## READING GAZETTE & DEMOGRAT.

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J. LAWRENCE GETZ, EDITOR.J

SATURDAY MORNING, JULY 25, 1863.

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C. A Leopold,
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Street, first door below Sixth, Reading, Pa.
May 23, 1863-1y JESSE G. HAWLEY,

ATTORNEY AT LAW,

AS REMOVED HIS OFFICE TO NORTH

Sixth Street, opposite the Keystone House, Reading.

April 11, 1863-4 JOHN RALSTON.

ATTORNEY AT LAW,
OFFICE WITH A. B. WANNER, NORTH
Sixth Street, (above the Court House,) Reading, Pa.
February 21, 1863-1y

REMOVAL. WILLIAM H. LIVINGOOD, ATTORNEY AT
LAW, has removed his office to the north side of
Court street first door below Sixth. [dec 22-1f]

Charles Davis,
TTORNEY AT LAW—HAS REMOVED HIS
Office to the Office lately occupied by the Hon. David
Cordon, deceased, in Sixth street, opposite the Court

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A TTORNEY AT LAW—OFFICE IN NORTH
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endorse my promptness and fidelity. My charges are
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WILLIAM H. LIVINGOOD,
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os performed unque no management of the patient.

[25] O Sice at his residence in Main street, Hamburg, Pa.

May 9, 1863-tf DR: T. YARDLEY BROWN, SURGEON DENTIST. GRADUATEOF PENNSYLVANIA

CHIADUATE OF PENNSY LVANIA Dental College. Teeth extracted by Fran-xiracted with method of the control of the control extra charge. Office in Fifth street, opposite the Presbyte pian Church. CHARLES LANCASTER,

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VURKEY AND FRENCH PRUNES.—FOR PROCOCK'S, 40 South Figh Street.

· States : The undersigned, having been appointed a

committee, under the authority of the resolutions of the State Convention held at the city of Columbus, Ohio, on the 11th inst., to communicate with you on the subject of the arrest and banish-ment of Clement L. Vallandigham, most respect-fully submit the following as the resolutions of that Convention, bearing upon the subject of this communication, and ask of your Excellency their earnest consideration. And they deem it proper to state that the Convention was one in which all parts of the State were represented, and one of the most respectable as to numbers and character, one of the most earnest and sincere in support of the Constitution and the Union, ever held

Demand for the Kelease of Mr.

Vallandigham.

IMPORTANT CORRESPONDENCE,

3. That these, and all other rights guaranteed to them by their Constitutions, are their rights in time of war as well as in time of peace, and of far more value and necessity in war than in peace; for in peace, liberty, security and property are seldom endangered; in war they are ever in peril. 4. That we now say to all whom it may con

4. That we now say to all whom it may concern, not by way of threat, but calmly and firmly, that we will not surrender these rights, nor submit to their forcible violation. We will obey the laws ourselves, and all others must obey them.

11. That Ohio will adhere to the Constitution and the Union as the best, it may be the last, hope of popular freedom, and for all wrongs which may have been committed, or evils which may exist, will seek redress, under the Consti-tution and within the Union, by the peaceful but powerful agency of the suffrages of a free people 14. That we will earnestly support every con stitutional measure tending to preserve the Union of the States. No men have a greater interest in its preservation than we have; none desire it more; there are none who will make greater sacrifices or endure more than we will to accomplish that end. We are, as we ever have been, the devoted friends of the Constitution and the Union, and we have no sympathy with the enemies of either.

15. That the arrest, imprisonment, pretended trial, and actual banishment of Clement L. Vallendigham, a citizen of the State of Ohio, not belonging to the land or naval forces of the United States, nor to the militia in actual service, by alleged military authority, for no other pretended crime that of uttering words of legitimate criticism upon the conduct of the Administration in power, and of appealing to the ballot box for a change of policy—(said arrest and military trial taking place where the courts of law are open and unobstructed, and for no act done within the sphere of active military operations in carrying on the war)—we regard as a palpable violation of the Collowing provisions of the Constitution of the United States:

1. "Congress shall make no law \* abridging the freedon of speech or of the press, landicham, a citizen of the State of Ohio, no

abridging the freedon of speech or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of

capital or otherwise intamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger.

4. "In all criminal prosecutions, the accused

shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascer-

the onice of crovernor of the state; that the Democratic party was fully competent to decide whether he is a fit man for that nomination, and that the attempt to deprive them of that right, by his arrest and banishment, was an unmerited imputation upon their intelligence and loyalty, as well as a violation of the Constitution.

17. That we respectfully, but most earnestly, call upon the President of the United States to

restore Clement L. Vallandigham to his home in Ohio, and that a committee of one from each Congressional district of the State, to be selected by the presiding officer of this convention, is the president to present this application to the President.

True it is, the article of the C

The undersigned, in the discharge of the duty assigned them, do not think it necessary to reit erate the facts connected with the arrest, trial and banishment of Mr. Vallandigham—they are well known to the President, and are of public history-nor to enlarge upon the position taken by the convention, nor to recapitulate the constitutional provisions which it is believed have been contravened; they have been stated at liberty. Expunge from the Constitution this length, and with clearness, in the resolutions which have been recited. The undersigned content themselves with a bire reference to other guarantees of personal liberty would remain un-

majority of the citizens of the State of Ohio, they majority of the citizens of the State of Ohio, they respectfully ask it as a right due to an American citizen, in whose personal injury the sovereignty and dignity of the people of Ohio, as a free State, have been offended. And this duty they perform the more cordially from the consideration that, at a time of great national emergency, pregnant with danger to our Federal Union, it is all im—

of life. liberty or propagaty without due recess the more cordially from the consideration that, at a time of great national emergency, pregnant with danger to our Federal Union, it is all important that the true friends of the Constitution and the Union, however they may differ as to the mode of administering the Covernment, and the measures most likely to be successful in the maintenance of the Constitution and the restora-

Vallandigham had been arrested—that is, I was pained that there should have seemed to be a ecessity for arresting him, and that it will afford me great pleasure to discharge him, so soon as I can by any means believe the public safety will not suffer by it."

THE LETTER TO THE PRESIDENT.

WASHINGTON CITY, June 26, 1803.

To His Excellency, the President of the United

States. more endangered by continuing Mr. Vallandig-ham in exile than by releasing him. It may be true that persons differing from him in political views may be found in Ohio and elsewhere, who will express a different opinion. But they are

Mr. Vallandigham may differ with the President and even with some of his own political party, as to the true and most effectual means of maintaining the Constitution and restoring the Union; but this difference of opinion does not prove him to be unfaithful to his duties as an American citizen. If a man devotedly attached to the Constitution and the Union, conscientiously believes that, from the inherent nature of the Federal compact, the war, in the present condition of things in this country, cannot be used as a means of restoring the Union, or that a war to nesouved, t. That the will of the people is the foundation of all free government; that to give effect to this will, free thought, free speech, and a free press are absolutely indispensable. Without free discussion there is no certainty of sound judgment; without sound indement there are out free discussion there is no certainty of sound citizen to appeal to the judgment of the people for a change of policy by the constitutional remedy of the ballot box?

no wise government.

2. That it is an inherent and constitutional right of the people to discuss all measures of their Government, and to approve or disapprove, as to their best judgment seeme right. That they have a like right to propose and advocate that policy which in their judgment is best, and to argue and vote against whatever policy seems to them to violate the Constitution, to impair their liberties, or to be detrimental to their welfare.

3. That these, and all other rights guaranteed in the policy which is the propose and denumber of the country that it was unjust, and prosecuted for unholy purposes. With equal reason it might have been said of them that their discourage enlistments, "to prevent the raising of troops," and to induce desertions from the army, and and to induce desertions from the army, tary force to carry on the war.

If the freedom of speech and of the press are to be suspended in time of war, then the essential element of popular government to effect a change of policy in the constitutional mode is at an end The freedom of speech and of the press is indis pensable, and necessarily incident to the nature of popular government itself. If any inconveni-ence or evils arise from its exercise, they are On this subject you are reported to have said,

"It is asserted, in substance, that Mr. Vallan-

digham was, by a military commander, seized and tried for no other reason than words addressed to a public meeting in criticism of the course of the Administration, and in condemnation of the reason for the arrest, then I concede that the arrest was wrong. But the arrest, I understand, was made for a very different reason. Mr. Vallandigham avows his hostility to the war on the part of the Union; and his arrest was made be-cause he was laboring with some effect, to prevent the raising of troops, to encourage desertions from the army, and to leave the rebellion without an adequate military force to suppress it. He was not arrested because he was damaging the

ing to prevent the raising of troops or to en-courage descritions from the army. Secondly, no evicance on the trial was offered with a view 2. "The right of the people to be secure in charge. In what instance and by what act did their persons, houses, papers and effects, against unreasonable searches and scizures, shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath or affirmation, unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

3. "No person shall be held to answer for a capital or otherwise infamous orime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time the same grounds every stable."

I descritions from the army is the couraged from enlisting, and who encouraged to desert, by any act of Mr. Vallandigham? If it be assumed that perchance some person might have been discouraged from enlisting, and who encouraged to desert, by any act of Mr. Vallandigham? If it be assumed that perchance some person might have been discouraged from enlisting, and who encouraged to desert, by any act of Mr. Vallandigham? If it be assumed that perchance some person might have been discouraged from enlisting, and who encouraged to desert, by any act of Mr. Vallandigham? If it be assumed that perchance some person might have been discouraged from enlisting, and who encouraged to desert, by any act of Mr. Vallandigham? If it be assumed that perchance some person might have been discouraged from enlisting, and who encouraged from enlisting, and who encouraged to desert, by any act of Mr. Vallandigham? If it be assumed that perchance some person might have been discouraged from enlisting, and who encouraged to desert, by any act of Mr. Vallandigham? If it be assumed that perchance some person might have been discouraged from enlisting, and who encouraged to desert, by any act of Mr. Vallandigham? If it be assumed that perchance some person might have been discouraged from enlisting, and who encouraged to desert, by any act of Mr. Vallandigham? If it be assumed that perchance some person might have been discouraged from enlisting, and who encouraged to desert, by any act of Mr. Vallandigham? If it be assumed that perch banishment? If so, upon the same grounds every political opponent of the Mexican war might have been convicted and banished from the coun

When gentlemen of high standing and exten When gentlemen of might state the people, the posed, in the discussions before the people, the makes of the Mexican war, were they "warring tained by law."

And we furthermore denounce said arrest, trial and banishment, as a direct insult offered to the sovereignty of the people of Ohio, by whose organic law it is declared that no person shall be transported out of the State for any offence committed within the same.

16. That Clement L. Vallandigham was, at the time of his arrest, a prominent candidate for nomination by the Democratic party of Ohio, for the office of Governor of the State; that the Democratic party was fully competent to decide whether he is a fit man for that nomination, and that the attempt to deprive them of that right, by his arrest and banishment, was an unmerited imputation upon their intelligence and lovalty. invasion from what it is in time of peace and public security. The Constitution provides for no limitation upon or exceptions to the guarantees of personal liberty, except as to the writ of habeas corpus. Has the President, at the time of invasion or insurrection, the right to engraft limitations or exceptions upon these Constitu-tional guarantees, whenever, in his judgment,

True it is, the article of the Constitution which defines that "the privilege of the writ of habitus corpus shall not be suspended unless where, in cases of rebellion or invasion, the public safety may require it." But this qualification or limitation upon this restriction upon the powers of Congress, has no reference to or connection with

suggestions pertinent to the subject.

They do not call upon your Excellency, as suppliants, praying the revocation of the order banishing Mr. Vallandigham, as a favor; but by the authority of a Convention representing a majority of the citizens of the State of Ohio, they are speedy and public trial by an impartial jury of the State and district where respectfully ask it as a right due to an American in the crime shall have been committed," will of life, liberty or property, without due process of law; nor his right not to be held to answer

MOR SALE AT THE CLD JAIL, THE CHOICest variety of Bar and Hotel Glass, China and Queensware furniture ever offered in Reading.

TOR SALE AT THE CLD JAIL, 60 BARRELS

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The arrest, unusual trial and banishment of
Mr. Vallandigham, have created widespread and
alarming disaffection among the people of the
State, not only endangering the harmony of the
office the guaranty that the freedom of speech and
alarming disaffection among the people of the
state, not only endangering the harmony of the
friends of the Contilutation and the Union and the restorsAnd certainly the restriction upon the power
in time of insurrection or invasion, could not affect the guaranty that the freedom of speech and
of the press shall not be abridged. It is somealarming disaffection among the people of the
State, not only endangering the harmony of the
bunals are too tardy and ineffective for cases
friends of the Contilutation and the Union and
arising in times of insurrection or invasion. It

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PRESIDENT LINCOLN AND THE COMMITTEE.

THE idea and successful enforcement of the laws in allowed in the civil courts. But if the offender of habeas corpus, itself may be suspended when in cases of rebellion and invasion the public of habeas corpus, before trial, what more can be required for the purpose of the Government? The idea that all the constitution the benefit of the writ of habeas corpus, before trial, what more can be required for the purpose of the Government? The idea that all the constitution the benefit of the writ of habeas corpus, before trial, what more can be required for the purpose of the Government? The idea that all the constitution the benefit of the writ of habeas corpus, before trial, what more can be required for the purpose of the Government? The idea that all the constitution the benefit of the writ of habeas corpus, before trial, what more can be required. And if existing legislation be incommunication on this subject, the following in cases of rebellion and invasion the public of habeas corpus, before trial, what more can be required for the purpose of the Government? The idea that all the constitution the benefit of the writ of habeas corpus, before trial, what more can be required for the public of the Government? The idea that all the constitution the benefit of the writ of habeas corpus, before to a discharge on writ of habeas corpus, before the unit of habeas corpus, before the discharge on writ of habeas corpus, before pended, throughout the country, at a time of in-surrection or invasion in any part of it, places us upon a sea of uncertainty, and subjects the life, liberty, and property of every citizen to the mere will of a military commander, or what he may say that he considers the public safety re-

> You are further reported as having said that the Constitutional guarantees of personal liberty You are further reported as having said that the Constitutional guarantees of personal liberty have "no application to the presonal case we have in hand, because the arrests complained of were not made for treason—that is, not for the treason defined in the Constitution, and upon the conviction of which the punishment is death—nor yet were they made to hold persons to answer for capital or otherwise infamous crime; bands, to be dealt with by all the modes they now ever the proceedings following in any Connor were the proceedings following in any Con-stitutional or legal sense 'criminal prosecutions.' The arrests were made on totally different grounds, and the proceedings, following accorded with the grounds of the arrests," &c.
>
> The conclusion to be drawn from this position

of your Excellency is, that where a man is liable to "a criminal prosecution," or is charged with a crime known to the laws of the land, he is clothed with all the constitutional guarantees for his safety and security from wrong and injustice; but that, where he is not liable to "a criminal prosecution," or charged with any crime known to the laws, if the President or any military commander shall say that he considers that the public safely requires it, this man may be put outside of the pale of the constitutional guarantees; and arrested without charge of crime, im-prisoned without knowing what for, and any length of time, or be tried before a court martial and sentenced to any kind of punishment, un-known to the laws of the land, which the Presilent or the military commander may deem proper Did the Constitution intend to throw the shield

of its securities around the man liable to be charged with treason as defined by it, and yet leave the man not liable to any such charge un-protected by the safeguard of personal liberty and personal security? Can a man not in the military or naval service, nor within the field of the operations of the army, be arrested and im-prisoned without any law of the land to authorize it? Can a man thus, in civil life, be punished without any law defining the offence and prescribing the punishment? If the President, or a court martial, may prescribe one kind of punishment unauthorized by law, why not any other kind? Banishment is an unusual punishment and unknown to our laws. If the President has the right to prescribe the punishment of banishment, why not that of death and confiscation of property? If the President has the right to change the punishment prescribed by the court

martial from imprisonment to banishment, why not from imprisonment to torture upon the rack, or execution upon the gibbet? If an indefinable kind of constructive treason is to be introduced and engrafted upon the Constitution, unknown to the laws of the land, and subject to the will of the President whenever an insurrection or invasion shall occur in any part of this vast country, what safety or security will

be left for the liberties of the people?

The constructive treasons that gave the friends of freedom so many years of toil and trouble in England, were inconsiderable compared to this.

tionally deprived. We have the he

Respectfully, yours, &c., M. Birchard, Chairman, 19th Dist. Dayto A. Hour, Secretary, 3d Dist. GEO. BLISS, 14th Dist. T. W. BARTLEY, 8th Dist. V. J. Gordon, 18th Dist. JOHN O'NEILL, 18th Dist. C. A. WHITE, 6th Dist. W. E. FINCK, 12th Dist. ALEXANDER LONG 2d Dist. J. W. WHITE, 16th Dist. JAS. R. MORRIS, 15th Dist. GEO. S. CONVERSE, 7th Dist WARREN P. NOBLE, 9th Dist. GEO. H. PENDLETON, 1st Dist. W. A. HUTCHINS, 11th Dist. ARNUR L. BACKUS, 10th Dist. J. F. McKinnry, 4th Dist. F. C. LE BLOND, 5th Dist. LOUIS SCHARFER 17th Dist.

THE REPLY OF THE PRESIDENT. WASHINGTON, D. C., June 29, 1863.

Gentlemen: The resolutions of the Ohio Demo eratic State Convention, which you present me, together with your introductory and closing re-marks, being in position and argument mainly the same as the resolutions of the Democratic meeting at Albany, New-York, I refer you to my response to the latter as meeting most of the points in the former. This response you evidently used in preparing your remarks, and I desire no more than that it be used with accuracy. In a single reading of your remarks, I only discover one inaccuracy in the matter which I suppose you took from that paper. It is where you say, "The undersigned are unable to agree with you in the opinion you have expressed that the Conclitation is different in time of insurrection or invasion from what it is in time of peace and public security.'

A recurrence to the paper will show you that I have not expressed the opinion you suppose. I expressed the opinion that the Constitution is different in its application in cases of re-bellion or invasion, involving the public safety, from what it is in times of profound peace and public security; and this opinion I adhere to, simply because by the Constitution itself things may be done in the one case which may not be done in the other.

I dislike to waste a word on a merely personal

point, but I must respectfully assure you that you will find yourselves at fault should you ever seek for evidence to prove your assumption that I "opposed in discussions before the people the policy of the Mexican war." olicy of the Mexican war."

policy of the Mexican war."
You say: "Expunge from the Constitution this limitation upon the power of Congress to suspend the writ of habeas corpus, and yet the other guarantees of personal liberty would remain unchanged." Doubtless if this clause of the Constitution, improperly called as I think a limitation page the reward Constitution and limitation upon the power of Congress, were expunged, the other guarantees would remain the same; but the question is, not how those guarantees would stand with that clause our of the Constitution, but how they stand with that claus remaining in it, in cases of rebellion or invasion involving the public safety. If the liberty could

You ask in substance whether I really claim that I may over-ride all the guaranteed rights of individuals, on the plea of conserving the public safety—when I may choose to say the public safety requires it. This question, divested of the phraseology calculated to represent me as struggling for an arbitrary personal prerogative, is either simply a question who shall decide, or quires. Does your Excellency wish to have it understood that you hold that the rights of every man throughout this vast country are subject to be annulled whenever you may say that you consider the public safety requires it, in time of invasion or insurrection?

You are further reported as having said that the consider the decision is to be made, from the Constitution to the public safety requires it, in time of invasion or insurrection? have reserved to themselves under the Consti-

The earnestness with which you insist that persons can only in times of rebellion be lawfully dealt with, in accordance with rules for criminal trials and punishments in times of peace, industrials and punishments are times as a second control of the peace ces me to add a word to what I said on that point in the Albany response. You claim that men may, if they choose, embarrass those whose duty it is to combat against rebellion and then be dealt with only in turn as if there were no re-bellion. The Constitution itself rejects this view. The military arrests and detentions which have been made, including those of Mr. Vallan-digham, which are not different in principle from the other, have been for PREVENTION, and not for PUNISHMENT—as injunctions to stay injury as proceedings to keep the peaco—and hence, like proceedings in such cases and for like reasons, they have not been accompanied with indictments, or trials by juries, nor, in a single case, by any punishment whatever, beyond what is purely incidental to the prevention. The original sentence of imprisonment in Mr. Vallandiphan's case was to meant in jury to the digham's case was to prevent injury to the military service only, and the modification of it was made as a less disagreeable mode to him of

securing the same prevention.

I am unable to perceive an insult to Ohio in the case of Mr. Vallandigham. Quite surely nothing of this sort was or is intended. I was wholly unaware that Mr. Vallandigham was at the time of his arrest a candidate for the Demonstrate manination for Governor until sa informacratic nomination for Governor, until so informed by your reading to me the resolutions of the Convention. I am grateful to the State of Ohio for many things, especially for the brave soldiers and officers she has given, in the present national trials, to the armies of the Union. You claim, as I understand, that according to

ny own position in the Albany respose, Mr. Vallandigham should be released; and this because, as you claim, he has not damaged the military service, by discouraging enlistments, encouraging desertions, or otherwise; and that if he had, he should have been turned over to the civil authorities under the recent acts of Congress. I certainly do not know that Mr. Vallandigham has specifically, and by direct language, advised against enlistments, and in favor of describing and resistance to drafting. We all know that combinations, armed in some instances, to resiat the arrest of deserters, began several months ago; that more recently the like has appeared in resistance to the enrollment preparatory to a draft; and that quite a number of assassinations of freedom so many years of toil and trouble in England, were inconsiderable compared to this. The precedents which you make will become a part of the Constitution for your successors, if sanctioned and acquiesced in by the people now. The people of Ohio are willing to co-operate zcalcusly with you in every effort warranted by the Constitution to restore the Union of the States, but they cannot consent to abandon those fundamental principles of civil liberty which are essential to their existence as a free people.

In their name, we ask that, by a revocation of the order of his banishment, Mr. Vallandigham has been engaged, in a greater degree than to any other man. These things have been notorious, known to all, and of course known to Mr. Vallandigham may be restored to the enjoyment of those rights of which they believe he has been unconstitutionally deprived.

We have the heave to be mean to the sant frequently, if not constantly made speeches has frequently, if not constantly made speeches in Congress and before normar assemblies; and it can be shown that, with these things staring him in the face, he has ever uttered a word of rebuke or counsel against them, it will be a fact greatly in his favor with me, and one of which, as yet, I am totally ignorant. When it is known that the whole burden of his speeches has been to stir up men against the prosecution of the war, and that in the midst of resistance to it, he has not been known in any instance to counsel against such resistance, it is next to impossible o repel the inference that he has counseled di rectly in favor of it. With all this before their eyes, the Convention you represent have nominated Mr. Vallandigham for Governor of Ohio; and both they and you have declared the purpose to sustain the National Union by all comstitutional means. But of course they and you in common, reserve to yourselves to decide what are constitutional means, and, unlike the Albany meeting, you omit to state or intimate that in your opinion an army is a Constitutional means of saving the Union against a rebellion, or even to intimate that you are conscious of an exist to intimate that you are conscious or an exist-ing rebellion being in progress with the avowed object of destroying that very Union. At the same time your nomines for Governor, in whose behalf you appeal, is known to you and to the world to declare against the use of an army to suppress the rebellion. Your own attitude, therefore angourness description, resistance to the therefore, encourages desertion, resistance to the draft and the like, because it teaches those who draft and the like, because it teaches those who incline to desert and to escape the draft to believe it is your purpose to protect them, and to hope that you will become strong enough to do so. After a parsonal intercourse with you, gantlemen of the Committee, I cannot say I think you desire this effect to follow your attitude, but you desire this enect to show your actual, but I assure you that both friends and enemies of the Union look upon it in this light. It is a substantial hope, and by consequence a real strength to the enemy. It is a false hope, and one which you would willingly dispel. I will make the way exceedingly easy. I send you duplicates of this letter in order that you, or a majority of you way. majority of you, may, if you choose, indorse your names upon one of them, and return it thus indorsed to me, with the understanding that those signing are thereby committed to the that those signing are thereby committed to the following propositions, and to nothing else:

1. That there is now a rebellion in the United States, the object and tendency of which is to destroy the national Union; and that, in your destroy the national Union;

ency of the army or navy white engaged in the effort to suppress that rebellion; and 3. That each of you will, in his sphere, do all he can to have the officers, soldiers and seamen of the army and navy, while engaged in the ef-fort to suppress the rebellion, paid, fed, clad, and otherwise well provided and supported. And with the further understanding that, upon receiving the letter and names thus endorsed, I will cause them to be published, which publication shall be, within itself, a revocation of the order in relation to Mr. Vallandigham.

THE REJOINDER.

NEW-YORK CITY, July 1, 1863. To his Excellency, the President of the United States.

Sir—Your answer to the application of the undersigned for a revocation of the order of banishment of Clement L. Vallandigham requires a reply, which they proceed with as little delay as practicable to make. They are not able to appreciate the force of the distinction you make, between the Constitution and the application of the Constitution, whereby

you assume that powers are delegated to the President at the time of invasion or insurrection, in derogation of the plain language of the Constitution. The inherent provisions of the Constitution, remaining the same in time of insurrection or invasion, as in time of peace, the President can have no more right to disregard their positive and imperative requirements at the former time than at the latter. Because some things may be done, by the terms of the Constitution at the time of invasion or insurrection, which would not be required by the occayou assume that powers are delegated to the tion, which would not be required by the occa ion, in time of peace, you assume that anything whatever, even though not expressed by the Con-stitution, may be done on the occasion of insur-rection or invasion, which the President may choose to say is required by the public safety In plainer terms, because the writ of haben corpus may be suspended at time of invasion or insurrection, you infer that all other provisions of the Constitution having in view the protection of the life, liberty and property of the citi-zen, may be in like manner suspended. The provision relating to the writ of habeus corpus, being contained in the first part of the Constitution, the purpose of which is to define the powers delegated to Congress, has no connection in lan-guage with the declaration of rights, as guaran tees of personal liberty, contained in the addi-tional and amendatory articles, and inasmuch as the provision relating to habeas corpus expressly provides for its suspension, and the other provisions alluded to do not provide for any such thing, the legal conclusion is, that the suspen-sion of the latter is unauthorized. The provi-sion for the writ of habeas corpus is merely intended to furnish a summary remedy, and not the means whereby personal security is conserved are guarantees of personal rights the suspension of which puts an end to all pretence of free government. It is true Mr. Vallandigham applied for a writ of habeas corpus as a summary remedy against oppression. But the denial of this did not take away his right to a speedy public trial by an impartial jury, or deprive him of his other rights as an American citizen. Your assumption of the right to suspend all the constitutional guarantees or personal liberty, and even of the freedom of speech and of the press, because the summary remedy of habeas corpus may be suspended is at once startling and alarm ing to all persons desirous of preserving free government in this country.

The inquiry of the undersigned whether "you The inquiry of the undersigned whether "you hold that the rights of every man throughout this vast country, in time of invasion or insurrection, are subject to be annulled whenever you may say that you consider the public safety requires it?" was a plain question, and is guestion, and intended simply to elicit information. Your affirmative answer to this question throws a shade upon the fondest antiinjations of the framers of the Constitution, who intered themselves that they had provided safe-guards against the langers which have ever implicating him in resistance to the constituted beset and overthrown free government in other ages and countries. Your answer is not to be diguised by the phrasology that the question with the first that the first that the first that affirmation that notody and grade first that the public safely does require in the safe of the safe safeguard, the powers were delegated to the legislative, executive and judicial branches of the Government, and each made co-ordinate with abuse of power. It has been the boast of the American people that they had a written Consti-tution, not only expressly defining, but also limit-ing the powers of the Government, and providing effectual safeguards for personal liberty, securi-ty and property. And to make the matter more positive and explicit, it was provided by the amendatory articles, nine and ten, that "the enumeration in the Constitution of certain rights enumeration in the Constitution or certain rights shall not be construed to deny or disparage others retained by the people," and that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people," With this care and precaution on the part of our forefathers, who framed our institupeople. With this care and pressuition on the part of our forefathers, who framed our institutions, it was not to be expected that, at so early a day as this, a claim of the President to arbitrary power, limited only by his conception of the requirements of the public safety, would have been asserted. In derogation of the Constitutional provisions making the President strictive pressuits officer, and resting all the delev an executive officer, and vesting all the dele gated legislative power in Congress, your position, as we understand it, would make you will the rule of action and your declarations of the requirements of the public safety the law of the and. Our inquiry was not, therefore, "simply a question who shall decide or the affirmation hat nobody shall decide, what the public safety requires." Our Government is a government of law, and it is the law making power which ascer-tains what the public safety requires, and pre-soribes the rule of action; and the duty of the requires. President is simply to execute the laws thus enacted, and not to make or annul laws. If any exigency shall arise, the President has the power to convene Congress at any time, to provide for it, so that the plea of necessity furnishes no reasonable pretext for any assumption of legis-

lative power. For a moment contemplate the consequences of such a claim to power. Not only would the do minion of the President be absolute over the fights of individuals, but equally so over the fights of individuals, but equally so over the other departments of the Government. If he should claim that the public safety required it, he could arrest and imprison a judge for the conscientious discharge of his duties, paralyze the judicial power, or supercede it, by the substitu-tion of courts martial, subject to his own will, throughout the whole country. If any one of the States, even far removed from the rebellion, should not sustain his plan for prosecuting the war, he could, on the plea of public safety, annul and set at defiance the State laws and authorities, and set at denance the State laws and authorities, arrest and imprison the Governor of the State or the members of the Legislature, while in the faithful discharge of their duties, or he could absolutely control the action either of Congress or the Supreme Court by arresting and imor of the Supreme Court, by arresting and im prisoning its members, and upon the same ground he could suspend the elective franchise, postpone the elections, and declare the perpetuity of his high prerogative. And neither the power of impeachment nor the elections of the people impeachment nor the elections of the people could be made available against such concentra-

order in relation to Mr. Vallandigham.

It will not escape observation that I consent to the release of Mr. Vallandigham upon terms

rebellion; and it cannot be done under the pretence.

your Administration, are merely preventive remedies as "injunctions to stay injury, or proceedings the reason and not for numishment." The to keep the peace, and not for punishment." The ord nary preventive remedies alluded to are authorized by established law, but the preventive proceedings you institute have their authority merely in the will of the Executive or that of officers subordinate to his authority. And in this proceeding a discretion seems to be exercised as to whether the prisoner shall be allowed a trial, or even be permitted to know the nature of the complaint alleged example him or the preme of complaint alleged against him, or the name of his accuser. If the proceedings be merely pre-ventive, why not allow the prisoner the benefit of a bond to keep the peace. But if no offence has been committed, why was Mr. Vallandigham tried, convicted and sentenced by a court mar-tial? And why the actual punishment by im-prisonment or banishment, without the opportunity of obtaining his liberty in the mode usual in preventive remedies, and yet say it is not for

punishment? punishment?
You still place Mr. Vallandigham's conviction and banishment upon the ground that he had damaged the military service by discouraging enlishments and encouraging desertions, &c., and yet you have not even pretended to controvert our position that he was not charged with, tried or convicted for any such offence before the

ourt-martial. In answer to our position that Mr. Vallandig-him was entitled to a trial in the civil tribunals. by virtue of the late acts of Congress, you say: "I certainly do not know that Mr. Vallundigham "I certainty to not know that mr. Yattanaigam has specifically, and by direct language, advised against enlistments, and in favor of desertions and resistance to drafting," &c., and yet, in a subsequent part of your answer, after speaking of certain disturbances which are alleged to have occurred in resistance of the arrest of deserters, and of the surellment preparatory to the draft nd of the enrollment preparatory to the draft, and which you attribute mainly to the course Mr. Vallandigham has pursued, you say that he has made speeches against the war in the midst of resistance to it; that "he has never been known, in any instance, to counsel against such resistance," and that "it is next to impossible to repet the inference that he has counseled directly in favor of it." Permit us to say that your inforrepel the inference that he has counseled directly in favor of it.' Permit us to say that your information is most grievously at fault. The underginged have been in the habit of hearing Mr. Islandigham speak before popular assemblages, that they appeal with confidence to every truthful path who has ever head him, for the accuracy the declaration that he has never made a speech before the people of Ohio, in which he has not counseled submission and obedience to the laws and the Constitution, and advised the

the laws and the Constitution, and advised the peaceful remedies of the judicial tribunals, and of the ballot-box for the redress of gricvances, and for the evils which afflict our bleeding and suffering country. And, were it not foreign to the purposes of this communication, we would undertake to establish, to the satisfaction of any candid person, that the disturbances among the people, to which you allude, in opposition to the arrest of deserters and the draft, have been ocarrest of deserters and the draft, have been oc-casioned mainly by the measures, policy, and conduct of your Administration, and the course of its political friends. But if the circumstantial evidence exists, to which you allude, which makes "it next to impossible to repel the infer-ence, that Mr. Vallandigham has counseled in favor" of this resistance, and that the same has favor" of this resistance, and that the same has been mainly attributable to his conduct, why was he not turned over to the civil authorities to be tried under the late acts of Congress? If there

the opportunity of an investigation before an impartial jury.

The Committee do not deem it necessary to repel at length the imputation, that the attitude of themselves or of the Democratic party in Ohio the others, and supreme within its sphere, and "encourages desertions, resistance to the draft, nd the like." Suggestions of that kind are not unusual weapons in our ordinary political con-tests. They rise readily in the minds of politicians, heated with the excitement of partizan oratic party of Ohio has been constrained to op-pose the policy of the Administration, and to stand up in defence of the Constitution and of personal rights, this charge has been repeatedly made. It has fellen harmless, however, at the feet of those whom it was intended to injure. The Committee believe it will do so again. If it were proper to do so in this paper, they might suggest that the measures of the Administration, and its changes of policy in the prosecution of the war, have been the fruitful sources of discouraging enlistments, and inducing descrious, and furnish a reason for the undeniable fact, that the first call for volunteers was answered by that the list can lot volunteers was answered by very many more than were domanded, and that the next call for soldiers will probably be responded to by drafted men alone. The observation of the President in this connection, that neither the Convention in its resolutions, nor the committee in its communication, intimate that coumittee in its communication, intimate that they "are conscious of an existing rebellion being in progress with the avowed object of destroying the Union," needs, perhaps, no reply. The Democratic party of Ohio has felt so keenly the condition of the country, and been so stricken to the heart by the misfortunes and sorrows which have befallen it, that they hardly deemed it necessary by solemn resolution, when their very State exhibited everywhere the sad evidences of war, to remind the President that they were aware of its existence. were aware of its existence.

In the conclusion of your communication, you In the condustion of your communication, you propose that, if a majority of the committee shall affix their signatures to a duplicate copy of it, which you have furnished, they shall stand committed to three propositions therein at length set forth, that he will publish the names thus signed, and that this publication shall operate as a revocation of the avier of havishment. Whe commitcation of the order of banishment. The committee cannot refrain from the expression of their surprise that the President should make the fate of Mr. Vallandigham depend upon the opinion of Mr. valuating man depend upon the opinion of this committee upon these propositions. If the arrest and banishment were legal, and were deserved, if the President exercised a power clearly delegated, under circumstances which warranted its exercise, the order ought not to be revoked, nerely because the committee hold or express opinions accordant with those of the President.
If the arrest and banishment were not legal, or
were not deserved by Mr. Vallandigham, then

were not deserved by Mr. Vanlandinsm, then surely he is entitled to an immediate and unconditional discharge.

The people of Chio were not so deeply moved by the action of the President, merely because they were concerned for the personal safety or convenience of Mr. Vallandigham, but because they say in his avert and higher. convenience of Mr. Vallandigham, but because they saw in his arrest and banishment an attack upon their own personal rights; and they attach value to his discharge chiefly as it will indicate an abandonment of the claim to the power of such arrest and banishment. However just the undersigned might regard the principles contained in the several propositions submitted by the President, or how much soever they might under other circumstances, feel inclined to indorse the sentiments contained therein wet they assure him on LARGE

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