

WATCHMAN & OLD NORTH STATE.

NEW SERIES.]

SALISBURY, N. C., OCTOBER 16, 1868.

[VOL. I, NO. 41]

TERMS—CASH IN ADVANCE.
WATCHMAN & OLD NORTH STATE.
Weekly paper, One Year, \$3.00
Six Months, \$1.75
Three Months, \$1.00
Single Copies, 5 Cts.

TR-WEEKLY OLD NORTH STATE.
No. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

GRAND RALLY IN SALISBURY.
4,000 People Present!

GRAND PROCESSION!
Speeches by Hon. John Quincy Adams, Col. R. H. Cowan, and Gen. Vance.

THE BARBECUE!
Grand Torch-Light Procession at Night!

Brilliant Display of Fire Works!

Speeches by R. F. Armfield, P. F. Duffy, Col. Cowan, Wm. M. Robbins, F. E. Shober and Others.

Thursday, the 8th day of October, was a day long to be remembered by the Democrats and Conservatives of Old Rowan and the adjoining counties. Early in the morning the promenade of the country began to arrive and by eleven o'clock a vast multitude had assembled, variously estimated at from three to five thousand. The morning was threatening, a slight shower of rain falling about ten o'clock, but as the day advanced it gradually cleared away and we were finally blessed with a most delightful afternoon.

At eleven o'clock the procession was formed at the public square under the direction of Dr. J. W. Hall, Chief Marshal, and by a number of competent assistants. The procession being formed it moved through Main street, preceded by the Salisbury Brass Band and the invited guests in suitable conveyances, to the stand, which had been erected in the beautiful Grove at the Hospital Grounds, nearly opposite the residence of Maj. Archibald Henderson. While the assembled thousands were composing themselves and the ladies were being conducted to the most eligible seats, the band played a number of popular and patriotic airs.

At twelve o'clock, M., after all had been seated and composed, Dr. Hall took the stand and made a few brief and appropriate remarks, announcing the programme of proceedings. He concluded by introducing Hon. John Quincy Adams of Boston, Mass., the recently representative of one of the most illustrious houses in American history.

Mr. Adams arose amidst the loud plaudits of the multitude, and commenced his remarks by saying that he was on his way to Columbia, South Carolina, in response to an invitation extended to him by Gen. Wade Hampton and others, to visit that place when he was stopped by the rebels and detained to address the meeting now assembled. After expressing his great gratification at meeting so many of his fellow citizens of North Carolina, he read the letter of Gen. Hampton and others inviting him to Columbia. He then proceeded to say that the great body of the Northern people were kindly disposed towards the people of the South but that they were distrustful of them. The Northern people, he said, were for the most part ignorant of the real condition of things down South. They were designing to keep the South in a state of poverty and wretchedness.

who believed that it was their intention to re-establish the institution of slavery should they again acquire political power in these States. He wished all these questions satisfactorily answered by the representatives of the South. He wished to return to the North with a positive contradiction of the various false charges which were being circulated there to the prejudice of the Southern people. He wanted to tell them when he returned what he had seen and heard from our people during his visit among us so that they might be convinced. Seeing himself surrounded by a number of the representative men of the State he wished to propound to them a few important interrogatories. He would ask them whether the people of North Carolina were rebellious or whether they had determined to submit in good faith to the results of the war and looked to a common government with the people of the North for their future government and protection—whether they regarded the questions of secession and slavery as having become obsolete issues—whether bona fide Northern settlers would be well received and kindly treated in the event of their immigration to the State—whether they were willing to accord the colored people all their rights and protect them in the exercise of the same as fully as the white people were protected in theirs—whether they wished to have a fair chance to live and prosper in the enjoyment of their rights—did not consider snuffing a right, but only a privilege. Having propounded these interrogatories he took his seat to await the replies.

COL. R. H. COWAN of Wilmington, was then introduced and proceeded to answer the questions which had been propounded by the very distinguished gentlemen from Massachusetts who he was rejoiced to see among us. The people of North Carolina, he said, submitted in good faith to the results of the war. They regarded the questions of slavery and secession, and so did the New York platform, as having been settled for all time by the war, and for the future they wished to live in peace under the Constitution and laws of the United States with the same rights and privileges enjoyed by the people of the Northern States. They could not restore slavery if they would and would not if they could. This, he felt sure, was the universal sentiment of the people of this State. All bona fide settlers from the Northern States, or from any other country, would be kindly received and heartily welcomed here. We wished them to come with their capital, their skill and their industry to assist us in the development of our resources, and in the reconstruction of our ruined fortunes.

Mr. Adams arose amidst the loud plaudits of the multitude, and commenced his remarks by saying that he was on his way to Columbia, South Carolina, in response to an invitation extended to him by Gen. Wade Hampton and others, to visit that place when he was stopped by the rebels and detained to address the meeting now assembled. After expressing his great gratification at meeting so many of his fellow citizens of North Carolina, he read the letter of Gen. Hampton and others inviting him to Columbia. He then proceeded to say that the great body of the Northern people were kindly disposed towards the people of the South but that they were distrustful of them. The Northern people, he said, were for the most part ignorant of the real condition of things down South. They were designing to keep the South in a state of poverty and wretchedness.

Mr. Adams arose amidst the loud plaudits of the multitude, and commenced his remarks by saying that he was on his way to Columbia, South Carolina, in response to an invitation extended to him by Gen. Wade Hampton and others, to visit that place when he was stopped by the rebels and detained to address the meeting now assembled. After expressing his great gratification at meeting so many of his fellow citizens of North Carolina, he read the letter of Gen. Hampton and others inviting him to Columbia. He then proceeded to say that the great body of the Northern people were kindly disposed towards the people of the South but that they were distrustful of them. The Northern people, he said, were for the most part ignorant of the real condition of things down South. They were designing to keep the South in a state of poverty and wretchedness.

That Convention had adopted an amendment to our old State Constitution abolishing slavery, and that amendment had been ratified by the white voters of the State with singular unanimity. The legislature subsequently elected under the auspices of that Convention had ratified the amendment to the Constitution of the United States forever abolishing slavery in all the States and preventing its restoration by any of the States. This they did in perfect good faith, and if there was a man in North Carolina who would restore slavery for his own part Gov. Vance said that if he could restore the institution by turning over his hand he would not do so. [great applause] and he believed that he spoke the unanimous sense of the vast audience which he then beheld before him. Is not this so, said he, is there a single man in all this large assemblage who would restore slavery if he possessed the power. This question was answered by a loud and universal No. No. What, said he, do they want to have more guns brought South? Do one part of your people want to shoot the other part—if not, what are they wanted for? He spoke of suffrage in Massachusetts—said the negro could not vote unless he could read and write, but here suffrage had been conferred upon them all by Congress because it was believed that the Southern white people would enslave them if they had a chance—called for another vote which was unanimous against any attempt to restore slavery—gave it up and called for three cheers for Seymour and Blair which were given with a will. He said that the election of Seymour and Blair would not be our salvation—that the Radicals had control of the Senate and would have for six years at least—said the Southern people must be patient—demanded upon their own account that they be patient and conciliatory—that they show kindness to the colored people—preserve good feeling and thus strengthen the hands of their friends of the North. Any other course, he said, would play into the hands of the Radicals. He came down South not to make political speeches—the present questions rose above all partisan considerations. He wanted the Constitution restored and again urged that Northern men who come here, and the colored people, be kindly treated. I hope, said he, you will consider this advice kindly and follow it though it comes from me, who am a carpet-bagger. [Gov. Vance said no you are not, you have a trunk, I saw it when you got off the train, which produced laughter.] He asked whether if he should come down and settle among our people they would vote for him for Governor? [Shouts of yes, yes.] Would you vote for me against Vance? [Yes.] He intended to go home and disabuse the Northern mind as far as he could—if there was a rebellious spirit down here he had so far failed to find it. He came down here to see if the people of the South were like the people of Massachusetts—human beings. He found that they were—we were fellow creatures and ought to stand upon a common platform and live in peace.

Up to this point we have given a brief synopsis of the speeches. We feel that our sketch is very imperfect and that we have not done justice to the distinguished speakers. But it is the best we could do in our small space with our imperfect notes.

After Mr. Adams, who had been listened to with the profound attention, had taken his seat, Col. Cowan addressed the audience for more than an hour, in a clear, convincing and able speech. This was Col. Cowan's first appearance among us and we do him no more than justice when we say that his speech, as well as that of Mr. Adams, pleased and even delighted our people. He made a fine impression and we would like to see and hear more of him in this part of the State.

After Col. Cowan had concluded, Gov. Vance spoke for one hour and a half in his best style, giving universal satisfaction. Gov. Vance is so well known throughout the State that it is unnecessary to say more unless we could present a report of his speech, which we cannot.

When Gov. Vance concluded the meeting adjourned to the Barbecue to which ample justice was done. Notwithstanding the large number of persons present there was enough for all. The arrangements had all been admirably made and the best of order prevailed. The table was in the form of a square, the ladies and the invited guests being admitted to the inside. Within the square a table had been specially prepared for the speakers, and an excellent dinner was spread for

them. We heard Mr. Adams remark that this was the first barbecue he had ever attended in his life, and that he rejoiced in being able to witness such a demonstration and enjoy such a repast. We do not think that any one present enjoyed it more than this grand son of our President and great grand son of another.

At seven o'clock, P. M., a Grand Torch Light Procession was formed on Main street, beyond the Railroad Bridge, which made a brilliant display of fire works scattered through the principal streets of the city, being addressed at various points in its progress by different distinguished gentlemen. When the procession reached the public square it halted and was addressed by Col. R. F. Armfield, of Wilkesboro, in a brief but able speech which elicited much applause. It then moved around to the Boyden House where it was addressed by F. F. Duffy, Esq., of Greensboro, in an animated speech which was well received and frequently applauded. The procession again moved up to the public square where brief but eloquent speeches were made by Col. Cowan, Francis E. Shober, Esq., Maj. Robbins and others. Here the meeting finally dispersed after having witnessed another splendid display of fire-works.

The meeting was one of the most harmonious and enthusiastic we ever witnessed. The utmost good order prevailed from beginning to end. Not a single incident of any kind occurred to mar or disturb the pleasure of the occasion. The vast assemblage listened to the speakers, both at the stand and at night, with the closest attention. Among those who attended and paid close attention was about three hundred of our colored fellow citizens. The number of these would have been much greater but for the fact that the radical leaders hereabouts had gotten up a meeting of five miles from town for the purpose of drawing them off. We learn from reliable sources that it was a very small affair, and did not altogether have the desired effect.

We cannot close this account of the great Mass Meeting without noticing the patriotic efforts of the fair ladies of Salisbury to make it what it was—a splendid success. To them much of the credit is due. By means of a concert, and otherwise, they raised a large part of the funds necessary to furnish the provisions, fire works, flags, &c., for the occasion. Their fair hands decorated most beautifully the speaker's stand. They aided in preparing delicacies for the table. And lastly they encouraged us with their approving smiles. We have often had occasion to remark that there was much more of public spirit, as well as of patriotism, among the ladies of Salisbury than among the men, and the part they acted in this demonstration fully confirms our formerly expressed opinion.

For the Watchman & Old North State.
Can the Present Government in North Carolina be Declared Void and Without Authority, by Judicial Decision?
Messrs. Editors:—In your issue of the 30th of June you take ground in the negative, but state that you would rejoice exceedingly to see the questions discussed answered in such a way as "to show that we have a constitutional mode of escape from our present condition, &c."

It is a momentous question indeed, and involving, as I conceive, not only the welfare of our Southern people, but the integrity of the Constitution itself. The doctrine you advance (and though advanced by a non-professional person, one who I conceive, to be one of the best constitutional lawyers in North Carolina), is shocking to every idea of Constitutional government, violates every notion of ethics in government and is at war with the fundamental principles of justice.

able—then New York is reconstructed as before stated and the newly elected Senators are admitted to seats. Has New York no constitutional remedy for such a palpable and gross violation of her constitutional rights? By this logic the more outrageous and flagrant the violation of the constitution, the more effectually is it screened from the judicial condemnation! That if Congress stops short of complete inequity, their course may possibly be arrested by the judicial sentence; but if it proceeds to the exhaustion of every resource of tyranny and usurpation, the more they tyrannize—the more they usurp, the more certainly are their acts, screened from judicial scrutiny! Such is the *reductio ad absurdum* from your argument.

You base your whole argument upon the authority of Luther vs. Borden, 7, How 1, and its application to the matter in hand. Its authority none can deny—its application, I do. Long before that case had been decided it had been repeatedly held by the Supreme Court, that the recognition of foreign States was a matter to be settled by the political departments of the Government. *Gelston vs. Hoyt*, 3, Wheat, 246. *United States vs. Palmer*, 3, Wheat, 610. *The Santissima Trinidad* and the *St. Andrew*, 7, Wheat, 683.

The case of Luther vs. Borden arose out of the Rhode Island difficulties; those difficulties arose between different parties of the people of that State and the quarrel was purely domestic; no department of the general government had any interest in upholding one party to the quarrel, rather than the other, but stood neutral, and some of them was therefore a fit umpire to decide. Chief Justice Taney delivering the opinion puts the decision upon three grounds:

1. That the general rule that the recognition of a government belongs to the political department.
2. That the State Courts of Rhode Island had determined the question involved and that decision was binding on the U. S. Courts.
3. That the question could not be the subject of judicial investigation, by reason of the difficulty of the proof.

The reasons given for confining the question of recognition to the political department is based upon the constitutional guarantees, viz:

1. That of a republican form of government.
2. That of protection against invasion.
3. That of protection against domestic violence.

Now, I agree that, if the people could in legal intentment, here acted in forming the carpet-bag governments, that the decision in Luther vs. Borden applies—for then it is reduced to a quarrel between different factions of the people of the State—but it is equally unfair and un-lawyer-like to call out certain expressions dropped by the Court *arguendo* and apply them literally to the present situation. Unfair, for that case was decided at a time when it cannot be supposed that the court had in view a state of things, following an unsuccessful attempt to dissolve the Union, and therefore, we may infer need much more general expressions, than had such a situation been contemplated.

Un-lawyer-like—for "it is a maxim, not to be disregarded, that general expressions, in every opinion, are to be taken in connection with the case in which those expressions are used. If they go beyond the case, they may be respected, but ought not to control the judgment in a subsequent suit, when the very point is presented for decision."—*Coburn vs. Virginia*, 6, Wheat, 399.

As then it cannot be successfully asserted but may be confidently denied, that the court in Luther vs. Borden could or would have possibly anticipated and directed their opinion, to a state of facts non-existent and non-contemplated, if indeed, not non-contemplatable, then it remains to consider, would a case involving the validity of the carpet-bag or bogus governments present the very point on which the case of Luther vs. Borden turned.

I say, that it would not, nor could it by any possibility. Taney, C. J., thus states the point decided: "The existence and authority of the government under which the defendants acted, was called in question; and the plaintiff insists, that, before the acts complained of were committed, that government had been displaced and annulled by the PEOPLE of Rhode Island." &c., p. 35.

The learned Chief Justice, then assumes (and bases every position taken in the opposition over the other) that there existed a contest between different portions of the PEOPLE of Rhode Island for the government—not outside pressure—no dictation from abroad—no importation of carpet-baggers aided by the hissing bayonets of U. S. Troops, but a pure, *Kilkenny* fight.

The question then which was raised and declined to be decided by the Court was, which was the rightful government of the PEOPLE of Rhode Island. Here it is whether a so-called government, in which in legal intentment the PEOPLE could have had no voice in creating, can be ratified into a legitimate government of such PEOPLE without their consent; by the recognition of its very creator!

Now the question which might be presented, is not whether or not the PEOPLE have formed a so-called government, for admitting the legal opportunity, that becomes a political question and the decision in Luther vs. Borden would apply—but the question really is, whether in legal intentment the PEOPLE could by any possibility have formed such governments!

If under the reconstruction acts the Court should hold, that in legal content-

plation the PEOPLE could not have formed these governments—then as no governments could have been formed in law, since they have been formed by the PEOPLE in fact; this is a presumption *juris de jure*—if the PEOPLE could have formed no governments in law, a minority cannot form one in fact—then as the Court can see that no government could be formed in law, they cannot without independent proof, it is something more than the admission of Senators, etc., and that what have been formed in fact, and what does not appear cannot exist, the Court must say that in legal intentment there was no government which could form the subject matter of recognition. In order that the case of Luther vs. Borden may apply, there must exist these circumstances: 1. A government *de facto* of the PEOPLE. 2. That such government should have been, in law and fact, recognized by the political department of the government; if therefore there is no government, and in legal intentment could have been no government formed by the PEOPLE, then there can be no recognition—recognition implies ratification and it is well settled that a nullity cannot be ratified; a voidable act may be confirmed, &c., but not a void act.

Then could the PEOPLE of North Carolina have formed any government under the reconstruction acts? I say not. A very large portion of the PEOPLE were absolutely debarred from participating in the formation of such government to say nothing of the allowing all the colored people to participate. The exact proportion of those excluded is not, nor can be estimated, but was necessarily numerous from the character of the excluding test and for the same reason embraced much of the talent, learning, virtue and respectability of the people, the government proposed to be erected under the reconstruction acts, by reason then of this exclusion of so large a class, could never then, as seen and understood by the judicial mind, be regarded in legal contemplation as having been formed by the PEOPLE in law; it is but a mob clothed in the habiliments of lawful power—clothed in them by force. And I ask you, sir, to distinguish the case as it stands from a government with the same officers formed under a reconstruction act, prohibiting all whites and permitting all negroes to vote! The difference rests not on principle, but exists merely in degree; not only was a very large class absolutely debarred by the terms of the act but the same act provides military force to carry it out, as written—then I say, that in legal intentment, the PEOPLE of North Carolina could by no possibility have formed the so-called government and as according to the established theory (so often advanced by yourselves) there was no question but upon the surrender, we were instantly remitted to the *juris postpositum*, this so-called-bogus-carpet-bag government; it is not nor could have been in law, the creation of our PEOPLE, but is nothing but the creation of Congress—unlawfully legalized and styled government. It is law, and as much as seen by the Judges to have just as much and no other or higher effect than if Congress had issued passed a law as follows:

The Congress does enact, that W. W. Holden be Governor of North Carolina, T. R. Caldwell, Lieut. Gov., John Pool and Joseph C. Abbott Senators in Congress, and Francis Dwyane, etc., etc., be members of the House of Representatives, &c., and so on, enumerating all the other officers.

Now, I ask you, sir, if you would consent by virtue of Pool and Abbott being allowed their seats under this act, and French, etc., of the other Halls, the Court would be precluded from deciding upon such a government by force of the decision in Luther vs. Borden? Will you distinguish the reconstruction acts from the jurisdiction case as applied to New York, under the established theory that the State has always been a member of the Federal Union? It seems to me, sir, that the lawyer who contends that Luther vs. Borden is in the way of a judicial inquiry into the most invidious usurpation against the rights and liberties of a people, since the reconstruction acts, but other laws learned or has forgotten the maxim *qui nocet in altera nocet in omnibus*. Indeed he has stuck in the form books of the law, unless he be of that class of whom it is said "a little learning is a dangerous thing." In the foregoing observations I have omitted the discussion of two points which bear upon the whole question of reconstruction.

1. That as the bogus governments are wholly the creation of Congress, it would violate the first principles of justice to permit a recognition by Congress—indeed that the idea of applying the term recognition, (conveying as it does through judicial interpretation, the idea of impartiality, neutrality and entire disinterestedness) to the action of Congress towards its own work, is an absurdity, an inequality, and a legal sollecin.

2. That Luther vs. Borden does not decide that when Congress shall have recognized the question is at an end, but when the political department does, including the Executive. In our case you say one department has recognized, the other has not, but expressly avoided doing so. Then has there been an unequivocal recognition—does not the diverse action of the Executive and Legislative department like mutual estoppel, set the matter at large? I merely throw these points for consideration. I lay the stress of my view on the other point. I have merely skinned the surface of the question.

As some parties have written over my old name *de plume* of *STELLA*, articles which I don't intend to father, I sign myself TAU.