# THE MEMPHIS DAILY APPEAL.

BY JOHN S. C. HOGAN & CO. — MEMPHIS, TENN., SUNDAY, JUNE 23, 1867. — VOLUME XVII.—NUMBER 279



## MEMPHIS APPEAL.

PUBLISHED DAILY & WEEKLY

—BY—

JOHN S. C. HOGAN & CO.

PRICE OF SUBSCRIPTION.

Daily (in advance) per annum : : : : $12 00
" " per week : : : : : 25
To carriers and news-dealers, per copy : : : 5
Weekly per annum (in advance) : : : : 5 00
Semi-Weekly per annum (in advance) : : : : 8 00
No subscription entered on our mail books for a less time than one month.

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One square one insertion : : : : : $1 00
" each additional insertion : : : 50
" " two weeks : : : : : : 6 00
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All advertisements considered due after the first insertion.
Eight lines of solid nonpareil constitute a square.
All advertisements in the Special Notice column will be charged 20 cents per line.
Marriage and death notices published as other advertisements.
Advertisements to be inserted in the Weekly paper only, or at regular intervals in either of the papers, will be charged $1 per square for each and every insertion.
All advertisements not marked for a special time will be discontinued at the end of one week.
All advertisements for the APPEAL must be handed in at the Clerk's desk.
*Personal advertisements must be paid for in advance.*
No advertisement will appear in the Weekly paper unless by special contract.
Our friends are requested to use their best efforts to send us subscribers, and fill up our lists, and also to forward any items of news that may be of sufficient local importance to warrant their publication.

TERMS OF WEEKLY.

As an inducement to get up clubs, we have adopted the following scale of prices, which are as low as our current office expenses will admit of:

One Copy, one year : : : : $5 00
To clubs of ten or more, each : : 4 50
" twenty or more, each : : 4 00
*Invariably in advance.*


## MASONIC DIRECTORY.

HEBREW AND MASONIC CALENDAR.

A.: M.: 5627.

| | |
|---|---|
| 1 Tisri, 18th September | 1866 |
| 1 Kheswan, 18th October | " |
| 1 Chislev, 8th November | " |
| 1 Tebeth, 8th December | " |
| 1 Shebat, 7th January | 1867 |
| 1 Adar, 6th February | " |
| 1 Veadar, 8th March | " |
| 1 Nisan, 8th April | " |
| 1 Iyar, 8th May | " |
| 1 Sivan, 6th June | " |
| 1 Tammuz, 4th July | " |
| 1 Ab, 3rd August | " |
| 1 Elul, 1st September | " |

Ash Wednesday, 6th March ... 1867
Maundy Thursday, 18th April
Good Friday, 19th April
Easter Sunday, 21st April
Ascension, 30th May
Pentecost, 9th June
Saint Andrew's day, 30th November in each year.

jald mh14 tf

## MASONIC DIRECTORY.

1867.

LODGES.

ANGERONA, No. 165. Meets 1st Monday in every month, at Odd-Fellows' Hall, over Court st. Wm. D. Tessier, W. M.; H. I. Tomlinson, Sec.

SOUTH MEMPHIS, No. 215. Meets 2d Friday of each month. John Ryan, W. M.; Wm. Brown, Sec.

LEILA RIVER, No. 293. Meets 1st Friday of each month. Isaac Mason, Secretary. John Allmon, W. M.; H. P. Woodward, Sec.

HAMILTON, No. 198. Meets 3d Friday of each month—Odd-Fellows' Hall. F. M. Stanley, W. M.; W. H. Betts, Sec.

KILWINNING, No. 34 (U. D.) Meets 4th Friday of each month, in Odd-Fellows' Hall, corner Court st. John A. Wyeth, W. M.; H. Kullen, 320 Sec.

ROYAL ARCH.

PENN Chapter, No. 4. Meets 3d Monday of each month—Odd-Fellows' Hall. A. J. Wheeler, H. P.; H. H. Poynter, Sec.

K. AND S. M.

EUREKA Council, No. 6. Meets 3d Monday of each month—Odd-Fellows' Hall. John Zent, Tit. Ill.; M. J. Wiggin, Rec.

TEMPLARS.

CYRENE Commandery, No. 4. Meets 4th Monday of each month. John Zent, Com.; N. J. Wiggin, Rec.

A.'. AND A.'. SCOTTISH RITE.

HERMES Lodge of Perfection, 14th; No. 1. Stated Communications 2d Wednesday night of each month. Henry P. Woodward, 32d, M.'. of Charles M. Cantrell, 14th, Sec.

MITHRAS Lodge of Perfection, 14th; No. 2. Meets 4th Wednesday of each month. George Mellersh, 32d, M.'. M.'. A. S. Frankland, 32d, Sec.

CAMPITH Council of Princes of Jerusalem, 16th; No. 1. Benj. Ez. Fulton, 32d, Tabah.'. Sec.

CALVARY CHAPTER of Rose Croix, 18th; No. 1. Charles W. Allams, 32d, M.'. W.'. H. I. Tomlinson, 32d, Sec.

PHILIPPE DUPLESSIS Council of K.'. 8th; No. 1. Henry P. Woodward, 32d, Commr.; William Y. Cirode 32d, Rec.

CONSISTORY OF WEST TENNESSEE, 32d. John Ainslie, 32d, Commr.; H. Chief; Dodge C. Trader, 32d, Reg.

## RAILROADS.

### MEMPHIS AND CHARLESTON RAILROAD.

TRAINS leave as follows (city time):

Through Express, Sundays excepted, 4:30 a.m.; Through Mail, 6:40 p.m.; Somerville Accommodation at 2:40 p.m.

Express connects at Grand Junction with afternoon train on the Mississippi Central Railroad for Holly Springs, Water Valley, Grenada, Jackson, Vicksburg, Miss., New Orleans, La., etc.

At Corinth, for Okolona, Columbus, Miss., Mobile, Ala., etc.

At Decatur, for Columbia, Nashville, Louisville, Cincinnati, etc.

At Chattanooga, for all places in Eastern Alabama, Georgia, North and South Carolina, Virginia, Washington, Baltimore, Philadelphia, New York, etc.

Through Mail connects at Grand Junction with trains for Bolivar and Jackson, Tenn.

At Decatur, for Athens, Pulaski, Ala., Columbia, Nashville, etc.

At Chattanooga Mail train connects for same points as Express trains.

Baggage checked through.

For tickets and further information, apply at the office, No. 278 Main street, corner of South Court Street.

W. J. ROSS, Gen'l Sup't.
A. A. BARNES, Gen'l Ticket Agent.
apl 17 S. H. SHOCK, Passenger Agent.

### Diamond Line.

THROUGH Receipts given for COTTON via Cincinnati by rail or river. Time guaranteed—Cars sealed—no change from Cincinnati to New York.

W. JAY ARNSON,
mh 17 Agent at Hartford.

### THURMOND, FOSTER & CO.,

### TOBACCO FACTORS

AND GENERAL

COMMISSION MERCHANTS,

Under Greenlaw Opera House,

345 Second street.

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THOS. H. HUNT. J. F. HANSON

*Thos. H. Hunt & Co.,*

PREMIUM

SILK AND WOOLEN DYERS

246 Second Street,

BETWEEN JEFFERSON AND COURT.

SPECIAL attention given to Ladies' Dresses and Shawls, Gentlemen's Clothes Cleaned and Dyed in a superior style.

N. B.—No answering for goods left in store after six months from date of order.

### SIGN OF THE BEE-HIVE

MME. MITCHELL & CO.,

*Straw Bonnet Dealers, Milliners and Dress Makers,*

ADJOINING THE IRVING BLOCK,

Northeast Corner Court Square,

MEMPHIS, TENN.

Bonnets Cleaned, Pressed and altered to the present Fashion. 21 mo

JOHN A. DENIE. H. A. MONTGOMERY

### DENIE & CO.,

DEALERS IN

Hay, Corn, Oats, Flour, Lime, Cement, Plaster, Western Produce.

No. 41 South Side Court Square.

my21 3m

*Notice of Dissolution.*

THE copartnership heretofore existing between B. E. Malloy, Van R. Mitz and John H. Fisher, under the name and style of HALLER, ELLIS & CO., Grocers and Cotton Factors, at No. 40 Madison street, in this day dissolved by mutual consent. V. R. Ellis retires. The business hereafter will be conducted at the same place, No. 40 Madison street, under the name and style of

HALLER, FISHER & CO.,

who alone are authorized to use the name of the old firm in settlement.

B. E. HALLER,
VAN R. ELLIS,
J. H. FISHER.

Memphis, May 15, 1867. my19 1m

### WHITEMAN BROS

Manufacturers of and Dealers in

PRINTING PAPER

No. 29 Northeast cor. Public Square, Nashville. | No. 37 Gay Street.

### JOSEPH COODMAN, JEWELRY,

WATCHES, CLOCKS, SPECTACLES,

NO. 100 MAIN STREET.

Repairing Done and Warranted.

Orders left for CLOCK REPAIRING will be attended to and returned free of charge.

apl6 3m

A. VACCARO, D. VACCARO. N. MAGNONEY, JR. A. B. VACCARO.

### A. VACCARO & CO.,

Importers and Dealers in

WINES, LIQUORS, SEGARS,

ETC., ETC., ETC.,

*324 Front Street, Memphis, Tenn.*

my8

### The Buntyn HOMESTEAD LANDS FOR SALE.

WE have the pleasure of placing on the market those very desirable and valuable lands, so well known to the community as the Homestead Tract of the late Gerard Buntyn, Esq., situated at the first station on the Memphis and Charleston railroad, five miles east of the city. The improvements, with about twenty acres of land, have been recently sold to Major F. Hill, Esq., who now resides upon the premises. The balance of the tract, consisting of about 80 acres, will be sold off in lots varying in size from five to ten acres, fronting upon broad avenues, and laid off so as to secure the greatest amount of comfort. The trains of the Memphis and Charleston railroad afford the opportunity of going in and out of the city, from and to Buntyn's station, four times a day, so as to make a residence at this point almost as convenient as to live in the city itself.

The choice now left of lots wholly or part in original forest, or in field.

In Exchange for City Property.

The executors are directed by the Will to sell this place and invest the entire property, and we will entertain propositions to exchange for either improved or vacant lots in the city.

To all parties looking for a suburban residence, we do not think any property more desirable can be found, in regard to health, convenience or good neighborhood, within the same distance from the city.

The terms will be made very liberal and easy, and the prices lower to parties desirous of buying for speculation. Plans of the said estate will be shown at our office.

my17 tf ROYSTER, TREZEVANT & CO.

## CONFECTIONERIES.

### SPECHT'S CONFECTIONARY REOPENED!

Confectionary in Every Variety,

And all of the best quality, constantly on hand and for sale at prices to suit the times.

A LARGE LOT OF TOYS.

WINES AND CHAMPAGNES

Of superior vintage.

WEDDINGS AND PARTIES

Supplied with every requisite, on short notice, as heretofore.

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*Life Insurance Company,*

90 Broadway, New York.

RUGO WESENDONK, President.
FR. SCHWENDLER, Secretary.

JOHN H. P[illegible]

44 North Court St[illegible]

General Agent for [illegible]

THE ST. LO[illegible] Agent for

ST. LO[illegible]

LIFE INSURAN[illegible]

SURPLU[illegible]

Assets April 1st, [illegible]

[illegible] April 1st, [illegible]

D. A. JANUARY, President.
JAS. H. LUCAS, [illegible]-President.
WM. T. SELBY, [illegible] Secretary.
WM. N. BENTON, Gen'l Agent.

DIRECTORS:

James H. Lucas, Henry Overstolz, Samuel Will, Nick. Schaefer, Robt. M. Funkhouser, William T. Gay, Chas. H. Peck, David Keith, Robt. K. Woods, R. P. Hanenkamp, Jules Valle, Isaac W. Mitchell, Geo. R. Robinson, D. A. January, Chas. W. McCord, Wm. J. Lewis, John F. Thornton, F. Rozier, Jr., Ben. M. Runyan, Jacob Tamm, Hon. John Hogan.

THIS Company is now Policies on lives on all the different plans and at as favorable rates as any other while it has no restrictions in regard to residence or travel, and all its profits are divided annually among its policy holders. It is prompt in the payment of losses, having paid $35,000 in this city in the last eight months.

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—AT—

NO. 42 MADISON STREET, DeSoto Block.

MEDICAL EXAMINERS:

J. S. WHITE, M. D. W. TERWIN, M. D.

McMAHON & OTIS,

General Agents, Memphis, Tenn.,

For West Tennessee, Mississippi and Arkansas, to whom all applications for Insurance or Agencies should be addressed.

J. H. McMAHON. NEWTON S. OTIS.

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## TAILORING, SCOURING

### J. C. THRALL & CO.,

MERCHANT TAILORS,

*No. 19 JEFFERSON STREET,*

A SPLENDID NEW STOCK OF

Cloths & Cassimeres Just Received.

WM. ROGERS, formerly with Messrs. Porter & Mooney, can be found here ready to wait upon his old and new customers.

my12 3m

ALEX. MURRAY. E. H. RIDGELY.

*MURRAY & RIDGLEY,*

MERCHANT TAILORS

NO. 31 MADISON STREET,

Merchant Tailoring Goods.

WE make every garment ourselves and will guarantee satisfaction in all cases.

apl 3m

"A STITCH IN TIME SAVES [illegible]NE."

DYEING, SCOURING

—AND—

REPAIRING [illegible]

Done at short n[illegible] Jefferson St.

ISAAC [illegible]

54 1-2 Jefferson [illegible]

All orders executed with neatness and dispatch, and entire satisfaction given, or no pay for the work is done.

### ABSTRACT OFFICE.

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Corner Monroe and Second Sts.

WE have the Abstract Books and complete abstracts of the Register's Office, compiled by the late HENRY A. ORNE; and, after more than a years' trial of their accuracy, and a search of experience in the business, no one mistake having occurred in all that time, we are enabled to furnish complete details of title to all

Fort Pickering, Memphis and Shelby County Lands,

at the shortest notice and on the most reasonable terms.

G. J. CAMPBELL, Jr.,
Successors to Bond & Campbell.

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## SUNDAY READING.

### RELIGIOUS DOCTRINE

BY A LAYMAN.

We publish this number out of its turn, by way of special reply to a letter which we have received, and from which we extract as follows:

The queries in "Religious Doctrines" have often puzzled me, and, though brought up piously, and possessing, phrenologists say, big bumps of reverence and spirituality, such queries have perplexed in puzzling, until they have pushed me to the very verge of Materialism and Atheism—cold, unlovely paths, unsatisfying, unpromising. To what else will such "whirl of words" drive us? Yet *is* it altogether a "whirl of words?" I could very well comprehend your Bishop until he broke into his interjection "Thou Lord," etc.,—*that* I could not understand. Young as a learned man, a thinking man, doubtless as far above me in such qualities as I am above a child, or an African; *you* have thought much, reasoned much, and you seem to retain belief in [illegible]

[illegible] Moses [illegible] equal to [illegible] ate it, and cann[illegible] The surface-tenor of "Re[illegible] dress[illegible]" would seem to indicate [illegible] believer in the existence [illegible] God." You say, "Better [illegible] no God than to conceive [illegible] creating, not loving." To believe in God as "creating and loving" is, in belief, to endow Him with individuality and form, with senses and affections such as humanity knows. If the Deity can love, He can hate, can grieve or enjoy. *Is* this the God you speak of? Or, when you use the word is it a mere pander to the faith of the masses, a "play and juggle with the word?" I know the intolerance of the age, and that the loftiest and bravest intellects in a measure must yield to it, especially must yield in theology, if they seek to teach in politics.

I do not say this from impertinence or from an idle curiosity. I truly desire to know, if in a mind like yours, reasoning and learning tends to strengthen belief in God. *My* poor efforts in that path, always so dissipate God's individual being, so diffuse it through space and eternity and time, and matter, that 'tis no longer a God to reverence and trust and *lean* on, but a something, or a nothing intangible, inconceivable, bodless, mindless, soulless, and so far off and spread about as not to be worth bothering about. I well know to a religious person this must appear awful, yet I'm sure even if you are religious, you are philosopher enough not to be shocked into fits. To keep a religious faith, I must quiet the questioning principle, yet I have that desire to get at hard solid truth. I'll embrace it, rather than a delusion, however sweet or lovely.

The writer of the foregoing letter will find what we believe in respect to the existence of a Deity, and may possibly be led a little way towards a solution of her own doubts, by what we here append:

C.—Not to gather new doubts, I advise you hereafter to let "metafisik" go its own way, and do you go yours. The whole of that has ended in making it doubtful, according to logic, whether there is any existence at all. I do not believe it has really effected anything else. I hope I have not helped you on in that direction.

P.—The vagaries of metaphysics are very lamentable. 'Words,' BACON says, 'as a Tartar's bow, do shoot back upon the understanding, of the wisest, and mightily entangle and pervert the judgment.' Much of what is call 'logic' and 'argument' in metaphysics, is but mere play upon words, and only ends in absurdities. '*Quid enim sabbilina vel magis tenue, quam quod nihil est?*' as TOOKE says about the *Grammatica Speculativa* of SCOTUS, 'an exemplar,' he says, 'of the subtle art of saving appearances, and of discoursing deeply and learnedly on a subject with which we are totally unacquainted.' Of what use, on the whole, have metaphysics been to humanity? As BACON says: 'The wit and mind of man, if it work upon matter, which is the contemplation of the creatures of God, work(eth) according to the stuff, and is limited thereby; but if it work upon itself, as the spider worketh his web, then it is endless, and brings forth, indeed, cobwebs of learning, admirable for the fineness of thread and work, but of no substance or profit.'

C.—The *souls* of men, then, are not to be regarded as 'the reality of God?' nor worthy of being studied. No, C. to see, friend, metaphysics have not been telling us lies. They deal with question that create no import to us than any other lies. The very errors of the philosophers are instructive. The subject is, of course, of the utmost perplexity, and especially on account of the difficulty of expressing ideas in regard to what is immaterial, by words that have wholly material meanings.

P.—What could be more false and frivolous than the arguments about cause and effect? If is not true that we can only legitimately hold that one thing *merely succeeds* another, and not that it is any *consequition*. We do not get the idea of causation as a conclusion based upon the observation of a number of successives, whereby, noting that one phenomenon uniformly *follows* or *succeeds* to another given phenomenon, we conclude that one *causes* the other, when, in fact, we have no right to say more than that one *follows* the other. No idea is more legitimate than that of causation. It does not belong to the *human* mind alone, but is as familiar to the animals as to men. If a young puppy is struck, for the first time, with a stick or stone, and you are near him, he will connect you with the blow, in his mind, as its *cause*. The idea is necessary to self-preservation, and therefore is as much given by God even to the animals, as vitality itself, or the sense of right and wrong to men and some of the brutes. Does not the young animal instinctively know, that is, know by *revelation*, that it can, with the action of its lips and mouth, *cause* the milk to flow from its mother? It would starve, if it should wait to have that proven to it, by frequent recurrence of the sequence, before itself making the attempt.

Then, again, what have philosophers attained to, by ascribing all the mental phenomena of animals to *instinct*, and not to *reason*. Animals certainly think; and the great enigma is, how any organization of matter can do that, at all. Nine-tenths of the gabble of metaphysics about sensation and perception, the soul and the mental phenomena, is precisely as applicable to the dog as to the man. It is undeniable that the former thinks, remembers and dreams, has *some* sense of what is right and what wrong, reasons, to a limited extent, within a limited circle, and has many emotions and passions common to it and ourselves. Now I can understand how *Reason* can produce the results that we ascribe to it in man. It is a cause equal to the effects; but when we assign them to instinct, we intentionally select a cause *unequal* to the effects, for the very reason that it *is* inadequate. To say that they are produced by *instinct*, is either to substitute a word for a thing, because the word "instinct," in this connexion, has no meaning, and to use it is but to say, 'These results are produced by a something, I know not what;' or it is to say that these phenomena in the animal are far more marvellous and inexplicable than in the man. The instinct, if it be *not* reason, must be the direct action of GOD, exercised in the production of each separate phenomena. No system of metaphysics is of the *least* use, that does not explain the mental phenomena of animals and men alike.

As to the Deity, the philosophers, (a word itself without special meaning, by the way, since its sense merely is Lovers of *Wisdom*,) have always forgotten that '*pour savoir ce qui est Dieu, il faut être Dieu même.*' They give us regular inventories of GOD's attributes, as if they were familiarly acquainted with Him.

C.—The Theologians also, and even more minutely. The worst is, that these *persecute* every one who will not agree that their inventory is at all points correct; even quarreling about terms and words of those real meaning they are ignorant; and many of which, indeed, have for them no *real* meaning whatever.

P.—Has any *demonstration* of the existence of a God ever satisfied you?

C.—I think it surely can be demonstrated. No human testimony or what is claimed to be revelation could satisfy me of it, if it could *not* be demonstrated. We believe it, *because* we feel sure it *can* be demonstrated, although we can not effect that demonstration, nor ever find it effected by any one. I have satisfied *myself*.

H.—Please tell us how!

P.—Hear that vain baggage! Does she expect to understand what Philosophy itself does not comprehend?

C.—If she cannot, the demonstration is worthless. To be sound and true, it *must* be such as to be understood by even the ordinary intellect of man. If I cannot make myself understood by *her*, it will be because I do not understand myself. I premise by saying that we not only *can* conceive of infinity; but that we *cannot* conceive of space or time as *otherwise* than infinite. Space is not, as some writers say, an *attribute* of matter. If we conceive of the total annihilation of matter, the idea of space, and of the *same* space, remains. You cannot conceive of space terminating in any direction. The question "What would be beyond it?" involves a contradiction. The idea of space is included in the word "beyond." If there were matter "beyond," that would be in space, because it would necessarily be *extended*. If there were *nothing*, that itself is vacuity or *space*. So we cannot conceive of Time as having had a beginning, or an end. No juggling with words, or pretended definitions of Time and Space can get rid of these two ideas of Space infinite and Time infinite.

If we cannot but conceive of these, then we *may* conceive of matter existing co-extensively with space, and of *existence* during all time. There is no more difficulty in conceiving of all space occupied by matter, or of all time occupied by existence, than there is in conceiving either as unoccupied.

Here we suppose that there were now *nothing*, except empty, void, unoccupied space, with no existence of any sort,—that is, one great void of nothingness. We must at once admit that it would be impossible for anything to begin to exist. Nothingness, being a mere negation, and space and time not entities, there would be no force, potency or energy, that could be the cause or source of anything. There can be no effect without a cause. Non-existence could not produce existence. Before [illegible] can cause or *produce*, it must [illegible]. If the proposition of Descartes, 'I think, therefore I am,' is defective as a demonstration, it at least states the palpable fact, that to think, that which thinks must *be*. Absence of existence would be a mere blank, in which no *action* whatever, no *motive*, no causation could be. As, therefore, existence is, it never was *not*: because it never could have *begun* to be. This existence, being without cause, must also itself be cause. You can no more conceive of Force, Wisdom, Cause, being generated in nothingness, or beginning spontaneously to exist and act there, than you can conceive of life commencing there. Moreover, there would never be a time when there would be any *new* reason for the commencement of existence in that void. There never could be, hereafter, if the void were now all, any new conditions, to be the reason of being. If being did not begin at the first instant, it *never* could begin. "Given precisely the same conditions always, the result or no result must always be the same." Therefore there never could have been a first moment at which existence commenced, for there would still have been an infinite prior time in which it had not begun, the same conditions existing.

Thus, although I cannot understand how God can exist without a cause, I *know* that there either is no existence, force, wisdom, Intellect now, and that all is unreal, or that there always *were* existence, force, wisdom and Intellect. That there always will be, SPINOZA's argument proves. Granted the Existence, then it will always continue, unless there be some power, cause or reason in it or out of it, to end or destroy it. A power *out* of it, would be *another* existence which cannot be, because there was none such to prevent its existence or cause non-existence; and this other, if supposed, would have to end itself also, or existence would continue; and thus we would have an infinity of existences, one above or behind the other. For to each the same alternative applies. The reason or cause of termination must, be either in or out of the Existence. Nothingness has no pure power to destroy than to produce. That which ends an uncaused Existence, must itself be another uncaused Existence. Fate and necessity are only words. Suppose that, to-end A., there is a B.; then to end B., there must be a C., and so on *ad infinitum*. You cannot imagine an infinite succession of causes either of existence or annihilation. Nor can the cause of termination or destruction, or its reason, be in the existence which always was. You cannot imagine that the conditions necessary for its existence at one moment will or can ever be insufficient. If they continue *the existence* for an instant, then, as there is nothing without, to establish their energy, they must be sufficient and continue to act always. You cannot conceive of existence annihilating itself. As there was no cause that produced it, there can be none to end it. In other words, it is of its *essence* to exist. Its essence includes or envelopes existence. Existence is, in the nature of things, *eternal* existence. We have been one or more Existences that never were *not*, and certain Powers or attributes, that must belong to one or more of these Existences. If there are, for example, two distinct Existences, neither of which ever was not with a separate and independent state, we have two equal and [illegible]. One could not be [illegible] for want of cause of the [illegible]-fourths of the conditions and reason of being of both are necessarily the same. Now we know as [illegible] as we know *any* thing, that the [illegible] is the utterance of a single thought, the work of a single Will just as we know that our thoughts are from a single soul, and not from a dozen individuals. What to see, if a dozen individuals [illegible] exactly equals what is above. The visible is the measure of the invisible. The beauty of the universe, the permanency, harmony and regularity of its laws is owing, we know, to a single Will and Wisdom. There is therefore but one Cause; and It is Infinite, Eternal, Supreme; Infinite Wisdom, Intelligence, Power, Beneficence. If there are two, there is no reason why there may not be a myriad. To suppose two Infinite Existences with the *same* attributes is really to suppose but one. The attributes constitute the essence. To suppose them with different attributes is to suppose contrariety and conflict, or antagonism. To suppose either without the power to create, or without the same inducement to create, as the other, is to suppose inferiority and destroy one. If there are two infinite wills, they must always agree, since if in a given case they disagreed, one would annul the other, and being equal neither would prevail, but immobility be the result. Neither, then, would have infinite power. Movement is the result of an alternating preponderance of forces, where there are more than one. Perfect equilibrium of the two is immobility, stagnation, death. GOD, therefore, is but a single Will, Power, Wisdom and Intelligence. Nor can He be absent from any part of space. Wherever the inherent cause of His eternal existence, it must equally be the cause every where. Having no conception of the nature of Spirit or of the Divine Substance, the ancients compared it to Light. They could not conceive of it as not extended and filling all space. It is absurd to imagine *two* GODS, each filling the whole of space. We may say that the Deity is a spirit, and not extended; but when we deny Him any attribute of matter, we do not mean to admit that He is nothing and no-where. He is an actuality, like the Human Soul; and He is *present* every where. For my part, I do not doubt the infinity and eternity of the Universe, any more than I doubt the infinity and eternity of GOD. As I do not believe there ever was a *when*, in which He did not think, and thinking create; so I do not believe there is a *where*, in which His Thought does not dwell. And, moreover, He Being the absolute Existence, I believe there is life every where. The infinite power of the Deity must needs produce infinite effects.

Even the errors of philosophy are instructive. We only attain Truth through them. Affirmation, negation, discussion, solution;—it is thus only that Truth is reached. There have been as much error and feebleness in religious discussion as in that of metaphysics. Yet who will say it has effected no good. You cannot say that of *any* discussion. Truth comes or will come out of it in the end. Even the Scholastic Theology was not without its use, of the casuistry of the Jesuits. But for the latter, we would not have had the Provincial Letters. I believe that the false philosophies, like the false religions were necessary, to prepare the way for the true ones. Humanity, like the individual, learns as it grows. It have to crawl before it could walk.

### THE ATTORNEY-GENERAL'S OPINION UPON THE POWERS OF MILITARY COMMANDERS.

[Continued from yesterday's issue.]

THE MILITARY COMMANDERS ARE MERE PRESERVERS OF PUBLIC ORDER, PEACE AND SAFETY.

I must not be understood as fixing limits to the power of the military commander in case of actual insurrection or riot. It may happen that an insurrection in one of these states may be so general and formidable as to require the temporary suspension of all civil government and the establishment of martial law in its place. And the same thing may be true as to local disorder or riot in reference to the civil government of the city or place where it breaks out. Whatever power is necessary to meet such emergencies, the military commander may properly exercise. I confine myself to the proper authority of the military commander when peace and order prevail. It is not allowable to displace the civil officers and appoint others in their places, under any idea that the military commander can better perform his duties and carry out the general purposes of the act by the agency of civil officers of his own choice rather than by the lawful incumbents. The act gives him no right to resort to such agency, but does give him the right to have "a sufficient military force" to enable him "to perform his duties and enforce his authority within the district to which he is assigned."

In the suppression of insurrection and riot, the military commander is wholly independent of the civil authority. So, too, in the trial and punishment of criminals and offenders, he may supersede the civil jurisdiction. His power is to be exercised in these special emergencies, and the means are put into his hands by which it is to be exercised, that is to say, "a sufficient military force to enable such officer to perform his duties and enforce his authority," and military tribunals of his own appointment to try and punish offenders. These are strictly military powers, to be executed by military authority, not by the civil authority or by civil officers appointed by him to perform ordinary civil duties.

If these emergencies do not happen, if civil order is preserved, and criminals are duly prosecuted by the regular criminal courts, the military power though present must remain passive. Its proper function is to preserve the peace, to act promptly when the peace is broken, and restore order. When that is done and the civil authority may again safely resume its functions, the military power becomes again passive, but on guard and watchful.

This, in my judgment, is the whole scope of the military power conferred by this act, and in arriving at this construction of the act, I have not found it necessary to resort to the strict construction which is allowable.

THE COMMANDERS ARE NOT LEGISLATORS, NOR CAN THEY USURP THE FUNCTIONS OF CONGRESS.

What has been said indicates my opinion as to any supposed power of the military commander to change or modify the laws in force. The military commander is made a conservator of the peace, not a legislator. His duties are military duties, executive duties, not legislative duties. He has no authority to enact or declare a new code of laws for the people within his district under any idea that he can make a better code than the people have made for themselves. The public policy is not committed to his discretion. The congress, which passed this act, undertook in certain grave particulars to change these laws, and these changes being made, the congress saw no further necessity of change, but were content to leave all the other laws in full force, but subject to this emphatic declaration, that as to these laws and such future changes as might be expedient, the question of expediency and the power to alter, amend or abolish, was reserved for "the paramount authority of the United States, at any time to abolish, modify, control, or supersede the same." Where, then, does a military commander find *his* authority to abolish, modify, control, or supersede" any of these laws?

AN ENUMERATION OF THE MONSTROUS USURPATIONS OF SICKLES, POPE, SHERIDAN AND ORD.

The enumeration of the extraordinary powers exercised by the military commanders in some of the districts would extend this opinion to an unreasonable length. A few instances must suffice.

In one of these districts the governor of a state has been deposed under a threat of military force, and another person, called a governor, has been appointed by the military commander to fill his place. Thus presenting the strange spectacle of an official entrusted with the chief power to execute the laws of the state whose authority is not recognized by the laws he is called upon to execute.

In the same district the judge of one of the criminal courts of the state has been summarily dealt with. The act of congress does give authority to the military commander in cases of necessity, to transfer the jurisdiction of a criminal court to a military tribunal. That being the specific authority over the criminal courts given by the act, no other authority over them can be lawfully exercised by the military commander. But in this instance the judge has, by military order, been ejected from his office, and a private citizen has been appointed judge in his place, by military authority, and is now in the exercise of criminal jurisdiction "over all crimes, misdemeanors and offenses" committed within the territorial jurisdiction of the court. This military appointee is certainly not authorized to try any one for any offense as a member of a military tribunal, and he has just as little authority to try and punish any offender as a judge of a criminal court of the state.

It happens that the private citizen, thus placed on the bench, is the sole judge in a criminal court whose jurisdiction extends to cases involving the life of the accused. If he has any judicial power in any case, he has the same power to take cognizance of capital cases, and to sentence the accused to death and order his execution. A strange spectacle! where the judge and criminal may very well "change places;" for if the criminal has unlawfully taken his life, so, too, does the judge. His act is the inevitable result, for the military tribunal, the only judicial, if they can be called judges, which the military commander can constitute, appoint under this act, and which, in default of death penalty, is a military court composed of a board, and called in the act a "military commission."

I see no relief for the condemned against the sentence of this agent of the military commander. It is not the sort of court whose sentence of death must be final approved by the commander and finally by the President; for that is allowed only where the sentence is pronounced by a military commission." Nor is the charge and sentence pronounced by the right kind of court of the state, but by a court, and by a judge, not clothed with authority under the laws of the state, but constituted by the military authority. As the representative of this military authority, this act forbids interference "under color of state authority with the exercise of his functions."

In another one of these districts a military order commands the governor of the state to forbid the reassembling of the legislature, and thus suspends the proper legislative power of the state. In another district an order has been issued "to relieve the treasurer of the state from the duties, bonds, books, papers, etc., appertaining to his office," and to put an "assistant quartermaster of United States volunteers" in place of the removed treasurer; the duties of which quartermaster-treasurer are thus summed up: He is to make to the headquarters of the district "the same reports and returns required from the treasurer, and a monthly statement of receipts and expenditures; he will pay all warrants for salaries which may be, or become due, and legitimate expenditures for the support of the penitentiary, state asylum, and support of the provisional state government; but no scrip or warrants for outstanding debts of other kind than those specified will be paid without special authority from these headquarters. He will deposit funds in the same manner as though they were those of the United States."

In another of these districts a body of military officers, issued in general and special orders regularly numbered, and in occasional circulars, have been promulgated, which already begin to assume the dimensions of a code. These military orders modify the existing law in the remedies for the collection of debts, the enforcement of judgments and decrees for the payment of money, staying proceedings instituted prohibiting, in certain cases, the right to bring suit, enforcing proceedings on execution for the term of twelve months, giving new liens in certain cases, establishing homestead exemptions, declaring what shall be a legal tender, abolishing in certain cases the remedy by foreign attachment, abolishing bail "as heretofore authorized," in cases *ex contractu*, but not in "other cases, known as actions *ex delicto*," and changing, in several particulars, the existing laws as to the punishment of crimes, and directing that the crimes referred to "shall be punished by imprisonment at hard labor for a term not exceeding ten years nor less than two years, in the discretion of the court having jurisdiction thereof." One of these general orders, being number ten of the series, contains no less than seventeen sections, embodying the various changes and modifications which have been repited.

The question at once arises in the mind of every lawyer, what power or discretion belongs to the court having jurisdiction of any of these offenses, to sentence a criminal to any other or different punishment than that provided by the law which vests him with jurisdiction. In the concluding paragraph of this order, No. 10, is in these words: "Any law or ordinance heretofore in force in North or South Carolina, inconsistent with the provisions of this general order, are hereby suspended and declared inoperative." Thus announcing, not only a power to suspend the laws, but to declare them generally inoperative, and assuming full powers of legislation by the military authority.

The ground upon which these extraordinary powers are based is thus set forth in military order No. 1, issued in this district; "The civil government now existing in North Carolina and South Carolina is provisional only, and in all respects subject to the paramount authority of the United States at any time to abolish, modify, control, or supersede the same." Thus far the provisions of the act of congress are well recited. What follows is in these words: "Local laws and municipal regulations not inconsistent with the constitution