

The South.

MONDAY AFTERNOON, MAY 27, 1861.

A WELL-REGULATED MILITIA BEING NECESSARY TO THE SECURITY OF A FREE STATE, THE RIGHT OF THE PEOPLE TO KEEP AND BEAR ARMS SHALL NOT BE INFRINGED.—Constitution U. S., Amendments, article 2.

No Soldier shall in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by Law.—Constitution U. S., Amendments, art. 3.

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no Warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.—Constitution U. S., Amendments, art. 4.

To secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.—Declaration of Independence, July 4, 1776.

It is the duty of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no Warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.—Constitution U. S., Amendments, art. 4.

That in all cases, and at all times, the military shall be under strict subordination to, and control of the civil power.—Declaration of Rights of the People of Maryland, Art. 21.

That no man ought to be taken, or imprisoned, or seized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of life, liberty, or property, but by the judgment of his peers, or by the law of the land.—Declaration of Rights of the People of Maryland, Art. 21.

Notice to Correspondents.

In consequence of the multitude of anonymous communications received every day, it is found necessary to remind correspondents that in no case can any notice be taken of any communication, unless accompanied by the name and address of the writer, not necessarily for publication, but as an evidence of good faith.

THE SOUTH is published every afternoon, after the arrival of the mails, and consequently contains all the latest news by mail and telegraph, up to the hour of publication, and fully twelve hours in advance of the morning papers.

For Sale by all the principal news-men in this city and throughout the South. Persons desiring Agencies for the sale or distribution of the Paper in any particular Town or neighborhood, will apply to the Publisher.

Orders for the Paper will be received at the Office of Publication, No. 74 Baltimore street. If sent by mail, must be accompanied by cash.

The usual discount in favor of News-men and Agents.

Postmasters and others forming Clubs of ten copies will be sent to one address, upon receipt of the subscription price for one year, in advance.

THE NEWS.

In the case of John Merryman, Esq., of Havfield, the circumstances of whose arrest and subsequent incarceration at Fort Mifflin have already been published, a writ of Habeas Corpus was yesterday issued by Chief Justice Taney, and served upon General Cadwallader, who is to appear at which hour General Cadwallader failed to appear, or to produce the body of Mr. Merryman, in accordance with the writ.

Mr. Merryman, however, sent an *ad-locum* to make his apologies to the Chief Justice for not appearing, pleading his "engagements at the Fort," and giving in writing his reasons for not complying with the writ. Mr. Merryman, he alleges, was arrested without his knowledge or direction, by Col. Yoe, acting under the orders of Gen. Keim, and was brought to Fort Mifflin upon the charge of having committed various acts of treason, and particularly of being associated with, and holding a commission as Lieutenant in a military company, and avowing his willingness to cooperate with that company in acts of hostility against the United States.

General Cadwallader further informs the Chief Justice that he is duly authorized by the President to suspend the writ of Habeas Corpus in such cases, and that in the exercise of the discretionary power thus reposed in him, he declines obedience in the present case. He closes his letter with a rebuke to the Chief Justice for "want of confidence" in him, and with a request for a stay of further proceedings until he can receive further instructions from Washington, when he assures the Chief Justice "he shall hear from him again." The Chief Justice with that quiet dignity which has always marked the administration of justice in his court, abstained from any comment upon this extraordinary epistle, but simply directed an attachment to issue immediately against Gen. George Cadwallader for contempt in refusing obedience to the writ, and ordered it to be made returnable to-morrow at twelve o'clock, until which hour further proceedings in the case stand adjourned. Thus the Constitution and the Law, in the person of the venerable Chief Justice of the United States—renowned not only by reason of his years, and his eminent services as a magistrate, but by virtue of the exalted office which he bears—are brought in conflict, face to face, with the Military Despotism which that great administration has established upon the ruins of the Government. Pending the final decision of the Chief Justice, we refrain from any discussion of the case, but refer our readers for further information to the proceedings which we publish in full in another column.

The despatches received Saturday respecting a great battle reported to be in progress near Alexandria, furnish another illustration of the little faith which can be attached to any reports received at this time. Not that in this instance, there was any intention to be, because there is no doubt that when the despatches were sent, the belief was general in Washington that the facts as stated were true. There was just such a wave of excitement and confusion as has been described—citizens and soldiers hurrying to and fro—General Mansfield quitting his place in the funeral cortege of Col. Ellsworth to give the necessary directions to the troops—and three regiments being sent across the Long Bridge with the utmost despatch—all of which argues very badly for the coolness and vigilance of the Federal commanders, and the extent of their information as to the whereabouts and aims, what Congress can do for the guilt or repair the consequences of a direct violation of the Constitution? So with the invasion of private rights of property and person, the arrest of suspected persons without warrant, and all the restrictions placed upon travel, and upon the exercise of the right of speech—are not these things in grave, palpable violation of the Articles in Amendment of the Constitution, which declare that "the right of the people to keep and bear arms shall not be infringed;" that "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures

shall not be violated;" that "no person shall be deprived of life, liberty, or property, without due process of law;" and that "private property shall not be taken for public use without just compensation." These are rights guaranteed by the Constitution, yet which of them has Government respected, or rather, which of them has it not? Who can doubt in the face of facts like those, of which the observation of every man, and the experience of many are witnesses, that the greatest danger to which the Constitution is exposed is from those who profess to be its friends, and from the measures which are taken to defend it? Can the Union exist without the Constitution? Let the issue of the present struggle be what it will, the destruction of the Union is certain—do not see for the triumph of the South, but the triumph of the North will prove not less fatal to its existence than that of the South.

It is not to be supposed that the state politicians who guide the councils of the Administration—the Cabinet Ministers by whose advice these violations of Constitutional law have been committed—do not see the end of their policy, the inevitable result of the usurpation upon which they are entering. The article from the New York Courier and Enquirer, which we print in another column, shows that there is a party at the North who look for a complete overthrow of our existing institutions, and the erection of a consolidated empire upon the ruins of the Constitution and the Union, as one of the results, and not the least important or desirable result, of the present war. The writer in the Courier has, at least, the merit of frankness. He wishes to see "State lines" and "old colonial geography" abolished, and he says so; he wishes "all Legislatures, all these interferences, all these needless, cumbersome, intricate entanglements of the powers to be made law and decree, judgment" done away with, and he proposes that "national unity and power in the Army and Navy." And, continuing in this appeal to arms—"It has the brain, the arm, the gold."

This then is the aim for which the money and power of the North are being exerted—this is the reconstruction which the Union men of Maryland are laboring to promote. What the Courier thus openly proclaims to be the end and purpose of the present war, the Times and Tribune and other Republican journals only venture to insinuate, but the same idea is found underlying all the bombast with which their columns are filled, about the "one country and one flag," the "unity of the people," "national aspirations," and "national sympathies." A still stronger manifestation of the same feeling is seen in the dissatisfaction which is everywhere expressed at the not unattractive assumption of Governor Morgan, of New York, seeing that he is the constitutional commander-in-chief of the militia of the State, and the Federal authorized organ of communication with the Government—to be considered in the selection of the four additional regiments recently accepted from that State. All New York is in a ferment of indignation at the "impertinent" and "unhallowed" interference of the Governor, and the whole machinery of State government is loudly denounced as a piece of "Red-Tapism," a sort of "Circumlocution Office," which is only in the way, and had best be dispensed with altogether.

Reference is had to Washington, not Albany, for a settlement of the dispute, and in the end the Governor is dispensed with—he is ignominiously thrust aside—and the duty of selecting, organizing and equipping the fourteen regiments in question is entrusted to a committee of New York merchants and bankers. Who cannot read the fate of the Republic in facts like these? Who does not see that it is doomed—irrevocably doomed—destined to perish in the very effort to save it, and the hands of those who have assumed the burden and responsibility of its defense. And the Union men in Maryland—those who occupy that position through honest belief, and who are doing but what is their duty—what else are they doing but accelerating the catastrophe, by their support of the Federal Government, the chosen tool of whose infamous policy and purpose is thus plainly revealed?

The Baltimore and Ohio Railroad.

The embargo laid by the Virginia authorities upon the freight trains of the Baltimore and Ohio Railroad at Harper's Ferry, has not been removed. Most of the trains, containing 3,000 tons of coal and other commodities, have been sent to Martinsburg, where they now lay. Should it appear that the coal thus seized was not being shipped for Government use, restitution will be made to the Railroad Company. The passenger trains run regularly through; there is some little detention at Point of Rocks, where a culvert has been blown up.

The immense rock, known as "Bollman's Rock," overhanging the railroad track at the Point of Rocks, had been charged with seventy-five pounds of powder, and an attempt made to blow it from its position so as to fall on the track, but the first discharge of the blast had not the anticipated effect. Preparations were being made for a second attempt. Bollman's Rock stands at an altitude of about fifty feet, and is about twelve feet square. The obstruction of the track by its fall would be perfect, but the rock could easily be removed by blasting. The track here has also been blown up by charges of gunpowder placed beneath the sleepers. About twenty-five feet were destroyed in this manner. It is believed these movements are unauthorized. Persons at Harper's Ferry and Point of Rocks openly declared that the western train of Saturday afternoon was the last that would be allowed to pass east.

For the present, freight trains will not be run on the road, but passenger trains will go as usual.

From Post-Office Memoirs.

Silly reports were circulated yesterday that the Sewall's Point Battery had been attacked and captured by the Government forces on Friday evening, and four hundred Confederate troops killed. The accounts by the steamer Georgetown, Captain Cannon, yesterday morning, showed the story to be entirely false. She reports that neither Col. Dimmock, commanding the fortress, nor Gen. Butler the peninsula, regarded it necessary or advisable at the present time to resume hostilities.

The steamer L'Anson arrived at Old Point on Saturday, bringing 1,000 troops and the Pennsylvania Cavalry in later with 275. The whole force at Fortress Monroe is now about 10,000. The steamer Quaker City had captured the bark Wharfed, at Richmond, from the Duke of Anjou, taken with the Virginia blockade had finally succeeded in destroying the battery leading from Old Point to Hampton.

The letter of Governor Andrew to General Butler, disapproving his refusal to assist in running off fugitive slaves had evidently had its effect. Three negroes belonging to Col. Mallors in command of the Virginia forces had been stolen by the Federal picket guard and Butler refused to deliver them up on the demand of their master, but had pronounced them contraband of war! Having turned negro thief, Butler has now found employment congenial to his nature. He is employed on the farm of Col. Sugar with some 2,000 men.

The Virginians are said to have obstructed the mouth of Cone river, by sinking vessels in the channel, to prevent the ingress of Federal vessels. Cone river flows into the Potomac about fifty miles from its mouth, and affords access to Northumberland county, and a large district or country in that section of the State. Three of the vessels sunk were plainly visible, and it is said reach entirely across the channel.

CONFLICT OF CIVIL AND MILITARY POWERS.

GEN. CADWALLADER REFUSES OBEDIENCE TO THE WRIT OF HABEAS CORPUS—AN ATTACHMENT ISSUED AGAINST HIM BY THE CHIEF JUSTICE OF THE U. S.

In the South of Saturday, we announced the arrest of John Merryman, Esq., of Baltimore county, in Federal soldiers, and his incarceration at Fort Mifflin. Yesterday the following petition in his case was filed before Chief Justice Taney, by his counsel, Geo. M. Gill and Geo. H. Williams, Esqs.:

To the Honorable Roger B. Taney, Chief Justice of the Supreme Court of the United States: The petition of John Merryman, of Baltimore county, and State of Maryland, respectfully sheweth, that he was, on the 25th of May, A. D. 1861, arrested from his bed by an armed force, pretending to act under military orders of the Commander in Chief, and was carried to the city of Baltimore, and in the district before named, and where your petitioner now is, in custody.

That he has been so imprisoned without any process or color of law whatsoever, and that none such is pretended by those who are detaining him, and that no warrant for his arrest, or that of any other person having legal authority, to issue the same exists to justify such arrest, but to the contrary the same, as above stated, both in fact and in law, are in violation of the laws of the United States.

That since his arrest he has been informed that the petitioners are to be taken to the city of Keim, of Pa., to this petitioner unknown, and that the arrest of the petitioner, and his confinement in the city of Baltimore, and in violation of the laws of the United States, is a crime.

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THE ARMY OF OCCUPATION.

Passage of more Troops through Baltimore.

About 1 P. M. yesterday, four companies, A, B, C and D, of the 1st Regiment Pennsylvania volunteers, Col. Yoe, commanding, arrived at the Bolton Depot from the Relay House on the York Road. They halted in Front street between Grandy and Garden, and proceeded to erect a march of seven miles in a railroad car. They seemed much broken down and looked in bad condition generally. Their officers put them through certain portions of the drill after which the band which accompanied them discoursed "Yankee Doodle," "Hail Columbia" and other secular and patriotic airs, for the benefit apparently of the good people of the neighborhood, who were just returning from church. The musical performance having been concluded, many of the soldiers and some of the officers went about the neighborhood begging for food. The whole affair excited the profound disgust of all who witnessed it, and there was a general feeling of relief among the people, when after a stay of two hours the regiment resumed its line of march. It is understood that they proceeded to Catonsville, where they are stationed, as we learn, to prevent the passage of citizens of Baltimore to Virginia.

Supply of Water.

The water engineer, Mr. Water, has since the occupation of Patterson Park Hill as a camp by Col. Mansfield's Philadelphia regiment, introduced water into the camp, by the laying of pipes to connect with the main, on Fayette street, and on Saturday evening the supply was turned on. Yesterday the troops were engaged in erecting hydrants in various parts of the camp.

Troops Expected.

The First Regiment of New Hampshire Volunteers, consisting of ten companies, and numbering rank and file about 850 men, left New York last evening at 6 o'clock, for Washington. It is commanded by Col. W. W. Tappan, and was expected to reach here by one o'clock to-day, but at 6 o'clock a despatch was received from Harre de Grace, announcing that they were just about leaving that place. They are well equipped, and armed with muskets and revolvers, and have a baggage train of seventeen wagons, with four horses to each, accompanying them, while with each company are four female nurses. Their uniforms are dark gray, trimmed with red.

Virginia Election.

The returns received indicate that Virginia has ratified the ordinance of Secession by a great majority, estimated at from 50,000 to 100,000. The North Western counties and those bordering on the Ohio river have given large majorities, as was expected, against the ordinance, but elsewhere the vote is almost unanimous in its favor. The following is the vote of the cities, large towns and counties:

Table with 3 columns: County, For Secession, Against.

Alexandria 988 127
Richmond 3500 132
Salem 450 100
Lynchburg 350 100
Manassas 300 100
Charlottesville 816 100
Henrico Co. 1098 100
Augusta Co. 4200 100
Harper's Ferry 3010 100
Rockingham Co. 2010 100
Wheeling 2623 100
Wood Co. 1709 100

These returns are sufficient to show the general character of the vote. The vote of the military was almost exclusively for secession. In 20,000 Virginia counties reported, give 14,202 for secession to 14,803 against it. The opposition strongholds in that section having been heard from there can be no doubt that even Western Virginia, taken as a whole, has given a very large majority for secession, while in Eastern Virginia the vote is next to unanimous. The aggregate vote is quite large.

The Seventh Regiment.

It seems now certain that the 7th (N. Y.) Regiment will shortly return home. A despatch from Washington states that all the troops who went into Virginia carried their knapsacks, blankets, canteens, &c., with the exception of the Seventh, which went without knapsacks. From this it was inferred that the latter corps would make but a short stay on the right bank of the Potomac.

The Herald in explanation of their return states that many of them are Brokers, Merchants, &c., whose business is suffering greatly during their absence. Since writing the above we learn that at a meeting held last night, the Regiment has agreed to remain one more week.

The Attorney General's Office.

The following appears in the Harrisburg Telegraph, and causes much speculation as to the course of this step:

ATTORNEY GENERAL'S OFFICE, HARRISBURG, May 24, 1861.

To Andrew G. Curtin, Governor of Pennsylvania: For reasons which appear to myself self-interest, I cannot consent to continue any longer in connection with your administration.

I therefore tender you my resignation of the office of Attorney-General of the State.

NATHAN A. PRITCHARD.

SOUTHERN CONFIDENCE.—We learn reliably that during the last two weeks, Virginians have visited New York, and supplied themselves abundantly with Virginia bonds at the present low rates.

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HAMILTON, BROTHERS & CO.

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