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jn19-tf HANCOCK & HUFF.

MORGAN'S MEN.

KNOXVILLE, TENNESSEE, August 17th, 1863.

IN compliance with an order from the Secretary of War, I assume active duty as member of General John H. Morgan's command at Morristown, forty miles east of Knoxville, on the East Tennessee and Virginia Railroad. All those who have been assigned to duty in other commands will report for duty at this place when proper steps will be taken for their return to their own commands.

You will be warned by the time fellow-soldiers that our glorious chieftain has fallen into the hands of the enemy, together with a number of your brave comrades. Duty demands, our country, and three brave men, who are now in the Northern prisons, have a claim upon us to unite at once. Citizens and so prepared to follow General Morgan, as soon as he returns, and avenge his wrongs if he is held captive.

Capt. Jno. T. Byrne, at Ward & Sper.'s store, Chattanooga, is authorized to procure transportation for all members of Gen. Morgan's command, and to order all officers and men of the command, absent without leave, to report at once to Mobile, Tenn.

A. R. JOHNSON,
Colonel Commanding Morgan's Men.

OSCAR H. ALLEN, Capt. and Inspector General.
au19 2t

CONFEDERATE MONEY WANTED.

I OFFER FOR SALE A PLANTATION, Containing eight hundred and eighty acres, situated in Greene county, Ala., five miles west of Clinton and two miles from the Tuscaloosa river.

Said place consists of prairie, black locust and sandy lands. Five hundred acres are cleared, well fenced, with the plough, of course, the balance in timber. Stock, Hogs and Cattle, Also, the Crop, Fodder, Peas and Wheat.

Cotton or Money received in payment. Terms made easy. Further particulars address

E. T. DE OR FERNELID,
Co. B, 16th Alabama Regiment,
Gen. Clayton's Brigade,
Fleet Service, Tenn.

au19 1m

MULE COLLARS WANTED!

PROPOSALS will be received in this office until TUESDAY, the 25th of August, 1863, for supplying THE TRIBUNE OFFICE MULE COLLARS, made of either Leather or Hickory.

I will also purchase at fair prices all such Collars that may be delivered at our Quartermaster's Depot in the State of Georgia. Samples can be seen at my office.

J. E. WINNSBORO,
Major and Quartermaster, C. S. A.

au8 6t Augusta, Ga.

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STRICT attention paid to CONSIGNMENTS, of every description, and RETURNS promptly made. Orders respectfully solicited and carefully filled.

jy8-2m

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Commission Merchants,

Whitehall Street,

jy22 6m Atlanta, Ga.

REMOVAL.

T. G. SIMMS, COMMISSION MERCHANT, and dealer in all kinds of country produce, has removed from his late store in the Novelty building to the store lately occupied by Ripley & Wood, Crockery, adjoining Wholesale shoes, two doors below Cleveland's hardware store, where he will be happy to see and serve all of his friends and customers.

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jy22 1m T. G. SIMMS.

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PROMPT personal attention to orders and consignments.

Daily Appeal.

MESSAGE OF GOVERNOR JOHN G. SHORTER,

To the General Assembly of Alabama, at the Called Session, begun and held on the 17th August, 1863.

EXECUTIVE DEPARTMENT, MONTGOMERY, ALA., August 17, 1863.

Gentlemen of the Senate and House of Representatives:

Important events which have recently occurred, vitally affecting the highest interests of the State, have compelled me to convene the General Assembly in an extraordinary session; and, for obvious reasons this communication will be confined to the subject of military defense, all other topics of legislation being reserved for the annual meeting of the General Assembly.

In view of the superior numbers of the enemy upon every theater of the war, and to enable our armies, when thus confronted, to be recruited by the scattered forces of the Confederacy, the President wisely determined to call upon the respective States for relative proportions of their reserved militia, to be employed for their own local protection and defense, against raids or sudden invasions by the enemy. In accordance with this plan, the Secretary of War, under date of the 6th of June last, made a requisition upon the State of Alabama for seven thousand militia, to be organized by the 1st instant, to be employed by the President within the limits of the State, for the period of six months. The requisition was accompanied with notice that in lieu of the militia, volunteer companies would be accepted, if organized under the Act of Congress "To provide for local defense and special service," approved 21st August, 1861. A copy of the communication from the Secretary of War is herewith submitted.

On the 16th day of June I announced by proclamation the requisition which had been made upon the State by the President, and to expedite the organization of troops I ordered a compulsory enrollment of the militia, and a draft thereof, on the 25th day of July, of all who were not exempted from military service by the State or Confederate laws, unless by that day the number required from the respective brigades was raised as volunteers. Before the day appointed for the draft, namely the 15th day of July, the President issued his proclamation calling out all who were liable under the conscript law of Congress up to the age of forty-five years. Subsequent advices of the issuance of this proclamation by the President, I telegraphed the Secretary of War, to ascertain whether the militia between the ages of forty and forty-five years, who had joined volunteer organizations for local defense could be retained in such organizations; but before the receipt of my telegram, an order had been issued by the War Department, discharging all such persons from local organizations, and directing their immediate enrollment under the conscript act. It thus became manifest that, as the conscript law embraced all between eighteen and forty-five years of age—which, also, alone composed the militia of the State—there were no militia left from which the requisition of the President on the State for seven thousand men for local defense, except exempts under the State and Confederate laws, and those officers of the militia, who were over the age of forty-five years, and those officers and men under the age who had been discharged from the Confederate service.

In the extension of the order for the execution of the draft, directions were given to observe the exemptions enumerated in the military code of the State, and in the acts of Congress. This course was dictated by the necessity of the case, in order to both the State and Confederate Governments. The officers of the Confederate Government employed within the State, and who, by the military code of the State, are exempted from militia duty, could not be forcibly withdrawn from the discharge of their important functions for six months, without manifest detriment to the public service. The same remark is equally true in relation to State officers who, by the code, are exempted from military duty. Besides government officers that fear classes of persons are exempted by the military code of the State, and those on account of their occupations—such as ferries, mills, ferrymen, boatmen, engineers on railroads and steamboats, and of telegraphs and express companies, whose services are indispensable both to the government and the people. The only private citizens exempted by the code are ministers of the gospel, teachers and students. Force being in power conferred on the Governor to add to or take from the list of exemptions, they had to be retained, or dismissed at a whole, and the directions were accordingly given that the exemptions named in the military code of the State should be allowed.

The exemptions from conscription provided by Congress, were observed for one reason that they were conferred on citizens whose occupations, in the decision of Congress, were essential to enable the Confederate Government to carry on the war with efficiency, and with due regard to the necessities of the people of the States. In this light the exemptions declared may be regarded as permitting as much of the war policy of the Government as the conscription of troops. The exemptions are also provided for, and sanctioned only by the classes at home who are employed in occupations which furnish equipments and subsistence; neither can be dispensed with while the war continues. Besides, as the exemption by Congress on account of occupation is forfeited by an abandonment of the occupation, in which event the person becomes liable to immediate enrollment as a conscript, it would seem that a fortuitous withdrawal by the State of the exemption from his occupation, for military service for six months, might not only deprive the Government of the benefits expected from the prosecution of his trade, but subject the citizen to the hazard of conscription. In either view of the question, a disregard by the State Executive of the exemption policy of the Confederate Government, which is seeking to devote all the combined resources of the States to a successful prosecution of the war, would occasion antagonism between the State and Confederate Governments, which might tend to embarrass both, rather than strengthen the military power of either.

While, in the execution of the draft, the exemptions declared by the military code of the State and the acts of Congress were regarded and respected, those citizens who had been liable to conscription but had received discharges from Confederate service by reason of substitutions were held amenable to the draft as militia of the State. In many instances of this class there are in the State I have no means of ascertaining with any approach to accuracy, and it is generally believed that they number several thousand. Many of them, owing to past services rendered in the Confederate army, and other causes which have influenced them to pursue their callings, have assumed the responsibilities made upon them for service in the militia as a hard hardship, and are reluctant to respond, while many others are only doubtful, but deny the authority of the State to command their services as militia, or to hold them over, as such to be employed by the President for the local defense of the State. Where they consulting the hardship of this assignment in many instances, the Executive can look only to the law as the guide to his official acts, and firmly bear the yoke of duty, regardless of the personal consequences of the citizen. Two opinions which question the authority of this class of citizens as militia, I am persuaded have sprung from a misapprehension of the Constitution and laws of both the State and Confederate governments.

The militia is a military organization pertaining to the States. It is an army of the State, and as an army may be commanded either by the Governors of the States respectively, or by the President of the Confederate States. The latter, in the exercise of their own prerogatives, gave form or body to this army, and, after it is so formed or embodied, Congress may provide the mode of its organization and discipline, the States relinquishing the right to supply the rulers. This is the compact between the States. The Confederate Constitution confers on Congress the power "to provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the Confederate States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress." It has, I believe, been supposed by that organization and discipline, the States may organize them, as they have repeatedly done, by their own legislative enactments. But the power to organize and discipline the militia conferred upon Congress does not carry with it the power to declare what class of citizens shall constitute and form the body of the militia. Nor has Congress ever claimed the right to exercise such a power. It is one of the sovereign powers reserved to the States. It is, too, a legislative power, and by the Constitution of the State of Alabama, is vested in her General Assembly. The General Assembly alone can determine who shall and who shall not compose an integral part of the body of the militia of the State. Whether a citizen is or is not liable to militia duty within the limits of the State of Alabama is therefore a question to be decided by the law of the State, and the State law is no plea for misconstruction. The military code of the State declares that "the militia of the State of Alabama shall consist of each and every free able-bodied white male citizen resident therein, who is or shall be of the age of 18 years, except those hereinafter enumerated," etc. What classes are enumerated as exempts it is needless here to repeat, but it is important to note and state that those who may have received a release or discharge from Confederate service are not among the number enumerated as exempt. All citizens of the State, therefore, between the ages specified, who have not been withdrawn or are not claimed by a paramount law of Congress, or exempted from military service, are liable under the State law to militia duty. And it thus follows that those who have placed substitutes in the Confederate army under the conscript law of Congress, and have obtained for themselves a discharge under that law, are remitted to their original position, rights and duties as citizens of the State, and while they claim its benefit and protection they owe to it the reciprocal duty of military service when called out as militia for its defense.

But it is said that, conceding the liability of this class of citizens to military duty, when called for by the Governor of Alabama, they cannot be turned over to the President for Confederate service within the limits of the State. This objection is easily answered. The Constitution of the Confederate States, in the 8th section of the first article, and 15th paragraph, confers on Congress the power "to raise armies and navies." And in the 15th paragraph confers the power "to provide for calling forth the militia to execute the laws of the Confederate States, suppress insurrection and repel invasion." Under these two separate and distinct grants of power, the Provisional Congress, in the first section of the "Act to provide for the public defense," approved 6th of March, 1861, enacted "That in order to provide speedily the Secretary of War is authorized to call upon the chief magistrate of the Confederate States of America in every portion of territory belonging to such State, and to secure the public tranquillity and independence against threatened assault, the President he and he is hereby authorized to employ the militia, the military and naval forces of the Confederate States," etc. The second section of the act provides that "The militia, when called into service by virtue of this act or any other act, if, in the opinion of the President, the public interest requires, may be compelled to serve for a term not exceeding six months after they shall have mustered into service, unless sooner discharged." Under this law of Congress the President has made the requisition on the State of Alabama for seven thousand militia, for six months service, to repel an invasion of the State. It will thus be seen that the President has the power to employ the militia of Alabama for the time and for the purposes specified in the call made by him on the State.

Under the power "to raise and support armies" Congress passed the conscript law, which applies to all residents in the Confederate States who fell within its provisions, and it took away all those citizens embraced in it who were by the State law, enrolled in the militia. But when the claims of the Confederate Government are met, by substitution, and the citizen, who has been temporarily withdrawn from the militia, is released and discharged, he is restored to his original status in the militia, and as such collistant is as much liable to service on the call of the President for the militia under the law of Congress as he is liable to service on the order of the Governor under the law of the State.

Owing to the remoteness of many of the militia districts from the capital, the absence of vacancies in the regiment and company organizations, and the general want of familiarity with the military code and the true import of military orders, in connection with the irregularities and delays of mail communications, but few meager returns in response to the order of the Commander and draft have reached the office of the Adjutant-general. It is not yet known how many have volunteered, nor, also, the number who have been drafted. Sufficient information, however, has been received to show that a very small proportion of the number called for by the President are ready to respond. How the remainder shall be raised is a question submitted for your determination, though it is difficult to conceive how it can be done except by a re-organization and enlargement of the militia of the State.

In my message to the extra session of the General Assembly, convened in October last, I called their attention to the inadequate protection of the militia, and urged additional legislation to give strength and efficiency to the military power of the State. In that communication I stated that:

"By the military code of the State it is provided that 'the militia of the State of Alabama shall consist of each and every free, able-bodied white male citizen resident therein, who is or shall be of the age of eighteen years, and under the age of forty-five years.' The Conscript act of the 16th of April calls for all of this class below the age of thirty-five years, and the recent extension of the act embraces all the remainder above that age. Thus, the whole body of the State militia is absorbed, and we are left with a naked organization merely, and with militia officers without men to command. Emergencies may occur which will require the active service in the field of every man in the State capable of bearing arms. There are a number within the State who have furnished substitutes in the Confederate army. This does not relieve them from their obligation to render military service to the State. There may be others who have been omitted by the enrolling officers of the Confederate States, or who have evaded the just requirement, by the government. Persons in foreign parts, if resident within the State, who have been protected by its laws in their persons and property, who have amassed wealth and made investments in real and personal estate, or who have participated in elections for the administration of State and municipal affairs, are, by the laws of nations, amenable to military service for the local defense. All these may be embraced in the State militia. I therefore submit, that a reorganization of the militia of the State is indispensable, and I recommend that the military code be amended so as to embrace in the militia, all the able-bodied male citizens of the State, above the age of sixteen and under the age of sixty years, who may not be actually engaged in the Confederate service. I commend also to your consideration, the propriety of encouraging the formation of volunteers both infantry and cavalry, and such additional legislation as, in your wisdom, may be deemed best calculated to strengthen our military of the State."

The General Assembly, neither during the extra and the succeeding regular session, matured any plan for the improvement of the militia, or to increase the military power of the government. The present condition of the State, daily exposed to apparent helplessness for the want of an efficient military organization for its own protection, only confirms me in the convictions entertained as to the propriety of the recommendations heretofore submitted, and respectfully urged upon your consideration.

By the Constitution of the State the Governor is made the Commander-in-chief of the militia, and invested with "power to call forth the militia to execute the laws of the State, to suppress insurrection and repel invasion. Here, too, the power of the State, if resisted, is conferred on the Governor, to call forth the militia to suppress insurrection and repel invasion, without the intervention of the Legislature. By the military code, the Governor has no power to command even those portions of the militia organized under the laws of the State, and in class, who have been discharged from Confederate service are not subject to militia duty, nor have I any means of enforcing military duty, at the command of the Governor for this purpose. But if both these classes are made liable to militia duty, their number is wholly inadequate to the necessities of the State. Besides a want of men in the ranks, there has been great a want of efficient officers to command the men. The General Assembly, at its last session, by joint resolution, declared the officers of the militia liable to enrollment as conscripts, if within the conscript age and not otherwise exempted. The withdrawal of these officers for service in the Confederate army has occasioned numerous vacancies that it has been found impossible in many instances, to secure the promotion of the simplest military order, or to even extend it to the proper person. In view, therefore, of the utter inefficiency of the militia, and the absolute necessity for its immediate organization, not only for the protection of the State against internal violence and disturbance, but against the threatened invasions and depredations of an unscrupulous and savage foe, I invoke the wisdom and patriotic patriotism of the General Assembly to combine the military power of the State and devote it to the great and paramount object of the public defense.

The enumeration which embraced in the militia those between the ages of eighteen and forty-five years, was adopted for convenience of classification, and because such a classification was deemed fully adequate to all the probable demands of the State. But the obligation to render military service is as binding upon the citizen who claims the protection of the State as is the obligation to contribute of his means for its defense. The State has a right to command both. All that the citizen can ask in any event is that the burden shall be distributed upon a basis of equality and justice. The present emergency demands the services of every man in the State who is able to bear arms. The fact of age does not decide the question of physical ability. Able-bodied men are needed, and such as these should be combined in the militia, irrespective of age; and if physically disabled or incapacitated for service, should be omitted, irrespective of age. This is a just rule, and if justly applied will meet the approval of every right minded man. And if every man in the State of Alabama capable of bearing arms, and who is not now enlisted in the public defense, was embodied in military organizations, duly organized and officered, the force would present an insuperable barrier against incursions and raids, which under other circumstances may bring destruction and ruin to the homes of thousands of her people.

In providing a plan of reorganization, such public officers and classes of citizens as, in the opinion of the General Assembly, should be relieved of full duty at mere enlarged service, might be specially exempted on condition that they unite in volunteer organizations for the local defense. And this rule might also with propriety be applied to those classes within the State, other than officers of the Confederate Government, who are exempted from Confederate service under the laws of Congress. Many of these are accumulating wealth by the employments in which they are engaged, and while devoting their energies to their daily pursuits, are heavily dependent upon the State for their security and protection. Surely if not compatible with the public interest to remove them for months from their accustomed employments, they can be embodied for the defense of their own locality. The exemption conferred by Congress does not withdraw them absolutely from the militia, and if, in the opinion of the General Assembly, their refusal to join volunteer organizations, for the purpose of local defense, under the rules in which they are necessarily and vitally interested—would justify the course, they can and should be enrolled and compelled to service in the body of the militia.

The limitation in the code which embraces citizens of the State only should be removed, and every resident of the State who is protected by its laws in his business pursuits and property, should be likewise enrolled for the defense of the State.

It is my duty to call the attention of the General Assembly to the offense of straggling and desertion from the army. While their gallant comrades are confronting the enemy, and standing as a wall of defense against his further advance, there are those whose love of ease, or weak resolution, or fallibility to the cause, has induced them to shrink back, and hide away, in order to avoid the service which they owe to their country. These men should be taught by public opinion, and solemn legislative declaration, the heinousness of their offense, and the severe condemnation which such conduct deserves. The President of the Confederate States has recently proclaimed a full and free pardon to all such absentees from the army, on conditions of a speedy return to their posts; and it will be well if the General Assembly add their potential sanction and influence to secure a ready and universal compliance with this humane offer by the President. Those who from pride or shame should be admonished to encourage in every possible way an acceptance of the pardon and a prompt return of the soldier; and these, if any there be, whose misguided sympathies and disloyal purposes induce them to encourage disobedience to military law, and to harbor and maintain deserters, should, by State enactment, be subject to criminal prosecution and exemplary punishment. Executive as well as military officers of the State should be charged with the duty of promptly arresting and reporting straggling and deserters, while the political officers should be charged with a rigid enforcement of the penalties against their aiders and abettors.

The painful duty is devolved upon me to announce the untimely decease of the Hon. William L. Yancey, late a senator from the State of Alabama, in the Congress of the Confederate States. This distinguished orator and statesman was for many years identified with every important though fruitless effort to check the aggressions of the United States Government upon the reserved rights of the States; and he was a leading member of the State convention which withdrew the State of Alabama from the Union. He has been cut down in the full strength of his great intellect, and his proud spirit has departed before his eyes were permitted to behold the final success and grandeur of that new Confederacy which he so ardently desired to see, and for which he had struggled with masterly energy and idolatrous devotion. The vacancy in the State representation in the Confederate senate, occasioned by his death, remains to be filled by the General Assembly.

The present condition of the State presents a subject of momentous concern, and all the wisdom, energy and patriotic zeal of the General Assembly are invoked to secure its protection against the horrors and desolations of war, with which it is now most seriously threatened. Since the last session much has been accomplished by the construction of fortifications and other defensive works, but much yet remains to be done, and no means at command should be withheld or neglected, which time and opportunity offer to insure successful results. It has not only been my duty, but my earnest desire to co-operate with the Confederate authorities in every purpose and undertaking looking to this end, and whether men or material resources have been called for in aid of the common cause, Alabama has, ever promptly and promptly responded to the utterance of every demand which has been made upon her; and I trust and believe that her patriotic people will not fail thus to respond so long as our unnatural foe shall persevere in his unholy crusade for the overthrow and ruin of these Confederate States. In the vicissitudes of war, disasters have befallen our armies, and the enemy, flushed with recent success, is actively preparing and confidently boasting his purpose and ability to achieve other and greater triumphs. Alabama will be invaded, and, in all probability, before many weeks the gates of the country will be heard upon her borders, and her people be summoned for the defense of their own sacred homes. Instead of alarm and trepidation, or of false security and indifferency to their country, let them nerve their resolution for an undying resistance against that abolition despotism which has destroyed the emancipation of slaves, confiscation of lands, and the subjugation of the free inhabitants of these sovereign states and their heirs forever. Let the Ministers of God in His just providence will but permit such a word calmly to drop upon us, if, in His fear, and humbly invoking His divine favor, we pledge our resources to the pledge of our command, and unreservedly consecrate them to the defense of our bleeding country.

JOHN GILL SHORTER.

☞ "The military court for south Tennessee, and one other, have broken away, the military courts every where in Kentucky, and they hold no notice of marrying, neither

Charleston Intelligence.

From the Mercury, Aug. 18.]

FROM MORRIS ISLAND.

The furious bombardment of Fort Sumter night resulted in a single casualty to our side, while it is believed, upon good authority, that our army was in a high degree effective. On Sunday the quiet of the harbor was disturbed by an occasional shell from Battery Wagner, but just before nightfall the batteries opened on each other with a deliberateness to everything that has been displayed in this battle since Fort Sumter. Batteries Gregg, Wagner and Simpkins, the Yankee batteries at Craig's hill and Vinegar hill all joined in the dreadful contest. A spectator and a gunboat also lent their aid to the enemy's batteries. The firing was at times so rapid that twenty shots might have been counted within a minute. Sumter is said to have thrown its shells with remarkable precision, dropping them at will at Craig's or Vinegar hill. The contest continued with more or less vigor all night. Nevertheless, up to half-past ten P. M., we had sustained a loss of two only. Private Smoke, of company B, 20th regiment South Carolina volunteers, (Col. Keitt's,) had his head shot off by a Parrott shell just as he was entering the battery, and private Manley Boyle, company G, of the same regiment, was severely wounded in the head by the same shell. On Friday night Private H. H. Carter, of the 8th Georgia, lost a leg, and was badly wounded in the other. Sunday was very nearly as tranquil as Sunday should be, the ever vigilant Battery Simkins being almost the only disturber of the peace.

From the Courier, 18th.]

NEWS FROM THE ISLANDS.

Darling Friday night and Saturday, up to about eight o'clock in the evening, the bombardment was slow on both sides, compared with the firing of the previous days.

The only casualty from the firing Friday night was private H. H. Carter, 8th Georgia, who had one leg shot off and the other badly bruised.

Between eleven and twelve o'clock Saturday night a furious fire opened: our side firing from Fort Sumter and Batteries Gregg and Wagner. The enemy fired rapidly from his land batteries with two hundred pounder Parrott shells, and was joined afterward by a monitor and a wooden gunboat, which also fired very heavy.

Our batteries succeeded in silencing one of the enemy's land batteries at an early part of the engagement. A shell from Fort Sumter fell among the Yankee gunners, who were seen to leave the work in disorder, many crawling off on their hands and knees.

The enemy also fired some few shots at the steamer Sumter, but failed to strike her.

The loss on our side from the furious bombardment of Saturday night was as follows:

Private Smoke, company B, 20th regiment South Carolina volunteers, killed: head shot off by a Parrott shell.

Private Manly Boykin, company G, 20th regiment, wounded in the head by the same shell.

The firing still continues at irregular intervals.

From the Mercury, 18.]

THE EVENTS OF YESTERDAY.

The bombardment of Monday was one of unprecedented severity. Sunday night had been comparatively quiet, but early in the morning the Ironsides, with the fleet of monitors and gunboats opened on Forts Wagner and Gregg, and about 7 o'clock the Parrott guns of the Yankee land batteries opened on Fort Sumter. The firing was fast and furious—all of our own batteries—the enemy being into the action. Between ten and eleven o'clock, A. M., the Ironsides, a monitor and six gunboats rounded the point of Morris island, and engaged Fort Sumter. The result of this portion of the day's operations was most encouraging to us. Experience seems that the Ironsides and the monitors are impregnable against shot from Sumter and Gregg. A fact, after an engagement of two hours, the Ironsides was observed to moving off, and immediately afterwards the monitors followed, displayed their flags at half mast—a sign, we thought, that some of their flags had fallen overboard. We learn that the Ironsides has received the heaviest of shell, still suffering severely. At the same time, the Parrott guns of the land batteries ceased their fire even as the other portion of the ships continued to play upon Sumter. In those our land batteries, and some three or four new guns, it is reported, that had not before been opened, replied for the first. Firing did not slacken until late in the afternoon, and at the hour we write it is mentioned at irregular intervals.

At Sumter a Blakeslee rifle, whose name we have not ascertained, was killed. Three officers and ten privates were wounded. Lieut. Julius Rhett and John Middleton, 1st South Carolina artillery (regulars), were slightly bruised by some shattered bricks, and Lieut. John Johnson, of the engineers, received a slight flesh wound. The names of privates have not reached us.

At Fort Wagner we have to lament the loss of Capt. Wampler, of the engineers, who was killed by a shell. In the Calhoun Guard, Private Ogier Martin, a youth of seventeen, son of Mr. Wm. M. Martin, of this city, and Private Eugene B. Baker, were killed. The latter, a young Charlestonian, well known and highly esteemed, had his leg so badly shattered that amputation was immediately resorted to, but he died under the operation. Private Campbell King, of the same company, son of the late Hon. Mitchell King, was slightly wounded, and brought to town in the afternoon. We are not able to say whether these comprise all the casualties at the fort.

P. S. Since writing the above, we have learned that Capt. Miles, of the Calhoun Guard, was temporarily stunned with a shell, but was soon back before the close of the day to resume his duties. Orderly Sergeant Daniel Webb and 2d Lieutenant Waring Axson, both of the Calhoun Guard, were also slightly wounded. At the hour (midnight) the sky is lowering and the atmosphere dark and murky. The firing on both sides seems to have been suspended.

Lost Opportunities—God is with Us

When Gen. Pemberton fell back from Abbeville last year, shortly after the disastrous defeat of General Van Dorn at Corinth, his army was said to be wholly demoralized, and the enemy were in the habit of picking up stragglers by the hundreds, who had strayed from our army. The whole army was said to be upon the verge of disintegration and dissolution. He had only eighteen thousand men, when he finally made a stand at Grenada. It was the universal opinion that if the enemy advanced, our army, in the plight it was, could offer but feeble resistance. At that time Gen. Pemberton commanded 25,000 men, all told, in the whole department of Mississippi and East Louisiana. He was menaced on all sides by a force which reached in his aggregate 150,000 men. To all appearances the enemy had only to close up upon our little bands to crush them out or scatter them to the four winds. In this condition of our army, and the overwhelming odds against it, there was little hope for it if the enemy essayed its destruction.

We had suffered a series of disasters, and the soldiers and people were in the depths of gloom. There was no hope for timely succor, if the enemy chose to advance upon us. We seemed cast at his mercy; yet he did not advance, and this little army served as a cushion, around which a formidable force was gathered, and the tide again turned in our favor.

Months rolled on. Another serious, and, apparently, almost fatal, disaster befell our arms in Mississippi. Vicksburg fell. Port Hudson fell. Jackson was evacuated, and Gen. Johnston's army was thought to be in much the same condition that Pemberton's was a year ago. Its ranks were some deserters and many gone both to the army and among the people. Gen. Grant had only to pursue, to drive Johnston from the State, and, perhaps, destroy his whole army. He did not pursue, and the enemy is now encamped beyond Pearl river, and Johnston's army is in good condition, fully equal in numbers to any force you can bring against it. Every, or nearly every, symptom of the disintegration of a year ago is wanting. The spirit of our people is high and hopeful, and the soldiers are in good heart and spirits.

Twice was our army in Mississippi upon the verge of complete disintegration. Twice the enemy had the fairest opportunity to destroy it. Twice we have been placed at the mercy of our foe, and twice we have escaped from the danger. Twice our foe has left us to recover from our prostration. He did not follow up his advantage, and we were not utterly ruined. He did not follow up the advantage gained at Chickamauga, and we were not ruined. We may recognize the hand of God in it. He has not intended to see us trodden upon by the ruthless Vandal. If we are worthy of our liberties, let us be true to ourselves, and look to the God of our fathers, and our triumph is absolutely certain.—*Mississippian.*

International Law as Affected by the American War.

From Blackwood's Magazine.]

The interest attaching at present to questions of international law and the rights of belligerents, will recommend the passages in these extracts which follow:

"If all the States in Europe were to concur in framing a general code of international law, which should be binding on them all, and form themselves into a Confederacy to enforce it, this might be regarded as a positive law of nations for Europe. But nothing of this sort has ever been attempted. The nearest approach to such legislation is the general regulations introduced into treaties by the great powers of Europe, which are binding on the contracting parties, but not on the States that decline to accede to them.

To settle questions between nations on the principles of justice, rather than leave them to be bind arbitrament of war, is the primary object of the European law of nations. When war has broken out, it regulates the rights and duties of belligerents and the conduct of neutrals.

As the weak side of the law of nations is the want of a supreme executive power to enforce it, small States are exposed to great disadvantages in disputes with their more powerful neighbors. But the modern political system of Europe for the preservation of the balance of power, forms a strong barrier against unjust aggression. When the power of one great State can be balanced or kept in check, by that of another, the independence of smaller States is in some degree secured against both. For neither of the great powers will allow its rival to add to its strength by the conquest of the smaller States.

By the declaration of the 16th April, 1856, the Congress of Paris, held after the Crimean war, adopted four principles of international law:

1st. Privateering is and remains abolished.

2d. The neutral flag covers the enemy's merchandise, with the exception of contraband of war.

3d. Neutral merchandise, with the exception of contraband of war, is not liable to seizure under an enemy's flag.

4th. Blockades, in order to be binding, must be effective; that is to say, must be maintained by a force really sufficient to prevent approach to an enemy's coast.

This declaration was signed by the plenipotentiaries of the seven powers who attended the Congress, and was accepted by nearly all the States of the world. But the United States of America, Spain and Mexico refused their consent, because they objected to the abolition of privateering. So far as these powers are concerned, therefore, privateering—that is, the employment of private cruisers, commissioned by the States, still remains a perfectly legitimate mode of warfare. Britain and the other powers who acceded to the declaration, are bound to discontinue the practice in hostilities with such other. But if we should have the misfortune to go to war with United States, we should not be bound to abstain from privateering unless the United States should enter into a similar and corresponding engagement with us.

The freedom of commerce to which neutral States are entitled, does not extend to the contraband of war; but according to the principles laid down in the declaration of Paris of April 1856, it may now be said that a ship at sea is a portion of the country to which it belongs, with the single exception implied in the right of a belligerent to search for contraband. Neutral commerce contraband is not protected property. The rule is, that only the same special powers and variations from a municipal character, but speaking generally, belligerents have a right to treat as contraband, and in carrying all conditions of war and other articles directly auxiliary to warlike purposes. The neutral carrier engaged in a contraband trade was he conveyed official dispatches from a person in the service of the enemy to the enemy's ministers; but it has been decided that it is still legal on a neutral vessel to carry dispatches from the enemy to his accredited agent, even in a neutral country. The penalty of carrying contraband is the forfeiture of the same, together with the freight of the same. The officer of the Royal West India mail gave rise to two important questions of maritime law deeply affecting the rights of neutrals. In November, 1861, Capt. Wilkes, of the American war steamer San Jacinto, after firing a round shot and shell, boarded the English mail packet Trent in the old Bahama channel, on her passage from Havanna to Southampton, and officially by force, seized Messrs Mason and Slidell, two commissioners from the Confederate States, who were taken on board as passengers, bound for England. The commissioners were conveyed to America and committed to prison; but after a formal requisition by Britain, declaring the capture to be illegal, they were surrendered by the Federal Government.

The seizure of the commissioners was attempted to be justified on two grounds by American writers: 1st, That the commissioners were contraband of war, and that in carrying them the Trent was guilty of a confederacy for having committed a breach of blockade. 2d, That at all events Capt Wilkes was entitled to seize the commissioners either as enemies or rebels. Both these propositions are plainly untenable.

In an able dispatch by the French Government to the cabinet of Washington, M. Thouvenel declared that the seizure of the commissioners in a neutral ship, trading from a neutral port to a neutral port, was not only contrary to the law of nations, but a direct contravention of the principles which the United States had up to that time invariably avowed and acted upon. Russia, Prussia and Austria officially intimated their concurrence in this opinion.

To argue the matter on the legal opinion in opposition to the disinterested and well reasoned dispatch of the French minister, was a hopeless task. In an elaborate state paper, Mr. Seward, the American Secretary of State, professed to rest the surrender of the commissioners upon a mere technicality; that there had been no formal condemnation of the Trent by a prize court; but apart from this point of form, the seizure was indefensible on the merits, as a flagrant violation of the law of nations; and if the principle was not so frankly acknowledged by Mr. Seward as it ought to have been, some allowance must be made for a statement, not very reconciled by the report of his colleague Mr. Welles, the Secretary of the Navy, approving the conduct of Capt. Wilkes, and still more by the necessity of adopting a policy contrary to the whole current of popular opinion in the Northern States.

"Let McKenzie's Rescue Law, with Comparative Views of the laws of France, England and Scotland, by Lord McKenzie, son of the Judge of the Court of Session in Scotland.

A NIGHT AT GREENWICH OBSERVATORY.

Greenwich, long known to history, and well beloved of cockney holiday makers, is most important in our time for a certain edifice in which the longest calculations, the deepest thought, and the minutest care, are in operation day and night. This is the observatory on the hill, a building chiefly remarkable to the average visitor for a large clock-dial, the minute hand of which advances by a series of jerks, as though stopping awhile to take its eternity as a matter of private business. The hour hand of this clock may, perhaps, indicate that time is about half past twenty-two o'clock—an announcement that somewhat puzzles the straight visitor, until a volunteer philosopher, who enjoys instructing the ignorant, and who prides himself on knowing this sort thing, informs him that here there is no such thing as one, two or three o'clock in the morning, but that time is counted from noon to noon, and from 0 to 24. Thus, one o'clock A. M. is thirteen o'clock, four o'clock A. M., sixteen o'clock, and so on.

If desirous of seeing the interior of this mysterious building, we knock at the door, and ask permission to view the establishment, we shall be politely but decidedly informed that "no visitors are admitted." This exclusion is almost necessary, for the staff is a hard worked one, and is not to be interrupted. The instruments are most delicate, and a touch—the turning of a hand on a screw or lever, or even breathing on a position wheel is liable to ruin—might cause damage or delay, which could not possibly be afforded.

In long months was perfect quiet is also necessary, and it is not improbable that the visitation of an occasional organ-grinder near the observatory might lead to the wreck of some delicate instrument, which had cost many pounds, and which had consequently calculated their patience by days indicated, for ill consequences of the nuisance's nerves being tormented. Thus, "no admission, except on business," is an order rigidly enforced.

If, however, the person desirous of visiting the observatory be a student, and succeeds in acquire a knowledge of the system adopted here, he has merely to obtain the necessary introductions, and he will be received with every politeness and attention. The whole myst