

# BROWNLOW'S WEEKLY WHIG.

W. G. BROWNLOW, Editor and Proprietor.

"THE UNION THE CONSTITUTION, AND THE LAWS."

TERMS—TWO DOLLARS, IN ADVANCE.

VOLUME XXIII.

KNOXVILLE, TENN., SATURDAY, OCTOBER 26, 1861.

NUMBER 13.

## W. G. BROWNLOW.

**Terms of Subscription.**  
TWO DOLLARS a year, payable in advance. No subscription will be received for a less period than six months.  
Remittances can be made through the Post Office, at the risk of the Publisher, when the receipt of the Postmaster is taken for the amount forwarded.  
Orders for changes of addresses must give the Post Office County and State to which the paper has been sent, and to be sent.

### Rates of Advertising.

Length of Advertisement	Per Line	Per Week	Per Month	Per Year
Half Square	\$1.00	\$2.00	\$6.00	\$60.00
One Square	2.00	4.00	12.00	120.00
Two Squares	3.00	6.00	18.00	180.00
Four	4.00	8.00	24.00	240.00
Six	5.00	10.00	30.00	300.00
Twelve	10.00	20.00	60.00	600.00

All advertisements on which the number of insertions is not marked, will be published till read, and charged accordingly.

Advertisements will be considered due when inserted, except those with whom we keep regular accounts. No advertisements from a distance will be inserted unless accompanied by a remittance, except in cases where the advertiser is known to be punctual.

## Brownlow's Whig.

KNOXVILLE, TENN.

Saturday Morning, October 26, 1861.

### Public Speaking.

Col. Baxter candidate for Congress will speak at the following times and places, viz:  
Dover's Store, Knox county, October, 20.  
Bertsville, Sevier county, " 21.  
Danbridge, Anderson county, Nov. 1.  
Morrison, " 2.  
Stanton's Store, Blount county, " 3.  
Mazville, " 4.

### Resignation of Gen. Anderson.

It is rumored that Gen. ROBERT ANDERSON has resigned his command in Kentucky, because of his opposition to the war. The following correspondence proves the reverse:

GENERAL ORDERS—NO. 6.

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND, Louisville, Ky., Oct. 8, 1861.

The following telegraphic order was received yesterday at these headquarters:

Brigadier Gen. Anderson:

To give you rest necessary to the restoration of health, call Brigadier General Sherman to command the Department of the Cumberland. Turn over to him your instructions and report here in person as soon as you may without retarding your recovery.

(Signed) WINFIELD SCOTT, Washington, D. C., Oct. 6, 1861.

In obedience to the above order, I hereby relinquish the command of this Department to Brig. Gen. Sherman, suggesting, despite the necessity which renders this step proper, I do it much less reluctantly because my successor, Brig. Gen. Sherman, is the man I had selected for that purpose. God grant that he may be the means of delivering this Department from the marauding band, who, under the guise of relieving and befriending Kentucky, are doing all the injury they can to those who will not join them in their accursed warfare.

ROBERT ANDERSON, Brigadier General U. S. A. Commanding Official.

OLIVER D. GREENE, Assistant Adj. Gen'l.

GENERAL ORDERS—NO. 7.

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND, Louisville, Ky., Oct. 8, 1861.

Brigadier General Robert Anderson having relinquished the command of this Department in General Order No. 6 of this date, the undersigned assumes command of this Department.

W. T. SHERMAN, Brig. Gen. Official.

OLIVER D. GREENE, Assistant Adj. Gen'l.

### Congressional Districts.

The bill passed re-districting the State, and now the law of the land, is thus set forth in the Nashville Banner:

RE-DISTRICTING THE STATE.

Mr. Martin, of Shelby, to whom was referred the subject of re-districting the State, reported the following bill, which was unanimously agreed upon by the committee:

No. 28—A Bill to lay off the State into Congressional Districts:

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That the counties of Johnson, Carter, Sullivan, Washington, Hancock, Hawkins, Greene, and Ocke, shall compose the First Congressional District.

The counties of Campbell, Claiborne, Union, Grainger, Jefferson, Knox, Sevier, and Blount shall compose the Second Congressional District.

The counties of Monroe, McMinn, Meigs, Rhea, Polk, Bradley, Hamilton, Marion, Sequatchie, Bledsoe, Grundy and Franklin, shall compose the Third Congressional District.

The counties of Anderson, Roane, Cumberland, Morgan, Scott, Fentress, Overton, Jackson, Putnam, White, Van Buren and Warren, shall compose the Fourth Congressional District.

The counties of Macon, Smith, DeKalb, Wilson and Davidson, shall compose the Fifth Congressional District.

The counties of Cannon, Coffee, Bedford, Marshall, Rutherford and Williamson, shall compose the Sixth Congressional District.

The counties of Lincoln, Giles, Lawrence, Hayne, Lewis and Maury, shall compose the Seventh Congressional District.

The counties of Sumner, Robertson, Montgomery, Cheatham, Dickson, Humphreys, Hickman and Stewart, shall compose the Eighth Congressional District.

The counties of Henry, Weakly, Obion, Dyer, Gibson and Carroll, shall compose the Ninth Congressional District.

The counties of Hardeman, Madison, Henderson, McNairy, Hardin, Deatur, Benton and Perry, shall compose the Tenth Congressional District.

The counties of Fayette, Shelby, Tipton, Lauderdale and Haywood, shall compose the Eleventh Congressional District.

Sec. This Act shall take effect and be in force from and after its passage.

From Brownlow's Weekly Whig, Oct. 12th.

### To Arms! To Arms! Ye Braves!

Come, Tennesseans! ye who are the advocates of Southern Rights, for Separation, and the Disunion—ye who have lost your rights, and are willing to uphold the glorious flag of the South, in opposition to the Hessians arrayed under the Despot, Lincoln, come to your country's rescue! Our gallant Governor, who led off in this State, in the praiseworthy object of breaking up the old rickety Government in the hands of the Black Republicans, calls for 30,000 Volunteers, in addition to the 55,000 already in the field. Shall we have them? If they do not volunteer, we shall have our State disgraced by a draft, and then we must go under compulsion. Come, gentlemen! many of you have promised that "when it becomes necessary" you will turn out. That time has come, and the necessity is upon us. Let us show our faith by our works. We have talked long and loud about fighting the Union-shriekers, and the rascal hordes under the Despot, Lincoln. Now we have an opening. Some of us have even said we were willing for our sons to turn out and fight Union men. We have a chance at a terrible array of Unionists in Kentucky—let us volunteer, and Gen. Sidney Johnson will either lead us on to victory, or something else! Come, ye braves, turn out, and let the world see that you are in earnest in making war upon the enemies of the South! Many of you have made big speeches in favor of the war. Not a few of you have sought to sell the army supplies. And thousands of you are willing to stoop to fill the offices for the salaries they pay, and you have been so patriotic as to try to get your sons, and other relations into offices. Some of you have hired yourselves out as spies, under-strapppers and tools, in the glorious case, at two to four dollars per day! Come, now, enter the ranks, as there is more honor in serving as a private. Come, gentlemen, do come, we insist, and enter the army as volunteers. You will feel bad when drafted, and pointed out as one who had to be driven into the service of your country! Let these Union traitors submit to the draft, but let us who are true Southern men volunteer. Any of us are willing to be Judges, Attorneys, Clerks, Senators, Congressmen, and camp-followers for pay, when out of danger, but who of us are willing to shoulder our knapsacks and muskets, and meet the Hessians? Come, gentlemen, the eyes of the people are upon you, and they want to see you if you will pitch in. This is a good opening!

From Brownlow's Weekly Whig, Oct. 12th.

### Who will Volunteer?

We hope that our Secession neighbors will not become vexed at us, for urging them to a discharge of a most serious obligation. The Governor of their choice, who has led the way in precipitating this State into rebellion, has called for an addition of 30,000 Volunteers. The men who ought to lead the way, who have been most noisy in the defence of a Southern Confederacy, and of a war for independence, stand back, refuse to move a peg, and even allow those who have entered the army, to come from the field of battle, where their services are actually needed, to raise companies. This is a shame! We have not less than a half dozen gentlemen in this town, beside some in the country, who are willing to serve as members of the Confederate Congress, but not one of them proposes to raise a Company or Regiment, or even to serve as a private in the grand army of the South, struggling for independence! These men, moreover, are in comfortable circumstances, and could leave their families enough to live on. Not so with the poor laborers and mechanics they are urging to turn out. Their wives and children, during a hard winter, would be obliged to suffer.

We have several citizens who have actually been appointed to offices by the Confederate Government, say four of them in this town—civil offices that pay good salaries. Now, if these will lay aside their offices, and enter the army, we shall, in all time to come, give them credit for a proper amount of patriotism. Let them undergo the privations of camp life, and the dangers and exposures of the battle-field, and our word for it, the people, of all parties, will say they are in earnest. What do you say, gentlemen—you who hold offices, and you who are seeking offices? Let the strife and struggle for the accumulation of fortunes, and posts of honor subside, until this war is brought to an end. Let us show our faith by our works, let us moderate our desires to make money, and to fill positions of honor, removed from all danger, and contribute to the general weal by the example of entering the service. Our ostentatious display of large subscriptions to the cause, will make no lasting impression in our favor, as long as we refuse to submit to personal exposures where armies meet.

Come, gentlemen, we must insist upon your entering the service, and upon your doing it now. Hundreds are standing off to see if you will make good your promise to turn out "whenever it became necessary." It is necessary now, and the call is made from headquarters. If your section is not more prompt, not a single regiment will be made up under this last call, and a draft will be resorted to, which the whole South will regard as a disgrace to the "Volunteer State."

Baltimore in Chains.

The election of the city council of Baltimore, October 9th, was very quietly conducted. The rebels made no opposition. The entire Union ticket was elected.

### The Sequestration Act—Its Constitutionality and Policy.

The Confederate Court, for the District of South Carolina, met in Charleston on Monday last. His Honor, Judge Magrath, charged the Juries, after which the following proceedings took place: (We copy from the Courier.)

Mr. J. L. Pettigru read a Writ of Garnishment served upon him, and the interrogatories attached in reference to alien enemies' property.

Mr. Pettigru said the objection he had to these interrogatories was, that no human authority has the right to put these questions to him or any one in the same circumstances. He might recognize the authority of the State of South Carolina to do as proposed by the Act, because in a State like South Carolinaa sunder has no security of remedy against a trustee in power, unless from some guarantee in the Constitution of the State. For a State may do whatever it is not forbidden not to do by the fundamental law of the State. But the Confederate States have no such claim to generality. Their authority is confined to the Constitution which confers it and the powers delegated to them. And, whereas, in the case of a sovereign we must show a guarantee against the power; in the case of the Confederacy they must show a warrant for their power.

There is no article in the Constitution of the Confederate States which authorizes them to set up an inquisition, or to proceed otherwise than according to the laws of the land. In fact, the best authority for this proceeding is Hudson's treatise on the Star Chamber, in Second Collected Juridica. It will be found that the method prescribed in this Confiscation Act is precisely that of the Star Chamber. They call this a writ of garnishment. Mr. Hudson calls it a subpoena. This calls upon me to disclose all the cases, in my knowledge, of property held by an alien enemy.

Mr. Hudson's requires the party to appear before the Star Chamber and answer all questions that shall be put to him. These are alike in being general. There is no plaintiff. It is a general inquisition. So when the writ is returned. Mr. Attorney's writ propounds certain questions to be answered, and requires the party to answer every other question that may be asked. So it was in the Star Chamber. Certain interrogatories were put, and then a personal examination was had, consisting sometimes of from fifty to two hundred questions. This writ is unknown to the common law. How does the Confederate States get the right to issue the writ? It is not only not known to the common law, but it is condemned by common right, and connected with the most odious usurpation of power and tyranny. If this proceeding is sustained, Mr. Hudson's will become a valuable book of practice. If no such power has been granted, how can such a thing be legal? The Confederate Government can appeal to no warrant for this proceeding, except the war making power. It will be said that the power of making war is granted, and that confiscation is the principle of the incident. That may be admitted. What is incident to cases of the war power the grant of the war power covers. But does the war power require the creation of a Star Chamber to worry and harass our people? These interrogatories are not for the enemies of the country, but for friends and citizens of the country; those who have the right to stand upon the Magna Charta, upon the Constitution of the State; those who have never done anything to forfeit their right. Where is the authority given? Where is the power to call upon the citizen in a new and unheard of manner, to answer questions upon oath for the purpose of enforcing the confiscation law? Shall it be said that it is to furnish the means for carrying on the war? How can that be said to be, what is absolutely never known to have been done before? Have wars never been made before? Was there any body that ever fought before General Banaugard? War, unfortunately, is not a new thing. Its history is found on every page. Was there ever a law like this endured practiced or heard of? It certainly is not found among the people from whom we derive the common law. No English Monarch or Parliament has ever sanctioned or undertaken such a thing. It is utterly inconsistent with the common law to require an inquisitorial examination of the subjects of the laws of war. It is no more a part of the law of war than it is a part of the law of peace.

The war making power does not include the power of compelling innocent people to answer interrogatories in promotion of confiscation. That the power is exercised for a good and laudable purpose is no answer. Good ends must be attained by lawful means. All that can be said in favor of the end and object proposed, can be said in favor of the Star Chamber and the Spanish inquisition.

Torquemada set on the latter institution from the best motives. It was to save men's souls. He labored most earnestly in season and out of season, and when high necessity commanded, he burnt their bodies to save their souls. He burnt the bodies of the Jews and Protestants.

We do not consider that the end justifies the means in these days, but Torquemada might have burnt Jews and Protestants without calling upon their best friends to inform against them and making it penal not to do so. He referred to and derived his construction from the Sacred Word, and it is not to be denied that he was justified in referring to the Sacred Word, so far as he proved that true faith is essential to salvation, and starting from these premises, he could argue with great effect, that any means were lawful which would tend to an end so good. It is often pretended that the war-power includes the power of interrogating every man in the community in aid of confiscation.

The war power includes as an incident every thing that is necessary or usual. It cannot be pretended that this is necessary or usual since it never was done before. This is not the first war that ever was waged, and the laws of war are not the subject of

wild speculation. Now, the means granted to attain this end are based upon the supposition that the end deserves all commendation, that nothing in the world is more calculated to advance the repose of the country, than to be keen in searching out the property of enemies and proceeding against them when they have no opportunity of being heard, and to impoverish them by taking away the earnings of their industry and applying it to other uses. Grant that it is desirable, is it to be attained by unlawful means? Let the confiscation law proceed with full rigor, but why call upon me to give an opinion concerning confiscated property, any more than any crime committed that... know of.

It would be the most intolerable hardship for one—for a citizen—at every quarter session to be obliged to tell all he knows or suspects against his neighbor. It is pretended that this is an innocent proceeding. How can it be innocent which calls upon one to commit a breach of trust? To break faith with a friend is not only disreputable in a trustee, but base. How can that be considered innocent which compels a man to do what will make him despised by all honorable men? But if the case of a trustee calls for relief, how much more the case of an attorney or person charged with professional confidence?

The law protects every man in keeping silent when the question is asked that involves professional confidence. There can be no greater oppression than to compel a person to violate a moral or legal duty. Something should be said about the objects of this, for there is a very common error in supposing that it applies to the estates of native citizens who are living abroad in an enemy's country. The term alien enemy is the only one used in the Act. It is a definite technical construction. An alien enemy must be born out of the allegiance of the sovereign. There can be no dispute about it. He is not an alien if he was born within the domains of the sovereign. A sovereign has a right to require his return. He may call on him to come home. What it is in the sovereign's power to do and what he may lawfully do with his subject when he refuses to return, is another matter. But until he has been called on by his sovereign to return, a man commits no breach of duty living in an enemy's country, according to law. It is impossible that the makers of the law should not have been aware of this, and they seem to have purposely left this open for the interposition of humanity.

Mr. Pettigru denied that there was any precedent for this law, and freemen could not be compelled to aid this confiscating law by informing against both his friends and enemies. It was this which caused those brave men who not only shook the pillar of monarchy to its base and abolished the Star Chamber, but did it with the declaration that no such thing should be tolerated again. Are we going, in the heyday of our youth, to set an example which has been repudiated by every lover of freedom from the beginning of time to this day, which has never found an advocate, of the private citizen?

Mr. Pettigru dwelt for some time on the hardships and injustice to compel a trustee to betray his trusts, to turn State's evidence against his bosom friends. Is it necessary not only that the act of cruelty should be done, but that a friend to the parties should be made to take a part in the sacrificial act?

He admitted the common law does not spare the trustee; that he is bound to give evidence in Court to show what property he has in trust if it is claimed by one who claims or asserts a better title to it. But this calls upon every attorney to betray his client, and make an exposure of that which tends to ruin a man who has placed entire confidence in his attorney. It is an extraordinary stretch of power in an extraordinary time, when we are endeavoring to make good before the world our right to its respect as an enlightened people; a people capable of self-government, and of governing themselves in a manner worthy of the civilization and of the light of the age; and this Act, borrowed from the darkest period of tyranny, is dug up from the very quarters of despotism and put forward as our sentiments. They are not my sentiments, and sorry will I be, if, in this sentiment, I am solitary and alone.

Mr. Pettigru contended that no definition had been given of the alien. It is obvious that, in this respect, the law is lame and does not, even if aided by all the terrors of the inquisition, affect those who are natives. He could not account for this except upon the supposition that those who drew the law did not wish it to be operative farther than as a British fulmen, and left a loop-hole for escape. It is a wide door—a back door, but it is a wide entrance into the halls of justice.

So far as he was personally concerned with this writ, he could answer every one of the questions in the negative. With regard to that which requires the violation of professional confidence he must be better instructed before making up his mind to the order of confiscating or not. There are cases when it is dishonor or death, and death will certainly be closed by every man who deserves the name.

Mr. Miles, the District Attorney, moved that Mr. Pettigru make a return to the Court of Garnishment in which the question stated by him should be raised. That if the first duty which devolved upon his Honor since he had put on his robes and opened the first term of the Confederate Court in South Carolina, was to listen to an invective against the Government whose commission he bore; that, at least, so much respect might be paid to the mandate of the Court, which issued with the sanction of his Honor's name, that a formal return might be made to it, and the points made by the respondent, which not only the constitutionality of the law passed by the Congress of the Confederate States, but the very authority of that Congress itself, and the validity of the Government which it represents are drawn in question, may be, at least, set down for argument, and not be allowed to be treated only with invective.

He further stated that he did not think it proper for him at this time to comment upon the remarks which had fallen from the respondent. That even if it were proper for him now to say any thing in vindication of the law of the Confederate States, which had been so vehemently arraigned, it was superfluous for him to do so after the full and well considered observations just made by his Honor upon that law in his charge to the Grand Jury.

He might be pardoned, however, if in passing, he called the attention of the audience, for whose benefit the remarks of the respondent seemed to have been made, to the singular position which the eminent respondent, today, for the first time, occupied.

That it was not strange that one who had so often distinguished himself by the unflinching boldness with which he threw himself in opposition to the weight of public opinion, should be the one who now invoked the aid of the Court to protect those whom the law of Congress designates as alien enemies, but whom he still prides himself on calling "fellow-countrymen," from the tyranny of a Government which attempts to make their property subject to rules of war. This was consistent with his past position. But it was certainly a remarkable metamorphosis, that the eminent jurist who had stood fearlessly and almost alone in his opposition to the political sentiments of the State, should now invoke the strictest and sternest construction of State Rights that had ever been contended for even in South Carolina, in opposition to the power of the Confederate Government to pass a law in relation to a subject-matter expressly intrusted to Congress by the Constitution.

It is true that the profession of submission to the authority of the State in this matter was accompanied by the explanation that such submission would be given only because there could be no successful resistance to the tyranny. But even with this qualification the acknowledgment of the authority of the State was remarkable from such a quarter.

In conclusion, he submitted that the occurrences of to-day ought to be a complete answer to all charges which might be brought against us in South Carolina of intolerance, of opposition to the public sentiment, and to freedom of thought and speech, against the reconstituted authorities, and the laws of the land.

On the return of the writ, he hoped to be able to meet the arguments which might be adduced against the constitutionality, the expediency and the authority of the law of Congress which was drawn in question.

The Judge said he had listened with patience to the arguments addressed to the Court, but neither of the gentlemen had made a point which rendered it necessary, in the judgment of the Court, to decide upon. It would be proper for Mr. Pettigru to make his motion to dismiss this paper or writ, then a day could be set for the hearing of that motion and notice might be given to the District Attorney.

Mr. Pettigru asked leave to file a demurrer, for Monday next.

### A Gloomy Picture!

The intelligent war correspondent of the Savannah Republican, opens a recent letter to that paper with the following gloomy and significant remarks:

I have not written for the past five days, because certain changes had been made in the disposition of our forces, which I desired to understand, as well as to ascertain what they indicated. Other facts had come to my knowledge which meant a great deal or nothing, and which I desired also to investigate before writing.

I think I have now probed the whole matter to the bottom, and that I have all the threads of the campaign in hand. You cannot regret more than I do that a proper regard for the public welfare should constrain me to withhold for the present the facts.—The period has not yet arrived when they may be declared with safety. The period has not quite arrived when they may be declared with safety. This much may be said however: that the people of the Confederate States will be both surprised and disappointed, if not mortified, when the history of the closing weeks of this summer's campaign on the Potomac comes to be written. I shall not intimate where the fault lies, if, indeed, there has been any fault. I can only say that you must possess your soul in patience for a few weeks more, for you will say the knowledge has reached you soon enough, even though you should not receive it for months.

### Obituary.

Miss Fessenden Bell departed this life, at her residence, in Knox county, on the 23d Sept. 1861, after intense suffering from Typhoid Fever, in the 23d year of her age.

Sister Bell was the daughter of Benjamin and Harriet Suddath, born in Rhea county, Tenn., Dec. 16th, 1838, and married to Mr. J. D. Bell, April 16, 1856.

She professed religion, and united with the Church, when quite young, of which she continued an humble and acceptable member, till death has changed her countenance and sent her away. We are now left to mourn the loss of one, who has left us in all the bloom of youth and lovely womanhood.—Truly has it been said,

"Death loves a shining mark."

But she has gone to join the triumphant host above, where her disembodied and blood-washed spirit now basks in the "sunshine of Jesus' love." Oh glory! Sister "Eve" is no longer an orphan, she has joined her parents, and many loved ones "on the other shore," "in the sweet field of Eden," where friends meet to part no more.

God grant that the bereaved husband, the two motherless babes, and her only brother, now in the army, may be ready for the great meeting in glory, when parents and children, brothers and sisters, husbands and wives, apostles and martyrs, and the good of all ages, meet, and great, and part no more.

G. BOGARD.