IMPORTANT CORRESPONDENCE.

Expression of the President on the Habeas Corpus and Military Arrests.

LETTER OF THE COMMITTEE AND RESOLUTIONS.

ALBANY, May 19, 1863. To his Excellency the President of the United

The undersigned, officers of a public meeting held at the city of Albany on the 16th day of May instant, herewith transmit to your excellency a copy of the resolutions adopted at said meeting, and respectfully request your earnest consideration of them. They deem it proper on their personal responsibility to state that the meeting was one of the most respectable as to the numbers and character, and one of the most earnest in the support of the Union, ever held in this city.

Yours, with great regard, ERASTUS CORNING. President. ELI PERRY. Vice President PETER GANESVOORT, Vice President. PETER MONTEATH, Vice President. SAMUEL W. GIBBS. Vice President. JOHN NIBLACK, Vice President. H. W. McCLYLLAN, Vice President. LEMUEL W. RODGERS, Vice President. WM. SEYMOUR. Vice President. JEREMIAH OSSUEN. Vice President. WM. S. PADOCK, Vice President. J. B. SANDERS, Vice President. EDWARD MULCARY, Vice President D. V. N. RADCLIFFE, Vice President. WM. A. RICE, Secretary. ELWARD NEWCOMB, Secretary. R. W. PECKHAM, Jr., Secretary. M. A. Nolan, Secretary. JOHN R. NESSEL, Secretary. C. W. WEEKS, Secretary.

Resolutions adopted at the meeting held in Albany, N. Y., on the 16th day of May, 1863. Resolved, That the Democrats of New York point to their uniform course of action during the two years of civil war through which we evinced in filling the ranks of the army, to their contribution and sacrifices, as the evi dence of their patriotism and devotion to the cause of our imperilled country. Never in the history of civil wars has a government been sustained with such ample resources of means and men as the people have voluntarily placed in the hands of this administration.

Resolved, That, as Democrats, we are deterdespite of adverse and disheartening circumthe cause of the Union, to secure peace through all the States under the safeguards of the Constitution.

Resolved. That while we will not consent to be misapprehended upon these points; we are determined not to be misunderstood in regard to others not less essential. We demand that | would close it, if there were no apprehension the administration shall be true to the Constitution; shall recognize and maintain the rights of the States and the liberties of the of necessary military occupation and the scenes of insurrection, exert all its povers to maintain the supremacy of the civil over mil-

Resolved. That, in view of these principles, we denounce the recent assumption of a military commander to seize and try a citizen of Onio, Clement L. Vallandigham, for no other reason than words addressed to a public meeting, in criticism of the course of the administration, and in condemnation of the military orders of that General.

Resolved, That this assumption of power by

a military tribunal, if successfully asserted, assemble and discuss the affairs of government, the liberty of speech and of the press, the right of trial by jury, the law of evidence, and the privilege of habeas corpus, but it strikes authority of the State and federal constitutions. Resolved, That the Constitution of the United States-the supreme law of the land-has defined the crime of treason against the United States to consist wonly in levying war against them, or adhering to their enemies, giv-

ing them aid and comfort;" and has provided that "no person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act or confession in open And it further provides that "no person shall be held to answer for a capital or otherwise infamous crime, unless on a prearniment or indictment of a grand jury, except in cases arising in the land and naval forces, or in the militia, when in actual service in time of war or public danger;" and further that "in all criminal prosecutions, the accused shall enjoy the right of a speedy and public trial by an impartial jury of the State and district wherein the crime was committed."

Resolved, That these safeguards of the rights of the citizen against the pretensions of arbitrary power were intended more especially for his protection in times of civil commotion. They were secured substantially to the English people, after years of protracted civil war, and were adopted into our Constitution at the close of the revolution. They have stood the test of seventy six years of trial, under our republican system, under circumstances which show that, while they constitute the foundation of all free government, they are the ele-

ments of the enduring stability of the republic. Daniel Webster we declare, "It is the ancient and undoubted prerogative of this people to canvass public measures and the merits of public men." It is a "home-bred right," a fireside privilege. It had been enjoyed in every house, cottage, and cabin in the nation. It is as undoubted as the right of breathing the air or walking on the earth. Belonging to private life as a right, it belongs to public life as a duty, and it is the last duty which those whose representatives we are shall find us to abandon. Aiming at all times to be courteous and temperate in its use, except when the right itself is questioned, we shall place ourselves on the extreme boundary of our own right and bid dehauce to any arm that would move us from our ground. "This high constitutional privilege we shall defend and exercise in all places -in time of peace, in time of war, and at all times. Living, we shall assert it; and should we leave no other inheritance to our children,

Mr. Lincoln and the N. Y. Democracy. of a manly, independent, and constitutional grounds of the arrests. Let us consider the ernment is discussed, cannot be misunder- makes the distinction and I can no more be of the meeting that arbitrary arrests will have detence of them.

Resolved. That in the election of Governor Seymour, the people of this State, by an emphatic majority, declared their condemnation of the system of arbitrary arrests and their determination to stand by the Constitution. That the revivai of this lawless system can have but one result; to divide and distract the North, and destroy its confidence in the purposes of the administration. That we deprecate it as an element of confusion at home. of weakness to our armies in the field, and as calculated to lower the estimate of American character and magnify the apparent peril of our cause abroad. And that, regarding the the rights of every citizen of the North, we denounce it as against the spirit of our laws and Constitution, and most earnestly call upon the President of the United States to reverse the action of the military tribunal which has passed a "cruel and unusual punishment" upon the party arrested, prohibited in terms by the Constitution, and to restore him to the liberty of which he has been deprived.

Resolved. That the President, Vice Presidents, and Secretary of this meeting be requested to transmit a copy of these resolutions to his Excellency the President of the United States, with the assurance of this meeting of their hearty and earnest desire to sup port the government in every constitutional and lawful measure to suppress the existing

MR. LINCOLN'L REPLY. Ex. Mansion, Washington, June 12, 1863. Hon. Erustus Corning and others :

GENTLEMEN: Your letter of May 19. enclo sing the resolutions of a public meeting held at Albany, New York, on the 16th of the same month, was received several days ago.

The resolutions, as I understand them, are resolvable into two propositions-first, the expression of a purpose to sustain the cause of the Union, to secure peace through victory, and to support the administration in every constitutional and lawful measure to suppress the rebellion; and secondly, a declaration of have passed, to the alacrity which they have censure upon the administration for supposed unconstitutional action, such as the making of military arrests. And, from the two propositions, a third is deduced, which is that the gentlemen composing the meeting are resolved on doing their part to maintain our common government and country, despite the folly or wickedness, as they may conceive, of mined to maintain this patriotic attitude, and, any administration. This position is eminently patriotic, and as such. I thank the meeting. and congratulate the nation for it. My own victory, and to bring back the restoration of purpose is the same; so that the meeting and myself have a common object, and can have no difference, except in the choice of means or measures for effecting that object.

And here I ought to close this paper, and

that more injurious consequences than any

merely personal to myself might follow the citizen; shall everywhere, outside of the lines | censures systematically cast upon me for doing what, in my view of duty, I could not forbear. The resolutions promise to support me in every constitutional and lawful measure to suppress the rebellion; and I have not knowingly employed, nor shall knowingly employ, any other. But the meeting, by their resolutions, assert and argue that certain military arrests, and proceedings following them for which I am ultimately responsible, are unconstitutional. I think they are not. The resolutions quote from the Constinot only abrogates the right of the people to totion the definition of treason, and also the limiting safeguards and guarantees therein provided for the citizens on trials for treason, and on his being held to answer for capital or a fatal blow at the supremacy of law, and the otherwise infamous crimes, and, in criminal prosecutions, his right to a speedy and public trial by an impartial jury. They proceed to resolve "that these safeguards of the rights of the citizens against the pretensions of arbitrary pow-r were intended more especially for his protection in times of civil commotion." And, apparently to demonstrate the proposition, the resolutions proceed: "They were secured substantially to the English people after years of protracted civil war, and were adopted into our Constitution at the close of the revolution." Would not the demonstration have been better, if it could have been truly said that these safeguards had been adopted and applied during the civil wars and during our revolution, instead of after the one and at the close of the other ? I, too, am devotedly for them after civil war, and before civil war, and at all times, "except when, in cases of rebellion or invasion, the public safety may require" their suspension. The resolutions proceed to tell us that these safeguards "have stood the test of seventy-six years of trial, under our republican system, under circumstances which show that while they constitute the foundation of all free government, they are the elements of the endu-Resolved, That, in adopting the language of ring stability of the republic." No one denies that they have so stood the test up to except a certain occurrence at New Orleans ; nor does any one question that they will stand the same test much longer after the rebellion tion have no application to the case we have in hand, because the arrests complained of were not made for treason-that is, not for the treason defined in the Constitution, and upon the conviction of which the punishment is death-nor yet were they made to hold persons to answer for any capital or otherwise infamous crimes; nor were the proceedings following, in any constitutional or legal sense, "criminal prosecutions." The arrests were made on totally different grounds, and the

real case with which we are dealing, and apply to it the parts of the Constitution plainly made for such cases.

Prior to my installation here it had been

to secede from the national Union, and that

it would be expedient to exercise the right

whenever the devotees of the doctrine should fail to elect a President to their own liking. I was elected contrary to their liking; and, accordingly, so far as it was legally possible, they had taken seven States out of the Union, had seized many of the United States forts and had fired upon the United States flag, all before I was inaugurated, and, of conrse; before I had done any official act whatever. The rebellion thus begun soon ran into the present civil war; and, in certain respects, it began on very anequal terms between the parties. The insurgents had been preparing for it more than thirty years, while the government had taken no steps to resist them. The former had carefully considered all the means which could be turned to their account. It undoubtedly was a well-pondered reliance with them that in their own unrestricted efforts to destroy Union, Constitution, and law, all together, the government would, in great degree, be restrained by the same Constitution and law from arresting their progress. Their sympathizers pervaded all departments of the government and nearly all the people. From this material, under cover of "liberty of Speech," and "habeas corpus," they hoped to keep on foot amongst us a most efficient corps of spies, informers, suppliers, and aiders and abettors of their cause in a thousand ways. They knew that in times such as they were inaugurating, by the Constitution itself, the they also knew they had friends who would make a question as to who was to suspend it; meanwhile their spies and others might remain at large to help on their cause. Or it, as has happened, the Executive should suspend the writ, without ruinous waste of time, instances of arresting innocent persons rebellion extending as in those where it may might occur, as are always likely to occur in be already prevailing; as well where they may such cases; and then a clamor could be raised restrain mischievious interference with the in regard to this, which might be, at least, of raising and supplying of armies to suppress ed no very keen perception to discover this tually be; as well where they may restrain the part of the enemy's programme, so soon as by open hostilities their machinery was fairly put in motion. Yet, thoroughly imbaed with constitutionally at all places where they wil a reverence for the garanteed rights of individuals, I was slow to adopt the strong measures which by degrees I have been forced to regard as being within the exceptations of the Constitution, and as indispensable to the public salety. Nothing is better known to history tried "for no other reason than words addresthan that courts of justice are utterly Incompetent to such cases. Civil courts are organized chiefly for trials of individuals, or, at most, nation of the military orders of the general." a few individuals, in concert; and this in quiet Now, if there be no mistake about this; if this times, and charges of crimes well defined in the law. Even in times of peace bands of there was no other reason for the arrest, then horsethieves and robbers frequently grow too I concede that the arrest was wrong. But the numerous and powerful for the ordinary courts of justice. But what comparison, in numbers have such bands ever borne to the insurgent sympathizers even in many of the loyal States? Again, a jury too frequently has at least one member more ready to hang the panel than to hang the traitor. And yet, again, he who dissuades one man from volunteeing, or induces one soldier to desert, weakens the Union cause as much as he who kills a Union soldier in battle. Yet this dissussion or inducement may be so conducted as to be no defined crime of which any civil court would take cognizance.

resolutions before me-in fact, a clear, flagrant, and gigantic case of rebellion; and the provision of the Constitution that "the privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it." is the provision which specially applies to our present case. This provision plainly attests the understanding of those who made the Constitution that ordinary courts of justice are inadequate to "cases of rebellion,"-attests their purpose that, in such cases, men may be held in custody whom the courts, acting on ordinary rules, would discharge. Habeas corpus does not discharge men who are proved to be guilty of defined crime; and its suspension is allowed by the Constitution on purpose that men may be arrested and held who cannot be proved to be guilty of defined crime, "when, in cases of rebellion or invasion, the public safety may require it." This is precisely our present case-a case of rebellion, wherein the the beginning of the present rebellion, it we public safety does require the suspension. Indeed, arrests by process of courts, and arrests | weak to arrest and punish him if he shall dein cases of rebellion,do not proceed altogether sert. I think that in such a case, to silence upon the same basis. The former is directed the agitator and save the boy is not only concloses. But these provisions of the Constitu- at the small percentage of ordinary and con- stitutional, but withal a great mercy. tinuous perpetration of crime, while the latter is directed at sudden and extensive uprisings succeed or tail in no great length of time. In the latter case, arrests are made, not so much for what has been done, as for what probably theritance of free principles and the example proceedings following accorded with the by and says nothing when the peril of his gov- and public security. The constitution itself One of the resolutions expresses the opinion contracting one.

Ours is a case of rebellion-so called by the

stood. If not hindered, he is sure to help the enemy; much more, if he talks ambiguously -talks for his country with "buts" and "ifs" and "ands." Of how little value the constitutional provisions I have quoted will be reninculcated that any State had a lawful right dered, if arrests shall never be made until defined crimes shall have been committed, may be illustrated by a few notable examples. General John C. Breckinridge, General Robert E. Lee, General Joseph E. Johnston, General John B. Magruder, General William B. Preston, General Simon B. Buckner, and Commodore Franklin Buchanan, now occupying the very highest places in the rebel war service, were all within the power of the government since the rebellion began, and were nearly as well known to be traitors then as now. Unquestionably, if we had seized and held them, the insurgent cause would be much weaker. But no one of them had then committed any crime defined in the law. Every one of them, if arrested, would have been discharged on habeas corpus were the writ allowed to operate. In view of these and similar cases, I think the time not unlikely to come when I shall be blamed for having made too few ar-

rests rather than too many. By the third resolution the meeting indi cate their opinion that military arrests may be constitutional in localities where rebellion actually exists, but that such arrests are unconstitutional in localities where rebellion or insurrection does not actually exist. They insist that such arrests shall not be made "outside of the lines of necessary military occupation, and the scenes of insurrection." Inasmuch, however, as the Constitution itself makes no such distinction. I am unable to believe that there is any such Constitutional dis-"habeas corpus" might pe suspended; but tinction. I concede that the class of arrests complained of can be Constitutional only when, in cases of rebellion or invasion, the public safety may require them; and I insist that in such cases they are constitutional where ever the public safety does require them ; as well in places to which they may prevent the enticing men out of the army, as where they would prevent mutiny in the army; equally conduce to the public safety, as against the dangers of rebellion or invasion. Take the particular case mentioned by the meeting. It is asserted, in substance, that Mr. Vallandigham was, by a military commander, seized and sed to a public meeting, in criticism of the course of the administration, and in condem assertion is the truth and the whole truth : it arrest, as I understand, was made for a very different reason. Mr. C. L. Vallandigham a vows his hostility to the war on the part of the Union; and his arrest was made because he was laboring, with some effect, to prevent the raising of troops; to encourage desertions from the army; and to leave the rebellion without an adequate military force to suppress it. He was not arrested because he was damaging the political prospects of the administration, or the personal interests of the commanding general, but because he was damaging the army, upon the existence and vigor of which the life of the nation depends. He was warring upon the military, and this gave the military constitutional jurisdiction to lay hands upon him. If Mr. Vallandigham was not damaging the military power of the country, then his arrest was made on mistake of fact, which I would be glad to correct on rea-

> sonably satisfactory evidence. I understand the meeting, whose resolutions I am considering to be in favor of suppressing the rebellion by military force-by armies. Long experience has shown that armies cannot be maintained unless desertion shall be punished by the severe penalty of death. The case requires, and the law and the Constitution sanction, this punishment. Must I shoot a simple-minded soldier boy who deserts while I must not touch a hair of a wily agitator who induces him to desert? This is none the less injurious when effected by getting a father, or friend, into a public meeting, and there working upon his feelings till he is persuaded to write the soldier boy that he is tighting in a bad cause, for a wicked administration of a contemptible government, too

It I be wrong on this question of constutional power, my error lies in believing that ceragainst the government, which, at most, will tain proceedings are constitutional when, in cases of rebellion or invasion, the public safety requires them, which would not be constitutional when, in absence of rebellion or invasion would be done. The latter is more for the the public safety does not require them : in I hold that, as a general rule, the commander preventive and less for the vindictive than the other words, that the constitution is not, in its in the field is the better judge of the necessiformer. In such cases the purposes of men application, in all respects the same, in case ty in any particular case. Of course, I must are much more easily understood than in ca- of rebellion or invasion involving the public practice' a general directory and revisory ses of ordinary crime. The man who stands safety, as it is in times of profound peace power in the matter.

same could not be lawfuly taken in time of ticular drug is not good medicine for a sick man, because it can be shown to not be good food for a well one. Nor am I able to appre millitary arrests during the rebellion, lose the right of public discussion, the liberty of speech and the press, the law of evidence, trial by jury, and habeas corpus, throughout the indefinite peaceful future, which I trust that as the war progresses, it appears to me, lies before them, any more than I am able to opinion and action, which were in great conas to persist in feeding upon them the remainder of his healthful life.

overlook the fact that the meeting speak as "Democrats." Nor can I, with full respect for their known intelligence, and the fairly presumed deliberation with which they prepared their resolutions, be permitted to suppose so much as may seem to be required by the that this occurred by accident, or in any way public safety. other than that they preferred to designate themselves "Democrats" rather than "American citizens." In this time of national peril I would have preferred to meet you upon a level one step higher than any party platform; because I am sur s that, from such more elevated position, we could do better battle for the country we all love than we possibly can from those lower ones where, from the force of habit, the prejudices of the past, and selfish hopes of the future, we are sure to expend much of our ingenuity and strength in finding fault with, and aiming blows at each other. But, since you have denied me this. I will yet be thankful, for the country's sake, that not all Democrats have done so. He on whose discretionary judgment Mr. Vallandigham was arrested and tried is a democrat, having no old party affinity with me; and the judge who rejected the constitutional view expressed in these resolutions, by refusing to discharge Mr. Vallandigham on habeas corpus, is a dem- Vallandighammer to his hope-well. ved his judicial mantle at the hands of President Jackson. And still more, of all those democrats who are nobly exposing their lives and shedding their blood on the battle field, I have learned that many approve the course taken with Mr. Vallandigham, while I have not heard of a single one condemning it. I cannot assert that there are none such. And the name of President Jackson recalls an instance of pertinent history. After the battle of New Orleans, and while the fact that the treaty of peace had been concluded was well known in the city, but before official knowledge of it had arrived, Gen. Jackson still maintained martial or military law. Now, that it could be said the war was over, the clamor against martial law, which had existed from the first, grew more furious. Among other things, a Mr. Louaillier published a denunciatory newspaper article. Gen. Jackson arrested him. A lawyer by the name of Morel procured the United States Judge Hall to order a writ of habeas corpus to relieve Mr. Louaillier. Gen. Jackson arrested both the lawyer and the judge. A Mr. Hollander ventured to say of some part of the matter that "it was a dirty trick." Gen. Jackson arrested him. When the officer undertook to serve the writ of habeas corpus, Gen. Jackson took it from him, and sent him away with a copy. Holding the judge in custody a few days, the General sent him beyond the limits of his encampment, and set him at liberty, with an order to remain till the ratification of peace should be regularly announced, or until the British should have left the southern coast. A day or two more elapsed, the ratification of the treaty of peace was regularly announced, and the judge and others were fully liberated. A few days more, and the judge called Gen. Jackson into court and fined him a thousand dollars for having arrested him and the others named. The General paid the fine, and there | Partington recently at a temperance meeting. the matter rested for nearly thirty years. when Congress refunded principal and interest. The late Senator Douglas, then in the ery catridge bone in my body. House of representatives, took a leading part in the debates, in which the constitutional question was much discussed. I am not prepared to say whom the journals would show to

have voted for the measure. It may be remarked: First, that we had the same Constitution then as now; secondly, that we then had a case of invasion, and now we have a case of rebellion; and, thirdly, that the permanent right of the people to public discussion, the liberty of speech and of the press, the trial by jury, the law of evidence; and the habeas corpus, suffered no detriment whatever by that conduct of General Jackson, or its subsequent approval by the American

And yet, let me say, that in my own discretion. I do not know whether I would have ordered the arrest of Mr. Vallandigham. While upon her tongue, it will show all the more in I cannot shift the responsibility from myself, her face.

persuaded that the government can constitu- the effect to divide and distract those who tionally take no strong measures in time of should be united in suppressing the rebellion, rebellion, because it can be shown that the and I am specifically called upon to discharge Mr. Vallandigham. I regard this as, at least, peace than I can be persuaded that a par- a fair appeal to me on the expediency of exercising a constitutional power which I think exist. In response to such appeal, I have to say it gave me pain when I learned Mr. Valciate the danger apprehended by the meeting landigham had been arrested-that is, I was that the American people will, by means of pained that there should have seemed to be a necessity for arresting him-and that it will afford me great pleasure to discharge him so soon as I can by any means believe the public safety will not suffer by it. I further say, believe that a man could contract so strong an fusion at first, take shape and fall into more appetite for emetics during temporary illness regular channels, so that the necessity for strong dealing with them gradually decreases. I have every reason to desire that it should In giving the resolutions that earnest con- cease altogether, and far from the least is my sideration which you request of me, I cannot regard for the opinions and wishes of those who, like the meeting at Albany, declare their purpose to sustain the government in every constitutional and lawful measure to suppress

> MRS. PARTINGTON ON WEDDINGS .- It is a solemn thing is matrimony-a very solemn thing-where the minister comes into the chancery with his surplus on, and goes through the ceremony of making them man and wife. It ought to be husband and wife, for it isn't every husband that turns out to be a man. I declare I never shall forget when Paul put the nuptial ring on my finger and said, "with my goods I thee endow." He used to keep a dry good store then, and I thought he was going to give me the whole there was in it. I was young and simple, and didn't know till afterwards that it only meant one calico gown a year. It is a lovely sight to see young people "plighting the trough." as the song says, and coming up to consume their vows.'.

the rebellion. Still, I must continue to do

A. LINCOLN.

"Johny, get your dictionary, and tell me what the word Democrat means," said an old

"Democrat,- n,-One who adheres to s government by the people, or favors the extension of suffrage to all classes of men." "Hold on, John ; does it say all classes of

"Yes, dad."

"Who's the maker of the dictionary ?" " Webster."

"Oh, that blasted eld Whig! I always thought he was sort of favoring the niggers! Johnny, you needn't read that dictionary any more. I'll see about getting the right kind when I next go to town."

THE DOCTOR KNOWS .- An amusing thing occurred in the 24th Ohio. A few days since a soldier, in passing to the lower part of the encampment, saw two others of his company making a rude coffin. He inquired who it was for.

"John Bunce," said the others. "Why,"replied he, "John is not dead yet. It is too bad to make a man's coffin when you don't know if he is going to die or not.

"Don't trouble yourself," replied the others. "Doctor Coe told us to make his coffin, and I guess he knows what he gave him."

A rebel newspaper announces that shoe pegs have been produced in South Carolina. If the war continues two years longer, and the blockade puts the inventive and constructive faculty of the rebels to its trumps, they may yet rise to the dignity of clothes pins and ten-

Let our recreations be many, moderate, sea. sonable, and lawful. If your life be sedentary, let it be tending to the exercise of your body; if active, more to the refreshing of your mind. The use of recreation is to strengthen your labor and sweeten your rest.

Death me how fluidly he talks ? said Mrs. "I am always rejoiced when he mounts the nostril, for his eloquence warms me in ev-

Quite a laugh was raised in one of the Courts by an official who, when the Judge called out for the crier to open the Court, said, "May it please your Honor, the crier can't cry to-day because his wife is dead.

A beautiful woman is like a great truth or a great happiness, and has no more right to cover himself with a green veil, or any similar abomination, than the sun has to wear

Henry Winter Davis is the Union nominee for Congress in place of traitor May, in Baltimore. Davis is pledged to sustain the Administration without reservation.

A lady looks older for not confessing how old she is. If she never allows her age to be

Miss Dobbs says that the sweetest line she ever read, was her Hiram's name written in molasses on the front door-step.

To reduce a debt is by far the best way of