



HARPER'S PICTORIAL HISTORY  
of The  
**CIVIL WAR**  
IN THE  
**UNITED STATES.**

**INTRODUCTION.**

COLONIZATION OF THE COUNTRY which became the United States of America.—The Colonists of one Race, and almost of one Condition.—Difference in Occupation, Religious Character, and Education.—Slavery.—British Arrogance and Oppression.—First Colonial Congress.—Continental Congress.—Revolutionary War.—Independence won, not by any Colony, but by the United Colonies.—A Nation in Fact, but not in Form.—Lack and Need of a Sovereign Power.—Constitutional Convention.—A "National" Government formed, and not a Confederation.—Sovereignty in the Central Government; States never Independent Sovereignties.—Constitution adopted by the People, and not by the State Governments.—Prosperity.—The one Element of Discord and Misfortune.—Necessary Compromise of Opinions and Interests.—Great political Advantages gained by the Slave Interest.—Consequent Tendencies in the Slave States to Oligarchy.—Addition of new States to the Union.—Slavery retains its political Advantage.—Great Increase of the Free States in Wealth and Population.—Formation of a Slavery Party.—Reprobation of Slavery throughout Christendom.—The Colonization Society.—The Missouri Compromise.—The Abolitionists.—Effect of the Abolition Agitation.—Aggressive and prescriptive Policy of the Fire-eating Slaveholders.—Endeavors to extend and to limit the Area of Slavery.—John C. Calhoun's Position.—The Fugitive-slave Law.—Obeyed to the Letter by the People of Massachusetts.—The Kansas-Nebraska Bill.—The Territorial Issue.—The Struggle in Kansas.—Assault on Senator Sumner.—The Dred Scott Decision.—Resistance by Free States.—Personal-liberty Laws.—Breaking up of the Democratic Party.—John Brown's Raid.—Presidential Nominating Conventions of 1860.—The Democratic Convention broken up on the Slavery Issue.—This Result brought about by the Politicians of the Cotton States.—Nomination of Bell and Everett, of Lincoln and Hamlin, of Douglas and Johnson, of Breckinridge and Lane.—Treason in President Buchanan's Cabinet.—Election of Abraham Lincoln.—No sectional Division of the Country.—Homogeneity of the People of the United States.—The Difference produced by Slavery and Ignorance, and Freedom and Education.—Excitement

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**T**HE people of the North American colonies lying between New Brunswick on the north and Florida on the south took a place among the nations in the year 1789. They were English people. For the Dutch colony of New Netherlands was so small and so inert that, even in its Dutch day, it made little impression upon the country, and none at all of an enduring kind upon the character of the new nation; while the Swedes, who settled near the mouth of the Delaware, were such a mere handful of men that, in this respect, they are not even to be taken into consideration.<sup>1</sup> The new nation was singularly homogeneous, whether in regard to the race or the condition of the people who composed it. The nation from which it

<sup>1</sup> In 1647 the population of Virginia and Maryland was 20,000; that of New England as many more; while in New Netherlands, including the Swedes on the Delaware, there were only between two and three thousand; and of these so large a proportion were Englishmen that, some years before, it had been found necessary to appoint an English secretary to the Dutch governor, and to promulgate ordinances in English. To New England, Virginia, and Maryland were afterward added the English colonies of Pennsylvania, the Carolinas, and Georgia.

had severed itself, being composed of English, Welsh, Scotch, and Irish elements—four distinct peoples, of widely different origin, traits, and habits, having been gathered by accident and the sword into the kingdom of Great Britain—was upon this point notably its opposite. But even in England proper there was not a greater predominance of sheer English blood; while the absence of any distinction of rank, and the comparative rarity of any wide difference of condition among its citizens, was almost peculiar to it among the states of Christendom. The sameness of its component parts was therefore so great that, compared in its substance with any other nation, it consisted of but a single element. Its marked and almost unprecedented homogeneity was its distinctive character.

Such difference as there was between the people of the several commonwealths which formed this nation was caused almost entirely by variety of occupation, of religious conviction, and of consequent social habits; and thus the difference was, both in kind and in degree, merely such as always exists among people not only of the same nation, but of the same city and the same neighborhood. The settlements at the North were made by men who sought chiefly that liberty in religious affairs which they, in their turn, austere denied to others: those at the South were planted, not settled, by men of wealth and rank in England, who sent over such adventurers as they could induce to embark in their enterprise, while they themselves remained at home to receive the lion's share of the profit. To those who went out as adventurers to the Plantations, as the American settlements were called,<sup>2</sup> there were added quite a large number of convicts, many of whom doubtless secured there the opportunity of reformation, and the means of reputable life. At the North the settlers clustered in farm-houses round their churches, and wrung a frugal living from a reluctant soil, seeking to lead a thrifty, independent, "godly" life, according to their stern notions of godliness. At the South men sought great profit by the rude culture of large tracts of rich land, upon which labor soon began to be performed chiefly by negro slaves; and dwelling-houses were consequently scattered widely through the Plantations, until at last each farm came to be called a plantation. At the North, religion, as distinguished from the practice of the Christian virtues, was mingled with all public and private affairs; the tone of society was ascetic; and there was no hierarchal church government. At the South religion was not regarded, except in so far as it was a proper and a reputable thing to be attended to; no artificial restraint was placed upon social intercourse; convivial habits prevailed; and in religious affairs, except among a few Scotch devotees of Presbyterianism, the Church of England had full control. To these traits of unlikeness must be added one other, which, in the event, proved to be of greater importance than either, or, indeed, than all of those which have been named. In New England, hardly were the comforts of life moderately secured, when provision began to be made for the intellectual education of the people; and this not only by the establishment of a college for the cultivation of the higher branches of learning, but by the instruction, in grammar-schools and by clergymen, of all the children in the colony. But at the South, only persons of some wealth and social position, and not all of those, sought the advantages of intellectual culture for their sons.<sup>3</sup> From the beginning to the present day this education of the mass of the people has been the grand distinctive feature between the country lying north of the Potomac and the Ohio, and that upon the south, with some exception as to Maryland and Kentucky. Consequently, the education of the country at large, and its position in literature, science, and the arts, are almost entirely due to the northern part of it. The men of the South who were educated received their education mostly at New England colleges, or in those of states which were settled by New England men, or had been brought under New England influence; or they were taught at home by tutors who were themselves educated in those colleges; and the comparatively little knowledge diffused through the mass of poor and untaught people around them has been due to intercourse with men who, born and bred in the northern, have sought homes in the southern part of the country. But, although the mental instruction of the whole country has thus come mainly from the North, the original difference in moral training and social organization between the northern and southern colonies has been mainly preserved.<sup>4</sup>

In one point society in these colonies was somewhat peculiar: the people of all of them, north and south, held negro slaves, and dealt in them. But neither the presence of the negroes nor their enslaved condition was due to the direct agency of the colonists; nor were they, in this respect, absolutely distinguished from their fellow-subjects of the mother country. Slaves were transported to the colonies at first against the wishes of the colonists; and whoever chooses to examine the London papers of the last century may find, even as late as 1776, advertisements of "black boys," and even of "black girls," who "have lived in England several years," and who are to be "sold at a bargain." There was, then, no essential difference between the Englishmen of America and the Englishmen of Great Britain. The former, taken as a whole, corresponded to the middle class of Englishmen in the mother

country, exhibiting about the same moral, intellectual, and social variety of character, modified, and perhaps not for the worse, by the enterprise and self-reliance taught them by their comparative isolation, by privation, and adversity.

Such was the people which the British government began to alienate, about 1750, by denying them their rights of birth as Englishmen; by treating them as mere creatures of convenience, to be worked for the benefit of British commerce and the aggrandizement of the mother country; by imposing burdensome taxes and irritating laws upon them without their consent; by rejoining to their plea in behalf of the establishment of a college in Virginia, that they had souls to be saved, "Souls! damn your souls! plant tobacco!"<sup>5</sup> Of this arrogance of purpose and insolence of manner, and of this notion that Anglo-Americans should exist chiefly for the benefit of British commerce and British manufactures, we shall see that two wars and the lapse of more than a hundred years have not quite rid the governing classes of Great Britain. This unnatural and selfish policy had its natural antagonizing effect. The outside pressure bound together the people upon whom it was brought to bear. Though scattered over a wide extent of country, and having separate local governments, they had free intercourse; and their common trial made them feel that they were not only one in blood, but one in interest. They began to act in concert, not for independent political existence, but for self-defense within the British Constitution.

In 1765 the first Colonial Congress for redress of grievances assembled at New York. But it was in no sense an authoritative body. It was composed of delegates from the several Colonial Assemblies, with three exceptions, who acted under special instructions. They set forth a Declaration of Rights and Grievances; they petitioned the King, and sent memorials to Parliament. But they only claimed all the privileges of Englishmen as their birthright, and therefore protested against being taxed by a body in which they were not represented. Their doings were warmly approved by the Assemblies and the people of all the colonies, and the first step was unconsciously taken toward the political union, the separate national existence, of the English race in America. The lapse of nine years, passed in the endurance of a common oppression from their common mother, and in continuous consultation as to their means of resistance, developed rapidly a unity of feeling in the colonies, which took form in the Continental Congress, composed of leading men from twelve provinces, which assembled in Philadelphia. Under the guidance of this body the power of the British government was in the course of events defied, and the independence of the colonies declared and maintained; but at first it merely imitated its predecessor in adopting a Declaration of Rights, in which the privileges of Englishmen and British subjects were claimed—most important of all, the right of being bound by no law to which they had not consented by their representatives. It took no active measure of resistance, and merely recommended one which may be called passive—a voluntary association, pledging the associators to entire commercial non-intercourse with Great Britain. It is desirable to bring to mind these well-known facts in view of the character and the pretensions of the rebellion the course of which we are about to trace, and also of the grounds on which the government of the United States took up arms for its suppression.

The Continental Congress, assembling first as a mere deliberative body, assumed, in the rapid course of events, the sole and absolute direction of the common interests of the colonies; and this assumption received the hearty, though informal, assent of a majority of the people so large that to all intents and purposes it was unanimous. As the War of Independence went on, as the people of the several provinces shared each other's anxieties and bore each other's burdens, as they stood shoulder to shoulder in defense of their common birthright, their common liberty, and their common interests, and saw each other in great masses face to face, as the leading men of one province were placed in authority over the people of another—the Virginia planter, Horatio Gates,



HORATIO GATES.



NATHANIEL GREENE.

commanding the northern army, and the Rhode Island iron-master, Nathaniel Greene, the southern—as social intercourse became at once more diffused and more intimate, they felt with unanimity that since they had declared themselves no longer part of the British nation, they were one nation of themselves. Their identity of blood was a patent fact, like the presence of the sun in the heavens, neither to be denied nor to be asserted; and sentiment, interest, and future security led them to regard their union as of paramount importance. These people were at last solemnly

<sup>5</sup> Reply of Seymour, Attorney General under William and Mary. See Franklin's Correspondence, vol. i., p. 155.

<sup>2</sup> Plantation was merely another English word for colony, colonizing.

<sup>3</sup> In 1671, more than sixty years after the settlement of Virginia, Governor Berkeley, of that colony, said, in a report to the Privy Council, "I thank God there are no free-schools nor printing, and I hope we shall not have these hundred years; for learning has brought disobedience, and heresy, and sects into the world, and printing has divulged them, and libels against the best government: God keep us from both."

<sup>4</sup> John Adams, writing to Joseph Hawley, Nov. 25th, 1775, says: "The characters of gentlemen in the four New England colonies differ as much from those in the others as that of the common people differs; that is, as much as several distinct nations almost. Gentlemen, men of sense, or any kind of education, in the other colonies, are much fewer in proportion than in New England. Gentlemen in the colonies have large plantations of slaves, and the common people among them are very ignorant and very poor. These gentlemen are accustomed, habituated to higher notions of themselves, and the distinction between them and the common people than we are."—*John Adams's Works*, vol. ix., p. 367.



PAUL REVERE'S RIDE, APRIL 19, 1776.

DRAWN BY CHARLES G. BUSH.

absolved from the bond which bound them politically to the mother country—a bond which, instead of being a tie of kindred, love, and mutual respect, as they at first assumed it was and then hoped it might be, had been made, against the protests of the best and brightest intellects in the British Parliament—chief among them Pitt (Lord Chatham) and Edmund Burke—



WILLIAM PITT.



EDMUND BURKE.

a galling fetter. They were independent, they were united, they were one people. In the fierce heat of their fiery trial and under the blows which had fallen so thickly and heavily upon them, they had been welded together as iron is welded into iron. But, although a nation in fact, they were not a nation in form. Distinguished as we have seen that this people was among the nations by its essential homogeneity, it yet lacked that formal political unity which was necessary alike to its government as one nation at home and its recognition as one nation abroad. This great defect was felt the more from the exhaustion, the confusion, and the partial disorganization of society which followed the long War of Independence. But it was chiefly brought to the attention of the thinking men of the country by the jealousy with which the states began to watch and defend their interests, and by the inability of the Continental Congress, which was the representative power of the Confederation, to fulfill treaties, raise revenue, and maintain an army. There was no sovereign authority. The col-

onies or provinces had never possessed sovereignty. They had their Assemblies, by which their local laws were made, which, in most of them, required the assent of a governor appointed by the British crown; but the sovereignty over all of them was in the government of Great Britain. In 1776 they declared, not their individual sovereignty, but their independence as "united colonies;" as united colonies they won that independence, under the almost absolute exercise of power by the Continental Congress. Not only did no colony assert its sovereignty, but no colony won its independence. Yet it is not strange that a people who had just cast off the restraint of one sovereignty should have been slow, in their first days of relief, to assume that of another, especially when they were provided with local governments of ample powers to administer their local affairs. And beside all this, local interests, local ambitions, local jealousies, such as exist in the oldest and most compact nations, could be used by designing men to prevent consolidation, and might have an influence that way even with the candid and the patriotic. So the very Articles of Confederation themselves were adopted only after long hesitation.<sup>6</sup> Proposed by the Continental Congress in 1777, they were not ratified by all the states until 1781. By these articles the states entered into "a firm league of friendship" with each other for their common defense and general welfare; each state renounced the right to send embassies, make treaties, and declare war; and the union was to be perpetual. But aside from the fact that a league implies sovereign "high contracting" parties, by the second of these Articles of Confederation it was expressly set forth that each state retained its sovereignty, freedom, and independence, and all rights and powers not explicitly granted by that instrument to the Congress. The vote in the Congress was by states; each state had but one vote; and each paid its own delegates. There was no supreme executive, legislative, or judicial power for the whole country. The ministers and commissioners of the Congress, and the people themselves, proudly claimed the position due to "an independent nation;" and yet the nation was, politically, not one, but many. In a very few years the consequence was discord and confusion within, impending anarchy and threatening danger without. The Continental Congress, once omnipotent, was every day more and more disregarded. The new nation found that, in spite of its colonial Assemblies, which had been renamed State Legislatures, if it would continue its existence, something was needed in place of the sovereignty which had been cast off. That needed, but perhaps not altogether desired, supremacy, it found at last in the Constitution of the United States.

<sup>6</sup> *Articles of Confederation and perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.*

ARTICLE 1. The style of this confederacy shall be, "The United States of America."

ART. 2. 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.

ART. 3. The said states hereby severally enter into a firm league of friendship with each other for their common defense, 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, on account of religion, sovereignty, trade, or any other pretext whatever.

ART. 4. The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this Union, the free inhabitants of each of these states (paupers, vagabonds, and fugitives from justice excepted) shall be entitled to all privileges and immunities of free citizens in the several states; and the people of each state shall have free ingress and regress to and from any other state, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions, as the inhabitants thereof respectively, provided that such restrictions shall not extend so far as to prevent the removal of property imported into any state to any other state, of which the owner is an inhabitant; provided, also, that no imposition, duties, or restriction shall be laid by any state on the property of the United States, or either of them.

If any person guilty of or charged with treason, felony, or other high misdemeanor, in any state, shall flee from justice, and be found in any of the United States, he shall upon demand of the governor, or executive power of the state from which he fled, be delivered up, and removed to the state having jurisdiction of his offense.

Full faith and credit shall be given in each of these states to the records, acts, and judicial proceedings of the courts and magistrates of every other state.

ART. 5. For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the Legislature of each state shall direct, to meet in Congress on the first Monday in November in every year, with a power reserved to each state to recall its delegates or any of them, at any time within the year, and to send others in their stead for the remainder of the year.

No state shall be represented in Congress by less than two nor by more than seven members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or any other for his benefit, receives any salary, fees, or emolument of any kind.

Each state shall maintain its own delegates in any meeting of the states, and while they act as members of the committee of the states.

In determining questions in the United States in Congress assembled, each state shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress; and the members of Congress shall be protected in their persons from arrests and imprisonments, during the time of their going to and from and attendance on Congress, except for treason, felony, or breach of the peace.

ART. 6. No state, without the consent of the United States in Congress assembled, shall send an embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty, with any king, prince, or state; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state; nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

No two or more states shall enter into any treaty, confederation, or alliance whatever between them, without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No state shall lay any imposts or duties, which may interfere with any stipulations in treaties entered into by the United States in Congress assembled, with any king, prince, or state, in pursuance of any treaties already proposed by Congress to the courts of France and Spain.

No vessels of war shall be kept up in time of peace, by any state, except such number only as shall be deemed necessary by the United States in Congress assembled for the defense of such state or its trade; nor shall any body of forces be kept up by any state in time of peace, except such number only as, in the judgment of the United States in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defense of such state; but every state shall always

keep up a well-regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and have constantly ready for use, in public stores, a due number of field-pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

No state shall engage in any war without the consent of the United States in Congress assembled, unless such state be actually invaded by enemies, or shall have certain advice of a resolution being formed by some nation of Indians to invade such state, and the danger is so imminent as not to admit of a delay till the United States in Congress assembled can be consulted; nor shall any state grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in Congress assembled, and then only against the kingdom or state, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in Congress assembled, unless such state be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in Congress assembled shall determine otherwise.

ART. 7. When land forces are raised by any state for the common defense, all officers of or under the rank of colonel shall be appointed by the Legislature of each state respectively by whom such forces shall be raised, or in such manner as such state shall direct; and all vacancies shall be filled up by the state which first made the appointment.

ART. 8. All charges of war, and all other expenses that shall be incurred for the common defense or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states in proportion to the value of all land within each state granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States in Congress assembled shall from time to time direct and appoint.

The taxes for paying that proportion shall be laid and levied by the authority and direction of the Legislatures of the several states, within the time agreed upon by the United States in Congress assembled.

ART. 9. The United States in Congress assembled shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth Article: of sending and receiving ambassadors: entering into treaties and alliances; provided that no treaty of commerce shall be made whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever: of establishing rules for deciding in all cases what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated: of granting letters of marque and reprisal in time of peace: appointing courts for the trial of piracies and felonies committed on the high seas, and establishing courts for receiving and determining finally appeals in all cases of captures; provided, that no member of Congress shall be appointed judge of any of the said courts.

The United States in Congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise between two or more states concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following: whenever the legislative or executive authority or lawful agent of any state in controversy with another shall present a petition to Congress, stating the matter in question, and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties, by their lawful agents, who shall then be directed to appoint by joint consent commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven nor more than nine names, as Congress shall direct, shall, in the presence of Congress, be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges, who shall hear the cause, shall agree in the determination; and if either party shall neglect to attend at the day appointed, without showing reasons which Congress shall judge sufficient, or being present shall refuse to strike, the Congress shall proceed to nominate three persons out of each state, and the Secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear, or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence or judgment, which shall in like manner be final and decisive, the



PORTRAITS OF THE SIGNERS OF THE DECLARATION OF INDEPENDENCE.

As the formation of the people of the colonies into one independent state, or nation, had been brought about not suddenly, but by events extending

judgment or sentence, and other proceedings, being in either case transmitted to Congress, and lodged among the acts of Congress for the security of the parties concerned: provided, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the state where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favor, affection, or hope of reward;" provided also, that no state shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil, claimed under different grants of two or more states, whose jurisdictions as they may respect such lands and the states which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different states.

The United States in Congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states; fixing the standard of weights and measures throughout the United States; regulating the trade and managing all affairs with the Indians not members of any of the states; provided, that the legislative right of any state within its own limits be not infringed or violated: establishing and regulating post-offices from one state to another, throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office: appointing all officers of the land forces in the service of the United States, excepting regimental officers: appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States: making rules for the government and regulation of the said land and naval forces, and directing their operations.

The United States in Congress assembled shall have authority to appoint a committee to sit in the recess of Congress, to be denominated "a Committee of the States;" and to consist of one delegate from each state, and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States, under their direction: to appoint one of their number to preside, provided that no person be allowed to serve in the office of President more than one year in any term of three years: to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses: to borrow money or emit bills on the credit of the United States, transmitting every half year to the respective states an account of the sums of money so borrowed or emitted: to build and equip a navy: to agree upon the number of land forces, and to make requisitions from each state for its quota, in proportion to the number of white inhabitants in such state; which requisition shall be binding, and thereupon the Legislature of each state shall appoint the regimental officers, raise the men, and clothe, arm, and equip them in a soldier-like manner, at the expense of the United States; and the officers and men to be clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled; but if the United States in Congress assembled shall, on consideration of circumstances, judge proper that any state should not raise men, or should raise a smaller number than its quota, and that any other state should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped in the

through half a century—brief period though that seems to the student of history—as their very independence was declared and won by a body appointed originally for no such purpose, so the constitution under which they assumed political form and unity was but the perfected fruit, the bud and blossom of which were the old Colonial and Continental Congresses; and it was elaborated by a convention at first designed for a minor, incidental purpose connected with commerce and navigation, and which finally assembled with nothing more than the bettering of the Articles of Confederation as its avowed and immediate object. Among that assembly of fifty-five men were George Washington, Benjamin Franklin, Alexander Hamilton, Roger Sherman, Robert and Gouverneur Morris, Oliver Ellsworth, Rufus King, Edmund Randolph, Charles Cotesworth Pinckney, John Rutledge, William Livingston, and James Wilson, a man whose reputation is beneath his merits, of whom Washington said that he was "as honest, candid, able a member as the Convention contained." It is not surprising that a convention composed of such men, and of those who were worthy to be their associates, soon found that the Articles of Confederation were past all mending, except such as consists in remaking. In fact, the nation had far outgrown them. In spite of some jealous, short-sighted anxiety about state "sovereignty," and some doubts whether the Convention was empowered to do more than amend and work over the old confederation, the very first resolution adopted in Committee of the Whole, after twenty-one days' debate, was, "That a National government ought to be established, consisting of a supreme Legislature, Executive, and Judiciary." The national and supreme character of the government which they were about to frame being thus deliberately decided upon, and explicitly declared, they addressed themselves to their labors. These were based in the main upon two plans by Edmund Randolph, of Virginia, and Charles Pinckney, of South Carolina. Mr. Randolph's plan proposed a national Legislature of two branches, the most numerous to be chosen by the people, the right of suffrage being in proportion to the rate of free population, or taxes paid; a national ex-



same manner as the quota of such state, unless the Legislature of such state shall judge that such extra number can not be safely spared out of the same; in which case they shall raise, officer, clothe, arm, and equip as many of such extra number as they judge can be safely spared. And the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled.

The United States in Congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defense and welfare of the United States or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy, unless nine states assent to the same; nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months; and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each state on any question shall be entered on the journal when it is desired by any delegate; and the delegates of a state, or any of them, at his or their request, shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the Legislatures of the several states.

ART. 10. The Committee of the States, or any nine of them, shall be authorized to execute in the recess of Congress such of the powers of Congress as the United States in Congress assembled, by the consent of nine states, shall, from time to time, think expedient to vest them with; provided that no power be delegated to the said Committee, for the exercise of which, by the Articles of Confederation, the voice of nine states in the Congress of the United States assembled is requisite.

ART. 11. Canada, acceding to this Confederation, and joining in the measures of the United States, shall be admitted into, and entitled to, all the advantages of this Union; but no other colony shall be admitted into the same unless such admission be agreed to by nine states.

ART. 12. All bills of credit emitted, moneys borrowed, and debts contracted by or under the authority of Congress, before the assembling of the United States, in pursuance of the present Confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

ART. 13. 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. 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 afterward confirmed by the Legislatures of every state.

These Articles shall be proposed to the Legislatures of all the United States, to be considered, and if approved of by them, they are advised to authorize their delegates to ratify the same in the Congress of the United States; which being done, the same shall become conclusive.



ective and a national judiciary, both to be chosen by the national Legislature; the national Legislature to have a negative on all state laws inconsistent with the Articles of Union, and the national executive and judiciary to have, as a Council of Revision, a qualified negative upon all laws, state as well as national. These were its most important and characteristic points. Mr. Pinckney's plan proposed essentially the same system, but attained its ends by simpler means; and this seems to have been the actual groundwork of the present Constitution of the United States.

Another plan was proposed by the delegates from New Jersey, Delaware, and New York. This plan was the result of an avowed attempt to perpetuate the old confederation. It proposed to empower the Congress to appoint an executive of federal laws, officers for the federal army, and to establish a federal judiciary. It was but a make-shift; but even this plan proposed that the acts of Congress in accordance with the Articles of Confederation, and the treaties ratified by it, should be the supreme law of the land—a proposition which showed the necessity of that which the plan sought to avoid; for, without the establishment of a supreme government, it would have been impossible to enforce this provision against any powerful state which chose to set it at naught. The vital difference between the government proposed by this plan and that proposed by Virginia and South Carolina was, that the former dealt with states as the individuals responsible to it, and the latter with the whole people individually, as citizens of the United States, into which union, for all national purposes, the individuality and so-called "sovereignty" of the states was entirely merged. There was no misapprehension of the issue. It was clearly stated. "The true question is," said Mr. Randolph, "whether we shall adhere to the federal plan, or introduce the national plan. . . . A national government alone, properly constituted, will answer the purpose." After a debate of four days, the national plan was adopted, Massachusetts, Connecticut, Pennsylvania, Virginia, the two Carolinas, and Georgia voting for it, New York, New Jersey, and Delaware against it, the vote of Maryland being divided.<sup>1</sup> It is worthy of special note that Virginia, North Carolina, South Carolina, and Georgia, which then included Kentucky, Tennessee, Alabama, and Mississippi, were all supporters, in express terms, of the "national" government, and that the plan which was the foundation of the system adopted was proposed by a delegate from South Carolina, while that which was its counterpart came from Virginia.

After four months of patient, thoughtful labor, free discussion, consideration, reconsideration, commitment, and recommitment, and of mutual concession to interest and to feeling, the Convention perfected the Constitution as it now exists, without the amendments made immediately upon its adoption. Probably not one of the delegates was entirely satisfied with it. Franklin avowed his dissatisfaction with several parts of it; Hamilton had proposed a



ALEXANDER HAMILTON.



JOHN JAY.

system essentially different from that which it established; yet they both devoted themselves earnestly to the task of securing its adoption by the people, the latter (aided by Madison and Jay) in a series of papers which enjoy the rare distinction of having moulded popular opinion in their day, and of becoming authority in statesmanship and classics in political literature. But, whatever the merits of the system of government established by this Constitution,

there was no misapprehension of its character in any quarter. Of two men in Virginia who opposed its adoption, Patrick Henry said in the Convention of that state, June, 1788, "Who authorized them to speak the language of 'We, the people,' instead of 'We, the states?' States are the characteristic 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 all the states." And George Mason in the same body also said, "Whether the Constitution

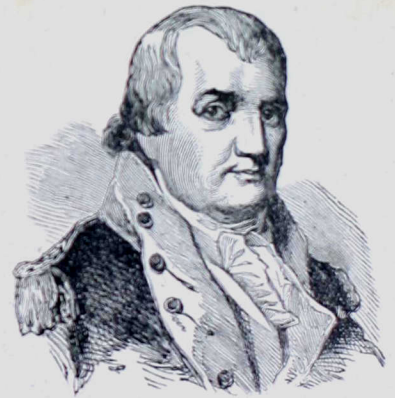


PATRICK HENRY.

be good or bad, the present clause clearly discovers that it is a national government, and no longer a confederation." The reply was not a denial of the nationality of the government, or an attempt to soften or glaze over its

consolidated character, but the avowal of these features, and the showing, by James Madison, that they were necessary. The same eminent patriot and statesman replied also to an inquiry by Hamilton, on the part of New York, whether the Constitution could be adopted with a reserved right to secede, in case certain amendments were not made, by a decided negative; the Constitution "required an unconditional adoption *in toto*, and forever." By June, 1788, nine states had adopted the Constitution, and thus merged their independent political existence in that of a new nation; but it was not until May, 1790, that Rhode Island, the last of the thirteen, consented to be absorbed into the Union, and the many became one.

As by the Constitution the powers not delegated by it to the United States, or prohibited to the states, are reserved to the states respectively, or to the people, let us see what rights and powers they were which the people of each state gave up. They were the right and power to levy taxes and impose duties, to regulate commerce, to make naturalization laws, to coin money, to regulate post-offices and post-roads, to define and punish piracies, to declare war, to provide an army and navy, to enter into any treaty, alliance, or confederation, to issue letters of marque and reprisal, to emit bills of credit, to keep troops, ships of war in time of peace, and to enter into any agreement or compact, either with each other, or with a foreign power. They placed the decision in any controversy between either one of them and another, or the citizen of another, or the United States, in the hands of the national judiciary; and, most important and significant concession of all, they gave up the right to change their very form of state government. This Constitution, according to one of the most eminent of its framers, was adopted by all the states "unconditionally, in toto, and forever;" this Union, by the terms of that Constitution, was to be "perpetual." Had the revolted colonies secured an individual sovereignty when they won their collective independence, this instrument would have left them none of it, according to the manifest intention of its framers. After its adoption there would have remained no semblance of sovereignty, but simply the right of independent self-government in local matters—that wise reservation which has secured the strength of centralization with the protection of local interests and the development of local resources by the people who are most concerned in them and best understand them; which insures the vast fabric based upon this Constitution from falling to pieces by its own weight, like the great empires of the past, by giving it stable support throughout its wide extent, instead of making it rest solely upon its central point; which frees us from an exhibition of that political incongruity seen in the mother country, where all interests, small or great, are controlled by the Imperial Parliament, and where we see the attention of that most important body given, day after day, to one petty county or parish matter or other, about which its members know little and care less. But this sovereignty the revolted states did not achieve. Sovereignty is the attribute of that power alone which has no superior; and of that sovereignty the colonies had none before their declaration of independence; and by that declaration which they made as united colonies, and which they won only as united colonies or states, they can not be said to have gained an individual sovereignty which they had not before. Upon this very point Charles Cotesworth Pinckney, of South Carolina, one of the delegates for the formation of the Constitution, in course of the debates in the Legislature of South Carolina herself on the adoption of the Constitution (January, 1788), said of the Declaration of Independence, "This admirable manifesto sufficiently refutes the doctrine of the individual sovereignty and independence of the several states. \* \* \* \* The several states are not even mentioned by name in any part, as if it was intended to impress the maxim on America that our freedom and independence arose from our union, and that without it we never could be free and 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, but may bring on us the most serious distresses." If this be the bearing of the Declaration of Independence upon state sovereignty, what is that of the Constitution—an instrument which vests all the attributes of sovereignty in the national government, and which does this not by the act of the individual states, but by that of "the people of the United States?" It is also of importance to note that the Constitution was submitted, not to the Legislatures and corporate representatives of the states, but to the people; and for the very reason that it was supposed that the pride of state sovereignty would prevent the former from adopting it. James Wilson said, "I know that they [the Legislatures and state officers] will oppose it. I am for carrying it to the people of each state." It was unavoidable that the people should act by states, not only because that was the only mode of combined action in their power, but because the very question to be decided touched the resignation of power by the state as an individual. It seems impossible to avoid the conclusion that, after the adoption of that Constitution, there was no avoidance of its obligations or withdrawal from its pale, except in virtue of that inalienable right of revolution, which, to be



CHARLES COTESWORTH PINCKNEY.

<sup>1</sup> New Hampshire and Rhode Island were not represented in this Convention.

complete, must have good cause, and power to maintain that cause. And this right belongs not to the people by virtue of state organization, or of residence within state limits, but to the inhabitants of any country or locality who are like-minded, and can make their rebellious determination good. As if to put this question, as far as he could, beyond a peradventure, the leader

## CONSTITUTION OF THE UNITED STATES.

### PREAMBLE.

WE, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, 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.

### ARTICLE I.

#### SECTION I.

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

#### SECTION II.

1. The House of Representatives shall be composed of members chosen every second year by the people of the several states: and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

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 for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

4. When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

#### SECTION III.

1. The Senate of the United States shall be composed of two senators from each state, chosen by the Legislature thereof, for six years, and each senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any state, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

3. No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

4. The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a president pro tempore, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the chief justice shall preside: and no person shall be convicted without the concurrence of two thirds of the members present.

7. Judgment in case of impeachment shall not extend farther than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States, but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment according to law.

#### SECTION IV.

1. The times, places, and manner of holding elections for senators and representatives, shall be prescribed in each state by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the place of choosing senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

#### SECTION V.

1. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house, on any question, shall, at the desire of one fifth of those present, be entered on the journal.

4. Neither house during the session of Congress shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

#### SECTION VI.

1. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to or returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

2. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

#### SECTION VII.

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment), shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

#### SECTION VIII.

The Congress shall have power—

1. To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

of the armies in the War of Independence, the president of the Convention who formed the Constitution, the first president of the United States under that Constitution, said of it in his Farewell Address to his Countrymen, "Until changed by an explicit and deliberate act of the whole people, it is sacredly obligatory upon all."<sup>8</sup>

2. To borrow money on the credit of the United States;

3. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States;

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

6. To provide for the punishment of counterfeiting the securities and current coin of the United States;

7. To establish post-offices and post-roads;

8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

9. To constitute tribunals inferior to the Supreme Court;

10. To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years;

13. To provide and maintain a navy;

14. To make rules for the government and regulation of the land and naval forces;

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

16. To provide for organizing, arming, and disciplining the militia, and for governing such part 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;

17. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased, by the consent of the Legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and,

18. 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.

#### SECTION IX.

1. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of *habeas corpus* shall not be suspended unless when, in case of rebellion or invasion, the public safety may require it.

3. No bill of attainder, or ex-post-facto law, shall be passed.

4. No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

5. No tax or duty shall be laid on articles exported from any state.

6. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to or from one state be obliged to enter, clear, or pay duties in another.

7. No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

8. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

#### SECTION X.

1. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex-post-facto law, or law impairing the obligation of contracts; or grant any title of nobility.

2. No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any state on imports or exports 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.

3. 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.

## ARTICLE II.

### SECTION I.

1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:

2. Each state shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the Congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then, from the five highest on the list, the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by states; the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.\*

3. The Congress may determine the time of choosing the electors and the day on which they shall give their votes, which day shall be the same throughout the United States.

4. No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

5. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President; and such officer shall act accordingly, until the disability be removed or a President shall be elected.

6. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

7. Before he enter on the execution of his office, he shall take the following oath or affirmation: "I do solemnly swear (or affirm) that 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."

#### SECTION II.

1. The President shall be commander-in-chief of the army and navy of the United States and

\* Altered by the 12th amendment.





THE UNITED STATES SLOOP OF WAR "BROOKLYN."

# DECLARATION OF

In Congress

## A Declaration by the Representatives of the UNITED STATES OF AMERICA, in General Congress assembled.

When in the course of human events it becomes necessary for <sup>one</sup> people to dissolve the political bands which have connected them with another, and to ~~assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's god entitle them.~~ a decent respect to the opinions of mankind requires that they should declare the causes which impel them to ~~the~~ <sup>the</sup> separation.

We hold these truths to be ~~self-evident~~ <sup>self-evident</sup>; that all men are created equal & independent; that ~~they are endowed by their creator with certain rights that among these are life, liberty, & the pursuit of happiness;~~ <sup>these are the unalienable rights of</sup> that to secure these ~~rights, governments are instituted among men, deriving their just powers from the consent of the governed;~~ <sup>rights</sup> that whenever any form of government shall become destructive of these ends, it is the right of the people to alter or to abolish it, & to institute new government, laying its foundation on such principles & organising its powers in such form, as to them shall seem most likely to effect their safety & happiness. Providence indeed will dictate that governments long established should not be changed for light & transient causes: and accordingly all experience hath shown that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed but when a long train of abuses & usurpations, ~~[beginning at a distinguished period]~~ <sup>beginning at a distinguished period</sup> & pursuing invariably the same object, evinces a design to reduce them to ~~absolute despotism~~ <sup>absolute despotism</sup> it is their right, it is their duty, to throw off such government & to provide new guards for their future security, such has been the patient sufferance of these colonies & such is now the necessity which constrains them to ~~alter~~ <sup>alter</sup> their former systems of government.

The history of ~~the~~ <sup>the</sup> present ~~is a history of~~ <sup>is a history of</sup> injuries and usurpations, ~~[among which,]~~ <sup>[among which,]</sup> to contradict the uniform tenor of the rest, ~~[all of which have]~~ <sup>[all of which have]</sup> in direct object the establishment of an absolute tyranny over these states, to prove this, let facts be submitted to a candid world, ~~[for the truth of which we pledge a faith not unassailed by falsehood]~~ <sup>[for the truth of which we pledge a faith not unassailed by falsehood]</sup> he has refused his assent to laws the most wholesome and necessary for the public good:

he has forbidden his governors & pass laws of immediate & pressing importance, unless suspended in their operation till his assent should be obtained, and when so suspended, he has ~~neglected~~ <sup>neglected</sup> ~~to attend to them~~ <sup>to attend to them</sup> he has refused to pass other laws for the accommodation of large districts of people unless those people would renounce the right <sup>of representation</sup> of representation, a right inestimable to them & formidable to tyrants only. he has called together legislative bodies at places unusual, uncomfortable, & distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures. he has dissolved Representative houses repeatedly ~~[continually]~~ <sup>[continually]</sup> for opposing with manly firmness his invasions on the rights of the people. ~~[for a long time]~~ <sup>[for a long time]</sup> he has refused for a long ~~space of time~~ <sup>space of time</sup> to cause others to be elected,

whereby the legislative powers, inca  
the people at large for their exerci  
exposed to all the dangers of unwar  
he has endeavored to prevent the pop  
obstructing the laws for naturalizat  
to encourage their migrations h  
-promotions of lands:  
he has <sup>obstructed</sup> the administration  
of <sup>States</sup> refusing his assent to  
he has made <sup>our</sup> judges dependant on  
and amount of their salaries:  
he has erected a multitude of new  
-ther swarms of officers to harass or

he has kept among us in times of peace  
he has affected to render the military i  
he has combined with others to subject  
tions and unacknoleced by our laws  
of legislation, for quartering lar  
for protecting them by a mock  
for which they should commit on the  
for cutting off our trade with all pa  
for imposing taxes on us without ou  
for depriving us of the benefits of tra  
for transporting us beyond seas to be  
for abolishing the free system of Eng  
and enlarging its boundanes so as to render it at o  
rule into these <sup>States</sup> ~~valuable~~ <sup>valuable</sup>  
for taking away our charters, & alle  
for suspending our own legislatures &  
legislate for us in all cases  
he has abdicated government here, <sup>[w  
of his allegiance & protection.]</sup>  
he has plundered our seas, ravaged  
lives of our people:  
he is at this time transporting lar  
the works of death, desolation, & ty  
scarcely paralleled in the most barbar  
of cruelty & perfidy, unworthy the  
he has endeavored to bring on the inh  
savages, whose known rule of warf  
all ages, sexes & conditions [of exc  
he has incited treasonable insurre  
allurements of forfeiture & confis  
he has constrained our fellow citize  
to fall ~~prey to the~~ <sup>prey to the</sup> ~~merciless~~ <sup>merciless</sup> ~~Indian~~ <sup>Indian</sup> ~~sa~~ <sup>sa</sup>  
he has waged cruel war against hu  
-red rights of life & liberty in the p  
fended him, capturing & carrying  
where, or to incur miserable dec  
pinatical warfare the opprobrium  
Christian king of Great Britain  
where MEN should be bought

John Hancock, Saan, Lewis, Bush, Stockton, Carter, Francis  
John Pann, John Whipple, Casar  
Robt Morris, John Pann, John Whipple, Casar  
Benjamin Rush, Wm Paro, Samuel Chase, John Hart, Geo.  
Beny. Franklin, Tho. Stone, Wm. Ross, Thos. Clark, Tho.  
Joseph Hewes, Wm Lloyd Garrison, Button Gwinnett, Edwarr  
Wm Hooper, John Adams, John Jay, John Hancock, John Jay, John Hancock  
John Morton, James Wilson, Wm. Livingston, Lyman Hall, John as  
Wm. Hooper, James Wilson, Wm. Livingston, Lyman Hall, John as  
John Morton, James Wilson, Wm. Livingston, Lyman Hall, John as

# INDEPENDENCE

July, 1776.

of annihilation, have returned to the state remaining in the mean time from without, & convulsions within: of these states; for that purpose of foreigners; refusing to pass others & raising the conditions of new ap-  
 justice [totally to cease in some of these for establishing judiciary powers: will alone, for the tenure of their offices, by a self-assumed power] & sent his people & eat out their substance; <sup>without the consent of their</sup> <sup>legislature</sup> <sup>the consent of their</sup> standing armies [ & ships of war: independent of & superior to the civil power: a jurisdiction foreign to our constitution his assent to their pretended acts dies of armed troops among us, from punishment for any murders libitants of these states; the world; assent; jury; for pretended offences: <sup>any province, establishing therein an arbitrary government</sup> <sup>to fit instruments for introducing the same absolute laws</sup> <sup>fundamentally the forms of our governments,</sup> <sup>ring themselves invested with power &</sup> <sup>its sever:</sup> <sup>ing us out of his protection & using war against us,</sup> <sup>during his governors & declaring us out</sup> <sup>coasts, burnt our towns & destroyed the</sup> <sup>Scotch and other</sup> <sup>onies of foreign mercenaries to complete</sup> <sup>y; already begun with circumstances</sup> <sup>les and totally</sup> <sup>of a civilized nation.</sup> <sup>ants of our frontiers the merciless Indian</sup> <sup>is an undistinguished destruction of</sup> <sup>ce:]</sup> <sup>ns of our fellow-citizens with the</sup> <sup>on of our property</sup> <sup>as the very arms against their country & to do</sup> <sup>become the executioners of their minds & rather</sup> <sup>in nature itself, violating it's most so</sup> <sup>ons of a distant people who never of</sup> <sup>them into slavery in another hemis-</sup> <sup>in their transportation thither. this</sup> <sup>infidel powers, is the warfare of, the</sup> <sup>determined to keep open a market</sup> <sup>ld he has proscribed his negative</sup>

for suppressing every legislative attempt to prohibit or to restrain this determining take open a market where <sup>DEED</sup> <sup>should be bought & sold:</sup> execrable commerce: and that this assemblage of horrors might want no fact of distinguished die, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them by murdering the people upon whom <sup>had</sup> also <sup>abused</sup> them: thus paying off former crimes committed against the liberties of one people, with crimes which he urges them to commit against the lives of another.]  
 in every stage of these oppressions we have petitioned for redress in the most humble terms: but repeated petitions have been answered by repeated injuries, a prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a people who mean to be free. Future ages will scarce believe that the <sup>patience</sup> of one man, adventured within the short compass of twelve years to lay a foundation for broad & unprincipled tyranny over a people fostered & fixed in principles of <sup>liberty</sup> freedom.  
 Nor have we been wanting in attentions to our British brethren: we have warned them from time to time of attempts by their legislature to extend a jurisdiction over [these our states] we have reminded them of the circumstances of our emigration & settlement here, [no one of which could warrant so strange a pretension; that these were effected at the expence of our own blood & treasure unassisted by the wealth or the strength of Great Britain: that in constituting indeed our several forms of government, we had adopted one common king, thereby laying a foundation for perpetual league & amity with them: but that submission to their parliament was no part of our constitution, nor ever in ideas of history may be credited: and] we have appealed to their native justice & magnanimity, <sup>as well as to</sup> <sup>the ties</sup> of our common kindred to disavow these usurpations which were likely to interrupt our connection & <sup>connection</sup> <sup>of</sup> our correspondence & <sup>connection</sup>. They too have been deaf to the voice of justice & of consanguinity. [When occasions have been given them by the regular course of their laws, of removing from their councils the disturbers of our harmony, they have by their free election re-established them in power, at this very time too they are permitting their chief magistrate to send over not only soldiers of your common blood, but Scotch & foreign mercenaries to invade <sup>our</sup> <sup>territories</sup> these facts have given the last stab to agonizing affection and manly spirit bids us to renounce for ever these unfeeling brethren, we must endeavor to forget our former love for them, and to hold them as we hold the rest of mankind enemies in war, in peace friends we might have been a free & a great people together: but a communication of grandeur & of freedom it seems is below their dignity, be it so since they will have it: the road to <sup>glory</sup> <sup>happiness</sup> is open to us too; we will <sup>not</sup> <sup>trudge</sup> it in <sup>apart</sup> <sup>from</sup> <sup>them</sup> and <sup>acquiesce</sup> <sup>in</sup> the necessity which <sup>pronounces</sup> <sup>our</sup> <sup>sever-</sup> <sup>ance</sup> <sup>and</sup> <sup>total</sup> <sup>separation</sup>.  
 We therefore the representatives of the United States of America in General Congress assembled, do in the name & by authority of the good people of these [states] reject and renounce all allegiance & subjection to the kings of Great Britain & all others who may hereafter claim by, through, or under them; we utterly dissolve <sup>the</sup> <sup>connection</sup> <sup>which</sup> <sup>may</sup> <sup>have</sup> <sup>heretofore</sup> <sup>subsisted</sup> <sup>between</sup> <sup>us</sup> <sup>&</sup> <sup>the</sup> <sup>people</sup> <sup>or</sup> <sup>parliament</sup> <sup>of</sup> <sup>Great</sup> <sup>Britain</sup>; and finally we do assert and declare these colonies to be free and independent states and that as free & independent states they shall have full power to levy war conclude peace, contract alliances, establish commerce & to do all other acts and things which independent states may of right do. And for the support of this declaration we mutually pledge to each other our lives our fortunes, & our sacred honour.

Arthur Middleton Stephen Hopkins John Jay  
 George Wythe John Hancock John Nelson jr  
 Richard Henry Lee Thomas Jefferson John Adams  
 Josiah Bartlett Matthew Thornton Roger Sherman  
 Sam<sup>l</sup> Huntington William Ellery Charles Carroll of Carrollton  
 Geo<sup>l</sup> Clymer  
 Lewis Morris John Smith William Bradford Francis Pickens  
 Sam<sup>l</sup> Adams Oliver Wolcott Elbridge Gerry

Thus one in blood and like in condition, blessed with an unexampled diffusion of intelligence and Christian morality, possessor of a vast expanse of rich and varied soil yielding wealth and inviting immigration, freed from the political burdens which oppressed and the social bonds which cramped the people of older states, presenting to the world outside a single, compact government, but secured from centralization within by absolute local independence, this nation rapidly rose to the first rank; and so solidly based were its power and prosperity, that, but for one element of internal discord, it would have remained forever, as nearly as man can judge, a happy example of the working of republican institutions. Nor, in fact, are republican principles at all affected by the events which shook that power and disturbed that prosperity.

At the time of the formation of the Constitution all the states but two admitted negro slavery. But in all except two this institution was regarded as an exotic, inherited evil, to be borne as well as might be until it should pass away with time. All the statesmen and leaders of the Revolutionary period, including those from Virginia, so regarded it. Jefferson himself did

of the militia of the several states, when called into the actual service of the United States; he may require the opinion in writing of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

## SECTION III.

He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them; and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

## SECTION IV.

The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

## ARTICLE III.

## SECTION I.

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as Congress may, from time to time, ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

## SECTION II.

1. The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states; between a state and citizens of another state; between citizens of different states; between citizens of the same state claiming lands under grants of different states; and between a state, or the citizens thereof and foreign states, citizens or subjects.

2. In all cases affecting ambassadors, other public ministers, and consuls, and those in which a state shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

## SECTION III.

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attained.

## ARTICLE IV.

## SECTION I.

Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

## SECTION II.

1. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

2. A person charged in any state with treason, felony, or other crime, who shall flee from justice and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

3. 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.

## SECTION III.

1. New states may be admitted by the Congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the Legislatures of the states concerned, as well as of the Congress.

2. The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular state.

## SECTION IV.

The United States shall guarantee 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.

## ARTICLE V.

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the 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, as part of this Constitution, 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; provided, that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first Article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

## ARTICLE VI.

1. All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

not hesitate to denounce it openly as "a violation of human rights," and to say that not only the honor, but "the best interests of the country" demanded its extinction. In the original draft of the Declaration of Independence, which is in Jefferson's own hand, one of the grievances most strongly insisted on as a justification for the Revolution is the infliction of slavery upon the colonists, and the perpetuation of the infamous traffic in human beings.<sup>9</sup> But in the Convention for the formation of the Constitution, the delegates from South Carolina and Georgia announced, upon the proposal to suppress the slave-trade immediately, that if this were done those states would not become part of the Union, for they must have slaves. Rutledge said, "Religion and humanity had nothing to do with this question. Interest alone is the governing principle with nations. The true question at present is whether the Southern states shall or shall not be parties to the Union." Charles Pinckney said, "South Carolina can never receive the plan if it prohibit the slave-trade. In every proposed extension of the powers of Congress, that state has expressly and watchfully excepted the power of meddling with the importation of negroes. If the states be all left at liberty on this subject, South Carolina may perhaps, by degrees, do of herself what is wished, as Maryland and Virginia already have done."

2. 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.

3. The senators and representatives before mentioned, and 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; but no religious test shall ever be required as a qualification to any office, or public trust, under the United States.

## ARTICLE VII.

The ratification of the conventions of nine states shall be sufficient for the establishment of this Constitution between the states so ratifying the same.

Done in Convention, by the unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON, *President and Deputy from Virginia.*

*New Hampshire.*—JOHN LANGDON, NICHOLAS DELAWARE.—GEORGE READ, JOHN DICKINSON, GILMAN. JACOB BROOM, GUNNING BEDFORD, jun., RICHARD BASSETT.

*Massachusetts.*—NATHANIEL GORHAM, RUFUS KING. *Maryland.*—JAMES M'HENRY, DANIEL CARROLL, DANIEL OF ST. THO. JENIFER.

*Connecticut.*—WILLIAM SAMUEL JOHNSON, ROGER SHERMAN. *Virginia.*—JOHN BLAIR, JAMES MADISON, jr.

*New York.*—ALEXANDER HAMILTON. *North Carolina.*—WILLIAM BLOUNT, HUGH WILLIAMSON, RICHARD DOBBS SPAIGHT.

*New Jersey.*—WILLIAM LIVINGSTON, WILLIAM PATERSON, DAVID BREARLEY, JONATHAN DAYTON. *South Carolina.*—JOHN RUTLEDGE, CHARLES PINCKNEY, CHARLES COTESWORTH PINCKNEY, PIERCE BUTLER.

*Pennsylvania.*—BENJAMIN FRANKLIN, ROBERT MORRIS, THOMAS FITZSIMONS, JAMES WILSON, THOMAS MIFFLIN, GEORGE CLYMER, JARED INGERSOLL, GOUVERNEUR MORRIS. *Georgia.*—WILLIAM FEW, ABRAHAM BALDWIN.

Attest, WILLIAM JACKSON, *Secretary.*

## ARTICLES IN ADDITION TO AND AMENDMENTS OF THE CONSTITUTION.

ART. 1. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ART. 2. A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ART. 3. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

ART. 4. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ART. 5. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war, or public danger; nor shall any person be subject for the same offense, to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ART. 6. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

ART. 7. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

ART. 8. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ART. 9. The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

ART. 10. 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.

ART. 11. The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

ART. 12. The electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately by ballot the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President: a quorum for the purpose shall consist of two thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

<sup>9</sup> See this complaint in the fac simile of the original draft given on pages 6-7. It was stricken out before the adoption of the instrument in deference to the feelings of South Carolina.



COATS OF ARMS OF THE SEVERAL STATES OF THE UNION.

From Harper's Weekly.

Baldwin, of Georgia, also declared that that state "would not confederate if not allowed to import slaves." The existence of the nation as one and indivisible seemed of more importance at that period to the men to whom this announcement was made than the immediate suppression of a traffic which was then looked upon without the horror which it now excites; and so, to satisfy South Carolina and Georgia, in the dainty phraseology of the Constitution, "the migration or importation of such persons as any of the states existing shall think proper to admit" was allowed until the year 1808. Men who held negroes as property naturally expected, and reasonably claimed, that if they united themselves under a national government with other men who would soon pass laws for the extinction of such a right of property under their own local governments, these laws should not operate to the injury of those who did not adopt them; and so that other dainty but stringent clause was added, providing that any person "held to service and labor in one state under the laws thereof," escaping into another, "shall be delivered up on claim of the party to whom such service or labor may be due." It had been proposed in the Continental Congress that in the apportionment of taxation (which was to be according to population) slaves should be reckoned at three fifths of their actual numbers, because, as it was argued, the labor of five negroes was not more than equal to that of three white men. This principle of tax apportionment was adopted in the Constitution; and, consequently, as taxation and representation were to go hand in hand, representatives were apportioned in the same manner. Slaves were not to be represented as property; but three fifths of their actual number in each state went to swell the aggregate, according to which the representation of each state was more or less numerous in the popular branch of Congress and in the College of Electors for President and Vice-President.

The two former provisions of the Constitution in regard to slaves were, at the time of their making, the more highly prized by the slaveholders, but the last was of far the greatest importance in regard to the strength and perpetuation of slavery. For it gave to every citizen of a slave state, whether a slaveholder himself or not, a preponderance in the national government greater than that of a citizen of a free state, by three fifths of the number of slaves in his state; so that while thirty thousand citizens of a free state would send but one representative to Congress, twelve thousand citizens of a slave state would also send one representative if they collectively owned thirty thousand slaves. This provision also made it desirable, as far as regarded political preponderance, for slaveholders to discourage the presence in their state of citizens who were not also slaveholders, and to increase the aggregate number of slaves; for it is clear that, the greater the number of slaves and the fewer the number of their owners, the greater the concentration of political power in the hands of the latter. Thus a provision of the Constitution, made for the purpose of insuring the proper relation between representation and taxation, actually destroyed the political equality of citizens of the United States, in theory the very corner-stone of the republican government which it was framed to establish, while, at the same time, in the states which got the advantage in this inequality, two fifths of what was really productive property was exempted from direct taxation. Thus special privilege was added to the disproportionate political preponderance of the slaveholder. It was the power conferred by this inequality and this privilege on the one side, co-operating with the growth of the feeling against slavery throughout civilized Christendom on the other, which brought about the great rebellion against the government of the United States.

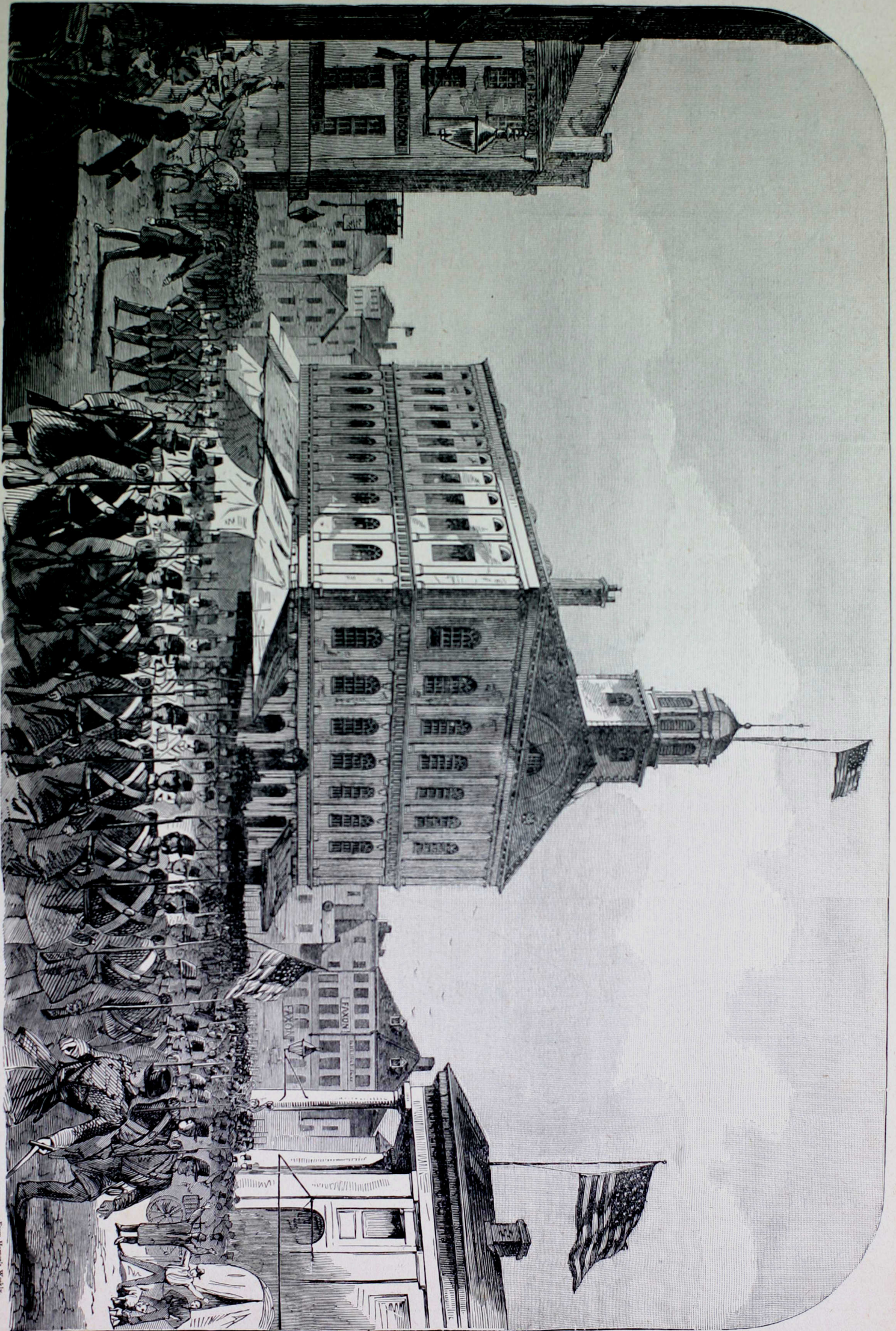
At the time when the Constitution of the United States was adopted, seven of the thirteen states which formed the Union, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania, either had abolished slavery or were sure to do so; but the six which retained it, Delaware, Maryland, Virginia, North and South Carolina, and Georgia, were in the aggregate the more populous and the wealthier, while, as we have just seen, their citizens had by the terms of the Union acquired peculiar privileges and advantages of representation. Consequently, at the beginning, the interests of the slave states, as a body, outweighed those of the free states, as a body. This advantage was assiduously preserved, until it was swept away by the irresistible onflow of events. On the 11th of March, 1784, Thomas Jefferson, Virginia's most eminent representative, proposed, in the Continental Congress, that after the year 1802 there should be "neither slavery nor involuntary servitude" in any state to be thereafter formed from the territory of the United States. This proposition failed to become an ordinance only by the lack of the vote of New Jersey, which was lost by the absence of one of her delegates. But in 1787 the important ordinance was passed by which slavery was prohibited in all territory of the Union northwest of the Ohio River. It was more than thirty years, however, before this ordinance had a direct influence upon the great question which was to shake the Union. Meantime Kentucky and Vermont, offshoots of Virginia and New Hampshire severally, were admitted to the Union in 1792, the former slave, the latter free. The slave state of Tennessee came in in 1799, and in 1802 the free state of Ohio. In 1803, the Territory of Louisiana, then a French colony, and including (after the indefinite fashion of colonial boundary claims) all the vast tract of land lying around the mouth of the Mississippi, and stretching westward and northwest thence from the banks of the Mississippi to the Pacific Ocean. Slavery was already established in this territory, from which, in 1812, a slave state was admitted into the Union. Free Indiana followed in 1816. Mississippi and Illinois, Alabama and Maine, alternately slave and free, were formed and recognized between 1817 and 1820.

Ten states had now been added to the original thirteen. Five admitted

slavery, and five excluded it; so that in the Senate, where the states, large and small, were equally represented, the original distribution of power between the free and the slave states had not been disturbed. But in the House of Representatives and in the College of Presidential Electors the aspect of affairs was much changed. At the time of the first census, 1790, the aggregate population of the states which had abolished slavery, or were about to abolish it, and of those which had not and since have not done so, was about equal; while the advantage of wealth and the anticipated increase in numbers were altogether on the side of the latter. But the census of 1820 showed authoritatively what all observing men well knew in a general way, that the states which had abolished slavery were increasing in population and in wealth much more rapidly than those which had retained it. In that year the population of the free states was found to be nearly three quarters of a million greater than that of the slave states, and the tide of immigration from Europe, which had then begun to set strongly in, bore its wealth of labor to the free states almost entirely. In itself there was nothing either surprising or alarming in this revelation. Had the country been in its normal condition, with its political power equally distributed, and all its citizens counting each a unit, and no more, in the choice of its executive and legislative officers, it would have been a matter of no political moment to any particular number of states where the increase of wealth and population was, so long as they were individually prosperous. For, as to their local affairs, the absolute control of those was secured to them by the Constitution, which also pledged to the preservation of their equal voice in the Senate. But in the thirty years which had passed since the formation of the national government a great and important change had taken place in the relations of slavery to the country at large. We have seen that it was regarded at that period, except by two of the states, as a legacy from the mother country, which conferred no benefit sufficient to compensate for its reproach and its disadvantages, and as an institution which must gradually disappear. The two states which were not of this mind were South Carolina and Georgia, who, it will be remembered, had refused to enter the Union if the slave-trade were immediately made illegal. In these states a small and active school of politicians soon arose, which devoted itself not only to the protection of slavery where it already existed, but to its extension and the increase of its power. This school rapidly attained a potent influence throughout the slave states, where it soon included nearly all the wealthy planters. This class of men saw the advantage which, in virtue of their slaves, they enjoyed by reason of their more numerous representation in Congress and the choice of President. They saw, too, that the tendency of affairs under their local government was to make them richer, and the poor men round them, who owned few or no slaves, poorer, and thus their mere dependents and creatures; and so, misled by mistaken self-interest, their power was gradually massed and marshaled under the direction of what may be conveniently and correctly called the South Carolina school of politicians, and slavery became a compact interest, to be protected and advanced in the councils of the nation. The only single and sectional interest to be so cared for, in fact; for in the free states men asked for nothing else than that freedom of action which was already secured to every citizen of the republic; nothing else was needful to their prosperity. Agriculture, manufactures, commerce, were interests, indeed, in which different parts of the country had different stakes; but they existed in a greater or less degree in all parts of the country; they were natural and universal manifestations of activity and civilization; and they existed in virtue of no special law, and required none for their undisturbed security. But with slavery it was not so; and the politicians who had chosen it, both as the interest which they were to defend and the weapon which they were to wield, saw with apprehension the rapidly increasing voice of the free states in the House of Representatives and in the Electoral College. The privilege which they feared to lose had become more precious in the very lapse of time which had also brought about the events which threatened them with its loss. By the invention of the cotton-gin the means of producing that staple in a marketable condition had been increased a hundred-fold, and the introduction of the steam-engine into the sugar-mill had more than doubled the value of the plantations in Louisiana. Not only so. These new processes, requiring capital and inviting capital, tended not more to the increase of the aggregate wealth of the states which profited by them than to the concentration of wealth of all kinds, and particularly of land and slaves, in the hands of the few. Consequently, the rich planters saw themselves, year by year, with more political power in their hands; and society in the slave states came to consist in the main of a small governing class of planters, with the bankers, merchants, and professional men whose functions were required by the business of the plantations, and a large class of poor people, becoming every day poorer, more wretched, more dependent, and, at the same time, prouder of their political advantages over the poor men of the free states, by which they were raised to a sort of equality with the wealthy slaveholders upon whose sufferance they existed. This anti-republican, oligarchical system of society the South Carolina school of politicians sought to protect, perpetuate, and propagate.

Meantime the anti-slavery sentiment had spread widely over the civilized world, which in this respect followed the humane lead of the government and the mass of the people of the United States. In the year 1794 Congress passed an act against fitting out vessels for the slave-trade, and in 1800 another, forbidding citizens of the United States from holding property in foreign slave-ships, and also authorizing United States ships to seize slavers. In 1807, as the bringing of slaves into the United States was to become unlawful by constitutional provision in 1808, an act was passed prescribing heavy penalties for this crime. During all this time the slave-trade was lawfully carried on in British ships; and it was not until March 25, of this

A NEW REGIMENT OF MASSACHUSETTS VOLUNTEERS PASSING FANEUIL HALL ON THEIR WAY TO THE WAR.



From Harper's Weekly.

very year 1807, that the carrying off of negroes from Africa into slavery under the British flag was forbidden by act of Parliament. The returns of the Charleston Custom-house, quoted in Congress, show that, of 39,075 negroes imported into South Carolina from Africa between the years 1804 and 1808, 19,649, or more than one half, were imported by British subjects. 25,834, or nearly two thirds of the whole number, were imported by foreigners, while traders of the maritime free states imported only 8838. In 1820 Congress passed an act declaring the slave-trade piracy, punishable with death. In 1833 slavery was abolished throughout the British Possessions after the 1st of August, 1834, as it had been a generation back in the most enlightened and Christianized states of the American Union, and as it would have been in all were it not for the absolute protection secured by the Constitution to every state in regard to its local government. The special advocates of universal freedom may think ill of a provision which resulted in the perpetuation of bondage in a part of the republic. But we must never forget that the men who framed our national government found slavery in the land, or that this provision has but incidentally kept in bonds a race which takes easily to compelled servitude, which under kind treatment can be happy in bondage, which continues servile after generations of freedom, taking pleasure in serving the superior race, pleased when it pleases that race, and proud when noticed by it, or, finally, that this provision was absolutely necessary to secure the political unity, and therefore the independence and peaceful progress of the race, which has made the American Republic the hope and the lode-star of the advocates of popular government throughout the world.

But the rights of states, however guarded, could not stay the advance of opinion; and the year 1816 saw a new attempt to do away with slavery—the Colonization Society was formed at Washington, having for its object the removal of free negroes from a country where they were in contact with a superior race having instinctive repugnance to equal association with them, to one where, being surrounded only by people of their own blood, they could attain such elevation as they were capable of, and even become the nucleus of a negro civilization. The benevolent hope was also expressed by the founders of this society, that slavery might be gradually abolished in the states which then permitted it, and that this so much desired end might be furthered by the means afforded of ridding the country of the freed negro, and enabling him to set out in his new life with some comfort and prospect of success. The leading members of this association were slaveholders, James Madison, John Randolph, and Judge Bushrod Washington, of Virginia, Henry Clay, of Kentucky, Charles Carroll, and Wright, of Maryland, being among them. The feeling of which this society was the fruit was akin to that which, according to Professor St. George Tucker, of William and Mary College, Virginia, produced ten thousand manumissions in that state between 1782 and 1797. But the leading men of the cotton-growing states looked askance upon this project, although it was directed neither directly nor indirectly against any of their rights as slaveholders.

Such was the position of affairs when the question of the organization and admission of Missouri as a state came before Congress. Missouri, as part of the ceded French territory, Louisiana, was already slave soil; as lying northwest of the Ohio River, it was debarred from slavery by the ordinance of 1787. The residents asked to be admitted to the Union with a state Constitution allowing slavery. The delegates from the slave states said "Yes; for slavery is already attached to the soil;" those from the free states said "No; for slavery is excluded forever northwest of the Ohio." Upon this question suddenly great warmth of feeling was manifested on both sides, and all party distinctions at once faded away. The occasion is of particular interest to us, not only as the beginning of that strife which, after a lapse of forty years, came to bloody arbitration, but from the fact that, in the course of the fierce altercations to which it gave rise, the determination of the extreme slavery party to carry their point, at all hazards to the country, was even then distinctly avowed. It having been proposed by James Talmadge, of New York, to restrain the further introduction of slavery into Arkansas, and by John Taylor, of the same state, to impose a similar restriction as to Missouri, the debate thereon was long and violent; and Mr. Cobb, of Georgia—ominous name!—in the course of a furious speech said, directing himself particularly to Talmadge, that "a fire had been kindled which all the waters of the ocean could not put out, and which only seas of blood could extinguish;" adding that if the Northern members persisted "the Union would be dissolved." To this fierce onslaught Talmadge replied by firmly and calmly reasserting his position and that of his constituents, maintaining it with arguments which even those who do not allow them to be conclusive must admit are clear and cogent, and saying, "If the civil war which gentlemen so much threaten must come, I can only say, let it come!" Thus early did the two parties to this question show the style in which they would act upon it: the one in passion and with ferocity, the other in calmness and with fortitude.

Few readers need be told how this dispute was then settled. Missouri was admitted with her slave-bearing Constitution, with the proviso that forever after there should be neither slavery nor involuntary servitude in any territory of the United States north of the parallel of 36° 30' (the southern boundary of Missouri), but that south of that line states might be admitted either with slavery or without it. With this "Missouri Compromise," although it was first proposed by a Northern member, John Taylor, of New York, the whole country, and particularly the South, appeared to be well content; and it was believed that the firebrand of disunion was extinguished. But, alas! it smouldered.

From this period the political power of the slaveholding states became

practically a unit upon the subject of slavery, and all questions which bore upon it; and this being the only subject upon which there was a compact organization, and a united and vigorous policy conducted by men born and bred to conduct it, the slave interest soon came to be the controlling power in the government. The leaders of its extreme, or South Carolina school, generally assumed an arrogant, insolent tone to the members from the free states, and attempted, too often with success, to browbeat them openly upon the floor of Congress. Seeing how much destructive power the dogma of "state sovereignty" placed in their hands, they assumed it as the cardinal point of their political creed, in the very teeth of the assertions, the teachings, and the counsels of their own statesmen of the Revolutionary and post-Revolutionary generations. At what she thought a convenient occasion, South Carolina undertook to act upon this principle; but what short and sufficient measures for the maintenance of the power of the national government her attempted nullification of the Tariff Act of 1832 met at the hands of General Jackson, need not be told here. Her conduct in this affair, and her headlong rush into the rebellion of 1861, impatient to be the leader in the attempt to destroy the republic, form her chief claims to distinction in American annals.

In her nullification outbreak, South Carolina had not the support of even her sister slave states. Yet after her subjection the slave power continued to maintain its united front, and through an alliance, rarely broken, with the great Democratic party, North and South—each using the other for its own ends, after the universal practice of politicians—it always had a potent, and generally a controlling voice in the national government. For a few years there was no occasion for political controversy as to slavery. But soon a small, virulent, and fanatical body of men did yeoman's service to the cause of the extreme school of slaveholders by commencing an agitation upon the subject, which had, under the circumstances, no possible good end in view. But this mattered little to the Abolitionists. They were in their very nature impracticable men. Either not knowing, or not caring for the fact that government has to deal with existing powers and obligations, and not with abstract principles, they reduced statesmanship in America to one simple syllogism: It is wrong to hold man in bondage; the negro is a man; therefore negro slavery is wrong; therefore it ought at once to be abolished utterly. Regardless of all the circumstances by virtue of which the master found himself in possession of the slave; regardless of all traits of race in the slave and considerations of treatment by the master which modified the nature of the relation between them; and equally regardless whether the government of the United States, or even the people, had either the right or the power to abolish slavery, they clamored and agitated for its abolition. The people of the slave states, solemnly guaranteed in the undisturbed possession of their slaves by the organic compact of the nation, were naturally indignant at this movement toward a violation of their vested constitutional rights. Nor were they alone in this feeling. The mass, practically the whole of the people of the free states, wrongful as they felt slavery to be, yet knew that as citizens of the United States, or members of free commonwealths, they were in no way responsible for it, and had no power over it, and they regarded this agitation as dangerous to society and subversive of government. The Chancellor (Walworth) of the State of New York, and David B. Ogden, one of its most eminent and upright jurists, declared that "the doctrine of immediate emancipation" was "a direct and palpable nullification of the Constitution." This it undoubtedly was, and an attempt to carry it into effect would have been revolution, rebellion.

But the multitudinous opponents of the Abolitionists, North and South, not content with discountenancing, persecuted them, and, as a natural consequence, abolitionism took firm root and began to spread. Placed under a ban, it became bitter, vehement, denunciatory, void alike of common decency and of Christian charity. It denounced slavery, an institution which prevailed over one half the country, and among some of the purest and most eminent citizens of the republic, as "the sum of all villainies,"<sup>10</sup> and it did not hesitate to brand the Constitution itself as "a covenant with death and a compact with hell." It is not in the nature of man that an agitation should be carried on in such a spirit without provoking violent antagonism. Every man who held slaves—every man who, although he owned no slaves, did not believe that George Washington, and Thomas Jefferson, and Charles Carroll, to say nothing of perhaps his own grandfather or father, had passed their lives in villainy—every man who did not believe that the Constitution was a bargain with death and hell, was an opponent of abolitionism; and in the South the new movement did more than any other possible agency could have done to produce a unity of Southern feeling, to imbitter that feeling toward the North, and to mass more compactly the vast political power of slavery. The leaders of the extreme school were not slow to avail themselves of the weapons which their opponents had placed in their hands. Working remorselessly toward their end, and having already almost entirely the political leadership in their several states, they boldly assumed the whole control of Southern social and political affairs. They brought the press of their own states into entire subserviency to their purposes; they made it social damnation to subscribe for any newspaper or periodical in the free states which was not itself also subservient to their faction; they managed to exclude from political preferment all rising men who were not heart and soul devoted to that faction. By all manner of misrepresentation and craft they exasperated their numerous poor slave-less dependents against the Abolitionists; and taking ground that whoever was not for them was against them, they fixed the stigma of abolitionism upon all who did not look upon negro slavery as a just, wise, and beneficent institution—a test which, it need hard-

<sup>10</sup> John Wesley furnished the first of these stock phrases, and William Lloyd Garrison the second.



y be said, ranged nearly all the people of the free states among the Abolitionists, where, indeed, it would have placed the best, if not, the most of those of the slave states a generation before. Thus these adroit and unscrupulous managers were enabled to excite among the residents of the slave states what they most desired—a wide-spread prejudice, deepening into enmity, against their fellow-citizens north of the Potomac and the Ohio. They represented the latter as a body of fanatics, ready to set the Constitution recklessly at naught in their disregard of the rights of those who differed with them in opinion. The loose and reckless lives of a large proportion of the Southern and Southwestern population, and their readiness to quarrel and to use arms, especially the knife, upon slight provocation; the rigid conformity to the "code of honor" among the better born and bred; and, on the other hand, the devotion of the people at the North to the pursuits of peace, their absolute subservience to law, their disuse of the duel, and the contempt and odium into which it rapidly fell among them, made it easy to implant a belief among the former that the latter were poor, mean-spirited, cowardly creatures, bound up in fanaticism and love of money. This was done; and no means were left untried by the Southern leaders to produce a conviction among their blinded followers that the inhabitants of the free states and the slave states were a different and an antagonistic people, the former being the superiors of the latter in all the heroic virtues, as the latter were their superiors in mechanical arts and the tricks of trade.

The feeling thus excited was, however, factitious and artificial; and it was possible only because the mass of those in whom it was implanted were ignorant—so uneducated, in fact, as generally to be unable to write, and, in a large proportion of cases, even to read; because, also, the great mass of them were never in a free state, or out of their own neighborhood, and never saw a "Yankee," except a peddler, who, perhaps, cheated them, and who certainly had to worry them for payment if they bought of him; and chiefly because their leaders, or "big men," as they called them, were able to shut out from them all knowledge of the free states through newspapers, except by extracts either from those which lauded or palliated slavery, or from those which denounced it and slaveholders in rancorous and unmeasured terms. But their influence in this regard stopped at the boundaries of slavery. The animosity which they excited was not reciprocal. Throughout the free states there was a disposition to soothe and to conciliate, and to make all sacrifices of feeling and of interest which could reasonably be asked, and even more, to what was regarded as the waywardness, the morbid sensitiveness, and the exasperated feeling of the people of the slave states. The interests of trade, too, interposed their influence; and merchants and manufacturers brooked without resentment many a provocation upon the subject of slavery from alarmed and apprehensive men, who, if deprived of their slaves, would be both without the occasion to buy and the means of paying for that which they had bought already. Of these feelings, as well as of the political importance which their compact organization and positive policy gave them, the extreme, or, as they began now to be called, the "fire-eating" Southern men took advantage. There were no bounds to their assumption of superiority in Congress, and little to their insolence and arrogance of manner. To any stand against the aggression of slavery they replied by threats of disunion; to any protest against insult, by such retort as brought the issue to the alternative of submission or a bloody encounter. All this the free states endured for peace' sake and for the Union.

But the South was not content. Encouraged by the deprecatory attitude of their opponents, and impelled by economical considerations, the leaders of the slavery interest undertook to make the whole power of the government subservient to their will; to break down the landmarks which, with their own consent, had been set up; and to change the political standing of slavery from that of a local institution, existing in virtue of municipal law, and having certain specified and sharply-limited guarantees in the Constitution, to that of a national institution, existing in virtue of the Constitution, and protected every where by the national flag.

Exhaustive in its agriculture, and constantly needing new soil to make the labor of the wasteful, shiftless negro profitable, seeking also to preserve its superiority in the national government, slavery was unsatisfied with the acquisition of Florida and Louisiana, especially after the establishment of the Missouri Compromise line. For below the parallel of 36° 30' the advance of slavery westward was stopped by the territory of Mexico, which bounded Louisiana and Arkansas on the west, and stretched along the Arkansas River and the 42d parallel of latitude to the Pacific Ocean. Hence the discussion in the Southern and Southwestern states of the annexation of Texas, as early as 1829, on the express ground that it would strengthen and extend the influence of slavery, and raise the price of slaves. Hence the indecorously-hasty recognition of the independence of that vast country and its admission to the Union, the consequent Mexican war, and the acquisition of California, New Mexico, and Utah. Hence the attempts, by browbeating and bowie-knife, to drive the free state settlers from the golden shores of California—an attempt which, after a little promise of success, failed utterly; and California, rapidly becoming populous and rich, and stretching far below the Missouri Compromise line, chose to exclude slavery, and was admitted to the Union as a free state, with Oregon soon to follow her. The manifest intention of the leading Southern politicians to use the national flag and the national forces, not only for the protection of slavery where it existed in virtue of local law, but for its diffusion throughout the national domain, led to the counter attempt in the bill brought in by David Wilmot, of Pennsylvania, and known as the Wilmot Proviso, which provided that slavery should be excluded from all territory which had been or should be acquired from Mexico. In spite of the union, for better for worse, between the Democrats of the slave and the free

states, this bill passed the House of Representatives, and only failed to become an act by a majority of ten against it in the Senate. The feeling against the propagation of slavery was now becoming stronger and stronger in the free states; petitions for the abolition of the internal slave-trade and of slavery in the District of Columbia were presented to Congress; and the Free Soil party came into existence, with the motto, "Free soil, free speech, free men." The counter move was one, not of conciliation or of compromise, but of extreme audacity. Mr. Calhoun, who had been a member of



President Monroe's cabinet when the Missouri Compromise was adopted, but who had led the nullification movement in South Carolina, who had nursed the doctrine of state sovereignty, and developed it from a querulous crotchet into a dangerous dogma, and who was the unblushing advocate and fearless champion of negro slavery, brought a series of resolutions into the Senate which denied the right of Congress to legislate upon the subject of slavery in the Territories, and declared any law which prevented the citizens of any state from going with their "property" into any of the Territories of the United States unconstitutional and void. This he did in face of the action of Congress in first establishing the Missouri Compromise line, and afterward extending that line to Texas. The effect and the intent of these resolutions was to throw the whole territory of the United States, from the southern boundary of New Mexico to the line of the British Possessions on the north, open to slavery. Mr. Calhoun also wrote and published a letter, in which he said to his fellow-citizens of the slaveholding states, "It is our duty to ourselves, to the Union, and our political institutions, to force the issue on the North," for the reason, as he sagaciously saw, that "we are now stronger relatively than we shall be hereafter, politically and morally." He also proposed, in direct violation of the Constitution, if the free states did not allow slaveholders to bring their slaves when they visited or traveled through them, and did not refrain from putting any hindrance in the way of returning fugitive slaves, to exclude their ships from the ports of the slaveholding states; and he recommended a convention of the cotton-growing states to take these matters into consideration. His resolutions did not pass, and his proposed convention was not then held; but his movement was only a few years too early.

From this time events tending toward the rebellion of the slaveholders succeeded each other rapidly. The passage of the Fugitive Slave Act in 1850 was another attempt to allay the excitement in which the "fire-eaters" at the South, with the aid of the reckless Abolitionists of the North, managed to keep the country. As this act imposed no new duties upon the residents of the non-slaveholding states, but, on the contrary, relieved their local officers of any responsibility in the matter of returning fugitives by the appointment of special commissioners for that purpose, and as its only operation was to give efficiency to a provision of the Constitution, delegates from the free states, not admirers of slavery, gave it their votes, and justified their course by the state of feeling in the slaveholding states. There had been a convention of delegates from the slave states at Nashville; the Legislatures of South Carolina and Mississippi had proposed the assembling of a Southern Congress; in the former body secession from the Union was openly advocated; and on the 4th of July, 1850, the memories of the day were not allowed to abate, for even a few hours, the feverous folly of the slave-monomaniacs, whose festivities were deformed by toasts defamatory of the Union. But the great excitement which was produced at the North by the passage of this law for the mere enforcement of a compact as old as the nation, and yet not so old as to have become antiquated and obsolete, showed the great change of feeling which the aggressive policy of the slavery propaganda had produced in a single generation. The Abolitionists, of course, were frenzied; and even those who were not of that faction regarded the law in form and spirit as intentionally aggravating and humiliating. The feeling upon the subject was deepened by the sudden flight to Canada, from the most northern free states, of large numbers of negroes, some of whom had lived there many

years. The people of these states, although not very anxious to retain the negroes for their own sakes, yet saw with sorrow, and sad foreboding, what a multitude of their humble fellow-creatures they might have been, and still might be, called upon to send back into bondage. Yet they did not, as a body, flinch from their loyalty to the Constitution. Slaves claimed were delivered to claimants who established their cases, repulsive though the duty of rendition was. The slaveholders pressed their claims with a pertinacity which would have been very unwise if they had desired unity and good feeling; but which, as their object was to either provoke discord, hatred, and disunion, or to bring about the absolute subjection of the free states to their dominion, was shrewdly politic.

At last a negro named Anthony Burns was claimed in Boston, and put in detention during the investigation of the claim. Some of the more reckless of the Abolitionists, assisted by free negroes, attacked the building in which he was detained pending the examination, and a deputy marshal was shot. There was popular commotion, and a riotous disposition among a small part of the townspeople. But order was preserved and the law sustained by the state and city, as well as by the national authorities. The ablest counsel in the state appeared for the negro, and the investigation was protracted. The excitement increased and quickly spread throughout the state and the whole country. The claimant established his ownership, the negro was remanded; and on that day was seen in Boston one of the most imposing sights the world ever looked upon. Popular feeling was at its height, and the streets swarmed with people, not only from the city itself, but the adjacent country. It was feared that there would be an attempt to take the slave from the marshal as he was on his way to the vessel which was to carry him southward. The marshal had special aids well armed, and there was a company of marines at his command; but, in addition to these, and to prevent any contact between the excited people and the United States officers, the whole militia force of the vicinity was placed under arms, and acted as an escort to the marshal and the slave. Considerably more than ten thousand men thus voluntarily took up arms in support of a law which they loathed, and throughout that swarming, excited city there was not an act of violence committed on that day. Such deference to law merely as the law, in a populous city where feeling upon the subject of the law was all-pervading, and excitement had been rising for days, is unprecedented. But the slavery party were not satisfied with such sacrifices. They declaimed against the necessity of calling out ten or fifteen thousand troops to insure the return of one slave, as an evidence of a desire on the part of the community in which it occurred to violate their constitutional obligations; they did not see, or, seeing, chose to disregard the fact that those troops were volunteers, residents of Boston and the surrounding villages, and that, had not the people of Massachusetts been determined to fulfill their constitutional duty to the very letter, the United States would have been obliged to send an army, and a large one, to take that one negro away from Boston. The slaveholders claimed, in effect, a hearty and cheerful performance of this duty; but that they could not have, and had no right to exact.

The last test of the willingness of the free states to submit to aggression for peace' sake was applied in 1854 by the passage of the bill for the territorial organization of Kansas and Nebraska. Senator Douglas, of Illinois, a



STEPHEN A. DOUGLAS.

bold, adroit, persistent man, having in some excess the politician's failing of regarding the end rather than the means, and almost openly ambitious of the presidency, brought the bill for the organization of these territories into the Senate, and made one enormous, and, as he thought, overwhelming bid for the support of the whole South by introducing a clause which (in accordance with Mr. Calhoun's resolutions before mentioned) set aside the Mis-

souri Compromise as unconstitutional, and opened the whole western territory up to the British line to slavery. The proposition fell upon the country like a thunder-clap. The Missouri Compromise was looked upon as a solemn settlement of the question to which it referred for all time, and was held in the free states and in the border slave states in veneration second only to that felt for the Constitution itself. Yet such was the condition of parties, such the ability of those who undertook to bring about the passage of this important and portentous measure, such, too, the effect of the suddenness with which it was sprung upon the country, that it received a majority of both houses of Congress, and became the law of the land. But the event created a deep-seated and wide-spread alarm throughout the whole population of the free states. Large numbers of Northern Democrats, who dreaded the advance of slavery more than the breaking up of their party, clove away from it; and of these, and the Free Soil party, and a large remnant of the old Whig party, whose leader was slaveholding but not slavery-propagating Henry Clay, was formed the Republican party, which waxed



HENRY CLAY.

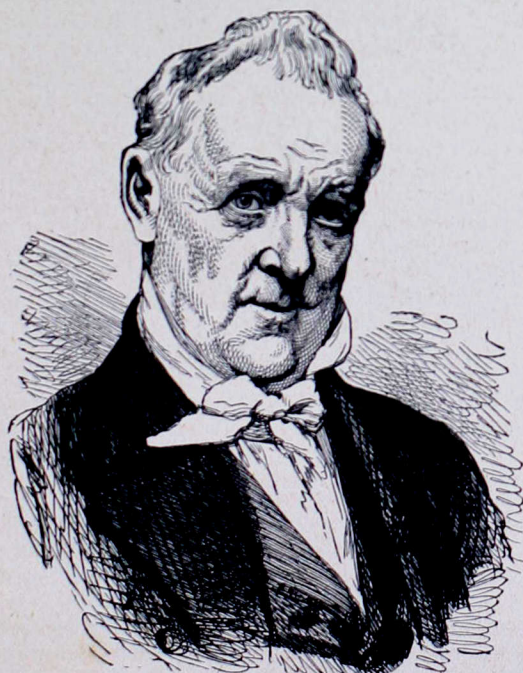
strong apace, and soon found that it must fight its way with weapons physical as well as moral.

The issue before the country was now sharply defined. The Democratic slavery party said, "You shall not exclude the Southerner from the territory of the republic, purchased with the common blood and treasure of its citizens. You can go there with your property, and shall he not go there with his?" To this the Republican replied, "There is no such exclusion. The Southerner can go into the Territories and take with him all that the Northerner can. There is, as there should be, no difference in this respect between them. But no; the Southerner demands that he shall not only take with him such property as the Northerner takes, but something else—property of a very extraordinary character, which is property only in his state by local law or custom, and which is not secured to him by the Constitution any where else except for its return to him there—property, the presence of which excludes the Northern citizen, whereas the exclusion of that property does not exclude the Southern citizen. This can not be." And then began the open, final struggle.

The first battle-ground of the new party was Kansas itself, whither the free soil men flocked to secure that fair land for free labor. Some went only of their own motion and with their own means; but many were sent out by emigrant-aid societies formed in the East. They went, however, as settlers in good faith. But how they were harried by ruffians from the border of Missouri; how they were outvoted at the polls by armed men, who swarmed into the Territory just before the elections, to return to Missouri immediately after they were over; how they were shot in cold blood and in hot blood; how they had to stand guard over their log cabins, their wives and children, and their cattle, as our forefathers stood guard over theirs against the savages; how there were two capitals and two constitutions, and governor after governor was sent out at the bidding of the South to support the false and crush the true; and how not one had either the ability, or the conscience, or the heart to do it; and how, finally, after a Congressional investigation, the shameful story was all rightly told, and truth triumphed—this we all know. But in all these sad commotions the country took great strides toward revolution, though at the time we did not see it. Then came an outrage which shocked the world—the assault upon Senator Sumner. He was not entirely blameless. A member of the highest legislative body of one of the foremost civilized nations might have done a wiser and a better thing in a set speech upon a momentous subject than call one senator, who was tall, "the Don Quixote," and another, who was short, "the Sancho Panza of slavery;" for this designation of Mr. Butler, of South Carolina, and Mr. Douglas, of Illinois, may be called the point of a studiously irritating speech by which Mr. Sumner provoked the wrath of the slaveholders, without any hope of either curbing their party or strengthening his own. What he said might have been wiser and better, indeed, but not more cutting, be-

cause it was severe, personal, and true. But for all that, when Preston Brooks attacked Mr. Sumner as he sat bending over his desk in the deserted Senate-chamber, and beat him senseless, he played not only the part of a ruffian, but of a traitor to the liberties of his country. He brought shame upon it throughout all Christendom; shame which the free states cast from them without soil by their indignant denunciation of the act at the voice of men of all parties among them; shame which the South Carolina politicians and their followers took with effrontery to themselves by making a hero of the assailant, and by assuming in Washington an air of greater defiance and insolence than ever. This act of violence provoked the resistance it was meant to intimidate, and added many thousands to the large vote cast in 1856 for Colonel Fremont, the first candidate of the new Republican party. Bearing the Sumner outrage in mind, men voted for Colonel Fremont who had never gone to the polls before since they became of age. Indeed, so strong had the conviction become in the free states that the safety of the republic demanded a firm check upon the aggressions of slavery, that it seemed at one time as if the Republican party would carry the day at its first struggle; and then went up the usual threats of disunion from the "fire-eaters;" and Governor Wise, of Virginia, declared that, if Colonel Fremont were elected, he would march with the militia of his state upon Washington and seize the Capitol and the national archives. But Fremont was not elected, and the country had another breathing-spell, and the rule or ruin party of the South another four years' period of preparation—preparation for their attempt to destroy the republic; for as to aggression they had no more to make; the Supreme Court having decided, in the case of Dred Scott, a negro who claimed to be free on the ground that his owner had taken him into a free state, and afterward into a part of the old Louisiana territory north of 36° 30', that the Missouri Compromise Act, in prohibiting slavery north of that parallel, was unconstitutional, and also that slave-owners might take their slaves into any state of the Union without detriment to their right to the service and labor of those slaves. This decision virtually converted the whole Union to the purposes of slavery, regardless of any local law; and in the Union there was nothing left for slavery to gain.

The position taken by the Supreme Court in this case was regarded throughout the free states as a direct attack, under cover of law, upon that independence in local legislation so carefully secured by the Constitution, and consequently as an open attempt upon their liberties. Nearly all of them at once took measures of the same kind as the resolution passed in the Legislature of New York, which body declared, by large majorities in both houses, "that this state will not allow slavery within its borders, in any form, or under any pretense, for any time, however short, let the consequences be what they may." This, however justifiable, was revolution—indirect, and it might have been bloodless, but still revolution; for either the State of New York must fail to make good its solemn asseveration, or else maintain a position in the teeth of the Constitution, as it was declared by the authority appointed to interpret it. So also were the Personal Liberty Laws passed in some of the free states revolutionary. That of Vermont, for instance, which provided that every person who might have been held as a slave who should in any manner go into that state should be free; and that any person who should attempt to hold any free person as a slave in that state for any time, however short, on the pretense that that person was or had been a slave, should be subject to imprisonment for five years or a fine of not less than \$1000 and not more than \$10,000. Upon this point, however, no occasion offered of open rupture. The free states continued to return fugitive



JAMES BUCHANAN.

slaves, though sometimes rescues were attempted; and no slaveholder ventured to test the willingness of New York or any other free state to allow slavery within its jurisdiction at the bidding of the Supreme Court. President Buchanan, Colonel Fremont's successful competitor, acted on the assumption that the only way to preserve the Union was to yield every thing to the de-

mands of the South Carolina faction, whose infamous policy in Kansas he sustained so unscrupulously that he disgusted even those who used him as their tool, and gave Mr. Douglas an opportunity to win support in the North by opposing him upon the very question which Mr. Douglas himself had thrown like a fire-brand into the country. The support even of the border slave states fell away from President Buchanan. Mr. Douglas gained some of it, the Republican party the rest.

While these events were taking place, the aggressive slaveholders were lashing themselves and the humble non-slaveholders around them into hatred and fury against their fellow-citizens of the free states. Of the manner of doing this and the result, there is one notable and melancholy instance. In the summer of the year 1855 the towns of Norfolk and Portsmouth were desolated by the yellow fever. The pestilence was so fearful that many of the native physicians fled before it, and of those in the neighboring country few could be induced to visit the scene of its ravages. Under these circumstances, a large number of medical men from Northern states hastened to the aid of their suffering countrymen, and remained with them, serving them night and day until the scourge had passed. Unacclimated as they were, weary and worn with watching in the pest-houses, many of them were attacked by the fever, and fourteen died and were buried in the land whither they had gone as ministers of mercy. It might be reasonably supposed that where their bodies lay would be hallowed ground; that it would be marked by some enduring token of the gratitude of the people for whom these men laid down their lives; that fathers would take their children there to teach them the noblest lesson of Christianity, self-sacrifice. But the truth is sadly, shamefully otherwise. The simple stones that marked their graves were made the targets of opprobrium. They stood there silent witnesses of what Northern men could dare to do for their countrymen, their brethren, who had reviled them for years without mitigation or remorse; they testified without ceasing that opposition to the spread of slavery did not spring from hatred of slaveholders; and to those who hardened their hearts they became an unendurable reproach. At last a leading newspaper in one of these towns' openly declared (it can hardly be believed of men in civilized Christendom) that the state of feeling toward the North "required the removal" of the bodies of these martyrs to benevolence. Such was part of the machinery, the infernal machinery, which was contrived for the destruction of the republic!

This was the condition of affairs when an event occurred which, although without immediate consequences of moment, except to the actors in it, seems as if it had been foreordained to precipitate the impending revolution. John Brown, an anti-slavery fanatic of the blindest and most furious sort,



JOHN BROWN.

but with determination in his nature and method in his madness, who had been harried and hunted by border ruffians in Kansas, and had in turn harried and hunted them as they deserved, made in October, 1859, that raid upon Harper's Ferry which is so fresh in all memories. How we all wondered when the telegraph told us that the national arsenal at that place had been seized by a band of men who proved to be only twenty-two in number! How we wondered still more when it proved that this treason against the United States was committed merely for the purpose of running off as many slaves northward as could be excited to fly! How, in the midst of our condemnation of the act, we felt a certain admiration of the calm self-devotion of the old man and his followers, whom it took a company of marines to dislodge, and whom the State of Virginia hanged with great pomp and formality, and with a display of military force which the pretense of an apprehended rescue by the Abolitionists did not prevent from being ridiculous. Virginia should not have been allowed to punish an offense committed, not against her local law, but against the sovereignty of the United States. But she boldly assumed the control of the affair. The occasion was too valuable

<sup>1</sup> The Norfolk Argus.

to the conspirators against the republic (for such we must now call them) to be lost. It must not be slobbered over, but made the most of, as a means of stirring up the masses of the people in the slave states into the proper state of turbulence for revolt. And, indeed, like all of the radical abolitionist movements, its only effect, its only possible effect, was, to carry the excitement, the antagonism, and the genuine fears of the slave states to a higher pitch than before. Had the disunionists of the South deliberately contrived to bring about some event which would give a new and resistless impulse to their cause, they could not have planned one which would have served their purpose half as well as this reckless raid of a poor old fanatic frontiersman. And so, although the closest and most jealous investigation of "the John Brown affair" had failed to connect any party or any leader at the North with it, the militia of Virginia were kept under arms until the middle of November, and South Carolina was placed under martial law, not for defense, but to beget an opinion that defense was necessary.

Opportunely for the disunion party, this strange event—unique of its kind in the annals of the country—happened but a short time before the canvass for the presidential election of 1860 was about to begin. John Brown was hanged in December, 1859, and the Democratic Nominating Convention assembled in Charleston in April, 1860. In that body the delegates from the slave states demanded an adoption of the doctrine that slavery existed by virtue of the Constitution in all of the Territories, as one of the principles of the Democratic party. They made this demand knowing that it would not be acceded to; and they were not disappointed. The Democrats from the free states had yielded year after year, for the sake of the party and the Union, until they felt that it would be ruinous to both to yield any farther. The platform of the slavery propaganda was rejected by a decided, immovable majority, and that of the free state delegates, which on the great question conformed to the decision of the Supreme Court as to the territories, but asserted the right of the people of the territories to admit or exclude slavery, was adopted. Upon this the delegates from Alabama, South Carolina, Mississippi, Louisiana, Arkansas, Florida, and Texas withdrew from the Convention, which, thus diminished to a bare majority of its members, adjourned to meet at Baltimore on the 18th of June. It should be observed that, of the fifteen slave states, eight, Georgia, North Carolina, Virginia, Maryland, Delaware, Kentucky, Tennessee, and Missouri, including, as will be seen, four of the most important, did not join in this attempt to disorganize the Democratic party for the purpose of making the election of the Republican candidate sure. This purpose was clearly seen at once by all the people of the free states, and equally by all the members of the Democratic party in the great and important slave states whose delegates had not taken part in the movement; and Mr. Douglas, the acknowledged leader and presidential candidate of the Democratic party in the free states and this part of the slave states, exposed in his speeches thoroughly and mercilessly the underhand measures by which the South Carolina faction had sought to use the Democrats of the North for the furtherance of their designs. The feeling occasioned by these events was profound; and it was seen that the old alliance between the slavery party and the Democratic party was at an end, that the power of the latter was destroyed, and, as regarded the immediate issue, that Mr. Douglas's chances of an election had vanished.

Foreseeing and dreading evil consequences from the election of a President by the Republican party, a large and influential body of citizens in both slave and free states sent delegates to a convention at Baltimore, in which John Bell, a Tennessee slaveholder of moderate views and unsuspected patriotism, was nominated for the presidency, and Edward Everett, of Massachusetts—a man who had been United States Senator, Governor of Massachusetts, President of Harvard College, and American minister to Great Britain, and who, with the knowledge, as it afterward appeared, of the great need of his exertions, had devoted himself for a few years to the preservation of the bond of union between the free and the slave states, and who had thereby incurred the sneers of the extreme Republicans as a "Union-saver," which was with them a term of reproach—was nominated as vice-president. The representatives of no party, and having no political organization or electioneering machinery at their command, the gentlemen who nominated these eminent citizens had no hope of electing them at the ballot-box. But it was thought probable that they would receive votes enough to prevent any choice by the people, and that thus the election would be thrown into the House of Representatives; in which case the election of Messrs. Bell and Everett or Messrs. Douglas and Lane was looked for.

Third in order, but first in importance, was the Convention of the Republican party, which took place at Chicago on the 16th of May. The nomination of Senator Seward, the congressional leader of this party, was regarded as a foregone conclusion. But, to the surprise of the country, Mr. Seward failed of a unanimous nomination at the first ballot; and one Abraham Lincoln, of Illinois, was his chief competitor. Of Mr. Lincoln little was known out of his own state. Only those who devoted more than a common attention to politics remembered that he had been a member of the House of Representatives for Illinois; that he had "stumped the state" with some effect in opposition to Mr. Douglas as candidate for the Senate in 1859; and that he had made a clever speech upon the great issue before the country at the Cooper Institute, in New York, in February, 1860. Yet the plea that he could be elected, and that Mr. Seward certainly could not, was urged with such effect that after a sharp contest he received a large majority of the votes. The nomination of Mr. Polk, or of Mr. Pierce, was not a greater surprise to the country; and as the captain of the homeward-bound China ship, when he approached Sandy Hook, hailed an outward-bound vessel and inquired, "Who's President of the United States?" and being answered "James K. Polk," halloed back, "Who in — is James K. Polk?" so the

people of the United States with one accord asked, "Who is Abraham Lincoln?" The answer had some significance. He was the grandson of a Kentucky pioneer, a fellow-emigrant and friend of Daniel Boone. Left an orphan at six years of age, the eldest of a family of four, he could be spared to go to school but six months, and began to earn his living ere he was well out of his childhood—first as a shepherd-boy, then as an apprentice in a saw-mill, then as a Mississippi boatman, then as a farm-hand on new clearings, in which employment he performed great feats in splitting rails. All this before he was legally a man; and when he came of age he went to Illinois, where he became general helper in a country store, then salesman, giving all his spare time to self-education. In the Black Hawk war he volunteered; and his capacity and popularity were soon acknowledged by his election to the captaincy of his company. His military service over, he was chosen member of the State Assembly of Illinois, to which position he was re-elected thrice. He now was admitted to the bar of his state, and practiced with no little success. He mingled much in politics, and in 1846 was elected member of Congress, but soon found it necessary to give his attention exclusively to his profession and his family. But the crisis of 1859 was too momentous for him to stand quietly aside, taking no part in it; and he entered the field again as candidate for the Senate in opposition to Mr. Douglas, his controversy with whom showed him a match for that daring, dexterous debater and practiced politician. He had early gained, and through all these vicissitudes of fortune had kept, with the consent of co-workers and opponents, the name of "Honest Abe." Such was the man who was suddenly placed before the American people as a candidate for the most important office in their gift. Of all those who had been placed in a like position, Mr. Lincoln was the most perfect example of the working of that republican principle which puts the highest honors of the state within the reach of the humblest born and bred among its citizens. Not one of the men who had preceded him as a candidate for the presidency had started in life upon so low a level, or had passed so many years without any advantages of intellectual and social culture. Born in a slave state, and having chosen his wife from the same community, he was, although a Republican, a conservative—not tinged in the least with the revolutionary mania of abolitionism. The Republican Convention selected him because of his availability; he accepted its nomination modestly.

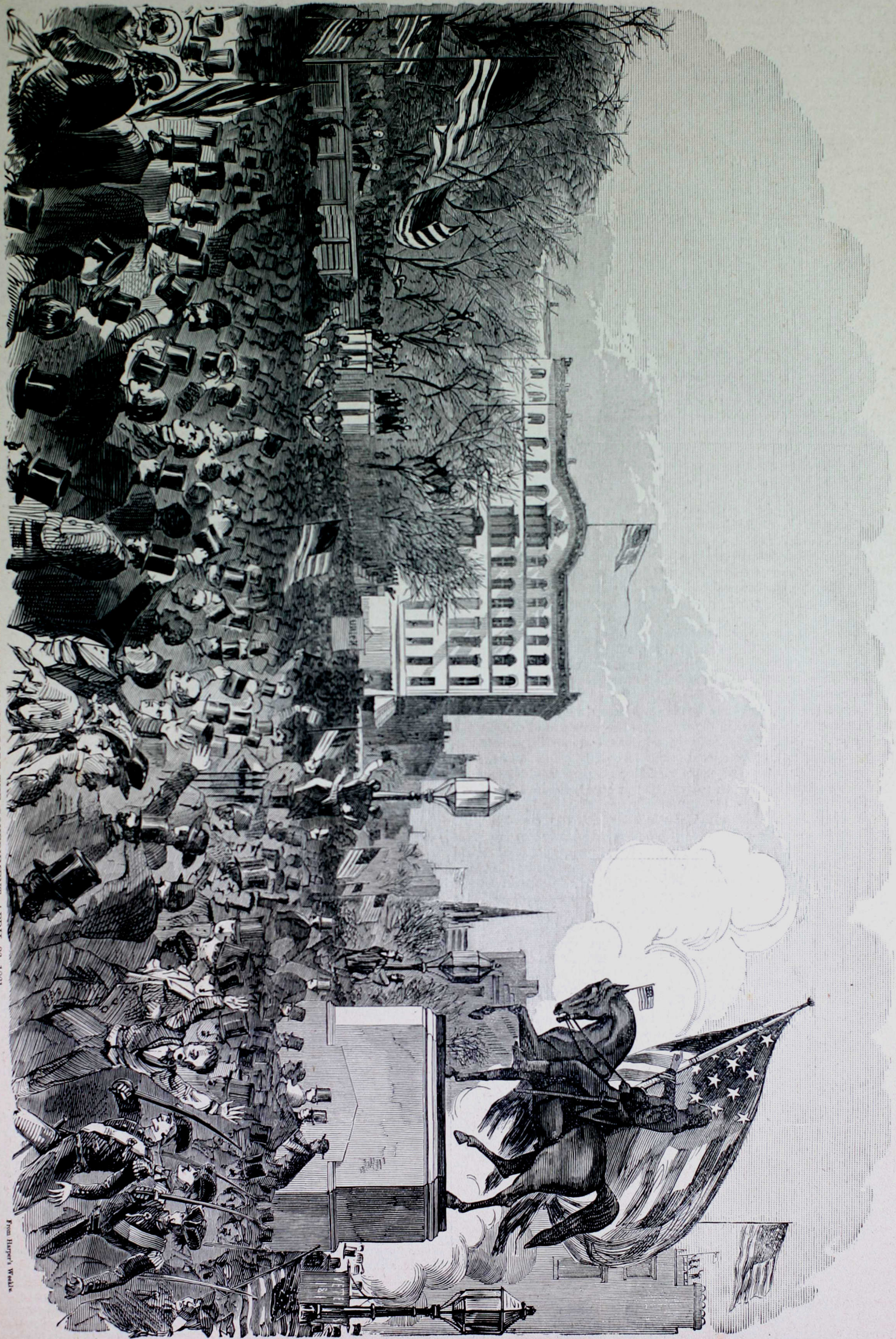
The adjourned Democratic Convention, which assembled at Baltimore in June, excluded the delegates which had withdrawn from its Charleston session, but admitted new delegates from Alabama and Louisiana who were known to be supporters of Mr. Douglas. Upon this the delegates from Virginia withdrew, accompanied by most of those from the other slave states, and some of those from the free states—all, in fact, who were determined, in Mr. Calhoun's words, to "force the issue" upon the country of slavery throughout the Union or disunion. This faction organized itself, and nominated as president John C. Breckinridge, of Kentucky, a man who had hard-



JOHN C. BRECKINRIDGE.

ly attained middle age, and who, without remarkable ability, had been made a pet by the extreme slavery party and by the politicians of the South generally, and as vice-president General Lane, of Oregon. The original body nominated Senator Douglas for the presidency, and Herschel V. Johnson, of Georgia, for the vice-presidency.

Of the four parties now in the field, only one—that of Breckinridge and Lane—represented the rule or ruin, slavery or disunion, principles. Indeed, this party was obliged to nominate its candidates only because of the distinct avowal of all the other three that slavery in the Territories of the United States was not placed by the Constitution out of the control of the people of the United States, and that in any case the perpetuity of the republic was before the propagation of slavery. The party at the other extreme, whose candidates were Lincoln and Hamlin, were the advocates of free soil in the Territories, but absolute non-interference with slavery in the States. This



THE GREAT MEETING IN UNION SQUARE, NEW YORK, TO SUPPORT THE GOVERNMENT, APRIL 29, 1861.

From Harper's Weekly

party the Abolitionists not only refused to vote with, but constantly denounced; so that the latter were not represented in the contest. It is important to remember these facts in measuring the significance of the vote cast at this strange and momentous election.

The influence of the President, the Cabinet, and the holders of office throughout the country was openly and shamelessly exerted for the rule or ruin party. Mr. Howell Cobb, Secretary of the Treasury, while on a visit to



HOWELL COBB.

New York pending the canvass, avowed himself a disunionist; said that, in case of Mr. Lincoln's election, secession would have the sympathy and co-operation of the administration; and even declared that he did not believe another Congress of the United States would meet. The threats of disunion in case the Republican candidate were elected increased in violence; but, such was the temper of the people, they were no longer regarded as of old. "Gentlemen," said a Virginia planter, trembling with passion, in a conversation between half a dozen persons in the parlor of a New York insurance office, before the Republican nomination had been made, "gentlemen, if you elect Mr. Seward President, we shall break up this Union." "I think not, sir," calmly replied the man to whom he seemed more particularly to address himself. "You'll see, sir—you'll see; we will surely do it." "Then, sir," said the other, as quietly as before, but looking him steadily in the face, "we shall nominate Mr. Seward. Mr. Seward is not my man; for I am a free trader and an old Democrat. But if Virginia, or any other state or states shall declare that, upon the constitutional election of any citizen of the United States to any office, the Union shall be broken up, then I nominate that man and vote for him on principle;" and all present, with a single exception, uttered a hearty Ay. Such was the feeling of the canvass: a canvass conducted, nevertheless, with a notable moderation of language and bearing, except in a few isolated places in the Gulf states; a canvass remarkable, too, for the fact that, while in the free states the advocates of the extreme slavery or disunion party spoke freely and worked vigorously, without hindrance and almost without rebuke, in the slave states, with one or two exceptions, no word was uttered—none would have been allowed to be uttered—in behalf of the Republican party. Had any man ventured to declare publicly in South Carolina, or south of that state, that Mr. Lincoln was a proper person for President of the United States, he would have done so at imminent peril of his life. Not, as we shall see, because there were not many persons there who were willing, though not desirous, that he should assume that office, if constitutionally elected to it, but because the fierce faction which had seized the control of affairs in those states were determined, right or wrong, to brook no interference, and would either have made way with their presumptuous fellow-citizen by the knife, or driven him with violence out of their states into others where the freedom of speech guaranteed by the Constitution really existed, and where respect for law was enforced by an enlightened public opinion. In those states the Repub-

lican swinging lamp. But, as if even this harmless way of wasting time and oil could not be contrived without helping the disunionists, these torch-light processions were made, not in the customary order of civic processions, but by platoons in companies, with captains and lieutenants, each club having a sort of military organization. It was at once pretended that the real object of all this nightly drill and parade was a preparation to invade the South, and a new impulse was given to the formation of volunteer companies and bodies of minute-men in the slave states. Secession, in case of the election of Mr. Lincoln, was openly proposed in the Legislatures of South Carolina and Alabama; the governor of the former recommending the reorganization of the militia of the state, and the immediate enlistment of one thousand volunteers.

Meantime a species of treason was going on in the very cabinet at Washington. Mr. Floyd, Secretary of War, and Mr. Toucey, Secretary of the Navy, used their official authority to place the government for a time at the mercy of the conspirators. The former sent to arsenals and forts in slave states all the arms and ammunition of the United States which he could move without attracting too much attention, and dispersed the little army to widely distant quarters, where it was not needed, placing at the same time officers born in slave states, as far as possible, in command at the most important points. Mr. Toucey, a Connecticut tool of the South Carolina faction, dismantled many vessels of the navy, and scattered the remainder to the four winds of heaven.

Under these foreboding circumstances the presidential election of 1860 took place on the 6th of November; and so complete were the arrangements for counting the votes and transmitting the returns to the telegraph stations, that on the morning of the 7th it was known from Maine to Texas, from Florida to Iowa, that Mr. Lincoln was elected. Thirty millions of people, scattered over an area of more than three millions of square miles, learned within a few hours of its occurrence an event more momentous to their country than any other which had taken place since its Declaration of Independence. Mr. Lincoln's majority over all his opponents in the electoral college proved to be sixty-four; but of the popular vote Mr. Douglas received nearly as many as Mr. Breckinridge and Mr. Bell did together, and



JOHN BELL.

within less than five hundred thousand of as many as were given for Mr. Lincoln himself.<sup>2</sup> Indeed, of the popular vote, Mr. Douglas and Mr. Bell together had nearly one hundred thousand more than Mr. Lincoln; and the majority of Douglas, Breckinridge, and Bell over Lincoln was nearly a million, and the entire electoral votes of Virginia, Kentucky, and Tennessee were given for Bell. Let us analyze this vote more carefully; for the South Carolina politicians at once began to take measures to bring about an immediate disruption of the Union, on the ground that the election had drawn a geographical line across the country, dividing it into two hostile sections of radically different people; and it is necessary to our purpose that we should see the audacity (for when impudence and outrage attain large proportions they have that name) both of the pretense and of the undertaking founded upon it. We must remember that Mr. Breckinridge represented the people whose purpose was that slavery should rule or the republic be destroyed; the other three candidates, however divergent their principles upon other



JOHN B. FLOYD.



ISAAC TOUCEY.

licans, the better to marshal and manage their forces, organized "Wide Awake Clubs," the chief, in fact the only function of which seemed to be to parade the streets at night in oilskin caps and capes, each man carrying a

<sup>2</sup> The electoral vote was: for Lincoln, 180; for Breckinridge, 72; for Bell, 39; for Douglas, 12. The popular vote, for Lincoln, 1,857,610; for Douglas, 1,365,976; for Breckinridge, 847,953 (exclusive of South Carolina, where there is no popular vote); for Bell, 590,631. It must be remembered, in estimating the popular vote, that every ballot in the free states represents a citizen of the United States, while the ballots in the slave states represent three fifths of the slaves.

subjects, having been nominated in express opposition to the disunion faction. Now, the entire popular vote for Breckinridge in the slave states was 571,135, while in those very states the vote for Bell and Everett was



EDWARD EVERETT.

515,953, and that for Douglas 163,525, so that by adding the 26,430 votes which Mr. Lincoln himself received in the five slave states of Virginia, Kentucky, Missouri, Maryland, and Delaware, there were 705,908 voters who declared themselves distinctly opposed even to bringing the Calhoun issue before the country, while of the 571,135 who in effect declared for it, many, it is known, and multitudes, there is reason to believe, gave their votes for Mr. Breckinridge without regarding the mere election of Mr. Lincoln, in case it should take place, as sufficient cause for an attempt to break up the Union. So far, in fact, was the result of this election from showing an absolute division of the free and the slave states upon the question at issue, or, in truth, upon any other, that of Mr. Douglas's 1,365,976 votes, 1,202,451 came from the free states and 163,525 from the slave; and of Mr. Bell's 590,631 votes, 515,953 came from the slave states and 74,678 from the free; while in the free states Mr. Breckinridge himself received 276,818, or nearly one third of his entire number—California giving him 34,334; Connecticut, 14,641; Indiana, 12,295; Ohio, 11,405; Pennsylvania, 178,871; and even Massachusetts 5939.

These facts make it plain that, whatever division of feeling or interest there was between the mass of the people of the free states on the one side, and those of the slave states on the other, Mr. Lincoln's election was in itself no proof or sign of it. Still less was there at the time of his election any radical or material unlikeness between the masses of the people of those two divisions of the country. They were not different nations or peoples, united by a mere political bond, as those of England, Wales, Scotland, and Ireland are in the kingdom of Great Britain, but one nation, composed to all intents and purposes of but a single element. We have seen that in the beginning the people of the United States were English people, and that, as a nation, they were distinguished above all others for their homogeneity. An English people they continued to be, with their homogeneity not materially impaired in the course of two generations; while of such bonds as bind the inhabitants of one country together, not only did those which first existed between them still endure, but they had been greatly strengthened and multiplied by the passage of events, and the development of the national character and resources, during more than half a century. The most mobile people in the world, and favored in this respect by the natural formation of the country, intercourse among them had been more constant and intimate than among the people of any other nation. Having equal, or rather identical, political rights in all parts of the country, vast numbers of them continually exercised those rights, sometimes in one state, at others in another,

as business, inclination, or necessity caused them to change their places of residence. Men born and bred in the free states went into the slave states, became slaveholders as merchants or planters, and rose to distinction in the professions, in society, and in politics. An enormous and entirely unrestricted internal trade caused a constant and assimilating attrition among the whole people. As a consequence of this daily intermingling, intermarriage was constantly going on, if, indeed, that can be properly called intermarriage which is the union of individuals of the same race and the same nation. There was no town or considerable neighborhood, no society or corporation, no social circle in one of these divisions which was not bound by interest, or blood, or close association to some town, or neighborhood, or society, or social circle in the other. The language and the literature of the several parts of the country could not properly be called like; for likeness implies some difference; they were identical; the variations in speech and idiom being of such a trifling nature that, unlike the people of Switzerland, for instance, where the people of one canton, or those of England, where those of one county, can not understand those of another, the people of this country, even in its rudest and remotest districts, had not two dialects of their vernacular tongue. The ties of a common religion stretched over the land from north to south and from east to west. Not only so, but the chief religious and benevolent organizations of the various slightly divergent sects included the whole country in their scope, and derived their support from its people at large. Since the adoption of the Constitution a Spanish and a French province had been added to the country at the South; and of the large immigration, coming chiefly from Ireland and Germany, the greater part, but by no means all, had settled in the Northern states. But in the case of Louisiana and Florida, the number of citizens of a different race which were added to the republic was too insignificant to effect any change in the character of the population, except in two or three towns; and the same remark is even more true with regard to the influx of immigrants into the free states, which, having mainly taken place since 1816, there had not yet been time for it to effect any material change in the native blood of the country, even had that been possible. But such an event seems impossible; for, owing to intermarriage, and still more to the dominant influence of that English race which peopled this country, the immediate descendants of Germans and Irishmen, born therein, pass at once indistinguishably into the mass of its inhabitants; and, as in the mother country under like circumstances they become Anglo-Britons, so here they become Anglo-Americans. It was such a nation, thus homogeneous, thus bound together, and the individuals of which were ceaselessly commingling, as the very soils of the various parts of their country were commingled by a system of navigable rivers, unlike that which exists in any other country on the globe, and the various commonwealths of which were separated, not by natural boundaries, but by imaginary lines studiously drawn so as not to make visible separation, establish lines of defense, or secure exclusive privileges—a nation more marked by unity than any other in the world—a nation, those individuals of which who had enjoyed a like and moderate advantage of social and intellectual culture, could not, in familiar intercourse, be distinguished one from another in manners or in speech by a stranger, although they were born and bred a thousand miles apart—it was such a nation that the political leaders whom the election of Mr. Lincoln had unseated undertook to break into hostile fragments, and partly on the ground that the people of the states whose electoral votes had been cast for him were a different people from those of the states whose electoral votes had been cast against him.<sup>3</sup>

But with all the likeness, the real identity between the people of the whole country, there was a line which divided universal freedom and the elevation and intelligence of the mass of the citizens on the one side from the enslavement of an inferior race and the degradation and ignorance of the mass of the citizens on the other. In these points of difference and their consequences consisted the entire difference between the people whom the defeated Southern leaders sought to array against each other. To perpetuate the enslavement of that race, and to carry slavery into the territory of the Union, and with it the degradation of labor and of all citizens not slaveholders, was the object of the leaders of the rebellion. And that which made rebellion desirable made it also possible; for the ignorance, the poverty, the dependent position, and the blunted sensibilities of the millions of non-slaveholding citizens in the slave states, enabled the few thousand slaveholders to deceive them as to the issues involved, to excite in them groundless animosity against the people of the free states, to cause them to underrate the courage

<sup>3</sup> See, for instance, the following extract from the Louisville (Ky.) *Courier*, published at Nashville, whither its editor had fled before the advance of the national forces in March, 1862:

"This has been called a fratricidal war by some, by others an irrepressible conflict between freedom and slavery. We respectfully take issue with the authors of both these ideas. We are not the brothers of the Yankees, and the slavery question is merely the pretext, not the cause of the war. The true irrepressible conflict lies fundamentally in the hereditary hostility, the sacred animosity, the eternal antagonism between the two races engaged.

"The Norman cavalier can not brook the vulgar familiarity of the Saxon Yankee, while the latter is continually devising some plan to bring down his aristocratic neighbor to his own detested level. Thus was the contest waged in the old United States. So long as Dickinson doughfaces were to be bought, and Cochrane cowards to be frightened, so long was the Union tolerable to Southern men; but when, owing to divisions in our ranks, the Yankee hirelings placed one of their own spawn over us, political connection became unendurable, and separation necessary to preserve our self-respect.

"As our Norman kinsmen in England, always a minority, have ruled their Saxon countrymen in political vassalage up to the present day, so have we, the 'slave oligarchs,' governed the Yankees till within a twelvemonth. We framed the Constitution, for seventy years moulded the policy of the government, and placed our own men, or 'Northern men with Southern principles,' in power.

"On the 6th of November, 1860, the Puritans emancipated themselves, and are now in violent insurrection against their former owners. This insane holiday freak will not last long, however, for, dastards in fight, and incapable of self-government, they will inevitably again fall under the control of the superior race. A few more Bull Run thrashings will bring them once more under the yoke as docile as the most loyal of our Ethiopian 'chattels.'"



From Harper's Weekly.





and the determination of those whom they taught them to hate, and generally to mislead these poor hoodwinked people and mould them to their own selfish purposes. For a whole generation the disunionists had devoted themselves to undermining the loyalty of their fellow-citizens to the republic and its flag, and inflating them with the petty pride of state sovereignty, to the representation of the people of the free states as mean-spirited cowards, who were scheming to cheat them of their birthright, and to the exaltation of that sort of chivalry which consists in the use of the bowie-knife and the revolver. Now the time had arrived when or never all this wicked work was to bear its natural fruit.

The Republican party was somewhat surprised and very exultant over its decided victory; but, although the country at large had become used to violent threats from the political leaders and writers of the slave states, the election of a Republican to the presidency was felt on every side to be no ordinary political event. Over the whole land there was a pause of expectation; the stock-market was troubled, and all eyes were turned southward. And first upon South Carolina, whose governor, William H. Gist, only the day before the election, had formally recommended secession to the Legislature of that state "in event of Abraham Lincoln's election to the presidency." Men were not left long in doubt as to the purposes of the leaders of opinion in that fractious and presuming commonwealth. They were bent upon the destruction of the Union, and that immediately. The Legislature of the state, which was in session, proceeded at once to consider the propriety of calling a convention of the people; and, in spite of some attempts to induce delay until there could be a consultation leading to combined action among the slave states, took ground in favor of instant and separate state action. The United States senators for South Carolina resigned their seats. The Grand Jury of the United States District Court at Charleston declined making its usual presentment, on the ground that the election of Mr. Lincoln had "swept away the last hope for the permanence of the federal government of these sovereign states;" and Judge Magrath, the United States judge



JUDGE MAGRATH.

for the district of South Carolina, formally laid off his robes and resigned his office, saying that he felt assured of what would be the action of the state, and considered it his duty to prepare to obey its wishes by ceasing to administer the laws of the United States within the State of South Carolina. His example was promptly followed by all the United States officers in Charleston, except the postmaster, the officers of the army, and those in the revenue service. The inhabitants of the town began to enroll themselves as minute-men, and the palmetto flag was hoisted on some of the vessels in the harbor.<sup>4</sup>

Georgia, which, in the Convention for the formation of the Constitution, had united with South Carolina in insisting that the slave-trade should be left open for a term of years, now quickly joined her former colleague in the attempt to destroy the government which was then established on their own conditions, and which had since been administered in their own interests, and chiefly by men of their own choice. The Governor of Georgia also recommended separate state action. He did not deem a general convention of the slave states practicable. He proposed that Georgia and each other slave state should protect itself by imposing, in defiance of the Constitution, heavy duties upon the manufactures of Massachusetts, Vermont, Maine, and other "offending" states. He urged the appropriation of a million of dollars for putting the state in a condition of defense, and said that to all propositions for conference and compromise the answer should be, "Argument is exhausted; we stand to our arms." A public meeting was held in Savannah, at which it was resolved that "the election of Lincoln and Hamlin ought not to be, and will not be submitted to;" and it was recommended to the gov-

ernor to call a convention of the people. Blue cockades, the old sign of South Carolina nullification, began to appear in the streets.

In the other slave states, although there was no little excitement, there was not such ardor and precipitancy in the cause of disunion. In North Carolina, in Maryland, Virginia, Kentucky, Tennessee, Louisiana, and Missouri, the general feeling, in spite of isolated outbursts of wrath and denunciation, was decidedly in favor of waiting, at least, until the President elect had assumed office, and made some attack upon the peculiar interest of the slave states. Mississippi alone of the other slave states seemed ready to emulate the headlong course of South Carolina and Georgia. The extreme men of the South Carolina school in all quarters broke out in denunciation, in incitements to resistance, and in frothy declamation; but, in all the slave states except these three, there were various opinions expressed; the situation was discussed with a greater or less degree of calmness; and the weight of public opinion, as shown both by public meetings and the press, was largely and decidedly against any violent and unprovoked opposition to the proper results of a constitutionally conducted election. Thus, although Governor Wise, the previous governor of the State of Virginia, had declared before the election that, if Mr. Lincoln were chosen, he "would not remain in the Union one hour," and although some Virginia minute-men at once offered their services to South Carolina, a large meeting was held in Rockbridge County, in the centre of the state—a county containing a large number of slaves, and where is the Virginia Military School, and a college endowed by Washington—at which resolutions were unanimously adopted denying that "Virginia is so hitched to the Southern states that they can drag her into a common destiny;" asserting that "nine tenths of the people are opposed to resisting the general government so long as it is administered in conformity with the Constitution;" and also that "Virginia owes no duty to the South." These declarations are of value as indications of the state of feeling in central and eastern slaveholding Virginia. The vast division of the state which lay west of the Shenandoah Valley, containing one quarter of its inhabitants, one third of its agricultural wealth, and its chief commercial town, was unconditionally and heartily devoted to the Union. Like demonstrations were made in Maryland, in North Carolina, in Tennessee, Kentucky, and in Alabama. Thus divided were the people of the slave states upon the issue, as it was at first presented; the great majority being directly opposed to an attempt to break up the government because of the constitutional election of a president who not only had made no war upon their interests, but who, for four months, would have no more power to do so than the humblest of his fellow-citizens. It seemed for a day or two—for then days were counted—as if South Carolina would be left to herself, or perhaps to the company of Georgia. Nevertheless, she and those whom she had infected with her poison kept up their rebellious agitation, availing themselves of the pettiest means to foment an anti-Union feeling where none existed, and to magnify that which did exist. So, some foolish, loose-tongued, if not loose-lived, medical students in New York, having met and resolved to "withdraw their patronage from Northern institutions" and to leave the city for their homes, much was made of this silly proceeding. All this and much more like it had happened within a week of the election, and on the 12th of November, only six days after that event, Lawrence M. Keitt, member of the House for South Carolina—he who had stood by pistol in hand while his colleague beat Senator Sumner senseless in the Senate-chamber—openly declared in a public speech at Washington, that President Buchanan "was pledged to secession, and would be held to it," and that "South Carolina would shatter the accursed Union;" adding, in that blind, bombastic language, which political speakers and writers of his stamp so much affect, that, "if she could not accomplish it otherwise, she would throw her arms round the pillars of the Constitution, and involve all the states in a common ruin." This declaration of the complicity of President Buchanan in the schemes of the disunionists, which, it will be remembered, had also been made by his own Secretary of the Treasury, furnishes a clew to their precipitate action, which subsequent events will enable us to follow out to a conclusion shameful to the nation, and deeply dishonorable to all who were involved in it.

The effect of this single week upon the country was itself a disaster. Trade was seriously disturbed; stocks fell rapidly; foreign and domestic exchanges were embarrassed. The payment of debts to creditors in the free states was very generally refused in South Carolina and in Georgia, on the ground that they were due to men who might prove enemies. Nevertheless, the banks of those states drew on New York and Boston, and had their drafts honored in specie, although their own suspension of payment was daily expected. The government was powerless for the time. Congress was not in session; and therefore the President could not declare the policy of his administration during the remainder of its existence, which, brief though it was, was big with woe to the nation—to the world. Nothing had been done, even in South Carolina, which required executive interference or even furnished occasion for a proclamation. The agitation of any subject, however dangerous, he had neither the right nor the power to restrain, and thus far only agitation had been attempted. Had he desired to strengthen the garrisons of the military posts in the most disturbed districts, he could not have done so; for the army was so small, and had been so scattered, that he could not have concentrated a sufficient force in time to be of any service. The navy was equally out of his reach. He was embarrassed, also, by the fact that not only had no overt act been committed, but no authoritative revolutionary declaration had been made; there was only much excitement every where, and fierce agitation in some quarters. But the determination of the agitators was clearly seen; and it was seen, too, that, instead of attempting to attain their end by a convention of the people of the United States, which, by amending the Constitution or abrogating it, could

<sup>4</sup> The arms of South Carolina are a palmetto-tree.

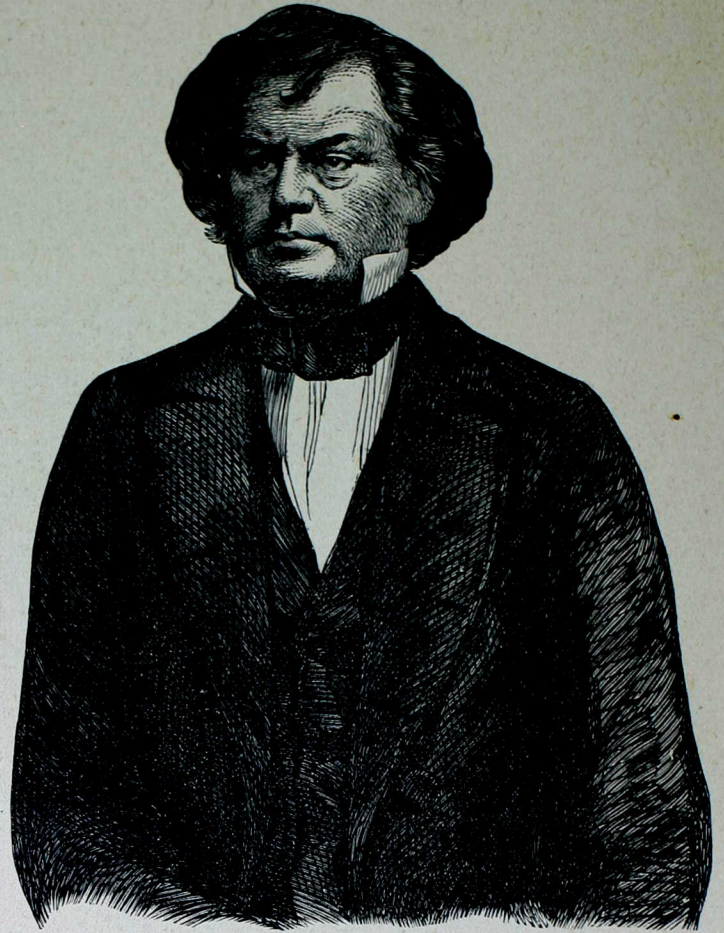


LIEUTENANT GENERAL WINFIELD SCOTT.

have permitted the peaceable withdrawal of certain states, or have resolved the republic again into its elements, they were determined to set the Constitution at naught by the mere exercise of their own will, and thus force the alternative of resistance to their action, or the humiliation, and, in fact, the extinction of the national government. Gloomy forebodings filled the public mind, and a financial panic fell upon the whole country.

Yet it can not be too clearly or too constantly borne in mind by those who would justly appreciate the manner in which the rebellion was brought about, that thus far South Carolina was the only state in which the movement for secession was so general as to seem virtually unanimous. Even in Georgia many meetings were held to denounce the leaders of the movement for secession, although in the Legislature resolutions were introduced and ordered to be printed, which demanded that, as the States of Massachusetts, Vermont, Maine, Rhode Island, Connecticut, New York, Michigan, Wisconsin, and Pennsylvania had "nullified the Constitution," they should be regarded as no longer constituent parts of the United States of America, and that their votes in the electoral college should be thrown out; and instructing the members of Congress for Georgia, if this were not done, to resign their seats. This those members were ready and anxious enough to do; for at the head of the agitators of disunion were Alfred Iverson and Robert Toombs, United States Senators from Georgia, the former of whom had not hesitated to suggest, under his own signature, the outlawing and killing of any man who should accept office under Mr. Lincoln. Yet on the 4th of November, Alexander H. Stephens, a man whose integrity and ability had justly won him the first place among the political leaders of Georgia, which he had long represented in the Congress of the United States, addressed, by formal invitation, a large concourse in the State Hall of Representatives at Milledgeville on the condition of the country, and took ground, without hesitation or qualification, not only against secession, but against the right to secede under the circumstances. Upon this, the cardinal, in fact, the only point of the issue then presented, he said: "The first question that presents itself is, Shall the people of the South secede from the Union in consequence of the election of Mr. Lincoln to the presidency of the United States? My countrymen, I tell you frankly, candidly, and earnestly that I do not think that they ought. In my judgment, the election of no man, constitutionally chosen to that high office, is sufficient cause for any state to separate from the Union. It ought to stand by and aid still in maintaining the Constitution of the country. To make a point of resistance to the government, to withdraw from it because a man has been constitutionally elected, puts us in the wrong."<sup>6</sup> A slaveholder, an unqualifying advocate of slavery, a politician

of long experience and continued success, his estimate of the causes of the secession movement are of the highest significance and of the greatest weight;



ROBERT TOOMBS.

<sup>6</sup> Speech of A. H. Stephens, delivered in the Hall of the House of Representatives of Georgia, Nov. 14, 1860.

FELLOW-CITIZENS,—I appear before you to-night at the request of members of the Legislature and others to speak of matters of the deepest interest that can possibly concern us all of an earthly character. There is nothing—no question or subject connected with this life—that concerns a free people so intimately as that of the government under which they live. We are now, indeed, surrounded by evils. Never, since I entered upon the public stage, has the country been so environed with difficulties and dangers that threatened the public peace and the very existence of society as now. I do not now appear before you at my own instance. It is not to gratify desire of my own that I am here. Had I consulted my own ease and pleasure, I should not be before you; but, believing that it is the duty of every good citizen to give his counsels and views whenever the country is in danger, as to the best policy to be pursued, I am here. For these reasons, and these only, do I bespeak a calm, patient, and attentive hearing.

My object is not to stir up strife, but to allay it; not to appeal to your passions, but to your reason. Good governments can never be built up or sustained by the impulse of passion. I wish to address myself to your good sense, to your good judgment; and if, after hearing, you disagree, let us agree to disagree, and part as we met, friends. We all have the same object, the same interest. That people should disagree in republican governments upon questions of public policy is natural. That men should disagree upon all matters connected with human investigation, whether relating to science or human conduct, is natural. Hence, in free governments, parties will arise. But a free people should express their different opinions with liberality and charity, with no acrimony toward those of their fellows, when honestly and sincerely given. These are my feelings to-night.

Let us, therefore, reason together. It is not my purpose to say aught to wound the feelings of any individual who may be present; and if, in the ardency with which I shall express my opinions, I shall say any thing which may be deemed too strong, let it be set down to the zeal with which I advocate my own convictions. There is with me no intention to irritate or offend.

The first question that presents itself is, Shall the people of the South secede from the Union in consequence of the election of Mr. Lincoln to the presidency of the United States? My countrymen, I tell you frankly, candidly, and earnestly that I do not think that they ought. In my judgment, the election of no man, constitutionally chosen to that high office, is sufficient cause for any state to separate from the Union. It ought to stand by and aid still in maintaining the Constitution of the country. To make a point of resistance to the government, to withdraw from it because a man has been constitutionally elected, puts us in the wrong. We are pledged to maintain the Constitution. Many of us have sworn to support it. Can we, therefore, for the mere election of a man to the presidency, and that, too, in accordance with the prescribed forms of the Constitution, make a point of resistance to the government without becoming the breakers of that sacred instrument ourselves, withdraw ourselves from it? Would we not be in the wrong? That sacred fate is to befall this country, let it never be laid to the charge of the people of the South, and especially to the people of Georgia, that we were untrue to our national engagements. Let the fault and the wrong rest upon others. If all our hopes are to be blasted, if the republic is to go down, let us be found to the last moment standing on the deck, with the Constitution of the United States waving over our heads. (Applause.) Let the fanatics of the North break the Constitution, if such is their fell purpose. Let the responsibility be upon them. I shall speak presently more of their acts; but let not the South, let us not be the ones to commit the aggression. We went into the election with this people. The result was different from what we wished; but the election has been constitutionally held. Were we to make a point of resistance to the government, and go out of the Union on that account, the record would be made up hereafter against us.

But it is said Mr. Lincoln's policy and principles are against the Constitution, and that, if he carries them out, it will be destructive of our rights. Let us not anticipate a threatened evil. If he violates the Constitution, then will come our time to act. Do not let us break it because, forsooth, he may. If he does, that is the time for us to strike. (Applause.) I think it would be injudicious and unwise to do this sooner. I do not anticipate that Mr. Lincoln will do any thing to jeopard our safety or security, whatever may be his spirit to do it; for he is bound by the constitutional checks which are thrown around him, which at this time renders him powerless to do any great mischief. This shows the wisdom of our system. The President of the United States is no emperor, no dictator; he is clothed with no absolute power. He can do nothing unless he is backed by power in Congress. The House of Representatives is largely in the majority against him.

In the Senate he will also be powerless. There will be a majority of four against him. This, after the loss of Bigler, Fitch, and others, by the unfortunate dissensions of the National Democratic party in their states. Mr. Lincoln can not appoint an officer without the consent of the Senate; he can not form a cabinet without the same consent. He will be in the condition of George III. (the embodiment of Toryism), who had to ask the Whigs to appoint his ministers, and was compelled to receive a cabinet utterly opposed to his views; and so Mr. Lincoln will be compelled to ask of the Senate to choose for him a cabinet, if the democracy of that body choose to put him on such terms. He will be compelled to do this or let the government stop, if the National Democratic men—for that is their name at the North—the conservative men in the Senate,

should so determine. Then, how can Mr. Lincoln obtain a cabinet which would aid him, or allow him to violate the Constitution?

Why then, I say, should we disrupt the ties of this Union when his hands are tied, when he can do nothing against us? I have heard it mooted that no man in the State of Georgia, who is true to her interests, could hold office under Mr. Lincoln. But, I ask, who appoints to office? Not the President alone; the Senate has to concur. No man can be appointed without the consent of the Senate. Should any man then refuse to hold office that was given to him by a Democratic Senate? [Mr. Toombs interrupted, and said, if the Senate was Democratic, it was for Mr. Breckinridge.] Well, then, continued Mr. S., I apprehend no man could be justly considered untrue to the interests of Georgia, or incur any disgrace, if the interests of Georgia required it, to hold an office which a Breckinridge Senate had given him, even though Mr. Lincoln should be President. (Prolonged applause, mingled with interruptions.)

I trust, my countrymen, you will be still and silent. I am addressing your good sense. I am giving you my views in a calm and dispassionate manner, and if any of you differ with me, you can, on any other occasion, give your views as I am doing now, and let reason and true patriotism decide between us. In my judgment, I say, under such circumstances, there would be no possible disgrace for a Southern man to hold office. No man will be suffered to be appointed, I have no doubt, who is not true to the Constitution, if Southern senators are true to their trusts, as I can not permit myself to doubt that they will be.

My honorable friend who addressed you last night (Mr. Toombs), and to whom I listened with the profoundest attention, asks if we would submit to Black Republican rule. I say to you and to him, as a Georgian, I never would submit to any Black Republican aggression upon our constitutional rights. I will never consent myself, as much as I admire this Union for the glories of the past, or the blessings of the present, as much as it has done for the people of all these states, as much as it has done for civilization, as much as the hopes of the world hang upon it, I would never submit to aggression upon my rights to maintain it longer; and if they can not be maintained in the Union, standing on the Georgia Platform, where I have stood from the time of its adoption, I would be in favor of disrupting every tie which binds the states together.

I will have equality for Georgia and for the citizens of Georgia in this Union, or I will look for new safeguards elsewhere. This is my position. The only question now is, Can they be secured in the Union? That is what I am counseling with you to-night about. Can it be secured? In my judgment, it may be, but it may not be; but let us do all we can, so that in the future, if the worst come, it may never be said we were negligent in doing our duty to the last.

My countrymen, I am not of those who believe this Union has been a curse up to this time. True men, men of integrity, entertain different views from me on this subject. I do not question their right to do so; I would not impugn their motives in so doing. Nor will I undertake to say that this government of our fathers is perfect. There is nothing perfect in this world of a human origin—nothing connected with human nature, from man himself to any of his works. You may select the wisest and best men for your judges, and yet how many defects are there in the administration of justice? You may select the wisest and best men for your legislators, and yet how many defects are apparent in your laws? And it is so in our government.

But that this government of our fathers, with all its defects, comes nearer the objects of all good governments than any other on the face of the earth, is my settled conviction. Contrast it now with any on the face of the earth. [England, said Mr. Toombs.] England, my friend says. Well, that is the next best, I grant; but I think we have improved upon England. Statesmen tried their apprentice hand on the government of England, and then ours was made. Ours sprung from that, avoiding many of its defects, taking most of the good and leaving out many of its errors, and from the whole constructing and building up this model republic, the best which the history of the world gives any account of.

Compare, my friends, this government with that of Spain, Mexico, the South American republics, Germany, Ireland—are there any sons of that down-trodden nation here to-night?—Prussia, or, if you travel farther East, to Turkey or China. Where will you go, following the sun in its circuit round our globe, to find a government that better protects the liberties of its people, and secures to them the blessings we enjoy? (Applause.) I think that one of the evils that beset us is a surfeit of liberty, an exuberance of the priceless blessings for which we are ungrateful. We listened to my honorable friend who addressed you 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. Our friend stated that forty-eight years of our government was under the administration of Southern presidents. Well, these fishing bounties began under the rule of a Southern president, I believe. No one of them, during the whole forty-eight years, ever set his administration against the principle or policy of them. It is not for me to say whether it was a wise policy in the beginning; it probably was not, and I have nothing to say in its defense. But the reason given for it was to encourage our young men to go to sea and learn to manage ships. We had at the time but a small navy. It was thought best to encourage a class of our people to become acquainted with seafaring life, to become sailors to man our naval ships. It requires practice to walk the deck of a ship, to pull the ropes, to furl the sails, to go aloft, to climb the mast; and it was thought, by offering this bounty, a nursery might be formed in which young men would become perfected in these arts, and it applied to one section of the country as well as to any other.



FORT PICKENS.

and upon this subject he said: "Some of our public men have failed in their aspirations; that is true, and from that comes a great part of our troubles." The feeling of his audience may be gathered from the fact that this statement was received with prolonged applause. Yet in less than three months from that night a Georgia Convention had passed an ordinance of secession, and Mr. Stephens himself was vice-president of the provisional government set up by the insurgents. Some notion of the sort of influence which was brought to bear during that interval upon him and others like minded may be formed from the fact that, during this long, carefully considered, and solemnly uttered speech, he was constantly interrupted by Mr. Toombs, in a tone of sneering menace, on one occasion for the purpose of objecting to Mr. Stephens's suggestion that nothing should be done by Georgia without submitting the great question of the day to a convention of the people!

The persistency and precipitancy of South Carolina offended the border states. They even resented it as a wrong done to the common cause. They claimed a right to be consulted upon a question of such stupendous importance as the severance of the republic for the cause of slavery. The Vir-

ginians proposed to South Carolina a convention of the slave states; but this South Carolina, with flippant haughtiness, refused to entertain, on the ground that Virginia was "completely demoralized" because she had "placed the Union above the rights and institutions of the South." The truth was, that the Virginia leaders knew that it was the purpose of South Carolina and Georgia to open the slave-trade; and to this they were opposed, because the chief wealth of the Virginia planters was in the slaves which they bred. This the South Carolina leaders, wise in their generation, saw at once, and used now and afterward to their advantage. On the 26th of November the Legislature of South Carolina met at Columbia. The governor (Gist), in his message, took ground in favor of immediate state action, declared his belief that Georgia, Alabama, Mississippi, Florida, Texas, and Arkansas would not hesitate to follow South Carolina, which, he said, would be "wanting in self-respect to entertain propositions looking to a continuance of the Union." It was determined that the delegates to the House of Representatives should go to Washington and resign, but remain there for consultation with other Southern members of Congress; and it was confidently announced that the

The result of this was, that in the war of 1812, our sailors, many of whom came from this nursery, were equal to any that England brought against us. At any rate, no small part of the glories of that war were gained by the veteran tars of America, and the object of these bounties was to foster that branch of the national defense. My opinion is that, whatever may have been the reason at first, this bounty ought to be discontinued—the reason for it at first no longer exists. A bill for this object did pass the Senate the last Congress I was in, to which my honorable friend contributed greatly, but it was not reached in the House of Representatives. I trust that he will yet see that he may with honor continue his connection with the government, and that his eloquence, unrivaled in the Senate, may hereafter, as heretofore, be displayed in having this bounty, so obnoxious to him, repealed and wiped off from the statute-book.

The next evil that my friend complained of was the tariff. Well, let us look at that for a moment. About the time I commenced noticing public matters, this question was agitating the country almost as fearfully as the slave question now is. In 1832, when I was in college, South Carolina was ready to nullify or secede from the Union on this account. And what have we seen? The tariff no longer distracts the public councils. Reason has triumphed! The present tariff was voted for by Massachusetts and South Carolina. The lion and the lamb lay down together—every man in the Senate and House from Massachusetts and South Carolina, I think, voted for it, as did my honorable friend himself. And if it be true, to use the figure of speech of my honorable friend, that every man in the North that works in iron, and brass, and wood has his muscle strengthened by the protection of the government, that stimulant was given by his vote, and, I believe, every other Southern man. So we ought not to complain of that.

Mr. Toombs. The tariff assessed the duties.  
Mr. Stephens. Yes, and Massachusetts with unanimity voted with the South to lessen them, and they were made just as low as Southern men asked them to be, and that is the rates they are now at. If reason and argument, with experience, produced such changes in the sentiments of Massachusetts from 1832 to 1857, on the subject of the tariff, may not like changes be effected there by the same means—reason and argument, and appeals to patriotism on the present vexed question? and who can say that by 1875 or 1890 Massachusetts may not vote with South Carolina and Georgia upon all those questions that now distract the country, and threaten its peace and existence? I believe in the power and efficiency of truth, in the omnipotence of truth, and its ultimate triumph when properly wielded. (Applause.)

Another matter of grievance alluded to by my honorable friend was the navigation laws. This policy was also commenced under the administration of one of these Southern presidents who ruled so well, and has been continued through all of them since. The gentleman's views of the policy of these laws and my own do not disagree. We occupied the same ground in relation to them in Congress. It is not my purpose to defend them now; but it is proper to state some matters connected with their origin.

One of the objects was to build up a commercial American marine by giving American bottoms the exclusive carrying trade between our own ports. This is a great arm of national power. This object was accomplished. We have now an amount of shipping, not only coastwise, but to foreign countries, which puts us in the front rank of the nations of the world. England can no longer be styled the Mistress of the Seas. What American is not proud of the result? Whether those laws should be continued is another question. But one thing is certain: no president, Northern or Southern, has ever yet recommended their repeal. And my friend's efforts to get them repealed were met with but little favor, North or South.

These, then, were the true main grievances or grounds of complaint against the general system of our government and its workings—I mean the administration of the federal government. As to the acts of the federal states, I shall speak presently; but these three were the main ones used against the common head. Now, suppose it be admitted that all of these are evils in the system, do they overbalance and outweigh the advantages and great good which this same government affords in a thousand innumerable ways that can not be estimated? Have we not at the South, as well as the North, grown great, prosperous, and happy under its operation? Has any part of the world ever shown such rapid progress in the development of wealth, and all the material resources of national power and greatness, as the Southern states have under the general government, notwithstanding all its defects?

Mr. Toombs. In spite of it.  
Mr. Stephens. My honorable friend says we have, in spite of the general government; that without it I suppose he thinks we might have done as well, or perhaps better, than we have done this in spite of it. That may be, and it may not be; but the great fact that we have grown great and powerful under the government as it exists, there is no conjecture or speculation about that; it stands out bold, high, and prominent, like your Stone Mountain, to which the gentleman alluded in illustrating home facts in his record—this great fact of our unrivaled prosperity in the Union as it is admitted; whether all this is in spite of the government—whether we of the South would have been better off without the government—is, to say the least, problematical. On the one side we can only put the fact against speculation and conjecture on the other. But even as a question of speculation I differ with my distinguished friend.

What we would have lost in border wars without the Union, or what we have gained simply by the peace it has secured, no estimate can be made of. Our foreign trade, which is the foundation of all our prosperity, has the protection of the navy, which drove the pirates from the waters near our coast, where they had been buccaneering for centuries before, and might have been still had it not been for the American navy, under the command of such spirits as Commodore Porter. Now that the coast is clear, that our commerce flows freely outwardly, we can not well estimate how it would have been under other circumstances. The influence of the government on us is like that of the atmosphere around us. Its benefits are so silent and unseen that they are seldom thought of or appreciated.

We seldom think of the single element of oxygen in the air we breathe, and yet let this simple, unseen, and unfelt agent be withdrawn—this life-giving element be taken away from this all-pervading fluid around us, and what instant and appalling changes would take place in all organic creation!

It may be that we are all that we are in "spite of the general government," but it may be that without it we should have been far different from what we are now. It is true there is no equal part of the earth with natural resources superior perhaps to ours. That portion of this country known as the Southern states, stretching from the Chesapeake to the Rio Grande, is fully equal to the picture drawn by the honorable and eloquent senator last night, in all natural capacities. But how many ages and centuries passed before these capacities were developed to reach this advanced age of civilization? There these same hills, rich in ore, same rivers, same valleys and plains, are as they have been since they came from the hand of the Creator; uneducated and uncivilized man roamed over them, for how long no history informs us.

It was only under our institutions that they could be developed. Their development is the result of the enterprise of our people under operations of the government and institutions under which we have lived. Even our people without these never would have done it. The organization of society has much to do with the development of the natural resources of any country or any land. The institutions of a people, political and moral, are the matrix in which the germ of their organic structure quickens into life—takes root and develops in form, nature, and character. Our institutions constitute the basis, the matrix, from which spring all our characteristics of development and greatness. Look at Greece. There is the same fertile soil, the same blue sky, the same inlets and harbors, the same Ægean, the same Olympus; there is the same land where Homer sung, where Pericles spoke; it is in nature the same old Greece, but it is living Greece no more. (Applause.)

Descendants of the same people inhabit the country; yet what is the reason of this mighty difference? In the midst of present degradation we see the glorious fragments of ancient works of art—temples with ornaments and inscriptions that excite wonder and admiration—the remains

of a once high order of civilization which have outlived the language they spoke—upon them all Ichabod is written—their glory has departed. Why is this so? I answer, their institutions have been destroyed. These were but the fruits of their forms of government, the matrix from which their grand development sprung; and when once the institutions of a people have been destroyed, there is no earthly power that can bring back the Promethean spark to kindle them here again any more than in that ancient land of eloquence, poetry, and song. (Applause.)

The same may be said of Italy. Where is Rome, once the mistress of the world? There are the same seven hills now, the same soil, the same natural resources; nature is the same, but what a ruin of human greatness meets the eye of the traveler throughout the length and breadth of that most downtrodden land! Why have not the people of that Heaven-favored clime the spirit that animated their fathers? Why this sad difference?

It is the destruction of her institutions that has caused it; and, my countrymen, if we shall in an evil hour rashly pull down and destroy those institutions which the patriotic band of our fathers labored so long and so hard to build up, and which have done so much for us and the world, who can venture the prediction that similar results will not ensue? Let us avoid it if we can. I trust the spirit is among us that will enable us to do it. Let us not rashly try the experiment; for if it fails, as it did in Greece and Italy, and in the South American republics, and in every other place, wherever liberty is once destroyed, it may never be restored to us again. (Applause.)

There are defects in our government, errors in administration, and shortcomings of many kinds, but, in spite of these defects and errors, Georgia has grown to be a great state. Let us pause here a moment. In 1850 there was a great crisis, but not so fearful as this, for of all I have ever passed through, this is the most perilous, and requires to be met with the greatest calmness and deliberation.

There were many among us in 1850 zealous to go at once out of the Union, to disrupt every tie that binds us together. Now do you believe, had that policy been carried out at that time, we would have been the same great people that we are to-day? It may be that we would, but have you any assurance of that fact? Would you have made the same advancement, improvement, and progress in all that constitutes material wealth and prosperity that we have?

I notice in the Comptroller General's report that the taxable property of Georgia is \$670,000,000 and upward, an amount not far from double that it was in 1850. I think I may venture to say that for the last ten years the material wealth of the people of Georgia has been nearly, if not quite doubled. The same may be said of our advance in education, and every thing that marks our civilization. Have we any assurance that, had we regarded the earnest but misguided patriotic advice, as I think, of some of that day, and disrupted the ties which bind us to the Union, we would have advanced as we have? I think not. Well, then, let us be careful now before we attempt any rash experiment of this sort. I know that there are friends, whose patriotism I do not intend to question, who think this Union a curse, and that we would be better off without it. I do not so think; if we can bring about a correction of these evils which threaten—and I am not without hope that this may yet be done—this appeal to go out, with all the provisions for good that accompany it, I look upon as a great, and, I fear, a fatal temptation.

When I look around and see our prosperity in every thing, agriculture, commerce, art, science, and every department of education, physical and mental, as well as moral advancement, and our colleges, I think, in the face of such an exhibition, if we can, without the loss of power, or any essential right or interest, remain in the Union, it is our duty to ourselves and to posterity to—let us not too readily yield to this temptation—do so. Our first parents, the great progenitors of the human race, were not without a like temptation when in the garden of Eden. They were led to believe that their condition would be bettered—that their eyes would be opened—and that they would become as gods. They in an evil hour yielded; instead of becoming gods they only saw their own nakedness.

I look upon this country, with our institutions, as the Eden of the world, the paradise of the universe. It may be that out of it we may become greater and more prosperous, but I am candid and sincere in telling you that I fear, if we rashly evince passion, and, without sufficient cause, shall take that step, that instead of becoming greater or more peaceful, prosperous, and happy—instead of becoming gods, we will become demons, and at no distant day commence cutting one another's throats. This is my apprehension. Let us, therefore, whatever we do, meet these difficulties, great as they are, like wise and sensible men, and consider them in the light of all the consequences which may attend our action. Let us see first clearly where the path of duty leads, and then we may not fear to tread therein.

I come now to the main question put to me, and on which my counsel has been asked. That is, What the present Legislature should do in view of the dangers that threaten us, and the wrongs that have been done us by several of our confederate states in the Union, by the acts of their Legislatures nullifying the Fugitive Slave Law, and in direct disregard of their constitutional obligations? What I shall say will not be in the spirit of dictation. It will be simply my own judgment, for what it is worth. It proceeds from a strong conviction that, according to it, our rights, interests, and honor—our present safety and future security, can be maintained without yet looking to the last resort, the "ultima ratio regum." That should not be looked to until all else fails. That may come. On this point I am hopeful, but not sanguine. But let us use every patriotic effort to prevent it while there is ground for hope.

If any view that I may present, in your judgment, be inconsistent with the best interests of Georgia, I ask you, as patriots, not to regard it. After hearing me and others whom you have advised with, act in the premises according to your own conviction of duty as patriots. I speak now particularly to the members of the Legislature present. There are, as I have said, great dangers ahead. Great dangers may come from the election I have spoken of. If the policy of Mr. Lincoln and his Republican associates shall be carried out, or attempted to be carried out, no man in Georgia will be more willing or ready than myself to defend our rights, interest, and honor at every hazard, and to the last extremity. (Applause.)

What is this policy? It is, in the first place, to exclude us by an act of Congress from the Territories with our slave property. He is for using the power of the general government against the extension of our institutions. Our position on this point is, and ought to be, at all hazards, for perfect equality between all the states, and the citizens of all the states, in the Territories, under the Constitution of the United States. If Congress should exercise its power against this, then I am for standing where Georgia planted herself in 1850. These were plain propositions which were then laid down in her celebrated platform as sufficient for the disruption of the Union if the occasion should ever come; on these Georgia has declared that she will go out of the Union; and for these she would be justified by the nations of the earth in so doing.

I say the same: I said it then; I say it now, if Mr. Lincoln's policy should be carried out. I have told you that I do not think his bare election sufficient cause; but if his policy should be carried out in violation of any of the principles set forth in the Georgia Platform, that should be such an act of aggression which ought to be met as therein provided for. If his policy shall be carried out in repealing or modifying the Fugitive Slave Law so as to weaken its efficacy, Georgia has declared that she will in the last resort disrupt the ties of the Union, and I say so too. I stand for take place, I say to you and to the people of Georgia, keep your powder dry, and let your assailants then have lead, if need be. (Applause.) I would wait for an act of aggression. This is my position.

Now upon another point, and that the most difficult, and deserving your most serious consideration, I will speak. That is the course which this state should pursue toward these Northern states, which by their legislative acts have attempted to nullify the Fugitive Slave Law. I know that in some of these states their acts pretend to be based upon the principles set forth in the case of Prigg against Pennsylvania; that decision did proclaim the doctrine that the state officers are not bound to carry out the provisions of a law of Congress—that the federal government can not impose duties upon state officials; that they must execute their own laws by their own officers.

state would be "out of the Union" by the 18th of December. In all this time there not only had not been a single overt act of treason, but the laws of the United States had been scrupulously obeyed.

The temper and the purposes of the radical Abolitionists were now most significantly shown by their choice of this time, of all others, for a public apotheosis of John Brown. The 3d of December, the day on which Congress was to assemble, was also the anniversary of his death by execution of the law; and this occasion was to have been celebrated at the Tremont Temple, in Boston, by various exercises, which were to continue morning, afternoon, and evening. But the organizers of so flagrant an affront to public decency were doomed to disappointment. At the opening of the doors there was a small assemblage of negroes and white men, to the latter class of which there were soon large additions, among them the Chief of Police, with part of his force. Upon an attempt to organize the meeting for the purpose for which it was called, groans and hisses broke out all over the house, followed by cheers for the Constitution. Mr. Richard S. Fay, an eminent merchant and a strong anti-Abolitionist, was then nominated from the

floor as chairman, and elected by acclamation, to the utter astonishment of the John Brown people. Resolutions were adopted strongly denouncing John Brown, his aiders, abettors, and admirers, and the meeting adjourned. The defeated party attempted forcible resistance, but they were ejected by the police and the house was closed—proceedings somewhat irregular, it must be confessed, but under the circumstances not quite unjustifiable. They gathered together again in the evening in the Negro Baptist Church, and were protected by the police during their meeting against a large concourse of exasperated citizens who surrounded the building.

On the 3d of December Congress assembled at Washington. The attendance of members was unusually large in both houses. In the lower the representatives of South Carolina appeared in their places; but in the Senate-chamber stood two empty chairs, silent witnesses of her refusal to be any longer numbered as one of the states of the Union. On the 4th of December President Buchanan sent his message to Congress. Never was an important state paper more eagerly looked for; never did one more entirely disappoint all expectations. The President attributed the attitude of the

And this may be true. But still it is the duty of the states to deliver fugitive slaves, as well as the duty of the general government to see that it is done.

Northern states, on entering into the federal compact, pledged themselves to surrender such fugitives; and it is in disregard of their obligations that they have passed laws which even tend to hinder or obstruct the fulfillment of that obligation. They have violated their pledged faith; what ought we to do in view of this? That is the question. What is to be done? By the law of nations you would have a right to demand the carrying out of this article of agreement, and I do not see that it should be otherwise with respect to the states of this Union; and in case it be not done, we would, by these principles, have the right to commit acts of reprisal on these faithless governments, and seize upon their property, or that of their citizens wherever found. The states of this Union stand upon the same footing with foreign nations in this respect. But by the law of nations we are equally bound, before proceeding to violent measures, to set forth our grievances before the offending government, to give them an opportunity to redress the wrong. Has our state yet done this? I think not.

Suppose it were Great Britain that had violated some compact of agreement with the general government, what would be first done? In that case our minister would be directed, in the first instance, to bring the matter to the attention of that government, or a commissioner be sent to that country to open negotiations with her, ask for redress, and it would only be when argument and reason had been exhausted that we should take the last resort of nations. That would be the course toward a foreign government, and toward a member of this confederacy I would recommend the same course.

Let us, therefore, not act hastily in this matter. Let your Committee on the State of the Republic make out a bill of grievances; let it be sent by the governor to those faithless states, and if reason and argument shall be tried in vain—all shall fail to induce them to return to their constitutional obligations, I would be for retaliatory measures, such as the governor has suggested to you. This mode of resistance in the Union is in our power. It might be effectual, and if in the last resort, we would be justified in the eyes of nations not only in separating from them, but by using force.

[Some one said the argument was already exhausted.]

Mr. Stephens continued: Some friend says that the argument is already exhausted. No, my friend, it is not. You have never called the attention of the Legislatures of those states to this subject, that I am aware of. Nothing has ever been done before this year. The attention of our own people has been called to this subject lately.

Now, then, my recommendation to you would be this: In view of all these questions of difficulty, let a convention of the people of Georgia be called, to which they may be all referred. Let the sovereignty of the people speak. Some think that the election of Mr. Lincoln is cause sufficient to dissolve the Union. Some think those other grievances are sufficient to dissolve the same, and that the Legislature has the power thus to act, and ought thus to act. I have no hesitancy in saying that the Legislature is not the proper body to sever our federal relations, if that necessity should arise. An honorable and distinguished gentleman the other night (Mr. T. R. R. Cobb) advised you to take this course—not to wait to hear from the cross-roads and groceries. I say to you, you have no power so to act. You must refer this question to the people, and you must wait to hear from the men at the cross-roads and even the groceries; for the people in this country, whether at the cross-roads or the groceries, whether in cottages or palaces, are all equal, and they are the sovereigns in this country. Sovereignty is not in the Legislature. We, the people, are the sovereigns. I am one of them, and have a right to be heard, and so has any other citizen of the state. You legislators, I speak it respectfully, are but our servants. You are the servants of the people, and not their masters. Power resides with the people in this country.

The great difference between our country and all others, such as France, and England, and Ireland, is, that here there is popular sovereignty, while there sovereignty is exercised by kings and favored classes. This principle of popular sovereignty, however much derided lately, is the foundation of our institutions. Constitutions are but the channels through which the popular will may be expressed. Our Constitution came from the people. They made it, and they alone can rightfully unmake it.

Mr. Toombs. I am afraid of conventions.

Mr. Stephens. I am not afraid of any convention legally chosen by the people. I know no way to decide great questions affecting fundamental laws except by representatives of the people. The Constitution of the United States was made by the representatives of the people. The Constitution of the State of Georgia was made by representatives of the people chosen at the ballot-box. But do not let the question which comes before the people be put to them in the language of my honorable friend who addressed you last night. Will you submit to abolition rule or resist?

Mr. Toombs. I do not wish the people to be cheated.

Mr. Stephens. Now, my friends, how are we going to cheat the people by calling on them to elect delegates to a convention to decide all these questions without any dictation or direction? Who proposes to cheat the people by letting them speak their own untrammelled views in the choice of their ablest and best men, to determine upon all these matters, involving their peace?

I think the proposition of my honorable friend had a considerable smack of unfairness, not to say cheat. He wished to have no convention, but for the Legislature to submit their vote to the people—submission to abolition rule or resistance? Now, who in Georgia would vote "submission to abolition rule?" (Laughter.)

Is putting such a question to the people to vote on a fair way of getting an expression of the popular will on all these questions? I think not. Now, who in Georgia is going to submit to abolition rule?

Mr. Toombs. The Convention will.

Mr. Stephens. No, my friend, Georgia will never do it. The Convention will never secede from the Georgia Platform. Under that there can be no abolition rule in the general government. I am not afraid to trust the people in convention upon this and all questions. Besides, the Legislature were not elected for such a purpose. They came here to do their duty as legislators. They have sworn to support the Constitution of the United States. They did not come here to disrupt this government. I am, therefore, for submitting all these questions to a convention of the people. Submit the question to the people whether they would submit to abolition rule or resist, and then let the Legislature act upon that vote? Such a course would be an insult to the people. They would have to eat their platform, ignore their past history, blot out their records, and take steps backward, if they should do this. I have never eaten my record or words, and never will.

But how will it be under this arrangement if they should vote to resist, and the Legislature should reassemble with this vote as their instruction? Can any man tell what sort of resistance will be meant? One man would say secede; another pass retaliatory measures; these are measures of resistance against wrong—legitimate and right—and there would be as many different ideas as there are members on this floor. Resistance don't mean secession—that, in no proper sense of the term, is resistance. Believing that the times require action, I am for presenting the question fairly to the people; for calling together an untrammelled convention, and presenting all the questions to them whether they will go out of the Union, or what course of resistance in the Union they may think best, and then let the Legislature act when the people in their majesty are heard; and I tell you now, whatever that convention does, I hope and trust our people will abide by. I advise the calling of a convention with the earnest desire to preserve the peace and harmony of the state. I should dislike, above all things, to see violent measures adopted, or a disposition to take the sword in hand, by individuals, without the authority of law.

My honorable friend said last night, "I ask you to give me the sword; for, if you do not give it to me, as God lives, I will take it myself."

Mr. Toombs. I will. (Applause on the other side.)

Mr. Stephens. I have no doubt that my honorable friend feels as he says. It is only his excessive ardor that makes him use such an expression; but this will pass off with the excitement of the

hour. When the people in their majesty shall speak, I have no doubt that he will bow to their will, whatever it may be, upon the "sober second thought." (Applause.)

Should Georgia determine to go out of the Union, I speak for one, though my views might not agree with them, whatever the result may be, I shall bow to the will of her people. Their cause is my cause, and their destiny is my destiny; and I trust this will be the ultimate course of all. The greatest curse that can befall a free people is civil war.

But, as I said, let us call a convention of the people; let all these matters be submitted to it; and when the will of a majority of the people has thus been expressed, the whole state will present one unanimous voice in favor of whatever may be demanded; for I believe in the power of the people to govern themselves when wisdom prevails and passion is silent.

Look at what has already been done by them for their advancement in all that ennobles man. There is nothing like it in the history of the world. Look abroad from one extent of the country to the other; contemplate our greatness. We are now among the first nations of the earth. Shall it be said, then, that our institutions, founded upon principles of self-government, are a failure?

Thus far it is a noble example, worthy of imitation. The gentleman, Mr. Cobb, the other night, said it had proven a failure. A failure in what? In growth? Look at our expanse in national power. Look at our population and increase in all that makes a people great. A failure? Why, we are the admiration of the civilized world, and present the brightest hopes of mankind.

Some of our public men have failed in their aspirations; that is true, and from that comes a great part of our troubles. (Prolonged applause.)

No, there is no failure of this government yet. We have made great advancement under the Constitution, and I can not but hope that we shall advance higher still. Let us be true to our cause.

Now, when this convention assembles, if it shall be called, as I hope it may, I would say, in my judgment, without dictation, for I am conferring with you freely and frankly, and it is thus that I give my views, I should take into consideration all those questions which distract the public mind; should view all the grounds of secession so far as the election of Mr. Lincoln is concerned, and I have no doubt they would say that the constitutional election of no man is a sufficient cause to break up the Union, but that the state should wait until he at least does some unconstitutional act.

Mr. Toombs. Commit some overt act.

Mr. Stephens. No, I did not say that. The word overt is a sort of technical term connected with treason, which has come to us from the mother country, and it means an open act of rebellion. I do not see how Mr. Lincoln can do this unless he should levy war upon us. I do not, therefore, use the word overt. I do not intend to wait for that. But I use the word unconstitutional act, which our people understand much better, and which expresses just what I mean. But as long as he conforms to the Constitution he should be left to exercise the duties of his office.

In giving this advice I am but sustaining the Constitution of my country, and I do not thereby become a Lincoln aid man either (applause), but a Constitutional aid man. But this matter the Convention can determine.

As to the other matter, I think we have a right to pass retaliatory measures, provided they be in accordance with the Constitution of the United States, and I think they can be made such. But whether it would be wise for this Legislature to do this now is the question. To the Convention, in my judgment, this matter ought to be referred. Before we commit reprisals on New England, we should exhaust every means of bringing about a peaceful solution of the question.

Thus did General Jackson in the case of the French. He did not recommend reprisals until he had treated with France, and got her to promise to make indemnification, and it was only on her refusal to pay the money which she had promised that he recommended reprisals. It was after negotiation had failed. I do think, therefore, that it would be best, before going to extreme measures with our confederate states, to make presentation of our demands, to appeal to their reason and judgment to give us our rights. Then, if reason should not triumph, it will be time enough to commit reprisals, and we should be justified in the eyes of a civilized world. At least let the states know what your grievances are, and if they refuse, as I said, to give us our rights under the Constitution of our country, I should be willing, as a last resort, to sever the ties of this Union. (Applause.)

My own opinion is, that if this course be pursued, and they are informed of the consequences of refusal, these states will secede; but if they should not, then let the consequences be with them, and let the responsibility of the consequences rest upon them. Another thing I would have that convention to do—reaffirm the Georgia Platform, with an additional plank in it. Let that plank be the fulfillment of the obligation on the part of those states to repeal these obnoxious laws as a condition of our remaining in the Union. Give them time to consider it, and I would ask all states south to do the same thing.

I am for exhausting all that patriotism can demand before taking the last step. I would invite, therefore, South Carolina to a conference. I would ask the same of all the other Southern states, so that if the evil has got beyond our control, which God, in his mercy, grant may not be the case, let us not be divided among ourselves—(cheers)—but, if possible, secure the united cooperation of all the Southern states; and then, in the face of the civilized world, we may justify our action; and, with the wrong all on the other side, we can appeal to the God of battles to aid us in our cause. (Loud applause.) But let us not do any thing in which any portion of our people may charge us with rash or hasty action. It is certainly a matter of great importance to tear this government asunder. You were not sent here for that purpose. I would wish the whole South to be united if this is to be done; and I believe, if we pursue the policy which I have indicated, this can be effected.

In this way our sister Southern states can be induced to act with us, and I have but little doubt that the states of New York, and Pennsylvania, and Ohio, and the other Western states, will compel their Legislatures to recede from their hostile attitudes, if the others do not. Then, with these, we would go on without New England, if she chose to stay out.

A voice in the assembly. We will kick them out.

Mr. Stephens. I would not kick them out; but if they chose to stay out they might. I think, moreover, that these Northern states, being principally engaged in manufactures, would find that they had as much interest in the Union under the Constitution as we, and that they would return to their constitutional duty; this would be my hope. If they should not, and if the Middle states and Western states do not join us, we should at least have an undivided South. I am, as you clearly perceive, for maintaining the Union as it is, if possible. I will exhaust every means thus to maintain it with an equality in it. My principles are these:

First, the maintenance of the honor, the rights, the equality, the security, and the glory of my native state in the Union; but if these can not be maintained in the Union, then I am for my maintenance, at all hazards, out of it. Next to the honor and glory of Georgia, the land of my birth, I hold the honor and glory of our common country. In Savannah I was made to say by the reporters, who very often make me say things which I never did, that I was first for the glory of the whole country, and next for that of Georgia.

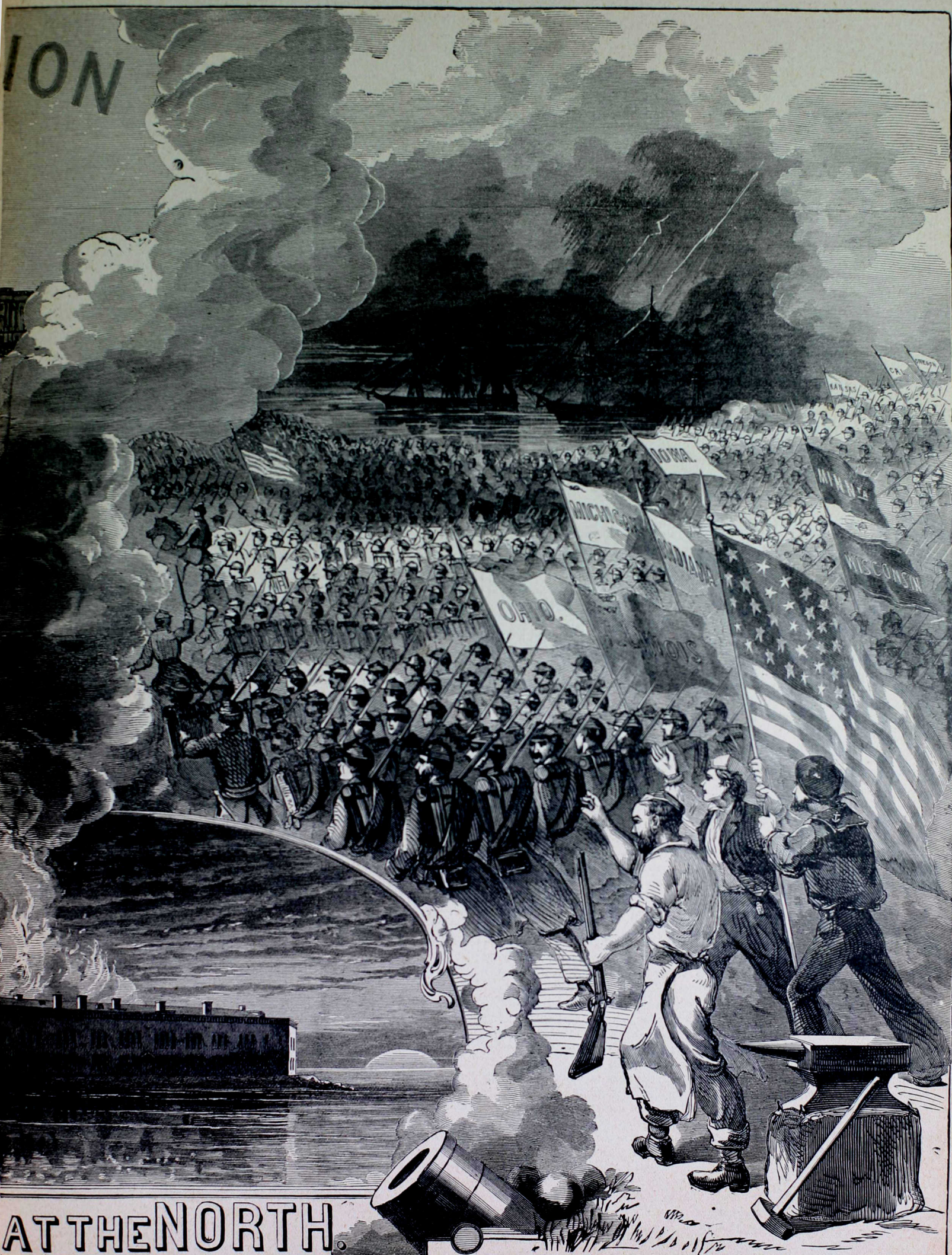
I said the exact reverse of this. I am proud of her history, of her present standing. I am proud even of her motto, which I would have duly respected at the present time by all her sons—Wisdom, Justice, and Moderation. I would have her rights and that of the Southern states maintained now upon these principles. Her position now is just what it was in 1850 with respect to the Southern states. Her platform, then, has been adopted by most, if not all the other Southern states. Now I would add but one additional plank to that platform, which I have stated, and one which time has shown to be necessary.

If all this fails, we shall at least have the satisfaction of knowing that we have done our duty, and all that patriotism could require.

Mr. Stephens continued for some time on other matters, which are omitted, and then took his seat amid great applause.







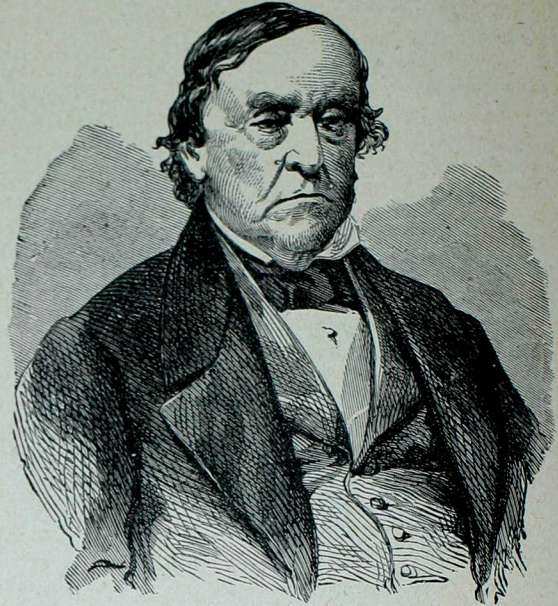
AT THE NORTH.

slave states to the fear of servile insurrections; when the planters, on the contrary, said, and, as it proved, with reason, they had no fears whatever on this score. He placed the responsibility for the disturbed state of the country entirely upon the shoulders of the anti-slavery party in the free states, utterly ignoring the aggressions of the slavery propagandists and the radical difference between the principles of the slaveholding founders of the republic and those of which John C. Calhoun was the great exponent; he declared that, in his opinion, unless the personal liberty laws of some of the free states were repealed the Union could not be preserved; but he passed no censure upon the studiously harsh and insulting provisions of the fugitive slave law which provoked their passage, but, on the contrary, he recommended the incorporation of that law into the Constitution; he denied the right of a state to break up the government merely of its own motion, and he admitted that he was bound to execute the laws of the United States throughout all the territory of the United States; but he added that neither the President nor Congress had the power to coerce a state, thus passing by the vital point that, according to the Constitution, the executive officers of the United States had to do, not with states, but with individual citizens of the United States. The message, in fact, said to the country, "First, in this quarrel the free states are all wrong and the slave states all right; next, no state has a right to secede; but, finally, if any state choose to do so, no one has any right to stop her." The effect of this pitifully shuffling manifesto was to encourage the seceders, to irritate the Republicans, and to dishearten the public at large. With the message came another document which deepened the despondency now fallen upon the country. The report of the Secretary of the Treasury showed the public coffers empty, large and pressing liabilities to be met, the national credit failing, and the revenue rapidly diminishing. All this in the face of a real wealth and prosperity during the previous year, indicated by an export trade of \$400,000,000, an import of \$362,000,000, and the more than sufficiency of the customs duties, \$60,000,000, for the ordinary expenses of government. For the change the political condition of the country was entirely answerable. Wealth was vanishing, prosperity was at an end, for national dissolution seemed impending. The events of one month had cast over the future an impenetrable gloom.

The nation fell into a pitiable condition of uncertain opinion and vacillating action. A similar crisis in the affairs of a country dependent for the direction of affairs upon one central government would have brought on the inevitable alternative of anarchy or despotism. But this nation was saved by the complete sufficiency of its local governments, sustained as these were by the intelligence and the integrity of the mass of the people, whom they directly represented. Within the limits of each state, the relations between man and man, and between the individual and society, were undisturbed.

On the 10th of December the House of Representatives appointed a committee of thirty-three, one from each commonwealth, on the State of the Union. What was the state of the Union thus far we have already seen; and a mere recital of the principal events of the few days which intervened between the appointment of this committee and the nominal severance of the Union will give a better idea than can be conveyed by any other means of the confusion which prevailed in political affairs and the distracted condition of the public mind. A report had been circulated at the South that the Secretary of War, Mr. Floyd, had said that he would employ the United States troops to resist any attempt to seize the United States forts in the slave states. This rumor that he would perform his sworn duty he hastened to deny by telegraph, on the very day of the appointment of the committee on the State of the Union. At this time it was suggested among some of the corrupter politicians of the city of New York, that that city, with Brooklyn, Long Island, and Staten Island, should secede from the state, and form themselves into an independent commonwealth. But as Brooklyn was jealous of New York, and deemed that the two places had conflicting interests, it was feared that, if secession once began, Brooklyn might secede from New York; the inconvenience of which, as most of the inhabitants of the former were engaged in business in the latter, was so apparent, that the suggestion, after a little newspaper ventilation, vanished into silence. The excitement in Charleston rose apace, and, on the 8th of December, a guard was placed over the United States Arsenal at Charleston to prevent the transfer of supplies of ammunition to Fort Moultrie, the United States military post in that harbor, which was about four miles from the city. On the 10th, the Secretary of the Treasury, Mr. Cobb, resigned his portfolio, giving as his reasons that the honor and safety of his state, Georgia, were involved in the consequences of the presidential election; that his duty to her was paramount; and that his views made it improper for him to remain any longer a member of the cabinet: decorous scruples, the mere assumption of which was not common among those who, having like responsibilities, had like designs. On the 12th, Senator Wigfall, of Texas, a man whose extravagance and bombast made him laughed at, and whom we shall meet again under circumstances both rueful and ludicrous, made a set speech in the Senate-chamber, in which he announced that the Union would be dissolved; that "the eight cotton states" would secede; that they would be followed by Virginia, Tennessee, Maryland, and Kentucky; and that then Washington would be the seat of government of the new confederation. He also declared that he owed allegiance, not to the United States, but to his own state; a declaration afterward repeated in the same body by Senator Mason, of Virginia, with regard to his relations to his own state. On the 15th it was announced that General Lewis Cass, Secretary of State, had resigned, because of the President's determination not to re-enforce Fort Moultrie, and of his consequent conviction that the republic was approaching its dissolution. General Cass was one of the oldest and most experienced among the promi-

nent politicians of the past generation who kept the field, and he had thus far been a strong supporter of what was called "the Southern Rights Party." The resignation of such a man, for such a cause, however honorable to him-



LEWIS CASS.

self, was a most depressing occurrence. It made that painfully clear concerning which before there had been little doubt, that the President was about to shrink meanly from the responsibility of his office upon a great occasion. Preparations now were heard of from Louisiana to bring about the secession of that state. At the North efforts at conciliation began to be made, and a repeal of the Personal Liberty bills was freely talked of. On the 15th a private meeting was held of the most influential bankers, merchants, manufacturers, lawyers, and other professional men of conservative politics, for the purpose of appointing a committee of conference to urge delay upon the states about to secede, and to give assurances that any reasonable concessions for the sake of the preservation of the Union would be made. Such a position, taken by such men, seems, as we look back upon it, almost abject; but, in the excitement and under the feverish apprehension of the time, it appeared to most men the mere putting forth of a brotherly hand of deprecation. It failed utterly. An announcement that a committee of conference would shortly visit Charleston, met with a rebuff, in which cold-blooded arrogance was thinly concealed beneath the forms of courtesy. Judge Magrath, who spoke for his state, wrote, that nothing could swerve South Carolina from the course she had resolved on; adding, "The presence of any persons among us, however respectable, charged with the task of urging upon us a change of purpose, would be unprofitable and unpleasant." On the 17th, the South Carolina Convention assembled at Columbia, but, in consequence of the epidemic prevalence of the small-pox there, it adjourned the next day to Charleston, where it became immediately apparent that its members were bent upon ringleading the disunion movement. Throughout the state military drill was constantly kept up by all men capable of bearing arms. On the 18th, a bill for arming the State of North Carolina passed the Senate by a vote of forty-one to three. On the other hand, the repeal of the Massachusetts Personal Liberty Law was urged upon the state in an earnest manifesto, signed by numbers of its most respected citizens, headed by ex-Chief-justice Shaw, Judge Curtis, of the United States Supreme Court, and four ex-governors. On the 18th, Senator Crittenden, of Kentucky, one of the oldest, ablest, and most esteemed of the slaveholding members of Congress, brought forward a series of resolutions in that body which he and many others hoped would be adopted by both parties as a final settlement of the controversy. These resolutions, which were known as the Crittenden Compromise, after a preamble which stated their object to be that the sectional differences then distracting the country might be permanently quieted and settled by constitutional provisions, proposed certain amendments to the Constitution. These prohibited slavery north of the line of 36° 30' north latitude, and admitted it south of that line; they deprived Congress of the power either to abolish slavery in places under its jurisdiction in slave states, and (except under certain specified conditions) in the District of Columbia, or to interdict the transportation of slaves from one slave state to another; they provided that, in case of resistance to the Fugitive Slave Law, and the rescue of a slave, the United States should pay the owner the value of the slave, and have a claim upon the county in which the rescue took place, which, in its turn, should recover from individuals. These articles, and others upon the same subject in the Constitution, were to be declared unalterable. Mr. Crittenden's compromise was not received with favor by the extreme members of the party whose prospective advent to power had occasioned its proposal. But, on the 19th, the General Assembly of Virginia passed resolutions inviting the various states to send commissioners to Washington to adjust the sectional differences of the nation, and recommending the Crittenden Compromise as the basis of action. This assembly, thus called together, obtained the name of "The Peace Congress." But this effort toward the preservation of the Union met with a sudden and severe rebuff; for, on the very next day, the South Carolina Convention formally passed an

ordinance of secession by a unanimous vote.<sup>6</sup> That 20th of December, 1860, was a sad day in the annals of America and of the world—a day full of woes and bitter memories—a day on which disappointed politicians, the representatives of an arrogant and selfish oligarchy, essayed the destruction of the most beneficent government ever established, and vainly strove to stem the tide of human progress, which was about to sweep their petty personal interests and parish politics into oblivion. But the event itself produced at the moment a comparatively slight impression. Some guns were fired and some meetings held in a few towns in the country lying on the Gulf of Mexico; but in the slave states north of Charleston, the taking of the final plunge by South Carolina created no more excitement than many of the minor incidents which had previously occurred in the sad tragedy then beginning to be acted. One reason of the apparent apathy with which this secession was regarded was, because it was South Carolina, factious, querulous, headstrong, and loud-mouthed, which had passed with words a verbal Rubicon; another was, that, after what the political leaders of the state had said and done, the passage of an ordinance of secession was inevitable, unless they wished to stand confessed the merest braggarts and boasters. But the chief cause was, that the country had been stunned by the suddenness with which its national politics had fallen into disorder, and its national government had been brought to a dead lock without violence or even the threat of violence from any quarter. Its capacity for excitement seemed to be exhausted; and when that came which had been apprehended from the first, it was taken as a thing of course. South Carolina, however, did not treat the matter as one of course, but exhibited to the full that sense of the importance of her own acts which had always made her the subject of remark among her sister states, especially by those who were as much her superiors in power, and wealth, and general culture, as they were her inferiors in pre-

## SECESSION ORDINANCE OF SOUTH CAROLINA.

*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.*

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 of America 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 hereby dissolved.

*South Carolina's Declaration of Causes.*

The people of the State of South Carolina in Convention assembled, on the 2d day of April, A.D. 1852, declared that the frequent violations of the Constitution of the United States by the federal government, and its encroachments upon the reserved rights of the states, fully justified this state in their withdrawal from the federal Union; but, in deference to the opinions and wishes of the other slaveholding states, she forbore at that time to exercise this right. Since that time these encroachments have continued to increase, and farther forbearance ceases to be a virtue.

And now the State of South Carolina, having resumed her separate and equal place among nations, deems it due to herself, to the remaining United States of America, and to the nations of the world, that she should declare the immediate causes which have led to this act.

In the year 1765, that portion of the British Empire embracing Great Britain undertook to make laws for the government of that portion composed of the thirteen American colonies. A struggle for the right of self-government ensued, which resulted, on the 4th of July, 1776, in a declaration, by the colonies, "that they are, and of right ought to be, FREE AND INDEPENDENT STATES; and that, as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do."

They farther solemnly declared that whenever any "form of government becomes destructive of the ends for which it was established, it is the right of the people to alter or abolish it, and to institute a new government." Deeming the government of Great Britain to have become destructive of these ends, they declared that the colonies "are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved."

In pursuance of this Declaration of Independence, each of the thirteen states proceeded to exercise its separate sovereignty; adopted for itself a Constitution, and appointed officers for the administration of government in all its departments—legislative, executive, and judicial. For purposes of defense they united their arms and their counsels; and in 1778 they entered into a league known as the Articles of Confederation, whereby they agreed to intrust the administration of their external relations to a common agent, known as the Congress of the United States, expressly declaring, in the first 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 confederation the War of the Revolution was carried on; and on the 3d of September, 1783, the contest ended, and a definite treaty was signed by Great Britain, in which she acknowledged the independence of the colonies in the following terms:

"ARTICLE 1. His Britannic majesty acknowledges the said United States, viz.: New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be FREE, SOVEREIGN, AND INDEPENDENT STATES; that he treats with them as such; and, for himself, his heirs and successors, relinquishes all claims to the government, propriety, and territorial rights of the same, and every part thereof."

Thus were established the two great principles asserted by the colonies, namely, the right of a state to govern itself, and the right of a people to abolish a government when it becomes destructive of the ends for which it was instituted. And concurrent with the establishment of these principles was the fact that each colony became and was recognized by the mother country as a FREE, SOVEREIGN, AND INDEPENDENT STATE.

In 1787, deputies were appointed by the states to revise the Articles of Confederation; and on the 17th of September, 1787, these deputies recommended, for the adoption of the states, the Articles of Union known as the Constitution of the United States.

The parties to whom this Constitution was submitted were the several sovereign states; they were to agree or disagree; and when nine of them agreed, the compact was to take effect among those concurring; and the general government, as the common agent, was then to be invested with their authority.

If only nine of the thirteen states had concurred, the other four would have remained as they then were—separate sovereign states, independent of any of the provisions of the Constitution. In fact, two of the states did not accede to the Constitution until long after it had gone into operation among the other eleven, and during that interval they each exercised the functions of an independent nation.

By this Constitution certain duties were imposed upon the several states, and the exercise of certain of their powers was restrained, which necessarily impelled their continued existence as sovereign states. But, to remove all doubt, an amendment was added, which declared 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. On the 23d of May, 1788, South Carolina, by a Convention of her people, passed an ordinance assenting to this Constitution, and afterward altered her own Constitution to conform her obedience to the obligations she had undertaken.

Thus was established, by compact between the states, a government with defined objects and powers, limited to the express words of the grant. This limitation left the whole remaining mass of power subject to the clause reserving it to the states or the people, and rendered unnecessary any specification of reserved rights. We hold that the government thus established is subject to the two great principles asserted in the Declaration of Independence; and we hold farther, that the mode of its formation subjects it to a third fundamental principle, namely, the law of compact. We maintain that in every compact between two or more parties the obligation is mutual; that the failure of one of the contracting parties to perform a material part of the agreement entirely releases the obligation of the other; and that, where no arbiter is provided, each party is remitted to his own judgment to determine the fact of failure, with all its consequences.

tension. Immediately upon the passage of the Ordinance of Secession, a declaration of the causes which led to it was issued to the world; an oath of supreme allegiance to the state was prescribed for all officials, the first form of which having contained the words "exercise my office," these were altered, after grave consideration and debate, to "exercise my high office;" and commissioners were appointed to proceed to Washington to treat with the United States. Immediately, too—most characteristic fact—the newspapers of Charleston headed their letters and the extracts from journals which they received from the other parts of the country, "Foreign News," bringing derision upon themselves far and near by this childishness. On the 24th the South Carolina delegates withdrew from the House of Representatives, not resigning, but sending a letter to the Speaker, in which they informed the House that their state had dissolved their connection with the House; and, putting their destructive and debasing doctrine in its most offensive form, spoke of their fellow-members as those with whom they had been "associated in a common agency."<sup>7</sup> Thus far had South Carolina politicians been led to pervert the truth to gain their little ends. Thus did the state which was the first, as we have seen, to propose the formation of a national government, and whose leading man in the convention which framed the government solemnly pronounced the doctrine that each state was separately and individually independent a "political heresy," did not hesitate to declare before the world that George Washington, Benjamin Franklin, Alexander Hamilton, and their peers had thought and toiled, not to bring about a real union of the people of the country into one nation, but only to make a bargain or contract between different corporations, in which, for certain considerations, and upon certain conditions, those corporations agreed to submit to a general administration of affairs for certain distinctly specified purposes of

In the present case that fact is established with certainty. We assert that fourteen of the states have deliberately refused for years past to fulfill their constitutional obligations, and we refer to their own statutes for the proof.

The Constitution of the United States, in its fourth article, provides as follows:

"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."

This stipulation was so material to the compact that without it that compact would not have been made. The greater number of the contracting parties held slaves, and they had previously evinced their estimate of the value of such a stipulation by making it a condition in the ordinance for the government of the territory ceded by Virginia, which obligations, and the laws of the general government, have ceased to effect the objects of the Constitution. The states of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Illinois, Indiana, Michigan, Wisconsin, and Iowa have enacted laws which either nullify the acts of Congress, or render useless any attempt to execute them. In many of these states the fugitive is discharged from the service of labor claimed, and in none of them has the state government complied with the stipulation made in the Constitution. The State of New Jersey at an early day passed a law in conformity with her constitutional obligation; but the current of anti-slavery feeling has led her more recently to enact laws which render inoperative the remedies provided by her own laws and by the laws of Congress. In the State of New York even the right of transit for a slave has been denied by her tribunals; and the states of Ohio and Iowa have refused to surrender to justice fugitives charged with murder, and with inciting servile insurrection in the State of Virginia. Thus the constitutional compact has been deliberately broken and disregarded by the non-slaveholding states, and the consequence follows that South Carolina is released from her obligation.

The ends for which this Constitution was framed are declared by itself to be "to form a more perfect union, to establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity."

These ends it endeavored to accomplish by a federal government, in which each state was recognized as an equal, and had separate control over its own institutions. The right of property in slaves was recognized by giving to free persons distinct political rights; by giving them the right to represent, and burdening them with direct taxes for three fifths of their slaves; by authorizing the importation of slaves for twenty years; and by stipulating for the rendition of fugitives from labor.

We affirm that these ends for which this government was instituted have been defeated, and the government itself has been destructive of them by the action of the non-slaveholding states. Those states have assumed the right of deciding upon the propriety of our domestic institutions, and have denied the rights of property established in fifteen of the states and recognized by the Constitution; they have denounced as sinful the institution of slavery; they have permitted the open establishment among them of societies whose avowed object is to disturb the peace and to elicit the property of the citizens of other states. They have encouraged and assisted thousands of our slaves to leave their homes; and those who remain have been incited by emissaries, books, and pictures to servile insurrection.

For twenty-five years this agitation has been steadily increasing, until it has now secured to its aid the power of the common government. Observing the forms of the Constitution, a sectional party has found within that article establishing the Executive Department the means of subverting the Constitution itself. A geographical line has been drawn across the Union, and all the states north of that line have united in the election of a man to the high office of President of the United States whose opinions and purposes are hostile to slavery. He is to be intrusted with the administration of the common government because he has declared that "government can not endure permanently half slave, half free," and that the public mind must rest in the belief that slavery is in the course of ultimate extinction.

This sectional combination for the subversion of the Constitution has been aided in some of the states by elevating to citizenship persons who, by the supreme law of the land, are incapable of becoming citizens; and their votes have been used to inaugurate a new policy, hostile to the South, and destructive of its peace and safety.

On the 4th of March next this party will take possession of the government. It has announced that the South shall be excluded from the common territory, that the judicial tribunal shall be made sectional, and that a war must be waged against slavery until it shall cease throughout the United States.

The guarantees of the Constitution will then no longer exist, the equal rights of the states will be lost. The slaveholding states will no longer have the power of self-government or self-protection, and the federal government will have become their enemy.

Sectional interest and animosity will deepen the irritation; and all hope of remedy is rendered vain by the fact that the public opinion at the North has invested a great political error with the sanctions of a more erroneous religious belief.

We, therefore, the people of South Carolina, by our delegates in Convention assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, have solemnly declared that the union heretofore existing between this state and the other states of North America is dissolved, and that the State of South Carolina has resumed her position among the nations of the world as a separate and independent state, with full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do.

*Letter of South Carolina Members of the House of Representatives.*

SIR,—We avail ourselves of the earliest opportunity since the official communication of the intelligence, of making known to your honorable body that the people of the State of South Carolina, in their sovereign capacity, have resumed the powers heretofore delegated by them to the federal government of the United States, and have thereby dissolved our connection with the House of Representatives. In taking leave of those with whom we have been associated in a common agency, we, as well as the people of our commonwealth, desire to do so with a feeling of mutual regard and respect for each other, cherishing the hope that in our future relations we may better enjoy that peace and harmony essential to the happiness of a free and enlightened people.

JOHN M'QUEEN,  
M. L. BOSHAM,  
W. W. BOYCE,  
J. D. ASHMORE.

Dec. 24.

To the Speaker of the House of Representatives.

mere material interest—"a common agency," in fact, which was to be regarded only as the result of a bargain, and be administered as a bargain, with this difference, that any party to it might withdraw from it at pleasure, without liability to restraint or punishment. They proclaimed that the national flag had been only a shop-sign, and the American eagle a mere trademark; the sign and the mark, too, of a firm which was unworthy of credit, because any member of it might abscond whenever he pleased, and take with him whatever of the assets he could lay his hands upon. Having withdrawn from this "common agency," and set up on her own account as a nation, South Carolina set about preparations to establish foreign relations and create a navy. These, however, did not go very far; for, although it seems as if the self-assertion of this little commonwealth would have led her so far as to assume at once all the style of an independent nation, it began to be but too plain that she would not long be left alone.

At this very time the people of the free states were shocked by the announcement of the intended immediate removal of seventy-eight guns of the largest calibre (10-inch columbiads) from the Alleghany Arsenal, opposite Pittsburg, in Pennsylvania, to Newport, near Galveston Island, Texas, and to Ship Island, in the Gulf of Mexico. At those places there were fortifications which had never yet been mounted; and the placing of these guns in them at this time, when they were not, and could not be garrisoned, seemed plainly to indicate a purpose that both the guns and the forts should fall into the hands of the men who were rapidly driving the whole South into open revolt. The officer in command at the arsenal and he who was to superintend the transportation of the guns were from slave states. There was an instant determination manifested in Pittsburg and the country round that the guns should not be removed; and the exhibition of feeling was so strong and so wide-spread that the order for their removal was countermanded.

This incident was a fair exponent of the course of the administration and the condition of the country. The former was vacillating and faithless, the latter distracted and torn by faction. Mr. Buchanan's weak policy encouraged the seceding faction without satisfying them, while it exasperated and humiliated all who were faithful to the republic. The seceders of South Carolina came to believe, or at least to the bold declaration of a belief, that there would be no attempt to defend the government by force of arms against destruction. Coercion of "a sovereign body" was pronounced absurd on general principles, and in the present case impossible; and, at the same time, the right of any state to break up the Union for any reason, or without any reason, and at any time, was asserted in another dogma, that "sovereign" parties to a contract are themselves the only judges whether the contract is violated and they absolved from it; a declaration which set utterly at naught the prescribed authority of the Supreme Court to decide upon the constitutionality of any state or national law, and which thus showed the radically destructive purposes of those who avowed it. The seceders also looked to the accomplishment of their purposes with impunity, by reason of the support, or at least the protection, of a powerful party—the well-disciplined rank and file of the pure Democratic party—in the free states. And these expectations were not entirely without reason. Many men still looked upon secession as a mere political movement, the last, most desperate effort of the slavery propaganda to retain its control of the national government, the culmination of the great game of bluff and brag which that party had so successfully played for so many years. This, indeed, was doubtless the original purpose of the greater number of those who took part in the secession movement. Indeed, they openly avowed among themselves that they proposed to secede, not for the purpose of destroying the Union, but to force the free states to amend the Constitution in favor of slavery.<sup>9</sup> Seeing this, and seeing, too, that without the Southern states the Democratic party would practically cease to exist, there were quasi-assurances held out privately, and even publicly in newspapers, by those who were blindly or corruptly committed to the fortunes of that party, that all in the free states who voted for other candidates than Mr. Lincoln (a large proportion, as we have seen) would support the slave states in a contest with the national government. On the other hand, the Abolitionists rejoiced at the prospective destruction of the government and extinction of the republic, which they had openly labored for fifteen years to bring about;<sup>10</sup> and the leading organ of the advanced section of the Republican party—the *New York Tribune*—admitted in terms the absolute right of secession claimed by the insurgents.<sup>1</sup> And, finally, the Southern leaders believed, or professed to their followers to believe, that any attempt of the government to maintain its authority would be followed by such an utter derangement of trade, manufactures,

<sup>9</sup> The commissioners sent by Mississippi to Maryland, and whom Governor Hicks, of the latter state, declined receiving, in the course of an address to the citizens of Baltimore, on the evening of December 9th, 1860, said:

"Secession is not intended to break up the present government, but to perpetuate it. We do not propose to go out by way of breaking up or destroying the Union as our fathers gave it to us, but we go out for the purpose of getting farther guarantees and security for our rights, not by a convention of all the Southern states, nor by Congressional tricks, which have failed in times past, and will fail again. But our plan is for the Southern states to withdraw from the Union for the present, to allow amendments to the Constitution to be made guaranteeing our just rights; and if the Northern states will not make those amendments, by which these rights shall be secured to us, then we must secure them the best way we can. This question of slavery must be settled now or never. The country has been agitated seriously by it for the past twenty or thirty years. It has been a festering sore upon the body politic; and many remedies having failed, we must try amputation, to bring it to a healthy state. We must have amendments to the Constitution, and if we can not get them we must set up for ourselves."

<sup>10</sup> "The abolition enterprise was started in 1831. Until 1846 we thought it was possible to kill slavery and save the Union. We then said, over the ruins of the American Church and the Union is the only way to freedom. From '46 to '61 we preached that doctrine."—*Wendell Phillips's Speech at Music Hall, Boston, July 6, 1862.*

<sup>1</sup> "Whenever any considerable section of our Union shall deliberately resolve to go out, we shall resist all coercive measures designed to keep it in."—*N. Y. Tribune, Nov. 3, 1860.*

and all the public relations of life in the free states, as to bring on starvation and anarchy, and thus render the government powerless for offense, if not even to defend itself against the insurgent forces. These views were in a measure justified by the deplorable condition into which, in a few weeks, commercial affairs at the North fell from a state of remarkable and soundly-based prosperity. The South owed the North a sum estimated by competent persons at three hundred millions of dollars; and, even supposing that this was one third too large, the consequences of a refusal to pay, or even a temporary withholding so vast a sum, must needs be hopeless derangement and sudden ruin. The secessionists from the beginning looked only to success, regardless of the nature of the means they used and the consequences of their conduct to others; and this sum was in a great measure withheld, for the double purpose of crippling those to whom it was due, and using it to pay the expense of war with them. Collections of debts in slave states by creditors in free states became impossible in most cases, and the consequence was wide-spread bankruptcy and ruin at the North. The banks of the South had been allowed by law to suspend specie payments, and had availed themselves of the privilege; and consequently they had been followed in this respect by most of the banks at the North. The New England mills were either closed or running on half time; and throughout the North merchants and retail dealers reduced their force of salesmen, and manufacturers their force of workmen, or the time for which they employed and paid them. Winter and want were coming rapidly upon hundreds of thousands of Northern people who had hitherto lived in comfort if not in plenty. This was sad enough, but rumor exaggerated it, and designing politicians and corrupt journalists magnified and multiplied the exaggerations of rumor. For these reasons the seceders rested in confidence that no attempt would be made at coercion (which was the name they gave to the use of the power of the government for the maintenance of the integrity of the republic), and that they would be able first to defy the authority of the national government, and then, if they chose, to usurp it.<sup>2</sup> But in the free states there was a steadily growing conviction that there would be a determined attempt to detach all the Gulf and cotton-growing states from the Union permanently, and with this conviction another, that such a severance could not be accomplished, or even attempted, peaceably. Why the North believed thus few could have told; but the belief pervaded the community as latent electricity the air. The explosion seemed impending, and men began to look the awful probability of civil war in the face. In the President no one placed any trust, and Congress seemed incapable to cope with the emergency—capable of nothing except vain babbling of compromise. Committees on the State of the Union and peace conferences of all grades, public and private, came together and poured out a flood of talk upon each other and the country, and then rose and separated, no nearer union or wisdom than they were before. Men began to doubt, and to have reason to doubt, whether there were patriotism, and virtue, and vigor enough in the land to make even a respectable attempt to save the republic from disintegration. In the midst of all this trouble, a great cabinet scandal broke forth. It was found that \$870,000 had been fraudulently abstracted from the Indian Trust Fund and acceptances substituted, to which the name of the Secretary of War (Mr. Floyd, of Virginia) were attached, and for the benefit of parties with whom he had intimate relations. The effect of this shameful discovery—made more shameful by the fact that the custodian of the bonds, the Secretary of the Interior, Jacob Thompson, of Mississippi, was at this very time in North Carolina as a commissioner from his state, working for secession—was to sap still farther the confidence of the nation in its own integrity. What could be hoped of the people or the government when the President's very cabinet was thus rotten and honeycombed with corruption? The only gleam of hope was in the fact that the falsehood, the treachery, and the peculation were without exception on the part of the enemies of the republic. And so loyal men here and there began to take heart, and gird themselves up for conflict.

<sup>2</sup> Senator Iverson, of Georgia, speaking in his seat on the 5th of December, 1860, said: "We intend, Mr. President, to go out peaceably if we can, forcibly if we must; but I do not believe, with the senator from New Hampshire (Mr. Hale), that there is going to be any war. If five or eight states go out, they will necessarily draw all the other Southern states after them. That is a consequence that nothing can prevent. If five or eight states go out of this Union, I should like to see the man who would propose a declaration of war against them, or attempt to force them into obedience to the federal government at the point of the bayonet or the sword. If one state alone was to go out, unsustained by her sister states, possibly war might ensue, and there might be an attempt made to coerce her, and that would give rise to civil war; but, sir, South Carolina is not to go out alone. In my opinion, she will be sustained by all her Southern sisters. They may not all go out immediately, but they will, in the end, join South Carolina in this important movement; and we shall, in the next twelve months, have a confederacy of the Southern states, and a government inaugurated and in successful operation, which, in my opinion, will be a government of the greatest prosperity and power the world has ever seen."

The cool defiance which was thus freely given in the halls of the national capital was supported by such declarations as the following in the leading journals of the slave states:

"The Northern people have an enemy at their own doors who will do our work for us, if we are not insane enough to take their myrmidons off their hands. 'The winter of their discontent' is but beginning to dawn. They have a long, dark winter, of cold and hunger, impending over their heads; before it is over they will have millions of operatives without work and without bread."

"In all human probability, before another summer melts their ice-bound hills, blood—human blood—will have flowed in their streets. When cold and hunger begin their work, this deluded rabble will ask alms at the doors of the rich with pike and firebrand in their hands. Our Northern enemies will then find that they have business enough to attend to at their own doors, without troubling themselves about keeping forts on Southern soil. 'They have got the wolf by the ears,' and they have a fair prospect of being bit, unless we are charitable enough to take the beast off their hands. If the North can furnish bread for its paupers for the next five months, well; if not, their rulers will answer for it in blood. It was simply the want of bread that brought Louis XVI. to the guillotine; and New York, as well as Paris, can furnish her Theroigne de Maricourt, who may sing her *carmagnole* up Broadway with Seward's head upon a pike."

"Our Northern enemies are locked up with their million of operatives for the winter, and how they are to be kept quiet no man can tell."—*Charleston Courier.*