VOL II. NO. 105.

SALISBURY, N. C., TUESDAY, DECEMBER 17, 1867.

WHOLE NO 285

Dan CASTELLO

AND

John Robinson!!

You have seen and heard and paid your seventy-five cents !!!

And you have also read that

GOLD is Going Up! Up!!

dshing the prudent that now is the time to buy HOWERTON

Hopes that he has satisfied every unprejudiced mind-that the place to buy goods Cheap.

Cheaper than the Cheapest, Is at Frankford's old stand

Two doors above the Market House, and one door below the old Drug stand of Henderson IF NOT, it is never too late to be convinced, and if

HOWERTON

where you see his sign out, a few purchases, or even where you see his sign out, a lew purchases, or even a few inquiries will remove "the shadow of the shade of the ghost of a doubt," as Gov. Vance says. His stock is varied and extensive ramifying every department of merchandize and equal, if not superior to any in market.

Having adopted the system of always paying cash and therefore buying at the lowest figures North,

HOWERTON

is enabled to adopt in selling the principle of the nin-ble sixpence and sell at the lowest figures.

His stock consists of (among many articles too te

Dry Goods, Hardware, Groceries, Crockery, Boots and Shoes, Hats and Caps, Yankee Notions, Confectioneries,

and such other articles as are usually sold in this market. The hightrates are allowed for specie and bank notes.

Examine and price my stock before buying else
flore.

H. Howerton-

Cheap! Cheaper! Cheapest!

V. WALLACE,

NO. 2, MURPHY'S ROW,

(Next to McCubbins, Foster & Co.)

SALISBURY, N. C.,

HAS JUST OPENED AN ENTIRELY NEW and well selected stock of DBY GOODS, such as

DeLaines, (all wool,) Merinos, Alpacas,

Prints, Shirtings, Sheetings, Domestics, bleached and unbleached, Fancy Notions,

Ladies Dress Trimmings. and various other articles usually sold in No.

A Choice Selection of Cloaks. Shawls, &c.

Clothing! Clothing GOODS,

Hats, Caps, Boots and Shoes, Trunks, Valises Unbrellas, and everything pertaining to the furnishing of an outfit for gentlemen.

A large stock of Catlery, and cheap as the cheapest.

Groceries, &c.,

THE OLD NORTH STATE. TRI-WEEKLY.!

RATES OF SUBSCRIPTION. TERMS-CASH IN ADVANCE.

Tri Wee	kly,	One	Year				\$5.00
	18	Six M	onths,				75 cts.
		000	WEEK	LY.		40.00	-
Wee kly	pap	254.X	months				\$ 3.00 1.50
84	44	Ten	copies (me Y	ar.	1,40	22.00
44	44	Twe	enty cop	ies, Or	ie Ye	MT.	40.00

the subscription.

The type on which the "OLD NORTH STATE," is

The type on which the "OLD NORTH STATE," is printed is entirely new. No pains will be spared to make it a welcome visitor to every family. In order o do this we have engaged the services of able and accomplished literary contributors.

ADVERTISING RATES

For all perio		\$1,00			
Fach un buer	gent ins	ertion		·	50 -nthe
Contract ra	tes for pe	riods o	3 Ma.	4 Mo.	6 MO
	\$5.00	2 Mg. 88 50	\$120	\$15.00	\$20.0
1 SQUARE,	7.50	13 0	17.00	21 00	27.0
2 SQUARES,	10.00	16 0 1	21.00	- 26.00	3 40
4 SQUARES,	12.00	18 00	23,00	28.00	3.70
QUAR COL	13,00	19.00	24 (N)	129.00	3,85
HALF COL	20,00			38.00	44 0
3 QUAR. COL.	25.00	33 10	40.00	45 00	70.0

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at the usual rates. Ten lines of solid minion type, or about one inch lengthwise of the column, constitute a Special Notices, in leaded minion, will be con-

tracted for at the office, at not less than double the rate of ordinary advertisements. Inserted as reading matter, with approval the editors, fifty cents per line.

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One or two squares, changeable at discretion 0 per cent additional. More than two squares, changeable at discretion, per square of ten lines, for every change,

twenty-five cents Five squares estimated as a quarter column and ten squares as a half column. Bills for ad vertising, whether by the day or year, will be considered due and collectable on presentation

In Congress-House of Represntatives, December 10th.

The Confiscation Bill of Mr. Stevens, being under consideration, Mr. Eldridge, of Wisconsin, spoke as follows:

Mr. ELDRIDGE. Mr. Speaker, it is time the Union was restored. It is time the people were enjoying the fruits of the victory won in its name and on its behalf. It is time the nation on whose account, in whose interest, and by whose power and valor the battle was fought should be allowed to rest, to respose, to recuperate. The bloody and terrible war of more than four years duration ended almost three years ago. The hellish passions it engendered, the vengeance it evoked should have ended with the war. Pernicious passion, vengeful hate hate, all the destructive and malignant appliances of war are incompatible with peace. More than two and a half years ago every army of the confederates surrender d, and every confederates surrendered, and every confederate soldier gave up his arms and sued for peace. Since that day no war weapon has been raised, no armed man has lifted his finger against the national authority, but all, all without exception submit themselves to the Constitution and laws of the United States and have or are ready to renew their allegiance to them. These were the terms demanded from the beginning of the war to the end; these were the terms of surrender. Why then is not the Union, the object of the war, restored !— Why is not the oppressive foot of the conqueror taken off the bowed neck of the conquered, and the future liberty, prosperity happiness, and unity of the Republic re-established and assured.

Sir, in answering these questions the historian, the faithful, the impartial histo-rian, will prefer the most fearful in dictment against the party that has had control of this Government. It will be a record of eruel despotisms, of violated law, of bro ken faith, of unfulfilled promises, of rights disregarded, of constitutions overthrown, and of civil liberry trampled under footand all in the interest of mere party.

The restoration of our country to its for mer happy state has, since the war ceased been at all times and wholly in the hands and power of the Republican party. It alone is responsible for all that has been done and all that has been left undone. It elected the President and it elected the najority of Congress. It has agreed with both the Bresident and Congress, Since the majority of the party began to differ with the President it has not dared to commit itself to any terms upon which the confederate States may be permitted represent-

publican Congress is wranging with a Republican President and seeking to defeat his policy of restoration for party ends alone the golden opportunity, yea the last opportunity, for restoring the Union and saving saving constitutional government shall not have passed forever. If it does not, it will not be owing to the wisdom, ferbearance, or generosity of this Congress. It has met every submission of the confederates, every overture of peace and reconciliation, with greater and more onerous exactions. More cruel and exorbitant demands are made whenever it is believed they can be enforced. Its stern, unrelenting power alone is the measure by which their humiliation and oppressions are to be determined. And now it is proposed by the veteran leader of the majority, Mr. Stevens, of Pennsylvania, by a bill which he introduced in this House on the 20th day of March last, to confiscate their speech on that day he says:

"The punishmennt of traitors has been wholly ignored by a treacherous Executive and by a sluggiish congress," "To this issue I desire to devote the small

remnant of my life"

Mr. Speaker, when I listened to the venerable gentleman in that speech, tottering as he seemed on the brink of the grave, so full of bitterness and uncharitableness, I could but feel that the "remnant of his days," whether great or "small," were and forgiveness with which alone he could expect the favor of the final Conqueror, our divine Master.

In his speech he lays down this most xordinary proposition:

"The laws of war authorize us to take this property by our sovereign power: by a law now to be passed. We have a subdued enemy in our little ores of his scanty earnings while he ower; we have all their property and hves at

This is the foundation idea that "the aws of war authorize us to take this property by our sovereign power; by a law now to be passed." The propriety of such a law I might answer to the sutisfaction of a quotation from the ablest statesman here, on the 11th day of December, 1866, as reported in the Globe of that day, says :

"I do not believe that it becomes this nation; to pass laws by which we can or may be able to punish men, however guilty, who could not be punished under the law existing when the crimes were committed.

aware that the traitors in the South, if tried unwere committed." der our existing Constitution and laws, will not

one of them be convicted." That is from Thaddetts Stevens. What plain, the principle of which is to be taken as conceded, that needs no argument, that rests solely on assertion? It is simply has given us the victory over the rebellion, 459 . and ten or twelve million human beingsour countrymen-men, women, and chilhave a right to dispose of them as we see fit. "We have all their property and lives at our disposal." The proposition is most atrocious. I deny it in toto. In the name of the Union, our common country, its herished memories and sacred hopes. which the war, if not a failure on our part, has saved undivided and unbroken, I deny it: in the name of our Constitution, yet iving and in force, however much ignored, scorned, and disgregarded, I deny it; in the name of the common laws of nations, those maxims of justice, enlightened reason, and humanity, tempered and softened by our Christian religion, which no people can diregard without national dishonor, deny it. There is no law, human or divine, by which "we have all their property and lives at our disposal." If the war had been a war for conquest and subjugation, so declared and prosecuted against a foreign nation, and it had surrendered in like manner, no law could be found for disposal of the lives of a whole people. Could they all be disposed of into slavery? How often have we heard the gentleman assert that there was no law for slavery? Could we by the laws of war, by the laws of nations, or by any other law of man or God, dispose of their lives upon the scaffold or the block? How many men, women, and world allow us to hang as conquered belligerents before they would unite together o destroy our power as a nation of barba-

Yet the gentleman tells us-

would the tenets of the gentleman's reli

the essence of religion is to "do unto others what others have a right to expect from you." It is offensive to certain pretentions doctors of divinity who are nawkishly grating about the "fatted calf, the prodical son, and the forgiving father."

Nov, I do not know in the opinion of the gentleman in which class the views I entertain will place me, nor do I care. Every faculty of my mind and every feeling of my heart condemns that measure. The gentleman in his advocacy of it and mangles the most sacred precepts of religion, "Do unto others what others have a right to expect from you," he says. When did that "become the essence of religion ?" The confederates, from their knowledge of the gentleman and his party, may have a right to expect the passage of this bill, the confiscation of all their property, and the disposal of all their lives upon the gitbet; but the Christian religion will property by act of Congress. In his not justify it. The gentleman's friends may have the 'right to expect," from the promise which he made at the opening of his speech, that he will devote the "remain-

der of his days" to the taking of property from the Southern white man and giving it to the Southern black man. The black man, too, may expect it from him. But the Christian world will scarcely agree that it is in accordance with the "essence of religion."- 4 Undoubtedly the present purpose of this bill is not so much to destroy, dispose of better spent in the exercise of that charity the lives of these people as to reach and appropriate their property. Avarice, accursed avarice, that would feast and grow rich upon robbery and spoliation; that in-

fernal greed that made merchandise of the wants and woes of the soldier and his family, that fed him on spoiled mestand cloth ed him in shoddy, and robbed his wife and was fighting the battles of the Republic, is the mainspring, the inspiring motive.-But the right to dispose of their lives rests upon the same authority is as clear and is is asserted with the same possitiveness us the right to dispose of all their property.

"The laws of war authorize us to take this operty by our sovereign power, by a law now I do not believe that it is safe for us to undertake to be passed. We have a subdued enemy in our power; we have all their property and lives at our disposal.

The laws of war! A new source from which Congress is to derive sovereign pow ers! Where are these laws of war, and how do they read? If the gentleman means the laws of nations, I insist they then is this legal proposition that is so do not and cannot confer any such powers upon congress. His quotation from Vattel relates to a case between two different nations, and refers to the ancient, not the this and nothing less: the God of battle modern rule. The same author says, page

Formerly in conquests even individuals lost their lands, and it is not at all strange that in the our countrymen—men, women, and the first stages of Rome such custom should have dren, lie conquered at our feet, and we first stages of Rome such custom should have men at the first stages of Rome such custom should have drength for the first stages of Rome such custom should sless terrible to the subject."

In relation to civil war Vattel says, page

"A sovereign having conquered the opposite party had reduced it to submit and sue for peace he may except from the amnesty, the authors of the troubles and the heads of the party; may bring them to trial and, and on conviction, punm thing great injustice by the hastily punishing those who are accounted rebels, the tumult of dis-cord and the flame of a civil war little agree with ish them " the proceedings of pure and sacred justice: more quiet times are to be waited for. It will be wise in the prince to secure his prisoners till, having re-stored tranquility, he is in a condition of having them tried according to the laws."

Not according to a law to be made, but by the law of the land as it existed when they rebelled. The modern rules, when one nation is conquered by another, is thus stated by Wheaton, page 596:

By the modern usage of nations, private pro-perty on land is exempt from confiscation, with the exception of such as may become booty in special cases. This exemption extends even to an absolute and unqualified conquest of the ene-

So Justice Marshall states the law in Peters, page 86:

"It may not be unworthy of remark that it is very unusual, even in cases of conquest, for the conqueror to do more than to displace the sovereign and assume dominion over the country. The modern usages of nations which has become law would be violated that sense of justice and of right which is acknowledged and fell by the whole civilized world would be outraged, if private pro-perty should be generally confiscated and private rights annulled. The people change their alle-giance: their relation to their ancient sovereign is dissolved; but their relations to each other and rians and outlaws ! How many lives their rights of property remain undisturbed." gion allow him to dispose of upon the

block? Let us bring the question to some Thus the authorities concur, and they might be greatly multiplied. I have no practical test-100,000, 20,000, or 10,000? doubt they contain the settled law and What number will satisfy his thirst for usage of natione at the present time. The blood ! One half the smallest number tarules of ancient warfare have improved as ken by this Government, now the war has the nations have progressed. The benign ended, would bring upon us the reproach, if not the execrations of the civilized world. influences of the Christian religion have been dispelling the darkness and barbaribe accepted and scorus a finality. It spends its time in angry contentions with the President, and in devising schemes for opposing him and deluding the people. It will be happy indeed for the country if while a Re-

to the days of savage cruelty and Roman barbarism,

But it is said that the right and power of the Government to make these confiscations is not now an open question; that this was settled by the act and discussions of 1862. I am aware that the subject was much and ably discussed at that

the joint resolution construing, qualifying, and restricting its provisions he would have finally vetoed it as in violation of the Constitution. The Constitution then had not stitution. The Constitution then had not been as now altogether ignored. That great our own Constitution but the sanctified unknown, unexplored, boundless "outside" had not been discovered.

Even the gentleman from Pennsylvania, now repudiating the Union and the Constitution altogether in their application to the people of the southern States, then had lucid intervals, and on such occasions would recur to its provisions. In his speech at that time advocating confiscation, he sought for authority in the Constitution and claimed it was there; and he found, also, the appalling power in a certain contingency to proclaim a dictator. He said:

"If no other means were left to save the Republic from destruction, I believe we have the power under from destruction, I believe we have the power inter-the Constitution, and according to its express provi-sion, to declare a dictator, without confining the choice to any officer of the Government. Rather than the nation should perish, I would do it; rather than see the nation dishonored by compromise, concession and submission; rather than see the Union dissevered: rather than see one star stricken from its banner, all other things failing; I would do it now.

And, sir, no seeing at the moment just the right man to fill the important position of dictator under the Constitution, and distrusting, and he was known to distrust at vs. the State of Missouri. It says; that time the martyred President Lincoln, whom he now so eloquently eulogizes, in a moment of inspired vision I suppose he discovers the old Democratic hero of New Orleans, and exclaims "Oh for six months' resurrection of the flesh of stern old Jackson!" This is not the first time in the history of this rebellion that the Democracy and its leaders have been invoked to save The same law that subjects the property the Republic. More than once the appeal this House and the gentleman himseli by subjects the life to the disposal of the con- was made to the Democracy, Save us or we

> he gentleman referred to, by act of Congress we can of the other al- bill were carefully avoided in that. The defines it to beargument most strongly urged and relied upon was that it was a war measure-necessary for subduing the rebellion, and that it was competent to use any and all the means within the reach of the Government for putting an end to the war. It was scarcely contended that it was to be a permanent measure or be prolonged beyond the continuation of actual war. It was to be executed in conjunction with and in aid of the Army, and would cease to be operative when peace should be restored. The gentleman from Pennsylvania took this view of the subjuct in 1861, and he used this language, which will be found in the Globe of August 2:

"I say it is constitutional and according to the law of nations in time of war. I admit that if you were in a state of peece you could not confis cate the property of any citizen. You have no right to do it in time of peace, but in time of war you have the right to confiscate the property of every rebel."

The state of things upon which the main argument in favor of confiscation in 1861 and 1862, were predicted no longer exists. The war is over, the rebellion is subdued, the contest of the swords ended, a state of peace has come, and, as is it said by Chief Justice. Chase in opening the court in Ruleigh, "the national civil jurisdiction is fully restored." And now, sir, in a time of profound peace, with the courts all open and their jurisdiction fully restored by an act of Congress it is proposed to confiscate the property of all that people, the people of ten States, combatants and non-combatants, men, women and children—all, indiscriminately, are to be made by it subjects of legal plunder; nay, to be by the act itself actually robbed and plundered of their estates, real, personal and mixed! No trial, no inquiry, no investion, no examination to ascertain or determine individual guilt or liability. No explanations, no exculpations, no defenses, no mitigating circumstonces, no conditions, no qualifications, no discriminations, no ad justments! Without justice, without merey, without sympathy, without forgiveness -all, en masse by the thousand, by the million, condemned, despeiled, stripped by one inexorable law. And that law not upon the statute-books, not in the hands of the people, not even as in ancient times. posted beyond the reach of their eye-sight no, not even yet in existence, but hereafter to be ordained and enacted! "By a law to be passed." Was there ever a proposition so terrible, so atrocious! Blackstone

"To bereave a man of life or by violence to confiscate his estate without accusation or trial would be so gross and notorious as act of despo tism as must at once convey the alarm of tyranny throughout the whole kingd m."

palpable violation of that provision of the Constitution that no person shall "be deprived of life, liberty, or property without hereafter to dispose of all the dearest rights of American citizenship.

Are its acts henceforth to be the American "due process of law ?" Are its edicts time. The arguments, however in favor of that bill failed to satisfy even President to dispose of our lives, our liberties, and our property? Is it to usurp all judicial power and condemn to death and confiscate the property of the people by commu-nities, by States, by wholosale? Can wa, dare we, thus perversely and wantonly reject the wisdom and experience of our ancharter of both British and American lib-

> But that is not the only provision of the Constitution in the way of the passage of this bill. History admonished the fathers of the Republic that in times of great excitement, in times of high party feeling and passion, revengeful and vindictive laws for the punishment of acts not before deemed crimes or deserving of punishment might be enacted. They anticipated these times—they anticipated this kind of legislation, and prohibited it by providing that "No bill of attainder or ex post facto law shall be passed." It was contended that the sct of 1862 was not a bili of attainder or ex post facco. But there can be no doubt that this is obnoxious to both objections? This is a bill of attainder and ex post facto.

> What is a bill of attainder? The Bu. preme Court at its lasi session determined this very question in the case of Cummings

"A bitl of attainder is a legislaitve act which in-"A bitl of attainder is a legislative act which in-flicts punishment without a judicial trial. If the punishment be less than death, the uct is termed a bill of pains and penalties. Within the meaning of the Constitution bills of attainder include bills of pains ann denalties. In these cases the legislative body, in addition to its legitimate functions, exercis-es the powers and office of judge,"

In this definition all must agree. It can make no difference whether the act is aimed at a single individual by name or at a class or at all the people of a particular locality. The Supreme Court has also determined what is an ex post facto law. In a quotation from the ablest statesman here, querors If the one is in our power so is who, if not always, is generally consistent the other. If we can dispose of the one But many of the worst features of this Fletcher vs. Peck, Chief Justice Marshall

"A law which makes an act punishable in a ma ner in which it was not punishable when con

said that distinguished and eminent judge-"may inflict penalties on the person, or may inflict becuniary penalties which swell the public treasury. The legislature is then prohibited from passing a law by which a man's estate, or any part of it, shall be scized for a crime which was not declared by some previous law to render him l'able to that punishment. The Constitution—

says Justice Field-

deals with the substance, not shadows. Its inhibi tion was leveled at the thing, not the name. It intoi-ded that the rights of the citizen should be secured against deprivation for past conduct by legislative en-actment, however disguised." Is there any room for doubt that this is

bill of attainder and ex post facto ! It has all the elements, all the essentials, of both. It is completely within the definition of the Supreme Court. The gentleman certainly cannot deny it. It is reci-ted in the preamble of his bill "that it is due to justice that some proper punishment should be inflicted on the people who constituted the confederate States." The gentleman who introduced it opened his speech by announcing that he was "about to discuss the question of the punishment of belligerent traitors." It is then a legislative act already committed; punishment for past conduct; punishment for crime new or additional to that now provided for by law ; punishment of "belligerent traitors"-new crime and new penalty, and all without trial. Sir, if that whole people are criminals, if

they are all traitors, and it is desirable to

try them all for treason and punish them, the Constitution empowers us to do it. It provides the mode of trial, and limits the punishment. There must be indictment arraignment, jury trial " by due process of law." Then, upon conviction and judgment and not till then, the punishment, the penalties and forfeitures of treason, no implied guilt, no presumed crime. These are safeguards, thank God, that our fathers were considerate enough to throw around the American citizen. These were the sacred protections they secured for his rights of person and property. His life, h a liberty, and his property were not left to be the prey of caprice and passion, but were surrounded, guarded, and secured by irrepealable law. Trial by jury is the sa-cred birthright of every citizen of the Republic. It is a right older than the Constitution, older than the Republic. It was not born of or created by the Constitution, but it is imbedded, and secured in it as an indispensable requisite of liberty and free says in his Commentaries, volume 1, page gevernment. It cannot be stricken down or denied in person of the weakest or humblest, the most deserving or the greatest criminal, without cudangering the right itself-without je opardizing the libertles of