THE WILMINGTON JOURNAL

WILMINGTON, N. C.,

FRIDAY, APRIL 7, 1871.

The Legislature.

The General Assembly of the State adjourned on yesterday until the first Monday in November next.

The merits of Legislative bodies are to be measured, as much by what they may have *undone* and *omitted to do*, as by what they may *have done*. Gauged by all of these standards, the Democratic-Conservative Legislature, which has just adjourned, has satisfied the public expectation and entitled itself to the commendation and applause of the people of the State.

What has it undone? It has swept from our statute books the infamous Shoffner Act, under color of which the late Governor Holden called his brigands into the field and robbed and maltreated unoffending communities—an Act which, when read, in after years, by the lights of dispassion, will excite the horror and the incredulity of those who are to succeed us. It has expunged from our code the villainous system of espionage, which employed low pimps and plunderers—the offscouring of society—to nose out domestic and personal privacies, to be tortured into agencies of oppression and insult. It has done away with numerous supernumerary *attaches* of Executive patronage, who were eating out the substance of the people, and curtailed the pay of others, who were filling sinecure positions. It has repealed legislation, which afforded a covert for the thieves who have despoiled the State Treasury.

What has it omitted to do? It has wisely omitted (contrary to the false clamor of the Radical leaders, who thereby sought to excite the alarm and arouse the passions of the negroes,) to adopt any legislation which bears more hardly upon the black than the white man. It has *not* squandered the public money on needless *employes* and party pets. No doors have been opened by it to admit a horde of greedy and rapacious swindlers. The manipulations of men of the "Ring" found no theatre upon which to display their tricks and thieveries.

What has it done? Much to better the public credit and the State reputation—much looking to alleviate relief from existing evils, that could not be lopped off by a summary process—and *very much* towards the purification of official morals. It has deposed an insolent and upstart tyrant; it has forced a drunken profligate from the judicial bench, which he disgraced; it has given the people of North Carolina, despite the arbitrary action of an accidental Gubernatorial imbecile and the unbecoming and extra-judicial interference of partisan Judges, an opportunity of expressing their will on the subject of a Convention; it has treated the financial status as skilfully as a bad case would admit of; it has placed our public institutions and charities in competent hands; and its local legislation has been well adapted to the wants and exigencies of those soliciting it.

In all of this important work the Democratic-Conservative Senators and Representatives of our own immediate section of the State have acted a prominent part and deserve well of their constituents. To *name* any would be invidious, where all were actuated by a common, honest and patriotic impulse.

Opening of the Campaign.

The organization of the Democratic Conservative party spiritedly commenced in this city, on Monday last, says the Raleigh *Sentinel*, in the appointment, by the Democratic Conservative members of the General Assembly, of the following Central and District Executive Committees. The District Committees were chosen by the members representing the counties of the several districts, whilst the Central Committee was chosen by the entire body of members present.

The next and most important work is the appointment of a County and Township Committee. This is the work of the counties themselves; and it should be seen to that the best and most active men be assigned to these positions, for after all upon these committees the real work of the campaign will fall. No time should be lost in perfecting our organization. The most active and influential men should compose these local organizations. Every county should be thoroughly aroused; every township should have its distinct organization, and every voter in every township should be seen and talked to and be impressed with his individual responsibility on the day of election.

The counties in which no meetings have yet taken place, should at once bestir themselves and get their candidates in the field and set on foot an active campaign. Let the best men be now called to the front—men in whom the people have full confidence—men of moderation, wisdom and experience—men to whom no man will hesitate to entrust his interest. And let our talking men, whether candidates or not, arouse themselves and call out the people and counsel and advise with them.

There never was a time when patriots were more needed. The people are distressed as no people before ever were—sore at heart and bewildered, knowing hardly what to do. Now is the time for the men whom, in more prosperous days, the people "delighted to honor" to spring to the front to comfort, to console and to advise. In vital importance there never was a campaign equal to the one we now approach. Organize, then, and let every man determine to do his duty and there is no fear of the result. Let the cry be, "Convention and the Regeneration of our State!"

The following are the Committees:

DEMOCRATIC CONSERVATIVE ORGANIZATION.

EXECUTIVE COMMITTEES.

CENTRAL EXECUTIVE COMMITTEE.

BRAGG, THOMAS, Raleigh, Chairman.

Merrimon, A. S.,	Busbee, C. M.,
Bledsoe, M. A.	Litchford, J. J.,
DeCarteret, J. Q.,	Battle, R. H.,
Moore, J. H.,	

DISTRICT COMMITTEES:

FIRST DISTRICT.

CARTER, D. M., Washington, Chairman.
Ransom, M. W., Jackson,
Latham, Chas., Plymouth,
Winston, D. C., Windsor,
Eure, M. L., Gatesville,
Moore, J. E., Williamston,
Shaw, W. B., Currituck C. H.

SECOND DISTRICT.

KENAN, THOS. S., Wilson, Chairman.
Hughes, John, Newbern,
Morrisey, W. G., Goldsboro',
O'Hagan, Chas. J., Greenville,
Jeffroy, A. W., Beaufort,
Nixon, R. W., Jacksonville,
Wooten, J. F., Kinston.

THIRD DISTRICT.

ENGELHARD, J. A., Wilmington, Chairman
Fuller, T. C., Fayetteville,
McKoy, A. A., Clinton,
Wall, H. C., Rockingham,
Norment, A. S., Lumberton,
McIver, J. D., Carthage,
Ellis, J. W., Whiteville.

FOURTH DISTRICT.

PLUMMER, E. H., Warrenton, Chairman.
Amis, J. S., Oxford,
York, F. W., Morrisville.
Cooke, C. M., Louisburg.
Leach, J. T., Leachburg,
Drake, J. A., Hilliardston,
Strudwick, F. N., Hillsboro'.

SIXTH DISTRICT.

MOREHEAD, JAS. T., Greensboro', Chairman,
Robins, M. S., Asheboro',
Scales, A. M., Wentworth,
Hill, Joel F., Wilson's Store,
Robbins, Frank C., Lexington,
Kerr, John, Yanceyville,
Jordan, Henry T., Roxboro'.

SIXTH DISTRICT.

BROWN, J. E., Charlotte, Chairman,
Armfield, R. F., Statesville,
Schenck, David, Lincolnton,
Cowles, A. H. H., Wilkesboro',
McNeill, Dr. G. C., Catawba Station,
Henderson, Jno. S., Salisbury,
Dobson, Joseph, Yadkinville.

SEVENTH DISTRICT.

AVERY, A. C., Morganton, Chairman,
Cocke, A. M., Asheville.
Love, J. R. Jr., Webster,
Neill, Q. F., Jefferson,
Gudger, Jas. M., Burnsville,
Durham, Plato, Shelby,
Gash, L. S., Hendersonville.

Alleged Libel—L. E. Rice Sues the Robesonian—Pretty Hard on Rice.

Lawson E. Rice, carpet-bagger, at present residing in this city, and a famous Radical wire puller, has entered suit against the *Robesonian* for damage to his "reputation," in the sum of $5,000. The *Robesonian*, it seems, repeated some charges made by Galloway, in public, against the "character" of said L. E. Rice, whereupon the latter enters suit under the following allegations:

1. That at the time hereinafter mentioned, the defendant, W. S. McDiarmid, was the editor, proprietor and the publisher of the *Robesonian*, a newspaper published at Lumberton, in the county of Robeson, and State of North Carolina, and the defendant, McMillan, was the associate editor of said paper.

2. That on the 16th day of March, 1871, the defendant maliciously published concerning the plaintiff, in said newspaper, the false and defamatory matter following, to wit:

"THAT RICE. The Wilmington *Post* nominates Mr. (why not Hon.) L. E. Rice, "carpet bag thief," (thereby meaning the plaintiff,) (according to Galloway) from Massachusetts, as candidate for the convention, should one be held, and also our next sheriff."

3. That by means of said publication, the plaintiff was injured in his reputation, to his damage, five thousand dollars.

Whereupon Mr. McDiarmid discourses in regard to the matter, and scathe Lawson E. Rice pretty severely, and as follows, as we clip from yesterday's *Robesonian*:

Well, we're mighty sorry, but we can't help it now. Damaged in his reputation five thousand dollars! We presume he means the five thousand Galloway said he stole from the negroes as agent of that huge carpet bag curse, the Freedman's Bureau. If he is injured in his reputation thereby, we can't help it. If he stole the money he voluntarily took all the risks of detection; and if his theft has been discovered, he has no right to complain of us, especially as he did not deny it when charged upon him by his brother Galloway in a public meeting, and in the presence of a vast audience. If he had consulted us, we should have advised him not to steal the money, and if he had taken our advice, he could have successfully repelled all charges or insinuations, whether made by Galloway or any one else, damaging to his reputation.

Poor Rice!—injured, so deeply injured in his reputation! If he has exchanged five thousand dollars' worth of his *character*, for that sum in current funds of the Freedmen's Bureau, he ought not now to be whining about the "loss of" priceless reputation." If he got the money from the Bureau, he has already had a fair equivalent for his "character," never considered very valuable, and we must decline to invest in what remains, at the high figure proposed by him. No, no, "Mr." Rice—it won't do. Five thousand dollars! For this sum we can buy 6250 lbs. of Cape Fear rice, which, we must own, in these hard times, will serve our purpose much better than this one broken and wounded kernel from Massachusetts.

The Connecticut Election.

Although the election for Governor is yet in doubt, sufficient is known to ascertain the political status of the State. We will not attempt to disguise the fact of our disappointment. We supposed that the election of Governor ENGLISH was certain, and that the Democrats would at least divide the Congressional delegation with the Radicals, making a gain of one member. We did not know to what extent the colored vote, which was cast for the first time, and the local dissensions in the New Haven district in regard to their candidate for Congress, would influence the election. We thought only of the result in New Hampshire and the growing unpopularity of President GRANT.

One year ago Governor ENGLISH was elected by eight hundred majority, but at the same time the Radical majority in the State, on the Congressional ticket, was twenty-four hundred. So that the success of the Democratic candidate was owing more to his individual popularity than to the strength of the party. In addition to this Radical majority, there were from one thousand to fifteen hundred negroes added to the voting population, nine-tenths of whom voted the straight Radical ticket. It is estimated that the unfortunate nomination for Congress in the New Haven district cost the Democrats one thousand votes.

But as it is, there has been a considerable Democratic gain among the whites of Connecticut. The rural districts show a steady increase of Democratic votes, while the cities, where the blacks principally reside, show large Radical gains. Governor ENGLISH receives a larger vote than ever before by several thousand, but the "colored troops fought nobly," and may possibly have succeeded in electing Governor JEWELL.

John Pool.

This political charlatan, who bears about the same relation to statesmanship that a root-doctor does to enlightened medical science, inflicted his malignant twaddle on the Senate of the United States, a few days since. If this man's antecedents were properly appreciated, he would not be welcome even in the company which, by virtue of his commission, he is now *privileged* to keep. One who boasted that his only purpose, in seeking office under the Confederate government, was that he might embarrass it, is hardly a fit associate for Butler or for Brownlow. One who advised that some of the best and most honored citizens of the State—"such as Bragg, Graham, &c."—shall be turned over to the tender mercies of a notorious land-pirate, who, "dead to every feeling of pity," would not hesitate to "lose them," is a pretty fellow to prate about Ku-klux and assassination! And this he did with that unctuous and Chadband style, of which he is master. Verily, as mild mannered a man, as ever

"Scuttled a ship or cut a throat!"

The evidence of Mr. Richard C. Badger, a prominent Radical, taken on Saturday last before the Pool-Investigation Committee of the Legislature, established that the above allegation against Jno. Pool, in connection with the land-pirate McLindsay, *is true*—horrible as it is, and revolting as it is to every high-minded, humane, manly, brave and honorable man. Mr. Badger, we learn, while protesting against the right of the Committee to compel him to divulge, confirmed, in every particular, the damning charge. Other witnesses had convenient memories, but Badger "told it all."

Let the evidence be forwarded to the United States Senate, that the "God and Morality" party may see what manner of man Radical reconstruction has given them as a peer and an equal!

SENATOR SUMNER has one law for Dominica and another for the South. In the course of his recent able and learned speech against annexation, the following passage occurs:

"The example of Spain is reenforced by an English precedent, where may be seen in the light of analogy the true rule of conduct. By a statute of the last century all soldiers quartered at the place of an election for members of Parliament were removed at least one day before the election to the distance of two miles or more, and though the statute has been modified latterly, the principle has been preserved. No soldier within two miles of a place of election is allowed to go out of the barracks or quarters in which he is stationed, unless to mount guard or to vote. This safeguard of elections is vindicated by the great commentator, Sir William Blackstone when he says, "it is essential to the very being of Parliament that elections should be absolutely free, therefore all undue influences upon the electors are illegal and strongly prohibited"—(Blackstone, Comm., vol. i., p. 178; Stephens, Comm., vol. ii, p. 491.) In accordance with this principle, as early as 1793, a committee of the other House of Congress reported against the seat of a Representative on the ground that United States troops were quartered near the place of election and were marched in a body round the Court House. (Contested Elections, p. 79 case of Mr. Preston.) And now that an election is to occur in St. Domingo, where national independence is the question, nothing is clearer than that it should be, in the language of Blackstone, "absolutely free," and to this end all naval force should be withdrawn at least until the "election" is determined. Lord Coke the great English authority, tells us that election is "when a man is left to his own free will, to take or do one thing or another which he pleases." (Coke Litt., 144.) But the Dominican people must be left to their own free will.

All this is true and forcible. But it is a pity, for consistency's sake, at least, that the same ideas did not obtain with SUMNER, when he was assisting to force carpet-bag rulers and governments upon the people of the South at the point of the bayonet. Within a few feet of him, when he uttered the foregoing, there sat a man who had written, as it were with the sword itself, his own credentials as United States Senator! We mean Ames, of Mississippi, who literally bayonetted the Legislature of that State into his election. And yet Mr. SUMNER voted for the admission of Ames and has sanctioned the whole system of military violence and intimidation that had marked "Reconstruction!"

Alleged Southern Disorders—Their Political and Material Effect.

We are glad that our immediate Representative in Congress, as well as the entire Conservative-Democratic delegation from the South, have not only not shunned any effort to have the alleged Southern disorders investigated, but have demanded that they should be. The people of North Carolina and of the other Southern States court a thorough investigation into their conduct since the war. If a Committee of honorable, truthful men, who would come in the interests of right and justice, and not as the mere tools of a party caucus, should be sent into the Southern States, they would be welcomed, and every facility extended them to further their investigations. This we can hardly hope for. But, conscious of the integrity and law-abiding character of our people, we would be glad to have the investigation anyhow.

So far as North Carolina is concerned we do not care a stiver for the political effect of these slanders and vituperations, nor the Ku-Klux legislation of Congress. Indeed, if we looked upon it merely in a political aspect, we would be glad. Radicalism is dead in this State, and these nefarious efforts to reinstate it will only serve to unite us. Whatever form these persecutions assume they only bind our people more closely together. The legislation of Congress, the high crimes of Holden, the thefts of Littlefield, the perjuries of Boyd, the partisan opinions of Judge Russell, the Loyal Leagues, the ignorance and corruption of the Judiciary, nay, even the "licensed infirmity" of Chief Justice Pearson, and the *unlicensed infirmity* of Judge Jones, all viewed in a political aspect merely, form capital planks in the Conservative platform. Whenever the Northern masses sicken and grow tired of the horrid tales of Southern outrage and lawlessness, concocted for political purposes, they will cease, for Holden, Boyd, Russell, Tourgee, "Tray, Blanche and Sweetheart," appreciate full well that their political efficacy is lost in the South. Even Pool, with all his brazen effrontery and cowardly abuse of North Carolina—a loathsome reservior for the reception and distillation of the foulest slanders of his people and State—knows that he must look elsewhere to receive further pay for his treachery.

The time has gone by when our people can be either frightened or cajoled into the support of the Radical party by any terrorism, real or threatened, which Congress and the President may hold over them. We have suffered too much already from that party to be deterred by any appliances within the power of the Government. We prefer to fly to the ills we know not of, than to return to those we have already had. No, indeed, North Carolina cannot be frightened back into the Radical camp by such means. We prefer Canby to Holden. We would much rather be under the government of Federal soldiers than at the tender mercies of Pool, Abbott, Littlefield, Swepson, Sloan and their confederates in power and crime. Our sufferings were too grievous and too recent, and our humiliation too great. What we else may be in store for us, North Carolina will continue to vote against reinstating the Radical party in the State.

But however futile are the efforts of these base men to restore their party to power, and regain the positions and the salaries which they have so righteously forfeited, in a material point of view their falsehoods, their malice and their legislation is having a most pernicious effect.—Population and capital are frightened away, our labor system is kept disorganized, our credit is destroyed, and our people are oppressed with burdens which stifle industry and check recuperation. The prejudices and hatreds of the war are fed and strengthened, and good men begin to long for peace and law at any cost, save through a restoration of the thieves and scoundrels who have already plundered and ruined the State.

We see no prospects for this state of affairs to end short of the next Presidential election. General GRANT is determined to sacrifice our material interests and our individual happiness—our lives, if need be—to secure a personal triumph. There is nothing that the Southern people can do, no pledge that they can make, no course of conduct that they can adopt, nothing can save them from the onslaught which Radical necessities at the North urge them to. Party triumph, and not the good of the country, is the incentive of their action. The latter will be sacrificed in the, we trust, vain effort to secure the former.—Our citizens can make up their minds to their fate. We have borne it with commendable patience in the part, we must do so in the future, though it chafes our pride and exhausts our energies. We should look to it, at least, that when the time does come that we shall do our full duty to secure a President under whose wise and liberal administration, these persecutions will cease never to be renewed. Four years of peace and law and justice and equality will give the South such a start in the restoration of her material interests as will place her above and beyond the malice and detraction of politicians.

IMPEACHMENT OF GOV. HOLDEN.

OPINION OF SENATOR MCCLAMMY, OF THE THIRTEENTH DISTRICT

As a Senator sworn in this behalf, I have to submit my judgment arising from the facts and arguments presented to this Court during the trial.

It appears from the evidence before the Court that there were sundry violations of the law in Alamance county during the years 1868-69, embracing two murders and numerous whippings. There were also two murders committed in Caswell county, and in both counties running through the same time, there were instances of barn burnings, the perpetrators of these outrages against the peace of the State were, it appears, acting against each other—were taking retaliatory steps. It is proved that there existed secret societies of various names, one composed almost entirely of blacks, and operating in the interest of a political party, and others composed of whites and having also, perhaps, political objects. It is not by any means established that these secret organizations had any purpose to subvert the Government, but were rather organizations, like vigilance committees, to punish those offenders against the law and against society who were not punished in the Courts. It does not appear that there existed anything like a struggle between the races. Republican negroes were, it is in evidence, treated in the same manner in Alamance and Caswell as in other parts of the State whenever their alleged crimes did not render them obnoxious to the communities in which they resided, and in general the two races were found there occupying much the same relations to each other as in other sections of the State.

It is in evidence that the respondent issued frequent proclamations calling on the people of these counties to maintain order, and that he subsequently proclaimed said counties in a state of insurrection, that he, on or about the 21st day of June 1871, organized a military force by appointing Geo. W. Kirk, Colonel, who called for recruits in the following proclamation, printed from a document proven to have been in the hand-writing of the respondent:

"Rally Union men!

In defence of your State!

Rally soldiers of the old N. C. 2d and 3d Federal Troops.

Rally to the standard of your old Commander.

Your old commander has been commissioned to raise at once a regiment of State Troops to aid in enforcing the laws and in putting down disloyal midnight assassins.

The blood of your murdered countrymen, inhumanly butchered for opinion's sake, cries from the ground for vengeance. The horrible murders and other atrocities committed by rebel K. K. K. and 'Southern Chivalry' on gray haired men and helpless women, call in thunder tones on all loyal men to rally in defence of their State. The uplifted hand of justice, North Carolina 2nd and 3rd Federal troops, must overtake these outlaws," under which proclamation he organized a regiment claiming to be State troops, over two hundred (200) of whom were from other States, and three hundred and ninety nine (399) under the age of twenty-one. These troops he distributed at several points, but chiefly in these two counties. It appears also that there was besides and prior to the organization of this force, a company of United States regulars in each of these counties, under instructions to enforce the law and amply sufficient to do so if there had been any resistance thereto. That these State troops proceeded to arrest divers persons named in the articles, and to detain them against their will, the persons being incarcerated and badly treated, and in some instances subjected to torture. Some of these parties petitioned for and were granted the State's writ of *habeas corpus*, which was served on the military officer having the petitioners in confinement, who refused to obey the writ; that the respondent sanctioned this refusal of his military subordinate, claiming that the writ of *habeas corpus* was suspended; that civil law had been subverted in these counties, and that he would use the military to restore it; that he ordered the arrest of Josiah Turner, jr., in Orange county, which had not been declared in insurrection, and by his officers kept the said Turner a prisoner for several days; that he, without warrant of law, drew large sums of money from the Treasury for the payment of these troops, and that he disregarded a writ of Injunction forbidding the paymaster to pay said troops, and ordered him to turn over the money in his possession to another for the purpose of having it disbursed according to his unlawful orders before the second party could be enjoined.

On this statement of facts, it is claimed by the managers that the respondent is guilty of the various charges contained in the Articles.

The respondent replies that he was authorized by the act of Assembly, "To secure the better protection of life and property," ratified the 29th day of January, 1870, to declare the said counties in a state of insurrection; that the courts were unequal to the duty of enforcing the law, and that he was obliged to resort to military force to preserve order; that the parties arrested were members of a secret organization, having for its object the overthrow of the government, and that they could not be otherwise dealt with than by the means and in the manner he used; that the peace of the State demanded he should keep as military prisoners the persons arrested until the proper time arrived for surrendering them to the civil authorities and claims that his military force was rightfully organized as militia troops. It is to me perfectly apparent that a case is made out against respondent unless his defences thereto justify him.

I shall first examine the articles charging him with the commission of a high crime in declaring the counties in a state of insurrection. To my mind the authorities cited are conclusive that there can be no *secret insurrection*; that to constitute insurrection there must be open armed resistance to the existing government by some of the persons owing allegiance thereto. Now the facts are that in Caswell two men are murdered, and in Alamance two murders are committed and sundry persons of low character, are flogged; that these outrages were committed in secret, signifies only that the perpetrators thereof feared the law rather than defied it; that so far from defying civil law they sought to evade its *expected penalties* by all the ruses their ingenuity could invent. If insurrection be a flagrant opposition to and defiance of the existing government, the course of those who committed the outrages has none of the "outward and visible" signs of insurrection. These infractions of the law were committed by members of secret associations, but it does not appear that the objects of those associations were resistance to established government, and the commission of such acts as partake of the nature of insurrection. They did not undertake to subvert the existing government, the courts were not interfered with, process could at all times be served, persons accused of crime could be tried and punished if a jury of their countrymen had found them guilty, and the forms of law at least remained. It is true the respondent claims that the spirit of our beneficent institutions had departed and that juries always failed to convict men belonging to these organizations. If that were so (an assertion not sustained by evidence) the fault was in the mode of trial, and is an evidence of the inefficiency of human devices to attain a perfect administration of justice. It is alleged that witnesses and jurors would not do their duty—would perjure themselves, and the criminals would escape "unwhipped of justice," yet, if this were so, the very act which the respondent claims gave him authority for his action, provides for the removal of the trial of these very offenders to other counties than those in which the offence was committed. But to my mind, while the existence of such a state of society is to be deplored, and while it is to be regretted that the sacred institution of trial by jury should ever cease to operate as a wholesome check on crime, yet this does not constitute insurrection, nor does the commission of any number of offences, whether punished or not, having a different nature from insurrection, constitute that offence.

The respondent, however, relies on the "Shoffner act," without entering into a discussion of the constitutionality of the act, and only characterizing it as an unwise grant of discretionary power, perhaps beyond the scope of legislation under the Constitution of North Carolina. I am of opinion that the respondent was by the terms of the act itself, forced to exercise a proper discretion. Now, not regarding the subtle distinctions that the learned counsel have argued at such length, a dispassionate consideration of the facts forbid me to view the conduct of the respondent as being the result of a desire to execute the law. It is apparent to my mind that he was actuated by motives that should not govern the executive of the State. He did not have at heart the discharge of the duties incident to his office so much as other designs, which were totally incompatible with those duties. His intent, his object, is plainly shown by the facts. Col. Clarke, it was arranged, was to have had charge of the military organization; but this arrangement was set aside, because he is a man of too much character to answer the purposes of respondent, and was replaced by a person of notoriously bad reputation, imported into this State as a proper tool to accomplish sinister purposes. To secure fitting material for the execution of the vile project, an illegal force is raised partly from the lawless regions of Tennessee, and these troops, well suited to obey such a leader in such an enterprise, are sent into a county where no insurrection exists; where no outrages are being committed, and where there is a strong force of United States troops already quartered, under the pretext of suppressing insurrection, but with the real intent to control the election. Now what was the conduct of this officer and his troops, as showing the intent of their commander, the respondent? They arrested without warrant, without bail, and on no charge, the political opponents of their commander; they incarcerated these prisoners, against whom there was not a particle of evidence, and who were not even suspected of crime, in foul cells; they broke up public meetings of peaceable citizens, by the seizure of the best and most esteemed members of the community; they took forcible possession of the Court house, and turned the officers of the law out of their appointed places of business; they threatened to burn the town of Yanceyville, and resorted to all the means their ingenuity could devise to precipitate a conflict between the citizens and the soldiers; to exasperate them or to terrify them and prevent a free expression of the popular will at the polls. Such was the object, such the means employed for its consummation, and such the conduct of the respondent who, by a stroke of his pen, could have countermanded the orders that subverted civil liberty.

The Constitution of North Carolina, art. 1, sec. 21, says that "The privileges of the writ of *habeas corpus* shall not be suspended." The evidence under art. v, is that the respondent had in control under the guard of a military force sundry citizens deprived of their liberties without due process of law; that they petitioned for the writ, and the respondent in his answer to art. v. of the articles of impeachment, *admits* that said arrests and detention were approved by respondent as Governor of North Carolina, and that the failure on the part of Kirk to make return to said writ, &c., was done by order of this respondent as Governor of North Carolina. No greater crime against the State exists in my judgment than this, save alone treason. This writ is the palladium of our liberties, without it our lives would be at the mercy of our officers. With it, our boasted freedom is, indeed, a reality. Destroy its power and our cherished institutions are emasculated of their virtue. The beneficent operations of this legacy gives to the humblest citizen an equality before his fellows with the most powerful officer. No people are worthy of, or can maintain their independence, who do not guard with a jealous care every avenue to this tower of their strength. The respondent, failing to remember its sanctity, admits that he undertook to render it inoperative. In this he is guilty, in my judgment, of a high crime. The Governor is sworn to execute the law, not to make it nor to expound it. The troops which he had in the field, being illegally organized, the Treasurer was enjoined from using public moneys in paying them off. The duty of the Governor, as of every citizen, is to obey the law and respect the order of the Court. If he evades the law and defies the order of the Court, who in all the land will give to the law a willing obedience? Yet, in this instance, the respondent evaded the law and by illegal means caused to be withdrawn from the Treasury the subjoined funds which he wished appropriated to the payment of his unlawful soldiery; calls into existence an illegally organized body of troops, uses them for an unlawful purpose, and violates the law to pay them for their services. Under this charge there can be no doubt of his guilt. The remaining charges relate to the arrest of citizens of Alamance and Caswell counties. Of the large number arrested there were none taken under warrants properly made out, but they were seized at the instance and by direction of respondent with utter disregard of the provisions of the Constitution. If there had been insurrection and these men had engaged therein, his acts might have been lawful, but there was no insurrection, and the capture and detention of these parties were without the sanction of law. Among them were numbered some of the truest and most deserving citizens of North Carolina; these, with their neighbors were arrested on the mere motion of his Excellency, without warrant, and as far as this Court can discover, without a scintilla of evidence implicating them in any violation of the law. Had they engaged in any criminal undertaking their apprehension might be excused, but there is not even an insinuation that most of them had committed any offence known to the law. As for the members of the secret organizations shown to have existed in these counties, they do deserve harsh punishment from the hands of inexorable justice. Not even can the respondent entertain for them a greater aversion than myself. But these societies were the fungus growth of the times, and in checking them, it was criminal in the respondent to deprive innocent citizens of their dearest rights. The Constitution and the Laws are worth nothing, if they can be violated with impunity at the arbitrary will of one man. They are intended not merely to limit power in quiet times, but rather to prevent encroachments upon the liberties of the people when "Reason forsakes her throne, and passion rules the hour."

RULOFF, THE MURDERER

Incidents in the Singular Man's Career

From the Troy Times, March 29.

We have learned from a source beyond dispute the particulars of an incident in the career of this remarkable man which has never been published, and which he himself recently told to an intimate friend as an illustration of the "hard luck" which has attended him all through life. Ruloff stated to this gentleman that upon his release from the Auburn Prison he wandered down into Pennsylvania, and having perfect confidence in his ability to fill almost any position in the faculty of a college, applied for a professorship in Jefferson College. There was no permanent opening for him in the institution; but the professors gave him some clerical work to do, and in a little while satisfied themselves of his remarkable scientific and literary attainments, so that when an application came from Chapel Hill College, in North Carolina, for a professor of language, the faculty of Jefferson were able to recommend Ruloff to it as a proper person to fill the position. While preparing to accept the professorship at Chapel Hill he received a letter from Mrs. Jarvis, the wife of the Ithaca jailor whom he had seduced, and through whom he was enabled to make his escape from prison, to the effect that she had left her husband and was living with her son (the same who was drowned in the river at Binghampton after the murder), in destitute circumstances, and demanding the sum of $500 for pressing and immediate wants. The letter contained a note from the son that unless the money was forthcoming he would kill Ruloff on sight the first time they met. He was utterly without the means to send so large a sum. Gratitude and love both conspired in his breast to induce one earnest effort to secure the money and send it to the only woman he ever loved. His meditations led him to devise the robbery of a jewelry store in a neighboring village, and putting his plans into execution he carried them out successfully and plundered the store of a considerable amount of jewelry. This he tied up in his handkerchief, and as rapidly as possible fled from the scene of his crime. Traveling along the highway in the early morning he was overtaken by a stranger who reluctantly gave him permission to ride. They had proceeded but a few miles when two horsemen approached them and arrested them for horse stealing—the very wagon in which Ruloff was riding having been stolen the previous evening by his companion. He was a dilema even for so skilful a villain as the Professor of Chapel Hill College. But his "cheek" saved him. Persisting that he knew nothing of the robbery of the horse and wagon, but was a chance passenger picked up by the real thief upon the highway, and being able to prove his good character by the Professors at Jefferson College, he was discharged at the examination upon the accusation of horse stealing, but before he had left the court room the officers looking for the burglar who had stolen the jewelry came in, identified the property found in the wagon and insisted upon arresting him for this crime. Ruloff was in no wise abashed. The same confident air which he had maintained all the trying ordeal and the testimony of the Professors served him to the end, and, declaring his ignorance of all knowledge of the burglary, as well as of the horse stealing, he was a second time discharged, while his companion was held for both crimes, and ultimately suffered the punishment for the very offence which Ruloff himself had committed. In describing this incident in his life Ruloff laughed and said it was only one instance of the "devilish hard luck" which had followed him all through his varied career.

From the Newbern Journal of Commerce.

Cotton and Cotton Boll Picker—Patent Issued March 28, 1871, to Major John Hughes, of Newbern, N. C.

This machine is not what is strictly denominated a "cotton picker." Man's ingenuity will and has expended itself in vain, in endeavoring to get up such a device, for until human intelligence can be imparted to machinery, cotton *per se* can never be picked by it, for the simple reason, that the bolls open unevenly and at different times, hence it is necessary that discrimination must be used in picking it, the ripe and open bolls must be selected and the unripe ones left, and this can only be done by a power governed and controlled by reason and intelligence.

This new invention contemplates immense saving in labor and material in the cultivation of cotton—it looks to the gathering at one time, of the entire crop like all other crops, it looks to remedying the great and growing want of the age, viz: the scarcity and expensiveness of labor.

The plan proposed is this; to allow all the cotton or as much thereof as cannot be conveniently and economically picked by hand before that time, to remain on the stalk until the frost strikes it—then the machine is to be placed at once in the field and everything, open cotton and cotton balls, both large and small, will be at once gathered and carried to the gin house, when by another machine invented by the same party, all the unopened balls will be at once opened and the cotton picked from them, as well as the already opened balls. In this way all the expense of hand picking will be saved and the entire crop will be secured, whereas now the picking of that which opens by sun or frost is exceedingly costly and very irksome to the planter, besides which from one-fifth to one-third of the entire crop is lost by reason of many of the bolls never opening at all.

It may not be generally known but it is nevertheless true, that every boll no matter how green or small, even if no larger than a marble, has good cotton in it—by this process all this is saved. Besides this all the cotton boll hulls will thus be saved at the gin house where they can readily be utilized for manure.

The principal features of this valuable invention are as follows: In front of a wagon the body of which is lower behind than in front, are arranged two stationary horizontal cylinders, open at the top with inclined planes tending to a common centre, about these revolve cases upon which are arranged rows of curved teeth or combs, these teeth engage the limbs or branches of the cotton plant and strip from it all the bolls, these are carried up to the top of the open cylinders into which they drop upon the inclined planes, from which they pass in a conduit into the body of the wagon. As soon as the wagon is full they are transferred to another and carried at once to shelter. The revolution of the frame containing the teeth is produced by gearing attached to the wheels of the wagon and is in reverse direction to the movement of the wheels.

The machine above described is intended to pick two rows of cotton at the same time and it is estimated that it will pick six acres or more per day. If it fulfills what it promises it will make the Southern planters comparatively independent on the labor question, and put millions of additional dollars into their pockets annually.

CAPE FEAR AGRICULTURAL ASSOCIATION FAIR OF 1871—FIELD CROPS.

The Officers and Executive Committee of the Cape Fear Agricultural Association offer the following Liberal premiums upon Field Crops, to be determined at the next Annual Fair, in advance of the publication of the regular Premium List:

COTTON.

For best and largest crop of Cotton upon four (4) acres or more of *upland*, with statement of quality of soil, mode of cultivation, amount and kind of manure used, the time of planting and variety of Cotton; the land to be measured and the yield to be vouched for by *affidavit*—relative value of crop above expenses to be the standard:

1st Premium—Sterling Silver Plate, value.....$50
2d " " " " " 30
3d " " " " " 20

For best and largest crop of Cotton upon one (1) acre of upland. Regulations same as above:

Premium—Sterling Silver Plate, value.....$25

CORN.

For best and largest crop of Corn grown upon four (4) acres of upland. Regulations same as for Cotton; two (2) bushels to be exhibited as sample:

1st Premium—Sterling Silver Plate, value.....$50
2d " " " " " 30
3d " " " " " 20

For best crop of Corn grown upon one (1) acre upland. Same regulations as above:

Premium—Sterling Silver Plate, value.....$25

WHEAT.

For the largest yield of Wheat from five (5) acres; under same rules and regulations as above for Cotton and Corn:

Sterling Silver Plate, value.....$20

OATS AND RYE.

For largest yield of Oats or Rye. Same regulations as above; two bushels to be exhibited:

Each, Sterling Silver Plate, value.....$20

POTATOES.

For largest crop Sweet Potatoes upon one (1) acre; one-fourth to be dug and two (2) bushels to be exhibited as sample:

Premium—Sterling Silver Plate, value.....$10

For largest crop of Irish Potatoes upon one-half acre. Same regulations as above for Sweet Potatoes:

Premium—Sterling Silver Plate, value.....$10

PEAS, &C., &C.

For largest crop of Peanuts upon one acre; for largest yield of Stock Peas upon one acre; for largest yield of Turnips upon one acre; for largest yield of Beets upon one acre. Two bushels of each to be exhibited; under same regulations as other crops:

Premium, each—Sterling Silver Plate, value..$10

HAY.

For largest yield Pea-Vine; Hay one bale to be exhibited:

Sterling Silver Plate, value.....$10

For largest yield Native Grass; one bale to be exhibited; quality and quantity to be considered:

Premium—Sterling Silver Plate, value.....$50

Largest yield Red Clover upon one acre; largest yield Cultivated Grasses upon one acre; one bale of each to be exhibited:

Premium, each—Silver Plate, value.....$10

To the farmer who raises and applies the largest quantity of Domestic Manures to, and by each horse, mule or ox, used in the cultivation of his farm, the quantity to be certified to by two or more competent witnesses, a Premium of $50 in Solid Silver Plate.

All the rules and regulations specified in the foregoing Premiums *must be complied with*. *Affidavits* and *certificates*, as required, to be filed with the General Secretary, when the articles are entered, *otherwise* the Awarding Committees will withhold Premiums.

Wilmington, February 3d, 1871.

GOVERNOR Holden is in Washington and afraid to return to North Carolina, where he is liable to suits for damages for his illegal arrest and highhanded course. This affords a curious commentary on the stories of Southern disorders, and places the Washington authorities in the attitude of protecting a criminal. Governor Holden has been dropped by the Republican leaders in disgust, and no measures will be taken to reinstate him. But he is immensely rich. The close of the war found him a miserable poor secession editor. Now he is a disgraced Radical Governor and is enormously wealthy.—New York *Democrat*.

The Planters' Loan and Savings Bank has been opened in Augusta, Ga., with $1,000,000 subscribed capital.