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UNION, THE CONSTITUTION AND THE LAWS—THE GUARDIANS OF OUR LIBERTY.

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JOHN W. GRAHAM,

Attorney and Counsellor at Law,
Office one door north of Mr. Lynch's Jewelry Store
HILLSBOROUGH, N. C.

June 27. 48-1y

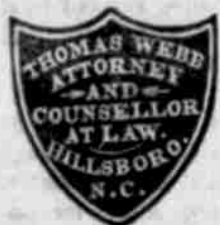
GEORGE M. DUSKIN,

Attorney and Counsellor at Law,
HILLSBOROUGH, N. C.
Office one door East of Maj. Stroud's Hotel.

July 26. 01-

G. B. PARISH,

Attorney and Counsellor at Law,
HILLSBOROUGH, N. C.,
Will practice in Orange and the adjoining Counties.
Particular attention paid to the collection of claims.
March 6, 1860. 32-12m



March 12. 47-

To the Ladies of Orange County.

I AM requested by the Governor of your State, to call upon you to furnish for the soldiers in the army woolen socks and blankets for their comfort and protection during the approaching winter. Each donor will please accompany her gift by her name. Shall this call upon your patriotism be made without a proper response on your part? I cannot believe that it will; I therefore call upon you to come forward with your gifts, and lay them bountifully upon the altar of your country. Imitate the example of your mothers of the revolution, and allow not the soldiers who have taken up arms in defence of your liberties, your lives, and what is still dearer, your honor, to go unprotected to the winter's chilling blasts. Come, then, to their relief; furnish them with those necessary articles to relieve suffering humanity, and thereby merit the plaudits not only of the present, but of future generations.
I am your humble servant,

R. M. JONES, Sheriff.

The following gentlemen will please receive and forward to me articles for the soldiers:
W. W. Allison, N. P. Hall, Adison Mangum, M. A. Angier, John W. Carr, and Alvis Durham.

August 20. 06-

SEQUESTRATION NOTICE.

THE undersigned, appointed Receiver under the Sequestration Act, for the counties of Orange, Wake, Cumberland and Harnett, hereby gives notice to all persons having any lands, tenements or hereditaments, goods or chattels, rights or credits, or any interest therein, or for any alien enemy of the Confederate States of America, specially to inform me of the same, and to render an account thereof, and so far as practicable, to put the same in my possession, under the penalty of the law for non-compliance.

I also notify each and every citizen of the Confederate States specially to give information to me of any and all lands, tenements and hereditaments, goods and chattels, rights and credits within the said counties.

I will attend the different counties in a few days for the purpose of receiving, of which time due notice will be given.

G. H. WILDER, Receiver.

October 25. 16-6w

Patent Window Blinds.

A Great Improvement—Superior to Anything in Use.
THIS BLIND when closed shuts perfectly tight, and keeps out all wet, dust, insects, &c., and entirely excludes the light, and makes a beautiful appearance on the outside. It has every advantage over the other kind and costs but a trifle more.
This Blind will recommend itself. Any one can judge of its superiority over the old style at first sight.
No person that has seen this Blind will ever order any other kind.

The subscriber will be happy to show a model to any person wishing to obtain Blinds, and receive their orders, which will be promptly filled.

J. D. BURDICK,

Kinston, N. C.

May 9. 41-

STATE ARMS.

ALL persons in Orange county who have in their possession Arms belonging to the State, are requested to deliver them, to me at this place, without delay. By order of the Adjutant General.

R. M. JONES, Sheriff.

June 11. 96-

BLAKS for Sale at this Office.

SPEECH OF THE

HON. WILLIAM A. GRAHAM,
OF ORANGE.

In the Convention of North Carolina, Dec. 7th, 1861 on the Ordinance concerning the Test Oath and Sedition.

MR. PRESIDENT:—When the original ordinance pertaining to this subject came up for consideration several days since, I took occasion to express my decided aversion to test oaths, as antiquated instruments of oppression and despotism, unsuited to an enlightened age, and wholly at war with all our ideas of free republican government. I was then of opinion that an indefinite postponement was the proper disposition to make of the entire topic. At the suggestion of others, it was referred to a committee, of which, under your appointment, I had the honor to be a member. When that committee assembled, and the honorable Chairman, Mr. Biggs, produced and read from an old act of 1777, as contained in Fredell's Revisal, the two first sections of the ordinance reported by him, without much reflection I gave that part of the ordinance my concurrence, and consented that it might be reported to the Convention. But, in committee, as in this House, everywhere and under all circumstances, I have been unalterably opposed to a test oath, and especially to that most objectionable form of such an oath contained in the report of the committee, and proposed to be enacted into a law of the State. And upon a little more consideration, I am satisfied that no enactment by this Convention is required in regard to sedition; I therefore, now submit the motion, that in the outset I deemed appropriate, that the further consideration of the subject be indefinitely postponed. I esteem it proper in this connection further to state, that the eloquent, argumentative report of the Chairman of the committee, so full of fiery zeal and patriotism, was never heard of by me, until it was read by the Chairman at your desk. If it was ever read to the committee, it was on some occasion other than the two meetings I was summoned to attend, and I received no intimation that such a paper might be expected. This I mention, not in the way of complaint, but to acquit myself of any neglect of duty in failing to present a counter-report against a document, which, with all respect I must say, inculcates doctrines most intolerant and tyrannical.

Mr. President, the original proposition was liable to objections enough. I endeavored to point out these in the former discussion. It allowed a single magistrate upon complaint made, to bring before himself any citizen accused of disloyalty, and then to determine, in the first place, what constituted disloyalty—second, whether the person charged was guilty—and thirdly, to impose on him a sentence to take an oath of allegiance to the State, or be expelled from the country. Revolving to our conceptions of justice and freedom as was this concentration of power in the hands of a magistrate, it yet retained something of the main spirit of the common law, and of the elementary principle of liberty embodied in our bill of rights. There was to be a responsible prosecutor—persons arraigned and accused were to be allowed the customary privilege of defence, with the right of course, to confront their accusers and witnesses, and, above all, to be protected against being compelled to give evidence against themselves. But the substitute of the committee proposes what? Why, to institute a proceeding in the nature of a criminal prosecution against every free citizen; yes, sir, against every male inhabitant of the State, from the beardless youth of sixteen years, five years in advance of his admission to the rights of a citizen, to the aged patriarch of one hundred and sixteen, tottering on his staff, with one foot in the grave, by which they are each and all to be attainted of treason, and banished from their homes and country; or, if graciously permitted to remain, to be deprived of their rights as freemen, and reduced to a degraded caste—unless and until they shall purge themselves of this foul crime, by taking the oath of allegiance, military fealty, and abjuration, compounded and prescribed in the ordinance before us. This is the obvious effect of the provisions relating to a test oath, when analyzed and brought to a plain interpretation. Your magistrates are to be sent out into all the land, from the shores of the ocean to the summits of the Smoky Mountains, and they are to beset every man and boy above the prescribed age, with a test oath in the left hand, and a sentence of banishment or degradation in the right. In this dilemma, there is to be no means of escape, nor any more freedom of action than when the highwayman with his pistol at your breast, offers the alternatives, "your money or your life." Observe, sir, there is to be no inquiry as to guilt, as upon accusation and arraignment, but the party is to be placed by law in a state of condemnation—his guilt is to be

assumed, until he shall exonerate himself by taking the oath; and upon his refusal so to do, his guilt being put beyond question, the penalty annexed is—what? Not a disqualification for holding office—not a forfeiture of a part or the whole of his goods and lands, but a forfeiture of his birth-right as a citizen of North Carolina.

Mr. President, if this Convention, like a French national Assembly, were to declare itself in permanent session, and arrogate all the powers of government, it would give no greater shock to public sentiment, and make no more dangerous stride towards despotism, than would be effected by the passage of this ordinance. It is true, there have been confided to us extensive powers, but they are delegated powers, and must be exercised not whimsically and tyrannically, but in conformity with those elementary principles of freedom and justice, on which are founded our American system of Constitutional government. If these are violated, it is usurpation on our part, or an abuse of power equal to usurpation, and for want of other remedy, it may expect to provoke that old and primary one of resistance on the part of the people. When elected to these seats in the month of May last, we were not understood to be placed above, or out of reach of the well known responsibilities of the representative to the constituent body. Our countrymen supposed that they retained the right to judge of and canvass our whole proceedings as freely as they were accustomed to do as to those of other representatives; and that if dissatisfied with what we had done, a sufficient majority, by some process or other, might set it aside, and afford redress. They further supposed, that although we had power to disfranchise men, and change the qualifications for the right of suffrage, yet that no new test of citizenship would be applied to those born upon the soil of parents who had achieved the independence of the country, and established the free institutions, whose essential features no one desires to change. What, then, will be their surprise, not to say indignation, if this ordinance shall pass, and they are told that no man can ever vote again—nay, that no man will be allowed to remain in the State, but every one will be expelled who does not take an oath that the Convention has ordained? Sir, every North Carolinian rejoices in the idea, that like St. Paul, he was free-born. And, although this freedom was purchased at a great price, no less than the blood of his fathers shed in every battle field of American independence, from the shores of the Hudson to the everglades of Florida, it came to him as an inheritance, the more valued, because of its association with his ancestral pride and glory. His right to dwell in and breathe the pure air of the land of his birth; his right to participate in the election of rulers, and, if it suit his inclination and the will of a majority, to be himself invested with a portion of the powers of the republic, he will suffer neither to be taken away nor trifled with. He did not acquire them by an oath, and he will spurn any oath offered to him as a condition of their continued enjoyment. It is one of those blunders characterized by Talleyrand as worse than a crime, for statesmen by their measures to enroach upon and offend so sacred a feeling as the pride of nativity—the self-respect and manhood of a high-spirited, free-born American. Sir, the people when presented with this oath, will turn upon this Convention, and inquire upon what food have these our Cæsars, at Raleigh, fed, that they have grown so great? We thought they were our servants; how have they become our masters? We had a free election according to the usages and Constitution of our fathers when we chose them as our representatives; by what legerdemain, by what audacity, do they declare that we shall never vote again, no nor inhabit our present homes, but shall be driven out as fugitives and vagabonds, unless we take an oath that they have dictated? It will be no answer to tell them, as they are told in substance in the report of the committee, and the speech of the Chairman, Mr. Biggs, in support of the ordinance, that the oath is but an evidence of patriotism, and no one but a traitor need have any hesitation in taking it. The prompt response would be, We care but little for the thing proposed to be sworn to; the objection is to being compelled to swear at all, as a condition to the enjoyment of our inborn rights of property and citizenship. We render to the government our loyalty and duty, as we cherish and support our wives and children, and perform other obligations as members of society; but we will take no oaths upon compulsion, to bind us to those duties, and least of all, an oath that is accompanied with the polite alternative of exile or degradation. Nor will they be any better satisfied with that other idea contained in the report, and which seems to be the favorite explanation of the ordinance, that it is a mere measure of detective police, not intended to do any harm to patriotic men, but to discover and expel disloyal ones. This assumes

that it is legitimate and proper to hunt through the consciences of all good men by an oath of discovery, in order to ferret out the bad. By parity of reasoning, if a treasonable correspondence were suspected in any county or neighborhood, every man should be required to open his desk, and submit his private correspondence and papers to the inspection of a magistrate. This certainly would be no more harsh than to ask a discovery of his conscience. Or to illustrate it more strikingly, it is in principle, the same as in case a theft had been committed, in order to be sure of visiting punishment on the real offender, you should require every inhabitant of the vicinage to receive forty stripes save one. Your people will say to you, point out the guilty or suspected persons, take the warrant of the law in your hands, summon us of the posse comitatus if necessary, and we are ready to render our duty any where; but our homes and consciences are not to be made hunting grounds for traitors and felons, and if we could submit to make them such, we should not feel ourselves much elevated above either.

But, Sir, the jealous and sagacious spirit of liberty which pervades our people, will discover in this process of a test oath something more than an usurpation or abuse of power on our part, and an instrument of tyranny, oppression and degradation upon the citizen. They will perceive at a glance, that no more effectual contrivance could be devised to enable a faction in the possession of temporary power, to convert the government into an oligarchy, expel their opponents from the State, and riot upon the substance they had left. Such a faction need only to enact a test oath, for patriotic objects of course, but to take care to infuse into it such ingredients as they knew would be offensive and inadmissible by its opponents, and declare that every man who refused it, should be banished from the State, or lose his rights as a citizen with forfeiture of all his possessions. Carry it out with the high hand of force, and it makes no difference whether a majority or minority, whether one in fifty will take the oath; the few who do will have the whole government in their hands, and the spoils of the exiles besides. Our theory has been, that a majority within the limitations of our written Constitutions, can mould the government at will—can make revolutions and unmake them; but this is an invention by which that theory is subverted, and those who have power may keep it till the end of time. Whenever they are about to lose favor with the constituent body, they have but to prescribe a new oath, and that no man shall vote who refuses it, and they will never fall in an election. Since the commencement of the present revolution and the adoption of the new Constitution of the Confederate States, there has been much speculation as to the facility with which it may be abrogated by any State, who may become dissatisfied with its operation or administration. If there be that virtue in test oaths which this ordinance supposes, it may be perpetuated indefinitely. If there be a majority favorable to it in the Legislature, as there will be of course in the outset, whenever they suspect opposition or lukewarmness, they may enact an oath to suit the case, and banish those who refuse it before the next election. I speak as if there were no constitutional impediments to such a course, as this ordinance considers that there are none, or proposes to override them, if they exist.

Mr. President, the very mention of a test oath carries us back to the bigot monarchs and the butcher priests of the days of the Tudors and Stuarts, and beyond these, to the Inquisition itself. It is a device of power in Church and in State, to perpetuate itself by force, against free discussion and inquiry, and in defiance of what in more liberal times we call public sentiment. In direct contravention of that most essential principle of criminal justice, that no man shall be compelled to give evidence against himself, it requires of its victim the confession of a creed, and his failure or refusal it takes as conclusive evidence of his guilt, and inflicts upon him torturous penalties or forfeitures, such as, if they will not cure him of his heresy, may deter others in like cases offending. Whether the creed be religious or political, or the remedy be the thumbscrew, the iron boot, the break-wheel or the rack, or whether it be banishment, deprivation of privilege, degradation, or forfeiture of estate, there is no difference in the odiousness of the principle. Forsaking every vestige of Christian charity and toleration, it assumes to control by force that conscience, which the God who gave it designed to be free, and avows its purpose to drive men to perjury or self-accusation. I have somewhere seen or read of a picture of a trembling prisoner of the Inquisition, who when called to take the religious test of that inexorable tribunal, replies: "I cannot; I'll be damned, if I do." To which the stern Inquisitor replies: "You'll be damned, if you don't." It will require

no stretch of imagination to picture your justice, under this ordinance, with his prisoner before him, refusing the oath, with "I'll be perjured, forsworn, if I take it;" and the equally stern reply, "You'll be banished, if you don't take it."

The history of our mother country affords us some instruction on the subject of tests, and the persecutions that attended them, religious and political. In the Catholic ascendancy, Protestants were the victims; in the Protestant reigns, Catholics suffered in turn; and it is a reproach to that enlightened and Christian nation, that down through our own memories, no man could hold even a military office until he took a test oath against Catholicism, and received the sacraments according to the rites of the Church of England. This last vestige of intolerance and bigotry in that country was swept away under the enlightened counsels of Earl Gray, the Duke of Wellington and Sir Robert Peel, not more than thirty years ago.

But in the worst and most intolerant times, neither in England nor in any civilized nation of which I have recollection, was there ever such an experiment made as is proposed to be made here, of prescribing a test, religious or political, and running a muck with it against the whole people, to see if perchance, some victim may not be found for banishment or degradation.

In this country we have known but little of test oaths, except as we have read of them under more arbitrary governments. The Legislature of Virginia, more than fifty years ago, in a laudable desire to suppress the practice of duelling, directed an oath to be taken by certain public functionaries, and among others the advocates in her courts of justice, that they would not engage in any duel. Mr. Benjamin Watkins Leigh, since known to the country as one of her most distinguished lawyers and statesmen, was then at the bar, and the Court of Appeals having decided that the oath must be taken, Mr. Leigh requested time to consider the question of the power of the Legislature to impose such an oath. And at a subsequent day he submitted an argument which satisfied the Court that the power did not exist, and they unhesitatingly reversed the former decision, which Chief Justice Roane pronounced to be an "off hand and erroneous" one; an example of candor and firmness of mind which I beg to commend to all who may have inclined in favor of this ordinance. In his argument, Mr. Leigh so vividly depicts the mischievous nature of test oaths as the "barbed and poisoned weapons" of despotic power, that I will detain the Convention by reading a few sentences from it:

"If the words of the Constitution were doubtful, its spirit could not be mistaken. If the Legislature might add one new disqualification they might add many; multiply disabilities without end; disqualify whole districts or classes of men by personal or local description; make an academical degree, or even a previous service in one of its own bodies, a necessary qualification; and thus convert the government into an oligarchy. If this tremendous power existed at all, it was boundless and uncontrollable as the winds; and dissipated at once all our fond notions of a written constitution, late the glory of American politics. These test laws, particularly, were the first weapons young oppression would learn to handle; weapons the more odious, since, though barbed and poisoned, neither strength nor courage was requisite to wield them. Should we rely on public virtue to keep us from the use and extension of this system of tests? In no age, nor clime, nor nation, had ever virtue wholly swayed human bosoms and actions; man was universally liable to be transported with passion, blinded with folly, corrupted with vice; and yet more with power, maddened with faction, and fired with the lust of domination; let us not flatter ourselves we were exempt from the common lot; and although the wise exposition of the bill of rights, by the act to establish religious freedom, might for a time secure us from a religious test, a political one was certainly a possible, perhaps a probable, and not very remote event. Sir, I am possessed with a strange delusion if the very law in question does not appoint a political test. I fear other instances might be recounted. Such are the motus suos. The end of all these things is death!"

Sir, this ordinance goes beyond the apprehensions of Mr. Leigh, and does apply a religious test to a considerable portion of our population, as a condition of their being allowed to remain citizens. It would be a very great mistake to suppose, that the oath which it prescribes, was an oath "to support the Constitution of the Confederate States," the only oath to that government required by its Constitution; or that it was the common oath of allegiance to the State of North Carolina, or both of these together. Let us read it:

"I, A. B., do solemnly swear, (or affirm, as the case may be,) that I will bear faithful