Richmond Dispatch.

BY J. A. COWARDIN & CO.

THE DISPATCH is published daily, (Sundays excepted,) at FORTY DOLLARS for twelve months; TWENTY DOLLARS for six months; TEN DOLLARS for three months, or FOUR DOLLARS for one month, in advance. All remittances by mail are at the risk of those who make them.

DAILY DISPATCH.

VOL. XXVII. RICHMOND, VA., THURSDAY, SEPTEMBER 22, 1864. NO. 73.

Richmond Dispatch.

JOB PRINTING NEATLY EXECUTED.

Advertisements will be inserted at the rate of ONE DOLLAR AND FIFTY CENTS per square for each insertion—eight lines (or less) constitute a square.
Larger advertisements in exact proportion.
Advertisements published till forbid will be charged $1.50 per square for every insertion.

REAL ESTATE FOR SALE.

A HANDSOME COTTAGE RESIDENCE FOR SALE, IN THE VILLAGE OF CHESTER, ON THE RICHMOND AND PETERSBURG RAILROAD.—The cottage contains five rooms and hall, and the lot one-fourth of an acre in extent, with a well of water, a kitchen and all other necessary outhouses, and several grapes of the finest variety for eating and making wine. It is one hundred and fifty feet in depth, and is well adapted for the cultivation of vegetables, and can be fully shown, that upwards of $600 have been made in less than six months by a active, energetic person, in selling produce in the village, and in a far fertile market. The health of the village is excellent, and the property is within a mile from the morning train or the 3 P. M. express train to Chester Station, and return the same evening. Another advantage the farm possesses is a free ticket to both Richmond and Petersburg.

Terms—Cash.

For further particulars apply to Dr. LYNCH, Second Auditor's office, Treasury Department, corner of Ninth street, near Broad, or on the premises at Chester station, to Dr. YOUNG.

se 19—3t

FOR RENT AT AUCTION.

A FARM OF THREE HUNDRED AND SEVENTY ACRES FOR RENT AT AUCTION.—Will be offered at auction, on the premises, on THURSDAY, the 29th September, at 4 o'clock P. M., the FARM on the Richmond, Fredericksburg and Potomac railroad, within one mile of Ashland, formerly occupied by Mr. Thornton, called Elmwood. It contains three hundred and seven acres, with a very comfortable dwelling, nearly new, with seven rooms, hall, kitchen and other outhouses in rear; is in sight of the railroad and the city road, and is a desirable, both as a residence and for business purposes.

GRUBBS & WILLIAMS, Auctioneers,
Successors to Goddin & Appersons.

A VALUABLE PROPERTY FOR RENT.—ON MONDAY, the 31 of October next, in Charlottesville, at 11 o'clock, in front of the Courthouse, I will proceed to rent out the following described property, viz:

The Central Hotel, for three years from 1st January next.

21 Rock Hill, adjacent to town, containing about thirty-five acres; comfortable dwelling, &c. This property is rented from 1st October, so that wheat, rye, &c., can be sowed.

A Dwelling in town, containing ten or twelve rooms, with attached, containing six or seven rooms.

A house adjacent to the railroad office, containing ten rooms.

A Dwelling Frame House near the depot, with eight or ten rooms.

A small House, and new Stable containing twelve stalls.

A Substitute Garden of about an acre.

A valuable House and Lot of ten acres, of which one acre is fenced in Walnut, and pickets, Plum, Mulberry, Cherry, Quince, and Peach trees. Possession will be given on the 1st of January, except the Rock Hill, which is at once.

se 21—4tw G. W. DILLARD.

FOR RENT AND SALE.

FOR RENT, two young men (friends), can rent a large comfortable ROOM, partially furnished, at No. 5 Main street, above the Spotswood Hotel. Apply to

WILLIAM H. PHILLIPS.

se 22—1t*

FOR RENT, TWO NEATLY-FURNISHED ROOMS, on second floor, communicating with each other. Also a KITCHEN, in the yard, with cellar, rooms, &c. Apply on Grace street, between the Eighteenth, south side.

se 22—2t*

FOR RENT, A BRICK HOUSE, on Church Hill, containing six rooms, with a half-acre of ground. Apply to Thos. ORENA at the NEGRO HOTEL, corner of Pleasants and Adams streets, Union Hill.

se 22—3t*

FOR RENT, A NICELY FURNISHED SINGLE ROOM, suitable for a gentleman. Apply on the south side of Grace street, between Seventh and Eighth.

se 22—1t*

FOR RENT, A NEATLY-FURNISHED ROOM, suitable for two gentlemen, with gas. Breakfast if desired. Call at Mrs. WATKINS'S, Grace street, between Third and Fourth streets, eighth door from the corner of Fourth street.

se 22—2t*

FOR RENT, the FIRST FLOOR and part of BASEMENT (unfurnished) of the brick house at the southwest corner of Foushee and Cary streets. Kitchen, gas, water, &c. References required.

se 21—2t*

ROOMS FOR RENT.—Three ROOMS FOR RENT, with use of kitchen, on Twenty-third street, between Grace and Franklin. Gentlemen preferred. Apply on the premises.

se 21—2t*

FOR RENT, two desirable FURNISHED ROOMS, with gas, on the first floor, communicating with each other. Servant's attention and board if desired. Apply at first door south of the corner of Grace and Jackson streets.

se 21—3t*

FOR RENT, three NICE ROOMS, suitable for Offices or Chambers, at No. 112 Main street.

se 21—3t*

FOR RENT, two UNFURNISHED ROOMS, KITCHEN and COAL-HOUSE, with use of Cellar. Apply on Cary, between Third and Fourth, third door from the corner of Fourth street.

se 21—3t*

ROOMS FOR RENT.—Two very desirable well FURNISHED ROOMS, on the second floor, communicating with each other, for gentleman or lady and gentleman, without children, in a private family. Apply at second house on Grace, above Foushee. Reference required.

A BOY for hire, for thirty dollars, for the balance of the year.

se 20—3t*

RUNAWAYS.

RUNAWAY IN JAIL.—A negro man, who gives the name of ALBERT, was committed to the jail of Charlotte county, Va., on the 28th day of August, 1864, as the property of John Otey, of Richmond, Va. He is a brown complexion; about twenty-eight or thirty years of age, and five feet three inches high; and had on when committed, coat and pants of gray mixed homespun, and a vest of black cassinet, with metal buttons. He says he was hired for the present year to Mr. Thomas Garrett, of Richmond.

The owner is requested to come forward, prove property, pay charges, and take him, or he will be sold according to law.

THOMAS H. SMITH,
Jailor of Charlotte county, Virginia.

se 21—4tawtaw*

TWO HUNDRED DOLLARS REWARD.—Ran away from the subscriber, on the 4th instant, my Negro Woman, JANE or JINNY, about nineteen years old, of bright complexion, about five feet six or seven inches high; has a full head of hair and good set of teeth. She will, no doubt, try to make her way to the enemy's lines. The above reward will be paid for her apprehension and security in jail, if taken out of the county; or fifty dollars, if taken in the county or in the vicinity of Farmville.

THOMAS J. DAVIS,
Farmville, Virginia.

se 22—3t*

TWO HUNDRED DOLLARS REWARD.—The above reward will be paid for the apprehension and delivery to me, or confinement in some jail where I can get him, of my man JOHN, who left my house on the night of the 29th of August last. John is about thirty-five years old, of dark brown complexion, has a full head of hair, inclined to wool, is about five feet five inches high, and has a scar across the top of one foot. I think the rascal is in Richmond. Address CHARLES T. LOWRY,
Verdon Post-office,
Hanover county, Virginia.

se 22—3t*

ONE HUNDRED DOLLARS REWARD for the apprehension of BECKY, a light mulatto, seventeen years old, tall and well proportioned, about five feet high, of dark gingerbread color, with but one or two teeth on the left side of her lower jaw, a very large mark of vaccination on the left arm. She was dressed in a spun cotton coat; stammers slightly when suddenly addressed. She went off in a Havana river canalboat, and is supposed to be harbored with free negroes on the canal or in Richmond.

GEORGE F. STACHLIN,
Keswick Depot, Albemarle county, Virginia.

se 19—6t*

BACON, BACON, BACON.

MIDDLINGS, HAMS AND SHOULDERS, HOGS, &c., &c., wholesale and retail.

LOUIS & SANDERSON,
No. 80 Main street.

se 21—6t*

EXTRA LINEN SHIRTS.—Fine all LINEN SHIRTS, plain and worked bosoms, just received and for sale at

SHAFER, HARRIS & CO.'S,
110 Main street.

se 21—2t*

LARGE CAST-IRON BOILER FOR SALE.—I wish to sell a BOILER, holding upwards of one hundred gallons, on reasonable terms.

WILLIAM C. KNAUFF,
se 21—3t* No. 33 Old Market.

BOARD AND LODGING.

COMFORTABLE BOARD and LODGING can be obtained by application at the corner of Seventh and Grace streets, north side. A few day boarders can also be accommodated.

se 20—4t*

BOARDING AND LODGING FURNISHED to transient guests upon reasonable terms. Apply at the corner of Eighth and Main streets, next door to the Spotswood Hotel.

se 16—6t*

HORSES FOR SALE.

A FINE MORGAN STALLION FOR SALE.—This stallion was raised and trained by his owner with great care and attention, who will warrant his pedigree and qualities in every respect as represented. The attention of the market is called to this very fine horse. He rides well, and has been worked frequently in double harness. Apply at WOODSON'S STABLE, south side of Broad street, between Fourth and Adams.

se 19—4t*

A THOROUGHBRED MARE FOR SALE.—A certificate of her pedigree will be furnished. She is with foal by "Planet." Apply at 115 Main street, Richmond.

se 20—3t*

CANDIDATES FOR OFFICE.

TO THE CITIZENS OF THE FOURTH DISTRICT OF HENRICO COUNTY.—I most respectfully solicit your votes as a candidate for MAGISTRATE in the above district. I can always be found, if it is your pleasure to elect me, at my residence, on Main street, opposite the old Fair Grounds. Election on THURSDAY, 22d instant.

se 19—4t* CHARLES H. TANNER.

I RESPECTFULLY ANNOUNCE MYSELF A CANDIDATE FOR RE-ELECTION FOR MAGISTRATE for the Fourth District of Henrico county, on the fourth THURSDAY in this month (September 22).

se 13—9t* GEORGE H. KING.

TO THE VOTERS OF THE FOURTH DISTRICT OF HENRICO COUNTY.—I most respectfully solicit your votes as a candidate for MAGISTRATE for the above district. If it is your pleasure to elect me, I promise faithfully to discharge the duties of the office.

Election on THURSDAY, 22d instant.

se 20—3t* A. T. MITCHELL.

PERSONAL.

PERSONAL.—AUGUST ANGEL, from Georgia, supposed to be sick in this city, will find Mrs. M. ANGEL at the "Park House," on Broad street, near Ninth. Any information of his whereabouts will be thankfully received by her.

se 22—3t*

TO EXCHANGED PRISONERS.—Wanted information of Major B. F. FOSTER and Lieutenant ANTHONY FOSTER, of Alabama, and H. B. ACTON, of Missouri. Any one knowing anything of them will confer a favor by addressing

CAPTAIN J. S. TUCKER,
Richmond Arsenal.

se 22—2t*

BUSINESS NOTICES.

NEW COMMISSION HOUSE.

LUCIEN D. SIZER and WILLIAM H. BRIGGS having THIS DAY associated themselves together under the firm and style of SIZER & BRIGGS, and having taken the store on Broad street next door to the Central Railroad Express office for the purpose of conducting a GENERAL COMMISSION BUSINESS, respectfully solicit consignments from farmers and others.

No charge for drayage will be made from the Central Depot to our store. Refer to

Hon. George W. Randolph, Richmond, Va.
Hon. James Lyons, Henrico county.
Hon. W. W. Crump, Richmond, Va.
Colonel T. F. August, Richmond, Va.
James E. Carson, Esq., Augusta county.
W. J. Shumate, Esq., Augusta county.
E. R. Mason, Esq., Augusta county.
H. R. Carter, Esq., Hanover county.
R. M. Scott, Esq., Caroline county.
T. A. Gatewood, Esq., Caroline county.
Colonel J. M. Walker, Spotsylvania county.
Dr. L. B. Price, Hanover county.
E. Fontaine, President, H. D. Whitcomb, Superintendent, and all officers and agents of the Virginia Central Railroad Company.

Richmond, Va., September 16, 1864. se 20—3t*

WHOLESALE BOOT AND SHOE STORE!

HARVEY, HELLINGS & CO.,
No. 151 MAIN STREET,

Keep constantly on hand, *exclusively their own make*, a large and superior assortment of

LADIES' FINE CALFSKIN SHOES; LADIES' LACED AND CONGRESS SHOES; GENTLEMEN'S CAVALRY AND DRESS BOOTS; GENTLEMEN'S CONGRESS GAITERS; GENTLEMEN'S HIGH AND LOW-QUARTER OXFORD TIES; BOYS' SHOES of every description; MISSES' AND CHILDREN'S MOROCCO AND CALFSKIN SHOES; FINE STITCHED BROGUES; SERVANTS' SHOES in every variety, and every other style of LADIES' and GENTLEMEN'S BOOTS AND SHOES which can be manufactured.

REPAIRING of every description executed with neatness and dispatch. All orders will be promptly filled when our customers cannot be suited from the stock on hand. The trade will be supplied upon reasonable terms.

se 21—1w

M. BLAIR & CO.,
AUCTION AND COMMISSION MERCHANTS,
Corner of Twelfth and Cary streets, Richmond, Va.

Having connected with our present business that of AUCTION SALES, we will, hereafter, sell publicly at auction, as well as privately, as heretofore, and particularly solicit consignments in our new business from our friends, assuring them that every effort will be made to give satisfaction in our sales in both branches of our business.

We will have an auction sale as soon as we can get some more consignments in addition to our present stock, of which due notice will be given through the daily papers.

se 19—1m

RE-OPENED.

RAINE'S HOTEL AND RESTAURANT,

(LOCUST ALLEY,)

a few doors below the Exchange and Ballard House, Richmond, Virginia.

AS GOOD AS THE BEST.
AS CHEAP AS THE CHEAPEST.

The TABLE is supplied with all the delicacies of the season to be had in the markets.

MEALS AT ALL HOURS.

Permanent and transient boarders accommodated by the day, week or month.

Board, per day	$25 00
Lodging and Lights, per night	6 00

se 20—2w A. A. RAINE, Proprietor.

NOTICE.—Always on hand, and for sale, NEW SORGHUM BARRELS, LIQUOR BARRELS, FLOUR BARRELS and KEGS of all kinds and sizes; BUCKETS, TUBS, &c. Orders can be left at Mr. Delaric's Grocery, No. 7 Franklin street, or at my Cooper shop, on Seventeenth street, corner of Baldwin, near the Central Railroad Workshops. Delivered anywhere in the city gratis.

se 12—1m* H. METZGER.

NOTICE.—The annual meeting of the STOCKHOLDERS OF THE BANK OF RICHMOND will take place at their Banking-House, in this city, on MONDAY, the 31 October, 1864, at 12 o'clock M.

The transfer book will be closed from the 28th instant till after the day of the meeting of the stockholders.

J. B. MACMURDO, Cashier.

se 19—2w

SHOES AT REDUCED PRICES.—Men's Balmorals, worth one hundred and twenty-five dollars, for eighty dollars. Men's Balmorals, worth one hundred dollars, for seventy dollars. Seven-eighths Brown Shirting for four dollars and twenty-five cents per yard. For sale by

W. R. POLK,
137 Main street.

se 20—3t

ONE ELEGANT ROSEWOOD PIANO-FORTE, DUNHAM'S MAKE, NEW YORK, FOR SALE PRIVATELY, OVER W. H. TYLER'S GROCERY STORE, No. 30 MAIN STREET.—Any one wishing to purchase a good Piano will do well to call and look at this one.

se 21—3t*

LEECHES! LEECHES!!—MR. & MRS. DORAN, CUPPERS AND LEECHERS. Office and residence on Franklin street, opposite the Ballard House, or at J. B. Gallagher's Drug Store, Main street.

N. B.—A supply of good LEECHES on hand.

se 21—2t*

THIRTY THOUSAND DOLLARS FOUR PER CENT. CERTIFICATES, in small amounts, to suit tax-payers, for sale by

ALLEN & CO.,
se 16—6t Fourteenth and Main streets.

SORGHUM MOLASSES.—On consignment a lot of excellent SORGHUM MOLASSES.

WILLIAMS, CARRINGTON & BARKSDALE.

se 20—3t*

FOR SALE, THREE THOUSAND DOLLARS OF STOCK OF THE RICHMOND CITY INSURANCE COMPANY. Apply to

se 20—3t* L. WAGNER.

NOTES OF ARGUMENT DELIVERED IN JUDGE HALYBURTON'S COURT BY JOHN H. GILMER, IN REPLY TO THE ARGUMENT OF MR. SANDS, IN THE CASES OF J. H. BRISCOE AND OTHERS, MARYLANDERS.

May it please the Court: Before I proceed to answer the very ingenious, able and eloquent argument of my learned friend, it is proper that I should notice particularly one remark which fell from his lips, I hope, inadvertently. The learned attorney said, in his concluding remarks, that "any other Government but ours would have *resisted these applications.*"

Sir, these were strong, significant words, coming from the legal advisor of this court, with his official robes around him. They awakened feelings in my bosom which I find it difficult to suppress. I *feel* that I stand in the presence of, and before, an august tribunal, where all passions are silenced, all prejudice hushed, *all power subdued*, by the "still small voice" of justice, emanating from that source which *rises into subjection* every authority not derived from the law and sanctioned by the constitution. There is no power on earth which can rightfully silence the mandates of this court, and to resist them is treason against the constitution and open rebellion against the laws. When your judgment in these cases shall have been announced, it will be the law of the land; and there is no power which can resist it. Though it falls in the mild and modest tones of enlightened wisdom, soft and pure as the dew of heaven, it is, sir, more authoritative than "an army with banners," more conclusive than all other orders combined; *and it cannot be resisted.*

But, sir, it is a melancholy fact, made manifest in the evidence before this court, that the Secretary at War has, at every point, in every aspect, and with every conceivable means at his disposal, up to this point, *resisted* these applications. Yea, sir, he has gone further—he has disregarded the expressed wishes, put aside the written directions of the President as to the disposition and control of these cases. This I say "more in sorrow than in anger." His statement here in court in explanation of his failure to adopt the suggestions and act in accordance with the directions of the President, I regret as much as I do the non-compliance itself. I am sure the Honorable Secretary did not intend—what might be inferred from his explanation—to put the weight of his and Judge Campbell's opinion as to the law in opposition to any anticipated reasoning and authorities which I might, in my poor way, adduce and offer for your consideration; much less could he have designed to forestall the judgment of this honorable court.

Be that as it may, I can only say that, however learned in the law, high in official position, and infallible in military literature, those eminent gentlemen may be, their *opinions*, as now made known, are only *persuasive*; they have no binding effect; they possess no inherent virtues which entitle them to that high consideration and ascertained legal measurement to which the *law, as it stands expounded, declared, illustrated, and enforced, on the pages of reported cases, binding even on this court, because they are adjudicated.*

You and I sir, here at least, know the value of the written law; *declared principles, adjudicated cases.* The judgment of a competent court—well pronounced and recognized as authority—is as permanent as it is pervasive, as uniform as it is universal. It yields to no logic; it gives way before no rhetoric; it stands firm against every *outside pressure.* Once recognized as a settled and adjudicated point, it sheds its light over every other luminous and rebukes self-interest with as much severity as it times assumed authority with its self-sustaining vigor. Here, at least, the voice of law is potent, even to controlling this court, no matter what the views, the feelings, or the policy of the Government may indicate. Yes, then, to that tribunal I feel—myself I trust—I am sustained in their application by the law, it matters not what may be the opinions of "all comers," however exalted in their station and unerring in their convictions.

The facts of these cases—indeed, all thirty-four—are plain and few. They need but a simple statement to convince a man no more than beyond doubt. My clients are Maryland—. They enlisted in the military service of *Virginia*, under a special, written, signed contract, in 1862, for three years, if the war should last so long; but to be discharged sooner, if the war should be closed before the expiration of the period of their enlistment; but, at all events, to be discharged at the expiration of the three years.—These were the stipulated, executed terms of their enlistment. Virginia assented to these terms. She afterwards turned these men, *with this contract, over to the Confederate States.* The Secretary at War accepted them, and, along with them, this *written agreement.* This is the whole case. It has yet been, after the expiration of the period of their enlistment, are still claimed by the Secretary at War as *soldiers for the war.* Can this asserted claim be sustained?

First, as to the facts. What I have just stated is in full proof. But this is not all. It is proved that when the citizens of Maryland volunteered in the service of Virginia, they then, and have always since, intended to return to Maryland at the expiration of the period of their enlistment. The act and terms of enlistment prove this. Their uniform declarations since, prove it. Their application for a discharge confirm it. But this is not all. It is in proof, by their commander, that they have all been true to their contract; that they have performed their whole duty, at all times, under all circumstances, and under every trial. They have been brave, obedient, gallant and steady. In storm and in repose, on the battle-field and in the camp, on picket and in the trenches, everywhere, they have all been faithful, brave, efficient soldiers. Yea, more; that they are now true, loyal, lightened, devoted friends of the Confederate cause, and would have, *to a man, re-enlisted, if the Secretary at War had asked their services, for the balance of this campaign.* Such are the facts as to the petitioners. How do they stand as to the Secretary at War?

On the 8th July last, Captain Dement addressed this note to the proper authorities:

"CAMP FIRST MARYLAND BATTERY,
"McINTOSH'S BATTALION ARTILLERY,
"July 8th, 1864.

"*Colonel W. H. Taylor,*
"*Assistant Adjutant-General:*

"SIR: I respectfully ask for the proper authority to discharge certain members of my company, (First Maryland Battery,) whose term of service will expire on the 15th July, 1864."

This letter was, by order of General Lee, referred to the Secretary at War, who returned it with this endorsement: "Returned through General R. E. Lee. The Secretary of War has decided that Marylanders in service may justly be considered as staying in the Confederacy for an indefinite period as residents; that they have cast their lots with us, and are liable to like duties, in resisting a common enemy, with our own citizens. These men will be retained in service."

Captain Dement, not precisely comprehending this novel mode of constituting Marylanders in the service, under a special contract, and for a limited period, as "residents," appealed to the President. No reply being received from the President, my services were retained. These petitions were filed, after an effort on my part, in the most respectful manner, to prevent their adjudication, without trial.—Now, these parties are here before this court, with one other singular fact on the record, which it is proper to comment on as an important branch of the history of these cases. It seems that the letter of Captain Dement, addressed to the President, was, on the 22d of July, by that high and respected functionary, regularly referred to the Secretary at War, with this endorsement:

"*Secretary of War*—As this appeal is founded on a construction of law applicable to the case, I suggest that the record be presented, with these letters, and referred to the Attorney-General for an opinion.

"JEFFERSON DAVIS."

The Honorable Secretary at War informs us that reference was never had. The Attorney General was never consulted because, says the Secretary, he and Judge Campbell concurred in the opinion that the law was against the appeal, and it was not necessary. This is to be regretted. But, sir, the opinion of the Attorney-General, had it been given, would not have been conclusive in this court as to the law. I wish, however, we had it. We need all the light at our command in these grave deliberations. It is not here, however, and I proceed to consider the *law as I believe it to exist*, with the remark that the President has, in this matter, done his whole duty to these men.

By what authority the Secretary at War arrives at the singular *decision* announced, I am at a loss to know. It is not only, in my opinion, against all law in all civilized countries, but it has not (I say it with all due respect,) *the semblance of law* to stand on or under. Not an elementary writer, or in any adjudicated case, that I am familiar with, countenances such a conclusion. They all repudiate it. They all establish, or tend to establish, precisely the reverse. The very authors referred to by my learned friend establish the converse of his proposition. I need not cite them. They are too familiar to your mind to need special citation here. Fillmore, Bovier, Domat, Story on Conflict of Laws, Kent,—all refer to the general principle as to *domicil.* They all treat this question with learned refinement, and from them all the *grand criterion* is the *intention*, the *quo animo* of the party. Residence is but one of the *indicia*, an elemental ingredient among various other *facts and circumstances.* But, after all, *there must be a domicil, accompanied with the formed, ascertained, established intention of remaining*, or rather of not *returning to the former domicil.* Here is the grand test fact on which the entire structure must rest.

Indeed, sir, I need no further or other *authority* as against the *Secretary at War* than his own published orders. They estop him in these cases. They must have been drawn by *a learned lawyer*—perhaps the eminent gentleman, Judge Campbell, whose *opinion* is now invoked in this court by my learned friend and the Secretary at War. General Order No. 82, current series, 1862, paragraph IV., treats of these very cases.

"1. Foreigners not *domiciled* in the Confederate States are not liable to enrollment. Domicil in the Confederate States *consists in residence with intention permanently to remain in those States, and to abandon domicil elsewhere. Long residence of itself does not constitute domicil. A person may acquire domicil in less than one year, and he may not acquire it in twenty years' residence. If there is a determination to return to the native country, and to retain the domicil there*, NO LENGTH OF RESIDENCE CAN CONFER DOMICIL."

This is sound law, deduced by a skilled and learned mind from the very authors now cited by my learned friend. By this rule, are the petitioners *residents?* Are they within the *scope*, object, or purview of the act of Congress? Where have they *domiciled?* In what *house* have they resided?—Their *residence* has been on the tented field, in the thickest of the fight—many of them, gallant, heroic men, in the grave—leaving a few only to claim the resulting benefits of the original contract.

But my learned friend says they intended to remain in the Confederate States if Maryland cast her lot with the Lincoln dynasty. Indeed? Where is the proof of this? It is not to be presumed. But they were "traitors to their State" if they came here intending to return under such circumstances, says the Attorney. Indeed? And what *declares* them traitors except my learned friend? Traitors, sir! I respectfully repel the imputation. They are brave, cultivated, patriotic *Marylanders*, who came to *Virginia* under a contract with her to fight the battles of Maryland and Virginia—twin sisters in all the past; inseparable in the future.

Maryland is a sovereign State—afflicted, oppressed, but not subdued. The iron heel of oppression rests heavily on her proud, patriotic bosom.—Her sons and daughters weep over her down-trodden posture. But, sir, the time is not far distant when Maryland will rise equal to the occasion. The grasp of tyranny is not perpetual. The tread of the tyrant is not as measureless as the monotonous step of the Wandering Jew. Time, energy, caution, love of country, devotion to principle, will all conspire to loose the bonds by which she is now held. Yea, sir, who shall say that the hour of deliverance is not even now at hand, and these, her gallant sons, panting to grasp the weapon of vengeance on their beloved native soil, and thus aid in her redemption!

The petitioners *traitors?* Sir, such treason is holy devotion to constitutional liberty and eternal hatred to usurped powers of arbitrary government. Traitors! to whom? to what government? Sir, they came here and rallied, as patriots, under *Virginia's* flag—proudly waving, in token of ultimate success, over this ocean of blood, shed on and around the altar of liberty! And is *that treason to Maryland?*

Traitors! When and how has the Secretary at War arrived at the opinion that Maryland is doomed and lost to Virginia? God joined *these* States by the indissoluble ties of territory, water and ocean links. Separate as States, their people *are* homogeneous—their destiny *is one and the same.* They are now torn asunder—cut apart by the sword; but the healing process of time—the austere and better wisdom of solemn reflection—enlightened action—will yet draw them together. Maryland will never turn her back on Virginia and wed herself to the black-hearted people of New England. No, sir, Maryland is yet a sovereign State, and as such, these petitioners—her citizens—are no traitors in fighting under Virginia's banner for Maryland's redemption.

But, says my learned friend, these men are "not traitors." They left Maryland with no intention of ever returning if she should not become one of the Confederate States. Where is there any evidence of this? None, sir, but this voluntary contribution of my learned friend. Their contract, their acts, their declarations, all prove the reverse. And this assumed benevolence of my learned friend, and this asserted fact of the Secretary at War, are mere gratuities. They cease to exist when contrasted with the *solid facts in the case.*

But, says my learned friend, the Secretary at War complimented, and was anxious to protect, these men in his standing order. I can only say, save me and my clients from such complimentary protection.—As Marylanders, they enlisted; as Marylanders, they they served out the period of their enlistment; and now claim their discharge. Shall they be denied? What *says the law?* Are they residents within the terms of the law? Could they be conscripted? Have they not performed their part of the contract? If so, who has a right to hold them? I do not argue this case on the ground of my clients being *Marylanders.* That is not the ground. Suppose they were all *English* subjects, enlisted as now for three years, what court would refuse their discharge? Sir, these men stand before you to-day as though they were Italians, domiciled in Rome; or Italians, domiciled in England; or Mexican merchants, domiciled in Boston—that hot-bed of hellish propensities. And shall they be treated by a different rule of law from what would apply to their cases if they were Italians, Irishmen, Englishmen or Yankees? The law backs say not.

But, says my learned friend, these men are only receive under military restraint; they want a holiday.

Indeed! Sir, when were they restive under the fire of the enemy? When were they eager to escape military restraint in the last three years? Where were they, or any of them, when the cannon roared the loudest? Alas, sir, the sickness of death claimed almost every third man! When were they, or any of them, restive, or absent, or derelict in duty, while the battle hosts of the enemy hurled their missiles of death around them swift and thick as hail?

Restive! Sir, could my friend, who now applies this language to my clients, have watched them on those terrible occasions, through which they have so often and so gallantly passed with credit to themselves and honor to their State, when their tread was as firm as the soil on which they stood, their resolution as impenetrable as the metal of which their cannon was formed, their eyes unblanched, their hearts proudly beating in high unison with the imperishable pulsations of liberty, he could not, here in this court-room, apply such epithets to them. Brave, without a fault, heroic, without a murmur; stern in their integrity, as they were honorable in their deportment; these men—sir, the word will out—these *gentlemen* and patriots—have performed their whole duty, discharged their entire obligation, and they now respectfully ask at your hands that justice which has been denied them by the Secretary at War. They are not restive, save as brave, gallant, heroic soldiers should be restive, when their clear rights and ascertained remedies are denied them. They feel assured of their rights and self-sustained in their consciences. They have never re-enlisted. They are under no new contract or accruing obligations. Without re-enlistment they cannot be held—so has the War Department, under precisely similar facts, *ruled and ordered*, in General Orders Nos. 11 and 46, current series, 1862; so has Virginia declared, in her legislative acts, passed *in pari materia.* Why re-enlist at all, if by joining the army they "may justly be considered as staying in the Confederacy for an indefinite period"? Is the term "re-enlistment" meaningless? If not, what is the status of the non-conscript who has not re-enlisted?

With these views, I submit these important cases, with every confidence in the result. I feel that I *know what the law is*, and am not uneasy as to the result. I may have spoken with too much zeal, and manifested too much feeling in what I have said. If so, I humbly ask pardon. My whole heart has been enlisted. I feel for the peerless honor of *Virginia.* These men enlisted under *her flag.* In God's name, let no stain of repudiation rest on that escutcheon, which, up to this period, has been as pure as it is emblematic; as stern in its demands of justice as it is ever rigid in its dispensation of right. Let the law prevail. Shut not out the light of legal science in this period of dark treason and turgid commotion. I have no fear of failure in this grand revolution so long as we adhere to the ancient land-marks and keep steady the "balance-wheels" of the constitution by the hand of experienced wisdom and adjudicated remedies. The life blood of the country is vigorous, and flows in the healthful and natural channels, such not to chill, or pervert, or deplete it by untoward innovations. Virginia is an empire within herself. Respect her rights and honor her obligations.

Whatever may be the determination and judgment of this honorable court, I pledge my clients to a cordial submission, as soldiers, men of honor and patriots. Will the Government accord the same hearty acquiescence?

se 22—1t

NOTICE, NOTICE.—Stolen from my pasture a thoroughbred DARK BAY MARE, nine or ten years old, and about fifteen hands high, which was suckling a colt at the time she was taken. She has no flesh marks about her except a small scar, resembling an old horn, between the eye and ear. She does not pace, but has a fine active trot and walk. I will give $300 for her recovery, or double the amount for the detection of the thief.

W. T. WALKER,
se 22—10t* Dover, Goochland county.

TO THE PUBLIC.—On Tuesday night last, the 20th of September, "Our House," on Thirteenth street, was fired and robbed of BANK NOTES, SPECIE, CHECKS AND OTHER VALUABLE PAPERS. As many of the CHECKS, NOTES, and DUE BILLS, were made payable to me or my order, I warn all persons against trading for, or receiving any paper purporting to be given by, or received from me, unless bearing my individual signature.

se 22—6t CHARLES HUNT.

NOTICE.—Parties having NEGROES hired at Fifth Division, Chimborazo Hospital, will call immediately and get their pay. They must come in person, as no orders for payment will be received.

H. B. GAINES,
Steward of Fifth Division,
se 22—3t* Chimborazo Hospital.

FREE LUNCH!

FREE LUNCH!!

FREE LUNCH!!!

The favorite saloon, "CHICKAHOMINY," has a FREE LUNCH to-day at 11 o'clock.

se 22—2t* PROPRIETOR.

FOR SALE.—A fine GOLD WATCH, made by French, of London, with a hunting case, and in perfect order. Apply to

MEADE & BAKER,
se 22—3t* 186 Main street.

FOR SALE.—The "HOOD HOUSE," on Main street, between Seventh and Eighth, with elegant chandeliers, counters, decanters, &c. Apply to

HENRY SMITH,
se 20—3t* Corner of Cary and Virginia streets.

TOP-BUGGY AND HARNESS FOR SALE.—A fine TOP-BUGGY and HARNESS for sale. Apply at Mr. Bosher's Coach Manufactory, Ninth, between Main and Cary streets.

se 22—1t* D. M. G.

OIL AND SHOES.

13 barrels ROSIN OIL,
1 case GENT'S ENGLISH GAITERS,

for sale to close consignments

se 22—1t* WILLIAM S. ROYSTER.

AMUSEMENTS.

RICHMOND THEATRE,
Corner Seventh and Broad streets.

Acting and Stage Manager.....R. D. OGDEN.

THURSDAY EVENING, SEPTEMBER 22, 1864.

TWO THREE-ACT PLAYS.

MR. E. R. DALTON
will appear as
THE MANIAC LOVER

MISS KATIE ESTELLE
as
THE RENEGADE'S DAUGHTER

R. D'ORSAY OGDEN
will appear, by request, in the thrilling Kentucky Tragedy entitled the
JIBBENAINOSAY,
in which
MR. OGDEN will appear in SIX CHARACTERS.

SINGING AND DANCING.

Will soon be presented, with grand effect,
JULIUS CÆSAR.

In rehearsal, John Howard Payne's Tragedy of
BRUTUS; OR, THE FALL OF TARQUIN.

ALSO,
DAMON AND PYTHIAS.

MISS SALLIE PARTINGTON
has been re-engaged, and will shortly appear in a series of entirely NEW PIECES.

[se 22—1t]

RICHMOND VARIETIES,
(Franklin street, next to Exchange Hotel.)

THURSDAY EVENING, September 22.

PALACE OF AMUSEMENT AND TEMPLE OF FUN

This edifice is nightly crowded to its utmost capacity to witness the chaste an unique entertainments of the far-famed
OLIO MINSTRELS.

IMMENSE BILL.
BURLESQUE CIRCUS,
BURLESQUE CIRCUS,
BURLESQUE CIRCUS,
MAGIC CHAMBER,
MAGIC CHAMBER,
and CROW FAMILY.

First appearance of Mons. CARLIOS, the India-Rubber Man. GRAND TIGHT AND SLACK-ROPE PERFORMANCE TO-NIGHT. TWENTY STARS. Go early and secure your seats. See small bills.

se 22—1t*

METROPOLITAN HALL.

FUN! FUN! FUN!
Great success of
BIRCH'S NIGHTINGALE MINSTRELS.
THURSDAY EVENING, SEPTEMBER 22, 1864.
HOUSE CROWDED NIGHTLY TO WITNESS THE NIGHTINGALES.
COME ONE! COME ALL!
DAN HOWGATE,
the celebrated Slack-Rope Performer.
MISS CARRIE BENTLEY, the Charming Danseuse.
E. H. REX, C. GOODE.
OBSERVE THE TALENT
THE OLD HOUSE CLOCK TO-NIGHT.

[se 22—1t*]

MISSES PARTINGTON'S DANCING ACADEMY,
ON BROAD STREET, BETWEEN SIXTH AND SEVENTH.
CLASSES—ON THURSDAYS and SATURDAYS from 3 to 5 P. M.

For further particulars, call at their residence, on Leigh street, between Adams and Foushee.

se 13—1m*

ROBERT HILL & SON have to day received

11 barrels of new LARD, below market rates,
1 box TALLOW,
200 blocks COTTON YARN,
10 barrels Extra FLOUR,
4 kegs SODA.

And offer—

6 barrels prime COFFEE.

ALSO,

BRANDY, TEA,
Crushed and Brown SUGAR,

and other groceries as low as to be found for such goods.

[se 22—1t*] ROBERT HILL & SON.

NOTICE.—As it is impossible either to purchase provisions in Henrico, or to get transportation from the South, the Justices of the Peace are requested to issue no more provision tickets until the 1st of December, by which time it is hoped the present corn crop will be in condition to be used.

GEORGE D. PLEASANTS,
Purchasing Agent for Henrico county.

se 22—6t

ONE THOUSAND DOLLARS REWARD.—The city of Richmond will pay a reward of ONE THOUSAND DOLLARS for the detection and conviction of any person engaged in setting fire to and burning any house within the limits of the city.

JOSEPH MAYO, Mayor.
Richmond, September 21, 1864. se 22—eod3t

NAVY DEPARTMENT,
OFFICE SPECIAL SERVICE,
RICHMOND, VA., September 19, 1864.

NOTICE.—From and after MONDAY NEXT, the 26th instant, the STEAMER SCRAPNEL will leave the wharf at Rocketts for the JAMES RIVER SQUADRON daily at 7 o'clock A. M. and 3 o'clock P. M., touching at all the principal landings on the river.

JOHN H. PARKER,
se 20—1t Lieutenant in charge.

STUART HOSPITAL,
September 20, 1864.

NOTICE.—The owners of Negroes hired at the STUART HOSPITAL are requested to meet Captain DUNAN on FRIDAY MORNING NEXT at 9 o'clock, at the HOSPITAL, for payment.

se 21—3t*

FOR S