THE FOREIGN NEWS It of a startling character. In the latest en

The indications now are, from the threatening European war, in which Prussia and Russia will from him in more than two years, nor a word be pitted against Great Britain and most of the remaining continental powers. It is to be hoped however, that the storm will blow over without ingolving other nations in the contest—that the threstening attitude of Russia is more apparent than real.

Head foreign news in another column.

STATESVILLE.

We paid a flying visit to State-ville last week and though in the place for a very short time see had an opportunity of looking through the sown and noting its improvements. We were wlad to see that the walls of the new Episcopal Church are about completed, and that the edifice will be ready to open for public worship in a short time. Though not large it will be, when Presinterian Church has been taken down and bigs being re-exected on an eminence near by the old site, and is near its completion. It will present a fine appearance when entirely finished, and do credit both to the town and the denomina-tion whose house of worship it will be. We know of no mire pleasant or healthful town in North Carolina than Statesville, and it cannot fail to become a place of considerable resort and importance at no distant day. We paid a brief visit to our editorial brethren of the American whose cheerful faces satisfied us that their worthy journal is prospering beyond most of the

THE LATE ELECTIONS-THE NEXT ONGRESS.

The Republicans have not done as well as well as well as they expected in the elections of the 8th, and they are somewhat depressed in consegence. Their large majority in the present Congress has been very greatly reduced, but they still have a good working majority if they can preserve harmony in their We subjoin two estimates as to the composition of the next Congress, one from the New York World, (Demcratic,) and the other from the Philadelphia

Press, (Radical.) The World says: "Elections are yet to be held in five States, and the pointes of the representatives to be choclose scrutiny of the list will satisfy readers that Democrats. The actual number of Democrats aiready elected, according to the last returns, is sevenly-five, and of Kadicals one hundred and six. There are two Independents elected; one, Creeley of Pennsylvania, who may act with the Radicals, and the other, Stoughton, of Illinois, who may act with the Democrats. The number of representatives yet to be elected is sixty. We believe, in view of the general Democratic gains throughout the country, that we are justified in claiming five of the seven members coming from Georgia, two of the four from Connecticut, two of the four from Texas, and the three California members. We concede the three New Hamp-shire districts to the Radicals. By this estimate

we foot up a total of 110 Democrats, 131 Radicals, and 2 Independents, leaving a Radical mador to in the next House of but 19, against 114 these figurer somewhat, bus not more than three or four at the most. The Philadelphia Press presents a long tabu

lar statement and winds up with the following recapitulation: Republicans elected, 123: Democrata, 94. Republican gains, 8; Democratic gaine, 33. The estimates as to the five States of Connecticut, California, Georgia, New Hampshire and Texas, yet to vote, are as follows:

Republican. Democra

California, Connecticut, Georgia, New Hampshire, Texas,

This (says the Press) concedes to the Democ the Forty-second Congress, already elected, number 222, divided as follows: Republicans, 128; Demograts, 94. Adding to this the above calculations, and we have 136 Rouhlicans to 107 Demograts. This, as we have said before, is exceedingly liberal as regards the Demograts, and sorien to correction by the official returns.

From the above, and various other statement that we have seen, we conclude that the Repub-licans will have only shout tweety-five majority in the next Congress. This result shows that a great change is taking place in the minds and foolings of the Marthern people. If it cannot be regarded as a triumph of the Democracy it will almost costainly act as a triumph of liberal principles. From the elections on the 8th may be dated the political anfranchisement of all classes of people at the South. From that day may be dated the overthrow of the proscriptive policy which has disgraced the Badical party, and proved so injurious to the peace and harmony of the country. From the next Congress we may confidently expect the passage of a general bill for the removal of the political disabilities imposed by the 14th amendment. Admonished by the unmistakable signs of the times we may and policy of the Republican party. We may mow hope to see that party abandon its higher law doctrines and return to the Constitution as the charter of our government and the only safe guard of its liborties. This it will do, if it posees any wisdom at all. Otherwise it will meet with its final overthrow in 1872. Upon the whole there is much to rejoice at-much to enconrage the true friends of the country-in the result of the elections on the 8th.

INDICTED.-We learn from the Sentinel that a bill of indictment has been found by the grand fury of Ocange county against Gov. W. W. Holden, George W. Kirk, George Burgin, Alexander Ruffin, (colored) and Capt. Hancock for an assault open Josiah Turner, at the time of his unlawful arrest last summer. A copias for Gov. Holden, we learn from the same source, has been issued to the Sheriff of Wake county.

opposes such impenchment. This is, to some extent, explained, when it is remembered that the Chief Justice, generally, addresses his published communications to that paper."

The above, which we find in the Raleigh Sea

inel of the 14th, demands a brief notice at our hands. In the first place the statement which it contains is untrue in fact; and in the second place, if we understand the Sential correctly, the imputation deduced from the statement against our character is wholly unwarranted and unjust. In the first place the Chief Justice never, that

re remember, "addressed a published communication to this paper." He sent his address to paper for publication, and met with a refusal .-We afterwards wrote, and published in its columns, an elaborate reply to said address, without anguments the French have met with some suc- publishing the address itself, at which the Chief cosed. They have retaken Orleans from the Justice complained with some bitterness and, Prussians, but the victory will produce little but we most confess, some justice. His letter of complaint on that occasion is the last that we remember to have received from him with a attitude of Russis, that there will be a general single exception. We have not received a line

> In the second place we repsi the hare insinuation that we are capable of playing the part of after that we are capable of playing the part of a fawning sycophant to those in high place.—
> that we can be influenced in our course by any notice they may think proper to take of ins—as a baseless slander, and hard it back with indignant scorn into the teeth of him who gives it utterance. It is a charge which meets with an unqualified denial in almost every public act of qualified denial in almost every public act of

The Old North State declared its Indiana of all party dictation in its next issue after the election of Gen. Grant, and it has never assumed any new obligations. It is an independent and truly conservative paper, and, as such, will fearlessly advocate whatever it may think right and justice or the best interests of the State demands. Whatever it may have done previous to the last Presidential election it will not now close its columns against con usvative and pacific communications from any

quarter. It has taken ground against the imschment of the Chief Justice, who refused to and his sanction to "the extreme principle," suggested" by Gov. Holden, that "the highest law is the safety of the State," and it will be triamphantly sustained by the verdict of the House of Representatives, the Senate or the people. Mark the prediction!

IMPEACHMENT.

We copy the following article on impeaci ment from the Hillsbory' Recorder: Some among the wisest heads in Virginia and North Carolina have lately said to us : We don't think it good policy to Impead

Gov. Holden.

We are no policy man ourself. We believe onesty is the best policy. Gov. Holden has been called by some of ress and the people-a thief-a liar-a perjurd scoundrel-a drunkard-a rioter and assassin. If two-thirds of the Legislature weathif a single man-believe these charges true they should right off-policy or no policy. If they don't do it why then they will confess to the world that

they are either false or abaid and from either entegory of liars or cowards may God deliver us! Ain't we right? If a reg ment of bayonets were at our boson and as a legislator we thought we could prove such scandalous charges as have been openly constied against Gov. Holden, we would move

to impeach him. If Gov. Holden can be proved to have swin dled away the public funds-we are for impeaching him-and it has been so charged.

If Gov. Holden can be proved to be an assas inator and a rioter we are for impeaching himand it has been so charged.

Let not bold stump speakers three months ago whine "policy" now. They must either be true to their swelling words or they must draw in their cheeks like a stiff corpse and confess they are either deceivers or cow..rds.

[Ditputch to the Associated Press] REVISION OF THE STATUTES.

The Commissioners to revise the statutes the United States-Messra. Charles P. James, Benjamin Vaughan Abbott and Victor C. Bar-ringer—have organized this Fall in Washing ton, and are pursuing the work assigned them. That task is no less than a complete re-writing of all the general and permanent laws of the United States upon a new and orderly arrangement, and with corrections embodying all the repeals and amendments; in fact, the law "as it is" of the National Government. Such taks are usually prosecuted upon the plan of assigning to each Commissioner one share of the entire field, which he works out alone, and submits to his colleagues for revision. The Washington Com-

missioners are pursuing a different method.—
They meet daily as a board, and are examining the statutes, section by section, in their order, beginning with the latest, for the purpose der, beginning with the latest, for the purpose of determining as to each section, whether it has been repealed or amended, whether it is of general importance, warranting its being incorporated in the new statutes, and under what chapter of the new arrangement it ought to go. The sections are marked in the margin, and, as the work proceeds, are to be cut out by a clerk, and assorted to the proper chapters. This preliminary labor will give each Commissioner a selection of the existing provisions of law which the Board have deliberately decided should be embraced in any chapter which he undertakes to draft, with memoranda of most of the repeals and amendments. This must very much facilitate the ultimate revision. The Rench and Bar of the country will be glad to know that it is the intention of the Commissioners to prosecute the work to completion at the earliest possible date, and that, to that end, they will ask Congress to make such provisions as shall, from time to time, appear necessary to aid in its advancement. As at present complied, it is impossible ment. As at present complied, it is impossible to know in many instances what is the existing

A FATAL MISTARE. - We regret to learn of a painful accident that occurred at a place about three miles north of Whiteville, on last Friday night, by which a very worthy gentleman wa-accidentally shot and killed by his son. The circomstances are briefly these: Atabout I o'clock of the night above mentioned Mr. R. H. Brown, the principal of a school near Whiteville, hearing a noise among the fowls in an outhouse, called to his son, F. M. Brown, a lad about 19 years of age, to get his gim and go out there as he thought that an owl had got after the chickens At the same time, and without the young nan's knowledge, Mr. Brown himself went out to the fowl house and began feeling there for the owl. The lad approached and seeing an ob-ject moving there, fired his gun, the entire load of which entered Mr. Brown's left shoulder,

law of the country.

kilfing him almost instantly. The sad event has cast a gloom over the en The sad event has cast a gloom over the entire community among whom the deceased was highly esteemed as an honest, npright gentleman. The young man himself is plunged in the leepest grief and fears are entertained that his reason may asseemb. Altogether it is one of the saddest events that we have ever been called upon to record. Wil. Journal.

HON. LEWIS HANES, After much reflection and observation I am satisfied that neither of the political parties as at present constituted can secure and promote the prosperty of the State and establish

among our people.

The Conservative Democratic party is conposed of elements which are not homogenous.

The ultra men are not ratisfied with the resul The ultra men are not satisfied with the results of the late civil war but desire suddenly to undo the work of reconstruction and establish the same order of things which existed before the war. They entertain feelings of bitter hostility towards the United States Government, and the people who were in opposition to them in the late contest. They are not willing to surrender the principles which occusioned the civil render the principles which occasioned the c war, although they have been so effectually cided in the terrible tribunal of arms.

This is the revolutionary element which creamined the Ku Klux and fosters hostile feel-

ings towards Northern men.

The Conservative tien are not actuated such feelings, but are somewhat irritated by the impolicy and injustice of some of the reconstruction measures. They acquiesce in these measures as a whole, but desire a modification of some of the details. They do not contemplate a sudden and revolutionary change in the policy of the government, or in our present State Con-stitution, but are willing to wait for the healing influences of time, and to effect their purposes by appealing to the culm reflection and sober judgment of an enlightened and patriotic people. They desire to allay the accional prejudices of the North and South, and thus induce feelings

tive.

In the Republican party there are Radical and Moderate men. The Radicals are extreme in their views and bitter in their feelings. They speak of men who appose their plans as rebels and traitors, and characterize any proposed there in our Constitution, or respectful remonchange in our Constitution, or respectful remon-strance against the policy of the General Gov-ernment, as rebellion and treason. They are not satisfied with the recognition and establish-ment of the just rights of colored meny hat for the party purpose of accurring a united vate of these new citizens undue prominence is given to colored men, for offices of responsibility and trust without any reference to proper qualifications. This line of conduct makes an offices discrimination against poor and Ignorant white men, who for want of qualification are not advanced to office by either party.

The Moderate Republicans act with the party, because it is the party which saved the Union and will maintain it; because, we believe this to

be the party of enlightenment and progress, and that alone has the power to restore peace and pros-perity to the country. They are tired of discon-tent and strife, turmoil and bitterness, uncertain-ty, insecurity and revolution. They are ready to admit that the reconstruction measures are in some respects impolitie and unjust; that their party has committed grave errors and indiscreions, and contain corrupt and bad men; and Constitution which at a proper time and in a proper manner ought to be remedied; but they look for remedies in the calm and moderate counsels of the future, and not in sudden revolu-tionary changes when the public mind is too much excited to act justly and wisely.

The stringency of the Reconstruction measurements

res was induced by the violent and revolution ry action of the ultra men at the South, and so outh, we cannot expect a beneficial change in Northern sentiment, and the restoration of harnony and prosperity to the country. After such ed much sectional hatred-it is a natural law-"go for" Gov. Holden and move to impeach him that Southern ultraism will keep alive and strengthen Northern ultraism.

This areagonism of sectional feeling produce he late civil war. The recent elections bow that it the conservative and moderate men of both secions, it will inevitably lead to direful misfor

I believe that the true Conservatives and oderate Republicans have the same patriotic objects in view, and there must necessarily be a empathy of feeling between them. To accomolish these objects it would not be wise, eve were it practicable, to organize at once a third party. They ought to act together in the party which they can control. If the Conservatives in the next Legislature can control the action of their party, and will propose needful and pro per amendments to the Constitution in the leg-islative mode provided for, then a basis may be formed for a true Conservative party which will ecure popular favor, and a permanent ascen

If a Convention is called the highest excite ment will be produced. The home-tead men will be alarmed for the safety of their homes-which are dearer to them than any party. The colored men will be unduly excited from an apprehension of the destruction or abridgement their civil rights, and they will make strong appeals for Congressional interference and pro-tection. Northern citizens will feel that their rights are insecure—immigration will be stopped and much capital and labor will desert the State; Union men will think that the reconstruction measures will be virtually abolished, and the will leave a state where a government established under the policy of a Union Congress can be

overturned in two years by the fullowers and sympathizers of the Lost Cause.

The horrid outrages of the Ku Klux are still fresh in the minds of our people, and a Convention movement will be attributed to the violent and revolutionary influence of the secret and terrible brotherhood.

A convention will not only be very expensive. but it is unnecessary and dangerous. A conven-tion of the delegates of the people cannot be limited in its action, except by the Constitution of the United States and the power of Congress.

If a Legislature can limit the Convention to certain actions, why can it not make the propo-sed amendments? A legislature is a creature of a Convention, and its functions are delegated and confined by the Constitution and the con-stitutionality of its acts are subject to judicial investigation and control.

The people are supposed, in contemplation

law, to meet in a convention to do something which cannot conveniently be effected by ordinary legislation and the action of such convention may be final. It is not bound to submit its action to a popular vote, and its acts cannot be lone away with by the Legislature or by judicial

The Secession Convention of 1861 expressly refused to submit its action to the people, and against their will precipitated them into rebel

Would it be wise is these times of excitemen to invoke the sovereign power of the State in Convention, when a mere party majority may revolutionize our State government, and disturb ur relations with the general Government .-All needful amendments can be made by legislative action, which must be submitted people before the next election, and is subject to the will of another legislature. "Hasten Slow-ly" is a wise maxim, and should be observed en important acts are to be done in times of xcitement, danger and difficulty.

I hope that a spirit of true Conservatism will uide the action of the next Legislature, and tope that a true Cohservative will be elected to the U. S. Senate, and that no objection will be nade to his taking his seat. I think that Leach, Rogers, Harper and Wad-

lell ought to be readily admitted into the next Congress, I regard them as Conservative and patriotic men, who will be faithful to the gov-

action of calm, reflective and patriotic men who better than party.

MODERATE REPUBLICAN.

DECISION OF JUDGE PEARSON IN THE HABEAS CORPUS CASE.

Ex-parte Adolphus G. Moore. proof of service and the failure of Col alling to make return.

2. For a writ, to be directed to the Sheriff of

some county, commanding him, with the power of the county, if necessary, to take the prisoner out of the hands of said Kirk and have him before the Chief Justice.

The fact of service and the failure to make return was a sufficient foundation for these motions. But the affidavit sets out further, that G. W. Kirk said. W. Kirk said, "he was acting under the orders of Gov. Holden, and should make no return."

This extraneous matter, if true, had in my judgment, an important bearing on the pending motions, and not being at liberty to assume it to

be true, on the verbal statement of Col. Kirk, I

addressed a communication to His Excellency, asking to be informed if Col. Kirk had such or-

Kirk avowed or disavowed, and make it a final fact one way or the other, and to afford an opportunity to His Excellency, if avowed, of setting out the ground of his action and of being heard by counsel. The cause of truth is always

served by argument on both sides.

1. The main question, and one on which both motions depend, it this. Does the fact that the Governor has a clared the county of Alamance to be in a state of insurrection and had taken military possession, have the legal effect to suspend the pavilege of the writ of habeas corpus in that county? If so, the prisoner takes nothing by either motion; if otherwise, it will become necessar to give them further consideration.

It was invisted by the commet of the prisoner that the Governor's reply is no part of this proceeding and cannot be noticed. In my opinion, it forms a part of this proceeding to the extent of the avowal of the orders given to Col. Kirk, (that is in direct response to my inquiry:) and of the fact that in the exercise of the power conferred on him, he had declared the county of of the fact that in the exercise of the power conferred on him, he had declared the county of Alasance to be in a state of insurrection, taken military possession and ordered the arrest and departion of the petitioner as a wilitary prisoner. The action of his Excellency is relavent, for, if the privilege of the writ of hubeus corpus be suppended, the writ now moved for, ought not to be awarded. (Exparte Tobias, Watkins, 3 Heters, 198) the Chief Justice says: "the writ ought not to be awarded, if the Court is satisfied that the prisoner would be remanded." This case is cited and approved, as nearte. Milliana 4. Wals cited and approved, ex parte, Milligan 4, Wal-

His Excellency was also pleased to set out some of the special facts that satisfied him that the civil authorities of the county were unable to protect its citizens in the enjoyment of life and property; it is not mine to pass upon these

facts or judge of their insufficiency.

Mr. Badger, of counsel for His Excellency relied on the constitution: "The Governor shall be commander in chief, and have power to call out the militia to execute the law, suppress riota and insurrections and to repel invasion." Art. XII, sec. 3. And on the statute, act 1869-'70. chap. XXVII, sec. 1, "The Governor is hereby athorized and empowered, whenever in his udgment, the civil authorities in any county are nable to protect its citizens in the enjoyment of life and property, to declare such be in a state of insurrection, and to call into ac-tive service, the militis of the State, to such an extent as may become necessary to suppress the insurrection," and he insisted,

1. This chause of the constitution and the sta-

tute empowers the Governor to declare a county adgrant the civil authorities are unable to protect its citizens in the enjoyment of life and property. The Governor has so declared in regard county of Alamance, and the judiciary cannot call his action in question or review it of the Governor.

2. The constitution and this statute confers on the Governor all-powers "necessary" to suppress
the insurrection, and the Governor has taken military possession of the county and ordered the arrest and detention of the petitioner as a military prisoner. This was necessary, for unlike other insurrections, it is not open resistance. but a novel kind of insurrection, seeking to effect its purpose by a secret association spread over country, scourging and other crimes committed in the dark and evading the civil authorities by masks, fraud, perjury and intimidation. It folows, that the privilege of the writ of habeas corpage is suspended in that county, until the insur-rection be suppressed. I accede to the first pro-position; full faith and credit are due to the action of the Governor in this matter, because he is the competent authority, acting in pursuance of the constitution and the law. The power from its nature must be exercised by the Executive, as in case of invasion or open insurrection. The extent of the power is alone the subject of Judicial determination. As to the second, may be that the arrest and also the detention of the petitioner is necessary as a means to suppress the insurrection. But I cannot yield my assent to the conclusion; the means must be proper, as tioner as a military prisoner, is not a proper means, for it violates the Declaration of Rights "The privilege of the writ of habeas corpus shall not be suspended." Constitution, Art. I, section 21. This is an express provision, and there is no

rule of construction or principle of constitutional law, by which an express provision can be abrogated and made of no force by an implication from any other provision of the instrument. The clauses should be construed so as to give

effect to each, and prevent conflict. This is done by giving to Art. XII, sec. 3, the effect of al-lowing military possession of a county to be ta-ken and the arrest of all suspected persons to be made by military authority, but requiring by force of Art. 1, sec. 21, the persons so arrested, to be surrendered for trial, to the civil authoriies on habeas corpus, should they not be deliver ed over without the writ.

This prevents conflict with the habeas curpus clause and harmonizes with the other articles of the "Declaration of Rights," trial by jury, &c., all of which have been handed down to us by our fathers and by our English ancestors, as great fundamental principles, essential for protection of civil diberty.

I declare my opinion to be, that the privilege of the writ of haben corpus has not been suspended by the action of his Excellency. That the Governor has power under the constitution and aws to declare a county to be in a state of in surrection, to take military possession, to order the arrest of all suspected persons and to do all the arrest of all suspected persons and to do all other things necessary to suppress the insurrection, but he has no power to disobey the writ of habeas corpus, or to order the trial of any citizen otherwise than be jury, according to the law of the land. Such action would be in excess of his power.

The Judiciary has power to declare the action of the Franciscon and a section the General.

of the Executive, as well as acts of the General Assembly, when in violation of the Constitution void and of no effect. Having conceded full faith and credit to the action of his Excellency within the power conferred on him, I feel asmred he will in like mannergive due observance to the law as announced by the Judiciary. In-deed he cannot refuse to do so, without taking upon hamself the responsibility of acting on th guide the action of the next Legislature, and extreme principle, "the safety of the State is that such action will receive the approval of the supreme law." I will venture to hope as good and patrictic men of both parties. I also evil as the times may be, our country has not sope that a true Cohservative will be elected to yet reached the point when a resort to extreme neasures has become a public necessity.

2. The motion for an attachment against Col. Kird is based on the habous corpus act, acts 1868
-'69, chap. 1, sec. 15. "If any person on whom
a writ of habous corpus is served, shall refuse or
neglect to obey the same by producing the body. patriotic men, who will be faithful to the government and honestly serve the people.

I carnestly desire to see bitter partizan prejudices and animosities growing out of the late or Court, forthwith to issue an attachment civil war completely cradicated—our nation against such person to the Sheriff of any county in the State, commanding him immediately to the state, commanding him immediately to peace with the whole world; and our State advancing in prosperity and greatness; and our State advancing in the State, commanding him immediately to arrest such person and bring him before the Judge or open court, and such person shall be committed to jail, until he shall make return to the writ, and comply with any order that may be made in relation to the party for whose representations, they can alone result from the

The question is, do the facts before me "slow a sufficient excuse?" The afficient is to out that Col. Kirk put his refusal on the ground, that he had orders from his commander-in-chief, who is the Governor of the State, not to obey the writ. His Excellency arows that Col Kirk was acting under his orders. So, we have this case: Col. Kirk is commanded by the Chief Justice to produce the body. He is ordered by his commander-in-chief not to obey the writ. What was the most of the last state of the chief of the commander-in-chief not to obey the writ. The following correspondence shows conclusively that Gov. Holden took upon himself all the ponsibility of the refusal of Col. Kirk to deliver the prisoners in obedience to the Chief Justice's write, and that the Chief Justice disclaimed all man to do? He elected to obey his orders. In my opinion there was sufficient excuse for refu-sing to return the writ. The motion is not al-

sing to return the writ. The metion is not allowed. The act in question does not rest on the idea of punishing for a contempt of the Judge or Court, but of compelling a return to the writ and the production of the body. It is a substitute for the provision in "the old habous corpus act," which punished the officer or person refusing or neglecting to make due return "upon conviction ment upon the former, by substituting the speedy remedy of attachment in place of indictment and the severe punishment of imprisonment. Both acts are evidently intended to punish for not making return, and the last is also intended for the immediate relief of the party in whose behalf the writ is issued. The motion of punishing for a contempt of the Judge or Court, is not involved in the same parties, and I have ordered coll flexible race, certainly not in that of 1868 ed in either act, certainly not in that of 1868-(same session.) The preceeding is, by a rule to show cause why an attachment should not bace. And yet I was urged, with much velicinence by And yet I was urged, with much velicinence by learned and aged counsel to rate Kirk up for a contempt of the Chief Justice, in this, the affidavit of service sets out that Col. Kirk, when the writ was served, said, "sell them that, such things are played out. I have my orders from the Madday and also it have my orders from things are played out. I have my orders from Gov. Holden, and sholl not obey the writ." "I will surrender them on Governor Holden's order, but not otherwise, unless they send a sufficient force to whip nee." This, as was well said by Mr. Badger, is the language of a rude soldier and not as courteous as we usually find in Judicial proceedings. The motion for a rule to show cause for this contempt is not pertinent to the matter now on hand. The evidence on which

matter now on hand. The evidence on which it sets out comes in a questional-le shape, extraneous matter put into an affidavit of service to excite prejudices, and the motion, made to the instance of one who is under arrest for the horrid crime of murder by midnight assassination; at a time when, as Mr. Bragg feelingly remarked, "we are in the last ditch; we look to the Judiciary as our only hope, if that fails us the country is gone! gone! gone! that fails us the matters and turn aside to put a rule on a rude soldier to show cause for making a flippant speech. I will be borne out by every member of the profession in saying, during thirty years.

Will be in the Supreme Court room at 10 o'clock A. M., inst., to receive the return by Col. Kirk of the bodies of A. G. Moore and the others (in whose behalf writs of habean corpus have heretofore been issued by me) together with the cause of their arrest and detention.

Receiving the return after the delay to which you allude, of several weeks is not to be taken as concurring on my part in the necessity for the delay, or as assuming any portion of the responsibility in regard to it. The entire responsibility rested on you. I was unwilling to plunge the State into a civil war upon a mere question of time.

With great receive the return by Col. Kirk of the bodies of A. G. Moore and the others (in whose behalf writs of habean corpus have heretofore been issued by me) together with the cause of their arrest and detention.

Receiving the return after the delay to which you allude, of several weeks is not to be taken as concurring on my part in the necessity for the delay, or as assuming any portion of the responsibility in regard to it. The entire responsibility rested on you. I was unwilling to plunge the State into a civil war upon a mere question of time. of the profession in saying, during thirty years I have had the bonor of a seat on the bench, I have never been slow to punish for contemp and preserve the dignity of the Court when I be lieved there was any intent to assail it. I know my duty and trust, I have firmness enough to discharge it. These remarks seemed ed for because of the enriestness with which the motion was pressed, in language more court by but fully as strong as that used by the rude soluter, and the excited manner in which I was

and I had the benefit of hearing read much of the lofty language of Lord Mansfield. 3. The motion for a precept directed to the the 17th and 18th sections of the habeas corpus act. "The Court or Judge may direct a precept | School hymn-book, with appropriate music designated therein, commanding him to bring German hymn-book were referred to the District forthwith before such Court or Judge the party (wherever to be found) for whose benefit the writ of halous corpus shall have been granted." "In the execution of this writ the Sheriff or per-

form it, nay, the oa h of office was read to me,

county. ly question is, to whom should it be directed -

heriff of some county,
I have considered the matter fully and have come to the conclusion not to direct it to a Sheriff. The act gives a discretion. In the present condition of things, the counties of Alamance and Caswell declared to be in a state of insurrection and occupied by military forces, and the the hands of a Sheriff, (with authority to call of the Capitol University, at Columbus, Ohio.out the power of the county) by which commanded with force, if necessary, to take the petitioner out of the hands of the military au-

If the Sheriff demands the petitioner of Col. Kirk, with his present orders, he will refuse, and then comes war. The country has had war enough. But it was said by the counsel of the petitioner, "if in the assertion of civil liberty, war comes, let it come! The blood will not b on your hands or on ours; it will be on all who disregard the sacred writ of habens corpus. Let justice be done if the heavens fall."

It would be to act with the impetuosity of youth and not with the calmness of age, to listen to such counsels. "Let justice be done if heaven falls," is a beautiful figure of speech, quotes by every one of the five learned counsel. Jus-tice must be done or the power of the Judiciary exhausted, but I would furfeit all claim to prudence tempered with firmness should I, withou absolute necessity, add fuel to the flame, and plunge the country into civil war, provided my duty can be fully discharged without that awfu consequence. Wisdom dictates, it justice can be done, "let the heavens stand." Unless the Governor revokes his orders Col. Kirk will resist that appears from the affidavit of service. second branch of the motion, that the The

power of the county be called out if necessary o aid in taking the petitioner by force out of the hands of Kirk, is as difficult of solution as the

The power of the county, or "passe comitatus," means the men of the county in which the writ is to be executed; in this instance Caswell; and that county is declared to be in a state of insurrec-Shall insurgents be called out by the person who is to execute the writ, to join in conflict with the military forces of the State-2- warmen sun It is said a sufficient force will volunteer from other counties; they may belong to the association, or be persons who sympathize with it. But the "post comments" must come from the county where the writ is to be executed, it would be ilregal to take men from other counties; this is

settled my; shall illegal means be resorted to

n order to execute a writ? Again; every attle-bodied man in the State belongs to the militia. The Governor is by the constitution "Commander in Chief of the militia of the State." Are 3, see. 8. So the power of the county is composed of men who are under the command of the Governor; shall these men be required to violate, with force the orders of their Commander-in-chief, and do battle with his other forces that are already-in the field ?-In short, the whole physical power of the State is by the constitution under control of the Gov-ernor; the Judiciary has only a moral power; by the theory of the constitution there can be no conflict between these two branches of the Gov-

ernment, The writ will be directed to the Marshal of the Supreme Court, with instructions to exhibit it and a copy of this opinion to his Excellency the Governor. If he orders the petitioner to be delivered to the Murshal, well; if not, follow ing the example of Chief Justice Tancy, in Merriman's case, Annual Cyclopædia, for the year 1861, page 555. I have discharged my duty, the power of the Judiciary is exhausted and the responsibility must rest on the Executive.

PEARSON.

The following is the order of the Chief Justice to the Marshal:

You are hereby commanded in the name of he State of North Carolina, forthwith to bring Adolphus G. Moore, wherever to be found be fore me, Richmond M. Pearson, Chief Justice of the Supreme Court, in the City of Raleigh.— Herein fail not, Have therein this writ and make due return. RICHMOND M. PEARSON,

lency, the Governor, exhibit to him this writ

esponsibility therefore in the most emphatic EXECUTIVE DEPARTMENT,

and a copy of the opinion in "Moore's case"

B. M. PEARSON, C. J. S. C.

STATE OF NORTH CAROLINA,
Raleigh, August 15, 1870,
To the Hon. R. M. Pigreon,
Chief Justice Supreme Court of N. C. DEAR SIR:—I my answer to the notices served upon me by the Marshal of the Supreme glecting to make due return "upon conviction Conrt, in the matter of Adolphus G. Moore and indictment," with a fine of \$500 for the first others, ex parts, I stated to your Honor that at tence, and of \$1,000 and incupacity to hold of that time the public interest forbade me to perfice for the second. The late act is an improve- mit Col. George W. Kirk to bring before your

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 Capitol 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. Holder,

BEPLY OF CHIEF JUSTICE PEARSON. RALFIGH, August 18, 1870. To His Excellency, Gov. H. Iden :

DEAR SIR :- Your communication of the 15th inst, was handed to me by Mr. Neathery. I will be in the Supreme Court room at 10 o'clock

R. M. PEARSON, Ch. J. S. C.

THE LUTHERAN COUNCIL

Closing Session of the Conference-Changes in the Church Literature-Elections and Appointments,

LANCASTER, Ohio, Nov. 10 .- At the session the Lotheran General Conference, yesterday, reminded of my duty and was exhorted to per-form it, nay, the oa h of office was read to me, Garden Mission, at New York, was placed under the management of a separate committee. The English Church-book Committee was instructed 3. The motion for a precept directed to the to insert a series of family prayers in the next Sheriff of some county to bring the petitioner edition of the Church Book, and to make no alwith him the power of the country, is based on the confession of sin. The Committee was also instructed to hasten the publication of a Sunday to any Sheriff, Coroner, or other person to be service and hymns. The new provisions of the

In the evening the Council closed its labors: Rev. J. K. Platt and David Armorn, Esq., were elected to fill the vacancies in the Executive Theological Seminary Commission, reported the ear. Mr. G. Gross Fry, the Treasurer, submited a report of the money received by him for the support of the Foreign Missions, Rev. Prof. periodicals. F. Scaeffer, D. D., President of the Faculty of foremost place. the Philadelphia Seminary, was appointed keeper of the Archives of the Council. rection and occupied by military forces, and the of the Council have been unusually pleasant and ublic mind feverishly excited; it is highly proable, may, in my opinion certain, that a writin ent, among whom were Profs. Lay and Schmidt, The citizens of Lancaster have manifested great interest in the proceedings, and have extended the most cordial hospitality to the members of thorities, will plunge the whole State into civil the Convention. The next session of the Gen-war. Nov. 2, 1871.

MARRIED:

At the Manse, in Salisbury, N. C., on the vening of Nov. 15th 1870, by the Rev. Jesse Rankin, assisted by the Rev. J. Rumple, the Rev. John C. Lankin, D. D., of Baskingridge, N. J., and Mrs. Callie N. Scales, of Briar Hill,

Married in Cabarrus county, N. C., Nov. 3d 1870, by Rev. Saml. Rothrock, Mr. Caleb L. Nussman and Miss Margaret C. F., daughter of he late Tobias Klutts,

On the 3d inst., by Prof. L. A. Bikle, Mr. W. L. Kluttz, of Rowan county, to Mirs M. Emma Stirewalt, of Cabarrus,

In this county, on the 16th inst., by H. v a unel Rottrack, Mr. John Brady and Miss Ba bara Holtshouser.

RY MARK 5 . 18 NOV. 18, 1870. REPORTED BY J. A. MCCONNAUGULY. SROCER.

perpeuna, 20 to

	Coffee, per pound,	*********	22 to
į	Corn, per bush, oi 56 the.	********	60 to 6
	" Meal, bush, 46 "	*********	60 to 1
	Copperas, per pound,	*******	10 to (
	Candles. Tallow, "	*****	20 to.
1	Adamantine.	********	25 to (
1		**********	12 to
1	" Yarn, per bunch,		1.40 to 1 t
d	aggs. per dozen,	*********	15 to 5
j	Meathers, per pound,	*******	40 to 1
1		********	2 50 to 3. 1
ı	Fish, Mackeral, 1 7. 1.		821.4
ł	** ** 2.		20 to 5
ı	" " 3.		- to
ł	Fruit, dried, apples pealed.		3. 10
1			9 to
I	" Peaches, pealed.		
Ì		*********	5 to
ı	Leather, upper, per pound,		62 to 7
ł		*******	30 to 3
l	Iron, bar, "	********	6 to
ı	" castings, "	*******	8 to 1
I	Nails, cut,		6 to
Ī	Molasses, sorghum, per ga	*********	
١	" West India, "	*****	60 to 7
Ì	" Syrup, "		1.00 to 1.9
l	Onions, per bushel,	******	60 to 7
Į	Pork. per pound.		10 to 1
Ì	Cotatoes, Irish. per bushel,	*********	75 to 1.6
l	" Sweet. "		50 to 6
I	Sugar, Brown, per pound.	********	12 to 1
t	" Clarified. "		16 to 1
ł	 " Crushed Pulverized 		20 to 9
I	Salt. coast, per sack,		2.00 to 2.1
ı	" Liverpool, "		2.25 to 2.2
I	Table.		8.80 to 6.0
İ	Tobacco. Leaf, per pound,		8 to 1
ĺ	" Manufactured,		S0 to 1.5
ı	** Smoking.		40 to 1.0

NEW ADVERTISEMENTS. Southern Land Agency,

PERSONS WISHING to purchase SOUTS ERN

ANDS, will do well to call on Messrs. Crawford Dunham, who are prepared to give all necessry formatic n agit regards location, price quality, &c. Ail letters addressed to them, at this place will eceive prompt attention.

CRAWFORD & DUNHAM, Land Agenta.

CRAWFORD & DUNHAM, Land Agenta.

100 18:1y Salisbury, Rowan county, N. C.

Removal !-- J. A. Stockton HAS REMOVED his Tailoring Establishment to the office in Cowan's Briel I aw formerly occupied by F. H. Sprague, where he will be pleased to see all his old patrons and others. All work done in CHIEF JUSTICE SUP. COURT. Raleigh, July 30th, 1870. Instructions:-You will walt upon His Excelthe best and latest styles at reasonable prices and

Turner's N. C. Almanac.

The best yet Published is now ready for delivery. Price per Gross \$7,00; per 100, \$5.00; Gross, \$4,00; per dozen 75 ets; Single

copy 10 cents.

Single copies and packages of one dozen mailed free of postage on receipt of price.

JAS H ENNISS, Ag t. Bookseller, Raleigh. nov 18:1m

Nashville Life Ins. Comp'y, JOHN M. BASS, President. WM. HENRY SMITH, Sec.

It is secured by a joint stack of \$500,000 and has deposited \$100 000 with the Comp relier of the State of TENNESSEE.

Its Assets are more than three times its

The Company has never refused to pay It has no restrictions on residence or

If charges up extra premium on female

Its policy restrictions are few and rea-

Its stockholders and managers are among the

Thos. B. Bailey, State Agent for North Carolina. DRS. JONES & CALDWELL, Medical Examiners.

THE GREAT ENGLISH AND SCOTCH

oct 28-9m

QUARTERLIES. AND BLACK WOOD'S MAGAZINE.

REPRINTED IN NEW YORK BY THE LEONARD SCOTT PUBLISHING CO. QUARTERLY. The Eninburgh Review, London Quarterly Review

MONTHLY: -

Bluckwood's Edirburgh Magazine These periodicals are the medium through which the greatest minds, not only of Great Britain and I cland, but also of Continental constantly brought into more or "In the execution of this writ the Sheriff or person designated may call out the power of the county."

Committee on Home Missions. An interesting report was read by Rev. II. W. Rath, Secretary. Rev. Dr. Passavant, Chairman of the Chicago questions of the past and of to day, are treat-

with the times can afford to do with ut th Of all the monthlies Blackwood holds the

num. For any two of the Reviews. For any three of the Reviews, 10 00 For all four of the Reviews, 12 00 For Blackwood's Magazine. 4 00 For Blackwood and any one

Review, 7 00 For Blackwood and any two of the Reviews. 10 00 For Blackwood and three of the Reviews, 13 00 For Blackwood and the four

15 00 " Reviews, Single numbers of a Review. \$1; single numbers of Blackwood, thirty five cepts .-Postage two cents a number.

A discount of twenty per cent will be allowed to clubs of four or more persons .-Thus, four copies of Blackwood, or of one Review. will be ent to one address, for \$12. 8). Four copies of the four Reviews and Blackwood for \$48, and so on. Four clubs of ten or more persons, a copy gratis to the getter-up of the club, in a dition to the a-

bove discount. PREMIUMS TO NEW SUBSCRIBERS New subscribers to any two of the above periodicals f r 1871, will be gut led to re-ceive one of the Reviews tor 1870. New sub-

scribers to all the five may receive any two Neither premiums to subscribers, nor dis count to clubs can be allowed, unless the money is r-mitted direct to the Publishers. No premiums con he given to clube. Circulars with further pa ticulars may be had on application.

THE LEONARD SCOTT PUB. CO., 140 Fullon Street, New York. Postmasters and others disposed to canass, liberally dealt with.

The Leonard Scott Pub. CO. ALSO PUBLISH THE FARMER'S GUIDE To Scientific and Practical Agriculture

By Henry Stephens, F. R. S., Edinborgh, and the late J. P. Norton, Professor of Scientific Agriculture in Yale College, New Haven. Two vols. Royal octavo. 1600 pages and

numerous engravings. Price. \$7; by mail, nov.18 46-4f post-paid, \$8.

BANKRUPT NOTICE.

DISTRICT COURT OF THE U. S.) FOR THE CAPE FEAR DISTRICT OF N. C. IN BANKRUPTCY.

In the matter of John W. Hollum, a Bankrupt. This is to give Notice: That warrant in Bankruptcy has been issued by said Court against the estate of JOHN W. HOLUM, of Monagainst the estate of JOHN. W. HOLUM, of Mon-roe, in the county of Union, in said District, who has been a judged a Bankrupt upon the pe-tition of his creditors; that the payment of any debts and the delivery of any property belong-ing to said Bankrupt, to him or for his use, and the transfer of any property by him, are forbid-den by law. A meeting of the creditors of said Bankrupt, to prove their debts and choose one or more assignees of his estate, will be held at a Court of Bankruptcy, to be holden at the Court House in Charlotte, N. C., before R. H. Broad-House in Charlotte, N. C., before R. H. Broad-field, Esq., Register in Bankruptey, for said Dis-trict, on the 5th day of December 1870, at 10 o'clock, A. M. S. T. CARROW, U. S. Marshal, by

J. T. Curnant, Deputy U. S. M. as Muss per

46:21

227 18-6m