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year; and two botters and they conts, it not paid within the year. These terms will be rigidly ad-acred to in every instance. No subscription discontinued until all arregrages are paid unless at the option of the Editor. ADVERTISEMENTS-Accompanied by the CASH, and

ADVERTISEMENTS—Accomplished by the CASH, and not exceeding one square, will be inserted three limes for One Dollar, and twenty-five cents for each additional insertion. Those of a greater length in

JOB-PRINTING-Such as Hand-bills, Posting-bills, Pamphlets, Blanks, Labels, &c. &c., excented with couracy and at the shortest notice.

Case of the Chicago Times.

THE ARGUMENT OF HON. JAMES F. JOY. The Liberty of the Press-Its Historical Vicissitudes and Constitutional Guarantees---Vallandigham and his Doctrines--The Error of his Arrest-The Law vs. Burnside and the Administration.

THE CIVIL RIGHTS OF THE PEOPLE AGAINST MILITARY DESPOTISM.

&c.,

If it became a question of the citizenship merely of Capt. Putnam, we might be compelled to dismiss this bill, not knowing where resides; but we contend that the bill would be no less efficacious, because it applies to the superoir officer, and through him, to all who are subordinate to him. We have no objection to the general orders coming in, because, if any order of the government can do this thing, why then we cannot general, who, a short time since, was a clerk maintain this bill; that is to say, any order in one of the offices of this city, never disof the government which has been made. I am relieved, then, from the duty of sta-

what have already been stated. The case presents simply the one fact of a major genjudgment, executed by force, he must submit,

, and the laws.

I will state before I go along any further that I have no sympathy whatever with the the political opinions of the complainants either in their politics or their editorial policy as editors of that paper. I will also state I have but one great and absorbing anxiety with regard to public affairs, and that is to see this rebellion suppressed by the force and power of our armies; to see the Constitution and laws re-established over the broad extent of what was once this happy country. This is my most earnest feeling, and the only anxious feeling which I have with regard to this country. Anything, then, which has a tendency in any way to obstruct the government, to discourage or dispirit the people and the army; anything which in any manner or form shall tend to prevent the prosecution of this war with the utmost vigor does not meet with any sympathy from me. I come here with no feelings of sympathy for these complainants; my feelings are all averse to them, both as politicians and editors. I do not think their policy a wise or a good one. I come into this court politically their enciny, and to promote no political end of theirs. But I come to claim at the hands o this court protection for a clear and as I take it a firmly established constitutional right, important to my clients to be sure, but no more important to them than to every citizen and to the whole country, for the interests of all who are involved. I can hardly express the feeling with which I come before the court on an occasion like this, and to discuss questions which arise in this case. Is it simply to protect property? No 1 Property is the slightest consideration connected with this question. It is to protect individual rights of liberty? No! They sink into insignificance compared with the question betwee this court. What is it, your honors, which has engaged the English mind ever since the art of printing was invented, and which has been the great subject of controversy between the governments of the old country and the peoples? Is it the liberty of the press. The right to discuss freely

men and all public interests. As soon as the art of printing was discovered, the governments of the old world took control of the press. No book could emanate from it without license. No criticism or . commentary on public affairs-even the circulation of the Bible was restrained by law. Everywhere free thought was prohibited. In England it was only after great struggles and great calamities that the feedom of the press obtained a foothold, and it was not until the last revolution which placed William upon the throne that it attained to the dignity of a constitutional right. The struggle had been long between the people and the sovereign and privileged classes, but ultimately the Freedom of the press and of speech had come to be considered a right—a right never again to be trenched upon or violated by the government-a right of the people, valuable all interests. The minds of men were at liberty to think and publish their thoughts, and with this right, and in consequence of it, the government has become stable and almost beyond the reach of danger-and for near two hundred years no minister or sovereign has dared or thought of daring to restrain or lay the hand of power on this great right of free speech and free press. It is the first amendment to the Constitution which protects and secures the right which is assailed and broken down by order of General Burnside. The amendment

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble and petition government for a redress of grieven

This language is very plain, certainly. What does it signify? Does it secure to us a legal and permanent right in a community like this, or does it depend upon the will and pleasure of a man like General Burnside,

to be suspended or abrogated whenever he | yet open, and your honors are yet sitting | day_just endowed with the authority of a | may deem it expedient? Is it a clear constitutional right? If so, where does Gen. Burnside obtain the power to set it aside and destroy it? Is he not himself an officer of the government acting under this Constitution, eubject like all others to its provisions and bound by his allegiance to it? Has he, can he have the power to suspend that provision of the organic law at his pleasure, and enact law at his arbitray will, which even Cons in—loyal beyond question or doubt.—where he courts are everywhere open,—their delibnd their decrees and judgments executed ease and without the signs

disturbance,—where the reign of civil law is may not be misused and become a curse—no absolute and supreme,—where no man lifts a great instrument which may be wielded for a great instrument which may be wielded for against the United States."

That law came before the tribunals of the to its sway. It may be admitted that the press is sometimes violent. It may be ador commentaries upon the government, its officers, or any other subject. It may, how-ever, as I will by and by show, define the

dressed with the brief authority of a major

guished for any great wisdom or soundness

hind, but who now resolves by a military ting the facts set forth in this bill, beyond order to assume the censorship of the press -to try, condemn, and execute its conductors without the intervention of court and eral of the army of the United States making jury, and without a hearing even; to suspend an order, in the State of Ohio, and sending it the power of the Constitution and the laws, to death of such always followed the act of usurped authority. Antony and Octavius never felt that that their grasp upon the liberties of the country was sure until Cicero's tongue had been silenced in death.

indoubted honesty of purpose and patriotism, shall establish precedents like these-for the time being disregard any provision of the Constitution which may discommode them. and let force take the place of law-the right of free speech and a free press be destroyed -all criticism of their conduct and action be suppressed, then by and by ambitious, selfish, and unprincipled men may, availing thomselves of the precedents thus established, in times of civil commotion, lead the people blindfolded and willing to submit to slavery; and the freedom of the country and constitutional rights may be brought to an end in the establishment of despotic power. They perfeet freedom of he press and of speech is the only possible safeguard against this result. this may fail, but it is certain that if this fails nothing else can avail to save us

I think the best illustration of the truth of this position is afforded by the very rebellion Over one whole section of the country itself. -viz: the slaveholding section-the liberty of speech upon one subject has always been suppresseed by a power above law and more powerful than law—that is, the influence has been permitted to raise his voice to discuss the question connected with that institution or the relation which it sustained to the government and the world: Error and alsehood have been permitted to circulate while reason and truth have been chained. The people, listening to arguments on one side only, have been brought to believe, and honestly too, not only in the righteousness of slavery itself, but also that the government in the regular exercise of its power in the hands of the Republican party, was intending to destroy that institution in the states where it prevailed. They have been given over to all public affairs, and the acts of all public elieve a lie, simply and only because free lom of speech and the press on one subject, a ital one, had been suppressed and destroyed. Hense arose this rebellion. It is the result simply of this disregard of one of the cardinal principles upon which the safety and stabili-

y of the government rests-destroying there, ns military men disposed to do here, freedom of speech. It results from a disregard of the fact that truth comes of dicussion, and that therefore discussion should be -a principle recognized in the Constitution, and the right resulting from it therefore guaranteed to the people by one of its most important and most highly valued provisions. recognition of this right and its practical exercise in all parts of the country, and we should never have witnessed the war which is now wasting the South, and over the distresses of which and the calamities which it has brought upon the country humanity

mourns. Shall we in any emergency follow their example? Shall we so soon begin to distrust the capacity of the people to judge for themselves? Shall we here sit and establish the precedent which in the end may lead to untold and as yet unforseen mischiefs? Shall ve practically make an exhibition of our disbelief of the cardinal maxims upon which ruth from error when both are presented to their minds and are competent for self-gov ernment? Shall we so soon ourselves begin to establish precedents which will be sure one day to be used to stifle truth—blind the pubie mind—lead the people into war, and de-liver them over a willing victim to ambitious men who may avail themselves of the exam-ples set by patriotic men, as the ready means of destroying public liberty? Shall we? Shall the courts appointed to administer the Shall the courts appointed to administer the ry other paper in the country. In the days laws, to uphold all the rights secured by the of Washington and Adams they never Constitution, see them, one by one, struck dreamed that such a power existed in a mil- ("Opinions of down by military orders, while the courts are litary commander. And yet a man of yester." 8, page 373):

press is incorporated in every state constitu- suspends the constitutional guarantee of free stated in that of Massachusetts than any othstated in that of Massachusetts than any other. There it reads thus: "The liberty of of the press is essential to the security of freedom in a state, and ought not, therefore, to be respectively in this convenient by The sible, so long as the Constitution stands. It would be indeed most extraordinary in a country like this,—in a condition suches the principle without giving the reason which lays at the foundation of the reason which lays at the reason which lays at the foundation of the reason which lays at the reason which lays at the reaso rould be indeed most extraordinary in a country like this,—in a condition such as this state wherever found. It is because it has been the United States, or either house of Control of the United States, or either house of the United States, or either house of the United States. universal experience that although there

these things are incident to the condition of press is sometimes violent. It may be adhumanity. The real question is upon which mitted that it sometimes goes beyond the side the balance is. Does the freedom of the bonds of true liberty and runs into license. Press bring with it incalculably greater good on the whole than it does of cvil? Abused as to these times—and while a censorship can-But if so, it is for the law-making power on the whole than it does of cvil? Abused as to these times—and while a censorship canto define the boundaries of its liberty and to it may be mischievous as it is undoubtedly not be established, the cvils of licentizusness. prescribe the penalties which shall be visited at times and in some hands—is there any se- are within the control of such a law. Why upon it for overstepping these boundaries.

Congress has, and, if necessary, should exercise this power. It cannot indeed, establish a cencorship of the press. It cannot prevent the publication of any articles or criticisms

at times and it some tands—state and some tands—and set of the indeed, establish a cencorship of the press. It cannot prevent the publication of any articles or criticisms

at times and it some tands—and some tands—a veniences for the sake of the advantages, and right of free speech and free press, that the on the whole they came to the conclusion, as administration which sanctioned that law and England long since did, that it was al solute-

the press and affix penalties and severe punishment for going beyond the one and running into the other. with the courts all open, the people all quiet in a state where within its own limits there is profound peace that a manufacture of public interpretation in all forms, both of speech and the press. The public safety laws in the is profound peace, that a man is found greatest liberty in this respect. Individual minds may be misled and drawn astray in morals, religion or politics. That is inevitable; it is I have said the condition of humanible; it is I have said the condition of humanity of power; courte so held, and none. I believe, ty. But while one man may delude and lead doubt it. Congress is perfectly aware of the astray his followers, other men will counteract

The freedom of the press in other forms and in other men's hands will be used to counteract the mischievous consequences of his conduct. In ten thousand ways the power of the Constitution and the laws, to take a citizen from under their protection, and thus arbitrarily, with the weight of his iron hand, destroy his business and crush to be executed here, which shall destroy the business of a citizen of Chicago; which shall destroy his business and his means of obtaindestroy his business and his means of obtaining a livelihood, without remedy; which shall destroy it by absolute force, without shall destroy it by absolute force, without ner or form; by a tribunal from which here or form; by a tribunal from which he has no right of appeal, and to whose ambitious than those now in power fill the on matter what the amount of ruin, no matorial and military places of the country, we low great the injury. He was the editor of the country were the civil and military places of the civil and military places of the country were the civil and military places of the civil and military places no matter what the amount of ruin, no mather what the country places of the country, we force. I hold that Vallandigham has been the cause of a thousand fold more muschief an executioner—where no jury, no court internal rule right causes of a thousand fold more muschief the cause of a thousand fold more muschief than he otherwise could have been, simply were, but at his sole command the citizen is no matter what the amount of ruin, no mather what the amount of ruin where no jury, no court inter alone declare it, except that the President of the cause of a thousand fold more mischief the ca

> If men, those who are in power, though of lis, and other cities, to express sympathy with him and condemnation of the government and almost landing him, and these meetings held under the auspices of respecta-ble men and addressed by able and influential men? Why is he adopted as a candidate for governor in his own state by a whole party, but a small portion of whom before stood by his side? It is only became the hand of power in his person has struck down, in public estination a right which is held sacred by all and deemed vitally essential in our form

of government to public liberty.

I have said that there is power in the government to punish licentiousness of the press or of speech. There is, and can be, no argument, therefore, from necessity, even to justify this act of General Burnside. A man who slanders his neighbor may be punished by the courts for that slander; a man who publishes a libel upon his neighbor may from the doom of all past republican governbe indicted and punished for the libel. It is fully competent for Congress to enact a law punishing licentiousness of the presspunishing libels upon the government, or upon public officers, or any other form of publication calculated to injure the government and bring it into disrepute, or to throw obstacles in the way of its measures, or of slaveholders. No man in all those states | tending to sedition and disturbance of the public peace. It may be impolitic, in a country where the utmost liberty of speech and press are deemed so essential, to enactsuch a law. But of the competent authority of Congress or the state authorities to do it there can be no doubt I think. All these kinds of publications, and having such tendencies, no man has the right morally; or as a good citizen, to make. Certainly all this is clear; but until Congress or the states by

Although, under the Constitution, Congress cannot establish a cencorship of the press, and has no right whatever to prevent or restrain any publication of any matter what-ever, yet it has the right to say that, if any-thing be published that tends to bring the government into disrepute falsely, to create sedition and turbulence, to obstruct the movements of the government or to cause other like evils, such acts shall be punished by fine or imprisonment, or otherwise, as by law prescribed. This is a right which Congress has once exercised. It was in dangerous times, as these are dangerous times .-The violence of the press was unexampled, the people were excited, and the government apparently became alarmed. It was when the French revolution was yet in progress, and the Directory had been committing acts of aggressive violence upon our commerce.-There was in the country what was designa-ted as a French party and a British party.— In one of the ports of the country the French minister had commissioned privateers to prey on British commerce, and the country was fast being driven to war. It was in John Adams' administration, and the times seemed to be full of peril at home and abroad. Washington had been, in his old age, appointed again commander in chief to lend the armies. The gourt knows the state of those times. What did Congress do to popular government rests, viz: that the of those times. What did Congress do to people are fully capable of distinguishing remedy the evils? How did it propose to control the violence of the press? then in authority were the men who framed the Constitution; they understood its provis ions. Did General Washington make a military order suppressing any newspaper hos-tile to the administration? Did he deem he had the power to do so? If he had the right to suppress one he had the right to suppress all. If Gen. Burnside may suppress the Chicago Times, he may equally suppress eve-

community? I cannot, for one moment, be- country a short time since—to day issues an Although this principle of the liberty of the principle of all popular government, and

"The incitement for punishment of all persons who should be convicted of printing, writing, uttering, or publishing any false and found in the history of the world and by gress, or of the President, with the intent to defame them, or bring them into contempt, prations conducted in perfect peace and quiet, may be evils connected with it—and these or to excite against them the hatred of the are many-for there is no unmixed good people of the United States, or to excite them in this world—there is no blessing which to oppose any law or act of the President, to may not be misused and become a curso—no resist, oppose or defeat any law, or aid, en-

> That law came before the tribunals of the country and was declared to be within the constitutional nowers of Congress to pass. the party which upheld it, sank under the It was one of two laws which were properly called the alien and sedition laws. It was the cause of the famous Virginia resolutions, and gave the popular strength to the Democratic party of that day for a whole genera-tion. And yet it was a legitimate exercise

condition of the country and the necessity, if such exists, to restrain the license of the press. Why has it not passed the law which as it has always been understood in this the exigency requires? Simply, probably, because they dare vot. The fate of Mr. Adams's administration and of the party which

. Can such an order be the law of this country ?" If so, then from henceforward we may bid adien to liberty, and all reliance ipon constitutional rights and laws. No. t is not law, it is violenes! Congress has not leemed it necessary to re-enact the sedition laws, and what Congress, with the right and power to do, has not deemed it fitting to do, Jeneral Burnside certainly cannot do-nay, more, go farther and do what Congress itself cannot do, viz: to establish a cencorship and suppress newspapers at his pleasure.

But it is deemed a military necessity, peraps. In Illinois, in a profound peace withn its borders, with no hostile force even near ner, business going on as usual, and courts open, and all things as they have been, a newspaper, circulating among peaceable citizens, is struck down. Where is the necessition a military sense? There can be none, o Where is the necessity any pretense of any. The act is unwise and ll-timed, and I believe and trust will be disowned by the government. If the government adopt and sanction it as their practice then, may it please the court, I think we may lock for greater calamities than any we have yet witnessed-among ourselves, dis sensions, and internal strife, consequent weakness in the government, and, in the end, as a result, a failure to suppress the rebellion -farther, ultimate separation of states and the final destruction of the national government. It seems to me that these exercises of arbitrary powers must, if persisted in produce these necessary results. And it has been, that the government may be admon-ished, through the proceeding of this court and its action, that we have advised an ap peal to the tribunal and that I myself, contrary to my desire and wishes, have come be fore this court to-day. It is in the hope that I may have some instrumentality, possibly, in averting the mischiefs which I think

foresec. Now I suppose that General Burnside base negistation enact some law, he is subject to penalty for so doing, and may legally do it. powers of a military officer situated as Burnside is? First, I think, independent of all other considerations, that the Constitution was made for war as well as for peace, and it is binding upon the country at all times; that no major-general has a right to disavow his allegiance to it or attempt to defeat its provisions. His oath binds him to support it; he has no right, upon any pretext of necessity, at his own mere will to disregard it. sity, at his own mere will to disregard to the cannot say, where bound by his oath and his duty to sustain the Constitution in all its provisions—"I think that the Chiengo Times is a mischievous paper, and, therefore, the provision of the Constitution which secures he freedom of the press shall be disregarded and held for nought." He is as much subject to the provisions of that instrument, and is much bound by it, as any man in civil ife. That the Constitution never designed that any of its provisions should be suspended, except in one single instance, is clear from the fact that it gives to Congress the right to suspend the writ of habeas corpus during the time of civil insurrection and war. Why did it confer that right upon Congress if, by the mere order of a major general, not only the right to that writ, but every other constitutional provision for the protection of the citizen could be suspended? The right to suspend the habeas cornus, according to the principles upon which Burnside nots, need not have been bestowed upon Congress at all. The Constitution itself is of no effect when it comes in conflict with his military policy. But we are troubled a great deal

nartial law, and again I ask, what is that law? In other countries it is well understood and clearly defined; when it is declared people know what it is, and where it is, and how far it extends, and what are their rights under it. It seems to me that Mr. Cushing, while he was Attorney-General of the United States, laid down what are the true principles of martial law in this country. He says He says

ment of an existing fact rather than the legal | invaded. creation of that fact. In a beleagured city, for instance, the state of siege lawfully exists, power has devolved upon it, without having au horitatively assumed the supreme control of affairs, the care of the public safety and conservation. Such, it would seem, is the true explanation of the proclamation of martial law by General Jackson at New Orleans," This opinion establishes the fact that marpower of civil law, and that it extends only

so far as the force of the civil law has ceased

to prevail. In the case of Gen. Jackson, at New Orleans, it was only declared within the military lines of his army, having no force and effect beyond them, in the military department of which he had command. This is brought before a military tribunal. was simply because outside of his lines and army was actively, in command and within its lines preparing to meet or to resist an enemy, their civil law could not prevail, and, place. The principle, therefore, seems to be Wherever the country is disturbed by clear. hostile movements, where violence reigns, where armies are moving and where, consequently, civil laws cannot be enforced, where courts cannot sit or execute their decrees, it becomes necessary that martial law, which the Duke of Wellington defines to be "the mere will of the commander in chief," should take its place. It then becomes a necessity for the safety of the citizens and is co-extensive only with the necessity. It is because there is no civil power, and the commander in chief is the only man who can there establish order; his will is the law of that district. But it is only in that district, because it cannot act where civil laws are in full force. This is martial law as defined in all the countries of Europe, and

country until now.

I will refer, for a moment, to the law of several countries in Europe upon this sub-

By the twelfth article of the French constitution, re-establishing the Imperial brought within the range of our own homes dignity. The Emperor has the right to and close to our own firesides. Acts like declare a state of siege (the French term for nartial law) in one or more departments, subject to a reference to the Senate with the I have commented and the department to which it applies. In special cases governors of colonies and commandants of military posts may declare a does not think proper to raise the siege, a proposition must immediately be made by he government to the legislature to maintain

521.These are the provisions relative to martial law in a country where we are accustomed to think little regard is paid to individual rights, and the Emperor is esteemed a despot. It will be seen, however, at once how carefully his power is hedged around, and how small the limit which is left for Lilitary men

to exercise arbitrary power.
"The constitution of Belgium expressly provides that the King has no other power rive him, and the constitution cannot be uspended in whole or in part."-Wheaton, page 521.

The organic law of Italy prohibited the King from suspending or dispensing with the bservance of any law, and in the war of ister, Cavour, asked of the Chambers full power for the King, including the right to uspend the liberty of the press; and on doing so, he stated that the institutions of the country would remain inviolate, and the question was only with regard to a momentasuspension."—Wheaton, page 21.
"By the Spanish constitution, if the secu-

ity of the state should require under extraordinary circumstances the temporary suspension of the monarchy (Spanish term for martial law,) or any part of it, the suspension

ower is left there to military officers, and driven to exercise that power unwisely,

guarded against them.
The Constitution, by conferring military power upon the President, of course means to power to abolish, by virtue of his military ower, the Supreme Court or other tribunals. It gives him no power to supersede Congress in its functions and take upon himself the legislation of the country-all of which he may do if he can set aside a single provision of that instrument. The doctrine that, once in war, the military power is suprefac, and hat the Constitution and the laws are not to be tolerated for a moment. Martial law sube reedes really no other law; but in a disnturbed country, when civil law cannot be enforced, and so far as the civil law has become of no effect, then, and then only, martial law-the law of force where there is no other law—must of necessity supply its place, When the attempt is made to extend it beyond that necessity, and supersede, without necessity, the civil law in a quiet and peaceful community, it becomes usurpation, pure and

Here your honors know that no martial law has been proclaimed in this state. The ivil law is in full force, regularly executed; there is no army within its borders, no violence among the people. There can be no possible reason, therefore, why martial law should be proclaimed. It cannot be proclaimed where civil laws are in full force, because it is only a consequence of the failure of civil laws.

which is sent here to a military man to be change them. And yet, in these diroumstan- show for a sight!

"When martial law is proclaimed under executed, and a citizen is ruined, an imporupon the benches, as a peaceful and quiet | military officer, of no importance in the circumstances of assumed necessity, the tant provision of the Constitution violated proclamation must be regarded as the state | and the rights of the people of this state | No pretense even of martial law because the city is beleagured, and the proc-lamation of martial-law in such a case is but notice and authentication of the fact that civil authority has been suspended of itself by force of circumstances, and that by substitute it for the constitutional rights of United States Courts are all loyal, most earnthe same force of circumstances the military the citizen, and commit any act of violence force without law and against law-which has ever been witness in any country-simtial law results from the cessation of the ply and purely an act of arbitrary power

to which I wish to allude. Sometimes i France, that within the limits of the martial law a citizen, not connected with the army, those cases, by the law of France, the judgment of the military tribunal is not final. in all the rest of his military department the civil laws were in full force. Where the There stands a power between the citizen and the military. The citizen may always appeal from the military court to the civil enemy, their civil law could not prevail, and, as a result, martial law of necessity took its place. The principle, therefore, seems to be superior civil court, so jealously do they before this court and asks it to save him from guard the right of citizens there. Here, if tial law affords, by being tried by a party of protection which the Constitution has guarrcs; estable officers, and execution visited him even before he hears of his offense and trial. The entry of a file of soldiers into his printing-office may be the first notice of a judgment think I do not speak strongly, when I say that if this is to be the state of our country,—if there things continue to be done and become frequent,—the apprehensions of the cople of these Northern States will render t difficult for them to yield that respect and bedience to the government which should e due to it. There will be danger of resistance to such officers. Tumults will arise in onsequence of such acts, and in the eng there will be danger that civil war will be

those have always a tendency to create alarm I have commented upon the safeguards least possible delay. It is provided that the | which the laws of other countries have thrown | lowing the sunshine to disclose the secrets of state of siege can only be declared in case of imminent peril, for the internal and external military law becomes requsite. I might have security, and that the National Assembly can given other instances from countries which the Empire under martial law. It further appears that the declaration of the state of are to be deemed lawful. If things may be of the lagune, while gaudy macaws perch stege, when made even by the Emperor or legislative power, must indicate the communes protection of law, all the safeguards of the constitution, in the remotest part of the country, go down before a military order, and, through the woods, or an aligator rests like whereever a military man sees fit to strike, state of siege, but they are to render an all loyal men are expected to applaud, -all immediate report, and, if the government others are branded as the enemies of their country. For myself, I cannot fail here or elsewhere and ever, in the same circumstances, to make my earnest protest against the exercise of a power like this.

Refore closing I cannot forbear to remark

upon the justification attempted by General Burnside, for these acts under Order No. 90. He there states that freedom of discussion and criticism, which is proper in the politi tion and the journalist in time of peace, becomes rank treason when it tends to weaken the confidence of the soldier in his officers and government. I had thought that it belonged to the law to define treason, and it is difficult for a man to believe that any officer of th han that which the constitution and the laws army can have been so affected by any critieism upon his own conduct as to class that freedom of discussion and criticism proper to journalists in time of peace, and which is the right of all, as among the crimes to be punished like treason—what would he say and how would be treat the members of the Sen-1859, when it was requisite for the very ex-istence of Sardinia that the King should be the conduct of military officers? What would nvested with extraordinary power, his min he do with those men in that body who es sailed and criticised so fiercely General McClellan while at the head of the army and in active campaign? Would be do as Charles the First did when he sent his file of soldiers into the House of Parliment to arrest the five members for their outspoken comments on his government? He perhaps should be reminded that that act of the sovereign con tributed to the loss of his crown and his head. And yet the principle upon which General Burnside acts would carry him that, length If he may lay his hand upon the editors shall be determined by law."—Wheaton, page for the same reason, upon Senators guilty of 521. These citations from the laws of countries treason according to his definition. His ortrees circulate from the fans of countries and treasure according to the definition. The orsupposed are less understood than here, show intrusted with large power, to which perhaps both the nature of martial law, how little he may have proved inadequate, may be now carefully all the rights of the people are by fair and just criticism upon his conduct; for fair and just criticism in such a case may weaken the confidence of his soldiers in him The only safeguard against military authoripower consistent with the other powers and ty therefore is, in their obedience to and reprovisions of that instrument. It gives him gard for law as is proper in the case of all others. A disregard of law and of individual rights has led this officer into difficulty, and will also others who set up their judgment as to what is expedient, against the positive requirements and safeguards established by the law. In making these remarks, it is not my intention to question his patriotism or his honesty of purpose; he has doubtless been misled even by his carnest purpose, and pore regarded by it, opens a door too wide to haps by the want of a full knowledge of his rights and duties as a military commander. I do not wish to detain the court longer upon this question. More has been said than was necessary before this tribunal, which is more familliar with these principles; but these are extraordinary times, and we have seen one court in this country sustaining the extraordinary principles for which General Burnside so carnestly contends in his military orders. I allude to Judge Leavitt's decision, who seems fully to think that both the

Constitution and the law must give way to whatever order a military man thay deem

necessary or expedient, to promote his mili

tary policy, though civil rights, liberty, free-dom of speech and of the press are all viola-

ted, and that in a country even where there

is no such exigency as requires the exercise

of martial law and where all the machinery

of courts and offices for the repression an

punishment of crime is in full operation,

where the laws are perfectly enforced, and, where, if they be inadequate, there is still

ces, strange as it may seem, a judge has been found to decide that laws are wholly inadequate-that in a peaceful, quiet, well reguated community a military order shall usurp under which he can shield himself. A declaration of martial law would not be tolerated violate all the rights of liberty secured to the the citizen, and commit any act of violence estly so. The prosecuting attorneys and offi-which he may deem expedient—lay his hand cers of such courts are Republicans, and all upon any citizen, destroy his business, and disposed to go to the extremest limit of the ruin or imprison him at pleasure? To my law to support the government and to punish mind it is the most arbitrary attempt at any man who throws obstacles in his way .-usurpation-a bare, naked exercise of mere And, in courts so constituted, there can be no difficulty in convicting any man who may be guilty of any offense against the acts of Congress or the laws which provide for raivithout any justification whatever.

There is one feature in the law of France tunl suppression of this rebellion. How can sing the forces and the means for the effeclit be, therefore, necessary, in any sense, eihappens, when martial law is declared in ther to proclaim martial law, or for Generals to act as it would be their duty to act when civil law had come to an end and their wills substituted in its stead by actual martial

In the case now before the Court, I believe there is no question that the allegations contained in this bill are sufficient to entitle us to the relief asked, provided this order of Under that law, the General Burnside is unauthorized. They appealed from the military tribunal to the and his means of livelihood cutoff. He comes guard the right of citizens there. Here, if such overwhelming ruin,—he asks it upon the aditor of a paragraph of the citizens the deable ground of damage to himself of the editor of a paper may be tried, in his ab- an irreparable nature-he asks it because sence, without even the security which mar | the nature of his business entitles him to the anteed to him against any invasion of the liberty of the press, from whatever quarter it may come—he asks it because the rights of every subscriber to his paper are invaded against him from which he cannot appeal, and violated by this order—he asks it because and against which he has no redress. I a right is invaded which has always been and violated by this order—he asks it because a right is invaded which has always been held sacred by every man of the Anglo Saxon race for two hundred years—he asks it opbehalf of every citizen of the United States whose rights in the deetring of the freedom of the press and of speech are equally assailed as are his. He has no doubt nor has his counsel, that his and the rights of all others assailed in his person will be fully vindicated by the order of this court.

> TROPICAL VEGETATION OF THE AMAZON. The magical beauty of tropical vegetation reveals itself in all its glory to the traveler who steers his boat through the solitude of these aquatic mazes. Here the forest forms a canopy over his head; there it opens, althe wilderness; while on either side the eye penetnates through beautiful vistas into the lepths of the woods. Sometimes on a highthat death is not banished from this scene of Paradise, a dark-robed vulture screeches a black log of wood or a sombe rock, on the tranquil waters. Well he knows that food. will not be wanting-for river tortoises and large fish are fond of retiring to these 22-gunes. If the Nile—so romarkable for its historical recollections, which carry us far back into bygone ages and the Thames, unparalleled by the greatness of a commerce which far eclipses that of ancient Carthago and Tyre-may justly be called the rivers of the past and the present, the Amazon has equal claims to be called the stream of the future; for a more splendid field nowhere lies open to the enterprise of man. The Tropical World.

Talking to boys in public meetings is getting to be an art and science. Billy Ross a great Temperance lecturer, and at Rushville, Illinois, was preaching to the young on his favorite theme. He said:

Now boys when I ask you a question you musn't be atraid to speak right out and answer me. When you look around and sea all these fine houses, farms, and cattle, do you ever think who owns them all now ?--Your fathers owns them all, do they not?' 'Yes sir!' shouted a hundred voices.

Well, where will your fathers be twenty years from now-?' ' Dead !'

Thats right. And who will own all this oroprety then?'
'Us boys!' Right: Now tell me did you ever in going along the streets, notice the drunkards lounging around the saloon doors waiting for

omebody to treat them?" Yes, sir; lots of them !' Well, were will they be in twenty years

rom now. Dead !' exclaimed the boys. 'And who will be the drunkards then!' 'Us boys!' Billy was thunderstruck for a moment; but recovering himse Iftried to tell the boys how

to escape such a fate. One of the young upstarts in a Washington hospital approached a wounded soldier, felt his leg, and said, in a tone that implied an end of the matter, "That ball can't be extracted; we must cut off the leg." sir," said a bystander, "you don't out off that leg. He is my friend." The patient was removed to the care of a good surgeon-one not connected with the army-the ball was readily extracted, and the man is now well, with one leg more than he would have had, had he not chanced to have a resolute, common sease friend at his bedside at the crital moment. This is but one case of thousands, but unfortunately they have not all terminated so luckily for the poor sol-

Sidney Smith's wit was so exuberant. that it broke out even on the most solemn occasions. When bidding farewell to a miscionary who was just starting for the Canibal Islands, the clerical joker squeezing his hand affectionately, remarked—" My friend, I hope you will agree with the man who eats you"

diers.

Two daughters of John Bell, of Tennessee, recently came through our line to some of their friends in Philadelphia. It is stated that upon their arrival in that city, they were completely amazed at the indications of abundance and prosperity.

WHICH IS WORST OFF .- The Grand Sultan has three hundred wives the Pope has none.

If a pair of glasses are aportables, is And yet, in these circumstances, Major where, if they be inadequate, there is still one a spectacle? And if so, is it not a bed competent authority to amend, alter, and one a spectacle? And if so, is it not a bed competent authority to amend, alter, and one a spectacle?