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THE CONSTITUTION AND THE LAWS-THE GUARDIANS OF OUR LIBERTY

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Hon. Alexander H. Stephens,

Before the General Assembly of the State of Goor gia, Pebruary 22d, 1866.

Gentlemen of the Senate and House of Representatives :

I appear before you in answer to your call. This call, coming in the imposing form it does, and under the circumstances it does, requires a response from me. You have assigned to me a very high and very honorable and responsible position. This position you know I did not seek. Most willingly would I have avoided it, and nothing but an extraordinary sense of duty could have induced me to yield my own disinclinations and aversions to your wishes and judgment in the matter. For this unusual manifestation of esteem and con fidence I return you my profound acknowledgments of gratitude. Of one thing only cen I give you any assurance, and that is, if I shall be permitted to discharge the trusts thereby imposed, they will be discharged with a singleness of purpose to the public good. The great object with me now is to see a restoration, if possible, of peace, prosperity, and constitutional liberty in this once happy but now disturbed, agitated, and distracted country. To this and all my energies and efforts, to the extent of their powers, will be devoted.

You ask my views on the existing state of affairs, our duties at the present, and the prospects of the future. This is a task from which, under ordinary circumstances, I might very well shrink. He who ventures to speak and to give counse! and advice in times of peril or disaster assumes portance as how it can be restored to health, perty, with the additional recognition of liberties enjoyed by them before. They, no enviable position. Far be that rash- vigor, and strength. This requires of him, the principle, as a fundamental truth, that by almost unanimous consent, called for ness from me which sometimes prompts the as the highest duty to himself, to wait qui- all political power resides in the people. restoration. The restoration came. Charles forward to rush in where angels might fear etly and patiently in spints and bandages With us it was simply a question as to 11. ascended the throne, as unlimited a moto tread. In responding therefore briefly until nature resumes her active powers, where our allegiance was due in the main. barch as ever ruled the empire. Not a to your inquiries. I feel, I trust, the full until the vital functions perform their of tenance of these principles-which author- piedge was asked or a guaranty given, weight and magnitude of the subject. It fice. The knitting of the bones and the ity was paramount in the last resort, State touching the concession of the royal preroinvolves the welfare of millions new liv- granulation of the flesh require time. Per- or Federal. As for myself, I can affirm gative that had been exacted and obtained ing, and that of many more millions who feet quiet and repose, even under the se- that no sentiment of disloyalty to these from his father. The true friends of liberare to come after us. I am also fully im- verests pain, is necessary; it will not do great principles of self-government, recog. Ity, of reform, and of progress in governpressed with the consciousness of the inconceivably small effect of what I shall say tempt to walk too soon will only make the United States, ever beat or throbbed were the off-pring of peace and of enlighupon the momentous results involved in the subject itself. It is with these feelings therefore, in a similar manner, to disci-tenance my whole soul was ever enlisted, arms. The House of Commons and the I offer my mite of counsel at your request. and in the outset of the undertaking, limited as it is intended to be to a few general ideas only. Well may I imitate an illustrious example, invoking aid from on did, to enjoy once more the free out-door living. This much I can say for myself. High that I may say nothing on this occa- air of Heaven, with the perfect use of all May I not say the same for you, and for sion which may compromise the rights, the our limbs. I know how trying it is to be the great mass of people of Georgia, and dignity, or best interests of my country, denied representation in Congress while for the great mass of the people of the en-I mean specially the rights, honor, dignity, we are paying our proportion of the taxes; tire South? Whatever differences existed and best interests of the people of Georgia how annoying it is to be even partially un- among us arose from differences as to the as a bloodiess revolution. Since that time With their suffering, their losses, their der military rate, and how injurious it is best and surest means of securing these England has made still further and more misfortunes, their bereavements, and their to the general interest and business of the great ends which was the object of all. It signal strates to reform and progress, but present utter prostration, my heart is in country to be without post offices and mail was with this view and this purpose that not one of these has been affected by resort deepest sympathy. We have reached that communications, to say nothing of divers secession was tried. That has fulled. Inpoint in our affairs in which the great ques other matters on the long list of our pres stead of bettering our condition, instead of ried in Parliament after years of argument, tion before us is to be or not to be; and if ent inconveniences and privations. All establishing our liberties upon a surer against the most persistent opposition. to be, how? Hope, ever springing in the these, however, we must patiently bear and foundation, we have, in the war that ensu- Reason and justice ultimately prevailed. human breast, prompts, even under the endure for a season. With quiet and re- ed, come well nigh losing the whole of the So with the removal of the disability of the greatest calamities and adversities, never pose we may get well, may get once more rich toheritance with which we set out. Jews; so with the overthrow of the rottento despair. A eversity is a severe school, on our feet again. One thing is certain, This is one of the sad realizations of the borough system; so with the extension of a terrible crucible, both for individuals and that had humor, ill-temper, exhibited el- present. On this, too, we are but illustra- franchise, so with the modification of the communities. We are now in this school, ther in restlessness or grumbling, will not ting the teachings of history. Wars, and corn laws and restrictions on commerce, this crucible, and should bear in mind that hasten it. Next to this another great du- civil wars especially, always menuce liber opening the way to the establishment of the it is never negative in its action, it is al. ty we owe to ourselves is the exercise of a sy-they seldom advance it, while they principles of free trade; and so with all says positive, it is ever decided in its ef- liberal spirit of forbearance omongst our- usually and in its entire overthrow and de the other great reforms by Parliament feets, one way or the other. It either selves. The first step towards local or struction. Ours stopped just short of such which have so distinguished English histomakes better or worse; it either brings out unknown vices, or arouses dormant our breasts of every feeling and sentiment is either to give up all impes of constitut indulga hope, even in the alternative bevirtues. In marals its tendency is to make calculated to stir the discords of the past, tional liberty or to retrace our steps and fore as now, from this great example of ressaints or reprodutes; in politics to make Nothing could be more injurious or mis- to look for its vindication and maintenance for ation, if all but do as the friends of liheroes or desperadics. The first indica- chievous to the future of this country than in the forums of reason and justice, instead | Derty there did? This is my hope, my tion of its working for good, to which hope the agitation at present of questions that of in the arena of arms; in the courts and oney hope. It is founded on the virtue, lanks anxiously, is the manifestation of a divided the people anterior to or during nails of legislation, instead of on the fields catchingence, and patriotism of the Ameritoil consciousness of its nature and extent, the existence of the late war. On no oc of battle. I am frank and candol in tell can people. I have not lost my faith in the and the most promising grounds of hope easion, and especially in the bestowment ing you right here that our succest hopes, people, or in their capacity for self-governfor possible good from our present troubles, of office, ought such differences of opinion in my judgment, to these emis are in the ment. But for these great essential qualior of things with us gerting better instead in the past ever to be mentioned either for restoration policy of the President of the lies of human nature to be brought into of worse, is the evident general realization or against any one otherwise equally enti- United States. I have little hope for lib- active and efficient exercise for the fulfilon the part of our people of their present | tled to confidence. These ideas or senti- erty, little hope for the success of the great | ment of patriotic hopes, it is essential that of the greater ones still impending. These not the germs from which hopeful organi- but in the success of the present efforts for the causes of these passions should not now vieless. All fully understand and realize in the past, grawing out of these matters, States. We are not without an encourage defects of his fellow-man, ever ready to them. They feel them. It is well they do. be at once in the deep ocean of oblivion ing example on this line in the history of rail at the mote in his brother's eye with-

Can these evils upon us, the absence of forever buried. Let there be no crimina- the mother country, in the history of our law, the want of protection and security of tion or recrimination on account of acts of ancestors, from whom we derive in great person and property, without which civil- other days-no canvassing of past conduct measure the principles to which we are so very political existence be averted? These inquiring how these originated, at whose the farum of reason and appealed, as we are the questions. It is true we have not door the fault should be laid, let us now, did, to the sword, as the surest means, in these questions could be satisfactorily an- on all occasions consult only as to the best | This was after they had made great proswered, our fortunes and destiny are no! condition as States and communities, as be obtained that our desolated fields, our had been abandoned, courts-martial had well as individuals. When they have done have performed their duty, and have a com-This, if no more valuable result, will, I though difficult and trying, but nevertheless indispensable quality of patience. Patience requires of those afflicted to bear, and to suffer with fortitude whatever ills may befall them. This is often, and espeto make too great haste to get well; an at- nized and embodied in the Constitution of ment had become convinced that these of patience. I know the anxiety and rest- fore been devoted, and will continue to be lessness of the popular mind to be fully on the rest of my days, God willing. In deour feet again; to walk abroad as we once votion to these priciples I yield to no man

ization cannot advance, be removed; or or motives. Great disasters are upon us much devoted. The truest friends of libcan those greater ones which threaten our and upon the whole country, and, without erty in England, once, in 1642, abandoned the control of all the remedies. Even if as common sharers of common misfortunes, their judgment, of advancing their cause. entirely in our own hands. Yet there are them, to secure the best ends toward fu- Falkland, and others, in the advancement some things which we may, and can, and ture amelioration. Good government is of liberal principles; many usurpations had ought, in my judgment, to do, from which what we want. This should be the lead- been checked, many of the prerogatives of no harm can come, and from which some ing desire and the controlling object with the Crown had been curtailed; the petition good may follow in bettering our present all, and I need not assure you if this can of right had been sanctioned, ship money towns and villages and cities, now in ru- been done away with, habeas corpus had the best they can, in view of surrounding ins, will soon, like the Phenix, rise from been re-established, high courts of commiscircumstances, with all the lights they their ashes, and all our waste places will sion and star chamber had been abolished. have before them, let results be what they again, at no distant day, blossom as the Many other great abuses of power had may, they can at least enjoy the consula- rost. This view should also be borne in been corrected and other reforms establishtion-the ao small recompense-that they mind, that whatever differences of opinion ed. But not satisfied with these, and not existed before the late tury of the war, they satisfied with the peaceful working of reaocience void of offence before God and man. sprung mainly from differences as to the son to go on in its natural sphere, the dembest means to be used, the best line of pol- | al of the sovereignty of the Crown was trust, attend the doing of what I propose. icy to be pursued to secure the great con- pressed by the too ardent reformers upon The first great duty, then, I would enjoin trolling object of all, which was good gov. Charles I. All else he had yielded ; this at this time, is the exercise of the simple, ernment. Whatever may be said of the he would not. The sword was appealed to loyalty or disloyalty of any in the late most to settle the question, A civil war was lamentable conflict of arms, I think I may the result. Great courage and valor were venture safely to say that there was, on the displayed on both sides. Men of eminent part of the great mass of the people of Geor- virtue and patriotism tell in the sanguinagia, and of the entire South, no disloyalty ry conflict. The King was deposed and cially is it the case with us now, essential to the principle of the Constitution of the executed. A commonwealth was proclaimto their ultimate removal by any instru- United States, to that system of represented. But the end was the reduction of the mentalities whatever. We are in the con- tative government of delegated and imited people of England to a worse state of opdition of a man with a dislocated limb or powers, that establishment in a new phase pression than they had been in for centubrogen leg, and a very bad compound frac- on this continent of all the essentials of ries. They retraced their steps after nearture at that. How it became broken should England's Magna Charta, for the protec- ly twenty years of exhaustion and blood, not be with him a question of so much im- tion and security of life, liberty, and pro- and the loss of the greater portion of the matter worse. We must, or ought now, in breast or heart of mine. To their main- tened reason, and not of passion nor of pline ourselves to the same or like degree and to this end my whole life has hereto- House of Lords were henceforth the theatres of their operations, and not the fields of Newberry or, Marston Moor. The resuit was that in less than thirty years all their ancient rights and privileges, which had been lost in the civil war, with new securities, were re-established in the evermemorable settlement of 1668, which, for all practical purposes, may be looked upon general harmony is the banishment from a catastrophe. Our only-alternative now by for the last hail century. May we not situation, of the evils now upon them, and ments of other times and circumstances are | American experiment of self-government, | the passions of the day should subside, that it is not my purpose to exaggerate, if I zations can now arise. Let all differences aestoration of the States to their former be discussed, that the embers of the late could; that would be useless; nor to les- of opinion touching errors or supposed er- practical relations in a common Govern- strife shall not be stirred. Man, by nature, sen or extenuate; that would be worse than rors of the head or heart on the part of any men; under the Constitution of the United is ever prone to scan closely the errors and