

St. Mary's Gazette.

DEVOTED TO LITERATURE, NEWS, AGRICULTURE AND GENERAL INTELLIGENCE

VOL. III.

LEONARD TOWN, MD., THURSDAY MORNING, FEBRUARY 15, 1866

NO 18

ST. MARY'S GAZETTE

IS PUBLISHED EVERY THURSDAY BY
JAMES S. DOWNS.

TERMS OF SUBSCRIPTION.—\$2.00 per annum, to be paid within six months. No subscription will be received for a shorter period than six months, and no paper to be discontinued until arrears are paid except at the option of the publisher.

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All communications for publication must be accompanied with the real name of the author, or nomination will not be published, unless desired, but we cannot consent to insert communications unless we know the writer.

NOTICE OF DIVIDEND

ON application of James L. Biscoe, Administrator of Britanna Estate, late of St. Mary's County, Md., deceased, I have ordered that a dividend of \$1000 be paid to the parties entitled thereto, on the 15th day of February, 1866.

"PINEY HILLS,"

containing 144 1-2 acres, more or less. Also, one other tract or parcel of land, called and known by the name of

"CEDAR POINT,"

containing 300 acres, more or less. These lands are located in the second Election District of Saint Mary's County, are the lands of which the late Beale Keiser died seized and possessed, and contain in the aggregate

493 1-2 ACRES,

more or less. They lie immediately on the Patuxent River—near its mouth—and in a fair state of improvement, and have good buildings upon them. The soil is adapted to the growth of the staple products of the State, and is susceptible of rapid and permanent improvement.

There is a fine water creek upon the Cedar Point estate, and also a good fishing landing upon it. Steamers to and from Baltimore stop at a wharf within a mile and a half of these lands, from two to four times a week, and it is probable that railroad connection will soon be established between them and Washington city. They are located in a pleasant, healthy and highly improved neighborhood, and a join the fine estates of Henry L. Carroll, Esq., and the late Henry Sewall.

TERMS OF SALE,

as prescribed by the Decease, are: Two thousand dollars cash, on the day of sale, and the residue in two equal instalments, at one and two years' credit—the deferred payments to be secured by the bonds of the purchaser, with security to be approved by the Trustees, and to bear interest from the day of sale. When all the purchase money shall be paid, the Trustees will execute a deed to the purchaser, free, clear and discharged from the claims of all the parties to this suit and of those claiming under them.

ROBERT C. COMBS,
JAS. S. DOWNS, Trustees.

Feb. 15, 1866—ts.
Dec. 7th, 1865—4w.

NOTICE TO CREDITORS.

NOTICE is hereby given that the subscriber has obtained from the Orphan Court of St. Mary's County, Maryland, letters of administration on the personal estate of William C. Biscoe, late of said county, deceased. All persons having claims against the said deceased are hereby warned to exhibit the same, with proper vouchers therefor, to the subscriber, on or before the 15th day of June, 1866, after which they will be excluded by law from all benefit of the said estate. Given under my hand this 7th day of December, 1865.

JAMES S. DOWNS,
Administrator.

NOTICE TO CREDITORS.

NOTICE is hereby given that the subscriber has obtained from the Orphan Court of St. Mary's County, Maryland, letters of administration on the personal estate of William C. Biscoe, late of said county, deceased. All persons having claims against the said deceased are hereby warned to exhibit the same, with proper vouchers therefor, to the subscriber, on or before the 15th day of June, 1866, after which they will be excluded by law from all benefit of the said estate. Given under my hand this 7th day of December, 1865.

JOHN L. DEAN,
Administrator.

Dec. 7th, 1865—4w.

LETTER OF ADMIRAL SEMMES.

The following letter of Admiral Semmes, addressed to the President a few days ago, on the subject of his arrest is worthy of a careful perusal:

To His Excellency, Andrew Johnson, President of the United States:

Sir—Being satisfied that you are anxious to arrive at a correct decision in my case—one that shall accord, at the same time, with the honor and dignity of the United States, and with justice to myself—I venture to address you the following brief exposition of the law and the facts of the case.

On the 26th day of April, 1865, the following military convention was entered into at Greensboro', N. C., between Gen. Joseph E. Johnston, commanding the Confederate States Army in North Carolina, and Major Gen. W. T. Sherman, commanding the United States Army in the same State:

1. All acts of war on the part of the troops under General Johnston's command to cease from this date.

2. All arms and public property to be deposited at Greensboro', and delivered to an ordinance officer of the United States Army.

3. Rolls of all the officers and men to be made in duplicate, one copy to be retained by the commander of the troops, and the other to be given to an officer to be designated by General Sherman. Each officer and man to give his individual obligation in writing, not to take up arms against the Government of the United States until properly released from this obligation.

4. The side-arms of officers, and their private horses and baggage, to be retained by them.

5. This being done all the officers and men will be permitted to return to their homes, not to be disturbed by the United States authorities so long as they observe their obligation and the laws in force where they may reside.

[Signed] W. T. SHERMAN, Major General Commanding U. S. Forces in North Carolina.

[Signed] JOSEPH E. JOHNSTON, General Commanding C. S. Forces in North Carolina.

Major Gen. Sherman, was a solemn military convention entered into by two Generals who had opposing armies in the field, in which convention the one and the other general stipulated for certain terms, Gen. Johnston agreeing to lay down his arms and disband his forces, and Gen. Sherman agreeing in consideration thereof, that the forces thus disbanded should proceed to their homes and there remain undisturbed by the United States authorities. I beg you to observe the use of the word "undisturbed," one of the most comprehensive words in our language. I pray you also to remark the formalities with which this convention was drawn. We were treated as officers commanding armies, representing, of course, if not a de jure, at least a de facto government. Our proper military titles were acknowledged. I was myself styled and treated in the muster-rolls, and other papers drawn up by both parties, as Brigadier General and a Rear-Admiral. The honors of war usual upon surrenders upon terms were accorded to us in our being permitted to retain our side arms, private horses and baggage. In short, the future historian, upon reading this convention, will be unable to distinguish it in any particular from other similar papers agreed upon by armies of recognized Governments. At the date of and some weeks prior to the ratification of this convention I commanded a brigade of artillery, forming a part of the army of Gen. Johnston. I was, of course, included in the terms of the convention. I complied with those terms, under orders received from Gen. Johnston, by turning over my arms, the proper honors and disbanding my forces. The convention was approved by the Government of the United States. Your Excellency may recollect that this first convention entered into between General Johnston and General Sherman, which provided, among other things, for the return of the Southern States to their functions under the Constitution of the United States, was disapproved by the Government, on the ground that General Sherman, in undertaking to treat of political matters, had transgressed his authority. The armistice which had been declared between the two armies was dissolved, and hostilities were renewed. A few days afterwards, however, new negotiations were commenced, and the convention with which we have to do was the second convention entered into by those Generals; and which was a substantial reiteration of the military portion of the first convention. It was this latter convention which was formally approved, both by General Grant the Commander-in-Chief, under whose orders General Sherman acted, and by the Executive at Washington.

Confiding in the good faith of the Government, pledged to a solemn treaty as above stated, I returned to my home in Alabama, and remained there for the space of seven months, engaging in civil pursuits as a means of livelihood, for

my dependent family, and yielding a ready obedience to the laws. I had, in fact, become an officer of the law, having established myself as an attorney. It would have been easy for me, at any time within these seven months, to pass out of the country, if I had had any doubt about the binding obligation of the Greensboro' convention, or of the good faith of the Government. But I had no doubt on either point, nor have I any doubt yet, as I feel quite sure that, when you shall have informed yourself of all the facts of the case, you will come to the conclusion that my arrest was entirely without warrant, and order my discharge. While thus remaining quietly at my home, in the belief that I was "not to be disturbed by the United States authorities," I was, on the 15th day of December, 1865, in the night time, arrested by a Lieutenant and two Sergeants of the marine corps, under an order signed by the Secretary of the Navy, and placed under guard; a file of soldiers in the meantime surrounding my house. I was informed by the officer making the arrest that I was to proceed to Washington in his custody, there to answer a charge, a copy of which he handed me. This charge, and the protest which I filed the next day with the Commanding General of the Department of Alabama, against my arrest, your Excellency has already seen. The question for you, then, to decide, Mr. President, is the legality of this arrest. Can I, in violation of the terms of the military convention already referred to, and under which I laid down my arms, be held to answer for any act of war committed anterior to the date of that convention? I respectfully submit that I cannot be so held, either during the continuance of the war (and the political power has not yet proclaimed the war ended), or after the war shall have been brought to a close by proclamation, and the restoration of the writ of *habeas corpus*, without a flagrant violation of faith on the part of the United States. If it be admitted that I might be tried for any act *dehors* the war, and having no connection with it, as for instance, for a forgery, it is yet quite clear that I cannot be arrested or arraigned for any act manifestly of war, and acknowledged as such, (as the act for instance for which I was arrested,) whether such act be in consonance with the laws of war or in violation thereof; and this for the simple reason that the military convention was a condition and an obligation of all precedent acts of war, of what nature soever those acts might be. I am "not to be disturbed," says the military convention, "by the United States authorities." Disturbed for what? Why, manifestly, for any act of war theretofore committed against the United States. This is the only common sense view of the case; and if the convention did not mean this it could mean nothing; and I laid down my arms, not upon terms, as I had supposed, but without terms. If I had stood at the mercy of the conqueror, and my arrest asserts as much, I was, in the condition of one who had surrendered unconditionally; but it had been seen that I did not surrender unconditionally, but upon terms, terms expressed upon a treaty ratified and approved by the conqueror's Government. Nor is it consistent with good faith to qualify or restrain those terms, so as to make them inapplicable to acts of war that may be claimed to have been in violation of the laws of war; for this would be to refine away all the protection which has been thrown around me by treaty, and put me in the power of the opposite contracting party, who might put his own construction upon the laws of war. This very act, in the case before you, I submit to have escaped, after my ship had been sunk from under me in the engagement of Cherbourg, and I had been precipitated into the water, the enemy not having taken possession of me, according to the laws and usages of war, as your Excellency may read in almost every page of naval history, the Secretary of the Navy claiming the contrary. The true, and the only just and fair criterion is, was the act for which the arrest was made an act of war? If so, there is an end of the question, and I must be discharged, for, as before remarked, the convention, if it is anything, is an obligation of all acts of war of whatever nature.

But it may be said that, although I cannot be tried by a military tribunal during the war, I may yet be tried by a civil tribunal after the war. Let us try this question also. I was undoubtedly amenable to the civil tribunals of the country, as well as before the convention, for any offense of a purely civil nature, not founded upon an act of war—to instance, as before the crime of forgery. If I had committed a forgery in North Carolina, I could not, upon arraignment, plead the military convention in bar of trial. Why not? Because that convention had reference only to acts of war. I was treated with, in my capacity of a soldier and a seaman. But, does it follow that I may be tried for treason? And if not, why not? The Attorney General tells you that treason is a civil offense, and in his opinion triable exclusively by the civil

Courts, and he hopes you will give him plenty of occupation in trying "many whom the sword has spared." [See his letter to you of the 4th of January, 1866.] But does not that officer forget that treason is made up of acts of war? The Constitution of the United States, which the Attorney General says he loves even better than his bed, declares, in words that treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort—all of which adhere to acts of war. There is no constructive treason in this country. Thus I can neither be tried by a military tribunal during the war, nor a civil tribunal after the war, for any act of war, or for treason which consists only of acts of war.

But it may be further said, that this convention, of which I am claiming the protection is not a continuing convention, and will expire with the war, when, as Mr. Speed thinks, you may land me over to the civil tribunals. Whence can such a conclusion be drawn? Not from the terms of the convention, for these, contrary to the conclusion, not by implication merely, but in *totum verbis*. The terms are "not to be disturbed, so long as they shall observe their obligation and the laws in force where they may reside." A misreading of Mr. President, sometimes misleads very clever minds. And I presume it is by a misreading of terms that the Attorney General has fallen into this error. [See his letter to your Excellency before referred to.] That officer, while he admits that parole protects the party paroled from trial during war, yet contends that it does not protect him from trial by a civil tribunal, for treason, after the war. As I have shown that treason can only consist of acts of war, and that the military convention is an obligation of all acts of war, the Attorney General, when he says that a paroled party may be tried for treason at the end of the war, (the parole being no longer a protection to him) must mean that the parole will have died with the war. This is entirely true of a mere parole, for a parole is only a promise, on the part of a prisoner of war, that, if released from imprisonment, he will not take up arms again unless he is extorted. This parole is as frequently given by prisoners of war, who have surrendered unconditionally, as by those who have surrendered upon terms.

There cannot be any parole, then, without a prisoner of war, and the status of prisoner of war ceasing, the parole ceases—*pro cessante ratione, cessat effectus*. Thus, for the Attorney General is quite logical, by confounding in his mind the certificates given to the officers and men of General Johnston's army, stating the terms of the Greensboro' convention, and guaranteeing those officers and men against molestation, in accordance with those terms, with paroles, it is easy to see how the mistake I am exposing can have been made. But the convention made between General Johnston and General Sherman was not a mere releasing of prisoners on parole; nor, indeed, had it anything to do with prisoners, for none of the officers and men of General Johnston's army were prisoners, as may be seen at a glance by an inspection of the terms of the convention. It was a treaty between Commanding Generals in the field, in which the word parole is not once used, or could be used with propriety; a treaty in which mutual stipulations are made, one in consideration of another, and there is no limit as to time set to this treaty. On the contrary, it was expressly stated that the guarantees contained in it were to continue and be in force so long as the parties to whom the guarantees were given should perform their part of the treaty stipulations. It was made not in contemplation of a continuation of the war, but with a view to put an end to the war, and the guarantees were demanded by us as peace guarantees. It did, in effect, put an end to the war and pacify the whole country, Gen. Taylor in Alabama and Mississippi, and Gen. Buckner and others in Texas, following the lead of Gen. Johnston. Are we to be told now by an Attorney General of the United States that the moment the object of the convention, to wit the restoration of peace, was accomplished, the convention itself became a nullity, its terms powerless to protect us, and that General Johnston's army surrendered, in fact, without any terms whatever? You cannot sustain such an opinion, Mr. President. It will shock the common sense and love of fair play of the American people. But to show still further that it was the intention of the parties that this should be a continuing convention, the words used were "not to be disturbed by the United States authorities," these words being co-extensive with the whole power of the Government. We were not only "not to be disturbed" by Gen. Sherman, or any other military commander or authority, but by any authority whatever, civil or military. Nor will it do to say that Gen. Sherman, being merely a military man, had no authority to speak for the civil branch of the Government, for his action, as we have seen, was approved by the administration at Washington.

One more remark, Mr. President, and I will forbear to trespass further on your

time and patience. The act of war for which I was arrested was well known to the department of the Government making the arrest ten months before the convention was entered into at Greensboro'. It was also well known to the same department that about the middle of February, 1865, I was assigned to the command of the James River squadron, near Richmond, with the rank of a Rear Admiral; being thus promoted and employed by my Government after the alleged illegal escape of Cherbourg. If the Government then entertained the design, which it has since developed, of arresting and trying me for this alleged breach of the laws of war, was it not its duty, both to itself, and to me, to have made me an exception to any military terms it might have been disposed to grant to our armies? I put it to you, Mr. President, as a man and a Magistrate, to say, and I will rest my case on your answer, whether it was consistent with honor and fair dealing for this Government first to entrup me by means of a military convention, and then, having me in its power, to arrest me and declare that convention null and void, for the course recommended to you by Mr. Speed comes to this—nothing more, nothing less.

I have thus laid before you, patiently, I fear, and yet as concisely as was consistent with clearness, the grounds upon which I claim at your hands, who are the guardian of the honor of a great nation, my discharge from arrest and imprisonment. I have spoken freely and frankly, as it became an American citizen to speak to the Chief Magistrate of the American Republic. We live in times of high party excitement, when men, unfortunately, are too prone to take counsel of their passions; but passions die, and men die with them, and after death comes history. In the future, Mr. President, when America shall have a history, my record and that of the gallant Southern people will be engraved upon and become a part of your history, the pages of which you are now acting and the prayer of this petition is, that you will not permit the honor of the American name to be tarnished by a parody on those pages. In this paper I have stood strictly upon legal defenses; but should those barriers be beaten down, conscious of the restitude of my conduct throughout a chequered and eventful career, when the Commerce of half a world was at my mercy and when the passions of men North and South were tossed into a whirlwind by the current events of the most bloody and terrible war that human race had ever seen, I shall hope to justify and defend myself against any and all charges affecting the honor and reputation of a man and a soldier. Whatever else may be said of me, I have, at least, brought no discredit upon the American name and character. I am, very respectfully, &c.

RADHAKI SEMMES,

Washington City, Jan. 13, 1866.

THE HOME OF A ROTHSCHILD.—A correspondent of the London Telegraph thus describes Ferrieres, the home of Baron James de Rothschild:—"When the Compiègne festivities are over those of Ferrieres commence. Baron James de Rothschild selects the month of December as his special season for receiving his guests, because it is the season wherein he can best enjoy his favorite pastime of hunting, shooting, &c. As at Compiègne, the Baron's guests are invited in four series; and if it were possible to exceed the magnificence of imperial Compiègne, the Baron would certainly outstrip Napoleon III. The estate of La Ferrieres described thirty years ago by Rothschild from the heirs of Fouché, Duke of Otranto, for the sum of 2,600,000*fr.* It has since been considerably increased, and it now consists of 37,000 English acres. Like the great Frederick, who vainly tried to purchase the mill at Sans Souci which came to twist the wind and his nobility, the Baron has vainly endeavored to buy a farm of fifteen acres which happens to be in the centre of his vast domain. The gold of the Rothschilds will not tempt the old baron to part with his beloved heritage. Curious to say, the adjoining estates belong to the mighty Percies, the only name in France which in point of financial power can rival that of Rothschild.

"The Emperor's visit in 1865 to La Ferrieres will be remembered. Every hour which his Majesty breathed in this superb mansion cost the host a million. Till that time no artist had been allowed to sketch the chateau; and it being a hideous amalgamation of incorrect style, such as would give Mr. Ruskin a shiver even to contemplate in photograph, I think the Baron evinced his good sense in not permitting his house to be seen in prints.—Imagine a huge building, partly old English and partly Chinese in its decoration, surrounded by exquisite grounds, in the designs of which Paxton had no inconsiderable part, immense tanks well stocked with fish and an indescribable air of artificial ornament pervading the whole, which conveys to one the idea that one of the sumptuous palaces in the Champs Elysees has been transported to the plain of La Reine.

"The interior arrangements, however, are faultless—a double staircase leads to the hall, which is eighty-five feet in height, and lit from the roof by a dome of glass, illuminated at night by 1,750 gas burners. The gallery separates this vast hall from the dwelling-rooms, each of which would supply in itself enough treasures for a very respectable exhibition. Byzantine arm chairs, pictures by Velasquez, Joseph Vermet, Guido, Vandyke, and I know not how many more great masters, almost fatigue the spectator by their repeated claims for admiration. The most comfortable chair in the *salon de famille* was once the throne of a Chinese Emperor, presented by that Celestial to a Rothschild. A sofa in this said room is covered by Oriental embroidery bearing the Imperial Dragon. The Baron's private study is furnished with Gobelin tapestry worked from designs by Boucher. The walls of the smoking-room are entirely covered by Russia leather, exactly the tint of a dipar, and on this costly material Eugene Lamy has painted exquisite frescoes. The family dining-room is decorated by sporting subjects, executed by Philippe Rousseau. It opens on a small and very plain synagogue. It was in this large dining-room that the Emperor and his suite partook of the celebrated luncheon in 1862, served on Bernard de Pallissy china and plate-chiselled by Gost-tieres.

AN ITEM FOR SUMMER'S SCRAP-BOOK.—Some cotton-threads, whose ears ought to be cut off and sewed over his mouth, writes thus to a Northern Newspaper about the relations of the whites and blacks in Mississippi:—"I will not attempt to record or even enumerate the abuses of which I have knowledge. Whippings without mercy, tying up by the thumbs, beating with clubs, pounding with pistols, cutting with knives, shooting, and in every way maltreating and sometimes murdering." This statement sounds harshly, but certified records will prove its dreadful truth. Still it would be safe to say that only a small minority of these cases are even reported; and of all that are reported, the majority are lost sight of in the dusty files of official records. It is not my purpose to excite any undue ill-feelings toward Southern people.

INGENUOUS LIAR?—"I will not attempt to record or enumerate the abuses of which he has knowledge;" wherefore he records those of which he has no knowledge—but of course, with no purpose to excite any undue ill-feelings toward Southern people. Here is a *châtaigne* for Summer's scrap-book.—N. Y. World.

FORMER ARMIES OF THE UNITED STATES. The largest army ever assembled at any one time during the revolution, was that commanded by General Putnam, on Long Island. That numbered seventeen thousand men of all arms. The next largest was that with which Washington captured Cornwallis at Yorktown, when he had six thousand. Our largest army assembled in 1812 was commanded by Jackson at New Orleans, and counted but six thousand. Coming down to the Mexican war, Taylor won his victories with a force never exceeding five thousand, and Scott's largest force was not beyond eight thousand and five hundred. The largest army prior to the rebellion was, therefore, that of Putnam, at Long Island—seventeen thousand men.

RICHMOND.—A Correspondent of a New York journal writes that "Richmond is dull" very dull. The cold cheerless season is upon us, with its short days and long monotonous nights. Money is horribly scarce; people see no relief for the present, and scarcely any hope for the future, as, mail after mail, some new revelation is made to them of the grinding and oppressive determination of the present Congress. Men go gloomily and despondently about their work, but with a passive and stoical endurance that is really noble to contemplate.

At a recent railroad dinner, in compliment to the fraternity, the toast was given:—"An honest lawyer, the noblest work of God." But an old farmer in the back part of the hall, rather spoiled the effect by adding in a loud voice, "and about the scarest."

An editor says that he felt called upon to publish Father Lewis' sermon the "Locality of Hell," as it was a question in which nearly all of his readers were deeply interested.

A lover wrote thus to his sweetheart:—"Delectable darling, you are so dulcet that honey would blush in your presence, and green treacle stand appalled."

A handsome young lady being asked if she ever gave a kiss replied:—"No; but I quite often have one stolen."