

Hillsborough Recorder

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

Vol. XL

HILLSBOROUGH, N. C., MARCH 16, 1864.

No. 2237.

Speech Gov. Vance,

Delivered at Wilkough, N. C., Feb. 22d, 1864
(A SHORT-HAND DRAFT BY G. CLINTON STEEDMAN.)

There is another aspect of the question to which I wish to draw your attention, and one which deserves much consideration. I desire you to make a prediction. There never can be peace on the Continent of North America while the North and South are independent distinct nations.— There might be a temporary peace; such a peace as you have effected by overpowering a gallant, putting manacles upon his limbs and throwing him into a dungeon. Such a peace exists until he wrenches the bars, strikes the walls and strikes terror into the hearts of his enemies when they dream the most secure.— You would have seen peace as Poland has to-day. She obtained peace again and again, but clearly has God drawn a distinction between the Poles and their conquerors; they refuse to mix, and have retained their inherent nationality, though ever after a century demands for it a sacrifice of blood. For a while peace would be in Warsaw, but some act of oppression, the whipping of delicate ladies on the back in the public streets, for instance, would cause the people to boil over in rebellion of insurrection, and a torrent of blood would flow until "peace" was restored. Just as with Ireland. It is like Scotland, hold out to the bitter but obtained "peace," and ever since the noblest races on the face of the earth has been engaged, except when their oppressors, in fattening the pigs for the delicate palates of the English masters, whilst their children cry for bread; and at length their magnificent country is being depopulated by the hands of the enlightened conquerors who that sheep are more valuable than the Like the Yankees, they propose to give a "better race." Do you suppose the chivalrous people of the South, who have long since recognized their nationality, would submit to see all their cities garrisoned with negroes, to see the lands of their friends divided and parcelled out among the foreigners? Do you suppose the blood of Southern youth would run quietly in the streets when a negro officer walks in and makes his sister give the hand to him, or insulting her by his very presence? Do you suppose this kind of long endurance? No, insurrection, revolution upon revolution, war after war would burst upon our country, and for year after year, century after century, as in European States, would be demanded and blood flow, compared to which a drop of blood at first won independence would be a permanent peace. The only way to obtain peace—and I want no other—ought now; (Applause.) Let us out now, whilst we have a government and great and glorious armies in the field. If we do not, we will leave our children to our children's children. We will leave this terrible question to our little boys to settle when we are away, and under circumstances different and advantages far less than we possess for asserting their rights and nationality.

If you think, fellow citizens, that many of you do, that proper peace has not been made during this war, in the peace which you desire, we cannot be any earthly objection to efforts being made. I have been of them myself, and from time to time so advised the President. If your government should tender the offer of peace and let no occasion pass, a matter of course, let it be done. I beg you to recollect that there is a legal way pointed out by the Constitution of your country, and any other mode of procedure will be an injury.

No doubt many of you have read the trappings of Solomon, and have concluded that Solomon knew a thing or two. I think among the best things he ever said was this: "The King's name is a tower of strength." He simply meant that those who had law and order and authority on their side, which in old times was represented by the name of the King, had a moral force against their enemies and would generally prevail. Therefore remember, in all your individual efforts to obtain relief, that the King's name is a tower of strength, and that if you proceed according to the established authority and order you carry with you this tower of strength, which will accomplish more for you than any revolutionary or ill-considered plan that could possibly be devised amongst you.

There is another consideration, fellow-citizens. It is exceedingly important, before we take any great step of this sort, that we should base our action upon the right ground; we should not put ourselves in a false position.

Now if one of you should undertake to address a State Convention, what reason would you give to justify a separation from the Southern Confederacy? You hear a great deal said about the tendency of the military authorities to overstep the civil; about the flagrant violations of faith on the part of the Confederate Government in conscripting the principals of substitutes, &c. Could you answer to God for the peace you had broken on this ground? You say it is a great outrage. Be it so. But who pronounces upon a violation of law? Your judges. It is not for you to say, it is not for me to say, it is not for the legislature to say, a Convention cannot determine; it is for the Courts to decide. There being no Supreme Court of the Confederacy, (so much the better for you) the interpretation of the laws of Congress is left to your own judges, men of your own choice. If it is a violation of rights, let your judges say so, and not a single solitary man who has put in a substitute shall be carried from the State of North Carolina if your government can help it. (Applause.) But if it is decided to be according to law, he shall go if I can compel him. But let us see how much consistency there would be in proposed action on the substitute question. Why, gentlemen, as early as two years ago the conscript law came along and seized the poor fellow who had nine little children—the eldest hardly able to pull the youngest out of the fire—living on rented land, in a leaky cabin. He had no money and he was forced to go. Did anybody propose to raise a revolution for him? Not a single solitary man thought of such a thing. But his neighbor, on whose land this poor conscript was living, had his pockets stuffed with money, bought his carcass out of danger and put in a substitute. Two years rolled around, meanwhile the poor conscript worn down with anxiety thinking about his wife and helpless little ones, has nevertheless fought, and bled and suffered to protect, among others at home, his rich neighbor, who, in the interim, has dressed in purple and fine linen, fared sumptuously every day, and made so much money by speculating that he don't know what to do with it. Congress says the exigencies of the hour demand more men, and it is about time for this man to take his place alongside of his poor tenant and help drive back the foe. "But," say some, "it is a violation of law, we will kick up a fuss and plunge ourselves into danger for the benefit of the man who buys himself out of danger." (Laughter.) My remarks are not intended to apply to all principals of substitutes, for many of them have been compelled, one tenth perhaps, to act by force of circumstances. But you know that nine-tenths of them are either speculators, or original secessionists who helped to bring on the war and are now trying to get themselves out of it by hook or crook. (Applause.) I heard of a gentleman, who, to get rid of a beggar's importunity, at length gave him two quarters. About one o'clock in the morning he was aroused by a great banging at his door. On going to see the occasion of the unseasonable visit, he found

the fellow at the door. "You gave me two quarters this morning." "Well, are you not satisfied?" "No, I ain't; one of 'em was a slick quarter and I came here to collect 'tother five cents." (Great laughter.) That fellow had rather a small soul, and I was going to say he was the meanest man I ever heard of. But I happen to know some fellows who were so red hot for the war, that had you thrown them into a branch they would have fizzed, [laughter.] now that fighting by proxy is plaid out, say to some Convention man, "old fellow, you have been right all the time; turn down the sheet quick, we want to get in bed with you." [Cheers and laughter.] I know some men who were the most furious war men at the start, who were for giving the last man and last dollar, [provided they didn't happen to be the one final individual, and the dollar came out of the pocket of any other man] and now it is amusing, when the question begins to come home, to see the whites of their eyes turn up, and the palms of their hand begin to sweat, and their knees beat the long roll on the appearance of the enrolling officer. "We can't stand it. It is a violation of faith. The agreement was to fight entirely by proxy. It will never do. We must go out!" [Laughter and applause.]

If it is not a legal outrage, let the men who put in substitutes go to the war, and be thankful they have not been shot during the last two years. ["Good; hit 'em again."]

There is a great deal said about the danger of the military authorities overcoming the civil. Well, I acknowledge all that. There is danger. But there was never yet a war where the same danger did not arise, and especially a war like ours that taxes the whole energies of the people, that permeates every strata of society, and is the sole business of the day. We may forget, in the midst of the pomp and circumstances of the war, that we have civil right and constitutional liberties. I have striven against this danger as much as any man in the country. We must all strive against it. But if we undertake to go out of the Confederacy on this account, and to go to Mr. Lincoln to get these rights, I think it would be the part of prudence, to say the least, while we are simmering and frying, and the under side done pretty brown, to look over into coals and estimate their temperature. We might be glad enough to get back into the pan, hot as it is. [Applause and merriment.] Seward boasted to Lord Lyons that he could touch a bell at his table, and arrest any man in the United States, and no man dare enquire why or wherefore. He has arrested editors in almost every town in the North for a simple expression of opinion. He arrested Vallandigham, tried him by a military court, in open violation of the Constitution, and banished him. I hardly think we could find much protection for civil liberty in the dominion of Abraham the First. There is a talk of the writ of *habeas corpus* being suspended in the Southern States. I understand it has already been suspended by Congress, but the suspension of this writ may not be in contravention of the Constitution; for the courts have decided that Congress can suspend the writ within certain limits. I hold in my hand a copy of the *Raleigh Progress* containing an article written by one of the first lawyers of the land. The language of the Constitution referred to is, Art. I, Sec. 9, 3rd clause, as follows:

"The privilege of the writ of *habeas corpus* shall not be suspended unless when in case of rebellion or invasion, the public safety may require it." Commenting on this he says:

These gentlemen, in the ardor of accomplishing their favorite scheme of conscripting all men who have put in substitutes, have overlooked what we are sure they might have learnt of any "petty judge" in the land, namely: that the suspension of the writ "is limited to offences," (either actual or suspected,) "endangering the public safety."

Congress "may provide for the arrest and imprisonment of offenders or of suspected offenders, and forbid their release, while the

exigency lasts." Offenders in fact or suspected offenders are the only persons as to whom the privilege of the writ can be constitutionally suspended. Of this character was the bill for its suspension in the times of Burr's conspiracy. A very few words will make this perfectly plain. The power to suspend the writ is given only in cases of invasion and rebellion; and in these only, when "the safety may require it."

I take it for granted no man of any legal knowledge will deny that. I regret to see the suspension of the writ. It is evidence of wrong existing somewhere—either of a desire upon the part of the government to assume more authority than belongs to it, or of a state of affairs in some parts of the country that argues ill. But in the name of common sense, if we are a law abiding people, if we regard the King's name as a tower of strength, we must not make a commotion because a law has been enacted which our jurists announce as within the limits of the Constitution of the country that we have sworn to support. We ought to be willing to stand up to our own Constitution and our own laws. If they are improper, if they are hard upon us, let us instruct our Representatives to repeal them and give us better ones.

But are they doing any better in Mr. Lincoln's country? Poor old Kentucky that we used to regard as a most chivalrous and independent State, undertook to be neutral. She declared she would take no part in the quarrel. But Mr. Lincoln soon thrashed neutrality out of Kentucky, made her furnish her quota of men, and subjected her to her share of all the burden of the government. Some time ago the election for Governor of the State came off. Two candidates were in the field—both Union men—but one of them opposed to the Abolition policy of Lincoln's administration. An individual by the name of Burnside—A. E. Burnside—I had the honor of making his acquaintance down at Newbern, though I hadn't much time to exchange compliments with him. I had an engagement about that time and had to cut the interview rather short. (Laughter.) Well, Gen. A. E. Burnside, aforesaid, was in Kentucky about the time of the election, and proclaimed martial law over the entire State. Now there is a great difference between the suspension of the writ of *habeas corpus* in certain cases, and the extension of martial law over a State. The former takes cognizance of a certain class of high crimes, but does not otherwise interfere with the civil functions of the community. When martial law is proclaimed all civil laws are suspended; a citizen can do nothing without the consent of the military; he can scarcely skin a potato or take a chew of tobacco without permission of the provost marshal. Here is one of Gen. Burnside's orders on the occasion referred to; his first proclaiming martial law I need not read:

Headquarters 6th Division, 16th Army Corps, 2
Columbus, Ky., July 29, 1863. 5
GENERAL ORDERS, 5
No. 47.

That no further doubt may exist as to the intent and meaning of Special Orders No. 159, dated Headquarters, 16th Army Corps, July 14, 1863, it is ordered that no person shall be permitted to be voted for, or be a candidate for office, who has been, or is now under arrest or bonds, by proper authority, for uttering disloyal language or sentiments.

County Judges within the district are hereby ordered to appoint, as Judges and Clerks of the ensuing August election, only such persons as are avowedly and unconditionally for the Union and for the suppression of the rebellion, and are further ordered to revoke and recall any appointment of Judges and Clerks already made, who are not such loyal persons.

Judges and Clerks of elections are hereby ordered not to place the name of any person upon the poll books, to be voted at said election, who is not avowedly and unconditionally for the Union and the suppression of the rebellion, or who may be opposed to furnishing men and money for the suppression of the rebellion.

The following oath is prescribed and will be administered by Judges of elections to such candidates as reside within the district:

"I do solemnly swear that I have never entered the service of the so-called Confederate States; that I have not been engaged in the service of the so-called Provisional Government of Kentucky; either in a civil or military capacity; that I have never, either