# THE DAILY PITTSBURGH GAZETTE
## AND COMMERCIAL JOURNAL.

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### COMMISSION, &c.

SOLAR OIL WORKS COMPANY, OF PENNSYLVANIA. Office, St. Clair Street, near the Bridge. Buy and sell CARBON OILS on commission—cash or time. CRUDE OILS, of all descriptions, wanted. Address J. WEAVER, Jr., Secretary and Treasurer. my16:6m

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WM. CULP.....OTIS SHEPARD.
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WM. WHITE.....JNO. WHITE.....JOS. WHITE.
WHITE BROTHERS, FORWARDING AND COMMISSION MERCHANTS and dealers in PROVISIONS AND PRODUCE GENERALLY, No. 235 Liberty street, Pittsburgh, Pa. my27

A. SCHOYER, COMMISSION MERCHANT, dealer in CRUDE AND REFINED CARBON OILS, GLASS, IRON, NAILS, &c., No. 183 Liberty street. mh27:dly

WILLIAM MEANS, } Gen'l Part'r.
JAS. A. COFFIN, } Special Partner.
MEANS & COFFIN, successors to M'Candless, Means & Co., WHOLESALE GROCERS, corner of Wood and Water streets, Pittsburgh, Penn'a. ly3:dly

DANIEL SHUPE.....A. H. VOIGT.
H. VOIGT & CO., successor to L. G. Graff, PRODUCE AND COMMISSION MERCHANTS, 247 Liberty street, Pittsburgh, Pa. au5

JOHN I. HOUSE.....EDWARD HOUSE.
JOHN I. HOUSE & CO., WHOLESALE GROCERS AND COMMISSION MERCHANTS, corner of Smithfield and Water streets, Pittsburgh, Pa. jy7

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BROWN & KIRKPATRICKS, WHOLESALE GROCERS and dealers in FLOUR AND SEEDS, Nos. 171 and 173 Liberty street, Pittsburgh. ja2:dly

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JAMES HOLMES & CO., PORK PACKERS and dealers in PROVISIONS, corner of Market and Front streets. ja:dly

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S. ROBISON & CO., WHOLESALE GROCERS, COMMISSION MERCHANTS and dealers in all kinds of PROVISIONS, PRODUCE, and Pittsburgh manufactures, No. 255 Liberty street, Pittsburgh. my2

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JOHN FLOYD & CO., WHOLESALE GROCERS AND COMMISSION MERCHANTS, No. 172 Wood and 229 Liberty street, Pittsburgh. je16

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WELLS, RIDDLE & CO., No. 215 Liberty street, opposite Sixth, Pittsburgh, manufacturers of WHIPS, LASHES AND SWITCHES, and every description of LEATHER BRAIDED WORK. Orders solicited from the trade, and goods promptly shipped as per instructions. fe5:dly

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SHEARS—Tailors, Barbers and Tinners' for sale by BOWN & TETLEY.

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WAGONS, &c.; FOR SALE VERY CHEAP. FARM WAGONS, OIL WAGONS and SPRING WAGONS, GARDENER'S CARTS AND COAL CARTS; TIMBER WHEELS, CANAL, GARDENERS, BRICK AND STONE MASON'S WHEELBARROWS, all made of the best dry timber; also all kinds of repairing attended to promptly. Apply to ROBT. HARE, WAGON MAKER. Back of Federal street Station, Allegheny. mh11:dly

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## Pittsburgh Gazette.

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THURSDAY MORNING, MAY 22.


## MR. SUMNER'S CONFISCATION SPEECH.

On Monday, May 19, in the Senate, the Confiscation bill was taken up, when Mr. SUMNER made one of his elaborate and powerful speeches. The following is an excellent condensation of his argument, and we commend it to the dispassionate attention of every patriotic citizen:

Mr. SUMNER, (Rep., Mass.) said—If I can simplify this discussion, I shall feel that I have done something toward establishing the truth. And now, if you will kindly give me your attention, I shall try to open the question in such a way as to exhibit clearly all the points in issue. There is a saying, often repeated by statesmen and often recorded by publicists, which embodies the direct object of the war which we are now unhappily compelled to wage—an object sometimes avowed in European wars, and more than once made a watchword in our own country—"indemnity for the past and security for the future." Such should be our comprehensive aim—nor more, nor less. Without indemnity for the past, this war will have been waged at our cost. Without security for the future, this war will have been waged in vain. Treasure and blood will have been lavished in vain. But indemnity and security are both means to an end; and that end is the national unity and the Constitution of the United States. It is not enough if we preserve the Constitution at the expense of the national unity. Nor is it enough if we enforce the national unity at the expense of the Constitution. Both must be maintained. Both will be maintained if we do not fail to take counsel of that prudent courage which is never so much needed as at a moment like the present. Two things we seek as means to an end: indemnity for the past and security for the future. Two things we seek as the end itself: national unity under the Constitution of the United States. Whatever may be the doubts of Senators or their fine-spun constitutional theories, nobody can question that we are in the midst of a *de facto* rebellion, and in the midst of a *de facto* war. We are in the midst of each and both.

So far as the displacement of the National Government prevail, that, at this moment, throughout this whole territory, there are no functionaries acting under the United States, but all are pretending to act under the newly-established usurpation. Instead of the oath to support the Constitution of the United States, required by all officials by the Constitution, another oath has been substituted, to support the Constitution of the Confederacy; and thus the rebellion has assumed a completeness of organization under the most solemn sanctions. In point of fact, throughout this territory, the National Government has been ousted, while the old State Governments have ceased to exist, lifeless now from rebel hands. Call it suicide, if you will, or suspended animation, or a sojourn, they have none the less ceased to exist. Such is the plain and palpable fact. If all this be not rebellion, complete in triumphant treason, then is rebellion nothing but a name.

The same persons now arrayed in war against the Government of the United States are unquestionably *enemies*, exposed to all the incidents of war, with its penalties, seizures, contributions, confiscations, captures and prizes. They are enemies, because their combination has assumed the port and proportions of war.

Therefore, Sir, in determining our course we may banish all question of power. The power is ample and indubitable, being regulated in the one case by the Constitution, and in the other case by the rights of war. If we treat them as rebels then we are under the restraints of the Constitution. If we treat them as enemies then we have all the latitude sanctioned by the rights of war. If we treat them as both then we combine our penalties from the double sources. What is done against them merely as criminals will naturally be in conformity with the Constitution; but what is done against them as enemies will have no limitation except the rights of war.

After establishing the reason and authority the existence of the two sources of power, Mr. Sumner proceeded to consider, first, the *rights against criminals*, founded on sovereignty, with their limitation under our Constitution; and, secondly, the rights against enemies, founded on war, which are absolutely without constitutional limitation.

Under the first head he passed in review the various limitations of the Constitution, saying that he should not be less sensitive than any other Senator with regard to any unconstitutional proposition. Show him that any proposition is without support in the Constitution, or that it offends against any of its safeguards, and it could not receive his vote. 1. Congress has no power over Slavery in the States; but this cannot interfere with taking slaves as a penalty for crime. 2. There must be no *ex post facto* law. 3. No bill of attainder. 4. No person shall be deprived of life, liberty, or property, without due process of law. 5. In all criminal proceedings, the accused shall enjoy speedy and public trial by Jury of State and District where the crime was committed. 6. No attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted: Thus clearly the United States may exercise all the rights of war, which according to international law belong to independent States. In offering this proposition, I waive for the present all question whether these rights are to be exercised by Congress or by the President. It is sufficient that every nation has in this respect a perfect equality; nor can any rights of war accorded to other nations be denied to the United States. Harsh and repulsive as these rights unquestionably are, they are derived from the overruling, instinctive law of self-defence, which is common to nations as to individuals. Every community having the form and character of sovereignty has a right to national life, and in defence of such life it may put forth all its energies. Any other principle would leave it the wretched prey of wicked men, abroad or at home. In vain you accord to it the rights of sovereignty if you despoil it of other rights without which sovereignty cannot exist. "I think, therefore, I am," was the sententious utterance by which the first of modern philosophers demonstrated personal existence. "I am, therefore, I have rights," may be the declaration of every sovereignty when its existence is assailed.

After this survey of the limitations in the Constitution on our rights against criminals, Mr. Sumner next considered in detail our *rights against enemies*, according to the rights of war. He claimed for the United States all acknowledged rights of war belonging to independent States. These rights were considered under the heads of (1.) Rights against the enemy's property within our territorial jurisdiction, and (2) against the enemy's property beyond our jurisdiction. The case of Brown, in the Supreme Court of the United States, establishes the power of Congress to confiscate all enemy's property within our jurisdiction. By the law of nations all the public property of an enemy, land or money, is liable to seizure, while the property of private citizens is exempted; but the only reason of exemption clearly is, that in an international war the Government alone is responsible, *for private persons are not free to choose*; whereas, in the present war, every rebel has chosen his part, and assumed all the responsibilities of making himself an enemy. The rebel cannot claim any exemption. He is as much liable as the Government in an international war, in his lands as well as his personal property. All these rights of war may be wielded by Congress, but it must be *while war is pending*. When war is over, then will come the time for penal statutes.

After this survey of questions of law Mr. Sumner next reviewed in detail the history of confiscation in ancient and modern times—especially in France—and also the numerous confiscation bills, upward of eighty in number, during our revolution, with a diplomatic controversy to which they gave rise, in the course of which Mr. Jefferson asserted the strongest ground under the rights of war.

In determining what powers to exercise you will be guided to a certain extent by the object which you seek to accomplish. Do you seek really to put down the rebellion and to tread it out forever, or do you seek only the passage of a penal statute? Do you seek a new and decisive weapon in the war which our country is compelled to wage, or do you seek nothing more than to punish a few rebels? Or, if the object you seek is simply punishment, do you wish it to be sure and effective, or only in name? Are you in earnest to strike this rebellion with all the force sanctioned by the rights of war, or do you refuse to use anything beyond the peaceful process of municipal law? I put these questions sincerely and kindly. You will answer them by your votes. If you are not in earnest against this rebellion now arrayed in war—if you are content to *seem* to act without acting; to *seem* to strike without striking; in short, to *seem* rather than *to be*, you will pass a new penal statute and nothing more.

Assuming, then, what has been amply demonstrated, that the rights of war are ours without abridgement; and assuming, also, that you will not allow our present cause, which has enlisted such mighty energies, to be thwarted through any failure on your part, I ask you to exercise these rights in such a way as to assure promptly and surely that permanent peace in which all that we desire is contained. But to this end it will not be enough to triumph over the rebellion; it must be so completely crushed that it cannot break forth, while its authors are not allowed to escape punishment—all of which may be accomplished only by such a bill as I have proposed. The reasons of policy, if not of duty, are controlling.

But while all desire to see the rebellion completely crushed, there may be a difference with regard to the rights of war which shall be exercised. Some may be for a few; others may be for all. Some may reject the examples of the past; others may insist upon following them. It is for you to choose; but in making your election, you will not forget the object in view. At another point I have leaned on the authority of Grotius. In turning now to Vattel, a writer of masculine understanding, who has done so much to popularize the law of nations, I am influenced by the consideration that, with austerer than others, he seems always inspired by the free air of his native Switzerland and filled with the desire of doing good, so that what he sanctions cannot be regarded as illiberal or harsh. In grasping the details which may enter into the object proposed, this benevolent master teaches that we may seek these things: (Vattel, Book 3, cap. 9).

1. Possession of what belong to us.

2. Expenses and charges of the war, with reparation of damages.

3. Reduction of the enemy, so that he shall be incapable of unjust violence.

4. Punishment of the enemy.

And in order to arrive at these results, the Rights of War are ours, to be employed in our discretion; not forgetting that the property of every rebel, whether real or personal, is justly liable to forfeiture as the property of a hostile prince is admitted to be by the Rights of War.

But the tallest poppies must drop. For the conspirators who organized this great crime, and let slip the dogs of war, there can be no penalty too great. They should be not only punished to the extent of our power, but they should be stripped of all means of influence, so that, should their lives be spared, they may be doomed to wear them out in poverty, if not in exile. To this end their property must be taken. But their poor deluded followers may be safely pardoned. Left to all the privileges of citizenship in a regenerated land, they will unite in judgment of those leaders who have been to them such cruel taskmasters.

But the property of leaders consists largely of land, owned in extensive plantations. It is just that these should be broken up, so that they can never again be the nurseries of conspiracy or disaffection. Partitioned into small estates, they will afford homes to many who are now homeless, while their peculiar and overbearing social influence will be destroyed. Poor neighbors, who have been so long dupes and victims, may become independent possessors of the soil. Brave soldiers who have left their Northern skies to fight the battles of their country, resting at last from their victories, and changing their swords into plowshares, may fill the land with Northern industry and Northern principles.

I say little of personal property, because, although it may be justly liable to confiscation, yet it is easy to see that it is of much less importance than the land, except so far as slaves may be falsely classed under this head.

The slaves of rebels cannot be regarded as property, real or personal. Though claimed as property by their masters, and though too often recognized as such by individuals in the Government, it is the glory of our Constitution, that it treats slaves always as "persons." At home, bene