THE FLOWERS COLLECTION

THE
NORTH CAROLINIAN,
BY
P. J. SINCLAIR.

THE DAILY NORTH CAROLINIAN is served to subscribers in town at ONE DOLLAR per week in advance, payable to the Carriers weekly.

Single copies TWENTY CENTS.

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One month THREE DOLLARS.

The "INTELLIGENCER," a weekly four paged newspaper, published at this Office, is mailed to subscribers at FIVE DOLLARS for six months. Three months THREE DOLLARS—Strictly in advance.

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When sent by letter, the money must accompany the advertisement. Marriages, deaths, religious and other notices charged as advertisements and must be paid for strictly in advance.

GENERAL DIRECTORY.

Confederate Government.

Jefferson Davis of Mississippi, President.
Alex. H. Stephens of Georgia Vice-President.
J P Benjamin, of Louisiana, Secty of State.
James A Seddon, of Virginia, Secty of War.
C G Memminger of South Carolina Secty the Treasury.
S R Mallory of Florida Secty of the Navy.
George Davis of North Carolina Chief of the Department of Justice or Attorney General.
J H Reagan of Texas Postmaster General.

The President serves six years.

SECOND CONGRESS.

The first session of the Second Congress will commence on the 19th of this present month (February.) The following is a list of the Senators elect and those holding over with the year annexed in which their respective terms of office expire. Also a list of the members elect of the House of Representatives, as far as ascertained.

SENATE.

ALABAMA.		MISSISSIPPI.	
Rd Walker,	1870	J. W. C. Watson,	1870
Robert Jemison,	1863	Albert G. Brown,	1866
ARKANSAS.		MISSOURI.	
Ro W. Johnson,	1870	——,	1870
Chas. B. Mitchell,	1868	——,	1866
FLORIDA.		NORTH CAROLINA.	
Jas M Baker,	1870	Wm. A. Graham,	1870
A F Maxwell,	1866	Wm. T. Dortch,	1866
GEORGIA.		SOUTH CAROLINA.	
Hr V. Johnson,	1870	James L. Orr,	1868
Benj. H. Hill,	1866	Robt. W. Barnwell,	1865
KENTUCKY.		TENNESSEE.	
——,	1870	——,	1870
H. C. Burnett,	1868	Landon C. Haynes,	1868
LOUISIANA.		TEXAS.	
Edward Sparrow,	1868	W. S. Oldham,	1868
Thos. J. Semmes,	1866	Lewis T. Wigfall,	1866
VIRGINIA.			
R. M. T. Hunter,	1866	Allen T. Caperton,	1868

HOUSE OF REPRESENTATIVES.

ALABAMA.
1. Thos. J. Foster,
2. Wm R. Smith,
3. W. R. W. Cobb,
4. M. H. Clanton,
5. Francis S. Lyon,
6. W. P. Chilton,
7. David Clopton,
8. Jere N. Tough,
9. J. S. Dickinson,
10. Francis A. Hanson.

ARKANSAS.
We have no information of the election of Representatives to the next Congress.

FLORIDA.
1. St. George Rogers,
2. R. B. Hilton,

GEORGIA.
1. Julian Hartridge,
2. W. E. Smith,
3. Mark H. Blanford,
4. Clifford Anderson,
5. J. T. Shewmake,
6. J. H. Echols,
7. James M. Smith,
8. George N. Lester,
9. M. P. Bell,
10. Watson Axia.

KENTUCKY.
No election for next Congress.

LOUISIANA.
1. Chas. J. Villere,
2. Chas. M. Conrad,
3. Duncan F. Kenner,
4. Lucien J. Dupre,
5. Henry Marshall,
6. John Perkins, jr.,

MISSISSIPPI.
1. J. A. Orr,
2. W. D. Holder,
3. Israel Welsh,
4. Henry C. Chambers,
5. Otho R. Singleton,
6. Ethel Barksdale,
7. J. T. Lampkin.

MISSOURI.
The present delegation were elected to hold office until their successors were elected. The question of qualification will be decided by the next Congress.

NORTH CAROLINA.
1. W. N. H. Smith,
2. R. R. Bridgers,
3. J. T. Leach,
4. Thos. C. Fuller,
5. Josiah Turner, jr.,
6. John A. Gilmer,
7. Saml. H. Christian,
8. James G. Ramsey,
9. B. S. Gaither,
10. Geo. W. Logan.

SOUTH CAROLINA.
1. Jas. H. Witherspoon,
2. W. Porcher Miles,
3. Lewis M. Ayer,
4. W. D. Simpson,
5. James Farrow,
6. W. W. Boyce.

TENNESSEE.
1. J. B. Heiskell,
2. Wm. G. Swan,
3. A. S. Colyar,
4. John P. Murray,
5. H. S. Foote,
6. E. A. Keeble,
7. James McCullum,
8. Thos. Menees,
9. J. D. C. Atkins,
10. John V. Wright,
11. David M. Currin,

TEXAS.
1. John A. Wilcox,
2. Claiborne G. Herbert,
3. A. M. Branch,
4. Frank B. Sexton,
5. J. R. Baylor,
6. S. H. Morgan.

VIRGINIA.
1. R. L. Montague,
2. Robt. R. Whitefield,
3. William C. Wickham,
4. Thos. S. Gholson,
5. Thomas S. Bocock,
6. John Goode, Jr.,
Wm. C. Rives,
8. D. C. De Jarnette.
9. David Funston,
10. F. W. M. Holliday,
11. John B. Baldwin,
12. Walter R. Staples,
13. Fayette McMullen,
14. Samuel Miller,
15. Robert Johnston,
16. Charles W. Russell.

Government of North Carolina.

His Excellency, Zebulon B Vance, Buncombe, Governor.
Col Dan'l A Barnes, Northampton, Adj.
do George Little, Wake, do.
Richard H Battle, Jr, Anson, Private Secretary.
Dr Edward Warren, Chowan, Surgeon Gen'l.
John F H Russ, Wake, Secretary of State.
Jonathan Worth, Randolph, Public Treasurer.
Curtis H Brogden, Wayne, Comptroller.
Samuel F Phillips, Orange, Auditor.
Ebenezer Emmons, State Geologist.
Oliver H Perry, Wake, State Librarian.
Major General R C Gatlin, Lenoir, Adjutant General.
Captain William B Gulick, Beaufort, Paymaster.
Captain Thomas D Hogg Wake, Commissary and Ordnance Officer.
Captain James Sloan, Guilford, Quartermaster.
Captain Henry Dowd, Edgcombe, do.
James H Foote, Iredell, Ass't. Adjt. Gen. Roll of Honore.
William A Graham, Jr., Orange, Ass't Adj't General.
Lieut. John B Neathery, Wake, Asst. Adjt. General.
Lieut. Thomas White, Franklin, Ass't. Quarter master.

Judicial

SUPREME COURTS.—Richmond M Pearson, Yadkin, Chief Justice. William H Battle, Orange, and Matthias E Manly, of Craven, Judges. Sion H Rogers, Wake, Attorney General. Hamilton C Jones, Rowan, Reporter. Edmund B Freeman, Clerk. (Meets in this city of Raleigh second Monday in June each year. The Morganton term has been discontinued.)

SUPERIOR COURTS.—Judges—John L Bailey, Buncombe, Romulus M Saunders, Wake, Rob't R Heath, Chowan, Rob't S French, Robeson, James W Osborne, Mecklenburg, George Howard, Wilson, Robert B Gilliam, Granville, William M Shipps, Henderson.

SOLICITORS.—1st Circuit, Jesse J Yates, Hertford; 2nd Circuit, Charles C Clark, Craven; 3rd Circuit, Sion H Rogers, Wake, Attorney General; 4th Circuit, Thomas Settle, Rockingham, 5th Circuit, Ralph Buxton, Cumberland. 6th Circuit, Robert F Armfield, Yadkin, 7th Circuit, William P Bynum, 8th Circuit, Agustus S. Merrimon, Buncombe.

CONFEDERATE STATES DISTRICT COURT.—Hon. Asa Briggs, Martin, Judge, George V Strong Wayne, Attorney, W N Watson, Craven, Clerk, Wesley Jones, Wake, Marshal.

COUNCIL OF STATE.—F H Satterthwaite, Pitt Robert P Dick, Guilford. Dr James Collins, Wilkes, L Eldredge, Johnston, J R Hargrave, Anson, R Stubbs, Martin, James A Pattee, Buncombe.

LITERARY BOARD.—His Excellency Gov. Vance, President Ex officio. Rev William E Pell, Wake, and Professor Richard Sterling, Guilford. Dr. Wm. Sloan of Gaston, Richard H Battle, Jr. Secretary.

BOARD INTERNAL IMPROVEMENTS.—His Excellency Governor Vance, President ex officio Wm Eaton, Jr, of Warren and J H Flanner, of New Hanover, Richard H Battle, Jr., Secretary.

COMMISSIONERS OF SINKING FUND.—Hon. Tho's Ruffin, Alamance, Hon. Weldon N Edwards, Warren, and Hon. David L Swain, Orange.

The University of North Carolina is at Chapel Hill. Hon. David L Swain, President.

Rev. Calvin H Wiley is Superintendent of the Common Schools of the State.

Wiley J Palmer, A M, is Principal of the N. C Institution for the Deaf and Dumb and Blind at Raleigh.

Dr. Simon C Fisher is Superintendent of Asylum for the Insane at Raleigh.

Rev. W H Pegram is President of Wake Forest College, (Baptist) which is for the present suspended.

Rev. Braxton Craven is President of Trinity College. (Methodist.)

Rev ——— is President of Davidson College. (Presbyterian.)

Major W M Gordon is Superintendent of the Hillsboro Military Academy.

THE IMPRESSMENT BILL

SEC. 1. Whenever the exigencies of any army in the field are such as to make impressments of forage, articles of subsistence or other property absolutely necessary, then such impressment may be made by the officers whose duty it is to furnish such forage, articles of subsistence or other property for such army. In cases where the owner of such property and the impressment officer cannot agree upon the value thereof, it shall be the duty of such impressing officer, upon affidavit in writing of the owner of such property or his agent, that such property was grown, raised or produced by said owner, or is held or has been purchased by him not for sale or speculation, but for his own use or consumption, to cause the same to be ascertained or determined by the judgment of two loyal and disinterested citizens of the city, county or parish in which such impressment may be made, one to be selected, after taking an oath to appraise the property impressed, fairly and impartially (which oath as aforesaid provided for in this section, the impressment officer is hereby authorized to administer and certify) shall proceed to assess just compensation for the property so impressed, whether the absolute ownership or the temporary use thereof is acquired.

SEC. 2. That the officer or person impressing property, as aforesaid, shall at the time of such taking, pay to the owner, his agent or attorney, compensation fixed by said appraisers; and shall also give to the owner or person controlling said property, a certificate over his official signature, specifying the battalion, regiment, brigade, division or corps to which he belongs; that said property is essential for the use of the army, could not be otherwise procured, and was taken through absolute necessity, setting forth the time and place when and where taken the amount of compensation fixed by said appraisers, and the sum, if any, paid for the same. Said certificate shall be evidence for the owner as well as the taking of said property for the public use, as the right of the amount of compensation fixed as aforesaid. And in case said officer or person, taking said property shall have failed to pay the owner or his agent, said compensation as herein before required then said owner shall be entitled to the speedy payment of the same by the proper disbursing officer, which, when so paid, shall be in full satisfaction of all claim against the Government of the Confederate States.

SEC. 3. Whenever the apparatus provided for in the 1st section of this act, shall, for any reason, be impracticable at the time of said impressment then and in that case, the value of the property impressed shall be assessed as soon as possible, by two loyal and disinterested citizens of the city, county or parish wherein the property was taken chosen as follows One by the owner, and one by commissary, or quartermaster general, or his agent, who, in case of disagreement shall choose the third citizen of like qualification, as an umpire to decide the matter in dispute, who shall be sworn as aforesid, who shall hear the proofs adduced by the parties, as to the value of said property, and assess a just compensation thereof, according to the testimony.

SEC. 4 That whenever the Secretary of War shall be of opinion that it is necessary to take private property for public use, by reason of the impractibility of procuring the same by purchase, so as to accumulate necessary supplies for the army, or the good of the service in any locality, he may, by general order (for the proper subordinate officer, authorize such property to be taken for the public use, the compensation due the owner for the same to be determined and the value found as provided for in the first and second sections of this act.

SEC. 5. That, it shall be the duty of the President, as early as practicable after the passage of this act, to appoint a commissioner in each State where property shall be taken for the public use, and request of the Governor of such of the States in which the President shall appoint said commissioners to appoint another commissioner to act in conjunction with the commissioner appointed by the President, who shall receive the compensation of eight dollars per day, and ten cents per mile as mileage, to be paid by the Confederate Government. Said commissioners shall constitute a board whose duty it shall be to fix upon the prices to be paid by the Government, for all property impressed or taken for the public use, as aforesaid, so as to afford just compensation to the owners thereof. Said commissioners shall agree upon, and publish a schedule of prices every two months or oftener if they shall deem it proper; and in the event they shall not be able to agree in any manner confided to them in this act, they shall have to appoint an umpire to decide the matter in dispute whose decision shall be the dicision of the board; and said umpire shall receive the same rate of compensation for the time he shall serve allowed to said commissioners respectively: Provided. That said commissioners shall be residents of the State for which they shall be appointed; and if the Governor of any State shall refuse or neglect to appoint said commissioners within ten days after a request to do so by the President, the President shall appoint both commissioners by and with the advice and consent of the Senate.

SEC. 6. That all property impressed or taken for the public use, as aforesaid in the hands of any person other than the persons who have raised, grown, or produced the same, or persons holding the same for their own use or consumption, and who shall make the affidavit herei before required, shall be paid for according to the schedule of prices fixed by the commissioners as aforesaid. But if the officer and the owner shall differ as to the quality of the article or property impressed or taken, thereby making it fall within a higher or lower price named in the schedule, then the owner or agent and the officer may select each a loyal and disinterested citizens of the qualifications, as aforesaid, to determine the quality of such article or property, who shall, in case of disagreement, appoint an umpire of like qualifications, and his decision, if approved by the officers impressing, shall be final. But if not approved, the impressing officer shall send the award to the commissioner of the State, where the property is impressed, with his reasons for disapproving the same, and said commissioners may hear such proof as the parties may respectively adduce, and their decision shall be final, provided, that the owner may receive the price offered by the impressing officer, without prejudice to his claim to receive the higher compensation.

SEC. 7th. Provides that all property necessary for the support of the owner and his family, or for the carrying on of his business or occupation, shall not be impressed.

SEC. 8th. Provides that property lost or damaged while temporarily impressed by the officer, shall be paid for, by them or an equivalent in damages.

SEC. 9th. Provides that the impressment of slaves shall be regulated by the laws of the State where the impressment is made, and in absence of such State laws, then to be regulated by the Secretary of War.

SEC. 10 That previous to the first day of December next, no slave laboring on a farm or plantation exclusively devoted to the production of grain and provisions, shall be taken for the public use, without the consent of the owner, except in case of urgent necessity.

"SEC. 11. That any commissioned officer or private who shall violate the provisions of the act, shall be tried before the military court of the corps to which he is attached, on complaint made by the owner or other person, and on conviction, if an officer, he shall be cashiered and put into ranks as a private, and if a non-commissioned officer or private he shall suffer such punishment not inconsistent with military law, as the court may direct."

SPEECH
OF
HON. A. H. STEPHENS,
DELIVERED BEFORE
THE GEORGIA LEGISLATURE,
ON WEDNESDAY NIGHT, MARCH 16, 1864.

Reported for the Atlanta Intelligencer, and Revised by himself.

At the hour of 7½ o'clock, p. m., the Hall had been filled to its utmost capacity by members of the Legislature and citizens generally, and as the vast assemblage within saw the beloved form of Georgia's proud and noble son, every eye grew bright with joy, and a hearty and unanimous applause bid him welcome.

Mr. Stephens ascended the Speaker's stand and spoke as follows:

Gentlemen of the Senate and House of Representatives:

In compliance with your request, or at least with that of a large portion of your respective bodies, I appear before you to-night to speak of the state of public affairs. Never, perhaps, before, have I risen to address a public audience under circumstances of so much responsibility, and never did I feel more deeply impressed with the weight of it. Questions of the most momentous importance are pressing upon you for consideration and action. Upon these I am to address you.—Would that my ability, physically, and in all other respects, were commensurate with the magnitude of the occasion. We are in the midst of dangers and perils. Dangers without and dangers within. Scylla on the one side and Charybdis on the other. War is being waged against us by a strong, unscrupulous and vindictive foe; a war for our subjugation, degradation and extermination.—From this quarter threaten the perils without. Those within arise from questions of policy as to the best means, the wisest and safest, to repel the enemy, achieve our independence, to maintain and keep secure our rights and liberties. Upon the decision of these questions, looking to the proper development of our limited resources, wisely and patriotically, so that their entire efficiency may be exerted in our deliverance, with at the same time a watchful vigilance to the safety of the citadel itself, as much depends as upon the skill of our commanders and the valor of our citizen soldiers in the field.—Everything dear to us as freemen is at stake. An error in judgment, though springing from the most patriotic motives, whether in councils of war or councils of State, may be fatal. He, therefore, who rises under such circumstances to offer words of advice, not only assumes a position of great responsibility, but stands on dangerous ground. Impressed profoundly with such feelings and convictions, I should shrink from the undertaking you have called me to, but for the strong consciousness that where duty leads no one should fear to tread. Great as are the dangers that threaten us, perilous as is our situation—and I do not intend to overstate or understate, neither to awaken undue apprehension, or to excite hopes and expectations never to be realized—perilous, therefore, as our situation is, it is far, far from being desperate or hopeless, and I feel no hesitation in saying to you, in all frankness and candor, that if we are true to ourselves, and true to our cause, all will yet be well.

In the progress of the war thus far, it is true there is much to be seen of suffering, of sacrifice and desolation; much to sicken the heart and cause a blush for civilization and christianity. Cities have been taken, towns have been sacked, vast amounts of property have been burned, fields have been laid waste, records have been destroyed, churches have been desecrated, women and children have been driven from their homes, unarmed men have been put to death, States have been overrun and whole populations made to groan under the heel of despotism; all these things are seen and felt, but in them nothing is to be seen to cause dismay, much less despair; these deeds of ruin and savage barbarity have been perpetrated only on the outer borders, on the coast, and on the line of the rivers, where by the aid of their ships of war and gunboats the enemy has had the advantage; the great breadth of the interior—the heart of our country—has never yet been reached by them; they have as yet, after a struggle of near three years, with unlimited means, at a cost of not less than four thousand millions of dollars (how much more is unknown) and hundreds of thousands of lives been able only to break the outer shells of the Confederacy. The only signal advantages they have as yet gained have been on the water, or where their land and naval forces were combined. That they should have gained advantages under such circumstances, is not a matter of much surprise.—Nations in war, like individual men or animals, show their real power in combat when they stand upon the advantages that nature has given them, and fight on their own ground and in their own element. The lion, though king of the forest, cannot contend successfully with the shark in the water. In no conflict of arms away from gunboats, during the whole war, since the first battle of Manassas to that of Ocean Pond, have our gallant soldiers failed of victory when the numbers on each side were at all equal.—The farthest advance into the interior from the base and protection of their gunboats, either on the coast or the rivers, that the enemy has been able to make for three years was the late movement from Vicksburg to Meridian, and the speedy turn of that movement shows nothing more clearly than the difficulties and disadvantages attending all such; these things should be noted and marked in considering our present situation and the prospects of the future. In all our losses up to this time, no vital blow has ever been given either to our cause or our energies.—Mr. Sidney Johnston, after repeated efforts to raise it, hoisted by force and strategy. We still hold on the Gulf, Mobile, and on the Ocean front, Wilmington, Savannah and Charleston. These places have been, and are still held against the most formidable naval armament ever put afloat.

At Charleston the enemy seem to direct all their power, land and naval, that can be brought to bear in combination—all their energy, rancour and vengeance. "*Charthago delenda est*" is their vow as to this devoted city. Every means that money can command and ingenuity suggest, from the hugest engines of war never before known to the Hindoo resort of Greek fire, have been and are being applied for its destruction. For nearly nine months the city, under the skill of our consummate commander, his subordinates, and the heroic garrison, our matchless brawn in the ranks, stood out against all the disadvantages of a siege without suitable naval aid. That she may continue to hold out, and her soil never be polluted by the unhallowed foot prints of her vandal besiegers, is, of course, the earnest wish of all. But even if so great a disaster should happen to us as the loss of Charleston, be not dismayed, indulge no sentiment akin to that of despair—Charleston is not a vital part. We may lose that place, Savannah, Mobile, Wilmington, and even Richmond, the seat of government, and still survive. We may lose all our strong places—the enemy may traverse our great interior as they have lately done in Mississippi, and we may still survive. We should, even under such calamities, be no worse off than our ancestors were in their struggle for independence. During the time that "tried men's souls" with them, every city on the coast, from Boston to Savannah, was taken by the enemy. Philadelphia was taken, and Congress driven away. South Carolina, North Carolina, portion of Georgia, Virginia, and other States, were overrun and occupied by the enemy as completely as Kentucky, Missouri, Louisiana and Tennessee are now. Take courage from the example of your ancesters—disasters caused with them nothing like dismay or despair—they only aroused a spirit of renewed energy and fortitude. The principles they fought for, suffered and endured so much for, are the same for which we are now struggling—State Rights, State Sovereignty, the great principle set forth in the declaration of independence—the right of every State to govern itself as it pleases. With the same wisdom, prudence, forecaste and patriotism; the same or equal statesmanship on the part of our rulers in directing and wielding our resources, our material of war, that controlled public affairs at that time, in the camp and in the cabinet, and with the same spirit animating the breast of the people, devotion to liberty and right, hatred of tyranny and oppression, affection for the cause for the cause's sake; with the same sentiments and feelings on the part of rulers and people in these days as were in those, we might and may be overrun as they were; our interior may be penetrated by superior hostile armies, and our country laid waste as theirs was, but we can never be conquered, as they never could be. The issues of war depend quite as much upon Statesmanship as Generalship; quite as much upon what is done at the council board as upon what is done in the field. Much the greater part of all wars, is business—plain, practical, every day life business; there is in it no art or mystery or special knowledge, except good, strong, common sense—this relates to the finances, the quartermaster's and commissary's departments, the ways and means proper—in a word to the resources of a country and its capacities for war. The number of men that can be spared from production, without weakening the aggregate strength—the prospect of supplies, subsistence, arms and munitions of all kinds. It is as necessary that men called out should be armed, clothed, shod and fed, as that they should be put in the field—subsistence is as essential as men. At present we have subsistence sufficient for the year, if it is taken care of and managed with economy. Upon a moderate estimate, one within reasonable bounds, in the tythes of wheat and corn for last year were not less, in the States east of the Mississippi (to say nothing of the other side,) than eighteen million bushels. Kentucky and Tennessee are not included in this estimate. This would bread an army of five hundred thousand men and one hundred thousand horses for twelve months, and leave considerable margin for waste or loss. This we have without buying or impressing a bushel or pound. Nor need a bushel of it be lost on account of the want of transportation from points at a distance from railroads. At such places it could be fed to animals, put into beef and pork, and thus lessen the amount of these articles of food to be bought. Upon a like estimate the tythe of meat, for the last year, will supply the army for at least six months—rendering the purchase of supplies of this article necessary for only half the year—the surplus in the country, over and above the tythes, is ample to meet the deficiency. All that is wanting is men of business capacity, honesty, integrity, economy and industry in the management and control of that department. There need be no fear of the want of subsistence this year, if our officials do their duty. But how it will be next year, if the policy adopted by Congress at its late session, is carried out, no one can safely venture to say.

This brings me to the main object of this address, a review of these acts of Congress to which you 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. It is the beauty of our system of government, that all in authority are responsible to the people. It is, too, always more agreeable to approve than to disapprove what our agents have done. But in grave and important matters, however disagreeable or even painful it may be to express disapproval, yet sometimes the highest duty requires it. No exceptions should be taken to this when it is done in a proper spirit, and with a view solely for the public welfare. In free governments men will differ as to the best means of promoting the public good. Honest differences or opinion should never beget ill feelings, or personal alienations. The expressions of differences of opinion do no harm when truth alone is the object on both sides. Our opinions in all such discussions of public affairs, should be given as from friends to friends, as from brothers to brothers in a common cause. We are all launched upon the same boat, and must ride the storm or go down together. Disagreements should never arise, except from one cause—a difference in judgment, as to the best means to be adopted, or course to be pursued, for the common safety. This is the spirit by which I am actuated in the comments I shall make upon these Acts of Congress.

As to the first two of these measures, the Tax Act and Funding Act, known together as the financial and currency measures, I simply say, in my judgment, they are neither proper, wise or just. 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. With that view we may be reconciled to what we do not approve. It is useless now to go into discussions of how bad ones might have been avoided—the whole is a striking illustration of the evils attending first departures from principle—the "*facilis descensus Averno.*" Error is ever the prolific source of error. Our present financial embarrassments had their origin in a blunder at the beginning. But we must deal with the present, not the past. These two Acts make it necessary for you to change your legislation to save the State from loss. As to the course you should adopt to do this, I know of none better than that recommended by the Governor. His views and suggestions on this point seem to be proper and judicious.

The military act by which conscription is extended so as to embrace all between the ages of seventeen and fifty, and by which the State is to be deprived of so much of its labor and stripped of the most efficient portion of her enrolled militia, presents a much graver question. This whole system of conscription I have looked upon from the beginning as wrong, radically wrong in principle and in policy. Contrary opinions, however, prevailed. But whatever differences of opinion may have been entertained as to the constitutionality of the previous Conscript Acts, it seems clear to my mind that but little difference can exist as to the unconstitutionality of this late act. The act provides for the organizing of troops of an anomalous character—partly as militia and partly as a portion of the regular armies. But in fact, they are to be organized neither as militia or part of the regular army. We have but two kinds of forces, the regular army and the militia—this is neither. The men are to be raised as conscripts for the regular forces, while their officers are to be appointed as if they were militia. If they were intended as militia, they should have been called out, through the Governor, in their present organizations—if as regular forces they cannot be officered as the act provides. It is most clearly unconstitutional. Who is to commission these officers? The Governor cannot, for they are taken from under his control; the President cannot constitutionally do it, for he can commission none except by and with the advice and consent of the Senate. It is for you to say whether you will turn over these forces, and allow them to be conscripted, as is provided, leaving the question of constitutionality for the courts, or whether you will hold them in view of agricultural and other interest, or for the execution of your laws, and to be called out for the public defense in case of emergency by the Governor when he sees the necessity, or when they are called for as militia by the President. The Act upon its face, in its provisions for details, seems to indicate that its object is not to put the whole of them in the field. Nothing could be more ruinous to our cause if such were the object and intention, and should it ever be carried into effect. For if all the white labor of the country, from seventeen to fifty—except the few exemptions stated—be called out and kept constantly in the field, we must fail, sooner or later, for want of subsistence and other essential supplies. To wage war successfully, men at home are as necessary as men in the field. Those in the field must be provided for, and their families at home must be provided for. In my judgment, no people can successfully carry on a long war, with more than a third of its arms-bearing population kept constantly in the field, especially if cut off by blockade, they are thrown upon their own internal resources for all necessary supplies, subsistence and munitions of war. This is a question of Arithmetic on well settled problems of political economy. But can we succeed against the hosts of the enemy unless all able to bear arms up to fifty years of age are called to and kept in the field? Yes, a thousand times yes, I answer, with proper and skillful management. If we cannot without such a call, we cannot with it, if the war last long. The success of Greece against the invasion by Persia—the success of the Netherlands against Philip—the success of Frederic against the allied powers of Europe—the success of the Colonies against Great Britain, all show that it can be done. If our only hope was in matching the enemy with equal numbers, then our cause would be desperate indeed. Superior numbers is one of the chief advantages of the enemy. We must avail ourselves of our advantages. We should not rely for success by playing into his hand. An invaded people have many advantages that may be resorted to, to counterbalance superiority of numbers. These should be studied, sought and brought into active cooperation. To secure success, brains must do something as well as muskets.

Of all the dangers that threaten our ultimate success, I consider none more eminent than the policy embodied in this Act, if the object really be, as its broad terms declare, to put and keep in active service all between the ages of seventeen and fifty, except the exempts named. On that line we will most assuredly, sooner or later, do what the enemy never could do, conquer ourselves. And if such be not the object of the Act—if it is only intended to conscript men not intended for service, not with a view to fill the army, but for the officials, to take charge of the general labor of the country and the various necessary avocations and pursuits of life, and then the Act is not only wrong in principle but exceedingly dangerous in its tendency.

I come, now, to the last of these Acts of Congress. The suspension of the writ of *Habeas Corpus* in certain cases. Thus the most exciting, as it is by far the most important question before you. Upon this depends the question, whether the courts shall be permitted to decide upon the constitutionality of the late Conscript Act, should you submit that question to their decision, and upon it also depend other great essential rights enjoyed by us as freemen. This Act, upon its face, confers upon the President, the Secretary of War, and the General commanding in the trans-Mississippi Department, (the two latter acting under the control and authority of the President) the power to arrest and imprison any person who may simply be charged with certain acts, not all of them even crimes under any law; and this is to be done without any oath or affirmation alledging probable cause to the guilt of the party. This is attempted to be done under that clause of the Constitution, which authorizes Congress to suspend the privilege of the writ of *Habeas Corpus*, in certain cases.

In my judgement this act is not only unwise, impolitic and unconstitutional, but exceedingly dangerous to public liberty. Its unconstitutionality does not rest upon the idea that Congress has not got the power to suspend the privilege of this writ, nor upon the idea that the power to suspend it, is an implied one, or that clearly implied powers are weaker as a class and subordinate to others positively and directly delegated.

I do not understand the Executive of this State to put his argument against this Act upon any such grounds. He simply states a fact, as it most clearly is, that the power to suspend at all is an implied power. There is no positive, direct power delegated to do it. The power, however, is clear and clear only by implication. The language of the Constitution, that, "the privilege of the writ of *habeas corpus* shall not be suspended unless, when in cases of rebellion or invasion, the public safety may require it," clearly expresses the intention that the power may be exercised in the cases stated; but it does so by implication only, just as if a mother should say to her daughter, you shall not go unless you ride. Here the permission and authority to go is clearly given, though by inference and implication only. It is not positively and directly given. This, and this only, I understand the Governor to mean when he speaks of the power being an implied one. He raises no question as to the existence of the power, or its validity when rightfully exercised, but he maintains, as I do, that its exercise must be controlled by all other restrictions in the Constitution bearing upon its exercise. Two of these are to be found in the words accompanying the delegation. It can never be exercised except in rebellion or invasion. Other restrictions are to be found in other parts of the Constitution. In the amendments to the Constitution adopted after the ratification of the words as above quoted. These amendments were made, as is expressly declared in the preamble to them, to add "further declaratory and restrictive clauses," to prevent misconstruction or abuse of the powers" previously delegated. To understand, all the restrictions, therefore, thrown around the exercise of this power in the Constitution, these additional "restrictive clauses" must be read in conjunction with the original grant whether that was made positively and directly, or by implication only. These instructions, among other things declare, that "no person shall be deprived of life, liberty or property without due process of law," and that 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 oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized."

All admit that under the clause as it stands in the original grant, with the restrictions there set forth, the power can be rightfully exercised only in cases of rebellion or invasion. With the additional clauses, put in as further restrictions to prevent the abuse of powers previously delegated, how is this clause, conferring the power to suspend the privilege of the writ of *habeas corpus*, now to be read? In this way, and in this way only: "The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it." And no person "shall be deprived of life, liberty or property, without due process of law." And further, "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 oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

The attempted exercise of the power to suspend the privilege of the writ of *habeas corpus* in this Act, is the utter disregard in the very face and teeth of these restrictions, as much so as a like attempt in time of profound peace would be in disregard of the restrictions to cases of rebellion and invasion, as the Constitution was originally adopted. It attempts to provide for depriving persons "of liberty, without due process of law." It attempts to annul and set at naught the great constitutional "right" of the people, to be secure in their persons against "unreasonable seizures." It attempt to destroy and annihilate the bulwark of personal liberty, secured in our great chart to the humblest as well as the highest, that "no warrants shall issue but upon probable cause, supported by oath or affirmation," and "particularly describing the person to be seized." Nay more, it attempts to change and transform the distribution of powers in our system of government. It attempts to deprive the Judiciary Department of its appropriate and legitimate functions, and to confer them upon the President, the Secretary of War, and the General officer commanding the Trans-Mississippi Department, or rather to confer them entirety upon the President, for those subordinates named in Act hold their places at his will, and in arrests under this Act to be governed by his orders. This, by the Constitution, never can be done. Ours is not only a government of limited powers but each department, the legislative, executive and judicial, are separate and distinct. The issuing of warrants, which are nothing but orders for arrests against civilians or persons in civil life, is a judicial function. The President, under the Constitution, has no power to issue any such. As commander-in-chief of the land and naval forces, and the militia when in actual service, he may order arrests for trials before Courts Martial, according to the rules and articles of war. But he is clothed with no such power over those not in the military service, and not subject to the rules and articles of war. This Act attempts to clothe him with judicial functions, and in a judicial character to do what no Judge, under the Constitution, can do; issue orders or warrants for arrest, by which persons are to be deprived of their liberty, imprisoned, incarcerated in dungeons, it may be without any oath or affirmation, even as to the probable guilt of the party accused or charged with any of the offences or acts stated. This, under the Constitution, in my judgment, cannot be done. Congress can confer no such power upon our Chief Magistrate. There is no such thing known in this country as political warrants, or "*letters de cachet.*" This Act attempts to institute this new order of things so odious to our ancestors, and so inconsistent with constitutional liberty.

This Act, therefore, is unconstitutional, not because Congress has not power to suspend the privilege of the writ of *habeas corpus*, but because they have no power to do the thing aimed at in this attempted exercise of it. Congress can suspend the privilege of the writ—the power is clear and unquestioned—neither is the power, as it stands, objectionable. Georgia, in the Convention, voted against the clause conferring it in the Constitution as originally adopted—that, perhaps, was a wise and prudent vote. But, with the restrictions subsequently adopted, there can be no well grounded objection to it. It is, under existing restrictions, a wise power. In time of war, in cases of rebellion or invasion, it may often be necessary to exercise it—the public safety may require it. I am not prepared to say that the public safety may not require it now. I am not informed of the reasons which induced the President to ask the suspension of the privilege of the writ at this time, or Congress to undertake its suspension as provided in this Act. I, however, know of no reasons that require it, and have heard of none. But in the exercise of an undisputed power, they have attempted to do just what cannot be done—to authorize illegal and unconstitutional arrests—there can be no suspension of the writ, under our system of government, against unconstitutional arrests—there can be no suspension allowing, or with a view to permit and authorize, the seizure of persons without warrant issued by a judicial officer upon probable cause, supported by oath or affirmation—the whole Constitution must be read together, and so read and constructed as that every part and clause shall stand and have its proper effect under the restrictions of other clauses.

If any conflict arises between clauses in the original and the amendments subsequently made, the original must yield to the amendments. As a will previously made always yields to the modifications of a codicil. Such, of course, was the condition of the old Constitution with its amendments, when the States of this Confederacy adopted it—and it was adopted by these States with the meaning, force and effect it then had. In construing, therefore, those parts of the old Constitution which we adopted, we stand just where we should have stood under like circumstances, under it. With these views it will clearly appear that under our Constitution, Courts cannot be deprived of their right or be relieved of their duty to enquire into the legality of all arrests except in cases arising in the land and naval forces or militia, when in actual service—for the government of which a different provision is made in the Constitution. Under a Constitutional suspension of the privilege of the writ all the Courts could do, would be to see that the party was legally arrested and held—upon proper warrant—upon probable cause, supported by oath or affirmation setting forth a crime of some violation of law. Literally and truly then the only effect of a Constitutional exercise of this power over the writ of *habeas corpus* by Congress, is to deprive a person, after legally confined, of the privilege of a discharge before trial, by giving bail, or on account of insufficiency of proof as to probable cause or other like grounds. This *privilege* only can be *suspended*, and not the writ itself. The words of the Constitution are aptly chosen to express the purpose and extent to which a suspension can go in this country. With this view the power is a wise one. It can work no serious injury to the citizen and it sufficiently guards the public safety. The party against whom a grave accusation is brought, supported by oath or affirmation, founded upon probable cause, must be held for trial, and if found to be guilty is to be punished according to the nature of his offence. The monstrous consequences of any other view of the subject are apparent. The exercise of the power by Congress may be either general or limited to special cases as in this instance. If it had been general under any other view what would have been the condition of every citizen in the land? The weak or would have been completely in the power of the stronger without remedy or redress. Any one in the community might se