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MESSAGE

OF
GOV. JONATHAN WORTH.

To the Honorable, the General Assembly of North Carolina.

GENTLEMEN.—The attention of this whole nation is now specially directed to the anomalous condition of our national affairs. It seems fit, therefore, that our consideration should be primarily directed to the restoration of national order and harmony.

Although we are now denied any legislative participation in the conduct of the government of the United States, we should not be listless as to passing events, nor unmindful of the benefits to be derived from an occasional review of the past.

More than eighteen months ago a bloody sectional war was closed by the total overthrow of the weaker by the stronger section. Its declared object, on the one side, was to break up the Union; on the other to preserve it. The commanders of the Southern armies, after the south was completely exhausted, as to everything which constitutes strength in war, and after exhibitions of valor, in the field, which astonished the world, surrendered on the stipulation of immunity to the surrendering forces. Arms had established the supremacy of the Union. Not a guerrilla party in the South remained under arms. The whole people of the south, whether they had favored the inception of the war or sympathized with their section after it began, or not, gave every evidence they could give of their submission to the result of the conflict, and their willingness to obey the constitution and laws of the United States.

What was then in the way of an immediate restoration of the Union? The machinery of government in the southern states was in the hands of those who had given their adhesion to the rebellion. This was a state of things not contemplated by the constitution of the United States. Precedent furnished no guidance in altering the machinery of the rebellious state governments so as to work in harmony with the national government. The President, who owed his elevated position to his reputation for statesmanship and the consistent devotion of his life to the preservation of the Union, held that he ought not to recognize the officers of the states who had given their adhesion to the rebellion, even so far as to make them the instruments of reorganization; that while the states existed, and the Union had been preserved, there were, in those states, no legislative, judicial or executive officers, lawfully constituted.

To enable the states to reform their constitutions, and the machinery of their governments, he granted amnesty to the people who had favored the rebellion, with certain exceptions, on the condition of their renewing their allegiance to the United States by taking an oath to support the constitution—reserving the right to grant pardons upon special petitions to such individuals of the excepted classes as he might deem deserving of them. He appointed provisional governors, under whose orders elections were held for delegates to state conventions, those only being allowed to vote at such elections to whom general or special pardon had been granted. The great body of the people complied with the conditions, and voted at such elections.

When our convention assembled, it was understood that the president, and the people of the dominant states, expected of us three amendments of our constitution, as essential to harmonious union and permanent reconciliation; to wit: the renunciation of the doctrine of secession; the abolition of slavery; and the repudiation of the debt contracted in the prosecution of the rebellion; and the ratification, by the legislature, thereafter to assemble, of an amendment to the constitution of the United States, proposed during the war, abolishing slavery throughout the United States.

From all we could learn from the press, the avowals of the representative men of the north, and all the sources of information, we entertained no doubt that these

views of the President were approved by the great body of those who elected him.

Many of our people deemed some of these terms hard and injurious to the well being of the state; but regarding them as the conditions to restored amnesty, prescribed by our conquerors, they were accepted with remarkable unanimity, and have since been observed with strict fidelity. One of them reduced from affluence to poverty a large number of our people in no wise responsible for this sectional war. We accepted them because we thought these terms were required by the victors from the vanquished, as all that was required of us, as preliminaries to the restoration of concord between the late belligerents.

We elected senators and representatives to Congress with all the qualifications prescribed in the constitution. We were not ignorant that congress, during the war, had prescribed an oath of office, commonly known as the "test oath," which very few, if any, of our people who had remained citizens of the state during the war, could conscientiously take. We regarded this act as unconstitutional. Article 6, section 3 of the Constitution of the United States provided that "senators and representatives and other officers, shall be bound by oath or affirmation to support the constitution of the United States." If Congress has the power to add to this oath, such further oath as it may deem expedient, it is manifest that any party, having temporary ascendancy in congress, can prescribe an oath which will exclude from congress all who do not agree in sentiment with the dominant party. This principle would destroy the very basis of our national government. It was never intended that a party, having temporary ascendancy, should have authority to make its ascendancy perpetual.

We believed from the resolutions of congress passed during the war, and the manifest requirements of enlightened policy, that the north was willing to restore friendly relations with the south, and nobody could expect any cordiality to be restored while this statute was held to be in force. We expected it to be repealed or to be declared unconstitutional and void by the supreme court of the United States, in which tribunal, fortunately for the cause of civil liberty, partizanship has as yet made but slight inroads. We believed that the constitutional guards, and the virtue and intelligence of the electors, were a sufficient protection against disloyal men finding their way into the national councils; or, if experience should indicate the necessity of others, they would be provided in amendments of the constitution, and not in partizan legislation.

In the matter of electing our senators and representatives to congress, every citizen who had advocated the doctrine of secession before the war, or taken conspicuous part in the military conflict, delicately forebore to ask for a seat in congress. Although human experience has taught that those who (right or wrong,) have exhibited manly courage in military conflict, rarely disregard the terms of capitulation when conquered, in this state no one who had favored the initiation of the war, or distinguished himself in the field during its progress, asked to be made a member of congress. Every senator and representative elected had always opposed secession until the United States could no longer protect his person or property.

Up to this time we thought the wise and magnanimous policy of the President was about to produce, at an early day, the beneficent results he contemplated. A few days before the meeting of Congress, after we had complied with all those supposed preliminaries to national reconciliation, speeches of distinguished partizan leaders of the congress, soon to assemble, gave us premonitions of the purposes of the dominant party. I need not remind you of the chilling shock we received when the action of the dominant party in congress announced that our members, irrespective of their qualifications, would not be received, and that the Union, for the preservation of

which so many lives had been lost, and so frightful a national debt had been created, should be practically dissolved until it should be the pleasure of the dominant party to restore it. Up to this time, this fraction of the Congress contemplated by the constitution of the United States, exercised the legislative power without declaring when, if ever, or upon what conditions, the people of the other states they govern shall have representation, and the recent elections in the dominant states sanction this action.

It is proper to refer to the action of the people and the authorities of this State in the interim of these extraordinary national movements.

Not a guerrilla party existed in the late rebellious states. In this state not a single instance has occurred where a sheriff has had occasion, since the surrender, to require a posse or other aid to execute civil process.

Our bench of judges have executed their duties in a manner which would have given lustre to the judiciary of any period in the history of the world. The steadiness with which our judges have held the scales of justice has, at last, extorted praise from those who studied to malign them. A few of the agents of the freedmen's bureau, and I grieve to say, a few of our own people, who seek to propitiate the favor of our conquerors by furnishing alimony to their unjust prejudices, have sought to make the impression, at the north, that freedmen and Union men could not have justice at the hands of our courts. To this end, emissaries have been employed to traverse the country and record ex-parte statements to cast odium on the administration of justice; petitions have been covertly gotten up by some of our own citizens and sent to the President of the United States, charging disloyalty to our people and favoritism in our courts, to embitter against us the virtuous classes of the north. Amongst us these machinations are well understood. The virtuous and intelligent men of the north who have settled among us, and especially the soldiers who stood in front of the fight, on both sides, in the late conflict of arms, despise these slanders. Through the agencies of whole souled men, public opinion, it is hoped, will soon reach a healthy state. Our judges, unmoved by these unworthy imputations, and unawed by intimations that they would be suspended from the exercise of their functions, if their adjudications did not accord with the dominant power, have silenced slander itself. No murmur is now heard against the fairness with which justice is administered in our courts. The fearful increase of crime—a natural consequence of a civil war, in which disrespect for the rights of non-combatants was authoritatively countenanced, if not encouraged—is being rapidly repressed, and reverence for justice is having its natural triumph.

Our legislative department has been anxiously endeavoring to alter our code to suit our novel situation, and to bring order out of the chaos produced by the late convulsions.

This review of our national affairs brings us to the present period.

In June last I received from the Hon. Wm. H. Seward, Secretary of State of the United States, a communication herewith transmitted to you, covering an attested copy of a joint resolution of Congress, proposing a fourteenth article as an amendment to the Constitution of the United States. It proposes—First,—That "all persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." Second, That "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." Third, That "no State shall deprive any person of life, liberty or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of its laws." Fourth, That "representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons

in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State." Fifth,—That "no person shall be a Senator, or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two thirds of each House, remove such disability." Sixth—"That, the validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrections or rebellion, shall not be questioned." Seventh,—That, "neither the United States, nor any State, shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void." Eighth,—That "the Congress shall have the power to enforce, by appropriate legislation, the provisions of this article."

The Constitution provides that "the House of Representatives shall be composed of members, chosen every second year by the people of the several States," and that "the Senate of the United States shall be composed of two Senators from each State." This proposition is not made to us by a Congress so composed; this State, with eleven others, being denied representation in the body which proposed thus to amend the fundamental law. It was the clear intention of the Constitution that every State should have a right to representation in a Congress proposing alterations in the original articles of compact; and on this account, alone, no State, pretending to have rights under the Constitution, can, with proper scrupulousness or dignity, ratify an amendment thus proposed. It is remarkable that this proposed amendment contemplates, under one article, to change the Constitution in eight particulars, some of them altogether incongruous, to be ratified as a whole. We are not allowed to ratify such of them as we approve and reject those we disapprove. This is the first attempt to introduce the vice of omnibus legislation into the grave matter of changing the fundamental law. In 1789, Congress proposed to the States, pursuant to the 5th article of the original constitution, twelve new articles, as amendments. Ten of those were ratified by three fourths of the States. The resolution, by which these articles were submitted to the States, authorizes the States to ratify "all or any of them." Ten of them were ratified—two were rejected. Each of the other three amendments which have been adopted, to wit: the eleventh, recommended in 1794, the twelfth in 1803, and the thirteenth in 1865, was confined to one matter. To some of the provisions of this proposed fourteenth article, constitutionally, submitted to us, there would probably be no objection. To others, or to the heterogeneous whole, it is hoped the State will never give her assent.

A commentary on all the proposed amendments would make this document inordinately long. A few remarks on one or two of them, may not be inappropriate. Under our laws, made in conformity to the Con-