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The Constitution Suspended—The Will of the Majority the Supreme Law of the Land.

The New York Times of Tuesday has a remarkable editorial, especially so as coming from a Radical member of the last Congress. That paper acknowledged in plain English that "the Constitution is a sham; that our system of constitutional government is a failure, and that the 'wants of the people'—the 'ideas and wants of the day'—constitute the only fundamental law of the land."—That it may not be supposed that we dissent from this opinion, we reproduce the following paragraph from the leading editorial in the Dispatch of July 4, 1866:

"But what they [the framers of the Constitution] did not do, the war has done. And whether we like or dislike the fact, it is none the less true that this is now, to all intents and purposes, a consolidated nation, with a central head of unlimited powers—unlimited, we say, because constitutional limitation are not worth the paper upon which they are written."

It follows that we regard the article of the Times as remarkable because it indicates that the northern people are well aware that the measures adopted by Congress for the punishment—or, as it is by a euphemism called, the reconstruction—of the southern States are entirely unconstitutional. This is a matter which will be well for us to look squarely in the face; for if the northern people are indeed determined that these measures shall be enforced, notwithstanding their unconstitutionality, all talk of appealing to the Supreme Court might as well be stopped, since that court has no power to enforce its decisions. We quote from the Times:

"The Constitution says for example, that 'the writ of habeas corpus shall not be suspended except when, in case of invasion or rebellion, the public safety may require it.' Congress has just authorized the suspension of that writ in ten States. There is no invasion, there is no rebellion, and the public safety does not require it, yet the writ is suspended all the same. Is this a mere difference of construction? There is no room for any such difference. The language is just as clear and explicit as it is possible for language to be. There is not a shadow of doubt as to its meaning. There is only one 'construction' of it possible: the suspension of that writ is absolutely prohibited except in one specified case; that case has not occurred, and yet the writ is absolutely prohibited except in one specified case; that case has not occurred, and yet the writ is suspended. What this means is just this: the Constitution *quod hoc* has been repealed, abolished, annulled by act of Congress.

"Precisely the same thing is true of other portions of the fundamental law. It declares that 'no State shall be deprived of its equal representation in the Senate without its own consent.' But ten States are thus deprived of all representation, in either House of Congress, not only without their consent, but against their earnest and indignant protest. Is this a difference of 'construction'? Nobody pretends anything of the kind. Congress, claims that the Constitution never contemplated such a state of things as now exists, and that therefore this prohibition has no effect. But this is sheer nonsense. The Constitution provides for every case that can arise, and for every state of things that can exist. Its language is general, and its binding force is absolute and universal. The plea cited means simply that Congress may dispense with the Constitution whenever it pleases, provided the people will sustain it in so doing. In other words, the Constitution is the supreme law of the land, except when the will of the people sustains Congress in overruling and overruling it. Then it becomes simply so much waste paper.

"Everything done by Congress to suppress this rebellion," says our correspondent, "is found in the Constitution, and more would have been found if necessary." Unquestionably! But this is only a roundabout way of saying that the will of Congress became the supreme law of the land, and the provisions and prohibitions of the Constitution vanished in its presence. Congress did whatever it deemed necessary to be done—and it continues to do so down to the present hour. The reconstruction bill of the last session was, in nearly every one of its provisions, in clear and flagrant violation of the Constitution as intended by its framers, as interpreted by the Supreme Court, as maintained by every department of the Government heretofore, and as expressed in its clear and explicit language. Yet that bill is the law of the land, and as such will be enforced, because it embodies the will of the nation, which has become a 'higher law' than the Constitution, and as such will con-

trol, not only its construction, but its application to the practical government of the country.

"We may just as well look this matter in the face. It is quite useless to ignore the plain and palpable fact that the rebellion and the war have revolutionized our Government. We are not living now under the Constitution of 1789, but under an unwritten Constitution which represents the national will as embodied in the action of Congress. The limitations of the old Constitution have ceased to have binding force. Congress exercises powers never conferred upon it, and denies to States rights expressly reserved to them by the Constitution. And it does so with perfect impunity, because there is no authority to overrule or reverse its action. The President is powerless, because two-thirds of Congress is against him. The Supreme Court is powerless, because the case cannot come up for its action, even if it should, the court has no means of enforcing its decrees. The people are without remedy, because ten States are not allowed any voice in the matter, and the remainder sustain the usurped authority. We are living under a *de facto* government—a government resting on force and on the will of the people who wield it—but an actual government nevertheless."

JACK SPROUT'S CONVERSION.

Jack Sprout swore a terrible oath. In fact he swore quite a number of oaths, for he was very angry. It was nothing wonderful for Jack Sprout to swear even in the presence of his wife, for he was sadly in the habit of using profane language. And yet Jack was a good husband; an indulgent father; an honest, industrious man; an accommodating neighbor; and he possessed many other excellencies of character which might have made him a valuable member of society had it not been for loose habits which had marked his course from childhood. His parents had been careless and profane before him; his father had been a tough, rough customer; so Jack naturally enough came up in the same track. But he was good-looking, and kind hearted, and genial and social, and so he had gained for a wife one of the very best maidens of the country town, as well as one of the handsomest.

Master Freddy Sprout, aged five years, stood by mother's side, with a sadly begrimed and tear-streaked face, and his story was that Solomon Gordon had whipped him with a stick, and the boy's legs still bore a few slight tokens of the castigation. Two other boys had come home with Master Freddy, and their testimony corroborated that which the sufferer had given. Freddy, with some playmates, had been throwing stones at Mr. Gordon's dog, and one of the missiles hurled by Freddy had hit the animal and caused him to howl with pain. Of course the stone thrown by such a tiny hand could not have inflicted much injury upon the canine brute; but Solomon Gordon loved his dog, and when he saw what had been done, he caught Master Freddy and thrashed him; for, be it known, Solomon Gordon was just such another man as Jack Sprout—warm-hearted, generous, and neighborly; but rough, uneducated, strong willed, and impulsive.

Jack Sprout put on his hat and prepared to sally forth. His lips were pale and tightly compressed, and the huge muscles in his arms worked like bundles of rope.

"Dear Jack," pleaded his wife, "don't go out now."

"Let me alone, Abby. No man shall strike a child of mine without having a chance to strike me. I shall go and see Sol. Gordon, and I'll give him such a licking he won't forget in hurry!" And Jack closed the sentence with a terrible oath.

"No, no, Jack; don't go. What good will it do? Wait until you are more cool!"

"Pshaw! Go away, Abby. There is not power enough on earth to save Sol. Gordon from a drubbing; and I'll give it to him before the sun goes down!"

And as Jack Sprout looked at that moment, he gave awful evidence that he was physically able to make good his word; for a more magnificent structure of framework and muscle was not to be found in the town.

"Dear Jack," cried the wife, taking her husband by the arm, "Oh, do listen to me one moment. Freddy is not much hurt, and he ought not to have thrown stones at Gordon's dog. You know, both Solomon and his wife set everything by the little animal, and he would not bark at the boys if they did not plague him. If you go and find Gordon as you are now, you will only make matters worse. Oh, I wish you would drop it."

Jack only shook his head, and smiled one of those smiles which are terrible upon the face of an angry man.

"Oh, Jack, if you would only try the effect of kindness upon Solomon! He is a good man at heart."

Jack interrupted his wife with a derisive sneer.

"Don't laugh at me, Jack. I tell you it would be better to do so than to resort to blows. If you were attacked, I should not blame you for fighting to protect yourself; but this is not a case that calls for your strength of muscle. There is a higher and a nobler strength that you can use now."

"Oho!" uttered Jack, "you are preaching. You are giving me some of your Sunday school lessons. But I don't want 'em. You may experience religion as much as you please, but you mustn't preach the stuff to me."

"Jack," spoke the wife, with stern solemnity, "have I been any worse since I began to have an interest in religious things?"

"No, Abby—you were always good."

"Then why will you not listen to me? If you will stay with me now—if you will wait until your anger is cooled—and then go and speak kindly to Solomon Gordon, I give you my solemn pledge that you will feel a thousand times better than you will if you—"

But Jack would not hear his wife out. He had sworn that he would thrash Solomon Gordon, and he would keep his word. His temper was at the boiling point, and he was fairly aching to get his hands upon the man who had dared to strike his boy; for Freddy was his pet, and every blow that had been laid upon the child's body had made a mark of fire upon his own heart. So he put his wife away from him and hurried to the house, slamming the door after him.

Away went Jack Sprout, with rapid, heavy strides; and had Solomon Gordon fallen in his way just then he would have most assuredly been severely beaten; for though Solomon was a very stout, bold man, yet Jack was a very Hercules.

But Jack was destined to get pretty roughly cooled off before he met the object of his wrath. As he approached the bridge that spanned the river just below the falls he heard loud cries of alarm and upon hurrying forward he found that a boy had fallen from one of the projecting timbers into the water. He looked over the railing and saw the little fellow just coming to the surface of the foaming boiling flood—a curly-headed boy, just about the age of his own darling Freddy—stretching forth his tiny hands in agony of despair. It was a terrible place, that seething, roaring pool, where the waters of the great river came pouring down from over the high dam; but Jack did not hesitate. He forgot his enemy—forgot everything but the danger of the little one—and only stopping to kick off his boots, and throw aside his coat, he leaped down into the angry flood. He caught the boy in his arms, and then struck for the shore. It was a mighty conflict, but the strong man persevered. More than once those who had gathered upon the bridge and upon the rocks had reason to fear that neither the man nor the boy would come forth alive; but Jack held his own against the mad torrent, and finally reached the shore, where many hands were ready to help him. As for himself, a few minutes' action assured him that he was able to walk; and that he had sustained no injuries save a few trifling bruises. As for the boy, he had come forth in safety; for Jack had held him high above the water during all the time of his struggle.

And when Jack Sprout had regained his breath, and was able to speak, he looked to see the boy that he had saved, and he saw that it was Andy Gordon, a bright-eyed, curly-headed, fair-faced boy, not a year older than was his own son Freddy.

"Where's papa?" asked the dripping child.

"He is coming," answered some one in the crowd.

Jack looked up and saw Solomon Gordon, coming, pale and terror-stricken—and with all possible haste he seized his coat and boots and hurried away. He could not meet Solomon Gordon then.

"Mercy! What is it, Jack?"

Mrs. Sprout was alarmed. Her husband was dripping wet, his step was tottering, his breath was labored and there was a livid mark upon his forehead

as though he had received a heavy blow.

"It is nothing, Abby."

"Has Solomon—"

"Pshaw! Don't think Sol. Gordon could have done this! I have been in the river. A little boy had fallen from the bridge right into the flood beneath the falls. I jumped in and brought him out."

"Alive?"

"Yes, alive and unhurt."

"Oh, thank God! Whose child was it, Jack?"

"Don't stop to ask questions now, Abby, but make me a cup of hot, strong tea, while I get on some dry clothes. My soul, I think I had a narrow dodge of it."

Jack put on dry garments, and when he had rested awhile he drank his tea, and in the course of an hour all traces of exhaustion had passed away.

"I tell you, Abby, I have had a good many tough jobs in my day, but I have never had one like that before. A weaker man than I could never have brought out that child alive."

"Oh, how grand it is, Jack, to use one's strength in such a cause! But whose child was it? Do you not know?"

Before Jack could answer, the outer door was unceremoniously opened, and Solomon Gordon entered the apartment. Abby shriek Jack in alarm when she saw how pale and excited the man looked, and how he trembled, for she did not notice the moist brimming light that shone in his swollen eyes.

"Jack!" spoke the new comer, in a gasping manner, at the same time holding out both his hands. He choked and stammered, but presently gained strength to add: "Oh, my God what can I say! Jack! Jack!" Here the stout man broke fairly down, and burst into tears.

Jack, almost as much affected as was his visitor, arose and took the extended hand.

"Never mind, Sol. It's all right!"

"No, no," cried Gordon, "it isn't right. It never can be right. Oh, what can I do! Jack, if I could only go back to where I was this morning! My God! I beat your child for a trifling thing, and you have saved mine from the terrible death—saved him almost at the expense of your own life. Kill me if you will. Beat me, Jack. Do anything you like, but only forgive me for what I did to your little Freddy—forgive me, so that this saving act of yours shall not be all ways like a heap of coals upon my head!"

And then with sudden impulse—under the influence of such an emotion as he had never before experienced, Jack Sprout said:

"Solomon, I tell you it's all right. You have no more reason to thank God that I saved your child than I have. When I went forth from my house I was full of wrath and madness, and curses were upon my lips and in my heart. I should have sought such revenge as the wild beast seeks. Is it not better that I found your little Andy in the flood? and is it not better that my great strength was used in saving his life? I forgive you, Sol, from the bottom of my heart. And now, I say, it's all right."

And so was cemented a friendship holy and lasting.

Seemingly slight perturbations in the current of man's life sometimes work marvelous changes for good or ill.

"Abby," said Jack Sprout—it was late in the evening and they had been sitting for some time without speaking—"I believe I am converted."

"Jack!"

"Yes, Abby, I am converted. Said of Tausus, that you ran to Freddy about last Sunday, was not more suddenly brought to light than I have been. Really and truly, there is more virtue in kindness than in enmity—it blesses everything and everybody. He who bestows it is as much blessed as he who receives it."

And then the wife, with her arm placed gently around her husband's neck, placed, kindly said:

"Dear Jack, wouldn't we both be happier if we would try to live by the blessed rules laid down by the Saviour? Oh, I know that they were given by One who sought our highest good, and I think we should find much joy in trying to square our lives by the golden rule."

And Jack, with a kiss, made answer: "My darling, we will try."

"We observe," says the *North Carolinian*, "in our Northern exchanges accounts of a meeting held in the city of Charleston, S. C., on 18th inst, which may justly be characterized as 'remarkable.' The meeting was held by the colored people of that city in celebration of the passage of the Sherman Military Bill which conferred the right of suffrage upon them. The proceedings were of the most orderly character—nothing occurring at which any one could take exception. By invitation the assemblage was addressed by

several gentlemen of prominence in South Carolina. Among the speakers mentioned, we find the names of W. F. DeSaussure, the Hon. W. J. Talley and of Gen. Wade Hampton, the famous Confederate cavalry leader. Rev. David Pickett and Beverly Nash, colored, also delivered addresses; and, as we are informed, 'sentiments were expressed highly honorable to both sides.' The negroes expressed great gratification at the kindly feelings manifested towards them by the whites, while the latter were pleased to observe that those so lately invested with the right of suffrage evinced a disposition to use it for the good of society and the commonwealth. The negroes exhibited a remarkable degree of good sense in expressing a determination to petition Congress for the removal of the disabilities imposed upon the whites by the Sherman Military Bill.

We commend the action of this meeting to the attentive consideration of both races. The course adopted here is prudent, wise and proper. There is no good reason why they shall not act in hearty co-operation for the public good. They are dependent the one upon the other—should not this mutuality beget concord and harmony? Their interests are identical. Any measure designed or calculated to work injury upon one must inflict damage upon the other. Why then should there not be political identity as well? There is no disposition upon the parts of the whites to deprive the negro of any of the rights guaranteed by the law. True had the question of giving them suffrage been submitted to us we should have opposed it heartily and honestly; but since the privilege is theirs, whether we approve or disapprove is immaterial, and we have no desire to abridge its fullest and freest exercise. The question for us to consider is, how we shall direct it in order to make it an advantage. It certainly is to our interest to control it for our good.

Especially do we commend the conduct of Gen. Hampton and the other gentlemen concerned, to the imitation of those in our own State and section in whom the negroes have confidence. These latter need instruction as to the manner in which they shall use the privileges granted them. They are totally unacquainted with governmental affairs, and are certainly not now competent to make intelligent use of the ballot. They know nothing of the merits of the matters in controversy. They need enlightenment on these points. Let those whom they trust and will hear, not refuse to give it when requested to do so. They are docile, tractable, easily influenced. See to it that they are not taught pernicious doctrines by those who wish to use them for base and personal motives.

JUDGE FOWLE.—The *Wilmington Journal* has learned the following in regard to the action of Judge Fowle in his Courts on the collection of debts. It will be seen that, under his ruling, debtors are not so severely pressed as many anticipated. The *Journal* says:

"We learn from a gentleman in attendance on Richmond Superior Court, this week, that Judge Fowle paid no regard to the Stay Law passed by the General Assembly at its late session, but his ruling in regard to the collection of debts was that where the defendant paid one-tenth, the proceedings were stayed until Spring Term, 1868, in accordance with the Ordinance of the Convention, but when the defendant did not pay one-tenth, attorneys were permitted to put in pleas which stood for trial at Spring Term, 1868, so that collection could not be forced until Spring Term, 1869, in any event."

The Rev. Dr. White, who has been for many years the pastor of the Presbyterian church in this place has asked to be relieved from his pastoral charge, owing to his feeble health, which has prevented his discharge of the duty for several months past.—*Lee Gazette*.

The legal adviser of the second-rate liquor-dealers of Boston is always raising a pint.

LETTER FROM WASHINGTON.

Correspondence of the Richmond Dispatch.

Congress on Collector Smyth Again—His Removal or Impeachment—A Lengthy Personal Debate—Butler vs. Bingham—A Deserving Tribute to a worthy Officer, &c.

Washington, March 21.

The administration of the New York custom house has been fraught with no light interest, and before Congress it has become a subject among those which are greatest in importance. The Republicans have declared against Mr. Smyth, and are demanding that some other appointment be made, while the Democrats express but little concern in the matter. They have never regarded the collector as a member of their party, or in any way identified with them, and express no objections to his removal. The resolution offered by Mr. Hubbard to day requesting the President to remove Mr. Smyth was objected to by Butler, who is so very anxious to appear in the role of a practical impacher that he will not condescend to request the President to remove an officer of his appointment, but prefers to go right away to impeachment. Certainly Mr. Smyth has in some way created a great commotion in Congress; and the charges made against Senators Doolittle and Patterson, which the Senate will proceed to investigate if the session continues long enough, will occupy no small share of the public attention.

The session of the House to day lasted until half-past five o'clock, the question under consideration, after the expiration of the morning hour, being the bill for appropriating a sum of money to relieve the destitute in the South. The debate was one of the sharpest and most personal that has been heard for a very long time. Butler was particularly savage and vented his spite upon Bingham in very harsh words, in which he accused him of having gone over to the Democratic side of the House; Logan talked light to Woodbridge, and altogether the scene was one which attracted great attention—everybody seeming to enjoy the episode as a good thing for such a rainy day as this. What created the greatest consternation and surprise was an allusion by Butler in one of his attacks upon Bingham to the execution of Mrs. Surratt, who he said was innocent. This, from one among the greatest of the so-called loyal, was received with surprise. Heretofore it has been the basest treachery in the estimation of men of the Butler stamp to imagine Mrs. Surratt anything but a murderer of the deepest dye, and not it is *presumable* that those who have ever thought that woman innocent of the crime for which she suffered death may express their belief without fear of being proscribed as "rebels." The bill upon which all this personal debate originated will probably pass to-morrow.

Among the confirmations to day by the Senate was that of A. P. Gorman, Esq., collector of internal revenue for the fifth district of Maryland. Mr. Gorman was formerly postmaster of the Senate, and was removed from that position last autumn, when he was immediately appointed by the President to the position in which he was to-day confirmed. His re-nomination was sent in recently, his appointment of last fall having expired by limitation in consequence of non-confirmation prior to the adjournment of the Thirty-ninth Congress. His vast circle of acquaintances and friends throughout the United States, who will remember him as one of the prominent attaches of the United States Senate for a long time, will be glad to hear that his worth and integrity have been duly appreciated. The confirmations to day did not reach over more than a dozen. Six prominent officers were rejected.

Since the passage of the tenure-of-office bill several of the Government officials here who were appointed to their positions by the President have begun to speak out in meeting and assert their independence in loud terms. When they were liable to removal, these gentlemen were very quiet; but "circumstances alter cases."

The weather to day has been of the dreariest kind. All day long a pelting cold rain, with a powerful northeast wind has been in the ascendant, and wretched things without doors remarkably disagreeable. As this is the equinoctial storm, we shall in all probability, have clear and dry weather soon.

Lighthouse at the Entrance of Core Sound, Pamlico Sound, N. C.—A screw pile lighthouse has been erected at the entrance to Core Sound, to take the place of the light vessel formerly marking that station, and will be lighted for the first time on the evening of the 1st of April, 1867. The iron work of the foundation is painted red, the superstructure is painted white. The illuminating apparatus is a Fresnel lens of the fifth order, showing a fixed white light, and should be seen in clear weather a distance of eight miles, and is thirty-five feet above water level.

In the Pennsylvania Senate the Sunday car-bill has been defeated.