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REMINISCENCES OF GEN. LEE.

A correspondent of the Index, writing from the army of Northern Virginia, furnishes the following reminiscences of the great chieftain, Robert E. Lee:

About the 20th of April, 1861, when Fort Sumter had just fallen, the Virginia convention had passed the ordinance of secession, and the whole country was ablaze with excitement. I happened at a little village on the Virginia Central Railroad, where a large crowd had collected to get the news from the passing train. On the arrival of the train it was whispered around that "Col. Robert E. Lee" was aboard on his way to tender his services to the authorities of his native State. There was an immediate call for him which was persistently repeated until at last a modest, splendid looking man, about five feet eight inches high, medium size, slightly grey hair and moustache and apparently about forty years old, made his appearance at the window of the baggage car, where he had taken refuge from rude gazes, bowed his acknowledgements amidst the shouts of the crowd, and hastily retired. I knew but little of "Col. Lee" before, but a single glance sufficed to show that he was no ordinary man. I did not see him again for over twelve months. The regiment to which I belonged was attached to Gen. Joseph E. Johnston's "Army of the Shenandoah" until after the evacuation of Manassas in the Spring of '62 when it went to follow "Stonewall Jackson" in his memorable "valley campaign" and marched with him to those glorious victories which raised the siege of Richmond. While the battle of Gaines's Mill was at its height a staff officer dashed up to a group where I was standing not far in the rear of our lines of battle and inquired for Gen. Lee. Some one pointed to a tree not far off under which reclined an apparently old man, with white hair and whiskers, whom I had taken for some old citizen, dressed as he was in a simple grey suit with no mark of office and unattended at the time by even a single aid. But when the message was delivered he quickly mounted his horse, and, as with erect carriage and flashing eye, he galloped towards the front. I thought that he was the noblest looking man I had ever seen. Over twelve months of hard service and pressing cares had wrought a great change in his personal appearance, whitening his hair and giving him a weather-beaten look—but they had not lessened the elasticity of his movements, or the nobility of soul which shines out in his features. To see Gen. Lee quietly sitting in church a stranger would take him for some "father in Israel," but to see him on horseback reviewing his troops or directing a battle no one would fail to pronounce him "every inch a soldier"—the fit leader of the noble army upon whose banners victory has so often perched.

But one must know him in order fully to appreciate his character. In the discharge of his duties he is prompt and decided, and all who have business with him must learn to be "short and to the point." I called upon him on one occasion in behalf of a friend and beginning to make a, perhaps, tedious statement, the General quietly reminded me of "the points" to be decided, and questioned me closely upon those. Upon another occasion I went to see him as a member of a chaplains' committee, and as the chairman was going into an introduction to the subject the General politely interrupted him by the question, "What are the points?" and on being told he took them up one at a time and briefly but clearly gave his views on each. Yet while thus insisting upon brevity he extends to all who visit him a courtesy and kindness which certain subalterns I wot of would do well to imitate. A plain old farmer told me the other day that he had less embarrassment in an interview with Gen. Lee than with certain Captains and Majors he had dealings with. He has a fine memory and rarely forgets a face, a name, or the smallest detail of business. Soon after he took command of the Virgin-

ia forces Rev. A. E. Dickinson, Gen. Supt. of the Va. Bap. Col. Board, applied to him for a general passport. Being busy at the time, he told him to call at the "Ballard House" at a certain hour and he would write it for him. Not knowing the General brother D. supposed that this was probably a polite way of declining, and thought no more about it until a year afterwards the General met him on the streets of Charleston, S. C., recognized him, asked why he did not meet him at the "Ballard House" to get his passport, and offered to write it for him then.

He does not like display but frequently dresses in citizen's clothes, (he usually wears a plain uniform,) and rides about unattended. During one of the seven days fighting around Richmond in the summer of '62 he was quietly resting under a tree when a surgeon rode up and said: "Old man I have selected that tree for my hospital and you must leave." "There is room enough for both of us, Dr., until the wounded come," meekly responded the General; but the surgeon was beginning to order him off again when an aid rode up and addressed him as Gen. Lee. To the surgeon's profuse apologies he only replied, "There is room enough for us both, Doctor."

He is of very even temper, and has been rarely known to exhibit signs of impatience and then in the most quiet manner. While in Pennsylvania some troops, under the eyes of their officers, violating his order against the destruction of private property, he rode over to where they were and dismounting from his horse begun with his own hands to put up a fence that had been thrown down—his staff followed his example, and as soon as the soldiers saw him they fell to work with a yell and soon had the fence rebuilt. After the affair at Bristow last Fall he is said to have been in a bad humor for a week, but gave few visible evidences of it. On the return across the Rappahannock seeing a crowd of idlers gathered where the pontoon bridge was being built he seized hold of a beam with the remark, "I reckon I shall have to do everything." It is needless to add that all the idlers took hold and the bridge was soon built.

His habits are as simple as his dress. He never makes his headquarters in a house and often bivouacs out with the men. He told me not long since that even the tent which he used for his winter quarters, was too close for him, and that his health is always better when he is roughing in an active campaign. He is ever willing to share the fare of his men and is satisfied with what they get. While camped near Hamilton's Crossing, when rations were very short, he invited his youngest son then a private in the Rockbridge Artillery, to take dinner with him. The bill of fare was "beef and bread and bread and beef," and young Lee asked, "Father is this the best you can do at headquarters?" "Yes," replied the General, "it is the best we can do at present, and I am satisfied since it is the fare of my men." Young Lee then invited his father to dine with his mess on a certain day, and by the aid of friends in the neighborhood they had an elegant dinner prepared which the General pronounced "too luxurious for camp." On a visit to Richmond last January, at which time there was great scarcity of rations in the army, he declined all invitations to dinners and suppers on the ground that he "could not consent to be feasting while his men were on half rations." And at a dinner near Orange C. H. he passed by the luxuries with which the table was loaded and dined on "beef and bread," remarking that "the fare of his soldiers was good enough for him." In the same spirit he declined the beautiful residence offered him for his family by the city council of Richmond, saying that "if they had funds to use for the benefit of soldiers he hoped they would appropriate them for the benefit of his privates who were more needy and more deserving than himself."

I shall not attempt to review the military career of the great chieftain, since it is fresh in the memory of all. Nor is he a

mere military man—of broad views, thorough culture, and wide general reading, he is at home on well nigh every subject. A distinguished statesman visited him not long since on a matter of grave State policy, and after a lengthy interview remarked to a friend, "Gen. Lee is not only the best General but she greatest statesman of the South."

But the crowning glory of this noble man's character is that he is an humble, devoted christian. His piety is not of so active a type as was Jackson's, but no one who has witnessed his humble walk, or conversed with him at all upon the subject of vital godliness, would doubt for a single moment that it is equally sincere. He is said to be never so busy that he cannot find time to study God's word, and offer earnest prayer for Divine guidance and strength. On being told that the chaplains of the army had the highest regard for him, and that some of the most earnest prayers offered at their association, were in his behalf, his eyes glistened with tears as he replied, "I can only say that I need all the prayer they can offer." His orders announcing victories, or summoning the army to fasting and prayer, are models not only for their classic purity of style but also for the evangelical spirit which they breathe, giving the glory of victory to God, or calling on "the defenders of a just cause" to "confess their sins and seek through Christ purity of heart." He has ever been the fast friend of the chaplains, and manifests the liveliest interest in their works. A frequent attendant at the chaplains' meetings he exhibits the highest gratification as some humble laborer in the camps tells of how the Lord is prospering his work and converting souls. A regular attendant upon religious services when his duties will permit, his eye kindles at the more affecting truths of the gospel, and it is evident to all that he is more than a mere idle listener.

With such a character it would seem superfluous to say that Gen. Lee (or "Marse Robert," as the boys familiarly call him,) is universally loved by the army. He does not, perhaps, excite that enthusiasm which Jackson did, but every one, from the Lieutenant General to the humblest private, has the most unbounded confidence in him as a leader and love for him as a man. The world's history affords no more touching evidence of the devotion of troops to their leader than the refusal of our boys to be led by him in a charge which would so greatly imperil his valuable life.

Surely we should thank God for such a leader, while continued prayer ascends that he may be spared to the close of this conflict to reap the rich reward of his priceless services.

From the Raleigh Confederate.

HABEAS CORPUS.

Wm. H. Cunningham vs. Peter Mallett.

P. H. WILSON, R. G. LEWIS, ?
Counsel for Petitioner.

This is a proceeding under a writ of *habeas corpus*, in which the petition, return and proof, present the following case:

The petitioner is, and has been for five or six years, a local preacher of the Methodist Episcopal Church, South, duly licensed as such, according to the rules of his church. It is a part of the discipline of this church that the license of a local preacher must be given by the Quarterly Conference, and signed by the President of the Conference, and must be renewed every ecclesiastical year. A local preacher is a minister of his church, and his duty is to preach and perform such other duties as may be assigned by his presiding Elder or preacher in charge; but until he is ordained as a deacon, he cannot administer the sacraments of his church. He is not entitled to any salary or pay for preaching, or for the performance of his other ministerial duties. The petitioner was, prior to the 17th day of February last, and has been ever since that time, located at the city of Raleigh, and has been constantly and regularly engaged in preaching every Sunday, alternately, to two congregations

in the country near the city, and at the hospitals, and also performing other ministerial duties, by attending class meetings, &c., all under the superintendence of Dr. Craven, his preacher in charge. He has received no salary or pay from his church or his congregations, but has supported himself from the income of a hotel in the city of Raleigh, of which he is the owner and manager.

Having been enrolled as a conscript and carried to Camp Holmes, the petitioner claims to be discharged under an act of the Confederate Congress, ratified on the 17th day of February, 1864, which grants an exemption from military service in the army of the Confederate States, to "every minister of religion authorized to preach according to the rules of his church, and who at the passage of this act, shall be regularly employed in the discharge of his ministerial duties." The commandant of conscripts for this State denies his right, and insists upon retaining him in custody as a conscript under a regulation adopted by the Bureau of Conscription, to the following effect: "If the party is a regular licensed minister, authorized to preach according to the rules of his sect, and that is his only business, he is entitled to exemption. If, however, he depends for support on any other business, even if he should preach regularly, he is not entitled to exemption."

That the case of the petitioner is obviously within the letter of the act of Congress, cannot be denied. He is, according to the policy of his church, a minister of religion duly authorized to preach, and he was at the time of the passage of the act of Congress regularly employed in the discharge of this ministerial duties. He is, therefore, entitled to be exempted from performance of military service, unless the Bureau of Conscription is authorized, by law, to make a regulation other than that prescribed in the act of Congress, by which he shall be held as a conscript, or in construing the words of the act, the Bureau has adopted a construction which is in accordance with its spirit, though not within its strict letter. I cannot find in the act any authority conferred upon the Bureau of Conscription to frame regulations upon this subject; and I cannot suppose that it sets up a claim to an independent power of legislation. In making provision for carrying the act into effect, the Bureau must ascertain its meaning, and in doing so, must necessarily put a construction upon its language. That construction, though, is not conclusively binding upon the persons upon whom the act is to operate, for they have an undoubted right to appeal to the courts of law for redress, and it is the decisions of such courts alone which can finally settle the disputed point. The true and only inquiry before me, then, is whether the Bureau of Conscription has adopted the proper construction of the act in question, according to the intention of those who framed it—that is, according to the reason and spirit of it?

I have already remarked that the case of the petitioner is obviously within the letter of the act of Congress. This being so, it is incumbent upon the government to show that it is not also within its reason and spirit, for it is the first among the fundamental rules for the interpretation of laws, to construe words in their usual and most known signification. If the words be dubious, then we may resort to other means for ascertaining the will of the Legislature; among which is that of considering the reason and spirit of the law, or the cause which moved the Legislators to enact it. See *Blac. Com.* 59 and 61. Supposing, then, that there is some dubiousness in the meaning of the act under consideration, let us inquire what was the motive which induced members of Congress to pass it? About that there cannot be the slightest doubt. Most manifestly, it was to afford to all who should not be called into the field, to the men, women and children who should remain at home, the services of all the ministers of religion, of every grade in every denomination, who were duly authorized to preach, and who, when the act