

THE WILMINGTON HERALD.

VOL. 1.—NO. 109

WILMINGTON, N. C., SATURDAY MORNING, JULY 8, 1865.

PRICE TEN CENTS

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WILMINGTON. : JULY 8

LOCAL INTELLIGENCE.

City Provost Court, July 7.

The proceedings of the City Provost Court for yesterday morning are quite full, as there was no examination held the day previous. Nothing very serious was found among them:

Stealing.—Jacob Latham, the gentlemanly negro soldier who relieved the Quartermaster of some choice shoes and then sold them, was sent to his regiment this morning under guard.

Absent without Leave.—Bryant Moore, Henry Patterson, Jas. Lightfoot, Wm. Freeman, Jno. Swann, Lewis Smith and David S. Blane, all soldiers, were sent to their different regiments, with a request that they be punished for being absent without leave, and in violation of orders. They were all caught under the new system adopted, and which would be of infinite good to runaways from camp, if they only knew the secret. It must never be known abroad, and it works so well that a soldier cannot possibly go from camp unless it is known by the guard in a few minutes afterwards.

Fighting.—Benj. Monroe was charged with fighting and flourishing a knife in the streets. He was discharged as his reason had returned after a little time for reflection. Knives are dangerous sometimes and should never be flourished about carelessly unless the owner is after a cell in the guard house.

Drunk.—W. H. McCovey, U. S. steamer *Lena*, Charles Lucas, (white) and Thos. Hughes, an old offender under this charge, were all disposed of lightly for being drunk. More than two-thirds of the cases, outside of those absent without leave, are charged with drunkenness in the streets, soldiers and sailors more so than others, yet liquor must not be sold them. The regular bars we are sure do not. Now the query is, where do they get it?

False Detective.—John Johnson was charged by detective Duffie with rivaling him in his business but without authority to do so. He went as far as a watch in the matter, so it was said, but no further. The case was not sufficiently made out and he was discharged.

Another Absente.—Jos. D. Bishop, 27th Regiment, orderly at regimental head-quarters, was sent up under guard as usual in such cases.

More Fighting.—Two young men were discharged from the offence of beating an old negro man. Their usual good behavior heretofore was given as a guarantee that such a thing would not occur again.

Old Comfort.—Meiser J. Elmer, a negro soldier, was examined and contended in a very silly manner that he belonged to the 57th Massachusetts regiment when there is no such a regiment in existence. He tried to be very silly and was sent to the county jail, said to be a good asylum to reform men's minds, if they are not more affected than he pretended to be.

Religious Notices.

Fifth Street Methodist E. Church—Rev. S. D. Peeler Pastor, Divine service at half past ten o'clock, A. M. to-morrow.

Front street Methodist E. Church, corner of Walnut and Front streets, Rev. L. S. Burkhead Pastor, preaching at 10½ o'clock, A. M.

Rev. A. P. Repton will preach in the Front st. Baptist Church at 10½ o'clock, A. M.

St. John's Episcopal Church, corner of 3rd and Red Cross streets, Divine service at 10½ o'clock, A. M. and 8½ P. M.

Seats provided for strangers at all of these churches.

The EFFECTS OF AN EVIL REPORT.—The evil done to the business of the city, by the report of yellow fever being here, and which has been circulated through the interior of this State, cannot be over-estimated. The report has been so extensive in some parts as to have nearly created a panic, insomuch that a man had as soon order his coffin as to start on a trip to this city. A merchant living at Tarboro, was heard to say yesterday upon the street that two-thirds of the business from his section intended for this place was turned off at Goldsboro' and sent to Newbern, under the misapprehension that an epidemic was raging here. It has been circulated no doubt by designing persons, who have interest elsewhere, that the trade accumulating here, might be broken and they be benefited thereby. This gentleman from Tarboro' gave as an instance of this fact that the telegraph operator at Goldsboro' stopped two merchants from his place, on their way to this city expecting to purchase a supply of goods, by telling them that yellow fever did exist here and even gave the number of cases said to be reported for one day. Where this operator gets his information, by which he is justified in making such a statement is not known, and he should be careful in making a statement of so important a character unless he has the best authority for its truth. The Newbern Times very generously corrects a report published by that paper of an epidemic being here, and it should be the duty of every one knowing the falsity of the report to make a similar correction. There is certainly none here and no fears are for a moment entertained of its being here. Should it appear it will be regarded as the first duty of this paper to notify its readers of the fact.

GEN. ORDER NO. 9.—The provost guard were out yesterday inspecting the streets for confederate uniforms. None were found so far as known. A Pennsylvania captain from Kilpatrick's command, stopping at Bailey's, was the butt of many jokes about an attempt to arrest him by the guard as a rebel captain. He was wearing a small strip of gold lace on the coat sleeve and was thus mistaken for a confederate, but was recognized in time to save them the trouble of unmasking him. His friends consider it a good joke that one of Kilpatrick's command should be taken for a rebel.

WARM WEATHER.—The weather was extremely warm again yesterday, the thermometer ranged at 10° clock, P. M., at 91 deg. in the shade, which is decided the warmest day experienced thus far.

RE-OPENED.—The Fifth street Methodist Church in this city, closed for several months past, will be re-opened to-morrow and hereafter Divine service may be expected there every sabbath.

The sabbath school of this church suspended during the same time will be re-opened on to-morrow (Sunday morning.)

APPREHENDED.—Detective Duffie arrested two men in the lower part of the city last evening supposed to be deserters from Co. "E," 6th Connecticut Volunteers, and whose names are Wallace (alias Wilson) and Jackson. They answer the description of the two men who broke jail in this city some time since, while under sentence for desertion. They had paroles in their pocket certifying to their being at one time prisoners of war, but which are bogus.

DESERTED.—Three sailors belonging to the gunboat *Lanape* in the river opposite Water street, deserted on the evening of the 6th inst. They are supposed to have left the vessel and went to the pontoon bridge, where they stole a small boat belonging to Lt. Drinkard, on duty there, and made their way up the river. They were missing in a short time afterwards and a sergeant with five men were sent in pursuit, but had not returned up to nine o'clock last evening.

THE STEAMER *ENTERPRISE*.—This fine steamer leaves for New York this morning at 6 o'clock, carrying out a large cargo and a full passenger list. She will also have files of *The Herald* and the regular mail for the north.

IN THE CITY.—The paymaster to the troops on duty here, arrived in the city night before last and commenced paying off yesterday. He will no doubt be here for several days before reaching the end of his labor.

THANKS.—Our thanks are due Mr. D. D. Whitlock for a copy of the *Charleston Courier* of the 6th inst. Mr. W. come passenger by government steamer *D. H. Mount* arrived here from Charleston yesterday afternoon.

Terrible Tornado in Wisconsin.

Fifty Dwellings Prostrated Seven Persons Killed and one Hundred Wounded—Terrible Suffering, etc.

LA CROSSE, Wis., July 1, 1865.

A terrible tornado has just passed over the village and vicinity of Viroqua, Union county, Wis., prostrating fifty dwellings, killing seventeen persons and wounding one hundred.

The suffering caused by the tornado is very great, and a call is made for relief.—Mayor Lloyd and Postmaster Lottridge have been appointed a committee in this city to receive donations.

The "Road" Murder Explained—How Constance Kent's Secret was Kept.

(From the Norwich Chronicle, June 2)

The confession of Constance Kent, and the other circumstances brought to light in connection with this extraordinary case, leave the mystery still, a great measure, unexplained. There is an explanation current in the locality, which certainly gives a more consistent account of the dreadful tragedy, but which we have hitherto refrained from publishing, on account of the painful delicacy of the disclosures it makes. As the story is sure, however, to get abroad sooner or later, we can give as a guarantee that such a thing would not occur again.

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The subscription to the Seven-Thirty Loan on Saturday were \$3,610,400, including 2,627 individual subscriptions for sums under \$100.

The total subscriptions for the week were \$15,809,150.

A subscription has been started in Baltimore and a fund raised to be loaned to Virginia farmers to enable them to purchase horses, mules, farming implements and seed for future crops, the money thus advanced to be repaid by the borrowers.

The 'Seven-Thirties—Subscriptions Increasing.'

PHILADELPHIA, July 2.

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CIVIL VS. MILITARY TRIAL.

The Detroit Murder—Letter from Governor Crapo, of Michigan, Declining to Give Up the Murderers to the Military Authorities.

STATE OF MICHIGAN, EXECUTIVE OFFICE, FLINT, June 15, 1865.

Hon. EDWIN M. STANTON, Secretary of War, Washington, D. C.

SIR: I have the honor to acknowledge the receipt of your communication of the 5th inst., requesting me to "require of the civil officers of Detroit, Michigan, to turn over to the military authorities at that place, in order that they may at once be brought to trial before a court martial, Lieutenant John A. Schwartz and Lieutenant Arthur C. Ellis of the Second Regiment Veteran Reserve Corps, who are charged with the homicide of one Wasso, a hack-driver."

The facts in this case, as they have been represented to me, are substantially these:

A number of officers, on the night of the homicide, were absent from the barracks, either on leave of absence or otherwise, and not on duty, and were in a drinking saloon very late in the night. While there, they made some arrangements with the hackman referred to, to carry them to the barracks, and afterward declined going. The hackman demurred at this, and became abusive, and gathered together a number of other hackmen, threatening the officers. At this, the officers went to Fireman's Hall, where a guard of soldiers were stationed, and, without any right to do so, ordered them into the street, where some difficulty occurred between the soldiers and hackmen. The one who was shot jumped upon his hack and attempted to drive off, when some one gave the soldiers orders to fire on him, which they did, and he was shot from his seat and died soon after.

As I understand the affair, the officers had no business to call out the guard, as it was not under their control, and the soldiers had no right to obey them under the circumstances.

It was, in fact, nothing more than a street row.

These lieutenants, together with private Bachelor and five others, are now held in custody by regular process of a court having jurisdiction, charged with the murder of said Wasso, and the trial of the case is set down in the Recorder's Court of the city of Detroit, for Monday, the 19th inst.

Your request for the transfer of these men from the custody of the civil officers of the State to the military authorities at Detroit, necessarily involves two considerations:

Have I the power to comply with the request; and if so, would the exercise be politic and wise?

I do not propose in this communication to argue these questions, nor is it necessary that I should do so, but simply to state very plainly the grounds upon which I must decline to interfere in this case with the due administration of the civil laws of the State.

Although it be admitted that these parties were or officers in the military service of the United States, yet at the time of the commission of the alleged offense by them, neither of them were in discharge of military duty.

The homicide was committed, not within the limits of the camp, but in the streets of the peaceful City of Detroit; and in no sense, and to no extent, is this unfortunate affair connected with the army beyond the simple fact that the accused were at the time within the military service of the United States.

It was not an offense against the peace and sovereignty of the United States.

Any principle or construction that would exempt these men from accountability to the State of Michigan, would exempt any person in the military service of the General Government for accountability to the civil government for crime committed anywhere within the length and breadth of the United States.

Whether the provisions of the act of Congress, approved March 3, 1865, embrace offenses committed by persons who may be in the military service of the United States, but who, at the time of such commission, are not engaged on military duty, is a point which it is unnecessary for me to discuss or decide.

Conceding, however, that it does so apply, it is perfectly plain to my mind that military courts are not by law invested with the exclusive jurisdiction of certain crimes (among which are murder and manslaughter), when committed by persons in the military service.

But suppose I should deem it expedient to grant your request to the effect that I "require of the civil officers of Detroit, Michigan, to turn over to the military authorities at that place, in order that they may be at once brought to trial before a court martial," these parties, I cannot find that I have any power under the Constitution and laws of this State to comply with such request. The accused are in the custody of the law, and with its administration the Executive can in no way interfere. His power is limited to that of pardon, which cannot be exercised only after conviction. He cannot even direct or instruct a prosecuting officer to enter a nolle prosequi, and he can in no way interfere with the custody, prosecution and trial of the accused.

In view of all the facts in this case, it does appear to me that I have no power to comply with your request, and that if I had such power its exercise would be impolitic and unwise.

But supposing it be true that the authority of the military tribunals of the United States is exclusive, then the accused have through the ordinary course of judicial proceedings, a perfect defense for their prosecution by the State of Michigan. They can plead this specially, or in some way bring it before the Court; and if the position is sound their release is assured.

Should it be feared, as intimated in your communication, that in this case a fair and impartial trial cannot be had before the civil tribunal, I would say that very liberal provisions have been made under our statutes in

reference to the selection of jurors; the Court, in which the trial is had may grant a new trial; and after conviction, the defendants, if they consider themselves aggrieved by any opinion, direction or judgment of the Court, may bring error.

Declining, therefore, to take any part in this matter,

I am very respectfully yours, etc.,

HENRY H. CRAPO,

Governor of Michigan.

The Contest Between Civil and Military Authorities in Philadelphia.

PHILADELPHIA, June 30.

The contest between the military and civil authorities, growing out of the arrest of W. B. N. Cozens, still continues.

Last night three of the Sheriff's deputies proceeded to Provost Marshal Frink's headquarters with orders to arrest that officer. They were driven away by the Provost Guard, and made a return to the court to-day accordingly. The matter has been postponed until to-morrow at 9 o'clock, when the sheriff will probably call upon the citizens to aid him in arresting the Provost Marshal.

There seems to be some doubt as to whether the application for assistance to enforce the arrest should be directed to the Sheriff or to the Governor.

THE LATE REBEL LEADERS.

Glimpses into Jeff. Davis' Desk—Interesting Correspondence.

(From the Boston Advertiser, July 1.)

It was announced some time ago by telegraph that some of the personal baggage of Jefferson Davis had been captured by our troops under General Vogdes in Florida, and that in the trunks taken were many letters and papers which might prove of value to our government and of interest to the public.

We have received copies of several of these captured letters, the authenticity of which cannot be doubted, and