

themselves. And since the law is to be executed so rigorously on them, they will demand to know whether you began at the beginning and cleared out all who held office under the late government; and when they are told no; such persons have been considered eligible to place under the new government, and no questions asked, the will scout the precedent of 1777, and say if we are to be purged with this great oath or leave the country; those who held the offices, and received their compensations under the old government, should take a dose that would unbreach a cannon, at least before they are trusted with official power. I apprehend, Sir, when the subject is viewed in this light, that many, though they have not slept for the last year like Rip Van Winkle, may come to the conclusion that there has been no very violent revolution after all, and that if there has, such terrible swearing is not Christian-like or decent.

Mr. President, the first and second sections of this ordinance are scarcely less objectionable than what I have been considering. The report of the committee informs us, that the offences therein enumerated, and which the committee calls sedition, were in the act of 1777, called misprision of treason. It is, therefore, reviving an old obsolete crime under a new and milder name. The American world, at least, has made some progress as to these crimes of *Lessee Majesty*, treason, misprision of treason, &c., since 1777. It was a great point gained for human life and liberty, that in the Federal Constitution of 1787, treason was defined to consist only in levying war against the United States, or in adhering to their enemies, giving them aid and comfort; a provision that has been literally copied in the Constitution of the Confederate States—and by an ordinance of this body, into that of this State also. It is enough to make the blood run cold, now, to review the history of what were at different times denominated and adjudged treason in England, and to remember what hecatombs of human victims the fluctuating state of the law, and its pliant and corrupt administration, to favor the views of the reigning sovereign or his minions, carried to the scaffold and the gibbet. An extraordinary instance of treason by words, was mentioned in our discussion of this subject at the last session, where a man of note was put to death for declaring in a moment of irritation, on hearing of the shooting by the King, of his favorite stag, that "he wished the horns of the stag were in the King's belly." As Plutarch relates of Dionysius, the tyrant, that he capitally executed a subject for relating that he had dreamed he killed the King, saying it was proof that he thought of it while awake. Sir, the fate of Sidney and Russell, and a hundred other martyrs of that very freedom, which loomed out in the English revolution of 1688, and assumed its full proportions in our American Constitutions a century later, will rush upon our memories at the suggestion of this theme, and illustrate the wisdom of the Constitutional provision. While it sufficiently secures the government from treacherous and partricial hands, it protects the citizen from that vortex of constructive and exploded treasons, which has engulfed in bloody and premature graves so many innocent men. "To prevent the possibility of those calamities which result from the extension of treason to offences of minor importance, (says Chief Justice Marshall,) that great fundamental law which defines and limits the various departments of our government, has given a rule on the subject both to the Legislature and the Courts of America, which neither can be permitted to transcend." With this limitation upon charges of treason, and the experience of that rational freedom established by the Constitution of the State, came more liberal views in relation to the inferior crimes of its class. Misprision of treason has entirely disappeared from the statute book of the State. It is found in that of the United States, covering only a single offence, according to its literal meaning, that of concealing and not disclosing and making known to the public authorities, the commission of any treason that may come to the knowledge of the person charged. Sedition is found in our Revised Code, as the heading of a particular offence, that of exciting slaves to insurrection. In this connection, it is a salutary part of our law according with public sentiment, and can be executed with effect, whenever an offender may be found. This was abundantly proved in the case of Daniel Worth, and of others. This law applies to attempts to excite rebellion in a degraded caste in our society, wholly devoid of all political power.

But among freemen, every one of whom is equal, in consultation and at the ballot-box, if restraints upon the freedom of speech and of the press may be imposed, beyond those provided by the common law, it has never been found necessary to call them into operation heretofore. There seems to have been a general acquiescence in the doctrine of Jefferson in his inaugural address. "If there be any among us who would wish to dissolve this Union [Confederacy] or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated, where reason is left free to combat it." I have myself been accustomed to associate statutes of sedition with those indictments for seditious libel, where there were attempts to screen corruption, impudently, favoritism and the insolence of office, by criminal prosecutions against persons who exposed them, and where the gallantry of Erskine, Curran, and other advocates at the English and Irish bar won immortal names in wrestling with a domineering and subservient bench, that never forgot that elevated it above the people,

nor its favorites, and prevailing in the contest. I have been accustomed to look upon them as bringing into active employment, if not producing, a vile race of parasites and sycophants, Titus Oateses, Bedlows, &c., thronging the gates of office and patronage, in the character of spies and informers, ready to discover Meal-tub plots and Rye house plots of the most direful import, and to accuse any man, whom it might be desirable to hunt down and destroy. You propose by the first section of this ordinance, to create nine indictable offences, every one of which is described in a manner so loose and undefined, as to hold out the greatest temptations to malignant accusers, and to produce neighborhood strifes without end. I shall not detain the Convention by a recital of them. Their counterpart may be found in the misprisions against the King's person and government, which Blackstone says may be "by speaking or writing against them, cursing or wishing him ill, giving out scandalous stories concerning him, or doing any thing that may tend to lessen him in the esteem of his subjects, may weaken his government or may raise jealousies between him and his people." Under this it has been at different times held indictable, to say of the King that he had a cold, at a time when his services were important in the field—also to say of him falsely, that he labored under mental derangement—or to drink to the pious memory of a traitor, or for a clergyman to absolve persons at the gallows who there persist in the treasons for which they die, &c. 4 Black. Com. 123. Sir, the whole doctrine is unsuited to our free institutions. It is founded on the supposition, that force, compulsion, is the only means of upholding government, even to excite love for it—and that public opinion is nothing, and must be subordinated by it. We have sufficient law now to afford all the security needed, if, as no one doubts, public sentiment is with us, and will enable us to enforce it—and if it is not, no new statutory enactment will be enforced. The common law of riot, rout, unlawful assembly, and conspiracy, enable you to take hold of any parties whose guilt may be dangerous; and the doctrine of seditious libel is the same now that it was in 1802 when Harry Crosswell was convicted of a libel on President Jefferson—except that the truth of the matter published is a defence. Over and above this, every section of the State is accessible on brief notice by Railroad, and the military power may be exerted with effect on the first appearance of insurrection.

But, Sir, the whole scope of this ordinance is to give proper defence and protection to the Confederate States. There are a few epithets thrown in, in which the State is mentioned, but they seem only designed to fill out a sentence, and give roundness to a period. Now what business is it of ours to pass a law to punish sedition against the Confederate States any more than punish the robbery of its treasury or post-office, or to punish piracy against its ships on the sea? If there is to be such a crime as sedition against that government, ought it not to be a general crime, punishable in Virginia, Tennessee, Kentucky and other States? And has not that government a Congress now in session for the third or fourth time? Is it supposed that we are wiser than they and are to usurp their functions? If that Congress has the same propensity to copy that prevails here, they need only turn to the administration of the elder Adams, and re-enact the sedition law of that day, referred to by the gentleman from Richmond, (Mr. Leak.) It is a very well drawn statute, much better than this ordinance. I say this without disrespect to the committee, for they only profess to copy from the act of 1777. The gentleman from Richmond made a slight error in supposing this was the same with the sedition law of 1798. It is infinitely worse. Judge Chase had decided and correctly too, that there was no law of the United States except what was enacted by statute, and therefore that there was no law of libel to protect its officers from the President downward against any defamation whatever. That act was consequently passed to punish by indictment libellous publications against them, which would be indictable if made against other persons by the common law—allowing, however, the truth to be given in evidence as a defence. Yet, so distasteful was it to the public mind, and so odious did it render its authors, that after the lapse of half a century, when all other party issues of that time are forgotten, it still remains in public recollection. But as a restriction on liberty, the liberty of the press and of speech, it was as nothing compared with this act, which has been exhumed from the oblivion in which it has lain for eighty-odd years, and which it is proposed to revive, just as it was on the day of its first enactment. At that time the doctrine prevailed here as well as in the northern country, of "the greater truth the greater the libel." So that if any man "shall publish and deliberately speak or write against our public defence," (this is one of the offences it creates) no matter how true may be the matter written or spoken, such as that a commanding General fled ingloriously from a field of battle, when victory was within his grasp, or that from his incompetency he sacrificed half his command without any conceivable object, although it may be every word true, the party who wrote or spoke thus, must be convicted.

If the Congress of the Confederate States desires to try over again the experiment of a Seditious Law of 1798, or to go back beyond it, and re-copy old penal statutes made to put down Papacy, or uphold the prerogatives of royalty, the way is perfectly open

to them. But let us not render ourselves a subject of merriment, by taking better care of that government than it takes of itself. Let us not stigmatize our people by singling them out as peculiar subjects for the operation of laws of this kind. Let us not give just cause of offence to them, by showing a distrust of that elevated patriotism and unanimity with which they are sustaining their country in this her hour of trial. Let us abandon this measure as impolitic, as it is insulting, oppressive and unjust. I ask the yeas and nays on the question of its indefinite postponement.

SPEECH OF MR. VALLANDIGHAM OF OHIO. THE MASON AND SLIDELL AFFAIR.

We get from our Northern advices some interesting news of the Congress at Washington. The debate on the war, which had occupied the body since its re-assembling, had turned on the Mason-Slidell affair, which had been brought up by the President communicating to Congress the official papers in the matter. Pending Affairs, Mr. Vallandigham, of Ohio, made a forcible and stirring speech, of which we give a summary:

Mr. Vallandigham said: I avail myself, sir, of this the earliest opportunity offered to express my utter and strong condemnation, as one of the representatives of the people, of the act of the administration in surrendering up Messrs. Mason and Slidell to the British Government. For six weeks, sir, they were held in close custody as traitors of the United States, by order of the Secretary of State, and with the approval and applause of the press, of the public men, of the Navy Department, of this House, and of the people of the United States, with a full knowledge of the manner and all the circumstances of their capture; and yet, in six days after the imperious and peremptory demand of Great Britain, they were abjectly surrendered upon the mere rumor even of the approach of a hostile fleet, and thus, for the first time in our national history, have we strutted insolently into a quarrel without right, and then basely crept out of it without honor; and thus for the first time has the American eagle been made to cower before the British lion.

Sir, a vassal, or fettered and terror-stricken press, or servile and sycophantic politician, in this House or out of it, may applaud the act, and fawn and flatter, and lick the hand which has smitten down our honor into the dust. But the people, now or hereafter, will demand a terrible reckoning for this most unmanly surrender. But I do not trust myself to speak of it now as I propose some day to speak. I rose only to put on record my emphatic protest against it, and to express my deep conviction that the very war which the other day might have been avoided by combined wisdom and firmness is now inevitable.

Sir, the surrender may be no fault of the Secretary of State, but he has sown, I fear, the dragon's teeth by this, his fatal dispatch, and armed war will spring from it. In the name of God, sir, what does England want with Mason and Slidell? It was a surrender of the claim of the right to seize them on board her ships, under her flag, that she demanded, and yet this is the very thing that Mr. Seward pertinaciously refuses, and he only condemns Captain Wilkes because he did not enforce this asserted right with greater severity against the offending neutral ship. Why, sir, upon the principles of this dispatch, if a merchant vessel, as at first intended, had been employed to carry these men out from Fort Warren to England, she might to-day have been arrested on the high seas and they dragged from her deck, provided only she were forthwith brought back to the port of Boston for confiscation.

But more than this, England needs, I do not say wants, a war, but she must and will have it, and this administration has acted from the beginning as if it were their purpose to oblige her in it to the utmost. Look into your diplomatic correspondence. Look at your stone fleet. But let that pass. Who, I ask, among all the millions of this country, or even in this House or Senate, or the Administration itself, in the midst of the dead calm or stolid security which seems now to rest over all, has reflected for a moment upon the significance of the events of the passing hour?

A British man-of-war bears to the shores of England, there to be received in triumph and with shouts of exultation as martyrs and heroes, and with the gustos of the people of England, and as the proteges of their ministers, the very men who, but for the rash act of Captain Wilkes and the still more rash endorsement of the administration and the country, would six weeks ago have been quietly landed from a private ship in quiet security as rebels and refugees. All Europe echoes now with their names. All Europe will rise up to do them honor, and yet you surrendered them, did you, to escape the recognition by England of the Confederate States, and your Secretary of State, with christian resignation or stoic philosophy, calmly rejoices that the effectual check upon, and waning proportions of, the insurrection, as well as the comparative unimportance of the persons concerned, happily enables the administration, after six weeks of experiment, to cheerfully liberate them, and thus to remove the *terrerim causi belli*.

Sir, give me leave to say that the moment they (Mason and Slidell) stepped upon the deck of a British man-of-war, your prisoners of State, whom the other day you would have consigned to felon's cells, became indeed the envoys and ambassadors of a recognized independent State; and I predict here to-day, in spite of this deep national humilia-

tion, or rather perhaps because of it, and in spite, too, of the surrender, without protest, of the Monroe doctrine, for forty years the cherished and proud policy of this Government, in less than three months you will be at war with Great Britain, or else, in the meantime, will have basely submitted to the recognition of the Confederate States and the breaking up of the blockade; and if at war then with hearts unstrung and hands unnerved by this very surrender.

Courage! courage! courage! sir, is the best and first of peace-makers. I know well, of course, sir, that, like all other similar predictions for some years past, in regard to our public affairs, you will treat this one also with scoffing and incredulity; but, nevertheless, I put it on record here to-day. "The prudent man foreseeth the evil and hideth himself, but the simple pass on and are punished."

STIRRING PROCLAMATION FROM GEN. BRAGG.

Gen. Bragg has issued the following proclamation:

Headquarters Department Ala. and West Florida,
Mobile, Ala., Dec. 31st, 1861.

[General Orders, No. 21.]

1. To ensure proper economy in the administration of our military affairs, it is necessary to the success of our cause as the defeat of the enemy. All commanders and disbursing officers in this Department will be required to give their closest attention to expenditures, seeing they are necessary and in conformity to law. A rigid scrutiny will be made by the Commanding General and the Chiefs of his staff, and abuses will be promptly exposed and checked.

In the location of troops, commanders and quartermasters will consult economy and efficiency. The vicinity of cities and towns will be avoided, as far as possible, in order to secure health, and escape the demoralizing effects of dissipation. Rents will not be paid, unless it is absolutely necessary. Fuel will be supplied, as far as practicable, by the labor of the troops, encampments being selected with this view. And works of defence, and huts for the winter, will be built by the labor of soldiers—officers being required, in all instances, to remain with, and share the duties of, the men.

2. Commanders of all grades are earnestly called upon to suppress drunkenness by every means in their power. It is the cause of nearly every evil from which we suffer; the largest portion of our sickness and mortality results from it; our guard houses are filled by it; officers are constantly called from their duties to form court martial in consequence of it; inefficiency in our troops and consequent danger to our cause, is the inevitable result. No one is benefitted but the miserable wretch who is too cowardly to defend a country he is willing to sell, by destroying those noble faculties he has never possessed. Gallant soldiers should scorn to yield to such temptations—and intelligent and honorable officers should set them an example. They should be encouraged to send to their families and friends at home the pay they receive for their services, instead of wasting it in their own destruction, and at the risk of the holy cause in which they are engaged. Small as the amount is, it will cause many a dear one to rise up and call them blessed.

"Give strong drink unto him that is ready to perish, and wine to those that be of heavy hearts"—but for us, the glorious cause in which we are engaged, should furnish all the excitement and enthusiasm necessary for our success.

The enemy, in large and increasing numbers, is upon our coasts. Let us cease all amusements and frivolities, and prepare diligently to meet him in defence of our homes, our firesides, and our altars.

By command of Maj. Gen. Bragg,
GEO. G. GARNER,
Assist. Adj't. General.

THE CONFEDERATE TAX BILL.

In the tax bill enacted by the Confederate States Congress there is a clause placing a tax upon "all interest bearing bonds." We learn that, according to the construction of the law given by Secretary Memminger, the tax-payer will not be permitted to deduct his liabilities from the amount of money due him, although he may be, in fact, in arrears.

Thus, if his liabilities amount to \$100,000, and he holds "interest bearing bonds" to the amount of \$50,000, he has to pay a tax upon the \$50,000, when, in reality, he is worth nothing. Again, A has purchased a farm at forty thousand dollars, and sold his own for thirty thousand. He is in possession of the forty thousand dollar farm, and has to pay a land tax thereon; at the same time he holds the bonds "interest bearing" for the thirty thousand dollar farm, because the "stay law" prevents their execution. He is, therefore, required to pay a tax upon the thirty thousand dollars, and also upon the forty thousand dollar farm. Thus paying a tax upon seventy thousand dollars, when in reality he holds only forty thousand dollars worth of property. His bonds are fastened upon him, and he cannot collect them. Again, B holds A's bonds for the forty thousand dollar farm; B must, therefore, pay a tax upon these bonds. Therefore, the land purchased by A from B is paying a double tax; so is the land sold by A to C; for A pays a tax on C's bonds for thirty thousand dollars, and C pays on the land in kind. Such a law, or the construction of it, is certainly wanting in uniformity and justice. *Richmond Examiner.*

FEDERAL VILLAINY IN MISSOURI.—We have heard from an authentic source of an act recently committed by the Hessians in Missouri, which stands without a parallel in the annals of civilized warfare. Two young ladies of that State, returning from a visit to a neighbor, found that during their absence some Federal troops had encamped on the plantation, and near the dwelling house. They had to pass these troops to get to the house. They were called upon to halt, but being frightened by the appearance of men, and apprehensive of rude treatment, they hurried to the house. The Federal soldiers deliberately fired a volley at them, killing one of them instantly!

The young lady killed was a sister of the wife of Gov. Jackson's brother.

N. O. Crescent.

Shelling a Dwelling in the Dead of Night—A Family Driven in the Snow.—About two o'clock on Thursday morning last, says the Frederickburg Herald, two Lincoln steamers ran close into "Chatterton," the family residence of Col. John Taylor on the Potomac, and fired from 30 to 40 shot and shell at the house, seemingly bent on its destruction.

Col. T. was from home, in command of his cavalry troop, which fact was doubtless well known to the vile miscreants. The house was occupied at the time exclusively by non-combatants, women and children—Mrs. Taylor, her children—and a few lady friends on a visit. As soon as possible they escaped—some in their night clothes, and some bare footed, and were thus forced to subject themselves for hours, during the rigors of a wintry night, to all the cold and inclemency of the season.

Family after family along the Potomac have been compelled to remove from their old homes within the last few months, sacrificing comfort, convenience and the luxuries they had been accumulating through long years of persevering toil.

NORTHERN FINANCIAL CRISIS.—A correspondent from Norfolk, says the Richmond Dispatch, who has the opportunity of reading the Northern papers, writes as follows:

"The financial crisis in the North is increasing. There will be a break down, soon, that will throw the great 'Mississippi bubble' in the shade. The banks of New York have a capital (total 54 banks in the city) of \$69,493,577. They have loaned the Government \$72,500,000. Thus you will see the New York banks have loaned the Government \$3,006,425 more than their capital. No wonder a crisis is imminent! In the Legislature at Harrisburg, Penn., there was a caucus in which forty-seven Democrats refused to go with the Government. There were only seven Union Democrats. Mr. Gallatin boldly charges Secretary Chase with fraud and a violation of obligation with regard to finance."

SUGAR AND MOLASSES.—We learn from the Vicksburg Citizen, that the boats still continue to bring large quantities of sugar and molasses to the landing of that city, and the levee is all covered over with barrels and hogheads. The Citizen is told that the shipments of these articles on the Southern Railroad are so large that the company is compelled to refuse receiving any more at present, not having sufficient rolling stock to forward it eastward.

THE WAR SPIRIT IN CANADA.—The Cincinnati Commercial of the 25th instant, has the following item: "The news from Canada is warlike. The military spirit of the people is excited, and there is a general expression of hostility towards the United States. The militia, to the number of 50,000, have been called out. There is intense activity in all quarters, and the press sounds the war-whoop on every side."

SALISBURY BENEFITED BY THE WAR.—Salisbury does not present so gay and prosperous an aspect on the street as she did a year ago, yet the dull monotony of the street but adds to her intrinsic worth. The cheerless routine of commercial interchange, contrasted with the busy tapping of the shoe hammer, speaks a word of praise in every way worthy of her citizens. She is more justly entitled to the name of a manufacturing than a commercial town. Eight months ago she had scarcely a shoe shop of any size or merit in the place, now they are as plentiful as grog shops in a Western village—so much for Lincoln's war. *Banner.*

CONDEMNATION OF A N. C. VESSEL AT NEW YORK.—U. S. vs. the *Mary McRae*.—This is the first decision on a seizure made under the act of July, 1861, on the ground that the vessel was owned in whole or in part by parties residing in the rebel States. The Judge condemned the three-fourths of the vessel owned in Wilmington, N. C., and released the one-fourth owned by a New York owner. The loyal owner made a claim against the Southern shares for a rateable proportion of the advances made by him on account of the vessel. The Judge overruled this claim, deciding that the forfeiture was superior to all liens and equities, and the remedy of the loyal part owner (if any) must be had upon application to the Secretary of the Treasury.

Ex-Gov. Morehead, of Kentucky, has been released from confinement in Fort Warren on his parole, and proceeded immediately to New York.

Advices from Missouri report that Gen. Price has been reinforced by troops from Arkansas, and that there is some probability of a fight at Rolla.