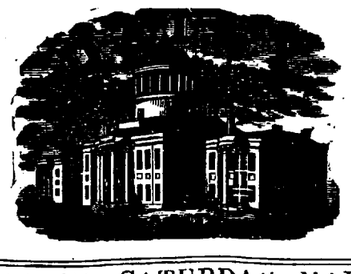
Patriot  Union.

VOL. 5.—NO. 231. HARRISBURG, PA., SATURDAY, MAY 30 1863. PRICE TWO CENTS.

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PUBLISHED EVERY MORNING,

SUNDAYS EXCEPTED,

BY O. BARRETT & CO

THE DAILY PATRIOT AND UNION will be served to subscribers residing in the Borough for TEN CENTS PER WEEK, payable to the Carrier. Mail subscribers, FIVE DOLLARS PER ANNUM.

THE WEEKLY PATRIOT AND UNION is published at TWO DOLLARS PER ANNUM, invariably in advance. Ten copies to one address, *fifteen dollars*.

Connected with this establishment is an extensive JOB OFFICE, containing a variety of plain and fancy type, unequalled by any establishment in the interior of the State, for which the patronage of the public is solicited.

Business Cards.

ROBERT SNODGRASS,
ATTORNEY AT LAW,
Office with Hon. David Mumma, jr., Third street, above Market, Harrisburg, Pa.

N. B.—Pension, Bounty and Military claims of all kinds prosecuted and collected.
Refer to Hons. John C. Kunkel, David Mumma, jr., and R. A. Lamberton. my2-d&w6m

WM. H. MILLER,
AND
R. E. FERGUSON,
ATTORNEYS AT LAW,
OFFICE IN
SHOEMAKER'S BUILDINGS
SECOND STREET,
BETWEEN WALNUT and MARKET SQUARE,
ap29-d&w Nearly opposite the Buehler House.

THOS. C. MacDOWELL,
ATTORNEY AT LAW,
MILITARY CLAIM AND PATENT AGENT.
Office in Burke's Row, Third street, (Up Stairs.)
Having formed a connection with parties in Washington City, who are reliable business men, any business connected with any of the Departments will meet with immediate and careful attention. m6-y

DR. C. WEICHEL,
SURGEON AND OCULIST,
RESIDENCE THIRD NEAR NORTH STREET.
He is now fully prepared to attend promptly to the duties of profession in all its branches.
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. ml8-d&wly

TAILORING.
GEO. A. KLUGH.
The subscriber is ready at NO. 94, MARKET ST., four doors below Fourth street, to make
MEN'S AND BOY'S CLOTHING
In any desired style, and with skill and promptness. Persons wishing cutting done can have it done at the shortest notice. ap27-d1y

CHARLES F. VOLLMER,
UPHOLSTERER,
Chestnut street, four doors above Second,
(OPPOSITE WASHINGTON HOSE HOUSE,)
Is prepared to furnish to order, in the very best style of workmanship, Spring and Hair Mattresses, Window Curtains, Lounges, and all other articles of Furniture in his line, on short notice and moderate terms. Having experience in the business, he feels warranted in asking a share of public patronage, confident of his ability to give satisfaction. jan17-dtf

SILAS WARD.
NO. 11, NORTH THIRD ST., HARRISBURG.
STEINWAY'S PIANOS,
MELODEONS, VIOLINS, GUITARS,
Banjos, Flutes, Fifes, Drums, Accordeons,
STRINGS, SHEET AND BOOK MUSIC, &c., &c.,
PHOTOGRAPH FRAMES, ALBUMS,
Large Pier and Mantle Mirrors, Square and Oval Frames of every description made to order. Regilding done.
Agency for Howe's Sewing Machines.
☞ Sheet Music sent by Mail. oct1-1

JOHN W. GLOVER,
MERCHANT TAILOR!
Has just received from New York, an assortment of
SEASONABLE GOODS,
which he offers to his customers and the public at
nov22) *MODERATE PRICES.* dtf

W. HARRY WILLIAMS,
CLAIM AGENT,
402 WALNUT STREET,
PHILADELPHIA.
General Claims for Soldiers promptly collected, State Claims adjusted, &c., &c. mar20-d1m

SMITH & EWING,
ATTORNEYS-AT-LAW,
THIRD STREET, Harrisburg,
Practice in the several Courts of Dauphin county. Collections made promptly. A. C. SMITH, J. B. EWING.

J. COOK, Merchant Tailor,
27 CHESNUT ST., between Second and Front,
Has just returned from the city with an assortment of
CLOTHS, CASSIMERES AND VESTINGS,
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

DENTISTRY.
B. M. GILDEA, D. D. S.,
NO. 119 MARKET STREET,
EBY & KUNKEL'S BUILDING, UP STAIRS.
jan8-tf

RELIGIOUS BOOK STORE,
TRACT AND SUNDAY SCHOOL DEPOSITORY,
E. S. GERMAN,
N SOUTH SECOND STREET, ABOVE CHESNUT,
HARRISBURG, PA.
Depot for the sale of Stereoscopes, Stereoscopic Views, Music and Musical Instruments. Also, subscriptions taken for religious publications. no30-dy

JOHN G. W. MARTIN,
FASHIONABLE
CARD WRITER,
HERR'S HOTEL, HARRISBURG, PA.
All manner of *VISITING, WEDDING AND BUSINESS CARDS* executed in the most artistic styles and most reasonable terms. dec14-dtf

UNION HOTEL,
Ridge Avenue, corner of Broad street,
HARRISBURG, PA.
The undersigned informs the public that he has recently renovated and refitted his well-known "Union Hotel" on Ridge avenue, near the Round House, and is prepared to accommodate citizens, strangers and travelers in the best style, at moderate rates.
His table will be supplied with the best the markets afford, and at his bar will be found superior brands of liquors and malt beverages. The very best accommodations for railroaders employed at the shops in this vicinity. [al4 dtf] HENRY BOSTGEN.

FRANKLIN HOUSE,
BALTIMORE, MD.
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,
jel3-tf (Late of Selins Grove, Pa.)

THEO. F. SCHEFFER,
BOOK, CARD AND JOB PRINTER,
NO. 18 MARKET STREET, HARRISBURG.
☞ Particular attention paid to printing, ruling and binding of Railroad Blanks, Manifests, Insurance Policies, Checks, Bill-Heads, &c.
Wedding, Visiting and Business Cards printed at very low prices and in the best style. jan21

MESSRS. CHICKERING & CO.
HAVE AGAIN OBTAINED THE
GOLD MEDAL!
AT THE
MECHANICS' FAIR, BOSTON,
HELD THE PRECEDING WEEK,
OVER SIXTY COMPETITORS!
Warerooms for the CHICKERING PIANOS, at Harrisburg, at 92 Market street,
9-23-tf W. KNOCHE'S MUSIC STORE.

The Patriot & Union.

SATURDAY MORNING, MAY 30, 1863.

ARBITRARY ARRESTS.

SPEECH

OF

HON. DAVID L. SEYMOUR,

At the Mass Meeting, Troy, New York, on Saturday evening, May 23d.

The following is the report of Mr. Seymour's remarks, at the meeting on Saturday evening, May 23:

FELLOW CITIZENS: We have assembled here to-night to take our stand in behalf of civil liberty. We have heretofore always been accustomed to boast that we were born in a land of liberty, and to contrast the condition of the citizen in this country with that in foreign lands. We have looked to the *old world*, and to many parts of it boasting a high civilization, even claiming to be a land of law, and where civil rights are regarded and in some degree protected. We have seen the press muzzled, freedom of speech prohibited, and freedom of debate banished from the assemblies of the people. We were then wont to turn with pleasure to the shores of once happy and free America. And here, ever since the declaration of our idependence, we have boasted of our freedom—freedom to worship God according to the dictates of our consciences—freedom of speech wherever we went among our fellow-citizens—freedom of debate, and freedom of the press. From the period of the American Revolution, the right of *free speech* and of a free press, has been most jealously guarded. It has ever been the one grand characteristic of American institutions. So tenacious have we been of this great "home-bred right," as it was called by Daniel Webster—that the Constitution of the United States has expressly declared that no law shall be passed "*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.*" Nay, more; not only has this right been dear to those born and nurtured on American soil, but it has now for near a century stood upon the headlands of America a beacon to the oppressed of Europe. It has shed its bright and never-dimmed lustre across the Atlantic, inviting to our shores the oppressed and down-trodden of all the nations of the old world. Guided by its light and cheered by its radiance, they have come from Ireland and England, from France and from Germany. And now, answer me, ye that have left the homes of your youth across the ocean—and ye the descendants of such—have you and they come to these shores merely because you could here ply your trade or vocation in life with greater thrift?—was it merely because here was more room for the play of your energies? or was it not a still higher and nobler motive that animated you and them? Did not your souls long for that emancipation of thought and of speech which freedom in a land of liberty only can give? You panted for religious freedom—you hungered and thirsted for the liberty of speech—for free speech as well as *free thought*.

It is this glorious idea of freedom of thought and freedom of speech which has operated like a talisman upon the oppressed of Europe, and made America, in the language of the eloquent orator of Ireland, the "home of her emigrant and the asylum of her exile."

It is this great constitutional right that we are here to maintain by our presence—by our words, and by our voices. I rejoice that the people have assembled in such masses. When I look around me and contemplate this great assemblage—who have come up from all the peaceful avocations of life—to do homage to the *liberty* of a citizen of this Republic, I feel that the cause of our common country is yet safe—I will not despair of the Republic—while the masses of the people are prompt to move for the defence of their constitutional rights.

In what we do to-night we manifest our attachment to our government and its laws.—We stand up in defence of the Constitution.

Two years ago when the guns for Fort Sumpter aroused the people through the entire breadth of the land; when we were told that brave soldiers marching through Baltimore to the protection of the capitol, were slain; when the threat was made that the government of the people, under the Constitution, should be overthrown, and the standard of rebellion planted upon the capital of the nation, the men of the North, with the greatest unanimity rallied to the rescue. The people of this city, you, my fellow-citizens, assembled without respect of party, and you resolved that you would devote your best efforts to the cause of your country; you contributed your means in abundance.—Not a city in this great State, hardly a town in any county but has opened its treasury and with a lavish hand poured forth money for arming and equipping the largest force ever yet sent forth in defence of national existence and constitutional rights.

Not only so, but our brave, intelligent and patriotic youth have gone to the fields of battle, by thousands and hundreds of thousands, and their blood has been shed on more than a hundred battle-fields in defence of the Constitution and the Union. A large majority of the voters of this city and county were then, as we are now, opposed to the men and to the party holding the reins of government. But on that emergency we rose above party and party considerations. We felt that those who held the reins of power, were only dressed in a "little brief authority," as the servants of the people. But we knew that the great pillars of our government were founded upon the basis of eternal truth and right. We were determined to defend the Temple of Liberty whoever might be the temporary guardians of it.

So—here to-night, it is not the individual, Clement L. Vallandigham—no matter who or what he may be. It is not a question as to what party he may have belonged. It is not a question whether he is a distinguished man or an obscure man—nor whether he were patriotic or unpatriotic—nor even whether he has been for the war or opposed to the war. It is a question of *public right*, violated and outraged through an individual. A question of constitutional right, *trodden down* and trampled under foot, in order to vent the spleen of the administration or some of its officials upon an individual.

Let us not be misunderstood or misinterpreted. When the Democratic party and all conservative men joined with all other loyal men at the North to maintain the government against an unjust and wicked rebellion—we did it for the sake of our Constitution and the laws—for the sake of the *government* founded by Washington—not for the sake of an *administration* headed by Lincoln. No, if the latter only had been concerned, we might have left them to their fate—we might have said to them, you have made up your bed with the fanatical Abolitionists, you have goaded the South to madness by your absurd and wicked theories, you have sowed the wind and you now reap the whirlwind.

But we loved the old flag, we revered the Constitution of our fathers, and we rallied and will still continue to rally for its defence.

And who is Clement L. Vallandigham?—What his antecedents were before he appeared in public life, we know not. For four years he has represented one of the most wealthy and intelligent consittuencies in the State of Ohio in Congress. His district extended up the valley of the Miami from Cincinnati, and embraced the populous and wealthy town of Dayton, where he resided.

His course in Congress as a public man is the most important part of his history for our consideration. And without particularizing, it may be said that he has, from the beginning to the present time, failed to see in this Southern rebellion that danger to the government which was apparent to almost the entire population of the Free States. While he professed to believe that the right of secession, claimed by the South, was subversive of our whole system of government, he seems to have labored under the delusion that if we would not raise armies or equip navies and seek with them to put down the rebellion, that the rebellion would soon put itself down. That all our government had to do, was to have a few beautiful theoretical speeches made, and then sit down as the old Roman Senators did in their capital when assaulted by the Gauls, until the insurgent legions should batter down its walls and cut their throats. Hence, in Congress, he was not the advocate of the war measures of the government; and if at any time he sustained them, his support was cool and reluctant.

Since he left public life, he has continued, in public discussions, to sustain his own peculiar views. He has criticised the measures of government. He has denounced the administration for its vascilating policy, and its illegal and unconstitutional measures. Whether he was right or wrong in his belief, is not a question now. He had a right to his opinion; and in this country of *free opinon and free speech* he had a right to express his opinion. He had that same right that you or I have to do it.—We, or most of us at least, have differed from him in opinion, as to the mode of dealing with this rebellion. We have deemed some of his views, as to the present crisis in our country, erroneous and fatal to the government if they were adopted.

Although at times, his votes, and his general bearing in Congress, have not risen to that high mark of patriotic devotion, demanded, as we believe, by the present crisis; yet, he had a right to his own opinions, and a right to express them freely. It is certainly due to Mr. Vallandigham to let him speak for himself.

In one of his recent speeches in Congress, speaking of himself and those political friends who acted with him, he thus eloquently refers to the Constitution and maintains the right of the people under it:

"We seek no revolution, except through the ballot box. The conflict to which we challenge you is not of arms but of argument. Do you believe in the virtue and intelligence of the people? Do you admit their capacity for self-government? Have they not intelligence enough to understand the right, and virtue enough to pursue it? Come, then, meet us through the press and with free speech, and before the assemblages of the people, and we will argue these questions, as we and our fathers have done from the beginning; we government right or wrong, we right or wrong?' And by the judgment of the people we will, one and all, abide.

"I have spoken as though the Constitution survived, and was still the supreme law of the land. But if, indeed, there be no Constitution any longer, limiting and restraining the men in power, then there is none binding upon the States or people. God forbid. We have a Constitution yet, and laws yet. To them I appeal. Give us our rights; give us known and fixed laws; give us the judiciary; arrest us only on due process of law; give us presentment or indictment by grand juries; speedy and public trial; trial by jury and at home; tell us of the nature and cause of the accusation; confront us with witnesses; allow us witnesses in our behalf, and the assistance of counsel for our defence; secure us in our persons, our homes, our, papers and our effects; leave us arms, not for resistance to law or against rightful authority, but to defend ourselves from outrage and violence; give us free speech and free press; the right peacably to assemble; and, above all, free and undisturbed elections and the ballot; take our sons, take our money, our property, take all else, and we will wait a little, till at the time and in the manner appointed by Constitution and law we shall eject you from the trusts you have abused, and the seats of power you have dishonored, and other and better men shall reign in your stead."

He is right in claiming freedom of thought and of speech. No gag law on the press; no swords, nor bayonets, nor chains, nor prisons, nor exile, can, under our Constitution, legally restrain or repress them. This is true in morals, in social life and in religion. It is true of the Atheist, the Mormon and the Abolitionist. Even the Abolitionists—the Phillipses, the Sumners, the Wades, the Garrisons, and their whole tribe—have a right to preach heretical doctrines, and to bring about, if they can, an amalgamation of the white and black races. And it would seem in the view of the present administration, they may go farther. They may even denounce the government and the Constitution as a "league with hell," and yet this government has no edicts of martial law to forbid them. Neither Burnside at Cincinnati, nor Gen. Wool at New York, has been instructed by the administration that such direct and most malicious attacks upon our Constitution, are "giving aid and comfort to the enemy."

While Vallandigham was denouncing the policy of the administration in Ohio, Garrison and Phillips and the Abolitionists of the North, were assembled in New York, to denounce the Constitution, for the support of which the loyal men of all parties are expending their money and shedding their blood.

Let the President and his Cabinet, so sensitive to criticisms upon their policy, forget themselves if they can, and think of the Constitution thus assailed. And if the rigor of martial law and imprisonment in a fortress, or banishment from the country, is adjudged to be due to the man who too severely, and even untruly criticises them, let them mete out to their Abolition allies, even-handed justice in such punishment as shall be due to them for their gross and traitorous attacks upon our glorious Constitution.

But, fellow-citizens, the transactions by which a citizen, in the midst of the pursuits of civil life, has been outraged, demands a more minute and careful consideration. At his quiet home, in the dead of the night, he was seized by armed men, carried before a military tribunal, and there, in the midst of a large, well ordered city, surrounded by all the muniments of the Common Law, the Statute Law, the Constitution of the State of Ohio, and the Constitution of the United States, was tried without the forms of law, was condemned and sentenced.

What a commentary upon our boasted liberties! Let us look at the steps and progress of this despotic act.

First comes Gen. Burnoide's order, No. 38. In this order, among other things, he says, "It must be understood that *treason, expressed or implied, will not be tolerated in this Department.*" Afterward, in explanation of this order, he further says, among other things, that "*All newspapers or public speakers* that endeavor to bring the *war policy* of the government into disrepute, will be considered as violating the order above alluded to, and treated accordingly."

Mr. Vallandigham meets his fellow citizens in his old Congressional District. He discusses the questions of the day. He discusses them as public measures. He discusses them with freedom. I cannot quote at length the language he used even as it was attempted to be proved on his trial. I will, however, give the substance, as it is stated by the New York *Evening Post*, a newspaper, as you all know, of the Republican school, and disposed to put the most unfavorable construction upon Mr. Vallandigham's language. That paper sums up thus:

"Vallandigham's offences have been as yet confined to the uee of foolish words. He calls Mr. Lincoln bad names; he denounces the Republican party; he abuses Burnside's new military orders; and his example and instructions are exceedingly pernicious. But, alas, we cannot, in the spirit of Anacharsis Kloot's demand, hang all the dastards and scoundrels at discretion. Vallandigham has not, that we hear, committed any overt act of treason; he has not resisted the laws, though he has perhaps counselled resistance; and until he does, his silly babbling must be allowed to pass for what it is worth. It is not likely to persuade more than a few ignorant or malignant men to do wrong."

We agree with the *Evening Post*, and all other public journals, in denouncing these arbitrary powers sought to be exercised. Now, on our own account let us ask a few questions—questions which will readily occur to any plain man.

General Burnside says in his order No. 38: "It must be distinctly understood that treason *expressed* or *implied*, will not be tolerated in this department." Pray, will the redoubtable General tell us what he means by *implied* treason—what acts, what declarations of man amount to *implied* treason, according to General Burnside's order? Who raises and declares the implication, General Burnside or some Captain Bopadil detailed to act upon the court martial? This is the all important point. *Who* raises the implication and declares it to exist?

One man would raise it from language which another would declare perfectly loyal.

There was a time in France when the doctrine of *implied* treason prevailed, and it sent thousands of the best men and purest patriots to the guillotine.

There was a time in England when the doctrine of *implied* or *constructive* treason, as it was there called, prevailed, and it sent some of the noblest spirits of that country to the block.

Even in this county, while we were colonies of Great Britain, the doctrine of *implied* treason was attempted to be maintained. When John Hancock, the merchant prince, who nobly devoted his wealth and talents to the cause of our liberty and independence, met the people of Boston to commemorate the massacre of the 5th day of March, 1770—the old South Church [illegible] the presence of a crowd body of British grenadiers with fixed bayonets and loaded guns—and he, too, was notified that he would not be permitted to say anything deregatory to the war policy of George the Third, and that if he did he would be arrested for *implied* treason.

With these notable examples before the patriots of 1776—they have in the Constitution of the United States, expressly announced in what treason against the United States shall consist. In that instrument they declare that it shall consist *only* in levying war against the United States—"or in adhering to their enemies giving them aid and comfort!" They also declare that "no law shall be passed abridging the freedom of speech or of the press."

There is, therefore, in this country, no such offence *as implied treason*—and the use of free speech in discussing the policy of the government, and that too, with boldness and even severity, is not and cannot be held to be "*adhering*" to our enemies, "giving them aid and comfort."

Any different construction of the constitutional definition would confound all right of free speech. It would lead us into the worst of despotisms. It would place us under a despotism as galling as that of Louis Napoleon. Let the strange doctrine be once sanctioned that a discussion, or even a denunciation of the policy of the administration, is the giving of "aid and comfort" to the enemies of the United States, and our liberties are at an end—the press is silent—the speakers are silent—and the government, like that of France to-day, moves along in the dead, dumb, leaden track of despotism.

I am glad to find that even a part of the Republican press of this country denounce this doctrine of implied treason, as dangerous to the liberties of the country. I quote again the New York *Evening Post*:

"No government and no authorities are to be held as above criticism or even denunciation. We know of no other way of correcting their faults—spurring on the sluggishness, or restraining their tyrannies, than by open and bold discussion. How can a popular government, most of all, know the *popular* will, and guide its course in the interest of the the community, unless it be told from time to time what the popular convictions and wishes are? Despotisms, like that of Louis Napoleon or the Czar of Russia, have no need of this inspiration and control from the people, because they are not administered in the interests of the people, and look to those of a single man or family which can very well manage its own affairs. But a Republic lives alone in its fidelity to the sentiments of the whole nation.

"Abuses and licenses of course adhere to this unlimited freedom of public criticism; but these are apparently inseparable from the use; and without the abuse we should scarcely have the use. It is a question, too, who is to draw the line between the use and the abuse outside the courts established for the detection and punishment of all offences? If Vallandigham's peace nonsense is treasonable, may not Greeley's be equally so? If he cannot arraign the conduct of the war, can Mr. Schalk, who has written a book on strategy, which is the severest arraignment of it yet printed? If he may not question the propriety or justness of Burnside's orders, may the *Evening Post*, or a thousand other journals, venture to hint a doubt of the superhuman military abilities of General Halleck? We know it may be said that his motives are bad and treasonable, while those of the other are loyal; but tribunals and commissions cannot inquire into motive.—Deeds are tangible, but not thoughts."

The sentiments thus ably expressed are to-day echoed and re-echoed by the great majority of the presses and all loyal people in the free States.

But let us look a little farther into this transaction—this drama of despotism. What was the character of the charge against Vallandigham? It was not that he committed any overt act of treason. But in substance, that at a public meeting of citizens, held on the 1st day of May, 1863, at Mount Vernon, Knox county, Ohio, he had used certain language with regard to the war, the policy of the administration in maintaining it, the feasibility of obtaining an honorable peace through the mediation of France; and his belief that the administration were attempting to establish a despotism in this country, &c., &c.; and this is charged as treasonable, inasmuch as it was alleged to be giving "aid and comfort to the enemy."

Now in the first place, mark the character of these charges. They relate to the policy of the government, the feasibility of a peace, and a belief that the administration were about to establish a despotism in this country. Had he not a right to discuss the policy of the administration as to this war, if he could find out what their policy is? We all once thought we understood it. We read the President's proclamation or message at the beginning of the war, and he said the *object* of the administration, its *policy*, was to restore the Constitution and the Union. It was a noble policy. It was worthy of a President to restore the Constitution and the Union. This sentiment electrified the North. One and all we rallied around the President. The brave, the talented and patriotic Gen. Geo. B. M'Clellan was placed at the head of the Army of the Potomac, and proud of him and prouder still of our old flag and our glorious Union, we rallied for the "*Constitution and the Union.*"

But after a while a change came over the President. One hundred clergymen from the West had come to Washington, and they had urged the President to issue a proclamation to emancipate the slaves of the South. Not merely the slaves of rebel masters, but the slaves of an entire State, or district; the slaves of Union as well as the slaves of rebel masters. The President at first recoiled from such an unwise and unconstitutional proposition. He saw that a war waged for the integrity of the Union and the Constitution could not consistently be made a war of emancipation. And here it was that he made to these Abolition clergymen and their allies, the Phillipses and Garrisons of the East, that famous reply that it would be as useless and as ridiculous to issue an emancipation proclamation as it was for a Pope many centuries ago to issue a Bull against a comet. The comet would come and go in spite of the Bull, and slavery would exist in spite of the proclamation. But the President at last yielded to the Abolitionists and issued the proclamation, and shortly after—(an ominous coincidence!) and but a little subsequently to the great victory won by Gen. M'Clellan over Lee and Stonewall Jackson at Antietam, the only great battle as yet I believe won by the Army of the Potomac, he removed that great constitutional and conservative general from the command of the army.

Now all this seems to have puzzled Mr. Vallandigham, and he supposed that the war was really waged for the emancipation of the slaves rather than the suppression of the rebellion. And so with regard to a refusal of the intervention of France for peace and the opinion that the government was about to establish a despotism upon the ruins of our free republican form of government. Mr. Vallandigham was unable to unravel the policy of this wise [illegible] can see, more clearly than Mr. Vallandigham. The man who supposes that the administration can, if they would, make this a mere Abolition war, knows but little of the people of this country and the theory of our government. The man who now supposes that the people of this country are prepared to make peace without securing the ascendancy of the Constitution and the supremacy of the laws, knows but little of the deep and determined feeling which exists in the great masses of the people of the free States on this subject. They believe that their cause is just, and that this rebellion ought to be put down, and that the very existence of their government as an United Republic depends upon putting down the doctrine of secession. Equally absurd is the idea that we are verging to a despotism. There may be some who fear this result from the war. But no man of common sense can for a moment suppose that 20,000,000 of freemen in the free States of the North are about quietly to surrender their free institutions to any political party or to any military chieftain. All the combined powers of Europe cannot conquer our liberties and raise a monarchy here.

The men who fear that a mere political party can conquer them have not correctly calculated the strength of our Government, founded upon the true principles of Democratic equality and freedom. They have yet to learn "what constitutes our State," and that it is

"Not high raised battlement or labour'd mound,
Thick wall or moated gate;
Nor cities, proud with spires and turrets crowned,
Nor bays and broad armed ports,
Where, laughing at the storm, rich navies ride;
Nor starr'd and spangl'd courts,
Where low-browed baseness wafts perfume to pride.
No; men—high-minded men,
With powers as far above dull brutes endued
In forest, brake or den,
As beasts excel cold rocks and brambles rude;
Men, who their duties know,
But know their rights, and knowing, dare maintain.
Prevent the long-aim'd blow,
And crush the TYRANT while they rend the chain."

But it seems Mr. Vallandigham discussed these points, and Gen. Burnside was alarmed, like some other military exotics, when they imagine their dignity insulted and power questioned. He issued Order No. 38, and finally arrested Mr. Vallandigham, tried him before a military court of the General's own selection, who of course found him guilty—guilty of treason—guilty of giving "*aid and comfort to the enemy.*"

I have said that this outrage upon the constitutional rights of the citizen was consummated in one of the most populous and refined cities of our country, and amid all the muniments of law and constitutional right.

But let us look at this part of the trancaction more particularly. It deserves a closer scrutiny to fully impress us with the atrocious character of this act.

The accused was surrounded by all the protections of the law; the common law of the land—the Constitution and statutes of the State of Ohio—the Constitution and laws of the United States—all giving him free speech, and all guaranteeing to him the protection of life, liberty and property, under the laws of the land.

I will here call your particular attention to laws of Congress on this very subject—a law passed in 1862, to meet all cases arising out of the disturbed state of the countay during this rebellion. I quote the sections relative to this topic as follows:

"SEC. 2. *And be it further enacted*, That if any person shall hereafter incite, set on foot, assist, or engage in any rebellion or insurrection against the authority of the United States, or the laws thereof, *or shall give aid or comfort thereto*, or shall engage in or *give aid and comfort to any such existing rebellion or insurrection*, and be convicted thereof, such person shall be punished by imprisonment for a period not exceeding ten years, or by a fine not exceeding ten thousand dollars, and by the liberation of all his slaves, if any he have; or by both of said punishments, at the discretion of the court.

"SEC. 3. *And be it further enacted*, That every person guilty of either of the offences described in this act shall be forever incapable and disqualified to hold any office under the United States."

The tribunal to take cognizance of such cases and questions distinctly appears from the concluding section of this statute, as follows:

"SEC. 14. *And be it further enacted*, That the courts of the United States shall have full power to institute proceedings, make orders and decrees, issue process, and do all other things necessary to carry this act into effect."

Here, then, is a law upon our statute book, where it has now remained for nearly a year, providing for the trial of this very offence with which Mr. Vallandigham was charged—for giving "aid and comfort" to the rebellion or insurrection.

Under this law he was required to be tried before a court of the United States. He had a right before this court to a trial by jury.

Again—he petitioned a judge of the courts of the United States for the benefit of the writ of *habeas corpus*.

He claimed this right, but was deprived of it in gross violation of the laws of the land.

That was refused, in a State, too, where martial law had not yet been proclaimed—and where the civil, common and statute laws were supposed yet to be in full force.

He was not subject to military jurisdiction, but to the jurisdiction of the courts of law, to whom he should have been turned over, to be dealt with by them according to law. This course of procedure is expressly provided by an act passed by the last Congress, and approved by the President on the 3d of March, 1863. Look at its provisions—rendered imperatively necessary by the arbitrary arrests made by the government, from time to time, since the breaking out of the rebellion—and furthermore, intended to prevent such arrests in the future, and to provide for all persons arrested according to law, the relief and protection of laws, and the administration of judicial tribunals. Here is that part of the statute applicable to the case:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That during the present rebellion, the President of the United States, whenever, in his judgment, the public safety may require it, is authorized to suspend the writ of *habeas corpus* in any case *throughout the United States, or any part thereof.* And whenever and wherever the said privilege shall be suspended, as aforesaid, no military or other officer shall be compelled, in answer to any writ of *habeas corpus*, to return the body of any person or persons detained by him by authority of the President; but upon the certificate, under oath, of the officer having charge of any one so detained that such person is detained by him as a prisoner under authority of the President, further proceedings under the writ of *habeas corpus* shall be suspended by the judge or court having issued the said writ *so long as said suspension by the President shall remain in force and said rebellion continue.*

"SEC. 2. *And be it further enacted*, That the Secretary of State and the Secretary of War be and they are hereby directed, as soon as may be practicable, to furnish to the judges of the circuit and district courts of the United States and of the District of Columbia a list of *whom the administration of the laws has continued unimpaired in the said Federal courts*, who are now, *or may hereafter be, held as prisoners of the United States, by order or authority of the President of the United States* or either of said Secretaries, in any fort, arsenal, or other place, as State or political prisoners, or otherwise than as prisoners of war; *the said list to contain the names of all those who reside in the respective jurisdictions of said judges*, or who may be deemed by the said Secretaries, or either of them, to have violated any law of the United States in any of said jurisdictions, and also the date of each arrest; the Secretary of State to furnish a list of such persons as are imprisoned by the order or authority of the President, acting through the State Department, and the Secretary of War a list of such as are imprisoned by the order or authority of the President, acting through the Department of War. And in all cases where a grand jury, having attended any of said courts having jurisdiction in the premises, after the passage of this act, and after the furnishing of said list as aforessid, has terminated its session without finding an indictment, or presentment, or other proceeding against any such person, *it shall be the duty of the judge of said court forthwith to make an order that any such prisoner desiring a discharge from said imprisonment be brought before him to be discharged; and every officer of the United States having custody of such prisoner is hereby directed immediately to obey and execute said judge's order;* and in case he shall delay or refuse so to do, he shall be subject to an indictment for a misdemeanor, and be punished by a fine of not less than five hundred dollars and imprisonment in the common jail for a period not less that six months, in the discretion of the court: *Provided, however*, That no person shall be discharged by virtue of the provisions of this act until after he or she shall have taken an oath of allegiance to the Government of the United States, and to support the Constitution thereof; and that he or she will not hereafter in any way encourage or give aid and comfort to the present rebellion, or the supporters thereof: *And provided also*, That the judge or court before whom such person may be brought, before discharging him or her from imprisonment, shall have power, on examination of the case, and, if the public safety shall require it, shall be required to cause him or her to enter into recognizance, with or without surety, to keep the peace and be of good behavior towards the United States and its citizens, and from time to time, and at such times as such judge or court may direct, appear before said court or judge to be dealt with according to law, as the circumstances may require. And it shall be the duty of the district attorney of the United States to attend such examination before the judge.

"SEC. 3. *And be it further enacted*, That in case any of such prisoners shall be under indictment or presentment for any offence against the laws of the United States, and by existing laws bail or a recognizance may be taken for the appearance for trial of such person, it shall be the duty of said judge at once to discharge such person upon bail or recognizance for trial as aforesaid. And in case the said Secretaries of State and War shall for any reason refuse *or omit to furnish the said list of persons held as prisoners as aforesaid at the time of the passage of this act within twenty days thereafter, and of such persons as hereafter may be arrested within twenty days from the time of the arrest*, any citizen may, after a grand jury shall have terminated its session without finding an indictment or presentment, as provided in the second section of this act, by a petition alleging the facts aforesaid touching any of the persons so as aforesaid imprisoned, supported by the oath of such petitioner or any other credible person, obtain and be entitled to have the said judge's order to discharge such prisoner on the same terms and conditions prescribed in the second section of this act: *Provided however*, That the said judge shall be satisfied such allegations are true."

The above provisions cover the whole ground