

Clearfield Republican.

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EXTRACTS FROM THE MESSAGE OF GOV. SEYMOUR OF NEW YORK.

National Affairs.

The Constitution makes it my duty to communicate to you the condition of the State. I cannot do this without speaking of our Union and of the war which afflicts our country, and which affects the extended commerce of New York, taxes all its pursuits; has taken more than 200,000 workmen from our workshops and fields; and has carried mourning into the homes of our citizens. The genius of our government, and the interests of our people demand that the aspects of this war should be discussed with entire freedom. Not only is the National life at stake, but every personal, every family, every sacred interest is involved. We must grapple with the great questions of the day; we must confront the dangers of our position. The truths of our financial and military situation must not be kept back. There must be no attempt to put down the full expression of public opinion. It must be known and decided, to enable the government to manage public affairs with success. There is a yearning desire among our people to learn their actual condition. They demand free discussion. This should be conducted in an earnest, thoughtful, patriotic spirit. The solemnity of the occasion, and the sufferings of the war, should revive the virtue, the intelligence, and the patriotism of the American people. The decay of these have brought our calamities upon us. There are now no causes for discord that have not always existed in our country, and were not felt by our fathers in forming the Union.— They had the greatness, the magnanimity, and virtue to compromise and adjust them. The value of the Union they then formed has proved to be greater than they hoped. Yet we became indifferent to it when we were in the full enjoyment of its blessing. We became ignorant of the character and resources of our own countrymen, while we had the full benefits of an untrammelled commerce with all sections of our land. It was when the power was astonished with the power and wealth growing out of our National Union, that sectional prejudices and passions were active in destroying fraternal affections and generous love of our country. While we boasted most of our intelligence, there were those persistently and laboriously engaged, through the press, and in legislative halls, in teaching the people of the North and the South to understand and despise each other. Hostile legislation, and the division of our churches impaired religious and social intercourse. If the North and the South had understood the power and purposes of each other, our contentions would have been adjusted.— This misapprehension, so bloody and terrible in its effects, was systematically and laboriously indicated.

Causes of the War.

Affrighted at the ruin they have wrought, the authors of our calamities at the North and South insist that this war was caused by an unavoidable contest about Slavery. This has been the subject, not the cause of controversy. We have to look for the causes of this war in a pervading disregard of the obligations of laws and constitutions; in disrespect for constituted authorities; and, above all, in the local prejudices which have grown up in two portions of the Atlantic States, the two extremes of our country, whose remote positions have made them less considerate, with regard to the condition and character of our whole people, than those living in the great central and western sections of our Union. There is no honest statement of our difficulties which does not teach that our people must reform themselves, as well as the conduct of the Government and the policy of our rulers. There is not a calamity we are suffering which was not clearly foretold by our fathers, as the result of the passions and local prejudices which have grown up during the past fifteen years. It is not too late to save our country if we will enter upon the sacred duty in the right spirit and in the right way. When we do so, the effect will be seen and felt throughout our land and by the civilized world. We shall then strengthen our government; we shall weaken the rebellion; we shall unite our people; and the world will recognize our capacity for self-government, when we show that we are capable of self-reform.

Respect for Law and Rulers.

In the first place we must emulate the conduct of our fathers, and show obedience to constituted authorities, and respect for legal and constitutional obligations. "The very idea of the power and right of the people to establish Government, presupposes the duty of every individual to obey the established Government." Yet a spirit of disobedience has sapped the foundation of Municipal, State and National authority in every part of our land. It is not only the underlying and pervading cause of the war; it is also the immediate occasion of our calamities. When the leaders of the insurrection at the extreme South say that Free and Slave States cannot exist together in the Union, and when this is echoed from the extreme North by the enemies of the Constitution, both parties simply say they cannot be cause they will not, respect the laws and the Constitution. This spirit of disobedience must be put down. It is inconsistent with all social order and social security; with safety of persons and property. It is also necessary that we should show respect to the authority of our rulers. While acting within the limits of their jurisdiction, and representing the interests, the honor, and the dignity of our people, they are entitled to defense. Where it is their right to decide upon measures and give assent to their decisions. This is a vital maxim of liberty. Without this loyalty, no Government can conduct public affairs

with success, no people can be safe in the employment of their rights. This duty is peculiarly strong under our system, which gives the people a right at their election to sit in judgment upon their rulers, to commend or condemn them, to keep them in, or compel them from official stations.

This war should have been averted; but when its flood-gates were opened, the Administration could not grasp its dimensions nor control its sweep. Government was borne along by the current, and struggled as it best could with the resistless tide. Few seemed to comprehend its military or financial problems. Hence we are not to sit in harsh judgment upon errors in conduct or policy.

But while we concede all these excuses for mistakes, we are not to adopt errors, nor sanction violation of principle. The same causes which extenuate their faults in judgment, must make us more vigilant to guard against their influence. Unusual dangers demand unusual vigilance.

Economy and Integrity.

Economy and integrity in the administration of affairs are essential at all times; they are vital in periods of war. If the power of the People to sustain the expenses of war is broken down, it is vain that we have sent our citizens into the field, and that they have shed their blood in unsupported efforts to save our country.

The opportunities which a state of war gives to unprincipled men to prey upon the public treasury, and the difficulty of checking their schemes, must be borne in mind, when we judge of the integrity of our rulers. But while these difficulties should shield them from harsh judgment, they are additional reasons for vigilance and caution. It is in the nature of war to create powerful financial and ambitious interests, eager to prolong its duration. It is one of its chief dangers that it builds up an active class who gain power and wealth by the taxation imposed upon the labor and property of the mass of citizens.— This organized class use the National Treasury to support the schemes of plunder or ambition, and the taxes arising from the people are thus made to prolong the state of war and military government. The power of our rulers to avert these influences must be aided and strengthened by the most ample exposition of financial affairs.

Extravagance and corruption are violations of the faith pledged to the public creditors. The money loaned the National Treasury was not brought forward at a time of peace and confidence, but in a time of doubt and danger. These claims are held by the rich and poor. The amounts owned by corporations represent the interests of women and children, the aged and infirm. The right of our soldiers to demand economy and integrity is of the most sacred character. Never in the history of the world have armies of such numbers been made up of those who voluntarily left prosperous pursuits and happy homes to suffer the dangers and privations of war. When defeat or destruction of life by violence or disease thinned the ranks of our armies, they promptly and freely stepped forward to the rescue of the country's flag. A fearful crime will be done by those who shall suffer National bankruptcy to turn into dust and ashes the pensions and bounties thus gained at the cost of blood and health and exposure. These pensions will, in many cases, be the sole reliance of those thus made incapable of self support. It is worse that a Government should be overturned by corruption than by violence. A virtuous people will regain their rights if torn from them, but there is no hope for those who suffer corruption to sap and rot away the fabric of their freedom.

Limitations of Power.

There are not only obligations resting upon our people toward our authorities, but under our political system, there are limitations between the departments of the Government, and between the State and National Governments, which must be observed to secure the public safety.— At this time these warning words of Washington have peculiar significance:—"It is important, likewise, that the habits of thinking in a free country should inspire caution in those interests with its administration, to confine themselves within their respective constitutional spheres; avoiding, in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it, which predominates in the human heart, is sufficient to satisfy us of the truth of this position."

The Legislative, Executive and Judicial Departments are co-ordinate. It is equally reasonable to resist the rightful authority of either. To overthrow the power of either Department is revolution. Legislative right, Executive power and Judicial independence are alike sacred. Disregard for the limits of State and National jurisdictions, and the interference of one Department with the duties of another, are not only opposed to the genius and organization of our civil government, but they have caused disasters to the conduct of the war.

While the War Department set aside the authority of the Judiciary, and overrides the laws of States, the Governors of States meet to shape the policy of the General Government, the National Legislature appoints committees to interfere with the military conduct of the war, and Senators combine to dictate the Executive choices of constitutional advisers. The natural results of meddling and intrigue have followed. While our armies have gained victories in fields remote from the Capitol, within its influence the heroic valor of our soldiers and the skill of our Generals are thwarted and paralyzed.

State Rights.

Not only must the National Constitution be held inviolate, but the rights of States must be respected as not less sacred. There are differences of opinion as to the dividing line between State and National jurisdictions, but there can be none as to the existence of such separate jurisdictions, each covering subjects of legislation and jurisdiction essential to the public security and welfare. A consolidated government in this vast country would destroy the essential home-rights and liberties of the people. The sovereignty of the States, except as they are limited by the Constitution, can never be given up. Without them our government cannot stand. It was made and it can be changed by State agency. This is shown by the following provisions of the instrument itself:—"The ratification of the Conventions of nine States shall be sufficient to the establishment of this Constitution between the States so ratifying the same." Again, three-fourths of the States can add to or take away from the powers of the General Government, by proposing a convention, in which amendments can be proposed, which, if ratified by three-fourths of the States, become parts of the Constitution. While they can thus take away or add to its power, the General Government can in no way touch one right of the States or invade their jurisdiction. The obligations which rest upon the States to respect the Constitution, laws and authorities of the General Government, also demand that the General Government shall show equal respect for the rights and constituted authorities of States.

To State legislation and authorities, we look for the good order of society, the security of life and property, the protection of our homes and all that is nearest and dearest to us, in the relations, duties and actions of life. It is dangerous and demoralizing to show contempt for State authorities and laws. It undermines the foundations of State and National Government, by breaking up the social system. If home laws are not respected, the more general authority will not be regarded.

Arbitrary Arrests.

Our people have therefore viewed with alarm, practices and pretensions on the part of officials, which violate every principle of good order, of civil liberty, and of constitutional law. It is claimed that in time of war, the President has powers as Commander in Chief of our armies, which authorize him to declare martial law, not only within the sphere of hostile movements, where other law cannot be enforced, but also over our whole land. That at his pleasure he can disregard not only the statutes of Congress, but the decisions of the National Judiciary. That in loyal States the least intelligent class of officials may be clothed with power not only to act as spies and informers, but also, without due process of law, to seize and imprison our citizens, and carry them beyond the limits of the State, to hold them in prisons without a hearing or a knowledge of the offenses with which they are charged. Not only the passions and prejudices of these inferior agents lead them to acts of tyranny, but their interests are advanced and their positions secured by promoting discontent and discord. Even to ask the aid of counsel has been held to be an offence. It has been well said that "to be arrested for one knows not what; to be confined, no one entitled to ask where; to be tried, no one can say when, by a law nowhere known or established; or to linger out life in a cell without trial, presents a body of tyranny which cannot be enlarged."

The suppression of journals and the imprisonment of persons have been gloriously partisan, allowing to some the utmost licentiousness of criticism, and punishing others for the fair exercise of the right of discussion. Conscious of these gross abuses, an attempt has been made to shield the violators of law and suppress enquiry into their motives and conduct. This attempt will fail. Unconstitutional acts cannot be shielded by unconstitutional laws. Such attempts will not save the guilty, while they will bring a just condemnation upon those who try to pervert the powers of legislation to the purposes of oppression. To justify such action by precedents drawn from the practice of governments where there is no restraint upon legislative power, will be of no avail under our system, which restrains the Government and protects the citizens by written Constitutions.

I shall not enquire what rights States in rebellion have forfeited, but I deny that this rebellion can suspend a single right of the citizens of loyal States. I denounce the doctrine that civil war in the South takes away from the loyal North the benefits of one principle of civil liberty. It is a high crime to abduct a citizen of this State. It is made my duty by the Constitution to see that the laws are enforced. I shall investigate every alleged violation of our statutes, and see that offenders are brought to justice. Sheriffs and District Attorneys are admonished that it is their duty to take care that no person within their respective counties are imprisoned, nor carried by force beyond their limits, without due process of legal authority. The removal to England of persons charged with offence, away from their friends, their witnesses and means of defence, was one of the acts of tyranny for which we asserted our independence. The abduction of citizens from this State for offences charged to have been done here, and carrying them many hundreds of miles to distant prisons in other States or Territories, is an outrage of the same character, upon every principle of right and justice.

The General Government has ample powers to establish courts, to appoint officers to arrest, and commissioners to hear complaints, and to imprison upon reasonable grounds of suspicion. It has a judicial system, in full and undisturbed operation. Its own courts, held at convenient points in this and other loyal States, are open to the hearing of all complaints.— If its laws are not ample for the punishment of offenses, it is due to the neglect of those in power.

Government is not strengthened by the exercise of doubtful powers, but by a wise and energetic exertion of those which are incontestable. The former course never fails to produce discord, suspicion and distrust, while the latter inspires respect and confidence. This loyal State, whose laws, whose courts, and whose officers have thus been treated with marked and public contempt, and whose social order and sacred rights have been violated, was at that very time sending forth great armies to protect the National Capitol, and to save the National officials from flight or capture. It was while the arms of New York thus sheltered them against rebellion, that, without consultation with its chief magistrate, a subordinate department at Washington insulted our people and invaded our rights. Against these wrongs and outrages the people of the State of New York, at its late election, solemnly protested.

The submission of our people to these abuses, for a time only, was mistaken at home and abroad for an indifference to their liberties. But it was only in a spirit of respect for our institutions, that they waited until they could express their will in the manner pointed out by our laws.— At the late election they vindicated at once their regard for law and their love of liberty. Amidst all the confusion of civil war, they calmly sat in judgment upon the administration, voting against its candidates. Nor was this the only striking proof of respect for the Constitution. The minority, of nearly equal numbers, yielded to this decision without resistance, although the canvass was animated by strong partisan excitements. This calm assertion of rights, and this honorable submission to the verdict of the ballot box, vindicated at once the character of our people and the stability of our institutions. Had the secessionists of the South thus yielded to constitutional decisions, they would have saved themselves and our country from the horrors of this war, and they would have found the same remedy for every wrong and danger.

Martial Law.

The claim of power under martial law States, but it overthrows the legislative and judicial departments of the General Government. It asserts for the President more power as the head of the army, than as a representative ruler of the people.— This claim has brought discredit upon us in the eyes of the world. It has weakened the confidence of loyal States. It tends to destroy the value of our Government in the minds of our people. It leads to discord and discontent at the North, while it has united and invigorated the South. If there is a necessity which justifies this policy, let us openly and honestly say there is a necessity which justifies a revolution. But this pretension is not put forth as a necessity which overlaps for a time all restraints, and which is justified by a great exigency; it is a theory which exalts the military power of the President above his civil and constitutional rights. It asserts that he may in his discretion declare war, and then extinguish the State and National Constitutions, by drawing the pall of martial law over our vast country. "Martial law" defines itself to be a law when war is. It limits its own jurisdiction by its very term. But this new and strange doctrine holds that the loyal North lost their constitutional rights when the South rebelled, and all are now governed by a military dictation. Loyalty is thus less secure than rebellion, for it stands without means to resist outrages or to repel tyranny. Amidst all the horrors that have been enacted under martial law in the history of the world, and amidst all the justifications attempted of its usages, it was never before held that it could be extended over peaceful States. It was never before claimed that the power of a military commander was superior to the powers of government. More than two centuries since, that bold defender of English liberty, that honest and independent Judge, Lord Coke declared: "Where courts of law are open, martial law cannot be executed," and also that "the power that is above the law is unfit for the King to ask or to grant." Are English laws more sacred, or is English liberty more secure than ours? It was one of the causes set forth in the Declaration of Independence, for renouncing allegiance to the King of England, "that he has affected to render the military independent of, and superior to the civil power." During the struggle for national life, although surrounded by enemies, spies, and informers, who upheld the pretensions of the crown, Washington never declared martial law or claimed the right under any circumstances to make the military superior to the civil authority. On the contrary, he was most deferential to the latter. The feeling of the Fathers on this subject can best be learned by the Constitutions, which were formed by the men who established our National Government; all of them and provisions inconsistent with this new and monstrous pretension. Massachusetts, New Hampshire, Connecticut, Delaware, Maryland, North Carolina and South Carolina, eight of the twelve States which originally made up our Union, explicitly declared that the military power should in all cases, and at all times, be held in exact subordination to the civil authority, and be governed by it. This was expressed in each Constitu-

tion in terms almost identical. It is incredible that a People who held these views, and who were jealous of their liberties, and who thus restrained State authorities under their immediate control, would give to the Commander of the Army of the United States this despotic power; a power which the crown of Great Britain has not been permitted to exercise for nearly two centuries.

The measure of power to be exercised under our government is fixed by the Constitution. To make the maxims of other governments or the usages of other nations the rule here, would give sanction to every outrage, tyranny and wrong. It would undo what was done by our fathers who formed our government. It makes the practices of despotism or the principles of monarchic higher authorities than the written Constitution of our Republic. The unlimited, uncontrolled despotic power claimed under martial law is of itself a reason why it cannot be admitted. The fact that it is inconsistent with the purposes, spirit, and genius of our institutions, is conclusive against the claim set up for its control over an extent of country and a diversity of interests which never existed in the despotisms or monarchic governments from which the precedents are drawn to justify it.

New York and other States consented to make up the General Government only upon the assurance that the original Constitution should be so amended as to secure more perfectly the rights of States and citizens. These articles were added by the unanimous vote of the States: ARTICLE 4. "The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall be issued but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized." ARTICLE 5. "No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger. * * * nor be deprived of life, liberty or property, without due process of law."

The want of these restraints in the original instrument endangered its adoption. They were inserted to satisfy the public demand. We are now told that they are of no avail, in any part of our country, when the Executive shall see fit to declare there is a war or insurrection in any section of this land. Such a declaration is a complete nullity to their settled legal effect. If any difference of construction be possible, our Constitution provides for their termination. (These questions will be carried before the proper judicial tribunals. If the theory of martial law is upheld by them, we will submit, and have the Constitution amended. If it is held to be unfounded, it must be given up.)

So sacred did our fathers hold constitutional rights, that they placed them beyond reach even of a majority of our people. Written constitutions are made not only to carry out the wishes, but also to restrain the power of majorities, and to uphold and protect the rights of minorities. They give the humblest citizen the right of religious freedom against the whole power of our people. No matter how large a majority may be, it must not interfere with rights of persons, of property, or of conscience. The President himself holds his place not by the will of the majority, but by virtue of the provisions of the Constitution, which places him in office by the votes of 1,800,000, against the votes of about 2,500,000, who did not agree among themselves as to opposing candidates. He continues rightfully to hold his office, until the popular majority, even in the States which placed him there, have in the recent elections declared themselves politically opposed to his administration. The majority are still bound to respect his constitutional rights, to uphold his power, and to sustain his acts done within the limits of rightful authority.

The rights of States were reserved, and the powers of the General Government were limited, to protect the people in their persons, property and consciences, in time of danger and civil commotion. There is little to fear in periods of peace and prosperity. If we are not protected when there are popular excitements and convulsions, our Government is a failure. If Presidential Proclamations are above the decisions of the Courts and the restraints of the Constitution, then the Constitution is a mockery. If it has not the authority to keep the Executive within its restraints, then it cannot restrain States within the Union. Those who hold that there is no safety in the Constitution, must equally hold that there is no guilt in the rebellion.

We cannot be silent and allow our practices to become precedents. They are as much in violation of our Constitution as the rebellion itself, and are dangerous to our liberties. They lead not to the executive every temptation of ambition, to make and prolong the war. They also exercise power as a price for preventing peace. They are instruments to evade and nullify the law, by declaring that the conditions of that law are all null and void. They are the same as the National Capitol, the seat of our Government, which was held by the secessionists, and which was open to all persons to go to, work, or amuse themselves at will. The theory makes the past and annals of the Administration antagonistic to the interest and happiness of the People. It makes the restoration of peace the abolition of more than regal authority in the hands of those to whom is confided the government of our country.

Of the same nature is the recent Proclamation of Emancipation. The President has already signed an Act of Congress, which asserts that the slaves of those in rebellion are emancipated. The sole effect of this Proclamation, therefore, is to declare the emancipation of slaves of those who are not in rebellion, and are therefore loyal citizens. It is an extraordinary deduction from the alleged war power, that the forfeiture of the right of loyal citizens, and bringing upon them the same punishment, imposed upon insurgents, is calculated to advance the success of the war, to uphold the Constitution and restore the Union. The class of loyal citizens who above all others are entitled to the protection of the government, are those who have remained true to the flag of our country. And yet the sole force of this Proclamation is directed against them. May not this measure so clearly impolitic, unjust and unconstitutional, and which is calculated to create so many barriers to the restoration of the Union, be misconstrued by the world as an abandonment of the hope or the purpose of restoring it—a result to which the State of New York is unqualifiedly opposed, and which will be effectually resisted.

We must not only support the Constitution of the United States and maintain the rights of the States, but we must restore our Union as it was before the outbreak of the war. The assertion that this war was the unavoidable result of Slavery is not only erroneous, but it has led to a disastrous policy in its prosecution. The opinion that slavery must be abolished to restore our Union, created an antagonism between the Free and Slave States which ought not to exist. It is true that Slavery must be abolished by the Congress of the Federal Government; that the South must be held in military subjection; that four millions of negroes must, for many years, be under the direct management of authorities at Washington at the public expense; then, indeed, we must endure the waste of our armies in the field, brother strains upon our population, and still greater burdens of debt. We must convert our Government into a military despotism. The mischievous opinion that in this contest the North must subjugate and destroy the South to save our Union, has weakened the hopes of our citizens at home and destroyed confidence in our success abroad.

The Central and Western States. It is a suggestive fact, affording instruction and hope for the future, that the theories which have exercised an evil influence on our National politics, did not originate in the South, among the ignorant and well acquainted populations of the Central and Western States, where the States permitting and forbidding slavery are in actual contact, nor in the portions intersected by the great east and west lines of commerce and intercourse. They have been developed almost entirely in two sections comparatively isolated by position, traditions, and peculiar habits of thought, and least connected with the more homogeneous mass of our people. There have been extreme Northern views and extreme Southern views; but also the broader and more tolerant views of the more populous Central and Western States. These extend on both sides of that indelible boundary between "Slave" and "Free" States, which is not a line of opposing opinions, but of interlocking interests. Their plains are interlocked by confluent rivers, and are divided by mountain ranges. These States are a region of harmonizing views and sympathies. They are not only bound together by peculiar interests, but also by stronger reasons for resisting a division on that boundary, which would make them frontier States, which would replace their cordial intercourse by hostile relationships, and throw upon all them the greatest and sharpest evils of separation. Thus, while they do not share the passions and prejudices of those extreme States to embitter them in the contest, they have motives of the highest interest to restore the old order of things, and of the gravest apprehensions from a separation. This war heightens, and destroys the hopes and the happiness of this region, while the sections whose passions and interests kindled it are mainly remote from the terrible suffering it has caused.

The Western and Central States enlisted warmly in a War for the Union and Constitution. The Northern tier of "Slave States," (except Eastern Virginia,) earnestly supported the Government in its policy while it was consistent with this purpose, which was known as the "Border State policy." Both the Administration and Congress then declared their purpose to be to restore the Union and maintain the Constitution. When the Administration abandoned this policy, and took up the views of the Northern States, it lost at the late election, nearly all the political support which the Central and Western States afforded to the "Government of 1861 and 1862."

While the great masses of our people were in the midst of the struggle, the Executive and Congress were divided. The Executive was divided into two camps. One camp was in favor of the restoration of peace, and the other was in favor of the continuation of the war. The Executive was divided into two camps. One camp was in favor of the restoration of peace, and the other was in favor of the continuation of the war. The Executive was divided into two camps. One camp was in favor of the restoration of peace, and the other was in favor of the continuation of the war.

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