THE MONTROSE DEMOCRAT.

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FOR THE MONTROSE DEMOCRAT.

A HISTORY

of the Great Struggle between Liberty and Despotism for the last Hundred Years.

BY MRS. L. C. SEARLE.

Ninety years ago there waved on the soil of Virginia a dark and bloody banner of war, with an inscription written in large characters upon its folds, "Liberty to Slaves." "Freedom to all the black race who will join in reducing the white people of this Colony to suubmission to the king."

Submission to Great Britain, said the white race, is submission to slavery.

"Is life so dear, or peace so sweet as to be purchased at the price of chains and slavery? Are fleets and armies necessary to a work of love and reconciliation? These are implements of subjugation sent over to rivet upon us the chains of slavery which the British ministry have been so long forging."

The patriots of Massachusetts declared unanimously that

"A free-born people are not required by the religion of Christ to submit to tyranny, but may make use of such power as God has given them to recover and support their liberties."

The lawyers in Massachusetts said:

"It is the first principle in civil society, founded in nature and reason, that no law of society can be binding on any individual without his consent, given by himself in person, or by his representative of his own free election."

In speaking of the cause of the American revolution, an Abolition paper of ten years ago says:

"The British government claimed the right to legislate for the Colonies in their internal affairs. The Colonies resisted on the ground that it is the *essence of tyranny to subject men to laws in the enactment of which they had no voice. This principle lies at the root of all our free institutions.*"

"The Colonies resisted;" the people of the thirteen American Colonies were victorious; the "chains of slavery which the British government had been so long forging" were reserved for a more favorable period for riveting them on the free-born people of America. Their fleets and armies disappeared from all its shores, driven back by heroic bands of soldiers under their immortal leader, and that bloody banner, with its motto of evil omen, "Liberty to Blacks," "Slavery to Whites," disappeared also from public view. But the King's flag, raised by Lord Dunmore, was never removed from American soil. It was retained in the hands of British tories, whose hearts were set on kingly government, to which the Southern people would not submit when the Union was formed—preferring a free government, called a Democracy. That flag, with its motto, "Liberty to Negro Slaves," was the enchanted wand which they believed would sooner or later call back the armies of the King, with their implements of subjugation, ready to place the shackles upon the same proud race whose boast had ever been that they were "born to the bright inheritance of freedom."

That dark flag waves over the whole South to-day, and an army is dispersed through all those once free dominions to rob the white race of their bright inheritance of freedom; to rob them of the right to frame their own forms of government; of making their own laws by which they are to be governed; rights secured to them by the most sacred charters for almost three hundred years; and bestowing these same rights upon a race which for more than a thousand years were born to an inheritance of slavery. "Freedom to blacks," "bondage to whites," is the flag that has conquered at last, if this great army returns victorious.

What did the King's flag, raised by the royal governor of Virginia mean by "liberty to slaves" in 1775? It meant the same as when raised again in 1863. It meant a war of races; a servile war; a war of the blacks upon the whites; an insurrection of the slaves; a war upon women and children; an indiscriminate massacre and slaughter of the whole white race, such as occurred in St. Domingo just sixteen years thereafter. And was Great Britain so cruel and barbarous in that enlightened age, we used to say, as to sanction such a war as that? But why not? "Is it not lawful," they said, "to avail ourselves of all the means which God and nature has put into our hands to crush this causeless rebellion?" The same question was repeated in 1863, and answered by arming 200,000 negro slaves against their masters.

What did the rebels of 1775 think about the arming of slaves against them? Bancroft says:

"The first menace of Lord Dunmore to raise the standard of servile insurrection, and set the slaves against their masters with British arms in their hands, filled the whole South with horror and alarm. But the spirit of the people rose with the danger. Pinckney and Drayton of South Carolina, in their Assembly, condemned the British Parliament and their cruel statutes and sanguinary measures. Their endeavors to engage barbarous nations to imbrue their hands in the innocent blood of women and children, and the attempts to make ignorant domestic slaves subservient to the most wicked purposes, are acts at which humanity must revolt. But although a superior force may lay waste our towns, and ravage our country, it can never eradicate from the breasts of freemen those principles of liberty which are engrafted in their very nature."

"The men," says Bancroft, "to whose passions Lord Dunmore appealed, were either criminals, bound to labor in expiation of their misdeeds, or barbarians, some of them freshly imported from Africa, with tropical passions seething in their veins, and frames rendered strong by abundant food and out of door toil; they formed the majority of the population on tide-water, and were distributed on the lonely plantations so that danger lurked in every home."

Danger of what? Danger that father, mother, parent and child, brother, sister and friend might be slaughtered by these African barbarians, and with their houses and homes be buried in one common ruin. The patriots of Virginia were victorious over the royal governor and his negro brigades, and the danger passed away. But England's hatred of America and her free institutions did not pass away. In less than twenty-five years after the Constitution of the United States was formed, her fleets and armies again appeared upon our shores. And who were ready then to welcome them back instead of driving them away. The Federalists of New England—John Holmes, a member of the Legislature of Massachusetts, denounced that party in 1814 in the following language:

"Here is amongst us a daring and ambitious faction, who, I do not hesitate to proclaim prefer the British government, *monarchy and all.*"

The British army appeared at New Orleans, and Gen. Jackson saved the people of the South from another invasion and another invitation to slaves to rise against the white race. He conquered the flower of the British army, and the Federalists always hated him therefor. The victory of New Orleans compelled Great Britain to sign articles of peace with America, and she promised to let her remain in her quietude and rest.

In less than three years from signing a treaty of peace, the hero of New Orleans, while engaged in a war with the Seminoles, detected British agents or spies inciting large bands of runaway negroes and Indians to murder whole families of white people. He hung two of these British agents—Arbuthnot and Ambrister—and the rage of the New England Federalists knew no bounds. When the Democratic party nominated the old hero for President, the Federalists printed handbills with the pictures of the coffins of these two British spies, and held up Gen. Jackson as the greatest military despot that ever lived. This party that has placed ten millions of people under the rule of military officers, were ready to faint away at the mention of martial law, and the suspension of the sacred writ of habeas corpus. They were frightened almost out of their senses for fear our government might be overthrown and a military despotism established on its ruins, because Gen. Jackson hung two incendiaries without a trial before a civil court.—Their own arguments against the acts of the hero of New Orleans convicts them not only of gross hypocrisy, but of being themselves the greatest despots that have arisen on the earth for hundreds of years.

The difference in the two cases is this: These British agents who were inciting Indians and negroes to murder the people of the South were their friends, and were engaged in a work that was pleasing to them, for these people were their political enemies, and they wanted them exterminated. The Southern people were Gen. Jackson's friends; they were of his own race, and he loved them better than he did the Indians and Negroes who were killing them. He says, "my God would not have smiled on me had I punished only the poor ignorant savages, and spared the white men who set them on."

Many years after this event, a statesman in Congress made the following declaration:

"If I were to declare an opinion as to the horrors and cruelty of all our Indian wars, I would unhesitatingly say that to British agents all is attributable. Children at school, in the hours of play, were butchered at the instigation of these agents; murder on every road; death in every path. Even at this day the name of British agent or trader will create a sudden start of horror in the widowed mother of a family, as it tears open all the sluices of her grief, which time had soothed but could not destroy. The children were hushed to silence by the terrible names of Simon Girty and McKee, and could those incendiaries have been taken in those days, every voice would have pronounced their doom. Not only individuals, but whole families were swept away; many who rendered brilliant services to their country, are now only known to those who feel a kindred sorrow."

And yet the Federalists of New England took the side of Arbuthnot and Ambrister, and were as much enraged when they were hung for murdering Southern people as they were when John Brown was hung for attempting the same crime. Two years later Thos. Jefferson, alarmed at the conduct of the Federalists in Congress, exclaims, "Are our slaves to be presented with their freedom and a dagger?" In 1829 the same Puritan party tried to incite the Indians of Georgia to massacre the white people there. The Indians being removed, in 1831 the flag of Lord Dunmore was sent from Massachusetts to the South through the mails.—This dark flag bore the inscription of "The Liberator," and it produced the same "thrill of horror all over the South" that it did when it was raised by Lord Dunmore in 1775. The people there applied to the old hero of New Orleans for protection from massacre by their slaves. The hero, being then in the Presidential chair, could not gird on his sword and fight in their defence, but he called the "attention of Congress to the painful excitement produced in the South by inflammatory appeals addressed to the passions of the slaves, calculated to stimulate them to insurrection and produce all the horrors of a servile war." At this time the British agent, Geo. Thompson, who had come over with the editor of the Liberator, was in Massachusetts for the purpose of sending the flags of Lord Dunmore all over the South. Gen. Jackson denounced him for "daring to interfere with the slaves of the South."—Geo. Thompson was as much a British agent as Arbuthnot and Ambrister, who were hung for doing in the South what he was doing among his friends in Massasetts, where the South could not reach him. The abolitionists declared that Gen. Jackson accused them of murder, and this history will prove that the party now in power are not only linked directly with Dunmore's invitation to slaves to rise and murder the white race, but with the massacre of St. Domingo; and that they have conspired against the whole white race in America who refuse to aid in establishing Negro government, in order to perpetuate their own despotic power, and enthrone a Cromwell, a George III., or a Robespierre, in the place first occupied by Washington.

—Of course our late Minister to Hayti was a graduate of Oberlin College, in Ohio, where according to the late Artemus Ward, the negroes are fed first, and what they leave suffers a boarding-house change into some hash for the whites.

—Mistakes are said to be frequent in the catalogue of painting in the Paris Exposition. A correspondent says the portrait of Lincoln, according to the number, is called in the catalogue, "The Rainy Season in the Tropics."

—The Mexican folly has cost France an enormous sum. The losses in material alone, for 1864, are estimated at 22,500,000 francs, including the expense of bringing home the troops.

—Prentice says it is a pity the elections at the South cannot take place at this time, for although the negroes there are strong now, they will be stronger in the dog days.

—Judge Sharswood is very popular among all parties and classes of people in Philadelphia. It is firmly believed that he will receive at least five thousand majority, in that city.

—A pic-nic negro party chartered a boat at St. Louis, on the 4th, and in celebrating the day a serious riot occurred among themselves, in which one nigger was killed, and several wounded. Let 'em vote.

Veto of the Reconstruction Bill.

WASHINGTON, July 18.

To the House of Representatives of the United States:

I return herewith the bill entitled "An act supplementary to an act entitled an act to provide for the more efficient government of the rebel States," passed on the 2d day of March, 1867, and the act supplementary thereto, passed on the 23d day of March, 1867, and will state, as briefly as possible, some of the reasons which prevent me from giving it my approval.

This is one of a series of measures passed by Congress during the last four months on the subject of reconstruction. The message returning the act of the 2d of March last states at length my objections to the passage of that measure; they apply equally well to the bill now before me, and I am content merely to refer to them and to reiterate my convictions that they are sound and unanswerable. There are some points peculiar to this bill which I will proceed at once to consider.

The first section purports to declare the true intent and meaning, in some particulars, of the prior acts upon this subject. It is declared that the intent of those acts was, first, "That the existing governments in the ten rebel States" were not legal State governments; and second, "That hereafter said governments, if continued, were to be continued subject in all respects to the military commanders of the respective districts and to the paramount authority of Congress." Congress may, by a declaratory act, fix upon an act a construction altogether at variance with its appearent meaning, and from the time at least when such construction is fixed the original act will be construed to mean exactly what it is stated to mean by the declaratory statute. There will be, then from the time this bill may become a law, no doubt, no question as to the relation in which the existing governments in those States, called in the original act "provisional governments," stand toward the military authority. As their relation stood before the declaratory act, these "governments," if it is true, were made subject to absolute military authority in many important respects, but not in all, the language of the act being "subject to the authority of the United States as hereinafter presented."

By the sixth section of the original act these governments were made "in all respects subject to the paramount authority of the United States." Now, by this declaratory act it appears that Congress did not, by the original act, intend to limit the military authority to any particulars or subjects therein "prescribed," but ment to make it universal. Thus, over all these ten States, this military government is declared to have unlimited authority.—It is no longer confined to the preservation of the public peace, the administration of criminal law, the registration of voters, and the superintendence of elections, but in all respects is aserted to be paramount to the existing civil governments. It is impossible to conceive any state of society more intolerable than this, and yet it is to this that twelve millions of American citizen are reduced by the Congress of the United States. Over every foot of the immense territory occupied by these American citizens, the Constitution of the United States theoretically is in full operation. It binds all the people there, and should prprotect them; yet they are denied every one of its sacred guarantees. Of what avail will it be to any one of these Southrern people, when seized by a file of soldiers, to ask for the cause of the arrest or for the production of the warrant? Of what avail to ask for the privilege of bail when in military custody, which knows no such thing as bail? Of what avail to demand a trial by jury, process for witnesses, a copy of the instrument, the privilege of counsel, or that greater privilege, the writ of *habeas corpus?*

The veto of the original bill of the 2nd of March was based on two distinct grounds, "the interference of Congress in matters strictly appertaining to the reserved powers of the State, and the establishment of military tribunals for the trial of citizens in time of peace." The impartial reader of that message will understand that all it contains with respect to military despotism and martial law has reference especially to the fearful power conferred on the district commanders to displace the criminal courts and assume jurisdiction to try and to punish by military boards; that potentially the suspension of the *habeas corpus* was martial law and military despotism. The act now before me not only declares that the intent was to confer such military authority, but also to confer unlimited military authority over all the other courts of the State, and over all the officers of the State, legislative, executive, and judicial. Not content with the general grant of power, Congress in the second section of this bill specifically gives to each military commanders the right to "suspend or remove from office, or from the performance of official duties and the exercise of official power, any officer or person holding or exercising, or professing to hold or exercise any civil or military office or duty in such district under any power, election, appointment, or authority derived from or granted by or claimed under any so-called State, or the government thereof, or any muncipal or other division thereof," a power that hitherto all the departments of the Federal government, acting in concert or seperately, have not dared to exercise, is here attempted to conferred on a subordinate military officer. To him, as a military officer of the Federal government, is given the power, supported by "a sufficient military force," to remove every civil officer of the State. What next? The direct commander, who has thus displaced the civil officer, is authorized to fill the vacancy by the detail of an officer or soldier of the army, or by the appointment of some other person. This military appointee, whether an officer or a soldier, or some other person, is to perform the duties of such officer or person so suspended or removed. In other words, an officer or soldier of the army is thus transformed into a civil officer.

He may be made a governor, a legislature, a Judge. However unfit he may deem himself for such civil duties he must obey the order. The officer must, if detailed, go upon the supreme bench of the State with the same prompt obedience as if he were detailed to go upon a court-martial. The soldier, if detailed to act as a justice of the peace, must obey as quickly as if he were detailed for picket duty. What is the character of such a military-civil officer? This bill declares that he shall perform the duties of the civil office to which he is detailed. It is clear, however, that he does not lose his position in the military servce. He is still an officer or soldier of the army. He is still subject to the rules and regulations which govern it, and must yield due deference, respect, and obedience towards his superiors. The clear intent of this section is that the officer or soldier detailed to fill a civil office must execute its laws according to the laws of the State. If he is appointed a Governor of a State he is to execute the duties as provided by the laws of that State, and for the time being his military character is to be suspended in his new civil capacity. If he is appointed a State Treasurer he must at once assume the custody and disbursment of the funds of the State, and must perform these duties precisely according to the laws of the State, for he is entrusted with no other official duty or official power. Holding the office of treasurer, and intrusted with funds, it happens that he is required by the State laws to enter into bonds with security, and to take an oath of office; yet from the begining of the bill to the end there is no provision for any bond or oath of office, or for any single qualificatien required under the State law, such as residence, citizenship, or anything else. The only oath is that provided for in the ninth section, by the terms of which every one detailed or appointed to any civil office in the State is required "to take and to subscribe the oath of office prescribed by law for the officers of the United States." Thus an officer of the United States, detailed to fill a civil office in one of these States, gives no official bond and takes no official oath for the performance of his new duties, but as a civil officer of the State, only takes the same oath which he had already taken as a military officer of the United States. He is at last a military officer performing civil duties, and the authority under which he acts is Federal authority only, and the inevitable result is that the Federal government by the agency of its own sworn officers, in effect, assumes the civil government of the State.

A singular contradiction is apparent here. Congress declares these local State governments to be illegal governments, and then provides that the illegal governments are to be carried on by Federal officers, who are to perform the very duties imposed on its own officers by this illegal State authority. It would be a novel spectacle if Congress should attempt to carry on a legal State government by the agency of its officers. It is yet more strange that Congress attempts to sustain and carry on an illegal State government by the same Federal agency.

In this connection I must call attention to the tenth and eleventh sections of the bill which provides that none of the officers or appointees of military commanders "shall be bound in their action by any opinion of any civil officer of the United States, and that all the provissons of the act shall be construed liberally, to the end thas all the intents thereof may be fully and perfectly carried out." It seems Congress supposed that this bill might require construction, and they fix, therefore, the rule to be applied. But where is the construction to come from? Certainly no one can be more in want of instruction than a soldier or officer of the army detailed for a civil service perhaps the most important in a State, with the duties of which he is altogether unfamiliar. This bill says he shall not be bound in his action by the opinion of any civil officer of the United States.

The duties of the office are altogether civil, but when he asks for an opinion he can only ask the opinion of another military officer, who perhaps understands as little of his duties as he does himself; and as to his "action" he is unanswerable to the military authority, and to the military authority alone. Strictly, no opinion of any civil officer, other than a judge, has a binding force; but these millitary appointees would not be bound, even by a judicial opinion. They might very well say, even when their action is in conflict with the Supreme Court of the United States, "that Court is composed of civil officers of the United States, and we are not bound to conform our action to any opinion of any such authority." This bill, and the acts to which it is supplementary, are all founded upon the assumption that these ten communities are not States, and that their existing governments are not legal. Throughout the legislation upon this subject, they are called rebel States. And in this particular bill they are denominated "so called States," and the vice of illegality is declared to pervade all of them. The obligations of consistency bind a legimate body as well as the individuals who compose it. It is now too late to say that these ten political communities are not States of the Union. Declarations to the contrary of these acts are contradicted again and again by reputed acts of legislation enacted by Congress from the year 1861 to the year 1867. During that period, whilst these States were in actual rebellion, and after that rebellion was brought to a close, they have again and again been recognized as States of the Union. Representation has been appointed to them as Sates. They have been divided into judicial districts for the holding of district and circuit courts of the United States, and States can only be districted. The last act on this subject was passed July 23, 1866, by which every one of these ten States was arranged into districts and circuits; they have been called upon by Congres to act through their Legislatures upon at least two amendments to the Constitution of the United States; as States they have ratified one amendment, which required the vote of twenty-seven States of the thirty-six then composing the Union. When the requisite twenty-seven votes were given in favour of that amendment, seven of which votes were given by seven of these ten States, it was proclaimed to be a part of the Constitution of the United States, and slavery was declared no longer to exist within the United States, or any place subject to their jurisdiction. If these seven States were not legal States of the Union, it follows, as an inevitable consequence, that slavery yet exists. It does not exist in these seven States, for they have abolished it also in their own State Constitutions, but Kentucky not having done so, it would still remain in that State. But, in truth, if this assumption that these States have no legal State governments be true, then the abolition of slavery by these illegal governments binds no one, for Congress now denies to these States the power to abolish slavery by denying to them the power to elect a legal Legislature, or to frame a constitution for any purpose, even such a purpose as the abolition of slavery.

As to the other constitutional amendments, having reference to suffrage, it happens that these States have not accepted it. The consequence is that it has never been proclaimed or understood even by Congress to be a part of the Constituton of the United States. The Senate of the United States has repeatedly given its sanction to the appointment of judges, district attorneys, and marshalls, for every one of these States, and yet if they are not legal States not one of these judges is authorized to hold a court. So too both houses of Congress have passed appropriation bills to pay all these judges, attorneys, and officers of the United States for exercising their functions in these States. Again, in the machinery of the internal revenue laws, all these States are districted not as territories, but as States. So much for continuous legislative recognition. The instances city, however, fall far short of all that might be enumerated. Executive recoguition, as is well known, has been frequent and unwaveing.

The same may be said as to judicial recognition through the Supreme Corut of the United States. That august tribunal, from first to last, in the administration of its duties, in banc and upon the circuit, has never failed to recognize these ten communities as legal States of the Union. The cases depending in that court appeal upon and writ of eror from these States when the rebellion began, have not been dismissed upon an idea of the cessation of Jurisdiction.

They were carefully continued from term to term until the rebellion was entirely subdued and peace re-established, and then they were called for argument and consideration as if no insurrection had intervened. New cases occurring since the rebellion have come from these States before that court by writ of error and appeal, and even by original suit where only a State can bring such a suit. These cases are entertained by that tribunal in the exercise of its acknowledded jurisdiction, which could not attach to them if they had come from any political body other than a State of the Union.

Finally, in the allotment of their circuits made by the judges at the December term, 1865, every one of these States is put on the same footing of legality with all the other States of the Union. Virginia and North Carolina being a part of the fourth circuit, are allotted to the Chief Justice. South Carolina, Georgia, Alabama, Mississippi and Florida constitute the fifth circuit, are allotted to the