

ber of Deputies, he vindicated, with a touching and effective eloquence, the religious rights of Protestants without the pale of the national Church,—then a poor and despised minority, subjected to insolence and injustice from Catholic magistrates and conniving courts. He also took ground boldly against the growing corruption of political elections and of government officials, and, in conjunction with Messrs. d’Haussonville and Girardin, introduced a law regulating the advancement of public functionaries, with a view to prevent fraudulent abuses. This very integrity, which led him to refuse either to countenance bribery at the polls or to accept bribes in the interest of his constituency, together with his zeal for the protection of Protestantism, must have impaired his popularity as a representative, and have hindered his political advancement; but when, in 1848, the constitutional monarchy of Louis Philippe, to which he was ardently attached, was overthrown by revolution, De Gasparin retired to Switzerland, where he continues to reside. Here he has devoted himself mainly to the discussion of questions concerning the purity of the faith and the advancement of religious liberty in Continental Europe, keeping alive his special interest in the free-church Protestants of France by voluminous contributions to the *Archives du Christianisme*.

Avoiding questions of personal faith and of doctrinal controversy, except so far as these may help to define the character, position, and influence of Count de Gasparin, we propose to consider his life and writings in their relation to those great interests of civil and religious liberty which are common to both hemispheres. Thirty years ago, De Gasparin enrolled himself among the philanthropists who then labored for the abolition of slavery throughout Christendom, and by his works *Esclavage et Traite* and *De l’Affranchissement des Esclaves*, he helped to enlighten and arouse his countrymen upon the growing issue of the emancipation of the slaves in the French colonies. In 1843, exhorting the Protestants of France to be no less faithful to their duties than jealous for their rights, he urged them to identify themselves with the abolition of slavery, so that all men should say, “A Protestant is an Abolitionist.” Pointing to the example of England, he

sought to stimulate the zeal of French Christians by an appeal to national pride. "The emancipation of slaves is English; the suppression of the slave-trade is English; Protestant missions are English; the diffusion of the Bible is English";—therefore, he says, let French Christians bestir themselves for like measures of philanthropy and reform, lest they be put to shame by the contrast.

But it was in the Chamber of Deputies, in 1845, that Count de Gasparin appeared as the recognized champion of emancipation. M. le Ministre de la Marine et des Colonies had submitted the project of a law for ameliorating the condition of slaves and freedmen, and for encouraging the emancipation of individuals by a scale of redemption. The main features of this law were, on the one hand, the establishing of new regulations regarding the maintenance of slaves by their masters, and the hours of labor and rest in the workshops, and also touching the marriage of slaves and their elementary and religious instruction,—measures designed as a gradual preparation for freedom; and, on the other hand, the securing to the slave of a legal right to such *peculium* as he might acquire, and the further right of personal redemption by his accumulated savings. De Gasparin, while approving the spirit of this law, saw in its limitations and details a hinderance to emancipation. He even suspected that some of its advocates designed it as a cover for the prolongation of slavery through a partial concession to the popular demand for its extinction. The slave might work twenty or thirty years before he could accumulate, sou by sou, the price of his own redemption; then his legal title to his *peculium* might be disputed or evaded, or his price might be advanced, or by some other fraud, so easy and tempting to the master, the long-coveted, long-toiled-for boon of freedom might be wrested from his grasp. De Gasparin therefore proposed a series of amendments to the law, whose object was to declare universal emancipation as its principle, and to provide for this, with compensation to the masters, at the earliest moment consistent with the public safety. The original project made it practicable for the individual slave to redeem himself;—even De Tocqueville objected to any interference by the state between the master

and the slave ;— but De Gasparin urged that the state should provide for a general and early emancipation.

“ Let us march loyally,” he said, “ to emancipation ; let us go forward openly. To conceal general emancipation under the excessive prudence of certain preparatory measures, this I cannot approve. I accept the principle of the law : yes, enfranchisement by redemption is an excellent, a civilizing principle ; yes, it is by voluntary labor that one should attain to free labor ; it is by thus provoking the spontaneous unfolding of the activity of the slave that you will transform him into an *ouvrier* ; but this great principle must be applied with energy that it may produce its fruits. If, therefore, you give to the slaves the decided support of the government ; if you make sure the redemption of the entire family, when one of its members is enfranchised ; if you encourage marriage and the forming of legitimate families ; if you establish savings-banks in the colonies ; if you suppress disgraceful punishments, especially for women ; if you fix in advance the price of the blacks ; if you suppress the clause requiring the slave to furnish proof that the *peculium* he offers for his ransom is rightfully his, — you will have done much toward emancipation.” — *Rapports et Débats*, pp. 635, 636.

Among the leaders in the debate were Jollivet, Chégaray, Ledru-Rollin, De Carné, Isambert, and D’Haussonville, while side by side with De Gasparin in the moral argument, though differing from him in certain economical details, stood Alexis de Tocqueville. De Gasparin, while he exhibited the practical sagacity of a statesman in the details embodied in his amendments, argued the question mainly upon moral grounds, and developed thus early those principles of political ethics which are the distinction of his later works. It had been objected, that the discussion of the question of emancipation interfered with the proper business of the house, — that practical legislation, not ideal speculation, was the province of the Chamber. “ Of all illusions,” said Gasparin, “ that is the most sad and the most foolish which makes the future and the development of a country consist in material interests. I believe that the smallest idea, the very least principle, will have more influence upon the destiny and the progress of the country than all the railways you have voted this session.” Then, narrowing down the question to its inner essence, he said :

“ Though it should be proved that liberty is less productive than slavery, the fundamental question, the question of principle, would not be settled. In my view, the great point in debate does not lie there. To give liberty to those who have not had even the right to rise, to fulfil a great duty, to pay a great debt, to repair great crimes, — contemporaneous crimes, — that is the essential thing.”

In answer to the plea that slaves are happy, — happier even than the laborer in village or country, — he said : —

“ Against that assertion we utter our energetic protest ; for the conscience of mankind itself protests against it. I wait for the day when we shall see one of these free laborers soliciting the condition of slaves ! The free workman knows well enough the difference between his own unhappiness and the happiness of the slave. He understands all that. The free laborer has a family, the free laborer can marry, the free laborer is responsible ; he has a future and a past. The free laborer, in fine, is not a slave, and everything lies in that word. The happiness secured by slavery is the most detestable of its fruits ; it is the last degree of moral degradation to which a human creature can descend. See these happy creatures ! They sell them for the market. In Guadaloupe alone, in fifteen years, more than a third of the slave population has been sold, — thirty-eight thousand of ninety thousand. The slaves are happy ! and they flee ! they escape on all sides ! You are obliged to double your garrisons ; in five years they have been increased from five thousand men to nine thousand. You double the garrison, and French soldiers are sacrificed by hundreds and by thousands to prevent the escape of slaves, to guard the gates of their prison. They are happy ! and you are obliged to frame a law forbidding them to have boats. You fear that they will escape from that happiness of which so much is said ! ”

During the delivery of the eloquent passage from which these extracts are taken, the speaker was constantly cheered with cries of *Bravo ! Très-bien ! C'est vrai ! C'est cela !* To those who argued that France would be dishonored by shaping her colonial policy in imitation of England, he replied : —

“ So, then, the honor of France consists in magnanimously conserving a great crime, — in having that greatness of soul which changes nothing, sacrifices nothing, does nothing ; the honor of France consists in associating with nations that are her accomplices in slavery. Yes, we have

presented to us this fine political perspective: France, in the nineteenth century, at the head of slaveholding nations; France having for allies, and for allies because she has them for *accomplices*, — I repeat the word, — the United States, Cuba, Brazil! I estimate in quite another way the honor of my country. Her honor is to be just; her honor is to be generous; her honor is to give a great example after having given a sad example; her honor is to say, When England does a just and good deed, though it be from motives of interest, France ought not to repudiate it for that cause.”

Thus to a vigorous logic, and a kindling and pathetic eloquence, De Gasparin adds that rare faculty of the orator, the power of satire. In opposition to schemes of merely partial and prospective amelioration, he portrayed the evils that must ensue from half-way measures, — as the experience of the British West Indies proved, and that of Russia now indicates, — and showed that everybody, colonists, slaves, the public, would suffer from this course to such a degree, that in a year or two they would come with petitions to the Chambers to put an end to the matter by thorough and immediate emancipation. At the close of this speech, M. de Gasparin was congratulated upon all sides for his noble and eloquent plea; and his wise suggestions and persistent appeals had great influence in procuring the abolition of slavery throughout the dominions of France.

It was charged upon the advocates of emancipation, that their philanthropy was the worship of an idea, — that they cared more for the blacks in distant colonies than for needy and suffering Frenchmen at their doors. Count de Gasparin met this aspersion not only with eloquent words, but with more eloquent deeds. He was the advocate of every true reform. The evils of intemperance — a vice which some imagine to be rare in wine-growing countries — he set forth in an appalling array of statistics, and sought to remedy by the formation of temperance societies upon the American plan. Pointing to the morality and thrift of our manufacturing communities, he recommended for the work-people of France societies for mutual improvement, and banks for savings, after the pattern of the Lowell of thirty years ago. Educational and charitable institutions received

his cordial support. He urged upon government the establishment of penal reformatory institutions, citing as models the Houses of Refuge at Boston, Philadelphia, and New York. He maintained that Christians ought to create a public conscience in favor of justice and virtue in the state; and he denounced as a crime against civilization the invasion of the Christianized South Pacific islands by French men-of-war. He was the champion of the persecuted and the oppressed in France and everywhere. At a time when practical piety in a statesman would only provoke a sneer, and religious earnestness upon Protestant principles was accounted a weakness and reproach, De Gasparin made the Bible the guide of his public life, and the invigoration and defence of Protestantism his special charge.* Yet his piety is at the farthest remove from cant, and his Protestantism from sectarian or dogmatic bigotry.

“If it is impossible for me,” he says, “to express anything but what I feel, impossible to be at once Protestant and Catholic, impossible to admit both the Gospel and the Council of Trent, impossible to know the precepts and prophecies of the Bible without resolutely rejecting the Papacy, yet it is grateful to admire among Catholics fervent and sincere Christians, whose faith, works, and humility I would gladly equal,—pleasant to esteem and venerate a great number of men whose errors I deplore and denounce.”

His religious philosophy blends continually the human and the divine, and hence his religion is at once dependence and action; for “Christianity is nothing but a mysterious alliance of action with grace, of action with providence, of action with predestination, of human liberty with divine sovereignty.” †

As far back as 1843, De Gasparin contended not only for universal liberty of worship, but for the independence of the spiritual within the state. He would not appeal to the secular arm for the defence of the truth; he would not have the Christian faith *nationalized*, regarding it as cosmopolitan. “A national religion is as ridiculous as a national arithmetic or a national astronomy.” Still, in the peculiar circumstances

* These various topics are discussed in De Gasparin's volume, *Intérêts Généraux du Protestantisme Français*.

† *Intérêts Généraux*, Introduction.

of France twenty years ago, he would not then insist upon the absolute separation of church and state, but was willing to accept a modified union, in which the autonomy of the churches should be substantially preserved. A few years later he was led to see that the purity and efficiency of the Christian society, the Church, demand its entire separation from the political society, the state. It is interesting to trace in his successive works the causes and the progress of this change.

In the year 1845, the Canton de Vaud was profoundly agitated by a movement for religious liberty, which resulted in the organization of a "Free Church." In this Canton, the Reformation, instead of proceeding spontaneously from the religious convictions of the people, was imposed upon them by their Bernese conquerors. It was a reformation, not in the faith of the people, but in the ecclesiastical polity of the state, and this as the result of a political revolution. For that individual faith which in so many countries wrought out the Reformation of the sixteenth century through the sufferings of Protestants, the Pays de Vaud received an official and collective faith, imposed by conquest. This carried with it the right of state control in ecclesiastical affairs, — a right which the Grand Council of State asserted at times in a manner worthy of James I. or of Queen Elizabeth. In 1845 this principle of the state church culminated in an Act of Uniformity as odious and oppressive as the memorable Act of Charles II. in 1662. A revival of religious zeal in the Canton, stigmatized as Methodism, had multiplied voluntary meetings for prayer and praise both in the churches and in private houses. Such extra-official meetings had long been tolerated without interference from the civil authorities. But the government that came into power through the revolution of February, 1845, affected to see in these meetings a nucleus for political conspiracy and agitation, and therefore determined to suppress them. The prefects were instructed to notify the pastors in their several districts, that, should they continue such meetings, it would be at their own risk and peril, since the worship of the national Church alone was guaranteed by the state, and no protection would be given to such assemblies.

Two hundred and seven pastors at once protested against this order, and addressed to the Grand Council a petition in favor of the general liberty of worship. This was answered by an order of the Council of State (May 15), reminding the pastors that they were salaried functionaries of the state, and subject to its regulations, and forbidding them to conduct or to favor any meetings held elsewhere than in the churches of the Establishment, or at any other hours than those fixed by authority for divine service. It was openly said in the meeting of the Council: "The clergy emanate from us. We hold the purse; therefore we have the right to command. The pastors, or nearly all, will obey, for they wish to be paid."

Regarding the Christian ministry as mere mercenaries of the state, the Council (July 29) ordered that they should read in all the churches a proclamation pledging themselves to obey all the requirements of the new government, and recognizing its supreme authority in the Church. Several pastors refused to read this humiliating decree, the bare recognition of which would hopelessly subordinate the Church to the civil power. For this contumacy, forty-three ministers were at once condemned by the Council, which declared that "in the national Church of the Canton of Vaud, ministers hold their character of ministers of the Gospel only by virtue of the consecration they have received conformably to the laws established by the powers of the state, who are at the same time the highest authority of the Church." The famous saying of James I., "*Rex est mixta persona cum sacerdote,*" did not transcend this in arrogance. But the spirit of the recusant pastors was equal to the emergency. Following the example of the two thousand Nonconformists of England, on St. Bartholomew's day, 1662, nearly two hundred Vaudois pastors renounced their livings, and declared themselves the servants of Christ, independent alike of state support and of state control. Then followed persecutions, fines, imprisonment, banishment; and out of this great struggle of conscience and faith against authority and power was born the Free Church of the Pays de Vaud.

Allied to Switzerland by marriage, and the intimate friend of some of the leaders of this Free-Church movement, Count

de Gasparin made their cause his own; adopted fully the principle of church independence, which he had qualified with respect to France; and published a vindication of religious liberty, which in some passages approaches the philosophical eloquence and the historic lore of Milton upon the same theme. In this work, *Christianisme et Paganisme*, De Gasparin takes the ground that a state religion is a relic of Paganism, which used religion merely as an *instrumentum regni*, and therefore held all subjects of the state amenable to the sanctions of the established religion as a means of government. Hence such a religion, in its fundamental principle and design, is irreconcilable with Christianity, which rests upon personal faith, and which incorporates its disciples into a spiritual community, totally distinct from human society at large, and acknowledging the sovereignty of Christ alone. The Pagan principle contemplates a religious socialism. As anciently the individual and the family were absorbed into the paramount identity of the state, so by this principle all characters, all education, all beliefs, must be run in one mould; individualism must be effaced; there must be everywhere one faith and one law, and *one national physiognomy* impressed upon all consciences. The Christian principle, on the contrary, rests in the sovereignty of Christ, in personal religion, in the Church self-governing and distinct from the world, in the Church resolved never to seek nor to accept the aid of carnal weapons.

The contrast of these principles De Gasparin elaborates in two octavo volumes, with ample illustrations from history and from contemporaneous facts. He dates the inauguration of the Pagan principle in Christianity from the accession of Constantine. The Reformation of the sixteenth century did not wholly subvert this paganized ecclesiasticism. "The Reformation, in most of the countries where it spread, destroyed the usurped authority of the priests without restoring the long-lost authority of the flock. Hence a false and weak condition of the churches. The void left by the abolition of the priesthood should have been filled by the people; in default of the people, the civil government seized upon it; and, as it was impossible to accept civil governments as representa-

tives properly so called of the Church, the body of pastors gradually retook the place which had been occupied by the Romish priesthood." Hence he insists that, for a complete reformation, the restoration of the primitive and Scriptural rights of the flock was no less important than the re-establishing of Biblical doctrine, and of church autonomy. "The calamities of Protestantism have one common origin, — an incomplete reformation." Yet even in this work, so thorough and radical in its main principles, our author shrinks from vesting full church power in the congregation of believers, and concedes certain prescriptive rights to the clergy. So hard is it to emancipate one's self from the power of an old *régime*, in which one has been trained under all the associations of household traditions, of social customs, and of public honors.

A little later, the mind of De Gasparin achieved its own complete emancipation from the idea of either civil or clerical control in things spiritual, and in 1849 he revealed this transition in his strictures upon the plea of Rev. Adolph Monod for remaining in the communion of the national Church of France. The devout and eloquent preacher of the Oratoire, refusing to join his brother Frederic, De Pressensé, Pilatte, Fisch, and others, in the movement for church independence, argued that it was the duty of the Christian preacher to remain in the church where he was born, there to preach and to live with all fidelity, and not to go forth from its pale unless driven out of it. "The Church," said he, "is not the Gospel, and the Gospel goes before the Church. Let us preach Christ, and leave ecclesiastical quarrels. Let us stay where God has placed us. Let us stay with the masses. Let us not deliver them to false teachers." For this course Monod alleged the example of reformers, apostles, and prophets, and of Christ himself. De Gasparin reviewed Monod's *brochure* in the *Archives du Christianisme*, and, at the request of many who were interested in the discussion, he republished his criticisms in a pamphlet, which had extensive circulation among French Protestants. In this he argues that Monod's principle finds no precedent in the examples that he cites, but that both the apostles and the reformers at length voluntarily abandoned the old for the new; and also that Monod's rule would

work a forfeiture of all Christian independence, and in the end also of that doctrinal purity which its advocate sought to conserve for the masses in the national Church. In this country Calvinists and Rationalists would agree, without hesitation, that their respective preachers should occupy separate pulpits, rather than the same pulpit at alternate services, conducted in the name and by the formularies of the same Church, and sustained by a common treasury.

The fullest exposition of Count de Gasparin's perfected faith in religious liberty was given in a series of *Séances Historiques*, held at Geneva in the years 1857–1860. The discourses delivered on these occasions were published in three annual volumes, arranged according to historical periods. The first, *Le Christianisme aux Trois Premiers Siècles*, contains discourses by Vignet, on the state of the world at the coming of Christ; by De Gasparin, on the Apostles and the Apostolic Fathers; by Bungener, on the Persecutions and the Hostility of Philosophy to Christianity; and by D'Aubigné, on the East, or Origen and Science, and the West, or Cyprian and Practice. We concern ourselves, however, only with the lectures of De Gasparin. In commenting upon the first Christian societies, he says: "Each church is independent; they sustain the most fraternal relations, but they recognize no centralized government; they have elders, deacons, pastors, teachers, but neither caste nor priesthood, nor anything belonging to the idea of a clergy." This picture of the simplicity of the primitive churches is as faithful to the New Testament as it is beautiful in its philosophy of church government. Even Döllinger admits that such was the church order of the first two centuries. Tracing the insidious encroachment of ecclesiastical errors in post-Apostolic times, De Gasparin remarks that "All error is pious at the first; partly because it is intended to serve the interests of piety, because it is convenient and useful in propagating Christianity, and because it is recommended by pious men. So came in by degrees the magic effect of baptism, false authority, false unity, a prescribed penance, casuistry, meritorious suffering, and meritorious poverty."

In these lectures, the author develops more at length the

contrast set forth in his *Christianisme et Paganisme*. He points this contrast by a fine antithesis: "Paganism, by the intervention of nature as an object of worship, tends to estrange the soul from God: the principle of Christianity is to bring God and the soul into closest union. Christianity places the individual face to face with his sin and his Saviour, summons him to pass through that crisis of personal faith which is the new birth. This personal faith creates character, a strong conscience, convictions capable of standing up in face of majorities. He who possesses this is no more the slave of sin nor of the world. He is the servant of God, of truth, of justice." The power of this central principle of Christianity is shown in enfranchising society and abolishing slavery. It is the root of a true religious liberty, which De Gasparin describes in these striking words: "Regarding God alone, we learn to value liberty, not for truth only, but for error; not for ourselves only, but for our opponents. Yes, I can even say, the liberty of my opponents is more precious to me than my own; the liberty of error is more precious to me than that of truth; *quand l'erreur se fait intolérante, c'est un mal; quand la vérité se fait intolérante, c'est UNE HONTE.*" The author of this noble sentiment aroused the Protestants of Continental Europe to remonstrate, in the name of religious liberty and of spiritual Christianity, against the recent persecution of Roman Catholics in Sweden.

The second series of historical *séances* at Geneva embraced the fourth century, — the characters of Constantine, Ambrose, and Augustine being discussed severally by De Gasparin, Bungener, and De Pressensé. The lectures on Constantine are fine specimens of historical criticism. The introductory lecture opens with two widely variant views of the influence of Constantine and his age upon Christianity. The first represents the accession of Constantine as the triumph of Christianity; — persecutions cease, the oppressed Church ascends the throne, the world no longer hesitates between the Gospel and idolatry; all modern times flow from it, all our civilization was there in germ. The other view regards the Church of the first ages as faithful, pure, scrupulously devoted to the apostolic model and to the word of God. But for Constan-

tine, but for the union of Church and state, this age of gold would have continued; we should have had neither Catholicism nor the Middle Age. This last is the view of De Gasparin; only he recognizes in the gradual decline of church purity prior to Constantine an inevitable tendency toward the subordination of the spiritual to the temporal. The Christian principle that the Church is distinct, not only from the state, but from the nation, being a community separated from the world by principles and professions, — in other words, that the Church is composed only of professed converts to Christianity as a living faith and power, — this Christian principle had already been so far suppressed in the third century, that the world had become master of the Church. “Already before Constantine faith had lost its profound personal signification. Salvation had become an orthodoxy; truth, a tradition; the supper and baptism, sacraments; the elders, a clergy; the grand and profound morality of the Gospel, a casuistry.” Constantine had only to finish the destruction of the spiritual life of the Church: “*en la soutenant, il l’a blessée, il l’a flétrie, il l’a tuée.*” And so, in the fourth century, “the Church is the *cadre officiel* which survives the dissolution of the Roman world; the moral and religious world swerves from its axis, and inclines toward Papacy, Theocracy, the Middle Age.”

De Gasparin regards Constantine’s profession of Christianity as a matter of military policy. Domination, empire, was his aim, and the surest way to defeat his colleagues and rivals was to declare himself the champion of the Christian faith. It was necessary to his system that the spiritual and temporal should be confounded, and all distinction erased between the citizen and the believer. At Nice, the Emperor determines doctrine, and thus mixes and confounds Church and state. The Donatists become “rebels”; and in the name of the Church, and at its request, Constantine becomes a persecutor. With that terse, epigrammatic style which the French language so well favors, De Gasparin says: “At the Council of Arles the Emperor protected the Church; at Nice he absorbed it. . . . The Church was adopted, protected, governed, and preached by the Emperor. It was a capital thing to declare

himself a Christian, — his salvation and his fortune in one!" He finds a symbol of Constantine's character in the column of porphyry erected at Constantinople, — the statue of Apollo on the summit, the Palladium of Eneas beneath, and a piece of the true cross between them. He traces to this Emperor Byzantinism, modern absolutism, excess of centralization and of administration, the passion for public functions, the intervention of the state in everything, the complete suppression of the individual. Yet is his age to be gratefully remembered for the enfranchisement of woman, the sanctity imparted to marriage, the abolition of torture and of gladiatorial shows, and the decline of slavery.

De Gasparin's most important contribution to church history in its bearing upon religious liberty is contained in the third series of *Séances Historiques*, published at Geneva in 1859, under the title of *Le Christianisme au Moyen Age*. Innocent III. is the central figure upon the canvas, about whom are grouped nobles, princes, crusaders, inquisitors, artists, scholars. Disposed to acknowledge with candor whatever features in the condition of society in the Middle Age were good in themselves or hopeful for the future, and accepting that period of European history in its disciplinary bearings upon modern civilization, our author is yet far from conceding that, as a whole, this was either a necessary or a desirable phase of experience for mankind. He believes that human history is not summed up in questions of chronology, — according to the statistical school of "development," — but involves great questions of truth and right. He finds in Innocent III. and his system the logical culmination of that Pagan principle of a national state religion which in the first three centuries had begun to corrupt the Church, and which had now made the enormous stride from Constantine the imperial Bishop to Innocent III. the papal Emperor, — for the Byzantine solution of the unity of the civil and the ecclesiastical powers subordinated the state to the Church, while the Papal solution subordinates the Church to the state.

The sagacity of this judgment, uttered three years ago, is verified by the recent allocution of Pius IX., which insists upon the temporal sovereignty of the Pope as indispensable to

the existence of the Catholic Church. "The ages preceding Innocent had affected the *clericalization* of Europe, as the ages since have accomplished its secularization." The character of the Middle Age, its grandeur, its magnificent unity, resulted from the condensation of all European society in the clergy, who by the decree of celibacy had become a social caste, and under the Carlovingian dynasty had gained the position of feudal lords, — and, consequently, the condensation of the entire clergy under the Pope. The Lateran Councils gave the clergy a consciousness of their importance and their solidarity as an order, marshalled under a single head; and the Crusades, of which the Popes were the natural inspirers and leaders, elevated the spiritual emperor of Europe to a supremacy above that of any temporal prince. Innocent III., whom De Gasparin styles "a great logician crowned," was quick to perceive and wise to secure the advantages of his position. His intervention in the affairs of Naples and Sicily established the papal suzerainty, — his persistent struggle with Philip Augustus of France established at last the papal supremacy. It was but a step to infallibility and divine prerogative, which Innocent boldly claimed when he said, "The Pope is intermediate between God and men; beneath God, above men; *minor Deo, major homine.*"

In his second essay on Innocent III., De Gasparin treats of the sword as a weapon in the hands of the Church, especially as exemplified in the history of the Crusades and of chivalry. His handling of these topics will fail to satisfy one who has looked upon the Middle Age only through the mellowed light of its own cathedrals, or in the halo of romance. He finds in the Crusades a frightful source of that social demoralization and religious superstition which eventually demanded the Reformation for its cure. The "recrudescence of superstition" was a marked result of this armed propagandism. "If the Crusades gave us wind-mills, sugar, and silk stuffs, they chiefly gave us also mendicant monks, military orders, the Inquisition, and an indefinite increase of the power of the Papacy. . . . Innumerable saints encumbered the calendar; religious materialism made new progress; not only could one believe himself saved through the sacraments, he was saved

by the Crusade, and indulgences were so set forth that an immense multitude of ignorant creatures were perfectly guaranteed the pardon of their sins."

In the chivalry of the Middle Age De Gasparin finds much to admire and much to deplore. Too often was it made the cover for rapine and revenge, or for the torture of the weak and defenceless in the name of religion. "A nobler chivalry is that of our time, which consecrates itself to the defence of right, which defends this against all assailants, in season and out of season; a spirit which indeed excites the raillery of utilitarians, but which arouses itself against all injustice and brands every abuse, which takes in hand the cause of the needy and the helpless, of the poor, of slaves, and even of animals." De Gasparin shows how, under Innocent III., crusaders and chevaliers were made the agents of religious persecution: "Crusades in Asia, crusades in Europe, crusades against Mussulmans, crusades against heretics, crusades against unsubmitive princes, armed missions charged to obtain at the lance of the chevalier the *evangelical* spread of Christianity; persecution in fine, persecution systematically and skilfully organized, and furnished with that special and perfected instrument called the Inquisition. In a word, Innocent established the use of bloody persecution as a dogma of the Church." Thus, supreme master of Europe, it remained only for Innocent to make himself the supreme master of his own Church. The definitive centralization of the Roman system, the superiority of Popes to Councils, the complete absorption of the Church by the Pope, — all this was accomplished in Innocent's grand Œcumenical Council of Lateran, in which every decree was prepared in advance by the Pope, and none dared to gainsay his word.

It would transcend the limits of this article to follow Count de Gasparin in his general estimate of the Middle Age. To give this with fidelity would require the reproduction of an entire lecture; and we must content ourselves with recommending to some scholarly and enterprising American publisher a translation of *Le Christianisme au Moyen Age*, which we are advised has been prepared for publication by a French

gentleman long resident in the United States.* Adhering to the leading idea of this article, — the services of De Gasparin in the cause of civil and religious liberty, — we turn from these historical disquisitions to his essays upon political questions, — especially those called forth by the complications of Neuchâtel with Prussia, and by the Crimean war.

Count de Gasparin knows well how to subordinate his personal preferences to great principles embodied in popular movements for liberty, and to accept the logic of events, even when it runs counter to his preconceived theories. With a decided preference for a constitutional monarchy over a republic, and regarding an aristocratic element in the state as useful for the preservation of public liberty, he yet declares with emphasis, “I attach myself to the principle, liberalism, not to the consequence, institutions”; and therefore he accepts that government which is free in fact, whether monarchical, aristocratic, or democratic in its form. Accordingly, when in 1848, by a popular movement, Neuchâtel adopted a republican government, De Gasparin appealed to the public sentiment of Europe against the machinations of Prussia to produce in the Canton a reaction toward the old monarchical *régime*. He argued the right of every state to regulate its interior affairs, and especially the right of the smaller states of Europe to do this without intimidation or intervention by the larger, — in a word, in 1857, he made in the face of Europe a plea for the independent nationality of the Swiss, such as Italy has since wrought out by the sword. “For the honor of our times, for the triumph of justice, for the pressing interest of my country, for the safety of those principles which constitute the modern world, I hope that Neuchâtel will remain republican. My advice may be cast into this simple formula, — leave Switzerland to the Swiss, and Germany to the Germans.” His *Un Mot de plus sur la Question de Neuchâtel* was so vigorous an argument for the rights of the people, even under a revolution, that its pub-

* All the works of Count de Gasparin in the original, as well as those exquisite volumes of Madame de Gasparin, *Les Horizons Prochains*, *Les Horizons Célestes*, and *Vesper*, may be obtained of Mr. F. W. Christern of New York, the correspondent of Lévy Frères and other publishers of Paris.

lication was suppressed at Paris. But this called forth the *Dernières Remarques sur la Question de Neuchâtel*, in which he vindicated the positions already taken, and with a fine apologetic sarcasm said, "It must surely be lawful to desire for Switzerland that she may not disown herself, and for France that her amicable interposition may never degenerate into a protectorate." In his championship of Neuchâtel, while yet disavowing for himself the democratic principle, Count de Gasparin vindicated his own claim to that Christian chivalry of modern times, which he has so eloquently extolled above the chivalry of the Middle Age.

The *Après la Paix* conveys no hint of its contents by its title. It is really a profound discussion of the philosophy of free government, suggested by the bearing of the Crimean war upon the progress of Liberalism in France, — a work worthy to be classed with Stuart Mill's essays on "Liberty" and "Representative Government." Though France, under her present dynasty, is far from liberal, De Gasparin regards her as irrevocably committed upon the ground of liberalism. "She has there taken two decisive steps, in 1789 and in 1830; 1789 is the advent of liberty in our civil organization; 1830 is the advent of liberty in our political organization." The Crimean Alliance, contrary to all the antecedents of France, with free self-governing England against the centralizing despotism of Russia, he regards as marking a third step in the progress of France toward liberalism. Hence the occasion and the title of the book. A healthy freedom in France required that two very opposite tendencies should be corrected, — the socialistic tendency, which was reversed by the failure of the Revolution of 1848, and the tendency toward a despotic order, of which the Anglo-French alliance is the counterpoise. Though Count de Gasparin's anticipations of beneficial results from that alliance may not be realized, the principles of liberalism which he lays down are of perpetual force. The first of these is — Right.

"There is a right that exists in itself, that every one carries within himself, that needs no official confirmation; and against that right it is not given to any society, to any legislature, to any majority, to create a right worthy of the name. . . . True liberalism is founded upon

respect for right, upon faith in justice and in truth. Yes, Right, the right of truth and of justice, that is the basis which we seek. Thanks to Right, thanks to the profound and sovereign legislation of conscience, we have a sanctuary inviolable and sacred; one portion of man is reserved, set apart, inaccessible to despotism from above and from below. This inner independence exists, the powerful and indestructible germ of outward independence." — pp. 11, 12.

In our author's view, Hobbes, who makes the right consist in a positive law of force; Epicurus with his materialism; Helvetius declaring that "everything is lawful, and even virtuous, that the public safety demands"; Bentham with his calculating utilitarianism; and the radical socialists who make right a creation of society, and absorb the individual conscience in the collective conscience by a major vote, — these all alike are supporters of despotism.

"He who denies Right denies liberty. Here [in the idea of Right] is a sovereignty which defies all sovereignties, republican or monarchical; here is a law which is above all laws. Against the law of conscience positive laws cannot prevail; against its minorities the most imperceptible, against a single man, against one solitary conviction, majorities can do nothing. My conscience ordains for me justice; though you should vote laws that would prescribe robbery and murder, something in me would stubbornly refuse to submit. My conscience commands me to direct in person the training of my children; you might decree the suppression of the family, and introduce the socialist communities of Plato or Fourier; I could not but disobey you. My conscience requires me to serve God according to my faith; you might establish a national worship. I would not sacrifice for you one of my beliefs nor one of my religious acts. The Emperors decreed that the first Christians should cease from preaching, and should sacrifice to idols; but the Christians went on as before. They could give up their lives, they could not give up their consciences. Does conscience, then, abrogate the law? No. It prefers a higher law. Transport yourselves to the United States; there exists a law the most disgraceful, the most infamous which has ever sullied the code of any people, the law for the surrender of fugitive slaves! Now I demand of every one who has a heart, what he thinks, what he ought to think, of men who are base enough to submit to such a law, and of those who have the glory of infringing it. On which side is order? on which side is disorder?" — pp. 14-17.

This doctrine of the higher law of Right, though in form it may be subversive of an existing order, is in reality the crystallizing principle of true social order and freedom. "Everything brings us back to Right, as the most fundamental basis of Liberalism;—remarkable fact, that the first care of Liberty should be to impose limits, that its first act should be to create an obligation, that its first name should be authority." De Gasparin traces this idea of Right to the Creator, and makes the recognition of his authority the supreme law of duty and of order in the soul. Therefore this principle of Right can never be antagonistic to the well-being of society, however its assertion may at times conflict with particular customs, institutions, or laws.

From the principle of Right our author advances to the second element of Liberalism,—the Individual. The one grows out of the other, and in their normal state both are in the strictest harmony. This inter-relation of the doctrine of Right with a true Individualism is finely set forth in the following passage.

"God has planted Right in the individual, and whoever attempts to place it elsewhere lays his hand upon the work of God. Questions of conscience are judged by consciences. Let me be as mean, as weak, as wicked, as you please, it would yet remain none the less certain, that no one could supply me in that which myself alone can provide; no one could believe, adore, pray in my place; no one could decide for me what I ought and ought not to do, toward others and toward myself. Conscience cannot delegate itself. The individualistic principle, therefore, is the only one that conserves the idea of Right. Conscience is individual; consequently I know myself free as toward received opinions, traditions, state religions, official morals; I know that I am free and responsible; I am bound to judge for myself, to believe for myself, to shun for myself that which is evil, to choose for myself that which is good. Conscience is individual; therefore I can have no authority either to establish a national worship, or to impose a national education, or to impose any opinion whatever, however excellent in my eyes. For myself, I see less of grandeur in those infinite spheres where millions of worlds for millions of years have fulfilled the laws established by the Creator, than in one single soul, a soul humble and unknown, that protests in the name of its faith, in the name of the Absolute, in the name of Truth."

These principles of the absolute Right and the impregnable Individual go down to the very foundation of liberty in the man, in the state, and in the Church. But the individualism which De Gasparin honors has nothing in common either with egoism or with isolation. It can exist only through the domination of the inner law of right; and, recognizing the relations of each man to society, it binds him to the service of duty and of truth. Such individualism no more permits a man to hold himself aloof from society, in a state of antagonism or indifference, than it permits society to tyrannize over him in matters of right. Here comes in the third element of liberalism, — the minimum of government. “This minimum may vary according to times, according to places, according to the progress more or less of individualism, but always, in all times, in all places, in all civilizations, there has been a minimum of government toward which liberal minds have tended. And the infallible means of recognizing such minds is to search for those who assign the least to the collective conscience and the most to the personal conscience.” Of course, the adjustment of the two factors of individualism and society, in the terms of a just and equal government, is a difficult problem. De Gasparin attempts to apply his principle of the minimum of government to religion, education, trade, and every personal interest of man.

“Liberalism would have the individual retain everything that is not indispensable to the state. It proclaims personal liberty, religious liberty, liberty of thought, liberty of industry, liberty of trade, liberty of instruction; it reserves to the state only the functions essentially belonging to the representative of collective interests, — legislation, administration, tribunals, diplomacy, police, the army, public works, taxes. Its model government contents itself with being prefect, judge, and *gendarme*; it does not constitute itself pastor, or professor, or *littérateur*, or artist, or merchant. . . . Yet let it not be thought that the minimum of government is the minimum of governmental force. It is precisely the opposite. We are strong only in our legitimate competence. The state which departs from its own sphere cannot fail to weaken itself, but a government which, wholly renouncing the pretence of being supreme preacher or compulsory instructor, occupies itself with maintaining for all liberty of worship and liberty of instruction, which guarantees the liberty of person, of thought, of industry, of com-

merce, which procures the freedom of the seas, — a government which does not content itself with resisting, but is active and living, occupying itself about prisons, hours of labor, the reduction of public functionaries, all the momentous questions that pertain to the moral existence of the country, — a government that renders war honorable, and peace fruitful, — cannot fulfil an insignificant *rôle*, nor a *rôle* exclusively material. I defy despotism to offer a mission that shall compare with that which is made ready for liberty.”

How much of this is now being put to the test in that “Uprising of a Great People” which Count de Gasparin has so sagaciously comprehended and so eloquently portrayed! Of his two works on America, it is unnecessary to speak in detail. The translations by Miss Booth, published by Mr. Scribner of New York, have brought them to the notice of all persons of intelligence, and the numerous extracts from both in the columns of the newspapers have spread their views widely before the people. With the same characteristics of a clear, epigrammatic style and of moral earnestness which we have noticed in the author’s previous works, these are distinguished also by their discriminating insight into the institutions and the spirit of a foreign people, by their candid and hopeful tone, and by their lofty sense of justice as the true source and guide of public policy. De Gasparin discerned from the first — what few Englishmen have yet discovered — the ominous bearing of the election of Mr. Lincoln, not only upon the extension of slavery into the Territories, but also upon its continuance in the States. He recognized in that election the assertion of a moral principle, acting where Congressional legislation could not then act, against the anomalous, despotic, barbarous institution of human chattelism in the South; and, with that fine moral instinct which pervades his writings, he seized with joy the principle of abolition thus virtually inaugurated in the national government, without cavilling at the indirection of its method. His estimate of the relations of political parties, of churches, and of the press to the subject of slavery, is remarkably just and accurate. In his first volume, he fell into some quite natural errors touching the internal organization of the United States, and the spirit and workings of “American democracy,” — errors which

neither De Tocqueville nor Lord Brougham has escaped ; but in the second work, " America before Europe," De Gasparin takes rank with Mr. John Stuart Mill, each worthily honored by an American College * as a European publicist capable of understanding and appreciating the political institutions of the United States.

With the candor of a friend, De Gasparin points out our defects and dangers, while with the inspiration of hope he summons us to the loftiest duties in the name of justice and humanity. Vindicating our cause before Europe, he adjures us to be equal to the occasion which Providence has permitted us to use.

" What has been the question of the past year ? Whether slavery shall kill the Union, or the Union shall kill slavery. That Mr. Lincoln may be convinced of this, God will keep closed all the avenues to peace, until justice shall be satisfied. Durable peace, peace worthy of the name, peace which a second time will found the United States, — this peace the American people cannot taste until it has first nobly and absolutely done its duty." — " Until now, I have comprehended all the circumspection used ; I shall still comprehend it in the future. Reserve action for time, lay aside abrupt and violent measures, but, in Heaven's name, be resolved, and do not leave the enemy in possession of the field." — *America before Europe*, pp. 346, 349.

Viewing slavery as the cause of our political and social demoralization, he would not have the war which slavery has provoked end short of its extermination.

" Slavery has forbidden authors to write, clergymen to preach, and almost individuals to think anything that displeased it ; it has invented the right of secession in order to have at its disposal a formidable means of intimidation, and to place a threat behind each of its demands." — " Violence, menace, brutality, and corruption were boldly introduced into political struggles. Men became habituated to evil ; the most odious crimes, the Southern laws reducing to legal slavery every free negro who should not quit the soil of the States, hardly raised a murmur of disapprobation ; the United States seemed on the point of losing that faculty which nothing can survive, — the faculty of indignation." — *Uprising of a Great People*, pp. 231, 242.

* Yale College has conferred upon Count de Gasparin the degree of LL. D. ; Harvard has conferred the same degree upon Mr. Mill.

De Gasparin would have us regain the freedom we had well-nigh lost, by returning to the standard of absolute Right, the foundation, as we have seen, of a true Liberalism.

“It would be glorious to see the United States come out of this fiery struggle with their local independence, as well as their civil unity, having left nothing but slavery in the battle, like the three young Jews of Babylon who came out of the flames as they had been thrust into them, with the exception of their chains. Let the fire devour the chains, but nothing more! Thus will open before the Union that noble career, in which, through obstacles, through sacrifices, through victories over its enemies, and above all over itself, it will advance toward the greatness of the future.” — *America before Europe*, p. 368.

In his appeals to the moral sense of the American people, and especially to the religious sentiment of American Christians, De Gasparin exhibits the courage and the faith of one whose religious belief is a personal conviction penetrating his whole moral nature with the presence and the authority of God. His religious and theological writings — such as “*La Vérité, la Foi, la Vie*,” “*Les Perspectives du Temps Present*,” and “*Le Bonheur*,” which has just passed to a second edition — show that he receives implicitly the Bible as a supernatural revelation, that he accepts Christ as a personal Mediator, and that he makes the regeneration of the individual soul in the truth and the love of the Gospel the starting-point in true liberty, in moral courage and strength, and in social reform. It is enough to indicate his belief, in these particulars, to show that his faith is in harmony with the highest personal culture, the purest philanthropy, the most generous liberality, and the broadest sympathy in the rights and liberties of all mankind. Much as we owe to Count de Gasparin for his vindication of our cause before Europe, his rebuke of the insolent neutrality of England and the calculating policy of France, his exposition of the fallacy and iniquity of secession, and of the wisdom and equity of the government of the United States, we owe him our chief thanks for his faithful kindness to ourselves, his admonitions, his exhortations, his entreaties in behalf of justice and humanity; — and these we hope to pay, when Liberty and Union shall be established in peace, in a welcome upon our own twice-emancipated soil, such as only the heirs of the name of Washington can give to the peer of Lafayette.

- ART. VIII. — 1. *The Tariff Question considered in regard to the Policy of England and the Interests of the United States. With Statistical and Comparative Tables.* By ERASTUS B. BIGELOW. Boston: Little, Brown, & Co. 1862. 4to. pp. 103 and (Appendix) pp. 242.
2. *The Charter of the Nations; or Free Trade and its Results: an Essay on the Recent Commercial Policy of the United Kingdom, to which the Council of the National Anti-Corn-Law League awarded their First Prize.* By HENRY DUNCKLEY, M. A. London: W. and F. G. Cash. 1854. 8vo. pp. xx., 454.

It is but a few years since the revenues of the United States, under a low tariff, so far exceeded the expenditures of the government, that considerable amounts of the public debt were paid off at a high premium, in anticipation of its maturity. Peace then reigned throughout our borders, business was unwontedly active, and the public expenditures were moderate. War has wholly changed the face of things; the ordinary channels of revenue are interrupted, and a great public debt has been created. Second only to the importance of crushing the rebellion is that of providing means, for the present and for the future, to carry on the government, to maintain its credit, and ultimately to liquidate the national debt. To this end important financial measures have been adopted, and systems of currency and of taxation set on foot, the success and wisdom of which time only can determine. Within little more than a year, the tariff has been twice revised, and as we are now writing the new tax bill, with its multitude of imposts, its great array of officers, and its unfamiliar machinery, is about to go into operation. All open questions respecting the revenue, and the best modes of developing the productive capacity of the country, require now to be reconsidered. Of these the tariff, as it bears on the protection of domestic industry, is one of the most important.

Ever since the conclusion of the last war with England, the tariff has played an important part in American politics. Designed at first only to create revenue, the experience of that

war taught the importance of using it to build up and foster those manufactures the want of which had subjected the country to great privations and unnecessary suffering. The tariff of 1816 first distinctly proposed protection as an end; and it is an interesting fact, that on that ground it received the support, not only of the Northern manufacturers, but also of the cotton-growers of the South, who wanted protection for their new staple against the competition of those countries from which the principal supply of it was then derived. The grain-growing States of the West were also favorable to the new principle. Massachusetts, whose predominant interests at that time were trade and navigation, opposed the tariff of 1816, as likely to interfere with her profitable commerce. The attitude of the two representative statesmen of the North and South, then fresh in public life, is in striking contrast with that on which they stood and battled afterward; Mr. Webster leading the opposition to the tariff, while Mr. Calhoun was its principal advocate. Mr. Clay then and always favored the cause of protection to American industry.

The principle on which the tariff of 1816 was based was to impose duties, virtually prohibitory, on foreign articles of which a full domestic supply could be produced; and a duty of twenty per cent on those of which only a partial domestic supply could be produced; while on a third class, which embraced articles of large consumption chiefly produced abroad, it adjusted the duties so as to raise the greatest revenue. Since 1816, the tariff has been revised nine times; namely, in 1824, 1828, 1832, 1833, 1842, 1846, 1857, 1861, and 1862. It was not till 1828 that the New England States generally gave in their adhesion to the doctrine of protection. In the language of Mr. Webster, it had "now become the established policy of the nation, and the Eastern States had adapted themselves thereto, and it harmonized with their best interests that it should be maintained."

The Cotton States began about the same time to oppose it; loudly complaining that the "Northern and Middle States were to be enriched by the plunder of the South." These complaints grew more and more bitter, until they culminated in the nullification of South Carolina, in 1832; and from that

day to this, the tariff has been one of the alleged grievances of that party in the South which has been solicitous to throw off allegiance to the Federal government, and to set up a new Confederacy, with free trade for its watch-word, and slavery for its "corner-stone."*

While such has been the position of the Cotton States, the tobacco regions of Virginia and Kentucky, and the sugar districts of Louisiana, have espoused the cause, and reaped the benefits, of a protective policy. Had the controversy been one of sections only, the principle of protecting American industry would have permanently prevailed; but the skill by which the South has so long controlled the policy of the government enabled it to divide the opinions of the North on this question, and to make free trade, or opposition to a protective tariff, one of the maxims of the Democratic party of the Union; and the influence of that party, while not sufficiently powerful to repeal all protective duties, intimately allied as it has been with the principal source of national revenue, has nevertheless prevailed to make the tariff a debatable ground. By substituting *ad valorem* for specific duties, by establishing the warehouse system, and by other legislation friendly to the interests of foreign importers, it has rendered the business of manufacturing so uncertain and precarious, as to repel the investment of capital, and materially to retard that species of production. The arraying of labor against capital is one of the saddest fruits of thus dragging a commercial question into the arena of politics. There can, certainly, be no policy permanently advantageous to the employers of labor which will not enure to the benefit of the employed; but again and again have the Democratic masses of New England thronged to the polls to vote for men whose avowed policy it was to strike down the system which gave the people work, and which has

* This apt expression is not original with Vice-President Stephens. His ally, Punch, some months before, doubtless with a premonition of the coming power, foreshadowed its policy in the felicitous lines,

"The *corner-stone* of all white right,
And there aint nowheres a bigger,
Is the innate right of every white
To wop his private nigger."

made the inhabitants of this portion of our country producers of wealth, and consumers of luxuries, to an extent unknown in any other quarter of the world. That these blessings are not confined to the rich, is made evident by the absence of a suffering poor, by the comfortable homes of all classes, and by an amount of deposits in savings banks which is elsewhere without a parallel.

It has been the misfortune of the tariff question to borrow from the domain of party politics the loose generalizations and unfairness of statement which characterize party discussions. It has fared no worse in this respect, however, than other commercial questions: the currency and internal improvements have been equally made the subjects of party warfare. In no other country have interests common to the whole nation been so often sacrificed to the behests of party, or to the exactions of personal ambition.

The want of uniform and intelligent legislation, on this and kindred questions, is due in part, however, to other causes than the dominion of politics. One of these is the short tenure of public office, and of Congressional life. Neither in the executive nor the legislative department of the government at Washington do the practice and traditions of our people permit men to remain long enough to acquire the experience necessary for the framing of commercial laws. It needs much patient study, and the mastering of many details,— a labor which would sadly interfere with the reading of newspapers, correspondence with constituents, and franking of garden seeds, which are the usual employments of a Representative's leisure. There must be greater permanence in public life, and (we say it not invidiously) a different order of public men, before the best results can be hoped for. A wide acquaintance with facts and figures, as well as with principles and men, is necessary to the training of a commercial statesman. In the British House of Commons, such a man as Mr. Cobden earns the right to dictate a commercial treaty of the first importance to the nation only by virtue of long and laborious years spent in that assembly, and by a private life devoted to business, and enriched by much intercourse with men, and familiarity with commercial affairs. The want of a bureau of

statistics at Washington is also a serious embarrassment to progress in legislation. The results of the nation's industry are not gathered together, preserved, and systematized in a way to make them the most useful and instructive. Private endeavor has done something to supply this deficiency, and the partial contributions of Pitkin, Seybert, and DeBow to our statistical history will be gratefully regarded by future statesmen. We have still, however, the mortifying reflection, that the American who would find the fullest and most accurate statistics of his country must seek for them in the English works of Macgregor, and in the Accounts and Papers of the British Parliament.

Mr. Bigelow's book upon the tariff is a timely contribution to the discussion of that subject. We know of no English or American work which equals it in extent of detailed information, and in that cogency of argument which rests on the truth of figures. The tables in the Appendix are a monument of industry, and will prove of great and permanent value. No one who has not prepared them can imagine how much of time and of arithmetic such tables cost. The book does not pretend to be a treatise on political economy, but it handles the question of the tariff in the practical way which characterizes the inquiries of business men. Few men in this country have been better trained for such an undertaking than its author. To the acute observation of a practical mechanic, who has contributed to American machinery some of its most valuable inventions, he adds the experience of a manufacturer long engaged in both the cotton and the woollen trade. He is thoroughly familiar with the mechanism and processes of British manufacture, and with the English methods of conducting business. He has made commercial legislation, both State and national, a peculiar study; and in the arrangement of tariff laws, his advice has been sought and valued. To those familiar with these matters, Mr. Bigelow's opinions would come with a weight of authority such as few men can command; but in the work before us this personal confidence is not exacted, and no statements are presented which are not accompanied by satisfactory vouchers for their truth.

The main purposes of the book are to vindicate the policy

of protecting American industry, and to analyze those free-trade measures of Great Britain upon the strength of which she sets herself up as a benefactor and monitor to the whole outer world. English precept and English example are the stock in trade of the free-trade advocates of this country; and Mr. Bigelow wisely concludes that the most effectual way to answer their arguments, and at the same time to open the eyes of his countrymen to their real interests, is to explain the causes and operation of the changes which England has introduced into her tariff, in order to show that her system is based upon the purest selfishness, and a desire to get the advantage of every nation with which she deals. How successfully the work fulfils these purposes, we shall endeavor to show by a free use of its figures and deductions.

The theory of free trade has great plausibility; and if there were no refracting influences to be taken into the account, its axioms would be unanswerable. "To buy in the cheapest and sell in the dearest market," is the rule of every trader of ordinary sagacity. So, also, to devote the industry of a nation or section to that species of production in which it most excels, depending on the interchange of commerce for a supply of those things which can be produced more cheaply elsewhere, would seem to give to the energies of all communities the greatest scope and development. It would doubtless be so, if the world constituted but one vast nation, speaking a common language, living under the same government and laws, enjoying the same civilization and the same religious and social advantages, with equal capacity to make labor profitable, with equal use of capital to give it employment, with unlimited markets, with universal peace, and with a spirit of hearty and unselfish co-operation animating every part of the great whole. On these conditions, the theory of reciprocity might become a beneficent fact. The very statement, however, of these conditions, all of which we deem indispensable to the equitable working of free trade, carries to our mind a conviction that it is an impossibility in the actual condition of the world. There is no such equality, or similarity even, in the capacity and condition of nations, as to make true reciprocity between them possible, and there is no known system of international "*handi-*

capping” by which they can be equally weighted for the race of competition.

The free-trade measures of Great Britain have consisted mainly in the modification and final repeal of the Corn and Navigation Laws, and in the reduction or abolition of duties on provisions and other articles of food, and on raw materials and materials partly manufactured, both of which enter largely into British manufacture. Duties on foreign manufactures have also been abolished; but the amount derived to the revenue from those duties was so trifling as to make the abolishing or maintenance of them of very slight importance, and they have entered very little into the *domestic* discussions of free trade in England. The abstract right of foreigners to compete on equal terms with the home producer in British markets, when such competition was to be feared, has never been gravely considered in the House of Commons. Yet it will be borne in mind that the chief aim of the free-traders of the United States is to accomplish the repeal of duties on those foreign manufactures and productions which come most directly in competition with native products, for the purpose of lowering the cost to consumers at the expense of the home manufacturer.

The English policy may be summed up in a few words. The wealth of a people depends upon the amount and value of its productions. Those products are most valuable to a nation which give the greatest employment to its labor and skill, and use to its capital. For this reason manufactures are more valuable than agriculture, especially where the national territory, like that of the British islands, is too narrow to support its population, if devoted to agriculture alone. Manufactures are, therefore, to be fostered. The cost of manufactures depends mainly on the cost of the raw material, and of the labor which works it up. The wages of labor depend on the cost of living. Reduce, therefore, every tax on raw materials (especially on such as are not produced at home), and every tax on food and on whatever else enters into the cost of living, and you have fulfilled the first indispensable conditions to cheap manufacturing production. Having obtained your product, the next business is to sell it; and here your most important

intercourse with foreigners begins. They are your customers, and are to be conciliated by any expedients which will secure their trade. If reciprocity will do it, and will introduce into foreign countries a maximum amount of British products at the expense of receiving a minimum amount of theirs, then let reciprocity be tendered, and let free trade be urged upon them, and brought about by all the resources of wealth and all the arts of diplomacy. If, like China, they are weak, and not open to the arts of civilized diplomacy, then let loose the dogs of war, bombard and burn their cities, and put their people to the sword, until they submit to receive the civilization of England and the opium of India. But with the strong let there be peace; for it is better to reap only a partial harvest from our trade, than to waste its fruits in wars that bring no gain. When markets cannot be made by English cannon, let the way be prepared by English agents, studiously inculcating English ideas.

Such is British free-trade as it is practically taught at home. Whether we have misjudged it let the reader determine, after perusing the following passage from the prize essay expounding its principles, the title of which we have placed at the head of this article. The author is describing the situation of Great Britain at the close of the revolutionary wars of Europe in 1815.

“The commercial position of Great Britain was especially interesting. The victories of Nelson had all but annihilated the navies of every Continental power, and left us, with the single exception of a rival across the Atlantic, the undisputed masters of the sea. The long continuance of hostilities had depressed every manufacturing interest which might have entered into successful competition with our own, and constituted the British Isles the workshop of the world. In order to maintain this proud position, it was, above all things, requisite that we should enter into relations of friendly and equitable intercourse with other nations, and freely admit, in exchange for our own produce, whatever they had to offer. Such a policy would, no doubt, have been attended with the happiest results. *It would have confined the capital of our neighbors to the production of raw materials, or to those kinds of handicraft in which peculiar advantages permitted them to excel; it would have prevented the rise of that commercial jealousy which has thwarted so many of our best-laid plans, and exposed our trade to such extreme dangers.*”

This is wisdom doubtless, but it is the "wisdom of this world," and it does not pre-eminently answer that definition of free trade which is elsewhere given by the clerical author, that it is "the embodiment of the Christian thought that all men are brothers."

We propose, now, to review briefly the free-trade legislation of Great Britain, and to see what she has done to entitle her to the name and place of monitor of the nations.

The school of the Economists, dating back its origin to the publication of Adam Smith's "Wealth of Nations," began to exercise a considerable influence in England about the year 1820. Up to that time, though manifesting great individual strength, which showed itself especially in the currency discussions which took place between 1804 and 1812, they accomplished nothing in the way of legislation. The act of 1819, compelling the Bank of England to resume specie payments, was their first Parliamentary triumph. In 1815 the influence of the landed aristocracy, then paramount, as it has always been patent, in the British legislature, had given new security to the Corn Laws by procuring the passage of a law by which the importation of foreign corn was absolutely prohibited till its home price should reach eighty shillings per quarter (of eight bushels). The price of wheat, under this law, rose in June, 1817, to the enormous height of 112 shillings and 8 pence. The poor of the manufacturing districts were reduced to the brink of starvation, and thence arose the Manchester riots of 1816 to 1819, which so disturbed the peace of Lord Liverpool's government, and led to the suspension of the Habeas Corpus Act, and the dispersion by military force of the famous assembly of the laboring classes at Peterloo, on the 16th of August, 1819. Trade and manufactures languished, and discontent prevailed among all classes.

In 1820 the first distinct enunciation of the doctrines of free trade was brought to the notice of Parliament, by the petition of certain merchants of London, praying that "every restrictive regulation of trade not essential to the revenue, all duties merely protective from foreign competition, and the excess of such duties as were partly for the purpose of revenue and partly for the purpose of protection, might be

repealed." Here was the platform broadly laid down; but the sentiment of the governing classes yielded to it only a slow and gradual acquiescence. In 1822, considerable relaxations were introduced into the Navigation Laws, opening the commerce of the United Kingdom, in greater measure than before, to foreign vessels, and facilitating the interchanges of the colonies with one another and with foreign countries.

The Navigation Laws were the offspring of the seventeenth century; and they had continued essentially unaltered for nearly two hundred years. The original act declared, "that no merchandise of Asia, Africa, or America should be imported into any of the possessions of Great Britain, except in English-built ships, belonging to English subjects, navigated by an English commander, and having a majority of the crew Englishmen." It further enacted, "that no goods, the growth or manufacture of any country in Europe, should be imported into Great Britain, except in English ships, or in ships belonging to the country in which the goods were produced, or from which they were commonly imported." Similar restrictions were, at an early period, laid on the export of goods from Great Britain; and the importation of the produce of other countries, even in the ships of those countries, was further embarrassed by discriminating duties and onerous charges.

The first relaxation of these laws was incorporated into the treaty with the United States in 1815; and under the provisions of the "Reciprocity of Duties Act," it was subsequently extended by treaty to other countries. It was not, however, till the act of 1849, that the whole foreign trade of Great Britain was thrown open to the unrestricted competition of all nations. The coasting trade is still confined to native ships.

In 1824, Mr. Huskisson introduced his bill for the revision of the silk duties. Previously to that time, the importation of foreign manufactured silks had been absolutely prohibited; while on raw silk and thrown silk (silk spun into thread) the duties were so high as to be virtually prohibitory. By Mr. Huskisson's bill, the duty was reduced on raw silk from four shillings to one penny a pound; on thrown silk, from fourteen

ARTICLE VIII.—THE SOUTHERN APOLOGY FOR
SECESSION.

Two Lectures on the Constitution of the United States. By FRANCIS LIEBER, LL. D. New York. 1861. 8vo. pp. 48.

The Union to be Preserved. A Discourse delivered at Lexington, Ky., on the day of the National Fast, January 4th, 1861. By ROBERT J. BRECKINRIDGE, D. D.

A Vindication of Secession and the South: being a Review, in the Southern Presbyterian for April, 1861, of Dr. Breckinridge's Sermon, and of an Article written by him, in the Danville Quarterly Review, for March, 1861. By B. M. PALMER, D. D., of New Orleans.

MR. JEFFERSON, writing from Paris, towards the close of 1787, and just after a copy of the new Constitution had reached him, uses the following language in reference to the insurrection of Shays: "God forbid we should ever be twenty years without such a rebellion." "We have had thirteen States independent for eleven years. There has been one rebellion. That comes to one rebellion in a century and a half, for each State. What country before ever existed a century and a half without a rebellion? And what country can preserve its liberties, if its rulers are not warned, from time to time, that this people preserve the spirit of resistance? Let them take arms. The remedy is, to set them right as to facts, pardon and pacify them. What signify a few lives lost in a century or two? [Should he not have said, "lost every twenty years?"] The tree of Liberty must be refreshed, from time to time, with the blood of patriots and tyrants. It is its natural manure."

These pious wishes for rebellion have not been fulfilled. The benign operation of that Constitution which Jefferson disliked, and which protects the States against this very evil,

has secured peace within the States, unbroken save by the whisky rebellion of 1794, and the bloodless buzzing of the Dorr beetles, in 1842. But a new, and, as now appears, much graver danger arose from another quarter, from a conflict between the States and the government formed to protect them. A theory of the relations between the two, of which Jefferson was, in a sense, the originator, has been perfected since his time, and forming a partnership with a state of society and an institution peculiar to one section of the country, has ripened into the act of secession. There is no rebellion in this, it is contended; there can be none; no State can rebel against the United States. And this theory, which, in its germ, has been repudiated more than once, is now the living faith of the apparent majority in a large number of States united by common fears, passions, and interests. It is the source from which the leaders draw their arguments, whenever the controversy turns on political ethics. It has been extensively the doctrine which the young men of the South have learned at college, and into which unfledged politicians have been initiated, as the means of unsettling the country, should a necessity for such a step ever arrive. It has been, it would appear, the doctrine which clergymen have embraced, or to which they have been gradually coming, including even those who hold most rigidly that Adam made a covenant which his posterity could not nullify. "The Constitution," they say, "was a league made between States as sovereign bodies, and thus has the nature of a treaty, rather than of an instrument of government. Infractions of the league place any of the individual members at entire liberty to withdraw from the confederacy. And the interpreting power, the settling of the question when sufficient reason exists for such an extreme step, pertains to each of the members which made the compact." If, in the exercise of the right of sovereignty, any one or more of the members choose to leave the federal league, there can be no wrong in such an act, which is a mere resumption of delegated authority, and of course, therefore, the attempt at coercion, on the part of the other members to the compact, is highly criminal.

The sad events which are going on in our COUNTRY—a word which even secessionists have to use—(witness Dr. Thornwell's Article in the Southern Presbyterian Review, entitled "The State of the Country;" and the very first sentence of Dr. Palmer's Review of Dr. Breckinridge)—are the *reductio ad absurdum* to this theory, and have converted thousands, who had been half ensnared by it, to the old and sound doctrine. It is natural that much of the discussion in apology for the attitude of the unloyal States, and in condemnation of them, should turn on this point. The point has been fully discussed before, and, we may say, set at rest more than once; but, as the divine origin of Christianity is subject to new debates in each generation, and the same arguments are presented in a new form, so is it with the nature of our government: each generation in our history needs to be taught what the Constitution is, and what the framers of it understood it to be, at its formation. It is not novelty, but sound views, which are to be aimed at. The only novelty now, is that experiment is likely to testify, to all time, that a Constitution which mad factionists declare to be a rope of sand, is avenging its majesty, and showing that it has a solidity which will make the trial to break it, should it be successful or not, a costly one.

Dr. Lieber, in the two Lectures on the Constitution, which we have placed at the head of this Article, asks whether "the Constitution is a pact, a contract, a political partnership of contracting parties," or whether it is "a framework of government for a united country,—a political organism of a people, with its own vitality and self-sufficing energy." The answer is what might be expected from the sound sense, historical knowledge, and thorough comprehension of political subjects, which have given to the author so high a name, not only in our own country, but throughout Europe. To the two lectures is appended a speech delivered in South Carolina, before a Convention of Union men, in 1851, which treats, in a popular way, of the right and the policy of secession. From the discussion of the first of these points, we make a

short extract, regretting that we have no more space to give to Dr. Lieber's pamphlet :

“What is right for one State, must needs be right for all the others. As to South Carolina, we can just barely imagine the possibility of her secession, owing to her situation near the border of the sea. But what would she have said a few years ago, or what, indeed, would she say now—I speak of South Carolina, less the secessionists—if a State of the interior, say Ohio, were to vindicate the presumed right of secession, and to declare that, being tired of a republican government, she prefers to establish a monarchy with some prince, imported, all dressed and legitimate, from that country where princes grow in abundance, and whence Greece, Belgium, and Portugal, have been furnished with ready-made royalties—what would we say? We would simply say, this cannot be and must not be. In forming the Union we have each given up some attributes, to receive, in turn, advantages of the last importance; and we have, in consequence, so shaped and balanced all our systems that no member can withdraw without deranging and embarrassing all, and ultimately destroying the whole.” pp. 42, 43.

The Fast Day Sermon of Dr. Breckinridge has been for some time before the public, in the collection published by Messrs. Rudd & Carlton. It is a strong, earnest production, passing rapidly over a great number of subjects, and therefore not doing full justice to any one of them—defending a certain kind of right of nullification, which is no nullification at all—attacking secession with heavy blows—dealing contemptuously with South Carolina, “that small community,” “one of the least important of the thirty-three States,” and expounding the policy of the border States, especially of Kentucky. We are glad to see, that in a recent number of the *Danville Review*, Dr. Breckinridge most heartily supports the present most righteous war. “The nation is fighting,” says he, “neither for vengeance nor for conquest, but for self-preservation, and, remotely, for the maintenance of its independence in the face of all other nations, and its future peace, security, and advancement in the glorious career now threatened to be cut short.” We hope that Kentucky will be guided by men of this stamp, at this crisis, and that he will live to do more good to the Union than his distinguished nephew has done hurt.

Dr. Palmer thinks this Sermon of Dr. Breckinridge, and his subsequent Article in the *Danville Review*, important

enough to be attacked in the Review of the Presbyterian secessionists. The review is well written, but arrogant and superficial, after that style of treating adversaries which southern men know how to assume with the smallest ground on their part. "We can imagine," says he, "the smile stealing over the visage of some experienced statesman, at the temerity with which this exploded political heresy [of a consolidated nationality, *i. e.*, of the Union being more than a league of States] is revived; and at the coolness with which the opposite theory is ignored, which, nevertheless, has generally prevailed through the history of American legislation to the present time." For ourselves, we can hardly imagine, just at present, a smile stealing over the visages of southern statesmen, whose experiences must be somewhat unexpected and doleful. Nor could we readily have imagined, had we not known it before, the temerity with which a doctrine is ignored, which nearly all our greatest statesmen have supported from the formation of the Union downwards. Dr. Palmer here takes the attitude and borrows the flippancy of those foes of Christianity who treat it as about extinct in this nineteenth century.

We shall pass nearly *sicco pede* over the first or apologetic part of Dr. Palmer's Article, which, amid many specimens of excellent writing, justifies the attitude of South Carolina on the ground that "an imbecile and treacherous government, which could not be trusted on its own parole," sanctioned Major Anderson's transfer of his troops to Fort Sumter; which justifies the seizure of the mint at New Orleans, and declares that "there has been more repose in the seven cotton States than in all the rest of the country beside." It was a very good means to continue that repose to seduce Virginia into the war, and make her soil its theater.

The second part of the review, in defending the right of secession, shows not only what is the opinion of the party whose cause Dr. Palmer advocates, but also the arguments by which he, one of their foremost divines, sustains the cause. "There is no dispute," says he, "upon the fact that sovereignty, the *jus summi imperii*, resides in the people. But

the dispute is whether this sovereignty resides in the people as they are, merged in the mass, one undivided whole, or in the people as they were originally formed into Colonies, and afterwards into States, combining together for purposes distinctly set forth in their instruments of Union. Dr. Breckinridge maintains the former thesis; we defend the latter; and in the whole controversy upon the legal right of secession, this is the *cardo causae*." p. 162. In accordance with this view, he confesses his inability to understand the doctrine of a double sovereignty, (p. 169), and therefore denies that allegiance is due to any but the state government, "so that in seceding, there is no allegiance to be thrown off." p. 165.

It will be observed that the advocates of secession lay the main stress on the question how the government originated, and on certain terms of vague abstract import, around which they fight as an Indian around a tree. When they come, however, to the Constitution itself, and the views of its framers and expounders, the part which they are obliged to take is one of self-defense, for the instrument and history are against them.

We cannot enter into the question whether the Constitution was framed and set a going by a partnership of States, or by the American people, without first expressing our conviction that this is but a subordinate consideration, after all. The great question concerning the nature of any government must turn upon the powers given to that government, which are to be discovered from the instrument of government itself, and the practice under it. Before 1707, Scotland was a kingdom separate from England, but under the same sovereign: the parliament of that country, until the union took place, might have decided that the son of James II should succeed his sister Anne, while the house of Hanover had a legal right to the throne of England. This, of course, would have separated the two countries entirely. But the act of union fused them so far, that they thenceforth formed one state, under one sovereign, with one parliament. Did anybody ever think that because Scotland entered as a state into this close union, which merged its existence in the United

Kingdom, that it had any right to secede at pleasure? The same is true of the union of Ireland with Great Britain, in 1800. It is manifestly possible for sovereign and independent States to enter into relations more or less close, reaching from the one extreme of temporary alliance for certain special purposes, to the other, of perpetual, consolidated union. Accordingly, the political writers, while they take notice of the way in which States arise, make that no criterion of their nature. The question is, whether the result is a league, or a State; and this depends not on the contracting parties, but on the form of the instrument by which they are united together.

What, now, are the facts, touching the question who were the parties to the Constitution? Whether these facts have any important bearing upon the right of secession, or not, they are deserving of notice, as enabling us to understand the origin of our institutions.

1. The Congress which assembled on the 10th of May, 1775, proceeded to exercise certain attributes of sovereignty, before any one of the colonies had separated itself by a revolutionary act from the mother country, and had become sovereign. It created a continental or national army, chose a commander-in-chief of the forces, created a currency by issuing bills of credit, authorized reprisals on the water against the ships and goods of inhabitants of Great Britain, organized a treasury and a post-office, and exercised control over the relations between the colonies and the Indians. In short, an imperfect kind of general government had arisen before the states began to exist as such, and not only was this true, but the tie which bound the colonies to Great Britain was severed by the Congress. Thus the creation of sovereignties, the passing out of the colonial into the state-life was an act not of each colony but of the united colonies in Congress assembled. Mr. Curtis, in his *History of the Constitution*, (II, 39, 40), speaks of this fact as follows: "The fact that these local or state governments were not formed, until a union of the people of the different colonies for national purposes had already taken place, and until the national power had authorized and recommended their establishment, is of great import

ance in the Constitutional history of this country; for it shows that no colony, acting separately for itself, dissolved its own allegiance to the British Crown, but that this allegiance was dissolved by the supreme authority of the people of all the colonies, acting through their general agent, the Congress, and not only declaring that the authority of Great Britain ought to be suppressed, but recommending that each colony should supplant that authority by a local government to be framed by and for the people of the colony itself."

2. The States, however, thus brought into being, regarded themselves as sovereign and independent, and in the course of time formed the Confederation, which both by the terms of the instrument giving its being, and by its attributes, is shown to have been a league of States, not a State formed out of a league. Thus the articles are called articles of confederation and perpetual union. Each state *retains its sovereignty*, freedom, and independence, and every power not expressly delegated to the United States. (Art. II.) The States enter into a *league* with one another, they send *delegates*, and have one vote each. The object of the confederation is chiefly to carry the States by united action through the war, although in addition to this a certain power is given to the Congress to determine in the last resort disputes between two or more States concerning boundary, jurisdiction, and the like. But the Confederacy had no legislative authority, no power of levying money, no executive or judicial officers,—in short, had none, or next to none, of the functions of a State.

3. Under this clumsy contrivance the States went through the war successfully, but began to fall to pieces when forced by no foreign enemy into union. The evils of the want of a close union finally led to the assembling of the Convention which formed the present Constitution. When that body assembled, there were those among its members who feared a general government as likely to destroy the existence of the States, and there were others who would have annihilated the States by conferring on the national government extended and complete legislative powers. In the plan reported from the Committee of the whole to the Convention, June 13th, 1787,

one feature was to negative all laws passed by the several States "contravening in the opinion of the national legislature the articles of the Union." Hamilton, the extreme unionist, would probably have gone much farther than this, even to the point of taking away from the States all legislative power. A middle course prevailed, that of establishing a *national* government, as it is repeatedly called in the report, and of continuing the States in the possession of certain powers not taken from them by the general constitution.

This Constitution begins with the words, "We, the people of the United States, in order to form a more perfect union, etc., do ordain and establish this Constitution for the United States of America." What is meant by "we, the people of the United States," which was substituted for "we, the people of New Hampshire, Massachusetts," etc., as the first draft of the Constitution had phrased it? Dr. Palmer has an explanation which amounts to this: that "we, the people," being declared to be the people of the United States, this title "embodies the history of the formation of the Union, as a Congressus of States, which, by aggregation, make one people. In proof of this, it is a title simply transferred from the old confederation, when no one denies that the States were separate and independent."* In other words, if the instrument had begun with "we, the people," only, or if some national term had been added, as America or Liberia, there might have been some show of "consolidation" in the words, but "the United States" knock consolidation in the head and justify secession. Here is logic and statesmanship for you. A league of States can never become one State because they are called United States at the time of making the league, and it is convenient to retain the old name by which they had been known before. Does not Dr. Palmer know that the "people of the United States" means the people inhabiting the country so called? Is he not perfectly aware that there is a marked and intended

* He does not mean the title of *people* of the United States, but that of United States. The people are not spoken of as having any share in forming the confederation.

departure in the present Constitution from the terms of the old confederation, which styles itself a confederation between certain specified States, forming a firm league of friendship with each other, while the people of the United States are in no sense direct parties to the contract? Is he not aware that this was so understood by the enemies as well as by the friends of the new Constitution, when the great question of its adoption was before the country? What said Patrick Henry, then averse to the proposed framework of government in the Virginia Convention? "I have the highest veneration for those gentlemen, [the framers of the Constitution]; but, Sir, give me leave to demand what right had they to say *we, the People?*—Who authorized them to speak the language, *we, the People*, instead of *we, the States?* States are the characteristics and the soul of a confederation. If the States be not the agents of this compact, it must be one great consolidated national government of the people of the States." And what said Edmund Randolph in reply? "The gentleman inquires why we assumed the language of *we, the people?* I ask, why not? The government is for the people; and the misfortune was that the people had no agency in the government before." And in a debate on the next day, Henry returned to the same strain of argument. "Have they said *we, the States?* Have they made a proposal of a compact between the States? If they had, this would be a confederation; it is otherwise most clearly a consolidated government. The question turns, Sir, on that poor little thing,—the expression, *we, the people*, instead of the States, of America." *

We may add, that when the question arose who should ratify the Constitution, the legislatures or the people, it was felt and distinctly expressed, as by Mr. Madison, cited by Mr. Curtis, (II, 184), that a system founded on the consent of the legislatures would be a treaty, while one sanctioned by the people would be a constitution.

Dr. Palmer confesses his inability to understand the doctrine of a double sovereignty; a sovereignty, as he forcibly puts it,

* Elliott's Debates, II, 47, 51, 61. First Edition.

“which, while it is delegated to the general government is nevertheless supreme; and a sovereignty, which, while it is retained by the States as a part of their original inheritance, is, nevertheless, subordinate.” There seems to be a great deal of haze created in some minds by this word sovereignty, whose vagueness and variety of meaning Dr. Lieber well sets forth in his first lecture. Two coördinate and equal sovereignties certainly cannot exist, but no reason can be assigned why a particular State may not be sovereign in certain relations, and the general republic called the United States in another. Sovereignty, in the international sense, that is, the power of entering into political relations with foreign states, never pertained to any one of the colonies or to any one of the States. It was the independence of all the States together which England acknowledged in 1783, and if any State should make a treaty with an external power at present, such an act would not only violate the Constitution, but be ground of complaint or even of war on the part of the Union. States, on compulsion or without it, may surrender a part of their sovereignty; this is the case with Belgium and Switzerland, in consequence of the arrangements by which, for the peace of Europe, they have been put into the category of perpetual neutrals; or, in other words, by which their power of making war,—one of the highest attributes of sovereignty,—has been abandoned forever, and yet, for all other purposes, they are sovereign States. In the same way the individual States of this Union are sovereign only in a qualified sense, within a certain territory; and, indeed, the United States are a sovereign State only in a qualified, although a higher sense.* Neither can do everything which pertains to a supreme power. Will it be said that the sovereignty of the United States is delegated? If in this word is implied a reserved power of withdrawing that portion of sovereignty which pertains to the United States, this is a mere begging of the question. We say this sovereignty came just as much from

* Dr. Lieber remarks that the Swiss publicists speak of the sovereignty of Switzerland, and of the cantonal sovereignty of each canton, although he thinks that the idea of cantonal allegiance is unknown to them. Since 1848, the Swiss government is like that of the United States; before, it was a simple confederacy.

the people as that of the States came from them. No new consideration then is advanced here; we only run back to the inquiry, who were the parties to the Constitution? If Dr. Palmer and other secessionists are unable to understand the doctrine of a double sovereignty, it is because they affix a sense to the word which suits their purposes. But political science and constitutional history will not be put into the strait-jacket of rigid abstract definitions.

Much the same remarks are to be made on the assertion that allegiance is only due to the state government, so that in seceding there is no allegiance to the thrown off. Allegiance denotes the fact of being bound to another, or more specifically the fealty or obedience due by the liege-man (*homo ligatus*) to his liege-lord. In the feudal age a vassal might owe qualified allegiance to two suzerains for lands held under both, and so now the citizen may be bound to obey the State so far as its attributes are expressed in constitutional law, and the United States, so far as the Constitution of the Union requires. Why is it that that Constitution, and the Constitutions of nearly all the States, require every officer of the state governments to be bound by oath or affirmation to support it, if no obligation to obedience and therefore to allegiance goes with this oath? When it is said that the judges in every State are "bound thereby; anything in the constitution or laws of any State to the contrary notwithstanding," is there nothing here like allegiance to the United States,—nay, is not an allegiance contemplated which in cases of collision renders it wrong for the state officers to obey state law? When such a crime as treason is named and defined by the Constitution of the United States, is there not an absurdity in denying that allegiance is due towards the party against whom the treason can be committed? I can be an enemy to a government, if I help its enemies in war, but not a traitor unless it is my sovereign, and I owe it fealty or allegiance. Will it be said that the people are not bound by this oath, but only the officers and magistrates? But the oath is added to give greater solemnity to obligations which existed before. The private citizen is bound to obey state law, whether he has taken the oath to do so or

not, and so his obligations to the United States are to be deduced from his being a citizen of the United States. Or will it be said that allegiance is due to the United States only because, and while the true sovereign, the State, permits it? Here, again, we come back to the old ground that the Constitution is a league, and the argument has no independent validity.

The state rights theory breaks down when we look at the condition of the new States which have grown up on the territory acquired by purchase, as from France or the Indians. Here are individuals who have been subjected to the law of the United States alone, who are under its exclusive sovereignty, and are permitted by its authority to form a platform of government on the approbation, perhaps the conditional approbation, of which, they first become a body politic. They cannot resume sovereignty, if they break away from the union, for they never had it until it was granted to them by the United States. They are the creation of law under the Constitution. They made no stipulation on their entrance that they should be allowed in certain contingencies to retire from the partnership. The United States, it is certain, would never at any time since the government was founded have consented to such a conditional accession. The only alternatives then are, return to the territorial character, or independence and separation, won by revolution.

And it is equally fatal to this theory that the United States, by the Constitution, guarantee to every State in this Union a republican form of government. If, for instance, South Carolina should want an English prince for its king, or Louisiana some Bourbon or Napoleonid, it would be the obligation of the general government to crush the young monarchy at once, whether the people for the time wanted institutions other than republican or not. But by the doctrine of secession the State has only to retire and then set up a king, or if it will, set up a king and then retire, and nobody has a right to touch it. The guarantee then is perfectly unmeaning, unless it shall insist on remaining in the Union and being the victim of the guarantee. We claim to prohibit other nations from extending their institu-

tions on our continent by the Monroe doctrine to which secession has given extensive support, but the Constitution, as interpreted by the secession theory, prevents us from putting down any military or other despotism among the States of our own Union, where it would be tenfold more dangerous.

But why go round in the treadmill of the arguments which relate to the parties to the Constitution, and not rather inquire into the nature of that instrument itself? The parties, as we have once before said, even in a mere partnership, may have a vast variety of relations to each other, the nature of which must, of course, be determined by the language of the contract. Some contracts of partnership may contain the liberty of retiring at pleasure; others of retiring only by unanimous consent. Some may allow each partner to judge whether his rights have been transgressed and to take his remedy; others may take from each all such power and give it to a tribunal without or to arbitrators within the body. Some may concede, others may deny to the separate partners the right of admitting their sons, or to the whole body that of admitting new members. Partnerships may be as loose and temporary or as strict and enduring as possible. If, then, you cannot deduce the nature of a partnership from the notion, how much less can you deduce from the original sovereignty of coequal States what their rights are under a given constitution.

The secessionists seem to practice a jugglery on themselves by the use of the terms consolidation and confederation. "The fundamental fallacy," says Dr. Palmer, pervading Dr. Breckinridge's entire arguments, "is the misconception that it is a consolidated popular government, instead of being a Congress of republics." As if the government of the Union must be simply one or the other, and there could be no form lying between the two extremes which could be called in one aspect consolidated and in another a federal compact. Suppose them not consolidated, this does not involve the right of secession. Suppose them not mere federal compacts, this does not imply that the States have no substantive existence. It is surely rather a paltry exhibition of the statemanship which has governed a part of this country that these extremes should be regarded as

rigid molds into one or the other of which our institutions must be cast. What is this but a worship of empty forms, a setting up of abstractions and reducing of concrete existences to the laws of their lean nakedness.

We must make it then our main inquiry, as with all other political forms so with our especially complicated ones, what the instrument of government denotes, what powers are imparted, and what withheld. Can the Union be called a State, is it a political unit, do we form a country, a nation, in any but a loose, popular sense? The answer to this question must be found in an exposition of the instrument of government, and has been given by its great expounders almost uniformly in one direction. We must, of course, content ourselves with a very few considerations which show that the national constitution has characteristics, which can appertain only to a State or political unit.

1. It has all the organization of a State or sovereign unity, to wit, separate independent legislative and judicial powers, with an executive head chosen by the whole nation. The machinery of a State proves the existence of a State designed for separate action. We may add that this organization is armed with all necessary might.

2. There are citizens of the United States, and the national legislature has exclusive power of giving citizenship to foreigners by naturalization. Persons may even be citizens of the United States who are not and never have been citizens of any State. Such are foreigners who have been naturalized while residing in a territory, such too, may be residents in the district of Columbia, and perhaps others. Citizen and State (*civis* and *civitas*, organized community) are correlative. The citizens of all the States are citizens of this broad, all-embracing State, but its privilege of citizenship runs beyond the state limits and is imparted to many others.

3. The United States have territory, lying outside of the territorial States, over which the national government exercises supreme and undivided political sway.

4. The constitution and laws made under it, together with all treaties, are the supreme law of the land. Here is a State

exercising not only authority but supreme authority, and that everywhere through the states, and over the territories. More than that it binds all state officers by oath to the observance of this supreme law.

5. The Supreme Court of the United States, as a court of appeal, is supreme over all state courts, in certain specified cases, which include all the important transactions, lying outside of the relations of each particular State to its citizens, and of these citizens to one another. It thus brings States before its bar, and has a power of interpreting what the laws and constitution of the Union prescribe, which belongs to no other body. Both these high powers seem to imply a sovereignty which can be affirmed of no State within the Union, and a political organism watching over all the States.

6. All foreign relations, the supreme functions of peace and war, the power to lay and collect taxes, the power in certain cases over the militia of each State as well as over the national army, belong to this government, and are generally regarded as high attributes of a State.

7. The United States government comes into immediate contact not only with States, but also in manifold ways with individuals. This is the characteristic difference between a close and a loose union, and has often been noticed as forming a wide contrast between the action of our present system and that of the old Confederation.

Put over against these and the other State or political functions which we forbear to notice, the claim that the Constitution was a league made by the States, and the fact that no name in the singular number was devised for the union, and you have a contract which shows the amazing weakness of the secession theory.

Nor is this theory weaker in the support which it can scrape together from opinion contemporaneous with or subsequent to the formation of the present constitution. It may be safely asserted that until South Carolina passed her nullifying ordinance in 1832, no respectable authority for secession can be adduced, if this can be called respectable.

Dr. Palmer brings forward what is, perhaps, the strongest authority on that side in the following passage:

“The longest argument must have an end. We advert, finally, to the notorious fact, that in the very act of ratifying this Constitution, three States asserted their sovereign right to resume the powers they had delegated. New York declared ‘that the powers of government may be reassumed by the people whenever it shall become necessary to their happiness?’ and further indicates what people she means, by speaking, in the same connection, of the residuary power and jurisdiction in the people of the State, not granted to the General Government. The delegates from Virginia ‘declare and make known, in the name and in the behalf of the people of Virginia, that the powers granted under the Constitution, being derived from the people of the United States, may be resumed by them, whensoever the same shall be perverted to their injury and oppression.’ In like manner, Rhode Island protests against the remission of her right of resumption. And while the language is not so explicit as that of New York, the meaning is precisely the same; for, as the original grantor of these powers was the people of the States, and not the collective people of the country at large, the former alone had the right to reassume. The other States made no such declarations. Indeed, as the right lay in the very nature and history of the federation, they could be made by these three only in the way of superabundant caution.”

With regard to Virginia, it is enough to say that the obvious meaning of the passage cited is that the people of the United States can do away with the general government, peaceably or by revolutionary force, whenever it becomes the instrument of oppression. It cannot be supposed that the right of secession from the Union was reserved to Virginia in this clause, else why is it said that the powers derived from the people of the United States may be resumed by the same people. They are conceived of as acting not in separate portions but unitedly. As for the rest, the final action of the Virginia convention in ratifying the Constitution without previous conditions shows that the members accepted of it as a whole and forever, although many of them were desirous of amendments, some of which were afterwards adopted.

We cannot find the New York resolution cited by Dr. Palmer in the first edition of Elliot's Debates, which is the only one at hand; but as the Convention of this State acted in concert with that of Virginia, this vague and foolish resolution must have intended to assert the same right of the American people to break up the general government which Virginia had as-

serted more than a fortnight before. But there are other particulars in the history of this Convention which show the state of opinion much more clearly. It is well known that there was a strong party in that body opposed to the Constitution, to which, together with Governor Clinton, the presiding officer, Yates and Lansing belonged, who had quitted Philadelphia in disgust, leaving only Hamilton to represent New York in the Constitutional Convention. So strong was the opposition from the anti-federalists, and so uncertain the majority, that Hamilton, in a kind of despair, debated with himself upon a compromise, by which the State of New York might reserve to itself the right to recede from the Union, if the amendments which the other party desired should not have been incorporated into the Constitution "within a certain number of years, perhaps five or seven." He consulted Madison on this project, who was then sitting in the Congress of the Confederation at New York, and who replied as follows: "I am sorry that your situation obliges you to listen to propositions of the nature you describe. My opinion is, that a reservation of a right to withdraw, if amendments be not decided on, under the form of the Constitution within a certain time, is a *conditional* ratification; that it does not make New York a member of the new union, and consequently that she could not be received on that plan. Compacts must be reciprocal—this principle would not in such case be preserved. The Constitution requires an adoption *in toto* and *forever*. It has been so adopted by the other States, [including his own, Virginia]. An adoption for a limited time would be as defective as an adoption of some of the articles only."*

This project was brought before the Convention on the 24th of July, by Mr. Lansing, whose motion was, "that there should be reserved to the State of New York a right to withdraw herself from the Union, after a certain number of years, unless the amendments proposed should be submitted to a general Convention." *This motion was negatived.* Already a form of ratification had been proposed, containing the words "*on con-*

* Hamilton's Works, I, 464, 465. Compare Curtis, II, 587.

dition nevertheless that," which had been altered into "*in full confidence that,"* and so the ratification was carried through, not in the best shape indeed, but unconditionally.

Do not these facts show that a right of secession was not one of those rights with which the American people entered into the Union.

The Kentucky and Virginia resolutions are not referred to by Dr. Palmer, but they have some bearing on his cause. They relate to the alien and sedition laws, those exceedingly odious measures of the dominant or federal party. The Virginia resolutions, of December, 1798, protest against these laws as unconstitutional, and express the hope that the other States will coöperate with Virginia "in maintaining unimpaired the authorities, rights, and liberties reserved to the States respectively, or to the people." The coöperation here intended is declared by Mr. Madison to consist in "measures known to the Constitution, particularly the ordinary control of the people and legislatures of the States over the government of the United States,—which control, as the event showed, was equal to the occasion. The tenor of the debates discloses no reference whatever to a constitutional right in an individual State to arrest by force the operation of a law of the United States."* And yet the doctrine maintained by the advocates of these resolutions in regard to the concurrent interpreting power of the States, and of the Supreme Court, must, if we understand it, have brought the States into collision with the authorities of the Union.

The resolutions of Kentucky on the same subject, passed in November, 1798, and reaffirmed the next year, had for their basis a draft of resolutions prepared by Jefferson, which were thorough and violent enough to satisfy the most hotheaded partisan. Jefferson's draft says that "every State has a natural right, in cases not within the compact, to nullify of their own authority all assumptions of power within their limits," and that the legislature doubts not that "each State will take measures of its own for providing that neither these acts nor

* Letter to Everett of August, 1830, in Niles's Register, vol. 43, Supplement.

any others of the General Government, not plainly nor intentionally authorized by the Constitution, shall be exercised within their respective territories. The actual Kentucky resolutions follow Mr. Jefferson's draft, only taking out its eye-teeth; and both would introduce into our public law the view of the Union as a mere compact, as well as the power of a State to interpret the Constitution for itself against the decision of the Supreme Court, while remaining in the Union. But it is remarkable that in neither of these intemperate productions, dictated by the highest party zeal, is the right of a State to secede from the Union at all contemplated, although the principles avowed, if they had been sustained by the nation and reduced to practice, would have ended in the paralysis of the central government or the breaking up of the whole system.

But New England and the Federalists must be pressed into the service of secession. "The passage of the embargo act," says Dr. Palmer, "inflamed the New England States to the highest degree; so that on the floor of Congress it was declared, they were repining [qu. pining?] for a secession from the Union." As if what was said in the heat of debate, by a member of Congress, were of course true, or the act could be justified, because they were pining to do it. We presume that men, before now, have been "pining" or itching at least, to give other men a flogging, but were deterred by the consideration that it was not right. Of the Hartford Convention, Dr. Palmer thus speaks :

"In the Hartford Convention, at which five of the Eastern States were represented, the report which was adopted uses the following language: 'Whenever it shall appear that the causes are radical and permanent, a separation among equitable arrangement will be preferable to an alliance by constraint among nominal friends, but real enemies, influenced by mutual hatred and jealousy,' etc. Again: 'In cases of deliberate, dangerous and palpable infractions of the Constitution, affecting the sovereignty of a State and the liberties of the people, it is not only the right, but the duty, of such a State to interpose its authority for their protection, in the manner best calculated to secure that end. When emergencies occur which are beyond the reach of the judicial tribunals, or too pressing to admit of the delay incident to their forms, States, which have no common umpire, must be their own judges, and execute their own decisions.' It is a little curious that these avowals of the right of secession should come from the very section which is most chargeable with begetting the present schism: and that the

very people now most ready to arm themselves for the coercion of the South could plead for an equitable and peaceful separation, so long as it was meditated by themselves. The infamy attaching to the Hartford Convention springs not from their exposition of political doctrine, but from the insufficiency of the cause impelling them to a breach of compact, and from the want of patriotism which could meditate such a step when the country was in the midst of war with a foreign enemy."

He must be a perverse reasoner who can argue from the first of the passages quoted that any right was claimed for one or more of the States to separate from the rest by a one-sided act. What is said is that separation of the States is better than union, whenever the causes of our calamities arising out of such union are deep and permanent.* And no forcible separation in such an extremity, but one by equitable arrangement between the parts of the country, is thought of.

So, too, the other citation contains nothing more than that a State may protect its citizens from unconstitutional acts of the General Government, or, as it is expressed in another passage of the same report, from acts "subjecting the militia or other citizens to forcible drafts, conscriptions, or impressments, not authorized by the Constitution of the United States." What is there here implying that a State may go out of the Union when it pleases, or may even set up its interpretation of the Constitution above that of the Supreme Court? Moreover, what was the Hartford Convention, and what did it recommend? It was the creature of three States, constituted—to quote the language of the act passed in Connecticut—"for the purpose of devising and recommending such measures for the safety and welfare of these States as may consist with our obligations as members of the national Union." So too the legislature of Rhode Island appointed delegates "to confer with delegates from other States, upon the best means of coöperating for our mutual defense against the enemy,"—Great Britain,—and upon the measures which it may be in the power of said States, consistently with their obligations, to adopt, to restore and secure to the people thereof their rights and privileges under the Constitution of the United States." And in the same

* See the whole passage in Dwight's History of the Convention, p. 355.

strain, Massachusetts, where the plan of the Convention originated, and which is supposed to be the most thorough going and radical of the New England States, contemplates nothing worse than a revision of the Constitution of the Union. The letter written to the executive officers of the other States speaks of devising means of security and defense, "not repugnant to their obligations as members of the Union!" Lest jealousy of the objects of such a Convention should be awakened, the legislature is content, continues the letter, to repose "upon the known attachment of its constituents to the national Union, and to the rights and independence of the country."

With these professions both the report and secret journal of the Convention agree. In the report, besides certain proposed amendments to the Constitution of the United States, it is recommended to the legislatures of the States represented in the Convention, to protect their citizens from forcible drafts, conscriptions and impressments, not authorized by the Constitution of the Union, to cause volunteer corps to be formed and armed for the purpose of securing their undefended coasts against the British, and to make an immediate application to the General Government *for permission* to assume the defense of their own territory, and to appropriate a portion of the taxes for this purpose. Such was the *open* action of the Convention: its *secret* journal contains no proposition which looks in the direction of disloyalty. And lest there should be thought to be a deeper secret, unrecorded on the pages of the secret journal, we have the evidence on oath, in a suit at law in 1831, of Roger M. Sherman, one of the members from Connecticut. "There was not," says he, "a single motion, resolution, or subject of debate, but what appears in the printed journal or report. I believe I knew their proceedings perfectly, and that every measure, done or proposed, has been published to the world."

We have been thus particular in correcting the mistakes of Dr. Palmer in this matter, because we have no disposition to allow the grave, stately matron of Federalism to be put by the side of the harlot of secession. A wife left without means of support by a selfish husband, has uttered before now some ill-advised words looking to the possibility of separation; but a wife who shapes her theory of marriage with divorce in view,

who watches for long years until a convenient occasion for divorce arises, and who then breaks away without a bill or decree of Court, and marries another—such a wife “treacherously departeth” from her husband—she has the heart of a strumpet.

We add in regard to this Convention, that the strong condemnation of it through the country proceeded not more from a feeling that New England was disloyal to the country in the midst of war, than from a real, although most baseless, suspicion, that this secret body had projected a withdrawal of the States represented in it from the Union. The Hartford Convention gave in fact the *coup de grace* to Federalism, and for the reason just assigned. Nothing could more clearly show the feeling entertained at that time towards the right of a State or cluster of States to secede from the Union.

That feeling was still more marked, when, in 1832, South Carolina passed her ordinance of nullification, pronouncing certain tariff laws of the United States unconstitutional, null, and void; prohibiting the enforcement of them by any public officer within the bounds of the State; ordaining that no appeal should be taken in regard to the constitutionality of the ordinance from the Courts of the State to the Supreme Court of the Union; requiring all State officers and even jurors impaneled in any cause in which the ordinance should be drawn in question to take the oath to observe it, and declaring any act of obstruction to the commerce of the State or of coercion, on the part of the National Congress or Executive, a ground for withdrawal from the Union. The ordinance was passed by a vote of one hundred and thirty-six to twenty-six. The shadow of this baleful thing had been cast upon the country some years before, but the great argument in the case of Webster versus Hayne, had for a time scattered it. It was now reserved for the most popular man in the country, above all at the South, by his vigorous measures, and his inculcation of sound political doctrine, to nullify nullification, so that it was rejected almost everywhere except in its birthplace. Let us be allowed to extract a passage or two from his proclamation relating to this ordinance. “I consider the power to annul a law of the United States, assumed by one State, in-

compatible with the existence of the Union, contradicted expressly by the letter of the Constitution, unauthorized by its spirit, inconsistent with every principle on which it was founded." "Is it possible that—even if there is no express provision giving supremacy to the Constitution and laws of the United States over the States—it can be conceived that an instrument, made for the purpose of forming 'a more perfect union' than that of the Confederation, should be so constructed by the assembled wisdom of our country, as to substitute for that confederation a form of government dependent for its existence on the local interests, the party spirit of a State, or of a prevailing faction in a State?" And again speaking of the right of secession, he says, "the right to secede is deduced from the nature of the Constitution, which, they say, is a compact between sovereign States who have preserved their whole sovereignty, and therefore are subject to no superior; that because they made the compact they can break it, when, in their opinion, it has been departed from by the other States." "But the terms used in the construction [of the Constitution] shows it to be a government in which the people of all the States collectively are represented." "The Constitution of the United States, then forms a government, not a league, and whether it be formed by compact between the States, or in any other manner, its character is the same. Each State having expressly parted with so many powers, as to constitute, jointly with the other States, a single nation, cannot from that period possess any right to secede, because such secession does not break a league, but destroys the unity of a nation. The States severally have not retained their entire sovereignty. How can that State be said to be sovereign and independent, whose citizens owe obedience to laws not made by it? What shows conclusively that the States cannot be said to have reserved an undivided sovereignty, is that they expressly ceded the right to punish treason. Treason is an offense against sovereignty, and sovereignty must reside with the power to punish it."

We have extracted these passages from a multitude of others equally apposite, to show that we ourselves have said nothing new. The doctrine from the first has been the same; the foes,

only, of the Constitution, have uttered novelties. Secession is not a generation old since Jackson nearly strangled it at its birth. And yet Dr. Palmer has the ignorance or the impertinence to talk of Dr. Breckinridge's reviving an exploded political heresy when he maintains nothing more than Jackson maintained, nothing more than has been maintained from the formation of the Constitution almost by everybody, *semper, ubique*, except in that volcanic district, which, alas! with the loss of political power of late, has spread its fires over the Union and bids fair to destroy the fair fabric of our fathers.

We have confined ourselves to the theory of secession. Its practical absurdities, its baleful effects, we cannot stop to consider; nor is it necessary, for the country is alive to them; every day is showing them. Why is it now, some one may ask, that the cowardly name of secession is used to cover up treasonable enterprises, instead of the strait-forward and honest one of revolution? The answer is, that the theory is honestly embraced by many, and that, while the conduct and justifying motives of the leaders in the crime are revolutionary, many would have hung back from the same measures, when presented to them as the last resort of an aggrieved people, which they now defend as carrying out State rights. That the conduct in its essence is revolutionary, is evident from the fact that no rights are newly invaded, but only a new party, destitute of the means of aggression, is come into power. But by whatever name called, and by whatever theory defended, the great question presented by the act of secession to the country is palpable. It is no other than whether anarchy shall reign over the land for years or even generations, or whether a lesson never to be forgotten shall be taught to this Union of States that it is an evil thing and a bitter to depart in passion or in pride from obedience to the Constitution. That Constitution, as we believe, is now interpreting and strengthening itself; it is becoming sacred by martyrdoms and the baptism of the sword. May a good God uphold it by victories in the field, since we are brought to that sad necessity. May he rebuke and bring to an end "the noise of the seas, the noise of their waves, and the tumult of the people."

ARTICLE IX.—NOTICES OF BOOKS.

THEOLOGY.

HEBREW MEN AND TIMES.*—The title of this work, if given at full length, would be "Hebrew Men and Times, historically considered from the stand-point of Newman and Theodore Parker." And yet the author seems to believe what he writes in the preface, "I have conscientiously sought to avoid entangling this little work with any sort of dogmatism, literary or theological, and to keep it true to its strictly historical intention. Not that I can claim to have succeeded perfectly. Indeed, when materials at first hand are so fragmentary and few, no reconstruction can possibly be had without the open or tacit assumption of some guiding idea. But whatever personal prepossession may have been betrayed in judgment of matters in controversy, I trust it has been kept so far in reserve as not to interfere seriously with the main purpose of the book, or impair such value as it may have to readers of whatever creed." Just as if a history of the Hebrews, which denies or explains away all supernatural guidance and origination, could have any special value to the believer in both. As well might you expect to satisfy the believer in the actual manifestation of the Shekinah in the Holy of Holies by the most exact historical register of the number of tent-pins, or of the yards of tent-cloth, which went to the construction of the tabernacle which Moses erected in the wilderness. Or as if the whole intent and importance of the law did not turn upon the question whether it was given from Sinai by Jehovah in a supernatural manner, or whether Moses took advantage of a thunder-storm to enact it for the direction of the wandering tribes whom he had undertaken to mold into a nation.

To the thinker who has been prepossessed with the conviction

* *Hebrew Men and Times, from the Patriarchs to the Messiah.* By JOSEPH HENRY ALLEN. Boston: Walker, Wise & Company. 1861. 12mo. pp. 435. Price \$1. For sale in New Haven by Peck, White & Peck.

THE
RIGHT OF SECESSION.

A REVIEW

OF THE MESSAGE OF JEFFERSON DAVIS TO THE CONGRESS
OF THE CONFEDERATE STATES.

BY JOEL PARKER.

CAMBRIDGE:
WELCH, BIGELOW, AND COMPANY,
PRINTERS TO THE UNIVERSITY.
1861.

MEMORANDUM.—The substance of the argument contained in the following pages was originally delivered as a Lecture to the students in the Law School of Harvard College, in the discharge of the regular duties of the author as Royall Professor of Law in that Institution.

The Editor of the North American Review, desirous of giving it a wider circulation, requested that the matter might be drawn up in the form of an Article adapted to that periodical; in consequence of which it was revised, and is published in the July number of the Review; extra copies being printed for the use of the students of the Law School who were desirous of its publication, and of others who may feel an interest in the subject.

CAMBRIDGE, *July* 1, 1861.

THE RIGHT OF SECESSION.

“MESSAGE OF PRESIDENT DAVIS.”

SUCH is the title of a document which occupies more than four columns of the National Intelligencer of the 7th of May last. It is signed by Jefferson Davis, and purports to have been addressed to the “Gentlemen of the Congress” of the Confederate States, convened by special summons at Montgomery, in the State of Alabama, on the 29th of April, being the second session of the Congress; and to have been prepared in the execution of the duties of the author as President of the Confederation. The reason for the special convocation of the body to which it is addressed is stated to be the “declaration of war made against this Confederacy by Abraham Lincoln, President of the United States, in his proclamation issued on the 15th day of the present month” (April); and in the paragraph which follows this statement the writer speaks of the occasion as “indeed an extraordinary one,” which justifies him “in a brief review of the relations heretofore existing between us and the States which now unite in warfare against us, and in a succinct statement of the events which have resulted in this warfare; to the end that mankind may pass intelligent and impartial judgment on its motives and objects.”

This document therefore must be regarded as an authoritative exposition of the views entertained by the leaders of

the Confederacy upon the subjects thus indicated. We extract that portion immediately following, which speaks of the former relations of the States.

“During the war waged against Great Britain by her colonies on this continent, a common danger impelled them to close alliance and to the formation of a Confederation, by the terms of which the colonies, styling themselves States, entered ‘*severally* into a firm league of friendship with each other for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to or attacks made upon them or any of them on account of religion, sovereignty, trade, or any other pretence whatever.’

“In order to guard against any misconstruction of their compact, the several States made explicit declaration, in a distinct article, that ‘*each State retains its* sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this Confederation *expressly delegated* to the United States in Congress assembled.’

“Under this contract of alliance the war of the Revolution was successfully waged, and resulted in the treaty of peace with Great Britain in 1783, by the terms of which the several States were *each by name* recognized to be independent.

“The Articles of Confederation contained a clause whereby all alterations were prohibited, unless confirmed by the Legislatures of *every State*, after being agreed to by the Congress; and in obedience to this provision, under the resolution of Congress of the 21st February, 1787, the several States appointed delegates who attended a Convention ‘for the *sole and express purpose* of revising the Articles of Confederation, and reporting to Congress and the several Legislatures such alterations and provisions therein as shall, when agreed to in Congress *and confirmed by the States*, render the Federal Constitution adequate to the exigencies of government and the preservation of the Union.’

“It was by the delegates chosen by the several States, under the resolution just quoted, that the Constitution of the United States was framed in 1787, and submitted to the *several States* for ratification, as shown by the 7th article, which is in these words: —

“‘The ratification of the *Conventions of nine States* shall be sufficient for the establishment of this Constitution BETWEEN *the States* so ratifying the same.’

“I have italicized certain words in the quotations just made, for the purpose of attracting attention to the singular and marked caution with which the States endeavored, in every possible form, to exclude the idea that the separate and independent sovereignty of each State was merged into one common government and nation; and the earnest desire they evinced to impress on the Constitution its true character,—that of a *compact* BETWEEN independent States.

“The Constitution of 1787 having, however, omitted the clause already recited from the Articles of Confederation, which provided in explicit terms that each State retained its sovereignty and independence, some alarm was felt in the States, when invited to ratify the Constitution, lest this omission should be construed into an abandonment of their cherished principle, and they refused to be satisfied until amendments were added to the Constitution placing beyond any pretence of doubt the reservation by the States of all their sovereign rights and powers not expressly delegated to the United States by the Constitution.

“Strange indeed must it appear to the impartial observer, but it is none the less true, that all these carefully worded clauses proved unavailing to prevent the rise and growth in the Northern States of a political school which has persistently claimed that the government thus formed was not a compact between States, but was in effect a National Government, set up above and over the States. An organization, created by the States to secure the blessings of liberty and independence against foreign aggression, has been gradually perverted into a machine for their control in their domestic affairs; the creature has been exalted above its creators; the principals have been made subordinate to the agent appointed by themselves.”

We copy also the “succinct statement of the events which have resulted in this warfare,”—in other words of the aggressions on the part of the Northern States and people, and of the grievances endured by the South,—and add what seems to be stated as the foundation and justification of the remedy for those grievances, all which is in these words:—

“The people of the Southern States, whose almost exclusive occupation was agriculture, early perceived a tendency in the Northern States to render the common government subservient to their own purposes, by imposing burdens on commerce as a protection to their manufacturing and shipping interests. Long and angry controversy grew out of these attempts, often successful, to benefit one section of the country at the expense of the other; and the danger of disruption arising from this cause was enhanced by the fact that the Northern population was increasing by immigration and other causes in a greater ratio than the population of the South. By degrees, as the Northern States gained preponderance in the National Congress, self-interest taught their people to yield ready assent to any plausible advocacy of their right as a majority to govern the minority without control: they learned to listen with impatience to the suggestions of any constitutional impediment to the exercise of their will; and so utterly have the principles of the Constitution been corrupted in the Northern mind, that in the inaugural address delivered by President Lincoln in March last he asserts, as an axiom which he plainly deems to be undeniable, that the theory of the Constitution requires that in all cases the majority shall govern; and, in another memorable instance, the same Chief Magistrate did not hesitate to liken the relations between a State and the United States to those which exist between a county and the State in which it is situated and by which it is created. This is the lamentable and fundamental error on which rests the policy that has culminated in his declaration of war against these Confederate States.

“In addition to the long-continued and deep-seated resentment felt by the Southern States at the persistent abuse of the powers they had delegated to the Congress, for the purpose of enriching the manufacturing and shipping classes of the North at the expense of the South, there has existed for nearly half a century another subject of discord, involving interests of such transcendent magnitude as at all times to create the apprehension in the minds of many devoted lovers of the Union that its permanence was impossible.

“When the several States delegated certain powers to the United States Congress, a large portion of the laboring population consisted of African slaves imported into the colonies by the mother country. In twelve out of thirteen States negro slavery existed, and the right of

property in slaves was protected by law. This property was recognized in the Constitution, and provision was made against its loss by the escape of the slave. The increase in the number of slaves by further importation from Africa was also secured by a clause forbidding Congress to prohibit the slave-trade anterior to a certain date; and in no clause can there be found any delegation of power to the Congress authorizing it in any manner to legislate to the prejudice, detriment, or discouragement of the owners of that species of property, or excluding it from the protection of the government.

“The climate and soil of the Northern States soon proved unpropitious to the continuance of slave labor, whilst the converse was the case at the South. Under the unrestricted free intercourse between the two sections the Northern States consulted their own interest by selling their slaves to the South and prohibiting slavery within their limits. The South were willing purchasers of a property suitable to their wants, and paid the price of the acquisition without harboring a suspicion that their quiet possession was to be disturbed by those who were inhibited, not only by want of constitutional authority, but by good faith as vendors, from disquieting a title emanating from themselves.

“As soon, however, as the Northern States that prohibited African slavery within their limits had reached a number sufficient to give their representation a controlling voice in the Congress, a persistent and organized system of hostile measures against the rights of the owners of slaves in the Southern States was inaugurated, and gradually extended. A continuous series of measures was devised and prosecuted for the purpose of rendering insecure the tenure of property in slaves: fanatical organizations, supplied with money by voluntary subscriptions, were assiduously engaged in exciting amongst the slaves a spirit of discontent and revolt; means were furnished for their escape from their owners, and agents secretly employed to entice them to abscond; the constitutional provision for their rendition to their owners was first evaded, then openly denounced as a violation of conscientious obligation and religious duty; men were taught that it was a merit to elude, disobey, and violently oppose the execution of the laws enacted to secure the performance of the promise contained in the constitutional compact; owners of slaves were mobbed, and even murdered in open

day, solely for applying to a magistrate for the arrest of a fugitive slave ; the dogmas of these voluntary organizations soon obtained control of the Legislatures of many of the Northern States, and laws were passed providing for the punishment by ruinous fines and long-continued imprisonment in jails and penitentiaries of citizens of the Southern States who should dare to ask aid of the officers of the law for the recovery of their property. Emboldened by success, the theatre of agitation and aggression against the clearly expressed constitutional rights of the Southern States was transferred to the Congress ; Senators and Representatives were sent to the common councils of the nation, whose chief title to this distinction consisted in the display of a spirit of ultra fanaticism, and whose business was, not ‘to promote the general welfare or insure domestic tranquillity,’ but to awaken the bitterest hatred against the citizens of sister States by violent denunciation of their institutions ; the transaction of public affairs was impeded by repeated efforts to usurp powers not delegated by the Constitution, for the purpose of impairing the security of property in slaves, and reducing those States which held slaves to a condition of inferiority. Finally, a great party was organized for the purpose of obtaining the administration of the government, with the avowed object of using its power for the total exclusion of the Slave States from all participation in the benefits of the public domain, acquired by all the States in common, whether by conquest or purchase ; of surrounding them entirely by States in which slavery should be prohibited ; of thus rendering the property in slaves so insecure as to be comparatively worthless, and thereby annihilating in effect property worth thousands of millions of dollars. This party, thus organized, succeeded in the month of November last in the election of its candidate for the Presidency of the United States.

“ In the mean time, under the mild and genial climate of the Southern States, and the increasing care and attention for the well-being and comfort of the laboring class, dictated alike by interest and humanity, the African slaves had augmented in number from about 600,000, at the date of the adoption of the constitutional compact, to upwards of 4,000,000. In moral and social condition they had been elevated from brutal savages into docile, intelligent, and civilized agricultural laborers, and supplied not only with bodily comforts, but with careful religious

instruction. Under the supervision of a superior race, their labor had been so directed as not only to allow a gradual and marked amelioration of their own condition, but to convert hundreds of thousands of square miles of the wilderness into cultivated lands, covered with a prosperous people; towns and cities had sprung into existence, and had rapidly increased in wealth and population under the social system of the South; the white population of the Southern slaveholding States had augmented from 1,250,000 at the date of the adoption of the Constitution, to more than 8,500,000 in 1860; and the productions of the South in cotton, rice, sugar, and tobacco, for the full development and continuance of which the labor of African slaves was and is indispensable, had swollen to an amount which formed nearly three fourths of the exports of the whole United States, and had become absolutely necessary to the wants of civilized man.

“With interests of such overwhelming magnitude imperilled, the people of the Southern States were driven by the conduct of the North to the adoption of some course of action to avert the danger with which they were openly menaced. With this view, the Legislatures of the several States invited the people to select delegates to Conventions to be held for the purpose of determining for themselves what measures were best adapted to meet so alarming a crisis in their history.

“Here it may be proper to observe, that from a period as early as 1798 there had existed in all of the States of the Union a party, almost uninterruptedly in the majority, based upon the creed that each State was, in the last resort, the sole judge as well of its wrongs as of the mode and measure of redress. Indeed, it is obvious that under the law of nations this principle is an axiom as applied to the relations of independent sovereign states, such as those which had united themselves under the constitutional compact. The Democratic party of the United States repeated in its successful canvass in 1856 the declaration made in numerous previous political contests, that it would ‘faithfully abide by and uphold the principles laid down in the Kentucky and Virginia Resolutions of 1798, and in the report of Mr. Madison to the Virginia Legislature in 1799; and that it adopts those principles as constituting one of the main foundations of its political creed.’

“The principles thus emphatically announced embrace that to which I have already adverted, the right of each State to judge of and redress the wrongs of which it complains. These principles were maintained by overwhelming majorities of the people of all the States of the Union at different elections, especially in the elections of Mr. Jefferson in 1805, Mr. Madison in 1809, and Mr. Pierce in 1852.

“In the exercise of a right so ancient, so well established, and so necessary for self-preservation, the people of the Confederate States in their Conventions determined that the wrongs which they had suffered and the evils with which they were menaced required that they should revoke the delegation of powers to the Federal Government which they had ratified in their several Conventions. They consequently passed ordinances resuming all their rights as sovereign and independent States, and dissolved their connection with the other States of the Union.”

Our especial purpose at this time is, not to inquire into the truth of the allegation that the President of the United States had made a declaration of war in his proclamation, nor to consider how far the grievances alleged have any substantial foundation regarded as accusations against the government of the Union, nor to show how the freedom and material prosperity of the people who make the complaint have been protected and secured by the government which they now assail.

That we may not, however, be supposed to concede by silence that President Lincoln's proclamation can in any just sense be regarded as a declaration of war, or a commencement of hostile measures, we refer the reader to the proclamation itself, and to certain significant words of one L. P. Walker, claiming to be Secretary of War of the Confederate States, uttered at Montgomery on the evening of the day on which the bombardment of Fort Sumter commenced, which was three days before President Lincoln's proclamation was issued. They may be found in another column of the number of the National Intelligencer which contains the “Message.” Sere-naded in celebration of that joyous occasion, and declining

to make a speech when thus called out, the War Secretary, in the language of the telegraphic despatch,

“in a few words of electrical eloquence told the news from Fort Sumter, declaring, in conclusion, that before many hours the flag of the Confederacy would float over that fortress. ‘No man,’ he said, ‘could tell where THE WAR THIS DAY COMMENCED would end, but he would prophesy that the flag which now flaunts the breeze here would float over the dome of the old Capitol at Washington before the first of May. Let them try Southern chivalry and test the extent of Southern resources, and it might float eventually over Faneuil Hall itself.’”

If any one is curious to inquire into the truth and justice of the grievances alleged as a justification for the attempted secession, we must refer him, for the present, to the contemporary history, as found in the various publications of the day.

There is not before us at this time any question how far these alleged grievances, if true, might justify revolution. The right of revolution is now generally admitted by all who sustain the political dogma, that the people have a right to govern themselves. But while revolution seems thus to be well admitted as a right, the persons by whom, and the limits within which, the right may be exercised, have not thus far been very explicitly or accurately designated and defined. The generalizations which usually accompany the admission of the right, seem to require for its rightful exercise causes of the gravest character, without any distinct enumeration of those which should be regarded as sufficient; they assert its existence in the people, without specifying what classes of the whole population are entitled to that character, or what portion of the persons known as the people may exercise the right; and they insist upon a right of reform, without indicating very precisely what should be the legitimate objects of the reformation. — It must be admitted, that in all these particulars accuracy of specification and limitation is difficult, not to say impossible; and yet to revolution regard-

ed as a *right*, there must be some limit, not very sharply defined, perhaps, beyond which the right does not extend. The *right* of revolution does not exist in all cases where the *power* of revolution is found. We may remark, before proceeding to our main purpose, that if the right of revolution may be exercised because portions of the community maintain the opinion, that the clause of the Declaration of Independence which asserts that all men are created equal and endowed by their Creator with certain unalienable rights, embraces all human beings of whatever color or race, and denounce in round terms the dogmas of those who maintain that human slavery is a suitable foundation upon which to erect a republican government, some of them even contending manfully that slaveholding is a sin; or because strenuous efforts have been made by individuals to prevent the extension of slavery into the Territories, where it has no right to enter; or because a President has been elected who is not a slaveholder, nor the tool of those who sustain that patriarchal relation;— then the time may have arrived when the existing republic of the United States ought to be subverted by those at the South who are thereby aggrieved. — If a small minority of the whole people in a government, being the active agitators in a certain section, may lawfully exercise the right of revolution, through the instrumentality of misrepresentation and terrorism combined, then the active leaders of the attempted secession may come within the denomination of “the people,” in whom the right is admitted to exist. — If the right may lawfully be exercised for the purpose of taking from the great body of the people who possess it the power of regulating their own affairs, and of placing that power in the hands of a few, to be held by them for the purposes of their own ambition, then the attempted disruption of the Union may have a legitimate political purpose. — And if, through revolution, a government may with propriety be founded, having human slavery for its corner-stone, then the intelligent and

impartial judgment of the civilized world may sanction the proceedings which have resulted in the formation of this Confederation of the Southern States; — not otherwise.

But Mr. Jefferson Davis and his compeers of the Confederate Congress do not base their action upon this right of revolution, which asserts itself in antagonism to the existing government, and seeks its overthrow, or its subversion to the extent covered by the antagonism, against the will and the right of the government to oppose it. If they did, they would stand at present, upon their own admission, as rebels against the government of the United States; for it must be borne in mind, that this right of revolution is such an imperfect right that its very character of *revolution* depends upon the ultimate success of those who attempt to exercise it. It is strictly a personal right, “the right of the people to alter or abolish the government.” *It does not exist as the right of a State*, or of any political organization, although such organization may be used for the more effectual exercise of it. In the inception of any effort to exert this right, all the action taken under it is insurrection and treason; — so known to the law; and so treated in fact, at the pleasure of the government assailed, until the insurrection has established itself, by the assertion of the right and the manifestation of a sufficient power to sustain it.

The Confederates do not set up, or attempt, a justification which would place them in the position of traitors on their own admission. On the contrary, they claim, under shelter of State authority, to withdraw from the Union by a State action, not having the character of an antagonism which the government may rightfully oppose and subdue, but the character of a peaceful withdrawal, which, on their political theory, the government ought to allow, because it is a political right, and it would seem, according to their notions, a perfect right.

The right of secession is asserted as a *State right*, consistent

with the Constitution, and founded upon it, or upon the history preceding it, and the circumstances attending its formation and adoption;—a right to be exercised only through State action, and to be made effectual by a peaceful declaration of the fact of secession, which of itself accomplishes the separation of the State from the Union; any forcible opposition to it on the part of the United States being usurpation and oppression. Its theory, as stated in the document before us, and more at large in the speeches and writings of its paternal ancestor, is, that the Constitution of the United States is a compact, or agreement, entered into by the several States, as sovereign communities, by which the States created a government with certain limited powers, all powers not delegated to it, nor prohibited to the States, being reserved to the States respectively, or to the people;—that, the States being parties to the compact, each may judge for itself whether its obligations have been fulfilled, and the means and measure of redress required for any infraction of it, because there is no common arbiter or judge to settle disputes between the parties to it on such subjects;—and that if, in the judgment of any State the proper remedy for a violation of the compact is secession from the Union, such State may rightfully sever the connection by a declaratory act for that purpose, and that thereby the fact of secession is accomplished without revolution. Acting upon this assumption, the mode adopted for severing the connection, by the conventions in the several States which have attempted to secede, has been a formal repeal of the acts ratifying the Constitution of 1788, and of acts by which the State became a member of the Union, and by declaring the union subsisting between the seceding State and the United States dissolved. We propose at this time to discuss the soundness of these positions.

In determining whether such a right exists, we naturally turn in the first instance to the Constitution itself. But it is clear that this instrument contains no provision to that

effect, in terms, nor any one which suggests such a result by any direct implication. It purports to be an organic and supreme law, limited as to its objects, and of course in its powers; and it appears to be framed on the model of the State constitutions, following their general principles so far as the objects to be attained and the limited powers granted will permit. The government organized under it is formed through the instrumentality of the Constitution itself, as a fundamental law enacted by "We, the people of the United States"; and not one formed by the States, or one which when formed represents the States; although from the previous existence of the States, as sovereign communities, except so far as they were bound by the Articles of Confederation, the Constitution could not be adopted without the assent and sanction of the several States;—for which reason, and because the States were still to exist, the ratifications were by "the people" of each State. In no instance was it supposed that the existing State government could make the necessary ratification as a State act. It provides for the organization of Legislative, Executive, and Judicial departments, and the powers of these departments are to be exercised like similar powers under the State constitutions, and in a manner to control all State action within their proper sphere. The powers of the government organized under it usually act directly upon the people of the whole country, as the powers of the State government act upon all the people of the State; sometimes with reference to geographical or State lines, as the powers of the State government act with regard to county, town, or city limits. In general, none of these departments are indebted to State authority in their organization. They do not derive their powers from the States, nor represent States, nor act through any State agency, or as trustees of any powers for State purposes, or of powers dependent for their existence upon any State organization. The excepted cases—if the election of Senators by State Legislatures, requisitions upon

States for their quota of militia to suppress insurrection, and the rendition of fugitives from justice, by the action of the State executive, may be supposed to be exceptions — are not founded upon any idea that State authority is a controlling force in the government of the United States, but exist for special reasons applicable to the particular instances; — that of the election of Senators being designed to guard against too great a preponderance of the larger States in the national councils; that in relation to the militia being a matter of convenience, because the militia is officered, and mainly organized, through the action of the several States; and that of the rendition of fugitives from justice arising from the fact that it is a matter between the State demanding and that rendering, rather than one which concerns the general welfare. State lines furnish convenient divisions for the purposes of the government; and in many instances, doubtless, State pride and State interests have had a controlling influence, shaping the provisions of the Constitution and laws so that State prosperity would be subserved; but this is merely incidental, through the action of individuals. It is none the less true, that the States have no control over any of the departments of the general government. They do not direct their action, in the first instance, nor is there, by the Constitution, any appeal to State judgment, or State sanction, through which errors are corrected, or the action of the departments is affirmed or reversed. In the matter of the election of Senators, before adverted to, reliance is placed upon State action, and if no such action was had, for a sufficient length of time, a Senate could not be organized. But so it would be in a State, if no State senators were elected. That there is nothing peculiar in the government of the United States, in this regard, is evident from the fact, that if one or a dozen of the States should refuse or neglect to elect Senators, the Senate would be organized legally, notwithstanding the omission.

At the same time that there is nothing to show that the

States, as such, have any control over the United States, or the government established under the Constitution, that instrument is full of provisions by which the States are prohibited from the exercise of powers which they would otherwise possess, and their authority as States is made subject and subordinate to the authority of the United States. In many important particulars, to the extent to which powers are granted to the government established by the Constitution, to the same extent the sovereignty of the States is expressly taken away; the powers granted being exclusive in the United States. In other particulars this is so by a necessary implication, because a power being expressly granted to the United States, the exercise of a similar power by a State would be inconsistent with the grant.

The Constitution declares that itself, the laws of the United States made in pursuance of it, and treaties made under its authority, shall be the supreme law of the land, by which the judges of every State shall be bound, anything in the laws or constitution of the State to the contrary notwithstanding. It is a perversion of terms to call the "supreme law of the land" a compact between the States, which any State may rescind at pleasure. It is not itself an agreement, but is the result of an agreement. And in the absence of an express declaration, or reservation, it is an entire subversion of all legal principles to maintain that the subordinate may at pleasure set itself free from the restrictions imposed upon it by the fundamental law constituting the superior, even if the subordinate have in other particulars an uncontrolled authority. The judges of each State being expressly bound by the Constitution and laws of the United States, anything in the constitution or laws of the State to the contrary, how can a State law (or ordinance, which is but another name for a law) relieve them from the obligation? And if they are bound, the State and the people are bound also. The judges are expressly named, the more surely to prevent a conflict of jurisdiction and decision.

The clause of the Constitution providing for amendments adds another to the arguments which show it to have the character of an organic law, and not of a compact. Whether regarded as the one or the other, it is clear that it could not become obligatory upon a State, or the people of a State, until adopted by them. The people of one State could not ratify and adopt it for the people of another State. But, being adopted by all, it contains a clause binding upon all, providing that "the Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to the Constitution, or, on application of the legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, when ratified by the legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress."

Now, considered as an organic law, the Constitution may be altered and amended in any mode which may be agreed upon and prescribed by the instrument itself; and this is a mode by which, through the action of certain political bodies, and certain legislative or popular majorities of a required number, the whole people are represented in the adoption of amendments, which become parts of the organic law. This mode, rather than a direct vote of the whole people, was doubtless agreed upon in order to make reasonable assurance that no amendment should be adopted affecting the rights and interests of the States, except by such a concurrence of State action as would fairly guard State interests, at the same time that there was a suitable representation of the whole people. It may be regarded as combining a representation of the States and of the people. It is an exemplification of the democratic dogma that the majority represent and express the will of the people, — the mode of expression provided in this case being supposed to be that best adapted to the particular purpose.

But if the Constitution is a compact between the States, any

amendment which becomes a part of the Constitution is also a compact between the States, and the question arises, How is it that three fourths of the States, voting in favor of an amendment, are to make a compact with the other fourth, voting at the same time against it, and thus refusing to enter into the compact? How is it that the States voting to adopt, represent the States refusing to adopt, so that, by the vote of adoption, they make a compact between themselves and the others, against the will of the others expressed at the same time. Those voting to adopt act in their own behalf, thereby being one party to the bargain, and thus far it is well; but, on the compact theory, they must at the same time represent those who vote against the adoption, and thus make them another party to the bargain; when the others at the same time represent themselves, and refuse to make the bargain. Or if we state the compact theory with somewhat more of precision, each State is a party to the compact, agreeing with all the others, and one agrees with all the others notwithstanding she and several of the others refuse to agree. Thus, South Carolina, for instance, votes against a proposed amendment, and thereby refuses to enter into the new compact, but does still become a party to that compact, and agrees with the other States to adopt it, being represented by the others, several of them also voting against it, and at the same time not only making the contract for themselves, but aiding in making it for South Carolina also.

Will the advocate of the compact theory say that the provision relative to amendments, in the Constitution as first adopted, constitutes the States *agents* of one another, so that three fourths of the whole number may thus make an agreement for all, against the will of their principals, acting at the same time and dissenting? If this is so, we must add a new chapter to the law of Agency.

But without extending the argument, two or three illustrations may serve to exemplify the utter absurdity of a construction of the Constitution which should sanction the alleged right of secession.

The judicial department is rightfully divided into circuits and districts, embracing several States in a circuit, and mainly limited by State lines; not because the States have any control of the courts, but because State lines furnish convenient limits for such circuits and districts, except when there is a necessity for districting a State. Suits are instituted from time to time in these courts, questions are tried, verdicts are rendered, judgments entered, and cases are carried from these courts, and also from the State courts in certain cases, to the Supreme Court of the United States, sitting at Washington for the correction of errors. Now suppose a State is allowed to secede at its pleasure, what is the effect? If it may do so rightfully, then the judicial department of the United States holds all its powers, and even its existence, practically, within the limits of any State, at the pleasure of that State; for all its action is arrested at the point of time when the State pleases to secede. The witness on the stand is stopped in the midst of his testimony, on the passage of the act of secession; the juror, who has been sworn to try the case, goes his way without rendering a verdict; appeals are summarily and effectually dismissed, and writs of error quashed, by a nullification of the jurisdiction of the Supreme Court; the property seized by the marshal upon execution drops from his grasp; he and the district judge are removed from office; the State makes a general jail delivery of United States prisoners within her limits; and the pirate and murderer, under sentence of death, rejoice in a secession pardon. There is no escape from these conclusions.

The power to make treaties is, by the Constitution, vested in the President, with the advice and consent of the Senate, who may lawfully, in virtue of that power, enter into stipulations with foreign nations, which can be executed, according to their terms, only within the limits of a particular State. Suppose a treaty with Great Britain, containing a stipulation by which, in consideration of a concession by her of a right

to American citizens to navigate the Thames, her subjects should have a similar right to navigate the Hudson, for a term of years; with various other stipulations relative to matters of high political and commercial interest having a connection with this stipulation, or entered into in consequence of that agreement. It is an entire compact consisting of several parts. That treaty exists at the pleasure of the State of New York, which, although she cannot by any direct act close the navigable waters within her limits, may by an act of secession deprive British subjects of their rights under the treaty, and thus effectually break it, and by the infraction give Great Britain just cause for war, — not against her, for she did not make the compact, and merely exercises her lawful right, — but against the United States. If such may be the result, all treaties ought to contain a provision for a peaceable termination of their provisions on the secession of any State.

Not to multiply instances of the superlative folly of such an interpretation of the Constitution, let us make one more supposition. The debt which must be contracted in suppressing the present insurrection is likely to be large; Mississippi would be willing to repudiate her share, and Mr. Jefferson Davis would doubtless justify her in so doing, although she and he have had a large agency in causing it to be contracted. Suppose, instead of such a catastrophe, that all the States except New Hampshire, Vermont, Rhode Island, New Jersey, and Delaware should secede, and thus relieve their people from the obligation of the debt. The States named, remaining loyal and true, and in such case constituting the United States, would have rather a large load to carry, considering their resources and means of payment; but the burden must, by legitimate consequence, fall upon their shoulders, as they could not tax the people of the seceding States, nor very conveniently concentrate their forces so as to compel a contribution. We should ask pardon of the other loyal States for stating this supposition, were it made otherwise than as an effective illustration.

These considerations may be sufficient to show that the Constitution itself, considering it as a fundamental law, can contain no principle of action, nor recognize any principle, or action, by which its full operation, over all parts of the States embraced within the government, may be limited or subverted by State authority. Regarding the Constitution as a law, probably no one can be found, at the present day, to contend for the right of secession.

Let us now consider the argument upon the supposition that the Constitution has the character of a compact between the States.

Our first remark is, that, assuming it to be a compact between the States, with a right of secession attached, the same absurd consequences will follow which have already been suggested. A compact constituting a national judiciary, any circuit or district of which may be cut off in the manner and with the effect which is shown to attend the secession of a State, or one authorizing the formation of a treaty, binding upon all the parties, but which any one of the States can break at pleasure, leaving the responsibility for the breach upon the others, would be a most absurd compact. It is not therefore to be presumed that such a compact exists, but its existence must be proved by indubitable evidence; and we turn to the history preceding and attending the formation of the Constitution, to ascertain whether the States have any sovereign right to break the contract by which they associated themselves together for the purpose of a general government.

The political relations of the people of this country have had a twofold character from the commencement of the Revolution, and even from the early settlement of the Colonies, and there has been no time when any State has been at liberty to act with perfect freedom as a sovereign State. The Colonies were in most instances separate, and independent of each other, managing their local affairs, but all under the general jurisdiction and government of the mother country. They

confederated together for the purposes of the common defence, at first as a council, without articles of agreement, to take into consideration their actual condition, and the differences subsisting between them and Great Britain. The Declaration of Independence shows the union which then existed between them as "one people," but still exhibits to some extent this twofold character. It was made, not by separate Colonies, or States, or governments, but by all united, and for all united. This is shown in the introduction, and in the recital of grievances; and the specific declaration with which it closes is that of an entire people. It commences, "When it becomes necessary for *one people* to dissolve the political bands which have connected them with another people." The grievances alleged are the common grievances of all. The allegations against the king of Great Britain are, among other things, that "he has combined with others to subject *us* to a jurisdiction foreign to *our* constitutions and unacknowledged by *our* laws." The recital of remonstrances is of the same character. "*We* have petitioned for redress in the most humble terms; *our* repeated petitions have been answered only by repeated injury." This form of phraseology, which is found throughout, was not accidental. The declaration was "the unanimous declaration of the thirteen United States," or rather "of the good people of these Colonies"; but it was declared, not that the "United Colonies" are a free and independent nation, but that they are free and independent *States*, thus recognizing their separate existence, which has never been questioned. They were States, however, which were united, as if *one*, for the purposes for which Congress was assembled, but with imperfect authority to effect the purposes for which they were thus united.

This lack of authority led to the Articles of Confederation. They were reported in Congress, July 12, 1776, agreed to by the delegates, and proposed for ratification, November 15, 1777; ratified by the delegates of several States, authorized

for that purpose, July 9, 1778, and by others from time to time, the last ratification being that of Maryland, March 1, 1781. These articles, without doubt, formed a compact. The third article expressly declares that "the said States hereby enter into a firm league," "binding themselves to assist each other."

There was no regular legislative, executive, or judicial department, but to some extent the articles conferred upon the Congress assembled under them powers of a national character; such as the power of determining on peace and war, with certain exceptions; of entering into treaties, granting letters of marque and reprisal, appointing courts for the trial of piracies and felonies committed on the high seas, and other powers, comprising legislative, executive, and judicial functions. They contained divers limitations upon the powers which each of the States would otherwise have possessed, so that the action of the States should not interfere with that of Congress; and they imposed certain duties upon the States. As these Articles remained in full force up to the time of the adoption of the Constitution, it is in no sense true that the States at and immediately before that adoption were in all respects sovereign States. The second Article, in these words, "Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this Confederation expressly delegated to the United States in Congress assembled," admits that to that extent they had parted with their sovereignty. By the thirteenth article, it was agreed that "every State shall abide by the determination of the United States in Congress assembled, on all questions which by this Confederation are submitted to them."

Now, with this admitted character of a compact, it is quite clear that no State, after the adoption of the Articles, could secede at pleasure from the Confederation. So far from it, no one could retire without the assent of all the rest.

Waiving for the present the consideration of the particular

provisions of the Articles, which show this conclusively, and examining the case as it is presented by the character of the Articles as above set forth, it is perfectly apparent that there was no right of secession. It is the nature of a contract to be binding upon the parties according to its terms, and the scope and operation it was designed to have. This compact prescribed duties to the States, and gave powers to the Congress. The purposes which were to be effected by it were of indefinite continuance. The duties of the States were without limitation of time. The powers of Congress were of the same character. Each party to the compact had duties to perform, and could not withdraw itself until those duties were discharged. Such are the legal rules in relation to contracts generally. And if this is true of the Articles of Confederation, it must be at least equally true of the Constitution itself, regarding it as a compact substituted for the Articles.

But it is alleged that this compact has been broken by some of the parties to it in divers particulars, principally relating to slavery, and that the other parties are therefore no longer bound by it, but may withdraw from further performance on their part. If we were to admit the breach as alleged, the conclusion does not follow. There are cases in which, on the failure or refusal of one party to a contract to perform his part of it, the other party may treat the contract as rescinded. But this case is not within that rule; for it is equally well settled, as a general rule, that one party cannot treat a contract as rescinded unless all the parties can be placed in the condition in which they were before they entered into it, and that if there has been a partial performance, from which one party has derived a benefit, he cannot retain what he has received, and treat the contract as rescinded by reason of any failure or refusal of another party to perform the residue. There are, therefore, at least two valid reasons why the supposed breaches of the compact give no right to any State to secede. It is clear the parties could not be placed *in statu quo*; and certainly the

seceding States, instead of placing the United States as far as they might in that position, did, when they broke the compact on their part, not only retain all the benefits they had received, but, by the seizure of forts, arsenals, mint, navy-yard, and the other common property, they endeavored to appropriate to their own use all the property which, in consequence of the compact, the United States had placed within their limits, but to which they had no title whatever. There is no principle of law by which one party to a contract is entitled to grab all the property which the contract has been the means of placing within his reach, and at the same time to say that, on account of some partial failure of performance on the other side, he rescinds the contract, and withdraws from its obligations.

There is still another reason why, on the compact theory, there has never been any right of secession. That theory, as we have seen, is, that the Constitution is a compact to which "each State acceded as a State, and is an integral party, its co-States forming as to itself the other party." The Kentucky Resolutions distinctly so state it. Now South Carolina herself will not for a moment allege that all the co-States have broken the compact. She makes no such accusation against her dear sisters Georgia, Florida, and Alabama. *She* does not even aver that Mississippi broke the compact when she attempted to impair the obligation of her own bonds, in contravention of an express provision of the Constitution prohibiting such a procedure. She alleges that Congress has heretofore passed unconstitutional tariff laws, and that Massachusetts and Wisconsin and some other States have passed laws in contravention of the clause of the compact in relation to fugitive slaves, which are void. But if the compact is by each State, as one party, with all the co-States as the other party, neither Congress, nor Massachusetts, nor Wisconsin, nor any dozen of the other States constitutes the other party to the compact; and although they may have severally done those things which they ought not to have done, and left undone those things which they sev-

erally ought to have done, the compact is not broken. "The other party" did not agree that they should do no unlawful acts. On this theory, then, what right has South Carolina, by a disruption of the Union, to injure New Jersey and Delaware, Indiana and Missouri, California and Oregon, against whom she charges no grievance, because she does not approve of the acts of Maine, Michigan, and Massachusetts? The former States cannot control the acts of the latter, nor those of Congress, and are not responsible for them. And so "the other party" with whom South Carolina made her contract has not been guilty of the alleged breach of contract, and has the right to hold her to her bargain. This is a legitimate conclusion from the construction of the compact, as set forth by the learned doctors who study constitutional law with the Kentucky Resolutions for their text-book, and who attempt to justify their acts of insurrection and treason, in levying war upon the United States, on the ground that their States (through their instrumentality it might be added) have previously passed acts of secession. The statement serves to show that the theory of secession sits in judgment upon itself, and is its own executioner.

There is no reasonable escape from these results, if the ordinary rules which govern the obligation of contracts are applicable to the case.

It seems to be supposed, however, that there are different principles or rules in relation to compacts between States from those which govern contracts between persons, because there is no tribunal to determine controversies between the former; and that for this reason each State is the sole judge of its wrongs, and of the mode and means of redress. The Kentucky and Virginia Resolutions of 1798 are relied upon by Mr. Jefferson Davis to sustain this proposition. Those resolutions, it is well understood, had their origin in the alien and sedition laws passed by Congress in 1798. They relate entirely to unconstitutional acts of Congress, and not to those of States or individuals; and no small part of their object was to assert and main-

tain a strict construction of the Constitution, and to deny the authority of the judicial and other departments of the United States to determine conclusively the extent of their powers under it. They endeavor to maintain, in general terms, a right in the States to judge and determine respecting the extent of the powers of the general government under the Constitution, and they declare the acts mentioned unconstitutional. But it is quite clear that those who adopted them did not suppose that these resolutions had any effect to nullify those laws within the respective States adopting the resolutions. They called for the co-operation of the other States; but it is by no means certain that it was supposed that similar declarations of unconstitutionality, even by all the States, would have any effect, except as they might operate upon Congress to induce a repeal of the obnoxious laws, or perhaps upon the judges, whenever the courts should be required to pronounce a decision. The closing part of the last of the Kentucky Resolutions shows clearly that it was not supposed that the declarations of that State had had any effect to arrest the operation of the acts. It is in these words:—

“That this Commonwealth does, therefore, call on its co-States for an expression of their sentiments on the acts concerning aliens, and for the punishment of certain crimes hereinbefore specified, plainly declaring whether those acts are or are not authorized by the Federal compact. And it doubts not that their sense will be so announced, as to prove their attachment unaltered to limited government, whether general or particular, and that the rights and liberties of their co-States will be exposed to no dangers by remaining embarked on a common bottom with their own: That they will concur with this Commonwealth in considering the said acts as so palpably against the Constitution, as to amount to an undisguised declaration that the compact is not meant to be the measure of the powers of the general government, but that it will proceed in the exercise over these States of all powers whatsoever: That they will view this as seizing the rights of the States, and consolidating them in the hands of the general government with a power assumed to bind the States, not merely in cases made federal,

but in all cases whatsoever, by laws made, not with their consent, but by others against their consent: That this would be to surrender the form of government we have chosen, and to live under one deriving its powers from its own will, and not from our authority; and that the co-States, recurring to their natural right in cases not made federal, will concur in declaring these acts void and of no force, and will each unite with this Commonwealth in requesting their repeal at the next session of Congress."

The seventh of the Virginia Resolutions, which calls for a similar co-operation, is as follows:—

"That the good people of this Commonwealth having ever felt, and continuing to feel, the most sincere affection to their brethren of the other States, the truest anxiety for establishing and perpetuating the union of all, and the most scrupulous fidelity to that Constitution which is the pledge of mutual friendship, and the instrument of mutual happiness, the General Assembly doth solemnly appeal to the like dispositions of the other States, in confidence that they will concur with this Commonwealth in declaring, as it does hereby declare, that the acts aforesaid are unconstitutional, and that the necessary and proper measure will be taken by each for co-operating with this State in maintaining unimpaired the authorities, rights, and liberties reserved to the States respectively, or to the people."

The resolutions were transmitted to the other States, and by several of them the principles asserted were as emphatically denied. As they are usually referred to by the advocates of secession as an authority sustaining their positions, we copy also the general declarations which are relied on for that purpose, being the first of the Kentucky and the third of the Virginia Resolutions. The following is the first of the Resolutions of Kentucky, passed Nov. 10, 1798:—

"*Resolved*, That the several States composing the United States of America are not united on the principle of unlimited submission to their general government, but that by compact, under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a general government for special purposes, delegated

to that government certain definite powers, reserving, each State to itself, the residuary mass of right to their own self-government; and that whensoever the general government assumes undelegated powers, its acts are unauthoritative, void, and of no force: That to this compact each State acceded as a State, and is an integral party, its co-States forming as to itself the other party: That the government created by this compact was not made the exclusive or final *judge* of the extent of the powers delegated to itself, since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among parties having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress."

We now quote the third of the Virginia Resolutions, passed in the House of Delegates, December 21, 1798, yeas 100, nays 63, and subsequently in the Senate, 14 to 3: —

"That this Assembly doth explicitly and peremptorily declare that it views the powers of the Federal Government as resulting from the compact to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no further valid than they are authorized by the grants enumerated in that compact; and that in case of a deliberate, palpable, and dangerous exercise of other powers not granted by the said compact, the States, who are parties thereto, have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining within their respective limits the authorities, rights, and liberties appertaining to them."

The first remark which occurs in relation to both of these resolutions, in their connection with this subject, is, that they do not suggest that the election of a President from one section rather than another, or of one who entertains opinions in which certain sections do not concur; or any anticipation of measures which may or may not be adopted; or that any act of a State, especially any such act which may come under the cognizance of the judicial tribunals and be declared void, — furnishes a case in which a State may "inter-

pose for arresting the progress of the evil." In the next place, they assert no right of secession as a State remedy for the exercise by Congress of powers not granted by the compact, nor for any other grievance. If they intend to insist on a right of revolution as a measure of redress, they may be in accordance with received principles. If they mean anything else, the specification of it is not apparent. Mr. Madison, who must have known something of their meaning, denied that they sanctioned nullification, and they give as little support to secession. But, further, if they had contained an explicit declaration of a right of secession, this would prove nothing. The resolutions and platforms of political parties, in times of party excitement, whether in or out of the halls of legislation, do not furnish any authentic expositions of the principles of constitutional law.

While there is nothing in the Constitution, even supposing it to be a compact, which can sustain the position that each State may judge respecting infractions of it, and may withdraw from its obligations when she pleases to consider herself aggrieved, there seems to be nothing in the principles of public law to give countenance to such a right. Compacts between States are, in principle, as binding as those between persons. There is no court to interpret and enforce them, and each party may therefore insist upon its own construction. If they do not agree, however, the result is not that the compact falls, and its obligations cease, nor that either party may declare it no longer in force, or secede from it on an allegation of infraction by the other, that other being bound to submit to this judgment and determination; but each party has the right to insist on the performance of the agreement, and the mode of enforcing or of obtaining satisfaction for any breach of it is War. We are not aware that a right of peaceable *withdrawal* from a treaty is recognized anywhere, unless the terms of the treaty, or the circumstances, show such to have been the intention of the parties to it; or unless an

infraction of it justifying such a course is admitted. One party has the power of interpreting for itself, and may perform or not perform. But the other party has just the same right of interpretation, and may insist upon a strict fulfilment of the stipulations, and punish non-performance in the only mode which the nature of the case admits. The right to punish non-performance shows that there is no right to refuse further compliance. For these reasons, among others, some treaties contain a clause providing that the treaty, or perhaps certain provisions of it, may be terminated on notice for that purpose.

If, then, the Constitution were a compact to which each of the States is a party, being the sole judge of its wrongs and of the modes of redress, so that one State, judging that it was injured, should determine to secede as a measure of redress; each and every of the other States would have an equal right to judge and determine that the seceding State was not injured by the alleged grievance, but that they were severally and jointly aggrieved by the attempted secession and refusal further to comply with the obligations of the compact, and that the proper mode and means of redress for that injury was war, jointly and severally waged against the seceding party. This seems, practically, to be the state of things at the present time. Some of the parties determine that they will attempt to secede. They repeal their ratifications (which, by the way, are not subject to repeal); appropriate to their own use so much of the common property as is within their borders; fire upon an unarmed vessel carrying supplies to one of the forts belonging to the general government; reduce the fort by a bombardment sustained by seven thousand men, more or less, against some seventy in the occupation of it;— and then they say, “All we want is to be let alone.” At the same time they are investing another fort, and threatening destruction to it and its defenders if it is not surrendered.

The other parties to the compact determine that they are

aggrieved by these proceedings, and will resist the attempt; and they also resort to gunpowder, shot, and shells, on their part, as stringent legal and equitable powers, whereby to regain possession, and to compel restitution and specific performance of the compact. President Lincoln thereupon issues his proclamation, calling for militia to execute the laws and suppress the insurrection; and this, according to the Message before us, constitutes a declaration of war.

Furthermore, viewed as a compact or treaty between States, it is what is termed a "*transitory convention*," and cannot be revoked, rescinded, or annulled, repudiated or seceded from, by any State, on account of its nature.

"General compacts between nations," says Mr. Wheaton, "may be divided into what are called *transitory conventions*, and *treaties* properly so termed. The first are perpetual in their nature, so that, being once carried into effect, they subsist independent of any change in the sovereignty and form of government of the contracting parties; and although their operation may, in some cases, be suspended during war, they revive on the return of peace, without any express stipulation. Such are treaties of cession, boundary, or exchange of territory, *or those which create a permanent servitude in favor of one nation within the territory of another.*" — *Wheaton's Elements of International Law*, 6th ed., p. 332, Sect. 9.

On the theory of compact, the Constitution contains an agreement of each State with the other States, that the government organized under it, for the benefit of all the States, may exercise certain rights within the limits of each State, by an occupation of the soil, for the uses and purposes for which the government is established. It confers, by agreement and grant, a power of *eminent domain*; a right to take lands for forts, arsenals, navy-yards, military roads, and other public uses; a right of occupation within the waters of each State by a naval force when necessary; a right on land and water for the collection of customs; a right of taxation, and of collecting the taxes by sales of lands and goods; a right to have court-

houses, to hold courts, to reverse the judgments of the State courts in certain instances, and to execute final process against persons and property. These grants of rights to occupy, take, possess, use, tax, try, judge, reverse, and do final execution, within the limits of every State, show a permanent servitude of a most extensive character; the United States, representing all the States, being the *dominant*, and each State a *servient* party. From their very nature these rights and powers cannot be resumed or revoked at the pleasure of any State, or of any number of States less than the whole. And it may be added that they impair, somewhat effectually, the supposed absolute sovereignty of the separate States. Civil war may suspend the exercise of these rights and powers, but it does not annul or take them away.

It has been urged by the advocates of secession, that the tenth amendment of the Constitution, which provides "that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people," sustains their positions. If it were shown that the States had a right of seceding from the Union before there was any Union to secede from, there would be some foundation for this suggestion, as it is quite clear that no right of secession was granted to the United States; and the conclusion would follow, that it was among the rights reserved. But the supposition of an existing right to rescind a particular contract before the contract is entered into, of the existence of a right to secede from a Union which is not formed and may not exist, and then a reservation of this right of secession by a general declaration, after the Union was formed, that powers not granted were reserved, is simply an absurdity. There could be no right of secession until there was something to secede from. Such a right could come into existence only upon or after the creation of the Union which was to be broken up by the exercise of it; and it is preposterous, therefore, to say it was a right reserved to the States by

the general reservation of all powers not granted or prohibited, which referred only to rights or powers pre-existing.

But this argument may be disposed of in another manner. A similar reservation, but in much stronger terms, was contained in the second clause of the Articles of Confederation, in these words: "Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States in Congress assembled." The change in the phraseology of the reservation, or declaration, may be worthy of note. Now if this earlier, and in terms much more ample reservation, found in those Articles, did not include a right of secession from the Confederation, upon alleged grave violation of the powers conferred upon Congress by that instrument, still less can the tenth amendment of the Constitution sustain any such right to judge of infractions of the Constitution, and to withdraw by virtue of the powers reserved. And this leads us to a concluding and conclusive argument to show the perpetuity of the Union as established by the Constitution, and according to the Constitution, even if that instrument is supposed to have the character of a compact.

We have thus far endeavored to show that there was no right of secession from the Union established by the Articles of Confederation, and that there is no such right under the Constitution, upon general principles applicable to such instruments, whether regarded as compacts or as organic laws. We now proceed to make assurance doubly sure upon this point, by specific citations from the express language of the Articles, and of the Constitution itself, and from official documents connected with their adoption, which admit of no misapprehension.

The Articles of Confederation expressly, explicitly, and in the most emphatic manner, established a "Perpetual Union" between the States. As prepared and submitted to the States for ratification, they were entitled "Articles of Confederation

and Perpetual Union.” And the closing part of the last of the Articles is :—

“ And the Articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual ; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every State.”

The Articles having been agreed upon in Congress on the 15th of November, 1777, on the 17th of the same month that body transmitted copies to the several States, for the consideration of their respective legislatures, accompanied by circular letters, in which it was represented that, “ to form a permanent union accommodated to the opinion and wishes of so many States, differing in habits, produce, commerce, and internal police, was found to be a work which nothing but time and reflection, conspiring with a disposition to conciliate, could mature and accomplish.” In recommending them to the immediate and dispassionate attention of the legislatures of the several States, it was said :—

“ Let them be candidly reviewed, under a sense of the difficulty of combining in one general system the various sentiments and interests of a continent divided into so many sovereign and independent communities, — under a conviction of the absolute necessity of uniting all our councils, and all our strength, to maintain and defend our common liberties ; let them be examined with a liberality becoming brethren and fellow-citizens surrounded by the same imminent dangers, contending for the same illustrious prize, and deeply interested in being forever bound and connected together by ties the most intimate and indissoluble.”

Still further :—The closing recommendation, of set purpose, it would seem, to show again that the union was to be perpetual, repeats the title :—

“ And to each respective Legislature it is recommended to invest its delegates with competent powers, ultimately, in the name and behalf of

the State, to subscribe Articles of Confederation and Perpetual Union of the United States.”

A preamble was affixed to the Articles, reciting that the delegates in Congress assembled did on the 15th of November, 1777, “agree to certain Articles of Confederation and Perpetual Union between the States,” which are then set forth at large ; and they are followed by the formal instrument of ratification, subscribed by the delegates authorized for that purpose, in these words :—

“And whereas it hath pleased the great Governor of the world to incline the hearts of the legislatures we respectively represent in Congress, to approve of and to authorize us to ratify the said Articles of Confederation and Perpetual Union : *Know ye*, That we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said Articles of Confederation and Perpetual Union, and all and singular the matters and things therein contained ; and we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States, in Congress assembled, on all questions which by the said Confederation are submitted to them ; and that the articles thereof shall be inviolably observed by the States we respectively represent, and that the Union shall be perpetual.”

It seems impossible to read the foregoing extracts without a conviction that there was an industrious repetition of the idea that the Union under the Articles was to be perpetual, so that no doubt should ever after be entertained respecting it ; and certainly no agreement to that effect could be more explicit than that contained in the closing parts of the Articles and of the ratification.

The Articles of Confederation which established this “perpetual,” “permanent,” “indissoluble” Union, proved to be inadequate to the purpose for which they were adopted, and proceedings were had, from time to time, in Congress, with

a view to amendments. The history of the change by which a Union under the Constitution was substituted for that under the Articles of Confederation, need not be set forth at this time. The great defect appeared to be a lack of power in Congress to regulate commerce. But at a meeting of commissioners from five States, held at Annapolis, in September, 1786, a report was made to their respective States, and copies transmitted to Congress, in which they represented the necessity of a convention, with a full attendance and enlarged powers; and recommended the appointment of commissioners "to take into consideration the situation of the United States, to devise such further provisions as shall appear to them necessary to render the Constitution of the federal government adequate to the exigencies of the Union; and to report such an act for that purpose to the United States in Congress assembled, as, when agreed to by them, and afterwards confirmed by the legislatures of every State, will effectually provide for the same." A convention was assembled, and finally reported the Constitution, providing for regular legislative, executive, and judicial departments, with enlarged, but limited, powers, appropriate to such departments, and of a national character; by reason of which it became necessary to submit it to the people for ratification. It was ratified, and thus the government organized under it was substituted for the administration existing under the Articles of Confederation. The reasons for its adoption, summarily set forth in the preamble of the instrument itself, are "*to form a more perfect Union, establish justice, insure domestic tranquillity, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.*"

Now it appears to be preposterous to contend that this more perfect Union, established for posterity as well as for the existing generation, and thus substituted for the perpetual, indissoluble Union under the Articles, is one which was to exist only at the pleasure of each and every State, and to

be dissolved when any State shall assert that it is aggrieved, and repeal the act of ratification. The Union could not be made "more perfect" in relation to its endurance. It certainly was not intended to be made less perfect in that particular.

These considerations show further, that the political axiom, that "all rightful government is founded upon the consent of the governed," cannot justify or excuse secession. It might be urged that the principle asserted is not that government is founded upon the consent of all the persons to be governed, but we pass that. The consent has been given by the ratification of the Constitution. The compact has been made by the Fathers, who vindicated their title to the country, and their right to form the institutions under which it should be governed. The present generation comes in as their successors, and is thus "in privity." The covenant "runs with the land," and binds all persons who occupy it. If any one desires to relieve himself from the obligations which it imposes, he can secede, personally, by transferring his domicile to some other country.

NOTE TO PAGE 26. — The first of the Kentucky Resolutions, as printed in the fourth volume of Elliot's *Debates, &c.*, page 540, does not contain the words "its co-States forming as to itself the other party." The omission is doubtless a mere misprint. They are found in the copy of the Resolutions forwarded by Kentucky to the Legislature of Massachusetts immediately after their adoption; in the Resolution as published in 2d Randall's *Life of Jefferson*, 449; 3d Randall's *Life*, 616; and in the original draft, printed in 9th *Jefferson's Writings*, 464.

The fourth volume of Elliot, apparently of an edition of 1859, is merely the edition of 1836 with the names of new publishers.

THE REBELLION:

ITS

LATENT CAUSES

AND

TRUE SIGNIFICANCE.

IN LETTERS TO A FRIEND ABROAD.

BY

HENRY T. TUCKERMAN.

"Truth crushed to earth shall rise again,
The eternal years of God are hers;
But Error, wounded, writhes in pain,
And dies among his worshippers."

BRYANT.

NEW YORK:

JAMES G. GREGORY,

(SUCCESSOR TO W. A. TOWNSEND & CO.,)

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By JAMES G. GREGORY,

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C. A. ALVORD, PRINTER.

THE REBELLION.

INTRODUCTION.

NEW YORK, *July*, 1861.

MY DEAR SIR:

I can well believe your declaration that "we are all sick at heart at the sad events happening in the once United States, not merely in a selfish point of view, but for the sake of humanity;" and yet you must excuse me for regarding your subsequent observations as directly opposed to the latter sentiment, inasmuch as, adopting the unauthorized and perverse statements of a certain class of British journals, you recognize only a political disagreement, and a spontaneous and unnecessary recourse to arms on the part of our government, ignoring the antecedent circumstances, the national scope and the inevitable obligation thus to meet the crisis. Intimately associated, as you are, with influential organs of public opinion, and desirous, as you profess, to learn from those you personally know, the latent causes and true significance of this rebellion, I will trace them deliberately, and leave it to your candor to enlighten those within your sphere, so that, at least, the basis of a correct appreciation of the subject may not be wanting. With this personal explanation, and the documentary evidence furnished by the "Rebellion Record," forwarded herewith, I hope you will find reason to modify opinions derived from false premises; in which case, I am confident your sympathy with truth will lead you to proclaim and advocate her cause.

I.

THE CRISIS.

So unfamiliar to the present generation of Americans are the phenomena of actual war, so anomalous, in a country governed by a system of mutual confidence, is treason, and so rapidly have events succeeded each other, that what has transpired during the last few months, appears, in the retrospect, to have occupied as many years; and even now, it is difficult, especially for those who dwell amid the peaceful haunts of nature, and far from the scene of strife, to realize that this free, fertile, and self-reliant nation is devastated by internal violence, and betrayed by wanton treachery. Yet many and remarkable are the evidences of the calamity that come within the most casual observation; signs of the times so dramatic and novel, as well as impressive and touching, as to make history a vivid reality, and fact infinitely stranger than fiction, even to the least imaginative: for what spectacles has it been the lot of many of us to behold, what emotions to experience since the advent of spring! Probably, the most universal of the sensations and sentiments which have almost proved a new self-revelation, is the discovery how inexpressibly near and dear to the human heart are the ties of nationality. The vicissitudes, which in the old world make so conscious and prevailing the love of country, the private sufferings, hopes, triumphs, and sacrifices incident to public interests and relations, and directly springing therefrom, have been comparatively unknown to our young republic; her children have been so lapped in security, so free to pursue personal ends, so undisturbed by and uninterfered with the political machinery, that, like the spoiled offspring of too indulgent parents, they have instinctively confided in rather than earnestly cherished dependent feeling and faith. To such a people, national adversity—treacherous outrage is like the shock of a personal bereavement, whereby the heart first thoroughly learns how much it loves by the agony of its loss. To most of us, unoccupied with political ambition and passionate political sympathies, it has, for the first time, happened that sleep has fled our pillows, and tears bedewed our cheeks, and the familiar occupations and pleasures of life become “flat, stale, and unprofitable,”

and the sense of responsibility, as citizens, the sense of danger and of duty, as Americans, been intensely awakened, under the pressure and the pain of a jeopardized nationality, under the realization of that prophetic vision which the eloquent senator prayed he might not live to behold, "states discordant, belligerent, and drenched in fraternal blood." Half incredulously we repeat to ourselves the facts of the hour when withdrawn from their immediate cognizance; and, with a sorrowful wonder, that habit fails to subdue, gaze and listen to the tokens of the crisis, and the chaos of our national life—now thrilled by some deed of heroism, and now appalled by some threatened catastrophe; to-day impatient to frenzy at the stupidity or tardiness of official rule, and to-morrow bowed down with shame, or exultant with hope, as the turpitude of the disloyal, or the integrity and ardor of the patriotic alternate in the record of the hour. We have lived to see a stranger in the land weep at the treacherous ingratitude of Americans toward a benignant and free while he was expiating in exile his devotion to a subjugated nationality; to hear aged men with honored names, welcome death that withdrew them from the scene of their country's degradation, and beardless youths describe the fratricidal rage which massacred their wounded comrades before their eyes; to hear the funeral march usher to an early grave the accomplished writer, the honest mechanic, and the prosperous citizen, who, a few weeks before, had cast aside the allurements of home, friends, congenial industry, and domestic comfort, to defend the capital of the nation from the ruthless invasion of vindictive usurpers; to see the soldier's uniform under academic robes, and hear the graduates of American colleges sent forth not to the peaceful walks of literature and science, but to the battle-field of civil war. We have lived to see the chief magistrate of an American city pallid with the consciousness of detected treason; the domain where Washington wooed his bride, a camp to guard the republic from the sacrilegious violation of the people of his native state; to hear German war-songs, the Hungarian battle-cry, and the Irish cheer, announce, from the Fifth avenue to the Battery, the departure of regiments to the defence of their adopted country; and the bugle charge which proclaimed Garibaldi's invincible forays under the walls of Rome, wake the peaceful echoes of the Astor Library.* We have lived to realize how precious, in its proud significance, could be the flag of our country, when insult and defiance had

* The identical flag borne at that memorable siege, was presented to the Garibaldi Guard, in Lafayette Place, New York, when the regiment marched to the bugle charge of their Italian hero.

outraged its claims; to recall, with the tender exultation of a recent experience, the days when it challenged the world's admiration, as the symbol of victory; and invoke the memories of Perry and Decatur, Lawrence and Jackson, to revive and reassert its traditional fame; and to remember fondly every occasion in our own experience, when the sight of that flag, as the signal of freedom, the token of nationality, the pall of dead heroes, encountered on the "gray and melancholy waste" of ocean, at an isolated border fort amid the prairies, above the domicile of our country's representatives in foreign lands, and amid the forest of shipping at Liverpool, Hamburgh, Smyrna, or Marseilles, the pledge of protection, the trophy of power, the emblem of liberty, the memorial of home! We have lived to listen to an American officer, while he declared himself a prisoner of war to his own countrymen, pledged not to draw his sword in behalf of the nation to whom his allegiance is due, and which he has faithfully served from early youth to middle life, in order to escape from a horde of traitors, once his loyal comrades in arms, and whose lying machinations compelled him to fly the post of duty, or identify himself with a base conspiracy, the details of which are unparalleled in military and civic history, for heartless deception. We have lived to behold the result of a series of compromises with and concessions to a slave autocracy, in the organized proclamation of its divine origin and its perpetual supremacy; and to hear this most unhallowed violation of the fundamental principle of free government flippantly accepted by men and women, who have not the excuse of interest in, or familiarity with the institution, to propagate and maintain which the sacrilegious heresy was conceived, and is defended. We have lived to witness the bribe of free trade offered to a Christian nation, and, if not openly entertained, not indignantly and promptly rejected, as an inducement to recognize a combination of citizens guilty of "sedition, privy conspiracy, and rebellion," deliverance from which is the authorized prayer of their established church; and to have the worship of God profaned by the deliberate omission of that for the head of the nation. And we have also lived to hear the protest of the society of Cincinnati against these violations of patriotic fealty, echoed in Exeter Hall, at the same time that they were ignored and contemned by many of the British journalists and politicians. And, more sad and shameful than all, we have lived to see a party, fairly beaten at the polls, under the influence of disappointed ambition, or rather the base section of that party, resort to arms and treachery rather than fulfil their part of the mutual contract; repudiate their obligations as American citizens,

ignore the claims of patriotism and the demands of justice—ay, and the appeal of humanity and Christian civilization, and recklessly seek to destroy what they cannot honestly possess.

The elaborate and able discussion of secession theories, was the first duty of patriots and statesmen, in order to vindicate the Constitution, and the course of those who support it, even to the extent of civil war; that the doctrine is not authorized by state sovereignty—that the Virginia resolutions of '98, and the South Carolina nullification of a later period, were abandoned as untenable, when confronted with the emphatic authority of the Federal Government; that a decision of the Supreme Court of the latter state disavowed the doctrine; that the enormous cost to the whole country of the original purchase, and subsequent maintenance of many of the rebellious states—that the necessity of controlling the outlet of the Mississippi, and the certainty of perpetual strife from any interference therewith by a foreign power, are insuperable obstacles; and that the triumph of the party that elected Lincoln was perfectly legal—are points of the argument that have never been confuted; the reopening and the re-establishment of the slave-trade, and the inauguration of conquest in the direction of Central America, Mexico, and Cuba, have been shown to be a political necessity to the Southern Confederacy, and to have such a vital interest for the rest of the civilized world, that they would entail thereon perpetual conflict until abandoned. But important as are these arguments, there are others derived from the latent causes and true issues of the war, which should be discussed and illustrated, in order to appreciate its true significance; and to these I desire to call your patient attention.

II.

DECLINE OF PUBLIC SPIRIT.

ONE of the most remote, and, at the same time, most pervasive causes of the present disaffection, is the general neglect of civic duty. Flattered into passivity by an overweening confidence in the stability of our institutions, and repelled by the distasteful and troublesome process whereby the citizen's functions are realized—engrossed by private cares and enterprise, and the sense of our privileges and obligations, as members of a great republic, deadened by material prosperity, we have, to a great extent, evaded the claims of our country, and the vigilance and activity through which alone her security and sacredness can be preserved. The field being thus deserted, statesmanship has declined, and politics become a trade; until the nation was aroused by the outbreak of civil war into consciousness of peril. The strife of party has thus been degraded into a vulgar scramble for emoluments; the able and honored representatives of opinion, whose very names were once watchwords of fidelity and of fame, were superseded by men of secondary ability and equivocal character; office was regarded as compensation for partisan service, with an utter disregard to fitness; patent abuses were tolerated; and corruption so invaded the administration of government, from venal legislation to an imbecile executive, as to afford every facility for treason. This demoralization was confined to no section; the patriotic sentiment remained, but its practical and organized expression was silenced by apathy and indifference, until actual violence succeeded base fraud; then, indeed, the dormant love of country awoke—breathing in emphatic protest and earnest appeal from pulpit, rostrum, journal—assemblies, armies, households, and official proclamations. Against these tardy but true utterances of popular sentiment—these prompt assertions of citizenship—these cheerful sacrifices for the public weal—was arrayed the conspiracy, slowly but surely matured by the want of respect for, and confidence in, the institutions thus allowed so long to be abused and contemned. The defection of so many officers of the army and navy of the United States, at the most critical epoch in their history, is one of those phenomena that cannot be ex-

plained either by the pressure of local exactions, or the influence of a fanatical infatuation. The habit of irreverence, the decadence of public spirit, the discontent induced by want of sympathy, the hope of promotion, the fear of unpopularity, and the urgency of political adventurers, combined to seduce men of weak minds or blind ambition; either the fever of faction, or the want of moral courage, rendered many of them an easy prey to the arts of designing demagogues, or personal disappointment coincided with fallacious theories, to make them oblivious of, and insensible to that honor which, in all ages, has been the first instinct and the essential characteristic of the hero and the gentleman. When a Southern commodore was urged to resign, and take up arms against his flag and government, by the traitors of his native state, he replied, "I have been in the service of the United States nearly half a century; have commanded three squadrons, been at the head of naval bureaus, enjoyed every honor, and had accorded every privilege in the line of my profession; and whatever social consideration I have enjoyed abroad, and honor and prosperity I have won at home, I owe to the sanction and the service bestowed on me by the government of my country; under these circumstances, fellow-citizens, would you, could you trust me, if I were to comply with your invitation?" They replied in the affirmative. "Then, gentlemen," said the gallant commodore, "*I could not trust you.*" Many of these unprincipled renegades, and others who more justly may be called irresolute victims of what they call a "divided duty," have, since their desertion, bitterly repented, and already the social proscription inevitably following such dishonor, has proved a speedy retribution. Still the fact remains; and whoever is familiar with the history of the American Revolution and the war of 1812—whoever has felt pride, confidence and protection in his nation's flag in distant lands, or knows its significance as an emblem on ship, arsenal, court-house and capitol, may imagine what a perversion of the highest human instinct and the noblest human sentiment there must have existed, to allow an American officer of the army or navy voluntarily to forswear his allegiance.

The ingratitude of republics is proverbial; and the excuse constantly urged for the defection of so many officers of Southern birth, is, that they have experienced so much recognition and sympathy from their state, and so little from the national government, that when a question of allegiance arises, it naturally is decided in favor of the former. It is superfluous to demonstrate the untenable nature of this, or any justification for disloyalty to what is dearer to an honest or patriotic heart, than preferment,

applause, personal success, or life itself; and, in the majority of instances of active treason among our naval and military officers, their antecedents suggest personal weaknesses, unfortunate habits, or a lack of integrity, which explain the infamous dereliction. Dissatisfaction with those who control their movements and regulate their rewards, is common in the army and navy of every nation; and the autobiography of Lord Dundonald, recently published, exhibits as corrupt an administration and as flagrant contempt of official merit in the British Admiralty, as ever disgraced the annals of any government. But there is a principle worth considering in this common complaint of the neglect to which national benefactors are subject under popular governments. In no small degree this is a natural, and should be a recognized condition thereof. The superiority of democratic institutions, as far as the individual is concerned, is moral and intellectual, rather than material; they involve, as their chief good, the necessity of self-reliance, and, in discarding the patronage of regal sway, the blandishments of courts, the flatteries of rank, and largess, orders and titles, they assume immunity from dependence on arbitrary favor to be an inestimable privilege; it is because manhood finds scope, and not because honor or favoritism allures, that the wise advocates of free institutions vindicate their worth. It is because they cast men on their own resources, and leave honor and duty, high achievement, and holy sacrifice, to be their own reward, that they are to be preferred; thus are heroes developed; not to political but to social, not to government but to human appreciation, must the republican soldier, statesman, *savan*, look; his must inevitably be a labor of love; and if he has not the soul to feel that herein is a dignity and a satisfaction beyond all external success, he is but a conventional representative of the sentiment and the system of free institutions. It implies character as well as ability to turn aside from the material prosperity which is the ideal of a uniform and equalized social state, and to devote life to nobler ends, where the encouragement which aristocratic institutions lavish upon their successful votaries, is withheld. The favor of the casual "powers that be" in a republic, is distributed on other grounds than abstract merit; and no man of sense expects, as his chief recompense, just and generous treatment from those in authority. We find in our own brief history, that modest merit in official life has often been overlooked in favor of presumptuous self-assertion; that it is not the most capable and honest, but the most available for party objects, who attain position; our best statesmen have failed, since the early days of the republic, to reach the highest office in the gift of the people; the sec-

ond-rate politicians occupy our legislative halls; the most scientific officers of the army and navy often remain unpromoted, while their inferiors are advanced; and it is thus in the spheres of labor outside of civic life. The American capitalist who aids public enterprise at great personal risk; the citizen who conscientiously devotes time, thought and money to social ameliorations, without office or emolument; the author who resists the temptation to win immediate, though spurious popularity, by degrading his style and thoughts to the vulgar level of casual demand—all, in short, who toil, think, and achieve, from disinterested love of truth, of country, and of usefulness, have an instinct of heroism, the development of which is the manly blessing that compensates the lover of freedom and equality, for the absence of those factitious rewards which appeal to less elevated motives, in countries where arbitrary power metes out the guerdons. The votaries of arms, of science, of reform, and of letters, in a republic, must have that large "faith in time, and that which shapes it to some perfect end," and must realize that "they also serve who only stand and wait;" and this implies moral courage and native integrity. The self-sustained rectitude, not the external recognition of Washington's character, was its enduring distinction. And consistent individuality must ever be a test of eminence in a democratic nation, beyond what any outward rank or consideration can afford. There is, indeed, to the noble mind, a satisfaction far beyond what the touch of royalty can confer, in the intelligent and grateful admiration of a free people, and the sublime consciousness of patriotic self-devotion. He who can voluntarily forfeit these, is deficient in that manhood which self-government legitimately breeds; he who is insensible thereto lacks the essential heart of heroism and of faith; and it is, therefore, in the last analysis, presumptive evidence of inadequate character, when, under popular governments, her sworn defenders yield to those juggling fiends of treason, that "keep the word of promise to the ear, and break it to the hope."

III.

PROVINCIALISM.

ISOLATION is another and a most influential cause of perverted feeling and extravagant opinions. The narrowness of mind and morbid sensitiveness induced by limited experience of life, and a confined and uniform sphere of observation, is proverbial; the exaggeration born of village gossip, the bitterness nurtured by imagined wrongs, the fanaticism created by over-consciousness, are facts of human nature familiar to every student of history and observer of life. The broad views which characterize a liberal mind, and the logical and dispassionate conviction that belong to sound judgment, are results of contact and comparison; it is through generous sympathy that we learn to estimate social truth; the great laws of character, the phenomena of human existence, the recognition of an idea "dearer than self" are acquired by a knowledge of the world, the habit of wide and varied association; shut out from such discipline, absorbed in a monotonous and special vocation, a certain dogmatic egotism is engendered—a false standard adopted, and a provincial tone of mind becomes habitual. The only safety, intellectually if not morally speaking, for a man thus situated, is to be found in some gift or grace of soul whereby such influences are modified and overcome. Life in the Southern states, is, for the most part, devoid of other than the most exclusive local interest; except the bond of certain agricultural staples, it is, to a great degree, unallied with that of the rest of the world; in the cities, professional and commercial occupations, and a foreign social element, bring a class of men under the influence of more versatile relations and open to them a wider field; and this class present quite a diverse type of character from the majority who, beyond the care of their plantations, the excitement of a race, or a game of hazard, care for little but local politics; the number and variety of impressions to which a man of average intelligence and sensibility is exposed in a great commercial metropolis, or an enterprising rural community, alone serve to ventilate his thoughts, enlarge his conceptions, and give a wholesome tone to his mind; the most common form of insanity is the permanent concentration of thought upon a single idea, or of feeling upon one object; Dr. Johnson said no man is wholly

sane; and the ratio of his mental soundness is graduated by the range of his perceptions: when these have no adequate scope, irrational tendencies are sure to develop, while the emotional nature, equally baffled, reacts in sensitiveness and passion. The individual application of these trite conditions, in estimating character, is within the ordinary experience of every observant person; is it difficult to realize that peculiar circumstances may render them as obviously true of entire communities? To the man of large experience and of broad views, the evidences of this provincialism, especially in the interior of the gulf or cotton states, are striking, even on the most casual acquaintance with the people. Northern invalids who sojourned in the back country of the Carolinas during the Crimean war, were astonished to find how little even the more intelligent inhabitants knew or cared about those startling events—the record of which was pondered in New York and Boston with almost as much interest as in London and Paris; yet the planters who frequented the tavern of Columbia to sip toddy and compare notes, would not even read, far less discuss, the charge of the six hundred at Balaklava, the details of the siege of Sebastopol, or the death of Nicholas; these occurrences involving the fate of Europe, and indirectly of the world, had no significance to men who vehemently canvassed the claims and prospects of rival candidates for county office. The exaggerated pride of birth, as an exclusive distinction, which is such a local absurdity in South Carolina, is fostered by the same isolation of thought and experience; the circumstance of direct descent from distinguished English and Huguenot families, being as true of New York and Massachusetts, but less considered, less vaunted, because of the more varied interests and more legitimate social ambition there prevalent. The first impression which personal contact with this intense provincialism makes upon a liberal mind, is a conviction, that the best use to which the public finances of those states could be applied, would be to pay the expenses of foreign and home travel for the enlargement and discipline of the people; thus only would it seem practicable to widen to their vision the narrow bounds of local into the broad and noble associations of national life—to correct the morbid egotism and childish self-importance bred from a limited and mutual complacency, whereby visionary ideas in politics and exclusive standards of social character are engendered and maintained. It must be confessed, however, that this assumed superiority—this curious survival of feudal traditions in the nineteenth century, is often incorrigible; a native of South Carolina, one of a party of Americans travelling in Europe, when the hotel registers were brought him

for signature, instead of recording himself as a citizen of the United States, than which no national title then secured greater respect abroad, insisted upon writing *La Carolina* as his native country, which proceeding continually led to the mistake of his being regarded as an inhabitant of an obscure South American town. Some years ago, a deputation of planters from the same state visited Savannah, Georgia, where their costume, which resembled the worn and dingy vestments of overseers, excited surprise; these same individuals were subsequently encountered in the streets of Charleston dressed like gentlemen, and when their Savannah visitors inquired the reason of their coming to Georgia in old clothes, they were informed it was done to indicate the social estimation in which the first families of the one state held those of the other. Such a puerile exhibition of arrant conceit is incredible in this age and country; but it signalizes the provincial bigotry which, in more grave interests, ignores the laws of nature herself, in wild schemes of local aggrandizements, interprets misfortunes which originate in habits of life and facts of climate, topography, labor and temperament, into wrongs inflicted by more prosperous communities—to be revenged by violence and craft—and would immolate a nation's happiness and dignity upon the degraded and diminutive altar of superstitious self-love. One might imagine a latent satire in the description by an early traveller in America, of the indigenous tree chosen by the truculent and exclusive Carolinians, as a substitute for the flag “known and honored throughout the world.”

“The palmetto royal, or Adam's needle, is a *singular tree*; they grow so thick together that a bird can scarcely penetrate between them. The stiff leaves of this sword plant, standing straight out from the trunk, form a barrier that neither man nor beast can pass; it rises with an erect stem about ten or twelve feet high, crowned with a chaplet of dagger-like green leaves, with a stiff, sharp spur at the end. This thorny crown is tipped with a pyramid of white flowers, shaped like a tulip or lily; to these flowers succeeds a large fruit, in form like a cucumber, but, when ripe, of a deep purple color.”

The incessant interchange of commodities between the interior and seaboard cities and towns of New York, the exigencies of local trade and social communication in New England, the Middle and the Western States, continually bring together the people of those regions so that there is little consciousness of the geographical limits of each; and no strong prejudice or partiality, except what finds vent in jocose comparisons and stoical self-criticism; whereas the isolated habits of the South, preclude in-

timate acquaintance, not only with the opposite section, but between the adjacent states. Few of the inhabitants wander far from their homes, and no one who has explored that part of the country, fails to be struck with the mutual ignorance and jealousy that prevail, so that no idea can be more false than that which attributes a homogeneous character and feeling to the population. It is this condition which, on the one hand prevents uniform political and social sympathy, and on the other, circumscribes and often annihilates national aspiration, attachment and pride, which thrive under the more free and familiar communication and intercourse of the North, West and East. Yet it is surprising that the mere experience of that importance and facility which a national sanction imparts to a small and remote community, does not quicken the sense of its value and interest. A few months ago, for instance, a Savannah lawyer returned from China, after having, for the first time in history, broken through the traditional exclusiveness of the Chinese and been admitted within the jealous precincts of Peking; and this triumph over antiquated precedent in a distant quarter of the globe, was achieved solely by virtue of the prestige and the protection derived from the American government, whose ambassador he was. Such an experience one would imagine would open the eyes of his neighbors as well as himself, to the honor and efficiency attached to the flag they now profess to despise. Despite the variety of natural and social features and the wide distances of the republic—everywhere are tokens and associations of a common fame and common source of prosperity. The name of the very fort against which the little state of South Carolina opened her batteries, reproaches the act as paricidal, for it was baptized for a Southern general who helped to win the independence of the nation. In Georgia, too, is the plantation a grateful state bestowed upon a Rhode Island officer for his eminent services in the same great cause, and there also is his grave; while the most popular and the heart-inspired tribute to our country's banner, was inspired by the sight of its starry folds when revealed to a prisoner of war, who with rapture beheld them still floating, at dawn, over the city where, a few weeks ago, that flag was only raised by patriotic intrepidity. And if a foreign visitor, having explored the granite hills, gnarled orchards and teeming marts and factories of New England, coursed over her fleecy snow or inhaled her bleak winds, when roaming amid the cypress swamps and canebrakes of Louisiana, hearing the bitter cry and sweltering under the clammy heat—should wonder at the elasticity of a system of self-government which can

include such remote natural landscapes—his surprise will diminish when he turns to the history of the state, and after reading of so many and such diverse political dominations, and their results, ponders the conclusion of the historian, who declares that “there were none of those associations—not a link of that mystic chain connecting the present with the past—which produce an attachment to locality. It was not when a poor colony, and when given away like a farm, that she prospered. This miracle was to be the consequence of the apparition of a banner which was not in existence at the time, which was to be the harbinger of the advent of liberty, the harbinger of the regeneration of nations, and which was to form so important an era in the history of mankind.”*

This provincial instead of national spirit, this local instead of patriotic sentiment, which blinds with prejudice and dwarfs with passion the grand, beautiful and auspicious feeling of American citizenship, has been the moral basis of intrigue and seduction whereon ambitious Southern politicians have worked: the more intellectual among them by artful appeals to narrow motives, by ingenious theories of government, and extravagant assertion of state-rights, and especially by attributing the inferior industrial development and commercial prosperity of the South to legislation and Federal authority, have gradually educated the people into a belief in their sophistries; some availing themselves of this expedient for a temporary party object, and others, like Calhoun, deliberately alienating the popular mind from nationality and moulding it into sectionalism. It may strike a distant observer as impossible thus to debauch the civic integrity of whole states, where free discussion prevails; but the possibility grows out of the peculiar organization and condition of society in that region; a comparatively few wealthy planters, a large servile race, and between these extremes, the “landless resolute” or poor whites, ignorant, desperate, and with neither the scope nor the motive which free labor insures—offer ample verge for the domination of politicians; what is understood practically in both Old and New England by “the formation of public opinion,” a process which in the end vanquishes error and makes truth manifest, is all but unknown; there is no vast and intelligent and intermediate class between the wealthy land-owner and the poor laborer; it is easy for wealth and wit to combine and impinge upon the rabble a political creed—while appeals to interest, however untenable, are singularly effective among owners of

* Gayerre's History of Louisiana.

estates whose incomes are precarious, and whose pride will not permit them to recognize the cause and the remedy of their discouragements at home, when they can delude themselves into the belief that the origin of their inferior success is external. Temperament favors these irrational theories; isolation confirms them; falsehood is easily propagated, ill-will easily inflamed, jealousy easily excited in such a community, when a few enterprising minds sagaciously delude and inflame that native arrogance of temper which all philosophic observers, from Thomas Jefferson to John Stuart Mill, unite in declaring an inevitable result of "property in man." The evidence of the passing hour attests that this process is habitual. A naval officer of Southern birth the instant he heard of the secession of his native state, resigned his commission, "because his father, thirty years ago, had taught him it would be his duty in such an exigency." The son of one of the rebellious leaders was ordered by his father to resign as a member of the U. S. Naval School, and endeavored to obtain his teacher's sanction to resist the command. "My father, sir," said the boy with his eyes full of tears, "is a political enthusiast." But the fallacy of the doctrine thus maintained is proved by the absolute inconsistency of the recorded convictions of the very men who now cast off their allegiance to their country, their oaths and their duty. The history of the world affords no such examples of shameless apostasy; not years and months, but weeks, days, and even hours only, intervene between the most solemn recognition of the paramount claims of national fealty and the benignant character of national institutions, and the heartless and reckless repudiation of both. Not only do the words of their own mouths condemn them, but, in many instances, where there lingers moral sensibility, the struggle between ambition and duty, honor and treachery, has made young men wear the aspect of age, racked the brain to the verge of insanity, and induced self-abandonment to strong drink or seclusion and remorse. And where hardihood precludes such effects, the mendacity of treason has been so unblushing and excessive, as to demoralize fatally both the men and the cause. Unfortunately for that charitable judgment which under circumstances somewhat akin, has gained for the adherents of a bad cause, the compassion which belongs to involuntary but generous wrong—from first to last the absolute proof of wilful falsehood and faithlessness has attended the recognized representatives of the most wicked and wanton conspiracy ever aimed at the life of a great nation.

IV.

CHARACTER.

To analyze character, whether national or individual, requires opportunities of study, and power of insight and comparison, rarely united; and to point out the characteristics of the South and the North as social entities, involves so many considerations which must modify any general estimate, that the most candid view is likely to be attributed either to limited experience, or to inadequate discrimination. Certain facts, however, variously attested, and so generally recognized as to illustrate the normal diversities of the respective populations, may be justly adduced to explain the moral complexion of the present crisis and strife. The first and most obvious consideration is, that it is as a *caste* rather than a people, that the South have raised the banner and the cry of insurrection; it is in the character of slaveholders that they wage fratricidal war, not because they have not in the past, and may not in the future, enjoy all the protection, scope, prosperity, and prestige which honest labor and free citizenship secure, but because they refuse to yield to the encroachment of natural laws, whereby political supremacy has passed from Southern to Western communities, on account of the inevitable expansion of the latter under the agency of free labor; that they selfishly and despairingly strive to overthrow a just government. The pretext for their rebellion, be it ever remembered, so far as it has any legislative cause, is the determination of the majority of their fellow-citizens to prevent the extension of slavery; the *animus* of their hostility partakes of the same origin:—passionate resistance to what civilization, culture, duty, Christianity assert; it is against the hatred which conscious error, long suppressed jealousy, baffled ambition inspires, that the mere self-preserving instinct of the North has to contend. In this fact, from this difference, we may discern the prevalent traits of society and character—a lawless class of indigent, and an arrogant class of wealthy men—the former eager for the fray which excites their passions and occupies their stagnant energies, the latter solicitous to preserve that predominance in public affairs, which secures the institution whereby they live exempt from the necessity of labor. The very antagonism of such a condition breeds anger, sensitiveness and assump-

tion. The correspondent of the London Times, who certainly takes a most favorable view of the agreeable in Southern society, and compliments the manners, the appearance, and the wine he found in Carolina, admits that the gentlemen of the South, "if they meet with opposition, can scarce control their passions, and argument is often treated as insult," while only the evidence of facts would make credible the exhibition of female ire evoked by the present conflict. We are justified, therefore, in the conclusion, that the *temper* of the better classes is unchastened and aggressive; and every traveller can attest that the wildest district of Ireland, and the most vengeful race of Corsica, furnish no such demoralized and ferocious rabble as the crowds that glare at the prisoners, and threaten wayfarers from the North, at every railway station between Pensacola and Manassas. The industrious habits, disciplined minds, and social equality prevalent at the North and West, chasten the temper, and make self-control and self-possession the rule instead of the exception. The people there have no motive to *hate*, though many *resist* their truculent Southern foes. Hence the long apathy, from which the cannon of Charleston roused them; hence the forbearance under misrepresentations—the patience under exactions; hence the long cherished hope of reconciliation, reconstruction, and compromise; hence the reluctance to extreme measures, even against spies and traitors. The North does not, and we trust never will, hate the South; there is no personal rancor except among a few irascible politicians. Moral indignation, the recoil of outraged humanity, the calm determination to repel assaults upon national honor, rights and property, her citizens do, indeed, acknowledge; but they have no deadly hatred to gratify, no unscrupulous revenge to wreak—only a solemn duty to fulfil, a sacred responsibility to meet. As long as an abstract question divided the two sections, the prime movers of this rebellion sought and found sympathy at the North. For fifty years the political ascendancy of the South was maintained through affiliation with the democratic party of the North; but when the balance of power, through the growth of the West, was shifted;—when so many of the Southern politicians became speculators, conspirators, anarchists—surreptitiously diverting the money, ships and army from the republic, and finally seizing its property, and assailing with rifles, batteries, poison, treachery, and wanton insult, its suffrage, defenders, representatives, flag, capitol, and citizens—then, and then only, the Federal authorities, in accordance with their constitutional obligations, and with the earnest sanction and support of the people whose organs they are, proclaimed the penalties of treason,

and summoned to arms an insulted and assailed nation. Such is the record, whose evidences are clear, and which no sophistry can obscure or rhetoric confuse. It is written in the prosecution of Floyd, in the orders of Cobb and Thompson when members of the Cabinet, in the speeches of Yancey, Stephens and Pickens, in the protest of Twiggs' betrayed subordinates; and confirmed in terms of enduring honor, in the appeals therefrom by Dix, Cass, Anderson, Scott, Holt and Johnson—in the inaugural and proclamations of the President of the United States, and the resolutions of Congress—in the self-assertion of Western Virginia, Eastern Tennessee, Missouri, Kentucky, North Carolina, Maryland, and the less hampered sections of other states—in the prompt response of our volunteer militia, the generous confidence of bankers, the testimony of press, pulpit, bar and exchange, and the cheerful sacrifices of mechanics, merchants, farmers, and women, throughout our free states.

The frequent necessity of anticipating their incomes from crops, a conventional system of generosity too often opposed to justice, in fiscal matters, the habit of indulging in games of hazard, and the absence of those strict arrangements in regard to debt and credit, which obtain in communities where commerce is the prevalent vocation, combined with an impulsive, and therefore comparatively reckless temperament, cause the standard of integrity as regards pecuniary obligations to be, as a general rule, much lower at the South than the North. The history of several of the states illustrates this point; and few individuals accustomed to methodical and provident habits, after being won by the frankness, liberality, and genial qualities of Southerners, are not, sooner or later, disenchanted by finding a looseness of principle and a carelessness of practice in relation to money, which, associated as it so often is with a Hotspur quickness both to imagine and resent offence upon the most trifling provocation, makes the companionship, otherwise so desirable, far from satisfactory. In alluding to these well-known traits and tendencies of character, we are far from supposing they are not redeemed by many noble impulses; we only affirm that, in a social point of view, they are especially unfavorable to political efficiency; and afford indirect but potent occasions for unstable and capricious phenomena in the civic as in the personal sphere. Nor are we disposed to claim for Northern character immunity from traits that mar its more consistent vigor. The taint of materialism induced by prosperous enterprise, the lack of aspiration, the acquiescence in flagrant national abuses, the indifference to public duty, and the insensibility to elevating motives, too great reference to thrift and too

little to patriotism, are signs of deterioration which have kept pace with the growth of our resources, and the progress of economical and mechanical science. The whole nation, as such, requires the discipline and the purification which the terrible ordeal of civil war may, if rightly apprehended, secure. The sentiment of reverence, the true keystone of the national structure, which recognizes a supreme arbiter, and respects humanity, has lamentably declined. Neither age nor precedents, the lessons of the past nor the claims of the future, have that respect which religious faith and duty inculcate. We, as a people, have fully justified De Tocqueville's theory that devotion to the immediate is the characteristic of republics. But in the North this sacrilegious and profane tendency has been more evident as a negative, and in the South as a positive element; apathy and evasion are its tokens here, downright scorn and violence there. Burke's appeal to the normal instincts of mankind as the conservative principle of society, and Rousseau's recurrence to the natural affections as the source of happiness and culture, are as requisite to-day in America as in that chaotic era whence sprung the reign of terror in France. The corruption which had debased our government, inevitably led to the utter want of respect therefor, which emboldened unscrupulous politicians to defy and repudiate it; but had there lingered in their hearts respect for citizenship, reverence for the traditions, love of the founders, considerations for the future destiny of the republic—while contemning the disloyal and dishonest administration, they would have remembered the sacredness of citizenship, the inestimable value of constitutional rights; they would have recognized the people, while scorning their betrayers, and hesitated long to lay sacrilegious hands on the ark of our political salvation. Here was the great error of the traitors; they confounded imbecile and unprincipled rulers with the citizens of a common country; and took no account, in their schemes, of that vast reserve of patriotism and integrity, unconspicuous in ordinary times, but invoked, as by enchantment, into life and action, by the least violence to nationality. There is a mechanical spirit in the life of that portion of the country which has thriven so bountifully upon free labor, which accuses society as untrue to the æsthetic and the humane instincts that alone give dignity and grace to prosperity. If we meet on terms of greater conventional equality, we seldom elevate that advantage into respect for and sympathy with the individual: thrift too often benumbs sentiment, formal acquiescence in religious observances takes the place of vital faith; and domestic, social, and political life are hardened and narrowed by devotion to affairs,

absorption in gainful schemes, or vulgar ostentation; but these drawbacks to the highest civilization are incident to the facility with which fortunes are made, and the material taste their sudden acquisition engenders; they are acknowledged evils, continually modified by the humanizing influences of regular industry, free citizenship, humane literature, and art, and the example of the cultivated and the conscientious; they harden rather than degrade the moral sensibilities, and lead more to the neglect than the violent perversion of political duties; hence they injure the individual more than society, and, on this account, interfere less with the legitimate operation of law and order, than the despotic and limited passions which goad and blind their victims, where less industry and education, and more temptation to domineer and speculate, mar the high functions of citizenship and national obligation. However, in the heat of passion, the superior average civilization of the North may be denied, our Southern fellow-citizens give the best proof of their consciousness and conviction thereof, by sending their children to be educated there, by seeking there investments for surplus revenue, by habitually resorting thither for recreation, information, health, and social satisfaction; and by sending their families among the same traduced people, as their best refuge and most agreeable home, even when the two sections of the land are opposed to each other in deadly array. The confidence in Northern integrity, resources, culture, and kindness, as far as social agencies are concerned, has been, and is manifested by the South in so practical a manner as to make ridiculous their intemperate abuse and ostensible distrust. "Clear your mind of cant," urged Dr. Johnson, in an argument: the cant produced by this present climax of feeling and crisis of affairs is unparalleled for audacious mendacity. We hear continually that the South are "fighting for homes and firesides;" and before the evacuation of Sumpter were told of ladies devoting the Sabbath to making cartridges, and gentlemen keeping batteries under a fervid sun, as if a foreign enemy invested the city, and hordes of insatiable desperadoes threatened domestic security. And what was the truth? Simply that these people chose to imagine personal enmity, revengeful ire corresponding with their self-excited fears and vindictiveness. Voluntarily they made war on the United States, of which they constituted an integral part; with no provocation to hostilities but the election of a chief magistrate they did not approve, they commenced a violent seizure of forts, arsenals, custom-houses, treasure, and ships belonging to the whole country; and then threatened the capital; and having so done, began to "play the injured:" calling American citizens

from every class and party, in arms to defend the country, "Lincoln's men" and "Yankees;" ignoring every bond and tie but "our state," as if a certain extent of soil, without freedom to vote at will, or utter one's national allegiance with impunity, could, in any legitimate sense, be a state; one honest and sane protest against such an anomalous condition is as good as a thousand to make apparent the truth; and thence and then was sent forth the declaration of a party to the movement that "Southern oppression is worse than Northern injustice;" while a prominent member of the bar, always respected for his integrity and patriotism, boldly asserted that in thus acting his native state had "made a fool of herself," and one of her most honored daughters confessed she had wept with mortification and pity, after laughing immoderately at the comic self-delusion. And if it is objected that beneath these apparent absurdities lay, dark and portentous, the question of slavery, and that apprehension of an intended violent interference therewith, sanctioned by the new administration (however impracticable by the terms of the constitution), was the latent and overmastering inducement; then must we deny method to the madness whereof the most gifted woman of the age, whose tenderness and wisdom are hallowed by her fresh grave, thus wrote:*

"Now the question is thrown into new probabilities of solution by that *fine madness* of the South, which is God's gift to the world in these latter days, in order to a 'restitution of all things,' and the reconstruction everywhere of political justice and national right. See how it has been in Italy! If Austria had not madly invaded Piedmont in 1859, France could not have fought. If the Pope had not been madly obstinate in rejecting the reforms pressed on him by France, he must have been sustained as a temporal ruler. If the king of Naples had not madly refused to accept the overtures of Piedmont toward an alliance in free government and Italian independence, we should have had to wait for Italian unity. So with the rulers of Tuscany, Modena, and the rest. Everybody was mad at the right moment. I thank God for it. '*Mais, mon cher,*' said Napoleon to the Tuscan ex-grand duke, weeping before him as a suppliant, '*vous etiez à Solferino.*' That act of pure madness settled the duke's claims upon Tuscany. And looking yearningly to our poor Venetia (to say nothing of other suffering peoples beyond this peninsula), my cry must still be, 'Give, give—more madness, Lord!'

"The Pope has been madder than everybody, and for a much longer time, exactly because his case was complex and difficult,

* Elizabeth Barrett Browning.

and because with Catholic Europe and the French clerical party, (strengthened by M. Guizot and the whole French dynastic opposition—I wish them joy of their cause!) drawn up on the Holy Father's side, the least touch of sanity would have saved him, to the immense injury of the Italian nation. As it is, we are at the beginning of the end. We see light at the end of the cavern. Here's a dark turning indeed about Venetia—but we won't hit our heads against the stalactites even there; and beyond, we get out into a free, great, independent Italy! May God save us to the end!

“At this point the anxiety on American affairs can take its full share of thought. My partiality for frenzies is not so absorbing, believe me, as to exclude very painful considerations on the dissolution of your great Union. But my serious fear has been, and is, not for the dissolution of the body but the death of the soul; not of a rupture of states and civil war, but of reconciliation and peace at the expense of a deadly compromise of principle. Nothing will destroy the republic but what corrupts its conscience and disturbs its fame—for the stain upon the honor must come off upon the flag. If, on the other hand, the North stands fast on the moral ground, no glory will be like your glory; your frontiers may diminish, but your essential greatness will increase; your foes may be of your own household, but your friends must be among all just and righteous men.”

In all civilized countries there are two antagonistic classes more or less defined—one valuing political institutions for their conservative, civilizing and national use, protection and inspiration; and the other regarding them only as means of personal aggrandizement in the game of life; the one class respect and love government as the official expression of popular convictions—the delegated power on which the citizen relies for the preservation of law and order; the other class, having neither reverence nor love for any institution human or divine, except so far as it subserves their individual lust of power or gain, are on the perpetual *qui vive* for any temporary disorganization or crisis of opinion, whereby they can profit; in other words, civilized populations are made up of contented citizens and adventurers. With the growth of our country and the increase of its foreign element, the latter class have multiplied; and they now furnish no small portion of those who have voluntarily taken up arms against the constitution and the laws, and the elected authorities of the land. The antecedents of the leaders in this rebellion identify them with the adventurers; many of them have been filibusters, others political schemers and innovators; and others, who have held

offices of honor and trust under the Federal Government, have been remarkable for advocating views and enacting parts in the drama of public life, which conflict with logical loyalty and civic honor. Even the foreign reader of American history cannot fail to be struck with the absolute contrast in tone of mind, extent of ability and integrity of sentiment, between these men and the original and subsequent representatives of the political life of the republic; the latter were statesmen, the former are demagogues; the one trusted to principles, the other confide in theories; to the one patriotism was an absorbing instinct, to the other partisanship is the highest virtue; these look on the country, its resources, its welfare and its destinies through the narrow loophole of sectional prejudice, and those surveyed them from the exalted eminence of national honor; the means and methods of the founders of our government were candid, patient, intelligent and intrepid; those of its assailants and subverters, cruel, subtle, disingenuous and unprincipled; self-respect and mutual forbearance signalized the action of the former; vulgarity, meanness, and insolence characterize the latter; the contrast of their very names seems to mark the antagonism; some of them are appellations a farce-writer might choose for Pickwickian desperadoes. What ignoble names, as belonging to the recognized leaders of public life and opinion in the land made illustrious by Washington, Franklin, Hamilton, Madison, Jay, Adams, Morris, Marshall, Webster, Clay, and Jefferson! There is a latent significance in the juxta-position of the latter name with that of Davis, associated as it is with the triumph of the ultra-democracy to which is attributed in the last analysis, the degraded popular absolutism that now threatens the nation. In the person of that ambitious traitor, his rule and his professed objects, we have incarnated the destructive irresponsibility of democratic usurpation.

No one acquainted with American citizens of Southern birth, men of sense, refinement, integrity and patriotism, and women of intelligence, sensibility and nobleness—can for a moment do them the injustice to imagine that such men represent either their opinions or social standard of character: nor is it less unreasonable to believe that they, and such as they, are in anywise, directly responsible for the political iniquity and barbarous despotism which prevail around them; however local pride and affection and a sense of personal injury may, for the time being, enlist their active sympathies in behalf of neighbors, kindred and friends, and make it almost a social necessity to ostensibly acquiesce in and maintain the views and purposes adopted in the name of their respective states.

V.

NATIONALITY.

AMERICAN travellers in Italy (before the advent of Cavour, Victor Emanuel, and Garibaldi—that noble trio of constitutional king, national statesman, and popular champion—through whom unity, which begets power, and power legitimized by free government, were established in the peninsula), while their sympathies were deeply excited for this ingenious, urbane, and oppressed people, half despaired of their political regeneration on account of the local feeling and antagonism, the provincial and municipal prejudice and attachment, which seemed to utterly forego national feeling, wherein so evidently consisted the welfare of Italy. To the native of our western republic, it seemed as pitiful as perverse to hear the amiable *contessa* and the candid *contadino*, the effeminate *employé* of duke, pope, or emperor, and even the shrewd artisan, talk so complacently of “*mio paese*”—meaning, thereby, the city or village that gave them birth; to witness the proud contempt with which the Roman flung his threadbare cloak over his shoulders at the mention of the Neapolitans; to note the shallow pity of the latter for the more cultivated Tuscans, and mark the antagonistic mein of the Piedmontese officer toward the tradesman of Milan, indicating a mutual indifference or antipathy, and a narrow consciousness of civic dignity and privilege, which seemed fatal to the generous and practical patriotism alone adequate to the emancipation of Italy. But this childish and unworthy feeling challenged pity rather than anger; it was the growth of ages, born of the feudal ways of the old Italian republic, kept alive by traditional animosities, rival interests, and the sequestration which despotism encourages. That our own country, subjected to no such heritage of demarcation, whose original combination of resources and sentiment won freedom and founded republican government on the grandest scale; where the hand of the Creator has written a united destiny by the most magnificent series of rivers and lakes in the world, connecting the heart of the continent with the sea, and interfusing states and territories by common distribution of water and chains of mountains—that our own country, which had experienced the moral and physical

benefits of union in war and peace, and through years of unprecedented growth, freedom and prosperity, should, by the influence of this same obsolete provincial and feudal bigotry, relapse into divided counsels, interests, and institutions, even to insurrection—that we live to hear Americans talk with puerile emphasis of “my state,” while the Italians vindicate the sentiment and success of nationality, is one of those miraculous transformations that baffle speculation, and make almost untrustworthy the evidence of our senses. Nothing can more clearly demonstrate the superficial hold which national honor, pride, and affection—the safeguard and the sanctions of a civilized people—have upon these fanatical votaries of what they call “state rights,” and, at the same time, better indicate how often the latter are flagrant “state wrongs,” than the abrupt and inconsequent changes of political faith under the pressure of this crisis. Letters are in the possession of numerous Northern friends of some of the most respected and intelligent Virginians, Georgians, and Louisianians, written just before their respective states were declared seceded from the federal Union, in which the abettors of this project are denounced as reckless and treasonable, their purpose stigmatized as anarchical, and the warmest professions of attachment to and confidence in the constitution and Union declared. Yet a few days subsequent these convictions are ignored, and the obligation to “stand by our state” recognized, either because of property therein, the claims of kindred, the fear of persecution, or the prospect of office. Sometimes the transition has been so instantaneous and complete as to be comic. When Annapolis was threatened, nothing could exceed the active sympathy of the female friends of the officers’ wives; obliged to pack up and hasten off, with their young families, at a few hours’ warning. We know of instances where friends and neighbors have mingled tears and reproaches with the suddenly ejected household, kept vigils of love and care with them, and the next day passed them with a stare of cold indifference, because, meantime, news had arrived that their state had seceded! The very persons who have invoked the federal arms for protection, have resisted their appearance as an invasion; the same hands that have recorded utter distrust of, and well-founded contempt for, the honesty of the rebellious leaders, and declared it infamy to obey their behests, have signed papers recognizing their authority, and commending their usurpations. Such gross inconsistencies and rapid self-contradictions prove either a fatal materialism or a civic cowardice, from which it would be an inestimable blessing to be set free, even through the fiery ordeal of civil war. In fact, this political crisis and hostile demonstra-

tion has revealed a state of society so incongruous and demoralized that, had it not occurred, a social revolution and local contest must have soon taken place at the South. It has been made apparent that the refined, humane, cultivated, and Christian families, whose members have so won the love of the North, so honored and blest the sphere of their duties, whose homes are shrines of religious and domestic peace, and haunts of genial hospitality, are so greatly in the minority as to be overshadowed and overawed by the irresponsible and arrogant element of the population. During these long years of prosperity and peace, the large planters have increased their estates, while the poor whites and the negroes have multiplied; the sons of the land-owners, by the subdivisions of property, are restricted in means; and, having been educated at the North and travelled in Europe, with expensive tastes, and despising labor, are at once proud and poor, and therefore ready for military enterprise and glad of an excuse for fighting. Here we have the desperate and the adventurous material which stimulates political factions into turbulence and bloodshed. To resist the tide of popular fury, under the local circumstances of the Southern states, has been physically impossible; so that men of sense, of principle and of patriotism, are condemned to tacit acquiescence, and keep aloof, as far as practicable, from the strife; and in the seclusion of their plantations, if undisturbed by foragers and press-gangs, have ample time and cause to realize how bitter are the so-called "state rights" which deprive the citizens of free speech, free votes, free passage—all that constitute "liberty and the pursuit of happiness," so long guaranteed under the flag now trodden in the dust, its stars of promise superseded by the thorny palmetto, the filthy pelican, and the envenomed snake.

There are, indeed, recognized conservative influences which invariably deepen and define national sentiment, so as to render it superior to the blandishments of speculative innovators and the temptation of economical experiments—influences so inwrought with the fame and the charm of one's native land, as to bind the heart thereto by the strong ties of a common heritage of renown, the memory of individual culture, and the pride of national achievement. Among the most endeared of these are literature and art; and herein the Southern communities are far less favored than those of the North. The written thought, when clothed with beauty and power, and inspired by genius, reflecting and embalming the traditions, the aspect, and the character of a people, and the trophies of art, which perpetuate historical and local fame, singularly endear the country of their origin. Abroad

we ponder the verse which renews to the mind every feature of our country, the chronicle that illustrates the triumphs of her scholars, the eloquence which celebrates her heroes, and, at home, we cherish the picture or the statue that vindicates her artistic power, as memorials of native glory. The more general culture and the special achievements in letters and art which have signalized the civilization of the North, have tended, in no small degree, to keep alive pride of country; while the talent of the South has been exhibited more in the evanescent triumphs of oratory than in permanent and classic works. Those American authors and artists who have attained a European reputation, with but few exceptions have been of New England birth; and the spirit of their creations has been eminently national. It is the same in the mechanic arts and in commercial enterprise, which are held, as vocations, in contempt by wealthy planters. The echoes of national celebrity, which the bards, historians, ethical and critical writers, shipwrights, sculptors, limners, inventors, and discoverers of America, have evoked from the old world, have been hailed chiefly at a distance from her cotton-fields; and thus the true glory of the land seems to have had but a local recognition. It is, indeed, among the sophistical arguments of those who persist in attributing to legislative and social all the ill-success that grows out of natural causes—that the North will not encourage the Southern mind any more than the Southern trade; but we all know that genius and effective self-culture make themselves felt in spite of prejudice and prohibition, neither of which exists in this case. The theory is as unreasonable as a method of accounting for the dearth of literary and artistic triumphs, as is that of tariffs, monopolies, and local preferences, in explaining the superiority of New York to Charleston as a mart and port; as if harbors obstructed by sand-bars and currents, and cities exposed to annual pestilence, can ever equal more commodious, accessible, and salubrious centres of traffic; or, as if a great poet, masterly historian, gifted artist, or prevalent literary taste, could, by any external agency, fail of just recognition wherever found. It is to one of that despised race of Yankees that the South is indebted for the system of telegraphic communication, which, until she wantonly severed the ties of commerce and comity, bore so swiftly to and from the distant North embassies of traffic or of love; to another they owe the very machine which, by a process quicker and more sure than human hands, separates the seed from the fibre of the cotton plant, and thus indefinitely adds to its market value; the shoes he wears, the book he reads, the weapon he so recklessly uses, the engine that propels him on railway and river, half the

commodities and amenities of life, are contributed by the same derided Yankees.

The traditions of the revolutionary struggle have been kept alive at the North, while they have languished at the South, by virtue of this greater love of, and devotion to, art and letters. It was the eloquence of a New England orator that made Mount Vernon national property; it was the cunning hand of a New-York sculptor that moulded the heroic figure of Washington, that adorns, while it reproaches, the capital of Virginia; it was the comprehensive reasoning and immortal appeal of a Northern statesman, that laid bare the iniquity of this very rebellion, when it was but a speculative germ, and proclaimed in language which the world knows by heart—the inestimable value, glorious history, and precious heritage of the Union; and it was a band of Massachusetts soldiers who, a few weeks since, on their way to defend it, turned aside to lay garlands on the fresh grave of Washington's latest biographer.

VI.

ALIENATION.

THE most lamentable, and to honest and generous hearts the most unaccountable phase of this political alienation, is the vindictive hatred exhibited by the Southern people toward the North. No fact more clearly proves the existence of an organized and assiduous system of deception than this; for there is nothing in the past relations—nothing in the history of the government, or in the diversities of life and character, to explain this unmitigated hostility, as a social antagonism; it is not reciprocal, as would be the case if it originated in conscious wrong acted as well as suffered. Any intelligent Northern citizen, who has intimately associated with ladies and gentlemen (the politicians and blackguards are not to be considered) of Southern birth, will not hesitate to bear witness to the utter absence of ill-will, inhospitality, or prejudice; on the contrary, average experience indicates precisely the reverse—a decided partiality for, and interest in, Southern society, as such. For how many years was Saratoga the pleasant rendezvous where old friendships were renewed annually

between the best families from the extreme sections of the land ; how constantly have Northern invalids found homes at the South endeared by the warmest ties of kindness, respect and affection ; and Southern friends gladly resumed these relations on their summer excursions to the sea-side and mountains of the North. If the private correspondence of the most cultivated families in both sections, were laid open to our inspection, it would reveal years of the most frank and sympathetic intercourse. The very differences of character have promoted this affinity. There is something peculiarly attractive in the manners, something freshly suggestive in the conversation of Southern women to Northern men ; and scarcely a large plantation, or a favorite watering-place in the land, has not witnessed the most genial intercourse, often resulting in permanent relations. The violent repulsion now experienced, cannot, therefore, be accounted for as a social fact, by exclusive political causes ; these alienate communities, bar promiscuous association, check and chill awhile the interchange of hospitality ; but they do not blight, at a glance, the love of years, extinguish friendships based on mutual confidence, fill the tested sympathy of familiar comrades with the poison of distrust, and turn the tender sympathies of woman into fiendish hatred. What then are the latent causes of this unchristian, unphilosophical, un-American social enmity ? We recognize three prominent sources thereof—mendacious politicians, an irresponsible press, and malignant philanthropists ; and we confidently assert, that neither has any legitimate claim to represent the social sentiment, or to assume the political expression of the national mind ; and the consciousness of this has led the first class to establish and maintain every possible obstacle whereby a mutual understanding could be attained, and the truth be revealed to their deluded victims. Not one man in a thousand believed such an attempt practicable in this country, where freedom of communication has been so long a national habit ; but espionage, proscription and violence have succeeded on American soil quite as well as under Austrian tyranny ; and when the history of this rebellion shall be written, its most remarkable feature will be the number, enormity, and continuance of popular delusions, by means of which the leaders have kept up the strife and kept out the truth ; that a day of reckoning will come, and that the betrayal of whole communities, for personal objects, will react fatally upon its authors, is the inference from all historical precedent as well as retributive law. But with all their sagacity and unscrupulous force, it would have been impossible thus to deceive the multitude, had not antecedent influences prepared the way for the blind adop-

tion of these fanatical convictions. As the previous social experience of those so grossly self-deluded gives no warrant therefor, we must seek the cause in more public agencies, and first among these is the press. We have often imagined what would be our feelings if, unenlightened by personal contact with Northern society, and dwelling upon an isolated Southern plantation, we should read some of the New-York journals, such as they were during the last two years and before ;—read the impudent defiance, the gross invective, the reckless speculations, and the inhuman suggestions, whereby, under the influence of party zeal, and personal arrogance and ignorance, it was sought to widen and deepen the breach between the North and South—not as members of a united body politic, but as communities of men, women and citizens. To us, familiar with the insulting tone and unprincipled aggression of a portion of the press—its want of respect for every sentiment dear to humanity, and almost every individual honored among men ;—its want of convictions, its mercenary inspiration, its corps of adventurers, who, without stake in the fortunes, arrogantly discuss the destinies of the republic—to us, who know precisely how to estimate the value of opinions thus put forth, and the responsibility thus assumed, it is easy to read and smile as at a farce or a mountebank ; but at a distance from such means of attaining a correct view—isolated from any other representation of the spirit and opinions of a distant community—we find no difficulty in imagining that these graceless outpourings of private arrogance and radicalism, would seem to us the voice of popular sentiment—the positive evidence of heartless prejudice or inveterate animosity. And under such an impression, the better and true convictions gained from private experience and logical investigation might fade away, and thus leave free scope for the falsehoods of political insurrectionists to take root.

The term “malignant philanthropists,” by which we designate a small but unscrupulous class of men, who, in the ostensible promotion of an object which, in the abstract, is right, advocate means practically wrong, would seem an unauthorized use of language, an adjective and a noun that contradict each other, and, therefore, mean nothing. But the epithet was first used, we believe, by a discriminating clergyman, and is literally correct ; for the persons whose character it defines, unite combativeness and destructiveness to professed benevolence, and present the anomaly of ostensibly seeking the good of humanity while violating her primal instincts. It is an abuse of language to call this class of active opponents to slavery, abolitionists, for every one who believes that institution ought to be abolished, comes under

this appellation; while the class referred to are properly insurrectionists, and advocate a course which involves the life of thousands of innocent human beings—their fellow-citizens as well as a larger number of their fellow-creatures whose champions they perversely declare themselves. Though limited and uninfluential, without political prestige or power, and looked upon with horror by every rational lover of freedom, they have had full range in the expression of their opinions; and of this circumstance the political zealots of the South have availed themselves to propagate the wanton falsehood that a majority of the Northern people not only approve their wicked purpose, but originally intended to realize it through military conquest. This monstrous fiction, incredible according to the common sense of mankind, and contradicted by the history of legislation, and the testimony of all impartial witnesses; known, in fact, to be an invention by all experienced and observant persons, is nevertheless the great expedient of the political tyrants who have outraged the constitution, the laws, and the rights of the country. Should a novice doubt the efficacy of such a method, let him read the story of the few abortive negro insurrections that have occurred on this continent; and the wild terror and extravagant precautions even the faintest rumor thereof have occasioned in whole states, will convince him that in the hands of sagacious adventurers there is no conceivable means of exciting fear, and through fear hate and desperate violence, than the constantly repeated assertion that citizens of the same country are leagued with these infamous advocates of a servile insurrection by constitutional political organization. This reiterated fiction has acted upon the ignorant and passionate masses of the South, as the fanaticism of the first French revolution upon the mob and their leaders—rousing the instinct of self-preservation into the frenzy of vindictive usurpation, alienation, and revenge. Those incapable of apprehending the subtle arguments of political theorists, and even of reading the diatribes of unprincipled journalism, are roused by this alarm into ferocity and blind aggression. But the malignant philanthropist is as much distrusted and disliked by men of humanity and sense at the North, as his incendiary speech and writings are feared and anathematized at the South. He is regarded as one who impiously strives to maintain an unchristian standard of benevolence, by aggressive allegiance to the letter, and entire unfaithfulness to the spirit of the benign founder of our religion; as substituting an abstract and speculative for a practical and soulful interest in mankind. There is nothing in his personal character and influence that bespeaks the tenderness for human needs, the respect for human sympa-

tics, which vociferous assaults on a special wrong, and exclusive appeals for a special class, would suggest. Not to him do his neighbors instinctively turn for kindly offices and generous aid; intolerant, self-complacent, pertinacious, unmindful of the feelings of those around and defiant toward the proprieties of time, place, and circumstances, he lacks the "heart of courtesy," often the domestic graces, always the divine charity whereof is made the character of the Christian gentlemen: and inevitably suggests to the experienced observer, the idea of a champion inspired to a reckless crusade, by the consciousness of deficiency in that love and nobleness that finds scope in daily life and familiar relations. Can a better illustration of the real state of the case be imagined than that afforded by a frank and free conversation between an intelligent slaveholder and an equally intelligent republican of the North, when each, through long acquaintance, had reason to know the honesty and magnanimity of the other? Such a conversation, tempered by all the pleasant influences of a sumptuous repast and an agreeable company, it was our fortune to hear. "How many years have you known me?" asked the republican of his Southern friend." "About a quarter of a century," was the reply. "Do you then believe me capable of uniting myself to a party having for its object the initiation of a servile war—a slave insurrection, with all its atrocious horrors, involving alike men, women, and children—my fellow-citizens, many of whom are personally endeared by years of affectionate intercourse?" His auditor indignantly disclaimed the idea. "Your sense of justice then discards this falsehood, so industriously propagated at the South as identified with the political organization to which I belong?" "It does." "Would you, if by a mere effort of volition, it was in your power, convert your slave property into a satisfactory investment of another description?" "With infinite pleasure." "Why?" "Because I consider it desirable." "You regard slavery then as an evil?" "Yes, but a necessary, an inevitable evil." "Do you, with such convictions, think it justifiable in you as an American and a Christian, to wish to promote its extension?" "No." "This is the only object or doctrine of the Republican party which gives offence to the South; it is an object and a doctrine the majority of the people of the United States cherish and advocate; and they have constitutionally elected a president pledged to uphold and execute their views; it is the first time for years that the South have been conquered at the ballot-box; and now, forsooth, with all their boasted chivalry, they passionately throw up the game, repudiate their allegiance, and attempt to break up the government." "But you must remember," replied the South-

erner, "that with us the question at issue involves our property, our lives, and those of our families, while with you it is but a political abstraction; the attempt to prohibit slavery extension is the entering wedge that, in the end will subvert our 'peculiar institution,' and, therefore, we resist it to the death. I know the temper and principles of the better class of Northern society so well, that I believe, so far from sharing the violent and fatal schemes of the radical abolitionists, many would come to our aid, if the destruction of the whites was seriously attempted; I have every reason to deny the existence of any hostile sentiment, or bitter enmity toward us; I acknowledge these slanders are the invention of political aspirants; at the same time, our interests, our pride, our local attachments, and our self-preserving instincts, compel recourse to secession with all its unhappy consequences." Such was the admission, in the confidence of friendship, of a slaveholder; and when he was asked why he did not correct the delusions so rife in his own state and neighborhood, as to the true aim of the successful party, and the real sentiment of the Northern community toward the Southern, as such, he candidly acknowledged that he could not risk the probable consequences of such ingenuous advocacy of truth—tar and feathers, a prison or a halter.

We have spoken of the provincialism which, in parts of the Southern states, blinds the people to the dignity and value of national relations, and of the theoretical politics thence engendered—of the jealousy of their "peculiar institution," which creates an extravagant susceptibility both of private opinion and possible legislation in the free states regarding it, and of the opportunity thus afforded to unprincipled adventurers to sophisticate the thought and exasperate the feeling of the public; to these causes of disaffection may be added one less worthy, but equally true—envy of the more rapid growth and greater prosperity of the North; the irritation thus awakened vents itself in language which cannot be mistaken. The commercial prominence and social luxury witnessed in the large cities of the North, is a spectacle which affects the less magnanimous of our Southern fellow-citizens, as did the sight of Mordecai Haman of old. Not only are the unreasoning cavillers who dwell beside the canebrakes, and in the stagnant summer marts, thus affected, but in Maryland, as the most northern of the slave states, whose commercial port admits of all the requisite facilities for extensive and regular trade—certain capitalists have adopted the belief in, and pressed to the most dire extremity, the purpose of secession, in order, as they fondly imagine, to render Baltimore all that New York now is, by diverting thither the depôts, shipping, and centre of exchange for

the staples of the South, while the kindred innovators of Virginia flatter themselves that, under this new order of things, their state will become the manufacturing region that has made New England rich and industrious. In their selfish eagerness to realize these projects, they ignore the fact that they are wholly experimental; that, however unequally divided, the extraordinary prosperity of the United States has been derived from its political unity; and that, with the possibility of local advantage by a severance of the Union, there is a certainty of greater decadence throughout the states; while the vast protection and encouragement incident to our great country will be lost to its unsustainable and rival fragments. One of the best writers and most honorable patriots Maryland boasts,* has demonstrated that it is a fatal error, as far as her industrial interests are concerned, to withdraw from the Union under any circumstances; that political economy coalesces with national honor to appeal from a course at once disloyal and suicidal; and so far is the municipal integrity of Baltimore from being sound, that before the present mania developed into treasonable violence, it was notorious that the community were deprived of their political rights by a permanent mobocracy. One of the leading lawyers of that city, to illustrate this anomalous and fearful condition, informed us, that having gained a suit involving a large amount of real estate, his client was unable to obtain possession, because the premises had been seized and occupied by one of those lawless bands in the interest of the defeated party. Elsewhere, in the country, he added, redress might easily be obtained by process of ejection for trespass; "but if I had sent a sheriff's posse to drive away the intruders, I should have exposed my invalid wife and young children to the horrors of a vengeful mob, on the very next occasion of popular tumult." And yet, where freemen could not deposit their ballots from fear of violence, and the local authorities had proved inadequate to save from slaughter those who sought a peaceable passage through their city, where the property of a large corporation was ruthlessly destroyed in defiance of law, the presence of the national militia, which, for the first time for years, restrained these ruffians, to the delight of honest and order-loving citizens, was met by "curses not loud but deep" against this necessary protection, as a violation of state rights! No sober and humane observer of phenomena like these, coupled with the exhibition of a vindictive spirit, for which no motive, at all proportioned to its vehemence, is apparent, can resist the conclusion that there is

* Hon. John P. Kennedy.

social as well as individual insanity. History explains, and human nature accounts for the inveterate resentment between Goth and Roman, Guelph and Ghibbine, French and English, Austrian and Italian, but vainly will the historian of modern civilization, though as indefatigable in research and ingenious in inference as Buckle, seek for any more plausible theory of this local animosity than an epidemic madness. There remains another cause applicable to the border, cotton, and free states, that accounts for the bitterness and the prevalence of disunion schemes—a cause more disgraceful and discouraging to the lovers of free constitutional government than either wild theories of local aggrandizement or fears in regard to direct interference with slavery, and that is political selfishness and disloyalty. The very theory of popular government presupposes that the majority shall legitimately rule and the minority cheerfully submit; heretofore, however fierce and strong party feeling has risen, the terms and the rights of this solemn compact have been respected; now violence and treason are openly advocated and practised by the defeated party, or rather by the unprincipled members thereof; and the people are driven by the instinct of self-preservation, and the clear dictates of patriotic duty, to meet the fearful ordeal of civil war.

VII.

FOREIGN CRITICISM.

IN view of these patent facts, the disingenuous tone of the English press on American affairs is, to say the least, discreditable to its candor and manliness. That the London *Times*, which has long ceased to be the expositor of the popular sentiment of Great Britain, and become the advocate of her conjectural interests—should studiously misstate the issue and the exigency, is not surprising; that the remorseless organ of Toryism, fitly called “Old Ebony”—from the density and darkness of its political perversity, should affect to consider the struggle as a necessary result of democratic institutions, and involving no more important consequence than an auspicious separation of states,

which originally made the grand mistake of abjuring British colonial rule, is consistent with the tactics and temper of a periodical whose literary freedom and brilliancy contrast so unfortunately with the conventional restraint and arbitrariness of its political creed; and that a flippant medium for spite and inhumanity like the *Saturday Review*, should sneer at the claims and dogmatize over the prospects of a nation whose trials and tendencies it lacks both the soul and the intellect to comprehend, are freaks of popular journalism which are to be expected by all who are cognizant of the methods and the motives of those who control this trenchant and truculent sheet. But the case is different when we find the subject discussed, not in the same antagonistic temper, indeed, nor with like indifference to the feelings and the fate of a kindred people, but with the same indications of a foregone conclusion and wilful repudiation of facts, by professedly liberal and independent organs, such as the *National Review*, which, arguing that the North would flourish better apart, and be free of the taint and the perplexity of the Slavery question, expresses wonder that the most civilized and powerful states of the Union do not cheerfully and peacefully allow the withdrawal of those disaffected and rebellious; and then goes on to show that, while *right* is unquestionably on the side of the government, *reason* is against a war for its maintenance—the inference being that the United States initiated a bloody conflict, simply to prevent a voluntary and legitimate secession of certain discontented members of the republic; whereas the present war was made inevitable by an organized attempt to overthrow the institutions, appropriate the resources, destroy the liberties and seize the capital of the nation; it was a moral and physical necessity to fight—even if it were known that the scheme of the disunionists could and would be realized—for otherwise, the property, the lives, and the freedom of American citizens had no earthly guarantee, safeguard or sanction. In ignoring this palpable truth, a portion of the press of England has stultified all its speculative logic; and it is a remarkable evidence of the honesty of the people—that the most stringent protests against this injustice have come from a journal and man that represent the manufacturing interests, which were most compromised by the war; Mr. Bright and the *Manchester Guardian* herein rise far above the material level of the *London Times*; and the most just and generous interpretation of the crisis in Europe, instead of emanating from those who are nearest us in blood and institutions, has found scope in the eloquent appeal of a French publicist, in the intelligent sympathy of German and the authentic statements of

Italian writers. Gasparin, in Paris, the *Rivista Contemporanea* and *l'Opinione* of Turin, better understand and more nobly advocate our cause; and D'Azeglio, in opposing the schemes of demagogues who seek to nip in the bud the expanding nationality of the Italian states, by subverting the constitutional kingdom under which it has germinated and attained vigor—cites the conduct of the Southern states of America: *L'assolutismo della democrazia è colà arrivato alle sue ultime conseguenze ed ha spaventato il mondo coll' esempio di uno stato Cristiano che proclama di diritto divino la schiavitù*.* The greatest living English authority in economical and political science, attests, in equally emphatic terms the same truth. In a discussion on the American crisis by the Political Economy Society of Paris, John Stuart Mill thus expressed his deliberate convictions:

“The question between the North and South of the American Union is a question of passion and not of economical interest or of political interest rightly understood, whatever may be the motive urged on either side. What is now passing there has taken place many a time before in Europe in circumstances of similar gravity. The Southern states are mastered by a passion which blinds them and prevents them from weighing their true interests and the dangers which threaten them. *They are in a frame of mind which is the result of slavery. These men, accustomed to exercise a daily despotic power over their fellows, cannot bear control, criticism or resistance. They draw a blind confidence from their heated and unruly tempers, and they so exaggerate their strength as really to imagine that they can bring the North to terms. Such is always the effect of the exercise of absolute power over one's fellow man.* The passion which inspires the North is born of nobler and worthier sentiments. They wish to preserve to the republic the prestige which it has enjoyed up to the present time, and they think that the maintenance of political bonds with the Southern states is necessary for the preservation of this prestige. It is on patriotism that they rely to effect this object.”

The same want of candor is shown in disregarding the geographical facts of the crisis, and the absolute obligations of the national government toward the South. To read the articles of English writers, and listen to the conversation of treacherous opponents of the war at home, one would imagine that the United States were divided into two congruous and isolated parties, the one having freely declared for disunion, and the other selfishly opposing their wishes. So contrary to the truth is this, that

* *Questioni Urgenti; Pensieri di Massimo D'Azeglio*: Firenze, 1861.

while the bayonet and proscription have forced the alienated states into ostensible concurrence, large sections of Virginia, Tennessee, Georgia, Louisiana and North Carolina, temporarily maintained their protest against the illegal usurpation, sometimes actually organizing a separate government, and claiming the protection of the national authority; while Kentucky bravely strives, and Missouri still nobly struggles to attain, uninvaded, their normal integrity as constituent parts of the Union. Moreover, this sequestration from the tyranny of treasonable faction exists to an indefinite degree throughout the so-called Confederacy; sometimes exhibiting itself in voluntary exile, often in banishment, and still more frequently in the unexpressed but determined loyalty of individuals, who purchase immunity from confiscation and murder by silence. Hereafter it will be recorded as one of the most glaring anomalies of Saxon civilization, that men, on both sides of the Atlantic, born and bred under constitutional freedom, and professing allegiance to the principles of civil liberty, for which Hampden, Vane, Korner and Maſtin, La Fayette and Tell, Kosciusco and Marco Bozzaris, Washington, Kossuth and Garibaldi, fought, pleaded or died—men of social position and respectability, have been found in the nineteenth century, who refused to see, in the self-defence of a nation, within whose bosom were openly violated these sacred principles, the performance of a solemn duty to humanity and to nationality—the evasion of which would have condemned her people to eternal obloquy. The conquest of the inhabitants of the border states of America by the slaveocracy, would rank in history as a more shameful wrong than the subjugation of Greece by the Turks, the dismemberment of Poland, or the failure of Italian regeneration, because in these cases the infamous work was or would have been achieved by an alien race and a foreign government, whereas, in our republic, it could be attributed only to the unfaithfulness or pusillanimity of the delegated powers of the nation itself—to the indifference or inadequacy of the free states and the Federal authority. Aptly in such a catastrophe, might be applied to the majestic bird that is the symbol of the republic, the beautiful simile, then no poetic fiction, but a tragic reality—which describes the agonies of the dying eagle as intensified by the sight of the feathers from his own plumage, that winged the fatal arrow.

Not only is attachment for, and loyalty to the Union an actual and vital sentiment, however crushed and shrouded in the disaffected states, demanding the efficient countenance of the central government, but the very institution in whose behalf such monstrous sacrifices of justice and dignity are impudently claimed,

does not exist in whole counties thereof, and is even secretly detested where it is legally maintained. On merely economical grounds it is a transition element in more than one of the states where it lingers rather than flourishes. Nor are the instances rare of individual remorse, disinterested renunciation or latent discontent—pointing to its ultimate overthrow. As we write, a daily journal records the following illustration of the manner in which the better sympathies of our nature sometimes break forth, despite the pleadings of interest and the insensibility of habit :

“It was not a hundred miles from where the rebel army is now encamped, that I once went to visit an old Virginia friend. We had known each other in boyhood. He had married, and settled down on a farm well stocked with negroes. He then invited me to visit him, not without mentioning that he had heard of my un-Virginian heresies on the slavery question ; but he wrote, “*that subject we can sink in the river Styx.*” I went, and found him pleasantly environed and happy. Old times were talked of. In the evening, when we sat talking of the old school scenes, his beautiful bride sitting near, slavery not yet distantly alluded to, nor in all our thoughts, a groan was heard outside the door, and the exclamation : “O, my God !” The husband started—the young wife was out of the door in an instant. There was a noise, a moaning voice replying to an eager, quick one ; what they said was undistinguishable. Presently the door of the parlor was burst open, disclosing in the hall, sitting on the floor, with her head on a chair, and sobbing violently, a light mulatto woman. The young wife of my friend stood before us, pale as a sheet, and deeply stirred. Scarcely, for her tremendous emotion, could she inform us of the trouble, which was, that the husband of Fanny, (the mulatto girl) had been sold South, and been taken off that day without even being allowed to come over to this neighboring estate to see his wife. But never, never can I forget the emotion and the voice with which my friend’s young wife uttered her whole heart. She held up the whole system as an accursed, God-defying system ; if by lifting her finger, she could set every slave in America free, that moment she would do it, and there would be no more white throats cut than ought to be. In vain the husband reminded her that they were not alone. Erect as a sun-beam, full of electric wrath, this Pythoness stood before me, and warned me that I could never hate slavery too much. And so she went on, with an eloquence that Phillips would envy, until the pallor was overborne by a suffusion, and the flush came with a rain of tears, and she went to kneel with the poor broken heart in the hall. The husband closed the door on the scene ; but you

may judge that we did *not* 'sink that subject in the river Styx' that night."

Equally fallacious is the theory which pretends to discover in these events the indications of radical evanescence in republican institutions; these have been invariably recognized by intelligent advocates, as based upon popular education, in the widest sense of that term; and this condition has only been practically fulfilled in the Eastern and Western states, where an alacrity and unanimity, as well as intelligence, absolutely without precedent, have been exhibited in the recent manifestation of patriotism. The apparent lapse of this conservative instinct confirms the stability of free institutions, inasmuch as, under no other form of government, could the abuses of political power have coexisted with national life. Our people so wisely governed themselves, had been so adequately educated in the social virtues, as to be, in a great measure, independent of bad rulers; the mischief they were able to inflict was casual, not vital; public order survived official dishonesty; law harmonized the community, despite its violation by their representatives; chaos came not, as in France, when the integrity of government was violated; the machinery continued to work, notwithstanding the ship of state drifted far out of her course through faithless pilotage. All history shows that nations, subject to despotism, decay or flourish according to the character of kings and ministers; but self-reliant, self-enlightened citizenship, counteracts the worst evils of ignorant, bigoted, and cruel monarchs; witness the annals of Spain and England, and their condition to-day. The essential principles of republican government, public education and equal rights, were repudiated by that portion of the United States where slavery exists; its social consequences are incompatible with the political theory of our institutions; and therefore it is as illogical as it is disingenuous, to ascribe the failure of the great experiment there to intrinsic defect. It was not through insensibility to this anomalous element that the founders of the republic permitted its continuance. They believed, and with reason, that it was a temporary obstacle; it had already died out in many states, and, according to the existent signs of the times, was destined to gradually disappear by a moral, economical, and geographical necessity. The debates of that peerless convention of patriotic statesmen who formed the Constitution, the current opinion of the day, the testimony of early travellers in America, the tendencies and spirit of the age, all justify this inference. No stronger protest against the system, or more firm conviction of its limited duration, are to be found, than among the letters and speeches of the leaders

of public opinion—the representative men of that very state whose soil now reeks with fraternal blood shed in civil war, ostensibly inaugurated for the defence of an institution then but tolerated as a casual necessity—never defended as a permanent or desirable social fact. The invention of the cotton-gin, and the new and vast mercantile value of that staple, renewed and enlarged the life of a then decrepit element in the robust body politic; interest prolonged and intensified what humanity and social science recognized as a disease; the treatment of which thenceforth became the most perplexing problem ever awarded to Christian patriotism—a nucleus for fanatics and demagogues, and a perennial source of mortification and anxiety to honorable citizens. To infer from the perversions of republican principles incident to this anomalous element their impracticable triumph, is as irrational as to deny all laws of health, because of the revelations of morbid anatomy. The industrial development, the humane fellowship, the equalized prosperity, and the greater degree of manhood and womanhood, of social progress and comfort, and individual scope and happiness, which are the legitimate results of free institutions, have been fully realized on this continent, where those institutions have truly existed; the exceptions are local, and no candid or generous mind fails to acknowledge that the cause thereof is independent of, and antagonistic to, the essentials of republican government.

The frequency of elections, the unrestricted suffrage, and the distribution of offices as a reward for partisan fidelity; the tenure and possible renewal of the presidential term, and the limited power of the executive, are features of American institutions, the practical evil of which has been sadly demonstrated; but each and all of these imperfections were anticipated by the most enlightened and comprehensive men who formed, discussed, and adopted the constitution; experience has fully justified their wisdom; the writings of Washington, Hamilton, Jay, King, Madison, Gouverneur Morris, Marshall, and others of kindred views, are prophetic of the very abuses which have gradually rendered the worst features of the present crisis not only possible but inevitable. Be it remembered, however, that they are all susceptible of reform, and if any ordeal can induce the requisite amendments, it is that through which the nation is now passing. Three other considerations suggest themselves as explanatory of the difficulties and dangers incident but not essential to our republican form of government. The first is, the great extension of the territory of the United States, the second, an immense and continuous foreign immigration, and the third, the situation of the National Capital;

each of which is associated with the secondary causes that have promoted the present disaffection and favored the outbreak of civil war. Had the rapid enlargement of the original bounds of the United States of America been foreseen, the constitution would have contained provisions adapted to the exigency; and the fathers of the republic, could they have imagined the influx of such a multitude of ignorant and impoverished Europeans, would have made the elective privilege subject to certain desirable conditions of education, property, and residence. The isolation of the capital, and its almost exclusive occupancy by representatives and employés of the government, by depriving the political nucleus of the land of those direct and salubrious influences generated by its social centres, has tended to separate civic from national life—to concentrate the agents while banishing the subjects of legislation, and thus abandoning, as it were, the former to all the pernicious influences of mere political motives. It has been repeatedly suggested that if Washington was the place of residence, even during a part of the year, of the most eminent professional and commercial citizens, from all parts of the country, their presence would modify, encourage, and sustain the administration, and give vigor and wisdom to national councils and authority. The social efficiency of London and Paris in giving character and significance to government, by immediately operating on public opinion, and the exercise of political functions, is exhibited in the history of England and France. The interference of politicians in administrative duties, and the remote action of popular sentiment upon those actually engaged in national affairs, are obvious reasons for the temporary success of treasonable intrigue and official dishonesty. The measure discussed at the club while pending in Parliament, and the crisis that raises a storm in the Chamber of Deputies, which instantly wakes an echo in the *café* and *salon*, cannot retain, if they originally possessed, an exclusively political character, for the sentiment and the thought of the citizen blend with and often shape those of the executive and the councillors of the nation. The people watch over their representatives, detect the latent purpose, enlighten the blind allegiance and inspire the loyal ruler or lawgiver, so that it is at once more difficult to betray and more easy to reform the tendencies of the hour. The history of the last few months has taught Americans the moral necessity of fusing their political and social interests, by making the capital of the nation the nucleus of its genius, its patriotism and its eminent society, whereby a wise and loyal public sentiment is engendered in the very heart of the republic.

VIII.

CONCLUSION.

THOSE who delight to trace Providential issues in history, will find ample scope therefor in the recent events among us. An extraordinary combination and succession of incidents make marvellously clear the record of the government as the legitimate exponent of the popular will and the national character. Never was a civil war initiated with a more distinct revelation of the right and the wrong, the just and the unjust, the honorable and the shameless principles therein involved. It was to prevent the constitutionally empowered authorities of the land from supplying food to a starving garrison, that the first rebellious shots were fired and the federal government assailed; the man chosen to lead and represent the treasonable movement was the successful advocate of the repudiation of state debts, whereby fiscal dishonor was first permanently attached to the republic; the most intellectual of the traitor chiefs had, a few weeks before, solemnly declared that there existed no justification for rebellion against the "most beneficent government the world ever saw;" the first martyrs in the strife were struck down by a mob while peacefully marching to the defence of the capital, to which duty they had been summoned by executive proclamation; the destruction of the bridges between Baltimore and Washington, which seemed to place the latter city in such imminent peril, doubtless snatched from destruction the flower of the New York volunteers, whose presence afterward saved it from attack; the wanton insults to the national flag roused to its defence thousands whom no motive of self-interest, and no political dogma could have won to arms for the cause of the Union; and the mendacious and vulgar tone, the transparent sophistries and the inflated bombast of the dispatches, proclamations, speeches, messages, and commentaries, which have emanated from those who assume to represent the Southern communities, carry in themselves the proofs of duplicity and usurpation; while the calm and conscientious tenor of the President's appeal to the country, of those of the loyal governors to their respective states, of the patriotic addresses and letters of such men as Holt and

Johnson, Ethridge and Clemens, Everett, Kennedy and Motley, will prove historical illustrations of the national integrity.

The expectation of a reverse at the commencement of hostilities was the prediction of intelligent, and we had almost said, the hope of patriotic men devoted to the Union; they believed, and subsequent events have confirmed the opinion, that nothing but defeat would thoroughly arouse, and firmly concentrate the public sentiment and resistance. Therefore it is, that in attempting to trace the hand of Providence in these momentous events, we include even the sad and shameful termination of that fatal Sabbath struggle at and around Manassas. Vain before were pleadings and protests to break the subtle web of political chicanery and encroachment; vain the demonstrations of military science; and vain the warnings of prudent and conscientious observers, to stay the tide of popular but ignorant zeal that precipitated action, and challenged the very laws of nature. By no path but the valley of humiliation could the national will be guided to self-knowledge, the national rulers be awakened to the vastness and the imminence of their duty, and the national heart be solemnized into the earnestness of self-sacrifice and intrepid purpose. Nor is this all. Every successive phase and process of the war is clearing avenues to truth, and purifying the whole atmosphere of the country from the stagnant vapors of corruption that had so long settled over and poisoned its vital breath. For years, thoughtful citizens had foretold the necessity of some convulsion, the advent of some calamity, as the only possible means of restoring, to a degree at least of its elemental purity, the life of the republic. Disease in political as in physiological science, has its immutable laws, and is self-limited; a crisis in our national existence was inevitable, and now that it is upon us, little perspicacity is required to feel its providential issues. Already it has subdued to a healthful calmness the tumultuous beatings of thousands of eager hearts, whose pulsations kept time only with the low throbbings of material care and selfish ambition; already it has drawn together into more humane relations the different classes of society, and taught the great lesson of mutual dependence; already it has made whole communities familiar "with an idea dearer than self;" it has applied, and is applying the test which distinguishes the patriot from the politician, the man from the coward, the true of heart from the worldly, the heroic from the frivolous; beneath the grave aspect of solicitude gleams the holy light of sacrifice; under the pressure of dismay rises the soul of faith; youths suddenly have become men; women, angels of mercy, and pleasure-seekers responsible citizens; to the rich, the gifted, the eminent, and the

obscure, there is now an ordeal whereby, in act and speech, is made apparent how much of reality, and how much of sham lies hidden in the Christianity they profess, and the manhood and womanhood they represent. But while the indirect and possible good of a resort to arms in this fierce war of opinion is acknowledged as a just inference by the student of social ethics, the direct and inevitable advantages are often ignored. The political revolution, however, as has been truly stated, has already "established the principle of emancipation;" while a motive, such as no abstract reasoning could have enforced, is supplied by the interruption of the cotton importation from the United States, for its increased culture elsewhere, thereby practically diminishing one of the most effective causes of and apologies for slavery. Nor do we regard it as a trivial benefit that the test is thus applied to the principles of Christian governments abroad, as well as at home, by forcing into competition the appeal of self-interest and of humanity, of expediency and of Christianity. Even in the comparatively languid policy of the government, under which journals bluster and telegrams inaugurate panics, there was a certain advantage; it proved at least the absence of political vindictiveness eager to revenge the insults of faction; it breathed a magnanimity in tolerating so long the treachery of the press and the tongue; in liberating, after the oath of allegiance, so many captured traitors, and in refusing to act under the base excitement of unchristian hatred. We do not mean to justify the tardiness, or apologize for the inadequacy of the public functionaries; but only to assert that their want of zeal, in the beginning, was a complete refutation of the incessant charge of partisan animosity as the *animus* of the government. This slow recognition of the popular will also only serves more clearly to manifest the great truth—that on the people depends the result and rests the responsibility. This is, indeed, the lesson of all history in similar junctures of national life. It was the unconquerable spirit of the people that finally won religious freedom in the Netherlands, scattered the Spanish armada, and twice humbled the grasping pride of Great Britain on this continent; and it is the money, the wit, the patriotic sacrifices, the strong arm, and the dauntless will of the people, that can alone rescue the name and the life of the nation from ruin and infamy. After the war of the Revolution, Washington, in his moderate language, declared we had now an *opportunity* of becoming a respectable nation; improved in the virgin glow of national self-assertion, it has been abused more and more as it expanded; and now, when wrong has culminated into portentous evil, another opportunity is vouchsafed; an opportunity to purge

the government of corruption, and to correct its charter by amendments, the necessity of which was foreseen by the wisest of its framers; an opportunity to nationalize political parties, and reconstruct and reorganize the machinery while renewing the soul of the republic; an opportunity to forswear private luxury and be loyal to public duty, to initiate frugal habits of life, to substitute statesmen for politicians, culture for gold-worship, comfort for ostentation, integrity for extravagance, principle for policy, contentment for ambition, and, above all, an opportunity to rehabilitate freedom; so vital may be the stern lessons of civil strife, so great the possible social amelioration and elevation consequent on this dire interruption to the ease, industry, and complacent self-seeking of our people.

PROCEEDINGS

of the

Ancient and Honorable Artillery Company,

OF BOSTON, MASS.,

on its

CCXXIV. ANNIVERSARY,

June 2, 1862.

SERMON

BY REV. FRANCIS VINTON, D. D.,

Associate-Minister of Trinity Church, New York.

BOSTON:

WRIGHT & POTTER, PRINTERS, 4 SPRING LANE.

1862.



OFFICERS FOR 1861-2.

Captain.

LIEUTENANT-COLONEL JONAS H. FRENCH.

First Lieutenant.

BRIGADIER-GENERAL JOHN H. REED.

Second Lieutenant.

COLONEL ALBERT J. WRIGHT.

Adjutant.

LIEUTENANT-COLONEL T. L. D. PERKINS.

Sergeants.

CAPTAIN JOHN MACK.

SERGEANT JOHN M. DUNN.

JOSEPH F. PAUL.

LIEUTENANT FREDERICK WHITON. .

LIEUTENANT THEOPHILUS BURR, JR.

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NELSON W. THOMPSON.

WILLIAM R. CARNES. .

Clerk.

GEORGE H. ALLEN.

Treasurer and Paymaster.

CAPTAIN JOHN G. ROBERTS.

Armorer.

CHARLES S. LAMBERT.



TWO HUNDRED AND TWENTY-FOURTH
ANNIVERSARY

OF THE

Ancient and Honorable Artillery Company.

THE Annual Parade of this estimable organization, which has survived the shocks of time for nearly two and a quarter centuries, and which is at once an object of pride and veneration to the community, was one of the few military demonstrations of this eventful year, not directly connected with the great struggle for the perpetuity of the Union of the States. Still, the commemoration of the 224th natal day of the corps was attended with unusual eclat, the momentous events which were thrust upon the people having awakened among all classes increased interest in military movements, and attachment for the venerated corps, which has brought down to the present, "through long generations," the glorious examples, and fostered the patriotic spirit of the founders of the Republic: which has raised up men to fight our battles for us, and sent forth its chosen leader to the defence of constitutional freedom, and its brave members as a sacrifice for the Union.

The delightful weather, the agreeable associations of ARTILLERY ELECTION, and the large number that participated in the exercises, rendered the celebration one of the most successful of the long series of festivals which has marked the existence of the corps. At an early hour the members assembled in the armory at Faneuil Hall; and at half-past ten o'clock they formed in column on South Market Street. In the absence of the commander, Colonel JONAS H. FRENCH, who was in active service at New Orleans as a member of the staff of Major-General B. F. Butler, the command of the company devolved upon the First Lieutenant, Brigadier-General JOHN H. REED. The rank and file numbered about two hundred and twenty-five men, of whom about forty appeared in the uniform of the old Continental troops. There were one hundred and twenty muskets, and about sixty sabres, which, with an artillery corps, with two pieces of cannon, made a lengthy and imposing procession, which was preceded by Hall's Brass Band.

The company marched to the State House, and wheeled into line on Beacon Street, soon after which the State authorities made their appearance, and were received, the band playing "Hail to the Chief." His Excellency Governor Andrew was accompanied by Colonels Wetherell, Lee and Ritchie of his personal staff, Adjutant-General Schouler, Lieutenant-Colonel Day, U. S. A., Military Commander of Boston and vicinity, Captain E. D. Brigham, U. S. Commissary of Subsistence, and the officers of the Swedish frigate "Norrkoping," then on a visit to this port. From the State House the march of the column was resumed through Park, Tremont, Winter, Washington, Bedford and Chauncy Streets, to the First Church, where the annual sermon was delivered.

The church was well filled, the galleries beaming with the bright eyes of hundreds of fair listeners, who had assembled before the arrival of the "Ancients." On each side of the pulpit were placed the two new standards of the company, borne for the first time—one a splendid American flag with the name of the corps upon it—the other of the following description: a banner, having emblazoned on one side the arms of Massachusetts in an ornamented shield, supported by cannon, stacks of arms, flags, drums, &c. ; in a richly ornamented scroll below, entwined with branches of oak and laurel, is the name of the corps and date of incorporation, "1638." On the reverse is a full length figure of an officer in the uniform of the Revolution, bearing aloft the pine-tree flag, with the motto, "Appeal to Heaven ;" to the right and left of the figure are the flags of Massachusetts and the United States, unfurled, the whole surmounted by an American eagle and a constellation of thirty-four stars. The standards are of the State regulation size, and are from the skilful hand of Mr. Lorenzo Somerby, of Boston.

The customary exercises at the Church took place in the following order :—

ORDER OF EXERCISES
 AT THE
 FIRST CHURCH, CHAUNCY STREET,
 ON THE
 CELEBRATION OF THE 22^dTH ANNIVERSARY
 OF THE
 ANCIENT AND HONORABLE ARTILLERY COMPANY,
 JUNE 2, 1862.

I.—VOLUNTARY ON THE ORGAN.

II.—TE DEUM.

LAUDAMUS—By ROMBERG.

III.—SELECTIONS FROM THE SCRIPTURE.

BY REV. GEORGE D. WILDES, OF SALEM.

IV.—ODE.

BY REV. T. J. GREENWOOD.

AIR—“*Star Spangled Banner.*”

We come not to-day, as we oft-times have come,
 To join in the joys of our festal communion,
 When the banner of Peace gently waved o'er each home,
 And our eagle soar'd proudly, in watch o'er our Union;
 When the States, side by side,
 Stood in patriot pride,
 Our grand CONSTITUTION their guard and their guide,—
 When the star-studded flag kissed the welcoming breeze,
 And its ample folds wav'd o'er the land and the seas!

Oh, no. In the *South* see the dark clouds ascend,
 While the lightnings of *Treason* athwart them are gleaming!
 And the thunders of wrath seem the heavens to rend,
 While birds of ill-omen beneath them are screaming;
 And Rebellion's hoarse cry,
 As her flag flouts the sky,
 To our FREE INSTITUTIONS tells danger is nigh;
 And the true, and the brave, have their armor put on,
 To defend what our fathers so gloriously won.

We kneel at Thy throne, O, THOU GOD OF OUR SIREN!
 In the hour of their need, as they humbly were bending;
 From Thine altar impart, now, the bright vestal fires,
 As guards of our safety, their gift while defending;
 In the battle's wild fray,
 Be our strength and our stay,
 And lead us again on our glorious way,
 Neath the flag of our Union, our hope, and our pride,
 And *what God joined in one*, let not madness divide.

Oh, ye heroes in light, from your radiant homes,
 With the spirit of trust nerve the hearts that are pleading
 FOR COUNTRY and LAW,—till the bright moment comes,
 When FREEDOM and UNION no longer lie bleeding!
 Let the patriot's fire,
 In the son, from the sire,
 Burn fervidly on, until *Treason* expire!
 And THE GIFT OF YOUR VALOR forever shall be,
 The land of the brave, the UNITED and free!

Let each UNION SOLDIER stand true to his trust,
 In the sole fear of God, the great author of blessing!
 UNITED AT LAST, as *united at first*,

Till again crown'd with Peace, all her treasures possessing;
 Then o'er land and the seas,
 We will fling to the breeze,
 The FLAG OF OUR UNION;—*there float it God please,—*
 Until Time droops, at length, in the fulness of years,
 And the DAY-SPRING IMMORTAL in glory appears!

V.—PRAYER.

BY REV. GEORGE D. WILDES.

VI.—HYMN.

VII.—SERMON.

BY DR. FRANCIS VINTON, OF NEW YORK.

VIII.—ANTHEM.

GLORIA—BY PERGOLESC.

IX.—BENEDICTION.

THE PHILOSOPHY OF THE WAR :

OR, THE

Cause and the Cure of the Rebellion.

THE SERMON

PREACHED BEFORE THE ANCIENT AND HONORABLE ARTILLERY
COMPANY, ON THE 224TH ANNIVERSARY, IN FIRST CHURCH,
BOSTON, MASS., JUNE 2, 1862.

By FRANCIS VINTON, D. D.,
Associate-Minister of Trinity Church, New York.

DELIVERED, ALSO,

In Washington, D. C., at the Smithsonian Institute;
In New York, before the Mechanics' Society;
In Brooklyn, N. Y., before the Long Island College of Physicians and Surgeons;
And in New York, before the St. George's Society.

Boston, June 4, 1862.

REVEREND SIR,—By the unanimous vote of the Ancient and Honorable Artillery Company, the Commissioned Officers of the past year were directed to present to you the thanks of the corps for your able, eloquent and instructive discourse on the occasion of their Two Hundred and Twenty-Fourth Anniversary, and to request a copy for the press.

In discharging this very pleasing duty, I beg to add an expression of my personal sense of deep obligation for your successful efforts to render the celebration equal to any of its predecessors.

I am, dear Sir,

Your obedient servant,

JOHN H. REED.

REVEREND FRANCIS VINTON, D. D.

S E R M O N .

NEHEMIAH iv. 14.

BE YE NOT AFRAID OF THEM : REMEMBER THE LORD, WHICH IS GREAT AND TERRIBLE, AND FIGHT FOR YOUR BRETHREN, YOUR SONS, AND YOUR DAUGHTERS, YOUR WIVES AND YOUR HOUSES.

THESE are warlike words, written in the Bible. This gathering of the Ancient and Honorable Artillery, on its 224th Anniversary, here, in a house dedicated to Christianity, is congruous with the words of the text. Those words were uttered by Nehemiah, the General and the Patriot; who built up the walls of Jerusalem with one hand and wielded his sword with the other hand. He utters a war-cry, while his piety flames in ardent confidence in God. He appeals to social, domestic and personal instincts to inspire his soldiers. He is defending his home, in civil war, against traitors and false brethren. Such is the posture of affairs in this nation. The war-cry is resounding. "Remember the Lord, which is great and terrible, and fight for your brethren, your sons, and your daughters, your wives and your houses." I shall attempt to expound THE PHILOSOPHY OF THE WAR. . The war that we are

waging is a war for the Union and for Liberty. It is for our National life. It is well for us, therefore, before we proceed further, to contemplate the dignity and sacredness of the principle of Unity,—the soul of Union,—and apply the principle to this Nation. We talk of unity; but do we comprehend it? UNITY is the first of principles. It is the characteristic of God. Unity is not a tangible, palpable thing, perceptible by the senses. We do not observe it. Nature everywhere reveals variety, multiplicity and seeming incongruities. The untutored eye roams and revels amidst an immensity of productions, without a perception of their affinities. Science advances, with illuminated vision, and sees the harmonies that intertwine the separate individuals; and so, by its knowledge of their relationship, marshals single specimens into species, species into kinds, kinds into a type, or parent stock. We observe no two children alike, yet we proceed to recognize their family kindred; next, the national likeness; and so on, from nations to a race; and from the race to the primeval pair. And hence, whatever differences there may be of beauty and deformity, of intelligence and ignorance, of language and of color, *“a man’s a man for a’ that.”* Variety in the moral and spiritual world meets us at the threshold in like manner; but in the arcana of the soul we discover

unity of powers and of motives; so that "there is nothing new under the sun," even in the recondite springs of human action. And thus, we learn that Unity is the source of the harmonies of nature. And thence, guiding our thoughts upwards, we may conceive of a Supreme Being of infinite intelligence and skill, from whose creative wisdom and power, the immensity of nature comes. We can conceive of Him only as *one* God; for if there were two or more Supreme Creators, there would result clashing laws and consequent collisions. Hence, Unity is the source, also, of strength, of stability, of security and of happiness. Unity is the instrument of peace and of order, both in earth and in heaven. The Unity of God, thus; outflows through the realms of the universe. We see, indeed, variety; but we learn to see also harmony in variety; and hence argue to Unity as the cause. While, conversely, proceeding from the Divine Being, as the confessed source of all good, we acknowledge Unity in whatever is of origin divine.

Take THE FAMILY. It is a divine institution. It is, *therefore*, an unit. Its happiness, its order, its influence, its respectability, its power, depend on maintaining its unity, and in the cultivation of the cherished affections of filial obedience and paternal regard.

Take THE CHURCH. It is a divine institution. "There is one body and one spirit, one hope, one baptism, one Lord; one God and Father of all, who is above all and through all and in all."* And so necessary is the maintenance of the Church's Unity, that the Saviour's last intercessory prayer was that his disciples who should believe in him, through his Apostles' word, might be one, as He and the Father were one, in order that the world might believe that the Father had sent him, and "that they might be *perfect in one*."† The influence of the Gospel on the minds and hearts of men was declared to depend on the preservation of the unity of the Church. And the division among Christians has evermore proved to be the shame and the weakness of Christianity. Perfection is predicated of *Unity*.

Take, again, the third corporation of human society, THE NATION. It is God's institution. The voice that rang on Mars Hill announced this truth to the Athenians and to the world: "God that made the world and all things therein, hath made of one blood all nations of men, and the bounds of their habitation."‡ The UNITY of the Family; the UNITY of the Church; the UNITY of the Nation; are, each and all, the type of the UNITY OF GOD, their Author. From these

* Eph. iv. 4—6.

† St. John, xiv. 20, 21.

‡ Acts, xvii. 24—26.

considerations, it appears, that Unity is the Divine constitution for mankind. It is the perfection of heaven and of earth, "GOD ALL AND IN ALL" is the brief description of heavenly glory and of human happiness. Wherefore, to maintain the principle of Unity is to conform to God's will, and to promote the highest good of society. While, to separate and secede from one another, to the prejudice of unity, is a sin of the deepest dye. The foremost seceder was the first rebel, causing "War in Heaven," and transforming Paradise into a field of thorns and thistles. All weakness, all wrong, all "the woes that flesh is heir to," all the wars that have desolated earth, are the consequences of rebellious secession from God's government, as instigated by Satan. To maintain the Unity which Divine wisdom and goodness have ordained for man, is, therefore, to oppose "the prince of this world," the author of all evil, as well as to reinforce the government of God. So high, so sacred, is this principle. A war to defend and preserve unity, is a HOLY WAR *that Angels may enlist in.*

And when we apply the principle to the war for the unity of this Nation, it becomes illustrious. For, surely if the Divine Providence has prescribed national limits, and made for nations "the bounds of their habitation," the UNITY OF THE UNITED STATES should

be unbroken. The boundaries of the Republic are evidently fixed by the Divine hand as the map itself demonstrates. The mighty oceans, on the east and the west kiss its shores, at sixty degrees of longitude apart, and embrace the land where one speech is uttered, extending to a sixth of the earth's circumference.

The Northern Lakes and the Southern Gulf enclose climate, and soil, and productions of the temperate zone, which make the nation self-sustaining and independent. Within a few months past the continent has been spanned by the electric wire, from the Pacific to the Atlantic Oceans. An East India merchant in New York,* while reading a letter sent by the overland mail, acquainting him that his ship had sailed with a cargo from Shanghai for California, at the same time received a dispatch by telegraph, a day old, from San Francisco, that his ship had arrived. Orders were returned by telegraph. The inventions of modern skill and science have thus brought the remotest parts into daily communication, and made one government of freemen a possibility and a joy. The arts of peace have room to expatiate, and industry has motives to persistent labor. Religion and learning are unfettered by the benevolence of Freedom, and the mind of the

* A. A. Low & Co., of New York.

inhabitants of America has expanded its wings to soar to loftier flights than man has ever adventured. A government paternal in its kindness, equitable in its justice, strong in its power; felt, but not obtrusive in its beneficent operation, and framed by the people themselves, spreads its authority and its protection over all this territory. If God have made the bounds of the habitation of any nation, He has made the boundaries of the "United States of America."

But what natural limits has the proposed "Confederate States" to show? No mountains, nor rivers, nor seas, nor barriers of any sort are extant. The only mark devised by the rebel States, is the SLAVERY of a portion of the people. Slavery is the prominent, but ignoble fact, that is to distinguish "the bounds of their habitation!" And has He, who "made of one blood all the nations of the earth," in token of the unity and brotherhood of man, contradicted himself in national boundaries, by the token of human bondage? No! Such a boundary as that of *slavery* is of sinful man's devising and not of God's appointing.

The war for the preservation of the United States is a DEFENSIVE WAR.* It is not a war of aggression

* It is painful to notice a perversion of Lord Russell and the British press, in the statement of the cause of the war in America. The "Northern States," says Lord Russell, "are waging war for Empire." We might justly denounce this assertion as untrue and unfriendly. Our war to

and offence; it is purely and eminently defensive. When the rebels beleaguered Fort Sumter in Charleston Harbor, *they inaugurated war*. When they summoned the indomitable ANDERSON and his garrison of seventy to surrender, and he refused, he told the rebel commissioners unofficially, that "in three days he would be starved out, and must evacuate the fort." When they telegraphed the answer, official and unofficial, to the rebel authorities, the lightning telegraph from Montgomery flashed the response, "Open fire at

maintain the unity of the nation, is, undoubtedly, a war to preserve our national strength; for unity being the source of power, (as division is of weakness,) it follows that empire *results* from unity. But to say that empire is the *motive* of the war, is to substitute a consequence for the cause, as well as to impute sordid ambition instead of ennobling patriotism, a grovelling lust instead of a religious principle—to the Free States of the Union. I would illustrate the injustice of the British aspersion by the familiar maxim that "Honesty is the best policy;" which, being interpreted, so that "policy is the motive of all honesty," would deprive honesty of virtue and stigmatize the honest man as supremely selfish. Such an interpretation of the maxim exposes the expounder of it to the suspicion of governing himself by no higher motive than self-interest, and of incapacitating himself to apprehend and honor motives of conscience, and of virtue, and of piety. And so we say, that to call our war for national unity a war for empire, is a perverse statement of the motives of the war. Far be it from me to affirm that the British people and British statesmen are incapable of appreciating any motive but that of dominion and empire; for no nation has a history more resplendent with Christian features. But inasmuch as our national war for Union is, by them, blackened as a war for empire, we must attribute the slander to the love of cotton superinducing languor of conscience, or to disgust at foreign tariffs, interfering with fondness for free trade, or to some strange hallucination of British sensibilities overpowering a strong hatred of American Slavery.

once." And the roar of rebel cannon April 12, 1861, and the replying gun for gun of the Union defenders of our flag, startled the nation and awakened the North to the fact of War, Civil War,—war against the Constitution and Unity of our country. At that historic era (a year ago) you might have sought in vain to find a *Southern* man who could say that he had not enjoyed security in person and property, protection at his fireside, and respect abroad; ease of inter-communication with his fellow-citizens and with the world; reward of his industry, with liberty and safety and social happiness, under the benign Government and glorious banner which rebellion had assailed with war. The Federal Constitution and Federal Government were confessedly benignant and innocent of wrong to the lowest and the highest, while strong and valiant for protection and defence. At that historic era (a year ago) you might have searched in vain for a *Northern* man who had realized that the enormous crime of disunion by Civil War was seriously and deliberately conceived and born—much less that it had come forth, like Pallas from the brain of Jupiter, full-armed, matured, and panoplied for conflict. The North was not aroused to the fact of Civil War by the firing on the "Star of the West," in Charleston Harbor; that outrage was regarded as the vagary

of petulant brethren, spoiled children of the Republic. The guns of Sumter reached the soul of true Americans, and lighted up the smouldering embers of patriotic fire in the breasts of freemen, in the North, and West, and East, and Middle States,—nor did the honest Union sentiment in the South slumber, unprotestingly. But, while I am speaking, after the lapse of a few short months from that historic epoch when Anderson evacuated Sumter, bearing in his arms the flag of the Union that had floated unstained above him, and fetching it North to the home of freedom, away from the dark atmosphere of rebellion, to retain till the Union shall be restored, when he himself shall raise it again, we now find the lines drawn sharply between the two sections of our country, and none can pass them without meeting the bristling bayonet and hearing the picket's hail.

There can be no just doubt on which side truth, justice, piety, patriotism, the interest and well-being of human society, have fellowship. It is on the side of the Union and Constitution of the United States. There can be no doubt that the presumption of wrong is on the side of rebellion. That presumption of wrong requires argument and fact to rebut it. The burden of proof to justify secession, lies with the rebels. And hence, I am brought to the investiga-

tion of the *causes* of the Great Rebellion, as set forth by the conspirators themselves, in justification of secession. They are these three prominent statements: the right of Revolution; the Sovereignty of each State; the maintenance of Negro Slavery.

I. The right of Revolution; this is the personal ground.

II. The right of State Sovereignty; this is the political ground.

III. The maintenance and propagation of Slavery; this is the moral and social ground.

The Rebellion stands or falls, as it is supported or unsupported on these three pretensions—a tripod on air.

I. I set myself to examine, first, the cause of the Rebellion based on a fancied *Right of Revolution*.

In each section of our country American citizens are accustomed to speak of the right of revolution as a political axiom not to be debated, but taken for granted. It is regarded as a sort of personal prerogative, which is jealous of its claim and impatient of contradiction. I cannot count, therefore, on the sympathy of my audience, but shall rely on their dispassionate judgment.

There is much in our history and traditions to foster the opinion "that subjects and citizens have an inalienable right to rebel against the public authority, under certain emergencies; and that a rebellion which is successful, establishes a Revolution; which thus, by its success, becomes a lawful change, claiming the recognition and assent of the nations of the world."

The Revolution of the Colonies and the "Declaration of Independence" are commonly regarded as the conclusive American witnesses, both of the fact and of the reasonableness of the right of revolution in any people.

I venture to contradict, and shall endeavor to disprove, this popular idea of the right of revolution, so far as it relates to the United States and is a cause of the Rebellion.

Whatever may be said of the right of revolution in foreign countries, *it is not an American right*. And I appeal to the famous Declaration of Independence to demonstrate my proposition, and to confute the rebels.

The Declaration of Independence asserts the right of revolution only in the extreme case when a tyrannical government forbids and hinders the enjoyment to the subject of "life, liberty, and the pursuit of happiness." Such an occasion must first happen, before a right of revolution may inure to any people.

And look next at the example and conduct of our fathers. They did not anticipate nor foment the separation from the British crown. They were, indeed, most reluctant, and I may say *forced* to contemplate that issue of independence. But they contended for the British Constitution, to which both the sovereign and the people were subject. And in throwing off the yoke of the British dominion of that day they were, in fact and in purpose, upholding and maintaining the great, fixed principles of the British Constitution, which the British ministry were violating. Our fathers claimed representation with taxation. They put the maxim in a negative form. "No taxation without representation." This principle of the British Constitution was a strong foundation of British liberties, and is so acknowledged to be at this day. "In the first Parliament of Charles I.,"* says Vice Chancellor Hoffman, "Lord Coke quoted and vindicated what he called a noble record of the early time of Edward III.: *Loans against the will of the subject are against reason and the franchises of the land. It is against the franchises of the land for freemen to be taxed but by their consent in Parliament.*" "Thus it was," exclaims Hoffman, "the American Revolution

* Address to the Law School of Columbia College, May, 1861, by Murray Hoffman, LL. D., Judge, &c.

of 1776 was based upon the doctrine of your ancestors of 1326!" Our fathers, therefore, were not rebels, but loyalists. For what is the meaning and signification of loyalty? French says, "The word 'loyalty' being derived from '*loi*,' expresses properly that fidelity which one owes according to law, and does not necessarily include that attachment to the royal person, which we in England have been able *further* to throw into the word." [French on Words, p. 180, Note.] See also Algernon Sidney's "Discourse on Government," (c. 3, § 36,) on "Allegiance," defined to be "a conformity to law," derived, as he says, from "*ad legem*." Our fathers were, then, the true "loyalists," faithful in true allegiance. It is evidently beside the question in issue, therefore, between the United States Government and the rebel States, to plead the right of revolution from foregone examples of our fathers, and from the Declaration of Independence. For the emergency must be patent, wherein "life, liberty, and the pursuit of happiness" are jeopardized by tyranny, before *the occasion for revolution can begin to be*. Our fathers knew and felt the wrongs and the misery which revolution hatches. Estranged brethren, merciless outrages against property, desolation of the land in its industries and its products,—civil war and its untold horrors, they had suffered and endured.

And they would leave no such heritage of infernal passions to their children. But they made revolution a wrong and an impossibility, by enacting the Constitution of the United States. And I claim for the Constitution of the United States this crowning merit, this gracious, inestimable virtue, that it has forever removed any occasion for revolution as the remedy for grievances. It has made it an impossibility for the United States government to establish and perpetuate any grievance whatsoever, which the people themselves may not, under the Constitution, abate and remove.

The legislative power reverts to the people every two years, in the election of representatives, and to the States every six years, in the appointment of senators. And no bill before the congress can become a law without the concurrence of both houses.

The executive power is chosen by the people, through electors, every four years; and the President so chosen may veto a bad law, while he himself may be impeached by the House of Representatives, for cause, at any session of congress.

The judicial power is, properly, for life, with every guard against partiality, corruption, and mistake; while yet the judges themselves are accountable to the people, through the processes of impeachment. These provisions of the Constitution of the United

States are unlike those of any nation or kingdom on the continent of Europe.

And, furthermore, the people may *amend* their constitution of government and change the fundamental law of the land, whenever an authentic and sober conviction shall be expressed, that the existence either of hardship, or injustice, or even of expediency, demands the alteration.

And this safeguard of the public liberties, in the authority of constitutional amendment, is extant only in the constitutions of this Republic. The people of no other nation in the world possess this constitutional and peaceful right to redress every political grievance, and to secure liberty and law to themselves and their posterity, without recourse to violence,—without resort to revolution.

Whatever, therefore, may be claimed for the right of revolution by war, elsewhere, it is a claim which the authors of our Constitution—the loving benefactors of mankind—have foreclosed forever; taking away all occasion which could make revolution a duty by their wise provisions and by their humane precautions, in the articles of the constitution of the United States.

And, therefore, I appeal to the judgment of my auditors to confirm my proposition, that, it is a fallacy to dignify the disloyalty of the seceding States, as the

lawful exercise of the right of revolution. Is not this conclusion true? Secession is nothing better than the impatient and wicked spirit of rebellion, which is denounced as "Witchcraft,"* and offensive to God.

The CURE of the disease in this symptom of it, is to disavow, as Americans, the right to revolutionize the beneficent government under which God has prospered and blessed the nation. We must cherish a reverence for law and order as the safeguard of liberty. We must inculcate obedience to "the powers that be" on our children, as a pious duty. We must frown down and condemn mobs and mass-meetings, designed to overawe established authorities. We must sustain the government by our lives and our fortunes, seeking redress for wrongs in the peaceful armory of the reserved, constitutional powers of the people.

II. The second cause of the Rebellion is the Southern doctrine of *State Sovereignty*.

This claim of State Sovereignty began in the "Virginia doctrine" (as it is called) of "State Rights."

In the discussions of the Convention which framed the Constitution of the United States, it is notorious that two parties contended—the one for the preservation of the independence of the several States, subject to the general government only in certain specified

* 1 Sam. xv. 23.

particulars; the other for the creation of the national constitution of government, in relation to which the States themselves should be subordinate and subjects.

In the old Confederation, which was a league between independent sovereign States, proving utterly inefficient as a general government, it was provided that "the powers not '*expressly delegated*,' were retained by the States."* The provision allowed no constructive or implied powers to the Congress of the Confederation.

In an amendment to the Constitution of the United States, a similar provision was insisted on by Virginia and adopted by the Nation, with important differences, viz.: that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively *or to the people*."†

The word "expressly," in the old Articles of Confederation, was *excluded* from the Constitution; and "the people" were made *partners* by the Constitution with the States in reserved powers.

* The Article of Confederation is as follows: Art. II. "Each State retains its sovereignty, freedom and independence; and every power, jurisdiction and right, which is not by this Confederation, expressly delegated to the United States, in Congress assembled."

† The Article of the Constitution is as follows: Art. X. of Amendments. "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The Article in the Constitution of the United States being an amendment, evinces the utmost strength which the "sober second thought" of the States and people would accord to the States Rights party. It admits of *implied* powers of government, not *expressly reserved*, and warrants a fair construction of the Constitution, whereby measures "necessary and proper" to carry out the ends of government, are made lawful and constitutional. And, more especially, it reaffirmed the statement in the Preamble of the Constitution,* that "the PEOPLE" in their national capacity and relationship, as they had "ordained and established" the Constitution, so they reserved to themselves, and not to the States exclusively, the rights which the Federal Government did not possess. This explanation will serve to show just how much and how far the "State Rights party" were tolerated, under the Constitution of the United States.

No statesman, nor any politician of the generation last past, ventured more than to talk of

* The Preamble to the Constitution of the United States is as follows :
 "We, the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do *ordain* and *establish* this CONSTITUTION for the UNITED STATES OF AMERICA."

State *Rights*, and never to set up a claim of State *Sovereignty*.*

Mr. Calhoun, in his speech on the "Force Bill," (a bill designed, as you remember, to extinguish nullification,) in 1833, says: "The object of South Carolina is not to resist laws made in pursuance of the Constitution, but those made without its authority and which encroached on her reserved rights. She claims not even the right of judging of the delegated powers, but

* I happen to have possessed an unpublished letter of that great Southern statesman, written to his friend, Colonel Towson, late Paymaster-General of the army, (dated "Fort Hill, S. C., 11 Sept., 1830,") and post-marked "Pend. S. C.," from which I extract the authentic and emphatic sentiments of Mr. Calhoun, in rebuke of his degenerate followers who use his name to justify their treason. He writes: "My friends, you say, are desirous that the public should have some evidence of my opposition to the ultra measures proposed by the Charleston Hotspurs. . . . I do not believe that there is one of the leading men who contemplate disunion or force, on the contrary, right or wrong in their views, they are deeply devoted to the Constitution, and are advocating, as they sincerely believe, the only means by which consolidation can be prevented, and thereby our liberty, our union, and the Constitution saved."

"If the question in my opinion involved the existence of the Union, or a revolution in the Government, or civil discord,—devoted as I am, with all my soul, to our system, I would throw myself in the breach at all hazard; but sincerely believing that constitutional and peaceful means are alone intended against a danger, which, if not arrested, will endanger the liberty and the Union of these States, nothing could induce me to take my stand in opposition to the State." *a*

Mr. Calhoun justified nullification on the ground that it would preserve (and not destroy) the Union and Constitution. He was accustomed to praise our system of government. In one of his speeches he says: "I know of

a This letter is now in the possession of Mr. Caldwell, of New York, son-in-law of Col. Towson.

of those which are reserved, and to resist the former when they encroach on the latter.”*

This avowal of Mr. Calhoun expresses both the attachment to the Union and Constitution, and the strength of the claim of the State Rights school of politicians, thirty years ago.

It has fallen to the lot of this generation to see the seed of a pestilent error grow up to a sturdy and defiant heresy. “*State Rights*” has matured into State “*Sovereignty* ;” and Southern rebellious conventions have passed spurious edicts, under the semblance

no system, ancient or modern, to be compared with it; and can compare it to nothing but that sublime and beautiful system of which our globe constitutes a part, and to which it bears in so many particulars so striking a resemblance.”^b And when Mr. Rives, of Virginia, in the debate in the Senate of the United States, on the “Force Bill,” in 1833, imputed to the claim of a State to nullify the laws, the odium of disloyalty to the Constitution, Mr. Calhoun resented the charge. “There is another mis-statement,” he says, “as to the nature of the controversy, so frequently made in debate and so well calculated to mislead, that I feel bound to notice it. It has been said that South Carolina claims the right to annul the Constitution and laws of the United States; and to rebut this supposed claim, the gentleman from Virginia (Mr. Rives) has gravely quoted the Constitution to prove that the Constitution and laws made in pursuance thereof are the supreme laws of the land,—as if the State claimed the right to act contrary to this provision of the Constitution! *Nothing can be more erroneous.*”^c

On every occasion, in private and in public, in familiar letters, and on the floor of Congress, our statesmen of the last generation professed, with unquestioned sincerity, their patriotic devotion to the Constitution and Union of the States.

^b Calhoun's Speech on Force Bill in Senate April 9, 1834.—*Works*, Vol. ii. p. 383.

^c Speech of Mr. Calhoun on the “Force Bill,” 1833.—*Works*, Vol. ii. p. 199.

* Speech of Calhoun on the Force Bill, 1833.—*Works*, Vol. ii. p. 199.

of constitutional law, "resuming their independence," as they say, and reconstructing the old, imbecile and condemned confederation of Sovereign States. A rope of sand would be stronger, so soon as external pressure ceases to compact it. Local jealousies, State affinities, private disgusts, personal ambitions, and the brood of passions, pride, and prejudices, would work its downfall. Nothing but a military despotism—the power of the sword with kingly prerogative—could maintain even the appearance of national unity in "the Confederate States."

Nevertheless, the idea of State Sovereignty has been so studiously taught the youth of Southern schools, and throughout the slaveholding States, that the children have become men, imbued with the false idea, and holding it as an article of political and patriotic faith.

And hence it has come to pass, that this generation of Southern men have reversed their relationships in respect to their allegiance; counting their loyalty to the State as a duty paramount to their allegiance to the Constitution of the nation. In this way, National Unity is, all at once, to the surprise of the people themselves and to the amazement of the world, become impaired and threatened with dissolution.

I am assured that many conscientious persons, in the slaveholding States, suppose that they are doing right in falling into the ranks of the secession movement, who nevertheless deplore the destruction of the Union and desire its complete restoration. The false and pernicious ethics of State Sovereignty has misled multitudes of our erring fellow-citizens of the seceding States. Men whose loyalty, as a principle of action, is the same as yours or mine. Officers of the army and navy, clergymen, Christians of all denominations—Churchmen, whose religion commands loyalty to the sovereign, who could not be disloyal without reproach of conscience—are found to be “not of us,” and rebels to the Constitution of the United States, through the delusion of loyalty to their particular State, inculcated by the pestilent dogma of State Sovereignty. And, in their mad enthusiasm, or (as in some cases) with tearful eye and bursting bosoms, they have taken up arms against the flag that protected them, and struck the mother country which gave them birth and nourishment.

You cannot explain the phenomena of the antagonism of such men,—of whom it would be uncharitable to predicate deliberate treason,—except on the hypothesis of a misguided conscience, obliging supreme fealty to the sovereignty of their States.

I know of but one exception where obedience to State Sovereignty has not been followed by armed opposition to the Government of the United States. Major ALFRED MORDECAI, late of the Ordnance Corps (a name which, as of old, let us "delight to honor,") felt bound to resign his commission in the United States Army when North Carolina seceded. But he preferred to consign himself and his family to penury and toil in Philadelphia, rather than join the armed host confederate against the Union and Government and Constitution of the nation. All honor is due to him, who stands alone, illustriously verifying his conscience without violating his oath. There may be others besides, who, as victims to a false political ethics, are "of us" though not "with us." Honor to them too: but annihilation to the dogma which beguiled them!

Yet how much more of honor is due to such men as were born in the seceding States, who have continued faithful to the Union and the Constitution! Such a name as Robert Williams, born in Virginia, and Captain of United States Cavalry, who now commands the First Regiment Massachusetts Cavalry. What name is more revered by us of this generation, or will history embalm more illustriously, than the name of WINFIELD SCOTT, the General-in-Chief of the Army,

the great Pacificator; the clear-headed, right-hearted Patriot; the honest, true, and Christian man? A Virginian indeed by the accident of birth; but a whole-souled American in every purpose and act of his life, and whose age is crowned with all the glory and honor which the lovers of the Union and the Constitution, and his own approving conscience, can give. He has done what he could to annihilate State Sovereignty in the fear of God, to save his country's national life.

State Sovereignty is proclaimed by *politicians* of the South who perceive their *power* in the national councils sliding into the mere *influence* of a minority, by the admission of Free States into the Union, and by stately advancing footsteps of freemen, from the kingdoms of the old world into the domain of the free soil of the North-Western territory.* “They believe that to remain longer in the Union would subject them to a continuance of a disparaging discrimination, submission to which would be inconsistent with their welfare and intolerable to a proud people.” Their quarrel is with the census, and State Sovereignty is their masked battery to prolong their power.

* Inaugural Address of Jeff. Davis, first (and last?) President of the Confederate States, delivered in Richmond, February 22d, 1862.

It is seized by the *slave masters* who dread the agitation of the question of abolition, under the license of free speech and free writing in the free States of the Union. Their irritation they assuage with the salve of State Sovereignty.

It is resorted to by the tribe of *place-men* and officials under the United States Government, whose frauds and peculations were sure to be exposed and punished by the incoming administration of our honest President, ABRAHAM LINCOLN. Their dishonesty hides itself in the refuge of State Sovereignty.

It is adopted by the *women* of the South, without much reflection and in sympathy with the men, soothing the vanity of southern arrogance with the flattering unction of State Sovereignty.

It is forced on the *ignorant population of poor whites* as a public sentiment which it is perilous to gainsay and resist. And they blindly follow their blind leaders into the ditch of State Sovereignty. Thus, wherever we turn in the provinces of secession we are confronted with the rifles, with the arguments, with the bitter hatred and scoffings and defiance, that the new fledged dogma of State Sovereignty has animated, and hatched and nestled in secret.

It is a feculent cause of the Rebellion. State Sovereignty is the *πρωτογενέδος*. But it is not sufficient

to denounce State Sovereignty, the foremost lie of secession. This is like crying fire, without telling where the fire is. We must disprove State Sovereignty to hold it up to ignominy and patriotic detestation, and put it out.

I, therefore, proceed to notice the reasons assigned as the proof of the sovereignty of the separated States, and the consequent claim of the right of secession. The reasoning and argument of secession-pamphleteers and orators, and statesmen, all centre in the declaration, viz. : “ that the States, severally, by their Legislatures and Conventions of the people, adopted the United States Constitution ; and *therefore*, each State may, in like manner, separately, repeal the act of adoption, annul the Union, and resume its independent powers.”

The whole stress of the argument lies in the historic fact that the question of the adoption of the Federal Constitution was submitted to each State, acknowledged to be sovereign and independent, to be voted on by the people in primary assemblies and by the legislature: that is to say, by each State, in the personal and individual capacity of citizens, and in the organic character of the sane people of a State.

New York did not decide for Pennsylvania; South Carolina did not determine for Georgia; but each

State resolved for itself. The adoption of the Federal Constitution by nine States secured the Union and the Government; but the remaining States, non-concurring, retained their independence and sovereignty. No coercion from outside was practiced nor permitted.

Now I admit this statement of facts. It is true; *but it is conclusive against State Sovereignty*, under the Constitution of the United States.

For, the fact that the people of each State were required to determine the question, whether or not they would adopt the Federal Constitution, *fixes the relation of that State to the Union by its own free and deliberate will.*

The very same people who made their State Constitutions, made the Constitution of the United States. They did not accede to a league nor join in a confederacy, (which had just been tried and condemned,) but their language is that they “ordained,” “established,” “ratified,” a Constitution of Government “for a more perfect Union for themselves and their posterity.”

And among the provisions of the Constitution, in its sixth article, section two, is their edict, that “*This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, SHALL BE THE SUPREME LAW OF THE LAND; and*

the Judges in every State shall be bound thereby, ANY THING IN THE CONSTITUTION OR LAWS OF ANY STATE TO THE CONTRARY NOTWITHSTANDING."

By the solemn terms of their own edict, for "themselves and their posterity," the SOVEREIGNTY of the Constitution of the United States was "ordained," "established," "ratified," by the people and legislature of each State; and "State Sovereignty" thenceforth became a history, an extinguished power in every State of the Union. The people of the States put their several States, in their relation to the Federal Constitution of Government, in the category of SUBJECTS. The same people who constituted the State Government, constituted the Federal Government as supreme, paramount and superior to the State and overruling it.

The people of every State thus made a Nation of the American people. Their Union as a Nation under the Constitution, gave life and birth to our country, and engraved its name on the muster-roll of the kingdoms of the world. According to these facts, State Sovereignty is a tradition. Secession, on the argument of State Sovereignty, is a fallacy: Disunion, by the act of Secession, is Treason.

If any one undertakes to say, as some do, that the Federal Constitution does not EXPRESSLY FORBID the secession of a State, I point him to the clause which

establishes the Union "for posterity," in perpetuity, subject to prescribed constitutional amendments. If he reply, that, that prohibition to secede or destroy the Union is only implied and not expressed, I answer that, that objection is simply puerile. He only who creates life may destroy life; and therefore an organic union in the body politic can be lawfully dissolved only by the authentic consent of the whole people, in their several component parts, who established the Union. Our great Washington, in his Farewell Address, has told us all, that "The Constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the powers and right of the People to establish Government, presupposes the duty of individuals to obey the established Government."

Mr. Webster deals with the cavil that "the Constitution contains no express prohibition against secession," by this sententious aphorism: "The Constitution does not provide for events which must be preceded by its own destruction." *

Every government in a nation assumes to be perpetual. Our government may be amended, but not, with its own consent, violently destroyed. This would be

* Webster's Speech in reply to Mr. Calhoun, 1833.—*Works*, Vol. iii. p. 459.

the crime of suicide. *Lawful* secession is a solecism, an absurdity, a LIE, invented for the self-destroyer.

If he still demand the express edict against secession, I echo the commandment of God in the Decalogue—"Thou shalt do no murder!" and this commandment is sufficiently express and positive to prohibit the murder of the nation by secession.

The National Life of our country is bound up in the bundle of our Federal Union under the Constitution, which a whole people have ordained to be the "*Supreme law of the land,*" "ANY THING IN THE CONSTITUTION OR LAWS OF ANY STATE TO THE CONTRARY NOTWITHSTANDING."

The CURE of Rebellion is, in respect of the plea of State Sovereignty, is to maintain the glorious Constitution of the Union, with your lives and your fortunes and your sacred allegiance. It is the Constitution of each and every State, the sovereign of all, demanding, and capable of enforcing, loyalty and allegiance from all the States and people.

III. I proceed to the consideration of the third avowed cause of the Rebellion. "*The maintenance and propagation of Slavery.*" This is the social and moral ground on which the rebels would plant secession.

There has been extant for several years in the South and South-western States, with feeble ramifications in

the Free States, a secret society styled, "*The Knights of the Golden Circle*." I am told by one who says he knows, that there are three principal degrees of initiation in that conspiracy.

The first is the "Financial degree," which obliges the person, under a fearful oath, to secure all the property, munitions of war and public securities, belonging to the United States, and transfer them under Southern control.

This first degree of the Rebellion the Knights thoroughly fulfilled.*

The second is the "Social degree," which binds the "Knights of the Golden Circle" to the establishment of a new empire, founded in the institution of slavery.

This degree has been developed in the compact of the Confederate States and in the civil war which they have inaugurated.

The third is the "Political degree," which requires the Knights to advocate a monarchy, to decry the popular right of suffrage, and to defame republics as a failure in government. If you watch closely the Southern newspapers, you will detect the performing of this obligation, in their current commentaries on politics. The design of the Rebellion is, I doubt not,

*It may be stated as a remote possibility, that Floyd was Grand Master of the degree and Captain of the Forty Thieves.

ultimately to construct a monarchy, with the sword for its emblem of power, waging aggressive war on contiguous countries, and propagating thereby the social system of Slavery throughout the western hemisphere. And this degree is verified and confirmed by the resolution of the Confederate legislature of Virginia last month, solemnly declaiming that "Slavery is the corner-stone of the civilization of the Confederate States."*

Here, then, we behold *an anomalous civilization*—a civilization (if it deserve the title) grounded in the servile subjection of a major part of the people. It is the old feudal system of baron and serf, reproduced, with malignant aggravation, in the relation of master and slave. It is in fact a refined barbarism, illustrated by barbaric glitter.

The civilization of the North and West is founded on Constitutional Freedom. It honors industry; it fosters intelligence; it stimulates mechanical invention; it promotes the diffusion of knowledge; it encourages the development of the mental faculties in dialectics, and in general intellectual acuteness; it is devoted to the material interests of its citizens in commerce and the arts; it puts the spurs to enterprise

* Resolution of Legislature of Virginia, May, 1862.

and drives its ventures to the end of the earth ; it educates the mind and the body.

I am not speaking of the *faults* of Northern and Western civilization, or I should notice its defects in the education of the conscience, and in the aims which the principle of *duty* enjoins. I should speak of its debasement by party spirit ; of its low and sordid covetousness of money ; of its irreverence and self-reliant impiety ; of the bribery of its legislators.

But the *theory* of the civilization of the Free States, is the reverse of the refined barbarism of the Slave States. The one *represses* the manhood ; the other *excites* the faculties of the man. The one *bisects society* into the ruling and the servile classes ; the other *diffuses equality* among all. The one *abolishes* hope of advancement ; the other *cherishes* hope.

The nature of the contest in this war against rebellion, philosophically viewed, is that of a *conflict of civilizations*. To maintain and propagate Slavery is the great cause of the Rebellion, with ulterior purposes of aggrandizement, at the cost of free and republican institutions. And this averment rests on no mere deduction of possibilities, nor on speculation and suspicion respecting the intention of the conspirators. It is a conclusion verified by the authentic apology

for secession, as set forth by the chiefs and advocates of the "Southern Confederacy."

Mr. Vice-President Stephens, Mr. Hill, and others,—able men, all of them,—publish to the world that "their domestic institution of African Slavery is *incompatible* with their union with the Free States." They argue and proclaim that Slavery induces "the highest style of civilization;" "advances the master to a loftier dignity in the scale of manhood;" "promotes the culture of the amenities and elegancies of polite society;" "encourages the study of the best subjects of human thought;" "gives scope and occasion for the activity of the gentle and kind affections of the heart;" "cherishes honor, and virtue, and chivalry, and patriotism;" and "gives to the world a ruling class who are alone competent to conduct government in peace, or to lead armies in war." And, withal, the condition of the negro under the yoke of Slavery is held up to admiration as "a state of contentment and physical comfort superior to any which Freedom can offer him."*

Such are the boasts, the bulletin, the *pronunciamiento* of the authorities of the Rebellion. They are the authentic exponents of the public sentiment which underlies and instigates the Rebellion.

* See Vice-President Stephens' Speech in Montgomery. Speech of Mr. Hill, of Augusta, Georgia.

It is curious to watch the phases of public sentiment in respect of Slavery in America. In the Declaration of Independence, the original draft enumerated the injection of slaves into the Colonies by Great Britain, as one of the great grievances to be redressed. At the close of the Revolution, every State but Massachusetts, was a slaveholding State. Negroes were sold at a price ranging from \$100 to \$300 each. One State after another abolished Slavery as inconvenient, expensive, or wrong. As late as 1828 the Virginia Convention, by the casting vote of its president,* decided *not* to abolish Slavery. And *there* Freedom halted, and the importance of Slavery to the South took root and grew to a sturdy faith. For, meanwhile, an ingenious Northern man had invented the cotton gin. Whitney, undesignedly, stopped the mighty flow of the tide of emancipation. That delicate fibre of the cotton plant which, all gnarled and tangled in the confused congeries of its prolific seeds, was suffered to rot on the stem, in the snowy harvests of the field, having no commercial value, and when spun with hand-labor was more costly than linen, which our fathers and we wore—that despised and delicate fibre, under the magic teeth of Whitney's Cotton Gin, was laid in parallel filaments,—all cleansed, and white,

* Chepman Johnston.

and beautiful,—and sent abroad in bales to England and a market. At once invention produced the spinning-jenny, and the factory dotted the water-courses and the hill-sides of Old England and New England; and the steam-engine was subsidized to drive the rattling machinery that wove the cotton fabric that should clothe mankind. Then negroes enhanced in value; \$100 was worth \$1,000, invested in slave-labor. The Virginia masters took to breeding the human stock, and treated the slaves with unwonted indulgence, that they might breed the faster. For the slave-trade from Africa had been stopped by the Federal Constitution after the memorable year 1808. And so the slave-stock could be replenished only from the domestic market. Poor *flax* was dethroned and *hemp* was debased to ignoble uses; while cotton won an empire, and by rebellion is proclaimed KING.

Slavery thus is fettered with cotton coils, but claims dominion with its master over all our land. It can be doubted no longer, that Slavery has influenced the new civilization of the South, till both Southern and Northern statesmen alike proclaim one* an “incompatibility,” and the other† an “irrepressible conflict,” with the civilization of the Free States.

* Vice-President Stephens, C. S.

† W. H. Seward, Secretary of State, U. S.

Slavery has created a common sympathy, an *esprit du corps*, which has confederated the slave-holding States together.

Slavery has loosened the bonds of political brotherhood with the citizens of the Free States.

Slavery has superinduced a sectional interest paramount to all other interest.

The abolition attacks on Slavery have challenged a defence of it on grounds scriptural, moral, political, social, and individual; till the advocates of Slavery in the South now praise it as the most beneficent of institutions, and the morn of a higher civilization than the earth has ever seen, or time produced. Slavery, in consequence, is publicly and formally proposed to be the BASIS of "the Confederate States of America."

The Fathers of the Republic entertained no such monstrous and exaggerated ideas of Slavery. Mr. Jefferson in his "Notes on Virginia," is eloquent in denouncing the institution for its malignant influence on the *masters*, and on the civilization of the Slave States. And he declares that, in case of a servile war "the Almighty has no attribute which can take side with the master." There must be something demoralizing, therefore, in the civilization which Slavery, as a prominent and characterizing institution, induces on the ruling orders, on the white population, either in

the *absolute* relation of master and slave, or in some *abuse* of that relation. Now, in the *absolute* relation of master and slave, I can see no feature which deforms the face of society, nor any thing whereby it impairs civilization.

For the absolute relation of master and slave has the sanction of Holy Scriptures; was permitted by Divine authority, under the old and the new dispensations; and was a feature of society both in the Elder Church under Moses; and in the Christian Church, under Christ and His Apostles. The relation of master and slave, according to the Scriptures, was a form of society in which the master had a right to the life-service of the slave, and could bequeath the slave and his family to the master's children. But the relation of master and slave stood on the divine principles on which God instituted society, viz.: the *mutual benefit of its members*. Each party must render to the other that which is "just and equal." Each is servant to the other. Each has rights; each has duties. And this principle of "mutual benefit" forbids even the emancipation of the slave, when it is not for the slave's benefit. The service of the slave differed, in *principle*, nothing beyond the service of children, apprentices, and hired servants. The difference was in *degree*, being a life-service, capable of transmission to posterity; but with

some peculiar privileges of amelioration. The relation of the master to the bond-servant, bought with his money, and transmitted to his children, was a parental relation. According to the Bible, the slave might eat the Passover, which no stranger nor hired servant, but only the family might eat of.*

The slave of the high priest might eat the shew-bread, which it was not lawful for any but the priest and his family to eat.† If the master humbled his female slave, he was required to free her that her offspring by him should be free and not born to slavery.‡ Slavery, as the Bible represents it, was purely a domestic institution, and slaves, like children, were members of the family and confined to the family estate.

Accordingly, if American Slavery were obedient to the Divine restrictions, *domestic and predial*, challenging the affectionate impulses of the household charities, I repeat, I can see no repulsive nor demoralizing aspect in the institution. In our Saviour's earthly sojourn, he denounced polygamy and idolatry, but never interfered with slavery. The inspired Apostle St. Paul returned the fugitive slave, Onesimus, to his Phrygian master, Philemon.

* Ex. xiii. 43—45.

† Levit. xxii. 10, 11.

‡ Deut. xxi. 14.

The *doctrine* of Christ and His Apostles, as well as that of Moses, commanded equal love and equal service upon all men, in all sorts and conditions of life.

But, if the Christian doctrine and example be set at naught, and the relationship of master and slave be *abused, that alters the case*. If the slave be denied social rights of personal dignity, of family ties, of affectionate treatment, and he is reduced to a chattel that may be bought and sold, like oxen, for the master's exclusive benefit; if his marriage be nullified, and if the master may sell his own offspring by a slave; if the person, of either sex, be violated without redress; in short, if his rights as a *man* and a *woman* be ignored, trampled upon and destroyed, then the civilization of that society becomes debased to barbarism, and the social law of "mutual benefit" is profanely defied and set at naught.

The characteristic of such society is simply that of **POWER** and **SERVITUDE**. Unlimited, arbitrary power tones the master's soul; unquestioning, suffering, degrading submission, oppresses the spirit of the slave. It may be best for the slave, nevertheless, to endure his galling bonds, rather than be sent adrift on the world, by sudden emancipation, to a freedom in which he would die, or sink in deeper degradation.

But what effect has the possession of arbitrary power on the master, on a class, on a people?

I answer, it produces impatience of contradiction; intolerance; want of self-control; disregard of the rights of others; imperiousness and arrogance; irresponsibility to law; cruelty; tyranny; license and supremacy of the passions; and blindness of conscience. Condense these evils to a characteristic, and the qualities are licentiousness and selfishness of character.

In a community where the caste of *power* prevails, there spring up and grow (being stimulated by self-conscious weakness) suspicions, deceit, jealous vigilance, and boastful threatening to overshadow and keep down insurrection. *The sword is the only weapon, with the lash, whereby mere power may be maintained.* The sword and the lash are the symbols of the barbarism of power. It must defend itself with the lash; it must propagate itself with the sword. War becomes its normal condition. Aggression is its habitual occupation. Industry and the industrial arts, are consigned to fancied inferiors. Labor, which the servile class performs, is disgraceful in the superior. And that industry and culture which God appointed for man, even in paradise, as the token of his piety, is transformed, by Slavery, into a badge of bondage.

Such a civilization finds its material sustentation in rapine, in plunder and in piracy. These become sources of its wealth by the sure law of power. A filibustering on neighboring nations ; a military supremacy, assailing whatever is weaker than itself ; a fanaticism, which reduces all forces to its subjection ; a frenzy, like Mohammedanism, which, catching a hue of religious enthusiasm, propagates the one idea conscientiously, and appealing to the corrupt passions of fallen man, absorbs into itself the vigor of madness,—these become a scourge to the civilized world. Slavery, hence, tends to reproduce the worst enormities of feudal society,—to revive a “chivalry” of baronial brutes and robbers, and debase Christian civilization into barbarism that has been long dead, buried and corrupt.

That I may not seem to overcharge the civilization of Slavery with odium, I shelter my strictures under the denunciations of Mr. Jefferson, whose testimony no Southern man may gainsay. “There must be,” he says, “an unhappy influence on the manners of our people produced by the existence of Slavery among us. The whole commerce between the master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part, and degrading submission on the other. Our

children see this and learn to imitate it."

"The parent storms, the child looks on, catches the lineaments of wrath, puts on the same airs in the circle of smaller slaves, gives loose to the worst of passions; and thus nursed, educated, and daily exercised in tyranny, cannot but be stamped by it with odious peculiarities."

"With the *morals* of the people then *industry* also is destroyed. For, in a warm climate, no man will labor for himself who can make another labor for him. This is so true, that of the proprietors of slaves a very small proportion indeed are ever seen to labor."

"And can the liberties of a nation," he exclaims, "be thought secure, when we have removed the only firm basis,—a conviction in the minds of the people that these liberties are the gift of God? that they are not to be violated but by his wrath.

"Indeed, I tremble for my country when I reflect that God is just; that His justice cannot sleep forever; that considering numbers, nature, and natural means only, a revolution of the wheel of fortune, an exchange of situation is among the *possible* events; that it may become *probable* by supernatural interference. The Almighty God has no attribute which can take side with us in such a contest." *

* Notes on Virginia. Jefferson's Works, Vol. viii. pp. 403, 404.

And what is the CURE of this *Cause of the Rebellion*? What is the only remedy for this Contest of Civilizations?

I answer, *VICTORY by the Armies of Freemen!* This medicine is being rapidly administered, with good effect. Allopathic pills of iron cannon balls. Homœopathic pellets of leaden bullets. Then shall go forth cotton to the world! Then, through disgust at secession and through the potency of profit, there will be a counteraction by Union men and the revival of Union sentiment in the South? And then, *Peace*. Then, an unanimous recognition, or, (if need be) adjustment of the Constitution, to confirm and to secure the dominance of the national theory of government, to the annihilation of the figment of State Sovereignty. The first fruits of victory in this war should be, that Delaware, Maryland, Virginia, Kentucky, Missouri, Arkansas, shall become Free States. The capital of the nation is become,* and must henceforth be, in Free Soil. No 19th of April must ever again ensanguine the annals of our country, nor the open highway to Washington through any State be again shut, nor barred, nor obstructed by the smallest impediment to the citizens, or to the soldiers of the

* The Act of Congress making the District of Columbia **FREE SOIL**, was passed April 11,—first anniversary of the attack on Fort Sumter.

United States. Then shall follow the confining of Slavery to the scriptural standard of a family and predial institution. And this implies the abolishment of the odious slave-traffic among the States, and gradual emancipation by the States themselves, (as in former times,) with the fulfilment of the guarantee of the Constitution that secures to the inhabitants of every State a *Republican Constitution and Government*.*

* In the Constitution of the United States slaves are regarded simply as "persons." But five *slaves* are reckoned equal to three freemen as a *basis of representation*. These are styled "Federal numbers." The provision is this: Art. I., Section 2, Part 3. "Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service, and excluding Indians not taxed, *three-fifths of all other persons*." The slave is thus counted as three-fifths of a man.

There is also a provision in the Constitution which guarantees to the inhabitants of every State "a Republican form of Government." This provision in the Constitution is as follows: Art. IV. Section 4. "The *United States shall guaranty to every State in this Union a Republican form of Government*, and shall protect each of them against invasion, and, on application of the Legislature, or of the Executive, (when the Legislature cannot be convened,) against domestic violence."

The amendment to the Federal Constitution which I would advise (next to a recognition of God) is the correction of the inconsistency in what is styled "Federal numbers," whereby *five* slaves are reckoned as *three* freemen in the "apportionment of representatives." I would regard the "person" of the slave as five-fifths of a man,—a true "person,"—a whole man. Then I would enforce the guarantee of a Republican form of Government, with a gentle firmness.

But this proposed amendment, the North and West will say, would augment the representation of the Slave States in the proportion of two-fifths beyond their present Constitutional quota. So it would. But I fear

Soldiers of the Ancient and Honorable Artillery! *
 You are the representative men who are to maintain
 the system of the Federal Union of the United States.

the Southern statesmen will be loth to accept the benefit. For this amendment would at once elevate the slave to the political *status* of the white man, for the purpose of representation, and work a *prestige* in his favor. It would put him in the rank of a *citizen*, to the confounding of the "Dred Scott" decision, and beyond cavil or debate.

The guarantee of a Republican Constitution to the inhabitants of every State would admit of the petition of slaves to be emancipated and would abolish slavery, in all its odious and dangerous characteristics, in a constitutional way, and restore the masters to a Christian civilization.

This is not a new view of the question of slavery under the Constitution of the United States. Mr. Calhoun foresaw the result I speak of, and I take the argument from him. In his speech in reply to Mr. Webster, (Feb. 26th, 1833,) he addresses this rebuke to Mr. Forsyth, of Georgia. "I have heard the senator with amazement, alluding to Carolina as furnishing a case which called for the enforcement of this guarantee of the Constitution (of the General Government assuring a Republican form of Government to the States.)

"Does he not see the hazard of this indefinite extension of so fatal a power? *There exists in every Southern State a domestic institution which would require a far less bold construction to consider the Government of every State in that quarter not to be Republican, and of course to demand, on the part of the Government, the suppression of the institution to which I allude, in fulfilment of the guarantee.* I believe there are now no hostile feelings combined with political considerations in any section, connected with this delicate subject. But it requires no stretch of the imagination to see the danger which must one day come, if not vigilantly watched. With the rapid strides with which this Government is advancing to power, *a time will come*, and that not far distant, when petitions will be received, from the quarter to which I allude, for protection—when the faith of the guarantee will be at least as applicable to that case, as the senator from Georgia now thinks it is to Carolina."

These are suggestive words.

* The Company received these concluding words, standing.

Your captain* is now absent in the service of the Union, in actual war, while your lieutenant† is serving the same cause with distinguished honor among you. You must “remember the Lord, which is great and terrible,” while you fight for your brethren, your sons and your daughters, your wives and your houses. Consider how divine our Government is. In the better days of the Republic the chief Southern statesman avowed that “*The system of our Government is like the sublime and beautiful system of which our globe constitutes a part.*” ‡ I adopt the figure. Each orb revolving on its own axis, represents each State with its distinct departments of government and social economy engaged in its domestic concerns, and providing for the happiness of its people. The Sun, presiding over all with his benignant attraction and constant light, and genial warmth, preserves harmony amidst variety, maintains each planet in its particular orbit, combines the many into one, and blesses all alike with day and night, summer and winter, seed time and harvest, and every kind of climate and production suited to the wants of the several inhabitants. The Sun represents the General Government, under

* Captain French.

† Lieutenant J. H. Reed.

‡ Calhoun's Speech on the Force Bill, in Senate April 9, 1834.—*Works*, Vol. ii. p. 383.

the Federal Constitution. Destroy the sovereignty of the Constitution over any one State in the system, and you strike the SUN from the firmament; you disturb the equilibrium of the Union; you put out the light that infused vitality into all; you start every State on a wild, eccentric course, which, crossing the track one of another, shall collide with a crash, under the frown of God, amidst the wailings of Freedom and the groanings of Humanity. Therefore, soldiers, let this be your motto, your resolve: OUR COUNTRY with the Union and the Constitution, Forever! Forever!
Esto perpetua!



ANNUAL DINNER AT FANEUIL HALL.

At the close of the exercises at the church, the corps, with their guests, immediately marched to Faneuil Hall, where the annual dinner was prepared by Mr. J. B. Smith, in his usual style of skill and profusion. Tables were laid for four hundred and fifty persons, which number sat down to the feast. The hall bore the simple decorations of four large American flags pendant from the centre of the ceiling, and four sets of the standards of the corps, projecting from the galleries. These colors, one of which is supposed to have been the oldest military standard in the country, bore dates, respectively, 1663, 1794, 1811 and 1844.

Rev. Dr. VINTON invoked the Divine blessing, and about an hour was spent in discussing the viands, after which the intellectual portion of the entertainment was inaugurated by the commanding officer.

General REED briefly welcomed the company, alluding to the somewhat unexpected position in which he was placed, and accounting for it by explaining the absence of Colonel French. He said he had been informed by the Clerk that over one hundred members of the company were then in the service of the country at the seat of war. In conclusion he gave the opening sentiment of the day :—

The Ancient and Honorable Artillery Company.—May its members ever remember the purposes for which their fathers founded it. [Applause.]

Lieutenant-Colonel T. L. D. PERKINS, Adjutant of the company, was announced as Toast-Master, and read the first regular toast, as follows:—

The President of the United States.

The sentiment was received with cheers, and the band played “Hail to the Chief.”

HON. RICHARD H. DANA, United States Attorney for the District of Massachusetts, was called upon to respond, and spoke as follows:—

Mr. Commander, and Gentlemen of the Ancient and Honorable:

You have given as a sentiment, “The President of the United States.” I thank God that there is a United States to-day. [Applause.] On any of your ordinary anniversaries a toast to the President of the United States would have caused but little emotion, but when I heard your toast-master read the words, “President of the United States,” I could not but feel, in every fibre of my frame, that to-day, in the midst of peril, in the midst of treason, there is still a United States of America. [Applause.]

Traitors curse, spit upon and trample in the dust our sacred flag, but we love it. You carry it before you, and I am told to-day that more than half of the members of your corps are in the field, periling their lives for the sacred flag. [Applause.] Yes, gentlemen, there is a United States of America. I remember, as perhaps many of you may remember, that not more than a year and a half ago, a public man of note in Massachusetts said that Abraham Lincoln, whether elected or not, would never be President of the *United States*. I suppose it was said somewhat as an

intimidation as well as a prophecy, but not only is Abraham Lincoln President of the United States, but I think I am right in saying that our flag now waves over some part of every one of the States of the Union. [Applause.] Massachusetts men stand on the soil of South Carolina under that sacred flag. Men whom His Excellency the Governor of this Commonwealth has commissioned, are on the coasts of South Carolina. And this war is not to end till that flag waves over Charleston and Fort Sumter. [Applause.]

Mr. Commander, the *United States*, your toast says. Who shall say there is not a United States? Look at New England! Is there a voice raised against the Union in New England? Not one. In New York, Pennsylvania, New Jersey, Delaware, the Great West, Ohio, Indiana, Illinois, Michigan, Wisconsin, Iowa, and more than that, across this continent, where the sun rises from behind the mountains and sets in the sea, in California and Oregon that flag waves without a rival. The voice of treason is not heard on the shores of the Pacific. And in the slave States, even the mob of Maryland is on our side. No more Massachusetts blood is to be shed in the streets of Baltimore, for Baltimore and Massachusetts are one to-day. [Applause.] And how do we go forward in Kentucky and Tennessee? The flag is everywhere there, and I hope it will not be long before the gallant Union men of East Tennessee will be adequately protected. I heard that we were to have the pleasure of meeting the Rev. Dr. Brownlow here to-day. I am sorry to know that he is not here, and I know that for the name of Tennessee—faithful to the Union—you will be ready to give three cheers. [The cheers were given with a will.]

The President of the United States was the sentiment. I wish to say a few words about the President of the United

States, and I know that had Abraham Lincoln been here at this moment to respond in person to that sentiment, he would have had a reception in Faneuil Hall such as no man now living could possibly have had. I know that he is loved and respected here. He is President of the United States, and not of a party. For the first time since Washington's Administration we have a Cabinet that is not made up of one party. The President asks only one question, and that is, "Are you faithful to the Union?"

Before I take my seat I think I may say, without even having heard a word from him on the subject, that he bears near his heart the name and reputation of Massachusetts. The President can never forget that when he and his government, and the Union were in their greatest peril, the first response, when he called for the strong arm to defend the capital, was from Massachusetts. [Applause.] I am proud to be able to say that when the last call came for men, not to defend the capital, for that was never in danger, but for men to defend the Union and carry on the war, in answer to that call the first regiment that marched into Washington was the 32d regiment of Massachusetts. [Applause.] The President knows that Massachusetts will answer with no doubtful voice. May it never be forgotten that on this second call, issued at midnight from the seat of power in Boston, a call for every man in arms to rush to the aid of the Union, Massachusetts made instant and unconditional response.

That was no uncertain call—no conditions or provisos. Every armed man was to come, and come at once. And in His Excellency's speech to the gentlemen of the Fourth Battalion, he told them that whenever the President should call for men, he would sustain the call, at every personal or

official sacrifice or peril, and that the men would come to the call. This is the true spirit and true voice of Massachusetts.

Yes, sir, there is a united country, and by every day's telegraph, and with every sun that rises and sets, we feel more and more assurance that when eth war shall have scattered the armed forces of the rebels—when every Union man shall be adequately protected in his home and person, and voice and vote—there will be a civil, political revolution in the slave States, and new dynasty of faithful Union men—a Union in fact—a United States of America.

In closing, let me offer you, gentlemen of the Ancient and Honorable corps, this sentiment:—

The Ancient and Honorable Artillery—E Pluribus Unum, (which I suppose means, when translated, many uniforms in one company.)—Like the United States, one and many, Ancient and Honorable to the end of time.

The band played the “Star Spangled Banner.”

Second regular sentiment—

The Commonwealth of Massachusetts.

Governor ANDREW was called to respond, and was greeted with enthusiastic cheers. He spoke as follows:—

Mr. Commander:

I would that the Commonwealth of Massachusetts had a voice abler and worthier than mine to represent her on an occasion like this. Were I to detain you a moment to discuss any question, whether of morals, or of policy, or of patriotism, I could but feebly echo and repeat the most interesting,

able and eloquent discourse to which we listened this morning. Were I to speak to you of arms, how inadequate would any thing I might say be, coming from a mere civilian like myself, in the presence of these veterans of the Ancient and Honorable Artillery corps.

I can only repeat what is now said to you for the two hundred and twenty-fourth time in the history of Massachusetts, that she cherishes your association as one of the honorable and historical associations which pertain to her as a Commonwealth. And when I and all of us shall rest beneath the green sward which covers her soil, still may this corps live, ever fresh and green, both in memory and in hope. [Applause.]

I cannot, Mr. Commander, forget the double relation which it is my too great honor to bear to the people of Massachusetts, both as a civil magistrate and a military officer. I cannot forget those sons of Massachusetts, who, going out from among us, have heroically, in a spirit of sublime and patriotic self-devotion, poured out their blood and given their own gallant lives for their country. Nor can I forget, nor shall I ever cease to bear in mind the personal sorrow, mingled with tears of grateful pride and joy, of those fathers, brothers, sons, wives and children of Massachusetts, who, by the dread hand of war, have been bereft. I cannot be accused of marring the hilarity of this occasion if I beg you to remember for one single moment to pay the homage of your devout respect to those sons of Massachusetts who have fallen on the field. For all we have to-day we are indebted to them and such as they; for all we shall preserve and all we hope in the grand hereafter, we are indebted to these last martyrs of the holy cause of Liberty and of Union. [Applause.]

But, oh, sir, how poor, how feeble is the human voice! how weak and inapt are mortal words to speak of the heroic valor of the patriotic dead. Our hearts shall speak what no words of mine can utter. Out from the deep recesses of grateful, burning mines of love, honor and gratitude shall well up an eloquence which no man can imitate. I ask you to remember with me those of our brothers who have fallen in this cause. I beg you, standing, all to unite in pouring out one sweet libation of memory and gratitude to the immortal heroes of Massachusetts who have fallen in this war.

“The Immortal Memory of the Heroes of Massachusetts.”

All rose in silence while the band played a solemn dirge.

At this point Governor Andrew, with his staff and the officers from the Swedish frigate “Norrkoping,” retired from the hall, and were saluted with cheers.

Third regular sentiment—

The City of Boston.

General REED announced that Mayor Wightman was absent, and called upon J. D. BALL, Esq., President of the Common Council, to respond to the toast. Mr. Ball expressed regret that neither the Mayor nor the Chairman of the Board of Aldermen were present, the Mayor being at the seat of war, caring for the sick and wounded of our soldiers. Yet he did not think it was necessary that the city should speak in honor of this Company, having been familiar with it from her earliest days, and expressed her approbation of it in all the various vicissitudes of the country. He spoke of the growth of the Ancient and Honorable Artillery Corps as

contemporary with that of the city of Boston, of the pride the city had always felt in it and of the ardent spirit manifested at every note of war which called men to the field. True to her traditions, this city had always proved her devotion to the old flag, and would defend it to the last drop of blood of her citizens, and the last dollar in her treasury. He trusted that ere another anniversary came round, peace would again be restored, and that the sacrilegious tongue that would divide the Union may be silenced by a universal condemnation. He closed by giving—

Our glorious Union.—Heaven ordain that it may in all future time be indivisible. [Cheers.]

Fourth regular sentiment—

The Orator of the Day.—Once an Officer in the Army: now a Soldier of the Cross.

Rev. Dr. VINTON responded, that the clock before him was a Monitor, which told him that his Merrimac pop-guns ought to be quiet. [Applause.] He said he was in the queerest place he was ever in. Behind me, said he, is the picture of the great statesman advocating the supremacy of the United States against the false doctrine of State sovereignty. I look about me and feel as old Jacob did toward his son Joseph, who wore the coat of many colors, and I offer the following sentiment:—

The Ancient and Honorable Artillery Company.—Although its coat, like that of Joseph, is composed of many colors, its heart is uniform in hostility to the Ishmaelite and all false brethren.

The sentiment was received with laughter and applause.

Fifth regular sentiment—

The Army of the United States.

Lieut.-Colonel HANNIBAL DAY, of the regular army, was introduced to respond to this toast. He said that he never made a speech or told a lie in his life, and must be pardoned for his brevity. After relating an amusing anecdote illustrative of his position as a public speaker, he sat down.

Sixth regular sentiment—

The Navy of the United States.

There being no naval officers present, the only response to this sentiment was appropriate music by the band.

Seventh regular sentiment—

The Militia of Massachusetts.—Their gallant deeds in the time of our country's danger will live in the memory of all loyal men, and forever adorn the pages of history.

Adjutant-General WILLIAM SCHOULER was called to respond. He said that no State was so worthy of praise as Massachusetts, whether for her militia at home or in the field. He alluded to the 42,000 men from Massachusetts in this great fight, and especially to those with Generals Banks and Burnside, and said wherever the old white flag of the Commonwealth goes, there go civilization, justice and right. General Schouler spoke in commendation of the patriotism of the Ancient and Honorable Artillery Company, and an allusion to its commander as the Provost Marshal of New Orleans, brought down applause. After alluding to the gallant services of General Banks, he concluded by offering the following sentiment:—

Health and Long Life to Major-General Banks—who has made a retreat a victory.

The sentiment was received with deafening applause and cheers.

Eighth regular sentiment—

Our Gallant Members—who have poured out their blood on the field of battle.

General REED called upon the Reverend GEORGE D. WILDES of Salem, to speak to the toast. He said he stood before the company in a two-fold character, as a past Chaplain of the company, and as Pastor of Lieut.-Colonel Henry Merritt, of the 23d Regiment of Massachusetts Volunteers, who fell at the battle of Newbern, N. C. To the memory of Colonel Merritt he paid a high eulogy as a soldier, not less than a man and a citizen. Added to his own knowledge of his virtues, he heard a soldier say yesterday, “when we lost him, we lost the man of our regiment—when we lost him we lost the man that we loved, the man that kept compact our regiment, and led us forward into all places and under all circumstances into which we might be called.” In conclusion, he offered the following sentiment, which was drank standing and in silence:—

The Memory of Henry Merritt—formerly a private in this company, recently a Lieut.-Colonel in the 23d Regiment Massachusetts Volunteers.—He illustrated the courtesy of the citizen, and the bravery of the soldier of the United States.

At this point, General REED spoke of the honorary members of the company, and alluded especially to the eclat with which His Royal Highness, the late PRINCE ALBERT of England, was made honorary member of the corps, while Hon. Marshall P. Wilder was its commander.

Mr. WILDER, in response to the allusion, spoke of the Ancient and Honorable Artillery as the only offspring of the Royal Artillery of London, and of his communica-

tion with the late Prince Albert as of the most agreeable character. He made some remarks upon his character, and closed with a sentiment, which was drunk standing and in silence :—

To the Memory of His late Royal Highness, Prince Albert.—Honor, renown and immortality to his name.

Ninth regular sentiment—

Our 224th Anniversary.—Perpetuity to the institution founded by our fathers.

General JOHN S. TYLER, the oldest living past commander of the corps, responded and gave a sentiment :—

Our Rebel Brethren.—May they excel us in nothing except in the number and rank of their past commanders.

Tenth regular sentiment—

Our Captain now in the Active Service of his Country.—The glory which he wins will be reflected upon our banners.

To this Colonel NEWELL A. THOMPSON responded, and gave the following sentiment :—

True Patriotism.—That patriotism which allows and prompts men, at all times and under all circumstances, to maintain our Constitution, which in their judgment is the only thing which can sustain and maintain the liberties of the country.

JOHN GREEN, one of the oldest members of the company, offered the following toast :—

The United States of America—Our blessed Country.—May the time come when Union, Liberty, Freedom and harmony shall bless every part of it.

REV. T. J. GREENWOOD, of Malden, offered the following :—

The Chief Butler of Massachusetts and the Captain of the Ancient and Honorable Artillery.—While the former is bearing the cup of humiliation to the rebels in the Crescent City, the latter is at his side generously treating the traitors to a French Ragout.

By a volunteer—

General Banks—the little Iron Man.—Although not fairly dealt with, he will maintain himself without a murmur.

S. B. PHINNEY, Esq., of Barnstable, offered the following :—

The Ancient and Honorable Artillery.—Since the year 1815 the American people have been *asleep* with reference to the *defences* of the nation. Had the spirit which has ever animated this corps been diffused throughout the country, this nation would never have been thus “caught napping”; and neither secession nor rebellion could have lived for a single hour.

LETTERS.

The following letters were received from gentlemen who were invited to join in the festivities of the occasion, but who were unable to be present.

[From Governor Sprague.]

STATE OF RHODE ISLAND, EXECUTIVE DEPARTMENT, }
PROVIDENCE, May 25, 1862. }

JOHN H. REED, 1st Lt. Com'd'g A. & H. A. Co., Boston:

Sir,—I desire to acknowledge the receipt of your circular of invitation of the 19th.

My present duties so occupy my time, as to prevent my participating even in so agreeable an entertainment as I know yours will be. I can however wish you every success and pleasure in your coming

Anniversary, and to hope that those who now participate with you, will see many years to enjoy its return. I hope that its influence dating to the "Olden Times," will instil into our citizens and soldiers the same feelings which prompted the early founders of your organization to make every sacrifice in and of country—and to continue it to the end. Thanking you for your attention to me,

I am, myself,

Your obedient servant,

WILLIAM SPRAGUE.

[From Commodore Sands, U. S. N.]

Commodore SANDS has the honor to say, that he exceedingly regrets, that having been ordered on service from this city, he will be deprived the pleasure and *privilege* of being present with the "Ancient and Honorable Artillery Company," at the celebration of their 224th Anniversary, on Monday, June 2, next.

To First Lieut. JOHN H. REED, Commanding A. & H. Artillery Co.

U. S. NAVY YARD, May 30, 1862.

[From Hon. Edward Everett.]

Mr. EDWARD EVERETT regrets that his absence from Boston will put it out of his power to have the pleasure of being present at the celebration of the 224th Anniversary of the Ancient and Honorable Artillery Company, on the 2d of June.

DETROIT, May 23, 1862.

[From Hon. Robert C. Winthrop.]

Boston, May 31, 1862.

Brig. Gen. JOHN H. REED, *Lt. Com'g A. & H. A. Co.* :

My Dear Sir,—I am greatly honored and obliged by being included among the invited guests of the Ancient and Honorable Artillery Company for their Anniversary festival.

If it were in my power to be with them on Monday, I would assert my privilege of membership, and take a hand in serving the field pieces.

Though it is more than a quarter of a century since my last appearance with the corps, (when I had the honor to hold the same relation to it which you now hold,) I am glad to remember that my name is still on your honorary roll, and regret that I am prevented from taking a part in your approaching celebration.

I am, respectfully and truly,

Your obliged and ob't servant,

ROBERT C. WINTHROP.

[From Hon. Thomas P. Rich.]

Boston, May 30, 1862.

Dear Sir,—An engagement out of the city will prevent my accepting your invitation to be present at the celebration of the Anniversary of the Ancient and Honorable Artillery.

Thanking you for the honor you have done me in inviting me,

I am your obedient servant,

THOMAS P. RICH.

Gen. J. H. REED, Lt. Commanding A. & H. A.

CEREMONIES UPON THE COMMON.

At the close of the festivities at Faneuil Hall, the Company re-formed and proceeded to the Common, which, as is usual on ARTILLERY ELECTION DAY was thronged with people, who still delight to keep alive the ancient interest attaching to the ceremony of the "Governor taking his seat," and commissioning the newly elected officers of the Artillery Company.

On the route to the Common, the Company halted at the State House, where they received, under escort, the Governor and Staff and other officials, and proceeded to the Common. On entering the Parade Ground they were welcomed with a salute fired from two pieces of artillery.

After passing in review before the Governor the Company proceeded to the annual election of officers, by a drum-head ballot. The election resulted as follows :—

Captain—Lieutenant EDWIN C. BAILEY.

First Lieutenant—Colonel T. BIGELOW LAWRENCE.

Second Lieutenant—Major J. H. CHADWICK.

Adjutant—Major SAMUEL B. FOSTER.

First Sergeant—Lieutenant DAVID PULSIFER.

Second Sergeant—JOHN C. PRATT, Esq.

Third Sergeant—HORACE JENKINS, Esq.

Fourth Sergeant—Sergeant C. C. HENSHAW.

Fifth Sergeant—EDWIN ADAMS, Esq.

Sixth Sergeant—Sergeant E. W. DAVIS.

Seventh Sergeant—Captain E. H. STATEN.

Eighth Sergeant—Captain J. P. RICHARDSON.

Treasurer and Paymaster—Captain JOHN G. ROBERTS.

Clerk and Assistant-Paymaster—GEORGE H. ALLEN, Esq.

Armorer and Quartermaster—Capt. CHARLES S. LAMBERT.

After the election, General JOHN S. TYLER, on behalf of Colonel JONAS H. FRENCH, the commander of the Company, who was at that time *Provost* Marshal of New Orleans, advanced to the Governor, and delivered up his spontoon and commission. In doing so he regretted the absence of the officer whose place he occupied for the time being, stating that the Commander had not been able to be with the

Company in consequence of his desire to respond to the call for the protection of the Union of the whole country.

Governor ANDREW, in accepting the delivery of the badge of office, said that he was glad to hear the remarks of the officer who represented the Commander of the corps, and was proud to say that he re-echoed the sentiments expressed; and while he congratulated the militia in having such men as were in the ranks of the Company, he must regret the loss of the late Commander.

The non-commissioned officers were then qualified by the Commander, and the column marched to the State House, where the Governor, suite, and invited guests were left with the customary ceremonies. The battalion then marched down Park and Tremont Streets to West Street, down Washington Street, State Street, Merchants' Row to Faneuil Hall. Here the Company partook of supper, and concluded one of the most joyous and enthusiastic of these time-honored festivals.

THE
CONSTITUTION NOT A COMPACT

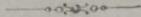
BETWEEN

SOVEREIGN STATES :

A SPEECH BY THE

HON. DANIEL WEBSTER,

IN THE SENATE OF THE UNITED STATES, JAN., 1833, IN REPLY
TO THE RESOLUTIONS OFFERED BY MR. CALHOUN, OF
SOUTH CAROLINA, AFFIRMING THE RIGHT
OF SECESSION.

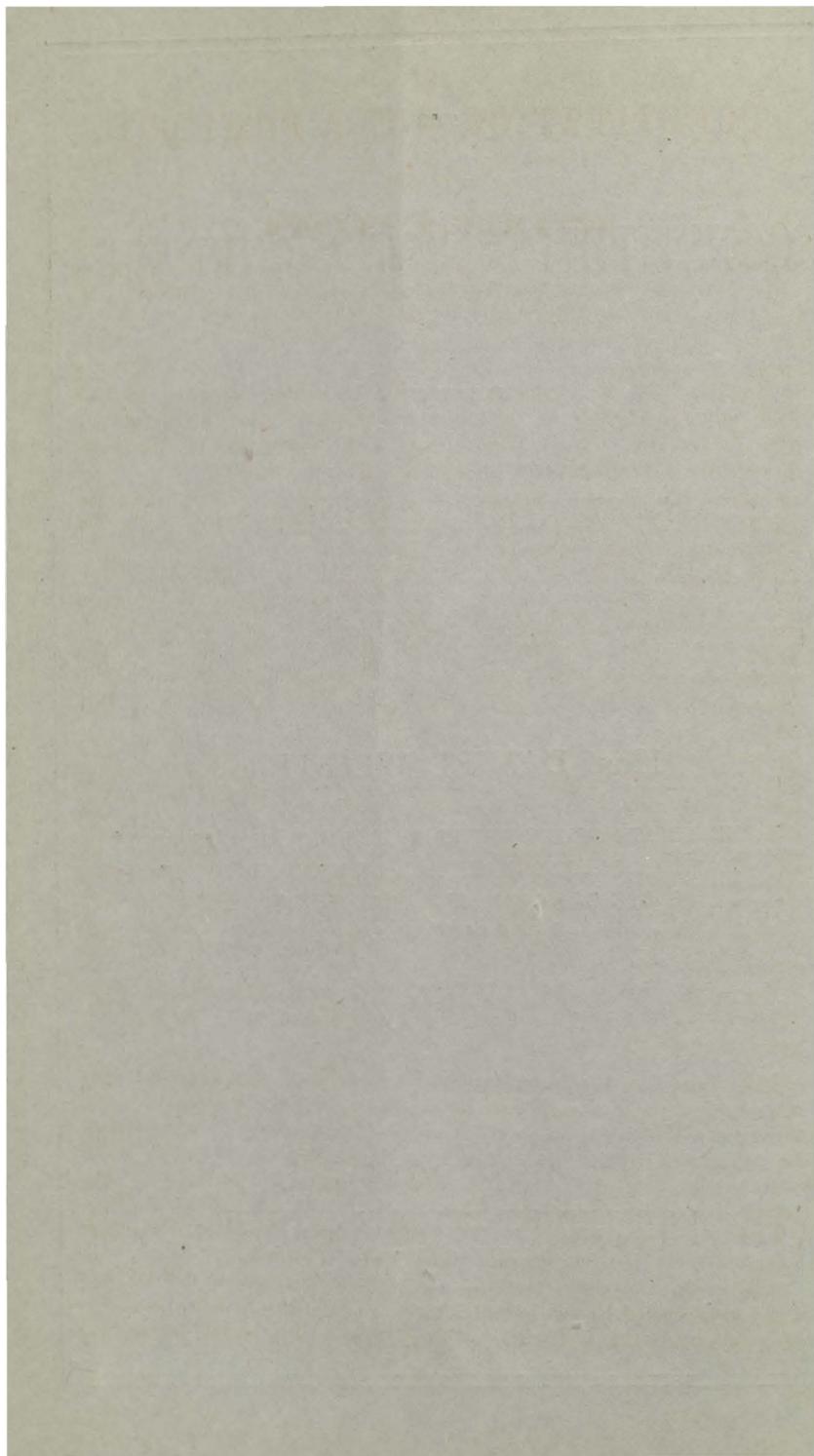


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1861.



THE
CONSTITUTION NOT A COMPACT
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JAN., 1833, IN REPLY TO THE RESOLUTIONS OFFERED BY MR. CALHOUN,
OF SOUTH CAROLINA, AFFIRMING THE RIGHT OF SECESSION.

On the 21st of January, 1833, Mr. Wilkins, chairman of the Judiciary Committee of the Senate, introduced the bill further to provide for the collection of duties. On the 22d day of the same month Mr. Calhoun submitted the following resolutions:

Resolved, That the people of the several States composing these United States are united as parties to a constitutional compact, to which the people of each State acceded as a separate sovereign community, each binding itself by its own particular ratification; and that the Union, of which the said compact is the bond, is a union *between the States* ratifying the same.

Resolved, That the people of the several States thus united by the constitutional compact, in forming that instrument, and in creating a general government to carry into effect the objects for which they were formed, delegated to that government, for that purpose, certain definite powers to be exercised jointly, reserving, at the same time, each State to itself, the residuary mass of powers, to be exercised by its own separate government; and that whenever the general government assumes the exercise of powers not delegated by the compact, its acts are unauthorized, and are of no effect; and that the same government is not made the final judge of the powers delegated to it, since that would make its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among sovereign parties, without any common judge, each has an equal right to judge for itself, as well of the infraction as of the mode and measure of redress.

Resolved, That the assertions, that the people of these United States, taken collectively as individuals, are now, or ever have been, united on the principle of the social compact, and, as such, are now formed into one nation or people, or that they have ever been so united in any one stage, of their political existence; that the people of the several States composing the Union have not, as members thereof, retained their sovereignty; that the allegiance of their citizens has been transferred to the general government; that they have parted with the right of punishing treason through their respective State governments; and that they have not the right of judging in the last resort as to the extent of the powers reserved, and of consequence of those delegated—are not only without foundation in truth, but are contrary to the most certain and plain historical facts, and the clearest deductions of reason; and that all exercise of power, on the part of the general government, or any of its departments, claiming authority from such erroneous assumptions, must of necessity be unconstitutional—must tend, directly and inevitably, to subvert the sovereignty of the States, to destroy the federal character of the Union, and to rear on its ruins a consolidated government, without constitutional check or limitation, and which must necessarily terminate in the loss of liberty itself."

On Saturday, the 16th of February, Mr. Calhoun spoke in opposition to the bill, and in support of these resolutions. He was followed by Mr. Webster in this speech:

MR. PRESIDENT,—The gentleman from South Carolina has admonished us to be mindful of the opinions of those who shall come after us. We must take our chance, Sir, as to the light in which posterity will regard us. I do not decline its judgment, nor withhold myself from its scrutiny. Feeling that I am performing my public duty with singleness of heart, and to the best of my ability, I fearlessly trust myself to the country, now and hereafter, and leave both my motives and my character to its decision.

The gentleman has terminated his speech in a tone of threat and defiance towards this bill, even should it become a law of the land, altogether unusual in the halls of Congress. But I shall not suffer

myself to be excited into warmth by his denunciations of the measure which I support. Among feelings which at this moment fill my breast, not the least is that of regret at the position in which the gentleman has placed himself. Sir, he does himself no justice. The cause which he has espoused finds no basis in the Constitution, no succor from public sympathy, no cheering from a patriotic community. He has no foothold on which to stand while he might display the powers of his acknowledged talents. Everything beneath his feet is hollow and treacherous. He is like a strong man struggling in a morass: every effort to extricate himself only sinks him deeper and deeper. And I fear the resemblance may be carried still further; I fear that no friend can safely come to his relief, that no one can approach near enough to hold out a helping hand, without danger of going down himself, also, into the bottomless depth of this Serbonian bog.

The honorable gentleman has declared that on the decision of the question now in debate may depend the cause of liberty itself. I am of the same opinion: but then, Sir, the liberty which I think is staked on this contest is not political liberty, in any general and undefined character, but our own well-understood and long-enjoyed *American* liberty.

Sir, I love liberty no less ardently than the gentleman himself, in whatever form she may have appeared in the progress of human history. As exhibited in the master states of antiquity, as breaking out again from amidst the darkness of the Middle Ages, and beaming on the formation of new communities in modern Europe, she has, always and everywhere, charms for me. Yet, Sir, it is our own liberty, guarded by constitutions and secured by union, it is that liberty which is our paternal inheritance, it is our established, dear-bought, peculiar American liberty, to which I am chiefly devoted, and the cause of which I now mean, to the utmost of my power, to maintain and defend.

Mr. President, if I considered the constitutional question now before us as doubtful as it is important, and if I supposed that its decision, either in the Senate or by the country, was likely to be in any degree influenced by the manner in which I might now discuss it, this would be to me a moment of deep solicitude. Such a moment has once existed. There has been a time, when, rising in this place, on the same question, I felt, I must confess, that something for good or evil to the Constitution of the country might depend on an effort of mine. But circumstances are changed. Since that day, Sir, the public opinion has become awakened to this great question; it has grasped it; it has reasoned upon it, as becomes an intelligent and patriotic community, and has settled it, or now seems in the progress of settling it, by an authority which none can disobey, the authority of the people themselves.

I shall not, Mr. President, follow the gentleman, step by step, through the course of his speech. Much of what he has said he has deemed necessary to the just explanation and defence of his own political character and conduct. On this I shall offer no com-

ment. Much, too, has consisted of philosophical remark upon the general nature of political liberty, and the history of free institutions; and upon other topics, so general in their nature as to possess, in my opinion, only a remote bearing on the immediate subject of this debate.

But the gentleman's speech made some days ago, upon introducing his resolutions, those resolutions themselves, and parts of the speech now just concluded, may, I presume, be justly regarded as containing the whole South Carolina doctrine. That doctrine it is my purpose now to examine, and to compare it with the Constitution of the United States. I shall not consent, Sir, to make any new constitution, or to establish another form of government. I will not undertake to say what a constitution for these United States ought to be. That question the people have decided for themselves; and I shall take the instrument as they have established it, and shall endeavor to maintain it, in its plain sense and meaning, against opinions and notions which, in my judgment, threaten its subversion.

The resolutions introduced by the gentleman were apparently drawn up with care, and brought forward upon deliberation. I shall not be in danger, therefore, of misunderstanding him, or those who agree with him, if I proceed at once to these resolutions, and consider them as an authentic statement of those opinions upon the great constitutional question, by which the recent proceedings in South Carolina are attempted to be justified.

These resolutions are three in number.

The third seems intended to enumerate, and to deny, the several opinions expressed in the President's proclamation, respecting the nature and powers of this government. Of this third resolution, I purpose, at present, to take no particular notice.

The first two resolutions of the honorable member affirm these propositions, viz:—

1. That the political system under which we live, and under which Congress is now assembled, is a *compact*, to which the people of the several States, as separate and sovereign communities, are *the parties*.

2. That these sovereign parties have a right to judge, each for itself, of any alleged violation of the Constitution by Congress; and, in case of such violation, to choose, each for itself, its own mode and measure of redress.

It is true, Sir, that that the honorable member calls this a "constitutional" compact; but still he affirms it to be a compact between sovereign States. What precise meaning, then, does he attach to the term *constitutional*? When applied to compacts between sovereign States, the term *constitutional* affixes to the word *compact* no definite idea. Were we to hear of a constitutional league or treaty between England and France, or a constitutional convention between Austria and Russia, we should not understand what could be intended by such a league, such a treaty, or such a convention. In these connections, the word is void of all meaning;

and yet, Sir, it is easy, quite easy, to see why the honorable gentleman has used it in these resolutions. He cannot open the book, and look upon our written frame of government, without seeing that it is called a *constitution*. This may well be appalling to him. It threatens his whole doctrine of compact, and its darling derivatives, nullification and secession, with instant confutation. Because, if he admits our instrument of government to be a *constitution*, then, for that very reason, it is not a compact between sovereigns; a constitution of government and a compact between sovereign powers being things essentially unlike in their very natures, and incapable of ever being the same. Yet the word *constitution* is on the very front of the instrument. He cannot overlook it. He seeks, therefore, to compromise the matter, and to sink all the substantial sense of the word, while he retains a resemblance of its sound. He introduces a new word of his own, viz: *compact*, as importing the principal idea, and designed to play the principal part, and degrades *constitution* into an insignificant, idle epithet, attached to *compact*. The whole then stands as a "*constitutional compact*"! And in this way he hopes to pass off a plausible gloss, as satisfying the words of the instrument. But he will find himself disappointed. Sir, I must say to the honorable gentleman, that in our American political grammar, CONSTITUTION is a noun substantive; it imports a distinct and clear idea of itself; and it is not to lose its importance and dignity, it is not to be turned into a poor, ambiguous, senseless, unmeaning adjective, for the purpose of accommodating any new set of political notions. Sir, we reject his new rules of syntax altogether. We will not give up our forms of political speech to the grammarians of the school of nullification. By the Constitution, we mean, not a "*constitutional compact*," but, simply and directly, the Constitution, the fundamental law; and if there be one word in the language which the people of the United States understand, this is that word. We know no more of a constitutional compact between sovereign powers, than we know of a *constitutional* indenture of copartnership, a *constitutional* deed of conveyance, or a *constitutional* bill of exchange. But we know what the *constitution* is; we know what the plainly written, fundamental law is; we know what the bond of our Union and the security of our liberties is; and we mean to maintain and to defend it, in its plain sense and unsophisticated meaning.

The sense of the gentleman's proposition, therefore, is not at all affected, one way or the other by the use of this word. That proposition still is, that our system of government is but a *compact* between the people of separate and sovereign States.

Was it Mirabeau, Mr. President, or some other master of the human passions, who has told us that words are things? They are indeed things, and things of mighty influence, not only in addresses to the passions and high-wrought feelings of mankind, but in the discussion of legal and political questions also; because a just conclusion is often avoided, or a false one reached, by the adroit sub-

stitution of one phrase, or one word for another. Of this, we have, I think, another example in the resolutions before us.

The first resolution declares that the people of the several States "*acceded*" to the Constitution, or to the constitutional compact as it is called. This word "*accede*," not found either in the Constitution itself, or in the ratification of it by any one of the States, has been chosen for use here, doubtless, not without a well considered purpose.

The natural converse of *accession* is *secession*: and, therefore, when it is stated that the people of the States acceded to the Union, it may be more plausibly argued that they may secede from it. If, in adopting the Constitution, nothing was done but acceding to a compact, nothing would seem necessary, in order to break it up, but to secede from the same compact. But the term is wholly out of place. *Accession*, as a word applied to political associations, implies coming into a league, treaty, or confederacy, by one hitherto a stranger to it; and *secession* implies departing from such league or confederacy. The people of the United States have used no such form of expression in establishing the present government. They do not say that they *accede* to a league, but they declare that they *ordain* and *establish* a Constitution. Such are the very words of the instrument itself; and in all the States, without an exception, the language used by their convention was, that they "*ratified the Constitution*;" some of them employing the additional word "*assented to*" and "*adopted*," but all of them "*ratifying*."

There is more importance than may, at first sight, appear, in the introduction of this new word by the honorable mover of these resolutions. Its adoption and use are indispensable to maintain those premises, from which his main conclusion is to be afterwards drawn. But before showing that, allow me to remark, that this phraseology tends to keep out of sight the just view of a previous political history, as well as to suggest wrong ideas as to what was actually done when the present Constitution was agreed to. In 1789, and before this Constitution was adopted, the United States had already been in a union, more or less close, for fifteen years. At least as far back as the meeting of the first Congress, in 1774, they had been, in some measure, and for some national purposes, united together. Before the Confederation of 1781, they had declared independence jointly, and had carried on the war jointly, both by sea and land; and this not as separate States, but as one people. When, therefore, they formed that Confederation, and adopted its articles as articles of perpetual union, they did not come together for the first time; and therefore, they did not speak of the States as *acceding* to the Confederation, although it was a league, and nothing but a league, and rested on nothing but plighted faith for its performance. Yet, even then, the States were not strangers to each other; there was a bond of union already subsisting between them; they were associated, united States; and the object of the Confederation was to make a stronger and better bond of union. Their representatives deliberated together on

these proposed Articles of Confederation, and, being authorized by their respective States, finally "*ratified and confirmed*" them. Inasmuch as they were already in union, they did not speak of *acceding* to the new articles of Confederation, but of *ratifying and confirming* them; and this language was not used inadvertently, because, in the same instrument, *accession* is used in its proper sense, when applied to Canada, which was altogether a stranger to the existing union. "Canada," says the eleventh article, "*acceding* to this Confederation, and joining in the measures of the United States, shall be admitted into the Union."

Having thus used the terms *ratify* and *confirm*, even in regard to the old confederation, it would have been strange, indeed, if the people of the United States, after its formation, and when they came to establish the present Constitution, had spoken of the States, or the people of the States, as *acceding* to this Constitution. Such language would have been ill-suited to the occasion. It would have implied an existing separation or disunion among the States, such as never has existed since 1774. No such language, therefore, was used. The language actually employed is, *adopt, ratify, ordain, establish*.

Therefore, Sir, since any State, before she can prove her right to dissolve the Union, must show her authority to undo what has been done, no State is at liberty to *secede*, on the ground that she and other States have done nothing but *accede*. She must show that she has a right to *reverse* what has been *ordained*, to *unsettle* and *overthrow* what has been *established*, to *reject* what the people have *adopted*, and to *break up* what they have *ratified*; because, these are the terms which express the transactions which have actually taken place. In other words, she must show her right to make a revolution.

If, Mr. President, in drawing these resolutions, the honorable member had confined himself to the use of constitutional language, there would have been a wide and awful *hiatus* between his premises and his conclusion. Leaving out the two words *compact* and *accession*, which are not constitutional modes of expression, and stating the matter precisely as the truth is, his first resolution would have affirmed that *the people of the several States ratified this Constitution or form of government*. These are the very words of South Carolina herself, in her act of ratification. Let, then, his first resolution tell the exact truth; let it state the fact precisely as it exists; let it say that the people of the several States ratified a constitution, or form of government; and then, Sir, what will become of his inference in his second resolution, which is in these words, viz.: "that, as in all other cases of compact among sovereign parties, each has an equal right to judge for itself, as well of the infraction as of the mode and measure of redress?" It is obvious, is it not, Sir? that this conclusion requires for its support quite other premises? it requires premises which speak of *accession* and of *compact* between sovereign powers; and, without such premises, it is altogether unmeaning.

Mr. President, if the honorable member will truly state what the people did in forming this Constitution, and then state what they must do if they would now undo what they then did, he will unavoidably state a case of revolution. Let us see if it be not so. He must state in the first place, that the people of the several States adopted and ratified this Constitution, or form of government; and, in the next place, he must state that they have a right to undo this; that is to say, that they have a right to discard the form of government which they have adopted, and to break up the Constitution which they have ratified. Now, Sir, this is neither more nor less than saying that they have a right to make a revolution. To reject an established government, to break up a political constitution, is revolution.

I deny that any man can state accurately what was done by the people, in establishing the present Constitution, and then state accurately what the people, or any part of them, must now do to get rid of its obligations, without stating an undeniable case of the overthrow of government. I admit, of course, that the people may, if they choose, overthrow the government. But then, that is revolution. The doctrine now contended for is, that by *nullification* or *secession*, the obligations and authority of the government may be set aside, or rejected, without revolution. But this is what I deny: and what I say is, that no man can state the case with historical accuracy, and in constitutional language, without showing that the honorable gentleman's right, as asserted in his conclusion, is a revolutionary right merely; that it does not and cannot exist under the Constitution, or agreeably to the Constitution, but can come into existence only when the Constitution is overthrown. This is the reason, Sir, which makes it necessary to abandon the use of constitutional language for a new vocabulary, and to substitute, in the place of plain historical facts, a series of assumptions. This is the reason why it is necessary to give new names to things, to speak of the Constitution, not as a constitution, but as a compact, and of the ratifications by the people, not as ratifications, but as acts of accession.

Sir, I intend to hold the gentleman to the written record. In the discussion of a constitutional question, I intend to impose upon him the restraints of constitutional language. The people have ordained a Constitution; can they reject it without revolution? They have established a form of government; can they overthrow it without revolution?

These are the true questions.

Allow me now, Mr. President, to inquire further into the extent of the propositions contained in the resolutions and their necessary consequences.

Where sovereign communities are parties, there is no essential difference between a compact, a confederation, and a league. They all equally rest on the plighted faith of the sovereign party. A league or confederacy, is but a subsisting or continuing treaty.

The gentleman's resolutions, then, affirm, then, in effect, that

these twenty-four United States are held together only by a subsisting treaty, resting for its fulfilment and continuance on no inherent power of its own, but on the plighted faith of each State; or, in other words, that our Union is but a league; and, as a consequence from this proposition, they further affirm that, as sovereigns are subject to no superior power, the States must judge, each for itself, of any alleged violation of the league; and if such violation be supposed to have occurred, each may adopt any mode or measure of redress which it shall think proper.

Other consequences naturally follow, too, from the main proposition. If a league between sovereign powers have no limitation as to the time of its duration, and contain nothing making it perpetual, it subsists only during the good pleasure of the parties, although no violation be complained of. If, in the opinion of either party, it be violated, such party may say that he will no longer fulfil its obligations on his part, but will consider the whole league or compact at an end, although it might be one of its stipulations that it should be perpetual. Upon this principle, the Congress of the United States, in 1798, declared null and void the treaty of alliance between the United States and France, though it professed to be a perpetual alliance.

If the violation of the league be accompanied with serious injuries, the suffering party, being sole judge of his own mode and measure of redress, has a right to indemnify himself by reprisals on the offending members of the league; and reprisals, if the circumstances of the case require it, may be followed by direct, avowed, and public war.

The necessary import of the resolution, therefore, is, that the United States are connected only by a league; that it is in the good pleasure of every State to decide how long she will choose to remain a member of this league; that any State may determine the extent of her own obligations under it, and accept or reject what shall be decided by the whole; that she may also determine whether her rights have been violated, what is the extent of the injury done her, and what mode and measure of redress her wrongs may make it fit and expedient for her to adopt. The result of the whole is, that any State may secede at pleasure; that any State may resist a law which she herself may choose to say exceeds the power of Congress; and that, as a sovereign power she may redress her own grievances, by her own arm, at her own discretion. She may make reprisals; she may cruise against the property of other members of the league; she may authorize captures, and make open war.

If, Sir, this be our political condition, it is time the people of the United States understood it. Let us look for a moment to the practical consequences of these opinions. One State, holding an embargo law unconstitutional, may declare her opinion and withdraw from the Union. *She* secedes. Another, forming and expressing the same judgment on a law laying duties on imports, may withdraw also. *She* secedes. And as, in her opinion, money

has been taken out of the pockets of her citizens illegally, under pretence of this law, and as she has power to redress their wrongs, she may demand satisfaction; and, if refused, she may take it with a strong hand. The gentleman has himself pronounced the collection of duties, under existing laws, to be nothing but robbery. Robbers, of course, may be rightfully dispossessed of the fruits of their flagitious crimes; and, therefore, reprisals, impositions on the commerce of other States, foreign alliances against them, or open war, are all modes of redress justly open to the discretion and choice of South Carolina; for she is to judge of her own rights, and to seek satisfaction for her own wrongs, in her own way.

But, sir, a *third* State is of opinion, not only that these laws of imposts are constitutional, but that it is the absolute duty of Congress to pass and to maintain such laws; and that, by omitting to pass and maintain them, its constitutional obligations would be grossly disregarded. She herself relinquished the power of protection, she might allege, and allege truly, and gave it up to Congress, on the faith that Congress would exercise it. If Congress now refuse to exercise it, Congress does, as she may insist, break the condition of the grant, and thus manifestly violate the Constitution; and for this violation of the Constitution, *she* may threaten to secede also. Virginia may secede, and hold the fortress in the Chesapeake. The Western States may secede, and take to their own use the public lands. Louisiana may secede, if she choose, form a foreign alliance, and hold the mouth of the Mississippi. If one State may secede, ten may do so, twenty may do so, twenty-three may do so. Sir, as these secessions go on, one after another, what is to constitute the United States? Whose will be the army? Whose the navy? Who will pay the debts? Who fulfil the public treaties? Who perform the constitutional guaranties? Who govern this District and the Territories? Who retain the public property?

Mr. President, every man must see that these are all questions which can arise only *after a revolution*. They presuppose the breaking up of the government. While the Constitution lasts, they are repressed; they spring up to annoy and startle us only from its grave.

The Constitution does not provide for events which must be preceded by its own destruction. SECESSION, therefore, since it must bring these consequences with it, is REVOLUTIONARY, and NULLIFICATION is equally REVOLUTIONARY. What is revolution? Why, Sir, that is revolution which overturns, or controls, or successfully resists, the existing public authority; that which arrests the exercise of the supreme power; that which introduces a new paramount authority into the rule of the State. Now, Sir this is the precise object of nullification. It attempts to supersede the supreme legislative authority. It arrests the arm of the executive magistrate. It interrupts the exercise of the accustomed judicial power. Under the name of an ordinance, it declares null and void, within the State, all the revenue laws of the United States. Is not this revolutionary? Sir, so soon as this ordinance shall be carried into

effect, a *revolution* will have commenced in South Carolina. She will have thrown off the authority to which her citizens have heretofore been subject. She will have declared her own opinions and her own will to be above the laws and above the power of those who are intrusted with their administration. If she makes good these declarations, she is revolutionized. As to her, it is as distinctly a change of the supreme power, as the American revolution of 1776. That revolution did not subvert government in all its forms. It did not subvert local laws and municipal administrations. It only threw off the dominion of a power claiming to be superior, and to have a right, in many important respects, to exercise legislative authority. Thinking this authority to have been usurped or abused, the American Colonies, now the United States, bade it defiance, and freed themselves from it by means of a revolution. But that revolution left them with their own municipal laws still, and the forms of local government. If Carolina now shall effectually resist the laws of Congress; if she shall be her own judge, take her remedy in her own hands, obey the laws of the Union when she pleases and disobey them when she pleases, she will relieve herself from a paramount power as distinctly as the American Colonies did the same thing in 1776. In other words, she will achieve, as to herself, a revolution.

But, Sir, while practical nullification in South Carolina would be, as to herself, actual and distinct revolution, its necessary tendency must also be to spread revolution, and to break up the Constitution, as to all the other States. It strikes a deadly blow at the vital principle of the whole Union. To allow State resistance to the laws of Congress to be rightful and proper, to admit nullification in some States, and yet not expect to see a dismemberment of the entire government, appears to me the wildest illusion, and the most extravagant folly. The gentleman seems not conscious of the direction or the rapidity of his own course. The current of his opinions sweeps him along, he knows not whither. To begin with nullification, with the avowed intent, nevertheless, not to proceed to secession, dismemberment, and general revolution, is as if one were to take the plunge of Niagara, and cry out that he would stop half way down: In the one case, as in the other, the rash adventurer must go to the bottom of the dark abyss below, were it not that that abyss has no discovered bottom.

Nullification, if successful, arrests the power of the law, absolves citizens from their duty, subverts the foundation both of protection and obedience, dispenses with oaths and obligations of allegiance, and elevates another authority to supreme command. Is not this revolution? And it raises to supreme command four-and-twenty distinct powers, each professing to be under a general government, and yet each setting its laws at defiance at pleasure. Is not this anarchy, as well as revolution? Sir, the Constitution of the United States was received as a whole, and for the whole country. If it cannot stand altogether, it cannot stand in parts; and if the laws cannot be executed everywhere, they cannot long be executed any-

where. The gentleman very well knows that all duties and imposts must be uniform throughout the country. He knows that we cannot have one rule or one law for South Carolina, and another for other States. He must see, therefore, and does see, and every man sees, that the only alternative is a repeal of the laws throughout the whole Union, or their execution in Carolina as well as elsewhere. And this repeal is demanded because a single State interposes her veto, and threatens resistance! The result of the gentleman's opinion, or rather the very text of his doctrine, is, that no act of Congress can bind all the States, the constitutionality of which is not admitted by all; or, in other words, that no single State is bound, against its own dissent, by a law of imposts. This is precisely the evil experienced under the old Confederation, and for remedy of which this Constitution was adopted. The leading object in establishing this government, an object forced on the country by the condition of the times and the absolute necessity of the law, was to give to Congress power to lay and collect imposts *without the consent of particular States*. The Revolutionary debt remained unpaid; the national treasury was bankrupt; the country was destitute of credit; Congress issued its requisitions on the States, and the States neglected them; there was no power of coercion but war; Congress could not lay imposts, or other taxes, by its own authority; the whole general government, therefore, was little more than a name. The Articles of Confederation, as to purposes of revenue and finance, were nearly a dead letter. The country sought to escape from this condition, at once feeble and disgraceful, by constituting a government which should have power of itself, to lay duties and taxes, and to pay the public debt, and provide for the general welfare; and to lay these duties and taxes in all the States, without asking the consent of the State governments. This was the very power on which the new Constitution was to depend for all its ability to do good; and without it, it can be no government, now or at any time. Yet, Sir, it is precisely against this power, so absolutely indispensable to the very being of the government, that South Carolina directs her ordinance. She attacks the government in its authority to raise revenue, the very main-spring of the whole system; and if she succeed, every movement of that system must inevitably cease. It is of no avail that she declares that she does not resist the law as a revenue law, but as a law for protecting manufactures. It is a revenue law; it is the very law by force of which the revenue is collected; if it be arrested in any State, the revenue ceases in that State; it is, in a word, the sole reliance of the government for the means of maintaining itself and performing its duties.

Mr. President, the alleged right of a State to decide constitutional questions for herself necessarily leads to force, because other States must have the same right, and because different States will decide differently; and when these questions arise between States, if there be no superior power, they can be decided only by the law of force. On entering into the Union, the people of each State

gave up a part of their own power to make laws for themselves, in consideration that, as to common objects, they should have a part in making laws for other States. In other words, the people of all the States agreed to create a common government, to be conducted by common counsels. Pennsylvania, for example, yielded the right of laying imposts in her own ports, in consideration that the new government, in which she was to have a share, should possess the power of laying imposts on all the States. If South Carolina now refuses to submit to this power, she breaks the condition on which other States entered into the Union. She partakes of the common counsels, and therein assists to bind others, while she refuses to be bound herself. It makes no difference in the case, whether she does all this without reason or pretext, or whether she sets up as a reason, that, in her judgment, the acts complained of are unconstitutional. In the judgment of other States, they are not so. It is nothing to them that she offers some reason or some apology for her conduct, if it be one which they do not admit. It is not to be expected that any State will violate her duty without some plausible pretext. That would be too rash a defiance of the opinion of mankind. But if it be a pretext which lies in her own breast: if it be no more than an opinion which she says she has formed, how can other States be satisfied with this? How can they allow her to be judge of her own obligations? Or, if she may judge of her obligations, may they not judge of their rights also? May not the twenty-three entertain an opinion as well as the twenty-fourth? And if it be their right, in their own opinion, as expressed in the common council, to enforce the law against her, how is she to say that her right and her opinion are to be everything, and their right and their opinion nothing?

Mr. President, if we are to receive the Constitution as the text, and then to lay down in its margin the contradictory commentaries which have been, and which may be, made by different States, the whole page would be a polyglot indeed. It would speak with as many tongues as the builders of Babel, and in dialects as much confused, and mutually as unintelligible. The very instance now before us presents a practical illustration. The law of the last session is declared unconstitutional in South Carolina, and obedience to it is refused. In other States, it is admitted to be strictly constitutional. You walk over the limit of its authority, therefore, when you pass a State line. On one side it is law, on the other side a nullity; and yet it is passed by a common government, having the same authority in all the States.

Such, Sir, are the inevitable results of this doctrine. Beginning with the original error, that the Constitution of the United States is nothing but a compact between sovereign States; asserting, in the next step, that each State has a right to be its own sole judge of the extent of its obligations, and consequently, of the constitutionality of laws of Congress; and, in the next, that it may oppose whatever it sees fit to declare unconstitutional, and that it decides for itself on the mode and measure of redress,—the argument ar-

rives at once at the conclusion, that what a State dissents from, it may nullify; what it opposes, it may oppose by force; what it declares for itself, it may execute by its own power, and that, in short, it is itself supreme over the legislation of Congress, and supreme over the decisions of the national judicature; supreme over the Constitution of the country, supreme over the supreme law of the land. However it seeks to protect itself against these plain inferences, by saying that an unconstitutional law is no law, and that it only opposes such laws as are unconstitutional, yet this does not in the slightest degree vary the result; since it insists on deciding this question for itself; and in opposition to reason and arguments, in opposition to practice and experience, in opposition to the judgment of others, having an equal right to judge, it says, only, "Such is my opinion, and my opinion shall be my law, and I will support it by my own strong hand. I denounce the law; I declare it unconstitutional; that is enough; it shall not be executed. Men in arms are ready to resist its execution. An attempt to enforce it shall cover the land with blood. Elsewhere, it may be binding; but here it is trampled under foot."

This, Sir, is practical nullification.

And now, Sir, against all these theories and opinions, I maintain—

1. That the Constitution of the United States is not a league, confederacy, or compact between the people of the several States in their sovereign capacities; but a government proper, founded on the adoption of the people, and creating direct relations between itself and individuals.

2. That no State authority has power to dissolve these relations; that nothing can dissolve them but revolution; and that, consequently, there can be no such thing as secession without revolution.

3. That there is a supreme law, consisting of the Constitution of the United States, and acts of Congress passed in pursuance of it, and treaties; and that, in cases not capable of assuming the character of a suit in law or equity, Congress must judge of, and finally interpret, this supreme law so often as it has occasion to pass acts of legislation and in cases capable of assuming, and actually assuming, the character of a suit, the Supreme Court of the United States is the final interpreter.

4. That an attempt by a State to abrogate, annul, or nullify an act of Congress, or to arrest its operation within her limits, on the ground that, in her opinion, such law is unconstitutional, is a direct usurpation on the just powers of the general government, and on the equal rights of other States; a plain violation of the Constitution, and a proceeding essentially revolutionary in its character and tendency.

Whether the Constitution be a compact between States in their sovereign capacities, is a question which must be mainly argued from what is contained in the instrument itself. We all agree that it is an instrument which has been in some way clothed with power. We all admit that it speaks with authority. The first question then is, What does it say of itself? What does it purport to be? Does

it style itself a league, confederacy, or compact between sovereign States? It is to be remembered, Sir, that the Constitution began to speak only after its adoption. Until it was ratified by nine States, it was but a proposal, the mere draught of an instrument. It was like a deed drawn, but not executed. The convention had framed it; sent it to Congress, then sitting under the Confederation; Congress had transmitted it to the State legislatures; and by these last it was laid before conventions of the people in the several States. All this while it was inoperative paper. It had received no stamp of authority, no sanction; it spoke no language. But when ratified by the people in their respective conventions, then it had a voice, and spoke authentically. Every word in it had then received the sanction of the popular will, and was to be received as the expression of that will. What the Constitution says of itself, therefore, is as conclusive as what it says on any other point. Does it call itself a "compact?" Certainly not. It uses the word *compact* but once, and that is when it declares that the States shall enter into no compact. Does it call itself a "league," a "confederacy," a "subsisting treaty between the States?" Certainly not. There is not a particle of such language in all its pages. But it declares itself a CONSTITUTION. What is a *constitution*? Certainly not a league, compact, or confederacy, but a *fundamental law*. The fundamental regulation which determines the manner in which the public authority is to be executed, is what forms the *constitution* of a State. Those primary rules which concern the body itself, and the very being of the political society, the form of government, and the manner in which power is to be exercised,—all, in a word, which form together the *constitution of a state*,—these are the fundamental laws. This, Sir, is the language of the public writers. But do we need to be informed, in this country, what a *constitution* is? Is it not an idea perfectly familiar, definite, and well settled? We are at no loss to understand what is meant by the constitution of one of the States; and the Constitution of the United States speaks of itself as being an instrument of the same nature. It says, this *Constitution* shall be the law of the land, anything in any State *constitution* to the contrary notwithstanding. And it speaks of itself, too, in plain contradistinction from a confederation; for it says that all debts contracted, and all engagements entered into by the United States, shall be as valid under this *Constitution* as under the *Confederation*. It does not say, as valid under this *compact*, or this league, or this confederation, as under the former confederation, but as valid under this *Constitution*.

This, then, Sir, is declared to be a *constitution*. A constitution is the fundamental law of the State; and this is expressly declared to be the supreme law. It is as if the people had said, "We prescribe this fundamental law," or "this supreme law," for they do say that they establish this Constitution, and that it shall be the supreme law. They say that they *ordain and establish* it. Now, Sir, what is the common application of these words? We do not

speak of *ordaining* leagues and compacts. If this was intended to be a compact or league, and the States to be parties to it, why was it not so said? Why is there found no one expression in the whole instrument indicating such an intent? The old Confederation was expressly called a *league*; and into this league it was declared that the States, as States, severally entered. Why was not similar language used in the Constitution, if a similar intention had existed? Why was it not said, "the States enter into this new league," "the States form this new confederation," or "the States agree to this new compact?" Or why was it not said, in the language of the gentleman's resolution, that the people of the several States acceded to this compact in their sovereign capacities? What reason is there for supposing that the framers of the Constitution rejected expressions appropriate to their own meaning, and adopted others wholly at war with that meaning?

Again, Sir, the Constitution speaks of that political system which is established as "the government of the United States." Is it not doing strange violence to language to call a league or a compact between sovereign powers a *government*? The government of a state is that organization in which the political power resides. It is the political being created by the constitution or fundamental law. The broad and clear difference between a government and a league, or compact, is, that a government is a body politic; it has a will of its own; and it possesses powers and faculties to execute its own purposes. Every compact looks to some power to enforce its stipulations. • Even in a compact between sovereign communities, there always exists this ultimate reference to a power to insure its execution; although, in such case, this power is but the force of one party against the force of another; that is to say, the power of war. But a *government* executes its decisions by its own supreme authority. Its use of force in compelling obedience to its own enactments is not war. It contemplates no opposing party having a right of resistance. It rests on its own power to enforce its own will; and when it ceases to possess this power, it is no longer a government.

Mr. President, I concur so generally in the very able speech of the gentleman from Virginia, near me,* that it is not without diffidence and regret that I venture to differ with him on any point. His opinions, Sir, are redolent of the doctrines of a very distinguished school, for which I have the highest regard, of whose doctrines I can say, what I can also say of the gentleman's speech, that, while I concur in the results, I must be permitted to hesitate about some of the premises. I do not agree that the Constitution is a compact between States in their sovereign capacities. I do not agree, that, in strictness of language, it is a compact at all. But I do agree that it is founded on consent or agreement, or on compact, if the gentleman prefers that word, and means no more by it than voluntary consent or agreement. The Constitution, Sir, is not a contract, but the result of a contract; meaning by contract no more than assent. Founded on consent, it is a government

* Mr. Rives.

proper. Adopted by the agreement of the people of the United States, when adopted, it has become a Constitution. The people have agreed to make a Constitution; but when made, that Constitution becomes what its name imports. It is no longer a mere agreement. Our laws, Sir, have their foundation in the agreement or consent of the two houses of Congress. We say, habitually, that one house proposes a bill, and the other agrees to it; but the result of this agreement is not a compact, but a law. The law, the statute, is not the agreement, but something created by the agreement; and something, which, when created, has a new character, and acts by its own authority. So the Constitution of the United States, founded in or on the consent of the people, may be said to rest on compact or consent; but it is not itself the compact, but its result. When the people agree to erect a government, and actually erect it, the thing is done, and the agreement is at an end. The compact is executed, and the end designed by it attained. Henceforth, the fruit of the agreement exists, but the agreement itself is merged in its own accomplishment; since there can be no longer a subsisting agreement or compact *to form* a constitution or government, after that constitution or government has been actually formed and established.

It appears to me, Mr. President, that the plainest account of the establishment of this government presents the most just and philosophical view of its foundation. The people of the several States had their separate State governments; and between the States there also existed a Confederation. With this condition of things the people were not satisfied, as the Confederation had been found not to fulfil its intended objects. It was *proposed*, therefore, to erect a new, common government, which should possess certain definite powers, such as regarded the prosperity of the people of all the States, and to be formed upon the general model of American constitutions. This proposal was assented to, and an instrument was presented to the people of the several States for their consideration. They approved it, and agreed to adopt it, as a Constitution. They executed that agreement; they adopted the Constitution as a Constitution, and henceforth it must stand as a Constitution until it shall be altogether destroyed. Now, Sir, is not this the truth of the whole matter? And is not all that we have heard of compact between sovereign States the mere effect of a theoretical and artificial mode of reasoning upon the subject? a mode of reasoning which disregards plain facts for the sake of hypothesis?

Mr. President, the nature of sovereignty or sovereign power has been extensively discussed by gentlemen on this occasion, as it generally is when the origin of our government is debated. But I confess myself not entirely satisfied with arguments and illustrations drawn from that topic. The sovereignty of government is an idea belonging to the other side of the Atlantic. No such thing is known in North America. Our governments are all limited. In Europe, sovereignty is of feudal origin, and imports no more than the state of the sovereign. It comprises his rights, duties, exemp-

tions, prerogatives, and powers. But with us, all power is with the people. They alone are sovereign; and they erect what governments they please, and confer on them such power as they please. None of these governments is sovereign, in the European sense of the word, all being restrained by written constitutions. It seems to me, therefore, that we only perplex ourselves when we attempt to explain the relations existing between the general government and the several State governments, according to those ideas of sovereignty which prevail under systems essentially different from our own.

But, Sir, to return to the Constitution itself; let me inquire what it relies upon for its own continuance and support. I hear it often suggested, that the States, by refusing to appoint Senators and Electors, might bring this government to an end. Perhaps that is true; but the same may be said of the State governments themselves. Suppose the legislature of a State, having the power to appoint the governor and the judges, should omit that duty, would not the State government remain unorganized? No doubt, all elective governments may be broken up by a general abandonment on the part of those intrusted with political powers, of their appropriate duties. But one popular government has, in this respect, as much security as another. The maintenance of this Constitution does not depend on the plighted faith of the States, as States, to support it; and this again shows that it is not a league. It relies on individual duty and obligation.

The Constitution of the United States creates direct relations between this government and individuals. This government may punish individuals for treason, and all other crimes in the code, when committed against the United States. It has power, also, to tax individuals, in any mode, and to any extent; and it possesses the further power of demanding from individuals military service. Nothing, certainly, can more clearly distinguish a government from a confederation of States than the possession of these powers. No closer relations can exist between individuals and any government.

On the other hand, the government owes high and solemn duties to every citizen of the country. It is bound to protect him in his most important rights and interests. It makes war for his protection, and no other government in the country can make war. It makes peace for his protection, and no other government can make peace. It maintains armies and navies for his defence and security, and no other government is allowed to maintain them. He goes abroad beneath its flag, and carries over all the earth a national character imparted to him by this government, and which no other government can impart. In whatever relates to war, to peace, to commerce, he knows no other government. All these, Sir, are connections as dear and as sacred as can bind individuals to any government on earth. It is not, therefore, a compact between States, but a government proper, operating directly upon individuals, yielding to them protection on the one hand, and demanding from them obedience on the other.

There is no language in the whole Constitution applicable to a confederation of States. If the States be parties, as States, what are their rights, and what their respective covenants and stipulations? And where are their rights, covenants, and stipulations expressed? The States engage for nothing, they promise nothing. In the articles of Confederation, they did make promises, and did enter into engagements, and did plight the faith of each State for their fulfilment; but in the Constitution there is nothing of that kind. The reason is, that, in the Constitution, it is the people who speak, and not the States. The people ordain the Constitution, and therein address themselves to the States, and to the legislatures of the States, in the language of injunction and prohibition. The Constitution utters its behests in the name and by authority of the people, and it does not exact from States any plighted public faith to maintain it. On the contrary, it makes its own preservation depend on individual duty and individual obligation. Sir, the States cannot omit to appoint Senators and Electors. It is not a matter resting in State discretion or State pleasure. The Constitution has taken better care of its own preservation. It lays its hand on individual conscience and individual duty. It incapacitates any man to sit in the legislature of a State, who shall not first have taken his solemn oath to support the Constitution of the United States. From the obligation of this oath, no State power can discharge him. All the members of all the State legislatures are as religiously bound to support the Constitution of the United States as they are to support their own State constitution. Nay, Sir, they are solemnly sworn to support it as we ourselves are, who are members of Congress.

No member of a State legislature can refuse to proceed, at the proper time, to elect Senators to Congress, or to provide for the choice of Electors of President and Vice-President, any more than the members of this Senate can refuse, when the appointed day arrives, to meet the members of the other house, to count the votes of those officers, and ascertain who are chosen. In both cases, the duty binds, and with equal strength, the conscience of the individual member, and it is imposed on all by an oath in the same words. Let it then, never be said, Sir, that it is a matter of discretion with the States whether they will continue the government or break it up by refusing to appoint Senators and to elect Electors. They have no discretion in the matter. The members of their legislatures cannot avoid doing either, so often as the time arrives, without a direct violation of their duty and their oaths; such a violation as would break up with any other government.

Looking still further to the provisions of the Constitution itself, in order to learn its true character, we find its great apparent purpose to be, to unite the people of all the States under one general government, for certain definite objects, and, to the extent of this union, to restrain the separate authority of the States. Congress only can declare war; therefore, when one State is at war with a foreign nation, all must be at war. The President and the Senate

can only make peace ; when peace is made for one State, therefore, it must be made for all.

Can anything be conceived more preposterous, than that any State should have power to nullify the proceedings of the general government respecting peace and war? When war is declared by a law of Congress, can a single State nullify that law, and remain at peace? And yet she may nullify that law as well as any other. If the President and Senate make peace, may one State, nevertheless, continue the war? And yet, if she can nullify a law, she may quite as well nullify a treaty.

The truth is, Mr. President, and no ingenuity of argument, no subtlety of distinction can evade it, that as to certain purposes, the people of the United States are one people. They are one in making war, and one in making peace; they are one in regulating commerce, and one in laying duties of imposts. The very end and purpose of the Constitution was, to make them one people in these particulars; and it has effectually accomplished its object. All this is apparent on the face of the Constitution itself. I have already said, Sir, that to obtain a power of direct legislation over the people, especially in regard to imposts, was always prominent as a reason for getting rid of the Confederation, and forming a new Constitution. Among innumerable proofs of this before the assembling of the Convention, allow me to refer only to the report of the committee of the old Congress, July, 1785.

But, Sir, let us go to the actual formation of the Constitution; let us open the journal of the Convention itself, and we shall see that the very first resolution which the Convention adopted, was, "THAT A NATIONAL GOVERNMENT OUGHT TO BE ESTABLISHED, CONSISTING OF A SUPREME LEGISLATURE, JUDICIARY, AND EXECUTIVE."

This itself completely negatives all idea of league, and compact, and confederation. Terms could not be chosen more fit to express an intention to establish a national government, and to banish for ever all notion of a compact between sovereign States.

This resolution was adopted on the 30th of May, 1787. Afterwards, the style was altered, and, instead of being called a national government, it was called the government of the United States; but the substance of this resolution was retained, and was at the head of that list of resolutions which was afterwards sent to the committee who were to frame the instrument.

It is true, there were gentlemen in the Convention, who were for retaining the Confederation, and amending its Articles; but the majority was against this, and was for a national government. Mr. Patterson's propositions, which were for continuing the Articles of Confederation with additional powers, were submitted to the Convention on the 15th of June, and referred to the committee of the whole. The resolutions forming the basis of a national government, which had once been agreed to in the committee of the whole, and reported, were recommended to the same committee, on the same day. The Convention, then, in committee of the whole, on the 19th of June, had both these plans before them; that is to say, the plan

of a confederacy, or compact, between States, and the plan of a national government. Both these plans were considered and debated, and the committee reported, "That they do not agree to the propositions offered by the honorable Mr. Patterson, but that they again submit the resolutions formerly reported." If, Sir, any historical fact in the world be plain and undeniable, it is that the Convention deliberated on the expediency of continuing the Confederation, with some amendments, and rejected that scheme, and adopted the plan of a national government, with a legislature, an executive, and a judiciary of its own. They were asked to preserve the league; they rejected the proposition. They were asked to continue the existing compact between States; they rejected it. They rejected compact, league, and confederation, and set themselves about framing the constitution of a national government; and they accomplished what they undertook.

If men will open their eyes fairly to the lights of history, it is impossible to be deceived on this point. The great object was to supersede the Confederation, by a regular government; because, under the Confederation, Congress had power only to make requisitions on States; and if States declined compliance, as they did, there was no remedy but war against such delinquent States. It would seem, from Mr. Jefferson's correspondence, in 1786 and 1787, that he was of opinion that even this remedy ought to be tried. "There will be no money in the treasury," said he, "till the confederacy shows its teeth;" and he suggests that a single frigate would soon levy, on the commerce of a delinquent State, the deficiency of its contribution. But this would be war; and it was evident that a confederacy could not long hold together, which should be at war with its members. The Constitution was adopted to avoid this necessity. It was adopted that there might be a government which should act directly on individuals, without borrowing aid from the State governments. This is clear as light itself on the very face of the provisions of the Constitution, and its whole history tends to the same conclusion. Its framers gave this very reason for their work in the most distinct terms. Allow me to quote but one or two proofs, out of hundreds. That State, so small in territory, but so distinguished for learning and talent, Connecticut, had sent to the general Convention, among other members, Samuel Johnston and Oliver Ellsworth. The Constitution having been framed, it was submitted to a convention of the people of Connecticut for ratification on the part of that State; and Mr. Johnston and Mr. Ellsworth were also members of this convention. On the first day of the debates, being called on to explain the reasons which led the Convention at Philadelphia to recommend such a Constitution, after showing the insufficiency of the existing confederacy, inasmuch as it applied to States, as States, Mr. Johnston proceeded to say:—

"The Convention saw this imperfection in attempting to legislate for States in their political capacity, that their coercion of law can be exercised by nothing but a military force. They have, there-

fore, gone upon entirely new ground. They have formed one new nation out of the individual States. The Constitution vests in the general legislature a power to make laws in matters of national concern; to appoint judges to decide upon these laws; and to appoint officers to carry them into execution. This excludes the idea of an armed force. The power which is to enforce these laws is to be a legal power, vested in proper magistrates. The force which is to be employed is the energy of law; and this force is to operate only upon individuals who fail in their duty to their country. This is the peculiar glory of the Constitution, that it depends upon the mild and equal energy of the magistracy for the execution of the laws."

In the further course of the debate, Mr. Ellsworth said:—

"In republics, it is a fundamental principle, that the majority govern, and that the minority comply with the general voice. How contrary, then, to republican principles, how humiliating, is our present situation! A single State can rise up, and put a *veto* upon the most important public measures. We have seen this actually take place; a single State has controlled the general voice of the Union; a minority, a very small minority, has governed us. So far is this from being consistent with republican principles, that it is, in effect, the worst species of monarchy.

"Hence, we see how necessary for the Union is a coercive principle. No man pretends the contrary. We all see and feel this necessity. The only question is, Shall it be a coercion of law, or a coercion of arms? There is no other possible alternative. Where will those who oppose a coercion of law come out? Where will they end? A necessary consequence of their principles is a war of the States, one against another. I am for coercion by law; that coercion which acts only upon delinquent individuals. This Constitution does not attempt to coerce sovereign bodies, States, in their political capacity. No coercion is applicable to such bodies, but that of an armed force. If we should attempt to execute the laws of the Union by sending an armed force against a delinquent State, it would involve the good and bad, the innocent and guilty, in the same calamity. But this legal coercion singles out the guilty individual, and punishes him for breaking the laws of the Union."

Indeed, Sir, if we look to all contemporary history, to the numbers of the Federalists, to the debates in the conventions, to the publications of friends and foes, they all agree, that a change had been made from a confederacy of States to a different system; they all agree, that the Convention had formed a Constitution for a national government. With this result, some were satisfied, and some were dissatisfied; but all admitted that the thing had been done. In none of these various productions and publications did any one intimate that the new Constitution was but another compact between States in their sovereign capacities. I do not find such an opinion advanced in a single instance. Everywhere, the people were told that the old Confederation was to be abandoned,

and a new system to be tried ; that a proper government was proposed to be founded in the name of the people, and to have a regular organization of its own. Everywhere, the people were told that it was to be a government with direct powers to make laws over individuals, and to lay taxes and imposts without the consent of the States. Everywhere, it was understood to be a popular Constitution. It came to the people for their adoption, and was to rest on the same deep foundation as the State constitutions themselves. Its most distinguished advocates, who had been themselves members of the Convention, declared that the very object of submitting the Constitution to the people was, to preclude the possibility of its being regarded as a mere compact. "However gross a heresy," say the writers of the *Federalist*, "it may be to maintain that a party to a *compact* has a right to revoke that *compact*, the doctrine itself has had respectable advocates. The possibility of a question of this nature proves the necessity of laying the foundations of our national government deeper than in the mere sanction of delegated authority. The fabric of American empire ought to rest on the solid basis of THE CONSENT OF THE PEOPLE."

Such is the language, Sir, addressed to the people, while they yet had the Constitution under consideration. The powers conferred on the new government were perfectly well-understood to be conferred, not by any State, or the people of any State, but by the people of the United States. Virginia is more explicit, perhaps, in this particular, than any other State. Her convention, assembled to ratify the Constitution, "in the name and behalf of the people of Virginia, declare and make known, that the powers granted under the Constitution, *being derived from the people of the United States*, may be resumed by them whenever the same shall be perverted to their injury or oppression.

Is this language which describes the formation of a compact between States? or language describing the grant of powers to a new government, by the whole people of the United States?

Among all the other ratifications, there is not one which speaks of the Constitution as a compact between States. Those of Massachusetts and New Hampshire express the transaction, in my opinion, with sufficient accuracy. They recognize the Divine goodness "in affording THE PEOPLE OF THE UNITED STATES an opportunity of entering into an explicit and solemn compact with each other, *by assenting to and ratifying a new Constitution.*" You will observe, Sir, that it is the PEOPLE, and not the States, who have entered into this compact; and it is the PEOPLE of all the United States. These conventions, by this form of expression, meant merely to say, that the people of the United States had, by the blessing of Providence, enjoyed the opportunity of establishing a new Constitution, *founded in the consent of the people.* This consent of the people has been called, by European writers, the *social compact*; and, in conformity to this common mode of expression, these conventions speak of that assent, on which the new Constitution was to rest, as an explicit and solemn compact, not

which the States had entered into with each other, but which the *people* of the United States had entered into.

Finally, Sir, how can any man get over the words of the Constitution itself?—"WE, THE PEOPLE OF THE UNITED STATES, DO ORDAIN AND ESTABLISH THIS CONSTITUTION." These words must cease to be a part of the Constitution, they must be obliterated from the parchment on which they are written, before any human ingenuity or human argument can remove the popular basis on which that Constitution rests, and turn the instrument into a mere compact between sovereign States.

The second proposition, Sir, which I propose to maintain is, that no State authority can dissolve the relations subsisting between the government of the United States and individuals; that nothing can dissolve these relations but revolution; and that, therefore, there can be no such thing as *secession* without revolution. All this follows, as it seems to me, as a just consequence, if it be first proved that the Constitution of the United States is a government proper, owing protection to individuals, and entitled to their obedience.

The people, Sir, in every State, live under two governments. They owe obedience to both. These governments, though distinct, are not adverse. Each has its separate sphere, and its peculiar powers and duties. It is not a contest between two sovereigns for the same power, like the wars of the rival houses in England; nor is it a dispute between a government *de facto* and a government *de jure*. It is the case of a division of powers between two governments made by the people, to whom both are responsible. Neither can dispense with the duty which individuals owe to the other; neither can call itself master of the other; the people are masters of both. This division of power, it is true, is in a great measure unknown in Europe. It is the peculiar system of America; and, though new and singular, it is not incomprehensible. The State constitutions are established by the people of the States. This constitution is established by the people of all the States. How, then, can a State secede? How can a State undo what the whole people have done? How can she absolve her citizens from their obedience to the laws of the United States? How can she annul their obligations and oaths? How can the members of her legislature renounce their own oaths? Sir, secession, as a revolutionary right, is intelligible; as a right to be proclaimed in the midst of civil commotions, and asserted at the head of armies, I can understand it. But as a practical right, existing under the Constitution, and conformity with its provisions, it seems to me to be nothing but a plain absurdity; for it supposes resistance to government, under the authority of government itself; it supposes dismemberment, without violating the principles of union; it supposes opposition to law, without crime; it supposes the violation of oaths, without responsibility; it supposes the total overthrow of government, without revolution.

The Constitution, Sir, regards itself as perpetual and immortal. It seeks to establish a union among the people of the States, which

shall last through all time. Or, if the common fate of things human must be expected at some period to happen to it, yet that catastrophe is not anticipated.

The instrument contains ample provisions for its amendments at all times; none for its abandonment, at any time. It declares that new States may come into the Union, but it does not declare that old States may go out. The Union is not a temporary partnership of States. It is the association of the people, under a constitution of government, uniting their power, joining together their highest interests, cementing their present enjoyments, and blending, in one indivisible mass, all their hopes for the future. Whatsoever is steadfast in just political principles; whatsoever is permanent in the structure of human society; whatsoever there is which can derive an enduring character from being founded on deep-laid principles of constitutional liberty and on the broad foundations of the public will,—all these unite to entitle this instrument to be regarded as a permanent constitution of government.

In the next place, Mr. President, I contend that there is a supreme law of the land, consisting of the Constitution, acts of Congress passed in pursuance of it, and the public treaties. This will not be denied, because such are the very words of the Constitution. But I contend, further, that it rightfully belongs to Congress, and to the courts of the United States, to settle the construction of this supreme law, in doubtful cases. This is denied; and here arises the great practical question, *Who is to construe finally the Constitution of the United States?* We all agree that the Constitution is the supreme law; but who shall interpret that law? In our system of the division of powers between different governments, controversies will necessarily sometimes arise, respecting the extent of the powers of each. Who shall decide these controversies? Does it rest with the general government, in all or any of its departments, to exercise the office of final interpreter? Or may each of the States, as well as the general government, claim this right of ultimate decision? The practical result of this whole debate turns on this point. The gentleman contends that each State may judge for itself of any alleged violation of the Constitution, and may finally decide for itself, and may execute its own decisions by its own power. All the recent proceedings in South Carolina are founded on this claim of right. Her convention has pronounced the revenue laws of the United States unconstitutional; and this decision she does not allow any authority of the United States to overrule or reverse. Of course she rejects the authority of Congress, because the very object of the ordinance is to reverse the decision of Congress; and she rejects, too, the authority of the courts of the United States, because she expressly prohibits all appeal to those courts. It is in order to sustain this asserted right of being her own judge, that she pronounces the Constitution of the United States to be but a compact, to which she is a party, and a sovereign party. If this be established, then the inference is supposed to follow, that, being sovereign, there is no power to control her decision;

and her own judgment on her own compact is, and must be, conclusive.

I have already endeavored, Sir, to point out the practical consequences of this doctrine, and to show how utterly inconsistent it is with all ideas of regular government, and how soon its adoption would involve the whole country in revolution and absolute anarchy. I hope it is easy now to show, Sir, that a doctrine bringing such consequences with it is not well founded; that it has nothing to stand on but theory and assumption; and that it is refuted by plain and express constitutional provisions. I think the government of the United States does possess, in its appropriate departments, the authority of final decision on questions of disputed power. I think it possesses this authority, both by necessary implication and by express grant.

It will not be denied, Sir, that this authority naturally belongs to all governments. They all exercise it from necessity, and as a consequence of the exercise of other powers. The State governments themselves possess it, except in that class of questions which may arise between them and the general government, and in regard to which they have surrendered it, as well by the nature of the case as by clear constitutional provisions. In other and ordinary cases, whether a particular law be in conformity to the constitution of the State is a question which the State legislature or the State judiciary must determine. We all know that these questions arise daily in the State governments, and are decided by those governments; and I know no government which does not exercise a similar power.

Upon general principles, then, the government of the United States possesses this authority; and this would hardly be denied were it not that there are other governments. But since there are State governments, and, since these, like other governments, ordinarily construe their own powers, if the government of the United States construes its own powers also, which construction is to prevail in the case of opposite constructions? And again, as in the case now actually before us, the State governments may undertake, not only to construe their own powers, but to decide directly on the extent of the powers of Congress. Congress has passed a law as being within its just powers; South Carolina denies that this law is within its just powers, and insists that she has the right so to decide this point, and that her decision is final. How are these questions to be settled?

In my opinion, Sir, even if the Constitution of the United States had made no express provision for such cases, it would yet be difficult to maintain, that, in a Constitution existing over four-and-twenty States, with equal authority over all, *one* could claim a right of construing it for the whole. This would seem a manifest impropriety; indeed, an absurdity. If the Constitution is a government existing over all the States, though with limited powers, it necessarily follows that, to the extent of those powers, it must be supreme. If it be not superior to the authority of a particular State, it is not a national government. But as it is a government,

as it has a legislative power of its own, and a judicial power coëxtensive with the legislative, the inference is irresistible that this government, thus created *by* the whole and *for* the whole, must have an authority superior to that of the particular government of any one part. Congress is the legislature of all the people of the United States; the judiciary of the general government is the judiciary of all the people of the United States. To hold, therefore, that this legislature and this judiciary are subordinate in authority to the legislature and judiciary of a single State, is doing violence to all common sense, and overturning all established principles. Congress must judge of the extent of its own powers so often as it is called on to exercise them, or it cannot act at all; and it must also act independent of State control, or it cannot act at all.

The right of State interposition strikes at the very foundation of the legislative power of Congress. It possesses no effective legislative power, if such right of State interposition exists; because it can pass no law not subject to abrogation. It cannot make laws for the Union, if any part of the Union may pronounce its enactments void and of no effect. Its forms of legislation would be an idle ceremony, if, after all, any one of four-and-twenty States might bid defiance to its authority. Without express provision in the Constitution, therefore, Sir, this whole question is necessarily decided by those provisions which create a legislative power and a judicial power. If these exist in a government intended for the whole, the inevitable consequence is that the laws of this legislative power, and the decisions of this judicial power, must be binding on and over the whole. No man can form the conception of a government existing over four-and-twenty States, with a regular legislative and judicial power, and of the existence at the same time of an authority, residing elsewhere, to resist, at pleasure or discretion, the enactments and the decisions of such a government, I maintain, therefore, Sir, that from the nature of the case, and as an inference wholly unavoidable, the acts of Congress and the decisions of the national courts must be of higher authority than State laws and State decisions. If this be not so, there is, there can be, no general government.

But, Mr. President, the Constitution has not left this cardinal point without full and explicit provisions. First, as to the authority of Congress. Having enumerated the specific powers conferred on Congress, the Constitution adds, as a distinct and substantive clause, the following, viz.: "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof." If this means anything, it means that Congress may judge of the true extent and just interpretation of the specific powers granted to it, and may judge also of what is necessary and proper for executing those powers. If Congress is to judge of what is necessary for the execution of its powers, it must of necessity, judge of the extent and interpretation of those powers.

And in regard, Sir, to the judiciary, the Constitution is still more express and emphatic. It declares that the judicial power shall extend to all *cases* in law or equity arising under the Constitution, laws of the United States, and treaties; that there shall be *one* Supreme Court, and that this Supreme Court shall have appellate jurisdiction of all these cases, subject to such exceptions as Congress may make. It is impossible to escape from the generality of these words. If a case arises under the Constitution, that is, if a case arises depending on the construction of the Constitution, the judicial power of the United States extends to it. It reaches *the case, the question*; it attaches the power of the national judicature to the *case* itself, in whatever court it may arise or exist; and in this *case* the Supreme Court has appellate jurisdiction over all Courts whatever. No language could provide with more effect and precision than is here done, for subjecting constitutional questions to the ultimate decision of the Supreme Court. And Sir, this is exactly what the Convention found it necessary to provide for, and intended to provide for. It is, too, exactly what the people were universally told was done when they adopted the Constitution. One of the first resolutions adopted by the Convention was in these words, viz.: "That the jurisdiction of the national judiciary shall extend to cases which respect *the collection of the national revenue*, and questions which involve the national peace and harmony." Now, Sir, this either had no sensible meaning at all, or else it meant that the jurisdictions of the national judiciary should extend to these questions *with a paramount authority*. It is not to be supposed that the Convention intended that the power of the national judiciary should extend to these questions, and that the power of the judicatures of the States should also extend to them, *with equal power of final decision*. This would be to defeat the whole object of the provision. There were thirteen judicatures already in existence. The evil complained of, or the danger to be guarded against, was contradiction and repugnance in the decisions of these judicatures. If the framers of the Constitution meant to create a fourteenth, and yet not to give it power to revise and control the decisions of the existing thirteen, then they only intended to augment the existing evil and the apprehended danger by increasing still further the chances of discordant judgments. Why, Sir, has it become a settled axiom in politics that every government must have a judicial power coextensive with its legislative power? Certainly, there is only this reason, namely, that the laws may receive a uniform interpretation and a uniform execution. This object cannot be otherwise attained. A statute is what it is judicially interpreted to be; and if it be constructed one way in New Hampshire, and another way in Georgia, there is no uniform law. One Supreme Court, with appellate and final jurisdiction, is the natural and only adequate means, in any government to secure this uniformity. The Convention saw all this clearly; and the resolution which I have quoted, never afterwards rescinded, passed through various modifications, till it finally received the form which the article now bears in the Constitution.

It is undeniably true, then, that the framers of the Constitution intended to create a national judicial power, which should be paramount on national subjects. And after the Constitution was framed, and while the whole country was engaged in discussing its merits, one of its most distinguished advocates, Mr. Madison, told the people that *it was true, that, in controversies relating to the boundary between the two jurisdictions, the tribunal which is ultimately to decide is to be established under the general government.* Mr. Martin, who had been a member of the Convention, asserted the same thing to the legislature of Maryland, and urged it as a reason for rejecting the Constitution. Mr. Pinckney, himself also a leading member of the Convention, declared it to the people of South Carolina. Everywhere it was admitted, by friends and foes, that this power was in the Constitution. By some it was thought dangerous, by most it was thought necessary; but by all it was agreed to be a power actually contained in the instrument. The Convention saw the absolute necessity of some control in the national government over State laws. Different modes of establishing this control were suggested and considered. At one time, it was proposed that the laws of the State should, from time to time, be laid before Congress, and that Congress should possess a negative over them. But this was thought inexpedient and inadmissible; and in its place, and expressly as a substitute for it, the existing provision was introduced; that is to say, a provision by which the federal courts should have authority to overrule such State laws as might be in manifest contravention of the Constitution. The writers of the *Federalist*, in explaining the Constitution, while it was yet pending before the people, and still unadopted, give this account of the matter in terms, and assign this reason for the article as it now stands. By this provision Congress escaped the necessity of any revision of State laws, left the whole sphere of State legislation quite untouched, and yet obtained a security against any infringement of the constitutional power of the general government. Indeed, Sir, allow me to ask again, if the national judiciary was not to exercise a power of revision on constitutional questions over the judiciaries of the States, why was any national judicature erected at all? Can any man give a sensible reason for having a judicial power in this government, unless it be for the sake of maintaining a uniformity of decision on questions arising under the Constitution and laws of Congress, and insuring its execution? And does not this very idea of uniformity necessarily imply that the construction given by the national courts is to be the prevailing construction? How else, Sir, is it possible that uniformity can be preserved?

Gentlemen appear to me, Sir, to look at but one side of the question. They regard only the supposed danger of trusting a government with the interpretation of its own powers. But will they view the question in its other aspect? Will they show us how it is possible for a government to get along with four-and-twenty interpreters of its laws and powers? Gentlemen argue, too, as if,

in these cases, the State would be always right, and the general government always wrong. But suppose the reverse; suppose the State wrong (and, since they differ, some of them must be wrong); are the most important and essential operations of the government to be embarrassed and arrested, because one State holds the contrary opinion? Mr. President, every argument which refers the constitutionality of acts of Congress to State decision, appeals from the majority to the minority; it appeals from the common interest to a particular interest; from the counsels of all to the counsel of one; and endeavors to supersede the judgment of the whole by the judgment of a part.

I think it is clear, Sir, that the Constitution, by express provision, by definite and unequivocal words, as well as by necessary implication, has constituted the Supreme Court of the United States the appellate tribunal in all cases of a constitutional nature which assume the shape of a suit, in law or equity. And I think I cannot do better than to leave this part of the subject by reading the remarks made upon it in the convention of Connecticut, by Mr. Ellsworth; a gentleman, Sir, who has left behind him, on the records of the government of his country, proofs of the clearest intelligence and of the deepest sagacity, as well as of the utmost purity and integrity of character. "This Constitution," says he, "defines the extent of the powers of the general government. If the general legislature should, at any time, overleap their limits, the judicial department is a constitutional check. If the United States go beyond their powers, if they make a law which the Constitution does not authorise, it is void; and the judiciary power, the national judges, who, to secure their impartiality, are to be made independent, will declare it to be void. On the other hand, if the States go beyond their limits, if they make a law which is a usurpation upon the general government, the law is void; and upright, independent judges will declare it to be so." Nor did this remain merely matter of private opinion. In the very first session of the first Congress, with all these well-known objects, both of the Convention and of the people, full and fresh in his mind, Mr. Ellsworth, as is generally understood, reported the bill for the organization of the judicial department, and in that bill made provision for the exercise of this appellate power of the Supreme Court, in all the proper cases, in whatsoever court arising; and this appellate power has now been exercised for more than forty years, without interruption, and without doubt.

As to the cases, Sir, which do not come before the courts, those political questions which terminate with the enactments of Congress, it is of necessity that these should be ultimately decided by Congress itself. Like other legislatures, it must be trusted with this power. The members of Congress are chosen by the people, and they are answerable to the people; like other public agents, they are bound by oath to support the Constitution. These are the securities that they will not violate their duty, nor transcend their powers. They are the same securities that prevail in other popular

governments; nor is it easy to see how grants of power can be more safely guarded, without rendering them nugatory. If the case cannot come before the courts, and if Congress be not trusted with its decision, who shall decide it? The gentleman says, each State is to decide it for herself. If so, then, as I have already urged, what is law in one State is not law in another. Or if the resistance of one State compel an entire repeal of the law, then a minority, and that a small one, governs the whole country.

Sir, those who espouse the doctrines of nullification reject, as it seems to me, the first great principle of all republican liberty: that is, that the majority *must* govern. In matters of common concern, the judgment of a majority *must* stand as the judgment of the whole. This is a law imposed on us by the absolute necessity of the case; and if we do not act upon it, there is no possibility of maintaining any government but despotism. We hear loud and repeated denunciations against what is called *majority government*. It is declared, with much warmth, that a majority government cannot be maintained in the United States. What then, do gentlemen wish? Do they wish to establish a *minority* government? Do they wish to subject the will of the many to the will of the few? The honorable gentleman from South Carolina has spoken of absolute majorities and majorities concurrent; language wholly unknown to our Constitution, and to which it is not easy to affix definite ideas. As far as I understand it, it would teach us that the absolute majority may be found in Congress, but the majority concurrent must be looked for in the States; that is to say, Sir, stripping the matter of this novelty of phrase, that the dissent of one or more States, as States, renders void the decision of a majority of Congress, so far as that State is concerned. And so this doctrine, running but a short career, like other dogmas of the day, terminates in nullification.

If this vehement invective against *majorities* meant no more than that, in the construction of government, it is wise to provide checks and balances, so that there should be various limitations on the power of the mere majority, it would only mean what the Constitution of the United States has already abundantly provided. It is full of such checks and balances. In its very organization, it adopts a broad and most effective principle in restraint of the power of mere majorities. A majority of the people elects the House of Representatives, but it does not elect the Senate. The Senate is elected by the States, each State having, in this respect, an equal power. No law, therefore, can pass, without the assent of the representatives of the people, and a majority of the representatives of the States also. A majority of the representatives of the people must concur, and a majority of the States must concur, in every act of Congress; and the President is elected on a plan compound of both these principles. But having composed one house of representatives chosen by the people in each State, according to their numbers, and the other of an equal number of members from every State, whether larger or smaller, the Constitution gives to majori-

ties in these houses thus constituted the full and entire power of passing laws, subject always to the constitutional restrictions and to the approval of the President. To subject them to any other power is clear usurpation. The majority of one house may be controlled by the majority of the other; and both may be restrained by the President's negative. These are checks and balances provided by the Constitution, existing in the government itself, and wisely intended to secure deliberation and caution in legislative proceedings. But to resist the will of the majority in both houses, thus constitutionally exercised; to insist on the lawfulness of interposition by an extraneous power; to claim the right of defeating the will of Congress, by setting up against it the will of a single State,—is neither more nor less, as it strikes me, than a plain attempt to overthrow the government. The constituted authorities of the United States are no longer a government, if they be not masters of their own will; they are no longer a government, if an external power may arrest their proceedings; they are no longer a government, if acts passed by both houses, and approved by the President, may be nullified by State vetoes or State ordinances. Does any one suppose it could make any difference, as to the binding authority of an act of Congress, and of the duty of a State to respect it, whether it passed by a mere majority of both houses, or by three-fourths of each, or the unanimous vote of each? Within the limits and restrictions of the Constitution, the government of the United States, like all other popular governments, acts by majorities. It can act no otherwise. Whoever, therefore, denounces the government of majorities, denounces the government of his own country, and denounces all free governments. And whoever would restrain these majorities, while acting within their constitutional limits, by an external power, whatever he may intend, asserts principles which, if adopted, can lead to nothing else than the destruction of the government itself.

Does not the gentleman perceive, Sir, how his argument against majorities might here be retorted upon him? Does he not see how cogently he might be asked, whether it be the character of nullification to practise what it preaches? Look to South Carolina, at the present moment. How far are the rights of minorities there respected? I confess, Sir, I have not known, in peaceable times, the power of the majority carried with a higher hand, or upheld with more relentless disregard of the rights, feelings, and principles of the minority; a minority embracing, as the gentleman himself will admit, a large portion of the worth and respectability of the State, a minority comprehending in its numbers men who have been associated with him, and with us, in these halls of legislation; men who have served their country at home and honored it abroad; men who would cheerfully lay down their lives for their native State, in any cause which they could regard as the cause of honor and duty; men above fear and above reproach; whose deepest grief and distress spring from the conviction, that the present proceedings of the State must ultimately reflect discredit upon her. How

is this minority, how are these men, regarded? They are enthralled and disfranchised by ordinances and acts of legislation; subjected to tests and oaths, incompatible, as they conscientiously think, with oaths already taken, and obligations already assumed; they are proscribed and denounced, as recreants to duty and patriotism, and slaves to a foreign power. Both the spirit which pursues them, and the positive measures which emanate from that spirit, are harsh and proscriptive beyond all precedent within my knowledge, except in periods of professed revolution.

It is not, Sir, one would think, for those who approve these proceedings, to complain of the power of majorities.

Mr. President, all popular governments rest on two principles, or two assumptions:—

First, That there is so far a common interest among those over whom the government extends, as that it may provide for the defence, protection, and good government of the whole, without injustice or oppression to parts; and

Secondly, that the representatives of the people, and especially the people themselves, are secure against general corruption, and may be trusted, therefore, with the exercise of power.

Whoever argues against these principles argues against the practicability of all free governments. And whoever admits these, must admit, or cannot deny, that power is as safe in the hands of Congress as in those of other representative bodies. Congress is not irresponsible. Its members are agents of the people, elected by them, answerable to them, and liable to be displaced or superseded, at their pleasure; and they possess as fair a claim to the confidence of the people, while they continue to deserve it, as any other public political agents.

If, then, Sir, the manifest intention of the Convention, and the contemporary admission of both friends and foes, prove anything; if the plain text of the instrument itself, as well as the necessary implication from other provisions, prove anything; if the early legislation of Congress, the course of judicial decisions, acquiesced in by all the States for forty years, prove anything—then it is proved that there is a supreme law, and a final interpreter.

My fourth and last proposition, Mr. President, was, that any attempt by a State to abrogate or nullify acts of Congress is a usurpation on the powers of the general government and on the equal rights of other States, a violation of the Constitution, and a proceeding essentially revolutionary. This is undoubtedly true, if the preceding propositions be regarded as proved. If the government of the United States be trusted with the duty, in any department, of declaring the extent of its own powers, then a State ordinance, or act of legislation, authorizing resistance to an act of Congress, on the alleged ground of its unconstitutionality, is manifestly a usurpation upon its powers. If the States have equal rights in matters concerning the whole, then for one State to set up her judgment against the judgment of the rest, and to insist on executing that judgment by force, is also a manifest usurpation on the

rights of other States. If the Constitution of the United States be a government proper, with authority to pass laws, and to give them a uniform interpretation and execution, then the interpretation of a State, to enforce her own construction, and to resist, as to herself, that law which binds the other States, is a violation of the Constitution.

If that be revolutionary which arrests the legislative, executive, and judicial power of government, dispenses with existing oaths and obligations of obedience, and elevates another power to supreme dominion, then nullification is revolutionary. Or if that be revolutionary, the natural tendency and practical effect of which are to break the Union into fragments, to sever all connection among the people of the respective States, and to prostrate this general government in the dust, then nullification is revolutionary.

Nullification, Sir, is as distinctly revolutionary as secession; but I cannot say that the revolution which it seeks is one of so respectable a character. Secession would, it is true, abandon the Constitution altogether; but then it would profess to abandon it. Whatever other inconsistencies it might run into, one, at least, it would avoid. It would not belong to a government, while it rejected its authority. It would not repel the burden, and continue to enjoy the benefits. It would not aid in passing laws which others are to obey, and yet reject their authority as to itself. It would not undertake to reconcile obedience to public authority with an asserted right of command over that same authority. It would not be in the government, and above the government, at the same time. But though secession may be a more respectable mode of attaining the object than nullification, it is not more truly revolutionary. Each, and both, resist the constitutional authorities; each, and both, would sever the Union, and subvert the government.

Mr. President, having detained the Senate so long already, I will not now examine at length the ordinance and laws of South Carolina. These papers are well drawn for their purpose. Their authors understood their own objects. They are called a peaceful remedy, and we have been told that South Carolina, after all, intends nothing but a lawsuit. A very few words, Sir, will show the nature of this peaceable remedy, and of the lawsuit which South Carolina contemplates.

In the first place, the ordinance declares the law of last July, and all other laws of the United States laying duties, to be absolutely null and void, and makes it unlawful for the constituted authorities of the United States to enforce the payment of such duties. It is, therefore, Sir, an indictable offence, at this moment, in South Carolina, for any person to be concerned in collecting revenue under the laws of the United States. It being declared, by what is considered a fundamental law of the State, unlawful to collect these duties, an indictment lies, of course, against any one concerned in such collection; and he is, on general principles, liable to be punished by fine and imprisonment. The terms, it is true, are, that it is unlawful "to enforce the payment of duties;" but every

custom-house officer enforces payment while he detains the goods in order to obtain such payment. The ordinance, therefore, reaches everybody concerned in the collection of the duties.

This is the first step in the prosecution of the peaceable remedy. The second is more decisive. By the act commonly called the *replevin* law, any person, whose goods are seized or detained by the collector for the payment of duties, may sue out a writ of replevin, and by virtue of that writ, the goods are to be restored to him. A writ of replevin is a writ which the sheriff is bound to execute, and for the execution of which he is bound to employ force, if necessary. He may call out the *possé*, and must do so, if resistance be made. This *possé* may be armed or unarmed. It may come forth with military array, and under the head of military men. Whatever number of troops may be assembled in Charleston, they may be summoned, with the governor, or commander-in-chief, at their head, to come in aid of the sheriff. It is evident, then, Sir, that the whole military power of the State is to be employed, if necessary, in dispossessing the custom-house officers, and in seizing and holding the goods without paying the duties. This is the second step in the peaceable remedy.

Sir, whatever pretences may be set up to the contrary, this is the direct application of force, and of military force. It is unlawful, in itself, to replevy goods in the custody of the collectors. But this unlawful act is to be done, and it is to be done by power. Here is a plain interposition, by physical force, to resist the laws of the Union. The legal mode of collecting duties is to detain the goods till such duties are paid or secured. But force comes, and overpowers the collector and his assistants, and takes away the goods, leaving the duties unpaid. There cannot be a clearer case of forcible resistance to law. And it is provided that the goods thus seized shall be held against any attempt to retake them, by the same force which seized them.

Having thus dispossessed the officers of the government of the goods, without payment of duties, and seized and secured them by the strong arm of the State, only one thing more remains to be done, and that is, to cut off all possibility of legal redress, and that, too, is accomplished, or thought to be accomplished. The ordinance declares, *that all judicial proceedings, founded on the revenue laws* (including, of course, proceedings in the courts of the United States,) *shall be null and void.* This nullifies the judicial power of the United States. Then comes the test-oath act. This requires all State judges and jurors in the State courts to swear that they will execute the ordinance, and all acts of the legislature passed in pursuance thereof. The ordinance declares, that no appeal shall be allowed from the decision of the State courts to the Supreme Court of the United States; and the replevin act makes it an indictable offence for any clerk to furnish a copy of the record, for the purpose of such appeal.

The two principal provisions on which South Carolina relies, to resist the laws of the United States, and nullify the authority of this government, are, therefore, these:—

1. A forcible seizure of goods, before duties are paid or secured, by the power of the State, civil and military.

2. The taking away, by the most effectual means in her power, of all legal redress in the courts of the United States; the confining of judicial proceedings to her own State tribunals; and the compelling of her judges and jurors of these her own courts to take an oath, beforehand, that they will decide all cases according to the ordinance, and the acts passed under it; that is, that they will decide the cause one way. They do not swear to try it on its own merits; they only swear to *decide* it as nullification requires.

The character, Sir, of these provisions defies comment. Their object is as plain as their means are extraordinary. They propose direct resistance, by the whole power of the State, to laws of Congress, and cut off, by methods deemed adequate, any redress by legal and judicial authority. They arrest legislation, defy the executive, and banish the judicial power of this government. They authorize and command acts to be done, and done by force, both of numbers and of arms, which, if done, and done by force, are clearly acts of rebellion and treason.

Such, Sir, are the laws of South Carolina; such, Sir, is the peaceable remedy of nullification. Has not nullification reached, Sir, even thus early, that point of direct and forcible resistance to law to which I intimated, three years ago, it plainly tended?

And now, Mr. President, what is the reason for passing laws like these? What are the oppressions experienced under the Union, calling for measures which thus threaten to sever and destroy it? What invasions of public liberty, what ruin to private happiness, what long list of rights violated, or wrongs unredressed, is to justify to the country, to posterity, and to the world, this assault upon the free Constitution of the United States, this great and glorious work of our fathers? At this very moment, Sir, the whole land smiles in peace, and rejoices in plenty. A general and a high prosperity pervades the country; and, judging by the common standard, by increase of population and wealth, or judging by the opinions of that portion of her people not embarked in these dangerous and desperate measures, this prosperity overspreads South Carolina herself.

Thus happy at home, our country, at the same time, holds high the character of her institutions, her power, her rapid growth, and her future destiny, in the eyes of all foreign states. One danger only creates hesitation; one doubt only exists, to darken the otherwise unclouded brightness of that aspect which she exhibits to the view and to the admiration of the world. Need I say, that that doubt respects the permanency of our Union? and need I say, that the doubt is now caused, more than anything else, by these very proceedings of South Carolina? Sir, all Europe is, at this moment beholding us, and looking for the issue of this controversy; those who hate free institutions, with malignant hope; those who love them, with deep anxiety and shivering fear.

The cause, then, Sir, the cause! Let the world know the cause

which has thus induced one State of the Union to bid defiance to the power of the whole, and openly to talk of secession. Sir, the world will scarcely believe that this whole controversy, and all the desperate measures which its support requires, have no other foundation than a difference of opinion upon a provision of the Constitution, between a majority of the people of South Carolina, on one side, and a vast majority of the whole people of the United States, on the other. It will not credit the fact, it will not admit the possibility, that, in an enlightened age, in a free, popular republic, under a constitution where the people govern, as they must always govern under such systems, by majorities, at a time of unprecedented prosperity, without practical oppression, without evils such as may not only be pretended, but felt and experienced,—evils not slight or temporary, but deep, permanent and intolerable,—a single State should rush into conflict with all the rest, attempt to put down the power of the Union by her own laws, and to support those laws by her military power, and thus break up and destroy the world's last hope. And well the world may be incredulous. We, who see and hear it, can ourselves hardly yet believe it. Even after all that had preceded it, this ordinance struck the country with amazement. It was incredible and inconceivable that South Carolina should plunge headlong into resistance to the laws on a matter of opinion, and on a question in which the preponderance of opinion, both of the present day and of all past time, was so overwhelmingly against her. The ordinance declares that Congress has exceeded its just power by laying duties on imports, intended for the protection of manufactures. This is the opinion of South Carolina; and on the strength of that opinion she nullifies the laws. Yet, has the rest of the country no right to its opinion also? Is one State to sit sole arbitress? She maintains that those laws are plain, deliberate, and palpable violations of the Constitution; that she has a sovereign right to decide this matter; and that, having so decided, she is authorized to resist their execution by her own sovereign power; and she declares that she will resist it, though such resistance should shatter the Union into atoms.

Mr. President, I do not intend to discuss the propriety of these laws at large; but I will ask, How are they shown to be thus plainly and palpably unconstitutional? Have they no countenance at all in the Constitution itself? Are they quite new in the history of the government? Are they a sudden and violent usurpation on the rights of the States? Sir, what will the civilized world say, what will posterity say, when they learn that similar laws have existed from the very foundation of the government, that for thirty years the power was never questioned, and that no State in the Union has more freely and unequivocally admitted it than South Carolina herself.

To lay and collect duties and imposts is an *express power* granted by the Constitution to Congress. It is, also, an *exclusive power*; for the Constitution as expressly prohibits all the States from exercising it themselves. This express and exclusive power is unlimited

in the terms of the grant, but is attended with two specific restrictions: first, that all duties and imposts shall be equal in all the States; second, that no duties shall be laid on exports. The power, then, being granted, and being attended with these two restrictions, and no more, who is to impose a third restriction on the general words of the grant? If the power to lay duties, as known among all other nations, and as known in all our history, and as it was perfectly understood when the Constitution was adopted, includes a right of discriminating while exercising the power, and of laying some duties heavier and some lighter, for the sake of encouraging our own domestic products, what authority is there for giving to the words used in the Constitution a new, narrow, and unusual meaning? All the limitations which the Constitution intended, it has expressed; and what it has left unrestricted is as much a part of its will as the restraints which it has imposed.

But these laws, it is said, are unconstitutional on account of the *motive*. How, Sir, can a law be examined on any such ground? How is the motive to be ascertained? One house, or one member, may have one motive; the other house, or another member, another. One motive may operate to-day, and another to-morrow. Upon any such mode of reasoning as this, one law might be unconstitutional now, and another law, in exactly the same words, perfectly constitutional next year. Besides, articles may not only be taxed for the purpose of protecting home products, but other articles may be left free, for the same purpose and with the same motive. A law, therefore, would become unconstitutional from what it omitted, as well as from what it contained. Mr. President, it is a settled principle, acknowledged in all legislative halls, recognized before all tribunals, sanctioned by the general sense and understanding of mankind, that there can be no inquiry into the motives of those who pass laws, for the purpose of determining on their validity. If the law be within the fair meaning of the words in the grant of the power, its authority must be admitted until it is repealed. This rule, everywhere acknowledged, everywhere admitted, is so universal and so completely without exception, that even an allegation of fraud, in the majority of a legislature, is not allowed as a ground to set aside a law.

But, Sir, is it true that the motive for these laws is such as is stated? I think not. The great object of all these laws is, unquestionably, revenue. If there were no occasion for revenue, the laws would not have been passed; and it is notorious that almost the entire revenue of the country is derived from them. And as yet we have collected none too much revenue. The treasury has not been more reduced for many years than it is at the present moment. All that South Carolina can say is, that, in passing the laws which she now undertakes to nullify, *particular imported articles were taxed, from a regard to the protection of certain articles of domestic manufacture, higher than they would have been had no such regard been entertained*. And she insists that, according to the Constitution, no such discrimination can be allowed; that duties should

be laid for revenue, and revenue only; and that it is unlawful to have reference, in any case, to protection. In other words, she denies the power of DISCRIMINATION. She does not, and cannot, complain of excessive taxation; on the contrary, she professes to be willing to pay any amount for revenue, merely as revenue; and up to the present moment there is no surplus of revenue. Her grievance, then, that plain and palpable violation of the Constitution, which she insists has taken place, is simply the exercise of the power of DISCRIMINATION. Now, Sir, is the exercise of this power of discrimination plainly and palpably unconstitutional?

I have already said, the power to lay duties is given by the Constitution in broad and general terms. There is also conferred on Congress the whole power of regulating commerce, in another distinct provision. Is it clear and palpable, Sir, can any man say it is a case beyond doubt, that, under these two powers, Congress may not justly *discriminate*, in laying duties, *for the purpose of countervailing the policy of foreign nations, or of favoring our own home productions?* Sir, what ought to conclude this question for ever, as it would seem to me, is that the regulation of commerce and the imposition of duties are, in all commercial nations, powers avowedly and constantly exercised for this very end. That undeniable truth ought to settle the question; because the Constitution ought to be considered, when it uses well-known language, as using it in its well-known sense. But it is equally undeniable, that it has been, from the very first, fully believed that this power of discrimination was conferred on Congress; and the constitution was itself recommended, urged upon the people, and enthusiastically insisted on in some of the States, for that very reason. Not that, at that time, the country was extensively engaged in manufactures, especially of the kinds now existing. But the trades and crafts of the seaport towns, the business of the artisans and manual laborers,—those employments, the work in which supplies so great a portion of the daily wants of all classes,—all these looked to the new Constitution as a source of relief from the severe distress which followed the war. It would, Sir, be unpardonable, at so late an hour, to go into details on this point; but the truth is as I have stated. The papers of the day, the resolutions of public meetings, the debates in the conventions, all that we open our eyes upon in the history of the times, prove it.

Sir, the honorable gentleman from South Carolina has referred to two incidents connected with the proceedings of the Convention at Philadelphia, which he thinks are evidence to show that the power of protecting manufactures by laying duties, and by commercial regulations, was not intended to be given to Congress. The first is, as he says, that a power to protect manufactures was expressly proposed, but not granted. I think, Sir, the gentleman is quite mistaken in relation to this part of the proceedings of the Convention. The whole history of the occurrence to which he alludes is simply this. Towards the conclusion of the Convention, after the provisions of the Constitution had been mainly agreed upon, after

the power to lay duties and the power to regulate commerce had both been granted, a long list of propositions was made and referred to the committee, containing various miscellaneous powers, some or all of which it was thought might be properly vested in Congress. Among these was a power to establish a university; to grant charters of incorporation; to regulate stage-coaches on the post-roads; and also the power to which the gentleman refers, and which is expressed in these words: "To establish public institutions, rewards, and immunities, for the promotion of agriculture, commerce, trades, and manufactures." The committee made no report on this or various other propositions in the same list. But the only inference from this omission is, that neither the Committee nor the Convention thought it proper to authorize Congress "to establish public institutions, rewards, and immunities," for the promotion of manufactures and other interests. The Convention supposed it had done enough,—at any rate, it had done all it intended,—when it had given to Congress, in general terms, the power to lay imposts and the power to regulate trade. It is not to be argued, from its omission to give more, that it meant to take back what it had already given. It had given the impost power; it had given the regulation of trade; and it did not deem it necessary to give the further and distinct power of establishing public institutions.

The other fact, Sir, on which the gentleman relies, is the declaration of Mr. Martin to the legislature of Maryland. The gentleman supposes Mr. Martin to have urged against the Constitution, that it did not contain the power of protection. But if the gentleman will look again at what Mr. Martin said, he will find, I think, that what Mr. Martin complained of was, that the Constitution, by its prohibitions on the States, had taken away from the States themselves the power of protecting their own manufactures by duties on imports. This is undoubtedly true; but I find no expression of Mr. Martin intimating that the Constitution had not conferred on Congress the same power which it had thus taken from the States.

But, Sir, let us go to the first Congress; let us look in upon this and the other house, at the first session of their organization.

We see, in both houses, men distinguished among the framers, friends, and advocates of the Constitution. We see in both, those who had drawn, discussed, and matured the instrument in the Convention, explained and defended it before the people, and were now elected members of Congress, to put the new government into motion, and to carry the powers of the Constitution into beneficial execution. At the head of the government was WASHINGTON himself, who had been President of the Convention; and in his cabinet were others most thoroughly acquainted with the history of the Constitution, and distinguished for the part taken in its discussion. If these persons were not acquainted with the meaning of the Constitution, if they did not understand the work of their own hands, who can understand it, or who shall now interpret it to us?

Sir, the volume which records the proceedings and debates of the first session of the House of Representatives lies before me. I open it, and I find that, having provided for the administration of the necessary oaths, the very first measure proposed for consideration is, the laying of imposts; and in the very first committee of the whole into which the House of Representatives ever resolved itself, on this its earliest subject, and in this its very first debate, the duty of so laying the imposts as to encourage manufactures was advanced and enlarged upon by almost every speaker, and doubted or denied by none. The first gentleman who suggests this as the clear duty of Congress, and as an object necessary to be attended to, is Mr. Fitzsimmons, of Pennsylvania; the second, Mr. White of VIRGINIA; the third, Mr. Tucker, of SOUTH CAROLINA.

But the great leader, Sir, on this occasion, was Mr. Madison. Was *he* likely to know the intentions of the Convention and the people? Was *he* likely to understand the Constitution? At the second sitting of the committee, Mr. Madison explained his own opinions of the duty of Congress, fully and explicitly. I must not detain you, Sir, with more than a few short extracts from these opinions, but they are such as are clear, intelligible and decisive.

"The States," says he, "that are most advanced in population, and ripe for manufactures, ought to have their particular interest attended to, in some degree. While these States retained the power of making regulations of trade, they had the power to cherish such institutions. By adopting the present Constitution, they have thrown the exercise of this power into other hands; they must have done this with an expectation that those interests would not be neglected here." In another report of the same speech, Mr. Madison is represented as using still stronger language; as saying that, the Constitution having taken this power away from the States and conferred it on Congress, it would be a *fraud* on the States and on the people were Congress to refuse to exercise it.

Mr. Madison argues, Sir, on this early and interesting occasion, very justly and liberally, in favor of the general principles of unrestricted commerce. But he argues, also, with equal force and clearness, for certain important exceptions to these general principles. The first, Sir, respects those manufactures which had been brought forward under encouragement by the State governments. "It would be cruel," says Mr. Madison, "to neglect them, and to divert their industry into other channels; for it is not possible for the hand of man to shift from one employment to another without being injured by the change." Again: "There may be some manufactures which, being once formed, can advance towards perfection without any adventitious aid; while others, for want of the fostering hand of government, will be unable to go on at all. Legislative provision, therefore, will be necessary to collect the proper objects for this purpose; and this will form another exception to my general principle." And again: "The next exception that occurs is one on which great stress is laid by some well-informed man, and this with great plausibility; that each nation should have, within

itself, the means of defence, independent of foreign supplies; that, in whatever relates to the operations of war, no State ought to depend upon a precarious supply from any part of the world. There may be some truth in this remark; and therefore it is proper for legislative attention."

In the same debate, Sir, Mr. Burk, from SOUTH CAROLINA, supported a duty on hemp, for the express purpose of encouraging its growth on the strong lands of South Carolina. "Cotton," he said, "was also in contemplation among them, and, if good seed could be procured, he hoped might succeed." Afterwards, Sir, the cotton was obtained, its culture was protected, and it did succeed. Mr. Smith, a very distinguished member from the SAME STATE, observed: "It has been said, and justly, that the States which adopted this Constitution expected its administration would be conducted with a favorable hand. The manufacturing States wished the encouragement of manufactures, the maritime States the encouragement of ship building, and the agricultural States, the encouragement of agriculture."

Sir, I will detain the Senate by reading no more extracts from these debates. I have already shown a majority of the members of SOUTH CAROLINA, in this very first session, acknowledging this power of protection, voting for its exercise, and proposing its extension to their own products. Similar propositions came from Virginia; and, indeed, Sir, in the whole debate, at whatever page you open the volume, you find the power admitted, and you find it applied to the protection of particular articles, or not applied, according to the discretion of Congress. No man denied the power, no man doubted it; the only questions were, in regard to the several articles proposed to be taxed, whether they were fit subjects for protection, and what the amount of that protection ought to be. Will gentlemen, Sir, now answer the argument drawn from these proceedings of the first Congress? Will they undertake to deny that that Congress did act on the avowed principle of protection? Or, if they admit it, will they tell us how those who framed the Constitution fell, thus early, into this great mistake about its meaning? Will they tell us how it should happen that they had so soon forgotten their own sentiments and their own purposes? I confess I have seen no answer to this argument, nor any respectable attempt to answer it. And, Sir, how did this debate terminate? What law was passed? There it stands, Sir, among the statutes, the second law in the book. It has a *preamble*, and that preamble expressly recites, that the duties which it imposes are laid "for the support of government, for the discharge of the debts of the United States, and *the encouragement and protection of manufactures.*" Until, Sir, this early legislation, thus coeval with the Constitution itself, thus full and explicit, can be explained away, no man can doubt of the meaning of that instrument, in this respect.

Mr. President, this power of *discrimination*, thus admitted, avowed, and practised upon in the first revenue act, has never been denied or doubted until within a few years past. It was not at all

doubted in 1816, when it became necessary to adjust the revenue to a state of peace. On the contrary, the power was then exercised, not without opposition as to its expediency, but, as far as I remember, or have understood, without the slightest opposition founded on any supposed want of constitutional authority. Certainly SOUTH CAROLINA did not doubt it. The tariff of 1816 was introduced, carried through, and established, under the lead of South Carolina. Even the minimum policy is of South Carolina origin. The honorable gentleman himself supported, and ably supported, the tariff of 1816. He has informed us, Sir, that his speech on that occasion was sudden and off-hand, he being called up by the request of a friend. I am sure the gentleman so remembers it, and that it was so; but there is, nevertheless, much method, arrangement, and clear exposition in that extempore speech. It is very able; very, very much to the point, and very decisive. And in another speech, delivered two months earlier, on the proposition to repeal the internal taxes, the honorable gentleman had touched the same subject, and had declared "*that a certain encouragement ought to be extended at least to our woollen and cotton manufactures.*" I do not quote these speeches, Sir, for the purpose of showing that the honorable gentleman has changed his opinion: my object is other and higher. I do it for the sake of saying that that cannot be so plainly and palpably unconstitutional as to warrant resistance to law, nullification, and revolution, which the honorable gentleman and his friends have heretofore agreed to and acted upon without doubt and without hesitation. Sir, it is no answer to say that the tariff of 1816 was a revenue bill. So are they all revenue bills. The point is, and the truth is, that the tariff of 1816, like the rest, *did discriminate*; it did distinguish one article from another; it did lay duties for protection. Look to the case of coarse cottons under the minimum calculation: the duty on these was from sixty to eighty per cent. Something beside revenue, certainly, was intended in this; and, in fact, the law cut up our whole commerce with India in that article.

It is, Sir, only within a few years that Carolina has denied the constitutionality of these protective laws. The gentleman himself has narrated to us the true history of her proceedings on this point. He says, that, after the passing of the law of 1828, despairing then of being able to abolish the system of protection, political men went forth among the people, and set up the doctrine that the system was unconstitutional. "*And the people,*" says the honorable gentleman, "*received the doctrine.*" This, I believe, is true, Sir. The people did then receive the doctrine; they had never entertained it before. Down to that period, the constitutionality of these laws had been no more doubted in South Carolina than elsewhere. And I suspect it is true, Sir, and I deem it a great misfortune, that, to the present moment, a great portion of the people of the State have never yet seen more than one side of the argument. I believe that thousands of honest men are involved in scenes now passing, led away by one-sided views of the question, and following their leaders

by the impulses of an unlimited confidence. Depend upon it, Sir, if we can avoid the shock of arms, a day for reconsideration and reflection will come; truth and reason will act with their accustomed force, and the public opinion of South Carolina will be restored to its usual constitutional and patriotic tone.

But, Sir, I hold South Carolina to her ancient, her cool, her uninfluenced, her deliberate opinions. I hold her to her own admissions, nay, to her own claims and pretensions, in 1789, in the first Congress, and to her acknowledgments and avowed sentiments through a long series of succeeding years. I hold her to the principles on which she led Congress to act in 1816; or, if she have changed her own opinions, I claim some respect for those who still retain the same opinions. I say she is precluded from asserting that doctrines, which she has herself so long, and so ably sustained, are plain, palpable, and dangerous violations of the Constitution.

Mr. President, if the friends of nullification should be able to propagate their opinions, and give them practical effect, they would, in my judgment, prove themselves the most skilful "architects of ruin," the most effectual extinguishers of high-raised expectation, the greatest blasters of human hopes, that any age has produced. They would stand up to proclaim, in tones which would pierce the ears of half the human race, that the last great experiment of representative government had failed. They would send forth sounds, at the hearing of which the doctrine of the divine right of kings would feel, even in its grave, a returning sensation of vitality and resuscitation. Millions of eyes, of those who now feed their inherent love of liberty on the success of the American example, would turn away from beholding our dismemberment, and find no place on earth whereon to rest their gratified sight. Amidst the incantations and orgies of nullification, secession, disunion, and revolution, would be celebrated the funeral rites of constitutional and republican liberty.

But, Sir, if the government do its duty, if it act with firmness and with moderation, these opinions cannot prevail. Be assured, Sir, be assured, that among the political sentiments of this people, the love of union is still uppermost. They will stand fast by the Constitution, and by those who defend it. I rely on no temporary expedients, on no political combination; but I rely on the true American feeling, the genuine patriotism of the people, and the imperative decision of the public voice. Disorder and confusion, indeed, may arise; scenes of commotion and contest are threatened, and perhaps may come. With my whole heart, I pray for the continuance of the domestic peace and quiet of the country. I desire, most ardently, the restoration of affection and harmony to all its parts. I desire that every citizen of the whole country may look to this government with no other sentiments than those of grateful respect and attachment. But I cannot yield even to kind feelings the cause of the Constitution, the true glory of the country, and the great trust which we hold in our hands for succeeding ages. If the Constitution cannot be maintained without

meeting these scenes of commotion and contest, however unwelcome, they must come. We cannot, we must not, we dare not, omit to do that which, in our judgment, the safety of the Union requires. Not regardless of consequences, we must yet meet consequences; seeing the hazards which surround the discharge of public duty, it must yet be discharged. For myself, Sir, I shun no responsibility justly devolving on me, here or elsewhere, in attempting to maintain the cause. I am bound to it by indissoluble ties of affection and duty, and I shall cheerfully partake in its fortunes and its fate. I am ready to perform my own appropriate part, whenever and wherever the occasion may call on me, and to take my chance among those upon whom blows may fall first and fall thickest. I shall exert every faculty I possess in aiding to prevent the Constitution from being nullified, destroyed, or impaired; and even should I see it fall, I will still, with a voice feeble perhaps, but earnest as ever issued from human lips, and with fidelity and zeal which nothing shall extinguish, call on the PEOPLE to come to its rescue.

AN

O R A T I O N

DELIVERED ON THE

FOURTH OF JULY, 1862,

BEFORE

THE MUNICIPAL AUTHORITIES

OF THE

CITY OF BOSTON.

BY GEORGE TICKNOR CURTIS.

BOSTON:

J. E. FARWELL AND COMPANY, PRINTERS TO THE CITY,

NO. 37 CONGRESS STREET.

1862.



CITY OF BOSTON.

In Board of Aldermen, July 7, 1862.

ORDERED: That the thanks of the City Council are hereby presented to the HON. GEORGE T. CURTIS for his very eloquent and patriotic Oration before the Municipal Authorities of the City of Boston on the occasion of the Eighty-sixth Anniversary of the Declaration of the Independence of the United States of America, and that he be requested to furnish a copy for publication.

Passed: Sent down for concurrence.

THOMAS P. RICH, *Chairman.*

In Common Council, July 10, 1862.

Concurred.

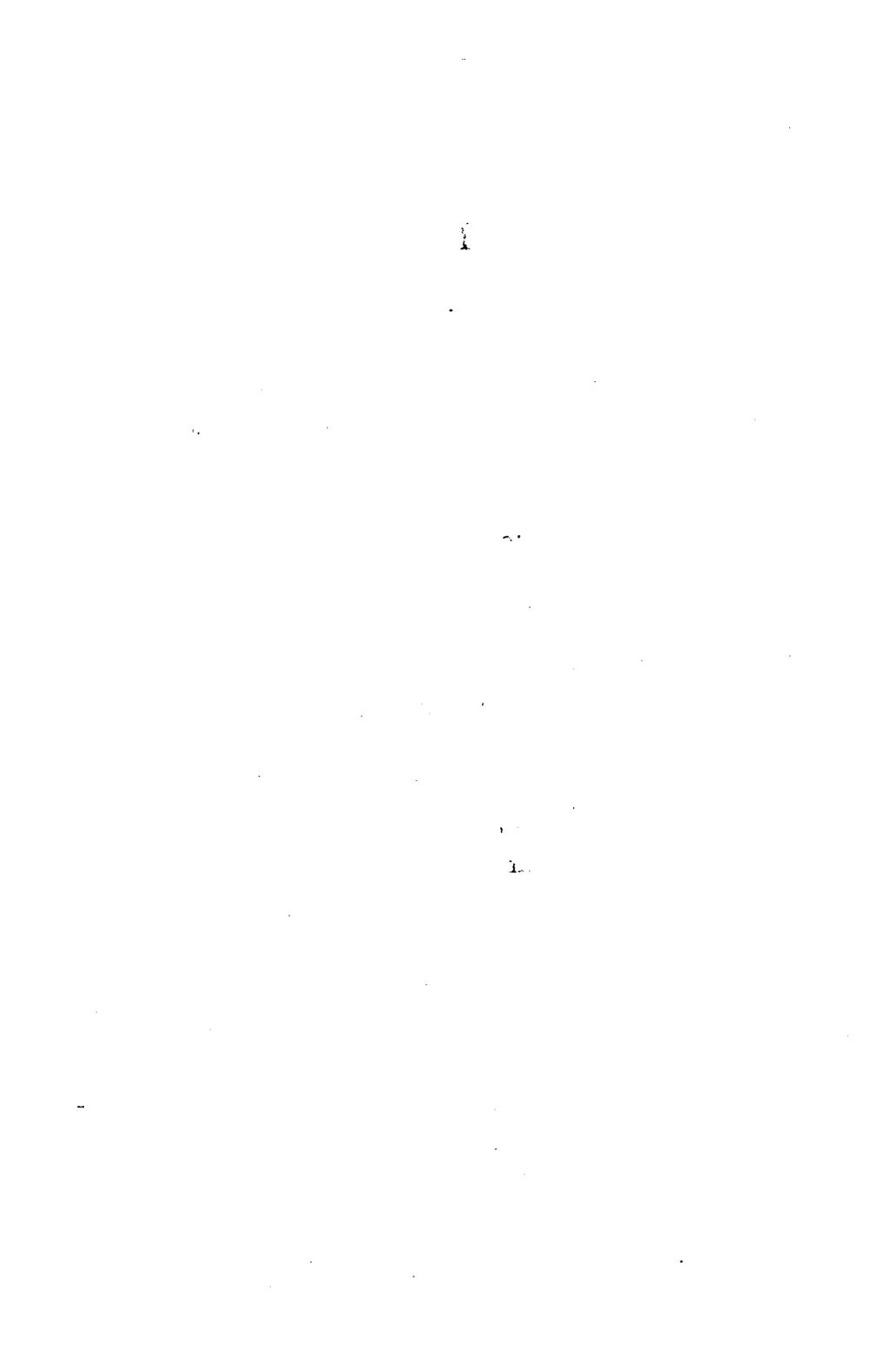
JOSHUA D. BALL, *President.*

Approved, July 11, 1862.

JOSEPH M. WIGHTMAN, *Mayor.*

A true copy.

Attest: SAMUEL F. McCLEARY, *City Clerk.*



ORATION.

MR. MAYOR AND GENTLEMEN OF THE CITY COUNCIL:

HAD I felt at liberty to consult my own inclination alone, I should have asked you to excuse me from taking part in the proceedings of this day. At a much earlier period of life, I enjoyed the distinction of being placed on the long roll of those who have successively spoken to the people of Boston, at the bidding of their municipal authorities, on this our national anniversary. At this particular juncture, I could well have desired to be spared from the performance of any such public duty. I had prepared myself to bear what is now upon us, in silence and obscurity; doing the infinitely little that I may, to alleviate personal suffering, sustaining the hopes of those who are nearest to me, and endeavoring to cherish in my own breast a living faith in the strength and perpetuity of our republican forms of government.

But private wishes are nothing — private tastes are nothing — in the presence of great public trials and

dangers. We cannot, if we would, escape the responsibilities which such trials and dangers entail upon us. If we fly to the uttermost parts of the earth, the thought of our country is with us there. If we put on the robes of the stoic, or wrap ourselves in the philosophy of the fatalist, the heart beneath will beat for the land of our birth, in spite of the outward man. There is no peace, there is no hope, there is no happiness, in a state of indifference to the welfare and honor of our country. The most sordid of men, whose sole delight consists in laying, day by day, one more piece of gold on his already swollen heaps, has no more assured rest from anxiety for his country, in times of real peril, than he whose whole being quivers beneath the blows which public disasters or disgraces inflict upon a refined and sensitive nature. To love our country; to labor for its prosperity and repose; to contend, in civil life, for the measures which we believe essential to its good; to yearn for that long, deep, tranquil flow of public affairs, which we fondly hope is to reach and bear safely on its bosom those in whom we are to have an earthly hereafter; these are the nobler passions and the higher aims which distinguish the civilized from the savage man. Even if I did not feel such emotions deeply, how could I bring here at such a time as this the doubts and

misgivings of one fearful for himself? The thickly crowding memories of the far-off dead, who have fallen in the bitter contests of this civil war, admonish me of the insignificance of such fears. Who shall bring a thought of the exertions, the sacrifices or the responsibilities of public discourse into the presence of the calamities of his country!

I am here for a far other purpose. I come to plead for the Constitution of our country. I am here to show you, from my own earnest convictions, how dangerous it may be to forego all care for the connection between the political past and the political future. I am here to state to you, as I have read them on the page of history, the fundamental conditions on which alone, as I believe, the people of these States can be a nation, and preserve their liberties. I am here to endeavor to rescue the idea of union from heresies as destructive as the disorganizing and justly reprobated heresies of secession. I wish to do what I can to define to rational and intelligent minds the real nature and limits of the national supremacy; and to vindicate it from the corroding influence of doctrines which are leading us away from the political faith and precepts of a free people.

Do you say that there is no need of such a discussion? Reflect for a moment, I pray you, on what has already crept into the common uses of our political

speech. We hear men talk about the "old" Constitution; as if that admirable frame of government, which is not yet older than some who still live under its sway, and which has bestowed on this nation a vigor unexampled in history, were already in its decrepitude; or as if it had become suspended from its functions by general consent, to await at respectful distance the advent of some new authority, as yet unknown. We hear men talk of the "old" Union; as if there were a choice about the terms on which the Union can subsist, or as if those terms were not to be taken as having been fixed, on the day on which Washington and his compatriots signed the Constitution of the United States. You will not say that this tendency — this apparent willingness to break away from the past and its obligations, and to throw ourselves upon a careless tempting of the future — does not demand your sober consideration. I beg you also to call before you another symptom of these unsettled times. With an extravagance partly habitual to us, and partly springing from the intense exertions of the year which has just passed, we have encountered the doctrines of secession and disunion with many theories about the national unity and the Federal authority, which are not founded in history or in law. Are you not conscious that there has been poured forth from hundreds of American pulpits, plat-

forms, and presses, and on the floors of Congress, a species of what is called argument, in defence of the national supremacy, which ill befits the nature of our republican institutions? When I hear one of these courtier-like preachers or writers, for our American sovereigns, resting the authority of our government on a doctrine that might have gained him promotion at the hands of James or Charles Stuart, I cannot help wishing that he had lived in an age when such teachings, if not actually believed to be sound, were at all events exceedingly useful to the teachers. My friends, I cannot bear the thought of vindicating the supremacy of our national government by anything but the just title on which it was founded; and I will not desert the solid ground of our republican constitutional liberty for any purpose on earth while there is a hope of maintaining it.

I know of no just foundation for the title of government in this country, but consent — that consent which resides in compact, contract, stipulation, concession — the “*do et concedo*” of public grants. Give me a solemn cession of political sovereign powers, evidenced by a public transaction and a public charter, and you have given me a civil contract, to which I can apply the rules of public law and the obligations of justice between man and man; on which I can separate the legitimate powers of the government

from the rights of the people ; on which I can, with perfect propriety, assert the authority of law in the halls of criminal jurisprudence, or, if need be, at the mouth of the cannon. But when you speak of any other right of one collection of people or States to govern another collection of people or States ; when you go beyond a public charter to create a national unity and a duty of loyalty and submission independent of that charter ; when you undertake to found government on something not embraced by a grant — I understand you to employ a language and ideas that ought never to be uttered by an American tongue, and which, if carried out in practice, will put an end to the principles on which your liberties are founded.

For these and many other reasons — most appropriate for our consideration this day — let us recur to certain indisputable facts in our history. I shall make no apology for insisting on the precedents of our national history. No nation can safely lay aside the teachings, the obligations, or the facts of its previous existence. You cannot make a *tabula rasa* of your political condition, and write upon it a purely original system, with no traditions, no law, no compacts, no beliefs, no limitations, derived from the generations who have gone before you, without ruinously failing to improve. Revolutionary France tried such

a proceeding ;— and property, life, religion, morals, public order and public tranquillity went down into a confusion no better than barbarism, out of which society could be raised again only by the strong hand of a despot. WE are of a race which ought to have learned by the experience of a thousand years, that reforms, improvements, progress, must be conducted with a fixed reference to those antecedent facts which have already formed the chief condition of the national existence. Let us attend to some of the well known truths in our history.

1. The Declaration of Independence was not accepted by the people of the colonies, and their Delegates in Congress were not authorized to enter into a Union, without a reservation to the people of each colony of its distinct separate right of internal self-government. To represent the abstract sentiments of the Declaration as inconsistent with any law or institution existing in any one of the colonies, is to contradict the record and history of its adoption. What, for example, do you make of the following resolution of the people of Maryland in convention, adopted on the 28th day of June, 1776, and laid before the Continental Congress three days before the Declaration of Independence was signed: “ That the deputies of said Colony or any three or more of them, be authorized and empowered to concur with

the other United Colonies, or a majority of them, in declaring the United Colonies free and independent States ; in forming such further compact and confederation between them ; in making foreign alliances, and in adopting such other measures as shall be adjudged necessary for securing the liberties of America ; and, that said Colony will hold itself bound by the resolutions of the majority of the United Colonies, in the premises : *provided*, THE SOLE AND EXCLUSIVE RIGHT OF REGULATING THE INTERNAL GOVERNMENT AND POLICE OF THAT COLONY BE RESERVED TO THE PEOPLE THEREOF.”

This annunciation of the sense and purpose in which the people of Maryland accepted the Declaration, is just as much a part of the record as the Declaration itself ; and it clearly controls for them the meaning and application of every political axiom or principle which the Declaration contains. It was intended to signify to the country and the world, that the people of Maryland consented to separate themselves from the sovereignty of Great Britain, *on the condition*, that the right to maintain within their own limits just such a system of society and government as they might see fit to maintain, should belong to them, *notwithstanding* anything said in the Declaration to which they were asked to give their assent.

Several of the other colonies made a similar express reservation; and all of them, and all the people of America, understood that every colony accepted the Declaration, in fact, in the same sense. No man in the whole country, from the 4th of July, 1776, to the adoption of the Articles of Confederation, ever supposed that the Revolutionary Congress acquired any legal right to interfere with the domestic concerns of any one of the colonies which then became States, or any moral authority to lay down rules for determining what laws, institutions, or customs, or what condition of its inhabitants, should be adopted or continued by the States in their internal government. From that day to this, it has ever been a received doctrine of American law, that the Revolutionary Congress exercised, with the assent of the whole people, certain powers which were needful for the common defence; but that these powers in no way touched or involved the sovereign right of each State to regulate its own internal condition.

2. When the Articles of Confederation were finally ratified, in 1781, there was placed in the very front of the instrument the solemn declaration that, "Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly

delegated to the United States in Congress assembled;" and the powers given to the United States in Congress related exclusively to those affairs in which the States had a common concern, and were framed with a view to the common defence against a foreign enemy, in order to secure, by joint exertions, the independence and sovereignty of each of the States.

3. When the Constitution of the United States was finally established, in 1788, the people of each State, acting through authorized agents, executed, by a resolution or other public act, a cession of certain sovereign powers, described in the Constitution, to the Government which that Constitution provided to receive and exercise them. These powers being once absolutely granted by public instruments duly executed in behalf of the people of each State, were thenceforth incapable of being resumed; for I hold that there is nothing in the nature of political powers which renders them, when absolutely ceded, any more capable of being resumed at pleasure by the grantors, than a right of property is when once conveyed by an absolute deed. In both cases, those who receive the grant hold under a contract; and if that contract, as is the case with the Constitution, provides for a common arbiter to determine its meaning and operation, there is no resulting right in the

parties, from the instrument itself, to determine any question that arises under it.

At the same time, it is never to be forgotten that the powers and rights of separate internal government which were not ceded by the people of the States, or which they did not by adopting the Constitution agree to restrain, remained in the people of each State in full sovereignty. It might have been enough for their safety to have rested upon this as a familiarly understood and well-defined principle of public law, implied in every such grant. But the people did not see fit to trust to implication alone. They insisted upon annexing to the Constitution an amendment, which declares that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

We thus see that, from the first dawn of our national existence, through every form which it has yet assumed, a dual character has constantly attended our political condition. A nation has existed, because there has all along existed a central authority having the right to prescribe the rule of action for the whole people, on certain subjects, occasions, and relations. In this sense and in no other, to this extent but no farther, we have been since

1776, and are now, a nation. At the beginning, the limits of this central authority, in respect to which we are a nation, were defined by general popular understanding; but more recently they were fixed in written terms and public charters, first by the Articles of Confederation, and ultimately and with a more enlarged scope and a more efficient machinery, by the Constitution. The latter instrument made this central authority a government proper, but with limited and defined powers, which are supreme within their own appropriate sphere. In like manner, from the beginning, there has existed another political body;—distinct, sovereign within its own sphere, and independent as to all the powers and objects of government not ceded or restrained under the Federal Constitution. This body is the State; a political corporation, of which each inhabitant is a subject, as he is at the same time a subject of that other political corporation known as the United States.

All this is familiar to you. But I state it here, because I wish to remind you that the careful preservation of this separate political body, the State,—this sovereign right of self-government as far as it has been retained by the people of each State,—has ever been a cardinal rule of action with the American people, and with all their wisest states-

men, Northern and Southern, of every school of politics. There have been great differences of opinion, and great controversies, respecting the dividing line which separates, or ought to be held to separate, the National from the State powers. But no American statesman has ever lived, at any former period, who would have dared to confess a purpose to crush the State sovereignties out of existence; and no man can now confess such a wish, without arousing a popular jealousy which will not slumber even in a time of civil war and national commotion.

What is the true secret of this undying popular jealousy on the subject of the State rights? What is it, that even now—when we are sending our best blood to be poured out in defence of the true principle of the national supremacy—causes all men who are not mad with some revolutionary project, to shrink from measures that appear to threaten the integrity of State authority, and to pray that at least that bitter and dreaded cup may pass from us? It is the original, inborn and indestructible belief that the preservation of the State sovereignty, within its just and legitimate sphere, is essential to the preservation of Republican liberty. Beyond a doubt, it was this belief which led the people from the first to object, as they sometimes did unreasonably

object, to the augmentation of the national powers. Perhaps they could not always explain — perhaps they did not always fully understand — all the grounds of this conviction. It has been, as it were, an instinct; and for one, I hope that instinct is as active and vigilant this day, as I am sure it was eighty years ago.

For I am persuaded that local self-government, to as great an extent as is consistent with national safety, is indispensable to the long continued existence of Republican government on a large scale. A Republic, in a great nation, demands those separate institutions, which imply in different portions of the nation some rights and powers with which no other portion of the nation can interfere. You may give the mere name of a Republic to a great many modes of national existence; but unless there are local privileges, immunities, and rights, that are not subject to the control of the national will, the government, although resting on a purely democratic basis, will be a despotism towards all the minorities. A great nation, too, that attempts republican government without such local institutions and rights, must soon lose even the republican form. Twice within the memory of some who are yet living, have the people of France tried the experiment of calling themselves a Republic; and France, be it remem-

bered, has been, ever since her great Revolution, essentially a democratic country. But her republics have never been anything but huge democracies, acting with overwhelming force sometimes through a head called a Directory, sometimes through a First Consul, sometimes through a President, but ending speedily in an Emperor and a Despotism. It is impracticable for a great and powerful democratic nation, whose power is not broken and checked by local institutions of self-government, to avoid conferring on its head and representative a large part or the whole of its own unlimited force. If that head is not clothed with such power, there will be anarchy. Louis Napoleon, by the present theory of French law, is the representative of the whole authority of the French nation — so constituted by universal suffrage; and if his power did not in fact correspond to this theory, order could not be preserved in France. The most skeptical person may be convinced of this, who will read the Constitution of the French Empire, remembering that it is the work of the Emperor himself.

Turning now to our own country, let us suppose that the States of this Union, from the Atlantic to the Pacific, were obliterated to-day, and that the people of this whole country were a consolidated democracy, “one and indivisible.” No laws would

then be made, no justice administered, no order maintained, no institutions upheld, save in the name and by the authority of the nation. What sort of a Republic, think you, would that be? If it started with the name and semblance, how long would it preserve the substance of Republican institutions? In order to act at all in the discharge of the vast duties devolving upon it, the government of such a Republic, extending over a country so enormous, must more and more be made the depository of the irresistible force of the nation; and the theory that the will of the government expresses in all cases the will of the ruling majority, must soon confer upon it that omnipotent power, beneath which minorities and individuals can have no rights.

This is no mere speculation. Every reflecting man in this country knows that he has some civil rights, which he does not hold at the will and pleasure of a majority of the people of the United States. He knows that he holds these rights by a tenure which cannot lawfully be touched by all the residue of the nation. This is Republican liberty, as I understand and value it; and without this principle in some form of active and secure operation, I do not believe that any valuable Republican liberty is possible in any great Democratic country on the face of this earth. Certainly, it is not possible for us.

It seems to one who looks back upon our history, and who keeps before him the settled conditions of our liberty, almost impossible to believe that in consequence of a direct collision between the rightful supremacy of the nation and a wrongful assertion of State Sovereignty, we are exposed to all the evils of civil war, and to the danger of destroying the true principles of our system, in the effort to maintain them. That this danger is real and practical, will be conceded now, by every man who will contemplate the projects that spring up on all sides, looking to the acquisition of powers which have never belonged to the Federal Union by any theory under which it has yet existed. The main resemblance between these projects is that none of them will fit the known basis of the Constitution; and that as means, therefore, of curing the disorders of our country, or of making men obedient to the Constitution, their tendency is merely mischievous. At the same time, they are none of them founded on any theory of a new Union, or of a new form of national existence, which their authors can explain to us or to themselves. One man, for instance, wishes the government to assume the power of emancipating all the slaves of the South, by some decree, civil or military. But he cannot possibly explain what the government of the

Union is to be, when it has done this. Another man wants a sweeping confiscation of all the property of all the people of the revolted States, guilty and innocent alike. But he does not tell you what kind of a sovereign the United States is to be, after such a seizure shall have been consummated. A third, in addition to these things, and as if in imitation of the Austrian method of dealing with rebellious Hungary, wishes to declare a sweeping forfeiture of all political rights; an utter extinguishment of the corporate State existence, and a reduction of the people of the revolted States to a condition of military or some other vassalage. But he not only does not show how the Constitution enables the Federal Government to obliterate a State, but he does not even suggest what the Union is to be, when this is done, or even whence the requisite physical force is to be derived. Multitudes of politicians tell us that slavery is the root of all the national disasters, and that we must "strike at the root." But none of them tell us how we are to pass through these disasters to a safer condition, or what the condition is to be when we shall have "struck at the root."

Now it seems to me, endeavoring as I do to repress all merely vain and useless regrets for what is passed, and to find some safe principle of action

for the present and the future, that there is one thought on which the people of the United States should steadily fix their attention. We have seen that our National Union has had three distinct stages. The first was the Union formed by sending delegates to the Revolutionary Congress, and by a general submission to the measures adopted by that body for the common defence. The second was the closer league of the Confederation, the powers of which were defined by a written charter. The third was the institution of a government proper, with sovereign but enumerated powers, under the Constitution. Now I infer from what I see of some of the currents of public and private opinion, that many persons entertain a vague expectation that the military operations now necessarily carried on by the Federal Government will result in the creation of new civil relations, a new Union and a new Constitution of some kind, they know not what. He would be a very bold and a very rash man, who should undertake to predict what new constitution can follow a civil war in a great country like this. But looking back to the commencement of our national existence, we see that there never has been a change in the form of the Union; there never has been a new acquisition of political power by the central government, which has been gained by force.

Such additions of foreign territory, as we have obtained by arms or treaty, have merely increased the area of the Union, but they have not augmented the political powers of the government in the smallest degree. The inhabitants of those regions have come into the Union subject to the same powers to which we, who were original parties to the formation of the Constitution, have always been subject, and to no others. The national authority has never gained the slightest increase of its political powers by force of arms. In every stage in which its powers have been augmented, the increase has been gained by the free, voluntary consent of the people of each State, without coercion of any kind.

This consideration certainly affords no reason why the Government of the United States should not vindicate its just authority under the Constitution, over the whole of its territory, by military power. The right of the Government of this Union to exercise the powers embraced in the Constitution rests, I repeat, upon a voluntary, irrevocable cession of those powers by the people of each State; and no impartial publicist in the world will deny that the right to put down all military or other resistance to the exercise of those powers rests upon a just and perfect title. This title is founded on a public grant.

But when you come to the idea of acquiring

other and further powers by the exercise of force, you come to a very different question. You then have to consider whether a people whose civil polity is founded on the title given by consent — who have never known or admitted any other rule of action than that expressed in the maxim that “governments derive their just powers from the consent of the governed,” — can proceed to found any new political powers on a military conquest over a rebellion, without changing the whole character of their institutions. For my own part, with the best reflection I have been able to give to this momentous subject, I have never been able to see how a majority of the American people can proceed to acquire by military subjugation, or by military means, or maxims, any *new* authority over the people or institutions of any State or class of States, without falling back upon the same kind of title, as that by which William of Normandy and his descendants acquired and held the throne of England. That title was founded on the sword.

Perhaps there are some who will say, if this is to be the issue, let it come. I can have no argument with those who are prepared to accept, or who wish for, this issue. All that I know or expect in this world, of what may be called civil happiness, is staked on the preservation of our republican consti-

tutional freedom. If others are prepared to yield it; if others are willing to barter it for the doubly hazardous experiment of obtaining control over the destiny of a race not now subject to our sway, or dependent on our responsibility; if others are ready to change the foundation of our Union from free public charters to new authorities obtained by military subjugation—I cannot follow them. I shall bear that result, if it comes, with such resignation as may be given to me. But you will pardon me, fellow-citizens, if, with my humble efforts, I yet endeavor to sustain those, be they many or few, who faithfully seek to carry us to the end of these great perils with the whole system of our civil liberties unimpaired. You will still, I trust, give every honest man the freedom to struggle to the last for that inestimable principle, on which the very authority of your government to demand the obedience of all its citizens was founded by those who created it.

The object for which we are urged by some to put at imminent hazard the foundation principle of our Federal system, is, emancipation of the slaves of the South. No one can be less disposed than myself to undervalue the capacity of my countrymen to do a great many things—and to do them successfully. One would suppose, however, that a

proposition to effect a sweeping change in the condition of four millions of the laboring peasantry of a great region of country, and to do it in almost total ignorance of the methods in which that particular race can be safely dealt with, so as to produce any good, — would be a proposition upon which even our self-confidence would be likely to pause. One would suppose that such an idea might suggest an inquiry into the limits of human responsibility. It is not allowed among sound moralists, that there is any rule which authorizes a statesman to undo an original wrong, at the imminent hazard of doing another wrong, as great or greater; and there is no rule of moral obligation for a statesman, that is not applicable to the conduct of a people.

Setting aside, then, for a moment, all idea of constitutional restraint, let me put it to each one of you to ask himself how many persons there are in all the North, on whose judgment you would rely for a reasonably safe determination as to what ought to be done with slavery, — having a single view to the welfare of that race? Of course I do not speak of disposing of a few hundred individuals, but of general measures or movements affecting four millions of your fellow-creatures. It has been my fortune, in the course of life, to know a few truly great statesmen in this our Northern latitude, and

to know many other persons, for whose general opinions on what concerns the welfare of the human race I should have profound respect. But I have never seen the man, born, educated and living away from contact with slavery as it exists in the South, whom I could regard as competent to determine what radical changes ought to be made in the condition of a race, of whom all that we yet know evinces their present incapacity to become self-sustaining and self-dependent. In such a case, it appears to me a very plain moral proposition, that our Maker has not cast upon us the responsibility of becoming his agents in the premises. But it further appears to me that, in this case, he has surrounded my moral responsibility with other limitations which I cannot transcend. If the order of civil society in which I am placed imposes on me an obligation to refrain from acting on the affairs of others; if I cannot break that obligation without destroying the principle of a beneficent government and overturning the foundations of property; if I cannot use the means which I am tempted to employ without danger of unspeakable wrong; or if the utter inefficacy of those means is apparent to me and to all men, — what is my duty to Him who sets the moral bounds of all my actions? It is to use those means, and those only, against which He

has raised no such gigantic and insuperable moral obstacles. That no valuable military allies can be found among the negroes of the South; that no description of government custody or charge of them can become more than a change of masters; and that nothing but weakness to the national cause results from projects that look to the acquisition of national power over their condition, — are truths on which the public mind appears to be rapidly approaching a settled conviction.

I add one word more upon this topic; and I do it for the purpose of saying in the presence of this community, that any project for arming the blacks against their masters deserves the indignant rebuke of every Christian in the land. When the descendants of those whom Chatham protected against ministerial employment of the Indian scalping-knife, so forget the civilization of the age and their own manhood as to sanction a greater atrocity, we may hang our heads in shame before the nations of the earth.

But there is another aspect of this matter, which it would be entirely wrong to overlook. The great army which has rallied with such extraordinary vigor and alacrity to the defence of the Union and the preservation of the Constitution, — which has endured so much, and has exhibited such heroic

qualities, — is not a standing army of hired mercenaries. It is an army of volunteers, of citizen soldiers who have left their homes and entered the service of their country, for a special purpose which they distinctly understood. Permit me to say that you are bound to remember this ; — or, rather let me cast aside the language of exhortation, and assert, in your name, that you do remember it with pride and exultation. The purpose for which these men were asked to enter the public service was the protection of the existing Union and the existing Constitution from attempts to overthrow or change them by organized violence ; and that purpose is the most important element in their relation to the Government. No other army in the world ever entered the service of any power, with an understanding so distinct, so peculiar, so circumscribed in respect to the objects for which it was to be used ; so directly addressed to the moral sense and intelligent judgment of intelligent men. I cannot doubt that I speak the sentiments of nine men out of every ten in this community, when I say that to change that purpose, and to use that army for any other end than the defence of the Constitution as it is, and the restoration of the Union of our forefathers, would be a violation of the public faith.

It is now proposed to enlarge that army by a further call for volunteers. Let them come forth, making no conditions with the Government; for the Government has made its own conditions, and has made them in accordance with the letter and the spirit of the Constitution. The purposes and objects of the war, as declared at the beginning, can never be changed, unless the people shall be so untrue to themselves as to compel a change; and when they do that, they will be themselves responsible for the defeat of their own hopes.

There is yet another topic, on which, as it seems to me, we ought carefully and soberly to reflect. I mean the history of opinion concerning the nature of the Union, and the causes which from time to time have produced disorganizing doctrines respecting it. But let me ask you here not to misunderstand me. I seek no occasion to fasten upon particular persons one or another measure of responsibility for what has occurred; and, therefore, in pursuance of a rule which I have imposed on myself in the preparation of this discourse, the name or designation of no living man, in the North or the South, will pass my lips this day.

Whoever is well acquainted with the political history of this country, since the adoption of the Federal Constitution, must know that there have

been developed at various times, certain strange opinions concerning the nature of the Federal Union, the foundation of its authority, and the character of the obligations which we owe to it. In general, the people of the United States have been content to rest upon that theory respecting their government which has always prevailed in its official administration, in whatever hands that administration has been lodged;—this theory being that the central government holds certain direct and sovereign, but special, powers over the whole people, ceded to it by the voluntary grant of the people of each State. But a sense of injury in certain localities, springing from wrong supposed to have been committed or meditated by the ruling majority, or by those who at the time exercised the power of the majority, has not infrequently led men here as elsewhere, to indulge in speculations and acts quite inconsistent with the only basis on which the government can be said to have any real authority whatever. To enumerate all these occasions, or to recite the intemperate conduct that has attended them in periods of great excitement, is unnecessary. But there is one of them, which may serve as an ample illustration of all that I desire to say on this special topic.

It is commonly said,—and with much logical

truth,—that the doctrines of Nullification lead, by natural steps, to the doctrines of Secession ; and the late Mr. Calhoun, who is justly considered as the patron, if not the author, of the former, is also popularly regarded as the father of the latter. But it is important for us, in more aspects than one to know that Mr. Calhoun did not contemplate or desire a dissolution of the Union. He adopted a doctrine respecting it which does indeed lead, when consistently followed out, to what is called the constitutional right of secession ; but he did not see this connection, or intend the consequence. There is reason to believe that if his confidential correspondence during the times of Nullification shall ever see the light, it will be found that he was a sincere lover of the Union, and was wholly unconscious that he was sowing, in the minds of those who were to come after him, seeds that were to bear a fatal fruit. It was in his power, at one time, to have arrested the career of the Nullifiers in South Carolina, for to them his word was law ; and if he had so done, he would probably have been placed by his numerous, powerful, and attached friends, out of that State, in nomination at least for the highest office in the country.

But what was it that led that subtle, acute and generally logical intellect to embrace a theory

respecting the Constitution which was entirely at variance with the facts that attended its establishment? The process was very simple, with a mind of a highly metaphysical and abstract turn. Mr. Calhoun had persuaded himself, contrary to an earlier opinion, that a protective tariff was an unconstitutional exercise of power by the General Government, oppressive to South Carolina; and he cast about for a remedy. He saw no relief against this fancied wrong, likely to come from a majority of Congress and the people of the Union; and reasoning from the premises that the Constitution is a compact between sovereign *States*, an infraction of which the parties can redress for themselves when all other remedy fails, he reached the astounding conclusion, that the operation of an act of Congress may be arrested in any State, by a State ordinance, when that State deems such act an unconstitutional exercise of power. But he always maintained that this was a remedy within the Union, and not an act of revolution, or violence, or secession.

This memorable example of the mode in which opinion respecting the nature of our Union is affected, is full of instruction at the present time. But, let no one misunderstand or misrepresent the lesson that I draw from it; and, that no one may

have an excuse for so doing, let me be as frank and explicit as my temporary relation to this audience demands. I do not say that the course and result of the late Presidential election furnishes the least justification or excuse for what the South has done. I have never believed that any circumstances of a constitutional election, could of themselves afford a justification to any State, or any number of States, in withdrawing from the Union. Neither do I say, or believe, that any condition of opinion respecting a right to withdraw, can afford the slightest apology for that conduct on the part of individuals, in or out of the government, in respect to which there must always remain in every sound mind a great residuum of moral condemnation. Neither do I doubt at all the existence of a long-cherished purpose on the part of some Southern political men, to seize the first pretext for breaking up the Union of these States.

But, my fellow-citizens, it does appear to me,—and there is practical importance in the inquiry, in reference to a future restoration of the Union,—that we ought soberly to consider, whether any mere conspiracy of politicians could have found a *willing people*, if causes had not long been in operation, which have promoted the growth of doctrines

and feelings about the nature and benefits of the Union fatal to its present dominion over their minds and hearts.

What has been going on here in the North during the last twenty or twenty-five years? We have had a faction, or sect, or party, — call it what you will, — constantly increasing, constantly becoming more and more an element in our politics, which has made, not covert and secret, but open and undisguised war upon the Constitution, its authority, its law, and the ministers of its law, because its founders, for wise and necessary purposes, threw the shield of its protection over the institutions of the South. If there is a disorganizing doctrine, or one diametrically hostile to the supremacy of the Constitution, which that faction has not held, inculcated, and endeavored to introduce into public action, I know not where in the whole armory of disunion to look for it. They never cared whether the Constitution was a compact between independent *States*, or an instrument of sovereign government resting on the voluntary grant and stipulation of the people of each State. Destroy it, they said, — destroy it! for, be it one thing or another, it contains that on which the heavens cry out, and against which man ought to rebel. And so they

went on doing their utmost to undermine all respect for its obligations, and to render of no kind of importance the foundations on which its authority rests. The more that public men in the North, from weakness, or ambition, or for the sake of party success, assimilated their opinions to the opinions of this faction, the more it became certain that the true ascendancy and supremacy of the Constitution could never be regained, without some enormous exertion of popular energy, following some newly enlightened condition of the popular understanding. When the country was brought to the sharp and sudden necessity of vindicating the nature and authority of the Union, there was throughout the North a general popular ignorance of its real character, and a wide-spread infidelity to some of its important obligations.

What has been going on in the South during the same period? On this point there is much to be learned by those who seek the truth. If you will investigate the facts, you will find that thirty years ago no such opinion as a right of secession had any general acceptance in the South. No general support was given in the South to the conduct of South Carolina, in the matter of nullification. Very few Southern statesmen or politicians of eminence, not belonging to that State, followed Mr. Calhoun

and Mr. Hayne; and when the great debate on the nature of the Constitution was closed, the general mind of the South was satisfied with the result.

How is it now? The simple truth is, that this great heresy of secession — understood by Southern politicians as a right resulting from the nature of the Union — is a growth of the last twenty-five years; and it has become the prevalent political faith with the most active of the educated men of the South who have come into public life during this period. It is my belief, founded on what I have had occasion to know, that the great body of Southern opinion respecting the Constitution, its nature, its obligations, and its historical basis, has undergone a complete revolution since the year 1835. What Mr. Calhoun never contemplated as a remedy against supposed unconstitutional legislation, has become familiar to men's minds as a remedy against that which was striking deeper than legislation; which might never take the form of Congressional action, but was constantly taking every form of popular agitation; which might never become the tangible and responsible doctrine of administration, but was yet all the more formidable and irritating, because it lay couched in an irresponsible popular sentiment, fomented by

appeals which were designed to deprive constitutional ties and obligations of their binding moral force.

Are we told that these things do not stand in any relation of cause and effect? Are we so simple, so uninstructed in what influences the great movements of the human mind, that we cannot see how intellect and passion and interest may be affected by what passes before our eyes? Must I wait until the whole fabric of free constitutional government is pulled down upon my head, and I am buried beneath its ruins, before I cry out in its defence? Must I postpone all judgment respecting the causes of its disintegration, until it has gone down in the ashes of civil war, and History has written the epitaph over the noblest commonwealth that the world has seen? I fear that there is a too prevalent disposition to surrender ourselves as passive instruments into the hands of fate, — too much of abandonment to the current of mere events, — too great a practical denial of our own capacity to save our country by a manly assertion of the moral laws on which its preservation depends. Can it be that we are losing our faith in that Ruler who has made the safety of nations to depend on something more than physical and material strength, who has given us moral power over

our own condition, and has surrounded us with countless moral weapons for its defence?

It is marvellous through what a course of instruction, through what discipline of suffering and calamity, the people of this country have had to pass, in order fully to comprehend the truth that the nature of their government depends upon sound deduction from a series of historical facts; and that it must, therefore, be defended by consistent popular action. It is now somewhat more than thirty years since Daniel Webster, combining in himself more capacities for such a task than had ever been given to any other American statesman, demonstrated that our national government can have no secure operation whatever, unless the obviously true and simple deduction from the facts of its origin is accepted as the basis of its authority. You know what he taught. You know that he proved — if ever mortal intellect proved a moral proposition — that in the exercise of its constitutional powers the national government is supreme, because every inhabitant of every State has covenanted with every inhabitant of every other State that it shall be so; that even when the national Legislature is supposed to have overstepped its constitutional limits, no State interposition, no State Legislation, can afford lawful remedy or relief; and that all adverse State action,

whether called by the name of Nullification or by any other name, is unlawful resistance. We are glad enough now to rest upon his great name; we march proudly under his imposing banner, to encounter the hosts of "constitutional secession." But how was it with us, even before he was laid in that unpretending tomb, which rises in the scene that he loved so well, and overlooks the sounding sea, by the music of whose billows he went to his earthly rest? Did we follow in his footsteps? Did we requite his unequalled civil services? Did we cherish the great doctrine that he taught us, as the palladium of a government which must perish if that doctrine loses its pre-eminence in the national mind? How long or how well did we preserve the recollection of his teachings, when our local interests and feelings were arrayed against the action of the Federal Power? I will not open that record. I would to Heaven that it were blotted out forever. But I cannot stand here this day and be guilty of anything so unfaithful to my country, as to admit that under a government whose authority can live only when sustained by popular reverence for its sanctions and popular belief in its foundations, opinion in the South has not been affected by what has transpired in the North.

I have endeavored to state, with fairness and

precision, the principle on which the American Union was founded, and to show that its preservation depends upon keeping the national and the State sovereignties each within the proper limits of its appropriate sphere. I am aware that the opinion has been formed to a great extent in foreign countries and in the South, and by some among us, that this principle is no longer practicable; that the Union of free and slave States in the same nation has become an exploded experiment; and that our interests are so incompatible that a reconstruction, on the old basis at least, ought not to be attempted. We should probably all concede that this view of the subject is correct, if we believed that the incompatibility is necessary, inherent and inevitable. But there is not enough to justify the breaking up of such a union, if the supposed incompatibility is but the result of causes which we can reach, or if it arises from an unfaithful compliance with the terms of our association. We can make such an association no longer practicable if we choose to do so. We can prevent it from becoming impracticable, if we are so resolved. If the free States, as one section, and the slave States as another, will not respect their mutual obligations, then there is an end of the usefulness of all effort. If we, of the North, will not religiously and honestly respect the constitutional right of every State to main-

tain just such domestic institutions as it pleases to have, and protect that right from every species of direct and indirect interference, then there is an absolute incompatibility. If they, of the South, will not as honestly and religiously maintain the right of the Federal Union to regulate those subjects and interests which are committed to it by the Constitution, then there is, in like manner, an incompatibility of precisely the same nature. If the parties, in reference to the common domains, will admit of no compromise or concession, but each insists on applying to them its own policy as a national policy, then the incompatibility is as complete from that cause as it is from the others. The difficulty is not in the principle of the association, for nothing can be clearer than that principle; and when it has been honorably adhered to, no government in the world has worked more successfully. But the difficulty has arisen from disturbing causes that have dislocated the machine; and what we have now to ascertain is, whether the PEOPLE on both sides will treat those causes as temporary, and remove them, or will accept them as inevitable and incurable, and thus make the separation final and conclusive.

In the gloomy conception of the old Grecian tragedy, no room was left by the poets for the moral energies of man, there was no force in

human struggles, no defence in human innocence or virtue. Higher than Jupiter, higher than the heavens, in infinite distance, in infinite indifference to the fortunes of men or gods, sate the mysterious and eternal power of Destiny. Before time was, its decrees were made; and when the universe began, that awful chancery was closed. No sweet interceding saints could enter there, translated from the earth to plead for mankind. No angels of love and mercy came from human abodes, to bring tidings of their state. No mediator, once a sufferer in the flesh, stood there to atone for human sin. The wail of a nation in its agony, or the cry that went up from a breaking human heart, might pierce into the endless realms of space, might call on the elements for sympathy, but no answer and no relief could come. He who was pre-ordained to suffer, through whatever agency, suffered and sank, with no consolation but the thought that all the deities, celestial and infernal, were alike subject to the same power.

Are we, too, driven by some relentless force, that annihilates our own free wills and dethrones Him who is Supreme? Are we cast helpless and drifting, like leaves that fall upon the rushing stream? Must we give way to blank despair? No, no, no! There are duties to be done—to be done by us: for whatever may be the result of the military struggle now

pending,— whatever may be the effect of victories that have been or shall be won— whatever are to be our future relations with the people of the South, the time is coming when we and they, face to face, and in the eye of an all-seeing God, must determine how we will live side by side as the children of one eternal Parent. For that approaching day, and for the sake of a restoration of that which arms alone cannot conquer, let me implore you to make some fit and adequate preparation of instruments and agents and means and influences. Trust to the humanizing effects of a new and better Intercourse. Trust to the laws of Nature, which have poured through this vast continent the mighty streams that bind us in the indissoluble ties of Commerce. Trust in that Charity—the follower and the handmaid of Commerce—which clothes the naked and feeds the hungry and forgives the erring. Trust in the force of Kindred Blood, which leaps to reconciliation, when the storms of passion are sunk to rest. Trust in that divine law of Love, which has more power over the human soul than all the terrors of the dungeon or the gibbet. Trust in the influence over your own hearts and the hearts of others, of that Religion which was sent as the messenger of Peace on Earth, Good Will to Men. Trust in the wise, beneficent, impartial and neutral spirit of your

Fathers, who gave tranquillity, prosperity and happiness to the whole land. Trust in God: and you may yet see your national emblem, not as the emblem of victory, but as the sign of a reunited American people, floating in the breath of a merciful Heaven, and more radiant with the glory of its restored constellation, than with all the triumphs it has won, or can ever win, over a foreign foe.

*D^r. Francis Lieber,
with the kindest regards of
Edward Everett.*

SPEECHES

OF

MR. WEBSTER

AT

CAPON SPRINGS, VIRGINIA;

TOGETHER WITH THOSE OF

SIR H. L. BULWER & WM. L. CLARKE, ESQ.,

JUNE 28, 1851.

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PRELIMINARY NOTE.

On Saturday, the 28th of June last, while upon a brief visit with his family to the Capon Springs, in Virginia, the Hon. DANIEL WEBSTER was entertained at a public dinner, given to him by two or three hundred of the yeomanry of that region of country, without respect to party. It was in every particular a splendid affair, and there were persons present who had travelled fifty miles (one old revolutionary soldier having *walked* in the burning sun some fifteen miles) for the purpose of paying their respects to the "Defender of the Constitution." The speeches which Mr. WEBSTER delivered on the occasion were received with the greatest demonstrations of pleasure. The enthusiasm which they excited was immense; and distinguished members of the Democratic party complimented the speaker, in a public manner, for his boldness in giving expression to his liberal and enlarged views.

Sir HENRY L. BULWER, the Hon. LEWIS C. LEVIN, and Hon. JOHN BARNEY, happening to be present, were toasted, and also delivered brief speeches, which were warmly received and highly complimented.

The first speech of Mr. WEBSTER and the speech of Mr. BULWER were the only ones which were reported; a few notes only were taken of Mr. WEBSTER's second speech, and his official duties have been such as made it impossible for him to write it out, or to do more than make a few verbal alterations so as to render his meaning more clear where it had been misapprehended.

Although these speeches have already been printed in the newspapers, the interest which they have excited in the public mind has induced their re-publication in pamphlet form.

MR. WEBSTER'S SPEECHES.

The gentleman who presided at the Dinner was WM. L. CLARKE, esq., of Winchester, and, in introducing the distinguished Guest of the company, he remarked as follows:

I am about to announce the next general toast. The sentiments expressed in it are in nowise distinguished for novelty. They are known here in the secluded recesses of North Mountain, as they are known at the National Metropolis, or at the Court of St. James or Vienna. They do not belong to, nor can they be appropriated by any locality, by any State, or confederation of States; but wherever man is free, wherever he is the subject of constitutional freedom, or is struggling for that boon, there, in whatever clime or latitude he may be, he claims to participate in this general fund. Announced now on this occasion, as they have been announced heretofore over and over again, they will be re-announced again and again, by the present age and all future ages, so long as liberty and union are one and inseparable. [Applause.] Our distinguished guest, who is the subject of these sentiments, has been so kind as to say that here, in the bosom of VIRGINIA, he is at home. I think he said he felt himself at home. Sir, we intend you shall be at home. [Applause.] We have given you not only our admiration, that the world gives you, but we have given you our affections. Long ago you enchained our understandings; now you have thrown a spell over our hearts. You imperilled all for us; and Virginia is not the dwelling place of ingratitude. [Great applause.] You have asserted the vital rights of the South; a tottering power of the General Government leaned against you for support, and you upheld it. You claimed its execution, not merely by a silent vote, or a formal speech in the Senate, but you have travelled into your adopted State, which was bone of your bone, and which, for a quarter of a century, has given you all she had to give, and is ready to do it again; and there, with the shadows of that great revolutionary monument over you, and in the language of your great prototype, you have declared, "Ye men of Athens, ye worship an unknown God." And you have but returned from the great State of New York, and there, in the central parts, where these hydra principles first received serious political organization, even there rung, with a moral sublimity all your own, into the ears of every civil officer in that vast dominion, the fearful challenge to look to and re-

spect the oath he hath taken to support the Constitution of the United States. Sir, you come among us suddenly, and I can add unexpectedly. We have neither pomp nor circumstance to give you, but we have a deep and abiding sense of the inestimable service you have rendered our beloved country, and we have sought, and do now most earnestly seek, to impress your mind with that conviction. I give you, gentlemen,

“ DANIEL WEBSTER, OUR DISTINGUISHED GUEST: THE JURIST AND STATESMAN WHO HAS ILLUSTRATED THE GLORY OF OUR COUNTRY. THE CHAMPION OF THE CONSTITUTION AND THE UNION, WHO HAS SOWN THE SEED OF CONSTITUTIONAL LIBERTY BROADCAST OVER THE CIVILIZED WORLD.”

Mr. WEBSTER rose to reply amid deafening applause. He said:

Ladies and Gentlemen: Fellow-citizens of Virginia: It is my first duty to express, however inadequately, my gratitude to you, one and all, for this unexpected token of respect. I am aware that many of you have come from great distances; many of you, I know, have come upon the saddle, under a burning sun; and you have done this to tender me this token of your regard. I know also that many of you have left your estates and harvest fields, at a time when every hour, whether of proprietor or workman, is so important. For this, gentlemen, I thank you. I am afraid this courtesy has been to you costly and inconvenient, and therefore, gentlemen, it sinks more deeply in my heart. I thank you, gentlemen.

It has been my fortune, gentlemen, to have seen much of Eastern Virginia and of Southern Virginia; in past times, also, gentlemen, I have seen something of Western Virginia, those counties bordering on the Ohio river; but not until this week has it been my fortune to have seen any thing of the beautiful and renowned valley where I now stand. I esteem it a great pleasure to have had a few days' leisure, or at least a few days that I could spare from my official duties, to follow the course of the Potomac, penetrate the Blue Ridge, and, turning to the left along the valley of the Shenandoah, see something of the country between the Blue Ridge and the Alleghany. My journey through your country thus far has been one of great gratification and admiration. I am free to confess that, from the time I crossed the Potomac, and, leaving it, went with the train upwards along the valley of the Shenandoah, I have seen a country abounding in fertility and remarkable for its vast riches and beauty. [Applause.] I have seen the great grain-growing counties of New York, and of Ohio, and other Western States; of England, from Herefordshire to the borders of Scotland; but I have never seen any wheat-growing region surpassing that which I crossed between Harper's Ferry and Winchester. I have been told that the same rich country extends beyond, and is to be found through Shenandoah, Rockingham, and Augusta counties. I hope, gentlemen, soon to have an opportunity of witnessing the truth of that statement. [Applause.]

I admire, too, your mountain scenery ; I admire it for its sublimity and grandeur ; though, perhaps, these mountains are not adapted to that high degree of cultivation for which the valley is so remarkable, still they are picturesque, and give rise to thoughts and feelings which tend to elevate and dignify the man who beholds them. I assure you, gentlemen, I should feel most happy, if my time would permit, and I hope before long I may have the opportunity, to proceed still further in this region of the State, to go westward to the banks of the South Branch of the Potomac, and see that great corn-growing and cattle-raising country of which I have heard, and of which I have read, so much for nearly half my life. [Applause.] But this, at present, my time will not allow. This is my first visit to this part of Virginia, but I hope, gentlemen, it will not be the last. [Applause.]

There are two elements which constitute a country ; soil and climate are one, men and women the other. [Laughter.] Here they are both to be found. But, even if there were no men and women in this region, the country would still be valuable and beautiful ; and if it were as barren as yonder rock, (pointing through the window to a jutting cliff which overhangs the spring,) but was filled with intelligent men and refined and educated women, like those who now throng this wide hall, it would be most admirable still. So, if either were here, your country would be beautiful and fascinating, and you, gentlemen, know how enchanting it must be and is, when both are so happily combined. [Great applause.]

But I must now turn my attention to the toast which has been read by my friend, a friend of long standing, at the head of the table. I must attribute its terms to the partiality of friendship, and I am sure that they are somewhat extravagant. I disclaim having done any thing in support and defence, and in the maintenance of the Constitution, except what I have done in co-operation with other abler men ; with men of high character and true devotion to their country and its political institutions. [Applause.] I was bred, gentlemen, indeed, I might almost say I was born, in admiration of our political institutions. I have studied them long, and in fact have studied little else of a political nature. All the public acts of my life have been performed in the service of the General Government. I have never held any office under any State government ; and, with the exception of a few days only, I have never been a member of a State legislature. I am, as you may know, a lawyer, and from necessity a laborious one. I know not how the bread of idleness tastes, for I have never had a bit of it in my mouth. [Great applause.] This, perhaps, savors of self-commendation, but I hope it may be pardoned. If, in the discharge of my public duties, and in the performance of my public services, my private interests have suffered and been neglected, I am amply compensated by the hope

that if I leave no broad estate, no rich accumulations, I shall leave at least an inheritance not entirely disreputable to those who shall come after me. [This sentence was uttered under great emotion, and received the most enthusiastic applause.]

I profess, gentlemen, to have acted throughout my life upon those principles which governed your ancestors, and my own New England ancestors, in the times that tried men's souls; that is to say, in the revolutionary struggle, and in that other most important period which witnessed the establishment of a General Government. All know that in this last high and important proceeding, Virginia took an eminent lead. She saw that, to the disgrace of the country, the debt of the Revolution remained unpaid; and that gallant officers and brave soldiers, who had brought wounds and scars and broken limbs from the battle-fields of liberty, were reduced to poverty and want, and that some of them were almost literally begging their bread. The great and good men of other States felt the same evil, and their hearts were rung by a similar anguish.

An English poet has said, that there was a time when for an Englishman it was fame enough

“That CHATHAM's language was his native tongue,
“And WOLFE's great name compatriot with his own.”

Now, gentlemen, it is fame enough for me, if it may be thought that in my political conduct I have maintained, defended, and acted upon the principles of Virginia and Massachusetts, as these principles were proclaimed and sustained in the two great epochs in the history of our country, the Revolution, and the adoption of the present constitutional Government. If I have worked steadily to this end, I am sure that, whether much has been done or little has been done, it has been directed towards a good purpose. [Loud applause.] All that I say to-day, and all that I may say on similar occasions, I wish to be in the spirit of Washington and Madison, Wythe and Pendleton, and the proscribed patriots of Massachusetts, Hancock and Samuel Adams. [Applause.] If these and other great founders of our liberty and fathers of our Constitution erred, then have I erred; then have I been the most incorrigible of political sinners. [Laughter.] But if they were right, then I venture to hope that I am right also; and “neither principalities nor powers, nor things present nor things to come,” shall eradicate that hope from my breast. [Loud and enthusiastic cheering.]

The leading sentiment in the toast from the Chair is the Union of the States. THE UNION OF THE STATES! What mind can comprehend the consequences of that Union, past, present, and to come? The Union of these States is the all-absorbing topic of the day; on it all men write,

speak, think, and dilate, from the rising of the sun to the going down thereof. [Applause.] And yet, gentlemen, I fear its importance has been but insufficiently appreciated. Like all common blessings, however great, it has been of late years too little the subject of reflection. The unthinking and careless hardly take heed of that atmosphere, which supports their lives from day to day and from hour to hour. As the sun rises in the morning, follows its track through the heavens, and goes down at night, we notice its course, enjoy its light and heat, and when we see it sink beneath the western horizon, we have no doubt, we do not think of the possibility, that it may not appear for another day. We are in no fear of perpetual darkness, or the return of chaos. So it is with our political system under a United Government and National Constitution. To these most of us were born; we have lived under their daily blessings, as if those blessings were not only matters of course, but imperishable also. But, alas, gentlemen, human structures, however strong, do not stand upon the everlasting laws of nature. They may crumble, they may fall; and republican institutions of government will assuredly sooner or later crumble and fall, if there shall not continue to be among the people an intelligent regard for such institutions, a great appreciation of their benefits, and a spirited purpose to uphold and maintain them. And when they shall crumble and fall, the political catastrophe will resemble that which would happen in the natural world were the sun to be struck out of heaven. If this Union were to be broken up by nullification, separation, secession, or any event whatsoever of equally repulsive name and character, chaos would come again, and where all is now light, and joy, and gladness, there would be spread over us a darkness like that of Erebus. Yes, gentlemen, I have little patience with those who talk flippantly of secession and disunion; they do not appear to me to understand of what they speak, nor to have the least idea of its consequences. If they have any meaning, I do not comprehend that meaning. Suppose this Union were dissolved to-day, where should we be to-morrow? I think a state of things would arise in which I should feel disposed to take shelter in the caverns of the mountains, or seek some other place of obscurity, in which I should not witness the degradation and ruin of the country. Every anticipation of such an event presents a gloomy and horrible picture; it is a vast Serbonian bog, in which no man could be happy unless he thought he was about getting out. Those who love the Union ardently, and who mean to defend it gallantly, are happy, cheerful, with bright and buoyant hopes for the future, and full of manly firmness and resolution. But secession and disunion are a region of gloom, and morass, and swamp; no cheerful breezes fan it, no spirit of health visits it; it is all malaria. It is all fever

and ague. [Laughter and great applause.] Nothing beautiful or useful grows in it; the traveller through it breathes miasma, and treads among all things unwholesome and loathsome. It is like the region of your great Dismal Swamp; it is all

“Tangled juniper, beds of weeds,
With many a fen where the serpent feeds,
And man never trod before.” [Laughter.]

For one, I have no desire to breathe such an air, or to have such footing for my walks. [Applause.]

Gentlemen, I am aware that the respect paid to me to-day is in consequence of my support of the adjustment measures of the last Congress. Although I wished to raise no false alarm, nor create any fears, yet, I believed in my conscience, that a crisis was at hand; a dangerous, a fearful crisis; and I resolved to meet it at any hazard, and with whatever strength I possessed. A true patriot, like a faithful mariner, must be prepared for all exigencies; in the words of the old song—

—————“He is born for all weathers;
Let the winds blow high or blow low,
His duty keeps him to his tethers,
And where the gale drives he must go.” [Applause.]

The support of the Union is a great practical subject, involving the prosperity and glory of the whole country, and affecting the prosperity of every individual in it. We ought to take a large and comprehensive view of it; to look to its vast results, and to the consequences which would flow from its overthrow. It is not a mere topic for ingenious disquisition, or theoretical or fanatical criticism. Those who assail the Union at the present day seem to be persons of one idea only, and many of them of but half an idea. [Applause.] They plant their batteries on some useless abstraction, some false dogma, or some gratuitous assumption. Or, perhaps, it may be more proper to say, that they look at it with microscopic eyes, seeking for some spot, or speck, or blot, or blur, and if they find any thing of this kind, they are at once for overturning the whole fabric. And, when nothing else will answer, they invoke religion and speak of a higher law. Gentlemen, this North Mountain is high, the Blue Ridge higher still; the Alleghany higher than either; and yet this higher law ranges farther than an eagle's flight above the highest peaks of the Alleghany. [Laughter.] No common vision can discern it; no conscience, not transcendental and ecstatic, can feel it; the hearing of common men never listens to its high behests; and therefore one should think it is not a safe law to be acted on, in matters of the highest practical moment. It is the code, however, of the fanatical and factious abolitionists of the North.

The secessionists of the South take a different course of remark. They are learned and eloquent; they are animated and full of spirit; they are highminded and chivalrous; they state their supposed injuries and causes of complaint in elegant phrases and exalted tones of speech. But these complaints are all vague and general. I confess to you, gentlemen, that I know no hydrostatic pressure strong enough to bring them into any solid form, in which they could be seen or felt. [Laughter and applause.] They think otherwise, doubtless. But, for one, I can discern nothing real or well-grounded in their complaints. If I may be allowed to be a little professional, I would say that all their complaints and alleged grievances are like a very insufficient plea in the law; they are bad on general demurrer for want of substance. [Loud laughter.] But I am not disposed to reproach these gentlemen, or to speak of them with disrespect. I prefer to leave them to their own reflections. I make no arguments against resolutions, conventions, secession speeches, or proclamations. Let these things go on. The whole matter, it is to be hoped, will blow over, and men will return to a sounder mode of thinking. But one thing, gentlemen, be assured of, the first step taken in the programme of secession, which shall be an actual infringement of the Constitution or the Laws, will be promptly met. [Great applause.] And I would not remain an hour in any Administration that should not immediately meet any such violation of the Constitution and the Law effectually, and at once. Prolonged applause.] And I can assure you, gentlemen, that all with whom I am at present associated in the Government entertain the same decided purpose. [Renewed applause, with cheers.]

And now, gentlemen, let me advert to a cheering and gratifying occurrence. Let me do honor to your great and ancient Commonwealth of Virginia. Let me say that in my opinion the resolutions passed by her Legislature at the last session, in which some gentlemen now present bore a part, have effectually suppressed, or greatly tended to suppress, the notion of separate governments and new confederacies. [Great applause.] All hopes of disunion, founded upon the probable course of Virginia, are dissipated into thin air. [Cheers.] An eminent gentleman in the Nashville Convention ejaculated, "O, that Virginia were with us! If Virginia would but take the lead in going out of the Union, other Southern States would cheerfully follow that lead." Ah, but that "if" was a great obstacle! [Laughter.] It was pregnant with important meaning. "If Virginia would take the lead." But who, that looked for any consistency in Virginia, expected to see her leading States out of the Union, since she took such great pains, under the counsels of her ablest and wisest men, to lead them into it? [Applause.] Her late resolutions have put a

decided negative upon that "if," and the country cordially thanks her for it.

Fellow-citizens, I must bring these remarks to a close. Other gentlemen are present to whom you expect to have the pleasure of listening. [Cries of Go on! Go on!] My concluding sentiment is,

"THE UNION OF THE STATES: MAY THOSE ANCIENT FRIENDS, VIRGINIA AND MASSACHUSETTS, CONTINUE TO UPHOLD IT SO LONG AS THE WAVES OF THE ATLANTIC SHALL BEAT ON THE SHORES OF THE ONE, OR THE ALLEGHANIES REMAIN FIRM ON THEIR BASES IN THE TERRITORIES OF THE OTHER!"

This sentiment was received with enthusiastic demonstrations of applause. The room resounded with the plaudits of the immense crowd, and the cheers followed each other in such quick succession that it appeared as if they would lift the very roof; and it was noticed that one venerable man went up and actually put his arms around Mr. WEBSTER, while seated in his chair, and exclaimed "God bless you, for you are the greatest and best man in the world!"

It is proper to remark that Mr. WEBSTER was called upon to deliver a *second* speech on the evening of the above-mentioned dinner, which, though brief, contained some important features. It was called forth by the remarks of a Democratic gentleman, who had publicly expressed his sanction of Mr. WEBSTER's previous speech, though he acknowledged that he had long held widely different opinions from that gentleman on nearly every question of public policy.

Mr. WEBSTER said:

Whatever may have been the differences of opinion which have heretofore existed between the Democratic and Whig parties on other subjects, they are now forgotten, or at least have become subordinate; and the important question that is now asked is, Are you a Union man? [Great applause.] The question at this time is, the Union, and how we shall preserve its blessings for the present, and for all time to come. To maintain that Union, we must observe, in good faith, the Constitution and all its parts. If that Constitution be not observed in all its parts, but its provisions be deliberately and permanently set aside in some parts, the whole of it ceases to be binding; but the case must be clear, flagrant, undeniable, and in a point of vital interest. In short, it must be such as would justify revolution; for after all, secession, disruption of the Union, or successful nullification are but other names for revolution. Where the whole system of laws and Government is overthrown, under whatever name the thing is done, what is it but Revolution? For it would be absurd to suppose, that by whole States and large portions of the country, either the North or the South has the power or the right to violate any part of that Constitution, directly, and of purpose, and still claim from the other observance of its provisions. [Applause.] If the South were to vio-

late any part of the Constitution intentionally and systematically, and persist in so doing year after year, and no remedy could be had, would the North be any longer bound by the rest of it? And if the North were deliberately, habitually, and of fixed purpose, to disregard one part of it, would the South be bound any longer to observe its other obligations? This is indeed to be understood with some qualification, for I do not mean, of course, that every violation by a State, of an article of the Constitution, would discharge other States from observing its provisions. No State can decide for itself what is constitutional and what is not. When any part of the Constitution is supposed to be violated by a State law, the true mode of proceeding is to bring the case before the judicial tribunals; and if the unconstitutionality of the State law be made out, it is to be set aside. This has been done in repeated cases, and is the ordinary remedy. But what I mean to say is, that if the public men of a large portion of the country, and especially their representatives in Congress, labor to prevent, and do permanently prevent, the passage of laws necessary to carry into effect a provision of the Constitution, particularly intended for the benefit of another part of the country, and which is of the highest importance to it, it cannot be expected that that part of the country will long continue to observe other constitutional provisions made in favor of the rest of the country; because, gentlemen, a disregard of constitutional duty, in such a case, cannot be brought within the corrective authority of the judicial power. If large portions of public bodies, against their duty and their oaths, will persist in refusing to execute the Constitution, and do in fact prevent such execution, no remedy seems to lie by any application to the Supreme Court. The case now before the country clearly exemplifies my meaning. Suppose the North to have decided majorities in Congress, and suppose these majorities persist in refusing to pass laws for carrying into effect the clause of the Constitution, which declares that fugitive slaves shall be restored, it would be evident that no judicial process could compel them to do their duty, and what remedy would the South have?

How absurd it is to suppose that when different parties enter into a compact for certain purposes, either can disregard any one provision, and expect nevertheless the other to observe the rest! I intend for one to regard, and maintain, and carry out, to the fullest extent, the Constitution of the United States, which I have sworn to support in all its parts and all its provisions. [Loud cheers.] It is written in the Constitution:

“NO PERSON HELD TO SERVICE OR LABOR IN ONE STATE, UNDER THE LAWS THEREOF, ESCAPING INTO ANOTHER, SHALL, IN CONSEQUENCE OF ANY LAW OR REGULATION THEREIN, BE DISCHARGED FROM SUCH SERVICE OR

LABOR, BUT SHALL BE DELIVERED UP ON CLAIM OF THE PARTY TO WHOM SUCH SERVICE OR LABOR MAY BE DUE.”

That is as much a part of the Constitution as any other, and as equally binding and obligatory as any other on all men, public or private. [Applause.] And who denies this? None but the abolitionists of the North. And pray what is it they will not deny? [Great applause and laughter.] They have but the one idea; and it would seem that these fanatics at the North and the secessionists at the South are putting their heads together to derive means to defeat the good designs of honest and patriotic men. They act to the same end and the same object, and the Constitution has to take the fire from both sides.

I have not hesitated to say, and I repeat, that if the Northern States refuse, wilfully and deliberately, to carry into effect that part of the Constitution which respects the restoration of fugitive slaves, and Congress provide no remedy, the South would no longer be bound to observe the compact. [Immense applause.] A bargain cannot be broken on one side and still bind the other side. I say to you, gentlemen, in Virginia, as I said on the shores of Lake Erie and in the city of Boston, as I may say again, in that city or elsewhere in the North, that you of the South have as much right to receive your fugitive slaves, as the North has to any of its rights and privileges of navigation and commerce. I desire to be understood here among you, and throughout the country, that in hopes, thoughts, and feelings, I profess to be an American; altogether and nothing but an American. (Long and continued cheering.) And that I am for the Constitution, and the whole Constitution. I am as ready to fight and to fall for the constitutional rights of Virginia, as I am for those of Massachusetts. I pour out to you, gentlemen, my whole heart, and I assure you these are my sentiments. (Cheers.) I would no more see a feather plucked unjustly from the honor of Virginia, than I would see one so plucked from the honor of Massachusetts. (Great applause.) It has been said that I have, by the course I have thought proper to pursue, displeased a portion of the people of Massachusetts. That is true, and if I had dissatisfied more of them, what of that? (Great and continued applause.) I was in the Senate of the United States, and had sworn to support the Constitution of the United States. That Constitution made me a Senator of the United States, acting for all the States, and my vote was to bind the whole country. I was a Senator for the whole country. (Applause.) What exclusive regard had I to pay to the wishes of Massachusetts upon a question affecting the whole nation, and in which my vote was to bind Virginia as well as Massachusetts? My vote was to affect the interests of the whole country, and was to be

given on matters of a high Constitutional character. I assure you, gentlemen, I no more respected the instructions of Massachusetts, than I would have respected those of Virginia. It would be just as reasonable to expect me to vote as the particular interests of Massachusetts required, as it would be to expect that, as an arbitrator, a referee, or an umpire between two individuals, I was bound to obey the instructions of one of them. (Applause.) Could I do that? Have I descended, or am I expected to descend, to that level? (Cries of "never," "never." "You are not the man to do it.") I hope not.

Gentlemen, instructions from States may properly be regarded as expressions of opinion by well informed political men, and in that view are entitled to respect. But that a Senator in Congress, acting under the Constitution, and bound by his duty and his oath, to act, in all things, according to his conscience, for the good of all the States, should, nevertheless be absolutely bound by the will of one of them, is preposterous. Virginia has not consented that her rights, under the Constitution, shall be judged of by the legislature of Massachusetts; nor has Massachusetts agreed that hers shall be judged of by the legislature of Virginia. But both have agreed, that their rights and interests shall be judged of by persons, some of whom are appointed by each, and all bound to decide impartially. That men, mutually chosen to decide the rights of parties under a compact, are yet to be bound, each to the will of the party appointing him, is an absurdity, exceeding all other absurdities.

Mr. WEBSTER also adverted, at considerable length, to the consequences of a dissolution of the Union, and pointed out the present and prospective power and glory of the United States. He spoke of the struggle now going on in Europe between constitutional government and arbitrary power; and incidentally mentioned his having alluded to this subject in a letter addressed by him, some time since, to the Austrian Chargé d'Affaires. (Tremendous cheering.) He next proceeded, at some length, to trace the system of republican governments; the practical operation of popular representation; and the inevitable necessity that the will of the majority, constitutionally exercised, should be the supreme law; and that the law, thus ordained, being the States' collected will, should be obeyed. In conclusion, he said: These, gentlemen, are my sentiments. I intend to hold fast to them for the remainder of my life, in the hope that, when I die, I may close my eyes on free, happy, united America!

MR. BULWER'S SPEECH.

The Chair having given the following regular toast:

“OUR DISTINGUISHED GUEST, THE LEARNED AND ACCOMPLISHED MINISTER FROM THE COURT OF ST. JAMES, WHO UPHOLDS THE DIGNITY OF HIS EMINENT STATION, GUARDS THE INTEREST OF HIS OWN PEOPLE, AND WINS THE GOOD WILL OF OURS.”

Sir HENRY L. BULWER rose and delivered the following speech, which was highly and continuously applauded:

Mr. President and Gentlemen: Allow me to say that the honor you have conferred upon me, and indeed that the whole of this scene, takes me completely by surprise. When a man undertakes a jaunt or a journey, he, in some degree, generally anticipates the business or the amusement he expects to meet with; but I can assure you that when I came into the mountains of Virginia, though I might have had some faint idea of angling for a trout or hunting after a rattlesnake, I had not the remotest conception of the probability or possibility of being present at a public dinner, or of making a speech. [Laughter and applause.] I am sure, therefore, that you will not expect from me so learned a disquisition as that of my honorable friend from Baltimore (Mr. BARNEY) upon the institutions and celebrities of the State of Virginia; nor that I should describe to you the origin and progress of government and society from those early times “when Adam delved and Eve span,” down to the moment when we are here assembled at the “Mountain House,” with the logical severity and eloquent and poetical fancy of my honorable friend from Pennsylvania, (Mr. LEVIN.) [Applause and laughter.] But this I can truly and simply say, that with your kind and generous expressions still present to my memory, and with the honest and hearty-looking countenances of those from whom these expressions proceeded before my eyes, and with the knowledge that you, the gentlemen and yeomen of Virginia, have here at a moment's notice assembled to do honor to my illustrious friend, whose voice is as eloquent as that of nature herself in these romantic solitudes, the pleasure I experience is, following the ordinary rule, the more lively from being altogether unexpected. [Much applause.] With your political parties and discussions, gentlemen, I have nothing to do; to them I am, and I wish to be, an entire stranger; but, independently of all such parties and discussions, I can understand and admire a great political sentiment. The orator of old, when asked what quality was most essential to the exercise of his art, replied “action;” and when asked again what was the next quality, again and again answered, “action;” by which he did not

mean the waving of the hand here, or the lifting of the arm there, but that earnestness which is the expression of true feeling. Gentlemen, the modern Demosthenes, who is this day amongst you, when asked again and again what is most essential at this moment to the welfare of his country, has said, with that earnestness which his predecessor described, again and again, "Union." [Great applause.] Gentlemen, I am the citizen of an extensive empire, the subject of a sovereign whose dominions stretch out far and wide over the surface of the globe, and I can well comprehend and sympathize with the statesman who, proud of the authority and majesty of this vast Republic, shrinks with horror from the thought of its being split up into petty commonwealths, comparatively insignificant in power and small in extent.

I do not, however, agree with some preceding speakers, that it is altogether unnatural or uncommon to find in great States men who speak with indifference of the possibility of those great States becoming small ones. [Sensation.] There are such men in my own country, and I am not astonished at it. If you want to know the value of health, you must not expect to ascertain it from inquiry of the strong and robust. It is the invalid who will tell it to you; and thus it is with nations. If you wish to learn the value of national power and national greatness, you must ask the question of the Pole, the Venetian, the Genoese, of the people who, owing to their divisions and their weakness, have lost a national existence; or you must direct your inquiry to the people of those small States in Europe or America, which still exist, but while they enjoy the name of independence, are alternately under the dictatorship of domestic factions or foreign force. [Applause.] Honor, then, to the man who collects from the aggregate wisdom of a great community a sufficient moral power to assuage local passions and keep within appropriate limits party discontents. [Applause.] But, gentlemen, if it be a great and noble task thus to unite, and keep united, the various elements which constitute the character and greatness of one nation, it is surely a task as noble and as great to unite together, and keep united, two mighty nations, who, by their joint authority as the representatives of that admirable combination of liberty and order, which is every where the sign and symbol of the Anglo-Saxon race, may exercise a beneficent and universal influence over the happiness and destinies of mankind. [Loud and long applause.]

Gentlemen, with this idea now present to my thoughts, I, as an Englishman, say to you as Americans, "union, union, union." [Applause.] Aye, let there not only be peace between us, let there be union also. [Continued applause.] The word resounds through these halls appropriately; let it reach the ears of Mr. Rickards! (the proprietor of the Capon Springs

“Mountain House.”) Is he not, gentlemen, himself the type of union? For has he not united all the charms of scenery and of society, of water and of wine, of health and amusement, in this lovely spot? [Applause.] And, as I look around me and see the animated looks and admiring eyes to my left, and the gentle glances and graceful smiles of the fairer portion of my audience to my right, can I be wrong in conjecturing that there is a favorable disposition on all sides of me towards a united state? [Much laughter and applause.] For my own part, gentlemen, whether as regards the union between the different States of this federal Republic; or whether as regards the union between us Englishmen and you Americans; or whether as regards the union between woodland and waterfall, and good cheer and good company; or whether as regards the best and closest of all possible unions, viz., that between warm hearts and willing hands, [much laughter and applause,] I declare myself professedly and emphatically a union man, [renewed laughter and applause,] and as such have enjoyed your festivity, partaken of your sentiments, and now beg to leave amongst you my kindest thanks and most hearty good wishes.

The honorable gentleman sat down amidst loud and prolonged cheering, to which followed three cheers for BULWER.

The following correspondence between the Hon. DANIEL WEBSTER and a gentleman in North Carolina, copied from the National Intelligencer, will be read with interest in connexion with the preceding speeches.

HON. DANIEL WEBSTER :

DEAR SIR : The question of the right of a State to secede from the Union is, as you are doubtless aware, producing at this time, in this part of the Union, no inconsiderable degree of excitement. And, as it is a question in which every free American is directly concerned, a question upon which every free American should be correctly informed, as upon its decision may depend the future prosperity and happiness, or misfortune and ruin of this great country; and, believing as I do, that from your intimate acquaintance with the principles upon which our Government is based, and the operation of all of its machinery, you are entirely competent to give upon this, as upon all other questions of a like character, correct information; and, being anxious myself, as many others are, to possess correct views with regard to this subject, I desire you, valuable as I know your time to be, to devote a moment in giving an answer to the following interrogatory:

“Do you believe that a State has a right to secede from the Union?”

By answering this question, sir, you will confer a favor upon many of your countrymen here, who believe as I do, that an opinion of yours, thus expressed, would go very far towards quieting the excitement that the agitation of this subject has produced in this section of the Union.

With profound admiration for your character as an American statesman, and sincere regard for you as an American citizen,

I am, sir, your obedient servant,

July, 20, 1851.

AUGUST 1, 1851.

DEAR SIR : I have received your letter of the 20th July.

The Constitution of the United States recognises no right of secession, as existing in the people of any one State, or any number of States. It is not a limited confederation, but a Government; and it proceeds upon the idea that it is to be perpetual, like other forms of Government, subject only to be dissolved by revolution.

I confess I can form no idea of secession but as the result of a revolutionary movement. How is it possible, for instance, that South Carolina should secede and establish a government foreign to that of the United States, thus dividing Georgia, which does not secede, from the rest of the Union ?

Depend upon it, my dear sir, that the secession of any one State would be but the first step in a process, which must inevitably break up the entire Union into more or fewer parts.

What I said at Capon Springs was an argument addressed to the North, and intended to convince the North that if, by its superiority of numbers, it should defeat the operation of a plain, undoubted, and undeniable injunction of the Constitution, intended for the especial protection of the South, such a proceeding must necessarily end in the breaking up of the Government, that is to say, in a revolution.

I am, dear sir, with respect, your obedient servant,

DAN'L WEBSTER.

F. Lieber L.L.D. from N.E. Sargent

SECESSION:

A

Folly and a Crime.



PHILADELPHIA:

KING & BAIRD, PRINTERS, 607 SANSON STREET.

1861.



SECESSION:

A FOLLY AND A CRIME.

THE present moment is full of omen and exciting interest. None so critical has occurred in the eventful history of the country. It invites the earnest reflection of every citizen. Experience furnishes no guide for action, and the soundest judgment, left to its own unassisted strength, can scarcely be relied on. Impulses of an enlarged patriotism must be earnestly invoked, and they may with the best assurance be trusted for a rule of conduct. With a view to present movements and future consequences, let these supply the want of experience, and aid the honest efforts of judgment. No theme can be so important for discussion, or so well adapted to meet the current of universal thought and duty, as that which treats of the divided, disturbed and distracted condition of the country. If a ray of light can be shed upon the surrounding darkness; if sentiment in itself perfectly pure, yet unfixed in precise conclusions, can be led to united and definite purposes; if

tendencies towards seemingly minor differences of opinion on collateral points involved in the general issue, can be restrained, and all diversity can be centered in one universal test of concurring wisdom, in which heart and mind, and hand, shall join their several powers for the common good, the triumph of principle, and the success of necessary conflict will be secured together.

One great object absorbs the public mind. It is the novel state of the Nation. All are alive to it, and the degree of individual excitement depends only on the greater or less extent of personal liability to agitation. It has been familiarly said that no one could think out of Shakspeare. It would puzzle anybody to think of anything but rebellion. The thoughts with unvarying devotion, are led merely to the variety which prompts at once, or in rapid succession, to lament or to condemn on the one side, and to encourage, to justify, and to serve on the other. These are the necessary tendencies and especial duties of the hour.

There has rarely existed a great subject of interest, in the minor details and incidents, of which there were not differences of opinion, and each side sustained by positive conviction of right. I cannot suppose that there are not many of the rankest secessionists who have brought themselves to believe that their cause deserves to be sustained. A phrenzy of delirium is not necessary to make the worse

appear the better reason. Infatuation produces a like result in a subject not otherwise unsound. Interest is often an ingredient of conviction, prejudice forestals reflection, companionship influences opinion, pride and passion are more powerful persuasives than reason and good sense. Looking at moral objects with the mind's eye, is like looking at natural objects with bodily vision. The sight of each is commonly true, yet in either it may be distorted, by false medium, prejudice, or rage. Circumstances not always to be explained, give color, shape, dimensions, merit and defects of their own, either without any actual existence, or so exaggerated as to assume appearances perhaps the opposite of truth. Yet the truth remains in the centre, and cannot be changed. Religious antagonism at certain periods, has been the most bitter of all, for conscience, even more than judgment, has been sometimes a false guide, and martyrdom has been accepted, in preference to concession, even of abstract and perhaps immaterial opinion. In the barbarous reign of Henry VIII. of England, whose tyranny was not surpassed by that of Nero or Caligula, massacres for mere opinion were numerous. No less than nineteen Anabaptists for example, born in Holland, were examined at one time at St. Paul's Church, London, and condemned to be burned alive, for believing, among other things, that children born of infidels might be saved.

Religious fury of a former time and in another

sphere, has given way to political violence, not less ferocious, among ourselves. We have seen, that in certain portions of our own country, opinions, or the bare suspicions of them, at variance with those of the special latitude, have subjected the holders of them to cruelties of every sort, and even to ignominious and painful death. Martyrdom, it seems, must have its victims, even without the excuse of conscience or a holy cause.

These and other fearful atrocities had long been in practice sanctioned and approved by eminent leaders. They were demonstrations of hatred towards the Northern portion of the country, still held in a spirit of hollow alliance, which had succeeded to what had become at last a nominal Union. They broke forth at length into active organized and authoritative hostility. Secession was proclaimed as the great end and aim. It neither felt nor fancied complaint or grievance from the general government, nor did it suggest a desire for relief from definite, imaginary wrongs. It was a spontaneous combustion. It exploded at its own selected time, in its own unprecedented manner, under its own self-created circumstances, and with its own mad exploits offensively and angrily resorted to. Had it been limited to mere secession it might have been patiently endured, however unjustifiable by constitutional law or natural reason. No threat of coercion was ever made or uttered against it. Any such design was instantly

disavowed by the still existing head of the government. All that has ever been pretended to as a rebel right might have been indulged with impunity from all, and from many who would not weep for the separation, with welcome. A compliment so much desired and expected, was never paid in thought or action. Had rebellion confined itself to mere secession, it could have been accomplished without a struggle or an obstacle, the perpetrators would have been simply delivered over to be buffeted of Satan in the fulness of their own sins. They were too venomous to be pitied, and too violent and mischievous to be despised.

Yet the right of dissolving the Union is totally denied to individual States. The continuance of it was pledged as a cardinal ingredient from the beginning to be perpetual. Bad taste and bad principle were evident in the secession proceedings, as well as bad feeling. They are unequivocally condemned. A regret too, that they should, under any circumstances, have been resorted to, from whatever pretext, is for the most part felt. The actors in them were probably quite surprised that such should be the case. They expected measures of coercion, and they met at first sorrow rather than anger. They seemed to desire war, for which they had long been preparing. Arms and men, they had been singing like the Roman poet during several years. Great must have been the disappointment that rebellion did not

at once call them into active use. Secession, however, in itself, was not then, and is not now with us, the principal point. The act itself was simply unopposed. It was endured with a patience that lulled the perpetrators of it into fatal error. It gave encouragement to acts worse than itself. They who chose to do the deed, and have executed it as they believe effectually, will one day lament their folly, if not their guilt. If they have any of the usual feelings of a people which they now claim to be considered, they will feel keenly the loss of what they have thrown away. A common fame derived from the glorious deeds of a common and illustrious ancestry, in what was supposed to be a common cause, has heretofore been enjoyed by them as a rich inheritance. This they have forfeited. They have now nothing in history, and little in prospect, to claim as their own. All is obscure in the past, as well as dark and dreary in the future. A country vast in geographical extent, limited only by oceans and inland seas, and combining everything to minister to the enjoyment of its inhabitants, was theirs. They shared all the advantages of the States which were separated in position, but closely connected by mutual interests and every description of domestic tie. They shared, and more than shared, in the benefits of the Union. A large excess of representation for actual citizenship, was secured to them by the constitution in the National council. The manufactures

of the North were received at little cost, without withdrawing local labor from its especial objects. Visits of health and recreation were made at all seasons, and particularly when a Southern climate rendered absence indispensable to many; and not only did watering places become occupied by them as friends, but hospitable doors were everywhere thrown open to them.

Besides the many personal advantages liberally enjoyed at all times, the South occasionally reaped harvests of political triumph. In various agitated questions, where differences of interest were found or fancied, and differences of sentiment, which are no less captivating, were certainly felt, the North gracefully yielded their wishes, if not their rights. It was one of the happy effects of the Union, that a majority in numbers, in wealth, in cultivation, in seminaries of learning, to say nothing of the possession of a better climate, and the production of almost everything for the support and comfort of human life and the preservation of social intercourse, should concede so much and so often to the wishes of a somewhat capricious and always fastidious brotherhood. It was all in vain. Gratitude is always a rare virtue. Benefits are often felt like coals of fire upon the head of pride. A long-cherished indulgence of resentment towards the whole Northern States and people, for supposed injuries offered by a few, and a desire perhaps to quarrel with over pacific neighbors, reluc-

tant to the onset, at length found vent. The feeling, if not innate, as it should rather seem to have been, had at least been fostered so long that it was adopted as if natural, broke forth into open and avowed rebellion, and fierce and uncompromising war. Here too, the South has gained the beginning of a gloomy end. Upon her the responsibility rests. Like her overtures in peaceful times, for good or evil, the gage of battle has been accepted. There too, the North, with a reluctant but not unbecoming assent, and now general cordial concurrence, has at last acquiesced; and the result is, not fair and civilized conflict on both sides, but on the one, resort to piracy and bloody ingratitude.

It would not be easy to detect a reasonable motive for such acts of passion, which are not, as is usual with so unreflecting a prompter, blindly, impetuous and rash. These men pride themselves upon their rashness. The long, lingering pretext of Northern abolitionism was too narrow in its scope, and too limited and individual even in its region of local allegation, to hold much longer. A better plea is unkenneled in the correspondence of a British reporter, who seems to have been greeted with open arms, notwithstanding long indulged reproaches of the peculiar Institution. That State which first unfurled the banner of secession, which brought her ten thousand to the conflict with the tens of Fort Sumter, which set the fatal example to the less irritated rest, has told

her secret to the emissary of a foreign press. Ten years ago she proclaimed in a Nashville Convention her desires for separation but not the cause. A speech from Langdon Cheves, who had formerly removed from South Carolina to Philadelphia, and was at one time President of the Bank of the United States (hardly a secession corporation), declared that the lead of Virginia alone was wanting then. The old dominion herself, in broken integrity is now led, and the lesson is taught by a younger sister, who affects to assume and justify the responsibility. A lesson is learned, and its teachings adopted, which might call down the protesting shades of Washington and Henry, of Marshall and Jefferson to save from this double reproach, a perverted posterity. The form of a Republic is acknowledged by their teachers to have been among them an imposition. A high-toned monarchy is the now developed hope. Do the other republican forms of government, solemnly guaranteed by the Constitution, following as they have done the inglorious lead of lineal successions, adopt the motive, and avow the royal desire and tendency? Will they each seek a foreign prince to reign over them in the pride of distinct and disunited despotism? Or will they, one and all together, banded in a holy alliance of confederate treason and disloyalty, bow down before a single domestic or foreign throne?

It was to be looked for under such an impulse that

the means adopted should be of a corresponding kind. Despotism is grasping in its character. Tyranny and oppression, lawless usurpation and selfish seizure of what rightfully belonged to others, without consent or compensation, equivalent or return, have marked the course of secession, as they are said to do of unlimited, arbitrary government. It is not of the bare secession that we complain. Bad as it is, unlawful and unwise, it is their own affair, while it is without incident or addition. Let them go in the name of the Prince of Darkness and worship him if they will. The essence of our complaint consists not of the mere withdrawal, by whatever name. They have done much more. In this, which is over and above, naked secession, we have only too much concern. It is in what they have said and done besides, that we are grieved. Our solemn protest is the result of positive wrong. They have not thought of the rights of others in asserting what are alleged to be their own. But claiming only the right to secede, they have boldly, yet cunningly, expanded their departure into a hardy seizure of property; and with equal hardihood, they demand from us at the cannon's mouth, acknowledgment of their existence as an independent nation. We condemn the acts with which the separation has been accompanied and matured, their reckless violence and unquestioned wrong, and we assert in them over and above secession that there has been positive injury done to our-

selves. If they must go, why not go in peace, and without committing personal as well as political crime? Some of their leaders have declared that they ought not to have declared war. It did not matter much. The blow in reality came before the word, and the blows have been made signal without a word to this hour, in defence of their extremity.

Property of every description was seized and is withheld by force and fraud. Money and goods, forts and arsenals, debts and claims, mints and their contents, rights, some of which might have been regarded perhaps as held in common, and rights exclusively belonging to the general government. All have been taken alike, violently and, without applying the term with undue severity, or in any but its technical sense, feloniously; and they are held without any explanation offered or pretended to on this point, in defiance of every principle of law, human and divine. One or more States have repudiated in their sovereign capacity. They have refused payment of interest on their bonds in which citizens of other States had made investments in an evil hour of unsuspecting confidence. Modern usage, it is believed, is for this without a precedent, in time of however flagrant war. Private debts have been ordered to be withheld from payment to the rightful creditor, and are directed to be paid into the State Treasury, there to abide the issue of the contest and the possibility of redemption.

These facts have made the great issue between the

North and the South, and the latter seems altogether willing to overlook any such facts and issue. The former does not consent to be robbed, and tamely submit to the loss, and then have farther concessions required. This is in a word, our side of the question. The South holds to its illegal gains without an offer to restore, or to submit the point to an umpire, or to reason upon the pretext of all this wrong. That is their side of the question. They avoid the point solely cared for by the North, and ask in effect that it should be waived, and that every thing else should be tamely surrendered. Avoiding unnecessary harshness of language, and even the use of appropriate epithets in their extent and fulness, we present this as the real state of the issue between us, a difference of moral as much as political law. With all in their hands that they could contrive to take by force, they ask more, as if there were only one party to the bargain. As things stand, this would be to acknowledge robbery to be right and to abandon a sacred trust committed to the government as guardian of the nation. As things now stand, their daring demand of unconditional recognition is a mere insult, an indignity that is often worse than an injury—a thing that could not be listened to without loss of self respect. With hands polluted by spoils, with such wrongs done and unatoned by word or deed, they desire that we shall change them from individuals who have souls to perish, into corporations that have

no moral or spiritual responsibility. They do more, they ask us and pretend to expect us to receive them as a power fit to govern in itself, and to stand upon the elevated ground of equality with a fraternity of honorable nations. The first step after committing wrong, should be repentance. The next, that repentance should be made practical, by a return of things wrongfully taken. Not a step is taken towards being in *statu quo*. No offer to give up in part or in whole, even no mediation of this point of right or wrong, or a thought that such a point exists. Like veteran depredators, delighted or at least satisfied with their unlawful trade, they stand up in boldest confidence, and demand like the professional highwaymen, delivery with a pistol at the breast of the traveller. They have been used to submission from the North. The triumphs over the Missouri compromise, and the different concessions of 1850, must be re-enacted into a new chapter of mistaken delicacy and forbearance on the one side and proud assumption on the other. No! no! The pitcher has gone to the well too often, and it is at length broken. The North, after a patient and somewhat ignoble slumber of years, has at length awakened to a sense of self-respect, and its thousands and tens and hundreds of thousands of patriots devoted to the Union and the Constitution, animated by one feeling of disdainful readiness, are rallying to the rescue.

If the past has been marked with acts of violence,

still greater efforts of rage are denounced in unmeasured terms for the coming hour. These denunciations are not the utterance of mere humble apprentices in the new trade of secession. They are heard in tones of thunder from master workmen in rebellion, from the heads of separate conspiracies. Governors and ex-Governors—each in his different phrase, but each in a spirit not to be mistaken, vie with one another in the assault. It is now not against individual, but a people, not the angry tone of intended separation but the carnal-minded display of the unsheathed dagger.

We have read in fiction of attempts to urge the confederates of treason to dye their hands deep in the blood of their promised victims. Such is the urgency of the basest of the band represented by the poet Otway in the conclave of a Venetian conspiracy. Be sure, says this desperado, that you shed blood enough. Seldom, until now, have the countersign and the watch-word of civil war in actual life, been inscribed in crimson. Civilized nations have carried on war in the hope indeed of conquest, but without unnecessary effusion of human blood. Here, the red flag of piracy is unfurled and its every fold floats to the breeze in warning or alarm for all who by the chance of war may fall into the hands of this new-fashioned foe. Coming from sources of clear authority we are not at liberty to doubt the genuineness of these threats, or the entire cordiality with which they will be executed

A public meeting was addressed by the so-styled President of the New Confederacy, and in his presence by an ex-governor of one of our neighboring States. These are necessarily to be received as official declarations, in the absence of all others, both of the war and the manner in which it is to be carried on. The speeches have been published everywhere in all their horrors. They are not private and individual remarks, but public documents, intended, no doubt, and certainly calculated to have due influence in inspiring followers with like determination, and in warning opponents against the wrath to come. A crowded audience is told, "You want war, fire, blood, to purify you; and the Lord of hosts has demanded that you should walk through fire and blood. You are called to the fiery baptism. * * Though your pathway be through fire or through a river of blood, turn not aside." Then after being told to "take a lesson from John Brown," who became a Southern example, they are informed, "your true-blooded Yankee will never stand still in the face of cold steel." It was a like spirit which proposed in the name of God and nature, in the British House of Lords, to employ the savage Indians against our fathers, and called forth the rebuke of Lord Chatham's eloquence. That early friend of our infant country, denounced the idea of enlisting against their brethren of America, the cannibal savage, thirsting for blood. He could not tell what ideas of God and

nature the noble lord entertained, but this he knew, that such principles were equally abhorrent to religion and humanity. We are told, too, for the first time, that our eastern brethren are cowards! that they will not stand still in the face of cold steel. This reproach alone was wanting to rouse their indignant energies and doubly stimulate them to the encounter. One of the most estimable officers of the war of 1812, himself a South Carolinian, who left that State, it is believed, because of its disunion sentiments, Colonel Drayton, declared that the best soldiers of that war were the northern men. Is the 17th of June, '75, the day of the battle of Bunker Hill, forgotten? Or is it supposed that the men of that day have degenerated? When General Gage, through his telescope, discerned the manly figure of Colonel Prescott walking the parapet, and encouraging his men, he asked quickly, "Will he fight?" "Yes, sir," was the answer, of one who knew him, "to the last drop of blood." When the scanty stock of American arms, which had done its fearful execution, was exhausted, and it was necessary to retire slowly, Colonel Prescott was one of the last to leave the redoubt, parrying with his sword, bayonets which had pierced his clothing, like a true-blooded Yankee, fearless of "the face of cold steel."

Whenever the country has required the best combination of skill and courage, it has been found in the Eastern soldier. Greene was the selected and ap-

proved reliance of Washington. A braver or a better general did not grace the annals of the revolution on land. In the war of 1812, the water too was witness to the merits of the Yankee, on the ocean and the lakes. Hull and Morris, in the *Constitution*, after out-mancœuvring a whole squadron of enemies, displayed successful valor in the earliest of a line of naval victories which astonished the civilized world. It was the utterance of a fervent wish of the great chieftain of England, the conqueror of Waterloo, that "they could take one of those damned (American) frigates." An Eastern youth, too, reported his victory over a British squadron, in terms almost as concise as those which have contributed to immortalize Julius Cæsar, "We have met the enemy," was the despatch of Perry, "and they are ours."

These are signal instances of thousands of disproofs of the reproach of a Confederate ex-governor, of Yankee mettle; and the proclamation of a Confederate General is scarcely less extraordinary. It announces that a reckless and unprincipled tyrant has invaded the soil, and has thrown in his Abolition hosts, who are murdering and imprisoning citizens * * and committing other acts of violence and outrage too shocking and revolting to humanity to be enumerated, Their war-cry is declared to be beauty and booty—and all that is dear to men, their honor and that of their wives and daughters, their fortunes and their lives, are said to be involved in the momentous con-

test! This specimen of military rhetoric is here recorded for consideration. It has been contrasted with the dignified sobriety of tone of proclamations of military commanders, on the Union side. The hope has been expressed that it is not genuine, but has been foisted upon the public by some enemy of the officer whose name is subscribed.

These bloody threats from the South have been alluded to, not for the purpose of creating uneasiness or alarm. Such an effect would be ill-adapted to the principles and practice of those against whom they are uttered. Much less under the belief that there are dormant energies to be aroused which in the day of trial seldom slumber. Let it be commended to the notice of all, not for the purpose of exciting a counteracting spirit, which in a Christian latitude could not exist, much less to echo the vain threats of what could find no trembling heart or ear. It is intended only to show the character of the war waged against us. It discards the established principles of civilized hostility which teach forbearance from savage cruelty, and the exercise of force only as the necessary means of honorable conquest, in the full practice of Christian humanity. If the difference between us is to be this, let heaven and earth look upon the contest as it deserves, and let its conduct at least be handed down to a discriminating posterity, for approval or for frowning condemnation. Enough perhaps has appeared already to show that the an-

nouncements under the red flag of Barbary are not a mere theory. Inhumanity has already marked the progress of the Southern war, and it will show its hideous front again when it can do so with safety under such fatal influences. When the contest was over at Great Bethel, and the humane survivors of the gallant Greble were removing the wounded and dead from the spot where they had fallen, they were fired upon and murdered by the garrison that had been saved probably by the alleged mistake of an inexperienced Federal commander. Let these be lessons of the tender mercies of the leaders and their (it may be reluctant) followers of a great section of a common country, with which we have been drawn not willingly at first into a fraternal war. Not even a choice of suffering is left to prisoners and wounded men. Not a hope or chance of alleviation is held out, and the worst forms of fatal infliction are at hand.

It is some comfort to outraged humanity to contrast such sentiments and the expression of them with those of a far different kind. They proceed from a commonwealth where friendship seems to be withdrawn from the general cause, but where a gallant bearing has always shown the teaching of that noble statesman, the pride of Kentucky and the country, now no more. As North and South united to acknowledge Henry Clay, as more than a mere party leader, his friends and associates who survive him for the

most part emulate his devotion to the Union. One of these, Garret Davis, upon being called upon for certain information gives it in a strain of earnest patriotism. He knows his duty to his State and will not fight against her, but he knows his duty to the Union and will continue steadfast in his allegiance. These are some of the seemingly difficult purposes to reconcile, brought about everywhere, and especially in the Border States, of proper feeling towards a long-cherished, local home, with the all-controlling influence of the great and glorious republic, which has sheltered the whole nation and imparted an equal portion of renown to every commonwealth. Garret Davis is one of those estimable men who knows his duty and dares maintain it. Few are as able and none more willing to serve their country faithfully.

Now, what have the United States done to call out Southern hostility and hatred? Nothing before the outbreak of rage, for nothing that was definite against them has been seriously alleged. Since the opening of rebellion they have at first faintly hoped, and more recently manfully endeavored to retain in a certain latitude the little that the fury of secession was unable to take from them. On the 29th of October rebellion was yet immature in action, restricted in position, and scarcely developed in general design. On that day our gallant commander wrote to Mr. Buchanan, officially recommending that the garrison of Fort Sumter should be strengthened. Had this

step been taken it would probably have prevented the first and the costing step against the country. Then all the blood that has been shed and the property that has been destroyed might happily have been saved. The firmness and capacity of the General, met no corresponding firmness or capacity in the Executive. An imbecility beyond example hugged itself up in moth-consuming sloth. He differed from the General in every thing. The little nucleus of a garrison was left to its own unsupported valor; and it fell with honor, and without loss of life. May we not trust that a special Providence befriended the just cause, when a protracted attack from ten thousand enemies, directed by sufficient experience, left all that was human in the Fort essentially unharmed? The loss of the assailants has been care fully concealed.

Rebellion needed no signal for active war. It had long been meditated, and was already, in many respects, prepared. Loyalty was slow to believe the sad reality. The chief magistracy was still inadequately filled. Time and the election brought about a change. The standard was reared in every quarter, and in every quarter the people rallied to its support. Future events are necessarily a mystery. But if recent ones have made their due impression, and experience has brought wisdom in its train, a correction of errors so palpable and so pernicious as they have proved to be, can scarcely escape the most

negligent or unwise, or avoid correction in council and in the field.

Up to the present moment, but one alleged grievance has been heard from the rebellious crew. The government would not listen to their appeal! Enough has been made known of the character of that intended appeal. It is understood to have been a mere naked demand of recognition, and nothing more! And this would not be received! There was a time, no doubt, when such a call would have been attentively heard. That was before it was mixed with other ingredients, now made inseparable from its nature, and aggravating its enormity. Before violence had been resorted to, and property seized, a becoming proposal from a proper source might have been listened to, even without absolute disrespect. Such a source, indeed, it might not have been easy to find. If we are rightly informed, a small minority only of the people in the whole has in any way given consent or expressed concurrence. The masses in almost all of the seceding States are believed to be unrepresented by their blood-thirsty rulers. If fully authorized by prince and people too, what was the basis of their proposal? It contained no compromise. It suggested no equivalent. It offered nothing in return. With hands full of ill-gotten gains, nothing seems to have been thought of restoration of what was taken, much less of atonement for the wrong. No denial of the fact. No

extenuation of the iniquity. Not even an offer to submit to a third party either the question of their recognition or their liability to give up their prey. Why not make an offer which could have been listened to with some little self-respect, or at least not in a shape proudly censorious and less traitorously assuming and unfair? Some equivalent was surely due; something to give as well as take. But none appeared. The suppliant and the tyrant were one.

There may possibly have been a transparent veil thrown over the belief that the desire of the only valuable production of the South in adequate supply might reconcile any indignity. The North knows its interest, but it knows its dignity and honor too. Cotton may perish, and its convenience be forgotten, rather than the North should forget what it owes to itself and to the Union. Sackcloth and ashes would be better, if worn with the pride of patriotism. Sympathy with our erring brethren is perfectly consistent with a determination to preserve, if possible, untarnished devotion to the country. Our hearts and arms may be open to receive them, when they are true to us and to themselves. Honorable peace is desired. But it cannot be made at the sacrifice of principle, or of the best interests of a large majority of the people of the United States.

It did not need the inflammatory language of secession speeches, and proclamations, to kindle the fiercest fires of civil war. It is in itself a fearful evil. Friends

and brothers, fathers and children are arrayed in unnatural conflict with each other. Ordinary war is peace compared with it. No caution can prevent, no courage defeat its effects. Distance is no protection, and watchfulness is no guardian. A fatal blow may be aimed by an unsuspected neighbor, and the long arm of treacherous friendship may, from remote places, reach the kindred heart. It was reserved for our prosperous country, and our happy and enlightened age, to invite and encourage practices that would have been a shame to the darkest period of the most uninstructed people. Yet the blame is not with us.

It was a striking fact, that in Fort Sumter, attacked as it was by an overwhelming force, and assailed by every description of arms, not one of the heroic band of defenders suffered. Buildings were burned, fortifications were destroyed, every kind of injury was done to material defence, but officers and men were unharmed. Is it presumption to suppose that the first efforts of a just cause received the smiles of Heaven? The loss sustained on the other side is still a mystery, and the truth will long be concealed. If, in the progress of events, when upon each succeeding occasion, manly valor has been displayed, death has been sustained from ill-advised exposure by inexperienced command; there, too, the caution which Providence might have suggested, was neglected, and suffering was the consequence. It was one of the wise maxims of the best of Americans

and of men, that a due preparation for war, was the best security of peace. But the wisdom that prompted the assertion, never forgot the necessity of caution and foresight in advancing into places of danger, or neglected the provision of scouts and outposts as the elementary instruction of military theory and practice. Unnecessary exposure has cost the country dearly already, in the lives of some of its cherished sons. Among those who have suffered, and those who are in full pursuit of the Nation's honor and their own, it must be our just pride that some of our immediate fellow-citizens have been especially distinguished. When Greble, in the midst of perils was advised to stoop down and avoid the bullets that whistled around him, he knew too well the value of example, to sacrifice it for life, and he fell gloriously in displaying the one, and in heroic disregard of the other. He verified a remark that was once applied by Commodore Decatur to Captain Lawrence, that there was no more dodge in him than in the mainmast. He suited the action to the word, and bequeathed at once an example and a watchword to his countrymen. We shall not arrogate anything to ourselves, in claiming this early victim of dauntless bearing in the civil war, as a Philadelphian. A happy relief from fatal consequences, through bodily injury and bold exposure, has distinguished another of our immediate brethren. Kelley lives to gain new laurels and to embellish by future deeds a reputation earned with

blood. In still more elevated rank than those, is a native of our city, whose daily exhibitions of military science, and eloquent instruction, do credit to his birth place, and secure to him the respect and confidence of the country. The recent proclamation of General McClellan is a model of propriety. Its language and sentiments are equally worthy of praise. With the firmness of the soldier, it breathes a spirit of gentleness and mercy where occasion may become them. It will live in brilliant contrast with a production from the rebel camp full of Billingsgate invective. If "wives and daughters" had been insulted, proclaim the instances to a proper authority, and no Northern man, however accused, will escape condign punishment. Women of rebel association, it is said, have proffered hospitality with smiles to unsuspecting officers, and then treacherously betrayed them. Of this, the testimony is, it would seem, unquestionable. They have, perhaps, deceived their own officers into an assertion without foundation, as they did strangers into a confidence which was misplaced. Generals Patterson and Cadwalader, also our gallant townsmen, have been tried in battle and in peace.

It must be borne in mind, with conscious pride, that whatever may have been the kind of effort in which the Federal soldiers have thus far been engaged, whether happily suggested or unwisely led, the conduct of the inexperienced troops has been

uniformly brave. Every one has proved himself manly and heroic. Whether to die or to succeed, his conduct has been a glorious example. The material of the army from almost every quarter has been sharply tried, although no great battle has been fought. In any condition or exposure that may occur, the country is now assured that the character already stamped upon its gallant sons, will be a certain passport to glorious victory or honorable death.

Philadelphia, July 4th, 1861.

WHAT ARE THE CONDITIONS
OF
A CANDID AND LASTING
RECONCILIATION
BETWEEN
THE TWO SECTIONS OF THE COUNTRY?

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INTRODUCTION.

The mere fact of being involved in a war with foreign nations is of itself almost sufficient to arouse the ambition and patriotism of the whole population, without difference of opinion. This is not quite the case in a civil war. Not being a mere rebellion, which would require only suppression, the contending parties are compelled to examine and to justify the righteousness of their own respective positions. So it has been done in the present case by Northern and Southern state-papers, as well as by the public press. The North, by simplifying the issue of this struggle to the preservation of the Union, has proclaimed her firm determination not to allow any dismemberment of the Union, but understood simply as a restoration of the *status quo ante bellum*, it must be objected, that this war is by far too powerful a historical event, to admit the possibility of such a result. In order to arrive at a more precise understanding, we rather reverse the question, and instead of asking what is the object of our struggle, we take the same question in another form, by asking, what are the conditions of peace if even it should not prove the proper time to speak of peace? The examination of this indirect question will better guide public opinion. We may safely state, without being contradicted, that to the South the most general condition of peace would be a separation, and to the North the preservation of the Union and its principles. But if the South would attain her end by a treaty of separation, even should its single conditions be unsatisfactory to her, it belongs to the innermost nature of our object to be dependent to a great extent upon the conditions themselves. By being compelled to accept unsatisfactory conditions for a reunion, imposed upon us by the force of events, we would equally miss our aim, as by compelling the South to accept terms unsatisfactory to her. In the one as well as in the other case the character of the Union would be materially injured, and its principles partially altered. The true preservation of the Union without a change of its principles requires reconciliation as a logical as well as practical necessity. That we employ force in order to effect it, may have the appearance of a strange contradiction; but, apart from the fact, that this is imposed upon us, it is but the same contradiction, presented by almost

every war between civilized nations. The termination and consequently the purpose of every war between two foreign nations is in the last instance also peace and restoration of amity, a purpose which fully contradicts the means by which it is attained. Exactly the same is the case with us, only with the slight difference, that, as ours is a civil war and a Union is concerned, the word peace is to be translated reconciliation.

A reconciliation, to be sincere and lasting, must necessarily satisfy both parties. Unless this is the case, it is not reconciliation at all. Therefore by examining the question, what are the conditions of a reconciliation between both sections, we come to the best possible understanding of the nature and purpose of the present war, and most likely also of our present and future policy, without interfering in any way with the vigorous prosecution of the war by our armies and our administration. We shall certainly meet the objection, that there is a rebellion to be suppressed, and no compromise to be made with armed rebels, and that we have at first to vindicate the authority and strength of our government. We confess our opinion, that the period in this revolution for the mere vindication of government has long since passed by. If the question, whether we have a government or not, could be raised at all, it would have been already unfavorably answered, and even a successful termination of the war will rather prove the power of a united people, than the strength of the government. That our government, above all its external machinery, in order to be a strong one, needs some improvements, a later and calm examination of our present experience cannot fail to convince us; still it is not a very distressing experience, that under certain but rare eventualities a democratic government has really not the same power with a despotic one. To consider the present struggle as a mere vindication of the strength of government against rebellion, is the same narrow view as that which considers it as a trial, and in case of defeat as a condemnation of our institutions. Neither the one nor the other is the proper interpretation, when historical events of vast importance endanger or even really dissolve the Union. Guided by this narrow view, we may exact from the South the unconditional submission to the constitution and the laws; and, in case of success enjoy, as every despotic government would, the very secondary satisfaction of punishing treason, and making our government respected; but besides we would have gained little or nothing to promote our real object, the preservation or restoration of the Union. Not only is the South, as one whole section of our Union, left entirely dissatisfied, but to ourselves her unconditional submission signifies nothing but that we

are precisely in the same unfortunate situation as before, and that we have to commence the troubles and disputes, which resulted finally in civil war, once again, nothing having been settled, all questions having remained exactly in the same stage as at the beginning of the war. And as it is impossible to refuse to the South her representation in Congress, even if we could punish her in every other way, we shall have again two alienated and bitterly hostile sections, employing the freedom given to them by our institutions, to carry on an obstinate political contest, which may eventually again endanger our Union. We act wisely, even without particular regard to the South, if we use this very war as a means of a final settlement of all our past political troubles, and if we do not let pass the favorable opportunity of doing so, most likely given in our hands at a not far distant time. Thus we are fully convinced, that not an unconditional submission to the Constitution, but a reconciliation is the real and veritable termination, the real and veritable object of the war; and therefore we arrive again at the question, what are the conditions of this reconciliation?

Washington warned his country of the danger of political parties being founded on geographical lines. May his exalted and far-sighted wisdom, guided by an extraordinary purity of heart, yet lead his country in this her hour of trial. Reading his councils with his own pure patriotism we shall perceive, that they are not alone given for the purpose of preventing the danger, but also of meeting its fatal consequences, and that the warning contains the remedy also. Really the immortal founder of the Republic has by these councils, if rightly understood, laid down the preliminaries of peace for our present civil war. The representative government, or the principle, that the majority shall rule, whether applied by an unrestricted or restricted elective law, does not at all contemplate or cover the special case of majorities and minorities being the expressions of geographical divisions. Wherever this takes place for any length of time with a nation, ruled by that form of government, there is the utmost danger ahead. Whether the geographical divisions of the political parties refer to States as members of a Union, or to a part of a single State or a Province of a single empire, does not constitute any particular difference. It depends only upon external circumstances, for instance the relative power of the parties, the longer or shorter duration of this division, favorable opportunities, and many other accidental chances, that this state of party-life results earlier or later in revolution and civil war. It always forshadow danger. Indeed the existence of geographical parties cannot be avoided in all cases. It is sometimes a passing event of no great influence,

or refers only to a single political issue without general effect. But if it is a lasting occurrence, it will eventually end in a dissolution of the State, and the more freedom a nation enjoys, the more is it exposed to this fatal result. Whether this constitutes a serious objection to representative governments in general, this is not the proper place to discuss. It certainly indicates an imperfection, which, if not remedied by improvements, will perhaps finally overthrow this form of government, to be superseded by institutions of a yet higher degree of perfection. But this will hardly be a problem for the present generation, and for us it is at all events sufficient, simply to acknowledge the fact, to record here a lack in the representative form of government for the purpose of demonstrating, that in the actual case of this civil war, the question, what are the conditions of reconciliation is fully identical with the question, whether it is possible to remove the causes which led to the formation of geographical parties in this once happy country. If this latter can be successfully answered, we will have the preliminaries of peace, as advised by Washington, if not, we must be prepared for a long disastrous period in our history, whether the fortune of war favors our arms or not. Therefore we direct all our attention to this point.

But there is a great difference between compromising a political question and solving it. We have too often resorted to compromises, and found by experience that they never last a long time, and never really remove the cause of dispute. Indeed, compromises are only an acknowledgment of our inability to give a final solution to a disputed question; they are too often a kind of political trading, a political bargain, of which every party strives to get the best part. Still compromises are by no means to be avoided altogether, and must necessarily sometimes take the place of the true and final solution of a question. We shall at least endeavor to find, as far as we can, the solution of the differences between North and South, recurring as little as possible to compromises, and for that reason we are not guided in our examination by any particular consideration of giving satisfaction to one or the other section, trusting that a true and candid solution will finally prove the most satisfactory to both.

If we turn our attention to great historical features, and set aside all minor differences, produced only by political parties, we may safely sum up the points of dispute between the two sections under four distinct heads. These points reappear more or less distinctly and characteristically in the political platforms of the different parties, yet they are not created by party differences, but these have created them. They are deeply rooted diversities,

existing apart from party life, and for this reason always reappear again and again in the party platforms. Besides it must not be overlooked, that, though political parties have degenerated by corruption and personal ambition, the different party doctrines nevertheless reflect historically the true political life of the nation, just as the public press, however influenced by corruption and by personal vanity or ambition of editors, always will be considered to a certain extent as the true exponent of public opinion. A political party is dissolved, if its issues have either received a final solution or have been superseded by historical events. When parties are merely dissolved by the corruption of their leaders or their machinery, they will again reappear in another and purified form. The present historical events, though simplifying our old party issues for the moment to union or disunion, have not yet really superseded them, and these old issues will again reappear with the conclusion of peace in some form or other, unless this peace itself does adjust them by a true and final solution. These sectional diversities, underlying our past party life, created at last geographical parties. If they cannot be finally adjusted by constitutional safeguards, it is impossible to avoid geographical political parties, and impossible to prevent at last the dissolution of the Union. These four points of dispute are :

1st. The different interpretation given to the Constitution in regard to the nature of the Union, commonly known as the Federalistic and State right theory, the latter culminating at last in the secession theory.

2d. The slavery question.

3d. The tariff question ; and

4th. The difference existing in regard to the aspirations of our foreign policy.

We have purposely omitted in this enumeration minor political issues, because we have not to examine party platforms and party differences, but only those historical differences which are deeply founded in the very life of the people, and really divide the country geographically. Mere political issues, even if they embrace great State questions and produce a very animated and bitter contest, may quietly be left to political controversy. Not so those questions which can be traced as deep historical lines, dividing the country into two geographical sections. These ought to be either entirely removed from the field of political contest, or at least reduced to mere political issues. The successful accomplishment of this involves the peace of the country and the destinies of the Union.

I.

THE QUESTION OF THE NATURE OF THE UNION.

In order to appreciate the full importance of the political contest between the Federal and State right party in the United States, it must be well understood, that this contest does not alone reflect a difference of political convictions, but at the same time a deeply rooted practical diversity in the feelings of the Northern and Southern people. In the North, unconsciously, all love of country, all national feeling is directed towards the Union. We may say, that here the natural love of country is superseded and enlarged by a religious reverence for the Institutions and the Union, the latter expression meaning rather the admirable political structure, than the country itself. This more cosmopolitan inclination is favored by a large immigration from abroad, to which the soil itself has not yet the attractions of a native land, but to which the blessings of the institutions are paramount. When, nevertheless, the State right doctrine finds sufficient support, this is only owing to abstract convictions. The natural popular feeling through the whole North is federalistic and if the issue is simplified merely to union or disunion all theoretical speculation is easily set aside. Whatever may be the love of a Northern man for his native State, the Union is to him unquestionably the dearest object, not by his political conviction, but in his feelings, even should his political conviction be otherwise. He is proved to be an American citizen, and readily forgets in it to what particular State he belongs. This is not the case in the South. A Southern man calls himself with emphatic pride a Virginian, a South Carolinian, etc. That he is at the same time an American citizen, is for him a secondary consideration. This paramount devotion for the State of birth or residence, originally existing in the South, and not much disturbed by large immigration, is fostered by her particular domestic institution, the more so, since it has become the object of dispute and aggression. A Southerner, to be a federalist by conviction, must to a certain degree overcome his dearest feelings, and of course the people at large cannot as well understand a political doctrine, which would not quite correspond with their natural feelings. Without any doubt, there was, and is yet, sufficient Union feeling in most of the Southern States, but this Union feeling has a somewhat different character from that of the

North ; it is a mere political conviction of the necessity and value of the Union of the States. Therefore the political doctrines about the nature of the Union found the soil already well prepared for a geographical division of parties in this respect, and it is by no means accidental, that the federalist doctrine has been mainly supported by the North, the State right doctrine by the South. It may be doubted, that the geographical division of parties in this respect was strongly pronounced, the North being represented sufficiently in the democratic party, but the present attitude of the North fully demonstrates its federalistic feeling, as the present attitude of the border Slave States and their ambiguous neutrality doctrine fully proves, that the true Union doctrine has been always more or less resisted in the South.

To ascertain how far the dangerous consequences of this state of things can be either counteracted or entirely removed by constitutional amendments, it is necessary to enter into an examination of the Constitution itself.

By the Constitution of the United States, three distinct characters have been legally introduced into political life. Democracy, the republican form of government and the peculiar bond of union. Of these characters, the two former were not new in the history of mankind. There have been democracies as well as republics. Furthermore, at the time of the Revolution the Colonies were really and in substance already democracies and republics ; their internal political life only required the corresponding external forms, and after their separation from the mother country there was hardly a choice left for the external forms. To the founders of the Constitution, therefore, the introduction of democratic principles and the republican form of government was not a part, but only a condition of the problem, which was to be solved by their wisdom. But democracies and republics have almost always proved failures in history, unless in rare cases favored by exceptional circumstances, and further, they have never been found well adapted to a large and extended empire. Even the Roman empire was not an exception, since political liberty was only a privilege of the metropolis. The full developement of democratic and republican principles, we may say of political liberty generally, is very difficult to reconcile with national power of any extent. Still it was apparent that the American Colonies would not be satisfied to remain small and weak concerns, but that they fully aspired to become an empire of liberty. Consequently, the true problem at the time of the Revolution was not to introduce political liberty, which already existed, at least in substance, but to reconcile the interests of liberty with those of national power. This problem was solved by

the founders of the Constitution, and that it was successfully solved by them, the historical experience of eighty years has proved conclusively. It is this that constitutes their undisputed claim to the gratitude of mankind.

The principles by which this problem was solved, although perhaps not clearly stated in the Constitution, yet can hardly be mistaken. To attain the end by a Confederacy in the usual meaning, has proved insufficient, not only in many other instances in history, but in the very instance of the American Colonies themselves. Small States, indeed, supply somewhat their weakness by uniting their single insufficient power into a common one; but this improves only their weakness, as far as the mere extent of power is concerned, and not a weakness, which would be owing to their political institutions, for the simple reason, that in order to contribute their proportional share to the united power, the single members are compelled to suffer from the conflict of the interests of freedom and power, nearly as much as single States do. Such Confederacies are nothing but close political alliances, designed for more permanent purposes, and there is no essential difference between a political alliance and such a Confederacy, than the time for which they are intended. Of that character was for instance the old American and the present Germanic Confederation. In these Confederacies, the united powers are administered collectively, and cannot be organized according to the principles of a single State, because the external organization must correspond to the internal nature. The several parties retain their full sovereignty and all the attributes of it, and their sovereign political action is only so far restricted as to be bound by the obligations, entered into by the treaty or articles of Confederation; as a single nation, although bound in its political action by obligations of international treaties, is not impaired by them in any way in its sovereignty. In these Confederacies the right of retiring from the alliance is as a matter of course included in the sovereignty of each single member. They require therefore to be perpetual, an express provision, binding each member to this obligation; or if intended to be dissolved under certain circumstances, an express provision, stating the conditions of a possible dissolution. Thus we find in the old articles of Confederation the provision of its perpetuity; and the same is the case with the articles of the Germanic Confederation. Of this description were more or less all Confederations, recorded in history, to the time of the foundation of the American Union. They are useful to strengthen the insufficient power of its single members rather for merely defensive purposes, but would not be the proper form for a power aspiring to a first class empire. Though favorable

to freedom to some extent, in as far as it better flourishes in small States, they by no means really remove the interference of power and freedom with each other, since each member retains its full share of power, and since in modern history the interests of power for many reasons have become more and more embarrassing to small States. But the founders of the Constitution did not recur to such a confederacy, the elements of which they found existing in America; they were not even satisfied with merely improving its organization; for the external organization can only be improved within the limits of the very nature of the confederacy itself. They erected an entirely new political structure. Clearly comprehending the difficulty of reconciling the interests of freedom and power—clearly perceiving how easily, in a political society, the requirements of freedom are sacrificed to the exigencies of power, and still firmly resolved to protect liberty forever, the founders of the Constitution entirely separated the two conflicting and irreconcilable interests by dividing the sovereignty itself into two branches; intrusting to the one branch the interests of freedom, and to the other the interests of power. This is the great achievement of the Constitution of the United States. This is the new idea, introduced by it for the first time into history. And the blessings of this idea have been demonstrated to an astonished world during a period of eighty years, by an unprecedented development of political freedom, and an unprecedented development of political power.

It may be asked whether a sovereignty can be divided? The Declaration of Independence has proclaimed the sovereignty of the people, but as a principle too general to be applicable at all. To become a law, it needs its proper limitations by a legal instrument, like the Constitution. The limitations are twofold: at first it wants to be determined what amount of extension is understood by the collective expression people; and secondly, the particular object needs to be defined. In regard to extension, sovereignty originally always rests with the whole people, comprised within certain geographical limits, and never with a part of them. In single empires it would be always and exclusively the whole nation, which under the forms prescribed by the constitution of the empire, exercises sovereignty, and in the Confederacies of old date it would be always and exclusively the people of the single States under the forms prescribed by their different State Constitutions. But it is clear, that, if the objects for which the sovereignty is exercised under certain prescribed forms, can be divided, the sovereignty can be divided also by its twofold limitations; and that, if the popular sovereignty is necessarily to be limited to its objects, this by itself creates the possibility of discriminating

within a Union between a National and State Sovereignty. The more are we justified to do it, as the modern public law has already separated from the general sovereignty of the State, certain individual rights, and by it created an individual sovereignty, represented by the whole series of constitutional laws, commonly called the Bill of Rights, or all those constitutional enumerations of individual rights, which are protected against any interference of the State, as the freedom of the press, of religion, etc. All these rights possess the full character of really sovereign individual rights, and are apparently intended to be such, notwithstanding the reservation, that they can for temporary purposes be suspended, but never entirely revoked. Yet popular sovereignty and its branches must not be confounded with self-government, as it has been nearly done in the territorial question. The difference between both, though very similar, is, that the one is the sole and last judge and master of its own existence, in other words, has the privilege of self-preservation, or, as it is called, of integrity; the other not. The one can only be established by the Constitution, the other by legislation.

According to these premises, the logical frame work of our Constitution would be about as follows :

1. The statement of its specific doctrine would consist in dividing the popular sovereignty into three branches, according to its objects, viz. : The individual, state, and national (federal) sovereignty. The first is exercised exclusively by the individual, the second exclusively by the whole people, comprised within the limits of a single State or member, the third exclusively by the whole people comprised within the limits of the Union.

2. The objects of these three branches of popular sovereignty constitute the fundamental individual, state, and national (federal) rights. The constitution has, therefore, either to define these rights, which hardly can be done without leaving room for different interpretation, or in default of it to enumerate them, which, though a rather imperfect way, is the only possible one. Our Constitution does so by stating the fundamental individual, and fundamental national rights, leaving to the sovereignty of the States all that is not enumerated under these heads. This is justified, as the State Sovereignty was historically the original one.

3. Of these three branches of sovereignty, the first wants no organization for its exercise, it only creates by its existence the general citizenship, but the other two can only be exercised by the instrumentality of an organization. This must be done for the State Sovereignty by the several State Constitutions, and for the national Sovereignty by the federal constitution. Hence, the last

and third contents of our Constitution are the organization of the National Sovereignty. That has been done, according to the principles of modern public law for a single Sovereign State, by separating the Executive, Legislative and Judiciary powers, and by representing the two other branches of sovereignty in two distinct political bodies, for the purpose of legislating and of controlling the executive branch of government.

It cannot be objected against the distinct establishment of national sovereignty, that the States are individually represented in the Senate, and that every amendment of the Constitution is made dependent upon the consent of a three-fourth majority of the States. A sovereignty, not being individual, cannot act otherwise than by an organization, but this organization must not be mistaken for the sovereignty itself, which, it is well known, can be organized in many different ways and still remains always one and the same, whether its organization be proper or not, perfect or imperfect. So the sovereignty always rests with the whole people and not with their majority, though the whole people cannot act otherwise than by a majority. Generally speaking, the most proper way of organizing any circumscribed sovereignty, is certainly to use for that purpose its real existing elements; and the existing elements, composing the sovereignty of the American nation, are partly the people themselves as a whole, with their individual sovereignty, and partly the States, with their State Sovereignty. Whether a paramount influence is given to the latter or to the former, is for itself not at all prejudicial to the national sovereignty. The American Constitution very properly gives to the States a paramount influence, because these, themselves, are already composed of people, who form a part of the nation, and because this paramount influence of the States counterbalances to a certain degree that of geographical majorities.

Owing to the historical pre-existence of the State Sovereignty, originally embracing all these three branches, it was necessary for this political structure to be ratified by each member, but, be it well understood, merely as a historical condition. The lasting effect of this historical act of ratification is the full transfer of the two other branches to the nation.

The two most important points of this frame work are apparently the establishment of a National Sovereignty as the basis for its separate organization, and then the definition of its proper sphere.

By separating the National from the State Sovereignty the American nation took her place by the side of every other single and individual nation of the earth, and the Union of the States did not any longer participate in the character of a treaty of alliance like the old confederacies, it became a national Union in opposition

to an international confederacy, and was rather to be compared to a single consolidated empire with the only characteristic difference, that this consolidation and national existence was restricted to merely national or federal objects. Thus the Union appeared divided into States, only within its own limits, but beyond these limits as an undivided nation, as the American people, invested with full sovereignty in reference to all its national relations. Corresponding with it the nation accepted the forms of a single State, that is an organization, in order to exercise its sovereignty, according to the principles and example of a single consolidated empire; corresponding with it the nation did not retain in its Constitution an article providing for its perpetuity, or for its dissolution, as we never find similar provisions in the Constitution of single empires; for a sovereign nation neither contemplates nor intends to become extinct as a nation. Like all human structures, a nation, after having run its course, may be destroyed by historical events, and these events will be too powerful to be directed by legal provisions of a Constitution. The very silence of our Constitution concerning its perpetuity, in spite of this provision in the articles of confederation, is the most conclusive proof of the establishment of a national sovereignty being contemplated by the founders, and only party prejudice can interpret this silence into the contrary. Those who deem it repugnant, that freedom of action is to be chained to a perpetual obligation, should not confound Union principles with democratic principles. With the latter it may appear somewhat inconsistent to recognize the existence of an unalterable obligation, but it would make no difference whatever, whether this obligation be produced by a Federal or by a State sovereignty.

The secession theory wholly denies the national sovereignty, partly by superseding it by the action of State Sovereignty, partly by refusing to the Union the right of self-preservation or integrity. By this exclusive recognition of State sovereignty, it therefore fully returns to the old international leagues, and even beyond them, by giving to each member an indirect veto power, which these old confederacies prevented by their provisions of perpetuity. The secession theory is the offspring of the doctrine of the democratic party. It may be doubted that this party intended entirely to deny the existence of any national sovereignty, but the assertion, that our Union consists of sovereign independent States, and that the federal powers are only delegated powers, is too often and too emphatically repeated, not to be exposed to such an interpretation. If so, the secession theory, though being an exaggeration, still would be consistent with the principles of that party. The ominous silence of the Constitution respecting its perpetuity is then only to

be explained as an unaccountable omission, and the similarity in the organization of the Union with that of a single State, can only be taken as a mere improvement of the old confederacies, without altering their principles. All Union men of the democratic party would then be reduced to the necessity of defending the Union merely from practical reasons of expediency and sound policy. We do not underrate the full value and importance of these reasons; still the war for the preservation of the Union would by it be lowered to a war for the preservation of its external boundaries; and though this may be dictated by a very sound policy, we should neither expect the sympathy of foreign nations, nor deny to our present adversaries the right of being actuated by another policy. Besides, the extent of the Union is not a vital question. But we emphatically assert, that the preservation of the Union means the preservation of its principles, and not alone of its extent. It means the preservation of the principle of the division of sovereignty into its two branches, which has proven the corner stone of freedom, without which neither our democratic institutions nor our republican form has any permanent value, because deprived of their necessary guaranty.

The doctrine of the democratic party, that the federal powers are delegated, involves a mistake. The powers of the government of the United States are indeed delegated, like the powers of the several State Governments, inasmuch as by our public law the people are exclusively invested with sovereign powers, and all government merely with delegated powers. But the sovereign powers of the nation as a whole, delegated by the latter to the United States Government, are fully transferred and not delegated to the nation by the several States, establishing by it a federal or national sovereignty within its proper sphere. The mistake of the above assertion, therefore, consists in entirely ignoring one necessary and all important link in the logical exposition of our public law.

Furthermore, all those who deny the establishment of a separate national sovereignty by our Constitution make an immense mistake, to suppose that our Union could assume the organization of an undivided nation, without being such; that is, without creating a national sovereignty, not dependent upon State sovereignty. If the doctrine of the democratic party does not clearly commit this mistake, the secession theory does certainly so, and practically illustrates it by its Southern Confederacy, founded upon the destruction of national sovereignty, and still adopting more or less the external forms of our system, in substance, conceding by it the superiority of our Union theory. In a grand political construction, principle and form cannot contradict each other without fatal con-

sequences. A Union of States, intending to be an international confederacy, to be an alliance between different nations for certain permanent purposes, cannot be organized according to the forms of a single nation—cannot simulate by external forms just the contrary of what it intends to be. As in our old Confederacy, as in the present Germanic one—other forms are needed, which may be capable of improvement, but which must always be the true expression of its idea. Hence a collective sovereignty must necessarily assume a corresponding collective organization, and not pretend to be more than it really is. Else the forms will in due time change the idea, or the idea will destroy the forms. The present disastrous situation of the country illustrates this sufficiently, and to hope that the discrepancy between form and principle will perhaps be counterbalanced by a natural harmony between the participating States, is to embark on the open sea without a compass, hoping that favorable winds and currents will guide the ship in safety.

If the sovereignty of the States cannot supersede the national one, without destroying the very system of the Constitution, the latter, for the same reason, cannot supersede the former one. Both are in a co-ordinate and not in a subordinate position. The well-known theory of this Union is, that the whole people of the United States, and the people of the single States, are sovereign, each of them within their own proper sphere. Sovereignty, by its very meaning, does peremptorily exclude all interference, and it is precisely this that protects freedom as well as power. But this theory has its difficulties. The proper sphere of each wants to be defined by the Constitution, and by it we arrive at the point of the greatest difficulty and importance. By transferring to the one the interests of power, to the other those of freedom, we have but pointed out the principal character of both spheres, without drawing by it any distinct line of separation. The Constitution very properly enumerates the federal rights instead of defining them, because a general definition would be too much exposed to different legal interpretation. Still, it must be admitted—and for the individual rights is admitted by Art. IX. of the Amendments—that an enumeration is an imperfect way of evading a proper definition, and that a possible omission ought not to be prejudicial to the natural sphere of the federal sovereignty. Its natural sphere should generally comprise all relations beyond the limits of the single States. Our national existence is dependent upon two conditions: first, upon the co-existence of foreign nations; and secondly, upon the undisturbed relation of the States themselves which form this nation. Thus national objects are: all international relations in peace and war, and all inter-state relations.”

With the extension of our Union over the whole world national existence would cease, and inter-state relations would take the place of international ones. Both, at the same time, comprise almost all that represents the power of the nation. By separating these relations entirely from the Sovereignty of the States, an unlimited and unembarrassed course was thus given to the development of internal freedom. These two relations originally, and strictly logically, constitute the sphere of the national Sovereignty; and if something more be transferred to it, it may be done by agreement, from reasons of expediency, but does not follow from the nature of our system. But, while the sphere of international relations in peace and war is hardly liable to different interpretation, the sphere of inter-state relations admits of very wide discussion, and is capable of being more or less extended or restricted. Hence it is to the latter that the political discussion has been chiefly directed. Whether this difficulty of exactly separating the federal from the state rights in a constitutional instrument, ever, will be removed, may be doubted, because both are too intimately connected; yet the same difficulty has been encountered by separating the three branches of government—the Administration, Legislation and Justice—from each other, and is taken to the present day as a great political achievement. Both cases are very similar. In the latter the public law, founded on this principle, was developed by a political and legal contest, not yet terminated, because the three branches of government are also too intimately connected to ascertain by unerring marks its different spheres. Exactly the same was the case with the new principle promulgated for the first time in the Constitution of the United States. A political contest sprang up, which has lasted over eighty years, and has more and more developed in its details the political doctrine of this new principle. The object of this spirited contest is to determine the boundary-lines between Federal and State Rights, and to prohibit the mutual encroachments of both. The early part of the contest was apparently characterized by the greater apprehension of the encroachments of the National Sovereignty over that of the States, but it was the fully justified jealousy of freedom to be interfered with by the interests of power, which animated the contest. For these reasons we meet with those different reservations in favor of State Sovereignty; for these reasons we have in the amendments of the Constitution the Tenth Article, as a check against every attempt to absorb the State Sovereignties. But the struggle has overstepped its limits. The state-rights men may, in defence of freedom, reduce the National Sovereignty to the narrowest possible limits, but must always leave to it at least some sphere, and can never go so far as

to absorb entirely the national sovereignty by that of the States, without materially damaging freedom itself, and destroying the whole fabric of our system. Our system of Union holds, so to say, almost the middle ground between a consolidated single empire and a confederacy in the old meaning. By carrying the political contest, produced by this principle, to extremities, our system is liable to degenerate on the one side into a single consolidated empire, by absorbing the State Sovereignty entirely into the national one, and from the other side to degenerate by the reverse process into a common international confederacy. What the South now endeavors to do, is just the same as if from the opposite side it would be attempted to convert the States into provinces. Would such an attempt not be deemed treasonable?

What is, therefore, the true solution of the question respecting the nature of our Union? Not to end a natural contest, which has contributed to develop our public law, and will continue to do so. This would be effectually done either by a recognition of the right of Secession, or by a transmutation of the States into provinces; on the contrary, to secure the benefits of this contest by circumscribing it within its proper limits, should be our aim. From the one side this has been already accomplished. Article Ten of the Amendments is designed as a constitutional check and safeguard against federalistic tendencies, if carrying their doctrines beyond the limits, and attempting to supersede all State sovereignty. Yet we need a similar constitutional amendment as a safeguard against the other extremity, lest the national sovereignty will be entirely absorbed by State sovereignty; in other words, we need an article affirming the integrity of the Union—affirming the existence of a national sovereignty, within its proper sphere. Between these two constitutional bulwarks the political contest may safely go on to the full benefit of the system, and we may add, that the more jealously both parties shall watch each other, the better for the preservation of the true character of the Union; but we must have the security that the idea itself, which really alone has founded this empire of liberty, will never be lost to us in the heat of the conflict.

By this proposed constitutional amendment the geographical division of parties will indeed not be fully extinguished, if it is true, as we have supposed it to be, that the South is by natural feelings prominently inclined to support the State rights; the North, on the contrary, the federal rights. But this different disposition of both sections does not favor the formation of geographical parties to such an extent that if other more powerful causes shall have been removed, it will endanger the stability of the Union;

may, if kept within the proper limits, it will even contribute to preserve the true character of the Union. When by the proposed amendment we get the two constitutional safeguards completed, which protect us against a degeneration of our system into a common confederacy and into a consolidated single empire, then we have in the different natural dispositions of the two sections the two natural safeguards for the same purpose. The paramount attachment to the native State in the South will be the natural guaranty to the State sovereignty, and an insurmountable barrier against its destruction; and the paramount attachment to the Union in the North a natural guaranty for the preservation of the national sovereignty, and an insurmountable barrier against its absorption by the States. Thus the intimate and inseparable connection of both sections does really preserve the true character of our system.

It may be said, and is lately often repeated, that it is altogether unnecessary and of no practical value to dwell any longer on the constitutional question involved in the present war, because it does not influence in the least degree the events, whether originally the South has seceded by right or by revolution. So it is indeed for all, who entertained the hope or the opinion, that this war will ultimately end by a treaty of separation; but for all, who cherish the least desire for a restoration of the Union in some way or other, it is a point of the highest and most practical bearing. Without the alleged right of secession the South would never have entered into the present movement. The Anglo-Saxon race has by far too much reverence for its own self-enacted laws, to easily embark upon a true revolution; and the imaginary or true complaints which really provoked this war would not have been at all sufficient to silence this deeply rooted sense for law, had the movement not been sustained by the supposed constitutional right to secede. The South did not and does not mean a revolution, but means to stand upon her rights, and to defend them. Without this supposed constitutional right the same causes would have produced quite another effect. If they would have provoked an armed resistance at all, it would have been for a long while a revolution within the Union, and would have retained this character, unless by a protracted and obstinate struggle secession would have been resorted to as a last and desperate expedient.

With a clear article of the Constitution in regard to the national sovereignty, the movement further, if broken out, would have been suppressed in the beginning. Neither the Government, whatever its political party, would have hesitated to act, nor would we have experienced the doubtful attitude of the remaining Southern

States, or the equivocal doctrine of neutrality, or any discrepancy of opinion respecting coercion.

And even now the Southern movement, after having attained its present proportions, is compelled to invoke the right of secession, because it cannot invoke the right of revolution. To preserve the right of revolution as the last and sacred resort of oppressed nations, it needs a full provocation for its exercise. A revolution within the Union, in order to repel encroachments, could have found more or less sympathy according to personal opinion concerning the alleged wrongs. A revolution against the Union, without being any longer a secession by right, will be deprived of every sympathy, for it must be well remembered, that the extensive sympathy, which revolution generally has excited in modern history, must be ascribed to the circumstance that in most instances it has had the character of a progressive movement. As soon as revolution assumes the character of a retrograde movement, the scales of public opinion will be turned. And it is not the least remarkable sign, that the Southern movement is compelled to excite sympathy in places where generally the least sympathy for revolution exists and the shield of loyalty is most needed, that is, where either diplomatic calculations or local commercial interests prevail.

Altogether, if this war shall ever terminate by a reunion of both sections, the constitutional question, involved in it, can only find three possible settlements: first, by recognizing the right of Secession; secondly, by passing over this point in silence, and leaving the Constitution as it is; and thirdly, by recognizing the national sovereignty, or the integrity of the Union. The first of these alternatives is impossible. A proposition to that effect would amount to a proposition of an international Confederacy taking the place of the present national Union. The whole North would unquestionably, we trust, prefer even a separation to such a proposition, in order to save, at least for the remaining part, the living idea of our Union. A treaty of separation would indeed deprive the Union of a most valuable part, but a reunion with the reserved right of secession would amount to a dissolution of the whole, placing on the head of the Constitution the confession of our most vulnerable point as an invitation for internal treason and for foreign aggression.

To leave it as it is, by passing over this point in silence, is equally impossible. It would leave the American people themselves and foreign nations doubtful of the nature of our Union, and we would be exposed to recommence the same struggle again. At the foundation of the Constitution it was unnecessary, perhaps ridiculous, to assert the right of integrity as a federal right, but since historical

events have on a grand scale cast a doubt over the sovereign character of the federal rights, we may safely compare it with the freedom of the press, which would not have been asserted as a fundamental individual right, had no government in the world ever interfered with the press.

Therefore, even from this consideration, and in view of the mighty historical events enacted before our eyes, we cannot escape the necessity of a fundamental article of the Constitution asserting its principle, whatsoever may be the ultimate termination of this war. Even should events compel us to a separation, it would be one of the first necessities to insert this article into the Constitution of the remaining States, to save at least of them the precious idea, which has led the destinies of this country, and will continue to lead the remaining part, however small, to the same greatness, prosperity and power.

And it is with justice that we can demand it; for, by article 10 of the amendments, the South possesses already in the Constitution her safeguard for the sovereign State rights, so prominently defended by her. Else the contemporaneous introduction of both articles together would constitute the true compromise; and it may be questionable whether for this purpose the said article of the amendments would not better be revised, as its present wording undoubtedly admits misconception.

II.

THE SLAVERY QUESTION.

This question is of itself by far inferior in importance to the first point. It has even lost for a while its former interest, since the preservation of the Union is at stake; still the irritation produced by the continued slavery agitation is at the bottom of all our present disasters, and is the first and principal cause of them. For this reason the settlement of this question is of such paramount practical importance, that we are justified in devoting to it the greatest part of our examination. This question needs not only a settlement by compromises, it needs, before all others, a lasting and final solution. Even the absolute extinction of slavery, which may be the consequence of a protracted and embittered struggle, will not produce a final settlement, but only give to our troubles another form.

To solve this question we must take a wider range and remember, that on the American continent different human races coexist. There are the original inhabitants; there is the negro race, imported in earlier times from Africa to such an extent that they cannot be ignored; and lastly, there is a fair prospect that the Pacific States may attract the immigration of Asiatic races. Do we, or shall we admit all these human races to that national existence established by the Constitution? in other words, do we intend to be a nation, composed of all these different human races? This will, in spite of all abstract theories about equality, be refused by the whole American people, with possibly some individual exceptions; this is legally decided by the Supreme Court in favor of the exclusive applicability of the Constitution to the white race, though the conclusions, drawn from this decision, are not all justified; this would lastly be denied by nature and by history, which executes with unerring logic the laws of nature, whatever obstacles human wisdom may interpose. Therefore, if we do not admit these other races to that political community which constitutes our nation, we are compelled to recognize, apart from our principles of equality of men, a political position of race to race, as we invariably do in social intercourse. And we are further compelled to enact laws, and even constitutional laws, which regulate this position of race to race. Now, slavery, as understood in the United States, is theoretically and practically nothing else but a certain position of race to race, and if single instances may occur in which a free negro keeps negro slaves, this is an exception to the rule, and ought at least not to be allowed. This will lead us to the true solution of the slavery question. For if we must and really do acknowledge that the difference of races cannot be ignored, whatever we may think about the degree of this difference, if we acknowledge that the affinities of the same race, and the aversion of different races will, in spite of individual exceptions, always supersede the political ties, if we acknowledge that two races will never form one people, and that even intermarriage cannot materially alter this result; then we are compelled to restrict the equality of men, proclaimed by the Declaration of Independence, by constitutional provisions to its proper and natural limitations, and to recognize apart from the equality of men a position of race to race, to be regulated by laws. The inequality founded by nature cannot be superseded by constitutional principles, and we cannot escape the necessity of acknowledging in our legal relations the laws which nature has written in great and unmistakable characters; our very principle of equality being nothing else than the re-establishment of the laws of nature in our legal relations. The

Declaration of Independence is a political manifesto, proclaiming general principles, the generality of which has to be properly limited by a legal instrument like the Constitution, as we have already stated at the instance of popular sovereignty. But the Constitution did not regulate the co-existence of two races by fundamental provisions; and instead of doing so, introduced into its provisions a single and merely accidental, though prominent result of this co-existence of two races, that is slavery. Refusing the recognition of the natural laws or of the difference of races by constitutional provisions, we were compelled by practical necessities to recognize a single accidental historical result of these natural laws as an exemption from our own laws, or substantially as a privilege. This great and fatal error is already introduced into the Constitution, Article 1, section 2, by discriminating between freemen and slaves (all other people); instead of discriminating between the white and colored races. By this article the colored race was divided into two distinct parts, one of them, by inference, admitted to equality; the other part separated as slaves under the general designation of "other persons," to be counted for three-fifths, since these "other persons" consisted only of colored slaves. By this article slavery was established as the inequality instead of the co-existence of the colored race; slavery was made an exemption for the sake of practical exigencies, or in substance a privilege, as it cannot be reconciled in any other way with the spirit and principles of the Constitution, while another part of the same race is apportioned without discrimination to the white race under the expression of freemen. This fatal error, laying the foundation of all our troubles, remained a long time concealed, because it did not disturb the equality of the States, for all States kept slaves more or less, and therefore participated equally in the privilege. But when the Northern States commenced, one after another, to abolish slavery, the disease began to develop itself by affecting the equality of States. Our forefathers could well afford to look at slavery in whatever light they pleased, for whatever they spoke or legislated in Congress for or against it, they said or legislated for or against all the States. This is entirely changed. If we now say that slavery is an exemption, it signifies at the same time that the slave States are the exceptional ones; if we now say, freedom is the normal state, it signifies also that the non-slaveholding States are the normal ones. The individual exemption, affecting originally only the equality of men, has become in the course of history an exemption or privilege, affecting the equality of States. But the Constitution can never be allowed to confer particular privileges to particular States, or to admit

different States on different terms. Even now the admission of a new State, however valuable, into the Union with exceptional conditions, imposed upon us by such a State, would certainly be considered as one of the most destructive of acts, and we believe that any proposition of that kind would be flatly refused. Yet we have unconsciously consented to it in substance.

How can this be remedied? The original error is, that we ignore in the Constitution the inequality of races, and yet accept it in a single result. The remedy is, therefore, just to reverse it, and to provide by constitutional enactments for the co-existence of races, but to fully ignore slavery. This will be done by eliminating from the Constitution all that refers to slavery, and substituting for it such provisions as may be deemed proper to regulate the relative position of the races. The character of these provisions is very clearly pointed out by the history of the slavery contest. It is generally conceded that slavery is a domestic institution, to be left to the legislation of the States. The same is to be done with the regulation of the proper position of the colored race, taking the place of slavery in the Constitution. This regulation is to be left to the several States as an unalterable State right, equalizing by it all States with regard to their colored population. Furthermore, we have to protect this State right against any legal interference drawn from other provisions or principles of the Constitution, and lastly it needs a revision and alteration of the well known provision of article 1, section 2, which established the fatal discrimination of "free persons," and "all other persons."

We embody our opinion in the following propositions, without paying particular attention to a careful legal wording:

1. It is hereby declared, that the Constitution of the United States recognizes the colored people as a part of the population of the several States, without conferring upon them by Federal law any particular social or political position whatever.

2. It is hereby further declared, that in consequence of the foregoing article, for all intents and purposes of representation and taxation, the whole population, excluding Indians not taxed, is to be counted in full, without any further regard to their social and political position, and that the article 1, section 2 of the Constitution is to be altered accordingly.

3. It is hereby further declared, that it is an unalterable and sovereign right of all the States, at present constituting the United States, and in future to be admitted, to determine and regulate within their own boundaries the political and social position of their colored population, without any restriction, limita-

tion or interference from the Federal Government or legislation whatever.

4. It is hereby further declared, that no article of the Constitution, as well as of the Declaration of Independence, is to be, and shall be so construed as to affect in any way this right reserved in the foregoing article.

5. It is hereby further declared, that the said State right shall neither be altered nor affected by any future amendment of the Constitution, except by the unanimous consent of all the States.

History has presented to this country a momentous problem, which has been never fully appreciated, but which, by taking too narrow a view of it, has become the source of all our troubles. The true question is : Can the different human races, endowed by nature with very different intellectual, moral and physical capacities, and sufficiently marked out by separate affinities, instincts and exterior signs, live together harmoniously in one common political society ? and if so, what are the social and political forms best adapted to that purpose ? Or, on the other side, is a harmonious intermixture of the different races impossible, and have they to be kept forever separated from each other ? This question ought not to be alone restricted to the accidental intermixture of the white and African race in America, but is a general question of vast dimensions to mankind. In most instances the contact of different races has proved disastrous and fatal to the inferior and weaker one ; still, progressing humanity and civilization promises a better solution. African slavery in America, above all in the Southern part of the United States, is an instance that two races, connected in one political society, can live and prosper together, at least physically, inasmuch as both have increased proportionally in numbers, apart from immigration. The institution of slavery was attacked and partly overthrown by the advancing ideas of humanity ; still humanity has yet failed to illustrate by practical results the best forms, political as well as social, under which both races can live together to their mutual happiness and advancement. It remains, as it was before, a great historical problem, which, according to all appearances, requires for its solution yet many centuries to come. It is intimately connected with two other problems, both of vast importance : first, the proper cultivation of certain and extensive southern latitudes for the benefit of civilization ; and then the general question of labor, one of the greatest problems of mankind. This intimate, though not absolutely necessary connection of these three problems will most likely materially contribute to their ultimate solution. It is true, ideas govern the world, and not material interests ; but the latter influence the world and to a great extent are

the guardians against an unrestricted tyranny of ideas. History has, by a very wise combination, slowly prepared the way for the ultimate solution of these three vast problems. Shall we mistake this course of history, and by rudely separating these questions, destroy the fairest prospect of a solution of each of them? What should be our aim, is not the ultimate extinction of slavery, but the ultimate solution of the question, of which slavery is only a prominent feature. All these problems, by their innermost nature, can be worked out only by a great many generations. Experience and philosophy will equally participate in this work. Through long experiments, enlightened by experience as well as by reflection, through failures and successes, we shall slowly approach the ultimate solution. Still we have to legislate for our own times and for the next generations, but not for a late posterity. We therefore can certainly do nothing better under these circumstances than to give to experience and reflection the amplest latitude, and to both the amplest and fairest chance of testing practically their results by legislation. The United States are in that very position. Thirty-four States, independent of each other, emulating each other, and protected by the vast power of their Union against all evil and fatal consequences of failures and false steps, are enabled to give practical effect to every shape of opinion in regard to this question under the most favorable circumstances of the world. But instead of availing ourselves of this splendid opportunity, we return the problem, which was laid into our hands without a solution, not being able to fulfill the sacred duty intrusted to us by history. By our narrow-minded interpretation we have changed a wide and large question into the narrow issue of slavery or no slavery. And instead of understanding that precisely, by our very division into thirty-four States, we are in the fittest possible position for the present actual stage of the problem, we destroy this favorable position, we separate into two different confederacies, each of them placing the very question, for the sake of which our Union is broken, on the utmost extremity of opinion, and to the greatest prejudice of its ultimate solution. It is so little desirable to place this question upon two hostile extremities, that just the reverse should be the aim of the present time, and that just the best of all would be, to let each State follow a different way, and assign a different social and political position to the colored race. The ultimate solution of the problem will hardly be the utmost Southern nor the utmost Northern one. It seems likely and natural that an inferior race, when in political connection with a superior one, will have ultimately an inferior social and political position, whether we start from perfect equal-

ity or from the utmost degree of inequality. Nobody will doubt a moment, that, even under the law of equality, the superior race will unavoidably govern the inferior one, unless this result is prevented by brutal force. Slavery, as an institution, regulated by laws however wanting in improvement, is really nothing else than the government of the superior race over the inferior one, brought into a peculiar system, regulated by material interests. It is capable of great developement by due regard to the progress of humanity, and to the interests and happiness of the inferior race itself. The highest perfection would only be attained, when the very inferiority of the one and the very superiority of the other race mutually supply the conditions for the progress and happiness of both. Whatever may be the last result, we shall best attain our ends by the greatest variety of points, from which we start. The necessity of the case thus requires, to give to all opinions the amplest opportunity of carrying into effect their different doctrines in the form of State legislation and State institutions, and there is not even a shadow of necessity for a particular doctrine in the form of federal legislation. All that is necessary, to cover the whole case in the most perfect way, is to declare, that it is an unalterable and sovereign right of every State to determine and regulate the social and political position of its colored population within its own boundaries. It may be said, that this is nothing more than what we have already done, what everybody concedes, and nobody refuses. By no means is it so. The doctrine of the utmost degree of inequality of races or slavery, and the doctrine of the full equality of races, and all that lies between these two extremities, rest by our proposition on one and the same legal basis in the Federal Constitution. But, according to the old interpretation, slavery alone rested on an exclusive State right, or rather on the privilege of non-interference; but the equality of races, and all degrees of a so-called freedom rested, or pretended to rest, not on a State right, but on the general legal basis of the Constitution, thus advancing slavery to a privilege. That makes a vast difference. By keeping the question as a controversy between slavery and freedom, it was the general impression, if not the general law, that slavery is allowed to exist, because it cannot practically be abolished, that slavery is tolerated rather by expediency. This is not only the well-known view of the republicans, it is more or less the opinion of a great many Northern democrats; and it was even more or less the view of the founders, and of the early age of the Republic. For an evil, tolerated only as a necessity, and left to time for extinction, a period of some eighty years,

without making any progress to the ultimate extinction, is a long time in modern history. This to the Northern population, which had more or less preserved the original impression, was a striking fact; and after the cherished principles of liberty have been fully applied with so much success to the white race, it was natural enough, that, in default of any other object, the minds of men should be turned principally to this single issue, seemingly a disgrace to a power foremost in representing freedom among the civilized nations. But the world moves, and the opposite side of the question has moved too. In the beginning apparently satisfied, only to be tolerated, and not to be disturbed, even by its own partisans, more or less viewed as an unavoidable evil, slavery has by slow degrees commenced to claim a better position, to claim not to be a bare necessity, but to be even a blessing. The pro-slavery party has long since felt its degraded position in public opinion, by being satisfied with a mere privilege accorded to an unfortunate necessity. This is aggravated very much, since by the abolition of slavery in the North it has become a matter of State pride instead of individual pride. The South strives to recover its moral ground, lost in a time, when at the first dawning of freedom her domestic institution was in reality defeated, and, void of a moral foundation, was only maintained by the bare impossibility of removing the rubbish after the destruction. But times have changed. The South provoked by extreme Northern doctrines, reclaims its undermined moral position in the world. This is the deep significance of the intense irritation, produced by the slavery contest; still it cannot be denied, that instead of claiming equality in the legal basis in the Constitution, the South, by her very claims, contributed the most herself to give to her institution the character of privilege, while at the same time the Northern doctrine of the normal state of freedom conferred upon slavery the character of a concession. All this is the more to be regretted, since it is purely a question of States, and not of individuals. The whole contest assumed the full proportions of a struggle for or against privilege, aggravated by the circumstance that a privilege, if granted to a weakness, involves moral condemnation.

The main principles of both sections to be reconciled are from the Southern side; the express recognition of property in men, by the Federal Constitution, from the Northern side, though suffering slavery as an exception, the recognition of freedom as the normal state, or the application of the general principles of the Constitution to the position of the colored race, as far at least as it does not violate recognized State Rights. Both principles, it is true, leave no room for compromise, still they can be reconciled

by a new principle, equally superseding both. This principle is just that indicated by us. The question of slavery and freedom, as understood in the United States, elevated to the broader question of the social and political position of the whole colored race, gives, if left to State Legislation, to both contending parties the equal legal basis, equally annihilating both party doctrines as federal doctrines. The best illustration of the real position of the parties with reference to the Constitution would be afforded, if one of the States would give to its colored population a position, which could be neither called slavery nor freedom. Such third party in the field, with new claims and new necessities, would at once convince a vast majority of the true character of the remedy to be applied. In fact, the real logical division is not slavery or freedom, but equality or inequality, and slavery is only a subdivision of inequality. Now by far the greatest number of States have decided practically by their State Constitutions for inequality; and we would really have already a variety of positions of the colored race, were the colored population of the non-slaveholding States sufficiently numerous to make them an object of particular attention. Slavery is indeed in each slave State at present nearly identical, but without any inherent necessity. To be a living institution, it must move and progress with the general progress of mankind. There is within the idea of slavery, as position of race to race, sufficient latitude for a great many systems, and we would like to see the present Southern Institution divided into many varieties. The less uniformity we have in the social and political position of the colored race, the better shall we agree in the federal relation to this question.

Beginning with the North, we ask, is the republican party prepared to recognize the unrestricted right of the States, including those to be admitted, to determine and regulate within their own boundaries the position of the colored race? The republicans have declared, that they do not wish to interfere with slavery in the States, and it had even the appearance that they will also admit new States with or without slavery. But we require more of them. It is not at all sufficient to secure to the South, even by the most binding constitutional amendments, the non-interference with slavery in the States. That would amount to nothing else than to confer a privilege to the South, or to confirm her already exceptional position. Our propositions require from the republican party or from the Northern States generally, to yield to the Southern States what they ask at the same time for themselves. We claim, that the federal provision, which protects the institution of slavery, shall be at the same time the legal federal title for

the proclamation of equality of races in the North. We do not claim any protection of slavery at all, but we claim freedom of State action for the general political question, which underlies slavery—as well as the equality of races. What we require from the North and the Republican party, is not a surrender of principles, but precisely what has been required from all religious denominations in regard to the question of religious freedom, with the only difference, that States and not individuals or denominations are concerned. With the proclamation of religious freedom as a political law, we could not at the same time prescribe a general spirit of mutual religious toleration. So by the proclamation of equality of all doctrines respecting the position of an inferior race as a federal law, we cannot introduce, much less prescribe a spirit of toleration and kindness to the partisans of the different doctrines, yet after the withdrawal of the powerful arm of the State, religious persecution ceased to exist, and was in due time even extinguished in the minds of men. And we may hope to see a similar result following the restoration of a true equality of the several States in regard to the question of races by a clear and unequivocal amendment to the Constitution. The powerful protection of the Union not being claimed any more for a special doctrine, agitation will die out, notwithstanding the same opinions will be entertained. It is then not any longer a claim of the slave States for protection of slavery it is as well a claim of the New England States for protection of their equality of races, as well a claim of the Middle States for the protection of their inequality of races without slavery. The admission of a new State, with or without slavery, will be then a natural and logical consequence. The free soil doctrine of the restriction of slavery by federal law within its present limits, is one of the most disastrous of doctrines, not on account of the material consequences to the South, for it is very unimportant whether by the natural course of events we shall have any more Slave States or not, but because it contains a moral offense, offered to States, and not to individuals. Can we expect that fifteen sovereign States shall so far forget all self-respect as to sanction by their own legislation an institution, and consent to the disapproval of it by Federal legislation? Can we expect them to submit quietly to a moral condemnation by Federal legislation of an institution most intimately connected with their political, material, and domestic interests? The Federal Constitution can never be allowed to sanction officially such a doctrine, not to mention that it would again give to slavery the character of concession. By enlarging the slavery question to the higher standard proposed by us, this doctrine is of

itself removed from further consideration as a federal doctrine.

Will, further, the North, especially the republican party, consent that no article of the Constitution shall be so construed, as in any way to affect the said sovereign State right. This amounts in substance to the question, whether the Constitution is applicable exclusively to the white race. We dislike to raise the question under the latter form; as there are some reasons for leaving it at present undecided, whether for instance the Asiatic races are excluded in the Federal Constitution or not; then some articles of the Constitution evidently allude to the African race; and lastly, the co-existence of that race ought not entirely to be ignored by the Constitution. It will be sufficient for all purposes to declare that no article of the Constitution or Declaration of Independence shall be so construed as to determine in any way the social or political position of the African race. The republican party will not easily consent to this amendment, touching a part of its platform. But it is very clear that a State right, giving the power of determining the relative position of races, has no value at all, if the Federal Constitution can be so explained as to interfere with it. When a State right contradicts the principles of the Constitution, such a State right must either supersede them, or be superseded by them. It wants not even a reference to the Declaration of Independence. Equality of men is as well as equality of States a fundamental principle. We cannot therefore proclaim a State right in contradiction to them, unless we annul that contradiction by an express provision. The Declaration of Independence in affirming the equality of men, in fact reaffirms only a natural law, and the Constitution may very properly circumscribe it by its own natural limitations. But the limitation goes not even so far as to prohibit the application of the general principle to the African race, but only reserves the question of this application to the sovereignty of the States. Besides, if the exact question of the political equality of the races, without any connection with other political issues, should be put before the people, it would be negated by an overwhelming majority in the Northern States alone, the State of New York having in fact given an overwhelming vote against it on the same day on which it indorsed the republican platform. Why should the republican party therefore not be content to uphold its doctrines on an equal federal basis with opposite ones. It is no sacrifice of principles to concede equal rights to different principles upon the same subject. A Catholic, who votes for religious freedom, does not surrender his religious opinion, and we see no reason why the republican party

should not vote for a perfect neutrality of the Constitution in regard to the equality of races, or, in other words, not vote for an amendment, which declares, that no provision of the Constitution shall interfere with the relative position of the races. Even those who intend an abolition of slavery, must admit the absolute necessity of this provision, as in all States, where the proportion of colored population is very large, it would, after the abolition, be equally impossible to regulate the relative position of the races according to the principles of the Constitution. Moreover, it is high time to cut off every possibility of using the Constitution either as an anti-slavery or as a pro-slavery instrument. The people are without any doubt sufficiently satisfied that it can be used for both purposes.

We have now to examine the Southern claims. The slaveholding States claim, above all, that the Federal Constitution recognizes, or has to recognize, property in men, and with it all logical and legal consequences to be drawn therefrom. This is resisted to the utmost, and with the fullest right. The true reason, why the South insists with such pertinacity upon this recognition, is rather the satisfaction of a moral recognition of slavery, than the material advantages of the legal deductions therefrom. We may acknowledge that this satisfaction be due to the South—we may even be convinced of the wisdom of this Southern institution, convinced, that nothing will better educate an inferior race, if it can be educated at all, than a mild and human slavery, and that neither some individual exceptions, nor even single offending features of the institution itself, can divest Southern slavery of this character; and still we cannot concede to that institution greater rights than to any other social and political position of the colored race. This would be done, and done to a great extent, if we expressly recognize property in men by the federal constitution. At first it is much to be questioned, whether, according to Southern legislation itself, a slave is really property. The slave is admitted to the membership of political society. He is morally responsible to this society. He is capable of committing a crime, and is personally responsible for it. A crime can be committed against him, not against him as property of his owner, but against him as a person. He has, therefore, a well defined position in society, however low this position may be. His owner has certain rights over him, but however extended these rights may be, the relation between owner and slave is, notwithstanding, a well defined relation of mutual rights and duties. It belongs to the peculiarity of this relation, that it can be transferred only by one party, without or against the will of the other party, for a considera-

tion of money, but not without some restriction, for whenever the slave has become valueless by sickness or old age, and is a burden rather than a value, the relation remains a binding one. It can be only said, that in the relation between slave and owner, the latter is empowered to sell out his part of it, the former not. Thus slavery can be as well called a contract; it is perhaps most properly called an institution, that is, a well defined social and political position of a peculiar nature. But all this is barren dispute about words in a State where this peculiar institution is determined and regulated by special legislation. This latter supercedes all logical and legal deductions, which possibly may be drawn from a definition of words. But that is not the case with the Constitution of the United States. The latter recognizes as a matter of course, slavery, or the right of property in men, if so defined, as far as it recognizes the State-right to determine and regulate the position of the colored race, and it recognizes therefore property in men within the boundaries of those States which define and regulate this property by special legislation, but the Federal Constitution itself has no special legislation whatever which defines or circumscribes property in men. It protects property, it protects men, and whenever a slave shall be put under the protection of the United States Constitution, outside of the boundaries of the slave States, it can only be done by claiming either the general protection of property, or the general protection of men. Both, combined, is a thing that does not exist in the Federal Constitution, or only exists as a contradiction, to be removed by special legislation. The Constitution by protecting slaves only in their quality as property, without recognizing the institution of slavery itself, would recognize only that part of the institution which defines the rights of the owner, without recognizing the other part, which defines the rights of the slave. Thus we would arrive in substance at the following conclusion: Property in men is admissible, provided the property is of colored race, provided the owner is of white race, provided the property itself is admitted by special legislation to personal moral responsibility, provided the owner is restricted in his property right by special laws protecting said property, and defining the rights of said property against its owner.

This very narrowly circumscribed property is to be recognized by the Constitution of the United States under its general protection of property; therefore without all the limitations and restrictions defining it. A candid and unprejudiced mind would nearly come to the conclusion, that within the boundaries of the slave States property in men is recognized, if it does *not* signify pro-

erty, but signifies the institution of slavery; and outside of the boundaries of the slave States, property in men is recognized, if it signifies property, but does not signify the institution of slavery. In fact, the claim of the recognition of property in men would amount to a claim of a recognition of the institution itself outside of the slave States, and from the circumstance, that this institution be defined as property in men, there cannot be drawn any other legal and logical inference than from the institution itself. The institution and its definition are one and the same, and cannot have different legal consequences. Thus we now ask, has the Federal Constitution to recognize slavery as a federal institution beyond the boundaries of the slave States? Slavery is a position of race to race. The federal Constitution gives to the colored race no position at all, but leaves it to the States, and no State has the right to claim that its laws, which define this position, are to be Federal laws. It is the great mistake of the Southern States, to claim in reality, that their peculiar laws are to be extended beyond their own boundaries, are to be Federal laws, while denying the same to the North. A Northern State for instance, conferring citizenship to its colored population, has not right to claim any legal consequences therefrom beyond its boundaries. Slavery, or the utmost degree of an unequal position of the races, stands in the same relation to the Federal Constitution, as the doctrine of equality of races and its legislation. To both a general recognition is equally to be denied beyond the boundaries of the respective States. To define a certain position of race to race, so as to bring it under another general category, can never be the means of obtaining such a Federal recognition. The Constitution has to take the same neutral stand with regard to slavery as to every other position, given by law in any State to the colored race.

These are the logical deductions which we would draw by inference even from the present unamended Constitution, but which we draw with more clearness and precision from our amendments proposed, to set at rest with equal justice Southern as well as Northern claims.

But we have yet to explain more clearly our first and second propositions.

The Federal Constitution, even if it does not, either by its principles or by its provisions, confer any particular social or political position to the colored race, cannot and really does not ignore them entirely, some articles having reference to their existence and even to their position. They cannot be outlaws from the Federal Constitution. The natural inference is, that the Constitution has to consider them as a part of the population, of the several

States, protected by the State Constitution alone, and not by the Constitution of the United States. But as the latter, being a part of the State Constitutions, would nevertheless fully protect the African race, its protection is to be restricted either by the well known decision of the Supreme Court, or, as we propose, by an express article which annuls all inferences drawn from the Federal Constitution and prejudicial to the State right. Such an express article is sufficient to remove this apparent contradiction, and it needs no declaration that the Constitution is only applicable to the white race. Even the latter interpretation would necessitate an understanding how to legally consider the black race, as their existence cannot be ignored. Their quality as property could at all events only cover a part of them. We want the general recognition of the colored race as something, whatever it may be. This can only be their recognition in the general quality of men, or as a part of the population of the States. The Constitution does so by calling a part of them persons bound to service, and by numbering them with the population. All States of the Union recognize them by their moral responsibility as members of their society. Should any State recognize them merely as property, to be treated or killed solely at the pleasure of the owner, and under the sole responsibility of their owner in regard to crimes they commit, then the Federal Constitution could not very properly recognize them as men, or would otherwise interfere with such a legislation. But this not being the case, we disagree, by the recognition of the colored people as men, with none of the States, nor with the present Constitution. The colored people have no individual sovereign rights conferred upon them by the Federal Constitution, and therefore they have no individual Federal duties to perform. They belong nevertheless to the Confederation, and would even be protected in case of need by the power of the United States against foreign foes, and under circumstances in a foreign country. But they are connected with the Federal Government, and can claim its protection, only through the instrumentality of the States and through the instrumentality of the State-rights, and have no individual relation to it. They are protected through the protection guaranteed to the States, but are not protected in individual rights against legislative State majorities by the United States Constitution. We cannot better express the true position of the race to the Federal Constitution than by stating that they are not comprised in the national sovereignty, but only in the State sovereignties; that if in regard to the white race the Confederacy is a National Union, as we have explained it, in regard to the colored race it is merely a league. A veritable league of States has no relation to individuals, but only

to the States composing it, and can never in its Federal Constitution confer individual rights which are placed beyond the reach of any legislative majority, and the protection of which can be invoked against any Federal or State action violating them.

By the recognition of the colored race, including slaves, as a part of the population, slavery is by no means injured, but rather elevated to a higher and nobler standard by making it an institution between men and men, only of different races and capabilities. The South claims the recognition of property in men; we are compelled to divide that claim into its two distinct alternatives, into the claim of the recognition *either* of property *or* of men. We accept the latter alternative, and all its legal and logical consequences. One of these is, that the colored population, whether slave or free, has to be counted in full in the general census, without any regard to its social or political position. Their position does not concern us at all, but is a Southern as well as a Northern State right. Whatever position State laws give to the colored population, it cannot have any Federal consequences. The Federal Constitution has not to take any notice of it.

We must confess that we cannot at all understand the strange interpretation which has been applied to that part of article 1, section 2, of the United States Constitution, which apportions among the several States the amount of taxation and the number of Representatives in Congress. In the said article the number of population is apparently only taken as a means of arriving as near as possible at a just and equal division among the States. No other inference can be drawn. If the number of geographical square miles would have suited the purpose, these could as well have been selected. That the population kept in bondage is taken in the census for three-fifths is very much to be regretted, but can only have been caused by a disinclination to give to that portion the full credit and value of free population. Should somebody draw the inference that property is represented in Congress, he could with the same right contend that because children are as well counted by the article in question, they are represented, or that a man with ten children is taxed and represented in a tenfold proportion greater than a man without children. It is, however, not pretended in said article that a slaveholder is to be taxed for three-fifths of his slave property, nor is it pretended, that he is to be represented in Congress for three-fifths of his slave property. It is a right and a duty conferred upon the States, and left to these to re-apportion it among their own citizens. This article counts the free colored population as full, notwithstanding it gives to them no rights whatever which they do not enjoy by State laws. The article in question could rather prove the contrary of what it is said to prove.

Why, might we ask, are the slave States taxed for property, and the non-slaveholding States not? Why has the one property-representation, the other not? This extraordinary difference would entirely destroy the equality of the States, so carefully guarded in all other respects in the Constitution. Moreover, it was so much against the spirit of the age of the revolution to allow a representation of property, that this article can rather be used to prove that the Constitution does not recognize property in men. The three-fifths rule was evidently intended as a compromise, to avoid acknowledging the slave population on an equal footing; and as all States kept at that time slaves, the equality of States was not endangered by this division of the population into freemen and slaves. We cannot any longer divide our population into free and slave population; we must divide them, if we will divide them at all, into white and colored population, the one being a part of the people of the United States, the other being only a part of the population of the States. But this view is altogether a mistake. There is no need for any division at all, the number of population being in this provision a mere external means by which to determine the proportional power and importance of States. Had the mere geographical size been taken, nobody would have inferred that the soil instead of the citizens were to be represented by it. It could only have been said that the division is an unjust one. A division of the population is therefore entirely unnecessary. In the slave States the slave labor replaces the free labor, and a certain amount of slave population represents the same amount of free population. If it is generally accepted that three free laborers perform as much labor as five slaves, or, in other words, that it wants proportionally more slave than free population for the same amount of labor, then the three-fifths rule would perhaps be justified. But the law, not pretending to make this assertion, the slaves must either be taken as property, and not at all counted, unless property be used for purposes of taxation and representation, or the slaves belong to the population, and have then to be counted with the population, as well as children and free negroes, whenever the population, irrespectively of all its right and position, is taken as a mere arithmetical cipher to express the size and importance of a State for the apportionment of taxation and representation among the several States.

We are therefore of opinion that the slave States are to be represented and to be taxed according to the full amount of their population, including slaves. In regard to taxation, the South has been already nearly taxed in that way, for an indirect taxation by a tariff like ours is more or less a taxation, however unequal, ac-

ording to the number of population. Therefore, the South is the more entitled to have its full representation in the House of Representatives and in the election of the President; and there does not exist the least possible reason why this concession should not be fully made to the slave States, provided, indeed, they do not insist upon the recognition of their slaves as property by the Constitution. This recognition once officially and expressly introduced, all will be altered. A new compromise would then be required to regulate the new and very extraordinary admission of property representation in Congress; a new compromise would be wanted for the apportionment of taxes; for it would be, indeed, a very inconsistent and strange thing to tax the South alone for one single kind of property, and leave all other property untaxed. The North, on the other side, while refusing, and rightly refusing, to recognize property in men, is fully and in justice bound to offer to the South its full share of representation in Congress and in the election of President. Moreover, this alteration will contribute to the better balance of both sections in the Presidential election.

Our propositions do not embrace, at first, the adjustment of all inter-state relations arising from the diversity of the position of the colored race in the several States, and secondly, the position of that race in the common Territories.

The inter-state relations in general are regulated by article 4 of the Federal Constitution, and the provisions of this article are in our opinion sufficient for almost all purposes of the special matter in question. To deliver up a fugitive from justice or service can never be refused under the plea that the crime in question is no crime in the common law, or in the State where the fugitive is found. Every State law, by the Federal Constitution left to a State as a State right, is hereby implicitly acknowledged as a United States law, but of local validity and effect. Every transgression of such a State law within the limits of its validity and effect is thus indirectly a transgression of a United States law. Nowhere within the boundaries of the United States can such a transgression of law be nullified into non-transgression. This in our opinion is the natural legal consequence of a confederation like ours. Should we be mistaken in it, should there be any doubt of it, then the provisions of article 4 may yet be enlarged accordingly by a supplementary provision, declaring that in cases of fugitives from justice or service the law of the State where the crime or the transgression of law has been committed, shall have validity and effect in every Court within the United States. Thus a great many complaints and annoyances would be removed.

It is quite another thing in the particular case when a slave-

holder voluntarily puts himself or his slaves under the jurisdiction of a non-slaveholding State by traveling with his slaves. In such a case there is really no crime committed, according to the above principle, either by negro stealing or escaping of negroes. It would be truly desirable to waive all exceptional legislation in this special case, as it concerns the comfort of some wealthy persons only, who generally have a choice of such slaves in whose faith they can rely. Really the interposition of Federal legislation in favor of traveling slaves is nothing but a favor asked from the non-slaveholding States. To extend that favor may be as well left to the legislation of the States themselves.

Very different is the case when crimes are committed really within the limits of two States, or committed in one, but really directed against another. Then the extent of culpability will vary according to the different laws in the States concerned, and if in any way connected with slavery, such crimes will appear more complicated in their criminal bearings. To prevent and punish crimes of this character would be the very province of special Federal legislation, and it is here sufficient to acknowledge that point, as the matter in question does not strictly belong to the settlement of the slavery question, but is only accidentally connected with it.

In sufficiency of the constitutional provisions has, however, been less a subject of complaint, than the insufficient exaction of existing laws. The escapes of slaves into non-slaveholding States, and the difficulty of their recapture is by far the most prominent, interstate relationship arising from the different positions of the colored race in different States. To remove this evil by more clearly defining the provisions of the Constitution, exacting the delivery of fugitives from service, was the purpose of the Fugitive Slave law. We do not doubt its constitutionality, but we doubt very much its propriety and efficiency, and in our opinion there are powerful reasons for repealing it. Though aggravated by the unfriendly spirit of the non-slaveholding States against the institution of slavery, the inconveniences and losses, encountered by that institution, are owing to its nature are mere disadvantages, outbalanced by many advantages. To meet these complaints would above all require an efficient police force. While the assertion may seem dangerous and inadmissible, it is evident, nevertheless, that for the purpose of slave-catching, a good police under insufficient laws will work better than the best laws without an efficient police. But in the United States there will never be a good police, especially in the rural districts. By our democratic institutions the best police force always will be the good will of the people themselves, and their respect to the laws. The States which really suffer, and still

have complained the least, are the border slave States. Could the matter be left to inter-state treaties, most likely none of the States would pay one single dollar for the purpose of sending commissioners to other States to negotiate such treaties. The New England States, above all, are so far off, and the Canadian frontier is so much nearer, that it is hardly of any practical interest whatever be legislated there upon. But the South, as in all other parts of this unfortunate controversy, wants rather more the moral satisfaction of obtaining justice, and a legal protection extended to slavery, than the real practical results. But the true moral satisfaction can alone be offered by the restoration of a true legal equality, and by refraining from all claims to exceptional Federal protection. If practical results are really intended, it cannot be overlooked that the best remedy against all these complaints is to remove the causes of excitement and agitation. A settlement of the slavery question, of such character as to leave no possibility of connecting the question with national politics, will ten times outweigh any fugitive slave law in practical results. A thorough statistical examination as to how many slaves have escaped within the last ten years, and how many of these have been recovered by the operation and through the instrumentality of this law, would most likely disclose the fact, that but a very trifling per centage has been recovered in that way, and convince us that the advantages of the law do not at all justify its disadvantages. For the propriety of the fugitive slave law is very much to be questioned. It is of itself a police measure, to be maintained and enforced in States which never receive any benefit from it. This character of the law, apart from all political excitement, is in itself sufficient to provoke resistance, and to make it offensive to the North; and all police regulations of this tendency would have a like effect. It would be the same if we enact a Federal law directed against the South, to protect Northern travelers. Moreover, the fugitive slave law is a standing reproach for the North, reminding it of its unfaithfulness to the provisions of the Constitution. It may be with justice, but notwithstanding this, it should not stand on the statute book. The fugitive slave law in its present shape was carried rather to counteract the consequences of the political agitation than as a legal necessity. Nevertheless the repeal of the fugitive slave law can now only be one link in a series of resolutions destined forever to detach the slavery question from the great political parties, and from all connection with the Federal government, in order that the agitation may die out. Delivering up a fugitive from justice or service by one State to another, will of itself always very easily excite jealousies. So it is under extradition treaties, and so it will be,

though in a less degree, even between the sister States of a Union.

It would certainly be exceedingly acceptable, should the border States, by effective police regulations, carry out the provisions of the Constitution. Even the border free States would have much inducement to act in this matter, since it cannot be to their interest to have within their own boundaries a colored population, consisting of escaped slaves. What the other States do, will be of little consequence. Nevertheless we shall, after the repeal of the fugitive slave law, perhaps see the satisfactory result, that all the Northern States, without any exception, will by their own free will enact similar laws, each State with a little difference, to suit its own cherished opinions, but all eager to show that they are inclined to deliver up persons who really owe labor. Would that not be far better than a federal police law, against which every State concerned will in its own way, by its legislation, strive to defend itself to the point of real nullification? We dare not predict such a result, still we find it likely; and look to the repeal or at least to such a revision of the law as to secure the claim of a slaveholder to the value of his slave, without recurring to federal police regulations, not so much as a measure of justice, but certainly as a measure of wisdom.

The Territorial question is divided into two; at first, the position of the colored race in those Territories, which are a part of constituted States, and are transferred to the general government for certain distinct purposes; and secondly, the position of the colored race in the Territories properly so called, or such as are to become States hereafter.

For the first kind of Territories, a natural, just and simple settlement presents itself, and almost all different propositions have more or less embraced it. The settlement we allude to is, that for all the Territories of the United States lying within the boundaries of admitted States, the laws regulating the position of the colored population of that State within the boundaries of which the Territories in question is situated, are in full force, and no other laws shall be enacted. It is not likely that this simple settlement will give rise to any trouble or collision whatever, still it may be admitted as a possibility that it can interfere in some way or other with the distinct purpose for which a Territory is ceded, and that it is therefore, perhaps, better not to deprive the government of all means of meeting and correcting such cases. The only way to do that, without favoring any political opinion, is entirely to exclude the colored race; but the general government can never be allowed within its own jurisdiction, embraced by the boundaries of a State, to alter the position of the colored race in favor of any political opinion

For the District of Columbia, it is apparently preferable to leave slavery in its present state as long as the neighbouring States do not abolish it, and to abolish slavery after these States have done so. But it may, be perhaps more simple and more corresponding with all other Territories of this kind, to declare the District of Columbia a part of the State of Maryland alone, so that this District shall not necessitate any particular and exceptional legislation. Moreover, it is very natural and proper to guarantee to all officers of government and members of Congress the right of bringing their slave servants with them, under full protection against any molestation or interference; it is, furthermore, very unobjectionable to give to the citizens of said Territory a necessary guarantee for due and just compensation in case of slavery being abolished.

All these are points of minor consideration, and will not delay the settlement of the main question. But the Territorial question properly so-called, that is, the law regulating the position of the colored race in the Territories, hereafter to become States, is one of the most difficult and most contested points of the whole controversy, though its importance is greatly overrated.

In regard to these Territories, two considerations above all others practically settle the dispute. The first of these considerations is, that a fundamental constitutional provision, declaring the adjustment of the position of the African race a sovereign and unalterable State right, makes every new State as soon as admitted fully independant in this respect. It is generally conceded by all parties that a new State shall be admitted into the Union, with or without slavery, according to its own will. But we must go a step farther, and claim the right of a State, at any time to alter its own constitutional provisions and its laws in regard to the position of the colored race, or in other words, that a State has a right to introduce slavery as well as to continue or to abolish it. We do not know whether this point is generally conceded. Introduction of slavery, where it does not exist, can as a matter of course only be allowed under the form of importation of slaves from within the United States, not from foreign countries, as the latter is forever prohibited by the Constitution. That an introduction of slavery as defined above, may be resolved upon by a State where it does not exist, is a natural and logical deduction from our propositions, giving, as they do, to the Federal Constitution a position of the most perfect neutrality in regard to the question of races; and if the States are to be independant at all within their own sphere, it can be of no influence, whether a measure may be considered by the other States as of a retrograde or progressive character. Moreover, it is a practical necessity. In the old States the question,

whether a State where slavery does not exist be allowed to introduce it, is of no practical value; for it is not likely that this ever will be attempted, as the reasons which have induced the old States to abolish slavery, are taken more from practical necessities than from theoretical opinions. But a young State cannot, and ought not to be bound forever to the decision of the small number of its first inhabitants. This first decision depends by far too much upon mere accidental and temporary influences and dispositions.

With this fundamental law no party needs care very much about what is going on during the very unimportant territorial condition, every party having to look to the time when the laws of climate and soil, and sober reflection respecting the real necessities of the State in question will ultimately supersede all efforts of political excitement and agitation, and every party will be content that all efforts to the contrary can only delay, but not impede the ultimate consummation of these higher influences.

The second consideration of the greatest importance is, that any settlement, entered into in regard to the territories, and to the slavery question generally, must be of such a character, as to exclude all further necessity of Congressional legislation, and all possibility that any great national political party can be again founded on principles, touching the slavery question. In this point almost all parties agree. As soon as the slavery question has been entirely and surely removed from the national politics, the excitement will lose its basis, and die out of itself. In consequence thereof the new Territories will most likely produce very little or no agitation at all. People will very soon know, that, when no more scope offers for political capital, it is not worth while to exert great energies to obtain but little, and after all nothing else than what will be gained by itself, or, if gained in an artificial way, will very soon be lost by natural influences. To promote this desirable result, Congress should be entirely relieved of any connection with the question, whether a new State is to be a slave or non-slaveholding State, and the position of the colored race in a newly-admitted State, may be as well decided by its first legislature, and this decision become a part of the State Constitution after being ratified by the vote of the people.

Provided a settlement of the slavery question of such a character and with the above enlarged interpretation shall be obtained, then the South is, in our opinion, practically not further interested in the territorial question, and has only the moral interest that its equality before the law will not be injured.

The difficulty in the settlement of the territorial question is to a

great extent produced by the circumstance that the Territories themselves are a temporary anomaly, are themselves a compromise with the Constitution. To consider them a common property is not quite right. If property at all, they are certainly not the common property of the Several States, so that every State would be entitled to a share, but only the property of the sovereign nation, or, better defined, they constitute a real part of this sovereign nation; and the interests of the nation, and not the interests of the single States, have to be consulted in regard to them. But even this can only be done to a very limited extent. The main character of the Territories is without any doubt that they are hereafter, and at a not very distant period, to become States, or sovereign members of the Union, so that their territorial condition is only temporary, to be followed by a lasting one. The natural inference is, that the passing and temporary condition should in no way prejudice the lasting one; and this above all in political questions, which are exclusively reserved to the State sovereignty. In that respect the Territories are to be considered as infant States, placed during their minority under the guardianship of the United States, and Congress has only one paramount duty towards them, that is, to guard the welfare of these infant States, irrespectively of all private wishes of the old States. Of that duty, to the United States intrusted, it would be the most flagrant violation to make the Territories an object of political quarrels. A right to claim the Territories for freedom, that is for exclusive theories of non-slavery in regard to the African race, the North has not, nor has the South any right to claim it for slavery. That this cannot be done under the plea of property, in consequence of the definition of slavery as property in men, is already explained in another place. We take another basis, in order to decide the question in conformity with our propositions.

The Federal Constitution, not recognizing any social or political position of the colored race at all, except within the States, far less recognizing any position of the race whatever as normal, neither equality, nor bondage, nor inequality without bondage, hence, every doctrine upon this question, as endorsed by State legislation, being fully and equally entitled to equal consideration, and hence, no constitutional federal law being admissible in favor of one doctrine, since that would indirectly prejudice all others; therefore, only two main alternatives are left in regard to the territories: either all doctrines must be admitted on an equal footing over the whole extent of the territories, and be allowed an undisturbed and undisputed developement, or none of them must be admitted at all.

In the first case the colored race is admitted under every position which any State at present gives them, or which any State may deem fit to give them in future times. In the other case, the colored race is entirely excluded from the Territories, until being States, they shall themselves decide the question.

The first alternative is in substance the Southern, the other in substance the Northern view, both altered in conformity with the principles of our main propositions.

A third and last possible way is, the compromise of these two alternatives by a proper division of the Territories; but theoretically speaking, this compromise should be such, that in the Southern portion the one possible alternative, the admission of all doctrines, in the Northern portion the other alternative, the admission of none of these doctrines, or the exclusion of the race be resolved upon. By the influence of the political contest, this compromise is altered so, that in the Southern part all positions, without any exception, in the Northern part all positions with the single exception of slavery are to be admitted, taking therefore again more or less the form of inequality. All these compromises through the great excitement of the times, have the appearance of justice, without being just in reality.

Practically every compromise line is the admission of the Southern view. Nobody believes that even under the operation of the extreme Southern claim, slavery will ever penetrate into the Northern part. It may be that, if allowed, it will overstep a little the Missouri line, but that would be balanced by the greater advantage of not being bound on an unnatural straight line, and of getting by it more natural frontiers. To what purpose will we therefore exclude slavery, where it is by itself excluded? We cannot see, in a compromise line, anything else than either a theoretical satisfaction for Northern doctrines, or a theoretical offense to Southern doctrines. We must draw the attention to the fact, that freedom, though a very proud and attractive word, means in this connection nothing but the exclusion of one distinct position, the institution of slavery; besides this the word freedom leaves it undecided, what particular social or political position is really meant, whether the doctrine of equality of races, represented only by some few New England States, or the doctrine of inequality of races without bondage, represented by all the other Northern State. Nobody can say what is the real position of the race in the so-called free Territories. To make the confusion more confounded, it needs only that one of the States would alter its system of bondage, for instance, to a kind of coolie labor system, and claim for it the Territories, and we would at last be compelled to parcel

out the territories under the thirty-four States to suit their particular doctrines in respect to the best position of the colored race. We see, at least, that the territorial question stands on very feeble logical deductions.

Practically speaking, it is to be remembered, that the immigration of free negroes will most likely not be sufficiently large to raise a question at all about them, and a compromise line is really but an anticipation of that, which is most likely to follow, if left to natural development. Whether this anticipation is wise or not, depends to a great extent upon the examination of the question, what is our duty to the Territories ?

For the purpose of examining this question, we can as well dismiss all compromise lines, joining them with the original extreme Southern proposition ; for all that can be said against the latter, can with the same force be said against the restriction of the Southern view to a certain Southern extent. Both the *full* Southern doctrine, and its restriction to certain geographical lines, amount practically to the same thing. Even the proposition of converting the Territories, or a part of them, immediately into large States, though very attractive in some points, is after all the same compromise in another though very ingenious form ; but it is much to be doubted whether the practical difficulties to be encountered by such States, with a small number of inhabitants, spread over a vast and uncultivated Territorial extent, will not far outweigh any advantage, and whether the advantage of settling the controversy will not prove a great disadvantage to the territories themselves.

We therefore examine the question, narrowed down to the two original alternatives, viz. : are all the doctrines respecting the relative position of races, endorsed by States, and in future to be endorsed by States, to be admitted pell mell into the common Territories, or none of them, and therefore the colored race to be excluded from the Territories, until these are admitted as States. And further, which of these both alternatives does the welfare of those infant States require ?

The first alternative leaves room for some serious objections. The Federal Constitution not applying, by any of its articles or principles to the social and political position of the colored race, this expressly reserved State right, entirely denied as a Federal right, must nevertheless be exercised in some way or other, when accepting the Southern view, and the deficiency must be supplied by special legislation, either of Congress or of the Territorial legislatures. Indeed, there are other reserved State rights also to be exercised within the Territories, with this great difference, that other State rights may be supplied by inference from the Constitu-

tion, whenever the territorial condition requires it, while in this special case it is entirely denied. Shall we, therefore, recur to the doctrine of popular sovereignty? We have fully explained our opinion, that popular sovereignty is of itself an abstract idea, which needs proper organization and limitation to be at all applicable, and that the Constitution contains only three forms by which popular sovereignty can possibly be exercised. The Territories are not sovereign, and can of themselves not assume sovereign rights; They can only be invested with municipal self-government, placed under the control and co-operation of the national government. To leave to municipal self-government the exclusive exercise of a sovereign State right, would be at least an anticipation of the proper time, and it could be rightly asked why the Territories, invested with State right, are not admitted as States? Thus legal as well as practical reasons, illustrated sufficiently by the late Kansas troubles, combine not to allow the untimely exercise of this express State right.

Yet slavery and freedom, as positions of race to race, must be determined by special legislation, necessarily, but by no means properly, left to the Territorial Legislatures, with the co-operation of the Federal Government. Under the supposition of a compromise line, this special legislation would for the Northern part fully amount to the exercise of the State right itself, with the sole restriction, of no practical value, of slavery not being allowed; and for the Southern part, with the rather despotical command that slavery is to be introduced; for, as we have explained, property in men has no legal and logical existence in the Federal Constitution, except within States, and wants special legislation to become a reality. This special legislation is not only allowed, but it is even prescribed to those Southern Territorial Legislatures. Supposing the majority of one of these Legislatures consists of anti slavery men, an occurrence, after all, not entirely impossible, and refuses to comply with this command, have we then not a case which clearly shows that all the Kansas troubles can, even with a compromise line, again be revived in another form? To exclude slavery is easier executed than to entail it on the Territories. The Federal Government could not even undertake the latter without being prepared to supply the necessary special legislation in case of need. Furthermore, a strict interpretation of the Constitution would not even allow the federal officers either to approve or to veto any legislation of that kind, because the Federal Government and its officers have to ignore entirely any legislation respecting the position of the colored race, except under the medium of State right. If that is doubted, it is at all events of the greatest importance to

keep the Federal Government clear from any connection with the question.

We see how difficult it will be at first to invest the Territorial Legislatures with all substance of a State right; how difficult, further, to reconcile the governmental participation with the avowed neutral position of the Constitution; how difficult, lastly, to allow all the different doctrines the use of the common Territories pell mell without legislation. Would this state of legal confusion, would the last remaining chance of reviving the Kansas troubles, be consistent with the least consideration of the welfare of these infant States?

There is another side of the question carefully to be weighed. Apart from all abstract or legal principles, it is generally conceded that slavery depends on soil and climate. The right of the South and the right of the North is very much spoken of; but to decide the question for the welfare of the Territories requires, above all, a geographical examination, hardly yet made to a sufficient extent. But provided this point be sufficiently settled, in order to dispose in such a wholesale way of the Territories, there is yet a far more important point to be considered. Slavery is not an evil; nay, it may even be a blessing; but whether a population composed of two races is an evil, is quite another and very grave question. The true consideration is not so much that slavery is introduced, but that by slavery a great proportion of colored people are introduced into an infant State, before it has the right and opportunity to decide that question itself. It is not at all to be denied that a large proportion of colored population will be a great burden for a State, whenever slavery ceases to be profitable, and shall be disconnected by it from the question of labor. We ought to be indeed very sure of the climate and soil of these Southern latitudes, not to be exposed to so grand a mistake. Besides there are many, even Southern men, who would decide for slavery wherever a large colored population exists, but who would doubt whether they should, for the sake of slavery, introduce the colored race wherever there is not yet any colored population. The Constitution allowing to the States to decide this question themselves, it is the duty of Congress as little as possible to prejudice, for the exercise of this their future right, the infant States intrusted to its guardianship. Yet, we should think it is the duty of Congress, whenever a Territory is on the point of entering the Union as a State, to present the question in the original form, and not to alter it. A young, even Southern State, without a colored population, has at first to decide whether it will or will not have a great amount of colored population. In other words, the real practical question

for a Southern State, having yet the choice, is : are the advantages of slavery so great as to counterbalance and justify the dangers and evils of a large colored population ? This is certainly a question to be weighed very carefully by a young Southern State, and Congress has no right to prejudice or alter this question. But by the introduction of a large number of colored people the question is really altered. For it is then only to be decided what is the best position for a large proportion of colored population already existing in a State.

All these reasons together have convinced us, that the true and real solution of the territorial question consists in the entire exclusion of the African race, whether free or slave, from all the Territories until as States they will themselves decide the question, reserved to them in the purest and most original form.

Will the South suffer by it ? It could be said that the exclusion of the colored race practically amounts to an exclusion of slavery in an indirect way, though the honor of the South and the equality of the States may be fully saved. We do not believe that the South will be injured by it at all. At first it is pretended that the South must have an outlet for its slave population, not to be over-crowded by it. This is strangely in contrast with the ultra Southern idea of reviving the slave trade again for want of colored population. In fact, with the extraordinary impulse given to the production of cotton, and the great extent of cotton soil yet uncultivated, there is rather an urgent necessity for the South to restrict as much as possible the exportation of slaves, instead of facilitating it. There is neither for the South nor for the North any real necessity of providing against over-population, and the Territories will be no security against it, but only a means of delaying the question of over-population a little longer, should it ever become a serious consideration. During their territorial condition the Territories will at all events very little contribute to such a purpose. It is generally calculated that the Southern portion of the Territories contains about the area for four States ; each of them will have 135,000 inhabitants before it is admitted as a State. If we estimate the number of slaves at the time of admission at 50,000, we are certainly above, not below the mark. Hence all these Territories would absorb during their territorial condition in many years hardly 200,000 slaves, or not 5 per cent. of the present slave population of the South, a number quite insufficient to counteract an alleged accumulation of the colored race, or to affect even the value of slaves. The true interest of the South would be not so much to introduce slavery into the Territories during the short time of the territorial condition, but to

secure the Southern portion of the Territories as future slave States. Does our proposition diminish this chance in any way? The Southern Territories will be peopled mostly by Southern men. It would be strange to allege that by the exclusion of slavery the Territories would be closed to them. Is a Southern man inseparable from slaves? and still out of eight millions of white population there are only estimated 400,000 slaveholders? Moreover we should think the large slaveholders, representing, as they do, a large amount of capital, will not be much induced to remove to a distant Territory, where their property is less secure, and the profits rather doubtful; and the small slaveholders will neither be much induced, as the value of their few slaves is too great a proportion of their smaller capital, to be risked in distant Territories. The last census has sufficiently confirmed this assertion. But why cannot, and why should not Southern men, without slaves, immigrate in to the Territories? And even supposing that the Northern immigration will, by the exclusion of the African race, be proportionally larger than without that provision, this will be of no consequence, by the well known fact that Northern men, after a while in Southern climates, are more or less converted into pro-slavery partisans, as the large part of the Southern population sufficiently proves, which is originally of Northern extraction. Besides, to try the experiment, whether Southern latitudes can be cultivated without slave labor, is not less important for the South than for the North, and it would be only an advantage for the South to learn that even without slavery Southern climates are not lost to cultivation. In regard to that part of Northern immigration, which is thrown into the Territories by the abolition societies, there will be, if no excitement, very little business for them at an earlier stage. When the Territories approach the time to enter the Union as States, there will be perhaps a little agitation of that description, but this class of people will then come too late. And even if by their co-operation a new State should enter the Union as a free State, it would make no difference. This artificial portion of population will after some time either leave, or become real bona fide settlers, who consult their real interests, instead of being the tools of party purposes. They will be converted earlier or later into pro-slavery partisans, and after a while such a State may be recovered again as a slave State, provided climate and soil favor this result, and provided that, as we have stated, a non-slaveholding State can at any time introduce slavery, as a slave State can at any time abolish it. Why then hurry the matter by forcing slavery into the Territories? Time will come, earlier than any necessity for the South requires it, when natural

conditions shall exercise their natural influence. If these natural conditions do not convert the future States south of the Missouri line into slave States, these Territories will certainly not be able after their admission to retain slavery, if introduced before it. And we must confess that it would be a great dereliction of our clearest duties if, with the apprehension that these States would not by their own interests be converted into slave States, we as Territories would compel them to accept slavery.

We consider the Southern territory, by the very exclusion of the colored race, as a rare and extraordinary opportunity of having the slavery question discussed on its own merits and on its own soil by a people really interested in the question, and yet not prejudiced by existing slavery, and with ample time given to them for calm reflection. To discuss the question in Northern States is a dispute concerning abstractions; to discuss it in Southern slave States, is a discussion too much prejudiced by interested motives. Shall we refuse this most favorable opportunity of obtaining a truly impartial verdict? No section which has full faith in its doctrines ought to decline it.

There is at least to be remembered, that with our main propositions the so-called balance of power in the Federal Government and in Congress is of no further significance, inasmuch as the difference between slave and free States, in a constitutional point of view, ceases to exist. From that motive alone to create any more slave States is therefore of no further interest. Whether we shall have an equal number of slave and free States, or whether we shall have one single slave State, has no further influence on the balance of power between North and South.

If we exclude the colored race from the Territories, it cannot of course be avoided that perhaps some few colored people do immigrate into the Territories. They have to do it at their own risk. Furthermore, the colored people at present residing in the Territories cannot of course be expelled, but must be allowed to remain there in that position in which they actually are.

We propose, therefore, as the only impartial solution of the Territorial question, consistent with a true neutrality of the Federal Constitution, about as follows:

In all Territories of the United States, which are to become States, the immigration of colored people is prohibited while such Territory shall remain under a Territorial Government; colored people residing there prior to this provision taking effect, shall be allowed to remain in their former position.

Whenever a Territory has sufficient population to be admitted as a State, no article regulating the position of the colored race

shall be inserted in its Constitution when applying to Congress for admission, but this position shall be determined and regulated by the first regular Legislature of such a newly-admitted State, its decision to become a part of the State Constitution, after being submitted to the vote of the people

The wording of this provision is such as to allow its application to Territories hereafter to be acquired, without committing the impropriety of proclaiming it in a public document. If such a Territory to be acquired is already sufficiently peopled, it will be immediately annexed as a State, and create therefore no difficulty.

It may be objected to these our propositions, that, though they protect the Territories against all troubles, and at the same time entirely relieve Congress from being drawn into the abyss of the slavery agitation, they, instead of it, expose too much a newly-admitted State to all this agitation. But a newly-admitted State possesses all the legal powers to decide that question, and will certainly prefer to risk the danger of this decision after an undisturbed Territorial condition, than without that risk to suffer from all the consequences of past Territorial disturbances at its very beginning. Still it may be very acceptable to strengthen a new State against the dangers of these internal troubles by deferring its admission into the Union a little longer than we usually do. This can be effected by fixing the number of population necessary for the admission so high as to be sufficient to represent the State in the House of Representatives at least in equal number as in the Senate. It cannot be denied that the extraordinary haste in forming new States out of the Territories was partly owing to the incessant slavery agitation, and to the desire of avoiding its inconveniences. As soon as this agitation shall have subsided, there are many good reasons for the opposite course; above all, since such an extent of geographical area is apportioned to these new States.

Lastly, in regard to the slave trade, it is with but little exception generally admitted that every importation of slaves from abroad is, as heretofore, to be prohibited by Federal law but in regard to the inter-state slave trade we would deem it consistent with the principles laid down, that every transportation of slaves within the Union, by land, navigable rivers and sea, cannot be interfered with by the General Government, when in conformity with the laws of both the place of departure and the place of destination.

If we review the substance of all our propositions for the settlement of the slavery question, giving, as they do, practically all, and

perhaps even more, than the Northern party demands, and giving to the South in exchange for all this only one single practical advantage, the larger representation in Congress and in the Presidential election—not even demanded; we, notwithstanding all this, would consider our propositions as favoring the South, and as acceptable to her, because they restore to that section the true legal, and more yet, the true moral equality, to which the South is fully and really entitled, which has been entirely lost in the course of this protracted controversy, and which not even the most extreme Southern propositions have ever accomplished. Be it remembered that the slavery contest was not one for material interests by whatever sacrifices of principle, but rather a contest for principles by whatever sacrifice of material interests. At no period of the contest material interests were really at stake, and those involved in it were only magnified for the sake of principles. May it be only well understood that it is not the existence of slavery, but that it is the co-existence of the colored race, which constitutes the disturbing element of the Union, and will continue to do so, even if slavery is abolished through the whole length and breadth of the United States. May it be well understood that this disturbing element cannot be removed by ignoring it in the Constitution, but only be removed by introducing it into the Constitution in such a legal form as not to endanger any longer the equality of States, and by eliminating from the Constitution the difference created between slave and free colored people. This being accomplished, the inter-state relations resulting therefrom, and the territorial questions will lose all their importance. If these minor questions can be settled in conformity with the main principles, it will be to the advantage of the final settlement of the whole controversy. But these minor questions were in fact only symptoms of the disease, and mistaken for the disease itself. The remedy which cures the disease will cure its symptoms also.

III.

THE TARIFF QUESTION.

This point, though of far less importance than the two former ones, has still contributed no small share to the formation of sectional parties, and if it can be settled on a firmer basis at once, it will be of very great advantage. In all extended countries the

tariff question, by its very nature, easily produces geographical party divisions, and it does so in the United States, yet would, of itself, not divide the country into its present sections. The Western States have the same paramount agricultural interest with the South, with the only difference that the South, by its slave population, has a far greater capital invested in agriculture, and is therefore by yet stronger material ties attached to this interest. Besides the tariff question always entered into party life in combination with other political issues, and for these reasons the South has appeared as the principal section in support of free trade. It would be entirely out of place to discuss here the merits of the two systems of free trade and protection. That ought to be left, as in all other countries, to the political contest which influences the legislation. But it can be properly asked, whether the character of our Union and its principles are to be equally reconciled with both, and we should think this must be denied. A single State, as a member of a Union, is not entitled to any special positive protection of its local interests beyond the protection against all interference with them. The slavery question presented the great difficulty, that the slavery interest was asking protection beyond the boundaries of the Slave States, or in other words more protection than that which is contained in the principle of non-interference. The same principle ought to be applied to the material interests represented by the tariff question, and as free trade is nothing else but the principle of non interference with the material interests, it has in a Union a decided advantage over a system which requires positive protection of material interests locally limited. Moreover, the General Government is but allowed to raise its revenues corresponding to the population of the States, and to their representation in Congress; and only a financial tariff would be in conformity with this provision of the Constitution. It may be a very difficult matter practically to decide where a tariff begins to be protective and ceases to be financial. But in principle, at least, a financial tariff is the only one corresponding with the character of the Union and the provisions of the Constitution. Still a constitutional amendment entirely prohibiting protection would not quite answer the purpose. It is a possibility that the general interests of the country require protection for certain articles, for which we ought not or do not want to depend upon foreign nations. Then the legislation should not be entirely deprived of the means of retaliation under certain circumstances, and a constitutional provision will therefore be sufficient, which requires for protective purposes in regard to the tariff a two-third majority of Congress, provided it will be practically possible to

draw such a line that the law shall not be illusory. We should think that the North can well afford to yield in this point, even if it should be considered by some a concession instead of a solution of the questionable point, for the commercial and agricultural interests of the North are identical with those of the South, and all interests together have the very decided advantage of establishing this matter on a permanent footing. The uncertainty of the tariff and its frequent changes are, to all parties concerned, so great a disadvantage, and the stability of the tariff is so desirable an object, that this alone will be a powerful reason for such a constitutional amendment.

IV.

THE QUESTION OF OUR FOREIGN POLICY.

The foreign policy of a nation always reflects its fullest political vitality. Satisfaction or dissatisfaction with the course of the foreign policy of a government is one of the main pillars of its stability, or one of the chief instruments of revolution. We may therefore fully appreciate the importance of a division of the country in regard to its foreign policy, and such a division between North and South can more or less be traced through the history of the United States, the North more favoring a peaceful and defensive policy, the South a war-like and aggressive one. This is deeply founded in the difference of character and interest. Commercial interests and inclinations for the peaceful pursuits of life prevail in the Northern States. In the Southern States the character of the population inclines to a more war-like disposition, and their higher degree of military talent is fostered by the circumstance that a great proportion of the common pursuits of life are more or less performed by the slaves. Still all this would be of little influence if the institution of slavery, and its doubtful and equivocal position within the United States, had not created a restless desire to extend the area of slavery, in order to retain the balance of power. By it the aspirations of the South, in regard to the Central American States, and the whole country surrounding the Gulf of Mexico, have become one of the secret springs of the present movement, and so much contributed to it that it may be doubted whether, without these aspirations, that movement would ever have reached its present proportions. This difference of the two sections cannot, as a matter of course, be remedied by

constitutional amendments or compromises, as the foreign policy cannot, by its nature, be regulated or embarrassed by constitutional provisions. The position which a nation assumes in the world, and its requirements, are always reflecting its very actual and immediate political life.

As far as only the natural disposition, produced by the difference in the Northern and Southern character, is concerned, this has of itself rather a salutary effect. When Southern impulsiveness instigates Northern slowness, and Northern calmness checks Southern passions; when the war-like propensities of one section are controlled by the peaceful interests of the other, and vice versa, we again assert that the intimate connection of both sections does produce just that happy harmony by which one-sided extremities of the natural dispositions of both are kept in check, and diversities of character and talents so far corrected as to appear as virtues, and not as defects. This will be the result as long as no other element is introduced which brings the diversity of character into a hostile attitude. This element has been slavery, and it depends essentially upon a happy solution of the slavery question to remove the disturbing influence of the difference in the foreign aspirations of both sections. We cannot, indeed, expect our proposed solution of the slavery question to arrest all interests created by that institution, nor can we expect that the South shall be satisfied not to be any longer molested within the present boundaries of the slave States. But the unequivocal and more worthy position which our propositions assign to the institution of slavery will materially contribute to the desirable result, that this institution will begin to prove its living capacity more by internal than by external progress, and that the ambition of the slave States will be more diverted from the latter to the former. In order to show its living character the institution, as we have said, must be capable of internal progress and improvement, without which an extension of its area would be valueless, and for this reason the aspirations for extension will lose their intensity and restlessness. Furthermore, our solution does not circumscribe at all the boundaries of slavery to its present area, but gives to its further possible extension but that character of calm and slow progress which is deprived of all exciting and irritating influences. It makes the extension of slavery virtually dependent upon its own merits, and arrests entirely one inducement to extension, the balance of power. By all this we have reason to hope that the interests of slavery will by-and-by cease to be an influential element in regard to our foreign policy.

The plan of a Southern Confederacy stretching from Mason and

Dixon's line to the Orinoco may have great attraction for the ambition of a ruler and a statesman. In some respects it is a sound and statesmanlike conception. The Central American States are in a hopeless and lamentable condition, and offer very little probability of being redeemed by their own energy from their degraded position. There is some danger that with all their vast interests they will fall again under colonial dependency. To be annexed to the present United States does expose these latter to the undeniable danger of exchanging their national character with a rather cosmopolitan one. The vast extent and variety of such an empire would be apt to extinguish our national life. All this must be admitted in justice, and may well be pondered by the calculating mind of a farsighted statesman, and still we must confess that for a people this scheme has more the character of a wild political speculation. To give up a Union which with the single exception of the irritating slavery contest, has proved by conclusive experience of such immense value, only in order to aspire for a new connection not yet existing, but promising to the imagination still greater advantages, would introduce into the life of nations an element which would degrade the history of nations to the standard of commercial speculations, and would deprive national obligations of every principle of public morality, which should be honored foremost by a people ruled by democratic institutions. And this same Spanish America, so much coveted, bears already the momentous and warning inscription that national greatness is not a financial speculation. By the very side of this warning example, history has erected its grandest political structure, in order to illustrate how national greatness is to be attained. Shall we invite history to a new and awful parallel? Here we have a Union, linked together by a single idea. This single idea has proved sufficient to build up from a weak and powerless beginning an empire of unprecedented extent, power and prosperity. The link is severed by altering the idea, and the Union connected by it dissolved. A new Confederacy is founded, owing its origin to the destruction of the same idea which inspired that vigorous life. This new Confederacy aspires to contain a greater extent of territory, a greater variety of nationalities and languages than the former one, but it proposes to bind together these contradicting elements by a golden chain of material interests. It must certainly be admitted, that material interests largely enter into the life of nations, and into the foundation of empires, but it is necessary to discriminate carefully between sound material interests and mere cupidity of wealth and riches. Sound material interests connect the South far more with the North than with Spanish America. And this projected Con-

federacy, linked together by a chain of gold, in order to defend its wealth, that is its principles, against the rapacity of the world, has to be a first-rate naval power, the elements of which it hardly contains at all, but has just cut off by the separation from the old Union. History will draw the parallel, and our children will read its teachings, and know whether the tender and invisible thread of that little idea shall have proved stronger than the heavy golden chain; and if the latter is broken when the former yet keeps together, people will learn that the intellect of the human mind, and not gold or its value, govern the world. Nevertheless it may be our destiny to redeem Spanish America from its degradation. If so, it cannot be done in consequence of the wealth of these countries inciting our cupidity, but by the slow and natural onward march of our institutions, and certainly better with the talisman of our greatness, that is, of our freedom and power, than without it. Whether this same destiny will ultimately contribute to our own dissolution, after we have fully redeemed Spanish America to civilization, to decide that may safely be left to a distant future, to which it rightly belongs.

But with all our expectation that these differences in regard to our foreign policy will, by the settlement of the slavery question either be removed or at least be reduced to their natural proportions, we cannot shut our eyes to the circumstance that this result can only be obtained in due time, and that it would be desirable in this point to meet the South half-way, if possible, by a conciliatory proposition. We have it in our hands to do that, even to a high degree, and at the same time to improve permanently the harmonious working of our Union, if we reduce the number of the Northern States by converting the six New England States into two, in order to use the re-establishment of the balance of power in the Senate as a starting point after our reconciliation. But this proposition requires full explanation, not to be misunderstood. It has two bearings; at first its highly conciliatory character for the South, and secondly, the permanent effect upon the harmony of the Union.

To introduce into the Union again equality of sections instead of equality of States, or the so-called balance of power in the Senate, after we have tried our utmost to extinguish it by the settlement of the slavery question, can certainly not be our purpose. Besides, this balance of power is very easily destroyed again, either by admitting a new State, or by the possible abolition of slavery in one of the old slave States, not prohibited by law. But the introduction of new amendments into the Constitution, in order to dispose finally of all these irritating disputes, will not develope its real

practical effects but by slow degrees. All the old sores will not at once be healed, and it is a very wise policy if we can give immediately a good start to the new life which is to follow these severe troubles. Therefore, though rejecting a sectional balance, its transient restoration may nevertheless be used as a mediating measure between the past and coming political life, as a means of giving a good start to the latter. The balance of power has been so long a cherished and influential idea in the South, that as long as sectional discrimination exists in the minds of the people, its loss will impart to the South a consciousness of sectional weakness in the central Government. Indeed it will be lost again sooner or later, but we hope the feeling of sectional separation will be lost also. If the admission of a new State is only a little delayed, which can be done without damage, and by our proposition to fix a higher number of population for admission of a State into the Union, the doctrine of balance of power will have disappeared from the political contest, and nobody will care whether the new State be slave or free. The final settlement of the slavery question ought to have the effect of extinguishing the discrimination between slave and free states, and no North or South would any longer exist in a political sense, the distinguishing character of both being only observable on both extremities. Sectional difference will be gone, and with it the balance of power delivered to oblivion.

But the conciliatory character of this proposition for the South, intended merely for temporary purposes, would of itself not be sufficient to justify the measure, requiring, as it does, a great and patriotic sacrifice from the New England States, if it cannot be proved that the measure has permanent beneficial effects for the Union. The size and number of States have yet attracted little or no attention. This is entirely left to accident. Only a tendency has increased for forming more and more larger States, in order to dispose a squickly as possible of the Territories. Yet since the Union has grown to its present gigantic dimensions, the relations resulting from the size and number of States assume a little more importance than formerly. Still it cannot be the meaning to improve the disproportion of States by any distinct principle. A certain variety is very desirable, and will contribute a great deal to animate the political life and the harmonious working of the Union. As it would have an unfortunate influence if all individual men should be equal in physical, intellectual and moral capacity, it is the same with States as individual members of a Union. But the harmonious working of this very desirable variety is somewhat disturbed in the United States by the unintentional accumulation of small States just on one extremity of the Union. Could we divide

the Union into States, according to some preconceived plan, we would either not accumulate small States at all on one single point, or, if necessary, rather in the central part of the geographical latitudes. Then what now constitutes a rather disturbing element would become a conservative one. New England has geographically a prominent character; its climatical and geographical conditions are strongly marked, compared with all other portions of the Union of a similar extent, so much so that this alone would be sufficient to give to its population in proper time a distinguishing character. These natural conditions are to an astonishing degree favored by history, New England being populated by settlers who brought with them already a very sharply defined character. So have natural and historical conditions equally contributed to give to the population of New England its prominent character. This is a fact denied by no one, and rather a pride to New England itself. Yet the natural consequence of this fact is, that the New England character, and all that emanates from New England and participates in this character, always excites greater sympathies and greater antipathies than less prominent characters usually do. Hence the New England influence, whether for good or for evil, by its very nature never or seldom exercises a conciliatory effect. This part of the United States contains, with the exception of one larger State, only small ones, and proportionally more States than any other portion of the Union of similar extent. This disproportion will be probably increased in time, because the New England States are in proportion to their capacity already well populated, and have by it less chance of increasing their population in the same proportion with most of the other States. It is in the Senate that this disproportion particularly appears. The admirable composition of this political body has collected within the Senate chamber the highest political wisdom and intellect of the country, but at the same time has invested this assembly of our prominent statesmen with that conciliatory and moderating influence which is generally exercised by age, wisdom and experience. It is to the Senate of the United States that we look when the troubles and passions of our political life begin to assume an alarming aspect. It is therefore in the Senate that the influence of New England, according to the very nature of its character, should be just the least severely felt. This would not be corrected, perhaps even aggravated, if the opposite extremity would have been equally represented, because we do not intend to witness within the Senate the contests of the most extreme opinions. These opposite elements, whether the most intellectual or the most passionate extremities, both are equally sharp-edged, and both equally unfit to

be represented foremost in the Senate. If we examine the history of the slavery question, as the best known instance, it is well known that the influence of New England and the influence of the extreme South have given to this political contest its bitterest character, though both were really the least interested in it. Yet there is the difference that the most Southern extremity of the Union, though containing some small States, does not constitute such a patch of small States, which, by its geographical and climatical features and by the character of population, is separated from the remaining South, and therefore our attention in this respect would be principally directed to the New England States. What we disapprove is consequently not the smallness of single States, but the characteristic accumulation of small States on one single point, where just the contrary would be desirable, that is, on one extremity which is separated from all other parts by very distinct geographical and historical features, and still not large enough to constitute a whole section, even if we would allow some influence to sectional divisions. What further constitutes the disturbing element is, that this disharmony is the most felt in the composition of the Senate, where it should be the least felt. It is in this light that we consider our proposition as a permanent improvement for the harmonious working of the Union.

New England influence has watched over the cradle of this Union, has guided the infancy of this Republic, and the Union has derived from this proportionally great influence more good than evil. But the Union has fully arrived to the days of manhood, and begins to hate the influence of a guardian, though there is ample reason to be grateful for the guardianship. As in private life this is usually the case, and it is wise to restrict in time the parental influence, and to convert it into the more proper one of a friend. This is about the secrecy of this chapter in the political history of the United States.

It may be that our proposition, as a permanent improvement alone, is not sufficiently justified, as it is far less sufficiently justified as a concession to the South for temporary purposes; but both reasons taken together may perhaps overrule the objections.

This measure, intending to unite the three Northern States into one, and the three Southern into another State, can as a matter of course not be effected without the consent of each of these States. We do not know whether this transformation has local advantages or disadvantages, but should think it has even some local advantages; but even then we consider it as a sacrifice, because we very well appreciate what hold historical reminiscences have on the minds of a people. Will New England bring this highly patriotic

sacrifice? When the popular vote is to be taken, every citizen of New England has to vote in the double capacity of a citizen of his own State, and of a citizen of the United States. The question itself has this double bearing, and brings these two-fold interests and feelings into conflict with each other. It is one of those rare cases in which a man, as a United States citizen, is called upon to vote in opposition to his feelings as a State citizen, in which the intelligence and patriotism of a people are on a severe trial. The New England people are sufficiently intelligent for this discrimination, and we have the fullest confidence in their patriotism.

V.

REVISION OF THE CONSTITUTION.

The Constitution is often admired as a system of compromises. Yet not being a treaty, but being the supreme law of a single nation, with a peculiar national connection, it is rather a new system, founded on specific political principles. It necessarily contains compromises, because no Constitution can neglect the practical exigencies of the country as well as of the times for which it is intended. It may be not unjustly said that the Constitution has in some respects too much retained of the character of compromise, and in its wording not boldly enough admitted its principles; and if it ever becomes necessary to revise the whole, we have certainly to avoid further compromises, and rather by eliminating old ones, or by better reconciling them with principles, strive to elevate the Constitution to a yet higher degree of systematical perfection. Yet this would form only one, and even the minor and less urgent part of the labor. The greater and more important part is to be referred more to the machinery of our Government than to its principles. It is the working of the organization of the three branches of Government, its powers, and machinery, and questions of this kind, which attract the main attention. But these questions require a very close and calm examination, and the present excited time, even if peace should soon be restored, would not be well chosen for such an undertaking, being too much exposed to be controlled by a one-sided excitement. On the other side a revision of the Constitution is so desirable that it cannot be deferred a very long time; and under the supposition of an early peace, and of no interruption in our peaceful relations with foreign nations, the most proper time will likely be the last two years of the present Presidential term.

CONCLUSION.

The Southern Confederacy has as its basis slavery and free trade. On these two points is founded a project, which is linked to the future by a scheme of aggrandizement founded upon the aspirations of the South in regard to foreign policy, and which is separated from the past by the secession theory; the one forming its attraction, the other its justification. These four points worked together with admirable harmony, to estrange and finally to separate the South from the North, and there can be no lasting reconciliation without paying the utmost attention to them. The first two ought to be entirely removed from the field of political contest by, if possible, a final solution; the two last named points are only excesses or aberrations of two doctrines—the State right doctrine, and in some respects the Monroe doctrine, which of themselves, without being carried to excess, represent but the one side of a natural and fully justified political contest, and which will find, as they have heretofore done, its supporters as well in the Northern as in the Southern people. Their solution consists, therefore, in finding the proper limits within which the contest has to be carried on. This has been done by our first and fourth propositions, by the first directly, by the fourth indirectly, by equalizing the contending interest in that branch of Congress, which is the most influential in our foreign relations. Thus we have arrived at four distinct preliminaries of peace, or better, of reconciliation.

First: A constitutional amendment, asserting the sovereignty of the nation co-ordinate to the sovereignty of the States, or asserting the integrity and indivisibility of the Union

Second: The settlement of the slavery question by constitutional amendments, taking as the basis the difference of races instead of the condition of a part of one of them.

Third: The settlement of the tariff question by a constitutional amendment, based upon the principle that protection in the tariff requires a two-third vote of Congress.

Fourth: The equalization of the number of slaveholding and non-slaveholding States, by converting the six New England States into two, in order to start at present from a sectional balance of power in the Senate, but not with the purpose of its permanent introduction, and with the self-speaking reservation of the consent of all the New England States.

As a fifth point, we have added the revision of the Constitution within the two last years of the present Presidential term, rather as a recommendation than as a condition.

This is in our opinion the result of the theoretical examination of the question, what are the conditions of peace, without any particular reference to its practical bearings. It remains only for us to add some few practical remarks.

The present war can be terminated in three possible ways: First, by a separation of both sections; second, by a reconciliation of them; third, by a submission of the South. Corresponding with these alternatives, three different lines of policy were left to our administration, viz: First, a policy with the object of concluding a treaty of separation under the best possible conditions; secondly, a policy with the object of effecting a reconciliation; and thirdly, a policy with the object of coercing the South to an unconditional submission to the present Constitution and laws. But these two latter policies do not differ so much as it appears on the surface. The former of them necessarily involves coercion in order to conclude a treaty of reconciliation, and the other necessarily involves conciliatory measures after the submission is accomplished for the later pacification of country. The difference of both is, that the one intends submission for the purpose of reconciliation, the other intends reconciliation for the purpose of submission. It is therefore only the question between them, whether reconciliation has to precede or to follow submission.

A peaceful separation could not be thought of without recognizing the right of secession, that is, without sacrificing the most precious part of the Constitution, without sacrificing that which constitutes the sacred inheritance of our forefathers. The former administration perhaps inclined a little to it, because the whole democratic party was too much entangled in the meshes of the secession theory not to be embarrassed by its practical execution. But it was from the beginning one of the great mistakes of the South to suppose that a political structure of such magnitude and such immense historical import could under any circumstances fall to pieces without the most severe commotion by the mere logical deduction of an apparent illegality. It is true, a nation is cemented together not alone by the legal tie of its Constitution. It is nationality, it is history, it is geographical and material interest that largely enters into a national existence. But the two sections for the greatest part are of the same nationality; great historical reminiscences are common to both; geographical reasons keep them firmly together, so that there can hardly be found any sound geographical line to separate them, and for this reason the mutual material interests are intimately connected. That is the broad foundation on which a national edifice is erected, which, by its fundamental idea, enables power and freedom to be developed together to the prosperity of both, a struc-

ture which is wide enough even to allow many dissimilarities of smaller import to exist without hostile interference. Can a single issue, like slavery, can minor dissimilarities of temper and social habits destroy this broad structure? If the historical possibility of this deplorable result must be admitted, the North at least will have saved from the field of battle the fundamental principle of the Constitution intact, which would have been surrendered without war; and the North will then have the consolation that it was not the extent of our power, but this fundamental principle and its undeniable results which overawed the world. Consequently there ought to be from the beginning only the two lines of policy left, which we designate with that of reconciliation, and perhaps not very properly with that of coercion. It is superfluous to prove that all legal reasons, produced at the early stage of the struggle against coercion, were not conclusive and inadmissible. They were either taken from the alleged right of secession, or if purporting to be based upon the true nature and character of our Union, they were really taken from general democratic principles, and not from specific federal ones. To all democratic governments, whether federal or single, it is equally repugnant and equally contradictory to their fundamental ideas to employ force for internal purposes, and still neither can escape the necessity of overcoming this repugnance under certain circumstances. However this may be, the question is now settled by events, and coercion is necessarily to be employed by every policy which does not intend a separation. The difference, as we have stated, has now narrowed down to the question, whether reconciliation has to precede or to follow submission. The Government and the country at large have for the present chosen the latter policy, yet most likely both lines of policy will, in the course of events, either alternate, or be mixed up with each other. Undoubtedly at the very beginning a policy of coercion would have succeeded. At that time it was proper to claim that our Government, by its energetic action, should vindicate its own existence; but since the revolution has spread and attained its present dimensions, it is not any more a question of mere vindication of Government; it has become an extensive struggle between two contending sections, and in our opinion a policy of reconciliation, as we understand it, promises now the better results. Waiving all doubts whether we shall succeed in coercing the South into an unconditional submission, without being preceded by a reconciliation, we must say that the line between such a submission and a real subjugation is quite a tender one, and that above all, by a prolongation of the war, there will be some danger that the best intentions of the Government and of Congress will be overruled by

events, and that both will be unable to control these events. Further the enactment of conciliatory measures, necessary for a pacification of the country after submission, will meet with serious difficulties. If this submission can only be attained by an immense amount of sacrifices, it is very doubtful if that will not eventually check to some extent the spirit of reconciliation in the North; and then these measures to become a law, want the co-operation of the South itself, which will most likely be very little disposed to accept them as a mercy to the vanquished, and retains sufficient lawful power to defeat at least any amendment to the Constitution. Really we have nothing gained by a submission but the bare satisfaction of having subdued the rebellion, but have all our political troubles to commence again. Even punishing rebellion will only be of any value as long as it is intended to operate as a preventative measure. After the submission of the South it will only be an embarrassment to our Government. Furthermore, it is not unlikely that an extinction of the main revolution, even if successful, will be followed by a civil war within the borders of the single Southern States themselves. This is very distinctly foreshadowed by the state of affairs in Missouri, and we may say of most of the border slave States. This kind of warfare will cost to the Union, South as well as North, more blood and treasure than all the regular war between the two sections together. It can only be arrested by a true and full reconciliation, to which the whole spirit of our institutions is distinctly pointing. It is undoubtedly very unnatural to crush to-day an enemy in order to admit him to-morrow to his share of the same sovereignty which crushed him. It may be unavoidable, but the complications resulting therefrom will be manifold, and it is certainly desirable to avoid it as much as possible.

Altogether the preference we have to give to the one or the other line of policy essentially depends upon the notion we entertain of the character of the movement. If we consider it as a conspiracy of a band of traitors, with only a very partial support of the people at large, the policy of coercion, which vindicates at first the authority of the Government, and leaves the consideration of grievances to a later time, is the proper one. If we consider it as an uprising of more or less the whole people of the Southern States, in other words, as a true revolution, we have by no means for that reason to yield, still to treat it with that consideration which a popular movement, after having reached the full dignity of a revolution, requires. Revolution is a vindication of popular sovereignty, acting without its proper limitation and without the instrumentality of an organization. Though an illegal and disorderly act, we owe to it more respect than other Governments which do

not acknowledge at all popular sovereignty, and a policy of reconciliation is for us becoming under circumstances when in other countries the authority of a sovereign ruler would have been merely vindicated. Hence we can even afford to negotiate or treat with revolution without raising a point of etiquette, provided always the object of negotiation is within the Union. Besides, there is no danger any longer that negotiating with the South could be explained into a recognition of its independence, and be prejudicial to us, since the question has been transferred to the field of battle; and as a matter of course any legal deduction from our acts, however prejudicial to us, would not be able to arrest the war.

But it is, and it was always in history, very difficult to ascertain whether an illegal and disorderly movement is a revolution or merely a rebellion, whether it is the sovereignty of the people which is acting, or individual ambition and individual political passion arrogating to be the sovereign people. Many revelations at the outbreak pointed clearly to a conspiracy; but we ought to remember that almost all revolutions were interwoven with ambitious and personal designs. We possess little reliable information at present from the South. What we know is, that the border slave States are more or less divided; that in the single State of South Carolina there is hardly any Union feeling; and that this State has hastily precipitated the movement, in opposition to the more expectative attitude of the other seceded States. All this and many other reasons justify the supposition that there is a good deal of Union feeling yet in the South. But our calculations in regard to it must not be too sanguine. The Union men of the South will prefer the old Union to a separate Southern Confederacy, unless events leave them no longer any choice. The slavery agitation has produced an irritation too deeply rooted, and the secession theory, at least as an abstract doctrine, too long a time influenced the political conviction, as not to paralyze the Southern Union feeling in its power and influence. Very few Southern men, though loyal to the Union in their feelings, will hail with joy a termination of the war which would include a humiliation to their section. This is by no means a war to measure strength with the South, a result which is already too much brought into the foreground by the war itself, but which ought to be extinguished at least by its termination. This is one of the strongest reasons which recommend a policy of reconciliation. To hold out to the South a satisfactory, and at the same time an honorable termination, can fully be reconciled with a vigorous and energetic prosecution of the war. If the war en-

genders passions, which are perhaps honorable for our armies in the field, and contribute to some extent to animate their martial spirit, it is becoming for Congress not to participate in these passions, but to be elevated to a higher standard of statesmanship. Our armies have their duties, and Congress has hers; and among the duties of Congress is one very sacred. A whole section of the people of the United States is not represented in Washington; still it is lawfully the people of the United States who are in Congress assembled, and are enacting laws for the whole Union. The Northern representatives therefore have a far greater duty than ever before of considering the welfare and interests of the Southern section, at present not represented. If our Northern senators and representatives do not wish to be considered as a sectional parliament, but as the lawful Congress, which they are, they have to supply the empty places by their own exalted wisdom and moderation. Then only will history endorse this legal interpretation. The best opportunity for thus acting presents itself by paving the way to a reconciliation. This can be done by considering a proposition to empower or to induce the Executive to receive, as well as to send, at the proper time, commissioners of peace, provided their purpose is a reconciliation within the Union, and to recommend to the Executive at the same time those preliminaries of a treaty of reconciliation which will, in the opinion of Congress, be best adapted to such purpose.

Such a step cannot be mistaken. It amounts virtually to a proposition of a treaty of reconciliation under these conditions, but it is at the same time a political manifesto, directed to both sections of the country, and to the world at large, distinctly declaring our policy. It does away with all doubtful and vague expressions and resolutions, and points to acts and not to words. No one could doubt any longer the object of the war, which would be unmistakably pointed out in a proposition for its termination. Our cause is relieved from all these abstract discussions about right or wrong, and is restricted at once to a discussion of the soundness of real practical points. That will immensely contribute to gather firmly around the Government all the true patriotic Union feeling of the country North and South, and all the real valuable sympathy of the world. It will leave perhaps dissatisfied some extreme parties, but it will on the one hand silence all peace agitation in the North of doubtful character, and on the other hand arouse in the South all dormant Union feeling. It will leave all those who wish for a separation at any price a lonely element, compelled to show its true colors and deserted by all that really does not belong to it. If early propositions of peace are in a war with foreign nations

liable to be taken as a revelation of weakness, they are in a civil war an element of strength. Finally, such propositions are the best and most dignified answer which Congress can publicly give to the many assurances of wishes for peace contained in Southern State papers. Can these immense advantages be outweighed by a repugnance to treating with rebels, or by an alleged necessity of punishing treason at first? We have already stated that the one is no longer prejudicial to our cause, and that the other shall constitute only an embarrassment to our Government, and will most likely be silenced by the overwhelming rejoicing of the country at the early restoration of the Union. It cannot even be said that it is an impropriety to discuss publicly the preliminaries of peace, as it would be during a war with foreign nations; for, as long as the Confederate States are not lawfully recognized by us, Congress has to discuss the welfare and safety of the whole Union. And if these propositions, bearing, as they do, the character of straightforwardness and good faith, and containing, without disregard to the whole, substantial concessions to the South, should be entirely disregarded and disdainfully rejected by her, it will, to be sure, not damage our cause, but substantially promote its success.

However right or wrong we may be in our opinion respecting the line of our policy, and whether events and public opinion shall favor with us a reconciliation preceding a submission, or shall require an unconditional submission to be followed by later conciliatory measures, our propositions remain equally applicable to both cases, because the ultimate pacification of the country must necessarily be a reconciliation.



SPEECH

OF

HON. ELISHA R. POTTER,

OF SOUTH KINGSTOWN,

UPON THE

Resolution in Support of the Union,

WITH AN ADDITIONAL NOTE,

PROVIDENCE:

COOKE & DANIELSON, PRINTERS TO THE STATE, 16 WEYBOSSET STREET.

1861.

S P E E C H

OF

HON. ELISHA R. POTTER,

OF SOUTH KINGSTOWN,

IN THE SENATE OF RHODE ISLAND, DURING THE SPECIAL
SESSION, AUGUST 10, 1861.

Mr. POTTER, of South Kingstown, offered the following resolutions :

Resolved, That in the present crisis of our public affairs, there ought to be a full and sincere union of all political parties in support of the constitutionally elected government of the United States, and that this General Assembly pledges to the President of the United States the best exertions of the government and people of Rhode Island, and its entire resources, for the preservation of the Union.

Resolved, That His Excellency the Governor be requested to cause a copy of this resolution to be transmitted to the President of the United States.

Mr. POTTER said :—

Before taking the question on the resolutions I have introduced, I wish to offer a few remarks.

The resolutions are intended to encourage and bring about a union of all parties for the sake of the Union. Since the affair of Fort Sumter, there has been a general disposition manifested in this State to support the national administration. The Democrats were generally disposed to support the President in his efforts to preserve the Union, if they could be allowed to do so, but unfortunately there was with a few persons a disposition to denounce every one as a secessionist who did not agree with them in full, and more especially if they had an old grudge against him.

When I heard the address of Governor Sprague, at the opening of the session, in which he spoke of the power and resources of the South, I could not help thinking that if that address had been made three weeks ago, the Governor himself would have been denounced as a secessionist, notwithstanding all he had done and risked in defence of the Union. When General Scott and the Cabinet are accused of treason, who can expect to escape?

A few weeks ago the people seemed determined not to hear the truth. It would not do for any one to say a word about the extent or productions of the slave States; and to express the opinion that they could not be starved out, or that they would not all run away as soon as we marched against them, was rank treason in the eyes of some.

But the late battle has changed all that. The effect of the battle at the South would be to unite and encourage them, and so far was bad for us; but the effect at the North would be good. It would put a stop to all the bragging and blustering and parade soldiering which had been going on so long, and it would lead people to look upon it as a serious matter, as it was.

I thought a great many times that if an intelligent foreigner had been amongst us, who had seen military service and battles abroad, he would have been perfectly disgusted with the manner in which our people and newspapers spoke of the war, how we boasted of our *grand* army, and how we magnified every skirmish into a great victory, where the Southerners always ran, almost before they were attacked.

And this defeat had rendered a union of parties more necessary and easier to be brought about. As the war advanced and we felt its pressure, we should be more disposed to give up all our own little bickerings and contentions, and to sacrifice personal feeling to the good of the country.

And it has rendered us more willing to listen to the truth about our enemies. We had been trying to conceal the truth from ourselves, and this miserable policy of self-deception had cost us the loss of the battle of Manassas, the loss of many valuable lives, and had probably added years to the contest. We should learn hereafter not to underrate our enemies.

This would be one good effect of the defeat, that the people would now be willing to hear the truth; and with this view I propose to give some statistics of the productions of the South, a subject on which our people appeared to be entirely ignorant. The general idea was that all the South raised was cotton, rice, and a very little grain; and that nearly all the corn and wheat

was raised in the great West. The census tells a different story. We should be surprised to find that these Southern States raised one half of all the corn raised in the whole Union, and a good proportion of other grains.

In order to make the statement fair, I class the eight Southern, or cotton States together, and put the four Northern States, Virginia, Kentucky, North Carolina and Tennessee, together, and leave out of the account, Missouri, Maryland and Delaware, although there is a great deal of sympathy for the slave cause in those States.

	8 Southern States— S. Car., Geo., Flor., Al., Miss., Louisiana, Arkan., Texas.	Va., Kenn., N. Car., Tenn.	Whole U. States.
Neat Cattle, number,	5,393,000	2,864,000	18,378,000
Sheep, " "	1,844,000	3,818,000	21,723,000
Swine, " "	9,053,000	9,836,000	30,374,000
Wheat, bushels, - -	2,826,000	17,103,000	100,485,000
Rye, " " "	134,000	1,191,000	14,188,000
Oats, " " "	11,620,000	30,135,000	146,584,000
Corn, " - - -	124,734,000	174,142,000	592,071,000
Potatoes, " " "	27,106,000	15,181,000	104,066,000
Barley, " " "	22,000	124,000	5,167,000
Peas and Beans, " - -	4,892,000	2,576,000	9,219,000
Butter and Cheese, pounds,	21,478,000	34,245,000	418,881,000
Rice, " "	209,562,000	5,745,000	215,313,000

Thus these States raise all the great crop of rice, one-fifth of all the wheat, one-half of all the corn, and a respectable proportion of other crops. And there is a large field crop of peas and beans, a crop hardly known here. And the number of cattle, sheep, &c., is large. Two-thirds of all the hogs are in these twelve Southern States and nearly half the neat cattle.

These facts are from the census of 1850, as the agricultural statistics of 1860 are not yet published. And since 1850, Texas has increased in population and wealth, and the crop of corn, this year, in Texas alone, is said to be enough to sustain the whole South.

I am very glad to see in the *New York World*, (the administration organ,) of yesterday, a few of these facts stated under the very significant caption of "starvation a fallacy." I will give my views presently of the mode of prosecuting the war.

We used to suppose that the Germans in Texas would be anti-slavery, and would make a free State there. But it is said they have begun to buy slaves, and having gone to Rome, are doing as Romans do.

But there is another thing we ought to consider, as it was always poor policy to underrate our enemies. By the census of 1860, the whole population of these twelve States is over 10,000-

000, of whom six and a half millions are whites. Let us see the number of whites of military age (between 18 and 45) in those States.

The 8 Southern States have	- - - -	506,000
The 4 Northern States have	- - - -	706,000
The whole United States have	- - - -	5,433,000

So that we see the cotton States alone can send a large army into the field and still leave a large force at home.*

In these calculations I have omitted Missouri and Maryland, and given the statistics of Kentucky, Virginia, North Carolina, and Tennessee, because, although there is a strong Union party in these four States, yet the sympathies of a large portion of the people are with the South, and whatever may happen they are not going to see their Southern brethren starve. So also with Maryland and Missouri. The Union men there would like to have their Southern brethren come back into the Union; but they would not like to see them suffering.

The South, too, are fighting with the same advantage against us that our forefathers had in our revolution against the English. They are at home, where they know every road, brook, hill and woodpath, and are accustomed to the climate, and among friends. We are fighting among strangers, where a soldier cannot leave his camp without danger, and with no one to rely on for aid or information.

But it may be said, these figures are all true, but why publish them to discourage us? We charge the Southern leaders with keeping the people in ignorance, and yet we are doing the same here. I am not afraid to trust the people with the facts. The knowledge of the truth would lead to a better conduct of the war. If the Republicans expected to carry on the war as Republicans, it would be a miserable failure. We need the union of the whole North, and we ought to be willing to sacrifice all personal and political feelings to bring it about. And Republicans being in a majority at the North, ought to be willing to sacrifice the most. Suppose once in awhile a Democrat from old habit can't keep from damning the abolitionists? They don't mind it. They are used to it. Let him alone, and by-and-by misery and suffering will bring us all together.

The "on to Richmond party" if not dead, is at least suspended. But there is another faction, equally if not more dangerous, and that is the "on to England" party.

*The whole population of the fifteen slave States is over twelve millions.

There was one newspaper professing to support the Administration, which was now doing more mischief to the Union cause than all the secession newspapers North and South put together. I do not mean the *Tribune*, but the New York *Herald*. If it was in the pay of the secessionists, it could not do more mischief. It has been for weeks abusing England, and threatening to conquer Canada. And we are now getting from the English and Canadian papers, the returns in kind for this abuse. It was alienating them from us when we needed their sympathies. It was trying to get us into two wars, when we could hardly carry on one.

Unfortunately the *Herald* was almost the only American newspaper seen abroad. It was conducted with superior ability, and very few knew the magnitude of the mischief done by it in this war.

Very probably there may be in England a few who are jealous of the power of our Union, and would not be sorry to see it broken up; but generally the sympathies of the English were in our favor, until our papers began to abuse them.

Neither England nor France have done anything but what they are justified in doing, not only by the law of nations, but by American precedents. Our own precedents are strongest against us.

England had a right under the laws of nations to admit Southern prizes into her ports, but she has refused to do it. All she was bound to do in case of a civil war was to treat both parties alike, and if she admitted the prizes of one party to admit those of the other.

When the Spanish provinces revolted from Spain and declared their independence, we almost immediately admitted their flags and prizes into our ports, years before we acknowledged their independence. And our courts acknowledged the state of neutrality, and the lawfulness of the prize, in numerous cases. Texas declared herself independent of Mexico in March, 1836, and within six months after, her flag appeared in New York city; and when the Mexican Minister remonstrated, our government answered that in the previous civil wars between Spain and her colonies, "it had never been held necessary as a preliminary to the extension of the rights of hospitality to either [party] that the chances of war should be balanced, and the probability of eventual success determined. For this purpose it had been deemed sufficient that the party had actually declared its independence, and at the time was actually maintaining it."

And this rule has been recognized by Adams, Clay and Webster, in the discussions growing out of the case of the Spanish Colonies.

A great deal of confusion has arisen from confounding what England has done, viz., recognizing them as belligerents, (i. e., declaring neutrality and treating both parties alike,) with recognizing independence, which is a very different thing. Even if England had done the latter, according to the authority of Adams, Webster and Clay, it would be no just cause of war on our part. But she has not done it.

But there is yet a stronger precedent against us and in favor of England than any I have mentioned. It was our case with Denmark. In 1779 Commodore Paul Jones took some British prizes, and they were carried into a Danish port. Denmark delivered them up to the English, on the ground that they (Denmark) had not recognized our independence. Our government took the ground that in *civil* war, as well as in case of war between nations of acknowledged independence, and even before the independence of the revolutionary government was acknowledged by the old government, or by any government, each party has a right to carry its prizes into the ports of any other nation, unless that nation is bound by treaty not to admit them, or has given previous notice that they will not admit them.

This was the ground taken by Dr. Franklin; it was taken and most ably maintained by Henry Wheaton; it was sustained by John Quincy Adams in a report, when Secretary of State, and only a few years ago by Mr. Cameron, now Secretary of War, in a report made to the Senate.

Wheaton took the ground that in 1779 the United States were *de facto* sovereign, engaged in war, and carrying it on in the usual manner, exchanging prisoners and recognizing the usual laws of war.

It has been said that England is not treating us as well as we treated her in her Irish and Canadian rebellions. There is no similarity in the cases. The Irish never set up a government at all; and though McKenzie, in Canada, undertook to set up a provisional government, it never had any strength. And it cannot be denied that notwithstanding Van Buren's proclamations of neutrality, a large portion of our people did encourage these rebellions by their sympathies.

And it is only by England recognizing the South as belligerents, and maintaining a neutrality between us, that our government is released from being responsible for Southern injuries to

British citizens and commerce. When Spain remonstrated against England's treating the Spanish colonies as independent governments, Mr. Canning, one of the greatest of English statesmen, replied that they must either hold Spain responsible for the acts of the colonies, or they must treat them as independent and responsible for their own acts.

Our Administration seemed to have hesitated whether to treat this as an ordinary insurrection or a civil war; and they have thus involved themselves in some real or apparent inconsistency.

If it is a mere insurrection, then the President has no right to take any measures to put it down except those pointed out by the laws. He might draft militia, but he had no right to call for volunteers, or to do many things he has done.

On the other hand, if it is a *civil war*, then it is a case not provided for by the Constitution or laws; and the President is justified in resorting to all means required by the necessity, and public sentiment will justify him in doing it.

And I am glad to find that the leading administration paper before referred to, admits that it is a *war*, and not a very small one either. And if it is a war, it is to be carried on by us as civilized people, and not as savages. We are to recognize the usages of war, and even if there are cases of inhumanity on the other side, that will be no justification for us. We have always claimed that the North had nearly all the religion in the United States. This will put it to the test.

And our government has in fact recognized this as a *state of war* by declaring a *blockade*. A nation never blockades its own ports. It would be a mere abuse of language to call it so. Our government took this very ground in the case of our claims on the Two Sicilies, that a nation could *not blockade* its own ports. We, therefore, by blockading them, do in fact acknowledge them to be under another government, and not under ours.

While England acknowledges our right to blockade the Southern ports, she denies that we can collect duties there by a mere act of Congress. An act of Congress closing the ports, or authorizing a ship of war to collect duties there, is valid so far as our own citizens are concerned, but foreign nations are not bound to respect it. In the theory of government, protection and taxation go together. We have no right to compel an English vessel to pay duties there, if we have not the power to permit them to land and sell their goods. For all practical purposes these ports are out of our jurisdiction; and here, too, our precedents are against us.

Grenada has lately attempted to close some rebellious ports by a mere decree. England admits the right to blockade them, but denies her right to close by a mere paper decree a port not in her actual possession.

If it is not *a war*, then we have no right to search ships for contraband, a right which belongs only to a state of war. And Lord Derby's argument is unanswerable, that if we claim the rights of war for ourselves, we must allow them to the other party.

And it is probable that by virtue of old treaties, the South have now a right to carry their prizes into the ports of Prussia, Netherlands and Sweden.

And if we recognize a state of war, to be carried on as civilized war, on land, why not on the sea also? It is idle to talk about hanging rebels and pirates. No one but a simpleton expects it. If we hang their soldiers or privateersmen, they have but to do as our forefathers did to the officers of George III., threaten to retaliate by hanging ours. The threat was effectual then. I hope we are not less civilized now.

I am sorry to hear the report that the administration have sent out their adhesion to the treaty of Paris of 1856, which abolished privateering. It will be said that we do in our weakness what we would not do in our strength. And besides, by the law of nations, our adhesion would not bind the South so long as they are maintaining an independent government.

These facts and arguments are not very pleasant to consider, but the use I would make of them is this—that we should prepare for a long war and begin to economize; that we should leave off all silly talk about our own prowess, Southerners being cowards, hanging Jeff. Davis, starving the South, conquering Canada, whipping England and France, and all the world besides, and come down to look at the case in naked truth and sad reality. Our people talk about a union of parties, but it is only in words; they do not yet realize the necessity of it. When we fully understand it, we shall see the necessity of union, and that it requires nothing less than our united strength to cope with the enemy.

It is a waste of words to argue for or against the right to secede. But we cannot deny the right of revolution, and it is of no use quarrelling about who is to blame in this contest. Before the war was begun, I believe the blame was pretty equally divided. The leaders of the South could not have carried the masses with them, if it had not been for the invasion of John Brown

and its justification by a portion of the North. And the North would not have been aroused as it is, if it had not been for the brutal attack on Charles Sumner, and its justification by a portion of the South. If the South sent to Congress the gentlemen they used to send, they would still have influence there.

I can well recollect when, about 1835 or 1836, a Southern Governor, in a message, first proclaimed that taunt, since so often repeated, and of which so much political use has been made, that the laboring people of the North were slaves in fact, if not in name. But for taunts like these, abolitionists could have done but little. For abolition itself, or for the colored race, the Northern people generally have cared but little. It is the insolence of Southern politicians which has aroused them.

It is evident that the war has got to be a long and expensive one, or a short and bloody one.

As long as the war was confined to the cotton States, I thought, with a great many people at the North, that the best way to get them back was to tell them to quit if they wanted to; and they would soon find self-government a pretty expensive thing. But the case is now entirely changed. It will not do for us to separate from the Northern slave States. It would cut us—not in two—but into three nations. The East and the West would have a mere strip of territory to unite them, and they could not hold together. The commercial interests of the West are entirely opposed to those of the East—and how long would it before the West would join the South and reconstruct a powerful Union, leaving New England out?

The plan of military operations to reduce the South and preserve the Union, which seemed to promise to effect it with the least bloodshed, was the plan generally understood to be favored by General Scott and the President; to blockade their ports, shut them in and destroy their trade, threaten attacks at various points, and so compel them to keep up a large army, and take away their people from their ordinary agricultural pursuits. If this plan had been pursued for a year, unless human nature at the South is different from what it is here—where we quarrel all the time—they would have quarrelled among themselves before long. As soon as elections came on, different parties and candidates would arise. Causes of dissension would multiply, and there would in time be a party, which, though it might not dare to assume the name of a Union party at first, would soon become one.

Notwithstanding the disastrous result of the late battle, the government will probably endeavor to pursue the same policy.

But I have said the war may assume another aspect, and be a short and bloody one. And to such a war, *an anti-slavery war*, it seems to me we are *inevitably* drifting. It seems to me hardly in the power of human wisdom to prevent it. We may commence the war without meaning to interfere with slavery; but let us have one or two battles, and get our blood excited, and we shall not only not restore any more slaves, but shall proclaim freedom wherever we go. And it seems almost judicial blindness on the part of the South that they do not see that this must be the inevitable result, if the contest is prolonged.

We know well the power of a ruling race over an abject and submissive people. A few men accustomed to arms and to rule, can keep in subjection thousands of a race unused to arms and accustomed to submission. We see it in the case of India. A few British soldiers there keep in subjection a hundred millions even of civilized Hindoos. But the slaves have hitherto remained peaceably in slavery, because they had nowhere to flee. Once sure of an asylum and safety, fire and poison and the bludgeon will desolate the South. Without justifiable cause and without having suffered any actual injury, they have begun the conflict; there will yet be time for reflection, but if warned of their danger, they persist in their folly, upon their own heads must be the consequences. Compromise is for the present out of the question. Since the last battle, the South will not, and the North cannot with self-respect, offer terms of peaceable re-union.

After remarks by Mr. COOKE, of Warren, the resolutions were unanimously adopted by the Senate, and on the same day were unanimously concurred in by the House of Representatives.

NOTE ON THE BLOCKADE AND CLOSING THE PORTS.

Our government, either from being new in office, or from multiplicity of business, or from some other cause, have been constantly, since the commencement of the war, violating the principles we have ourselves laid down in similar cases heretofore. The President declares a blockade, which is an incident of the war-making power. By so doing he admits that it is a civil war, and not merely a trifling insurrection. But now it is argued that the President can close the ports under the recent statute (although these ports are not *de facto* under our jurisdiction) and that the blockade is merely a *coast guard* to enforce the law.

When the Spanish American Provinces revolted from Spain, and declared their independence, Spain undertook to pursue the very course our government is now pursuing; and the Dutch, English and the United States protested against it.

The Spanish General Morales, by decree of September 15th, 1822, proclaimed a blockade of twelve hundred miles of the coast of the Spanish Main, in South America, and prohibited all foreign commerce with the revolted Provinces as being contrary to the laws of Spain. At this time the Spaniards had but three vessels of war to blockade twelve hundred miles.

This decree led to very serious disputes between the United States and Spain. England went so far as to order reprisals on Spanish commerce.

John Quincy Adams, the Secretary of State, in his letter of April 28, 1823, to Mr. Nelson, our Minister in Spain, thus denounces these proceedings: And if he had foreseen the case of our blockade he could not have described it much better:

“To this outrage on all the rights of neutrality [the inefficient paper blockade] they have added the absurd pretension of interdicting the peaceful commerce of other nations with all the ports of the Spanish Main, upon the pretence that it had been heretofore forbidden by the Spanish Colonial laws.

“The blockade was a public wrong. The interdiction of all trade was an outrage upon the rights of all neutral nations; and the resort to two expedients bears on its face the demonstration, that they who assumed them both, had no reliance on the justice of either; for if the interdiction of all neutral trade was lawful, there was neither use nor necessity for the blockade; and if the blockade was lawful, there could be as little occasion or pretence for the interdiction of the trade. * * * * * The blockade and interdiction of trade have, from the first notice of them, not only been denounced and protested against by the government and officers of the United States, but by those of Great Britain, even when the ally of Spain, and who has not yet acknowledged the independence of the revolted colonies.

“Mr. Andagua attempts, by laborious argument, to maintain to the fullest and most unqualified extent, the right of the Spanish privateers to capture, and of the Spanish prize Courts to condemn, all vessels of every other nation trading with any of the ports of the Independent Patriots of South America, because under the old colonial laws of Spain that trade had been prohibited; and with the consistency of candor, at least, he explicitly says that the decrees issued by the Spanish commanders on the

Main under the name of blockades, were not properly so called, but were mere enforcements of the antediluvian colonial exclusion. * * * * * Is it surprising that the final answer of Great Britain to this pretension, was an order of reprisals?"

After stating that Spain had appropriated forty millions of reals to pay the damages to British commerce and had revoked the blockade, Mr. Adams goes on :

"It is in vain for Spain to pretend that during the existence of a civil war, in which by the universal law of nations, *both* parties have *equal rights* with reference to foreign nations, she can enforce against all neutrals, by the seizure and condemnation of their property, the law of colonial monopoly and prohibition by which they had been excluded from commercial intercourse with the Colonies before the existence of the war, and when her possession and authority were alike undisputed."

In this same letter to Nelson, Mr. Adams stigmatises the decree of Morales as an *abominable* decree, and in another part of the letter as an *atrocious* decree.

Upon the same subject the Committee of Foreign Relations of the United States House of Representatives made a report January 31, 1835, in which they call this right claimed by Morales to forbid all commerce with the revolted provinces as being against the laws of Spain, "an absurd pretension."

The doctrine we maintained in the case of the division of the Spanish Empire, we must now have applied to ourselves. And the *Diario Espanol*, a Madrid paper, is now twitting us with our situation, and saying that they must be governed in our case by the precedents England and the United States have set. The United States are taking their turn. How long before Spain may have the same opportunity to reciprocate with England?

In regard to the *notice* and efficiency of blockades, the United States have always maintained very strong ground.

In 1804 the English naval commander declared a general blockade "of the islands of Martinique and Guadaloupe." The United States remonstrated against this, and the British government instructed their naval officers "not to consider any blockade of those islands as existing unless in respect of particular ports which may be actually invested; and then not to capture vessels bound to such ports, unless they shall have previously been warned not to enter them."

In 1816 Spain declared a blockade of "the ports of the viceroyalty of Santa Fe." The United States Minister at Madrid was instructed to protest against the general terms of the notice,

and we claimed that to be valid, the notice "must be confined to particular ports, each port havin a force stationed before it sufficient to intercept the entry of vessels," and that even then, no vessel should be seized until first warned off.

Mr. Clay, Secretary of State, in his instructions to Mr. Tudor, Minister at Brazil, in October, 1827, says :

"According to those principles [invariably contended for by the United States] no place can be considered lawfully besieged or blockaded, which is not invested by a competent belligerent force, capable of preventing the entry of a neutral; and such neutral cannot be lawfully captured without having been notified of the existence of the blockade, and if he attempt to enter the blockaded port, being warned off."

The sooner our government conclude to call this a *war*, and not a paltry rebellion, and to call the blockade a blockade and make it efficient, the better. Their present course has an appearance of wavering and inconsistency.

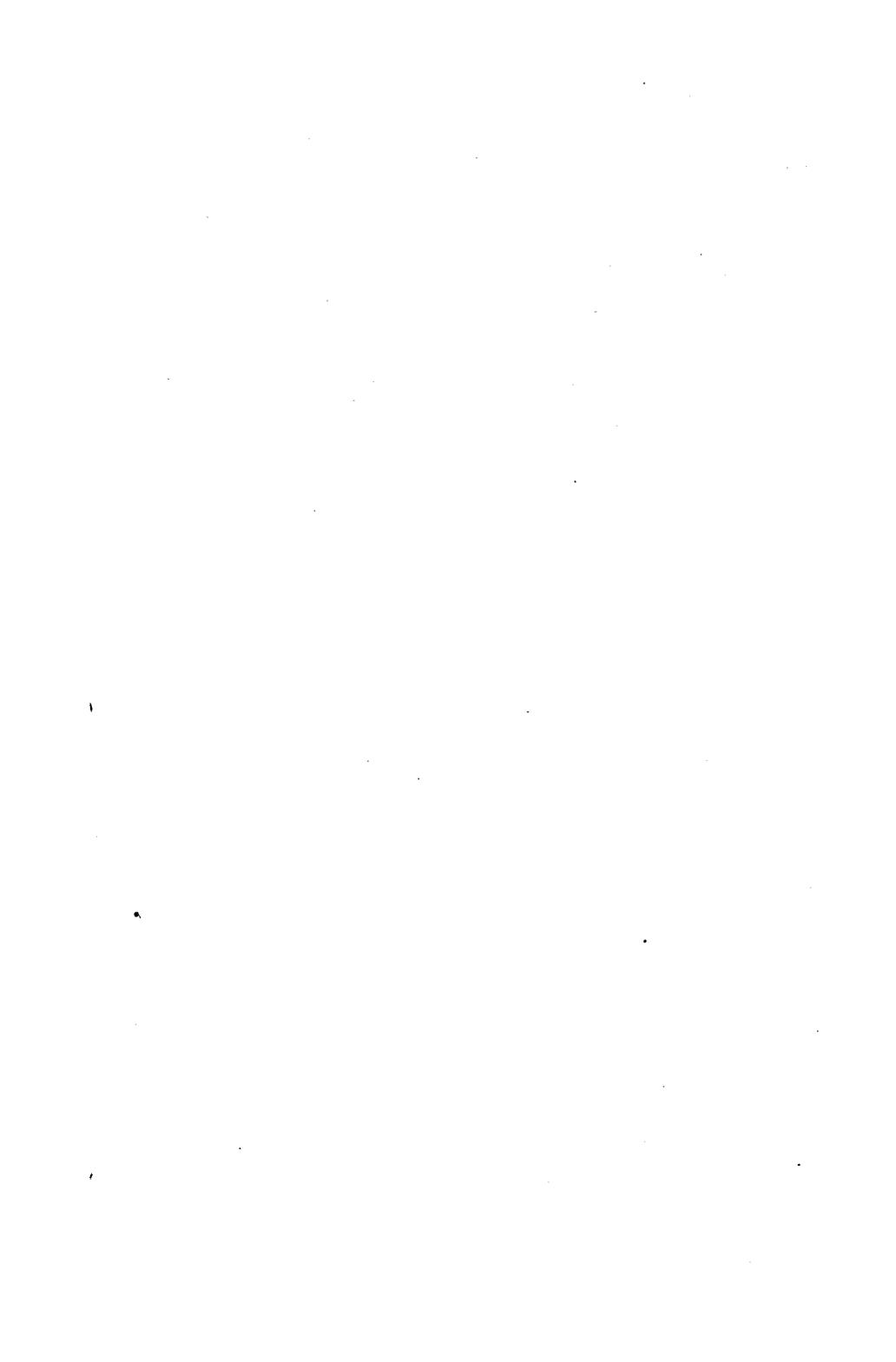
Will it not dampen the ardor for volunteering when the volunteers know that they not only expose themselves to the risk of being shot in battle, but that if taken prisoners, they may be hanged in retaliation, if our Cabinet should persist in their present plan of hanging the privateersmen as rebels and pirates.

There is another consequence which may follow from the apparent determination of the cabinet to regard this as an insurrection and not as a civil war. If the government treats it as an insurrection, the courts must treat it as such. The law of blockade, capture and prize is a portion of the law of nations. And as the law of nations recognizes only prizes of war, and knows no such thing as prize of rebellion, it may follow that the courts cannot condemn any American vessels captured before the passage of the confiscation act, nor any foreign vessel in any case, except for violation of a revenue law, at a port not in our possession; which, if done, would at once get us into a difficulty with foreign nations. This ground is very ably taken by Charles Edwards, Esq., of New York, in the Hiawatha prize case, and must probably be sustained by the Court.

RIGHTS OF PARTIES IN A CIVIL WAR.

In addition to the views of Franklin, Wheaton and others, in the Danish case, and the views of J. Q. Adams, in the case of the Spanish Colonies, before stated, upon the question how a civil war must be treated by foreign nations, we may refer to the following, as stating the views always heretofore maintained by the American Government on this subject :

“Even when civil war breaks the bonds of society and of government, or at least suspends their force and effect, it gives birth in the nation to two independent parties, who regard each other as enemies, and acknowledge no common judge. It is of necessity therefore that these two parties should be considered by foreign States as two distinct and independent nations,” &c. &c.—
Extract from Report of Committee of Foreign Relations of U. S. House of Representatives, March 19, 1822.



· THE FALLACY OF NEUTRALITY.

AN ADDRESS

BY THE

HON. JOSEPH HOLT,

TO THE PEOPLE OF KENTUCKY,

DELIVERED AT LOUISVILLE, JULY 13TH, 1861;

ALSO

HIS LETTER TO J. F. SPEED, ESQ.

NEW YORK:

JAMES G. GREGORY,

(SUCCESSOR TO W. A. TOWNSEND & CO.)

NO. 46 WALKER STREET.

1861.

C. A. ALVORD, PRINTER.

ADDRESS OF HON. JOSEPH HOLT.

Mr. HOLT was next introduced to the audience by Hon. HENRY PIRTLE, who addressed him a few words of welcome.

Then taking the stand, amid prolonged cheers, Mr. HOLT spoke as follows:—

JUDGE PIRTLE: I beg you to be assured that I am most thankful for this distinguished and flattering welcome, and for every one of the kind words which have just fallen from your lips, as I am for the hearty response they have received. Spoken by anybody and anywhere, these words would have been cherished by me; but spoken by yourself and in the presence and on behalf of those in whose midst I commenced the battle of life, whose friendship I have ever labored to deserve, and in whose fortunes I have ever felt the liveliest sympathy, they are doubly grateful to my feelings. I take no credit to myself for loving and being faithful to such a government as this, or for uttering, as I do, with every throb of my existence, a prayer for its preservation. In regard to my official conduct, to which you have alluded with such earnest and generous commendation, I must say that no merit can be accorded to me beyond that of having humbly but sincerely struggled to perform a public duty, amid embarrassments which the world can never fully know. In reviewing what is past, I have and shall ever have a bitter sorrow, that, while I was enabled to accomplish so little in behalf of our betrayed and suffering country, others were enabled to accomplish so much against it. You do me exceeding honor in associating me in your remembrance with the hero of Fort Sumter. There is about his name an atmosphere of light that can never grow dim. Surrounded with his little band, by batteries of treason and by infuriated thousands of traitors, the fires upon the altar of patriotism at which he ministered, only waxed the brighter for the gloom that enveloped him, and history will never forget that it was from these fires that was kindled that conflagration that now blazes throughout the length and breadth of the land. Brave among the bravest, incorruptible and unconquerable in his loyalty, amid all the perplexities and trials and sore humiliations that beset him, he well deserves that exalted position in the affections and confidence of

the people that he now enjoys; and while none have had better opportunities of knowing this than myself, so I am sure that none could have a prouder joy in bearing testimony to it than I have to-night.

FELLOW-CITIZENS: A few weeks since, in another form, I ventured freely to express my views upon those tragic events which have brought sorrow to every hearthstone and to every heart in our distracted country, and it is not my purpose on this occasion to repeat those views, or to engage in any extended discussion of the questions then examined. It is not necessary that I should do so, since the argument is exhausted, and the popular mind is perfectly familiar with it in all its bearings. I will, however, with your permission, submit a few brief observations upon the absorbing topics of the day, and if I do so with an earnestness and emphasis due alike to the sincerity of my convictions and to the magnitude of the interests involved, it is trusted that none will be offended, not even those who may most widely differ from me.

Could one, an entire stranger to our history, now look down upon the South, and see there a hundred or a hundred and fifty thousand men marching in hostile array, threatening the capture of the capital and the dismemberment of the territory of the republic; and could he look again and see that this army is marshalled and directed by officers recently occupying distinguished places in the civil and military service of the country; and further that the states from which this army has been drawn appear to be one vast, seething cauldron of ferocious passion, he would very naturally conclude that the government of the United States had committed some great crime against its people, and that this uprising was in resistance to wrong and outrages which had been borne until endurance was no longer possible. And yet no conclusion could be further from the truth than this. The government of the United States has been faithful to all its constitutional obligations. For eighty years it has maintained the national honor at home and abroad, and by its prowess, its wisdom, and its justice, has given to the title of an American citizen an elevation among the nations of the earth which the citizens of no republic has enjoyed since Rome was mistress of the world. Under its administration the national domain has stretched away to the Pacific, and that constellation which announced our birth as a people, has expanded from thirteen to thirty-four stars, all, until recently, moving undisturbed and undimmed in their orbs of light and grandeur. The rights of no states have been invaded; no man's property has been despoiled, no man's liberty abridged, no man's life oppressively jeopardized by the action of this government. Under its benign influences the rills of public and private prosperity have swelled into rivulets, and from rivulets into rivers ever brimming in their fullness, and everywhere, and at all periods of its history, its ministrations have fallen as gently on the people of the United States as do the dews of a Summer's night on the flowers and grass of the gardens and fields.

Whence, then, this revolutionary outbreak? Whence the secret spring of this gigantic conspiracy, which, like some huge boa, had completely coiled itself around the limbs and body of the republic, before a single hand was lifted to resist it? Strange, and indeed startling, as the announcement must appear when it falls on the ears of the next generation, the national tragedy, in whose shadow we stand to-night, has come upon us because, in November last, JOHN C. BRECKINRIDGE was not elected President of the United States, and ABRAHAM LINCOLN was. This is the whole story. And I would pray now to know on what was JOHN C. BRECKINRIDGE fed that he has grown so great, that a republic founded by WASHINGTON and cemented by the best blood that has ever coursed in human veins, is to be overthrown because, forsooth, he cannot be its President? Had he been chosen we well know that we should not have heard of this rebellion, for the lever with which it is being moved would have been wanting to the hands of the conspirators. Even after his defeat, could it have been guaranteed, beyond all peradventure, that JEFF. DAVIS, or some other kindred spirit, would be the successor of Mr. LINCOLN, I presume we hazard nothing in assuming that this atrocious movement against the government would not have been set on foot. So much for the principle involved in it. This great crime, then, with which we are grappling, sprang from that "sin by which the angels fell"—an unmastered and profligate ambition—an ambition that "would rather reign in hell than serve in heaven"—that would rather rule supremely over a shattered fragment of the republic than run the chances of sharing with others the honors of the whole.

The conspirators of the South read in the election of Mr. LINCOLN a declaration that the Democratic party had been prostrated, if not finally destroyed, by the selfish intrigues and corruptions of its leaders; they read, too, that the vicious, emaciated, and spavined hobby of the slavery agitation, on which they had so often rode into power, could no longer carry them beyond a given geographical line of our territory, and that in truth this factious and treasonable agitation, on which so many of them had grown great by debauching and denationalizing the mind of a people naturally generous and patriotic, had run its course, and hence, that from the national disgust for this demagoguing, and for the inexorable law of population, the time had come when all those who had no other political capital than this, would have to prepare for retirement to private life, so far at least as the highest offices of the country were concerned. Under the influence of these grim discouragements they resolved to consummate at once—what our political history shows to have been a long-cherished purpose—the dismemberment of the government. They said to themselves: "Since we can no longer monopolize the great offices of the republic as we have been accustomed to do, we will destroy it and build upon its ruins an empire that shall be all our own, and whose spoils neither the North nor the East nor the West shall share

with us." Deplorable and humiliating as this certainly is, it is but a rehearsal of the sad, sad story of the past. We had, indeed, supposed that under our Christian civilization we had reached a point in human progress, when a republic could exist without having its life sought by its own offspring; but the Catilines of the South have proved that we were mistaken. Let no man imagine that because this rebellion has been made by men renowned in our civil and military history, that it is, therefore, the less guilty or the less courageously to be resisted. It is precisely this class of men who have subverted the best governments that have ever existed. The purest spirits that have lived in the tide of times, the noblest institutions that have arisen to bless our race, have found among those in whom they had most confided, and whom they had most honored, men wicked enough, either secretly to betray them unto death, or openly to seek their overthrow by lawless violence. The republic of England had its Monk; the republic of France had its BONAPARTE; the republic of Rome had its CÆSAR and its CATILINE, and the Saviour of the world had his Judas Iscariot. It cannot be necessary that I should declare to you, for you know them well, who they are whose parricidal swords are now unsheathed against the republic of the United States. Their names are inscribed upon a scroll of infamy that can never perish. The most distinguished of them were educated by the charity of the government on which they are now making war. For long years they were fed from its table, and clothed from its wardrobe, and had their brows garlanded by its honors. They are the ungrateful sons of a fond mother, who dandled them upon her knee, who lavished upon them the gushing love of her noble and devoted nature, and who nurtured them from the very bosom of her life; and now, in the frenzied excesses of a licentious and baffled ambition, they are stabbing at that bosom with the ferocity with which the tiger springs upon his prey. The President of the United States is heroically and patriotically struggling to baffle the machinations of these most wicked men. I have unbounded gratification in knowing that he has the courage to look traitors in the face, and that, in discharging the duties of his great office, he takes no counsel of his fears. He is entitled to the zealous support of the whole country, and, may I not add without offence, that he will receive the support of all who justly appreciate the boundless blessings of our free institutions?

If this rebellion succeeds it will involve necessarily the destruction of our nationality, the division of our territory, the permanent disruption of the republic. It must rapidly dry up the sources of our material prosperity, and year by year we shall grow more and more impoverished, more and more revolutionary, enfeebled, and debased. Each returning election will bring with it grounds for new civil commotions, and traitors, prepared to strike at the country that has rejected their claims to power, will spring up on every side. Disunion once begun will go on and on indefinitely, and under the in-

fluence of the fatal doctrine of secession, not only will states secede from states, but counties will secede from states also, and towns and cities from counties, until universal anarchy will be consummated in each individual who can make good his position by force of arms, claiming the right to defy the power of the government. Thus we should have brought back to us the days of the robber barons with their moated castles and marauding retainers. This doctrine when analyzed is simply a declaration that no physical force shall ever be employed in executing the laws or upholding the government, and a government into whose practical administration such a principle has been introduced, could no more continue to exist than a man could live with an angered cobra in his bosom. If you would know what are the legitimate fruits of secession, look at Virginia and Tennessee, which have so lately given themselves up to the embrace of this monster. There the schools are deserted; the courts of justice closed; public and private credit destroyed; commerce annihilated, debts repudiated; confiscations and spoliations everywhere prevailing; every cheek blanched with fear, and every heart frozen with despair; and all over that desolated land the hand of infuriated passion and crime is waving, with a vulture's scream for blood, the sword of civil war. And this is the Pandemonium which some would have transferred to Kentucky.

But I am not here to discuss this proposition to-night. I wish solemnly to declare before you and the world, that I am for this Union without conditions, one and indivisible, now and forever. I am for its preservation at any and every cost of blood and treasure against all its assailants. I know no neutrality between my country and its foes, whether they be foreign or domestic; no neutrality between that glorious flag which now floats over us, and the ingrates and traitors who would trample it in the dust. My prayer is for victory, complete, enduring and overwhelming, to the armies of the republic over all its enemies. I am against any and every compromise that may be proposed to be made under the guns of the rebels, while, at the same time, I am decidedly in favor of affording every reasonable guarantee for the safety of Southern institutions, which the honest convictions of the people—not the conspirators—of the South may demand, *whenever they shall lay down their arms, but not until then*. The arbitrament of the sword has been defiantly thrust into the face of the government and country, and there is no honorable escape from it. All guarantees and all attempts at adjustment by amendments to the constitution are now scornfully rejected, and the leaders of the rebellion openly proclaim that they are fighting for their independence. In this contemptuous rejection of guarantees, and in this avowal of the objects of the rebellion now so audaciously made, we have a complete exposure of that fraud which, through the slavery agitation, has been practised upon the public credulity for the last fifteen or twenty years. In the light of this revelation, we feel as one awakened from the suffocating

tortures of a nightmare, and realize what a baseless dream our apprehensions have been, and of what a traitorous swindle we have been made the victims. They are fighting for their independence! Independence of what? Independence of those laws which they themselves have aided in enacting; independence of that constitution which their fathers framed and to which they are parties and subject by inheritance; independence of that beneficent government on whose treasury and honors they have grown strong and illustrious. When a man commits a robbery on the highway, or a murder in the dark, he thereby declares his independence of the laws under which he lives, and of the society of which he is a member. Should he, when arraigned, avow and justify the offence, he thereby becomes the advocate of the independence he has thus declared; and, if he resists by force of arms the officer, when dragging him to the prison, the penitentiary, or the gallows, he is thereby fighting for the independence he has thus declared and advocated; and such is the condition of the conspirators of the South at this moment. It is no longer a question of Southern rights, which have never been violated, nor of security of Southern institutions, which we know perfectly well have never been interfered with by the general government, but it is purely with us a question of national existence. In meeting this terrible issue which rebellion has made up with the loyal men of the country, we stand upon ground infinitely above all party lines and party platforms—ground as sublime as that on which our fathers stood when they fought the battles of the revolution. I am for throwing into the contest thus forced upon us all the material and moral resources and energies of the nation, in order that the struggle may be brief and as little sanguinary as possible. It is hoped that we shall soon see in the field half a million of patriotic volunteers, marching in columns which will be perfectly irresistible, and, borne in their hands—for no purpose of conquest or subjugation, but of protection only—we may expect within nine months to see the stars and stripes floating in every Southern breeze, and hear going up, wild as the storm, the exultant shout of that emancipated people over their deliverance from the revolutionary terror and despotism, by which they are now tormented and oppressed. The war, conducted on such a scale, will not cost exceeding four or five hundred millions of dollars; and none need be startled at the vastness of this expenditure. The debt thus created will press but slightly upon us; it will be paid and gladly paid by posterity, who will make the best bargain which has been made since the world began, if they can secure to themselves, in its integrity and blessings, such a government as this, at such a cost. But, if in this anticipation we are doomed to disappointment; if the people of the United States have already become so degenerate—may I not say so craven—in the presence of their foes as to surrender up this republic to be dismembered and subverted by the traitors who have reared the standard of revolt against it, then, I trust, the volume of Ameri-

can history will be closed and sealed up forever, and that those who shall survive this national humiliation will take unto themselves some other name, —some name having no relation to the past, no relation to our great ancestors, no relation to those monuments and battle-fields which commemorate alike their heroism, their loyalty, and their glory.

But with the curled lip of scorn we are told by the disunionists that in thus supporting a Republican administration in its endeavors to uphold the constitution and the laws, we are "submissionists," and when they have pronounced this word, they suppose they have imputed to us the sum of all human abasement. Well, let it be confessed; we are "submissionists," and weak and spiritless as it may be deemed by some, we glory in the position we occupy. For example: the law says, "Thou shalt not steal;" we submit to this law, and would not for the world's worth rob our neighbor of his forts, his arsenals, his arms, his munitions of war, his hospital stores, or any thing that is his. Indeed, so impressed are we with the obligations of this law, that we would no more think of plundering from our neighbor half a million of dollars because found in his unprotected mints, than we would think of filching a purse from his pocket in a crowded thoroughfare. Write us down, therefore, "submissionists." Again: the law says, "Thou shalt not swear falsely;" we submit to this law, and while in the civil or military service of the country, with an oath to support the constitution of the United States resting upon our consciences, we would not for any earthly consideration engage in the formation or execution of a conspiracy to subvert that very constitution, and with it the government to which it has given birth. Write us down, therefore, again, "submissionists." Yet again: when a President has been elected in strict accordance with the form and spirit of the constitution, and has been regularly installed into office, and is honestly striving to discharge his duty by snatching the republic from the jaws of a gigantic treason which threatens to crush it, we care not what his name may or may not be, or what the designation of his political party, or what the platform on which he stood during the presidential canvass; we believe we fulfil in the sight of earth and heaven our highest obligations to our country, in giving to him an earnest and loyal support in the struggle in which he is engaged.

Nor are we at all disturbed by the flippant taunt that in thus submitting to the authority of our government we are necessarily cowards. We know whence this taunt comes, and we estimate it at its true value. We hold that there is a higher courage in the performance of duty than in the commission of crime. The tiger of the jungle and the cannibal of the South Sea Islands have that courage in which the revolutionists of the day make their especial boast; the angels of God and the spirits of just men made perfect have had, and have that courage which submits to the laws. Lucifer was a non-submissionist, and the first secessionist of whom history has given us any

account, and the chains which he wears fitly, express the fate due to all who openly defy the laws of their Creator and of their country. He rebelled because the Almighty would not yield to him the throne of heaven. The principle of the Southern rebellion is the same. Indeed, in this submission to the laws is found the chief distinction between good men and devils. A good man obeys the laws of truth, of honesty, of morality, and all those laws which have been enacted by competent authority for the government and protection of the country in which he lives; a devil obeys only his own ferocious and profligate passions. The principle on which this rebellion proceeds, that laws have in themselves no sanctions, no binding force upon the conscience, and that every man, under the promptings of interest, or passion, or caprice, may, at will, and honorably too, strike at the government that shelters him, is one of utter demoralization, and should be trodden out as you would tread on a spark that has fallen on the roof of your dwelling. Its unchecked prevalence would resolve society into chaos, and leave you without the slightest guarantee for life, liberty, or property. It is time that, in their majesty, the people of the United States should make known to the world that this government, in its dignity and power, is something more than a moot court, and that the citizen who makes war upon it is a traitor, not only in theory but in fact, and should have meted out to him a traitor's doom. The country wants no bloody sacrifice, but it must and will have peace, cost what it may.

Before closing, I desire to say a few words on the relations of Kentucky to the pending rebellion; and as we are all Kentuckians here together to-night, and as this is purely a family matter, which concerns the honor of us all, I hope we may be permitted to speak to each other upon it with entire freedom. I shall not detain you with observations on the hostile and defiant position assumed by the governor of your state. In his reply to the requisition made upon him for volunteers under the proclamation of the President, he has, in my judgment, written and finished his own history, his epitaph included, and it is probable that in future the world will little concern itself as to what his excellency may propose to do, or as to what he may propose not to do. That response has made for Kentucky a record that has already brought a burning blush to the cheek of many of her sons, and is destined to bring it to the cheek of many more in the years which are to come. It is a shame, indeed a crying shame, that a state with so illustrious a past should have written for her, by her own chief magistrate, a page of history so utterly humiliating as this. But your legislature have determined that during the present unhappy war the attitude of the state shall be that of strict neutrality, and it is upon this determination that I wish respectfully but frankly to comment. As the motives which governed the legislature were doubtless patriotic and conservative, the conclusion arrived at cannot be condemned as dishonorable; still, in view of the manifest duty of the state and

of possible results, I cannot but regard it as mistaken and false, and one which may have fatal consequences. Strictly and legally speaking, Kentucky must go out of the Union before she can be neutral. Within it she is necessarily either faithful to the government of the United States, or she is disloyal to it. If this crutch of neutrality, upon which her well-meaning but ill-judging politicians are halting, can find any middle ground on which to rest, it has escaped my researches, though I have diligently sought it. Neutrality, in the sense of those who now use the term, however patriotically designed, is, in effect, but a snake in the grass of rebellion, and those who handle it will sooner or later feel its fangs. Said one who spake as never man spake, "He who is not with us is against us;" and of none of the conflicts which have arisen between men or between nations, could this be more truthfully said than of that in which we are now involved. Neutrality necessarily implies indifference. Is Kentucky indifferent to the issue of this contest? Has she, indeed, nothing at stake? Has she no compact with her sister states to keep, no plighted faith to uphold, no renown to sustain, no glory to win? Has she no horror of that crime of crimes now being committed against us by that stupendous rebellion which has arisen like a tempest-cloud in the South? We rejoice to know that she is still a member of this Union, and as such she has the same interest in resisting this rebellion that each limb of the body has in resisting a poignard whose point is aimed at the heart. It is her house that is on fire; has she no interest in extinguishing the conflagration? Will she stand aloof and announce herself neutral between the raging flames and the brave men who are periling their lives to subdue them? Hundreds of thousands of citizens of other states—men of culture and character, of thought and of toil—men who have a deep stake in life, and an intense appreciation of its duties and responsibilities, who know the worth of this blessed government of ours, and do not prize even their own blood above it—I say, hundreds of thousands of such men have left their homes, their workshops, their offices, their counting-houses, and their fields, and are now rallying about our flag, freely offering their all to sustain it, and sincé the days that crusading Europe threw its hosts upon the embattled plains of Asia, no deeper, or more earnest, or grander spirit has stirred the souls of men than that which now sways those mighty masses whose gleaming banners are destined ere long to make bright again the earth and sky of the distracted South. Can Kentucky look upon this sublime spectacle of patriotism unmoved, and then say to herself: "I will spend neither blood nor treasure, but I will shrink away while the battle rages, and after it has been fought and won, I will return to the camp, well assured that if I cannot claim the laurels, I will at least enjoy the blessings of the victory?" Is this all that remains of her chivalry—of the chivalry of the land of the Shelbys, the Johnsons, the Allens, the Clays, the Adairs, and the Davises? Is there a Kentuckian within the sound of my voice to-night, who

can hear the anguished cry of his country as she wrestles and writhes in the folds of this gigantic treason, and then lay himself down upon his pillow with this thought of neutrality, without feeling that he has something in his bosom which stings him worse than would an adder? Have we, within the brief period of eighty years, descended so far from the mountain heights on which our fathers stood, that already, in our degeneracy, we proclaim our blood too precious, our treasure too valuable to be devoted to the preservation of such a government as this? They fought through a seven years' war, with the greatest power on earth, for the hope, the bare hope, of being able to found this republic, and now that it is no longer a hope nor an experiment, but a glorious reality, which has excited the admiration and the homage of the nations, and has covered us with blessings as "the waters cover the channels of the sea," have we, their children, no years of toil, of sacrifice, and of battle even, if need be, to give, to save it from absolute destruction at the hands of men who, steeped in guilt, are perpetrating against us and humanity a crime, for which I verily believe the blackest page of the history of the world's darkest period furnishes no parallel? Can it be possible that in the history of the American people we have already reached a point of degeneracy so low, that the work of WASHINGTON and FRANKLIN, of ADAMS and JEFFERSON, of HANCOCK and HENRY, is to be overthrown by the morally begrimed and pigmied conspirators who are now tugging at its foundations? It would be the overturning of the Andes by the miserable reptiles that are crawling in the sands at their base.

But our neutral fellow-citizens in the tenderness of their hearts say: "This effusion of blood sickens us." Then do all in your power to bring it to an end. Let the whole strength of this commonwealth be put forth in support of the government, in order that the war may be terminated by a prompt suppression of the rebellion. The longer the struggle continues, the fiercer will be its spirit, and the more fearful the waste of life attending it. You therefore only aggravate the calamity you deplore by standing aloof from the combat. But again they say, "we cannot fight our brethren." Indeed. But your brethren can fight you, and with a good will, too. Wickedly and wantonly have they commenced this war against you and your institutions, and ferociously are they prosecuting it. They take no account of the fact that the massacre with which they hope their swords will, ere long, be clogged, must be the massacre of their brethren. However much we may bow our heads at the confession, it is nevertheless true that every free people that have existed have been obliged, at one period or other of their history, to fight for their liberties against traitors within their own bosoms, and that people who have not the greatness of soul thus to fight, cannot long continue to be free, nor do they deserve to be so.

There is not, and there cannot be, any neutral ground for a loyal people between their own government and those who, at the head of armies, are

menacing its destruction. Your inaction is not neutrality, though you may delude yourselves with the belief that it is so. With this rebellion confronting you, when you refuse to co-operate actively with your government in subduing it, you thereby condemn the government, and assume towards it an attitude of antagonism. Your inaction is a virtual indorsement of the rebellion, and if you do not thereby give to the rebels precisely that "aid and comfort" spoken of in the constitution, you certainly afford them a most powerful encouragement and support. That they regard your present position as friendly to them, is proved by the fact that, in a recent enactment of the Confederate Congress confiscating the debts due from their own citizens to those of loyal states, the debts due to the people of Kentucky are expressly excepted. Is not this significant? Does it leave any room for doubt that the Confederate Congress suppose they have discovered, under the guise of your neutrality, a lurking sympathy for their cause which entitles you to be treated as friends, if not as active allies? Patriotic as was the purpose of her apprehensive statesmen in placing her in the anomalous position she now occupies, it cannot be denied that Kentucky by her present attitude is exerting a potent influence in strengthening the rebellion, and is, therefore, false alike to her loyalty and to her fame. You may rest well assured that this estimate of your neutrality is entertained by the true men of the country in all the states which are now sustaining the government. Within the last few weeks how many of those gallant volunteers who have left home and kindred and all that is dear to them, and are now under a Southern sun, exposing themselves to death from disease and to death from battle, and are accounting their lives as nothing in the effort they are making for the deliverance of your government and theirs; how many of them have said to me in sadness and in longing, "Will not Kentucky help me?" How my soul would have leaped could I have answered promptly, confidently, exultingly, "Yes, she will." But when I thought of this neutrality my heart sank within me, and I did not and I could not look those brave men in the face. And yet I could not answer, "No." I could not crush myself to the earth under the self-abasement of such a reply. I therefore said—and may my country sustain me—"I hope, I trust, I pray, nay, I believe Kentucky will yet do her duty."

If this government is to be destroyed, ask yourselves are you willing it shall be recorded in history that Kentucky stood by in the greatness of her strength and lifted not a hand to stay the catastrophe? If it is to be saved, as I verily believe it is, are you willing it shall be written that, in the immeasurable glory which must attend the achievement, Kentucky had no part?

I will only add, if Kentucky wishes the waters of her beautiful Ohio to be dyed in blood—if she wishes her harvest fields, now waving in their abundance, to be trampled beneath the feet of hostile soldiery, as a flower-garden is trampled beneath the threshings of the tempest—if she wishes the homes where her loved ones are now gathered in peace, invaded by the proscriptive

fury of a military despotism, sparing neither life nor property—if she wishes the streets of her towns and cities grown with grass, and the steamboats of her rivers to lie rotting at her wharves, then let her join the Southern Confederacy; but if she would have the bright waters of that river flow on in their gladness—if she would have her harvests peacefully gathered to her garners—if she would have the lullabies of her cradles and the songs of her homes uninvaded by the cries and terrors of battle—if she would have the streets of her towns and cities again filled with the hum and throngs of busy trade, and her rivers and her shores once more vocal with the steamer's whistle, that anthem of a free and prosperous commerce, then let her stand fast by the stars and stripes, and do her duty and her whole duty as a member of this Union. Let her brave people say to the President of the United States: "You are our chief magistrate; the government you have in charge, and are striving to save from dishonor and dismemberment, is our government; your cause is indeed our cause; your battles are our battles; make room for us, therefore, in the ranks of your armies, that your triumph may be our triumph also."

Even as with the Father of us all I would plead for salvation, so, my countrymen, as upon my very knees, would I plead with you for the life, aye for the life, of our great and beneficent institutions. But if the traitor's knife, now at the throat of the republic, is to do its work, and this government is fated to add yet another to that long line of sepulchres which whiten the highway of the past, then my heartfelt prayer to God is, that it may be written in history, that the blood of its life was not found upon the skirts of Kentucky.

LETTER OF HON. JOSEPH HOLT.

WASHINGTON, Friday, May 31, 1861.

J. F. SPEED, Esq.

My Dear Sir: The recent overwhelming vote in favor of the Union in Kentucky has afforded unspeakable gratification to all true men throughout the country. That vote indicates that the people of that gallant state have been neither seduced by the arts nor terrified by the menaces of the revolutionists in their midst, and that it is their fixed purpose to remain faithful to a government which, for nearly seventy years, has remained faithful to them. Still it cannot be denied that there is in the bosom of that state a band of agitators, who, though few in number, are yet powerful from the public confidence they have enjoyed, and who have been, and doubtless will continue to be, unceasing in their endeavor to force Kentucky to unite her fortunes with those of the rebel Confederacy of the South. In view of this and of the well-known fact that several of the seceded states have by fraud and violence been driven to occupy their present false and fatal position, I cannot, even with the encouragement of her late vote before me, look upon the political future of our native state without a painful solicitude. Never have the safety and honor of her people required the exercise of so much vigilance and of so much courage on their part. If true to themselves, the stars and stripes, which, like angel's wings, have so long guarded their homes from every oppression, will still be theirs; but if, chasing the dreams of men's ambition, they shall prove false, the blackness of darkness can but faintly predict the gloom that awaits them. The legislature, it seems, has determined by resolution that the state, pending the present unhappy war, shall occupy neutral ground. *I must say, in all frankness, and without desiring to reflect upon the course or sentiments of any, that, in this struggle for the existence of our government, I can neither practise nor profess nor feel neutrality. I would as soon think of being neutral in a contest between an officer of justice and an incendiary arrested in an attempt to fire the dwelling over my head; for the government whose overthrow is sought, is for me the shelter not only of home, kindred and friends, but of every earthly blessing which I can hope to enjoy on*

this side of the grave. If, however, from a natural horror of fratricidal strife, or from her intimate social and business relations with the South, Kentucky shall determine to maintain the neutral attitude assumed for her by her legislature, her position will still be an honorable one, though falling far short of that full measure of loyalty which her history has so constantly illustrated. Her executive, ignoring, as I am happy to believe, alike the popular and legislative sentiment of the state, has, by proclamation, forbidden the government of the United States from marching troops across her territory. This is in no sense a neutral step, but one of aggressive hostility. The troops of the Federal Government have as clear a constitutional right to pass over the soil of Kentucky as they have to march along the streets of Washington; and could this prohibition be effective, it would not only be a violation of the fundamental law, but would, in all its tendencies, be directly in advancement of the revolution, and might, in an emergency easily imagined, compromise the highest national interests. I was rejoiced that the legislature so promptly refused to endorse this proclamation as expressive of the true policy of the state. But I turn away from even this to the ballot-box, and find an abounding consolation in the conviction it inspires, that the popular heart of Kentucky, in its devotion to the Union, is far in advance alike of legislative resolve and executive proclamation.

But as it is well understood that the late popular demonstration has rather scotched than killed rebellion in Kentucky, I propose inquiring, as briefly as practicable, whether in the recent action or present declared policy of the administration, or in the history of the pending revolution, or in the objects it seeks to accomplish, or in the results which must follow from it, if successful, there can be discovered any reasons why that state should sever the ties that unite her with a Confederacy in whose councils and upon whose battle-fields she has won so much fame, and under whose protection she has enjoyed so much prosperity.

For more than a month after the inauguration of President LINCOLN, the manifestations seemed unequivocal that his administration would seek a peaceful solution of our unhappy political troubles, and would look to time and amendments of the Federal Constitution, adopted in accordance with its provisions, to bring back the revolted states to their allegiance. So marked was the effect of these manifestations in tranquilizing the border states and in reassuring their loyalty, that the conspirators who had set this revolution on foot took the alarm. *While asserting to despise these states as not sufficiently intensified in their devotion to African servitude, they knew they could never succeed in their treasonable enterprise without their support. Hence it was resolved to precipitate a collision of arms with the federal authorities, in the hope that under the panic and exasperation incident to the commencement of a civil war, the border states, following the natural bent of their sympathies, would array themselves against the government.* Fort Sumter, occupied by a

feeble garrison, and girdled by powerful if not impregnable batteries, afforded convenient means for accomplishing their purpose, and for testing also their theory, that blood was needed to cement the new Confederacy. Its provisions were exhausted, and the request made by the President, in the interests of peace and humanity, for the privilege of replenishing its stores, had been refused. The Confederate authorities were aware—for so the gallant commander of the fort had declared to them—that in two days a capitulation from starvation must take place. A peaceful surrender, however, would not have subserved their aims. They sought the clash of arms and the effusion of blood as an instrumentality for impressing the border states, and they sought the humiliation of the government and the dishonor of its flag as a means of giving prestige to their own cause. The result is known. Without the slightest provocation, a heavy cannonade was opened upon the fort, and borne by its helpless garrison for hours without reply; and when, in the progress of the bombardment, the fortification became wrapped in flames, the besieging batteries, in violation of the usages of civilized warfare, instead of relaxing or suspending, redoubled their fires. *A more wanton or wicked war was never commenced on any government whose history has been written.* Contemporary with and following the fall of Sumter, the siege of Fort Pickens was and still is actively pressed; the property of the United States government continued to be seized wherever found, and its troops, by fraud or force, captured in the state of Texas, in violation of a solemn compact with its authorities that they should be permitted to embark without molestation. This was the requital which the Lone Star State made to brave men, who, through long years of peril and privation, had guarded its frontiers against the incursions of the savages. In the midst of the most active and extended warlike preparations in the South, the announcement was made by the Secretary of War of the seceded states, and echoed with taunts and insolent bravadoes by the Southern press, that Washington City was to be invaded and captured, and that the flag of the Confederate States would soon float over the dome of its Capitol. Soon thereafter there followed an invitation to all the world—embracing necessarily the outcasts and desperadoes of every sea—to accept letters of marque and reprisal, to prey upon the rich and unprotected commerce of the United States.

In view of these events and threatenings, what was the duty of the chief magistrate of the republic? He might have taken counsel of the revolutionists and trembled under their menaces; he might, upon the fall of Sumter, have directed that Fort Pickens should be surrendered without firing a gun in its defence, and proceeding yet further, and meeting fully the requirements of the "let us alone" policy insisted on in the South, he might have ordered that the stars and stripes should be laid in the dust in the presence of every bit of rebel bunting that might appear. *But he did none of these things, nor could he have done them without forfeiting his oath and betraying the most sublime trust*

that has ever been confided to the hands of man. With a heroic fidelity to his constitutional obligations, feeling justly that these obligations charged him with the protection of the republic and its capital against the assaults alike of foreign and domestic enemies, he threw himself on the loyalty of the country for support in the struggle upon which he was about to enter, and nobly has that appeal been responded to. States containing an aggregate population of nineteen millions have answered to the appeal as with the voice of one man, offering soldiers without number, and treasure without limitation for the service of the government. In these states, fifteen hundred thousand freemen cast their votes in favor of candidates supporting the rights of the South, at the last presidential election, and yet everywhere, alike in popular assemblies and upon the tented field, this million and a half of voters are found yielding to none in the zeal with which they rally to their country's flag. They are not less the friends of the South than before; but they realize that the question now presented is not one of administrative policy, or of the claims of the North, the South, the East, or the West; but is, simply, whether nineteen millions of people shall tamely and ignobly permit five or six millions to overthrow and destroy institutions which are the common property, and have been the common blessings and glory of all. The great thoroughfares of the North, the East, and the West, are luminous with the banners and glistening with the bayonets of citizen soldiers marching to the capital, or to the other points of rendezvous; but they come in no hostile spirit to the South. *If called to press her soil, they will not ruffle a flower of her gardens, nor a blade of grass of her fields in unkindness. No excesses will mark the footsteps of the armies of the republic; no institution of the states will be invaded or tampered with, no rights of persons or of property will be violated. The known purposes of the administration, and the high character of the troops employed, alike guarantee the truthfulness of this statement.* When an insurrection was apprehended a few weeks since in Maryland, the Massachusetts regiment at once offered their services to suppress it. These volunteers have been denounced by the press of the South as "knaves and vagrants," "the dregs and offscourings of the populace," who would "rather filch a handkerchief than fight an enemy in manly combat;" yet we know here that their discipline and bearing are most admirable, and, I presume, it may be safely affirmed, that a larger amount of social position, culture, fortune, and elevation of character, has never been found in so large an army in any age or country. *If they go to the South, it will be as friends and protectors, to relieve the Union sentiment of the seceded states from the cruel domination by which it is oppressed and silenced, to unfurl the stars and stripes in the midst of those who long to look upon them, and to restore the flag that bears them to the forts and arsenals from which disloyal hands have torn it. Their mission will be one of peace, unless wicked and blood-thirsty men shall unsheath the sword across their pathway.*

It is in vain for the revolutionists to exclaim that this is "subjugation." It is

so, *precisely in the sense in which you and I and all law-abiding citizens are subjugated.* The people of the South are our brethren, and while we obey the laws enacted by our joint authority, and keep a compact to which we all are parties, we only ask that they shall be required to do the same. We believe that their safety demands this; we know that ours does. We impose no burden which we ourselves do not bear; we claim no privilege or blessing which our brethren of the South shall not equally share. Their country is our country, and ours is theirs; and that unity both of country and of government which the providence of God and the compacts of men have created, we could not ourselves, without self-immolation, destroy, nor can we permit it to be destroyed by others.

Equally vain is it for them to declare that they only wish "to be let alone," and that, in establishing the independence of the seceded states, they do those which remain in the old confederacy no harm. The free states, if allowed the opportunity of doing so, will undoubtedly concede every guarantee needed to afford complete protection to the institutions of the South, and to furnish assurances of her perfect equality in the Union; but all such guarantees and assurances are now openly spurned, and the only Southern right now insisted on is that of dismembering the republic. It is perfectly certain, that in the attempted exercise of this right, neither states nor statesmen will be "let alone." Should a ruffian meet me in the streets, and seek, with his axe, to hew an arm and a leg from my body, I would not the less resist him because, as a dishonored and helpless trunk, I might perchance survive the mutilation. It is easy to perceive what fatal results to the old confederacy would follow, should the blow now struck at its integrity ultimately triumph. We can well understand what degradation it would bring to it abroad, and what weakness at home; what exhaustion from incessant war and standing armies, and from the erection of fortifications along the thousands of miles of new frontiers; what embarrassments to commerce from having its natural channels encumbered or cut off; what elements of disintegration and revolution would be introduced from the pernicious example; and, above all, what humiliation would cover the whole American people for having failed in their great mission to demonstrate before the world the capacity of our race for self-government.

While a far more fearful responsibility has fallen upon President Lincoln than upon any of his predecessors, it must be admitted that he has met it with promptitude and fearlessness. CICERO, in one of his orations against CATILINE, speaking of the credit due himself for having suppressed the conspiracy of that arch-traitor, said, "If the glory of him who founded Rome was great, how much greater should be that of him who had saved it from overthrow, after it had grown to be mistress of the world!" So may it be said of the glory of that statesman or chieftain who shall snatch this republic from the vortex of revolution, now that it has expanded from ocean to

ocean—has become the admiration of the world, and has rendered the fountains of the lives of thirty millions of people fountains of happiness.

The vigorous measures adopted for the safety of Washington, and the government itself, may seem open to criticism, in some of their details, to those who have yet to learn that not only has war, like peace, its laws, but that it has also its privileges and its duties. Whatever of severity, or even of irregularity, may have arisen, will find its justification in the pressure of the terrible necessity under which the administration has been called to act. When a man feels the poignard of the destroyer at his bosom, he is not likely to consult the law books as to the mode or measure of his rights of self-defence. What is true of individuals is, in this respect, equally true of governments. *The man who thinks he has become disloyal because of what the administration has done, will probably discover, after a close examination, that he was disloyal before.* But for what has been done, Washington might ere this have been a smouldering heap of ruins.

They have noted the course of public affairs to little advantage who suppose that the election of LINCOLN was the real ground of the revolutionary outbreak that has occurred. The roots of the revolution may be traced back for more than a quarter of a century, and an unholy lust for power is the soil out of which it sprang. A prominent member of the band of agitators declared in one of his speeches at Charleston, last November or December, that they had been occupied for thirty years in the work of severing South Carolina from the Union. When General JACKSON crushed nullification, he said it would revive again under the form of the slavery agitation, and we have lived to see his prediction verified. Indeed, that agitation, during the last fifteen or twenty years, has been almost the entire stock-in-trade of Southern politicians. The Southern people, known to be as generous in their impulses as they are chivalric, were not wrought into a frenzy of passion by the intemperate words of a few fanatical abolitionists; for these words, if left to themselves, would have fallen to the ground as pebbles into the sea, and would have been heard of no more. But it was the echo of those words, repeated with exaggerations for the thousandth time by Southern politicians, in the halls of Congress, and in the deliberative and popular assemblies, and through the press of the South, that produced the exasperation which has proved so potent a lever in the hands of the conspirators. The cloud was fully charged, and the juggling revolutionists who held the wires, and could at will direct its lightnings, appeared at Charleston, broke up the Democratic convention assembled to nominate a candidate for the presidency, and thus secured the election of Mr. LINCOLN. Having thus rendered this certain, they at once set to work to bring the popular mind of the South to the point of determining in advance that the election of a Republican president would be, *per se*, cause for a dissolution of the Union. They were but too successful, and to this result the inaction and indecision of the bor-

der states deplorably contributed. When the election of Mr. LINCOLN was announced, there was rejoicing in the streets of Charleston, and doubtless at other points in the South; for it was believed by the conspirators that this had brought a tide in the current of their machinations which would bear them on to victory. The drama of secession was now open, and state after state rapidly rushed out of the Union, and their members withdrew from Congress. The revolution was pressed on with this hot haste in order that no time should be allowed for reaction in the Northern mind, or for any adjustment of the slavery issues by the action of Congress or of the state legislatures. Had the Southern members continued in their seats, a satisfactory compromise would, no doubt, have been arranged and passed before the adjournment of Congress. As it was, after their retirement, and after Congress had become republican, an amendment to the constitution was adopted by a two-thirds vote, declaring that Congress should never interfere with slavery in the states, and declaring, further, that this amendment should be irrevocable. Thus we falsified the clamor so long and so insidiously rung in the ears of the Southern people, that the abolition of slavery in the states was the ultimate aim of the Republican party. But even this amendment, and all others which may be needed to furnish the guarantees demanded, are now defeated by the secession of eleven states, which, claiming to be out of the Union, will refuse to vote upon, and, in effect, will vote against, any proposals to modify the federal constitution. There are now thirty-four states in the confederacy, three-fourths of which, being twenty-six, must concur in the adoption of any amendment before it can become a part of the constitution; but the secession of eleven states leaves but twenty-three whose vote can possibly be secured, which is less than the constitutional number.

Thus we have the extraordinary and discreditable spectacle of a revolution made by certain states, professedly on the ground that guarantees for the safety of their institutions are denied them, and, at the same time, instead of co-operating with their sister states in obtaining these guarantees, they designedly assume a hostile attitude, and thereby render it constitutionally impossible to secure them. This profound dissimulation shows that it was not the safety of the South, but its severance from the confederacy, which was sought from the beginning. Cotemporary with, and in some cases preceding, these acts of secession, the greatest outrages were committed upon the government of the United States by the states engaged in them. Its forts, arsenals, arms, barracks, custom-houses, post-offices, moneys, and, indeed, every species of its property within the limits of these states, were seized and appropriated, down to the very hospital stores for the sick soldiers. More than half a million of dollars was plundered from the mint at New Orleans. United States vessels were received from the defiled hands of their officers in command, and, as if in the hope of consecrating official

treachery as one of the public virtues of the age, the surrender of an entire military department by a general, to the keeping of whose honor it had been confided, was deemed worthy of the commendation and thanks of the conventions of several states. All these lawless proceedings were well understood to have been prompted and directed by men occupying seats in the capitol, some of whom were frank enough to declare that they could not and would not, though in a minority, live under a government which they could not control. In this declaration is found the key which unlocks the whole of the complicated machinery of this revolution. The profligate ambition of public men in all ages and lands has been the rock on which republics have been split. Such men have arisen in our midst—men who, because unable permanently to grasp the helm of the ship, are willing to destroy it in the hope to command some one of the rafts that may float away from the wreck. The effect is to degrade us to a level with the military bandits of Mexico and South America, who, when beaten at an election, fly to arms, and seek to master by the sword what they have been unable to control by the ballot-box.

The atrocious acts enumerated were acts of war, and might all have been treated as such by the late administration; but the President patriotically cultivated peace—how anxiously and how patiently the country well knows. *While, however, the revolutionary leaders greeted him with all hails to his face, they did not the less diligently continue to whet their swords behind his back. Immense military preparations were made, so that when the moment for striking at the government of the United States arrived, the revolutionary states leaped into the contest clad in full armor.*

As if nothing should be wanting to darken this page of history, the seceded States have already entered upon the work of confiscating the debts due from their citizens to the North and North-west. The millions thus gained will doubtless prove a pleasant substitute for those guarantees now so scornfully rejected. To these confiscations will probably succeed soon those of lands and negroes owned by citizens of loyal states; and, indeed, the apprehension of this step is already sadly disturbing the fidelity of non-resident proprietors. Fortunately, however, infirmity of faith, springing from such a cause, is not likely to be contagious. *The war begun is being prosecuted by the Confederate States in a temper as fierce and unsparing as that which characterizes conflicts between the most hostile nations. Letters of marque and reprisals are being granted to all who seek them, so that our coasts will soon swarm with these piratical cruisers, as the President has properly denounced them. Every buccancer who desires to rob American commerce upon the ocean, can, for the asking, obtain a warrant to do so, in the name of the new republic. To crown all, large bodies of Indians have been mustered into the service of the revolutionary states, and are now conspicuous in the ranks of the Southern army. A leading North Carolina journal, noting their stalwart*

frames and unerring marksmanship, observes, with an exultation positively fiendish, that they are armed, not only with the rifle, but also with *the scalping-knife and tomahawk*.

Is Kentucky willing to link her name in history with the excesses and crimes which have sullied this revolution at every step of its progress? Can she soil her pure hands with its booty? She possesses the noblest heritage that God has granted to his children; is she prepared to barter it away for that miserable mess of pottage which the gratification of the unholy ambition of her public men would bring to her lips? Can she, without laying her face in the very dust for shame, become a participant in the spoliation of the commerce of her neighbors and friends, by contributing her star, hitherto so stainless in its glory, to light the corsair on his way? Has the warwhoop which used to startle the sleep of our frontiers, so died away in her ears that she is willing to take the red-handed savage to her bosom as the champion of her rights and the representative of her spirit? Must she not first forget her own heroic sons, who perished, butchered and scalped, upon the disastrous field of Raisin?

The object of the revolution, as avowed by all who are pressing it forward is the permanent dismemberment of the Confederacy. The dream of reconstruction—used during the last winter as a lure to draw the hesitating or the hopeful into the movement—has been formally abandoned. If Kentucky separates herself from the Union, it must be upon the basis that the separation is to be final and eternal. Is there aught in the organization or administration of the government of the United States to justify, on her part, an act so solemn and so perilous? Could the wisest of her lawyers, if called upon, find material for an indictment in any or in all the pages of the history of the republic? Could the most leprous-lipped of its calumniators point to a single state or territory, or community or citizen, that it has wronged or oppressed? It would be impossible. *So far as the slave states are concerned, their protection has been complete, and if it has not been, it has been the fault of their statesmen, who have had the control of the government since its foundation.*

The census returns show that during the year 1860, the fugitive slave law was executed more faithfully and successfully than it had been during the preceding ten years. Since the installation of President Lincoln, not a case has arisen in which the fugitive has not been returned, and that, too, without any opposition from the people. Indeed, the fidelity with which it was understood to be the policy of the administration to enforce the provisions of this law, has caused a perfect panic among the runaway slaves in the free states, and they have been escaping in multitudes to Canada, unpursued and unreclaimed by their masters. Is there found in this, reason for a dissolution of the Union?

That the slave states are not recognized as equals in the Confederacy, has

for several years been the cry of demagogues and conspirators. But what is the truth? Not only according to the theory, but the actual practice of the government, the slave states have ever been, and still are, in all respects, the peers of the free. Of the fourteen presidents who have been elected, seven were citizens of slave states, and of the seven remaining, three represented Southern principles, and received the votes of the Southern people; so that, in our whole history, but four presidents have been chosen who can be claimed as the special champions of the policy and principles of the free states, and even these so only in a modified sense. Does this look as if the South had ever been deprived of her equal share of the honors and powers of the government? The Supreme Court has decided that the citizens of the slave states can, at will, take their slaves into all the territories of the United States; and this decision, which has never been resisted or interfered with in a single case, is the law of the land, and the whole power of the government is pledged to enforce it. That it will be loyally enforced by the present administration, I entertain no doubt. A Republican Congress, at the late session, organized three new territories, and in the organic law of neither was there introduced or attempted to be introduced, the slightest restriction upon the rights of the Southern emigrant to bring his slaves with him. At this moment, therefore, and I state it without qualification, there is not a territory belonging to the United States into which the Southern people may not introduce their slaves at pleasure, and enjoy their complete protection. Kentucky should consider this great and undeniable fact, before which all the frothy rant of demagogues and disunionists must disappear as a bank of fog before the wind. But were it otherwise, and did a defect exist in our organic law, or in the practical administration of the government, in reference to the rights of Southern slaveholders in the territories, still the question would be a mere abstraction, since the laws of climate forbid the establishment of slavery in such a latitude; and to destroy such institutions as ours for such a cause, instead of patiently trying to remove it, would be little short of national insanity. It would be to burn the house down over our heads merely because there is a leak in the roof; to scuttle the ship in mid-ocean merely because there is a difference of opinion among the crew as to the point of the compass to which the vessel should be steered; it would be, in fact, to apply the knife to the throat instead of to the cancer of the patient.

But what remains? Though, say the disunionists, the Fugitive Slave law is honestly enforced, and though, under the shelter of the Supreme Court, we can take our slaves into the territories, the Northern people will persist in discussing the institution of slavery, and therefore we will break up the government. It is true that slavery has been very intemperately discussed in the North, and it is equally true that until we have an Asiatic despotism, crushing out all freedom of speech and of the press, this discussion will probably continue. In this age and country all institutions, human and divine,

are discussed, and so they ought to be; and all that cannot bear discussion must go to the wall, where they ought to go. It is not pretended, however, that the discussion of slavery, which has been continued in our country for more than forty years, has in any manner disturbed or weakened the foundation of the institution. On the contrary, we learn from the press of the seceded states that their slaves were never more tranquil or obedient. There are zealots—happily few in number—both North and South, whose language upon this question is alike extravagant and alike deserving our condemnation. Those who assert that slavery should be extirpated by the sword, and those who maintain that the great mission of the white man upon earth is to enslave the black, are not far apart in the folly and atrocity of their sentiments.

Before proceeding further, Kentucky should measure well the depth of the gulf she is approaching, and look well to the feet of her guides. Before forsaking a Union in which her people have enjoyed such uninterrupted and such boundless prosperity, she should ask herself, not once, but many times, why do I go, and where am I going? In view of what has been said, it would be difficult to answer the first branch of the inquiry, but to answer the second part is patent to all, as are the consequences which would follow the movement. In giving her great material and moral resources to the support of the Southern Confederacy, Kentucky might prolong the desolating struggle that rebellious states are making to overthrow a government which they have only known in its blessings; but the triumph of the government would nevertheless be certain in the end. *She would abandon a government strong and able to protect her, for one that is weak, and that contains, in the very elements of its life, the seeds of distraction and early dissolution. She would adopt, as the law of her existence, the right of secession—a right which has no foundation in jurisprudence, or logic, or in our political history; which Madison, the father of the federal constitution, denounced; which has been denounced by most of the states and prominent statesmen now insisting upon its exercise; which, in introducing a principle of indefinite disintegration, cuts up all confederate governments by the roots, and gives them over a prey to the caprices, and passions, and transient interests of their members, as autumnal leaves are given to the winds which blow upon them.* In 1814, the *Richmond Enquirer*, then, as now, the organ of public opinion in the South, pronounced secession to be treason, and nothing else, and such was then the doctrine of Southern statesmen. What was true then is equally true now. The prevalence of this pernicious heresy is mainly the fruit of that farce called "state rights," which demagogues have been so long playing under tragic mask, and which has done more than all things else to unsettle the foundations of the republic, by estranging the people from the federal government, as one to be distrusted and resisted, instead of being, what it is, emphatically their own creation, at all times obedient to their will, and in its ministrations the

grandest reflex of the greatness and beneficence of popular power that has ever ennobled the history of our race. Said Mr. Clay: "I owe a supreme allegiance to the general government, and to my state a subordinate one." And this terse language disposes of the whole controversy which has arisen out of the secession movement in regard to the allegiance of the citizen. As the power of the states and federal government are in perfect harmony with each other, so there can be no conflict between the allegiance due to them; each, while acting within the sphere of its constitutional authority, is entitled to be obeyed; but when a state, throwing off all constitutional restraints, seeks to destroy the general government, to say that its citizens are bound to follow in its career of crime, and discard the supreme allegiance they owe to the government assailed, is one of the shallowest and most dangerous fallacies that has ever gained credence among men.

Kentucky, occupying a central position in the Union, is now protected from the scourge of a foreign war, however much its ravages may waste the towns and cities upon our coasts, or the commerce upon our seas; but as a member of the Southern Confederacy, she would be a frontier state, and necessarily the victim of those border feuds and conflicts which have become proverbial in history alike for their fierceness and frequency. The people of the South now sleep quietly in their beds, while there is not a home in infatuated and misguided Virginia that is not filled with the alarms and oppressed by the terrors of war. In the fate of the ancient commonwealth, dragged to the altar of sacrifice by those who should have stood between her bosom and every foe, Kentucky may read her own. *No wonder, therefore, that she has been so coaxingly besought to unite her fortunes with those of the South, and to lay down the bodies of her chivalric sons as a breastwork, behind which the Southern people may be sheltered.* Even as attached to the Southern Confederacy, she would be weak for all the purposes of self-protection, as compared with her present position. But amid the mutations incident to such a helpless and disintegrating league, Kentucky would probably soon find herself adhering to a mere fragment of the Confederacy, or it may be standing entirely alone, in the presence of tiers of free states, with populations exceeding, by many millions, her own. Feeble states, thus separated from powerful and warlike neighbors by ideal boundaries, or by fears as easily traversed as rivulets, are as insects that feed upon the lion's lip—liable at every moment to be crushed. The recorded doom of multitudes of such, has left us a warning too solemn and impressive to be disregarded.

Kentucky now scarcely feels the contribution she makes to support the government of the United States, but as a member of the Southern Confederacy, of whose policy free trade will be a cardinal principle, she will be burdened with direct taxation to the amount of double, or, it may be, triple or quadruple that which she now pays into her own treasury. Superadded to this will be required from her her share of those vast outlays necessary for

the creation of a navy, the erection of forts and custom-houses along a frontier of several thousand miles; and for the maintenance of that large standing army which will be indispensable at once for her safety, and for imparting to the new government that strong military character which, it has been openly avowed, the peculiar institutions of the South will inexorably demand.

Kentucky now enjoys for her peculiar institution the protection of the Fugitive Slave law, loyally enforced by the government, and it is this law, effective in its power of recapture, but infinitely more potent in its moral agency in preventing the escape of slaves, that alone saves that institution in the border states from utter extinction. She cannot carry this law with her into the new Confederacy. She will, virtually, have Canada brought to her doors in the form of free states, whose population, relieved of all moral and constitutional obligations to deliver up fugitive slaves, will stand with open arms, inviting and welcoming them, and defending them, if need be, at the point of the bayonet. Under such influences, slavery will perish rapidly pass away in Kentucky, as a ball of snow would melt in a summer's sun.

Kentucky, in her soul, abhors the African slave-trade, and turns away with unspeakable horror and loathing from the red altars of King Dahomey. *But although this traffic has been temporarily interdicted by the seceded states, it is well understood that this step has been taken as a mere measure of policy for the purpose of impressing the border states, and of conciliating the European powers. The ultimate legalization of this trade, by a republic professing to be based upon African servitude, must follow as certainly as does the conclusion from the premises of a mathematical proposition.* Is Kentucky prepared to see the hand upon the dial-plate of her civilization rudely thrust back a century, and to stand before the world the confessed champion of the African slave-hunter? Is she, with her unsullied fame, ready to become a pander to the rapacity of the African slave-trader, who burdens the very winds of the sea with the moans of the wretched captives whose limbs he has loaded with chains, and whose hearts he has broken? I do not, I cannot, believe it.

For this catalogue of what Kentucky must suffer in abandoning her present honored and secure position, and becoming a member of the Southern Confederacy, what will be her indemnity? Nothing, absolutely nothing. The ill-woven ambition of some of her sons may possibly reach the Presidency of the new republic; that is all. Alas! alas! for that dream of the Presidency of a Southern republic, which has disturbed so many pillows in the South, and perhaps some in the West, also, and whose lurid light, like a demon's torch, is leading a nation to perdition!

The clamor that in insisting upon the South obeying the laws, the great principle that all popular governments rest upon the consent of the governed is violated, should not receive a moment's consideration. Popular government does, indeed, rest upon the consent of the governed, but it is upon the consent, *not of all, but of a majority of the governed.* Criminals are every day

punished, and made to obey the laws, certainly against their will, and no man supposes that the principle referred to is thereby invaded. A bill passed by the legislature, by the majority of a single vote only, though the constituents of all who voted against it should be, in fact as they are held to be in theory, opposed to its provisions, still is not the less operative as a law, and no right of self-government is thereby trampled upon. The clamor alluded to assumes that the states are separate and independent governments, and that laws enacted under the authority of all may be resisted and repealed at the pleasure of each. The people of the United States, so far as the powers of the general government are concerned, are a unit, and laws passed by a majority of all are binding upon all. The laws and constitution, however, which the South now resists, have been adopted by her sanction, and the right she now claims is that of a feeble minority to repeal what a majority has adopted. Nothing could be more fallacious.

Civil war, under all circumstances, is a terrible calamity, and yet, from the selfish ambition and wickedness of men, the best governments have not been able to escape it. In regarding that which has been forced upon the government of the United States, Kentucky should not look so much at the means which may be necessarily employed in its prosecution, as at the machinations by which this national tragedy has been brought upon us. When I look upon this bright land, a few months since so prosperous, so tranquil, and so free, and now behold it desolated by war, and the firesides of its thirty millions of people darkened, and their bosoms wrung with anguish, and know, as I do, that all this is the work of a score or two of men, who, over all this national ruin and despair, are preparing to carve with the sword their way to seats of permanent power, I cannot but feel that they are accumulating upon their soil an amount of guilt hardly equalled in all the atrocities of treason and homicide that have degraded the annals of our race from the foundations of the world. *Kentucky may rest well assured that this conflict, which is one of self-defence, will be pursued on the part of the Government in the paternal spirit in which a father seeks to reclaim his erring offspring. No conquest, no effusion of blood is sought. In sorrow, not in anger, the prayer of all is, that the end may be reached without loss of life or waste of property.* Among the most powerful instrumentalities relied on for re-establishing the authority of the government, is that of the Union sentiment of the South, sustained by a liberated press. It is now trodden to the earth under a reign of terrorism which has no parallel but in the worst days of the French revolution. The presence of the government will enable it to rebound and look its oppressors in the face. At present we are assured that in the seceded states no man expresses an opinion opposed to the revolution but at the hazard of his life and property. The only light which is admitted into political discussion is that which flashes from the sword or gleams from glistening bayonets. A few days since, one of the United State Sena-

tors from Virginia published a manifesto, in which he announces, with oracular solemnity and severity, that all citizens who would not vote for secession, but were in favor of the Union—not should or ought to—but “must leave the state.” These words have in them decidedly the crack of the overseer’s whip. The Senator evidently treats Virginia as a great negro quarter, in which the lash is the appropriate emblem of authority, and the only argument he will condescend to use. However the freemen of other parts of the state may abase themselves under the exercise of this insolent and proscriptive tyranny, should the Senator, with his scourge of slaves, endeavor to drive the people of Western Virginia from their homes, I will only say, in the language of the narrative of Gilpin’s ride,

“May I be there to see!”

It would certainly prove a deeply interesting spectacle.

It is true that before this deliverance of the popular mind of the South from the threatenings and alarm which have subdued it can be accomplished, the remorseless agitators who have made this revolution, and now hold its reins, must be discarded alike from the public confidence and the public service. The country in its agony is feeling their power, and we well understand how difficult will be the task of overthrowing the ascendancy they have secured. But the Union men of the South—believed to be in the majority in every seceded state, except, perhaps, South Carolina—aided by the presence of the government, will be fully equal to the emergency. Let these agitators perish, politically, if need be, by scores,

“A breath can unmake them as a breath has made;”

but destroy this republic, and

“Where is that Promethean heat
That can its light relume?”

Once entombed, when will the angel of the resurrection descend to the portals of its sepulchre? There is not a voice which comes to us from the cemetery of nations that does not answer: “Never, never!” Amid the torments of perturbed existence, we may have glimpses of rest and of freedom, as the maniac has glimpses of reason between the paroxysms of his madness, but we shall attain to neither national dignity nor national repose. We shall be a mass of jarring, warring, fragmentary states, enfeebled and demoralized, without power at home, or respectability abroad, and, like the republics of Mexico and South America, we will drift away on a shoreless and ensanguined sea of civil commotion, from which, if the teachings of history are to be trusted, we shall finally be rescued by the iron hand of some military wrecker, who will coin the shattered elements of our greatness and of our strength in a diadem and a throne. Said M. FOULD, the great French statesman, to an American citizen, a few weeks since: “Your republic is dead,

and it is probably the last the world will ever see. You will have a reign of terrorism, and after that two or three monarchies." All this may be verified should this revolution succeed.

Let us, then, twine each thread of the glorious tissue of our country's flag about our heart-strings, and looking upon our homes and catching the spirit that breathes upon us from the battle-fields of our fathers, let us resolve, that, come weal or woe, we will, in life and in death, now and forever, stand by the stars and the stripes. They have floated over our cradles, let it be our prayer and our struggle that they shall float over our graves. They have been unfurled from the snows of Canada to the plains of New Orleans, to the halls of the Montezumas, and amid the solitudes of every sea; and everywhere, as the luminous symbol of resistless and beneficent power, they have led the brave and the free to victory and to glory. It has been my fortune to look upon this flag in foreign lands, and amid the gloom of an oriental despotism, and right well do I know, by contrast, how bright are its stars, and how sublime are its inspirations! If this banner, the emblem for us of all that is grand in human history, and of all that is transporting in human hope, is to be sacrificed on the altars of a Satanic ambition, and thus disappear forever amid the night and tempest of revolution, then will I feel—and who shall estimate the desolation of that feeling?—that the sun has indeed been stricken from the sky of our lives, and that henceforth we shall be but wanderers and outcasts, with naught but the bread of sorrow and penury for our lips, and with hands ever outstretched in feebleness and supplication, on which, in any hour, a military tyrant may rivet the fetters of a despairing bondage. May God in his infinite mercy save you and me, and the land we so much love, from the doom of such a degradation.

No contest so momentous as this has arisen in human history, for, amid all the conflicts of men and of nations, the life of no such government as ours has ever been at stake. Our fathers won our independence by the blood and the sacrifices of a seven years' war, and we have maintained it against the assaults of the greatest power upon the earth; and the question now is, whether we are to perish by our own hands, and have the epitaph of suicide written upon our tomb? The ordeal through which we are passing must involve immense suffering and losses for us all, but the expenditure of not merely hundreds of millions, but of billions of treasure, will be well made, if the result will be the preservation of our institutions.

Could my voice reach every dwelling in Kentucky, I would implore its inmates—if they would not have the rivers of their prosperity shrink away, as do unfed streams beneath the summer heats—to rouse themselves from their lethargy, and fly to the rescue of their country, before it is everlastingly too late. Man should appeal to man, and neighborhood to neighborhood, until the electric fires of patriotism shall flash from heart to heart in one unbroken current throughout the land. It is a time in which the workshop,

the office, the counting-house, and the field, may well be abandoned for the solemn duty that is upon us, for all these toils will but bring treasure, not for ourselves, but for the spoiler, if this revolution is not arrested.

We are all, with our every earthly interest, embarked in mid-ocean on the same common deck. The howl of the storm is in our ears, and "the lightning's red glare is painting hell on the sky;" while the noble ship pitches and rolls under the lashings of the waves, the cry is heard that she has sprung a leak at many points, and that the rushing waters are mounting rapidly in the hold. The man who, in such an hour, will not work at the pumps, is either a maniac or a monster.

Sincerely yours,

JOSEPH HOLT.

*St Francis Lieber
Columbia College
N.Y.*

THE CRISIS:

ITS RATIONALE.

PART I.—OUR NATIONAL FORCE THE PROPER REMEDY.

PART II.—RESTORATION OF LEGITIMATE AUTHORITY THE
END AND OBJECT OF THE WAR.

BY THOMAS J. SIZER.

BUFFALO:
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1862.

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PREFACE.

A crisis in national affairs is not necessarily measured by days or months. The first part of this endeavor to show the rationale of that through which our nation is passing, was published early in May, 1861. It announced facts and principles that have since been more fully realized. The magnitude of the occasion continues, and reasons similar to those which prompted the first publication seem now to require its extension.

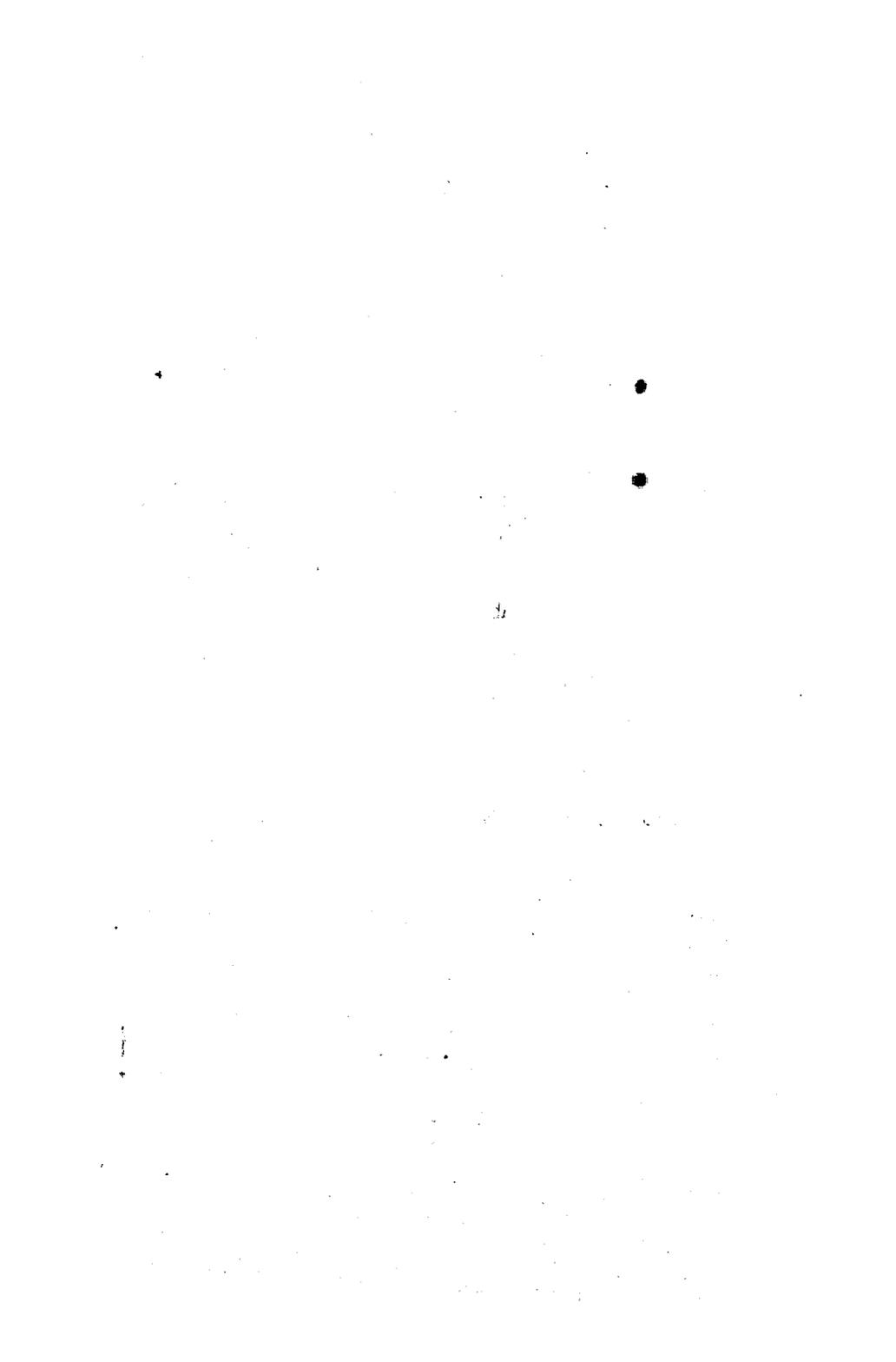
The first part not being temporary in character and purpose, and being introductory to, and closely connected with, what is now added in the second part, it is republished therewith.

It is not supposed by the author that a full statement of the philosophy of this crisis can be embodied in a brief publication; but it is believed that leading principles, being recognized, even though briefly and imperfectly stated, the whole subject may be more easily comprehended and acted on.

The first part was so entirely impersonal, that the author's name seemed immaterial. It being necessary, in the part now added, to treat somewhat of the actors in the history which we are making, remaining anonymous would, perhaps, not be entirely justifiable.

T. J. S.

BUFFALO, June, 1862.



THE CRISIS: ITS RATIONALE.

The time has come for the exposure of a great, and, it may be, a disastrous fallacy in the political reasoning of our people. Regarding *interest* as the controlling power in worldly affairs, the States as sovereign, and that sovereignty referable to the masses of the people in each State, under our republican system, they have assumed that slavery must abide the sure action of the principles of political economy, and live or die, according as enlightened self-interest, acting upon the whole people of each State, influenced by climate and productions, shall determine.

Prominent political men, seeking excuses for inaction or acquiescence, have repeatedly advanced this sedative doctrine; and people of all parties have too readily accepted it as true.

The error consists in overlooking the fact that the interest of the slaveholder is great and permanent, and is not the interest of the State; and that the interest of the State does not control political action. In the case of slavery, republicanism is not permitted to act; the people of the Slave States are not permitted to be enlightened in regard to their interest on the subject, and if they were enlightened, they are not permitted, as against slavery, to control the action of their States. This is not in accordance with the theory and philosophy of our system, but it is our actual condition, and whoever would help our country, in its present crisis, should know it and give it thoughtful heed. The necessities of slavery create for it a political system that is really irreconcilable with our constitutional political system.

The system of government devised by our fathers, is one of most perfect and practical republicanism. It differs from other systems of republicanism, especially in its provisions for great national power and expansion, combined with provisions for complete local self-government, guaranteed against revolutionary

violence and physical force. Its true character was so well described by Mr. Calhoun,* that his language is copied here, not only as a clear and correct statement, but also as a valuable testimony from one whose example and teachings have nevertheless, done much, very much, to defeat the practical working of our system, according to his own explanation of its nature and intention. Treating of the guarantees in the Constitution against external and internal violence towards a State, and against encroachment by rulers, he says :

“ Having now answered your several questions, I deem it due, both to myself and the occasion, to state in conclusion what, according to the opinion I entertain would be the effects of these guarantees, on the supposition that the Federal Government shall faithfully discharge the duties they impose.

“ The great and leading effect would be, to put an end to all changes in the form of government and Constitutions of the States, originating in force or revolution ; unless, indeed, they should be effected against the united resistance of the State and the Federal Government. It would give to the government and constitution of each, the stability of the whole ; so that no one could be subverted without subverting, at the same time, the whole system ; and this I believe to have been the intention of the framers of the Federal Constitution in inserting the guarantee section. They were experienced and wise men, and did their work effectually. They had carried the country successfully through, by their wisdom and patriotism, the most remarkable political revolution on the records of history, and firmly established the Constitutions and Governments of the States, composing the Union, on the great principles of popular liberty, in which it originated. Nothing was left undone to perfect their great and glorious task, but to reconstruct, on more correct and solid principles, the common Constitution and Government of all the States, and bind them into one compact and durable structure. This was their crowning work ; and how well it was performed, the Federal Constitution and Government will stand more durable than brass, an everlasting monument of their wisdom and patriotism.

“ But very imperfect, indeed, would their task have been left, if they had not adopted effectual means to guard all the parts against the lawless shocks of violence and revolution. They were too deeply read in the history of free and confederated States not to know the necessity of taking effectual guards against them ; and for this purpose, inserted in the Constitution the guarantee section, which will effectually and forever guard against those dangerous enemies of popular and constitutional governments, if the Federal Government shall faithfully do its duty. They would, in such case, effectually close the doors, on every side, against their entrance, — whether attempted by invasion from *without*, domestic violence from *within*, or through the lawless ambition and usurpation of rulers.

“ But while the framers of the Federal Constitution thus carefully protected the system against changes by the rude hand of violence and revolution, they were too experienced and wise to undertake to close the door against all changes. They well knew that all the works of man, whatever may be their skill, are imperfect of themselves, and liable to decay ; and that, in order to perfect and perpetuate what

* See his letter to Hon. William Smith, of Rhode Island, July 3, 1843, in the 6th vol. of Calhoun's works, p. 234.

they had done, it was necessary to provide a remedy to correct its imperfections and repair the injuries of time, by making such changes as the one or the other might require. They also knew that, if such changes were not permitted, violence and revolution would, in time, burst open the doors which they had so carefully closed against them, and tear down the whole system in their blind and unskillful attempts to repair it. Nor were they ignorant that, in providing for amendments, it would be necessary, in order to give sufficient stability to the system, to guard against hasty and thoughtless innovations, but, at the same time, to avoid such restrictions as would not leave sufficient facility for making the requisite changes. And this too, is executed with the same wisdom and skill which characterized every other part of their work in the various provisions contained in the Federal Constitution for amendments;—which, while they afford sufficient guards against innovations, afford at the same time, sufficient facility for the objects contemplated. But one thing still remained to perfect their work.

“It might be that the party in power would be opposed to all changes, and that, in consequence of the door being thus closed against force and revolution, and the restrictions imposed on the amending power, in order to prevent hasty innovations, —they might make successful resistance against all attempts to amend the constitution, however necessary, if no adequate provision were made to prevent it. This they foresaw, and provided against it an ample remedy; after explaining which, I shall close this long communication.

“The framers of the Federal Constitution were not only experienced and wise men, but firm believers also in the capacity of their fellow-citizens for self-government. It was in the full persuasion of the correctness of this belief that, after having excluded violence and revolution, or physical force as the means of change, and placed adequate guards against innovation, they opened wide the doors — never to be closed — for the free and full operation of all the moral elements in favor of change; not doubting that if reason be left free to combat error, all the amendments which time and experience might show to be necessary, would, in the end be made; and that the system, under their salutary influence, would go on indefinitely, purifying and perfecting itself. Thus thinking,—the liberty of the press,—the freedom of speech and debate,—the trial by jury,—the privilege of *habeas corpus*,—and the right of the people peaceably to assemble together, and petition for a redress of grievances,—are all put under the sacred guarantee of the Federal Constitution, and secured to the citizen against the power both of the Federal and State Governments. Thus it is, that the same high power, which guarantees protection to the governments of the States against change or subversion by physical force, guarantees, at the same time, to the citizens protection against restrictions on the unlimited use of these great moral agents for effecting such changes as reason may show to be necessary. Nor ought their overpowering efficacy to accomplish the object intended, to be doubted. Backed by perseverance and sustained by these powerful auxiliaries, reason in the end will surely prevail over error and abuse, however obstinately maintained;—and this the more surely, by the exclusion of so dangerous an ally as mere brute force. The operation may be slow, but will not be the less sure. Nor is the tardiness an objection. All changes in the fundamental laws of the State, ought to be the work of time, ample discussion, and reflection; and no people who lack the requisite perseverance to go through the slow and difficult process necessary at once to guard against improper innovations, and to insure wise and salutary changes, —or who are ever ready to resort to revolution, instead of reform, where reform may be practicable,—can preserve their liberty. Nor would it be desirable, if it were practicable, to make the requisite changes without going through a long previous process of discussion and agitation. They are indispensable means,—the only school (if I may be allowed the expression.)

in our case, that can diffuse and fix in the mind of the community, the principles and doctrines necessary to uphold our complex but beautiful system of governments. In none that ever existed, are they so much required; and in none were they ever calculated to produce such powerful effect. Its very complication—so many distinct sovereign and independent States, each with its separate government, and all united under one—is calculated to give a force to discussion and agitation, never before known,—and to cause a diffusion of political intelligence heretofore unknown in the history of the world,—if the Federal Government shall do its duty under the guarantees of the Constitution by thus promptly suppressing physical force as an element of change,—and keeping wide open the door for the full and free action of all the moral elements in its favor. No people ever had so fair a start. All that is lacking is, that we shall understand in all its great and beautiful proportions the noble political structure reared by the wisdom and patriotism of our ancestors, and to have the virtue and the sense to preserve and protect it.”

This is, undoubtedly, the true theory of our government; republicanism guaranteed to every State—the liberty of the press—the freedom of speech and debate—the trial by jury—the privilege of *habeas corpus*—and the right of the people peaceably to assemble together, and petition for a redress of grievances—all put under the sacred guarantee of the Federal Constitution and secured to the citizens against the power both of the Federal and State Governments.

Such is our theory—our system; but such, unfortunately, is not our practice, especially where slavery is concerned. We think it logically demonstrable that slavery cannot permanently coëxist with republicanism thus guaranteed. We think our fathers knew this, and that they expected, when they guaranteed republicanism in the States and did not guarantee slavery there, that republicanism would root out slavery. We think, also, that they who are determined, in every event, to hold on to slavery, are also aware of its real incompatibility with our system, and that to this, are to be ascribed their persevering attempts, first, to change our system by construction, and, failing in this, to withdraw from it with their cherished “institution.”

The known necessities of slavery have caused to grow up in these United States, wherever slavery exists, a system utterly at war with our proper system, and with many of the plainest and most important provisions of our Constitution. The liberty of the press, the freedom of speech and debate, do not, and cannot, exist, where slavery is to be permanent. The trial by jury, the privilege of *habeas corpus*, and the right of the people peaceably to assemble together and petition for a redress of grievances, may not be violated by statutory enactments, or judicial construction,

in Slave States; but Vigilance Committees and Lynch-law, supersede other law, and provide effectively for the necessities of slavery. The slave laws of Kansas shocked the moral sense of the people, and even of the United States Senate, but their provisions were not worse than the necessities of slavery, existing in such a community, actually require. Such provisions have to be enforced where slavery exists, and the practical result is the same, whether the law is administered according to Judge Lynch, or has a more formal sanction. Judge Lumpkin, of Georgia, expounding the severe provisions of their laws against the education or intellectual employment of negroes, says :

“I do not refer to these severe restrictions for the purpose of condemning them. They have my hearty and cordial approval. The great principle of self-preservation demands, on the part of the white population unceasing vigilance and firmness, as well as uniform kindness, justice and humanity. Everything must be interdicted which is calculated to render the slave discontented with his condition, or would tend to increase his capacity for mischief.”*

The great principle of self-preservation demands, on the part of the white population unceasing vigilance and firmness. Every thing must be interdicted which is calculated to render the slave discontented with his condition. This is not only thus authoritatively expounded to be the law and the reason of the law, but it commends itself to our understanding: we see that, in the nature of the case, it must be so, and that slavery, admitted to be permanent, carries with it, by the force of its actual necessities, a system of government and of law adapted to itself and its self-preservation, whatever may be the professed forms of government. From the cautious necessities of slavery, result general popular ignorance, and the concentration of political power in the hands of slaveholders. Their interests become the interests of the State government. They wield the political power, and others share in their favor only as they show themselves acquiescent and servicable.

Reasoning *à priori* we would infer this state of things; looking at facts we see it exemplified. For more than forty years, States in this Union — not one, only, but a considerable number of them — have been shown to be held down and impoverished by slavery. Lying side by side with other States free from slavery, yet hav-

* See Georgia Law Reports, Vol. 14, p. 198.

ing no better soil or climate or natural productiveness, the general and aggregate wealth of the people and their standard of living are seen to be vastly inferior to those of the Free States. There stands the fact, too patent for denial or equivocation. Yet not in one of these States is that law of self-interest which is so much relied on, working, however gradually, the extinction of slavery. Surely if the law were so potent, forty years are long enough for it to begin to act. Obviously it is not true that slavery will be abandoned when it becomes unprofitable to a *State*, or to the *people* of a State; because the republican system contemplated by our fathers, and guaranteed by the Constitution, does not prevail in the Slave States, but is overborne and crushed out there by the despotic necessities of slavery. Hence it is, that, gradually, there has grown up in the Slave States, a systematic distrust of majorities. More and more their State Constitutions have guarded against popular influences, especially where slavery is concerned; and Mr. Calhoun, during the latter part of his life, expressed frequent apprehension and dread of what he called "the tyranny of majorities," and gave much attention to contriving methods whereby the minority might check and control the majority.

The example of some States that did actually abolish slavery, will, perhaps, be cited as against our reasoning, but it is not. Slavery in those States had not yet attained the political control, and men were then nearer to the times and more imbued with the spirit of the revolution. Republicanism was not then suppressed, but was active and dominant in those States, according to the true intent and meaning of the Constitution. Freedom of discussion and the interest of the masses prevailed over the interest and desires of the slaveholders. If any of the latter favored the movement it was because their sense of right or their other interests overcame their interests as slaveholders. Had the question been left to the slaveholders in those States, *their* interest would never have led them to abolish slavery. It was the interest of the masses sustained by their moral convictions, enacting and enforcing positive legal prohibitions, against the interests and wishes of slaveholders, that abolished slavery in those States; and not the changed interests or relaxing cupidity of the slaveholders themselves. Where slaveholders have the political power, slavery will never be abolished, whatever may be its impoverishing effects on the State or the masses of the people; and this law will pre-

vail whatever the climate or the productions of the State. The law of interest does not work there, through the masses, to abolish slavery, but through the slaveholders, to perpetuate it.

The interest of the slaveholder in his slave is, always and everywhere, precisely measured by the marketable pecuniary value of the slave—by his price. Where a slave can be sold for fifty dollars, that fact signifies that, in that case, slavery, or the right or legal ability to hold the person in bondage, is actually worth fifty dollars to the master. So if the price be ten dollars, or five thousand dollars, the price measures the marketable value to the master, of the relation between him and his bondman. And therefore, wherever a slave will sell *for anything*, slavery is valuable to the master, and therefore his interest will not lead him to abolish it. There is no part of the United States in which slavery, or the unlimited right of one man to appropriate the services of another, would not be pecuniarily and largely valuable. The colored people of Chicago would, if held there as slaves, constitute a large pecuniary interest of their owners. The legal right and ability to work a gang of stalwart fugitives in the Canadian forests, would insure a fortune there, to their master: and Gov. Wise was right when he told us of the great pecuniary value of slaves to dig for gold in California, if only slavery were legalized and protected there. Some pertinent statements and statistics are copied here, from the letter of an intelligent observer who was traveling in Kentucky.* He says:

“It is a common assertion that the complete substitution of free labor for slave labor would be profitable, and that even without Abolition action and outside pressure, such change would be produced, in a somewhat longer time, by the choice of the slaveholders, directed by considerations of economy. There is no proposition more groundless. If free labor was more cheap and profitable, many slaveholders would have learned it, and have already made the complete substitution. This has not occurred, as I am informed, on a single farm in Kentucky, unless where the easy access of Abolitionist negro-stealers renders the holding of slaves too hazardous. If any reliance really were placed in this often-asserted dogma, the certain result would have been seen in a great diminution of the number of slaves, and even remote from the Abolition border, compared to the whites. On the contrary, the proportion of slaves has been increased, and greatly, from the census of 1790 to the last of 1850—and regularly to 1840. The small relative diminution between 1840 and 1850, (though still with an absolute increase in that time of 28,723 slaves), may safely be ascribed, and entirely, to the incendiary action of Northern Abolitionists, and not, in the least,

* His letter is dated at Frankfort, Ky., and was published in the Charleston Mercury, Sept. 24, 1860.

to negro slavery being otherwise less profitable. The proportions in Kentucky have been very nearly as follows:

"1790, there was one slave to every five white inhabitants.

"1800, there was one slave to every four and a half white inhabitants.

"1810, there was one slave to every four white inhabitants.

"1820, there was one slave to every three and a half white inhabitants.

"1830, there was one slave to every three white inhabitants.

"1840, there was one slave to every three white inhabitants.

"1850, there was one slave to every three and a half white inhabitants.

"If the smaller proportional increase of slaves in the last cited decade was caused by diminution of their economical value, (if not affected by Abolition action), it becomes those who maintain that general proposition to show what difference has occurred in the agriculture of Kentucky, or otherwise, to produce such change of value in labor. In truth, there are few, if any agriculturists, and none in this better portion of Kentucky, who do not use, or would not prefer, slaves to hired free laborers—as would be the case, if the choice were free, in every now free State where the climate is as mild. And if fanaticism and legal prohibition and penalties did not prevent the holding of negro slaves, and their secure and quiet possession anywhere, they would be bought and held in numbers, and to great advantage, for menial employments and as house servants, in every now non-slaveholding State, without regard to severity of climate. At least, all wealthy house-keepers would rejoice to own negro slaves as domestic servants, to save their wives and daughters from their present toil and drudgery, in acting as servants, and performing all the most revolting, degrading, and debasing duties of such service.

"Negro slavery is nowhere now kept out of either the new Territories, or the older Northern States, by its being unprofitable for every employment; but is excluded by positive prohibitory laws and penalties, and still more by the prevailing anti-slavery fanaticism, which alone would render property in slaves entirely insecure and worthless, and make the possessor odious in the highest degree. If negro slaves could be taken to, and held securely under the laws in any State or Territory, where the profit or convenience of owners would require, they would spread into every Northern State, and be demanded in such numbers, that a million of slave population, to be there held, would not more than maintain the needed supply. The most earnest advocates for the advantages of the institution of negro slavery, and for its greatest extension, would ask no better means for the desired ends, than the fair and full application of the rule of leaving the demand for slaves, and the profits of their employment, with their secure possession, to direct and limit their use, and to determine the extension and limits of the institution of negro slavery."

To this testimony we add, (what all must know), that the vices and passions of men contribute largely to sustain slavery everywhere; and also that, contrary to general impression, the Census shows* the expectation of life of colored persons to be greater in New England than in Louisiana.

We think the observations above quoted substantially correct, and that the pecuniary interest of slaveholders can nowhere be relied on to relax human bondage. If *they* control the State, the

* See abstract of U. S. Census, 1850, p. 13.

Government expresses and responds to their interests. Slavery, originated and sustained by cupidity, nowhere subsides of its own accord. Only the adverse interests and moral convictions of non-slaveholders, armed with legal power, can reach and abolish it. Slaveholders know this, instinctively, and hence they grasp and hold instinctively to political power; and hence, in no slave State, can the system of enlightened popular self-government, provided for by the Constitution and so justly described by Mr. Calhoun, be permitted to prevail. The peculiar, self-constituted, oligarchical system established by slavery, must prevail there instead; and even the provisions of the Constitution, where they conflict with it, must, of necessity, give way.

But the spirit of the age and the moral sense of mankind, aided by the press, the telegraph and railroads, are dangerous to the continued political supremacy of slavery in the slave States, even when aided by its self-constituted and unconstitutional anti-republican system. The several slave States actually need, for the safe perpetuation of their system, the effective protection of a national government. Slavery, with all its advantages guaranteed by State constitutions, and the increasing stringency of its system of influence, terror, and power, is, in itself, so essentially weak and wrong, that it actually needs, and must have, strong, positive, and active support and protection from a government armed with national power. Therefore, politicians in the slave States, and their allies and coadjutors, have not been engaged in a work of supererogation, when seeking, in every possible way, by construction and otherwise, to press our general government into the active service of slavery, and to save slavery from even the possible influence of republicanism in the slave States.

Hon. Albert Rust, member of Congress from Alabama, said in his place last fall :

“It is only by denying to legislative bodies everywhere under our government, the power to impair or affect the right of property in slaves, that you give permanent peace and security to the slaveholder.”

The Committee on Federal Relations in the South Carolina Legislature, last fall, said :

“Out of the Union, our means and resources will go to build up a power under our own control, to be wielded by ourselves for our defence.”

Gov. Pettus, of Mississippi, in his message to the Legislature,

in special session, (Nov. 26, 1860), said, referring to the past, it had been the opinion of many,

“That we might still defend ourselves in the Union, by the power of our State governments, *with the aid of the Federal Government*. But when, in a recent presidential election, a large majority have decreed that *the Federal Government, with all its immense power on which we relied for protection*, shall hereafter be administered by the same class of men who have been guilty of all these acts of violence and bad faith, it is folly, it is madness, to hope for safety in such a government.”

The sentences we have italicised, show the point for which the quotation is given.

Mr. Rhett, of South Carolina, a prominent leader in the secession movement, and when just elected to the Convention, said, (Nov. 12, 1860):

“The Southern Confederacy, ought to be a Slaveholding Confederacy. It is *no* experiment that free government should exist in slaveholding countries. The Republics of Rome and Greece—still the light and glory of ancient times—were built on domestic slavery. But it is an experiment to maintain free government with universal suffrage, and the whole population to control the government.

“Population increases faster than capital, and no prosperity can long stave off the dire conflict which must arise between want and affluence—population and capital. Where the great majority of the population have no *property*, which is the case with every nation in Europe, what shall protect property under the control of this majority from partition or confiscation? What is liberty worth with starvation; and what is property worth with confiscation? Our Confederacy must be a Slaveholding Confederacy. We have had enough of a confederacy with dissimilar institutions.”

Vice-President Stephens, in a speech lately, at Atlanta, Georgia, where he had a public reception, speaking of their new Constitution, said:

“The changes in our Constitution were made with a view to conform to our social institutions, and afford a greater protection to our slave property.”

Thus, looking into the real reason of our present difficulties, it is found in *the necessities of slavery for active national protection*—an inherent incongruity between Slavery and Republicanism—between the system which slavery necessitates, and the system guaranteed by our Federal Constitution. It is the irrepressible conflict; and the Sphinx-question now propounded to us, is,—which shall prevail, Slavery and its now recognized necessities, or, the Republican government founded by our fathers, and established by our Constitution?

Let us not be misunderstood. We are not presenting imme-

diate abolition as the alternative, much less are we suggesting that the Federal Government should, in any way whatever, engage in the abolition of slavery in the States. For aught we have said, and for aught that appears, slavery may continue for years, and for generations, as it has continued in the Slave States, subject only to the rightful action of moral and political influences in the States themselves. While it can fairly meet and deal with these, let it live, and, if it can, flourish. When it cannot do so—and we believe that permanently and successfully it cannot—there is now no government, and there never should be any, to put down republicanism in the States, in order to sustain slavery there. Our Constitution guarantees the perpetuity of republicanism there, and it does not guarantee the perpetuity of slavery. We believe the Constitution is right; and if slavery, anxiously forecasting, determines now to set up its ultimate necessities as paramount to the Constitution, then the Government and the Constitution, and not Slavery, are to be sustained.

That the subversion of our Republican system has long been deliberately purposed and planned, we have had abundant evidence, but did not sufficiently believe it. That leading southern journal, the *Richmond Enquirer*, said, about the 1st of September, 1856 :

“The election of Mr. Buchanan may, and probably will, originate a reaction in public opinion that will encourage the extension of the conservative institution of slavery, and the extension of the British and southern European races, for the very purpose of stemming and turning back the torrent of infidelity, materialism, sensuality, agrarianism, and anarchy, that threatens to overwhelm us from the prolific hive of northern Europe.

“The election of Mr. Buchanan would be a reactionary movement in favor of slavery and conservatism.

“Forewarned, forearmed.’ We see the numbers, the character, the designs of our enemies. Let us prepare to resist them and drive them back.

“Let the South present a compact and undivided front. Let her show to the barbarians that her sparse population offers but little hopes of plunder; her military and self-reliant habits, and her firm union and devoted resolution, no chance of conquest. Let her, if possible, detach Pennsylvania and southern Ohio, southern Indiana, and southern Illinois, from the North, and make the highlands between the Ohio and the lakes the dividing line. Let the South treat with California, and, if necessary, ally herself with Russia, with Cuba, and Brazil.

“A common danger from without, and a common necessity (slavery) within, will be sure to make the South a great, a united, a vigilant, and warlike people.”

The same paper, in a subsequent article, (Oct. 14, 1856), after carefully counting up the military resources of Virginia, says :

"Add to this abundant provision of war muniments, the fruits of her certain seizure of Fortress Monroe with its well stored arsenals, as well as the federal armory at Harper's Ferry, on the first occurrence of hostilities with the North; and her military preparations would be very far from contemptible. The skill of her people with the rifle and in horsemanship is proverbial; and we speak the words of calm reflection when we say, in no spirit of boastfulness, that if the North should undertake to invade the South, by throwing open her ports to free trade with foreign nations, and refusing to allow federal duties to be collected in her waters, Virginia could alone drive back their forces.

"Virginia makes no boasts of these preparations; but as surely as the sun shines over her beautiful fields, she will treat the election of an abolition candidate as a breach of the treaty of 1789, and a release of every sovereign State in the South from all part and lot in its stipulations. The South will then revert to free trade, her favorite and long-desired policy; and her commerce will be no longer shackled with a tribute of \$50,000,000 to \$75,000,000 in annual revenues, which constitute the grand federal corruption fund, to grasp which is the whole object of the abolition agitation, and which has proved itself the 'root of all the evils' which afflict the country."

These statements made more than four years ago, but, we presume, not generally believed then, can, perhaps, better be appreciated now, when the line of policy indicated, is so nearly followed out. Quotations, of like character, could easily be multiplied.

A reaction to encourage slavery, was then, not only desired but hoped and expected. "A common danger"—that is, from the people—"and a common necessity (slavery)" were preparing the Slave States for the destruction of our republican system of government, and the establishment of a more "conservative" system—that is, one better guarded against the influence and power of the people—to wit, the oligarchical system of slavery.

The "infidelity" alluded to, doubtless means the want of faith in slavery as a Christian institution, the "materialism" and "agrarianism" so much dreaded, means, the regard for popular thrift and industry, favored by republicanism, and by "anarchy" is intended, government by the people, and the absence of arbitrary control over them, by an oligarchy of masters. To obviate these dangers to slavery, to revolutionize a government which acknowledges and guarantees the right of the people to control it, was already a settled purpose. Confident of the absolute political control of "the South" by the slave interest, it already looked to the consolidation of its power. "Military habits," "firm union and devoted resolution," not reason, argument or justice, were, even then, relied on to carry the day against the people, to

overthrow our government, and to establish and perpetuate "the conservative institution" of slavery.

The successive steps in the progress to this point, from the republican theory and system, have been natural and orderly. First, the jealous anxiety of slavery for national control, as manifested in its avidity for Federal offices, and in its acquisition of Slave Territory and exclusion of Free Territory; then the proposition to secure for itself, by constitutional amendment, a perpetual and equal share in the control of the general government, by means of a dual executive, etc.; then its demand for the abrogation of all Federal restrictions on its extension and for protective federal legislation; and, finally, failing in these, revolution, to attain its purposes.

We can, now, perhaps, better understand the true character of our present political crisis, and can see how fallacious it must be, to look for remedies in popular action, according to the provisions of our Constitution, *in States where slavery has political control*. The time for such action there, is past. As well might we look for it, in any other despotic or oligarchical government. The necessities of slavery are in the full tide of successful domination there, and necessity knows no other law — no other Constitution. This shows us why, *in every State where slavery has control of the State Government, and so has installed itself as the government DE FACTO, no appeal to the people is allowed, where it would be attended with the least risk to slavery, or the revolution which it contemplates*. People there, voters, according to their existing constitutions, even a majority of them, may be really unwilling to be precipitated into revolution. *They cannot help it*. Government is taken away from them — never to be restored, till slavery again yields to the Federal Constitution, and to rightful popular sovereignty in the States. This, it will not, for the present, do. It will only yield to a greater necessity; and this fact we may better understand first, than last. Republican reasoning, in those States, is utterly vain; for they who believe in it there, have now no political power, and they who have the political power, do not believe in republicanism, and understand, full well, what they are about, and that, to accomplish their purposes, popular control, except when maddened into hostility to its real interests, must not be permitted. They mean revolution, the supremacy of slavery, and a government better adapted than ours,

to its necessities ; and we have no right now, to await, or idly to calculate on, the recuperative action of republicanism according to our Constitution, in the States which slavery has already successfully paralyzed. Murmurs of popular discontent, and even indignant denunciations, against the revolutionists, which now occasionally reach us, from the people of those States, are louder now, than they ever will be again, if the friends, in those States, to our government and our republican system, receive no outside support. Like the cries of shipwrecked sufferers, the popular murmurs there, will grow less and less. Even Austrian despotism relinquishes nothing that it can successfully hold. American despotism is, at least, equally intelligent and regardful of its interests ; and, we believe too, it is equally remorseless. Not right, not constitutional law, not superior power, is arrayed against our government, nor even an excited temporary and local popular enthusiasm, which will cool of itself ; but calculating, interested cupidity and ambition, understanding their own purposes and bent on their accomplishment, regardless alike, of popular rights and constitutional provisions. In nature and essence, it is the same power, and governed by the same motives, as that which, in every age of the world, has contemned the people, and trampled on their rights.

Agencies are not wanting here, for its purposes. The very means designed to guard popular liberty, are, when perverted, the most efficient for its destruction. Hon. James Guthrie, of Kentucky, quotes from a Georgia paper :

“ We know as well as any one living that the whole movement for secession and the formation of a new government, so far at least as Georgia is concerned, proceeded on only a *quasi* consent of the people, and was pushed through, under circumstances of great excitement and frenzy, by a fictitious majority. With all the appliances brought to bear, with all the fierce rushing, maddening events of the hour, the election of the 4th of January showed a falling off in the popular vote of 25,000 or 30,000 ; and on the night of that election the co-operationists had a majority, notwithstanding the falling off, of nearly 3000, and an absolute majority of elected delegates of 79. But, upon assembling, by wheedling, coaxing, buying, and all the arts of deception, the Convention showed a majority of 31 against Governor Johnson's proposition.

“ And thus,” says Mr. Guthrie, “ went one State out of the Union—against the voice of the people who elected the delegates to the Convention ! Now it is said that a majority of the popular vote of Alabama was cast against going out, but it so chanced that a small majority of the delegates were for secession while the bulk of the people were opposed to it, and they took Alabama out, and refused to let the people

have any voice in the matter. The vote of Louisiana too was against secession, but the delegates suppressed it and took Louisiana out against the wishes of the people."

Conventions of the people, the legitimate purpose of which, is, to make governments more conformable to the popular will, are made the most efficient means for depriving the people of political power, and removing it permanently out of their reach. Practically they are coming to be used, as other governmental agencies have been used, from time immemorial, by the few to oppress the many. Somewhere in every political system, there is assumed to be an embodied expression of sovereign power. Sovereignty, admitted to reside with the people, is supposed to be embodied in convention by delegation, and thence it has been too readily assumed that the political powers of a convention are unlimited and absolute. A little reflection must show to every one, the very great danger of this assumption. Grant it, and nothing more is needed, in order to subvert and revolutionize free government, than to get control, by whatever means, of the organization of a convention. Its power is assumed to be illimitable, its sessions indefinite, its edicts supreme. Initiated by the legislature, it determines the manner of constituting future legislatures, and so may secure perpetuity for any system which it chooses to inaugurate. Future legislatures, acting in the same interest, will not call future conventions, except at such times and in such manner as still further to promote and secure the same interest; and even if the convention should assume to extinguish the legislature, where would be the remedy? How available are these instrumentalities for the utter subversion of all popular government, was exemplified in the case of Kansas, and the Lecompton Constitution. It is also exemplified now, by the revolutionary State Conventions.

Popular liberty cannot survive the unchecked operation of this system. Delegates to a convention are not themselves sovereign, but only the servants of the real sovereigns, and submission of their action, to the deliberate judgment of the sovereign people, is not only an act of proper respect for the supreme power, but a check upon the exercise of delegated power, the use of which, the people can, with no safety, forego. If, in times past, the informal sanction of the people has, in some instances, been deemed sufficient, with no propriety can the precedent be held to authorize the denial of their right of adoption or rejection in every case. The

right is, in the nature of the case, inherent and indestructible. To deny, to circumscribe, or to defeat it, is usurpation, and rebellion against the sovereign power.

When the United States Constitution had been formed, it was submitted to the people of the States for their approval or rejection. They approved it. But the real significance of this act is overlooked, by those who now assume to withdraw legally by *State Convention*. A *State Convention* has no such power; because this power is, by the compound form of government thus adopted, conferred upon *United States Conventions*, or upon the bodies authorized to act as substitutes therefor. It will be noted that, in either of the legitimate methods of exercising such power, the people would have two opportunities of passing upon such action, and by two sets of their delegates. As Mr. Calhoun has shown in his careful consideration of the Rhode Island case, the people's sovereignty is not to be exercised informally, but is only authoritative, when exercised according to the rules which they have prescribed for themselves. The people of the several States, having, with due formality, prescribed to themselves how they will amend or modify their relations in, or with, the United States Government, cannot, except by revolution, do this, in any other way. The assumption of such power by a *State Convention*, is in derogation of the sovereignty of the people of its own State, as well as of the people of other States affected thereby. Yet we have seen, in several of the Slave States, such power usurped by *State Conventions*, and we also see them still further exercising their pretended sovereignty, by forming, adopting, officering, and putting in operation, a national government, without reference to the people. The theory evidently is, that sovereignty is in the *State Conventions*, not in the people. And there is no power in these States to resist enforcement of the theory, because the *State Governments* are dominated by slavery, and not by the people; and hence it is vain to anticipate effective reaction of republicanism in these States.

But another, and perhaps even a greater, difficulty lies back of this. The people of these States are themselves, already, to an alarming extent, debauched and corrupted by slavery. They are not bred to reason and justice, to a knowledge of, and respect for, human rights, to self-restraint and self-government, but, to a reverence for power, and to the exercise of force. Men who will, in

crowds, maltreat a lone, unresisting clergyman, school-teacher, or woman, do not act under the influence of reason, humanity, or regard for legal rights. We do not mean to suggest that they are worse by nature than other people, but that their interest, as they understand it, leads them to sustain slavery, and to sanction whatever is seen to be necessary for its support and perpetuation. During all their lives they have been in the habit of seeing the owners of slaves rise to wealth, power and respectability, and their own hopes point in the same direction, as naturally as do those of a laborer in a Free State, to the ownership of a farm. Cheap negroes and the uninterrupted use of them, are the hope for which they are willing to sacrifice republican principles, and — if sure of success — to fight.

If slavery, having the absolute control of the State Governments in the Slave States, having also largely corrupted the people there, deems, now, that its necessities require a national government specially adapted and devoted to its protection and perpetuation, if it recognizes that our Federal Constitution does not provide such a government, and that slavery can no longer use it as such, — what shall prevent slavery from destroying our present government, and establishing, by revolution, a national government adapted to its necessities and purposes?

Before answering this question directly, we will first indicate what, in our opinion, will certainly *not* prevent it.

We have shown that the people of the Slave States will not, unaided, prevent it, through the action of their State governments — that slavery controls those governments, and is using them, and will probably continue to use them, as governments *de facto*, for the accomplishment of its revolutionary purposes, and that no reactionary influences among the people there, can reasonably be relied on, to arrest the present progress of events.

Considerations of economy — the pecuniary burdens, taxes and expenses of the revolution, will not arrest its progress. The habits of thought and action, in the Slave States, on this subject, are not like those of the people of the Northern, Eastern and Middle States. Such considerations are not so potent there, and calculations in regard to them are not so closely made, and therefore it is not reasonable to expect them to influence, so decidedly, their public action. Moreover, the actual pecuniary profits of

slavery are so great as really and reasonably to warrant, (those profits only considered), a large expenditure for its security. We give some statistics :

Col. Woodson, speaking in Charleston, S. C., concerning Kansas, in March, 1856, said :

“Slaves were worth \$1500 each. Upon the above estimates their annual products would reach \$910 each, which would give 10 per cent. on the investment, \$100 for food and clothing, and \$505 clear profit to each hand.”

About the same time, a writer in a Florida paper gives, as an instance,

“One planter who works twenty-seven field-hands, counting girls and boys twelve years old, with which he runs twelve plows and plants 250 acres of Sea Island cotton and 175 acres of corn. We suppose it takes the corn to feed the mules and ‘people,’ and we suppose the cotton will yield 300 pounds per acre; that it is worth 25 cents per pound, making \$18,750 for the earnings of 27 slaves, counting boys and girls over twelve years old.”

These profits are not so large as some that we have seen stated on apparently good authority, and connected with other branches of slave labor. We see that the pecuniary value of 4,000,000 slaves, at \$500 each, is \$2,000,000,000.

The Secretary of the Treasury of South Carolina lately estimated the taxable property in that State, thus: Slaves, \$270,000,000; land, \$105,000,000; all other property, \$73,000,000.

Slavery is certainly an enormous pecuniary interest, and therefore large sacrifices can be afforded, for what that interest may be supposed to require.

We are not speaking of the general interest of the whole people, in the Slave States, but only of the pecuniary interest of slavery—the ruling power. Despotisms and oligarchies are generally exceedingly unprofitable to the people, but they are not unprofitable to the rulers themselves, and therefore they are never relinquished by those rulers, from prudential reasons. The House of Hapsburg have flourished, though the nation suffered. *Delirant reges, plectuntur Achivi*. The ambitious political men, who now control, in those States, are reckless of expense; their necessities require them to go on, and probably they may be pecuniarily and largely benefited, though the people and the country should be ruined thereby. Equally reckless are the poor masses, who have nothing to loose, and think they have much to hope from the rev-

olution. Add, also, the expectation (reasonable, perhaps, until lately,) that the expenses of accomplishing the revolution had mostly already been incurred, and the promises, so fascinating to the young, of an independent career of Southern conquest and national glory, and we see how futile are any expectations that the revolution is now to be arrested by dread of the expense, however great may be the real loss and impoverishment of the people or the nation thereby.

The low Southern tariff might, however, if permitted to operate, at the same time withdraw Northern trade, and reimburse the revolutionary exchequer, and, through this means, secession, instead of entailing a discouraging expense, might really bring pecuniary profit and encouragement.

Interference by other nations will not prevent the consummation of the revolution. Less than formerly are European nations inclined to interfere, to prevent revolutions, even on their own continent; and their motives to do so are less here, especially when, as in this case, the proposed revolution is anti-popular, and favorable to aristocracy—perhaps, to an empire. Unfortunately, also, the promised policy of the proposed government, is really more friendly to their mercantile interests, than that of our present government, and, in this respect, wiser for all concerned. That European nations will recognize, and negotiate with, the “Southern Confederacy” or Empire, if it is permitted to become a national government *de facto*, no one can rationally refuse to believe. Europe has no such interest in the preservation or restoration of our present national government, as we ourselves have; and, if we acquiesce in its dismemberment and the establishment of another, rival, and, probably, hostile government, on our own borders, and even out of our own territory, how exceedingly pusillanimous and absurd it is to calculate that Europe will, to discourage slavery, and out of a general regard for humanity, veto the rising government, and thus do for us what we will not do for ourselves! Europe has not extinguished Turkey, Spain, Cuba or Brazil.

Returning affection for the Union, in the Slave States, will not stay the revolution. Were it sufficient for this, the revolution so long contemplated, would never have been begun. Neither is “returning reason” of those people, to be relied on. Their revolutionary movement is no temporary excitement, but is the

logical result of sentiments and purposes long entertained and deliberately pondered. "Returning reason" may, however, do good, in at last showing loyal people how to meet the revolutionists.

National considerations—the sense of security, and pride in being part of a great and powerful nation—will not suffice to restore the disaffected. This generation of our people have grown up with this sense of security so strong, that it seems to them to be personal, rather than national, and nothing, perhaps, but a reversed experience, can teach them its source and its value. Besides, if a revolution can be so easily and suddenly accomplished, it may seem that our sense of security was fallacious, and that our national government has not really deserved the confidence and respect it has enjoyed. We cannot shut our eyes, too, to the fact that to the southward over the whole Continent, are rich countries and weak governments inviting to conquest, and that the rivalries, and perhaps hostilities, with the "Northern Republic," may afford an agreeable stimulus to those sentiments of patriotism, which delight to express themselves in action. Looking at this subject, too, from a Southern point of view, as we are now doing, it is not, perhaps, unreasonable to contemplate the gradual and ultimate absorption of all the States into the more plucky and daring, and therefore successful, government, which it is proposed, by means of the revolution, to inaugurate.

Conciliating the border Slave States, by concessions to slavery, will not win back the seceding States, but must, while the separation continues, demoralize the Free States. The most vicious and corrupting influence in our politics is, "the balance of power," or "third party." Only in respect to the slave trade, are the interests of slavery, in the border Slave States, different from its interests in the more Southern States. The border Slave States have probably secured, by their position, the guaranty in the Constitution of the "Southern Confederacy" against the opening of the foreign slave trade. It cannot be doubted that, on the same principle, favorable guarantees will be obtained by them from the Free States. A slave confederacy being permitted on one side of them, ever solicitous for their alliance, and the example of successful secession being before them, nothing but constant acquiescence in their wishes, assiduous cultivation of their interests, and a liberal share of the benefits and emoluments of

government, could retain them in the Union. The system of "compromise" would become perpetual, and more one-sided than ever. Soon, perhaps, the "Northern Free Confederacy" would thus become more theoretically and governmentally pro-slavery, than the "Southern Slave Confederacy." What, then, should prevent the union of the two confederacies—in, short, reconstruction of the Union on the slavery basis? The same result would also be attained by a general compromise, satisfactory to slavery.

Such seems the prospect before us, on the principle of *conciliating the border Slave States*. If we refuse to do so, or if we show ourselves, in their estimation, at all niggardly, in our concessions in favor of slavery, they join the new national government to be established for slavery, and find there, that which politicians have, for years, been educating them to consider a *sine qua non*—protection for slavery. For we must not suppose that the interests of slavery are really and greatly inconsistent in the slave-raising and the slave-consuming States. The owner of a gang of slaves in Georgia has as much benefit from the monopoly caused by prohibiting the foreign slave trade, as the owner of a large family of slaves in Virginia; and the non-slaveholders in Virginia might be nearly as much benefited by the cheapening of slaves, through the restoration of the foreign slave trade, as the non-slaveholder of Georgia. Not those who have slaves, anywhere, but those who want them everywhere, would be benefited.

While actual slaveholders control the "Southern Confederacy" it will probably not open the slave trade, however favorable they may be to free trade in articles which they have not. A "slave Republic" might, and indeed ought, logically, to open this trade; but a slave oligarchy or despotism would be more likely to con-
nive at it, as in Cuba and Brazil.

Dread of servile insurrection will not stay the revolution. Ultimately these will certainly come, if slavery has its way; and in case of a general war, they may, indeed, burst out speedily, and, like the burning barracks in Fort Sumter, slavery may thus smother its defenders. But dread of this, is not yet imminent in the Slave States. It is the custom there, to attribute insurrections to "northern abolitionists," rather than to man's inherent desire for liberty; and the exclusion of northern men, and extensive military preparations, create, probably now, a sense of increased

security from insurrections, except, perhaps, along the borders of the Free States.

Moreover, it is not easy for people bred in the Free States to realize the mastery which strong wills exert over strong men bred to unconditional submission. That free negroes make good soldiers, was shown by the colored regiments which did good service in our war for independence; but it is not the least of the terrible afflictions of slavery, that it so far destroys manhood. It was one of the mistakes of John Brown, that he calculated on the prompt aid of those whom he meant to assist. The terrible penalties sure to fall on resistance, the difficulty of combination and organization by slaves, the facilities for them on the part of the whites, the investigation by torture, the certainty of exposure, through some avenue for strong personal affections, and the unvarying character of experience, make slave insurrections very rare, always of limited extent, and speedily suppressed. Indeed, it may reasonably be supposed that such experience, in this direction, as the governing class, in the Slave States, have had, has strengthened, rather than diminished, their self-confidence. Apprehensions of their inability to create and maintain independent government, if they exist at all, do not arise from within.

Judging, also, with unprejudiced eyes, the prospect that, if our government permits, the revolutionists can not only maintain an independent national government, but greatly extend and strengthen it, justifies the confidence they express. The experiment of the few governing the many, by military rule, is neither new nor unsuccessful. In many respects the conditions are exceedingly favorable for it now, in the Slave States. The proclivity of their educated men, for political employment, is proverbial. It has been indulged and cultivated for generations, by our general government. Our military and naval schools have, also, been most freely and extensively used by them. The degradation of labor, by means of slavery, has caused a large body of poor whites to grow up in idleness, and fitted for nothing so well as to be converted into soldiers. Organization, the great element of power among civilized men, is easier accomplished among a few, and under the consolidating pressure of a strong common interest. Southward, indefinitely, are rich countries with weak governments, and adapted to the evident purposes of the revolutionists, the acquisition of which would give employment to the ambitious

and restless, and, at the same time, consolidate and extend their national power.

Waiting for something to turn up, will not stop the revolution. We have waited—waited astonishingly—and still the revolution went on. Very naturally and very regularly it went on. Its conductors have evidently been in earnest, and working with a purpose and a plan. Does a falling body arrest itself? Neither will slavery arrest itself—especially if rushing, unresisted, towards a long-cherished purpose.

What will stop it, and the revolution which it has initiated?—again we ask, and now we answer,—*force, greater force*, nothing but *a greater force*.

With conscious anxiety, slavery has, from the beginning, protested against force; and its friends and allies, everywhere catching at the word, have promptly echoed "*no coercion*," and the politicians, accustomed to receive the law from slavery, flying to "compromise," their favorite panacea, and producing each his separate plan, have, nevertheless, shaken their heads with wonderful unanimity, enjoining *peace, peace*, "*no coercion*." It is one of the shrewdest of all the devices of slavery, thus to impose on the people of a great, strong nation, a pre-determination not to use *the only remedy which slavery really dreads*. Slavery originates in force, it believes in force, it relies upon force, and it only stays its hand where greater force is met or expected. Having determined on revolution, it naturally guarded most, against the use of what it knew would be the most effective preventive. Pretexts were of course needed, and were used liberally. Failure to deliver up escaped slaves, personal liberty laws, exclusion from the territories, &c., &c., were much talked of; but, that they were only pretexts, was shown by the steady, and even accelerated, onward progress of the revolution; while Congress, in alarm, was appointing committees, and politicians and parties were vying with each other, in alacrity, to devise remedies for the pretended grievances. And yet, through the whole, and while the revolution was advancing with its utmost speed, through State after State, while emissaries (we may not call them conspirators, for they acted openly,) were freely and frequently passing to and fro, negotiating not only with State, but with Federal authorities, cultivating, preparing and forwarding the revolution, in every possible manner, and with the greatest possible haste,—while

arms, public moneys, forts, vessels, and armies were seized everywhere, except where strong resistance was expected, this great, strong, rich, and courageous nation was, while its own dissolution and destruction were progressing, magnetized into quiescence, by the constant warning and threat, that *resistance would precipitate the revolution!* Force, our rightful constitutional, national force, and that only, would have stopped it, at any point hitherto—will stop it now.

The extensive general powers of our State governments favor such a revolution, unless our National government *act* in its appropriate sphere. It only needs that State governments should assume national powers, and the General Government acquiesce in such assumption, and the revolution is accomplished. But it is perfectly easy, always, for our General Government to exercise its national functions; as easy, at least, as for any other national government to exercise such. When it does not exercise them, no defect is chargeable upon our system. The whole blame, in such case, is chargeable upon its administration, and not upon its founders. The wit of man could not devise a national government that will go of itself. With an imbecile Executive, the strongest national government becomes imbecile.

It is not proposed, to present here, a plan of operations for our Government, much less, to enter into details. We are treating of principles—endeavoring to trace, to their logical consequences, conceded facts, and known political forces—human interests, prejudices, passions and ambitions. But we will suggest, in passing, that, in our judgment, it is not so material what particular position we shall first defend, as it is, that we immediately cease to acquiesce in rebellion, and defend, with a strong hand, and unflinching determination, our national existence and rights.

Fortunately our system of government is such, that vindication of its national authority, does not require the overrunning of the States with armies. Most of the functions of government are, at all times, left to the States, to be there exercised, independently of the General Government. With these, the General Government has no occasion to concern itself directly, but only (when called on for the purpose) to maintain the rightful authority over them, of the State governments. With other national governments this is not so, and a rebellion arising, anywhere, under them, must be overcome in detail, as well as in general. But if

the nature of our governmental system thus excuses us from the necessity of overrunning, with armies, the States where the authority of the General Government is denied, it does not excuse us, but, on the contrary, imposes, if possible, a stronger obligation on the General Government, to maintain its own few and simple, but most important rights, and to resist and punish their usurpation. And we are sure it will still be found, as, thus far in our history, it always has been found, that this division of duties between the State governments and the General Government, derogates not at all from the power and efficiency of the latter, but makes it, for its proper, constitutional, and general purposes, *the strongest and most efficient national government in the world.*

Suppose then, that our General Government, speaking and acting through the men who, clothed with its authority, have the right and duty to speak and act in its name, determines, as it seems at length to have done, that in no possible event, will it acquiesce in usurpation, and suffer its own dissolution to even begin; but will, to the full extent of the nation's power, vindicate against enemies at home, as it cannot be doubted it would, against enemies abroad, its right and its duty to exist, to flourish unscathed, and to progress, as it has, and as the fathers meant it should, now and forever. And suppose it manifests such determination, by such immediate preparation as the exigencies of the case require,—taking special care, by the liberal use of its resources, to guard against any failure in the exercise of its power; and, if need be, that it exercise that power, unflinchingly and firmly. Can reasonable men doubt the result? Can it possibly be doubted that the final result will be, the maintenance of our Constitution—our Government—*as it is?* If there be such doubt in this case, then when, in the possible course of human events, can an occasion arise, when the right can maintain itself, against the wrong?

But let us consider calmly the possible consequences. We will suppose, first, that the worst that has been threatened, should actually occur, and, that the Slave States, all of them, rush, at once, into civil war. How will the case stand, and how will it appear before the world, and in the thoughts of the people everywhere? The General Government, the government *de facto et de jure*, with its written constitution vindicating its course, is right in law and in morals, and has the universal sympathy of

humanity, and the hearty approval of all nations. It has, too, immense superiority in numbers, in wealth, in ships, and in all the resources of war. Its opponents are destitute both of justification and of means, and can get no help. They will fight hopelessly *for slavery*. There can be but one possible result, — the right will certainly prevail, and the wrong be compelled to yield.

But “blood will flow and men will be killed !” True, but there are worse possible things than this ; to wit, national degradation, loss of liberty, submission to slavery.

“Woe to the land thou tramplest o’er,
Death-dealing Fiend of War !”

But precisely because war is terrible, and peace most desirable, is it the solemn duty of this nation to defend itself against impending dissolution. He has read history with little profit, who does not know that the establishment of a filibustering slave-government, with national power, on the Gulf of Mexico is, in and of itself, a standing declaration of war ; wars for our own curtailed and miserable national existence, — wars, too, in which European nations will ultimately participate, — wars, the final result of which no man is now wise enough to foretell, but in regard to which, every man should now be wise enough to know, that years of strife, thousands of lives, and millions of money, if necessary, expended now, in sustaining our present republican system, would be far the most economical and humane. We can think of no one advantage likely to result from a selfish and cowardly acquiescence now, in our national dissolution ; for the difficulties and wars sure to follow, would come so soon, in these fast times, that very few of the fogies who would now compromise, would escape, through age, liability to military service, from which they are not already exempt. The trials and tribulations would not even be cast upon posterity.

Having contemplated the worst possible view, let us now consider one, more correspondent to probabilities.* Our government has shown itself exceedingly lenient, forbearing, peace-loving — not to say timid, vacillating, weak. The second officer in the new

* This was written previous to April 15 ; events transpiring since, may cause it to seem less timely, but the principles remain, though the facts to which they are applied, be changed or modified.

“Confederacy,” congratulating a large audience, lately, at Savannah, Georgia, on the successful progress of the revolution, said :

“I take this occasion to state that I was not without grave and serious apprehensions that, if the worst came to the worst, and cutting loose from the old government would be the only remedy for our safety and security, it would be attended with much more serious ills than it has been as yet.”

Yet, forbearing, and even accommodating as our government has been, nevertheless, wherever and whenever it has been firm, slavery and its revolution have been stayed. It has attacked, where there was no resistance, and waited long, where the resistance was small. We think the inference reasonable, that, in view of such decisive determination and preparation by our government, as has been indicated, slavery and its revolution will, ere long, everywhere, pause ; that peace, and not war, may be the result, and national salvation, not only, but the lives of the people, be secured. We think that slavery has not expected such action of our general government, and that this, more than anything else, has encouraged its attempted revolution.

The border Slave States, having the alternative, at once and distinctly, placed before them, will, we think, be less likely, to rush into a violent defence of the wrong and weak side, against the right and strong side, than they would be, to be drawn, by half-way measures, first into controversy, and then into false positions, and thus become committed to a course ending in hostilities.

We are aware that the balanced state of affairs was, in some respects, exceedingly favorable to the border Slave States, that it gave them great political importance, and that nothing could be more desirable to the managing politicians in those States, than its indefinite continuance ; but such is not really the interest of the people of those States. To them, as to the people of all the States, it is far more important, that the state of doubtful anxiety should be terminated ; and we doubt not, that, in view of such determination and preparation by our government, could the question be fairly presented to the people of those States, they would, by overwhelming majorities, determine to maintain the government as it is, and refuse to engage in rebellion. Those States have been in the anomalous position of trying to do both. Pressed to the alternative, we think they will choose the former.

We have already explained, however, that, as a rule, in all the Slave States, slavery controls the State government, but checked, more or less, in the degree of its absolutism, by popular influences; that is, by republicanism. The controversy which has, perhaps, generally been supposed to refer to South and North, exists, in reality, in every Slave State, between republicanism and slavery; as much within the State lines of Virginia, as anywhere in our country. We think, also, that slavery understands this, dreads it, and that here, is its chief cause of anxiety;—that its greatest apprehensions, are from the people of its own States, from the spread and influence of republicanism, and the ultimate action of its own State governments, and not from any apprehended action of the general government; and we think, too, that the people of those States, the other party in the coming, though, perhaps, still distant contest there, are not so well aware, as slavery is, of the inherent antagonism between them and slavery. We therefore do not consider it certain, that slavery will not, in some, perhaps most, of the border Slave States, attempt, if circumstances should favor, to carry out its threat of “precipitating the revolution.” Yet we know that slavery, however defiant and blustering, and apparently, reckless, is necessarily timid and cautious; and we therefore have strong hopes, that, in view of such determination and preparation by our government, (would that they had been earlier exhibited), slavery, in these States, will wisely determine to accept the continued sway of our government as it is, together with such lease of its own existence and power, as the several State governments and their people may choose to give.

A more dangerous element, in determining the course of these States, will be their ambitious politicians. These may be desperate enough for the plunge; for they have been nursed into factitious importance. But politicians, too, are timid—very timid, and our government is strong—very strong, and its friendship better, even for a politician, than its hostility.

Public opinion, the common sense of the people, may have a preponderating influence in these States; and its influence will be greater, the naked question—support of our government, or rebellion?—being at once presented, and without alternative, than if it were farther complicated by political manœuvres and delay.

Such we think a rational view of probabilities. But we desire, here, to insist, that, for nations, as for individuals, it is not well to determine our course exclusively by reference to consequences, or—what is all that we can get in that direction—by our *estimate* of consequences. Man's estimate of consequences is unreliable at the best; but an all-wise Providence rules the world, and where the right lies plain before us, as we think, in this case, it does, it would be assuming too large a risk, to attempt to compromise it, in order to accommodate our views of consequences. "Do right though the heavens fall," is a good rule, not because the heavens fall thereby, but because they do not,—because the God-established relation between right action and good results, is found, by practical experience, to be safer as a guide, than man's judgment of consequences. We believe that an infidel apprehension of danger to result from the doing of political duty, has brought us into our greatest national danger, and that, an immediate and trustful performance of that duty, will do most to extricate us.

Looking calmly at the greatest dangers foretold by the timid, looking rationally at probabilities, or looking simply at the duties plainly before us in the way of administering our government according to its constitution and laws, we can arrive at but one conclusion, satisfactory to reason, or at all becoming a great, wise, free, God-fearing, and man-loving people, or accordant with our past history, or with our professed confidence in the government of our choice; and that is, for our government to go strongly and confidently forward, as it has for seventy years, leaving those who may attempt to oppose it, whoever or wherever they may be, to go down before a necessity of the age, infinitely greater and stronger than any which they can pretend to represent.

The duty of this people and of this nation in this crisis, cannot innocently be evaded. Considerations of immediate pecuniary thrift, desire for peace at any price, an overmastering horror of blood-shed, are no excuse for national dereliction; and certainly our position in the world, and in the world's history, will afford us no peculiar exemption now, but, on the contrary, they require us, by every consideration that can be addressed to a great nation, and to reasonable and brave men, to act, confidently and fearlessly, the part assigned us. The American revolution was the beginning of a political system, the conduct of which is now in

our hands, and its great and ultimate purposes are still unaccomplished. How great and excellent a system it is, and also how it is fitted and expected to secure the public safety and happiness, are well shown in the clear language of Mr. Calhoun, quoted near the beginning of this essay. Republicanism in every State, the rational control, by the people, of their political affairs, undisturbed by force or violence, with full sway for all moral influences, guaranteed by the general government, is the system which our fathers established, which the world has admired, and we have so long used and enjoyed, and of which, even Mr. Calhoun declared, "the Federal Constitution and Government will stand, more durable than brass, an everlasting monument of their wisdom and patriotism."

We have shown that this republican system is not in practical operation in the Slave States, that another system, hostile to republicanism, has usurped the political power in those States, that, aware of the antagonism between itself and our republican system, it has determined to seek its own preservation at the expense of a revolution that shall destroy our republican system. Performance of the duty which we have pointed out, of resisting this aggression promptly and with strong hands, if need be, to the utmost of our national power and resources, prepares the way for the restoration of republicanism in every State in the Union; thus securing the harmony of our system, and complying with a fundamental provision of our Constitution.

Slavery, as it existed in the States at the formation of our Constitution, is not to be attacked by our general government, however great may be the provocation; but slavery, organizing as a national power, and advancing to the overthrow of republicanism, and the destruction of our government, must be resisted and attacked, without hesitation and without compromise, by the government which it would destroy. To say that it cannot live under our Constitution as it is, to say that it is in danger of extinction from the advancing power and influence of republicanism in the States, is no justification for its rebellion. It has no right to live a single moment, in any State in the Union, longer than it can live there, with republicanism. Ours is a republican Union and Constitution; not a slavery Union and Constitution. Republicanism is guaranteed in every State; slavery is not guaran-

teed in a single State; and no administration of our general government can, without becoming forsworn, forego its duty to preserve our republican system in every State. If, therefore, slavery is right, when it alleges that it cannot safely live under our republican system of government—under our Constitution as it is, and in the same States with republicanism, then the time has come for it to prepare, becomingly, for its dissolution; for republicanism must, certainly, live, and not die.

Suppose that this be, in reality, the case—and we have already more than intimated our belief that it is—it strengthens, rather than weakens, the solemn obligations resting on our government and its administration, to maintain our system now, and to resist revolution, to the utmost of our national power. If slavery, in the Slave States, begins to feel the reins of power slipping in its palsied hands, how disastrous it would be for the republican people of those States, numbers of whom have watched, and waited, and struggled long, if, through the pusillanimity of our general government, slavery should be permitted to extort a new lease of power, by forcing on a revolution for this express purpose!

If, as we have all learned, undoubtingly to believe, republicanism be the best form of government for man, and our federative system the best practical form of republicanism, what precious hopes of the people, in the Slave States, and of the people who shall hereafter be in those States, in all time, what hopes, too, of the good and the free, everywhere,—aye, and of the oppressed, everywhere, depend, now, on the performance, by our general government, of its simple, constitutional duty; the duty of self-preservation, and therein, the constitutional duty of guaranteeing republicanism in every State!

The revival of republicanism in the Slave States, will naturally, perhaps necessarily, follow the defeat of the revolution prepared and urged on by slavery; and then, in those States, gag-law and Lynch-law, will give way to common-law, and statute-law, and vigilance committees be superceded by civil authorities. In the language of Mr. Calhoun:—“Violence and revolution or physical force, as the means of change,” will be “excluded” there, and the “doors” opened—“never again to be closed—for the free and full operation of all the moral elements in favor of change.” “The liberty of the press—the freedom of speech and

debate—the trial by jury—the privilege of *habeas corpus*—and the right of the people peaceably to assemble together and petition for a redress of grievances,” “put under the sacred guarantee of the Federal Constitution, and secured to the citizens against the power, both of the Federal and State governments,” will become real and practical—“if the Federal Government shall do its duty under the guarantees of the Constitution, by thus promptly suppressing physical force as an element of change.”

Republicanism in the Free States also depends, probably, on the preservation of our national system. Our great, strong nation, has proved to be—what it was intended—a perfect wall of defence, an overshadowing providence, for the exceedingly free and popular republicanism of the several States. It cannot possibly be so in the future, certainly not to the extent it has been, if this great, strong Government shall now dissolve “like the baseless fabric of a vision.”

Permit the revolution which slavery has initiated, which it certainly intends, and will, as certainly accomplish, unless it shall encounter a superior force, whether in five States or fifteen, and the power and prestige of the American Republic, are fatally destroyed. The wise national measures of all our statesmen, as well of those who founded our government as of those who have enlarged and strengthened it, are, at once, rendered nugatory. The mouth of the Mississippi, the southern coast, our vast Pacific territory, and, perhaps, other important integral parts of our country, are lost to us; and commercial restrictions and national dangers gather in upon us, with the rapidly contracting national size and strength, involving, most undoubtedly, in the near future, the goading necessity of using far greater force, to preserve even life, and a modicum of liberty, than will now be required to preserve the whole.

But, say, with the authority of this great nation, to slavery and its revolution, “thus far—no farther,” and republicanism, renewed in its youth, smiles again, serene and secure, in every State. Slavery, yielding to a greater necessity, not only abandons its aspirations for distinct national embodiment, but retires from the field of our national politics, and shields itself, as it may, and as it was contented to do, previous to 1840, under the legislation of States, that are themselves protected from violence from without and from within, by the great and strong government, which

slavery, in its arrogance, has aspired to overthrow. There, and there only, can the problem which it presents, find a peaceful solution. What that solution may be, we will not assume to declare, but, that thus this problem may be solved, peacefully solved, our faith in man, and our trust in a Higher Power, will not permit us to doubt.

In the meantime, our nation, released from its only internal danger, and exempt, as it long has been, from external dangers, may continue, with fresh impulse, its grand and happy career. It is a narrow view that limits our republican system to its present boundaries. We think it a narrow view, to limit it to North America — perhaps it is too narrow, to limit it to the continent. The advantages resulting from perfect freedom of intercourse between the people of the several States, are such as cannot be secured under diverse national governments. One great source of our unexampled national prosperity, is in our exemption; among so many States, and of so varied climates and productions, from every kind and degree of governmental espionage and obstruction, in our exchanges of the fruits of our soil and industry. But the moral benefits thence resulting, are still greater, and altogether incalculable. It was not by an accident, that, in former language, *stranger* meant *enemy*. Mutual interests, and mutual knowledge of one another, make friends of men, and the national government that protects and encourages such mutual intercourse, becomes the recognized benefactor of all.

Governmental science, taught by examples in the several States, is also making, under our system, wonderful progress, and is, in turn, both teaching and exemplifying the absurdity of the old dogma, that man is naturally the enemy of man, and is substituting for it, the christian doctrine, “behold, all ye are brethren.” Under such a system it is no unnatural development — however strange it may be, in the world’s history — the national charity that fed the famishing poor in Ireland, that springs to the aid of suffering Kansas, and that even now, hastens to supply the hungry demands of the people, in Alabama and Mississippi. Such things are the natural results of our republican system, a system more in accordance, than any that the world has before seen, with the songs of the angels, who declared “peace on earth, and good will to men!”

And the improvements and discoveries of the age, those especi-

ally relating to transportation for goods, for persons, and for thoughts — steamships, railroads, printing-presses, telegraphs — seem to be specially adapted to the expanding needs and capabilities of our grand republican system. Other governments might well dread the dangers of territorial expansion. With their systems, and with their means of conducting them, national ambition frequently outran their national ability. To the harmonious and efficient action of our system, national expansion scarcely seems to place, in these times, any assignable limits. To the exercise of the few, but most important functions of our General Government, space and distance scarcely present obstructions.

Won by the observed harmony, large practical freedom, and perfect safety of the States in our system, other States will press into the charmed circle; and, not by unwilling conquest, but by mutual beneficial arrangement, and as fast as development and adaptation permit, the regions north of us, to the Pole, and south of us, to the Isthmus, and even the rich Savannahs watered by the Amazon and the La Plata, may gladly and happily congregate, by their representatives at Washington, and derive, from the government founded by our fathers, assured protection, peace, and republican liberty and independence. Thus we have, on this continent, “a congress of nations” for the peaceful adjustment of national questions.

The genius of our people, extending with our institutions, will spread our improvements over the continent; and all will participate in the benefits. Varieties of climate will minister, as they ought, to the people's health, wealth and happiness. Fresh fruits in every season, will be everywhere easily obtained. The tropics will be the hot-houses of the market gardens, for our northern cities, villages and towns; and productions in the higher latitudes, so abundant as to be seemingly useless, will minister gratefully to the languid dwellers nearer the equator.

As our national power rises, expands and grows, enterprises, now seeming absurdly impracticable, or requiring the combined energies of great nations, will become easily practicable for our own. Pacific railroads,—not one or two, but all that our millions of people will require and sustain — will dart over the continent wherever needed, and with as much seeming ease, as the spider throws out its web on the breeze. A ship-canal across the Isthmus,—not meandering circuitously through valleys, and rising, by means of locks, over a summit level, but broad, level and

straight, under the ridge, from ocean to ocean—will transport the commerce of the world. With such facilities, Oregon and California, Chili and Peru, will be nearer to our political and commercial centers, Washington and New-York, practically, and measuring by time, than was New-Orleans during the administration of Jefferson.

These, and perhaps still greater, and, as yet, unthought of enterprises, successfully accomplished, will attest our national power, and add to our national glory. Yet, *not, if our National Government permits the revolution to go on, which slavery has begun*; not, if it does not immediately and effectively use its national power, for national protection, and for a lasting warning to all, that no real success can attend here, violence, anarchy and rebellion. Using again the language of Mr. Calhoun, we say: "No people ever had so fair a start. All that is lacking is, that we shall understand, in all its great and beautiful proportions, the noble political structure reared by the wisdom and patriotism of our ancestors, and to have the virtue and the sense to preserve and protect it."

Certain supposed obstacles deserve, perhaps, a passing notice. It is said that the States which have "seceded" will never humble themselves by submission. We have failed entirely, in one of our chief purposes, if it does not sufficiently appear, that it is not properly the republican States of this Union that have engaged in revolution, but a power in antagonism to the republican people of those States, that has usurped political control, and wrongfully assumes now, to speak in the name of the people and of the States. Every indication is given by this power, that it is consciously a usurper. Precipitation, terror, violence, and not the sober second thought of the people, are what it relies on. The restoration of republican independence to these people and States, under the guarantees of the Constitution, and by the power of the Union, will not come to them in the shape of tyrannical subjugation, but in the shape, rather, of real enfranchisement.

In several of these States it is already known that a majority of the people, not only have not desired, but are actually opposed to the revolution forced on them by the usurping power. And it cannot be doubted that, in every State, with proper time for reflection, and fair opportunity for the action of those "great moral agents," spoken of by Mr. Calhoun, the people would hold, with

gladness, in the Union, to their guaranteed safety, freedom and republicanism.

The men who now lead on the revolution in those States, will, it is true, be compelled to give way. But their humiliation involves no humiliation for their States. Other men in those States, good and true, will be found by their people, competent to lead in the wiser, safer and happier paths of union and peace. Moreover, people easily forgive themselves, even when they have erred.

Certain it is, that, in every State, are great numbers of men, faithful to truth, duty and constitutional obligations; and not even an accidental majority against them, in their own States respectively, can absolve our General Government from the sacred duty it owes, to sustain and vindicate them; not indeed, by placing the State Governments in their hands, but by protecting their rights as minorities, in States in the Union. If the purpose of Constitutions be, as Mr. Calhoun says, to restrain majorities, certainly our United States Constitution should now avail for the political salvation of our loyal people in every State. Impotent as these people are, in many of the Slave States, if unaided, yet, sustained by the general government, they may, by use of "the moral agencies" guaranteed to them by the Constitution, restore to legitimate action, in their States, the republican principles of our system.

We have purposely avoided, as much as possible, in this exposition, the use of names, especially of living political men; and gladly would we close, without reference to the political manipulators and their combinations, throughout the Union. Really they ought not to influence the opinions or actions of any body, in times like these. But, being the cause, both of unfounded hopes and of unfounded fears, we notice them, to protest against their mischievous imbecility. Earnest men are for earnest times, — men who believe in duty and in God, not men who believe in sham and the devil. Political parties, that survive revolutionary times, are not those whose chief end and aim it is, to nurse themselves. The party that survives, is the one that finds the most useful work to do. In a crisis like this, when the fate of a continent seems trembling in the balance, the petty interests and ambitions of the petty men who flutter and buzz in the sunny day of prosperity, should not be permitted to usurp public attention.

Plans for the construction or reconstruction of parties, are useless, and will be destitute of power to harm those who go boldly forward in the performance of the duties which patriotism, the Constitution and the laws enjoin.

But woe to the men, conspicuous or obscure, who oppose, or shrink, or equivocate, now ! Nothing can be more certain, nothing is more in accordance with human nature, nothing is more in accordance with our past political history, than that the men who now sustain our republican government, wherever they may have been, or whatever called, heretofore, will be recognized, hereafter, as safe political guides, and safe depositories of political power ; and that the men who now connive, in any manner whatever, at rebellion, or who hesitate or compromise, wherever they may now stand, or whatever honored name they may now wear, will never outgrow their disgrace. Year by year, as the nation recedes from this time of its peril, clearer and clearer will become the universal consciousness of the broad distinction between the right and the wrong, as now presented before us ; and few, in the rising generation will, in a few years, have the charity to believe, that any who now take the wrong side, can possibly be good men.

APRIL 15, 1861.

THE CRISIS : ITS RATIONALE.

PART II.—RESTORATION OF LEGITIMATE AUTHORITY THE END AND OBJECT OF THE WAR.

A year has passed since the foregoing pages were published. The public mind, then much tossed by conflicting counsels, needed clear ideas of the principles at work in the contest that was beginning—an understanding of the rationale of the crisis. Its magnitude and earnest reality were comprehended by few; the leaders of public action differed widely; consequently, a great and intelligent nation stood paralyzed with doubt, and only those banded for rebellion seemed inspired and sustained by a definite purpose. It was time for action rather than for explanation; yet the great hindrance to effective action was the want of clear notions of the work to be done. Errors of opinion erected themselves into real obstacles; and plainly now does it appear that, in every stage of this crisis, our nation has been punished for these errors, too long unadvisedly or selfishly entertained.

Clearer ideas of political duty now prevail, and the true men of the nation are more united by definite purpose. This is not merely because events have more and more lifted the veil, but it is also because *they have compelled the people to think*. The people of a republic must think, or they must fail. Earnest thought, inspiring earnest action, has done much to bear us through this crisis; yet the future is still before us. This is a great republic, it is *the* great republic, and it is ours—yours, reader, and mine. This trial of our reign is not yet fully past. Perhaps the most difficult—we hope not the most dangerous—part is yet before us. Not for speculation, therefore, but for present and important use, let us consider further the rationale of this great crisis in our national life.

Time has already done much to verify the principles, and, in fact, every material proposition in the foregoing exposition; in so much that a review and comparison with subsequent and actual

events, though made for the purpose of establishing conviction, would be liable to a different construction. Such review and comparison are left for the reader to make, with the reminder that whatever of accuracy may thus appear, in what was written almost entirely before the attack on Fort Sumter, is attributable neither to prophetic gifts nor to lucky guessing, but simply to logical inferences from well-known political principles.

What shall follow is not intended as a repetition or mere enforcement of what precedes; yet, being part of the same great subject, and intimately connected, the principles already established should be borne in mind. Thoughtful consideration may lead, not only to the formation of better opinions and the dismissal of needless apprehensions, but also to wiser and more effective action.

Accepting the admission which invariably connects slavery with the contest in which the country is engaged, we exposed, in the foregoing pages, the fallacy which treats slavery as geographical and subject to the laws of political economy prevailing in free communities, and which assumes that it will die of its own accord; and showed how the anti-republican system which it necessitates in every Slave State, prevents the interests of the masses from working its abolishment through republicanism, anywhere, so long as the slave interest dominates the State; that the principles of slavery being inherent and characteristic, and ministering everywhere to the cupidity of the master, though ruinous to the State, are independent of climate and productions; consequently, that the interest of the master, the pecuniary value of which is everywhere fairly measured by the price of slaves, will, in no climate or country, cause slaveholders to abolish or discourage slavery, or to establish or permit active republicanism.

A kindred fallacy is that with which the people of this country have too long deluded themselves, namely: that *our* slavery is only African or negro slavery, and therefore less dangerous or more tolerable.

Every vice or wickedness, public or private, seeks justification or palliation under the cover of some exception. Suppose the negro be inferior, he is nevertheless a man, and endowed by his Creator with the rights of a man. Assumed inferiority, its co-relative of course being superiority, is the ground of all anti-republican governments and pretensions. Let republicans beware

of sophistries which undermine the foundations of their own liberty. Ethnological distinctions afford no tenable ground for the denial of human rights. Association, honors, offices, are voluntary in free communities, and do not necessarily follow the acknowledgment of rights; yet the fallacy that they do necessarily follow is constantly adduced to sustain the denial of rights to those whom we may suppose it is our interest to wrong.

We may not desire, and it may not be wise policy, to elevate to the presidency, or to the office of justice of the peace, or to marry, an African, a Malay, a Hindoo, a Chinese, a Turk, or an Egyptian; and doubtless many among us would extend the same exclusion to most or all Asiatic, European, African, and South American races; but all of these races, or, in short, every *man* has a God-derived right to his liberty — to his wife, to his children, to the fruits of his own labor, and to a fair opportunity, unobstructed by other men, for the cultivation and improvement of his own mental and moral powers, such as they may be.

But, completely as the ethnological argument fails, on examination, to justify *our* slavery, it is also becoming more and more inapplicable. Where the control of white men is absolute, and the condition of the offspring follows that of the mother, as it does universally in the Slave States, the ethnological character of slaves must change; not rapidly, perhaps, during the life of an individual, but with great and accelerated rapidity, during the life of a nation. Observation confirms what reason suggests.

In 1850 the State of Kentucky contained 32,359 mulattoes, and the State of Virginia 79,775; there were, in all the Slave States, 348,874.*

In the course of a few generations the proportion of African blood in these becomes very small, yet the *status* continues. Ethnology does not save the blood of even the "superior race" from bondage.

The Richmond *Inquirer*, in December, 1855, said:

"The laws of all the southern States justify the holding of white men in slavery, provided, through the mother they are descended, however remotely, from a negro slave." "— the principle of slavery is right, and does not depend on difference of complexion."

* See, also, "Sea Board Slave States," p. 594, etc., on mixed races at New Orleans.

If the presumed inferiority of the negro were the real reason for *our* slavery, then slavery should cease when the negro blood gives place to the boasted Anglo-Saxon. It does not cease in such cases; but, on the contrary, becomes more valuable for the purposes of bondage, and is held to with greater tenacity. Slaveholders themselves no longer claim to justify mere negro slavery, but insist that slavery is the proper and normal condition of the laboring class, everywhere, whatever their origin or complexion. And persons not slaveholders, even persons of standing and political influence in the free States, have lent to the doctrine at least a negative acquiescence — sometimes even more. A representative man of the late dominant party, reared, petted and advanced by the free States, was conspicuous for having, throughout a protracted political career, carefully abstained from commendation of liberty as a principle; and he even took pains to declare, in the Senate, that he cared not whether slavery was voted up or voted down; and the declaration was made, not for the purpose of signaling any peculiar or personal opinions, but, on the contrary, to manifest his conservative moderation.

A writer, also, in the *North American Review* did not hesitate to say, in 1853:

“Slavery, therefore, exists rightfully in the South. No rights of the negro are violated when he is made a slave. His right, like that of all men, is to be governed for his own benefit. Some even go so far as to maintain that a social relation, founded on the same principles, and modified to suit different circumstances, a relation more strict than that of master and apprentice, and less severe and permanent than that of slavery, might, with equal justice and much advantage, be introduced into some of the northern States in relation, not only to negroes, but to the swarms of emigrants who crowd our shores, many of them equally degraded by ignorance, poverty and vice, and equally needing care, guidance and government. Less liberty in them and more authority over them would be alike beneficial to themselves and society.”

Selfish cupidity is the real cause and motive for slavery wherever it exists, and occasionally the admission is made with sufficient plainness to be understood.

A leading southern paper alleged, five years ago:

“It is not hatred of slavery, it is not sympathy for the negro, which kindles the resentment and enthusiasm of the black republican party. It is envy of the ease and affluence of the southern gentlemen and jealousy of the aristocratic character of our social system which constitute the sentiment of abolitionism.”

This allegation of motives reveals motives as plainly, perhaps, as the language lately quoted by a western correspondent of a Boston paper:

“This lady,” says he, “coming from the north, loves slavery for this reason, given in her own words: ‘O, the slaveholders are so independent and live so easy! They can get rich in a few years, and there is no class in the world that can enjoy more than they.’”

This brings us back to the old foundations. *Our* slavery rests on the same bad and selfish principles on which slavery has always rested; the same principles, in fact, which have given their support to aristocracy, to monarchy, and to every form of tyranny and despotism. That which divides us now is no abstract opinion about races, but it is *slavery*, the oldest, the greatest, the worst, and the most dreaded political enemy of the human race. The issue between us is simply one of principle, applying to man, rather than to a particular class of men; and it reaches to the very form and nature of government.

What is slavery? It is negation of self-control. It is the compulsory subjection of the faculties and powers of one human being to the control of another human being. It is necessarily social in its character, and pertains to order and to government; but it is the lowest possible form of social order and government. The restraint to which it subjects a human being is ultimate in its degradation. It is not that to which a child or a lunatic is subjected, when reason is wanting, for in such case the good of the subject is the leading idea; but it is that to which we subject an animal. It is negation of the use of reason and of self-direction. It is the appropriation of another's energies without reciprocity, the master's interest and will being the sole measure and guide. Its motive is cupidity, its argument force. In government it is most simple, and it is most absolute. Other modes of government have, or, at least, appear to have, reference to mutual benefits. The government of slavery is entirely one-sided. Its order, its regulations, its practices, originate and exist entirely in the master's interest and convenience. Even those which relate to the slave's comfort or enjoyment are measured and limited by the master's interest. Cupidity is the supreme arbiter on one side, entire submission the all-comprehensive duty on the other.

The republicanism of this country is democratic, not aristo-

cratic. Its fundamental principle is human rights — the rights of all, and not the rights of any special class as against others ; much less is it privilege. Sovereignty is of the people, and no man may rightfully claim what he will not also concede. It is impossible to conceive of any thing more irreconcilable than slavery and republicanism — such republicanism as we profess. Every principle of the one is abhorrent to every principle of the other. They can not permanently coëxist in the same country and under the same government. They could only coëxist while slavery was regarded as an exception and in the process and preparation for removal. This is not matter of opinion, but of demonstration ; for, as the philosopher eliminates with confidence all the elements of great and abstruse problems from given data, so may we with certainty infer, from the principles of our republican system, the incompatibility of slavery, and hence its ultimate extinction. Our fathers expected and meant it should pass away from among us. We know this, not only from what they said, but from the essential and inherent nature of the system they established.

This is so, not only in its nature, and as our fathers saw it and intended to have it, but it is perfectly obvious, also, to the conductors of this rebellion, more obvious, perhaps, to them, even, than to ourselves. The most of us have assumed the continuance and preservation of republican principles as matters of course, and have trusted too much, perhaps, to their unaided operation. Not so, however, with slaveholders and the political slave interest. They, not less than the founders of our government, understand the operation of causes and the logical sequence of effects, and with intellects sharpened by interest, they realize that slavery and republicanism are irreconcilable. Whenever, therefore, they resolved to *hold on to slavery*, they became, by inexorable logic, *necessarily hostile to republicanism and to our republican system of government*. They who could not or would not see this, have sometimes called them mad ; but patient observers of facts and principles must admit that their madness has a method in it, and consists only in believing, or at least determining, that slavery must be sustained. Grant this, and all else which they claim and do becomes reasonable and proper. It is precisely what any people should claim and do, if reasonable and consistent, in order to sustain the same principle.

It was nothing special done by the believers in republicanism

that alarmed the believers in slavery, and rendered them hostile. Pretexts subserved a purpose; but the cause was the inherent nature and principles of republicanism and their embodiment and expression in our system of government — free schools, free speech, general suffrage, and social equality.

The Charleston *Mercury*, in the spring of 1856, argued and showed, in a series of carefully prepared articles, that, whenever two hostile forms of civilization are associated in political union, one of them must inevitably be absorbed by the other, and that, under the Federal Constitution, the South must eventually be swallowed up by "the North" — meaning, thereby, republicanism. It said:

"If there be any phenomenon, which may be more clearly understood than any other which is presented by the development of civil society in the United States, it is this: that *the social system and civilization of the North and the northern method of thought*, completely Europeanized as it is, *will predominate in the American Union, if that Union lasts*; and Federal Government yielding to the pressure of that social system and method of thought, will, by the action of the representative body upon it, become, and in a great degree is now, merely the agent and instrument by which that predominance is to be accomplished. That the South is even now undergoing the process of absorption by the northern method of thought, in the manner stated by the above postulate or law, needs but a common sense observation to determine."

This writer fully appreciated the necessities of the republican system, and denouncing, as traitors to the rights and interests of the South, those southern representatives who then consented to act in harmony with the North with a view to controlling the whole, he said:

"So far from the idea being true, upon which southern statesmanship finds its hopes, if the Federal Government were blotted out at a single blow, the method of northern thought would not be changed, the social system of the North would progress as before, and a political system born of the joint action of both would be formed and controlled by them, to the subservience of all the ends they seek to accomplish now by means of the Federal Government. But a good would result to the South by the fall of that government, for the present Union would be formed no more, and the South would thus cease to be under the blight and curse of a southern representation to a northern congress."

An intelligent correspondent of the same paper, writing from Washington, January 11, 1857, says:

"We can not hope for any other solution of this anti-slavery problem than the ultimate triumph of free soil over every department of government. All efforts at resistance will be as idle in the future as in the past.

There are occasions in the history of nations, as well as of individuals, when extra-

ordinary efforts are necessary to resist the effect of causes which may seem indirect, or even immaterial to the world at large. The slave owners of the South find themselves surrounded by elements which must end in their utter destruction, unless some great, determined and concerted effort is made in resistance." * * * "Every effort of the South to escape from the thralldom will be deemed revolutionary. It is the first and highest duty of the South to prepare to meet the issue thus presented to us boldly. South Carolina will be sustained if she accepts the conflict. To do so successfully, she must establish a policy looking to eventual independence. All the mere political expedients or party appliances will come to nought. The press of the State should combine to develop that organization of individual sentiment which is necessary to practical effort."

Understanding so well and so correctly the incompatibility of republicanism with slavery, seeing and knowing that the difference is radical and fundamental, yet, *determined in every event to hold on to slavery*, what could the slaveholders and the political slave interest so rationally do, as deliberately, carefully, but determinedly, to revolt from a republican government? Under such circumstances, the thing itself had of course to be done, or at least attempted; the remaining question being obviously only one of time and opportunity. And if it had to be done, or attempted, how could reasoning men be expected to forego the use of an occasion so peculiarly favorable as was afforded them by a series of remarkably acquiescent administrations of our general government — a series, too, that was evidently approaching its close? The real wonder is, not that they availed themselves of the opportunity, but that it was so wonderfully prepared and offered to them. Not madly, and not foolishly, has the occasion been either chosen or used. The leaders of the rebellion have committed but one essential error. It consists simply *in clinging to slavery* — in saying to evil: "be thou my good."

We would add that, on the question of expediency, they erred also in supposing that in this age and in this country, a rebellion against republicanism, for the express purpose of establishing a government for slavery, could succeed; but, witnessing the ready sympathy extended to them by rival governments anxious to attend the obsequies of republicanism, knowing, too, how many there are among ourselves who have learned to think that the slave interest must succeed in whatever it really undertakes, and who probably are still ready and willing to seek its favor, and understanding how self-confident men become who are self-assertive, we are constrained to admit that, from their point of view, their scheme was far from appearing absurdly impracticable.

The great moral principle which lies at the foundation of this whole subject must not be overlooked. Slavery is *wrong*; and the light which enlightens every man coming into the world enables all to know it. The force of the truth embodied in the golden rule is acknowledged, or at least in some degree felt, by every human being; and no perversity of educational influences, or repetition of sophistries, can completely blind any one to the inherent moral wrong of slavery; much less can a whole people blind themselves to this truth. Slaveholders know that slavery is wrong, however they may pettifog with their consciences on the subject, and use their interests as counselors. But the responsibility for seeking to pervert judgment concerning it rests not with slaveholders only. Too long have our whole people been paltering with this subject, inventing euphemisms for it, and forgetting, in their selfishness, that God is just, and that *righteousness* — not *wrong* — exalteth a nation.

The question, between the two sides in this case, refers to first principles. If slavery is right, then the rebellion is right; because it is necessary for the perpetuation of slavery. If slavery is wrong, then its supporters are wrong; and have no right to rebel against republicanism and its government; but they who defend them are right, and engaged in the cause of humanity and of God.

It may be suggested that each side may think itself right. But it is not so. Moral distinctions are too plain for such confusion. On questions for the intellect, and even on questions of fact, there is much room for honest differences of opinion; but on moral questions it is different; and on questions so simple as that of slavery, the test is too easily applied to leave reasonable grounds for a plea of ignorance, especially in this age and country. Moreover, the right and the wrong on this subject have long ago been settled by the united testimony of the great and good of every age and clime. We say, unhesitatingly, therefore, that they who are engaged in this rebellion know instinctively that their cause is bad, and that the enlightened moral opinion of the world is against them.

Hence their implacable hatred. Men determined to hold to a great wrong, and to defend it with strong hand, find it necessary to cultivate in every possible way all the savageness of their natures, are compelled to steel themselves against the promptings of humanity and to cultivate bitter hatred against those who oppose

them. Were they to yield to the influences of brotherly kindness, their cause itself must immediately fail.

Slavery can not meet republicanism on equal ground, but must answer with passion what it cannot answer with logic, and must make up for inherent weakness by remorseless violence. Consciously an aggressor and consciously in the wrong, it naturally hates those it injures. This has been so from the beginning, and the exhibitions of its hatred now witnessed with surprise, as causeless, are but the results of its natural development. Its hatred extends to all who do not acknowledge it to be right, and cooperate zealously and constantly to sustain it. It will not, because it safely can not, recognize degrees of approval. The history of all political men who, having begun to favor it, have anywhere hesitated or faltered, abundantly illustrates this. The monitor within and the evident sentiments of mankind compel it to know that only interest, constant and strong personal interest, is to be trusted in its cause. Hence the efforts of many among us to conciliate its quick sense of hostility, by joining in denunciation of its more open opponents, find their fit illustration in the labors of Sisyphus rolling the stone.

Were it possible really to believe slavery just, its champions, relying on that inherent justice, would be more tolerant. Were they consciously right, they might, even though unsuccessful, conduct war with magnanimity. As it is, they can only be boastfully "chivalrous," cruel and remorseless. The unities of the drama in which they are engaged imperatively require them to be so. It is most natural, therefore, that the war should be begun and conducted, on their part, with treachery, and should be attended by frequent exhibitions of malignity—that soldiers should be poisoned, the dead mutilated, graves desecrated, human bones used for trophies, and unarmed union men shot and hung.

That the vindictive malignity of those engaged in the rebellion is due to their principles, and not to mere sectional hostility, is shown by their treatment of people of their own States. A late number of the *Richmond Examiner*, speaking of union men in Virginia, says :

"The most of them have packed up, ready to leave for Yankeedom at the shortest possible notice. In Braxton county every tory has been shot by his neighbor, and in several other counties the citizens devoted to the confederate cause are doing good service in the same manner."

That cause is undoubtedly *the* cause of the bitterness which they exhibit, and in this fact appears the utter hopelessness of winning them to reconciliation by the exhibition of mere kindness. They know what republicanism requires of its friends, as well as what slavery requires of themselves; and, therefore, even acquiescence by the former in all the wishes and demands of the latter would bring no real love or respect, but rather contempt. Too far, already, has such acquiescence been carried, for the peace and happiness of all.

Were it the sole object of this people to open the way for mutual kindness, there is no means so direct or effective as to put down the rebellion of slavery with strong hand and in the least possible time. The friends of republicanism must act as though they believed in it and loved it. The hated and despised must become feared and respected, before they can be loved.

The necessities of slavery impose its character upon every part of this rebellion. It has been shown in the former part of this exposition that the social necessities of slavery require for it an anti-republican system, opposed to free speech, free thought and free action, and embodying the master's interest and will as the absolute law, in States dominated by the slave interest, even though organized under the forms of republicanism. What those same necessities would inevitably require in a government expressly formed for their accommodation, is not difficult to foresee. The world has seldom witnessed so effective and systematized degradation of the mass of human beings under a government, as such a system would infallibly produce. Men, it is true, are not always consistent; but facts, principles and history are terribly logical.

The London *Times*, ten years ago, made this correct statement of the principles on which the English Government is organized and conducted:

“The institutions and customs of this country are all adapted to the supposition of a vast difference of classes, — a lower class, redundant, necessitous, ignorant and manageable; an upper class, wealthy, exclusive, united and powerful; and a middle class, struggling to emerge from the lower and attach itself to the upper.”

We see what moderate degree of general elevation such a system allows; but what could be hoped for humanity under a sys-

tem in which the upper class would be wealthy, exclusive, united and powerful, with *two* lower classes, redundant, necessitous, ignorant and manageable, but *with no middle or transitional class!* Schools can not aid the poor whites to rise; for education, except of the masters, is dangerous in a land of slaves, and therefore must be discouraged, and even forbidden. There is no hope for them, except to become the armed watch-dogs for slavery. The only accessions to the upper class are immigrating fortune-seekers. The result, embodied in a national government, would, inevitably, be the *ne plus ultra* of aristocratic selfishness and despotism.

Against the principles and system thus threatening to establish themselves here, are necessarily arrayed, in deadly hostility, our national principles and system. Republicanism, liberty, and all that our fathers meant, when they declared themselves contending for *the rights of man*, are now at stake. We are defending the system of government founded by our fathers, and which, for more than seventy years has, in every respect, save one, proved a miracle of success. We have deviated from its principles in administration, and hence, one of its normal results, the abolition of slavery, has been delayed, until slavery, instead of preparing for its dissolution, strengthens itself against the government and threatens its overthrow. Democratic republicanism is the essential principle embodied in our governmental system, and this, we have shown, is hostile to slavery. Slavery is aware of it—hence, the rebellion. Slavery is wise, but slavery is wrong. Our government—and with it republicanism, which is its soul—must be sustained.

Errors and obstructions have occurred in the administration of our government and in the political history of our people, which have caused many to misjudge as to the principles involved in this contest. An understanding of these errors and obstructions will make the true principles, and consequently our present duties, clearer now.

Erroneously, an idea has prevailed that our constitutional system sustains slavery; and logically, the idea has been developed and wrought, until numbers among us transfer to slavery the reverence due to the Constitution. With a considerable class even the word "constitution" seems to mean slavery; and hence, with them, to obey the Constitution is to sustain slavery. Whence this idea?

It originated in a perversion of a single provision of our Constitution, which, being unjustifiably made the subject of congressional legislation, has, like an unyielding foreign substance introduced into harmonious machinery, nearly caused the whole operations of our system to become jammed. Leading northern politicians in two great parties deemed it policy to sanction the legislation, and set themselves with industry to the task of reconciling an unwilling people to propositions instinctively revolting. What could not be done by logic, was attempted by iteration. Partizan feelings and vulgar prejudice helped the attempt. But, worst of all, it harmonized with the wishes, and possibly suggested the purpose, of the slave interest to pervert the great powers of the national government to the support of the inherently weak and tottering cause of slavery. Men who, to justify the fugitive slave law, had insisted, before the people, that the Constitution sanctions and protects slavery, and that such protection was one of the great purposes of the Constitution, could not well resist the logical application of the argument, when it was demanded by the slave interest, that the general government should, in *other respects, also, extend and protect slavery*. Their arguments returned to plague the inventors. What the ruling men of the Slave States most cared for, was this further use of the argument; but some, even of these, condemned the obvious fallacy.

The Charleston *Mercury* in 1855, said, of the fugitive slave law :

“It was, from the first, a miserable illusion; and worse, in fact, for it was an infringement of one of the most cherished principles of the Constitution, which provides that fugitives from labor ‘upon demand shall be delivered up,’ but gives no power to Congress to act in this affair. The tenth amendment to the Constitution provides that ‘the powers not delegated to the United States are reserved to the people.’ The clause above confers no power, but is the naked declaration of a right; and the power not being conferred, results to the States as one of the incidents of sovereignty too dear to be trusted to the general government. Our southern members strove for the passage of the law, and strove honestly; but it shows the evils of our unfortunate condition, that in the urgency of our contest with an aggressive adversary, we lose the landmarks of principle—to obtain an illusive triumph, we pressed the government to assume a power not conferred by the instrument of its creation, and to establish a precedent by which, in all after time, it will be authorized to assume whatever right may have no constitutional organ of enforcement.”

But politicians who strove to pervert the general government to the support of slavery, and others, more logical, like the edit-

ors of the *Mercury*, who early appreciated its utter incompatibility with slavery, and yet held to slavery and advocated disunion, naturally came together, when the purposes of the former class had failed, and when republicanism was obviously about to resume its rightful sway in the conduct of our government. Probably the rebellion developed more successfully, and gathered more friends to its support, than if all who labored in its interest, had, from the beginning, adopted the logical conclusions of the *Mercury*.

We have not yet outlived the generation of politicians among us who, to keep the road to preferment open before them, substantially adopted, in both of the then great parties, the Shibboleth that *the Constitution means Slavery*. Many, even now, seem to hope for political salvation by its repetition. They who think there is any truth in the idea should reëxamine the Constitution, not in the false light of this doctrine, but in the clear light of the doctrine by which the Constitution was made—the doctrine of *the rights of man*. The unprejudiced and logical examiner will find there no sanction for slavery; much less will he find embodied provisions there for its protection and perpetuation. Men and States that permitted slavery were, indeed, by the Constitution, bound together with other men and States, in a general government. This fact of course shows that it was possible and permitted that slavery should exist under it, at least for a time; but it does not show that the government, created by the Constitution, assumed any responsibility for such existence. Marriage with a diseased person does not necessarily sanction the disease. There are plain and positive provisions in the Constitution directly hostile to slavery; and its abundant and strong provisions for liberty and republicanism are not nullified, and were not intended to be nullified, by counteracting provisions for the protection, extension or perpetuation of slavery, and such counteracting provisions do not exist in the Constitution. That this is unquestionably so, is shown by the rebellion in which slavery has found it necessary to engage, against a government that was only carried on according to its principles. The assumed justification of the rebellion is, that our government does not protect slavery. The answer to this is, that it never was intended that it should; and that the government is conducted according to its Constitution.

Let us do slavery and its friends the justice to admit that, *if its perpetuation be indispensable*, their present course is not unreasonable. Our republican system, as correctly described by Mr. Calhoun, has been found practically inconsistent with the system of slavery. Slavery will not, and can not, long tolerate free speech, a free press, general education, equal laws, and other concomitants of republicanism; and, therefore, against a government framed and adapted to secure these, slavery was necessitated to rebel.

The provisions in the Constitution, applicable to slavery, are general, covering other cases of social relations, and are in and of themselves right, irrespective of slavery; and therefore it is both unnecessary and illogical to assume that our fathers really did what they were ashamed of, and carefully and strongly protected slavery, though ignoring and avoiding its name. The coolie trade, as well as the slave trade, may be prohibited and punished by congress; and the right to pursue over a State line and take back persons escaping from labor, is a general provision, applicable to an apprentice system, or to any other which a State may adopt, and is intended to throw upon the several States the responsibility of the relations in them between employer and employed, and not to commit the United States government to the special sanction or support of any particular system. It is mutual, and was intended, probably, as much to protect communities from the unwelcome influx of a degraded class, as to give to other communities opportunity to recover their escaping laborers. This is shown by the readiness with which the provision was adopted; for it was not — as has been wrongly represented — the result of protracted discussion or of compromise, but its idea was first introduced near the close of the four months' session of the convention, and it was soon adopted, and without opposition.* Like that other provision guaranteeing States against insurrection, its ultimate and normal effect must really be favorable to liberty and republicanism, and not to slavery; for thereby each State is shut up with the social consequences of its own acts, to the peaceable solution, with free discussion, of social questions. We say, unhesitatingly, that slavery can not thus live; and they who are conducting this rebellion evidently have the same opinion. Shut up

* See Madison Papers, pp. 1447 and 1456.

slavery with republicanism, in any State, guarantee the existence of the latter, with peace and free discussion, and slavery cannot long survive.

Not the nature or constitutional provisions of our government, but our administration of it, has prevented, or, rather, retarded, the abolishment of slavery. The democratic republicanism, essentially embodied in the Constitution, had to struggle for its own development in administration; and in that struggle it unfortunately allied itself, to some extent, with slavery, on the ground of State rights, then common to both. The alliance was continued for the sake of power, when both Slavery and Democracy became "national." But Slavery and Democracy could not jointly conduct the government, and that happened which always must happen in the use of power acquired by unnatural combinations — the principles of one ally superseded those of the other. Slavery would not, and, if we are right, it could not safely yield. Democracy therefore ceased to direct the common movements still made in its name, and, in modern times, the inspiring spirit and purpose of the party called "Democratic," were, simply, *Slavery*.

Our system of government is peculiarly adapted to territorial expansion. But expansion being more practicable on the side next the Slave States, acquisition has been made to involve the question of slavery; and thus, again, has the normal development of the republican character of our government been checked, and slavery been adventitiously advanced. Such was the case when the Louisiana territory was acquired.

Mistakes made by the opponents of slavery have also done not a little to give slavery advantage in its contests with republicanism in our government. The sentiment of the people, naturally responsive to liberty, has sometimes been appealed to, in behalf of measures found to be inexpedient, or intended to advance the interests of a political party, otherwise objectionable. When Missouri applied for admission to the Union, as a State, it had been attached to us as territory for sixteen years. The United States government during all that time ought to have prohibited slavery there, as it properly might. But when the territory had grown to *Statehood*, and the United States government was about to part entirely with its jurisdiction over the subject, it was unreasonable to require the incipient State to abolish that

slavery which the United States government had itself permitted, and thus encouraged; especially as other *States* judged and acted, each for itself, on the subject within their respective boundaries. It became apparent, also, that opposition to the admission of Missouri was seized on, and selfishly used, by the political party that had then lately been driven into an almost hopeless minority. Missouri was rightfully admitted; but the compromise through which it was done, and the contest that preceded it, were injurious to republicanism, and beneficial to slavery. Liberty had been driven from an assumed position, and had compromised for half a right, and impliedly, but not the less effectually, conceded to slavery the other half, and thereby slavery secured a new guaranty. The friends of liberty first undertook to keep out a State, which, under the circumstances, they ought not to have attempted; and then compromised, by accepting the exclusion of slavery from *part* of the United States territory, when it ought to have been excluded from the whole, without compromise.

Those friends of liberty also made a mistake, who subsequently attempted to engage congress in the general abolition of slavery. They undertook to do a right thing in a wrong way, and gave to slavery the advantage of successful resistance; and, worse still, allowed slavery to hold up before it the ægis of the Constitution, and were thereby themselves unwisely and unfortunately drawn into hostility to the Constitution. Thence many of a whole generation of our countrymen have learned to distrust and detest abolition, in every form, even such as Washington, Patrick Henry, Jefferson and Franklin advocated, and have learned, at the same time, to transfer "constitutional" reverence to slavery, even as advocated by Jefferson Davis, Toombs, Yancey and DeBow.

The annexation of Texas was another occasion on which many friends of republicanism were misled, and slavery was incidentally helped, by association with a measure right and beneficial in itself. The adaptation of our system of government to almost indefinite expansion, as suggested and anticipated in the first part of this treatise, is not universally admitted. A class of our statesmen, respectable in numbers and standing, have denied it; and have always opposed acquisition. Their extended ideas of the functions proper for our general government would not allow them to believe it applicable to enlarged territory. Only they who see in the several State governments the best means of pro-

viding for much the largest portion of the governmental wants of the people, can properly appreciate the adaptation of our system to expansion. Texas was desired by this class for great national reasons—for peace, for republicanism, for freedom; but Texas was also desired for slavery. Texas was acquired, and, undue prominence being given to the latter reason, again was slavery adventitiously advanced, acquiring more and more a national character. But when republicanism shall have resumed its proper supremacy in our system, it, and not slavery, will be seen to be national, and then will the wisdom of the reannexation of Texas also more fully appear.

An effective reason why slavery has frequently, in the conduct of our government, been benefited at the expense of republicanism, is, that republicanism was universally known and admitted to be the essential principle of our system, incorporated and guaranteed in every part of it, while it was equally well-known, and, until lately, as universally admitted that slavery was not. Hence, slavery, in its conscious weakness, instinctively guarded its life, and never willingly consented to what might in any way endanger itself. Peculiarities in conducting the war of 1812 illustrate this. That war was begun and carried on in the interests of republicanism; but we can now see that the holding back on the northern frontier—the failure to acquire and hold Canada—was the work of slavery. Slavery has known that it could live under our system only for a while; and, therefore, like a doomed invalid, it instinctively took to nursing itself, and, in this struggle for life, it has, at length, become a vampyre.

The revival of republicanism had become necessary, not only because of such misleading circumstances and errors of opinion as we have noted, but also because too many of our people had become indifferent to their political duties. They did not feel the same necessity for defending the interests of republicanism that the opponents of republicanism in this contest have long felt for defending and advancing the interests of slavery. The earnest and thoughtful anxiety which attended the beginning of our experiment of self-government, had too far yielded to a feeling of conscious security. Politics, regarded as a profession, were becoming degraded and degrading, and immediate success being more prized than permanent principles, acquiescence became the popular doctrine which seemed to clinch and secure the advancing

requirements of slavery. The dark time for freedom was not when Texas was annexed — there were other reasons than slavery for that; it was not when the “compromise measures” were passed — the fugitive slave-law awakened reaction; it was not when the Missouri compromise was repealed — that repeal gave force and form to the reaction; but it was when parties, in 1852, acquiesced in all that had been done for slavery. It was time for republicanism to revive, or it must, ere long, have slept here the sleep of death. Its revival was neither northern, nor eastern, nor western; but it belonged to our people, and to the character of our government.

In no respect is this contest sectional, except as every great contest must be so. We have, indeed, fallen into the habit of speaking of “the South” and “the North” — of “the Southern States” and “the Northern States;” but that which is usually and really intended is not a geographical distinction, such as Washington deprecated. Geographical distinctions in our country, if they shall come to influence our politics, will be found to be between “the West” and “the East,” “the Seaboard States” and “the interior,” “the Atlantic States” and “the Pacific States;” rather than between “the North” and “the South.” Try this matter and the truth will appear. Missouri is a slave State, and therefore is called a Southern State; Kansas, adjoining on the west, and no further north, is a free State, and therefore is classed with Northern States. So of California, though extending further south; but had it adopted slavery, it would have been called a Southern State; so would Oregon. Were Texas to exclude slavery it would become, in this parlance, a “Northern State.” New Mexico, Arizona, Delaware, Maryland, and even Pennsylvania and Illinois, and, in short, any State in the Union, or that may hereafter come into the Union, while slavery exists, would follow the same rule.

Neither is this contest personal. Personal combinations of ambitious men doubtless there are, and have been; but without a basis, a broad and real basis, no man or combination of men could originate or sustain such a contest in this country as we witness. They who lead — even the chiefs — are mere accidents of the movement. Personal ambition doubtless operates with them as with most men, to make them aspire to leadership; but this has not caused the movement, and does not sustain it. There

is no individual, and no dozen of individuals, who caused or who carry on this rebellion, and without whom it would not be. Were its prominent men all removed, the contest, using other men as its instruments, must proceed to its development or its catastrophe. The rebellion is a distinct, decided and almost tangible thing, moving consistently towards a definite purpose; and they who regard it as a mere personal conspiracy, fail to appreciate the real and greatest danger. It is no more a personal conspiracy of its leaders than our republican system is a mere happy thought of Washington. This fact is further made evident from its absorption of men, even of strong men, who long opposed and resisted. Stephens and Houston and Bell and Clemens are traitors and rebels, as well as Davis and Wise and Pickens and Rhett. Other men, also, are absorbed, whose birth, education and early associations would have guarded them from entering into conspiracies merely personal, but could not prevent them from being carried along by a great movement when they had once assented to its essential principle. Principles are stronger, and control the men.

The single postulate from which is inevitably deduced the course of these men and of all men sustaining or favoring the rebellion, is, *slavery must be perpetuated*. The one great principle which unites the true men of our country, is, *republicanism must be perpetuated*. This distinction is the solvent, and it is the only solvent, in these times and in this country, of the action of men, of combinations, and of sections.

The men who caused this rebellion, and who sustain it, are all, in our country, who believe in slavery—all whose political thoughts, interests, principles and purposes are identified with its maintenance. The misfortune of these men, everywhere in our land, was, that the time had come when slavery required a rebellion—when it must certainly begin to die unless it could successfully rebel against republicanism and its government. Let us give them the credit of having first done all that they could to make the revolution a peaceable one—to change the government by construction and administration. But here, again, it was their misfortune that the necessities of slavery on the one hand, and the settled republican principles of the great mass of our people on the other, *compelled them to be violent*. They had to be violent in the Senate, violent in the Territories, and, morally, even

more violent in the Supreme Court. Hence, a republican people was aroused, and peaceable revolution became impossible.

Let us also recognize the wisdom of the conductors of the rebellion in rejecting all overtures of political men for a compromise. They understood the case better than did those who made such overtures, and rightly judged it better for all concerned, either that slavery should be separated from republicanism, and become independent and entirely dominant, or, that it should yield entirely, and permit republicanism to become dominant. As gently as possible does republicanism exercise its sway in our government as it is; and not the manner of its exercising this sway, but the fact that it does exercise it, and that slavery can not, is the real trouble.

That this rebellion is not sectional, but springs, rather, from hostile political principles, may be further shown by reference to antecedents of prominent men. Passing by early southern patriots, so uniformly known as republicans and opponents of slavery, we notice, in these times, many of southern birth and education who hold, nevertheless, and with consistency, to their integrity and republicanism. President Lincoln is by birth a Kentuckian; Gen. Frémont a Carolinian. The Charleston *Mercury*, conscious of the fact which we notice, and of its influence, set itself to the task of personal detraction, in language which betrays the effect of the rebuke of such examples. We quote from its issue of May 18, 1861:

“MAJOR ANDERSON has thus been weaned from his country, and has known only a servile allegiance to a flag which gives him pay and rations! So SCOTT, a mercenary at seventy-five, knows not Virginia as a mother.” * * * “SCOTT and ANDERSON and CASSIUS CLAY and ANDY JOHNSON and a few besides will enjoy, we fancy, but a brief season in the misrepresentation of Kentucky and Tennessee. These are not brethren — they never were brethren. They were always mercenaries, and will so continue to the end of the chapter.”

The *Mercury* thus shows that its standard for “brethren” is slavery and its cause, and not nativity.

On the other hand, it is also noticeable that a considerable portion of the active and influential men, on the side of slavery and its rebellion, were born and educated at the North. Yancey, Sli-dell, Yulee, and Albert Pike may be mentioned as specimens of this class. The fact of which we speak was lately no-

ticed, on the ground, by the correspondent of the *London Times*. He says:

“For out and out Southern notions, there is nothing in Dixie’s land like the successful emigrant from the North and East.”

A correspondent of the *New York World*, writing lately from Nashville, Tenn., says that the bitterest, most unreasonable, unrelenting secessionists there, are natives of the North, mostly of New England; and he adds:

“The Adjutant-General of the regular confederate army—Samuel Cooper—was born in New York. Brig.-General Ripley was born in Ohio; Pemberton in Pennsylvania; Whiting, Pike, Ruggles, and Blanchard in Massachusetts; French in New Jersey.

“Massachusetts furnishes as many generals for the rebel army as either Alabama or Mississippi, one more than Texas, as many as Florida, Arkansas and Missouri, all together, and lacking one of half as many as South Carolina. Of course these men were citizens at the South at the breaking out of the rebellion.”

But northern men who advocate slavery, and sustain its rebellion, are not merely those who live in Slave States. There is scarcely a neighborhood in all the North where this may not be abundantly proved and illustrated.

A leading political paper at the capital of the State of New York, speaking of a correspondent’s proposal of an apprentice system, says:

“It is to be compulsory and we presume hereditary. We are glad to hear it. ‘If we cannot alter things, by Jove we’ll change their names, sir.’” * * * “Call the blacks apprentices, double their work and tighten their compulsion, and all perhaps will be well again.”*

And the same paper, after the bombardment of Fort Sumter, advised to resist the President’s requisition of troops to put down the rebellion.†

In short, everywhere, and without regard to section, climate or productions, they who believe in human slavery and in government adapted to it, do, and they logically must, justify and, so far as they can, sustain this rebellion and the revolution which it attempts; for the obvious reason that the republican system established by our fathers is, in principle, hostile to slavery, and irreconcilable with the system which slavery necessitates.

* *Albany Atlas and Argus*, June 28, 1861. † Same paper, April 15, 1861.

We turn to the men on whom is devolved the duty of putting down the rebellion, arresting the threatened revolution, and sustaining our constitutional government.

In the former part of this essay, the personality of individuals and of political organizations, was purposely avoided, in order to avoid diverting attention from principles. This is still desirable; yet it is not practicable to treat properly of this crisis, without treating of the persons who are engaged in it. This will, therefore, be done directly and plainly, but not further than is deemed necessary in order properly to understand the great subject before us.

It is but just to the successive heads of the acquiescent administrations which preceded Mr. Lincoln's, to relieve them from a large share of the personal blame which has been laid upon them, and to charge it home, rather, upon the people themselves. Those men were not elected to resist the encroachments of slavery. Some who helped to elect them may have supposed that they would do so; but they had really no right to suppose so. Those candidates have proved, on the whole, fair representatives of the interest which has elected them; and Mr. Douglas, had he been elected, and lived to administer the government, could not reasonably have been more blamed for acting still further on the principle of acquiescence in whatever new claims slavery might have made during his administration. The point is this: that the people of this country, by their elections, do really direct its policy. When — and not before — the people had fully determined upon effecting a change, it was done. It was not Mr. Lincoln who effected it, but the people who, directly and indirectly elected him; and the great reason, now, why Mr. Lincoln is not and can not, in his administration, also be an acquiescent in the demands and wishes of the slave interest is, that he was not elected for that purpose, but *was* elected to stand up steadily and firmly against them.

It is comparatively easy for a president to do what he knows he was elected to do; but it would be a task, the performance of which is reasonably to be expected of no man — not even of a Jackson or of a Napoleon, under our system — to stand at the head of affairs in resistance to the purposes of those who placed him there.

Not James Buchanan, but the Cincinnati Convention of 1856, and the electors who ratified its proceedings, prepared for and necessitated the measures of his administration. To the candid ob-

server appears a reasonable and harmonious consistency throughout. He was purposely elected to conciliate the slave interest; and, that the measures in which he was required to acquiesce were worse, even, than those in which his predecessors had been required to acquiesce, is chargeable, not specially to the individual, ready as he was for the required service, but to the advancing necessities of slavery. They who had seen his name associated with those of Mason and Soulé, in the Ostend Manifesto, had no right to be surprised at the character and conduct of his secession cabinet; and it forcibly illustrates the truth which we would present, that after the election of 1860, even Mr. Buchanan became somewhat conservative of our republican system, and substituted, in his cabinet, Dix and Holt for Floyd and Thompson. Indeed, the transition of administration from Mr. Buchanan, as it was last conducted by him, to Mr. Lincoln, as it was first exercised by him, was attended by no sudden jar. It seemed almost too much like the continuance of one administration to be entirely agreeable to the special friends of either; but it was conformable to the popular will.

The election of Mr. Lincoln to the presidency was undoubtedly an event of more than usual significance. They who opposed, as well as they who favored it, were right in attaching to it very serious importance; but it was the result of no fortuitous combination. It was the intelligent and intended act of the people, but it was not, therefore, the less closely connected with the outbreak of the rebellion. Whether the election of some other man — the continuance, for another quadrennial period, of an administration more acquiescent in the wishes of the rebellious interest — would not have postponed or modified the open rupture, is not now a very material question; for we think nearly all will now agree — and, on this point, time and reflection will but make the unanimity more complete — that acquiescence was not a remedy for our threatened danger — that it never was the proper remedy; nay, that it directly and largely aggravated the danger and difficulty which it postponed.

When the war broke out, renewed evidence was given that the destinies of the country are in the hands of the people. They rallied at once to the support of their government, with men and with means, everywhere, save where the alternative of rebellion had been taken, and where the State governments were in the

control of the slave interest. The echo of the rebel guns which opened on Fort Sumter had scarcely died along the coast of Carolina before the nation was in arms. The administration of the national government scarcely uttered its call, before the people responded, with numbers and amounts almost embarrassing. These resources would have sooner come, if sooner called. When the *Star of the West* was fired on, and when, afterwards, the project was considered of withdrawing or of reinforcing the garrison in Fort Sumter, had the Administration asked for forces, and shown an unhesitating determination to use them, forces in abundance would have come; and when, finally, they began to be collected, had it been the policy of the Administration to use them immediately to enforce the laws and suppress insurrection, there might have been greater and speedier demonstrations of national power. It was then evident, as was already demonstrated and announced in the first part of this essay, that the national force, and nothing but the national force, would bring us salvation. Had this conviction been earlier received, and acted on with the utmost possible promptness by those at the head of our national affairs, the people would not have been wanting on their part; for they were in advance of their officials in willingness to apply the remedy suitable to the occasion—the only remedy which has proved, or which could prove, effective.

Notwithstanding all untoward circumstances, republicanism revived and reasserted itself. The national heart beat strongly, and the national arm nerved itself with power. Sentiments that were supposed to animate but a portion of the people, were found to be general; and neutrality, that had lately assumed to be popular, disappeared before the plainer distinctions of the right and the wrong. Greater than any testimony previously borne by our people to the capacity of man for self-government, is that which they now give; for, in all the passing events, the great and noticeable fact is, that *the people*, and not any great statesman or general, are saving their country and its institutions. Not unlike the behavior of a timid soldier in his first battle, have been the manœuvres of our political men. Gladly would they have parleyed, or shrunk from the contest—some, even, who, at a distance, had boastfully asked “who’s afraid?” Men who had risen to positions of influence, by persistently opposing compromise with slavery, had, at

last, engaged themselves in attempting such compromise, and, warning their party, had said, openly :

“If the Republican party and the Republican Administration assume and perform the duty, they will save themselves while they are saving the country. If they refuse to do it their adversaries will be the party of the country, and will claim the advantages of that position.”*

Fortunately for the country and for mankind, principles were stronger than men. The case did not admit of compromise; the conflict was irrepressible, and the forces moved on to the trial, the question, too plain for future misunderstanding, being, *republicanism and its government, or slavery and its revolution?*

As our people were willing, so was our system of government competent. There has been no occasion whatever for the anxious solicitude with which many have looked for deliverance from our troubles by some great man or some special wisdom. The way out of them was already clearly laid down by our fathers in our Constitution and laws — too plainly for misunderstanding or mistake. “The executive power shall be vested in a President of the United States of America” — he shall swear: “I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect and defend the Constitution of the United States” — “The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States” — “he shall take care that the laws be faithfully executed.” Such are the provisions of the Constitution. The laws correspond; and congress, when called, was prompt to supply all needed additions. The path of duty was plain before the Administration — as plain as it has ever been before any administration of any government. The politicians were uselessly officious who endeavored to contrive some method of avoiding the issue so plainly presented to those whose duty it was to administer the government; and the error of these latter was in hesitating to advance promptly in the path of the Constitution and the laws — in waiting for somebody else to do what the Constitution had devolved on the federal executive. They were not answerable for consequences. They were only answerable for duties. The

* Albany Evening Journal, February 11, 1861.

great error of all, next to that of the rebellion itself, has been too little faith in the practical excellence of our republican system of government. Passing events are wonderfully enlarging and confirming this faith; and, it is to be hoped that never again will the memory of our fathers be wronged, and the arm of our power be in any degree paralyzed by want of faith in the adequacy of the government which they bequeathed to us, and which we have so severely tried, and have not found wanting. Henceforth, we trust it will be universally believed — and not by our own people alone — that our national government may be, and should be, when required, the quickest, the strongest, the most energetic and enduring in the world.

But the administration of our government should not be blamed, exclusively, for what has been participated in, and even caused, by the people themselves. Public sentiment in the loyal States having shown itself harmonious now, in the purpose to sustain the government and put down the rebellion, some have wondered why it has not been more speedily done; and various and even conflicting reasons have been given for delay. Want of military discipline, want of officers educated to war, want of arms, and of ships, want of favorable weather, want of a policy in the administration, want of a definite purpose in regard to slavery — as some say, to crush it, or as others say, to preserve it — have been assigned as the reasons; but the true and more comprehensive reason is to be found in our past course of opinion and action. To the patient and candid, appears a divine justice, even in events that we deprecate. Our political history and our political troubles constantly show forth the relation of cause and effect; and even the tardy manner in which we are compelled to struggle out of our present troubles, is due less to inherent necessity than to incumbrances created by ourselves.

In the conduct of affairs the nation, now, has to look for salvation to its executive head; but how, and for what, was that head selected? It can not be forgotten that it was specially chosen with a view to moderation. Four years before, the Republican party, standing boldly upon principle, fought an open political battle. Triumphant in argument, and sustained by all the demonstrations of fast occurring events, it yet failed then of attaining governmental control. As the election of 1860 approached, the clamor on the one hand against radical opinions, and the desire

on the other to avoid another defeat, led to much talk and endeavor to "unite the opposition." Moderation and conservatism were much commended and favored; and the problem of securing these, and the support which they could bring, without abandonment of principles, was well solved by the selection and election of our present executive head. But the election over, these things could neither be forgotten nor evaded. An election in this country has a meaning; and, how much soever political men may be charged with dereliction of principle, candor compels the admission that principles are, notwithstanding, generally observed. Even James Buchanan did what he could for the interest and power which elected him, and did substantially as he was expected to do. That such is the general rule, and that it is more and more strictly observed among us, vindicates our republicanism, shows that the people do govern, and shows, too, that the real responsibility for national weal or woe belongs to the people themselves. What, then, was reasonably to be expected by this nation from the present executive? Not, indeed, that the policy of preceding administrations, in yielding implicitly to the dictates of the slave interest, and the guidance of secessionists, should be followed; but, certainly, that the principles of republicanism should be applied with moderation.

In the contest with Mr. Douglas for the senatorship in Illinois, which did so much to give Mr. Lincoln his national reputation, the particular charge against which he had most frequently and anxiously to defend himself and his party, was, of radicalism — of disregard of southern rights, in a desire to elevate the negro to social equality. This charge was both made with pertinacity, and repelled with care, because both men well understood that it was regarded as an important matter by the people whose votes they were seeking. Doubtless that contest, while it commended Mr. Lincoln to the conservative men of the country, impressed still more upon his own mind the conviction of necessity for moderation in applying the principles of republicanism; and not unreasonably may he now suppose that, to the prevalence of the same opinion among the people, he owes his election as President of the United States. As a true representative man, is he not, then, bound to be moderate? and if he is so, even to a fault, upon whom, more than upon the people themselves, rests the responsibility?

We can imagine how a bold man, coming when he did to the presidency, might have led the nation; and how prompt decision and action might have aided the popular judgment; and can see that nothing in our system of government stood in the way of such action; but the nation had carefully avoided choosing a bold man, and had thereby purposely imposed upon itself a Fabian, rather than a Napoleonic, policy. Had the election of 1860 been positive in its issues, instead of negative, a positive policy might reasonably have been expected. Among people still claiming to be loyal, both the friends and the opponents of the successful candidates, treated the success as negative. Prominent Republicans even hastened to offer compromise; the supporters of Mr. Douglas clamored "*peace — no coercion,*" challenging a declaration of policy in order to oppose it, and only rampant rebellion was positive. Large numbers seemed to expect that Mr. Lincoln would do no more than Mr. Buchanan had done, when, in the gentlest possible manner, he dismissed traitors from his cabinet, and undertook to continue the government, ignoring rebellion. Under such circumstances the pretexts were treated with most distinguished consideration. All may now see how utterly insignificant they really were; that the crisis did not turn at all upon them, but that it was an unavoidable collision of great and organized forces — a contest for mastery between democratic republicanism, as embodied in our constitutional system, and slavery, with its now recognized necessities.

Yet, singularly enough, an imperfect consciousness of the truth, stayed the arms of the forces on the side of the right. This generation of our people has been assiduously educated into hatred of abolition. To fight against slavery seemed to them too much like engaging in forcible abolition, and, therefore, large numbers took arms under protest. They protested against any sympathy for the slave, or any denial of the master's "right" to continue slavery. They who have called on our government for a more vigorous and anti-slavery policy should remember how strong are the prejudices of a life-time, even among educated and reasoning people. They might see that the same selfish indecision between the right and the wrong, which nursed the rebellion into life, stayed the hands of the people at first, when vigorous force and decisive action should have suppressed it. The indecision of the

executive was but the reflex of the previous indecision of the people.

But the educational influences of the times have been great and effective. Our government and our liberties being attacked, our people have been compelled to think of their defence, and what that defence requires. The actual necessities of republicanism and its government occupy their thoughts, which before were too much occupied with the clamorous demands of slavery. Not merely by the booming of cannon and the clash of arms, not merely by great national perils at home and abroad, but also by small and still voices, and through a thousand avenues of reason and affection, have patriotic convictions come to the minds and hearts of the people; and not greater is the contrast presented now, by our martial hosts, compared with our former peacefulness, than is presented in the change of our public opinion. There is no mistaking the character of the determined conviction becoming unanimous. The cob-web sophistries woven about us are broken and scattered to the winds; the principles of republicanism are restored to their legitimate ascendancy; men, previously blinded, see what really is the government founded by our fathers; they recognize their own duties, and resolve upon their performance; and, instead of shrinking and cowering under the denunciations and threatenings of slavery, they clasp their arms around the pillars of the republic, rejoicing in liberty and security.

Yet with many, very many of our people, no change of opinion was needed. The character of our government and the character of slavery were understood by them, substantially, as herein exhibited, and, therefore, the contest which we witness has not found them surprised or unprepared. To these it comes; indeed, not unattended by a kind of sad satisfaction, like a long breath of suspense relieved — even like the breaking of morning after a night of darkness.

Another large class of our people fall naturally and harmoniously into the ranks of the defenders of our republican institutions — our citizens from other lands. They came here because they are republicans. By all their sad and pleasant memories of the past, by all their bright hopes of the future, they must cooperate zealously and heartily to maintain the cause of the American republic, supported by the stout hearts and strong arms of its own people, against the assaults of the American despotism, seek-

ing alliance and support from European monarchies. Their unanimity in doing so, is neither accidental nor preconcerted, but results from the natural operations of inherent causes, as reliable as the principles of human nature.

The yielding acquiescence in the encroachments of slavery, which has characterized the people of this country for many years, is justly attributable, in large degree, to their love of our republican government, paradoxical as the proposition may seem. Slavery seemed to them a part of our system. It has been called an *institution*. The governmental system itself they realized to be good; and they were deceived into acquiescence in the demands of slavery by the threatened danger to republicanism. It had become the standard method with politicians, in extorting acquiescence, to praise the Union and the Constitution; in so much, that when a speaker or an editor entered upon the subject, all knew at once that he meant *Slavery*. *The Union, the Constitution, and the enforcement of the laws*, practically interpreted, meant — *The Union*, to be preserved only by acquiescing in whatever terms the slave interest might demand; *the Constitution*, that is, the guarantees for slavery claimed to be in the Constitution; *the enforcement of the Laws*, that is, the enforcement of the Fugitive Slave Law.

But slavery, in striking at our republican system of government, has dissolved this illusion, and at once emancipated the masses of the people from the mental thralldom which held them while slavery seemed to them a part of our government. The very affection for our republican system which had caused them to seem friendly to slavery, made them its determined enemies, when slavery, in its doomed career, undertook to overthrow our government, and the error, which connected slavery with its preservation, is banished forever.

It would have been wise in the Administration of our government to take immediate and full advantage of this change — it should even have been anticipated. Yet, that the Administration was slow to trust to its reality and extent, was, as has been shown, the natural result of our antecedent history. The chance at that time, and the only chance, for arresting civil war, was to be found in an immediate and overwhelming array of national force; and not merely in its array, but in an unmistakable determination to use it immediately to suppress the insurrection. It

was useless and dangerous to intimate that United States officers would not be appointed where they were not acceptable to the disaffected, to treat with "distinguished consideration" governors who refused or neglected to comply with sworn constitutional duties, or to substitute, in any other particular, the suggestions of temporizing expediency, for the plain and positive injunctions of the Constitution and laws. These were wiser than any policy. No countenance should have been given to the idea, by any hesitation implying choice, that resistance to insurrection was a policy; but all should have been made immediately to see and feel that it was a necessity — that it was the government of the United States, and not a political party — the president of the United States, and not Abraham Lincoln or his advisers — the laws of the land, and not the policy of an Administration, that resisted rebellion and revolution. Forbearance was wasted on predetermined revolutionists. It embarrassed, not them, but the government; encouraged spies and traitors everywhere, and naturally led to the exercise, on other occasions, of doubtful and arbitrary power. Possibly it was then already, of necessity, a case in which, without the shedding of blood — even of much blood — there could be no remission of sins; and yet, it seems possible that superior forces arrayed everywhere against insurrection might have prevented a battle anywhere. Meeting the enemies of our government so often with inferior forces, and especially in the contest at Bull Run, insured the conversion of insurrection into civil war; and the tolerant policy of fighting rebellion gently, gave the first real alarm to the staunch friends of our government, and aggravated our national difficulties and dangers at home and abroad.

Yet this very policy has, in another aspect of results, afforded to the country and to the world magnificent evidence of the recuperative power of our popular republican system. Had the man on whom devolved the duty of exercising the executive power of the nation seen, in the beginning, as clearly as he probably now does, our great national resources, and the duty of using them promptly, national salvation might have seemed to come from the man, rather than, under Heaven, from the people themselves; and history might have attributed the nation's survival of the crisis to accidental or providential interposition, rather than

to the philosophical excellence of our governmental system, and the normal inspiration of a whole people.

Doubtful, and even disastrous, might have been the result, if our federal policy had been moulded at this time upon the pre-conceived ideas or temporizing suggestions of politicians, called, by their admirers, *great statesmen*. As it is, and despite a president justly credited for integrity of purpose, their schemes have doubtless wrought the country much mischief; not merely through the speculation and patronage attending enormous expenditures, but through the jealous rivalries that would obstruct national salvation. These things being part of the rationale of the crisis, mention of them is not improper, but their further consideration not being essential to the purpose before us, they are gladly dismissed.

We have seen what are the essential principles and character of our constitutional system of government, and, on the other hand, what are the necessities of slavery, and how naturally it has come to rebel against our government — have seen what is really the impelling power behind the persons who have advanced to represent and sustain the proposed revolution — have, also, glanced at some leading events in our political history affecting particularly the questions before us, and have considered somewhat the action of the men who support our government. Certain inferences flowing logically and inevitably from the facts and principles hereinbefore stated, demand our attention, and will now briefly be considered.

First. The length of the war depends, chiefly, upon the Federal Executive.

Second. The proper end and object of the war is, the restoration of the legitimate supremacy of the General Government throughout the land.

I. Regarding the first of these propositions, it has been shown that the contest being one of principles essentially irreconcilable, is necessarily a contest of forces — a trial of strength between republicanism and slavery. They who have failed to recognize this fundamental truth have failed, utterly and continually, to appreciate the magnitude and persistency of the contest. Recognizing the nature of the crisis, it was easy, a year ago, to prescribe the national force as the remedy for our national ailment. Looking then at the relative strength of the right side and of the wrong

side in the contest of force, it seemed easy, also, to foresee which must prevail. But the result of a contest depends upon the forces used, rather than upon the forces possessed. Many reasons have herein been given, and many more must have suggested themselves to the thoughtful reader, why those engaged in this rebellion would put forth their strength promptly and fully. They understood the rationale of this crisis sooner and better than those did whom they opposed; and, when they resolved on rebellion, had already emancipated themselves from conscientious restraints. In this they were helped by their known inferiority of real strength, and it was because they expected to use a greater relative proportion of their strength, and to use it faster, that they counted, nevertheless, upon success. They believed that the supporters and representatives of republicanism, less earnest than the supporters and representatives of slavery, would hesitate to use force, and would cling rather to peace and acquiescence. Many of the false hopes with which loyal people have deluded themselves as to the failure, diversion, or arrest of the rebellion, were exposed in our earlier pages. Experience is demonstrating not only that it could not and would not stop of itself, or be arrested, save by the exercise of superior national force, but that its power, in men, money and means, was not insignificant. They who thought otherwise forgot that *all* the possessions of slavery were necessarily staked on success; and that the rebellious interest being strong enough in a given section of country to start on its career, could not and would not afterwards wait for volunteers. They forgot the essential nature of military despotism into which the whole people of that section were inevitably plunged by the first rush, and that, by allowing headway to the rebellion, every man and every dollar within its reach were subjected to its control.

A Savannah (Georgia) correspondent wrote to the Richmond (Virginia) *Despatch*:

“Our citizens (the few who remained) have been arrested on the street, dragged to camp, shown a tent, and informed that there their habitation should be. And this has been done by a parcel of beardless boys, who have been mustered into the State service.”

This specimen accords with the system which we know, from the nature of the case, must prevail wherever the rebellion domi-

nates. Even Union strength counts for the rebels where they, and not we, can appropriate it. To their power of coercing all nominally free people within their reach to contribute goods, services, and life to sustain the rebellion, must be added, also, that which they have long possessed and exercised—the power to extort their living, in the mean time, from the labor of their slaves. Still another great element of power at the service of any enemy of our republicanism, is, the hostility of other and anti-republican governments. Slavery knew this, and did not omit to prepare in time to secure its full advantages.

The correspondent of the Charleston *Mercury*, in the letter from which some extracts have already been given, written from Washington, January 11, 1857, when Mr. Buchanan was about making up his cabinet, says :

“The representatives from the Continental Powers are studious in their attentions to southern Senators and Representatives, and it is to be hoped the interest will be returned with a good will. We should seek, by all the means in our power, to promulgate, through these official sources, the principles and ideas of the South.

“It would be very desirable, even if our politicians were to lend their influence in favor of the Continental party in Europe, by having the right sort of men at the most important points, commercial and diplomatic. The elements contending for admission into Mr. Buchanan’s cabinet here indicate how watchful and earnest the South should be in this crisis.” * * * * *

“We may accomplish a great deal, however, by building up alliances and friendships on the Continent of Europe. We may, through proper coöperation, do much, very much, for ourselves abroad.”

The hasty recognition of the rebels as belligerents, by the two nations of Europe who could be most dangerous to ours, shows that these precautions of slavery were not fruitless. Not the least of the foolishness and wickedness of our past Administrations, and of the people who sustained them, has been the sending to other nations of anti-republican men, as the representatives of our nation. The inherent hostility of anti-republican governments to our own, as illustrated by the conduct of European nations at this time, is a marked and significant feature of this crisis ; but its full consideration would require more space than can here be spared. It was wisely calculated on as an effective ally of the rebellion against our republican government, and this we would doubtless more fully have learned to our cost, if the demonstration of our vitality and force had been but a little longer delayed. Added to the other resources of the rebels, the possible advantages

which they might derive from this, would make an array of force against our government greater than has generally been supposed possible.

But, on the other hand, there seems to have been even a greater failure to appreciate the national force which could be opposed to rebellion. The nature of the contest being such as we see, the whole resources of the people of the republic, counting every man and every dollar, and including even the rebellious districts, as fast as they could be reached, are, by the nature of the case, pledged to the support of our republican government against any and all of its enemies. We have, as has been shown, a government fully organized, capable of applying these resources to any needed extent. The will to use them to the needed extent undoubtedly exists in the people, and, though slow in its manifestations, it exists, also, in the Administration of our government. How great this power really is, we may not now know, and the world may never know; but if, by demonstration, it shall ever be known, the world will be astonished at its magnitude. Unwisely, in this contest, many have been seeking the limitations of our national power. They can only be found by trial; and this contest, great as it is, can not even approximate to its measurement. Had England and France joined hands with slavery against our republicanism, and had our Government, responding to the sentiments of the people, rallied for the contest, the array against us, including all whom those two great nations of Europe, with their navies, could bring to our shores, would, even then, have been no cause for despair. Necessity is the rule and the only limitation in military defence by a republic, as well as by other governments; and in circumstances sufficiently urgent, not only our four millions of white men, capable of bearing arms, but another million, also, of our darker brethren might then be deemed worthy to strike with us the enemies of republicanism.

Our numerical force, our isolation as the masters of a continent, our grain-producing facilities and extended territory, are by no means our only, and scarcely are they our distinguishing, advantages. Man for man, there has never existed, anywhere, a people capable of being so terribly dangerous in war. They have, it is true, been addicted rather to the arts and the policy of peace. But they are wonderfully inventive and versatile. The old art of war is, in these days, subjected to rapid changes under the in-

fluence of invention and improvement. Make war the great market for American invention and enterprise, and new developments would be given to destructive power, before which the prestige of the human machinery of standing armies and the prowess of old navies would wane. Already has this been illustrated to such extent in this war as to attract attention from abroad, and to raise the question among ourselves, whether our own military and naval systems are not too antiquated, and to suggest comparisons of effective results not always favorable even to those whom our country has specially educated to war. In the old art of the organization and movement of armies, the men of this country have advantages. They are trained in organization. Our political organizations, our voluntary religious organizations, our industrial, educational, eleemosynary, artistic, and social organizations, in which our people so generally participate, make the business of organization familiar to all; and, as necessity requires, the same people readily and handily apply its principles to war. They make good soldiers and good officers, because they understand their mutual duties and obligations. Not years, and scarcely months, are required to give to their movements and discipline the perfection usually predicated only of veterans; and, impatient of domination as *sovereigns* are supposed to be, American soldiers do not mutiny. Not satisfied with cheerful conformity in essentials entrusted to Government, our people, through voluntary associations, afford effective assistance in incidental and important details. Witness the Sanitary Commission, guarding the health of our soldiers, nursing the sick and the wounded, and demonstrating that our women, as well as our men, can, by making it more useful and effective, greatly augment the national force.

But the occasion which we have supposed as possibly most trying to our national force, can never come unattended by other great elements of power. Our traditional policy, according, also, with our principles, is peace. Other nations will never have opportunity to attack us, even when we may be taken at a disadvantage, except by placing themselves in the wrong. In such a war, waged against us by even two or three of the most powerful nations of Europe, we should stand as the representatives of republicanism for the world; and the growing republicanism of the world would help us. The cause of our Federal Union would be the cause of oppressed nationalities everywhere, and the cause of

our people would be the cause of man. We are already too big and strong to be crushed out of existence at once. Our seaboard cities and exposed positions might be taken or destroyed; but, ere the life of the nation could be touched or greatly endangered by the combined despots and aristocracies of the world, they would be called home to defend their own possessions. No; it is too late in the history of the world for outside enemies successfully to attack our American republicanism. If true ourselves to its principles, their array against it would seem like the signal for the last great conflict — “the Armageddon of the world.”

Such being our national power and capability, notwithstanding the array against us, little more is needed to establish the first proposition of our conclusion. That force is the proper remedy for the rebellion, is demonstrated now by experiment, and it was morally certain before. A power, too great and dangerous to be despised or disregarded, is arrayed against us, and it will certainly yield to nothing but the actual cogency of a greater power. We have that greater power, and, though it is capable of long endurance, all the economies urge us to use it quickly. Our force is abundant, our government is competent, our people are willing. The executive department of our government is purposely organized and adapted for such use. It is the nation's agent for the exercise of the nation's force. It has the simplicity and directness of a single head, and within its legitimate sphere, which certainly includes this case, it may, congress supplying the means, have all the effectiveness which any government can ever have — even were it a monarchy or a despotism. Not the vigorous exercise of executive power, but the neglect to exercise it now, would be unconstitutional. Allowing only the time necessary for the production of results, we must infer, therefore, that the length of the war depends, and has from the beginning depended, upon the Federal Executive.

II. They who have had the patience carefully to follow our course of investigation, and especially all who agree substantially with the statement of principles herein, will find little difficulty in agreeing, also, that the proper end and object of the war is the restoration of the legitimate supremacy of the General Government throughout the land.

In the beginning, they who did not see the way clear for the restoration of the United States authority, in all the States, were

sufficiently numerous to give just cause for anxiety, on account of the dangers which might, at such a time, result from divided counsels. Their incipient plans and suggestions for separation and reconstruction were exceedingly mischievous. Few doubt now; and nearly all agree that the federal authority must everywhere be restored. But all do not agree that this is enough. Some, reacting from the alarm which first made them despair of the integrity of the Republic, and others, anxious to seize what they deem a rare and most favorable opportunity, would direct the action of the General Government against slavery, as the *cause* of the rebellion. If the facts and inferences in these pages be correct, slavery undoubtedly is the cause of the rebellion and the war; but it is in such sense the cause, as a defective organization or constitutional tendency is often the cause of crime in an individual. Wise public authorities do not, in such case, punish the tendency. They punish the criminal; and encourage moral agencies for the reformation of the tendency.

Slavery is, for reasons which we have given, and which might be enlarged and multiplied, a dangerous element in a republic. It is bad for any government or any people, and its principle, as has been shown, is utterly irreconcilable with republicanism. That it must certainly cease, in each and every of these United States, is as certain as that our people are wise—as certain as that God is just. But that its immediate cessation in every State is necessary to the life and development of the republic is disproved by years of general republican prosperity, while it has continued. It must, of course, be conceded, that if its existence for a time in some of the States will lead to its perpetuation and extension, and so to the destruction of republicanism, then its immediate and utter extermination is a necessity; also, that if, in the present war, or in any other that may occur, proclamation of immediate freedom for all, should become necessary in order to cripple our enemy, or to bring us needed allies, it should be made, and should be sustained by our national power; and this on the principle that the safety of the people is the highest law. But if, on a fair examination and understanding of our political system, it clearly appears that we possess therein, and through its normal action, abundant and certain means of resisting all encroachments of slavery, and also abundant and certain means of suppressing rebellion, even this rebellion for slavery, then it does not appear

that the proper remedy for this rebellion, or the proper method of avoiding similar calamities in the future, consists in the use of abnormal means, or in changing or modifying our system of government; and if, in addition, we can plainly see that our present tribulations are chargeable to ourselves — to our own selfishness, corruption and neglect, and not to the system of government furnished us by our fathers, it would obviously be a self-deceptive blunder to tinker the system.

Notwithstanding the relation of cause and effect existing between slavery and the rebellion, in the sense herein explained, it is easy to conceive of, and to treat, the one abstractly from the other. This rebellion, caused by slavery, should be treated by our Government substantially as rebellion against our government arising from any other conceivable cause should be treated. It should be crushed; and the men engaged in it should be punished by our General Government *for being engaged in rebellion*, and not for their connection with slavery.

On the other hand, there is no obligation resting on our Government to proceed gently with the rebellion, on account of slavery. Slavery has, as has been shown, no guaranties in our constitution, the guaranties claimed for it being general guaranties for States or for people, and which are right and proper in themselves, independently of slavery; and slavery being, in and of itself, a wrong, it can claim no moral rights whatever. Unhesitatingly, therefore, should our Government advance in the suppression of this rebellion. Having itself no care or responsibility whatever for slaves as such, the United States Government is not to be expected, and should not be persuaded to try, to preserve their character of slaves, when, in the performance of its military duty of suppressing the rebellion, it goes, with its officers and soldiers, into territory where slavery has been recognized and protected by State governments. The men, and *all* the men, whom it encounters there, are to be recognized and treated as men — as loyal or rebellious, as friends or as enemies, accordingly as, through their own personal conduct, they respectively deserve; and if, in the absence or abeyance of State jurisdiction over the social relations of the inhabitants, the United States Government has, through its military force, and during its military occupation, to assume the regulation of social relations, it should undoubtedly do so, on the principles of right, and not on the principles of wrong

— on the principles of liberty, and not on the principles of slavery. The United States Government temporarily administering social and local government in South Carolina, has no more obligation or right to engage in, or to countenance slavery, than it would have, during military occupation of the Feegee Islands, to engage in, or to countenance, cannibalism.

Much has been said of the moral obligations of the United States Government to protect the “rights” of loyal slave owners residing among disloyal people. The answer to this is two-fold: *first*, as slave owners, these people have no *moral* rights, and, therefore, towards them, as such slave owners, the United States Government is under no moral obligations; and, *secondly*, if not their fault, it is at least their misfortune, that their State Governments, under which only, their *legal* “right” to hold slaves was secured, have failed in their functions. They held their slaves subject to this risk. The United States Government is under no obligation to indemnify them. But in States where the social relations of the people are still under the peaceful jurisdiction of the State authorities, the United States forces can not properly interfere.

This subject will be more fully understood by referring to the character and nature of our respective governments. The United States Government, though of limited jurisdiction, is nevertheless a *government*, and is the only war-making or war-conducting government which we constitutionally have. There is no constitutional authority whatever for the war now being carried on in this country, except as it is carried on on the part of the United States Government. As a military governmental power, the United States Government may, most undoubtedly, administer local government wherever it may be required by military necessity, and also where, during the abeyance or demoralization of any State Government, by reason of war, the inhabitants of any State or locality belonging to the United States, might otherwise suffer for want of governmental protection. This temporary local government by the United States may be either with or without the formal declaration of martial law. But the United States Government has no right or constitutional power to establish or maintain slavery in the course of such local government. Moreover, government by military law is government by force. Slavery, also, is maintained by force. But two separate systems of

force can not harmoniously prevail at the same time, in the government of the same locality. The United States must, in such case, have entire control over all the inhabitants of such locality, with power to punish each individual for his own wrong acts, and can not safely permit that absolute control of individuals by others which is necessarily implied by the system of slavery. Therefore, constitutionally and by necessity, the United States Government can not, in administering local government, undertake to sustain slavery. Slaves, therefore, become free in such locality, not so much because the United States Government does anything directly to make or declare them free, as *because there is no longer any governmental authority to hold them as slaves*. The United States Government simply treats them as men, to be dealt with by its military government as necessity, humanity and duty may dictate. It can not effectively declare them "forever free," because, its local government being only temporary, the State Government, on resuming its functions, may reduce them again to slavery. But the United States Government may undoubtedly do as it has already assumed to do, in certain cases, by law of congress, extinguish entirely the claim which a rebellious individual may have to the services of another individual, so that that claim can no longer stand under State law, or any law, as the sanction for further enslavement of the person thus freed.

According to these principles there is no more difficulty, and there should be no more embarrassment, in the United States Government's performing its functions in the slave States, than in its performing them in the free; and, certainly, there should be no more embarrassment in the necessary military occupation of South Carolina, than there was in the military occupation of Mexico. In both cases, local regulations and usages, not in their nature wrong—not conflicting with the rights of man—and not hostile in their character, should, doubtless, be respected; but those falling within these exceptions can properly claim no aid from the occupying power. In other words, the United States Government, having neither rights nor obligations in respect to slavery in the slave States, is as free to exercise its military authority in them, as in the free States, in doing whatever may be proper and effective to suppress the rebellion; but, being under both moral and constitutional obligations to treat all men justly, it can not without gross wrong and inconsistency, assume, during

temporary military occupation of any State, any of the functions peculiar to a Slave Government. To do so, would be voluntarily and gratuitously to participate in the wickedness of enslaving men.

The embarrassments in some minds on this subject have, doubtless, grown out of the mischievous fallacy, having, itself, a modern and fungous growth, that slavery is, in some way, under the protection of the United States Government. It is not so; *States and people*, where slavery may exist, are under the protection of the United States Government; but slavery is solely dependent upon State protection, save, till lately, in the District of Columbia and some other places, where the comity of the United States Government has been extended to cover wrong. When the people of slave States rebelled, and thus invited military occupation of their territory by United States forces, they voluntarily subjected their darling "institution" to exposure, stripped of governmental protection. Let them take the consequences. Neither the loyal people of the United States nor the United States Government can justly be called on to assume for them any part of the responsibility. To the Government it should not be of the least consequence that slavery may greatly suffer in the course of, and in consequence of, suppression of the rebellion; and to the people it should be just cause of congratulation, that a stupendous wrong is writhing under the wheels of the advancing car of the Almighty. The moral sense in which slavery stands in the relation of cause to this war, justifies the people now, and will forever hereafter justify the historian in rejoicing that calamity has, in this case also, attended wrong.

The measure of that calamity will inevitably be great, and beyond what the most comprehensive human understanding can now calculate. In the popular estimation — which is controlled always by moral considerations — slavery stands already, everywhere, as the cause of this rebellion. Its mere failure of success destroys its political prestige. When it was supposed to elect our presidents, it was feared and respected, even if disliked. Henceforth, and perpetually, till its last vestige shall disappear from the land, it must carry with it the burden and disgrace of this wicked war against "the best government on earth," and of the disastrous and utter failure in which its war must inevitably terminate, on the mere restoration of our legitimate national su-

premacý. Our legislative halls, our deliberative assemblies, our churches, our hustings, our streets, fields and homes, must continually reëcho with the story of its deep damnation.

The war will greatly have affected the slaves themselves. Numbers of them will have become practically free beyond the possibility of reënslavement, and in the minds and hearts of all, thoughts and aspirations will have been introduced and stimulated, preparing and leading them towards a change which, sooner or later, must surely come. They will have seen their masters vanquished, and this, of itself, means much. It is a lesson that no time can erase, and no blind conceal. Wise masters will know the lesson also, and ponder it thoughtfully; and their wisdom will, we are confident, not be without useful results. The desolations spread by the war over the slave States will be lasting and terrible remembrancers, drawing upon slavery the curses of the people. The millions of money that must annually be contributed in taxes to pay the interest and principal of the war debt, are items in the account which this and coming generations will charge against slavery. And, more than all, mourning for the dead, saddening the hearts of the living, will, in every neighborhood, and almost in every family through the land, especially in the slave States, call slavery to the bar even of human judgment. The non-slaveholders of the slave States, on whom this burden has already fallen fearfully, can scarcely fail to ask themselves, and then, also, to ask their leaders: for what good have they been led into this slaughter? Slavery would not, in the past, bear questionings. These are questionings which it can not now escape. Ignorance has long closed the eyes and the ears of the people where slavery exists; but some things, even the blindest eyes have now seen, and the deafest ears heard.

They who fear that restoration of the legitimate authority of the United States Government throughout the land will prove inadequate to the security and peace of the republic, can not have sufficiently considered what, and how much, this necessarily means. It is a commanding of the peace in every State and Territory. This is one of the great and peculiar functions of the Federal Government, and the whole force of the nation is pledged to its constant maintenance. It is also the restoration of State government, in every State, to the care and administration of loyal men. The remark near the close of the first part of this exposi-

tion, to the effect that State governments would not be put into the hands of minorities, must be understood as referring to possible majorities, more or less disaffected, perhaps, but not yet outlawed by rebellion. The Constitution of the United States provides (Art. 6): "The members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this constitution." Men who refuse to take such oath can not properly be recognized by the United States Government as State officers. By the same article it is declared that the United States constitution, laws and treaties "shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the constitution or laws of any State to the contrary notwithstanding." When physical resistance to the United States authority is overcome in any State, it can not be difficult to recognize the loyal citizens. The disloyal, they who, by active rebellion, unrepented of and unatoned for, have abdicated their citizenship, have no more right to control the State, or even to share in the management of its government, than alien enemies, who, having made a descent upon any State, should set up a claim to control it. If, by insurrection and war, the machinery of any State government has become disorganized, the loyal people of the State, protected, and, if need be, assisted, by the United States Government, can readily restore it. Restoration of the legitimate authority of the United States Government means, therefore, the restoration of loyal State Governments and authority, executive, legislative, and judicial.

Thus the governmental system established by our fathers, shown to be inherently democratic republican, and proved by experiment to be not adapted to slavery and its necessities, becomes re-established in every State, backed by the whole force and authority of the General Government to sustain it. That this condition can not possibly be made sufficiently to subserve the purposes of slavery, is proved by the rebellion against it. Rebellion was a necessity for slavery, because it could not maintain itself without. It had, before, exhausted every means of perverting our government as it is, to the subservience of its necessities. The election of Mr. Lincoln showed that republicanism was inevitably to resume its legitimate sway; and that slavery had only the alternative, on the one hand, to submit — to subside from na-

tional domination, and to contend with republicanism in the several States, sure to be gradually overcome there, also— or, on the other hand, *to rebel*. It chose the latter; and, failing in this, it will be thrown back again upon the other alternative, and under far greater disadvantages than before, crippled, disgraced, abhorred.

Regard for State sovereignty and State rights was wisely developed in this country, and the philosophical teachings of our early southern statesmen contributed largely to such development. But it is a mistake to suppose that regard for this doctrine now characterizes the slave States. As perverted by the slave interest, it had, for some time previous to the rebellion, been used only as a kind of fetch to sanction aggressions of slavery, and to oppose republicanism in the General Government. The uniform course of Senators and Representatives in congress from the slave States, with regard to Kansas, and of all northern men under their influence, clearly shows this.

For further illustration, and also to show further the inherent and conscious hostility of slavery to republicanism, we give here certain propositions, regarded as fundamental, introduced by Mr. Collier, as a joint resolution, May 15, 1862, into the senate of the pretended Confederate State of Virginia :

“The General Assembly of Virginia doth hereby declare, that negroes in slavery in this State and the whole South (who are, withal, in a higher condition of civilization than any of their race has ever been elsewhere), having been a property in their masters for two hundred and forty years, by use and custom at first, and ever since by recognition of the public law in various forms, ought not to be, and can not justly be, interfered with in that relation of property, by the States, neither by the people in convention assembled to alter an existing Constitution, or to form one for admission into the Confederacy, nor by the representatives of the people in the State or the Confederate legislature, nor by any means or mode which the popular majority might adopt, and that the State, whilst remaining republican in the structure of its government, can lawfully get rid of that species of property, if ever, only by the free consent of the individual owners, it being true, as the General Assembly doth further declare, that for the State, without the free consent of the owner, to deprive him of his identical property, by compelling him to accept a substituted value thereof, no matter how ascertained, or by the *post nati* policy, or in any other way not for the public use, but with a view to rid the State of such property already resident therein, and so to destroy the right of property in the subject, or to constrain the owner to send his slaves out of the State, or else to expatriate himself and carry them with him, would contravene and frustrate the indispensable principles of the government; and, whereas, these Confederate States being all now slaveholding, may be disturbed by some act of the majority, in any one of them, in derogation of the rights of the minority, unless this doctrine above declared be interposed; therefore,

“Resolved, by the General Assembly of Virginia, That the Governor of Virginia be, and he is hereby, requested to communicate this proceeding to the several Governors of the Confederate States, and to request them to lay the same before their respective legislatures, and to request their concurrence therein in such way as they may severally deem best calculated to secure stability to the fundamental doctrine of southern civilization, which is hereby declared and proposed to be advanced.”

It will be seen that that, against which this resolution is particularly directed, is, control over the subject of slavery *by the people of a State*. It is proposed to guard “the fundamental doctrine of southern civilization, which is hereby declared” by interposing this doctrine above deduced, lest the “Confederate States, being all now slaveholding, may be disturbed by some act of the majority, in any one of them, in derogation of the rights of the minority.” There is nothing here of State rights or of popular sovereignty; but, on the contrary, a careful guarding against State action or control, and against the people — “the majority,” either in convention assembled to alter or to form a constitution, or by State legislation, or “by any means or mode which the popular majority might adopt.”

An immediate vote on the resolution was not requested, and, accordingly, the subject was laid over; but the mover, in the carefully considered remarks which accompanied his introduction of the resolution, fully confirms our deductions as to the principles involved in this rebellion. He says: “It is the repudiation of this doctrine that is at the top and bottom, and in all the circumference, of the struggle in which we are engaged,” and that, if this doctrine be not sound, slavery ought to be, and will be, abolished. He is right, also, as we have already shown, in believing that the true way to secure slavery from all disturbance or interference, is to leave it, not to the States nor to the people of the States, but to the voluntary action of slaveholders; but he is, we think, unnecessarily diffident as to the reception of his doctrine in a Slave Confederacy. It is the doctrine which will certainly be acted on, whether avowed or not, by the controlling interest in this rebellion. We quote from his remarks as reported:

“His reason for forbearing to ask a vote at this time, he said, was, that he did not believe the public men of the South appreciated the doctrine announced. They do not appreciate it at its vital and most valuable point, which is its denial of the power of the majority, in making a constitution for a State, to disturb a preëxisting and resident property. The prevalence of this doctrine in the intelligence of the world can alone give the slaveholding States exemption from war. It is the repudiation of this

doctrine that is at the top and bottom, and in all the circumference of the struggle in which we are engaged. If the principal sentiments asserted in that declaration, and from which the doctrine proposed as the practical result is educed, be not sound in the philosophy of the subject, and ought not to be adopted into the public law, then negro slavery ought to be abolished, and Divine wisdom will accomplish the deliverance. But, he said, he did believe the sentiments sound and the doctrine logically inevitable, and that negro slavery will exist in the countries governed by the white race until the native land of the black man shall have been civilized and Christianized. Mr. Collier said he would only now add the desire that every newspaper in the Confederacy, and as many elsewhere as will, would publish that declaration."

Seeing what doctrine the rebellion requires for its support, we may better understand, by contrast, the excellence of the doctrines embodied in our popular constitutional system; and that the rebellion, if successful, would entirely subvert them in both the State and the General Governments.

There is no necessity now, for additional safeguards for our General Government against slavery. Our system as it is, enabled the people, when they desired to do so, to oust slavery from its control, and to restore republicanism. When the rebellion, which slavery thereupon initiated, is suppressed, republicanism and its governmental system will be safe. Only culpable neglect by the people themselves can endanger either; and against the consequences of such neglect, there can be no reliable safeguard, and it would not be well for the people themselves if there could. If this war were attributable to our system of government, or to its want of any constitutional safeguards, the case would be different. We can see clearly that, not the system, but the past administration of it, was defective; and that the system itself affords abundant remedies. Dangers overcome are no longer dangers.

The right, and even the duty, of the General Government, if necessary, to arm and use as soldiers, against the national enemies of whatsoever kind, negroes who may have been held as slaves under State laws, can not properly be disputed. It is a right which should be unhesitatingly exercised, and to its fullest extent, rather than submit to national destruction; but considering our abundant national strength, the necessity to employ them as soldiers is not likely to occur at this time, except, possibly, to a limited extent, in districts where, for a season, the lives of unacclimated troops would be otherwise endangered. The right, also, to extinguish any claim of rebels to personal services of other men, and to confiscate their property as punishment for treason,

and towards indemnity for national expenses, caused by the rebellion, can not be successfully disputed. Slavery should be no shield or safeguard for the rebellion; and should afford not the least indemnification against condign punishment of the patricidal enemies of the republic.

But the rights here claimed can not properly be used as pretexts; and if they could, they could not be made effectual, permanently to liberate the slaves in any State, allowing them to remain there, without so altering the United States constitution as to confer upon the General Government the power to protect and perpetuate their freedom. According to our system and Constitution as they now stand, the condition of the various classes of inhabitants of each State, is matter for State regulation. This was one of the reasons for removal of the Indians from within State limits.

Some would suggest pursuing a similar policy with the negroes. This would be an immense undertaking, and seems neither wise, nor timely, nor humane. But, setting aside many practical difficulties which present themselves, the discussion of which would lead us too far from our principal object, it may, perhaps, be properly suggested that such removal is not even desirable. The negroes and white people of the South are adapted to each other. The antipathies of race, so strong in northern States, do not exist in the southern States, to nearly the same extent. The industry which sustains the whole population is supplied almost exclusively by negroes. Capitalists, being chiefly white people, are accustomed to direct and utilize this industry, and they are not accustomed to any other, and could not, for a generation, become thoroughly and advantageously accustomed to any other. Were the negroes at once removed, it would be economical to restore them, even at an equal expense. Immediate substitution of other laborers in their stead, would be difficult and almost impracticable; yet, to the people and their industrial interests, it would be depressing to spend a generation in the forced substitution of other laborers for negroes. The negroes would probably be subjected, during such a transition, to far greater hardships, neglect and abuse, than what ordinarily attend the condition of slavery. Especially would this be the case, under any system forced upon the people of a State by the United States Government. Better immediate and universal removal, and immediate substitution of

another system of labor, than the long agony of any transitional system, coddled by external authority.

This brings us to a conclusion on this point, harmonizing with the philosophical and practical excellence of our governmental system, as it is. The people themselves should conduct their own reforms. They may not even know, from time to time, more than the first step in advance, but, taking that, the next becomes plainer. That slavery is wrong, and ought at once everywhere to cease, all can see; but the way out of it can best be found by those who themselves have that way to travel. The United States Government ought not, in time of peace, to exercise jurisdiction in the States over this subject; and no amendment to the Constitution, giving to the General Government such jurisdiction, ought to be made, if it could. Marring the principles and harmony of the system by the introduction of an exceptional provision specially to reach slavery, would be, in itself, useless and mischievous; for the principle here insisted on is right, not because it is in the Constitution, but it is in the Constitution because it is right.

The principles, system and actual necessities of slavery have been shown to be irreconcilable with our established constitutional democratic republican system of government. We have seen that our republican system must certainly be sustained; and the logical inference that slavery can not be, but must certainly pass away, has been decidedly and unequivocally expressed in these pages. But it seems also plain that the way in which it must pass away, is through the voluntary action of the people of the respective States where it exists; and that, save by example and moral influence, the United States Government can best and most effectively aid in the work, by confining itself faithfully to its constitutional obligations of guaranteeing republicanism and peace in every State, with the right of *habeas corpus*, and to peaceably assemble and petition for redress of grievances, with freedom of speech and of the press, so that the people thereof may have fair opportunity — in the language of Mr. Calhoun, before given — “for the free and full operation of all the moral elements in favor of change.” How great are the obligations laid on the General Government to comply with these guarantees — which it has too much neglected in the past — may be more fully understood by reflecting that “the sacred right of revolution”

against oppressive government, which belongs to all men, is, in effect, nearly nullified as to the inhabitants of the respective States, by that other provision guaranteeing State governments against insurrection. These respective guaranties by the United States Government, are not merely absolute, but are also relative. As it commands and guarantees peace in every State, so also, by paramount obligation, must it guarantee republicanism to the inhabitants thereof, and the right and opportunity for free discussion, as their rightful means to relieve themselves from any oppression against which the right of revolution might be exercised, but for the interposition of the United States Government, in pursuance of its duty to guarantee peace. The free and full operation of the moral elements in favor of change, thus guaranteed to the people of the respective States, richly compensates for any abridgment of their right of revolution, by reason of the other guaranty; and, using again the language of Mr. Calhoun, with regard to these moral agencies, we add: "Nor ought their overpowering efficacy to accomplish the object intended, to be doubted. Backed by perseverance and sustained by these powerful auxiliaries, reason in the end will surely prevail over error and abuse, however obstinately maintained; and this the more surely, by the exclusion of so dangerous an ally as mere brute force." Thus we see that no repetition, on a larger scale, of the scenes through which the slaves of St. Domingo became free, is necessary here, if we will but understand and use our excellent system of government; for it furnishes the sure means of dealing peacefully, yet effectively, with even so gigantic a social evil as slavery.

Let it not be inferred that a return is contemplated, to the condition on the subject of slavery, including the state of public opinion, which preceded this rebellion and war. This is neither possible nor desirable. Slavery, we repeat, must cease; and it must enter immediately into its process of cessation and disappearance from this entire land; and immediately, from this time forth and forever, it must cease to dominate, or even to dictate, the course of the General Government. They who think otherwise, they who hope, and they who fear, that the incubus of slavery upon our political action and modes of thought, is to be replaced, do not know what has happened. The moral revolution in this respect, accomplished by the election of Mr. Lincoln, and sealed now by the blood shed in this rebellion to resist it, can not possibly be turned

back. Every man in the nation who contributed to accomplish it, is, if possible, ten times more in earnest now to perpetuate it; and many, very many, of those who timidly or otherwise opposed it, would, with still more earnest zeal, now oppose a counter-revolution. The people of this country, with whatever prejudices they may enter upon any subject which they are compelled to consider, do gradually become educated in it; and the masses, having no permanent interest to go wrong, and led by their instincts, or a higher power, toward the right, do rest, finally, in wiser and juster conclusions. The one fact that they will never again consent to the restoration to the slave interest, of the control and management of the General Government, will be very effective to aid the downfall of slavery in the States. It will speedily dispose almost entirely of the most numerous and most mischievous class of men laboring to advance its interests—the men, namely, in all the States, free as well as slave, who, without having, perhaps, any direct interest in slavery, have, nevertheless, found its advocacy the reliable road to political preferment. This will soon leave to the people in the several States, only the actual slaveholders themselves to deal with. It will do more. It will raise up, in every slave State, on the side of republicanism, men who will engage openly in its support. It has been shown that from slaveholders themselves, as a class, nothing is to be hoped towards the voluntary relinquishment of slavery. But henceforth, in every State, the men who, from interest or principle, are opposed to slavery, must certainly be heard; and ere long, these will naturally and rightfully control every State, shape its policy, and enact its laws. Out of their own necessities and aspirations will the people of each State build themselves up.

Through the interested cupidity of the slaveholders, and the no less interested selfishness of their political advocates, inclining them to asperse those whom they have wronged, and through the groundless fears of the timid and the ignorant, the difficulties in the way of emancipation have undoubtedly been greatly exaggerated; and to these, we think, is chiefly owing the tendency to connect always with the idea of emancipation, some great and costly enterprise which deters people from the undertaking. A people who have demonstrated the folly of so many popular alarms, intended to repress development of different classes of men, and who have invariably found that every kind and class

of men are made better, and not worse, by freedom, and by the recognition of all the common rights of humanity, ought not, so readily, to suppose that a rule which has always worked well, and never ill, will be totally reversed the moment it is applied to persons of African birth or descent. No State in which negroes are now free would be at all benefited, but, on the contrary, would be greatly injured, by reducing the negroes in it to slavery; and, according to the same principle, were the present slaves in any slave State emancipated, it would be a change for the worse, to restore the system of slavery. It is better for the people of any State, and for all of them, that the negroes who may be in it should be free, than that they should be enslaved. In other words, freedom is better than slavery for all men, and for all races and classes of men (except such as may have forfeited the right by crime), and it is better, also, for all with whom they may be, for a longer or a shorter time, in contact.

If these simple propositions are true, there can be no necessity for providing in advance an elaborate and costly system of colonization, or any other method of disposing of the negroes, before doing what is right in itself and advantageous to any State where they may be. Pertinent to this subject we quote here some suggestions which seem deserving of consideration, remarking, also, that their inherent force can not fairly be held any the less, because their author is of African descent, and has himself been for many years a slave :

“My answer to the question, what shall be done with the four million slaves, if emancipated? shall be short and simple. Do nothing with them, but leave them just as you leave other men, to do with and for themselves. We would be entirely respectful to those who raise this inquiry, and yet it is hard not to say to them just what they would say to us, if we manifested a like concern for them, and that is: please to mind your business and leave us to mind ours. If we can not stand up, then let us fall down. We ask nothing at the hands of the American people but simple justice, and an equal chance to live; and if we can not live and flourish on such terms, our case should be referred to the Author of our existence. Injustice, oppression and slavery, with all their manifold concomitants, have been tried with us during a period of more than two hundred years. Under the whole heavens you will find no parallel to the wrongs we have endured. We have worked without wages; we have lived without hope, wept without sympathy, and bled without mercy. Now, in the name of a common humanity, and according to the law of the Living God, we simply ask the right to bear the responsibility of our own existence.” * * * * “Do nothing with us, for us, or by us, as a particular class. What you have done with us thus far has only worked to our disadvantage. We now simply ask to be allowed to do for

ourselves. I submit that there is nothing unreasonable or unnatural in this request. The black man is said to be unfortunate. I affirm that the broadest of the black man's misfortunes is the fact that he is everywhere regarded and treated as an exception to the principles and maxims which apply to other men."

Jefferson said, "the world is governed too much." Is it not possible that much of the excessive anxiety to dispose of the negro, before recognizing his rights, is a part of this same error?

The slaves of the South enjoy advantages for information decidedly superior to those of the great majority of white people there, because of their contact with the educated whites, from which the poor whites (who can not read for themselves) are mostly excluded. This fact added to the other, above mentioned, that they perform nearly all the useful labor, may reasonably raise doubts, not only of the wisdom of their exportation, but of their being the best class to spare, in case all can not remain together.

Let it not be supposed that colonization, or any other enterprise, beneficial to the parties interested, and not morally wrong, is objected to. We are only insisting that such measures shall come in their proper way and order, and be adopted, if at all, because they are seen to be good, rather than because outsiders propose them. Good and useful measures ought not to be prejudiced by being awkwardly and rudely thrust forward. The same philosophical reason which makes it wiser and more practical for local governments to conduct local affairs, makes it wiser and more practical for the people who are themselves to be affected by any enterprise intended for their benefit, to be themselves engaged — not forcibly and sullenly, but spontaneously and cheerfully — in carrying it into effect.

Successful colonization is not only conceivable, but its contemplation may reasonably present pictures to warm the heart, and to kindle the imagination. But, if possible, let there be no exception to the rule, that the children whom our country may send forth from her teeming bosom to carry our arts and enterprise and civilization where they may be in demand, shall be led by a conscious affinity for their undertaking, and shall go forth, not as enemies, and with no envenomed stings rankling in their memories, to convert them into enemies.

It is not impossible that when the absolute necessity of emancipating the slaves shall be fully realized by the people of the

slave States, they will themselves manifest unexpected wisdom and facility in devising how to do it easily ; and also in disposing of that venerable stumbling block — what to do with the negroes ? Indeed, it should hardly be matter of surprise if some of the most ultra advocates of slavery, and of a government adapted to it, should be prompt to labor for its speedy and entire removal and the thorough establishment of republicanism, when the rebellion and its objects shall have completely failed ; or if some of the more southern slave States should thereupon take the lead in emancipation—if Texas, for instance, should leap forward, disenfranchised, while Maryland, hugging her bonds, continues to sacrifice independent prosperity, for the doubtful benefits of a state of *betweenity*.

These views of the rationale of the crisis, are presented on the supposition of a rapid prosecution of the war to its natural conclusion. If it shall be so prosecuted, and the end accordingly reached ere long, or if, by an earlier and larger use of the national force, the end had been at any time heretofore reached, results, such as are here indicated, might, with reasonable confidence, be expected from the nature and character of our government and people, and the nature and character of the rebellion. In such case, the wisdom and propriety of making the restoration of the legitimate supremacy of the General Government throughout the land, the end and object of the war, would abundantly and satisfactorily appear. But the fundamental principles of slavery and of republicanism respectively, being such as have been described, their antagonism may, through modified circumstances, lead to modified results.

If, for instance, the conductors of our government, lacking confidence in the practical excellence of our governmental system, should, in any manner whatever, compromise this rebellion, or again attempt to commit the General Government in any manner whatever to the support of slavery, the irrepressible conflict between its real principles and those of slavery might be indefinitely protracted, to culminate, possibly, in results very different from such as are here foreshadowed. So obvious, however, is the un-wisdom of such course, and so improbable its adoption, that it is dismissed without consideration.

Another possible course is not so entirely improbable, and, therefore, deserves some attention. In ordinary contests, where

numbers of men have become engaged in hostility, even in deadly hostility, a spirit of conciliation and kindness manifested by one side, acts favorably upon the other, and prepares both for acquiescence in reasonable and amicable relations. But this is where — as in most contests among men — a misunderstanding is at the bottom of the difficulty, and reconciliation is easy when passion is subdued. In the present case, the real difficulty becomes more irreconcilable the better it is understood. It is, as has been shown, a contest of irreconcilable principles. The principles on one side harmonize with, and are incorporated into, our system of government; those on the other must, if allowed to prevail, overthrow our system of government. For the sake of peace, too far, already, has been carried the attempt to acquiesce in their joint recognition; but, in the nature of the case, their joint control was impossible. The arbitrament of force became a necessity; hence, conciliation and kindness have, in this case, failed of their usual efficacy. But conciliation and kindness, on the part of our Government, are perseveringly tried, as though it were still hoped that these can be substituted for force. This necessarily protracts the war.

Slavery, the common interest which provoked the rebellion, unites and controls, in a consolidated whole, all the men and means throughout the disaffected territory, in the same manner and by the same necessity, described in our earlier pages, in relation to the control of State governments in slave States. State rights, used as a pretext to start the rebellion, are no longer necessary, and are not now heard of in rebeldom, any more than popular rights, or democratic principles; but all governmental agencies are, in effect, consolidated and wielded by the power which raises and controls their armies. That power is perfectly inaccessible through conciliation and kindness. The people for whom these are intended, are not reached and can not be reached by them, till that power is beaten down, and with it the barriers of prejudice and hatred which it has raised so high and strengthened so broadly.

That power will never voluntarily submit to the restoration of the legitimate supremacy of our republican government. It says so, emphatically and continually, and it is time to believe that, in this, it says truly. Not unreasonably, perhaps, does it calculate on the continuance, and possibly the increase, of the anxiety

to conciliate, with the protraction of the war; and it hopes for all the chances which might still render possible the attainment of its object. Days and months as they pass, accustom to its sway the people whom it can reach; and while this power is embodied anywhere in a State, the United States Government can only hold by its superior power any territory in the State. But it has been shown that the United States Government can not properly lend itself to the support of slavery. It is not, theoretically or constitutionally, a slaveholding government, and, by abolishing slavery wherever it has the power, it is harmonizing its practices with its principles. It can not properly make the temporary administration of local government in States an exception; and thus, any State law of slavery, is, for the time, in abeyance during the administration of local government in a slave State by the United States Government, under military necessity. Not, therefore, by any direct act of the United States Government abolishing slavery in the States, but simply by neglect and refusal to administer the State law, slavery lacks enforcement where the armies of the Union go. If this continues, slavery rapidly dies. It is not probable that this result has been contemplated as one of policy; but it is not the less sure. Its poetic justice might suggest the idea of design; but we can not safely pursue justice in this way. Its cost is too enormous, and its results can better be obtained in the direct and normal way. War is not the business of this people, and it should not be permitted to become such, even for the sake of thereby suffocating slavery. The volunteers enlisted in military service should, as soon as possible, become peaceful and industrious citizens. Their officers should cease to exercise arbitrary authority, and the people should again become the dispensers of patronage. The General Government should, as soon as may be, cease to direct all the public energies, and the States should resume their relative significance and importance. Great as would be the future benefit to the country and to mankind, if slavery in the States were extinguished, protracted war, with its centralizing tendencies, its enormous expense, its demoralization, its alienation, its sufferings, bereavements and desolations, is too much to pay for the accomplishment of such purpose; especially when this desired result is so sure to follow the restoration of the legitimate supremacy of the General Government, guaranteeing peace and republicanism throughout the land; a result, let us re-

peat, that is by none so well understood as by those who initiated this rebellion on purpose to escape it.

A continued guerrilla warfare by the minions of slavery is not to be apprehended from the omission to extinguish slavery by United States force. The organized forces of the rebellion are what now sustain such guerrilla warfare, wherever it exists; and when the armies of slavery shall be overcome and dispersed, and its *quasi* national organization annihilated, the people of the several States, through their State Governments, sustained by the General Government, will easily dispose of guerrillas. It will plainly be for their interest to do so. State Governments are in no respect dangerous or unfriendly to our General Government; but the only real and considerable dangers proceed from combinations, extending through many States, and assuming to oppose or to usurp the functions of the General Government. When the rebellious Confederacy that slavery has organized, shall be entirely overcome and extinguished, the rebellion itself will be ended, and the legitimate supremacy of the General Government be reëstablished throughout the land.

This idea brings into view the exceeding folly of the proposition sometimes suggested, from ignorant or unfriendly sources, of an armistice, negotiation, or compromise with the hostile power. The very source of all the difficulty is in the mere existence of such hostile power. To negotiate with it or to recognize it in any way whatever, is to sanction the greatest possible political evil. No political power has a right to exist here for one moment, save the States and the General Government; and the only way towards peace is the complete annihilation and disappearance of any such pretended intermediary power. It can not exist one moment after the legitimate supremacy of the General Government is reëstablished throughout the land; and the moment this is done, there is peace.

It is, therefore, so simple as to seem but the repetition of an identical proposition, to conclude — as we unhesitatingly do, after this review of all essential suggestions on the subject — that *the proper end and object of the war is the restoration of the legitimate supremacy of the General Government throughout the land.*

Not only does this method commend itself to our judgment, but we see that it is the one designed by the fathers of the repub-

lic. It has only failed hitherto in certain respects, because of our culpable neglect to apply our republican principles. Attempting to be wise above what was written, and trusting to expedients rather than to principles, we have cultivated disaffection into rebellion and civil war. Are we not justly punished for our political sins? Our system of government as it is, is competent, not only for the present emergency, but for all future emergencies which now seem likely to arise; and the suggestions to amend it, as though it were mechanical machinery which wears out, instead of being, as it is, a philosophical application of eternal principles, originate, not in the wisdom of statesmanship, but in the temporizing plans of political expediency. Let us elevate ourselves to the comprehension and management of this most excellent and beautiful system. It is intended and adapted for the people's use. Discussion and agitation should not be avoided. They are always and everywhere the necessary attendants of wise deliberation. Adopting again the language of Mr. Calhoun: "They are indispensable means, the only school (if I may be allowed the expression) in our case, that can diffuse and fix in the mind of the community the principles and duties necessary to uphold our complex but beautiful system of governments. In none that ever existed are they so much required; and in none were they ever calculated to produce such powerful effect."

As our Government is good, so are our circumstances, in some most important respects, propitious.

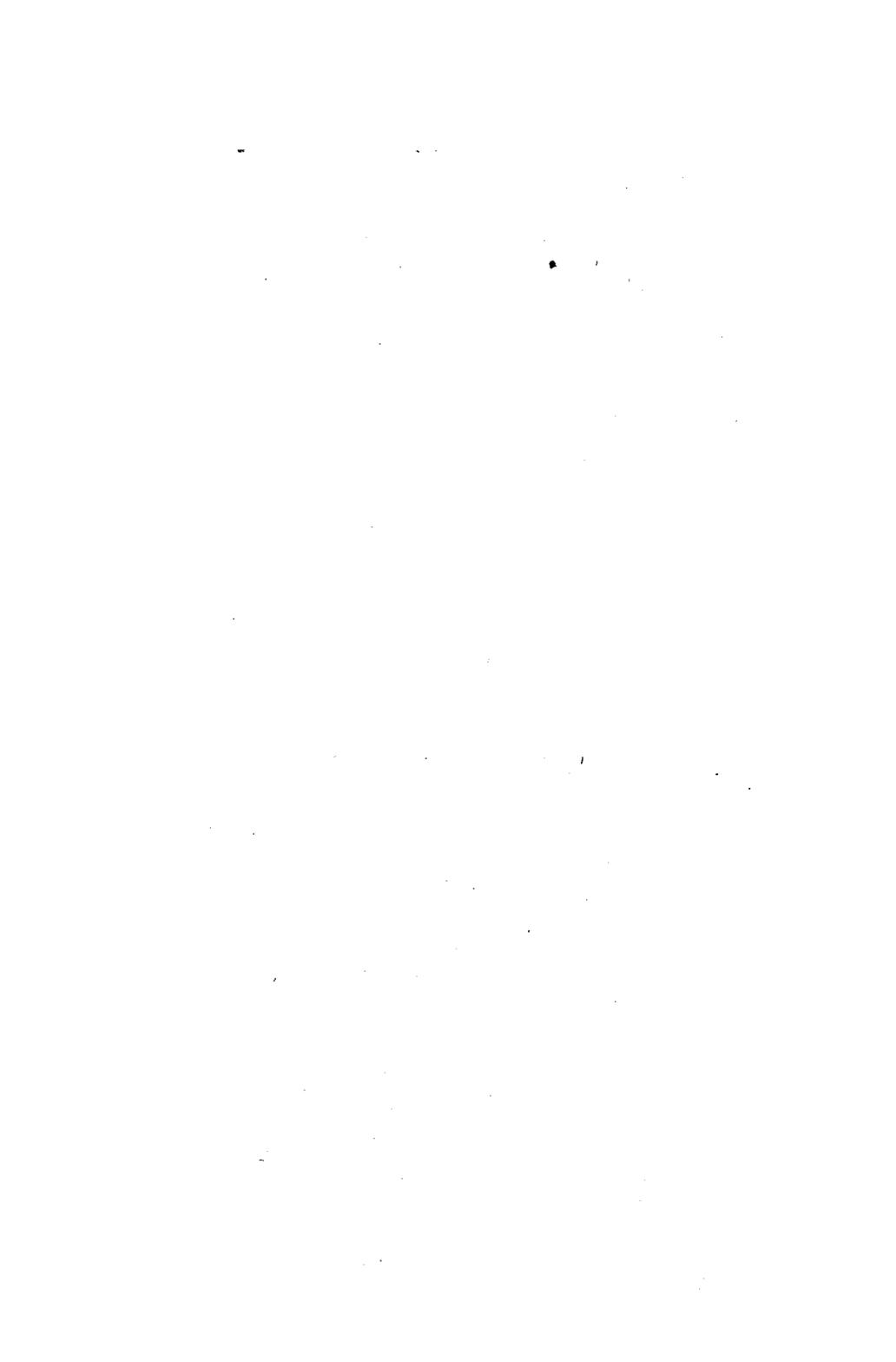
Not accidentally, but designedly, the American people have now, as the executive head of their General Government, a man of honest purpose, logical mind, and such firmness as requires not the aid of wordy demonstration. If cautious and conciliatory, he is also true. He is not stationary, like the Bourbons, but progressive, like Channing, because, in spite of conservative tendencies in his political education, he believes in principles, and fears not to follow where he sees they lead. Some, who have praised him as conservative, may yet be shocked by his radicalism; and some, who think him slow, may find themselves astonished at his advance. For ourselves, we believe that his course of administration, as it proceeds, will prove a new illustration of the old truth: "The path of the just is as the shining light, that shineth more and more unto the perfect day."

THE
CAUSES
OF THE
AMERICAN CIVIL WAR.

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THE *de facto* question in America has been referred at last to the dread arbitrament of civil war. Time and events must determine whether the "great Republic" is to disappear from the roll of nations, or whether it is destined to survive the storm which has gathered over its head. There is, perhaps, a readiness in England to prejudge the case; a disposition not to exult in our downfall, but to accept the fact; for nations, as well as individuals, may often be addressed in the pathetic language of the poet,—

"Donec eris felix, multos numerabis amicos;
Tempora cum fuerint nubila, nullus erit."

Yet the trial by the ordeal of battle has hardly commenced, and it would be presumptuous to affect to penetrate the veil of even the immediate future. But the question *de jure* is a different one. The right and the wrong belong to the past, are hidden by no veil, and may easily be read by all who are not wilfully blind. Yet it is often asked why have the Americans taken up arms? Why has the United States Government plunged into what is sometimes called "this wicked war"? Especially it is thought amazing in England that the President should have recently called for a great army of volunteers and regulars, and that the inhabitants of the Free States should have sprung forward as one man at his call, like men suddenly relieved from a spell. It would have been amazing had the call been longer delayed. The national flag, insulted and defied for many months, had at last been lowered, after the most astonishing kind of siege recorded in history, to an armed and organized rebellion; and a prominent personage in the Government of the Southern "confederacy" is reported to have proclaimed amid the exultations of victory that before

the 1st of May the same cherished emblem of our nationality should be struck from the capitol at Washington. An advance of the "Confederate troops" upon that city; the flight or captivity of the President and his Cabinet; the seizure of the national archives, the national title deeds, and the whole national machinery of foreign intercourse and internal administration, by the Confederates; and the Proclamation from the American palladium itself of the Montgomery Constitution in place of the one devised by Washington, Madison, Hamilton, and Jay—a constitution in which slavery should be the universal law of the land, the cornerstone of the political edifice—were events which seemed for a few days of intense anxiety almost probable.

Had this really been the result, without a blow struck in defence of the national Government and the old Constitution, it is certain that the contumely poured forth upon the Free States by their domestic enemies, and by the world at large, would have been as richly deserved as it would have been amply bestowed. At present such a catastrophe seems to have been averted. But the levy in mass of such a vast number of armed men in the Free States, in swift response to the call of the President, shows how deep and pervading is the attachment to the Constitution and to the flag of Union in the hearts of the 19,000,000 who inhabit those States. It is confidently believed, too, that the sentiment is not wholly extinguished in the 9,000,000 white men who dwell in the Slave States, and that, on the contrary, there exists a large party throughout that country who believe that the Union furnishes a better protection for life, property, law, civilization, and liberty than even the indefinite extension of African slavery can do.

At any rate, the loyalty of the Free States has proved more intense and passionate than it had ever been supposed to be before. It is recognized throughout their whole people that the Constitution of 1787 had made us a *nation*. The efforts of a certain class of politicians for a long period had been to reduce our Commonwealth to a Confederacy. So long as their efforts had been confined to argument, it was considered sufficient to answer the argument; but, now that secession, instead of remaining a topic of vehement and subtle discussion, has expanded into armed and fierce rebellion and revolution, civil war is the inevitable result. It is the result foretold by sagacious statesmen almost a generation ago, in the days of the tariff "nullification." "To begin with nullification," said Daniel Webster in 1833, "with the avowed

intention, nevertheless, not to proceed to secession, dismemberment, and general revolution, is as if one were to take the plunge of Niagara, and cry out that he would stop half way down." And now the plunge of secession has been taken, and we are all struggling in the vortex of general revolution.

The body politic known for 70 years as the United States of America is not a Confederacy, not a compact of Sovereign States, not a copartnership ; it is a Commonwealth, of which the Constitution drawn up at Philadelphia by the Convention of 1787, over which Washington presided, is the organic, fundamental law. We had already had enough of a Confederacy. The thirteen rebel provinces, afterwards the thirteen original independent States of America, had been united to each other during the revolutionary war by articles of confederacy. "*The said States* hereby enter into a firm league of friendship *with each other.*" Such was the language of 1781, and the league or treaty thus drawn up was ratified, not by the *people* of the States, but by the State Governments,—the legislative and executive bodies, namely, in their corporate capacity.

The continental Congress, which was the central administrative Board during this epoch, was a diet of envoys from sovereign States. It had *no power* to act *on individuals*. It could not *command* the States. It could move only by requisitions and recommendations. Its functions were essentially diplomatic, like those of the States-General of the old Dutch Republic, like those of the modern Germanic Confederation.

We were a league of petty sovereignties. When the war had ceased, when our independence had been acknowledged in 1783, we sank rapidly into a condition of utter impotence, imbecility, anarchy. We had achieved our independence, but we had not constructed a nation. We were not a body politic. No laws could be enforced, no insurrections suppressed, no debts collected. Neither property nor life was secure. Great Britain had made a treaty of peace with us, but she scornfully declined a treaty of commerce and amity ; not because we had been rebels, but because we were not a State—because we were a mere dissolving league of jarring provinces, incapable of guaranteeing the stipulations of any commercial treaty. We were unable even to fulfil the conditions of the treaty of peace and enforce the stipulated collection of debts due to British subjects ; and Great Britain refused in consequence to give up the military posts which she held within our frontiers. For 12 years after the acknowledgment of our *independ-*

ence we were mortified by the spectacle of foreign soldiers occupying a long chain of fortresses south of the great lakes and upon our own soil. We were a confederacy. We were sovereign States. And these were the fruits of such a confederacy and of such sovereignty. It was, until the immediate present, the darkest hour of our history. But there were patriotic and sagacious men in those days, and their efforts at last rescued us from the condition of a confederacy. The "Constitution of the United States" was an organic law, enacted by the sovereign people of that whole territory which is commonly called in geographies and histories the United States of America. It was empowered to act directly, by its own legislative, judicial, and executive machinery, upon every individual in the country. It could seize his property, it could take his life, for causes of which itself was the judge. The States were distinctly prohibited from opposing its decrees or from exercising any of the great functions of sovereignty. The Union alone was supreme, "any thing in the constitution and laws of the States to the contrary notwithstanding." Of what significance, then, was the title of "sovereign" States, arrogated in later days by communities which had voluntarily abdicated the most vital attributes of sovereignty? But, indeed, the words "sovereign" and "sovereignty" are purely inapplicable to the American system. In the Declaration of Independence the provinces declare themselves "free and independent States," but the men of those days knew that the word "sovereign" was a term of feudal origin. When their connection with a time-honored feudal monarchy was abruptly severed the word "Sovereign" had no meaning for us. A sovereign is one who acknowledges no superior, who possesses the highest authority without control, who is supreme in power. How could any one State of the United States claim such characteristics at all, least of all after its inhabitants, in their primary assemblies, had voted to submit themselves, without limitation of time, to a constitution which was declared supreme? The only intelligible source of power in a country beginning its history *de novo* after a revolution, in a land never subjected to military or feudal conquest, is the will of the people of the whole land as expressed by a majority. At the present moment, unless the Southern revolution shall prove successful, the United States Government is a fact, an established authority. In the period between 1783 and 1787 we were in chaos. In May of 1787 the Convention met in Philadelphia, and, after some months' deliberation, adopted with unprecedented unanimity the project of the great law,

which, so soon as it should be accepted by the people, was to be known as the Constitution of the United States.

It was not a compact. Who ever heard of a compact to which there were no parties? or who ever heard of a compact made by a single party with himself? Yet the name of no State is mentioned in the whole document; the States themselves are only mentioned to receive commands or prohibitions, and the "people of the United States" is the single party by whom alone the instrument is executed.

The Constitution was not drawn up by the States, it was not promulgated in the name of the States, it was not ratified by the States. The States never acceded to it, and possess no power to secede from it. It "was ordained and established" over the States by a power superior to the States—by the people of the whole land in their aggregate capacity, acting through conventions of delegates expressly chosen for the purpose within each State, independently of the State Governments, after the project had been framed.

There had always been two parties in the country during the brief but pregnant period between the abjuration of British authority and the adoption of the Constitution of 1787. There was a party advocating State rights and local self-government in its largest sense, and a party favoring a more consolidated and national government. The National or Federal party triumphed in the adoption of the new government. It was strenuously supported and bitterly opposed on exactly the same grounds. Its friends and foes both agreed that it had put an end to the system of confederacy. Whether it were an advantageous or a noxious change, all agreed that the thing had been done.

"In all our deliberations (says the letter accompanying and recommending the Constitution to the people) we kept steadily in view that which appeared to us the greatest interest of every true American, the *consolidation of our Union*, in which is involved our prosperity, safety, perhaps our *national existence*."—*Journal of the Convention*, 1 Story, 368.

And an eloquent opponent denounced the project for this very same reason—

"That this is a consolidated Government (said Henry), is demonstrably clear. The language is 'we the people,' instead of 'we the States.' It must be one great, consolidated national Government of the people of all the States."

And the Supreme Court of the United States, after the Government had been established, held this language in an important case, "*Gibbons v. Ogden* :"—

"It has been said that the States *were* sovereign, were completely independent, and were connected with each other by a league. This is true.

But when these allied sovereignties converted their league into a Government, when they converted their Congress of Ambassadors into a Legislature, empowered to enact laws, the whole character in which the States appear underwent a change."

There was never a disposition in any quarter in the early days of our constitutional history to deny this great fundamental principle of the Republic.

"In the most elaborate expositions of the Constitution by its friends (says Justice Story), its character as a *permanent form* of government, as a fundamental law, as a supreme rule, which no State was at liberty to disregard, to suspend, or to annul, was constantly admitted and insisted upon."—1 Story, 325.

The fears of its opponents, then, were that the new system would lead to a too strong, to an overcentralized Government. The fears of its friends were that the central power of theory would prove inefficient to cope with the local or State forces, in practice. The experience of the last thirty years, and the catastrophe of the present year, have shown which class of fears were the more reasonable.

Had the Union thus established in 1787 been a confederacy, it might have been argued, with more or less plausibility, that the States which peaceably acceded to it might at pleasure peaceably secede from it. It is none the less true that such a proceeding would have stamped the members of the convention—Washington, Madison, Jay, Hamilton, and their colleagues—with utter incompetence; for nothing can be historically more certain than that their object was to extricate us from the anarchy to which that principle had brought us.

"*However gross a heresy it may be* (says the Federalist, recommending the new Constitution) to maintain that a party to a compact has a right to revoke that compact, the doctrine has had respectable advocates. The *possibility* of such a question shows the necessity of laying the foundation of our national government deeper than in the mere sanction of delegated authority. The fabric of American empire ought to rest on the solid basis of the consent of the people."

Certainly, the most venerated expounders of the Constitution—Jay, Marshall, Hamilton, Kent, Story, Webster—were of opinion that the intention of the convention to establish a permanent, consolidated Government, a single commonwealth, had been completely successful.

"The great and fundamental defect of the Confederation of 1781 (says Chancellor Kent), which led to its eventual overthrow, was that, in imitation of all former confederacies, it carried the decrees of the Federal Council to the States in their sovereign capacity. The great and incurable defect of all former Federal Governments, such as the Amphictyonic, Achæan, and Lycian Confederacies, and the Germanic, Helvetic, Hanseatic, and Dutch Republics, is that they were *sovereignties over sovereignties*. The

first effort to relieve the people of the country from this state of national degradation and ruin came from Virginia. The general convention afterwards met at Philadelphia in May, 1787. The plan was submitted to a convention of delegates chosen by the people at large in each State for assent and ratification. Such a measure was laying the foundations of the fabric of our national polity where alone they ought to be laid,—on the broad consent of the people.”—1 Kent, 225.

It is true that the consent of the people was given by the inhabitants voting *in* each State ; but in what other conceivable way could the people of the whole country have voted ? “ They assembled in the several States,” says Story ; “ but where else could they assemble ? ”

Secession is, in brief, the return to chaos from which we emerged three-quarters of a century since. No logical sequence can be more perfect. If one State has a right to secede to-day, asserting what it calls its sovereignty, another may, and probably will, do the same to-morrow, a third on the next day, and so on, until there are none left to secede from. Granted the premisses that each State may peaceably secede from the Union, it follows that a county may peaceably secede from a State, and a town from a county, until there is nothing left but a horde of individuals all seceding from each other. The theory that the people of a whole country in their aggregate capacity are supreme, is intelligible ; and it has been a fact, also, in America for 70 years. But it is impossible to show, if the people of a State be sovereign, that the people of a county, or of a village, and the individuals of the village, are not equally sovereign, and justified in “ resuming their sovereignty ” when their interests or their caprice seems to impel them. The process of disintegration brings back the community to barbarism, precisely as its converse has built up commonwealths—whether empires, kingdoms, or republics—out of original barbarism. Established authority, whatever the theory of its origin, is a fact. It should never be lightly or capriciously overturned. They who venture on the attempt should weigh well the responsibility that is upon them. Above all, they must expect to be arraigned for their deeds before the tribunal of the civilized world and of future ages—a court of last appeal, the code of which is based on the Divine principles of right and reason, which are dispassionate and eternal. No man, on either side of the Atlantic, with Anglo-Saxon blood in his veins, will dispute the right of a people or of any portion of a people to rise against oppression, to demand redress of grievances, and in case of denial of justice to take up arms to vindicate the sacred principle of liberty. Few Englishmen or Americans will deny that the source of govern-

ment is the consent of the governed, or that every nation has the right to govern itself according to its will. When the silent consent is changed to *ferce* remonstrance, the revolution is impending. The right of revolution is indisputable. It is written on the whole record of our race. British and American history is made up of rebellion and revolution. Many of the crowned kings were rebels or usurpers; Hampden, Pym, and Oliver Cromwell; Washington, Adams, and Jefferson, all were rebels. It is no word of reproach; but these men all knew the work they had set themselves to do. They never called their rebellion "peaceable secession." They were sustained by the consciousness of right when they overthrew established authority, but they meant to overthrow it. They meant rebellion, civil war, bloodshed, infinite suffering for themselves and their whole generation, for they accounted them welcome substitutes for insulted liberty and violated right. There can be nothing plainer, then, than the American right of revolution. But then it should be called revolution. "Secession, as a revolutionary right," said Daniel Webster in the Senate, nearly 30 years ago, in words that now sound prophetic,—

"Is intelligible. As a right to be proclaimed in *the midst of civil commotions, and asserted at the head of armies*, I can understand it. But as a practical right, existing under the Constitution, and in conformity with its provisions, it seems to be nothing but an absurdity, for it supposes resistance to Government under authority of Government itself; it supposes dismemberment without violating the principles of Union; it supposes opposition to law without crime; it supposes the violation of oaths without responsibility; it supposes the total overthrow of Government without revolution."

The men who had conducted the American people through a long and fearful revolution were the founders of the new commonwealth which permanently superseded the subverted authority of the Crown. They placed the foundations on the unbiassed, untrammelled, consent of the people. They were sick of leagues, of petty sovereignties, of Governments which could not govern a single individual. The framers of the Constitution, which has now endured three-quarters of a century, and under which the nation has made a material and intellectual progress never surpassed in history, were not such triflers as to be ignorant of the consequences of their own acts. The Constitution which they offered, and which the people adopted as its own, talked not of Sovereign States—spoke not the word confederacy. In the very preamble to the instrument are inserted the vital words which show its character, "We, *the people* of the United States, to ensure a more perfect union,

and to secure the blessings of liberty for ourselves and our posterity, *do ordain and establish this Constitution.*" *Sic volo, sic jubeo.* It is the language of a Sovereign solemnly speaking to the world. It is the promulgation of a great law, the *norma agendi* of a new commonwealth. It is no compact.

"A compact (says Blackstone) is a promise proceeding from us. Law is a command directed to us. The language of a compact is, We will or will not do this; that of a law is, Thou shalt or shalt not do it." (1 B. 33, 44, 45.)

And this is throughout the language of the Constitution. Congress shall do this; the President shall do that; the States shall not exercise this or that power. Witness, for example, the important clauses by which the "Sovereign" States are shorn of all the great attributes of sovereignty—no State shall coin money, nor emit bills of credit, nor pass *ex post facto* laws, nor laws impairing the obligations of contracts, nor maintain armies and navies, nor grant letters of marque, nor make compacts with other States, nor hold intercourse with foreign Powers, nor grant titles of nobility; and that most significant phrase, "this Constitution, and the laws made in pursuance thereof, *shall be the supreme law of the land.*"

Could language be more Imperial? Could the claim to State "sovereignty" be more completely disposed of at a word? How can that be sovereign, acknowledging no superior, supreme, which has voluntarily accepted a supreme law from something which it acknowledges as superior?

The Constitution is perpetual, not provisional or temporary. It is made for all time—"for ourselves and our posterity." It is absolute within its sphere. "This Constitution shall be the supreme law of the land, any thing in the Constitution or laws of a State to the contrary notwithstanding." Of what value, then, is a law of a State declaring its connection with the Union dissolved? The Constitution remains supreme, and is bound to assert its supremacy till overpowered by force. The use of force—of armies and navies of whatever strength—in order to compel obedience to the civil and constitutional authority, is not "wicked war," is not civil war, is not war at all. So long as it exists the Government is obliged to put forth its strength when assailed. The President, who has taken an oath before God and man to maintain the Constitution and laws, is perjured if he yields the Constitution and laws to armed rebellion without a struggle. He knows nothing of States. Within the sphere of the United States Government he deals with individuals only, citizens of the great

Republic, in whatever portion of it they may happen to live. He has no choice but to enforce the laws of the Republic wherever they may be resisted. When he is overpowered the Government ceases to exist. The Union is gone, and Massachusetts, Rhode Island, and Ohio are as much separated from each other as they are from Georgia or Louisiana. Anarchy has returned upon us. The dismemberment of the Commonwealth is complete. We are again in the chaos of 1785.

But it is sometimes asked why the Constitution did not make a special provision against the right of secession. How could it do so? The people created a Constitution over the whole land, with certain defined, accurately enumerated powers, and among these were all the chief attributes of sovereignty. It was forbidden to a State to coin money, to keep armies and navies, to make compacts with other States, to hold intercourse with foreign nations, to oppose the authority of Government. To do any one of these things is to secede, for it would be physically impossible to do any one of them without secession. It would have been puerile for the Constitution to say formally to each State, "Thou shalt not secede." The Constitution, being the supreme law, being perpetual, and having expressly forbidden to the States those acts without which secession is an impossibility, would have been wanting in dignity had it used such superfluous phraseology. This Constitution is supreme, *whatever laws a State may enact*, says the organic law. Was it necessary to add, "and no State shall enact a law of secession"? To add to a great statute, in which the sovereign authority of the land declares its will, a phrase such as "and be it further enacted that the said law shall not be violated," would scarcely seem to strengthen the statute.

It was accordingly enacted that new States might be admitted; but no permission was given for a State to secede.

Provisions were made for the amendment of the Constitution from time to time, and it was intended that those provisions should be stringent. A two-thirds vote in both Houses of Congress, and a ratification in three-quarters of the whole number of States, are conditions only to be complied with in grave emergencies. But the Constitution made no provision for its own dissolution, and, if it had done so, it would have been a proceeding quite without example in history. A Constitution can only be subverted by revolution, or by foreign conquest of the land. The revolution may be the result of a successful rebellion. A peaceful revolution is also conceivable in the case of the United States. The same power which established the

Constitution, may justly destroy it. The people of the whole land may meet, by delegates, in a great national convention, as they did in 1787, and declare that the Constitution no longer answers the purpose for which it was ordained; that it no longer can secure the blessings of liberty for the people in present and future generations, and that it is therefore forever abolished. When that project has been submitted again to the people voting in their primary assemblies, not influenced by fraud or force, the revolution is lawfully accomplished, and the Union is no more.

Such a proceeding is conceivable, although attended with innumerable difficulties and dangers. But these are not so great as those of the civil war into which the action of the seceding States has plunged the country. The division of the national domain and other property, the navigation and police of the great rivers, the arrangement and fortification of frontiers, the transit of the Isthmus, the mouth of the Mississippi, the control of the Gulf of Mexico, these are significant phrases which have an appalling sound; for there is not one of them that does not contain the seeds of war. In any separation, however accomplished, these difficulties must be dealt with, but there would seem less hope of arriving at a peaceful settlement of them now that the action of the seceding States has been so precipitate and lawless. For a single State, one after another, to resume those functions of sovereignty which it had unconditionally abdicated when its people ratified the Constitution of 1787, to seize forts, arsenals, custom-houses, post-offices, mints, and other valuable property of the Union, paid for by the treasure of the Union, was not the exercise of a legal function, but it was rebellion, treason, and plunder.

It is strange that Englishmen should find difficulty in understanding that the United States' Government is a nation among the nations of the earth; a constituted authority, which may be overthrown by violence, as may be the fate of any state whether kingdom or republic, but which is false to the people if it does not its best to preserve them from the horrors of anarchy, even at the cost of blood. The "United States" happens to be a plural title, but the commonwealth thus designated is a unit,—"*e pluribus unum.*" The Union alone is clothed with imperial attributes; the Union alone is known and recognized in the family of nations; the Union alone holds the purse and the sword, regulates foreign intercourse, imposes taxes on foreign commerce, makes war and concludes peace. The armies, the navies, the militia, belong to the Union alone, and the President is Commander-in-Chief of all. No State can

keep troops or fleets. What man in the civilized world has not heard of the United States? What man in England can tell the names of all the individual States? And yet, with hardly a superficial examination of our history and our constitution, men talk glibly about a confederacy, a compact, a copartnership, and the right of a State to secede at pleasure, not knowing that by admitting such loose phraseology and such imaginary rights, we should violate the first principles of our political organization, should fly in the face of our history, should trample under foot the teachings of Jay, Hamilton, Washington, Marshall, Madison, Dane, Kent, Story and Webster, and, accepting only the dogmas of Mr. Calhoun as infallible, surrender forever our national laws and our national existence.

Englishmen themselves live in a united empire; but if the kingdom of Scotland should secede, should seize all the national property, forts, arsenals, and public treasure on its soil, organize an army, send forth foreign Ministers to Louis Napoleon, the Emperor of Austria, and other Powers, issue invitations to all the pirates of the world to prey upon English commerce, screening their piracy from punishment by the banner of Scotland, and should announce its intention of planting that flag upon Buckingham Palace, it is probable that a blow or two would be struck to defend the national honor and the national existence, without fear that the civil war would be denounced as wicked and fratricidal. Yet it would be difficult to show that the State of Florida, for example, a Spanish province, purchased for national purposes some forty years ago by the United States Government for several millions, and fortified and furnished with navy yards for national uses, at a national expense of many more millions, and numbering at this moment a population of only 80,000 white men, should be more entitled to resume its original sovereignty than the ancient kingdom of William the Lion and Robert Bruce.

The terms of the treaty between England and Scotland were perpetual, and so is the constitution of the United States. The United Empire may be destroyed by revolution and war, and so may the United States; but a peaceful and legal dismemberment without the consent of a majority of the whole people, is an impossibility.

But it is sometimes said that the American Republic originated in secession from the mother country, and that it is unreasonable of the Union to resist the seceding movement on the part of the new confederacy. But it so happens that the one case suggests the other only by the association of contrast. The thirteen colonies did not intend to secede from the British

empire. They were forced into secession by a course of policy on the part of the mother country such as no English administration at the present day can be imagined capable of adopting. Those Englishmen in America were loyal to the Crown; but they exercised the right which cis-Atlantic or transatlantic Englishmen have always exercised, of resistance to arbitrary government. Taxed without being represented, and insulted by measures taken to enforce the odious, but not exorbitant imposts, they did not secede, nor declare their independence. On the contrary, they made every effort to avert such a conclusion. In the words of the "forest-born Demosthenes"—as Lord Byron called the great Virginian, Patrick Henry—the Americans

"petitioned, remonstrated, cast themselves at the foot of the throne, and implored its interposition to arrest the tyrannical hands of the Ministers and Parliament. But their petitions were slighted, their remonstrances procured only additional violence and insult, and they were spurned with contempt from the foot of the throne."

The "Boston massacre," the Boston port-bill, the Boston "tea party," the battle of Lexington, the battle of Bunker's-hill were events which long preceded the famous Declaration of Independence. It was not till the colonists felt that redress for grievances was impossible that they took the irrevocable step, and renounced their allegiance to the crown. The revolution had come at last, they had been forced into it, but they knew that it was revolution, and that they were acting at the peril of their lives. "We must be unanimous in this business," said Hancock; "we must all hang together." "Yes," replied Franklin, "or else we shall all hang separately."

The risk incurred by the colonists was enormous, but the injury to the mother country was comparatively slight. They went out into darkness and danger themselves, but the British empire was not thrown into anarchy and chaos by their secession.

Thus their course was the reverse of that adopted by the South. The prompt secession of seven States because of the constitutional election of a President over the candidates voted for by their people, was the redress in advance of grievances which they may, reasonably or unreasonably, have expected, but which had not yet occurred. There is the high authority of the Vice-President of the Southern "Confederacy," who declared a week after the election of Mr. Lincoln that the election was not a cause for secession, and that there was no certainty that he would have either the power or the inclination

to invade the constitutional rights of the South. In the Free States it was held that the resolutions of the convention by which Mr. Lincoln was nominated were scrupulously and conscientiously framed to protect all those constitutional rights. The question of slavery in the Territories, of the future extension of slavery, was one which had always been an open question, and on which issue was now joined. But it was no question at all that slavery within a State was sacred from all interference by the general Government, or by the free States, or by individuals in those States ; and the Chicago Convention strenuously asserted that doctrine.

The question of free trade, which is thrust before the English public by many journals, had no immediate connection with the Secession, although doubtless the desire of *direct* trade with Europe has long been a prominent motive at the South. The Gulf States seceded under the moderate tariff of 1857, for which South Carolina voted side by side with Massachusetts. The latter State, although for political, not economical, reasons it thought itself obliged since the secession to sustain the Pennsylvania interest by voting for the absurd Morrill Bill, is not in favor of protection. On the contrary, the great manufactories on the Merrimac river have long been independent of protection, and export many million dollars' worth of cotton and other fabrics to foreign countries, underselling or competing with all the world in open market. It would be impossible for any European nation to drive the American manufacturer from the markets of the American continent in the principal articles of *cheap clothing for the masses*, tariff or no tariff. This is a statistical fact which cannot be impugned.

The secession of the colonies, after years of oppression and grievances for which redress had been sought in vain, left the British empire, 3,000 miles off, in security, with Constitution and laws unimpaired, even if its colonial territory were seriously diminished. The secession of the Southern States, in contempt of any other remedy for expected grievances, is followed by the destruction of the whole body politic of which they were vital parts.

Not only is the United Republic destroyed if the revolution prove successful ; but, even if the people of the Free States have the enthusiasm and sagacity to reconstruct their Union, and by a new national convention to re-ordain and re-establish the time-honored Constitution, still an immense territory is lost. But the extent of that territory is not the principal element in the disaster. The world is wide enough for all. It

is the loss of the southern marine frontier which is fatal to the Republic. Florida and the vast Louisiana territory purchased by the Union from foreign countries, and garnished with fortresses at the expense of the Union, are fallen with all these improvements into the hands of a foreign and unfriendly Power. Should the dire misfortune of a war with a great maritime nation, with England or France for example, befall the Union, its territory, hitherto almost impregnable, might now be open to fleets and armies acting in alliance with a hostile "Confederacy" which has become possessed of an important part of the Union's maritime line of defence. Moreover, the Union has 12,000 ships, numbering more than 5,000,000 tons, the far greater part of which belongs to the Free States, and the vast commerce of the Mississippi and the Gulf of Mexico requires and must receive protection at every hazard.

Is it strange that the Union should make a vigorous, just, and lawful effort to save itself from the chaos from which the Constitution of 1787 rescued the country? Who that has read and pondered the history of that dark period does not shudder at the prospect of its return?

But yesterday we were a State—the Great Republic—prosperous and powerful, with a flag known and honored all over the world. Seventy years ago we were a helpless league of bankrupt and lawless petty sovereignties. We had a currency so degraded that a leg of mutton was cheap at \$1,000. The national debt, incurred in the War of Independence, had hardly a nominal value, and was considered worthless. The absence of law, order, and security for life and property was as absolute as could be well conceived in a civilized land. Debts could not be collected, courts could enforce no decrees, insurrections could not be suppressed. The army of the Confederacy numbered *eighty men*. From this condition the constitution rescued us.

That great law, reported by the general Convention of 1787, was ratified by the people of all the land voting in each State for a ratifying Convention chosen expressly for that purpose. It was promulgated in the name of the people:—"We, the people of the United States, in order to form a more perfect Union, and to secure the blessings of liberty for ourselves and our posterity, do ordain and establish this Constitution." It was ratified by the people—not by the States acting through their governments, legislative and executive, but by the people electing especial delegates within each State; and it is important to remember that in none of these ratifying Conventions was any reserve made of a State's right to repeal the Union, or to secede.

Many criticisms were offered in the various ratifying ordinances, many amendments suggested, but the acceptance of the Constitution, the submission to the perpetual law, was in all cases absolute. The language of Virginia was most explicit on this point. "The powers granted under the Constitution, *being derived from the people of the United States*, may be resumed by them whenever the same shall be perverted to their injury or oppression." That the people of the United States, expressing their will solemnly in national Convention, are competent to undo the work of their ancestors, and are fully justified in so doing when the Constitution shall be perverted to their injury and oppression, there is no man in the land that doubts. This course has been already indicated as the only peaceful revolution possible; but such a proceeding is very different from the secession ordinance of a single State resuming its sovereignty of its own free will, and without consultation with the rest of the inhabitants of the country.

"There was no reservation (says Justice Story) of any right on the part of any State to dissolve its connection, or to abrogate its dissent, or to suspend the operation of the Constitution as to itself."

And thus, when the ratifications had been made, a new Commonwealth took its place among the nations of the earth. The effects of the new Constitution were almost magical. Order sprang out of chaos. Law resumed its reign; debts were collected; life and property became secure; the national debt was funded and ultimately paid, principal and interest, to the uttermost farthing; the articles of the treaty of peace in 1783 were fulfilled, and Great Britain, having an organized and united State to deal with, entered into a treaty of commerce and amity with us—the first and the best ever negotiated between the two nations. Not the least noble of its articles (the 21st) provided that the acceptance by the citizens or subjects of either country of foreign letters of marque should be treated and *punished as piracy*. Unfortunately, that article and several others were limited to 12 years, and were not subsequently renewed. The debts due to British subjects were collected, and the British Government at last surrendered the forts on our soil.

At last we were a nation, with a flag respected abroad and almost idolized at home as the symbol of union and coming greatness; and we entered upon a career of prosperity and progress never surpassed in history. The autonomy of each State, according to which its domestic and interior affairs are subject to the domestic Legislature and executive, was secured by the reservation to each State of powers not ex-

pressly granted to the Union by the Constitution. Supreme within its own orbit, which is traced from the same centre of popular power whence the wider circumference of the general government is described, the individual State is surrounded on all sides by that all-embracing circle. The reserved and unnamed powers are many and important, but the State is closely circumscribed. Thus, a State is forbidden to alter its form of government. "Thou shalt forever remain a republic," says the United States' Constitution to each individual State. A State is forbidden, above all, to pass any law conflicting with the United States' Constitution or laws. Moreover, every member of Congress, every member of a State Legislature, every executive or judicial officer in the service of the Union or of a separate State, is bound by solemn oath to maintain the United States' Constitution. This alone would seem to settle the question of Secession ordinances. So long as the Constitution endures, such an ordinance is merely the act of conspiring and combining individuals, with whom the general government may deal. When it falls in the struggle, and becomes powerless to cope with them, the Constitution has been destroyed by violence. Peaceful acquiescence in such combinations is perjury and treason on the part of the chief magistrate of the country, for which he may be impeached and executed. Yet men speak of Mr. Lincoln as having plunged into wicked war. They censure him for not negotiating with envoys who came, not to settle grievances, but to demand recognition of the dismemberment of the Republic which he has just sworn to maintain.

It is true that the ordinary daily and petty affairs of men come more immediately than larger matters under the cognizance of the State governments, tending thus to foster local patriotism and local allegiance. At the same time, as all controversies between citizens of different States come within the sphere of the Federal Courts, and as the manifold and conflicting currents of so rapid a national life as the American can rarely be confined within narrow geographical boundaries, it follows that the Federal Courts, even for domestic purposes as well as foreign, are parts of the daily, visible functions of the body politic. The Union is omnipresent. The Custom-house, the Court-house, the arsenal, the village post-office, the muskets of the militia, make the authority of the general government a constant fact. Moreover, the restless, migratory character of the population, which rarely permits all the members of one family to remain denizens of any one State, has interlaced the States with each other and all with the Union to such an extent that a painless excision of a portion

of the whole nation is an impossibility. To cut away the pound of flesh and draw no drop of blood surpasses human ingenuity.

Neither the opponents nor friends of the new government in the first generation after its establishment held the doctrine of secession. The States' Right party and the Federal party disliked or cherished the government because of the general conviction that it was a constituted and centralized authority, permanent and indivisible, like that of any other organized nation. Each party continued to favor or to oppose a strict construction of the instrument; but the doctrine of nullification and secession was a plant of later growth. It was an accepted fact that the United States was not a confederacy. That word was never used in the Constitution except once by *way of prohibition*. We were a nation, not a copartnership, except indeed in the larger sense in which every nation may be considered a copartnership—a copartnership of the present with the past and with the future. To borrow the lofty language of Burke:—

“A State ought not to be considered as nothing better than a partnership agreement in a trade of pepper and coffee, calico, or tobacco, or some other such low concern, to be taken up for a little temporary interest, and to be dissolved by the fancy of the parties. It is to be looked upon with other reverence, because it is not a partnership in things subservient only to gross animal existence, of a temporary and perishable nature. It is a partnership in all science, a partnership in all art, a partnership in every virtue and in all perfection, a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born.”

And the simple phrase of the preamble to our Constitution is almost as pregnant:—“To secure the blessings of liberty to us and our *posterity*.”

But as the innumerable woes of disunion out of which we had been rescued by the Constitution began to fade into the past, the allegiance to the Union, in certain regions of the country, seemed rapidly to diminish. It was reserved to the subtle genius of Mr. Calhoun, one of the most logical, brilliant, and persuasive orators that ever lived, to embody once more in a set of sounding sophisms the main arguments which had been unsuccessfully used in a former generation to prevent the adoption of the Constitution, and to exhibit them now as legitimate deductions from the Constitution. The memorable tariff controversy was the occasion in which the argument of State sovereignty was put forth in all its strength. In regard to the dispute itself there can be no doubt that the South was in the right and the North in the wrong. The production by

an exaggerated tariff of a revenue so much over and above the wants of Government, that it was at last divided among the separate States, and foolishly squandered, was the most triumphant *reductio ad absurdam* that the South could have desired. But it is none the less true that the nullification by a State Legislature of a Federal law was a greater injury to the whole nation than a foolish tariff, long since repealed, had inflicted. It was a stab to the Union in its vital part. The blow was partially parried, but it may be doubted whether the wound has ever healed.

Tariffs, the protective system, free trade,—although the merits of these questions must be considered as settled by sound thinkers in all civilized lands, must nevertheless still remain in some countries the subjects of honest argument and legitimate controversy. When all parts of a country are represented—and especially in the case of the United States, where the Southern portion has three-fifths of a certain kind of “property” represented, while the North has no property represented—reason should contend with error for victory, trusting to its innate strength. And until after the secession of the Gulf States the moderate tariff of 1857 was in operation, with no probability of its repeal. Moreover, the advocates of the enlightened system of free trade should reflect that should the fourteen Slave States become permanently united in a separate confederacy, the state of their internal affairs will soon show a remarkable revolution. The absence of the Fugitive law will necessarily drive all the slaves from what are called the Border States ; and he must be a shallow politician who dreams here in England that free trade with all the world, and direct taxation for revenue, will be the policy of the new and expensive military empire which will arise. Manufactures of cotton and woollen will spring up on every river and mountain stream in the Northern Slave States, the vast mineral wealth of their territories will require development, and the cry for protection to native industry in one quarter will be as surely heeded as will be that other cry from the Gulf of Mexico, now partially suppressed for obvious reasons, for the African slave trade. To establish a great Gulf empire, including Mexico, Central America, Cuba and other islands, with unlimited cotton fields and unlimited negroes, this is the golden vision in pursuit of which the great Republic has been sacrificed, the beneficent Constitution subverted. And already the vision has fled, but the work of destruction remains.

The mischief caused by a tariff, however selfish or however absurd, may be temporary. In the last nineteen years there

have been four separate tariffs passed by the American Congress, and nothing is more probable than that the suicidal Morrill tariff will receive essential modifications even in the special session of July ; but the woes caused by secession and civil war are infinite ; and whatever be the result of the contest, this generation is not likely to forget the injuries already inflicted.

The great Secession, therefore, of 1860-1, is a rebellion, like any other insurrection against established authority, and has been followed by civil war, as its immediate and inevitable consequence. If successful, it is revolution ; and whether successful or not, it will be judged before the tribunal of mankind and posterity according to the eternal laws of reason and justice.

Time and history will decide whether it was a good and sagacious deed to destroy a fabric of so long duration, because of the election of Mr. Lincoln ; whether it were wise and noble to substitute over a large portion of the American soil a Confederacy of which slavery, in the words of its Vice-President, is the corner-stone, for the old Republic, of which Washington, with his own hand, laid the corner-stone.

It is conceded by the North that it has received from the Union innumerable blessings. But it would seem that the Union had also conferred benefits on the South. It has carried its mails at a large expense. It has recaptured its fugitive slaves. It has purchased vast tracts of foreign territory, out of which a whole tier of Slave States has been constructed. It has annexed Texas. It has made war with Mexico. It has made an offer—not likely to be repeated, however—to purchase Cuba, with its multitude of slaves, at a price, according to report, as large as the sum paid by England for the emancipation of her slaves. Individuals in the Free States have expressed themselves freely on slavery, as upon every topic of human thought, and this must ever be the case where there is freedom of the press and of speech. The number of professed abolitionists has hitherto been very small, while the great body of the two principal political parties in the Free States have been strongly opposed to them. The Republican party was determined to set bounds to the extension of slavery, while the Democratic party favored that system, but neither had designs, secret or avowed, against slavery within the States. They knew that the question could only be legally and rationally dealt with by the States themselves. But both the parties, as present events are so signally demonstrating, were imbued with a passionate attachment to the Constitution—to

the established authority of Government, by which alone our laws and our liberty are secured. All parties in the Free States are now united as one man, inspired by a noble and generous emotion to vindicate the sullied honor of their flag, and to save their country from the abyss of perdition into which it seemed descending.

Of the ultimate result we have no intention of speaking. Only the presumptuous will venture to lift the veil and affect to read with accuracy coming events, the most momentous perhaps of our times. One result is, however, secured. The Montgomery Constitution, with slavery for its corner-stone, is not likely to be accepted, as but lately seemed possible, not only by all the Slave States, but even by the Border Free States ; nor to be proclaimed from Washington as the new national law, in the name of the United States. Compromises will no longer be offered by peace conventions, in which slavery is to be made national, negroes declared property over all the land, and slavery extended over all Territories now possessed or hereafter to be acquired. Nor is the United States Government yet driven from Washington.

Events are rapidly unrolling themselves, and it will be proved, in course of time, whether the North will remain united in its inflexible purpose, whether the South is as firmly united, or whether a counter revolution will be effected in either section, which must necessarily give the victory to its opponents. We know nothing of the schemes or plans of either Government.

The original design of the Republican party was to put an end to the perpetual policy of slavery extension, and acquisition of foreign territory for that purpose, and at the same time to maintain the Constitution and the integrity of the Republic. This at the South seemed an outrage which justified civil war ; for events have amply proved what sagacious statesmen prophesied thirty years ago—that secession is civil war.

If all is to end in negotiation and separation, notwithstanding the almost interminable disputes concerning frontiers, the strongholds in the Gulf, and the unshackled navigation of the great rivers throughout their whole length, which, it is probable, will never be abandoned by the North, except as the result of total defeat in the field, it is at any rate certain that both parties will negotiate more equitably with arms in their hands than if the unarmed of either section were to deal with the armed. If it comes to permanent separation, too, it is certain that in the Commonwealth which will still glory in the

name of the United States, and whose people will doubtless re-establish the old Constitution, with some important amendments, the word secession will be a sound of woe not to be lightly uttered. It will have been proved to designate, not a peaceful and natural function of political life, but to be only another expression for revolution, bloodshed, and all the horrors of civil war.

It is probable that a long course of years will be run, and many inconveniences and grievances endured, before any one of the Free States secedes from the reconstructed Union.

J. L. M.

STATE SOVEREIGNTY.

REBELLION AGAINST THE UNITED STATES BY
THE PEOPLE OF A STATE

IS ITS POLITICAL SUICIDE.

BY

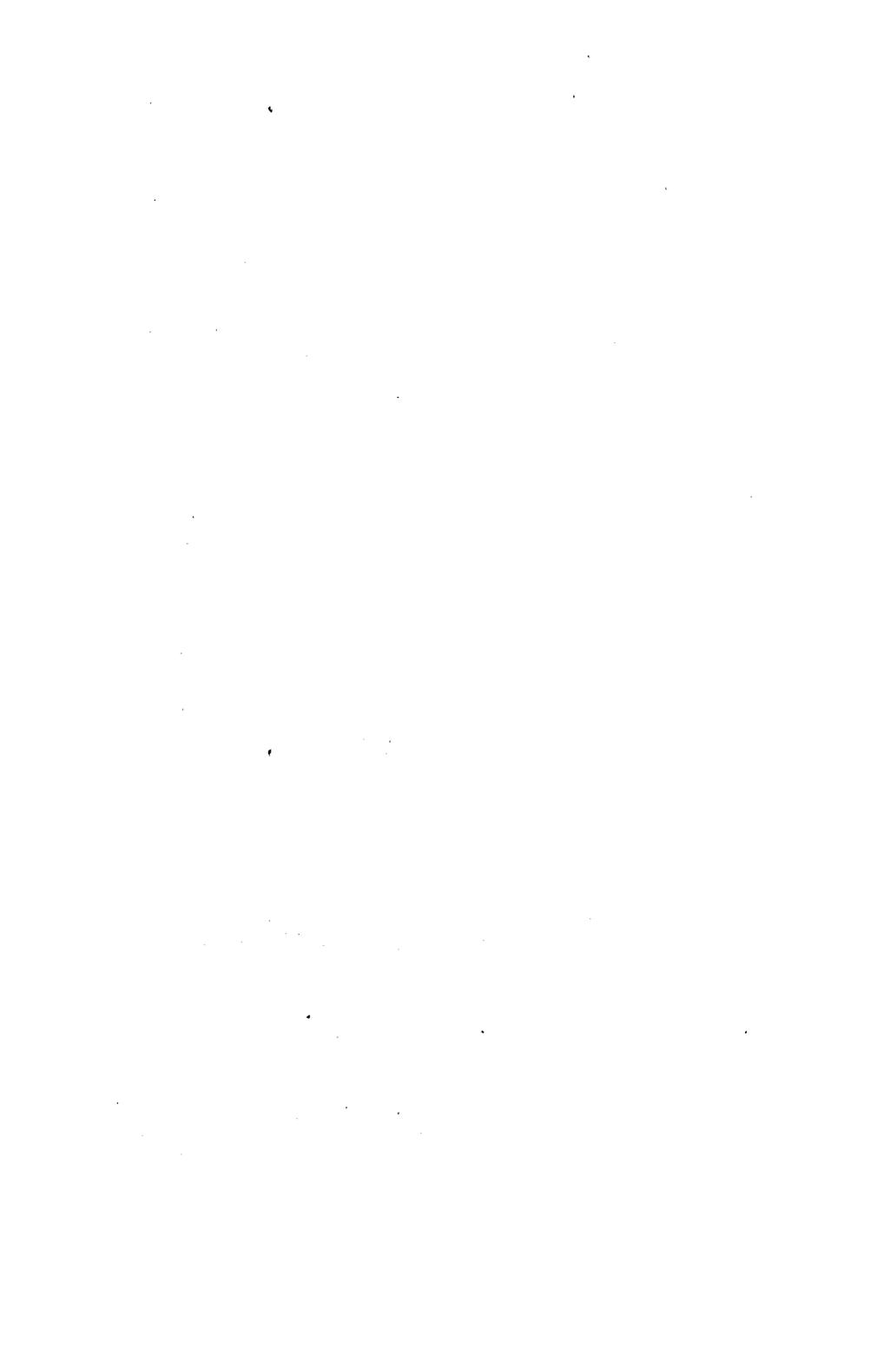
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STATE SOVEREIGNTY.

REBELLION AGAINST THE UNITED STATES BY THE PEOPLE OF A
STATE, IS ITS POLITICAL SUICIDE.

It is proposed to discuss these great propositions with candor, and in a manner, it is hoped, which will tend to impress upon the public mind such clear views in relation thereto as that the arts of party politicians and demagogues may never again, by exciting feelings of State pride, sap the foundation of the people's loyalty to their Government of the United States.

In 1798, ambitious men, to promote a party triumph, induced numbers, and ultimately a majority of the people, to believe that the State Governments were in danger of destruction from the encroachments of the central Government. Then, and thus, was created "The States' Rights Party."

This skillful effort of party strategy produced the famous resolutions of 1798, passed by the Legislatures of Virginia and Kentucky, proclaiming dogmas in relation to the powers of the States which, without a very forced construction, laid the foundation of Nullification by South Carolina in 1832, and culminated in the "Slave Barons'" Rebellion in 1860.

This is the teaching of history. It is referred to now only as a warning voice, and to prepare politicians and partisans, as well as the people, not to receive the dogma of "*State Sovereignty*" as embracing a truth worthy of all acceptance, and of so sacred a character as to forbid questioning or examination.

It is due to the distinguished men who proposed the resolutions of 1798, to say, they did not contemplate the dire consequences of their work; and that one of them, during the period of nullification, took great pains to prove that those resolutions did not countenance the destructive and pestilent doctrine of secession.

"The evil that men do lives after them."

The following great truths and maxims in regard to government are stated because pertinent to this discussion:

"The sovereignty and independence of the people began by a Federal act."

"Sovereignty is the supreme, ultimate authority in a country."

"Supreme authority is sovereign."

"In this country, sovereignty is in the people."

"The fabric of the American Empire rests on the solid basis of the consent of the people of America—the pure and original foundation of all legitimate authority."

"In every government, there must be a supreme, absolute authority lodged somewhere."

In our complicated system, "The General Government must not only have a soul, but strong organs by which that soul is to operate." "The soul is the *people of the United States*." The organs are found in that Government they have "*ordained and established for themselves and their posterity*."

Every government must establish "an undisputed organ of the public will."

"All men are created equal. They are endowed by their Creator with certain inalienable rights; among these are life, liberty and the pursuit of happiness. To secure these rights governments are instituted among men, deriving their just powers from the consent of the governed. Whenever any form of government becomes destructive of those ends, *it is the right of the people to alter or abolish it, and to institute a new government.*"

"The power of the *majority* and *liberty* are inseparable; destroy *that*, and *this* perishes."

"A government ought to contain in itself every power requisite

to the full accomplishment of the objects committed to its care, and the complete execution of the trusts for which it is responsible, free from every other control but a regard to the public good, and to the sense of the people.”—*Federalist*.

These are maxims to which every citizen of the United States will give his unhesitating and unqualified assent.

We proceed, in order clearly to understand the relations of the States to the United States Government, and the powers of each, to give a brief history of the rise and progress of the various governments to which we have been subjected. This will be interesting and instructive.

On the 5th September, 1774, the deputies from all the colonies, except Georgia, assembled in a congress in Philadelphia. The object was, to state their grievances, as “*subjects*,” and to appeal to the King and their fellow-subjects of England for redress. On the 20th October they adjourned to meet again on 10th May, 1775, “unless their grievances were redressed in the mean time.”

On the 19th April, 1775, the war of the Revolution was begun by the battle of Lexington. On the 10th May following, the second Congress assembled at Philadelphia. This Congress, in July, sent “a most loyal petition to the King, and a conciliatory address to the people of Great Britain.” They, at the same time, prepared by vigorous measures for resistance. They voted to raise an army of twenty thousand men; appointed Washington commander-in-chief; enacted articles of war; bills of credit representing six millions of dollars were authorized to be issued; a navy was commenced; letters of marque and reprisal were issued.

This Congress continued in permanent session, and

on the 4th July, 1776, issued that immortal Declaration which made "the people of the colonies sovereign and independent," by which, as "one people," they assumed among the powers of the earth the separate and equal station to which the law of nature and of nature's God entitle them. "And they solemnly declared that these United Colonies are, and of right ought to be, free and independent *States*. And that, as such, they had full powers to levy war; to contract alliances; to establish commerce; and to do all other acts which independent States may of right do."

It is to be remarked, that this act of the Congress of 1776 was not only a Declaration of Independence, but it established a Provisional Government—a pure despotism—which, in obedience to the last *maxim*, on the 27th December appointed Washington DICTATOR, and conferred upon the delegates in Congress assembled full and absolute powers to levy war, and to do "all other acts and things which independent States may of right do." In short, it was made "the undisputed organ of the national will."

This absolute Government continued from July, 1776, until March, 1781.

It will be remembered that "the Articles of Confederation" were duly prepared and ready for signature on the 9th July, 1778, two years after the Declaration, and that they were ratified by the signatures of the delegates of the various States, from the 8th August, 1778, down to March 1st, 1781. This being *a compact between sovereign States* (in the second article it is declared that "each State retains its sovereignty, freedom and independence"), it consequently did not bind any one State until all the States parties to it had ratified it, which was not done by Maryland until 1781.

Thus it appears that the *first*, a Provisional Government, one of absolute powers, was established on the 4th July, 1776, and continued until March 1st, 1781—a period of nearly five years; and from that time until the adoption of the Constitution of the United States, in 1788, a period of seven years, we had a limited Government of confederated States, each sovereign and independent, with constitutions of government formed by the independent and sovereign people of those States; that in the formation of these State Governments, *the people* of each State invested their Government with as large a portion of *their sovereignty* as was necessary to the end in view, and they retained the power to alter or abolish their respective Governments according to their discretion.

This historical statement of our several governments brings us up to the period when measures were taken to establish another and the actual government of the United States.

On the 14th May, 1787, a convention of delegates assembled at Philadelphia, *appointed* by their respective *State Governments*, pursuant to a resolution of the Congress of the Confederation, in these words: “*Resolved*, That in the opinion of Congress it is expedient that, on the second Monday of May next, a convention of delegates, who shall have been appointed *by the several States*, be held at Philadelphia, for the *sole and express purpose* of revising the *Articles of Confederation*, and *reporting to Congress and the several Legislatures* such alterations and provisions therein as shall, when agreed to *in Congress* and confirmed *by the States*, render the Federal Constitution adequate to the exigencies of the Government and its preservation.”

We give the resolution in full, to show that the sole

and express purpose of Congress, and of the Legislatures appointing delegates was, that the Government of the Confederate States should be preserved and amended; and to that end we add that the instructions to the delegates, in most if not all cases, conformed to that purpose.

We do this to give the advocates of State rights all its advantages, and to show that if such a Government was *not* framed, if the confederated Government was *not* preserved, it was not from misconstruction or accident, but under the influence of a clear conviction that its inherent defect was incapable of being cured, and that it must, therefore, be proposed to be abolished. We say *proposed*, because the convention had no power to establish a Government, but only to recommend a scheme for adoption.

We now come to the consideration of the great questions—

First. How was the Constitution of the United States formed?

Second. Who formed it?

Third. By whom was it adopted and ratified?

The convention was of delegates appointed and instructed by twelve of the thirteen sovereign and independent States. (Rhode Island was not represented.)

The first great question to be decided by the delegates was *whether they would obey or disregard their instructions*. They decided to *disobey*, and proceeded to form a new and very different Government from that which had called the convention into being.

Two leading plans were submitted to the convention. One, "*The Virginia Plan*," which proposed to form a General Government, independent of the control of the States. The other proposed to amend the *Articles of Confederation*," and thus to leave the General Govern-

ment dependent upon the State Governments, as it was before.

The great and leading question was thus distinctly presented for decision; and after long, earnest, and anxious discussion, the plan of a confederacy was discarded, and the convention proceeded to devise the form of a constitution of government, in the name of, and to which the *whole people of the United States were the parties*.

“We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.”

Language could not more distinctly mark the fundamental difference between these instruments. The *first* was made, as clearly as language could do so, “*a league*”—an agreement—a confederation between sovereign States. It was *formed by the Congress* which was the organ of those States. It was *sanctioned by the Legislatures* of the several States, and *not* by the people thereof.

Whereas, the second was declared to be *a constitution*. It was “ordained and established *by the people of the United States*, for themselves and their *posterity*.” It was, in despite of instruction and the resolution of Congress, directed to be submitted *to a convention of delegates chosen in each State* BY THE PEOPLE THEREOF.” All this was done, and this constitution of government so formed was ordained and established by *the people*, through *their delegates* in conventions held in the different States.

It has been remarked that the sovereign and inde-

pendent people of the States formed their State Governments, making them sovereign and independent States, as they certainly were, and in the Articles of Confederation they were so declared to be.

The Constitution for the United States prepared by the convention of 1787, made "the States essential and component parts of the Union," "necessary to the form and spirit of the general system." In doing this, their sovereignty and independence were merged, and made subordinate to that system. The Constitution necessarily and properly "left with the State Governments those *residuary authorities* which were judged proper for local purposes" under it. The civil and domestic concerns of the people were to be governed by the laws of the respective States.

It is undeniable that in all mixed systems there must be a control somewhere. Either the general interest is to control the particular interest, or the contrary. If the former, then certainly the Government was so formed as to render the power of control efficient to all intents and purposes. If the latter, a striking absurdity follows. Whatever constitutional provisions are made to the contrary, every government will at last be driven to the necessity of subjecting the particular to the universal interest. In obedience to this necessity,—in order that the varying interests of a State and a General Government might not clash,—it became the duty of wise men so to frame a scheme of government for the whole people as that there should not be two *sovereignties* moving in the same sphere.

They consequently proposed to abolish the sovereignty and independence of the States, and at the same time they deemed it "necessary that all of the everyday rights of property, of social arrangements, of mar-

riage, of contracts,—every thing that makes up the life of a social community,—should be under the control, not of a remote or distant authority, but of one that is limited to, and derives its ideas and principles from, a local community.”—(*William M. Evarts.*)

We have said the proposed constitution of government contemplated the abolition of State sovereignty.

This position will be found to be sustained by a *critical examination* of the sovereign powers attributed to the General Government and denied to the State Governments by the Constitution proposed for the adoption of the people.

The people of the United States have formed a Government with “an undisputed organ of the national will,” which is known to the nations of the earth as having all the attributes of a sovereign and independent power. Thus the State Governments collectively were once known; and as such they formed treaties with foreign powers. Are they individually or collectively so recognized at present? They certainly are not. Why? Because when the Constitution of the United States was established they descended from that superior condition. This is the fact; and such is the judgment of mankind.

There cannot exist in the same government two superiors, because “supreme authority is sovereignty,” and “two powers cannot be supreme over each other.”

Washington, in his letter addressed to Congress, 17th September, 1787, as President of the Convention, says: “It is obviously impracticable, in the Federal Government of these States, to secure all the rights of independent sovereignty to each, and to provide for the safety and interests of all. In all our deliberations on this subject, we kept steadily in our view that

which appears to us the greatest interest of every true American,—the *consolidation of our Union*, in which is involved our prosperity, political safety, and perhaps our national existence.”

In order to “*the consolidation of our Union*,” the States gave up the following sovereign rights and conferred them upon the Government of the United States, viz. :

“The right to lay and collect taxes, duties, imposts, and excise; to borrow money on the credit of the United States; to regulate commerce with foreign nations and among the several States, and with the Indian tribes.”

Under the last grant of power, the State Governments cannot decide what *persons* or property shall be brought within the domain of any State. They cannot give any exclusive right to their own citizens to navigate their own and coterminous waters. They cannot authorize a bridge to be built across a stream within their own borders where the tide ebbs and flows.

The United States can regulate the commercial intercourse of the citizens of any State with foreign powers or any other States, and inhibit such intercourse with foreign countries for an indefinite period. Witness the embargo of December, 1807, which continued for eighteen months. This exercise of the “*restrictive energies*” of the Government (as they were called) was to recommend a theory, which, at that time, had very respectable advocates, that the United States would become a more prosperous and happy nation if they would forego, altogether and forever, all *foreign* commerce, and thus promote the great agricultural interests.

“To establish an uniform rule of naturalization.” Under this exclusive grant the Federal Government

has the power to confer the rights of citizenship upon whom, and as it pleases, in every State of the Union, and thus give to such citizen, in common with all the other citizens of any State, all "privileges and immunities of citizens in the several States."

"To establish uniform laws on the subject of bankruptcy." "To coin money, regulate the value thereof and of foreign coins." These powers are the highest attributes of sovereignty. They are given exclusively to the General Government. The right to coin money by the States was recognized, by the Articles of the Confederation, to belong to the States.

The power to establish a Bank of the United States is an incidental power, so adjudged by the Supreme Court of the United States, and declared by Mr. Madison in one of his messages to Congress. Another and vastly important incidental power, which comes home to the business and interest of every citizen, is the currency of the country. Mr. Madison, in his message of 1815, recommended the inquiry whether "the notes of the United States should be issued, upon motives of general policy, as a common medium of currency;" and in his message of 1816 he says: "The Constitution has intrusted Congress *exclusively with the power of creating and regulating a currency of that description.*"

"To fix the standard of weights and measures." An exclusive power which enters into the traffic and everyday domestic concerns of the people of every State.

"To establish post-offices and post-roads." This gives to the General Government the exclusive power to establish post-offices, mails, and letter-carriers in every city, town, county, and State of the United States; and to build roads over any part of any city, town, or place of any State; and it consequently gives the right

of eminent domain, in such cases, to the General Government.

“To promote the progress of science and useful arts, by securing to authors and inventors exclusive rights.” An exclusive power which comes home to all the people of all the States.

“To define and punish piracies and felonies on the high seas, and offences against the laws of nations.” Exclusive sovereign powers.

“To declare war, raise and support armies.” These are ranked among the highest *attributes* of *sovereignty*; they are exclusive, and they grant to the General Government unlimited power over the lives and property of the people of the States, by compelling them, if need be, to become soldiers; and, by taxation, to yield up their property to the public service; thus giving to it the absolute control of persons and property, which are inaptly said to be peculiarly the objects of State concern and protection.

The clauses respecting the militia—the bulwark of civil liberty and popular government—are most significant:

“Congress shall have power”—“to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.”

“To provide for organizing, arming, and disciplining the militia, and for governing such parts of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.”

The only power left to the States over this important element of power is to be found in the reservation, to wit, “the appointment of the officers,” “and the au-

thority of training the militia according to the discipline *prescribed by Congress.*" In effect, all the power reserved to the State Governments over their civic soldiers is to prepare them for the use of the supreme Government, to be called for by that Government to suppress insurrections of the people "in such State or in any other State." In short, to place at the disposal of the supreme power a disciplined army, composed of the people of each and all the States between the ages of 18 and 45 years. (Act of 1792.)

"No State shall enter into any treaty, alliance, or confederation, coin money, *emit bills of credit*, make anything but gold and silver a legal tender." The writ of habeas corpus may be suspended by the General, not the State Governments.

The power to pass "bills of attainder or *ex post facto* laws" is forbidden to the States, by the Constitution of the United States, as well as to the General Government.

"No tax or duty shall be laid on articles exported from any State." This inhibition is made by the Constitution of the United States on both Governments.

The exception in section 10, art. 1, goes strongly to prove the absolute subordination of the powers of the States to the United States. It is in these words: "No State shall, *without the consent of Congress*, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net proceeds of such duties shall be for the use of the Treasury of the United States. *And all such laws shall be subject to the revision and control of the Congress.*" We have italicized the last branch of this clause as decisive of the question of the sovereignty of the States.

Inspection laws are purely municipal regulations; they touch "the every-day institutions, the social arrangements of the community;" they control their domestic affairs. A State cannot lay any imposts or duties to execute their inspection laws *without the consent of Congress*, and as an additional humiliation, although the power so to legislate by a State depends upon the *consent of Congress of the United States*, "all such laws shall be *subject to the revision and control of Congress.*"

Another and a most marked evidence of the subordination of the Legislatures of the States, is found in the following language :

"No State shall, *without the consent of Congress*, lay any duty of tonnage, *keep troops or ships of war* in time of peace, *enter into any agreements or compact with another State or with a foreign power.*"

In connection with this stern inhibition,—this clear denial of the sovereignty of the States,—this direct submission of the legislative power of the State to the will of Congress,—it becomes us to recollect that the people *of the United States ordained and established this Constitution* in order to form a "*more perfect union,*" as the Union had been made "*perpetual.*" This purpose could have had no relation to the *duration* of the Union of the States. It meant something more; it was intended to make the Union *more perfect* by prohibiting to the States the means which might be used for its destruction.

An army or a navy, or combinations by "agreements or compacts" between States, or with foreign powers, would give great power to rebellious States, or people, in their efforts to destroy the Union, and in their resistance to the efforts of the General Government to preserve it.

Another declared purpose was "to ensure domestic tranquillity."

These inhibitions are not only direct and palpable abrogations of the rights and sovereignty of the States in these respects, but they clearly indicate that the people of States might attempt to disturb the "domestic tranquillity," or to break up the Union by secession; and if they did so, that the United States had the right and the power (the States being without troops or ships of war, or the strength to be derived from combinations among themselves or with foreign powers) to restore "domestic tranquillity," and preserve the Union by *force of arms*.

In this view of this clause, it is worthy of remark that *by* this denial to the States of the right to keep troops and ships of war in time of peace, the United States might lose a powerful auxiliary in preparing for war.

The great State of New York, if permitted to keep up a considerable military and naval force at her own expense, might render essential assistance to the United States, in arming forts, preserving the frontiers from the inroads of savages, and in repelling the attacks of a public enemy.

All this was well understood by the sagacious statesmen who made these clauses a part of the Constitution. They also clearly foresaw, and we know they greatly feared, attempts at disunion. Balancing the two, they wisely, in order to diminish the latter evil, yielded the former advantage.

Can it be said, in the face of these inhibitions, that the Government has *not* the constitutional right, nay, that it is not its absolute duty, by coercion, to put down rebellion by the people of any State or government?

He reads the Constitution with a very indistinct appreciation of the meaning and intent of these clauses, who will maintain State sovereignty or the right of secession.

We might upon the fact of this appropriation of all the essential attributes of sovereignty to the United States Government, and their denial to the States, rest our assertion that, by this scheme of a Constitution for the United States, State sovereignty was abolished.

But, in our endeavor to exhaust the subject, we proceed to show, that the States cannot, with appropriate language, be called sovereign and independent States, even within their appropriate sphere.

By article 4, section 1, it is provided, that "*full faith* and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State;" and to Congress is given the power "to prescribe the manner in which such acts, records, and judicial proceedings are to be proved, and their effects."

Upon examining the effect of this clause, it will be found to subordinate the judiciary of the one State to that of another. Thus, a citizen of New York goes to Georgia; he is sued there, a judgment rendered against him for a given sum of money. It may be groundless, although according to the laws of proceeding and the rules of evidence of the latter State. We put a strong case. The defendant returns to New York. The plaintiff commences a suit in the Supreme Court of that State. The case comes on for trial. The record of the judgment rendered by the court of Georgia is "proved" according to the act of Congress, and the court of New York must give judgment thereon.

We do not question the expediency of such a provision, but we aver that it is one clearly inconsistent

with the idea that each State possesses sovereign powers in its domestic affairs, or even so far as to control its judicial action.

Section 2: "The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States." The Congress of the United States has the exclusive power of naturalization; that is, to give the privileges and immunities of citizens to such persons as it pleases, and upon such terms as it may choose; and such naturalized citizens are, perforce of this sovereign power, made citizens of *all the States*. This presents a peculiar case. The State Governments are said emphatically to have the control of "the everyday institutions, operations, and social arrangements of their community," and yet they have no power to decide what persons shall be members of their communities!

It is absurd to attribute to a State sovereign powers, and at the same time to declare that she has no right to say what kind or description of persons shall or shall not participate in the "privileges and immunities" given to her citizens by her laws.

Section 3, article 4, declares that "new States may be admitted *by Congress* into the Union." The States-rights party insist that ours is a confederacy of sovereign and independent States; and yet no one of these sovereigns, nor all of them combined, has the power to decide what people, State, or country shall or shall not be one of their associates, and thus participate with them in the government of their country, in its glory or advantages.

It is believed when the people conferred these sovereign attributes upon the General Government, they relegated all essential sovereign rights and powers from their State systems.

Section 4: "The United States shall guarantee to every State in the Union a republican form of government." When the people of the respective States thus empowered the Government of the United States to give them a particular form of government, which is the true meaning of the clause of guarantee, they certainly admitted that the United States possessed *the supreme ultimate authority in the country*, and that the States *did not*, in respect to *the people of the States*, possess such authority.

The people of the States, as such, gave up, in regard of their State Governments, that fundamental right recognized by the maxim that "every nation has a right, *in its own discretion*, to change its own form of government, to abolish it and substitute another." In this case, the people of the States gave up the right to alter their government from a republican to a pure democracy, to a monarchy, or to a despotism.

They admitted that they could not, so long as the Government existed, be subjected to any other than a republican form of government; and thus far the people of each State yielded their sovereignty and independence to the people of the United States.

We close this examination of the scheme of government which was prepared by the Convention of 1787, to be submitted to the people of the United States for their adoption, under the conviction that it has been made with candor, and that it has resulted in proving there is no solid foundation for the belief that the actual government of our country is a confederacy of sovereign and independent States, in any sense of the terms; but with a clear conviction that the State Governments, instead of being "free, sovereign and independent States," as they certainly were when they ratified the

Articles of Confederation, became by the present Constitution component and essential parts of the General Government; the object of State Governments being merely civil and domestic, "to support the legislative department of the United States, and to provide for the administration of the laws."

Our next duty is to show how the Constitution proposed by the Convention was disposed of and adopted, and how the State Constitutions were adapted to their new condition in relation to the new government.

The Convention agreed upon the form of the Constitution, which was signed by the delegates on the 17th September, 1787, and, with the letter of the same date from Washington, addressed to the President of the Congress, was sent to that body then assembled in Philadelphia, pursuant to a resolution of the Convention, directing it "to be laid before the United States in Congress assembled," and expressing the opinion that it should afterward be submitted to a convention of delegates, *chosen in each State by the people thereof, for their assent and ratification.*

It was submitted to Congress on 28th September. That body sent copies of it to the State Legislatures; and the people of the several States were called upon to elect delegates to conventions to be held on designated days and places in each State; which they did; and between the 7th December, 1787, and 21st November, 1788, the people of all the States, except Rhode Island, assented to and ratified the Constitution of the United States of America, as it was prepared by the Convention and submitted to the respective State Conventions, without alteration. And thus did the people of the United States of America ordain and establish this Constitution of the United States of America. And thus does "the fabric

of the American Empire rest on the solid basis of the consent of the people of America, the pure and original foundation of all legitimate authority.”—(*Federalist.*)

We have asserted, and we believe we have proved, that the respective States ceased by that act to be sovereign and independent; that they became, “in spirit and in form, component parts of the Government of the United States;” that their constitutions were materially altered, in order that they might conform to their changed and subordinated condition.

These State constitutions were originally formed by the people of the States, in their independent and sovereign capacity, through conventions of delegates elected by the people, and assembled for that purpose; and they were altered by the same people through the same agency.

When the people of a State elected their delegates to a convention, with full power to reject or adopt the constitution of government presented for their deliberation, which directly by its very terms, and inferentially and necessarily by its spirit and import, essentially changed their respective State constitutions, their delegates were thus authorized by the people of the States, if upon full deliberation they should adopt the Constitution of the United States, so far to change their State constitutions as would be required to conform them to the altered condition of their respective States. They did so; and thus we find that such changes, radical as they were, were made by *the authority of the sovereign will.*

We cite two strong cases to show the changes thus made, and we aver that the subsequent action of both Governments shows that they received the full approval of the Government and people.

By clause 2d, article 6th, it is declared: "This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, *any thing in the constitution or laws of any of the States to the contrary notwithstanding.*"

It must be admitted that before the Constitution was adopted by the people of the United States, the State constitutions and laws were the supreme law of the land within their respective jurisdictions, and that the judges in every State were controlled thereby. It must also be admitted that as soon as the Constitution of the United States was established, its Constitution, laws, and treaties were superior to the constitutions and laws of the States, and that thus a change was made by the people of the several States of their respective constitutions, in order that they might be in conformity with this new and sovereign power.

Again, by the 3d clause of the same article, it is declared that the members of the several State Legislatures, and all executive and judicial officers of the *several States* "shall be bound by oath or affirmation to support this Constitution." This was so essential a change of the constitutions of the several States as to forbid those who were the recognized organs of these Governments to act, until they had taken that oath; and that thus not only the soul of each State Government was, but that the organs through which that soul acted were, made obedient to the Federal Constitution, and that such organs could exist only in obedience to its commands.

We hold, in conclusion, that as the Constitution of the United States was the work of the people of the

United States of America, they, and they alone, have power to alter or to abolish that constitution of government. When we say the People, we mean the people of the United States, *not* the people of a State or many States, constituting less than a majority of the whole people.

REBELLION AGAINST THE UNITED STATES BY THE PEOPLE
OF A STATE IS ITS POLITICAL SUICIDE.

The necessary consequences of this condition of the people and governments of the States in relation to the General Government is, that when the people of a State, not a mere faction, rise up in rebellion against the Government, and use the organs of their State to destroy the Government of the United States, they destroy the organism of their State Government, and thus accomplish the political suicide of their State Government. The soul of the State remains, but its organs are destroyed. The latter cannot act as organs, because they cannot take the required oath, and cannot perform their duty to the supreme power in obedience to the commands of the Constitution of the United States.

It must be admitted that the question whether the State Governments in rebellion are abolished or not, is a very difficult one. We approach it with diffidence. The question in the outset is, What is a *State*? The aggregation of a people as a community is *not* a State until they have "established a *public authority*, to order and direct what is to be done by each in relation to the end of the association. This political authority is the *sovereignty*, and he or they who are invested with it are the *sovereign*." When this is done, there is a "body politic, or *State*."—(*Vattel*.)

We have high authority for asserting that when the

Constitution of the State of New York was formed, "the sovereignty of the people, by our Constitution, was vested in their representatives in senate and assembly, with the intervention of the Council of Revision." This was the "public authority" of the State of New York. The like may be properly said of the other State Governments before the existing Government of the United States was adopted by the whole people. By that act, as we have seen, the State Governments, and the people thereof, were made component parts of the Government of the United States, and the essential attributes of their sovereignty were vested in the latter Government. *It is the "undisputed organ of the public will."* This is the state of facts upon which this important question arises.

It is a maxim of universal acceptance, that "the people, in their discretion, have a right to alter or *abolish* one government and to establish another." And it is therefore true that *the people of the United States*, who established the Government of the United States, have the right to alter or abolish that Government; and equally so that the people of one or several States have *not* that right.

It is also true that the people of the several States have the right to alter their several State Governments, with these limitations: 1st. That such alterations do not change their relations to the Government of the United States, or in any respect impair the rights or powers of that Government in relation to the people or governments of the States; and 2d. That they shall establish a republican government. Thus far, the people of each State have, by uniting with the people of all the other States, and thus forming that "*body politic*" which is, and is known as, the People and Government

of the United States, divested themselves of plenary power over their State Governments.

Under and by virtue of the powers vested by the Constitution of the United States in its Government, that Government has the absolute possession of all the domain within its borders; and it has full sovereign power over all the people of the United States, in all those respects, and to those ends and purposes for which it was formed and established.

From these positions, it is clear that the Government or the people of a State have no right or power to withdraw from the Government of the United States; and that when the people of a State rise in rebellion against the Government of the United States, and make use of their State Governments as their instruments to destroy, by force, the Government of the United States, they are guilty of "*high treason*." The people of such State, or all those who unite in such a purpose are TRAITORS, and as such they *forfeit life and property*, and all rights of every kind. Blackstone says: "The natural justice of forfeiture or confiscation of property for treason is founded in this consideration: that he who has thus violated the fundamental principles of government, and broken his part of the original contract between king and people, *hath abandoned his connection with society*, and hath no longer any right to those advantages which before belonged to him purely as a member of the community."

If this be a correct view of the position of traitors, can it be with propriety said that men so circumstanced can be considered as the "public authority" of a "body politic"? Is it possible that they can individually or collectively possess the attributes of any power to "order and direct what is to be done by each in relation

to the end of the association," which is "to promote their mutual benefit and advantage"? How can a State Government be said to exist when the people of the community, including those who were invested with the functions of government, have "*abandoned all their connections with society*"? It is a strange paradox to insist that the governments of the people who have attacked, with great power, the national life, and who, in every form, by word and deed, declare their purpose to do so, still form a part of that nation.

As State Governments they no longer exist; as a people, they form a part of the whole people of the United States, owing obedience and allegiance to its Government, and must be reduced by force "into subordination to the laws."

That provision of the Constitution of the United States which guarantees to every State a republican government, necessarily admits or assumes, as a matter of fact, that the people of a State may abolish their existing *republican* State Governments. To establish another form of government,—a monarchy, an autocracy, or despotism,—necessarily implies that they have abolished their existing republican government."

This suggestion is presented in answer to the opinions entertained by very respectable authority, that the State Governments cannot be destroyed or abolished by any act of the people of the State; and in support of that opinion, it is averred that as long as there is any number, however small, of those who are favorable to the existing State Government, that Government necessarily exists. This view certainly ignores the great principle of popular government, that the majority of the people must *rule*,—that the will of the majority gives the law to the whole.

The Administration, by several acts, seem to admit

that the States in rebellion have abolished their governments.

A military government has been appointed for Tennessee. Andrew Johnson, in his appeal to the people, says: "The State Government has *disappeared*, the Executive has abdicated, the Legislature has dissolved, the judiciary is in abeyance." "In such a lamentable crisis" (the people of the State without a government) "the Government of the United States could not be unmindful of its high constitutional obligation to guarantee to every state in this Union a republican form of government." "This obligation the National Government is now attempting to discharge. I have been appointed, in the absence of the regular and established State authorities, a military governor for the time being."

We infer from the language of this appeal,—which we must believe correctly represents the views of the President and his Cabinet, because we cannot suppose Governor Johnson would have been sent to Tennessee without having precise instruction,—indeed, it may well be presumed, as a matter of wise precaution,—that this appeal had received the approval of the Government. It speaks of the "performance by the Government of its constitutional duty to the State," under the guarantee clause. It declares "the State Government has disappeared," and consequently that the Government of the United States was to perform its constitutional obligations by giving to the people a government of a republican form.

If the former State Government was not abolished by the rebellion of the people, then that Government still exists; and then there was no constitutional obligation to give the loyal people another government.

As the Governor had abdicated and the Legislature

was dissolved, all that was necessary was, that a Governor and Legislature should be elected under the protection of the power of the United States, by the loyal people of the State. Such abdication and dissolution do not invoke the exercise of the power of the United States under the guarantee clause.

We entertain no doubt whatever, that it is the duty of the Government to establish provisional governments in all the rebellious States. Under the conviction that by the energy of the Executive, the skill of our generals, and the bravery of our soldiers, this cruel war, so far as it respects the action of large armies, will be shortly terminated by our glorious victories, we believe the Government will be driven to the conclusion that the people in rebellion have destroyed their governments, and the only means of restoring to the Unionmen of those States the protection of regular governments, and to the citizens of other States their rights and privileges in those States, will be by establishing territorial governments for the people of all States in the rebellion.

It is not improbable that the traitors, when their armies are vanquished and their assumed governments are dispersed, will perversely refuse to return to a due subordination to the laws of the United States.

It is always to be remembered in regard to the States in rebellion, that they form a part of the domain or territory of the United States; that "the United States is the sovereign in possession, and that the people of the State (in rebellion), once one of the United States, are not."

The people of Western Virginia, holding the opinion that their State Government was abolished by the treason of the people in other parts of the State, with the organs of that Government have formed another

government, which has been recognized by the United States as the existing government of that State.

EMANCIPATION.

The President, in his most admirable proclamation, recommended to the people of the United States to implore spiritual consolation in behalf of all who have been brought into afflictions by the casualties and calamities of sedition and *civil war*.

The Secretary of War, in his general order, dated April 9, 1862, ordered thanks to be given to the Lord of Hosts in delivering this nation, by the arms of patriot soldiers, from the horrors of treason, rebellion, and *civil war*.

We have thus the highest authority for saying that we are engaged in a *civil war*, which Vattel (Book 3, chap. 13, § 295) and other authoritative publicists declare is a public war. "The war between the two parties stands on the same ground, in every respect, as a public war between two different nations." "They decide their quarrel by arms, as two different nations would do. The obligation to observe the common laws of war toward each other is, therefore, absolute." When the blockade of the rebel ports was declared, France and Great Britain decided that both parties, being public enemies, were entitled to the rights of belligerents.

We refer to the fact that our Government, by exchanging prisoners, has treated this as a public war. This is assuredly the common sense view of this subject, and we rejoice that it is thus authoritatively settled, because decisive consequences must follow in regard to slavery, under the laws of war.

It is well settled (see Vattel, Book 3, chap. 9, § 165, Booty) that when an army advances into the country of its enemy, "the established laws of war give to an

enemy the use and enjoyment of real property of which he obtains possession," and the *absolute ownership* of all personal property which falls into his hands. The latter is called *booty*, and, except ships, becomes vested in the captors the moment they acquire a firm possession." With regard to ships, by the general rules of maritime law, condemnation is necessary to the complete investment of the property in the captors. Wheaton's Elements, &c., p. 432, may be referred to in support of this rule, with the authorities to which he refers.

"Negroes, by the laws of the States in which slavery is allowed, are personal property. They, therefore, on the principle of those laws, like horses, cattle, and other movables, are liable to become *booty*, and belong to the enemy as soon as they come into his hands."

"Belonging to him, he was free to apply them to his own use, or set them at liberty. If he did the latter, the grant was irrevocable; restitution was impossible." "Nothing in the laws of nations will authorize the resumption of liberty once granted to a human being."—(*Hamilton.*)

Vattel, § 162—"We have a right to deprive an enemy of his possessions; of *every thing that may augment his strength*, and enable him to make war. This every one endeavors to accomplish in the manner most suitable to him." The slaves augment the strength of an enemy; we, therefore, have the right to take and free them.

Apply these well-settled laws of war to the course of the advance of our armies into the enemy's country, and absolute, immediate emancipation follows, in regard to all persons held as property by the laws of the rebel States.

To allow slaves thus falling into our hands, or which

have been induced to come into our camps as an asylum to the oppressed, "to fall again under the yoke of their masters, and into slavery, is as *odious* and *immoral* a thing as can be conceived. It is odious because it brings back to servitude men once made free."

Apply this to the case of the negroes who, in South Carolina, are now taken care of by the Government, and treated as free men. They form "a colony of civilization" in that State.

We close this too much extended examination with the following, from Blackstone, upon the laws of nature as they effect the liberty of man:

"The Deity has constituted an eternal and immutable law, which is indispensably obligatory upon all mankind, prior to any human institution whatever. This is what is called the *Law of Nature*, which, being coeval with mankind and dictated by God himself, is of course superior in obligation to any other. It is binding over all the globe, in all countries, and at all times. No human laws are of any validity contrary to this; and such of them as are valid derive all their authority mediately or immediately from this original."

We give a commentary, written in 1775, by Hamilton:

"Upon this law depend the natural rights of mankind. The Supreme Being gave existence to man, together with the means of preserving and beautifying that existence.

"He endowed him with rational faculties, consistent with his duty and interest, and invested him with an inviolable right to personal liberty and personal safety." * * *

"Natural liberty is a gift of the beneficent Creator to the whole human race." * * * "Civil liberty is founded on that, and cannot be wrested from any people without the most manifest violation of justice. *Civil liberty is only natural liberty modified and secured by the sanctions of civil society.* It is not a thing in its own nature precarious and dependent on human will and caprice; but it is conformable to the constitution of man, as well as necessary to the *well-being* of society."

April, 1862.

JAMES A. HAMILTON.

THE GREAT ISSUES NOW BEFORE THE COUNTRY.

A N O R A T I O N

BY

EDWARD EVERETT.

DELIVERED AT THE NEW YORK ACADEMY OF MUSIC.

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THE GREAT ISSUES

NOW BEFORE THE COUNTRY.*

WHEN the Congress of the United States, on the 4th of July, 1776, issued the ever memorable Declaration, they deemed that a decent respect for the opinions of mankind, required a formal statement of the causes which impelled them to the all-important measure. The eighty-fifth anniversary of the great Declaration finds the loyal people of the Union engaged in a tremendous conflict, to maintain and defend the grand nationality which was asserted by our fathers, and to prevent their fair creation from crumbling into dishonorable chaos. A great people gallantly struggling to keep a noble frame-work of government from falling into wretched fragments, needs no justification at the tribunal of the public opinion of mankind. But while our patriotic fellow-citizens, who have rallied to the defence of the Union, marshalled by the ablest of living chieftains, are risking their lives in the field; while the precious blood of your youthful heroes and ours is poured out together in defence of this precious legacy of constitutional freedom, you will not think it a misappropriation of the hour, if I employ it in showing the justice of the cause in which we are engaged, and the fallacy of the arguments employed by the South in vindication of the war, alike murderous and suicidal, which she is waging against the Constitution and the Union.

A twelvemonth ago, nay, six or seven months ago, our country was regarded and spoken of by the rest of the civilized world, as among the most prosperous in the family of nations. It was classed with England, France, and Russia, as one of the four leading powers of the age.† Remote as we were from the complications of foreign politics, the extent of our commerce

* Large portions of this oration were, on account of its length, necessarily omitted in the delivery.

† The *Edinburgh Review*, April, 1861, p. 555.

and the efficiency of our navy won for us the respectful consideration of Europe. The United States were particularly referred to on all occasions, and in all countries, as an illustration of the mighty influence of free governments in promoting the prosperity of states. In England, notwithstanding some diplomatic collisions on boundary questions, and occasional hostile reminiscences of the past, there has hardly been a debate for thirty years, in parliament, on any topic, in reference to which this country in the nature of things afforded matters of comparison, in which it was not referred to as furnishing instructive examples of prosperous enterprise and hopeful progress. At home the country grew as by enchantment. Its vast territorial extent, augmented by magnificent accessions of conterminous territory peacefully made; its population far more rapidly increasing than that of any other country, and swelled by an emigration from Europe such as the world has never before seen; the mutually beneficial intercourse between its different sections and climates, each supplying what the other wants; the rapidity with which the arts of civilization have been extended over a before unsettled wilderness, and, together with this material prosperity, the advance of the country in education, literature, science, and refinement, formed a spectacle of which the history of mankind furnished no other example. That such was the state of the country six months ago was matter of general recognition, and acknowledgment at home and abroad.

There was, however, one sad deduction to be made, not from the truth of this description, not from the fidelity of this picture, for that is incontestable, but from the content, happiness, and mutual good-will which ought to have existed on the part of a people favored by such an accumulation of providential blessings. I allude, of course, to the great sectional controversies which have so long agitated the country and arrayed the people in bitter geographical antagonism of political organization and action. Fierce party contentions had always existed in the United States, as they ever have and unquestionably ever will exist under all free elective governments; and these contentions had, from the first, tended somewhat to a sectional character. They had not, however, till quite lately, assumed that character so exclusively, that the minority in any one part of the country had not had a respectable electoral representation in every other. Till last November, there has never been a Southern presidential candidate who did not receive electoral votes at the North, nor a Northern candidate who did not receive electoral votes at the South.

At the late election and for the first time, this was not the case; and consequences the most extraordinary and deplorable have resulted. The country, as we have seen, being in profound peace at home and abroad, and in a state of unexampled prosperity—agriculture, commerce, naviga-

tion, manufactures, east, west, north, and south, recovered or rapidly recovering from the crisis of 1857—powerful and respected abroad, and thriving beyond example at home, entered, in the usual manner, upon the electioneering campaign, for the choice of a nineteenth President of the United States. I say, in the usual manner, though it is true that parties were more than usually broken up and subdivided. The normal division was into two great parties, but there had on several former occasions been three; in 1824 there were four, and there were four last November. The South equally with the West and the North entered into the canvass; conventions were held, nominations made, mass meetings assembled; the platform, the press enlisted with unwonted vigor; the election in all its stages, conducted in legal and constitutional form, without violence and without surprise, and the result obtained by a decided majority.

No sooner, however, was this result ascertained, than it appeared on the part of one of the Southern states, and her example was rapidly followed by others, that it had by no means been the intention of those states to abide by the result of the election, except on the one condition of the choice of their candidate. The reference of the great sectional controversy to the peaceful arbitrament of the ballot-box, the great safety-valve of republican institutions, though made with every appearance of good faith on the part of our brethren at the South, meant but this: If we succeed in this election, as we have in fifteen that have preceded it, well and good; we will consent to govern the country for four years more, as we have already governed it for sixty years; but we have no intention of acquiescing in any other result. We do not mean to abide by the election, although we participate in it, unless our candidate is chosen. If he fails we intend to prostrate the government and break up the Union—peaceably, if the states composing the majority are willing that it should be broken up peaceably—otherwise, at the point of the sword.

The election took place on the 6th of November, and in pursuance of the extraordinary programme just described, the state of South Carolina, acting by a convention chosen for the purpose, assembled on the 17th of December, and on the 20th, passed unanimously what was styled "An ordinance to dissolve the Union between the state of South Carolina and other states united with her, under the compact entitled the Constitution of the United States of America." It is not my purpose on this occasion to make a documentary speech, but as this so called "ordinance" is very short, and affords matter for deep reflection, I beg leave to recite it in full:

"We, the people of the state of South Carolina, in convention assembled, do declare and ordain, and it is hereby declared and ordained, that the ordinance adopted by us in convention on the 23d day of May, in the

year of our Lord 1788, whereby the constitution of the United States was ratified, and also all acts and parts of acts of the General Assembly of this state, ratifying the amendments of the said constitution, are hereby repealed, and that the Union now subsisting between South Carolina and other states, under the name of the United States of America, is dissolved."

This remarkable document is called an "ordinance;" and no doubt some special virtue is supposed to reside in the name. But names are nothing except as they truly represent things. An ordinance, if it is any thing clothed with binding force, is a law, and nothing but a law, and as such this ordinance being in direct violation of the constitution of the United States is a mere nullity. The constitution contains the following express provision: "This constitution and the laws of the United States made in pursuance thereof, and the treaties made, or which may be made, under the authority of the United States, shall be the supreme law of the land, and the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding." Such being the express provision of the constitution of the United States, which the people of South Carolina adopted in 1788, just as much as they ever adopted either of their state constitutions, is it not trifling with serious things to claim that, by the simple expedient of passing a law under the name of an ordinance, this provision, and every other provision of it may be nullified, and every magistrate and officer in Carolina, whether of the state or Union, absolved from the oath which they have taken to support it?

But this is not all. The secession ordinance purports "to repeal the ordinance of the 23d May, 1788, by which the constitution of the United States was ratified by the people of South Carolina. It was intended of course by calling the act of ratification an ordinance, to infer a right of repealing it by another ordinance. It is important therefore to observe that the act of ratification is not, and is not called, an ordinance, and contains nothing which by possibility can be repealed. It is in the following terms:

"The convention [of the people of South Carolina] having maturely considered the constitution, or form of government, reported to Congress by the convention of delegates from the United States of America, and submitted to them by a resolution of legislature of this state, passed the 17th and 18th days of February last, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to the people of the said United States and their posterity, do, in the name and in the behalf of the people of this state hereby assent to ratify the same."

Here it is evident that there is nothing in the instrument which in the nature of things, can be repealed; it is an authorized solemn assertion of the people of South Carolina, that they assented to and ratified a form of government, which is declared in terms to be paramount to all state laws and constitutions. This is a great historical fact, the most important that can ever occur in the history of a people. The fact that the people of South Carolina, on the 23d of May, 1788, assented to and ratified the constitution of the United States, in order, among other objects, to secure the blessings of liberty for themselves and "their posterity," can no more be repealed in 1861 than any other historical fact that occurred in Charleston in that year and on that day. It would be just as rational, at the present day, to attempt by ordinance to repeal any other event—as that the sun rose or that the tide ebbed and flowed on that day—as to repeal by ordinance the assent of Carolina to the constitution.

Again; it is well known that the various amendments to the constitution, were desired and proposed in different states. The first of the amendments proposed by South Carolina, was as follows:—

"Whereas it is essential to the preservation of the rights reserved to the several states, and the freedom of the people under the operation of the general government, that the right of prescribing the manner, times and places of holding the elections of the federal legislature should be *forever inseparably* annexed to the sovereignty of the states; this convention doth declare that the same ought to remain to *all posterity* a perpetual and fundamental right in the *local*, exclusive of the interference of the *general* government, except in cases where the legislature of the states shall refuse or neglect to perform or fulfil the same, according to the tenor of the said constitution."

Here you perceive that South Carolina herself in 1788 desired a provision to be made and annexed inseparably to her sovereignty, that she should forever have the power of prescribing the time, place, and manner of holding the elections of members of Congress;—but even in making this express reservation, to operate for all posterity, she was willing to provide that, if the state legislatures refuse or neglect to perform the duty, (which is precisely the case of the seceding states at the present day), then the general government was, by this South Carolina amendment, expressly authorized to do it. South Carolina in 1788, by a sort of prophetic foresight, looked forward to the possibility, that the states might "refuse or neglect" to co-operate in carrying on the government, and admitted, in that case, that the general government must go on in spite of their delinquency.

I have dwelt on these points at some length, to show how futile is the attempt, by giving the name of "ordinance" to the act by which South Carolina adopted the constitution and entered the Union, to gain a power to leave it by subsequent ordinance of repeal.

Whether the present unnatural civil war is waged by the South, in virtue of a supposed constitutional right to leave the Union at pleasure, or whether it is an exercise of the great and ultimate right of revolution, the existence of which no one denies, seems to be left in uncertainty by the leaders of the movement. Mr. Jefferson Davis, the President of the new Confederacy, in his inaugural speech delivered on the 18th of February, declares that it is "an abuse of language" to call it "a revolution." Mr. Vice-President Stephens, on the contrary, in a speech at Savannah, on the 21st of March, pronounces it "one of the greatest revolutions in the annals of the world." The question is of great magnitude, as one of constitutional and public law; as one of morality it is of very little consequence whether the country is drenched in blood, in the exercise of a right claimed under the constitution, or the right inherent in every community to revolt against an oppressive government. Unless the oppression is so extreme as to justify revolution, it would not justify the evil of breaking up a government, under an abstract constitutional right to do so.

This assumed right of secession rests upon the doctrine that the Union is a compact between independent states, from which any one of them may withdraw at pleasure in virtue of its sovereignty. This imaginary right has been the subject of discussion for more than thirty years, having been originally suggested, though not at first much dwelt upon, in connection with the kindred claim of a right, on the part of an individual state, to "nullify" an act of Congress. It would, of course, be impossible, within the limits of the hour, to review these elaborate discussions. I will only remark, on this occasion, that none of the premises from which this remarkable conclusion is drawn, are recognized in the constitution, and that the right of secession, though called a "reserved" right, is not *expressly* reserved in it. That instrument does not purport to be a "compact," but a constitution of government. It appears in its first sentence not to have been entered into by the states, but to have been ordained and established by the people of the United States, for "themselves and their posterity." The states are not named in it; nearly all the characteristic powers of sovereignty are expressly granted to the general government, and expressly prohibited to the states, and so far from reserving a right of secession to the latter, on any ground or under any pretence, it ordains and establishes in terms, the constitution of the United States as

the supreme law of the land, any thing in the constitution or laws of any state to the contrary notwithstanding.

It would seem that this was as clear and positive as language can make it. But it is argued that, though the right of secession is not reserved in terms, it must be considered as implied in the general reservation to the states and to the people, of all the powers not granted to Congress nor prohibited to the states. This extraordinary assumption, more distinctly stated is, that, in direct defiance of the express grant to Congress and the express prohibition to the states of nearly all the powers of an independent government, there is, *by implication*, a right reserved to the states to assume and exercise all these powers thus vested in the Union and prohibited to themselves, simply in virtue of going through the ceremony of passing a law called an ordinance of secession. A general reservation to the states of powers not prohibited to them nor granted to Congress, is an implied reservation to the states of a right to exercise these very powers thus expressly delegated to Congress and thus expressly prohibited to the states!

The constitution declares, that the Congress of the United States shall have power to declare war, grant letters of marque and reprisal, to raise and support armies, to provide and maintain a navy; and it provides that the President of the United States, by and with the advice and consent of the Senate, shall make treaties with foreign powers.

These express grants of power to the government of the United States are followed by prohibitions as express to the several states:

"No state shall enter into any treaty, alliance, or confederation, grant letters of marque or reprisal; no state shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay."

These and numerous other express grants of power to the general government, and express prohibitions to the states, are further enforced by the comprehensive provision, already recited, that the constitution and laws of the United States are paramount to the laws and constitution of the separate states.

And this constitution, with these express grants and express prohibitions, and with this express subordination of the states to the general government, has been adopted by the people of all the states; and all their judges and other officers, and all their citizens holding office under the government of the United States, or the individual states, are solemnly sworn to support it.

In the face of all this, in defiance of all this, in violation of all this, in contempt of all this, the seceding states claim the right to exercise every power expressly delegated to Congress, and expressly prohibited to the states by that constitution which every one of their prominent men, civil and military, is under oath to support. They have entered into a confederation, raised an army, attempted to provide a navy, issued letters of marque and reprisal, waged war, and that war—merciful heaven forgive them!—not with a foreign enemy, not with the wild tribes which still desolate the unprotected frontier; (they, it is said, are swelling, armed with tomahawk and scalping-knife, the Confederate forces)—but with their own countrymen, and the mildest and most beneficent government on the face of the earth!

But we are told all this is done in virtue of the sovereignty of the states; as if, because a state is sovereign, its people were incompetent to establish a government for themselves and their posterity. Certainly the states are clothed with sovereignty for local purposes; but it is doubtful whether they ever possessed it in any other sense; and if they had, it is certain that they ceded it to the general government in adopting the constitution. Before their independence of England was asserted they constituted a provincial people (Burke calls it "a glorious empire"), subject to the British crown, organized for certain purposes under separate colonial charters, but on some great occasion of political interest and public safety, acting as one. Thus they acted when, on the approach of the great Seven Years' War, which exerted such an important influence on the fate of British America, they sent their delegates to Albany to concert a plan of union. In the discussions of that plan which was reported by Franklin, the citizens of the colonies were evidently considered as a people. When the passage of the Stamp Act in 1765 roused the spirit of resistance throughout America, the unity of her people assumed a still more practical form. "Union, says one of our great American historians (Bancroft, V. 292) was the hope of Otis. Union that 'should knit and work into the very blood and bones of the original system every region as fast as settled.'" In this hope he argued against writs of assistance, and in this hope he brought about the call of the convention at New York in 1765. At that convention, the noble South Carolinian, Christopher Gadsden, with almost prophetic foresight of the disintegrating heresies of the present day, cautioned his associates against too great dependence on their colonial charters. "I wish," said he, "that the charters may not ensnare us at last, by drawing different colonies to act differently in this great cause. Whenever that is the case all is over with the whole. There ought to be no New England man, no New Yorker known on the continent, but all of us Americans." (Bancroft, V. 335).

While the patriots in America counselled, and wrote, and spoke as a people, they were recognized as such in England. "Believe me," cried Colonel Barré, in the House of Commons, "I this day told you so, the same spirit of freedom which actuated that people at first will accompany them still. The people, I believe, are as truly loyal as any subjects the king has, but a people jealous of their liberties, and who will vindicate them should they be violated."

When, ten years later, the great struggle long foreboded came on, it was felt, on both sides of the Atlantic, to be an attempt to reduce a free people beyond the sea to unconditional dependence on a Parliament in which they were not represented. "What foundation have we," was the language of Chatham, on the 27th January, 1775, "for our claims over America? What is our right to persist in such cruel and vindictive measures against that loyal, respectable people? How have this respectable people behaved under all their grievances? Repeal, therefore, I say. But bare repeal will not satisfy this enlightened and spirited people." Lord Camden, in the same debate, exclaimed, "You have no right to tax America; the natural rights of man and the immutable laws of nature are with that people." Burke, two months later, made his great speech for conciliation with America. "I do not know," he exclaimed, "the method of drawing up an indictment against a whole people." In a letter written two years after the commencement of the war, he traces the growth of the colonies from their feeble beginnings to the magnitude which they had attained when the revolution broke out, and in which his glowing imagination saw future grandeur and power beyond the reality. "At the first designation of these colonial assemblies," says he, "they were probably not intended for any thing more (nor perhaps did they think themselves much higher) than the municipal corporations within this island, to which some at present love to compare them. But nothing in progression can rest on its original plan; we may as well think of rocking a grown man in the cradle of an infant. Therefore, as the colonies prospered and increased to a numerous and mighty people, spreading over a very great tract of the globe, it was natural that they should attribute to assemblies so respectable in the formed constitution, some part of the dignity of the great nations which they represented."

The meeting of the first Continental Congress of 1774 was the spontaneous impulse of the people. All their resolves and addresses proceed on the assumption that they represented a people. Their first appeal to the royal authority was their letter to General Gage, remonstrating against the fortifications of Boston. "We entreat your excellency to consider," they say, "what a tendency this conduct must have to irritate and force a

free people, hitherto well disposed to peaceable measures, into hostilities." Their final act, at the close of the session, their address to the king, one of the most eloquent and pathetic of state papers, appeals to him "in the name of all your majesty's faithful people in America."

But this all-important principle in our political system is placed beyond doubt by an authority which makes all further argument or illustration superfluous. That the citizens of the British colonies, however divided for local purposes into different governments, when they ceased to be subject to the English crown, became *ipso facto* one people for all the high concerns of national existence, is a fact embodied in the Declaration of Independence itself. That august manifesto—the Magna Charta which introduced us into the family of nations—was issued to the world—so its first sentence sets forth—because "a decent respect for the opinions of mankind requires" such solemn announcement of motives and causes to be made, "when in the course of human events it becomes necessary for one people to dissolve the political bonds which have connected them with another." Mr. Jefferson Davis, in his message of the 29th of April, deems it important to remark that, by the treaty of peace with Great Britain, "the several states were each by name recognized to be independent." It would be more accurate to say that the United States each by name were so recognized. Such enumeration was necessary, in order to fix beyond doubt, which of the Anglo-American colonies, twenty-five or six in number, were included in the recognition.* But it is surely a far more significant circumstance, that the separate states are not named in the Declaration of Independence; that they are called only by the collective designation of the United States of America; that the manifesto is issued "in the name and by the authority of the good people" of the colonies, and that they are characterized in the first sentence as "one people."

Let it not be thought that these are the latitudinarian doctrines of modern times, or of a section of the country predisposed to a loose construction of laws and constitutions. Listen, I pray you, to the noble words of a revolutionary patriot and statesman:

"The separate independence and individual sovereignty of the several states were never thought of by the enlightened band of patriots who framed the Declaration of Independence. The several states are not even mentioned by name in any part of it, and it was intended to impress this maxim on America, that our freedom and independence arose from our

* Burke's account of "the English Settlements in America" begins with Jamaica and proceeds through the West India Islands. There were also English settlements on the continent, Canada and Nova Scotia, which it was necessary to *exclude* from the treaty, by an enumeration of the *included* colonies.

Union, and that without it we could neither be free nor independent. Let us then consider all attempts to weaken this Union, by maintaining that each state is separately and individually independent, as a species of political heresy, which can never benefit us, and may bring on us the most serious distresses." (Elliott's Debates, IV., p. 301.) These are the solemn and prophetic words of Charles Cotesworth Pinckney, the patriot, the soldier, the statesman; the trusted friend of Washington, repeatedly called by him to the highest offices of the government; the one name that stands highest and brightest on the list of the great men of South Carolina.*

Not only was the Declaration of Independence made in the name of the one people of the United States, but the war by which it was sustained was carried on by their authority. A very grave historical error, in this respect, is often committed by the politicians of the secession school. Mr. Davis, in his message of the 29th of April, having called the old confederation a "close alliance," says: "Under this contract of alliance the war of the revolution was successfully waged, and resulted in the treaty of peace with Great Britain of 1783, by the terms of which the several states were each by name recognized to be independent." I have already given the reason for this enumeration, but the main fact alleged in the passage is entirely without foundation. The articles of confederation were first signed by the delegates from eight of the states, on the 9th of July, 1778, more than three years after the commencement of the war, long after the capitulation of Burgoyne, the alliance with France, and the reception of a French minister. The ratification of the other states was given at intervals the following years, the last not till 1781, seven months only before the virtual close of the war by the surrender of Cornwallis. Then, and not till then, was "the contract of alliance" consummated. Most true it is, as Mr. Davis bids us remark, that by these articles of confederation the states retained "each its sovereignty, freedom and independence." It is not less true that their selfish struggle to exercise and enforce their assumed rights as separate sovereignties was the source of the greatest difficulties and dangers of the revolution and risked its success; not less true, that most of the great powers of a sovereign state were nominally conferred even by these articles on the Congress, and that that body was regarded and spoken of by Washington himself as "THE SOVEREIGN OF THE UNION. (Works, IX. 12, 23, 29.)

But feeble as the old Confederation was, and distinctly as it recognized the sovereignty of the states, it recognized in them no right to withdraw

* See an admirable sketch of his character in Trescott's Diplomatic History of the Administrations of Washington and Adams pp. 169-71.

at their pleasure from the Union. On the contrary, it was specially provided that "the Articles of Confederation should be inviolably preserved by every state," and that "the Union should be perpetual." It is true that in a few years, from the inherent weakness of the central power, and from the want of means to enforce its authority on the individual citizen, it fell to pieces. It sickened and died from the poison of what General Pinckney aptly called "the heresy of state sovereignty," and in its place a constitution was ordained and established "in order to form a more perfect Union;" a Union more binding on its members than this "contract of alliance," which yet was to be "inviolably observed by every state;" more durable than the old Union, which yet was declared to be "perpetual." This great and beneficent change was a revolution—happily a peaceful revolution, the most important change probably ever brought about in a government without bloodshed. The new government was unanimously adopted by all the members of the old confederation, by some more promptly than by others, but by all within the space of four years.

Much has been said against coercion—that is, the employment of force to compel obedience to the laws of the United States when they are resisted under the assumed authority of a state; but even the old Confederation, with all its weakness, in the opinion of the most eminent contemporary statesmen, possessed this power. Great stress is laid by politicians of the secession school on the fact, that in a project for amending the Articles of Confederation brought forward by Judge Paterson in the federal convention, it was proposed to clothe the government with this power, and the proposal was not adopted. This is a very inaccurate statement of the facts of the case. The proposal formed part of a project which was rejected *in toto*. The reason why this power of state coercion was not granted *co nomine*, in the new constitution, is that it was wholly superfluous and inconsistent with the fundamental principle of the government. Within the sphere of its delegated powers the general government deals with the individual citizen. If its power is resisted the person or persons resisting it do so at their peril and are amenable to the law. They can derive no immunity from state legislatures or state conventions, because the constitution and laws of the United States are the supreme law of the land. If the resistance assumes an organized form, on the part of numbers too great to be restrained by the ordinary powers of the law, it is then an insurrection, which the general government is expressly authorized to suppress. Did any one imagine in 1793, when General Washington called out 15,000 men to suppress the insurrection in the western counties of Pennsylvania, that if the insurgents had happened to have the control of a majority of the legislature, and thus clothe their rebellion with a pretend-

ed form of law, that he would have been obliged to disband his troops, and return himself baffled and discomfited to Mount Vernon? If John Brown's raid at Harper's Ferry, instead of being the project of one misguided individual and a dozen and a half deluded followers, had been the organized movement of the states of Ohio and Pennsylvania, do the seceders hold that the United States would have had no right to protect Virginia, or punish the individuals concerned in her invasion? Do the seceding states really mean after all, to deny that if a state law is passed to prevent the rendition of a fugitive slave, the general government has no right to employ force to effect his surrender?

But, as I have said, even the old confederation with all its weakness was held by the ablest contemporary statesman, and that of the state rights school, to possess the power of enforcing its requisitions against a delinquent state. Mr. Jefferson, in a letter to Mr. Adams of the 11th of July, 1786, on the subject of providing a naval force of 150 guns to chastise the Barbary powers, urges as an additional reason for such a step, that it would arm "the federal head with the safest of all the instruments of coercion over its delinquent members, and prevent it from using what would be less safe," viz., a land force. Writing on the same subject to Mr. Monroe a month later (11th of August, 1786), he answers the objection of expense thus: "It will be said, 'There is no money in the Treasury.' There never will be money in the treasury, till the Confederacy shows its teeth. The states must see the rod, perhaps it must be felt by some of them. Every rational citizen must wish to see an effective instrument of coercion, and should fear to see it on any other element than the water. A naval force can never endanger our liberties, nor occasion bloodshed; a land force would do both." In the following year, and when the confederation was at its last gasp, Mr. Jefferson was still of the opinion that it possessed the power of coercing the states, and that it was expedient to exercise it. In a letter to Colonel Carrington, of the 4th of April, 1787, he says:

"It has been so often said as to be generally believed, that Congress have no power by the confederation to enforce any thing—for instance, contributions of money. It was not necessary to give them that power expressly—they have it by the law of nature. When two parties make a compact, there results to each the power of compelling the other to execute it. Compulsion was never so easy as in our case, when a single frigate would soon levy on the commerce of a single state the deficiency of its contributions."

Such was Mr. Jefferson's opinion of the powers of Congress under the "old contract of alliance." Will any reasonable man maintain that

under a constitution of government there is less power to enforce the laws?

But the cause of secession gains nothing by magnifying the doctrine of the sovereignty of the states, or calling the constitution a compact between them. Calling it a compact does not change a word of its text, and no theory of what is implied in the word "sovereignty" is of any weight in opposition to the actual provisions of the instrument itself; sovereignty is a word of very various signification. It is one thing in China, another in Turkey, another in Russia, another in France, another in England, another in Switzerland, another in San Marino, another in the individual American states, and it is something different from all in the United States. To maintain that, because the state of Virginia, for instance, was in some sense or other a sovereign state, when her people adopted the federal constitution (which in terms was ordained and established not only for the people of that day but for their posterity), she may therefore at pleasure secede from the Union existing under that constitution, is simply to beg the question. That question is not, what was the theory or form of government existing in Virginia, before the constitution, but what are the provisions of the constitution which her people adopted and made their own? Does the constitution of the United States permit or forbid the states to enter into any other confederation? Is it a mere loose partnership, which any of the parties can break up at pleasure; or is it a constitution of government, delegating to Congress and prohibiting to the states most of the primal functions of a sovereign power;—peace, war, commerce, finance, navy, army, mail, mint, executive, legislative, and judicial functions? The states are not named in it; the word sovereignty does not occur in it; the right of secession is as much ignored in it as the precession of the Equinoxes, and all the great prerogatives which characterize an independent member of the family of nations are by distinct grant conferred on Congress by the people of the United States, and prohibited to the individual states of the Union. Is it not the height of absurdity to maintain that all these express grants and distinct prohibitions, and constitutional arrangements, may be set at naught by an individual state; under the pretence, that she was a sovereign state before she assented to or ratified them; in other words, that an act is of no binding force, because it was performed by an authorized and competent agent?

In fact, to deduce from the sovereignty of the states the right of seceding from the Union is the most stupendous *non sequitur* that was ever advanced in grave affairs. The only legitimate inference to be drawn from that sovereignty is precisely the reverse. If any one right can be

predicated of a sovereign state, it is that of forming or adopting a frame of government. She may do it alone or she may do it as a member of a union. She may enter into a loose pact for ten years, or till a partisan majority of a convention, goaded on by ambitious aspirants to office, shall vote in secret session to dissolve it; or she may, after grave deliberation and mature counsel, led by the wisest and most virtuous to the land, ratify and adopt a constitution of government, ordained and established not only for that generation, but their posterity, subject only to the inalienable right of revolution possessed by every political community.

What would be thought in private affairs of a man who should seriously claim the right to revoke a grant, in consequence of having an unqualified right to make it? A right to break a contract, because he had a right to enter into it? To what extent is it more rational on the part of a state to found the right to dissolve the Union on the competence of the parties to form it; the right to prostrate a government on the fact that it was constitutionally framed?

But let us look at parallel cases, and they are by no means wanting. In the year 1800 a union was formed between England and Ireland. Ireland, before she entered into the union, was subject indeed to the English crown, but she had her own parliament, consisting of her own lords and commons, and enacting her own laws. In 1800 she entered into a constitutional union with England on the basis of articles of agreement, jointly accepted by the two parliaments (Annual Register, XLII. p. 190). The union was opposed at the time by a powerful minority in Ireland, and Mr. O'Connell succeeded thirty years later, by ardent appeals to the sensibilities of the people, in producing an almost unanimous desire for its dissolution. He professed, however, although he had wrought his countrymen to the verge of rebellion, to aim at nothing but a constitutional repeal of the articles of union by the parliament of Great Britain. It never occurred even to his fervid imagination, that, because Ireland was an independent government when she entered into the union, it was competent for her at her discretion to secede from it. What would our English friends who have learned from our secessionists the "inherent right" of a disaffected state to secede from our Union, have thought, had Mr. O'Connell, in the paroxysms of his agitation, claimed the right on the part of Ireland, by her own act, to sever her union with England?

Again in 1706, Scotland and England formed a constitutional union. They also, though subject to the same monarch, were in other respects sovereign and independent kingdoms. They had each its separate parliament, courts of justice, laws, and established national church. Articles of Union were established between them; but all the laws and statutes of

either kingdom not contrary to these articles remained in force. (See the articles in Rapin IV. 741-6.) A powerful minority in Scotland disapproved of the union at the time. Nine years afterward an insurrection broke out in Scotland under a prince, who claimed to be the lawful, as he certainly was the lineal, heir to the throne. The rebellion was crushed, but the disaffection in which it had its origin was not wholly appeased. In thirty years more a second Scottish insurrection took place, and as before under the lead of the lineal heir to the crown. On neither occasion that I ever heard of, did it enter into the imagination of rebel or loyalist, that Scotland was acting under a reserved right as a sovereign kingdom, to secede from the Union, or that the movement was any thing less than an insurrection; revolution if it succeeded, treason and rebellion if it failed. Neither do I recollect that, in less than a month after either insurrection broke out, any one of the friendly and neutral powers, made haste, in anticipation even of the arrival of the ministers of the reigning sovereign, to announce that the rebels "would be recognized as belligerents."

In fact it is so plain, in the nature of things, that there can be no constitutional right to break up a government unless it is expressly provided for, that the politicians of the secession school are driven back, at every turn, to a *reserved* right. I have already shown that there is no such *express* reservation, and I have dwelt on the absurdity of getting by *implication* a reserved right to violate every *express* provision of a constitution. In this strait, Virginia, proverbially skilled in logical subtleties, has attempted to find an *express* reservation, not of course in the constitution itself, where it does not exist, but in her original act of adhesion, or rather in the declaration of the "impressions" under which that act was adopted. The ratification itself, of Virginia, was positive and unconditional. "We, the said delegates, in the name and behalf of the people of Virginia, do, by these presents, assent to and ratify the constitution recommended on the 17th day of September, 1787, by the federal convention, for the government of the United States, hereby announcing to all those whom it may concern, that the said constitution is binding upon the said people, according to an authentic copy hereunto annexed. Done in convention this 26th day of June, 1788."

This, as you perceive, is an absolute and unconditional ratification of the constitution by the people of Virginia. An attempt, however, is made, by the late convention in Virginia, in their ordinance of secession, to extract a reservation of a right to secede out of a declaration contained in the preamble to the act of ratification. That preamble declares it to be an "impression" of the people of Virginia, that the powers granted under the constitution, being derived from the people of the United States, may

be resumed by them, whenever the same shall be perverted to their injury or oppression. The ordinance of secession passed by the recent convention, purporting to cite this declaration, omits the words "by them," that is, by the people of the United States, not by the people of any single state, thus arrogating to the people of Virginia alone what the convention of 1788 claimed only, and that by way of "impression," for the people of the United States.

By this most grave omission of the vital words of the sentence, the convention, I fear, intended to lead the incautious or the ignorant to the conclusion, that the convention of 1788 asserted the right of an individual state to resume the powers granted in the constitution to the general government; a claim for which there is not the slightest foundation in constitutional history. On the contrary, when the ill-omened doctrine of state nullification was sought to be sustained by the same argument in 1830, and the famous Virginia resolutions of 1798 were appealed to by Mr. Calhoun and his friends, as affording countenance to that doctrine, it was repeatedly and emphatically declared by Mr. Madison, the author of the resolutions, that they were intended to claim, not for an individual state, but for the United States, by whom the constitution was ordained and established, the right of remedying its abuses by constitutional ways, such as united protest, repeal, or an amendment of the constitution. (Maguire's Collection, p. 213.) Incidentally to the discussion of nullification he denied over and over again the right of peaceable secession; and this fact was well known to some of the members of the late convention at Richmond. When the secrets of their assembly are laid open, no doubt it will appear that there were some faithful Abdiels to proclaim the fact. Oh, that the venerable sage, second to none of his patriot compeers in framing the constitution, the equal associate of Hamilton in recommending it to the people; its great champion in the Virginia convention of 1788, and its faithful vindicator in 1830, against the deleterious heresy of nullification, could have been spared to protect it from the still deadlier venom of secession! But he is gone; the principles, the traditions and the illustrious memories which gave to Virginia her name and her place in the land, are no longer cherished; the work of Washington, and Madison, and Randolph, and Pendleton, and Marshall is repudiated, and nullifiers, precipitators and seceders gather in secret conclave to destroy the constitution in the very building that holds the monumental statue of the father of his country!

Having had occasion to allude to the Virginia resolutions of 1798, I may observe that of these famous resolves, the subject of so much political romance, it is time that a little plain truth should be promulgated. The coun-

try in 1798 was vehemently agitated by the struggles of the domestic parties which about equally divided it, and these struggles were urged to unwonted and extreme bitterness by the preparations made and making for a war with France. By an act of Congress passed in the summer of that year, the President of the United States was clothed with power to send from the country any alien whom he might judge dangerous to the public peace and safety, or who should be concerned in any treasonable or secret machinations against the government of the United States. This act was passed as a war measure; it was to be in force two years, and it expired by its own limitation on the 25th of June, 1800. War, it is true, had not been formally declared; but hostilities on the ocean had taken place on both sides, and the army of the United States had been placed upon a war footing. The measure was certainly within the war power, and one which no prudent commander, even without the authority of a statute, would hesitate to execute in an urgent case within his own district. Congress thought fit to provide for and regulate its exercise by law.

Two or three weeks later (July 14, 1798) another law was enacted, making it penal to combine or conspire with intent to oppose any lawful measure of the government of the United States, or to write, print or publish any false and scandalous writing against the government, either House of Congress, or the President of the United States. In prosecutions under this law it was provided that the truth might be pleaded in justification, and that the jury should be judges of the law as well as of the fact. This law was, by its own limitation, to expire at the close of the then current presidential term.

Such are the famous Alien and Sedition laws, passed under the administration of that noble and true-hearted revolutionary patriot John Adams, though not recommended by him officially or privately; adjudged to be constitutional by the Supreme Court of the United States, distinctly approved by Washington, Patrick Henry, and Marshall; and, whatever else may be said of them, certainly preferable to the laws which, throughout the seceding states, Judge Lynch would not fail to enforce at the lamp-post and tar-bucket against any person guilty of the offences against which these statutes are aimed.

It suited, however, the purposes of party at that time to raise a formidable clamor against these laws. It was in vain that their constitutionality was affirmed by the judiciary of the United States. "Nothing," said Washington, alluding to these laws, "will produce the least change in the conduct of the leaders of the opposition to the measures of the general government. They have points to carry from which no reasoning, no inconsistency of conduct, no absurdity can divert them." Such, in the

opinion of Washington, was the object for which the legislatures of Virginia and Kentucky passed their famous resolutions of 1798, the former drafted by Mr. Madison, and the latter by Mr. Jefferson, and sent to a friend in Kentucky to be moved. These resolutions were transmitted to the other states for their concurrence. The replies from the states which made any response were referred to committees in Virginia and Kentucky. In the legislature of Virginia an elaborate report was made by Mr. Madison, explaining and defending the resolutions; in Kentucky another resolve reaffirming those of the preceding year was drafted by Mr. Wilson Cary Nicholas. Our respect for the distinguished men who took the lead on this occasion, then ardently engaged in the warfare of politics, must not make us fear to tell the truth, that the simple object of the entire movement was to make "political capital" for the approaching election, by holding up to the excited imaginations of the masses the Alien and Sedition laws as an infraction of the constitution, which threatened the overthrow of the liberties of the people. The resolutions maintained that, the states being parties to the constitutional compact, in a case of deliberate, palpable and dangerous exercise of powers not granted by the compact, the states have a right and are in duty bound to interpose for preventing the progress of the evil.

Such, in brief, was the main purport of the Virginia and Kentucky resolutions. The sort of interposition intended was left in studied obscurity. Not a word was dropped of secession from the Union. Mr. Nicholas's resolution in 1799 hinted at "nullification" as the appropriate remedy for an unconstitutional law, but what was meant by the ill-sounding word was not explained. The words "null, void and of no effect" contained in the original draft of the Virginia resolutions were stricken from them on their passage through the Assembly; and Mr. Madison, in his report of 1799, carefully explains that no extra-constitutional measures were intended. One of the Kentucky resolutions ends with an invitation to the states to unite in a petition to Congress to repeal the laws.

These resolutions were communicated, as I have said, to the other states for concurrence. From most of them no response was received; some adopted dissenting reports and resolutions; not one concurred. But the resolutions did their work—all that they were intended or expected to do—by shaking the administration; at the ensuing election, Mr. Jefferson, at whose instance the entire movement was made, was chosen President by a very small majority; Mr. Madison was placed at the head of his administration as Secretary of State; the obnoxious laws expired by their own limitation, not repealed by the dominant party, as Mr. Calhoun with strange inadvertence asserts (*Discourse on the Constitution*, p. 359);

and Mr. Jefferson proceeded to administer the government upon constitutional principles quite as lax, to say the least, as those of his predecessors. If there was any marked departure in his general policy from the course hitherto pursued, it was that, having some theoretical prejudices against a navy, he allowed that branch of the service to languish. By no administration have the powers of the general government been more liberally construed—not to say further strained—sometimes beneficially, as in the acquisition of Louisiana—sometimes perniciously as in the embargo. The resolutions of 1798 and the metaphysics they inculcated were surrendered to the cobwebs, which habitually await the plausible exaggerations of the canvass after an election is decided. These resolutions of 1798 have been usually waked from their slumbers at closely contested elections as a party cry; the report of the Hartford Convention, without citing them by name, borrows their language; but as representing in their modern interpretation any system on which the government ever was or could be administered, they were buried in the same grave as the laws which called them forth.

Unhappily during their transient vitality, like the butterfly which deposits his egg in the apple-blossoms that have so lately filled our orchards with beauty and perfume—a gilded harmless moth, whose food is a dew-drop whose life is a midsummer's day—these resolutions, misconceived and perverted, proved in the minds of ambitious and reckless politicians the germ of a fatal heresy. The butterfly's egg is a microscopic speck, but as the fruit grows, the little speck gives life to a greedy and nauseous worm, that gnaws and bores to the heart of the apple, and renders it, though smooth and fair without, foul and bitter and rotten within. In like manner the theoretical generalities of these resolutions, intending nothing in the minds of their authors but constitutional efforts to procure the repeal of obnoxious laws, matured in the minds of a later generation into the deadly paradoxes of 1830 and 1860—kindred products of the same soil;—the one asserting the monstrous absurdity that a state, though remaining in the Union, could by her single act nullify a law of Congress; the other teaching the still more preposterous doctrine, that a single state may nullify the constitution. The first of these heresies failed to spread far beyond the latitude where it was engendered. In the Senate of the United States the great acuteness of its inventor, then the vice-president, and the accomplished rhetoric of its champion (Mr. Hayne), failed to raise it above the level of a plausible sophism. It sunk forever discredited beneath the sturdy common sense and indomitable will of Jackson, the mature wisdom of Livingston, the keen analysis of Clay, and the crushing logic of Webster.

Nor was this all: the venerable author of the resolutions of 1798 and

of the report of 1799, was still living in a green old age. His connection with those state papers and still more his large participation in the formation and adoption of the constitution, entitled him beyond all men living to be consulted on the subject. No effort was spared by the leaders of the nullification school to draw from him even a qualified assent to their theories. But in vain. He not only refused to admit their soundness, but he devoted his time and energies for three laborious years to the preparation of essays and letters, the object of which was to demonstrate that his resolutions and report did not and could not bear the Carolina interpretation. He earnestly maintained that the separate action of an individual state was not contemplated by them, and that they had in view nothing but the concerted action of the states to procure the repeal of unconstitutional laws or an amendment of the constitution.*

With one such letter written with this intent, I was myself honored. It filled ten pages of the journal in which, with his permission, it was published. It unfolded the true theory of the constitution and the meaning and design of the resolution, and exposed the false gloss attempted to be placed upon them, with a clearness and force of reasoning which defied refutation. None, to my knowledge, was ever attempted. The politicians of the nullification and secession school, as far as I am aware, have from that day to this made no attempt to grapple with Mr. Madison's letter of August, 1830. (*North American Review*, Vol. XXXI, p. 587.) Mr. Calhoun certainly made no such attempt in the elaborate treatise composed by him, mainly for the purpose of expounding the doctrine of nullification. He claims the support of these resolutions without adverting to the fact that his interpretation of them had been repudiated by their illustrious author. He repeats his exploded paradoxes as confidently as if Mr. Madison himself had expired with the Alien and Sedition laws, and left no testimony to the meaning of his resolutions; while, at the present day, with equal confidence, the same resolutions are appealed to by the disciples of Mr. Calhoun as sustaining the doctrine of secession, in the face of the positive declaration of their author, when that doctrine was first timidly broached, that they will bear no such interpretation.

In this respect the disciples have gone beyond the master. There is a single sentence in Mr. Calhoun's elaborate volume in which he maintains the right of a state to secede from the Union. (Page 301.) There is reason to suppose, however, that he intended to claim only the inalienable right of revolution. In 1828 a declaration of political principles was

* A very considerable portion of the important volume containing a selection from the Madison papers, and printed "exclusively for private distribution," by J. C. McGuire, Esq., in 1858, is taken up with these letters and essays.

drawn up by him for the state of South Carolina, in which it was expressly taught, that the people of that state, by adopting the federal constitution had "modified *its original right of sovereignty*, whereby its individual consent was necessary to any change in its political condition, and by becoming a member of the Union, had placed that power in the hands of three-fourths of the states [the number necessary for a constitutional amendment], in whom the highest power known to the constitution actually resides." In a recent patriotic speech of Mr. Reverdy Johnson, at Frederick, Md., on the 7th of May, the distinct authority of Mr. Calhoun is quoted as late as 1844 against the right of separate action on the part of an individual state, and I am assured by the same respected gentleman, that it is within his personal knowledge, that Mr. Calhoun did not maintain the peaceful right of secession.

But it may be thought a waste of time to argue against a constitutional right of peaceful secession, since no one denies the right of revolution; and no pains are spared by the disaffected leaders, while they claim indeed the constitutional right, to represent their movement as the uprising of an indignant people against an oppressive and tyrannical government.

An oppressive and tyrannical government! Let us examine this pretence for a few moments, first in the general and then in the detail of its alleged tyrannies and abuses.

This oppressive and tyrannical government is the successful solution of a problem which had tasked the sagacity of mankind from the dawn of civilization; viz.: to find a form of polity by which institutions purely popular could be extended over a vast empire, free alike from despotic centralization and undue preponderance of the local powers. It was necessarily a complex system, a Union at once federal and national. It leaves to the separate states the control of all matters of purely local administration, and confides to the central power the management of foreign affairs and of all other concerns in which the united family have a joint interest. All the organized and delegated powers depend directly or very nearly so on popular choice. This government was not imposed upon the people by a foreign conqueror; it is not an inheritance descending from barbarous ages, laden with traditionary abuses, which create a painful ever-recurring necessity of reform; it is not the conceit of heated enthusiasts in the spasms of a revolution. It is the recent and voluntary framework of an enlightened age, compacted by wise and good men, with deliberation and care, working upon materials prepared by long colonial discipline. In framing it they sought to combine the merits and to avoid the defects of former systems of government. The greatest possible liberty of

the citizen is the basis ; just representation the ruling principle, reconciling with rare ingenuity the federal equality of the states with the proportionate influence of numbers. Its legislative and executive magistrates are freely chosen at short periods ; its judiciary alone holding office by a more permanent but still sufficiently responsible tenure. No money flows into or out of the treasury but under the direct sanction of the representatives of the people, on whom also all the great functions of the government for peace and war, within the limits already indicated, are devolved. No hereditary titles or privileges ; no distinction of ranks, no established church, no courts of high commission are known to the system ; not a drop of blood has ever flowed under its authority for a political offence ; but this tyrannical and oppressive government has certainly exhibited a more perfect development of equal republican principles than has ever before existed on any considerable scale. Under its benign influence the country, every part of the country, has prospered beyond all former example. Its population has increased ; its commerce, agriculture and manufactures have flourished ; manners, arts, education, letters, all that dignifies and ennobles man, have in a shorter period attained a higher point of cultivation than has ever before been witnessed in a newly-settled region. The consequence has been consideration and influence abroad and marvellous well-being at home. The world has looked with admiration upon the country's progress ; we have ourselves contemplated it perhaps with undue self-complacency. Armies without conscription ; navies without impressment, and neither army nor navy swelled to an oppressive size ; an overflowing treasury without direct taxation or oppressive taxation of any kind ; churches without number and with no denominational preferences on the part of the state ; schools and colleges accessible to all the people ; a free and a cheap press ; all the great institutions of social life extending their benefits to the mass of the community. Such, no one can deny, is the general character of this oppressive and tyrannical government.

But perhaps this government, however wisely planned, however beneficial even in its operation, may have been rendered distasteful, or may have become oppressive in one part of the country and to one portion of the people, in consequence of the control of affairs having been monopolized or unequally shared by another portion. In a confederacy the people of one section are not well pleased to be even mildly governed by an exclusive domination of the other. In point of fact this is the allegation, the persistent allegation of the South, that from the foundation of the government it has been wielded by the people of the North for their special, often exclusive benefit, and to the injury and oppres-

sion of the South. Let us see. Out of seventy-two years since the organization of the government, the executive chair has for sixty-four years been filled nearly all the time by Southern Presidents, and when that was not the case, by Presidents possessing the confidence of the South. For a still longer period the controlling influence of the legislative and judicial departments of the government have centred in the same quarter. Of all the offices in the gift of the central power in every department, far more than her proportionate share has always been enjoyed by the South. She is at this moment revolting against a government, not only admitted to be the mildest and most beneficent ever organized this side Utopia, but one which she has herself from the first almost monopolized.

But are there no wrongs, abuses and oppressions alleged to have been suffered by the South, which have rendered her longer submission to the federal government intolerable, and which are pleaded as the motive and justification of the revolt? Of course there are, but with such variation and uncertainty of statement as to render their examination difficult. The manifesto of South Carolina of the 20th December last, which led the way in this inauspicious movement, sets forth nothing but the passage of state laws to obstruct the surrender of fugitive slaves. The document does not state that South Carolina herself ever lost a slave in consequence of these laws; it is not probable she ever did, and yet she makes the existence of these laws, which are wholly inoperative as far as she is concerned, and which probably never caused to the entire South the loss of a dozen fugitives, the ground for breaking up the Union and plunging the country into a civil war. But I shall presently revert to this topic.

Other statements in other quarters enlarge the list of grievances. In the month of November, after the result of the election was ascertained, a very interesting discussion of the subject of secession took place at Milledgeville, before the members of the legislature of Georgia and the citizens generally, between two gentlemen of great ability and eminence, since elected, the one Secretary of State, and the other Vice-President of the new confederacy; the former urging the necessity and duty of immediate secession—the latter opposing it. I take the grievances and abuses of the federal government, which the South has suffered at the hands of the North, and which were urged by the former speaker as the grounds of secession, as I find them stated and answered by his friend and fellow-citizen (then opposed to secession) according to the report in the Milledgeville papers.

And what think you, was the grievance in the front rank of those op-

pressions on the part of the North which have driven the long suffering and patient South to open rebellion against "the best government that the history of the world gives any account of?" It was not that upon which the convention of South Carolina relied. You will hardly believe it; posterity will surely not believe it. "We listened said Mr. Vice-President Stephens in his reply, "to my honorable friend last night (Mr. Toombs), as he recounted the evils of this government. *The first was the fishing bounties paid mostly to the sailors of New England.*" The bounty paid by the federal government to encourage the deep-sea fisheries of the United States!

You are aware that this laborious branch of industry has by all maritime states been ever regarded with special favor as the nursery of naval power. The fisheries of the American colonies before the American Revolution drew from Burke one of the most gorgeous bursts of eloquence in our language—in any language. They were all but annihilated by the revolution, but they furnished the men who followed Manly, and Tucker, and Biddle, and Paul Jones to the jaws of death. Reviving after the war, they attracted the notice of the first Congress, and were recommended to their favor by Mr. Jefferson, then Secretary of State. This favor was at first extended to them in the shape of a drawback of the duty on the various imported articles employed in the building and outfit of vessels and on the foreign salt used in preserving the fish. The complexity of this arrangement led to the substitution at first of a certain bounty on the quantity of fish exported; subsequently on the tonnage of the vessels employed in the fisheries. All administrations have concurred in the measure; Presidents of all parties—though there has not been much variety of party in that office—have approved the appropriations. If the North has a local interest in these bounties, the South got the principal food of her laboring population so much the cheaper; and she had her common share in the protection which the navy afforded her coasts, and in the glory which it shed on the flag of the country. But since, unfortunately, the deep-sea fisheries do not exist in the Gulf of Mexico, nor, as in the "age of Pyrrha," on the top of the Blue Ridge, it has been discovered of late years, that these bounties are a violation of the constitution; a largess bestowed by the common treasury on one section of the country, and not shared by the other; one of the hundred ways, in a word, in which the rapacious North is fattening upon the oppressed and pillaged South. You will naturally wish to know the amount of this tyrannical and oppressive bounty. It is stated by a senator from Alabama (Mr. Clay), who has warred against it with perseverance and zeal, and succeeded in the last Congress in carrying a bill through

the Senate for its repeal, to have amounted, on the average, to an annual sum of \$200,005. Such is the portentous grievance which in Georgia stands at the head of the acts of oppression, for which, although repealed in one branch of Congress, the Union is to be broken up and the country desolated by war. Switzerland revolted because an Austrian tyrant invaded the sanctity of her firesides, and compelled her fathers to shoot apples from the heads of her sons; the Low Countries revolted against the fires of the Inquisition; our fathers revolted because they were taxed by a parliament in which they were not represented; the cotton states revolt because a paltry subvention is paid to the hardy fishermen who form the nerve and muscle of the American navy.

But it is not, we shall be told, the amount of the bounty, but the principle, as our fathers revolted against a three-penny tax on tea. But that was because it was laid by a parliament in which the colonies were not represented, and which yet claimed the right to bind them in all cases. The fishing bounty is bestowed by a government which has been from the first controlled by the South. Then how unreasonable to expect or to wish, that, in a country so vast as ours, no public expenditure should be made for the immediate benefit for one part or one interest that cannot be identically repeated in every other. A liberal policy, or rather the necessity of the case, demands, that what the public good, upon the whole, requires, should under constitutional limitations be done where it is required, offsetting the local benefit which may accrue from the expenditure made in one place and for one object, with the local benefit from the same source, in some other place for some other object. More money was expended by the United States in removing the Indians from Georgia—eight or ten times as much was expended for the same object in Florida—as has been paid for fishing bounties in seventy years. For the last year, to pay for the expense of the post-office in the seceding states, and enable our fellow-citizens there to enjoy the comforts of a newspaper and letter mail to the same extent as they are enjoyed in the other states, three and a half millions of dollars were paid from the common treasury. The post-office bounty paid to the seceding states exceeded seventeen-fold the annual average amount of the fishing bounty paid to the North. In four years that excess would equal the sum total of the amount paid since 1792 in bounties to the deep-sea fishery!

The second of the grievances under which the South is laboring, and which, according to Mr. Stephens, was, on the occasion alluded to, pleaded by the Secretary of State of the seceding states as a ground for dissolving the Union, is the navigation laws, which give to American vessels the exclusive enjoyment of our own coasting trade. This also is a policy

coeval with the government of the United States, and universally adopted by maritime powers, though relaxed by England within the last few years. Like the fishing bounty it is a policy adopted for the purpose of fostering the commercial and with that the naval marine of the United States. All administrations of all parties have favored it; under its influence our commercial tonnage has grown up to be second to no other in the world, and our navy has proved itself adequate to all the exigencies of peace and war. And are these no objects in a national point of view? Are the seceding statesmen really insensible to interests of such a paramount national importance? Can they, for the sake of an imaginary infinitesimal reduction of coastwise freights, be willing to run even the risk of impairing our naval prosperity? Are they insensible to the fact that nothing but the growth of the American commercial marine protects the entire freighting interest of the country, in which the South is more deeply interested than the North, from European monopoly? The South did not always take so narrow a view of the subject. When the constitution was framed, and the American merchant marine was inconsiderable, the discrimination in favor of the United States vessels, which then extended to the foreign trade, was an object of some apprehension on the part of the planting states. But there were statesmen in the South at that day who did not regard the shipping interest as a local concern. "So far," said Mr. Edward Rutledge, in the South Carolina Convention of 1788, "from not preferring the Northern states by a navigation act, it would be politic to increase their strength by every means in our power; for we had no other resource in our days of danger than in the naval force of our northern friends, nor could we ever expect to become a great nation till we were powerful on the waters." (Elliott's Debates, IV., 299.) But "powerful on the waters" the South can never be. She has live-oak, naval stores, and gallant officers; but her climate and its diseases, the bars at the mouth of nearly all her harbors, the teredo, the want of a merchant marine and of fisheries, and the character of her laboring population, will forever prevent her becoming a great naval power. Without the protection of the navy of the United States, she would hold the ingress and egress of every port on her coast at the mercy, I will not say of the great maritime states of Europe; but of Holland, Denmark, and Austria, and Spain—of any second or third rate power, which can keep a few steam-frigates at sea.

It must be confessed, however, that there is a sad congruity between the conduct of our seceding fellow-citizens and the motives which they assign for it. They attempt a suicidal separation of themselves from a great naval power, of which they are now an integral part, and they put forward as the reason for this self-destructive course, the legislative meas-

ures which have contributed to the growth of the navy. A judicious policy designed to promote that end has built up the commercial and military marine of the Union to its present commanding stature and power; the South, though unable to contribute any thing to its prosperity but the services of her naval officers, enjoys her full share of the honor which it reflects on the country; and the protection which it extends to our flag, our coasts, and our commerce, but under the influence of a narrow-minded sectional jealousy, is willing to abdicate the noble position which she now fills among the nations of the earth; to depend for her very existence on the exigencies of the cotton market, to live upon the tolerance of the navies of Europe, and she assigns as leading causes for this amazing fatuity, that the northern fisheries have been encouraged by a trifling bounty, and that the northern commercial marine has the monopoly of the coastwise trade. And the politicians, who, for reasons like these, almost too frivolous to merit the time we have devoted to their examination, are sapping a noble framework of government, and drenching a fair and but for them prosperous country in blood, appeal to the public opinion of mankind for the justice of their cause and the purity of their motives, and lift their eyes to heaven for a blessing on their arms!

But the tariff is—with one exception—the alleged monster wrong for which South Carolina in 1832 drove the Union to the verge of a civil war, and which, next to the slavery question, the South has been taught to regard as the most grievous of the oppressions which she suffers at the hands of the North, and that by which she seeks to win the sympathy of the manufacturing states of Europe. I am certainly not going so far to abuse your patience as to enter into a discussion of the constitutionality or expediency of the protective policy, on which I am aware that opinions at the North differ, nor do I deem it necessary to expose the utter fallacy of the stupendous paradox, that duties, enhancing the price of imported articles, are paid, not by the consumer of the merchandise imported, but by the producer of the last article of export given in exchange. It is sufficient to say that for this maxim (the forty-bale theory so called), which has grown into an article of faith at the South, not the slightest authority ever has been, to my knowledge, adduced from any political economist of any school. Indeed, it can be shown to be a shallow sophism, inasmuch as the consumer must be the producer of the equivalents given in exchange for the article he consumes. But without entering into this discussion, I shall make a few remarks to show the great injustice of representing the protective system as being in its origin an oppression, of which the South has to complain on the part of the North.

Every such suggestion is a complete inversion of the truth of history.

Some attempts at manufactures by machinery were made at the North before the Revolution, but to an inconsiderable extent. The manufacturing system as a great northern interest is the child of the restrictive policy of 1807-1812, and of the war. That policy was pursued against the earnest opposition of the North, and the temporary prostration of their commerce, navigation and fisheries. Their capital was driven in this way into manufactures, and on the return of peace the foundations of the protective system were laid in the square-yard duty on cotton fabrics, in the support of which Mr. Calhoun, advised that the growth of the manufacture would open a new market for the staple of the South, took the lead. As late as 1821 the legislature of South Carolina unanimously affirmed the constitutionality of protective duties—and of all the states of the Union Louisiana has derived the greatest benefit from this policy; in fact she owes the sugar culture to it, and has for that reason given it her steady support. In all the tariff battles while I was a member of Congress, few votes were surer for the policy than that of Louisiana. If the duty on an article imported is considered as added to its price in our market (which, however, is far from being invariably the case), the sugar duty of late has amounted to a tax of five millions of dollars annually paid by the consumer for the benefit of the Louisiana planter.

As to its being an unconstitutional policy, it is perfectly well known that the protection of manufactures was a leading and avowed object for the formation of the constitution. The second law passed by Congress after its formation was a revenue law. Its preamble is as follows: "Whereas it is necessary for the support of government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures, that duties be laid on goods, wares and merchandise imported." That act was reported to the House of Representatives by Mr. Madison, who is entitled as much as any one to be called the father of the constitution. While it was pending before the house, and in the first week of the first session of the first Congress two memorials were presented, praying for protective duties; and it is a matter of some curiosity to inquire from what part of the country this first call came for that policy, now put forward as one of the acts of Northern oppression which justify the South in flying to arms. The first of these petitions was from Baltimore. It implored the new government to lay a protecting duty on all articles imported from abroad which can be manufactured at home; the second was from the shipwrights of Charleston. South Carolina, praying for such a general regulation of trade, and the establishment of such a navigation act as will relieve the particular distresses of the petitioners, in common with those of their fellow-shipwrights throughout the Union!

But the history of the great Southern staple is most curious and instructive. His majesty "King Cotton," on his throne, does not seem to be aware of the influences which surrounded his cradle. The culture of cotton, on any considerable scale, is well known to be of recent date in America. The household manufacture of cotton was coeval with the settlement of the country. A century before the piano-forte or the harp was seen on this continent, the music of the spinning-wheel was heard at every fireside in town and country. The raw materials were wool, flax, and cotton, the last imported from the West Indies. The colonial system of Great Britain before the Revolution forbade the establishment of any other than household manufactures. Soon after the Revolution, cotton mills were erected in Rhode Island and Massachusetts, and the infant manufacture was encouraged by state duties on the imported fabric. The raw material was still derived exclusively from the West Indies. Its culture in this country was so extremely limited and so little known that a small parcel sent from the United States to Liverpool in 1784 was seized at the custom-house there as an illicit importation of British colonial produce. Even as late as 1794, and by persons so intelligent as the negotiators of Jay's treaty, it was not known that cotton was an article of growth and export from the United States. In the twelfth article of that treaty, as laid before the Senate, cotton was included with molasses, sugar, coffee, and cocoa, as articles which American vessels should not be permitted to carry from the islands, or from the United States to any foreign country.

In the revenue law of 1790 as it passed through the House of Representatives, cotton with other raw materials was placed on the free list. When the bill reached the Senate a duty of three cents per pound was laid upon cotton, not to encourage, not to protect, but to create the domestic culture. On the discussion of this amendment in the House, a member from South Carolina declared that "cotton was in contemplation" in South Carolina and Georgia, "and *if good seed could be procured he hoped it might succeed.*" On this hope the amendment of the Senate was concurred in, and the duty of three cents per pound was laid on cotton. In 1791 Hamilton, in his report on manufactures, recommended the repeal of this duty, on the ground that it was "a very serious impediment to the manufacture of cotton," but his recommendation was disregarded.

Thus in the infancy of the cotton manufactures of the North, at the moment when they were deprived of the protection extended to them before the constitution by state laws, and while they were struggling against English competition under the rapidly improving machinery of Arkwright, which it was highly penal to export to foreign countries, a heavy burden was laid upon them by this protecting duty, to enable the planters of South

Carolina and Georgia to explore the tropics, for a variety of cotton-seed adapted to their climate. For seven years at least, and probably more, this duty was in every sense of the word a protecting duty. There was not a pound of cotton spun, no not for candlewicks to light the humble industry of the cottages of the North, which did not pay this tribute to the Southern planter. The growth of the native article, as we have seen, had not in 1794 reached a point to be known to Chief-Justice Jay as one of actual or probable export. As late as 1796, the manufacturers of Brandywine in Delaware petitioned Congress for the repeal of this duty on imported cotton, and the petition was rejected on the report of a committee, consisting of a majority from the Southern states, on the ground that "to repeal the duty on raw cotton imported would be to damp the growth of cotton in our own country." Radicle and plumule, root and branch, blossom and boll, the culture of the cotton-plant in the United States was, in its infancy, the foster-child of the protective system.

When therefore, the pedigree of "king cotton" is traced, he is found to be the lineal child of the tariff; called into being by a specific duty; reared by a tax laid upon the manufacturing industry of the North, to create the culture of the raw material in the South. The northern manufactures of America were slightly protected in 1789, because they were too feeble to stand alone. Reared into magnitude under the restrictive system and the war of 1812, they were upheld in 1816 because they were too important to be sacrificed, and because the great staple of the South had a joint interest in their prosperity. King cotton alone, not in his manhood, nor in his adolescence, not in his infancy, but in his very embryo state, was pensioned upon the treasury—before the seed from which he sprang was cast "in the lowest parts of the earth." In the book of the tariff "his members were written, which were fashioned in countenance, when as yet there were none of them."

But it was not enough to create the culture of cotton at the South, by taxing the manufactures of the North with a duty on the raw material, the extension of that culture and the prosperity which it has conferred upon the South are due to the mechanical genius of the North. What says Mr. Justice Johnson of the Supreme Court of the United States, and a citizen of South Carolina? "With regard to the utility of this discovery" (the cotton-gin of Whitney), "the court would deem it a waste of time to dwell long upon this topic. Is there a man who hears us that has not experienced its utility? The whole interior of the Southern states was languishing and its inhabitants emigrating for want of some object to engage their attention and employ their industry, when the invention of this machine at once opened views to them which set the whole country

in active motion. From childhood to age it has presented us a lucrative employment. Individuals who are depressed in poverty and sunk in idleness, have suddenly risen to wealth and respectability. Our debts have been paid off; our capitals increased, and our lands trebled in value. We cannot express the weight of obligation which the country owes to this invention; the extent of it cannot now be seen." Yes, and when happier days shall return, and the South, awakening from her suicidal delusion, shall remember who it was that sowed her sunny fields with the seeds of those golden crops with which she thinks to rule the world, she will cast a veil of oblivion over the memory of the ambitious men who have goaded her to her present madness, and will rear a monument of her gratitude in the beautiful City of Elms, over the ashes of her greatest benefactor—Eli Whitney.

But the great complaint of the South, and that which is admitted to be the occasion of the present revolt, is the alleged interference of the North in the Southern institution of slavery; a subject on which the sensibilities of the two sections have been so deeply and fearfully stirred, that it is nearly impossible to speak words of impartial truth. As I have already stated, the declaration by South Carolina, of the causes which prompted her to secede from the Union, alleged no other reason for this movement than the enactment of laws to obstruct the surrender of fugitive slaves. The declaration does not state that South Carolina ever lost a slave by the operation of these laws, and it is doubtful whether a dozen from all the states have been lost from this cause. A gross error on this subject pervades the popular mind at the South. Some hundreds of slaves in the aggregate escape annually; some to the recesses of the Dismal Swamp; some to the everglades of Florida; some to the trackless mountain region which traverses the South; some to the Mexican states and the Indian tribes; some across the free states to Canada. The popular feeling of the South ascribes the entire loss to the laws of the free states; while it is doubtful whether these laws cause any portion of it. The public sentiment of the North is not such, of course, as to dispose the community to obstruct the escape or aid the surrender of slaves. Neither is it at the South.

No one, I am told, at the South, not called upon by official duty, joins in the hue and cry after a fugitive; and whenever he escapes from any state south of the border tier, it is evident that his flight must have been aided in a community of slaveholders. If the North Carolina fugitive escapes through Virginia, or the Tennessee fugitive escapes through Kentucky, why are Pennsylvania and Ohio alone blamed? On this whole subject the grossest injustice is done to the North. She is expected to be more

tolerant of slavery than the South herself; for while the South demands of the North entire acquiescence in the extremest doctrines of slave property, it is a well known fact, and as such alluded to by Mr. Clay in his speech on the compromises of 1850, that any man who habitually traffics in this property is held in the same infamy at Richmond and New Orleans that he would be at Philadelphia or Cincinnati.

While South Carolina, assigning the cause of secession, confines herself to the state laws for obstructing the surrender of fugitives, in other quarters, by the press, in the manifestoes and debates on the subject of secession, and in the official papers of the new confederacy, the general conduct of the North, with respect to slavery, is put forward as the justifying, nay the compelling cause of the revolution. This subject, still more than that of the tariff, is too trite for discussion, with the hope of saying any thing new on the general question. I will but submit a few considerations to show the great injustice which is done to the North, by representing her as the aggressor in this sectional warfare.

The Southern theory assumes that, at the time of the adoption of the constitution, the same antagonism prevailed as now between the North and South, on the general subject of slavery; that although it existed to some extent in all the states but one of the Union, it was a feeble and declining interest at the North, and mainly seated at the South; that the soil and climate of the North were soon found to be unpropitious to slave labor, while the reverse was the case at the South; that the Northern states, in consequence, having from interested motives abolished slavery, sold their slaves to the South, and that then, although the existence of slavery was recognized and its protection guaranteed by the constitution, as soon as the Northern states had acquired a controlling voice in Congress, a persistent and organized system of hostile measures, against the rights of the owners of slaves in the Southern states, was inaugurated and gradually extended, in violation of the compromises of the constitution, as well as of the honor and good faith tacitly pledged to the South, by the manner in which the North disposed of her slaves.

Such, in substance, is the statement of Mr. Davis in his late message, and he then proceeds, seemingly as if rehearsing the acts of this northern majority in Congress, to refer to the anti-slavery measures of the state legislatures, to the resolutions of abolition societies, to the passionate appeals of the party press, and to the acts of lawless individuals during the progress of this unhappy agitation.

Now this entire view of the subject, with whatever boldness it is affirmed, and with whatever persistency it is repeated, is destitute of foundation. It is demonstrably at war with the truth of history, and is con-

tradicted by facts known to those now on the stage, or which are matters of recent record. At the time of the adoption of the constitution, and long afterwards, there was, generally speaking, no sectional difference of opinion between North and South on the subject of slavery. It was in both parts of the country regarded, in the established formula of the day, "as a social, political and moral evil." The general feeling in favor of universal liberty and the rights of man, wrought into fervor in the progress of the revolution, naturally strengthened the anti-slavery sentiment throughout the Union. It is the South which has since changed, not the North. The theory of a change in the Northern mind, growing out of a discovery made soon after 1789, that our soil and climate were unpropitious to slavery (as if the soil and climate then were different from what they had always been), and a consequent sale to the South of the slaves of the North, is purely mythical; as groundless in fact as it is absurd in statement. I have often asked for the evidence of this last allegation, and I have never found an individual who attempted even to prove it. But however this may be, the South at that time regarded slavery as an evil, though a necessary one, and habitually spoke of it in that light. Its continued existence was supposed to depend upon keeping up the African slave-trade; and South as well as North, Virginia as well as Massachusetts, passed laws to prohibit that traffic; they were, however, before the Revolution, vetoed by the royal governors. One of the first acts of the Continental Congress, unanimously subscribed by its members, was an agreement neither to import nor purchase any slave imported after the first of December, 1774. In the Declaration of Independence, as originally drafted by Mr. Jefferson, both slavery and the slave-trade were denounced in the most uncompromising language. In 1777 the traffic was forbidden in Virginia by state law, no longer subject to the veto of royal governors. In 1784 an ordinance was reported by Mr. Jefferson to the old Congress, providing that after 1800 there should be no slavery in any territory ceded or to be ceded to the United States. The ordinance failed at that time to be enacted, but the same prohibition formed a part, by general consent, of the ordinance of 1787 for the organization of the Northwestern territory. In his *Notes on Virginia*, published in that year, Mr. Jefferson depicted the evils of slavery in terms of fearful import. In the same year the constitution was framed. It recognized the existence of slavery, but the word was carefully excluded from the instrument, and Congress was authorized to abolish the traffic in twenty years. In 1796, Mr. St. George Tucker, Law Professor in William and Mary College in Virginia, published a treatise entitled "Proposal for the Gradual Abolition of Slavery, Dedicated to the General Assembly of the people of Virginia." In the preface

to the essay he speaks of the "abolition of slavery in this state as an object of the first importance, not only to our moral and domestic peace, but even to our political salvation." In 1797 Mr. Pinckney, in the legislature of Maryland, maintained that "by the eternal principles of justice no man in the state has the right to hold his slave a single hour." In 1803, Mr. John Randolph, from a committee on the subject, reported that "the prohibition of slavery by the ordinance of 1787 was wisely calculated to promote the happiness and prosperity of the northwestern states and to give strength and security to that extensive frontier." Under Mr. Jefferson, the importation of slaves into the territories of Mississippi and Louisiana was prohibited in advance of the time limited by the constitution for the interdiction of the slave-trade. When the Missouri restriction was enacted, all the members of Mr. Monroe's cabinet—Mr. Crawford, Mr. Calhoun and Mr. Wirt—concurred with Mr. Monroe in affirming its constitutionality. In 1832, after the Southampton Massacre, the evils of slavery were exposed in the legislature of Virginia, and the expediency of its gradual abolition maintained, in terms as decided as were ever employed by the most uncompromising agitator. A bill for that object was introduced into the Assembly by the grandson of Mr. Jefferson, and warmly supported by distinguished politicians now on the stage. Nay, we have the recent admission of the Vice-President of the seceding confederacy, that what he calls "the errors of the past generation," meaning the anti-slavery sentiments entertained by Southern statesmen, "still clung to many as late as twenty years ago."

To this hasty review of Southern opinions and measures, showing their accordance till a late date with Northern sentiment on the subject of slavery, I might add the testimony of Washington, of Patrick Henry, of George Mason, of Wythe, of Pendleton, of Marshall, of Lowndes, of Poinsett, of Clay, and of nearly every first-class name in the Southern states. Nay, as late as 1849, and after the Union had been shaken by the agitations incident to the acquisition of Mexican territory, the convention of California, although nearly one half of its members were from the slaveholding states, unanimously adopted a constitution by which slavery was prohibited in that state. In fact it is now triumphantly proclaimed by the chiefs of the revolt, that the ideas prevailing on this subject when the constitution was adopted are fundamentally wrong; that the new government of the Confederate States "rests upon exactly the opposite ideas; that its foundations are laid and its corner-stone reposes upon the great truth that the negro is not equal to the white man; that slavery—subordination to the superior race—is his natural and normal condition. Thus our new government is the first in the history of the world based

upon this physical, philosophical and moral truth." So little foundation is there for the statement that the North, from the first, has been engaged in a struggle with the South on the subject of slavery, or has departed in any degree from the spirit with which the Union was entered into by both parties, the fact is precisely the reverse.

Mr. Davis, in his message to the Confederate States, goes over a long list of measures which he declares to have been inaugurated, and gradually extended, as soon as the northern states had reached a sufficient number to give their representatives a controlling voice in Congress. But of all those measures not one is a matter of Congressional legislation, nor has Congress, with this alleged controlling voice on the part of the North, ever either passed a law hostile to the interests of the South, on the subject of slavery, or failed to pass one which the South has claimed as belonging to her rights or needed for her safety. In truth, the anti-slavery North never has had the control of both houses of Congress, never of the judiciary, rarely of the executive, and never exerted these to the prejudice of Southern rights. Every judicial or legislative issue on this question, with the single exception of the final admission of Kansas, that has ever been raised before Congress, has been decided in favor of the South, and yet she allows herself to allege "a persistent and organized system of hostile measures against the rights of the owners of slaves" as the justification of her rebellion.

The hostile measures alluded to are, as I have said, none of them matters of Congressional legislation. Some of them are purely imaginary as to any injurious effect, others much exaggerated, others unavoidably incident to freedom of speech and the press. You are aware, my friends, that I have always disapproved the agitation of slavery for party purposes, or with a view to infringe upon the constitutional rights of the South. But if the North has given cause of complaint in this respect, the fault has been equally committed by the South. The subject has been fully as much abused there as here for party purposes, and if the North has ever made it the means of gaining a sectional triumph, she has but done what the South, for the last twenty-five years, has never missed an occasion of doing. With respect to every thing substantial in the complaints of the South against the North, Congress and the states have afforded or tendered all reasonable—all possible—satisfaction. She complained of the Missouri Compromise, although adopted in conformity with all the traditions of the government and approved by the most judicious Southern statesmen, and after thirty-four years' acquiescence on the part of the people, Congress repealed it. She asked for a judicial decision of the territorial question in her favor, and the Supreme Court of the United

States, in contravention of the whole current of our legislation, so decided it. She insisted on carrying this decision into effect, and three new territories, at the very last session of Congress, were organized in conformity to it, as Utah and New Mexico had been before it was rendered. She demanded a guaranty against amendments of the constitution adverse to her interests, and it was given by the requisite majority of the two Houses. She required the repeal of the state laws obstructing the surrender of fugitive slaves, and although she had taken the extreme remedy of revolt into her hands, they were repealed or modified. Nothing satisfied her, because there was an active party in the cotton-growing states, led by ambitious men, determined on disunion, who were resolved not to be satisfied. In one instance alone the South has suffered defeat. The North, for the first time since the foundation of the government, has chosen a President by her unaided electoral vote; and that is the occasion of the present unnatural war. I did not, as you know, contribute to that result, but I did enlist under the banner of "the Union, the constitution, and the enforcement of the laws." Under that banner I mean to stand, and with it, if it is struck down, I am willing to fall. Even for this result the South has no one to blame but herself. Her disunionists would give their votes for no candidate but the one selected by leaders who avowed the purpose of effecting a revolution of the cotton states, and who brought about a schism in the democratic party directly calculated, probably designed, to produce the event which actually took place with all its dread consequences.

I trust I have shown the flagrant injustice of this whole attempt to fasten upon the North the charge of wielding the powers of the federal government to the prejudice of the South. But there is one great fact connected with this subject, seldom prominently brought forward, which ought forever to close the lips of the South, in this warfare of sectional reproach. Under the old confederation the Congress consisted of but one House, and each state, large and small, had but a single vote and consequently an equal share in the government, if government it could be called, of the Union. This manifest injustice was barely tolerable in a state of war, when the imminence of the public danger tended to produce unanimity of feeling and action. When the country was relieved from the pressure of the war, and discordant interests more and more disclosed themselves, the equality of the states became a positive element of discontent, and contributed its full share to the downfall of that short-lived and ill-compacted frame of government.

Accordingly, when the Constitution of the United States was formed, the great object and the main difficulty was to reconcile the equality of

the states (which gave to Rhode Island and Delaware equal weight with Virginia and Massachusetts), with a proportionate representation of the people. Each of these principles was of vital importance; the first being demanded by the small states, as due to their equal independence, and the last being demanded by the large states, in virtue of the fact, that the Constitution was the work and the government of the people, and in conformity with the great law in which the revolution had its origin, that representation and taxation should go hand in hand.

The problem was solved in the federal convention by a system of extremely refined arrangements, of which the chief was that there should be two Houses of Congress; that each state should have an equal representation in the Senate (voting, however, not by states but *per capita*), and a number of representatives in the House in proportion to its population. But here a formidable difficulty presented itself, growing out of the anomalous character of the population of the slaveholding states, consisting as it did of a dominant and a subject class—the latter excluded by local law from the enjoyment of all political rights and regarded simply as property. In this state of things, was it just or equitable that the slaveholding states, in addition to the number of representatives to which their free population entitled them, should have a further share in the government of the country, on account of the slaves held as property by a small portion of the ruling class? While property of every kind in the non-slaveholding states was unrepresented, was it just that this species of property, forming a large proportion of the entire property of the South, should be allowed to swell the representation of the slaveholding states?

This serious difficulty was finally disposed of, in a manner mutually satisfactory, by providing that representatives and direct taxes should be apportioned among the states on the same basis of population, ascertained by adding to the whole number of free persons three-fifths of the slaves. It was expected at this time, that the federal treasury would be mainly supplied by direct taxation. While, therefore, the rule adopted gave to the South a number of representatives out of proportion to the number of her citizens, she would be restrained from exercising this power to the prejudice of the North, by the fact that any increase of the public burdens would fall in the same increased proportion on herself. For the additional weight which the South gained in the Presidential election, by this adjustment, the North received no compensation.

But now mark the practical operation of the compromise. Direct taxation, instead of being the chief resource of the treasury, has been resorted to but four times since the foundation of the government, and then for small amounts, in 1798 two millions of dollars, in 1813 three millions,

in 1815 six millions, in 1815 three millions again, in all fourteen millions, the sum total raised by direct taxation in seventy-two years, less than an average of two hundred thousand dollars a year. What number of representatives, beyond the proportion of their free population, the South has elected in former Congresses I have not computed. In the last Congress she was represented by twenty members in behalf of her slaves, being nearly one-eleventh part of the entire House. As the increasing ratio of the two classes of the population has not greatly varied, it is probable that the South, in virtue of her slaves, has always enjoyed about the same proportionate representation in the House in excess of that accruing from her free population. As it has rarely happened, in our political divisions, that important measures have been carried by large majorities, this excess has been quite sufficient to assure the South a majority on all sectional questions. It enabled her to elect her candidate for the Presidency in 1800, and thus effect the great political revolution of that year, and is sufficient of itself to account for that approach to a monopoly of the government which she has ever enjoyed.

Now, though the consideration for which the North agreed to this arrangement may be said to have wholly failed, it has nevertheless been quietly acquiesced in. I do not mean that in times of high party excitement it has never been alluded to as a hardship. The Hartford Convention spoke of it as a grievance which ought to be remedied; but even since our political controversies have turned almost wholly on the subject of slavery, I am not aware that this entire failure of the equivalent, for which the North gave up to the South what has secured her in fact the almost exclusive control of the government of the country, has been a frequent or a prominent subject of complaint.

So much for the pursuit of the North of measures hostile to the interests of the South;—so much for the grievances urged by the South as her justification for bringing upon the country the crimes and sufferings of civil war, and aiming at the prostration of a government admitted by herself to be the most perfect the world has seen, and under which all her own interests have been eminently protected and favored; for, to complete the demonstration of the unreasonableness of her complaints, it is necessary only to add, that by the admission of her leading public men, there never was a time, when her "peculiar institution" was so stable and prosperous as at the present moment.

And now let us rise from these disregarded appeals to the truth of history and the wretched subtleties of the secession school of argument, and contemplate the great issue before us, in its solemn practical reality. "Why should we not," it is asked, "admit the claims of the seceding states,

acknowledge their independence, and put an end at once to the war?" "Why should we not?" I answer the question by asking another, "Why should we?" What have we to hope from the pursuit of that course? Peace? But we were at peace before. Why are we not at peace now? The North has not waged the war; it has been forced upon us in self-defence; and if, while they had the constitution and the laws, the executive Congress and the courts, all controlled by themselves, the South, dissatisfied with legal protections and constitutional remedies, has grasped the sword, can North and South hope to live in peace, when the bonds of Union are broken, and amicable means of adjustment are repudiated? Peace is the very last thing which secession, if recognized, will give us; it will give us nothing but a hollow truce—time to prepare the means of new outrages. It is in its very nature a perpetual cause of hostility; an eternal, never-cancelled letter of marque and reprisal, an everlasting proclamation of border war. How can peace exist, when all the causes of dissension are indefinitely multiplied; when unequal revenue laws shall have led to a gigantic system of smuggling, when a general stampede of slaves shall take place along the border, with no thought of rendition, and all the thousand causes of mutual irritation shall be called into action, on a frontier of fifteen hundred miles not marked by natural boundaries and not subject to a common jurisdiction or a mediating power? We did believe in peace; fondly, credulously believed that, cemented by the mild umpirage of the federal Union, it might dwell forever beneath the folds of the star-spangled banner and the sacred shield of a common nationality. That was the great *arcantum* of policy; that was the state mystery into which men and angels desired to look; hidden from ages but revealed to us:

"Which kings and prophets waited for,
And sought, but never found:"

a family of states independent for local concerns, united under one government for the management of common interests and the prevention of internal feuds. There was no limit to the possible extension of such a system. It had already comprehended half of North America, and it might, in the lapse of ages, have folded the continent in its peaceful, beneficent embrace. We fondly dreamed that, in the lapse of ages, it would have been extended till half the western hemisphere had realized the vision of universal, perpetual peace. From that dream we have been rudely startled by the array of ten thousand armed men in Charleston harbor, and the roar of eleven batteries raining a storm of iron hail on one poor, siege-worn company, because, in obedience to lawful authority, in the performance of sworn duty, the gallant Anderson resolved to keep his

oath. That brave and faithful band, by remaining at their post, did not hurt a hair of the head of a Carolinian, bond or free. The United States proposed not to reinforce, but to feed them. But the Confederate leaders would not allow them even the poor boon of being starved into surrender; and because some laws had been passed somewhere, by which it was alleged that the return of some slaves (not one from Carolina) had been or might be obstructed, South Carolina disclaiming the protection of courts and of Congress, which had never been withheld from her, has inaugurated a ruthless civil war. If, for the frivolous reasons assigned, the seceding states have chosen to plunge into this gulf, while all the peaceful temperaments and constitutional remedies of the Union were within their reach, and offers of further compromise and additional guaranties were daily tendered them, what hope, what possibility of peace, can there be, when the Union is broken up, when, in addition to all other sources of deadly quarrel, a general exodus of the slave population begins (as beyond all question it will), and nothing but war remains for the settlement of controversies? The Vice-President of the new confederacy states that it rests on slavery; but from its very nature it must rest equally on war; eternal war, first between North and South and then between the smaller fragments into which the disintegrated parts may crumble. The work of demons has already begun. Besides the hosts mustered for the capture or destruction of Washington, Eastern Virginia has let loose the dogs of war on the loyal citizens of Western Virginia; they are straining at the leash in Maryland and Kentucky; Tennessee threatens to set a price on the head of her noble Johnson and his friends; a civil war rages in Missouri. Why, in the name of heaven, has not Western Virginia, separated from Eastern Virginia by mountain ridges, by climate, by the course of her rivers, by the character of her population, and the nature of her industry, why has she not as good a right to stay in the Union which she inherited from her Washington, as Eastern Virginia has to abandon it for the mushroom confederacy forced upon her from Montgomery? Are no rights sacred but those of rebellion; no oaths binding but those taken by men already foresworn; are liberty of thought, and speech, and action nowhere to be tolerated except where laws are trampled underfoot, arsenals and mints plundered, governments warred against, and their patriotic defenders assailed by ferocious and murderous mobs?

Then consider the monstrous nature and reach of the pretensions in which we are expected to acquiesce; which are nothing less than that the United States should allow a FOREIGN POWER, by surprise, treachery and violence, to possess itself of one half of their territory and all the public property and public establishments contained in it; for if the Southern

Confederacy is recognized it becomes a foreign power, established along a curiously dove-tailed frontier of 1,500 miles, commanding some of the most important commercial and military positions and lines of communication for travel and trade, half the sea-coast of the Union, the navigation of our Mediterranean Sea (the Gulf of Mexico, one-third as large as the Mediterranean of Europe), and, above all, the great arterial inlet into the heart of the continent, through which its very life-blood pours its imperial tides. I say we are coolly summoned to surrender all this to a foreign power. Would we surrender it to England, to France, to Spain? Not an inch of it; why, then, to the Southern Confederacy? Would any other government on earth, unless compelled by the direst necessity, make such a surrender? Does not France keep an army of 100,000 men in Algeria to prevent a few wandering tribes of Arabs—a recent conquest—from asserting their independence? Did not England strain her resources to the utmost tension to prevent the native kingdoms of Central India (civilized states two thousand years ago, and while painted chieftains ruled the savage clans of ancient Britain) from re-establishing their sovereignty; and shall we be expected, without a struggle, to abandon a great integral part of the United States to a foreign power?

Let it be remembered, too, that in granting to the seceding states jointly and severally the right to leave the Union, we concede to them the right of resuming, if they please, their former allegiance to England, France and Spain. It rests with them, with any one of them, if the right of secession is admitted, again to plant a European government side by side with that of the United States on the soil of America; and it is by no means the most improbable upshot of this ill-starred rebellion, if allowed to prosper. The disunion press in Virginia last year openly encouraged the idea of a French Protectorate, and her legislature has, I believe, sold out the James River Canal—the darling enterprise of Washington—to a company in France supposed to enjoy the countenance of the Emperor. The seceding patriots of South Carolina were understood by the correspondent of the London *Times* to admit that they would rather be subject to a British Prince than to the government of the United States. Whether they desire it or not, the moment the seceders lose the protection of the United States they hold their independence at the mercy of the powerful governments of Europe. If the navy of the North should withdraw its protection, there is not a Southern state on the Atlantic or the Gulf which might not be recolonized by Europe, in six months after the outbreak of a foreign war.

Then look at the case for a moment in reference to the acquisitions of territory made on this side of the continent within the present century—

Florida, Louisiana, Texas, and the entire coast of Alabama and Mississippi; vast regions acquired from France, Spain and Mexico within sixty years. Louisiana cost 15,000,000 dollars, when our population was 5,000,000, representing, of course, 90,000,000 of dollars at the present day. Florida cost 5,000,000 dollars in 1820, when our population was less than 10,000,000, equal to 15,000,000 dollars at the present day, besides the expenses of General Jackson's war in 1818, and the Florida war of 1840, in which some 80,000,000 of dollars were thrown away for the purpose of driving a handful of starving Seminoles from the Everglades. Texas cost 200,000,000 dollars, expended in the Mexican war, in addition to the lives of thousands of brave men; besides 10,000,000 dollars paid to her in 1850 for ceding a tract of land which was not hers to New Mexico. A great part of the expense of the military establishment of the United States has been incurred in defending the southwestern frontier. The troops, meanly surprised and betrayed in Texas, were sent there to protect her defenceless border-settlements from the tomahawk and scalping-knife. If to all this expenditure we add that of the forts, the navy-yards, the court-houses, the custom-houses, and the other public buildings in these regions, 500,000,000 dollars of the public funds, of which at least five-sixths are levied by indirect taxation from the North and Northwest, have been expended in and for the Gulf states in this century. Would England, would France, would any government on the face of the earth surrender without a death-struggle such a dear-bought territory?

But of this I make no account; the dollars are spent; let them go. But look at the subject for a moment in its relations to the safety, to the prosperity and the growth of the country. The Missouri and the Mississippi rivers, with their hundred tributaries, give to the great central basin of our continent its character and destiny. The outlet of this mighty system lies between the states of Tennessee and Missouri, of Mississippi and Arkansas, and through the state of Louisiana. The ancient province so-called, the proudest monument of the mighty monarch whose name it bears, passed from the jurisdiction of France to that of Spain in 1763. Spain coveted it, not that she might fill it with prosperous colonies and rising states, but that it might stretch as a broad waste barrier, infested with warlike tribes, between the Anglo-American power and the silver mines of Mexico. With the independence of the United States the fear of a still more dangerous neighbor grew upon Spain, and in the insane expectation of checking the progress of the Union westward, she threatened and at times attempted to close the mouth of the Mississippi on the rapidly increasing trade of the West. The bare suggestion of such a policy roused

the population upon the banks of the Ohio, then inconsiderable, as one man. Their confidence in Washington scarcely restrained them from rushing to the seizure of New Orleans, when the treaty of San Lorenzo El Real in 1795 obtained for them a precarious right of navigating the noble river to the sea, with a right of deposit at New Orleans. This subject was for years the turning point of the politics of the West, and it was perfectly well understood that sooner or later she would be content with nothing less than the sovereign control of the mighty stream, from its head spring to its outlet in the Gulf; and that is as true now as it was then.

So stood affairs at the close of the last century, when the colossal power of the first Napoleon burst upon the world. In the vast recesses of his Titanic ambition he cherished as a leading object of his policy to acquire for France a colonial empire which should balance that of England. In pursuit of this policy he fixed his eye on the ancient regal colony which Louis XIV. had founded in the heart of North America, and he tempted Spain, by the paltry bribe of creating a kingdom of Etruria for a Bourbon prince to give back to France the then boundless wastes of the territory of Louisiana. The cession was made by the secret treaty of San Ildefonso of the 1st of October, 1800 (of which one sentence only has ever been published, but that sentence gave away half a continent), and the youthful conqueror concentrated all the resources of his mighty genius on the accomplishment of the vast project. If successful, it would have established the French power on the mouth and on the right bank of the Mississippi, and would have opposed the most formidable barrier to the expansion of the United States. The peace of Amiens, at this juncture, relieved Napoleon from the pressure of the war with England, and every thing seemed propitious to the success of the great enterprise. The fate of America trembled for a moment in a doubtful balance, and five hundred thousand citizens in that region felt the danger and sounded the alarm. (Speech of Mr. Ross in the Senate of the United States, 14th February, 1803.)

But in another moment the aspect of affairs was changed, by a stroke of policy, grand, unexpected, and fruitful of consequences, perhaps without a parallel in history. The short-lived truce of Amiens was about to end, the renewal of war was inevitable. Napoleon saw that before he could take possession of Louisiana it would be wrested from him by England, who commanded the seas, and he determined at once, not merely to deprive her of this magnificent conquest, but to contribute as far as in him lay to build up a great rival maritime power in the West. The government of the United States, not less sagacious, seized the golden moment—

a moment such as does not happen twice in a thousand years. Mr. Jefferson perceived that, unless acquired by the United States, Louisiana would in a short time belong to France or to England, and with equal wisdom and courage he determined that it should belong to neither. True, he held the acquisition to be unconstitutional, but he threw to the winds the resolutions of 1798, which had just brought him into power; he broke the Constitution and he saved an empire. Mr. Monroe was sent to France to conduct the negotiation in conjunction with Chancellor Livingston, the resident minister, contemplating at that time only the acquisition of New Orleans and the adjacent territory.

But they were dealing with a man that did nothing by halves. Napoleon knew—and we know—that to give up the mouth of the river was to give up its course. On Easter-Sunday of 1803 he amazed his council with the announcement that he had determined to cede the whole of Louisiana to the United States. Not less to the astonishment of the American envoys, they were told by the French negotiators at the first interview, that their master was prepared to treat with them not merely for the Isle of New Orleans, but for the whole vast province which bore the name of Louisiana; whose boundaries, then unsettled, have since been carried on the north to the British line; on the west to the Pacific Ocean—a territory half as big as Europe, transferred by a stroke of the pen. Fifty-eight years have elapsed since the acquisition was made. The states of Louisiana, Arkansas, Missouri, Iowa, Minnesota and Kansas, the territories of Nebraska, Dacotah and Jefferson, have been established within its limits, on this side of the Rocky Mountains; the state of Oregon and the territory of Washington on their western slope; while a tide of population is annually pouring into the region destined in addition to the natural increase, before the close of the century, to double the number of the states and territories. For the entire region west of the Alleghanies and east of the Rocky Mountains, the Missouri and the Mississippi form the natural outlet to the sea. Without counting the population of the seceding states, there are ten millions of the free citizens of the country, between Pittsburg and Fort Union, who claim the course and the mouth of the Mississippi as belonging to the United States. It is theirs by a transfer of truly imperial origin and magnitude; theirs by a sixty years' title; theirs by occupation and settlement; theirs by the law of Nature and of God. Louisiana, a fragment of this colonial empire, detached from its main portion and first organized as a state, undertakes to secede from the Union, and thinks by so doing that she will be allowed by the government and people of the United States to revoke this imperial transfer, to disregard this possession and occupation of sixty years, to repeal this law of nature

and of God; and she fondly believes that ten millions of the free people of the Union will allow her and her seceding brethren to open and shut the portals of this mighty region at their pleasure. They may do so, and the swarming millions which through the course of these noble streams and their tributaries may consent to navigate them by suffrance from Montgomery and Richmond; but, if I may repeat the words which I have lately used on another occasion, it will be when the Alleghanies and the Rocky Mountains, which form the eastern and western walls of the imperial valley, shall sink to the level of the sea, and the Mississippi and the Missouri shall flow back to their fountains.

Such, fellow-citizens, as I contemplate them, are the great issues before the country, nothing less, in a word, than whether the work of our noble fathers of the revolutionary and constitutional age shall perish or endure; whether this great experiment in national polity, which binds a family of free republics in one united government—the most hopeful plan for combining the homebred blessings of a small state with the stability and power of great empire—shall be treacherously and shamefully stricken down, in the moment of its most successful operation, or whether it shall be bravely, patriotically, triumphantly maintained. We wage no war of conquest and subjugation; we aim at nothing but to protect our loyal fellow-citizens, who, against fearful odds, are fighting the battles of the Union in the disaffected states, and to re-establish, not for ourselves alone, but for our misguided brethren, the mild sway of the constitution and the laws. The result cannot be doubted. Twenty millions of freemen, forgetting their divisions, are rallying as one man in support of the righteous cause—their willing hearts and their strong hands, their fortunes and their lives, are laid upon the altar of the country. We contend for the great inheritance of constitutional freedom transmitted from our revolutionary fathers. We engage in the struggle forced upon us, with sorrow, as against our misguided brethren, but with high heart and faith, as we war for that Union which our sainted Washington commended to our dearest affections. The sympathy of the civilized world is on our side and will join us in prayers to Heaven for the success of our arms.

THE CONTEST IN AMERICA

BY JOHN STUART MILL

REPRINTED FROM FRASER'S MAGAZINE

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RIVERSIDE, CAMBRIDGE:
PRINTED BY H. O. HOUGHTON.

THE CONTEST IN AMERICA.

THE cloud which for the space of a month hung gloomily over the civilized world, black with far worse evils than those of simple war, has passed from over our heads without bursting. The fear has not been realized, that the only two first-rate Powers who are also free nations would take to tearing each other in pieces, both the one and the other in a bad and odious cause. For while, on the American side, the war would have been one of reckless persistency in wrong, on ours it would have been a war in alliance with, and, to practical purposes, in defence and propagation of, slavery. We had, indeed, been wronged. We had suffered an indignity, and something more than an indignity, which, not to have resented, would have been to invite a constant succession of insults and injuries from the same and from every other quarter. We could have acted no otherwise than we have done: yet it is impossible to think, without something like a shudder, from what we have escaped. We, the emancipators of the slave — who have wearied every Court and Government in Europe and America with our pro-

tests and remonstrances, until we goaded them into at least ostensibly coöperating with us to prevent the enslaving of the negro — we, who for the last half century have spent annual sums, equal to the revenue of a small kingdom, in blockading the African coast, for a cause in which we not only had no interest, but which was contrary to our pecuniary interest, and which many believed would ruin, as many among us still, though erroneously, believe that it has ruined, our colonies, — *we* should have lent a hand to setting up, in one of the most commanding positions of the world, a powerful republic, devoted not only to slavery, but to pro-slavery propagandism — should have helped to give a place in the community of nations to a conspiracy of slave-owners, who have broken their connection with the American Federation on the sole ground, ostentatiously proclaimed, that they thought an attempt would be made to restrain, not slavery itself, but their purpose of spreading slavery wherever migration or force could carry it.

A nation which has made the professions that England has, does not with impunity, under however great provocation, betake itself to frustrating the objects for which it has been calling on the rest of the world to make sacrifices of what they think their interest. At present all the nations of Europe have sympathized with us ; have acknowledged that we were injured, and declared with rare unanimity, that we had no choice but to resist, if necessary, by

arms. But the consequences of such a war would soon have buried its causes in oblivion. When the new Confederate States, made an independent Power by English help, had begun their crusade to carry negro slavery from the Potomac to Cape Horn; who would then have remembered that England raised up this scourge to humanity not for the evil's sake, but because somebody had offered an insult to her flag? Or even if unforgotten, who would then have felt that such a grievance was a sufficient palliation of the crime? Every reader of a newspaper, to the farthest ends of the earth, would have believed and remembered one thing only — that at the critical juncture which was to decide whether slavery should blaze up afresh with increased vigor or be trodden out — at the moment of conflict between the good and the evil spirit — at the dawn of a hope that the demon might now at last be chained and flung into the pit, England stepped in, and, for the sake of cotton, made Satan victorious.

The world has been saved from this calamity, and England from this disgrace. The accusation would indeed have been a calumny. But to be able to defy calumny, a nation, like an individual, must stand very clear of just reproach in its previous conduct. Unfortunately, we ourselves have given too much plausibility to the charge. Not by anything said or done by us as a Government or as a nation, but by the tone of our press, and in some degree, it must be owned, the general opinion of

English society. It is too true, that the feelings which have been manifested since the beginning of the American contest — the judgments which have been put forth, and the wishes which have been expressed concerning the incidents and probable eventualities of the struggle — the bitter and irritating criticism which has been kept up, not even against both parties equally, but almost solely against the party in the right, and the ungenerous refusal of all those just allowances which no country needs more than our own, whenever its circumstances are as near to those of America as a cut finger is to an almost mortal wound, — these facts, with minds not favorably disposed to us, would have gone far to make the most odious interpretation of the war in which we have been so nearly engaged with the United States, appear by many degrees the most probable. There is no denying that our attitude towards the contending parties (I mean our moral attitude, for politically there was no other course open to us than neutrality) has not been that which becomes a people who are as sincere enemies of slavery as the English really are, and have made as great sacrifices to put an end to it where they could. And it has been an additional misfortune that some of our most powerful journals have been for many years past very unfavorable exponents of English feeling on all subjects connected with slavery: some, probably, from the influences, more or less direct, of West Indian opinions and interests: others from

inbred Toryism, which, even when compelled by reason to hold opinions favorable to liberty, is always adverse to it in feeling; which likes the spectacle of irresponsible power exercised by one person over others; which has no moral repugnance to the thought of human beings born to the penal servitude for life, to which for the term of a few years we sentence our most hardened criminals, but keeps its indignation to be expended on "rabid and fanatical abolitionists" across the Atlantic, and on those writers in England who attach a sufficiently serious meaning to their Christian professions, to consider a fight against slavery as a fight for God.

Now, when the mind of England, and it may almost be said, of the civilized part of mankind, has been relieved from the incubus which had weighed on it ever since the *Trent* outrage, and when we are no longer feeling towards the Northern Americans as men feel towards those with whom they may be on the point of struggling for life or death; now, if ever, is the time to review our position, and consider whether we have been feeling what ought to have been felt, and wishing what ought to have been wished, regarding the contest in which the Northern States are engaged with the South.

In considering this matter, we ought to dismiss from our minds, as far as possible, those feelings against the North, which have been engendered not merely by the *Trent* aggression, but by the previous anti-British effusions of newspaper writers and stump

orators. It is hardly worth while to ask how far these explosions of ill-humor are anything more than might have been anticipated from ill-disciplined minds, disappointed of the sympathy which they justly thought they had a right to expect from the great anti-slavery people, in their really noble enterprise. It is almost superfluous to remark that a democratic Government always shows worst where other Governments generally show best, on its outside; that unreasonable people are much more noisy than the reasonable; that the froth and scum are the part of a violently fermenting liquid that meets the eyes, but are not its body and substance. Without insisting on these things, I contend, that all previous cause of offence should be considered as cancelled, by the reparation which the American Government has so amply made; not so much the reparation itself, which might have been so made as to leave still greater cause of permanent resentment behind it; but the manner and spirit in which they have made it. These have been such as most of us, I venture to say, did not by any means expect. If reparation were made at all, of which few of us felt more than a hope, we thought that it would have been made obviously as a concession to prudence, not to principle. We thought that there would have been truckling to the newspaper editors and supposed fire-eaters who were crying out for retaining the prisoners at all hazards. We expected that the atonement, if atonement there were, would have been made with

reservations, perhaps under protest. We expected that the correspondence would have been spun out, and a trial made to induce England to be satisfied with less ; or that there would have been a proposal of arbitration ; or that England would have been asked to make concessions in return for justice ; or that if submission was made, it would have been made, ostensibly, to the opinions and wishes of Continental Europe. We expected anything, in short, which would have been weak and timid and paltry. The only thing which no one seemed to expect, is what has actually happened. Mr. Lincoln's Government have done none of these things. Like honest men, they have said in direct terms, that our demand was right ; that they yielded to it because it was just ; that if they themselves had received the same treatment, they would have demanded the same reparation ; and that if what seemed to be the American side of a question was not the just side, they would be on the side of justice ; happy as they were to find after their resolution had been taken, that it was also the side which America had formerly defended. Is there any one, capable of a moral judgment or feeling, who will say that his opinion of America and American statesmen, is not raised by such an act, done on such grounds ? The act itself may have been imposed by the necessity of the circumstances ; but the reasons given, the principles of action professed, were their own choice. Putting the worst hypothesis possible, which it would be the

height of injustice to entertain seriously, that the concession was really made solely to convenience, and that the profession of regard for justice was hypocrisy, even so, the ground taken, even if insincerely, is the most hopeful sign of the moral state of the American mind which has appeared for many years. That a sense of justice should be the motive which the rulers of a country rely on, to reconcile the public to an unpopular, and what might seem a humiliating act; that the journalists, the orators, many lawyers, the Lower House of Congress, and Mr. Lincoln's own naval secretary, should be told in the face of the world, by their own Government, that they have been giving public thanks, presents of swords, freedom of cities, all manner of heroic honors to the author of an act which, though not so intended, was lawless and wrong, and for which the proper remedy is confession and atonement; that this should be the accepted policy (supposing it to be nothing higher) of a Democratic Republic, shows even unlimited democracy to be a better thing than many Englishmen have lately been in the habit of considering it, and goes some way towards proving that the aberrations even of a ruling multitude are only fatal when the better instructed have not the virtue or the courage to front them boldly. Nor ought it to be forgotten, to the honor of Mr. Lincoln's Government, that in doing what was in itself right, they have done also what was best fitted to allay the animosity which was daily becoming more

bitter between the two nations so long as the question remained open. They have put the brand of confessed injustice upon that rankling and vindictive resentment with which the profligate and passionate part of the American press has been threatening us in the event of concession, and which is to be manifested by some dire revenge, to be taken, as they pretend, after the nation is extricated from its present difficulties. Mr. Lincoln has done what depended on him to make this spirit expire with the occasion which raised it up; and we shall have ourselves chiefly to blame if we keep it alive by the further prolongation of that stream of vituperative eloquence, the source of which, even now, when the cause of quarrel has been amicably made up, does not seem to have run dry.¹

Let us, then, without reference to these jars, or to the declamations of newspaper writers on either side of the Atlantic, examine the American question

¹ I do not forget one regrettable passage in Mr. Seward's letter, in which he said that "if the safety of the Union required the detention of the captured persons, it would be the right and duty of this Government to detain them." I sincerely grieve to find this sentence in the dispatch, for the exceptions to the general rules of morality are not a subject to be lightly or unnecessarily tampered with. The doctrine in itself is no other than that professed and acted on by all governments — that self-preservation, in a State, as in an individual, is a warrant for many things which at all other times ought to be rigidly abstained from. At all events, no nation which has ever passed "laws of exception," which ever suspended the Habeas Corpus Act or passed an Alien Bill in dread of a Charlist insurrection, has a right to throw the first stone at Mr. Lincoln's Government.

as it stood from the beginning ; its origin, the purpose of both the combatants, and its various possible or probable issues.

There is a theory in England, believed perhaps by some, half believed by many more, which is only consistent with original ignorance, or complete subsequent forgetfulness, of all the antecedents of the contest. There are people who tell us that, on the side of the North, the question is not one of slavery at all. The North, it seems, have no more objection to slavery than the South have. Their leaders never say one word implying disapprobation of it. They are ready, on the contrary, to give it new guarantees ; to renounce all that they have been contending for ; to win back, if opportunity offers, the South to the Union by surrendering the whole point.

If this be the true state of the case, what are the Southern chiefs fighting about ? Their apologists in England say that it is about tariffs, and similar trumpery. *They* say nothing of the kind. They tell the world, and they told their own citizens when they wanted their votes, that the object of the fight was slavery. Many years ago, when General Jackson was President, South Carolina did nearly rebel (she never was near separating) about a tariff ; but no other State abetted her, and a strong adverse demonstration from Virginia brought the matter to a close. Yet the tariff of that day was rigidly protective. Compared with that, the one in

force at the time of the secession was a free-trade tariff. This latter was the result of several successive modifications in the direction of freedom; and its principle was not protection for protection, but as much of it only as might incidentally result from duties imposed for revenue. Even the Morrill tariff (which never could have been passed but for the Southern secession) is stated by the high authority of Mr. H. C. Carey to be considerably more liberal than the reformed French tariff under Mr. Cobden's treaty; insomuch that he, a Protectionist, would be glad to exchange his own protective tariff for Louis Napoleon's free-trade one. But why discuss, on probable evidence, notorious facts? The world knows what the question between the North and South has been for many years, and still is. Slavery alone was thought of, alone talked of. Slavery was battled for and against, on the floor of Congress and in the plains of Kansas; on the slavery question exclusively was the party constituted which now rules the United States: on slavery Fremont was rejected, on slavery Lincoln was elected; the South separated on slavery, and proclaimed slavery as the one cause of separation.

It is true enough that the North are not carrying on war to abolish slavery in the States where it legally exists. Could it have been expected, or even perhaps desired, that they should? A great party does not change suddenly, and at once, all its principles and professions. The Republican party have taken

their stand on law, and the existing constitution of the Union. They have disclaimed all right to attempt anything which that constitution forbids. It does forbid interference by the Federal Congress with slavery in the Slave States ; but it does not forbid their abolishing it in the District of Columbia ; and this they are now doing, having voted, I perceive, in their present pecuniary straits, a million of dollars to indemnify the slave-owners of the District. Neither did the Constitution, in their own opinion, require them to permit the introduction of slavery into the territories which were not yet States. To prevent this, the Republican party was formed, and to prevent it, they are now fighting, as the slave-owners are fighting to enforce it.

The present government of the United States is not an Abolitionist government. Abolitionists, in America, mean those who do not keep within the constitution ; who demand the destruction (as far as slavery is concerned) of as much of it as protects the internal legislation of each State from the control of Congress ; who aim at abolishing slavery wherever it exists, by force if need be, but certainly by some other power than the constituted authorities of the Slave States. The Republican party neither aim nor profess to aim at this object. And when we consider the flood of wrath which would have been poured out against them if they did, by the very writers who now taunt them with not doing it, we shall be apt to think the taunt a little mis-

placed. But though not an Abolitionist party, they are a Free-soil party. If they have not taken arms against slavery, they have against its extension. And they know, as we may know if we please, that this amounts to the same thing. The day when slavery can no longer extend itself, is the day of its doom. The slave-owners know this, and it is the cause of their fury. They know, as all know who have attended to the subject, that confinement within existing limits is its death-warrant. Slavery, under the conditions in which it exists in the States, exhausts even the beneficent powers of nature. So incompatible is it with any kind whatever of skilled labor, that it causes the whole productive resources of the country to be concentrated on one or two products, cotton being the chief, which require, to raise and prepare them for the market, little besides brute animal force. The cotton cultivation, in the opinion of all competent judges, alone saves North American slavery; but cotton cultivation, exclusively adhered to, exhausts in a moderate number of years all the soils which are fit for it, and can only be kept up by travelling farther and farther westward. Mr. Olmsted has given a vivid description of the desolate state of parts of Georgia and the Carolinas, once among the richest specimens of soil and cultivation in the world; and even the more recently colonized Alabama, as he shows, is rapidly following in the same downhill track. To slavery, therefore, it is a matter of life and death to

find fresh fields for the employment of slave labor. Confine it to the present States, and the owners of slave property will either be speedily ruined, or will have to find means of reforming and renovating their agricultural system; which cannot be done without treating the slaves like human beings, nor without so large an employment of skilled, that is, of free labor, as will widely displace the unskilled, and so depreciate the pecuniary value of the slave, that the immediate mitigation and ultimate extinction of slavery would be a nearly inevitable and probably rapid consequence.

The Republican leaders do not talk to the public of these almost certain results of success in the present conflict. They talk but little, in the existing emergency, even of the original cause of quarrel. The most ordinary policy teaches them to inscribe on their banner that part only of their known principles in which their supporters are unanimous. The preservation of the Union is an object about which the North are agreed; and it has many adherents, as they believe, in the South generally. That nearly half the population of the Border Slave States are in favor of it is a patent fact, since they are now fighting in its defence. It is not probable that they would be willing to fight directly against slavery. The Republicans well know that if they can reëstablish the Union, they gain everything for which they originally contended; and it would be a plain breach of faith with

the Southern friends of the Government, if, after rallying them round its standard for a purpose of which they approve, it were suddenly to alter its terms of communion without their consent.

But the parties in a protracted civil war almost invariably end by taking more extreme, not to say higher grounds of principle, than they began with. Middle parties and friends of compromise are soon left behind; and if the writers who so severely criticize the present moderation of the Free-soilers are desirous to see the war become an abolition war, it is probable that if the war lasts long enough they will be gratified. Without the smallest pretension to see further into futurity than other people, I at least have foreseen and foretold from the first, that if the South were not promptly put down, the contest would become distinctly an anti-slavery one; nor do I believe that any person, accustomed to reflect on the course of human affairs in troubled times, can expect anything else. Those who have read, even cursorily, the most valuable testimony to which the English public have access, concerning the real state of affairs in America — the letters of the *Times*' correspondent, Mr. Russell — must have observed how early and rapidly he arrived at the same conclusion, and with what increasing emphasis he now continually reiterates it. In one of his recent letters he names the end of next summer as the period by which, if the

war has not sooner terminated, it will have assumed a complete anti-slavery character. So early a term exceeds, I confess, my most sanguine hopes; but if Mr. Russell be right, Heaven forbid that the war should cease sooner; for if it lasts till then, it is quite possible that it will regenerate the American people.

If, however, the purposes of the North may be doubted or misunderstood, there is at least no question as to those of the South. They make no concealment of *their* principles. As long as they were allowed to direct all the policy of the Union; to break through compromise after compromise, encroach step after step, until they reached the pitch of claiming a right to carry slave property into the Free States, and, in opposition to the laws of those States, hold it as property there; so long, they were willing to remain in the Union. The moment a President was elected of whom it was inferred from his opinions, not that he would take any measures against slavery where it exists, but that he would oppose its establishment where it exists not, — that moment they broke loose from what was, at least, a very solemn contract, and formed themselves into a Confederation professing as its fundamental principle not merely the perpetuation, but the indefinite extension of slavery. And the doctrine is loudly preached through the new Republic, that

slavery, whether black or white, is a good in itself, and the proper condition of the working classes everywhere.

Let me, in a few words, remind the reader what sort of a thing this is, which the white oligarchy of the South have banded themselves together to propagate and establish, if they could, universally. When it is wished to describe any portion of the human race as in the lowest state of debasement, and under the most cruel oppression, in which it is possible for human beings to live, they are compared to slaves. When words are sought by which to stigmatize the most odious despotism, exercised in the most odious manner, and all other comparisons are found inadequate, the despots are said to be like slave-masters, or slave-drivers. What, by a rhetorical license, the worst oppressors of the human race, by way of stamping on them the most hateful character possible, are said to be, these men, in very truth, are. I do not mean that all of them are hateful personally, any more than all the Inquisitors, or all the buccaneers. But the position which they occupy, and the abstract excellence of which they are in arms to vindicate, is that which the united voice of mankind habitually selects as the type of all hateful qualities. I will not bandy chicanery about the more or less of stripes or other torments which are daily requisite to keep the machine in working order, nor discuss whether the Legrees or the St. Clairs are

more numerous among the slave-owners of the Southern States. The broad facts of the case suffice. One fact is enough. There are, Heaven knows, vicious and tyrannical institutions in ample abundance on the earth. But this institution is the only one of them all which requires, to keep it going, that human beings should be burnt alive. The calm and dispassionate Mr. Olmsted affirms that there has not been a single year, for many years past, in which this horror is not known to have been perpetrated in some part or other of the South. And not upon negroes only; the *Edinburgh Review*, in a recent number, gave the hideous details of the burning alive of an unfortunate Northern huckster by Lynch law, on mere suspicion of having aided in the escape of a slave. What must American slavery be, if deeds like these are necessary under it?—and if they are not necessary and are yet done, is not the evidence against slavery still more damning? The South are in rebellion not for simple slavery; they are in rebellion for the right of burning human creatures alive.

But we are told, by a strange misapplication of a true principle, that the South had a *right* to separate; that their separation ought to have been consented to, the moment they showed themselves ready to fight for it; and that the North, in resisting it, are committing the same error and wrong which England committed in opposing the

original separation of the thirteen colonies. This is carrying the doctrine of the sacred right of insurrection rather far. It is wonderful how easy and liberal and complying people can be in other people's concerns. Because they are willing to surrender their own past, and have no objection to join in reprobation of their great-grandfathers, they never put themselves the question what they themselves would do in circumstances far less trying, under far less pressure of real national calamity. Would those who profess these ardent revolutionary principles consent to their being applied to Ireland, or India, or the Ionian Islands? How have they treated those who did attempt so to apply them? But the case can dispense with any mere *argumentum ad hominem*. I am not frightened at the word rebellion. I do not scruple to say that I have sympathized more or less ardently with most of the rebellions, successful and unsuccessful, which have taken place in my time. But I certainly never conceived that there was a sufficient title to my sympathy in the mere fact of being a rebel; that the act of taking arms against one's fellow-citizens was so meritorious in itself, was so completely its own justification, that no question need be asked concerning the motive. It seems to me a strange doctrine that the most serious and responsible of all human acts imposes no obligation on those who do it of showing that they have a real grievance; that those who rebel for the power

of oppressing others, exercise as sacred a right as those who do the same thing to resist oppression practised upon themselves. Neither rebellion nor any other act which affects the interests of others, is sufficiently legitimated by the mere will to do it. Secession may be laudable, and so may any other kind of insurrection; but it may also be an enormous crime. It is the one or the other, according to the object and the provocation. And if there ever was an object which, by its bare announcement, stamped rebels against a particular community as enemies of mankind, it is the one professed by the South. Their right to separate is the right which Cartouche or Turpin would have had to secede from their respective countries, because the laws of those countries would not suffer them to rob and murder on the highway. The only real difference is that the present rebels are more powerful than Cartouche or Turpin, and may possibly be able to effect their iniquitous purpose.

Suppose, however, for the sake of argument, that the mere will to separate were in this case, or in any case, a sufficient ground for separation, I beg to be informed *whose* will? The will of any knot of men who, by fair means or foul, by usurpation, terrorism, or fraud, have got the reins of government into their hands? If the inmates of Parkhurst Prison were to get possession of the Isle of Wight, occupy its military positions, enlist one part of its inhabitants in their own ranks, set the re-

mainder of them to work in chain gangs, and declare themselves independent, ought their recognition by the British Government to be an immediate consequence? Before admitting the authority of any persons, as organs of the will of the people, to dispose of the whole political existence of a country, I ask to see whether their credentials are from the whole, or only from a part. And first, it is necessary to ask, Have the slaves been consulted? Has *their* will been counted as any part in the estimate of collective volition? They are a part of the population. However natural in the country itself, it is rather cool in English writers who talk so glibly of the ten millions (I believe there are only eight), to pass over the very existence of four millions who must abhor the idea of separation. Remember, *we* consider them to be human beings, entitled to human rights. Nor can it be doubted that the mere fact of belonging to a Union in some parts of which slavery is reprobated, is some alleviation of their condition, if only as regards future probabilities. But even of the white population, it is questionable if there was in the beginning a majority for secession anywhere but in South Carolina. Though the thing was pre-determined, and most of the States committed by their public authorities before the people were called on to vote; though in taking the votes terrorism in many places reigned triumphant; yet even so, in several of the States, secession was carried only by

narrow majorities. In some the authorities have not dared to publish the numbers ; in some it is asserted that no vote has ever been taken. Further (as was pointed out in an admirable letter by Mr. Carey), the Slave States are intersected in the middle, from their northern frontier almost to the Gulf of Mexico, by a country of free labor — the mountain region of the Alleghanies and their dependencies, forming parts of Virginia, North Carolina, Tennessee, Georgia, and Alabama, in which, from the nature of the climate and of the agricultural and mining industry, slavery to any material extent never did, and never will, exist. This mountain zone is peopled by ardent friends of the Union. Could the Union abandon them, without even an effort, to be dealt with at the pleasure of an exasperated slave-owning oligarchy ? Could it abandon the Germans who, in Western Texas, have made so meritorious a commencement of growing cotton on the borders of the Mexican Gulf by free labor ? Were the right of the slave-owners to secede ever so clear, they have no right to carry these with them ; unless allegiance is a mere question of local proximity, and my next neighbor, if I am a stronger man, can be compelled to follow me in any lawless vagaries I choose to indulge.

But (it is said) the North will never succeed in conquering the South ; and since the separation must in the end be recognized, it is better to do at first what must be done at last ; moreover, if it did

conquer them, it could not govern them when conquered, consistently with free institutions. With no one of these propositions can I agree.

Whether or not the Northern Americans *will* succeed in reconquering the South, I do not affect to foresee. That they *can* conquer it, if their present determination holds, I have never entertained a doubt; for they are twice as numerous, and ten or twelve times as rich. Not by taking military possession of their country, or marching an army through it, but by wearing them out, exhausting their resources, depriving them of the comforts of life, encouraging their slaves to desert, and excluding them from communication with foreign countries. All this, of course, depends on the supposition that the North does not give in first. Whether they will persevere to this point, or whether their spirit, their patience, and the sacrifices they are willing to make, will be exhausted before reaching it, I cannot tell. They may, in the end, be wearied into recognizing the separation. But to those who say that because this may have to be done at last, it ought to have been done at first, I put the very serious question — On what terms? Have they ever considered what would have been the meaning of separation if it had been assented to by the Northern States when first demanded? People talk as if separation meant nothing more than the independence of the seceding States. To have accepted it under that limitation would have been, on

the part of the South, to give up that which they have seceded expressly to preserve. Separation, with them, means at least half the Territories ; including the Mexican border, and the consequent power of invading and overrunning Spanish America for the purpose of planting there the "peculiar institution" which even Mexican civilization has found too bad to be endured. There is no knowing to what point of degradation a country may be driven in a desperate state of its affairs ; but if the North *ever*, unless on the brink of actual ruin, makes peace with the South, giving up the original cause of quarrel, the freedom of the Territories ; if it resigns to them when out of the Union that power of evil which it would not grant to retain them in the Union — it will incur the pity and disdain of posterity. And no one can suppose that the South would have consented, or in their present temper ever will consent, to an accommodation on any other terms. It will require a succession of humiliation to bring them to that. The necessity of reconciling themselves to the confinement of slavery within its existing boundaries, with the natural consequence, immediate mitigation of slavery, and ultimate emancipation, is a lesson which they are in no mood to learn from anything but disaster. Two or three defeats in the field, breaking their military strength, though not followed by an invasion of their territory, may possibly teach it to them. If so, there is no breach of charity in hoping that this severe

schooling may promptly come. When men set themselves up, in defiance of the rest of the world, to do the devil's work, no good can come of them until the world has made them feel that this work cannot be suffered to be done any longer. If this knowledge does not come to them for several years, the abolition question will by that time have settled itself. For assuredly Congress will very soon make up its mind to declare all slaves free who belong to persons in arms against the Union. When that is done, slavery, confined to a minority, will soon cure itself; and the pecuniary value of the negroes belonging to loyal masters will probably not exceed the amount of compensation which the United States will be willing and able to give.

The assumed difficulty of governing the Southern States as free and equal commonwealths, in case of their return to the Union, is purely imaginary. If brought back by force, and not by voluntary compact, they will return without the Territories, and without a Fugitive Slave Law. It may be assumed that in that event the victorious party would make the alterations in the Federal Constitution which are necessary to adapt it to the new circumstances, and which would not infringe, but strengthen, its democratic principles. An article would have to be inserted prohibiting the extension of slavery to the Territories, or the admission into the Union of any new Slave State. Without any other guarantee, the rapid formation of new Free States would ensure

to freedom a decisive and constantly increasing majority in Congress. It would also be right to abrogate that bad provision of the Constitution (a necessary compromise at the time of its first establishment) whereby the slaves, though reckoned as citizens in no other respect, are counted, to the extent of three fifths of their number, in the estimate of the population for fixing the number of representatives of each State in the Lower House of Congress. Why should the masters have members in right of their human chattels, any more than of their oxen and pigs? The President, in his Message, has already proposed that this salutary reform should be effected in the case of Maryland, additional territory, detached from Virginia, being given to that State as an equivalent: thus clearly indicating the policy which he approves, and which he is probably willing to make universal.

As it is necessary to be prepared for all possibilities, let us now contemplate another. Let us suppose the worst possible issue of this war — the one apparently desired by those English writers whose moral feeling is so philosophically indifferent between the apostles of slavery and its enemies. Suppose that the North should stoop to recognize the new Confederation on its own terms, leaving it half the Territories, and that it is acknowledged by Europe, and takes its place as an admitted member of the community of nations. It will be desirable to take thought beforehand what are to be our own

future relations with a new Power, professing the principles of Attila and Genghis Khan as the foundation of its Constitution. Are we to see with indifference its victorious army let loose to propagate their national faith at the rifle's mouth through Mexico and Central America? Shall we submit to see fire and sword carried over Cuba and Porto Rico, and Hayti and Liberia conquered and brought back to slavery? We shall soon have causes enough of quarrel on our own account. When we are in the act of sending an expedition against Mexico to redress the wrongs of private British subjects, we should do well to reflect in time that the President of the new Republic, Mr. Jefferson Davis, was the original inventor of repudiation. Mississippi was the first State which repudiated, Mr. Jefferson Davis was Governor of Mississippi, and the Legislature of Mississippi had passed a Bill recognizing and providing for the debt, which Bill Mr. Jefferson Davis vetoed. Unless we abandon the principles we have for two generations consistently professed and acted on, we should be at war with the new Confederacy within five years about the African slave-trade. An English Government will hardly be base enough to recognize them, unless they accept all the treaties by which America is at present bound; nor, it may be hoped, even if *de facto* independent, would they be admitted to the courtesies of diplomatic intercourse, unless they granted in the most explicit manner the

right of search. To allow the slave-ships of a Confederation formed for the extension of slavery to come and go free, and unexamined, between America and the African coast, would be to renounce even the pretence of attempting to protect Africa against the man-stealer, and abandon that Continent to the horrors, on a far larger scale, which were practised before Granville Sharp and Clarkson were in existence. But even if the right of intercepting their slavers were acknowledged by treaty, which it never would be, the arrogance of the Southern slave-holders would not long submit to its exercise. Their pride and self-conceit, swelled to an inordinate height by their successful struggle, would defy the power of England as they had already successfully defied that of their Northern countrymen. After our people by their cold disapprobation, and our press by its invective, had combined with their own difficulties to damp the spirit of the Free States, and drive them to submit and make peace, we should have to fight the Slave States ourselves at far greater disadvantages, when we should no longer have the wearied and exhausted North for an ally. The time might come when the barbarous and barbarizing Power, which we by our moral support had helped into existence, would require a general crusade of civilized Europe, to extinguish the mischief which it had allowed, and we had aided, to rise up in the midst of our civilization.

For these reasons I cannot join with those who cry Peace, peace. I cannot wish that this war should not have been engaged in by the North, or that being engaged in, it should be terminated on any conditions but such as would retain the whole of the Territories as free soil. I am not blind to the possibility that it may require a long war to lower the arrogance and tame the aggressive ambition of the slave-owners, to the point of either returning to the Union, or consenting to remain out of it with their present limits. But war, in a good cause, is not the greatest evil which a nation can suffer. War is an ugly thing, but not the ugliest of things : the decayed and degraded state of moral and patriotic feeling which thinks nothing *worth* a war, is worse. When a people are used as mere human instruments for firing cannon or thrusting bayonets, in the service and for the selfish purposes of a master, such war degrades a people. A war to protect other human beings against tyrannical injustice ; a war to give victory to their own ideas of right and good, and which is their own war, carried on for an honest purpose by their free choice — is often the means of their regeneration. A man who has nothing which he is willing to fight for, nothing which he cares more about than he does about his personal safety, is a miserable creature, who has no chance of being free, unless made and kept so by the exertions of better men than himself. As long as justice and injustice have not terminated *their*

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ever renewing fight for ascendancy in the affairs of mankind, human beings must be willing, when need is, to do battle for the one against the other. I am far from saying that the present struggle, on the part of the Northern Americans, is wholly of this exalted character ; that it has arrived at the stage of being altogether a war for justice, a war of principle. But there was from the beginning, and now is, a large infusion of that element in it ; and this is increasing, will increase, and if the war lasts, will in the end predominate. Should that time come, not only will the greatest enormity which still exists among mankind as an institution, receive far earlier its *coup de grâce* than there has ever, until now, appeared any probability of ; but in effecting this the Free States will have raised themselves to that elevated position in the scale of morality and dignity, which is derived from great sacrifices conscientiously made in a virtuous cause, and the sense of an inestimable benefit to all future ages, brought about by their own voluntary efforts.

THE END.





LA CONSTITUTION ET L'UNION.

DISCOURS

PRONONCÉS

AU DÉJEUNER DE L'UNION AMÉRICAINE

DONNÉ A PARIS, LE 29 MAI 1861,

AU

GRAND HOTEL DU LOUVRE.

Reproduit du *Galignani's Messenger*.

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ASSEMBLÉE CONSTITUTIONNELLE DES AMÉRICAINS

A PARIS.

Une importante réunion de Citoyens américains, au nombre de deux cents environ, a eu lieu hier (le 29 de ce mois), à midi, dans la grande salle de l'hôtel du Louvre. En entrant, on aurait pu penser que la réunion n'avait pour objet que de célébrer une fête, car trois tables chargées d'argenterie, de cristaux, de fleurs et d'autres objets agréables à l'œil garnissaient cette immense salle. On voulait d'abord déjeuner gaiement et puis exprimer des sentiments et adopter des résolutions sur la scission qui s'est élevée si malheureusement aux Etats-Unis. D'un côté de la salle, le drapeau français flottait sur un buste de l'Empereur et de l'autre côté on voyait celui des Etats-Unis avec ses étoiles et ses bandes si bien connues. Lorsque toute la société fut assise, comme un grand nombre de jeunes dames d'une mise élégante en faisaient partie, le coup d'œil était admirable.

Le déjeuner terminé, le docteur Thomas W. EVANS, ayant sollicité et obtenu l'attention de l'assemblée, se leva et proposa de conférer la présidence à M. ELLIOT C. COWDIN, de New-York. Cette motion ayant été adoptée par acclamation, M. COWDIN prit le fauteuil et, après que les applaudissements qui l'accueillirent se furent calmés, il se leva et prononça le discours suivant :

DISCOURS DE M. ELLIOT C. COWDIN.

Chers Compatriotes, Mesdames et Messieurs,

Permettez-moi de vous remercier, du fond du cœur, de l'honneur que vous m'avez fait en m'appelant à vous présider en cette occasion.

Mettant de côté toute considération d'intérêt ou de parti, nous nous réunissons comme Américains, citoyens des Etats-Unis, et ce titre suffit à notre ambition.

Tout en convenant que le temps des discours est passé et que le moment d'agir est venu, nous ne pouvons qu'applaudir à la réunion d'aujourd'hui, qui a pour objet d'écouter les paroles de sagesse de nos illustres compatriotes auxquels j'ai l'honneur de souhaiter, en votre nom, une cordiale bienvenue.

Cette assemblée nombreuse et distinguée, ici, dans cette grande ville, loin du sol natal, est un heureux augure de l'intérêt profond que nous apportons tous à soutenir le gouvernement dans sa détermination de maintenir la constitution, les lois et les libertés de notre commune patrie.

Notre union nationale, résultat des progrès de la civilisation, n'a pas été fondée dans notre intérêt exclusif, mais dans celui de la grande famille humaine. Aussi, quiconque, soit en paroles, soit en action, porte atteinte à son intégrité, n'est pas seulement traître à son pays, mais ennemi de sa race.

Le général carthaginois conduisit à l'autel son fils encore enfant pour lui faire prêter serment de haine éternelle contre l'ennemi de son pays. Nous avons, nous, un devoir à remplir plus noble, plus élevé, plus saint. Déclarons notre inaltérable attachement aux grands principes de liberté et de justice qui sont la base de notre gouvernement, et, s'il le faut, suivons, pour les défendre, le glorieux exemple de nos pères, mettons-y tout notre honneur, sacrifions notre fortune et notre vie. (Vifs applaudissements.)

AMERICAN CONSTITUTIONAL MEETING.

A most important meeting of American citizens took place yesterday at noon in the Great Hall of the Hôtel du Louvre, some 200 persons being present. On entering the room one could have imagined that the reunion was for a purely festive purpose, as three tables loaded with plate, cut-glass, flowers, and other objects recreative to the eye ran down the whole length of the immense room. The intention was to breakfast pleasantly first, and then to express sentiments and pass resolutions on the session which has so unfortunately arisen in the United States. At the end of the room floated the French flag over a bust of the Emperor, and on either side that of the United States, displaying its well-known Stars and Stripes. When all the company were seated, as a great number of young and elegantly-dressed women were present, the *coup-d'œil* was most striking. An excellent breakfast having been duly honoured,

The company was called to order by Dr. Thomas W. Evans who rose and proposed that the office of President of the day should be filled by Mr. Elliot Cowdin, of New York.

The motion having been passed by acclamation,

Mr. Cowdin took the chair, and after the applause which greeted his appearance had subsided, rose and said :

SPEECH OF ELLIOT C. COWDIN, ESQ.

FELLOW-COUNTRYMEN, LADIES, AND GENTLEMEN,

Let me thank you most heartily for the honour you have done me in calling upon me to preside on this occasion. Forgetting all considerations of interests, of party, and of section, we meet as *Americans*, citizens of the *United States*, desiring no higher appellation. Granting, as I must, that the time for speech-making has passed, and the time for action has come, it is well, nevertheless, that we have met together to-day to listen to words of wisdom from our illustrious countrymen, to whom, in your name, I bid a cordial welcome. (Applause.)

This large and distinguished assemblage, here in this great capital, far from our native land, is a happy augury of the deep interest entertained by all, in sustaining the Government in its determination to maintain the constitution, the laws, and the liberties of our common country. Our national union—the result of the world's progress, was not formed for ourselves alone, but for the whole family of man. He, therefore, who by word or deed, does ought towards destroying that union, is not only a traitor to his country, but an enemy to his race. (Cheers.)

The Carthaginian general brought his child to the altar to take an oath of ceaseless vengeance against the enemies of his country. Be ours a higher, a nobler, a holier duty. To declare our undying attachment to the great principles of liberty and justice upon which our Government was founded, and if need be, in the spirit of our fathers, to pledge our lives, our fortunes, and our sacred honour to uphold and defend them. (Cheers.)

L'illustre Washington a remarqué que nous attachons d'autant plus de prix à la liberté qu'elle est plus difficile à conquérir, et que la trempe des caractères s'apprécie à l'épreuve de l'adversité. Il en sera toujours ainsi; et l'Union sortira de ce conflit *purgée* et *purifiée*, et elle restera la merveille de l'admiration du monde. Bien plus, les grands caractères que les événements vont faire surgir sont destinés à vivre dans l'histoire et figureront parmi les hommes les plus illustres du dix-neuvième siècle.

La lutte que nous avons engagée est décisive. Les rebelles qui lèvent le front sont audacieux, prêts à tout, résolus à triompher ou à détruire, pensant avec Satan : « Que mieux vaut être roi des enfers que simple esclave au ciel. »

Mais, chers compatriotes, n'en soyez point troublés.

Nous reposant sur la bonté de notre cause, l'unanimité des peuples et la protection du Dieu de justice, nous n'avons rien à redouter. (Applaudissements.) Des traitres ont commencé la guerre pour fonder la tyrannie; pouvons-nous reculer, lorsqu'il s'agit de défendre la liberté? Ils ont semé le vent, ils récolteront la tempête. Qu'il nous faille ou de l'argent, ou des troupes, tout abonde. Vingt millions d'hommes se sont levés pour cette cause sacrée, pour protéger notre mère commune, notre patrie bien-aimée, contre laquelle la trahison aiguise ses traits mortels.

Déjà le décret est rendu : « Que l'effort de la liberté soit terrible; que ses coups soient prompts, redoublés et décisifs. » Ne souffrons aucun armistice, ne nous arrêtons ni à la capitale, ni à Richmond, ni à Charleston, ni à Montgomery, nulle part enfin, jusqu'à ce que les troupes de l'Union aient replanté leurs étendards étoilés au sommet de chaque arsenal, fort ou édifice, d'où les avaient arrachés les mains sacrilèges d'une populace en furie. Une telle lutte n'est pas sans périls; mais s'il y a danger, de notre côté il est accompagné d'honneur éternel et de succès infaillible, tandis que de l'autre c'est la honte indélébile, la destruction complète. (Applaudissements.)

On raconte que lord Byron enfant empêcha ses camarades de détruire leur salle d'étude en leur montrant les noms de leurs pères inscrits sur les murs. Serons-nous moins sages, moins reconnaissants que des écoliers? Hériterons-nous à défendre, à sauver le temple de la liberté élevé par nos pères, et dont le fronton porte les noms de Washington et Adams, de Jefferson et Franklin, de Madison et Jay, de Henry et Otis, de Pinckney et Hamilton.

Dissoudre à tout jamais notre union nationale, remplacer la bannière de la liberté par le sombre pavillon de la piraterie; renverser notre gouvernement fédéral; fouler aux pieds les innombrables bienfaits que nos pères ont achetés si chèrement pour nous, et à leur gloire immortelle, cela ne se peut, cela ne doit pas être, cela ne sera pas. (Vives acclamations.)

Que tous les bons citoyens, partout où ils se trouvent, s'unissent de cœur et de bras, et jurent de maintenir et de défendre le drapeau de l'Union aujourd'hui et à tout jamais. Pas d'hésitation dans nos rangs, pas de défaillance dans l'accomplissement du devoir, pas de compromis de principes. De cette manière, nous reprendrons promptement notre marche en avant sur le terrain de la vraie gloire; la gloire de la science et de la sagesse; de la vérité et de la justice, de l'*Union* et de la *Liberté*! (Applaudissements redoublés.)

Le major SELOVER, de Californie, propose de nommer vice-présidents et secrétaires les membres de l'assemblée dont les noms suivent :

MM. John J. RIDGEWAY.
François WARDEN.
Woodbury LANGDON.
Dr Th. William EVANS.
William K. STRONG.
James W. TUCKER.
George B. ENGLISH.
Henry WOODS.

MM. George R. RUSSELL.
F. A. LOVERING.
W. C. EMMETT.
James H. DEMING.
A. K. P. COOPER.
B. G. WAINWRIGHT.
Edward BROOKS.
J. N. A. GRISWOLD.

MM. T. Wallis EVANS, }
Auguste de PEYSTER, } Secrétaires.

It was a remark of the illustrious Washington that "the value of liberty was enhanced in our estimation by the difficulty of its attainment; and the worth of character appreciated by the trial of adversity." So will it ever be; and when this conflict is over, the Union will stand forth *purged* and *purified*, the wonder and admiration of the world. (Applause.) Nay more, the great characters which the exigencies will call forth, are destined to be recorded upon the pages of history, as among the brightest heroes of the nineteenth century. (Hear, hear.) The struggle we have entered upon is a momentous one. The rebels are bold, daring, desperate; determined to rule or ruin, deeming with Satan, 'tis

"Better to reign in Hell than serve in Heaven."

But, my countrymen, be not dismayed. Relying upon the justice of our cause, the unanimity of the people, and the protection of a righteous God, we have nothing to fear. (Applause.) Traitors have inaugurated war to establish tyranny, and can we shrink from it in defence of liberty? They have sown the wind—they shall reap the whirlwind. Whatever is necessary, either of money or of men, is at our command. Twenty millions of people are aroused in behalf of this sacred cause—the protection of our common parent—our beloved country, at whose very vitals treason is aiming its deadly thrusts.

Already the decree has gone forth—"Let freedom's blow, as it must be terrible, be therefore *quick, hard, decisive*." Let there be no cessation of war; no halting at the Capitol, nor at Richmond, nor at Charleston, nor at Montgomery, nor anywhere until Freedom's troops shall have replanted Freedom's stars and stripes on every arsenal, and every fort and every edifice from which a sacrilegious and infuriated mob has hauled them down. (Hear, hear.) In such a struggle there may be danger; but on the one hand there is danger accompanied with lasting honour and inevitable success; and, on the other, there is danger with indelible shame and utter destruction.

It is said that Lord Byron, when a boy, prevented his comrades from demolishing his school-room, by showing them their fathers' names on the walls. Shall we be less wise, less grateful than school-boys? Shall we hesitate to preserve and defend the Temple of Freedom, reared by our fathers, upon the walls of which are inscribed the names of Washington and Adams, Jefferson and Franklin, Madison and Jay, Henry and Otis, Pinckney and Hamilton? (Loud cheers.)

Permanently dissolve our National Union! Replace the banner of freedom with the black flag of piracy! Break up our Federal Government! Trample under foot the countless blessings which our fathers purchased for us at so dear a rate, and with so much immortal honour and glory! It cannot, it must not, *it shall not be*.

Let all loyal citizens, wherever found, join hand and heart in the solemn pledge to uphold and defend the flag of our Union *now and for ever*. Let there be no faltering in our ranks—no swerving from duty, no compromise of principle. Thus shall we speedily resume our onward march of true glory; the glory of knowledge and wisdom; of truth and justice; of *Union and Liberty*. (Enthusiastic applause.)

Major SELOVER, of California, proposed that the following gentlemen should be named as Vice-Presidents:

Messrs. JOHN J. RIDGEWAY.
FRANCIS WARDEN.
WOODBURY LANGDON.
Dr. THOMAS WILLIAM EVANS.
William K. STRONG.
JAMES W. TUCKER.
GEO. B. ENGLISH.
HENRY WOODS.

Messrs. GEO. R. RUSSELL.
F. A. LOVERING.
W. C. EMMETT.
JAMES H. DEMING.
A. K. P. COOPER.
B. G. WAINWRIGHT.
EDWARD BROOKS.
J. N. A. GRISWOLD.

Messrs. T. WALLIS EVANS, and
AUGUSTUS DE PEYSTER, }

Secretaries.

Ces nominations sont approuvées à l'unanimité.

M. TUCKER, au nom du Comité d'arrangement, propose les résolutions suivantes :

« Attendu que, en l'an de notre Seigneur 1787, le peuple des Etats-Unis, après avoir assuré son indépendance par une longue et sanglante guerre, a décrété et établi la Constitution des Etats-Unis pour former une union plus parfaite ; établir la justice, favoriser le bien-être général, et assurer les bienfaits de la liberté, à lui et à ses enfants ;

» Attendu que le peuple de plusieurs Etats, en adoptant ladite Constitution en fit, ainsi que des lois du Congrès décrétées en vertu de cette Constitution, la loi suprême du pays, et transféra ainsi tous les pouvoirs essentiels de la souveraineté des Etats au Gouvernement général ;

» Attendu que de nombreux Etats ont été depuis lors admis dans l'Union par acte du congrès, et ont ainsi reçu toute l'autorité légale d'un Etat, dont ils sont revêtus par la volonté du Gouvernement général ;

» Attendu que, pendant une période de soixante-quinze années, le peuple de tous les Etats et les Gouvernements de ces Etats eux-mêmes ont joui de la paix, de la prospérité et de l'exercice paisible de tous leurs droits civils et personnels, tant à l'intérieur qu'à l'étranger, sous la protection du Gouvernement des Etats-Unis, auquel ses ennemis mêmes ne peuvent reprocher d'avoir édicté des lois contraires à la Constitution ou aux droits d'un Etat ou d'un citoyen quelconque ;

» Attendu que des citoyens de plusieurs Etats ont conspiré pour renverser cette Constitution bienfaisante, ont réussi à exciter la rébellion et à entraîner lesdits Etats dans une révolution contre le Gouvernement, sans cependant soumettre leurs prétendus actes de scission au vote des populations de leurs propres pays ;

» Attendu que le Gouvernement des Etats-Unis, dans l'exercice de son autorité légale, a déclaré sa détermination de maintenir la suprématie de la Constitution et l'observation des lois, et a fait appel au peuple pour l'aider à atteindre ce but :

» En conséquence, il est résolu :

» Que du maintien du Gouvernement et de l'Union, une et indivisible, tels qu'ils nous ont été transmis par nos pères, dépend, non-seulement l'avenir du peuple américain, tant dans le Sud que dans le Nord, mais aussi les espérances de la liberté, du progrès et de la civilisation chrétienne dans le monde entier ;

» Que le Gouvernement et le peuple des Etats-Unis manqueraient à la plus haute mission politique que Dieu ait jamais confiée à des mains humaines, s'ils permettaient que la puissante et éternelle Union, établie par la Constitution, soit abaissée et transformée en une simple association des Etats, ce qui ne serait autre chose qu'une anarchie organisée, précurseur certain du despotisme militaire ;

» Que la déclaration du Gouvernement américain qu'il n'a pas, ne veut pas avoir et n'aura jamais la moindre idée de permettre qu'une dissolution de l'Union ait lieu, de quelque manière que ce soit, mérite l'approbation cordiale de tous les bons citoyens, et que la demande faite par le Gouvernement d'hommes et de moyens pour réprimer la rébellion sera satisfaite et même dépassée par le dévouement, le zèle et le sacrifice de soi-même, si cela est nécessaire, des millions d'hommes libres qui ont, pendant si longtemps, joui de la protection de la Constitution, et qui, avec l'aide de Dieu, soutiendront le Gouvernement par tous les moyens en leur pouvoir jusqu'à ce que la suprématie des lois soit rétablie sur tout le territoire ;

» Qu'il est du devoir de tous les bons citoyens, tant à l'étranger qu'à l'intérieur, oubliant toutes les anciennes différences d'opinions politiques, d'aider par leurs efforts, leurs prières et leur argent, les autorités constituées du pays dans le maintien de la Constitution et de l'Union, en soutenant vigoureusement la guerre à laquelle ils sont contraints par les actes illégaux et

These nominations were acceded to unanimously.

Mr. Tucker, on behalf of the Committee of Arrangement, proposed the following resolutions :—

“Whereas, in the year of our Lord, 1787, the ‘people of the United States,’ after having secured their independence by a long and bloody war, did ordain and establish the Constitution of the United States, in order to form a more perfect Union, to establish justice, to promote general welfare, and to secure the blessings of liberty to themselves and their children; and

“Whereas, the people of the several States, in adopting said Constitution, made it and the laws of Congress enacted in pursuance of it, the supreme law of the land, and thereby transferred the essential powers of sovereignty from the States to the general Government; and

“Whereas, numerous States have since been admitted into the Union by act of Congress, and have thus received all the State authority which they possess from the general Government; and

“Whereas, for a period of nearly 75 years, the people of all the States and the State Governments themselves have enjoyed peace, prosperity, and the undisturbed exercise of all personal and civil rights, at home and abroad, under the protection of the Government of the United States, which is not even charged by its enemies with ever having enacted laws in violation of the Constitution, or of the rights of any State or citizen; and

“Whereas, a number of persons in several of the States have conspired to overthrow this benign Constitution and have succeeded in exciting rebellion, and plunging the said States into a revolution against the Government, without, however, submitting their so-called acts of secession to the vote of the people of their own States; and

“Whereas, the Government of the United States, in the exercise of its rightful authority, has declared its purpose to maintain the supremacy of the Constitution, and to vindicate the laws, and has called upon the people to support it in so doing—

“Therefore—

“Resolved—That in the maintenance of the Government and Union, as handed down by our fathers, one and indissoluble, are involved not merely the fate of the American people, in the South as well in the North, but also the hopes of freedom, progress, and Christian civilisation throughout the world;

“Resolved—That the Government and people of the United States would be false to the highest political trust ever placed by the Almighty God in human hands, were they to allow the ‘powerful and perpetual Union,’ which the Constitution was ordained to establish, to be degraded into a mere voluntary society of States, which would be nothing but an organised anarchy, the sure precursor of military despotism;

“Resolved—That the declaration of the American Government, that it has not, does not, and will not entertain ‘the least idea of suffering a dissolution of the Union to take place in any way whatever,’ deserves the cordial approval of all good citizens, and that the demands of the Government for the men and means of suppressing the rebellion will be fully met and surpassed by the devotion, the zeal, and the self-sacrifice, if need be, of the millions of freemen who have so long enjoyed the protection of the Constitution, and who, with the blessing of God, will support the Government by all means in their power, until the *supremacy* of the laws is re-established throughout the land;

“Resolved—That it is the duty of all good citizens abroad as well as at home, overlooking all past differences of political opinions, to aid, by their efforts, their prayers, and their money, the constituted authorities of the country in upholding the Constitution and the Union, and in carrying on vigorously the war which has been forced upon them by the lawless and

inconstitutionnels d'hommes égarés; guerre faite, non pour détruire les intérêts d'une partie quelconque du pays, mais pour les préserver tous; non pour subjuguier un Etat ou les loyaux citoyens d'un Etat quelconque, mais pour renverser partout, et, comme nous l'espérons, s'il plaît à Dieu, pour toujours, les auteurs et propagateurs du désordre et de la rébellion;

» Qu'une copie de ces résolutions sera envoyée au Président des Etats-Unis, comme contenant l'expression des sentiments d'un grand nombre d'Américains résidant à Paris. »

Ces résolutions ont été vivement applaudies et adoptées par acclamation.

L'honorable W. L. DAYTON, ministre américain à la cour des Tuileries, se leva ensuite et fut accueilli par de vifs applaudissements. Il prononça le discours suivant :

DISCOURS DE L'HONORABLE WILLIAM L. DAYTON.

Monsieur le Président, Mesdames et Messieurs,

Quoiqu'il lointain de mon pays, je me trouve entouré de citoyens américains soumis aux règles et conventions de la vie sociale d'Amérique, qui, entre autres choses, veulent qu'on prononce un discours quand on le demande.

Il serait inutile, mes amis, de nier que notre pays est dans un mauvais moment, qu'il a pour l'instant perdu beaucoup de son prestige à l'étranger, que notre amour-propre est blessé et notre orgueil humilié, non par les étrangers, mais par la mauvaise conduite d'une partie de nos propres compatriotes. Les nations, comme les individus, sont quelquefois gâtées par la prospérité. (Ecoutez! écoutez!) Il ne serait pas logique de croire que toutes les fois qu'il s'élève une dissension dans un pays, elle est le résultat de l'injustice et de l'oppression du Gouvernement; chez nous, c'est le contraire qui a lieu. Il paraît qu'elle provient de la pléthore de son abondance et de sa prospérité: elle est la folle explosion d'un peuple turbulent et excitable, qui ne se plaint réellement de rien. Nous, qui connaissons l'état de notre pays et la valeur de ses institutions, quoique punis dans notre orgueil et frappés dans nos sentiments, nous ne pouvons pas oublier ces vérités. (Ecoutez! écoutez!) Vous vous êtes réunis à cette occasion, dans le but d'exprimer vos sentiments d'attachement et de respect pour les lois de la Constitution de notre pays. Le moment est opportun.

Vos amis là-bas se demandent si vous avez un pays, car un pays sans gouvernement n'est pas un pays, c'est une habitation sans nom, un « *locus in quo*, » pour une existence misérable.

Le monde, et surtout l'Angleterre, ne peut attendre de nous que nous dégradions notre origine saxonne en permettant à un gouvernement qui a tant fait pour l'humanité en si peu de temps, de se retirer sans combattre, et, s'il le faut, sans une lutte telle que le monde n'en aura jamais vu. Notre union coûte cher, mais elle vaut son prix et plus qu'elle ne coûte. (Bryants applaudissements.) Ce n'est ici ni le lieu ni le moment d'élaborer des arguments. Il suffit de dire que les Etats-Unis ne forment pas une confédération. Ils ont cessé d'en être une en 1787, lorsque leur constitution actuelle fut établie. Les Etats-Unis ne forment pas une agglomération d'Etats liés ensemble par un accord qu'on peut rompre avec ou sans cause, au choix de l'un ou de l'autre, mais c'est une nation traitée et reconnue comme telle par toutes les puissances civilisées du monde, et quel est celui qui a jamais entendu parler de scission appliquée à une nation? (Applaudissements.) Nous savons ce que c'est que la rébellion et la révolution, et nous les reconnaissons comme fondées dans certains cas; mais quel publiciste, quel auteur, écrivain, sur les lois internationales, a expliqué quand et où le droit de scis-

unconstitutional acts of misguided men; a war, not to destroy the interests of any part of the country, but to preserve them all; not to subjugate any State, or the loyal citizens of any State, but to put down, everywhere, and as we trust in God, for ever, the authors and abettors of tumult and rebellion;

“Resolved—That a copy of these resolutions, as embodying the sentiment of a large number of Americans in the city of Paris, be forwarded to the President of the United States.”

Loud cheering greeted the resolutions thus proposed, and they were adopted with acclamation.

SPEECH OF THE HON. WILLIAM L. DAYTON.

His Excellency, the American Minister at the Court of the Tuileries, next rose, and was received with loud applause. He spoke as follows:—

MR. PRESIDENT, LADIES AND GENTLEMEN,

I find myself, though far removed from my own country, surrounded by the faces of American citizens, and subject to the rules and conventionalities of American social life; among which is the necessity of a speech whenever called for. It is needless, my friends, to deny that our country has fallen upon evil times; that much of its prestige abroad is, for the present, gone; that our self-love is rebuked and our pride is humiliated not by the actions of others, but by the misconduct of portions of our own countrymen. Nations, like individuals, are sometimes spoiled by prosperity. (Hear, hear.) It does not follow as a logical sequence that wherever there is dissension in a country, it results from the wrongs and oppressions of Government. In our case, it results from its very opposite. It seems to come from the plethora of its abundance and prosperity. It is the wanton outbreak of a restless and excitable people who complain substantially of nothing. We who know the condition of our country and the value of its institutions, though chastened in pride and rebuked in feeling, cannot forget these truths. (Hear, hear.) You have come together on this occasion to give expression to your feelings of attachment and respect for the laws and Constitution of your country. It is in good time. Your friends there are now testing the question if you have a *country*; for a country without a Government is no country. It is a habitation without a name; a “locus in quo,” for a miserable existence. The world cannot expect, and least of all can England expect, that we shall disgrace our Saxon lineage by permitting a Government which has accomplished so much for humanity within so brief a space, to go out without a struggle, and if need be, such a struggle as the world has not seen. Our Union cost much; and it is worth all and more than it cost. (Loud cheers.) This is no time or place for laboured argument. It is enough to say, though that may assume the point in dispute, that the United States is no Confederation. It ceased to be such in 1787, when its present Constitution was formed. It is no compact between States to be broken with cause or without cause, at the option of any; but it is a *nation*, treated with as such, recognised as such, by every civilised power on the face of the earth, and who ever heard of *secession* as applied to a *nation*? (Cheers.) We know of rebellion and of revolution, and we recognise them as a right under certain circumstances. But what publicist, what writer upon international law, has ever told us when and where the right of secession begins and ends? The word, as applied to the existing state of things in our country, is a delusion. The facts show it a wicked, causeless rebellion. Nothing more, nothing less. (Tremendous applause.) We are sometimes asked how this civil war will end. We cannot fix the times or seasons of its termination, but we think we can see the end. The relative strength of the two sections of the country foretells the future of the controversy. We have been told that “the race is not to the swift nor the

sion commence et finit? Ce mot, appliqué au présent état de choses dans notre pays, est une déception. Les faits le prouvent, c'est une misérable rébellion, sans cause, ni plus ni moins. (Applaudissements bruyants.) On nous demande parfois quand finira cette guerre civile? Nous ne pouvons fixer l'époque ni le moment de sa fin, mais nous pensons que nous la verrons.

La force relative des deux sections du pays nous prédit l'avenir de ce conflit. On nous a enseigné que « *le prix de la course n'appartient pas au plus prompt ni le gain de la bataille au plus fort* ; » mais, selon moi, pour les affaires temporelles au moins, ceci est une exception, ce n'est pas la règle. La lenteur et la tolérance du Gouvernement ont induit quelques esprits à douter de sa force; mais ceci n'était pas le résultat de sa faiblesse et de sa timidité, c'était la conscience de sa force qui l'a fait agir ainsi. Cette lenteur provenait en outre de ce que les hommes du Nord et de l'Ouest n'ont jamais cru que le peuple du Sud pousserait les choses au point d'en faire sortir une terrible guerre civile. Ils ne pouvaient pas se figurer qu'une grande partie de notre peuple déchirerait de son plein gré son obligation de fidélité envers le Gouvernement fédéral, qu'ils n'ont connu, à ce que nous pensons, que par ses bienfaits. Mais le canon du fort Sumter les a réveillés comme le son de la trompette. (Applaudissements.) S'ils ont été lents à comprendre, lents à s'imaginer leur véritable position, ils ont été prompts à y faire face. Le soulèvement immédiat, terrible et spontané d'au moins vingt millions d'hommes, mus par une seule impulsion, fut sublime! L'histoire du monde, ancienne ou moderne, ne présente rien de semblable. Et je dis maintenant que, depuis les jours de notre révolution jusqu'à cette heure, notre pays n'a jamais été plus fort qu'en ce moment, jamais plus à même d'affronter les circonstances qui peuvent surgir d'une guerre étrangère ou d'une guerre intérieure.

Le danger est, si cette rébellion continue, que le pays entier ne se soulève comme un seul homme, par une impulsion commune et que notre pays ne devienne plutôt une puissance militaire qu'une nation d'agriculteurs et de commerçants. Mais cependant nous demandons, non pas dans un esprit de défiance, mais comme une chose de droit, que l'étranger nous laisse seuls. Nous n'ignorons pas la sympathie des hommes ou des nations qui pensent bien de nous et de nos principes, et, grâce à Dieu, j'en ai trouvé de tels pendant mon court séjour en Europe. Mais à ceux qui se méfient de nous, qui doutent de nos forces d'autonomie, qui regardent le présent état de choses dans les Etats-Unis avec une joie mal déguisée (s'il y en a de tels), je leur dis encore une fois : laissez-nous seuls!... retirez-vous!... La rébellion n'est pas la révolution, et la scission, comme principe politique, est une chose inconnue.— C'est un principe qui n'est rendu bon que par le bras fort de la puissance qui l'avoue comme un droit politique. (Ecoutez, écoutez!) On ne sera pas surpris, d'après ma carrière professionnelle passée, que mon attention se soit portée de bonne heure vers les lois de la France, qui pourraient peser sur nos droits. Le monde commercial a été fortement agité par la menace de délivrer des lettres de marque et d'user de représailles, faite par le soi-disant Gouvernement confédéré. J'ai consulté les lois de France relatives aux droits des corsaires, et si je les comprends bien (et je désire m'expliquer avec une grande circonspection et comme pouvant être rectifié en parlant des lois d'un pays étranger). (Bruyants applaudissements.) La France, je pense, nous laissera seuls en vertu de ses propres lois. Ces lois portent : 1° Qu'un capitaine qui prend le commandement d'un corsaire étranger se rend coupable d'un acte de piraterie; 2° Que le citoyen français qui entre au service étranger, sans l'autorisation de l'Empereur, perd ses droits de citoyen français; 3° Que les prises faites par un corsaire ne peuvent pas stationner dans un port de France plus de vingt-quatre heures, à moins qu'elles ne soient retenues par la tempête; 4° Que les cours d'amirauté de nos Etats du Sud ne peuvent pas condamner des prises se trouvant dans un port de France. (Bruyants applaudissements.) Si j'ai bien compris les lois de France, il n'y aura que peu de chances de trouble et point de

battle to the strong," but this I think, in temporal matters at least, is the exception, not the rule. The long delay and forbearance of the Government have led some minds to doubt its power, but this was not the quiet of weakness and timidity, but rather of a conscious strength. This delay, too, was super-induced by the fact that the masses of the people, North and West, never believed that the men of the South would bring the matter to the dreadful issue of civil war. They could not realise the fact that any considerable portion of our people could wilfully throw off their allegiance to the Federal Government, which they had only known, as we thought, by its blessings. But the cannon at Fort Sumter roused them, like the blast of a bugle. (Applause.) If they were slow to understand, slow to realise the truth of their position, they were quick to meet it. The instant terrible uprising of at least twenty millions of people, as if by a single impulse, was sublime. The history of the world, ancient or modern, has nothing more so. And I desire to say now that from the days of our revolution to the present hour, the country has never been stronger than at the present moment; never more able to meet any contingency which may arise from foreign or domestic war. The danger is if this rebellion continue that the whole country, roused as one man by a common impulse, will become a military power rather than an agricultural and commercial people. But in the mean time we ask, not in the spirit of defiance but as a matter of right, that the outside world will leave us alone. We do not ignore the sympathy of men nor of nations who think well of us and of our principles—and I thank God I have found such during my brief residence in Europe—but for those who distrust us, who doubt our powers of self-government, who look upon the present condition of things in the United States with an ill-concealed joy (if there be such) I say again, leave us alone—hands off!—Rebellion is not Revolution, and secession, as a political principle, is something unknown. It is to be made good only by the strong arm of that power which avows it as a political right. (Hear, hear.) It will be no matter of surprise, in view of my past professional life, that my attention should have been early called to such laws of France as may bear upon our rights. The commercial world has been much agitated by the threatened issue of letters of marque and reprisal by the so-called Confederate Government of the South. I have looked into the French laws as respects the rights of these privateers; and if I understand them aright (and I desire to speak with great diffidence, and subject to correction, in reference to the laws of a foreign country) (loud applause), France will, I think, leave us alone in virtue of her own laws. Those laws hold, I think—

1. That a captain who takes command of a foreign privateer is guilty of a piratical act.
2. That the French citizen who shall enlist in a foreign service without the authority of the Emperor, loses all his rights as a French citizen.
3. That no prizes of a privateer can stay in a French port over twenty-four hours unless detained by tempest; and that, as a consequence.
4. There can be no condemnation of prizes in a French port by Courts of Admiralty in our Southern States. (Loud cheers.)

If I am correct in these views of the laws of France, there will be little chance of trouble and few points of conflict between the Government of France and our own. I sincerely hope that we may have trouble nowhere outside the limits of our own country. (Long continued cheering.)

SPEECH OF THE HON. CASSIUS M. CLAY.

After the applause had subsided, with which his Excellency the American Minister to the Court of St. Petersburg was greeted, he addressed the meeting in the following terms:

MR. PRESIDENT, LADIES AND GENTLEMEN,

I had desired to go where my Government had ordered me, without entering upon political questions. It was with no ordinary feelings that landing at Calais, I first set foot upon this land of our ancient ally

conflit entre le Gouvernement français et le nôtre. J'espère sincèrement que nous n'aurons de conflit nulle part au delà des frontières de notre propre pays. (Applaudissements prolongés.)

DISCOURS DE L'HONORABLE CASSIUS M. CLAY.

Après que les applaudissements qui saluèrent le ministre américain à la cour de Saint-Petersbourg eurent cessé, il prit la parole en ces termes :

Monsieur le Président, Mesdames et Messieurs,

J'avais l'intention de me rendre au poste que mon Gouvernement m'a assigné sans m'occuper de questions politiques. Ce ne fut pas avec des sentiments ordinaires qu'en débarquant à Calais je mis le pied sur cette terre de notre ancienne alliée et constante amie, qui nous aida vaillamment à achever l'œuvre de notre indépendance et à fonder une grande nation. (Applaudissements.) Comme agriculteur, l'excellente culture du sol m'a frappé, et, amateur de la nature, j'ai été enchanté du coup d'œil qu'offraient à ma vue ces champs de verdure, ces collines et ces vallées séparées de distance en distance par d'épaisses forêts; le tout ensemble réalisant plus que ce que je m'étais jamais imaginé de « la belle France. » Mais que dirai-je de Paris? de ses larges et belles rues, de ses anciens édifices classiques et grandioses, de ses beaux parcs, de ses galeries de beaux-arts réunissant l'utile et l'agréable, de ses monuments d'histoire, et, bien au-dessus de tout cela, de son développement en progrès et en civilisation? Car je dois dire que je n'ai vu en France ni mendiants, ni hommes en haillons, ni ivrognes, (Ecoutez, écoutez.) L'énergie sympathie de cette nation pour la cause de la liberté en 1776 n'a pas été perdue pour elle, en vertu des lois éternelles. Oserait-on dire que les Français, de nos jours, ont payé de trop d'argent et de trop de sang les libertés dont ils jouissent maintenant, et qui sont également reconnues par cette puissante nation et par le grand chef de son choix? (Bruyants applaudissements.)

Le charlatan politique seul est impatient. Mais l'homme d'Etat sage et philanthrope, qui compte sur la nature et suit les traces presque effacées de la marche des siècles, résiste aux entraînements d'une propagande trop rapide.

C'est avec les aspirations de l'espérance en l'avenir et de tout mon cœur que je dis : Vive la France! vive l'Amérique! (Applaudissements.) Oui, Messieurs, ma patrie vivra. Elle sacrifie sa fortune, sa vie, ses enfants à la justice. Elle souffre tout pour le bien général, car elle n'oublie pas les paroles de Lafayette et de tous les martyrs de 1776, et elle tire de nouveau l'épée pour « la défense des droits de l'homme. » Oui, notre union, notre constitution et nos libertés vivront. C'est pourquoi j'ai dit dans un autre endroit : « Cette rébellion périra. » « Le coton est Roi, dit-on; » non, *c'est le blé qui règne!* Car les Etats-Unis produisent plus de valeurs en blé qu'en coton. Que le Sud envoie aux nations pour 400 millions de dollars de coton; s'il dépense cette somme, s'il la dépense entièrement pour vêtements et nourriture, pour métiers et machines à coton et instruments aratoires, qu'est-ce que cela fait? Il se trouvera, à la fin de l'année, endetté par avance de ses revenus. Ses banques manquent d'espèces pour payer ses aliments, ses traites ne sont pas acquittées, sa monnaie cesse de circuler, ses valeurs sont nulles, son crédit est perdu! Le *Times* me comprend-il? Voilà pourquoi je dis que nous pouvons facilement le conquérir. On m'accuse de menacer l'Angleterre. Je n'ai pas l'habitude de regarder autour de moi pour chercher le moyen de rendre la vérité plus agréable. Que ceux qui sont un obstacle à la vérité y regardent. (Ecoutez.) Si l'Angleterre, après tout ce qu'elle a dit contre l'esclavage, tire son épée pour le défendre, je dis qu'alors, et quelque grande qu'elle soit, « elle périra par l'épée. » Car alors, non-seulement la France, mais le monde entier, s'écriera : *Perfide Albion!* Si elle mêle les croix rouges du pa-

and steadfast friend, who so gallantly aided us in the achieving our independence, and founding a great nation. (Applause.) As an agriculturist I was interested in the thorough culture of the soil—and as a lover of nature I was enchanted with the large vista over green fields, hill, and dale, intercepted by occasional dense forests, which more than realized all I had imagined of “La Belle France.” But what shall I say of Paris?—her spacious and elegant streets, her grand old classic structures, her beautiful parks, her galleries of arts—the fine and the useful—her monuments of dramatic history, and above all her development of progress and civilisation? For I must say that I have not seen a beggar, a ragged man, or a drunkard in France. (Hear, hear.) A manly sympathy with the cause of liberty in 1776 has not, by the Eternal laws, been lost upon her people. Does any man venture to say that the French of to-day have paid too much in treasure and blood for the liberties they now enjoy; which this great people and the great Chief of their choice equally recognise? (Loud cheers.) The political empiric only is impatient—waiting upon nature, and following upon the fading foot-prints of the ages—the world-wide statesman and philanthropist withholds the hand of rash propagandism. With hopeful aspirations for the future—with all my heart, I say, “*Vive la France, vive l’Amérique.*” (Applause.) Yes, Gentlemen, my country shall live. She sacrifices property, and life, and kindred to justice. She suffers all things for the whole race—not forgetting the language of Lafayette and all the martyrs of 1776, she draws her sword once more in “defence of the rights of human nature.” Yes, our Union, our Constitution, and our liberties shall live. That is why I have said elsewhere, this rebellion shall go down. “Cotton is king!” No; “Grass is king”: for the United States produce more dollars’ worth of grass than of cotton. Let the South send 400,000,000dols. worth of cotton to the nations—if she pays it out—all out for clothes and food, and mules and cotton-gins, and farming utensils—what does it matter? She finds herself at the end of the year indebted in advance of her income. Her banks are exhausted of their coin to pay for food, her notes are not redeemed, her currency ceases to circulate, her stocks are nothing, her credit is gone. Does the *Times* understand me? Therefore I say, of course, we can conquer her. I am accused of threatening England. I am not in the habit of casting about me to see how I may make truth most palatable. Let those who stand in the way of truth look out. (Hear, hear.) If England, after all she has said against slavery, shall draw her sword in its defence, then I say, great as she is, she “shall perish by the sword.” For then not only France, but all the world shall cry out, “Perfide Albion!” When she mingles the red crosses of the Union Jack with the piratical black flag of the “Confederate States of America”—will not just as certainly the Tricolor and the Stars and Stripes float once more in fraternal folds. (Hear, hear.) Can France forget who has doggedly hedged in all the fields of her glory? Can Napoleon forget St. Helena? Will he at her bidding turn his back upon the East? Shall “*Partant pour la Syrie*” be heard no more in France for ever? Russia strengthens herself by giving up slave labour for the omnipotent powers of nature: which by steam, and electricity, and water, and the mechanical forces share with man the creative omnipotence. Shall England cross half the globe to check the Eastern march of her new-born civilisation? I have spoken to England—not as an enemy, but a friend. For her own sake, I would have her be true to herself. If England would preserve cotton for her millions of operatives, let her join in putting down the rebellion. Her interference in defence of the rebels of the South will force us to do that which would be a calamity to us as well as to them—at a blow to destroy slavery for ever. The interest of England and France lie in the same direction—in the preservation of the Union, and the making successful rebellion impossible. (Loud applause.) Especially does France find safety in our unity and prosperity—for between us there is no antagonism whatever. We want her silks, her brandies, her wines, her porcelains, her cloths, her finer cottons; her thousand articles of unequalled taste. She wants our tobacco, our

villon anglais avec le drapeau noir des pirates des « Etats confédérés de l'Amérique, » ne verra-t-on pas alors le drapeau tricolore et les étoiles et bandes américaines flotter encore une fois fraternellement ensemble ? (Ecoutez, écoutez.) La France peut-elle oublier qui a si opiniâtement limité tous ses champs de gloire ? Napoléon peut-il oublier Sainte-Hélène ? Pourra-t-il, à la demande de l'Angleterre, abandonner l'Est ? L'air de « *Partant pour la Syrie* » ne doit-il plus jamais être entendu en France ?

La Russie se fortifie en échangeant le travail de ses serfs contre les forces toutes puissantes de la nature, qui, par la vapeur, l'électricité, l'eau et les arts mécaniques, partage avec l'homme la puissance créatrice. L'Angleterre doit-elle traverser la moitié du globe pour entraver la civilisation nouvellement née de l'Est ?

J'ai parlé à l'Angleterre, non pas en ennemi, mais en ami. Dans son intérêt, je voudrais qu'elle fût de bonne foi. Si l'Angleterre veut conserver du coton pour ses millions d'ouvriers, elle doit aider à écraser la rébellion. En s'ingérant dans la défense des rebelles du Sud, elle nous obligera à faire ce qui sera une calamité pour nous et pour eux, à détruire d'un seul coup l'esclavage, et pour toujours.

Les intérêts de l'Angleterre et de la France tendent à un même but : la conservation de l'union et rendre impossible le succès de la rébellion. (Bruyants applaudissements.) La France surtout trouve de la sécurité dans notre union et notre prospérité, car entre nous il n'existe d'antagonisme d'aucun genre. Nous avons besoin de ses soieries, de ses eaux-de-vie, vins, porcelaines, draps, calicots fins ; de ses milliers d'articles d'un goût sans égal. Elle a besoin de nos tabacs, de nos viandes, de nos blés, etc. Mais elle ne nous enverra pas la prospérité de nos manufactures d'articles plus grossiers, qui font rentrer l'argent dans nos coffres pour nous mettre à même d'acheter tout ce qu'elle a à nous vendre. Que l'Angleterre, la France, la Russie, l'Espagne, le Mexique, que toutes les nations enfin se joignent à nous, l'Union sera conservée. (Bruyants applaudissements.)

En m'appuyant sur les larges principes de la loi naturelle qui ont été introduits par lord Chatham, et à sa grande gloire, dans la diplomatie moderne, je dois répondre de tout cœur à vos résolutions ; je veux imiter les anciens Romains dans la pureté de mon patriotisme, de notre nationalité ! Mon vœu éternel pour mon pays est : *Est perpetua!* et pour l'esclavage : *Delenda est Carthago!* (Applaudissements prolongés.)

DISCOURS DE L'HONORABLE ANSON BURLINGAME.

Son Excellence le ministre américain près la cour de Vienne, après avoir été chaleureusement reçu, prit la parole en ces termes :

Monsieur le Président, Mesdames et Messieurs,

Je réponds à votre appel de tout mon cœur et avec cet esprit de patriotisme qui brille dans tous les yeux et résonne au fond de tous les cœurs. Je trouve qu'il est bien que tous les fils de la terre de Washington puissent, sur le sol de Lafayette, renouveler leurs vœux à ces grands principes pour lesquels ces hommes ont combattu. (Applaudissements.) En conséquence, nous les renouvelons ici actuellement ; nous jurons par le Dieu immortel que nous soutiendrons ce grand gouvernement qui a surgi de leurs efforts réunis, et nous exprimons ce triomphant espoir que, semblable à leurs saintes mémoires, il durera à jamais. (Applaudissements.) Il me semble, depuis que je suis ici, que j'ai reçu l'impression, je ne puis dire d'où ni comment, — mais certainement pas de ce que j'ai lu ou entendu, — et certainement pas plus de quoi que ce soit émanant du chef de cette brave nation, — que les sentiments qui guidèrent les Français et nos pères doivent toujours prévaloir. Il me semble qu'ils ne riront pas de notre malheur supposé, que leur presse ne nous méconnaîtra pas, que leurs hommes

meats, our grains, and all that : while she will not envy us the prosperity of our ruder manufactures, which put money in our purse, and make us able to purchase all she has to sell us. Let England, and France, and Russia, and Spain, and Mexico, and all the nations join with us :—The Union—it shall be preserved. (Tremendous cheers.) Planting myself upon the broad principles of natural law, which it was the glory of Lord Chatham to introduce into modern diplomacy, I most heartily respond to your resolutions ; I join the old Romans in the purity of my patriotism ; of our nationality, my undying aspiration is “ Est perpetua ; ” of slavery, “ Delenda est Carthago ? ” (Long continued cheers.)

The President then said that a telegraphic despatch had been received, giving news from the United States to the 18th, which could not fail to interest the meeting. (A gentleman near then read the despatch in question.)

SPEECH OF THE HON. ANSON BURLINGAME.

His Excellency the American Minister to the Court of Vienna having been warmly received, spoke as follows :

MR. PRESIDENT, LADIES AND GENTLEMEN,

I respond to your call with all my heart, in the spirit of that patriotism which gleams in every eye and swells in every breast. I hold it fit that the children of the land of Washington should, in the land of Lafayette, renew their vows to the great principles for which those men struggled. (Applause.) And we accordingly do here and now renew them, and swear by the ever-living God that we will sustain that great Government which resulted from their blended efforts, and breathe the exultant hope that, like their holy memories, it will endure for ever. (Applause.) It seems to me, since I have been here, that I have received the impression—I cannot tell whence or why—certainly not from anything I have read or heard—surely not from anything derived from the reticent ruler of this gallant people—that the feeling which swayed the French and our fathers still survives. It seems to me that they do not mock at us in our supposed calamity, that they do not misrepresent us in their press—that their statesmen do not compare us to Turks, and our enemies to Greeks (laughter); that they do not speak of “ belligerent rights ” in such a way as to leave us to infer that they would make merchandise of our misfortunes, and open all their ports to the pirates’ prize. (Applause.) I make not these distant allusions to deepen your regards on the one hand, or to rouse your resentment against a kindred people on the other. I accuse not the Saxon heart. (Dr. Mc’Clintock : “ That is right.”) My friend says that is right ; yes, I know the *heart* of old England is sound. But, as an American, I cannot be indifferent to the language of a portion of the English press, nor to the language of a few of England’s statesmen. I know, as my friend Mr. Clay has said, that we have derived our language, literature, and laws from her. No man bends lower than I do to her majestic antecedents, but I must be permitted to regret the attitude in which she has been placed by those who assume to give expression to her sentiments. This I will say—ever mindful of the ties of consanguinity which others seem to have forgotten—that when a generous people has blotted from its memory the resentful recollections of two wars, it is neither kind nor wise to rouse them again with ten-fold rancour. (Applause.) And this I will further say—that whoever is for or against us, we will, in the language of our distinguished friend Mr. Dayton, “ settle our own affairs in our own way.” We will put down rebellion on our own soil, and shall reserve a quick hand and a dauntless heart for whoever, for whatever cause shall be found in complicity with the most causeless revolt that ever lifted its audacious hand against a noble Government and a generous civilisation. (Continued applause.) I do not quarrel with men’s opinions, I disdain to plead with those who are intentionally against us, but I would be glad to bring those whose good opinion, for my

d'Etat ne nous compareront pas aux Turcs et nos ennemis aux Grecs (rires), qu'ils ne parleront pas des « Droits des belligérants, » de manière à nous laisser croire qu'ils feraient marchandise de nos infortunes et ouvriraient tous leurs ports à des prises de pirates. (Applaudissements.) Je ne fais pas ces allusions éloignées pour attirer plus profondément vos regards d'un côté ni pour soulever des ressentiments contre un peuple ami d'un autre côté. Je n'accuse pas le cœur saxon. (Dr Mac Clintock : « C'est bien ! ») Mon ami dit que c'est bien ; oui, je sais que le cœur de la vieille Angleterre est bon ; mais comme Américain, je ne puis être indifférent au langage d'une partie de la presse anglaise, ni au langage de quelques hommes d'Etat de l'Angleterre. Je sais, ainsi que l'a dit mon ami Clay, que nous avons tiré de ce pays notre langage, notre littérature et nos lois. Nul homme n'admire plus que moi ses majestueux antécédents ; mais il doit m'être permis de regretter l'attitude dans laquelle elle a été placée par ceux qui assument la responsabilité d'exprimer ses sentiments. Je dirai ceci, — tout en me rappelant les liens de consanguinité que d'autres semblent avoir oubliés, — que lorsqu'un peuple généreux a effacé de sa mémoire les souvenirs pénibles de deux guerres récentes, il n'est ni charitable ni sage de le soulever de nouveau avec une décuple rancune. (Applaudissements.) Et je dirai en outre que, n'importe qui soit pour nous ou contre nous, nous devons, ainsi que l'a dit notre éminent ami M. Dayton, arranger nos propres affaires comme nous le jugerons convenable ; nous devons étouffer la rébellion sur notre propre sol, et réserver une main prompte et un cœur indompté pour quiconque, et pour quelque cause que ce soit, sera reconnu le complice de la révolte la plus mal fondée qui ait jamais osé lever une main audacieuse contre un noble gouvernement et une généreuse civilisation. (Applaudissements prolongés.) Je ne discuterai pas les opinions des hommes, je dédaigne de plaider avec ceux qui sont intentionnellement contre nous, mais je serais heureux pour l'honneur de ma patrie de convaincre ceux dont j'envie la bonne opinion. — Ceux qui ont été et sont toujours nos amis, (J'en ai trouvé de tels depuis que je suis ici.) — Ceux qui sont tombés dans cette fatale erreur de Calhoun, et qui croient que notre gouvernement est une convention entre Etats, et que ceux qui y ont *accédé* ont le *droit* de s'en retirer, — je serais heureux, dis-je, de les amener à des vues identiques aux miennes. Mais dans notre théorie de gouvernement, le pays de Galles aurait autant de droit à se séparer de l'Angleterre et la Normandie de la France que la Caroline du sud et l'Alabama à se séparer des Etats-Unis. (Ecoutez, écoutez.) Notre Gouvernement n'est pas un pacte ou une ligue dans ce sens, — tout cela a disparu avec la Confédération. — Mais c'est un gouvernement du peuple, par le peuple et pour le peuple, et il est ainsi déclaré en tête même de notre acte constitutif, où resplendissent comme une étoile ces paroles : « Nous, le peuple, ordonnons et établissons cette constitution, » et il est de nouveau déclaré que cette constitution et les lois faites en vertu de ladite seront la loi suprême du pays. C'est un gouvernement ainsi établi, un gouvernement reposant sur le bon vouloir du peuple, — qui suit largement son cours de gouvernement pratique sous les formes d'une loi organique librement consentie. — Un gouvernement autour duquel se groupent tant de souvenirs et qui, pour nous, est le plus noble qui ait jamais répandu ses bienfaits sur des mortels. (Applaudissements.) Est-ce un gouvernement semblable qu'une poignée de traîtres, parce qu'ils ont le desous aux élections, renverseraient pour établir à sa place un gouvernement né de leur propre caprice, en ne l'appuyant pas sur le bon vouloir du peuple, mais sur l'esclavage comme clef de voûte ? Le différend n'est pas ici entre deux partis également divisés, comme quelques-uns le supposent, pour obtenir le pouvoir politique ; mais c'est une grande lutte des principes pour l'intégrité de notre société et de notre gouvernement, entre la civilisation la plus élevée d'un côté et la plus noire barbarie de l'autre (applaudissements), ce n'est pas une contestation entre des sections — d'un côté, ainsi qu'on l'a dit, sont vingt millions d'hommes, agglomérés en une grande masse de combattants, et avec lesquels sympathisent des millions d'individus du Sud, enfermés dans les entraves d'une conspiration qui les a pris par surprise ; de

country's sake, I covet, into views touching our affairs identical with my own—those who have been and still are our friends—I have met such since I have been here—who have fallen into the fatal fallacy of Calhoun, and believe that our Government is a compact between States, and that as these did *accede* to it they have, therefore, a *right to secede* from it. But in our theory of Government, Wales would have as much right to secede from England, and Normandy from France, as South Carolina and Alabama from the United States. (Hear.) Ours is not a compact or league in that sense—all that went down with the Confederation—but it is a Government of the people, by the people, for the people, and is so declared to be on the very frontlets of the Constitution itself; there glittering like a star is the language—“We the people do ordain and establish this Constitution,” and again it is declared that this Constitution and the laws made in pursuance thereof shall be the supreme law of the land. It is a Government thus established, a Government resting on the good will of the people—that will flowing forth into practical Government though the forms of the organic law to which they have assented—a Government around which cluster so many memories, and which, to us, is the noblest that ever shed its blessings on mortal men. (Applause.) It is such a Government that a few traitors, because they have been out-voted, would overthrow, and would establish in its place one born of their own caprice, resting it not on the will of the people but on slavery as its cornerstone. This contest is not one between two parties equally divided, as some suppose it to be, for political power, but it is a great struggle for principles, for the integrity of our society and Government, between the highest civilisation on one hand, and the blackest barbarism on the other. (Applause.) It is not a contest between sections—on the one side, as has been stated, are twenty millions crystallised into one great fighting mass, and in sympathy with these are millions in the South who are in the thrall of a conspiracy which has taken them by surprise. And against this are a few daring men, struggling against the holiest feelings of the human heart, against a Government which they have never felt but in the blessings it conferred, leading on the fanatical and the ignorant, made so by the bad system they would establish, men whose strength *was* in the political power they derived from slavery as a subtle element in the Government, but *now* weak in the quality of force on which they rely, without men, without money, without credit, dependent for the food they eat and the clothing they wear on those they assail, without a ship, without a sailor, who cannot make a sword or a musket, who have no flag which a Fejee Islander ought to respect; and these men hurl themselves against the prejudices and patriotism, and memories, and hopes, and numbers and civilisation of the American people. (Warm applause.) In the language of Mr. Clay, just used, and I repeat it with emphasis, “Of course they must fail.” They shall fail, and their memories rot! (Cheers.) I am sorry for the innocent, who must suffer for their guilt. The people were merciful, and the Government forbearing. It was our glory that in our whole history no traitor's blood was on the hands of the Government. We wished no war, no shedding of fraternal blood. It was not until after fortress after fortress was taken, outrage after outrage committed, hospitals sacked, and the poor and the sick turned out into a desolate world, and a fort, with its famishing garrison reduced, that the people sprang to arms for the Government they loved; and, Sir, as you (Mr. Dayton) have said, there has not been in ancient or modern times such a rising of the people. On every hill they rose; and in every valley and in every mountain pass forming armies which would gladden the eye of any Napoleon, and they are moving with irresistible force to crush the rebellion. (Applause.) And, Sir, without using the language of menace, if there is anybody who wishes well to society and the human race, let him see to it that he is not brought within the resentful sphere of this roused nationality and haughty patriotism. (Applause.) But I must bring these remarks to a close. I would that our struggling brothers at home could hear this day our words of lofty cheer, and know how the American heart in this far land throbs true to them, and the cause for which they struggle. We send them with our

l'autre, et contre ceux-ci, sont quelques hommes hardis qui, luttant contre les plus saints sentiments du cœur humain, contre un gouvernement qu'ils n'ont jamais connu que par les bienfaits dont il les a comblés, se mettent à la tête des fanatiques et des ignorants, devenus tels par le système vicieux qu'ils voudraient établir; des hommes dont la force était dans le pouvoir politique qu'ils tirèrent de l'esclavage comme un élément subtil dans le gouvernement, sans hommes, sans argent, sans crédit, dépendant, pour le pain qu'ils mangent et pour les vêtements qui les couvrent, de ceux qu'ils assaillent, sans un navire, sans un marin, qui ne peuvent faire ni une épée ni un mousquet, qui n'ont pas un pavillon qu'un insulaire sauvage doive respecter; et ce sont ces hommes qui viennent d'eux-mêmes heurter les préjugés, le patriotisme, les souvenirs, les espérances, le nombre et la civilisation du peuple américain! (Chaleureux applaudissements.) Ainsi que l'a dit si justement M. Clay, et je le répète avec emphase, « certainement, ils doivent échouer. » Ils échoueront et leur souvenir périra! (Applaudissements.) J'en suis fâché pour les innocents qui doivent souffrir par leur faute. Les peuples ont été miséricordieux et le gouvernement tolérant. Ce fut notre gloire que dans toute notre histoire le sang d'aucun traître n'a taché les mains de notre gouvernement. Nous n'avons pas désiré la guerre, ni répandu le sang de nos frères. Ce n'est que lorsque forteresses après forteresses ont été prises, outrages sur outrages commis, les hôpitaux pillés, les pauvres et les malades rejetés dans un monde de désolation et qu'un fort, avec sa garnison affamée, a été pris, que le peuple a couru aux armes pour le gouvernement qu'il aimait; et, monsieur, ainsi que vous l'avez dit, jamais dans les temps anciens et modernes il n'y eut une telle levée de boucliers! Sur chaque colline ils se lèvent, dans chaque vallée, sur chaque montagne passent et se forment des armées qui satisferaient l'œil d'un Napoléon, et qui se meuvent avec une force irrésistible pour écraser la rébellion. (Applaudissements.) Et, monsieur, sans employer un langage menaçant, s'il est quelqu'un qui veuille le bien de la société et du genre humain, qu'il n'aille pas à l'encontre du ressentiment de cette nationalité qui se lève et de ce superbe patriotisme! Mais je dois terminer ici ces observations. Je voudrais que nos frères combattant sur le sol de la patrie pussent entendre aujourd'hui ces mots de fier encouragement et sachent combien les cœurs américains, sur cette terre éloignée, battent loyalement pour eux et pour la cause pour laquelle ils luttent. Nous leur envoyons nos vœux, avec nos bénédictions par dessus les mers; mais ce qui vaut mieux, nous leur envoyons quelqu'un qu'ils connaissent, que nous connaissons, connu dans les deux hémisphères; quelqu'un qui, sur cette terre guerrière de ses ancêtres, a entendu l'appel de sa mère (car il est vraiment l'enfant de la République), et qui, rejetant loin de lui les urgents soucis de ses affaires personnelles, presque sans avis ni avertissement, a résolu de voler à la défense du pavillon qu'il a tant fait pour exalter. Nous lui promettons qu'il sera bien accueilli sur cette côte de l'Ouest, par quatorze cent mille hommes qui, hier encore, ont acclamé son nom comme un symbole de leur foi; par une foule innombrable, qui alors nous ôtait l'espoir de voir jamais, si c'était possible, un plus chaleureux enthousiasme; il sera le bienvenu sur les bords de l'Atlantique et sur les bords du Pacifique, que sa valeur nous a conquis, et dans ces Montagnes Rocheuses sur le sommet le plus élevé desquelles il fut le premier à déployer cette magnifique bannière de son pays sous les rayons du soleil couchant! (Applaudissements.) Bénissons-le! nous savons ce qu'il fera par ce qu'il a déjà fait, car « né et nourri dans le sentier du danger, il en a éprouvé le prix. » — Nous savons que son avenir sera aussi brillant que son passé, et qu'il jouira du triomphe du soldat ou de la douce tranquillité de la tombe d'un honorable guerrier!... et maintenant, tous te saluent, Frémont et adieu!... (Acclamations frénétiques, qui furent suivies de trois salves d'applaudissements pour le colonel Frémont.)

blessings over the sea; but, what is better, we send with them one known to them, known to us, known to two hemispheres, one who, in this war-like land of his ancestors, heard the call of his mother (for he is, indeed, a child of the Republic), and, casting from him the urgent claims of his private affairs, almost without warning and notice, determined to fly to the defence of the flag he has done so much to exalt. We say to him that he will be welcomed on the western shore by fourteen hundred thousand men, who, but yesterday, hailed his name as a symbol of their faith, and by a countless host who then defeated our hopes with, if possible, a still warmer enthusiasm—welcomed on the Atlantic slope, and on the Pacific slope, which his valour won for us, and in the Rocky Mountains, from whose loftiest summit he was the first to unfurl the beautiful banner of his country, in the beams of the setting sun. (Applause.) We breathe our benison upon him. We know what will follow, where he goes before, for “born and nursed in danger’s path, he’s tried her worst.”—We know his future will be as bright as his past, and that he will enjoy a soldier’s triumph or the sweet tranquillity of an honoured soldier’s grave.—And now all hail, Fremont, and farewell! (Tremendous acclamations; which were followed by three cheers for Colonel Fremont.)

SPEECH OF COLONEL JOHN C. FREMONT.

The gallant Colonel rose and responded as follows:—

MR. PRESIDENT, LADIES AND GENTLEMEN,

I am deeply sensible to the warm and flattering expressions of confidence and regard with which I have just been honoured, and still more deeply sensible to your kind approval of them. They are very grateful to me, and I thank you very sincerely. But you will be very sure that I do not receive them as due to myself; I am conscious that I owe them to the partiality of friendship and to that sort of attachment which a soldier always feels for the banner under which he has fought. (Hear, hear.) To him (Mr. Burlingame) and the other friends around me who have spoken to-day, I represent the standard on which old watchwords were inscribed. It is themselves who were the leaders, themselves who bore with you the heat of the day, and who have won their battle gloriously. And they have come among us here, with their habitual eloquence, to convey to our true hearted countrymen at home the assurance of our unalterable devotedness to the country, and our unbounded admiration of the generous loyalty with which they rallied to its calls. (Cheers.) A few days back, our honoured flag was trailing in the dust at the foot of an insolent foe; at present its stars are refulgent from a thousand heights, swarming with brave hearts and strong arms in its defence. (Applause.) We drink to them to-day, our brave and loyal countrymen. (Renewed cheers.) Faithfully, too, have our scattered people responded to them, from Italy, from England, and from France. Well have they shown, they too can cross the seas and change their skies, and never change their hearts. (Loud cheering.) I am glad that a happy chance has brought me to participate with you here on this occasion. Here in this splendid capital of a great nation, where near by us the same tombstone records the blended names of Washington and Lafayette, I feel that I breathe a sympathetic air. (Hear, hear.) France is progress, and I am happy to believe that here we shall not see a people false to their traditional policy. (Loud applause.) From here we shall see no strong hand stretched out to arrest the march of civilisation, and aid in throwing back a continent into barbarism. We expect nowhere active co-operation, but we look for the sympathy which the world gives to a good cause. We are willing to work out our own destiny, and make our own history. Before this struggle closes, the world will recognise that enlightened liberty is self-sustaining, and that a people who have once fully enjoyed its blessings will never consent to part with them. We have deprecated this war, fratricidal and abominable; most gladly would we welcome back our people if they would return to their allegiance. We would bury,

DISCOURS DU COLONEL JOHN C. FREMONT.

Le brave colonel se leva alors et dit :

Monsieur le Président, Mesdames et Messieurs,

Je suis profondément sensible aux chaleureuses et flatteuses expressions de confiance et d'estime dont je viens d'être honoré, et je suis encore plus sensible à votre bienveillante approbation de ces paroles. Elles me sont bien agréables, et je vous en remercie sincèrement. Mais soyez bien certains que je ne les reçois pas comme m'étant dues ; je sais que je les dois à la partialité de l'amitié et à cette sorte d'attachement que le soldat ressent toujours pour la bannière sous laquelle il a combattu. (Ecoutez ! écoutez !) Pour lui (M. Burlingame) et les autres amis qui m'entourent et qui ont parlé aujourd'hui, je représente l'étendard sur lequel furent inscrits nos anciens mots d'ordre. Ce sont eux qui furent les promoteurs, eux qui supportèrent avec nous les ardeurs du jour, et qui gagnèrent glorieusement leur bataille. Et ils sont venus ici parmi nous, avec leur éloquence habituelle, pour envoyer à leurs généreux compatriotes restés sur le sol natal l'assurance de notre inaltérable dévouement au pays, et de notre admiration sans bornes pour la généreuse loyauté avec laquelle ils se sont ralliés à son appel. (Applaudissements.) Il y a quelques jours à peine que notre honorable pavillon fut traîné dans la poussière et foulé aux pieds d'un insolent ennemi ; à présent, ses étoiles resplendent sur mille montagnes, qui fourmillent de braves cœurs et de bras solides armés pour le défendre. (Applaudissements.) Nous buvons à eux aujourd'hui, à nos braves et loyaux compatriotes. (Applaudissements réitérés.) Et loyalement aussi, nos concitoyens absents du pays leur ont répondu, d'Italie, d'Angleterre et de France ! Ils ont bien montré qu'ils peuvent traverser les mers et changer de ciel, mais que jamais leurs cœurs ne changent. (Longs applaudissements.) Je suis bien aise qu'une chance heureuse m'ait amené à participer avec vous à cette réunion. Ici, dans cette splendide capitale d'une grande nation, où près de nous la même pierre sépulcrale nous rappelle les noms inséparables de Washington et de Lafayette, je sens que je respire un air sympathique. (Ecoutez ! écoutez !) La France, c'est le progrès, et je suis heureux de croire que nous ne verrons pas ici un peuple faisant défaut à sa politique traditionnelle ! (Longs applaudissements.) Ce n'est pas d'ici que nous verrons une forte main s'étendre pour arrêter la marche de la civilisation et aider à ramener le Continent à la barbarie. Nous n'attendons de nulle part une coopération active, mais nous comptons sur la sympathie que le monde manifeste toujours pour la bonne cause. Nous voulons accomplir nos propres destinées et faire notre propre histoire. Avant que cette lutte soit terminée, le monde reconnaîtra que la liberté éclairée se soutient d'elle-même, et qu'un peuple qui a joui une fois de ses avantages ne peut plus consentir à s'en séparer. Nous avons cherché à éviter cette guerre fratricide et horrible, et c'est avec bonheur que nous accueillerions le retour de ces peuples égarés, s'ils revenaient à leur devoir. Nous enfouirions plus profondément que l'Océan, la prompte colère que leur conduite parricide a provoquée, mais ils doivent rentrer immédiatement dans le sein de l'Union. Nous ne leur permettrons pas de déshonorer notre drapeau et de flétrir nos tombes sacrées. (Ecoutez ! écoutez !) Il ne peut pas leur être permis de démembrer notre pays et de détruire notre nationalité. (Ecoutez ! écoutez !) Nous devons maintenir celle-ci dans toute son intégrité, en face de tous les périls et malgré tous les événements. Audessus de toutes considérations se place notre pays, tel que nous avons appris à l'aimer ! — un et indivisible ! (Longs applaudissements,) maintenant et à jamais, et nous le maintiendrons ainsi. Nous ferons notre devoir loyalement, et nous ne transigerons pas avec la trahison et la rébellion. (Applaudissements vifs et prolongés.)

Le Président prenant alors la parole, dit :

Voici une personne qui est toujours prête à parler au nom de son pays,

deep as the ocean, the hasty anger which their parricidal conduct provoked. But they must return at once to their allegiance. We shall not permit them to dishonour our flag, and desecrate our sacred graves. (Hear, hear.) They cannot be permitted to dismember our country and destroy our nationality. (Hear, hear.) We shall maintain these in their fullest integrity, in the face of every evil and at every hazard. Above every consideration is our country—as we have learned to love it—one and indivisible—(loud acclamations)—now and for ever, and so we will maintain it; we will do our duty loyally, and we will make no compromise with treason, and no surrender to rebellion. (Long continued cheering.)

The Hon. Mr. Haldemann, American Minister to the Court of Stockholm, was next called upon; but merely spoke a few well-judged sentences, thanking the President for receiving him kindly, declaring at the same time that he considered it unnecessary to add anything to sentiments so well expressed by the able speakers who had preceded him.

The President then said, there is another gentleman present who is ever ready to speak in behalf of his country, one whom all delight to hear—the Rev. Dr. Mac-Clintock, Pastor of the American Chapel in Paris.

SPEECH OF THE REV. JOHN MAC CLINTOCK, D.D.

MR. PRESIDENT, LADIES AND GENTLEMEN,

After so many eloquent speeches from men of historical fame, but a few words could be expected from me. Certainly our patriotism had been stimulated to new vigour and exertion by the brave words we had heard to-day. Mr. Dayton had said, truly enough, that our country had fallen on evil times, that our pride is humbled, and our prestige for the moment gone. But there is another aspect of our troubles which he should not forget. They have revealed a fidelity to great principles on the part of the American people, for which the world had not given them credit, of which, indeed, they could not themselves be conscious until the time of trial. And in this view, I am prouder of my country now, than ever. A year ago we were living in apparent security and strength. But we were treading on fires hidden under deceitful ashes. We were at the mercy of traitors and did not know it: To-day, the treason is all unmasked. We know the extent of its power for mischief, and do not fear the issue. A great orator said that one man, with truth and God on his side, is a majority against the world. But we are twenty millions against six, and, as we honestly believe, with truth and God on our side. Shall such a majority fail? If the stars in their courses fought against Sisera, where in the Providence of God, is likely to be this conflict, between civilisation and barbarism, between order and anarchy, between freedom and slavery?

The position of England has been alluded to. Let us not be too hasty in judging of England. The occasion is full of difficulties for her statesmen, and as yet, they have not shown themselves equal to the emergency. But I have no fear of the grand English nation. Its voice has not yet been heard. When it shall be uttered, it will not be on the side of piracy and slavery. The *Times*, indeed, has laboured, with diabolical skill, for several months, to whitewash the Southern rebellion, and to pervert the English mind as to the true nature of the issue. So too, certain English statesmen have had a film on their eyes—a film of cotton-wool—but they are in the way to see clearly. The interest of England is plain; and when the people get to understand it, they will speak in tones that journals and statesmen will be bound to heed. The lion is sleeping; when he awakes his roar alone will be enough. Old England will stand by New England in the battle of Christianity and civilisation. I think I am right in this prediction; but if I am wrong, then I will agree with my friend that the glory of England will have departed for ever. If she *should* take sides with the rebels for the sake of a fancied interest—which after all is a delusion—then, farewell to her moral supremacy among the nations. And when her moral supremacy is gone, her material sway will soon

un homme que chacun aime à entendre, c'est le révérend docteur Mac-Clintock, pasteur de la Chapelle américaine de Paris.

DISCOURS DU RÉVÉREND JOHN MAC-CLINTOCK, D.D.

Monsieur le Président, Mesdames et Messieurs,

Après tant de discours si éloquents d'hommes d'une renommée historique, vous ne devez attendre de moi que quelques mots : certainement, notre patriotisme a été stimulé avec une nouvelle vigueur et porté aux plus suprêmes efforts par les chaleureuses paroles que nous avons entendues aujourd'hui. M. Dayton a dit, avec assez de vérité, que notre pays était arrivé aux « temps mauvais, » que notre orgueil était abaissé et notre prestige disparu pour un moment. Mais il est un autre aspect de nos troubles qu'il ne doit pas oublier; ils ont révélé de la part du peuple américain une fidélité aux grands principes, dont le monde ne le croyait pas capable, et dont réellement il n'avait pas conscience lui-même jusqu'au moment de l'épreuve.

Et à ce point de vue, ajoute M. Mac-Clintock, je suis plus glorieux de mon pays actuellement que jamais. Il y a un an, nous vivions dans un état apparent de force et de sécurité. Mais nous marchions sur des feux cachés par des cendres trompeuses; nous étions à la merci des traîtres et nous ne les connaissions pas. Aujourd'hui, la trahison est démasquée. Nous connaissons l'étendue de sa puissance à mal faire et nous n'en craignons pas l'issue. Un grand orateur a dit qu'un homme, avec la vérité et Dieu de son côté, a la majorité sur le monde entier. Mais nous sommes vingt millions contre six, et, nous le croyons consciencieusement, nous avons Dieu et la vérité de notre côté. Une semblable majorité peut-elle échouer? Si les étoiles, dans leur cours, combattent contre Sisera, de quel côté doit être vraisemblablement la Providence, dans ce conflit entre la civilisation et la barbarie, entre l'ordre et l'anarchie, entre la liberté et l'esclavage?

On a fait allusion à la position de l'Angleterre. Ne soyons pas trop prompts à juger l'Angleterre. L'occasion est remplie de difficultés pour ses hommes d'Etat, et jusqu'à présent ils ne se sont pas montrés au niveau de la question. Mais je ne crains rien de la grande nation anglaise. Sa voix ne s'est pas encore fait entendre. Lorsqu'on l'entendra, ce ne sera pas du côté de l'esclavage et de la piraterie. Le *Times*, il est vrai, a travaillé depuis quelques mois avec une habileté diabolique pour blanchir la rébellion du Sud, et pour pervertir l'esprit anglais sur la véritable nature de l'issue des choses. Disons-le aussi, certains hommes d'Etat anglais ont eu sur les yeux un bandeau, — un bandeau tissé de coton, — mais ils sont en voie d'y voir clair. L'intérêt de l'Angleterre est évident et lorsque le peuple le comprendra, il parlera d'un ton que les journaux et les hommes d'Etat seront obligés d'écouter. Le lion dort, mais quand il s'éveillera son rugissement seul sera suffisant. La vieille Angleterre se placera à côté de la nouvelle Angleterre dans le combat du christianisme et de la civilisation. Je pense que je suis fondé à faire cette prédiction, mais si je me trompe, je conviendrai alors avec mes amis que la gloire de l'Angleterre est anéantie à jamais. Si elle pouvait prendre parti pour les rebelles pour un intérêt supposé qui, après tout, n'est qu'une erreur, alors, adieu à sa suprématie morale parmi les nations. Et lorsque sa suprématie morale sera anéantie, son influence matérielle sera bientôt réduite à néant. Son étoile a brillé au firmament des nations d'une manière particulière et prééminente, mais si elle permet à cette sombre éclipse de l'obscurcir, cette étoile verra pâlir ses feux inoffensifs devant l'Étoile de l'Occident, qui attirera les rayons brillants de sa splendeur et sera la cynosure à tous les yeux, et le centre de toutes les espérances, jusqu'à « la dernière syllabe des temps à venir. » Mais avec la sympathie morale de l'Angleterre, ou sans elle, — l'œuvre sera accomplie. Les hommes des Etats libres, après de longues années de patience et de tolérance, ne se sont pas levés en armes pour rien. Ils vaincront, non pas le Sud, car personne ne se propose cela, mais les rebelles et les traîtres qui cherchent à ramener le chaos pour atteindre ainsi leur détestable but. Et j'ai la certitude que cette guerre sera soutenue avec

