WEEKLY.

SALISBURY, N. C., FEBRUARY 9, 1863.

VOL. XX.

J. J. BRUNER. EDITOR AND PROPRIETOR.

OR THE WATCHNA ung Rebent De sene Anenepelen

is to be found the eard of Mr. Badham, soounsel for Mr. Loftin, prisoner, and the comments of the Editor upon it, and the suspen-sion of the writ of Aabeas corput. The Editor interrogates and discourses as follows, viz:

Why did he (Badham) put supposed cases to Capt. McCoy whose subordinate posi-tion leaves him but one alternative, to wit, obedience to the orders of his superiors; and him. If against the Government, it was unfriendly and mischievous, and at a time when we can illy afford to bear the incidental distractions attendant on the discussion and eettlement of such questions before the peo-

It is not my purpose to enter into defence of Mr. Badham, except to the extent that the same may be necessary to a fall unierstanding of the action of Capt. McCoy and President Davis, in the premises ; and to the full a sertion of the inalienable right of every citisen of the Confederacy to his personal liberty, unless the same is forfeited by the commission of some great and atrocious crime.

We presume that Capt. McCoy acted in obschemes to the orders of his superiors, in that case; but has he done so in all cases? Let facts be submitted to the 'people; they have the time and the patience to consider them now. They are able to fight the Yankees and take care of their liberties too, it they are permitted to know the whole truth. Who was it-was it Capt. McCoy ? who recommitted Enoch Jones, of Plymouth, to the military prison, after he had been tried before Judge Kerr under a writ of habeas corpus, and nothing being found against him was ordered to be set at large ; and that too before the writ was suspended in Salisbury, and for ten miles around, by order of the President? Who was it that sent, on his labor of love, that "swift witness" to Richmond, to ply the ear of the President with inducements to suspend the writ, that this high handed actthis utter contempt of the judicial ermine of North Carolina utght be protected, and Capt. McCoy be enabled to plead "obedience to the order of his superiors?" Was it Capt. McCoy ? If it was, I say he deserves not o.ily the "public indignation," but he should manded of the Confederate authorities. and taught by the penalties in the 55th Chapter of the Revised Code of North Carolina, that " the military should be kept under strict subordination to, and governed by the civil power." Any man, be he who may, who could act thus in the case of Jones, deserves no apology in the case of Loitin, and no injustice can be done him if public indignation is excited against him.

are victims of their malice shut up in the Bas-tile at Salisbury. The breath of detraction and iofamy can and will be hissed upon these victims and their children, in after years and all this, because they can get no chance to prove their innocence; but must lie there, perhaps to the end of the war and then be subject we fund the war and then be subject we fund the benefit of the writ? Surely, surely, the President would not brave the curse pronounced upon Ahas, King of Babylon, who "opened not the house of his pronoers." The wat majority of these who now also.

The vast inajority of those who now advocate Martial law-the suspension, not only of habeas corpus, but of all law, were one the disciples of Thomas Jefferson. Why not abide by him now? Let them turn to his, correspondence, and hear him declare himself in favor of " the eternal and unremitting force of habeas corpus inws." "Why." said be, "suspend the writ of habeas corpus in insurections and rebellions? If the public safety equires that the government should have a nan imprisoned on less probable testimony in those, than in other exigencies, let him be taken and tried, retuken and retried, while the necessity continues, only giving him redress against the government for damages."

'The Great Writ" was never suspended in he Government of the United States before the time of Abraham Lincoln. There had ion rebellions and invasions, intestine couwiracies and foreign -wars, but our fathers adhered to the personal liberty of the citizen. They had but too recently suffered from the tyranny of arhitrary power, to open the door for the repetition of its crimes. No effort, even, was made to suspend the writ until the sonspiracy of Aaron Borr. At that time authority was given to Gen. Wilkinson to ar-rest Barr and Blemerhasset and their accomplices. Some of the latter eluded the aims of the laws, by obtaining discharges under write of habeas corpus. Jefferson wrote to Wilkinson that he was unwilling that he should extend his arrests " to persons against whom there was only suspicious." Five years afterwards Jefferson wrote to Monroe that Wilkinson's conduct, though zealous, was "altogether injudicious." Meanwhile the Senate passed a bill, in great haste, authorizing the President to suspend the writ of habeus corpus for three months, and sent it to the House, Jefferson hearing this, procured its deteat in the flonse, through the agency of Mr. Eppes-ins son-in-law. Mr. Eppes spoke of the habous corpus as "our political harter," and protested against personal hos erty being held "at the will of a sugle indi-

pended by Executive mandate; peaceful citizens and grattle women incarce-rated for opinions sale, proclaimed the incapacity of our late associates to administer a government, as free, liberal and humane, as that established for our common use." "For proof of the sincerity of our purpose

to maintain our ancient institutions, we may point to the Constitution of our Confederacy. and the laws enacted under it, as well as to the fact that through all the necessities of our unequal struggle, there has been no act, on our part, to impair personal liberty, or the freedom of speech, of thought, or of the press. The courts have been open; the judiciary functions fully executed, and every right of the beaceful citizen maintained as securely, as if a war of invasion had not disturbed the land."

The people heard their Chief Magistrate and were glad with joy. But "a chauge came o'er the spirit of his dream." "Tell it not in Gath, publish it not in the streets of Askelon !"-only five days after he uttered these last sentiments, he proclaimed the cities of Norfolk and Portsmonth under Martial Law. Not only was "the writ of habeau cornus, so sacred to freemen," suspended, but all writs and all laws were suspended. Proclamation followed proclamation, as the great writ expired, in town, city and hamlet, until at length weary and exhausted, the first intimation we have of the suspension of the writ, in Salisbury, is the annunciation of the fact by the keeper of the Bastile, conveyed to him, doubtless, by lettres de cachet, sent for and received.

It is with unfeigned regret that I feel compelled to say that the President can no longer appeal to the fact that there has been no act, on his part, to impair personal hberty, as proof of the sincerity of his purpose to maintain our ancient institutions. The courts, so tar as he has the power, have been closed in Salisbury, where neither insurrection nor invasion exist: the writ of hubers corpus, so sacred to freemen, has been suspended there, without ceremony or proclamation; a Bastile vidual, and against giving the citizen "in filled with political prisoners, some of them hen of a free constitution, the executive at least, peaceful citizens, arrested without will for his charter." Thus we see, that Mr. civil process or indictment duly found, with-Jefferson refused to be clothed with such out knowing who are their accusers or the specific charges made against them, looms up here in our midst; and two hundred bayonets, basking in the mid day sunshine, not only threaten, but defy the Judges of North Carolina, when they attempt to maintain the writ of habeas corpus-one of the most timehonored bulwarks of civil and religious liberty. Where, we ask, is the radical incompatibility between the people of the North, who "tolerated and applauded" these things in Lincoln, and those Southern men who do the same thing in Davis? If the submission of It was reserved for Abraham Lincoln to | the Northern people to the acts enumerated by the President, proclaimed their meapacity sion of this writ-for the Confederate Con- to administer a free government, by what logic can Mr. Davis, his advisers or confreres defend the capacity of the Southern people to govern themselves, when they not only submit to the same aggressions upon the timehonored bulwarks of civil and religious fiberty, but likewise applaud and detend? Lincolu and Davis are different men, the Northern and Southern people are diverse, discordant and belligerent; but acts are the same the ends identical. In conclusion, I beg leave to call the most earnest attention of my countrymen to that tides of evil, with the torrents rush, will sweep part of the regular message of Gov. Vance, to the General Assembly, upon the subject of the political prisoners confined at Salisbury, created by the people and for the people. It | and the suspension of the writ of habeas corpus. Turn to it and read it all, as it comes gushing from the patriot's heart, and ponder well its freehorn sentiments. I can give you but a part : "I have seen no official copy of the act, but learn from newspapers that Congress has conterred upon the President the power to suspend the writ of habeas corpus, in all cases of arrests made by Confederate authority. If this be once admitted, no man is safe from the power of one individual. He could, at pleasure, seize any citizen of the State with or without excuse, throw him into prison, and permit him to languish there without relief-a power that I am unwithing to see entrusted to any living man. To submit to its exercise would, in my opinion, be establishing a precedent dangerous and pernicious in the extreme. Among a people so united and faithful to their cause as ours, where disloyalty is the rare and solitary exception to the general rule, I can see but little good, but a vast tide of inflowing evil from these inordinate stretches of military power, which are fast disgracing us equally with our Northern enemies. A free Republic that must needs cast off its freedom in every time of trouble, will soon cast it off forever. Freedom cannot be embraced to-day and spurned to-morrow, a steadfast and constant worship can alone secure her countless blessings. Her chosen instruments-the Constitution and the lawswere made the sure covenant of her everlasting residence among us; our delight in times and see how it will work ; when a man is once of peace and prosperity, and our shield in the so far gone as to say "I don't care what the

> a state and adiate for a such that

hit (very slightly too) a cortain class of men about home, who though they have had " lise apon line, and precept upon precept." yet they do not quit their evil ways. I thought enough had been mid by writers, both make and female, to bring at least a black to the checks of these speculating, soul hardened extentioners and shurkers. But it don't se -m su ;-their conscience are seared as with a not fron ; the devil has full possession of them; if his Satanis Majesty is as shrewd as is generally represented be had better set about making his position secure, else he will have reason to be jealous of these impo of his own making,-their deeds now lock but a shade or two of being as black and damnable as his. The misfortune is that we cannot rear h them with pen and ink ; like sinders in the congregation, they take everything as applicable to somebody else and nothing as applicable to themselves. All that we can do is, to hotel their candle for them, that others seeing their evil deeds may treat them with that atter con tempt which they deserve. Men do not care a long as their own interests are not disturbed of their pride mortified :--- it is us-less to talk of making them feel through any other channel. This, however, is not to the point, why then do I spend time thus foolishly ? Moralizing and philosophying are, ridiculous when we have matter of fact to deal with, and the fact in this case is, I wish to address the ladies more par ticularly,-but this choking sensation (I fear it is chronic as our doctors say) is next to insurmountable ;-especially when I remember that my fair readers passes the same peculiarities now, which they did years ago. I need not enumerate them, and a single illustration will be sufficient :- In a certain chuse it is necessary that all advances should be made slowly, cautions! and covertly, else " the bird will be frightened from its nest" and the prize escape capture. The very same prudence and precaution are essential here.

Dou't think me jealous, my dear readers: I have no cause to be so, still we don't like to hear of your wasting your charms,-you are indeed.ta-ting yearl before swine. But before proceed farther, allow me to exclain this fitle word " we," or what is better, allow me to ell you who it muy include. It is generally known that I use " I" in preference, but in this communication "we" is the word Besides reveral companies of privates it includes some all dozen captains, a score o liente nants, a perhaps a few majors and colonels, to say nothing at all of the musicians. And we don't like to hear of this waste of intelligent conversation, the smiles, the kisses, the hu-gcompressions-there ! oh, ugh ! give me my pipe ready lit-that will do,-I'm better now, and will proceed. I say the are are sorry to hear of this prodigality. And who are the recipients ?. a parcel of genteel gents who, two years ago were the first to don the cockade War, war ; we are for war !" But since the devil and fortune have both smiled propitiously on these fledglings,-the former has converted their once brave and generous hearts into cowardly and selfish stones, the latter has lavished upon them from her cornucopia a bountiful share of this world's pelf. hence, by the first they are prompted to " shirk the war," the second enables them to get a substitute What then? They revel in the business of home while we are trudging through snow half knee deep doing our just duty. They ogte, and spars and flatter the fair sex-at least these of them who are silly enough to submit to their soft soaping, while we have to discharge the dull coutine of our duties from day to day, av. from year to year, without having the pleasure of speaking to a lady twice during the year Not that we so surely feel our own privations. nor that we so bitterly envy the lot of your admirers, gentle reader, but are you doing justice to the many worthy young men now in the field undergoing the keenest privations? Are dead-to the crippled living? Do you ever feel any unxiety concerning the probable duraration, or final issue of this war? Can you realize in imagination (if I may be allowed expression) the consequences of ultimate de-feat and subjugation ? If you are not callous to the present state of affairs in our country, and not deaf to the appeals for help-more for sympathy-If you do not feel unconcerned when the news of a great battle reach you .then our advice is, spurn from your feet with disdain these fawning sycophants who, in the absence of braver if not better men, strive to shine around you. Tell them that your hand were not made to be closped by those who with the most unpardonable apathy look on the suf foring and arangelas of their fellow construmen for freedom. Tell them that their lawful exemption does not this them in your estimation. but turns their pretended courtesis and attentions into the most flagrant insults. Their wealth may have bought substitutes, ortheir oily tongues obtained a clerkship, or their wonderful knack for shoemaking has got them into some govern-ment shoeshop; perhaps their proficiency in the science of rail splitting or braking has produced for them a situation on the milroad,-no matter, their object is the same. It is said upon good authority that the cars upon a certain road not a thousand miles from home have never carried more than five passengers at one time-they are actually overloaded with conductors, brakemen, firemen, baggage mas-masters, assistant baggage masters, sub ditto, and so on to the eud of the alphabet. I know from observation that gennine pluck in a man will not brook scorn from a hely; try the charm and see how it will work; when a man is once

NUMBER 38

women think of me," you had better, let i atide, it is not likely that he will ever a much for the women or any hody mays self. Shall we go farther? Ladies generally like long articles, it is sold, (always except love letters, and then a pamphlet is not much) but in this case I hope to be excuse a should appear a little greats. I breat the rest appear a little greats.

disposed to act upon any of the above sugges-tions, all right, you will make yourselves dear-er to us, and do our country a noble service ; such a service as will be gratefully remembered by us as long as reason retains her seat.—a ser-vice that this and other nations will applied and hund down in history to the latest genera-tion. very numerous we see

tion. "" Now for the finals: (Give me a light Sauge thank ey. Beddes the characters above mention-ed as deserving my fair reader a dishpprobation. I would berely mention the speculator. (He-gan with, him but my more filted me and a get on the wrong track.) Here J'as our nous cut ac-case as of having our tore trod upon, as might possibly be the case in the preceding part of this letter. On this subject, too, whole columns have been written, all apparently to no purpose. But there are a few prominent speciments to whom I would call the ettention of my read-ers. They are men such as might be tarmed ers. They are men such as might be termed " the top of the broth" were it not for the fact that an inordinate luve of gain has taken hold that an inordinate nive of gain has back now of them; and for the sequiring of property they would, they do, destroy the huppiness of his-dreds around them, and sacrifice their own would to boot. They how! for near / war to the hilf! ! but take good care that they may never have their own precious lives exposed. Some erect government shoeshops, the most gigantic swindling institutions in the Southern Confederacy; others (perhaps the same) forget she dignity becoming a Militia Colonelship and zealously hunt down sick and wounded coldiers whose furloughs may have expired a day too soon We have heard of this, and regard it as business that should condemn those who engage in it to the blackest and most infernal norrors of the bottomless pit. For a man.and one too who professes to be a Militin Gentle man, to stoop to acts so base is proof sufficient that he is not "one of nature's noblemen,", yet, when he heard of the battle at Fredericksburg when he heard of the battle at Fredericksburg he exclaimed "See what a glorious victory, we bave won!" This is like the backwoodsman who sat astride a joist while Betty killed the bear; then descending he ran to a neithbor's house to tell about the "big bear he and Betty killed that morning." Come now Col., if , na-ture or somebody else has bequeathed to you a pair of legs that always set you going in the wrong direction, pray don't render yourself despicable by unduly interfering in wher peo-ples affeirs. And if a sick or wounded soldier happens to be found within your jurisdiction, without the necessary papers permitting his without the necessary papers permitting hi detention,---don't, we say, kick up a hallabalo about it, distressing the unfirm, as well as a whole neighborhood besides, with your med-

" The good old way sufficient him, The simple plan,

That he may take who hath the power, And keep who can."

But it is insinuated that the object might have been to excite public indignation against the argument. The question is, does the Government deserve it? I shall not attempt to decide this question, but shall leave it to the people to decide, after I have submitted a few facts, arguments and authorities. It must be borne in mind, that the writ of habean corpus, of itself, prevents the arrest of no man. Indeed, it has its origin in the fact that arrests are made. The soldier, however, who arrests a citizen without a warrant from a peace officer, and even with such a warrant, without " probable cause supported by oath or affirmation," violates the Consti-tution of the Confederate States; whether the arrest is made when the writ of habeas corpus is suspended, or not. The soldier may arrest, as he has the power, but if he arrests a citizen upon suspicion only, or for any oth-er reason, the habeas corpus act implies and requires that the prisoner shall be set at liberty unless the accessing party can prove the suspicion well founded. And who shall And who shall say that this is wrong? But it is replied that, setting at large a suspicious person, under the writ, would practically annul the ar-resting power. And so it ought where no-thing but suspicion is the ground. It cannot operate in that way, in any other case-in the case of the guilty, except upon the sup-position that the Judges of North Carolina are themselves traitors; willing to set at large men entrapping the soldier into the hands of the enemy-thus giving that eveny treasonable aid and comfort. If none but the guilty were suspected it would matter but little. But who gave the soldier infalli-bility? Is he not as liable to be deserved as other men? Are there not citizens of the State, who, actuated by malice, political or personal, would excite unjust and unfounded suspicions in the mind of the suddier, to carry out their wicked designs of damning, to eternal infamy, those they may hate without a cause? A little reflection upon the treatment of those who were once Union men, have received at the hands of the Secessionists of this State, would induce us to be cautious in deciding that there are not such men. If I am not misinformed, there are men in the State, (I do not say they were secession-ists) who have done such things; and there

A. Then a strength

power, in a legal manner; notwithstanding the accomplices of Burr-against whom his antipathies are supposed to have been excessive-had evaded his grasp by the great writ. In that time of rebellion, he would not have any man arrested on suspicion only. He preferred that the writ should stand in all its stately grandeur, and that the enemies of the country should be "taken and tried, retaken and retried"-that a few guilty men should escape, rather than the main pillar of the temple of liberty should be remov-

ed, even for a time.

signalize his advent to power by the suspengress to follow his odious example and for the President, lending a pliant ear to his croaking courtiers, to abuse the high and holy discretion with which, in an evil hour, he was clothed. We would not, unprovoked, in times like these, find fault with the powers that be. But principles and rights alone are eternal. Names and empires, men and mea sures, sentiments and nations are as chaff, compared with the eternal principles of justice. The beginning of evil, like the letting out of waters, must be resisted at once, else away every let and hinderance. Presidents are but fallible men ; and Governments are will be an evil day, indeed, when any man shall ritg so high, in these Confederate States, that it shall be treason to question his acts; and when freemen must say of him, "the King can do no wrong," or be silent. Let Presidents, Cabinets and Legislators be tried in the burning crucible of popular criticism; the gold will stand the test of the most searching alchymy-the dross alone will be cast off or consumed. But let us hear what Mr. Davis hin self says about Lincoln and the people of the North on this subject. In his mes sage to the Provisional Congress, November 18th, 1861, after denomining, in the strong-est terms, the outrages which the Federal powers had commuted in Kentucky, in seizing and deporting some of her most eminent citizens, "to languish in foreign prisons, without knowing who were their accusers or the specific charges made against them," he proceeds to say, that when the people of the Confederate States "see a President making war without the assent of Congress; when they behold Judges threatened because they maintained the writ of habeas corpus, so sacred to freemen ; when they see justice and law trampled under the armed heel of military authority; and upright men and innocent women dragged to distant dungeons, upon the mere edict of a despot; when they find all this tolerated and applauded by a people who have been in the full enjoyment of freedom, but a few months ago-they believe that there must be some radical incomputibility between such a people and thems

must trust to God for forgiveness, for I dow very much whether a single man whom you have ever wronged in that manner will forgive you. For the future take warning from the past. else some fellow will undoubtedly consider it his duty to bestow upon you some un NAT. ant favors.

diesome propensities. For past offer

Montgomery County.

The following Card, from Mr. Wooley, the Senator from Moore and Montgomery, and Mr. Barringer, the Commoner from Montgomery, effectually puts to rest the report that a movement, looking to a reconstruction of the old Union, was about to be made in that County :

RALEIGH, N. C., Jan. 22, 1863.

W. W. HOLDEN :- Sir :- We see in the papers of this City, an extract from an article in the Wadesboro' Argue, stating that it was runnored that certain persons in Montgomery County were in favor of a re-construction of the Union, and that certain persons were exnected to address them in public meeting.

We teel authorized to state that said rumor is entirely false and slanderous as to the cit-zens of Montgomery County, and excepting a mere squad, not enough to form a corporal a guard, there are no people more loyal and patriotic than the citizens of Montgomery; and they are the very last people who would be in favor of a reconstruction of the Union. under any circumstances whatever.

Montgomery County, out of a voting popu-lation of between nine hundred and a thous sand, has sent about 800 able bodied soldier to the army, and has lost many of her best sons on the bloody field in the defence of our country.

Yours truly, C. W. WOOLEY E.G. L. BARRINGER

A friend has placed in our hands a let ter from Gen. Alfred Dockery, in which he indignantly denies the charge that he is for a re construction of the Union. Gen. Duckery's letter shall appear in our next. N. C. Standard,

Fire .- The Smoke-house of Dr. E. Holt, of this county, was consumed, with all its contents, week before last; and last week his dwelling was found to be on fire about 12 o'clock at night. Fortunately it was discovered in time to save the most of his furniture. but loses everything in the cellar, among which was a large portion of pork he had haid in after the loss of his smoke-house. A negro girl some fifteen years old, confessed to having set five to the buildings.--Hillsbore A. Cattern