

Lincoln Lore

Number 1793

Bulletin of the Louis A. Warren Lincoln Library and Museum. Mark E. Neely, Jr., Editor. Ruth E. Cook, Editorial Assistant. Published each month by the Lincoln National Life Insurance Company, Fort Wayne, Indiana 46801. Copyright 9 1988 Louis A. Warren Lincoln Library and Museum

July, 1988

A BIBLIOGRAPHY OF HABEAS CORPUS PAMPHLETS FROM THE CIVIL WAR

Agnew, Daniel

Our National Constitution: Its Adaptation to a State of War or Insurrection.

Philadelphia: C. Sherman, Son & Co., Printers,

The Bastile in America; or, Democratic Absolutism. By an Eye-

London: Robert Hardwicke,

1861 19 p.

[Bates, Edward]

Suspension of the Writ of Habeas Corpus. Letter from Attorney General, Transmitting, in Answer to a Resolution of the House of the 12th Instant, an Opinion Relative to the Suspension of the Writ of Habeas Corpus.

Washington, D.C.:

[1861]

12 p. (37 Cong., 1 sess., House Ex. Doc. No. 5)

[Bates, Edward]

Suspension of the Writ of Habeas Corpus. Letter from the Attorney General, Transmitting. . . . an Opinion Relative to the Suspension of the Writ of Habeas Corpus.

Washington, D.C.:

[1861]

14 p. (37 Cong., 1 sess., House Ex. Doc. No. 5)

[Bates, Edward]

Letter from the Attorney General.

Binney, Horace

The Privilege of the Writ of Habeas Corpus under the Constitution.

Philadelphia: T. B. Pugh,

1862

52 p.

Binney, Horace

The Privilege of the Writ of Habeas Corpus under the Constitution

Philadelphia: C. Sherman & Son Printers,

1862

58 p.

Binney, Horace

The Privilege of the Writ of Habeas Corpus under the Constitution. Second Edition.

Philadelphia: C. Sherman & Son Printers, 1862

Binney, Horace

Second part. The Privilege of the Writ of Habeas Corpus under the Constitution.

Philadelphia: John Campbell, Publisher,

1862

50 p.

Binney, Horace

Third part. The Privilege of the Writ of Habeas Corpus under the Constitution.

Philadelphia: Sherman & Co., Printers,

74 p.

Breck, Robert L.

The Habeas Corpus and Martial Law. Prepared for the Danville Quarterly Review for December, 1861. Cincinnati: Richard H. Collins, Printer,

1862

Brewer, John M.

Prison Life!

31 p. (Brewer was "Late reading clerk of Maryland Senate of 1860 and 1861 and still later of Forts Lafayette and Warren")

Brooks, James

The Two Proclamations. Speech of the Hon. . . ., before the Democratic Union Association, Sept. 29th, 1862.

New York: Van Evrie, Horton & Co.,

[1862]

8 p.

Brough, John

Loyal Publications of National Union Association of Ohio. No. 3. Cincinnati, Ohio, July, 1863. Dayton Speech of Hon. John Brough. President Lincoln's Response Relative to the Arrest of Vallandigham.

Cincinnati, Ohio: Moore, Wilstach, Keys & Co., Printers,

1863

31 p.

Brough, John

Die Dayton Rede des Achtbaren John Brough, Prasident Lincoln's Erwiederung in Bezug auf die Verhaftung Vallandigham.

Cincinnati, Ohio: Cincinnati Union,

1863

31 p.

Brown, David Boyer

Reply to Horace Binney on the Privilege of the Writ of Habeas Corpus under the Constitution. By a member of the Philadelphia Bar.

Philadelphia: James Challen & Son,

1862

31 p.

Bullitt, J. C.

A Review of Mr. Binney's Pamphlet on "The Privilege of the Writ of Habeas Corpus under the Constitution."

Philadelphia: John Campbell, Publisher,

1862

56 p.

Carroll, Anna Ella

War Powers of the General Government: Who made the War? The Right to Suspend the Writ of Habeas Corpus, &c., &c. Washington: H. Polkinton,

Carroll, Anna Ella

Reply to the Speech of Hon. J. C. Breckenridge, Delivered in the United States Senate, July 16, 1861, and in Defence of the President's War Measures. Suspension of the Writ of Habeas Corpus, &c., &c.

Washington: H. Polkinton,

1861

Cloud, D. C. and John H. Power

The Powers of the President of the United States in Times of

Muscatine, Iowa: Daily Journal,

1863

31 p.

Correspondence in Relation to the Public Meeting at Albany, N.Y.

9 p.

Cromwell, Sidney

Political Opinions in 1776 and 1863: A Letter to a Victim of Arbitrary Arrests and "American Bastiles".

New York: Anson D. F. Randolph, 1863

Curtin, Andrew Gregg

Message of A. G. Curtin, Governor of Pennsylvania, Relative to Military Arrests, February 12, 1863. 1863

4 p.

Curtis, Benjamin Robbins

Executive Power.

Boston: Little, Brown and Company,

1862 29 p.

Curtis, Benjamin Robbins

Executive Power.

Cambridge: Printed by H. O. Houghton,

1862 29 p.

Curtis, Benjamin Robbins

Executive Power.

Boston: Little, Brown and Company,

1862 vii, 31 p.

Curtis, Benjamin Robbins

Executive Power.

Boston, Little, Brown and Company,

viii, 34 p.

Davis, Henry Winter

The Southern Rebellion and the Constitutional Powers of the Republic for its Suppression.

New York: E. D. Baker,

1862

(Pulpit & Rostrum, No. 24.)

Duff, Andrew D.

Footprints of Despotism, or the Analogy between Lincoln and Other Tyrants. Speech of Hon. . . ., of Benton, Illinois, before a Democratic Mass Meeting, at Marion, Williamson County, Ill., May 28th, A.D. 1864.

Benton [Illinois]: Standard Office Print.,

1864

20 pp.

[Ellis, Charles Mayo]

The Power of the Commander-in-Chief to Declare Martial Law, and Decree Emancipation. As shown from B. R. Curtis. By Libertas.

Boston: A. Williams & Co.,

1862

Gardner, Daniel

A Treatise on the Law of the American Rebellion and our true Policy, Domestic and Foreign. Author of Gardner's Institutes of International, Inter-State and American Public Law, and Member of the New York Bar.

New York: John W. Amerman, Printer,

1862

20 p.

Griswold, S. O.

Speech on the Resolutions Relative to the Suspension of the Writ of Habeas Corpus and Arrest of Disloyal Persons. Delivered in the Ohio House of Representatives, January 29, 1863.

7 p.

[Gross, Charles T. (or Heebner)]

A Reply to Horace Binney's Pamphlet on the Habeas Corpus. Philadelphia:

1862

40 p.

Habeas Corpus. Facts, and Authorities on the Suspension of the Privilege of the Writ of Habeas Corpus. 20 p. (cited in Bartlett)

[Hall, Nathan K.]

Judge N. K. Hall, of the United States District Court for the Northern District of New York a Habeas Corpus, in the Case of Rev. Judson D. Benedict; and Documents and Statements of Facts Relating Thereto.

Buffalo, New York: Joseph Warren & Co., Printers, Courier Office.

1862

34 p. (Bartlett probably misquoted the title)

Hall, Nathan K.

Judge N. K. Hall, of the United States District Court for the Northern District of New York, a Habeas Corpus, in the Case of Rev. Judson Benedict; and Documents and Statements of Facts Relating Thereto.

New York: Argus Office,

15 p. (Bartlett probably misquoted the title)

[Hall, Nathan K.]

Opinion of Judge N. K. Hall, of the United States District Court for the Northern District of New York, on Habeas Corpus in the Case of Rev. Judson D. Benedict, and Documents and Statement of Facts Relating Thereto. With Notes and Additional Authorities; with an Appendix, Containing a Collection of Authorities and Many Useful Suggestions Upon the Subject of Martial Law, and the Exercise of Arbitrary

Buffalo, New York: Joseph Warren & Co., Printers, Courier Office,

1863

110 p.

Harding, Aaron

Speech of Hon. A. Harding, of Ky., on the President's Two Proclamations and the Two Rebellions. Delivered in the House of Representatives, in Congress, on the 21st of January, 1863. Washington, D.C.: M'Gill & Witherow, Printers, 1863

15 p.

Havens, J. S.

The Usurpations of the Federal Government: Speech of . . ., of Suffolk, on the Resolutions of Judge Dean to Raise a Select Committee to Investigate the Subject of Arbitrary Arrests and the Suspension of the Writ of Habeas Corpus.

1863

8 p.

[Heermans, J.]

War Power of the President - Summary Imprisonment -Habeas Corpus. New York:

1863

10 p. (Loyal Publication Society . . . [Pamphlets] no. 32)

Ingersoll, Charles

An Undelivered Speech on Executive Arrests.

Philadelphia:

1862

vi, 98 p.

Ingersoll, Edward

Personal Liberty and Martial Law. A Review of Some Pamphlets of the Day.

Philadelphia:

1862

Jackson, Tatlow

Authorities Cited Antagonistic to Horace Binney's Conclusions on the Writ of Habeas Corpus.

Philadelphia: John Campbell, Bookseller,

1862

8 p.

Jackson, Tatlow

Martial Law: What Is It and Who Can Declare It? Philadelphia: John Campbell, Bookseller, 1862

19 p.

[Johnson, James F.]

The Suspending Power and the Writ of Habeas Corpus. Philadelphia: John Campbell, Bookseller, 1862

48 p.

[Kennedy, William (?)] The Habeas Corpus. The Benefit of the Writ of Habeas Corpus Is Naturally Suspended until Granted, and the Suspension Is Lawful until Made Unlawful. 6.p.

[Kennedy, Wm. M. (or John T.?)]

The Privilege of the Writ of Habeas Corpus under the Constitution of the United States: In What It consists. How It Is Allowed. How It Is Suspended. It Is the Regulation of the Law, not the Authorization of an Exercise of Legislative Power. Philadelphia: John Campbell, Bookseller,

1862

16 p.

[Leavitt, Joshua]

Decision of Judge Leavitt, of Ohio, in the Vallandigham Habeas Corpus Case.

Philadelphia:

1863

16 p.

Lincoln, Abraham

Is the President of the United States Violating the Constitution in Making Arrests? Hear the President's Answer. [1863]

16 p.

Lincoln, Abraham

President Lincoln on Vallandigham and "Arbitrary Arrests" (The Tribune War Tracts, No. 5)

New York:

[1863]

4 p.

Lincoln, Abraham

President Lincoln's Reasons for Arresting Vallandigham. [1863]

12 p.

Lincoln, Abraham

President Lincoln's Views: An Important Letter on the Principles Involved in the Vallandigham Case. Correspondence in Relation to the Democratic Meeting, at Albany, N.Y. Philadelphia: King & Baird, Printers,

16 p. (Cover title: The Truth from an Honest Man. The Letter of the President)

Lincoln, Abraham

True Democracy. President Lincoln's Reply to the Albany "Vallandigham" Resolutions. Able and Interesting Discussion. Letter of the Albany Committee to the President.

New York: Ferris & Pratt, printers,]

[1863]

8 p.

Military Despotism! Suspension of Habeas Corpus! Curses Coming Home to Roost.

New York:

1863

(Loyal Publication Society, No. 20.)

Mr. Lincoln's Arbitrary Arrests: The Acts Which the Baltimore Platform Approves (Document No. 13, Sold at 13 Park Row, and at all Democratic Newspaper Offices)

New York:

[1864]

24 p.

Montgomery, John T.

The Writ of Habeas Corpus and Mr. Binney.

[Philadelphia:]

[1862]

35 p.

Montgomery, John T.

The Writ of Habeas Corpus and Mr. Binney. Second Edition. Philadelphia: John Campbell, Bookseller,

1862

20 p.

[Myers, Isaac]

Presidential Power over Personal Liberty. A Review of Horace Binney's Essay on the Writ of Habeas Corpus.

Imprinted for the Author,

1862

94 p.

Nicholas, S. S.

A Review of the Argument of President Lincoln and Attorney General Bates in Favor of the Presidential Power to Suspend the Privilege of the Writ of Habeas Corpus.

Louisville, Kentucky: Bradley & Gilbert,

38 p. (Monaghan notes a variant with 8 more pages)

Nicholas, S. S.

Habeas Corpus. A Response to Mr. Binney. Louisville, Kentucky: Bradley & Gilbert, 1862

20 p.

Nicholas, S. S.

Habeas Corpus. The Law of War and Confiscation. Louisville, Kentucky: Bradley & Gilbert, 1862

29 p.

Nicholas, S. S.

Martial Law. Part of a Pamphlet Published in 1842. Louisville, Kentucky: Bradley & Gilbert, 1861

16 p.

Nicholas, S. S.

Martial Law. Part of a Pamphlet First Published in 1842 over the Signature of a Kentuckian.

Philadelphia: John Campbell, Bookseller,

1862 31 p.

Parker, Joel

Habeas Corpus and Martial Law: A Review of the Opinion of Chief Justice Taney, in the Case of John Merryman. Second

Philadelphia: John Campbell, Bookseller,

1862

55 p.

Parker, Joel

War Powers of Congress and of the President. An Address Delivered before the National Club of Salem, March 13, 1862. Cambridge, Massachusetts: H. O. Houghton,

Powell, Lazarus W.

Speech of Hon. . . . of Kentucky, on Arbitrary Arrests, in Reply to Mr. Wright of Indiana: In the Senate, January 19, 1863. Washington, D.C.: Congressional Globe Office,

Power, John H. (see Cloud, D. C.)

Pruyn, John V. L. et alia

Reply to President Lincoln's Letter of 12th June, 1863. (Papers from the Society for the Diffusion of Political Knowledge, No.

New York:

1863

8 p.

Pruyn, John V. L.

Erwiederung des Schreibens des Prasidenten Lincoln. (No. 2. Schriften Gesammelt von der Gesellschaft zur Verbreitung politischer Kenntnisse) [1863]

8 p.

Report and Resolution of the Joint Committee of the Senate and House of Delegates of Maryland, upon the Reports and Memorials of the Police Commissioners and the Mayor and City Council of Baltimore.

Frederick, Maryland: E. S. Riley, Printer,

1861

26 p.

Shellabarger, Samuel

Speech of Hon. . . . of Ohio on the Habeas Corpus: Delivered in the House of Representatives, May 12, 1862. Washington, D.C.: Congressional Globe Office,

[Taney, Roger Brooke]

Decision of Chief Justice Taney in the Merryman case, upon the Writ of Habeas Corpus, Published by Authority. Philadelphia: John Campbell, Bookseller, 1862 16 p.

[Taney, Roger Brooke]

Habeas Corpus. The Proceedings in the Case of John Merryman of Baltimore County, Maryland, before the Hon. Roger Brooke Taney, Chief Justice of the Supreme Court of the United States.

Baltimore: Lucas Brothers,

24 p. (Cover Title: The Opinion of the Hon. . . . in the Habeas Corpus Case of John Merryman)

[Taney, Roger Brooke]

The Merryman Habeas Corpus Case, Baltimore. The Proceedings in Full and Opinion of Chief Justice Taney. The United States Government a Military Despotism. Jackson, Mississippi: J. L. Power,

1861

16 p.

[Taney, Roger Brooke]

Opinion of Chief Justice Taney, in the Case of ex parte Merryman, Applying for a Writ of Habeas Corpus. New Orleans, Louisiana: George Ellis, 1861

iv, 18 p.

Vallandigham, Clement L. "After Some Time Be Past." Speech of Hon. C. L. Vallandigham, of Ohio, on Executive Usurpation: In the House of Representatives, July 10, 1861. [1861]

8 p.

Wallis, S. Teackle

Correspondence between . . ., Esq., of Baltimore, and the Hon. John Sherman, of the U.S. Senate, Concerning the Arrest of Members of the Maryland Legislature, and the Mayor and Police Commissioner of Baltimore, in 1861.

31 p.

Wharton, George M.

Answer to Mr. Binney's Reply to "Remarks" on His Treatise on the Habeas Corpus.

Philadelphia: John Campbell, Bookseller, 1862

8 p.

Wharton, George M.

Remarks on Mr. Binney's Treatise on the Writ of Habeas Corpus. Second Edition.

Philadelphia: John Campbell, Bookseller,

20 p. (There is a large paper edition of this also.)

Whiting, William

Military Arrests in Time of War. Washington, D.C.: Government Printing Office, 59 p.

[Winder, W. H.]

Secrets of the American Bastile. Philadelphia: John Campbell, 1863 viii, 47 p.

[Winder, W. H.]

Secrets of the American Bastile. Second Edition. Philadelphia: John Campbell, viii, 64 p.

Winder, W. H.

Secrets of the American Bastile, Third Edition. Philadelphia: John Campbell, 1863 viii, 72 p.

[Wolford, Frank]

4 p.

The Case of Colonel Wolford. Another instance of Executive Usurpation. Mr. Lincoln's Action in the Matter. Arbitrary Arrest and Proffer of an Abolition Parole. Col. Wolford's Indignant Refusal to Bargain for his Liberty and His Rights! Protest of a Loyal Kentuckian. The Abolition War Policy of Mr. Lincoln Shows Up in Its True Light. [1864]

Sydney G. Fisher compiled the first bibliography of habeas corpus pamphlets and it was published in the Political Science Quarterly (volume III) in 1888. That original list is here supplemented by works found in the Louis A. Warren Lincoln Library and Museum and by information from Jay Monaghan's Lincoln Bibliography, 1839-1939 (Springfield: Illinois State Historical Library, 1945) and from John Russell Bartlett's Literature of the Rebellion (Boston: Draper and Halliday, 1866). It was not possible to examine a copy of every work listed here. Those that were available were read to make certain that a substantial portion of the text dealt with habeas corpus. As understood in law at the time, the issue was virtually inseparable from that of martial law. Several books were written on the subject, but they have been excluded from this list of small, paperbound works. Lincoln Lore welcomes information on any other titles not on this list or information

that would improve the citations of these works.