# The Borth Branch Democrat.

HARVEY SICKLER, Proprietor,

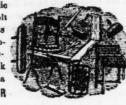
"TO SPEAK HIS THOUGHTS IS EVERY PREEMAN'S RIGHTS." .- Thomas Jefferson,

NEW SERIES,

TUNKHANNOCK, PA., WEDNESDAY, MAR. 13, 1867.

VOL. 6 NO. 31

A weekly Democratic daper, devoted to Poli tics News, the Arts and Sciences &c. Pubished every Wednesday, at Tunkhannock Wyoming County, Pa BY HARV Y SICKLER



Terms—1 copy 1 year, (in advance) \$2.00 is not paid within six menths, \$2.50 will be charged NO paper will be DISCONTINUFD, until all arearages are paid; unless at the option of publisher.

#### ADVERTISING.

ns square		four weeks	two mo'th	three mo'th	six mo'th	ya
Square do. do. Column. do. do. do.	1,00 2,00 3,0 4,00 6,00 8,00 10.00	4,50 6.50 7,60	2.25 3,25 4 75 0,30 10.00 14,00 17,00	10,00		35 00

EXECUTORS. ADMINISTRATURS and AUDI-TOR'S NOTICES, of the usual length, .... \$2,50 OBITUARIES, - exceeding ten lines, each; RELI GIOUS and LITERARY NOTICES, not of genera interest, one half the regular rates.

Business Cards of one square, with paper, \$5.

JOB WORK of all kinds neatly executed, and at prices to sui

All TRANSIENT ADVERTISEMENTS and JOB WORK must be paid for, when ordered.

## Business Aotices.

H. S. COOPER, PHYSICIAN & SURGEON Newton Centre, Luzerne County Ps.

R. & W. E LITTLE, ATTORNEYS AT LAW Office on Troga Tunkhanneck Pa

W. M. PIATT, ATTORNEY AT LAW, O fice in Stark's Brick Block Tioga St., Tunk bannock, Pa.

O. L. PARRISH. ATTORNEY AT LAW Wyoming Co. Pa.

### DENTISTRY.

DR. L T. BURNS has permanently located in Tunkhannock Borough, and respectfully tenders his professional services to its citizens.
Office on second floor, formerly occupied by Dr.

## The Buehler Douse,

HARRISBURG, PENNA.

The undersigned having lately purchased the "BUEHLER HOUSE" property, has already com-menced such alterations and improvements as will render this old and popular House equal, if not superior, to any Hotel in the City of Harrisburg. GEO. J. BOLTON.

#### WALL'S HOTEL LATE AMERICAN HOUSE, TUNKHANNOCK, WYOMING CO., PA.

THIS establishment has recently been refitted an HIS catabilishment has recently deen related an furnished in the latest style. Every attention will be given to the comfort and convenience of those was patronize the House.

T. B. WALL, Owner and Proprietor:

Tunkhannock, September 11, 1861.

#### NORTH BRANCH HOTEL. MESHOPPEN, WYOMING COUNTY, PA Wm. H. CORTRIGHT, Prop'r

HAVING resumed the proprietorship of the above Hotel, the undersigned will spare no efforts render the house an agreeable place of sojourn to all who may favor it with their custom.

Wm. H CORTRIGHT.

June, 3rd, 1863

## Means Dotel. TOWANDA, PA. P. B. BARTLET.

(Late of c., RBRAINARD HOUSE, ELMIRA, N. Y. PROPRIETOR.

The MEANS HOTEL, is one of the LARGEST and BEST ARRANGED Houses in the country—It is fitted up in the most modern and improved style, and no pains are spared to make it a pleasant and agreeable stopping-place for all, v 3. n21. lv

NEW

## TAILORING SHOP

The Subscriber having had a sixteen years pra-tical experience in cutting and making clothing now offers his services in this line to the citizens of Those wishing to get Fits will find his shop the

JOBL, R. SMITE ₩6-1 F.C. FET C#

Remedial Institute FOR SPECIAL CASES

No. 14 Bond Street, New York. Full information, with the highest testimonials: also, a Book on Special Discases, in a sealed envelope, sent free. Be sure and send for
them, and you will not regret it; for, as advertieing physicians are gene ally impostors,
references no stranger should be trusted Enclose a stamp for postage, and direct to DR. LAWRENCE No. 14 Bond Street, New York. von151yr. vonlälyr.,

Our Letter A Family Sewing Mawhine, with all the new improvements, is the best, and cheapest and most beautiful Sewing Machine in the world. No other Sewing Machine has so much capacity for a great range of work, including the delicate and ingenious processes of Hemming Braiding, Binding Embroidering, Felling, Tucking Cording, Gath. Cording, Gathefing, &c., &c,
The Branch Offices are well supplied with Si
Twist. Thread, Needles, Gil, &c., of the very best

quality,
Send for a Pamphlet,
THE SINGER MANUFACTURING COMPANY. Philadelphia Office. HARVEY SICKLER Agent,

VETO OF THE MILITARY RECONSTRUCTION

BILL.

To the House of Representatives :

I have examined the bill "to provide for the more efficient government of the rebel States" with care and anxiety, which its transcedent importance is calculated to awaken. I am unable to give it my assent for reasons so grave that I hope a statement of them may have some influence on the minds of the patriotic and enlightened men with whom the decision must ultimately rest

The bill places all the people of the ten States therein named under the absolute domination of military rulers; and the preamble undertakes to give the reason upon

which it is justified. It declares that there exists in those States no I gal governments, and no adequate protection for life and property, and asserts the necessity of enforcing peace and good order within their limits. Is this true as a matter of fact? It is not denied that the States in question have each of them an actual government, with all the powers, executive, judicial and legislative, which properly belong to a free State. They are organized like the other States of the Union; and like them they make administor, and execute the laws which concern their domestic affairs. An existing de facto government exercising such functions as these is itself the law of the State upon all matters within its jurisdiction. To pronounce the supreme law, making the power of an established State illegal, is to say that law itself is unlawful. The provisions which these governments have made for the preservation of order, the suppression of crime, and the redress of private injuries, are in substance and principle the same as those which prevail in the Northern States, and in other civilized countries. They certain ly have not succeeded in preventing the commission of all crime, nor has this been accomplished anywhere in the world. There as well as elsewhere, offenders sometimes escape for want of vigorous prosecution, and occasionally, perhaps, by the inefficiency of courts or the prejudice of jurors. It is undoubtedly true that these evils have been much increased and aggravated North and South by the demoralizing influences of civil war, and by the rancorous passions which the contest has engendered; but that these people are maintaining local governments for themselves which habitually defeat the object of all governments, and render their own lives and property insecure is in itself utterly improbable, and the averment of the bill to that effect is not supported by any evidence which has come to my knowledge. All the information I have on the subject convinces me that the masses of the Southern people and those who control their public acts, while they entertain diverse opinions on questions of federal policy, are completely united in the effort to reorganize their society on the basis of peace. and to restore their mutual prosperity as rapidly and as completely as their circumstances will permit. The bill, however,

ceeding sections shall cease to operate in any State where certain events shall have happened. These events are : First, The election of delegates to a State Convention. by an election at which negroes shall be allowed to vote. Second, The formation of a State constitution, by the convention so chosen. Third, The insertion into the State constitution of a provision which will secure the right of voting at all elections to negroes, and to such white men as may not be disfranchised or rebellion or felony. Fourth, The submission of the constitution for ratification to negroes and white men not disfranchised, and its actual ratification by their vote. Fifth, The submission of the State constitution to Congress for examination, and the actual approval of it by that body. Sixth, The adoption of a certain amendment to the federal Constitution by a vote of the Legislature elected under the new constitution. Seventh, The adoption of said amendment by a sufficient number of other States to make it a part of the Constitution of the United States. All these conditions must be fulfilled before the people of any of these States can be relieved from the bondage of military domination; but when they are fulfilled, then immediately the pains and penalties of the bill are to cease, no matter whether there is peace or not, and without any reference to the security of life and property. The excuse given for the bill in the preamble is admitted by the bill itself not to be real. The military rule which it establishes is plainly to be used, not for any purpose of order or for the prevention of crime, but solely as a means of coercing the people into the adoption of principles and measures to which it is known that they are opposed, and upon which they have an undeniable right to ex-

would seem to show upon its face that the

establishment of peace and good order is

The fifth section declares that the pre-

not its real object.

ercise their own judgment. I submit to Congress whether this meas ure is not in its whole character, scope, and object, without precedent and without authority, in palpable conflict with the plainest provisions of the Constitution, and utterly destructive of those great principles of liberty and humanity for which our ancestors of both sides of the Atlantic shed so

much blood and expended so much treasure The ten States named in the bill are divided into five districts; for each district an officer of the army not below the rank

ported with an efficient military force to enable him to perform his duties and en-

force his authority.

Those duties and that authority, as defined by the third section of the bill, are to protect all persons in their rights of person and property; to suppress insurrection nisorder, and violence; and to punish, or cause to be punished, all disturbers of the public peace or criminals. The power thus given to the commading officer over all the people of each district is that of an absolute monarch; his mere will is to take the place of all law. The law of the States is now the only rule applicable to the subjects placed under his control, and that is completely displaced by the clause which declares all interference of the State authority to be null and void He alone is permitted to determine what are the rights of persons or property, and he may protect them in such way as in his discretion may seem properly. It places at his free disposal all the lands and goods in his district, and he may distribute them without let or hindrance, to whom he pleases. Being bound by no State law, and there being no other law to regulate the subject, he may make a criminal code of his own, and he can make it as bloody as any recorded in history, or he can reserve the privilege of acting upon the impulse of his private passions in each case that arises. He is bound by no rules of evidence; there is indeed, no provision by which he is authorized or required to take evidence at all. Everything is a crime which he chooses to call so, and all persons are condemned whom he pronounces to be guilty. He is not bound to make any report or keep any record of his proceedings. He may arrest his victims wherever he finds them without warrant. accusation, or proof of probable cause. If he gives them a trial before he inflicts the punishment he gives it of his grace and mercy, not because he is commanded so to do. To a casual reader of the bill, it might seem that some kind of trial was secured by it to persons accused of crime; but such is not the case. The officer may allow local, civil tribunals to try offenders; but of course this does not require that he shall do so. If any State or Federal Court presumes to exercise its legal jurisdiction by the trial of a malefactor without his special permission, he can break it up, and punish the judges and jurors as being themselves malefactors. He can save his friends from justice and despoil his enemies contrary to justice. It is also provided that he shall have power to organize military commissions or tribunals, but this power he is not commanded to exercise. It is merely permissive, and is to be used only when in his judgment it may be necessary for the trial of offenders. Even if the sentence of a commission were made a prerequisite to the punishment of a party, it would be scarcely the slightest check upon the officer, who has authority to organize it as he pleases, prescrib its mode of proceeding, appoint its members from among his own subordinates, and revise all its decisions. Instead of mitigating the harshness of his single rule, such a tribunal would be used much more probably to divide the responsibility of making

it more cruel and unjust. Several provisions dictated by the humanity of Congress have been inserted in the bill, apparently to restrain the power of the commanding officer; but it seems to me that they are of no avail for that pur-

The fourth section provides-First, that trial shall not be unnecessarily delayed: but I think I have shown that the power is given to punish without trial, and if so. this provision is practically inoperative, -Second. Cruel or unjust punishments are not to be inflicted; but who is to decide what is cruel and what unusual? The words have acquired a legal meaning by long use in the courts. Can't be expected that military officers will understand or follow a rule expressed in language so purely technical and not pertaining in the least degree to their profession. If not, then each officer may define cruelty according to his own temper; and if not usual, he will make it usual. Corporal punishment, the gag, the ball and chain, and the other almost insupportable forms of torture invented for military punishment, are within the range of choice .-Third. The sentence of a commission is to be executed without being approved by the commander, if it affects life or liberty. and a sentence of death must be approved by the President. This applies to cases in which there has been a trial and sentence. I take it to be clear under the bill that the military commander may condemn to death, without even the form of a trial, by a military commission; so that the life of the condemned may depend on the will of two men instead of one. It is plain that the authority here given to the military officer amounts to absolute des potism. But to make it still more unendurable, the bill provides that it may be delegated to as many subordinates as he choses to appoint; for it declares that he shall "punish or cause to be punished."-Such a power has not been wielded by any monarch in England for more than five bundred years. In all that time, no people who speak the English language have borne such servitude, It reduces the sons, of every color, sex, and condition, and which these questions grew; but the States every stranger within their limits, to the most abject and degrading slavery. No

officers of the army are too magnaniomous, not supposed to be interrupted or changed just, and humane to oppress and trample upon a subjugated people. I do not doubt that army officers of the army are too mag- It is true that in these earlier cases there nanimous, just, and humane to oppress and trample upon a subjugated people, 1 do not doubt that many officers are as well entitled to this kind of confidence as any other class of men; but the history of the world has been written in vain if it does not teach us that unrestrained authority can never be safely trusted to human heads. It is almost sure to be more or less abused under any circumstances, and it has always resulted in gross tyranny, where the rulers who exercise it are strangers to their subjects, and come among them as the representatives of a distant power, and more especially when the power that sends them is unfriendly. Governments closely resembling that here proposed have been fairly tried in Hungary and Poland, and the suffering endured by those people aroused the sympathies of the entire world It was tried in Ireland; and though first tempered by principles of English law, it gave birth to cruelties so atrocious that they are never recounted without just indignation. The French Convention armed its deputies with this power, and sent them to the southern departments of the republic. The massacres, murders, and other atrocities which they committed show what the passions of the ablest men in the most civilized society will attempt to do when wholly unrestrained by law. The men of our race, in every age, have struggled to tie up the hands of their governments and keep them within the law, because their own experience of all mankind taught them that rulers could not be relied on to concede those rights which they were not legally bound to respect. The head of a great empire has sometimes governed it with a mild and patient sway; but the kindness of an irresponsible deputy never vields what the law does not extort from bim. Between such a master and the people subjugated to his domination there can be nothing but enmity. He punishes them if they resist his authority, and if they sub-

cution a measure like this? I answer, cer-

law of the Union. Outside of the Constionly so much as that instrument gives us. This broad principle limits all our functions and applies to all subjects. It protects not only the citizens of the United States, who are within the Union, but it shields every human being who comes or ro right to do in one place more than in another than which the Constitution says we shall not do at all. If, therefore, the Southern States were in truth out of the Union, we could not treat their people in a way which the fundamental law forbids. Some people assume that the success of our armies in crushing the opposition which was made in some of the States to the ex ecution of the federal laws reduced those States and all their people, "the innocent as well as the guilty," to the condition of vassalage, and gave us a power over them which the Constitution does not bestow or define or limit. No tallacy can be more transparent than this. Our victories subected the insurgents to legal obedience, not to the voke of an arbitary despotism .-When an absolute sovereign reduces his rebeilious subjects he may deal with them according to his pleasure, because he had that power before; but when a limited monarch puts down an insurrection he must still govern according to law, If an iusur rection should take place in one of our States against the authority of the State grvernment, and end in the overthrow of those who planned it, would that take away the rights of all the people of the counties where it was favored by a part or a majority of the population! Could they for such a reason be wholly outlawed and deprived of their representation in the Legisature? I have always contended that the government of the United States was sovereign within its constitutional sphere; that it executed its laws like the States themselves, by applying its coercive powers di-rectly to indiciduals, and that it could put down insurrection with the same effect as State, and no other. The opposite doctrine is the worst heresy of those who advocated secession, and cannot be agreed without admitting that heresy to be right. Invasion, insurrection, rebellion, and domestic violence were anticipated when the government was framed, and the means of repelling and suppressing them were wisely provided for in the Constitution: but it was framed, and the means of repelling and suppressing them were wisely provided for in the Constitution; but it was not thought necessary that the States in which they might occur should be expelled from the Union. Rebellions, which were invariably suppressed, occurred prior to that out of ed unbroken. In Massachusetts, in Pennsylvania in Rhode Island and in New-York,

of Brigadier General is to be appointed to officers over both white and colored per- was carried on; but the relations of those rule over the people, and he is to be sup- sons. It may be answered to this that the States with the federal government were thereby after the rebellious portions of their population were defeated and put down .was no formal expression of a determination to withdraw from the Union; but it is also true that in the Southern States the ordinances of secession were treated by all the friends of the Union as mere nulities, and are now acknowledged to be so by the States themselves. If we admit that they had any force of validity, or that they did in fact take the States in which they were passed out of the Union, we sweep from under our feet all the grounds upon which we stand in justifying the use of federal ernment.

force to maintain the integrity of the gov-There is a bill passed by Congress in time of peace. There is not in any one of the States brought under its operation either war or insurrection; the laws of the State and of the federal government are in undisturbed and harmonious operation; the courts, State and federal, are open in the full exercise of their proper authority over every State comprised in the five military districts; life, liberty and property are secured by State laws and tederal laws, and the national Constitution is everywhere in force and everywhere obeyed. What, then, is the ground on which this bill proceeds? The title of the bill announces that it is intended for the more efficient government of these ten States. It is recited, by way of preamble, that no loyal State govern ments nor adequate protection for lite or property exist in those States, and good order should thus be enforced. The first thing that arrests attention upon these recitals which prepare the way for martial law is this-that the only foundation upon which martial law can exist under our form ofgovernment is not stated, or so much as pretended. Actual war, toreign invasion, domestic insurrection-none of these, ap pear, and none of these, in fact, exists. I is not even recited that any sort of war or

insurrection is threatened. Let us pause here to consider, upon this question of constitutional law and the powmit to it he hates them for their servility. er of Congress, a recent decision of the I come now to a question which is, if Supreme Court of the United States in possible, still more important. Have we ex porte Milligan. I will first quote from the power to establish and carry into exe- the opinion of the majority of the court :-"For martial law cannot arise from a threattainly not if we derive our authority from ened invasion. The necessity must be acthe Constitution and if we are bound by tual and present, the invasion real, such as he limitations which it imposes. This effectually closes the courts and disposes proposition is perfeelly clear—that no the civil administration." We see that branch of the federal government, execumantial law comes in only when actual war tive, legislative, or judicial, can have any just powers except those which it derives thority. But this bill, in time of peace brough and exercises under the organic makes martial law operate as though we were in actual war, and becomes the cause tution we have no legal authority more instead of the consequence of the abrogathan private citizens, and within it we have tion of civil authority. One more quotation: "It follows, from what has been on the subject, that there are occasions

when martial law can be properly applied, If in foreign invasion or civil ar the courts are actually closed, and it is impossible to administer criminal justice according s brought under our jurisdiction. We have to law, then on the theatre of active milita ry operations, where war really prevails, there is a necessity to furnish a substitute for the civil authority thus overthrown to preserve the satety of the army and socie ty, and, as no power is left but the military it is allowed to govern by martial rule un til the laws can have their free course." now quote from the opinion of the minority of the court, delivered by Chief Justice Chase: "We by no means assert that Congress can establish and apply the laws of war where no war has been declared or exists; where peace exists the laws of peace must prevail." This is sufficiently explicit-that peace exists in all the territory to which this bill appries. It asserts a power to Congress in time of peace to set aside the laws of peace and to substitute the laws of war. The minority, concurring with the majority, declares that Congress does not possess that power. Again, and if possible more emphatically, the Chief Justice, with remarkable clearness and condensation, sums up the whole matter as fol-

> There are, under the Constitution. three kinds of military jurisdiction-one to be exercised both in peace and in war; another to be exercised in time if foreign war, without the boundaries of the Uaited States, or in time of rebellion and civil war with in States or districts occupied by rebels treated as billigerents; and a third to be exercised in time of invasion or insurrection within the limits of the United States, or during rebellion within the limits of the States, or during received within the limits of the States maintaining adhesion to the national government, when the public danger requires its exercise. The first of these may be called jurisdiction under military law, and is found in acts of Congress. prescribing rules and articles of war, or otherwise providing for the government of the national forces. The second may be distinguishtional forces. The second may be distinguished as military government, superseding as far as may be deemed expedient, the local law, and exercised by the military commander, under the direction of the President, with the express or implied sanction of Congress; while the third may be denominated martial law proper, and is called in a action by Congress or temporarily, when the action of Congress cannot be invited, and in the case of justifying or excusing peril, by the President in times of insurrection or invasion of civil or foreign war, within distrits or localities where ordinary law no longer adequately secures public safety or private rights.

It will be observed that of the three kinds of military jurisdiction which can be exercised or created under our Constitu ion there is but one that can prevail in time of peace, and that is the code of laws enacted by Congress for the government of the national torces. That body of military law has no application to the citizen not even to the citizen soldier enrolled in the militia in time of peace. But this bili is not a part of that sort of military law, for that applies only to the soldier, and not to the citizen; while, contrariwise, the milmaster ever had a control so absolute over at different periods in our history, violent his slaves as this bill gives to the military and armed opposition to the United States to the citizen, and not to the soldier.

I need not say to the Representatives of the American people that their Constitution forbids the exercise of judicial power in any way but one-that is by the ordained and established courts. It is equally well known that in all criminal cases a trial by jury is made indispensible by the express words of that instrument. I will not enlarge on the inestimable value of the right thus secured by ever freeman, or speak of the danger to public liberty in all parts of the country which must ensue from a denial of it anywhere or upon any pretence. A very recent decision of the Supreme Court has traced the history, vindicated the dignity, and made known the value of this great privilege so clearly that nothing is needed. To that extent a violation of it may be excused in time of war or public danger may admit of discussion; but we are providing now for a time of profound peace, when there is not an armed soldier within our borders except those who are in the service of the government. It is such a condition of things that an act of Congress is proposed which, if carried out, would deny a trial by the lawful courts and juries to nine millions of American citizens to their posterity for an indefinite period. It seems to be scarcely possible that any one should seriously believe this consistent with a Constitution which declares in simple, plain, and unambiguous language that all persons shall have that right, and that no person shall ever in any case be deprived of it. The Constitution also forbids the arrest of the citizen without judicial warrant founded on probable cause: this bill authorizes an arrest without warrant at the pleasure of a military commander. The Constitution declares that no person shall be held to answer for a capital or otherwise infamous crime unless on presenument by a grand jury; this bill holds every person nowa soldier answerable for all crimes and all charges without any presentment. The Constitution declares that no person shall be deprived of life, liberty or property, without due process of law: this bill sets aside all process of law, and makes the citizen answerable in his person and property to the will of one man, and for his life to the will of two. Finally the Constitution declares that "the privilege of the writ of habeas corpus shall not be suspended unless when, in case of rebellion or invasion, the public safety may require it;" whereas this bill declares martial law. which of itself suspends this great writ in time of peace and authorizes the military to make the arrest and gives to the prisoner only one privilege, and that is a trial "without unnecessary delay." He has no nope of release from custody except the hope, such as it is, of release by acquittal before a military commission. The United States are bound to guarantee to each State a republican form of government .-Can it be precented that this obligation is not palpably broken if we carry out a measure like this, which wipes away every vestige of republican government in ten States and put the life, property, liberty, and hon-or of all the people in each of these under the domination of a single person, clothed with unmitted authority? The Parliament of England, exercising the omnipotent power which it claimed, was accustomed to pass bills of attainder-that is to say, it would convict men of treason and other crimes of legislative enactment. The person accused had a hearing, sometimes a patient and fair one, but generally party prejudice prevailed instead of justice. It often became necessary for Parliament to acknowledge its error and reverse its own action. The fathers of our country determued that no such thing should occur here They withheld the power from Congress, and thus forbade its exercise by that body, and they provided in the Constitution that no State should pass any bill of attainder. It is therefose impossible for any porson in this country to be constitutionally convicted or punished for any crime by a legisla-tive proceeding of any sort. Nevertheless, here is a bill of attainder against nine mil-

are unwilling to adopt if left to themselves, The negroes have not asked for the priv. lege of voting; the vast majority of them have no idea what it means. This bill not only thrusts it into their hands, but compels them as well as the whites to use it it a particular way. If they do not form a constitution with prescribed articles in it, and sfterwards elect a legislature which will act upon certain measures in a prescribed way, neither blacks, nor whites can be relieved from the slavery which the bill imposes upon them, Without pausing here to consider the policy or impolicy of Africanizing the southern party of our territory I would simply ask the attention of Congress to that manifest, well-known and universally acknowledged rule of constitutional law which declares that the federal

nous of people at once. It is based upon

an accusation so vague as to scarcely beintel-

ligible, and found to be true upon no cred-

ible evidence. Not one of the nine mil-

hens was heard in his own defeace. The

representatives of the doomed parties were

excluded from all participation in the trial.

The conviction is to be followed by the

most ignominious punishment ever inflict-

ed upon large masses of men. It disfran-

chises them by hundreds of thousands, and

degrades them all, even those who are ad-

mitted to be guiltless, from the rank of,

freemen to the condition of slaves. The

purpose and object of the bill, the general

intent which prevails from beginning to

end, is to change the entire structure and

character of the State governments, and to

compel them by force to the adoption of

organic laws and regulations which they