

# The Charleston Mercury.

13 August 1863, 1

## Negroes Taken in Arms.

At the time of penning the article which appeared in yesterday's issue, we understood that the negroes who were recently captured on James and Morris Islands in arms were still in the custody of the military authorities here. They were captured on the 16th and 18th of July, and twenty-four days had elapsed. Not having been yet turned over into the possession of the civil authorities, we concluded that it had not been decided what to do with those prisoners, and that this alone could account for the delay in dealing with them according to the laws of South Carolina. It seems we were in error. Procrastination was not practiced by the President. The Secretary of War, as soon as applied to, ordered them, on the 22d ult., to be turned over promptly. Two weeks have elapsed since these prisoners have been put at the disposition of the State authorities. The cause of delay assigned, is the want of a Magistrate in St. Andrew's Parish to form a Court of Freeholders for the trial, and a vacancy in the Provost Marshal's Court.

The *status* of the negro and of the white soldier—of the institutions of the South and the conduct of this war—are all involved in this business. We cannot, of course, pit ourselves against negroes; we cannot ignore and belie our own social organization; we cannot countenance or tamely permit this species of warfare. Therefore the sooner this matter is settled the better.

We regret that we should have been in error as to the course of the Administration, and hasten to correct an injustice. The facts are stated in the following communication:

HEADQUARTERS,  
DEPARTMENT OF SO. CA., GA. AND FLA.,  
Charleston, S. C., August 12, 1863.

Col. R. B. Rhett, Jr., Editor of Mercury:

In THE MERCURY of this date you appear to have written under a misapprehension of the facts connected with the present *status* of the negroes captured in arms on Morris and James Islands, which permit me to state as follows:

"The Proclamation of the President, dated December 24th, 1862, directed that all negro slaves captured in arms, should be at once delivered over to the Executive authorities of the respective States to which they belong, to be dealt with according to the laws of said States."

An informal application was made by the State authorities for the negroes captured in this vicinity; but as none of them, it appeared, had been slaves of citizens of South Carolina, they were not turned over to the civil authority, for at the moment there was no official information at these Headquarters of the Act of Congress by which "all negroes and mulattoes, who shall be engaged in war, or be taken in arms against the Confederate States, or shall give aid or comfort to the enemies of the Confederate States," were directed to be turned over "to the authorities of the State or States in which they shall be captured, to be dealt with according to the present or future laws of such State or States."

On the 21st of July, however, the Commanding General telegraphed to the Secretary of War for instructions as to the disposition to be made of the negroes captured on Morris and James Islands, and on the 22d received a reply that they must be turned over to the State authorities, by virtue of the joint resolution of Congress in question.

Accordingly, on the 29th July, as soon as a copy of the resolution or Act was received, his Excellency, Governor BONHAM, was informed that the negroes captured were held subject to his orders, to be dealt with according to the laws of South Carolina.

On the same day (29th July) Governor BONHAM requested that they should be retained in military custody until he could make arrangements to dispose of them; and in that custody they still remain, awaiting the orders of the State authorities. Respectfully,

Your obedient servant,

THOMAS JORDAN,  
Chief of Staff.

*Thos. J.*