Patriot & Union.

VOL. 5—NO. 166. HARRISBURG, PA., SATURDAY, MARCH 14, 1863. PRICE TWO CENTS.

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EDWARD CLARK,
OSCAR A. STEVENS,
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WASHINGTON, D. C., 1862.

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PHILADELPHIA, PA.—J. G. MINNICHILD, 46 Alwood street, WM. M. SMITH, Attorney and Counsellor.

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jy31-dly

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Where they intend to devote their entire time to the manufacture of

BOOTS AND SHOES

all kinds and varieties, in the neatest and most fashionable styles, and at satisfactory prices.

Their stock will consist, in part, of *Gentlemen's Fine Calf and Patent Leather Boots and Shoes*, latest styles; *Ladies' and Misses' Gaiters*, and other Shoes in great variety; and in fact everything connected with the Shoe business.

CUSTOMER WORK will be particularly attended to, and in all cases will satisfaction be warranted. *Lasts fitted up by one of the best makers in the country.*

The long practical experience of the undersigned, and their thorough knowledge of the business will, they trust, be sufficient guarantee to the public that they will do them justice, and furnish them an article that will recommend itself for utility, cheapness and durability. [jan9] JACKSON & CO.

MURINGER'S PATENT BEEF TEA, a solid, concentrated extract of

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Convertible immediately into a nourishing and delicious soup. *Highly approved by a number of eminent Physicians.*

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which he offers to his customers and the public at

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feb26 J. B. EWING.

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27 CHESNUT ST., between Second and Front,

Has just returned from the city with an assortment of

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Which will be sold at moderate prices and made up to order; and, also, an assortment of READY MADE Clothing and Gentlemen's Furnishing Goods.

nov21-1yd

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jan8-tf

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BETWEEN WALNUT AND MARKET SQUARE,

no28] Nearly opposite the Buehler House. [d&wly

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SURGEON AND OCULIST,

RESIDENCE THIRD NEAR NORTH STREET.

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A LONG AND VERY SUCCESSFUL MEDICAL EXPERIENCE justifies him in promising full and ample satisfaction to all who may favor him with a call, be the disease Chronic or any other nature. m18-d&wly

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CARD WRITER,

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All manner of *VISITING, WEDDING AND BUSINESS CARDS* executed in the most artistic styles and most reasonable terms. dec14-dtf

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This pleasant and commodious Hotel has been thoroughly re-fitted and re-furnished. It is pleasantly situated on North-West corner of Howard and Franklin streets, a few doors west of the Northern Central Railway Depot. Every attention paid to the comfort of his guests. G. LEISENRING, Proprietor,

je12-tf (Late of Selins Grove, Pa.)

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CARBOYS, DEMIJOHNS,

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OF EVERY DESCRIPTION.

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SHEET MUSIC, PIANOS,

MELODEONS, GUITARS,

VIOLINS, BANJO STRINGS,

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Benton's Debates of Congress, 16 *volumes*, $3 *and* $3.50 *per volume.*

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POTATOES.—300 BUSHELS OF A superior quality just received and for sale low, by WM. DOCK, JR., & CO.

DRIED PEACHES—PARED AND UNPARED—just received by WM. DOCK, JR., & CO.

The Patriot & Union.

SATURDAY MORNING, MARCH 14 1863.

EXECUTIVE USURPATIONS.

SPEECH

OF

HON. JOHN D. STILES,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

February 18, 1863.

Mr. SPEAKER: At this late day in the session it requires all the impulse of duty to overcome my determination to allow the debate to close without mingling in this discussion. Nor can I venture to detain you at any length after the brilliant effort you have just witnessed by my friend from Maryland [Mr. May] in opposition to the bill now before the House. But, sir, in the discussion, which has taken a very wide range, the provisions of this monstrous proposition and its fallacies have been almost entirely overlooked. This bill seeks to indemnify, sanction and protect executive tyranny and power. It strikes a deadly blow at the rights of the people, and if adopted will be one of the most imperishable relics of executive oppression. It admits in terms the fact that unwarrantable power has been exercised by the administration, and seeks to shield the usurpers by passing a law clearly *ex post facto*, and which, in any place where the law is justly administered, can never receive the approval of any court. It is without precedent in this country, and is a fearful attempt to subvert the rights and liberties of the people. It is a plain violation of our obligations to those we represent, and if placed upon the statute book will invite the obloquy and contempt of enlightened men in all time to come. I can hardly believe it possible that such a proposition can receive the sanction even of this Congress. The powers of the Executive are not enlarged by a state of war. The framers of the Constitution had just passed through the war of the Revolution, and at its close framed a Constitution "in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." There are no implied powers in its provisions, and the rights of the Executive are clearly defined. It is so plainly written that it has been understood by the commonest mind, and all encroachments upon its clearly expressed provisions have always received the condemnation of the people. We are witnessing now the efforts to shield the Executive from gross violations of the Constitution. Protected or not by legislation no power can avert the storm that will sweep from power the party that has abused the trust committed to them by a deceived and confiding people.

On the 22d of September, 1862, the President of the United States issued a proclamation declaring—

"That on the 1st day of January, in the year of our Lord 1863, all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free; and the executive *government* of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons, or *any of them, in any efforts they may make for their actual freedom.*"

Two days later he issued another proclamation, declaring—

"Whereas it has become necessary to call into service not only volunteers, but also that portion of the militia of the States be drafted, in order to suppress the insurrection existing in the United States and disloyal persons are not adequately restrained, by the ordinary processes of law, from hindering these measures, and from giving aid and comfort in various ways to the insurrection: Now therefore, be it ordered,

"1. That during the existing insurrection, and as a necessary measure for suppressing the same, all rebels and insurgents, their aiders and abettors, within the United States, and all persons discouraging volunteer enlistments, resisting militia drafts, or guilty of any disloyal practice, offording aid and comfort to the rebels against the authority of the United States, shall be subject to martial law, and liable to trial and punishment by court-martial or military commission.

"2. That the writ of *habeas corpus* is suspended in respect to all persons arrested, or who are now, or hereafter during the rebellion shall be, imprisoned in any fort, camp, arsenal, military prison, or other place of confinement by any military authority, or by the sentence of any court-martial or military commission."

The second was a corollary of the first, and was intended to intimidate the people and compel obedience and support to the decree that the abolition of slavery was to be one of the objects for which the present war was to be prosecuted. Discussion of the merits and utility of the first proclamation was to be prevented by the threatened enforcement of the second. Following these executive decrees was an order from the War Department establishing a uniform system of provost marshals throughout all the States, and martial law was declared. We all know with what indignation these executive usurpations were received throughout the Northern States; what followed is a part of the country's history. Newspapers were suppressed that dared to differ with the Executive; the mails were carefully examined that no papers should be conveyed unless they advocated the policy of this one-man power; public meetings were interrupted by excited mobs, and hundreds of citizens were forcibly taken from their homes to distant forts, bastiles, and dungeons. All this was done, too, in States where none of the courts were interfered with, where the laws were faithfully and honestly administered. This was not all. The accused was arrested without information, without the command of a magistrate, without a hearing, without being informed of the "nature of the offense." No day was ever fixed for his trial, and all communication with his friends denied. All these things were done in violation of all the forms known to the law. Sir, the history of no government, despotic or free, can furnish a parallel to these wanton, base, and wicked usurpations. The people in vain insisted that these proclamations were in violation of the Constitution, which declares that—

"The right of the people to be secured in their persons, houses, papers, and effects against 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 and things to be seized.

"Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances."

The fifth and sixth articles of the amendments to the Constitution further provide:

"ART. 5. No person shall be held to answer for a capital or otherwise infamous 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; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use without just compensation.

"ART. 6. 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 ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."

In addition to these provisions of the Constitution which have been violated, they might yet have had hope that their rights could be maintained, had not the last hope been crushed in the suspension of the *habeas corpus*. It was incorporated into the very body of the Constitution by the men who had enjoyed its protection under a different form of government, and to make it an everlasting barrier between power and innocence, they declared:

"The privilege of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion or invasion the public safety may require it."

The "public safety" in the States perfectly undisturbed by the rebellion required no such executive interference, and the people everywhere regarded them as a fearful violation of their rights and a step towards despotism. It then became a contest before the people at the popular elections between executive power and popular rights—a contest between oppression and liberty. The administration claimed, as tyrants always have done in all time, that it was a necessity—that a military necessity existed for the abrogation of all civil rights. The people protested that a state of war changed none of the rights of the citizen and enlarged none of the powers of the Executive; that you had declared and the Executive had sanctioned the resolution of this Congress:

"That this war is not waged on their part in any spirit of oppression, or for any purpose of conquest or subjugation, or purpose of overthrowing or interfering with the rights or established institutions of the States, but to defend and maintain the supremacy of the Constitution, and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired; and that as soon as these objects are accomplished the war ought to cease."

They protested that, with this declaration embodied in your proceedings as the avowed object of the war, the President had attempted to make it a crusade for subjugation, emancipation, and the overthrow of slavery, and not for a restoration of the Union of the States.—In these popular elections in the central and western States they were against all these arbitrary arrests; against the suspension of the writ of *habeas corpus;* against emancipation, and against all the policy inaugurated and attempted to be enforced by military power.

The persons made *victims* under this military necessity submitted to long imprisonments and were released without trial, although in many and perhaps all cases they petitioned for a hearing, that they might vindicate their innocence. This was denied. In some cases they have appealed to the law, that their utter innocence of all crime might be established, and that the reasons for their arrest, the cause and nature of the offense might be known. You to-day are seeking to disarm them by passing this bill, which provides that all "arrests and imprisonments made under the authority of the President shall be confirmed and made valid," and "all indictments and informations, actions, suits, prosecutions, and proceedings whatsoever, commenced against said President, or any of the persons aforesaid, in relation to the acts and matters aforesaid, or any of them, are hereby discharged and made void."

The bill provides further:

"That during the existence of this rebellion the President shall be, and is hereby, invested with authority to declare the suspension of the writ of *habeas corpus.*"

You thus place in his hands absolute power over more than thirty million people, with no appeal from his mandate and decree. The Senate amendments have materially changed the bill. They are more objectionable than the bill as it passed this House. It utterly destroys the right of trial by jury in the State courts, transfers the actions now pending and hereafter to be brought to Federal courts, and is intended to defeat altogether the rights of the citizen to the trial by jury before his peers. It interferes with the independence of the judiciary of the States. It tends to destroy the sovereignty of the States, and it places in the Federal power what of right belongs to the States. It is intended to delay, harass, and defeat the parties who were the victims under and by virtue of these extraordinary and justly condemned orders and proclamations. I protest against this measure, because it violates that provision of the Constitution which says, "no *ex post facto* law shall be passed;" because it shields the guilty and oppresses the innocent; because it tends to avoid investigation into the abuses, and weakens confidence in the Government, which was intended to be the protector of personal rights. I oppose it, because you have refused to allow resolutions of inquiry to go to the Departments that we may know by whom and for what these summary arrests were ordered to be made. The minority of this House have been persistent in their efforts to bring to the light of day the extent of these encroachments upon the people. Sir, it has been urged that the President had the power to suspend the writ of *habeas corpus.* The fallacy of such a proposition has exploded. Even in the discussion upon this bill, when originally introduced by its author, [MR. STEVENS,] he said:

"But I was proceeding to say that I did not agree myself that the President of the United States has the right to suspend the writ of *habeas corpus* except until the meeting of Congress. Then it seems to me that we would have the right to give him that power. As there has been an illegal exercise of the power before, one arising from necessity, a bill of indemnity is the proper remedy which has been practicable for the Government where it has been necessary for the Executive, for the safety of the country, to assume the responsibility of acts not contemplated by the Constitution."

Here is the argument for this unauthorized exercise of power. The President may do "acts not contemplated by the Constitution," and Congress may indemnify where personal liberty, the dearest and most sacred right of the citizen, has been denied.

But, sir, aside from the question as to the power of the President to suspend the writ, by what authority does he make the arrests? By what law, written or unwritten, does this administration direct arrests and imprisonments at pleasure? In States where no rebellion exists, where all courts, Federal and State, are open to the government and individual, where trial by jury is allowed, sustained and unchanged, can it be said that there exists a necessity to change the whole administration of justice? No necessity existed from the beginning of our troubles; none can ever exist while the war is confined to its present limits. These encroachments have greatly weakened and almost entirely shaken confidence in this administration. The people do not believe that the Union can ever be restored under its policy. They fear that if the President is successful in his theory of liberating the slaves and thrusting them upon us of the North that the liberties of the white race will be lost, and if this war is to be prosecuted and ended over the fragments of a broken Constitution, that the victory, if it shall come, will be echoed amid the throes of the dissolution of these States, bound together by a bond made for war, for peace, for Union. We warn you now, as you have been before warned, not to venture further upon the rights of an incensed but forbearing people. There is a point beyond which you cannot, dare not go. You have heard but have not heeded the mutterings of the storm which will break upon you if you insist upon forcing upon us this bill, and the kindred schemes now attempted to be passed by this Congress. Sir, the colonies complained in the Declaration of Independence against the King, and in the catalogue of charges in that instrument they charged, as one of the gravest reasons for independence, the following:

"For depriving us in many cases of the benefits of trial by jury.

"For transporting us beyond seas to be tried for pretended offenses."

These and other causes assigned caused them to declare that—

"A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people."

The history of the past and present is, that power is always grasping, and always seeks and struggles to extend its dominion. It seldom keeps within prescribed limits. This government happily confined each branch within prescribed limits by its Constitution; and when the executive branch breaks over all barriers, restraints, and provisions of that instrument, the people may again declare against such abuses of power. Representing a people who love liberty and hate oppression, I owe it to them, to myself, to my State, to oppose to the last this and every other measure that tends to weaken their confidence in a government that has always commanded their support, and which now, with all its glorious past and once hopeful future, is threatened by the spoiler with destruction.

I have no hope, sir, that anything that can be said will change the policy inaugurated from the beginning. The voice of minorities is seldom heeded—never in this Congress. Our only right has been to be voted down. This we have never been denied. You have persistently adhered to a policy that has brought ruin upon the country, defeat to your army, and rendered a reunion of the States almost hopeless. You have scorned public opinion that has come up to you from the populous Central and Western States condemning your Abolition policy. The same sentiment which has come to you through the recent elections pervades the army. All are alike unheeded. You have attempted to free the negro, and have thereby almost lost your own freedom. You are not for a restoration of the Union, with the rights of the States as they were; but an acknowledged leader, my colleague, (Mr. Stevens,) occupying the most responsible position here, and necessarily high in the confidence of this administration, and one who, I presume, does much to shape its policy, in his remarks upon the bill mutilating the State of Virginia, uses the following significant language:

"I say, then, that we may admit West Virginia as a new State, not by virtue of any provision of the Constitution, but under our absolute power which the laws of war give us in the circumstances in which we are placed. I shall vote for this bill upon that theory, and upon that alone; for I will not stultify myself by supposing that we have any warrant in the Constitution for this proceeding.

"This talk of restoring the Union as it was under the Constitution as it is, is one of the absurdities which I have heard repeated until I have become about sick of it. This Union can never be restored as it was. There are many things which render such an event impossible. This Union shall never with my consent be restored under the Constitution as it is with slavery to be protected by it."

Under the policy declared in the Crittenden resolution your army was raised. They were led to believe it was a war to restore, not to destroy. All your love for the Union has been exhausted, and now it is openly proclaimed that the Union shall never be restored "under the Constitution as it is."

You have inaugurated another system, which will find no favor with the people, who are now overburdened with unequal and enormous taxation. I refer to "compensated emancipation;" one bill giving $10,000,000 to free the negroes of Missouri, which has already passed this House, and has been amended in the Senate increasing the amount to $20,000,000.—This iniquity to add to the taxation of the country will be repudiated and condemned with the rest of your Abolition programme.—Complaint is made here that you are not sustained by the people. The people are seldom wrong, and always make haste to correct abuses.

Your President was elected by a popular minority, upon a platform which the people then believed you would carry out when you declared—

"That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions, according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political faith depends, and we denounce the lawless invasion by armed force of any State or territory, no matter under what pretext, as among the gravest of crimes."

In your administration of affairs you have totally disregarded this solemn pledge to the people. The President, upon entering the office he now fills, said:

"I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so."

In his policy he has violated every word of that declaration. You must not complain if the people adhere to the rule, "Trust not him who hath once broken faith."

My colleague, [Mr. Wright,] in a speech lately delivered in this House, said:

"The gentleman from Ohio [Mr. Vallandigham] has alluded to the result of the late elections as though that established a peace policy. I assure the gentleman, if he entertains that idea, that never was mortal man more mistaken on earth. The great change in public opinion, as evidenced in these elections, results, in my opinion, from a want of confidence in the manner in which the war has been conducted, and the blunders of the administration. The people of this country have not abandoned the idea of saving their country, but they have adopted the idea of changing their rulers. There has been no victory, so far as I understand it, in the State of Pennsylvania that has been achieved upon a principle hostile to the maintenance of the Government by a vigorous prosecution of the war. I learn by all the speeches made by Mr. Seymour, of New York, both before and since his election, that he speaks unqualifiedly in favor of a vigorous prosecution of the war. I do not believe that any man could maintain a political position in Pennsylvania for a day who would declare himself in favor of peace on any terms, whether with the Government broken or with the Government supreme. No, sir; the change of principles evinced by the late elections has been caused by the unfortunate failure in the conduct of the war; because never was a war so bunglingly managed from the time of Alexander the Great down to the time of the great Napoleon."

While I agree with my colleague as to the conduct of the war, I am not prepared to agree with him as to the meaning of the late election in my own State. The policy of the administration was condemned; the object of the war was a question before them. The emancipation proclamation was fresh before them. It entered largely into the canvass. And I may here venture to say that everywhere the question of peace, mediation, and cessation of hostilities was more or less discussed. I am not the advocate of a dishonorable peace that would bring to the cheek the blush of shame; but there is a sentiment growing, spreading, and engaging the attention of the country, for a lasting, permanent peace, peace and union; not disbanding the army and surrendering up the Government; but if to continue war is to abandon all hope for restoration; if the object of the war is understood to be that there is to be no cessation until the last negro is made free, then I have reason to know that peace is desirable as against such a policy.—My colleague may never have heard it; but there is a determined, open opposition to the understood objects and purposes of the war.—I go farther in declaring it to be the convictions of my judgement that now, with all the lights that we have before us, the people prefer peace if that object can be honorably gained.

"A peace is of the nature of a conquest;
For then both parties nobly are subdued,
And neither party loser."

I have reluctantly referred to my colleague's remarks, but I differ with him entirely as to the sentiment of our people.

Mr. Speaker, we are rapidly approaching the last day of Congress. Its proceedings will soon be a part of the history of this nation.—The President in his message to us this session says that "we cannot escape history. We of this Congress and administration will be remembered in spite of ourselves." These words are fitly spoken. Neither the administration nor Congress can "escape history." If there be a wish to escape, it will be a pitiful delusion. We will all be remembered. In the Boston *Daily Courier* of February the 13, 1863, I find the following, said to have been uttered by Daniel Webster. Whether it is properly accredited to him I do not know and will not vouch. Its truth, nevertheless, cannot now be questioned:

"If the infernal fanatics and Abolitionists ever get the power in their hands, they will over-ride the Constitution, set the Supreme Court at defiance, change and make laws to suit themselves, lay violent hands on those who differ with them in their opinions, or dare question their infallibility, and finally bankrupt the country, and deluge it with blood."

Whoever is the author, he is at least entitled to some notice as a prophet.

The proceedings of this Congress have failed to meet public expectation. The people believed that your labors would end with some hope of a speedy restoration of this Union.—That hope, I fear, though hoping still, will never be realized under this administration.—They have fondly hoped that before we seperated we might carry with us to our constituents words of hope, at least, that our legislation and proceedings looked to a Union of all the States restored under the Constitution, and that the day was soon to dawn when we could look upon a Union.

"Unbroken as the sacred chain of nature,
That links the jarring elements in peace."

I must return to my people saddened with what I have here witnessed, and which has engaged my closest attention, with no well grounded hope as to the future. The dangers and destiny of this great nation and people we cannot foretell.

Sir, the highest, the only aspiration I have, is to see the Union restored. If it could be done by sacrifice, no one would be more ready to make it. If it could be done by compromise, mediation, that blood would cease to flow, and friendship, love and peace could take the place of hate, revenge, war and desolation, I would do it now. If I could restore to the desolate hearthstones and firesides the gallant men who are enduring all the hardships incident to such a war, and could bring back the long absent son to those who now "refuse to be comforted;" if I could assuage "the grief that does not speak," I would do it now.

Mr. Speaker, the late hour to which this day's session has been extended, and the desire to adjourn so prevalent among us all, I surrender the floor and yield to a motion to adjourn.

THE SALE OF GOLD AND SILVER COIN. The following regulations contain the substance of the recent act of Congress in relation to the purchase and sale of gold and silver coin:

First.—All contracts for the purchase and sale of gold and silver coin or bullion and all contracts for the loan of money or currency secured by the pledge or deposit or other disposition of gold or silver coin of the United States if to be after a period of three days, must be in writing.

Second.—Such contracts must have adhesive stamps equal in amount to one-half of one percentum of the amount named in the contract, and in addition thereto stamps equal to the amount of interest at 6 per centum on the amount of the contract for the time specified

Third.—A renewal of the contract would be subject to the same conditions.

Fourth.—No loan of currency or money on the security of gold or silver coin of the United States, or upon any certificate or other evidence of deposit payable in gold or silver coin, can be made for an amount exceeding the par value of the coin pledged or deposited.

Fifth—Gold or silver coin, pledged at the par value thereof, is subject only to the duty imposed on these loans.

EXTRAORDINARY CAUTION.—There is a railroad out west which is bound to be on the safe side. It is a double track, and as the train run off the track into another train approaching on the opposite track, an order was issued, which insured safety as long as it was strictly enforced:

"Hereafter, when trains, moving in opposite directions are approaching each other, on separate tracks, conductors and engineers will be required to a halt before the meeting, and be very careful not to proceed till each train has passed the other."