

The Patriot & Union.

THURSDAY MORNING, MARCH 12, 1863.

O BARRETT & CO., PROPRIETORS.

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LEBANON ORE MINES.

An invitation was received, signed by the treasurer of the Lebanon Valley railroad, and Chas. E. Smith, Esq., President of the Reading railroad, inviting the members of the Senate and House of Representatives to visit the Lebanon ore mines on Thursday afternoon next. The train will leave Harrisburg at 12.15. A special train for the occasion. Adjourned.

AFTERNOON SESSION.

Mr. LUDLOW spoke in opposition to any taxation of the tax. There was no reason why one railroad should be so burdened, and others should be allowed to go free. The Pennsylvania railroad had done much for the Commonwealth. Apart from the bad policy of re-imposing such a tax upon trade, was the unconstitutionality of the proposed legislation. It was necessary to keep distinct and separate the legislative, judicial and executive branches of the government, and the violation of a solemn contract by the legislative branch would only be a stab at the institutions of the country. There were allegations of bribery; and even now this cry was going forth. Whatever might have happened in 1861, he could only say now, that the man who thus cast a slur at members behind their backs, and without evidence, was unworthy of the name of a man.

Mr. VINCENT said that it is now admitted that the act of 1861 was perfectly constitutional, and was, moreover, a contract. Conceding these points, the opposition claimed that it was the right of the Legislature to reimpose the tax. He proceeded to show that this claim was fallacious. The State had originally reserved the power to impose a tax upon this corporation, but the reservation had been destroyed by the act of 1861, and the Commonwealth had now no right to make a re-imposition. He continued at length to show the injustice, both to certain classes of people and to the company, which would result from the legislation as proposed. He touched upon the question of fraud as connected with past Legislatures, and disclaimed the thousand rumors and innuendoes which originated with irresponsible parties. They were alike unjust to the Legislature and injurious to the credit of the Commonwealth. He demonstrated that it was a wise policy which gave away the public works, and that the State would still have been a gainer, even if she had also given away the tonnage tax.

Mr. KAINA insisted that the Legislature was competent to repeal any act when it became apparent that its provisions were injurious to the people. He cited the case of the Erie and North East railroad, and the decisions of the Supreme Court upon that question, in proof of his assertion. Admitting that the act of 1861 was a contract, the Legislature still had a right to repeal it, and fix the damages. But that act was no such contract. He reviewed the amendment imposing a general tax on all railroads, and said sarcastically that if three cents per ton was to be charged without regard to distance, there would be no need of any additional revenue laws this session.

Mr. SMITH (Chester) discussed the legal inability of the Legislature to impair any charter or contract, without reference being had to a judicial tribunal.

Mr. HOPKINS said that the original act transferring the State canals was a great wrong. Those canals for seven years had paid into the treasury of the Commonwealth an annual net revenue of over \$400,000. All this was given for a simple promise to pay \$3,000,000, and this very promise was soon after wiped out for the benefit of other creditors. The Legislature gave the Pennsylvania railroad company \$800,000 for the privilege of releasing the tonnage tax, which was a source of revenue. There was reason to believe that this very \$800,000 was used by the Pennsylvania railroad company to influence members to vote for the communication bill.

He continued at length reviewing the history of the passage of the communication act, and thoroughly canvassing the subject.

After a session of five hours in length, spent in debate and parliamentary motions, a bill was adopted taxing all the railroads in the State on their tonnage, and also on their capital stock when dividends are declared exceeding a certain amount.

Adjourned.

UNION LEAGUES—WHAT THEY ARE.—The Cleveland Plain Dealer, on the subject of these falsely named Union Leagues—every member of which is an enemy of the Union—says:

From a daily paper published in this city, we learn, that these leagues are organized to "counteract the insidious efforts of the Copperheads." The Order is to be "of a quasi military character for the instruction of its members in the manual and school of the soldier."

"The places of meeting are to be known as Barracks." "It is to be a natural arm of defence against traitors at home and in the army."

THESE—you have it. The laws of the land are convicted of impotency to secure the rights of the citizen. Free government is pronounced a failure. Military organizations are to be established everywhere. They are to decide who are copperheads, and copperheads are to be taken care of. There is a deliberate avowal of Jacobism. A deliberate confession that the civil establishments in the peaceful States of the North have failed. A deliberate publication of the intent to substitute, under the guise of a Union society, illegal bodies of armed men, in lieu of the constituted authorities.

WE unto these foolish wretches if they inaugurate such a system. We unto them and their children after them if they rashly, and under any pretence whatever, build up armed clubs throughout this land—let them bear the revolutionary history of France. Let bankers, merchants, the "solid men," the owners of stone fronted mansions, tremble when the time comes that they hold their wealth at the mercy of furious clubs, when, as in the old cities of Italy, every house becomes an armed castle, and the laws are powerless. We feel an unutterable contempt, horror and scorn for the reckless anarchists who would deliberately propose or sanction a project so fraught with death to American liberty.

DEMOCRATIC POLICY.—There need be no misunderstanding with regard to the position of the Democracy in this war, and all carping of the Republican press, and all interpolating and suppressions with which they seek to change the tenor of Democratic speeches cannot alter it. The Democracy are in favor of the Union, the Constitution and the laws. They are willing to fight for them, and have done so. They are willing to sacrifice all they possess for their maintenance and have given abundant proof of their liberality in the manner in which they have responded to the numerous calls of the Government. And the Democracy do not feel a sympathy with the war for the abolition of slavery alone. They do not affiliate with the administration—not do they sanction its violations of the Constitution. The stand the Democrats have taken is for Union and the Constitution and it admits of no misconstruction. Not all the traitors in the South or their Abolition confederates in the North can't cover us from our purpose. We have a right to criticize the administration and we shall exercise it. And so long as fanatics and ultraists are permitted to shape the destinies of the Republic, just so long shall we denounce and condemn such a mistaken and fatal policy.—Cleveland Plain Dealer.

is a treasonable association; its elements revolutionary—it objects the subversion of the government as it exists under the Constitution.

HABEAS CORPUS—the Effect of its Suspension.

Congress, whether constitutionally or not, having conferred on the President authority to suspend the writ of habeas corpus, the inquiry naturally suggests itself to every intelligent mind, "What will be the effect of suspension?"

The New York World makes some remarks upon the subject which strike us as being sound, though not being profound in the law, we shall not assume that they are incontrovertible, or advise any one to adopt and act upon the main suggestion—the right of self defense against arrest "without due process of law"—although, the statements being true, and the argument logically correct, the corollary naturally, legally and inevitably follows.

The World discards all analogies drawn from the legal effect of a suspension by the British Parliament, because, by the theory of the English Government, Parliament is omnipotent, whereas the power of Congress and the President is restricted by a written Constitution, which does not, in any case, permit arbitrary arrests.

In England, or in this country, before any person can be sent to prison, a warrant stating the charge on which the arrest is to be made, on the oath of the person at whose instance it is to be made, must be issued by a magistrate or judge. The distinction between England and this country is that, in the former Parliament has the power to repeal or suspend the law requiring the issuing of a warrant by a magistrate or judge, while in this country the Constitution prohibits Congress from even dispensing with these forms. In times of rebellion or invasion Congress can withhold from the prisoner the privilege of being brought on habeas corpus before a judge, who could discharge him or let him out of prison on bail, but it has no power to authorize arrests, except on charges sworn to before a magistrate, who, on these sworn charges issues his warrant and acquaints the prisoner with the nature of the accusation. Hence, the World concludes, "whether the writ of habeas corpus is suspended or not, a person arrested without a warrant has a right to resist and if he kills the pretended officer, the law will regard it as a justifiable homicide, and an upright judge would instruct a jury to acquit him."

The World then proceeds:

Of what use then, it may be asked, is the power to suspend the writ which is clearly implied in the Constitution? Its only effect is to prevent the release on bail of dangerous persons who have been legally arrested on sworn charges. And this is, in fact, all that the safety of the country can ever in any case require. The arrest and detention of innocent persons can never be necessary to the public safety; and where there are reasonable grounds of suspicion, these grounds can always be sworn to before a magistrate and the order for commitment issued in regular form. We repeat, the only legal effect of the suspension of the habeas corpus is to prevent dangerous persons, arrested by due process of law, from being set at large at once. It leaves the necessity for sworn charges and a judicial warrant, previous to the original imprisonment, unimpaired and in full force.

The proofs of this are clear and incontrovertible. They are contained in the amendments, or, as they are usually called, the amended articles of the Constitution. These amendments, made immediately after the adoption of the Constitution, were intended as restrictions on the powers granted in the body of the instrument, or in the language of one of the several State conventions that recommended them, they were "calculated to preserve public liberty by those checks on power which the experience of ages has rendered venerable." The power to suspend the habeas corpus is contained in the body of the instrument, and must operate under all the restraints contained in the amendments. An amendment to a constitution, like an amendment to a statute, annuls all the original provisions which are inconsistent with itself. By English practice the suspension of the habeas corpus dispenses with the necessity of a judicial warrant as authority for arrests. Our wise and jealous forefathers, while conferring the power to suspend the writ in certain specified cases, took care to restrain the liberty of the citizen inviolable, in all cases, without the established legal formalities. "The right of the people," says the third amendment, "to be secure in their persons against unreasonable seizures shall not be violated, and no warrant shall issue except upon probable cause, supported by oath or affirmation, particularly describing the persons to be seized." In the fifth amendment again it is stated, in positive and absolute terms, that "no person shall be deprived of liberty without due process of law." 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