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# THE IREDELL EXPRESS.

DEVOTED TO SOUTHERN INTERESTS.

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## The Iredell Express.

STATESVILLE, N. C.

PUBLISHED WEEKLY.

E. B. DRAKE. BY W. P. DRAKE.

**EUGENE B. DRAKE & SON,**  
Editors and Proprietors.

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For the Iredell Express.

### The Evening Cloud.

The mighty storm had ceased to rage,  
The lightning failed to flash;  
No more, the fearful thunders rolled,  
With loud and awful crash.

The setting sun, with gorgeous ray,  
Pierced through the gloom on high;  
And fell upon a cloud, as fair  
As ever graced your sky.

O, for a seraph's pen to write,  
The glories of that scene,  
That beauteous cloud in splendor wrapt,  
And in a golden sheen.

Immense heaps, like softest snow,  
Was mount against mountain laid,  
While lofty peak o'er peak below  
Cast soft and lovely shade.

And at the base, all beauteous stood  
A chain of cloudy hills,  
Capped o'er with blue—O, such a scene  
The soul with rapture fills!

Immense, mid those fairy cliffs,  
The glory was so bright,  
Angels reposed, and from their forms,  
Cast soft and holy light.

O, thus it is when storms break o'er  
The Christian's path in life;  
When all around seems dark and drear,  
And all within is strife;

God's smile of mercy breaks the gloom;  
Gilds clouds with glory o'er;  
We upward look, with eye of faith,  
And wonder and adore.

LEZZIE.

Oakland Cottage, Ga.

Correspondence of the Iredell Express.

### From the Statesville Post.

On Picket—Unexpected Orders—Fog—Turning  
the Flank—Battle Line—Stray Shots  
and their Effect—Yankees After Us—A  
Close Shave—A Night in the Pines—The  
Wilderness—Great Battle of Chancellorsville—  
Wounded and their Mournful Wounds—  
Men Bowed Alike—The Battle Field,  
&c., &c.

The regiment had been on picket a week, the band, cooks, &c., left in camp as usual; when at ten o'clock on Thursday night, Apr. 30th, we very unexpectedly received orders to join our regiment with all possible haste. We hurried up, and after an hour and a half's rambling in the thickets bordering the Rappahannock we found our boys, all busy fixing for a march. During the day preceding heavy cannonading had been kept up, and a few of our men killed and wounded. On Friday we expected a great battle;—it is no wonder then that we were astonished at the unmistakable signs of an intended evacuation. Orders had been issued in camp to burn and destroy every thing that could not be moved; and the troops I discovered were throwing away everything they had excepting the clothing they had on, and a change of linen in their knapsacks;—also excepting their arms and twenty-five rounds of cartridges. Besides these they carried their haversacks, stores with three days rations. Who couldn't "smell a rat?" Feeling very tired I lay down and the next morning was sound asleep. At 2 o'clock I was aroused—Oh, heavens! my kingdom for a little more sleep! 'Twas useless to think of it, but shaking my stupor off I shouldered my knapsack and began the march with the others. Some thought we were going to Guinea, some to Hanover, others to Culpepper and so on; but when we took the road for Fredericksburg all came to the conclusion that we did not know where we were going. Some asserted that the road led to a certain nameless place full of sulphurous odors;—if so, this was not the broad way, but a kind of by-path, as yet unexplored, and full of holes, ditches and mud puddles, into which many a poor fellow stumbled. To add to our difficulties a thick fog made the darkness almost visible;—but ere long day dawned, when indeed we had reason to thank God for his kindness in shrouding us with such a dense covering. We discovered, too, that none of our conjectures about our route was correct, and that instead of going to any of the towns above mentioned, we were only endeavoring to outflank the enemy; and had it not been for the friendly fog a tempest of shells would have met us at every turn. The Yankees could not see what we were up to, neither could they hear, since every man was cautioned to make as little noise as possible. While the thousands were passing, a person two hundred yards from our road would not have had the least intimation of it. By noon on Friday we were halted and drawn up in line of battle, say a fourth of a mile from the enemy. One of our regimental sur-

geons was sent with his *retinue* (consisting of the band) to a house half a mile back to await orders, or the arrival of wounded. So far everything was perfectly calm,—the quiet was even oppressive,—it foreboded no good. We remained until 4 o'clock p. m., when orders came to move forward. The surgeon left, telling us to come on as best we could. We traveled about five miles, making inquiries of every one we saw, but none could give us any satisfactory information concerning Rhodes' division. Night came on, and with it came an irresistible desire to rest and sleep. All agreed, and some fifty yards from the road we built a huge fire, around which we piled ourselves promiscuously, and slept profoundly until daylight on Saturday morning. Soon we were up and off again; and three miles further up we got wind of our division, which we learned, was lying in line of battle about a mile ahead. Knowing the aversion which doctors generally have for these unwelcome visitors usually called shells or bombs, we felt sure that our surgeons would come back and make their headquarters in the dwelling at which we were then halted. So confident were we in this belief that we remained there until 3 p. m., when having not seen nor heard from our brigade we concluded to go forward on the line. Meantime two or three small battles had been fought since noon, in sight of our position, and near the exact spot where we thought our brigade was placed. Battles they would have been termed in the days of the old revolution, but now it is nothing but skirmishing. We do not apply the word "skirmish" where not less than ten or fifteen thousand men have been killed and wounded. Fast people—we are, truly! But to resume—when the firing somewhat abated we took up our beds (and boards) and walked out within a few hundred yards of the battle ground. We had scarcely halted ere we learned that our division was eight miles to the left and still going double quick. The command "right about" was useless, for the next instant a shower of shells were thrown at the ordnance train (ammunition wagons) standing near by. They (the bombs) exploded above our heads, scattering fragments uncomfortably near us. These had a peculiar effect on the horses, and many concluding at once that the atmosphere was unhealthy about there, we "cut grit" and made remarkably good time for about two miles; urged on for the first half mile by messengers from the same quarter bringing the same news. When well out of danger we reined up, blowing like young steamboats, and for an hour took it more moderately. When three miles from the scene of our glorious charge to the rear, we halted in a nice shade beneath some cedars, slung knapsacks, lit our pipes and lay down for a rest. We had been there perhaps half an hour, when we were alarmed by the clatter of musketry a short distance in our rear, and soon afterwards a hundred skirmishers came snorting along, and bawling out to us—"Run for life, the Yankee cavalry are after us in sight!" They never slackened their gait, but tumbled on, pell mell, in worse confusion and more frightened than a flock of sheep when chased by hungry wolves. And let me assure you, kind reader, we did not need a second bidding. The chase that followed was more amusing than the first—it might well be termed "scientific skedaddling," and was kept up with vigor for the next mile and a half, when we came to a place known as the "Old Tavern" or "Wilderness Tavern." Here we came up with reinforcements, unfortunately, of the same stripe as ours, viz: frightened skirmishers. But our force was sufficiently strong to repel any attack which a squad of Yankee cavalry might see proper to make. This, in Virginia's palmy days, seemed to have been quite a public place. Four roads met, the first leading to Spotsylvania, the second to Orange, the third out to the plank-road and up to Culpepper, and the fourth back to Fredericksburg. On each road couriers were sent to order back all wagon trains, which by night were congregated in considerable numbers around the cross roads. Danger threatened us from all quarters; but soon after nightfall our squad ventured up the Orange road about a mile, then turning square to the right, we entered a dense pine thicket which we penetrated some two hundred yards, where we spent the night in dread apprehension of a fight or surrender before morning. During the afternoon we had heard distinctly the roar of battle but a few miles to our right and front; and not knowing exactly what to make of it, and dubious about the result, it is not surprising that our slumbers were none of the sweetest. But Sunday morning, May the 3rd, dawned on us, clear and serene, and we were still living rebels. At an early hour we set out, and by a circuitous march found our brigade hospital about 10 o'clock a. m. The great battle at Chancellorsville was then raging in all its fury; the very hills shook with the thunder of cannon, and the sun was clouded with immense columns of smoke rising heavenward. Our hospital was located at "Wilderness Church," around which had been a severe battle on Saturday evening preceding. Dead men, and horses, shattered artillery carriages, clothing, and, in short, every conceivable article of plunder lay scat-

tered thick over the adjacent fields. It was but a mile down the plank-road to where they were then fighting. It was Sunday, but no one thought of it, or cared. Fresh troops were hurrying up to assist their exhausted comrades, and among the thousands that went pouring forward, not a straggler was to be seen; all seemed cool and determined. They had been well fed, well rested, well clothed, and now they felt ready, willing and able to plunge madly into the bloody work before them. The artillery went rattling on, raising clouds of dust as they rushed along—even the horses seemed "to smell the battle afar off." All was excitement, hurry and tumult. At noon the firing ceased—the wind bore the tidings onward—*The victory is ours.* An hour later, and the wounded begin to arrive,—the butchery begins; and amputated limbs are tossed carelessly about,—wounds are probed, balls extracted, the blood-besmeared soldiers are washed and all made as comfortable as circumstances will allow. My dear readers, you can never do enough for these brave fellows, never! If you could once see a battle field, or a hospital near by—If you could see their faces burnt with powder,—broken arms dangling by their side,—clotted masses of blood hanging in their hair, or the life-tide gushing from ghastly wounds on their bodies,—or hear them beg for help, or one drop of water;—then would you think them more worthy of love and kindness?—I have seen it, and more than I dare attempt to portray.

The enemy was driven back, but obstinately contested every inch of ground. At 1 p. m. the fight was resumed, and continued with unabated fury until long after night's dark pall was spread over the blood stained earth. Then to add untold horrors to the scene of carnage the woods in which the battle raged after noon caught fire, and being very dry burnt rapidly. Many dead bodies were scattered through the thick underbrush, and not a few wounded. These could not be brought out, but were left to their horrible fate. True, the greater portion of the dead and the living who were thus burned in one awful funeral pile were our enemies, but that signified nothing—Their bodies burned with a crackling sound, and the flames rose in thick, black, pine knots; and the screams, the uncharitably shrieks made the night hideous. Great God! Is this war! Then deliver us! Oh, spare us another such harrowing scene!

On Monday morning I visited the spot where our regiment fought. The fire had not got on that side of the road, and they lay as they fell—in every posture imaginable, but mostly

With their backs to the field  
And their feet to the foe."

The greater portion of them I could recognize, but some were so mangled as to render recognition impossible. The woods through which they charged was torn up with shot and shell most frightfully. A hurricane could not have slashed down the timber worse. Some have told me that the crash of falling trees could be heard above the dread roar of battle. Scarcely a shrub or sapling is left standing, all are shot away. The wonder with me is, how a single soul could pass through and live.

NAT.  
Fredericksburg, May 11th, 1863.

### From the Near Regiment N. C. Troops. CAMP NEAR GUINIA STATION, VA., May 16th, 1863.

MESSRS. EDITORS:  
When I wrote you last week I was very much fatigued by the short, but arduous campaign through which we had just passed; consequently my letter was short and uninteresting. I propose now to more fully manifest the "ups" and "downs" which the 24th was called upon to pass through, in so successfully driving the ruthless Yankee from this side the Rappahannock and compelling him to seek safety beyond her banks. Not only did he recross for safety but for again to calm his panic stricken and demoralized army which has the second time met disaster on the Rappahannock's shore, as well as completely routed many times by the noble army of Northern Virginia.

The 31st, on the morning of the 28th of April, received an order to be in readiness at a moment's notice for the march, which put a new face to everything and a complete change was seen throughout the camp; but time was scarcely given to "pack knapsacks" until the order to fall in was given, and in a few minutes the Regiment was formed and marched off. There was many a "wonder" made "where we are going"? but as usual we marched slowly and silently on, passed beyond Hamilton's crossing and marched into the woods and forged a line of battle about sunset, and there remained two nights and one day, without tents, (and it rained "some.") Then we marched in the direction of Chancellorsville and formed about eleven o'clock (30th) in line in a very dense forest, but only remained a few hours when we marched up the plank road, leaving from Fredericksburg, and filed to the left and marched round and came in above the Yankees and marched in battle line across a wilderness about a quarter of a mile whilst the forces then in our front were giving them battle in Jackson's style. After they were

given some distance, night came and Pender's Brigade was marched up to take the front line, with other Brigades of the Division, but just before getting our position the Yankees poured a most terrific volley of grape and shell into our line which caused some stir (being so unexpected) and wounded several; but the storm was soon over and we took our position on the left of the road and there remained that night with arms in hand and nothing between us excepting a line of skirmishers.

Sunday morning (3d) came and we were busy for the duties then devolving upon us, and we awaited the command "forward" which met our ears in due time, and I am happy to say was strictly obeyed.

Onward we moved, and soon we came within range and our line opened upon them. They had been working nearly all night in collecting logs and brush, forming a kind of protection for their miserable carcasses, but it availed them nothing.

"Onward," with hearts of patriotic devotion, was our watchword, and nothing save victory or death was sufficient to satisfy the Southern boys. Onward we moved until our ammunition in hands of men, was exhausted, when reinforcements (Alabamians) came in and relieved us. We retired and drew "rations" of cartridges and were ready for the second advance, but the Yankees had not ceased giving back, and we filed into the road and drew crackers; and bacon and marched again and took our position on the left of where we fought in the morning and again on the front line, but changed our front to the left, and there remained in front on the defensive for one day and two nights, when they politely left us, leaving the most formidable fortifications almost ever seen, and recrossed the river in double haste. Then the battle was ended and the Yankees gained nothing. Although ground as lay their carcasses in numbers, they, as usual, (for their lying tribe) claim to have slaughtered the rebels in vast numbers above their own loss, while it never became their privilege to view the battle field after the fight.

"It has been truly said 'that none but they who set a just value upon the blessings of liberty are worthy to enjoy her,' and how true this is, our miserable enemies who have so long and so miserably oppressed the South asked her Independence. Never will the South yield to the tyranny of the Northern usurpers as long as her brave soldiers rally around their country's flag with such united determination to achieve her liberties.

I herewith transmit a list of the killed and wounded of Capt. McNeely's Co. "D," of this Regiment in the fight.

Killed—Sergeant Franklin A. Lowrance, Wounded—1st Sergt. J. Corriher, Sergts. P. A. Sloop, W. A. Kilpatrick, Corporal R. A. Overcash, Privates J. H. McLaughlin and David Ray.

Grand total, Killed 20, Wounded 117, Missing 19.

Many are slightly wounded and will return to duty in a short time, while some have already died of their wounds and others will never again be fit for the field.

Respectfully,  
LUCO.

### Opinion of Chief Justice Pearson in the Matter of Nicholson.

The facts are: Nicholson is 33 years of age, is a miller and mill-wright—skilled in both trades. He was enrolled as a conscript 8th of July, and was ordered into service 15th of July, 1862. Between the 8th and 15th of July, he applied to the commandant of conscripts for a special exemption as a miller; this was refused, he nevertheless failed to report, and continued at his trade as a miller, as he habitually done for many years before. In August, 1862, he went into the army of Lamb & Co., expecting to be detailed, but left before the detail was made, and set into work for one Shipman, as a mill-wright, where he worked until the 1st January, 1863, when he went to Virginia, and set to work as a mill-wright for one Lamb, where he remained actually employed at his trade until March, when, coming into this State on a visit to his family, he was arrested as a recusant conscript. He has made the affidavit as required by the exemption act.

In the matter of Mills, a shoe-maker, and Angel, a wagon-maker, I decided that the exemption act, October 11, 1862, applied as well to the conscription act of April, as to the conscription act of September. I see no reason to change my opinion. The act adds to the list of exemptions contained in the exemption act of April—uses general words applicable to both conscription acts, "all shoe makers, tanners, &c."—makes no distinctions between persons under or over 35, and repeals the former exemption act, showing obviously that the intention was in reference to the conscription act of April, to put the last ex-

emption act in place of the act repealed, and make one exemption act answer for both conscription acts. If this be not so, there are no exemptions between the ages of 18 and 35, and Governors of the States, Judges, members of the Legislature, &c., under the age of 35, are liable as conscripts; nay, all persons although "unfit for military service by reason of bodily or mental infirmity," are liable as conscripts, if under the age of 35. Such a construction is inadmissible. It was said by Mr. Scott on the argument, "This difficulty is met by the power given to the President to make special exemptions." But it could not, have been the intention to make Governors, Judges and members of the Legislature depend upon the pleasure of the President; the object was to entitle them to exemption by law and not by favor.

It was also said, if the act applies to the conscription act of April, it must have a retroactive effect, and its construction will present many difficulties. That is true, but when the clear intention of the law makers that the one act should apply to the other, it becomes the duty of the Judges to adopt such a construction as will make them fit in the best way they can be put together.

In the matter of Mills and Angel, it was not necessary to fix on the time when the act required the party to be actually employed at his trade, for they were not ordered into service until after its passage, and were, without default, actually employed at their trades, both at the passage of the act, and when ordered into service, and taking either date as "the time" were entitled to exemption.

In this case the point is directly presented. If "the time" is when the party is ordered into service, then Nicholson was entitled to exemption, and his subsequent conduct in keeping out of the way, and going to Virginia to avoid service, was not a bar to a conscription act of Government officers in attempting to arrest him although the more commendable course would have been to insist openly on his right. If, however, "the time" is when the exemption act passed, then he was liable as a conscript, and although actually employed at his trade, cannot claim for that reason to stand on higher ground in this respect than if he had been in the army, because of the maxim, "no man shall take advantage of his own wrong."

The clauses under consideration does not (except indefinitely in the proviso), refer to the time when the person claiming to be exempted must be actually employed at his trade. It makes no exception of persons then in service, or who had been ordered into service, and puts the stress upon the fact of actual employment. It is in these words: "All shoe makers, tanners, &c., skilled and actually employed in the said trades, habitually engaged in working for the public and whilst so actually employed, provided, said persons shall make oath in writing that they are so skilled and actually employed at the time, as their regular vocation in one of the above trades, which affidavit shall only be prima facie evidence of the facts therein stated."

In reference to the conscription act of September, it is clear "the time" is, when the party is ordered into service; that being the time when the affidavit is called for to enable him to claim exemption. But in reference to the Conscription act of April, it is not so easy to fix the time. The difficulty arises from the fact that the exemption act is applicable to both conscription acts; one of which was passed six months before the other, and after it had in a great measure been carried into effect. In my opinion "the time" is the same in reference to the act of April, as in reference to the act of September, to wit, when the party is ordered into service. Had the time of the passage of the act been intended, it is reasonable to presume, that the word would have been "now actually employed," as in the clause just preceding in respect to physicians, "at this time." The policy of exempting shoe makers, &c., being not to favor the individual, but to subserve the public interest—which was greatly prejudiced by taking tradesmen from their occupations—it was immaterial whether the tradesman was under or over the age of 35 years.

The material inquiry is, was he working for the public at the time, which naturally refers to the time when he was called off from his trade. Taking the distinction between volun-

teers, who of their own accord had quit their trades, and conscripts, who had been taken from their trades by act of law, and should be considered in reference to their intended exemption as still at their trades. This construction is called for by the rule, "the same words in the same statute ought to have the same meaning," and as in reference to the act of September, the meaning certainly is when the party is ordered into service. The same words cannot have a different meaning in reference to the act of April. Had it not been the intention to include all shoe makers, &c., without regard to age, this point would have been avoided, by adding the words, "provided no shoe maker, &c., shall be exempted who is now in service or has been ordered into service." So the question is narrowed to this: Can the Courts add these words to the act? I see no ground on which the omission, if it be one, can be supplied by construction. It was urged by Mr. Scott that the public interest required as many soldiers as could be raised, therefore an intention to exempt any who were already in service, or who ought to have been in service, can only be inferred from plain and direct words. This was urged by Mr. Gilmer with the suggestion that the public interest required that tradesmen should not be taken from their vocations, and that those who have been taken off by act of law, should be allowed to return; as it was seen the public interest had been prejudiced, and it was a matter of difficulty for the people to get a pair of shoes, or have a plough sharpened, &c., and that the benefit of a matter of doubt, if there be one, arising from a want of precision in an act of Congress, should be given to the citizens, rather than to the Government.

Giving to these suggestions, proper consideration, the inquiry, whether the intention was to consult the public interest in the army or at home can only be answered by the words used. The shoe makers, &c., and does not except those who are in the army, or ought to have been in the army, at the passage of the act, and the indefinite words in the proviso "actually employed at the time" cannot be by any recognized rule of construction make the exemption.

And it does, "in plain and direct words" repeal the exemption act of April. This fact has an important bearing on the question of construction, for, if it was not the intention that the additional exemptions should apply to persons under 35, why repeal that act? and if such was the intention, the only way in which it can be carried out, and the exemption act be made to fit the conscription act of April (with a few exceptional cases like Mills and Angel) is to give it relation to the time when the party was ordered into service, and taken from his trade.

Whether shoe makers, &c., who were in service as conscripts when the act passed, can now claim exemption, or would be taken to waive the right, by acquiescence, in afterwards receiving pay, &c., is not the question now presented.

Nicholson certainly has done no act that can amount to a waiver of his right, he has not received the State bounty, has received no pay, and has done nothing from which acquiescence can be implied.

It is considered by me that Nicholson is entitled to exemption, and that he be forthwith discharged, with leave to go where he will. It is also considered, that Lieutenant Anderson pay the cost of this proceeding, allowed by law to be taxed by the Clerk of the Supreme Court of Guilford County, according to the statute in such a case made and provided.

The Clerk will file the papers in this proceeding among the papers in his office, and give copies to Nicholson and Lieutenant Anderson.

R. M. PEARSON,  
Ch. J. S. C.  
at Richmond Hill, May 4, 1863.

Hermes continues occasionally to tell good things. Here is his last: In the Capitol Square, a few days ago, a drunken soldier accosted the President:

"Are you Mr. Davis?"  
"I am," was the stern reply.  
"Are you the President of the Confederate States?"  
"I am."  
"Well, I thought you looked like a postage stamp."  
A heroic soul is scornful of being scorned.