THE WILMINGTON JOURNAL.

ENGELHARD & PRICE, Proprietors,

To whom all Letters on Business must be addressed.

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Wilmington Journal.

VOL. 22. WILMINGTON, N. C., THURSDAY MORNING, JULY 26, 1866. NO. 25.

TERMS OF ADVERTISING.

1 square, of 10 lines or less, for each and every insertion, $1.

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North Carolina Agricultural House
AND
HARDWARE STORE.
MITCHELL, ALLEN & CO.,
22 POLLOCK STREET, NEWBERN.
WATER STREET, WILMINGTON.
T. J. MITCHELL. GEO. ALLEN. D. T. CARRAWAY.
May 10. 14-tf

SHACKELFORD, HAAS & CO.,
COMMISSION MERCHANTS,
No. 159 Front St., New York,
No. 32 Water Street, Wilmington, N. C.
BUY AND SELL ON COMMISSION,
NAVAL STORES, COTTON, LUMBER, COTTON YARNS, &c., &c.
Constantly on hand, in Wilmington, and for sale at wholesale, a large assortment of FAMILY GROCERIES.
Sole Agents in North Carolina for the Sale of
WHITTEMORE'S COTTON CARDS.
REFER to Messrs. J. Stiner & Co., 49 Vesey St., Messrs. Moses & Schiffer, 32 Broad St.
Feb 8 w-1-tf

S. D. WALLACE. J. B. SOUTHERLAND.
WALLACE & SOUTHERLAND,
GENERAL COMMISSION MERCHANTS,
OFFICE NO. 57 NORTH WATER STREET,
(Wharves and Warehouses foot of Walnut St.,)
WILMINGTON, N. C.
☞ Will give prompt personal attention to all consignments of Naval Stores, Cotton, Spirits Turpentine, Rosin, Tar, Provisions, &c., &c., either for sale or shipment. Also, in forwarding Merchandize, &c.
Feb 8 w-1-tf

BENNETT, VANPELT & CO.,
23 WHITEHALL STREET, NEW YORK.
SHIPMENTS OF COTTON, NAVAL STORES, PROvisions, &c., will be forwarded to us by Messrs. Wallace & Southerland, of Wilmington, who will pay revenue tax and other charges. All goods covered by insurance, with or without advices.
Feb. 15 2-tf

S. T.--1860--X.
PERSONS OF SEDENTARY HABITS TROUBLED with weakness, lassitude, palpitation of the heart, lack of appetite, distress after eating, topid liver, constipation, &c., deserve to suffer if they will not try the celebrated
PLANTATION BITTERS,
which are now recommended by the highest medical authorities and warranted to produce an *immediate* beneficial effect. They are exceedingly agreeable, perfectly pure, and must supercede all other tonics where a healthy, gentle stimulant is required.
They purify, strengthen and invigorate.
They create a healthy appetite.
They are an antidote to change of water and diet.
They overcome effects of dissipation and late hours.
They strengthen the system and enliven the mind.
They prevent miasmatic and intermittent fever.
They purify the breath and acidity of the stomach.
They cure Dyspepsia and Constipation.
They cure Diarrhœa and Cholera Morbus.
They cure Liver Complaint and Nervous Headache.
They make the weak strong, the languid brilliant, and are exhausted nature's great restorer. They are composed of the celebrated Calisaya bark, wintergreen, sassafras, roots and herbs, all preserved in perfectly pure St. Croix rum. For particulars see circulars and testimonials around each bottle.
Beware of impostors. Examine every bottle. See that it has an unmutilated metal cap over the top of each bottle, and green label for exportation, around each neck.—See descriptive circular around each bottle.
P. H. DRAKE & CO.,
New York.
April 19 12-1y

Notice.
AT THE SOLICITATION of many of our friends in North Carolina, we have concluded to send a competent workman to repair our gins in different parts of the State. Parties who wish to avail themselves of his services will please leave their names with our Agents, Messrs. DeROSSET & CO., Wilmington, and the workman will call as soon as he can reach them on his rounds, and in time to repair their gins for the growing crops. He will be provided with material for renewing any part of a gin.
W. G. CLEMONS, BROWN & CO.,
Cotton Gin Manufacturers,
Columbus, Ga.
July 5 22—1mw.
Tarboro' Southerner copy one month.

ALEXANDER SPRUNT,
COMMISSION MERCHANT,
Wilmington, N. C.
April 19. 12—6m

State of North Carolina,
NEW HANOVER COUNTY.
Court of Pleas and Quarter Sessions, June Term, 1866.
Maria J. Hewlett,
vs.
Viola D. Hewlett, | Petition for Dower.
W. S. Hewlett,
Henry C. Hewlett.
ON MOTION, it is ordered, by the Court, that publication be made in the "Wilmington Journal," a newspaper published in the City of Wilmington, for six weeks, requiring Henry C. Hewlett, non-resident, to appear at the next term of this Court, to be held on the second Monday of September next, and plead or demur to this petition, and show cause, if any he has, why the prayer of the petition shall not be granted, or the same will be taken *pro confesso*, and heard *ex parte* as to him.
Teste, ROBERT B. WOOD, Jr.,
Clerk New Hanover County Court.
July 12 23—w6t.

Notice.
THE UNDERSIGNED HAVING QUALIFIED AS EXECUTOR to the last will and testament of Jno. Black, deceased, at June Term of the Court of Pleas and Quarter Sessions for the County of New Hanover, hereby gives notice to all persons indebted to said estate to make immediate payment, and those having claims against said estate to present them within the time prescribed by law, or this will be pleaded in bar of their recovery.
J. B. SEAVY, Executor.
July 12 23—w4t

State of North Carolina,
SAMPSON COUNTY.
Court of Pleas and Quarter Session, May Term, 1866.
John F. Robinson, Adm'r, *vs.* Wm. D. Robinson and others:
WHEREAS, JOHN F. ROBINSON, Adm'r, has filed a petition, in the Court aforesaid, against Wm. D. Robinson and others, to make real estate assets in his hands for the payment of debts; and it appearing to the satisfaction of the Court that Wm. D. Robinson is a non-resident, and the ordinary process of law cannot be served upon him, this is, therefore, to notify said Wm. D. Robinson to appear at the next Court of Pleas and Quarter Session, to be held for the County of Sampson, at the Court House in Clinton, on the 3rd Monday of August next, and plead, answer or demur, or judgment will be taken against him *pro confesso*.
W. A. MATTHIS,
Clerk County Court.
July 12 23—w6t.

A Card.
MR. JAMES McCORMICK TAKES THIS METHOD of returning his sincere thanks to the people of North Carolina, and especially of this city, for their liberal patronage and great kindness to him—extended through many years of business. He will be pleased to wait upon them or fill their orders for any articles required of a Merchant Tailor, with more dispatch and enlarged facilities, at No. 35 Broad Street, Charleston, South Carolina.
JAMES McCORMICK,
Merchant Tailor, No. 35 Broad Street,
July 4—237—1wd&3tw Charleston, S. C.

The Re-Organization of the Judiciary.

Both Houses have finally passed a bill reducing the number of judges of the Supreme Court to nine, and reconstructing the judicial districts. It was intimated in the caucus the other night that the President might veto this bill.

Resignation of Representative Rousseau.

General Rousseau was in his seat to-day, and participated in the proceedings. He has written his letter of resignation, and will probably send it to the Governor of Kentucky.

Movements of Gens. Steedman and Fullerton.

Generals Steedman and Fullerton and party returned to New Orleans from Texas to-day, they having completed their tour of inspection.

The Late Convention and its Proposed Constitution.

The following letter, which we are permitted to publish, is addressed to a member of the late State Convention. It discusses the proposed change in the basis of representation, and takes the ground that the Convention had no power to revise the Constitution; that its action in this respect is null and void, and cannot be rendered valid by a vote of the people ratifying the same. Although the letter was not originally intended for publication, the points named are discussed with masterly ability, and, indeed, the whole argument is unanswerable.

July 2nd, 1866.

My Dear Sir:

* * * * * * * * * * * * * * I need hardly assure you, that my opinion concurs with yours on "the basis of representation," and that, without any reference to the "Statistics" as operating upon the preponderance of numbers in the representation of the different sections of the State. I was well enough satisfied with the previous provisions of our Constitution on this subject, in their practical effect, and would have been content to abide by them still. But I must own that, as things have changed in regard to the negroes, those provisions would not now rest on a principle sound in theory. Yet I think them more sound than the one you adopted in Raleigh. Under our Republican system it seems right that one branch of the Legislature ought to represent persons. When that is said, the question arises, "what persons?" I say *all*; because all are equally affected by the laws that may be enacted. I do not mean that all are to vote for representatives; for my opinion is quite to the contrary. All free men ought to have equal civil rights: that is, security in person and property by the Constitution and the laws made under it. These are natural rights inherent in freedom, and such security is not only due to all persons, as their right, but is essential to the peace and welfare of the body politic. But, as to political rights or powers, which are the same things, the considerations are totally different. They consist, not in the rights above mentioned as held *under* the law, but of the powers *over* the Constitution and laws—to make or alter them—which principally consist of the rights of being delegated to make the laws or to choose the delegates. That power or right is not a natural one, but conventional, and according to the sense of the community of the fitness of particular classes for the exercise thereof, regard being had to the homogeniety of the classes, the safety of the existing government, and the security, in person and property, of the most numerous, intelligent, virtuous, and valuable portion of the population. These reasons have always excluded women and minors, of the most favored race, from the exercise of political powers in all countries, and do still exclude them: it being deemed impolitic and unsafe to confide such powers to those persons. The same reasons necessarily exclude negroes now, and ought to do so for a long time to come, if not forever. But the enquiry still presents itself, whether, though not voting, they are not, properly, to be included in the estimate of population, when population is assumed as the *proper basis* of representation? It seems to me that they ought. I agree, that "the Federal basis," as it was called, the enumeration of a certain proportion of them as fixing the representation, is gone; that provision was founded on peculiar circumstances and reasons, which have ceased to be applicable either to the Federal or State representation. But what other provision ought to take its place? There are but two that can be reasonably thought of, if numbers are to regulate representation to any extent; and they are, first, the number of voters, or, secondly, the number of people. Your Convention, so-called, has adopted neither, but instead of it, says the number of a certain class of the people, namely: the whites in each county shall regulate the number of representatives of the county; thus making white women, married or unmarried, and infants, a part of the basis of representation. I do not complain that those portions of our white people are thus included. But I ask why they are included and why they ought to be included? The answer is plain, that, though non-voters, they are as much bound by the laws that may be made, and, therefore, as much interested in them as the white men who did vote for the delegates; and, therefore, the delegates ought to be men who are their neighbors, know their wants and condition, and sympathize with them both in their wants and wishes; and hence, the number of those who represent such people ought to be in proportion to the people of the county, so as, in fact, to represent the whole people, and guard the interests of all, whether voters or not.—That is the principle on which your Body rejected the voters as the criterion of the number of representatives, and took as the criterion the whole white population, including both voters and non-voters. My objection is, that black free persons were not also included—not as voters, but as fixing the representation in point of numbers.—Every reason for including white women and infants applies with equal force to the blacks, and some of them with greater force. For example: the great burdens of governments in modern times are taxation and military service; in the latter, women are not concerned; in the former, married women but little, and in poll taxes, not at all, whether married or single. Now it most materially concerns blacks, what poll taxes shall be levied, how they shall be apportioned to property taxes, and to what amount they shall be carried. Upon these questions surely those who live where the negroes are most numerous who knew their means, their willingness and their ability to pay this or that tax, are best qualified to judge what revenue can be raised from them, what they cannot or will not willingly pay, or what cannot be exacted without grievous distress and oppression. So with respect to military service, whether they may be safely trusted in it now, or at a future day; whether they shall or shall not be trained to arms, either by compulsion or by permission; again, whether they shall be educated, as they may be able, and as their own voluntary act, or at the public expense; and from what sources the revenue, needed for the purpose, shall or ought to be drawn. These, besides many other points, are vital questions to the negroes, on which those living among them must be better informed; and the representation from the county ought to embrace as many, in proportion to others, as will bring the largest share of the required knowledge, guard the right of these people, keep clear the way for their advancement, and make them as happy as their subordinate and dependent condition will allow. It seems to me, therefore, that your Body adopted the very worst basis of representation that could have been selected, both in respect of the white and black classes; and I think it, of itself, an entirely sufficient ground for the popular rejection of the Constitution, so-called, by all the citizens of the State, and especially by those who reside in those portions of the State in which the blacks are numerous.

But I ask the liberty of expressing further and more general reasons for the opinion I entertain that the so-called Constitutien is no Constitution at all, and, for that reason, ought to be rejected without regard to its provisions, whether good or bad, approved or disapproved. I do not know your opinion on this point, as I have not read much of your proceedings. * * * * * * *

* * * * * * * * * * * *

I will therefore, proceed to state my views for your consideration—hoping that they will meet your approbation, or, if not, that you will favor me with yours in opposition, that I, too, may have both sides before me, and be, myself, brought back to the right path from which I may have strayed.

I consider, that this is no Constitution, because your Conven ion was not a legitimate Convention, and had no power to make a Constitution for us, or to alter that which we had and have; and that it cannot be made a Constitution, even by popular sanction. If these positions be correct, it ought to be rejected by the people, as the easiest, simplest, and most efficient method of settling the points at rest, and avoiding many perplexing and dangerous questions before the Judiciary. I object to the organization of your Body as a Convention, because it was called without the consent of the people of North Carolina, by the President of the United States, or under his orders; an act of clear and despotic usurpation, which could not give the Body any authority to bind the State or its inhabitants. If it be said the President, or his satrap—his Governor of a Province—did not call, or rather constitute the Convention, but the delegates were elected by the people, and thereby the body was duly constituted. I deny it directly and positively. The delegates were not the choice of the people; for in the proclamation calling it, the qualifications of the persons who might be eligible and those of the persons who might vote for them, were strictly presented in a manner variant from our fundamental law, and excluding from each class a large portion—some would say the best portion—of our qualified citizens. In many cases our people were not represented, but, in fact, were misrepresented. The acts of such a body cannot be said to be those of the people of the State. They are not entitled to obedience, and cannot be, or, at least, ought not to be, judicially recogninized. The whole proceeding arose out of arbitrary assumption, overthrowing all notions of popular government, and destructive of the very first principles of Republican freedom; and when it is put to the people for their sanction or rejection, then let every man who was excluded from voting for a delegate say: "No! I had no voice in making it—in choosing the men who did make it, and I wish not now to be dragooned into its adoption;" and let every man whose neighbor or friend was thus excluded also say: "No! the best men in the country were not allowed a voice in constituting the Convention or electing its members, and I will not sanction their ostracism by fixing on them a Constitution—an unalterable law—imposed on them by a body in which they were not heard, and from which they were expressly excluded by irresponsible military power or its subordinate and servile instruments;" and let every citizen of North Carolina, too, say: "No! I scorn and reject an instrument tendered to me under the name of a Constitution of North Carolina which the people of North Carolina did not make, and which was made for them by men in the guise of our representatives, who were not our representatives, but those of a power exercising at the time the authority of a conqueror in military possession of our territory, and arrogating to itself the right of superseding all our civil offices and abrogating our laws." Let the people cry, "We will have nothing to do with such a Convention or any Constitution proposed by it. If the Constitution needs amendment (and we do not inquire into that now,) we will, at the proper time, a time of quiet, and one when the reason of every man will have its due play and office, choose good men, at a free election, and by the voice of all our people, who shall revise and amend that instrument. In other words, *we will make a Constitution for ourselves*, and not another for us!" But supposing that in the *quasi* revolutionary condition of the last year the military power of the conqueror was either according to natural and national law, or by usurpation, competent to the power exercised on this subject, and that our people, avoiding further resistance, chose rather to submit to such usurpation and acquiesce in its behests, yet surely, surely, the Body organized by the conqueror, under the name of a Convention, cannot in its acts validly transcend the authority conferred on it when it was called, and assume to perform the very highest of all delegated power, that of framing a Constitution of government, in respect of all the powers which can be conferred, and of all the restrictions which can be imposed by a people on all the different departments of government. Yet such is the fact here. Mr. Johnson required a Convention to perform certain specific acts; to annul the ordinance of secession and tender a return to the Union, or claim its continued existence under the Constitution of the United States; to emancipate the slaves and ordain that slavery shall never hereafter exist in this State, and to repudiate the State "war debt." All these were done; the two first promptly, and in satisfactory terms; and the third, at the last moment, under dictation and in conformity to orders, after having once refused to adopt the measure. All was done, I say, that was required, and Mr. Johnson proclaimed that he had got all he wanted; that we were back as a State and might choose our representatives in Congress in conformity to our rights as a State, and to our law regulating elections. Was there any thing more for *that* Convention to do? Were they chosen for any other purpose, even by those who were allowed to vote for the members? How dare they, then, go on to frame a Constitution, a law, for all time, which is to be binding on those who elected them for other ends, and also on that large portion of the patriots and heroes—"unpardoned rebels"—who were not allowed to vote at all? The pretension is without parallel or precedent, until the present term of Radical assumption of power in a dominant military or a numerical majority, without respect for rights or the Constitution. As far as they safely can, and whenever they can, the people ought to resist that pretension. This they can peacefully do, when called on and allowed to vote; and I trust they will do so on this occasion without commotion, in support of the great principle of human liberty—that a people have the right to make their own Constitution, and not be made subject to one imposed on them, by force or fraud, by any extraneous power, or by a fraction of their fellow citizens.

You will perceive, that I have hitherto discussed this subject, as depending on the original and natural rights of our people, unaffected by any provision of our pre-existing Constitution; and, even on that basis, I deny the authority of your Convention to make or propose a new or modified form of goverment for us. But the clause in our Constitution, touching its amendment, or the call for a Convention for that purpose, is so clear and so precise against any such Convention as we have had, as to put the point beyond doubt or argument, as it seems to me. Two modes of amending the Constitution are provided: One through the agency of the General Assembly, proposing an amendment for ratification by a vote of the people, which need not be considered here; the other, by a Convention called in a manner prescribed in the Constitution, which is the matter now for consideration. It is obvious, that, in prescribing these two, all other modes are excluded by irresistible inference. In respect to a Convention, the words are, "No Convention of the people shall be called by the General Assembly unless by the concurrence of two thirds of all the members of each House of the General Assembly." In either case, the regularly constituted authority of the organized government is required to initiate an alteration of the government, which was no doubt, upon the sound principle laid down in the Rhode Island case, in order to avoid popular commotions, revolutions, and uncertainty as to what is the Constitution. If, then, the two modes designated are the only ones by which the Constitution can be altered, it is clear that this last—so-called—Convention was not a *Constitutional Convention*, and therefore its acts are *void*.

Yielding then, that Mr. Johnson's and Mr. Holden's Convention might, by popular acquiescence, adopt for us the measures demanded by them, yet it had no existence as a Convention of the people of North Carolina under their Constitution, and could not, therefore, alter that instrument in any of those points which affect our internal organization as a distinct republican State; for example, the basis of representation, the qualifications of the representatives, and of the voters; the number and jurisdiction of Courts; the appointment of the judges thereof; the tenure of their office, and that of the executive, or the like. No disquisition can render these points clearer than the short and simple paragraph of the Constitution itself. The conclusion can only be evaded by establishing as a truth, that the clause of the Constitution was no longer in force, and that position cannot be true, unless it be also admitted, that no other part of it was in force, or, in other words, that by virtue of the war and its results, we were a people without Constitution or law of any sort. It necessarily comes to that, and that never ought to be, and never can be, yielded. Perhaps it would be sufficient for our present purposes, to say, that, even your Convention does not assert such a doctrine, but plainly proceeds upon a contrary one, by professing to "amend" our old Constitution, as still subsisting, and not to make one *ab origine*, and by designating the old laws still in force as contra distinguished from those passed by Legislatures sitting under the auspices of secession. Indeed, it is impossible under any aspect of any law, as understood among civilized nations and in modern times, that a whole people can be treated or considered as being without any law or ministers of the law, even by Conquerors. The security of person, and the rights of property, and the obligation of contracts still subsist. Can it, for instance, be supposed for a moment, that upon the death of a proprietor, there is no rule of succession to his real and personal estates, and that the first occupant may appropriate them, or that no body can? On the contrary, I say, that the laws of North Carolina were still her laws, including her fundamental law, and, if so, it is then to be deduced, that there could be no Convention to abrogate or to alter that law, unless called and chosen in the manner prescribed in it, and that, as a corollary, your Convention had no power in the premises, and its pretended powers and acts ought not to be confirmed by the people, if the people could confirm them, but ought to be opposed and rejected. It would seem, that that body was aware of the defect of its powers, from the submission of those acts to the people, thus seeking the requisite confirmation. But, in truth, such confirmation cannot be derived from that source; for the same provision in the Constitution, which makes the Convention a nullity, equally excludes the efficiency of a popular majority to annul one Constitution and make another. As the act of a people living under a constituted Government, even the vote of the majority is *proprio vigore* ineffectual, without the assent of the subsisting Constitutional Government, and its directions for taking the vote and ascertaining the majority. Without such previous authority and regulations, the majority, if physically able, may overthrow the existing Government, but it can only do so by revolution and not as possessing a legitimate delegated office and power. I need not, however, dilate further on this topic as the grounds and authorities on which the doctrine depends are, according to my recollections, set forth in the argument and opinion given by the Supreme Court in *Dorr's case*. Then, if a people of a State cannot, by their own direct vote, abrogate or make a Constitution, without the previous sanction of authority in power under the existing Government, as in *Dorr's* case, much less can they do it, when the Constitution then subsisting specially provides two other modes for effecting these purposes and excludes all besides, which is our case.

We arrive then, at these results: that the Convention was not *constitutional*; it had no powers and could not make a Constitution; that for the same reason the people have no powers, and that as neither the Convention nor the people had any power in the premises, by consequence, both together are equally destitute of the requisite power. The Convention was an unauthorized body, and, therefore, no more than a voluntary collection of so many men—a caucus, recommending to the people to adopt by their vote a certain instrument as our Constitution, a thing which the people, under our Constitution, are not competent to do on that recommendation, and, therefore, the conjoint resolutions and votes of the two bodies have no more effect than than that of either by itself. I conclude it is no Constitution, and cannot be made one by what has been done, or can be done now.

What, then, does it behoove the people to do? They ought, it seems to me, promptly and decisively to reject the whole project. If it be suggested, that, in our experience, all Conventions, since those of '76, which formed our original Constitution, have regularly made them worse and worse, and, therefore, we had better take this than run further risks, and especially that, at least, those who approve of the alterations shall give their suffrage for adoption. I reply no! The great principle of political and civil liberty, that a people may, and ought to make a Constitution and Government for themselves; that in so doing they ought to be careful to proceed in the regular and peaceful method which is prescribed, instead of an unauthorized, irregular and usurped mode, from which uncertainty as to the validity of their doings, and consequent commotions arise, furnish the strongest reasons why every man should give his voice against the instrument now proposed, and wait for the action of the Legislature in proposing of amendments to the people, or the duly calling of a Convention which would have legitimate power to adopt them.

Let me here adduce a case, which I ought to have added to the efficiency of the popular vote *per se*. I adduce it, because it is level to the apprehensions of every one, and exhibits in a strong light the correctness of the argument against the popular power—a mere majority—over the Constitution of a nation. The case to which I allude, is that of the Government of the United States. The Constitution there specifies the modes of amendment; modes intended to protect minorities against superior numbers. Now, suppose, upon this assumption, that the people may do as to them listeth, and that the majority of the people are the people, an attempt were made to alter the Federal Constitution, by a vote of the whole population of the United States,—what sort of a Constitution should we have—who could endure it, especially at the South—who would endure it and hold it to be a Constitution? So it is under the provisions of our State Constitution. Then let our people with one voice reject it. That will quiet everything, and we may begin anew, in a lawful way, to make the Constitution what we wish it. But, if approved by the people and proclaimed by the Governor, all the questions upon the validity of the instrument and the powers of the Convention arise—questions affecting the right to all the old and the new offices, and the objections of the so-called Constitution—no bounds can be set to the disquietude incident to them, nor to the embarrassments of the Judiciary.

I have now, I believe, said all that I have to say on these subjects. I owe you an apology for the desultory mode of presenting them, on the spur of the occasion of receiving your letter, and without premeditation as to arrangement, expressions, &c.

* * * * * * * * * * * * * *

Your friend, &c.

STATE NEWS.

RALEIGH MEMORIAL ASSOCIATION.—The Richmond *Examiner* in referring to the Raleigh Memorial Association, pays the following just compliment to the widow of one of the noblest men who fell in the late war.

Mrs. General L. O'B. Branch, wife of one of the bravest of North Carolina's sons, who took part in the late struggle for southern independence, is the accomplished and energetic President of the association engaged in the most noble and praiseworthy effort to preserve from oblivion the names and register of our dead, yet unavailing defenders.

WILSON MEMORIAL ASSOCIATION.—The ladies of Wilson gave on Thursday and Friday nights of last week, Dramatic and Musical entertainments for the benefit of their Memorial Association.—We learn from the *Carolinian* that the exhibition was entirely successful, and reflected much credit on the villiage, and does special honor to the ladies under whose auspices it was gotten up.

THE BUREAU AND THE CIVIL LAW.—We stated some days ago, that the officers of the Freedmen's Bureau in this city had arrested, or had summoned before them, two of our city police—officers Walcott and Harget, charged with assaulting negroes. The alleged offence consisted simply in the officers using their staves where they were resisted by force in making arrests for violations of the civil law.

The cases of these officers came before the Bureau on Monday, on which occasion, we understand, Mayor Washington entered his protest against the jurisdiction of that tribunal. The result was that the cases were turned over from the Bureau to the civil courts.

We expect to be able to lay before the public, in a few days, the correspondence between the officer of the Bureau and Mayor Washington.—*It is more than ordinary*, though not much more than what might have been expected.

Newbern Commercial.

FATAL ACCIDENT ON THE RIVER.—Yesterday afternoon, a canoe bound for Bay River, was proceeding down the river with three passengers—W. R. Sawyer, (white) and two negroes named Abraham Riggs and George Mills, and when about a mile below the city, the canoe was run into by the schooner Henry Clay, Milton Mayo, master, bound for Washington, and capsized. The two negroes were drowned. An investigation into the matter shows it to have been purely accidental, no blame whatever attaching to the Captain or crew of the schooner.—*Newbern Commercial.*

THE BEST COTTON STALK YET.—Jos. H. Rhem, Esq., laid on our table day before yesterday unquestionably the finest cotton stalk we have seen this season. It measured 47 inches, clear of the ground, and contained 112 well developed forms, blooms and bolls. In all other respects it was superior to any other we have yet seen. Mr. Rhem informs us that he has *opening bolls* on his plantation, and that in a very short time he will present us with fully matured *cotton* of the new crop.—Craven ahead, so far.—*Newb. Commercial.*

GRANVILLE AGRICULTURAL SOCIETY.—The members of the Granville county Agricultural Society met at Mrs. Alley's Hotel, Henderson, on Saturday, the 14th inst.,—Col. Jones, 1st Vice-President, in the chair.

The names of Drs. W. W. Young and W. K. Cheatham were added to the executive committee.

The 17th, 18th and 19th days of October next were appointed as the time for holding the annual fair.

The Chair appointed Captain A. B. Andrews, Dr. S. D. Young and Major A. J. Rogers, a committee to invite a suitable person to deliver the annual address.

Capt. A. B. Andrews, was elected chief marshal.

It was ascertained that the sum of five hundred dollars had been subscribed for improving the Fair grounds, and it was ordered that advertisement be made for proposals to make the requisite improvements,—said proposals to be opened on Saturday next, at 2 o'ctock, in the presence of the Executive committee, at the office of the Secretary.

A list of premiums was agreed on; also the rules and regulations by which the fair is to be governed, which were ordered to be printed forthwith.

Adjourned to meet again on the 2d Saturday in August.

COLORED POPULATION OF NORTH CAROLINA.—Of the 360,000 blacks in North Carolina 3,294 are receiving rations. A decrease of 4,787 rations is reported since the month of May. One hundred and nineteen freedmen's schools are now in operation in North Carolina, with one hundred and thirty-five teachers. The attendance averages 9,084 pupils, seventeen schools having suspended for the summer months.

MONUMENT TO A DAUGHTER OF GEN. LEE.—We are informed that the citizens of Warren county will, on the 8th proximo, erect a monument over the daughter of General Robert E. Lee. She is buried near Jones' Springs. Invitations to be present have been sent to the General and his family; Fitzhugh and William Henry Lee, Gen. Ransom and others. It is quite probable they will attend.

The occasion will evidently attract a great crowd, not as matter of curiosity, but that the people may evidence their respect for the old chieftain.

THE LATE COL. C. M. ANDREWS.—The mortal remains of the late Col. Clinton M. Andrews, who lost his life in defence of his country, were brought from Virginia to this town by his widow, and interred with becoming honors in the Presbyterian burying ground, last week, followed by a large retinue of sorrowing friends to the final resting place of this noble patriot. He reposes beside his noble brother, Capt. J. B. Andrews, who lost his life in one of the battles near Richmond. Another brother, Capt. Jay Andrews, lost a leg during the war. At the first tocsin of the war for the subjugation of the South as it has proved, these three noble brothers volunteered in the service of their country—two of them lost their lives, and the other bears an honorable wound, a high testimonial of patriotism.

Statesville American.

RALEIGH *vs.* ASHEVILLE.—Few cities furnish so many beautiful views from the surrounding eminences that begirt it, as Raleigh. We took a most enchanting view of the western part of the city a few evenings ago, from the bridge which spans the N. C. Railroad, near the mansion of W. M. Boylan, Esq. It is a more interesting sight than we frequently find in the *pictures*. If Mr. Watson wants a pretty picture, we advise him to transfer his machine to that point some pleasant evening.

Raleigh Sentinel.

Ha! beloved friends! if you want to see something pretty sure enough, come to Buncombe—come to Asheville. The most striking view we had of your city and its environs, was from the dome of the capital. We are compelled, however, to exclaim too flat! too flat! Go with us now to the top of Beau-catcher. (Beau-catcher, you know, is a mountain on the East side of the town, whose summit is crowned with a fortification.)—East is the valley of the Swannanoa, blooming with vegetation, through which glides the stream so aptly styled by a Southern poet—"nymph of beauty." Westward, and just beneath, is the pretty town with its white houses and church spires, fairly embosomed among the hills. Farther below is the romantic French Broad—"Sileco"—winding its serpentine course towards the Mississippi; then we have Mt. Pisgah, and its neighboring peaks, rising like grim sentinels over the adjacent vales; and farther away the lofty range of "Old Smokey," mingling with the clouds.—Then on the wings of the morning, let us fly from the "*Bald*" to "Old Gray Beard," and play awhile with his aged locks. Then pausing in our flight, we can have a pleasant chat with "The Grandfather" and "Grandmother," finally resting upon the splintered peak of Mt. Mitchell, 7,000 feet above the level of the Sea. Oh!

> "What garden, hall or bower, on earth beneath
> Thrills to such tunes as o'er the mountains breathe?"

Send your picture man up here, dear friends, and get a "picture as is a picture;" or show us how to build our Rail Road and you can come more easily and see for yourselves.

Ashville News.

MEMORIAL ORATION.—The oration of Gov. Graham, upon the life and character of the late Hon. Geo. E. Badger, was listened to with breathless attention and marked appreciation, by a large audience, in the Commons Hall, this morning. It occupied one hour and eighteen minutes in delivery, and was a masterly daguerreotype of one of North Carolina's favorite sons, by a master's hand. It will be given to the public soon, and we shall have the pleasure of presenting it to our readers.

Raleigh Sentinel, 19th inst.

TOURNAMENT.—We understand that Major Hope, proprietor of the Warren Springs, in connection with other pleasures is perfecting arrangements for a grand tournament at that famous watering place at an early day. It promises to be a splendid affair.

The Warren White Sulphur has already attracted a number of visitors, and when the season is fairly opened, we anticipate that its register will show fully as many guests as any other southern watering place.

A NEW ENTERPRISE.—It is proposed to form a joint stock company at this place, for the purchase of a suitable farm, on which to plant a vineyard, and erect a wine brewery on a large scale. It is believed that stock judiciously invested in an enterprise of the kind, may be made to pay a dividend of 30 or 40 per cent. clear profits at least, by the third year after its subscription. The time has not been fixed upon yet for the organization meeting, but probably will be in a few days, when due notice will be given.—*Newb. Times.*

MURDER CASE IN JONES COUNTY.—On Wednesday night last, a couple of men approached the house of David Wilder, colored, living about a mile from Trenton, a very worthy member of the Baptist Church, and demanded a pistol. He told them he had none, but he had a gun, and called upon his son to rise and strike a light. At this juncture, one of the murderers told the other to shoot him, whereupon he shot and killed the old man dead. The parties then fled. Next morning a rope was found near the fence, and it was supposed they were after stealing his horse, but on hearing the old man call his boys, took fright and left without perpetrating the deed. No doubt they also intended robbing the house, but the calling of so many names, deterred them.

The same night, an effort was made to steal J. D. May's horse, but the door being locked, they did not succeed.

Geo. McDaniel's horse was stolen about the same time, but was returned the next night.

The facts as stated above came out before the jury of inquest. No clue has been gained as to the guilty parties or as to whether they are black or white.—*New. Times.*

ANOTHER HORRIBLE MURDER.—Night before last, at about 12 o'clock, a gang of negroes went to the house of Mr. J. E. Odom, residing three miles from Kinston on the Snow Hill road and broke open his door and entered, seizing his own gun. One of the villains told him that they came there to give him a d—d good whipping; but as he had threatened to kill them, they had concluded to kill him, and deliberately shot him dead, in the presence of his wife. They then carried off all the deceased's meat, and other property, and have not since been heard of. Mrs. Odom says she can recognize the murderers. Once more we say, God help the people in their country.

Since the foregoing was written additional particulars have reached us, which stamp this as a most horrible affair. It seems three negroes committed the outrages. They shot Mr. Odom as he lay in bed by the side of his wife. She sprang from the bed and fled from the house in terror, in her night clothes. The villians pursed and caught her and ravished her, and then made her reveal the place where her little stock of provisions were hid away. Mr. O. was a poor man and had been in the Confederate army.

Two negroes were arrested by Sheriff Fields as the train passed down last evening, but whether the right ones or not was not known. We trust they all will be captured and made terrible example of.—*Newbern Commercial.*

THE FREEDMEN'S BUREAU.—An important matter can now be finally settled, testing the powers of the officers of the Freedmen's Bureau. In this city two of the city police force are "up" before the Bureau charged with striking negroes. We do not know the precise circumstances of either case, but the plain facts are these: For some offence against the law the officers had to arrest the negroes. The negroes resisted and used physical force to get away from the police and got cracked over the head for their efforts.

Now, is an officer of the civil law amenable to the Freedmen's Bureau for striking a negro who resists an arrest made in pursuance of the civil law? That is the point to be decided. It is of the utmost importance that this matter should be thoroughly understood. Should it become necessary for a police officer to kill his prisoner rather than permit a forcible escape, is the policeman's life endangered thereby!—*Newbern Commercial.*

Mysterious Hospital Patient.

From the Tallahassee (Fla.) Sentinel.

Our exchanges, by answering our query, may bring joy to some fond heart, that mourns as dead, an unfortunate man whom we saw at the hospital in this place on yesterday. So sad a picture as his anxious face presents it has not often been our lot to look upon. No account whatever can be gathered of him here. When the United States forces took possession of Tallahassee, they found this man in the (then) Confederate hospital, and he has not been heard to speak since. His face ever wears an expression of the most anxious care. The moment any one enters his room he turns with an imploring glance, intensified by an expression of fear. Oh! that look can never be forgotten—so full of petition, dread, and woe! He wrings his hands incessantly and seems just uttering some earnest request, but never speaks. Repeated efforts have been made to induce him to write.—But he takes the pen mechanically, as he does everything else, and gazes up into your face with that same earnest look of undefined supplication and dread.

When he is left alone with his food he eats heartily, and until recently his general health has been good. He is now a little emaciated. Occasionally he has been known to creep stealthily to his window, and open it cautiously. But in doing so he seems to dread some catastrophe.

We have made considerable enquiry about him in this city, and can gather no clue as to the exact time when he was brought to Tallehassee, or from where. One account supposes that he was brought up here a month or two before the surrender from the hospital at Montecello. Another says that some Confederate soldier, who has seen him here, remembers that he saw him in the Natural Bridge fight—that he was then wearing a major's star, and that he fought bravely. He supposes that the explosion of a shell near his head paralyzed his speech and deprived him partially of reason.

It is strange that he should have remained here so long without being identified. He is a man of commanding figure, we should think six feet one or two inches in height, if strong and robust would weigh one hundred and eighty pounds, seems to to be between thirty-five and forty years of age, has a prominet forehead, dark hair, a large gray eye, and rather prominet nose. He is as docile as a child, obeying mechanically every command—and with such an expression as would move a heart of stone.

General Lee thinks he will have three hundred students at Washington College next session.

For the Journal.

Quarantine.

SMITHVILLE, July 20th, 1866.

Messrs. Editors:

The inhabitants of Wilmington and the surrounding country, bearing in mind the dreadful scourge of Yellow Fever which so lately visited the city and dicimated its population, are naturally anxious that all proper means shall be used for the preservation of the public health. None can be more so, and none can be considered more competent to provide against such terrible emergencies, than the citizens of that locality, when that locality contains men, eminent in science, and skilled in practical knowledge.

For the purpose of protection against infections of various kinds which enter by means of our water communications, the Board of Commissioners of Navigation are invested with full powers to pass sanitary laws, and establish Quarantines.—These powers they have used faithfully and efficiently, and the community have had reason to consider themselves safe from Cholera and Yellow Fever. Why, then, is it necessary that the United States authorities should intervene, taking away *this* branch of power from the Commissioners, and consequently distroying or disabling their power and influence in all other port regulations? How can the Commissioners fulfill the duties of their office in view of such interference; and since the military are not responsible to, and make no report to the people—how are they to feel secure from disease, with a knowledge that unfriendly hands guard the portals of the city? Or are the citizens of North Carolina too disloyal to be trusted to guard themselves and their families from loathsome diseases? Is not the encroachment upon the civil authorities unnecessary? and upon what grounds is this new military order founded?

The people would like to know why these things are, that their status may be understood, and they may properly know to what degree of insignificance they have arrived.

This new order of things is rather alarming to the Pilots, imposing new responsibilities upon them, rendering them liable to arbitrary arrests, and making their arduous occupation very uncomfortable.

If it can be explained, Messrs. Editors, how these things tend to the development of a hearty love for the Union; to the re-establishment of paternal relations, and to the general prosperity of the country; those who desire, above all things, to see peace, happiness and prosperity return to our impoverished land, would like to hear the explanation.

Very respectfully,

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For the Journal.

Public Meeting in Onslow.

JACKSONVILLE, Onslow County, July 17, 1866.

At a public meeting held in the Court House, in Jacksonville, on the 17th day of July, 1866, for the purpose of sending delegates from the different districts in Onslow county to Goldsboro', and there to elect a delegate to the National Union Convention, which is to meet in Philadelphia on the 14th of August next; moved and seconded that the Chairman appoint a committee to draft resolutions for the meeting, whereupon the Chairman, Dr. Charles Duffy, Sr., appointed A. J. Murrill, James G. Scott and Harvey Cox, and in the abscense of the committee James H. Foy, Esq. entertained the meeting in a fervid and eloquent speech of half an hour on national affairs. The committee having returned reported through their Chairman, James G. Scott, the following resolutions:

Resolved, That we cordially approve the call for a National Union Convention to be held in the city of Philadelphia, on the 14th August next.

Resolved, That ten delegates, with the Chairman and Secretary of this meeting, be appointed to represent the county of Onslow in the Convention to be held in Goldsboro', on the 23d of the present month, to select delegates to represent this Congressional district in the National Union Convention.

For Stump Sound—Dr. George N. Ennett.
For Lower South West—John Shepard.
For Upper South West—S. Burton.
For Lower Richlands—Dr. C. Duffy, Jr.
For Upper Richlands—James H. Foy.
For Half Moon—D. E. Sandlin.
North East—Jasper Etheridge.
Wolf Pitt—E. W. Fonville.
Swansboro'—Wm. P. Ward.
White Oak—John C. Hewett.

On motion of James H. Foy and seconded by Harvey Cox, Esq., That the Chairman request any persons who may be at Goldsboro' during the Convention to act as delegates from Onslow county.

Moved and seconded, that the proceedings of this meeting be sent to the Editors of the Wilmington *Journal* with a request that they be published, and all papers friendly to the cause will copy.

And, on motion, the meeting adjourned *sine die*.

C. DUFFY, Sr., Chair'n.

A. J. JOHNSTON, Sec'y.

From the Raleigh Sentinel.

"THE REBEL DEAD."

"It is well said that the habit of decorating the graves of the rebel dead never occurred to the chivalry until they began to see it was a good way, once more, to excite a betrayed and deluded people against a kind and generous Government."—*Raleigh Standard.*

> Oh! glorious rebel slain!
> What tho' thy battled cause proved vain,—
> Art thou to us less dear?
> Shall we grant thee one tribute less,
> Because thou couldst not live and bless
> The land we still revere?
>
> "The chivalry" will answer "No;"
> But he who was they secret foe,
> While living, hates thee dead,
> And lifts his voice to cry us down,
> Because we decorate the mound
> Above each buried head.
>
> We take the "angels' alphabet,"
> And mournfully we write with it
> "Thy mouldering dust we love."
> We know this cannot add one beam
> To th' immortal halo that doth gleam
> Thy sacrifice above.
>
> We know thou dost not feel the need
> Of this, our own heart-prompted deed
> In thy cold and narrow bed;
> Still, there's a solace to be found,
> A pleasure sad, in gathering 'round
> With garlands for our dead.
>
> We wish not to renew the strife,
> That cost thee each a precious life,
> As a poison tongue hath said;
> But we would keep the memory,
> Bright in our hearts eternally,
> Of all the "rebel dead."
>
> The laurel and the cypress bloom,
> Together, o'er the common tomb,
> Of those who died in vain;
> And many a wreath with tears we leave
> As we lay it on the hallowed grave
> Of kindred "rebel" slain.

FANNIE B.

A SPENDTHRIFT DUKE.—The Duke of Hamilton, according to the English papers, is a reckless person. He lately bought a cow for which he paid $12,500, and at the last Derby he "laid" £180,000 ($900,000) to £6000 against Hermit, but this latter was subsequently cancelled. Still later he struck a man in a night brawl, and was therefore "wanted" by the police, but went off to Paris to see the race for the "*grand prize*," and so escaped arrest. This history is recommended to the "sensation" novelists by the London *Star*, as furnishing material for a startling story.

Gen. Jubal A. Early arrived at Halifax, Nova Scotia, on Wednesday last, en route for Canada.

The first cotton bloom this season was received at Nashville, Tennessee, on Friday week.