

Democrat and Sentinel.

THE BLESSINGS OF GOVERNMENT, LIKE THE DEWS OF HEAVEN, SHOULD BE DISTRIBUTED ALIKE, UPON THE HIGH AND THE LOW, THE RICH AND THE POOR.

NEW SERIES.

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Letter from Hon. C. R. Buckalew.

The following is a letter of the Hon. C. R. Buckalew, to the Central Democratic Club, on the celebration of Washington's Birthday:

Dear Sir:—In response to your friendly invitation, I have to express some views upon public topics, which may be submitted to your meeting on the 23d inst. And I do this very cheerfully, although I cannot know that any words of mine will elicit popular conviction upon the necessity of changing our rulers and overthrowing their present policy, or quicken popular zeal for the accomplishment of these important objects.

A conviction that the country is mis-governed, the war unaimed, and liberty itself in peril, is growing up in the public mind and thousands are afloat, inquisitive, and critical, who give to government unhesitating and enthusiastic support founded upon complete confidence, twelve months ago. The day of blind, headlong passion, and of confident, unquestioning trust in our rulers has passed, and the elected duties of the nation will now be discharged with a more intelligent comprehension than was possible in the earlier months of the war.

The sure result of this will be to perfect the political revolution in the North and West, begun by the late elections, and to exclude the Republican party, with its sectional passions, its fanaticism, its corruption, and its incapacity, permanently from power.

But can this be accomplished in time to save the country? To preserve its unity and liberty? And if these vital objects can be secured, either sooner or later, by the restoration of the Democratic party to power upon what policy shall that party act in their attainment? These questions are timely and important enough to occupy the space and leisure now at my command. Complete control in the hands of the Democratic party, in the Federal government can be obtained by it a year later, in the election of President, assuming that the restoration of Congress, now begun, shall go on and be consummated by that time.

The time here mentioned must elapse before power can be completely lodged in our hands; before the work of reconstructing the Union, and thoroughly reorganizing the government can be performed. In the meantime, how much of calamity must we undergo? To what measures of self-defense will we be subjected? The public mind will be swollen enormously; a financial crash may come sweeping away private fortunes, and crippling public credit and power; and it is not impossible that in an hour of desperation our rulers may abandon the war, and place the barrier of a bad treaty, or the impotence of a foreign mediation, in the way of reunion.

Conspicuously, there are great dangers in the immediate future, and apprehension of evil is timely, and justified by the events of the past two years. But during this period of danger, of trial, of peril—this interval which separates us from the day of relief and security—what shall be the attitude of our party toward the administration and the war? This question may reasonably be asked by the thousands in this State, and by thousands in other States who are willing to join in and assist in the redemption of the country.

The question may be answered, in part, by referring to the past. The object of the war was announced in the first year of its commencement, which was by a resolution of Congress, which went out North and South, and to foreign countries, as the platform of the govern-

ment in its prosecution. That resolution announced the object of the war to be, the defence and maintenance of the supremacy of the Constitution and the preservation of the Union, with all the dignity, equality and rights of the several States unimpaired, and explicitly denied that it was waged in any spirit of oppression, or for any purpose of conquest or subjugation, or purpose of overthrowing or interfering with the rights or established institutions of the Southern States.

This clear and emphatic resolution was accepted and approved by the Democracy, by the Border States, and by conservative men generally, and thereupon all the magnificent resources of the country in men and money were put at the disposal of the administration, for the prosecution of the war in accordance therewith, and it has had command of those resources unopposed and almost unquestioned down to this hour.

But the time came when this ground of a contest for the supremacy of the Constitution and the preservation of the Union, became, in the policy of the administration, connected with, if not subordinated to, another and different object. The insel rhetoric of Sumner, the dictatorial utterances of Greeley, and the rabid violence of Phillips and Garrison, became of more consequence at Washington than the views of the great majority of the people and the pledged faith of the nation. A policy of emancipation was announced, involving enormous expense, doubling the difficulties of the contest, and in flat contradiction of the solemn declaration upon the object of the war, just recited. And this was done by Presidential decree—the fiat of a single man—with out aid or city, and at the instance of men who would be among the very last selected by the American people to advise their rulers.

To this, and to all like departures from the Constitution and from good faith and sound policy, we are, and must remain, unalterably opposed. I say like departures, for the pretence of military necessity upon which emancipation has been announced, has been extended to other subjects besides the status of the negro, as the debates of the day abundantly testify. The seizure of citizens in States untouched by revolt, and their incarceration in distant prisons, remote from witnesses who might testify in their favor, and from friends who might intercede for them, is one of the most prominent of these, and deserves all the condemnation it is receiving from the people.

The Father of his Country, the anniversary of whose birth you celebrate, had no conception of a doctrine of military necessity as a substitute for the Constitution and laws of the land; nor of those undefined, unlimited powers, now asserted to exist in the President as Commander-in-Chief of the army and navy of the United States and of the militia of the States when called into actual service, nor can we recognize them except as baseless pretensions, to be put down with strong public disapprobation at the earliest possible moment. Washington's views of military jurisdiction and control in time of insurrection, were given to the army sent by him to quell the revolt in Western Pennsylvania in 1794, when he admonished them, "that every officer and soldier will consequently bear in mind that he comes to support the laws, and it would be peculiarly unbecoming in him to be in any way the infractor of them; that the essential principles of a free government confine the province of the military when called forth on such occasions, to those to objects: first, to combat and subdue all who may be found in arms in opposition to the national will and authority; secondly, to aid and support the civil magistrate in bringing offenders to justice;—The dispensation of this justice belongs to the civil magistrates, and let it ever be our pride and our glory to leave the sacred domain there inviolate."

In the spirit of this admonition, and of the constitutional doctrine that "the military shall, in all cases, and at all times, be in strict subordination to the civil power," we must stand opposed to the abuse of the military power in applying it to other purposes than those appointed and regulated by law; as the seizure of private property of non-combatants not legally liable to confiscation; the seizure of herds of negroes, and their support, instruction, transportation, drill and payment, as allies; the seizure and imprisonment of northern freemen, without law and against it; the suppression of newspapers, or the closing of the mails against them, and the encroachment upon the State jurisdiction by the appointment of sundry police officials to exercise powers undelivered by and unknown to the laws.

What is asked is that the military power shall be applied and confined to its appropriate uses; that there shall be no invasion upon liberty by it; in short, that it shall be subjected to the domination of established laws. And we are perfectly persuaded that government will be all the stronger, all the more successful, by following this policy and sternly refusing to yield to the temptations which assail those entrusted with authority in revolutionary times. Let our rulers carefully imitate the example of Washington, who exercised military powers in the Revolution with constant respect for the laws and the authority of the Continental Congress, unsettled as the times were, and fruitful of pretexts for departure from regular and legitimate action.

In addition to the signal advantages which will be secured to our cause by reversing the policy of the administration—by establishing other and truer doctrines than those just examined—the Democracy can take into account as one of the agencies for restoring the Union, the powerful and invaluable aid of allies in the border and Confederate States—men who have gone into revolt reluctantly, or who now stand with divided inclinations, uncertain of the position they shall assume. The issue of the war has always depended as much upon the determination and union of the Confederate States as upon the magnitude of the efforts put forth by us against them. Manifestly, therefore, our true line of policy has been to divide them; to conciliate a part of their population, and dampen the ardor of the revolutionary spirit by subjecting it to conservative opposition in the very communities where it arose. The subjugation of the South by the mere exertion of physical force against it, assuming it to be really united and in earnest, is a work of extreme difficulty, and requires an amount of wisdom and vigor which our administration has failed to exhibit. In a war of invasion upon the South, most formidable natural obstacles are to be encountered, and also the powers of the enemy, and our strength must be, or be made to be, adequate to overcome both. In short, in this case, allies in the enemy's country were necessary to certain or prompt success, and to secure them all the arts of policy and all the means of conciliation within our power, should have been exerted.

But what is the policy of our rulers? Is it not written in the history of the Critenden Compromise and of the Peace Conference resolves? In Congressional enactments and Presidential proclamations? No concession, no conciliation, but only sheer force to compel complete submission! This policy, at once inculcating and impassioned, was persisted in until repeated disasters came to exhibit its folly and impotency. Yes! the necessity of allies, utterly scouted in the outset, became demonstrated on the plains of Manassas and in the swamps of the Chickahominy. The course of events taught us that assistance would be useful, if not indispensable, to the great work of subduing rebellion and restoring the integrity of the Union.

Recognizing this truth, the men in power have turned their attention to the negroes—the subject race of the South—and propose to arm and employ them as allies in the war. This experiment is likely to be carried out, to be freely tested, and to produce results which, to say the least, will be instructive to future times.

In marked contrast to this desperate experiment, conservative men look for alliance and aid to the white race—our own stock and kindred—and propose to secure their co-operation in restoring the Union by a policy of conciliation, and by the example of a return by our own government to a true constitutional rule, unimpeded by fanatical passion and regardless of all State and individual rights as established by our fathers. In their policy, the conservative element along the border and in the South is to be encouraged and developed, not repelled, spurned and insulted.

Great allowance is doubtless to be made for an administration charged with the conduct of a great war, and particularly a civil war. The difficulties to be surmounted are great, and often the course to be pursued is but a choice between evils. At such a time a generous mind will not seek occasion of offense, and can overlook small points of objection in reviewing public affairs.

our efforts as citizens of a broken and afflicted country.

It results from what has been said, that the administration now in power may expect from the great mass of those politically opposed to it, acquiescence in a legitimate exercise of the powers with which it is invested, whether relating to the war or to internal administration. But they will claim and exercise the right of discussing the wisdom and constitutionality of its policy, and will resist, by all lawful means, any attempt to prevent the war from its true object, or to use the war power as an instrument for introducing arbitrary rule amongst us.

And they will labor to prepare the way for the complete re-union of the States, upon their accession to power; or, if (in contradiction of their fears) such re-union should previously be achieved by arms, then to confirm it and render it real, cordial and perpetual.

Let it be distinctly understood that the great mass of the Democratic party and of the conservative men of the country have never agreed, do not now agree, and have no intention of agreeing in future, to a dissolution of the American Union founded by Washington and his compatriots, and that they will not cease their efforts for its complete restoration in its original, pristine vigor. But to accomplish this purpose, they, unlike their opponents, will use all legitimate means of restoration, and not physical force alone. This may be boldly and openly announced, everywhere, and ought to be excepted everywhere, as the only reasonable and patriotic ground upon which a party engaged that desires and intends to save the country.

The administration has deliberately cast away all means of restoration, except physical force, and has called into existence great and unnecessary obstacles to success, until notwithstanding the immediate difference of apparent strength between the parties to the war, its issue hangs trembling in the balance. But let us not despair of the future. "Out of this nettle, danger;" we may yet "pluck the flower, safety." We may hope that the remaining months of Mr. Lincoln's term will be got past without complete exhaustion, and the point of time arrived at, when a vigorous and truly great party, clear-headed from the past, thoroughly Union, upright, just, patriotic and brave, will assume possession of the powers of government. And then, this party, with an old history identified with the glories of the country binding it to sympathy and affection in every quarter, with no selfish, local or fanatical passions, to weaken or mislead it; with a generous, even-handed, impartial, time-tried creed, conformed to the Constitution, and springing naturally from its principles—this party, thus qualified to speak to the whole land, and to be heard with affection and reverence, can and will command these wild waves of human passion to be still, and rejecting alike the fanaticism of Boston and of Charleston, will rebind these great States together, in enduring bonds of interest and sympathy!

I am, dear sir, very truly yours,
C. R. BUCKALEW.
EBENSBURG, Feb. 20, 1863.

The Constitution the Basis of the Union.

The Clearfield Republican speaking of the usurpations of the Abolition party, the future prospects of our country &c., says:

"If the Constitution, with its wholesome provisions, is made a dead letter, it must be restored. If the States, in their sovereign capacities, have been ignored, they must be reinstated and allowed to exercise every right they were entitled to under the original compact. Less than this will not suffice. Armies may be raised—drafts made—conscription laws passed—the country paralyzed in its commercial industry—exorbitant taxes levied, but all this will not restore the Union. Reasoning must take the place of fighting—and fighting cease. If the present Administration accommodates itself to the wishes of the people as expressed in the elections held lately, it will live in their respect, be supported by their strength, and invigorated by their love—and be enabled to support the dignity of the American people against all foes from within and without. But if these friendly admonitions are unheeded, the fate of all usurpers in all ages will be their reward.

A bill for the erection of a new county, to be called Lackawanna, out of the northern townships of Luzerne county, has passed the Legislature and been signed by the Governor. It has yet to be ratified by a vote of the people of the county, in accordance with a late amendment of the Constitution.

The Indemnity Bill.

AN ACT

Relating to Habeas Corpus, and Regulating Judicial Proceedings in certain cases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That during the present rebellion, the President of the United States, whenever in his judgment the public safety may require it, is authorized to suspend the privilege of the writ of habeas corpus in any case throughout the United States, or any part thereof; and whenever and wherever the said privilege shall be suspended as aforesaid, no military or other officer shall be compelled, in answer to any writ of habeas corpus, to return the body of any person or persons detained by him by authority of the President; but upon a certificate, under oath, of the officer having charge of any one so detained, that such person is detained by him as a prisoner, under authority of the President, further proceedings under the writ of habeas corpus shall be suspended by the judge or court having issued the said writ so long as said suspension by the President shall remain in force and said rebellion continue.

Sec. 2. And be it further enacted, That the Secretary of State and the Secretary of War be, and they are hereby directed, as soon as may be practicable, to furnish to the judges of the circuit and district courts of the United States and of the District of Columbia, a list of the names of all persons, citizens of the States in which the administration of the laws has continued unimpaired in the said Federal courts, who are now, or may hereafter be, held as prisoners of the United States, by order or authority of the President of the United States or either of said Secretaries, in any fort, arsenal, or other place, as State or prison, or otherwise, or otherwise than as prisoners of war; the said list to contain the names of all those who reside in the respective jurisdictions of said judges, or who may be deemed by the said Secretaries, or either of them, to have violated any law of the United States in any of said jurisdictions, and also the date of each arrest—the Secretary of State to furnish a list of such persons as are imprisoned by the order or authority of the President, acting through the State Department, and the Secretary of War a list of such as are imprisoned by the order or authority of the President, acting through the Department of War. And in all cases where a grand jury, having attended any of said courts having jurisdiction in the premises, after the passage of this act, and after the furnishing of said list, as aforesaid, has terminated its session without finding an indictment, or presentment, or other proceeding against such person, it shall be the duty of the judge of said court forthwith to make an order that any such prisoner desiring a discharge from said imprisonment be brought before him to be discharged; and every officer of the United States having custody of such prisoner is hereby directed immediately to obey and execute said judge's order; and in case he shall delay or refuse so to do, he shall be subject to indictment for misdemeanor, and be punished by a fine of not less than five hundred dollars and imprisonment in the common jail for a period not less than six months, in the discretion of the court: Provided, however, That no person shall be discharged by virtue of the provisions of this act until after he or she shall have taken an oath of allegiance to the government of the United States; and that he or she will not hereafter, in any way, encourage or give aid and comfort to the present rebellion or the supporters thereof. And provided, also, That the judge or court before whom such person may be brought, before discharging him or her from imprisonment, shall have power, on examination of the case, and, if public safety shall require it, shall be required to cause him or her to enter into recognizance, with or without surety, in a sum to be fixed by said judge or court, to keep the peace and be of good behavior towards the United States and its citizens, and from time to time, and at such times as such judge or court may direct, appear before said judge or court to be further dealt with, according to law, as the circumstances may require. And it shall be the duty of the District Attorney of the United States to attend such examination before the judge.

Sec. 3. And be it further enacted, That in case any of such prisoners shall be under indictment or presentment for any offence against the laws of the United States, and by existing laws bail or a recognizance may be taken for the appearance

for trial of such person, it shall be the duty of said judge at once to discharge such person upon bail or recognizance for trial as aforesaid. And in case the said Secretaries of State and War shall for any reason refuse or omit to furnish the said list of persons held as prisoners as aforesaid at the time of the passage of this act within twenty days thereafter, and of such persons as hereafter may be arrested within twenty days from the time of the arrest, any citizen may, after a grand jury shall have terminated its session without finding an indictment or presentment, as provided in the second section of this act, by a petition alleging the facts aforesaid touching any of the persons so as aforesaid imprisoned, supported by the oath of such petitioner or any other credible person, obtain and be entitled to have the said judge's order to discharge such prisoner on the same terms and conditions prescribed in the second section of this act. Provided, however, That the said judge's shall be satisfied such allegations are true.

Sec. 4. And be it further enacted, That any order of the President, or under his authority, made at any time during the existence of the present rebellion, shall be a defense in all courts in any action or prosecution, civil or criminal, pending or to be commenced, for any search, seizure, arrest, or imprisonment, made, done, or committed, or acts omitted to be done, under and by virtue of such order, or under color of any law of Congress; and such defense may be made by special plea, or under the general issue.

Sec. 5. And be it further enacted, That if any suit or prosecution, civil or criminal, has been or shall be commenced in any State court against any officer, civil or military, or against any other person, for an arrest or imprisonment made, or other trespasses or wrongs done or committed, or any act omitted to be done, at any time during the present rebellion, by virtue or under color of any authority derived from the President of the United States, or any act of Congress, and the defendant shall, at the time of entering his appearance in such court, or if such appearance shall have been entered before the passage of this act, then at the next session of the court in which such suit or prosecution is pending, file a petition, stating the facts and verified by affidavit, for the removal of the cause for trial at the next circuit court of the United States, to be holden in the district where the suit is pending, and offer good and sufficient surety for his filing in such court, on the first day of its session, copies of such process and other proceedings against him, and also for his appearing in such court and entering special bail in the cause, if special bail was originally required therein, it shall then be the duty of the State court to accept the surety and proceed no further in the cause or prosecution; and the bail that shall have been originally taken shall be discharged. And such copies being filed as aforesaid in such court of the United States, the cause shall proceed therein in the same manner as if it had been brought in said court by original process, whatever may be the amount in dispute or the damages claimed, or whatever the citizenship of the parties, any former law to the contrary notwithstanding. And any attachment of the goods or estate of the defendant by the original process shall hold the goods or estate so attached to answer the final judgment in the same manner as by the laws of such State they would have been holden to answer final judgment had it been rendered in the court in which the suit or prosecution was commenced. And it shall be lawful in any such action or prosecution which may be now pending or hereafter commenced, before any State court whatever, for any cause aforesaid, after final judgment, for either party to remove and transfer, by appeal, such case during the session or term of said court at which the same shall have taken place, from such court to the next circuit court of the United States to be holden in the district in which such appeal shall be taken, in manner aforesaid. And it shall be the duty of the person taking such appeal to produce and file in said circuit court attested copies of the process, proceedings, and judgment in such case; and it shall also be competent for either party, within six months after the rendition of a judgment in any such case, by writ of error or other process, to remove the same to the circuit court of the United States of that district in which such judgment shall have been rendered; and the said circuit court shall thereupon proceed to try and determine the facts and the law in such case in the same manner as if the same had been there originally commenced, the judgment in such case notwithstanding.