## Bancaster Intelligencer.

## WEDNESDAY, MARCH 6, 1867.

The Veto of the Reconstruction Bill. We publish to-day President Johnson's veto of the Reconstruction Bill, sent to Congress on Saturday, and the proceedings of Congress in relation to

The President states that the bill shows upon its face that the establishment of peace and good order is not its real object, because, upon the fulfilment by the Southern people of the five conditions imposed upon them, the pains and penalties of the bill at once cease, whether peace and good order exist or not.

He objects to it, because over each of the five districts into which the ten States are divided, a military officer is placed, with the power of an absolute monarch. Because, further, no kind of trial is secured to persons accused of crime, but the absolute power of life and death is given to the military commander.

He objects to it again, because there is no power given to the government under the Constitution to establish a measure like this, and cites the decision of the Supreme Court in the Milligan case. Heargues that the injunctions of the Constitution ought to be observed. and urges the immediate admission to Congress of loyal Representatives from all the States.

The argument is a most masterly and unanswerable one, although it will be seen it produced no effect upon the Radical element in Congress. The issue is now fully made up between that body and the President, and the people of the country will be called upon, it may be very soon, to give their judgment upon it. The new Congress will doubtless essay to impeach the President. Wade has been elected President of the Senate, with the avowed intention o making him the President. The people have remained quiescent under many indignities and wrongs during the pas year or two; it remains to be seen whether they will calmly submit to this last and greatest outrage of all. We think they will not. Forney, in his "Occasional" letter in the Sunday Press, says "the reading was succeeded in both houses by the resolute and almost universal demand for his (the President's) instant impeachment and removal from the office he dishonors," and thinks "we are on the eve of exciting and, probably, fatal events !" We believe that we are.

#### ..... Radical Inconsistencies.

The inconsistencies of the Radical leaders have been exposed so often, with so little effect upon their deluded followers, that it would seem to be labor lost to indulge in any further remarks about them. But as water, constantly dropping, will finally wear away the hardest rock, it may be that a persistent exposure of the inconsistencies of their leaders will eventually wear away the obdurate skulls of the blind followers of Radicalism and open their brains to the light of reason.

Since they have had the control o public affairs, the Radicals have given many evidences of their total disregard of their own record, made in open day and in the face of all the world. But they never gave a more striking evidence of their want of consistency than on Saturday evening last, when, in both branches of Congress, they passed the Military Government Bill over the veto of the President. The preamble to this bill reads as follows:

Famine at nome. Reports of extreme destitution in a part of our country led some few weeks since to a public meeting in the city of New York, at which a number of citi zens were charged with the duty of ascertaining the facts in the case, and o devising means, if they were found to

be correct, for the relief of those in need This Commission has been organized Its Executive Committee consists of Nathan Bishop, Howard Potter, F. G. Foster, J. T. Johnston, Wm. T. Cole man, S. D. Babcock, J. M. Bruce, Jr. J. Pierrepont Morgan, E. C. Cowden, Geo. Cabot Ward, C. R. Agnew, and Daniel Butterfield, U.S.A. Archibal Russell, Chairman; Edward Bright, Cor. Sec. : Jas. M. Brown, Treasurer Fred. Law Olmsted, Rec. Sec.; and John Bowne, Acting General Agent.

Office-Adams' Express Building, 61 Broadway. Depot for supplies from the East-No. 33 Water street. We have been furnished with a circu-

ar, in which the Commission say they have ascertained that a state of famine exists in that part of the country, which lies between the ridges of the mountains and the navigable waters of the largest rivers flowing through the cotton producing districts east of the Mississippi, owing to an extraordinary drought which prevailed last summer, and to the fact that much less ground than usual was planted, because of conditions resulting from the rebellion. Extreme destitution prevails chiefly among

the lower classes, and the women and children who have been deprived by the war of their natural protectors. This famine must continue and increase in severity until June, when the crop of green corn may be looked to for relief. They also state that, owing to similar causes, the destitution in the greater part of the seaboard counties, though ess general, is still great and appalling. The Commission proposes to provide the barest means of sustenance for human beings, and in the cheapest form, namely-Indian Corn, of which a bushel may be expected to sustain a family in extremity for a week.

It believes that, because of the advantages which it possesses as a charitable agency for the economical purchase of corn, the most valuable form of contribution will be that of money. It, however, also asks for contributions n the form of corn or other breadstuffs bacon, and other cured meats and fish also, for suitable wearing apparel for working women and girls. Delicacies and nice things are not wanted. The emergency is too imminent to admit of the organization of any ma-

chinery of co-operation throughout the country, and the Commission therefore, can but beg the charitable everywhere to take this matter spontaneously in hand, and either individually or by adopting the simplest plan of association, to solicit from their neighborhood contributions for its aid. We trust our itizens will respond liberally to this call upon their charity. We know we need but to state the hideous facts as they exist, to enlist their ardent sym-

> pathies. We clip the following from yesterlay's World in reference to the doings of the Commission :

We are happy to learn that the South-rn Relief Commission (J. M. Brown, ! Wall street, Treasurer,) have had so arge an increase of receipts the las three days as to enable them to send, on the United States steamer Memphia, 30,000 bushels of corn, in equal quantities, to Charleston, Savannal, and Mobile. The Memphis salls to-day or to-morrow, and before the close of an-other week the Commission hope to be

WHEREAS, NO legal State governments or adequate protection for life or property now exists in the rebel States of Virginia, able to ship by another national vessel outh and North Carolina. There is the best reason to believe hat five hundred thousand bushels of orn must be sent to the destitute dis-

## ston. Elliot. Farnsworth, Farquhar, Ferry The Passage of the Military Reco tion Bill Over the President's

ston, Elliot, Farnsworth, Farquhar, Ferry, Garfield, Grinnell, Griswold, Harding (II.)
Hart, Hayes, Henderson, Higby, Hill, Holmer, Hooper, Hotokkiss, Hubbard (Iowa,) Hubbard (W. Vs.) Hulburd (N. Y. Hibbard (Conn.) Hubbell (Ohio,) Hulburd Ingersoll, Janeks, Julian, Kasson, Kellsy, Ketcham, Koonts, Laflin, Lawrence (Pa.)
Lawrence (Ohio,) Loan, Longyar, Lynch, Marquette, Marston, Marrin, Maynard, McClurg, McIndoe, McKee, McRuer, Mercur, Miller, Moorhead, Morrill, Morris Moulton, Myers, Newell, O'Nell, Orth, Paine, Patterson, Perham, Pike, Plants, Pomeroy, Price Raymond, Rice, Mass,)
Rice, Maine), Rollins, Sawyers, Schenck, Scofield, Shelabarger, Sloam, Splading, J. L. Thomas, Trowbridge, Upson, Van Aernarn, Van Horn, (N. Y.,) Warner, Washburn, (Ind.,) Washburn, (Mass., Weiker, Wentworth, Whaley, Williams, Wilson, (Iowa), Wilson, PayMindom, Woodbridge, Colfax, Sp'r-135. NAYs.-Messrs, Ancona, Bergen, Boyer, Campbell, Chanler, Cooper, Dawson, Deunison, Eldridge, Finck, Glossbrenner, Goodyear, Hale, Harding (Ky), Harrir, Hawkins, Hise, Hogan, Hubbell (N. Y.), Humphrey, Hunter, Jones, Ker, Kuykondall, Le Blond, Leffwich, Marshall, McCulloch, Kaskins, Huse, Hogan, Hubbell (N. Y.), Humphrey, Hunter, Jones, Ker, Kuykondall, Le Blond, Leffwich, Marshall, McCulloch, Leffwich, Marshall, McCulloch, Leffwich, Marshall, McCulloch, Leffwich, Marshall, McCulloch, Kaston, Ker, Kuykondall, Leffwich, Marshall, McCulloch, Leffwich, Marshall, McCulloch, Kaston, Ker, Kuykondall, Ker, Kullach, Kaston, Leffwich, Marshall, McCulloch, Kaston, Ker, Kuykondall, Ker, Kulkon, Kaston, Ker, Kuykondall, Ker, Kulloch, Leffwich, Marshall, McCulloch, Kaston, Ker, Kuykondall, Ker, Kulloch, Kaston, Ker, Kuykondall, Ker, Kurkon, Kaston, Ker, Kuykondall, Kerkon, Kaston, Kerkon, Kaston, Kerkon, Kaston, Kerkon, Kasto SENATE .- At 8.30 P. M. the veto President op the reconstruction bill was aken up and read—and the reading having been concluded. Mr. Johnson took the floor, saying that while doing, as he most sincerely did fall ustice to the conscientious purpose of the President, he could not but regret that he (the President) had left himself compelled to come to that result and to send this mes-ment to Congruss age to Congress. There were many propositions in law, contained in that message, which could not be maintained. There were many errors of contained in that message, which could not be maintained. There were many errors of judgment in it which, upon examination, would be apparent, and above all, the re-sult to which he (the President) had been compelled to come, in the exercise of his own judgment, which there was no doubt was conscientiously exercised—he (Mr. Johnson) saw nothing but continued tur-moil, error and danger to the South and to the entire country. He rose, therefore, for the purpose of stating very briefly, in addi-tion to what he had already said when the measure was before the Senate on a former occasion, why it was that he had cast the vote be had cast on that occasion, and why it was that be should give the same vote now. (Applause in the galleries, which was repressed by the Chair.) It will not be for a moment supposed, said Mr. Johnson, by those to whom I am addressing myself, that I am governed now, or that I was governed then by my hope of popular applause. My motives, if I know myself, were perfectly pure and patriotic. I saw before me a distracted and almost bleeding country. I thought I saw, and I think I see now, the means by which it might be restored to a healthful condi-tion, and the Constitution of the country in the end preserved. I have arrived. Mr. President, at that

their representation were requisite or Constitutional, Mr. Johnson said that the pre-ent and the late Executive thought diffe

hise, Hise, Hogan, Hubbell (N. Y.), Huin-bhey, Hunter, Jones, Kerr, Kuykeadall, E. Blond, Leftwich, Marshall, McCulloch, Niblack, Nicholson, Noell, Phelps, Rad-ord, Ritter, Rogers, Ross, Rousseau, Shank-in, Sigreaves, Stillwell, Strouse, Taber, Caylor (Tenn.), Taylor (N. Y.), Thornton Frimble, Ward (Ky.), Winfield-48.

Greeley Wants a Veto.

The following appeared editorially in the New York Tribune several days

ago: ugu: We have never yet seen any specific vote of the Senate on the naked question of in-flation like that given in the House on Mr. Stevens's proposition, and the previous vote of the same body against contraction. In our ignorance we shall be pardoned for expressing our hope that the Senate is wise enough, and resolute enough to resist the he end preserved. I have arrived, Mr. President, at that period of my life when, if ever any other ambition animated me, I can have no other expressing our hope that the Senate is wiss enough, and resolute enough to resist the olind and reckless inflationists of the House and that they will place the seal of thei mbition now than that of serving my Having referred to the views he had pre-viously expressed on the question of recon-struction, concluding that when the war ceased the States were restored to their for-mer relations, and that no conditions for ondemnation on the wretched measure i

condemnation on the wretched measure in which they were asked to concur. But should the Senate fail of its duty, we shall turn to the President for a veto upon such mischievous and dangerous legislation, as increasing the volume of our paper cur-rency, with the confident expectation that it will be applied.

ently. It was unnecessary for him to say ently. It was unnecessary for him to say what were the conditions exacted by the present Executive. They were, in his [Mr. Johnson's] judgment, as unconstitutional as any that could be found in this bill. The Congress of the United States were of opinion that, notwithstanding the people of the Southern States complied with the terms exacted by the present Chief Magis-trate, they could not be restored with ut the senction of Congressional regislation; and this was the judgment of the country.— Then how were they to come back? Only by complying with the conditions which Congress may impose whether Congress had the authority to impose them or not, or fulling to comply, to remain in the sad con-dition in which they now are. He [Mr. Johnson] imputed bad motives neither to Congress nor to the Executive. Hethought he knew his daty to the Constitution of the country to well to call in question the mo-tives of either. Horace Greeley calling upon "the President for a veto upon mischievous and dangerous legislation!" Has not the President time and again endeavored to arrest mischievous and dangerous legislation by his veto, and has not the Tribune as often applauded "the blind and reckless " fanatics for setting aside his veto? Why it is one of the grounds of the proposed impeachment of the President, that he has refused his assent to such wholesome laws as would enable Ben. Butler to lav in a new stock of spoons. Greelev had better sustain some of the vetoes already sent in by the President. before he calls for

another. Fenton Fizzles.

country too well to call in question the mo-tives of either. He accorded purity of purpose and pa-triotic principles to both. He differed from both, but he sought the restoration of the Union, and saw no way of accomplishing it now but by the adoption of the measure now before the Semate. We are now, in my opinion, in a state of *quasi* war. Our condition is now revolutionary. Ten States of the Union are virtually hold as provinces, upon the ground that we have a right to hold them as enemies of the Union and the Government. In that state of things, to hesitate in the adoption of any measure which promises, even the most Our readers will recollect the case of Japt. George Olney, who was arrested in the city of New York a few weeks ago by the order of Gov. Fenton upon the requisition of the Governor of Vir ginia; his offence consisting in running away with his steamer from Norfolk neasure which promises, even the mo Va., after it had been placed in the listantly, to put an end to this revolution rry condition, is, in my judgment, to be false to the true interests and safe y of the hands of the Sheriff on an attachment.

Judge Dean, Olney's counsel, had false to the true interests and safe your country. In conclusion, Mr. Johnson said he wa glad to see from the public prints of th South, and to be informed by many of th leading men of the South, that it was th purpose of the Southern States to organiz under this bill. They are taking leakon from experiance The constitutional unnord him released on a habeas corpus. The case was argued a day or two ago before Gov. Fenton, Judge Dean insisting that, as Virginia was not recognized by Congress as a State in the Union, the requisition of Gov. Peirpont for Olney's arfrom experience. The constitutional amend ment, if it had been adopted, would hav brought into this chamber and the othe rest, could not be respected. Fenton brought into this chamber and the other chamber, representatives from the South. Of that I have no doubt. Now, it will not. The bill which we passed and which was afterwards annended in the House, would have accomplished the same purpose upon terms less exacting than the one now before the Senate. It was amended, and the amendment is the most abnoxious feature of the bill. The Senate passed it, and I voted for it. Why? Because I thought I knew—I thought I had satisfactorily ascertained that this failing, a measure found himself in an ugly fix, for he could not justify his action in issuing the order for Olney's arrest, without holding that Virginia was a State in he Union; and he could not maintain his position in his party without holding that she was not a State. He creeps out of his difficulty in a very lame manuer, basing his change of front upon newly discovered facts, which facts he re of a more rigid character—a measur ounded upon the idea that the people of is very careful not to disclose. Here is his decision :

he South were, conquered enemies, and heir property liable to forfeiture—would have been enacted. eal. The military rule which it establishe have been enacted. Mr. Saulsbury, of Delaware, said he did not rise to debate this bill, which the Presi-dent, in his wisdom, had vetoed. He ap-proved of the exercise of the veto power upon this, the most iniquitous bill ever presented in the Senate. He expressed the hope that the Southern people would never enter the Union upon the terms now pre-rement of the thern A mandate having been issued on the is plainly to be used, not for any purpos 12th day of February, to the authorities of the City of New York, to arrest and deliver George Olney to the agent of the State of of order or for the prevention of crime, but olely as a means of coercing the people nto the adoption of principles and measures George Olney to the agent of the State of Virginia, in compliance with a requisition from the Governor of said State, and said Olney being now in custody, and it appear-ing from new facts, which have come to the knowledge of the Executive since issuing the mandate, in such form as to compel atten-tor, therete clearly showing that the acts ented to them. Mr. Henderson, of Missouri, followed mandate, in such form as to competation tion thereto, clearly showing that the acts charged against said Olney are not suffi-cient to warrant such surrender to the agent aforesaid, I therefore hereby revoke said nandate, and direct that said Olney be re-Mr. Henderson, of Missouri, followed Mr. Saulsbury in a brief review of the bill, and an endorsement of the veto. Mr. Dixon, of Connecticut, believed the bill to be in conflict with the provisions of the Constitution, and should consider him-self, in voting for it, as violating his official oath. The country wasnow at peace. The termination of the war has been announced by the President, and recognized by Con-gress he could see no power to establish

THE PRESIDENT'S VETO OF THE MILL.

TARY RECONSTRUCTION RILL. WASHINGTON. March 2 .- The following the message of the President of the United States, returning to the House of Representatives a bill entitled "an act to provide for the efficient government of the rebel States?" To the House of Representatives: To the House of Representatives: I have examined the bill "To provide for the more efficient government of the rebel States," with the care and anxiety which its transcendent importance is calcu-lated to awaken. I am unable to give it my assent, for reasons so grave that I hope a statement of them may have some influence

tatement of them may have some influe on the minds of the patriotic and enlighten

ce that the establishment

statement of them may have some influence on the minds of the patriotic and enlighten-ed men with whom the decision must ultimately rest. The bill places all the people of the ten States therein named under the absolute domination of military rulers, and the pre-amble undertakes to give the reason upon which the measure is based, and the ground upon which it is justified. It declares that there exists in those States no legal gov-ernments, and no adequate protection for life or property, and asserts the necessity of enforcing peace and good order within their limits. Is this true as matter of fat? It not is denied that the States in question have each of them an actual government, with all the power, executive, judicial, and legislative, which properly belong to a free State. They are organized like the other States of the Union, and like them, they make, administer, and execute the laws which concern their domestic affairs. An existing de-facto government, exercising such functions as these, is itself the law of the State upon all matters within its juris-diction. To pronounce the supreme law-making power of an established State lile-gal is to say that law itself is unlawful. bill gives to the military officers over both white and colored persons. It may be answered to this that the offi-cers of the army are too magnanimous, just, and humane to oppress and trample upon a subjugated people. I do not doubt that army officers are as well entitled to this kind of confidence as any other class of men. But the history of the world has been written in vain if it does not teach us that unrestrained authority can never be safely unrestrained authority can never be safely trusted in human hands. It is almost sur to be more or less abused under any cir to be more or less abused under any cir-cumstances, and it has always resulted in gross tyrainy where the rulers who exer-cise it are strangers to their subjects, and come among them as the representatives of a distant power, and more especially when the power that sends them is unfriendly. Governments closely resembling that here proposed have been fairly tried in Hungary and Poland, and the suffering endured by those people roused the sympathies of the entire world. It was tried in Ireland, and though tempared at first, by principles of entire world. It was tried in Ireland, and though tempered at first, by principles of English law, it gave birth to crueities so atrocious, that they are never recounted without just indignation. The French Con-vention armed its deputies with this power, and sent them to the southern departments of the republic. The massacres, murders and other atrocities which they committed show what the passions of the ablest men in the most civilized society will tempt them to do when wholly unrestrained by making power of an established State ille-gal is to say that law itself is unlawful. The provisions which these governments have made for the preservation of order, the suppression of crime, and the redress of private injuries, are in substance and prin ciple the same as those which prevail in the Northern States and in other civilized coun-ties. They certainly have not succeeded ries. They certainly have not succeede n preventing the commission of all crime

nor has this been accomplished anywhere n the world. There, as well as elsewhere, hem to do when wholly unrestrained in the world. There, as well as elsewhere, offenders sometimes escape for want of vig-orous prosecution, and occasionally, per-hups, by the inefficiency of courts, or the prejudice of jurors. It is undoubtedly true that these evils have been much increased and aggravated, North and South, by the demoralizing influences of civil war, and by the rancorous passions which the con-test has engendered. But that these people are maintaining local governments for them-selves, which habitually defeat the object of all government, and render their own lives aw. The men of our race in every age, have struggled to the up the hands of their Gov-eraments and keep them within the law, because their own experience of all man-kind taught them that rulers could not be ruled on to concrete theory which they relied on to concede those rights which they were not legally bound to respect. The head of a great empire has sometimes governed it with a mild and paternal sway, but the it with a mild and paternal sway, but the kindness of an irresponsible deputy never yields what the law does not extort from him. Between such a master and the peo-ple, subjected to his domination, there can be nothing but enmity; he punishes them if they resist his authority, and if they sub-mit to it he hates them for their servility. Leone pow to a question which is, if posall government, and render their own lives and property insecure, is in itself utterly improbable, and the averment of the bill to improbable, and the averment of the bill to that effect is not supported by any evidence which has come to my knowledge. All the information I have on the subject convinces me that the masses of the Southern people and those who control their public acts, while they entertain diverse opinions on questions of Federal policy, are completely united in the effort to recoranize their so-I come now to a question which is, if pos-sible, still more important. Have we the power to establish and carry into execu-tion a measure like this? I answer, certainly not if we derive our authority fro inited in the effort to reorganize their so ciety on the basis of peace, and to restore their inutual prosperity as rapidly and as completely as their circumstances will per-

tainly not, if we derive our authority from the Constitution, and if we are bound by the limitations which it imposes. This proposition is perfectly clear, that no branch of the Federal Government, ex-ecutive, legislative, or judicial, cun have any just powers except those which it de-rives through and exercises under the or-ganic law of the Union. Outside of the Constitution we have no legal authority more than private cltizens, and within it we have only so much as that instrument gives us. This broad principle limits all our functions, and applies to all subjects. It protects not only the cltizens of States which are within the Union, but it shields every human being who comes or is brought The bill, however, would seem\_to show of peace t, The and good order is not its real object. The iifth section declares that the preceding sec-tions shall cease to operate in any State where certain events shall have happened. These events are : First. The selection of delegates to a State Second. The formation of a State Consti-Second. The formation of a State Constievery human being who comes or is brought

Second, The formation of a State Consti-tution by the convention so chosen. Third. The insertion into the State Con-stitution of a provision which will secure the right of voting at all elections to negroes, and to such white men as may not be dis-franchised for rebeilion or felony. Fourth. The submission of the Constitu-tion for rutification to negroes and white under our jurisdiciion. We have no right to do in one placemore than in another that which the Constitution says we shall not do at all. If, therefore, the Southern States were, in truth, out of the Union, we could not treat their people in a way which the fundamental law for-bids.

ion for ratification to negroes and white nen not disfranchised, and its actual rati-Some persons assume that the success of Some persons assume that the success of our arms in crushing the opposition, which was made in some of the States to the exe-cution of the i deral haw, reduced those States, and all  $\cdot$  is people, the innocent as well as the guilty, to the condition of vasication by their votes. Fifth. The submission of the State Constitution to Congress for examination and approval, and the actual approval of it by at body. salage, and gave us a power over them which the Constitution does not bestow, or nent to the Federal Constitution by a vot of the Legislature elected under the new onstitution. Seventh. The adoption of suid amendmen

which the Constitution does not bestow, or dofine, or limit. No fallacy can be more transparent than this, Our victories subjected the insurgents to legal obedience, not to the yoke of an arbitrary despotism. When an absolute sovereign reduces his rebellious subjects, he may deal with them according to his pleasure, because he had that power before. But when a limited monarch puts down an insurrection, he must still govern according to law. If an insurrection should take place in one of our States, against the auby a sufficient number of other States to make it a part of the Constitution of the United States. All these conditions must be fulfilled be-All these conditions must be fulfilled be-tore the people of any of these States can be relieved from the bondage of military dom-ination; but when they are fulfilled, then immediately the pains and penalties of the bill are to sease, no matter whether there be peace and order or not, and without any reference to the security of life or property. The excuse given for the bill in the pream-ble is admitted by the bill itself not to be real. The military rule which it establishes blace in one of our States, against the au-hority of the State government, and end n the overthrow of those who planted it, In the overthrow of those who planted it, would that take away the rights of all the people of the counties where it was favored by a part or a majority of the population? Could they for such a reason be wholly out-lawed, and deprived of their representation in the Legislature? I have always con-tanded that the Government of the United

condemned may depend upon the will of two men instead of one. It is plain that the authority here given to the military officer amounts to absolute depotism. But to make it still unendura-ble, the bill provides that it may, be dele-gated to as many subordinates as he choeses to appoint, for it declares that he shall "punish or cause to be punished." Such a power has not been wielded by any mon-arch in England for more than five hun-dred years. In all that time, no people who speak the English language have borne such servitude. It reduces the whole popu-lation of the ten States—all persons of every color, sex and condition, and every stranger within their limits to the most abject and degrading slavery. No master ever had a control so absolute over his slaves as this bill gives to the military officers over both ligerents, and a third to be exercised in time of invasion or insurrection within the lim-its of the United States, or during rebellion within the limits of the States maintaining adhesion to the National Government, when the public danger requires its exercise. The first of these may be called jurisdic-tion under military law, and is found in acts of Congress, prescribing rules and arti-cles.of war, or otherwise providing for the government of the national Government, when the distinguished as military govern-ment, superseding, as far as may be deemed expedient, the local law, and exercised by the military commander, under the direction of the President, with the ex-press or implied sanction of Congress. While the third may be denominated martial law proper, and is called into action by Congress, or, temporarily, when the action of Congress cannot be invited, and in the case of justifying or excusing peril, by the President; in times of insur-rection or invasion; or of civil or foreign war within districts or localities where or-dinary law no longer adequately secures public safety and private rights." It will be observed that of the three kinds of mili-tary jurisdiction, which can be exercised or created under our Constitution, there is but one that can prevail in time of peace, and that is the code of laws enacted by control so absolute over his slaves as this bill gives to the military officers over both but one that can prevail in time of peace and that is the code of laws enacted by Congress for the government of the nationa forces. That body of military law has no forces. That body of military law has no application to the citizen, nor even to the citizen soldier enrolled in the militain time of peace. But this bill is not a part of that sort of military law, for that applies only to the soldier, and not to the citizen, whilst contrariwise the military law pro vided by this bill applies only to the citizer

igerents, and a third to be exercised in time

vided by this bill applies only to the citizen and not to the soldier. I need not say to the representatives of the American people that their Constitution forbids the exercise of judicial power in any way but one "that is, by the ordained and established courts. It is equally well known that in all criminal cases a trial by jury is made indispensable by the express words of that instrument. I will not not enlarge on the inestimable value of the right thus of that instrument. I will not the right thus secured to every free man, or speak of the danger to public liberty in all parts of the country, which must ensue from a denial of it anywhere or upon any pretence. A very recent decision of the Supreme Court has traced the history, vindicated the dignity, and made known the value of this great privilege, so clearly that nothing more is needed. To what extent a violation of it night be excused, in time of war or public danger, may admit of discussion. But we are providing now for a time of profound peace, where there is not an armed soldier within our borders, except those who are in the service of the Government. It is in such a condition of things that an act of Congress is proposed which, if carried out, would deny a trial by the lawful courts and juries to nine millions of American citizens and to their posterity for an in-definite period. It'seems to be scarcely possible that any one should seriously believe this consistent with a Constitution which declares in simple, plain and unambin the inestimable value of the right the which doclares in simple, plain and unambi-guous language, that all persons shall have that right, and that no person shall over, in any case, be deprived of it. The Constitu-tion also torbids the arrest of the elitzen, without judical warrant founded on proba-ble cause. This bill authorizes an arrest without warraut, at the pleusure of a mili-tary commander. The Constitution declares that "no person shall be held to answer for a capital or otherwise infamous erine, un-less on presentment by a grand lury." which doclares in simple, plain and unambi

a capital or otherwise inflamous critate, un-less on presentment by a grand jury."— This bill holds every person not a soldier answerable for all critates and all charges without may presentment. The Constitution declares that" no person shall be deprived of life, liberty, or property, without due process of law." This bill sets aside all process of law, and makes the cluzen an-swerable, in his person and property, to the will of one man, and as to his life, to the will of two. Finally, the Constitution de-clares that "the privilege of the writ of habens corpus shall not be suspended un-less when, in case of robellion or invasion, ess when, in case of rebellion or invasion he public safety may require it;" where this bill declares martial law, which o itself suspends this great writ in time o peace, and authorizes the military to make

beace, and authorizes the military to make the arrest, and give to the prisoner only one privilege, and that is a trial without innecessary delay. He has no hope of re-lease from custody, except the hope such as its, of release by acquittal before a military commission. The United States are bound or guarantee to each State a propublican o guarantee to each State a republica orm of government.

Can it be pretended that this obligation is not palpably broken if we carry out a measure like this, which whose away every vestige of republican government in ten States, and puts the life, property, liberty and honor of all the people in each of them fused admission as a member for want of fused admission as a memory for water of due allegiance to the Government, and re-turned to his constituents, they are admon-ished that none but persons 'loyal to the turned to his constituents, they are admon-ished that none but persons floyal to the United States will be allowed a voice in the legislative councils of the nation, and the political power and moral influence of Con-gress are thus effectively exerted in the of a single person under the domination clothed with unlimited authority Parliament of England, exercising the om Parliament of England, exercising the om-nipotent power which it claimed, was ac-customed to pass bills of attainder; that is to say, it would convict men of treason and other crimes by legislative onactment. The person accused had a hearing, some-times a patient and fair one, but generally party prejudice prevailed instead of justice. It often became necessary for Parliament to acknowledge its error, and reverse its Interests of loyalty to the Government and fidelity to the Union," and is it not far better that the work of restoration should be accomplished by simple compliance with the plain requirements of the Consti-tution than by a recourse to measures tution than by a recourse to measures which in effect destroy the States and threatwhich in effect destroy the States and threat-on the subversion of the General Govern-ment. All that is necessary to sottle this simple but important question, without further agitation or delay, is a willingness on the part of all to sustain the Constitution and carry its provisions into practical opera-tion. If to-morrow, either branch of Con-gress would declare that upon the presen-tation of their credentials, members con-stitutionally elected and loyal to the gen-eral Government, would be admitted to seats in Congress, while all others would be excluded, and their places remain vacant until the selection by the people of loyal, qualified persons, and if at the same time assurance were given that this policy would be continued until all the States were repre-sented in Congress, it would send a thrill of joy throughout the entire hand, as indicating the inauguration of a system which must speedily bring tranquility to the public o acknowledge its error, and reverse its own action. The fathers of our country deown action. The fathers of our country de-termined that no such thing should occur here. They withheld the power from Con-gress, and thus forbade its exorcise by that body, and they provided in the Constitu-tion that no State should pass any bill of attainder. It is, therefore, impossible for any person in this country to be consti-tutionally punished for any crime by a legis-lative proceeding of any sort; neverthe-less here is a bill of attainder against nine millions of people at once. It is based upon an accusation so vague as to be scarcely in accusation so vague as to be scarcely ntelligible, and found to be true upon no redible evidence; not one of the nine mil ions was heard in his own defence. The representatives of the doomed parties were excluded from all participation in the trial. The conviction is to be followed by the mos excluded from all participation in the truit. The conviction is to be followed by the most ignominious punishment ever inflicted on large masses of men. It disfranchises them by hundreds of thousands, and degrades them all, even those who are admitted to be guilless, from the rank of freemen to the condition of slaves. The purpose and object of the bill, the general intent which pervades it from beginning to end, is to change the entire structure and character of the State governments, and to compel them by force to the adoption of organic laws, and regulations which they are un-willing to accept, if left to themselves. The negroes have not asked for the priviloge of voting; the vast majority of them (have no idea what it means. This bill not only thrusts it into their hands, but compels them, as well as the whites. to use it in a particular way. speedily bring tranquillity to the public mind. While we are legislating upon subjects While we are legislating upon subjects which are of great importance to the whole people, and which must affect all parts of the country, not only during the hie of the present generation, but for agesto come, we should remember that all men are cuilled at least to a hearing in the councils which de-cide upon the destiny of themselves and their childron. At present ten States are denied representation, and when the Fortieth Con-gress assembles on the fourth day of the present month, sixteen States will be with-out a voice in the House of Representatives. This grave fact, with the important ques-tions before us, should induce us to pauso in a career of legislation which, looking solely to the attainment of political ends, fulls to consider the rights it transgresses, the law which it violates, or the Constitution which it importis. them, as well as the whites, to use it in a particular way. If they do not form a Constitution with prescribed articles in it, and afterwards elect a legislature which will act upon certain measures in a prescribed way, neither blacks nor whites can be relieved from the slavery which the bill imposes upon them. Without pausing to consider the policy or impolicy of Africanizing the Southern part of our territory, I would simply ask the attention of Copgress to that manifest, well-known und universally acknowledged rule of constitutional law, which declares that the Federal Govern-ment has no jurisdiction, authority, or which it imperils. ANDREW JOHNSON, WASHINGTON, March 2, 1807.

to be lost if we treat with disregard its sato be lost if we treat with disregard its sa-ored obligations. It was to punish the gross orime of defying the Constitution, and to vindicate its supremeauthority, that we carried on a bloody war of four years" duration. Shall we now acknowledge that we sacrificed a million of lives, and ex-pended billions of treasure, to enforce a Constitution which is not worthy of respect and preservation. These who advocated the right education with the superpended billions of treasure, to enforce a Constitution which is not worthy of respect and preservation. Those who advocated the right of secession, alleged in their own justification, that we had no regard for law, and that their rights of property, life, and liberty would not be safe under the Constitution, as administered by us. If we now verify this assertion, we prove that they were in truth and in fact fighting for their liberty. And instead of branding their leaders with the dishonoring name of traitors against a rightcous and logal gov-ernment, we clevato them in history to the rank of self-sacrificing patriots; consecrato them to the admiration of the world, and place them by the side of Washington, Hampden, and Sydney. No. Let us leave them to the infamy they deserve. Punish them as they should be punished, according to law, and take upon ourselves no share of the odium which they should bear alone. It is a part of our public history, which can never be forgotten, that both houses of Con-gress, in July, 1861, declared in the form of a solenn resolution, that the war was, and and should be carried on, for no purpose of subjugation, but solely to enforce the Con-stitution and laws, and that when this was yielded by the parties in rebellion the con-tights of the States, of individuals, unim-paired. This resolution was adopted, and sent mired. This resolution was adopted, and sent

This resolution was adopted, and sent forth to the world, unanihuously, by the Senate, and with only two dissenting volces by the House. It was accepted by the friends of the Union in the South as well as In the North, as expressing honestly and truly the object of the war. On the faith of it many thousands of persons in both sec-tions give their lives and thair fortunes to the cause. To remain the way by refusing he cause. To repudiate it now, by refusing o the States, and to the individuals within hem, the rights which the Constitution and aws of the Union would secure to them is

laws of the Union would secure to them is a breach of our plighted honor, for which I can imagine no excuse, and to which I can-not voluntarily become a party. Theevils which spring from the unsettled state of our Government, will be acknow-ledged by all. Commercial intercourse is impeded, capital is in constant pori, public securities fluctuate in value, peace itself is water securities fluctuate in value, peace itself is not secure, and the sense of moral and political duty is impaired. To avert these

political duty is impaired. To avert these calamities from our country, it is impora-tively required that we should immediately decide upon some course of administration which can be steadfastly adhered to. I am thoroughly convinced that any set-tlement, or compromise, or plan of action which is inconsistent with the principles of the Constitution will not only be unavailing but mischievous, that it will but multiply the present evils instead of removing them. The Constitution it its whole integrity and The Constitution in its whole integrity and vigor throughout the length and breadth of rigor throughout the length and broken be land is the best of all compr compromises. 1 my judgment the land is the best of all compromises, Besides our duty does not in my judgment leave us a choice between that and any other. I believe that it contains the remedy that is so much needed, and that if the co-ordinate branches of the Government would unite upon its provisions, they would be found broad enough and strong enough to sustain in time of source. the nation which sustain, in time of pance, the nation which they bore safely through the ordeal of a protracted civil war. Among the most sucred guarantees of that instrument are those which declare that "Each State shull those which declare that "Each State shall have, at least, one representative," and that "no State, without its consent, shall be de-prived of its equal suffrage in the Senate." Each House is made the "judge of the elec tions, returns, and qualifications of its own members," and may "with the concurrence of two-thirds expet a member." Thus, as heretofore urged, in the admission of Scan-tors and Representatives from any and all the States, there can be no just grounds of apprehension that persons who are disloyal apprehension that persons who are disloyal will be clothed with powers of legislation, for this could not happen when the Consti-tution and the laws are enforced by a vigitution and the laws are enforced by a vigi-lant and faithful Congress. When a Sona-tor or representative presents his certificate of election, he may at once be admitted or rejected; or should there be any question as to his eligibility, his credentials may be referred for investigation to the appropriate committee. If admitted to a seat, it must be upon evidence satisfactory to the House of which he thus becomes a member, that he possesses the requisite consti-tutional and legal qualifications. If re-fused admission as a member for want of

now exists in the rebel status of Grighman North Carolina, Georgia Mississippi, Alahanna, Louisiana, Florida Texus, and Arkansas; and whereas, it is necessary that peace and good order should be enforced in said States until loyal an blican State governments can be ' established. republican

This preamble distinctly affirms that no legal State government exists in the State of Virginia; and under the provisions of the bill, Gov. Pierpont will be turned out of the Executive Chair and a Brigadier General will be appointed to execute the laws, or whatever he may choose to substitute for them.

The public will not find it difficult to remember when and how Mr. Pierpont became Governor of Virginia. After the constituted authorities of that State had passed an ordinance of secession and hostilities had actually broken out. the Union men in the western part of the State and along the Potomac, encouraged and sustained by the administration of President Lincolu, and applauded by the whole Radical party of the North, repudiated the Richmond government and elected a Governor and Legislature of their own. They chose Mr. Pierpont as their Chief Magistrate, and he and the Legislature elected along with him were recognized by President Lincoln and the Radical Congress of the United States as the legal State government of Virginia.

It was at this time considered very desirable to increase the number of free States, and the inhabitants of Western Virginia were encouraged to separate from the eastern part and to set up a State for themselves. This required the assent of the State of Virginia as well as that of the Congress of the United States. The Plerpont government assented in the name of Virginia, and when the Senators and Representatives of West Virginia knocked at the doors of the two

houses of Congress, they were admitted; "and they are there unto this day." Thus did Congress acknowledge the

legality of the Pierpont government of Virginia. If that government was no logal, then the State of West Virginia has no legal existence, and her Senators and Representatives have no right to sit in Congress. If it was legal then it is legal now, for Gov. Plerpont wields the Executive power at this moment by the same right that he wielded it when he signed the bill whereby the State of Virginia assented to the erection of the new State of West Virginia.

If the Radicals in Congress really be lieved that there is no legal government in Virginia, and were honest enough to actin accordance with their convictions they would tumble out the Senators and Representatives of West Virginia. But they want a good working two-thirds majority in the Senate ; and as the Senators from West Virginia, with an abject meanness that would disgrace a freedman who had never known his father. have bastardized themselves by voting for this military bill, which in effect declares that as Senators they were not born in lawful wedlock, they will be permitted to retain their seats, whilst Hoy. Pierpont, whose title is at least as good as theirs, will be cast out.

Will the time never come when the rank and file of the Radical party will see the glaring inconsistencies and the harefaced dishonesty of their leaders?

#### Indignant.

pire with the Thirty-Ninth Congress The Lebanon Advertiser is very in dignant over the rejection by the Sen ate, as Assessor of that District, of Malo Grant Weldman, a soldier who fough bravely in the war. The Advertiser says with more force than piety: "He re ceived his country's thanks on Saturday! To h-1 with such thanks!"

The Democrats have carried the city of Syracuse, making a gain of 763 in a single year. That looks well. Let our Connecti-vities of the second year. That looks well, Let on their whose both brethren do as much in their whose State, and they will win a victory whole influence will be felt from one end of the country to the other.

within the next three months to upply the pressing demands of starving nultitudes. Without this help from the North, three hundred thousand people will be in a state of suffering that must bring death to many of them. And be sides this, many planters will not have the means to provide the labor and the seed for another harvest. Let the contributions to the treasury

come in from the city and the country that supplies may be sent forward in generous shiploads. 

Impartial Suffrage. "Impartial suffrage" in Georgetown

loyal"

D. C., has resulted in the triumph of the negro over the white man. The press is jubilant; the "poor white trash " are requested to take back south the African stands erect asserting his dignity, his manhood, and his superiority over the Caucasian. The loyal Ramsay, Ross, Sherman, Sprague, Stew-art, Sumner, Trumbull, Van Winkle, Wade, Willoy, Wilson, Williams, Yatesxclaim that the election in Georgetown must be accepted as a refutation of all the absurd and evolistical theories that the white man has thrown around him-

38. NAYS.—Messrs, Buckalew, Cowan, Dayis, Dixon, Doolittle, Hendricks, Nesmith, Nor ton, Patterson, Sanisbury—10. ABSENT.—Messrs, Brown, Guthrie, Mc-Dongall, Riddle—4. The Chair, Mr. Foster, announced that two-thirds of both houses having voted to pass the bill, notwithstanding the objections of the President, it has become a law. The galleries had been densely crowded all the evening. Even the reporters' gal. self. It must be accepted as a refutation of the long-received belief that the African is inferior to the white by the economy of the Creation. Historic evi-

Mr. Buckalew next address

dence that six thousands year have failed to develope in the negro the ca-The guileries had been densely crowded all the evening. Even the roporters' gal-lery was packed, as it generally is on great occasions, with guilemen representing themselves as correspondents, whose con-nection with the press has probably been limited to writing advertisements of situa-tions wanted, dogs lost, or the like. The announcement of the vote was fol-lowed by strong manifestations of applause. The Chair directed the sergeant-at-arms to arrest the offenders against the decorum of the Senate. As the offenders were about a pacity for self-government, while around him all shades of the human family (save his own) have advanced to the lighest degrees of human refinement, must go for nought but assumption and orejudice of caste.

It matters not to the Radicals that while nation after nation has sprung the Senator is the offenders against the decorum of the Senator is the offenders were about a hundred to one against the doorkceepers, no arrests were made. HOUSE.—The reading of the message was admirably delivered, and was listened to with most unworked attention on the part of members on both sides of the House, and but the average area to the consider an investor. up, struggled for empire, and figured conspicuously in the world's history, the African has never emerged from his native wilds-never advanced one step from his native barbarism. In St Domingo, where something better might have been expected of him, from the very moment he escaped from the care and government of the white man he has gradually relaysed towards the condition of his Ethiopian progenitors. The polley of the Radicals in enfran chising the negroes of the South and scious that no effort of theirs can preven by this bill, as they think, a dissolution o lisfranchising the great bulk of the the Union. They only, in the name of the republic, in the name of all that they hold whites, will place a half-dozen of the Southern States under the immediate r, protest against this action control of a people but little removed from barbarism. What will be the result? Millions of people steeped in ig-

norance, incapable of a proper appreci ation of government, inflamed to madness by designing demagogues, will nevitably refuse to comply with their bigations to the general government. Those obligations must be enforced, and o! the poor African, like the poor Indian, will make his exit from the White Man's Republic at the point of the bavonet.

### Sixteen States Denied a Voice!

The Fortieth Congress has sixteer f the thirty-six States composing the Union unrepresented. Not only the ten Southern States are without a voice, but because of the blind and vindictive legislation of the Thirty-Nintl Congress, New Hampshire, Connecti cut, Tennessee, Rhode Island, Ken tucky, and California are without epresentation. The terms of the Congressmen from these last six States ex

nd as members from these last six States vill nut be elected for some time to ome, it now becomes a question. shall the Jacobins, with only five-ninths of the States composing the Union, be competent to enact laws governing the whole, when four-ninths are excluded by the vindictiveness of the bare majority? We call upon the people to

pause and think.

An embezzlement of \$50,000 from the First National Bank of Hudson, New York, has been rovealed by an investigation, and the author has been arrested.

andate, and direc. R. E. FENTON.

The Veto of the Tenure of Office Bill. The President says in his message: The gress he could see no power to establish military governments. Believing the bill to be a plain and palpable violation of the will, in this respect, conflicts, in my judg-ment, with the Constitution of the United ment, with the Constitution of the United States. This question, as Congress is well aware, is by no means a new one. That the power of removal is constitutionally vested in the President of the United States is a principle which has been not more distinctly declared by judicial author-ity and juridical commentators than it has been uniformly practiced upon by the Legislative and Executive Departments of the Government. The question arose in the House of Representatives so early as the 16th of June, 1789, on the bill for es-tablishing an Executive Department, de-nominated the Department of Foreign Affairs. \* \* \* \* Constitution, he should vote against it. Mr. Buckhlew next addressed the Senate against the bill, and after further debate the question was put, "Shall the bill pass, the President's objection notwithstanding?" It was decided in the affirmative, as follows: YEAS.-Messus. Anthony, Cattel, Chand-ler, Conness, Cragin, Creswell, Edmunds, Fessenden, Fogg, Foster, Fowler, Freiling, Huysen, Grimes, Harris, Henderson, How-ard, Howe, Johnson, Kirkwood, Lane, Morgan, Morrill, Nye, Poland, Pomeroy, Ramsey, Ross, Sherman, Springue, Stewsed the Senate

The subject was long and earnestly de-bated in the Senate, and the early construc-tion of the Constitution was nevertheless freely accepted as binding and conclusive upon Congress. The question came before the Supreme Court of the United States in January 1883, *exparte* Hennen. It was declared by the Court on that occasion that the power of removal from office was a sub-ject much disputed, and upon which a great diversity of opinion was entertained in the early history of the Government. This related, however, to the power of the President to remove officers appointed with

President to remove officers appo he concurrence of the Senate, and the grea question was, whether the removal was to be by the President alone, or with the con-currence of the Senate, both constituting the

eurrence of the Senate, both constituting the appointing power. No one denied the power of the President and Senate Jointly to remove where the tenure of the office was not fixed by the Constitution, which was a full recognition of the principle that the power of removal was incident to the power of appointment. But it was very early adopted as a practical construction of the Constitution, that this power was vested in the President alone, and such would appear to have been the legislative construction of the Constitution;

inguishive construction of the Constitution; for, in the organization of the three great Departments of State, War and Treasury, in the year 1789, provision was made for the appointments of a subordinate officer by the head of the Department who should have charge of the records, books and papers ap-pertaining to the officer when the head of the Department should be removed from office by the President of the United States. The President then quotes Judge Story and Chancellor Kent in support of his argument, and says: The events of the last war furnished a practical confirmation of the wisdom of the Constitution, as it has hitherto been maintained in many of its of members on both sides of the House, and by the spectators in the growded galleries. The Speaker—The question under the Constitution is—will the House on recon-sideration agree to the puesage of this bill ? Mr. Stevens—I propose that we proceed immediately to that question. Mr. Eldridge—The minority of the House, profoundly sonsible that their official duty would require them, if in their physical power, to defeat this bill, are equally con-scious that no effort of theirs can prevent

hitherto been maintained in many of its parts, including that which is now the subof this

dear, protest against this action of this Congress. Mr. Le Blond. As one member of the House on this side, believing as I do that the passage of this bill is the death-knell of republican liberty on this continent— [hughter on the Republican side]—if I had a sufficient number of members on this side of the House to stand with me, this bill never, nevershould become a law. I would leave it to the next Congress, with sixteen States unrepresented, to take the responsi-bility of striking this blow at the Govern-ment. parts, including that which is now the sub-lect of consideration. When the war broke out rebel enemies, traitors, abettors and sympathizers were found in every depart-ment of the Government, as well in the civil services as in the land and naval and military services. They were found in Con-gress and among the keepers of the Capitol; in foreign missions; in each and all of the Executive 'Departments; in the Judicial service; in the Post Office, and among the agents for conducting Indian affairs. As upon probable subsicion they were prompt-ly displaced by my predecessor, so far as they held their offices under executive au-thority, and their duties were confided to now and loyal successors, no complaints against that power or doubts of its wisdom were entertained in any quarter. I sin-cerely trust and believe that no such civil war is likely to occur again. I cannot doubt, however, that in what-ever form and on whatever occasion sedi-tion can raise an effort to hinder or embar-rass or defeat the legitimate action of this Government, whether by preperime the ect of consideration. When the war brok

rass or defeat the legitimate action of this Government, whether by preventing the overnment, whether by preventing the ollection of revenue, by disturbing the mblic peace, or separating the States or be raying the country to a foreign enemy, the ower of removal from office by the Execupower of removal from once by the Execu-tive as it has heretofore existed and been practised, will be tound indispensable un-der these circumstances, as a depository of the executive authority of the nation. I do not feel at liberty to unite with Congress in reversing it by giving my approval to the bill

A committee at Guelph, C. W., awarded a prize for a crop of 64,000 pounds of tur-nips from an acre of land. The second prize was given for a crop of 60,830 pounds. The lightest of five other crops was 52,820 pounds. The committee recommended anting turnips in drills 28 inches apart ad 9 to 12 inches apart in the rows.

States unrepresented, to take the responsi-bility of striking this blow at the Govern-mont. Mr. Eldridge. We understand that the Speakor will hold, and that a majority of the House will sustain him in that ruling, that by a two-thirds vote all rules can be suspended, including those under which the action of the majority has sometimes been resisted. That being so, we feel that it would be useless for us to make any further effort. Were it otherwise, I, for one, should feel it my duty to stand with with the gentleman from Ohio [Mr. Le Biond], unfil the last hour of this expiring Congress should have passed. The Speaker. The gentleman from Wis-consin [Mr. Eldridge] has alluded to an anticipated decision by the Chair, as if it was a new one. The Chair has stated to gentlemen on both sides frankly that every Speaker of all parties who has occupied this Chair has held that on Mondays, after the morning hour, and on the last ten days of a session, by the rules which we have our-serves adopted, two thirds can suspend all the rules of the House, thus suspending every rule that stands in the way of im-mediate action on any measure. It is not a new decision; it is as old as the history of Congress. The question was then taken on the pas-sage of the bill, and it resulted\_yeas 135, nays, 48, as follows: YEAS.—Messres. Alley, Allison, Ames, Anderson, Arnoil, Ashley (Nev.) Ashley, (Ohio). Baker, Baidwin, Banks, Barker, Baxter, Beaman, Benjamin, Bidweil, Bing-ham, Blaine, Blow, Boutweil, Brandegees Bromweil, Broomaall, Buckland, Bundy, Oankling, Gook, Cullom, Darling, Davis, Dawes, Defrees, Delano, Deming, Dixon, Dodge, Donnelly, Dumont, Eckley, Eggle-The only way to be happy is to take the The only way to be happy is to take the drops of happiness as God gives them to us every day of our lives. The boy must learn to be happy, while he is learning his trade; the merchant while he is making his fortune. If he fails to learn this art, he will be sure to miss his enjoyment when he gains what he has signed for.

into the adoption of principles and measures to which it is known that they are opposed and upon which they have an underlable right to exercise their own judgment. I submit to Congress whether this measure is not in its whole character, scope, and object, without precedent and without au thority, in palpable conflict with the plaines provisions of the Constitution, and utter destructive to those great principles of lib destructive to those great principles of lik erty and humanity for which our ancesto on both sides of the Atlantic have shed s

on both sides of the Atlantic have shed so much blood and expended so much treasure. The ten States named in the bill are di-vided into five districts. For each district an officer of the army not below the rank of Brigadier General is to be appointed to rule over the people, and ho is to be sup-ported with an efficient military force to enable him to perform his duties and en-force his authority. Those duties and that authority, as defined by the third section of the bill, are "to pro-tect all persons in their rights of person and property, to suppress insurrection, disor-

der, and violence, and to punisa, or cause to be punished, all disturbers of the public peace or criminals." The power thus given to the commanding officer over all the people of each district is that of an absolute monarch. His mere will is to take the place of all law. The law of the States is now the only rule applicable to the subjects placed under his control, and that is completely displaced by the clause which declares all interference of State authority to be null and void. He alone is permitted to determine what are rights of person or property, and he may protect them in such way as, in his discretion, may seem proper. It places at his free disposal all the lands and goods in his district, and he may distribute them without let or hindrance to whom he pleases.

without let or hindrance to whom he pleases. Being bound by no State law, and there being no other law to regulate the subject, he may make a criminal code of his own, and he can make it as bloody as any re-corded in history, or he can reserve the privilege of acting upon the impulse of his private passions in each case that arises. He is bound by no rules of ovidence; there is indeed no provision by which he is au-thorized or required to take any evidence at all. Everything is a crime which he chooses thorized or required to take any evidence at all. Everything is a crime which he chooses to call so, and all persons are condemned whom he pronounces to be guilty. He is not bound to keep any record or make any report of his proceedings. He may arreat his victims wherever he finds them, without warrant, accusation or proof of probable cause. If he gives them a trial before he inflict the numisiument, he gives it of his

whirmin, accusation or proof of probable cause. If he gives them a trial before he inflicts the punishment, he gives it of his grace and mercy—not because he is com-manded so to do. To a casual reader of the bill, it might seem that some kind of trial was secured by it to persons accused of crime, but such is not the case. The officer "may allow local civil tribunds to try offenders?" but such local civil tribunals to try offenders?" but, of course, this does not require that he shall do so. If any State or Federal court pro-sumes to exercise its legal jurisdiction by the trial of a malefactor without his special permission, be can break it up and punish the judges and jurors as being themselves malefactors. If can save his friends from justice, and despoil his enemies contrary to instice. astice. It is also provided that "he shall have

power to organize military commission ribunals."

power to organize military commission or tribunals." But this power he is not commanded to exercise. It is merely permissive and is to be used only when in his judgement it may be necessary for the trial of offenders. Even if the sentence of a commission were made a prerequisite to the punishment of a party, it would be scarcely the slightest check upon the officer who has authority to organize it as he pleases, prescribelts mode of proceeding, uppoint its members from among his own subordinates, and revise all its decisions. Instead of mitigating the harshness of his sliggle will, such a tribunal would be used much more probably to divide the respon-sibility of making it more cruel and ulust. Several provisions, dictated by the hu-manity of Congress, have been inserted in the bill, apparently to restrain the power of the commanding officer, but it seems to me that they are of no avail for that purpose. The fourth section provides, first, that trials The fourth section provides, first, that trial

The fourth section provides, first, that trials shall not be unnecessarily delayed, but I think I have shown that the power is given to punish without trial, and, if so, this pro-vision is practically inoperative. Second. Cruel or unusual punishment is not to be inflicted; but who is to decide what is cruel and what is unusual? The words have acquired a legal meaning by long use in the courts. Can it be expected that military officers will understand or fol-low a rule expressed in language so purely

that military officers will understand or fol-low a rule expressed in language so purely technical, and not pertaining, in the least degree, to their profession? If not, then, each officer may define crueity according to bis own temper, and if it is not nual, he will make it usual. Corporal punishment, imprisonment, the gag, the ball and chain, and the almost insupportable forms of tor-ture invented for military punishment, lie within the range of choice. *Third*. The sentence of a commission is not to be executed without being approved by the commander, if it affects life or liberty, and a sentence of death must be approved by the President. This applies to cases in which there has been a trial and a ases in which there has been a trial and

entence. I take it to be clear under this bill that the military commander may condemn to death without even the form of a trial by a military commission. So that the life of the

States was sovereign within its Constitu-tional sphere, that it executed its laws like the States themselves by applying its coer-cive power directly to individuals, and that cive power directly to individuals, and that it could put down insurrection with the same effect as a State, and no other. The opposite doctrine is the worst heresy of those who advocated secession, and cannot be agreed to without admitting that heresy to be right. Invasion, insurrection, rebel-lion, and domestic violence were anticipated when the Government was framed, and the means of repelling and suppressing them were wisely provided for in the Constitu-tion; but it was not thought necessary to declare that the States in which they might occur should be expelled from the Union. Rebellions, which were invariably sup-pressed, occurred prior to that out of which these questions grow. But the States conpressed, occurred prior to that out of which these questions grow. But the States con-tinued to exist, and the Union remained unbroken. In Massachusetts, in Pennsyl-vania, in Rhode Island, and in New York, at different periods in our history, violent and armed opposition to the United States was carried on. But the relations of those States with the Federal Government were not supposed to be interrupted or changed thereby, after the rebellious portions of their population were defeated and put down. It is true that in these earlier cases there was no formal expression of a deter-mination to withdraw from the Union. But it is also true that in the Southern. States t is also true that in the Southern State the ordinances of secession were treated by all the friends of the Union as mere null all the friends of the Union as mere nulli-ties, and are now acknowledged to be so by the States themselves. If we admit that they had any force or validity, or that they did, in fact, take the States in which they were passed out of the Union, we sweep from under our feet all the grounds upon which we stand in justifying the use of Federal force to maintain the integrity of the Government. This is a bill passed by Congress in time of peace. There is not, in any one of the States brought under its operation. The states brought under its operation. peration, either war or insurrection. The aws of the States, and of the Federal Govrnment, are all in undisturbed and har-nonious operation. The courts, State and ernment, are all in unlikurbed and har-monious operation. The courts, State and Federal, are open and in the full exercise of their proper authority. Over overy State comprised in these five military districts, life, liberty, and property are secured by State laws and Federal laws, and the National Constitution is everywhere in force and overywhere obeyed.— What, then, is the ground upon which this bill proceeds? The title of the bill an-nounces that it is intended for the more efficient government of these ten States. It is recited, by way of preamble, that no legal State governments, nor adequate pro-toction for life or property exist in these States, and that peace and good order should be thus enforced. The first thing which arrests attention, a cknowledged rule of constitutional law, which declares that the Federal Govern-ment has no jurisdiction, authority, or power to requilate such subjects for any State. To forecthe right of suffrage out of the hands of the white people, and into the hands of the negrees, is an arbitrary viola-tion of this principle. This bill imposes martial law at once, and its operations will begin so soon as the general and his troops can be put in place. The dread alternative between its harsh rule and compliance with the terms of this measure is not suspended, nor the people afforded any time for free deliberations. The bill says to them : Take martial law first, then deliberate. And when they have done all that this measure requires them to do, other conditions and contingencies over which they have no control yet remain to be fulfilled; before they as the relieved from martial law another Congress must first approve the constitutions made in conformity with the will of this Congress, and must declare manting one and unsettled, and must acent

be thus enforced. The first thing which arrests attention, upon these recitals, which prepare the way for martial law, is this: That the only foundation upon which martial law can exist, under our form of government, is not stated or so much as pretended; notial war, foreign invasion, domestic insurrection-none of these appear, and none of these, in fact, exist. It is not even recited that any sort of war or insurrection is threatened. will of this Congress, and must declare those States entitled to representation in both Houses. The whole question thus ro-mains open and unsettled, and must again occupy the attention of Congress; and in the meantime the agitation which now pre-valls will continue to disturb all portions of the people. The bill also denies the legality of the governments of ten of the States which participated in the ratification of the amendment to the Federal Constitution abolishing slavery forever within the juria sort of war or insurrection is threatened. Let us pause here to consider, upon this question of constitutional law and the power of Congress, a recent decision of the Supreme Cour of the United States in cz parte Milli-Cour of the United States in ex parte Milli-gan. I will first quote from the opinion ofthe majority of the court: "Martial lawcannot arise from a threatened invasion.The necessity must be actual and present,the invasion real, such as effectually closesthe courts and deposes the civil administra-tration." We see that martial law comes inonly when actual war closes the courtsand deposes the civil authority. But thisbill, in time of peace, makes martial lawoperate as though we were in actual war,and become the cause instead of the courseamendment to the Federal Constitution abolishing slavery forever within the juris diction of the United States, and practically excludes them from the Union. If this as-sumption of the bill be correct, their con-currence cannot be considered as having been legally given—and the important fact is made to appear that the consent of three-fourths of the States, the requisite number, has not been constitutionally ob-tained to the ratification of that amend-ment, thus leaving the question of slave-ry where it stood before the amendment was officially to have become a part of the nd become the cause instead of the conse-uence of the abrogation of civil authority

ne more quotation : "It follows from what has been said on "It follows from what has been said on this subject that there are occasions when martial law can be properly applied. If in foreign invasion or civil war the courts are actually closed, and it is impossible to ad-minister criminal justice according to law, then, on the theatre of active military oper-ations, where war really prevails, there is a necessity to furnish a substitute for the civil authority thus overthrown, to preserve the safety of the army and society; and as no power is left but the military, it is allowed to govern by martial rule until the laws can have their free course," I now quote from the opinion of the minority of the court, delivered by Chief Justice Chase: "We by no means assert that Congress can

Ident, thus leaving the question of slave-ry where it stood before the annendment was officially to have become a part of the Constitution, That the measure proposed by this bill does violate the Constitution in the particulars mentioned, and in many other ways, which I forbear to enumerate, is too clear to admit of the least doubt. It only remains to consider whether the in-junctions of that mstrument ought to be obeyed or not. I think they ought to be obeyed, for reasons which I will proceed to give as briefly as possible. In the first place, it is the only system of free govern-ment which we can hope to have as a na-tion when it ceases to be the rule of our conduct; we may, perhaps, take our choice between complete anarchy, a consolidated despotism, and total dissolution in the Union. But national liberty, regulated by law, will have passed beyond our reach. It is the best frame of government the world ever saw; no other is, or can be, so well adapted to the genius, hubits, or wants of the Ame-rican people, combining the strength of a meater empre, with unspeakable blessings quote from the opinion of the minority of the court, delivered by Chief Justice Chase: "We by no means assert that Congress can establish and apply the laws of war where no war has been declared or exists. Where peace exists the laws of peace must pre-vall." This is sufficiently explicit. Peace exists in all the territory to which this bill applies. It asserts a power in Congress in time of peace to set aside the laws of peace and to substitute the laws of war. The minority concurring with the majority de-clares that Congress does not possess that power. Again, and if possible more em-phatically, the Chief Justice with re-markable clearness and condensation sums up the whole matter as follows: "There are under the Constitution three kinds of military jurisdiction, one to beex-ercised both in peace and war; another to be exercised in time of foreign war without the boundaries of the United States or in time of rebellion and civil war within States or districts occupied by rebols, treated as bel-

to the genius, habits, or wants of the Ame-rican people, combining the strength of a greatempire, with unspeakable blessings of local self-government, having a central power to defond the general interests, and recognizing the authority of the States as the guardians of industrial rights. It is "the sheet-anchor of our safety abroad, and our peace at home," It was ordained "to form a more perfect Union, establish justice, insure domestic tranquility, pro-mote the general welfare, provide for the common defence, and secure the blessings of liberty to ourselves and to our pros-perity." These great ends have been at-tained heretofore, and will be again by faithful obedience to it, but they are certain

#### ----Impeachment Report.

Impeachment Report. The Committee on the Judiciary of the House charged with an examination of cer-tain allegations of high crimes and misde-memors against the President of the United States, made a report through Representa-tive Wilson, of lowa, on Saturday night. The committee say, that soon after the adoption of the House resolution, Hon. James M. Ashley communicated to the committee such facts as he possessed in support of his accusations, and the investi-gation has since been almost uninterrupt-edly proceeded with. A large number of witnesses have been examined, and many documents collected, but the investigation covers such a wide field that the committee have not finished their labors, and cannot make a definite report. Sufficient testimake a definite report. Sufficient mony, however, says the committee been brought to its notice to justify an mand a further prosecution

mand a further prosecution of the investi-gation. The testimony taken will pass into t e custedy of the Clerk of the House, and can go into the hands of such committee as may be charged with bringing this investigation be charged with bringing this investigation to a close. The report is signed by Thomas D. Morris, Chairman, F. E. Woodbridge, George P. Boutwell, Thomas Williams, Barton C. Cook and William Lawrence. Representative A. J. Rogers presented a minority report; says ho has curefully ex-amined the testimony, and inds not one particle of evidence to sustain any of the charges made. Most of the testimony taken has been of a secondary character, and would not be admitted in a court of justice. He does not see why the committee should hold back the testimony and keep the country longer in a state of excitement, when the end must be a complete vindica-tion of the President, if justice be done by the committee. the committee.

# The Washington County Homicide----Robert Folger Convicted of Murder in the First Degree.

Robert Foiger Convicted of Murder in the First Degree. The trial of Folger, indicted for the murder of Robert Dinsmore, of Washington county, on the night of the 14th of December last, was commenced in the Court of Oyer and Terminer of Washington county, last week, and the case was given to the jury on Satur-day night. The murder, it will be romom-bered, wis committed in December last. Mr. Dinsmore was a farmer, and resides about four miles from Washington. On the night of the murder two men called at Mr. Dinsmore's house, and asked to see him 7 When he made his appearance at the door he was immediately seized and murdered. Folger was arrested the day following the murder, and after his incarceration in jail made a confession in which he acknow-ledged his guilt, and implicated Wm. Mont-gomery, son of Hon. Win, Montgomery, one of the leading members of the Washington county bar, as an accomplice. Montgomery was arrested some time afterwards in West

What arrested some time alterwirds in west Virginia. Folger was first placed on trial, and, as stated above, the case was submitted to the jury on Saturday night. Montgomery's trial commenced yesterday morning, and Folger will be called as a witness by the prosecution.

Folger will be called as a winness by the prosecution. The jury in Folger's case agreed upon a verdict at half-past six o'clock on Saturday evening, finding him "guilty of murder in the first degree," When the verdict was read to the prisoner he maintained the greatest composure. He was remanded for entence.

Mrs. E. R. Hopkins, the wife of a respect-able mechanic in Richmond, Va., eloped with a man named Robert J, Fleming, on Wednesday last,

property, to suppress insurrection, disor-der, and violence, and to punish, or cause to be punished, all disturbers of the public

