

WINNSBORO.

Tuesday Morning, August 22, 1865.

Civil vs. Military Authority.

The Press South, especially since the abortive effort to restore civil authority in Virginia, has been considerably exercised upon the question of prerogatives belonging respectively to the civil and the military authorities in each State. The Columbia *Phoenix*, of the 17th inst., leads off ably and pointedly upon the question. To-day we publish Gen. GILMORE'S order announcing officially the existence of a Provisional Government. The point at issue is, to determine how the authorities, civil and military, tally or dovetail together. Taking the Proclamation of Gov. PERRY and the order of Gen. GILMORE together, the matter seems to narrow itself down to a single point, and it is this: Gen. GILMORE acknowledges but a small part of the authority claimed and proclaimed by the Provisional Governor, and that is embraced in the two first paragraphs of the Proclamation. Gen. GILMORE recognizes Mr. PERRY as Governor, and acknowledges his authority to "convene a Convention." His order sustains the Governor in all the preliminaries of a Convention. Now read the second paragraph of the order. The inference there is plain that civil authority does not exist in the State only so far as the order sustains Gov. PERRY. It does this as far as he is authorized to form a State Government. The last clause of the 7th paragraph of the Proclamation, says, "It will be expected of the Federal military authorities now in South Carolina, to lend their authority to the civil officers of the Provisional Government, for the purpose of enforcing the laws and preserving the peace and good order of the State." The order quotes the first paragraph of the Proclamation, and lends its authority that far. It cannot be inferred from the order that Gen. GILMORE recognizes, as Gov. PERRY claims to make known, that "the Constitution and all laws of force in South Carolina prior to the secession of the State, are hereby made of force under the Provisional Government, except wherein they may conflict with the provisions of this proclamation?" He recognizes the civil as forming rather than existing.

This brings us to the direct question, which authority predominates now, civil or military? for both are acting in the State. If the military is aiding and assisting the civil only, then the civil does; but if there is no appeal from the military to the civil in cases of arrest, then the military predominates. It is unnecessary to elaborate on this point. Every man can judge for himself. Wherever there is a provost marshal, there is martial law. Wherever there is martial law, there the civil is covered by the military authority. The conclusion therefore is forced upon us that the powers proclaimed by the Provisional Governor reach farther than the General Commanding is willing to go in supporting. In this we may be mistaken, but we abide in the opinion until the issue is made, and the matter decided authoritatively. In the meantime our duty is to use all proper means to remove the occasion for two uncertain powers by putting the State under the absolute control of civil authority as soon as practicable.

Since writing the above we have fallen upon a letter of Gen. THOMAS, commanding in Tennessee, addressed to the Secretary of State of Tennessee, in which the relative powers are, we think, properly defined. The subject is the arrest of EMERSON ETHERIDGE charged with uttering treasonable language. The following extract we give from that letter.

"The State of Tennessee is still under martial law, but the military authorities will not be resorted to unless the civil authorities fail to act, either from inability, or indisposition. Even in the event of a failure on the part of the civil authorities to do their duty, the military should refrain from interfering in all minor cases, because the military should, as far as possible, sustain the civil gov-

ernment, and never assume its functions except in cases in which prompt action is necessary to insure the public safety. In conclusion, the Governor may rest assured that he will be fully sustained in carrying out any policy of the general and State governments as long as troops remain on duty in the State.

"Very respectfully, your obedient servant,

"GEO. H. THOMAS,
Major Gen. U. S. A., Commanding."

Among the applicants for pardon is the Hon. Herschel V. Johnson, of Georgia, the candidate for Vice-President with Hon. Stephen A. Douglas in 1860. His application was presented through Mrs. Stephen A. Douglas. The President declines to grant any pardons at present except in extreme cases. He was pardoned.

THE SITUATION IN TENNESSEE.—The Nashville *Gazette* of the 26th ultimo contains a fair statement of the situation in Tennessee, and what is said of Tennessee is no doubt true of other Southern States. It says:

We take occasion to say that, in Middle Tennessee, at least, there has been no threat or apparent intention of returned rebel soldiers to meddle with the election. They are behaving with the utmost modesty. The determination expressed by rebels, whose hands are red with blood, to vote for rebels, never did wake up the authorities; for their never was any such expression.

This whole parade of intended fraud, and violence in the election has no other foundation than in the purpose of a radical clique to conjure up a pretext for suppressing the *legal Union vote*, which they know to be two to one against them.

EXCITEMENT AGAINST THE NEGROES IN THE NORTHWEST.—There is much excitement in Clarke county, Indiana, on account of several outrages committed in the county by negroes. A general rising and blotting out of that class of the population was expected. The Louisville *Democrat* of the 4th says:

"At latest accounts negroes were fleeing from Evansville in all directions, being fearful of being killed by the citizens. The citizens beat them wherever they can catch them, and they seem determined, since the brutal outrage of two negroes upon the person of a white lady on Sunday, to rid the city entirely of them. On Monday night a crowd made a rush for the steamer *Carrie* to clean out the negroes, but fortunately they were *non est*. The wildest prevailed when the *Lady Grace* left there. She arrived here yesterday, and reports that the negroes are scared almost out of their wits. They are coming away on boats and taking to the woods. We hope nothing serious will occur.

"Later.—We learn that the military authorities were attempting to put a stop to the proceedings of the mob. Several negroes have been killed or hung, and an order has been issued compelling all the negroes to leave the town, and all persons who have them in their employ are ordered to discharge and drive them from their premises."

Wise Southern Advice.

The Mobile *Register*, before the rebellion, was the leading paper in the Gulf States, outside of New Orleans, and was probably the most influential, of all. Its then editor, Hon. JOHN FORSYTH, has returned to his post, and is now writing with his accustomed vigor of re-organization on the Government basis. In a late editorial he says:

"In respect to the emancipation oath, we give the counsel to our readers upon which we have acted ourselves. Whether the act of emancipation has been legally and constitutionally completed or not, slavery is dead as Julius Cæsar. No human power can resurrect it, and we candidly admit that if that power rested in our single hand, we would not, under present circumstances, exert it. And we can say this much without changing a single one of our life long opinions on the beneficence of the institution or the very best form of organized labor, for mankind at large, and for the well being of the slave in particular. But what are our opinions worth against the fixed and unalterable sentiments of the civilized and semi-civilized world? What do they avail when the sword has just declared against them? The inexorable fact is, that the institution of slavery is uprooted in the land, and if we had the power to re-establish it, it would be through such a process of conflict and turmoil as to make the game not worth the candle. It is the part of

good sense to accept facts, and the death of American slavery at the South is one of those unchallengeable facts we accept without a moment's hesitation. The deed is done; let us make the best of it, and shape our course upon it as a term *fait accompli*. Now, the deed being *virtually* done and beyond recall, let it be constitutionally done, and let every Southern State in Convention at once endorse the decree which the will of God, the edge of the sword and the voice of the nations of the earth seem to have united in promulgating."

The News.

We gather the following items from our latest mails:

THE MISSISSIPPI CONVENTION.—The Convention convened in Jackson on the 14th at 12 o'clock. Gov. Sharkey examined into the loyalty and qualifications of the members, and administered the amnesty oath to such as had not taken it before.

The Convention organized by electing J. C. Sugar, of Washington county, president, and J. S. Powers, Hind county, secretary. The rest of the day was spent in arranging the preliminaries of important business which is to be brought before the Convention.

The Richmond *Republic* of to-day, received here to-night, states that the justices of the county court of Henrico determined yesterday that a person who had been an officer in the Confederate army was incapable of qualifying as Commonwealth's Attorney in that county.

The Court took occasion to announce, also, that it made decisions on its own construction of the Constitution and without reference received from executive officers of the State.

It is stated that President Johnson has given the military commanders in Texas injunctions to continue the observance of a strict neutrality in the contest on the Mexican side of the Rio Grande between the republicans and the Imperialists.

An extensive fire occurred at Galveston, Texas, on the 2d inst., involving heavy loss. It was doubtless the design of the parties to burn the town. The transactions of villains in Galveston were never before equaled.

THE STONEWALL.—A special despatch from New Orleans, dated August 12th, says that the Confederate privateer *Stonewall* was still in the port of Havana.

Herschel V. Johnson, of Georgia, the candidate for Vice-President with Douglas in 1860, has been pardoned by the intercession of Mrs. Douglas.

Mosby, the partizan ranger, has been arrested at Washington.

AN IRISH FENIAN SENTENCED TO SEVEN YEARS PENAL SERVITUDE.—A man named Murphy was tried in Ireland on the 17th ultimo for being connected with the Fenian movement, was convicted and sentenced to seven years' penal servitude. Murphy's crime was tampering with soldiers and trying to induce them to desert and enlist in the American service. Chief Justice Monaghan, addressing the prisoners, remarked: "Your crime is one of the next, in the view of our law, to treason, and one of the gravest you could be guilty of." The Cork *Examiner*, an Irish paper, commenting upon the trial, gets off the following:

"There is a sad moral to be read in the trial which has just been concluded at Mullingar, and a report of which may be found in another column. It is one version of the old, old story—conspiracy in Ireland, and then betrayal. The fiery advocate of rebellion gets into a trap, the oath he is ready to administer is taken, and then information is given to the police. Then comes the trial and the sentence to seven years' penal servitude. And this is the end we foresee for Fenianism. Trouble, turmoil, treachery and victimization for those who are sincere. *The American share of its delusion, the Irish portion means misery for the country and sad-misfortune for individuals.*"

JEFF. DAVIS.—A large number of applications were made to the War and State Departments and to the President personally for permission to visit Jeff. Davis at Fortress Monroe recently. They were all refused, however. A few of the applicants entertain an opinion that they will eventually succeed.

We understand, says the Alexandria *Gazette*, that Rose Hill, the old family estate of the Tallaferris, near Rapidan Station, in Culpeper county, Va., now the property of the Crenshaw's of Richmond, was lately offered as a present to Gen. R. E. Lee. The General, in this, as in numerous other cases, declined to receive the offering.

Cotton.

From the various accounts of the quantity of cotton in different parts of the country, we make the following extracts:

The *Herald's* correspondent who has lately been through Northern Alabama, states that that region is almost one continuous field of cotton. The planters have given their attention to the business again this year almost as much as in anti-rebellion, and the growing crop looks very fine. The negroes are working for their former masters for wages, and the new labor system appears to progress very well.

COTTON IN TEXAS.

From a recent letter from a prominent and well informed house in Galveston, Texas, we are permitted to take the annexed facts. The writers estimate the stock of cotton now on hand in Texas at 70,000 bales exclusive of that bordering on Red River and tributary to New Orleans. Their figures are as follows: Stock September 1st 1861, 75,000 bales; three years crop 222,000, total 300,000. Exports direct 30,000; through Mexico 100,000; home consumption 20,000; damaged 50,000; total 230,000. Of the growing crops they say, about three-fourths of an average has been planted, which would give 180,000 to 200,000 bales. The total, therefore, we can expect from Texas, both of the old and new crops, is 270,000 bales. This is exclusive of what reaches the market by way of Red River. All accounts state that there is quite a large quantity of the old crop still along the line of that stream. Of the new crop growing in the Red River country, we have heard nothing as yet.

GEORGIA COTTON AND RICE CROPS.

Late advices from Georgia state that the cotton crop this year will be exceedingly light—not more than one sixteenth of the average yield. Unless the labor system becomes more settled, it is feared that next year's crop will be even smaller.

The rice yield on the Altamaha will scarcely exceed one-thirtieth of the usual yearly crop, the unreliability of labor having proved ruinous to that delicate product.

A MOBILE OPINION OF SUPPLY OF COTTON.

The Mobile *Tribune* says the amount of cotton in the South is greatly over-estimated in the North. Comparatively little cotton has been grown the last two years. Enough for seed and family consumption covers the whole of it. Of the large crop raised prior to the war, very little remains. When the amount destroyed by fire, deteriorated by time and exposure, consumed in domestic manufactures and run through the blockade, is considered, an estimate of one million bales for 1865 will more than cover all that will find a market.

A CASE FOR CONSIDERATION.—Henry A. Middleton, Esq., of South Carolina, owned about sixty acres of land in Newport, on Bellevue Avenue, near the Ocean House, extending East as far as the land of Delancy Kane, Esq. Mr. Middleton was a secessionist—an original Calhoun secessionist—and when the rebellion broke out he entered into it with his whole soul, two of his sons entering the rebel army. As a precautionary measure to prevent its confiscation, he transferred his property in this city, valued at near \$300,000, to another, and remained South during the war, joining his fortunes with those of the rebellion. He lost heavily at the South, and since the collapse of the rebellion has returned North, resumed possession of his property, and is now, we understand, making arrangements to dispose of it. We are credibly informed that Mr. Middleton is still a rebel in his views; he insists upon it that the South is not conquered, and makes it his boast that they will have slavery back yet. It is one of the mysteries of the late war that Mr. Middleton's property has escaped confiscation. Two or three years ago, when Senator Trumbull was here, he referred in a public speech to the matter, and said it should have immediate attention, since which nothing further has been heard from that source about it. [*Newport (R. I.) News.*]

TEXAS.—Not the slightest apprehension is felt here of any further national difficulties in Texas, and the speculations concerning military interference with the French beyond the Rio Grande have ceased altogether. Official and private correspondence received here from that section indicate that very few of the troops will immigrate to Mexico.

It is understood in official circles that the late order mustering out Sheridan's troops will disband at least two-thirds of his army.

Headq's Dep't of South Carolina,
HILTON HEAD, S. C., July 20, 1865.
General Orders No. 9.

It is announced, for the information and government of this command, that BENJAMIN F. PERRY, of South Carolina, has been appointed, by the President, Provisional Governor of the State of South Carolina, with authority and instructions, "at the earliest practicable period, to prescribe such rules and regulations as may be necessary and proper for convening a Convention, composed of delegates to be chosen by that portion of the people of said State who are loyal to the United States, and no others, for the purpose of altering or amending the Constitution thereof; and with authority to exercise, within the limits of said States, all the powers necessary and proper to enable such loyal people of the State of South Carolina to restore said State to its constitutional relations to the Federal Government, and to present such a Republican form of State Government as will entitle the State to the guarantee of the United States therefor, and its people to protection by the United States against invasion, insurrection and domestic violence; provided, that in any election that may hereafter be held for choosing delegates to any State Convention as aforesaid, no person shall be qualified as a member of such Convention, unless he shall have previously taken and subscribed the oath of amnesty, as set forth in the President's proclamation of May 29, A. D. 1865, and is a voter qualified as prescribed by the Constitution and laws of the State of South Carolina in force immediately before the secession (17th) day of November, A. D. 1860, the date of the so-called Ordinance of Secession; and the said Convention, when convened, or the Legislature that may be thereafter assembled will prescribe the qualification of electors, and the eligibility of persons to hold office under the Constitution and laws of the State, a power the people of the several States composing the Federal Union have rightfully exercised from the origin of the Government to the present time."

It is, therefore, ordered, that all officers and other persons in the United States military service, within the State of South Carolina, aid and assist Governor Perry in carrying into effect the foregoing instructions, and they are enjoined to abstain from, in any way, hindering, impeding or discouraging the loyal people of the State from the organization of a State Government, as herein above authorized and directed.

All orders and instructions, now in operation throughout this Department, whether emanating from these headquarters, or from Headquarters Department of the South, that are not inconsistent with the foregoing, distinctly specified provisions of this order, will continue in force as heretofore, throughout the State of South Carolina.

Every needful facility for taking the amnesty oath will be afforded by the military authorities, on forms heretofore supplied for that purpose.

Hereafter Provost Marshals and Assistant Provost Marshals will constitute the only military officers entitled to administer the amnesty oath, a certified copy of which will, in all cases, be furnished to the individual taking it. The original oaths will be transmitted, semi-monthly, by the officer administering the same, to the Provost Marshal General at these Headquarters, by whom they will be recorded in a book kept for that purpose, and then forwarded to the Secretary of State.

Persons applying for Executive clemency will send their petition (with a certified copy of the Amnesty Oath attached,) to the President, through the Provisional Governor at Greenville, South Carolina.

By command of
Maj. Gen. Q. A. GILMORE,
Official: W. L. M. BURGER, A. A. G.

SIO TEMPER TYRANNIS.—We have seen it stated by several of our contemporaries that the Legislature of Virginia has changed the coat-of-arms of Virginia by the removal of the words "*Sio Temper Tyrannis*," which are said to be rendered obnoxious by Booth's repetition of them. This is a mistake, and arose partly, we suppose, from the fact that the National Exchange Bank and National Bank of Virginia, when they had their first new notes printed, left off the objectionable words in the plates, not through choice but as a matter of necessity.—*Raleigh Progress.*

The Trustees of Washington College, at Lexington, Virginia, have unanimously resolved to tender to General Lee the presidency of that venerable institution. General Lee was long a professor at West Point.