

GENERAL NEWS.

The Military Reconstruction Act Considered.

If we examine the Military Reconstruction Act, we will find that it changes the laws of the respective States, in only certain particulars.

It enlarges the matter of suffrage with one hand, while it restrains it with the other. The blacks are created as a new class of voters, while those who have held at any time certain offices, and afterwards participated in the late conflict on behalf of the Confederate States, are denied as a penalty the exercise of the ballot.

So, too, on the subject of office, these latter are also excluded for life, unless relieved by an Act of Congress passed by a two-thirds vote.

It is true, a military commander is assigned to the command of the various seceding States termed in the Act Districts.

But it is clear that his power is to protect all persons in their rights of persons and property. It is not by laws of his own will, and heretofore concealed in his breast, to change the whole tenure on which the protection of these rights depend, and thus to disarrange society and reduce its affairs to a condition of chaos and insecurity.

His duties are to suppress insurrection, disorder and violence, not to remove Governors, Mayors, Councilmen, and thus put an end to all civil authority and order.

The civil tribunals of the country, by the very design of the Act, are to administer the laws of the land, subject only to the provision, that in the case of "the jurisdiction and trial of offenders," that is of violators of the criminal code and of the public peace: the military commander is to have the power to organize military commissions or tribunals for this purpose.—The word offenders never heretofore been known to extend to parties to civil suits. Its meaning is well ascertained.

If we turn to the most elementary legal Dictionary we will find "offender" a criminal, one who does what the penal law forbids to be done, or omits to do what it commands. In this sense, says an author, it is synonymous with crime.

It is, to our mind, plain, that Congress acting under the false impression that adequate protection for life and property did not exist in these States, conferred upon the military commanders jurisdiction of the cases of offenders or criminals, whenever they should deem it necessary. Until then this to be exercised by the local civil tribunals.

But we look in vain to either the terms or context of the Act for any authority to alter the laws or statutes of the respective States, in reference to civil suits or affairs, or to make or unmake law, or create or overthrow civil Government, or establish or depose civil rulers at pleasure and will.

Even in a criminal case the parties accused are guaranteed by the Act a trial "without unnecessary delay," that there shall be "no cruel or unusual punishment," and that the penalty of death shall not be carried into effect without the approval of the President.

Even in these cases the power of the Military Commander is not absolute.

And in confirmation of our view, we would quote the sixth section of the Act: "And be it further enacted, that until the people of the said rebel States shall be, by law, admitted to representation in the Congress of the United States, any Civil Governments which may exist therein, shall be deemed provisional only, and in all respects subject to the paramount authority of the United States at any time to abolish, modify, control, or supersede the same."

Now, the United States, that is the Legislature and Executive Departments of the Government, have passed no Act since. The United States, therefore, have in no way as yet abolished, modified controlled or superseded the Civil Governments of these States, in the act itself established, as provisional.

These therefore, under the Act, are still provisional, and are entitled so to be, until representation is obtained, or some further act is passed.

It scarcely needs argument to demonstrate that the rights and laws of the State remain unaltered, except as changed by the Act itself. Whatever this did not modify, is confirmed and of force.

Its terms contain the will and decree of Congress. It is the chart by which the authority of the Military Commander is to be measured on the one hand, and the rights, privileges and power of the people, and of their State Governments on the other.

Sudden and unexpected changes in laws are always injurious. They create insecurity and uneasiness. They affect capital and trade. They produce that most disastrous condition of affairs where the tenure of

rights is shifting and without substance, and where the whole basis of law and of society may, without the voice of the people, be altered with a stroke of the pen.

The necessity of the country is for a speedy reconstruction. For this, the people of the Southern States have long since been ready. The delay is not of their creation. While therefore, restoration is postponed, all that they ask is that some degree of self-government may be retained, and that if the Military Act is to be the authority for their rule, it should, at the same time, be administered within the limit of its terms.

This matter is now before the President and the Government, and we trust such directions will be issued as to fix definitely what the law is, and what the authority it confers, and the obligations it imposes.

The great desire should be to facilitate restoration, not to impede it, and never to interfere with the civil authorities or administration of justice, except when imperatively demanded by the public peace.

Correspondence of the Charleston Mercury.

RALEIGH, N. C., June 4, 1867.—One of those hard-shaking, coat-tail agitating exercises, replete "a reception," took place this morning at the capitol, and for two hours, an uninterrupted procession of old and young, white and black, filled in and out of the legislative hall. The gallery was full of spectators, and the floor of the House was occupied by ladies, gentlemen, citizens and United States officials. The President and Messrs. Seward and Randall, with Gov. Worth, stood in front of the speaker's chair, and as the curious ones came in, they were presented and passed from hand to hand with that practiced courtliness which belongs to the White House and the candidates therefor.

A noticeable feature of the occasion, was the presence of not an inconsiderable number of negroes, so that the crowd moving forwards to embrace the digital extremities of the distinguished guests, consisted of a somewhat curious *olla podrida* of rank, race, sex and condition. It is intimated that Holden, who I find is not looked upon here with the respect that we accord to a second-rate negro, is the instigator of the remarkable departure from the old-fashioned notions with which we have been wont to rule our social relations. Although such a liberal application of the theory of the Reconstruction bill, and of Gen. Sickles' recent orders, seemingly had no effect upon the Presidential courtesy, the leveling process evidently interfered with the taste and impulses of many who otherwise would have paid their respects to the Chief Magistrate.

Quite as much curiosity was manifested by the multitude to look upon the placid countenance of their other chief, General Sickles; but the North Carolinians had just read his military order taking possession of five of their counties, and I fancy that few took his hand who did not feel that it was still a hand of iron although encased in a velvet glove.

The strangers present also had an opportunity of seeing Miles, the jailor of ex-President Davis, now a brevet general, stationed, I believe, at Raleigh. He is not a comely object to view, and a physiologist would experience a variety of emotions in watching a face, on which is written—well, not every Christian virtue.

At eleven o'clock the reception ceased, and arm-in-arm with Governor Worth, escorted by police and soldiers, some on foot and some on horseback, and followed by the secretaries and military officials, the President walked from the capitol to his quarters at the Yarbrough Hotel. Indeed, this house has been the centre of interest from the beginning. The expected arrival of Chief Justice Chase, and opening of the Circuit Court, in connection with the visit of Mr. Johnson has drawn hither many of the public men of the State, and commingling of "ex-rebels," so-called, and their unformed conquerors, is curious, interesting and suggestive. In moving through the vestibule an hour since, I counted no less than seven ex-Governors, namely: Graham, Manly, Bragg, Clark, Vance, Holden and Worth.

In the car that brought me here were ex-Governor Vance, Hon. R. Y. McAllen, Speaker of the House of Commons (a young but it is said brilliant man); Hon. Josiah Turner, member of Congress elect, Hon. R. McLane, of the Confederate Congress; Colonel and Judge Thos. Ruffin, Col. J. A. Gilmer, Adjutant General of the State; Hon. John Berry, State Senator; Mr. Webb, President, and Maj. Anderson, Superintendent of the North Carolina Railroad. You will observe from this enumeration that there is no dearth of prominent officials here to do honor to the guests of the State. One may move among the throng seated among the noble shade trees in front of the house and

hear from these distinguished lips that which goes to make history; and if the huge star spangled banner that floats above their heads had ears, it would have been regaled by some reminiscences not particularly creditable to a portion of its career. Thank God, our people still have unsubjugated memories.

At twelve o'clock the President and escort again emerged from the hotel, and taking carriages, proceeded to the cemetery to listen to the oration of ex-Governor Swain, President of the State University.

A platform had been erected in front of a monument commemorating the death of Jacob Johnson, the father of the President, and the whole enclosed by ropes, and guarded by soldiers, kept the crowd at a proper distance.

The monument itself is of plain sand stone, and its appearance simple and unpretentious. The oration was, therefore, the feature of the hour.

Unfortunately, I am unable to give any abstract of it, first, because Mr. Swain read his essay in a tone that was lost amid the rustling of the trees; secondly, the dutiful guard forbid the listener to advance within ear shot; and thirdly, the platform was appropriated by distinguished officials, who seemed to forget that the great public, who read newspapers, have rights which they were bound to respect.

I am informed by one of the favored few, that the address was appropriate to the occasion, but local in its character and application; its interest being confined to reminiscences of Raleigh, in olden time, and especially during the life of Jacob Johnson. It would, therefore, not be so much appreciated in Charleston as here, where the distinguished scholarship of the orator is most known, and his treatment of a home subject is most appreciated. He was handsomely complimented by the gentlemen around him.

An audience numbering about fifteen hundred was present, and you may well imagine that the mutilation of graves by three thousand careless feet was not slight.

After the benediction the party returned to the hotel. Then came dinner—unofficial, quiet and excellent. The tables were decorated with flowers, the repast was generous and as much diversified as the ingenuity of the cook could make it, wines were abundant, the large dining hall filled with guests, was disturbed only by the quiet sociability of those neighbors, and altogether it was an episode which did credit to the head and heart of Mr. Blair, now the presiding genius at the Yarbrough Hotel—and the best institution of the kind in the old North State. I should have mentioned before that during the feast a fine colored band attached to the Fortieth regiment, very handsomely performed several airs in the garden of the house.

During the evening the President and escort occupied the parlors and received company in a more social manner than during the day. Many of the ladies availed themselves of the opportunity, and between gay uniforms and much pretty dressing on the part of the fair sex, the corridors presented a lively appearance.

I regret to say that the President cannot yield to his desire to visit Charleston. Important business will curtail his absence from Washington, and he will hurry back. I am satisfied from several remarks made by him, however from his manner, that had a committee of the council and citizens came here in person, as was the intention, and forgotten personal business and inconveniences, the end of this week would have seen the Chief Magistrate in the "City by the Sea."

He expresses himself greatly pleased with the demonstrations which he has thus far witnessed, and is no doubt, struck by the contrast between the enthusiastic shouts, to which he is accustomed at the North, and the quiet hearty welcome, which has been accorded him here.

As he comes and goes, there is a polite elevation of hats and an evidence of good feeling which he cannot for a moment doubt.

To-morrow he leaves for Chapel Hill to attend commencement.

PERSONNE.

THE CHOLERA.—Dr. Harris, Superintendent of the Bureau of Vital Statistics in New York, thinks the people of that city had better begin to prepare for another cholera visitation. In a long communication to the board of health he calls attention to the fact that the pestilence has been making rapid progress in various countries, and he recommends, accordingly, a free application of disinfectants. He says he does not desire to create unnecessary apprehension, but to rouse up the people to such timely preventive measures as will be most likely to secure their immunity.

The report that the Government of Brazil had abolished slavery is untrue.

THE JOURNAL.

Thursday, June 13, 1867.

Commendable Liberality.

By the burning of the Episcopal Church at this place, the congregation were at a loss where to turn for a place of worship, but their embarrassment was not long to continue. With the true spirit of Christian kindness, the Baptists, Presbyterians and Methodists severally proposed to share their Sunday service with the bereaved congregation, and the regular church service was continued without interruption on the following Sunday in the Baptist church. This instance of harmony and good feeling is as honorable as it is rare.

'Observer.'

We decline the publication of the communication of "Observer," for reasons which we will explain privately to the author, and which we have no doubt will be satisfactory.

The Court of Equity.

This Court commenced its session at this place on Tuesday morning last. Chancellor Johnson presiding. The Chancellor presides with dignity and courtesy and has made an agreeable impression on our people, at this his first visit.

Meeting of Freedmen.

We understand that a large meeting of the colored people of the vicinity will assemble at Doykin's Mill, on Saturday next which will be addressed by several gentlemen who have been invited for that purpose.

The President.

President Johnson has been on a visit to the City of Raleigh, and attended at the ceremonies of laying the corner-stone of a monument to be erected to the memory of his father. A description of the proceedings from the pen of PENROSE, of the Charleston Mercury will be found in another column.

Governor Perry Again.

This gentleman with a pertinacity worthy of a better cause, continues to urge his policy of inaction. That the appeals which he makes to some of the strongest predilections if not prejudices of our people, have met with so little favor from the press and the people, is one of the most encouraging signs of the times and gives us an example of wisdom and moderation never surpassed in the history of any people. That Governor PERRY's arguments addressed to the passions, should have borne so little fruit, is attributable to the fact that South Carolina has ceased to be that impulsive and sensitive existence, she once was, worshipping at the shrines of honor and pride alone, and has found it necessary to cultivate the qualities of prudence and common sense. Indeed, that which is practicable, is the only test of principle now. We all know that it would be a bad thing to adopt it as a permanent political maxim. Long ago, the secession party of South Carolina sneered at their opponents for taking counsel of their fears. They were not with the assertion that all true statesmanship rested upon a wholesome consideration of consequences. *En est ab hoste doceri.* In the bitter school of adversity, we have been taught the political axiom, that the safety of the people is above all other considerations. We cannot escape a convention. The attempt to do so would put the State under the rule of a single class and that class alienated from and embittered against the other. Universal suffrage is an element of great political strength. It depends upon ourselves, whether we shall wield this power for the restoration of the South to peace and prosperity, or by yielding to passion and prejudice, convert it into a new element of discord and oppression. Let our people act wisely, and we shall soon achieve a position in which we can take care of ourselves.—"From the nettle danger," let us "pluck the flower safety."

An Explanation.

The Commanding General of the Second Military District has issued the following Circular, explanatory of Paragraph 12 of General Orders, No 10, in relation to the use of fire arms.

Paragraph XII of General Orders, No. 10, current series from these Headquarters, does not prohibit the use of fowling pieces for hunting game upon one's own premises.

Commanding officers of Posts are authorized, upon good and sufficient cause shown, to grant permission to public officers to carry arms when absolutely necessary in the discharge of their duties; such permission to be in writing, in each case, and to be revoked when abused.

Commanding officers of Posts, to be associated with one or more commissioned officers on duty at the Post, next in rank, when practicable, are constituted Military tribunals for the trial of all persons within the limits of their commands charged with violating Par. XII of G. O. No. 10, and Par. X of G. O. No. 12 current series from these Headquarters. The proceedings in such cases to be forwarded to these Headquarters for approval.

By Command of Maj. Gen. D. E. Sickles, J. W. CLOUS, Capt. 28th U. S. Infantry, A. D. C. & A. A. G.

The President will Interfere

Palmetto, the Washington correspondent of the Charleston Mercury under date of the 4th inst., makes the following announcement: We fear, however, that it is too good to be true.

"It is generally understood in official circles here, that the President will, soon after his return from the South, review the conduct of the several District Commanders, and in all cases where they have arbitrarily interfered with the administration of civil government in the Southern States, or otherwise transgressed their legitimate functions, their acts and orders will be annulled and set aside.

This would have been done some time ago, but the Attorney-General having had charge of the matter, and being engaged in the preparation of an opinion concerning the authority vested in these military commanders by the so-called Reconstruction act, it was deemed prudent to await the promulgation of his views, which explains an apparent tardiness on the part of the President, in reference to this very important matter. I think it may be safely stated that Sheridan's conduct in Louisiana in the removal of certain State and municipal officers, Griffin's attempt to prescribe the qualifications of jurors in Texas, and Pope's officiousness at Mobile, will all be disapproved, and those officers directed to mind their own business in the future, and not undertake to play the part of Sultans and Czars in this country. There are also some things in Schofield's District (Virginia) that need revision, and they will doubtless be attended to with the rest.

So far as I can learn it is the intention of the administration to get along with the military government act, in the South, as smoothly as possible, and in no case to permit military officers to exercise even their legitimate authority in a wanton and capricious manner—and, therefore, it is highly necessary that the forthcoming opinion of the Attorney-General should be made the rule of their conduct, and any departure from it ought to be pointedly rebuked from headquarters in this city.

BREADSTUFFS.—The Chicago Tribune says that the present inflated prices of wheat are but temporary, and intimates that they are mainly due to a "corner" established by speculators, on exaggerated statements of the scarcity of breadstuffs. The Tribune says:

Less than six weeks the harvest of wheat will be gathered in the Southern half of the wheat-growing belt of the country, and that harvest promises to be an abundant one. A few weeks later will follow the harvest up to the Northern line, and that, too, promises to be a most liberal yield.—Under these circumstances every one must perceive that the present high prices rest upon an exceedingly flimsy foundation. The "corner" upon breadstuffs has been successfully maintained much longer than the speculators expected; but its time is nearly spent. Millers buy no wheat at present prices, and sales of flour are confined to retail dealers, to supply the immediate wants of their customers. Yesterday there were 110,000 bushels of wheat and 67,000 barrels of flour in store in Chicago. The daily receipts are equal to the demand for local consumption; and there is no other demand now, and will be none until the new crop comes in.

This is a cheerful view of the matter, which we hope will soon be verified by the market quotations.

FAITHFUL SERVANTS.—The Richmond papers announce the marriage, at Fortress Monroe, of Frederick McGinnis and Ellen Barnes, two colored servants of Jefferson Davis, who deserve a passing notice. They became Davis' servants in Richmond, eluding to him in his fallen fortunes, and voluntarily shared his protracted imprisonment. Frederick, at the confinement of his master in Fortress Monroe, sought Mrs. Davis and offered to go to her husband and minister to his wants. When told that the slender means of the fallen family would never permit such an expenditure, his services were offered freely without remuneration. When at last arrangements were made, and means provided for him, and he found himself within the Fortress, a part of his wages were carefully laid aside and regular sent home to South Carolina to his old mistress, who had been impoverished by the war. Similar faithfulness and liberty are recorded of Ellen.

STRAWS IN VIRGINIA.—The row hitherto reported as occurring between negroes and the United States burial corps at Danville assumes a different aspect when we learn that the burial corps was formed of negroes also. It was Uncle Sam's niggers against Virginia niggers. Uncle Sam's niggers put on airs, as they do to a great extent in many places in the South, and the Danville darkies whipped them out of town. Virginia niggers, therefore, have sympathies that are to some extent local.

New York Herald.

THE EFFECTS OF A REMOTE CAUSE.

The news of Queen Victoria's mediation between France and Prussia is said to have caused a rapid rise in the price of white oak staves in West Virginia. The French and Spanish wine merchants are supplied largely with this wood for wine casks from that region, and the trade is thereby peculiarly sensitive to the fluctuations in Europe.

PARIS, June 7.—The carriage containing Napoleon and the Czar, returning from the *Champs de Mars*, where a review had been given in honor of the Czar, was fired into.—Whether to kill the Emperor or Czar is unknown.

In the attempted assassination, the Imperial party had a very narrow escape, the ball passing in a line between two of the distinguished personages and wounding a lady standing in the street. The horse ridden by the groom in waiting was wounded in the head immediately after the discharge, and the blood spurted on the Imperial uniform. The assassin attempted a second shot when the pistol burst. He is a Pole, who came from Belgium, and is without accomplices in Paris. The police saved his life from the enraged populace.—There was a magnificent ball given at the Russian Embassy the same evening. The Czar, with his sons, and the Emperor and the Empress of France were present, with members of the Russian Royal party, and were congratulated on their escape.

A NATURAL CAVE IN TEXAS.

The Corpus Christi Advertiser gives the following brief description of a cave recently found about seventy miles southwest of that city:—Llano Blanco Cave is situated about the centre of Duval county. So far as this Cave has been explored—some seventy-five yards—large chambers with gushing streams of cool fresh water, so cold as to dispense with the luxury of ice, have been found. A natural well, some twenty-five feet in depth, some two hundred yards from the entrance of the cave, exists from the direction of which a current of air rushes with great force, as from a furnace stack. The walks of the cave are composed of sulphate of lime, and untold quantities of Plaster of Paris could be made out of it. Other specimens, present themselves, which, upon further examination, may yet be developed into untold wealth, that has laid dormant for years, awaiting the acuteness of Yankee enterprise to be made available.

AID FOR THE SOUTH.

It is stated that the subscribers to the English cotton famine fund desire to appropriate their surplus funds, amounting to the large sum of \$600,000, in gold, to the relief of the Southern States of the American Union. It is known but a small portion of the funds would ever be claimed by the subscribers under any circumstances, and, therefore, it is not likely that there will be any difficulty in the way of its suggested application. It would be a magnificent donation. The Liverpool American says:

"There may be some legal obstacles to its immediate use for this purpose; but, as the character of the suffering will admit of no delay, it has been proposed to send forward a portion now, and retain a part until such time as might be fixed for its withdrawal.

"At present, no demand is more urgent, no people more necessitous than the sufferers from old wrongs, civil war and recent fire and flood, in the Southern States of America."

WEST POINT—SOUTHERN BOYS AHEAD.

We learn a remarkable fact from the New York Times, of the 5th inst., and it is this: That of the class just graduating at West Point, every one of the first six scholars is from the South. Ruffner, of Virginia, leads, and Sears, of Virginia is third; then, there are Mallory, of Alabama, Rogers and Haupt, of Georgia, and Griffith, of North Carolina. In the next six, there are three Tennesseans—Pitman, Maguire and Bell—while Turtle, of Massachusetts, Greer, of Pennsylvania, and Heintzleman, at large, occupy the other places. Thus all of the first six and nine of the first twelve places on the scale of general merit, are taken this year by men appointed from the South. This is the first time in the history of the Military Academy when the Southern States have swept off all the honors.

The Paris papers say that the story

about the new French gun which shoots the people without powder or smoke is quite true. The weapon is really a sling, improved up to the nineteenth century standard. Bullets are placed in a circular groove on a disc of steel, which, driven by a wheel of much greater diameter, revolves at the rate of about three hundred per minute. They strike as hard as rifle balls.

MOVEMENT OF TROOPS.

The Columbia Phoenix says: "Two companies of the 6th United States Infantry, stationed in Charleston, and two companies from this city, will leave this Military District to garrison one of the Indian forts on the Western frontier. Gen. Green, Commandant of this Post, will go out in command of the battalion."