

The South.

Baltimore, Saturday Evening, May 4, 1861.

Th. W. Hall, Jr. Editor.

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The South.

THE LEGISLATURE.

Lincoln has inaugurated a military despotism. He is creating an army and navy without the slightest sanction of Congress. He is usurping every form of legislative power. The powers conferred exclusively to Congress by the 11th, 12th and 13th clauses of Section VIII. of Article I of the Constitution,—where are they?

"The Congress shall have power:
"11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.
"12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years.
"13. To provide and maintain a navy."

When Jefferson Davis made a mistake with regard to letters of marque and reprisal, he at once retracted the inadvertent assumption, and suspended the operation of his measures, until the Congress of the Confederate States met. This is Southern obedience.

In the general Comedy of Errors—we say this in no spirit of hostile feeling, when such errors are not clear-sighted designs—everybody seems to be blundering, not from any intricacy in the subject, nor from haste, but from sheer neglect to read the Constitutions of the General and State Governments. As respects the points involved, the interpretation is so simple and obvious, that "he who runs may read" correctly.

Mr. Wallis' resolution, passed by the House of Delegates the other day, may be taken as the first domestic sample: "that the Legislature have no power to pass an ordinance of secession."

Now, expediency is one thing; judiciousness and sense of propriety under the circumstances, are good and valid reasons for abstaining from the exercise of power, but it is a fatal error to allow such considerations to undermine, by the assertion of a principle, the Legislative sovereignty of the State.

This Heretofore, Jupiter power—must be kept intact and left competent shield and armor for exigencies, when the people may not, in time, be consulted. All Anglo-Saxon statesmen have recognized this parliamentary sovereignty—except when controlled by express or implied constitutional restrictions—a Palladium for moments of suddenness and surprise. In the case of the Mayor, &c., *Police Commissioners*, this is expressly recognized in the opinion of the Chief Justice.

"The difference between our State government and a pure democracy, consists in this: in the latter, the people have the power to do as they may please, while in the former, their delegates have the same scope of authority, save in so far as there be express or necessarily implied limitations on it. Without these limitations, their power is absolute. This definition is nowhere denied by persons familiar with the nature of our political institutions, and has been affirmed by the Courts of every State in the Union, whenever they have been called upon to pronounce "in regard to it."

We are presented with a concrete error in the Senate bill introduced by Mr. Veltott,—with the assumption of authority from which the Legislature is prohibited by constitutional restrictions, both express and implied.

Art. II, sect. 2, of our State Constitution provides as to the Governor. "He shall nominate, and by and with the advice and consent of the Senate, appoint all civil and military officers of the State, whose appointment or election is not otherwise herein provided for, unless a different mode of appointment be prescribed by the law creating the office."

The Police Commissioners of the City of Baltimore were made incumbents of a new office, created by the law. But as soon as it is seen, that the militia is recognized in the Constitution, and the mode of appointing officers prescribed—except in the case of *Division, General and Staff Officers*—the whole authority and analog cease. Accordingly so much of Mr. Veltott's bill as enables the proposed Board of Safety to discharge existing militia officers, legally constituted, "alors the rank of captain," is clearly unconstitutional, and in conflict with the provisions of Article IX of the Constitution, Sect. 1. It shall be the duty of the Legislature to pass laws for the enrollment of the militia; to provide for districting the State into divisions, brigades, battalions, regiments and companies; and to pass laws for the effectual "encouragement of volunteer corps, by some mode of at least one volunteer company in every county and division in the city of Baltimore.

The company, battalion, and regimental officers (staff-officers excepted) shall be elected by the persons composing their several companies, battalions and regiments."

This seems to admit of no argument—and indeed its interpretation also shows that the present practice of the Governor to commission militia officers, under which many now hold commissions, who have not been elected by enrolled companies, battalions and regiments—is wholly illegal. Their commissions are void. The only officers the Governor can appoint, are those whose mode of election is not prescribed by the above article 9.

Now this is not a time for complaint on the one hand of errors, or irritation at fair criticism on the other. No opportunity has been offered for private suggestion or remonstrance. We must at once make our mistakes, correct them when discovered, and act like patriots for the public safety. There is a great deal which the Board of Safety can constitutionally do. They can see to arming and outfitting the State at once. This is vital. Let the Legislature order the enrollment of the militia. Let them establish communications to protect the general safe and destiny.

We may have a dark hour, but the dawn will surely come.

Compliments—Very.
In the New York Tribune, of yesterday, we find the following admirable paragraph:

The Baltimore rowdies are noted for the appropriate name of the names they give to their clubs and gangs, as for instance "Blood-Tula" and "Bug-Uglis." Since their fight with the Massachusetts men they have adopted a new and still more appropriate appellation. They intended to call themselves Guerrillas, but by a happy confusion of Spanish and African terms they have contrived to designate themselves "Gorillas." The great Gorilla baboon would certainly acknowledge the relationship so far as ugliness and ferocity are concerned. In point of courage, however, it may be questioned whether they are quite equal to their African prototype.

A Washington letter to the New York Times, says:
Gov. Hicks writes here that the conservative reaction at Baltimore has obtained complete possession of the city and State; and Baltimoreans say that if the War Department here would allow it, there would be not the least obstacle in the way of immediately resuming travel via that city direct.

DEFENSIVE PASSIONS.

Courage is full of resources. When frankness of means is silent and subtle in its marshaling, and the edge of his sagacity selects the sure moment for the thrust. The courage of masses usually realizes leadership as necessary for unity of action, when individual effort can accomplish nothing but detailed defeat. It trusts then, without inquiry as to the means of deference, to this informal delegation of power and responsibility—sure, very sure that the best will be done that the weakness of humanity allows, and knowing that the exposure of plans would frustrate their efficiency. In every form this brave self-reliance achieves glorious results and mocks the lookemith who seek to put human rights under bondage.

When conspirators, in the midst of a brave community, are unlooked and are found to have been long and artfully contriving to alienate to it, a political and commercial destiny, and to its sympathy, it is fatal to its well-being when they assumed it for effective obvious resistance—when the tramp of hateful masters is heard with insubstantial tread—when indignation, surprise, and fight feel the passions of resentment, and cruelly feel and discover the politic craft which has ensnared this community as defenceless—then it is, that such conspirators audaciously avow that the condition is one chosen by the community itself, and meanly rely on organized and overwhelming external power, counsel submission as a patriotic virtue, and taunt resistance as mere mad-cap words—the frothy effusion of irritable folly.

The coward trait has always acted thus, and thus always chafed betrayed course, with the bitterness of such dastardly reconciliation.

Thank God, we are not quite so far advanced. But should it prove otherwise, we have defensive passions of the brave. We can be domestic tie heart teach our wives and children, the story of our betrayal. The truth of social sympathy which has been introduced as a community, and our oppressors, we can disengage from the common trellice, till our heart-strings grasp only the good and true. The agony of subjugation will separate with a sword that sears; the venous system will no longer feel the impulsion of a common heart. No bayonet—no flag can rule the South. The moral partition will steadily extend itself, till socially and commercially, you will see the conspirators and foreign bayonets on the one side, and a betrayed people on the other. Will the latter not hide its time? Think you that bribed clubs can assimilate the community to themselves? Can reconcile the community to the loss of its vital trade, and make it cheer when the carnage of their Southern brethren is threatened or achieved?—Will the patronage of the Custom House and Post Office, solder the heart of Marylanders into connection with the authors of their ruin and degradation? Can a canning newspaper, cowardly, mean, and venal to the extent of having no opinion from which it does not hope for pay, looking now for a circulation among the soldiers expected to be quartered in their midst, say such a people to be bound on the wretches who would butcher the population and devastate the wealth of their Southern kindred?

A traveller friend has told us that, ere the redemption of Lombardy, he bore to Milan some letters of introduction, one to an elegant and titled lady. She drove him in the afternoon in her cabriolet to see the public Mall. Noticing a distinguished looking officer, and knowing that his prominent position would command knowledge of all social persons, he asked "who is that officer?" She turned her look in the direction indicated, and ventured to this American even, the safe and guarded scorn, "I do not know—some 'Austrian,'" whilst her eyes beamed the intensity that ever a woman's passion can sparkle, when hoarded resentment brightens the ray.

Now Lombardy is free, and the Great God of the Brave bears from that woman anathema of praise, for his grateful rescue. She cultivated the "defensive passions" and in like breasts, they grew up an army of defence.

"We sat down and wept by the waters of Labeal and thought of the day. When our foe, in the hue of his slayers, made Salem's high places his prey; And ere, he had done his slaughter, Were scattered all weeping away. While daily we gazed on the river Which rolled on in freedom below. They demanded the song, but Oh Never! That triumph, the stranger shall know! May this right hand be withered forever, Ere it string our harp for the foe.

The "Defensive Passions" are a Grand Army. They can conquer even Military Despotisms.

Poor Baltimore!
The New York Tribune has a correspondent in Baltimore, and his last letter is at once so truculent and amusing, that we reproduce it. Governor Hicks and Judge Bond, if would seem, have not sufficiently served their masters and are still objects of suspicion. Our scribble says:
Judge Bond made a terrific charge upon the Belela to-day, at the Light Brigade. It was as daring as that of the Light Brigade at Balaclava. It will be well if it does not prove as disastrous to the Judge. The utterance of fine words costs very little, but let the country keep its eye upon the Judge's future acts in this matter. Let it also keep a sharp lookout upon the course of the Grand Army. While hoping for better things, my suspicion is that the Judge's charge upon the Belela will be the last of his intervention in the premises, and the Grand Jury will table all complaints, should any ever be permitted to reach them at all. The Judge's interpositions are not favorable to a vigorous vindication of the broken laws, in this matter of disaffection to the Union, for both he and his brother are the chief instigators of the Secession movement in the M. E. Church in Maryland, and it is not very likely that a majority of the Grand Jury will be sound enough to bring the Union question to inaugurate measures looking to the punishment of their neighbors and friends, who incited the recent riot. If anything comes out of this course of Judge Bond, I fear it will only be the weak, and feeble, and poor, who will be made the scape-goats, but it will do no harm to the Court and the Grand Jurist know that the eye of the country is upon them, and that the nation expects them to bring to the bar of justice the real authors and abettors of the crime of the 19th of April. The Grand Jury cannot go astray in this matter. A thousand witnesses are at hand to point out the culprit. Indeed, they can of their own mere motion indicate them. They walk in high places, it is true, but as death looms shining vicarious, so does the majesty of the broken law seek the prompt punishment of its violators who seek to screen themselves by their wealth and social position.

Not only must the Grand Jury enter the sanctuaries of high social life for the criminals in this case, but that body must break down the doors that lead into the highest official chambers of the City Government, and drag thence the breakers of the law. They must find bills against the Police Commissioners and their Marshal, or otherwise Judge Bond's charge will be a mockery. And not only must these officials be made to suffer, but another and a still higher one should be strangled at the bar of justice, and that one is the Governor of the State. It was he who gave the order to destroy the bridges and wires of the public highways running northward. It is clearly obnoxious to the punishment prescribed in the Code against bridge-wreckers and wire-breakers.

The capture of one of the police buccannery, sailing under a roving commission issued and signed by Governor Trimble, the other was a more fastidious, and a United States vessel in the Bay, has created great consternation in the ranks of the rebels. The commission, duly signed by Col. Trimble, was secured, and thus he is caught in his own trap. He has been sent to Washington, with other proofs of his treason, and in a day or two at furthest, you may expect to hear of his arrest for trial before Judge Giles of the United States District Court in this city. His conviction is unavoidable. If he falls back upon the power of the Police Board, which claims jurisdiction over the waters and shores of the Chesapeake under the police law, then the constitutionality of that oppressive act will be tested in the U. S. Supreme Court, which will speedily dissolve it, if it confers authority right in the teeth of the provisions of the Constitution regulating commerce and the free passage of citizens. It is a matter of course, that the rebels will endeavor to contrive one of the rebels, and overturn the very law under which the late riot was fomented and carried out, and which still hangs about our necks with mill-stone weight.

The blockade of this port was established this morning, preparatory to the investment of the city with the Federal forces. They will speedily occupy Murray's Hill, Patterson's Park, and Federal Hill, perchance if they can, but fortitude is the national expectation. No more fighting will be there no resistance. If there is, there will be a fire in the rear that the rebels little dream of. The law will be made to find out what stuff the Police Commissioners and their Marshal are made of, and the National Government will reach the abettors of the late riot not in official positions. The apprehension of coming evil from this quarter is already operating to produce a legion of many of the leading spirits. The loyal citizens feel that they will not receive any of them so long as the city is in the hands of the present authorities, whose countenance the gentlemen portion of the mob enjoy without stint. As to the rowdies, they are easily disposed of.

Proclamation by the President of the United States.
The following Proclamation has just been issued at Washington:
By the President of the United States:
A PROCLAMATION.
Whereas, Existing exigencies demand immediate and adequate measures for the protection of the National Union by the suppression of the insurrectionary combinations now existing in several States for opposing the laws of the Union, and obstructing the execution of the laws of the United States; and whereas, the President, by his proclamation of the 15th day of April, in the present year, appears to be indispensably necessary.

Now, therefore, I, Abraham Lincoln, President of the United States and Commander-in-Chief of the Army and Navy thereof, and of the militia of the several States, when called into actual service, do hereby call into the service of the United States 42,000 volunteers for a period of three years, unless sooner discharged, and to be mustered into service as infantry and cavalry.

The proportions of each arm and the details of enrollment and organization will be made known through the Department of War.

And I also direct that the regular army of the United States be increased by the addition of eight regiments of infantry, one regiment of cavalry and one regiment of artillery, making altogether a permanent increase of 20,000 men, and that the enlisted men, the details of which increase will also be made known through the Department of War.

And I further direct the enlistment, for not less than one year than three years, of 18,000 conscripts, in addition to the present force, for the naval service of the United States. The details of the enlistment and organization will be made known through the Department of the Navy.

The call for volunteers hereby made, and the direction for the increase of the regular army, and for the enlistment of conscripts hereby given, together with the plan of organization adopted for the volunteers and for the regular force hereby authorized, will be submitted to Congress as soon as assembled.

In the meantime I earnestly invoke the co-operation of all good citizens in the measures hereby adopted for the effectual suppression of insurrection, and for the impartial enforcement of Constitutional laws, and for the speediest possible restoration of peace and order, and, with these, of happiness and prosperity throughout our country. The testimony which I have heretofore set my hand and caused the seal of the United States to be affixed.

Done at Washington, this third day of May, in the year of our Lord, one thousand eight hundred and sixty-one, and of the independence of the United States the eighty-sixth.
(Signed)
ABRAHAM LINCOLN,
By W. H. SEWARD, Secretary of State.

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