

Abingdon Virginian.

BY COALE & BARR

Friday, March 6, 1863.

Northern Sympathy.

In our last, we expressed our views very briefly upon this subject. We are sorry that there are persons within the bounds of our circulation, particularly in some of the neighboring counties in East Tennessee, who still cherish the absurd expectation that the Union will be restored. For the consideration of such, we continue the subject.

We might well say, as we did in our last issue, "if we ever have peace, we must conquer it." Nothing to our advantage need be expected from sympathizers in the North or Northwest. True, genuine, christian fellow-feeling for us—feelings correspondent in kind for our cause—do not exist outside the Confederacy, to that extent which political gamblers, at the North, would have us believe. There are thousands, no doubt, who desire peace—there are many christian men and women now in the Northern States who would rejoice at the return of peace for the sake of peace, but even many such, if not all, would *subjugate us if they could*. The late pretences of such men as Wood, John Van Buren and Seymour, in that direction, are designed merely for home purposes, which having accomplished, "the sow has returned to her wallowing in the mire," or rather "the dog has returned to his vomit."

For Mr. Vallandigham, without any personal acquaintance with him, we have something more of respect, for we think he has given evidence of having something more of sincerity in all his speeches, declarations and purposes, as far as they have been developed. But even he is much deceived in the hope he seems to entertain of a re-construction of the Union. Just as well might he hope, at his bidding, to turn the course of the Holston, or by his own pocket-whistle to arrest, in a moment, one of our railroad locomotives, when at full speed on the descent of the mountain grades of the Alleghenies. The Union, as it was, can never be restored; and we think every true Virginian will agree with us when we declare that if we now had a *carte blanche* from Lincoln and all his Cabinet, his Congress and his minions, including Greeley, Phillips, Beecher, Stowe, and all that race of the very worst of men and women, we would not, if we could, write a constitution under which we would be now willing to live with them, and to be called their countrymen, as they would be ours. We could never again desire to be the acknowledged equal only, of those who have trampled under foot what once was a hallowed Union, around which every generous feeling of every true son of the South was entwined, and for the maintenance of which even life itself would have been sacrificed—that Union, we mean, as we received it at the hands of James Madison and his co-laborers in the great work of perfecting what was then supposed to be the everlasting charter of our liberties.

No one, whose influence is of any worth, in our Confederacy, would now disgrace himself by consenting to live under the same Government with those whose hands have been imbued in the best blood of the South. No one with a Southern heart in his bosom, would ever again co-operate with those whose avowed purpose now is to make the negro the fellow-citizen of his master. No, the Union cannot and ought not to be restored. The man in the Confederacy who is for it, is a traitor to his section, and would be accessory to the destruction of the very Temple of Liberty itself. For our own strong arms will give us, in time, and that not distant, a Government of law, order and civilization, where our rights shall be respected, and a perfect equality of benefits and blessings shall be maintained among sovereigns. Let us, then, unite, for the present, in strengthening the hands of the President by a proper sympathy and co-operation in all just and proper measures, regulated by law. The President and his advisers should look alone to the best interests of the whole people, who have confided such a priceless heritage to their children for their safe-keeping. This it is hoped they will ever do.

In the meantime, while we are engaged in this conflict for the good of the whole Confederacy, Virginia must do her duty, at home, not only in taking care of the wives and children of her brave sons who are in the army, but she must develop, as far as she can, even in a time of war, many of her own resources—looking to the period when she herself is to be an Empire—as she can and will be, knowing no East or West, but Virginia in all her length and breadth. Her sons must now often ask each other, what would have been her condition and that of the whole South, without her canals and railroads—without those bands which have made her, in all respects, the mother of all her children, and the nursing mother, too, of the children of her sisters, in whom she has but a just pride also? She will never consent to a peace upon any terms until her own banner, with its *Sic Semper Tyrannis*, shall wave from the heights of Wheeling and of Norfolk, of Alexandria and of Winchester, and of Charleston—till her rights are acknowledged where now treason and tyranny hold their sway for the time. She will be unfaithful to herself and untrue to her sons, if she shall relax her hold upon the sword, or

abate one tittle of her demands for all that was and still is hers.

Good News from Kentucky.

A gentleman who came out of the heart of Kentucky a few days ago, brings the information that Lincoln's Emancipation Proclamation has wrought a very great change in public sentiment, and that many who were heretofore decided Union men, are now strong for the South. It will be remembered that some months ago, gentlemen, for the privilege of taking the Yankee oath of allegiance, were charged, according to their ability to pay, from \$50 up to \$5,000, and where they could not pay the money, property to the amount levied was taken. A few weeks ago, in fright at the present state of public feeling, Gen. Boyle issued an order that all who had taken pay should refund the money or property.—The Lincoln Marshal in Bourbon county, who had taken the property of a gentleman, was called upon by the owner for its restoration. The Marshal being unable to refund, the gentleman at once had him arrested and imprisoned, and at last accounts he was still in limbo.

This shows that a great revolution has taken place, and that we yet have much to hope for in Kentucky.

For the Virginian.

Negro Conscription in Russell.

Messrs. Editors:—I ask the favor of the use of a space in your paper, to offer some remarks upon the action of the County Court, here, a few days since, in furnishing Russell's portion of negroes to work on fortifications. To offer strictures upon the action of such a dignified judicial tribunal as a modern County Court, affords me no pleasure. But when men, in their official capacity, undertake to transcend their authority, it is proper to let them understand that they will not be permitted to escape with impunity.

The law conscripting slaves seems plain enough to be understood by men, even of common intellectual calibre. The roll of the slaves is to be made out, and each owner to furnish by lot or agreement, his *pro rata* share of the whole number in the requisition. Hired slaves are in the eye of the law, to be enrolled as if in possession of their owners. In the proceedings of the Court, these provisions of the law are wholly disregarded. The *pro rata* distribution is kicked out as some outlandish thing, and the gentlemen composing the majority of the Court, coolly laid aside the law and undertook to act upon a device of their own imagination. They seem to have mistaken the purpose for which they were called together, viz: to carry out the provisions of a law—not to make a new one. They seem to have ignored the fact that they were judicial officers, and strangely imagined themselves legislators—seemed to have forgotten that they were in Lebanon, and fancied themselves in Richmond. We are all sometimes subject, more or less, to these strange hallucinations of the mind, but the Court, in this instance, could not be "fotob to"—they seemed to have "had method in their madness," and persisted in their error, although that error was flaunted in their faces.

This Court was called upon to furnish 40 slaves out of the whole number in the county. In the law before them, the rule of their action was plainly laid down. But in their superior wisdom, they deemed it best to lay aside the rule of law and adopt a device of their own brain, by arbitrarily and independently of all testimony, selecting a few individuals in the whole county, upon whom to put the burden of the whole requisition made by the Governor. Out of 186 slaves, owned by 94 masters, they thought it best to select 24 masters owning 90 slaves, from whom to take the whole 40, leaving 70 masters, owning 96 slaves, exempt from the levy. When confronted with the allegation, that their proceedings were in disregard of the rule of law and partial and unjust in their operation, they sought to justify themselves by admitting that "they had not made the levy by lot or agreement with the owners, but by taking the whole levy from men, whom they thought it would least injure." When, on account of this arbitrary proceeding, an appeal to a higher tribunal was threatened, one of the Court replied that such "appeal would be kicked by the Judge, out of his office."

They had put the levy upon those whom they thought best able to bear it. Pray, by what authority did they constitute themselves into an inquisitorial tribunal, to roam in their imaginations over the county and select a few "fancy" victims, upon whose shoulders to place a heavy and illegal burden?—Did the law justify them in making nice distinctions according to their own fancy and independent of all testimony, and to enquire as to the peculiar ability or inability of a certain few, to be conscripted? Their action upon the subject assumes that the Act of Assembly gave them a *carte blanche* to fill the requisition as they thought proper. Infatuated with this notion, and ignoring the rule of law, exempting themselves and many others equally liable to the levy, it is no marvel that they made the "borrowed horse" (the 24 masters) "ride free."

Some have thought it strange, that the slave holding portion of the Court who managed this levy, did not exempt some of their own negroes, and others felt puzzled over some very remarkable exemptions. These things are easily accounted for. This majority of the Court had left law and its vulgar adjuncts down in the valley, whilst they were promanating the mountain tops in "the pleasant realms of fancy," selecting from amongst the "outsiders barbarians" such broad shouldered fellows as were (in the Court's estimation) expressly fitted to bear heavy burdens. In such a high state of exhilaration, it is quite natural that they should forget self, and should not even seek to recall to memory very near and dear friends and relatives.

The coarse reply which one member of the Court made to the intimation of an appeal to higher authority, probably occurred before the majority had descended from the upper realms of fancy. It is well that there are higher judicial tribunals, to correct the fancies of a County Court, especially one that avowedly lays aside the rule of law, and most unaccountably imagines that some device, hammered out of its own brains, is a better

substitute. It is well that the right of appeal exists, and that there are men fearless and independent enough to resort to it, in contempt of such coarse rebuffs as some of the polished judiciary of modern days some times indulge in. Neither usurped power nor inflated vanity, trebly fortified in the almost impregnable bulwarks of their own ignorance, can always carry its end and aim. When the appeal on the action of the Court shall have been "kicked out of his office by Judge Campbell," then we will all agree to set down the polite official either as a prophet or the son of a prophet, if nothing more. But if on the other hand, the Judge should happen to puncture with a cambric needle, this judicial balloon, which the majority of the Court is now flying, there might be a most calamitous collapse. When that event shall occur, let the unscientific keep out of the way of the gas, as it escapes! Such an explosion might shake public confidence in the whole County Court system, and half incline the people to go back to the mode, under the old constitution, of getting up regular-built J. P.'s—the only qualifications then deemed necessary, being "a bald head and a portly abdomen."

In a case where each master was legally required to furnish his *pro rata* share of the requisition, the rule emanating from the Court and carried out by them, works beautifully. They found one man with three conscript slaves, and took all three; they found another with the same number of conscripts, and exempted all three! amongst their 24 fancy victims, they found one with two conscripts, and took them both; another with one conscript, and took him. Fortunately the owner of "one-half of old Pompey" was not on the "fancy list," otherwise that same "half" would doubtless have had to "travel over Jordan." But their exemptions are quite remarkable. In their anxiety not to make the conscription grievous to any one, their sagacity induced them to take all three conscripts belonging to one man, and exempt all three belonging to another, and yet the latter gentleman was neither a poor man, "a widow, nor an orphan." Many owning two conscripts were exempted, and yet one of the 24 masters had his only conscript taken! The President of the Court himself owned two conscripts, and yet had the good luck to escape the notice of himself and his coadjutors in the work, and to keep off of the proscribed list. Whether he "remembered to forget" himself, or whether he concluded that he had more of the qualifications of the Donkey for carrying burdens, is best known to himself.

They put the conscription upon those whom they thought it would least injure! Yes, truly they did this act of injustice on the one hand, and favoritism on the other!—and they did it too, reckless of law! And who are these men, so peculiarly adapted to bearing extra and illegal burdens, at the mere *ipse dixit* of four gentlemen composing a majority of the County Court? And not these 24 masters possessed of equal rights with their fellow-citizens, and are they, in any respect, more nearly assimilated to the Donkey tribe, than is the worshipful Court itself, and so many others whom that Court exempted?—And who are they, who are thus ready to "bind heavy burdens," and thus generous to lay those burdens upon the backs of others, but have not the magnanimity to "tough them with their little finger"? They are pat in office by the people; but none ever dreamed of clothing them with authority to substitute their own notions for the law. Two men, with an equal number of conscripts, and each equally liable to the law, afforded a case in which they had no discretionary power to oppress the one and favor the other. However abundantly wise and however acute in discrimination, they may suppose themselves to be, yet the public would prefer to see a brighter and better manifestation of those qualities, than has been exhibited in the case under discussion. They marvel at the strange exemptions as well as at the peculiarity in the exemptions—the latter running so much in a certain channel. They marvel that men should depart from the law, and so abuse the power of making a levy. Sanction this, and where is it to end? If all levies are, in contempt of law, and at the option of the Court, to be put upon a few whom that body imagines best able to bear them, they have simply to select their victims. The question will no longer be, what is the law in the case, but what select few (out of the many) are best able to take heavy and illegal burdens? Pigny politicians and unprincipled demagogues have rung the answer to that question, in the ears of the people, during the last thirty years. In the common troubles, in which we of the South are now involved, this buried, *ad captandam*, slang of the demagogue, has not been recently heard. God forbid that it should now be revived, and its first re-echo should emanate from the halls of justice! Let the stern rebuke of public indignation fall upon those who seek to usurp power, and who, to carry out their own crude fancies, dare to trample upon the laws and upon personal rights. Let the voice of the people boldly and fearlessly rebuke every attempt of this character. It is the only way to strip from the ass, the lion's skin—to teach the dwarf, who imagines himself a giant, that he is not in reality, like Saul—"a head and shoulders taller than any other man in Israel," and to ventilate those who, like the frogs in the fable, are foolishly trying to blow themselves up to the size of the ox. The present is no time for men "to play fantastic tricks before High Heaven," nor yet in the face of all Russell county.

I have made this brief reference to details, that the fact may be patent to all, that the Court scouted the rule of law, by which they were bound to act, and arbitrarily condemned the slaves of 24 masters, making unjust and partial discriminations, both in their conscriptions and exemptions. I do not allege that they so intended this thing, but such is the effect of their action. In the law before them, they had a guide. It gave them no discretionary power to select a few men, whom they might imagine more able to spare their slaves than others. It neither authorized nor justified inquiry on their part, as to the pecuniary circumstances of any man, independent of his slave property, and his ability or inability, apart from his slaves, to bear an extra, illegal burden, which they might fancy necessary to put upon him. The 24 masters, whose slaves are condemned, feel unwilling to have so many others shut out from the privilege of conscription. They have no objection that the slave-holding members of the Court and many others exempted, should have an opportunity of making a little sacrifice *pro bono publico*.

I have said, their action upon the levy was an usurpation of power, because they arbitra-

rily and unnecessarily imposed upon men, a burden not in the contemplation of law. They were not called upon for their opinion as to who could bear negro conscription "with the least injury." If they had had this question to decide, and there had been within the county a man owning 100 slaves, the rule upon which they acted would have bound them to take the whole 40 from that man, because he would thereby have been "less injured" than any man has been, whom they have conscripted, and yet their action in that case was not a whit more legal than it would have been in the case just supposed—that usurpation of power would have been fully as great in the one case as in the other.

They "had placed the burden, not as the law required, but upon those whom they deemed would be least injured by it." What an odious principle to emanate from the Magisterial Bench! It is pregnant with radicalism—it smacks of agrarianism! It is a glaring assumption of power to subject a citizen, unnecessarily, to something more than the law requires of him, and exempts others equally able, in order to do this. It is travelling beyond the jurisdiction of the Court, which had no right to go outside of the law and select "fancy" victims, because the Court happened to think them peculiarly fitted to carry heavy burdens. Upon the same principle, if a rather delicate culprit should fall into the hands of the Court, and his offence subject him to "nine and thirty," such philanthropic judicials might hint up some stout, broad-shouldered fellow, and try to persuade him that he ought to take at least 80 of the stripes, from the fact that he was so much "better able" to bear it than the other. When they find a fellow verdant enough to acquiesce in such an arrangement as that, they may possibly be able to satisfy the 24 masters that they ought to take a burden, a good portion of which, properly belongs to others.

X. Y. Z.

P. S.—Since writing the above, it is understood that the Court has been "rot back" by the Judge. A mighty rumbling noise has been heard in the county; but whether it was thunder or the collapse of the County Court, has not yet been definitely ascertained. If by this time they have got into the "flabbergasted" state, they probably know where the Judge planted his foot when he did the "kicking," of which a member of the Court prophesied.

X. Y. Z.

The State Line.

On motion of Mr. SAUNDERS, of Campbell, the Senate bill authorizing the transfer of the Virginia State Line to the Confederate Government, was taken up.

The bill was discussed at considerable length, and finally adopted with an amendment in the first section, which will be found in quotation marks, in the following copy:

An Act to Transfer the State Line to the Confederate Government.

I. Be it enacted by the General Assembly, That the Governor be, and he is hereby, authorized and directed, to cause, without delay, all State troops raised under an Act of the General Assembly entitled, "An Act to authorize a force of ten thousand men to be raised for the defence of the Commonwealth," passed May 15th, 1862, and under any acts amendatory thereof, including all companies of Rangers organized under the Act of March 27th, 1862, entitled "an Act to authorize the organization of ten or more companies of Rangers, or any other Act of the General Assembly," to be reorganized into companies, battalions and regiments, in accordance with the laws and regulations of the Confederate service. Whenever two or more companies are consolidated into one, to make up the complement of men required by said laws, and non-commissioned officers and privates may (under the superintendance of such officers as shall be designated by the Governor for that purpose) elect, from among the officers of the same grade, a captain, a first lieutenant and two second lieutenants, who shall be assigned to the company thus formed, and the commissions of the other company officers shall thereafter be void.

2. As soon as ten companies are thus formed, they shall be organized into two battalions and one regiment. From the field officers of the necessary grades now in commission in said State Line, the commissioned officers of the regiment may elect their field officers.—In like manner, when another regiment is formed, the like proceeding shall be had until all the regiments that may be formed are completed. If there are any companies left after the formation of said regiments, they shall be formed into a battalion and officered in like manner. The field officers then remaining without commands shall be discharged, and their commissions shall be void. The regiments and any detached battalion thus formed, shall be mustered into the service of the Confederate States by such mustering officer as shall be detailed by the Secretary of War for that purpose, and when so mustered, complete returns thereof shall be immediately made by such mustering officer to the Adjutant General of this State at Richmond. The said troops are to be received into companies, battalions and regiments, with their respective officers. They are to be mustered into the service for the war, but with the express reservation that those not subject to conscription, if they desire it, shall be discharged at the expiration of their present term of enlistment. The Governor shall appoint an officer, to be present at the mustering of said troops into service, whose duty it shall be to take an inventory of all arms, accoutrements, ordnance, equipments, stores, manitions of war, horses and other property which may be in possession of said troops when so mustered into service; and the same shall be transferred to the Confederate Government, and shall be received and receipted for by the said mustering officer at the time of receiving and mustering said troops as aforesaid. Such staff officers for said regiments and detached battalions, if any, as may be authorized by the laws of the Confederate States, shall be appointed by the Colonels of the regiments when formed, according to the laws of the Confederate States; and when the said regiments are mustered into service, the said staff officers shall be received as a part of the force transferred, and be commissioned accordingly.

3. All the arms, accoutrements, ordnance and equipments, stores, manitions of war and other property, furnished, and receipted for as aforesaid, shall be valued by the mustering officer aforesaid, and the officer appointed by the Governor to make the inventory thereof, and if they fail to agree, in such mode as may be agreed on by the Governor and Sec-

retary of War; and the value thus ascertained shall, upon delivery thereof, be paid by the Confederate Government into the treasury of the Commonwealth, to the credit of the Commonwealth.

4. All enlistments for the State Line shall cease from and after the passage of this act.

5. From and after the transfer of the said troops, as provided for in the second section of this act, no claim shall be allowed for the payment of the officers and troops or otherwise, on account of said State Line, except in discharge of liabilities incurred prior thereto.

6. Such portion of said forces, including commissioned, non-commissioned officers and privates, as shall not be organized and transferred before the first day of April, eight hundred and sixty-three, according to the provisions of this act, shall receive no pay, clothing, rations or other allowances for services thereafter.

7. This act shall be in force from its passage, and all acts and parts of acts inconsistent therewith, are hereby repealed.

A resolution of thanks to Gen. Floyd, the officers and men under his command, was unanimously adopted.

On motion of Mr. VAIDEN, the House adjourned.

During the debate on the transfer, in the House, the following letter was read from Gen. Floyd:

LETTER FROM GENERAL J. B. FLOYD.

Mr. Barbour requested that the following letter from General Floyd to himself should be read by the clerk.

CAMP CLARKSON, NEAR SALTVILLE, VA., February 16th, 1863.

Dear Sir—I perceive from the proceedings of the Legislature that a proposition to transfer the State troops under my command to the Confederate Government is under discussion.

In May last the Legislature conferred upon me, unsolicited and unexpectedly, the office of Major General, and devolved upon me the task of raising a force to assist in the defence of the country. I did not feel at liberty to decline the duty imposed upon me by that act, although I perfectly understood the almost insurmountable difficulties that lay in the way of its execution, and I therefore resigned my commission in the Confederate service and entered at once upon the duties enjoined by the act of the Legislature.

I was enabled, in spite of all impediments, to raise a force by October, which I thought sufficient to justify a movement into the counties towards the Ohio river, then held by the enemy. This was accomplished—a large region of the country was regained from the enemy, quiet and security were established, and are still preserved. What this command has done, and how it has discharged its duty to the country, is not for me to have to speak of. I desire simply to say that whatever disposition the General Assembly may think proper to make of the force already raised will meet with my cordial assent; and in this consideration of the question of transfer, I hope it may be done without any reference whatever to my position, but alone to what the best interest of Virginia may require.

I am, sir, &c. JOHN B. FLOYD,
Major General Commanding Virginia State Line.

Proclamation by the President.

It is meet that, as a people who acknowledge the supremacy of a living God, we should be ever mindful of our dependence on Him; should remember that to Him alone we trust for our deliverance; that to His due devout thankfulness for the signal mercies bestowed on us, and that by prayer alone we can hope to secure the continued manifestation of that protecting care which has hitherto shielded us in the midst of trials and dangers.

In obedience to His precepts, we have from time to time been gathered together with prayer and thanksgiving, and He has been graciously pleased to hear our supplications, and to grant abundant exhibitions of His favor to our armies and our people. Through many conflicts we have now attained a place among the nations which commands their respect; and to the enemies who encompass us around and seek our destruction, the Lord of Hosts has again taught the lesson of His inspired word: that the battle is not to the strong, but to whomsoever He willeth to grant.

Again our enemy, with loud boasting of the power of their armed men and mailed ships, threaten us with subjugation, and with evil machinations, seek, even in our own homes and at our firesides, to pervert our men-servants and our maid servants into accomplices of their wicked designs.

Under these circumstances, it is my privilege to invite you once more to meet together and to prostrate yourselves in humble supplication to Him who has been our constant and never failing support in the past, and to whose protection and guidance we trust for the future.

To this end I, JEFFERSON DAVIS, President of the Confederate States of America, do issue this, my proclamation, setting apart Friday, the twenty-seventh day of March, as a day of fasting, humiliation and prayer, and I do invite the people of the said States to remain that day to their usual places of public worship, and to join in prayer to Almighty God that he will continue his merciful protection over our cause; that he will smother our enemies and set at naught their evil designs; and that he will graciously restore to our beloved country the blessings of peace and security.

In faith whereof I have hereunto set my hand at the city of Richmond on the twenty-seventh day of February, in the year of our Lord one thousand eight hundred and sixty-three.

JEFFERSON DAVIS,

By the President,
J. P. BENJAMIN, Secretary of State.

Beast Butler in Baltimore.

Butler was received at the hall of the Maryland Institute on the evening of the 5th, where he made a speech. Thirty-four young ladies, handsomely decorated, were on the stand and patriotic airs were sung, and a band of music was in attendance. He spoke of the triumphs of the Yankees, told them the Government was determined to succeed, explained the conscription act, and alluded to the night when he formally occupied Federal Hill, in May, 1861; said the nation was not weakening when the teeth were drawn, tyrants and traitors must beware and stand back. He was to have had a dinner, but this did not come off, owing to the fact that a salute fired at