

to the war, or laid their power. More than that; if they do not go to the war, and make war to the knife, and lead to the hit, they "must follow after the things which make for peace," or be subjugated. No one can now excuse himself with safety. If any of our Editors have been, and are now urging others to go; they should, they must, go themselves. The country can do but poorly without newspapers, but the Editor can be spared better than the farmer. The army can do better without the news than without bread. Have any of the Ministers of "the gospel of peace" been bellicose, and have they urged others to go, or rather, do they still urge others to go, and have they thought

of a thorough, godly reformation? let them go—they are likely to do as much good in the carnal, as the spiritual warfare.

We see men all around us, at home who said before the war came, that they were "ready for it"—who intended "to march in the first company,"—who would "drink all the blood," and pay all the expenses of the revolution,"—who intended to "write secession upon the walls of the capitol, at Washington, with the point of the bayonet, in character of living signs." Yes we see men at home, who denounced those, who would not madly rush with them to this feast of carnage, as "cowards," "submissionists," "latitudinarians," "abolitionists in disguise" as "untrue to the south"—as men upon whom they intended to place "a hideous mark," which should be carried as "a brand of infamy." And pray what are these Sir Valiants doing at home? Some of them are sporting their gold lace in shade offices. Some are speculating, not simply in liquor and tobacco, but buying up the most and bread from the destitute and almost starving families of the soldier; to make gain. Some are fattening upon government contracts, and do not care how long the war lasts. They do not like this Editor, or that one, because he talks of peace. While others are barking about, pointing to this former political opponent, as *unsound*; and commending themselves to "the powers that be" acting as spies and informers, and hurrying off some poor, sick, furloughed soldier, before he is able to go to camp. All these fellows say, "go ahead and fight it out—never surrender." They are for spending the last man and the last dollar. Miserable wretches! for they say and do not. They bind heavy burdens, and grievous to be borne, and lay them on men's shoulders; but they themselves, will not move them with one of their fingers." But public opinion has no influence upon them. The public prints may lash them, but their reply is the government is insulted, and the press must be muzzled—Martial Law must be proclaimed, and the President must be clothed with more power.

The people are exceedingly tame, or these fellows would be in the army. But the time has come when the cry is, *havoc*, and even the small "dogs of war" must be let loose. They have run out and got up the fight, and now they must help, or the big dogs will devour them, when the war is over. The people counsel no mob laws, no violence, but the instincts of freedom, and of self-preservation, are being fearfully developed, by such men and such proceedings. The people will no longer let these men drive them to slaughter, unless they go with them. The disposition is strong and growing, to do to these *no laws* men, with their own physics; and when they are heard advocating a strong government and saying "the last man must go," to make them "double-quick" to the army themselves.

In view of the exigencies of the times, let no man urge others to go to the war, who will not go himself. The time has come when such men must go to war—to peace, or to subjugation.

VOX POPULI.

JUDGE HEATH'S OPINION

In the matter of *Ricks*, brought before him on a writ of *habeas corpus*, touching the Conscription and Exemption Acts of the Confederate States.

When the case was opened, I had some doubts, whether the facts of the case showed such an imprisonment as authorized the issuing a *habeas corpus*. As however the enrolling officer admitted "the arrest of the petitioner, and produced him, and the parties seemed" to desire a decision on the merits, I have concluded to entertain jurisdiction. I may here be permitted to add that, when the first application for the writ of *habeas corpus*, for military detention, came before me, I doubted the power of the State Judges to act: examination, however, satisfied me, notwithstanding some conflict of authority, that they not only had the power, but were compelled to entertain jurisdiction.

The facts of this case are these:—The applicant was liable to conscription under the act of April 1862, under that act and the law then stood, he put in a substitute not liable to conscription: the applicant was therefore exempted from military service in the Confederate army, for the war; subsequently, in Sept. 1862, the conscript law was so extended as to include persons of the age of the substitute: and two inquiries are presented.

First, whether or not, on the passage of

the law of Sept. 1862, persons, who had previously been placed in the army as substitutes, were, by the terms of the law, liable to conscription?

Second, whether if the law of Sept. 1862 did embrace such in its provisions, it would be valid, or null and void, as to those who had put in substitutes, as being unconstitutional?

There are several provisions of the act of Sept. 1862, which seem directly in conflict with the idea, that it was intended to operate on any person already in service, whether as substitutes or otherwise: by it the President is authorized "to call out and place in military service all white males," "call out," call out from what? and "place in military service," place in military life;—the act does not say expressly the latter, and its language and its context, in my opinion, as plainly imply the former. He is to call from *civil life*, and place in *military service*: as to a substitute, how is this to be done? he is already in military service: how then can he be called out and placed in such service? Again, the persons liable to be called, under this act, are those "between the ages of 35 and 45, and who, at the time the call or calls may be made, are not legally exempted from military service." Does not this show that the persons, who had put in substitutes, were not intended to be embraced within the act? Had they been so intended, would not the act have said, in plain, unmistakable language, that persons who had put in substitutes, who at the passing of this act, were, by age, made liable to conscription under it, should not be deemed legally exempted? Would not the act have said so, in as plain terms as the former act said, that persons liable to service might be exempted? The President's "calling out troops into the service of the Confederate States," still using language appropriate to those who are not in service, and inappropriate to those, who are already in service. Further, by a subsequent law, Camps are required to be established, wherein conscripts are to be "assembled and instructed." Are these men, thus placed in the army as substitutes, who have already been "drilled and instructed," to be withdrawn from the army, and to be "assembled and drilled" in Camps of Instruction?—These provisions of the law, and other considerations, satisfy me that, however general the law, may be in its terms, it cannot, by any rule of legal interpretation, be so construed as to embrace within its provisions, substitutes who were already in service, and were thus bound: such men cannot be "called out;" they can not be "placed in" military service: the law does not, in my opinion, (and I say it with proper deference,) embrace such. Hence, as the applicant has a substitute in military service, he is not now liable to conscription.—I am, however, aware that conflicting opinions have been given on this subject, and I, therefore, proceed to express myself on the other question.

A man is a conscript, or liable to conscription, for the war: the Government says to him, "Yont necessities—or your pleasure, if you will—make it desirable "you should remain at home during the "war: if you will put into the service, for "the war, one not liable to conscription, "you shall remain at home—be exempted." The conscript goes out—finds a man not liable to conscription—pays him a large amount to act as a substitute for him—tenders him to the proper authorities—the substitute is accepted, and the conscript exempted. Is not this a contract between the Government and the conscript? Is it not an executed contract? a transaction having all the qualities of a contract known to, and required by, the Law, and on which the conscript has advanced his money to the substitute? In my judgment, it is not a mere proffer, which the Government can annul, even by a repeal of the provisions of the law, after it has been acted upon: but it is a contract, which no power in the State—no power in the Confederacy, can annul and make void.

A State is a sovereign, and may do what she pleases, so she is not forbidden: the Confederacy is a limited government, and may do what she is by the Constitution authorized to do;—no more. Hence a State constitution is a *disabling instrument*: you look into it to see what is forbidden, what is not forbidden by her own constitution, or the Confederacy, she may do: the Constitution of the Confederate States is an *enabling instrument*: you look into that to see what the Constitution authorizes—empowers—the Confederacy to do: when ascertained, she may do that; and nothing further. The States are expressly forbidden to "pass any law impairing the obligation of contract," and, therefore, this matter, between the Confederate Government and the conscript, cannot be annulled by the State Government, because the Constitution forbids it: and when we look to the Constitution of the Confederate Government for the power to pass any law impairing the obligation of a contract, it is not to be found: such power is not granted; and the non-grant of the power to the Confederacy is just as conclusive against her right to pass such a law, as is the prohibition of the exercise of such a power to the State Government: the States cannot "pass any law impairing the obli-

gation of contracts" because they are forbidden to do so: the Confederate Government cannot do so, because the power is not granted her to pass such laws: not having the power herself, she cannot authorize the Secretary of War to make "rules and regulations" which shall have that effect: not having the power herself, she cannot delegate it to another.

Hence, I am of opinion, on the ground that the law of Sept. '62, does not embrace his case within its provisions, that the applicant is entitled to his discharge: and even if this were not so, and if his case were embraced within its provisions, my opinion is, the law of Sept. 1862 would be unconstitutional and void as to him, and it may not be improper to add that I have never entertained a doubt as to the constitutionality of the Conscript Law as originally passed.

No! MORGAN'S expedition was not a failure. With twenty-five hundred men he traversed two enormous States from end to end occupied their principal towns at pleasure, cut their arteries of communication, burnt depots, destroyed engines, sunk steamboats innumerable. He threw several millions of people into frantic consternation for the safety of their property, turned entire populations into fugitives, and compelled a hundred thousand men to leave their occupations for weeks and go under arms—only as an equivalent to him and his twenty-five hundred troops. What if he has been hemmed in at last, and compelled to surrender? Twenty-five hundred have been added to the Yankee exchange list—a great matter, truly, at this stage of the war! Is not the temporary loss of their services ten times, twenty times, a hundred times, compensated by the blows they have struck, the loss they have inflicted, the panic they have created?

Want of enterprise has been the curse of the South in war as in peace. We succeed better than the stupid, cowardly Yankee in all that we try; but we try little. The raids of the Yankees over which they blow the tin trumpet every day, are the feats of pignies compared with this gigantic exploit. Yet because it has at the end cost twenty-five hundred prisoners, a thousand *faincants* grunt out their "told you so! We can't make raids. We can't invade. See how it ends!" If these counselors are hearkened to, our armies must just encamp on a hill and wait till the Yankees repeat their experiments till they discover the right way to make them retreat, give up more and more territory, till we have none at all left. Confederate cavalry must keep safe on Confederate soil, till the substance of the land is devoured; then seek a fresh tract of Confederate soil and devour. The South must do nothing but parry—it must never presume to thrust. But these counsels will render the subjugation of the South a certainty, uncertain only on the question of time.

Morgan's raid and Lee's invasion are both great gains of the South.—While the capture of twenty-five hundred cavalry after they had accomplished, their splendid work, is a matter for regret, it is a trifle in comparison with their achievement. While the return of Lee to Virginia, and the sudden abandonment of one of the most magnificent campaigns ever planned is still an inexplicable event, an apparent inconsequence, what he did, and the point he reached furnish solid material for hope, and a glorious model for future imitation.

The conclusion of Morgan's affair is easily understood. It is a casualty of war, often inevitable. But the end of Lee's campaign puzzles the more it is considered. We knew now from both sides what was the jattle of Gettysburg. It was a powerful effort to destroy the military power of the United States by a blow at the heart. It was unsuccessful from the misconduct of one division. But it was not a victory of the United States. Lee was unsuccessful, but not crippled. He took an impregnable position within reach of Baltimore and Washington and held it at ease. Why he gave up his campaign and came back to his old line of the Rapidan, is not explained by any tact now before the public. But though this is a disappointment, it does not rob the campaign of its glory or its profit to us. The enemy has felt the weight of the war, and his army is just where it was when the battle of Manassas was fought, two years ago.—*Richmond Examiner*.

CAROLINA WATCHMAN

SALISBURY, N. C.

MONDAY EVENING, AUGUST 8, 1864.

It will be seen by reference to another column of this paper, that Gen. Lee calls upon all members of the army of the Potomac to report themselves at Headquarters without delay. His appeal is strong, and conveys the idea of great danger to our cause. He also calls upon the patriotic citizen of the State, whether in the military or not, whether liable to conscription or not, if able to carry a musket, to come to the help of those who have so nobly stood between them and the enemy for more than two years. This indicates beyond doubt that this cautious and able General believes there is a crisis at hand in the affairs of our Confederacy. We can not disregard this appeal and feel secure. Every thing is at stake, and if we lose, all is lost—liberty, country, home, property, peace, honor and every thing calculated to render life desirable. It will be a poor consolation, when all is gone and we become refugees, to reflect that we were exempt from service. It will be a miserable apology for those who have substitutes, that they did not respond to the call of their brethren in arms because they were represented by another! And vanity of vanities to those who linger at home, toiling night and day, not to help our cause, but to heap up property to be consumed by the enemy. It is no time, now, to stand at the corners of the streets and profanely denounce this that or the other official—to find fault with this or that action of the Government or to compare the course of this and that public journal, and argue how much their respective editors deserve the halter. Whilst we are trifling, the enemy is advancing. Whilst we delay, ruin and disgrace are approaching; and soon we shall find ourselves overwhelmed beyond the hope of recovery. Action! Action! should be our watchword; and just as the emergency increases, so shall our courage and determined zeal rise, until it should reach the sublimest climax of a brave and free people in the defence of their homes and independence.

PUBLIC MEETINGS IN WAKE.

There have been two neighborhood gatherings in Wake County, at which resolutions were passed condemning President Davis and the Confederate Government for mistreating North Carolina in putting her troops under Generals, and other officers, from other States; and in assigning foreign Surgeons to attend the sick and wounded of our troops. They also condemn the appointment of Mr. Bradford, (a Virginian,) chief Tithingman in this State. The people of the whole State condemn this unwise and very impolitic measure. But the chief object of these assemblages, we conjecture, is announced in the last resolution of each string, to wit: the endorsement of the *Standard* newspaper, and the recommendation of that print to the public. It looks very like Mr. Holden had a party, and that he was putting it to work for his especial benefit. We think nothing could so well please the editors of the *State Journal* and *Standard* as to see the people of the Old North State divided under the appellations of *Holdenites* and *Spellmanites*. To be sure, it would be very ridiculous in the eyes of the world, but it would certainly gratify the pride and aspirations of these gentlemen, who seem to think the whole responsibility of the honor, reputation and welfare of the State rests upon them. Is there any way to avoid such a division of the State?

46TH REGIMENT.

The following extract of a letter from a member of this Regiment, dated "Camp near Ashland, July 22d," says: "There is a revival going on in the 16th Regiment. Two men were converted last night and three this morning. Prayer meetings are held every night, in all the Regiments in our Brigade. We have a good Chaplain in our Regiment, the Rev. Chas. Dodson. * * * Mr. Troy will leave Salisbury the 12th of next month with boxes. Tell those who were so anxious to send boxes by me that he will be in Salisbury, and they can send as many as they wish by him."

We cannot announce any gentlemen as a candidate for office unless authorized to do so by the person so announced. And our price for making such announcements is five dollars. Any person may suggest or recommend, through our columns, the name of whomsoever it may suit his fancy, by paying for such communication double the rate of our charges for business advertising. We don't know at the present time, whether during the continuance of the war, the *Patriot* will take a very active part in politics. We hope there will be no necessity for such a course, believing the people are fully competent to select the proper men for the proper places. Though applicants for political preferment are at liberty, if they may so elect, to communicate with the *Patriot*, we do not intend to do so.

Very good. This looks like the *Patriot* meant to give the old trade of electioneering a knock on the head. We applaud it for the determination, and shall pursue a similar course. The people are capable of making right selections and will do it if let alone, and not excited to array themselves against each other in parties. We hope they will put the seal of condemnation on party spirit and stand firmly against the enemies of the Confederacy.

GIVE YOUR NAME.

We have received a well written letter from some member of the 7th Regiment S. C. Cavalry, giving an account of its recent exploits in Eastern N. C.; but as he omitted to give us his name, we have nothing to assure us that his communication is reliable. Persons writing for the press should always give their names.

Mrs. D. A. Davis, President Ladies' Aid Society, acknowledges the receipt of \$11.50, a donation from Mr. R. Slater, manager of Hunt's Panorama.

"We call for no peace, which will not preserve the rights of the Sovereign States and the institutions of the South."—*Raleigh Standard*, July 31.

What reasons have we to suppose that calling for this kind of a peace will be respected at Washington? Does it, contemplating reconstruction, on that base the presumption that it will be listened to with favor? The South is opposed to reconstruction. We could never dwell in peace with those who have so long, so bitterly and so unjustly wronged us, in the extent of murdering our people, robbing them of their property and driving them from their homes. If that measure is not contemplated, why should we go into the presence of our enemy asking a favor when we know we shall be spurned? What advantage is there in that? Do we need additional incentives to restrain our invaders and the despoilers of our country? We would return from such a mission with a sense of degradation, rather; for the facts of history prove that it would admit of no other feeling. The enemy has known from the beginning that we would accept an honorable peace; but he has determined that we shall accept only such as he is willing to grant, to wit: unconditional submission to the authority of the United States, governed, not in accordance with the Constitution, but of the will of the majority in Congress. Are there any in the South ready for that? If so, we are divided, and civil strife will occur amongst us as soon as it shall become apparent that that is to be the end of our struggle.

THREATENED ATTACK ON WELDON

We learn that the Yankee forces, in what numbers is not known, are supposed to be advancing on both sides of the Roanoke on Weldon. Col. W. J. Clarke, of the 24th, telegraphs to Gov. Vance from Weldon, July 29th, that a part of Ransom's brigade met the enemy in large force on the 28th, about 3 miles from Jackson, Northampton, and after an engagement of four hours, drove them back. Five companies of the 24th were alone engaged. Our loss two killed and less than ten wounded. It is also stated that our forces met the enemy on the 28th, at Fort Branch, in Martin county, on the south side of the river, and drove them back. No particulars. The latest rumor is that the enemy were retreating on both sides of the river.—*Rail Standard*, July 31.

From Charleston, we learn that on the 29th the enemy bombarded Cummings Point severely, beginning at 10 and lasting until about 3 o'clock in the afternoon, when they withdrew. Our loss two killed and wounded.

On the 31st, a heavy bombardment was commenced by our forces on the enemy's works on Morris Island from Sumter and Wagner.

The New York papers admit a loss of 1500 killed and wounded in the late attack on Morris Island.

DEATH OF HON. W. L. YANCEY.

MONROESBURG, July 27.
Hon. W. L. Yancey died at his residence near this city, to day, after an illness of four weeks, from the effects of kidney disease.