

# The Edgefield Advertiser.

"WE WILL CLING TO THE PILLARS OF THE TEMPLE OF OUR LIBERTIES, AND IF IT MUST FALL, WE WILL PERISH AMIDST THE RUINS."

EDGEFIELD, S. C., JUNE 19, 1861.

VOLUME XLV.—No. 24.

SIMKINS, DURISOE & CO., Proprietors.

## Selected Poetry.

### Be a Woman.

Oh! I've heard a gentle mother,  
As the twilight hours began,  
Pleading with a son on duty,  
Urging him to be a man.  
But unto her blue-eyed daughter,  
Through her words quite as ready,  
Points she out the other duty,  
"Strive my dear to be a lady!"

### What's a lady? Is it something

Made of hoops and silks and airs,  
Used to decorate the parlor,  
Like the fancy rugs and chairs?  
Is it one that wastes on novels,  
Every feeling that is human?  
If 'tis this to be a lady,  
'Tis not this to be a woman.

### Mother, then, unto your daughter

Speak of something higher,  
Than to be a fashion's lady—  
"Woman" is the brightest star,  
If ye, in your strong affection,  
Urged your daughter to be a man,  
Urged your daughter no less strongly  
To raise up and be a woman.

### Yes, a woman—brightest model

Of that light and perfect being;  
There the mind, and soul and body,  
Blend to work out life's great duty—  
Be a woman—naught is higher  
On the catalogue of fame:  
There's no brighter, holier name.

### Be a woman—on to duty,

Raise the world from all that's low,  
Place high in the social heaven  
Virtue's fair and radiant bow;  
Lead thy influence to each effort,  
That shall raise our nation human;  
Be not fashion's gilded lady,  
Be a brave, true, whole-souled woman.

## Miscellaneous.

### Lincoln Indicted.

We give below a few extracts from the opinion delivered by Chief Justice Taney, in the case of Merryman, a citizen of Maryland, arrested and detained by General Cadwalader, commanding in Maryland. We repeat that our limited space will not permit us to publish the entire opinion as it is worthy of the great reputation of the venerable jurist who for more than twenty-five years has expounded the Constitution of the United States in the spirit of its makers.

### The Habeas Corpus Case in Baltimore.

Ex parte John Merryman.  
Before the Chief Justice of the Supreme Court of the United States, at Chambers.

The application in this case for a writ of habeas corpus is made to me under the 14th section of the Judiciary Act of 1789, which renders effectual for the citizen the constitutional privilege of the writ of habeas corpus.

The case, then, is simply this. A military officer, residing in Pennsylvania, issues an order to arrest a citizen of Maryland upon vague and indefinite charges, without any proof, so far as appears. Under this order his house is entered in the night, he is seized as a prisoner and conveyed to Fort Mifflin, and there kept in close confinement. And when a habeas corpus is served on the commanding officer, requiring him to produce the prisoner before a justice of the Supreme Court, in order that he may examine into the legality of the imprisonment, the answer of the officer is, that he is authorized by the President to suspend the writ of habeas corpus at his discretion, and in the exercise of that discretion, suspends it in this case, and on that ground refuses obedience to the writ.

As the case comes before me, therefore, I understand that the President not only claims the right to suspend the writ of habeas corpus himself, at his discretion, but to delegate that discretionary power to a military officer, and to leave it to him whether he will or will not obey judicial process that may be served upon him.

No official notice has been given to the courts of justice or to the public, by proclamation or otherwise, that the President claimed this power, and had exercised it in the manner stated in the return. And I certainly listened to it with some surprise, for I had supposed it to be one of those points of constitutional law upon which there was no difference of opinion, and that it was admitted on all hands that the privilege of the writ could not be suspended except by act of Congress.

Having, therefore, regarded the question as too plain and too well settled to be open to dispute, if the commanding officer had stated that upon his own discretion, and in the exercise of his own discretion, he refused obedience to the writ, I should have contented myself with referring to the clause in the Constitution, and to the construction it received from every jurist and statesman of that day, when the case of Barr was before them. But being thus officially notified that the privilege of the writ has been suspended under the order and by the authority of the President, and believing, as I do, that the President has exercised a power which he does not possess under the Constitution, a proper respect for the high office he fills requires me to state plainly and fully the grounds of my opinion, in order to show that I have not ventured to question the legality of this act without a careful and deliberate examination of the whole subject.

It is the 24th article of the Constitution that provides for the organization of the Executive Department, and enumerates the powers conferred on it, and prescribes its duties. And if the high power over the liberty of the citizen now claimed, was intended to be conferred on the President, it would undoubtedly be found in plain words in this article. But there is not a word in it that can furnish the slightest ground to justify the exercise of the power.

It is, too, his powers in relation to the civil duties and authority necessarily conferred on

him are carefully restricted, as well as those belonging to his military character. He cannot appoint the ordinary officers of Government nor make a treaty with a foreign nation or Indian tribe without the advice and consent of the Senate, and cannot appoint even inferior officers, unless he is authorized by an act of Congress to do so. He is not empowered to arrest any one charged with an offence against the United States, and whom he may, from the evidence before him, believe to be guilty—nor can he authorize any officer, civil or military, to exercise this power; for the 5th article of the amendments to the Constitution expressly provides that no person "shall be deprived of life, liberty or property without due process of law"—that is, judicial process. And even if the privilege of the writ of habeas corpus was suspended by act of Congress, and a party not subject to the rules and articles of war was afterwards arrested and imprisoned by regular judicial process, he could not be detained in prison or brought to trial before a military tribunal, for the article in the amendment to the Constitution, immediately following the one above referred to—this is, the 6th article—provides that "in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence."

With such provisions in the constitution, expressed in language too clear to be misunderstood by any one, I can see no ground whatever for supposing that the President, in any emergency or in any state of things, can authorize the suspension of the privilege of the writ of habeas corpus, or arrest a citizen except in aid of the judicial power. He certainly does not faithfully execute the laws, if he takes upon himself legislative power, by suspending the writ of habeas corpus; and the judicial power also, by arresting and imprisoning a person without due process of law. Nor can any argument be drawn from the nature of sovereignty or the necessities of government for self-defence in times of tumult and danger. The government of the United States is one of delegated and limited powers. He drives its existence and authority altogether from the constitution, and neither of its branches, executive, legislative or judicial, can exercise any of the powers of government beyond those specified and granted. For the tenth article of the amendments to the constitution in express terms provides that "the powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people."

Indeed, the security against imprisonment by executive authority, provided for in the fifth article of the amendments of the constitution, which I have before quoted, is nothing more than a copy of a like provision in the English constitution, which had been firmly established before the Declaration of Independence.

But I am not left to form my judgment upon this great question from analogies between English jurisprudence, and the decisions of English courts, although upon this subject they are entitled to the highest respect, and are justly regarded and received as authoritative by our courts of justice. To guide me to a right conclusion, I have the commentaries on the constitution of the United States of the late Mr. Justice Story, not only one of the most eminent jurists of the age, but for a long time one of the brightest ornaments of the Supreme Court of the United States, and also the clear and authoritative decision of that court itself, given more than half a century since, and conclusively establishing the principles I have above stated.

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And if a military officer, or any other person, had reason to believe that the prisoner had committed any offence against the laws of the United States, it was his duty to give information of the fact, and the evidence to support it, to the district attorney; and it would then have become the duty of that officer to bring the matter before the district judge or county-sheriff, and if there was sufficient legal evidence to justify his arrest, the judge or commissioner would have issued his warrant to the marshal to arrest him, and upon the hearing of the party would have held him to bail or committed him for trial, according to the character of the offence as it appeared in the testimony, or have discharged him immediately if there was not sufficient evidence to support the accusation. There was no danger of any obstruction or resistance to the action of the civil authorities; and therefore no reason whatever for the interposition of the military. And yet, under these circumstances, a military officer, stationed in Pennsylvania, without giving any information to the district attorney, and without any application to the judicial authorities, assumes to himself the judicial power in the person of Maryland, undertakes to decide what constitutes the crime of treason, or rebellion, what evidence (if, indeed, he requires any) is sufficient to support the accusation, and justify the commitment, and commits the party, without having a hearing even before himself, to close custody, in a strongly garrisoned fort, to be there held, it would seem, during the pleasure of those who committed him.

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And these great and fundamental laws, which Congress itself could not suspend, have been disregarded and suspended, like the writ of habeas corpus, by a military officer, supported by force of arms. Such is the case now before me, and I can only say that, if the authority which the Constitution has confided to the judiciary department and judicial officers may thus, upon any pretext, or under any circumstances, be usurped by the military power at its discretion, the people of the United States are no longer living under a government of laws, but every citizen holds life, liberty, and property at the will and pleasure of the army officers in whose military dictation he may happen to be found.

In such a case my duty was too plain to be mistaken. I have exercised all the power which the Constitution and laws confer on me, but that power has been resisted by a force too strong for me to overcome. It is possible that the officer who has incurred this grave responsibility may have misunderstood his instructions, and exceeded the authority intended to be given him. I shall, therefore, order all the proceedings in this case, with my opinion, to be filed and recorded in the Circuit Court of the United States for the District of Maryland, and direct the clerk to transmit a copy, under seal, to the President of the United States. It will then remain for that high officer, in fulfillment of his constitutional duty, to take care that the laws

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We have seen no better fighting material, be it remarked, than is contained in this same regiment, to which Lieut. Col. belongs.—New York News.

LEATHER, SHOES, &c.—If our ports are rigidly blockaded, there will be soon a scarcity of Leather and Shoes in the South. This can be remedied by our tanneries at once putting forth all their powers to make Leather. Let all the hides that the country can produce be put in the tan vats so as to give us Leather in due time. Texas, Mexico, and Arkansas can no doubt furnish raw hides in sufficient quantities, in addition to the domestic supply. The hides of all cattle, sheep, &c., slaughtered in our camps should be prepared for the tanneries. With Leather we can make shoes as good as our own. Our soldiers must have shoes; so must our slaves, and so must we all. Brogans for hard service are what is first needed; and then the usual varieties for the various walks of life. The shoe trade in the South is bound to be profitable, and the manufacture of shoes to rapidly increase.—Huntsville (Ala.) Advocate.

CAPT. WERTH'S INTERESTING ENCOUNTER WITH THE ENEMY.—From a reliable source we derive the following account of the interesting interview between Capt. Wm. H. Werth, of the Chatham Grays, Pittsylvania County, and a scouting party of the Hessians, in the neighborhood of Hampton, on Friday last. It differs somewhat from our yesterday's statement. Capt. Werth and another officer, being together, and unaccompanied, on a reconnoitering expedition some distance in advance of the main body, separated at the forks of the road, each going on his own hook. After Capt. W. had proceeded a short distance, he found himself suddenly in the presence of five of the enemy. Having no idea of surrendering, he instantly drew his revolver, and without parleying, each party commenced firing.—Capt. W. killing two of the party, the remainder retreated. The male ridden by one of the party, however, was killed by Capt. W.'s last shot, the rider having slipped off at the instant and taken to the bushes. Capt. W. seems much chagrined that the bad ground on which the reconnoiter occurred prevented his bagging all five. When this affair is reported by the Northern press, it will be of course be stated that it is scouts were attacked by a whole troop of dragoons. Capt. W. is now on his way to the front, and will be ready to march until joined, immediately.

The following is a roll of the field officers and companies of the Legion. Six companies are now in camp near Columbia, and the others have been ordered to come forward:—Wade Hampton, Colonel; J. B. Johnson, Lieutenant Colonel; J. B. Griffin, Major; T. G. Barker, Adjutant; C. L. Goodwin, Quartermaster; T. Beegs, Commissary.

ARTILLERY.—Washington Artillery, Charleston, Capt. S. D. Lee.  
CAVALRY.—Brooks Troop, Greenville, Capt. J. F. Lannan; Edgefield Hussars, Edgefield, Capt. M. C. Butler; Beaufort District Troop, Beaufort, Capt. T. O. Sorren, Jr.

INFANTRY.—Washington Light Infantry Volunteers, Charleston, Capt. J. Conner; Davis Guards, Greenville, Capt. W. M. L. Smith; Gist Riflemen, Union, Capt. H. J. Austin; Roman Guards, Greenville, Capt. T. L. L.

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CAVALRY.—Brooks Troop, Greenville, Capt. J. F. Lannan; Edgefield Hussars, Edgefield, Capt. M. C. Butler; Beaufort District Troop, Beaufort, Capt. T. O. Sorren, Jr.

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