

VIRGINIA VOLUNTEERS.

In council, August 26, 1867.

The governor laid before the board a letter from Foushee G. Tibbs, captain of a volunteer company of light infantry, in the county of Essex, requesting information respecting the nature and objects of the association of the Virginia legion of volunteers, and stating the fears entertained that the officers appointed to a command in the said legion, would be entitled to precedence in rank over the officers of the main body of the militia; whereupon, it is advised, that the governor be requested in answer to the said letter, to explain fully the principles upon which the said legion is formed for the purpose of removing the misapprehensions which exist concerning it; and that a copy of the said letter be published in the newspapers of this city, for the general information of the officers of the militia.

Extract from the journal. DANIEL L. HYLTON, Clerk of the Council.

Richmond, August 30, 1867.

Sir, I have received your favor of the 13th, enclosing the resolutions of the light infantry company under your command. They manifest a spirit of patriotism honorable to them, and honorable to our country. The zeal and order evinced by the voluntary tender of their services, will receive a high reward in the thankfulness of their country, and are the surest pledges of the most efficient exertions whenever they may be called into the field. I perform a pleasing duty when I announce to you and to them, that I accept, for my country, the tender of their services. But as there are two acts of congress under which the executive are authorized to accept the service of volunteers, viz. the act of the 18th of April, 1866, and the act of the 24th of February last, the former requiring a service of six months, the latter a service of twelve months, you will be pleased to state under which act you tender is made; and I beg leave to state to you most explicitly and unequivocally, that not only the officers of your company, but of all other companies, whose services may be tendered and accepted under either act of congress, will retain the same rank, in every respect, that they now hold. I enclose both acts for your consideration.

I am sorry to observe by your letter, that much dissatisfaction has been given in the part of the state in which you reside, by the commissions that have been granted to certain persons as officers of the "Virginia Legion of Volunteers." You express a fear that their operation will be to throw into the background the present old and experienced officers, who have encountered much trouble, and devoted much time, in training and disciplining the militia. You say, however, that the subject is fully understood, and expect that the executive will give some explanation. I assure you, Sir, it will always afford me much pleasure to give, to any of my fellow-citizens, a frank and honest explanation of any part of my official conduct, whenever it shall be asked in the spirit and manner which mark your letter.

The act of congress of the 24th of February last, authorizes the president of the United States "to accept of any company or companies of volunteers, either of artillery, cavalry or infantry, who may associate and offer themselves for the service, not exceeding 30,000 men" whose term of service shall be 12 months after they shall have arrived at the place of rendezvous. It also authorizes the president to organize them into battalions, squadrons, regiments, brigades, &c. But the president having called on the executive to hold in readiness 11563 of the militia of this state, being our quota of the detachment of 100,000, he has given to the executive the power of accepting, for him, volunteers under this act, in lieu of the 11563 militia directed to be held in readiness; and has likewise transferred to them the power of organizing them into battalions, squadrons, regiments, brigades, &c. He has moreover urged as a matter of the first importance, the necessity of encouraging, by all the means in their power, such volunteer associations as are contemplated and authorized by the above act of congress. A moment's reference to the act will evince that it contemplates and authorizes volunteers of two descriptions; first, such companies, battalions, &c. already organized and forming a part of the militia, as shall voluntarily tender themselves; and secondly, such companies of volunteers, not already organized, "as may associate and offer themselves for the service," and may be formed of individuals not only from different companies, but from different regiments and counties; for there is no restriction in the act of congress; on the contrary, it clearly holds forth the idea, that the associations may be thus formed, for it provides that "until called into actual service such companies shall be bound to do regular militia duty as is required by law in like manner as before the passage of this act." The law of congress positively declares, that volunteers of the first description shall continue to be commanded by the officers holding commissions at the time of making the tender of their services. Should your company, or any other organized company in the militia, tender themselves under this law, they will come within this description, and the officers and companies will be accepted, and will hold in every respect their present rank and grade.

But to associations of the second class, not being already organized, it is necessary that officers should be appointed. By whom is that power to be exercised? The act of congress will decide. Congress might, on

this, as on a former occasion, have given this power to the president alone in some cases, and to the president and senate in others. But a different policy has been pursued. The president does not claim, nor can he claim any agency in the appointment of the officers of any grade, for there is no clause of the law which can give such agency, even by implication. On the contrary, a just regard to the sovereignty and independence of the states, has provided that this important power should be confided to the state authorities, by declaring that the "commissioned officers shall be appointed in the manner prescribed by law in the several states and territories to which such companies shall respectively belong." By this clause we must clearly understand, not that these associations shall remain without officers until an act of the state legislature shall be passed for the express purpose of appointing them; but that, the officers shall be appointed in the manner prescribed by law for the appointment of similar officers in the militia. In referring to our state laws, it must be evident to the most superficial observer, that all officers of the militia below the rank of the brigadier general, are appointed by the governor with the advice of the council, or on the recommendations of the respective county courts. The act of congress therefore, authorizes the same course to be pursued with regard to the officers of these new associations. If however an association be so extensive as to require a command as high as that of Brigadier-general, that appointment must be made by the legislature, to whom only it belongs. In making the appointments to officers in these volunteer associations it has been already announced, that the Executive will regard the wishes of the persons associated, by appointing the objects of their choice.

This is believed to be a principle that ought to be held sacred in the formation of such associations. It is not departed from by granting commissions previously to the associations, because all who enter them with the knowledge that they will be commanded by the persons holding such commissions, give them the most unequivocal evidence of their approbation. Such commissions have been granted and will still be granted, as the means of facilitating and encouraging volunteer associations. And it is confidently believed that there is nothing in this practice contrary to law or to justice. Every body knows that the laws of his state give to the executive, the power of granting commissions to officers of volunteer companies in the militia, (before the companies are actually raised; see acts of 1863, ch. 1, sec. 14.) the act of congress declares that the officers of the volunteer associations authorized by it shall be appointed in the manner prescribed by the state laws; and the president has transferred to the executive, the power of organizing them into battalions, squadrons, regiments, brigades, &c. Where then is the illegality of these previous commissions? They give no power except to raise and exercise the corps; they do not at all interfere with the militia arrangements of the state; they do not change or affect the situation in the militia, of those who hold them, for the act of congress expressly declares that "until called into actual service, such companies" (even after they shall be raised and organized) "shall be bound to do regular duty, as is required by law in like manner before the passage of this act." Nor is there in this practice any thing contrary to justice; for the field originally was, and still is open to all our fellow-citizens, and there is ample room and much necessity for their patriotic exertions. It is not for me to defend the policy of the act of congress in authorizing these associations. Its policy is obvious. It is not founded upon a distrust of zeal, activity or patriotism of the militia or their officers; for these associations will be formed of persons who now compose a part of the militia. It is founded on a wish to relieve the militia from the inconveniences that would necessarily arise from an indiscriminate draft; to have in the public service only such of our fellow citizens, to whom the public service would not be inconvenient; and above all to have at the commencement of hostilities, a body of men whose period of service will give time for the formation of a regular army, should such an army be deemed necessary. It will be recollected that under the general law of the United States for calling out the militia, they cannot be "compelled to serve more than three months after their arrival at the place of rendezvous, in any one year," (see 2, vol. of the laws of the U. S. page 192) and by the act of congress of the 18th April, 1866, they cannot be compelled to serve longer than six months after arriving at the place of rendezvous.

Although this term of service might be amply sufficient for ordinary cases, yet is it difficult to imagine an occasion in which it would be totally incompetent for any effective exertion? Suppose a formidable attack shall be made on a very remote part of the union, to the defence of which the militia of the state or territory attacked should be insufficient; or suppose that engaged in war with any European nation having possessions bordering upon ours, it should be deemed advisable in us to carry the war into those possessions, is it not obvious that a body of men raised only for three or even for six months, however well officered, however well disciplined and patriotic, would be incompetent for our purposes. The act of congress of the 24th of February last, was intended to provide for such cases, by authorizing volunteer associations whose term of service should be sufficiently long. The "Virginia Legion of Volunteers" is nothing more than one

of the associations contemplated by and established under the authority of that law. It is termed the Virginia Legion, for no other purpose than to point out the particular nature of this corps, as containing a mixed force of infantry, cavalry, &c. as was the case with other legions established during the revolutionary war. It was planned by four men of respectability, William Wirt, Alexander Stuart, John Clark, and Dabney Carr, who on the 11th of this month, submitted to the executive a petition, stating that they had "associated together, and with many others, for the purpose of raising four regiments, to consist of two battalions and ten companies each, under the act of congress of the 24th of Feb. 1867;" and in addition to the engagements of that act, they pledged themselves in the event of a war "to tender their services to the government of the United States for and during its continuance," and requested, if the plan was approved by the executive, that commissions might issue to the persons proposed as officers, in order to enable them to carry it into effect. It is a fact that about the middle of the month of July, the act of congress authorizing volunteer associations, was published by order of the executive, in all the papers of this city, for the information of our fellow-citizens; as was also the letter of the secretary at war, authorising the executive to accept of volunteers under that law, in part of the quota of the militia required from this state. It is also a fact, that on the 11th of August, although numerous tenders of service, of a general nature had been with pleasure received by the executive, yet they had not received one that was specially made under that law; nor had there been any applications to grant commissions for the purpose of raising volunteer companies under it. The executive therefore in approving the plan of the "Virginia Legion of Volunteers" approved the first that was offered for their consideration; and commissions have been granted to certain persons, as captains, lieutenants, and ensigns, for the purpose of enabling them to raise their companies. No higher officers have been commissioned, although they are designated. But I do not entertain any doubt of the power of the executive to grant commissions to any office below the rank of general. It must be admitted by all that the object of this association is a patriotic one. Does it interfere with the rights of any individual in the commonwealth. I have already shown that the commissions do not interfere with the existing militia arrangements, and no person whatever will enlist under them except by his own voluntary act. It has been announced to the public that if companies already organized shall tender themselves, they and their officers will be received, and that they will hold their present rank and grade. If the present militia officers shall not be able to procure a tender of the services of the corps they now command, but will raise associations requiring the same command, they will be placed at their head, with their present rank and grade; or if they propose to raise associations which require a command higher than that they now hold, commissions will be given for that purpose; and I am expressly authorized to state, that the executive will, in all cases, accept the tenders made by officers of the militia, in preference to the tenders made by others, provided the tenders shall be of the same extent. How then can the officers complain of this arrangement? A preference will be given to them if they will come forward; but if they neither tender their present corps, nor raise new associations, would it be right, that volunteer associations, planned and raised by others, should be placed under their command. I am certain they would be the last to desire it. The Virginia Legion, even if it shall succeed, will not raise more than one fifth part of the volunteers wished to be raised by the president. Here then is an ample field for the exercise of the patriotism of our fellow citizens. They will not defeat an important object of an important act of congress, by contentions about mere form and technical propriety.

I have thought it proper to thus explicitly state to the power, views and policy of the executive, in granting commissions to the "Virginia Legion of Volunteers;" and I sincerely hope that there will no longer appear any ground for dissatisfaction. I shall indeed be much concerned if we have mistaken our own powers, or the policy which the interest of our country required us to have pursued. We, however, feel a pleasing consciousness that on this occasion we have done nothing more nor less than what appeared to us to be our duty.

As to that part of your letter in which you request my opinion as to the nature of the service in which the volunteers will probably be employed, it is out of my power to give any definitive answer. They will be under the direction of the general government. It is certain, however, that they will be employed on no object except such as may be justified by a regard to the honor and interests of the nation, repelling invasions that may be made upon us, or carrying, in our turn, invasion into the territories of any enemies that may be accessible to us.

I am, with great respect,
Sir,
Your obedient servant,
WILLIAM H. CABELL.
Captain FOUSHEE G. TIBBS, Essex.

LONDON July 4.

We sincerely deplore the dreadful calamity which has befallen our allies, and annihilated every hope of checking the career of the enemy, by any means short of a continental peace. We do not stop to notice the unprincipled levity of the ministerial journals, who are continuing to feed their readers with tales of the defeat of the French at the moment that accounts of this, we fear the last, overthrow of the allies have arrived—But let the people of England at length awake from their delusion; let those who rejoice in the failure of the negotiations look at the consequences which have followed from that disastrous event, and let no one be so thoughtless as now to expect that the independence of these crowns shall be fought for in Poland. Above all, we trust not another English soldier will be sent abroad at this commencement of a new, we fear a merely defensive war.

What a dreadful prospect is now before us! We are once more to cope single handed with France, and not merely single handed at the beginning of the contest, though that was reckoned enough to alarm us considerably in 1803, but deprived of every chance of a diversion in our favor, unless the war shall endure until the continent can be renovated and the power of our allies created anew. In 1803 there was a good chance that Austria or Prussia, or Russia, might attack France, should she attempt an invasion of England—there was a certainty of their doing so should she fail in it. The state of the continent then rendered it hazardous to invade England, and fatal to be defeated in the attempt. The present state of the continent makes it perfectly safe to try the invasion and not even hazardous to fail. If Bonaparte in 1804 had been repulsed in a descent upon the kingdoms, he would have been undone, and England would have secured both her own and the independence of Europe. When he tries now we trust we shall defeat him, but the utmost which we can hope to gain is present security; for he may fail in the autumn of 1867, and repeat the attempt in the following spring. There is no longer any continent to take advantage of his discomfiture; he is playing a safe game; he can only lose what is convenient for him to risk. We are, for the first time since England was a nation, playing a game of such odds, that if we were to win, we merely save our stake, if we lose, we part with our all.

BY THIS DAY'S MAIL.

BOSTON, September 1.

There is of late in some of the British papers an unprecedented boldness of attack and accusation that spares no person, however elevated in rank. The following as a specimen, is extracted from the London "Independent Whig" of July 5.

"There are however a variety of abuses, which both factions are prudently silent about, because both parties had an equal share in the business, and are afraid to let the whole cat out of the bag; neither of them say a syllable about the amassed treasure of the King, said to amount to the enormous sum of five millions sterling! All we know of this accumulated wealth is, that, while the poor curate, with a wife and half a dozen children, is compelled by law to pay his income tax, six pounds a year, out of his little salary of sixty pounds, his majesty, our most gracious sovereign, and father of his people, is exonerated by law from paying ten per cent upon the annual produce of his hoarded treasure; and that the bankers who hold it in trust, and receive the dividends, are exempted from stating what the amount of the royal treasure is.—These gentlemen have it in their power to escape (under cover of the royal wing) no small share of their own income tax. This in the way of trade, may be called fair play, but surely it cannot be called fair play in our representatives, as they call themselves, to have taken ten per cent. from our little incomes, besides an addition of ten per cent. upon all former assessments, while they exempted his majesty, who has an income of one million two hundred thousand pounds, not only from paying all direct taxes, but even from the property tax! Whence his majesty derived all this wealth, and how he contrived to acquire it, we know not, nor cannot well devise, since he was never in India, nor a loan contractor, nor any army agent, (like Greenwood) nor secretary to the ordinance, nor commissary (like Brooke Watson) nor barrack master:—by what means then this accumulation was made we know not, and it may not be very prudent at present to inquire; but it seems strange that the person, for whose support, the war was said to be first undertaken, should even desire to be screened from paying his share in common with the people who maintain his throne.

It is with all sober minded men a question well worth considering, whether the sovereign of a free country ought to be allowed to amass wealth for his own private use: I am decidedly of opinion that he ought not. If it be true that his majesty possesses in the funds five millions, that sum in the 3 per cents, gives to the sovereign 150,000 per annum, which no king of England, in common policy, ought to be allowed to possess, and which no king of England, independent of parliament, can constitutionally hold. No sovereign in a free country ought ever to be independent of his subjects.

His majesty is provided with an ample income for all wholesome and legitimate purposes by the state. He can have no proper occasion for money that the legislature will not accord him.

Arrived, brig Volant, Bartlett, of Plymouth, from Amsterdam, 60 days, gin, goods, &c

Via quarantine, English schr. Fortune, Vaughan, St. Bartholomews, 25 days, coffee, &c.

Ship United States, of Bath, captain Reed, Liverpool, 52 days, with salt, crates, &c. Spoke July 10, off the Mall of Cantire, schr Smart, from Liverpool, for Bath July 13, lat. 55, 24, long. 12, ship America, from Charleston for Liverpool. July 27, lat. 43, 10, long. 32, 36, ship Aristides, Williams, of Boston, 20 days from Charleston for Liverpool. The Mary and Eliza, Simmons, from Savannah, arrived July 5, in 40 days; also, United States, Harding, Virginia; Robert, Dyer, Massachusetts; Mary and Rachel, Reed, do; Missouri, Dunlap, Savannah. Sailed, June 23, Gen. Eaton, Bowles, of Portsmouth, for Tonningen; Speculator, Little, of Damariscotta, do; Merchant, Johnson, do; Neptune, Neilson, do; Princess, Royal, Newfoundland 26th, Canawa, Thomas, Baltimore. The Mary and Eliza, spoke June 11, lat. 41, 11, long. 56, ship Rhoda and Betsy, from New-York, for Liverpool.

Same day, via quarantine, sloop Caroline, Baxter, New-Providence, 25 days, with molasses

At quarantine, Portuguese brig Conde de San Lorenzo, St. Bartholomews and Berwick, 57 days; schr Industry, Crayton, Demerara, 30.

Cleared, Mason's Daughter, Backliff, Portland; Retaliation, Dagget, Philadelphia; Good Intent, Baxter, Alexandria; Rising Sun, Hallet, Hudson; brig Dove, Loviss, Quebec; Harmony, Payne, Caribou, N. F.; Jane, Gallop, Newfoundland; schr Lark, Herron, Cumberland, N. S.; ship Perseverance, Wilson, South-America; ship Pegassus, Cary, Matanzas; brig Sally, Ransom, Barbados; schr Sea Flower, Crosby, Yarmouth.

NEW-YORK, September 3.

Arrived ship Venus Bunce, 35 days from Madeira, wine. Left, ship Trump-hant, Webster, in 2 or 3 days for Salem; brig Tropic, of Boston, for the Cape of Good Hope in 3 days; schr Lark, for Boston in 5; brig Dove, Childs, for Baltimore, in 7; schr Gallbreath, Fosdick, of Nantucket, just arrived from Machias.

The British brig Princess Royal, Norton, 69 days from Liverpool, salt. July 29, in lat. 48, long. 36, spoke ship Foxwell, 17 days from N. York for Cork.

The British ship Britannia, Lovett, 14 days from Digby, plaister and fish. The sloop Dove, was to sail for N. York next day. Off the South Shoal of Nantucket, August 26, spoke the Squirrel frigate, from Halifax.

The brig Mary, Parsons, 90 days from Certe, wine, brandy, oil, salt, &c. Was boarded in the Straits by several British men of war and treated politely. Off Malaga was boarded by two Spanish privateers and robbed of water and stores. Coming thro' the Gut of Gibraltar in co. with several sail of Americans was boarded by a Spanish privateer and robbed of all the cabin stores, two casks of wine, and robbed capt. P. of his clothes—the steward had a stroke made at him by a knife, 18 inches long. In lat. 56, 26, long. 8, 24, spoke schr Rebecca, Prince, 16 days from Leghorn for Boston, same day, ship Louisa Cecilia, Coker, 20 days from New-York for Trieste. On the 13th July, Thomas Keas, the mate dropped down in a fit and expired. In lat. 43, 26, long. 44, 50, spoke ship Two Brothers, Paul, 12 days from N. Y. for Amsterdam, who supplied capt. P. with provisions.—Lat. 43, 43, long. 56, ship Horatio, Johnson, 6 days from Boston for Liverpool.

The schr. New-York, Cooke, in 100 days from Messina, (Sicily) with wine, oil, &c. Touched at Gibraltar 16th June, for supplies, and left there, schr. Experiment, Clark, of Duxbury, from Villa Juan, near Coruna, cleared for Leghorn, captured by an English cruiser, and condemned vessel and cargo, as carrying on the Spanish coasting trade; and brig Penbrooke, Gardner, of Beverly, from Gallipoli for Copenhagen, captured off Marselles, and waiting trial. Spoke, June 19 off cape St. Mary's ship Alfred, Felt, 22 days from Salem for Messina. Next day off cape St. Vincent's schr. Palladium, Wells, of Baltimore, for Madeira, out 34 days. Next day, ship Maria, of New-York, 15 days from New-Orleans for G. tenburg. Same day, ship Ann, from Millford Haven for Newbedford. 13th, lat. 42, 50, long. 61, brig Dearborn, Macy, 7 days from Boston for Bayonne—supplied her with fire wood, lamp oil, and some stores. 15th, lat. 42, 32, long. 64, ship Columbus, Pennick, 9 days from New-York, for Cadiz. 23d, lat. 40, 36, long. 63, was boarded by the British frigate Squirrel and treated politely. 26th, lat. 40, long. 69, 20, schr. Fair Lady, 3 days from Portland for Jamaica.

The schr. Nancy, Loit, 8 days from Philadelphia, corn meal.

The schr. Atalanta, Hattaway, 5 days from Richmond, coal.

The schr. Weymouth, Weymouth, 5 days from Richmond, flour and tobacco.

The schr. Ann, Houseman, 18 days from Currituck, staves.

The schr. Rising States, Newcomb, 3