

THE UNION FLAG

VOLUME I JONESBOROUGH, TENN. FRIDAY, JANUARY 26, 1866. NUMBER 37

GREAT INDUCEMENTS!

At King's Old Corner, Opposite the Lamar House. GOODS of every Description for sale at REDUCED RATES!

J. H. FESSENDEN & CO. Corner Gay and Cumberland Streets, KNOXVILLE, TENN

Table listing various banks and their locations, including Bank of Fulton, Bank of Georgia, and Bank of North Carolina.

THE UNION FLAG

Jonesborough, January 26, 1866.

G. E. GRISHAM, EDITOR AND PROPRIETOR

Terms: The Union Flag will be published every Friday Morning, on the following terms: One copy, per year, \$3.00...

POETRY.

THE NATION'S DEAD. FROM THE BOND TABLE. Four hundred thousand men, The brave, the good, the true,

DRUGS! DRUGS! DRUGS! JAMES A. DILLWORTH WOULD respectfully inform his old friends and the public generally...

DRUGS, MEDICINES, & C. In fact, every thing connected with a first class Drug Store.

NEW DRUG STORE! Medicines, Paints, Dye Stuffs, PAPER, INK, ENVELOPES, PERFUMERY.

RESPECTFULLY INFORMS THE PUBLIC that he has opened a Shop for Repairing Watches and Jewellery...

JOS. R. MITCHELL & Co. EXCHANGE BROKERS, Knoxville, Tenn.

REFERENCES. First National Bank, Covens & Dickinson, Col. John Williams, A. G. Jackson, Knoxville.

W. P. WILSON, U. ROSS. W. P. WILSON & CO., WHOLESALE GROCERS AND COMMISSION MERCHANTS.

MUSIC. PROF. C. E. DILLWORTH RESPECTFULLY ANNOUNCES to the public that the Spring session of his music class has opened.

VALUABLE LAND FOR SALE. I HAVE FOR SALE a VALUABLE PARCEL OF LAND consisting of 10 Acres situated in the town of Jonesborough...

THRILLING ADVENTURES

Lieut. George W. Douglas, OF THE NORTH EAST TENNESSEE INFANTRY THE RENOWNED UNION-SCOUT AND PILOT.

CHAPTER X. THE BATTLE OF STONE RIVER.

The various engagements, generally termed the "Battle of Stone River," commenced on Tuesday, the 30th day of December, 1862.

On Wednesday morning the 31st, the conflict was resumed—but the rebels largely outnumbering us, we were compelled to fall back in some disorder...

On Thursday morning, 1st day of January, 1863, heavy skirmishing was kept up along the whole line, but no general engagement took place.

On Friday morning, skirmishing was still kept up until about 12 m. when the cavalry force under command of General Orfenden, were gotten ready for a grand charge.

On Saturday morning, the 3rd of January, 1863, heavy skirmishing was kept up along the whole line, but no general engagement took place.

On Sunday morning, the 4th of January, 1863, heavy skirmishing was kept up along the whole line, but no general engagement took place.

On Monday morning, the 5th of January, 1863, heavy skirmishing was kept up along the whole line, but no general engagement took place.

On Tuesday morning, the 6th of January, 1863, heavy skirmishing was kept up along the whole line, but no general engagement took place.

On Wednesday morning, the 7th of January, 1863, heavy skirmishing was kept up along the whole line, but no general engagement took place.

On Thursday morning, the 8th of January, 1863, heavy skirmishing was kept up along the whole line, but no general engagement took place.

On Friday morning, the 9th of January, 1863, heavy skirmishing was kept up along the whole line, but no general engagement took place.

On Saturday morning, the 10th of January, 1863, heavy skirmishing was kept up along the whole line, but no general engagement took place.

On Sunday morning, the 11th of January, 1863, heavy skirmishing was kept up along the whole line, but no general engagement took place.

On Monday morning, the 12th of January, 1863, heavy skirmishing was kept up along the whole line, but no general engagement took place.

On Tuesday morning, the 13th of January, 1863, heavy skirmishing was kept up along the whole line, but no general engagement took place.

On Wednesday morning, the 14th of January, 1863, heavy skirmishing was kept up along the whole line, but no general engagement took place.

On Thursday morning, the 15th of January, 1863, heavy skirmishing was kept up along the whole line, but no general engagement took place.

war was at its crisis Jefferson Davis, the commander-in-chief of the army of insurgents, was taken prisoner, with other prominent rebels, by the military forces of the United States.

The President to-day transmitted to the Senate a message in reply to a resolution calling upon him to inform that body upon what charges Jeff. Davis is confined, and why he is not brought to trial.

WAR DEPARTMENT, JAN. 4, 1866. SIR—In the annexed Senate resolution, passed Dec. 21st, 1865, referred to me by your honor for report, I have the honor to state:

1. That Jefferson Davis was captured by United States troops in the State of Georgia on or about the 20th day of May, 1865, and by order of this department has been, and now is confined in Fortress Monroe to abide such action as may be taken by the proper authorities of the United States Government.

2. That he has not been arraigned upon and indicted or formal charge of high treason by the grand jury of the District of Columbia, which indictment is now pending in the Supreme Court of said District. He is also charged with the crime of inciting the assassination of Abraham Lincoln, and the murder of Union prisoners of war by starvation, and other barbarous and cruel treatment towards them.

3. The President deeming it expedient that Jefferson Davis should first be put upon his trial before a competent court and jury for the crime of treason, he was advised by the law officer of Government, that the most proper place for such trial was in the State of Virginia; that State is within the judicial circuit assigned to the Chief Justice of the Supreme Court, who has held no court there since the apprehension of Davis, and who declines for an indefinite period to hold any court there. The matters above stated are, so far as I am informed, the reason for holding Davis in confinement, why he has not been brought to trial, &c.

4. Besides Jeff Davis the following persons who acted as officers of the rebel Government are imprisoned, to wit: Clement O. Clay at Fortress Monroe, charged, among other things, with treason, with complicity in the murder of Mr. Lincoln, and with organizing a band of robbers, pirates and murderers in Canada to burn the cities and ravage the commerce of the loyal States on the British frontier; D. L. Yulee, at Fort Pulaski, charged with treason while holding a seat in the Senate of the United States, and with plotting the capture of forts and arsenals of the United States and with inciting war against the Government; S. R. Mallory, at Fort Lafayette, charged with treason and organizing and setting on foot piratical expeditions against United States commerce. Other officers of the so-called Confederate Government, arrested and imprisoned, have been released on parole to abide the action of the Government in reference to their prosecution and trial for alleged offenses. Among these are O. A. Trenchum, Secretary of the Treasury; John A. Campbell Assistant Secretary of War; James A. Seddon, Secretary of War; John H. Reagan, Postmaster General; R. M. T. Hunter, Senator; Alexander H. Stephens, Vice-President, and sundry other persons of lesser note.

B. M. STANTON, Secretary of War. ATTORNEY GENERAL'S OFFICE, January 4, 1866.

To the President: Sir—I have the honor to acknowledge the receipt from you of a copy of a resolution of the Senate of the United States, of the 21st of December, 1865. In that resolution the Senate respectfully requested to be informed upon what charges and reasons Jefferson Davis is still held in confinement, and why he has not been put upon his trial. When the

war was at its crisis Jefferson Davis, the commander-in-chief of the army of insurgents, was taken prisoner, with other prominent rebels, by the military forces of the United States. It was the duty of the military so to take them. They have been, therefore, and are yet held as prisoners of war. Though active hostilities have ceased, a state of war still exists over the territory of rebellion. Until peace shall come in fact and law they can be lawfully held as prisoners of war.

I have ever thought that trials for high treason cannot be had before a military tribunal. The civil courts have since jurisdiction of that crime. The question then arises, when and where must the trial be held. In the clause of the Constitution mentioned in the resolution of the Senate it is plainly written that they must be held in the State and district wherein the crime shall have been committed.

I know that many persons of learning and ability, entertain the opinion that the Commander-in-Chief of the rebel army should be regarded so constitutionally present, with all the insurgents who prosecuted hostilities, and made raids upon the northern and southern borders of the loyal States. This doctrine of constructive presence carried out to its logical consequences, would make all who had been connected with the rebel armies liable to trial in any State and district into which any portion of those armies had made the slightest incursion. Not being persuaded of the correctness of that opinion, but regarding the doctrine mentioned as of doubtful constitutionality, I have thought not proper to advise you to a course of criminal proceedings to be instituted against Jefferson Davis, or any other insurgent in the States or districts in which they were not actually present during the prosecution of hostilities.

Some of the prominent rebels were personally present at the invasion of Maryland and Pennsylvania, but all of them, or nearly all of them, received military paroles upon the surrender of the rebel army. While I think that those parties have no ultimate protection from prosecutions for high treason, I have thought that it would be a violation of the paroles to prosecute those persons for crimes before the political power of the Government has proclaimed that the rebellion has been suppressed. It follows from what I have said that I am of the opinion that Jefferson Davis and other of the insurgents ought to be tried in some one of the States or districts in which they in person especially committed crimes with which they may be charged.

Though active hostilities and flagrant have not for some time existed between the United States and the insurgents peaceful relations between the Government and the people in the States and districts in rebellion, have not yet been fully restored. None of the Justices of the Supreme Court, have held circuit courts in those States and districts since actual hostilities have ceased. When the courts are opened, and all laws can be peaceably administered and enforced in those States where the people rebelled against the Government, when thus peace shall have come, in fact and in law, the persons now held in military custody as prisoners of war, and who may not have been tried and convicted for offenses against the laws of war, should be transferred into the custody of the civil authorities of proper districts to be tried for such crimes. Prosecutions are to be instituted, before the proper tribunals, and at proper times, against some of those who were mainly instrumental in augmenting and most conspicuous in conducting the late hostilities.

I should regard it as a direful calamity if many of whom the sword has spared the law should spare also, but I would deem it a more calamity still if the Executive in performing his constitutional duty of bringing those persons before the bar of justice to answer for their crimes should violate the plain meaning of the constitution or infringe in the least particular on the living spirit of that instrument.

I have the honor to be, most respectfully, JAS. SPEED, Attorney General.

Lieutenant General Early, who was sent "whirling up the valley" of the Shenandoah by Sheridan on one or two occasions, left Havana a few days ago for the city of Mexico, where many of his friends have taken up their abode. He says he "is not an applicant for pardon, and would not accept a pardon from the President of the United States if gratuitously tendered me without conditions or restrictions of any kind." He has nothing to regret, except that his services in aid of the rebellion were not of more avail.

Two men were sentenced by the Judge of the Circuit Court for Bradley County, Tenn., to twenty-one years each in the penitentiary for horse stealing.