

The Military and the Press.

We learn that much cavil is prevailing in certain quarters, because in our last issue, we gave manifestations of dissatisfaction with the order, requiring of the printing fraternity service in the field to hunt deserters, in this county when such service, as yet, had not been exacted elsewhere.

In doing so we particularly stated that "we made no attack upon the commandant of Home Guards here—believing that he was acting strictly under orders." But we took issue with the authority empowering him to suspend the Presses of this community, believing that it was illegal and inconsistent with General Orders No. 6. It now devolves upon us more fully to give our reasons for thus stating, which we would have done last week, if we could have had more force, in the office and space.

The first section of the amended law in relation to the Militia and Guard for Home defence reads thus: "That neither the Governor of this State, nor the officers acting under an act ratified on the 7th day of July, 1863, entitled An act in relation to the Militia, and a Guard for Home defence, shall call out for drill or muster the persons enrolled under said act, oftener than once a month in company drill, or oftener than twice a year in battalion drill; which battalion drill shall take the place of the company drill for the month in which they are appointed, unless when called into actual service to repel invasion, or suppress insurrection, or to execute the laws of the State."

It is clear from the foregoing section that the Legislature intended to say that the Home Guards should not be so used as to be considered "called into the field," except "actually" to repel invasion or suppress insurrection or execute the laws of the State.

But the 2d section reads thus and evidently gives the Governor power in an ordinary sense to use the Home Guards for the purpose of arresting deserters, &c.

"That the Governor shall have power to use the Guard for Home defence, for the purpose of arresting conscripts and deserters; provided they shall not be ordered upon this duty beyond the limits of the counties in which they reside, or the counties adjacent thereto."

The 3d section now gives exemption, to certain persons therein named, from all service comprehended in the law, except that of repelling invasion, suppressing insurrection, or in executing the laws of the State. Mark it.

"That in addition to the exemptions contained in the act to which this is an amendment, there shall be exempt County commissioners, regular millers, blacksmiths who have established shops, necessary operatives in factories and foundries, the Attorney General, Solicitors, Physicians of 5 years standing, contractors with the State and Confederate governments, one editor to each newspaper and the necessary compositors, mail carriers and Professors in colleges and teachers in academies. Provided, that these exemptions shall only apply to the drills specified in this bill and not to service when the Guard for Home defence is called into the field."

The fact must not be lost sight of that the Guard can be "called out," in the sense of "calling into the field" only when the service to be done is actually to repel invasion, &c. This in our opinion is a fair construction of the law. But we are not left in the dark upon this subject. The Governor in the 3d and last section of General Orders No. 6, declares as follows:

"The 3d section of the last named act is construed to mean that the parties enumerated are exempt from drill, apprehending deserters, and other ordinary duty of the Guard for Home defence; but are not exempt from duty when the Guard for Home defence is called into service to repel invasion, suppress insurrection, or to execute the laws of the State."

By order of Gov. Vance, R. C. GATLIN, Adj. Gen.

But still further, we happened to have in our possession a letter of recent date from the Adjutant General himself, casting, as we supposed, additional light upon the subject, and which ap-

pears as if this late order was an after-thought of the authorities:

Adjutant General's Office, Raleigh, July 21st 1864.

Sir: In reply to your letter of the 18th inst., I have to state that by the 3d section of "an act to amend an act in relation to the Militia and Guard for Home defence," Physicians of 5 years standing, one editor to each newspaper and their necessary employees, &c., &c., are exempted from drill, apprehending deserters and other ordinary duty of the Guard for Home defence, but are not exempt from duty when the Guard for Home defence is called in to service to repel invasion. If, therefore, you are one of the class of persons named in the act, you are exempted from the ordinary county duty of the Guard.

Very Respectfully &c., R. C. GATLIN, Adj. Gen.

But it is argued that the object is to enforce the execution of the laws of the State. This cannot be so. If it were it would be illegal, because it would not be done in accordance with law. The law requires first the civil authorities to act, and when that fails the Sheriff's posse is to be brought in, and when that fails only can the military be evoked. But the State has no law against desertion. That is a Confederate law. The arresting of deserters therefore is not executing the laws of the State, but simply carrying out in good faith a law of the Confederacy, which every State ought in a legal way to do. With these views and reasoning we thought it conclusive that it was not the intention of our law makers to suppress the newspapers of the State for the purpose of arresting deserters. Our opinion of the whole matter, therefore, is, that there are but three kinds of service comprehended in the law: 1st, drilling, 2d, arresting deserters, 3d, calling into the field to "repel invasion" &c., and from these kinds of service, all except the latter, a certain class of individuals was intended by the Legislature to be exempted. But our authorities decided differently, and perhaps they know more about the law than we do. What we have said is merely an opinion of our own and it is given for what it is worth. Of course now that the business of the country is suspended every right-minded man will exert himself and do what he can to make clean work.

Personally we had no sort of objection either to the order or the service, and we responded promptly to the call and was assigned to duty, until by the courtesy of the Commandant we were relieved for a few days to attend the bed side of a sick friend.

But the suppression of the Press as a principle was an unprecedented thing in this country, even in these days of military rule, and we felt bound, as every other press in the State, where the order has been issued, has done, to protest against it.

We append the views of the papers published in Mecklenburg county:

THE MILITARY AND THE PRESS.—The special order of Col. Brewin to day's issue, ordering out the Home Guard for sixty days service, will, unless a special exemption is granted to the printers, effectually suspend the publication of the papers in this town. The law, as construed by the officials, makes no exceptions, and the press, as well as everything else, will have to stop.

During the siege of Richmond, Petersburg, Charleston and Atlanta, printers enough have been left to keep up the regular issue of papers, although the enemy was "knocking at the door."

Under the present construction of the law, North Carolina, whose sons issued the first Declaration of Independence, will have the privilege of being the first State in the Confederacy to interiere, by law, with the liberty of the press.

Printers, however, although exempt by the law of the Confederate Congress, are at all times ready and willing to perform their duty to the State, if the authorities deem it necessary to call them into the field at the sacrifice of stopping the press.—Charlotte Bulletin.

The order referred to, we have been advised will withdraw for field service the Editors and Printers of the papers in Charlotte, who, in consequence of the call, will be forced to suspend their publications, and as a consequence all information from our armies by Telegraph will be cut off.

The Confederate Government, by special legislation, exempted Editors and their necessary employees, but the Legislature of North Carolina, regardless of the example, acting directly opposite to the policy pursued by every other State in the Confederacy, have determined to break down the Press by putting into the field its Editors and operatives, to hunt deserters.

Although Atlanta, Mobile, Richmond, Petersburg, Charleston and Savannah are surrounded by the enemy, the Press in those

cities has not been suspended by Home Guard militia or any other sort of calls.

Char. Times.

The above, from our neighbors, is a correct statement of the case. As we have already remarked in another article, we are very willing to suspend our paper if the authorities construe the Home Guard law so as to require it. It is true, that in the various towns and cities of the Confederacy, even where assailed by the enemy, the Press has not been interfered with by any sort of calls for men, but here in North Carolina it seems necessary to suspend for the purpose of catching deserters!—Congress has declared that the Press shall be free and untrammelled, but our Legislature must have thought otherwise when passing the bill known as the "Home Guard Law."

For our own part, we had as soon take the field as to remain cooped up in a Printing Office, where we have been since we were thirteen years old; but we protest against the exercise of any power that effects the freedom of the Press, unless it be guilty of treason or treasonable and incendiary language. It is an established maxim that the Press in Republican governments shall be free and untrammelled, and the Legislature of North Carolina must amend the Home Guard law unless it is determined to violate this principle and shackle the Press. As an individual we find fault with the law, but as a member of the Press we do object to it on the ground that it affects the freedom of the Press. Apart from that we care nothing about it.—Western Democrat.

Let no one misconstrue our meaning upon the subject of arresting deserters. We retract not one single word we have ever uttered up in this subject. It is the imperative duty of every man, liable to the service, to act promptly whenever called upon to perform this important service. We may differ in opinion about what is the most practicable mode but certainly not as to the duty.

The great thing to be deprecated, and what we have complained of most, is that certain functionaries of the law have not performed their duty. Some have been disposed rather to encourage than suppress and arrest desertions. These, in connection with unfaithful citizens, are mainly the cause of our present troubles and not our military authorities. If every citizen in the county would perform his duty no deserter could live in our woods, and if every civil officer and magistrate would perform his duty, no necessity would exist for calling out the military, and suspending the important business of the country, to engage in the unpleasant work of arresting deserters.

The News.

The war news this week is cheering. At Petersburg, or rather just this side of that city on the Weidon railroad, a considerable battle was fought on last Wednesday, a week ago.—It was a brilliant victory for us, and was won by North Carolina troops. Gen. Lee's official dispatch gives the result so satisfactorily and plainly that it is all we need append to give a fair idea of our success:

Head Quarters Army Northern Virginia, August 26th, 1864.

Hon. Jas. A. Seddon:

A. P. Hill attacked the enemy in his entrenchments at Ream's Station yesterday morning, and at the second assault carried his entire line. Cook's and McRae's North Carolina brigades, under Huth, and Lane's North Carolina brigade of Wilcox's division under Conner, with Pegram's artillery, composed the assaulting column.

One line of their breastworks was carried by the cavalry under Hampton, with great gallantry, who contributed largely to our success.

Seven stand of colors, two thousand prisoners, and nine pieces of artillery are in our possession. The loss of the enemy in killed and wounded is reported heavy; ours relatively small.

Our profound gratitude is due to the Giver of all victories, and our thanks are due to the brave men and officers engaged.

Signed R. E. LEE, Gen'l.

Our army in the Valley of Virginia appears to have everything their own way, having again driven the enemy out of the portion of the State and forced him across the Potomac. The only boat now makes in this section is that all the fords of the Potomac are well guarded to prevent the Confederates from again entering Maryland.

In Georgia from what we can gather, there is little change in the situation. Wheeler has been operating in Sherman's rear, but so far as known has not to a very great extent damaged the enemy thereby. It is said that the enemy were withdrawing from the lines they held near Atlanta, but whether this movement is a retreat of their whole force, or merely a change of position, does not appear to be fully ascertained. If Wheeler should not be able to of-

fect anything we fear the enemy will be able to hold their ground for a while yet near Atlanta.

A Confederate war vessel, the Tallahassee, lately ran out of Wilmington and played great havoc among the Yankee shipping off the coast of the Northern States. She went as far as Halifax, N. S., and then returned to Wilmington which port she entered safely.

NOTICE

TO PAYERS OF TAX IN KIND. Notice is hereby given that we will be at Winston, on the 6th and 7th of Sept'r 1864, Wm Myers, on the 8th of do do do J.M. Stafford's, on the 9th of do do do Hiram Swain's on the 10th of do do do Kernersville, on the 13th of do do do Jno Watson's, on the 13th of do do do Weavils Mill, on the 14th of do do do N Gurley's, on the 15th of do do do Salem, on the 16th of do do do Old Town, on the 17th of do do do Betulia, on the 19th of do do do S Sides, on the 20th of do do do Brookstown, on the 21st of do do do Blackburn's sh, on the 22d of do do do Adams, on the 23d of do do do S Wagener's, on the 24th of do do do Sedge Garden, on the 26th of do do do To assess the Tithes Crop of 1864, consisting of Wheat, Oats, Rye, Cured Hay and Wool. Assessment will be made according to the Government standard of weights.

Notice is also given by order of Capt. C. R. King, P. Q. M., that Oats will in all cases be shelled before delivery.

L. R. BRIETZ, Assess- S. N. McGEHE, ors. August, 29th 1864. 11 3w pd.

HEAD QUARTERS WESTERN DISTRICT OF N. C.

General Order } No. 3. } By direction of the War Department the undersigned has taken command of the Western District of N. C., embracing all the counties west of Rockingham, Guilford, Randolph, Montgomery and Richmond.

In assuming command of this District for the purpose of protecting the citizens from oppression, lawless depredations on their property, and raids of enemies and traitors, the cordial support of the civil authorities and citizens is desired.

It is believed that a large number of soldiers are now absent from their commands from a mistaken idea of the position which North Carolina holds towards the government of the Confederate States. They have been induced to believe that North Carolina intended to withdraw from the Confederate government and make peace with the United States for herself. Under this false impression, it is thought, many have abandoned their associates in arms, and the flag of their country. In the recent elections an overwhelming majority of the people of this State proclaimed to the world, that such opinions are false, that her people are true, and intend the fate of the other States of this Confederacy shall determine the destiny of North Carolina.

In response to this patriotic and noble sentiment of her people, and with the hope, that those who have been thus deluded, may be reclaimed and saved from the extreme penalties of the law, full pardon is hereby offered to all deserters, who will surrender themselves on or before the 16th day of September, 1864.

Our brilliant successes during the present campaign have greatly increased the chances of an early peace, and this is probably the last opportunity deserters will have to redeem their characters, and by future good conduct leave to their children respectable names.

J. G. MARIIN, Brig. Gen. Com'dg. Greensboro' papers please publish for one month and enclose Bills to Maj. Gordon, A. Q. M., Morganton, N. C. 11 4w

Adjutant & Inspector Gen's Office, Richmond, Aug. 9, 1864.

EXTRACT. General Orders, } No. 67. }

PARAGRAPH I, GENERAL ORDERS NO. 67, (current series) is thus amended: All detailed men, (including those between 18 and 45 years of age,) will report to, and be commanded by the General of Reserves in the State in which they have been assigned or detailed, who will organize them into companies and battalions. It is not anticipated that they will be called out, except in emergencies occurring in or near the counties of their residence; nor will service be exacted of them beyond those counties and counties contiguous thereto; except that companies hereafter formed may be required to perform service in repelling raids along a line of railroad running through their respective counties. All exemptions are allowed, and invited to enroll themselves with such companies, so as to be prepared to aid in defending their homes when menaced by the enemy.

(Signed) S. COOPER, Official—Jno. W. Hinsdale, A. A. Gen.

HEADQUARTERS RESERVE N. C., Raleigh, Aug. 23, 1864.

General Order } No. 7. }

I. Pursuant to General Orders No. 67, paragraph V, Adjutant and Inspector General's Office, dated August 16th, 1864, Local Enrolling Officers will proceed at once to organize the detailed men, of whatever kind, in their respective counties, into companies, reporting to this office the names and residences of the officers elected.

II. All exemptions are invited, and earnestly requested, to attach themselves to companies to be organized, for home defence. Arms and ammunition will be issued as soon as the companies are formed. By command of Lieut. Gen. Holmes. JNO. W. HINSDALE, A. A. Gen.