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EDITOR AND PROPRIETOR.

Price of the Watchman.

From and after this date, and until there is a change in the prices of provisions, paper and other articles required to carry on business, the subscription rates of this paper will be *two dollars* for six months, and *three dollars* for a year.

ADVERTISING, two dollars for the first, and one dollar for each subsequent publication.

April 20th, 1862.

A CIRCULAR.

To the Freemen of the Eighth Congressional District, composed of the Counties of Rowan, Cabarrus, Union, Mecklenburg, Gaston, Lincoln, Catawba and Cleaveland.

FELLOW-CITIZENS—Having, at length, after much unavoidable delay and with much diffidence, acceded to the wishes of my friends, to become a candidate for Congress, I hasten to announce the fact; and take this method of publishing a synopsis of my views, on the most prominent subjects of public interest.

I was ardently attached to the Union of our fathers, and labored for its preservation with the most untiring zeal, until "the logic of events," and the famous proclamation of Abraham Lincoln, left no alternative, in my opinion, but to take up arms, with the seceded States, for the defence of our common rights. Consequently, I acquiesced in the separation of North Carolina from the Northern States; and now, holding their people "as enemies in war, and in peace, friends," I regard a vigorous prosecution of a defensive war as the best avenue to national independence, and an honorable peace.

A christian people, however, should not be too sensitive on the subject of honor, when principle is not involved; and a brave people should carry the olive branch of peace in one hand and the sword in the other. And, inasmuch, as Mr. Lincoln has recently announced that "any peace compromise shall not be rejected," if proposed by any of those controlling the army, I think it advisable that the President should instruct those having this power to open negotiations for peace; subject, however, to the supervision of the treaty-making power of the Government, or the decision of the people. When our armies are victorious, as they now are, propositions for peace, on the basis of our national independence, may be made and received, with the least prejudice to our interests and honor; but it does seem to me that those in power, cannot be entirely acquitted of permitting opportunities of this sort to pass by without proper improvement. Entertaining the opinion that the necessity alleged for the enactment of the Conscript laws—if, indeed, it ever existed, was the result of want of forecast on the part of those who managed public affairs, and regarding those laws of doubtful constitutionality and expediency, I could not have voted for them, if I had been in Congress. But I do not propose their repeal, and advise a prompt and cheerful acquiescence in their requirements, for reasons which must be apparent to all. Should the war continue much longer, it will be necessary to modify, if not entirely abolish the Exemption acts.

Neither the Tithe, the Funding, nor the Impressment laws are necessary, in my opinion, in any other sense than as the result of improvident legislation. The "tax in kind," portion of the Tithe law, should be modified as to operate more particularly on those products, not necessary to the support of animal life upon the farmer. The surplus should be taken; those who have none, should not be forced to give what they cannot spare; while those who have, should give it all, if necessary. Let the currency be placed upon a secure footing and the Tithe laws will be no longer necessary.

If the Impressment law is not repealed, it will be necessary to provide, with more certainty, that the provision of the Constitution which declares that "private property shall not be taken for public use without just compensation," shall not be violated. It admits of a grave doubt, whether property can be taken for *consumption*, under a Constitution which limits its taking to the "*use*" of that property.

The power of Congress to suspend the privilege of the Writ of *Habeas Corpus*, is limited, but I cannot agree to its exercise—the privilege of the writ is too invaluable to freemen. Much less would I clothe the President with this power. The personal liberty of the people should not be in the keeping of any one man, however pure or exalted. Mr. Jefferson was in favor of "the eternal and unremitting force of *habeas corpus* laws," and history has not yet proven that he was wrong. Let us take care how we part with liberty in order to obtain more; in that way we may, some day, lose what we have. "All political power is vested in, and derived from the people *only*," and their right to the freedom of speech, and to a free Press; to keep and to bear arms; to assemble together to consult for their common good; and not to be deprived of life, liberty, or property, without due process of law—all these and more, are constitutional rights, "formidable to tyrants only," to which I turn with almost idolatrous devotion—not can they be suspended or abolished by a free people, or their representatives.

There are those—I hope they are few—who desire a strong government—who advocate the closing of our Legislative halls and Courts of Justice—the overriding of all other laws by Military law—the concentration of the whole force of the people in the hands of a military Chief, and the reduction of the army as near as possible, to a perfect machine—in a word, they want a Dictator, and would obtain a Military despotism. Whether in or out of Congress, such views shall receive no aid or comfort from me. Military law should, and does apply to the army only. Civil law controls civilians, and soldiers also; but Martial law, which means the abolition of all civil laws, cannot exist in the Confederacy. Let the laws, Civil and Military, be enforced within their respective spheres, and their majesty vindicated against all offenders, whether of citizens or soldiers; especially let us see to it, that republican liberty suffers no detriment.

The habit of legislating in secret, is incompatible with that strict accountability, of the representative to his constituents, which is of the very essence of free government; and nothing but the most inexorable necessity, affecting the very salvation of the country, can justify its continuance.

The organization of the Confederate Government should be completed, as soon as possible, by the institution, upon a proper basis, of a Supreme Court. This, in my opinion, has been too long delayed. Until it is done, no complaint should be made that the State governments interpret the laws for themselves.

The wages of the soldier are utterly inadequate to his own wants, and those of his family, especially in these times of speculation and extortion, and I am in favor of their increase: but could the currency be reduced, and the necessaries of life increased, this would not be so necessary. Speculation and extortion, also, would in a great measure abate.

The rights of the States should be guarded with untiring vigilance, while the powers delegated to the Confederate government should be duly observed. Hence I demand for the Legislative, Judicial and Executive decisions of North Carolina, full faith, credit and respect; and regarding her soldiers, in the field equally brave and patriotic with any in the world; and her people, at home, both patriotic and competent, I insist that they be appointed to fill the offices within the State.

The Administration of the Government shall receive from me, if elected, all proper and due assistance, and I shall not fail to urge all needful reforms, and hold the administration up to the condemnation of the people should it, in my opinion, deserve it. To the Army, I shall give every constitutional encouragement, comfort and succor—to the people every possible protection in their ancient liberties, if assailed; and I shall use all lawful and honorable efforts to bring about the halcyon days and heavenly blessings of peace with independence.

Indulging the hope that some one would become a candidate who would *fully* represent these views, and feeling an almost insuperable diffidence to undertake even the partial management of the interests at stake, in these appalling times of strife and carnage, I have too long delayed becoming a candidate to canvass the whole district. A partial canvass even if desirable, may be prevented by *Professional duties and obligations*. Under these disadvantageous circumstances, I must appeal to those who endorse these views to see to it that they are as widely disseminated as possible, both at home and in the army.

Electors at home vote on the 4th of November, in the army on the 29th of October, making returns within 20 days.

Most Respectfully,

JAMES G. RAMSAY.

Oct. 16th, 1863.

HABEAS CORPUS.

In February 1863, Capt. Johnson was raising a cavalry company for the Confederate service and Capt. Hall an infantry co., in the County of Anson. Boyden volunteered in Johnson's co. and on the 1st. of March, procured one McLendon to enter Hall's co. as his substitute. On the 4th of March Polk, Col. militia, certifies as follows. "This is to certify that John A. Boyden a member of Cedar Hill militia co. has employed a substitute to serve for him and in his place during the present war with the United States, and he is hereby exempt from militia duty for the space of three years," and Johnson certifies as follows. "Wadesboro May, 25th 1863. This certifies that John A. Boyden who volunteered in the Anson Troops has, by furnishing a substitute in a foot co. and a horse to supply a member of my co., discharged his duty as a volunteer of N. C. & the Confederate States. L. A. Johnson, Capt. of the Anson Troops." These certificates together with the receipt of McLendon for $50, for taking Boyden's place as a substitute for the war, proved by Grimsly the attesting witness are attached to each other with this endorsement. "Case of exemption" Jno. Boyden "furnished substitute," "approved, exempted" J. M. Little E. O. &c." "I certify that these are the original papers filed in the office by Lieut. Little. Peter Mallett, Col. Commdg Cons. N. C. Oct. 6, 1863." On the 26th February 1863 Lieut. Little gave Boyden a certificate as follows. "John Boyden is hereby exempt from military duty by reason of having furnished a substitute 51 years of age. When he ceases to be employed as such this exemption is declared void"—endorsed "C. E. O. May 21st 1863," "C. E. O July 6th 1863," meaning that it was approved at those several dates. In Aug. 1863 Col. Mallett read a letter from Lieut. Col. Polk, calling attention to a fraud practiced upon an old man in his Regt. and the government by one John Boyden of Anson county," this letter is referred to Lieut. Little, 31st August, 1863, who will have this party sent to camp, W. L. Cole, Capt. Commanding." It was returned with the following endorsement. "Enrolling Office, Pittsboro', Sept. 3d, 1863, respectfully returned to Commandant of Conscripts. This case has already undergone an examination, and the papers found correct. By reference to the papers of the 81st Regiment North Carolina Militia, you will find his substitute papers correct, J. M. Little, Lieutenant and Enrolling Officer, 7th N. C. Conscript District." Upon the receipt of a letter from Maj. Boggan, reiterating the charges of fraud by Boyden on McLendon and the government and the affidavit of Capt. Hall, stating that McLendon had enlisted in his company on or about the 25th of February 1862 as a volunteer and was considered a volunteer and not a substitute in his company. That he did not believe Boyden had engaged McLendon until after he had been sworn in as a substitute. Boyden was arrested as a conscript, and sued out a writ of habeas corpus, which was returned before me Oct. 3d 1863. and after much of the evidence was heard, adjourned until 18th Oct. and was decided after argument by Gen. Fowle for petitions and written argument by Gov. Bragg for the government. Three grounds were taken to exclude Boyden from exemption; 1st invalidity of the substitution by reason of fraud on McLendon; 2nd fraud on the government; 3rd want of power in Polk and Johnson to discharge Boyden.

1st. The fraud alleged to have been practiced by Boyden on McLendon is in this, that Boyden under pretence of making him a present of $50, as a reward for his patriotism in going as a volunteer, had induced him to sign the receipt set out above, he being an ignorant man and not apprised of its contents. How far this allegation if proven would affect the validity of the substitution as between Boyden and the government, it is not necessary to consider, because after a full examination the allegation so far from being proved was clearly disproved. The witness Clarke swore that hearing Boyden wished to procure a substitute, and being told by McLendon that he would go as a substitute in a foot company for $50 (he objected to a cavalry company, not being a good rider,) he communicated the fact to Boyden at Wadesboro', on the 1st of March, 1862, when Hall was raising his company; that a few days afterwards, McLendon told witness he had gone into Hall's company as Boyden's substitute, and asked him if it was true that the county would not provide for his wife and children as he was a substitute and not a volunteer? Clark told him that it was so. McLendon replied, before entering as a substitute some people had told him so, but others said the county would provide for the wives and children of all soldiers, so matter how they went to the war, and he believed so when he became Boyden's substitute, but did not intimate that Boyden had ever said any thing to him on the subject; a few days afterwards, McLendon applied to Boyden to let him off, which Boyden declined. The other evidence confirms this state of facts, and shows that McLendon did become Boyden's substitute, and made no clamor about it until he found out that he was mistaken as to the nature of the provision made by the county, in respect to which he had been put on his guard before becoming a substitute, and even then he made no complaint that Boyden had led him into error, his allegation being that he never had agreed to become a substitute, but had entered as a volunteer and received the $50 of Boyden as a present.

2nd. The fraud alleged to have been practiced by Boyden on the government is in this, that he procured McLendon to become his substitute *after* he had volunteered and was sworn in Captain Hall's company. Capt. Hall swore that after the men, who were going to join his company, had been drawn up before the hotel door to be sworn in, Boyden approached McLendon and wanted to speak to him, which he prohibited, saying, he must wait until the men were all sworn in—they were then sworn in, and soon afterwards McLendon stepped off with Boyden—he had no recollection that McLendon was sworn in as Boyden's substitute—it was done about 3 o'clock in the evening, he took down the names on a piece of paper with a pencil as they were sworn in; does not recollect that the entry, as to McLendon, differed from the others, and upon examination of the original paper, he stated that he had searched for it, it was lost, being a rough draft it was not usual to keep such papers. Boyden makes affidavit that the entry was, "John A. Boyden by Lewis McLendon," when Hall made it, he asked if that would do? to which Boyden replied, "I suppose so." Witness, Smith, swore that he saw Boyden on the 1st of March, at Wadesboro', about 12 o'clock, take McLendon off and have a talk to themselves, and it was generally understood that McLendon had agreed to become Boyden's substitute and joined Hall's company as such. Grimsly, the witness to the receipt, swore that while the men were drawn up before the hotel door, he is not certain whether it was just before, or just after they were sworn in, Boyden and McLendon stepped into his room. Boyden said he was going to give McLendon $50 for his patriotism. Boyden drew the receipt, McLendon signed it and Boyden paid him the money and he witnessed it. He supposed the parties understood each other, as the receipt was read over, and that McLendon either had, or was just about to swear in as as Boyden's substitute. There was much evidence tending to show that McLendon had agreed to become Boyden's substitute before he was sworn in, and that he was sworn in as his substitute and that the money was paid and the receipt signed, a few moments afterwards, which circumstance I am satisfied gave color to and was suggestive of the rumor that he did not become Boyden's substitute until after he was sworn in as a volunteer, when, of course, it would have been too late. Capt. Hall was mistaken as to the date of the transaction, it was on the 1st of March and not on the 25th of February.

3rd. As Boyden had not been drafted by Col. Polk, the case does come within the decision in the matter of Ritter, so the discharge by Polk is of no effect. The case turns on the validity of the discharge by Captain Johnson. Had Boyden put in McLendon as his substitute in Johnson's company, the case would have come under the decision of the Supreme Court in the matter of Kenady, a recruiting officer. Now, suppose Boyden had on the 1st of March, himself, joined Captain Hall's company with the assent of Captain Johnson, previously given, as presumed from his subsequent discharge on the receipt of the horse, under the maxim, "Omnis ratihabitio retrotrahitur et mandato equiparatur," would the transfer have been valid? I am convinced that it would, by giving to the regulations in respect to transfers, the same liberal construction that the regulation in respect to substitutes (October, 1863,) received in the matter of Ritter and Kennady. The regulation is in these words, Article 15th, 142, "The Colonels may, upon the application of the Captains, transfer a soldier from one company to another of his regiment. Art. 143, when soldiers are authorized to be tranferred, the transfer will take place on the 1st of a month, with the view to the more correct settlement of their accounts. 144. In all cases of transfer, a complete descriptive list will accompany the soldier transferred, which roll will contain an account of his pay, clothing and other allowances, also all stoppages to be made on account of the government and debts due the laundress as well as such other facts as may be necessary to show his character and military history." It is clear, that while companies are in the act of being formed, a compliance with these details, which are made material, when the party is in service, in order to prevent confusion, as back pay, indebtedness, description, 1st day of the month, character and military, history, &c., is not necessary, and should be dispensed with by a liberal construction, for when the companies are in the act of being formed, no considerations of that nature are presented, and the purpose is fully answered if the two Captains consent that the man may withdraw from one company and join the other, certainly there can be no necessity for an application to the Colonel of the regiment, and the matter must rest in the discretion of the Captains who are endeavoring to raise the companies, because the companies are in an inchoate state and there is no regiment or Colonel. It seems to me the analogy is perfect, and that the transfer in the case supposed, must be held to be valid, or the principle established by the decisions in the cases of Ritter and Kennady must be overruled or disregarded. The fact, that the one was to be cavalry and the other an infantry company, cannot prevent the application of the principle, because neither company was organized or attached to a regiment. In our case, Boyden did not himself join Hall's company, but put in a substitute, which fact, raises the case only to the extent of requiring a direct application of the same principle fact in regard to the transfer and then to the substitution, and although it makes the case more complicated, the conclusion must be precisely the same, as the result in compound is as true as in simple multiplication. I am fortunate in having my conclusions as to the construction of the army regulations confirmed, by the fact, that Mr. Boyden's substitute papers have been time and again passed on by Lieutenant Little, E. O., and adjudged by him to be valid, and also have received the sanction of Col. Mallett, commandant of conscripts, who filed them in his office without exception, and I think it clear, the matter never would have been stirred but for the suggestions of fraud, which upon full examination turn out to be untrue, although in respect to both charges, upon the clamor of McLendon, there may have been sufficient color to make an investigation proper.

It is, therefore, considered by me, that John A. Boyden be forthworth discharged, with leave to go wheresoever he will, the costs to be taxed by the clerk of the Superior Court of Anson county, will be paid by F. Darley. The clerk will file the papers in his office and give copies. R. M. PEARSON, C. J. S. C.

October 17th, 1863.
At Richmond Hill.

The bill to regulate prices, has been defeated in the Virginia Senate—ayes 16, nays 24.

Escape of Desperate characters from Castle Thunder—A Sentinel murdered.

On Thursday morning, between the hours of two and three o'clock, four men succeeded in effecting their escape from Castle Thunder. A previous attempt of the same parties having been discovered and frustrated by the vigilance of the officers, they were confined in the condemned cell, before which a guard is kept continually walking to and fro, and which, from its position, in the very centre of the building, was deemed the most secure place in the prison. Obtaining, by some means, the necessary tools, they cut thro' the floor into the commissary's room beneath, descending into which, they secured the arms placed there for safe keeping, then, in a body, rushing out into the room used for the reception of visitors, they overthrew the sentinel on guard inside the door, who, being disabled by the fall, could not further arrest their flight. They next encountered the sentinel in front of the prison on Cary street. He happening to be immediately in their path, one of the number rushed upon him, and placing the muzzle of his gun close to the head of the guard, who in vain attempted to stop their egress, discharged the piece: the whole load entered the lower portion of the head, inflicting a frightful wound, and of course causing instant death. Three or four shots were fired in rapid succession at the fleeing murderers, but with what success is not known. A crowd of soldiers, on duty at the prison, were soon collected around the scene of this lamentable disaster. But here a singular incident occurred: the large dog (belonging to Captain Alexander, the commandant of the prison,) whom doubt less, all have seen who have ever visited the Castle, took a position alongside the dead body and would permit no one to approach until the proper officers came up and relieved him of his charge; even then he followed the corpse into the building, seemingly determined to keep watchful guard over the remains until the last. This exhibition of affection for the deceased soldier was truly touching and, indeed, remarkable.

The name of the deceased was Sutton Byrd, a private in Co. C, 53d N. C. troops.

The names of the parties who committed this cold blooded murder are E. D. Boone, Edward Carney, Thomas Cole and John A. Chapman. The first is a noted ruffian, having made several escapes from different places, and was closely confined a few days ago for an attempted escape. The others were of a like character, being confined upon serious charges. Several recent attempts to break out by the last named parties had been discovered and frustrated by the officers.

The poor boy's father is here and accompanies the remains to his home. Gen. Winder very promptly and kindly ordered an escort to accompany the remains to the cars.

When the lid of the coffin was about to be placed on, the poor old father knelt down, and fixing his lips to the cold ones of his murdered boy, remained for some moments, apparently in prayer.

Rich. Examiner, 23d.

Resignation of General N. B. Forrest.—It seems to be established that he has tendered his resignation to the War Department. With us the country will regret to learn that such is the case, as he has rendered services inferior to those of no other officer in the service, and has very justly been regarded as one of the most efficient. The step we learn has been taken after mature deliberation, and is the result of serious disagreements between him and his ranking superiors. If some step is not promptly taken to end these difficulties at once and forever, the result will be disastrous, for we cannot spare our best officers at this crisis. We are pleased to learn that Gen. Forrest will take immediate steps to raise a new cavalry command, which will be tendered to the Government, and that he will succeed without delay we have no doubt. There are thousands of young men who will eagerly embrace the opportunity of enrolling themselves under so bold and dashing a leader, whose name is a guarantee of success for our cause, and a terror to the enemy, whenever and where ever he leads.—*Atlanta Appeal.*

The Bank of Cape Fear has declared a semi-annual dividend of five per cent.