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RESOLUTIONS

PASSED BY THE

GENERAL ASSEMBLY OF GEORGIA,

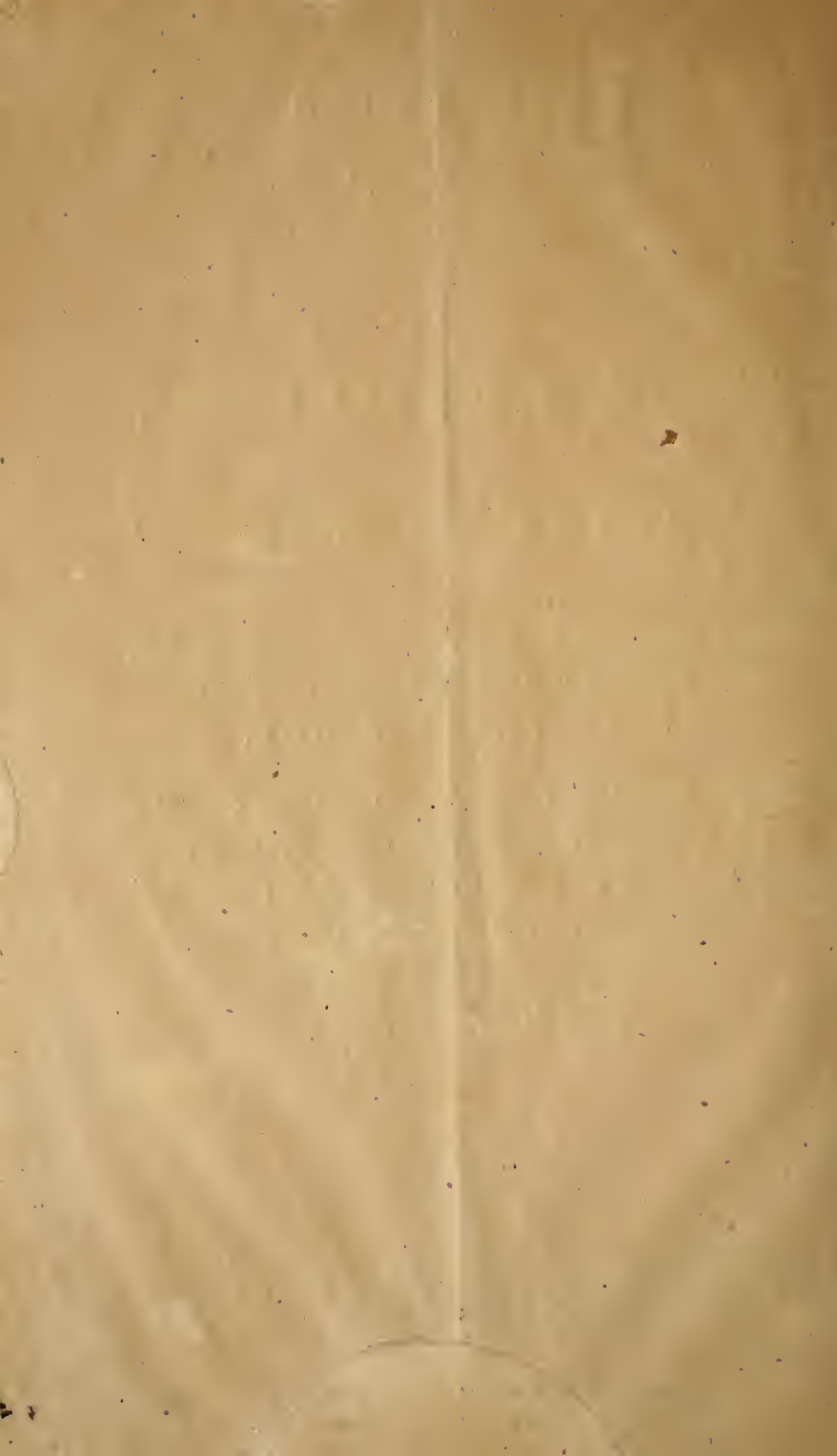
ON THE 19TH DAY OF MARCH, 1864,

DECLARING THE LATE ACT OF CONGRESS FOR
THE SUSPENSION OF THE WRIT OF HABEAS
CORPUS UNCONSTITUTIONAL;

ALSO, RESOLUTIONS, PASSED ON THE SAME
DAY, SETTING FORTH THE PRINCIPLES IN-
VOLVED IN THE CONTEST WITH THE
LINCOLN GOVERNMENT, AND THE
TERMS UPON WHICH PEACE
SHOULD BE SOUGHT.

BOUGHTON, NISBET, BARNES & MOORE, STATE PRINTERS,
MILLEDGEVILLE, GA.

1864.



RESOLUTIONS,

INTRODUCED BY HON. LINTON STEPHENS.

Resolutions on the Suspension of the Habeas Corpus.

The General Assembly of the State of Georgia do Resolve,
1st. That, under the Constitution of the Confederate States, there is no power to suspend the privilege of the writ of *habeas corpus*, but in a manner and to an extent, regulated and limited by the express, emphatic and unqualified Constitutional prohibitions, 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 places to be searched, and the persons or things to be seized." And this conclusion results from the two following reasons: First, because the power to suspend the writ, is derived not from express delegation, but only from implication, which must always yield to express, conflicting and restricting words. Second, because this power being found nowhere in the Constitution, but in words, which are copied from the original Constitution of the United States, as adopted in 1787, must yield in all points of conflict to the subsequent amendments of 1789, which are also copied into our present Constitution, and which contain the prohibitions above quoted, and were adopted with the declared purpose of adding further declaratory and restrictive clauses.

2nd. That "due process of law" for seizing the persons of the people, as defined by the Constitution itself, is a

warrant issued upon probable cause, supported by oath or affirmation, and particularly describing the persons to be seized, and the issuing of such warrants, being the exertion of a Judicial power, is, if done by any branch of the government except the Judiciary, a plain violation of that provision of the Constitution, which vests the Judicial power in the Courts alone; and therefore, all seizures of the persons of the people, by any officer of the Confederate Government, without warrant, and all warrants for that purpose, from any but a Judicial source, are in the judgment of this General Assembly unreasonable and unconstitutional.

3rd. That the recent act of Congress to suspend the privilege of the writ of Habeas Corpus in cases of arrests ordered by the President, Secretary of War, or General officer commanding the Trans-Mississippi Military Department, is an attempt to sustain the military authority in the exercise of the Constitutional, Judicial function of issuing warrants, and to give validity to unconstitutional seizures of the persons of the people; and as the said act, by its express terms, confines its operation to the upholding of this class of unconstitutional seizures, the whole suspension, attempted to be authorized by it, and the whole act itself, in the judgment of this General Assembly, are unconstitutional.

4th. That in the judgment of this General Assembly, the said act is a dangerous assault upon the Constitutional power of the Courts, and upon the liberty of the people, and beyond the power of any possible necessity to justify it; and while our Senators and Representatives in Congress are earnestly urged to take the first possible opportunity to have it repealed, we refer the question of its validity to the Courts, with the hope, that the people and the military authorities will abide by the decision.

5th. That as Constitutional Liberty is the sole object which our people, and our noble army have, in our present terrible struggle with the Government of Mr. Lincoln, so also is a faithful adherence to it, on the part of our own Government, through good fortune in arms, and through bad, one of the great elements of our strength and final success; because the constant contrast of Constitutional Government on our part, with the usurpations and tyrannies, which characterize the Government of our enemy, under the ever recurring and ever false plea of the necessities of war, will have the double effect of animating our people with an unconquerable zeal, and of inspiring the people of the North more and more, with a desire and determination, to put an end to a contest which is waged by

their Government openly against *our* liberty, and as truly, but more covertly, against their own.

THOS. HARDEMAN,
Speaker House Representatives.

L. CVRRINGTON,
Clerk House Representatives.

PETER CONE,
President of Senate, Pro. Tem.

L. H. KENAN,
Secretary of Senate.

Approved March 19th, 1864.

JOSEPH E. BROWN,
Governor.

INTRODUCED BY HON. LINTON STEPHENS.

Resolutions declaring the ground on which the Confederate States stand in this War, and the terms on which peace ought to be offered to the enemy.

The General Assembly of the State of Georgia do resolve,
1st. That to secure the rights of life, liberty, and the pursuit of happiness, "Governments were instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundations on such principles, and organizing its powers in such form as shall seem to them most likely to effect their safety and happiness."

2nd. That the best possible commentary upon this grand text of our fathers of 1776, is their accompanying action, which it was put forth to justify; and that action was the immortal declaration that the former political connection between the Colonies and the State of Great Britain was dissolved and the thirteen Colonies were, and of right, ought to be, not one independent State, but thirteen independent States, each of them being such a "people" as had the right, whenever they chose to exercise it, to separate themselves from a political association and government of their former choice, and institute a new government to suit themselves.

3rd. That if Rhode Island, with her meagre elements of nationality, was such a "people" in 1776, when her separation from the government and people of Great Britain took place; much more was Georgia and each of the other seceding States, with their large territories, populations

and resources, such a "people," and entitled to exercise the same right in 1861, when they decreed their separation from the Government and people of the United States; and if the separation was rightful in the first case, it was more clearly so in the last, the right depending, as it does in the case of every "people" for whom it is claimed, simply upon their fitness and their will to constitute an independent State.

4th. That this right was perfect in each of the States to be exercised by her at her own pleasure, without challenge or resistance from any other power whatsoever; and while these Southern States had long had reason enough to justify its assertion against some of their faithless associates, yet, remembering the dictate of "prudence" that "governments long established should not be changed for light and transient causes," they forbore a resort to its exercise, until numbers of the Northern States, State after State, through a series of years, and by studied legislation, had arrayed themselves in open hostility against an acknowledged provision of the Constitution, and had at last succeeded in the election of a President who was the avowed exponent and executioner of their faithless designs against the Constitutional rights of their Southern sisters—rights which had been often adjudicated by the Courts, and which were never denied by the abolitionists themselves, but upon the ground that the Constitution itself was void whenever it came in conflict with a "higher law" which they could not find among the laws of God, and which depended, for its exposition, solely upon the elastic consciences of rancorous partisans. The Constitution thus broken, and deliberately and persistently repudiated by several of the States who were parties to it, ceased, according to universal law, to be binding on any of the rest, and those States who had been wronged by the breach, were justified in using their rights to provide "new guards for their future security."

5th. That the reasons which justified the separation when it took place, have been vindicated and enhanced in force by the subsequent course of the Government of Mr. Lincoln—by his contemptuous rejection of the Confederate Commissioners who were sent to Washington before the war, to settle all matters of difference without a resort to arms, thus evincing his determination to have war: by his armed occupation of the territory of the Confederate States, and especially by his treacherous attempt to reinforce his garrisons in their midst, after they had, in pursuance of their right, withdrawn their people and territory from the jurisdiction of his government, thus rendering war a necessity, and actually inaugurating the present

lamentable war: by his official denunciation of the Confederate States, as "rebel" and "disloyal" States, for their rightful withdrawal from their faithless associate States, whilst no word of censure has ever fallen from him against those faithless States who were truly "disloyal" to the Union and the Constitution which was the only cement of the Union, and who were the true authors of all the wrong and all the mischief of the separation, thus insulting the innocent by charging upon them the crimes of his own guilty allies: And finally, by his monstrous usurpations of power and undisguised repudiation of the Constitution, and his mocking scheme of securing a *Republican* form of government to sovereign States by putting nine-tenths of the people under the dominion of one-tenth, who may be abject enough to swear allegiance to his usurpation, thus betraying his design to subvert true constitutional republicanism in the North as well as the South.

6th. That while we regard the present war between these Confederate States and the United States as a huge crime, whose beginning and continuance are justly chargeable to the government of our enemy, yet we do not hesitate to affirm that, if our own government, and the people of both governments, would avoid all participation in the guilt of its continuance, it becomes all of them, on all proper occasions, and in all proper ways—the people acting through their State organizations and popular assemblies, and our government through its appropriate departments—to use their earnest efforts to put an end to this unnatural, unchristian and savage work of carnage and havoc. And to this end, we earnestly recommend that our government, immediately after signal successes of our arms, and on other occasions, when none can impute its action to alarm, instead of a sincere desire for peace, shall make to the government of our enemy, an official offer of peace, on the basis of the great principle declared by our common fathers in 1776, accompanied by the distinct expression of a willingness, on our part, to follow that principle to its true logical consequences, by agreeing that any border State, whose preference for our association may be doubted, (doubts having been expressed as to the wishes of the border States) shall settle the question for herself, by a Convention, to be elected for that purpose, after the withdrawal of all military forces, of both sides, from her limits.

7th. That we believe this course, on the part of our government, would constantly weaken, and sooner or later, break down the war power of our enemy, by showing to his people the justice of our cause, our willingness to make peace on the principles of 1776, and the shoulders

on which rests the responsibility for the continuance of the unnatural strife; that it would be hailed by our people and citizen soldiery, who are bearing the brunt of the war, as an assurance that peace will not be unnecessarily delayed, nor their sufferings unnecessarily prolonged; and that it would be regretted by nobody on either side, except men whose importance, or whose gains, would be diminished by peace, and men whose ambitious designs would need cover under the ever-recurring plea of the necessities of war.

8th. That while the foregoing is an expression of the sentiments of this General Assembly respecting the manner in which peace should be sought, we renew our pledges of the resources and power of this State to the prosecution of the war, defensive on our part, until peace is obtained upon just and honorable terms, and until the independence and nationality of the Confederate States is established upon a permanent and enduring basis.

THOS. HARDEMAN,
Speaker House Representatives.

L. CARRINGTON,
Clerk House Representatives.

PETER CONE,
President of Senate, Pro. Tem.

L. H. KENAN,
Secretary of Senate

Approved March 19th, 1864.

JOSEPH E. BROWN,
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