

COLUMBIA DEMOCRAT,



AND BLOOMSBURG GENERAL ADVERTISER.

LEVI L. TATE, Editor.]

TO HOLD AND TRIM THE TORCH OF TRUTH AND WAVE IT O'ER THE DARKENED EARTH."

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Synopsis of the Governor's Message.
Governor CURTIS'S Second Annual Message was communicated to the Legislature on Wednesday last. According to custom it opens with an exhibit of the State Finances. The Treasury commenced the last fiscal year with a credit balance of \$1,551,605.72. The receipts from all sources during the year, to Nov. 30, 1862, were \$2,211,743.03. Making a total of \$3,763,353.35. For the same year the aggregate expenditures were \$4,590,409.25. Leaving a balance in the Treasury, Nov. 30, 1862, of \$2,172,944.10. A portion of these receipts and expenditures were extraordinary in amount, in consequence of the war. The normal amount of ordinary receipts and expenditures stand as follows:—
Receipts from ordinary sources \$4,017,922.39
Expenditures on ordinary accounts 3,983,116.06
Leaving an excess of ordinary receipts over ordinary expenditures of \$34,806.33
A comparison of the receipts from ordinary sources for the two years ending November, 1861 and 1862, gives the following results:—
Receipts from ordinary income 1862 \$1,047,922.39
Receipts from ordinary income 1861 2,917,615.77
Increase of ordinary income 1862 \$1,869,693.38
This is certainly a very gratifying exhibit for a State of war and for a Commonwealth that has now absent in the field of conflict less than one hundred thousand of her industrial population. To increase her income over a million of dollars, or more than thirty per cent, at such a period, certainly evinces a wealth of resources and of energies that would be hard to parallel in any State in the world.

bounty to encourage enlistments, the Gov. suggests should receive some Legislative attention with a view to equalizing expense which operated equally to the advantage of the whole State.
Prior to the call of the President for troops in July last, Pennsylvania had furnished the armies of the nation with one hundred and ten thousand men.— Since that requisition she has sent forward forty three additional regiments, two companies of cavalry and three batteries of artillery. That is all over and above the number furnished by the draft, which the Governor says was entirely successful.— His statement of the aggregate number of troops furnished by the State is two hundred thousand. Europe will please take notice that this enormous army is from one single State of the American Union.
A number of other matters are noticed in the Message which we must dispose of briefly. Acknowledgements are made to the military who responded with such patriotic promptitude during the threatened invasion of the State by Lee's army. There were fifty thousand of these, and measures are in progress for their payment. Credit is given to the Anderson Cavalry, and to Generals Reynolds and Andrew Porter, for their services on this occasion. The military law needs re-consideration. This should have been done in 1861, if not before. The Pennsylvania Railroad Company's contribution of fifty thousand dollars to the Bounty Fund was declined by the Governor or want of authority to accept. He suggests that it should be devoted to the erection of an asylum for our disabled soldiers. The Broad Street Railroad Company has been proceeded against by *quo warranto*, and information has been filed by the Attorney-General to restrain that enterprising corporation. A suggestion is made to amend the Constitution so as to enable the volunteers to vote in camp. The Governor invites the attention of the Legislature to an Act of Congress donating lands to such States as may provide colleges for the benefit of Agriculture and Mechanics.

Message of Gov. Seymour, OF NEW YORK.

Delivered Wednesday, January 7, 1863.

TO THE SENATE AND ASSEMBLY:
We meet under circumstances of unusual solemnity to legislate for the honor, the interest and for the protection of the people of the State of New York. The oath which we have taken, to support the Constitution of the United States and the Constitution of the State of New York and to perform our duties with fidelity, has at this time special significance. It teaches us to look upon each of these Constitutions as equally sacred, that each is to be upheld in its respective jurisdictions. At this time, the power of the one is openly defied by armed rebellion, while the other is endangered by the confusion and discord growing out of civil war. This "oath, declaration or test," is not a mere ceremonial; it is a part of the tenure of the office we hold. Until we have thus solemnly submitted ourselves to the commands of these instruments, giving up our personal views and opinions and pledging ourselves to obey their requirements, we are not permitted to perform one official act.

[After this paragraph, the Governor goes on to discuss at length the questions relating to the finances and other local questions pertaining to the State of New York; and which for that reason we omit: Gov. Seymour then proceeds to discuss.]—ED.

NATIONAL AFFAIRS.

The Constitution makes it my duty to communicate to you the condition of the State. I cannot do this without speaking of our Union and of the war which afflicts our country, and which also affects the extended commerce of New York; taxes all its pursuits; has taken more than 200,000 men from our workshops and fields; and has carried mourning into the homes of our citizens. The genius of our government and the interests of our people demand that the aspects of this war should be discussed with entire freedom. Not only is the national life at stake, but every personal, every family, every sacred interest is involved. We must grapple with the great questions of the day; we must confront the dangers of our position. The truths of our financial and military situation must not be kept back. There must be no attempt to put down the full expression of public opinion. It must be known and heeded, to enable government to manage public affairs with success.— There is a yearning desire among our people to learn their actual condition. They demand free discussion. This should be conducted in an earnest, thoughtful, patriotic spirit. The solemnity of the occasion and the sufferings of the war, should revive the virtue, the intelligence, the patriotism of the American people. The decay of these have brought our calamities upon us. There are now no causes for discord that have not always existed in our country, and which were not felt by our fathers in forming the Union. They had the greatness, the magnanimity, and the virtue to compromise and adjust them. The value of the Union they then formed has proved to be greater than they hoped. Yet we became indifferent to it when we were in the full enjoyment of its blessings. We became ignorant of the character and resources of our own countrymen, while we had the full benefit of an untrammelled

commerce with all sections of our land. It was when the world was astonished with the power and wealth growing out of our national Union, the sectional prejudices and passions were active in destroying fraternal affections and generous love of our country. While we boasted most of our intelligence, there were those persistently and laboriously engaged, through the press and in legislative halls, in teaching the people of the North and South to undervalue and despise each other. Hostile legislation and the division of our churches impaired religious and social intercourse. If the North and the South had understood the power and purposes of each other, our contentions would have been adjusted. This misapprehension, so bloody and terrible in its effects, was systematically and laboriously inculcated.

CAUSES OF THE WAR.

Afraid that at the ruin they have wrought the authors of our calamities at the North and South insist that this war was caused by an unavoidable contest about slavery. This has been the subject, not the cause of controversy. We are to look for the causes of this war in a pervading disregard of the obligations of laws and constitutions, in disrespect for constituted authorities; and, above all, in the local prejudices which have grown up in two portions of the Atlantic States the two extremes of our country, whose remote positions have made them less well informed, and whose interests have made them less considerate, with regard to the condition and character of our whole people, than those living in the great central and western sections of our Union. There is no honest statement of our difficulties which does not teach that our people must reform themselves, as well as the conduct of the government and the policy of our rulers. There is not a calamity we are suffering which was not clearly foretold by our fathers, as the result of the passions and local prejudices which have grown up during the past fifteen years.

It is not too late to save our country if we will enter upon the sacred duty in the right spirit and in the right way. When we do so, the effect will be seen and felt throughout our land and by the civilized world. We shall then strengthen our government; we shall weaken the rebellion; we shall unite our people; and the world will recognize our capacity for self-government when we show that we are capable of self-reform.

RESPECT FOR LAWS AND OFFICERS.

In the first place we must examine the conduct of our fathers, and show obedience to constituted authorities, and respect for legal and constitutional obligations. "The very idea of the power and right of the people to establish government presupposes the duty of every individual to obey the established government." Yet a spirit of disobedience has sapped the foundations of municipal, state, and national authority in every part of our land. It is not only the underlying and prevailing cause of the war; it is also the immediate occasion of our calamities.

When the leaders of the insurrection at the extreme South say that free and slave states cannot exist together in the Union, and when this is echoed from the extreme North by the enemies of our Constitution, both parties simply say they cannot, because they will not respect the laws and the Constitution. This spirit of di-lawfulness must be put down. It is inconsistent with all social order and social security; with safety of persons and property.

In order to uphold our government it is also necessary that we should show respect to the authority of our rulers. While acting within the limits of their jurisdictions, and representing the interests, the honor, and the dignity of our people, they are entitled to deference. Where it is their right to decide upon measures and policy, it is our duty to obey and to give a ready support to their decisions. This is a vital maxim of liberty. Without this loyalty no government can conduct public affairs with success, no people can be safe in the enjoyment of their rights. This duty is peculiarly strong under our system which gives the people the right in their elections to sit in judgment upon their rulers, to commend or condemn them, to keep them in or expel them from official stations.

This war should have been averted; but when its flood gates were opened, the administration could not grasp its dimensions nor control its sweep. Government was borne along by the current, and struggled as it best could with the resistless tide.— Few seemed able to comprehend its military or financial problems. Hence we are not to sit in harsh judgment upon errors in conduct or policy.

But while we concede all these excuses for mistakes, we are not to adopt errors nor sanction violations of principle. The same causes which extenuate their faults in judgment must make us more vigilant to guard against their influences. Unusual dangers demanded unusual vigilance.

ECONOMY AND INTEGRITY.

Economy and integrity in the administration of affairs are essential at all times; they are vital in periods of war. If the power of the people to sustain the expenses of war is broken down it is vain that we have sent our citizens into the field, and that they have shed their blood in unsupported efforts to save our country. The opportunities which a state of war gives to unprincipled men to prey upon the public treasury, and the difficulty of checking their schemes, must be borne in mind, when we judge the integrity of our rulers. But while these difficulties should

shield them from harsh judgment, they are additional reasons for vigilance and caution. It is in the nature of war to create powerful financial and ambitious interests, eager to prolong its duration. It is one of its chief dangers that it builds up an active class who gain power and wealth by the taxation imposed upon the labor and property of the mass of citizens. This organized class use the national treasury to support schemes of plunder or ambition, and the taxes wrung from the people are thus made to prolong the state of war and military government. The power of our rulers to avert these influences must be aided and strengthened by the most ample exposition of financial affairs.

Extravagance and corruption are violations of the faith pledge of the public creditors. The money loaned to the national treasury was not brought forward at a time of peace and confidence, but in a time of doubt and danger. These claims are held by the rich and the poor. The amounts owned by corporations represent the interests of woman and children, the aged and infirm. The right of our soldiers to demand economy and integrity is of the most sacred character. Never in the history of the world have armies of such numbers been made up of those who voluntarily left prosperous pursuits and happy homes to suffer the dangers and privations of war. When defeat or destruction of life by violence or disease thinned the ranks of our armies, they promptly and freely stepped forward to the rescue of the country's flag. A fearful crime will be done by those who shall suffer national bankruptcy to turn into dust and ashes the pensions and bounties thus gained at the cost of blood and health and exposure. These pensions will, in many cases, be the sole reliance of those thus made incapable of self support.

It is worse that a government should be overturned by a corruption than by violence. A virtuous people will regain their rights if torn from them, but there is no hope for those who suffer corruption to sap and rot away the fabric of their freedom.

LIMITATIONS OF POWER.

There are not only obligations resting upon our people toward our authorities, but under our political system there are limitations between the departments of the government, and between the state and national governments, which must be observed to secure the public safety. At this time these warning words of Washington have peculiar significance:

"It is important, likewise, that the habits of thinking in a free country should inspire caution in those interested with its administration, to confine themselves within their respective constitutional spheres, avoiding the exercise of the powers of one department, to encroach upon the other. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart, is sufficient to satisfy us of the truth of this position."

This Legislative, executive, and judicial departments are co-ordinate. It is equally treasonable to resist the rightful authority of either. To overthrow the power of either department is revolution.— Legislative right, executive power, and judicial independence are alike sacred.— Disregard for the limits of state and national jurisdictions, and the interferences of one department with the duties of another, are not only opposed to the genius and organization of our civil government, but they have caused disasters in the conduct of the war.

While the War Department sets aside the authority of the judiciary and overrides the laws of states, the governors of states meet to shape the policy of the general government, the national legislature appoints committees to interfere with the military conduct of the war, and senators combine to dictate the executive choice of constitutional advisers. The natural results of meddling and intrigue have followed. While our armies have gained victories in fields remote from the capital, within its influence the heroic valor of our soldiers and the skill of our generals are thwarted and paralyzed.

STATE RIGHTS.

Not only must the national Constitution be held inviolate, the rights of states must be respected as not less sacred. There are differences of opinion as to the dividing line between state and national jurisdictions but there can be none as to the existence of such separate jurisdictions, each covering subjects of legislation and jurisdiction essential to the public security and welfare. A consolidated government in this vast country would destroy the essential home rights and liberties of the people. The sovereigns of the states, except as they are limited by the Constitution, can never be given up. Without them our Government cannot stand. It was made and it can be changed by state agency. This is shown by the following provisions of the instrument itself:

"The ratification of the convention of nine states shall be sufficient to the establishment of this Constitution between the states so ratifying the same."

Again, three-fourths of the states can add to or take away from the powers of the general government, by demanding a convention in which amendments can be proposed, which, if ratified by three-fourths of the States, become parts of the Constitution.

While they can thus take away or add to its power, the general power can in no

way touch one right of the states or invade their jurisdiction.

The obligations which rest upon the states to respect the Constitution, laws, and authorities of the general government, also demand that the general government, shall show equal respect for the rights and constituted authorities of states.

The state legislation and authorities, we look for the good order of society, the security of life and property, the protection of our homes and all that is nearest and dearest to us, in relations, duties, and actions of life. It is dangerous and demoralizing to show contempt for state authorities and laws. It undermines alike the foundations of state and national government, by breaking up the social system.— If home laws are not respected, the more general authority will not be regarded.

ARBITRARY ARRESTS.

Our people have therefore viewed with alarm practices and pretensions on the part of officials, which violate every principle of good order, of civil liberty, and of constitutional law. It is claimed that in time of war the President has powers, as commander-in-chief of our armies, which authorize him to declare martial law, not only within the sphere of hostile movements, where other law cannot be enforced, but also over our whole land. That at his pleasure he can disregard not only the statutes of Congress but the decisions of the national judiciary. That in loyal states the least intelligent class of officials may be clothed with power not only to act as spies and informers, but also, without due process of law, to seize and imprison our citizens, and carry them beyond the limits of the state, to hold them in prison without a hearing or a knowledge of the offenses with which they are charged. Not only the passions and prejudices of these inferior agents lead them to acts of tyranny, but their interests are advanced and their positions secured by promoting discontent and discord. Even to ask the aid of counsel has been held to be an offense. It has been well said that "to be arrested for one knows not what; to be confined, no one entitled to ask where; to be tried, no one can say when; by a law nowhere known or established; or to linger out life in a cell without trial, presents a body of tyranny which cannot be enlarged."

The suppression of journals and the imprisonment of persons have been glaringly partisan, allowing to some the utmost freedom of criticism, and punishing others for the fair exercise of the right of discussion. Conscious of these gross abuses, an attempt has been made to shield the violators of law and suppress inquiry into their motives and conduct. This attempt will fail. Unconstitutional acts cannot be shielded by unconstitutional laws. Such attempts will not save the guilty, while they will bring a just condemnation upon those who try to pervert the powers of legislation to the purposes of oppression. To justify each action by precedents drawn from the practice of governments where there is no restraint upon legislative power will be no avail under our system, which restrains the government and protects the citizens by written constitutions.

I shall not inquire what rights states in rebellion have forfeited, but I deny that this rebellion can suspend a single right of the citizens of the loyal states. I denounce the doctrine that civil war in the South takes away from the loyal North the benefits of one principle of civil liberty.

It is high crime to abduct a citizen of this state. It is made my duty by the Constitution to see that the laws are enforced, I shall investigate every alleged violation of our statutes, and see that offenders are brought to justice. Sheriff and District Attorneys are admonished that it is their duty to take care that no person within their respective counties are imprisoned, nor carried by force beyond their limits, without due process of legal authority. The removal of England of persons charged with offense, away from their friends, their witnesses, and means of defense, was an act of tyranny for which we assert our independence. The abduction of citizens from this state for offenses charged to have been done here, and carrying them many hundred miles to distant prisons in other states or territories, is an outrage of the same character of every principle of right and justice.

The general government has ample powers to establish courts, to appoint officers to arrest, and commissioners to hear complaints, and to imprison upon reasonable grounds of suspicion. It has a judicial system, in full and undisturbed operation. Its own courts held at convenient points in this and other loyal states, are open for the hearing of all complaints. If its laws are not applied for the punishment of offenses, it is due to the neglect of those in power.

Government is not strengthened by the exercise of doubtful powers, but by a wise and energetic exertion of those which are incontestable. The former course never fails to produce discord, suspicion, and distrust, while the latter inspires respect and confidence.

This loyal state, whose laws, whose courts, and whose officers have thus been treated with marked and public contempt, and whose social order and sacred rights have been violated, was at that very time sending forth great armies to protect the national capital and to save the national officials from flight or capture. It was while the arms of New York thus sheltered them against rebellion, that, without consultation with its chief magistrate, a subordinate department at Washington in-

duced our people and invaded our rights. Against these wrongs and outrages the people of the state of New York, at its late election, solemnly protested.

The submission of our people to these abuses, for a time only, was mistaken at home and abroad for an indifference to their liberties. But it was only in a spirit of respect for our institutions that they could express their will in the manner pointed out by our laws. At the late election they vindicated at once their regard for law and their love of liberty. Amid all the confusion of civil war, they calmly sat in judgment upon the administration, voting against its candidates. Nor was this the only striking proof of the respect for the Constitution. The minority, of nearly equal numbers, yielded to this decision without resistance, although the canvass was animated by strong partisan excitements. This calm assertion of rights, and this honorable submission to the verdict of the ballot box, vindicated at once the character of our people and the stability of our institutions. Had the secessionists of the South thus yielded to constitutional decisions, they would have saved themselves and our country from the horrors of this war, and they would have found the same remedy for every wrong and danger.

MARTIAL LAW.

The claim of power under martial law is not only destructive of the right of states, but it overthrows the legislative and judicial departments of the general government. It asserts for the President more power as the head of the army than as a representative ruler of the people. This claim has brought discredit upon us in the eyes of the world. It has strengthened the hopes of the rebellion. It has weakened the confidence of loyal states. It tends to destroy the value of our government in the minds of our people. It leads to discord and discontent at the North, while it has united and invigorated the South.

If there is a necessity which justifies that policy, let us openly and honestly say there is a necessity which justifies a revolution. But this pretension is not put forth as a necessity which overleaps for a time all restraints, and which is justified by a great exigency; it is a theory which exalts the military power of the President above his civil and constitutional rights. It asserts that he may in his discretion declare war, and then extinguish the state and national constitutions by drawing the pall of martial law over our vast country.

"Martial law" defines itself to be a law where wars is. It limits its own jurisdiction to its very term. But this new and strange doctrine holds that the loyal North lost their constitutional rights when the South rebelled, and all are now governed by a military dictation. Loyalty is thus less secure than rebellion, for it stands without means to resist outrages or to resist tyranny. Amid all the horrors that have been enacted under martial law in the history of the world, and amid all the justifications attempted of its usages, it was never before held that it could be extended over peaceful states. It was never before claimed that the power of a military commander was superior to the powers of government.

More than two centuries since, that bold defender of English liberty, that honest and independent judge, Lord Coke, declared: "Where courts of law are open, martial law cannot be executed," and also that "the power that is above the law is unfit for the king to ask or to grant." Are English laws more sacred, or is English liberty more secure than ours?

It was one of the causes set forth in the Declaration of Independence for renouncing allegiance to the King of England, that he has affected to render the military independent of, and superior to the civil power. During the struggle for national life, although surrounded by enemies, spies, and informers, who upheld the pretensions of the crown, Washington never declared martial law or claimed the right under any circumstances to make the military superior to the civil authority.— On the contrary, he was most deferential to the latter. The feeling of the fathers on the subject can best be learned by the constitutions, which were formed by the men who established our national government; all of them had provisions inconsistent with this new and monstrous pretensions.

Massachusetts, New Hampshire, Connecticut, Delaware, Pennsylvania, Md., North Carolina and South Carolina, eight of the twelve states which originally made up our Union, explicitly declared that the military power should in all cases and at all times be held in exact subordination to the civil authority, and be governed by it; this was expressed in each constitution in terms almost identical. It is incredible that a people who held these views, and who thus restrained state authorities under their immediate control, would give to the commander of the army of the United States this despotic power; a power which the crown of Great Britain has not been permitted to exercise for nearly two centuries. The measure of power to be exercised under our government is fixed by the Constitution. To make the maxims of other governments the usages of other nations the rule here would give sanction to every outrage, tyranny, and wrong. It would undo what was done by our fathers who formed our government; it makes the practices of despotism or the principles of monarchy higher authorities than the written Constitution of our people. The unlimited, uncontrolled despotic power claimed under martial law is of itself a reason

why it cannot be admitted. The fact that it is inconsistent with the purposes, spirit, and genius of our institutions is conclusive against the claim set up for its control over an extent of country and a diversity of interests which never existed in the despotisms or monarchical governments from which the precedents are drawn to justify it.

New York and other states consented to make up the general government only upon the assurance that the original Constitution should be so amended as to secure more perfectly the rights of states and citizens. These articles were added by the unanimous vote of the states:

ARTICLE 4. "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated. And no warrant shall issue but upon probable causes, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized."

ARTICLE 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 in public danger; * * * nor be deprived of life, liberty, or property, without due process of law."

The want of these restraints in the original instrument endangered its adoption. We are now told that they are of no avail, in any part of our country, when the executive shall see fit to declare them a war or insurrection in any section of this land.

Such pretensions are in contradiction to the plain language of these clauses—and to their settled legal effect. If any differences of construction be possible, our Constitution provides for their determination. These questions will be carried before the proper judicial tribunals. If the theory of martial law is upheld by them, we will submit, and have the Constitution amended. If it is held to be unfounded, it must be given up.

So sacred did our fathers hold constitutional rights, that they placed them beyond the reach even of the majority or our people. Written constitutions are made not only to carry out the wishes, but also to restrain the power of majorities and to uphold and protect the rights of minorities. They give the humblest citizen the right of religious freedom against the whole power of our people. No matter how large a majority may be, it must not interfere with rights of persons, of property, or of conscience.

The President himself holds his place not by the will of the majority, but by virtue of the provisions of the Constitution, which placed him in his office by the votes of about 1,800,000, against the votes of about 2,800,000 who did not agree among themselves as to opposing candidates. He continued rightfully to hold his office, although the popular majorities, even in the states which placed him there, have in the recent election declared themselves politically opposed to his administration. The majority are still bound to respect his constitutional rights, to uphold his powers, and to sustain his acts done within the limits of rightful authority.

The rights of states were reserved, and the powers of the general government were limited, to protect the people in their persons, property, and consciences in time of danger and civil commotion. There is little to fear in periods of peace and prosperity. If we are not protected when there are popular excitements and convulsions, our government is a failure. If presidential proclamations are above the decisions of the courts and the restraints of the Constitution, then that Constitution is a mockery. If it has not the authority to keep the executive within its restraints, then it cannot retain states within the Union. Those who hold that there is no sanction in the Constitution, must equally hold that there is no guilt in the rebellion.

We cannot be silent and allow these practices to become precedents. They are as much in violation of our Constitution as the rebellion itself, and more dangerous to our liberties. They hold out to the executive every temptation of ambition to make and prolong war.— They offer despotic power as a price for preventing peace. They are inducements to each administration to produce discord and incite armed resistance to law, by declaring that the condition of war removes all constitutional restraints. They call about the national capital hordes of unprincipled men, who find in the wreck of their country the opportunity to gratify avarice or ambition, or personal or political resentments. This theory makes the passion and ambition of an administration antagonistic to the interest and happiness of the people. It makes the restoration of peace the abdication of more than legal authority in the hands of those to whom is confided the government of our country.

Of the same nature is the recent Proclamation of Emancipation. The President has already signed an act of Congress, which asserts that the slaves of those in rebellion are confiscated. The effect of this proclamation, therefore, is to declare the emancipation of slaves of those who are not in rebellion, and who are therefore loyal citizens. It is an extraordinary deduction from the alleged war power, that the forfeiture of the right of loyal citizens, and bringing upon them the same punishment, imposed upon insurgents, is calculated to advance the success of the war, to uphold the Con-