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THE CONSTITUTION AND THE LAWS—THE GUARDIANS OF OUR LIBERTY

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BY THE GOVERNOR: A PROCLAMATION. TO THE PEOPLE OF NORTH CAROLINA.

WHEREAS, It is incumbent on me by virtue of the high trusts your partiality has conferred upon me, to watch with vigilance over your welfare, guard with fidelity your interests, and warn you of every approaching danger:

Now, therefore, I, ZENOLON B. VANCE, Governor of the said State, actuated by a sacred sense of duty and love of country, do deem it necessary to address you in this manner in regard to the dangers and duties of the present time; earnestly praying that it may be conducive to harmony and good will, wherein only is to be found a safe and honorable deliverance from all our troubles. It is known to you all, that in the beginning of these troubles, North Carolina was decidedly opposed to initiating the secession of her Southern sisters, that any attempt to force her to do so by even a majority of her people, prior to the Proclamation of Lincoln in 1861, would most likely have resulted in civil war among our own citizens. It pleased God, however, to prevent this calamity and to calm all the fierce passions of party bitterness, and to cause the most perfect unanimity by means of that Proclamation, which placed before us the dire necessity of either assisting or slaughtering our own brothers and friends. Interest, honor and sympathy combined to decide us upon resistance to what all united in condemning as a cruel and wicked war upon the homes and liberties of the South. With unexampled zeal we entered into the war, rushed forward our bravest sons, and poured out our richest treasures. With immense sacrifices, and varying fortunes, we continued the struggle, still with great unanimity for years. About the end of the third year, however, a portion of our people in common with many others throughout the South, seeing how our best lands were desolated, began to urge that peace should be sought for by negotiations as well as by the sword. They argued that our Confederate authorities, moved by the length and fierceness of the conflict, had not made a sufficient trial of statesmanship as a means of stopping the war; that no doubt if properly approached, either by commissioners appointed by our common government, or by the States separately—supposing diplomatic reasons would prevent the enemy from treating with the former—that our enemy would grant us better terms than we had supposed, and promising that if a fair and honest effort at negotiation should be spurned by the enemy or rejected, then all classes and conditions of men in the South would unite in an earnest prosecution of the war. This was the first serious approach to a division among our people. Sympathizing with the reasonableness of this demand, though not with all the reasons given for believing in its efficiency, and being as sincerely desirous as it was possible for man to be, to stop the war on honorable terms, I, as your Governor, addressed President Davis in December 1862, and urged this course upon him. In answer thereto he assured me that three separate and distinct efforts had been made to treat with the enemy, without obtaining even a hearing, and that he did not see how a fourth one could be initiated without humiliation to ourselves and injury to our cause.

Trusting that Providence would yet open the way, the matter rested here for another year. Many, however, of our people, who advocated peace upon such vague and ill-defined terms as to cause doubts of their good faith and loyalty, continued sedulously to disseminate the opinion, that our own government alone was to blame for the continuance of the war, going so far in some instances as to threaten revolutionary measures for wresting the treaty-making power from its hands, and negotiating with the enemy ourselves, alleging that we could certainly get such terms if the States would act in their sovereign capacity, as would secure our property and slaves, by reconstruction. Since the beginning of the present year, however, two individuals from

the North having visited Richmond on a peace mission, by the authority of President Lincoln, and having as our President supposed opened the way for another effort at negotiations, it was promptly made. He immediately sent a delegation through the lines for that purpose, consisting of Vice President Stephens, Judge Campbell, late of the Supreme Court of the United States, and the Hon. R. M. T. Hunter, Confederate States Senator, from the State of Virginia, men all eminent for their abilities, public services, and the long continued confidence and respect of their countrymen. The first two are well known to have opposed the beginning of this war, and to sympathize with the general desire for negotiations. They were met at Fortress Monroe by President Lincoln, and Mr. Seward, his Secretary of State, who, without allowing them to leave the boat on which they arrived, told them what appears in the following official report:

Richmond, Feb. 5, 1865.
To the President of the Confederate States: Sir.—Under your letter of appointment of Commissioners of the 28th, we proceeded to seek an informal conference with Abraham Lincoln, President of the United States, upon the subject mentioned in your letter. The conference was granted and took place on the 3d instant, on board a steamer anchored in Hampton Roads, where we met President Lincoln and Hon. Mr. Seward, Secretary of State for the United States. It continued for several hours and was both full and explicit. We learned from them that the message of President Lincoln to the Congress of the United States in December last explains clearly and distinctly his sentiment as to the terms, conditions and mode of proceeding by which peace could be secured to the people, and we were not informed that they would be modified or altered to attain that end. We understood from him that no terms or proposals of any treaty or agreement looking to an ultimate settlement would be entertained or made by him with the authorities of the Confederate States, because that would be a recognition of their existence as a separate power, which under no circumstances would be done, and for like reasons that no such terms would be entertained by him from States separately, that no extended truce or armistice as at present advised would be granted or allowed without a satisfactory assurance in advance of the complete restoration of the authority of the Constitution and laws of the United States over all places within the States of the Confederacy, that whatever circumstances may follow from the re-establishment of that authority must be accepted out and out. Individuals, subject to pains and penalties under the laws of the United States, might rely upon a very liberal use of the power confided to him, to remit these pains and penalties, if peace be restored during such conference.

The proposed amendments to the Constitution adopted by Congress on the 31st ult., were brought to our notice. These amendments provide that neither slavery nor involuntary servitude, except for crime, should exist within the United States or in any place within its jurisdiction, and Congress should have the power to enforce the amendments by appropriate legislation. Of all the correspondence that preceded the conference herein mentioned and leading to the same, you have heretofore been informed.

Very respectfully, your obedient servants,
A. H. STEPHENS,
R. M. T. HUNTER,
J. A. CAMPBELL.

Thus you see that neither terms nor conditions were spoken of in the interview, but only subjugation offered us, the mere details of which they proposed to settle. At one blow, all our hopes in the humanity and moderation of our enemies were dashed to the ground. No terms or proposals of a treaty coming either from the Confederate States, or any one of the States, would be entertained, but a complete, absolute and unconditional submission to the Constitution and laws of the United States, is required as a preliminary step to any, even the slightest cessation of hostilities. Seeing then that we can treat with the enemy, neither by the authorities of the Confederate States, nor by separate State action, what will be the result if we submit, as we are required to do? This we can partly judge by examining that constitution and those laws, to which we are required to yield obedience. That Constitution is not the one we left. In addition to the changes it has undergone by corrupt and violent interpretation by Black Republican judges, its wording has been so changed as to decree immediately and forever, the abolition of slavery. The "laws" to whose tender mercies we are referred, provide most minutely and particularly for the punishment of death by the halter, of every man, soldier, sailor or marine, ci-

vilians and others, who have been engaged in what they term rebellion. Not ceasing to punish with the death of the offender, the "laws" of the United States also provide that all his property, real and personal, shall be confiscated. The only mitigation of the rigor threatened by these laws, is contained in Mr. Lincoln's proclamation accompanying his annual message in December 1862, in which he proposes to hang only those above the rank of Colonel in the army and Lieutenant in the navy, and all civil and diplomatic officers or agents of the Confederate Government, and various other classes therein specified; coupled with a vague intimation to our commissioners in their recent interview, that whilst we must prepare to accept all the pains and penalties of the laws, we might rely on a liberal use of the pardoning power, vested in him. He also informs us that the terms set forth in his recent message of December last, wherein he re-endorsees the above mentioned proclamation, will be rigidly adhered to.

Now then, we can sum up, in some sort, the consequences of our submission. Four million slaves, two hundred thousand of whom have been in arms against us, turned loose at once in our midst, our lands confiscated, and sold out to pay the cost of our subjugation, or parcelled among negro soldiers as the reward of the slaughter of their masters; our women, children and old men reduced to beggary, and driven from their once happy homes, our mutilated and diseased soldiers, starving in rags from door to door, spurned by even pensioned negro soldiers, whilst the gallows grows weary under the burden of our wisest statesmen and bravest defenders; to say nothing of universal financial ruin and the intolerable oppression of a rapacious and vindictive foe, in the hour of conquest! Great God! is there a man in all this honorable, high-spirited and noble commonwealth, so steeped in every conceivable meanness, so blackened with all the guilt of treason, or so damned with all the leprosy of cowardice, as to say, yes, we will submit to all this! and whilst there yet remains a half million men amongst us able to resist! And who says the enemy will give us anything better? Not Mr. Lincoln; and do the weak and the vacillating among us, know better than he does, what he will do for us?

Having made, therefore, a fair and honest effort to obtain peace by negotiation, and knowing now precisely, from the lips of the President of the United States, what we are to expect, what are we to do next? There is only one thing left for us to do. We must fight, my countrymen, to the last extremity, or submit voluntarily to our own degradation. Let no man mistake the issue now. The line of distinction will be drawn plainly between those who are for their country, and those who are against their country. There is no half-way house upon the road. The purifying fire is even now burning throughout the land, and its consuming flames must separate the dross from the true metal. Degradation, ruin and dishonor on the one hand—liberty, independence and honor, if our souls be strong, on the other. Is it not worth another honest and manly effort? Aye, another, and another, and another, and a thousand efforts of our whole people. As North Carolinians, descendants of revolutionary heroes, and fathers and brothers of the noblest dead and living soldiers that ever drew a blade for human freedom, we cannot tolerate the thought of such base and infamous submission.

Should we wilfully throw down an organized government, disband our still powerful armies, and invite all these fearful consequences upon our country, we would live to have our children curse our gray hairs for fastening our dishonor upon them.

I trust and believe that there will be little difference of opinion in North Carolina as to the propriety of continued resistance. The great argument which will be brought forward to shake your honor and intended to incite you to despair, will be that successful resistance is no longer possible. Some will tell you that we are already sub-

dued; that the enemy outnumbers us; that our fighting men are all slain; our resources all exhausted, and we might as well submit now. This, my countrymen, is false, and as frequently proceeds from a craven or a traitorous, as from an honest but mistaken spirit. Great as our calamities have been, straitened as we are for all supplies both of men and material, I tell you, in all candor, that when I survey our condition by the light of human history, I see no danger which threatens to be fatal to our cause, except this depression of spirit among the people and the still more fearful risk of internal dissension. So long as we remain one and determined, it is not in the power of our enemies to subdue us. "But except these abide in the ship, ye cannot be saved." All things may be supplied if we are but possessed of that bold and manly spirit of resistance to tyranny, of which liberty and independence are born. That alone can fill the widow's barrel and still the orphan's cry; can cast cannons and build ships of war; can raise up armed men from the dust of the dragon's teeth; can wrest tangible realities from the very jaws of impossibility. Without it, numbers but add to the ignominy of certain defeat, even as the Persian millions were whipped and shamed by the three hundred in the mountain pass. Are our men all slain? Over four hundred thousand names yet stand upon the muster rolls of the Confederacy, to say nothing of the many thousands who shirk. Where are they? Thousands upon thousands, absent without leave, are lurking in the woods and swamps of the South. Are our provisions all gone? Hundreds of thousands of bushels of grain now rot at the various peeps of the South for want of transportation; and this transportation cannot be protected because these absent soldiers are not at the post of duty. Oh! my countrymen! if you would but rise to entreat, to shame, to drive them back to their country's standard. Has our territory been overrun? It has, but how much of it has been held? The enemy marched triumphantly through the heart of our sister Georgia, and is she conquered? Except for the garrison at Savannah and the ashes of desolation on their track through the interior, Georgia has neither enemy nor the sign of enemy on her soil. So of most portions of the South which space does not permit me to enumerate. For four years their countless legions have knawed at the vitals of Virginia, yet today they claim not even all of her territory which is swept by their cannon. The cities they garrison, the land their armies actually stand upon, and the waters ridden by their fleets, are all that they really hold, or ever can hold except by our ignoble consent.

Let the balance of our cities go; Mobile, Charleston, Wilmington, Richmond, all, and if we are determined to be free our subjugation is quite as distant as ever. For thank God, the Confederacy does not consist in brick and mortar, or particular spots of ground, however valuable they may be in a military point of view. Our nationality consists in our people. Liberty dwells in the heart of her votaries, and the ragged, barefooted soldier, standing in the depths of the forest, or in the shadow of the mountain, can offer sacrifices, which will be as sweet and as acceptable as those proffered in gorgeous temples in the midst of magnificent cities. So if our country and its cause, like to the kingdom of God, be enthroned in our hearts, then, indeed, am I persuaded, that neither principalities nor powers, nor things present nor things to come, nor height nor depth, nor life nor death, nor any other creature shall be able to separate us from that independence and honor for which our people have suffered and our sons have died.

Therefore, my countrymen, having warned you of this danger which is upon us, I now appeal to you by every thing held sacred among men, to bear yourselves as becomes your high lineage and future hopes. I implore you to lay down all party bitterness, and to be reconciled to your neighbor for the sake of your country; to use every possible exertion to restore absentees to