

RATES OF ADVERTISING.

Four lines or less constitute half a square. Ten lines more than four, constitute a square.
sq., one day... \$1.00, one week... \$6.00, one month... \$18.00, three months... \$48.00, six months... \$84.00, one year... \$150.00

Business Cards.

ROBERT SNODGRASS, ATTORNEY AT LAW, Office North Third street, third door above Marling's, Harrisburg, Pa.
W. H. MILLER, R. E. FERGUSON, ATTORNEYS AT LAW, OFFICE IN SHOEMAKER'S BUILDINGS, SECOND STREET, BETWEEN WALNUT AND MARKET SQUARE, 2d-20-2d

THOS. G. MACDOWELL, ATTORNEY AT LAW, MILITARY CLAIM AND PATENT AGENT, Office in the Exchange Building, Walnut st., (Up Stairs)
DR. O. WEICHEL, SURGEON AND OCUKIST, RESIDENCE THIRD NEAR NORTH STREET.

MILITARY CLAIMS AND PENSIONS, The undersigned has formed an association for the collection of Military Claims and the securing of Pensions for wounded and disabled soldiers.

SILAS WARD, NO. 11, NORTH THIRD ST., HARRISBURG. STEINWAY'S PIANOS, MELODIONS, VIOLINS, GUITARS, Banjos, Flutes, Pipes, Drums, Accordions, STRINGS, KEYS AND BOOK MUSIC, &c., &c., PHOTOGRAPH FRAMES, ALBUMS, Large Pier and Mantle Mirrors, Square and Oval Frames of every description made to order.

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 MODERATE PRICES.

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

J. COOK, Merchant Tailor, 27 CHESHUT ST., between Second and Front, Has just returned from the city with an assortment of CLOTHES, GAITHERS AND FURTING, 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.

DENTISTRY, E. M. HILDEA, D. D. S., NO. 119 MARKET STREET, REY & KUNKEL'S BUILDING, UP STAIRS.

RELIGIOUS BOOK STORE, FRANK AND SUNDAY SCHOOL DEPOSITORY, E. S. GERMAN, 18 SOUTH SECOND STREET, ABOVE OBERLIN.

JOHN G. W. MARTIN, FASHIONABLE CARD WRITER, HERR'S HOTEL, HARRISBURG, PA.

UNION HOTEL, Ridge Avenue, corner of Broad street, HARRISBURG, PA.

FRANKLIN HOUSE, BALTIMORE, MD. This pleasant and commodious Hotel has been recently renovated and re-furnished.

THEO. F. SCHEFFER, BOOK, CARD AND JOB PRINTER, NO. 18 MARKET STREET, HARRISBURG.

TAILORING, GEO. A. KLUGH, The subscriber is ready at NO. 84, MARKET ST., four doors below Fourth street, to make MEN'S AND BOY'S CLOTHING.

CHARLES F. VOLLMER, UPHOLSTERER, Chestnut street four doors above Second, (Opposite Washington Hose House).

SKY-LIGHT GALLERY, -The rooms on the corner of Market square and Market street, opposite the Jones House, occupied as a gallery for drawing, painting, photography and amblytype purposes.

Patriot Union

VOL. 5.—NO. 298. HARRISBURG, PA., TUESDAY, AUGUST 18 1863. PRICE TWO CENTS.

Medical.

DR. SWEET'S INFALLIBLE LINIMENT, THE GREAT EXTERNAL REMEDY, FOR RHEUMATISM, GOUT, NEURALGIA, LUMBAGO, STIFF NECK AND JOINTS, SPRAINS, BRUISES, CUTS & WOUNDS, PILES, HEADACHE, AND ALL RHEUMATISM AND NERVOUS DISORDERS.

AS AN ALLYVATOR OF PAIN, it is unrivaled by any preparation before the public, of which the most skeptical may be convinced by a single trial.

FOR NEURALGIA, it will afford immediate relief in every case, however distressing. HEADACHE in three minutes and is warranted to do it.

QUINCY AND SORE THROAT are sometimes extremely malignant and dangerous, but a timely application of this Liniment will never fail to cure.

EVERY HORSE OWNER should have this remedy at hand, for its timely use at the first appearance of Lameness will effectually prevent those formidable diseases to which all horses are liable and which render so many otherwise valuable horses nearly worthless.

CAUTION, To avoid imposture, observe the Signature and Likeness of Dr. Sweet on every bottle, and the words "Sweet's Infallible Liniment" blown in the glass of each bottle, without which none are genuine.

ALL WORK PROMISED IN ONE WEEK!

101. PENNSYLVANIA STEAM DYING ESTABLISHMENT, 104 MARKET STREET, BETWEEN FOURTH AND FIFTH, HARRISBURG, PA.

T. F. WATSON, MASTIC WORKER AND PRACTICAL CEMENTER, Prepared to cement the exterior of Buildings with the best Portland Cement.

Water-Proof Mastic Cement, This material is different from all other Cements. It forms a solid, durable covering by any surface.

MESSRS. CHICKERING & CO. HAVE AGAIN OBTAINED THE GOLD MEDAL! AT THE MECHANICS' FAIR, BOSTON, OVER SIXTY COMPETITORS!

LADIES! YOU KNOW WHERE YOU can get the No. 1 Patent, Envelopes, Visiting and Wedding Cards! AT SCHEFFER'S BOOKSTORE

SUPERIOR STOCK OF LIQUORS, SUPPLY DOCK, J. & CO. are now able to offer their customers and the public at large, a stock of the purest liquor ever imported into this market.

WEBSTER'S ARMY AND NAVY POCKET DICTIONARY, Just received and for sale at SCHEFFER'S BOOKSTORE.

NEW ORLEANS SUGAR!—FIRST IN THE MARKET!—For sale by WM. DOCK, J. & CO.

FOR SALE.—A TWO-STORY FRAME HOUSE in Short street. Inquire of W. E. VERBEKE.

The Patriot & Union.

TUESDAY MORNING, AUGUST 18, 1863.

STATE RIGHTS AND STATE REMEDIES—No. 6.

To His Excellency A. G. Curtin, Governor of Pennsylvania:

RESPECTED SIR:—In this contest of 1800, Mr. Adams was contending not merely for another term of four years, but for the maintenance of a chief magistracy "at least for life." But the principles of free government and State Rights triumphed—the great champion of monarchy was overthrown and left the seat of government like a deposed king, who fears that the loss of power would be followed by the loss of his head.

Before I refer to his inaugural address, let me call your attention to some historical facts exhibiting the views Mr. Jefferson had and held previous to and at the time of forming the Federal Constitution. As Mr. Jefferson was absent from America both during the session of the convention which formed the constitution, and while that act was under discussion in the several States, Mr. Madison had transmitted to him at Paris, a copy of the Constitution that was to be submitted to the States for their ratification.

In another letter to Mr. Madison, dated July 31st, 1788, he remarks: "I sincerely rejoice at the acceptance of our new Constitution by every State. It is a good canvas, on which some strokes only want touching. What these are, I think are sufficiently manifested by the general voice from North to South, which calls for a bill of rights. It seems pretty generally understood, that these should go to—liberty of conscience, standing armies, printing, religion, and monopolies."

Many of these objections of Mr. Jefferson were, as we have seen, obviated by amendments to the Constitution. When he was Vice President with Mr. Adams, no man better knew the feelings and principles of President Adams, than Mr. Jefferson. He had seen his efforts to convert our republican system of government into an elective monarchy, and he warned the people accordingly, and in my No. 3 I gave an extract from one of his letters written at that time. I shall introduce one or two sentences from the same. He says: "I do, then, with sincere zeal, wish an inviolable preservation of our present Federal Constitution, according to the true sense in which it was adopted by the States, that in which it was advocated by its friends, and not that which its enemies apprehended, who, therefore, become its enemies; and I am opposed to the monarchizing of its features."

The inaugural of the 4th of March, 1801, increased the reputation of Mr. Jefferson, and like the extracts from his former writings, was worthy of the pen which drafted the Declaration of Independence. It has often been referred to as containing the manual of democracy and the theoretical outlines of a free government. We shall here introduce a few extracts from it, as exhibiting the liberal and patriotic principles of the man. He says: "About to enter, fellow-citizens, on the exercise of duties which comprehend everything dear and valuable to you, it is proper you should understand what I deem the essential principles of our government, and consequently, those which ought to shape its administration. I will compress them within the narrowest compass they will bear, stating the general principles, but not all its limitations. Equal and exact justice to all men of whatever estate or persuasion, religious or political, peace, commerce, and honest friendship with all nations—antagonizing alliances with all their enemies of the State government in all their rights as the most competent administration for domestic concerns, and the surest bulwark against the anti-republican tendencies—the preservation of the General Government in its whole constitutional vigor, as the sheet anchor of our peace at home, and safety abroad—a jealous care of the right of election by the people—a well disciplined militia, our best reliance in peace, and for the first moments of war, till regulars may relieve them—the supremacy of the civil over the military authority."

Here we see Mr. Jefferson proclaiming the same principles that he had done to Mr. Madison in 1778 and '88—and in the Kentucky resolutions of '98. His first acts were to open the doors of the loyal battlements and liberate the martyrs of liberty—Cooper, Freese and their compatriots, victims of the first reign of terror. The Alien and Sedition laws cast aside, the fourteen years' naturalization laws repealed, and every other tyrannical act of that administration, the States restored to their inherent and reserved rights, and the Federal Constitution administered according to its letter and spirit, the people rejoiced and were exceeding glad to find themselves once more enjoying the blessings of constitutional liberty. But Mr. Jefferson's administration was attacked by virulence and acrimony—the opposition press charged him with every offence in the catalogue of crime. But the period for a new election was now approaching, and so much had Mr. Jefferson's popularity increased during his administration, that he was elevated a second time to the presidency, by a majority which had risen from eight votes to one hundred and forty-eight, he was sworn into office on the 4th of March, 1805. Mr. Jefferson entered upon the arduous duties of his lofty station, deeply impressed with the confidence reposed in him by his fellow-citizens; and he asserted his determination, as he believed it to be his duty, to be guided solely by those principles which had thus been sanctioned by the unequivocal approbation of his countrymen. Mr. Jefferson thought proper to notice the abuse of the press in that inaugural. He says: "During this course of administration, and in order to disturb it, the artillery of the press has been levelled against us; charged with whatsoever its licentiousness could devise or dare. These abuses of an institution so important to freedom and science are deeply to be regretted, as they tend to lessen its usefulness and to sap its life. Nor was it uninteresting to the world, that an experienced man should be fairly and fully made, whether freedom of discussion, unaided by power, is not sufficient for the propagation and protection of truth. Whether a government, conducting itself in the true spirit of the Constitution, with zeal and purity, and doing no act which it would be unwilling the whole world should witness, can be written down by falsehood and defamation. The experiment has been tried, you have witnessed the scene, and fellow-citizens! looking on coolly and collected, they saw the latest source from which these courses proceeded. They gathered around their public functionaries; and when the Constitution called them to the decision by suffrage, they pronounced their verdict honorable to those who had served them, and consolatory to the friend of man, who believes that he may be trusted with the conduct of his own affairs. No inference is here intended that the laws provided by the States against false and defamatory publications should not be enforced."

"Like apples of silver in pictures of gold" He believes in the intelligence and patriotism of the people. He maintained the principle that "to speak his thoughts was every free man's right." Therefore, he did not call to his aid sedition laws. He did not depute a Butler, a Bursard, or a Schenck, to imprison citizens or editors for liberty of speech or press. He did not call around him hordes of irresponsible provost marshals, armed with lettres de cachet, to arrest American citizens and flippant tongue-tied women. After his second term expired, Mr. Madison was elected, and administered the Government for two terms. He was succeeded by Mr. Monroe. Their administrations, like that of Mr. Jefferson, were conducted on the principles of State Rights and confederation. Mr. John Q. Adams succeeded Mr. Monroe, and, like Mr. Lincoln, was a minority President, although elected under the form of the Constitution. Let us see what were his views on the powers of the Federal Government and State Rights in his message to Congress of December, 1828, he says: "The United States of America and the people of each State of which they are composed are each of them sovereign powers. The legislative authority of the whole is exercised by Congress, under authority granted them in the common Constitution. The legislative power of each State is exercised by assemblies, deriving their authority from the Constitution of the State. Each is sovereign within its own province. The disposition of power between them pre-supposes that these authorities will move in harmony with each other. The members of the State and General Governments are all under oath to support both, and all are equally due to one and to the other. The case of a conflict between these two powers has not been known since our institutions, as a virtuous nation of ancient times existed more than five centuries without a law for the punishment of perjury. More than once, however, in the progress of our history, have the people and legislatures of one or more States, in moments of excitement, been instigated to this conflict; and the means of effecting this impulse have been allegations

that the acts of Congress to be resisted were unconstitutional. The people of no one State have delegated to their Legislature the power of pronouncing an act of Congress unconstitutional. But they have delegated their powers, by the exercise of which the execution of the laws of Congress, within the State, may be resisted. Mr. Adams was considered metaphysical in many of his writings, but here admits the rights of the States and their remedies against an act of Congress, where they exceed their delegated authority. Mr. Adams was well acquainted with Chief Justice M'Keon's decision in the case of the Commonwealth vs. Cobbet, in 2 Yeates, 359, '60 and '61, refusing to permit the defendant, who was an alien, to remove his case into the Federal court, notwithstanding the positive provisions of the 12th section of the United States judicial act, and in this decision is to be found the divisions of power between the Federal and State governments. The court overruled the motion on the ground that the sovereign State of Pennsylvania could not, on account of its dignity, be considered before the Federal court; also the decision of Chief Justice Tilghman in the case of Gideon Olmstead in 1809—for particulars of the case, see vol. 3 of Hall's Law Journal. I will give an extract from the decision of Judge Tilghman in this case, as it speaks for itself. He says: "The United States have no power, legislative or judicial, except what is derived from the Constitution. When these powers are clearly exceeded the independence of the States and the peace of the Union demand that the State courts should, in cases brought before them, give redress. There is no law which forbids it—their oath of office exacts it."

Now, sir, if you have read these numbers, you have learned that the Federal government is one of limited and well defined powers, and that the States have reserved to themselves substantial and visible rights and remedies. They are not "visionary," but a reality, and it is the duty of the State Executive to protect them from all usurpation and the assumptions of power, without right, on the part of the Federal government. If he does not, he is unfaithful to his trust. You have a reading constituency who know that Judas kissed when he betrayed—that Esau sold his birthright for a mess of pottage—and they would regret to find their Executive sell their State rights to an Illinois "rail-splitter" and presidential joker for an important "foreign mission."

LETTER NO. 7. To His Excellency A. G. Curtin, Governor of Pennsylvania: RESPECTED SIR:—In my last letter I referred to the case of Gideon Olmstead. I have thought proper briefly again to refer to some of the facts and proceedings, as laid down in 3d Dallas, 160, and 3d Hall's Law Journal, 197 and 280, viz: On the 25th of November, 1778, Congress passed an act for establishing tribunals of Admiralty Jurisdiction; by the 6th section of said act, it is provided, that "in all cases an appeal shall be allowed to the Congress, or such person or persons as they shall appoint for the trial of appeals." On the 9th of September, 1778, the State of Pennsylvania established an Admiralty Court by act of Assembly, which provided that "the finding of the jury shall establish the facts without re-examination or appeal"—section 6. The British sloop Active was captured in the month of September, 1778, by Gideon Olmstead and others, and carried into Philadelphia, and labelled in the State Court of Admiralty, held by Judge George Ross, (one of the signers of the Declaration of Independence.) Olmstead and others claiming the whole vessel and cargo; while Huston, captain of a vessel of war belonging to the State of Pennsylvania, claimed one-half for the State, himself and crew, and Capt. Josiah, of the sloop Gerard, claimed for himself and crew a fourth. On the 15th of November, 1778, the libels were tried before a jury and a verdict rendered allowing each of these claims. Olmstead appealed from this decision to the United States Court of Appeals, established by Congress in 1779, and on the 15th of December the decree of Judge Ross, and the verdict rendered in the case, were reversed and the whole decreed to Olmstead and his crew. This reversal Judge Ross positively refused to obey, because the case had been tried by a jury before him, and he paid over, (according to his decree), one half of the proceeds of the prize to the Treasurer of the State of Pennsylvania, (David Rittenhouse,) taking a bond of indemnity from him. The Court of Appeals thereupon ordered it to be entered on record that the Admiralty Judge and Marshal (of Pennsylvania) had absolutely refused obedience to their decree, &c. This court consisted of Oliver Ellsworth, Chief Justice J. S. W. H. Drayton, Wm. Ellery, and John Henry, jr. They proceeded to lay a statement before Congress, which was referred to a committee of five, who sustained the jurisdiction of the Court of Appeals—declaring (inter alia) "that no act of a State can, or ought to, destroy the right of appeal to Congress, in the sense declared by the act." * * * and finally requesting the Legislature of Pennsylvania to appoint a committee to confer on the subject with a committee of Congress. The Legislature, however, instead of complying with this request, passed a peremptory act on the 29th of November, 1779, directing Judge Ross to pay over the whole proceeds to David Rittenhouse, (Treasurer,) Captain Huston and Capt. Josiah. (3 Hall's Law Journal, p. 200.) Soon after this Judge Ross died, and Olmstead sued his executors for the amount, and got judgment by default, in consequence of which the executors sued Rittenhouse—and the judges decided in favor of the defendant. (This is the part of the case reported in Dallas.) Olmstead now remained quiet until 1802, when the United States court decided that their district courts could carry into effect decrees of the old United States court of appeals. He then filed his libel in the United States district court of Pennsylvania against Mrs. Sergeant and Mrs. Waters, the executors of Ritten-

house, (who was then dead,) and Judge Peters decided (14th January, 1803,) in favor of Olmstead. On the 31st January, 1803, Governor M'Keon sent a message to the Legislature in regard to the decree of Judge Peters, reproaching severely these proceedings as violating the law of the State, and the verdict of a jury, &c. In consequence of this message an act was passed authorizing the Governor to direct the Attorney General to demand the money from the executors * * * and directing the Governor to "protect the just rights of the State," * * * and also to protect the persons and property of Elizabeth Sergeant and Esther Waters from any process whatever issued out of any Federal courts," &c.

On the 29th May, 1807, Mr. Sergeant and Mrs. Waters (executors of Rittenhouse) filed suggestions in the United States district court reciting the act, &c. Olmstead then demanded compulsory process of the court, but Judge Peters, "fearful of embroiling the government of the United States and Pennsylvania, and wishing his decision corroborated by the United States Supreme Court, refused to grant the process," &c. At the February session, 1809, of the United States Supreme Court, this return was argued and a peremptory mandamus was ordered. On the 27th February, 1809, Governor Snyder sent a message to the Legislature informing them of the peremptory mandamus, and that he was making preparations to call out a portion of the Militia to protect the persons and property of the executors against any process that might be issued under the mandamus.

On the same day he issued his orders to Gen. Michael Bright, commander of the first division of the Pennsylvania Militia. The order is too long to be detailed here. A few extracts will show the object, viz: "Do authorize and require you immediately to have in readiness such portion of the Militia under your command as shall be sufficient for the purpose expressed in this order, and to employ them to defend the persons and property of the said Elizabeth Sergeant and Esther Waters from an illegitimate process founded on the decree of the said Richard Peters, and in virtue of which any officer under the direction of any court of the United States may attempt to attach either the persons or property of the said Elizabeth Sergeant or Esther Waters. SIMON SNYDER. LANCASTER, February 27, 1809."

The Senate and House of Representatives immediately referred the message to committees, which made detailed reports, and the report and resolutions sustaining the Governor were adopted, and approved by Gov. Snyder on the 3d of April, 1809. The United States Marshal received the attachment process, but was prevented from serving it by the soldiers of Bright. On the 16th of April, the United States Marshal eluded the violence of the militia, by skulking through a back way, and climbing a back fence (a practice in full operation at this day by the present Marshals), and thus served Mrs. Sergeant surreptitiously with the Federal process. On the 17th a writ of habeas corpus was issued from the Supreme Court of Pennsylvania upon petition of Mrs. Sergeant, directed to the Marshal, ordering him to show cause why Mrs. Sergeant should not be released from custody under the arrest. The Marshal returned for cause the writ of attachment issued by the United States District Court, and the Judge (C. J. Tilghman), after hearing the argument, decided that it was not absolutely clear that the United States Court had no jurisdiction, and therefore seemed to think it better to decide in their favor, than to endanger the peace of the community. He accordingly so decided. Were not these laws of Congress, and these United States decisions rendered a mere dead letter, until the State of Pennsylvania found her own Chief Justice deciding against her; when (and when only), she consented to remove her interposition or resistance, upon the proceeding of the United States, and at length to allow the attachment on Mrs. Sergeant to prevail? Judge Tilghman felt the importance of the question before him, yet clearly and unequivocally asserts, that even the tribunals of a State have a right to annul the Federal usurpations that may be brought before them—and he says: "I try they do not, what course is to be taken? We must be reduced to the miserable extremity of opposing force to force, and arraying citizen against citizen, for it is vain to expect that the States will submit to manifest and flagrant usurpations of power by the United States, if (which God forbid) they ever attempt them. If Congress should pass a bill of attainder, or lay a tax or duty on articles exported from any State (from which powers they are expressly excluded) such laws would be null and void, and all persons who acted under them would be subject to actions in the State Courts. If a court of the United States should enter judgment against a State which refused to appear in an action brought against it by a citizen of another State, or by a foreign State, such judgment would be void, and all persons who acted under it would be trespassers. These cases appear so plain that they will hardly be disputed."

I recommend the whole opinion to your readers consideration. Now, sir, I will refer you to another authority, which appears to me to be in point at this time, and exhibits the duty which should govern every State Executive who is determined to see equal and exact justice done to his fellow-citizens. It is to be found in 3 M. & S. Massachusetts Reports, page 647, '8, '9, &c. On the 1st of August, 1812, Governor S. Strong submitted two questions to the Justices of the Supreme Judicial Court for their opinions. The Governor had been called to furnish a certain part of the militia by the Secretary of War, as also by Gen. Dearborn, who was in the United States service. The first question was, "whether the commander-in-chief of the militia of the several States have a right to determine whether any of the exigencies contemplated by the Constitution of the United States exist, so as to require them to place the militia, or any part of it, in the service of the United States, at the request of the President, to be commanded by him; pursuant to acts of Congress." Second, "whether, when either of the exigencies exist authorizing the

PUBLISHED EVERY MORNING, SUNDAYS EXCEPTED BY O. BARRETT & CO. THE DAILY PATRIOT AND UNION will be served to subscribers residing in the Borough for the current year, payable to the Order of O. Barrett & Co. Mail subscribers, payable to the Order of O. Barrett & Co. THE PATRIOT AND UNION is published every morning, except on Sundays, at No. 119 Market Street, Harrisburg, Pa. For a single copy, apply to O. Barrett & Co. An extensive assortment of stationery, printing, and book-binding, is on hand, and will be supplied in the most prompt manner. The office is in the interior of the State, for which the patronage of the public is solicited.