

# THE JASPER WEEKLY COURIER.

VOL. 5.

JASPER, INDIANA, SATURDAY, NOVEMBER 7, 1863.

NO. 45.

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DUBOIS COUNTY, INDIANA, BY

CLEMENT DOANE.  
OFFICE—CORNER OF MACDONALD AND  
WEST STREETS.

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S. STEGE, N. REILING, JOS. HANTRAUSER.

STEGE, REILING & CO.,  
WHOLESALE DEALERS IN  
Groceries, Provisions, Teas,  
TOBACCO, CIGARS,

Foreign & Domestic Liquors, Wines, &c.  
MARKET STREET.  
North Side, between Second and Third Sts.  
LOUISVILLE, KY.

P. S.—Prompt attention to orders from the  
country. sep 12, 1863—1f

W. C. ADAMS, B. BUETTNER.

ADAMS & BUETTNER,  
ATTORNEYS AT LAW,  
AGENTS FOR COLLECTING SOLDIERS CLAIMS,  
JASPER, INDIANA.

Office—North east corner McDonald and  
West streets. March 14, 1863

ATTORNEY AT LAW.

THE undersigned will hereafter practice  
in the Circuit Court of Dubois County,  
and will promptly attend to all business en-  
trusted to his care.

WILLIAM TRACEWELL.

George F. Dewese,  
Attorney and Counsellor at Law,  
ROME, IND.

WILL attend the Courts in Perry, Du-  
bois and Crawford counties, and give  
prompt attention to all business entrusted to  
him. Jan. 23, '61.

JOS. BARKER, A. J. BECKETT,  
Vincennes, Ind. Jasper, Ind.

BAKER & BECKETT,  
ATTORNEYS AT LAW,

WILL practice in the Dubois Circuit and  
Common Pleas Courts. Particular at-  
tention paid to collections. June 20.

J. T. Dewese,

ATTORNEY AT LAW,  
PETERSBURGH, IND.

WILL give prompt attention to all busi-  
ness entrusted to his care in Pike and  
adjoining counties. Nov. 2.

RUDOLPHUS SMITH,

ATTORNEY AT LAW,  
JASPER, INDIANA.

WILL attend promptly to any business  
entrusted to him in any of the courts  
of Dubois county. Office at the corner of  
McDonald and West streets. mar 12

W. H. DeWolf,

ATTORNEY AT LAW,  
PETERSBURGH, INDIANA.

Will attend all terms of the courts in Dubois  
county. January 25th 1860—v

SEBASTIAN KUEBLER,

WAGON, COACH, PLOW AND HARROW  
MANUFACTURER,

CORNER OF NEWTON & LAWRENCE STREETS,  
Jasper, Indiana.

Would re-  
spectfully in-  
form the pub-  
lic that he is now prepared to do all kinds of  
work in his line, in the best style. Purchas-  
ers will do well to call and examine his  
stock and work, as he is satisfied he can  
please them.

Blacksmithing and repairing of all kinds  
attended to promptly. mh7-y\*

R. BECK,

BOOT & SHOE STORE,  
EAST SIDE OF PUBLIC SQUARE, JASPER.

WOULD respectfully inform  
the public that they have a  
large and splendid assortment  
of Boots and Shoes on hand,  
which they will sell as cheap as can be done  
anywhere, and will warrant all their work.  
Give us a trial. RONALD BECK.

## A KISS UPON THE FLY.

Let poets sing of Eastern Climes,  
And golden sunset hours;  
Of shady nooks  
And bubbling brooks,  
Of moon-lit orange bowers;  
Yet still to me  
More sweet shall be  
(A joy no wealth can buy,  
A pair of pouting cherry lips  
To kiss upon the fly.

Oh, let them build their lofty rhyme  
As 'tween so 'er they may;  
But give me still—  
It so you will—  
Another word to say;  
Now here to all,  
Tall, fat or small,  
I vow I'd rather die,  
Than miss the bliss that's in a kiss  
When taken on the fly.

## Arbitrary Arrests.

Judge Clarke, of the Superior court of the  
city of New York, in which, the case of  
George W. Jones vs. William H. Seward,  
an action for alleged false imprisonment, is  
pending, has rendered an important decision.  
The question before the court arose upon a  
motion to remove the case from the State  
court to the United States court for the  
Northern District of New York.

Judge Clark, in giving the decision of  
the court, said:  
The defendant stated in his petition for  
this order that the action was brought for  
acts alleged to have been done by him as  
Secretary of State for the United States of  
America, under authority derived by him  
from the President of the United States, in  
causing the plaintiff to be arrested and im-  
prisoned, or for some other wrong alleged to  
have been done to the plaintiff under such  
authority during the present rebellion, and  
that it therefore comes within the act of Con-  
gress of March 2d, 1863 relating to the writ  
of habeas corpus by which a case may be  
removed to another court.

The question to be determined being  
whether the President of the United States,  
during a rebellion, can arrest any person  
not subject to military law, without the pro-  
cess of some court, this was a question that  
would arise under the Constitution of the  
United States.

It can not of course be pretended by the  
most ardent advocate of the high Presiden-  
tial prerogative that the Constitution confers  
it in set terms. There is nothing in that  
instrument that can be tortured into the con-  
ferring of such power upon the President in  
his civil capacity, and this, it appears to me,  
plainly disposes of the question; for it would  
be asserting the greatest contradiction and  
strange anomaly to say that absolute and  
unlimited power, equal to any exercised by  
Czar or Sultan, can be implied by the Con-  
stitution which gives no power to any de-  
partment that is not specially set forth, ex-  
cept simply the consequent right to employ  
all legal means necessary to the execution  
of the power.

If there is anything beyond all controversy  
in the constitutional history of the nation  
it is that the purpose of the Constitution and  
the provisions which it contains were for a  
considerable time before its adoption thor-  
oughly discussed by the people and their  
delegates in convention, and any man pre-  
tending to confer unlimited power on any de-  
partment of the government, on any pretext,  
would not have been deemed sane.

After referring to the constitutional history  
of the United States and England, the learn-  
ed judge remarks:

Could it be supposed that the framers of  
the Constitution intended any such power as  
that claimed in the present case, either ex-  
press or implied? If they intended a dicta-  
torship to exist under any emergency, they  
would not leave it to the chief-executive to  
assume it when he may in his discretion de-  
clare necessity required it, but would have  
provided that this necessity should be de-  
clared by Congress, and that the Legisla-  
ture alone should select the person who  
should exercise it. That the President can  
assume such a power is an extravagant as-  
sumption which cannot be entertained by  
court. No such inquiry can arise under the  
Constitution of the United States. It does  
not reach the proportions or stature of a  
question.

Mr. Lincoln as a military commander can  
possess no greater power than if he were not

President. Suppose the Constitution vested  
the Commander-in-Chief of the army and  
navy in some person other than the Presi-  
dent—could this functionary subvert the  
Constitution and laws under the plea of mil-  
itary necessity? Certainly not.

The learned judge thus concludes:  
The power for which the defendant con-  
tends is plainly not necessary for the safety  
of the nation, and is not conferred by the  
constitution. When that safety shall be  
endangered within the immediate theatre of  
insurrection or war, the commander-in-chief  
and his subordinates are judges of the occa-  
sion, but beyond that the ordinary course of  
proceeding in the courts of justice will be  
sufficient to punish any persons who furnish  
information, afford aid to any or betray their  
country. In cases of emergency, caused by  
invasion or insurrection, the powers expres-  
sly given by the constitution, and the acts of  
Congress to repeal the one and suppress the  
other are ample and effective. It requires  
no exercise of an extraordinary power over  
the sacred rights of personal liberty to ac-  
complish this. It is manifest that it is be-  
yond all controversy that those rights, in  
war or in peace, during invasion or domestic  
violence, even during the hideous rebellion  
which now confronts us, exist in cases  
which I have stated and are inviolable.

The President, therefore, whether in his  
civil or military capacity as commander-in-  
chief, has no such power as that claimed for  
him.

The ground upon which the application is  
made has no foundation in right. It cannot  
be entertained on a question in any State,  
or in the United States courts. The only  
question in this motion worthy of consid-  
eration and which can be entertained, does not  
arise under the constitution of the United  
States, but is clearly within the jurisdiction  
of this court. The motion is denied with-  
out costs.

In Art-mus Ward's inimitable lecture  
on ghosts, which by the way was a ghost of  
a lecture so far as ghosts were concerned, he  
tells of an absurd man who wouldn't have  
any gins in his windows—he thought the  
ghosts would be enough, as it would keep out  
the coldest of the cold. This reminds a  
correspondent of a story that old Parson H  
—, of P—, used to tell of his experi-  
ence of the cold on the night of his marriage.  
They went on a "bride tower" to his coun-  
ty, down on the shore of Connecticut, and  
spent the night, which was one of the coldest  
of the season, and being put into a cold  
spare room, they suffered severely. After a  
while his wife asked him to get up and see  
if he couldn't find something more to put  
upon the bed. After a diligent search he  
could find nothing but his and his wife's  
clothing, which he gathered up and packed  
upon the bed, and got in and tried it again,  
but still they "grew no warmer very fast,"  
and his wife begged of him to get up and  
search about and see if anything more could  
be found, and suggested that there might  
possibly be something in a closet in one  
corner of the room; so he went and exam-  
ined the closet, and reported to his wife that  
an old fish net was the only thing he could  
find. "Well, my dear," said she, "put it on,  
put it on, that will tangle the cold a little."  
—Boston Post.

## The Number of Men Called Out for the Army.

The number of fighting men called out  
from the Northern or "Loyal States" under  
the administration of President Lincoln, may  
be briefly summed up as follows:

By proclamation April 15, 1861	75,000
By proclamation May 3, 1861	65,000
By act of Congress July 22, 1861	500,000
By act of Congress July 25, 1861	25,000
By proclamation July 1, 1862	300,000
By proclamation August 9, 1862	300,000
By Order July, 1863	300,000
By proclamation Oct. 17, 1863	300,000
	1,865,000

Thus, nearly two millions of men have  
been called out, making a number equal to  
about two thirds the total vote cast in 1860  
for President in the Northern or free States.  
The men who have gone into the service  
under these several calls, constitute, or did  
constitute, the flower of the country—men  
in the first promise, or in the prime of well  
developed and glorious manhood. But a  
large portion of those who have gone into  
the field in obedience to these repeated calls  
—how large a portion no one can tell—have  
been lost to their friends, the country and  
the world forever.

## Figurative Language.

A curiosity in the way of "figurative"  
language, in the epitaph recorded by Orphe-  
us C. Kerr, as being placed on a board over  
the grave of a soldier of the famous "Mack-  
erel Brigade."

MUGGY JIM,

A MACKEREL FISHER

LATE OF THE N. Y. FIRE DEPARTMENT,

TAKEN SICK

OF INDIGESTION,

HE COMMENCED TO

THROW UP FORTIFICATION,

AND DIED OF STRATEGY.

Hic Jacet

1 5-4.

0 4 1 2 8,

0 4 1 2 0,

0 2 80 8,

0 2 45 4.

"The verse," says the narrator, "had to  
be inscribed figuratively to get it all on the  
narrow monument. In all its praise of that  
quiet sleep in which there are no anticipa-  
tions to be disappointed, no gluttony to  
make sick, no Confederacies to guard against  
—the verse will be plain to all as reading

"Here lies

ONE FISHER,

Nought for one to wait,

Nought for one to sigh for;

Nought too weighty are,

Nought to fortify for."

QUESTION.—The Dubuque Herald asks:  
If it be treason, or anything like it, to  
question the administrative acts of the Presi-  
dent of the United States, why does the  
Constitution provide that the President may  
be impeached, and if found guilty, dismissed  
from office? How could he be impeached if  
no one had the right to question the impro-  
priety of his acts, and how could he be found  
guilty without accusers and witnesses as  
well as judges to try and condemn him—  
The right of arranging the President for  
alleged offences is as perfect in the people  
as the right of the President to hold his of-  
fice and exercise its functions. More so;  
for the right of the people existed before  
those of their public servants, and will exist  
after them to the end of time. If the com-  
plaints of the people be merely captious,  
they cannot injure the incumbent of the  
Presidency. If well founded the President  
has no just claim to be exempt from the  
consequences of his evil deeds. If he be  
innocent, he can have his remedy in the  
Courts against his accusers. If guilty there  
is neither any reason why the people should  
refrain from accusing him, nor why they  
should be restrained from reprehending him,  
nor why he should not be subjected to the  
legal punishment and the public opprobrium  
due to his crime.

The Philadelphia Age thus curtly  
and sensibly defines the relations of the  
Democracy to the laws:

1. To obey them if they be good
2. To obey them if they be bad.
3. To approve them if they be good.
4. To repeal them if they be bad.

Through the irrepressible conflict we have  
come to the irreparable calamity that now  
overshadows the country.

The other day a father, remonstrating  
with his boy for lying in bed, said that the  
sun had been up there three hours. "That's  
no great wonder, father," replied the son;  
"if I had as many miles to travel to-day as  
the sun has, I would have risen as soon as  
he."

INFAMOUS.—In his speech at Lancaster,  
the other day, as reported in the Cincinnati  
Commercial, John Brough said:

Slavery must be put down, rooted out, if  
every wife has to be made a widow, and  
every child be made fatherless.

The teachings of the past have been  
a mistake. From our youth up we have  
been taught that "Eternal vigilance is the  
price of Liberty." It is now shown to be  
three hundred dollars!

Pat Doolan, at Gettysburg bowed his  
head to a cannon ball, which went whiz-  
ing past six inches above his bare skin.—  
"Faith," said Pat, "one never loses anything  
by politeness."

IF A man come into a printing office to  
beg a paper. "Because," he said, "we like  
to read newspapers very much, but our  
neighbors are too stingy to take one."

## General Buell Acquitted.

The Washington correspondent of the  
Philadelphia Ledger states that the Court of  
Inquiry in the case of General Buell returned  
a verdict of acquittal on all the charges  
preferred against him. The verdict was  
rendered long since, but for some reason or  
other has never been publicly announced—  
Exchange.

This has ended a most wicked attempt to  
crush a brave and excellent officer, simply  
because he would not employ the powers of  
a Major General to the behoof of party. A  
court martial was selected on purpose to  
convict him, but after a long and tedious  
session—after taking and scraping together  
all the calumnies that had ever run through  
the sewers of a scandalous Abolition press  
—the Court has been obliged to acquit the  
General on all the charges. We say obliged  
for no one who knows the Court, and the  
animus with which they were selected, doubt  
that if it had not been a perfectly clear  
case, he would have been convicted. We  
congratulate the General upon his triumph-  
ant defence and upon his noble vindication of  
the hope and expectations of his friends.  
There is not in our army a man of greater  
ability than General Buell—a braver and  
more accomplished soldier. His whole bear-  
ing and manner indicate a fine intellectual  
character. Through the persecutions of the  
radical Abolition press the country has been  
deprived for a year of one of the best of-  
ficers in the service, and even now, after  
his acquittal, we do not look for his receiving  
any important command from this Ad-  
ministration.—[Cin. Enquirer.

CASE OF ABOLITION FEAR.—Bully for Cox.  
—John Dwyer, who lives in Clarke Co., was  
arrested by an old lady Margaret B—, a  
white woman of African politics—under the  
peace warrant law, for fear of injury to her  
person and property. The danger of her  
property as she alleged, was that he had  
driven her old mare out of his wheat field.  
The case was first tried before Squire Ran-  
dall of Pleasant township, an abolition  
Justice, who bound the defendant, a democ-  
rat, over to the Court of Common Pleas.

The case was tried about two weeks ago  
before Judge White. John C. Miller, a re-  
publican Prosecuting Attorney, urged with  
great ability, the holding of the defendant  
to bonds to keep the peace. Spence & Mc-  
Caffey were arrayed for the defence. On  
cross examination, Mr. Spence asked:

"Now, Mrs. B—, tell the Court what  
reason you have to fear John will do you  
personal violence?"

Margaret hesitates—is about to shed tears  
—but is reassured by the tender tones of  
Mr. Spence:

"Pray do not be excited Mrs. B—,  
Please tell the Court all about it. What has  
Mr. Dwyer done, or threatened to do?"

Mrs. B—, "Well, last summer, I had  
an old mare, (sentient in court) and Dwyer-  
er's fences were down, and the old mare  
got into Dwyer's wheat field.

Mr. Spence—"Go on, Ma'am, go on!"

Mrs. B—, "Well—John Dwyer—he,  
turned the old mare out of his wheat field."  
[Laughter.]

Mr. Spence—"Is that all, Ma'am?"

Mrs. B—, "No, last summer—Dwyer  
—he, went up to a democratic meeting at  
London—and got drunk there—and while I  
have two sons in the army [here she wept  
copiously.]

Mr. Spence—"Compose yourself my dear  
Mrs. B—, be calm!"

Mrs. B—, "While I had two sons in the  
army fighting for freedom—[great sensation]  
—John Dwyer—he cum—cum "long  
the road from democratic meetin"—past my  
house—an hollered out—B—Bul—Bully for  
Kox.

This announcement for the cause of her  
feet, on which the abolition justice had  
bound John over, was received with shouts  
of laughter by the democrats in Court.—  
Judge White dismissed John immediately.  
—[Clark County Democrat.

The above is a "specimen brick" of the  
manner in which justice is admin-  
istered in some of the Justices' courts  
we have heard of, not a thousand  
miles from Dubois county.

The State Sentinel says General  
Carrington and Mansfield report that they  
have no doubt of being able to fill Indiana's  
quota, under the President's recent call be-  
fore the 5th of January next.