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DENT.

WASHINGTON, March 2.

The following is the message of the President of the United States, returning to the House of Representatives a bill entitled "An act to provide for the more efficient government of the Rebel States :

To the House of Representatives-I have more efficient government of the Rebel States" with the care and anxiety which ence on the minds of the patriotic and en be supported with an efficient military lightened men with whom the decision force to enable him to perform his duties must ultimately rest.

The bill places all the people of the ten domination of military rulers, and the preamble undertakes to give the reason upon which the measure is based, and the legal governments, and no adequate pro- The power thus given to the commantection for life or property, and asserts the ding officer over all the people of each disder within their limits. Is this true as mere will is to take the place of all law. actual government, with all the powers, his control, and that is, completely disare organized like the other States of the void. Union, and like them, they make, administo government, exercising such functions in his discretion may seem proper. It where the rulers, who exercise it, are withdraw from the Union. But it is al- be exercised or created under our Consti as these, is itself a law of the State upon places at his free disposal all the lands and strangers to their subjects, and come so true, that in the Southern States the tution, there is but one that can prevail all matters within its jurisdiction. To all matters within its jurisdiction. To goods in his district, and he may distrib-pronounce the supreme law making pow-are them without let or hindrance to distant power, and more especially when all the friends of the Union as mere nul-laws enacted by Congress for the governthat law itself is unlawful.

have made for the preservation of order, inal code of his own, and he can make it ry and Poland, and the suffering endured that they did, in fact, take the States in rolled in the militia in time of peace. But the suppression of crime, and the redress as bloody as any recorded in history, or by those people roused the sympathies of which they were passed out of the Union, this bill is not a part of that sort of miliof private injuries, are in substance and he can reserve the privileges of acting the entire world. It was tried in Ireland, we sweep from under our feet all the tary law, for that applies only to the solprinciple the same as those which prevail upon the impulses of his private passions and though tempered at first by principle the same as those which prevail upon the impulses of his private passions and though tempered at first by principle the same as those which prevail upon the impulses of his private passions and though tempered at first by principle the use of Federal force to maintain the wise the military law provided by this bill the use of Federal force to maintain the wise the military law provided by the bill bill the use of Federal force to maintain the origin on the the origin of the difference of the d lived countries. They certainly have not no rules of evidence; there is indeed no elties so atrocious that they are never resucceeded in preventing the commission provision by which he is authorized or counted without just indignation. The bill passed by Congress in time of peace. soldier. ed anywhere in the world. There as ersthing is a crime which he choces to with the departments of the republic. Insurrection. The laws of the states, and the forbids the exercise of judicial power woll as else where, accurate some times and all persons are condemned Southern departments of the republic. Insurrection. The laws of the states, and the forbids the exercise of judicial power woll as else where, accurate some times the southern and all persons are condemned southern and the republic. cape for want of vigorous prosecution, whom he pronounces to be guilty. He is The massacres, murders, and other atro- of the Federal government, are all in un- in any way but one, that is, by the orand occasionally, perhaps, by the ineffi- not bound to keep any record or make cities which they committed, show what rors. It is undoubtedly true that these arrest his victims wherever he finds them, civilized society will tempt them to do vale), North and South, by the demoral-izing influence of civil war, and by the izing influence of civil war, and by the isingled to the probable cause. If he gives them a trial isingled to the probable cause. If he gives them a trial isingled to the probable cause. If he gives them a trial isingled to the probable cause. If he gives them a trial isingled to the probable cause. If he gives them a trial isingled to the probable cause. If he gives them a trial isingled to the probable cause. If he gives them a trial isingled to the probable cause. If he gives them a trial isingled to the probable cause. If he gives the gives is the probable cause is the probable cause. If he gives the gives is the probable cause is the probable cause. If he gives the gives is the probable cause is the probable cause. If he gives is the probable cause is the probable cause is the probable cause. If he gives is the probable cause is the probable cause is the probable cause is the probable cause is the probable cause. If he gives is the probable cause is the probable cause is the probable cause is the probable cause is the probable cause. If he gives is the probable cause is the probable ca rancorous passions which the contest has of his grace and mercy, not because he ernment and keep them within the law, al laws, and the national Constitution is or speak of the danger to public liberty maintaining local governments for them-selves, which habitually defeat the object seem that some kind of trial was secured relied on to concede those rights which which this bill proceeds? The title of any pretense. A very recent decision of all government, and reuder their own to the total decision of all government and reuder their own to the total decision of all government and reuder their own to the total decision of the bill, it might was secured relied on to concede those rights which which this bill proceeds? edge. 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 divers opinions on questions of Federal policy, are completely united in the effort to reorganize their society on the basis of peace, and to restore their mutual prosperity as rapidly and as completely as their circumstances will permit. The bill, however, would seem to show peace and good order is not its real obin any State when certain events shall have happened. "These events are:

I submit to Congress whether this measure is not in its whole character, death without even the form of a trial by tion in the Legislature ? I have always scope, and object, without precedent and a military commission; so that the life of contended that the government of the three kinds of military jurisdiction, one to

stitution, and utterly destructive to those great principles of liberty and humanity for which our ancestors on both sides of lute despotism. But to make it still un- viduals, and that it could put down insurexamined the bill "To provide for the the Atlantic have shed so much blood endurable, the bill provides that it may be rection with the same effect as a State, and expended so much treasure.

The ten states named in the bill are distates with the care and anxiety which its transcendent importance is calculated to awaken. I am unable to give it my assent, for reasons so grave that I hope a rank of Brigadier General is to be appoint. For it declares that he the worst heresy of those who advocated shall "punish or cause to be punished." Such a power has not been wielded by any monarch in England for more than in the bill are di-secession, and cannot be agreed to with-secession, and cannot be agreed to with-secession, and cannot be agreed to with-secession, and cannot be agreed to with-trict an officer of the army not below the rank of Brigadier General is to be appoint. The form the public any monarch in England for more than in the bill are di-secession, and cannot be agreed to with-secession, and cannot be agreed to with-secession, and cannot be agreed to with-the states maintaining adhesion to invasion, insurrection, rebellion, and do-the national government, when the public statement of them may have some influ-cnce on the minds of the patrictic and en-be supported with an efficient military people who speak the English language the government was framed, and the these may be called jurisdiction under State should pass any bill of attainder... and enforce his authority.

States therein named under the absolute fined by the third section of the bill, are and every stranger within their limits to to declare that the States in which they ment of the national forces. The second "protect all persons in their rights of the most abject and degrading slavery. might occur should be expelled from the may be distinguished as military governperson and property, to suppress insur- No master ever had a control so absolute Union. rection, disorder, and violence, and to over his slaves ast this bill gives to the ground upon which it is justified. It de punish, or cause to be punished, all dis-ciares that there exists in those States no under the public peace or criminals. of ed persons.

er of an established State illegal is to say whom he pleases. Being bound by no the power that sends them is unfriendly. lities, and are now acknowledged to be ment of the national forces. That body state law, and there being no other law to Governments closely resembling that here so by the States themselves. If we ad. of military law has no application to the The provisions which these governments regulate the subject, he may make a crim- proposed have been fairly tried in Hunga- mit that they had any force or validity, or citizen, nor even to the citizen soldier enciency of courts, or the prejudices of ju- any report of his proceedings. He may the passions of the ablest men in the most

into the adoption of principles and meas- erty, and a sentence of death must be ap- throw of those who planned it, would that The minority concurring with the major. in ten States, and puts the life, property, ures to which it is known that they are proved by the President. This applies take away the rights of all the people of ity declares that Congress does not pos- liberty and honor of the people, in each of The Sherman Military Bill and tenure of Opposed, and upon which they have an Office Bill returned to Congress without opproval. It is known that they are proved by the President. This applies the congress does not pos-opposed, and upon which they have an of a sentence. It is applies the congress does not pos-to cases in which there has been a trial the counties where it was favored, by a sess that power. Again, and if possible, them, under the domination of a single opposed, and upon which they have an and a sentence. opposed. It take it to be clear under this bill that the counties areas the counter the domination of a single part or a majority of the population? the military commander may condemn to outlawed and deprived of their represendup the whole matter as follows :

delegated to as many subordinates as he and no other. The opposite doctrine is

tection for life or property, and asserts the ding officer over all the people of each dis-necessity of enforcing peace and good or-der within their limber. In Massachusetts, the third may be denominated martial der within their limber. Is this train a law proper, and is called into action by der within their limits. Is this trae as mere will is to take the place of all law. matter of fact? It is denied that the The law of the states is now the only rule States in question have each of them an applicab'e to the subjects placed under the to this kind of confidence as any other the target of confidence as any other united States was carried on. But the the case of justifying or excusing peril, class of men. But the history of the relations of those States with the federal by the President; in times of insurrection executive, judicial, and legislative, which placed by the clause which declares all in-properly belong to a free State. They t r crence of State authority to benull and not teach us that unrestrained authority terrupted or changed thereby, after the within districts or localities where ordincan never be safely trusted in human rebellious portions of their population ary law no longer adequately secures pub He alone is permitted to determine hands. It is almost sure to be more or were defeated and put down. It is true lic safety and private rights." ter, and execute the laws which concern what are rights of person or property, less abused under any circumstances, and that in these earlier cases there was no It will be observed that of the three their domestic affairs. An existing defact and he may protect them in such way as it has always resulted in gross tyranny formal expression of a determination to kinds of military jurisdiction which can

There is not in any one of the States I need not say to the representatives of

VETO MESSAGES OF THE PRESI- solely as a means of coercing the people by the commander, if it affects life or lib. State government, and end in the over- peace, and to substitute the laws of war. every vestige of Republican government

"There are, under the Constitution, without authority, in palpable conflict the condemned may depend upon the will United States was sovereign within its be exercised both in peace and war, an- and other crimes by legislative enact-with the plainest provisions of the Con- of two men instead of one. Constitutional sphere, that it executed its other to be exercised in time of foreign ment. The person accused, had a hear-It is plain that the authority here giv. laws like the States themselves by apply-en to the military officer amounts to abso-ing its coercive power directly to indi-ted States, or in time of rebellion or civil war within States or districts occupied by instead of justice. It often became nerebels treated as beligerants, and a third to be exercised in time of invasion or inchooses to appoint for it declares that he the worst heresy of those who advocated surrection within the limits of the United have borne such servitude. It reduces the means of repelling and suppressing them military law, and is found in acts of Conwhole population of the ten States-all were wisely provided for by the Consti- gress prescribing rules and articles of war Those duties and that huthority, as de- persons of every color, sex and condition, tution; but it was not thought necessary or otherwise providing for the govern-

Union. Rebellions, which were invariably sup-ed expedient the local law, and exercised It may be answered to this that the of states continued to exist, and the Union or implied sanction of Congress. While

integrity of the government. This is a applies only to the citizen and not to the

disturbed and harmonious operation. The dained and established courts. It is equalcourts, state and Federal, are open and in ly well known that in criminal cases a trithe full exercise of their proper authority. al by jury is made indispensable by the Over every State, comprised in these five express words of that instrument. I will because their own experience of all man- everywhere in force, and everywhere in all parts of the country, which must en-

The Constitution also forbids the ar-

rest of the citizen, without judicial war-

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the omnipotent power which it claimed, was accustomed to pass bills of attainder -that is, it would convict men of treason ing, sometimes a patient and a fair one, but generally party projudice prevailed cessary for Parliament to acknowledge its error, and reverse its own action. The fathers of our country determined that no such thing should occur here. They withheld the power from Congress, and thas forbade its exercise by that body, and It is therefore impossible for any person in this country to be constitutionally punished for any crime by a legislative proceeding of any sort. Nevertheless, here is a bill of attainder against nine millions of people at once. It is based upon an aocusation so vague as to be scarcely intelligible, and found to be true upon no credible evidence; not one of the nine millions was heard in his own defense.-The representatives of the doomed parties were excluded from all participation in the trial. 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 guiltless, from the rank of free men 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 unwilling to accept, if left to themselves .-The negroes have not asked for the privilege of voting; the vast majority of them have no idea what it means. This bill not ouly thrusts it into their hands, but compels 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 not the slavery which the bill imposes upon them. Without stopping to consider the policy or impolicy of Africanizing the Southern part of our territory, I would simply ask the attention of Congress to that manifest, well known and universally power to regulate such subjects for any State. To force the right of suffrage out hands of the w

1. The selection of delegates to a state groes shall be allowed to vote.

2. The formation of a state Constitution by the convention so chosen.

and to such white men as may not be disfranchised for rebellion or felony.

4. The submission of the Constitution for ratification to negroes and white men manity of Congress, have been inserted in not disfranchised, and its actual ratifica- the bill, apparently to restrain the power more than in another that which the Contion by their votes.

5. The submission of the state constitution to Congress for examination and approval, and the actual approval of it by that body.

of the Legislature elected under the new inoperative. Constitution.

a sufficient number of other states to make is cruel and what is unusual? The words nocent as well as the guilty, to the condi- society; and as no power is left but the case of rebellion or invasion, the public it a part of the constitution of the Uni-have acquired a legal meaning by long use tion of vassalage, and gave us a power military, it is allowed to govern by mar-ted States. All these conditions must be in the courts. Can it be expected that over them which the Constitution does that over them which the Constitution does the fulfilled before the people of any of these military of thes States can be relieved from the bondage arule expressed in language so purely No fallacy can be more transparent of military domination; but when they technical, and not pertaining in the least than this. Our victories subject the inare fulfilled then immediately pains and degree to their profession? If not, then surgents to legal obdience, not to the Justice Chaso: penalties of the bill are to cease, no mat- each officer may define cruelty according yoke of an arbitrary despotism. When "We by no m ter whether there be peace and order or to his own temper, and if it is not usual, an absolute sovereign reduces his rebell- can assert and apply the laws of war lease from custody, except the hope, such proceed to give as briefly as nonsaible. In not, and without any refurence to the set to the

the mutary rale which it establishes is ment; lie within the range of choice. plainly to be used, not for any purpose of s. The sentence of a commission is not insurrection should take place in one of applies. It asserts a power in Congress of our of the this, which wipes away of the in time of presented the laws of our of measure like this, which wipes away of the in time of presented the laws of our of measure like this, which wipes away of the sentence of set aside the laws of our of measure like this, which wipes away of the in time of presented the laws of our of measure like this, which wipes away of the sentence of the set aside the laws of our of measure like this, which wipes away of the sentence of the set aside the laws of our of measure like this, which wipes away of the sentence of the set aside the laws of our of measure like this, which wipes away of the sentence of the set aside the laws of our of measure like this, which wipes away of the sentence of the set aside the laws of our of measure like this, which wipes away of the sentence of the set aside the laws of our of measure like this, which wipes away of the sentence of the set aside the laws of our of measure like this, which wipes away of the sentence of mitted by the bill itself not to be real. of torture invented for military punish. monarch puts down an insurrection, her This is sufficiently explicit. Peace ex. republican form of government.

punish the judges and jurors as being he punishes them if they resist his authorthemselves malefactors; the can save his ity, and if they submit to it he hates them friends from justice, and despoil his ene- for their servility. mies contrary to justice.

er triba**nals**?"

upou its face that the establishment of to exercise. It is merely permissive, and from the constitution, and if we are bound is to be used only when in his judgment by the limitations which it imposes. preceding sections shall cease to operate ders. Even if the sentence of a commis- no branch of the federal government, ex- question of constitutional law and the clares in simple, plain, and unambiguous sion was made a prerequisite to the punish- ecutive, Legislative or judicial, can have power of Congress, a recent decision of language, that all persons shall have that tation in both houses. ment of a party, it would be scarcely the any just powers except those which it de- the Supreme Coart of the United States right, and that no person shall ever, in any

Several provisions, dictated by the hu-

pose. The fourth section provides : 1. That trials shall not be unnecessarily | treat their people in a way which the fun- are actually closed, and it is impossible to delayed; but I think I have shown that damental law forbids.

6. The adoption of a certain amend- the power is given to punish without triment to the Federal constitution by a vote al, and, if so, this provision is practically of our arms in crushing the opposition operations, where war really prevails, and as to his life, to the will of two.

7. The adoption of said amendment by to be inflicted; but who is to decide what those States and all their people, the in- to preserve the safety of the army and

under our jurisdiction.

of all government, and render their own by it to persons accused of crime, but such they were not legally bound to respect. the bill announces that it is intended for the Supreme Court has traced the history, lives and property insecure, is in itself ut- is not the case. The officer "may allow The head of a great empire has sometimes the more efficient government of these vindicated the dignity, and made known terly improbable, and the averment of the civil local tribunals to try offenders ;" but governed it with a mild and paternal ten States. It is recited by way of prebill to that effect is not supported by any of course, this does not require that he sway, but the kindness of an irresponsible amble, that no legal State governments, ly that nothing more is needed. To what and its operations will begin as soon evidence which has come to my knowl-shall do so. If any state or federal conrt deputy never yields what the law does not nor adequate protection for life or prop-extent a violation of it night be excused as the general and his troops can be edge. All the information I have on the shall do so. If any state or federal court deputy never yields what the law does not nor adequate protection for life or prop-presumes to exercise its legal jurisdiction him. Between such a mas-presumes to exercise its legal jurisdiction in the between such a mas-presumes to exercise its legal jurisdiction in the between such a mas-presumes to exercise its legal jurisdiction in the between such a mas-presumes to exercise its legal jurisdiction in the between such a mas-presumes to exercise its legal jurisdiction in the between such a mas-presumes to exercise its legal jurisdiction in the between such a mas-presumes to exercise its legal jurisdiction in the between such a mas-presumes to exercise its legal jurisdiction in the between such a mas-presumes to exercise its legal jurisdiction in the between such a mas-presumes to exercise its legal jurisdiction in the between such a mas-presumes to exercise its legal jurisdiction in the between such a mas-presumes to exercise its legal jurisdiction in the between such a mas-presumes to exercise its legal jurisdiction in the between such a mas-presumes to exercise its legal jurisdiction in the between such a mas-presumes to exercise its legal jurisdiction in the between such a mas-presumes to exercise its legal jurisdiction in the between such a mas-presume to exercise its legal jurisdiction in the between such a mas-presume to exercise its legal jurisdiction in the between such a mas-presume to exercise its legal jurisdiction in the between such a mas-presume to exercise its legal jurisdiction in the between such a mas-presume to exercise its legal jurisdiction in the between such a mas-presume to exercise its legal jurisdiction in the between such a mas-presume to exercise its legal jurisdiction in the between such a mas-presume to exercise its legal jurisdiction in the between such a mas-presume to exercise its legal jurisdiction in the between such a mas-presume to exercise its legal jurisdiction in the between such a mas-presume to exe by the trial of a malefactor without his ter and the people subjected to his domi-special permission, he can break it up and nation, there can be nothing but enmity; The first thing which arrests attention now for a time of profound peace, when upon those recitals which prepare the way there is not an armed soldier within our for martial law is this: That the only borders, except those who are in the seror their servility. I come now to a question which is, if exist under our form of government, is condition of things that an act of Con-

It is also provided that "He shall have possible, still more important. Have we not stated or so much as pretended : ac- gress is proposed, which, if carried out, power to organize military commissions the power to establish and carry into ex- tual war, foreign invasion, domestic inecution a measure like this? I answer, surrection; none of these appear, and and juries to nine millions of American But this power he is not commanded certainly not, if we derive our authority none of these in fact exist.

Although it is not even recited that any sort of war or insurrection is threatened. that any one should seriously believe this This proposition is perfectly clear that Let us pause here to consider upon this consistent with a Constitution which deslightest check upon the officer, who has rives through, and exercises under the or- in ex parte Milligan. I will first quote case, be deprived of it. Convention by an election, at which ne- authority to organize it as he pleases, ganic law of the Union. Outside of the from the opinion of the majority of the prescribe its mode of proceeding, appoint Constitution, we have no legal authority Court : "Martial law cannot arise from a its members from among his own subor- more than private citizens, and without it threatened invasion. The necessity must rant founded on probable cause. This will continue to disturb all portions of dinates and revise all its decisions. In- we have only so much as that instrument be actual and present, the invasion real, 3 The insertion into the state constitu- stead of mitigating the harshness of his gives us. This broad principle limits all such as effectually closes the courts and tion of a provision which will secure the single will, such a tribunal would be us- our functions, and applies to all subjects. deposes the civil authority." But this The Constitution declares that "no persequence of the abrogation of civil author-

We have no right to do in one place ity. One more quotation : "It follows from what has been said on any presentment. of the commanding officer, but it seems to stitution says we shall not do at all. If, this subject that there are occasions when

truth, out of the Union, we could not in foreign invasion or civil war the courts property, without due process of law."-This bill sets aside all process of law, and administer criminal justice, according to makes the citizen answerable, in his per-Some persons assume that the success law, then on the theatre of active military son and property, to the will of one man,

which was made in some of the States to | there is a necessity to furnish a substitute 2. Cruel or unusual punishment is not the execution of the Federal law, reduced for the civil authority thus overthrown, pus shall not be suspended unless when in

the hands of the negroes, is an arbitrary violation of this principle.

The bill imposes martial law at once. the terms of this measure, is not suspended, nor the people afforded time for deliberation- 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 would deny a trial by the lawful courts no control, yet remain to be fulfilled : hefore they can be relieved from martial citizens and to their posterity for an indelaw, another Congress must first approve finite period. It seems to be impossible the Constitutions made in conformity with the will of this Congress, and must declare these States entitled to represen-

The whole question thus remains open and unsettled, and must again occupy the attention of Congress; and in the mean time the agitation which now prevails bill authorizes an arrest without warrant, the people.

The bill also denies the legality of the at the pleasure of a military commander. governments of ten of the States which right of voting at all elections to negroes, ed much more probably to divide the re- It protects not only the citizens of States bill, in time of peace, makes martial law son shall be held to answer for a capital participated in the Folder Constitution of the sponsibility of making it more cruel and which are within the Union, but it shields operate as though we were in actual war, or otherwise infamous crime, unless on amendments to the Federal Constitution on the uniust. unjust. holds every person not a soldier answera- risdiction of the United States, and pracble for all crimes and all charges without tically excludes them from the Union. If this assumption of the bill be correct. The Constitution declares that "no their concurrence cannot be considered me that they are of no avail for that pur- therefore, the Southern states were, in martial law can be properly applied. If person shall be deprived of life, liberty or as having been legally given; and the imconsent of three-fourths of the States, the requisite number, has not been constitutionally obtained to the ratification of that amendment, thus leaving the queation of slavery where it stood before the 'The privilege of the writ of habeas cor- amendment was officially declared to have become a part of the Constitution. That the measure proposed by this bill does vi-

It only remains to consider whether Justice Chase: "We by no means assert that Congress necessary delay. He has no hope of re-assert and apply the large for the large for the prisoner only one to be obeyed or not. I think they ought not, and without any reference to the se-curity of life or property. The excuse ment, imprisonment, the gag, the ball and given for the bill in the preamble is ad-chain, and the almost insupportable forms mitted by the bill itself not to be real. of conture invented for military much a match and apply the laws of war curity of life or property. The excuse ment, imprisonment, the gag, the ball and military commission. The United States are bound to guarantee to each State a military commission are bound to guarantee to each State a military commission are bound to guarantee to each State a military commission are bound to guarantee to each State a military commission are bound to guarantee to each State a military commission are bound to guarantee to each State a military commission are bound to guarantee to each State a military commission are bound to guarantee to each State a military commission are bound to guarantee to each State a military commission are bound to guarantee to each State a military commission are bound to guarantee to each State and apply the laws of military commission. The United States are bound to guarantee to each State a military commission are bound to guarantee to each State a nation; when it ceases to be have as a nation; when it ceases to be