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## Habeas Corpus—Gov. Vance to President Davis.

State of North Carolina,  
Executive Department,  
Raleigh, Feb. 9th, 1864.

His Excellency, Jefferson Davis.

MY DEAR SIR:—Since receiving your letter of the 8th ult., to which it was my intention to have replied before this, reports have reached me from Richmond, which, if true, would render my reply unnecessary. I hear, with deep regret, that a bill is certainly expected to pass the Congress, suspending the writ of *habeas corpus*, throughout the Confederacy, and that certain arrests will immediately be made in North Carolina. Of course, if Congress and your Excellency be resolved upon this, as the only means of repressing disaffection in this State, it would be a mere waste of time for me to argue the matter. And yet I should not hold myself guiltless of the consequences which I fear will follow, did I not add yet another word of expostulation to the many I have already spoken. If the bill referred to, about which I can form no opinion until I see it, be strictly within the limits of the Constitution, I imagine the people of this State will submit to it—so great is their regard for law. If it is adjudged, on the contrary, to be in violation of that instrument and revolutionary in itself, it will be resisted. Should it become a law soon, I earnestly advise you to be chary of exercising the powers with which it did invest you. Be content to try at least for a while the moral effect of holding this power over the heads of discontented men before shocking all worshippers of the common law throughout the world, by hurling freemen into sheriffless dungeons for opinion's sake. I do not speak this factiously or by way of a flourish. Nor do I believe that as an enlightened lawyer, and a Christian statesman, you could feel any pleasure in the performance of such an ungracious task. I am on the contrary convinced that you believe it to be the only way to secure North Carolina in the performance of her obligations to her Confederates. The misfortune of this belief is yours, the shame will light upon those unworthy sons who have thus sought to stab their mother because she cast them off. If our citizens are left untouched by the arm of military violence, I do not despair of an appeal to the reason and patriotism of the people at the ballot box. Hundreds of good and true men now acting with, and possessing the confidence of the party called Conservatives, are at work against the dangerous movements for a Convention; and whilst civil law remains intact will work zealously and with heart. I expect myself to take the field as soon as the proprieties of my position will allow me, and shall exert every effort to restrain the revolutionary tendency of public opinion. Never yet, sir, have the people of North Carolina refused to listen to their public men if they show right and reason on their side. I do not fear to trust the issue now to these potent weapons in the hands of such men as will wield them next summer. I do fear to trust bayonets and dungeons. I endeavored soon after my accession to the Chief Magistracy of North Carolina, to make you aware of both the fact of disaffection in this State and the cause of it. In addition to the many letters to you, I have twice visited Richmond, expressly to give you information on this point. The truth is, as I have often said before, that the great body of our people have been suspected by their government, perhaps because of the reluctance with which they gave up the old Union; and I know you will pardon me for saying that the consciousness of their being suspected has been greatly strengthened, by what seemed to be a studied exclusion of the anti-secessionists from all the more important offices of the government, even from those promotions in the army, which many of them had won with their blood. Was this suspicion just? And was there sufficient effort made to disprove that it existed, if it really did not exist in Richmond? Discussion, it is true, has been unlimited and bitter, and unrelenting criticism upon your

administration has been indulged in, but where and when have our people failed you in battle or withheld either their blood or their vast resources? To what exaction have they not submitted, what draft upon their patriotism have they yet dishonored? Conscription ruthless and unrelenting has only been exceeded in the severity of its execution by the impressment of property, frequently entrusted to men unprincipled, dishonest, and filled to overflowing with all the petty meanness of small minds dressed in a little brief authority.

The files of my office are piled up with the unavailing complaints of outraged citizens, to whom redress is impossible. Yet they have submitted, and so far performed with honor, their duty to their country, though the voice of their very natural murmurs is set down to disloyalty. I do not hold you responsible for all the petty annoyances, the insolence of office, under which our people lose heart and patience. Even if I did, I cannot forget that it is my country that I am serving, not the rulers of that country. I make no threat. I desire only with singleness of purpose and sincerity of heart; to speak those words of soberness and truth, which may, with the blessing of God, best subserve the cause of my suffering country.

Those words I now believe to be the advice herein given, to refrain from exercising the extraordinary powers about to be given you by the Congress, at least until the last hope of moral influence being sufficient, is extinct. Though you expressed a fear in your last letter that my continued efforts to conciliate were injudicious, I cannot yet see just cause for abandoning it. Perhaps I am unduly biased in my judgment concerning a people whom I love, and to whom I owe so much. Though I trust not. Our success depends not on the numbers engaged to support our cause, but upon their zeal and affection. Hence I have every hope in persuading, not one in forcing the sympathies of an unwilling people. The Legislature of this State meets next May. Two-thirds are required by our Constitution to call a Convention. This number cannot be obtained; a bare majority vote for submitting the proposition, will, in my opinion, be impossible. Under no circumstances can a Convention be assembled in North Carolina during the present year, in my judgment, and during next summer the approaching State elections will afford an opportunity for a full and complete discussion of all the issues, the result of which I do not fear, if left to ourselves. If there be a people on earth given to the sober second thought amenable to reason and regardful of their plighted honor, I believe that I may claim that it is the people of North Carolina.

Very respectfully, your obedient serv't.,  
Z. B. VANCE.

## GOV. GRAHAM ON THE HABEAS CORPUS.

The Richmond papers have not reported the speech delivered by Gov. Graham in the Confederate Senate on Tuesday last on the *habeas corpus* question. The Whig compliments it editorially as follows:

"Mr. Graham, of N. C., presented his views at length on the *habeas corpus* question, taking the ground that the act suspending the privilege of this writ was not only in contravention of the Constitution, but also encouraged the enemy to believe that such a stringent measure was necessary to suppress disaffection in our midst, when it was well known to us that no such disaffection existed. Mr. Graham concluded his remarks with a vindication of North Carolina from imputations of disloyalty to the Southern cause. The whole speech was delivered in excellent temper, and was not only characterized by elegance of rhetoric, but by force of argument, which secured for the speaker the constant attention of the Senators present."

In a brief sketch of the conclusion of the speech given by the Examiner, he argued that the proper course was for military commanders to arrest and imprison disloyal men and traitors, as they had a right to do, "and he (Mr. Graham) would go as far as any one in passing a bill of indemnity

to protect Generals who, by mistake or upon false information, had arrested innocent persons."

"Mr. Graham spoke of North Carolina. If any one supposed that anything in the condition of that State had at any time called for the passage of this law, that opinion was, in his belief, erroneous. When Lincoln, by his proclamation, had declared war, she said there was no neutrality for her. She threw herself, heart and soul, into the contest, and in the manner in which she had borne herself, in her contribution to the cause in men and means, in the valor of her sons on every battle-field, she well might challenge comparison with any State of the Confederacy. He had learned from the Adjutant General of North Carolina, that that State had contributed to the war 97,886 men, besides two regiments, the muster rolls of which had not been received. Of this number there were now 50,000 in the field. When Gen. Lee began the fight in the Wilderness with that army which was the admiration of the world, one-half of them were North Carolinians. He knew not what was the number now, reduced by the dead who were under the sod, and the wounded in the hospitals.

"He did not think another law to suspend the writ either necessary or expedient. He was not even prepared to say that he was content that the present law should remain in force until it expired by limitation. He thought the burden imposed by it on the necks of the people should be withdrawn; yet, if a bill, properly guarded, suspending the writ of *habeas corpus*, should be brought forward, he did not know that he should withhold his vote.

The vote was then taken on the resolution, [to inquire into the expediency of continuing the suspension] and it was agreed to."

*AN ACT more effectually to secure the benefits of the writ of habeas corpus, and to prevent the transportation of citizens in civil life beyond the limits of the State.*

Sec. 1. *Be it enacted by the General Assembly of North Carolina, and it is hereby enacted by the authority of the same, That any person as to whom a writ of habeas corpus has been issued and served, who wilfully fails or refuses, under any pretence whatever, to obey the mandate thereof, or the orders of the judge or court thereon, before whom the same is heard, or who knowingly or intentionally prevents the service of the same by force, or by keeping out of the way, or who shall wilfully fail or refuse to permit any person upon application by counsel, in his custody, to consult with and have the assistance of counsel, for the purpose of suing out, or prosecuting said writ, or who shall send away or conceal any person who is in his custody or under his control, with intent to prevent said writ from being sued out or executed, or the petitioner from being discharged, when the judge or court so orders, shall be guilty of a high misdemeanor, and, on conviction in the Superior Court, shall be fined not less than one thousand dollars and imprisoned not less than one year.*

Sec. 2. *Be it further enacted, That if any person shall, under any pretence whatsoever, transport beyond the limits of this State, by force or violence, any person in civil life, such person so offending shall be guilty of a high misdemeanor, and, on conviction, shall be fined not less than two thousand dollars and imprisoned not less than one year.*

Sec. 3. *Be it further enacted, That if any person in civil life shall be transported beyond the limits of this State, contrary to the provisions of the second section of this act, the Governor of the State shall forthwith demand him of the authorities of the Confederate States where such person may be imprisoned.*

Read three times and ratified in General Assembly, the 28th day of May, 1864.  
R. S. DONNELL, S. H. C.  
GILES MEBANE, S. S.

*Resolutions in reference to a Basis of Peace, Resolved, by the General Assembly of the State of North Carolina, That whilst we*

regard the present war between the Confederate States and the United States, as a war of self-defence on the part of the Confederate States, yet we do not hesitate to declare, that, for the sake of humanity, it becomes our government, through its appropriate constitutional departments, to use its earnest efforts to put an end to this unnatural and unchristian work of carnage; and to this end we earnestly recommend that our government, after signal successes of our arms, and on other occasions, when none can impute its action to alarm, instead of a sincere desire for peace, shall make to the government of our enemy an official offer for peace, on the basis of independence and nationality, with the proposition that the doubtful border States shall settle the question for themselves, by conventions to be elected for that purpose, after the withdrawal of all military forces of both sides from their limits.

*Resolved, That we believe this course, on the part of our Government, would be hailed by our people and soldiery as an assurance that peace will not be unnecessarily delayed, nor their sufferings unnecessarily prolonged.*

*Resolved, That while the foregoing is an expression of the sentiments of this General Assembly respecting the manner in which peace should be sought, we renew our pledges of the resources and powers of the State to the prosecution of the war, defensive on our part, until peace is obtained, upon just and honorable terms, and until the independence and nationality of the Confederate States is established.*

**THE SUBORDINATE GENERALS.**—General Johnston is fortunate, I think, in his subordinates. There is not a more perfect officer than Hardee, a more magnetic leader than Hood. Cheatham is as useful in camp as he is dashing on the field. Cleburne is industrious, experienced and daring. Bate is earnest, laborious and warm-hearted. Stewart is a type of the Christian soldier and gentleman. Walker is single-minded, gallant and energetic. Stevenson is up to all the tricks of war, a West Pointer every inch of him. These are aided by a bright corps of brigade commanders. As a class, they are temperate and attentive, and possess the confidence of their men. On the outposts Wheeler, who is truly a fine cavalry commander, has his division in excellent efficiency. He keeps up with the times and is never caught napping. The provost marshal general, also, who comes very high in importance as standing at the head of the secret service, is a fine selection. Col. Ben. Hill gained a famous name as a fighter. Taken from the field and placed in the office, he is exhibiting the same shrewd characteristics, and I do not doubt has the situation constantly at his fingers ends. With such a staff about him, Gen. Johnston is hardly likely to be inveigled into a false step, or overcome by any enemy whatsoever. *Cor. Atlanta App.*

**Arrival of Captured Arms.**—We noticed at the depot of the Richmond and Fredericksburg railroad, yesterday, eight or ten freight cars loaded exclusively with Yankee muskets, brought from the battle-fields near Spottsylvania C. H. We learn from Col. Baldwin, Chief of Ordnance for the army of Gen. Lee, that we have already secured 18,000 Yankee muskets on the battle-fields in Spottsylvania, and 4,000 in Chesterfield, in addition to five pieces of artillery, including three twenty pound Parrotts and two Napoleons.

*Richmond Examiner.*

**From Northern Virginia.**—It is believed that Grant, having thrown away 50,000 men in front of Gen. Lee without accomplishing anything, is now endeavoring by a strategic movement to reach the Peninsula, with a view of advancing on Richmond from that route, taking for his base West Point, which he might have occupied at the commencement of the campaign.

*Richmond Dispatch.*

A Spanish Admiral has seized the Cancha Islands, the property of Peru.