THE
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GEORGE B. GOODLANDER.
CLEARFIELD, PA.

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GEORGE B. GOODLANDER, Editor and Publisher.

CLEARFIELD REPUBLICAN.

GEO. B. GOODLANDER, Proprietor. PRINCIPLES, NOT MEN. TERMS—$2 per annum in Advance.

VOL. 49—WHOLE NO. 2415. CLEARFIELD, PA., WEDNESDAY, APRIL 7, 1875. NEW SERIES—VOL. 16, NO. 14.

Cards.

THOS. H. MURRAY. CYRUS GORDON.
MURRAY & GORDON,
ATTORNEYS AT LAW,
2:30'74 CLEARFIELD, PA.

FRANK FIELDING,
ATTORNEY-AT-LAW,
Clearfield, Pa.
Will attend to all business entrusted to him promptly and faithfully. nov12'73

WILLIAM A. WALLACE. DAVID L. KREBS.
HARRY F. WALLACE. JOHN W. WRIGLEY.
WALLACE & KREBS,
(Successors to Wallace & Fielding,)
ATTORNEYS-AT-LAW,
11-12'73 Clearfield, Pa.

R. V. WILSON, M. D. H. B. VAN VALZAH, M. D.
DRS. WILSON & VAN VALZAH,
Clearfield, Pa.
Office in residence of Dr. Wilson.
Office Hours: From 12 to 2 P. M. Dr. Van Valzah can be found at night in his rooms, next door to Hartswick & Irwin's Drug Store, up stairs. nov26'73

DR. JEFFERSON LITZ,
WOODLAND, PA.
Will promptly attend all calls in the line of his profession. nov.19-73

JOSEPH S. McENALLY. DANIEL W. McCURDY.
McENALLY & McCURDY,
ATTORNEYS-AT-LAW,
Clearfield, Pa.
Legal business attended to promptly with fidelity. Office on Second street, above the First National Bank. jan1:74

G. R. BARRETT,
ATTORNEY AND COUNSELOR AT LAW,
CLEARFIELD, PA.
Having resigned his Judgeship, has resumed the practice of the law in his old office at Clearfield, Pa. Will attend the courts of Jefferson and Elk counties when specially retained in connection with resident counsel. 2:14:72

WM. M. McCULLOUGH,
ATTORNEY AT LAW,
Clearfield, Pa.
Office in Court House, (Sheriff's Office). Legal business promptly attended to. Real estate bought and sold. jel1'73

A. W. WALTERS,
ATTORNEY AT LAW,
Clearfield, Pa.
Office in Graham's Row. [dec5-1y

H. W. SMITH,
ATTORNEY-AT-LAW,
9:1:73 Clearfield, Pa.

WALTER BARRETT,
ATTORNEY AT LAW,
Office on Second St., Clearfield, Pa. [nov21,66

ISRAEL TEST,
ATTORNEY AT LAW,
Clearfield, Pa.
Office in Pie's Opera House. [jy11,'67

JOHN H. FULFORD,
ATTORNEY AT LAW,
Clearfield, Pa.
Office in Pie's Opera House, Room No. 5. Jan. 3, 1874.

JOHN L. CUTTLE,
ATTORNEY AT LAW,
and Real Estate Agent, Clearfield, Pa.
Office on Third street, bet. Cherry & Walnut.
Respectfully offers his services in selling and buying lands in Clearfield and adjoining counties; and with an experience of over twenty years as a surveyor, flatters himself that he can render satisfaction. [Feb. 28:63:tf.

FREDERICK O'LEARY BUCK,
SCRIVENER & CONVEYANCER,
General Life and Fire Ins. Agent.
Deeds of Conveyance, Articles of Agreement and all legal papers promptly and neatly executed. Office in Pie's Opera House, Room No. 4. Clearfield, Pa., April 29, 1874.

J. BLAKE WALTERS,
REAL ESTATE BROKER,
AND DEALER IN
Saw Logs and Lumber,
CLEARFIELD, PA.
Office in Graham's Row. 1:25:71

J. J. LINGLE,
ATTORNEY-AT-LAW,
1:18 Osceola, Clearfield Co., Pa. y:pd

DR. T. J. BOYER,
PHYSICIAN AND SURGEON,
Office on Market Street, Clearfield, Pa.
Office hours: 8 to 12 a. m., and 1 to 8 p. m.

DR. E. M. SCHEURER,
HOMŒOPATHIC PHYSICIAN,
Office in residence on Market st.
April 24, 1872. Clearfield, Pa.

DR. W. A. MEANS,
PHYSICIAN & SURGEON,
LUTHERSBURG, PA.
Will attend professional calls promptly. aug10'70

J. S. BARNHART,
ATTORNEY-AT-LAW,
Bellefonte, Pa.
Will practice in Clearfield and all of the Courts of the 25th Judicial district. Real estate business and collection of claims made specialties. n1'71

C. BAKER,
BARBER AND HAIR DRESSER,
CLEARFIELD, PA.
Shop in old Western Hotel, corner of Market and Second streets. [jan6'75

JAMES CLEARY,
BARBER & HAIR DRESSER,
SECOND STREET,
jy23] CLEARFIELD, PA. [tf

T. M. ROBINSON
Manufacturer and dealer in
Harness, Saddles and Bridles,
Collars, Whips, Brushes, Fly Nets, Trimmings, Horse Blankets, &c.
Vacuum, Frank Miller's and Neatsfoot Oils.
Agent for Bailey and Wilson's Buggies.
Orders and repairing promptly attended to. Shop on Market street, Clearfield, Pa., in room formerly occupied by Jas. Alexander. [2:4'74

MITCHELL WAGONS.
The Best is the Cheapest!
Thomas Reilly has received another large lot of "Mitchell Wagons," which are among the very best manufactured, and which he will sell at the most reasonable rates. His stock includes almost all descriptions of wagons—large and small, wide and narrow track. Call and see them.
apr8'74 THOMAS REILLY.

STOREKEEPERS, ATTENTION!
We desire to call your attention to our extensive Commission business and to our facilities for disposing of such produce as our consignors send us. Having a large trade with city stores, we are enabled to make quick returns, at full prices.
Storekeepers having Chickens, Butter, Eggs, or other produce, will do well to give us a trial. Where Groceries are taken in exchange, no commission will be charged.
S. L. KIRK, SON & CO.,
Wholesale Grocers and Commission Merchants, No. 130 N. Third street, Philad'a. apr1y

JAMES B. WATSON & CO.,
REAL ESTATE BROKERS,
CLEARFIELD, PENN'A.
Houses and Offices to let, Collections promptly made, and first-class Coal and Fire-Clay Lands and Town property for sale. Office in Western Hotel Building (2d floor), Second St. [my13'74y

Cards.

A. G. KRAMER,
ATTORNEY-AT-LAW,
Real Estate and Collection Agent,
CLEARFIELD, PA.,
Will promptly attend to all legal business entrusted to his care.
Office in Pie's Opera House, second floor. april 1-6m*

J. H. KLINE, M. D.,
PHYSICIAN & SURGEON,
HAVING located at Pennfield, Pa., offers his professional services to the people of that place and surrounding country. All calls promptly attended to. oct. 13 tf.

J. P. IRVIN,
DEALER IN
GENERAL MERCHANDISE,
LUMBER, SHINGLES, &c.,
—AT THE—
CORNER STORE,
Curwensville, Nov. 25, 1874.

JOHN D. THOMPSON,
Justice of the Peace and Scrivener,
Curwensville, Pa.
Collections made and money promptly paid over. feb22'71tf

GEO. ALBERT......HENRY ALBERT..........W. ALBERT
W. ALBERT & BROS.,
Manufacturers & extensive Dealers in
Sawed Lumber, Square Timber, &c.,
WOODLAND, PENN'A.
Orders solicited. Bills filled on short notice and reasonable terms.
Address Woodland P. O., Clearfield Co., Pa.
w25-1y W. ALBERT & BROS.

FRANCIS COUTRIET,
MERCHANT,
Frenchville, Clearfield County, Pa.
Keeps constantly on hand a full assortment of Dry Goods, Hardware, Groceries, and everything usually kept in a retail store, which will be sold, for cash, as cheap as elsewhere in the county.
Frenchville, June 27, 1867-1y.

THOMAS H. FORCEE,
DEALER IN
GENERAL MERCHANDISE,
GRAHAMTON, Pa.
Also, extensive manufacturer and dealer in Square Timber and Sawed Lumber of all kinds.
Orders solicited and all bills promptly filled. [jy19'73

REUBEN HACKMAN,
House and Sign Painter and Paper Hanger,
Clearfield, Penn'a.
Will execute jobs in his line promptly and in a workmanlike manner. apr4,67

G. H. HALL,
PRACTICAL PUMP MAKER,
NEAR CLEARFIELD, PENN'A.
Pumps always on hand and made to order on short notice. Pipes bored on reasonable terms. All work warranted to render satisfaction, and delivered if desired. my25:1ypd

E. A. BIGLER & CO.,
DEALERS IN
SQUARE TIMBER,
and manufacturers of
ALL KINDS OF SAWED LUMBER,
8-7'72 CLEARFIELD, PENN'A.

JAS. B. GRAHAM,
dealer in
Real Estate, Square Timber, Boards,
SHINGLES, LATH, & PICKETS,
9:10'73 Clearfield, Pa.

JAMES MITCHELL,
DEALER IN
Square Timber & Timber Lands,
jel1'73 CLEARFIELD, PA.

DR. J. P. BURCHFIELD,
Late Surgeon of the 83d Regiment, Pennsylvania Volunteers, having returned from the Army, offers his professional services to the citizens of Clearfield county.
Professional calls promptly attended to. Office on Second street, formerly occupied by Dr. Woods. [apr4,'66-tf

H. F. NAUGLE,
WATCH MAKER & JEWELER,
and dealer in
Watches, Clocks, Jewelry, Silver and Plated Ware, &c.,
je19'72 CLEARFIELD, PA.,

S. I. SNYDER,
PRACTICAL WATCHMAKER
AND DEALER IN
Watches, Clocks and Jewelry,
Graham's Row, Market Street,
CLEARFIELD, PA.
All kinds of repairing in my line promptly attended to. April 23, 1874.

REMOVAL.
REIZENSTEIN & BERLINER,
wholesale dealers in
GENTS' FURNISHING GOODS,
Have removed to 137 Church street, between Franklin and White sts., New York. [jy31'72

Miss E. A. P. Rynder,
AGENT FOR
Chickering's, Steinway's and Emerson's Pianos; Smith's, Mason & Hamlin's and Peloubet's Organs and Melodeons, and Grover & Baker's Sewing Machines.
ALSO TEACHER OF
Piano, Guitar, Organ, Harmony and Vocal Music. No pupil taken for less than half a term.
Rooms opposite Gulich's Furniture Store. Clearfield, May 5, 1869.tf.

STONE'S SAW GUMMERS AND SAW UPSETS.
We have received the agency for the above and will sell them at manufacturer's prices. Call and examine them. They are the best.
je19-72 H. F. BIGLER & CO.

A. M. HILLS
Would respectfully notify his patients that he has reduced the price of ARTIFICIAL TEETH to $20.00 per set, or $35.00 for a double set. For any two persons coming at the same time, to have each an upper set, will get the two sets for $35.00, or $17.50 each.
Terms invariably Cash.
Clearfield, July 1, 1874.

KRATZER & LYTLE,
AGENTS IN CLEARFIELD COUNTY FOR
LORILLARD'S
Celebrated Brands of
Smoking & Chewing Tobaccos.
We are enabled to wholesale to dealers throughout the county at city prices.
KRATZER & LYTLE,
jeb24-tf Clearfield, Pa.

UNDERTAKING.
The undersigned are now fully prepared to carry on the business of
UNDERTAKING,
AT REASONABLE RATES,
And respectfully solicit the patronage of those needing such services.
JOHN TROUTMAN,
JAMES L. LEAVY.
Clearfield, Pa., Feb. 18, 1874.

WILLIAM M. HENRY, JUSTICE OF THE PEACE AND SCRIVENER, LUMBER CITY. Collections made and money promptly paid over. Articles of agreement and deeds of conveyance neatly executed and warranted correct or no charge. 21jy'73

SPEECH OF HON. WILLIAM A. WALLACE.

Delivered in the

United States Senate, March 23d, 1875.

ON THE LOUISIANA OUTRAGES.

The Senate resumed the consideration of the resolution submitted by Mr. Frelinghuysen on the 16th instant, the pending question being on the amendment of Mr. Anthony.

Mr. Wallace, of Pennsylvania said: Mr. President, the resolution of the Senator from New Jersey, [Mr. Frelinghuysen,] which was introduced into this body on the 16th of March, and which is in these words—

Resolved, That the Senate approve the action heretofore taken by the President of the United States in protecting Louisiana from domestic violence, and are of opinion that he should continue to recognize in that State the existing State government—

seems to mean a condonation of the past and a *carte blanche* for the future. This resolution was sent to a tribunal of this body composed of the members upon the other side of the Chamber, and it remained there until the 20th of March following, four days, submitted, as we must suppose, to the crucible and test of caucus heated by party discussion. When it returns to this Chamber, it returns under the auspices of the Senator from Rhode Island [Mr. Anthony] and from it is eliminated immunity for the future. The amendment proposed by the Senator from Rhode Island is in these words:

That the action of the President in protecting the government of Louisiana, of which W. P. Kellogg is the executive, and the people of that State against domestic violence, and in enforcing laws of the United States in that State, is approved.

What happened in the tribunal to which this resolution was originally submitted, as a matter of course, we are unable to determine; but in my brief experience I have learned to ascertain from those things that are omitted in documents discussed and that are not stated much that I cannot learn from those things that are stated.—When we seek to contrast the resolution of the 16th of March with the resolution of the 20th of March we find that they differ in terms, differ in substance, differ in effect. Let us see.—The resolution of the 16th of March approved the action of the President "in protecting Louisiana;" the resolution of the 20th of March approves the action of the President in "protecting the government in Louisiana of which W. P. Kellogg is the executive."—"Louisiana" is the State. The proposition in the former is general, is vague; the proposition in the latter, however, is distinct, emphatic, pointed—"in protecting the government in Louisiana of which W. P. Kellogg is the executive." Why this is, it is not for me to say. We may have our opinions and our views on this subject; the distinction is there. Is it that the latter is distinct and special because it is the source of wrongs in the past and the hope of things in the future? Is it that there is a hereafter in which "the State" is to be different from "the government of which William P. Kellogg is executive," or is it a mere difference in the way of stating the proposition?

Again, we find that in the one the term "to recognize" is used, "recognize in that State the existing State government;" in the other "to protect the government." The recognition of a State government implies pre-existence. It implies that there was a day and an hour in which there was a State government to recognize. The statement of protection implies tutelage, parentage, and care. The one indicates that there is a sovereign State, the other that there is a creature of paternal government. The one suggests that there is a State knocking at the doors of the Senate Chamber for admission here to her constitutional representation; the other suggests that Kellogg is simply the representative of a State government that is not the State. The whole question is begged in the difference between the resolutions. The one is recognition, the other paternal government and tutelage. Is this the doctrine of the majority in this Chamber? Is it the avowal of their doctrine that we are to tend toward paternal government in this country? If this be so, it is for us to meet that issue upon the threshold. We want no paternal government, but solely and simply the Government that the Constitution created; maintained and enforced, as it ought to be, by those who are placed in the places of power and trust under that Constitution.

If the power to recognize the State government or the State itself resides somewhere else than in the President, then the term "protect" is a very proper term. If it shall be found on a close analysis of the law, on an examination of the theory of our Government, that it resides not in the President but in Congress, then the term "protect" is a very proper and safe term. "Recognize" could not well be used by those who introduce this resolution if they hold the view I suggest. In the shadowy future that dawns upon us this distinction may be a difference important and vital, for there may be a State, there may be a government there that Louisiana and her people recognize that will differ from the government now controlled by William P. Kellogg, the present executive of the State of Louisiana. It may be that Mr. Kellogg, the executive of the State at the present time, who is to be protected and recognized under this resolution, may conduct this government beyond and through another election, and it may become important that William P. Kellogg thus being recognized and protected may maintain in the future some government that shall send here electoral votes, that shall send here Senators. Hence there seems to be a distinction with a difference.

In the first resolution the future is cared for; the President "should continue to recognize in that State the existing State government;" in the second resolution the future is abandoned, and it is not found within it. Why is this? What is the hidden purpose of this difference? To what ends and in what form is this resolution to be pleaded? Are there possible dangers in the future? Does this condone the past, or is indemnity for the past regarded as immunity for the future; or does a ratification of the exercise of illegal power insure its repetition by the same mailed hand? Or is the logical result of its passage the admission of Pinchback as Senator from Louisiana who comes here representing the Kellogg government? If the latter be the reason, then we can understand and well understand why the admission of Pinchback has been postponed until December and why the resolution that is before us is submitted now for action.—Why urge this resolution now if it be not to commit Senators to the logical sequence of that which the passage of this resolution necessarily implies?—Can there be any answer?

In the first resolution there is no word as to the enforcement of the laws of the United States. The second resolution approves the enforcement of the laws of the United States in Louisiana. What laws of the United States have been infringed? Is it the midnight order of a Federal judge, or is it the effort of a Legislature to organize itself? Or is this, too, to be indemnity for the past, immunity for the future, or a plea in bar in behalf of the subordinates of the man who is indorsed by the resolution itself?

In the substitute, special pleading and astuteness appear; but what is it? It is brief, and terse, and distinct, and in its closing phrase it rings like an army order: the action of the Executive "is approved!" When before in this body were resolutions of this character proposed? "Is approved"—this closing phrase implies our power to approve it. Whence comes our power to do this? Treaties under the Constitution are required to be approved by two-thirds of this body; officials must be confirmed by this body; but where within the lines of the Constitution are found any words under which, by any construction expressed or implied, this resolution can be indorsed and sustained? Is it necessary under section 4 of article 4, which provides that—

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or the executive (when the Legislature cannot be convened) against domestic violence?

There seems to be no necessity here for this resolution. I do not find any hidden meaning there that can be tortured to require such an approval. If it be really necessary, then there should be added to the close of this section; "and when this power shall be exercised by the President it shall be approved by the Senate." No such words are there.

What is the purpose of this resolution? We hear no answer from our friends on the other side. Those who introduce it give us no sign or token as to what the purpose of this resolution is. What is its breadth and scope? No gentleman rises in his seat and says what the purpose is or what its breadth is or what its scope is; all our friends are silent. Is it the resolution of a town meeting, as the Senator from Tennessee asked yesterday, or is it the resolution of a party convention, or is it of graver moment and deeper purpose? If of a party convention, if it be a resolution of the majority in this body, which is intended to cohere and crystallize their organization and to make the issue upon this question itself, I can understand its purpose, its scope, and its breadth. Is that the determined purpose of the majority in this body, to force this issue upon the indorsement of the acts of the President? If this be so, I can understand what the resolution means and appreciate the party necessity that prompts it.

Is it possible to vote that the President is right in supporting the Kellogg government and the Senate right in rejecting Pinchback? I commend this question to the Senators on the other side who have had some qualms of con science in regard to the seating of the would-be Senator from Louisiana. Is the resolution a recognition of a *de jure* government, as contended for by the Senator from Wisconsin, [Mr. Howe,] or is it the recognition of a *de facto* government, as contended for by the Senator from Indiana, [Mr. Morton,] or does it cure the vice pointed out by the Senator from Michigan, [Mr. Christiancy,] or is it intended to cure the legal defects named by the Senator from Vermont, the chairman of the Committee on the Judiciary, [Mr. Edmunds?] Is not the attitude of the President now material on this matter? These are questions for the gentlemen on the other side of the Chamber. I simply propound them. We have no answer.—We are allowed to grope in the dark as to what the purpose of the resolution is, for Senators decline to enlighten us.

But what propriety is there in the Senate of the United States prejudging any case? No judge upon the bench will discuss with you the merits of a case that may even possibly come before him. Are we not in the attitude of judges in this body upon the acts of those who administer the laws? And yet by this action we will approve, in the teeth of the provisions of the Constitution, the acts of an official which acts we may be required to pass upon as judges and which by the Constitution itself we are not required to approve. Our action will be mere outside indorsement and have nothing whatever to do with the case, but it does serve to prejudge the case from our standpoint as Senators and possible judges.

Mr. President, I cannot hope to present anything new upon the issue involved in this resolution. I should much have preferred to remain a silent listener of the debates that have occurred in this Chamber since I came here and took my place upon this floor. But it has seemed when all others representing States upon this floor who came to this body on the 4th of March had spoken in behalf of their constituents that I, who represent the second State in point of population in the Union, would have failed in my duty to its people if I had not endeavored to present this question from their standpoint, if possible in a new form; and while I cannot hope to add anything new to what has been said on a subject so often and so ably discussed in the Senate, yet if I shall be able in what I say to arouse the attention of a single mind within the Commonwealth I have the honor in part to represent or anywhere else within the broad expanse of this Republic to the grievous departures from the great doctrines of civil liberty that lie at the very base of our institutions which are now almost daily made; if I shall cause but a single mind to hesitate and pause to investigate the real importance of those questions, I shall have accomplished all that I can hope to accomplish.

What is it that this brief, terse, and ringing army order asks the American Senate and the American people to approve? What is it?

First, the recognition by the President of the United States of one of two State governments in Louisiana when the power to do so resides solely in Congress.

Second, the use of troops in Louisiana without authority of law.

Third, blind obedience to or complicity with a void order made at midnight by a Federal judge.

Fourth, denial of the right of petition.

Fifth, armed interference by the Federal power with the right of a State Legislature to judge of the elections of its own members and to perfect its own organization.

Sixth, the maintenance of a government of force and fraud and a continuance of the rule of the sword over a people competent and anxious to govern themselves.

First, the recognition by the President of one of two State governments in Louisiana when the power so to do resides solely in Congress. On the 12th of December, 1872, there were two governments in Louisiana, each claiming to be the rightful one. The one was represented by John McEnery; the other by P. B. S. Pinchback. Of the one, it has been again and again said upon this floor and declared by every committee that has made a report to this body or in the House of Representatives that it was a government of force and fraud. Of the other it has been said by a committee of the House of Representatives as well as by a Senate committee that it was the rightful government of the State of Louisiana. There was no violence, no insurrection in the State of Louisiana on the 12th of December, 1872, and yet the President recognized and protected the government at the head of which was P. B. S. Pinchback without authority of law, without authority of the Constitution.

Under the provisions of section 4, article 4, of the Constitution it has been expressly ruled that "Congress alone can decide what government is the established one in a State;" and for this I refer to the case of Luther vs. Borden, 7 Howard. While this is true, I concede that under the act of 1795 it is equally the duty of the President, when there is insurrection within a State or domestic violence there, to recognize one or the other of the existing governments, as such, in order that he may efficiently aid the State under a call made under the provisions of the Constitution. Yet, as I shall prove in a few moments, I trust, on the 12th of December, 1872, there being neither insurrection or domestic violence in the State of Louisiana, the President authorized this telegram to be sent:

DEPARTMENT OF JUSTICE,
December 12, 1872.

Acting Governor PINCHBACK,
New Orleans, Louisiana:

Let it be understood that you are recognized by the President as the lawful executive of Louisiana, and that the body assembled at Mechanics' Institute is the lawful Legislature of the State, and it is suggested that you make proclamation to that effect, and also that all necessary assistance will be given to you and the Legislature herein recognized to protect the State from disorder and violence.

GEO. H. WILLIAMS,
Attorney-General.

Enough of this. My second proposition is that troops were used in Louisiana without authority of law; the President used them when there was neither domestic violence nor insurrection. The resolutions of the Lousiana Pinchback legislature are under date of 9th of December, 1872, and are in these words:

[Telegram.]
NEW ORLEANS, *December 9, 1872.*

We have the honor to transmit to your excellency the following concurrent resolution of both houses of the General Assembly and to request [illegible] convened, in compliance with the call of the Governor, and certain evil-disposed persons are reported to be forming combinations to disturb the public peace, defy the lawful authority, and the State is threatened with violence: Therefore,

"*Be it resolved by the Senate and House of Representatives of the State of Louisiana in General Assembly convened*, That the President of the United States is requested to afford the protection guaranteed each State by the Constitution of the United States when threatened with domestic violence, and that the presiding officers of the General Assembly transmit this resolution immediately, by telegraph or otherwise, to the President of the United States.

"Adopted in General Assembly convened this 9th day of December, A. D. 1872."

P. B. S. PINCHBACK,
Lieut.-Governor and Pres't. of the Senate.
CHAS. W. LOWELL,
Speaker of the House of Representatives.

"When threatened with domestic violence." There is no such word within the lids of the book. Its language is, "Shall protect each of them against invasion; and on application of the Legislature, or the executive (when the Legislature cannot be convened) against domestic violence;" not "against threatened domestic violence." First there is the civil power, the great power of the law; next the *posse comitatus* of the State, under the control of the governor and the magistracy and those whose sworn duty it is to administer the law; and all of these must be exhausted before an application can legally be made to the President of the United States for troops. But here the resolution of the State Legislature itself declares that there is "threatened" violence and "reported" insurrection! We find also on looking back to the condition of affairs in New Orleans on that very day what the actual condition of things was. S. B. Pacard, United States marshal, in a dispatch dated the 9th of December, says:

[Telegram.]
NEW ORLEANS, LA.,
December 9, 1872.

Hon. GEO. H. WILLIAMS,
Attorney-General United States:

General Assembly returned by legal board is now organized at State House. Senate has present twenty Republicans, eight Democrats; House fifty Republicans, and fourteen Democrats; about half Warmouth's members participating. State Supreme Court has sent Elmore, Warmouth's usurping judge of the eighth district court, to jail ten days for contempt, and his clerk five days, and fifty dollars each. *All quiet.*

S. B. PACKARD,
U. S. Marshal.

Bear in mind that is under date of the 9th of December. Then too on the same day, December 9, "P. B. S. Pinchback, lieutenant-governor, acting governor of Louisiana," telegraphs the President as follows:

NEW ORLEANS, *December 9, 1872.*

President GRANT:

Having taken the oath of office and being in the possession of the gubernatorial office, it devolves upon me to urge the necessity of a favorable consideration of the request of the General Assembly as conveyed in the concurrent resolution of this day telegraphed to you requesting the protection of the United States Government. Be pleased to send the necessary orders to Gen. Emory. This seems to me a necessary measure of precaution *although all is quiet here.*

P. B. S. PINCHBACK,
Lieut. Gov., Acting Gov. of Louisiana.

Here we have Packard, the marshal, and Pinchback, the acting governor, who on that day demands troops, both of them telegraphing the President "all is quiet here." Then on the 11th, two days following, Casey, the collector, telegraphs the President and gives the situation. Does he say that there is domestic violence or armed insurrection? No, but the contrary; let me read his dispatch:

NEW ORLEANS, *Dec. 11, 1872.*

President GRANT:

Parties interested in the success of the Democratic party, particularly the New Orleans *Times*, are making desperate efforts to array the people against us. Old citizens are dragooned into an opposition they do not feel, and pressure is hourly growing; our members are poor and adversaries rich, and offers are made that are difficult for them to withstand. There is danger that they will break our quorum. The delay of placing troops at the disposal of Gov. Pinchback, in accordance with joint resolution of Monday, is disheartening our friends and cheering our enemies. If requisition at Legislature is complied with, all difficulty will be dissipated, the party saved, and everything go on smoothly. If this is done, the tide will be turned at once in our favor. The real underlying sentiment is with us, if it can but be encouraged. Gov. Pinchback is acting with great discretion, as is the Legislature, and they will so continue.

JAS. F. CASEY,
Collector.

On the following day, the 12th of December, Pinchback telegraphs to the President:

NEW ORLEANS, *Dec. 12, 1872.*

President GRANT:

In view of the fact that H. C. Warmouth, assuming to act as Governor after having been impeached and suspended from his office of Governor in strict compliance with the constitution and laws of this State, has issued a proclamation declaring himself as still Governor of the State, and has assumed to convene an illegal body of men styling themselves a legislature, thus endangering the public peace and tranquility and threatening domestic violence, I respectfully request that the commanding officer of this department be instructed, in compliance with the requisition of the Legislature, to aid and assist me in maintaining the public peace and protecting and sustaining the legal State government.

P. B. S. PINCHBACK,
Acting Governor of Louisiana.

That is on the 12th, three days after the demand of the Legislature, and still it is but a threat, still it is but a proclamation, still it is but the effort of Warmouth. Where are there armed troops? Where is the armed insurrection of the domestic violence against which the mailed hand of the President is to be raised? It is not to be found in these dispatches; and yet upon that very day the President telegraphs a recognition of the executive, Pinchback, and of the Legislature under his control, and guarantees to him troops.

Now, sir, as bearing on this question let us contrast the action of a President of the United States thirty-six years ago with the action of the President of to-day, and let us see, if we can, whither we are tending and how this question of protecting the rights of the people of this country according to the doctrines of civil liberty, is being turned to their injury and the deprivation of their most valued privileges. Let us see whether this is the normal or abnormal condition of this people. Let us learn, if we can, whether precedents are not being piled upon precedents that are *sui generis* but ought not to be used against this people, to take from them the great rights that are guaranteed to them under the Constitution of the United States and that came to them from the country from which they draw their laws and their liberties. Hear now what in the State that I have the honor to represent was said by the governor thereof at a memorable crisis in that State in regard to the condition of things there. This is under date of December 7, 1838:

SIR: It is my exceedingly unpleasant duty officially to inform you that such a state of domestic violence exists at this place as has put an end for the present to all the exercise of the regular functions of the State government. The Senate of the State has been compelled by intimidation to break up in confusion. The duly appointed presiding officer of the House of Representatives was prevented from calling the House to order at the hour to which it stood adjourned and was ejected from the hall by violence. The State department is closed, and I have not deemed it safe or prudent to proceed to the executive chamber since the first disturbance, which took place on the 4th instant.

* * * * * *

JOS. RITNER.

To his Excellency MARTIN VAN BUREN,
President of the United States.

And under date of the 4th of December previous to that we find this proclamation of the governor of Pennsylvania:

[illegible] the counties of Philadelphia, Lancaster, Adams, and other places, have assembled at the seat of government, with the avowed object of disturbing, interrupting, and overawing the Legislature of this Commonwealth, and of preventing its proper organization and the peaceable and free discharge of its duties; and whereas the said mob have already on this day entered the senate chamber and in an outrageous and violent manner by clamoring, shouting, and threatening violence and death to some of the members of that body and other officers of the government, and finally by rushing within the bar of the senate chamber in defiance of every effort to restrain them, compelled the Senate to suspend business.

Here is the proclamation and the demand on the Federal Executive.—Now I will ask the Clerk to read the answer authorized by the President of the United States, as marked in the book which I send to the desk.

The Chief Clerk read as follows:

WAR DEPARTMENT, *December 11, 1838.*

SIR: The letter addressed by your excellency to the President of the United States, under date of the 7th instant, was received yesterday and referred to this Department, where it has received that respectful and earnest consideration to which the high source whence it emanates and the importance of the subject entitle it.

In this communication your excellency informs the President that such a state of domestic violence exists at Harrisburg as to put an end, for the present, to all the exercise of the regular functions of the State government, and renders it your duty to request the President, in accordance with the fourth section of the fourth article of the constitution of the United States, to take measures to protect the State of Pennsylvania against the effects of the domestic violence which your excellency affirms to be then in existence.

The clause of the constitution to which your excellency refers, and the act passed in pursuance thereof, authorize the President to call out the militia only on the application of the Legislature of a State, or of the executive of a State, when the Legislature cannot be convened. The nature of the President's duty being, therefore, discretionary, it is incumbent upon him to exercise the utmost care in examining into all the circumstances of the case, as well as to determine whether the occasion contemplated by the law has occurred.

The commotion which now threatens the peace of the Commonwealth of Pennsylvania does not appear to arise from any opposition to the laws; but grows out of a political contest between different members of the government, most, if not all of them, admitted to be the legal representatives of the people constitutionally elected, about their relative rights; and especially in reference to the organization of the popular branch of Legislature. To interfere in any commotion growing out of a controversy of so grave and delicate a character, by the Federal authority, armed with the military power of the government, would be attended with the most dangerous consequences to our republican institutions. In the opinion of the President, his interference in any political commotion in a State could only be justified by the application for it being clearly within the meaning of the fourth section of the fourth article of the constitution, and of the act of congress passed in pursuance thereof, and where the domestic violence brought to his notice is of such a character that the State authorities, civil and military, after having been duly called upon, have proved inadequate to suppress it.

* * * * *

Very respectfully, your obedient servant,
J. R. POINSETT.

His Excellency JOS. RITNER,
Gov. of Pennsylvania, Harrisburg, Pa.

Mr. WALLACE. Mr. President, it will be noted that in one case, that which occurred in 1838, armed violence had ejected the officers of the Senate and of the House of a State Legislature from the halls of legislation. They were absolutely driven from the halls. The Governor had issued a proclamation that domestic violence of the gravest character existed and that he could not suppress the insurrection there, and hence he made application to the President of the United States for assistance; who after consideration of the whole subject declined to furnish to him the troops of the United States because the power of the Commonwealth had not been exhausted, because the strong arm of the civil power that can command at will the assistance of the militia had not been invoked, and had not been used to its utmost extent. But in Louisiana in 1872, when there was no insurrection, when all was quiet, as both Packard and Pinchback telegraphed, when the whole question was one of "threatened" or "reported" insurrection, the President immediately telegraphs orders recognizing the control of the government of Louisiana in P. B. S. Pinchback and the Legislature assembled at Mechanics' Institute to be the rightful one.

The point I make here is that, if there was neither domestic violence nor insurrection, than Congress alone can recognize the existing government in a State, and the President's recognition is without authority of law. It is only in the cases named in the act of 1795, the existence of domestic violence or of a condition of insurrection, in which his hand is to be intruded, and he from the very necessity of the case is authorized to recognize the one or the other. Here in the law-making power, here among the representatives of the State and the people, this question of whether a State government is in existence or is not in existence is to be settled and determined. Determined how? Under the Constitution and the laws, by the precedents that the wisdom of the past has established and that are maintained and affirmed by all who believe in the form of government under which we live. The Constitution and the laws and the precedents that they warrant and sustain are our charts and guides, and not those that are *sui generis* and abnormal.

Third. Blind obedience to or complicity with a void order made at midnight by a Federal judge. It is not denied that this decree was an infamous decree. No Senator raises his voice in behalf of the order that this Federal judge made—made at midnight in a case in which he had no jurisdiction. It cannot be defended. The infamy of this order has not been excelled since the star chamber made its infamous decrees or Jeffreys took liberty and life from the people of England. It was a void order made in a case in which there was no jurisdiction, at midnight, and to support and enforce it came the whole power of the Government of the United States, civil and military. And yet there has been no infringement of the Constitution, no breaking down of the laws of the Republic, no destruction of precedents! And we are asked here to blindly vote to endorse the action of the President in permitting—I will not say creating but in permitting—the destruction of the very essence of the doctrines that lie at the base of the institutions under which we live, the essential, the vital doctrines of a government of law and of civil liberty.

This decree was made on the 5th day of December, 1872. On the 3d day of December, 1872, the following telegram was sent by the Attorney-General to S. B. Packard, United States Marshall:

DEPARTMENT OF JUSTICE,
December 3, 1872.

S. B. PACKARD, Esq.,
U. S. Marshal, New Orleans, La.:

You are to enforce the decrees and mandates of the United States courts no matter by whom resisted, and General Emory will furnish you with all necessary troops for that purpose.

GEO. H. WILLIAMS,
Attorney-General.

Forty-eight hours before the midnight decree was made the Department of Justice directs the enforcement of the decrees and mandates of the United States courts, which are to make a decree, as is shown by the subsequent action there. Forty-eight hours in advance power is given to use the whole of the military force of the United States in the State of Louisiana to enforce the mandates and decrees of the [illegible] of December at midnight, or about eleven o'clock, as the testimony is, the order was made by Durell for the seizure of the State-house. On the 6th of December, at two o'clock in the morning, or within three hours after the making of this void decree, the State-house was garrisoned by United States troops—the troops of the United States, not the civil power of Louisiana and the *posse comitatus* that accompanied it, but the troops of the United States—under the order that was made but three hours before; and for six weeks they garrisoned and held the State-house of Louisiana. On the 6th of December from the same infamous court comes the injunction and the *mandamus* to organize the Legislature. This injunction and this decree, void and infamous as it was, subverted the real government of Louisiana. Up to this hour there were two goverments there, the one the government of the people, not the government of force and fraud, but the government of McEnery, the rightful government of the State of Louisiana. Up to that hour, in which the void decree of a Federal judge was promulgated and enforced by Federal bayonets, there were two goveraments in the State of Louisiana, one a rightful one and the other a government of fraud, but after the promulgation of that decree the rightful one was subverted and there comes into power the government of both force and fraud. Born of a midnight decree of a Federal judge, its natal place surrounded by Federal bayonets placed there by the orders of the Attorney-General, we have its necessary results. As a matter of course the Attorney-General did not alone perform this strange work, for the Department of Justice does not generally order troops of the United States to act as it pleases without other authority. This decree subverted the government of Louisiana. Upon this subject I read briefly from the report of the Committee on Privileges and Elections of this body, made by the late Senator from Wisconsin (Mr. Carpenter) and his colleagues, the majority of the committee:

Third. But for the interference of Judge Durell in the matter of this State election, a matter wholly beyond his jurisdiction, the McEnery government would to-day have been the *de facto* government of the State. Judge Durell interposed the army of the United States between the people of Louisiana and the only government which has the semblance of regularity; and the result of this has been to establish the Kellogg government, so far as that State now has any government. For the United States to interfere in a State election, and, by the employment of troops, set up a Governor and Legislature without a shadow of right, and then to refuse redress of wrong upon the ground that to grant relief would be interfering with the rights of the State, is a proposition difficult to utter with a grave countenance.

And then the committee, on page 44, say:

It is the opinion of your committee that but for the unjustifiable interference of Judge Durell, whose orders were executed by United States troops, the canvass made by the De Feriet board, and promulgated by the Governor, declaring McEnery to have been elected Governor, &c., and also declaring who had been elected to the Legislature, would have been acquiesced in by the people, and that government would have entered quietly upon the exercise of the sovereign power of the State. But the proceedings of Judge Durell, and the support given to him by the United States troops, resulted in establishing the authority *de facto* of Kellogg and his associates in the State offices, and of the persons declared by the Lynch board to be elected to the Legislature. We have already seen that the proceedings of that board cannot be sustained without disregarding all the principles of law applicable to the subject, and ignoring the distinction between good faith and fraud.

So, too, the minority of that committee, of which the Senator from Indiana (Mr. Morton) was a part reported in these words:

The conduct of Judge Durell, sitting in the circuit court of the United States, cannot be justified or defended. He grossly exceeded his jurisdiction, and assumed the exercise of powers to which he could lay no claim. * * * His orders issued in the Kellogg case to the United States Marshal to take possession of the State House for the purpose of preventing unlawful assemblages, under which the Marshal called to his aid a portion of the Army of the United States as a *posse comitatus*, can only be characterized as a gross usurpation.

Thus I am sustained by the majority of the committee and the minority of the committee, all representatives of the other side of this Chamber, in my accusation that this was a void order and that the McEnery government was the rightful government and was supplanted by the void order of Judge Durell, enforced by Federal bayonets. Durell has been condemned and driven from office; he is no longer there in control of the administration of the law; and yet the Senate of the United States and the American people are asked to endorse the power that invited, sustained, and enforced this breach of the law. Am I not justified, am I not warranted in the proposition I make, that this is an endorsement of blind obedience to or complicity with a void order made at midnight by a Federal judge?

Fourth, denial of the right of petition. This may seem to be a trifling matter. Trifling though it is, it one of those essential matters which were put into the amendments to the Constitution of the United States as a vital and important right, and it is found in the first article of the amendments:

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 to petition the government for a redress of grievances.

Who is "the government" that is to be petitioned? Congress, when the subject-matter relates to the action of Congress; the judiciary, when the subject-matter relates to the control of the judiciary, the President of the United States, when the matter relates to a subject upon which he is authorized to act. This is "the government," for by this construction only can we find what "the government" means. When the subject is to be acted upon by Congress, we petition Congress for redress of grievances. If it is controlled by the judiciary, we petition the judiciary. When it is the President that has the right to act or assumes to act, we petition the President. In this case the Executive claimed the right to act and did act. On the 12th of December, 1872, Thomas A. Adams, chairman of committee of citizens upon the authority of a mass meeting then recently held in New Orleans, telegraphed to the President:

NEW ORLEANS, *December 12, 1872.*

SIR: As chairman of a committee of citizens, appointed under authority of a mass meeting recently held in the city, I am instructed to inform you that the committee is about to leave here for Washington to lay before you and the Congress of the United States the facts of the political difficulties at present existing in this State, and further earnestly to request you to delay executive action in the premises until after the arrival and hearing of said committee, which is composed of business and professional men without regard to past political affiliations.

THOS. A. ADAMS,
Chairman.

His Excellency U. S. GRANT,
President of the United States.

John McEnery on the same day telegraphed

NEW ORLEANS,
December 12, 1872.

His Excellency U. S. GRANT,
President United States:

Claiming to be Governor-elect of this State, I beg of you, in the name of all justice, to suspend recognition of either of the dual governments now in operation here until there can be laid before you all facts, and both sides, touching the legitimacy of either government. [illegible] through committee of many of our best citizens on eve of departure for Washington, before you recognize the one or the other of said governments. I do not believe we will be condemned before we are fully heard.

JNO. McENERY.

And the memorial of one hundred citizens of the State of Louisiana was forwarded and is found in the report of these proceedings, dated the 13th of December. Here was a petition, a paryer to be heard; and yet on that very day, the 13th of December, the Department of Justice telegraphed to John McEnery as follows:

Hon. JNO. McENERY,
New Orleans, La.:

Your visit with a hundred citizens will be unavailing *so far as the President is concerned. His decision is made and will not be changed*, and the sooner it is acquiesced in the sooner good order and peace will be restored.

GEO. H. WILLIAMS,
Attorney-General.

Here was a refusal to hear. Here was a telegram from the petitioners couched in decorous language; here was a condition of things in that State in which the right of petition was one of the dearest rights to that people. They come with decorous language and lay their petition at the feet of him who has power to act and who does act, and yet superciliousness and absolute denial come to this petition of these citizens almost immediately upon the announcement that they ask a hearing of their petition, and they are denied the right to be heard; and they were turned away. No government under heaven, not even the most despotic government that exists either in Europe or in Asia, has ever denied the right of petition. It is a constitutional right; it is a primitive, a natural right. It is a right which is the result of free speech and deliberation. It belongs to us as freemen and citizens who live in a government of civil liberty and of law. The creature may petition the Creator and it is the medium of advancing Christianity. It gives information of rights and of wrongs; and is a safety-valve that in a government of law may very frequently, while the petition be not granted, be made to be a means of escape for manifold evils. And yet, sir, he who occupies the place that John Quincy Adams occupied, who in his day was almost a martyr to his demand for the right of petition in the other branch of Congress, directs his subordinates to reply with supercilious denial. He refuses to hear their prayer, the modest petition of one hundred citizens headed by an executive. The rightful governor of the Commonwealth of Louisiana, who lowly bends his neck and asks to be heard, is denied the right the Constitution gives us all and a supercilious subordinate tells him his petition will be unavailing and the sooner he bows to the inevitable the better!

Fifth. Armed interference by the Federal power with the right of a State Legislature to judge of the qualifications of its own members and to perfect its own organization. This right is one scarcely to be denied. It has never been successfully controverted in any place, and I think it will be scarcely denied by any one on this floor. The Senator from Indiana in his report on this subject to the Senate of the United States holds the language which I will read. This report was made on the 20th of February, 1873. It is found on page 71 of the report:

This principle that each house has the exclusive jurisdiction over all questions touching the election and qualification of its members, and is to determine *for itself* whether a lawful quorum is present to do business, is so well established that it has been holden by the courts in all the States in which the question has arisen, as well as by the Supreme Court of the United States, that the validity of a statute cannot be impeached by a plea that members took part in its enactment who were not lawfully elected, or that it was passed in the absence of a lawful quorum, or that its enactment was procured by bribery, or attended by other gross irregularity.

It is a vital and essential right. It is not denied by any one. It enters into the constitution of every State in the Republic. It comes to us from the parliamentary law of Great Britain. It is in the Constitution of the United States. It is essential to the independence of the legislative branch of each of these governments that this right should exist; that it should exist sole, independent, and sovereign, and that it should not be interfered with by the judiciary, or by the Executive, or by any branch of the Federal Government. If the President can interfere at all, he is able to interfere with and control this right at any time, in any place, and under any circumstances.

On this subject I read from the report of the House committee, as follows:

We hold, therefore, that in November, 1874, the people of the State of Louisiana did fairly have a free, peaceable, and full registration and election, in which a clear conservative majority was elected to the lower house of the legislature, of which majority the conservatives were deprived by the unjust, illegal, and arbitrary action of the returning board.

To the resolution reported to the house from the committee, as to the action of the returning board, we are all agreed.

We understand the committee to be unanimous in finding the fact that the action of the returning board has defeated the will of the people as expressed by them at the polls on the 3d of November, 1874. The people then elected to the lower house of their legislature a majority of conservative members; a portion of the conservative members thus elected were refused their certificates. This is an act of great injustice to the individuals, of gravest danger to the State and free government, and ought to be immediately corrected by any power competent to correct it.

Yet the Legislature being organized, with this clear right and plain duty, going on with its business, armed soldiers intervened on the 4th of January, 1875, and dispersed them. The President says he knew nothing of it prior to this occurrence. Let us see. In the message of the President to this body on the 13th of January, 1875, he says:

Respecting the alleged interference by the military with the organization of the Legislature of Louisiana on the 4th instant, I have no knowledge or information which has not been received by me since that time and published. My first information was from the papers of the morning of the 5th of January. I did not know that any such thing was anticipated, and no orders nor suggestions were ever given to any military officer in that State upon that subject prior to the occurrence.

But under date of the 15th of December, 1874, we find this dispatch:

[Cipher Telegram.]
NEW ORLEANS, LA., *December 15, 1874.*
(Received December 16.)

To ADJ'T-GENERAL U. S. ARMY:

The returning board and people representing opposing party differ on vital questions. Each avers against the other crime of such enormity that in the present excited state of the public mind violence is imminent. On the recession of the 14th of September I was informed, in a dispatch dated 15th September, that the President directed you to say that previous orders are not to be observed; in consequence of which my order to Col. Brooke to recognize Governor Kellogg was revoked, and an interregnum intervened. To avoid future misunderstanding in the impending disturbances, which may happen at any moment or may not occur until after the meeting of the Legislature in January, I ask to be informed if the instructions contained in your dispatch of September 15 are to be considered in force, or if I am to await the result of another application from Governor Kellogg to the President?

W. H. EMORY,
Colonel and Brevet Maj.-General Commanding.

On the day on which that was received we find this dispatch:

WAR DEPARTMENT, ADJ. GEN.'S OFFICE,
WASHINGTON, Dec. 16, 1874.

Colonel W. H. EMORY,
Commanding Department Gulf,
New Orleans, Louisiana:

The President directs that you make arrangements to be in readiness to suppress violence, and have it understood that you will do it.

Please acknowledge receipt.

By order of the Secretary of War.

E. D. TOWNSEND,
Adjutant General.

Now, either on the 15th of December, 1874, the President did know of the existence of anticipated trouble in regard to the meeting of the Legislature and that orders had been sent to the troops to hold themselves in readiness in view of such difficulty, or the subordinates of the President kept him willfully and falsely in the dark. But again the President says:

I repeat that the task assumed by the troops is not a pleasant one to them; *that the Army is not composed of lawyers capable of judging at a moment's notice of just how far they can go in the maintenance of law and order, and that it was impossible to give specific instructions providing for all possible contingencies that might arise.*

Subaltern and Lieutenant-General, soldier and President, are alike bound by the fiat of the law that controls, regulates, and governs this country, and when they, whether in the highest or lowest place in this Republic, shall deny the order and command of the law; when they, whether they have epaulets upon them or have simply the warrant of a magistrate in their hands, shall not be amenable to the power and the control of the law, it will be a sorry day for this country. In a government of law no man can take the liberty or the life of his fellow-citizen in his hand; and, so long as it can be, the civil power must be held to be superior to the military power. In the exercise of these grave rights, technicalities become substance, forms become grave reality. The military are the mere agents of the civil power and cannot act, and dare not, act, save under the order and control of the civil power. When they do, they act at their peril. When they do, they put themselves in jeopardy. When they do, they are liable to punishment, and the individual who is aggrieved can recover his damages from them. These are part of the liberties that came to us with the form of government we have. All who are vested with military power who assume original authority become offenders liable to the laws and liable to the citizen injured. More than two centures ago the Count de Lancaster, taken in open insurrection, was condemned to death by martial law. When it came to be determined in the courts what this was, the courts held that it was murder, for the courts were open; and although he was in open insurrection he was amenable to the law and could have been made liable there and punished for his crime. So, too, Senators will remember the case of Governor Wall in one of the West India islands, who under the authority of a military commission caused a soldier to be flogged until he died and twenty years afterward, having returned to England, he was arrested and tried for murder, and the single question tried there was, had the military control of the question or had they no jurisdiction, and this single point being determined in the negative, that the military power had no control over the question, Governor Wall was convicted of murder and executed.

Can the laws go farther? Yet these are our laws. We may fail to find these in the written forms of government we have, but that branch of the Government that sits in another portion of this building, in *Ex parte* Milligan, ruled that these rights do not rest on written constitution, but have come to us as part of the liberties of the people, have descended to us as our rights, our inherent rights, and all the people are entitled to them, and whether the armed hand or the warrant of the officer attempts to take them away from us he is liable to the punishment that the law metes to the crime of which he has been guilty.

The Constitution provides that the President "shall take care that the laws be faithfully executed;" yet here is a palliation, an attempted palliation, of the act of the soldiery, an attempted excuse of the destruction of one of the gravest rights of the citizen. I need not refer to the trip of the Lieutenant-General South. I need not refer to what has occurred there since. It seems unnecessary that I should. It seems to me the proposition that I started out with is abundantly proved by the facts in the case, and I do affirm that since the days of Cromwell and his twelve major-generals, when he parceled the kingdom to each of them as a province, and there under alleged form of laws gave to each of those major-generals the power of life and death, of judgment and execution, no graver offense against civil liberty or law has ever occurred.

[*Concluded on fourth page.*]