THE CENTRAL DIRECTORY.

Colonel Forshey before the Committee on Reconstruction.

On the application of the Hon. Reverdy Johnson, of Maryland, Colonel Forshey, of Texas, was summoned to appear before the Committee to testify to the condition and disposition of the "States lately in rebellion."

SWORN BY THE CHAIRMAN OF THE COMMITTEE.

Q. Of what State are you a resident, and how long? A. I have resided twelve years in Texas.

Q. From what State did you emigrate to Texas? A. I claim to be a Virginian, though chiefly reared in Ohio, whither my father removed from Virginia in my childhood; I received my collegiate education at Kenyon College, Ohio, my military and scientific elements at West Point; my life of manhood has been passed in Louisiana and Texas.

Q. Have you been in the rebel service, and in what way? A. I have served during the war—was Lieut. Col. of Engineers, chiefly engaged in the defenses west of the Mississippi.

Q. What knowledge have you of the condition and disposition of the people of the State lately in rebellion against the United States? A. I think I have pretty good knowledge as to the three South-western States, in which my acquaintance is very extensive, and, perhaps, may assume to have a fair degree of general knowledge as to the other Confederate States; at least I have made the matter a continual subject of inquiry and observation, and without knowing the kind information desired, will answer what I can.

Q. What is the state of public order and obedience to the United States authorities in Texas, and the other States of which you have knowledge? A. Good order and obedience are universal in Texas and elsewhere, as I believe. It has never been otherwise in Texas, unless possibly on the Rio Grande frontier there may be occasional exceptions among the turbulent characters, that have no special habitation either side of the border.

Q. Please state whether that good order you describe is due to the presence and authority of the United States troops, and whether, upon their removal, there would not be disorder and disloyalty? A. It is certainly in no degree due to the presence of troops. In fact, any exceptions to the remark may be imputed to the irritating fact that soldiers are about. Their removal would be everywhere a public blessing, unless needed on the frontier to guard against Indians or Mexican robbers.

Q. Why do you say "irritating" are they not well behaved? A. Generally they are, but their presence is understood as an emblem of our submission. Every bayonet is a symbol of our subjugation, and is viewed as an evidence that our surrender and parole are not received in good faith. We need no watching, and naturally dislike the guards that watch us.

Q. Would loyal men be safe among you without Federal protection? A. All men were safe before there was any Federal authority among us. After the surrender we were months without officers or law. A military order vacated or annulled all officials functions, and deprived us of every species of legal restraint, and for months furnished no substitute for the authority suppressed. Troops have not at any time reached our interior generally and yet, throughout the vast area of Texas just replenished by the return of fifty thousand disbanded soldiers, there was as good order and as much respect for rights and morals as in any northern State or elsewhere. I regard it as a great test of our civilization; I wish the fact to be put on record in our favor. The same was true, as I believe, in most of the southern States. Not a single resistance to Federal authority has ever taken place to the present day; and when it is considered that nearly half a million of men have just returned from a conflict of four years, in which they have fought for national life and honor, we think they should claim a respect that should remove sentinels and disband the armies, white and black that watch us.

Q. It is generally believed that the troops are kept to humiliate the people? A. Perhaps that would too strongly express it. They feel it is calculated to humiliate, and that those who order it are reckless of this fact. We believe it to be obvious to all, both North and South, that negro troops placed to guard their late masters, is viewed with repugnance and proper indignation by every man, woman and child of true spirit, in the South; and some of the military treatment of the South is accepted by them as intended to degrade them.

Q. Have negro troops been generally sent as garrisons in Texas? A. Fortunately they have not. On the frontier they have been sent in great numbers, but we have very little population there and do not feel it. At Galveston they have had them but only passing to or from other service. I fear that the results would have been serious had they been generally sent throughout Texas. There are some things our returned soldiers would not bear, and I believe that is one. The question as to the safety of loyal men I have not fully answered. From the time of surrender there were agents and drummers, and cotton survey from the northern States all over Texas; and at this time they and other emigrants and travelers from the loyal States, so called probably number thousands in Texas. In no case have they been interrupted, so far as I know. If there have been exceptions they were doubtless the result of imprudent meddling, or censorious language. This will provoke individual retort and chastisement anywhere in Texas. Those who mind their own business will be unmolested. It is one of our habits to mind our own business, and to expect and require it of others. We are glad to receive men who bring capital to help us revive our shattered fortunes, and do not care whence they come. I believe these remarks hold good for all the late Confederate States.

Q. Do your people view the Freedmen's Bureau as a valuable and needful institution and profitable in the re-establishment of negro labor? A. They do not. According to my own observation and the testimony of acquaintances, with whom I have just compared views, from five distant portions of our great State, the influence of the Freedmen's Bureau is universaly pernicious and the institution is viewed by the people almost unanimously, as a nuisance. This remark applies, too, according to my information, to the other States.

Q. Why so? A. For various causes: the Bureau is administered, as far as I can learn, by persons having no knowledge of our people or of the negroes; they are nearly all imported from a distance and are antagonistic in feeling to the people, and self-sufficient as to their duties, and their despotic power seems to have turned their heads; even when well disposed and conscientious, they are so profoundly ignorant of the subject they have to deal with, as to blunder continually, and excite ridicule: in Texas we have been unfortunate in the chief of the Bureau, who was a fanatical, and exceedingly self-sufficient man; he began by preaching to the negroes, and offending society by his social treatment of them; we don't need missionaries to teach us social relations or a labor system; and he offended us by his arrogance and turned the heads of the poor ignorant negroes

Q. Could you manage the institution better yourselves? Would people deal fairly and humanely by the negroes? A. The institution is offensive in itself, and a nuisance in practice. If left to ourselves we would reject it as only management it deserves. We would probably pass but few laws relating to the late slaves, that would not apply to whites; and as to fair treatment the best and only real friend the negroe has on earth, is his old master. This the poor deluded creatures are fast discovering, and many thousands are returning to their former homes, tired of the freedom thrust upon them, which they never sought.

Q. How would you better the matter? Would the people return the negro to slavery? A. There is no such intent or disposition anywhere to reenslave the negro. They regard that as entirely a settled question, and impossible if they desired it. It would be presumption on my part to submit a plan extemporaneously upon which our people would work. I can give you only the views of a private citizen, who has never been in, or aspired to political position. I would suggest, (and believe it would fine favor with our people) such legislation as should compel all men to comply with their own contracts for services, in kind at least for one year, under penalty of working on public works without wages. All men nearly would bargain with and treat them justly, and most men even kindly. The reported antagonism which fills northern Radical papers is not merely exaggerated. It is manufactured out of whole cloth—it is false. No such antagonism exists; and collisions have occurred only, within my own knowledge, where negroes have been stimulated to impudence and hostility by opinions of soldiers or agents of the Freedman's Bureau. This will never be tolerated.

Q. Have the freedmen gone to work in Texas? and on what terms? A. I am informed that they have generally, since the first of January. Up to that time they had a vague expectation of something more than a freedom, which had only deprived them of homes. Finding that nothing but work would get bread, they have hired, generally at good wages; men at $8 to $15, and and women at $5 to $12 per month, they clothing themselves. Some planters have hired by giving a share of the crop, one fourth to one-third.

Q. Is there a disposition to educate and Christianize them? A. We would first endeavor to find bread and clothes for them. I think no one would oppose their getting an education for themselves, like other poor people. It would doubtless be well if they could read the Bible, which has hitherto been taught them gratuously. It will be well if the negro can maintain the moral and religious teachings he has enjoyed. I have no hope of it myself; as he will have to keep himself, and has neither disposition nor capacity to ameliorate the condition of his race. He has no history, no tradition, nothing without or within, to stimulate pride; no aspiration above the service of the master race. Heretofore his master has furnished him religious instruction, to the extent that one single denomination, the Methodist Church, South reports a membership of hundreds of thousands. This is at an end now. They will have to pay for their own religious teachings like other free people.

Q. Have they capacity to learn? A. To some extent they have. The little children learn rapidly to read and write. But their capacity is limited, I think. They are imitative, but without ambition. They will learn, but cannot apply their learning.

Q. Has this not been caused by their long slavery? Will they not now have sufficient stimulus to produce a different result? A. We believe not. In fact we view the whole matter from a standpoint so different from that of northern men, that there is little room for debate.

Q. Will you state whether you are not a believer in slavery, and whether most southern men share your opinion? A. Emphatically so. I believe that so far from the black man's degradation by slavery, he was exalted by it, and that to the best condition he has ever enjoyed, and to the best of which, as a race, he is capable. For some thousands of years he has been in contact with white civilizations, and has ever aspired to serve the master race. He seeks the mental employments, wherever he is found. Even in northern States, after half a century of freedom, I find him nowhere teaching your schools, filling your pulpits or legislative halls; but blacking your boots and cleaning your stables and ditches. By appropriating him to this department and to manual industry, taking his service and paying him by thinking and providing for him, we believe we served God and the cause of humility.

And as the questions have led to this point, please to indulge me in reciting some of the evidence that my researches have furnished, that the people have seen their best condition and will never flourish again.

Q. Certainly. Proceed. A. Our census takers furnish industrial and vital statistics from which there is no appeal. They show three points that I will state from memory.

1. The free black in the northern States, in spite of the continual supplies from the South, decreased in the last decennial period, nearly eight per cent in numbers.

2. Three five blacks of the Southern States increased about as much, making a difference of sixteen per cent. while.

The slave black by his side increased twenty-four centin numbers.

Taking, then the axiom of political science, that the reproductiveness of a people is the most unfailing evidence of their social condition the slave black has been in a better condtion than any other people, white or black, on this continent. It is to this conclusion that you may impute our tenacity in defending the system. Our experience had taught us how to consult the best interest of both races, and we found them in precise harmony; believed the blacks were designed by Providence as a suppliment to the white race, and that to this institution, in part, we owed the higher civilization we claimed.

Q. Please define what you mean by "higher civilization?" A. The pride of character, the chivalrous tone and the liberality and hospitalities of our people; the broad views and great genius of our public men the delicacy, modesty, refinement, and yet the lofty spirit of our women. We had a society without gossip, envy or fanaticism; a population of millions without beggars or paupers. Whether this was a high civilization, is matter of opinion. Certainly it had a different type, and one which could not longer harmonize with yours; and hence the necessity, as we believed, of separation.

Q. Then you were a Secessionist? A. No, I was a revolutionist, and his merged in my view, a minor question of State right to secede. The right of a people to change their rulers and their form of government was questionable only with tyrants and such I was ready to resist, from the date of Mr. Lincoln's election

Q. Was this the general view of Texans, or were there many who opposed?

A. There were many who voted against secession, but a large majority for it. I do not remember the difference. But after the vote was take and the result declared, the people were nearly a unit in support of the measure.

Q. There were then not many loyal people in Texas. A. They are almost unanimously loyal—that is, to their Government. A few men of influence and character left the State under the influence of the President's proclamation, giving forty days for departure, and a few men who had wielded influence remained, utterly without influence but opposed, as was understood, to the Government.

Q. Were such persons safe?

A. Not entirely. An expression of their opposition would have endangered the best of them. They received such ephithets as southern sympathizers in your northern States, but were not so generally published. Some were arrested.

Q. Were many put to death?

A. None that I know of. It was stated that, on the frontier, some were hung. I was not in service in that quarter, and such obituaries were not likely to be published.

Q. Are they safe now in returning? A. Many have returned, and I believe all are unmolested. Generally they are not much respected. Some are now in the Convention. One is Governor.

Q. What portion of the Convention are known as Union men? A. I am not informed. I have seen a statement that eleven were what we term Radicals.

Q. What will your Convention probably do? A. I believe they will acquiesce in all that has been prescribed to States reorganizing, viz: the abolition of slavery by the Government of the United States; the surrender of secession; the repudiation of the Confederate debt, and the recognition of civil rights in the late slave.

Q. Will the people of Texas probably prepare for the enfranchisement of the negro or such of them as may meet certain qualifications of property and intelligence? A. Never, as I believe. They hold to a distinction of race that they have a repugnance to compromise. They do not believe in the capacity of the negro for republican citizenship, and if they did, will not consent to affiniate with him. In this they are probably as stubborn as the people of the North who, like them, feel repugnance of the race that God has planted in our instincts.

Q. You stated in the former part of your testimony, that the census tables exhibit a great disparity in the reproductive power of the negro in freedom and slavery. Please state to the Committee how you account for the difference. A. The difference between the free blacks, North and South, is chiefly due to climate, I believe; the tropics being the native clime of the negro. But it may be partially due to the readiness with which all destitution is relieved at the South. As before, we have no poor-houses and no beggars. The difference between the free and slave blacks is chiefly due to two special causes. The care we take of infants, and the protection of the marriage relation in slavery. The discipline and police of the plantation, enforce faithfulness in husband and wife, and secures, as a consequence, the prolificacy of families. There is little continence in race, free or slave, and no pride of chastity. Promiscuous commerce is fatal to fecundity. This is recognized almost universally by those who know them well by close observation. Negro mothers are proverbially reckless of, and cruel to, their offspring. Blacks, whether infant or adult, have little of the vital force to resist disease that whites have. When they get sick, unless well cared for, they die. The owner's interest in his slave (and possibly a little sense of duty and humanity) prompts him to take care of every life. Nurseries are established on plantations, supervised by the doctor and the mistress, that save the lives of infants. The mother only comes to nurse her child, and is too happy to be rid of further care. She has little of the affection for her young that characterizes white mothers, or many of the lower animals. Her devotion to the children of her mistress is often far greater than to her own. These facts will explain why the negroes lately emancipated are dying so fearfully. They have to thank the emancipator for taking the life of one of every four, in this brief time; and the process will continue, in spite of Faneuil and Exeter Halls, Civil Rights bills and the Freedman's Bureau. Even the luxury of voting would not save the race from the doom of freedom and death.

Q. Has the mortality been so great as represented? A. I believe it has never been exaggerated. I have seen it estimated at one-fourth the whole number, and do not think it too great a figure. Had slavery given as many stripes, all Christendom would have been horrified. Emancipation, black with its million graves, gets only pæans of praise the world over. Time and history will, we believe, change the song, despite the hurried records and willing testimony of the Lossings, the Abbotts and the Bancrofts.

Q. Is the good order you represent in the Southern States the result of total abandonment of the struggle, or is it from the temporary necessity of quiet. Would the struggle be willingly resumed? A. Permit me to explain in reply to these queries. There is no intention anywhere to renew the contest. When we surrendered and were paroled, we did so in good faith, and will keep our parole as long as the conditions are fulfilled. To doubt this, is to mistake entirely the Southern character.—When they surrendered they gave it up; and any doubt of their good faith is offensive, so much so that, personally they will resent it. They surrendered as men, as your equals upon honorable terms, and will keep faith to the letter, and fight those who doubt it.

Q. What did they give up? A. Their arms and the questions at stake.

Q. What were those questions, as you understood them? A. The right to a separate nationality and independence, on our part. A central government, ignoring State rights, and the destruction of slavery, on the part of the United States.

Q. You speak of the terms of submission. What terms do you mean? A. Those stipulated in actual surrender, of protection in person and property, so long as we should obey the laws; and those submitted by the President of the United States in his proclamations, and plan of reorganization. Thus far we have endeavored to comply with all requirements, reasonable and oppressive, and held our peace lest complaints might be misconstrued into disloyalty, as they have been elsewhere.

Q. Is the present feeling the same as heretofore?

A. I think not. The return of good feeling has been greatly repressed, I think, by the rejection of members from States already re-organized. There seems to be a suspicion of bad faith, and a fear that they have been decoyed into the steps they have taken; and much apprehension. And should this be continued after the Texas Representatives get here, there will be, I fear, a great revulsion of feeling.

Q. What will they do in that case?

A. I cannot answer. They cannot resort to arms, because they have surrendered them. They are tired of war and utterly broken in fortunes. But they are not without the spirit that feels indignation at broken faith and continued oppression.

Q. In case of a war with any other power how would your people act?

A. I cannot answer directly. Should they not be admitted into the Union, as expected, they certainly would not feel called upon to resist the enemy. If admitted they want peace above all things, and would not unite in an aggressive war upon Mexico, Canada, Cuba, or any other nation. In case of invasion sweeping over them, they would resist and do their whole duty, as they have heretofore done in two wars. But they desire peace, above all things, and take very little interest in politics. They have gone to work to mend their fortunes, and are determined to prosper whatever the political condition of the country. They believe that the northern States have possession of the Government, and are determined at all hazards to keep it. They therefore look to the support of their families and are indifferent about general politics. So long as they can make a living in spite of the tax collector, they may be quite. But if the State should be rejected, as the others have been, I should rather have any other office than tax-gatherer. Taxation without representation is tyranny, and they will so regard it in my judgment.

Q. Do they expect admission at once to representation, and will they elect loyal men to Congress? A. If by loyal men, you mean such as could take the test oath or iron-clad as they term it, they would not, generally. We have not respectable material for that purpose, if so disposed. One or two men, such as Judge Hancock and Judge Evans, who have been spoken of for the Senate and who have preserved their integrity and respect for their people, though disagreeing with them in the matter of secession, might be elected as a compromise; but they understand an election as giving them a choice, and they could not choose the men they have been fighting, and who have aided in their subjugation. Certainly they expect admission on reorganization, as a part of the bond, but will not be greatly disappointed at a rejection, common to the other States. If they are readmitted, they will deem it but in accordance with the plan they accepted in good faith. If not, there are many who will say, "that is just what we said before; we are out of the Union;" and many would be very glad of the result, if it could be done with peace; perhaps three-fourths of the State. But they all desire peace above all things, and will do nothing to provoke further trouble. This they have amply proved by submitting to much unreasonable exaction as they think. The best, and I think the only method of staying the ebb tide of good feeling would be at once to withdraw all troops from among the people of the South, except at the coast and frontier garrisons, to disband the entire negro force, to abolish every vestige of the Freedmen's Bureau, and to admit the representatives of the revolutionary States, upon the single condition of their taking the oath required by the Constitution. Time will doubtless, in this case, assuage feelings that have been too intensely enlisted to subside at once.

CORRESPONDENCE METROPOLITAN RECORD.

Recollections of General N. P. Banks—Humane Treatment of a Federal Officer—A Revolting Incident—Unpleasant Residents—Feeling of the people Towards the Radicals—A Scriptural Parallel, &c., &c.

MARKSVILLE, LA., June 1, 1866.

To the Editor of the Metropolitan Record:

DEAR SIR: It is well known that in the spring of 1864 that brave Christian General, N. P. Banks, at the head of his pious army marched up the Red River Valley to reinstate the sacred Union banner upon the house-tops and to preach Christianity to the deluded people. They had read how missionaries in other heathen lands, after getting the power, had destroyed the idols of the simple inhabitants and then easily succeeded in persuading them to chant hosannas to the symbols which they raised aloft, and Nathaniel and his brave followers acted upon the same principal. One of the idols of the Southern people was cotton, therefore they charitably destroyed it or removed it away beyond the danger of temptation; another was comfortable, well-furnished homes, therefore Nathan burned them in order that the people might have nothing to distract their attention from the one great idea of loyalty to the United States government.

While engaged in these pious labors a brigade of so-called Confederate cavalry got in his rear on Red River below Alexandria, and took several gunboats and transports. In one of the attacks on the boats a Colonel B——, commanding a negro regiment, was mortally wounded and taken prisoner. The savage rebels having no comforts or convenience for the sick, inhumanly sent the Colonel to Cheneyville, a small village distant some seven or eight miles, where he could be provided with proper medical attention and whatever else he might require. When he reached Cheneyville a neighboring physician was called in to see him, and in the course of a conversation between them it transpired that the Colonel commanded a nego regiment.

"You know," remarked the physician, "what the feelings of the Southern people are toward officers who commanded negro troops."

"Yes," replied the Colonel; "but in my present condition I hope that all feelings of that kind will be laid aside, and that I will be treated as you would any other person."

"I can cherish no resentment against a dying man," said the surgeon. "I regard you only as a patient, and will do all in my power for you, as if you were an officer of our own army."

Accordingly, Col. B—— was kindly nursed and every possible attention paid him; but his wound was a mortal one, and he died after lingering a few days. He was decently buried near the village, and there his remains reposed in quiet until a few weeks ago. His wife had learned by some means that he had been wounded and carried to Cheneyville, and some time ago she addressed a communication to the Postmaster at that place asking for information about her husband. Mr. Lansdell, a Baptist clergyman residing there, replied to her communication, giving her a full account of her husband's illness, death, and burial. Mrs. B—— wrote again expressing the deepest gratitude to those who had attended her husband in his last moments, and offering to remunerate them if they would accept any compensation.

Some weeks ago a man, representing himself as the brother-in-law of the deceased, called on Mr. Lansdell at Cheneyville, and requested that he would point out the grave of Col. B——, stating that he had come on the part of Mrs. B—— to remove the remains to the family burying ground in the North. The grave was pointed out, two negroes were hired for the work, and the body was soon raised from its resting place. To the great astonishment, and extreme regret of the kind-hearted, affectionate brother-in-law, the body was in a state of almost perfect preservation, and Colonel B——, with his martial robes around him, reposed in view of his dear relative almost precisely as he did the day he was committed to the bosom of mother earth. After a copious flow of tears the brother-in-law reasoned that it would only lacerate anew the wounded heart of the bereaved widow to gaze on the loved features of the dead, and that the expense of purchasing a new coffin and carrying the remains home would be entirely useless; so the dear creature made a flank movement on these difficulties that was truly amazing to the uncivilized rebels of Cheneyville. He actually employed his two contraband brothers to take the body to the banks of a stream near by, where the trio proceeded to cut all the flesh from the bones, which were then affectionately washed and laid in a small pine dry-goods box, obtained from one of the merchants of the village. It was the intention of this radical saint to leave the flesh on the ground where he had butchered the body, and it was only the strong remonstrances of a gentleman present that finally induced him to replace it in the grave and cover it with earth

The shame of the whole transaction and the vileness of the dirty wretch did not stop here. After he had nailed up his box of bones he offered his *confreres* a dollor for their assistance, which they refused to accept, stating that they had been engaged in a dirty piece of work, and they must be well paid for it. They demanded twenty-five dollars each, but their Yankee friend repudiated such a charge in holy horror, and his contraband brothers were compelled to have the bones seized by the constable. Finding that there was no escape he finally paid the bill and went on his way rejoicing, amidst the universal contempt and execrations of his black friends as well as white non-sympathisers. The Reconstruction Committee will doubtless regard it as an act of gross disloyalty to permit such feelings against a loyal subject to rise in one's bosom; but it isn't in human nature, it is only in Yankee nature, to prevent.

These gentry are scattered broadcast in our midst. They seem to think that there are still some treasures left in our unhappy land, and they swarm over it like hyenas over a battle-field to feast upon the helpless dead. Near by is a Yankee negro officer, squatted on a cotton farm, who it is said fined a lady fifty dollars for not treating his sable minions with proper respect when intruding upon her private apartments. Not far off is another sweet-scented Colonel, who permitted one of his negro soldiers to slap a lady's cheek in his presence because she refused to get dinner for his African majesty. It will be a source of great pleasure to all right-feeling people, the Reconstruction Committee excepted, to learn that this Colonel met the lady's husband since the close of the war, and received a genteel cowhiding for his conduct. With such specimens in our midst, I ask again is it strange that they should meet with merited contempt wherever they go? Yet, every one of the sneaking scoundrels regards himself as the personification of the United States Government, and whenever one of them draws upon himself an insult or a kicking for his personal meanness, it is heralded over the country as an act of disloyalty—an evidence of a rebellious spirit—against the United States, and all their kith and kin throughout the North, become clamorous for confiscations and disfranchising laws to quell the turbulent South. There is no rebellious spirit in the South against the Constitution as it is. There is an universal desire to see the Government recognized in accordance with its provisions, and march on in its path of prosperity as of yore; but we do feel a deep and abiding repugnance in being forced to remain silent while the pigmies who now infest the halls of Congress are undermining the noble structure which the giants of the first revolution erected, and are filling the land with a vile stench from the Radical bile discharged in copious draughts upon our helpless heads.

HABEAS CORPUS.

Important Decision by Judge Nelson.

MILITARY COMMISSIONS IN TIME OF PEACE ILLEGAL.

In the matter of James Egan, a prisoner in the Albany Penitentiary—Habeas Corpus.

Amasa J. Parker, for the petitioner—Wm. A. Dart, District Attorney, for the Government.

NELSON, C. J.—The petition and return to the writ of habeas corpus issued in this case, presents the following facts:

The prisoner is a citizen, and by occupation a farmer, in the Lexington District of the State of South Carolina, some eighty years of age, and never engaged in the military service or connected with the army of the United States, or of the so-called Confederate States, has been arrested and tried before a Military Commission, in pursuance of orders issued at headquarters of the District of Western South Carolina, Columbia, upon a charge of murder, convicted and sentenced for life to the Albany Penitentiary.

The specification in the record of the crime is the killing of a negro boy, by shooting him on or about the 24th of september, 1865. The trial took place on the 20th November and the sentence pronounced on the 1st of December following. The sentence is approved by the order of Brevet Major-General A. Ames, and also of Major-General D. E. Sickles. The only paper or evidence before us, on the return to the writ of habeas corpus, is the record or order of committal in the hands of General Pilsbury, the Superintendent of the Penitentiary, which contains the above facts.

It will be observed that this trial before the Military Commission took place some seven months after the termination of hostilities and the surrender of the 'rebel' army to the authorities of the United States; and, further, that the offence is one which, according to our constitutional system of government, is cognizable by the judicial authorities of the State, and not of the Federal Government. And also, that the trial was not under the rules and articles of war as established by the United States, in Congress assembled, as these are limited to the government of the land or naval forces of the United States, and of the militia when in actual service in time of war or public danger.

The trial must have been had under what is known and denominated "martial law," and the question in the case is whether or not this conviction and punishment can be held by reason of that authority.

All respectable writers and publicists agree in the definition of martial law—that it is neither more nor less than the will of the General who commands the army. It overrides and suppresses all existing laws, civil officers and civil authorities, by the arbitrary exercise of military power; and every citizen or subject, in other words, the entire population of the country within the confines of its power, is subjected to the mere will or caprice of the commander. He holds the lives, liberty and property of all in the palm of his hand.

Martial Law is regulated by no known or established system of code of laws, as it is over and above all of them.

The commander is the legislator, judge, and executioner. His order to the Provost Marshal is the beginning and the end of the trial and condemnation of the accused.

There may be a hearing or not, at his will. If permitted, it may be before a Drum-head Court-Martial, or, the more formal Board of Military Commission, or both forms may be dispensed with; and the trial and condemnation equally legal, though not equally humane and judicious.

The law officers of the Crown in England, in giving their opinion in the matter of the insurrection in the Island of Jamaica, observe that courts-martial, as they are called, by which martial law is administered, are not, properly speaking, courts-martial, or courts at all. They are mere committees formed for the purpose of carrying into execution the discretionary power assumed by the government; on the one hand they are not oblized to proceed in the manner pointed out by the Meeting Act and Articles of War, and, on the other, if they do so proceed, they are not protected by them as members of a real court martial might be, except in so far as such proceedings are evidence of good faith.

Lord Wellington, in one of his dispatches from Portugal, (1810) speaking of martial law, observed that, as applied to persons, excepting officers and soldiers and followers of the army, for whose government there are particular provisions of law in all well-regulated countries, is neither more nor less than the will of the General of the army. He punished either with or without trial, for crimes either declared to be so or not so declared by any existing law, or by his own orders. Subsequently in a speech in the House of Lords, he expressed the same opinion, and added: "In fact Martial law means no law at all; therefore the General who declares Martial law, and commands that it shall be carried into execution, is bound to lay down distinctly the rules and regulations, according to which his will is to be carried out."

This being the nature and extraordinary character of Martial law, as observed by Sir Matthew Hale is not law, but something indulged rather than allowed as law; all the authorities agree that it can be even indulged only in case of necessity; and when the necessity ceases, Martial law ceases. When a government or country is disorganized by war, and the Courts of Justice broken up and dispersed, or are disabled from the prevalence of disorder and anarchy, to exercise their functions, there is an end of all law, and the military power becomes a necessity which is exercised under the form, and according to the practice and usage of Martial law, as stated by a distinguished civilian, "when foreign invasion or civil war renders it impossible for courts of law to sit, or to enforce the execution of their judgments, it becomes necessary to find some rude substitute for them, and to employ for that purpose the military, which is the only remaining force in the community; and while the laws are silenced by the noise of arms, the rulers of the armed force must punish as equitably as they can those which threaten their own safety and that of society, but no longer."

The necessity must be shown affirmatively by the party assuming to exercise this extraordinary and irregular power over the lives, liberty and property of the citizen whenever called in question. As explained by the Judge Advocate General of England before a Committee of the House of Commons, in case of martial law declared in Ceylon, (and which explanation has been approved by the law officers of the Crown) in answer to a question put by Sir Robert Peel, he observed, "I believe the law of England is, that a governor like the Crown, has vested in him the right, where the necessity arises of judging of it, and being responsible for his work afterwards, so to deal with the laws as to supercede them all, and to proclaim martial for the safety of the colony." And, again, in answer to a question by Mr. Gladstone: "I say he is responsible just as I am responsible for shooting a man on the king's highway, who comes to rob me. If I mistake my man, and have not, in the opinion of the judge and jury who try me, an answer to give, I am responsible."

Applying these principles to the case in hand, we think the record fails to show any power on the part of the military officer over the alleged crime therein stated, or jurisdiction of the Military Commission appointed by him to try the accused. No necessity for the exercise of this anomalous power is shown. For aught that appears, the Civil Local Courts of the State of South Carolina were in the full exercise of their judicial functions at the time of this trial, as restored by the suppression of the rebellion, some seven months previously, and by the revival of the laws and reorganization of the State Government in obedience to, and in conformity with its constitutional duties to the Federal Union.

Indeed, long previous to this a provisional government had been appointed by the President, who is Commander-in-Chief of the Army and Navy of the United States, (and whose will under martial law constituted the only rule of action) for the special purpose of changing the existing state of things and restoring civil government over the people. In pursuance of this appointment a new constitution had been formed, a Government and Legislature elected under it; and, the State in the full enjoyment, or entitled to the full enjoyment of all her Constitutional rights and privileges.

The Constitution and laws of the Union were thereby acknowledged and obeyed, and were as authoritative and binding over the people of the State as in any other portion of the country. Indeed, the moment the rebellion was suppressed, and the Government growing out of it subverted, the ancient possession, authority and laws resumed their accustomed sway, subject only to the new re-organization or the appointment of the proper officer to give them operation and effect.

This re-organization and appointment of the public functionaries which was under the superintendence and direction of the President, as Commander-in-Chief of the Army and Navy of the country, who, as such had previously governed the people of the State from imperative necessity by force of martial law, had already taken place, and the necessity no longer existed.

We have not deemed it necessary, if proper, to look into the merits of the offence charged against the prisoner, although it is insisted that it occurred in self-defence, and in resisting a violent assault upon himself.

Let the prisoner be discharged.

☞ "Did any of you ever see an elephant's skin?" asked the master of an infant school. "I have!" shouted a six year-old at the foot of the class. "Where?" inquired the teacher, amused by his earnestness. "On the elephant!"

☞ An unfortunate Kentucky editor thus addresses his delinquent subscribers: Friends, we are penniless. Job's turkey was a millionaire compared with our present depressed treasury. To-day, if the price of salt was two cents a barrell full, we could not buy enough to pickle a jaybird.

☞ One of the subjects of Gen. Grant's visit to St. Louis was to dispossess a tenant occupying some property belonging to the General, and who refused to give it up, being determined to "fight it out on that line all summer."

☞ "What a blessin' whiskey punch would be to the human family if there never wa'nt no to-morrow mornin'!" said an old toper, who was "enjoying his customary headache after his night's debauch.

HOW BROTHER SAM WILLIAMS TREATED A NORTHERN MISSIONARY.—The Memphis Avalanche gives a full account in words following, to-wit:

An abolition whiner of the Plymouth rock stock and the John Brown school, came down here a few weeks since to illumine the dark understandings of benighted Africa. He very cordially introduced himself and mission to "Brother Sam Williams," and then generously begged of Brother Williams the peculiar felicity of bunking with him Saturday night. Sam, who is an intelligent, sonsible colored preacher of the Methodist faith, gravely informed his Puritanic majesty that "Mr. Smif had a tavern for white gemmen; dat down here white folks stay to dar self, and nigger stay to his self, darefore you can't camp wid me massa." Sunday morning the white persons walked up to the Methodist Church, where Brudder Sam was acting in the honorable capacity of sexton, when Dr. Malgamation told him that he wanted the use of that house that day. Sam, simply and briefly remarked:

"Cant get it."

"Why, ain't the house as much yours as any white man's.

"No, sir; we niggers never paid a cent to build it; the white folks very kindly allow us to worship here at 3 o'clock.

The preacher of abolitionism left, but returned at 3 o'clock, when Sam was in the pulpit, haranguing the bretherin. He did not invite his white brudder into the pulpit. When Sam had closed exhoration, the peddler in the gospel walked forward, and drawing out a book, proposed to all present to come up and sign their names and join the Northern church, that they owed everything that was dear to man to the Northern army who had bravely periled their all to secure freedom etc., etc., The black folks all looked at brudder Sam. He was sufficient for the trying emergency! Walking forward, and standing close by old Puritan, he said:

"Brudren, if we eber got any lijem, we got it here; if eber we joyed lijem, we joyed it here; if we eber had any home, we got it here, if we eber had any friend, we got'em here. For my part I wants to go to meetin' sometimes, and if we jines de Norvern church, my 'brudren, we can't neber git to go to meetin'. It's too fur from home. For my part I was bourned here, and bress God, I is guine to die here, and be buried here. Brudren, de Scriptures say mark dem wot comes to you in sheep's cloving, but within are raving wolves; look to de Lord and git your benediction. Go home."

DIED.—At his residence, in this Parish, in the 62d year of his age, STEPHEN HOLSTEIN.

The deceased was a creole of the Parish and belonged to one of the most honored families of the State. He was a plain, untutored, honest man, a good citizen, universally loved as the head of a large family and commanded the entire respect and esteem of his neighbors and acquaintances.

Peace to his memory!

—In the city of London, on the 3d of June, in the 23d year of her age, SALLIE BUTLER, wife of J. L. Macaulay, formerly of New Orleans, and youngest daughter of General William Bailey of this Parish.

Notice.

The members of the Police Jury of the Parish of Rapides, are hereby notified to convene at Alexandria on Thursday the fifth day of July next 1866.

W. W. WHITTINGTON JR.
Clerk District Court.

For Sale,

AN ENGINE with Boiler, Chimney and pipes complete, with shafters for running two Gin stands and corn mill, all in good condition. Apply to

June 27, tf. T. K. SMITH.

SUCCESSION SALE.

Succession of GEORGE W. BARRETT, deceased. | Ninth Judicial District Court, Parish of Rapides State of Louisiana

BY VIRTUE of an order issued by the Honorable W. B. Lewis, Judge of the Ninth Judicial District Court, Parish of Rapides, and directed to the Sheriff thereof, will be sold to the highest bidder at the Court House Door, in the town of Alexandria, on

SATURDAY, the 28th day of JULY 1866.

the following property belonging to the said Succession, to-wit:

A certain piece or lot of ground with the improvements thereon, situated lying and being on Front Street, in the Town of Alexandria, Parish and State aforesaid, and being lot No. 1, in square No. 3 with a front of twenty-seven feet on said Front street and extending back between parallel lines two hundred feet, french measure.

Another certain piece or lot of ground with all the improvements thereon, situate, lying and being on Front Street, in the town of Alexandria, Parish and State aforesaid, and being lot No. 2, in square No. 3 with a front of twenty-seven feet on said Front Street, and extending back between parallel lines two hundred feet, french measure.

Another certain piece or lot of ground with all the improvements thereon, lying and being in the Town of Alexandria, Parish and State aforesaid, in square No. 4, fronting on the upper street opposite the Court House Square, measuring sixty-six feet front on the said street, and extending back one hundred feet, french measure, more or less, bounded above on the said street next to the Court House Square by property of William C. James, and in the rear by property of Cruikshank & Hynson.

Another piece or parcel of ground situate, lying and being in the Town of Alexandria, Parish and State aforesaid, on the Fifth street running parallel with the river, bounded above by the street running to the river and below by the property of Jacob Walker, in square No. 37, fronting one hundred feet on Fifth street with a depth of two hundred feet, French measure, together with all the buildings and improvements thereon.

Also a certain tract or parcel of land situated, lying and being on the north side of Red river, in the Parish of Rapides and State of Louisiana, on the Bayou Flaggon, about five miles north of the town of Alexandria, with all the improvements thereon, and containing three hundred and twenty and 06-100 acres, more or less.

Also three Confederate certificates of deposit in favor of the said deceased; one for two thousand five hundred dollars, another for two thousand dollars; and the third for one thousand dollars.

A warrant on the Parish of Rapides dated January 7th, 1860, transferred to the said deceased for the sum of $37 50.

Also a lot of Household and Kitchen furniture, consisting of

1 sofa,
2 arm chairs,
½ dozen chairs,
1 center table,
1 bedstead,
2 side boards,
1 dining table,
1 armoir,
1 marble top table,
1 washstand,
1 bureau,
2 mantle shades,
1 fire screen,
1 clock,
And lot of kitchen furniture.

TERMS OF SALE: CASH in U. S. Treasury notes. JAMES R. ANDREWS,
Sheriff.

Sheriff's Office, Alexandria, Louisiana, June 27, 1866.
Printer's fees $54 00.

SUCCESSION SALE.

Succession of Ferdinand Asman. | State of Louisiana—Ninth Judicial District Court, Parish of Rapides.

BY VIRTUE of an order issued from the District Court of the Parish of Rapides, and directed to the Sheriff thereof, will be sold to the highest bidder on the premises, on

SATURDAY, the 28th day of JULY, 1866, the following property belonging to said succession, to-wit:

Two lots of ground situated near the centre of the town of Pineville, on the Main street, measuring together two hundred and fifty-five feet, by one arpent in depth. On one lot is a large and commodious frame dwelling, two stories high, in good repair, with all necessary outhouses. On the adjoining lot is a good frame store house, one of the most eligible situations in the neighborhood.

Also a small lot of Household and kitchen furniture.

TERMS; CASH, in U. S. Treasury notes.
JAMES R. ANDREWS,
Sheriff.

Sheriff's Office, Alexandria, June 27, 1866.
June 27, 5t. Printer's fees $13 00,

SUCCESSION OF F. ASMAN.

ALL PERSONS having claims against the succession of the late F. Asman are notified to present the same without delay, and those indebted to said succession to make payment to the undersigned,

WM. A. SEAY.
June 27, 1866, tf. Attorney.

SUCCESSION SAL