

VIRGINIA AND NORTH CAROLINA.

We have alluded but seldom, and briefly, and mildly, to the impertinent interference of the Richmond Enquirer in the internal affairs of North Carolina, and to its false and insulting imputations upon her.

Now it strikes us that imputations against the loyalty of North Carolina come with a very bad grace from any Virginian, more especially from a Virginia newspaper, and organ of the Confederate government.

Our State has sent the most men; has confessedly clothed them better than any others; they are every where noted for being more orderly than any others; they have been in more battles and shed more blood than any others; and yet forsooth these Virginians lecture her upon loyalty and duty; falsely charge her with entertaining a "plot" to overthrow the government, and insinuate that she has

"a lurking hope of a restoration or reconstruction" of the defunct and despised Union. And one of the high officers of the Confederate Government, whose duties bring him in contact with thousands of North Carolinians, both civilians and soldiers, insolently and falsely calls her a "jammed nest of traitors."

The Enquirer's imputations are offensive to North Carolina, and should be discontinued. She can do without the impertinent advice of that paper, as she did in the election of Gov. Vance, against which the Enquirer protested. Let there be an end of it, if the Enquirer really desires unity of feeling and the success of the great cause.—Ray, Observer.

Brilliant Success of Gen. Morgan's Expedition in Kentucky.—Gen. Morgan's command returned to Tennessee Saturday last. In their campaign in Kentucky, the Bacon Creek, Nolichucky, Elizabetown, Shepherdsville, (eighteen miles from Louisville,) and other bridges were totally destroyed for the distance of eighty miles. The trestle work of the two first was at Muldrough's Hill, twelve hundred feet long and ninety feet high, and burnt and completely destroyed.

In the fight at the trestle, Gen. Morgan captured another regiment, with all their arms and stores. The number of prisoners captured at Bardstown, Nolin, Bacon Creek and other places amounted to two thousand.

In moving from Springfield to Campbell's ville, Gen. Holsey, commanding the Federal forces and harassing Morgan's rear, was killed in a hand to hand encounter by Lieut. Easton. The fight occurred in a creek, and the body of Gen. Holsey was dragged from the water and carried to an adjacent house.

The destruction of the railroad is complete from Green river to Shepherdsville, a distance of seventy-five miles. Shepherdsville is eighteen miles from Louisville.

Confederate States Prison Items.—Another flag of truce will to-day carry off three or four hundred prisoners from the Libby.

On Saturday about one hundred and fifty Yankee deserters, who have come in from time to time, took the oath of allegiance to the Confederate Government and were discharged from the prison on their parole of honor. Among them are many artisans and workmen of various crafts, who will be useful in Government employ.

We learn that General Joseph B. Anderson has given a number of them employment at his iron works.—Richmond Examiner.

The Watchman.

SALISBURY, N. C.

MONDAY EVENING, JANUARY 10, 1862.

THE WRIT OF HABEAS CORPUS RESISTED.

We publish below the Card of Mr. Badham, of this City, detailing the circumstances attending the resistance of the habeas corpus in the case of Mr. Loftin. Comment is not necessary in so plain a matter. That great writ is secured by the Constitution and the laws of this country, and it is the duty of every citizen to see that it is not violated.

Mr. HOLDEN:—In a late number of the Standard, you stated that I had sued out a writ of habeas corpus in behalf of W. C. Loftin, a prisoner confined in the Confederate prison at Salisbury. In the State Journal of the 3d instant, in the leading editorial, the following statement is made:

"We saw in the leading Conservative organ of this State a day or two ago a card of Mr. Badham, of this City, in which he stated that he had sued out a writ of habeas corpus in behalf of a prisoner confined at Salisbury. We presume the same remedy is open to all others. Why do they not avail themselves of the remedy? That great writ is intended as the great bulwark of the citizen against arbitrary power."

I have no comments to make on the above, or the editorial in which it occurs; and in calling your attention to it, my object solely is to place you in possession of the facts connected with this particular case. On the morning the writ was issued you had the kindness to telegraph the Editor of the Salisbury Watchman, requesting him to inform Loftin that a writ had been sued out, and that I would be in Salisbury the next morning to present it to the Commandant of that military post. Your friend, the Editor of the Watchman, not being in his office at the reception of the telegram, his assistant, Mr. James, immediately sought an interview with Capt. McCoy, the Commandant. Not finding the Captain in his office, Mr. James procured a conveyance, and (although the day, Tuesday last, was an inclement one,) went out to the Confederate prison, where he found the Commandant, who refused to allow him either to see the prisoner, Loftin, or communicate to him the substance of the dispatch. On Tuesday morning (as telegraphed would be done) I presented the writ of habeas corpus to Capt. Henry McCoy. He refused to obey the writ, and responded in writing that the writ of habeas corpus was suspended at Salisbury by the Confederate Government. I requested the privilege to see the prisoner. This was denied me, the Captain informing me that grave and serious charges were preferred against Loftin, and he was instructed to allow no one to see him. I then suggested that if the charges against Loftin were so serious, that he should have a trial; an investigation by the proper officer had, and if found guilty, punished, and that promptly, so that evil-disposed persons might be deterred from committing like offenses; but whether guilty or innocent, he should be allowed the benefit of counsel. This, you know, Mr. Editor, is allowed the most degraded and abandoned, and if they are unable to employ, it is made obligatory on the Judges to assign them counsel. You are aware that we have a statutory provision declaring any citizen or officer refusing to obey the writ of habeas corpus guilty of a high misdemeanor, and for the first offence, subject to a fine of five hundred dollars—for the second, one thousand.

I reminded Capt. McCoy of this provision, and inquired of him what would be his course should I cause a writ to be issued by one of the Justices of the Peace of Rowan county, requiring him to be bound over to answer an indictment to be preferred for the commission of this high misdemeanor. He answered me that he would not be arrested. I said to him, I did not know what course the Judge granting the writ would take to compel him to obey it, but if an attachment was issued against him for contempt, and if the Sheriff of Rowan county was commanded to summons the posse to enable him to execute the writ, what would he then do? The reply was, I have two hundred bayonets, or muskets possibly was named; and upon further inquiring of him whether he had two hundred good men to use them, I was informed he had.

This is a succinct statement of the facts.—And I must further ask your indulgence to say, that Capt. McCoy treated me courteously and kindly. I found him to be a gentleman of high intelligence, possessing a will and determination to carry out the orders of superior officers.

H. A. BADHAM. I had forgot to state that on my return to Raleigh, my associate counsel, Col. D. G. Fowle, written on the Judge, who declined to take any further steps in the case. Raleigh, Jan. 6, 1862. The writ of habeas corpus is one of the dearest rights of freemen. It cost thousands upon thousands of lives to wrest it from the hands of despots; and the people who have it not, or having it, relinquish it, are at the mercy of rulers. The Constitution of the United States and of the Confederate States, secure to the citizen this great writ. But, since the commencement of the war, President Lincoln suspended its operation within his dominions, without the authority of the Congress, we believe, who alone have the

power to do so. That was a desperate act, and will ultimately recoil upon him, as it should. The Confederate Government has also suspended it in certain localities, but went about it in a different way, the Congress having delegated the power to the President, to be employed where and when, in his judgment it was required. Salisbury is one of the places where its operation has been suspended, because here the Government has a prison for the confinement of men believed to be dangerous to the political interests of the Confederacy.

With this statement to begin with, it is manifest, we think, that Mr. Badham and the Standard have presented the above matter in a most favorable and unimpeachable manner. The ends of truth, on the contrary, Mr. Badham's letter, and that paper's comments on it, are apt to make an erroneous impression.

Let it be observed that the suspension of the writ of habeas corpus at this place, is by an act of Congress, the President being the organ, or agent of the Congress for the purpose. If those who sued out a writ in behalf of Mr. Loftin knew before hand, that it was suspended here, why did they make up an issue with the Government in this case? It is not probable, we think, that Congress acted in the premises with the design to inflict a wrong upon the rights of the citizen needlessly, or for the purpose of initiating a change in our form of Government. It is easy to see they may have been influenced by motives of patriotism, and considerations of mercy to those brave men whose duties in defense of the country call them always in front of the enemy, where mischievous and treacherous persons have it in their power to perpetrate acts involving the lives of our soldiers and the success of our cause. But if it had been otherwise—if there were reasons for believing the Congress designed an overthrow of our Constitution, would it not have been better to make the issue on the floor of that body, and under circumstances more favorable for a fair trial of it.

But granting all the good intentions claimed by those who sent Mr. Badham on this mission, and supposing they did not know, beforehand, that the writ had been suspended at this place, why did that gentleman, after arriving here and finding he could do nothing, push the matter any further? Why did he put supposed cases to Capt. McCoy, whose subordinate position leaves him but one alternative, to wit: obedience to the orders of his superiors; and more than all, what was the design in parading this part of the interview in the public prints? Was it to excite public indignation?—against whom?—Capt. McCoy, or the Government? If against Capt. McCoy, it was unjust to him. If against the Government, it was unfeeling and unseemly, and that at a time when we can ill afford to bear the incidental distractions attendant on the discussion and settlement of such questions before the people.

It is understood here that Judge Saunders refused to proceed further with the writ because he did not know, until it was returned before him, that the Government had ordered a suspension of it at this place. We have a poor opinion of the Judge as a judicial officer, but in this case, it seems to us, he did exactly right—that he bowed to the Constitutional action of the Confederate Congress, and not, as the Standard describes—"backed," trailing his "judicial ermine in the dust at the feet of a subordinate military officer"—language not fitting to the subject, according to our humble views of it, but of a kind rather abounding in the Standard, to which, nevertheless, we are disposed to accord honesty in belief and rectitude of aim.

But we are told that the object of the habeas corpus "is to give a hearing to the suspected party, in order that if good cause exists for his imprisonment, the imprisonment shall continue until a trial can be had, and if no good cause exists, he shall be set at liberty." This is doubtless the object, and it is a very simple and just one—so clearly right, that the wonder is why it should ever be refused—why the Confederate authorities could not produce at an examination of this kind, the witnesses on whose testimony the arrest was made. And if, indeed, there be any man confined in the Salisbury prison, concerning whose case no examination was had before some responsible military officer or civil magistrate, and he has never even been informed of the offense charged against him, we can see no difference between his case and those of the subjects of the Spanish Inquisition. It is an alarming innovation upon human rights, and if there be no good excuse or justification for it, should excite the indignation and resistance of every man who desires freedom for himself and his children. But are there no justifying circumstances? This is the question on which the whole subject depends; and we confess that we have hitherto entertained the belief that they were quite insufficient, notwithstanding the Confederate Congress, after grave debate, arrived at a very different conclusion. And yet, it may be there are cases in which the testimony cannot be obtained, but there are isolated facts and circumstances which impress the minds of military officers in the vicinity that it would be dangerous to permit a certain suspected

individual to remain at large in the neighborhood. It may be that a man's general bearing, without specific acts, render his presence in the neighborhood of troops, operating against an enemy, a source of uncertainty, perplexity and fear. Lukewarmness and indifference, even, at a time like this, is scarcely less a crime than open opposition. And yet, for none of these things could a man, under a civil process, be got out of the way. The danger of suffering him involves hundreds, and it may be thousands, of valuable lives, and the sacred cause of the country itself. Hence, we imagine, arises what is called the "military necessity" of his confinement; and those who have sons in the army, as also those who value the great cause at stake, will be admonished by this view of the subject, not to be too rash in passing judgment upon the action of the Government.

PRESIDENT DAVIS' MESSAGE.

The Confederate Congress met at Richmond, last Monday. There was no quorum in the Senate until Wednesday, at which time the President sent in his message. We did not receive this document until Saturday morning, when our columns were already nearly filled. The President opens with a view of the military affairs of the country, says the war is now in its third and last stage; that the first effort was to restore the Union, and that has been abandoned; the second was to conquer the South and govern it as a dependency, this too has been abandoned; the third design is to destroy and plunder what they could not subjugate, but if we continue the same efforts as in the past, this design will likewise be defeated. He says we desire peace, we have all the time desired it, but will continue the war at any sacrifice until our right of self-government is established. He shows most clearly our right to be acknowledged as an independent power by Europe and the world, but that superadded to the refusal of Europe to show us that act of friendship, which would have placed us and France has benefited our enemy and injured us. They have not been true to the principles they have engaged to defend in regard to blockades, and have refused us rights claimed both by the Federal and Confederate Governments in regard to privateering. In regard to Lincoln's late proclamation, the President says that until Congress shall otherwise direct, he will hand over to the authorities of the States all officers of the United States who may, after the issuance of said proclamation be arrested, or taken in the Confederacy, to be tried by them for instigating servile insurrection. The President, in this relation, shows very conclusively the hypocrisy of the Northern Government, which started out with a clear disavowal of any right or intention of interfering with the domestic affairs of the States, but now attempts to exercise that right, in the very face of the the construction they have sworn to support.

From present indications the 20 negro clause of the exemption act will be repealed, the President having intimated, in his message, that it is disapproved by the people of the Confederacy.

Small Pox Patients.—There is great need of charitable assistance for the small pox patients who have been removed from Town. The house to which they were taken was utterly destitute of those articles necessary for the comfort of patients. It was an empty house, consequently every thing required had to be taken there. It is almost empty yet, because there is nothing in the stores or shops to be bought or sold. The supply must therefore be obtained from private families; and we have been requested to give notice that any thing left at Dr. Whitehead's office for the relief of those sufferers will be taken to them by him.

Kentucky.—The Legislature of this State met on the 9th, and the Governor's message received.

Gov. Robinson recommends that Kentucky reject the President's proclamation, and protest against any interference with her State policy as unwarranted by the Constitution. He thinks the proclamation giving freedom to the slaves in the rebellious States inflicts upon Kentucky a fatal though indirect blow.

46th Regiment.—The Rev. T. I. Troy, a gentleman well vouchered for, will be here on the 27th instant, and leave here about that time for the encampment of the 46th Regiment; and we have been requested to give notice to those having friends in it that he will take charge of any packages they may wish to send to its members.

Mr. Cicero Moore, of this county, will leave Salisbury, on Tuesday evening the 20th of January, inst., for Richmond, and expects to visit at their respective camps, for the purpose of conveying bundles, boxes, &c., to the following Regiments—the 4th, 5th, 6th, 7th, 34th and 57th. Those having any thing to send, will have it ready by that time.

B. Teague, Company D, 49th N. G. Troop, died at Castle Thunder last Saturday week.

Resolutions have been introduced in the Legislature of New Jersey, proposing an Armistice of six months and a National Convention at Lexington, Ky., and were made the special order for Thursday the 22d inst.

From the State Journal Secretary of Treasury's Report. Richmond, Jan. 15. The report of the Secretary of the Treasury shows that from the commencement of the permanent Government to the 31st December, the receipts were four hundred and fifty-seven millions eight hundred and fifty-five thousand dollars. The expenditures were four hundred and forty-three millions four hundred and eleven thousand dollars. The estimated amount to be raised by Congress to the first of July, four hundred millions. The debt of the Government on the first inst. was five hundred and forty-two millions including interest. The gold coinage amounted to one hundred and seventy-two millions of gold currency, and one hundred and twenty millions of seven-thirty notes.

Latest from the North—The Yankees get Vicksburg Impregnable. Richmond, Jan. 15.

The Enquirer has northern dates to the 13th. The Yankees say they did not renew the attack on Vicksburg because the place was found impregnable and heavily reinforced. They will operate from some other point. They claim to have repulsed the Confederates at Springfield and still hold the town. Richardson, of Illinois, elected Senator. The Senate passed a bill authorizing the enlistment of 20,000 volunteers, for the defence of Kentucky. Gold in New York 142, closing at 141 1/2.

Another Arrival. CHARLESTON, Jan. 15.

A Confederate steamer has arrived at a Confederate port, bringing a heavy invoice and several passengers, as well as a most valuable and assorted cargo. She left Nassau on Sunday last. When she left, there were six very swift English steamers there, freighted with goods for the South, and about to sail for a Confederate port.

Loss of a Yankee Transport. WILMINGTON, Jan. 15.

A Federal schooner supposed to be a transport, went ashore off Wrightsville Sound, 12 miles hence, at 6 o'clock, yesterday evening, total loss. Men reported on the beach that morning.

Heavy weather at sea, wind Southeast.

The Blockade Again Run Ac. WILMINGTON, Jan. 15.

The Cornubia went safely to sea last night, from a Confederate port. The Steamer that went ashore, was a blockader. This morning the blockader nearest is, stands a chance of proving a total wreck.

By this Morning's Mail.

FROM THE UNITED STATES. Richmond, Jan. 15.—Dispatches from Cambridge the 11th inst. say the entire force of the Federals at Vicksburg re-embarked on board their transports by order of Gen. McClelland and they were closely pressed by the rebel advance. The Federal loss is estimated at 600 killed, 1,500 wounded and 1,000 missing. The guerrillas burned the steamer Musselman, twelve miles above Memphis.

FROM KINSTON, N. C. KINSTON, N. C., Jan. 16, via Goldsboro, Jan. 16.

The enemy drove in our pickets yesterday eighteen miles below here, and are supposed to be in strong force in advance. They are building a bridge over Cove Creek. It is doubtless a feint to cover a movement on Wilmington or perhaps Weldon. The Abolitionists are sixty thousand strong, and have 20 days rations. It is thought Beaulieu will now take the chief command. The enemy's gunboats attacked Fort Cavell day before yesterday, but without result. A fight is expected here within three days.

FROM WILMINGTON. WILMINGTON, Jan. 16.

The United States steamer Columbia, commander Southey, with twelve officers and twenty-eight men, went ashore in Massachusetts Inlet and surrendered to Col. Lamb today. Col. Lamb kept off four blockaders. The prisoners are expected here to-morrow morning. Nothing definite or further is known of the enemy from Newbern. There was a heavy gale last night and rain, which ceased at midday. There are no tidings of the fleet.

FROM RICHMOND. LATE NORTHERN INTELLIGENCE. Richmond, Jan. 16.

A special dispatch to the Richmond Enquirer gives the following: The London Times in a leading editorial says: "The battle of Fredericksburg is a confirmation of the universal belief that the Confederates are fully able to maintain their independence."

Other English journals suggest that this battle may be the key note for mediation or compromise.

Charles R. Buckholo, Democrat, has been elected Senator from Pennsylvania, vice Jay Wilmer. Simon Cameron was the competitor of Buckholo.

Gold in New York on the 13th inst. advanced to 141. Sterling Exchange is quoted 157.

The New York Herald says "the task before Rosecrans is much more serious and difficult than that just finished; the labor of fleets are but begun. He has failed to destroy the rebel army and must make another attempt. Rosecrans cannot immediately follow Gen. Rosecrans and his army. He must be recruited and communications with Nashville and the North established." Gen. Fitz John Porter has been acquitted.