

The North Branch Democrat.

HARVEY SICKLER, Proprietor.

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NEW SERIES,

TUNKHANNOCK, PA., WEDNESDAY, FEB. 28, 1866.

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BY HARVEY SICKLER

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THE VETO MESSAGE.

To the Senate of the United States:

I have examined with care the bill, which originated in the Senate and has been passed by the two Houses of Congress, to amend an act entitled "An act to establish a bureau for the relief of freed men and fugitives, and for other purposes." Having, with much regret, come to the conclusion that it would not be consistent with the public welfare to give my approval to the measure, I return the bill to the Senate, with my objections to its becoming a law.

I might call to mind, in advance of these objections, that there is no immediate necessity for the proposed measure. The act to establish a bureau for the relief of freed men and fugitives, which was approved in the month of March last, has not yet expired. It was thought stringent and extensive enough for the purpose in view. Before it ceases to have effect, further experience may assist to guide us to a wise conclusion as to the policy to be adopted in time of peace.

I have with congress the strongest desire to secure to the freedmen the full enjoyment of their freedom and their property, and their entire independence and equality in making contracts for their labor. But the bill before me contains provisions which, in my opinion, are not warranted by the Constitution, are not suited to accomplish the end in view.

The bill proposes to establish, by authority of Congress, military jurisdiction over all parts of the United States containing fugitives and freedmen. It would by its very nature apply with most force to those parts of the United States in which the freedmen most abound; and it expressly extends the existing temporary jurisdiction of the Freedmen's Bureau with greatly enlarged power over those States in which the ordinary course of judicial proceedings has been interrupted by the rebellion. The source from which this military jurisdiction is to emanate is none other than the President of the United States, acting through the War Department and the Commissioner of the Freedmen's Bureau. The agents to carry out this military jurisdiction are to be selected either from the army or from civil life. The country is to be divided into districts and sub-districts, and the number of salaried agents to be employed may be equal to the number of counties or parishes in all the United States where freedmen and fugitives are to be found. The subjects over which this military jurisdiction is to extend in every part of the United States, include protection to all employees, agents and officers of the Bureau; the exercise of the duties imposed upon them by the bill. In eleven States it is further to extend over all cases affecting freedmen and fugitives, discrimination against them by local law, custom or prejudice. In these eleven States the bill subjects any white person who may be charged with depriving a freedman of any civil rights or immunities belonging to white persons to imprisonment or fine, or both, without, however, depriving the civil rights and immunities which are thus to be secured to the freedmen by military law. This military jurisdiction also extends to all questions that may arise respecting contracts. The agent, who is thus to exercise the office of a military judge, may be a stranger, entirely ignorant of the laws of the place, and exposed to the errors of judgment, to which all men are liable. The exercise of power, over which there is no legal supervision, by so vast a number of agents, as is contemplated by the bill, must by the very nature of man, be attended by acts of caprice, injustice and passion. The trials, having their origin and their end, are to take place without the intervention of a jury, and without any fixed mode of law or evidence.

The rules on which offenses are to be heard and determined by the numerous agents are such rules and regulations as the President, through the War Department, shall prescribe. No previous pronouncement is required, or any indictment charging the commission of a crime against the laws, but the trial must proceed on charges and specifications. The punishment will be, not what the law declares, but such as a court martial may think proper. And from these arbitrary tribunals there lies no appeal—no writ of error to any of the courts in which the Constitution of the United States vests exclusively the judicial power of the country; while the territory and the class of actions and offenses that are made subject to this measure are so extensive, the bill itself, should it become a law, will have no limitation in point of times but will form a part of the permanent legislation of the country. I cannot reconcile a system of military jurisdiction of this kind with the words of the Constitution which declare that "No person shall be held to answer for a capital or other infamous crime, unless on presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger;" and that "in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State or district where the crime shall have been committed."

The safeguards which the wisdom and experience of ages taught our fathers to establish as securities for the protection of the innocent, the punishment of the guilty and the equal administration of justice, are to be set aside, and for the sake of a more vigorous interposition in behalf of justice that would necessarily follow from an almost countless number of agents estab-

lished in every parish or county in nearly a third of the States of the Union, over whose decision there is to be no supervision or control by the Federal courts. The power that would be thus placed in the hands of the President is such as in time of peace certainly ought never to be entrusted to any one man. If it be asked whether the creation of such a tribunal within a State is warranted as a measure of war, the question immediately presents itself whether we are still engaged in war. Let us not unnecessarily disturb the commerce and credit and industry of the country by depriving the American people and the world that the United States are still in a condition of civil war. At present there is no part of our country in which the authority of the United States is disputed. Offenses that may be committed by individuals should not work a forfeiture of the rights of the same communities. The country has entered, or is returning to a state of peace and industry, and the rebellion is, in fact, at an end. The measure, therefore, seems to be as inconsistent with the actual condition of the country, as it is at variance with the Constitution of the United States.

If passing from general considerations, we examine the bill in detail, it is open to weighty objections. In time of war it was eminently proper that we should provide for those who were passing suddenly from a condition of bondage to a state of freedom. But this bill proposes to make the Freedmen's Bureau—established by the act of 1865 as one of many great and extraordinary military measures to suppress a formidable rebellion—a permanent branch of the public administration, with its powers greatly enlarged. I have no reason to suppose, and I do not understand it to be alleged, that the act of March, 1865, has proved deficient for the purpose for which it was passed; although at that time, and for a considerable period thereafter, the Government of the United States remained unacknowledged in most of the States whose inhabitants have been involved in the rebellion. The institution of slavery, for the military destruction of which the Freedmen's Bureau was called into existence as an auxiliary force, has been already effectually and finally abrogated throughout the whole country by an amendment of the Constitution of the United States, and practically its eradication has received the assent and concurrence of most of the States in which it ever had existed. I am not, therefore, able to discern in the country anything to justify an apprehension that the powers and agencies of the Freedmen's Bureau which were effective for the protection of freedmen and fugitives during the actual continuation of hostilities and of African servitude, will now in a time of peace, and after the abolition of slavery prove inadequate to the same proper ends. If I am correct in these views, there can be no necessity for the enlargement of the powers of the Bureau, for which provision is made in the bill. The third section of the bill authorizes a general and unlimited grant of support to the destitute and suffering widows and freedmen and their wives and children. Succeeding sections make provision for the rent or purchase of landed estates for freedmen and for the erection, for their benefit, of suitable buildings for asylums and schools, the expenses to be defrayed from the treasury of the whole people. The Congress of the United States has never heretofore thought it competent to ever establish laws beyond the District of Columbia, except for the benefit of our disabled soldiers and sailors. It has never founded schools for any class of our own people, not even for the orphans of those who have fallen in the defense of the Union, but has left the care of their education to the much more competent and efficient control of the States, or communities, of private associations and of individuals. It has never deemed itself authorized to expend the public money for the rent or purchase of home, for the education, not to say millions, of the white race who are honestly toiling from day to day for their subsistence. A system for the support of indigent persons in the United States was never contemplated by the authors of the Constitution. Nor can any good reason be advanced why as a permanent establishment, it should be founded for one class or color of our people more than for another. Pending a war, many fugitives and freedmen received support from the Government, but it was never intended that they should henceforth be fed, clothed, educated and sheltered by the United States. The idea on which the slaves were assisted to freedom, was that on becoming free they would be a self-sustaining population. Any legislation that shall imply that they are not expected to attain a self-sustaining condition, must have a tendency injurious alike to their character and their prosperity. The appointment of an agent for every county and parish will create an immense patronage and the expense of the numerous officers and their clerks, to be appointed by the President will be great in the beginning, with a tendency steadily to increase. The appropriations asked by the Freedmen's Bureau, as now established for the year 1866, amount to \$11,745,000. It may be safely estimated the cost to be incurred, under the pending bill, will require double that amount in any one year under the Administration of the second Adams. If the presence of agents in every parish and county is to be considered as a war measure, opposition, or even resistance, might be provoked, so that to give effect to their jurisdiction troops would have to be stationed within reach of

every one of them, and thus a large standing force be rendered necessary. Large appropriations would, therefore, be required to sustain and enforce military jurisdiction in every county or parish from the Potomac to the Rio Grande. The condition of our fiscal affairs is encouraging, but in order to sustain the present measure of public confidence, it is necessary that we practice not merely customary economy, but as far as possible severe retrenchment. In addition to the objects already stated the fifth section of the bill proposes to take away laws from its former owners, without any legal proceedings being first had, contrary to that provision of the Constitution which declares that no person shall be deprived of life, liberty or property, without due process of law. It does not appear that a part of the lands, to which this section refers may not be owned by minors or persons of unsound mind, or by those who have been faithful to all their obligations as citizens of the United States. If any portion of the land is held by such persons, it is not competent for any authority to deprive them of it. If, on the other hand, it be found that the property is liable to confiscation, even, then it cannot be appropriated to public purposes until, by due process of law, it shall have been declared forfeited to the Government.

There are still further objections to the bill, on grounds seriously affecting the class of persons to whom it is designed to bring relief. It will tend to keep the mind of the freedmen in a state of uncertain expectation and restlessness; while, to those among whom he lives it will be a source of constant and vague apprehension. Undoubtedly the freedmen should be protected but he should be protected by the civil authorities, especially by the exercise of all the constitutional powers of the Courts of the United States and of the States. His condition is not so exposed as may at first be imagined. He is in a portion of the country where his labor cannot well be spared. Competition for his services from planters, from those who are constructing or repairing railroads, or from capitalists in his vocation, or from other States, will enable him to command almost his own terms. He also possesses a perfect right to change his place of abode; and if, therefore, he does not find in one community or State a mode of life suited to his desires, or proper remuneration for his labor, he can move to another, where labor is more esteemed and better rewarded. In truth, however, each State, induced by its own wants and interests, will do what is necessary and proper to retain within its borders all the labor that is needed for the development of its resources. The laws that regulate supply and demand, will maintain their force, and the wages of the laborer will be regulated thereby. There is no danger that the great demand for labor will not operate in favor of the laborer. Neither is sufficient consideration given to the ability of the freedmen to protect and take care of themselves. It is no more than justice to them to believe that, as they have received their freedom with moderation and forbearance, so they will distinguish themselves by their industry and thrift, and soon show the world that in a condition of freedom they are self-sustaining and capable of selecting their own employment and their own places of abode, or insisting for themselves on a proper remuneration, and of establishing and maintaining their own asylums and schools. It is earnestly hoped that, instead of wasting away, they will, by their own efforts, establish for themselves a condition of respectability and prosperity. It is certain that they can attain to that condition only through their own merits and exertions. In this connection the query presents itself whether the system proposed by the bill will not, when put into complete operation, practically transfer the entire care, support and control of four millions of emancipated slaves to agents, overseers or task-masters, who, appointed at Washington, are to be located in every county and parish throughout the United States containing freedmen and fugitives. Such a system would inevitably tend to such a concentration of power, in the Executive, which would enable him, if so disposed, to control the action of a numerous class and use them for the attainment of his own political ends.

I cannot but add another very grave objection to this bill. The Constitution imperatively declares in connection with taxation that each State shall have at least one representative, and fixes the rule for the number to watch in future times each State shall be entitled to. It also provides that the Senate of the United States shall be composed of two Senators from each State and adds with peculiar force that no State without its consent shall be deprived of its equal suffrage in the Senate. The original act was necessarily passed in the absence of the States chiefly to be effected because their people were then continuously engaged in the rebellion. Now the case is changed, and some at least of the States are attending Congress by loyal representatives soliciting the allowance of the constitutional right of representation. At the time, however, of the consideration and the passing of the bill there was no Senator or representative in Congress from the eleven States which are to be mainly affected by its provisions. The very fact that reports were and are made against the good disposition of the country is an additional reason why they need and should have representatives of their own in Congress to explain their condition, reply to accusations and assist by their local knowledge in the perfecting of measures immediately affecting themselves, while

the liberty of deliberation would then be free and Congress would have full power to decide according to its judgment.— There could be no objection urged that the States most interested had not been permitted to be heard. The principle is firmly fixed in the minds of the American people that there would be no taxation without representation. Great burdens are now to be borne by all the country, and we may best demand that they shall be borne without murmur, when they are voted by a majority of the representatives of all the people. I would not interfere with the unquestionable right of Congress to judge, each House for itself, of the elections, returns and qualifications of its own members. But that authority cannot be construed as including the right to shut out in time of peace, any State from the representation by which it is entitled by the Constitution. At present all the people of eleven States are excluded. Those who were most faithful during the war not less than others. The State of Tennessee, for instance, whose authorities engaged in rebellion, was restored to all her Constitutional relations to the Union, by the patriotism and energy of her injured and betrayed people. Before the war was brought to a termination they had placed themselves in relations with the General Government, had established a State Government of their own, and as they were not included in the Emancipation Proclamation they, by their own act, had amended their Constitution so as to abolish slavery within the limits of their State. I know no reason why the State of Tennessee, for example, should not fully enjoy all her Constitutional relations to the United States.

The President of the United States stands toward the country in a somewhat different attitude from that of any member of Congress chosen from a single district State. The President is chosen by the people of all the States, eleven States are not, at this time, represented in either branch of Congress. It would seem to be his duty, on all proper occasions, to present their just claims to Congress. There always will be differences of opinion in the community and individuals may be guilty of transgressions of the law. But these do not constitute valid objections against the right of a State to representation. It would in no wise interfere with the discretion of Congress with regard to the qualifications of members; but I hold it my duty to recommend to you in the interests of peace, and in the interest of the Union, the admission of every State to its share of public legislation, when, however insubordinate, insurgent or rebellious its people may have been, it presents itself not only in an attitude of loyalty and harmony, but in the persons of representatives whose loyalty cannot be questioned under existing Constitutional or legal test. It is plain that an indefinite or permanent exclusion of any part of the country from representation must be attended by a spirit of discontent and complaint. It is dangerous and unwise to pursue a course of measures which will unite any large section of the country against another section of the country, no matter how much the other may predominate. The course of immigration, the development of industry and business and natural courses will raise up at the South men as devoted to the Union as those of any other part of the land. But if they are all excluded from Congress; if in a permanent statute they are declared not to be in full Constitutional relations to the country, they may think they have cause to become a unit in feelings and sentiments against the Government. Under the political education of the American people, the idea is inherent and ineradicable that the consent of the majority of the whole people is necessary to secure a willing acquiescence in legislation. The bill under consideration refers to certain of the States as though they had not been fully restored in all their Constitutional relations to the United States. If they have not let us at once act together to secure that desirable end at the earliest possible moment. It is hardly necessary for me to inform Congress that, in my own judgment, most of those States, so far, at least, as depends upon their own action, have already been fully restored, and are to be deemed to be entitled to enjoy their constitutional rights as members of the Union. Reasoning from the Constitution itself, and from the actual situation of the country, I feel not only entitled but bound to assume, that with the Federal Courts restored in the several States and interests of all classes of the people will, with the aid of the military in cases of resistance to the law, be essentially protected against unconstitutional infringement and violation. Should this expectation unhappily fail, which I do not anticipate, then the Executive is already armed with the powers conferred by the Act of March 1865, establishing the Freedmen's Bureau; and hereafter, as heretofore, he can employ the land and naval forces of the country to suppress insurrection and to overcome obstructions to the laws.

I return the bill to the Senate in the earnest hope that a measure involving questions and interest so important to the country, will not become a law unless upon deliberate consideration by the people it shall receive the sanction of an enlightened public judgment.
(Signed) ANDREW JOHNSON.
WASHINGTON, D. C., Feb. 19, 1866.

Why do men who are about to fight a duel generally choose a field for the place of action? For the purpose of allowing the ball to graze.

Bill Arps Views.

Bill Arps, it will be remembered, was recently elected to the Senate of Georgia. In a letter to the Metropolitan Record he writes:

For two momentous and inspiring weeks the Legislature have been in solemn session, one of whom I am proud to be which for several days were engaged as skouts, making a sorter reconnaissance to see whether Georgia were a State or an Injun Territory—whether we were in the old Union or out of it; whether me and my folks and you and your folks were somebody; and lastly, but by no means leastly, whether our young innocent children, born during the war, were all illegal and had to be born over again or not. This last pint are very much unsettled, but our women are advised to be calm and serene.

My friends, our aim has honestly been to get you all back into the folds of the glorious old Union. Like the prodigal son, we had nothing to live on, and feel lonesome and hungry, have been bowing and scraping and making apologies for five or six months. We have been standing afar off for weeks and weeks, but darn the calf do they kill for us. They know we've got nothing, for they can't eat up our substance; as for putting rings on our fingers, we couldn't expect it until they bring me back the jewelry they carried away. I cannot say, in the language of the poet, that our labor has been a labor of love, for we've had monstrous poor encouragement, to be sure; but we had all set our heads towards the stars and stripes, and we jointly determined that, come what come wo, sink or swim, survive or perish, thunder or lightning, we'd slip back, or sneak back, or git back somehow or somehow else, or we'd stay out forever and over, amen and be laughed to scorn, so-called, I golly.

Romance and Reality.

Many of the citizens of Pottsville no doubt remember a handsome, dashing young officer of the Seventeenth United States Infantry, Lieut. Ed. McConnell, who was formerly stationed here on recruiting service. "Lieut. Ned" was a brave and distinguished officer, and being fine looking, and of a gay and festive turn generally, he was quite a favorite with many of the ladies and "fast" men here.

Some time after leaving here the Lieutenant rose to the position of a Major, and was appointed Provost Marshal of St. Louis. In the meantime he continued to be in Harrisburg frequently, and became too intimate with the daughter of Gov. Curtin to suit the fancy of the Governor, who finally ordered him to discontinue his visits.

One day however, Major McConnell and the Governor's daughter stepped into the office of some magistrate, to the Governor unknown, and were married. The bride returned home, and not long after the Major called to see her, when the "stern parent" objecting, he was made acquainted with the true position of affairs. Of course he "exalted the antique Nicholas" generally, but finally cooled down and proposed to send his daughter, who was rather young to a boarding school for a year before she entered into the responsibilities of house-keeping, etc. This plan was carried out, and the youthful bride was sent off to a distant seminary.

Major Ned, becoming dissatisfied with this arrangement, carried the young lady off again. But Major Ned, the gossips say, was inclined to fast living, and the "course of true love" didn't run smooth. The Governor went to sea for the benefit of his health. Cupid did the same, probably, and the romantic union of the Major and his partner ended in a most unromantic squabble. Last week a bill of divorce in their case was passed by the Legislature at Harrisburg and the ill-matched pair were separated as suddenly and as much to the surprise of the gossips as they had been united. Major Ned is again a gay single man, and the young lady a miss;—and both parties will doubtless be a little more cautious next time about "tying the knot with the tongue that can't be untied with the teeth."—Pottsville Standard.

Reading, the county seat of Old Berks, has long been under the control of the Republicans; but on Friday last the Democracy rallied at the municipal election and made a clean sweep of the city.—The whole democratic city ticket was elected by a majority of over two hundred.—This shows plainly that the popular tide has turned against the fanatics who are now in power. The people see and feel that they are not fit to be entrusted any longer with the affairs of the government. Reading has long been a black spot on the fair escutcheon of the Gibraltar of Democracy. Old Berks is now white all over.—The highest official voted for was City Auditor. The Democratic candidate was elected by 294 majority. Lancaster fired the first gun for the success of the "white man's ticket;" her sister city of Reading answers with a cheering salute, which is destined to go the whole round of good old Pennsylvania. Look out for Democratic thunder this year, all around the sky!

A Down-East debating club is arguing the question, "Which is the most effective agent in the reduction of the population of civilized countries—war, cholera, or railroad switchmen?"

Although the people of Connecticut, Wisconsin and Minnesota, lately declared against negro suffrage by large ma-