incidentally. Having provided in sections 1, 2 and 3 for ordinary expenses, and in section 4 for the public debt, the next consideration was, to provide for extraordinary oceasions. And for such occasions the 5th see tion provides, not that taxes shall be laid, but that bonds shall be issued; and, as incident to the bonds, special taxes may be laid, not to pay bonds is unrestricted. From the very nature of the case it must be so. If an extraordinary and unforeseen occasion is to be met, how is it the occasion? If there be an insurrection, State must be unloosed to meet it. that extraordinary necesities may fall upon a county, and may not extraordinary necessities restriction whatever upon the power of the Legislature tax; and yet the taxes were never burdensome. There was supposed to be a sufficient check in the accountability of the representative to his constituents. The restriction in our new Constitution is deemed a wise one-indeed. probably, by the new order of things, and intended to protect the non-property holder from an oppressive poll tax, and the property holder

purposes of the governmenment. I admit that the Legislature cannot give or lend anything to Railroads, which belong others, without a vote of the people; but if extraordinary occasion or necessity arises, Legislature may do anything for the State wh the occasion may require—many issue bonds par without limit, and without tax, and is them below par with a special tax. For a abuse of this power the Representative is sponsible to the people. All that the Court co says is, thus it is written in the Constitution.

INSTRUCTIONS FROM THE PUBLIC TREASURER.

The following Circular from the Public Tre urer and Auditor, will direct County Comi signers and Sheriffs how to proceed in colle ing taxes under the late decision of the Suprer

STATE OF NORTH CAROLINA, TREASURY DEP'T., Raleigh, July 22, 1869. To the Chairman of the Boards of Commissione of the various Counties in North Carolina:

The Supreme Court of the State has decid cial taxes levied to pay interests on bonds: thorized to be issued for the purpose of bui ing Railroads which were not begun and unf ished at the time of the adoption of the Constit tion, are unconstitutional

After consultation with the Council of Sta and the Attorney General, in view of the said decision, we are advised that the principle of the decision undoubtedly includes the follow-

By Section 20 of "An Act to provide for the "all issues of facts joined before them, shall tax lists, where excessive taxes are imposed.of your county by striking therefrom the speci- liable seed. al taxes pronounced void by the above mention-

For the above Roads the taxes on the real and ersonal property of the State are as follows: cents on the \$100 value. We think it best that this per centage should be deducted from

the special taxes, Under section 19 of the aforesaid Act, it is the duty of the Commissioners to make all calculations necessary for ascertaining the amount of taxes due by each tax-payer. We think it best, therefore that the Commissioners should make the corrections above indicated. By employling several clerks, which is no doubt best, this work can be done so speedily as to involve only

a few day's delay. The corrections can be en-tered on the lists in any convenient blank col-

After all the corrections shall have been made, F. H. Hill, A. M. the Clerk of the Board of Commissioners must forward to the Auditor an amended abstract showing the taxes, general and special, due by the county to the Public Treasury.

In earrying into effect the foregoing recommendations, it is not at all pecessary that there hall be any delay in the collection of taxes.

shall be any delay in the collection of taxes.— The Sheriffs will be rigidly held to the accountability prescribed by law.

Very respectfuly, &c., D. A. JENKINS, Pub. Treas. H. ADAMS, Auditor.

MARRIED: MR, LEWIS E, VOGLER to Miss BETTIE M. EARSHART, all of Salisbury.

In this county, on the 1st of June, by the Rev. Wm. B. Wood, Lieur. T. F. Hix, of Iredell county, and Miss Julia V., eldest daughter of John Marlin, of Rowan,

In this county on the 20th inst., by the Rev Sam'l. Rothrock, Mr. Loveliss D. McCarns and Miss JULIA ANN, daughter of John Black, In Taylorsville, on the 6th inst., J. TAYLOR McINTOSH to MISS ALICE J. SIMONTON.

In Salem, on the 18th of July, Mas. Mary C. Mickey, consort of Samuel T. Mickey, and daughter of Levin and Sophia Brietz, aged 27 years, 10 months and 11 days.

In the vicinity of Charlotte, on the 12th inst., MRS. JANE MCRAE, in the 76th year of her age. HARRIS, long a resident and respected citizen of

OBITUARY. '

did he perform the duties of his office.

As a private Christian he amassed stores biblical knowledge, and in his daily walk was uniform and consistent, exemplary and faithful Never was there a more obliging neighbor aceable citizen, kinder or more steadfast friend Rather should we say, he was truly a Christian of the highest style and in the best signification of the term.

As he lived, so he departed with the precious Saviour by his side, walking with him through the dark valley and opening the pearly gates of heaven for his admission,
Though he never sought favor at the expen-

of principle, he enjoyed the esteem and will of the church and community, of which the large funeral and solemn attention to the exercises of the occasion gave abundant evidence The aged and the young delighted to honor him and will perpetuate his memory to distant generations. May the Lord, by his promises and spirit, afford consolation to survivors and prepare them to enjoy with him the recompense of reward.

SPECIAL NOTICE.

A CARD.

The Subscriber takes this method of returning his sincere and unfeigned thanks to the generbonds as part of the public debt, to be provided our public for the very liberal and exceedingly large patronage extended to the Mountain Hotel. But circumstances over which he has no control growing out of conflicts with his profespossible to limit the means unless you breknow sional duties and above all, a solemn sense of the occasion? If there be an but whether a duty to as whe, when the bonds must be issued to meet it; but whether a tinuance of her charge and oversight of the Hoeffected a speedy settlement of the question upon the basis of a qualified impartial suffrage, if the work well enough. But it must be trimmed that the vessel of State will sail safely in fair Southern people had been guided by the counsels down in some way, in order to make it fit in weather, to be wrecked in the first storm. We TAIN HOTEL will be positively and unequivocally of the distinguished gentlemen whom we have a constitution which appoints only one may well impart it to wisdom to provide, that closed as a Public House. He further announces named and the Obl North State, We ourself, Judge of a Superior court for districts of ordinarily there shall be light taxes and econo- inasmuch as one Hotel in Morganton is insuffimy in expenditures, but when any extraordincient to accommodate the demands of the travel-It is admit- ing public, that he will sell or lease the properted that the counties, for special purposes and ty on very accommodating terms. Possession will be given immediately and would suggest that any person desirous of engaging would do well to make application at once and avail themselves of the advantage of commencing with so to avoid the service of summons or keeps himlarge patronage, &c., &c.

Very Respectfully.

J. M. H.

J. M. HAPPOLDT. Morganton, July 28 1869. 3(-if

SALISBURY MARKETS JULY 30, 1869.

REPORTED BY J. A. MCCONNAUGUET. GROCER.

per pound, 17-to

collecting

	pacon, per pound,		
t ta	Coffee, per pound,	********	22 to 2
inv	Corn, per bush, of 56 (bs.,		90 to 9
the	" Meal, bush. 46 "	********	95 to 10
ich	Copperas, per pound,	********	10 to 0
	Candles, Tallow, "	*******	90 to 2
at	" Adamantine,		25 to 0
aue.	Cotton, per pound,	********	25 to 2
my	" Yarn, per bundh,		2 00 to 2.2
re-	Eggs. per dozen,		12 to 1
an	Feathers, per pound,		454 to 45
-	Feathers, per pound, F.our, per sack.	******	4.00 to 4.5
3	Fish, Mackeral, 7. 1.		\$21.0
•			20 to 2
	. 3.		to
	Fruit, dried, apples pealed,		7 to
	" " unp'id,		00 to 0
	" Penches, pealed,		15 to 1
	u u u uppaled.	********	9 to 1
28-	Leather, upper, per pound,		62 to 7
			83 to 3
118-	fron, bar,		6 to
ct-	" castings, "		8 to 1
me :			6 to
	Molasses, sorghum, per ga		5
- 1	" West India.		60 to 9
8	" Syrup, "		1.00 to 1.2
			50 to 6
era	Pork, per pound,		10 to 1
	Potatoes, Irish, per bushel,		60 to 7
!	" Sweet, "		100 to 0
ed	Sugar, Brown, per pound,		14 to 1
m-	Clarified.	********	16 to 2
e-	" Crushed Pulverised	********	20 to 2
11-	Salt, coast, per sack, "Liverpool, "		2.75 to 2.7
d-	" Liverpool, "		2.90 to 3.00
	" Table,		5.50 to 6.00
in-	Tobacco, Leaf. per pound,		8 to 1
tu-	" Manufactured,		80 to 1.5
- 1	" Smoking,		40 to 1.00

NEW ADVERTISEMENTS.

Turnip Seed--Very Choice Seed

HE FAILURE of the early Corn Crop, occasioned by the late protracted drougth, will missioners of the Counties have power to revise nothing now, which he can do, but produce State—that his residence is not known and can tax lists, where excessive taxes are imposed.—
We therefore advise/you to amend the tax lists well to secure a supply of the best and most re To this end, the subscriber has procured a

supply of the choicest kinds-smongst them, Ruta Baga-Large White Flat Dutch-Large Red Top-Large Globe - Large Norfolk- and other approved kinds.

These seed will be sold at such low prices that any one, no matter how limited his means, ean afford to buy them, and throw the old sorts aside. To be had at E. SILL'S Drug Store, July 30-2t Salisbury, N C

DISSOLUTION ... THE FIRM OF CAMERON & HILL is hereby dissolved by mutual consent.

James H. Hill will settle the affairs of the JOHN W. CAMERON,

Wilmington, N. C., July 27, 1989.

Statesville Male Academy

F	H, T, Burke, A. M.,	,
t	MATERIAL PROPERTY OF THE PARTY	ř
1	on the 8th of September, and continue sixted	ø
Ų,	weeks. TUITION:	
	English Bep't. Primary 8 8	Į
,	English Dep't. Intermediate, 12	ij
ч	Classical Department, 16	Ü
	Contingent Fee 1	Ü
•	Board in good families at \$12 per month.	
	One half of the above charges is required	ì
	advance.	
	For further particulars, address the Principa	١
	The state of the s	

At the seidence of the bride's father, in this ity, on the 25th inst., by the Rev. J. Rumple, Terms:—\$20 per session. Latin and French

BANKRUPT Sale of Land -1 WILL D sell at the house of W. Porter Graham, near Rowan Mills, on Saturday the 28th day of August next, the VALUABLE LANDS belongng to said Graham.

The land has been divided into small tracts to suit purchasers.

Mr. Grabam will be pleased to show the land to any one wishing to purchase.

Terms cash -Sale positive. R. F. SIMONTON, Assignee of W. P. Graham

THE ABOVE IS THE MOST APPRO priate name that could have been applied In Concord, on the 20th inst., DR. K. P. to this valuable and powerfully influential Pain Destroyer. Its influence over such painful mal-adies as it is recommended, to exert cannot be questioned only by those who have not tried it. There is claimed for it a reputation over all other preparations recommended for 23d inst., Mr. Thomas Topp, in the 77th year of his age. Without fulsome adulation or high-truly an enemy to New algia, Headache, Tooth-wrought culory, the descent and action of the purposes—when they have failed, R. A. G. C. has not. Keep it always in your family for it is truly an enemy to New algia, Headache, Toothwrought eulogy, the deceased was undoubtedly ache, Earache Cramp Colie, Chalera Marines, one of the excellent of earth. For twenty-five Diarrhoca, Dysentery or Bloody-Flux, Duspepyears was he a Buling Elder of Thyatira, and sia Sore Throat, Rheumatic Pains, Fever and though modest and retiring, nobly and efficient- Ague, Sprains and Bruises, Inflamation of Kidneys, Nervous Debility, Colic, Pains or Spasma.

of an character.
Prepared and for sale by DR. G. B. POULSON. Druggist and Apothecary, Salisbury, N C June 30, 1860.

STATE of NORTH CAROLINA. MONTGOMERY COUNTY.

In the Superior Court. William Lassiter and Richmond Johnson, Administrators of Jacob Lassiter, dec'd.,

Harrison Johnson and wife Bethany, Celah Johnson, Washington Rush and wife Margaret, Benjamin Rosh and wife Jane, John Kerans, Diza Rossell, and Lackin Kerans, Guardian of Henry Kerans. PETITION FOR ACCOUNT AND SETTLEMENT.

It appearing to the satisfaction of the Court that Diza Rasself, one of the defendants and heirs-at-law of Jacob Lassiter dec'd., is not a resident of this State; It is ordered that service of summons upon said detendants be made by publication in the "Old North State," once a week for six weeks successively, portlying said defendant to appear at the next term of this court to be beld at the Court House in Troy on the 4th Monday after the 2d Monday in August next, and answer the petition of said administrators or the same will be heate ex parte as to them.

Given under my hand and the seal of said Court at Troy, this 24th day of July 1869. C. C. WADE, Clerk Superior Court Montgomery County, N

30-6w (pr fee \$8.)

STATE of NORTH CAROLINA MONTGOMERY COUNTY.

In the Superior Court. Henry W. Ledbetter, Plaintiff, against Daniel McRac, Defendant.

Whereas the above pamed plaintiff has instituted his action against Daniel Mckee the above named defendant in the Superior Court of said county to recover the possession of mal roperty held by the said defendant. And whereas the said defendant being a res-

dent of this State, has departed therefrom to self therein with a like intent; It is ordered, that service of summons be made by publication in the "Old North State" once a week for at least six weeks, successively, notifying the said defendant to appear before the said Super-N. B .- All persons indebted to the Hotel will rior Court at the court house in Troy, on the please come forward within (10) ten days 4th Monday after the 2d Monday in August and settle, avoiding by so doing extra cost of next then and there to answer the complaint of the PL intiff in the above entitled cause or the plaintiff will take judgment for the rehef

demanded in the complaint. Given under my hand seal of said Court, this 24th day of July 1869. C. C. WADE. Clerk Superior Court for Montgomery, Conn-30-6w (pr fee \$8) ty, N. C.

SUMMONS. K. Nye Hutchison & T. J. Sumner, Plaintiffs,

AGAINST John E. Brown, Wm. J. Brown, Z. B. Vance and Robert F. Hoke, Delendants.

STATE OF NORTH CAROLINA,

To the Sheriff of Rowan County-Greeting You are hereby commanded to summon John E. Brown, W. J. Brown, Z. B. Vance and Robert F. Hoke, if to be found in your County, personally to be and appear before his Honor, the Judge of our Superior Court, to be held for the County of Rowan, at the Court-House in Salisbury, on the third Monday in September next, then and there to answer the complaint, a copy of which is served with this sum-mons, and let them take notice, that if they fail to answer said complaint during the next term, the plaintiffs will pply to the Judge of said court for the relief demanded in the complaint. Herein fail not, and have you then and there this Writ.

Given under my hand and the seal of the said Court, at Salisbury the 24th day of July, A.JUDSON MASON. Clerk of the Superior Court for Rowan County. Duplicate of this summons issued to Buncombe for William J. Brown; to Mecklenburg for Zebulon B. Vauce, and to Mitchell for Rob

North Carolina, In the Superior Court E. NYE HUTCHISON & T. J. SUMNER, Plaintiffs. AGAINST

ert F. Hoke. A. Judson Mason, C. S. C.

JOHN E. BROWN, WILLIAM J. BROWN, ZEBULON B. VANCE and ROBERT F. HOKE. Defend It appearing to the satisfaction of the Court. by affidavit filed that the defendant Jons E. Brows above named, is not a resident of this after due diligence he cannot be found in the State-that a cause of action exists against him in favor of said plaintiffs, the grounds of which appear by the sworn complaint-that he is a proper party to this action, and that the sumons and complaint herein were filed in the Superior Court of Rowan County on the 24th day of July, 1869.

ORDERED, That the summons herein, a eopy of which appears above, he served as to the said Jour E. Brown by publication of the same in a newspaper styled "The Old North State," published in the city of Salisbury, once each week for six weeks.

Witness, A. Judson Mason, Clerk of the Superior Court of Rowan County, at office 10 Salisbury, the 28th day of July, 1869. A. JUDSON MASON, C. S.

30-km 30-Am for fee \$180