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MONTROSE DEMOCRAT.

We Join Ourselves to no Party that Does not Carry the Flag and Keep Step to the Music of the Whole Union.

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ALL KINDS of JOB PRINTING
DONE AT THE OFFICE OF THE
DEMOCRAT,
NEATLY AND PROMPTLY,
AND AT "LIVE AND LET LIVE" PRICES.

THE office of the Montrose Democrat has recently been supplied with a new and choice variety of type, etc., and we are now prepared to print pamphlets circulars, etc., etc., in the best style, on short notice.

Handbills, Posters, Programmes, and other kinds of work in this line, done according to order

Business, Wedding, and Ball CARDS Tickets, etc., printed with neatness and despatch.

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DEALER in Dry Goods, Groceries, Umbrellas, Yankee Notions, Boots and Shoes, Shovels and Forks, Stone Ware, Wooden Ware and Brooms. Head of Navigation, Public Avenue.
Montrose, Pa., May 13, 1862.-1y

WM. HUNTTING COOPER.....HENRY DRINKER.
WM. H. COOPER & CO.,
BANKERS.—Montrose, Pa. Successors to Post, Cooper & Co. Office, Lathrops' new building, Turnpike-st.

J. B. M'COLLUM.....D. W. SEARLE,
McCOLLUM & SEARLE,
ATTORNEYS and Counsellors at Law,—Montrose, Pa. Office in Lathrops' new building, over the Bank.

DR. WILLIAM. W. WHEATON,
ECLECTIC PHYSICIAN & SURGEON DENTIST.
WITH DR. MYRON WHEATON,
Mechanical and Surgical Dentist, recently of Binghamton, N. Y. tender their professional services to all who appreciate the "Reformed Practice of Physic;" careful and skillful operations on Teeth; with the most scientific and approved styles of platework. Teeth extracted without pain and all work warranted.
Jackson, June 14th, 1859. y*

DR. H. SMITH & SON,
SURGEON DENTISTS,—Montrose, Pa. Office in Lathrops' new building, over the Bank. All Dental operations will be performed in good style and warranted.
J. C. OLMSTEAD.....J. L. READ.
DRS. OLMSTEAD & READ,
WOULD ANNOUNCE to the Public that they have entered into a partnership for the
Practice of MEDICINE & Surgery,
and are prepared to attend to all calls in the line of their profession. Office—the one formerly occupied by Dr. J. C. Olmstead, in DUNDAFF. my 13m.

JOHN SAUTTER,
FASHIONABLE TAILOR.—Montrose, Pa. Shop over I. N. Bullard's Grocery, on Main-street. Thankful for past favors, he solicits a continuance—pledging himself to do all work satisfactorily. Cutting done on short notice, and warranted to fit.
Montrose, Pa., July 2th, 1860.—tf.

P. LINES,
FASHIONABLE TAILOR.—Montrose, Pa. Shop in Phœnix Block, over store of Read, Watrous & Foster. All work warranted, as to fit and finish. Cutting done on short notice, in best style. jan '60

JOHN GROVES,
FASHIONABLE TAILOR.—Montrose, Pa. Shop near the Baptist Meeting House, on Turnpike treet. All orders filled promptly, in first-rate style. Cutting done on short notice, and warranted to fit.

L. B. ISBELL,
REPAIRS Clocks, Watches, and Jewelry at the shortest notice, and on reasonable terms. All work warranted. Shop in Chandler and Jessup's store, Montrose, Pa. oct25 tf

WM. W. SMITH & CO.,
CABINET AND CHAIR MANUFACTURERS.—Foot of Main street, Montrose, Pa. aug tf

C. O. FORDHAM,
MANUFACTURER of *BOOTS & SHOES*, Montrose, Pa. Shop over Tyler's store. All kinds of work made to order, and repairing done neatly. jc2 y

ABEL TURRELL,
DEALER in Drugs, Medicines, Chemicals, Dye-Stuffs, Glass Ware, Paints, Oils, Varnish, Window Glass, Groceries, Fancy Goods, Jewelry, Perfumery, &c.—Agent for all the most popular PATENT MEDICINES.—Montrose, Pa. aug tf

DAVID C. ANEY, M. D.,
HAVING located permanently at New Milford, Pa., will attend promptly to all calls with which he may be favored. Office at Todd's Hotel.
New Milford, July. 17, 1861

MEDICAL CARD.

DR. E. PATRICK, & DR. E. L. GARDNER,
LATE GRADUATE of THE MEDICAL DEPARTMENT OF YALE COLLEGE, have formed a copartnership for the practice of Medicine and Surgery, and are prepared to attend to all business faithfully and punctually, that may be intrusted to their care, on terms commensurate with the times.
Diseases and deformities of the EYE, surgical operations, and all surgical diseases, particularly attended to.
☞ Office over Webb's Store. Office hours from 8 a. m. to 9 p. m. All sorts of country produce taken in payment, at the highest value, and CASH NOT REFUSED.
Montrose, Pa., May 7th, 1862.—tpf

HAYDEN BROTHERS,
WHOLESALE DEALERS IN
YANKEE NOTIONS
—AND—
FANCY GOODS.
WM. HAYDEN,
JOHN HAYDEN,
TRACY HAYDEN,
GEORGE HAYDEN.
NEW MILFORD, PA.

P. E. BRUSH, M. D.,
HAVING NOW LOCATED PERMANENTLY, AT
Springville,
Will attend to the duties of his profession promptly.
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TAKE NOTICE!
Cash Paid for Hides,
Sheep Pelts, Fox, Mink, Muskrat, and all kinds of Furs. A good assortment of Leather and Boots and Shoes constantly on hand. Office, Tannery, & Shop on Main Street.
Montrose, Feb. 6th. A. P. & L. C. KEELER

FIRE INSURANCE.
THE INSURANCE CO. OF NORTH AMERICA,
AT PHILADELPHIA, PA.,
Has Established an Agency in Montrose.
The Oldest Insurance Co. in the Union.
CASH CAPITAL PAID IN.....$500,000
ASSETS OVER.....$1,200,000.
THE rates are as low as those of any good company in New York, or elsewhere, and its Directors are among the first for honor and integrity.
CHARLES PLATT, Sec'y. ARTHUR G. COFFIN, Pres.
Montrose, July 15, '62. BILLINGS STROUD, Ag't.

HOME
INSURANCE COMPANY,
Of New-York.
CASH CAPITAL, ONE MILLION DOLLARS.
ASSETS 1st July' 1860, $1,481,819.27.
LIABILITIES. " " 43,068:68.
J. Milton Smith, Sec'y. Chas. J. Martin, President.
John McGee, As't " A. F. Willmarth, Vice "
Policies issued and renewed, by the undersigned, at his office, one door above Searle's Hotel, Montrose, Pa.
nov23 y BILLINGS STROUD, Agent.

H. BURRITT
HAS just received a large stock of new Stoves, for Cooking, Parlor, Office and Shop purposes, for Wood or Coal, with Stove Pipe, Zinc, &c.
His assortment is select and desirable, and will be sold on the most favorable terms for *Cash*, or to *Prompt Six Months Buyers*.
New Milford, Oct. 25th, 1860.

WANTED—A respectable person of either sex in every neighborhood to sell J. R. Stafford's OLIVE TAR, and also J. R. Stafford's IRON AND SULPHUR POWDERS. Olive Tar is a thin, transparent fluid; it is the best remedy known for diseases of the throat, lungs, or Catarrh. Also for diphtheria, Croup, Whooping Cough, &c. My Iron and Sulphur Powders strengthen the system, aid the digestion, and purify the blood. I have a sixteen page pamphlet containing full explanations, and over one hundred testimonials from well known prominent persons, which I will send to any one free by mail.
J. R. STAFFORD, Chemist.
413 Broadway, N. Y.
jn30—1y*

Dandelion Coffee.
A HEALTHY beverage. One pound of this Coffee will make as much as two pounds of other Coffee. For sale by ABEL TURRELL.

SALT, by the Barrel, Sack or Pound. A. TURRELL

THE MILITARY POWER OF THE PRESIDENT.

ABLE OPINION OF JUDGE CURTIS.

We make the following extract from a recent pamphlet written by the Hon. Benjamin R. Curtis, of Boston, late judge of the United States Supreme Court, and the distinguished author of the masterly dissenting opinion in the Dred Scott case, which was so much praised by the Republicans:

The Proclamation of Emancipation, if taken to mean what in terms it asserts, is an executive decree that on the first day of January next all persons held as slaves, within such States or parts of States, as shall then be designated, shall cease to be lawfully held to service, and may, by their own efforts and with the aid of the military power of the United States, vindicate their lawful rights to their personal freedom.

The persons who are the subjects to this proclamation are held to service by the laws of the respective States in which they reside, enacted by State authority, as clear and unquestionable, under our system of government, as any law passed by any State on any subject.

This proclamation, then, by an executive decree, proposes to repeal and annul valid State laws which regulate the domestic relations of their people. Such is the mode of operation of the decree.

The next observable characteristic is that this executive decree holds out this proposed repeal of state laws as a threatened penalty for the continuance of a governing majority of the people of each state, or part of a state, in rebellion against the United States. So that the President hereby assumes to himself the power to denounce it as a punishment against the entire people of a State, that the valid laws of that State, which regulae the domestic conditions of its inhabitants, shall become null and void, at a certain future date, by reason of the criminal conduct of a governing majority of its people.

This penalty however it should be observed, is not to be inflicted on those persons who have been guilty of treason. The freedom of their slaves was already provided for by the act of Congress recited in a subsequent part of the proclamation. It is not, therefore as a punishment of guilty persons that the commander-in-chief decrees the freedom of slaves of loyal persons, or of those who, from their tender years or other disability, cannot be either disloyal or otherwise, that the proclamation is to operate, if at all; and it is to operate to set them free, in spite of the valid laws of their States, because a majority of the legal voters do not send representatives to Congress.

Now it is easy to understand how persons held to service under the laws of these States, and how the army and navy, under the orders of the President, may overturn these valid laws of the States, just as it is easy that any law may be *violated by physical force*. But I do not understand it to be the purpose of the President to incite a part of the inhabitants of the United States to rise in insurrection against valid laws but that, by virtue of some power which he possesses he proposes to annul those laws, so that they are no longer to have any operation.

The second proclamation and the orders of the Secretary of War which follow it, place every citizen of the United States under the direct military command and control of the President. They declare and define new offenses, not known to any law of the United States. They subject all citizens to be imprisoned under a military order at the pleasure of the President, when, where, and so long as he, or whoever is acting for him, may choose.—They hold the citizens to trial before a commission appointed by the President, or his representative, for such acts or omissions as the President may think proper to decree to be offensive; and they subject him to such punishment as such military commission may be pleased to inflict. They create new offices, in such number, and whose occupants are to receive such compensations as the President may direct; and the holders of these offices scattered through the States, but with one chief inquisitor at Washington, are to inspect and report upon the loyalty of the citizens, with a view to the above described proceedings against them, when deemed suitable by the central authority.

Such is the plain and accurate statement of the nature and extent of the powers asserted in these executive proclamations.

What is the source of these vast powers? Have they any limit? Are they divided from, or are they utterly inconsistent with the Constitution of the Unted States?

The only supposed source or measure of these vast powers appears to have been designated by the President, in his reply to the address of the Chicago clergymen, in the following words: "Understand, I raise no objections to it on legal or unconstitutional grounds; for, *as commander-in-chief of the army and navy, in time of war I suppose I have a right to take any measure which may best subdue the enemy.*" This is a clear and frank declaration of the President respecting the origin and extent of the power he supposes himself to possess; and so far as I know, *no source of thse powers other than the authority of commander-in-chief in time of war has ever been suggested.*

There has been much discussion concerning the question whether the power to suspend the "privilege of the writ of *habeas corpus*" is conferred by the Constitution on Congress or on the President. The only judicial decisions which have been made upon this question have been adverse to the power of the President. Still, very able lawyers have endeavored to maintain—perhaps to the satisfaction of others—have maintained, that the power to deprive a particular person of the privilege of the writ is an executive power. For while it has been generally, and, so far as I know universally admitted, that Congress alone can suspend a law or render it inoperativ, and consequently that Congress alone can prohibit the courts from issuing the writ, yet that the executive might, in particular cases, suspend or deny the privilege that the writ was intended to secure. I am not aware that any one has attempted to show that under this grant of power to suspend the privilege of the writ, the President may annul the laws of States, create new offenses unknown to the laws of the United States, erect military commissions to try and punish them, and then, by a sweeping decree, suspend the writ of *habeas corpus* as to all persons who shall be "arrested by ANY military authority." I think he would make a more bold than wise experiment on the credulity of the people who should attempt to convince them that this power is to be found in the habeus corpus clause of the constitution. No such attempt has been, and I think none such will be made. And therefore, I repeat, that no other source of this power *has ever been suggested*, save that described by the President himself, as belonging to him as the commander-in-chief.

It must be obvious to the meanest capacity that, if the President of the United States has an *implied* constitutional right, as commander-in chief of the army and navy, in time of war, to disregard any one positive prohibition of the Constitution, or to exercise any one power not delegated to the United States by the Constitution, because, in his judgment, he may thereby "best subdue the enemy," he has the same right, for the same reason, to disregard each and every provision of the constitution, and to exercise all power needful *in his opinion*, to enable him "best to subdue the enemy."

It has never been doubted that the power to abolish slavery within the states was not delegated to the United States by the Constitution, but was reserved to the States. If the President, as commander-in-chief of the army and navy in time of war, may, by an executive decree, exercise this power to abolish slavery in the States, which power was reserved to the States, because he is of opinion that he may thus "best subdue the enemy," what other power, reserved to the States or to the people, may not be exercised by the President, for the same reason, that he is of opinion he may thus best subdue the enemy? And if so, what distinction can be minde between powers not delegated to the United States at all, and powers which though thus delegated, are conferred, by the Constitution upon some department of government other than the Executive. The proc. of Sept. 24, 1862, and the orders of the War Department, intended to carry it into practical effect, are manifest assumptions by the President of powers delegated to the Congress and to the judicial department of the Government. It is a clear and undoubted prerogative of Congress alone, to define lla desfenses, and to affix to each some appropriate and not cruel or unusual punishment. But this proclamation and these orders create new offenses not known to any law of the United States. At the same time they may include, among many other things, acts which are offenses against the laws of United States, and among others treason. Under the Constitution and laws of the United States, except in cases arising in the judiciary of the United States and a jury of his peers; and he is required by the Constitution to be punished, in conformity with some act of Congress applicable to the offense proved, enacted before its commission. But this proclamation and these orders remove the accused from the jurisdiction of the judiciary; they substitute a report made by some deputy provost marshal, for the presentment of a grand jury they put a military commission in place of a judicial court and jury required by the Constitution; and they apply the discretion of the commission and the President, fixing the degree and kind of punishment, instead of the law of Congress fixing the penalty of the offense.

It no longer remains to be suggested that if the ground of action announced by the President be tenable, he may, as commander-in-chief of the army and navy, use powers not delegated to the United States by the Constitution; or may use powers by the Constitution exclusively delegated to the legislative and judicial departments of the government. These things have been already done, so far as the proclamation and orders of the President can effect them.

It is obvious that if no private citiven is protected by the safe-guards thrown around him by the express provisons of the Constitution, but each and all of those safe-guards may be disregarded, to subject him to military arrest upon the report of some deputy provost marshal, and imprisonment at the pleasure of the President, and trial before a military commission, and punishment at its discretion, because the President is of the opinion that svch proceedings may 'best subdue the enemy,' then all members of either House of Congress and every judicial officer is liable to be proceeded against as a "disloyal persons, by the same means and in the same way. So that, under this assumption concerning the implied powers of the President as commander-in-chief in time war, if the President shall be of opinion that the arrest incarceration, and trial before a military commission of a judge of the United States, for some judicial decision, or of one or more members of either House of Congress for words spoken in debate is "a measure which may best subdue the enemy," there is then conferred on him by the Constitution the rightful power so to proceed against such judical or legislative officer.

This power is certainly not found in any express grant of power made by the Constitution to the President, nor even in any delegation of power made by the constitution of the United States to any department of the Government. It is claimed to be found solely in the fact that he is the commander-in-chief of its army and navy, charged with the duty of subduing the enemy. And to this end, as he understands it, he is charged with the duty of using, not only those great and ample powers which the Constitution and laws, and self devotion of the people in executing them have placed in his hands, but charged with the duty of using powers which the people have reserved to the States, or to themselves; and is permitted to break down those great Constitutional safe guards of the partition of governmental powers, and the citizens from mere executive control which are at once both the end and means of free government.

The necessary result of this interpretation of the Constitution is that, in time of war, the President has any and all power which he may deem it necessary to subdue the enemy; and that every private and personal right of individual security against mere executive control, and every right reserved to the States, or to the people, rest merely upon military discretion.

But the military power of the President is derived solely from the Constitution; and it is as sufficiently defined there as his purely civil power. These are its words.

"The President shall be commander in chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States."

This is his military power. He is the general-in-chief, and as such, in prosecuting the war may do what Generals in the field are allowed to do within the sphere of their actual operations, in subordination to the laws of the country, from which they derive their authority.

When the Constitution says that the President shall be the commander-in-chief of the army and navy of the United States, and of the militia of the several States when called into actual service of the United States, does not mean that he shall possess military power and command over all citizens of the United States; that, by military edicts, he may control all citizens, as if enlisted in the army or navy, or in the militia called into the actual service of the United States? Does it mean that he may make himself a legislator, and enact penal laws governing the citizens of the United States, and erect tribunals, and create offices to enforce his penal edicts upon citizens? Does it mean that he may, by a prospective executive decree, repeal and annul the laws of the several States, which respect subjects reserved by the Constitution for the exclusive action of the States and the people? The President is commander-in-chief of the army and navy, not only by force of the Constitution, but under and subject to the Constitution, and to every restriction therein contained, and its every law enacted by its authority.

He is general-in-chief; but can a general-in-chief disobey any law of his own country? When he can, he superadds to his rights as commander, the powers of a usurper; and that is a military despotism. In the noise of arms we have become deaf to the warning voice of our fathers, to take care that the military shall always be subsetvient to the civil powers? Instead of listening to these voices, some persons now seem to think that this is enough to silence objection, to say the enemy, there is no civil right to do this or that, but it is a military act. They seem to have forgotten that every military act is to be tested by the Constitution and laws of the country, under whose authority it is done. And, that under the Constitution and laws of the United States, no more than under the government of Great Britain, or under any free or any settled government, the mere authority to command an army is not an authority to disobey the laws of the country.

The framers of the Constitution thought it wise that the powers of the commander-in-chief of the military forces of the United States should be placed in the hands of the chief civil magistrate. But the powers of the commander-in-chief are in no degree enhanced or increased by being conferred upon the same office, who has important civil functions. If the Constitution had provided that a commander-in-chief should be appointed by Congress, his powers would have been the same as the military powers of the President now are. And what would be thought by the American people of an attempt by a general-in-chief to legislate by his decrees for the people and for the States.

Besides, all the powers of the President are executive merely. He cannot make a law. He cannot repeal one. He can only execute the laws. He can neither make, nor suspend nor alter them.—He cannot even make an article of war. He may govern the army either by general or special orders, but only in subordination to the laws and Constitution of the United States, and the articles of war enacted by the legislative power.

The time has come when the people of the United States must understand and must apply those great rules of civil liberty which have been arrived at by the self-devoted efforts of thought and action of their ancestors, during seven hundred years of struggle against arbitrary power. If they fail to understand and apply them, if they fail to hold every branch of the government steadily to them, who can imagine what is to come out of this desperate struggle? The military power of seven of these states being destroyed—what then? What is to be their condition? What is to be our condition?

Are the great principles of free government to be consumed as means of war?—Are we not wise enough and strong enough to carry on this war to a successful military end without submitting to a loss of any one great principle of liberty? We are strong enough. We are wise enough, if the people and their servants will but understand and observe the just limits of military power.

What, then, are those limits? They are these. There is military law; there is martial law. *Military* law is that system of laws enacted by the legislative power for the government of the army and navy of the United States, and of the militia when called into the actual service of the United States. It has no control whatever over any person or any property of any citizen. It could not even apply to the teamsters of an army, save by force of express provisions of the laws of Congress, making such persons amenable thereto. The persons and the property of private citizens of the United States are as absolutely exempted from the control of military law, as they are exempted from the control of the laws of Great Britain.

But there is also *martial law*. What is it? It is the will of a military commander, operating, without any restraint save his judgment, upon the lives, upon the property, upon the entire social and individual condition of all over whom this law extends. But, under the Constitution of the United States, over whom does such law extend?

Will any one be bold enough to say, in view of the history of our ancestors and ourselves, that the Preesident of the United States can extend such law as that over the entire country, or over any defined geographical part thereof, save in connection with some particular military operations which he is carrying on there? Since Charles I. lost his head, there has been no king in England who could make such a law in that realm. And where is there to be found, in our history or our constitutions, either state or national, any warrant for saying that a President of the United States has been empowered by the Constitution to extend martial law over the whole country, and to subject, thereby, to his military power every right of every citizen? He has no such authority.

In time of war, a military commander, whether he be the commander-in-chief or one of his subordinates, must posess and exercise powers, both over the persons and property of the citizens, which do not exist in time of peace. But he possesses and exercises such powers not in spite of the Constitution and laws of the United States or in derogation from their authority, but in virtue thereof and in strict subordination thereto. The general who moves his army over private property in the course of his operations in the field, or who impresses into the public service means of transportation or subsistence, to enable him to act against the enemy, or who seizes persons within his lines as spies, or destroys supplies in immediate danger of falling into the hands of the enemy, uses authority unknown to the Constitution and laws of the United States in time of peace; but not unknown to those laws and that Constitution in time of war. The power to declare war includes the power to use the customary and necessary means, effectually to carry it on. As Congress may institute a state of war, it may legislate into existence and place under executive control the means for its prosecution. And, in time of war, without any special legislation, not the commander-in-chief only, but every commander of an expedition or of a military post, is lawfully empowered by the Constitution and laws of the United States to do whatever is necessary, and is sanctioned by the laws of war, to accomplish the lawful objects of his command. But it is obvious that this implied authority must find early limits somewhere. If it were admitted that a commanding general in the field might do whatever in his discretion might be necessary to subdue the enemy, he could levy contributions to pay his soldiers; he could force conscripts into his service; he could drive out of the entire country all persons not desirous to aid him—in short, he would be the absolute master of the country for the time being.

No one has ever supposed—no one will now undertake to maintain—that the commander-in-chief, in time of war, has any such lawful authority.

What, then, is his authority over the persons and property of citizens? I answer that over all persons enlisted in his force he has military power and command—that over all persons and property within the sphere of his actual operations in the field, he may lawfully exercise such restraint and control as the successful prosecution of his particular military enterprise may, in his honest judgment, absolutely require; and upon such persons as have commited offenses against articles of war, he may, through appropriate military tribunals, inflict the punishment prescribed by law. And there his lawful authority ends.

The military power over citizens and their property is a power to act, not a power to prescribe rules for future action. It springs from present pressing emergencies and is limited by them. It cannot assume the functions of the statesman or legislator, and make provision for future or distant arrangements, by which persons or property may be made subservient to military uses. It is the physical force of an army in the field, and may control whatever is so near as to be actually reached by that force, in order to remove obstructions to its exercise.

But when the military commander controls the persons or property of citizens who are beyond the sphere of his actual operations in the field, when he makes laws to govern their conduct, he becomes a legislator. Those laws may be made actually operative; obedience to them may be enforced by military power; their purpose and effect may be solely to recruit or support his armies, or to weaken the power of the enemy with whom he is contending. But he is a legislator still; and whether his edicts are clothed in the form of proclamations or of military orders, by whatever name they may be called, they are laws. If he has the legislative power conferred on him by the people, it is well. If not, he usurps it.

He has no more lawful authority to hold all the citizens of the entire country, outside of the sphere of his actual operations in the field, amenable to his military edicts, than he has to hold all of the country subject to his military requisitions.—He is not the military commander of the citizens of the States, but of its soldiers.

Apply these principles to the proclamations and orders of the President.—They are not designed to meet an existing emergency in same particular military operation in the field; they prescribe future rules of action touching the persons and property of citizens. They are to take effect, not merely within the scope of military operations in the field or in their neighborhood, but throughout the entire country, or great portions thereof. Their subject matter is not military offenses, or military relations, but civil offenses and domestic relations; the relation of master and servant; the offenses of "disloyalty or treasonable practices." Their purpose is not to meet some existing and military emergency, but to provide for distant events, which may or may not occur; and whose connections, if they should coincide with any particular military operations, are indirect, remote, casual, and possible merely.

It is manifest that in proclaiming these edicts the President is not acting under the authority of military law; first, because military law extends only over the persons actually enlisted in the military service; and second, because these persons are governed by laws enacted by the legislative power. It is equally manifest that he is not acting under that implied authority which grows out of particular actual military operations; for these executive decrees do not spring from the special emergencies of any particular military operations, and are not limited to any field in which any such operations are carried on.

Whence, then, do these edicts spring? They spring from the assumed power to extend martial law over the whole territory of the United States; a power for the exercise of which by the President there is no warrant whatever in the Constitution, a power which no free people could confer upon an executive officer, and remain a free people. For it would make him the absolute master of their lives, their liberties and their property, with power to delegate his mastership to such of his satraps as he might select, or as might be imposed on his credulity or his fears. Amidst the great dangers which encompass us, in our struggles to encounter them, in our natural eagerness to lay hold of efficient means to accomplish our vast labors, let us beware how we borrow weapons from the armory of arbitrary power. They cannot be wielded by the hands of a free people. Their blows will finally fall upon themselves.

Distracted counsels, divided strength, are the very earliest effects of an attempt to use them. What lies beyond no patriot is now willing to attempt to look upon.

How a Lawyer Headed off a Draft Commissioner.

Says the Reading (Pa.) *Times*:—It is well known that Commissioner Kupp was very precise and exact in his proceedings; always keeping an eye to the interest of the country, while dealing honorably with all. Now it happened that among the able-bodied men drafted from one of the Heidelbergs, there was an obese specimen of humanity, but whom the chances bit as one of the elect. When he received his "ticket for soup" he hastened to Reading, and knowing where lived the cutest specimen of a lawyer, he went straight to his office. Said he

"I am drafted!"

"The duce you are; it must have been a strong man that drafted you!"

"Well, I'm drafted, and I want to get out. Can't march. I'll pay well."

"Very well."

The twain proceeded to the office of the Commissioner.

"Here," said the lawyer, "Commissioner, I have got a substitute."

Commissioner looked at the wheezy specimen for some time.

"He won't do; can't march."

"But he must do," blustered out the lawyer, "and you know he will."

"He can't march, he *won't do* and I can't take him.

This was what our smart friend wanted.

"He won't do, eh?"

"No, he won't."

"Well, then, scratch his name off the list; *he is drafted and wants to be exempted!*

The Commissioner looked at the lawyer for about a minute, then regarded the fat draft, and, without speaking a word, scratched off his name!

We don't vouch for the foregoing.

The Waste of War.

The beautiful valley of the Shenandoah is terribly wasted by the armies operating in that region. A letter from a soldier, dated three miles south of Winchester, says:

We passed through a section of most beautiful country, combining the romantic and picturesque, in the greatest degree. The valley of the Shenandoah is extensively known as comprising one of the finest and most fertile regions of country anywhere to be found. The very name is significant of beauty. It is one of the greatest wheat-growing countries we ever saw. Field after field of wheat met our eye, and we never so fully realized before what was meant by waving fields of grain.

We saw, between Harper's Ferry and Winchester, stacks of old wheat unthrashed, going to decay for want of laborers. The fields of wheat now growing and ripening so luxuriantly, must go to waste for the same reason. Slaves are making their escape daily, and what to do without slaves is an enigma to the people who inhabit the valley of the Shenandoah, and who have always been dependent on slave labor. Poor Virginia! She is paying most dearly for allowing herself to be bound with the shackles of secessionism. Would that she might arouse herself and throw them off, and, like Tennessee, try and take her place once more alongside her loyal sisters in the Union. No state can outrival her in wealth of natural resources, or in the beauty of her scenery. The artist need not go to Europe to find sketches of landscape for his pencil. He will find them here in profusion.

Detection of Atrocious Villainy.

The Northampton *Gazette* relates an instance where an extra mean species of fraud, too often practiced upon our soldiers, was discovered by an odd coincidence. A private who was convalescing in one of the hospitals craved some currant jelly so much that he gave his last two dollars for a pot of it, which the attendant refused to let him have otherwise, and also refused to let him buy a smaller quantity. On removing the wrapper the soldier was surprised to find a note directed to himself, and informing him that his own family sent him the welcome delicacy!

☞ John Adams' administration distinguished itself by an "alien and sedition law" but it never went the lengths we have witnessed recently, in crushing out the liberties of a loyal people.

SAD MEMORIES.

They tell me that I should not grieve
A loss so long gone by;
That blessings left, new blessings leave,
That should their place supply.
I cannot say it is not so,
To murmur may be sin;
But the grief was given long ago—
When will the rest begin?

I look upon my boy's bright face,
My heart warms to his smile;
But not the less that empty place
Lies cold within the while.
I see him bound o'er heath and sod,
Till all my pulses thrill;
But the little foot that never trod,
Oh! when will that be still.

All things must suffer change,
However fair before;
And hearts grow cold, and voices strange,
And love is love no more;
The old home fire may quench its gleams,
The dearest friends forget;
But the little face that haunts my dreams
Has never altered yet!

It never smiles, it never speaks,
Its calm eyes rest on mine,
And softly round the gentle cheeks
The fair curls float and twine.
The placid look is never stirred
By restlessness or pain;
And yet how often have I heard
That wailing cry again.

Sometimes when all are hushed in sleep,
And I awake alone,
I feel the tiny fingers creep,
And nestle in my own.
I listen to the low faint breath,
But know it is not there;
O Memory! thou art as strong as death,
But far more hard to bear!

The Drafted Wide-Awake.

I was a glorious Wide-Awake,
All marching in a row;
And wore a shiny oil-cloth cape,
About two years ago.
Our torches flared with turpentine,
And filled the streets with smoke;
And we were sure, whate'er might come;
Secession was a joke.
O, if I then had only dreamed
The things that now I know,
I ne'er had been a Wide-Awake
About two years ago.

My work was good, my wages high,
And bread and coal was low;
The silver jingled in my purse
About two years ago.
In peace my wife and children dwelt,
Happy the live-long day,
And war was but the fearful curse
Of countries far away.
O, if I then had only dreamed
The things which now I know,
I ne'er had been a Wide-Awake
About two years ago.

My wife sits pale and weeping now,
My children crying low;
I did not think to go to war
About two years ago.
And no one now will earn their food,
No one will be their shield;
God help them when I lie in death
Upon the bloody field!
O, if I then had only dreamed
The things which now I know,
I ne'er had been a Wide-Awake
About two years ago.

One brother's bones half-buried lie
Near the Antietam's flow;
He was a merry, happy lad
About two years ago.
And where the Chickahominy
Moves slow towards the sea,
Was left another wasted corpse—
I am the last of three.
O, if I then had only dreamed
The things which now I know,
I ne'er had been a Wide-Awake
About two years ago.

Just now I saw my torch and cape,
Which once made such a show;
They are not now what once they seemed
About two years ago.
I thought I carried Fredom's light,
In that smoky, flaming brand;
I've learned I bore destruction's torch—
That wedge has split the land.
O, if I then had only dreamed
The things which now I know,
I ne'er had been a Wide-Awake
About two years ago.

Had His Wits About Him.

An Irishman, driven to desperation by the hard times, procured a pistol and took to the road. Meeting a traveller, he stopped him with, "Your money or your life!" Seeing Pat was keen, he offered to give all his money for the pistol, to which Pat agreed, and each handed over. 'Now said the traveller, hand back the money, or I'll blow out your brains.' 'Blaze away my hearty, niver a dhrop of powther is there in it.'

☞ The radical presses have denounced no man, not even the President, with greater vehemence than they have Fernando Wood, ex-Mayor of New York. In a speech just before the election he said: "last Spring I was offered—and leading Republicans offered to put it into writing—that if I would desert they would make me the next Governor of New York." Comment is unnecessary.

☞ We have the announcement of the death of two of our Generals—O. M. Mitchel and J. B. Richardson. The former died at Beaufort of yellow feyer, on the 31st ult., and General Richardson died of the wounds received at the battle of Antietam at Sharpsburg on Monday night.