

TERMS OF SUBSCRIPTION.

The Weekly Sentinel is published every Monday morning.

Table with 2 columns: Term, Price. Includes weekly, semi-weekly, daily, and yearly rates.

VETO MESSAGE

OF PRESIDENT JOHNSON.

RETURNING TO THE SENATE

"An Act to Regulate the Elective Franchise in the District of Columbia."

WASHINGTON, Jan. 7, 1867.

To the Senate of the United States:

I have received and considered a bill entitled "An act to regulate the elective franchise in the District of Columbia," passed by the Senate on the 18th of December, and by the House of Representatives on the succeeding day. It was presented for my approval on the 26th ultimo—six days after the adjournment of Congress—and is now returned with my objections to the Senate, in which House it originated.

Measures having been introduced, at the commencement of the first session of the present Congress, for the extension of the elective franchise to persons of color in the District of Columbia, steps were taken by the corporate authorities of Washington and Georgetown to ascertain and make known the opinion of the people of the two cities upon a subject so immediately affecting their welfare as a community. The question was submitted to the people at special elections, held in the month of December, 1865, when the qualified voters of Washington and Georgetown, with great unanimity of sentiment, expressed themselves opposed to the contemplated legislation. In Washington, in a vote of 6,556—the largest, with but two exceptions, ever polled in that city—only thirty-five ballots were cast for negro suffrage; while in Georgetown, in an aggregate of 813 votes—also a number considerably in excess of the average vote at the four preceding annual elections—but one was given in favor of the proposed extension of the elective franchise. As these elections seem to have been conducted with entire fairness, the result must be accepted as a truthful expression of the opinion of the people of the District upon the question which evoked it. Possessing, as an organized community, the same popular right as the inhabitants of a State or Territory, to make known their will upon matters which affect their social and political condition, they could have selected no more appropriate mode of memorializing Congress upon the subject of this bill than through the suffrages of their qualified voters.

Entirely disregarding the wishes of the people of the District of Columbia, Congress has deemed it right and expedient to pass the measure now submitted for my signature. It, therefore, becomes the duty of the Executive, standing between the legislation of the one and the will of the other, fairly expressed, to determine whether he should approve the bill, and thus aid in placing upon the statute-books of the nation a law against which the people to whom it is to apply have solemnly and with such unanimity protested, or whether he should return it with his objections, in the hope that, upon reconsideration, Congress, acting as the representatives of the inhabitants of the seat of government, will permit them to regulate a purely local question, as to them may seem best suited to their interests and condition.

The District of Columbia was ceded to the United States by Maryland and Virginia, in order that it might become the permanent seat of government of the United States. Accepted by Congress, it at once became subject to the "exclusive legislation" within its jurisdiction, made in the Federal Constitution. It should be borne in mind, however, that in exercising its functions as the law-making power of the District of Columbia, the authority of the National Legislature is not without limit, but that Congress is bound to observe the letter and spirit of the Constitution, as well in the enactment of local laws for the seat of government, as in legislation common to the entire Union. Were it to be admitted that the right "to exercise exclusive legislation in all cases whatsoever," conferred upon Congress unlimited power within the District of Columbia, while no right might be granted within its boundaries, it might be made "respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble and to petition the Government for a redress of grievances." Despotism would thus reign at the seat of government of a free Republic, and, as a place of permanent residence, it would be avoided by all who prefer the blessings of liberty to the mere emoluments of official position.

It should also be remembered that in legislating for the District of Columbia, under the Federal Constitution, the relation of Congress to its inhabitants is analogous to that of a Legislature to the people of a State, under their own local Constitution. It does not, therefore, seem to be asking too much that, in matters pertaining to the District, Congress should have a like respect for the will and interests of its inhabitants as is entertained by a State Legislature for the wishes and prosperity of those for whom they legislate. The spirit of our Constitution and the genius of our Government require that, in regard to any law which is to affect and have a permanent bearing upon a people, their views should be ascertained at least by a representative of those who are acting in the capacity of their legislators. Would, for instance, the Legislature of the State of New York, or of Pennsylvania, or of Indiana, or of any State in the Union, in opposition to the expressed will of a large majority of the people whom they were chosen to represent, arbitrarily force upon them, as voters, all persons of the African or negro race, and make them eligible for office, without any other qualification than a certain term of residence within the State? In neither of the States named would the colored population, when acting together, be able to produce any great social or political result. Yet, in New York, before he can vote, the man of color must fulfil conditions that are not required of the white citizen; in Pennsylvania the elective franchise is restricted to white freemen; while in Indiana negroes and mulattoes are expressly excluded from the right of suffrage. It hardly seems consistent with the principles of right and justice that representatives of States where suffrage is either denied the colored man, or

THE SENTINEL.

SEMI-WEEKLY.

"I WOULD RATHER BE RIGHT THAN BE PRESIDENT"—Henry Clay.

VOL. 1.

RALEIGH, WEDNESDAY, JANUARY 9, 1867.

NO. 65.

granted to him on qualifications requiring intelligence or property, should compel the people of the District of Columbia to try an experiment which their own constituents have thus far shown an unwillingness to try for themselves. Nor does it accord with our republican ideas that the principle of self-government should lose its force when applied to the residents of the District, merely because their legislators are not, like those of the States, responsible, through the ballot, to the people for whom they are the law-making power.

The great object of placing the seat of government under the exclusive legislation of Congress, was to secure the entire independence of the Government from unwise State laws, and to enable it to discharge, without danger of interruption or infringement of its authority, the high functions for which it was created by the people. For this important purpose it was ceded to the United States by Maryland and Virginia, and it certainly never could have been contemplated, as one of the objects to be attained by placing it under the exclusive jurisdiction of Congress, that it would afford to propagandists or political parties a place for an experimental test of their principles and theories. While, indeed, the residents of the seat of government are not citizens of any State, and are not therefore allowed a voice in the election of members to representation in the councils of the nation, they are, nevertheless, American citizens, entitled as such to every guarantee of the Constitution, to every benefit of the laws, and to every right which pertains to citizens of our common country. In all matters, then, affecting their domestic affairs, the spirit of our democratic form of government demands that their wishes should be consulted and respected, and they should be permitted to participate, in national concerns, as well as in those of their own community, in the same manner as the citizens of any State, and are not therefore to be treated as a class of inferior persons, congregated in the District. It is a privilege they find nowhere else. It is within their power, in one year, to come into the District in such numbers as to have the supreme control of the white race, and to govern them by their own officers, and by the exercise of all the municipal authority—among the rest, of the power of taxation over property in which they have no interest. In Massachusetts, where they have enjoyed the benefits of a thorough educational system, a qualification of intelligence is required, while here suffrage is extended to all without discrimination, as well to the most incapable, who can prove a residence in the District of one year, as to those persons of color, who, even residing together in a state, are permanent inhabitants, and having given evidence of merit and qualification, are recognized as useful and responsible members of the community. Imposed upon an unwilling people, placed by the Constitution under the exclusive legislation of Congress, it would be viewed as an arbitrary exercise of power, and as an indication by the country of the purpose of Congress to compel the acceptance of negro suffrage by the States. It would engender a feeling of opposition and hatred between the two races, which, becoming deep-rooted and ineradicable, would prevent them from living together in a state of mutual friendliness. Carefully avoiding every measure that might tend to produce such a result, and following the clear and well-ascertained popular will, we should assiduously endeavor to promote kindly relations between them, and thus, when that popular will leads the way, prepare for the gradual and harmonious introduction of this new element into the political power of the country.

It cannot be urged that the proposed extension of suffrage in the District of Columbia is necessary to enable persons of color to protect either their interests or their rights. They stand here precisely as they stand in Pennsylvania, Ohio, and Indiana. Here, as elsewhere, in all that pertains to civil rights, there is nothing to distinguish this class of persons from citizens of the United States; for they possess the "full and equal rights of person and property as is enjoyed by white citizens," and are made "subject to like punishment, pains and penalties, and to none other, any law, statute, ordinance, regulation, or custom to the contrary notwithstanding." Nor, as has been assumed, are their suffrages necessary to aid a loyal sentiment here; for local governments already exist of undoubted fealty to the Government, and are sustained by communities which were among the first to testify their devotion to the Union, and which during the struggle furnished their full quotas of men to the military service of the country.

The exercise of the elective franchise is the highest attribute of an American citizen, and, when guided by virtue, intelligence, patriotism, and a proper appreciation of our institutions, constitutes the sure basis of a democratic form of government, in which the sovereign power is lodged in the body of the people. Its influence for good necessarily depends upon the elevated character and patriotism of the elector, for it exercised by persons who do not justly estimate its value and who are indifferent as to its results, it will only serve as a means of placing power in the hands of the unprincipled and ambitious, and must eventually in the complete destruction of that liberty of which it should be the most powerful conservator. Great danger is therefore to be apprehended from an unwise extension of the elective franchise to any new class in our country, especially when the large majority of that class, in wielding the power thus placed in their hands, cannot be expected correctly to comprehend the duties and responsibilities which pertain to suffrage. Yesterday, as it were, four millions of persons were held in a condition of slavery that had existed for generations; to-day they are freemen, and are assumed by law to be citizens. It cannot be presumed, from their previous condition of servitude, that, as a class, they are as well informed as to the nature of our Government as the intelligent foreigner who makes our land the home of his choice. In the case of the latter, neither the residence of five years, and the knowledge of our institutions which it gives, nor attachment to the principles of the Constitution, are the only conditions upon which he can be admitted to citizenship. He must prove, in addition, a good moral character, and thus give reasonable ground for the belief that he will be faithful to the obligations which he assumes as a citizen of the Republic. Where a people—the source of all political power—speak, by their suffrages, through the instrumentality of the ballot-box, in slavery, and denied all opportunities for

mental culture, their first knowledge of the Government was acquired when, by conferring on them freedom, it became the benefactor of their race; the test of their capability for improvement began, when for the first time, the career of free industry and the avenues to intelligence were opened to them. Possessing these advantages but a limited time—the greater number perhaps having entered the District of Columbia during the later years of the war or since its termination—we may well pause to inquire whether, after so brief a probation, they are as a class capable of an intelligent exercise of the right of suffrage, and qualified to discharge the duties of official position. The people who are daily witnesses of their mode of living, and who have become familiar with their habits of thought, have expressed the opinion that they are not yet competent to serve as electors, and thus become eligible for office in the local governments under which they live. Clothed with the elective franchise, their numbers, already largely in excess of the demand for labor, would be soon increased by an influx from the adjoining States. Drawn from fields where employment is abundant, they would in vain seek it here, and so add to the quarrelsomeness already experienced from the large classes of idle persons congregated in the District. Heavily yet capable of forming correct judgments upon the important questions that often make the issues of a political contest, they could readily be made subservient to the purposes of designing persons. While in Massachusetts, under the census of 1860, the proportion of white to colored males over twenty years of age was one hundred and thirty to one, here the black race constitutes nearly one-third of the entire population, whilst the same class surrounds the District on all sides, ready to change their residence at a moment's notice, and with all the facilities of a nomadic people, in order to enjoy here, after a short residence, a privilege they find nowhere else. It is within their power, in one year, to come into the District in such numbers as to have the supreme control of the white race, and to govern them by their own officers, and by the exercise of all the municipal authority—among the rest, of the power of taxation over property in which they have no interest. In Massachusetts, where they have enjoyed the benefits of a thorough educational system, a qualification of intelligence is required, while here suffrage is extended to all without discrimination, as well to the most incapable, who can prove a residence in the District of one year, as to those persons of color, who, even residing together in a state, are permanent inhabitants, and having given evidence of merit and qualification, are recognized as useful and responsible members of the community. Imposed upon an unwilling people, placed by the Constitution under the exclusive legislation of Congress, it would be viewed as an arbitrary exercise of power, and as an indication by the country of the purpose of Congress to compel the acceptance of negro suffrage by the States. It would engender a feeling of opposition and hatred between the two races, which, becoming deep-rooted and ineradicable, would prevent them from living together in a state of mutual friendliness. Carefully avoiding every measure that might tend to produce such a result, and following the clear and well-ascertained popular will, we should assiduously endeavor to promote kindly relations between them, and thus, when that popular will leads the way, prepare for the gradual and harmonious introduction of this new element into the political power of the country.

of those who are corrupt in principle and enemies of free institutions, for it can only become to our political and social system a safe conductor from demoralizing influences, by the designing, anarchy and despotism must inevitably follow. In the hands of the patriotic and worthy, our Government will be preserved upon the principles of the Constitution inherited from our fathers. It follows, therefore, that in admitting to the ballot-box a new class of voters not qualified for the exercise of the elective franchise, we weaken our system of government, instead of adding to its strength and durability.

In returning this bill to the Senate, I deeply regret that there should be any conflict of opinion between the Legislative and Executive Departments of the Government in regard to measures that vitally affect the prosperity and peace of the country. Sincerely desiring to reconcile the States with one another, and the whole people to the Government of the United States, it has been my earnest wish to co-operate with Congress in all measures having for their object a proper and complete adjustment of the questions resulting from our late civil war. Harmony between the coordinate branches of the Government, always necessary for the public welfare, was never more demanded than at the present time, and it will therefore be my constant aim to promote, as far as possible, concert of action between them. The differences of opinion that have already occurred have rendered me only the more cautious, lest the Executive should encroach upon any of the prerogatives of Congress, or, by exceeding, in any manner, the constitutional limit of his duties, destroy the equilibrium which exists between the several coordinate Departments, and which is so essential to the harmonious working of the Government. I know it has been urged that the Executive Department is more likely to enlarge the sphere of its action than either of the other two branches of the Government, and especially in the exercise of the veto power conferred upon it by the Constitution. It should be remembered, however, that this power is wholly negative and conservative in its character, and was intended to operate as a check upon unconstitutional, hasty, and improvident legislation, and as a means of protection against invasions of the just powers of the Executive and Judicial Departments. It is remarked by Chancellor Kent that "to enact laws is a transcendent power; and, if the body that possesses it be a full and equal representation of the people, there is danger of its pressing with destructive weight upon all the other parts of the machinery of government." It has, therefore, been thought necessary, by the most skillful and most experienced artists in the science of civil polity, that strong barriers should be erected for the protection and security of the other necessary powers of the Government. Nothing has been deemed more fit and expedient for the purpose than the provision that the head of the Executive Department should be constituted as to secure a requisite share of independence, and that he should have a negative upon the passing of laws; and that the judiciary power, resting on a still more permanent basis, should have the right of determining upon the validity of laws by the standard of the Constitution.

be so divided and balanced among several bodies of our magistracy as that no one could transcend their legal limits without being effectually checked and restrained by the others. For this reason, that Convention which passed the ordinance of government laid its foundation on this basis, that the Legislative, Executive, and Judiciary Departments should be separate and distinct, so that no person should exercise the powers of more than one of them at the same time. But no barrier was provided between these several powers. The Judiciary and Executive members were left dependent on the Legislature for their subsistence in office, and some of them for their continuance in it. If, therefore, the Legislature assumes executive and judiciary powers, no opposition is likely to be made, nor, if made, can be effectual; because, in that case, an act of Assembly, which, into the form of an act of Assembly, which will render them obligatory on the other branches. They have accordingly, in many instances, decided rights which should have been left to judiciary controversy; and the direction of the Executive, during the whole time of their session, is becoming habitual and familiar.

Mr. Justice Story, in his commentaries on the Constitution, reviews the same subject, and says: "The truth is, that the legislative power is the great and over-ruling power in every free Government." "The representatives of the people will watch with jealousy every encroachment of the executive magistrate, for it trenches upon their own authority. But who shall watch the encroachments of these representatives themselves? Will they be as jealous of the exercise of power by themselves as by others?" There are many reasons which may be assigned for the encroaching influence of the legislative department. In the first place, its constitutional powers are more extensive, and less capable of being brought within precise limits than those of either of the other departments. The bounds of the executive authority are easily marked out and defined. It reaches few objects, and those are known. It cannot transcend them without being brought in contact with the other departments. Laws may check and restrain and bound its exercise. The same remarks apply with still greater force to the judiciary. Their jurisdiction is, or may be, bounded to a few objects or persons; or, however general and unlimited, its operations are necessarily confined to the mere administration of private and public justice. It cannot punish without law. It cannot create controversies to set upon. It can decide only upon rights and cases as they are brought by others before it. It can do nothing for itself. It must do everything for others. It must obey the laws; and if it corruptly administers them, it is subjected to the power of impeachment. On the other hand, the legislative power, except in the few cases of constitutional prohibition, is unlimited. It is forever varying its means and its ends. It governs the institutions, and all the public policy of the country. It regulates all its vast interests, and less capable of all its property. Look but at the exercise of two or three branches of its ordinary powers. It levies all taxes; it directs and appropriates all supplies; it gives the rules for the descent, distribution, and devise of all property held by individuals. It controls the sources and the resources of wealth. It changes at its will the whole fabric of the laws. It moulds at its pleasure almost all the institutions which give strength, and comfort, and dignity to society. In the next place, it is the direct, visible representative of the will of the people in all the changes of time, and circumstances. It has the pride, as well as the force of numbers. It is easily moved and steadily moved by the strong impulses of popular feeling and popular odium. It obeys, without reluctance, the wishes and the will of the majority for the time being. The path to public favor lies open by such obedience; and it finds not only support, but impunity, in whatever measures the majority advises, even though they transcend the constitutional limits. It has no motive, therefore, to be jealous, or scrupulous of its own use of power; and finds its ambition stimulated and its ambition strengthened by the countenance and the courage of numbers. These views are not alone those of men who look with apprehension upon the fate of republics; but they are also freely admitted by some of the strongest advocates for popular rights and the permanency of republican institutions. "Each department should have a will of its own." "Each should have its own independence secured beyond the power of being taken away by either or both of the others. But at the same time the relations of each to the other should be so strong that there should be a mutual interest to sustain and protect each other. There should not only be constitutional means, but personal motives to resist encroachments of one or either of the others. Thus, ambition would be made to counteract ambition; the desire of power to check power; and the pressure of interest to balance an opposing interest." "The Judiciary is naturally, and almost necessarily, (as has been already said,) the weakest department. It can have no means of weakness by patronage. Its powers can never be wielded for itself. It has no command over the purse or the sword of the nation. It can neither lay taxes, nor appropriate money, nor command armies, or appoint to office. It is never brought into contact with the people by constant appeals and solicitations, and private intercourse, which belong to all the other departments of government. It is seen only in controversies, or in trials and punishments. Its rigid justice and impartiality give it no claims to favor, however they may to respect. It stands solitary and unsupported, except by that portion of public opinion which is interested only in the strict administration of justice. It can rarely secure the sympathy or zealous support of either of the executive or the legislative. If they are not taxid and ungrudgingly the case) jealous of its prerogatives, the constant necessity of scrutinizing the acts of each, upon the application of any private person, and the painful duty of pronouncing judgment, that these acts are a departure from the law or Constitution, can have no tendency to conciliate kindness or nourish influence. It would seem, therefore, that some additional guards would, under such circumstances, be necessary to protect this department from the absolute dominion of the others. Yet rarely have any such guards been applied; and every attempt to introduce them

has been resisted with a pertinacity which demonstrates how slow the people are to believe that the judiciary is the real bulwark of their liberties." "If any department of the Government has undue influence, or absorbing power, it certainly has not been either the executive or judiciary." In addition to what has been said by these distinguished writers, it may also be urged that the dominant party in each House may, by the expulsion of a sufficient number of members, or by the exclusion from representation of a requisite number of States, reduce the minority to less than one-third. Congress, by these means, might be enabled to pass a law, the objections of the President to the contrary notwithstanding, which would render impotent the other two Departments of the Government, and make inoperative the wholesome and restraining power which it was intended by the framers of the Constitution should be exerted by them. This would be a practical concentration of all power in the Congress of the United States—this, in the language of the author of the Declaration of Independence, would be "precisely the definition of despotic Government." I have preferred to reproduce these teachings of the great statesmen and constitutional lawyers of the early and later days of the Republic, rather than to rely simply upon the expression of my own opinions. We cannot too often recur to them, especially at a juncture like the present. Their application to our actual condition is so apparent, that they now come to us as a living voice, to be listened to with more attention than at any previous period of our history. We have been and are yet in the midst of popular commotion. The passions aroused by a great civil war are still dominant. It is not a time favorable to that calm and deliberate judgment which is the only safe guide when radical changes in our institutions are to be made. The message now before us is one of those changes. It initiates an untried experiment, for a people who have said, with one voice, that it is not for their good. This alone should make us pause; but this is not all. The experiment has not been tried, or so much as demanded by the people of the several States such an innovation been allowed as giving the ballot to the colored population without any other qualification than a residence of one year, and in most of them the denial of the ballot to this race is absolute, and by fundamental law placed beyond the domain of ordinary legislation. In most of those States the colored suffrage would be partial; but, small as it would be, it is guarded by constitutional barriers. Here the innovation assumes formidable proportions, which may easily grow to such an extent as to make the white population a subordinate element in the body politic. After full deliberation upon this measure, I cannot bring myself to approve it, even upon local considerations, nor yet as the beginning of an experiment on a larger scale. I yield to no one in attachment to that rule of general suffrage which distinguishes our policy as a nation. But there is in this measure a serious error, which makes the ballot a privilege and a trust, and which requires of some class a time suitable for probation and preparation. To give it indiscriminately to a new class, wholly unprepared, by previous habits and opportunities, to perform the trust which it demands, is to degrade it, and finally to destroy its power; for it may be safely assumed that no political truth is better established than that such indiscriminate and all-embracing extension of popular suffrage must end at last in its destruction. WASHINGTON, JANUARY 8, 1867.

WILMINGTON, DEL. Jan. 8.—The message of Governor Sabin, presented to the Legislature of this State yesterday, strongly opposed the constitutional amendment and takes ground against its ratification. He refers favorably to the railroad enterprise of the State and proposes a State library, a penitentiary, and a revision of the penal code in reference to the punishment of negroes. He says, "the experience during the whole past history of this State shows that the sale of our population into slavery, as a punishment for crime, was not only the most salutary restraint against its commission, but the surest prevention against its commission." He recommends laws restraining negro immigration into the State; questions the constitutionality of the civil rights bill, and says he will enforce the laws against negroes possessing arms.

It is asserted that Judge Advocate General Holt is the author of the violent articles against the Supreme Court because of its decision against military commissions. General Sterling Price and his three daughters have arrived at New Orleans, from Cordova, Mexico.

"A HIT—A PALPABLE HIT."—In the House of Representatives, on Thursday, Mr. Eldridge, of Wisconsin, offered the following resolution: Resolved, That the following resolution, introduced into the House of Representatives December 4, 1862, by Hon. Thaddeus Stevens, expresses the conviction and sense of this House, to wit: "Resolved, That if any person in the employment of the United States, in either the legislative or the executive branch, should propose to make peace, or should accept, or advise the acceptance, of any such proposition, on any other basis than the integrity and entire unity of the United States and their Territories as they existed at the time of the rebellion, he will be guilty of a high crime;" and that House bill 548 is clearly in violation of the spirit of said resolution; and that the same does in fact assert, or at least admit, that secessionists and rebels were successful in the dividing of the Union, and destroyed certain States of the United States, as such in the Union. Degrading them into territories; and that the Hon. Thaddeus Stevens, in and by the introduction and advocacy of said bill, has manifested a mind and heart diametrically to the Constitution of the Union of the States as they existed at the time of the rebellion, and is guilty of the crime specified in said resolution, and therefore deserves the reprobation of this House. Mr. Ashley, of Ohio, objected to the introduction of this resolution. Mr. Eldridge said he did not desire to press it, as the gentleman named in the resolution was not then in his seat. [Laughter.] It was laid over.

RATES OF ADVERTISING.

The circulation of the SENTINEL makes it one of the most desirable mediums of advertising in the State.

Advertisements, occupying the space of 10 lines of minion type or less, which we call a square, we charge as follows for insertion in the weekly:

Table with 2 columns: Term, Price. Includes rates for one, two, three, six months, and one year.

JOB WORK executed with neatness at the STATE PRINT OFFICE.