

THE RICHMOND WHIG.

THE UNION, THE CONSTITUTION, AND THE ENFORCEMENT OF THE LAWS.

VOL. 1---NO. 22.

RICHMOND, VA., APRIL 28, 1865.

PRICE: FIVE CENTS.

VISIT OF SOUTHERN REFUGEES TO THE PRESIDENT—THEIR ADDRESS AND THE PRESIDENT'S REPLY.

A large number of refugees from the insurrectionary States at present in Washington called upon President Johnson Monday morning, and through Judge Underwood presented him an address. The President was evidently profoundly moved by this demonstration on the part of those who, like himself had personally experienced the devilish atrocity of the rebellion and had been robbed of their property and driven from their homes for their loyalty to the constitution and the integrity and existence of the nation.

ADDRESS TO THE PRESIDENT.

As soon as all whom the room would accommodate had entered Judge Underwood, of Virginia, stepped forward and said:

Mr. President—The gentlemen who come with me to pay their respects to the Chief Magistrate of the nation are for the most part exiles from the South—exiles for their devotion to the Union and the constitution, in defiance of threats and per secution of the slaveholding aristocracy. Your recent utterances have stirred our spirits like the sound of a trumpet, and encouraged the hope that we may ere long in safety visit our desolated farms, and rebuild our homes in the sunny South. We have no feelings but those of kindness for the common people of our section—even for those who, by physical or moral compulsion, or by gross deception, have been arrayed in arms against the government. We would not say, with Joshua of old, "Every one who rebels shall be put to death," but woe to the wicked leaders who, though baffled, are neither humbled nor subdued; whose arrogance and treason are as dangerous to us and to the country as ever. We thank you for declaring that these great criminals must be punished. The Great Author of nature and providence decrees that those who sow the wind shall reap the whirlwind. We know that we cannot go home in safety while traitors, whose hands are still dripping with the warm blood of our martyred brothers, remain defiant and unpunished. It is folly to give sugar plums to tigers and hyenas. It is more than folly to talk of clemency and mercy to these worse than Catilines, for clemency and mercy to them is cruelty and murder to the innocent and unborn. If General Jackson had punished the treason of Calhoun we should not have witnessed this rebellion. If the guilty leaders of this rebellion shall be properly punished, our children's children will not be compelled to look upon another like it for generations. By the blood of our martyred President, by the agonies of our starved and mutilated prisoners, by the tens of thousands slain in battle, and the desolations of home and country, and all the waste of life and treasure for the last four years, with no feelings of revenge, but in sincerest sorrow, we pray that your administration may be both a terror to evil doers and a protection to all who pursue the paths of peace. And while we mourn and lament our great and good and murdered chief, too kind and too indulgent, we fear, for these stormy times, we thank God for the belief that, knowing the character of the leaders of the rebellion as you do, you will so deal with them that our whole country will be an asylum for the oppressed of every creed and every clime—the home of peace, freedom, industry, education and religion—a light and an example to the nations of the whole earth, down a long, bright and beneficent future.

THE PRESIDENT'S REPLY.

The President then made the following reply—
It is hardly necessary for me on this occasion to say that my sympathies and impulses in connection with this nefarious rebellion beat in unison with yours. Those who have passed through this bitter ordeal, and who participated in it to a great extent, are more competent, as I think, to judge and determine the true policy which should be pursued. (Applause.) I have but little to say on this question in response to what has been said. It enunciates and expresses my own feelings to the fullest extent! and in much better language than I can at the present moment summon to my aid. The most that I can say is that, entering upon the duties that have devolved upon me under circumstances that are perilous and responsible, and being thrown into the position I now occupy unexpectedly, in consequence of the sad event, the heinous assassination which has taken place—in view of all that is before me and the circumstances that surround me—I cannot but feel that your encouragement and kindness are peculiarly acceptable and appropriate. I do not think you, who have been familiar with my course—you who are from the South—deem it necessary for me to make any professions as to the future on this occasion, nor to express what my course will be upon questions that may arise. If my past life is no indication of what my future will be, my professions were both worthless and empty; and in returning you my sincere thanks for this encouragement and sympathy, I can only reiterate what I have said before, and, in part, what has just been read. As far as clemency and mercy are concerned, and the proper exercise of the pardoning power, I think I understand the nature and character of the latter. In the exercise of clemency and mercy that pardoning power should be exercised with caution. I do not give utterance to my opinions on this point in any spirit of revenge or unkind feelings. Mercy and clemency have been pretty large ingredients in my compound, having been the Executive of a State, and thereby placed in a position in which it was necessary to exercise clemency and mercy. I have been charged with going too far, being too lenient, and have become satisfied that mercy without justice is a crime; and that when mercy and clemency are exercised by the Executive it should always be done in view of justice, and in that manner alone is properly exercised that great prerogative. The time has come, as you have had to drink this bitter cup are fully aware, when the American people should be made to understand the true nature of crime—of crime generally. Our people have a high understanding, as well as a sense of the necessity for its punishment; but in this catalogue of crimes there is one and that the highest known to the law and the constitution, of which, since the days of Jefferson and Aaron Burr, they have become oblivious. That is—treason. Indeed, one who has become distinguished in treason, and in this rebel lion said that "when traitors become numerous enough treason becomes respectable, and to become a traitor was to constitute a portion of the aristocracy of the country." God protect the people against such an aristocracy. Yes, the time has come when the people should be taught to understand the length and breadth, the depth and height of treason. An individual occupying the highest position among us was fitted to that position by the free offering of the American people—the highest position on the habitable globe. This man we have seen, revered and loved—one who, if he erred at all, erred ever on the side of clemency and mercy. That man we have seen treason strike, through a fitting instrument, and we have beheld him fall like a bright star falling from its sphere. Now, there is none but would say, if the question came up, what should be done with the individual who assassinated the Chief Magistrate of the nation—he is but a man—one man, after all; but if asked what should be done with the assassin, what should be the penalty, the

forfeit exacted? I know what response dwells in every bosom. It is that he should pay the forfeit with his life. And hence we see there are times when mercy and clemency, without justice, become a crime. The one should temper the other, and bring about that proper mean. And if we would say this when the case was the simple murder of one man by his fellow man, what should we say when asked what shall be done with him or them or those who have raised impious hands to take away the life of a nation composed of thirty millions of people? What would be the reply to that question? But while in mercy we remember justice, in the language that has been uttered I say, justice towards the leaders, the conscious leaders; but I also say amnesty, conciliation, clemency and mercy to the thousands of our countrymen whom you and I know have been deceived or driven into this infernal rebellion. And so I return to where I started from, and again repeat, that it is time our people were taught to know that treason is a crime, not a mere political difference, not a mere contest between two parties, in which one succeeded and the other has simply failed. They must know it is treason; for if they had succeeded the life of the nation would have been reft from it—the Union would have been destroyed. Surely the constitution sufficiently defines treason. It consists in levying war against the United States and in giving their enemies aid and comfort. With this definition it requires the exercise of no great acumen to ascertain who are traitors. It requires no great perception to tell us who have levied war against the United States; nor does it require any great stretch of reasoning to ascertain who has given aid to the enemies of the United States, and when the government of the United States does as a traitor who are the conscious and intelligent traitors, the penalty and the forfeit should be paid. (Applause.) I know how to appreciate the condition of being driven from one's home. I can sympathize with him whose all has been taken from him—with him who has been denied the place that gave his children birth. But let us wish, in the restoration of true government, proceed temperately and dispassionately, and hope and pray that the time will come, as I believe, when all can return and remain at our homes, and treason and traitors be driven from our land—(applause)—when again law and order shall reign, and the banner of our country be unfurled over every inch of territory within the area of the United States. (Applause.) In conclusion let me thank you most profoundly for this encouragement and manifestation of your regard and respect, and assure you that I can give no greater assurance regarding the settlement of this question than that I intend to discharge my duty, and in that way which shall, in the earliest possible hour, bring back peace to our distracted country. And I hope the time is not far distant when our people can all return to their homes and firesides and resume their various avocations.

WAR DEPARTMENT.

ADJUTANT GEN.'S OFFICE,
Washington, April 24, 1865.

GENERAL ORDERS, No. 73.

The attention of all Commanders of Military Divisions, Departments, Districts, Detachments and Posts, is drawn to the annexed opinion of the Attorney General, which will they observe, and regulate their action in accordance therewith:

ATTORNEY GENERAL'S OFFICE,
April 22, 1865.

HON. EDWIN M. STANTON,
Secretary of War.

SIR: I have the honor to acknowledge the receipt of your letter of the 22d of April. In it you ask me three questions, growing out of the capitulation made betwixt Gen. Grant, of the United States Army, and Gen. Lee, of the rebel army.

You ask, first, Whether rebel officers who once resided in the city of Washington, and went to Virginia, or elsewhere in the South, and took service, can return to the city under the stipulations of capitulation, and reside here as their homes?

Second, Whether persons who resided in Washington about the time the rebellion broke out, left the city and went to Richmond where they have adhered to the rebel cause entered into the civil service, or otherwise given their support, comfort, and aid, can return to Washington since the capitulation of General Lee's army, and the capture of Richmond, and reside here under the terms of the capitulation?

Third, You state that, since the capitulation of Gen. Lee's army, rebel officers have appeared in public in the loyal States, wearing the rebel uniform; and you ask whether such conduct is not a fresh act of hostility, on their part, to the United States, subjecting them to be dealt with as avowed enemies of the Government?

Your letter is accompanied with a copy of the terms of capitulation entered into betwixt Generals Grant and Lee. It is as follows:

"Rolls of all the officers and men to be made in duplicate; one copy to be given to an officer designated by me, the other to be retained by such officer or officers as you may designate. The officers to give their individual paroles not to take up arms against the Government of the United States until properly exchanged, and each company or regimental commander sign a like parole for the men of their commands. The arms, artillery, and public property to be parked and stacked, and turned over to the officers appointed by me, (Gen. Grant) to receive them. This will not embrace the side arms of the officers, nor their private horses or baggage. This done, each officer and man will be allowed to return to their homes, not to be disturbed by United States authority so long as they observe their parole and the laws in force where they may reside."

I.—In giving construction to these articles of capitulation, we must consider in what capacity Gen. Grant was speaking. He, of course, spoke by the authority of the President of the United States, as Commander-in-Chief of the Armies of the United States. It must be presumed that he had no authority from the President, except such as the Commander-in-Chief could give to a military officer.

The President performs two functions of the Government—one civil, the other military. As President of the United States and its civil head, he possesses the pardoning power as President of the United States he is Commander-in-Chief of the Armies of the United States, and is the head of its belligerent power. His power to pardon as a civil magistrate cannot be delegated; it is a personal trust, inseparably connected with the office of President. As Commander-in-Chief of the Armies of the United States, he has, of necessity, to delegate a vast amount of power. Regarding General Grant then purely as a military officer, and that he was speaking as one possessing no power except belligerent, and considering that fact to be well known to the belligerents with whom he was making the stipulation. Let us come to the consideration of the first question which you have propounded.

It must be observed that the question is not as to the extent of the power that the President, as Commander-in-Chief of the armies, possesses; it is not whether he, as Commander-in-Chief of the Armies of the United

States, could grant parole by virtue of his military authority, to rebels to go to, and reside in, loyal communities—communities that had not been in rebellion against the Government of the United States; but the question on is whether by, and under the terms of the stipulations, he has granted such permissions.

In the cases in 2 Black, commonly called the Prize Cases, the Supreme Court of the United States decided that the rebels were belligerents; that this was no loose, unorganized insurrection, without defined boundary, but that it had a boundary marked by lines of bayonets, which can only be crossed by force; that South of that line is enemy's territory, because claimed and held by an organized hostile and belligerent power; that all persons residing within that territory must be treated as enemies, though not foreigners; and it is well settled that all persons going there without license pending the hostilities, or remaining there after hostilities commenced, must be regarded and treated as residents of that territory. It follows, as a matter of course, that residents of the territory in rebellion cannot be regarded as having homes in the loyal States. A man's home and his residence cannot be distinct the one from the other. The rebels were dealt with by General Grant as belligerents. As belligerents, their homes were of necessity in the territory belligerent to the Government of the United States. The officers and soldiers of General Lee's army, then, who had homes, prior to the rebellion, in the Northern States, took up their residences within the rebel States, and abandoned their homes in the loyal States; and when General Grant gave permission to them, by the stipulation, to return to their homes, it cannot be understood as a permission to return to any part of the loyal States.

That was a capitulation of surrender, not a truce. Vattel lays it down that: [p. 411] "During the truce, especially if made for a long period, it is naturally allowable for enemies to pass and repass to and from each other's country, in the same manner as it is allowed in time of peace, since all hostilities are now suspended. But each of the sovereigns is at liberty, as he would be in time of peace, to adopt every precaution which may be necessary to prevent this intercourse from becoming prejudicial to him. He has just grounds of suspicion against people with whom he is soon to recommence hostilities. He may even declare, at the time of making the truce, that he will admit none of the enemy into any place under his jurisdiction."

"Those who, having entered the enemy's territories during the truce, are detained there by sickness, or any other unsurmountable obstacle, and thus happen to remain in the country after the expiration of the armistice, may, in strict justice, be kept prisoners. It is an accident which they might have foreseen, and to which they have, of their own accord, exposed themselves; but humanity and generosity commonly require that they should be allowed a sufficient term for their departure."

"If the articles of true contain any conditions either more extensive or more narrowly restrictive than what we have here laid down, the transaction becomes a particular convention. It is obligatory on the contracting parties, who are bound to observe what they have promised in due form; and the obligations thence resulting constitute a conventional right."

Now if the rights of enemies, during a long truce and suspension of hostilities, are thus restricted, it would seem evident that their rights under a capitulation of surrender, without any suspension of hostilities, could not without express words in the stipulation to that effect be anything like as large as under a truce and suspension of hostilities.

Regarding General Grant, then, as speaking simply as a soldier, and with the powers of a soldier; regarding this war as a territorial war, and all persons within that territory as residents thereof, and, as such, enemies of the Government; and looking to the language of the stipulation, I am of opinion that the rebel officers who surrendered to General Grant have no homes within the loyal States, and have no right to come to places which were their homes prior to their going into the rebellion.

II.—As to your second question—The stipulation of surrender made betwixt Generals Grant and Lee does not embrace any persons other than the officers and soldiers of General Lee's army. Persons in the civil service of the rebellion or who had otherwise given it support, comfort and aid, and were residents of the rebel territory, certainly have no right to return to Washington under that stipulation.

III.—As to the third question—My answer to the first is a complete answer to this.

Rebel officers can have no right to be wearing their uniforms in any of the loyal States. It seems to me, that such officers having done wrong in coming into the loyal States, are but adding insult to injury in wearing their uniforms. They have as much right to bear the traitors' flag through the streets of a loyal city, as to wear a traitors' garb. The stipulation of surrender permits no such thing, and the wearing of such uniform is an act of hostility against the Government.

Very respectfully, your obedient servant,
JAMES SPEED, Attorney General.

BY ORDER OF THE SECRETARY OF WAR:
W. A. NICHOLS,
Assistant Adjutant General.

OFFICIAL:
W. A. NICHOLS, Assistant Adjutant General.

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Apply at my residence before 9 o'clock A. M., or after 4 o'clock P. M.
W. GODDIN
ap 23—2t.

FOR SALE.—A DESIRABLE LOT TO BUILD ON—83 feet front, and 120 deep; fronting on 24th street, in the vicinity of Union Station Church (Union Hill). For particulars apply to me on Main, between 26th and 27th streets.
ap 23—1t.
JOS. BRAZZALARA.

THE REPUBLIC.

"NO NORTH, NO SOUTH, NO EAST, NO WEST—OUR WHOLE COUNTRY."

Ranking ourselves among those who—no matter what their former political opinions—are now willing to receive cordially and honorably the arbitrament of war—believing sincerely that by the inscrutable workings of an over-ruling Providence, the dreadful tempest of strife and desolation which has swept over us during the past four years was but the harbinger of a purer and brighter day than ever yet dawned upon our beloved country, we feel it to be now the duty of every true patriot, casting a charitable veil over the irremediable past, to bend all his energies to the pleasing task not only of obliterating all traces of by-gone differences, but of immediately laying the foundation of present and future prosperity among us. We believe it to be a duty we all owe to our common country—in the broadest acceptation of the term—to our individual State, to our families, and to the cause of humanity and civilization throughout the world.

Firm in this belief—impelled by the spirit of true brotherhood towards all our countrymen, whether of southern or northern origin, we purpose to issue a Daily paper under the above title of "THE REPUBLIC," and bearing the significant motto "No North no South no East no West—Our Whole Country." The very selection of this name and motto will, we trust, abundantly fore shadow the principles by which we are determined to be guided. While we yield to no one in love and veneration for our dear old State of Virginia, we do not and never did feel that our love and veneration should be limited to the petty confines of State lines.

We intend to make of "THE REPUBLIC" a first-class daily newspaper, containing all the latest news, native and foreign, sustained by an able corps of Reporters, and by Editorial ability of the first order. It will be a lively paper: not occupying the safe but sulky and dubious position of a non-committalist, but fearlessly and honestly expressing its opinions; attacking the wrong and defending the right wherever we find them—whether for or against Northern or Southern proclivities (and from the view not of what existed, but of what exists). Entertaining no feeling of sectionalism ourselves, we shall have no fear of either class of thinkers uncharitably confounding our honesty of purpose with malevolence of intention. In short, our effort will be to smooth over the rude furrows of the past,—to maintain the dignity and true interests of our now undivided country,—to do all we can towards moulding into one harmonious a happy, prosperous and fraternal result, the restless and doubting elements of discord yet surviving this horrible convulsion; proud of the proofs of true greatness which this war has developed in two former rival sections of the same nation, and rejoicing in the conspicuous fact that, in spite of all the individual suffering which that war has inflicted, Northern and Southern brethren have, in four years, been brought together, been shown each other's merits and demerits, been taught to love and respect each other, in a manner that would have been utterly impossible during centuries of peace.

To speed on the good work, now happily commenced, will be the effort of "THE REPUBLIC," but to ensure success will much depend upon the aid that is accorded to our earnest and well meant endeavors. All we can say is, that if the support we obtain is at all in proportion to the zeal and hopefulness with which we launch our paper upon its career of usefulness, it will not be long in assuming a foremost rank among the journals of the Continent.

We expect to issue our first number on Monday, the 6th May.

Our office will be located in Boshers' Hall, south west corner of Main and Ninth streets, where we have every facility for undertaking JOB PRINTING upon any scale—from the largest play-bill to the smallest card.

R. F. WALKER,
J. W. LEWELLEN.

ap 27—1w

WOOD! WOOD!

400 CORDS WELL-SEASONED PINE WOOD for sale. It is about three miles from the Richmond and Fredericksburg Railroad, at the first crossing beyond the Chickahominy.

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3 stacks of nice Wheat Straw.
Apply through Richmond P. O., or at my residence on Brook Turnpike.
JOHN B. CRENSHAW.
ap 28—dlw*

NOTICE.—If this should meet the eye of DAVID or ELIZA SCOTT, (colored,) who lived when last heard from, near Old street Johnston's Mills, Petersburg Va., they will hear from their son, by addressing a letter to Wm. H. Scott, U. S. S. "Chippewa," James River, Va. Any information of the above named parties will be thankfully received by the undersigned.

WM. H. SCOTT,
On board U. S. S. Chippewa, James River, Va.
Peterburg papers please copy. ap 25—3t

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ap 28—2t

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H. HAY.
ap 28—3t