

Judge Brooks' Charge.

We cheerfully yield a large part of our space to the very able, excellent and impartial charge of Judge Brooks to the Grand Jury, at the opening of the present term of the U. S. Circuit Court.

But the portion of the charge that will attract most attention is that in which his Honor charges the Grand Jury to present all officials who have transcended their powers, or used them oppressively.

Oh! Consistency, Thou art a Jewel.

Certain members of the General Assembly are vociferous in their denunciations of Gov. Caldwell, because, as they say, he allows the rights of the people to be trampled upon by a usurping power without remonstrance.

These same members, while pretending to be the especial advocates and guardians of the rights of the people, turn their backs upon the dear people, and unceremoniously kick their petitions out of the Legislative Halls whenever they dare to suggest that there are members of the Legislature who have been guilty of offenses which render them unfit to be law-makers.

Are the members of this Legislature made of such pure material that the people have no right to enquire into their acts? Upon what meat do these our Cassars feed, that they are grown so great?

The Forthcoming Message.

Congress assembled in regular session at the Capitol of the Nation on Monday. The President's message is looked for with unusual interest, and will attract unusual attention.

The only questions upon which a division is possible are those of a reform in the civil service, a reform in the revenue system, and general amnesty.

On all of the points of difference, except the last named, we think it safe to predict that the message will be satisfactory to the most advanced and liberal Republicans.

The Republican statesmen and leaders are men of wisdom and sagacity equal to the emergency.

On the subject of Amnesty it is supposed the message will be silent. Yet there is ground to hope, that even that great measure of pacification will be recommended. If it is not the South-people will themselves be to blame for it, in a great measure.

Who are They?

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and the perpetuation of the party and the peace of the country be secured.—The Ku Klux organization will speedily die, if it is not already dead, and peace and quiet will once more bless the land under the auspices of the great party that saved the Union and re-established the government.

Editorial Correspondence.

ASHEVILLE, Nov. 23, 1871.

The Superior Court for this county commenced its fall term on Monday last, the 27th, Judge Henry presiding. The criminal docket was concluded yesterday, except some half dozen cases against John Dryman, a notorious horse thief.

The Western Division of the Western N. C. Railroad Company met here last week, and re-elected most of the old Directors, and Maj. W. W. Rollins as its President. It is understood that the commission appointed by a former Legislature to adjust and compromise its affairs with Swepson and Littlefield, will very soon make a satisfactory and full report to the Legislature, as they were required by law to do, of all their transactions, showing how much they have got, and how it has been disposed of.

The Eastern Division of the W. N. C. R. had a Directors' meeting yesterday. Its result has not yet reached the public. Gentlemen connected with it, in positions to know what they affirm, speak confidently of their ability to make arrangements, which will ensure its speedy completion to this place.

There is a certain carriage and conduct which can make a brave and earnest man as honorable and as respected in defeat, as he might have been glorious in victory; a dignified submission to the inevitable which sheds an ever increasing lustre upon his adverse fortunes, as years go by, and makes of him, at last, a hero in history.

From gentlemen from various counties around this, of both parties, a very favorable opinion of the Governor's Message is expressed. His views in relation to the public debt are generally commended. That is the great and vital question with the people of the West, and that something practical and prompt shall be done about it is what they most desire, for if left in its present condition they may as well abandon all hopes in the future of any State aid for valuable improvements which ought to be made in this section of the State.

It was supposed that by the people in this region, would be seriously thought of. The ballots of those who voted "Against Convention" were generally intended to signify their opposition to the mode of amendment proposed by the Conservatives.

The people of both parties want practical work out of their Legislators, on practical subjects, and the Republican party is certainly strong enough, and ought to be wise enough, to go at this work, without any waste of time, in attempting to make any better record than they now have before the country, or to inflict unnecessary blows, in an inappropriate arena, upon the corpse of the Ku Klux.

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The Newest Departure.

The late disastrous defeat of the Democratic party, in New York and in other States, has brought it to an acknowledgment of the existence of some facts which ought to have been as apparent to it, before these elections occurred, as they were to every one else.

Foremost among such facts are: 1st. The certainty of General Grant's re-nomination, by the Republican party, for the high office which he now holds.

2nd. The certainty of his re-election if he should be opposed by the nominee of a regular Democratic Convention upon any such platform as they have attempted to stand upon since the Presidential contest of 1868.

3rd. They must sincerely and heartily abandon any further opposition to the principles or policy of the reconstruction acts, or the amendments to the Constitution adopted since the close of the war.

4th. That their only hope is in a coalition with the disaffected anti-Grant element in the Republican party, in "objective point" of which combination is to be "the defeat of General Grant," as the Democratic journals, of course, add "in the interest of the country."

This newest of new departures—the last deduction of the wise heads of Democracy from their view of the actual condition of the party politics of the country—is endorsed by their leading journals, and by many of their ablest public men. That it will be a failure any one at all acquainted with the history and fate of similar coalitions and combinations, in times past, need not be told.

That a great political party, admitting itself vanquished at all points and wrong upon all practical public questions should disband and rove about the continent, up and down, from Missouri to Massachusetts, in quest of the discontented, dissatisfied and disappointed deserters from the ranks of its late opponents, proposing coalitions, combinations, and confederacies upon the purely selfish and unworthy principle—and upon no other—of personal opposition to the President, is an unbecoming in those who have engaged in it, as it is unlikely to succeed with the American people.

There is one other subject which I feel that it is my duty to call to your attention, and to express more fully to the public mind, than I have done heretofore. It is the subject of the Government, and the Customs and Internal Revenue.

I wish you distinctly to understand that I speak of this subject in no party or political effect whatever, any opinion which may be spoken, written or published to the contrary notwithstanding, is not intended to be taken as an endorsement of mine, or as a recommendation of mine, or as a recommendation of mine, or as a recommendation of mine.

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Charge of His Honor, Judge Brooks.

To the Grand Jury, at the opening of the present term of the United States Circuit Court in this City.

You have been summoned as intelligent, honest citizens, to act as jurors in this Court, and now, you gentlemen have been drawn and sworn to perform the most important duties in the administration of the Criminal Laws of the United States.

The importance of these duties, now devolving upon you, may be easily seen, if you will remember that it is through your action only, that any violation of the Criminal laws of the United States, in the district of North Carolina, can be tried by the Courts of the country, and the guilty punished, if properly convicted.

The Criminal jurisdiction of the Courts of the United States is confined to such acts as are declared to be crimes by the statutes of the United States, and in that respect, the jurisdiction of the United States is unlike that conferred upon the State Courts by the Constitution and laws of the State.

While this is the highest Court which sits under the authority of the Constitution and laws of the United States, and under the law is invested with power to try and to punish any violation of the Criminal law, yet that power is limited to the trial and punishment of such acts of commission as are expressly prohibited by the statutes of the United States, or such acts of omission as are expressly enjoined by the laws of the United States.

This spreads out before you, gentlemen, a wide field of labor. It is no less than the whole Criminal Code of the United States. Every act charged against a party, which constitutes a crime under these laws, from the high crime of treason to the most trivial act, known as a misdemeanor under the law.

It is quite unnecessary, I think, at this time, to detain you, while it would require me to describe particularly to you all, or even any considerable number of these offenses. Therefore I will only call particularly to your attention and describe such acts as are most frequent occurrences in the district of North Carolina, and are most likely to demand your attention and action.

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enforce this article by appropriate legislation.

The Congress of the United States has, by acts of legislation, suitable in the opinion of the body, prohibited by pains and penalties, the violation of any right thus conferred upon any citizen.

Now as to the policy or the propriety of these amendments and these laws. I repeat that I do not propose to express my opinion on either the body, or the body. But I do declare that the amendments mentioned are now parts of our Constitution.

The Congress of the United States has passed, pursuant to the power conferred by the three amendments just referred to, three separate acts for the purpose of making effectual these amendments by securing to that whom citizenship was extended, the equal rights so conferred.

The first of these acts was passed on the 9th April, 1869. It is scarcely necessary that I should describe particularly the provisions of this act, in as much as the most material provisions of it were re-enacted by Congress in the act of May 31st, 1870, which latter act is much more elaborate and comprehensive in its character.

By the first section of the act last mentioned, it is declared that all citizens of the United States, who are, or shall be, otherwise qualified by law, to vote at any election by the people in any State, territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude, any constitution, law, custom, usage or regulation of any State or territory to the contrary notwithstanding.

In some of the States it is enacted by law that certain requirements shall be conformed to in order to entitle citizens to vote in the elections, such as registering, as is required in this State. Officers are appointed and charged with the duties of registering voters. By the second section of this act it is provided that if any officer shall refuse, or knowingly omit, to allow to any such citizen opportunity to perform any such prerequisite, without distinction as to any so entitled, shall be guilty of a misdemeanor, and is made indictable.

It is also a crime to go in disguise upon the premises of another with intent to intimidate another, and prevent the free exercise of his will in voting, or to prevent his voting, or to punish him for having voted in any particular way, or for committing any other crime while thus engaged, with intent to commit the offenses described.

It is made unlawful by this act for one to persuade another in registering to vote, or in voting.

The Congress, subsequently regarding these acts as inadequate for the purposes designed, on the 20th of April, 1871, passed another act, the provisions of the second section of which are the most important for your consideration, and which will perhaps be better understood if I read them to you—in language employed by our law-makers.

I charge you that the provisions of these laws which I have mentioned, demand respect and obedience from this court, and from you. Justice is due from every man to his neighbor and fellow citizen. The constituted authorities have declared that no man, or combination of men shall interfere, by threat or force, to influence the action of any citizen in the exercise of the right of franchise, or because of the manner in which he has exercised that right, and it is made unlawful to do these things, or heavy penalties are pronounced against those who violate the provisions of these laws.

If all men elected or appointed to office were competent and honest (and by the term honest I mean faithful and true), and if they were not, it would be unnecessary to detain you longer on this occasion to describe other violations of the law. But inasmuch as we know that all men in official positions are not thus honest and faithful in the discharge of their duties, it is, in my opinion, an imperative duty on my part to describe to you some of the obligations which are laid upon officers by the law, and some of the prohibitions also, laid upon them, while exercising the duties and enjoying the emoluments of their office.

While there are large and important powers resting by the law in the officers appointed to enforce the internal revenue law, there are yet restraints placed around their action by punishments provided to be inflicted upon conviction, and it would be wholesome indeed, if, when unworthy men in office violate the law, they were properly prosecuted and convicted.

Our law does not require or allow of any, such injustice to any human being, and if persons are subjected to any such greater inconvenience than is necessary to secure for the government a fair trial of the charges against such as may be accused, and the appearance of the party to answer and conform to the judgment of the Court. Such wrong is the result of the misconduct of unworthy instruments used in the execution of the law.

While it will be no less your duty to apply yourselves diligently to the work before you, with the spirit and object I have stated, I well know that you cannot expect to call down upon you the reproaches of some who claim to be respectable citizens of the United States and of North Carolina. These accusations may even be in the form of libelous publications in some of the newspapers of the country.

It is not your duty to quench a thirst for revenge, or to render some object to be attained. He who shall cherish such desires, gentlemen, is as bad as he who deliberately commits the worst crime. No system yet devised has been so effectual in promoting these great objects of the law—the certainty of punishment to the guilty, and protection to the innocent—as that which relates to our Grand Jurors.

You have then, gentlemen, duties of the most important character to perform. These are not less than to and if convicted, be punished, and protect the innocent from the malicious or false accuser.

That you may not fail to estimate properly the importance of protecting the innocent from the malicious or false accuser, I will remind you of the recent unfortunate and disturbed condition of portions of this district. You are not ignorant of the unfortunate manifestations of insubordination to law, and I may add, to the national and State governments, which have taken place. You know that the passions of men are aroused, and while there may be those who would, at the price of their character, shield the guilty from a just punishment for their crimes, there may yet be those who would, in their great zeal for revenge, accuse the guilty of no less a crime by accusing some innocent person, if they should believe some coveted object would thereby be rendered attainable.

The government, gentlemen, desires that no guilty man shall escape punishment, and you are looked to by this court and the government to perform honestly, fearlessly and faithfully your duty in the attainment of both these important objects.

Are these objects, gentlemen, are they oppressive? They are only to compel obedience to the law, to the end that the government may be preserved and domestic tranquility may be enjoyed.

For what purposes were our Federal Constitution and Government formed? The great and good men who assembled at Philadelphia, and representing the people of the United States, declared the great purposes to be accomplished in these words: "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

These good men knew that discussions had arisen, that threatened the very existence of the Union, and they well knew that others even more serious would arise, unless they formed a government of the character of that they then established. This Constitution—as it has been amended from time to time by the American people—is that charter of the liberties of every American citizen, which it is now the duty of every good citizen to sustain, that we ourselves may enjoy domestic peace, and that our posterity may not have a greater right to complain of their ancestors than we have of ours.

I would detain you no longer now, gentlemen, but for a complaint in regard to the conduct of certain federal officers and appointees of this Court, which have been known to me since I arrived in this city.

It is asserted that there are United States commissioners in the district of North Carolina, who have signed, and are in the habit of signing, blank warrants and delivering to deputy marshals, or other persons selected, such warrants so signed, with instructions to arrest any persons whom they may suspect of violation of the laws, and insert the names of such as they should so arrest in the warrant. And this without a charge made upon the oath or affidavit of any one.

If this be true, gentlemen, of any United States officer in this district, I regard such officer as a public grievance, and it is a subject proper to be enquired into by you, that the Court may be informed truly in regard to this complaint.

In the latter part of the first section of the fourteenth amendment to the Constitution is found this language, "nor shall any State deprive any person of life, liberty or property without due process of law."

certainly he will receive the punishment provided for his disobedience, there would be much less of crime than, unhappily for us, every good man must know does exist.

Then it is most important, gentlemen, that the due and proper punishment for crime should be rendered most certain.

But this is not all. There is another important object which has engaged the attention of all great and good men who have, from time to time, been prominently in the formation of our criminal laws. This is to protect the innocent from false accusations and malicious prosecutions. There have been persons who would punish the innocent with the infliction of the penalties of a criminal law, to quench a thirst for revenge, or to render some object to be attained.

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It would be a reflection upon the Congress proposing this amendment and the States adopting it, to hold that while the States are prohibited from interfering with the liberties of any human being without due process of law, that the States are not prohibited from interfering with the liberties of any citizen without any lawful warrant or accusation.

It is scarcely probable that any commissioner could have read the first and the last important provisions of the section of the amendment referred to without having read that provision I have repeated.

If any officer has, in this way, trifled with the liberties of our people from ignorance of his duties, then such officer is too ignorant to be entrusted with the office. If any officer has committed the acts complained of, for any other reason, then such officer is either too negligent or too corrupt to fill such office longer, and this Court will promptly discharge its duty when correctly informed.

MR. TURNER, in The Sentinel of Saturday, calls upon assistant District Attorney Phillips and Marshal Carrow to hurry up their indictment against him. Seeking another martyrdom? And the foul imputation against Mr. Phillips' purity and integrity! It would not have been made against a spirited gentleman who stood upon his rights as such under the "Code." Mr. Phillips is a consistent member of a Christian Church, and can be safely assailed at a distance. But Mr. Turner is not likely to provoke him to any rash act—not likely to gain the advantage sought. Cease viper, you bite a file.