BY B. F. MEYERS,

At the following terms, to wit:
\$2.00 per annum, if paid within the year.
\$2.50 " if not paid within the year.

If No subscription taken for less than six months

If No paper discontinued until all arre-rages are
paid, unless at the option of the publisher. It has
been decided by the United States Courts that the
stoppinge of a newspaper without the payment of
arrearages, is prima facie evidence of fraud and as
a criminal offence.

If The courts have decided that persons are accountable for the subscription price o newspapers,
if they take them from the post office, whether they
subscribe for them, or not.

EDITOR OF GAZETTE,

DEAR SIR:

With your permission I wish to say to the readers of your paper that I will send by return mall to all who wish it, (free) a Recipe, with full directions for making and using a simple Vegetable Balm, that will effectually remove, in 10 days, Pimples, Blotch est. Tan, Freckles, and ell Impurities of the Skin, leaving the same soft, clear, smooth and beautiful. I will also mail free to those having Bald Heads or Bare Faces, simple directions and information that will enable them to start a full growth of Luxuriant Hair, Whiskers, or a "oustache, in less than 30 days. All applications answered by return mail without charge.

Respectfully yours,

Respectfully yours, THOS. F. CHAPMAN,

Chemist, No. 83! Broadway, New York. August 14, 1863-3m

A GENTLEMAN, cured of Nervous Debility, incompetency, Premature Decay and Youthful Error, actuated by a desire to benefit others, will be happy to funish to all who need it [ree of charge] the recipe and directions for making the simple remedy used in his case. Those wishing to profit by his experience—and possess a Valuable Remedy—will receive the seme. by return mail, (carefully sealed) bo addressing JOHN B. OGDEN, No. 60 Nassau Street, New York.

August 14, 1863—3m

August 14, 1863—3m

Children one much of their Sickness to Colds.—
No matter where the disease may appear to be seated, its origin may be traced to suppressed perspiration or a Cold. Crames and Lung Complaints are direct products of Colds. In short Colds are the harbingers of half the diseases that afflict humanity, for as they are caused by checked perspiration, and as five-eights of the waste matter of the body escapes through the pores, if these pores are closed, that portion of diseases necessarily follows. Keep clear, therefore, of Colds and Coughs, the great precursers of disease, or if contracted, break them up immediately, by a timely use of Madame Porter's Curative Balsom. Sold by all Druggists, at 13 cents and 25 cents per bottle.

Jan. 23, 1863.—1y.

NEW JERSEY LANDS FOR SALE—Aco.

Jan. 23, 1863.—1y.

NEW JERSEY LANDS FOR SALE.—Also GARDEN OR FRUIT FARMS.

Suitable for Grapes, Peaches, Pears, Raspberries, Strawberries, Blackberries, Currants, Rc., of 1, 22, 5, 10 or 20 acres each, at the following prices for the present, viz: 20 acres for \$200, 10 acres for \$110, 5 acres for \$60, 2\frac{1}{2} acres for \$40, 1 acre for \$20. Payable by one dollar a week.

Also, good Cranberry lands, and village lots in CHETWOOD, 25 by 100 feet, at \$10 each, payable by one dollar a week. The above land and farms are situated at Chetwood, Washington township, Burlington county. New Jersey. For further information, apply, with a P. O. Stamp, for a circular, to S. FRANKLIN CLARK,

No. 90, Cedar street, New York, N. Y. Jan. 16, 1863,—1 y.

Professional Cards.

New Banking House.

have opened a Bank of Discount and Deposit, in Bedford, Pa. Money lent and taken on deposit, and collections made on moderate terms.

They also have lands in lowa, Minnesota, Wisconin. Missouri and Nebraska, for sale or trade.

Bedford, Oct. 30, 1863—tf.

U. H. AKERS,

ATTORNEY AT LAW, Bedford, Pa. Will promptly attend to all business entrusted to a care. Military claims speedily collected. Office on Juliana street, opposite the post-office. Bedford, September 11, 1863.

KIMMELL & LINGENFELTER. ATTORNEYS AT LAW, BEDFORD, PA.

137 Have formed a partnership in the practice of
the Law. Office on Juliana street, two doors South
of the "Mengel House."

JOB MANN.

MANN & SPANG.

ATTORNEYS AT LAW, BEDFORD, PA ATTORNEYS AT LAW, BEDFORD, PA.

The undersigned have associated themselves in
the Practice of the Law, and will attend promptly
to all business entrusted to their care in Bedford
and adjoining counties
Off Office on Juliana Street, three doors south
of the "Mengel House," opposite the residence of
Maj. Tate.
Bedford, Aug. 1, 1861.

CESSNA & SHANNON.

ATTORNEYS AT LAW, BEDFORD, PA.

Of Have formed a Partnership in the Practice of
the Law. Office nearly opposite the Gazette Office
where one or the other may at all times be found.
Bedford, Aug, 1, 1861.

JOHN P. REED. ATTORNEY AT LAW, BEDFORD, PA., Respectfully tenders has services to the Public.

Bedford, Aug, 1, 1861.

JOHN PALMER,
ATTORNEY AT LAW, BEDFORD, PA.

Will promptly attend to all business entrusted to his eare. Office on Julianna Street, (near
ly opposite the Mengel House.)
Bedford, Aug. 1, 1861.

A. H. COFFROTH.

ATTORNEY AT LAW, Somerset, Pa
Will hereafter practice regularly in the severa
Courts of Redford county. Business entrasted to
his care will be faithfully attended to.
December 5, 1861.

SAMUEL KETTERMAN.

BEDFORD, PA.,

De Would bereby notify the citizens of dedford county, that he has moved to the Borough of Bedford, where he may at all times be found by persons wishing to see him, unless absent upon business pertaining to his office.

Bedford, Aug. 1,1861.

JACOB REED,

REED AND SCHELL.

BANKERS & DEALERS IN EXCHANGE,
BEDFORD, PENN'A.

CO-DRAFTS bought and sold, collections may

Hon. Job Mann, Hon. John Cessna, and John Mower, Bedford Pa., R. Forward, Somerset, Bunn, Raiguel & Co., Phil. J. Watt & Co., J. W. Curley, & Co., Pittsburg.

ST. CHARLES HOTFL,

CORNER OF WOOD / ND THIRD STREET PITTSBURGH, PA-

Bedford Gazette.

VOLUME 59.

Freedom of Thought and Opinion.

WHOLE NUMBER, 3085

NEW SERIES.

BEDFORD, PA., FRIDAY MORNING. NOVEMBER 27, 1863.

VOL. 7, NO 17.

SUPREME COURT OF PENNS'A.

Act of Congress of 3d March, 1863, com-monly called the "Conscription Law," Declared Unconstitutional.

HENRY S. KNEEDER, DAVID M. LANE, et al. And on a motion in Fran. B. Smithers ame each case for special

W. F. NICKELS's same | injunction.

Opinion of Justice Thompson.

The act of Congress under which the comto be drawn thence, under the supervision of certain federal officers. Those thus drawn from the wheel, if not exempted from disability or otherwise, will be compelled to serve for the peace," says the Federalist No. 2, "with minds

State, without any requisition npon State Executives, or upon officers in command of the
militia in the State, and without any reference
to State authorities whatever. Is this enactment in accordance with the federal constitution? The answer to this question determines the case, for it is not denied that the complainant is within the provisions of the act, and was drawn as and for a soldier under its provisions. He must, therefore, serve, if the act be constitutional, or

seek exemption under some of its provisions.

Our jurisdiction of the case, I think is plain. als, act of 16th June, 1836. If the act of Congress of 3d March, 1863, under and by virtue of which the complainant is holden as a soldier, and sought to be coerved into the service, be not constitutional, the custody of his person under pretence of it, is contrary to law, and projection of the protein of the custody of his person under pretence of it, is contrary to law, and projection of the public liber standing we had been at war with them, and an are not allowed to support armies. "It may safely be received as an our political system," says the Fed. country, and to this day continue to a great extent. Voluntary enlistments as by contract, was the general method of raising armies there gainst invasions of the public liber standing we had been at war with them, and an are not allowed to support armies. "It may safely be received as an our political system," says the Fed. 28, "that the State governments with them only security: for the States are not allowed to support armies. "It may safely be received as an our political system," says the Fed. 28, "that the State governments with them, and an are not allowed to support armies. "It may safely be received as an our political system," says the Fed. 28, "that the State governments with them, and an are not allowed to support armies. "It may safely be received as an our political system," says the Fed. 28, "that the State governments with them only security: for the states are not allowed to support arms. be not constitutional, the custody of his person under pretence of it, is contrary to law, and prejudicial to his interests. The injury too, if the proceedings be illegal, is undoubtedly within what is denominated irreparable injury or mischief, and hence the propriety of the specific remedy. An action for damages would perhaps United States has, on a recent occasion, express-ed a wish for, and determination to facilitate.

numerates the powers of the General Govern-

yond the limitations of which, including necessary incidents of expressly granted powers, all
exercise of authority by Congress is mere usurpation. We should remember this in construit, and that it might be extended to embrace all in each military district, the closing up of the Constitution, and we should reme also, that the entire machinery of Government, provided by it, was poised between checks and balances designed not only to prevent it from transcending its own orbital limits, but to guard transcending its own orbital limits, but to guard to 28 inclusive on this suject. transcending its own orbital limits, but to guard against aggressions from other sources. The objects to be attained, as declared in the preamble must also be kept in view, when we are called to expound its provisions; and we are bound to construe it so as to preserve and advance them all. The purpose, as declared in the preamble, was "to form a more perfect Union, establish justice, ensured domestic transmillity, protablish justice, ensure domestic tranquillity, prociency to some other. To do so would endanger the whole. To "provide for the common defence" is one purpose avowed for establishing the Constitution, and the duty devolves on Con-

and thereby promote the general welfare, Con-gress has, by the constitution, power to "raise and support armies," and "to provide and maintain a navy." It was under no extraordinary pressure of circumstances or emergent necessity that this power was granted. It was deemed plainant in this case is required to enter the army of the United States as a soldier, for a period of three years or during the war, provides for the enrollment, by officers of the United States, of all persons liable to do military duty, between the ages of 20 and 45 years, and classified the CN. without such a power, "I would, says story sifes them. The names of all persons thus enrolled, were required to be put into a wheel, and the requisite number for the districts, with a surplus of 50 per cent. for contingencies were stitution of its own choice from preparing for

riod mentioned, or find acceptable substitutes. unoccupied by other subjects they (the conven-or commute the service by the payment of \$300. Beyond all controversy this is a draft, or in-voluntary conscription from the militia of the having been awed by power, or influenced by der such circumstances, the mode in which the power to "raise armies" was to be executed was of raising and recruiting armies in Great Brit-ain, and the people of this country were better Constitution forbids this by the positive injunc remedy. An action for damages would perhaps mers of the Constitution. Indeed, it is a com- afforded against the danger of invasion of the not be sustainable under a recent act of Con- mon law rule, that when anything is directed to public liberty by the National authority, unless gress, but if it should be, it would be against parties who intended no injury, and from whom on account of obeying what they supposed to be law, in conducting the proceedings against him, but little could be recovered, although the ment the country had achieved its liberty, at so be agreed, I think, in view of the constitutionfrom his home, and may have undergone great hardships and vicissitudes. I dismiss this branch of the case, with this short view of it, and with would authorize Congress to fill the armies to the additional remark, that if our judgment is against the constitutionality of the law, the case against the constitutionality of the law, the case can be removed to the federal judiciary at Washington, if the authorities there see proper, and civil department of the Government should also of the militia of the States. such cases; a thing which the President of the lower enough to believe that if a tence of insurrection and rebellion; that a milipower had been supposed to exist, to raise an tary force is indispensable to suppress it; that army not by voluntary means but by coercive, to raise and support, which "all persons ought I now proceed to the main question. The especially as there were no limits fixed as to its willingly to contribute," It is therefore enact-constitution of the United States defines and e-magnitude, that the Constitution would have ed, Sec. I, "that all able bodied male citizens ment, and limits them by the solemn declaration that "the powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States respec-tively, or to the people." be raised in the usual way, was a source of ma-ny fears in the public mind. It was thought to tively, or to the people."

The Government established by the Constitution, is, therefore, a limited Government, bewhat would have been thought, if it had been service of the United States, when called out

vide for the common defence, promote the gen-or coercion, (the words are nearly synonymous.) this Commonwealth and it is believed that this eral welfare and secure the blessings of liberty A conscript is one taken by lot from the con-is about or near the standard in most, if not objects are supposed to be secured by the Constitution, and no one of them must be overlooked in a too eager desire to lend a supposed efficiency to some other. To do so would endange the whole Texture the world with the constitution of the must be overlooked in a too eager desire to lend a supposed efficiency to some other. To do so would endange the whole Texture the standard in most, it not scription, (or enrollment) list, "and compelled all, the other States. This act is broader, both as to age and color. The specified age, however, whole Texture the standard in most, it not scription, (or enrollment) list, "and compelled all, the other States. This act is broader, both as to age and color. The specified age, however, where the standard in most, it not scription, (or enrollment) list, "and compelled all, the other States. This act is broader, both as to age and color. The specified age, however, where the standard in most, it not scription, (or enrollment) list, "and compelled all, the other States. This act is broader, both as to age and color. The specified age, however, where the standard in most, it not scription, (or enrollment) list, "and compelled all, the other States. This act is broader, both as to age and color. The specified age, however, when the states are supposed efficiency in the color of composed. If there was no other power or clude all between the ages of eighteen and sixprinciple in the instrument to be affected in its ty. Let the power be once established, the operation by such a view, there would be force right must follow, and in this way, every man gress to execute it; but it must not be executed in the idea. But the constitution must be adin public or private life in a State between those in such a manner as to encroach on the paraministered so that the whole may stand in full ages, might be included. No one is exempt un-

whole case in all its aspects, the less imperative. Is the Act of Congress approved March 3d, 1863, entitled "An Act for enrolling and calling out the national forces, and for other purposes," now familiarly known as the Conscription Act unconstitutional? whole case in all its aspects, the less imperative. gress, but by the Constitution. So, too, it was gress of 1792 and 1795. By its provisions the ing out the militia when the army may not be sufficient. I use this contingent expression because I look on the army as an ordinary power, and ordinarily to be used unless insufficient for the end in view, or the exigencies of the times. However, this may be, it is absolutely certain

that the military forces of the government for all purposes, were to be the army and the militia. In the article of the Constitution containing the power to "raise and support armies." and consecutive to that and other war powers and as part of them, is the power to be found in Congress "to provide for calling forth the mili-tia to execute the laws of the Union, suppressin-surrections and rebel invasion?" "To provide

Government. They co-exist, and must co-exist if the Constitution be obligatory. We sometimes employ volunteers, but they are merely a form, as they are a part of the militia and do not militate against the idea of the two species of forces. It is conceded that both may not the accustomed one; namely, by voluntary en-listments! At the trac, this was the usual mode exist, or rather the militia can not be destroyed exist, or rather the militia can not be destroyed acquainted with the laws, customs, and even tion to provide for organizing, arming and dishabits of the people of England than of those ciplining them. They are the security of the We have authority to restrain acts contrary to law, and prejudicial to the rights of individuation and standing we had been at war with them, and an their only security: for the States themselves

'It may safely be received as an axiom our political system," says the Federalist, No. 28, "that the State governments will in all pos-28, "that the State governments scorrity assible contingencies afford complete security against invasions of the public liberty by the "They national authority," * * * "They can at once adopt a regular plan of opposition

been ratified by the States? The idea would, it of the United States and persons of foreign seems to me be preposterous. Without such a birth who shall have declared on oath, their in-

The power to raise an army by conscription forty-five years, and liable as militia men in

mount purpose of securing "the blessings of liberty to ourselves and our posterity," also declared. This is one instance to show that no legislation, nor no construction can be valid or sound which is not in har nony with every provision of the Constitution.

The ilimitation of a power may appear other-discussion of the present law but the Governor. All altogether, not only in providing others than other officers, judges, legislators, representatives wise than by express terms. Its scope may be cartailed by the necessity to preserve some other township functionaries of every description, if ments of the States, judges of the several courts, function necessary to co-exist for preservation under forty-five, are liable now to be forced insistence. sound which is not in har nony with every provision of the Constitution.

In the light of these general and fundamental principles, we must investigate the grave questions presented by the bill of the complainant now before us. And here I may express my regrets, that it did not meet the views of the government officials, having in charge the law department for this United States district, to appear at the argument of this case, of which appear at the argument of this case, of which they had notice, and give us the benefit of their views and researches on the momentous questions involved. It can hardly, I presume, be fairly attributable to a disregard of what might be the ultimate judicial action of the State on but that cannot be relied on in this argument. so. This is exactly the principle of this enact-

militia are to be enrolled, as part of the National forces, another term, as will be seen for Nation al armies, and it requires each individual so en-rolled, to answer and report himself, when drawn, to the military officers of the Federal Govornment, under the pains and penalties pre-scribed for desertion. If this is not a taking possesion of the entire of the militia and consequently the militia itself bodily, I cannot comprehend the meaning or effect of language.

The direct object of the act is to constitute the National forces of the same materiel as that

which constitutes the militia of the State, and or that purpose a Federal enrollment is made and a portion so enrolled, and drawn from the wheel and separately and individually transferred to the army of the United States to be commanded not by State, but by United States surrections and rebel invasion?

surrections and rebel invasion?

for organizing, arming and disciplining the militia, and forgoverning such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of officers, and the authority of training the militia cacarding to discipline present the raised by Congress.

scibed by Congress.

the United the United the militia would come forth in organized hodies, not as individuals, and be officered by the raised individuals. officers. They are henceforth not militia men but regulars. They are to be carried into the State authority. This is widely different from directing the Federal authority to each individual—to conscript him in his individual character, and to compel him to serve not with State contingents and under State officers, but under Federal or army officers.

In short, the provisions of the Act. incor-porates into the Federal armies, the entire material constituting the militia, by directing their authority to them individually, without a re-quisition on the States, and without any power in any State to appoint a single officer to command them, although the entire force was, by the Constitution to be when called into the service of the United States, under the military officers of the State. Such an Act, disregarding such plain provisions of the Constitution, ing such plain provisions of the Constitution, is certainly unconstitutional, if such a thing be possible, at all of any act of Congress, and this view, if correct, establishes conclusively the limitation or the power to raise and support armies. Those enrolled and not drawn out of the wheel at the first draft, remain subject to be

called out afterward. They are the unemployed national forces, and are declared to be subject to be called into service under the plan of the act for two years after the 1st of July succeeding the enrollment, to serve for three years or during the war. It is true, when called into service, the act says they shall be "placed on the same facting in all research as a plantage in the same footing in all respects as volunters in-cluding advance pay and bounty, as is now provided by law." I presume it is not meant by this, that the conscripts are to elect their own officers. But even if this were so, it would own officers. But even if this were so, it would be no less a deprivation of the right of the States to appoint the officers of their militia, and unconstitutional for that reason.

As the enrollment or conscription into the national forces for two years, although unem ploy-ed, is nevertheless an incorporation of them with the national forces: it is a withdrawal of them The act would be worth nothing if the States might resolve that this should not be. The act of Congress is supreme or it is nothing. If it be supreme then the enrolled men can be and are directly under the federal authority all the time, and thus every citizen or enrolled person, in or out of service, may be liable to be controlled by military law all the time, if Congress chooses. Can this be possible? What is to become of the States and their sovereignty, a matter often sneered at, but among the most distinct, clear, and cherished principles in the whole body of the constitution. One portion of the militia of the constitution. One portion of the militia conscripted and actually in the field, the balance conscripted and not yet in the field, but subject Its entirety is vital it must all standards. to the military authority of the United States, where are the military and where is the security of the States against being entirely absorbed, and against invasions of the public liberty by the national authority, which the writers of the Federalist thought existed in the militia? It is

neither in the field, nor at home, it is abolished.

Apprehensions doubtless, of just such an enactment as this now under consideration super-induced the introduction of the Bill of Rights by amendment and consent of two-thirds of the States, in which is the declaration that, "a well regulated militia being necessary to the securi-ty of a free State, the rights of the people to keep and bear arms shall not be infringed."

I contend that the act of Congress under

discussion, violates this declared right, by absorbing the militia into the army, as contratinguished from the militia; by taking all the material which constitutes the militia and calling them out individually without requisition on the States, and placing them under officers not chosen by the States.

It disregards the organization of the militia tem, disregards all these. These were within the militia, but as the militia itself is overthrown by the Act in question, they fall with it. It is possible that this power may be exercised, and the States live through it, but although they may not fall, their foundations will be fatally sapped, and if the precedent remain, it will in

The Constitution authorizes Congress to provide for calling out the militia to suppress inbe the ultimate judicial action of the State on the question, or in contempt of State authority altogether. Whatever may have been the reason for the course adopted, the magnitude of the question involved is not at all diminished thereby, nor is our duty most carefully to examine the

Rates of Advertising.

war with Great Britain, and in every a requisition made by the President upon the Governors of the States. It is true that in 1814, the question was much agitated in Congress whether or not, under the power to "raise armies," the militia might not be conscripted by the Federal authority. The bill which pro-posed this had the sanction of high names—but it differed much from this Act and was never finally acted on, because of the termination of the war by the peace of Ghent. The discussion on this bill was able, but partizan, and furnishes little aid to a judicial examination, and hence I have not recurred to it much in taking the view herein expressed. That a Gov-ernment like that of Great Britain may resort to conscription to fill the ranks of her armies and has done so on many occasions, is no argument or precedent for that practice under the Federal Constitution. Even in England, this is far from the ordinary mode of recruiting the army, and it will hardly be contended that the evention to the rule will catchlish a custom, by exception to the rule will establish a custom, by which to define the meaning of the words "to raise and support armies," used in our federal constitution, so that ex vi termini, conscription or draft, both involuntary modes, were thereby

But the precedent would go for nothing in this inquiry, even if the practice had been com-mon in England. The difference between the onstruction of the British and Federal Constitutions is radical. In the former, all govern-mental powers not expressly prohibited to the government, may be lawfully exercised. In the latter whatever power is not expressly granted is withheld. There is no grant of such a pow-er to the latter, as I have endeavored to show, and no restraint upon it in the former, as the exercise of it proves.

This remark is equally applicable to the dif-

ference between the State and Federal Consti-tution. Between them that same difference in construction exists. The governmental powers of the States extend to all rightful subjects, not prohibited—and the national only to such as are granted. It therefore does not advance the argument a step in favor of those who contend for the constitutionality of the Conscription Act, to point to instances in which drafts have been made by State authorities. Militia duty is compulsory in all the Sates. They are not prohibited from compelling it any more than from compelling the payment of the taxes. It is in this way, and in this way only, in my opinion, that the national forces can be compulsorily raised; that is to say, by a requisition on the State authorities for militia men in a just proportion to

population.

Why have not the militia been called out in the present emergency? They are composed of the men the draft proposes to furnish. They are to be governed while in the service, as Conserved the proposed of the service of the proposed of the service of the proposed of the service of the proposed of the propos gress shall prescribe. They may be reclaimed for one, two or three years, or while the insur-rection lasts, and will become just as good sol-diers in the one character as the other. They are the constitutional power for that purpose, if the army be not sufficient to effect the object without them. Why not employ them? "There is but one of two alternatives," says Judge Sto-ry, "which can be resorted to in cases of insurection, invasion, or violent opposition to the laws: either to employ regular troops or to employ the militia to suppress them." [Story on Con. sec. 1201.] If it be said that the militia will be sufficient, which I deny with equal training, I insist that the imperfection of the system is no justification for the overthrow in part or in whole, of the Constitution.

There is nothing on earth that I so much desire as to witness the suppression of this unjustifiable and monstrous rebellion. It must be put down to save the Constitution, and the constitutional means for the purpose, I believe it to be ample, but we gain but little, if in our all fall, it can never be apportioned

Believing that I have shown that the power "to raise and support armies" is limited to voluntary enlistmer its, and necessarily so limited militia of the States may remain in full force, I am impelled by no choice of alterna-tives, to the conclusion that as the Act of Congress transcends these limits, and by force of law attempts to abolish the militia, instead of calling on them to suppress the insurrection now so wide spread, I am of opinion that the act of Congress is violative of the Constitution of the United States, and void. I most sincerely confess that it would have

been a much more agreeable duty to me to have been able at this time and at all times, to have given my full accord to the measures resorted to to restore the peace and order of our once happy country, but looking to the Constitution, the reasons for its provisions, and then to the solemn obligation which I have voluntarily come under to support the constitution, I cannot, evan at the risk of misrepresentation of motives, heaitate where the question is a judicial one, to express my unmixed convictions as I have done, enactment in question.

Standing recently on the gentle slopes at Runnymede, memory sent a thrill to my heart in admiration of those old Barons who stood up there and demanded from a tyrannical sovereign that the lines between power and right should be then and there distinctly marked, and all my sapped, and if the precedent remain, it will in time become the authority for their extinction. The Constitution authorizes Congress to protect I may have the strength to say that I will

ever do so.