

Vol. I.]

THE

No. 5.]

OLD GUARD,

A MONTHLY JOURNAL,

DEVOTED TO THE PRINCIPLES OF

1776 AND 1787.

MAY, 1863.

NEW YORK:

C. CHAUNCEY BURR & CO.

No. 119 Nassau Street.

Five Thousand Copies ordered before publication.

INTENSELY INTERESTING
SOUTHERN HISTORY OF THE WAR.

THE FIRST YEAR OF THE WAR

BY E. A. POLLARD,
Editor Richmond Examiner, and
B. M. DE WITT,
Associate Editor Richmond Enquirer.

1 vol. 8vo. cloth, Two Dollars.

PORTRAITS ON STEEL OF DAVIS, LEE,
BEAUREGARD and JACKSON.

An Exact Reprint of the Richmond Edition.

The most important work yet issued on the War. A Thrilling Southern Picture of the Campaign up to the present time. It throws a flood of light on our own history.

Agents wanted in every town and city.

C. B. RICHARDSON, Publisher,
594 & 596 Broadway, New York.

Copies sent by mail, postpaid on receipt of price.

THE RECORD OF
HON. C. L. VALLANDIGHAM ON
ABOLITION, THE UNION AND CIVIL
WAR:

A book of 248 pages, containing the most important of Mr. VALLANDIGHAM'S

SPEECHES AND LETTERS

On all the questions of the present unhappy times.

FOR SALE at the OFFICE of the OLD GUARD.

Price Sixty Cents. Sent by mail free of postage.

BRACKETT & WAGER,

ATTORNEYS AND COUNSELLORS,

No. 170 BROADWAY (Room 4),

CYRIL H. BRACKETT, }
GEORGE W. WAGER, } NEW YORK.

Special attention paid to Collections,
Bankrupt Cases, &c.

MAHONY'S BOOK

JUST OUT

—AND—

SELLING LIKE WILD-FIRE.

—O—

THE PRISONER OF STATE.

BY

D. A. MAHONY,

of Iowa.

—:—

One large 12 mo., cloth bound, Price \$1 25.

** Sold by all booksellers, and sent by mail, *free*,
on receipt of \$1 25, by

CARLTON, Publisher,

NEW YORK.

Copperheads, Attention!



The undersigned are the original manufacturers of the GENUINE

Copperhead or Badge of Liberty,

Made of PURE COPPER, highly polished, and artistic,
Every person in favor of Free Speech, a Free Press,
and the Rights of White Men, is wearing the Badge of Liberty.

PRICE—Single Badges mailed, post paid, for 15 cents.
Sent by express, \$10 per hundred.

In sending orders, be careful and give post-office address, County and State in full.

BROMLEY & CO., Manufacturers,
Box 426 N w York City.

B. & Co. are permitted to refer for their responsibility and business character to the editors of THE NEW YORK CAUCASIAN, FREEMAN'S JOURNAL and Old Guard.

Wholesale Agents, Feeks & Bancker, 24 Ann Street,
and P. J. Cozans, No. 122 Nassau Street.

Digitized by the Internet Archive
in 2011 with funding from
State of Indiana through the Indiana State Library



Eng^d by W.G. Jackman, N.Y.

L. A. Bayard

"In my judgment the life of a people consists in the preservation of their liberties, not in the extent of their dominion."

Engraved expressly for The Old Guard.

THE OLD GUARD,

A MONTHLY JOURNAL DEVOTED TO THE PRINCIPLES OF
1776 AND 1787.

VOLUME I.—MAY, 1863.—No. V.

HOW TO TREAT UNCONSTITUTIONAL ACTS OF CONGRESS.

The Legislature of New Jersey, at the last hour of its session, passed the following resolution:

Resolved, That the people of New Jersey are law-abiding, Constitution-loving, and ardently devoted to a Union of all the states, and that while they condemn and protest against certain laws as unconstitutional and unjust, yet until they are repealed or declared by a competent tribunal to be unconstitutional, they will regard them as law, and will confidently look to the courts and to the ballot-box for redress.

This resolution has caused a good deal of rejoicing among the revolutionary abolition papers, and a good deal of grumbling among the people of New Jersey. The fact that the people of that state are law-abiding, is the very reason why they will not "regard as law" acts which are known to be unconstitutional. An unconstitutional act is not *law*, and can have no just binding effect whatever upon any body. To denounce, by resolution, certain Congressional acts, as unconstitutional, and then to say that they must be respected as law, even for an hour, is a strange and dishonoring inconsistency. The language of this resolution is, to say the least, unfortunate, from the fact that it may impart hope and courage to the revolutionists and usurpers who are working to over-

throw the free institutions of our country. When a free people submit to oppressive acts, passed in violation of their constitution, for a single day, they have thrown down the palladium of their liberty. Submit to despotism for an hour and you concede the principle. John Adams said, in 1775, "Nip the shoots of arbitrary power in the bud." It is the only thing a people determined to be free can do. Republics have often failed, and have been succeeded by the most revolting despotisms; and always it was the voice of timidity, cowardice, or false leaders counseling submission, that led to the final downfall of freedom. It was the cowardice and treachery of the Senate of Rome that allowed the usurper to gain power, inch by inch, to overthrow the Republic. The history of the downfall of Republics is the same in all ages. The first *inch* that is yielded to despotism—the first blow, dealt at the Constitution, that is not resisted—is the beginning of the end of the nation's ruin. The right thing for the Senate of New Jersey to have resolved, would have been, after denouncing acts of Congress as unconstitutional, to proceed forthwith to resist those acts (not

by physical violence, for that is not the remedy so long as the laws survive) by an immediate appeal to the courts. If Congress passed an unconstitutional act yesterday, and a citizen is oppressed by it to-day, he may resist it by an instant appeal to the courts of justice, which are bound to protect him from unconstitutional legislation. Not only the courts, but the Executive and the whole force of the State are bound to protect him against an unconstitutional and oppressive act of Congress. This is one of the very objects for which courts, executives and state forces exist—to protect the liberty and rights of every citizen. In this country an act of Congress is not necessarily *law*. It must conform to the constitution, and not transcend the powers delegated to the federal government by the states, or it is no law at all.

Chancellor Kent very clearly lays down the following principles on this important subject:

“The principle of the English Government, that parliament is omnipotent, does not prevail in the United States; though if there is no constitutional objection to a statute, it is with us as absolute and uncontrolable as a law flowing from the sovereign power, under any other form of government. But in this, and all other countries where there is a written constitution, designating the powers and duties of the legislative, as well as the other departments of the government, an act of the legislature may be void as being against the constitution.

* * * The constitution is the act of the people speaking in their original character, and there can be no doubt on the point with us, that every act of the legislative power, contrary to the true intent and meaning of the constitution, is absolutely null and void. To contend that the courts of justice must obey the requisitions of an act of the legislature when it appears to them to have been passed in violation of the constitution, and that the Judges had no right to look into it—it would be rendering the power of the agent greater than the principal.” Kent, part III, p. 448.

The principle here laid down by Chancellor Kent was very ably discuss-

ed in the Federalist, No. 78; and as early as 1791 the Supreme Court of the United States for the district of New York (*Hayburn's case*) pronounced an act of Congress unconstitutional and void, and from that time to the present, cases may be cited without limit. Chancellor Kent says, (p. 453,) “This great question may be considered as now finally settled, and I consider it to be one of the most interesting points in favor of constitutional liberty.”

It is indeed the vital point in favor of constitutional liberty; for, if Congress may pass acts, involving the rights of the people, in violation of the constitution, then liberty has no guarantee against the encroachments of despotic power. The principle is this: that the powers of Congress are carefully limited by the constitution, and whenever it transcends those powers its acts are null and void.

Under a government voluntarily adopted by the people, and under laws passed for the protection of the rights of the citizens, enacted by legislators of their own choice, and executed by officers, whose offices either directly or indirectly depend also upon the choice of the people, and who, at any rate, are responsible to them for any neglect of duty, or other official malversation, it would be absurd to suppose that any of the civil or political rights of the citizens could be infringed without ample means of redress to the injured party. For this reason every officer of the government is personally responsible to the citizen for any violation of his rights by the execution of an unconstitutional act of legislation, or by carrying out the illegal orders of a superior officer. This principle applies equally to the highest

as well as to the lowest officers of the government. Within the limits of their respective powers, all officers, from the President downwards, ought to be submitted to and obeyed; but if they should overstep the limits of their official authority—if they should usurp powers not delegated to them by the constitution, or by some law made in harmony with it, they would cease to be under the protection of their offices, and would be recognized merely as private citizens; and for any act of injustice or oppression which they might commit, would be liable to a civil or criminal prosecution, in the same manner as private citizens—with this distinction, that if the wrong doer has availed himself of his official character, or of the opportunities which his office affords him to commit acts of injustice or oppression, it will be considered as a great aggravation of his guilt, in a criminal prosecution, and will be ground for a jury to find exemplary damages in a civil action; because private injury is here connected with an abuse of public confidence. Oliver, p. 318.

Even the late besotted Congress acknowledged the principles of law here laid down by the passage of an Indemnity Bill, to protect the President and the officials who have executed his lawless commands from being punished and imprisoned for their misdeeds. The bill is, however, *ex post facto*, and therefore violative of the constitution, as well as being null and void from other considerations touching the organic laws of the land. The President and every one of his officials who have helped him to commit such crimes as the arrests without due process of law may be themselves arrested and tried and punished, and no act of Congress can relieve them

from the liability. For violation of law the President is just as liable to be sent to prison as any other citizen. The eminent authority already alluded to in this article, says: "If an officer of the United States commits a crime against the laws of any state, he is amenable to the State court where the crime is committed, and the judgment of the State court will be final."

If military officers in the employ of the United States Government commit any trespass upon the citizens of a state they are amenable to the State courts and may be punished for any violation of the rights of civilians. If acts of oppression are committed upon citizens by court martial, as is sometimes the case, the order of such court is no protection to the officer who executes it, but the court and the officers will all be trespassers, and an action may be maintained against them as such. Cranch, 330. See also 10 Johns. R. 333, and Kent, *in loco*.

Hence even the Supreme Court of the United States has a limited jurisdiction over questions, touching the rights of States, which were not delegated to the Federal Government in the Constitution. If the Supreme Court decides an act to be constitutional or unconstitutional that decision binds Congress and the Federal Government, but it does not necessarily bind the States; for the question is still open as to whether it is a matter within the jurisdiction of the U. S. Court as limited by the Constitution. In order that the U. S. Courts should have jurisdiction in relation to a particular subject, it must either be conferred by the Constitution in express terms, or it must be necessary to the exercise of some authority expressly delegated in the Constitution. For

instance, if Congress passes an act regulating commerce, such as a tariff, and the Supreme Court of the United States pronounces it constitutional, the States are clearly bound by the decision, because the subject matter is delegated to the Federal Government by the Constitution. But if Congress should pass an act to abolish all laws for the collection of debts, or for the safe possession of property, in the States, and if the U. S. Court should pronounce such an act constitutional, still the States would not be bound by it, and it would be competent for the State courts to set it aside; because the States never delegated the subject matter to the Federal Government. This is the principle—the Federal Government is sovereign over all matters that were delegated to it by the States, and the States are sovereign over all matters which they did not delegate to the General Government in the constitution. The powers of Congress and the Supreme Court being limited by the constitution, no one can be absurd enough to imagine that those powers can be extended by the mere construction of the court itself. The constitution is the tribunal to which all questions, State and Federal, must be brought. If the subject matter has not been delegated to Congress and the Federal courts, the jurisdiction remains with the States and the decisions of their courts are final in all such matters. Suppose the conscription bill lately passed by Congress, giving the President unlimited control over the militia of the States, should be pronounced constitutional by the Federal courts, the State courts would not be bound by such a decision, because in the constitution the right of training and officering the militia, even when called

into service of the United States, is expressly reserved to the States. There are other considerations which clearly render that bill unconstitutional, but we are limiting our observations to the one point of Federal and State jurisdiction.

On all these questions so deeply affecting the vital interests of the people, we may safely adopt the following conclusions :

1. An unconstitutional act of Congress is not law.

2. The moment a man appeals to the courts against an unconstitutional act, he offers a lawful resistance to it; and this is the only resistance he can rightfully offer.

3. The State courts are not bound by an act of Congress or by any decision of the Supreme Court of the United States where the subject matter was not delegated to the Federal Government by the States.

But, it will be asked, what shall be done in case the State courts are bribed, or intimidated, or otherwise corrupted or suspended by a corrupt Administration? This raises an entirely new question. But it is to be presumed that the State courts will not allow themselves to be intimidated or corrupted until there is positive evidence to the contrary. No man can proceed on his own mere belief or suspicions; but the proof must be positive, and so public that it is evident to the whole community, before he will be justified in appealing to the last sacred resort of *personally* defending his violated rights. The compact between the individual and the Government is, that in consideration of Government protecting him in all his just rights of property, liberty and life, he shall render a cheerful and unhesitating support to the Government.

It is a part of the bargain that he shall pay a tax to support courts of justice to decide questions arising between him and other men, or between him and the Government. While those courts are open to him he is to make no other appeals than to their decision. But if the courts are swept away or suspended, or otherwise rendered inoperative for justice, then all the laws that bound him are swept away too, and he is thrown back upon his original and imprescriptible right to defend himself by his individual prowess. Strike down the courts, as established by the constitution, and *muscle* becomes the supreme law of the land. Then every man's own right arm is not only the government *de facto*, but *jure divino*. But, dark and threatening as the hour is, we need apprehend no such terrible calamity as this, provided

the intelligent and patriotic masses virtuously and boldly stand by the constitution and the laws. In times like these boldness is caution, for it warns corrupt legislators and timid Judges not to venture too far in the paths of usurpation and despotism. A people as intelligent and as fond of liberty as the masses of this country are will not long submit to despotism. But for the corruption or cowardice of a few leaders the first step of usurpation would never have been ventured by Congress and the Administration. These would-be *leaders*—these greenback patriots—have betrayed their country and the people! For a consideration they have helped to trample the constitution under the bloody feet of usurped power! In the people, in the people is the last hope of our bleeding country!

AN ODE FROM SAPPHO.

[FROM THE GREEK.]

A god in happiness is he
 Whose mouth may banquet on thy lips—
 The youth who fondly sits by thee,
 And all thy balmy sweetness sips.

'Twas this that filled my soul with love,
 My breast with wildest tumults tost,
 In vain against the charms I strove;
 My breath was gone, my voice was lost.

My bosom glowed with subtle flame,
 Which ran like wine through all my veins;
 O'er my dim eyes a darkness came;
 I writhed with love's delicious pains.

Cold dampness came upon my brow,
 My fitful pulse forgot to play;
 I could not hear thy faithful vow,
 But, faint with bliss, I died away!

C. CHAUNCEY BURR.

THE ADMINISTRATION AS A GOLD GAMBLER.

The position of the gold market has been one of anxious interest to all classes of the people, and the more the public mind is directed to the subject, the more do the dangers and disasters with which the future is overhung suffice to unnerve the boldest. The experience of the past sixty days, disastrous as it has been, but affords a glimpse of the evils that are in store for a community whose material welfare is afloat upon the unstable element of paper promises. It is not alone a rise in prices, but the unlooked for disastrous fluctuations which place all property at hazard. Gold suddenly in the first month of the year rose in value from 31 to 71 premium as compared with paper money. The knowledge of that fact was fraught with few terrors to the inexperienced, but the people now know that it means an advance in the price of all food and necessities of life. Incomes, wages, daily earnings, before only sufficient for the urgent wants of a family, suddenly shrunk up 40 per cent., and privation and want flitted like spectres in the background. The same amount of money was indeed received for daily toil, but neither the inane countenance of Mr. Lincoln nor the placid egotism of Mr. Chase reflected from the deceitful paper, would draw from the butcher or the baker the accustomed quantity of food for helpless dependents. At each successive visit to the butcher the promises of the government were of less value as compared with the products of the farm. Mr. Chase had poured forth \$300,000,000 of the paper and \$1,000,000,000 more was authorized, for which Government wanted food and clothing,

and lumber, and ships, and munitions, and labor. Thousands of agents and contractors overrun the country insatiate in their demands for all those articles which are the support of the poor. Wherever a barrel of beef, a bushel of potatoes or a pound of bread was to be had there was an army agent monopolizing the supply, and handing out in payment the portraits of Mr. Chase and Mr. Lincoln, printed in the Treasury building, on green paper. There is no limit to the supply of this paper nor to the demands of the Government for food and material. The farmer may plough and harvest; the laborer may dig and the mechanic construct; all the proceeds of their labor is taken by the Government, and they get in return Government *cartes de visite*, when they see "something green." The vast flood of paper flows out of the Treasury building not only without limit but without responsibility or accountability. There is no power on earth that can require of Mr. Chase an account of his proceedings or expenditures. He has \$8,000,000 secret service money by law, but it is all secret service money since he is not required to account. When the paper thus profusely paid out comes into the hands of the poor man, he becomes a competitor with the Government in demanding food and clothes for it. Is it then any matter of surprise that he should get less than formerly for those nominal dollars? The government agents and parasites then raise a hue and cry against speculators in gold who they allege have made by their operations the prices of pork higher for greenbacks, and seek to befog the community

with the subterfuge. The price of Western and Canada flour to-day in New York is \$7.00; in Montreal, across the river, the same flour sells at \$4.50. This difference of \$2.50 in a barrel of flour is robbed from the daily wages of the poor by the government issues of paper, and not because Levi Moses in Wall street has got a golden eagle in his pocket. Nevertheless, the Government and its speculative organs raised antipathies against speculators, to divert the public mind.

While the great mass of the people thus have their lives ground out of them by the rise in prices, the merchants and holders of goods reaped large profits in paper. The government action in raising prices robbed the poor and robbed creditors to the profit of the debtor-holders of merchandise, but was itself suffering in the operation. Contractors could not keep their engagements, and remittances abroad on government account were becoming very expensive. This state of affairs suggested lucrative patriotism, which consisted in an attempt to force down the value of gold, or, in other words, to force up the value of paper. The department ceased to pay its creditors in order to check for the moment the supply of paper.

While the operations of the Government were taking money from the laboring and consuming many to put into the pockets of the capitalists, the result was a general desire to purchase goods to hold, and importers and store-keepers found an active demand for merchandise from people who sought any description of property to hold rather than the greenbacks, which were flowing into all channels of business and choking all avenues of circulation. At this juncture the Government, alarm-

ed at its own work, sought to counteract it by a violent and lawless course. Early in January the Secretary obtained from Congress power to raise \$100,000,000 more paper money to pay the large arrears then due to soldiers and other creditors. In the ninety days that subsequently elapsed, \$200,000,000 more became due and was not paid. The creditors crowded Wall street for loans, and bid high for money. The Government was afraid to pay out more paper, and could not borrow. Under the private assurance from the Secretary that the paper flood would be staid for a time, his speculative confidants amassed some \$20,000,000 of greenbacks, which when gold was \$1.72 were worth 58 cents on the dollar, or \$11,600,000 in coin. They then borrowed gold and sold it recklessly in the market, at the same time that an illegal bill passed Congress abridging the right of property in gold, and another of the same tenor was introduced into the New York Legislature. The withholding pay from soldiers and others, the buying up of a quantity of greenbacks, the legislative threats against buyers of gold, and the heavy sales of the metal forced the price down in a spasmodic manner to 44 premium, at which rate notes were 70 cents on the dollar, or the \$20,000,000 in notes were equal to \$14,000,000 in coin. Thus:

Prem. on gold, 172---	58 cts. for notes,	
	\$20,000,000---	\$11,600,000
Prem. on gold, 144---	70 cts. for notes,	
	\$20,000,000---	\$14,000,000

Gain by rise in notes,	\$2,400,000
------------------------	-------------

This was a handsome profit if the speculators could realize, and persevering endeavors were made to keep down the rate of gold for that purpose. The greatest efforts were also made to avail of this apparent rise in notes to revive

the credit of the Government so far as to enable it to procure a loan, and by so doing to stay the flood of paper for a short time longer. The most shameless tricks were practised by the department to induce the public to take loans. The \$500,000,000 of 5-20 stock authorized by the law of Congress were to be convertible at par, and not sold under "market value." The Secretary procured the repeal of these clauses for the avowed object of being able to give the stock to his friends at one price and to the public at another. No one but the parties interested know at what price the favored ones get the stock. The Secretary is authorized to issue \$2,000,000,000 of paper; and he must be a bold man who invests first in such a mass of debt.

The effect of this operation was to paralyse all business. The purchases of goods stopped. Importers and all others who bought at the high rates of exchange were saddled with apparent heavy losses, and no one would buy goods the value of which was measured in a medium which hung upon the whims of Treasury speculators.

The operation is now nearly spent and the Government has no alternative but to pay its creditors in paper, when the turn of holders of merchandise will again come to exult in profits, and the working many will again find their wages dwindling away under exorbitant prices. These fluctuations will ultimately ruin both rich and poor, paralyzing all business and destroying all industry, until the end of bankruptcy is reached in general ruin.

It is to be borne in mind that all the efforts of the government speculators

and legal enactments have been unable to force the price of gold permanently below 150 per cent.; although the amount of government paper outstanding is but \$350,000,000, issued in the last eighteen months. It is also to be considered that the Secretary is authorized to spend in the next eighteen months 2,000 millions, or six fold as much as is now outstanding, and whatever may be the pretences of borrowing, there is no possible means of meeting these expenses but by paper issues. The amount issued in November was 2,000 millions, and gold was 30 premium; at the close of January the amount was 300 millions, and gold was 60 premium; at the close of February 350 millions were out, and gold was 71 premium. The amount in March was violently contracted by the speculators, and gold was 50 premium. Admitting that to be the true point of paper depreciation, then an emission of 150 millions paper sent gold up 20 per cent., when the 150 millions sent it up but 10 per cent. What then will be the rate when 1,500 millions shall have been issued? Certainly not less than \$10 of paper for \$1 of gold. The labor of a week will give food for a day. We may make a comparison:

	Montreal.	New York.	Richmond.
Paper emitted, cash	\$350,000,000	\$700,000,000	\$700,000,000
Price of gold, par	\$1.50	prem.	\$5.00 prem.
Flour p. bbl.,	\$4.50	\$7.00	\$25.00
do., in gold,	\$4.50	\$5.00	\$5.00

Thus in a common currency the price of flour is not widely different in the three cities, but the distress of the industrious many increases exactly in proportion to the issues of government paper, which robs them of their labor without feeding them.

MR. SEWARD ON FEDERAL USURPATIONS AND MILITARY DESPOTISM.

WE are now going to call the attention of the country to a speech of the Hon. William H. Seward, delivered in the U. S. Senate, August 7th, 1856, on a bill appropriating twelve millions of dollars to defray the military expenses of the government for the then ensuing fiscal year. Mr. Seward and his whole party, in and out of Congress, opposed the bill on the ground that President Buchanan intended to use the army of the United States to suppress the insurrection then raging in Kansas against the legislative acts of the territory. It is not our purpose to defend the Kansas policy of Mr. Buchanan's administration. We have never believed that that policy was founded either in wisdom or justice, nor have we ever doubted that the follies of that administration brought upon our country the abomination of the present administration. We are prepared to admit the truth of much that Mr. Seward said in the celebrated speech here referred to. Let him stand by the same doctrines now, and we shall not be arrayed in opposition to him. Whether or not we go the full length with him that Mr. Buchanan's proposition to use the army of the United States to enforce the laws of the territorial legislature of Kansas was violative of the Constitution, we do agree to every word he says about the lack of prudence and sagacity of such coercive measures. We agree with him, that "the President of the United States has no authority to decide these questions, because the decision involves an act of sovereign legislation." The eminent Senator proceeded to say:

"The idea has never before entered into the mind of an American statesman that citizens of one State could with

armed force enter any other State or Territory, and by fraud or force usurp its government, and establish a tyranny over its people, much less that a President of the United States would be found to sanction such a subversion of State authority or of Federal authority; and, still less, that a President thus sanctioning it would employ the standing army to maintain the odious usurpation and tyranny.

"Sir, the mere fact, in this case, that the army is required to be employed to execute alleged laws in Kansas, is enough to raise a presumption that those laws are either wrong in principle or destitute of constitutional authority, and ought not to be executed.

"The Territory of Kansas, although not a State, is or ought to be, nevertheless, a civil community, with a republican system of government. In other words, it is *de jure*, and ought to be *de facto*, a Republic—an American Republic, existing under and by virtue of the Constitution of the United States. If the laws which are to be executed there are really the statutes of such a republican government truly existing there, then those laws were made by the people of Kansas by their own voluntary act. According to the theory of our government, these laws will be acquiesced in by that people, and executed by their own consent against all offenders by means of merely civil police, without the aid of the army of the United States. The army of the United States is not an institution of domestic police; nor is it a true and proper function of the army to execute the domestic laws of the several States and Territories. *Its legitimate and proper functions are to repel foreign invasion, and suppress insurrections of the native Indian tribes.*"

* * * * *

"The time was, and that not long ago, when a proposition to employ the standing army of the United States as a domestic police would have been universally denounced as a premature revelation of a plot, darkly contrived in the

chambers of conspiracy, to subvert the liberties of the people, and to overthrow the Republic itself.

“The Republic stands upon a fundamental principle, that the people, in the exercise of equal rights, will establish only just and equal laws, and that their own free and enlightened public opinion is the only legitimate reliance for the maintenance and execution of such laws. This principle is not even peculiar to ourselves: it lies at the foundation of the government of every free people on earth. It is public opinion, not the Imperial army, that executes the laws of the realm in England, Scotland, and Ireland. Whenever France is free, it is public opinion that executes the laws of her republican legislature. It is public opinion that executes the laws in all the Cantons of Switzerland. The British constitution is quite as jealous of standing armies, as a police, as our own. Government there, indeed, maintains standing armies, as it does a great naval force, but it employs the one, as it does the other, exclusively for defense or for conquest against foreign States. Fearful lest the armed power of the State might be turned against the people to enforce obnoxious edicts or statutes, the British constitution forbids that any regular army whatever shall be tolerated, on any pretense. The considerable military force which is maintained in different and distant parts of the empire, only exists by a suspension of that part of the constitution, which suspension is renewed by Parliament from year to year, and never for more than one year at a time. Civil liberty, and a standing army for the purposes of civil police, have never yet stood together, and never can stand together. *If I am to choose, sir, between upholding laws, in any part of this Republic, which cannot be maintained without a standing army, or relinquishing the laws themselves, I give up the laws at once, by whomsoever they are made, and by whatever authority; for either our system of government is radically wrong, or such laws are unjust, unequal, and pernicious.*”

In this connection, Mr. Seward bore the following eloquent testimony to the

estimable blessings of free speech and a free press:

“Whatever other Senators may choose to do, I shall not direct the President of the United States to employ a standing army in destroying the fruits of freedom which spring from seeds I have conscientiously sown with my own free hand. This statute, sir, if so you insist on calling it, subverts the liberty of the press and the liberty of speech. Where on earth is there a free government where the press is shackled and speech is strangled? When the Republic of France was subverted by the First Consul, what else did he do but shackle the press and stifle speech? When the second Napoleon restored the Empire on the ruins of the later Republic of France, what else did he do than to shackle the press and strangle debate? When Santa Anna seized the government of Mexico, and converted it into a dictatorship, what more had he to do than shackle the press and stifle political debate?”

These words, burning with truth and eloquence, are as just now as they were six years ago, when Mr. Seward uttered them in the Senate of the United States. It is true now, as he then declared, that *none but tyrants and usurpers ever shackled the press and strangled debate.* It is an unchangeable and eternal truth, Mr. Seward. Hundreds of your suffering victims, who have been plunged into military bastiles—not for speaking or writing, or doing any thing in violation of law, but for being suspected of having sympathies—have pondered this great truth through weary days and nights of silent anguish, in which there was no relief to the aching heart, except the living, swelling spirit of revenge that sweetened the bitterness of life.

But let us hear further from the eminent Secretary on the subject of coercing States with the military power:

“Let Congress now effectually resign the Territories to military control by the

President, or by Generals appointed by him, and two more acts will bring this grand national drama of ours to its close. The first of those acts will be the subversion of liberty in the remaining Territories; and then, the Rubicon easily passed, the second will be the establishment of an Empire on the ruins of the whole Republic.

“But how is the Government to be arrested, even if this army bill should fail, through your persevering dissent from the House of Representatives? Is the army of the United States, indeed and essentially, a civil institution—a necessary and indispensable institution, in our republican system? On the contrary, it is an exception, an anomaly, an antagonistic institution, tolerated, but wisely and justly regarded with jealousy and apprehension. We maintain a standing army in time of war, to suppress Indian insurrections, or to repel foreign invasions; and we maintain the same standing army in time of peace, only because it is wise in peace to be prepared for war. But, whether in peace or war, we maintain it not without some measure of hazard to constitutional liberty.”

Then Mr. Seward and his party did not think that constitutional liberty would be safe in this country if TWELVE MILLIONS were voted to increase the power of the army; but now TWELVE HUNDRED MILLIONS do not frighten him! No, nor TWENTY-FOUR HUNDRED MILLIONS either! But let us hear him further:

“If the founders of the Constitution had been told that, within seventy years from the day on which they laid its solid foundations, and raised its majestic columns, a standing army would have been found necessary and indispensable to execute municipal laws, they would have turned shuddering away from the massive despotism which they had erected.”

So they would. And if those pure and earnest men could have looked forward far enough to see the degradation of the present hour, when the constitution and laws are washed out of sight by an ocean

of fraternal blood—in a word, if they could have seen the Republican party, now in power, crushing our own constitution and laws, leaving nothing but despotism and murder behind it, they would have fled from the very idea of such a ruin as from a burning hell.—Only six years ago Mr. Seward shuddered with horror at the thought of a despotism which was sweet liberty itself compared with the atrocity of the present hour. Listen to him:

“Answer me still further, what measure of anarchy could reconcile, or ought to reconcile, American citizens to a surrender of constitutional liberty in any part of the Republic?”

“Answer me further, what is that measure of tranquillity and quiet that a republican people ought to seek, or can wisely enjoy? It is not the dead quiet, the stagnant tranquillity of cowardly submission to usurpation and despotism, but it is just so much of peace, quiet, and tranquillity as is consistent with the preservation of constitutional liberty. It would be a hard alternative, but, if the Senate should insist on forcing on me, or on the people I represent, the choice between peace under despotism, or turbulence with freedom, then I must say, promptly and fearlessly, give me so much of safety as I can have, and yet remain a freeman, and keep all quiet and all safety beyond that for those who are willing to be slaves.”

These are brave words—glorious words—words worthy of the days when there were patriots and moral giants in this land. Within this year of abominations, many a brave and noble-minded man has been sent to a prison for uttering just such sentiments. The only wonder is, that the Seward of 1862 does not hunt up and incarcerate in some loathsome military dungeon the Seward of 1856! Plainly enough, if this latter-day Seward is a patriot, then that other one of 1856 was a rank revolutionizing traitor, who dared to tell the Federal ad-

ministration to its teeth, that if it presumed to override freedom of speech and of the press with the military power, and to crush the rights of States and Territories with the Federal army, he would fearlessly *resist the "massive despotism."* It was well said. On no lighter terms can a people either keep or deserve their liberties. Forget it not, O my countrymen!

The eminent Secretary, in this same speech, bore testimony to the sacredness of the writ of *habeas corpus*, which, if he had done nothing since to prove his insincerity in those eloquent professions, would have immortalized his name.—Hear him denounce a law of the Territory of Kansas, because it denied the *writ of liberty* to runaway negroes:

"Behold, Senators, another of these statutes. In the chapter which treats of the writ of *habeas corpus*, we have this limitation:

"No negro or mulatto held as a slave within this Territory, or lawfully arrested as a fugitive from service from another State or Territory, shall be discharged, nor shall his *right of freedom* be had, under the provisions of this act."

"This is an edict which suspends the writ of *habeas corpus*. It relates indeed to a degraded class of society; but still, the writ which is taken away from that class is the writ of *habeas corpus*, and those who are to be deprived of it by the edict may be freemen. THE STATE THAT BEGINS WITH DENYING THE HABEAS CORPUS TO THE HUMBLEST AND MOST OBSCURE OF FREEMEN, WILL NOT BE LONG IN REACHING A MORE INDISCRIMINATE PROSCRIPTION.

"It ought to be sufficient objection here, against all these statutes, that they conflict with the Constitution of the United States, the highest law recognized in this place. I myself denounce them for that reason, as I denounce them also because they are repugnant to the laws of nature, as recognized by nearly all civilized States."

We shall not deny that Mr. Seward was sound on the writ of *habeas corpus* in 1856, especially when negroes were in question. But how is it now, when the liberties of white men are concerned? Let the history of the bastiles of Lafayette and Warren answer that question. They will answer it. Many of the victims of these prisons have both *pens* and *tongues*, which will one day hit the cheeks of tyranny and lawless violence such blows as will ring again in the ears of the civilized world! Be sure that every one of the men who have been lawlessly stript of their liberty will one day return to the charge, with crowds of hundreds of thousands at their backs, shouting for justice and vengeance!—They will come—will surely come, after some fashion: if not by a public return of the laws to do every man justice, then like a thief in the night. For they will come! The days of liberty—of justice—of revenge, to the wronged people—will come! The history of usurpation had never yet but one end. Though the people may lose their liberty, yet woe to those by whom the offense comes! The voice of God and the voice of History proclaim it—Woe! woe!

THE STRENGTH OF ARMIES.

WE have the highest evidence, even divine authority, for believing that "the race is not always to the swift, nor the battle to the strong." But it is a truth hard to be realized by men who are swollen up with pride, and driven on by the blazing fires of revenge. The deluded despot who exclaimed, "Is not this great Babylon, that I have built by the might of my power and for the glory of my majesty?" was taught this lesson at last, when all his mightiness crumbled, and left him to share the fate of the beasts of the field. Babylon-builders, in all ages of the world, have seemed to be especially blind to this rule of Divine Providence, that "the battle is not always to the strong." The passion-blinded Nebuchadnezzars in the British House of Lords scorned the warning words of the great and sagacious Pitt, when he thundered into their ears, "My Lords, you cannot conquer America!" But time and the fate of battles settled the business quite another way than they would believe, until they had wasted millions of treasure, and many brave British lives to boot. Right boldly did many of the greatest men in England warn the government that the course it was pursuing would surely result in its own humiliation and shame.

Now, is it not time to think of these things a little, and, measuring the events of the past terrible year, take council of History and our own experience, to see whither we may be drifting on this tide of blood? May it not be possible that, in the end, we shall have nothing to show, for all we have suffered, but the blood we have shed and the debt we have amassed over our own heads? May

it not be possible that we shall come at last to acknowledge the wisdom and patriotism of the following words of President Lincoln in his inaugural address?—

"SUPPOSE YOU GO TO WAR, YOU CANNOT FIGHT ALWAYS; AND WHEN, AFTER MUCH LOSS ON BOTH SIDES, AND NO GAIN ON EITHER, YOU CEASE FIGHTING, THE IDENTICAL QUESTIONS, AS TO TERMS OF INTERCOURSE, ARE AGAIN UPON YOU."

Has not our experience satisfied us that, possibly, there may be something in these words worth our heeding? Have we forgotten how soon we were to end this horrible rebellion with the 75,000 men first called into the field? We were sure that it was to be all over in three months, and therefore our first army was only enlisted for that time. Then came the demand for 300,000 more! That was to do the business in no time. Soon the world was astounded to be told that we had an army of 750,000 brave men in the field. That, surely, would make short work with the accursed rebellion!—But no: we had soon to make another call; so that all the men we have had in arms since the beginning of our troubles cannot be less than 800,000. Alas, two years of battles and blood have passed, and we are soon to conscript 600,000 more! Where shall we be able to stop? When these 600,000 are raised, and properly trained for the service, will their addition to the army more than supply the loss we shall suffer between this time and that? Is it probable that, with this addition of 600,000 more, our effective force will be greater in four months from this time than it is at the present moment?

The way we are going on, we shall

need a new enlistment of 600,000 men every four months, to keep our army up to the standard of its present effective force. And even then, if the policy and spirit that now rule in Washington continue to the end of the present administration, we shall have sent two millions more of our brave men to die in battle in vain; for the Union will never be saved while this war upon the domestic institutions of the revolted States continues. Before Secession will be conquered in the South, Abolition must be conquered in the North. As long as we put our trust in nothing else but the might of the sword, we shall fail. God will surely teach us this hard lesson too, that "the battle is not always to the strong." God and our brave forefathers taught England that lesson so effectually, that neither the British nation nor the world has forgotten how. And that, somehow, seems to be the teaching of History—"THE BATTLE IS NOT ALWAYS TO THE STRONG." God is mightier than battles, and holds the fate of the weak and the strong alike in the hollow of his hand.

Sir William Temple, in his "*Essay on Heroic Virtue*," says:—"The second observation I shall make on the subject of victory and conquest is, that they have in general been made by the smaller numbers over the greater; against which I do not remember any exception in all the famous battles registered in story, excepting that of Tamerlane and Bajazet, whereof the first is said to have exceeded a fourth part in number, though they were so vast on both sides that they were not very easy to be well accounted."

This seemingly odd remark of Sir William Temple we believe to be verified by the records of history.

To commence pretty near the begin-

ning of historic battles, we may learn that the number of Persians under King Cyrus was but a handful of men, compared with the mighty hosts of Assyrians over which they were finally completely victorious. And then afterwards the Macedonians, who beat the Persians, were never over forty thousand strong, while their enemies were six hundred thousand.

The little Athenian army of ten thousand, fighting for their liberty and independence, drove back and overcame a hundred and twenty thousand Persians at Marathon.

In all the famous victories of the Lacedemonians, they had never over twelve thousand soldiers at any time, though their enemies often had twenty times that number.

Almost every one of the celebrated victories of the Romans were achieved over far greater numbers.

The great Cæsar's armies—whether in Pharsalia, Gaul, or Germany—were in no proportion to those he conquered.

The army of Marius was never above forty thousand, while that of the Cimbri, which he conquered, was three hundred thousand.

The famous victories of Ætius and Belisarius over the barbarous Northern nations, were won with numbers astonishingly small.

The same is true of the first great victories of the Turks over the Persian kingdom, and of the Tartars over the Chinese.

In all the immortal victories the renowned Scanderbeg achieved over the Turks, he never brought together over sixteen thousand men, though his enemies often numbered over a hundred thousand.

To come down to later times, the English victories at Cressy and Argincourt,

so famous in history, were gained with incredible disadvantages of numbers.

The same must be said of the great victories of Charles VIII. in Italy; of Henry IV. in France; of Gustavus Adolphus in Germany; and of Charles XII. of Sweden in Denmark, Poland, and Muscovy. The King of Poland, who had an army of twenty-four thousand strong, he defeated and drove from his throne with a force of less than twelve thousand; and the Russian army of eighty thousand was beaten by him with a little army of only eight thousand.

Nor must we forget the fate of the great Napoleon in Russia. Napoleon invaded that country with an army of six hundred and thirty thousand soldiers, and was finally completely vanquished and driven out of the country, although the Russians had never over two hundred and fifty thousand men in the field at any one time.

So, we perceive that the page of history abundantly supports the Divine Word, that the battle shall not always be to the strong. Indeed, as Sir William Temple affirms, the reverse has oftener been true. This last year of our own horrible experience is another proof. If we may rely upon the word of the late Secretary of War, Mr. Cameron, we have enlisted, in all, 800,000 men; and yet, at the conclusion of the Richmond battles, it was said that we had, all counted, less than 300,000 soldiers left in the field. This would show a loss of 500,000 men in a little more than one year. Call it 400,000, to be within the mark, and then ponder upon the thing a little; and at the same time reflect that our gunboats alone have saved our armies from annihilation.

It is estimated that the South has lost 200,000 men in this war, which makes of white men lost on both sides 600,000.

Now, a Senator boasted, the other day, that "we have already liberated 50,000 negroes." Yes; we have shed the blood of twelve white men for every negro we have set free. Sit down, and ponder that awhile; and reverently ask Almighty God if there is no room left in HELL for the bloody villains who are striving to pervert an army raised for the ostensible purpose of *saving the Union* into a mere negro-liberating concern! The lives of a million of men would be a cheap price for the salvation of our country; but the life of a single white man, sacrificed for the inglorious purpose of liberating even four millions of negroes, would be a thousand times worse than thrown away. Here is the cause of our failure and disappointment—the whole legislative and executive ability of the Government has been directed to negro-liberating schemes, instead of the one holy purpose of *saving the Union*. The President's abolition message, and his signing the bill for the abolition of slavery in the District of Columbia, was as good for the cause of the rebellion as 200,000 men added to the ranks of its soldiery. The whole business of Congress for a twelvemonth has been designed to drive the South onward to its most desperate extremes, in order that such a chasm of blood might be opened as could never be bridged by a reconstructed Union. These murderous traitors well know that if the Union is saved and the Constitution preserved, the social and political status of the negro will remain just where it was placed by our patriotic forefathers. This is the reason they have put forth such masterly efforts to pervert the object for which our brave army was called to the field. That croud of men assembled in "Congress" at Richmond, has been impotent for harm, compared with the pestilent

nest of fanatics and revolutionists at Washington. To these men we owe the ruin of our country. To them must be charged the disgrace which has been brought upon our once fair name. And what now is the prospect for the future? Nothing but disaster and ruin. The programme is to exterminate the white race in the South, to plunder and burn their towns and cities. Before Lincoln's term of office is up, he will sacrifice the lives of a million more of the citizens of the North in pushing on this atrocious work; and even then he will only have stepped knee-deep into the fathomless ocean of blood which must be shed before the horrid crime could be accomplished. There are not men enough in the North to carry out the Lincoln-Butler scheme. Let those who

believe in it show their faith by their works, and pour out their own blood in the horrid strife. Let them not meanly hide behind the three-hundred-dollar-clause, and force the virtuous and peaceable poor to sacrifice themselves for an object which every patriot must hold in eternal abhorrence. If the conflict were to restore the Union or to preserve constitutional freedom, a man might feel some impulses of honor and glory in going out to die. But to know that one must offer up his life to free negroes and enslave the white race, must fill a proud man's soul full of unquenchable indignation and horror. It is possible that you may force such men into the army; but can you make them fight? What would be the reliable force of a million of such men in arms?

 ACROSTIC.

TRIUMPHANT flag, whose prestige gave
 Heaven-born hopes to good and brave,
 Exultingly thy glories wave.

Secession's hands thy folds would stain,
 Terror and strife breed civil war,
 Anarchy and crimes profane.
 Respect the compact, and maintain
 Sacred every stripe and star.

Are we no longer Union's band?
 No longer in her ranks to stand?
 Discord's arm would wield the brand!

Saving banner! still thou'lt shine,
 To lead thy sons through battle fires;
 Remembrance of the souls divine
 In hero days, thy name inspires.
 Potent to us, as to our sires!
 Eternal, bright on history's page
 Shall gleam thy stars from age to age.

NEGROES vs. WHITE MEN IN THE ARMY.

The following correspondence of the Springfield Republican, a leading organ of the Lincoln party in Massachusetts, cannot be read without filling the reader with irrepressible indignation, and with a warning of alarm of an approaching conflict in which the white man will be driven to fight for the natural supremacy of his race. Judge Kelly, Republican Congressman from Philadelphia, in a recent speech threatened that the negro regiments shall be marched into the North, "with a bayonet at the breast of every copperhead."

PENSACOLA, Fla., Feb. 1, 1863.

As the experiment of organizing negro regiments has been instituted by the government, its progress and results are a matter of great interest; and having had an opportunity to witness the efforts to enforce the principle of military equality of such regiments, I will volunteer to give you its history.

For several months past the military post of Ship Island has been garrisoned by two companies of the 13th Maine regiment, under command of Col. Henry Rust. Recently, the 2d Louisiana Regiment of black volunteers was ordered to rendezvous at this Island, and Col. Rust was ordered to transfer the command of the post to their commanding officer, Col. N. W. Daniels. Col. Rust and staff, as ordered, repaired to Fort Jackson, leaving behind him on the Island the two companies of the 13th Maine.

Upon assuming command of the post, Col. Daniels issued orders commanding the consolidation of the two companies of whites with his regiment of blacks. He ordered them to attend battalion drill, and be consolidated at dress pa-

rade. In camp and guard duties black Captains were placed over white Lieutenants, and thus white officers and black, white privates and black, in one black column blent, obsequiously doing honor to black equals and superiors, were to inaugurate the reign of ebony. The recognition required was not merely the passing salute and modes and forms of military etiquette, but an equal military equality, with its accompanying honors and obedience.

Against the orders thus consolidating them with blacks, the officers of the two white companies earnestly protested. But their protest being unheeded and unanswered, after a suitable delay, they finally refused to obey the orders. They refused to take their companies to battalion drill or appear on dress parade; they refused also to detail guard to be commanded by negroes. They were arrested, and the command of the companies finally devolved upon the Orderly Sergeants. By the Sergeant's offering to detail guard, the question was put directly to the members of the companies whether they would do duty as guard under negro officers. Following the example of their officers, the men peremptorily refused. Whereupon the men were ordered under arrest, their muskets and equipments taken from them, and black guards stationed around their appointed quarters.

The execution of the order for arresting the companies was one of the most humiliating scenes I ever witnessed. As a precaution against disturbance, the black regiment was ordered under arms and muskets loaded. Two companies of blacks, with their black officers, marched to the quarters of the disobedient soldiers, and called upon them to

surrender themselves as prisoners. Instead of resisting, the men obeyed the summons in a spirit characteristic of the intelligent New England soldier, who knows how to obey, but knows, too, the philosophy of resistance to injustice. Silently they marched in front of their negro masters, stacked their arms, hung their accoutrements upon their glittering bayonets, and turned sadly away, while their black captors bore away their arms with feelings and expressions of glee, as if they were trophies of conquest.

As the ebony band returned from their work, their comrades in camp welcomed them with shouts of triumph. By a single word or act on the part of the white officers, a scene of riot and bloodshed would have been the sequel. But wiser counsels prevailed, and officers and men quietly submitted themselves as prisoners to those with whom they would not serve as soldiers or acknowledge as equals.

I DREAMED BUT NOW.

I dreamed but now my soul had laid
Aside its robes of flesh forever,
In darkness drear and lone I strayed,
To see the sunshine never, never!

Ah! that dear heart without the light
And life of its bright love to bless me,
The future would be doubly night,
Nor joy, nor thou, love, to caress me.

MRS. HELEN RICH.

HOW WE ARE REVENGING SUMPTER.

The following are the reported casualties of this war from its beginning to January 1st, 1863:

Federals killed,	43,874
“ wounded,	97,029
“ died of disease and wounds,	250,000
“ made prisoners,	68,218
Total,	459,374
Confederates killed,	20,893
“ wounded,	59,915
“ died from disease and wounds,	120,000
“ made prisoners,	22,169
Total,	222,677

They have killed twenty-two thousand eight hundred and seventy-four more of our men than we have of theirs.

They have wounded, not mortally, thirty-nine thousand, four hundred and fourteen more of our men than we have of theirs.

One hundred and fifty thousand more of our men have died of disease and wounds, than of theirs.

They have made prisoners of forty-six thousand more of our men than we have of theirs.

Our total casualties are two hundred and thirty-seven thousand, two hundred and ninety-seven more than theirs—that is, our casualties have been fourteen thousand more than as much again as theirs.

This is the way we have “revenged the firing on Fort Sumpter.”

But this is not all. We have spent almost *two thousand million* more of money than they have spent.

We have made two hundred thousand of our women widows.

We have made one million of children fatherless.

We have destroyed the Constitution of our country.

We have brought the ferocious savagery of war into every corner of society.

We have demoralized our pulpits, so that our very religion is a source of immorality and blood.

Instead of being servants of Christ, our ministers are servants of Satan.

The land is full of contractors, thieves, provost-marshals, and a thousand other tools of illegal and despotic power, as Egypt was of vermin in the days of the Pharaohs.

We are rapidly degenerating in every thing that exalts a nation.

Our civilization is perishing.

We are swiftly drifting into inevitable civil war here in the North.

We are turning our homes into charnel houses.

There is a corpse in every family.

The angel of death sits in every door.

The devil has removed from Tartarus to Washington.

We pretend that we are punishing the rebels, but they are punishing us.

We pretend that we are restoring the Union, but we are destroying it.

We pretend that we are enforcing the laws, but we are only catching negroes.

That is the way we are “revenging Sumpter.”

Selling our souls to the devil and taking Lincoln & Co.’s *promise to pay*. We have it in greenbacks and blood.

That is the way we are “revenging Sumpter.”

LITERARY NOTICES.

THE PRISONER OF STATE. By D. A. Mahony. Carleton, New York.

The author of this work was for several months confined in one of Mr. Lincoln's bastiles, and was finally let out, as hundreds of others have been, without a trial, and without being informed of the reason of his incarceration. In this book, Mr. Mahony has paid the Administration back with interest, for its criminal assaults upon his liberty. It is, we think, the most damaging book that has yet made its appearance against the administration. It is impossible for any man, who is not demented with fanaticism, to read it without having his whole soul aroused to battle-pitch against the detestable tyrants who, under the pretence of crushing rebellion in the South, are actually seeking to revolutionize the government of this Republic. Mr. Mahony is an able writer, and he has given the public a work which will be most useful in opening the eyes of the people to the real objects of this war. One of the New York papers says "the devil is in the book." If it is not so, it certainly is true that the book proves that there are legions of devils in Abraham Lincoln and his party. The work contains 414 pages. Price \$1.25

THE RECORD OF HON. C. L. VALLANDIGHAM ON ABOLITIONISM, THE UNION AND THE CIVIL WAR. J. Walker & Co., Cincinnati.

A book of 248 pages, containing well-selected matter from the speeches and addresses of Mr. Vallandigham on all questions which have been raised by the acts of the party in power. It proves that the man who has been so much maligned by the partisans of the administration has a consistent record as a patriot and a true friend to the Union. Mr. Vallandigham was one of the statesmen of the North who clearly saw, at the beginning of the strife, what the lamented Douglas so eloquently declared, that "war is dissolution—final and eternal separation," and he had the courage to stand up in his place on the floor of Congress and proclaim his convictions in the teeth of angry and despotic power. He dealt hard blows at the head of the administration, and all its dogs set up such a yelping, and barking, and howling as was never heard on earth before. But the patriotic congressman kept boldly and defiantly on, in op-

position to all the unconstitutional and destructive measures of the administration. He opposed the war, because he saw that war was eternal separation; and advocated peace, because he believed that in peace there was a chance left of saving our country. Time will vindicate the wisdom and patriotism of his position. This book will stand as a proof that he rightly comprehended the issues of the war, when so many were blinded, either by prejudice or selfishness. The work is valuable as a text-book of information and correct reasoning on most of the questions that are agitating the public mind. Price in paper covers, 60 cts. In cloth \$1.00.

THE SOUTHERN HISTORY OF THE WAR. THE FIRST YEAR OF THE WAR. BY EDWARD POLARD. REPRINTED FROM THE RICHMOND CORRECTED EDITION. NEW YORK: CHARLES B. RICHARDSON, 594 AND 596 BROADWAY.

This book was received too late for anything but a mere notice in this No. of the Old Guard. A single glance at its pages shows that it is meant to be a truthful and fair history of the war. Its assaults upon the administration of Jefferson Davis are unsparing, and sometimes bitter, if not relentless. In this respect it is in remarkable contrast with the histories of the war which have been published in the North, not one of which, so far as we have seen, deserves the name of "history." They are all mere compilations of newspaper fustian and falsehood. Such books are an insult to the intelligence and honor of the American people, exhibiting us to the world as a nation of braggarts, if not fools. This Southern history of the war is at least not open to such a charge. No one who reads the book will, we think, doubt that the author meant to make a work worthy of being called a *history*. His accounts of the battles are made up with evident caution, and with fairness to all parties. The only signs of intemperate feeling in the book, are to be found in those passages which refer to Davis' administration and to his mere partizan apologists. If a Northern man had written such criticisms on Lincoln's administration a year ago, he would have been plunged into a bastille, to be starved to death, or devoured by vermin. This Southern history shows that they have had all the time, freedom to write and publish whatever they pleased there.

OMNIUM.

Results of drafting.

Of forty-one men drafted in Clinton County, Michigan, thirty-two have escaped to Canada, which if not "the land of the brave," is at least "the home of the free."

Jim Lane looking out for the future.

Jim Lane, now Senator from Kansas, at a recent "Union League" meeting in Washington, used the following characteristic language:

"As far as that is concerned, I would like to live long enough to see every white man in South Carolina in hell, and the negro occupying his territory."

But Sir, then you would be sure to meet them again, and on such terms of equality as would undoubtedly be as offensive to them, as painful to yourself.

The Democracy of Iowa.

The Democracy of Iowa held a grand mass convention at Anamsa, March 27, and among other bold resolutions, passed this one:

Resolved, That the principles of the Connecticut Democracy as expounded by Ex-Gov. Thomas H. Seymour, is our Democracy, and that we are in favor of a vigorous prosecution of peace as the only means of saving the Union.

The same is the position of the democracy of the whole country, with the exception of a few would be leaders who are affected with greenbacks.

John Cochrane, the head crusher.

John Cochrane—Gen. John Cochrane—while addressing a nest of abolition traitors in New York, a few nights ago, said—"we must crush the heads of the copperheads." If a fire-side and ladies drawing-room General, proves as successful in crushing the heads of peaceable people of the North, as he has in crushing the rebels in the South, he won't hurt us much.

Halleck coming North.

Gen. Halleck, in a letter to the contractor, New York meeting, in which he signed himself the "General-in-chief," said:

"Our armies are still advancing, and, if sustained by the voices of the patriotic millions at home they will ere long crush the rebellion in the

South, AND THEN place their heels upon the heads of sneaking traitors at the North."

By "traitors" he, of course, means all who do not support the Administration in its war upon the constitution and government of our country. When Halleck comes North on that business we advise him to put a few duplicate heads in his pocket, for he will need them before he gets through with his task. The man that does not despise such threats is a dog and slave.

Jones the Plagiarist.

Mason Jones, an ignorant braggart and shameless plagiarist, who by dint of puffing and free passes, drew large audiences in New York city, has found his level already. The Young Men's Association of Chicago, hired him to lecture three nights with the following results:

Paid Jones for the lectures	\$4,00
Total receipts	\$1,38
Loss to the Association	\$2,62

We heard Jones lecture in New York, on Curran. He began by abusing Phillips' life of the great Irish orator, and then went on to steal sentence after sentence from Phillips' admirable work—indeed the only thing tolerable in Jones' performance, was his plagiarism from Phillips. To a gentleman, who asked our opinion of Mason Jones as a lecturer, we answered, "he steals well, but he insults the American people by coming here and advertising himself as a man of intellect."

A place for white men.

Hunterdon County, New Jersey, must be a good place for a white man to live in. At a recent township election there, the Republicans were wiped out of sight and hearing. In Kingwood, not a Republican vote was cast. In Delaware and Alexander, the Republicans could not muster force enough to put a ticket in the field in opposition to the Democracy.

Abolition murder and arson.

In Jackson county, Mo., the abolitionists recently shot seven unarmed men who were suspected of being secessionists, and burnt twenty-seven houses of poor people, upon whom the same suspicion rested.

Died in the Wool.

An abolition paper praises Daniel S. Dickenson as a "democrat dyed in the wool." Yes,

poor devil, he died in the *wool*, and will go where all niggerheads ought to go.

Lincoln's instructions to his Provost Marshals.

1. As your office is one that is unknown to the Constitution of the United States and to the Constitution of the States, you must endeavor to impress the people as much as possible with the dignity and importance of your official position, by evincing as much contempt as you can for the foolish, old-fashioned laws of the States, which are now entirely obsolete, being unfitted for the exigencies of the times.

2. You are to speak continually and in all places of the "odious," "infamous," "execrable," "infernal," and "damnable" doctrines of State rights.

3. Never, under any circumstances, allude to the Constitution; and if you hear the word on any man's lips, arrest him immediately.

4. It is a disloyal practice for any man to allude to the exploded mode of trial by jury. Arrest all such.

5. Accuse all democrats of every crime under heaven, and if the scoundrels presume to argue with you, arrest them.

6. All who talk about liberty of speech and the press, are traitors—arrest all such.

7. All who prate about the *habeas corpus* are enemies to the Government—arrest them.

8. Studiously avoid using the word *freedom*, except as applied to negroes. Arrest all who are guilty of such disloyal practices.

9. Use, whenever you can, the ear-tickling words "loyal," and "supporting the Government," but always in such a way as to mean the subversion of the miserable old Government, and the support of my new system. If you hear any man use the words in any other connexion, arrest him.

10. It is opposing the Government, for any man to speak of restoring the Union as it was. Arrest such.

11. It is a disloyal practice for any man to speak of the size of my feet, or otherwise to allude to me, except in praise of my personal beauty, and of my emancipation policy. Arrest them.

12. If you hear any man say that I know better how to tell stories, than how to conduct the affairs of the nation, he is disloyal—arrest him.

13. If you hear any man allude with respect to the ridiculous article in the old Constitution, which protects citizens from unreasonable

searches and seizures, arrest and search him instantly. If you find no contraband letters and documents about him, it will be proof that he has taken the precaution to destroy them, and will be a sufficient evidence of his guilt. Lock him up.

14. It is opposing the Government, for any man to say that the abolitionists ought to enlist to help do some of the fighting. Arrest all such traitors.

15. Arrest any body you please, and if any man complains, arrest him for he is disloyal, and an enemy of the Government.

16. If anybody should blow your brains out while attempting an "illegal arrest," tell the devil that you died serving me. He will reward you accordingly.

Taxing patience and property.

Lincoln is reported as saying that he knows "a long war will greatly tax the patience of the people." Ah? Sir, if it *taxed* only their *patience* they might easily bear it. But your war will tax their property for more than its value—and all for the God-defying folly of trying to make a white man of a negro!

The Mozart thieves.

The officers of the Mozart Regiment have signed a letter abusing Fernando Wood and endorsing the brutal speech of Ben. Butler at the Academy of Music. Has the Colonel been promised to be made Brigadier General, and the other officers to be promoted, or are the officers of that Regiment all *thieves*, that they second Butler's murdering and plundering schemes? The propositions announced by this bloody mountebank at the Academy of Music, amount to nothing less than murder and theft. They are so pronounced by all modern writers on the law of war.

Epigram on J. Van. B.

What! jolly Van B. of oppression the hater,
Called a turncoat, a Judas, a rogue and a traitor!

What has made all the democrats angry and sore?

Has John done that now, which he ne'er did before?

Consistent was John all the days of his life,
For he loved his best friend as he loved his own wife;

In his actions he always kept self in his view,
Though false to all others, to John he was true.

OMNIUM.

A little man with a big pamphlet.

A little man in New York, who by profession was a dancing-master or a singing-master, has written a big pamphlet to prove that the President has the right to suspend the *habeas corpus*. Strange that so diminutive a creature should be so ambitious about matters of the *corpus*. Let him remember that *heels*, not *heads*, should be the objects of his study.

Continuance of Slavery.

Park Godwin, editor of the *Evening Post*, says that, "if slavery is to continue in this country, he wants the Irish catholics to take the places of the negroes, and let the more intelligent and more virtuous blacks be liberated." Such an abominable sentiment is entirely worthy of the man who utters it—a man who raves like one in bedlam against the constitution of his country, and slanders every white man who is not a negro in his heart.

A wheelbarrow load of Greenbacks for a ham.

A lady who was alarmed at the small quantity of cotton she obtained for a five dollar greenback, recently expressed her fears that the time might come when she should say, "John, load up the wheelbarrow with greenbacks and go buy a ham."

A remarkable love poem.

You I love my dearest life,
More than preachers love the strife,
More than Lincoln loves to rule,
More than Blair to play the fool,
More than Cameron to rob,
More than Greeley loves a mob,
More than Godwin loves to lie,
More than Seward loves a spy.
More than Sumner loves a nigger,
More than Wells, his beard and figure,
More than Stanton loves a fight,
More than Halleck Mac' to spite,
More than Raymond loves himself,
More than Butler, heaps of pelf,

119

More than Beecher loves to swear,
More than Tyng to play the bear.
More than Bates to be a dolt,
More than John Van B. to bolt,
More than Forney loves a spree,
More than Brady loves a fee,
More than "patriots" love their price,
More than Generals, cards and dice,
More than Hooker loves his toddy,
More than Opdyke loves the shoddy,
More than Mac the foe to beat,
More than Fremont, a retreat,
More than Chase to fool the banks.
More than Hale to cut his pranks,
More than preachers love the strife,
I love you my dearest life.

Unwelcome praise.

The New York *Evening Post* praises Senator Randolph as one of the "true" men of New Jersey. If Mr. Randolph can bear praise from such a source, he is proof against all other mortal ills. "What have I done," exclaimed a Latin poet, "that bad men should speak well of me?"

Patriot words in the mouths of traitors.

A Republican exchange says—"It will be noticed that all the Republican papers breathe a tone of patriotism and love for the Union." This reminds us of an observation of Voltaire on reading the *dramatis personæ* in Congreve's plays, that "their language is everywhere that of men of honor, but their actions are those of knaves."

A fire-fiend.

The crazy Editor of the *Evening Post*, Park Godwin, says he "sees light ahead." It may be so, but then—

"'Tis the red light of war
Painting hell on the sky."

The light which his imagination sees is the light of burning dwellings and fields of grain. He is a fiend, whose element is fire and destruction.

SENATOR BAYARD.

WE give our readers, in this number of the *Old Guard*, an excellent likeness of United States Senator JAMES A. BAYARD, of Delaware. Mr. Bayard is one of the ablest of the true and brave men who have faced the fanatics and traitors in the Senate of the United States during the present reign of Abolition terror. He has met their revolutionary acts with such argument and defiance as silenced them, though he could not beat sense or shame into their vicious minds.

Senator Bayard was born in the State of Delaware in 1799. He was nominated for Congress by the Jackson party in 1829; but the Adams party being in a large majority in Delaware at that time, he was defeated. President Jackson appointed him Director of the Bank of the United States, but he did not accept the position. He subsequently declined the appointment as Commissioner under the Indian Treaty, always rejecting all offers of office, until near the close of President Jackson's administration, when, without solicitation on his part, he received the appointment of U. S. District Attorney, which he accepted and held until 1843, when he resigned. He took his seat in the Senate of the United States in March, 1851, in

120

which position he has justly won the respect and confidence of his countrymen as a statesman, and as a man of character and honor. He was born in what may be called the *constitutional period of our history*, and received his political education from the founders and framers of the Republic and the Constitution; and when his career is ended, he will leave a record everlastingly to be honored, as one of the few men who never for an instant yielded assent to the un-American and despotic doctrines of the bloody revolution inaugurated by the "Republican" party. In a recent letter to a friend, Senator Bayard writes: "I remain in the Senate solely from a sense of duty to my constituents." It must indeed be a disagreeable thing for a patriot and a man of honor to be compelled to associate with such a nest of vipers as the United States Senate has become under the administration of such men as Sumner, Wade and the brutal assassin, Lane, of Kansas. We shall have to wait two years longer for a Congress which will end the reign of despotism and blood. By that time the measure of wrath which these deluded conspirators are filling for themselves will be full.

VALUABLE
Anti-Abolition Publications,
 FOR
GENERAL CIRCULATION.

:o:
ANTI-ABOLITION TRACTS.

No. 1—**ABOLITION AND SECESSION**; Or, Cause and Effect, together with the Remedy for our Sectional Troubles. By a Unionist.

No. 2—**FREE NEGROISM**; Or, Results of Emancipation in the North and the West India Islands; with Statistics of the Decay of Commerce. Idleness of the Negro, his return to Savagism, and the Effect of Emancipation upon the Farming, Mechanical and Laboring Classes.

TERMS:

Single Copies.....\$0 06
 Twenty Copies..... 1 00
 One Hundred Copies..... 4 00

All orders under 100, at the rates named, will be sent by mail post paid. - All orders for 100 or over will be sent by express, or as may be directed by the party ordering, at his own expense. Very liberal discount made where a thousand copies or over are ordered at one time.

Negroes and Negro Slavery.

THE FIRST AN INFERIOR RACE—THE LATTER ITS NORMAL CONDITION. By J. H. Van Evrie, M. D. 1 vol., 12 mo., pp. 339. Price \$1. Illustrated with four cuts, showing the difference between White Men and the Negroes. Second Edition now ready.

History of the Union and the Constitution.

Being the substance of Three Lectures on the Colonial, Revolutionary and Constitutional Periods of American History, with an Appendix, containing the Constitution of the United States, and the Virginia and Kentucky Resolutions of '98 and '99. By C. Chauncey Burr. Price 2 Cents.

Southern Wealth and Northern Profits.

AS EXHIBITED IN STATISTICAL FACTS AND OFFICIAL FIGURES. By Thomas Prentice Kettell, late editor of the *Democratic Review*. Page 173. Price in paper covers, fifty cents; bound in muslin, seventy-five cents.

The Dred Scott Decision.

Opinion of Chief Justice Taney, with an Introduction by J. H. Van Evrie. Also an Appendix, containing an Essay on the Natural History of the Prognathous Race of Mankind, by Dr. S. A. Cartwright, of New Orleans. Pamphlet, forty-eight pages octavo. Price twenty cents.

All the above Works sent to any address in the United States, postage paid on receipt of price.

IMPORTANT SPEECHES.

THE RIGHTS OF THE CITIZEN—Speech of Hon. D. W. Voorhees, of Ind., on the indemnity Bill, in Congress, Feb. 18, 1863.

PEACE AND UNION—WAR AND DISUNION—Speech of Hon. John McKeon, before the Democratic Union Association, March 3d, 1863.

SPEECH OF CHARLES O'CONNOR—"Negro Slavery Not Unjust."—Delivered at the great "Union Meeting" in New York City in 1859.

SPEECHES OF HORATIO SEYMOUR, at Albany, September 6th, 1862, on receiving the nomination for Governor, and at the Albany Convention, Jan. 31, 1862.

SPEECH OF JAMES BROOKS—"The Two Proclamations"—Before the Democratic Union Association, September 29th, 1862.

SPEECH OF HON. S. S. COX, of Ohio, on "Puritanism in Politics," delivered before the Democratic Union Association of New York.

Price of any of the above Speeches, by mail, postage paid—Single Copies, Five Cents, or Forty Cents per dozen. By Express, Two Dollars per hundred—Fifteen Dollars per thousand. Address

VAN EVRIE, HORTON & CO.,
Publishers,

No. 162 Nassau Street, New York.

THE PENINSULAR CAMPAIGN
 OF THE
ARMY OF THE POTOMAC:

ITS BATTLES AND BRAVERY;

ITS VICTORIES AND DEFEATS;

THE SUFFERINGS OF THE SOLDIERS,

BOTH

VOLUNTEERS AND REGULARS;

THEIR SIEGES AND MARCHES;

THEIR

LIFE ON PICKET AND IN THE TRENCHES;

THE DYING ON THE FIELD;

THE WOUNDED IN HOSPITAL;

Are fully and impartially described in the
LEAVES FROM THE DIARY OF
AN ARMY SURGEON,

BY DR. THOMAS T. ELLIS,

Late Post Surgeon New York, and Acting Medical Director, White House, Va.

This interesting book gives the most life-like picture of the Army through all its great battles, from Fair Oaks to Fredericksburg.

PRICE, ONE DOLLAR.

Each copy contains
AN AUTOGRAPH LETTER FROM GENERAL
McCLELLAN

Published by **J. BRADBURN,**
 (Successor to Doolady,)

49 Walker Street, New York,
 And for sale by all Booksellers.

AGENTS WANTED

THE
OLD GUARD,

A MONTHLY JOURNAL,

DEVOTED TO THE

Principles of 1776 and 1787,

DESIGNED TO UNMASK THE

USURPATION, DESPOTISM AND CRIMES

OF THIS

ABOLITION ADMINISTRATION,

And to Defend the Doctrines of State Rights and of Constitutional Liberty
as held by our Revolutionary Fathers.

CONTENTS:

A FINE STEEL ENGRAVING OF SENATOR BAYARD, OF
DELAWARE.

HOW TO TREAT UNCONSTITUTIONAL ACTS OF CONGRESS:
THE ADMINISTRATION AS A GOLD GAMBLER.

SEWARD ON FEDERAL USURPATION AND DESPOTISM.
STRENGTH OF ARMIES.

NEGROES *vs.* WHITE MEN IN THE ARMY.

HOW WE ARE REVENGING SUMTER.

ODE FROM SAPPHO.

LITERARY NOTICES.

LINCOLN'S INSTRUCTIONS TO HIS PROVOST MARSIALS.

EPIGRAM ON JOHN VAN B.

A LITTLE MAN WITH A BIG PAMPHLET.

A REMARKABLE LOVE POEM.

THE MOZART THIEVES.

TAXING PATIENCE AND PROPERTY.

A FIRE-FIEND.

RESULTS OF DRAFTING.

JOHN COCHRANE; THE HEAD CRUSHER.

A PLACE FOR WHITE MEN.

DIED IN THE WOOL, &c., &c.

Published by C. Chauncey Burr & Co., at 119 Nassau St.

PRICE—Single Number, Fifteen Cents. Delivered to Monthly Subscribers in all parts of the Cities of New York, Brooklyn, Williamsburg and Jersey City. Forwarded by mail or express to all parts of the United States at One Dollar a year, in advance. Any person sending Ten Subscribers will receive an additional copy for one year.