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NO. 7.

Miscellaneous.

Memorial of James W. Wall, Esq., to the Legislature of New Jersey.

To the Honorable the Senate and House of Assembly of the State of New Jersey.

Your memorialist represents to your Honorable bodies—that he is a citizen of the State of New Jersey, and fully entitled to all the rights, privileges and immunities pertaining to such citizenship. That on the eleventh day of September last, he was arrested by Benajah Deacon, United States Marshal for New Jersey, accompanied by an armed force, William R. Allen, Mayor of the city of Burlington, being present, and assisting with one or two of his police. That the said Marshal, upon being called upon for his authority, produced a printed form or order in the words following, as near as your memorialist can recollect:

"To Benajah Deacon, Esq., Marshal, &c. You are hereby commanded to arrest James W. Wall, of the city of Burlington, and convey him to Fort Lafayette, in the New York harbor, forthwith. By order of the Secretary of War. Dated, Washington, September 1861."

Upon reading this singular document, your memorialist demanded of the Marshal the nature and cause of the accusation against him, and a copy of the affidavit or affirmation upon which such warrant was based. He took occasion at the same time to deny the right of any member of the President's Cabinet to issue any such warrant, much less the Secretary of War, and warned the Marshal that he would hold the Secretary responsible, and all who presumed to act under his authority; that this official had in this overstepped the limits of his official authority, and having usurped powers not delegated to him by the Constitution, of by some law made in pursuance thereof, he had put himself beyond the pale of the protection of his office, and was liable like any private citizen, with this distinction, that having used his official position to effect this gross injustice and oppression, it was a great aggravation of his guilt, and would be considered so in a criminal prosecution, or in asking for exemplary damages in a civil action.

To this protest and warning of your memorialist, the Marshal made the following most extraordinary reply: "That he knew nothing of the cause and nature of the accusations, or of any affidavit or affirmation upon which the warrant was based; that he had received the order through the post office, and was bound to execute it at all hazards, and if any resistance was made, he would resort to the armed force then surrounding the house."

Upon your memorialist requesting time for preparation, and to have an interview with his family, it was peremptorily refused by the Marshal, who further declared "that he had orders to take your memorialist at once to New York via the Camden and Amboy line, which would pass through Burlington in the course of ten or fifteen minutes."

Against such an arbitrary exercise of power as this, never surpassed by the most subservient minion of the vilest despotism in Europe, your memorialist entered his most solemn protest, and prepared to resist such invasion of his rights by physical force.—Resistance, however, proved in vain, and your memorialist having succeeded in reaching the hall of his house, was there overpowered by a large armed force, torn from the midst of his family and dragged to the railroad station. From thence he was conveyed a prisoner by the Marshal, accompanied by six of his armed posse, not only through the State of New Jersey, but thro' a portion of the State of New York, and in that State delivered over to the United States military authority commanding at Fort Lafayette, in New York harbor.

In this Government fortress he was confined for nearly two weeks, his correspondence subjected to the most impudent surveillance, and his person to all those indignities and petty annoyances which a military despotism understand how to inflict. He was finally released from confinement upon taking what was called an oath of allegiance and extra-judicial oath, unknown to the Constitution and the laws, but unobjectionable to your memorialist, inasmuch as it pledged him to "protect and defend the Constitution against all its enemies," thus imposing, if it were possible to do so, additional obligations upon him to resist the unconstitutional acts of this high official, and punish his gross violations of the personal liberty of the subject. There can be no greater enemy to the Constitution than that man, who, beneath the cloak of power, conceals the stiletto with which he thrusts at his vitals.

Since his release, your memorialist has applied again and again to the Secretary of War, for the cause and nature of the accusations against him; but thus far all his applications have received not the slightest notice. This persistent silence of the Secretary of War raises the presumption that the

unconstitutional warrant by which he dared to deprive a citizen of New Jersey of his liberties, has not even the bald pretence of a written accusation to give it the flimsiest shadow of a decent formality.

Your memorialist, by reason of this cruel, unmanly silence of the War Department, has been compelled to submit to have his good name and fame called in question, his loyalty to the Constitution doubted, and the most ungrounded and unjust prejudices engendered against him. It is the grossest injustice to place an individual in such a position—violate all the rights, privileges and immunities that belong to him as a citizen—punish him as if he were the vilest criminal, and then cruelly withhold from him the nature and cause of the accusation against him.

Your memorialist therefore makes this appeal to the Legislature of his native State, that it will, through our Senators and Representatives in Congress, demand of the War Department the nature and charges on file in said Department, upon which such warrant was issued, or if no such charges are upon record, that then it shall be so made to appear.

I am fully aware that in the ancient commonwealths, self-preservation was considered the first necessity of the State, as it was of individuals, and could be used as a justification of "the temporary violation of the Status of Liberty." The dictator who, in the hour of the Nation's peril, came forth from the Roman Senate with absolute power over the life, liberty and property of the Roman citizen, was only the creation of this dangerous idea. And during the reign of Elizabeth there was a notion that a kind of paramount sovereignty existed, which was denominated her absolute power, incident, as it was pretended, to the abstract nature of sovereignty, and arising out of its primary office of preserving the State from destruction. But even then, in that tyrannical reign, it found men bold enough to dare the terrors of the royal frown, and declare "that this insidious plea of necessity means too often the security of the sovereign rather than that of the people." The opposition to this pernicious doctrine went on gathering strength until, in the reign of the First Charles, it culminated in the famous Declaration of Rights, that is, the reason light casting its blaze afar, to warn tyrannical governments against the invasion of the liberties of the people.

And yet we are asked to believe the monstrous doctrine in this high noon of the nineteenth century, in a government like ours, made by the haters of kingly prerogative, with a written Constitution defining and limiting the powers of every department, there really, in time of war, lurks in the Executive this dangerous element of power; and against which there has been a continued and successful struggle of five centuries in England. In the eloquent words of Mr. Pendleton, of Ohio, words that have the true ring of the metal of the olden time, "Can it be believed that our fathers, protesting against kingly prerogative, revolutionists because of outrages on personal rights by their sovereign, would clothe the executive of their new government with a power over the citizens, which their former master had never dared to pretend that he possessed? Can it be believed that they, proud of their English lineage, proud of their English liberty—aye, proud of their loyalty to the English Constitution, would sacrifice that right, which their English ancestors accounted their chief glory. Those ancestors had battled for centuries, bravely for popular rights. They had placed the crown upon the brow of the people—they had decked it with many a jewel, it was radiant with the glories of popular liberty, and can it be believed that our fathers would tear away this priceless gem, that sparkled in the very forefront of that coronet, and with it adorn the spectre of executive power. In no other point in the Constitution did they limit the rights of the people as admitted at that day; can it be believed that they would, in this one vital point alone, restrict the bounds of liberty, and enlarge those of power?"

What course you, the Representative of the State of New Jersey, may deem it proper to take in reference to this wanton outrage upon the constitutionally guaranteed rights of one of your citizens, must be left to your own judgments. It is for you to say whether it shall be passed over without a remonstrance. If by your silence now, you constitute this a precedent, it may be for you to declare of what value hereafter those high sounding clauses in the bill of rights in our Constitution will be to any of the citizens of the State of New Jersey?—That bill of rights was intended as the emanation of certain general principles of free government—to serve as the landmarks of liberty and law. Did your present Senator in Congress, Mr. Ten Eyck, when he introduced it into your Constitutional Convention, and his fellow members when they voted upon it, consider its clauses as only a "mass of glittering generalities?" And yet, what else do they become, if any Cabi-

net officer may, under the authority of one of these general warrants, invade your State, with an armed force, kidnap any of your citizens and immerse them beyond the limits of the State at his sovereign will and pleasure, in any one of the fortresses of the Government. Surely if such outrages are to be passed over in silence, and with impunity, then I do not hesitate to declare that your State Government is a farce, and the clauses in your bill of rights the most contemptible and wicked shams.

I speak earnestly, because I feel so. I have been made to know the insolence of arbitrary power. The most degraded criminal in any of your prisons could not have been treated as I have been, without an outcry of indignation from every honest citizen in the State. I have been arrested without the form of legal warrant—condemned without the shadow of a trial, and punished by a degraded imprisonment of weeks, without a trial at this hour, even knowing the nature and cause of the accusation against me. I know and appreciate, my rights as a citizen of the United States, and as a citizen of the State of New Jersey; and no man shall invade and trample upon those rights with impunity. I envy not the heart for it is corrupt, nor the brain, for it is diseased, that can attempt to approve, or by reasoning, justify, such an atrocious act of tyranny as this. If such an act can be done in a republic, without redress, and with the approval of its citizens, then I know no difference between it and the vilest despotism upon earth, save only, that the latter is the most honest government of the two.

All of which is respectfully submitted.
JAMES W. WALL.
TRENTON, Jan. 14, 1862.

A Scene after the Battle.

About ten o'clock, writes the *Champion* of the 31st Ohio, I lay down in a tent and tried to sleep, but the shrieks and groans of the wounded and dying reached my ears, and pierced my heart, and I could not sleep. In a short time Dr. Linnett and a Mr. Oida, from Lancaster, Ohio, came in to sleep in the tent I was occupying. One of them remarked that there was a wounded soldier in an old blacksmith shop, who was desirous of seeing a chaplain. I arose from my couch and after wading my way through the mud and wet, I found the shop, and, to my utter surprise, I found the shop filled with the wounded, and one was lying on the floor—some were mortally wounded, and a few were not. After conversing and praying with one of them a short time he obtained peace and pardon.

I then asked him what regiment he belonged to. Said he, "I am your enemy, but we will be friends in heaven." He then requested me to write to his grandfather in Paris, Tennessee, who is a Cumberland Presbyterian minister, and inform him of his condition, and his being prepared to die in the full triumph of faith. I conversed with several others, and tried to point them to the Lamb of God, that taketh away the sins of the world. I was also permitted to see Gen. F. K. Zollicoffer, who was laid out on a board in a tent, in the cold embrace of death. I saw the place where he was shot, and laid my hand upon his broad forehead. He was about six feet high, and compactly and well built, one among the first heads that I ever saw.

Mr. Harris, of New York, and Mr. Cowan, of Pennsylvania, are both Republican members of the U. S. Senate, both members of the Judiciary Committee, and both opposed the expulsion of Jesse D. Bright—not, it may be presumed for any regard for that person, but from high and conscientious convictions of duty. In the Senate of New York, as in the Senate of Pennsylvania there has been an earnest and able discussion upon a proposition to instruct United States Senators how they should vote with reference to the Lamb of God, that taketh away the sins of the world. I was also permitted to see Gen. F. K. Zollicoffer, who was laid out on a board in a tent, in the cold embrace of death. I saw the place where he was shot, and laid my hand upon his broad forehead. He was about six feet high, and compactly and well built, one among the first heads that I ever saw.

A little girl went to camp meeting, and when she got home she said the sisters in the various tents told her a good many Bible, and asked her questions about the Bible. On being pressed to state what they told her, she said one thing they told her about Peter, who swore three times before he crowed.

Gen. Buell's command in Kentucky, consists of 101 regiments of infantry, 9 regiments and 9 companies of cavalry, and 10 batteries of artillery.

Our Sufferings are Intolerable.

The Memphis (Tenn.) *Appeal* says: "Price is in full retreat Southward—Price will probably continue in full retreat for there are several—indeed no less than three—Federal armies, each as large, better armed, and better equipped, converging upon him. His last victories have been rendered valueless. Federal forces have been massed in Kentucky too great for a man of Sidney Johnston's calibre to attack, and the paralyzing of Price through the withdrawal of McCulloch has rendered the over-running of Missouri to the Arkansas frontier an easy task to the Federals. We're forced back of Missouri—check-mated in Kentucky. Chase has obtained his money in Wall Street."

"The blockade is unbreakable by us as yet. In one word we're hemmed in. We've allowed the moment of victory to pass. We were so anxiously watching the operations of England that we stand aghast on turning our eyes homeward again to find ourselves ten-fold worse off than we were ere the commencement of Price's last forward movement, and that accusedly used sensationalism the arrest of Mason and Sliedell. Day follows day, and in lieu of being weakened, we find the Federal armies, at all points, being strengthened, almost every article of manufacturing and domestic necessity quadrupled in price, and our money will soon be exceeding scarce, for lack of paper and pasteboard wherewith to make it."

"We pay fifteen cents a piece for sperm candles and are told we ought to be glad to get them at that. Our twelve months soldiers' time will soon be up and we cannot help asking, as they do themselves, what have they been permitted or led to do? It is an old and over proven truism, that where two nations are at war, that which has the least means must find success in early and rapid action, for it can gain little by time, while the other finds in time the power to bring into efficient use his more varied means."

"Cabined, cribbed, confined as we were, and evidently would be, our shortest, easiest and most noble policy was to find in the rapid use of our early Revolutionary enthusiasm an overmatch for the slower and less spirited but more enduring North. Where shall we ask relief? Where should we ask it, save in the camps on whom we have lavished our heart's blood, our hopes, our wealth our whole; where but upon the banks of the Potomac? When shall we see an end of the farce there being enacted at our expense?"

Indirectly every mouthful we eat is taxed; our babies wear taxed caps and shoes, our boys write on taxed paper, our girls wear taxed dresses, our men do a taxed business, and helplessly ride in a taxed horse to a taxed grave, and we, forsooth are hurting in the cause? If we dare to turn from Messrs. Mason and Sliedell to look at the country we were born and bred in, and having looked, we are hurting the cause if we dare to tell what we see."

LAND AND SEA FORCES OF THE GREAT POWERS.

The following, according to the *Almaack de Gotha*, was the state of the disposable land and sea forces of the Great powers of Europe in 1861:—
FRANCE.—Army on war footing, 767,770 men, 120,000 horses; peace footing, 414,868 men, 72,850 horses. Navy, 600 vessels admt, building, and under transformation, carrying together 13,353 guns. Out of that number there are 373 steamers, of which 56 are iron cased. The crews of the fleet, who on a peace footing amount to 38,375 men, can, in case of war, be increased to 60,000. The seamanship part of the maritime inscriptions are 170,000 in number. The effective strength of the marines is 22,400 men in peace and 36,879 in war. Custom house officers or coast-guard, 25,591 men.

GREAT BRITAIN.—Army, 232,773 men 21,904 horses. Navy 893 vessels, carrying 16,411 guns. The crews number 78,300 men, of whom 18,000 are marines and 8,550 coast-guard men.

RUSSIA.—Army, 557,859 men regular troops; and 136 regiments of cavalry, 31 battalions, and 31 batteries of irregulars.—Navy 213 vessels, of which 242 are steamers, carry together 3,851 guns. The Russian government has also 474 vessels acting as guardships at different places and for transports.

AUSTRIA.—Army, 587,695 men Navy 85 steamers and 79 sailing vessels, carrying together 895 guns.

PROSSIA.—Army peace footing, 212,649 men, war footing, 622,366 men. Navy, 34 vessels, of which 25 are steamers.

ITALY.—Official strength of the army on the 10th of June, 1861, 327,290 men divided into 68 regiments of infantry, 26 battalions of bersaglieri, 17 regiments of cavalry, nine of artillery, two of engineers, and three wagon trains. Navy 106 vessels, carrying 1036 guns, and 15,000 men.

"Till your mistress that I've torn the curtain" said a lodgee to the servant.—"Very well, sir, mistress will put it down as extra rent."

A New Remedy for Small Pox.

A medical journal reports an interesting discussion at the Epidemiological Society, upon a paper sent from Nova Scotia, by Mr. Miles, Surgeon in the artillery. Capt. Hardy, of the Royal Artillery, an accomplished and intelligent officer, who has been for years among the Indians, says that "the old squaw's remedy had long been known to them as an infallible cure for small-pox," and that the Indians believe it to be successful in every case. From the information gathered from the Indians, the following observations have been carefully sifted.

1. In the case of an individual suspected to be under the influence of small-pox, with no distinct eruption on him, a large wine glass full of the infusion of the root of the plant "sarracenia perperca," or pitcher plant (several specimens of which, including the root, were exhibited on the table) is to be taken. The effect of this is to bring out the eruption. After a second or third dose given at intervals of from four to six hours, the pustules subside, apparently losing their vitality. The patient feels better at the end of each dose, and in the graphic expression of the "Mitmac," knows there is a great change within him at once.

11. In a subject already covered with the eruption of small pox in the early stage, a dose or two will dissipate the pustules, and subside the febrile symptoms. Under the influence of the remedy, in three or four days the prominent symptoms of the constitutional disturbance subside, although, as a precautionary measure, the sick person is kept in camp until the ninth day. No marks of the eruption as regards pitting, &c. have been left in cases examined if treated by the remedy.

111. With regard to the medicine acting (as is believed by the Indians) in the way of a preventive, in those exposed to infection, it is curious to note that, in the camps where the remedy has been used, the people keep a weak infusion of the plant prepared, and take a dose occasionally during the day, so as to "keep the antidote in the blood."

A discussion followed the reading of his paper, in which Mr. Mason, Dr. Copland, Dr. Waller Lewis, Dr. Babbington, Dr. Morchard, Dr. Milroy, Mr. Radcliffe, Mr. Lord and Dr. McWilliams took part. All the speakers concurred in the desirability of requesting Mr. Miles to procure a further supply of the root of the "sarracenia perperca," with the view of having its anti-varioid properties tested in this country.

A certain witness in an assault and battery suit we once heard, mixed things up considerably, in giving his account of the affair. After relating how Dennis came to him and struck him, he proceeded:—"So, yer honor, I just hauled off and wiped his jaw. Just then his dog cum along, and I hit him again."

"No yer honor, hit Dennis. And then I up wid a sun and throwed it at him, and rolled him over and over."

"Threw a stone at Dennis?"

"At the dog, yer honor. And he got up and hit me again."

"No, Dennis. And with that he stuck his tail betwixt his legs and run off."

"Dennis?"

"No, the dog. And when he came back at me, he got me down and pounded me, yer honor."

"The dog came back at you?"

"No, Dennis, yer honor, and he isn't hurt any at all."

"Who isn't hurt?"

"The dog, yer honor."

BURIED ALIVE.—The body of a woman is Displaced in Her Coffin.—In the early part of last week a woman who resided on Milton street whose name our informant, Lieut. Montgomery, of the city police, could not remember suddenly died, and in the absence of her husband, who is a soldier in the army was placed by her friends in a vault in the Cumminsville burying ground. On Wednesday last the husband of the deceased returned home to be not only surprised but severely shocked with the melancholy news that awaited him. Anxious once more to behold the beloved features of his departed wife before her remains were deposited in the grave, he had her coffin opened in the presence of several friends, when what was his horror and astonishment to find she had changed position, and was lying flat upon her face, having in her struggles and extreme despair torn the flesh entirely off one of her shoulders. The feelings of the husband and friends can readily be imagined, at the exposure of such an awful death. The lid of the coffin was replaced and then lowered in the ground, there to lie forever.—*Cincinnati Enquirer.*

KREN RETORT.—An old bachelor rather taken aback a day or two since as follows:—
Picking up a book, he exclaimed seeing a wood cut representing a man kneeling at the feet of a woman—
"Before I would ever kneel to a woman I would exercise my neck with a rope and stretch it."

And then turning to a young woman, he inquired—
"Do you not think it would be the best thing I could do?"

"Very well, sir, mistress will put it down as extra rent."

Origin of the Telescope and Pendulum.

It seems scarcely credible that that wonderful far seeing instrument, which brings the most distant worlds under our curious ken, should have its origin in child's play; yet so it is. The children of spectacle-maker in Middlesburg were allowed at times—probably on wet days—to play in their father's workshops. On one of these occasions they were amusing themselves with some spectacle glasses, when one of them placed two together, one before the other, and looked through them at a weathercock on a neighboring steeple. To the child's astonishment, the vane appeared larger and nearer to it than when seen through the glass only. The father was called to see the sight, and struck with the singular fact, resolved to turn it to advantage. His first plan was to fix two glasses on a board, by means of brass rings, which might be brought nearer to each other, or further off at pleasure. He was thus enabled to see distant objects better and more distinctly than before. The next improvement was the glasses in a tube, which may be termed the first telescope. Galileo soon heard of it, and applied it to astronomical purposes.—The mention of this great man, recalls to mind his accidental discovery of the pendulum. A correct time keeper had long been a desideratum in the world. Water clocks had been tried and found wanting; Altred's candles would not do for a clock at large. Another lucky accident must supply the want, and it came as follows: The future great astronomer, though then only a young man, was in the cathedral at Pisa. One of the vergers had been supplying a lamp with oil, which hung from the roof, and left it swinging to and fro; this caught Galileo's attention; and carefully noting it, he conceived the idea of applying it to the measurement of time. It cost him fifty years to complete his pendulum. After the telescope and pendulum, we can hardly pass over Sir Isaac Newton's discovery of the law of gravity, though it is too well known to require more than naming. An apple accidentally falling to the ground before his face revealed to him this mighty all pervading secret of nature. What vast results have sprung from these seeming trifles!—Distant worlds have not only been discovered, but weighed and measured. The pathless ocean can be traveled over with the same certainty as if guide-posts were every three or four miles; and time can be measured to the greatest nicety.

The Hunter and Lane Imbroglia.

The New York Herald thus pitches into "Jim Lane, the blower."

"We have all along believed that Gen. Jim Lane, like the long lane of the proverb, would have a turn by and by, and Gen. Hunter seems to have given it to him recently. In a general order, which we published yesterday, Major General Hunter announces that he intends taking command of the Southern overland expedition in person, unless expressly ordered not to do so by the Government. This pricks Lane's balloon nicely. For some time Lane has been bragging that this was "his" expedition, and that he was to command it and do what he pleased with it. Now he sinks into the comparatively insignificant position of one of nine brigadiers general under Major General Hunter. The public could scarcely have more welcome news. Congress and the country have been disgusted for months with the bragging and boasting, the pompous assumptions, the false reports of conversations with the President and the general Munchausenisms of this swaggering, jay-hawking, bushwhacking border ruffian, who has won for himself the appropriate though inelegant nickname of "the blower." From the style in which he talked about "his" soldiers, the way in which he threatened to free and arm all the negroes he met, whether the administration liked it or not, and the manner in which he promised "his" soldiers a negro apiece to enable them to "play gentlemen," it began to be understood that there were two commanders-in-chief of our armies, and that President Lincoln's command ceased at the Mississippi, where Lane's began. We have no doubt that Old Abe, having endured the impudence of this impudent fellow long enough, has a hand or foot in his present summary smothering. As far as the expedition is concerned, Lane knew as little of good generalship as he did of good manners or good grammar, and the public will be glad to hear that the position he assumed is to be filled by an able, experienced and trustworthy army officer. As for the rest, we trust that Lane and his abolition admirers are beginning to learn that the country has a President who can make himself obeyed, and a policy which is identical at the West and East alike, and in the overland as well as in any other expedition. It is the general opinion that General Lane talks too much to fight well; barking dogs seldom bite—and we are sure that he will be shot for mutiny if he carries his present tactics into military service."