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THE CONSTITUTION AND THE LAWS—THE GUARDIANS OF OUR LIBERTY

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THE PRESIDENT AND THE DISUNIONISTS—THEN AND NOW.

There is one point which the Radical party, its leaders and its press, with their usual audacity, now assume as a matter of course in the wicked controversy which they have forced upon the President. They lay down as a leading premise, and expect the country to grant it in silence, that his present position is inconsistent with his former record on the subject of the late rebellion, and the parties which were responsible for its creation. They now confront him in hostile array, assail his administrative policy, ask him to surrender all the powers and duties of his great office into their hands, and because he resists their assaults, despises their threats, and refuses to yield to their insolent demands, they cry out with an indignant air of injured innocence that he has turned his back on his friends; that he is false to his ancient and loving allies, and that he has betrayed his party household. How often in all the relations of life are such self-complacent assumptions the strategy of the deadliest enemy and the cloak for the secret operations of the most perfidious treachery! Radical members of Congress have recently visited him, and, with wonderful modesty and good taste, assured him that, after a seven months' trial, his policy of restoration is a failure, but that they will still patronize him with their magnanimous forbearance if he will abdicate in their favor, confess that he has done nothing as yet worthy of ratification by the American people, and keep silent while their superior wisdom supplies the place of his weakness. This is the climax of even this pharisaical and arrogant faction; and perhaps no more proper time could occur than now to recall to their minds and to the recollection of the country the well attested fact, that the President never was their friend, never had party affiliations with them, never sought their support, never courted their favor, but always, at all times, and under all circumstances, denounced them as enemies to their country, as favor of disunion, and as the allies of the Southern secessionists. It may as well be clearly understood that the present antagonism between the furious faction of radical revolutionists and the President is nothing new, and need surprise nobody. It is an old battle, partially suspended during the war, while the Northern disunionists were forced by public sentiment to profess an insincere love for the Union, and while Andrew Johnson was struggling for the great cause in fields of danger where they never ventured. It is renewed, however, as soon as they meet again, as certainly as that right and wrong, truth and falsehood, continue their conflict for their supremacy. We do not charge that the Radical faction is inconsistent in its attack upon the President. On the contrary, this fact proves its consistency; but the President is likewise consistent when he pursues his own policy in defiance of theirs. Let us see what opinion the President entertained of them in February, 1861, when the doctrines of secession and disunion were making havoc in the land, and when their authors were justly execrated by every friend of his government. Speaking in the Senate of the United States, in reply to Jefferson Davis, he said:

But, Mr. President, recurring to what I said yesterday, there are two parties in this country that want to break up the Government. Who are they? The nullifiers proper of the South, the secessionists or disunionists, for I use them all as synonymous terms. There is a portion of them who prize the disruption of the Government for purposes of their own aggrandizement. I do not charge upon them that they want to break up the Government for the purpose of affecting slavery; yet I charge that the breaking up of the Government would have that effect; the result would be the same. Who else is for breaking up this Government? I refer to some bad men in the North. There is a set of men called Abolitionists, and they want to break up the Government. They are disunionists;

they are secessionists; they are nullifiers. Sir, the Abolitionists and the distinguished Senator from Mississippi (Mr. Jefferson Davis) and his party, both stand in the same attitude, to attain the same end, a dissolution of the Union; the one party believing that it will result in their own aggrandizement South, and the other believing that it will result in the overthrow of the institution of slavery. Who are the disunionists of the North? Who are the "allies" of the distinguished Senator from Mississippi? We find that a resolution was adopted at the anniversary of the Massachusetts Anti-Slavery Society, convened in Boston, in these words:

"Resolved, That the one great issue before the country is the dissolution of the Union, in comparison with which all other issues with the slave power are as dust in the balance: Therefore we give ourselves to the work of annulling this covenant with death as essential to our own innocence and the speedy and the everlasting overthrow of the slave system."

This resolution was passed by the Abolition Anti-Slavery Society of Massachusetts. They think a dissolution of the Union would result in the destruction of slavery, and absolve them from this "covenant with death," and attest their innocence so far as the Government is concerned. On that we find that Mr. Wendell Phillips made the following remarks:

"I entirely accord with the sentiments of that last resolution. I think all we have to do is to prepare the public mind by the daily and hourly presentation of the doctrine of disunion. Events which, fortunately for us, the Government itself and other parties are producing with unexampled rapidity, are our best aid."

Mr. Johnson then proceeded at length to cite other authorities in support of his position that the Abolitionists who followed Wendell Phillips, Lloyd Garrison, and the Liberator, and who now hail Charles Sumner and Thaddeus Stevens as their leaders, were disunionists, conspirators, and traitors. His mass of evidence was overwhelming, and he resumed as follows:

"Then, when we come to talk of 'allies,' whose allies are these gentlemen? Whose allies are the Abolitionists of the North, if they are not the allies of the secessionists and disunionists of the South? Are they not all laboring and toiling to accomplish the same great end, the overthrow of this great nation of ours? Their object is the same. They are both employing to some extent the same means."

Mr. President, I have alluded to this subject of "allies" in order to show who is engaged in this onerous and nefarious work of breaking up this Union. We find first the run-and Abolitionists of the North. They are secessionists; they are for disunion; they are for dissolution. When we turn to the South, we see the red-hot Disunionists and Secessionists at the same work. I think it comes with a very bad grace for them to talk about the "allies" of others who are trying to save the Union and preserve the Constitution.

I went back yesterday and showed that South Carolina had held this doctrine of secession at a very early day—a very short time after she entered into the Articles of Confederation, and after she had entered the Union by which and through which the independence of the country was achieved. What else do we find at a very early day? Go to Massachusetts during the war of 1812, and the Hartford Convention, and there you will find men engaged in this treasonable and unhallowed work. Even in 1845, Massachusetts, in manifesting her great opposition to the annexation of Texas to the United States, passed a resolution resolving herself out of the Union. She seceded; she went off by her own act because Texas was admitted into the Union. Thus we find South Carolina and Massachusetts taking the lead in this secession movement."

These extracts very clearly show in what estimation the President held the Radical element of the North, when he was risking his life and all in defence of the Union of the fathers. His invective was poured up-

on their guilty heads like a stream of consuming fire. He regarded them as architects of their country's ruin, as allies in a crusade of destruction with the secessionists of the South; and with them jointly responsible, before God and man, for the blood, the miseries, the tears, and the unnumbered woes which were then rushing a swift mountain avalanche upon this unhappy nation. They were miserable outlaws from his school of patriotism then; and does any one suppose that his opinion of them now is any higher, when he finds them still at their old trade of disunion? Even during the war, it is familiar to the public mind that he did not spare them. Every one remembers the famous syllogism which he put in a speech at Nashville, whereby he proved that an abolitionist was a secessionist, that a secessionist was an abolitionist, and that both were disunionists. The term abolitionist has, it is true, lost much of its significance, but the men to whom the syllogism applied then are today the Radicals who assail him. But if it is contended that neither can the former term of "disunionists" apply to them, let us see.

The President proved that in the opening stages of the rebellion, and for many years prior, they were and had been in favor of a dissolution of the Union. Now that the war for the Union is over, do they yield their point? The Southern secessionists, their old "allies," do; but they adhere to their old heresy by declaring that eleven States have been lapped off, and are no longer members of the Union. The President held in February, 1861, that no power existed anywhere to declare a State out of the Union. He holds the same opinion now, when Congress, under the lead of Sumner and Stevens, is aiming to do that very thing. He announced in February, 1861, that the men, wherever and wherever they might be, who made such an attempt, were conspirators and traitors, and we have the best reason to believe that his mind has undergone no change on that point. The States were not out of the Union in February, 1861, although ordinances of secession had been passed, and a large party then as now declared them no longer living members of the American Union. The States are no more out of the Union now than then, and a party that in 1866 declares that doctrine is no less treasonable in the estimation of the President than the party that did the same in 1861. The one party has been beaten on the field of battle, and the other will be beaten likewise on any field it may choose. The President does not seek any collision, nor will it be found that he will shrink, no matter from what quarter the "allies" of disunion may assail him. And when he appeals to the people, as he will, against those who now arraign him on account of his great, beneficent, and eminently successful policy, he will hear a voice of approval such as but seldom in the history of the world has greeted the ears of a chief magistrate of a free people.

A REMISSION AND ITS EFFECT.

The act of the surrender of the civil authority in this State by the President to the Governor elect, has been somewhat singular in its effect. It has produced a result altogether unexpected. It extinguishes the Provisional government and reverts the affairs of the State, in all their ramifications,—excepting the particular duties devolving upon the Governor and the Legislature—back to the care of the military, or to no care. It may not be fully comprehended that the office of every magistrate in the State becomes vacant by this extinguishment of the Provisional government. The tenure of every office filled by authority of the Provisional Governor terminates with the existence of the appointing power. The Mayor and commissioners of the town of Wilmington, appointed by the Provisional Governor, lose their authority with the retirement of the Provisional Governor. The police force appointed under and by that board of commissioners, and all other municipal officers

and boards similarly appointed, lose their authority with the loss of authority by the power from which their authority was derived. The Judges appointed by the Provisional Governor are likewise summarily transformed into citizens. Thus the whole State is left, with a State government established, but no civil machinery through which to operate. So that we are virtually with no government. There is no civil officer aside from the Governor of the State and the appointees of the national government clothed with the slightest authority. We are remitted to the control of the military and the provost marshal until such time as new and more permanent machinery may be set up.

It was undoubtedly an oversight that brought about this unlooked for and much to be regretted state of affairs. It was undoubtedly competent for the President to clothe Governor Worth with the functions of a Provisional Governor, and enable him to maintain and carry on the provisional establishment until a more permanent and complete civil establishment could be set up. But this was not done. It was not done probably because it was not thought of. It was probably not suggested to the President that the vitality of all civil officers in the States was derived from the Provisional government.

This peculiar and embarrassing state of affairs will explain the anxiety manifested by Governor Worth to assemble the Legislature at the very earliest possible day. Under these circumstances every day is important. If the Governor can get the Legislature together even one week sooner than the time that body had set for its re-assembling, he will have performed a meritorious act.

But it strikes us that there is authority vested in the Governor to appoint, in the recess of the Legislature, civil officers to fill vacancies. Of course, if Gov. Worth was persuaded that he had this authority, he would at once issue a proclamation continuing in office the appointees of the Provisional Governor until such time as their places could be regularly filled. But he is not so persuaded. It is not for us to advise him in this respect, however much we may be inclined to the belief that he has this authority. But it strikes us as a singular omission in the organic law of the State, demanding the earliest attention of the constitutional convention, if there is authority no where resident to repair an evil like that now so singularly existing.

Wilmington Herald.

THE NEXT PRESIDENCY.

We observe with regret that some of our Southern contemporaries have thus early begun to suggest names for the next Presidency. It is a question which deeply interests the South, yet the modesty of any suggestion coming from the South upon that subject, at least under existing circumstances, may well be called in question.

Gen. Grant occupies a very high position as a humane and chivalrous soldier, and he has done much to give him a very commanding position before the country for the office of President, yet it strikes us asavoring of bad taste and ingratitude for Southerners to bring his name forward for that position, in opposition to Andrew Johnson.

The history of the last six months at least, has placed the name of Andrew Johnson far in advance of any other competitor for that office, with all who are really friends of the Union and of the South, whether they are Northerners or Southerners. No other man in the nation at this period, enjoys so largely as he does the confidence and esteem of the liberal minded people of the Republic. He is our choice above all others for that high office, and nothing but an abandonment of the principles he has so repeatedly avowed of late, could lead us to entertain a proposition in favor of any other person.

Besides, we are no advocate for placing in high civil position the military men of the country. The experience of the nation does not favor the election of men who