





Spirit of Jefferson

BENJAMIN F. BEALL, Editor. CHARLESTOWN, VA.

Tuesday Morning, December 25, 1866.

MERRY CHRISTMAS!

To all we wish a happy Christmas—as happy at least, as the gloomy condition of the country will permit.

Others, with little or no change of condition or circumstances, will gather around the festive board, and with cheerful hearts, all aglow with love and hope.

Some have changed their condition in life. With them "Love has taken up the glass of Time, and turned it in his glowing hand."

THE SHERIFFALTY OF JEFFERSON.

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THE MISSION OF RADICALISM.

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The same power that arrogantly proposes the abrogation of the State governments of the South, will in time turn its attention to those who oppose it in the North, and with its feet upon the neck of one section, it will make short work of the destruction of the liberties of the other.

In proof of this, witness the progress of its usurpations from the hour of its accession to power in the election of Abraham Lincoln, down to the present day.

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New England's Prospects.

The commercial article of the New York Day Book predicts a future for New England as gloomy as the present which she has inflicted on us. We copy:

The howl of despair is now going up from New England. Long since her ship-building interest gave up the ghost, and to-day we hear the wail of agony from the great shoe manufacturing lines.

What did New England buy of the South? Boston alone, in 1859, received of cotton, \$22,000,000; wool, \$1,000,000; hides, \$1,000,000; lumber, \$1,000,000; flour, \$2,500,000; corn, \$1,200,000; rice, \$500,000; tobacco, \$2,000,000.

In 1869 one-third of all the four sold in Boston was from the commercial ports of the South, and in the same year five-sevenths of all the corn sold in that city was received from the South.

THE HOLIDAY AUCTION.—To accommodate the public, and with a view to close up their business in Charlestown, Leisinger & Son, will, on to-morrow, commence selling by auction, their entire stock of goods, consisting of a heavy assortment of dry goods, boots and shoes, notions, &c.

ACKNOWLEDGEMENT.—Our thanks are due Mr. Gustave Brown, for a beautiful Christmas cake, nicely iced, with which he has favored us.

THE LAND WE LOVE.

The December number of this sterling monthly has been received. We again advise our readers to subscribe for it.

Maximilian's Manifesto.

Maximilian, during his sojourn at Orizaba, issued a manifesto to the people of Mexico, in which the following is a copy:

MEXICANS.—Events of great magnitude, in connection with the welfare of our country, which were aggravated by domestic misfortunes, produced in our minds the conviction that we ought to return to you the power which you had conferred upon us.

DULL TIMES.

The World says there is a universal complaint that business is dull.—Before the elections it was supposed that the convuls had something to do with it, but now that the elections are over, it is worse than ever.

THE SUFFRAGE BILL.

The Suffrage Bill, in its duty bound, "hails the passage of the District of Columbia Suffrage bill as one evidence that the Senate has hearkened to the voice of the people."

A savings bank out South, established by the negroes, collapsed the other day in consequence of the depositors withdrawing all the funds to attend a circus.

Restoration, So-called.

In the House of Representatives on Friday, Mr. Julian, of Indiana, introduced a bill to provide "civil government for the districts lately in revolt against the United States, and for the restoration of said districts and their forfeited rights as States in the Union."

Whereas, the people of the districts lately in revolt against the United States, by their act of treason and rebellion against the same, have destroyed all civil government within their borders, and have no power to restore such government without the intervention of Congress; and

Whereas, the government inaugurated in said districts by the President of the United States are de facto and provisional only, having no validity whatever save in the continued acquiescence of Congress; and

Whereas, the restoration of civil government in said districts on just principles and by the authority of the nation is imperatively demanded by the lawless disposition of their people and the best interests of the whole country; therefore, &c.

Section 1. Provides that North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Texas and Virginia be and are hereby erected into temporary and territorial governments, under the names by which they have heretofore been known as States.

Section 2. Vests the executive power in each of said Territories in a Governor, who shall hold office—years, and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States; and the Governors of said Territories to reside within the boundaries of the same, to be commanders-in-chief of the militia thereof, and to exercise generally all the powers of Governors of Territories, including the pardoning and veto powers.

Section 3. Provides for the appointment of a secretary for each of the said Territories, with the usual duties and authority.

Section 4. Provides that the legislative power shall be vested in the Governor and Legislative Assembly, to consist of a Senate and House of Representatives, the members of which are to possess the qualifications prescribed for voters.

Section 5. Provides that Senators and Representatives shall be elected by legal male citizens of the United States, over twenty-one years of age, and residents of the county, parish, township or ward in which they offer to vote, and who shall take and subscribe to the oath of allegiance to the United States prescribed in the act of Congress of July 23, 1862; but no person who has held or exercised any office, civil or military, State or Confederate, under the rebel usurpation, or who has borne arms against the United States, shall vote or be eligible to be elected at such election.

Section 6. Authorizes the Governor, by and with the advice and consent of the territorial Legislature, to appoint all officers of the Territory not provided for in this bill, and until the election of such Legislature to make such appointments by himself.

Section 7. Provides the usual courts and judicial machinery for Territories.

Section 8. Provides for the appointment of attorneys and marshals for the Territories.

Section 9. Directs that the Governor, Secretary, Chief Justice and Associate Justice, the Attorney and Marshal of each of these Territories shall be nominated and, by and with the advice and consent of the United States Senate, appointed by the President.

Section 10. Authorizes the seat of government to be fixed by Legislatures, and provides for the election of Delegates to the House of Representatives of the United States from each Territory by the voters qualified to vote for members of the Legislature.

Section 11. Provides that the Constitution and laws of the United States shall have the same force and effect in these Territories as elsewhere in the United States.

Decision of the Supreme Court of the United States.

DECEMBER 17, 1866.—The Military Commission Cases.—The Opinion of the Court.—The Trials Illegal and Void—Congress, by a Construction of the Act of 1863, Held to have Provided Against such Trials—Congress Without Authority to Authorize Military Commissions—The Constitution the Supreme Law of the Land in Peace and War—Ex parte Lamdin P. Milligan. The questions certified upon in this (and two other cases heard with it) were as follows:

1. On said petition and exhibits, ought a writ of habeas corpus to be issued according to the prayer of said petition?

2. On said petition and exhibits, ought the said Lamdin P. Milligan to be discharged from custody as in said petition prayed?

3. Whether, upon said petition and exhibits, the military commission mentioned therein had jurisdiction legally to try and sentence said Milligan in manner and form as in said petition and exhibits stated.

As to the first two questions, it is answered affirmatively; and as to the third question it is answered in the negative.

Mr. Justice Davis read the opinion of the court, in which, as to the objection to the jurisdiction of the court in the matter on the ground that there was no "suit" pending and before it, it is held that a case is a suit, and wherever there is a proceeding before a court that proceeding is a suit.

On the merits it is held that Congress provided against such commissions, rather than in favor of them, by the act of 1863, and that Congress has not the constitutional power to authorize such commissions; that the Constitution forbids against them, and it is the supreme law of the land, in times of war as in times of peace.

Mr. Chief Justice Chase read an opinion, (in which Justices Wayne, Swayne, and Miller concur), dissenting from so much of the opinion of the court as held that Congress did not have the constitutional power to authorize military commissions, but concurring as to the answer given to the questions certified up.

The Territorial Policy and the State Debts.

The New York World takes the following view of the effect which the territorializing of the Southern States, would have on the State debts:

"The public buildings, records and other property will cease to belong to the States when they become extinct, and will of necessity accrue to the conqueror. In pursuance of the same principle, the United States will assume the debts of the States. It is an established principle of public law that the conqueror becomes liable for all the pecuniary obligations of a conquered State.—This follows from the fact that the conquered State, by losing its sovereignty, loses its control over the property of its citizens, and with it all ability to satisfy the just demands of public creditors. It is held that the property of the territories may be held for the debts of the delinquent State, the assertion discredits the intelligence of him that makes it. For how will the taxes to pay the State debts be collected? It must be either by authority of the territorial legislatures or by the authority of Congress. No other is possible.—But territorial legislatures there will be none, for the simple reason that the people will refuse to recognize the act constituting the territorial governments, and will refuse to obey any legislature under it. And, even if they were to obey, the legislature would refuse to tax their constituents to pay debts which had legally devolved upon the Federal Government. But what, it may be asked, shall prevent Congress from imposing taxes on the property of each territory to pay the debt incurred when it was a State? The Constitution of the United States prevents by completely forbidding it. We say its language is—

"All debts, impost and excises shall be uniform throughout the United States. "No impost or other direct tax shall be laid unless in proportion to the census or enumeration herein before directed to be taken."

The bulk of Southern property consisting in land and improvements upon it, the public debts of the States would necessarily be met, if paid by the States, chiefly by taxes on real estate. But Congress is forbidden to lay any tax on real estate, or direct tax of any kind, except by distributing it over the whole country in proportion to the census. The inevitable consequence of the territorial scheme would be the assumption of the Southern State debts by the Federal Government, and their payment by taxes upon the whole people.

MARRIED.

On Sunday last, in Luray, Pa., county, by Rev. Mr. J. M. JAMES LANGDON, of Baltimore, formerly of this county, to Miss MARY REAR, of Luray.

On Thursday evening last, near Summit Point, by Rev. Mr. HENRY C. TROUP, of Martinsburg, to Miss SARAH C. BENNER, of Jefferson county. Martinsburg papers please copy.

On Tuesday morning last, at the residence of the deceased, by Rev. E. E. Kroger, Mr. JOHN C. LICKLEDER to Miss MARY C. FLANNAGAN, of Berkeley county.

DIED.

Near Summit Point, in this county, on the 19th inst. Mrs. ELIZABETH WHITTINGTON, in the 67th year of her age. County papers and Martinsburg "New Era" please copy.

On Wednesday morning last, at his residence near Charlestown, Mr. JAMES LINDBSEY, aged 72 years.

At his residence, near Rippon in this county, on Wednesday last, Mr. DANIEL HEFFLEBER, aged about 70 years.

At Irvington, N. J., on the 9th ult., Mrs. T. H. SHERMAN, widow of the late Abrah. Sherman, in the 80th year of her age.

On the 14th inst., at Irvington, N. J., WILLIAM W. SHERMAN, son of Mrs. T. H. and Abrah. Sherman, deceased, aged 25 years.

Nearly five hundred persons were killed by the explosion of a colliery in England a few days ago.

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