

Spirit of Jefferson

BENJAMIN F. BEALL, EDITOR AND PROPRIETOR.

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VOL. 18 CHARLESTOWN, VIRGINIA, TUESDAY, APRIL 3, 1866. NO. 31.

BALTIMORE CARDS.



STABLE'S ANODYNE CHERRY EXpectorant.

CIVIL RIGHTS BILL.

ITS VETO BY PRESIDENT JOHNSON.

His Objections to the Bill.

WASHINGTON, March 27.—The President today transmitted to the Senate the following veto message, of the measure known as the Civil Rights Bill:

To the Senate of the United States:

I regret that the bill which has passed both Houses of Congress, entitled "An act to protect all persons in the United States in their civil rights, and to furnish the means of their vindication," contains provisions which I cannot approve, consistently with my sense of duty to the whole people, and my obligations to the Constitution of the United States.

By the first section of the bill, "all persons born in the United States and not subject to any foreign power, excluding Indians not taxed," are declared to be citizens of the United States.

It does not purport to declare or confer any other right of citizenship than Federal citizenship. It does not purport to give these classes of persons any status as citizens of States, except that which may result from their status as citizens of the United States.

The power to confer the right of State citizenship is just as exclusively with the several States as the power to confer the right of Federal citizenship. The right of Federal citizenship thus to be conferred on the several States is not mentioned in the bill.

It is not necessary to make them such citizens as may be deemed from the proposed legislation to make them such, the grave question presents itself whether, when eleven of the thirty-six States are unrepresented in Congress at this time, it is sound policy to make our entire colored population and all other excluded classes, citizens of the United States.

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February 6—6m

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(Corner Liberty Street, up Stairs, February 6—6m)

NOTIONS, HOSIERY, FANCY GOODS, DRUGGISTS' SUPPLIES, FURNISHING GOODS, &c.

Ball's Alley, February 27, 1866.

QURENS WARE, GEORGE M. BOKER, IMPORTER AND JOBBER.

No. 41 HOWARD STREET, Between Fayette and Lexington Streets.

CHINA AND GLASSWARE, February 8, 1866—1y.

WILLIAM BROWN & SON, Importers, Manufacturers and Dealers in WATCHES, FINE JEWELRY, SILVER AND PLATED WARES, DIAMONDS AND PRECIOUS STONES.

No. 227 Baltimore St., Corner of Charles, Baltimore, February 6, 1866—6m.

E. BENNETT, Importer and Wholesale Dealer in Fancy Notions, Combs, BRUSHES, BUTTONS, SUSPENDERS, Hosiery, Gloves, Threads, Needles, Soap, PERUMERY, POCKET BOOKS, &c.

No. 326, Baltimore Street, February 8, 1866—1y.

SUPERIOR XX PORTER AND ALE, XXX BROWN STOUT, CHAMPAGNE CIDER, MINERAL WATERS OF ALL KINDS.

So, too, they are made "subject to the same punishment, pains and penalties in common with white citizens."

Thus speaking of the blacks, "that marriages between them and the whites are forbidden in every State where slavery does not exist, and they are prohibited in all the slaveholding States; and when not absolutely contrary to law, they are reviving and regarded as an offence against decorum."

I do not say that this bill repeals State laws on the subject of marriage between the two races, for the whites are forbidden to intermarry with the blacks, the blacks can only make such contracts as the whites themselves are allowed to make, and therefore cannot, under this bill, enter into marriage contracts with the whites. I cite this discrimination how-

ever, as an instance of the State policy as to intermarriage, and to show whether, if Congress can abrogate all State laws of discrimination between the two races in the matter of real estates, of suits, and of contracts generally, Congress may not also repeal the State laws as to the contract of marriage between the two races?

Hitherto every subject embraced in the enumeration of rights contained in this bill has been considered as exclusively belonging to the States. They all relate to the internal police and economy of the respective States. They are matters which in each State, concern the domestic condition of its people, varying in each according to its own peculiar circumstances and the safety and well being of its own citizens.

It does not seem to me that upon all these subjects there are not Federal restraints. As, for instance, in the State power of legislation over contracts there is a Federal limitation that no State shall pass a law impairing the obligation of contracts; and as to crimes, that no State shall pass an ex post facto law; and as to money that no State shall make anything but gold and silver a legal tender. But against the power of any State to discriminate, as do most of them, between aliens and citizens, between artificial persons called corporations and natural persons, in the right to hold real estate? If it be granted that Congress can repeal all State laws discriminating between whites and blacks in the subjects covered by this bill, why may it not also repeal all State laws of the same kind which discriminate between the two races on the subject of suffrage and office? If Congress can declare by law who shall hold lands, who shall testify, who shall have capacity to make a contract in a State then Congress can by law also declare who, without regard to race or color, shall have the right to hold office, to hold a judicial office, and finally to vote, in every State and Territory of the United States.

As respects the Territories, they come within the power of Congress, for as to them the law-making power is the Federal power; but as to the States, no similar provision exists vesting in Congress the power "to make rules and regulations" for the Territories.

The object of the second section of the bill is to afford discriminating protection to colored persons in the full enjoyment of all the rights secured to them by the preceding section. It declares "that any person who, under color of any law, statute, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any rights secured or protected by this act, or to different punishment, pains, or penalties, on account of such person having at any time been held in a condition of slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, or by reason of his color or race, than is prescribed for the punishment of white persons, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not exceeding one thousand dollars, or imprisoned not exceeding one year, or both, in the discretion of the Court."

This section seems to be designed to apply to some existing or future law of a State or Territory which may conflict with the provisions of the bill now under consideration. It provides for the punishment of the offender by imposing fine and imprisonment upon the legislators who may pass such conflicting laws, or upon the officers or agents who shall put, or attempt to put, them into execution. It means an official offence, not a common crime, committed against law, upon the persons or property of the black race. Such an offence is not a crime, but a misdemeanor, and the punishment shall be imposed by the courts of the United States, and not by the State or Territory. It is therefore assumed that under this section members of State Legislatures who should vote for laws conflicting with the provisions of the bill, that judges of the State courts who should render judgments in antagonism with its terms, and that ministers and officers who should, as ministerial officers, execute provisions sanctioned by State laws and issued by State Judges, in execution of their judgments could be brought before other tribunals, and there subjected to fine and imprisonment for the performance of the duties which such State laws might impose.

The legislation thus proposed involves the judicial power of the States. It says to every State court or judge, if you decide that this act is unconstitutional, if you refuse under the prohibition of a State law to allow a negro to testify; if you hold that over such a subject matter the State law is paramount, and "under color" of a State law, refuse the exercise of the right to the negro, your act is a crime, and you are liable to be subjected to fine and imprisonment. I do not apprehend that the conflicting legislation which the bill seems to contemplate is so likely to occur as to render it necessary at this time to adopt a measure of such doubtful constitutionality. In the next place, this provision of the bill seems to be unnecessary, as adequate means are provided by the Constitution to preserve the desired end without invading the immunities of legislatures, always important to be preserved in the interest of public liberty; without assailing the independence of the judiciary, always essential to the preservation of individual rights; and without impairing the efficiency of ministerial officers, always necessary for the maintenance of public peace and order. The remedy proposed by this section seems to be in this respect not only anomalous but unconstitutional, for the Constitution guarantees nothing with certainty if it does not insure to the several States the right of making and executing laws in regard to all matters arising within their respective Territories, and the restriction that in cases of conflict with the Constitution and constitutional laws of the United States, the latter should be held to be the supreme law of the land.

The third section gives the District Courts of the United States exclusive cognizance of all crimes and offenses committed against the provisions of this act, and "concurrent jurisdiction with the Circuit Courts of the United States of all civil and criminal cases affecting persons who are denied, or cannot enforce, in the courts or judicial tribunals of the State of locality where they may be, any of the rights secured to them by the first section. The construction which I have given to the second section is strengthened by this third section, for it makes clear what kind of denial or deprivation of the rights secured by the first section was in contemplation. It is a denial or deprivation of such rights "in the courts or judicial tribunals of the State."

It stands, therefore, clear of doubt that the offence, and the penalties provided in the second section are intended for the State Judge, who, in the clear exercise of his functions as a judge, not acting ministerially, but judicially, shall decide contrary to this Federal law. In other words, when a State Judge, acting upon a question involving a conflict between a State law and a Federal law, and bound according to his own judgment and responsibility to give an impartial decision between the two, comes to the conclusion that the State law is valid, and the Federal law is invalid, he must not follow the dictates of his own judgment, as the force of fine and imprisonment. The legislative authority of the Government of the United States thus takes from the judicial department of the States the sacred and exclusive duty of judicial decisions and converts the State Judge into a mere ministerial officer, bound to decide according to the will of Congress. It is clear that in States which deny to persons whose rights are secured by the first section of the bill any one of those rights, all criminal and civil cases, affecting them, will, by the provisions of the third section, come under the exclusive cognizance of the Federal tribunals. It follows that if in any State which denies to a colored person any one of all those rights, that person should commit a crime against the laws of the State—murder, arson, rape, or any other crime—all protection and punishment through the courts of the State are taken away, and he can only be tried and punished in the Federal courts. How is the criminal to be tried? If the offence is provided for and punished by Federal law, that law, and not the State law, is to govern. It is only when the offence does not happen to be within the purview of Federal law that the Federal courts are to try and punish him under any other law. Then resort is to be had to "the common law," as modified and changed "by State legislation," so far as the same is not inconsistent with the Constitution and laws of the United States, so that over this vast domain of criminal jurisprudence, provided by each State for the protection of its own citizens, and for the punishment of all persons who violate its criminal laws, Federal law, wherever it can be made to apply, displaces State law. The question here naturally arises, from what source Congress derives the power to transfer to Federal tribunals certain classes of cases embraced in this section? The Constitution expressly declares that "the judicial power of the United States shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, or other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States; between citizens of the same State claiming land under grants of different States; and between a State or the citizens thereof and foreign States, citizens or subjects."

Here the judicial power of the United States is expressly set forth and defined, and the act of September 24th, 1789, establishing the judicial courts of the United States, in conferring upon the Federal Courts jurisdiction over cases originating in State tribunals, is careful to confine them to the classes enumerated in the above recited clause of the Constitution. This section of the bill undoubtedly comprehends cases, and authorizes the exercise of powers, that are not by the Constitution within the jurisdiction of the courts of the United States. To transfer them to those courts would be an exercise of authority well calculated to excite distrust and alarm on the part of all the States, for the bill applies alike to all of them—as well to those that have, as to those that have not, been engaged in rebellion. It may be assumed that this authority is incident to the power granted to Congress by the Constitution, as recently amended, to enforce by appropriate legislation the article declaring "that neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." It cannot, however, be justly claimed that, with a view to the enforcement of this article of the Constitution, there is at present any necessity for the exercise of all the powers which this bill confers. Slavery has been abolished, and at present nowhere exists within the jurisdiction of the United States, nor has there been, nor is it likely there will be, any attempt to revive it, by the people of the States. If, however, any such attempt shall be made, it will then become the duty of the General Government to exercise any and all incidental powers necessary and proper to maintain and enforce this great constitutional law of freedom.

The fourth section of the bill provides that officers and agents of the Freedmen's Bureau shall be empowered to make arrests, and also that other officers may be specially commissioned for that purpose by the President of the United States. It also authorizes Circuit Courts of the Territories, and the Superior Courts of the Territories, to appoint, without limitation, Commissioners, who are to be charged with the performance of duties judicial in nature. The fifth section empowers the Commissioners so to be selected by the courts to appoint, in writing under their hands, one or more suitable persons from time to time to execute warrants and other processes described by the bill. These numerous official agents are made to constitute a sort of police, in addition to the military, and are authorized to summon a posse comitatus, and even to call to their aid such portion of the land and naval forces of the United States, or of the militia as may be necessary to the performance of the duty which they are charged with.

This extraordinary power is to be conferred upon persons irresponsible to the Government and to the people, to whom the discretion of the Commissioners is the only limit, and in whose hands such authority might be made a terrible engine of wrong, oppression, and fraud. The general status regulating the land and naval forces of the United States, the militia, and the execution of the laws are believed to be adequate for every emergency which can occur in time of peace. If it should prove otherwise, Congress can at any time amend those laws in such manner, and while subserving the public welfare, not to jeopard the rights, interests and liberties of the people.

The seventh section provides that a fee of ten dollars shall be paid to each Commissioner in every case brought before him, and a fee of five dollars to his deputy, or deputies, for each person he or they may arrest and take before any such Commissioner, with such other fees as may be deemed reasonable by such Commissioner in general for performing such other duties as may be required in the present case. All these fees are to be paid out of the Treasury of the United States, whether there is a conviction or not, but in case of conviction, they are to be recoverable from the defendant. It seems to me that under the influence of such temptations bad men might convert any law, however beneficial, into an instrument of persecution and fraud.

By the eighth section of the bill the United States Courts, which sit only in one place for each Territory, must migrate, with the Marshal and District Attorney, and necessarily with the Clerk, although he is not mentioned, to any part of the district, upon the order of the President, and there hold a court, for the purpose of the more speedy trial of the cases which are brought there in violation of this act; and the judges and the officers of the court must remain upon the order of the President for the time therein designated.

The ninth section authorizes the President, or such persons as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as shall be necessary to prevent the violation and enforce the due execution of this act. This language seems to imply a permanent military force, that is to be always at hand, and whose only business is to be the enforcement of this measure over the vast region where it is intended to operate.

I do not propose to consider the policy of this bill. To me the details of the bill seem fraught with evil. The white race and the black race of the South have hitherto lived together under the relation of master and slave, capital owning labor. Now, suddenly, that relation

Spirit of Jefferson.

BENJAMIN F. BEALL, Editor.
CHARLESTOWN, VA.

Tuesday Morning, April 3, 1860.

NOTICE.

Two weeks ago we made a call upon our subscribers which we thought would be disregarded by a single man on our list. In this we have been disappointed. Out of over one hundred and forty names on our subscription book who have not paid us, not more than three gave any attention to the notice referred to. The white paper which we use weekly, costs us about \$9.00—and this has to be paid for at the time of its delivery at our office. Now it is very certain that somebody has to pay these \$9.00. Who does it? Those subscribers who pay for their papers, whilst those who neglect to pay for it, derive the benefit of it from this source, or from a straining of our credit to keep the paper going. Is this reasonable? Is it just? We have only to state that we will have to discontinue our paper after this week to those who have not paid us, or who do not pay us before the next issue of our paper. This week's issue will terminate the first five months of our paper since its resumption. We shall of course continue to issue the paper regularly and send it to our paying subscribers.—Those who cannot conveniently visit Charlestown, can send their subscriptions by mail.

THE CIVIL RIGHTS BILL.

President JOHNSON has again illustrated his title to the gratitude and confidence of the whole country. He has returned "with his objections to the House in which it originated" the Civil Rights Bill. He has, in his able message, reviewed in detail, the provisions of the measure, and, with an iron and irresistible logic, has shown their antagonism with the Constitution. Anxious as he has shown himself to be from the assumption of the duties of his high office to discharge them with full fidelity to the nation, he has rejected the vast powers which this bill proposed to confer upon him, and has thus made the solicitations and inducements of ambition yield to the sterner and holier demands of patriotism. With that sense of justice which has characterized him in dealing with the disorders of the disunited times, he protests against the wanton wrong of imposing upon the people of eleven States, now without a voice in Congress, laws affecting and intended to affect their highest interests. Legislation to bind entire States, whilst there is a denial to them of this right of representation, strikes at the very fundamentals of republican government and lacks none of the attributes of complete despotism.

The President insists too upon the dual form of government—that it is one in which the States are entitled to the exercise of a wide range of powers specially reserved to themselves, in the formation of the general government, which is their creature; and that the moment those reserved rights are invaded, there is as much a violation of the principles of the political organism, as would be the resistance of any of the grants of powers most explicitly and unmistakably made to the Federal organization.

This bill aims at a usurpation of these reserved powers, and, if executed, would destroy that admirably devised adjustment of checks and balances which the Constitution in its most inspired wisdom, designed to preserve in order, on the one hand, that the evil of centralization, and on the other, the danger of too feeble a bond of union might not defeat the great scheme of the founders of the Republic, which was to give to the States those powers which were needed to manage their domestic and internal concerns; and to the United States, those powers which were essential to the control and direction of the great interests—both internal and external—which belonged to all the States in common. Keeping these proper distinctions always in view, the President has resolved to be just to all parties, and hence he has withheld his approval of a measure calculated to confound and overthrow them. We trust that the cogent, the unanswerable argument with which he has supported these views may have its effect upon the Congress, and that we may be rescued from the peril which, since the close of the war, has so constantly threatened us, of a radical and lamentable change in the form of the government. The tendencies are all in that direction and "that way lies madness."

We publish the message elsewhere. We hope that every reader of this paper will carefully read it for himself, and ponder well the statesmanlike treatment of the subject which it contains.

THE PRESIDENT'S VETO.

We publish on our first page another admirable message from President JOHNSON, vetoing what is known as the Civil Rights Bill. It is sound in principle, conclusive in argument, and bold, manly and patriotic in expression. It should be the wish of all true friends to the best interests of the Government that Congress and the nation will sustain the President, and the following extract of a letter from Washington gives us hope of the former, while no one can doubt as to the sentiment of the latter. The correspondent says:

"The following Senators will surely sustain the veto of the Executive and his policy, viz Messrs. Buckalew, Cowan, Davis, Dixon, Doolittle, Guthrie, Hendricks, Johnson, Lane of Kansas, McCall, Morgan, Nesmith, Norton, Riddle, Salisbury, Van Winkle and Wiley—seventeen in all, and a sufficient number to prevent the passage of the bill, even though every seat of the fifty was filled, and every other Senator voted oppositely."

"We have doubt concerning Mr. Willey, but should Senator Wright be able to attend, the 17 would be made up, and the veto surely sustained."

We also publish in our paper to-day the testimony of Gen. R. E. Lee as given before the Congressional Reconstruction Committee, and commend it to the perusal of our readers.

THE NEW JERSEY SENATORSHIP.

The action of the Senate of the United States in ejecting from his seat, Senator Stockton of New Jersey, is another glaring evidence of the determination of the radical party to accomplish their destructive ends, without regard to justice or the disposition of the means resorted to. The Baltimore Gazette in referring to the action of the Senate in this matter, says that Senator Stockton, who has just been turned out of the Senate, in order that the hands of the majority might be thereby strengthened, had, a few days previously, defeated the scheme by himself, giving the casting vote against it. Sundry Senators who have, for long years, led the lives of professional politicians, and whose sensitive natures have, of course, been softened to a more than feminine refinement and delicacy, were vastly shocked at the idea of seeing a man vote for himself. So atrocious did the proceeding appear in the eyes of the rapid and oracular Senator from Massachusetts, that that worthy was almost at a loss for words in which to express his astonishment and dismay. He managed, however, to grasp out a protest, in the shape of an announcement that "it was against the law of nature for a man to vote for himself." Where he acquired his wonderfully accurate knowledge of the law of nature it is scarcely worth while to inquire, as we have only quoted Mr. Sumner's language to show how horrified he was at Mr. Stockton's unblushing wickedness. The latter gentleman, himself, seemed to imagine that he had, perhaps done something of which he ought to be ashamed, and began, gravely to explain his position and to defend himself. He did not attempt to refute that unanswerable proposition which had been deduced from the law of nature, but fell back upon a precedent. He knew of a case in which a Republican had treated the law of nature with as much contempt as if it had been part of the Constitution, and he cited it. He informed the Senate that the President of the Senate of New Jersey had elected himself to his present position. This frightful charge was soon repeated in Trenton, and the President of the Senate, which was then in session, descended from his perch and "rose to a question of privilege," and explained the circumstances under which he was elected. He said: "There are eleven Republican Senators and ten Democrats in the New Jersey Senate, but the President of the Senate did not vote for himself. The Senator from Monmouth, Mr. Little (Democrat), cast his vote for Mr. Scovill (Republican), who then voted for Mr. Little, which was in accordance with parliamentary usage." In other words, Mr. Scovill did not actually vote for himself, but he played a part in a little Pickwickian and parliamentary farce in which his vote was just as effectual to secure his election as it could have been in any other way. Mr. Stockton, as soon as he heard that the law of nature had been complied with in New Jersey, retracted in the Senate the grave accusation he had brought against Mr. Scovill. But there is a graver side to this case. There are some other laws, besides those of nature, which seem to have been shamelessly violated, and they are the laws which prohibit men from deceiving or tricking one another. It will be remembered that Mr. Morrill, in order to let a sick Senator, Mr. Wright, go to his home, had pledged himself not to vote on the identical question of unseating Mr. Stockton. On Wednesday evening he notified the latter that he revoked his promise.—Mr. Wright was then nearly two hundred miles from Washington, and too sick at the time to undertake so long a journey without endangering his life. But for the belief that Mr. Morrill would religiously keep faith with him, he would have remained in Washington and would have been in his seat when Mr. Stockton was put out of the Senate. Mr. Stewart tried another dodge. He had committed himself to the proposition that Mr. Stockton was legally elected, but seems to have determined to do his best to forward the project for ousting that gentleman. It is said that before the vote was taken, he deliberately left the Senate Chamber, in order to deprive Mr. Stockton of a vote and insure the triumph of men who, in Mr. Stewart's own judgment, were acting wrongfully. If this statement be true, and the New York Times says it is generally asserted and is "denied by none" in Washington, Mr. Stewart has, indeed, resorted to as pitiful and scurvy a device to evade the discharge of a duty as can well be conceived. And these are among the men who think it a dreadful thing that any one should break the law of nature and vote for himself. These are the immaculate, statesmanlike gentlemen who would prescribe the laws of honor for other people.

The expulsion of Mr. Stockton sends the matter back to the Legislature of New Jersey, and here the Speaker of the Senate proves refractory, and refuses to go into an election. From the following report of a speech made by him, it would seem probable that the radicals had been beaten at their own game:

Mr. Scovill said that, although he had been elected on the Republican ticket, still he could not, in justice to the whole interests of the country, as an American citizen, loving the lasting unity of these States and good government better than party purposes, vote with men whose whole course was against the Government—the policy of Andrew Johnson. As for himself, he said, he intended to sustain the President of the United States and his policy, and for such considerations he voted with the Democratic side of the House. He said he had been threatened, in his room, a few hours previously, with exposure by being "posted" all over the streets if he did not vote with the Republicans. But he cared nothing for this threat, and intended to stand up boldly and meet his enemies and pursue a course, without regard to party interests, which he believed the times demanded of all good Americans in office. He even intimated that he had been led to understand that personal violence against him was not a thing to be entirely lost sight of. Before concluding his speech, he read the following letter:

THADDEUS STEVENS' LETTER.
WASHINGTON, March 29, 1860.

Hon. James M. Scovill, &c., &c.
Dear Sir—By all means hurry up your election. Give us no conservative. A radical like yourself, or nothing. A copperhead is better than a trawler.

THADDEUS STEVENS.

The Reconstruction Committee.

Testimony of General Lee and John M. Botts.
Political Condition of the South—Affairs in Virginia—The People Desire Peace—The Freedmen—Mr. Lincoln and the Propriety to Evacuate Sumter—Important Resolutions, &c.

Mr. Cookling, from the joint Committee of fifteen reported to the House of Representatives yesterday, a large amount of evidence on the condition of the Southern States. The first State in order is Virginia.

On February 17, 1863, General Robert E. Lee was sworn and examined:

GENERAL LEE'S TESTIMONY.

By Senator HOWARD.—Where is your present residence? Answer, Lexington, Va. Question: How long have you been in Lexington? A. Since the first of October last, nearly five months. Q. Are you acquainted with the state of feeling among what we call secessionists at present in Virginia toward the Federal Government? A. I do not know that I am. I have been living very retired, and have had but little communication with politicians. I know nothing more than from my observations and from such facts as have come to my knowledge. Q. What is your opinion, from observation among the secession people of that State, of the feeling towards this government at this time? A. So far as came to my knowledge, I do not know of a single person who either feels or contemplates any resistance to the government of the United States, or, indeed, any opposition to it. No word has reached me of either purpose. Q. From what you have observed, is it your opinion that they are friendly towards the government, and that they will co-operating to sustain and uphold it in future? A. I believe they entirely acquiesce in the government, and so far as I have heard any one express an opinion, they are co-operating with President Johnson in his policy. Q. In his policy in regard to what? A. His policy in regard to the restoration of the whole country. I have heard persons with whom I have conversed express great confidence in the wisdom of his policy of restoration, and they seem to look forward to it as a hope of restoration. Q. How do they feel in regard to that portion of the people of the United States who have been forward and zealous in the prosecution of the war against rebellion? A. Well, I do not know. I have heard nobody express any opinion in regard to it. As I said before, I have not had much communication with politicians in the country. If there are any, every one seems to be engaged in his own affairs and in endeavoring to restore the civil government of the State. I have heard no expression of sentiment towards any particular portion of the country. Q. How do the secessionists feel in regard to the payment of the Federal debt? A. I have never heard any one speak on this subject; I suppose they must expect to pay the taxes levied by the government; I have never seen speak in reference to the payment of taxes, and of their efforts to raise money therefor, which I suppose is for their share of the debt; I have never heard any one speak in opposition to the payment of taxes or of resistance to their payment; their whole effort has been to try and raise money to pay the taxes. Q. From your opinion and knowledge of the people of Virginia would you, if the question was left to them, repudiate and reject that debt? A. I never heard any one speak on that subject, but I think they would be in favor of paying it. Q. Do they feel in favor of all just debts? Q. Do they, in your opinion, regard that as a just debt? A. I do not know what their opinion is on that subject; I have never heard any opinion expressed contrary to it; indeed, as I said in the beginning, I have had very little discussion or intercourse with the people; I believe the people would pay the debts they are called on to pay; I say that from my knowledge of the people generally. Q. Would they pay that debt, or their portion of it, with as much alacrity as people ordinarily pay their taxes to their government? A. I do not know that they would make any distinction between the two. The taxes laid by the government, so far as I know, they are prepared to pay to the best of their ability. I never heard them make any distinction. Q. What is the feeling of the people of Virginia towards the payment of the so-called Confederate debt? A. I believe, so far as my opinions go—and I have no facts to go upon—they would be willing to pay that, too. Q. You think they would? A. I think they would if they had the power and ability to do so. I have never heard any one in the State with whom I have conversed speak of repudiating any debt.—Q. I suppose the Confederate debt is valueless, even in the market of the Virginians? Answer, Entirely, so far as I know. I believe the people look upon it as lost entirely. I never heard any question on the subject. Q. Do you recollect when the Confederate bonds were made payable? A. I have a general recollection that they were made payable six months after a declaration of peace. Q. Six months after a ratification of peace between the United States and the Confederate Government? A. I think they ran that way. Q. So that the bonds are not due yet by their terms? A. I suppose, unless it is considered that there is peace now, they are not due. Q. How do the people of the State of Virginia—the secessionists particularly—feel towards the freedmen? A. They wish to see them get on in the world, and particularly to take up some occupation for a living, and to turn their hands to some work. I know that efforts have been made to induce them to engage for the year at regular wages. Q. Do you think there is a willingness on the part of their old masters to give them fair wages for their labor? A. I believe it is so. The farmers generally prefer those servants who have been living with them before. I have heard them express their preference for the men whom they knew, who had lived with them before, and their wish to get them to return to work.—I am not aware of any combination among the whites to keep down the wages of the blacks. I have heard that in several counties land owners have met in order to establish a uniform rate of wages, but I never heard of any combination to keep down wages, or to establish a rate which they did not think fair. The system of paying wages in Virginia are very limited now, and there is a difference of opinion as to how much each person is willing to pay. Q. How do they feel in regard to the education of the blacks? Is there a general willingness or unwillingness to have them educated? A. Where I have been the people have exhibited a willingness that the blacks should be educated, and they express an opinion that that would be better for the blacks and better for the whites. Q. General, you are very competent to judge of the capacity of a black man to acquire knowledge. I want your opinion on that capacity as compared with the capacity of white men. A. I do not know that I am so particularly qualified to speak on that subject as you seem to intimate, but I do not think he is capable of acquiring knowledge as the white man is. There are some more apt than others. I

have known some to gain knowledge and skill in their trade or profession. I have had servants of my own who learned to read and write very well.

Q. Do they show a capacity to obtain a knowledge of mathematics and the exact sciences? A. I have no knowledge on that subject. I am merely acquainted with those who have learned the common rudiments of education. Q. General, are you aware of any combination existing among the blacks of Virginia, anywhere in the State, having in view the disturbance of the peace, or any improper and unlawful acts? A. I am not. I have seen no evidence of it, and have heard of none. Wherever I have been, they have been quiet and orderly; not disposed to work, or rather not disposed to any continuous engagement to work, but just very short jobs to provide them with the immediate means of subsistence. Q. Has the colored race generally as much love for money and property as the white race? A. I do not think that. The blacks whom I know look more to the present than to the future. Q. Does it at absence of a lust of money arise more from the nature of the negro than from his former servile condition. A. Well, it may be in some measure attributed to his former condition. They are an amiable, social race. They like their ease and comfort, and I think look more to their present than their future condition.

Q. In the event of a war between the United States and any foreign power, such as England or France, if there should be held out to the secession portion of the people of Virginia, or the other recently rebel States, a fair prospect of gaining their independence and shaking off the government of the United States, is it or is it not your opinion that they would be disposed to take that opportunity? A. I cannot speak with any certainty on that point. I do not know how far they might be actuated by their feelings. I have nothing whatever to say on an opinion upon so far as I know, they contemplate nothing of the kind now. What may happen in the future I cannot say. Q. Do you not frequently hear in your intercourse with secessionists in Virginia, expressions of a hope that such a war may break out, and that they may take advantage of it? A. Yes, and they think it is the best policy—those who reflect on the subject and are able to judge.

Q. I understood it to be your opinion that generosity and liberality towards the entire South would be the surest means of regaining their good opinion? A. Yes, and the speediest. Q. I understood you to say generally that you had no apprehension of any combination among the leading secessionists to renew the war or anything of the kind? A. I have no reason in the world to think so. Q. Have you heard that subject talked over among the politicians? A. No, sir, I have not. I have not heard that matter suggested.

Q. Let me put another hypothetical case: Suppose the secession of the United States should be filled by a President who, like Buchanan, rejected the right of coercion, so called, and suppose a Congress should exist here entertaining the same political opinions, thus presenting to the once rebel States the opportunity to again secede from the Union, would they or not, in your opinion, avail themselves of that opportunity, or some of them? A. I suppose it would depend upon the circumstances existing at the time. If their feelings should remain embittered and their affections alienated from the rest of the States, I think it very probable they might do so, provided they thought it was to their interest. I do not know that there is a deep-seated feeling of dislike towards the government.—I think it probable some animosity may exist among some of the people. I think at the same time that there were some disappointed as to the result of the war. I know of no condition of discontent against the government amongst the secessionists. I believe that the people will perform towards the government all of the duties they are required to perform. I think that is the general feeling.

Q. Do you think it would be practicable to convict a man in Virginia of treason for having taken part in this rebellion against the government by Virginia, without packing it with direct reference to a verdict of guilty? A. On that point I have no knowledge, and I do not know what they would consider treason against the government, if you mean past acts. Gen. Lee—I have no knowledge as to what their views on that subject in the past are. Q. You understand my question. Suppose a jury was empaneled in your own neighborhood, taken by lot, would it be practicable to convict a man of treason for having taken part on the United States, and thus having committed the crime of treason? A. I think it would be very probable that they would not consider he had committed treason. I do not know whether a jury would heed the instructions of the court to convict the offender. Q. They do not generally suppose that it was treason against the government, do they? A. I do not think that they do so consider it. So far as I know, they look upon the action of a State in withdrawing from the government as carrying the individuals along with it; that the State was responsible for the act, and not the individual. I am now referring to the past.

Q. State, if you please, (and if you are disinclined you need not answer the question) what your own personal views on that question were? A. That was my view; that the act of Virginia in withdrawing herself from the Union carried me along as a citizen of Virginia, and that her laws and her acts were binding on me. Q. And that you feel it to be your justification in taking the course you did? A. Yes, sir. Q. I have been told General that you have remarked to some friends in conversation, that you were rather wheedled or cheated in that course by politicians? A. I do not recollect ever making the remark. I do not think I ever made it. Q. If there be any other matter about which you wish to speak, do so freely.

Q. Only in reference to that last question you put to me. I may have said, and I may have believed, that the position of the two sections which they held to each other were brought about by the politicians of the country—that the great masses of the people, if they understood the real question, would have avoided it; but not that I had been individually wheedled by the politicians. But I did believe, at the time, that it was an unnecessary condition of affairs, and might have been avoided, if forbearance and wisdom had been practiced on both sides.

Gen. Lee then closed his evidence in stating (in reply to questions) that the people of the South would not like the proposed constitutional amendment; that he was not aware of any cruelties to Federal prisoners at Belle Isle, though aware that they suffered many privations. He had no control or command whatever over the prisoners' depots, and did not know who commanded at Andersonville until he saw it in the papers.

OTHER IMPORTANT TESTIMONY.

General Terry and other officers testify that it would be unsafe to freedmen and Unionists to remove the troops from Virginia. The change of feeling is ascribed by these witnesses to be due to President Johnson's liberal policy.

John Minor Botts and Colonel Lewis testify to the remarkable statement that Mr. Lincoln made a remark to Messrs. Botts and Baldwin, in April, 1861, that he would evacuate Fort Sumter if the Virginia Convention would adjourn sine die.

Mr. Botts was asked by the committee:— "Are you perfectly sure, according to your best recollection, that Mr. Lincoln told you that he made that proposition to Mr. Baldwin, to evacuate Fort Sumter on this condition?" Mr. Botts—"I know it as well as I know you are standing before me, and that I am answering your question."

Mr. Botts then goes on to say that if Mr. Baldwin had fulfilled his duty, the Virginia Convention would have adjourned, and that the ordinance of secession would not have been passed.

LOCAL MISCELLANY.

Circuit Court.—The Spring term of the Circuit Court for Jefferson county, will commence at Shepherdstown, on Monday next. This court will be held by Judge E. B. Hall. The following is a list of the jurors:

Grand Jury.—W. A. Thomson, Daniel Amos, Grantham Way, Thos. W. Beall, John W. Packett, Chas. Johnson, John E. Schley, John J. Kern, Ehud Tarver, Sam. Ridanour, Jos. S. Fleming, Robt. N. Duke, Lorenzo Ehtison, L. F. Curry, Henry Selby, Jacob Staley, J. T. McKevitt, Chas. Langdon, Jas. H. Shepherd, Barr Hamilton, Joseph Staley, T. E. Woodward, John H. Alstad, and Anthony Turner.

Petty Jury.—Joseph Wentzell, S. V. Yantis, John Jenkins, A. Kelley, A. Spenceller, Thos. H. Perival, George Bender, Henry Caueron, Jacob A. Gruber, George Koonce, John W. Neer, M. H. Miller, John Merlat, Solomon Fleming, Andrew Meluire, John C. Crier, David Avis, Daniel Hill, John Smurr, Wm. Niewarner, John Crow, Wm. Turner, John Donohough, Jas. T. Reed, Wm. Morrison, J. W. Grant, Wesley Myers.

CORPORATION.—Whether the status of our county is now definitely fixed or not, as we very much fear it is, the people of our Corporation should act, and that at once, as to the future of its interest. No Board of Trustees has been elected for the last five years, no law or order in our civil administration has prevailed, and we have been at sea without rudder or compass. The old Board has doubtless done as much as any other one could have performed, under similar circumstances. The annual election, however, under the charter of the town, occurs in May, and we invoke those of our tax-payers, property holders and all others having at heart the good interests of the community, to take immediate action in the premises. A meeting of the citizens generally, with the old Board of Trustees especially, has been suggested at the "Carter House," on the 2nd Saturday of this month, at 3 o'clock P. M., to take the initiatory in some plan that will restore in part our old town to its ancient days.

OUR CHURCHES.—We have from week to week chronicled the unusual interest manifested by our people, and the zeal of the ministers in charge of our respective Churches, as to the furtherance of Religion. The past week was not distinguished for its good work, as 34 confirmations in the Episcopal Church took place on Tuesday last, and the same number were admitted into membership in the Presbyterian Church on Sabbath. The services we learn will be continued in one or both of the Churches, during the present week. Verily, our watchmen upon the wall of Zion, regard that the harvest is ready and the reapers are few.

FRUIT TREES.—No season so opportune as the present for replenishing our orchards, walks or gardens, with ornamental shrubbery, fruit or shade trees. That our people are not unmindful of this fact, affords us pleasure to witness daily orders coming from distant nurseries. Mr. SAMUEL CLARKE, an old and experienced nurseryman among our people, has made special arrangements not only to furnish, but plant, every variety desired on the most reasonable terms. He can be found at the store of Mr. Jacob Starry.

WM. T. FOREMAN, as Auctioneer, sold on Monday last week, that property on Main street, so long known as belonging to Hooff's heirs. The dwelling, with one-fourth acre lot (old and quite dilapidated), was purchased by Mr. HIRSHMAN O'BANNON, for \$750, as also what is known as the lot on which blacksmith shop stands, for \$235. The remaining lots, quarter acre each, were purchased by Mr. ALBERT MILLER, one for \$210 and the other \$175. This is all regarded as cheap property, and as it has gone into the hands of energetic and enterprising mechanics, we hope will soon present a different aspect.

THE FIRST OF APRIL, Easter and moving day all coming together, has put our people in quite a stew. The colored people, true to their ancient custom, seemed to have universally observed this accustomed holiday, (as though they had now none other,) whilst our moving white population have been harassed by the extent of this disagreeable labor, to a degree never before known. Mousers have been very scarce and rents exorbitantly high.

THE SOUTHERN CONGRESSMEN.

There are some half a dozen Senators elected from the Southern States still in Washington. They do not expect to get anything encouraging from either House of Congress. They have been told by the Radicals, says the N. Y. World, that under no circumstances will they be allowed to take their seats so long as they can control a majority in Congress. The Radicals have notified them that they expect to carry the next House, and if they are successful, they need not expect to get in for at least ten years.

BRADLEY T. JOHNSON, of Frederick, Md., a Brigadier General in the Confederate army, and well known to most of our citizens, was arrested in Baltimore a few days ago, on a Bench Warrant signed by Chief Justice Chase, charging him with treason. He gave bail for his appearance at the next term of the United States Court for Maryland, which was to have been held on yesterday.

THE VETO AND THE LAWYERS.

The exposition of the legal objections to the Civil Rights Bill, in the late veto of President Johnson, is so overwhelming a condemnation of that measure, that its very supporters confess that their reputation as lawyers has been put to shame. The New York Times says:

"The analysis of the details is so keen and searching a character, the logic is so irresistible, that we should hope even the strongest advocates of the measure will see how vastly important it is that the 'constitutional power of the veto should exist, and how important also, in a higher sense, it is that such a constitutional power should be entrusted to a President endowed with judgment, discretion, and most uncommon courage."

"The strictly legal interpretation which the President applies to particular sections of the act is so overwhelmingly strong, that the members learned in the law, who voted for it, can hardly feel blushing to find themselves so entirely at fault, under the sharp logic of a layman. So far as we can learn the sentiment of the more discreet portion of the majority that voted for the bill, they are ready to confess that the President's reasons are too strong for them, and they are fair to fall back on what they call his political animus to excuse their non-acceptance of his arguments."

RESOURCES OF THE PENIENS.

"Druid" of the N. Y. News, says Mr. Seward was informed, a few days ago, by persons who professed to be accurately informed, that the Peniens had a military force of 50,000 men enrolled, organized and armed, and commanded by experienced officers; that they have fifteen millions of dollars on hand, and a large fleet of vessels now lying on the lake ports.

NOW AND THEN.—To-day is the anniversary of the fall of Richmond. The aggressors of that city propose to celebrate it, but the Examiner enters a timely and very proper protest against such a demonstration, as calculated to excite and embitter the feelings of the people of the State, and calls upon Gen. Terry to prevent the celebration. No good could possibly grow out of it, and possibly a great deal of harm.

LATER ACCOUNTS in reference to this matter, state that President Johnson has issued an order positively prohibiting any such demonstration.

CHARLESTOWN, April 2nd, 1860.

To the Editor of the Spirit.

In an article which lately appeared in your columns, touching the conduct of the Hon. Charles J. Faulkner in reference to his career in the rebel army, and subsequent course in taking the oath prescribed for attorneys practicing in the courts of West Virginia, the strictures were not justified by the facts, and it is greatly to be deplored that charges so calumnious, false and unwarranted, should have reached the public. Whilst it is clearly within the scope of the press to criticize and comment, even with decided emphasis upon the acts of public men, yet, in the case of Mr. F., who is not before the people in the character of a public servant, but simply as a private citizen, injustice has been done to him in this casting hurtful reflections upon his reputation as a high toned and honorable man. This open denial of the charges preferred against him, is the only mode remaining of making the *omne honorabile*.

I shall therefore state that the charges made against my father, by Andrew E. Kennedy, are utterly false, and which charges were made merely from a spirit of private revenge, wholly unbecoming by any proof whatsoever.

Yours respectfully,
CHARLES J. FAULKNER, Jr.

President Lincoln's Position Upon Reconstruction.

Ward H. Lamon, ex-Marshal of the District of Columbia, and one of Mr. Lincoln's most intimate friends, has written a letter to President Johnson warmly sustaining his policy and pronouncing it in accordance with the views of a majority of the convention which nominated him. In reference to Mr. Lincoln's views, he says:

I write now to tell you what I know concerning the personal sentiments of Mr. Lincoln towards the South, and which charges were made merely from a spirit of private revenge, wholly unbecoming by any proof whatsoever. I was his partner in the practice of the law for a number of years. I came here with him as his special friend, and was Marshal of this District during the whole of his Administration. Down to the day of his death I was in the most confidential and intimate relations with him. I knew him as well as any man can be known to another. I had many and free conversations with him on this very subject of restoration. I was made entirely certain, by his own repeated declarations to me, that he would exert all his authority, power and influence to bring about an immediate reconciliation between the two sections of the country upon him, he would have had the Southern States represented in both Houses of Congress within the shortest possible time. All the energies of his nature were given to a "vigorous prosecution of the war" while the rebellion lasted, but he was equally determined upon a "vigorous prosecution of peace" as soon as armed hostility should have ended. He knew the base designs of the Radicals to keep up the strife for their own advantage, and he was determined to thwart them, as he himself told me very often.

If any corroboration of this statement is needed it may be found in the fact that the ultra Abolitionists had actually begun the outcry against him before his death, and the moderate men everywhere, North and South, sincerely mourned his fall as a calamity which deprived them of their best friend. If that insupportable Providence, whose ways are past finding out, had permitted his life to continue until this time, there can be no doubt that the Northern Abolitionists would now be as loud in their denunciation of his policy as they are of yours. Mr. Stevens' demand for the head of "that man at the other end of the avenue" would not have been one which he would have hesitated to comply with. Of course he less ferocious would anticipate the precise shape of the measures which the Radicals might adopt to prevent reconstruction. The "Freedmen's Bureau bill," which recently met its death at your hands, was not born in his lifetime.—But I pronounce it a foul slander upon his memory to assert that he would have signed a bill so palpably in conflict with the Constitution, and so plainly intended to promote the bad purpose of perpetual slavery.

Petty robberies are the order of the night at Montgomery, Alabama.

