



By HANES & BRUNER,

"The Old North State Forever."—Gaston.

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[WHOLE NO 413

### ECLECTIC MAGAZINE

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A. C. WHARTON,  
Clemmonsville, N. C.  
Sept. 1, 1868. w-1w-1m

### Important To

Majistrates, Clerks, Sheriffs, and others.

THE undersigned have in press, and will soon issue, a complete and full

#### ANALYSIS OF THE LAWS,

under the Code of Civil Procedure, as passed by the General Assembly, relating to the duties of

Justices of the Peace, Sheriffs, Clerks of Court, and other County Officers.

together with the Constitution of the State, a list of the Counties as divided into Judicial Districts, the time of holding Courts in the several Counties, the names of the Judges and Solicitors of each Circuit, the names of the Clerk of the Superior Court, Register of Deeds, Sheriff, County Commissioners, Treasurer and Coroner for each County. This pamphlet will also contain the Fees allowed by the new law to the several officers, with some of the most necessary

Forms of Civil and Criminal Process. The work will contain about 150 pages, and will be a most valuable book of reference for county officers.

Sent by mail to any post office in the State, postage paid, for \$1 per copy. Address,  
NICHOLS & GORMAN,  
Book and Job Printers,  
RALEIGH, N. C.

The undersigned are also preparing, under the direction of a member of the Raleigh Bar a Digest of all the Laws concerning County Officers, with a Complete Set of Forms, adapted to the new order of things. This book, of some 400 pages, will be published as soon as the final report of the Commissioners appointed to revise the Code has been apoted by the General assembly. The plan and scope of the proposed book, will be further laid before the public at an early day.

NICHOLS & GORMAN,  
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Raleigh, Sept. 1, 1868.

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LANDS WANTED, in Rowan, Davie, Davidson, Iredell, Catawba, Stanly, Mecklenburg, Forsythe, &c. No title to be given till money is paid. Five per cent. commissions charged on all sales. Sell half your lands and the remainder will be worth double, and these thirty Jersey farmers will develop our country. Send us descriptions of property, with prices, &c. Inquiries promptly answered.

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JNO. B. GREYER,  
General Agent,  
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Dec. 2, 1867.

### The Griffith Lands

#### FOR SALE.

BY virtue of a decree of the Probate Court of Rowan county, will be sold at the court-house door in Salisbury, on Tuesday, the 10th day of November, five hundred and ninety-five acres of land belonging to the estate of R. W. Griffith, dec'd. Said lands are situated in the Western part of the county, within two miles of the depot at Rowan Mills, and are very valuable. A further description of them is thought to be unnecessary as they have been advertised before.—Terms made known on the day of sale.

Z. GRIFFITH, Adm'r.  
Oct. 1st, 1868. w39-6t

### Haag & Smith's Patent

#### WATER WHEEL.

THE undersigned having accepted the agency for the above named wheel, would call the attention of the proprietors of Mills, Factories, &c. &c., to the many advantages they would derive from using it. It is well adapted to all purposes for which a water wheel is used. The small space it occupies, and the velocity of its motion, are attractive features. It requires but a small amount of getting. Ice does not affect it. Works as well on horizontal as vertical shaft. Suitable to any locality. Not affected by back water. It is simple, cheap and durable. One of the wheels can be seen in operation at Ford, Tatam & Co's, Mill on South Yadkin River.

I have been in the Millwright business for 25 years, and consider this by far the best wheel I have ever yet met with. This wheel costs from \$15 to \$275, according to size.  
For further particulars address me at Jerusalem, Davie Co., N. C.  
RICHARD T. NUTT,  
41w-36  
Sep. 10, 1868.

#### Lost or Mislaid.

A NOTE OF HAND payable to the undersigned, one day after date, made on the 8th of January, 1867, for the sum of fifty-four dollars, or thereabout, signed by J. M. Coffin and J. D., or John D. Brown.—These parties are hereby notified not to pay the said note to any other holder than myself, as I shall apply for a renewal of it.  
Sept. 22, 1868.—St. J. J. BRUNER.

### THE OLD NORTH STATE.

#### 'TRI-WEEKLY'

RATES OF SUBSCRIPTION—IN ADVANCE.

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9 SQUARES,	25.00	24.50	24.00	23.50	23.00
10 SQUARES,	27.50	27.00	26.50	26.00	25.50

For the Watchman & Old North State.  
LEXINGTON, N. C.,  
Aug. 24th, 1868.

Hon. Lewis Hanes, Salisbury, N. C.

My Dear Sir: I wish most respectfully to call your attention to what I conceive to be a few discrepancies in your second article reviewing Judge Pearson's letter. In the first proposition you say "a decision by the Supreme Court that the Reconstruction Acts of Congress are unconstitutional and void would not affect the validity of the State governments already organized in pursuance of their provisions. Nor would a repeal of the law itself affect them, but only prevent the organization of others in States in which such reorganization has not yet been consummated."

It is clear from the above, you contend that neither a decision by the Supreme Court that said acts are unconstitutional or a repeal of them by Congress would affect the "validity" of a creation of an organization. Is that not a discrepancy? Can there be a valid government formed in pursuance of measures which the Supreme Court pronounce invalid?

In the second proposition you say "on such premises we argued, in an article which appeared in the Old North State on the 30th of June, that there was no constitutional means by which we could get rid of those governments, unless we could carry both houses of the next Congress, which we cannot do." You say, "from such premises," &c. If you took the first proposition, or the arguments in your first proposition as your premises, you certainly came to the wrong conclusion in your second, or your article of June 30th; for in the first you say that a decision by the Supreme Court or repeal by Congress "would not affect the validity" of the State governments, or enable us to get rid of them, yet by a negative pregnant in the second, you admit that they can be gotten rid of, as you say "that there was no Constitutional means by which we could get rid of those governments unless we could carry both houses of the next Congress," thus clearly admitting that if we could get both houses of the next Congress we could get rid of them.

I must humbly submit that there is a discrepancy and that it grows out of a fallacy in the first proposition. The position you take "that a decision of the Supreme Court that the Reconstruction Acts are unconstitutional and void would not affect the validity (is not that the wrong term? Should it not be organization?) of the State governments, is untenable. It is contended by some of the ablest and most eminent jurists and lawyers that statutes which are unconstitutional, and all acts done in pursuance of them, are not valid, or of force or binding, even though they have not been acted upon by the Supreme Court. They contend that it is a great fallacy to suppose that enactments of legislatures are binding and of force, however flagrant, atrocious and unconstitutional.

To illustrate the 15th section of the old Declaration of Rights, which is made part of the Constitution by the 44th section of the old State Constitution, says "that the freedom of the Press is one of the greatest bulwarks of liberty, and therefore ought never to be restrained." Suppose the legislature was to enact "that the town constable of Salisbury is empowered to enter your 'Castle' and seize, without warrant or process and without cause, your press, type, &c., and appropriate it to his own uses." (The constable by virtue of the authority, (such as it is) vested in him by the aforesaid act, enters your castle and seizes the press, &c. What would you do?—Would you give up your press, and stop your paper, lose your patronage, and wait to try it in the different stages of the Superior Court, and after that—about 15

months—appeal to the Supreme Court and then wait perhaps for years for a decision, and that too at an enormous expense and trouble. I say, would you do this, or would you defend your cattle and property, as you are authorized to do by the Constitution, by asking the intruder to leave, and if he refused to assist him by softly laying your hands upon him, and if he still refused by "cracking his cranium?" As a law-abiding citizen, which would you do? Then, if the position of the great men be true, that acts done by authority of unconstitutional laws are not binding even though a decision has not been made upon them by the proper tribunal, how would it be when such a decision shall be rendered? No, because some things have been done under an unconstitutional law, it does not render the things done, prior to such decision, valid. Suppose the different Sheriffs of the State, in selling real estate for debts contracted before the war, were to allow each debtor a homestead under the new constitution, of one thousand dollars value, and continue to do so for several years, and then the Supreme Court were to pronounce, as applying to old debts, against the Constitution of the United States, do you contend that all the Sheriffs had done were valid? That the Sheriff's title to the debtor would hold good? Or, would you say that it "did not affect the validity" of what had been done?" by said Sheriffs under said unconstitutional law," but would only prevent the Sheriffs, after such decision, from allowing homesteads in such cases in the future?

The truth is, all acts done in pursuance of unconstitutional laws are null and void and are without force and effect, and when the law is so pronounced by the proper tribunal, every thing falls to the ground. I write you this in order that I may hear from you again on the point in friendly controversy.

Truly yours,  
P.

#### GRASSHOPPERS IN TEXAS—A LIVING CLOUD.

(From the Dallas (Texas) Herald, Oct. 2.)

We have many rumors of the appearance of grasshoppers in the counties west of us, within the past month, but, up to the time of writing this notice, none have been seen nearer here than Mansfield, in the southern part of Tarrant county.

We have heard of them at several places on the frontier—at the Sulphur Springs, on the Brazos; in Hood county, a gentleman informs us they appeared in clouds on Monday, the 21st ult., and ate up every kind of vegetation. When they first appeared, it was thought by the campers around the springs to be a cloud, and preparations were made for rain; they made a noise in their flight very similar to a storm of wind and rain; when they came nearer, however, they began to descend and covered the earth in every direction, consuming all garden stuffs and other green vegetation they could find.

The following extract of a private letter from our former townsman, John H. Cochran, Esq., dated at Belknap, on the 16th of last month, describes the first appearance of the pests:

"On yesterday, the 15th, I saw a sight which I hope no mortal man will ever see again. About three o'clock, p. m. I went to the door, and observing that the sun shone but dimly, I looked for the cause. I saw in the distant west what I took to be the smoke of an immense fire, but on looking closer I perceived that it was not smoke. What is it? The inquiry of every one, both old and young. It continued to approach, and in about two hours came near enough for us to see that it was a dense mass of moving objects. Near or nearer, dimmer and dimmer the sun shined—we see what it is—My Lord! the Egyptian plague! From the ground upward, as far as the eye could see, on account of their denseness, was an almost solid mass of moving insects—grasshoppers.

"All who saw the sight agree, for every square inch of surface over which they were flying, there must have been no less than one bushel of grasshoppers. This body of insects were moving ahead of a northwest wind. They were some three miles wide and as long each way as the horizon was to us; this could be seen before they approached near enough to distinguish what they were—after they reached us the view was very limited on account of the denseness of the mass. They passed over in a northeast direction; still we have millions left of the first coming. This

#### FACTS TO BE OBSERVED BY THE PEOPLE.

1. In the approaching election no man is disfranchised who ever was entitled to vote.

2. A new registration will begin on the 15th of October, and every voter, old and new, must register.

3. There are one hundred and forty thousand white voters in North Carolina, and seventy thousand colored voters, in round numbers, a majority of two to one.

4. Although the whole of the colored vote should be cast against the Conservatives, (which will not be the case,) and thirty-five thousand white votes added, Seymour and Blair will still carry the State, if a full vote be polled.

5. Military Government has ceased.—The election on the 2d of November is to be free, as in former times.

6. Any person who shall assemble armed men at any place of election, on election day, is liable to a penalty of \$1,000 according to the Revised Code, page 308

—9.  
W. A. GRAHAM,  
JOHN W. NORWOOD,  
HENRY K. NASE,  
JOSIAH TURNER, JR.

One company of regular infantry has been sent to Phillippi, in West Virginia.

A dispatch announces that Governor Seymour will take the stump—making his first speech of the campaign at Buffalo, N. Y., to-morrow.