DAILY SENTINEL.

THE UNION—IT MUST BE PRESERVED.—Jackson

SATURDAY MORNING, SEPTEMBER 16.

Proclamation of the Governor Convening an Extra Session of the Legislature.

EXECUTIVE DEPARTMENT OF INDIANA.

WHEREAS, The Constitution of the State of Indiana empowers the Governor thereof, whenever in his opinion the public welfare shall require it, to convene the General Assembly in special session;

Therefore, I, OLIVER P. MORTON, Governor, do hereby convene the General Assembly of said State, and require the members thereof to meet in their respective Halls in the State House, in the City of Indianapolis, at 2 o'clock P. M., on Monday, the 13th day of November, 1865.

[L. S.] Done at Indianapolis, this 13th day of September, A. D. 1865.

By the Governor:
O. P. MORTON.

Attest:
NELSON TRUSLER,
Secretary of State.

DR. J. VOLNEY DORSEY AND O. P. MORTON.

Both of the celebrated gentlemen, whose names stand at the head of this article, are very "patriotic" and "loyal" individuals in the modern acceptation of the term. If reports do not belie them, both of these "patriotic" persons have used their official positions to feather their nests. In some respects their history is identical. Both of them claimed to be the "soldier's friend;" both have been foremost in making welcome speeches to the veterans who have been relieved from service, and both on those occasions took the opportunity to publish and claim an unselfish devotion to the interests of the country and at the same time to denounce their political opponents with all the vile epithets which has been so common in the Republican vocabulary for the past four years. It appears that J. VOLNEY DORSEY has been brought to grief by his partizan friends for violating his oath of office and using the funds of the State to advance his private interests. There is an old adage which reads "a fellow feeling makes us wondrous kind," and it is illustrated in the sympathy which O. P. M. and his satelites manifest for their fallen Ohio friend.

The present treasury system of Indiana is modeled after that of Ohio. It was the purpose of the active members of the House Committee of Ways and Means in our Legislature, at the sessions of 1859 and 1861, by the most stringent enactments, to guard the Treasury from any assumption of responsibility or use of the public funds upon the part of the officers of State. The income or revenues of the State were to be deposited, as received, in the vaults of the State Treasury, and the Treasurer and all persons connected with the Treasury Department were expressly forbidden "to *pay out* or *receive* any public money in any other manner than as *prescribed by law*." To do so was made a misdemeanor, the penalty of which was a fine and imprisonment. In these regards the laws of Ohio and Indiana are very similar. The "loyal" J. VOLNEY DORSEY, for loaning the public funds and for speculating in stocks through the use of the money of the State, in violation of laws and his official oath, has been ejected from his office of Treasurer of State by the Republican Governor of Ohio, arrested and held to bail. The Journal endorses most fully this dealing with J. VOLNEY DORSEY and hopes the example will be followed in all cases of similar official delinquencies. This is all right, but when an application of its counsel is made in the case of the Governor of Indiana, a sudden change comes over it, because *its ox*, or *bull*, is gored. Let us look at the facts in the case, first, as acknowledged by the Journal. Referring to the Legislature of 1863, the Journal makes the following remarkable concessions:

"The Legislature adjourned without making the necessary appropriations to carry on the State Government, and provide for the interest upon the funded debt of the State. *Governor Morton decided to run the machine upon his own responsibility*, and not close the benevolent institutions as Governor Willard had done, but relied upon advances from the *loyal* counties and corporations for the necessary means."

Let us proceed a little further. In the official report of W. H. H. TERRELL, Financial Secretary to the Governor, May, 1864, we find an address to the people of Indiana, signed OLIVER P. MORTON, Governor of Indiana, in which occurs the following admission, quoting his own words:

"The Legislature of 1863 adjourned on the 9th day of March without making any appropriations for defraying the ordinary and extraordinary expenses of the State Government. * *

"The Auditor and Treasurer of State, upon being instructed by me immediately after the close of the session, decided that not a single dollar, in the absence of legislative appropriations, should be drawn from the public funds in the Treasury for those objects."

Here is a candid acknowledgement by the Governor that the officers of State decided to be guided by the laws of the State and their oaths of office. But far different was it with His Excellency. The action of his party friends in the Legislature defeated the necessary appropriation bills. In this emergency the Constitution conferred upon him the power to remedy the difficulty, by assembling the Legislature in extra session. He was, also, assured in case he should do so, and to remove his fears that legislation obnoxious to him and his party friends would be found for consideration before passing, or to defeat necessary appropriation bills, by a sufficient number of Democratic members, that the appropriation bills should be acted upon before any other subjects were considered. But in the face of this assurance, and in violation of the Constitution and laws of the State, he "decided to run the machine" (that is, the State Government,) "upon his own responsibility." In the case of J. VOLNEY DORSEY, it is not stated that the State will be a loser. In fact there is no probability of a defalcation, and he is not charged with it. The Republican papers of Ohio, with our neighbor, the Journal, approve the removal of DORSEY for violating his oath of office. Now we ask, what difference in the case of DORSEY and MORTON? The latter established what he called a Financial Bureau, entirely independent of the State Treasury, and as an officer of State, in violation of law, received and used public moneys which should have been paid into the State Treasury, and only drawn out as prescribed by law. Certainly the Republicans of Indiana should not condemn the "loyal" DORSEY, unless in so doing it is their purpose to censure the "patriotic" MORTON. It appears that the "loyal" DORSEY made a great deal of money by appropriating the public moneys to his own use, and it is asserted that the "patriotic" MORTON is now the richest man in Indianapolis, accumulated since his advent into public life in 1861. DORSEY and MORTON *par nobili fratrum!* One run the "machine" in Ohio and the other in Indiana.

The Journal charges that the State Printer in 1863 was paid for his services "under an old statute that had been repealed years before." The editor of the Journal knows, or can know if he is ignorant, that his statement is a lie. He can't relieve his master by any such miserable misrepresentations.

FORTY-FIVE prominent Democrats of Illinois have called a meeting of Democrats to endorse President Johnson's policy

THE LATE SUPREME COURT.

The Journal, in an article in its issue of yesterday, in alluding to the late Supreme Court, uses the following language:

"A case was trumped up, and after no small amount of 'strategy,' was finally brought before a court whose partisan character had rendered it somewhat notorious throughout the country. This court disregarded all the precedents by their own partisan friends through a long series of years, and decided that the money should not be sept."

We are animated by a desire to avoid all controversies into which the judiciary of the State shall be drawn, and have on all occasions avoided any reference to the present bench. We supposed after the election was over and the gentlemen composing the old bench had retired to private life, that the unfounded, ungenerous and unmanly attacks made during the campaign by the Journal, for partisan purposes, would cease. It seems, however, that in this we are mistaken, and that the malignity of the Republican central organ is not yet exhausted. The judicial action of the gentlemen composing the late Supreme Court requires no vindication from us. It is admitted by all fair men that their judgments in which the Journal is pleased to call partisan cases were not only characterized by the fairness and deliberation becoming so high a Court, but that the principles enunciated and conclusions arrived at were such as the facts absolutely required.

Does the Journal wish that the action of its judges shall become the subject of newspaper criticism? Has no portion of their brief judicial career been such as to suggest the suspicion of partizanism? It is very common in this city and elsewhere for prominent and leading Republican lawyers to denounce all decisions of the late Court as unworthy of respect, upon the ground that it was a Democratic Court—and they have created the impression that they would be overruled by the present bench whenever they were presented for its consideration. Whether these gentleman are right in their speculations, we do not know, but time will show. We merely wish to say to the Journal that we have no desire to engage in any criticisms of the judiciary. We are no lawyer and we will not cast any reflections upon the legal profession by supposing that even the editor of the Journal is one, but if the Republican central organ desires to engage in the business, we will in such an event determine what our duty in the premises may be.

KENTUCKY METHODIST CONFERENCE.

The Kentucky Conference, at its session in Covington, on Thursday last, adopted the minority report on the state of the church, and declined to unite with the church North. A rupture took place, and seventeen of the members of the Conference have withdrawn from the itinerant ranks, and demanded a location, which has been granted.

STATE ITEMS.

—Gen Sherman announces that he will be at the Dearborn County Fair on the 27th of this month.

INDIANA CONFERENCE.—The Thirty-Fourth Session of the Indiana Conference, Methodist Episcopal, met in New Albany on Thursday last. Bishop Scott was unable to attend the opening exercises on account of ill health. Rev. C. Nutt, D. D. was elected Vice President. The first days' proceedings consisted mainly of religious exercises, the appointment of committees on various subjects, the advocacy of various religious and benevolent enterprises and various propositions for the consideration of the Conference and the committees. The New Albany Ledger thus refers to one:

"A motion was made that Chaplain Lozier be permitted to address the Conference for thirty minutes on the subject of the Soldiers' Home. which it is proposed to locate at Indianapolis. The motion was carried.

"Chaplain Lozier then, in the earnest style characteristic of the man, explained what was designed by the organization of this plan of a Soldiers' Home. We have not the room to day for even an abstract of his speech, but we must be permitted to say that on some points we could not possibly agree with the propositions he laid down. At another and more appropriate time, we may refer to them. The object, however, is to make "The Home" an exclusively Protestant institution by State legislation."

—Another fatal accident occurred on Monday. Wm. Pruitt, one of the oldest citizens of this county, while on his way down the railroad from Edinburg toward Taylorsville, was met by the up train and was struck by the engine or tender and instantly killed.—Columbus Democrat.

THE CROPS.—The corn crop in this section promises an abundant yield. Potatoes bid fair to be extensively injured by the rot. The apple crop will be heavy. The yield of grapes is very large, while mast is ripening in immense quantities.—Winamac Democrat.

POTATO ROT.—The potato rot has appeared in different parts of this county. The destruction is not as yet serious, but fears are entertained that it will become so, especially if the wet weather continues. The rot has also made its appearance in many other parts of the State, and also in Ohio and Illinois. Notwithstanding the unusually large number of acres planted and the enormous yield, it now seems quite likely that sound potatoes will ere long bring a good price. —South Bend Register.

ELOPEMENT, ABDUCTION AND ADULTERY—On Monday evening a man and woman arrived in this city by the night train, and stopped at the Washington House. The man registered the names as Oscar Hall and wife. They remained there all night, occupying one room, and, as the woman swears, one bed. The next day the man expressed a desire to obtain a boarding house, as he desired to go into business as a boss carpenter, and was directed to the boarding-house of Ex Mayor Hewson, where they remained over night as man and wife.

Yesterday, John D. Brewer, contractor on the White River Bridge, arrived here, and claimed the woman as his wife. The parties were arrested on the charge of adultery, and Hall will have to answer the additional charge of abducting Mrs. Brewer for the purpose of prostitution.

They had a hearing before Esq. Walker yesterday morning, and were committed, in default of $500 bail. The trial is set for next Saturday.

Mrs. Brewer is rather a fair looking woman, and has been married to Brewer only about three months, and is his second wife. She expressed her determination to stick to Hall, who is not in any respect the equal of Brewer. It is strange what whims women do take sometimes.—Evansville Journal.

New York to go Democratic.

The Boston correspondent of the Springfield Republican says:

"I suppose New York is to be allowed to go Democratic by default this year. Prominent Republicans say there is absolutely no other way of getting rid of Weed.

* * * * * * *

"The election this fall will determine nothing, except, perhaps, that in the Middle States and the West the Republican leaders are too weak for the work they have undertaken to do, and that, therefore, they cannot lead the people to victory. The great body of the party are not going to be very enthusiastic over such fellows as Cox, or dragged through a dirty political contest after a banner which bears the name of either Thurlow Weed or Horace Greeley. The state of uncertainty in which the country is in relative to the President's policy, is not favorable to Republican success; but before next year at this time, this uncertainty must be dispelled, and the people will know whether Johnson is for or against them."

THERE is a rebellion in Peru. Minister Hovey will no doubt be able to give his valuable aid in suppressing it when he reaches Lima.—N. A. Ledger.

The Alleged Desertion of Wirz by His Counsel

LETTER FROM HON. JAMES HUGHES.

INDIANAPOLIS, Sept. 13, 1865.

EDITOR JOURNAL: Two days after my withdrawal from the defense of Henry Wirz, I prepared a statement of the reasons which impelled me to that step, for publication; but upon reflection withheld it, because although some inaccuracies and some slight misrepresentations of the proceedings appeared in the reports of the Eastern papers, all showed the main fact that I withdrew upon the reading of the "Orders from the War Department" dissolving the Court, and then instantly reviving it. I came to the conclusion that no explanation from me was necessary to intelligent readers. I was not until this day aware of the elaborate and malicious libel on myself and my partners (one of whom was not even present,) prepared for Western readers by the reporter of the Cincinnati Gazette, and published in that paper on the 24th of August. I saw it this morning for the first time. It is as follows:

"THE WIRZ TRIAL.

"The Wirz trial was to-day very unexpectedly embarrassed, in consequence of the desertion of the prisoner by his counsel. This sudden abandonment of an accused party in such grave peril was all the more extraordinary inasmuch as his counsel had originally volunteered their services in his defense. They had subsequently given him no hint whatever of their intention to abandon him. Wirz did not know that he was thus going to be left without counsel till Judge Hughes announced it in a speech to the Court, after which he gathered up his law books and marched straightway out of the room, leaving his client to his fate. Strictures upon this unprofessional course are freely indulged in, and the hope is generally expressed that the Court will to-morrow assign the accused able counsel.

* * * * * * * *

"WHY WIRZ'S COUNSEL DESERTED HIM.

"The Washington law firm which volunteered its services to defend Wirz, and which to-day deserted him, is said to have been losing business in consequence of its connection with this case. Clients said they would have no objections if it had simply confined itself to the well understood duty of defending a helpless prisoner when called upon to do so, but it made haste to volunteer in the case, and was thought to have thus made an unnecessary display of sympathy with the accused."

A similar version of the affair to the above, perhaps the very same dispatch, was published, I am told, in the Indianapolis Journal.

Averse as I am to going into print about a matter which ought, on the facts of the case, truly reported, to require no explanation, I am unwilling to permit the gross falsehoods contained in the above dispathes to go uncorrected, and therefore beg leave to submit to the public, through your paper, the statement prepared by me on the 25th of August, without alteration or addition. The assertion that either myself or partners volunteered in the case, is a sheer invention, made to give point to the other equally false assertion, that we were influenced by the loss of clients to abandon the accused. Both these allegations will appear at once false and absurd, to those acquainted with the extent and character of our business, which renders it impossible for us to participate in a protracted criminal trial for ordinary compensation without great loss. Indeed, when we consented, upon the repeated application of Wirz, to defend him, it was expressly stipulated that he was not to require any service of me beyond what I could render occasionally in aid of Mr. Peck, who was to have the case principally in charge. It was the newspaper clamor against him that impelled us, being once engaged, to devote all our time to his defense, at a great pecuniary sacrifice, and we should have persisted to the end before any independent tribunal, military or civil, where we could have had FAIR PLAY.

The pretended loss of clients, referred to by the Gazette's report, has this much truth in it, and no more. A young lawyer in Washington had put the papers of one of his clients in our hands to bring suit upon in the Court of Claims. We accepted the employment, directing him to write to his client and require the payment of a retaining fee. The party himself was a stranger to us. He wrote to the young gentleman referred to, declining to sanction what he had done, alleging as a reason that we were defending Wirz. Whether that or the payment of the required fee was the real reason, is a question we had no means of solving.

His letter was presented to me for the first time *some hours after I had withdrawn from the case, but was submitted to the Judge Advocate of the Commission before it was shown to me*, a significant fact to indicate who may have prompted the reporter of the Gazette. Without further prefac, I refer the public to the following statement, prepared immediately after the transactions of which it speaks, and in conclusion I will say, that I have no purpose of pursuing newspaper controversies on the subject. It was exceedingly unjust in the Cincinnati Gazette to give currency to an atrocious libel upon my professional character and motives, and those of my partners. This has constrained me to go into print against my inclination. J. H.

To the Editor of the New York Times:

Believing that a public exposition of the reasons which compelled me to withdraw from the sham trial of Henry Wirz, before the Military Commission organized a second time for his destruction, concerns the administration of justice, in which the whole people are interested, I request you to publish this communication.

Having assumed a professional relation to the accused, in the ordinary course of business, upon his written application from prison, where I was not permitted at the time to confer with him as counsel, and with very little knowledge of the merits of his case, I should certainly have remained with him to the close of his trial in any court of law, and rendered all the assistance in my power to save him from an illegal or unjust conviction —beyond that the duty of counsel does not extend.

Nor would I have withdrawn from his defense, after once entering upon it, before the extraordinary tribunal now tantalizing him with its hollow mockery of judicial proceedings, from any disgust or personal consideration whatever, so long as I believed my services available in securing him a fair trial. But when thoroughly convinced that my presence and assistance could not benefit him in the least degree, I felt it to be not only a right, but a duty, to retire from a theater where self-respect and professional independence were hard to maintain, and thus mark, by the most emphatic protest of which I was capable, my condemnation of an outrage against public justice, never exceeded in a civilized country. I allude to the direct interposition of military authority to dissolve the Commission and unbind the solemn oaths of its members to try an issue joined; followed by its immediate reconstruction to put in jeopardy a second time, in violation of the Constitution, the forlorn and hapless victim of its arbitrary power.

Owing no further duty to him in that place, because powerless to serve him there, I thought that while asserting the honor and dignity of my profession, by leaving out the part of advocate from the elaborate farce, which is to usher in a tragedy, to stain forever the administration of American justice, I might attract the attention of the public to the iniquitous character of the proceedings.

When a Court-martial is once organized, and has entered on the trial of a cause, it cannot be interfered with or dictated to by the authority convening it. (De Hart.)

The English author, Tytler, says: "With the appointment or constitution of the Court-martial the royal authority ceases till that Court shall have pronounced its judgment. The King can no more interfere with the procedure of Courts-martial in the execution of their duty, than he can with that of any of the fixed Courts of justice." (p. 130.)

But Wirz is being tried by a Military Commission, not a Court Martial. Very true; but the utmost claimed for Military Commissions is, that they are necessary to try a class of offenses not cognizable by Courts Martial, because the offenses triable by the latter are defined and enumerated by law, and do not embrace certain crimes which ought to be punished by military courts. It has always been conceded that as to their mode of procedure, rules of evidence, record, &c., they should assimilate as nearly as practicable to courts martial. This is the first in which the authority convening the Commission has stepped in to control proceedings in the progress of a trial.

I did not withdraw from the defense on account of my opinions as to the legality of Military Commissions, or their expediency at this time.

I withdrew because I believed the prisoner could not obtain a fair trial and I could not secure it for him. I mean to say that if all technical rules of law were thrown aside, Captain Wirz could not, in my opinion, receive before the Military Commission, subject to orders from the office of the Judge Advocate General, that FAIR PLAY, on the merits of his case, that rough justice which usually characterizes the decisions of the rude and unlettered but equitable frontier men who hold the courts of Judge Lynch in the West. Their proceedings are quite as illegal and irregular as those of the "regulators," as they are called in the West, and not half so fair.

The statement of some facts which occurred in the course of my connection as counsel with the case, will, I think, satisfy any candid mind that my belief was well founded.

Some weeks before the arraignment of the prisoner a set of charges were served on him, upon which were made the preparations for his defense. The press was teeming with attacks upon him. A reporter applied to me for a copy of the charges, and seeing no impropriety in publishing them, I permitted him to have it.

Soon after its publication I observed a paragraph in the Chronicle, a Bureau organ in Washington, to the effect there were "several sets of charges;" that the "genuine" charges would not be made known until the arraignment, and that those published in the papers were not correct. I paid very little attention to this at the time. But on the day when the Commission convened for the first time, being Monday, shortly before it met, we saw a new set of charges which had been delivered to Wirz about 4 o'clock on the preceding day, presenting for the first time the charge of conspiracy and many additional specifications. The statement of the Chronicle was thus verified. Now while it is a common practice to amend and alter legal proceedings as occasion may require, before answer, it is to me a novel and dangerous practice where "several sets" of charges are actually prepared, to serve one set on a defendant to amuse him and reserve another and different set to the last moment on which to try him.

At the first session of the Commission, sundry preliminary objections were submitted to the Commission, and also a motion to quash the charges. After discussion, these were overruled by the Commission; among them, the specific objection which was made the pretext by the Judge Advocate General for reorganizing the Court, The Commission had been selected by the War authorities, and the decision of these questions belongs to them—not to the Judge Advocate General, until they came before him at the end of the trial for review. If fatal defects existed, there was a plain and simple course to take, according to the usage and the analogy of the law—to enter an acquittal of record on the first charges, and present additional ones afterwards, leaving the question of the total irregularity of the first proceedings, and the question of the former acquittal, to come up fairly for decision upon the trial of the new charges.

The plea of not guilty having been put in, and the case of the prisoner fully committed to the Commission, an adjournment took place. At the next meeting, it was the duty of the Commission to have caused their record to be read and corrected in presence of the prisoner. *It was not done.* No record was ever read, or to my knowledge perfected, of the proceedings upon the first set of charges. It was systematically evaded. The Court went immediately into secret session, on motion of the Judge Advocate —and upon opening their doors, adjourned with indecent haste, through the co-operation of the President of the Commission and the Judge Advocate, the one catching the word from the other. The adjournment was indefinite as to time. By the suddenness of the order to adjourn, given with as much promptitude as an order to retire from the Monocacy, the defendant's counsel, though appealing to be heard, were prevented from putting on record (if there was any record) their objection, or a motion to discharge the prisoner, the Judge Advocate, clamoring to silence discussion, and announcing the novel doctrine that the law of parliamentary bodies forbidding debate on a motion to adjourn was applicable to this tribunal!

No record had been read. On this day the prisoner was not present in the room at any time. The whole proceedings took place in his absence. The Bureau organ before referred to was careful to cover this point in its report, and stated that the prisoner was present, and went into particulars as to his appearance and the manner in which he employed himself. All this was wholly untrue.

On the morning of the next day, (August 23d) I received a note from the Judge Advocate, who had announced at the time of the indefinite postponement that he would give no notice of the reassembling of the Commission, advising me of a meeting "to-morrow," and that amended charges would be presented, and "orders" read which would obviate my objections—objections which had been passed upon, disposed of and overruled by the Commission! "Orders" to a court of justice!*

The programme was plain. The law of military courts forbids any alterations or amendments in the charges after the plea of not guilty. They can no more be amended than an indictment in a court of law. (See Benet, p. 91; De Hart, p. 102; Tyler, p. 217.) Then an illegal or wrongful act, wrongful because illegal, an alteration of the charges, which the Judge Advocate or Commission had not the right to do directly, was to be accomplished indirectly, by an "order" dissolving the Commission, (it's record, never read or perfected, to be suppressed,) and the magic of another order invoked to resuscitate it and revive its powers. This to avoid the regular course of closing the record, abandoning the first trial, and after its termination presenting new charges, taking the risk of a plea of former acquittal.

I immediately prepared a written motion for the prisoner's discharge, founded on the previous irregularities and the proposed alteration of the charges, intending to present it at the very opening of the Court, and intending also to insist upon the reading of the record. Upon consulting the veracious Chronicle, so much more reliable in its statements of what the Commission *was about to do* than its reports of its past transactions, I found a brief notice of a meeting on that day.

The Judge Advocate's note, dated August 23d, said the next day. I was in doubt, but gave up other engagements and concluded to attend at the Court room. The Judge Advocate says that this note was written on the night of the 22d and dated wrong. It matters not when it was written or sent, but if it was dated amiss by mistake, there is an end of the matter. The most unusual slip of this kind is to date a paper a day in advance. The Commission met—no record was read.

The Judge Advocate said to the President: I have those "rules that I spoke of now."

The President said: "Let the Court be cleared."

After a private session the doors were opened. I asked leave to make a motion, The President said I would have ample time. I stated that it was a motion which took precedence of other business, and I asked leave to make it. (It was the motion to discharge the prisoner which I desired to submit to the "old Court" before the spell of powder should dissolve it, and absolve the sworn obligation taken two days before to try the first charges preferred against the prisoner.) The President not responding to me called the answering eye of the Judge Advocate. The Judge Advocate produced a paper and read: The dread tribunal, which, but a moment before had unlimited power to try "such persons as might be brought before it," bound by no law, with no punishments prescribed or offences defined, but all, all within their own breasts, the tribunal has ceased to be.

The same men sit around the table still—for an instant there is a pause; in that instant, by Constitutional right, Henry Wirz was free! He had been in peril, in jeopardy; yea, in great jeopardy once—by no law can he be tried again upon the same, or an equivalent charge! It is the 23d of August, 1865, in the National Capital. The war is over. Not a company of armed men remain of the mighty hosts of the rebellion.

The President, in his proclamation opening the ports, long ago declared the war virtually at an end—the Secretary of State has so announced to the diplomatic agents abroad. The Secretary of War has released the prisoners sentenced to imprisonment during the war. Many thousands of the brave soldiers enlisted "for the war" have been mustered out. The Queen of England has said in her speech from the throne, the civil war in America is ended; it is known to all the world that at home and abroad our Government is the strongest on earth.

It is in the City of Washington, the Nation's Capital—not within the lines of past insurrection —the City of Washington, where the civil law languishes, not from armed rebellion, but from the very power and supremacy with which the suppression of rebellion has endowed our own Government. Let but our Chief Magistrate say in the words of the Spartan King, "The laws may sleep for to-day, but shall ever after be in full force," and to-morrow, who will dare to disobey the process of the Courts?

Who and what is Henry Wirz? He is the jailor of Andersonville. Henry Wirz is nothing, yet in him, let not law and liberty and American justice receive a fatal wound!

If constitutional rights and the due administration of justice are to be overthrown, it is upon such as he that the experiment will first be tried.

Fiat experimentum in corpore vili. The rest will come afterwards. Let those who make this breach in our Constitution beware lest they perish in it. Power is fleeing, the waves of popular passion ebb and flow, the safety and security of all who have their only guaranty in the stability and supremacy of the laws and the courts of justice. The times may soon change and commend the poisoned chalice to their own lips.

The Judge Advocate, after a moment's pause, produces another paper, and reads again. The tribunal is revived! The same men, a few seconds before invested with the dread power of life and death then stripped of their fearful prerogatives, are again a Military Commission! Their record is obliterated; there is no official proof of what they have done or omitted, and Henry Wirz is again committed to their hands, *and such other persons as may be brought before them.* Shades of Robespierre, Danton and Marat! come and preside over their doings! But let one who, throughout the recent war, sustained the Government in all its measures for suppressing the rebellion, one who has defended Military Commissions and military arrests on the plea of overruling public necessity, one to whose household mourning and death have come from the battle-field, one who has freely shared his humble means with the Union soldier, and severed the ties of party, of friendship and of blood to adhere to the cause of the Union in its hour of danger, seeking and hoping no other reward than to see his country once more united and free, a land of liberty and of law, let him, sick and despairing, leave the scene and make his protest to that President in whom he has put his trust, and to that enlightened public which must inaugurate the reign of peace and order, if it is to come.

JAMES HUGHES.

WASHINGTON, August 25, 1865

*Having rebuked and corrected the Commission by "orders," and got his team well in hand, the Judge Advocate General now resorts to the milder form of letters to dictate their decisions, and disposes of the Constitutional right of the prisoner to be free from a second trial upon the charges all embraced within the former ones by an oracular *dictum*, to the effect that, unless an acquittal on the first charges was formally announced, no bar exists to a second trial. The law is not so laid down in the books, nor so administered in the courts.

I will quote a single authority:

"Without prejudice to any such fresh proceedings, a prosecuting officer may *nol pros*, that is, discontinue an indictment at any time after it is found, previous to the moment when the defendant having pleaded, that is, made answer to it, a traverse jury is empaneled and sworn to try the cause, then his jeopardy begins. Bishop on Criminal Law, vol. 1, p. 660."

It cannot and does not in the least degree affect or prejudice the prisoner, if the Court shall adjourn or be broken up without any fault or consent of his.

DIED.

On Friday, at 2 P. M., JOHN EDWARD, infant son of John F. and Mary A. Wallick, aged 9 months and 15 days.

Funeral from the family residence, No. 36 West Michigan street, Sunday, 4 P. M., September, 17. Services by Rev. Mr. Hickman. Friends are respectfully invited to attend.

In this city, on the 15th inst., GRACE BEMIS, only child of General Daniel and Mary M. Macaulay, aged 1 year, 5 months and 6 days.

The funeral will take place to-morrow (Sunday) at 4 o'clock P. M., from the family residence, at the southeast corner of Camp Morton, to which the friends of the family are invited. Services by the Rev. Dr. Henry Day.

NOTICE.

ELECTION NOTICE.

OFFICE OF THE INDIANAPOLIS INSURANCE COMPANY,
INDIANAPOLIS, IND., Sept. 16, 1865.

THE Stockholders of the Indianapolis Insurance Company will take notice that an election for nine Directors of said Company will be held at the office of said Company, at 2 o'clock P. M., on the 9th day of October, 1865. ALEX. C. JAMESON, Sec.

sep16-d3t&w3w

PIANOS.

PIANO FORTES.

CUMMINGS & JENNYS, Manufacturers from New York, are now receiving a large variety of their elegant instruments, together with Melodeons and Organs, which they will offer for sale at their store, No. 113 East Washington street, opposite the Court House, at 25 per cent. lower than any other in this city of equal quality.

Two of these superior instruments have just been purchased by the firm of Murphey, Kenney & Co.; one by A. Wallis, Esq.; John R. Asher, Esq.; Mr. Boyd, Mr. Hayse, Henry Wakehoskjand others.

Parties who may want a superior Piano Forte, at a low price, will do well to follow their example.

sep16-d2t

PIANO TUNING.

PIANO FORTE TUNING.

WE have our Tuner here from New York, who will tune and repair Pianos for a few days in the most satisfactory manner, for parties applying at the Store of Cummings & Jennys, No. 113 East Washington street, opposite the Court House. sept16-d2t

FOR SALE.

A RARE CHANCE.

WHOLESALE LIQUOR STORE FOR SALE.

WITH DOUBLE SETS OF RECTIFIERS.

THE Stock of Liquors does not amount to more than *ten thousand dollars*. The lease runs for three years; rent low, and the interest in the concern will be sold cheap.

Address Lock Box 114 P. O., Indianapolis, Indiana.

sep15 dtf

FRUITS, GROCERIES, &c.

NEW STORE.

W. R. STONEMAN.......................E. F. TUTTLE.

STONEMAN & TUTTLE.

Wholesale Dealers in

Wooden and Willow Wares, FOREIGN AND DOMESTIC FRUITS, Spices, Cotton Yarns, TEAS, TOBACCO, Fancy Groceries, etc., etc.,

Corner Meridian and Louisiana Sts.,

Opposite the Union Depot,
INDIANAPOLIS, IND.

We are now receiving our new stock of goods.

sep6-d1m

OYSTERS, &C.

THE REGULAR BALTIMORE WHOLESALE OYSTER DEPOT.

OYSTERS RECEIVED DAILY BY EXPRESS, IN cans, half-cans and shell. Also Fresh and Salt Water Fish. Orders promptly filled. Small profits and quick returns.

No. 11 North Illinois Street,

Opposite the Bates House, Indianapolis.

aug25-d6m C. C. WILLIAMS.

WINE.

GOOD WINE MADE FROM SORGUMH.

JULY 13th, 1862, Rev. A. Myers, of Springfield, Ohio, secured a patent to make Sorghum Wine.

This Wine is not intoxicating.
Is better than the best. Cheaper than the cheapest.
Is very efficient in cases of sickness.
Can be made for 25 cents per gallon.
Requires no drugs to make it.
Can be made from the skimmings off syrup making.
No trouble to make it.

If anybody wants to know anything about this Wine let them address Apple & Wesner, St. Paul, Ind., who are assignees of A. Myers of his patent, and proprietors of the patent invention for "Improved Sorghum Wine," in and for the State of Indiana, and who are now prepared to sell County, Township, Manufacturers and Individual Rights, with the receipt to make the Wine.

Agents wanted to sell Rights in every County not sold.

For particulars address APPLE & WESNER,
aug3-d2m St. Paul, Indiana.

AMUSEMENTS.

MASONIC HALL.

FOR TWO NIGHTS ONLY.

Friday and Saturday, Sept. 15 & 16.

ARLINGTON, KELLY & LEON'S MINSTRELS!

FROM THE ACADEMY OF MUSIC, CHICAGO.

Everywhere acknowledged by the press and public the SOVEREIGNS OF THE PROFESSION.

Entire change of Programme on Saturday evening.

ADMISSION—50 cents. Children under ten years of age, 25 cents.

Doors open at 7 o'clock. Concert commences at 8.

sep11-d1w

METROPOLITAN THEATRE.

Corner of Washington and Tennessee Streets.

Manager..................Mr. W. H. Riley,

Saturday Evening, Sept. 16th, 1865.

LAST NIGHT OF F. S. CHANFRAU.

GLANCE AT NEW YORK.

MOSE..........Mr. CHANFRAU.

BULL RUN.

☞Monday, Sept. 18th, Mr. HACKETT.☜

PRICES OF ADMISSION.—Parquette and all reserved seats 75c. Dress Circle 50c; Private Boxes, for six persons, $5 00; Orchestra Seats, 75 cents; Gallery and Family Circle, 25 cents; Children in arms, $15.

CHANGE OF TIME:

Doors open at 7¼ o'clock precisely. Overture commences at 8 o'clock precisely.

PARTICULAR NOTICE.—The Horse Cars leave the Theater every evening at the close of the performance. People living at a distance can rely on this.

CLAIM AGENCY.

BLAKE'S LAW OFFICE.

WAR CLAIM, AND COLLECTION AGENCY,

No. 79 West Washington Street,

INDIANAPOLIS, IND.

ALL KINDS OF MILITARY BUSINESS TRANSACTED. All classes of War Claims correctly prepared, applied for, and promptly collected.

Soldiers and Officers, who, from defective rolls or other causes, have not obtained full Pay and Bounty can obtain the same from the Treasury Department through this agency.

Pay, Bounty and Pensions for Soldiers, Officers, or their Legal Heirs, if entitled.

Pay for Horses lost in battle, on picket, or in the line of duty, under orders.

All damages by Troops or by Military Orders; every class of claim founded in law, justice, or equity, secured.

Unpaid County and Township Bounty collected.

Citizens of Indiana holding Military claims, Soldiers and Officers of the Morgan raid, can obtain their pay.

Business before the State Military Auditing Committee for loss or use of property, subsisting, transporting or recruiting men, will be attended to promptly.

Officers' Back Pay for Servants Wages obtained. (Officers will call or correspond, and find it to their interest to do so.)

Commutation of Rations for Prisoners of War, or men on furlough, speedily obtained. Errors on rolls corrected for men wrongfully charged and tried for desertion.

Civil and Military Collections made in all Counties of the State by Traveling Agents.

Officers' Settlements and Returns made out on fair terms, and certificates obtained with dispatch from the Departments.

Mr JOHN F. DURFIELD is attached to this office, who has been for two years in this business of Officers' Returns and Settlements, and is thoroughly posted in every question.

All Veteran Officers who are being mustered out can obtain their Final Affidavits and Pay Accounts, warranted correct, on which to draw their final pay.

Blanks of all kinds on hand.

Full instructions given to returning Officers without charge.

Competent Clerks and notaries always in the office.

An efficient Agent at Washington City.

Business in all parts of the State transacted by mail.

Office opposite Metropolitan Theatre and Major Dunn's U. S. Mustering and Disbursing Office, next to Masonic Hall, Sheets' Building, No. 79 West Washington street.

J. W. BLAKE,

Late Colonel 40th Indiana Vols., Attorney and Claim Agent. au29-dtf

REAL ESTATE BROKERS.

SPANN & SMITH,
REAL ESTATE BROKERS,
OPPOSITE ODD FELLOWS' HALL,
INDIANAPOLIS, IND.

july27-d1y

DRY GOODS.

GEORGE W. PEE. ALEX. R. CONDUITT. JOHN B. COX.

PEE, CONDUITT & COX

WHOLESALE DEALERS IN

DRY GOODS AND NOTIONS,

No. 4 Alvord's Block,

SOUTH MERIDIAN STREET, INDIANAPOLIS.

We have taken the south store in the beautiful new Block on Meridian street, and are now opening a

LARGE & CAREFULLY SELECTED STOCK —OF— SEASONABLE GOODS,

To which we respectfully invite the attention of Merchants.

OUR STOCK IS ENTIRELY NEW,

And having been bought exclusively for CASH, and under favorable circumstances, we are confident of being able to offer inducements not excelled in any

WESTERN MARKET.

Soliciting a share of trade, we ask the favor of a call and examination of our Stock.

Pee, Conduitt & Cox.

sep11-d1mo.

PROFESSIONAL.

JAMES HUGHES, J. W. DENVER, CHAS. F. PECK,
Of Indiana. Of California. Of Illinois.

HUGHES, DENVER & PECK,

ATTORNEYS & COUNSELORS AT LAW,

WASHINGTON, D. C.

WILL practice in the Supreme Court of the United States, the Court of Claims, and the Courts of the District of Columbia. Claims and Department Business will receive prompt attention.

☞Office, No. 218 F street, between Fourteenth and Fifteenth streets. sep15-d3m

MEDICAL.

Mrs. WINSLOW

An Experienced Nurse and Female Physician offers to the attention of mothers, her

SOOTHING SYRUP,

FOR CHILDREN TEETHING,

Which greatly facilitates the process of teething by softening the gums, reducing all inflammation, will allay ALL PAIN and spasmodic action, and is

SURE TO REGULATE the BOWELS

Depend upon it, mothers, it will give rest to yourselves and

Relief and Health to Your Infants.

We have put up and sold this article for over 30 years, and CAN SAY IN CONFIDENCE AND TRUTH of it what we have never been able to say of any other medicine— NEVER HAS IT FAILED IN A SINGLE INSTANCE TO EFFECT A CURE, when timely used. Never did we know an instance of dissatisfaction by any one who used it. On the contrary, all are delighted with its operations, and speak in terms of commendation of its magical effects and medical virtues. We speak in this matter "WHAT WE DO KNOW," after 30 years experience, AND PLEDGE OUR REPUTATION FOR THE FULFILMENT OF WHAT WE HERE DECLARD. In almost every instance where the infant is suffering from pain and exhaustion, relief will be found in fifteen or twenty minutes after the syrup is administered.

Full directions for using will accompany each bottle. None genuine unless the fac-simile of CURTIS & PERKINS, New York, is on the outside wrapper.

Sold by Druggists throughout the world.

Price only 35 Cents a Bottle.

The Florence Nightingale of the Nursery.

The following is an extract from a letter written by the Rev. E. Z. Weiser, to the German Reformed Messenger, at Chambersburg, Pa.:

A BENEFACTRESS.

There is a woman in the public eye whose name had all along been associated, in our mind, with the "Yankee," "Quack," and "Humbug." But it is so no longer, and we desire to sweet her name from all such suspicious associations in all other minds. Whatever notions we may have of womanly delicacy and propriety, we will all admit that woman alone is the Nurse—the *good* Nurse—the *best* Nurse. Whether we shall have Female Physicians or not, is a question which must be decided by time and principle, and not a matter of taste. Pride, prejudice, caprice and custom may as well behave themselves, for if there is really a want, there will also be a supply; if there be a "calling," there will be a coming. Nature and human society are always self-supplying, and though Art and Fashion may hinder, they cannot prevent.

Mrs. Winslow does not wish to treat you gentlemen! Nor does she prescribe a regimen for your wives; but she modestly appears as a messenger of health and happiness to your infants in the cradle. Is there anything improper in that? A Nurse of "30 years" experience can boldly say what is or is not good for a babe, and ought to be listened to. God speed her on her humble and happy mission. She is the most successful physician and most effectual benefactress our little ones ever enjoyed—her doting parents not excepted. Just open the door for her, and Mrs. Winslow will prove the American Florence Nightingale of the Nursery. Of this we are so sure, that we will teach our "Susy" to say "A Blessing on Mrs. Winslow"—for helping her to survive and escape the griping, colicking and teething siege. We confirm every word set forth in the prospectus. It performs precisely what it professes to perform, every part of it—nothing less—Away with your "Cordial," "Paregoric," "Drops," "Laudanum," and every other "Narcotic," by which the babe is drugged into stupidity, and rendered dull and idiotic for life.

We have never seen Mrs. Winslow—know her only through the preparation of her "Soothing Syrup for Children Teething." If we had the power we would make her, as she is, a physical savior to the infant race.

Rest, Health and Comfort to Mother and Child.

MRS. WINSLOW'S SOOTHING SYRUP for children teething, softens the gums, reduces inflammation, allays all pain, and cures wind cholic. Perfectly safe in all cases. We would say to every mother who has a suffering child, do not let your prejudice, nor the prejudices of others, stand between you and your suffering child and the relief that will be sure—yes, absolutely sure—to follow the use of this medicine if timely used.

DON'T FAIL TO PROCURE MRS. WINSLOW'S SOOTHING SYRUP, for children teething. It has been used for 30 years with never failing safety and success by millions of mothers for their children. It corrects acidity of the stomach, relieves wind cholic, regulates the bowels, and gives rest, health and comfort to mother and child. Office No. 48 Day street, New York.

DO NOT LET YOUR PREJUDICE STAND BETWEEN your suffering child and the relief that will be absolutely sure to follow the use of MRS. WINSLOW'S SOOTHING SYRUP. It corrects acidity of the stomach, relieves wind cholic, regulates the bowels, softens the gums, gives rest to the mother and health to the child.

The following is an extract from a letter written by the Rev. J. S. Holme, pastor of the Pierrepont Street Baptist Church, Brooklyn, N. Y., to the Journal and Messenger, Cincinnati, O., and speaks volumes in favor of that world-renowned medicine, MRS. WINSLOW'S SOOTHING SYRUP, FOR CHILDREN TEETHING:

"We see an advertisement in your columns of MRS. WINSLOW'S SOOTHING SYRUP. Now, we never said a word in favor of a patent medicine before in our life, but we feel compelled to say to your readers that this is no humbug—we have tried it, and know it to be all it claims. It is probably one of the most successful medicines of the day, because it is one of the best. And those of your readers who have babies can't do better than lay in a supply."

SPECIAL CAUTION.

The great popularity of Mrs. Winslow's Soothing Syrup, for children teething, has induced unprincipled persons to put up articles to be used for the same purpose, in advertising which they have not only copied our advertisements and notices from the press, but have copied certificates and letters from clergymen and others, affixing other names to our genuine certificates. Beware of all imitators.