Hestern A CMUCTA

OFFICE ON THE SIDE OF TRADE STREET

CHARACTER IS AS IMPORTANT TO STATES AS IT IS TO INDIVIDUALS, AND THE GLORY OF THE ONE IS THE COMMON PROPERTY OF THE OTHER

\$4 Per Annum IN ADVANCE

TATES, EDITOR AND PROPREITOR.

CHARLOTTE, N. C., TUESDAY, AUGUST 29, 1865.

FOURTEENTH VOLUME --- NUMBER 681.

A Proclamation,

JOHNSON. President of the United States, by his | State in accordance with the terms prescribed in the Proclamation of May 29th 1865, appointing a Provisional Governor of North Carolina, under the fourth arricle of the Constitution of the United States, which guarantees to every State in the Union a republican form of government; and in order to enable the loyal people of said State to organize a State Government, whereby justice may be estab-lished, domestic tranquility restored, and loyal citizens protected in all their rights of life, liberty, and property; and in order, also, that said State the Federal government, by presenting such a re- of the Secretary of State, Raleigh, a statement of upon the charge of an assault made by them up- case in question, it seems clear to me that, withform of government as will entitle the against invasion, insurrection and domestic violence, I, WILLIAM W. HOLDEN, Provisional Governor as aforesaid, do hereby proclaim that an election will be held in said State; on Thursday, the 21st day of September, 1865, for a Convention, to be composed of one hundred and twenty delegates, to be chosen as follows:

The county of Alamance will choose two mem-

The county of Alexander will choose one member. The counties of Ashe and Alleghahy will choose

The county of Anson will choose two members. The county of Beaufort will choose two members. The county of Bertie will choose two members. The county of Bladen will choose one member. The county of Brunswick will choose one mem-

The county of Buncombe will choose one member. The county of Burke will choose one member. The county of Cabarrus will choose one member. The county of Caldwell will choose one member. The county of Camden will choose one member. The county of Carteret will choose one member. The county of Caswell will choose two members. The county of Chatham will choose three mem-

The county of Cleaveland will choose two mem-The county of Columbus will choose one member.

The county of Craven will choose two members. The county of Currituck will choose one member.

The county of Davidson will choose two members. The county of Davie will choose one member. The county of Duplin will choose two members The counties of Edgecombe and Wilson will aiding the rebellion.

The county of Forsyth will choose two members. The county of Franklin will choose one member. The county of Gaston will choose one member. The county of Gates will choose one member.

The county of Greene will choose one member.

The county of Guilford will choose three mem-

The county of Halifax will choose two members. The county of Haywood will choose one member. The counties of Henderson and Transylvania will

The county of Hertford will choose one member. the county of Hyde will choose one member. If leedell will choose two members. of the son will choose one member. The county of Johnston will choose two members

The county of Lenoir will chause one member. The county of Lincoln will choose one member. The county of Macon will choose one member. The county of Madison will choose one member. The county of Martin will choose one member. The county of McDowell will choose one member.

The county of Mecklenburg will choose two mem-

The county of Montgomery will choose one mem-

The county of Moora will choose one member.

The county of Nama will choose one member.

The county of New Hanover will choose two of Northampton will choose two mem-, we county of Onslow will choose one member.

The county of Orange will choose two members. The county of Pasquotank will choose one mem-

The county of Perquimans will choose one mem-

The county of Person will choose one member. The county of Pitt will choose two members. The county of Randolph will choose two mem-

The county of Richmond will choose one member The county of Robeson will choose two members. The county of Rockingham will choose two mem-

The county of Rowan will choose two members.

The counties of Rutherford and Polk will choose

The county of Sampson will choose two members. The county of Stanly will choose one member. The county of Stokes will choose one member.

The county of Surry will choose one member. the county of Tyrrell will choose one member. The county of Union will choose one member.

The county of Wake will thoose three members. The county of Warren will choose two members. The county of Washington will choose one mem-

The county of Watanga will choose one member. The county of Wayne will choose two members. The county of Wilkes will choose two members. The county of Yadkin will choose one member. The counties of Yancey and Mitchell will choose

The Clerks and Sheriffs of the respective counties ill proceed at once to assemble the Justices of the leace, a majority of whom will select from their number not les than six nor more than eighteen netices, men of intelligence, discretion, firmness, The approved loyalty, whose duty it shall be to adtillaister to those who may be entitled to receive it, the oath contained in the President's Amnesty Proc-Limition of May 29th, 1865, under such instructions as may be prescribed in this Proclamation. The astines shall, at the same time, appoint Inspectors I the elections at the various precincts in their repective counties, in accordance with the law in relation thereto, Chapter 52, Revised Code of North Carolina. The elections for members of the Convention shall be conducted in the same manner as sections for members of the Hause of Commons, in ccordance with the provisions of chapter' 52, Rehed Code, so far as said provisions may be applitable; and the officers oppointed to hold said elections, and to make returns thereof, shall be liable to the same penaltics for failure to act, or for neglect of duty, as are prescribed in chapter 52, Revised

No person will be allowed to cote who is net a toter qualified as prescribed by the Constitution and laws of the State, in force immediately before the with day of May, ladl; except that the payment of a poll tax shall not be required.

All paroled soldiers of the army and mayy of the Prefended Confederate States, or of this State, and all taroled officer, of the army and navy of the pre-

tended Confederate States, or of this State, under and including the rank of Colonel, if of the army, W. HOLDEN, PROVISIONAL GOV'NOR, and under and including the rank of Lieutenant, if of the navy, will be allowed to vote, provided they People of North Carolina. of the navy, will be anowed to vote, provided they North Carolina, concerning civil and military law, classes of the President's Amnesty Proclamation; In pursuance of power vested in me by ANDREW and, provided further, that they are citizens of the

preceding paragraph. No person will be allowed to vote who does not exhibit to the inspectors a copy of the Amnesty Oath, as contained in the President's Proclamation of May 29th, 1865, signed by himself and certified by at least two Justices of the Peace.

The Sheriffs of the respective counties-shall furnish, ar soon as practicable, certificates of election to those persons who may have received the highest number of votes as members of the Convention; and may be restored to its Constitutional relations to the Sheriffs shall also immediately send to the office the vote in their respective Counties for the mem-State to the guarantee of the United States therefor, | bers aforesaid, and also a statement of the said vote, and its people to protection by the United States | sealed up, directed to the President of the Convention, Raleigh, to be laid before the Convention.

> The members of the Convention thus chosen, will assemble in the city of Raleigh, on Monday, the second day of October, 1865. The attention of Justices appointed to administer the Amnesty Oath, is especially directed to the fol-

> lowing fourteen excluded classes of the President's Amnesty Proclamation of May 29th, 1865: " First-All who are or shall have been pretended civil or diplomatic officers or otherwise, domestic or

United States to aid the rebellion.

Third-All who shall have been military or naval officers of said pretended Confederate government above the rank of Colonel in the army or Lieutenant | the same time ensure impartial justice in the jurisdictions, what shall prevent tribunals of

United States to aid the rebellion. Fifth-All who resigned or tendered resignations of their commissions in the army or navy of the U.S. to evade duty in resisting the rebellion Sixth-All who have engaged in any way in treat-

ing otherwise than lawfully as prisoners of war per-The county of Catawba will choose one member. | sons found in the U. S. service, as officers, soldiers, seamen, or in other capacities.

Seventh-All persons who have been or are absentees from the U. S. for the purpose of aiding the Eighth-All military and naval officers in the

rebel service who were educated by the government

Tenth-All persons who left their homes within the jurisdiction and protection of the United States, and passed beyond the federal military lines into me inexpedient to comply with your request. . the so-called Confederate States for the purpose of The reasons influencing me are briefly as follows: insist, extends to all casses involving "the trial Eleventh-All persons who have been engaged in

the destruction of the commerce of the United States upon the high seas, and persons who have made raids into the United States from Canada, or been engaged in destroying the commerce of the United civil law is so far operative as to give civil and the creation of civil peace officers and courts States upon the lakes and rivers that separate the courts jurisdiction of the case in question, it through the President is a superfluity. In the The county of Granville will choose three mem-British provinces from the United States

Twelfth-All persons who, at the time when they seek to obtain the benefits hereof by taking the oath herein prescribed, are in military, naval or civil | the preservation of order including the trial and | approved by the President before it was pubconfinement or custody, or under bonds of the civil, military or naval authorities or agents of the United States, as prisoners of war or persons detained for offences of any kind either before or after conviction.

Thirteenth-All persons who have voluntarily participated in said rebellion, and the estimated

hundred and sixty-three, or an oath of allegiance to the duty of the military authorities to await in members of a Convention, in accordance with the government of the United States since the date case of the disturbance of the peace, or not instructions from this office, and agreeably to of said proclamation, and who have not thenceforward kept and maintained the same inviolate: Provided that special application may be made to for the preservation of order, but that they of Oyer and Terminer will be held, when necesthe President for pardon by any person belonging to the excepted classes, and such clemency will be liberally extended as may be consistent with the facts such disturbance and bring the guilty to pun- missioned, to dispose of criminal cases. 3d. of the case and the peace and dignity of the United ishment. Neither do I believe that the milita- The Justices of the Peace, appointed as afore-

who have been civil or diplomatic officers or agents | the time of the arrest of the citizens before re. of the class of cases triable by a jury. The Jusof the pretended Confederate government, either ferred to, no civil court had taken cognizance of tices, by a majority of their whole number, will within or without the territorial limits of the United

Under the seventh exception are included all officers, agents, or private citizens who have been ab- by your Excellency, and have been acting in officers as may be indispensable to a proper sent from the United States for the purpose of aid- the various Counties of the State, yet in no in- transaction of business. And they will also be

Under the thirteenth exception are included all who, during the rebellion, have held any office or agency under the State or pretended Confederate government; or have in any way voluntarily joined such acts have been by no means unfrequent in rest and commit for trial, when the courts may in the rebellion, as for example, by entering or the different sections of this State. marching with armed forces hostile to the United States; by sending or furnishing money, provisions, or arms to persons engaged in the rebellion, save in cases where money or provisions were furnished from the promptings of charity or humanity; by was any arrest made by the magistrates or civil I deemed myself to have been but the organ acting with assemblages of persons, whether organ- officers, and no attempt had for investigation. of the President when I put forth the proclamaized or unorganized, hostile to the United States; From my own observation and information tion containing these clauses. And I submit or in any other way giving voluntary aid, assistance or encouragement to the rebellion; and whose taxable property on the 20th day of May 1865, exceed- I am of the opinion that acts of unlawful vio- part that he intended to aid the anticipated res-

ed in value the sum of twenty thousand dollars.

No certificate will be granted by the Justices to any person who is included within any of the fourteen excluded classes, unless on exhibition by the in a measure wearing off, and the apparent apa- naval service, aid and assist the said Provisional

The Justices appointed to administer the amnesty oath, and to furnish certificates of the same which shall be evidence of loyalty, are especially instructed to be vigilant and faithful. While it will not be their duty to attempt to pry into the hearts and consciences of men, they will nevertheless admonish those who may apply to take the oath, that it must be taken and subscribed in good faith, with an honest intention on their part to keep it without secret purpose or mental reservation upon any occasion or at any time to committ any act in violation of said dition of things now existing in the State, cor- Peace instructed to be vigilant, and to exert oath; and they will warn them that if the oath is not | rect the evil. thus taken and kept, the pardon offered them by the President will be void, and they will remain subject to trial under the law for perjury and treason.

The Justices, Clerks and Sheriffs, whose duty it duct the elections, are enjoined to use every practicable means to enable every citizen to take the oath who may desire and be entitled to do so. And the aspectorr are enjoined to inspect and examine fairly and truly, to decide in every case in accordance with the law, and with the instructions they have communication, to which this is an answer, and received from this office, and to make prompt and also this my reply may be sent, that my motives correct returns of the number of votes and for whom east, at their respective precincts.

Done at our city of Raleigh, the 5th day of August, one thousand eight hundred and sixty-five, and in the year of the Independence of the United States the eighty-ninth

WILLIAM W. HOLDEN. Provisional Governor. By the Governor: Lawis Hanes, Private Secretary, August 14, 1865.

NOTICE .- Obitnary notices exceeding a few lines in length, are charged advertising rates, pay-

State of North Carolina, Executive Dep't, Brev. Maj. Gen. T. H. Ruger:

INTERESTING CORRESPONDENCE. The following correspondence between Governor will be read with interest. Every friend of civil law will cordially endorse Gov. Holden's position :

STATE OF NORTH CAROLINA. EXECUTIVE DEPARTMENT, Raleigh, N. C., July 27, 1865.

Brevt. Maj. Gen. Ruger, comd'g Post at Raleigh: Sir:-Information has reached this department that three citizens of the County of Person State of North Carolina, have been arrested tion as to whether the civil law is so far operaand sent to this post for trial by a military court tive as to give civil courts jurisdiction of the on the body of a freedman named Currie.

of Person, and an eminent and upright Judge appointed to hold a court of Oyer and Terminwas made prior to the alleged offence.

I have every confidence that strict and impar- that, if the civil courts have jurisdiction the foreign agents of the pretended Confederate govern- respectfully suggest that the parties be remand- confusion and conflict would of course arise ed to the County of Person for trial by the civil from such concurrent jurisdiction, that the rem-Second-All who left judicial stations under the tribunals of the State. This course, in my edies for violences would probably as much anjudgment, will avoid any unpleasant conflict be- noy the public as the toleration of them. If tween the civil and military authorities, and at such be the character of civil and military Fourth-All who left seats in the Congress of the Woodly, H. Carver and S. C. Barnett.

W. W. HOLDEN.

Headq'rs Department of North Carolina, Raleigh, N. C., Aug. 1, 1865.

Sir:-- I have the honor to acknowledge the receipt of your communication of the 27th of July, requesting that three citizens of the Coun- and Casure of punishment after conviction so ty of Person, State of North Carolina, new held different; the denial by one court and its allowin the Military Academy at West Point, or the U. S. for trial before a military commission, under ance by the other, of bail to the party arrested, the charge of an assault made by them upon the and last and not least, the trial of the accused Ninth-All persons who held the pretended offices | person of a freedman named Currie, "be re-The counties of Cumberland and Harnett will of Governors of States in insurrection against the manded to the County of Person for trial by the pen to sit, however distant from the venue of civil tribunal of the State." I regret that after crime, and by the other, in the county wherein full consideration of the matter, it appears to the effence is alleged to be done.

Courts have sole and exclusive jurisdiction." there can be little room left for the exercise of tribunals have jurisdiction in all that relates to State, dated 12th of June last, which was fully punishment of those guilty of acts of violence. lished, it is declared that "inasmuch as there value of whose taxable property is over twenty der and protection of society from acts of vio- 1st, To appoint Justices of the Peace for the Fourteenth-All persons who have taken the oath it the power of its fulfillment. It would not, oath will be administered, and who will also under existing circumstances, as I believe, be conduct the elections, through subordinates, for amounting to hostile act to the government, the the laws of this State in force previously to the call of the civil authorities before interposing 20th day of May, 1861. 2d. Superior Courts would be in duty bound to summarily quell sary, by Judges especially appointed and com Under the first exception are included all persons habeas corpus issued by the State Courts. At transaction of all such business as may not be

stance have I heard or known of official notice vigilant and will exert themselves to maintain having been taken by any of them of acts of un. the laws and promote the peace of society in lawful violence towards freedmen, although their respective counties, and especially to ar-

men by whites have been brought to my knowl- 1861; and to allow bail where the ease is bailedge, but in no case, so far as I have learned, able, according to the usage of the State." obtained from the Commissioner of Freedmen, that it was but a reasonable inference on my lence towards the freedmen are becoming more toration of the civil law, when, by his preclama-The other exceptions are so plain as not to require frequent. The first effect on the mind of the tion of May 29th preceding, he directed, "First, people of the dispersion of the rebel forces, and that the military commander of the department, the occupation of the country by our troops, is, and all officers and persons in the military and thy and stupor resulting from the changed con- Governor in carrying into effect this proclamadition of things, is replaced in the minds of tion: and they are enjoined to abstain from, in those who give up slavery with reluctance by any way hindering, impeding or discouraging feelings of hostility to the freedmen. Under the loyal people from the organization of a State ing influence of prompt trial and punishment of respectfully inquire to what end and what oboffenders, particularly those guilty of homicide, ject is the Governor clothed with the power to apremedy for the existing evil. The action of the proclamation "to dispose of criminal cases?"-Grand Juries would not, I fear, under the con- Likewise, for what object are Justices of the

with homicide, held for trial by Military Com- and to arrest and commit for trial when the court mission at different places in the State. In all warded to Washington for final review and or- 1861, and to allow bail where the case is bailders. If it shall appear expedient to you to able according to the usages of the State? refer this matter to his Excellency the President, I respectfully request that a copy of your and the reason of my action in the matter may clearly appear. I regret that we entertain different views of the subject.

Very respectfully, your obedient servant. THOS. H. RUGER,

RALEIGH, N. C; Aug. 8th, 1865.

edging the receipt of mine of the 27th ult, which requested that three citizens of the coun-Holden and Gen. Ruger, the military commander of ty of Person in this State, now held for trial before a military commission under a charge of an assault made by them upon the person of a freedman nemed Currie, "be remanded to the County of Person for trial by the civil tribunals of the State," .. has been received. In the outset you announce your conclusion that "after full consideration of the matter, it appears to me inexpedient to comply with your request."

You proceed then to mention the reasons which influence you to decline the request; promising that "without considering the quesout doubt, military tribunals have jurisdiction I beg leave to call your attention to the fact in all that relates to the preservation of order, that civil law has been organized in the County | including the trial and punishment of these guilty of acts of violence." It is but a just inference from this paragraph of your letter that er in said County, and that said appointment you deny the existence of any civil law in the State; or, if there be, you insist that its execu-This is a matter in which I conceive the civil tion rests solely in the military. For I cannot courts have sole and exclusive jurisdiction, and suppose that it was your purpose to maintain tial justice will be administered; and, therefore, military may take cognizance also. So much matter. The parties under arrest are T. A. each from taking its turn in punishing the offender, especially when the second tribunal I am, Gen'l, very respectfully, your obt. sev't, shall be of opinion that the first has acted partially and without a proper regard to an upright sense of justice? This would not be improbable, certainly with the military court, if, (as you suggest there is,) there should be a palpa-His Excellency W. W. Holden, Gov. of N. C: | ble want of impartiality in the civil authorities where cases of freedmen are concerned. Again, the modes of trial are very unlike; the manner

by the one court at any place where it may hap-

The jurisdiction of the military courts, you In your communication occurs the following: and punishment of those guilty of acts of vio-'This is a matter in which I conceive the Civil lence." If its extent is truly so unlimited, Without considering the question as to whether any criminal jurisdiction by the civit courts; seems clear to me, that without doubt, military proclamation of the Provisional Governor of the plete restoration and full operation of civil law, by virtue of authority is him vested by the understand to be the maintainance of good or- President of the United States, will proceed: lence, and this duty must necessarily carry with various counties, loyal men, by whom the above ry authorities would be bound to obey writs of said, will be authorized to hold courts for the also be authorized to appoint their sheriffs and Magistrates were some time since appointed their clerks for the time being, and such other be held, all offenders against any law of the Of late, several cases of homicide of freed. State in force previous to the 20th day of May,

themselves to maintain the laws and to maintain There are at present, several citizens charged the peace of society in their respective counties, may be held, all offenders against any law of the

Sir: - Your letter of the 1st instant, acknowl- ances of the peace among the citizens not treas- silence even, seem to concur with you in your

onable or seditions, was committed by the President to such courts and officers as might be appointed by the Governor. I can well see the high necessity of the military law, taking cognizance of all such matters, as might affect the interest of the United States; but I do not feel the force of the argument, which maintains that if two citizens, freedmen or freemen, upon hot words, make an affray, the military interests quire that the trial of such an act of violence should be transferred from the civil courts to courts martial.

Recurring to General Orders, No. 100, of the Department of War, dated April 24th, 1863, entitled "Instructions for the government of armies of the United States in the field," I see nothing which impugns my views herein expressed. In that order it is declared that "the presence of a hostile army proclaims its martial law,"-Sec. 1, par. 1. "Martial law does not cease during the hostile occupation, except by special proclamation, ordered by the Commanderin-chief."-Sec. 1, par. 2. And again, "the commander of the forces may proclaim that the administration of all civil and penal laws shall continue either wholl or in part, as in times of peace, unless otherwise ordered by the military." Sec. 1, par. 3. In what light can I regard the proclamation

of the 12th of June, submitted to and approved by the President, but as virtually his own proclamation? In this light I have regarded it. In vindication of the jurisdiction assumed by

you inform me that at the time of "the arrest no

mation of the 12th of June contemplates several | see with me the propriety and necessity of allowmeans to preserve the peace and vindicate its ing the civil tribunals to exercise jurisdiction in violation : First, for its preservation many Jus- all cases affecting the peace of society, without tices are appointed for each County, who are instructed as well by their ouths as by the proclamation, to arrest and commit for trial, when the courts may be held, all offenders against the laws of the State in force prior to the 20th May, 1861, neither interfering with, or eneroaching upon and to allow bail, &c. These Justices are not the proper functions of the other; that no colliempowered to hold any courts of criminal juris | sion may occur between them; but that, acting diction, but only to arrest and hold for trial, together for the common good, they may succeed when the courts shall be held. The trial court is not called into actual organization until the crime is committed, and if it is of a grave character the court will be convened to try the case so soon as the Governor shall be notified of it .-If the cases are trifling or not requiring speedy trial the offenders will be confined in jail or put under suitable recognizance for their appearance when the due administration of justice shall, in the Governor's opinion, require it. He is himself the great conservator of the peace of the State. Now, inasmuch as by the custom of the State, which I believe to be universal among the people, the trial of offenses must take place in the counties or districts in which they were committed, it is impossible, without great expense, to keep a court always in session in every One of the important duties of the military au- are no civil magistrates in this State, nor State locality where a crime may be probably committhorities during the interim, prior to the com- officers of any kind, the Provisional Governor, ted. Before a grand jury can set or bill of indictment be found a Judge must be commissioned to hold the court. This delay in bringing offenders to trial, you seem to regard as highly objectionable. The answer is, that such delays are incident to the mode of trial by the civil law, and have been tolerated for ages notwithstanding, and the trial by the court of Over and Terminer, may be, and generally is, speedier than the trial in the regular course of a fixed judicial system as practised in the State before the rebellion. It has been my fixed purpose to call a court of Over and Terminer whenever cases should occur requiring them. My determination has been to have justice administered of the 1st inst., you say : "It is but a just in as nearly as practicable, after the ancient, long tried and long approved mode used in the State. Our Superior Courts which have exclusive jurisdiction of high crimes sit but twice in the year with the military." This inference you support yet we have not found that this delay was any by the supposition that, owing to the confusion source of demoralization among the people of and conflict that might grow out of concurrent

It is true that I have called but one court. In the late case of Mr. Nicholson, I should have called one, but you and I both concluded that the case was a proper one-for the civil courts. I have heard of no case of homicide, either of a or the contrary, nor did I intend to either affirm freedman or freeman, where I was not prepared or deny the existence of civil law in the State, to issue a commission to try it, if the military but only to maintain that the military tribunal had forborne to anticipate me. I have now ap- had jurisdiction of the entire subject of the preneeded, if they may be allowed to do so. I to that part of your letter of July 27th, expresdeeply regretted to read that portion of your sive of your conviction that the civil courts had letter in which you say, "from my own observa- sole and exclusive jurisdiction of the case in tion and information obtained from the commis- question. On the surrender of the rebel forces, sioner of freedmen, I am of opinion that acts of and the occupancy of the country by the forces unlawful violence towards the freedmen are becoming more frequent. The first effect on the the condition of things, martial law, and none mind of the people of the dispersion of the rebel other, in the State of North Carolina. Such law forces and the occupation of the country by our as it appears to me now exists, except in so far troops is, in a measure, wearing off, and the ap- as modified or restrained by the proclamation of parent apathy and stupor resulting from the changed condition of things is replaced in the States, of date of June 18th, 1865. Said prominds of those who give up slavery with reluctance, by feelings of hostility to the freedmen. all the circumstances, I think that the restrain- government as herein authorized." Now I most | Under all the circumstances I think that the restraining influence of prompt trial and punishment of offenders, particularly those guilty of of course, did not know that your proclamation by Military Commission, is the only adequate point Judges, unless it be in the language of his homicide, by military commissions, is the only of June 12th last, was previously to its publicaadequate remedy for the existing evil. The tion submitted to the President. But on the action of grand juries would not, I fear, under supposition that it is expressive of the Presithe condition of things now existing in the State, correct the evil.'

in its limits many free citizens of color, who have ever been entitled, as the freedmen now are, to to provide for administering the oath and to con- cases of importance, the proceedings will be for- State in force previous to the 20th day of May, the same mode of trial by jury as were the whites. And whites have frequently suffered death for outrages, not only upon them, but upon slaves. At the time of issuing this proclamation it, The State, in my judgment, has no cause to was held that there was no civil officer of the blush for its administration of the law, hereto-State, and the obvious intent was to create State fore, where the free person of color was conofficers. It was the manifest purpose of this certed. I am a sincere lover of its reputation, proclamation to restore to life so much of the and would deeply lament to see its sworn tribucivil law, which affected and concerned the nals of justice oppress, in administering the laws, peace and security of society, as might be con- the weaker race of its inhabitants. I cannot. sistent with the military occupation of the State; therefore, sympathize with you in your alarm for that occupation was for the sole purpose of sub- the security of the freedmen, when placed under Brev't Maj. Gen U.S. Vols. Comd'g. duing the rebellion and preventing insurrection- the protection of the civil laws and courts of the ary and seditious movements. To the accom- State. I should do injustice to as honest a peoplishment of these objects the military law, it ple as exist any where, if, after my long obserseems to me, was designed to extend, and no vation of their dispositions to administer justice further. The trust of correcting all disturb- fairly to persons of every color, I should, by

opinion, that trial by military commission is the only adequate remedy for restraining wrongs to the freedmen, or should appear to share with your estimate of those great civil palladiums of the liberties of freedmen-the grand and petit juries of the country.

It is very natural for men of generous feelings to listen with interest and favor to the recital of wrongs by one whom they regard as oppressed, of the United States are so concerned as to re- and I hope that it is not ill timed in this communication to suggest that in all probability the commissioner of freedmen hears only the complaining party, he may, and doubtless does, hear and trust what is greatly exaggerated. It is a general vice of all prosecutors to exaggerate, and experience alone can correct its effects on even the best of men. The case of the freedman, Currie, forcibly illustrates this. He had scarcely arrived in this place and told his tale, before he was apprehended under a warrant for an assault on one or more of the very persons of whom he complained. In my proclamation of June, I specially addressed the freedmen, and proclaimed to them that they were now free; that they were free in common with all the people; that they had the same rights regulated by law, which others had to enter upon the pursuit of prosperity and happiness; and that they were protected in their persons and property.

I shall, so far as lies in my power, guarantee to the race all these rights and privileges and benefits; and I have confidence that they will be protected by the laws of the land and the you over the three citizens of Person County,

courts of justice. In conclusion, sir, allow me to hope that your views, as expressed in your letter to which this civil court had taken cognizance." The procla- is a reply, may be so modified, as that you may regard to the color or the condition of the offenders. I am very solicitous, as I feel you are, that the civil and military powers in this State may go forward together in a friendly spirit, at an early day in securing to our people the benefits and blessings which flow from a permapent government and a united country.

> I deem it my duty to lay before the President our disagreement; and shall forward to him a copy of this letter, and, as you request, a copy of yours with my previous note of the 27th July. I have the honor to be, sir,

> > Very respectfully, your ob't serv't, W. W. HOLDEN, Prov'l Gov.

Headquarters Dept. of North Carolina, (Army of the Ohio,) Raleigh, N. C., Aug. 11th, 1865. His Excellency W. W. Holden, Gov. of N. C

Sir:-I have the honor to acknowledge the receipt of your letter of the - iast., in reply to mine of the 1st, touching the subject of jurisdiction of military tribunals in this State. As you express your intention to lay the matter before His Excellency, the President, it would seem that, in view of the probable and speedy and authoritative disposition of the question, further discussion by me would have no material influence on the result.

But in your communication some things are said from which I infer that inferences were drawn by yourself of my opinions on some matters not intended by me. In relation to such matters, I wish to state my views. In the first portion of your letter, after quoting from mine ference from this paragraph of your letter, that you deny the existence of any civil law in the State, or if there be, its execution rests solely jurisdiction between civil and military courts, it cannot be supposed that it was my purpose to maintain, "that if the civil courts have jurisdiction, the military courts may take cognizance also." I did not intend to maintain either that pointed several Judges to hold such courts when servation of order. It was intended as in reply of the United States, there undoubtedly was, by His Excellency, the President of the United clamation does not, it appears to me, in any manner take away the power previously held by the military authority to try citizens for acts of violence amounting to a breach of the peace. I. dent's will, I do not know that it is a necessary inference, that because it provides for the hold-The State previous to the rebellion, had with- ing of civil courts of criminal jurisdiction, that military courts cease by that fact, to have jurisdiction of any matters that might be brought before civil courts If this were so, it would be impossible for the military authorities to execute and punish the violation of orders issued by the Department Commander, which have not been countermanded by superior authority, and also orders issued by the War Department and Superintendent of Freedmen, and approved by the President himself.

You say, "I deeply regretted to read that portion of your lotter in which you say, 'From my own observation and information obtained from the Commissioner of Freedmen, &c.' " It was not intended by me thereby to express any doubts as to the virtue of the people of North Carolina, nor any want of confidence in the Juries composed of the citizens of the State. I know of

nothing to cause distrust of the well known rep-[Continued on Fourth Page]