

THE LOCAL NEWS.

ALEXANDRIA, VA.

HALLOW EVE.—To-morrow is Hallow Eve. The English, in the days of Merry England, named the festival, which occurs on Friday, "All Hallows," and, of course, the last day of October then became Hallow Eve. It is in the old countries a merry night, full of charms and spells for true lovers or enquirers after that species of humanity. Even here many a lassie has set up till past midnight, and then eaten a spoonful of cornmeal dough when that was a popular incantation. Burns, in his "Hallowe'en" has made immortal the rustic games and charms with which the Scotch peasantry pass the night.

"When merry, friendly, country folk
Together did convene,
To burn their nuts, and pull their stocks,
And have their Hallowe'en."

Years ago such customs were not uncommon in this section of country, but of late a singular custom of robbing cabbage gardens and hanging the stolen vegetables at the doors of neighborhoods has grown up. It is a custom "more honored in the breach than in the observance," and will probably fall into disuse hereafter.

THE SUBURBS.—Those portions of this town which Mrs. Partington calls the "outsquirts," and which, in the Alexandria vernacular, were known as Bulltown, Lafentown, the village of Fishtown, Nailor's Hill, Hayti, West End, &c., have changed their aspects with the changes of the times. There have of late been none of the daily improvements which, in many of those localities, marked that the town was filling up to the full breadth authorized by its chartered limits. Custis street, which passes on the other side of the canal, is still a myth, and seems likely to remain so for a long time. Dilapidated houses are no longer repaired, nor do comely residences continue to take the places formerly occupied by unsightly huts. The graveyards are not more quiet than many of those localities. We trust, however, that it may not be long ere the stayed march of improvement may be resumed.

WAR NEWS.—Again the report prevails that General Scott is about to resign (in a few days) his position in the Army. A rumor, not believed, has obtained circulation that the private secretary of Com. Dupont has absconded with the maps, charts and sealed orders of the naval expedition. From Kentucky, it is said that on the Cumberland river, on Saturday, a Confederate force of 100 was routed, with the loss of 13 killed, 24 prisoners, and horses and camp equipage captured. From Missouri, it is said that Gen. Lane has captured a Federal transportation train: Gen. Price is in Newton county. The Confederates entered Springfield on Wednesday, and captured a quantity of stores left there by Col. Taylor. The friends of Capt. Scott, of the Keystone State, are confident, that he will satisfactorily explain his conduct in returning from Key West, and that he will be released.

THE UPPER POTOMAC.—Three brigades of Gen. Bank's division have left Edwards' Ferry and arrived at Darnestown, Md. A force still remains at the Ferry. The Confederates appear to line the banks of the river opposite, and call out to the Federal troops, (according to the telegraphic account) "to come over and pay them another visit." There are said to be no defensive works at Leesburg, but all the approaches were fortified.

FENCES.—One of the aspects of the time is the almost total absence of fencing in some portions of the region within the city limits. Beside the general desolation which ever follows in the path of war, the scarcity of fuel has, no doubt, led to considerable depredations on material fit for burning, and, in some cases, proprietors have caused their fences to be taken down and stored away, rather than risk their almost certain destruction.

MILITARY COURT.—The Military Court held its usual session at the County Court House this morning—Judge Freese presiding, but no civil business of interest came before it.

The case of Chapman, Lyon & Noyes vs. Barley, Triplett & Co., was postponed by consent of both parties till to-morrow.

IMPROVED SIDEWALK.—The sidewalk on the west side of Washington street, near Wolfe, has received a much needed improvement. The old and rotten planking, which had become dangerous, has been removed, and a solid compost footway laid. It will prove a great convenience for all traveling in that direction.

It is now thought the Naval Expedition sailed from Old Point yesterday.

THE NORTHERN DEBT QUESTION.—As in the case which is presented by the suit of certain Northern firms against Witmer & Co. in the Military Court, the decision, affirmed by the President of the United States, involves important consequences to merchants of this city, and wherever else in the States south of us the Federal army may enter, we think proper to present the same entire to our readers:—

OPINION OF THE COURT IN THE CASES OF Bowen, Holmes & Co., vs. George K. Witmer & Bros., and Morris L. Hallowell & Co., vs. George K. Witmer & Bros., and Witmer & Co.

In an action of Debt, the Plaintiffs praying the aid of the Provost (Military) Court, because of the alleged fact that two of the Defendants are beyond the rebel lines, and believed to be aiding and abetting the enemy.

These are actions brought by Bowen, Holmes & Co., of New York city, and Morris L. Hallowell & Co., of Philadelphia, to recover from George K. Witmer & Bros., and Witmer & Co., late of this city, the amounts due on four certain promissory notes, drawn by Geo. K. Witmer & Bros., to the order of Bowen, Holmes & Co., amounting in the aggregate to five thousand, five hundred and thirty-six dollars and seventy cents (\$5,536.70) with interest from the time they became due; and on a Book Account due Morris L. Hallowell & Co., from George K. Witmer & Bros., and Witmer & Co., amounting to the aggregate sum of one thousand, one hundred and twenty-nine dollars and eighty-nine cents, (\$1,129.89) with interest from the time the bills became due.

The proceedings in both these cases were instituted before the Court by this filing of affidavits by one member of each of the said firms, together with a presentation of the original notes by the affiant, Anthony Gilkinson, one of the firm of Bowen, Holmes & Co., in the first case; and by a statement of the account, sworn to by Enoch R. Hutchinson, one of the firm of Morris L. Hallowell & Co., in the second case. Both these affidavits, in addition to the facts respecting their claims, set forth that the two principal members of both of said firms, (viz: George K. Witmer & Edmund F. Witmer) had fled from their accustomed place of business to within the lines of the enemy, taking with them, or rather, sending in advance of them, a large amount of the goods purchased of these plaintiffs and others; and that, to the best of their knowledge and belief, both were now using their means and influence, if not their own strong arms, in aiding the rebellion now in progress against the U. S. Government. Such is the spirit if not the exact wording of the affidavits in relation to the defendants. The affidavits further set forth, that the plaintiffs in both cases, are true and loyal citizens, and, as such, claim the aid and authority of the military power, as represented in this Court, to enforce the collection of their respective claims—it being their only means of redress under the present peculiar condition of affairs consequent on the rebellion. Upon the proper filing of these affidavits, (the same being subscribed and sworn to in open Court) an order was issued that the defendants appear forthwith to answer. The order being served at the usual place of business of said firm, or firms, it was found that only a single member thereof remained to answer, namely: A. H. Slaymaker, who appeared and being sworn answered in substance as follows: That he was one of the firm of G. K. Witmer & Bros.,—that his interest in the business was about one-sixth, dependant, however, on contingencies—that George K. Witmer and E. F. Witmer, the two other partners, had gone beyond our lines, soon after the battle of Bull Run, and were still there as he supposed—that they were active, energetic men, but he did not know that they were directly connected with the army—that prior to the occupation of Alexandria by Government troops the firm had fled to the interior of Virginia about their stock—that there remained at the present time, in the hands of the remaining partner, about one thousand dollars of the remaining partnership property, which he had paid no debt, and he did not feel that he could do—that he knew nothing of the claims of Bowen, Holmes & Co., or Morris L. Hallowell & Co., and that he knew of no off-set against the same—that at present he had no funds with, and even if he had, he did not feel that he had any authority to pay the debts of the firm, in the absence of the principal members thereof. He further stated in reply to enquiries by the Court, that the firm was abundantly able to pay their debts—that G. K. Witmer, he thought was worth \$40,000, and E. F. Witmer from \$15,000 to \$20,000—that both were possessed of considerable real estate in addition to the stock of goods left here, and those now in their possession within the enemies' lines. The original notes given to Bowen, Holmes & Co., were shown him, the signatures to which he acknowledged as correct. There being no further evidence to offer on either side, the Court ordered that all the goods which remained of the firm of G. K. Witmer & Bros., and Witmer & Co., be taken possession of immediately by this Court, and held for five days, subject to the claims of Bowen, Holmes & Co., and such other claimants as might hereafter appear. If the claim is not paid within the five days, the Court would then issue the final order as to the disposition of the goods. The five days having expired, the defendants now appear by Counsel, to answer:

1st. "They protest against the exercise of the jurisdiction claimed by this Court in these cases." This is a point of the first importance, for if it were shown that this Court had no jurisdiction of such cases, then all its proceedings relative thereto would be null and void. The Court claims, however, that it has jurisdiction of these causes, and of all causes of like character, which may be brought before it. The Court is located in what is claimed by the rebels, as the enemy's country, and in a city which, by an order issued from the headquarters of the general commanding this department, has been placed under military rule, and virtually under martial law. On or about the 28th of August last, Brig. Gen. Montgomery was, by order of Major Gen. McClellan, made the MILITARY GOVERNOR of this city. The term "Military Governor" carries with it the implied condition or future status of those who are to be governed, as well as the kind of government to which they are to be subjected. The appointment of a Military Governor was a virtual declaration of martial law, and even though no formal declaration thereof had never, or has never, been made, still the one exists only by virtue of the other, and neither can exist without the other. By this virtual declaration of martial law, all State and municipal laws relating to this city were abrogated or suspended, so that it became not only the right, but the duty of the military authorities to administer justice in all cases of whatsoever character that might arise under the military government of the city.—This Court, established by virtue of the military governorship of the city, is charged, therefore, with the duty of adjudicating all cases, of whatsoever character, that may be permitted to come before it; and since, by the virtual declaration of martial law, all other courts within the bounds of the city have been suspended, it becomes the duty of this Court, *ex necessitate*, to take charge of and adjudicate all cases in which the rights of the citizens, so far as they may be in any way connected with this most unholy rebellion, are involved. It is no assumption, therefore, upon the part of this Court, to take cognizance of these causes, but simply the performance of a plain duty. That loyal citizens should have some kind of redress against those who seek to avoid paying their just debts, because of their connection, near or remote, with the so called Confederate Government, is plain to every one, and since neither the courts or law officers in the States where the rebellion exists will afford them any facility for so doing; and since the rebel government itself, by passing a "sequestration act," has sought to prevent the payment of all debts due from those who are in rebellion against the Government to those who remain firm in their loyalty to it, it becomes the bounden duty of the military power to aid loyal citizens in thus securing their just claims. A refusal so to do on the part of the military authorities, would, in the opinion of this Court, be virtually "aiding and abetting" the enemy, since it would allow to remain in the hands of the rebels the very means, which, if placed in the hands of loyal citizens, to whom it justly belongs, might be used in aiding and sustaining the Government.

The second point raised by the counsel for defence, is, that a change of the firm from George K. Witmer & Bros. to Witmer & Co., on or about the 1st January last, makes the goods now in store belong to the latter, and not responsible for the debts of the former. It is fair to presume that if the latter bought the stock from the former so late as January last, they (the latter) still owe the former a sufficient amount to cover all losses that may accrue to them from applying a portion of the goods to the payment of the remaining debts of the former.

The two Witmers, as is shown by the evidence, were the principal partners in the first firm, and the more wealthy of the two was the head and principal partner in the late or present firm. What were the exact pecuniary relations of the men composing either one or both of these firms, the Court has no means of knowing, since the books of the firm have not been brought before the Court, nor would the remaining partner, A. H. Slaymaker, state the exact relation which even he himself held to the firm. It not being, however, any part of the business of this Court to settle the private interests of those who are in rebellion against the Government, nor of any who may be connected with them, in any attempt to defraud and cheat loyal citizens out of their just claims, the Court directs that the *whole* of the remaining stock be applied to the payment of the debts, whether said debts are in the name of Geo. K. Witmer & Bros. or Witmer & Co. If either of the partners should, by any possibility, suffer from such an application of the goods, he or they can have redress upon the others, when a final settlement comes to be made among themselves.

The sending away of a large portion of their stock (as admitted by the remaining partner, A. H. Slaymaker), in May last, was an act not only culpable in itself (occurring, as it did, just prior to the occupation of this city by the U. S. troops), but a misdemeanor of so high a grade, that it might justly subject all concerned to the charge of imprisonment of prison. This was aiding the enemy, not by word or individual effort only, but by furnishing them with the very means whereby to help on the rebellion. The lack of confidence thus expressed in our own Government, taking the respondent's own testimony as evidence, and the faith thereby shown in the final success of the rebellion, proves conclusively that the two principal partners were traitors at heart, and it is not unreasonable to suppose that those who were connected in business with them and assented, if they did not urge, such transfer of the goods, partook largely of a like sentiment. This fact alone would, in the opinion of this Court, warrant the seizure of all the remaining stock as forfeited to the Government by the rebellious acts of these men, were it not

that loyal citizens have prior claims which ought first to be satisfied. Whether or not the remaining partner is liable to the charge of constructive treason for being "particeps criminis" in such a transaction, remains yet for the consideration of this Court and by the Government. The fact that the remaining partner has been selling off the stock and collecting the debts of the firm, without ever in a single instance paying, or offering to pay, a single one of the debts due from the firm to loyal creditors, shows but too plainly a studied attempt to avoid paying Northern debts—in response, it may be, to the dicta of the so-called Southern Congress, which forbids any such debts from being paid—preferring, as avowed in the Sequestration Act, that all debts due to loyal citizens of the North, should be repudiated, in order that the amount so due and owing might go into their public treasury to help them in their rebellion against the Government.

While desiring in these cases to afford the plaintiff all needful and proper relief, the Court is mindful of the fact, that there are other claimants upon these goods whose rights and interests are equally to be regarded. It cannot therefore suffer the goods to be wantonly sacrificed, as they would if put up at public auction in this city, at this time. If the parties were insolvent and all their debts known to this Court, the order would be that a "pro rata" distribution of all the remaining assets be made among their creditors; but as they claim to be more than able to pay all their debts, and as only a portion of these debts have yet been reported to this Court, a different order is deemed equitable.

The final order of the Court in both these cases, is, that Provost Marshal D. A. Griffith, Wm. N. Berkeley, and James M. Stoutenburg, be, and they are hereby appointed a commission, to make a fair and impartial assessment of a sufficient amount of the stock left by defendants, to satisfy both these claims—that the goods be valued at such prices as they will bring at public sale in a fair market—that to the amount of each claim, be added sufficient to pay costs of transportation to place of shipment; and that when such assessment is finished and a report thereof made to, and approved by, this Court, the goods so assessed, be turned over to each of the respective claimants, in full satisfaction for the debts due them from the defendants.

This is not a Court of delay, nor will proceedings be stayed at any time, or in any case, upon mere legal quibblings or technicalities, no matter how adroitly or learnedly presented; but in these cases the counsel for the defense ask, in case of judgment contrary to their wishes, that the papers and judgment of the Court, be submitted to the President of the United States for his approval or disapproval. The Court is not only willing but anxious that these cases be thus submitted, in order that the principal involved may be either approved or disapproved by the highest authority known to our civil or military laws, and thus fix irrevocably the precedent which this Court deems just and equitable—namely, that the rebels should be made to pay all debts due loyal citizens—peaceably if possible, forcibly if necessary; and that the military power is imperatively called upon to aid all loyal citizens in thus obtaining justice.

It is, therefore, further ordered, that the goods which may be assessed by the commissioners, for each of the respective claimants as per foregoing order, be not finally delivered to the plaintiffs until five days shall have elapsed from the issuing of this order.

(Signed)
J. R. FREESE,
Ass't Adj't Gen'l U. S. A. and Provost
Judge of Alexandria.

Provost Court, Alex., Va., Oct. 28, 1861.

Gen. Butler, of Massachusetts, is now recruiting a regiment in his State. In a speech at Roxbury he said, that if this "rebellion be not quelled, and that within a short period, the United States will become involved in a war, such as the world as never seen, not only with the South but with the powers, which by lust of gain, will be induced to take sides with it."

COL. GODWIN.—Our informant yesterday mistook the nature of the attack under which Col. S. Godwin was suffering. A severe indisposition and vertigo were mistaken for paralysis. We were glad to meet Col. Godwin on the street this morning, and hope he may live for many years yet.

A letter is published from Mr. Boernstein, U. S. Consul at Bremen, in which he affirms that the active sympathy generally expressed in Europe, is in favor of the Southern Confederacy, and expresses himself generally as satisfied that public feeling is against the present war.

All the details, orders, &c., &c., connected with the Naval Expedition have been published in the newspapers—everything, it would seem, but its point of destination.

An accident occurred on Tuesday on the Northern Central Railroad, by which engine, cars, &c., were smashed, two passengers killed, and several wounded.

As far as we hear all is quiet on the Potomac lines to-day—though an advance, in force, is confidently expected every day.

PARADE.—Quite a large body of United States troops passed through this city yesterday afternoon, on parade.