Franklin Repository.

Wednesday, December 28, 1864.

☞ Any of our patrons having copies of the first and second numbers of THE OLD FLAG will confer a great favor upon the publishers by sending them to this office. They are wanted to complete our files. All our copies on hand of those numbers, were burned by the rebels.

## THE CALL FOR TROOPS.

The readers of this journal will commend the action of the President in calling for 300,000 additional troops. We have on several occasions clearly demonstrated the necessity for such a call as the only course certain to economize blood and treasure, and give us early and enduring Peace. Traitors will quibble at the call—will attempt to make men their own and their country's foes because the wanton war of treason is about to impose new exactions; but the masses of the people of all parties will heartily rejoice that the call has been made, and give their best energies to make the response of the Nation worthy of their sacred cause.

But one army of crime remains unbroken—that of Gen. Lee, and it is being daily enclosed by the terrible folds of the Union armies now victorious at every point. Hood is not merely defeated—he is routed with the loss of fully one-fourth his men, nearly all his artillery, and other material of war. He is therefore no longer a power in the present combinations in course of execution to bring treason to its final struggle. Sherman has appeared before Savannah, having marched through the very heart of the South, taking its most populous districts in his route, and he was comparatively unopposed. Had the rebels not been utterly exhausted in their military power, they would have interrupted him and made manifest their strength when such an opportunity offered. His triumphant sweep through the very vitals of treason shows that the rebellion is but a shell—when broken in its exterior lines, it has no resisting power behind them. But Lee still remains stubbornly and most skillfully defending the rebel capital. His army is sadly depleted and dispirited, but it is still one of might and capable of fearful resistance. But it cannot withstand the combined armies which must soon close in around it. It may not be defeated in its strong defences; but its lines will be severed, and Richmond and Virginia must fall before many months unless all human calculations prove deceptive. Sherman will take Savannah, and then his restless energies will doubtless point to Richmond. Thomas has done his work well. Tennessee and Kentucky are safe, and he, too, will operate directly or indirectly to aid in the great work of recovering Virginia to the Union. For this grand movement we have ample numbers; but new troops are wanted to garrison the points now held so that the trained veterans can be thrown to the front in the last desperate struggle for Civil Liberty on the Continent. Sherman wants fresh troops to hold Savannah, Beaufort and other points now in our possession, and Thomas wants new men to hold Nashville, Chattanooga and Knoxville, so that these two triumphant armies can be free to move with invincible, crushing power upon the army of Lee. For this reason the call for new troops is wise, and although it is more than probable that but few if any of them will ever witness a general engagement, still they will play a most important part in the last bloody act of the great drama of crime.

—The people will do *their* duty cheerfully, nobly in this matter. Will the government do the same? If it does not, it will be without excuse. It may have been prudent to defer to malignant copperheads heretofore rather than disturb the peace in certain localities; but it would be sheer cowardice on the part of the authorities now to allow any section to fail in the full and faithful execution of the law. When men are drafted, let them understand that they shall serve; that they shall not desert with impunity or remain at home while their neighbors are drawn to fill their places. Let every district understand that the country has resolved to preserve its own life, and that every citizen shall discharge his whole duty in the sacred work. Let cities know that the farce of fictitious credits is ended, and that deference to rowdies, cut-throats and rioters belongs to the past, and we shall have a prompt filling up of our ranks; justice will be done alike to faithful and faithless, and 300,000 men will reach the army

—We entreat the government to abandon its vicious, demoralizing system of allowing men to be sold like sheep in the shambles as heretofore. It has exhausted the people of Pennsylvania fully sixty millions during the last two years, and without material benefit to soldiers or their families; and it has given birth to swarms of bounty-brokers and bounty-jumpers who have swindled the government out of tens of thousands of men. We beg the authorities to understand that wealth should not afford immunity from the demands of this war, and let every district be required to furnish its quota from its own men. This will be just to all—it will break up the whole tribe of vampyres who have fattened on the government and soldiers, and will give an honest return of men from every district. This done, the citizens of each district can make provision for the families of their own soldiers, without overwhelming themselves with debt, and all will go well with the country and its heroic people.

## THE ABANDONMENT OF SLAVERY.

The leading conspirators of the South are about convinced that they have made war to preserve the dominion of Slavery only to reap its total annihilation. Nor are they of the kind who have eyes but see not, such as we have in our midst in the North. Seeing that Slavery is but a mighty suicide, they accept the truth and stand aside to allow the irresistible march of progress pass them by. Several of the rebel Governors have openly advised the freeing of their slaves with the hope of inducing them to accept military service in behalf of the tottering fortunes of treason. Jeff. Davis gravely discusses it in his late message, and the rebel congress is as much distracted by this ever disturbing question as our congress was in days of Southern domination in our National legislature. Even Gen. Lee, the careful, prudent, brave soldier, upon whom the last shadow of the fading confederacy depends, now asks, in despair, that the experiment of freeing and arming the slaves be made.

Thus have the leaders of crime determined to abandon Slavery, the author of this wicked, desolating war, and shall the North still cling to the dead body after it has drenched our fair land in blood and is now in the last violent throes of death? Union men will not do so; but many Democrats will, although the shrewder leaders are about to follow the rebel leaders and surrender Slavery to its inevitable fate. The New York *World*, confessedly the ablest Democratic organ in the country, thus exhorts its party to appreciate the duties of the present and not stand blindly in the way of enlightened progress. It tays:

"One reason why the thoughts of a party should be turned into this channel is that it involves questions which cannot grow obsolete with the lapse of time, while some of the issues in the late election may. Before another Presidential Election the Abolition question, for example, *will probably be in such a state that past ideas will not apply.*— As the problem *advances toward its predetermined solution*, we shall see public opinion more and more disposed to *acquiesce in the manifest tendency of events.* Before the expiration of its new lease of power the Republican party will have secured a constitutional amendment for the entire extirpation of Slavery in the United States. If the South should, meanwhile, gain its independence, Slavery can no longer be a question of Federal politics; but if we disarm Southern resistance, the anti-Slavery amendment will have been put in force and have done its work before the Democratic party can be in power. *Why should the party bind itself to a dead corpse?*

"Unless the Democratic party is blind enough to run the hazard of disintegration, it must distinguish between *questions virtually settled* and questions that still remain open. It must so far keep pace with events as to accept their logic. Public opinion has no efficiency without political combination; but for masses large enough to form a majority to act in concert, thought must be left free on all questions save those which rank as living vital issues. The number who opposes the Abolition of Slavery (now a minority) *is not likely to grow larger, but to grow less*, with the progress of time. Every Democrat can, of course, hold whatever opinion he chooses on that subject. Such opinions are no longer of the slightest political consequence. Individual Democrats will think what they please; but the subject must be dismissed from the range of topics on which *the party* is expected to have distinctive views. There is no conceivable position on the Slavery question *on which the Democratic party can plant itself and become a majority.* Its antecedents and associations, as well as its respect for the Constitution as it stands, forbid it to become an Abolition party; the progress of events and the tendency of public opinion, as well as the Constitution in the form into which it is *certain to be amended, forbid it to commit itself to the fortune of a moribund institution.*"

Commenting on the foregoing extract from the *World*, the *Tribune* pertinently says:

"Whatever may be said of the morality or chivalry of the above extract, its sagacity is undeniable. Slavery is in the article of death; it would be rather a good joke if the rebels should get rid of it before we do; but they are very likely to do it. And, once fairly coffined, it will have a smaller and dryer-eyed following of mourners than any illustrious criminal who has preceded it on the way to 'the house appointed for all the living.' Thousands shallowly presume that the South is a unit in fanatical devotion to its giant curse; when, to say nothing of the negroes, there never was a time when a very large proportion of the Southern whites, including their wisest and best, did not feel and know that Slavery was their bane and curse. But the slaveholders held the reins of power; they could and did smother expression but not thought; so the car of Juggernaut rolled on, over prostrate, crushed, inwardly shuddering while evolubly adoring multitudes. Slavery once admitted to be dead, the secrets of that giant prison-house will be revealed, and thousands will learn that those whom they have regarded as idolators of the Southern Moloch, were at heart its deadly foes all along.

"No sane person ever can have believed Slavery in accord with the Golden Rule, but millions have fancied it personally advantageous. Some derived a pecuniary profit from their relation to it; others deemed it the ladder whereon they climbed to social eminence. It was on this ground that the Southern women became more fanatical in their devotion to it than their husbands and brothers; women being, as a class, more aristocratic—that is, placing a higher value on social distinction—than men. It is quite probable that the sincerest and most persistent contemners of Emancipation will be found among the white half-sisters of those whom it makes free. But, Slavery once dead, the great bulk of our native-born doughfaces will protest that they never believed in nor favored it—that they only stood up for the Union and the Constitution. And, so that we have Freedom, Union and Peace, we shall not be inclined to controvert their assertions on a point which will have become wholly immaterial."

THE Union prisoners received from Florence and Columbia are in as bad a condition as those *from Anderson*ville, Millen and the Libby. They were guarded at Columbia, in the prison pen, by a line of sentries and a pack of bloodhounds.—Lieut. G. F. Turbayne, 66th New, York, was shot dead by a sentinal within the line prescribed as the "dead line," and Lieutenant Young, of the 4th Pennsylvania cavalry, was shot dead while sitting at the camp fire. The prisoners were totally shelterless, their only protection being the pine trees which surrounded the prison. Not an ounce of meat was issued from September 27th up to the time (December 9th,) when the prisoners left camp. The usual daily allowance of rations consisted of one pint of unsifted cornmeal, one half pint of sorghum molasses, one *tenth of a pint of rice, one fourth of a tablespoon*ful of salt, and sometimes about one fifth of a pint of shorts, or of very bad flour.

WE are indebted to Hon. G. W. Scofield for a copy of the laws of the last session of Congress.

WE are indebted to Hon. C. R Buckalew for valuable public documents.

THE Bedford *Patriot* has been united with the *Inquirer*. Sensible move.

HON. JOHN W. FORNEY has our thanks for documents.

## WASHINGTON.

### The Potomac Blockaded with Ice—Arrival of Union Prisoners—Accident in the Government Printing Office—Congress Adjourned over the Holidays—Resolution Requiring Citizens of the District of Columbia to Take the Oath.

Correspondence of the Franklin Repository

WASHINGTON CITY, Dec. 23, 1864.

The cold weather still continues and increases in severity each day. The Potomac, between here and Alexandria, is so full of ice that navigation has been suspended. The steamer Daniel Webster from City Point, with mails and passengers, stuck fast in the ice opposite Giesboro Point yesterday, and was still ice bound this forenoon with the mails and passengers aboard. Tugs are at work to relieve her. A transport with 900 soldiers is also fast, and as the men are without *sufficient shelter, great suffering prevails.*

There has arrived at Annapolis from the rebel prisons at Andersonville, Florence, Charleston, and Savannah, 10,032 enlisted men, and 211 officers. This is the number declared by rebel surgeons as unfit for duty for sixty days. Twenty per cent. of the officers and men will never be fit for duty in the field again, and over five hundred have already died in our own hands. The commissioners of exchange have collected evidence showing the most cruel and inhuman treatment to our brave men, surpassing anything of the kind that any civilized nation has ever perpetrated since the world began, and that it is the result of a premeditated determination of Jeff Davis to destroy as many of our prisoners as possible.

Yesterday morning a steam pipe on the third story of the government printing office bursted, with a loud noise. A large number of girls are employed in that story, folding documents, &c., who, hearing the noise and seeing the steam, supposed the boilers in the press-room had bursted. A stampede for the stairs took place, some fainting and others tumbling pell-mell over them and down a flight of stairs to the next story, where the men are at work, who seeing such a confused mass of hoops and crinoline descending from above, came to the conclusion that Gabriel had blown his trumpet, and made a break for the windows or the next story below. Some went to praying and others to embracing, preparatory to a long farewell for "tother world." Out of the hundreds that reached the outside of the building, there were some severely injured in the tumble down stairs. On the pavement, which was covered with ice, a no less ludicrous scene followed, of heels up and heads down, and a regular mix up, in which some of the girls lost their under-skirts and others their what-is-it, which article, when picked up by the gentlemen, was disowned by the fair ones. The whole thing was a scare, which might have resulted in loss of life.

As Congress adjourned yesterday for two weeks, there has been a regular stampede of everybody who can get away—leaving us with a fair prospect of dull times during the holidays. As many of the representatives left on Wednesday, the House was yesterday without a quorum, and no business was none. Very little was done during the week and but few speeches made. Senator Farwell, of Maine, delivered a capital off-hand speech on the shipping interests as affected by the war. Senator Farwell is one of a family of twenty-six children, by two mothers, fourteen of whom are boys, and none of them weigh less than two hundred pounds, nor are below six feet in height. His father is ninety-four years old.

Senator Harlan introduced a resolution which was passed, requiring all persons resident of this district to take the oath of allegiance, and prohibiting any one from doing business who does not do it. This judicious order, as might be suspected by any one cognizant of the rebellious state of society now and heretofore existing in this District, makes the rampant rebels squirm like eels in hot grease. Some of the women—spiteful little vixens—turn up their noses and publicly declare they would sooner swallow a dose of salts than take, what they call, the hateful oath of allegiance The Georgetown women are more enraged about this order than those of Washington. In Washington a majority of the old residents are secesh, but in Georgetown nearly all are.

The secesh element of the city is considerable chop-fallen, since the news from Sherman and Thomas is of such a nature as to leave but little hope of the rebels being able to hold out more than a few months more. S. C.

## HARRISBURG.

### The New Legislature—New Senators—Old Senators in the House—Death of Dr. Reed—Hon. A. G. Olmstead—The Koontz and Coffroth Case.

Correspondence of the Franklin Repository.

HARRISBURG, Dec. 26, 1864.

The new legislature will meet here on Tuesday of next week, and by the last of the present week the capitol will be crowded with members and the usual assortment of hungry expectants for the subordinate places in the two Houses. There will be no serious contest on the question of organization in either branch. Senator Turrell will be re-elected Speaker in the Senate, and Hon. A. G. Olmstead, of Potter, will be chosen to fill the Hancock chair in the House. It is perhaps not generally known that the chair used by the Speaker of the House is the same one in which John Hancock sat as presiding officer of the Continental Congress when the Declaration of Independence was signed—but so it is. They must have made good chairs in those days, for it is still the best chair in the House.

The new legislature will be one of rather more than average ability. The new Senators bring quite a good share of talent into that body. Of these Clymer, of Berks, enters his fifth session, and is now confessedly the leader of his party. On the other side is Hall, of Blair, who served three years before, and was Speaker in 1862; Bigham, of Allegheny, who has served a number of years in the House, and Haines, of Perry, who was in the House in 1855–6; all men of ability and legislative experience. But three of the retiring Senators have been re-elected—Clymer, of Berks, Donovan, of the city, and Lowry, of Erie; and Royer, of Montgomery; James, of Bucks; Shall, of Lehigh; Randall, of Schuylkill, and Walls, of Union, have never served in either branch.

About forty of the members of the last House are re-elected, and Messrs. McClure, of Franklin; Donnelly of Philadelphia, and Hoffer of Lebanon, were members some years ago. Three ex-Senators will also appear in the House—Messrs. McClure of Franklin; Guernsey, of Tioga, and Haslett, of Butler. Dr. R. R. Reed, of Washington, one of the leading members of the last House, and re-elected last fall, died last week of small-pox. He was formerly a member of Congress, and was as widely respected as he was known.

Hon. A. G. Olmstead, of Potter, the next speaker of the House, is one of the ablest men in either branch. *He is serving the third year.* He is a large, stoutly built man, over six feet high, with fine head, heavy black whiskers and moustache, and finely chisled face. He is not a frequent speaker, but is one of the few who generally has a respectful hearing when he has any thing to say. He will make a very acceptable and impartial presiding officer. Mr. Brown, of Warren, was spoken of for the speakership some time ago; but he will not as things look now be seriously pressed. There will be very few changes if any, in the subordinate places in either branch.

You have doubtless seen Mr. Meredith's opinion in the Koontz and Coffroth case, by which both are excluded from the proclamation. This will not in any way effect the prompt admission of Gen. Koontz into Congress. Indeed, the only inconvenience he will suffer by it, is the deprivation of the franking privilege from the 4th of March next until Congress meets. In every other respect he is the Congressman of the district. HORACE.

## SUMMARY OF WAR NEWS.

—Sheridan's forces are off on another raid in the Shenandoah valley. The Richmond papers of the 22d say that the cavalry have arrived at Madison Court-house, and are moving on Gordonsville.

—Gen. Thomas is said to be at Columbia, Tenn., and the latest dispatches from there re-affirm that Hood cannot avoid extermination. His army is broken down, despondent and defeated, and desertions occur daily.

—The Senate Military Committee reported adversely on the House bill dismissing unemployed Generals, on the ground that the Secretary of War has sufficient authority already to clear the rolls whenever there is cause for so doing

—The Porter Butler expedition, according to Richmond papers of Saturday, appeared off Wilmington, N. C., on Friday. The information is from an official dispatch from General Bragg. Secretary Stanton telegraphs that the government has received no other intelligence.

—Porter's great armada arrived at Beaufort, N. C., on the morning of the 15th inst. During the passage from Hampton Roads a severe gale was experienced, and in it the monitor Mahopac sprang a leak, and was with difficulty kept afloat. The iron-clads were coaling at last accounts, and as soon as the weather moderated the expedition would proceed to its destination.

—A special dispatch dated near Columbia, Dec 23, announces a victory over General Hood by Hatch's division, capturing 15 guns, 42 wagons, 10 ambulances, 738 prisoners and 3 division battle flags. His loss in the fight was 400. Hood's pontoon equippage was captuned. His cavalry have abandoned most of their wagon trains.

—An Illinois soldier, who escaped from Millen, Ga., on the 15th of November, afterward visiting Savannah, and finally reaching the Union fleet between that city and Charleston, has arrived home, and says that their are loyal men in Savannah. He found there a Union League in actual operation, and received assistance from its members, without which he would not have been able to effect his escape.

—The official reports of the Commissioners who have been conducting the recent exchanges off Charleston and Savannah will show that not twenty per cent. of the officers and men will ever be fit for duty in the field again, and that five hundred have died since they have been turned over to us. Evidence of the most incontrovertible kind shows that this treatment is the result of a premeditated determination on the part of Jeff. Davis to destroy our prisoners.

—The Governor General of Canada has had several of the rebel raiders re-arrested, and they are now undergoing examination prior to extradition. A special messenger from Secretary Seward has arrived at Quebec. A good understanding has been reached by our government with that of Canada. The Canadian Administration is discharging its obligations to us. There is a strong detective force along the border, and the remaining rebels are expected to be taken soon.

—It is understood that the last steamer from New York, Saturday last, took out to Minister Adams a very emphatic protest against the action of the Canadian Judges, from the State Department at Washington, and couched in such terms as must compel Her Majesty's Ministers either to assume the responsibility or disavow it in toto. The news of our recent military successes, it is believed, will have a wonderful influence in inclining them to the latter.

—*Gen. Thomas' headquarters* were at Spring Hill, on the Tennessee and Alabama Railroad, in Maury county, sixty miles south of Nashville, on the 19th. Hood was crossing Duck river, a tributary of the Tennessee, whose affluents inclose Spring Hill. Our wounded at Franklin have been re-captured, with some of the rebel wounded. We have captured sixty-one guns from Hood and more are constantly arriving. Forrest lost 1500 killed and wounded in his attack on Murfreesboro. The rebels are wholly demoralized and have hardly any artillery left.

—Nashville dispatches report the rebels in full retreat. Franklin is said to be full of rebel wounded, over 3000 having been left there. Thomas is pursuing the enemy to Duck river. Nearly all of Hood's artillery has been captured: also 9000 prisoners, including four major generals. Forrest was repulsed at Murfreesboro, on the 15th. Breckinridge has been routed in East Tennessee by Stoneman, and most of his artillery and a large number of men were captured. Gen. Ed. McCook is after Lyon in Kentucky. Murfreesboro, Bridgeport, Stevenson, Chattanooga and Knoxville are all safe.

## PERSONAL.

—W. M. Kerr, President of the Harrisburg Bank, died in that city on Sunday week.

—John M. Wood, formerly a member of Congress from Maine, died at the Revere House, Boston, on Saturday, of lung fever.

—The President has signed the bill creating the grade of Vice Admiral in the navy, ranking with Lieutenant General in the army. Rear Admiral Farragut was nominated to the new grade, and approved without reference to a committee.

—Samuel J. Rea, an old Harrisburg correspondent for the city press, and clerk of the House in 1859, died last week at the residence of his brother in Beaver county. He leaves a widow, who is an authoress of some note and a contributor to various publications.

—Col. Dick White, of the 55th Regt. P. V., is at home, in Indiana county. The *Register* says that his trial by court martial resulted in his honorable acquittal. He was charged with having defrauded soldiers of their bounty money. He will join his regiment in a few weeks.

—*The Hon. James Speed*, of Ky., recently appointed Attorney General of the United States, is not only a lawyer of eminence, but has long been distinguished among the eminent men of his own State. As early as 1849 he was a leader of the small party which endeavored to make Kentucky a free State. Since then he has been devoted to the practice of his profession. The sincerity of his anti-slavery opinions is shown by his voluntary emancipation of his own slaves about three years ago. Long before the war began he understood the plot of the Secessionists, and devoted his influence to its exposure and defeat. In 1861, Judge Speed was influential in defeating the neutrality policy the Secessionists of the State endeavored to establish, and one occasion displayed great courage in attending a meeting of disloyal Kentuckians, unfurling with his own hand the flag of the Union, and arousing the enthusiasm of the people. To him, and men of his like spirit, Kentucky owes her escape from the conspiracy *to drag her into open rebellion. His appointment* is an assurance that the duties of this important office will be ably and faithfully performed. Judge Speed is about fifty years of age.

—We regret to learn, by the steamer Cuba, that the Hon. Wm. Lewis Dayton, U. S. Minister to France, died at Paris, on the 2d instant, of apoplexy. Mr. Dayton was a native of New Jersey. He was the son of a farmer, and was born at Baskingridge. He graduated at Princeton College, and soon after began the study of law. In 1837 he was elected a member of the Senate of New Jersey and was appointed chairman of the Judiciary Committee. In 1838 he was chosen as an Associate Justice of the Supreme Court of the State, which office he held until 1841. On the decease of Hon. S. L. Southard, U. S. Senator from New Jersey he was appointed by the governor to fill his unexpired term. Subsequently he was elected for a full term, and served until 1851. In 1856 he was nominated for Vice President, by the National Republican Convention, Gen. John C. Fremont having been nominated for President. On the accession of the present Federal Administration, Mr. Dayton was appointed Minister to France, which office he filled ably, wisely and with great dignity up to the time of his death.

## POLITICAL INTELLIGENCE.

—The Nevada State government was inaugurated on the 5th.

—*Lincoln's majority in the State of Missouri* will reach forty thousand.

—The Electoral College of Louisiana met on the 7th inst., and cast the vote of the State for Lincoln and Johnson.

—Gen. Gilman Marston and Edward H. Rollins are the Union nominees for Congress in two of the Congressional districts of New Hampshire.

—Gen. James W. Nye has been elected one of the United States Senators from the new State of Nevada. Mr. William M. Stewart is his Senatorial colleague. Mr. Nye was appointed by President Lincoln Governor of the Territory of Nevada, and held that position until the inauguration of the State Government

## THE KOONTZ AND COFFROTH CASE.

Hon. Wm. M. Meredith, Attorney General of the State, has filed the following opinion with the Governor in the matter of the contest between *Gens. Koontz and Coffroth to be proclaimed le*gally returned as elected to Congress from this district. It will be seen that Mr. Meredith decides both returns to be fatally defective—Mr. Wilhelm, although legally elected on the first day of the meeting of the return judges, having been discharged by the subsequent election of Mr. Laker and the delivery of the returns of Franklin county to him. This leaves both candidates without a legal return, but the Attorney General in no sense pretends to determine the *merits* of the contest—the Executive *being* precluded, as a purely ministerial officer, from going behind the record in the matter. The result will be the admission of Gen. Koontz in Congress—he having a clear majority of the whole vote cast, and we hazard little in saying that he will never be disturbed by a contest.

Mr. Meredith's opinion is worthy of himself and his great reputation, and will be accepted by both parties as a true interpretation of the law. The fact that he has in two instances decided against proclaiming candidates as elected for whom he would doubtless have voted had he resided in either *of their districts*, is the best evidence that he is incapable of partizan bias in the discharge of his *official duties*, and his lucid definition of the powers of return judges shows how shameless and fraudulent were the actions of the Democratic judges of this Congressional and Judicial districts. The following is Mr. Meredith's opinion:

Two papers, purporting to be returns of the recent election in the 16th Congressional District, have been sent to the Secretary of the Commonwealth. The District is composed of the five counties of Adams, Franklin, Fulton, Bedford and Somerset. One of these papers is signed by four persons, viz: Messrs. Mann, of Bedford county; Laker, of Franklin; Winter, of Fulton, and Diehl, of Adams, styling themselves a majority of the return judges elected by the several *boards of the return judges* of the above named counties; and the paper goes on to state that they examined and counted the votes cast for Congress in the district, and that Messrs. Coffroth and Koontz had each a specified number of votes in the respective counties of Adams, Bedford, Franklin, and Fulton, and that Mr. Coffroth, having a majority of all the votes cast as counted before the board, is declared duly and legally elected.—It is further stated in the paper that Somerset was *not represented by a judge, or otherwise*, in the board, and that notice of the time and place of meeting was given to the return judge elected from Somerset, who was in the borough of Chambersburg (where the meeting was held) on the day of meeting.

The other paper is signed by five persons, viz: Messrs. Will, of Somerset county; Cart, of Adams; Wilhelm, of Franklin; Winter, of Fulton, and Peck, of Bedford, styling themselves as being appointed return judges of the election held in the several counties composing the 16th Congressional District, viz: Adams, Bedford, Franklin, Fulton and Somerset. The paper goes on to state that having carefully examined the returns of the said several districts, and added together the votes therein contained, according to law, they certify that Messrs. Koontz and Coffroth had each a specified number of votes in the respective counties of Adams, Bedford, Franklin, Fulton and Somerset, and declare that Mr. Koontz, having received the greatest number of legal votes, is duly elected. Both the bodies claiming to be district return judges met on the day and at the placed fixed by law.

The respective candidates having requested a hearing, were heard by themselves and counsel, and evidence was received on the question, Who were the return judges of the district? This evidence left no material question of fact in doubt, and the result may be briefly stated thus: Mr. Wills was the regularly selected district return judge for Somerset, and Mr. Winter for Fulton. All the signers of the respective papers were among the county return judges of their respective counties. Messrs. Diehl, of Adams, and Mann, of Bedford, were selected as district return judges, by the majority of the return judges of their respective counties, after the minority had withdrawn in consequence of dissatisfaction *with the proceedings of the majority.* Messrs. Cart, of Adams, and Peck, of Bedford, were selected as district return judges, by the minority of the return judges of their respective counties, after the withdrawal above stated. Mr. Wilhelm, of Franklin, was selected as district return judge by the return judges of that county, at their first meeting, and of course before the soldiers' vote had been counted. Mr. Laker, of the same county, was selected by the return judges of the county, at their last meeting, and after the soldiers' vote had been counted. At that *meeting*, upon the suggestion of one of the clerks, Mr. Wilhelm, who was president of the board, stated that he had been informed that the selection of a district return judge, before all the votes had been counted, was illegal; upon which a motion was made and carried to proceed to a selection. The vote was taken and Mr. Laker had a majority, and the returns were accordingly placed in his charge. Mr. Wilhelm was nominated, but *had not a majority. He never resigned* the appointment which had already been made, but, no doubt, under the impression that such appointment was illegal—he put the question on proceeding to a new selection, announced the result, and as president signed a certificate, under seal, of Mr. Laker's selection as district return judge.

On this state of facts the Governor has requested my opinion on the question, Which of the two candidates ought to be proclaimed by him as having been returned as elected?

In a recent opinion I have stated my reasons, which need not be here recapitulated, for arriving at the conclusion that the Governor has no right to go behind the returns for the purpose of enquiring into their correctness—that his functions in regard to them are strictly ministerial.

In the present instance it happens (it is believed for the first time) that two different bodies of men, each claiming to be the board of district return judges, present papers which they style returns of the election. The Governor is of course compelled to endeavor to ascertain, by such evidence as can be had, which of these papers is signed by the lawful district return judges, just as every ministerial officer is bound to satisfy himself of the authenticity of an official paper, on which he is requited to act.

It is well established that (unless otherwise expressly provided) an authority of a public nature, conferred on three or more persons jointly, may be executed by a majority of a meeting lawfully held, and of which all have had legal notice, and that the meeting and proceedings of such a body are presumed to be regular, in the absence of proof to the contrary. But a minority of such a body cannot, by withdrawing (for whatever reason) from the majority and proceeding to act independently, vest in themselves the authority which the law has conferred on the whole, and permits to be exercised by a majority as above stated.

The general election law of 1839 provides that when two or more counties shall compose a district for the choice of a member of Congress, the judges of the election in each county, having met, *the clerks shall make out a fair statement of all* the votes which shall have been giving at such election, which shall be signed by said judges and attested by the clerks, and that one of the said *judges shall take charge of such certificate*, and shall produce the same at a meeting of one judge from each county.

Keeping in view the principles above stated, which are of universal acceptation, the minorities of the judges in Adams and Bedford had plainly no authority to appoint clerks or cause votes to be added up, or returns to be made out, or in fine to perform any of the functions of the body of county judges of the election. The conclusion is inevitable that Messrs. Cart, of Adams, and Peck, of Bedford, who claimed to act as judges from these counties at the meeting of one judge from each county, and present returns made and signed by such minorities, were *not entitled so to* act, nor could the returns which they presented be legally received.

The law, as has been seen, requires that the certificate having been made out by the clerks, shall be signed by the county judges of the election. It is, of course, in the possession and under the control of the body of such judges when assembled according to law. Of course that body must direct it to be placed in the charge of the member whom a majority may designate, to attend the meeting of one judge from each county, and present it to that meeting, and assist in making up the returns of the district. I can see no ground for the assumption that a judge cannot be designated for these purposes, just as lawfully before the certificate has been made out and signed as afterwards: and therefore I conceive that the selection of Mr. Wilhelm was entirely legal. But that selection did not constitute him the holder of an officer. He was rather a committee of one, to perform certain duties. But, whether he be styled an officer or a committee, in my opinion the subsequent selection of Mr. Laker, and the actual placing of the certificate in his charge, completely discharged Mr. Wilhelm and overrode his appointment.

The result is that of the five persons who have signed the papers stating Mr. Koontz to be elected, three had no legal authority to act in the capacity which they assumed, and I am therefore of opinion that the Governor ought not to base his proclamation on that paper as a return.

In regard to the other paper, it is signed by four persons who appear to have been legally designated by the judges of election in their respective counties. The judge from Somerset, though he had notice, neglected or refused to attend the meeting, or at any rate failed to attend it. The duty of the four judges who did attend is clearly *pointed out* by law. It was to "cast up the several county returns and make duplicate returns of *all* the votes given," for the office in the district, "and of the name of the person elected." Instead of doing this, they omitted to count the vote of Somerset, apparently by reason of the non-attendance of the judge from that county. It has been suggested that as they had not those returns they could not count them, which is very true. But duplicate originals were accessible in the office of the Prothonotary of Somerset county, and it was their duty, if necessary, to refer to them. They could not, of course, have obtained them on the same day, but though the law fixes the day of their meeting, it was perfectly legal for them to adjourn if the business could not be completed in one day, and I think it was undoubtedly their duty to do so. That the non-attendance of a judge should be held to infer the disfranchisement of the county from which he comes, when duplicate originals of the returns which he failed to produce were easily attainable by a short delay, would be intolerable.

The act of 1839 provides that the judges shall make returns of "all the votes given for such office in said district, and of the name of the person or persons elected," and further provides that it shall be the duty of the Governor, on the receipt of the returns of the election as aforesaid, "to declare by proclamation the names of the persons so returned as elected in the respective district:" that is to say, returned as elected in a return which also purports to return *all* the votes given for office in the district.

The paper in question does not purport to return all the votes given for the office in the district. *It shows on its face that the vote of one county* in the district was not counted, and therefore that the judges had not before them the means of knowing who was elected—and indeed the return substantially is, that Mr. Coffroth had a majority "of all the votes cast as counted before the board," (*that is to say, of the votes in four out of five* counties which composed the district,) and therefore *is duly elected. This return is so essentially* defective that I conceive it to be no return at all, *and am of opinion that the Governor ought not to* base his proclamation on it as a return.

I regretted to observe on the argument that it was stated by the counsel of Mr. Koontz, that all the illegality, irregularity and confusion which have attended the returns from this district, arose *from the action of a majority of the judges of elec*tion in Adams, Bedford, and perhaps one other county, in illegally throwing out parts of what are called the soldiers' votes. Their duty is clearly defined by law to be to cause the clerks to make out a fair statement of *all* the votes which shall *have been given at the election. To usurp the* power of throwing out, at their discretion any votes so given, is to commit a willful and grievous offence, for which, if found guilty by a jury, they *can be adequately punished. Inconvenience from* their illegal course can also be avoided, as the House of Representatives *has full jurisdiction* over the election and returns, and may apply a summary remedy if the alleged state of facts *should be properly substantiated. But as, the* Governor cannot, if satisfied that the offence has been *committed, thrust the offenders into the Pen*itentiary, and thus usurp the power of the judicial tribunals—so neither can he constitute himself a judge of the election, and thus usurp the power of the House of Representatives, which is the proper tribunal to adjudicate on it. He has no more right to put votes into the county returns than the county judges of election had to put them out, or to treat as valid the acts of a seceding minority of the county judges of election, than he would have to treat as the act of the House a bill emanating from a similar seceding minority of that body. His duty is not to lend himself to revolutionary action of any kind. He is to preserve order, not to abet confusion. He is to obey the act of Assembly, and as no returns have been presented such as that act authorizes him to base his proclamation upon, I am of opinion that he has no legal course but to state that fact as his reason for not declaring the name of any person to have been returned as elected in the 16th Congressional district.

Surrounded by the contagious *unrest of angry* and excited passions, and often forced, amid such surroundings, to act promptly on questions of the most difficult and delicate character, it may appear to require some *moral* firmness in the Executive Magistrate to avoid being swept beyond the limits of his appropriate sphere.

But it is to be recollected that we have a popular government, and in such time as these, public confidence, important to every government, is essential to ours.

It appears to me that he must be the boldest of men, who, being at the head of the Government of any one of our States at this crisis, should have the courage to be feeble and vacillating, regardless of law, partial in his judgments, usurping in his practice, and guided by merely personal feelings or personal influence, thus loosening the structure of our political fabric, and exposing its very foundations to delapidation.

On the other hand, I should esteem him to be fortunate, who, in such a position, rising to the level of the occasion, should leave below him all the turns of ordinary politics, should preserve his own calmness during the storms that are raging, not as lacking emotion, but as feeling that upon his calmness may depend the public safety; who *should combine a thoroughly active, energetic and* loyal *administration of affairs, with open fairness* and equity to all, obey himself the law in which he enforces the obedience of others, compel the trust of the honest and truth loving masses of all parties in his vigor, justice and integrity, and thus, *commanding the public confidence, cause to strike* daily deeper and deeper the roots of authority, and make threatened confusion and anarchy impossible by rendering irresistible the just power *of government.*

I should esteem him *to be fortunate, because*—though his task would not be easy—when he should have fulfilled it he would have connected *for all time, his own honor with the history of the* salvation of the Republic.

W. M. MEREDITH, *Attorney Gen.*

ATTORNEY GENERAL'S OFFICE, Harrisburg, Dec. 16th, 1864.

## A CALL FOR 300,000 MEN.

WASHINGTON, Dec. 20, 1864.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

*Whereas*, By the act approved July 4th, 1863, entitled, "An act further to regulate and provide for the enrolling and calling out of the National forces, and for other purposes," it is provided that the President of the United States may, at his discretion, at any time hereafter, call for any number of men as *volunteers for the respective* terms of one, two, and three years, for military service, and that in case the quota, or any part thereof, of any town, township, ward of a city, precinct or election district, or of a county not so sub-divided, shall not be filled within the space of fifty days after such call, then the President shall immediately order a draft for one year, to fill such quota or any part thereof which may be unfilled: *and whereas*, by the credits allowed in accordance with the act of Congress on the call for five hundred thousand men, made July 18th 1864, the number of men to be obtained under that call was reduced two hundred and eighty thousand; *and whereas*, the operations of the enemy in certain States have rendered it impracticable to procure from them their full quotas of troops under said call: *and whereas*, from the foregoing causes but two hundred and fifty thousand men have been put into the army, navy and marine corps under the said call of July 18, 1864, leaving a deficiency of that call of two hundred and fifty thousand; *now therefore*, I, Abraham Lincoln, President of the United States of America, in order to supply the aforesaid deficiency and to provide for casualties in the military and naval service of the United States, do issue this my call, for three hundred thousand volunteers to serve for one, two, or three years.

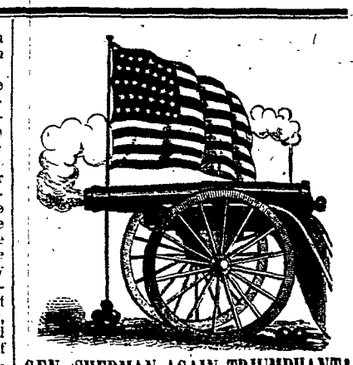
The quotas of the States, Districts, and Sub-districts under this call, will be assigned by the War Department through the bureau of the Provost Marshal-General of the United States, and in case the quota or any part thereof of any town, *township, ward, or a city precinct or election dis*trict, or of a county not so sub-divided, shall not be filled before the 15th day of February, 1865, then a draft shall be made to fill such quota, or *any part thereof, under this call*, which may be unfilled on the fifteenth day of February, 1865.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[L. S.] Done at the city of Washington, this 19th day of December, in the year of our Lord one thousand eight hundred and sixty-four, and of the independence of the United States of America the eighty-ninth. ABRAHAM LINCOLN.

By the President,

WM. H. SEWARD, Secretary of State.



# GEN. SHERMAN AGAIN TRIUMPHANT!

## SAVANNAH IN HIS POSSESSION!

## 150 HEAVY GUNS TAKEN!

## Capture of 33,000 Bales of Cotton!

## ESCAPE OF HARDEE'S MAIN ARMY!

## REBEL IRON-CLADS BLOWN UP!

## 13 LOCOMOTIVES AND 190 CARS CAPTURED!

WASHINGTON, Dec. 25—P. M.—Major General Dix, New York—A despatch has been received this evening, by the President, from General Sherman. It is dated at Savannah on Thursday, 22d instant, and announces his occupation of the city of Savannah,