

CAROLINA WATCHMAN.

WEEKLY.

VOL. XXI.

SALISBURY, N. C., MAY 9, 1864.

NUMBER 50.

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EDITOR AND PROPRIETOR.

TERMS OF THIS PAPER.—Five dollars for six months. No subscriptions received for a longer time, at present.

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From the Mason Telegraph, April 13.

Review of Vice President Stephens' Speech before the Georgia Legislature.

We propose a frank and candid review of this speech, and shall do so in the spirit of kindness which Mr. Stephens invokes in the discussion of the important issues involved. Mr. Stephens does not leave the object he had in view a matter of doubt or inference. He says: "This brings me to the main object of this address, a review of those acts of Congress to which your attention has been specially called by the Governor, and on which your action is invoked, these are: the currency, the military, and the *habeas corpus* suspension acts." This declaration is followed by a labored argument to show that each and all of these acts are unwise, unjust and unconstitutional. Thus, the object of Mr. Stephens, who to satisfy the Legislature of Georgia that the action of the late Congress was such as to demand at their hands such action as would place the seal of Georgia's condemnation upon the action of the Confederate Government, and, by the adoption of Governor Brown's recommendations, save the State and country from the effects of that legislation.—When the Vice President of the Confederate Government feels called upon thus to array the Legislature of his State in hostile antagonism to the Government in which he holds the second highest office, we feel that the occasion not only justifies, but demands an inquiry, on the part of every citizen, into the causes which have placed their Vice President in such an anomalous position.

Considering these questions in the order in which they are discussed in the speech before us we refer, first, to his comments upon the Currency Bill. Mr. Stephens says: "As to the first of these measures, the Tax Act and Funding Act, known together as the Financial and Currency Measures, I simply say, in my judgment, whether in the midst of conflicting views, in such diversity of opinion and interests anything better could not be obtained, I know not—perhaps not." We submit to Mr. Stephens' own sense of justice to say if it is a fair criticism upon the action of Congress to pronounce a measure "improper, unwise and unjust," when he is compelled to admit that he does not himself know of anything better that could be done. When Congress met, the whole country was clamorous for some financial scheme that would reduce the currency and re-establish confidence in the credit of the Government securities. After much deliberation and the discussion of many schemes a measure is adopted, then which no better was proposed, and to this hour no better has been suggested; and because it is not perfect, and not entirely free from faults, it is pronounced "improper, unwise and unjust," accompanied with the declaration that those who condemn do not know that anything better could be done—*perhaps not.* It does seem to us that if Mr. Stephens had been as anxious to sustain the action of the Government, with which he is so closely and officiously connected, as he was to defend the message and doctrines of Gov. Brown, he would, at least, have abstained from fault-finding and complaint, when he was compelled to admit that *perhaps* it was the best that could be done.

The discussion of the military Act by Mr. Stephens is brief, and, without intending to be offensive, we will add, pointless. The Legislature of Georgia at its last session, had called into its militia organization all the men between 18 and 17, and 45 and 60. This was done at the instance of Governor Brown and with the full concurrence of Mr. Stephens himself, so far as we know or believe. At all events, he did not feel called upon in a public way to express his disapprobation. Now, the act of Congress simply does the same thing. The Militia Act of Georgia enrolled these men for State defence, the act of Congress does for the same. They are not to be called into the field in either organization, unless the necessities of the State demand it. In both cases they elect their own officers,

and the only earthly difference is: whether they shall be under the command of President Davis or Governor Brown. Congress thought so—we are happy to see—our Legislature did also, that all the military movements of the country had better be under one head, and, therefore, passed the bill for the organization of the Reserve Corps.

The gist of Mr. Stephens' speech, in his discussion of the act suspending the writ of *habeas corpus*, which he pronounces "the most exciting and by far the most important question." Rejecting the pretence that had been set up by Gov. Brown, that the right of Congress to suspend the privilege of the writ was an implied power, and, therefore, subordinate to other express powers of the Constitution, he admits that the power is clear and explicit, and only says enough about the power being implied to cover, as gracefully as he could, the summery of Gov. Brown's message on that point. This much Mr. Stephens, perhaps felt due to his friend, Gov. Brown, as, doubtless, the Governor had been led into the error by some casual remarks of Mr. Stephens, in the consultation which preceded the preparation of the message. Admitting the power in Congress to suspend, he attacks the mode and manner of suspension, and the point of his argument is to show that the act of Congress is unconstitutional, in view of the manner in which the privileges of the writ have been suspended.

The argument of Mr. Stephens may be briefly stated thus: "The privileges of the writ of *habeas corpus* may be suspended by Congress, but in doing so, no man shall be deprived of his liberty, without due process of law, nor shall any man be subjected to seizure, except on probable cause, supported by oath or affirmation. It will be observed that, according to this argument, no suspension of the writ of *habeas corpus* is constitutional, which provides for the imprisonment of any person "without due process of law;" and no suspension is constitutional which provides for an arrest, except for probable cause, "supported by oath or affirmation." This argument is based upon the two following provisions of the Constitution; 1st. "No person shall be deprived of life, liberty or property without due process of law." 2d. "The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by an oath or affirmation, and particularly describing the place to be searched, and the persons or things, to be seized."

"Due process of law," according to the argument of Mr. Stephens, means a judicial proceeding. Therefore, all arrests, not based upon warrant issued by some judicial officer, is unconstitutional, though authorized by an express act of Congress.

Now, let us test the truth and correctness of the argument, by the doctrines and practices of both of the Confederate and State Governments—Gov. Brown, Mr. Stephens and the ballance of mankind.—Both Governments have resorted to impressments of property for the public use; that is, they have authorized their officers to seize the property of the citizens for the use of the Government. In no case has it been done, either "by due process of law," or "upon the oath or affirmation" of any person, and yet the clauses of the Constitution, relied upon by Mr. Stephens, refer in every instance to property as well as person. He says, that according to the Constitution "no person can be deprived of his liberty without due process of law;" that is, judicial proceedings. We answer, that the same clause of the Constitution, with equal emphasis, declares, "no person shall be deprived of property without due process of law."

Mr. Stephens says, "no warrants shall issue (against any person,) but upon probable cause, supported by oath or affirmation, and particularly describing the person to be seized." We answer, the same clause of the Constitution, in the same language, declares that "property shall not be seized but upon probable cause, supported by oath or affirmation. In every instance in the Constitution, both are placed upon the same footing, and in the same paragraph. Will Mr. Stephens or Gov. Brown point to any practice or law of either government which requires impressments to be made by "due process of law," as expounded by them? and yet they will scarcely say that all the impressment acts have been unconstitutional because they did not so provide; no such objection has ever been urged, though upon other grounds some of these laws have been declared unconstitutional. In no case has any impressment law required either "oath or affirmation," and yet it never entered into the head of the most astute cavalier to

make the want of such provisions a ground of constitutional objection to the law.

Besides the clauses of the Constitution already quoted, there is the additional provision, "nor shall private property be taken for public use, without just compensation." Here are additional guards thrown around the property of the citizen, and which should command the watchful care and oversight of Mr. Stephens and Gov. Brown, as well as those already referred to. Let us test the correctness of Mr. Stephens' argument, in the light of all these provisions of the Constitution, as illustrated in the official acts of Gov. Brown. The Governor, by his own order, without any authority of law on the statute book, seized all the salt in Georgia. His avowed object was to reduce the price and relieve the necessities of the people. There was no judicial proceeding in the matter, and yet the Constitution declares no man shall be deprived of his property "without due process of law." There was no warrant issued on the oath or affirmation of any person, and yet the Constitution says the people shall be secured not only in their persons, but in their houses and effects, against unreasonable seizures, and to guard the property of the citizen against such seizures, requires that no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the things to be seized." Gov. Brown did require the salt for public use, and yet the Constitution gives no authority to seize private property except for public use. He did not pay just compensation, for his avowed object was to prevent the citizens from receiving the market price, which our Supreme Court has decided to be the just compensation, authorized and required by the Constitution to be paid, upon the seizure of private property for public use; and yet the Constitution declares "private property shall not be taken for public use, without just compensation." If, then, the argument of Mr. Stephens be correct, his model Governor stands arraigned and condemned by that argument, in this single act of seizing salt, of violating the Constitution he had sworn to support and about which he is so nervous and anxious, in no less than five distinct points:

- 1st. In seizing the salt "without due process of law."
- 2d. In seizing it without a warrant.
- 3d. In seizing it without an oath or affirmation.
- 4th. In seizing it not for public use.
- 5th. In seizing it without just compensation.

If the very message of Gov. Brown which Mr. Stephens was defending, the Governor was calling upon the Legislature to grant him still more power and authority. He wanted power to seize, when in his judgment necessary, the railroads of the State for the transportation of provisions to the needy and suffering families. He wanted power to remove judicial officers who did not properly discharge their duties. He wanted power to impress provisions for the families of our soldiers.—He wanted power to seize the distilleries, &c. In none of these cases, however, did the Governor intimate that it should be done by "due process of law"—that is by judicial proceedings—nor does he say a word about "warrants issued upon oath or affirmation." We hope the Legislature gave the Governor the power he asked for to provide for the suffering families, nor do we object to the other recommendations just referred to. We only notice them to show that the very provisions of the Constitution which Mr. Stephens complains have been violated by the act of Congress suspending the writ of *habeas corpus*, have been more flagrantly violated by the Governor, whose message he so earnestly defends. The truth is, Mr. Stephens is right in his argument, he ought never to have left that stand until he had called upon the Legislature with all the earnestness of his nature to impeach the Gov. for his gross and unwarrantable usurpation of power. Here, then, were before Mr. Stephens his two Governments—Confederate and State—both in his judgment had been guilty of palpable violations of the Constitution. The Confederate, with which he is so closely and officially connected, receives at his hands nothing but hard blows, whilst the Governor of the State seems to be the object of his kindest and most tender consideration. It is strange, considering the censorious spirit of Mr. Stephens at the time of making this speech, that he permitted all these outrages of Gov. Brown to pass unnoticed, and without a single word of disapproval or warning. But we do not rest the argument, in reply to Mr. Stephens, simply upon the precedents and practices to which we have referred. We meet him directly upon the issue he presents. He admits

the right of Congress to suspend the privileges of the writ of *habeas corpus*, and confines his objection to the manner in which it has been done by the late act of Congress, and as this is the leading and most plausible idea in his speech, we prefer to let him speak for himself.

(TO BE CONCLUDED NEXT WEEK.)

COMMUNICATIONS.

From the 4th North Carolina.

CABINS BELOW ORANGE, VA.,
April 27th, 1864.

Still hold our position—Camp rumors—Surplus baggage sent back—Bright prospects—An appeal—Politician's logic—The conclusion—A warning—A little ballad—Health—Spring time, &c., &c.

The halcyon days of Spring are here and yet we occupy our quarters. We have held our position more than four months, and very agreeably surprised are we to find it the case. Yet we would not be surprised to leave at any hour; indeed, we have been expecting marching orders for several days past, but up to this moment every thing remains perfectly tranquil, notwithstanding many startling rumors afloat. Nothing, however, in all the news going the rounds, is calculated to discourage the troops,—on the contrary, everything is highly animating, and the consequence is, strengthened faith and hope for the future.

All surplus baggage has been sent to Richmond; transportation for the commissary and quartermaster departments has been cut down to the very shortest limit, while each man in ranks will be encumbered with nothing save his "armament," together with one blanket and such light articles of clothing as are indispensably necessary to decency and comfort. Under the head of "surplus baggage," a large lot of blankets, overcoats, winter clothing, tents, axes, &c., are stored away in Richmond for use again when,

"The snow gleams where the flowers have been," provided we are not then more comfortably quartered at home, which, from our inmost souls we hope and trust may be our good fortune. Meantime we must not sink into a stupor; and because our prospects are so flattering now, we must not neglect or fail to exert ourselves for our own good. It is an old adage that "Providence helps those who help themselves," and one most especially true in war. Then, instead of folding our arms and complacently waiting the result, every being in the South should be up and doing; working with our whole souls in whatever capacity becomes us, no matter how humble or insignificant; in the aggregate our labors will have a wonderful influence for good—that good the peace so earnestly desired by all good people, both North and South, and that peace to be obtained only by a complete and final dissolution of the old Union, and in the independence of the Southern Confederacy. Men may talk as they please, but it is contrary to reason and to the very nature of human beings to expect peace as the result of reconstruction, or *State Sovereignty*, as some people seem to understand it. The idea of making North Carolina an independent kingdom (or whatever else you wish to call it) by herself, regardless of the relation she sustains to her sister States, is supremely ridiculous; and never was seriously entertained or advocated by any sane man unless he expected to build his own glory on the wreck of his State. I don't include the ignorant, short sighted persons who are for peace on any terms, regardless of the loss of national honor, and likewise regardless of future consequences. There may be some men who honestly believe that if the independence of the old North State were acknowledged, that it would bring peace to every citizen within her borders, and to every soldier in her armies; but such men hardly ever act or think for themselves—they are governed solely by oily tongued demagogues who aspire to fortune or fame, perhaps both. Yet, this very class of men hold the balance of power, and, in order that a man may be placed in a position where he can do his country a service, it is necessary that he should attach apparent importance to the prejudices and opinions of these very men. This is but a rough and brief hint at a politician's logic, and this much I have said only to show that we are not altogether unconcerned in the political contest waging in our mother State. I have no time to argue, nor do I intend to do it; I shall only jump at the conclusion, and it is this—Grant and Lee are the individuals who must decide the fate of the candidates at the election in August next, I mean in the State of North Carolina. If we are victorious here, the great crisis will be forever past; if we sustain reverses, why then our home troubles will only be begun, and Heaven only knows when the end may come. I am rejoiced to learn that the spirit in our home people is greatly revived, and that it has been discovered, sure enough, that "we are going to whip 'em,"—very pleasant news this; but let me remind you of the fact that two can play at this game out here. Instead of "whipping 'em," we might get hoked ourselves. I say "might"—that is hardly probable, but it is best not to expect too much, then we are sure of not being disappointed. The enthusiasm of our soldiers, and also of those at home, is at such an extravagant pitch, that if we should meet with misfortune, the tumble from hope almost realized, to absolute despair, would be so great, that I fear we would

hardly ever recover from its effects. Better then prepare ourselves for bad news before hand, and then hope for better. I don't think it is at all likely that this war will hardly last more than a year longer, but no matter; it will never do to give it up, and a year hence, if we don't find it ended, let us be resolved to push ahead, cheerfully and full of courage, and the end will come some day with triumph for us—this is certain, if we have faith in an over-ruling Providence. The citizens of North Carolina, besides being a law abiding people, I find are zealous in their adherence to scriptural maxima inasmuch as they are never false to them. They are always either too hot or too cold, like a certain bake-oven I heard of once. Perhaps I do them injustice by putting it in the superlative.—At any rate, in days past a little too much coldness was manifested in certain localities, while now the thermometer has bounced up to the boiling point. Steady, friends, while I sincerely trust that nothing may occur to dampen your ardor, yet I would have you bear in mind that a cool determination will yet win the day. And if we should fail now, why, we can only try, try again.

I have no news of importance to communicate, further than a reiteration of what I have said before, and that is, you may look for stirring times in these quarters soon.—There is no use disguising the fact, the main armies of the North and the South are concentrated on the banks of the Rapidan, and here will be the final tilt on a grand scale. At least the signs of the times indicate that at present. If we are blessed with success the heavy fighting will then be over. It is true, that small engagements may take place afterwards, but I feel safe in predicting a languishing death to the war.

The health of the army continues excellent, and the spirit uncommonly exuberant. The winds and storms are over, and the warm sunshine of spring is breathing life into the fields and forests around us. We feel as though we ought to be engaged in other business, but it seems that we must content ourselves a little while longer with this monotonous and disagreeable mode of life.

NAT.

For the Watchman.

NEAR ORANGE COURT HOUSE, VA.,
15th April, 1864.

At a meeting held by the members of Co. D, 34th N. C. Regiment, to take into consideration the proceedings of a meeting held by the kindred fasciators of our good old homes in Rowan, T. J. H. Kerby was called to the Chair, and P. A. Slaugh was selected Secretary. After the object of the meeting was explained by Kerby, a committee of three, Joel Cordeff, John W. Evans and James T. Millway were appointed to draft the following preamble and resolutions, which were unanimously adopted:

We are thankful that it has pleased time and chance to place in our midst a copy of the proceedings of a meeting held at our home midst by the dames and pleasure mates of our former days, (at Salisbury) in which we learn the pleasing and consoling facts that these yet remain some of the fair lilies of Rowan, whose brain is not fevered with crazy spagmatic fits of fickleness and notional love for the ones who flinch and resort to every means imaginable or imaginable to keep from exposing their pines where minnies fly. Thus placing between them and danger the ones who so hazardly give their all to them to be made happy by them, and for those who are old enough to be their *Granddaddies*. Thus showing and proving to us that the poor care-worn, sun-scorched and enduring soldiers from their midst, still possess such a part of their sympathies and memory as to cause them to give vent to their better thoughts, through the medium of the Press, to those unto whom they would share their sympathies and cares.

We heartily tender to them our best wishes and purest devotion for their better thoughts and actions for the soldiers—not that we consider the good thoughts and feelings expressed for us, but that some of our soldiering associates of yore have reason prudently to joy, and be encouraged. Therefore be it

Resolved, That we do express our great sorrow and surprise that we, the youths and untwined knights of Co. D, of Rowan, have been thus forgotten and forsaken by our once amorous and amiable lady friends.

Resolved: that we concur in the belief that our once lady friends have forgotten that all is not gold that glitters, and that as long as they remain subject to be fascinated by mere stars, stripes and glitterings, we wish not to be granted the much desired privilege of sharing their endured for cares, tender thoughts and sympathies.

Resolved, That we hope that our sufferings, privations, endurances, etc., etc., to promote the future welfare of our once lady friends, &c., will cause some of the worthy dames of Dixie's land, if not in Rowan, (out of it) to share their best wishes and cares, &c., for us, and remain true to former vows.

Resolved, That we, as one, inform the ladies of that meeting and elsewhere, that although the notice and request to be ready to be aimed at by them, of them, was not to us, we received it, and will say we are not at all different from others of the world, in that we are prepared, and waiting, desiring Leap-year to send us "one true to face."

Resolved, That if the good deeds of our soldiery will not secure us a place in the memory of the fair ones, as others, we do entreat vacu-us to avenge us of them.

Resolved, That a copy of the proceedings of this meeting be sent to the "Carolina Watchman" for publication.

P. A. SLAUGH, Sec'y.

Escaped from the Libby.—Three Yankee prisoners effected an escape from the Libby on Saturday night. At latest accounts they had not been arrested.