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The Eligibility of Governor Morton.

His Excellency seems much disturbed over the question of his eligibility to hold the office of Governor for another term, provided he should be nominated by his political friends, and elected at the ensuing October election. In the Journal of Saturday appear a number of certificates from distinguished members of the legal profession, which read very much like patent medicine certificates made up to order. While we entertain the most profound regard for the eminent abilities and learning of the gentlemen who give their opinions affirmatively in regard to the eligibility of the Governor to hold the office for a consecutive term, we think any man of common sense, if not learned in the law, is as capable of forming a correct conclusion upon the question at issue as those who set themselves up to be *par excellence* judges of the meaning of the Constitution upon the point involved. In fact, it seems to us that the opinion which is paraded with such a grand flourish fails to comprehend the question at issue. The framers of the Constitution must have had some motive in limiting the term of the office of Governor to "four years in any period of eight years." That object, and the debates of the convention illustrate it, was to prevent the person holding the office from using or prostituting his position to secure a re election. What says the Constitution? We quote from Article V. Section 1: "The executive power of the State *shall be vested in a Governor*. He shall hold his office during four years, and shall not be eligible more than four years in any period of eight years." Section 10 of the same Article reads as follows: "In case of the removal of the Governor from office, or of his death, resignation, or inability to descharge the duties of the office, the same shall *devolve* on the Lieutenant Governor; and the General Assembly shall by law provide for the case of removal from office, death, resignation, or inability, both of the Governor and Lieutenant Governor, declaring what officer shall then act as Governor; and such officer shall act accordingly, until the disability be removed, or a Governor elected."

The Constitution makes no provision for the election of a Governor or a Lieutenant Governor during the term of office for which either were elected, but it expresly provides that "the executive power of the State" shall be vested in the Lieutenant Governor "in the case of the removal of the Governor from office, or of his death, resignation, or inability to discharge the duties of his office;" and when any of these disabilities shall occur to the Lieutenant Governor, then the General Assembly shall by law declare what officer shall act as Governor.

The Constitution anticipates and provides for the very contingency, in the sections we have quoted, which occurred by the resignation of Governor LANE. He was elected Governor in 1860. On the 14th day of January, 1861, he was inaugurated Governor. On the 16th of the same month, we believe, he was nominated by a caucus of his political friends in the Legislature to succeed the Hon. G. N. FITCH in the U. S. Senate, whose term expired on the 4th day of March ensuing. On the 17th of the same month Governor LANE resigned the office of Governor, and Lieutenant Governor MORTON, by virtue of the Constitution, was vested with the executive power of the State. On that day, in the presence of the General Assembly, he took the oath of office as Governor of the State of Indiana, assumed its duties and was duly inaugurated. From that date he was just as much vested with the executive power of the State as was HENRY S. LANE when he was inaugurated Governor on the 14th day of January, 1861, three days previous. The Constitution vested the executive power of the State in HENRY S. LANE from the 14th to the 17th day of January, 1861, and by his resignation the Constitution vested the executive power of the State in OLIVER P. MORTON, who was duly elected Lieutenant Governor, from the date that Governor LANE resigned his office. By virtue of the Constitution the executive power of the State was vested in OLIVER P. MORTON precisely the same as it was in HENRY S. LANE. Both have held the office by the same authority. And if it had happened that OLIVER P. MORTON had been removed from office, or if he had died or resigned, or from any disability had been unable to discharge the duties of Governor, the executive power of the State would have vested in the Secretary of State just as if he had been elected by the people to that position, and he would have served as such during the unexpired term.

Says the Constitution: "In case of the removal of the Governor from office, or of his death, resignation, or inability to discharge the duties of the office, the same shall *devolve* on the Lieutenant Governor." WEBSTER says that *devolve* means "to fall in succession; to descend by inheritance; to be transferred." Upon the resignation of Governor LANE, the executive power of the State was *transferred* to OLIVER P. MORTON, and O. P. M., by virtue of the Constitution, became just as much Governor as was H. S. L. And if by death, resignation or any other disability, O. P. M. should become unable to discharge the duties of Governor, the executive power of the State would be vested in the Secretary of State precisely the same as it was in HENRY S. LANE or OLIVER P. MORTON. So evident was the purpose of the framers of the Constitution in this regard, that they made no provision for the election of a Governor even in the contingency of the removal of the Governor or Lieutenant Governor from office, or the death, resignation, or inability of either to discharge the duties of Governor.

"J. MORRISON," in his opinion, as it appears in the Journal, and which is concurred in by "H. C. NEWCOMB," "DAVID MCDONALD," "A. G. PORTER," "J. D. HOWLAND," "L. BARBOUR," "JOHN L. KETCHAM" and "WILLIAM P. FISHBACK," all very learned in the law, "suppose it will not be contended by any one that Governor MORTON is ineligible by the *letter* of the Constitution." And that opinion concludes with the statement that they "entertain no doubt whatever of the eligibility of Governor MORTON to the office of Governor, after the expiration of his '*present incumbency*.'" These distinguished and learned legal gentlemen concede that Governor MORTON has *held* the office of Governor from the 17th day of January, 1861. The *letter* of the Constitution says the Governor "shall *hold* his office during four years, and shall not be eligible more than four years in any period of eight years." We suppose Messrs. MORRISON & Co intend to place this construction upon the *letter* of the Constitution. Governor MORTON was vested with the executive power of the State on the 17th day of January, 1861. Four years will not expire until the 16th or 17th days of January, 1865. Hence they "entertain no doubt whatever of the eligibility of Governor MORTON to the office of Governor" for three days from "the second Monday of January," 1865, provided he should be elected Governor at the next October election. In that event he will have *held* the office of Governor for four years, and the *latter* of the Constitution says the Governor "shall not be eligible more than four years in any period of eight years."

Treason and Confiscation.

The Constitution of the United States was framed and adopted shortly after the close of the Revolutionary war. Its framers, most of whom had been engaged in that struggle, had witnessed the violent passions which had been engendered during the contest, and the tendency of men, when excited, to transcend the bounds of justice and to act hastily and unadvisedly from the influence of prejudice and suspicion. In a very brief commentary on that clause of the Constitution relating to treason, by Mr. MADISON, (see Federalist papers, XLIII) the reason of the provision is explained. "As treason may be committed against the United States, the authority of the United States ought to be enabled to punish it; but as new fangled and artificial treasons have been the great engines by which violent factions, the natural offspring of free governments, have usually wreaked their alternate malignity on each other, the convention have with great judgment, opposed a barrier to this peculiar danger, by inserting a constitutional definition of the crime, and fixing the proof necessary for the conviction of it, and restraining Congress even in punishing it, from extending the consequences of guilt beyond the person of its author. Thus it is plain that the Constitution meant to limit the punishment of treason to the guilty person alone."

This provision is also consistent with the whole spirit of the Constitution, and consonant to the spirit of modern civilization and the genius of christianity.

The spirit of this provision was announced in the laws of Moses, as will be seen from the following quotations:

"Deut. c. 24, v. 16: The father shall not be put to death for the children; neither shall the children be put to death for the father. Every man shall be put to death for his own sin.

"Deut., ch 19, v 15: One witness shall not rise up against a man for any sin, at the mouth of two witnesses, or at the mouth of three witnesses, shall the matter be established.

"Levit., ch 19, v. 18: Thou shalt not avenge or bear any grudge against the children of thy people, but thou shalt love thy neighbor as thy self"

SAYS MONTESQUIEU: "The Christian Religion is a stranger to mere despotic power. The mildness so frequently recommended in the Gospel is incompatible with the despotic rage with which a prince punishes his subjects, and exercises him self in cruelty. Let us set before our eyes, on the one hand the continual massacres of the kings and generals of the Greeks and Romans, and on the other the destruction of people and cities, by those famous conquerors, ZIMUR BEG and JENGIS KAHN, who ravaged Asia, and we shall see that we owe to christianity, in government, a certain political law, and in war a certain law of nations; benefits which human nature can never sufficiently acknowledge.

It is owing to this law of nations, that amongst Christians victory leaves these great advantages to the conquered: life, liberty, laws, wealth and always religion, when the conqueror is not blind to his own interest."

"As soon as a Republic has compassed the destruction of those who wanted to subvert it, there should be an end of terrors and punishments. Great punishments, and consequently great changes cannot take place without investing some citizens with exorbitant power. It is, therefore, more advisable in this case to exceed in lenity than in severity; to banish but few, rather than many; and to leave them their estates, instead of making a vast number of confiscations. Under pretence of avenging the Republic's cause the avengers would establish tyranny. The purpose is not to destroy the rebel, but the rebellion."—[Spirit of Laws, Chap XVIII.

The Republicans are like JACK, in SWIFT'S tale of a Tub, when they meditate any rascality, they get down on their knees, roll up their eyes and begin to pray. The Administration party are attempting to still further violate the Constitution by pretending to make the confiscation act conform to it.

CIRCULATION OF THE BIBLE.—Hon. S. M. Bidwell, one of the managers of the New York Bible Society, stated in an address at Lenox, Mass., last week, that 1,200,000 Bibles and Testaments had been printed and issued by the American Bible Society during the past year. Every ordinary working day more than 4,000 are completed, being on an average of 7 per minute, and all done within the Society's building in New York, except the manufacture of the material. More than 1,500,000 Bibles and Testaments have been given to the army; and 300,000 have been sent beyond the rebel lines to the South. The Society's buildings and grounds are worth $300,000, and all were purchased and built by private subscription.

THE WASTE OF MEN.—The New York World estimates that the seven New York City regiments, which have returned from the seat of war to recruit their ranks, contain only fifteen hundred men. This estimate shows an average loss of about eight hundred men from each regiment!

Notwithstanding the enormous waste of money, that is a waste of men still more enormous in proportion to the trifling results it has effected.

[From the New York World.]

A Republican Publicist on the President's Proclamation.

Inasmuch as the government of a republic is controlled by public opinion, and elections are only the means by which this opinion is made efficient, the agencies by which public opinion is formed and enlightened are not less worthy of attention than the measures and policy of the government itself. We therefore offer no apology for giving prominence to the opinions of an individual writer when they are supported by a skill of statement and force of logic which fit them to make a powerful impression on the public mind.

Dr. Orestes A. Brownson, the eminent and learned, but somewhat erratic, Catholic publicist, announces in the January number of his Quarterly Review that he will not hereafter discuss theological questions in its pages, which will be devoted to philosophy, science, politics, literature, and the interests of civilization, especially American civilization. We take pleasure in commending his Review to our readers as worthy of their attention—not as a guide of opinion, but as provocative of thought. Dr. Brownson, though a Republican and a partisan, has a mind too teeming and vigorous to be the servile echo of any party or administration, and, like all independent thinkers, he strikes out views worth consideration even when he is in the wrong.

In the January number of the review there is a bold discussion of the President's message and proclamation of amnesty, which so riddles the scheme of reconstruction therein presented that there is little left of it but logical shot holes. Dr. Brownson is an advocate of Senator Sumner's State suicide theory, and has in this same number a long article on the Federal Constitution, in which he wanders through a maze of political metaphysics to find authority for that doctrine. We do not choose to follow him into this labyrinth, but thought it necessary to state his position in order to show that he looks upon the subject of reconstruction from a Republican point of view. His article on the message is valuable as demonstrating the egregious absurdity of the President's scheme, on the supposition that the seceded States are still in the Union. He, indeed, equally demonstrates its absurdity on more general grounds; but in the part of the argument just alluded to, he shuts up the President and his supporters in a corner from which there is no escape without accepting the State suicide doctrine. This is a valuable service, as it reduces the abolition controversy to a single point, and makes it turn on the truth of the new crotchet of which Mr. Sumner is the inventor and sole patentee. Dr. Brownson's positions cannot be so well stated as in his own language, and no reader will regret that so large a portion of what follows is in quotation marks.

Dr. Brownson is, on the whole, rather an admirer of Mr. Lincoln's character, or at least he credits him with as large a share of ability and good intentions as most of his Republican friends would claim for him. But he regards the President's plan as all the more dangerous from the strong hold he has on the respect of his party. "We honestly believe the plan unconstitutional, and fraught with hardly less danger to our republican institutions than the Southern rebellion itself, and all the more dangerous because it is not unlikely to enlist in its support so large a portion of the most fearless and devoted friends of the Union." He considers it ingenious and astute, "but it seems to us the plan of the politician rather than of the statesman, and to look more to the Presidential election than to the real welfare of the nation."

Dr. Brownson does not object to the plan on account of its bearing on the Presidential election. But he objects "to putting forth so important a plan with such a view and for such a reason."

Dr. Brownson dislikes the President's plan primarily because it is an assumption by the executive of powers which belong to Congress. If he had simply recommended the measure to Congress, and given his reasons, he would have proceeded to the full extent of his constitutional powers. "What we object to is the attempt by executive action, to forestall the action of Congress, or to place the whole question in such a position as to render it next to impossible for Congress to refuse its sanction. The President proceeds on the assumption that he is clothed with the whole war power of the nation; and as the war power is unlimited, while the war lasts he may do anything he judges proper." The following paragraph sets in a clear light the essential absurdity of the President's assumption:

"The civil organization of government cannot be done even by Congress under the war power, and if done at all, must be done under its peace powers, as specified in the Constitution. The seceded States are still States; that is, civil and political organizations in the Union, or they are not. If they are, the executive, neither under the war power, nor any other power, has any authority to establish military or any other governments within their limits. If they are not, their reorganization is the work of Congress under its peace powers. The executive has then, in either case, nothing to do with their civil reorganization till Congress has acted, and then only to carry out the law of Congress. Congress is competent to reorganize them under the peace powers of the government or it is not, for under the war power only military governments can be instituted. The institution or reorganization of civil government is always the act of the supreme political power, of the sovereign authority of the State or nation, and it is the work of peace, not of war. The President, then, when he tells Congress it must hold on to the war power, as the power under which the rebellious States are to be reorganized, forgets that neither he nor Congress can reorganize them under that power. The moment we came to the civil reorganization of conquered territory the belligerent rights have ceased, and only the rights of peace are in operation."

Dr Brownson having thus conclusively, as it seems to us, disposed of the President's claim to act at all, and of every claim to reorganize state governments under the war power, he turns to the pretense of doing it under the pardoning power, and makes nearly as clean work of that. "He claims, by virtue of his power to pardon a general dispensing power, for daring to exercise which James II. of England lost the crown of three kingdoms." The writer says he is the last man in the world who would deprive the President of the power to pardon and of the attribute of mercy, "but," he adds, with significant emphasis, "we do not wish to see it very grossly abused." The practical absurdity of Mr. Lincoln's use of it is placed in a novel and striking light. "All he asks of any rebel, as the condition of a full pardon and a full restoration to his political and civil rights, is that he take the oath of allegiance. All the prisoners of war we now hold, under the rank of Colonel, have the right under the President's proclamation to demand the oath and to be treated as free and loyal citizens the moment they have taken it." On the practical effect of the amnesty, if carried out as proposed, Dr. Brownson's reasoning is marked by vigorous sense. We quote:

"We said we objected primarily to the executive plan, because it is an executive plan. Every feature of it is marked by what seems to us an extraordinary assumption of power on the part of the executive. The President prescribes the oath, prescribes on what conditions the States in rebellion may recognize State Governments, and be recognized and represented in Congress as loyal States in the Union. Any one of them, with not less than one tenth of the number of persons who voted in the Presidential election of 1861, may recognize themselves as the State, and have the full Federal representation in Congress, to which the State under the census of 1860 was entitled! Why, the President could easily, by the distribution of Federal offices and patronage in any seceded State, unless there are fewer Union men than is pretended, induce at least one in ten, if assured of Federal protection, to swallow without scruple the prescribed oath, or any number of oaths he might prescribe, and elect State and Federal officers, whom he may choose to prescribe. With the Federal representation of eleven States, who would be his nominees and creatures, and the number from the other States he could always command by the distribution of the patronage of the government, the executive could easily grasp for himself the whole power of the Union, reign as an absolute prince, perpetuate by re-elections his reign during life, and reduce the functions of Congress to that of simply registering his edicts; or, if it should now and then show a disposition to demur, he could, after the manner of Louis XIV, hold a *lit de justice*."

Dr. Brownson does not impugn the motives of the President, who "seeks power only as the means of doing good." But this only renders the scheme the more dangerous. The scheme is cunningly devised, and admirably devised to make the executive practically the government, and even the State, and to open the door to wholesale political corruption, and to force the people to cheat themselves out of their honesty and their liberty." This absurd scheme of re organizing with one tenth of the legal voters leads the writer to suggest that the President seems to have inherited from his old English Whig ancestry something of the doctrine that "government can only be carried on by trickery and corruption." But what he most insists on is the logical absurdity of the scheme, not its corrupting tendency. It is so utterly inconsistent with the idea that the seceded States still exist as States, that those who maintain it "are capable of maintaining, in spite of the logicians, that of contradictories both may be true." Here is a detached scrap of his argument:

"The General Government cannot interfere in the internal affairs of a State recognized to be a State in the Union, and is as much bound to respect the State constitution and laws not repugnant to the constitution and laws of the United States, as the State is bound to respect the constitution and laws of the General Government. If the President denies the seceded States have ceased to exist, he has no right to institute either military governments or civil governments for them, or to prescribe the conditions on which they may become States again, and be restored to their rights as States in the Union, for they are, on the supposition, already States in the Union. So much must be clear to the veriest tyro, and ought to be clear even to our radical-conservative friends of the Times. But if the seceded States have ceased to be States, and become simply population and territory belonging to the Union, then again the President has no authority either to reorganize them or to prescribe by proclamation or otherwise the conditions on which they may reorganize and be recognized as States. In either case, the executive action is revolutionary and indefensible, as much so as the action of secession itself. There is no principle known to our Constitution, written or unwritten, on which the action of the executive can be justified, or even palliated."

Dr. Brownson portrays the beauties of the re construction scheme with great boldness and felicity of touch. No person will object to the length of the following extracts:

"A State with nine tenths of its population disloyal and excluded from the ranks of its political people, evidently could not sustain itself and discharge its proper functions as a State in the Union. It would have to be held up and nursed by the government, and thus would be opened the door to political intrigue and corruption, exceeding anything we have yet known, even in this city. Its representatives in Congress would be virtual nominees of the Administration, and the Congressional Districts would be only so many "rotten boroughs" owned by the government. No election would or could be free. Besides, with here and there an individual exception, the men who would take the oath and be allowed to vote would be the weakest and least energetic portion of the population. The portion of the Southern people who have the most character and are the best fitted to govern and look after the interests of the State or the Union, are precisely those who would be excluded by the test oath. The majority of the voters would be composed of government employees, adventurers from other States, with very little honesty or principle of any sort, and without any permanent interest in the State, or connection with it. Here is a grave consideration.

* * * * * *

"We cannot understand why one Union man in South Carolina, Tennessee or Louisiana, should count for ten in Massachusetts, New York, or Pennsylvania. We know no reason why they should have any vote at all, while the great, the overwhelming majority of the population are in rebellion. "But that majority are politically dead." Then do not count them as a basis of representation. Abstract them from the whole population given by the census of 1860, and take only the remainder as the representative population. You cannot do that legally. The State is the State, and you must count its whole population or none. Then do you not see the gross inequality and absurdity of pretending that they are States in the Union, with all their Federal rights unimpaired? Moreover, the Union men in the eleven seceded States are not citizens of the United States. They are enemies, and are declared to be so by the Supreme Court in the Hiawatha case, and have been since the 13th of July, 1861, and their territory is enemy's territory, otherwise the President could never have placed it under military governors or blockaded the Southern ports. The Supreme Court have decided that the war we are carrying on is not a simple war against insurgent individuals, but a territorial civil war, which makes every man, woman, and child in the rebellious territory an enemy. The interdict must be removed from that territory before these Union men cease to be enemies, and that cannot be removed so long as the law of Congress of the 13th of July, 1861, remains unrepealed, and the great majority are still hostile, without a gross abuse of executive power. We do not know that even these Union men in the seceded States are any better than the Union men in the organized territories under the government of the United States. And why should they, any more than these, have a federal representation and an electoral vote?"

The relentless logic of Dr. Brownson does execution like the knife of a dissecting surgeon. If there was any life in the victim at the beginning of the operation, it is cut into too small pieces for any to remain at its close.

[From the Boston Pilot.]

Miss Esmonde and the Irish National Fair.

The managers of the Irish National Fair at Chicago are determined to surpass anything of the kind ever held in this country, in the extent, variety, and rarity of the articles to be presented for disposal. To add to the attractions of the occasion they have opened correspondence with the most eminent Irish orators, elocutionists, &c., to grace each evening of the Fair with their talents. They have the pleasure of announcing that the first response they have received is from the talented Irish Reader and Elocutionist, Miss Teresa Esmonde. The following is the letter in which she volunteers to come to the West and give her services free for the glorious object of the Fair.

The managers feel that it is unnecessary to speak of Miss Esmonde to the people of Chicago, where she is so well known and appreciated; but they would say to those of their countrymen and women who have not been fortunate enough to hear her that her manner of rendering the glorious songs and ballads of the dear old land is unapproachable, and has met with unbounded applause from the press and public throughout the land. But what endears her most to her countrymen is her heroic and generous patriotism.

When Prince Albert landed in Waterford, a large crowd was assembled and gazing with sullen indifference at the pageantry, an officer of the English navy, mortified at the cool reception the Prince was receiving, stepped forward and shouted, "Irishmen, this is His Royal Highness, Prince Albert! Three cheers for the husband of our beloved Queen!" But, quick as thought, before an answer could be given, Miss Esmonde, who happened to be in the crowd, exclaimed in a voice loud enough to be heard by all, "Irishmen, who will dare to shout for Prince Albert in the home of Meagher?" It is needless to say that the "husband of our beloved Queen" received no cheers on that occasion.

To the Lady Managers of the Irish National Fair:

LADIES: Most cheerfully do I respond to the managers of the National Fair, to give a reading in Chicago, for the grand object in view. I am only too happy if any feeble effort of mine can in any way assist that Ireland, whose daughter I proudly claim to be, in the final struggle for freedom. How fondly do I hope that through the united efforts of all our race, I may yet see her happy and free. Here let me express regret by sympathy and deep feeling for the death of that great Chief, the brave and true-hearted General Corcoran, whose loss is irreparable to the land he loved so well, and to achieve whose independence he would have willingly sacrificed his life.

Wishing every success to your undertaking, I remain, ladies, your obliged friend and fellow country-woman, TERESA ESMONDE.
BROOKLYN, N. Y., Jan. 1864.

☞ A Doctor of Divinity did a fine thing the other day in ringing the changes on "He that hath ears to her, let him hear." "He that is accessible to aurcular vibration," said the Doctor, "let him close the gates of his tympani."

From the New York Metropolitan.

What we are Fighting for—The Case Argued.

NEW YORK, August 19, 1861.

DEAR SIR: In the World's issue of the 3d inst., there is an article entitled "Give us the best Officers," which explains to its readers "What we are not fighting for," and then subjoins a further declaration to let them know "What we are fighting for." Having chanced to read this article, and believing its contents untrue, I have made, and venture to send you, the following observations upon it, that you might cause them to be published, if agreeable.

Instead of referring to that paper's columns for its statements concerning the two points above mentioned, I transcribe each of them in full before I make any remarks upon it. In so doing, I deviate, perhaps, from what is customary on such occasions; but my object is that the reader, who has not those statements at hand, will thus have the whole case, pro and con laid before him, and, consequently, be the better able to judge which of the two parties is in the right.

Yours very respectfully, PHIL. V.

As to the first point, the World says:

"I. We are not fighting to subjugate the South. It is a wrong impression that the North wishes to control the South. The only wish is, that all should acknowledge and recognize the Federal Constitution as the great chart of our liberties and civil duties."

Well said; only it is not true. Is it "a wrong impression that the North wishes to control the South?" One should pray it were so; but the facts are these: The present war, it is pretended, has been occasioned by the secession of [illegible] Southern States from the Union; and the secession of these States, it is notorious, has been caused by the North having now even officially declared that she intends to deny their citizens the use of such rights in the common territory as the Constitution has secured to them.

What, then, are we fighting for? If it is true, as the World affirms, that "the only wish is, that all should acknowledge and recognize the Federal Constitution as the great chart of our liberties and civil duties," well may the North lay her arms down, and better far would she have done had she never taken them up at all. For that the Federal Constitution is the great (and only) chart of the liberties and civil duties of the American citizen, the South always did, and does now at this present moment, recognize in the fullest sense of the word.

"II. We are not fighting to extinguish slavery. Slavery is recognized under the Constitution, and the North would not interfere with the rights which the Southern States enjoy, by the Constitution, in regard to their slaves. Only their own persistence in rebellion can damage slavery."

By the writer's leave, all and every word of this clear profession (except only that "slavery is recognized under the Constitution") stands before the world convicted of falsehood by the past as well as the present.

Would not interfere? And what else has the North been doing these thirty years but working hard with all her might to extinguish slavery? With the sole view of accomplishing this end, every art has been resorted to; all sorts of means—open and secret, public and private—have been made use of, and all unlawful. These are facts, too certain to be gainsaid, too well known to need remembering, too numerous to be here even barely mentioned.

But, to pass everything else over in silence, who is ignorant that the secession of the Southern States, on whose pretext our country is now forced to undergo (if it can) the whole trial of this calamity, has been the natural, the necessary effect of the above mentioned declaration of the North that her fixed determination is not to allow the citizens of the South the use of their property in the common territories of the Union?

Or is the citizens' right to use their property in the common territories less clearly and positively guaranteed by the Constitution than it is in their native States? I would fain learn in what part of that instrument is the line of difference drawn, by which the writer of the above-quoted paragraph, or any man, may think himself justified in affirming that "the North would not interfere with the rights which the Southern States enjoy, by the Constitution, in regard to their slaves," when the North openly professes her intention to be, "To refuse the citizens of the Southern States the right of settling with their slaves in the common territory of the Union!"

"III. We are not fighting for rapine and plunder. A sacred regard has been, and will be, paid to personal property, except where it is employed to resist the General Government, or to further the existing rebellion. There is no intention to invade the privacy of domestic life, or in any way to injure —— ——; and the high-minded soldiery—both officers and men—would scorn the imputation thrown out for the sake of effect by certain military leaders."

Against this proclamation and chivalrous announcement I should have no observation to make, except as regards the threatened condemnation and seizing of personal property, "where it is employed," the writer says "to resist the General Government, or to further the existing rebellion." But, as the justice of such seizing is only dependent upon the justice of our fighting, and as the justice of our fighting is attempted to be vindicated in the following explanation of "What we are fighting for;" therefore I leave here the matter untouched.

For the rest, I would cheerfully subscribe to the sentence that "both officers and men would scorn the imputation" referred to in the paragraph; although I have heard it related by creditable persons that some of those engaged in raising men against the South have actually enticed them to go by laying before them the tempting prospect of rapine and plunder, saying, "you may be sure, every one of your, to come back rich with the spoils gathered from the well stored houses of the Southerners."

But, with regard to the World's editor, I am at a loss how to make that chivalrous proclamation agree with certain passages in the letter of "his special correspondent" in Washington, dated August 1st, and printed by him in the very next column of the same paper, under the caption "The war for the Union!" Their tenor is as follows: "You have heard of the drunkenness, marauding, rapine, and even bloodshed, which prevailed along the avenues until this week;" and a few lines below: "Look at the license given to our troops from the outlet .. the unpunished robbery, incendiarism and violence perpetrated, in defiance to orders, on the march."

This correspondent, we must believe, alludes to ascertained facts, and speaks from personal knowledge. What sort of correspondent would he otherwise be? And a special one, too! Unless, then, the World's editor has reason of his own for understanding those passages in a different sense from what their words plainly and necessarily signify, it seems that the high tone of eulogium which he pays to the high minded soldiery must abate somewhat from his correspondent's letter.

I will admit that the import of those passages little affects the officers, supposing them unable to make their orders obeyed by undisciplined or undisciplinable troops; although the expressions "the license given to our troops," and "the unpunished robbery, incendiarism and violence," would make one think otherwise; but certainly it does fully affect the men, whose mind, and character, and resolution to do, are therein distinctly and completely enough delineated. On the other hand, one may consider that it is not in the officers, how extravagantly soever multiplied, but it is in the men that consists, as to numbers and material force, almost the whole of that which goes by the name of soldiery.

Yet still, in that communication from Washington, there is one good thing which highly recommends our soldiers, and deserves carefully to be taken notice of—it is their impartiality. They are, in fact, represented as having no respect of persons, but as being determined to treat their friends and their foes alike.

The World next proceeds to declare the second and most important point of its undertaking, and says:

"WHAT WE ARE FIGHTING FOR.

1. To uphold a Government constituted for the benefit of all the people in the United States, and which has been ruthlessly assailed, with a view to weaken or destroy it."

These are common place expressions which, though they might be true in an indefinite sense, yet, in a controversy between two parties, can serve no purpose, as they have no meaning, unless good proof is at the same time given that the application of their import is true as intended by the writer. Whenever general words are not accompanied by such proof, and their meaning is, consequently, left in that loose condition which their literal sound gives them, then they may be, and but too often are used by both parties in differently, each to justify itself and condemn the other.

Thus, one politician recommends a measure to the people, and assures them that in its adoption consists "the public good of the country;" whereas his antagonist protests against it, and assures the same people that "the public good of the country" consists in rejecting that measure, and in adopting the one which he himself proposes, diametrically opposite to the former! Whence it is plain that the efficiency of general phrases must needs depend upon the evidence which fixes their vague meaning so as to make their application true in that sense only which is employed by the speaker. And as this generally is not done by the orators of either side, hence the blunders so frequently made by the people in both adopting and rejecting the proposed measures, respectively. They are carried away by the sound of those general words, which they believe true by implicit faith. The worst of it is that it is the people themselves only who pay the penalty; as if they were the only, or even the principal, authors of the mischief! Perhaps they are.

In the present instance no such evidence has been given us by the writer of the above quoted paragraph. Not only so, but there are good reasons for turning his general proposition into a sense which is exactly the reverse of the one he insinuates. For, to which of the contending parties may be justly imputed the design of weakening or destroying our government, past experience fully proves.

The South has never done or attempted anything that might be construed into such a design, or tend to such a result. On the contrary, she has constantly (though not always with the same [illegible], which is a pity, and in a manner her fault,) endeavored to maintain for her citizens those rights inviolate which the Constitution guarantees to them. Now, it is obvious that the effect of these endeavors, if successful, could have been no other but to strengthen and more firmly establish our government.

If that writer knows aught that has been done by the South, contrary to what I have advanced, I desire him to prove it (not from politicians' speeches, but from ascertained facts,) and I am ready to join him in condemning her. For, while the two parties are engaged in fighting upon the field, or taking some rest in their camps, we may quietly examine into their past doings, and bring to light what has placed them in the sad position they now occupy toward each other. It is only thus that the people at large (who are the supporters of the war, and the chief, if not the only, sufferers from it,) may be made to understand the causes which have brought it upon them. Then, and not before, can they say to themselves, "We now see what we are fighting for."

The North, on the other hand, has done almost nothing else, during these thirty years and more, but to employ all means, though forbidden by the letter as well as the spirit of the Constitution, in order to prevent the citizens of the South from enjoying their rights, which that instrument has secured to them. Of which endeavors, if that writer does not think otherwise, I affirm that, according to the clearest dictates of reason, and upon the plain principle that the effect must unavoidably be produced by the working of its own cause, the consequence could have been no other, but to weaken at first, and in time to destroy "a government constituted," as he justly says, "for the benefit of all the people in the United States." They have, in fact, succeeded in breaking it asunder.

I think he will not ask of me to give proof of such efforts made by the North as I have alluded to in the preceding paragraph; nor can his readers be in need of it. If this were the case, I would refer them—1st. To the open as well as secret arts which she has practised in the Southern States for enticing the slaves away from their masters; 2d. To her press throughout, in the shape of newspapers, tracts, pamphlets and books. These are even now, and from numerous sources, largely distributed amongst the men of our army, and made to reach as many slaves in the interior of the Southern States as possible; 3d. To her preachers of abolitionism, even among the clergy; 4th. To "the personal liberty bill," so called; 5th. to her attempting to invade the South *armata manu*, and excite there a general insurrection of the slaves against their masters; 6th. To —— But, since we are at present upon the subject of a war, under which this country is actually wasting away before our eyes, it is here sufficient to point out its direct and immediate causes. For this I would refer them—1st. To the official records of Congress, whose motions and debates since 1819 present to the world no other spectacle but that of a continued, uninterrupted struggle between the two sections of the country, the North attacking the South to wrest from her her constitutional rights in regard to the common Territories of the Union, the South defending herself against the attacks of the North, in order to hold those rights firm in her hand. 2d. To "The New England Emigrant Aid Company," incorporated by act of Legislature in the State of Massachusetts, "with a capital," says the report of a Committee on Territories in the Senate, "of five millions of dollars, invested in houses and lands, in merchandize and mills, in cannon and rifles, in powder and lead," whose purpose was that of filling Kansas Territory with people devoted to abolitionism, and ready to employ all means to hinder the Southerners from settling there with their slaves; 3d. To "The Kansas Aid Society," organized in the city of Washington by the very members of Congress of both Houses, of which association, one of its honorable members assures, in public testimony under oath, that "the leading primary object was to prevent the introduction of slavery into Kansas," and to this end circulars were issued "to the people of the country, of the Northern States particularly, urging that steps be taken to induce persons from the North, who are opposed to slavery, to go there, and prevent its introduction. Are not these things true? or are they not telling? It seems they are.

But not to mention other particulars, I would refer the World's readers to the announcement made by the North both at the time when, in the late Presidential election, she was striving to get, and ever since she has got into official power, namely, that she is still determined to carry out her purpose, not to allow the citizens of the South to settle with their slaves in the common territoritories. For although such an announcement on the part of the North is no new thing, but only a repetition of what she had always proclaimed, yet still, considering the particular time and circumstances in which it has now been made and acted upon, it was now a thousandfold more significant and weighty than it could have been ever before. One may regard it as the great seal affixed to the public record of the North's former attempts against the South; embodying not only a solemn approbation and confirmation of them, but also a further promise never to desist from renewing them until they are crowned with success. It was the last drop that fell in a vessel already too full.

For this announcement of the North has directly caused the Southern States to secede from the Union; the secession has been made by the North, the occasion, or pretext, of calling the people to arms for invading the Southern States in order to treat them as rebels, and reduce them to subjection; this invasion the Southern States are now resisting; and this is the war. I believe the readers of the World do now clearly see "What we are fighting for." PHILO V.

To be continued.

—In Spain, a woman on her marriage retains (as with us) the name, the proper name, by which alone she has been baptised. She also retains her *apellido*, or surname. The children not unfrequently take the surname of both their parents—not with a disjunctive *alias*, but with a conjunctive *y* (and), as Don Francisco Quevedo y Villegas. When the rank of the mother is considerably more exalted than that of the father, the surname of the mother is sometimes taken alone.

CORRUPTION.—Corruption in the Treasury Department at Washington, frauds in the Navy Department, in the Commissary Department, in Ohio, in New Orleans, in every department of the government and of the army, and treason in the Custom-house, among the leaders of the Republican party, should lead honest men to realize the true character of those who are controlling the government.

☞ The message of the Governor of Ohio estimates the total loss by the Morgan raid in that State at $897,000.

John Morgan in Richmond—He Visits the Libby Prison—Address to his Troops.

[From the Richmond Enquirer, January 11.]

On Saturday the city's guest, General John H. Morgan, escorted by His Honor, Joseph Mayo, Mayor of Richmond, Acting Adjutant General R. A. Alston, Mr. Bruce, M. C., from Kentucky, and a number of others, paid a visit to the Libby Prison, where an opportunity was afforded them of inspecting that famous receptacle of Union sentiment, and the parties who gave it vitality. These in round numbers, foot up considerably over a thousand—an aggregate sufficient to make a most respectable regiment, so far as mere numbers are concerned. General Morgan and party arrived at the prison about 11 o'clock, and, on making their wishes known, were immediately conducted on a tour of inspection. General Morgan, on arriving up stairs, where the prisoners "most do congregate," was immediately conducted into the presence of the "author of the Maine Liquor Law," the whilom Brigadier General Neal Dow. An introduction took place, when Morgan observed, with one of those inimitable smiles for which he is so noted, "General Dow, I am very happy to see you here; or, rather I should say, since you are here I am happy to see you looking so well." Dow's natural astuteness and Yankee ingenuity came to his aid, and he quickly replied, without apparent embarrassment, "General Morgan, I congratulate you on your escape. I cannot say that I am glad you did escape, but since you did, I am pleased to see you here." The conversation then became general between the two, during the progress of which Dow admitted that the views of the South, its people and their treatment of prisoners of war, had undergone a material change for the better in the last few months.

Gen. Morgan also had an interview with the notorious [illegible] days previous to his visit, been released from close confinement for attempting to escape from prison, and restored to his old place among the other officers. It has been conjectured, by persons wise in reading the motives of men by their actions, that this man hoped, on his entrance into the prison, by taking the most ultra position on the questions dividing the North and South, to become the leader and host of his fellow captives. If such was his desire, he most signally failed, as it is known that he is by no means popular among them; "on the contrary, quite the reverse." Streight is a tall, raw-boned, broad chested, sandy haired, big whiskered, uncouth looking man, with arms swinging like the wings of a windmill in the doldrums. He has acquired a considerable quantity of disjointed information on a variety of topics, while pasturing in the literary fields of Yankeeland. Knowing a little of everything, and not much of anything, has made him a free thinker, and ready adherent of all the isms peculiar to his section. He does not, it is said, believe in a God or Devil, which is not at all wonderful, considering the locality from which he hails. Gen. Morgan said to Streight, in his interview with that individual, that it was his desire to ameliorate the condition of all the prisoners in our hands, and he would do so as far as lay in his power, despite the fact that some of his own men had been tied up by their thumbs and subjected to other cruelties abhorrent to human nature for endeavoring to escape. The interview between the two seemed to be mutually satisfactory. If the sketch we have drawn of Streight presents that individual in an unamiable attitude, he has only himself to blame for it. All of the officers in the Libby can not be placed in the same category as himself—it would be surprising if they could. There are many of them persons of education and refinement, and who, under a different state of affairs, would display these kinder impulses that dignify and adorn human nature, even in its most depraved state. Even in these modern times, we may readily conceive that there is such a thing as a passably good man being "moved and seduced by the Devil." Hardly any one will deny that the upholders of Abe Lincoln have been operated on by the gentleman in black.

While the majority of the prisoners seemed gratified at the visit of Morgan, and all pleased at his personal experience, so different from what their imaginations had depicted, the Kentucky officers expressed the most unqualified delight at seeing the favorite son of their own State. They expressed themselves openly not only as delighted to see him, but delighted also that he had escaped from prison and was once more at liberty. Some of the expressions used by the Kentucky Yankees elicited the decided disapprobation of their wooden-nutmeg compatriots; but nothing could repress the expression of genuine Kentucky feelings on the part of the Federal officers from that State toward "the great bandit."

While at the Libby, General Morgan visted the hospital attached to the prison, and gave high praise to Surgeon Wilkins and his co-laborers for their efficient conduct. The General said the hospitals were all that could be desired, and kept in true military style.

The only drawback to the pleasant reflections induced by their visit, was the existence of a fact which unconsciously leaked out during its progress. On several occasions, lately, owing to the inefficiency and want of industry or attention on the part of the Quartermaster charged with the duty of furnishing fuel for the use of the Libby, the imprisoned officers have stood shivering for days in the cold. On Christmas day, it appears, the Yankees went dinnerless, because there was no wood to cook their food. A few days thereafter, the dinner tables used by the officers were consumed for fuel to cook their food with. Doubtless an inquiry would show that the officers and guards of the prison were no better off. This state of affairs should not exist. The wood is here, and a little industry would make it available. The party to blame in the matter should be stirred up with a particularly long pole.

HEADQUARTERS MORGAN'S CAVALRY,
DECATUR, GA., Jan. 1, 1864.

SOLDIERS—I am once more among you, after a long and painful imprisonment.

I am anxious to be again in the field. I therefore call upon all the soldiers of my command to assemble at once at the rendezvous which has been established at this place.

Your country needs your services; the field of operations is wide, and the future glorious, if we only deserve it.

Remember how many of our brave comrades are still pining in a felon's cell. They call loudly on you for help. They expect it of you. Will you disappoint them?

Come at once, and come cheerfully, for I want no man in my command who has been sent to his duty by a Provost Marshal.

The work before us will be arduous, and will require brave hearts and willing hands. Let no man falter or delay, for no time is to be lost.

Every one must bring his horse who can. Those who cannot will have them furnished.

JOHN MORGAN,
Brig. Gen. P. A. C. S.

How Soldiers are Treated on Riker's Island—Disgraceful Proceedings.

The Brooklyn Daily Union says:

Horrible stories about robberies and outrages on the volunteers on Riker's Island, are brought to us by an army officer. If true, they reveal a horrible system of positive crimes which reflect disgrace on all concerned. Our informant states that recruits when taken to the Island are placed in line upon the parade ground, and there one by one stripped naked, regardless of weather, to be searched for concealed citizen clothes; that this search lasts from an hour to an hour and a half, during which time the shivering men are kept in the open air, and then sent to comfortless wedge tents to freeze, sicken, and perchance die, from the effects of this barbarous exposure. Furthermore, is said to be practiced, a system of the most shameful extortion. During the excessively cold weather, some of the men bought little sheet iron stoves, worth $1.25 at retail in the city, to place in their tents, for which they were charged the sum of $10 each. At one time, the only well on the Island was frozen up; for two days, the men were without a supply of water, and, when water was brought them by lighters, it was so foul from the vessels in which it had been brought, as to be unfit for use. At this time, it is said, water was sold for $5 per canteen full. Forty cents were demanded and paid for a sixpenny pie, and twenty-five cents for a paper of chewing tobacco.

☞ More shells were discharged in the single battle of Gettysburg than were employed in all the battles Napoleon ever fought.

—The State of Connecticut has filled her quota and 500 over.

—The loss of life on the French railways is only one in seven millions of passengers.