

HEADQUARTERS SECOND MILITARY DISTRICT,

CHARLESTON, S. C., July 6, 1868.

GENERAL ORDERS, )

NO. 131. )

In view of the approaching termination of the military authority derived from and exercised by virtue of the Act of Congress passed March 2, 1867, entitled "An Act to provide for the more efficient government of the rebel States," and the Acts supplementary thereto, which laws are about to become inoperative by reason of the fulfilment of the conditions and limitations prescribed by the provisions thereof: And the State of North Carolina having by its Legislature ratified the constitutional amendment known as Article Fourteen, the following instructions are promulgated for the information and guidance of the officers of this command serving in the said State:

1. Upon the issue of the proclamation of the President of the United States prescribed by Section 3 of the Act of June 25, 1868, announcing the ratification of the said constitutional amendment, the Commanding officers of Posts in said State will cease to exercise any and all authority conferred under said reconstruction Acts of Congress, except so far as necessary for the inauguration of the new State government and to close up unfinished business.

2. The terms of office and all official functions of Registrars, Inspectors, Managers or Judges of Election, Military Commissioners, or other military agents in North Carolina, appointed under the authority of the reconstruction laws of the United States, will end at the date of the proclamation of the President, referred to in the preceding section, and all such officers or agents will, without delay, forward to these Headquarters, any books or records relating to their official duties that may be in their possession. They will also transmit a list of the property purchased with public funds, and exhibit the disposition made of it.

3. The Provost Courts now existing in North Carolina are abolished, and the records will be transmitted without delay to these Headquarters.

4. The tenure of all appointees to civil office in the State of North Carolina under the authority of the reconstruction laws of the United States will terminate when their successors, elected or appointed under the Constitution and laws of the said State, shall be duly qualified.

5. All citizens who, at the date of the proclamation above referred to, may be in the custody of the military authorities, and held for trial for acts in violation of the reconstruction laws of the United States, or in violation of military orders issued under the authority of the said laws, will be discharged from custody, and the military prosecution dismissed.

6. At the same time all prisoners (citizens) held by military authority for trial, whether in confinement or on bail, for crimes or offenses cognizable under the laws of the provisional government of said State, will be turned over to the custody of the proper civil authorities; and all bonds, undertakings, deposits or other security for appearance of persons charged with crimes or offenses as above, taken by military authority in this District, in pursuance of the provisions of General Orders No. 105, series 1867, from these Headquarters, will be turned over to the Attorney-General of the State with authority to enforce the same.

The Judge Advocate of the District will communicate to the Attorney-General of the State the history of each case so transferred, together with the depositions or other evidence or information upon which the parties accused have been arrested and held for trial. In like manner, the Provost Marshal-General will transfer to the Attorney-General all depositions, complaints or other information on file in his office in relation to persons accused who have avoided arrest or have escaped from confinement.

7. All prisoners (citizens) who, when the aforesaid Act of March 2, 1867, becomes inoperative under the conditions and limitations prescribed by the fifth Section thereof, may be in confinement or custody by virtue of the final judgment and sentence of a Military Commission or other military tribunal authorized by the said laws, will be continued in the said custody until entitled to discharge by expiration of sentence, or until their cases are otherwise disposed of by proper authority. Upon a writ of *habeas corpus* or other process issuing from a Court of the United States in the case of any prisoner so held, the writ will be promptly responded to, and the officer in making his return will set forth the material facts of the case. If such writ be issued from a State Court, the officer having the custody of any prisoner will make a respectful return to the writ, setting forth the fact that the prisoner is held by virtue of the final judgment and sentence of a Court of competent jurisdiction, held under the authority of the laws of the United States, and that the jurisdiction is exclusively in the Courts of the United States.

The division between United States and State jurisdiction is not

always distinctly marked; but officers will be guided in their action by the principles laid down by the Supreme Court of the United States, in the case of *Ableman vs. Booth*, (21 Howard R., 506.)

8. At all forts, arsenals, light houses, custom houses and other public establishments, whether held by original cession or by capture and occupation, the jurisdiction will be held to be in the United States, regulated in the former case by the terms of the cession, and in the latter exclusive, until otherwise directed by law or other proper authority. Commanding officers are required to see that such places are not allowed to become asylums for criminals, and that no persons not in the service of the United States are allowed to establish themselves within the limits of any ceded or reserved jurisdiction.

9. The canvass returns, poll lists and ballots for the several elections held in said State, under the authority of the laws of the United States, will, as soon as practicable, be arranged and inventoried according to the several election districts, securely packed and transmitted to the Secretary of State at Raleigh for deposit and safe-keeping.

10. Authenticated copies of the registration in each County of the said State will be prepared as soon as possible, and deposited in the office of the Secretary of State.

11. Authenticated copies of all General and Special Orders, regulations and instructions issued by the District Commander, or by Post Commanders under authority duly delegated, will be prepared; one set to be deposited in the office of the Governor of the said State, and the other in the office of the Secretary of State.

12. Authenticated copies of all decisions affecting rights of property will be prepared and deposited in the office of the Secretary of State.

13. Commanders of Posts in said State will immediately transmit to District Headquarters all records, correspondence, &c., that relate to the duties performed by them under the reconstruction laws—retaining only the military records.

BY COMMAND OF BVT. MAJOR-GENERAL ED. R. S. CANBY:

*Louis V. Canby*  
Aide-de-Camp,  
Actg. Asst. Adjt. Genl.