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REPLY

OF

S. Teackle Wallis, Esq.,

TO THE

Letter of Hon. John Sherman.

BALTIMORE, January 3d, 1863.

Hon. John Sherman, U. S. Senate:

SIR—I received on Sunday, December 28th, the letter bearing date the 26th, which you addressed to me, in professed reply to mine of the 12th. I find it also in the New York *Times* of December 31st, with an editorial notice, from which I infer that it was forwarded to that journal at least as soon as it was transmitted to me. My own letter would not have been handed to the *World* for publication, had not the lapse of a week, without even a knowledgement of its receipt, given me reason to suppose that you intended to be discourteous as well as unjust. The tenor of your reply, as you have at last furnished it, does nothing to relieve me of that impression, it being obviously intended for a party pamphlet, *ad captandum*, instead of an answer, in good faith, to the subject upon which I addressed you.

You have entirely misapprehended the purpose of my letter of the 12th, if you really suppose, as you profess to do, that I desired or attempted to convince you of my own "loyalty," or that of the Legislature of Maryland, to which I had the honor to belong in 1861. I do not mean to be uncivil, when I assure you that nothing was farther from my thoughts, and that there are few things to which I could be possibly more indifferent, personally, than the judgment which gentlemen who bear your relation to the governing party in the United States may choose to form, in regard to myself, my opinions, or my action. Still less would I venture to deal so disrespectfully with the General Assembly of Maryland, as to recognize in you or your partisan associates, any right or fitness to pass authoritative judgment upon them or their official conduct.

As I understand the form of government under which the people of this country have, until within the last two years, supposed themselves to live, no citizen is criminally amenable, for his public or private conduct, except to the laws of the land as administered by the constituted judicial tribunals. "No opinion," you yourself admit, "is criminal under our law," and I think I may assume—whether you admit it, or not—that there are no acts, for which any citizen can be lawfully held to account, except those which the law has forbidden. No officer of the Government, whether civil or military, has any more right—as I have been taught—to create offences, or define them, except only as the law prescribes, than he has to rob or murder on the highway, or proclaim himself king or saltan. It is of the essence of constitutional government—in peace or war, as has always heretofore been understood—that the Constitution and laws should be masters, and public officers, like private individuals, only their servants. Beyond the lines of their strict constitutional powers, such officers are as literally without authority, before the law, as the humblest citizen; for they are, in fact, private wrong doers, and not public officers, from the moment that they have trangressed those constitutional limits.

Gentlemen of your way of thinking, however, have adjudged these rudimental and long-established principles to be wholly obsolete, under the sort of government which you need, and have set up, to serve your purposes. You have accordingly borrowed, from the vocabulary of despotism, the name of "disloyalty," to designate that undefined and undefinable offence—not known to free institutions, but which you have seen fit, in the plenitude of your prerogatives, to create—which consists in questioning the wisdom, canvassing the policy, doubting the integrity, or, if need be, resisting the corruptions and usurpations of those who temporarily hold and prostitute power. With like propriety and consistency you have adopted the catchword of "loyalty," to indicate the equally undefinable public virtues and excellences which you would have it believed that yourselves and your partisans embody and monopolize. Knowing no "loyalty," myself, in my relation to the Federal Government, except that obedience which I owe, as a citizen, to the laws and Constitution, lawfully and constitutionally expounded and administered, I repeat that I am as free as a man can be, from the slightest desire that you or your fellow partisans, or any one else, should esteem me "loyal" after your fashion. Recognizing, on the other hand, no "disloyalty" to the United States, except in disobedience to the Constitution which my State adopted and ratified, when she became a member of the Federal Government, or to the laws constitutionally enacted under that instrument, I should probably feel myself honored, nine times out of ten, by your being pleased to consider me "disloyal." As to the more than Roman servority of the rebuke, which you assume the privilege of administering to me, in saying that you could not "fail to be impressed with the entire absence of an avowal of loyal obedience to the Government" on my part, in my letter to you—I must be excused if I cannot treat it with the gravity which you seem to have mustered to express it. I have not yet learned that one American citizen is under any obligation to approach another—certainly, in no sense, more than his equal—with genuflexions or professions of faith or "obedience" of any sort; and I cannot but regard the professed expectation upon your part, to the contrary, as an amusingly presumptuous form of the hallucination, under which gentlemen of your political connection, at this time, seem to labor, when they set themselves up, above the law and its tribunals, as the judges and executioners of their fellow-citizens and equals. It is certainly, too, a new idea—among gentlemen, at all events—that a request to you, such as my letter contained, to correct a misstatement of fact, should be subject to demurrer, upon your part, because it was not ushered in with a sort of governmental sacrament. Your notion that the truth is not entitled to vindication, unless it first makes profession of "loyalty," is of kin to the other doctrine, so popular with you, that "rebels have no rights."

After discussing the right of the suspension of the writ of *habeas corpus*, and refuting the charge that the Legislature of Maryland intended to pass an ordinance of secession, Mr. Wallis proceeds:

It is no part of my purpose to follow you through the long array of allegations and insinuations, outside of the only question between us, by which you endeavor to bolster up the justice of the proceedings which for so long deprived the Mayor and Police Commissioners of Baltimore and the members of the State Legislature of their liberty. I have no means whatever of access to the correspondence which you say "is in the hands of the Government officers," and upon which you found your principal impeachment of the fidelity of the police authorities. I cannot tell to what extent it exists, or what is its authenticity. But having, as a member of the Legislature, examined and fully approved their course, I know enough of it, to justify me in declaring that the statements in regard to them, of which you have allowed your letter to be the vehicle to the public, are partial, garbled, and unjust, and frequently untrue. I willingly persuade myself that you have been deceived into promulgating them, for I fancy that I can see in them the work of hands which are not yours, but which private disappointments and malice, and local interests and hatred have made the perpetual bearers of falsehood and malignant counsels to the Executive chamber, during the whole long agony of this wretched war. If you had reflected, for an instant, it seems to me that you would not have permitted yourself to enter upon a crusade, under such guidance.

It is now nearly eighteen months since the Baltimore Commissioners of Police, then prisoners illegally confined at Fort McHenry, presented their respectful memorial to the two Houses of Congress. They protested their innocence of any offence against the laws of the country; insisted upon their right to be informed of the accusations against them; invited scrutiny into their whole conduct, private and official, and asserted "their readiness to meet, without a moment's delay, any charge which might be responsibly laid against their individual or official proceedings." Suggesting their inability to obtain redress, pending the suspension of the *habeas corpus* in Maryland, they "respectfully and earnestly invoked the immediate interposition of Congress in their behalf." That memorial was treated with open indignity and contempt. From the moment of its presentation, down to this hour, neither the Senate, of which you are a member, nor the lower House, has given any heed to their complaints, or taken one step towards the vindication of their rights or of public liberty or justice in their behalf. You have not given them the accusations against them (if any) or the names of their accusers. You have not afforded them an opportunity of even proving their innocence, much less have you allowed them a public hearing or trial, either before a Congressional committee or the constituted judicial tribunals. Grand jury after grand jury, selected by a Marshal of Mr Lincoln's appointment, (to say nothing of grand juries of the State,) has met, since they were taken from their homes in July, 1861. At least one Federal grand jury has deliberately investigated the whole proceedings which you have discussed in your letter, with all the evidence in the possession of the Government before it—including, of course, everything to which you have had access, in order to prepare the defence of the Government which you have published. Yet no bill of indictment has been found, or could be procured to be found. The House of Representatives, certainly—and perhaps the Senate also—called upon the President to state the grounds upon which the gentlemen in question were arrested and imprisoned, but the President refused the information, as "incompatible with the public interests." You were all satisfied with that refusal, and there you and those who think and side with you—representatives of the people calling itself free, and boasting yourselves the special apostles of freedom—allowed the case of your oppressed and helpless fellow citizens to rest, unheard, unconsidered—scorned. There was not a man of you, who could rise above the level of political and sectional vindictiveness to an act of simple common justice, much less to vindicate a great principle, or to strike an honest blow for public and private freedom. You allow the victims to languish, for nearly a year and a half, in prison after prison, to which they were dragged—you emancipating negroes, the while, by the thousand, as the President now is, by the million. And now that the prisons have been opened, and the prisoners in question released without condition—not willingly, but because public opinion had demanded it, at the ballot box, and the gathering storm of public retribution was too portentous to be longer disregarded—you, a Senator, who have aided in doing all this inquiry, are not ashamed gratuitously to attack, at an unfair advantage, through the columns of a newspaper, the men whom you have so long refused to charge, or hear, or try, publicly, fairly, openly, and where they could meet their accusers face to face, according to their rights and your obligations. You consent to gather up, from "the hands of Government officers" and local informers, for publication against them, *ex parte* statements and apocryphal scraps, to the sources and originals of which they have no access for challenge or disproof, and under pretext of replying to a letter from me, upon a different subject, which you evade, you thus seek to cover the retreat and the shame of the Government and your own dereliction of duty. Do you think this is worthy of you, as a gentleman or a Senator? Do you think it honorable—nay even decent—in the Executive or his subordinates, irresponsibly to furnish to you, in such a way and for such purposes, what Mr. Lincoln alleged that it would be "incompatible with the public interests" to disclose to you, as a member of the Senate, to be used legitimately and responsibly, for public ends, in your official place and sphere? If the incompatibility which he pretended has now ceased to exist, why does he not respond to the requisition of Congress, as becomes him, instead of privately retailing his "evidence" to you for the pages of a party journal? If the President and his Secretaries of State and War are really able to establish the case against the Police authorities, which you have set up for them, why have they not done so? Why has no grand jury been able to find an indictment against the alleged criminals? If there are letters, and minutes, and telegrams of the parties in question, which would condemn them, as you pretend, and of which the President and his Secretaries have control, why are they not produced, openly and upon official responsibility, before some tribunal honest and fearless enough to drag out the whole truth and bring the accused—or the accusers—to shame and justice? You know very well that the Mayor of Baltimore, and Messrs. Howard and Gatchell, two of the Police Commissioners, during the whole of their long imprisonment denounced and defied the arbitrary power and conduct of the Government, demanding their release as a right, and refusing to purchase it by the shadow of a concession. You know that they were at last discharged without yielding the ninth part of a hair. Do you think Mr. Seward and Mr. Stanton are magnanimous and benevolent persons, likely to give way to such contumacy, where they have only to produce against the recusants, from the files of their detective office, conclusive evidence of treason? Is there one word you have said, in your long letter, to demonstrate the justice of the arrest of these gentlemen, which, if true, would not make it as rigidly the sworn and bounden duty of Mr. Lincoln, upon his theory and yours, to retain them in custody still, for trial and punishment?

State the thing as you may, sir, it is not a thing for either you or the Executive to be proud of. Your mode of dealing with the guilt or innocence of men and their liberty, is at variance with the institutions, the habits, the very instincts of a free people, whose love of justice and fair play, and, let me add, of truth—has not yet been entirely debauched away by their representatives or rulers. I will not do the injured men in question the wrong, nor public sentiment the outrage, nor myself the discredit, of submitting their case to your arbitrament, or to trail upon your newspaper impeachment. I assert, now, as a matter within my own knowledge, that when, as one of the counsel of the Police Commissioners, I visited Gen. Banks with my colleagues, on the very day when the arrest was made, Gen. Banks, who had made it, assured us, explicitly, that there was no charge against our clients, impeaching their integrity in any way, and that they had been arrested chiefly as a measure of precaution. I state, further, from my personal knowledge also, that on the 20th of April, 1861, when I accompanied the Mayor of this city to Washington, where he had been invited by Mr. Lincoln for consultation, the President himself, in the presence of his whole Cabinet and of Lieut. Gen. Scott, as well as of my companions and myself, more than once volunteered to declare that he had carefully investigated the conduct of the Police authorities of Baltimore on the 19th of April, and was entirely satisfied that they had discharged their duty with good faith, and for the best of their ability. No member of the Cabinet ventured to gainsay the judgment of the President, although the Mayor, with perfect frankness, informed them that in conjunction with Governor Hicks, the Police Board, of which he was a member, had ordered the destruction of the bridges—that "warlike operation," which you denounce as treason in the concrete. As the name of ex-Governor Hicks has been recently added to the list of patriots and statesmen who adorn the Senate, on the "loyal" side, his certificate upon the question may perhaps weigh somewhat in your judgment. If you will turn to his late Excellency's message to the Legislature of Maryland, on the 25th of April, 1861, you will find him declaring that "the Mayor and Police Board gave to the Massachusetts soldiers (on the 19th) all the protection they could afford, acting with the utmost promptness and bravery." I trust that after reading it, you may modify to some extent the lawyer like proposition of your letter, that it was an overt act of treason for the Legislature of Maryland to pass the act for the protection of the Police authorities, which you declare to have "outlawed the United States and their soldiers." That statute did not pretend to impair private rights or remedies, as the indemnity law recently passed by the House of Representatives, in Mr Lincoln's behalf, so unblushingly and absurdly does. Surely you do not mean to intimate it, as your opinion, that Mr. Lincoln's indemnity act "outlaws" not only the thousands who have been his victims, but the whole of the citizen States over whom he has brandished the sword of martial law. If you do, I trust that the country will hear from you in the Senate, and not through the *Times*.

But I have dwelt too long on this branch of the subject. I undertake to promise you, in leaving it, that whenever the President of the U. States, on his own responsibility, will give to the late Police authorities of Baltimore an opportunity of confronting their accusers, and of being heard and judged as free men may submit to be, without surrendering their rights and self-respect, they will vindicate their conduct from every just reproach, to the satisfaction of all whose good opinion is worth having. If you doubt what I say, you have only to have the experiment made. I think I may add that the gentlemen named will manage to find for themselves a way of bringing the matter before some legitimate tribunal, where some, at least, of those who have been engaged in "outlawing" them, will have an opportunity of ascertaining how far the justification you have set up is well founded, in fact or law.

I pass, now, to your assault upon the Maryland Legislature, concerning which and its proceedings, as challenged by you, I propose to enter into but little discussion. It is due, however, to my colleague from Baltimore and to myself, that I should deny, in the most unqualified manner, the truth of the statement which you make, that our election was but a "form," and that we were chosen only because "no one dared to oppose the armed rebellion, headed by the Police Commissioners." Among all the wholesale fictions with which you have been furnished, by your collaborators here, there is not one more profligate than this. I assert what no man of veracity will deny here—under his own signature and alleging fact in verification of his denial—that from the time of the inauguration of the Board of Police of Baltimore in the spring of 1860, down to the hour of its suppression by military force, in the summer of 1861, the freedom of the ballot box and of access to it was as sacredly and perfectly guarded and maintained for all citizens, of all parties and opinions, as ever, under any system was or could be possible. I challenge the production of any charge to the contrary, from the worst partisan or the most corrupt press among us, until after the suppression of the Board had rendered slander necessary to vindicate usurpation. I assert, and am ready to prove, whenever a single fact to the contrary is alleged, that the preparations for securing a free and fair election, on the 24th of April, 1861, were as ample and in as good faith as ever before, and that no man in the whole community—not even the most rabid and obnoxious and unworthy partizan—would have met with the slightest obstacle in voting for any candidates whom he might have preferred. Indeed I challenge proof to the contrary, when I further assert, that, during the whole of the excitement which occupied and followed the 19th of April, the Board of Police extended to every citizen of Baltimore the most ample and efficient protection in person and property, and that security in both was actually had, by all, amid the heats of the strife which occurred and was impending, to an extent which puts to shame the contemporaneous condition of the large cities of the North. You may doubt or disbelieve, this, honestly, I admit.—But it is true, nevertheless. You have no right to doubt it, because it was officially stated to you by the Mayor and City Council, in their memorial to Congress, in 1861, and by the Board of Police in theirs, and an investigation of its truth was respectfully and earnestly besought at your hands, which you refused. But I do not wonder at your doubting it, amid the crowd and press of falsehoods with which your partisans, here and elsewhere, have overwhelmed the history of those times, during the imprisonment and absence, and the enforced silence, of those whom you have all joined in endeavoring to crush for their opinions. That many persons, apprehending further military collision, left the city with their families, for the time, is undoubtedly true. That others, who probably are your special informants, ran incontinently away, in sheer fright, when there was not the slightest danger to them or theirs, is equally true, and it is quite natural that these last should magnify the dangers before which their own heroism quailed. But that any man, of any party, who asked protection from the Police, had any difficulty in obtaining it, or that any citizen of Baltimore had any real reason for seeking personal safety in flight, is wholly untrue. Least of all, as I have said, is there any ground for intimating a question as to the perfect freedom of the ballot-box on the 24th of April. The vote was small, because there but one ticket in the field; and altho' I was a member of the delegation elected, I will not allow false delicacy to prevent me from saying, that I believe it was personally unexceptionable to the great mass of the people. It was composed, for the most part, of men of business, who were not professional politicians, and who were known to be men of character, intelligence, and moderation in their views. To many of them, the acceptance of such a place was well known to be a sacrifice. To myself it was a serious one, which only a sense of duty as a citizen prevented me from refusing to encounter. Of the delegation, the majority had been prominent members of the old Whig party—some of them, at one time, active members of the American party. I believe that we should have been fairly and easily elected, by an overwhelming majority, over any opposition that might have been presented; and I know that if there had been any opposition, it would have found the ballot-box as free as we found it, and would have been fairly dealt with, by the Police authorities and ourselves. If you really believe that we never represented more than nine thousand voters out of thirty thousand in the city; that the rest of the State was of "distinguished loyalty;" that our support grew smaller and smaller, from day to day, afterwards, and that we were actually frightened from our intention of adopting measures of treason, by the "threat of expulsion" on the part of "the loyal people" of the town of Frederick—to say nothing of the "menace of resistance" from Baltimore—I should be pleased to know in what consisted the danger which Mr. Lincoln, or any one, had a right to apprehend from us. What pretext or excuse had he for arresting us, when in addition to this local security and our "entire insignificance," he had armed possession of the whole State, and had the Governor to aid him in disarming its inhabitants?

You entirely misapprehend—you certainly misrepresent—the state of things in Baltimore on and immediately after the 19th of April, 1861. It was a reign of comparative unanimity in feeling and opinion—not a reign of terror. The facts have been concealed from you, or distorted, or falsified, to answer the purposes of your informants. When I made the speech to the people, on the 19th, of which you have quoted an absurd and false report, I was conducted—nay, almost forced to the stand, by one of the most prominently "loyal" gentlemen of Baltimore—immaculately "loyal" now as then—who not only applauded what I said, to the echo, but congratulated me upon having said it, when I had finished. It was but a few days afterwards, that he invited me to join a company he was organizing, to support the authorities! My poor remarks, on the occasion referred to, were received with tremendous cheering, by crowds of citizens,—"Union men" then and theretofore—many of whom are so desperately "loyal" even now, that you may count on their support to the Administration and the war, to the overthrow of every vestige of the Constitution, except only the clause which secures "the obligation of contracts." I have had recent access to an autograph subscription list containing the signatures of many leading mercantile houses of the most unconditional and uncompromising "loyalty," and now in the very bosom of the true faith, with yourself—wherein they attested the sincerity of their respect for the motives and purposes of the authorities on the 19th of April, by subscribing amounts, set opposite to their names, for the purpose of purchasing arms, to be used under the direction of the Board of Police. I dare say the list will be given to the public, before long. It was probably with these arms—for there were scarcely any others—that the Baltimore *American*, since and then the organ of the Government here, and certainly the very glass and mould of "loyalty"

[Concluded on fourth Page.]