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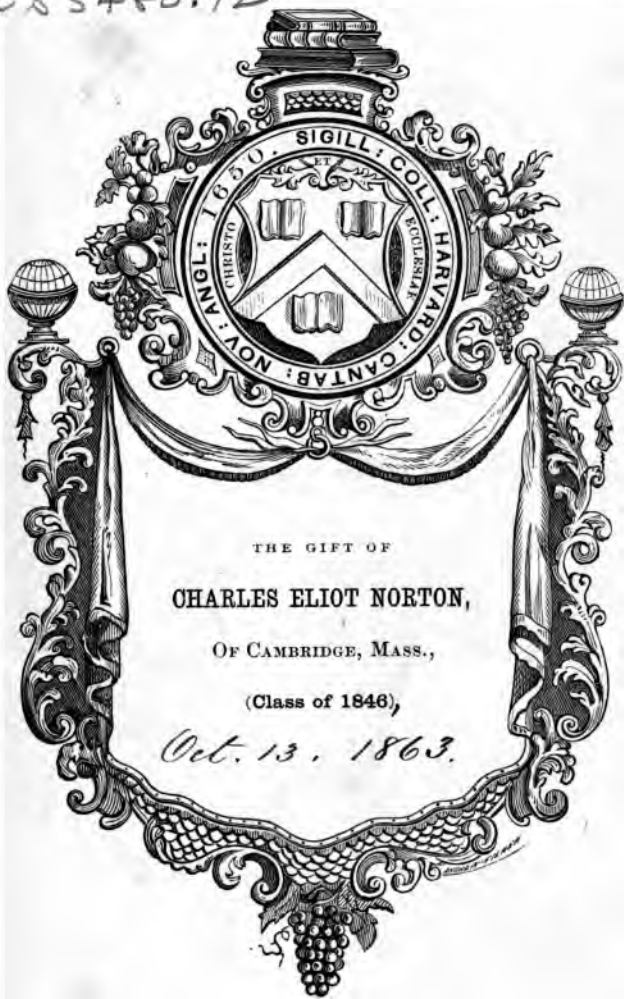
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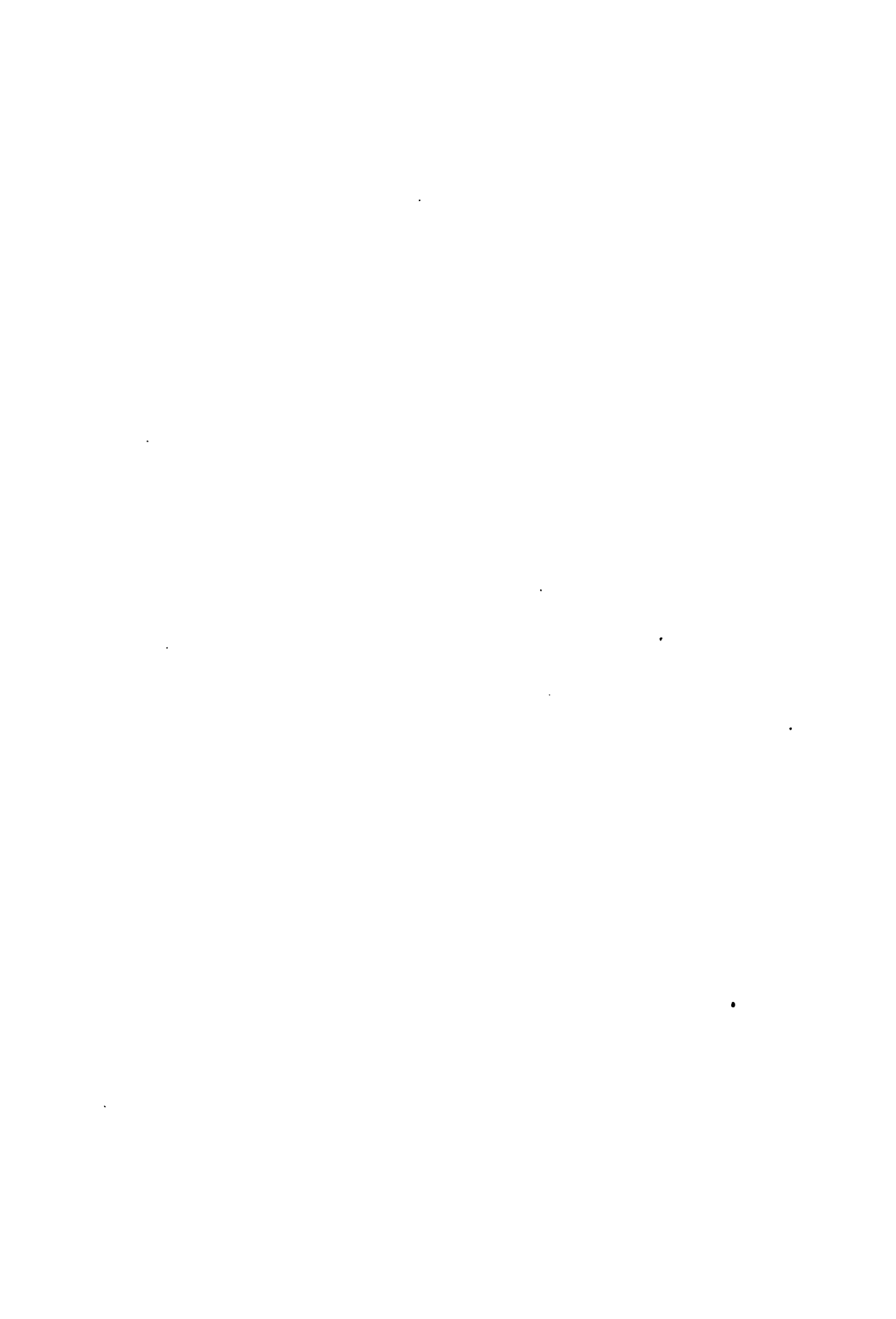
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Bd. 1874.





Andrews, Israel W.

WHY IS ALLEGLANCE DUE?

AND

WHERE IS IT DUE?

AN ADDRESS

DELIVERED BEFORE THE

National Union Association of Cincinnati,

JUNE 2, 1863,

BY ISRAEL W. ANDREWS,
PRESIDENT OF MARIETTA COLLEGE.



CINCINNATI:
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CORRESPONDENCE.

HEADQUARTERS "NATIONAL UNION ASSOCIATION,"
No. 2, Bacon's Building, North-West corner Sixth and Walnut Sts.,
Cincinnati, Ohio, June 3, 1863. }

President I. W. Andrews:

SIR: The National Union Association appreciated your able Address to them at their regular meeting last night, and unanimously adopted the following resolution:

"Resolved, That the thanks of the National Union Association be returned to President I. W. ANDREWS, for his instructive Address relative to the Allegiance of American Citizens, being a caustic criticism on the political dogma of 'State Sovereignty'; that the General Secretary request him to commit the same to writing, and to furnish a copy for publication under the auspices of the National Union Association."

In communicating the above action, allow me to tender you thanks as requested, and to congratulate you that you have so logically and patriotically defended the Constitution of the United States from a fallacy which has misled thousands. The historic light you throw upon this vital topic will, I trust, serve to conduct many of them from their error.

For the Executive Committee.

JOHN D. CALDWELL,
General Secretary.

MARIETTA COLLEGE, June 4, 1863.

DEAR SIR: I will endeavor to comply with the request of the National Union Association, to commit my Address of Tuesday evening to writing for the purpose of publication, though I can not, on account of my official duties, devote the time which I should be glad to give to the subject.

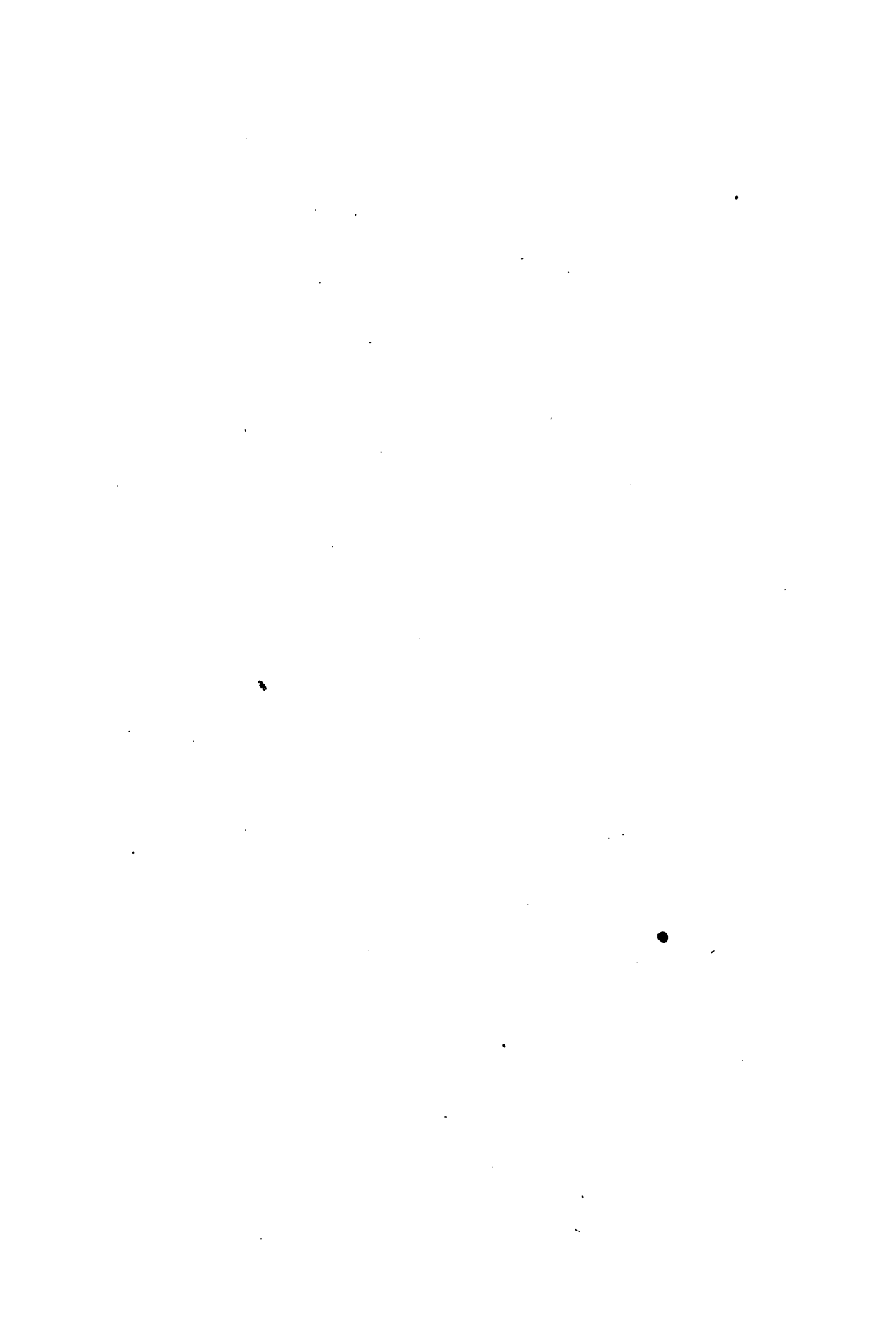
I give my views to the public with the more readiness, as the request from your Association is the third I have received within the last ten days.

Very truly, yours,

ISRAEL W. ANDREWS.

JOHN D. CALDWELL, Esq.,

General Secretary National Union Association.



1863, Oct. 13.

Spoken
Charles E. Norton.
(H. H. 1844.)

ADDRESS.

Mr. President and Gentlemen :

In accepting the invitation to address you, I have no purpose to endeavor to deepen your patriotic feeling, or kindle your enthusiasm to a higher pitch. I wish rather to discuss, calmly and dispassionately, one or two of the principles of our Government, and seek to ascertain its true character from its Constitution, from its workings, and from the history of its formation. I speak not as a politician, nor as a lawyer even, but as a citizen—believing that the Constitution was intended for the people, and was clothed in language which all intelligent citizens can understand.

I am not ignorant that in presuming to discuss, in public, a constitutional question, I shall incur the censure of those who believe that all such discussion must be by politicians and political editors. I know well enough that such men, while they would allow to one occupying the position which I do the right to vote, and, possibly, to have an opinion on questions affecting the vital interests of the nation, are greatly shocked, and their sense of propriety outraged, at the idea of any public utterance or advocacy of such an opinion. The charge of meddling with party politics may be expected from those who are all the while promulgating doctrines which tend, whether they know it or not, to the utter subversion of all government; but this should not deter one from giving utterance to what he sincerely believes to be, not only truth, but truth vital to the nation.

I shall not speak as a partisan, or discuss questions of party politics, but rather those which concern the nature of government; and I may express the hope that, in studying the Constitution and history of our country, I have been actuated by at least as sincere a desire to arrive at the truth, and that, in this public utterance of my opinions and the reasons for holding them, I speak with as strong a sense of my responsibility as those who would deny free speech to such as I am, and arrogate to themselves the exclusive privilege of giving publicity to their views.

There are two questions pertaining to civil government which are fundamental: *Why do we owe allegiance to Government?* and, *Where do we owe it?* In other words, what is the ground of my obligation to render obedience to civil authority; and, in cases of conflict, to what authority shall I render it?

As to the first of these questions, there is a theory somewhat current, that all the authority of a State or Nation comes from the individual citizen. It assumes that, prior to civil society, the individual man has certain rights, by the giving up of which civil society and government are formed. It is sometimes said that a man gives up a portion of his rights for the greater security of the remainder. The theory supposes that men come together and deposit a portion of their rights and powers in a common stock; and that no government can legitimately exercise any powers except those thus deposited. According to this, the power originally resides in the individual citizens; and until they give it up, each for himself, there can be no such thing as civil government.

To this theory there are divers objections. Suppose the individual man does not choose to place in the common stock his infinitesimal portion of civil power; how is it to be taken from him? Plainly, civil government on such a theory would be well-nigh an impossibility. The majority could never bind the minority. As new generations came upon the stage, they would remain free from all obligations to obey law and government until they had voluntarily, and each one for himself, thus given up their individual rights. We should have nations containing multitudes of men over whom the law and the ruler could have no control—privileged characters, acknowledging and owing no allegiance to any civil power. Were the theory true, such cases would be found. But no nation, civilized or barbarous, will acknowledge that it contains any such class among its citizens. Outlaws there may be, and are; but nowhere do we find a class of men who, because they have never made any surrender of their individual rights, claim to owe neither allegiance nor obedience to civil government, and have their claim allowed.

Nor, again, does history give us any account of men coming together and making a deposit of a part of the powers and rights with which they were endowed by nature. There is no instance on record that any nation was ever formed in this way.

But even if such a surrender were to take place, government could not thus be constituted. The powers of government include those which never belonged to the individual man. The right to impose taxes, to punish crime, to make war, is one which, as *individuals*, we never possessed, and therefore we could never delegate it.

The fallacy in the theory we are considering consists in confounding men as *individuals* with men as constituting a *community*. Wherever a

community of men can be found, there is *already* civil society. There is no necessity for men to assemble and surrender a part of their rights in order to form a basis for authority; the authority exists without any such surrender.

In mathematics, the whole is equal to the sum of the parts; but in civil society, the whole is greater than the sum of the parts. As an individual, I am destitute of all civil authority; I have none now; I never had any. And this is true of every citizen. Yet the nation has it—has all it needs.

Civil government is a fact—a reality. We do not make it; we find it already existing, and ourselves amenable to it. We are born into the nation as into the family. And we are to obey the laws of the land, not because we helped to enact them—not because we, as individuals, have given to any one authority to enact them for us, but because they are the laws of the land. The child is to obey his parents because they are his parents; he is born subject to their authority. So the citizen is born subject to the authority of the country in which he lives. He may dislike its constitution and every law upon its statute-book, but this does not release him from his obligation to obedience.

In the strict sense, then, we do not *create* civil government, though we may give it its form. We can not live prior to it, and thus discuss the propriety of calling it into existence, though we may modify it, and give it such shape as pleases us. We never decide whether government *shall be*, though we do decide *what* it shall be.

In all this we find the teachings of sound philosophy and the verdict of history to agree with each other, and both to be in accordance with the Word of God. "The powers that be are ordained of God." "There is no power but of God." It was the intention of Providence that men should live in civil society, and under civil government, as much as that the race should be grouped in families, and the child be subject to his parents. We do not believe in the divine right of kings, that is, that a particular man has a divine right to be a king; but whoever exercises legitimately any function of the civil ruler, whether he be king or president, legislator or judge, is exercising a power which is as divine in its origin as is the power of a parent over his child.

Such theories as the one upon which I have now been animadverting, tend to degrade government in the estimation of the people. It becomes a kind of joint-stock company; it loses its sacredness; moral ideas disappear from it. Men come to look upon it as a thing of human creation; they made it, and they can unmake it. Thus respect for it is lost, and the spirit of true loyalty dies out. They delight to speak of rulers as their *servants*. Mr. Jefferson Davis speaks thus contemptuously of the General Government: "The agent through whom they (the

Confederate States) communicated with foreign nations is changed, but this does not necessarily interrupt their relations." The government of one of the most powerful nations of the world is but the *agent* through whom South Carolina and Mississippi have heretofore communicated with foreign nations! Since the delivery of his inaugural, in which these words occur, Mr. Davis may possibly have found some reason to modify his opinion of this "agent."

Government is of divine origin, and is to be respected and honored. But because the authority comes from above, the rights of the people are not thereby diminished. The people do all they could do if they, in their individual capacity, imparted the power to the ruler. They determine the form in which the government shall be administered, and they elect the rulers. While, thus, the difference between this theory of the social compact, or individual sovereignty, and that which makes civil government a divine institution, is rather theoretical than practical, so far as it affects the rights of the people, yet as truth is ever better than error, the false theory should not be suffered to supplant the true one. The true theory gives dignity to government; prevents its degradation; raises it above a mere copartnership; gives rulers their places as rulers. Government becomes to us more than a public crib to be fed from; it is something to be honored, to be sustained; something to make sacrifices for, to die for.

There is not time to discuss, as fully as the subject requires, this first great question: *Why* do we owe allegiance to government? but my strong convictions of the evil effects wrought by the erroneous notions too widely prevalent in regard to it, and its close connection with the other question which I propose to discuss, would not allow me to pass it over in silence. You may say that so long as men admit the obligation to obedience, it is not material on what grounds that obedience is rendered; that allegiance being paid as a matter of *fact*, the *philosophical explanation* of that allegiance is of no great consequence. But the history of the world shows that erroneous doctrines work themselves out in practice, and our own nation is no exception. Is the allegiance of all our citizens all that it should be in purity and strength? Is there not manifest an undermining of loyalty? Are there not multitudes in whom attachment to party has overmastered allegiance to the government?

One cause of this, if not the great cause, is the prevalence of this notion of *individual sovereignty*. "By nature," says Mr. Calhoun, "every individual has the right to govern himself." Of course, there is no human right to govern him, without his consent. And whatever right civil government shall ever possess to govern him, must come from the individual himself. We are not surprised to hear Mr. Calhoun say

further, "Indeed, according to our theory, governments are, in their nature, but trusts, and those appointed to administer them, trustees, or agents, to execute trust powers." A parent can not devote the time to superintend personally the education of his child, and so intrusts him to another, whom he makes his trustee, or agent, for this purpose. If, at any time, he is dissatisfied with the manner in which this trust power is discharged by his agent, he revokes the trust and recalls his son. In like manner, the individual sovereign, who has "by nature the right to govern himself," may withdraw, at pleasure, the trust he has committed to the government. This makes government a voluntary matter. We can make it, or leave it unmade; live subject to it, or independent of it, as fancy dictates.

Can true loyalty take root in such soil? Can reverence for law dwell in the breast of him who is profoundly conscious of his native right to govern himself? In the estimation of those holding such theories, government is like the log of wood out of which the heathen fashioneth for himself a god. The theory is false. Government is not a matter of choice. A nation is not a voluntary society. Whether we will or not, we *must* have some civil government. Government is prefigured on the human soul, and we find it there, as we find a mathematical truth. We may as well say that a triangle has three right angles, as that there can be no government till men have consented to give up their right to govern themselves. Government exists, and always will exist. We can not escape from it. We may exchange one for another; if we dislike that of the United States, we may go to France, or Madagascar, but we must be subject to some civil rule. And every government has powers, whether the individual sovereigns have delegated them or not.

These false notions of the origin of government, have so weakened the principle of allegiance, that *party spirit* has supplanted it in the breasts of too many. The strength of this feeling was never so obvious as now. Heretofore there has been no good occasion to test its intensity. When two ships are sailing in the same direction, we can judge of their relative but not of their absolute velocity. So of two political parties in the heat of controversy; we can estimate their relative partisan feeling, but not the absolute intensity of either. When Sumter was fired upon by the rebels, the Northern people rose as one man. There seemed to be in every heart a glimmer, at least, of the true idea of the divine origin and nature of government, and when sacrilegious hands were laid upon it the flame burst forth. Alas, that in some hearts it was but a momentary flash! Party spirit smothered it! And we have now presented to us, the pitiable spectacle of party placed before the country. The odious character of intense partisan feeling is now revealed in all its deformity, as it stands out in contrast with patriotism. It is no longer

party with party, but party with country. For this sad state of things, I regard these false notions of the nature of government to be in great measure responsible. Show me a man who sincerely believes civil government to be an ordinance of God, and who renders obedience to it for conscience sake, and I will show you one who is not, and can not be, an intense political partisan; I will show you one who will labor to secure the election to office of the men best fitted to perform its duties, and who will never hesitate to scratch from his ticket the name of an incompetent or bad man.

The second question, *Where* is our allegiance due? would have no pertinency in most governments. It is a question with us, because of the peculiarity of our governmental system. We have a National Government, with its three departments, and each State has its government, with the same departments. "Our government," says John Quincy Adams, "is a complicated machine. It is an anomaly in the history of the world. It is that which distinguishes us from all other nations, ancient and modern; from the simple monarchies and republics of Europe, and from the confederacies which have figured in any age upon the face of the globe." It is sometimes said that the States sustain to the nation the same relation that counties do to States, or townships to counties. This statement is incorrect; or, at least, incomplete. The county government receives all its authority from the State; while the State receives its, not from the United States, but from the people. We have two sets of Constitutions—both made by the people: one for the United States, others for the States. We might have had more, giving them to counties and townships and cities; we might have had less, dispensing with those for States, and having one great Constitution for the Nation. But the people have chosen the present mode, with a National Government for national matters, and State governments for municipal and local matters. These two have different functions, and need not conflict with each other; but if the conflict comes, is my allegiance due to the United States, or to the State of Ohio?

This brings us to the subject of *State Sovereignty*, so closely connected with our present national difficulties; and, as the questions regarding allegiance, and the sovereignty of a State, involve substantially the same principles, I shall, for the most part, use the language of the latter, as more convenient. Says Dr. Thomas Cooper, formerly President of the College of South Carolina, in a work published nearly thirty years ago, "Allegiance is the paramount submission due by the citizen to the constitution and government of the State to which he belongs." To the Government of the United States, "the citizens of the various States owe obedience, because their own State, as party to this confederation, enjoins it; but allegiance is a term applicable only to that submission which we

owe to our own *Sovereign State*." This is the doctrine which I propose to consider; and it is given in the words of one who is believed by many to have done more to make it the prevalent doctrine of the South than any other man, with the possible exception of John C. Calhoun.

The words *sovereign* and *sovereignty* have been used in a loose and vague sense. A man may be said to be a sovereign in his own house; a captain of a ship is a sovereign, in a modified sense. In like manner, the words have been used in connection with governmental matters during our whole history. They are not in the Declaration of Independence, or in the Constitution of the United States; they are in neither of the Constitutions of Ohio, though they may be found in the earlier Constitutions of some of the States. They have been frequently used by those who never thought of attaching to them the strict meaning in which they have been understood and used by the political leaders of the South for many years. *A sovereign State or Nation is properly one that has no political superior.* This is the signification given to the word by Southern statesmen, and it is the one we must keep in mind when discussing the question of State Sovereignty. Is a State sovereign in this strict and only true sense of the word? Is it true that Ohio or Indiana has no political superior?

My first remark in support of the position that there is no true sovereignty in any State, is that *sovereignty leads legitimately to secession.* This is the argument of Mr. Jefferson Davis and his associates; and I hold their conclusion to be irresistible, if their premises are admitted. Says Mr. D., before leaving the United States Senate, "I have for many years advocated, as an essential attribute of State Sovereignty, the right of a State to secede from the Union." And, again, speaking of Nullification, he says, "Secession belongs to a different class of rights, and is to be justified upon the basis that the States are sovereign." This right of secession is not a revolutionary one, according to him, but a pacific, legitimate right, to be exercised whenever, and for whatever reasons, the State may deem proper. In his inaugural, he says, "It is an abuse of language to call the act of the Southern States in forming their Confederacy, a revolution."

In a tract by Hon. Wm. D. Potter, published before the last presidential election, occurs this language: "It results from the sovereign character of the States, and from the nature of the compact of union, that any State, which conceives herself aggrieved beyond endurance, may, at her sovereign will and pleasure, shake off the bonds of a broken covenant and seek her safety in a separate nationality." And again, "The whole question is whether or not the State can release her citizens from their obligations to the Federal authority, and protect them under the sufficient shield of her own sovereign authority? This is the right which Mr.

Douglas absolutely denies, except in the way of revolution; but which Mr. Johnson, his colleague on the presidential ticket, has said, is 'the last and only hope of the South.' If there be such a right, then the States are sovereign and independent; if there be not, then they are amalgamated and fused down, hopelessly and helplessly, into one government and one people." In a declaration of the causes justifying the secession of South Carolina, issued by the convention which passed the ordinance of secession, we find *sovereign* and *sovereignty* bristling up in almost every paragraph. Secession is a *right*, because South Carolina is a sovereign State; it is a *duty*, because when Mr. Lincoln becomes President, "The guaranties 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." (I quote this as a political curiosity; a State dissolves her connection with the Union through the fear that the Constitution *will be* violated!)

The advocates of secession everywhere maintain the dogma of State Sovereignty. The latter leads legitimately to the former, they claim, and the claim seems to be valid. It is true, the word "sovereignty" has been often used in a much narrower sense. Thousands have spoken of the States as sovereign, with no thought of attributing to them absolute independence. And it is this very vagueness of expression, this loose way of speaking, of which the South has now taken advantage. Her statesmen never attempt to prove the sovereignty of the States; they always assume it as something admitted by all. They are continually asserting it, but attaching to the word the widest meaning, while ordinarily it has been used in a much narrower sense. But it can hardly be doubted that the signification they give it is the correct one, according to present usage; and if we now advocate or admit State Sovereignty, we must expect it to be understood in the absolute sense.

The right of secession is a solecism in government. It tends directly to the destruction of all civil society. It is a political absurdity. Now, whatever proposition leads directly and legitimately to an absurd conclusion, is itself untenable. The premise is, *the States are sovereign*; the conclusion is, *the States have the right to secede*. The conclusion we know to be absurd; therefore the premise which leads to it is vicious, and must be abandoned.

But State Sovereignty not only leads to secession, as a logical inference—it has led to it as a bloody reality. Secession is no longer a mere political heresy; it has been acted out by nearly all the States of the South. It has already cost hundreds of millions of treasure, and hundreds of thousands of lives. If anything were wanting to show the absurdity of secession, it has been furnished by this attempt to carry it into practice.

And no one knows this better than Jefferson Davis and his associates. They have succeeded in inducing divers States to secede from the Union, but no one is simple enough to believe a State will ever be allowed peaceably to secede from the Confederacy. The Constitution of the "Confederate States" contains no intimation of any such right. The doctrine has served its purpose, and may now be kept in abeyance. The rebel leaders knew that the people of the South could never be seduced into open revolt. If they could be made to believe in the right of peaceable secession, their States might be withdrawn from the Union; but the people as a whole would never engage in undisguised rebellion.

Were the doctrine of State Sovereignty obnoxious to no other objection, this would be fatal to it, that it legitimately leads to secession.

The falsity of the doctrine will also appear from *an examination of our National and State Constitutions*. It has already been said that our Government is an anomaly. There is no other like it. There is a State Constitution for municipal or internal functions, and a National Constitution for those that are general and external. In origin, these two stand upon an equality; both have been made by the people. We must then look at the respective Constitutions to ascertain whether the sovereignty is in the State or the Nation. Does the Constitution of Ohio say that all laws enacted by the Congress of the United States which are contrary to that Constitution, shall be null and void? That would be a distinct assertion of the sovereignty of Ohio: but such language is not found in her Constitution. But the Constitution of the United States declares that it, "and the laws of the United States which shall be made in pursuance thereof, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding." And, further, "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."

This is sufficiently explicit. Whether the States were sovereign before the formation of the Constitution or not, if language has any meaning, they have not been so since. Yet, notwithstanding the explicitness of the Constitution, men sometimes confuse themselves in regard to State rights. They forget that the National Constitution is as much *theirs* and *their work*, as the constitution of the State in which they live. The people of New York, by themselves, have framed one constitution, and, in conjunction with the people of the other States, they have framed another. The language of each is their language, and each is their constitution. In the National Constitution, the people of New York have asserted that all laws made by Congress, in accordance with it, shall be the supreme law of the land, and, of course, supreme in New York.

Mark, now, that the people of New York have said this for themselves; it is their organic law. If they did not intend the national laws to be supreme, why did they say so? We must regard it as their deliberate and solemn declaration.

Even if a State had not thus declared that its own laws must conform to the National Constitution, still we could not expect that a part would be supreme over the whole. The sovereignty must be with the whole rather than with the parts. But, besides this, each State has formed two constitutions, in one of which sovereignty is distinctly ascribed to the National Government, and in the other there is nothing contradictory to this. By its participation in making or assenting to the National Constitution, each State has thus expressly denied sovereignty to itself; if it ever possessed any, it has, in that instrument, explicitly parted with it.

The National Constitution claims for itself the exercise of all national powers, and denies them to the States. These latter are to exercise all the functions of municipal and internal government. There is little need of conflict; but if it comes, which shall yield, the State or the Nation? Shall the whole give up to the part, or the part yield to the whole? This is the true view to be taken, instead of that which makes the General Government something entirely foreign to the State. The very State which complains of the General Government, is itself a part of that Government. The doctrine of individual sovereignty, of which I have before spoken, tends to give the people a low estimate of government, and especially of our General Government. Mr. Davis called it the *agent* through which the State communicated with foreign nations. And Mr. Potter says: "There is no such thing as sovereignty in any political machinery. Government is simply an agency or instrumentality, and it is the people of States that make or unmake governments." The embodied authority of twenty or thirty millions of people is a mere *agency*, an *instrumentality*, a *political machinery*! If the General Government is a mere political machinery, pray, what is a State government? And yet, by some hocus-pocus, such political doctors as those above quoted from, contrive to infer from their jargon, not only that the General Government is not sovereign, but that the States are.

No part of the Constitution is quoted so often by the advocates of State sovereignty as the amendment, which declares that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." How this clause can be made to sustain that doctrine, it is not easy to see. The people of the Nation gave the Constitution such form as they thought best, or, in other words, delegated certain powers to the General Government; the powers not thus delegated remained, of course, with

the people—the people of the Nation. Such of these as had not been prohibited to the States by the Constitution, the people of any State might incorporate into their State constitution. In all this, where is any trace of State sovereignty? Is it in the positive *prohibition* of certain powers to the States, and the implication, that by the same authority, others might be prohibited? Is there anything to prevent the people of the Nation amending the Constitution, by delegating to the General Government powers now found in some of the State constitutions? There is nothing mysterious in this matter of delegated powers, though so much is made of it by those who would cripple the General Government. “When States or peoples make a government, they delegate the necessary powers and authorities; but delegated power is never sovereign, for sovereign power is inherent, original, and self-existent.” “The United States Government derived its being and its powers from precisely the same source that the local governments did, to wit: from the peoples of the States respectively.” “Whatever power it has, is derived from others, and is held in trust for others; and it is, therefore, in no proper sense of the word, *sovereign*.” Admit all this, and what then? Does it prove that the States are sovereign? And yet this is the conclusion which the writer, from whom the above is quoted, draws from it.

His argument, stated in form, is, “No government, whose powers are delegated, is sovereign. The United States Government is one of delegated powers, therefore the States are sovereign!” Wonderful conclusion! Yet he admits that the States—the local governments—derive their being and powers from the people, precisely as the General Government. All the powers of the States are delegated, and no delegated power is sovereign; yet, somehow, the States are sovereign! This is a specimen of their logic. Error is always self-contradictory. Wherever there is a constitution there is delegated power; and the power not delegated remains with the people. The people of a nation like ours frame a constitution, and enumerate the powers delegated; the others remain with the people. The people of a State frame a constitution in like manner, delegating some powers and retaining some; the whole subject, however, to the National Constitution, which is the expressed will of the whole people. The Nation can change their Constitution at pleasure, in obedience to the forms which they themselves have prescribed. The people of a State can change theirs only in accordance with the National Constitution.

But the advocates of State Sovereignty affirm that the Constitution was made, not by the people, but by the States. Says Jefferson Davis, “The creature (the General Government) has been exalted above its creator—the States; the principals have been made subordinate to the

agent appointed by themselves." Says Dr. Cooper, "The Government of the United States was created by the existing separate States, etc." Says Mr. Potter, "What it (the Government) can do, it does in the name and by the authority of the States that called it into existence." By States, is here meant the *State Governments*, not the *people* of the States respectively. The theory of these writers is, that the people made the States—the States as Governments—and then the States made the National Constitution and the National Government. Of course, this would make a mere confederation of States, and there would be no nation. And this is their doctrine. Rev. Dr. Palmer speaks somewhere of "the exploded idea of an American Nation."

I can not stay to state the common arguments by which this theory, that the Constitution was formed by the States, is refuted; they are abundantly conclusive. I will merely apply to the theory their own principles as to delegated powers. These men are all strict constructionists; a government of delegated powers must abide by the very letter of its constitution. The State governments are such governments; their powers are delegated powers. The Constitution of Ohio says, "all powers, not herein delegated, remain with the people." Now, if the States, as such, framed the Constitution, where did they get the power to do it? Have the people of the several States conferred it upon their State governments? Is it a delegated power, to be found in all the State constitutions? Does the Constitution of the State of Ohio authorize its State government even to amend the United States Constitution? There is scarcely an illusion to the United States in our State Constitution, except an occasional clause, to show that the sovereignty is *not* with the State, as, for example, "He (the Governor) shall be Commander-in-chief of the military and naval forces of the State, *except when they shall be called into the service of the United States.*"

This power to form a General Government, or even a confederation of States, has never been delegated by the people; it is one which they choose to exercise for themselves. The language of Jefferson Davis, styling the General Government the "creature," and the States the "creator," is a gross insult to the people of the nation. The people have framed both Constitutions, the one broader, the other narrower; they have instituted both Governments, the one higher, the other lower. In all this, there is no ground for jealousy or fear on the part of the States. They have "a full superintendence and control over the immense mass of local interests, which connect themselves with the feelings, the affections, the municipal institutions, and the internal arrangements of the whole population. They possess, too, the immediate administration of justice in all cases, civil and criminal, which concern the property, personal rights, and peaceful pursuits of their own citizens." In saying

that the Constitution was framed by the people, I do not mean that the States were ignored. While it is distinctly declared to have been ordained by "the people of the United States," the States are everywhere recognized in it. It was ratified by the people, but not without reference to their organization into States. "The vote of the people," says Judge McLean, "was limited to the respective States in which they resided. So that it appears there was an expression of popular suffrage and State sanction, most happily united, in the adoption of the Constitution of the Union."

An examination of our National and State Constitutions, then, reveals no State Sovereignty. The doctrine is not found in them. These instruments are the expressed will of the people, and their testimony ought to be sufficient.

Let us now look at *the history of the Government since 1789*, when the Constitution went into operation, that we may ascertain whether any cases have arisen, and how they have been decided.

More than forty years ago a branch of the United States Bank was established at Chillicothe, in this State. The Ohio Legislature proposed to levy a tax upon it. The proposition was submitted to a joint committee of both houses, who reported against it, as being both illegal and impolitic. Subsequently, a substitute for that report was adopted in the House of Representatives, who resolved that such a tax was constitutional and legal. They resolved, also, to levy it, and appointed a committee to prepare a bill accordingly. A few days afterward, when the bill was on its third reading, a motion was made and carried, to postpone the further consideration of the bill till the next winter.

Without giving the details of the case, it is enough to say that the Legislature finally determined, not only to levy the tax, but to remove the bank. To accomplish this they levied upon it a tax of fifty thousand dollars. Of course, there was refusal to pay, and the amount was taken from the vaults by force. The State claimed that, in its sovereign capacity, it had a right to impose what taxes it pleased upon any banking institutions within its limits. The bank claimed that, being a branch of an institution chartered by the United States, the State could not control it. The question went to the Supreme Court, and was argued by some of the ablest lawyers in the country. The decision was against the State. Its claim of sovereignty was not allowed, and the tax of fifty thousand dollars was restored to the vaults of the bank.

Ohio did everything she could do, without resort to force, to carry her point. Her Legislature were nearly unanimous. A resolution, "That this General Assembly do assert, and will maintain by all legal and constitutional means, the right of the State to tax the business and property

of any private corporation of trade, incorporated by the Congress of the United States, and located to transact its corporate business within any State," was passed by a vote of thirty-one to two in the Senate, and unanimously in the House.

As the State of Ohio claimed, through her sovereignty, the power of taxing, *ad libitum*, branches of the United States Bank, so Indiana claimed a right to the public lands within her boundaries. In January, 1829, the Legislature of that State adopted the following resolution: "Resolved by the General Assembly of the State of Indiana, that this State, being a sovereign, free, and independent State, has the exclusive right to the soil and eminent domain of all the unappropriated lands within her acknowledged boundaries, which right was reserved to her by the State of Virginia, in the deed of cession of the South Western Territory to the United States, being confirmed and established by the articles of confederation and the Constitution of the United States." A former governor of Illinois, in a message to the legislature of that State, questioned the title of the United States to the public lands within the limits of the States. Of course, no such claim was allowed; and here, again, State Sovereignty was only a sovereignty on paper.

A reference to the celebrated Virginia Resolutions can hardly be avoided in this connection; and especially as Mr. Davis, in his message, claims that the doctrines of these resolutions are in accordance with the present views of the seceded States, and that they have been the prevailing doctrines of the American people. His language is, "Here it may be proper to observe that, from a period as early as 1798, there had existed in all of the States of the Union, a party, almost uninterruptedly in the majority, based upon the creed that each State was, in the last resort, the sole judge as well of its wrongs as of the mode and measures of redress." There is no reference here to the right of revolution, as he himself expressly says in his inaugural. Others have made the similar assertion, that by the election of Mr. Jefferson in 1800, the people indorsed the doctrines of the Virginia Resolutions, and that they have from that time been the advocates of State Sovereignty, Secession, etc.

The history of these Resolutions is this: In the summer of 1798, Congress enacted the famous Alien and Sedition Laws. They were temporary enactments, each to expire by its own limitation—one in two years, and the other March 3, 1801. The president, John Adams, had not recommended them in any way, though he gave them his official sanction. The Supreme Court pronounced them constitutional. But the laws were unpopular—extremely so; and Messrs. Jefferson and Madison, neither of whom was then connected with the General Government, had sagacity enough to see that political capital could be made of them for the approaching presidential election. Mr. Jefferson drafted a

set of resolutions for the Legislature of Kentucky, and Mr. Madison a set for that of Virginia. These resolutions represented the laws above mentioned, as an infraction of the Constitution, which threatened to destroy the liberties of the people; and they maintained "that in case of a deliberate, palpable, and dangerous exercise of powers not granted by the compact, the States which are parties thereto have a right, and are in duty bound, to interpose for arresting the evil," etc.

The resolutions were well calculated to inflame the people. They had much in them about "liberties," and "rights," and "delegated powers," and "tame submission," and the "absolute dominion of one man," and "the sweeping away of barriers," etc., etc. They answered their immediate purpose. At the next election one of the gentlemen was made President, and the other became his Secretary of State.

Mr. Jefferson Davis and his associates now assert two things respecting these resolutions: first, that they contain the doctrines of sovereignty, secession, etc.; and secondly, that they have been generally approved by the people. Both assertions are without foundation.

The Virginia Resolutions maintained that the Alien and Sedition Laws were unconstitutional, and they called upon the other States to concur with that Commonwealth in so declaring them: "and that the necessary and proper measures will be taken by each for coöperating with this State in maintaining unimpaired the authorities, rights, and liberties reserved to the States respectively and the people." They speak of the right of the States "to interpose to arrest the evil." But as to the manner of interposition they say nothing. These resolutions were communicated to the other States, and some of them passed resolutions expressing their dissent. Upon these, Mr. Madison made an elaborate report to the Virginia Legislature the next year, in which he stated what mode of interposition was intended. This consisted, in declaring the laws to be unconstitutional; in direct representations from the legislatures of the States to Congress, with a view to obtain a rescinding of the two offensive acts; in requesting their Senators in Congress to propose an amendment to the Constitution; and in the application by two-thirds of the States to Congress for a Convention to amend the Constitution. These are the several means intended by the resolutions of '98, as stated by Mr. Madison himself, their author, and which, as he says, "are strictly within the limits of the Constitution."

Thirty years afterward, the leaders of the Nullification School made great efforts to secure the assent of Mr. Madison to their theories. The efforts were wholly unsuccessful. He declared that the Carolina doctrine could not be found in the Virginia Resolutions; and especially in a letter dated August, 1830, addressed to Hon. Edward Everett, does he argue at length against the interpretation put upon them by Mr. Calhoun and

his followers. To the arguments of this letter, no attempt at refutation was made. "The politicians of the Nullification and Secession School, as far as I am aware," says Mr. Everett, "have from that day to this made no attempt to grapple with Mr. Madison's letter of August, 1830. Mr. Calhoun certainly made no such attempt in the elaborate treatise composed by him, mainly for the purpose of expounding the doctrine of nullification. He claims the support of these resolutions, without advert- ing to the fact that his interpretation had been repudiated by their illus- trious author. He repeats his exploded paradoxes as confidently as if Mr. Madison himself had expired with the Alien and Sedition Laws, and left no testimony to the meaning of his resolutions; while at the present day, with equal confidence, the same resolutions are appealed to by the disciples of Mr. Calhoun as sustaining the doctrine of secession, in the face of the positive declaration, when that doctrine first began to be broached, that they will bear no such interpretation."

So much as to the *meaning* of the Virginia Resolutions. It is con- tended, also, that the American people have indorsed them uniformly. The proof is to be found in the election of Mr. Jefferson to the presi- dency, and in the occasional passage of similar resolutions by the legisla- tures of other States; from which Mr. Davis and others draw the infer- ence, that these have been the doctrines of the political party by which the power of the General Government has for the most part been exer- cised. The proof is insufficient. Whatever may be the true meaning of these resolutions, the people of the United States have not indorsed them.

They were passed in the Virginia Assembly by a vote of one hundred to sixty-three—less than two-thirds. Many of the best men in that State opposed them at the time, among them the illustrious Patrick Henry. Though opposed to some of the provisions of the Constitution, he insisted that we must abide by it, now that the people had adopted it. He said: "The late proceedings of the Virginia Assembly had filled him with apprehensions and alarm; that the State had quitted the sphere in which she had been placed by the Constitution; and, in daring to pro- nounce upon the validity of Federal laws, had gone out of her jurisdic- tion in a manner not warranted by any authority, and in the highest degree alarming to every considerate man."

Mr. Jefferson was, indeed, elected to the presidency at the ensuing election, but it was by a very small majority. Perhaps these resolutions had something to do with it, though it is probable he would have been elected had they never been adopted. But there is abundant proof that the resolutions were generally condemned. They were not only trans- mitted to the other States, but the General Assembly of Virginia did "solemnly appeal" to them to unite with her. Had the greater part of

them done so, it would have shown unmistakably their approbation. But Virginia and her daughter, Kentucky, stood entirely alone. Not another State responded favorably to their "solemn appeal." Of the thirteen other States, six made no response, and the other seven passed counter-resolutions *strongly condemning the course of Virginia and Kentucky*. This was the *indorsement* these resolutions received at the time!

But "Pennsylvania adopted similar resolutions at a subsequent period," said Mr. McDuffie, in a speech in Congress, in the winter of 1829-30. She did so, and this is the history of the case. The Legislature of that State, early in the present century, had come into collision with the United States Court, and so passed a set of resolutions. The Kentucky Resolutions of '98 had asserted that the General Government "was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers." The Pennsylvania Legislature reasserted this doctrine, and said: "It is to be lamented that no provision is made in the Constitution for determining disputes between the General and State Governments, by an impartial tribunal, when such cases occur." And it was accordingly "*Resolved*, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure an amendment to the Constitution of the United States, that an impartial tribunal may be established, to determine disputes between the General and State Governments."

Pennsylvania did thus, in 1809, indorse the Virginia Resolutions; but how did the other States indorse her action? Nine States responded to her appeal, and all *opposed her amendment*. Among these was Virginia and Kentucky! Not a solitary State concurred with Pennsylvania. Virginia herself declared "that a tribunal is already provided by the Constitution of the United States, to wit: the Supreme Court, more eminently qualified, from their habits and duties, from the mode of their selection, and from the tenure of their offices, to decide the disputes aforesaid, in an enlightened and impartial manner, than any other which could be created." And the preamble and resolutions, disapproving the amendment proposed by Pennsylvania, were adopted *unanimously* in both branches of the Virginia Legislature!

Pennsylvania, being a *party* to the contest, wanted the Supreme Court set aside and a new tribunal established; the other States, cool and impartial, knew and declared that no better tribunal could be formed. And Virginia, as if to efface every vestige of '98, decides unanimously against Pennsylvania. Ohio, in 1820, thinking herself aggrieved by the General Government, reaffirmed the Virginia Resolutions; but when the final decision was made in the Supreme Court, she quietly yielded to it, and gave up the contest. Thus it has been in all our history till the

present rebellion. The aggrieved State has stood alone in its opposition to the General Government. The other States, like a board of arbitrators, have decided in favor of the Nation, and the aggrieved State has acquiesced in the decision. Thus would it have been now, had not South Carolina, without a shadow of foundation, alleged an interference with slavery on the part of the General Government as the reason for her action; and even with all the inflammatory appeals of the leaders, it is probable that a majority of the people of a number of the Southern States would have been found opposed to the action of South Carolina, had their real opinions been allowed any expression.

So much for the Virginia Resolutions and their indorsement by the people of the United States.

Having examined the Constitution, and the working of our Government under it, without finding any basis for the doctrine of State sovereignty, let us now glance at our history *prior to the formation of the Constitution*. Some, who deny any sovereignty to the States since the Constitution, seem to admit that they might have been sovereign before that time. And, universally, the advocates of the doctrine insist upon their sovereignty previous to the Constitution; and they do this with so much emphasis and assurance, that many, doubtless, have supposed such was the case. "No fact in our political history is more certain than that the thirteen colonies began the contest with Great Britain as distinct communities, and came out of it severally sovereign and independent States," says one writer. Nothing can be wider from the truth. The same writer, from whom I have just quoted, says: "There is a theory that we are one nation—one consolidated people; and hence the ideas of the indissolubility of the Union." It is not surprising that those who deny that we are a nation should hold to the sovereignty of the States.

If the States were sovereign before the Constitution, when and how did they become so? Were they made so by the treaty of peace with Great Britain in 1783? By the adoption of the articles of confederation in 1781? By the Declaration of Independence, July 4, 1776? Or were they sovereign before that memorable declaration was made? It is difficult to ascertain the prevailing opinion of the advocates of State sovereignty, so loose and vague are their statements, though they assert, with abundant reiteration, that the States were sovereign.

In September, 1774, delegates from twelve colonies met to consider their condition, and take measures to redress the grievances of the mother country. They admitted in a bill of rights which was adopted, that they were subject to Great Britain, but complained of her treatment. A second Congress convened in May of the next year—Georgia being still unrepresented—and they declared their object to be to secure their rights, and restore harmony with Great Britain. There is nothing here

that looks like any claim of sovereignty, State or National. In June, George Washington was elected to the command of the army, and he was commissioned on the 17th of that month. In the commission, the expression "United Colonies" was employed, and from that time was in common use. The chasm between the parties was growing wider, but all hope of harmony was not abandoned till July, 1776. From their first meeting, in September, 1774, the Colonies had acted in concert, with the exception of Georgia, whose delegates took their seats in Congress in September, 1775. And in their memorable Declaration of Independence they acted as a unit. The instrument itself commences with these words: "When, in the course of human events, it becomes necessary for ONE PEOPLE to dissolve the political bands which have connected them with *another*," etc. And in the concluding paragraph they "do, in the name and by the authority of the good people of these Colonies, solemnly publish and declare that these *United Colonies* are, and of right ought to be, free and independent States."

This fourth day of July, 1776, was the birthday of the Nation. The people, through their representatives, who acted expressly in their name and by their authority, declared themselves absolved from their allegiance to Great Britain. Before, the Colonies had acknowledged a common allegiance to the mother country, while they were independent of each other in their local concerns. Retaining the same independence as to local matters, they declared themselves absolved from their common allegiance to Great Britain; this was transferred to the nation which this very declaration called into existence.

Here was the germ of a nation. Whether it could maintain itself was to be decided by the arbitrament of the sword. Should the people who had taken this bold step fail in the bloody struggle, they would never be known as a nation upon the page of history. Should they succeed, their national existence would bear date from the 4th of July, 1776. And from that day to this, official documents in this country have referred to the 4th of July, 1776, as well as to the beginning of the Christian era. The celebrated Ordinance for the North-west Territory was "Done by the United States, in Congress assembled, the 13th of July, in the year of our Lord 1787, and of their sovereignty and independence the twelfth." So the first Constitution of Ohio was "Done in the year of Independence of the United States of America the twenty-seventh." And the same has been done by South Carolina in her official documents. Her Constitution of June 3, 1790—the first ever made in the name of her people—was in "the fourteenth year of the Independence of the United States of America." And the ordinance of nullification, passed by a Convention in that State, March 18, 1833, was "done in Convention, etc., etc., in the fifty-seventh year of the sovereignty and

independence of the United States of America." Why not in the fifty-seventh year of the sovereignty and independence of the State of South Carolina? Error is always inconsistent and self-contradictory.

Yet, now, this State says: "In pursuance of this Declaration of Independence, each of the thirteen States proceeded to exercise its separate sovereignty." They did nothing of the kind. The articles of confederation did, indeed, say: "Each State *retains* its sovereignty," etc. But in the pertinent and forcible language of John Quincy Adams, we may ask, "Where did each State get the sovereignty which it *retains*? In the Declaration of Independence, the delegates of the Colonies in Congress assembled, *in the name and by the authority of the good people of the Colonies*, declare, not each Colony, but the *United Colonies*, in fact, and of right, not *sovereign*, but free and independent States." "Where, then, did *each* State get the sovereignty, freedom, and independence, which the articles of confederation declare it *retains*? Not from the whole people of the whole Union; not from the Declaration of Independence; not from the people of the State itself. It was assumed by agreement between the legislatures of the several States, and their delegates in Congress, without authority from or consultation of the people at all."

The Declaration of Independence did not make *thirteen* nations; it made but *one* Nation. The "ONE PEOPLE" of the United States of America became a sovereign, independent power, taking its place among the nations of the earth. Celebrations of our *National* anniversary have been held from that time to this. Abroad, we have always been known as one nation; before 1789, as well as since that time. South Carolina has had no foreign ministers at the Court of St. James or St. Cloud.

Mr. Jefferson Davis, in his message of April 29, 1861, says, that by the terms of the treaty of peace with Great Britain, in 1783, "the several States were each by name recognized to be independent." And so the Convention of South Carolina, in their declaration of causes, says, "*Each* Colony became and was recognized by the mother country, as a *Free, Sovereign, and Independent State*." The separate names are given in the treaty, it is true, and as Mr. Everett has well said, "Such enumeration was necessary in order to fix beyond doubt, which of the Anglo-American Colonies, twenty-five or six in number, were included in the recognition." In the Declaration of Independence, they are not separately named, and in the first sentence they are spoken of as *one people*. On the supposition of the recognition by Great Britain of thirteen distinct sovereignties, it is a little unaccountable, and perhaps not quite according to precedent in treaty-making, that three men should have signed the treaty in behalf of the whole thirteen. These sovereign States might have furnished, at least, one plenipotentiary apiece.

Neither the Declaration of Independence, nor the Treaty with Great Britain, made the separate States sovereign. Both had reference to the whole people—the nation. From the fourth day of July, 1776, there was a Nation, but not a Constitution. It is sometimes said that the Constitution made the Nation. The statement is just the reverse of the truth. It requires a nation to make a constitution. And a nation may live for years without one. There was no pretense of any till 1781, though all the functions of a nation had been performed from July 4, 1776. In 1781, about seven months before the virtual close of the war, the Articles of Confederation were finally ratified, and went into operation. The Convention of South Carolina, in their declaration of causes of secession, are guilty of a grave historical error, when they say, "Under this Confederation the War of the Revolution was carried on." That war was carried on and nearly completed before the adoption of the Confederation.

The Continental Congress exercised sovereign power, with the implied consent of the people. Justices Jay, Patterson, and Chase (all living in the time of the Revolution) all affirm, officially, that "the individual States had no true political sovereignty; the power passed from the crown of Great Britain to the people of the Colonies, and Congress acted as their representative. The States individually were not known or recognized as sovereign by foreign nations, nor are they now." Justice Chase says: "All the powers exercised by Congress before the Confederation were rightfully exercised on the presumption that they were so authorized by the people they represented, by an express or implied grant."

In 1788, Charles Cotesworth Pinckney, whom Mr. Everett speaks of as "the one name that stands highest and brightest on the list of the great men of South Carolina, said in the Legislature of that State, "The separate independence and individual sovereignty of the several States were never thought of by the enlightened band of patriots who penned the Declaration of Independence." "Let us then consider all attempts to weaken this Union, by maintaining that each State is separately and individually independent, as a species of political heresy, which can never benefit us, and *may bring on us the most serious distresses.*" To these words, now shown to be prophetic, may be added those of John Quincy Adams, spoken in 1837: "The calculators of the value of the Union, who would palm upon you a mere cluster of sovereign, confederated States, *do but sow the wind to reap the whirlwind.*"

And in 1839, Mr. Adams says again, "I speak to matters of fact. There is the Declaration of Independence, and there is the Constitution of the United States—let them speak for themselves. The grossly

immoral and dishonest doctrine of despotic State sovereignty, the exclusive judge of its own obligations, and responsible to no power on earth or in Heaven, for the violation of them, is not there. The Declaration says, it is not in me. The Constitution says, it is not in me."

It is found in the Articles of Confederation. They are full of it. "Each State retains its sovereignty, etc.," is the first article, after giving the style of the confederacy. But the whole is a barren assertion, a baseless assumption. The *one people*, in whose name the Declaration of Independence had been issued, did not immediately institute a formal government for themselves; "but instead of it, their delegates in Congress, by authority from their separate State legislatures, without voice or consultation of the people, instituted a mere confederacy." It was a departure from the principles affirmed in the Declaration. The people were ignored in it, and the States foisted into their place. The Constitution was a return to the great principles of 1776. It was announced as the work of the people, and was not to be valid till, besides the assent of Congress and the State legislatures, it should be ratified by the people themselves.

Thus was the government fully organized. The Nation began its existence July 4, 1776; but it existed in an imperfect state till the adoption of the Constitution. There was government in the mean time, and an exercise of the functions of national sovereignty; but it was by the implied consent of the people. The Confederacy was not the work of the people. It was the unauthorized act of Congress and the State legislatures. It was an excrescence on the body politic. The fruits it bore at the time were bitter enough, yet were they sweet compared to what we are now experiencing.

The Nation was not formed by the States, but the States by the Nation. When the people as a whole dissolved their connection with Great Britain, their colonial existence ceased; they could no longer properly be called Colonies, and they were called States. But this gave them no sovereignty. So far as I know, not a single Colony had declared itself a State before the Declaration of Independence. In the latter part of 1775, from the peculiar situation of New Hampshire, South Carolina, and Virginia, Congress had recommended to them to establish governments, to continue during the disputes with Great Britain. And in May, 1776, a like recommendation was made to "the several colonies where no governments sufficient to the exigencies of their affairs had been established."

In accordance with these recommendations, eight new systems of government were established during the year 1776. New Hampshire, South Carolina, Virginia, and New Jersey adopted theirs before the

Declaration of Independence; though, with the exception of Virginia, they were expressly declared to be temporary governments, limited to the continuance of the dispute with Great Britain. The Constitution of New Hampshire was formed by the representatives who had met in a provincial congress. "They assumed the name, power, and authority of a house of representatives, or an assembly of the Colony of New Hampshire;" and *as a house* proceeded to elect twelve persons to constitute a council or upper house. "Should the disputes with Great Britain continue longer than the year 1776, and the general congress should give no instructions to the contrary, it was provided, etc., etc." This was the Constitution of the sovereign State of New Hampshire till 1792.

In that of New Jersey, adopted July 2, 1776, the word *colony* is continually used, and not *state*. All commissions were to run thus: "The Colony of New Jersey to A. B., etc., greeting." And it closes with an express provision that if a reconciliation should take place with Great Britain, "and these colonies be again taken under the protection and government of the crown of Great Britain, this charter shall be null and void, otherwise to remain firm and inviolable."

Of similar import is the so-called Constitution of South Carolina, adopted March 26, 1776. It was intended to be temporary, "during the present situation of American affairs, and until an accommodation of the unhappy differences between Great Britain and America can be obtained, etc." The term *colony* is used throughout, and not *state*. And the Constitution was formed by the provincial congress of South Carolina, who formed themselves into a general assembly, and then from their own number elected a council of thirteen members. These two bodies choose a president and vice-president, and so the popular (?) government of South Carolina is organized!

In March, 1798, the president, council, and general assembly of South Carolina, in their *legislative* capacity, form a new constitution, in which it was declared that "the style of this country be hereafter the State of South Carolina." This constitution, thus *enacted* by the legislature, was "to be in force until altered by legislative authority."

Thus much for the constitutions formed before the Declaration of Independence. We look in vain for any delegation of power by the people. If there was any sovereignty in governments so formed, it was not derived from the people. It should be stated here that Connecticut remained under the old colonial charter granted by Charles II, until the year 1818; and Rhode Island formed no State constitution till 1842.

I have thus attempted to answer the two questions, *Why do we owe allegiance?* and *Where do we owe it?*

Allegiance is due from us, not because civil government is composed, in part, or in whole, of powers which we, as individuals, have conferred upon it, but because civil government is a necessity, and we are necessarily subject to it. We are born under government as we are born into the family; we are so constituted as to make its existence a necessity. In other words, government is of divine origin; and it is as much our duty to obey it as it is to avoid theft and murder. "The powers that be are ordained of God," and we are to respect and obey them for conscience sake, that is, because it is right to do so. Exceptions are to be judged of as in regard to other moral questions; and no disobedience can be allowed that is not strictly conscientious, and that does not itself sustain authority.

In all governments, obedience is due to all laws in force, and to all persons in authority. In our own mixed government, the highest allegiance is due to the Nation, and not to the State. If the State can absolve its citizens from their allegiance to the General Government—that is, to the government which represents the whole people—anarchy at once ensues. The doctrine of State Sovereignty, using the word in its strict and proper signification, is utterly destructive of all government, for it leads legitimately to secession, and secession is political disintegration. There is no true sovereignty attributed to the States in the Constitution; but, on the contrary, all the powers involving it are delegated to the General Government, and expressly prohibited to the States. The more we study the history of our country, both before the adoption of the Constitution and since, the more shall we be convinced that State Sovereignty never had any legitimate place in our government. State Sovereignty is utterly antagonistic to nationality; and the consistent advocates of the doctrine are those who deny that we are a nation; and who assert that "from beginning to end, from the preamble to the clause of execution, the Constitution does not contain one single *national* phrase, idea, or epithet!" Is it not time that those who believe we are a nation, as truly as is France or England, should give up the use of an expression, which, however harmless it be as they mean it, has been employed by political demagogues to drag whole States into rebellion?

There is not the slightest desire on the part of any one to obliterate State lines. Though apparently complicated in structure, our Government is, practically, far more simple in its operation because of the division of the powers and functions between the State and the Nation. Keep out this insane jealousy lest the rights of the States shall be encroached upon, and infuse more reverence for law and more respect for

rulers, whether State or National, and there is nothing to fear. If a man has a controversy with another, whether private citizen or governmental official, a jury of twelve men will set the matter right. And if a State has a controversy, a jury of States—the General Government—will set that right. The only difference between the two cases is, that the man can not be one of the jury in his own case, while the State can.

I have no sympathy with that feeling, so intensely pervading many of our States, which prompts a man abroad to prefer to be known as a Mississippian or Kentuckian, rather than as an American. I am thankful that neither the State which gave me birth, nor the State in which more than half my life has been spent, can change its name into an adjective euphonious, or even respectable. Let my love of country not be confined to a part, but let it embrace the whole. Let no sectional feeling dwarf or pervert my patriotism.

The discussion of these and kindred questions seems to me to be timely. The people are inquiring, with an earnestness never before manifested, into the principles which lie at the foundation of civil government, and into the governmental history of our own country.

The doctrine of State sovereignty has furnished the pretext for secession, and secession has plunged the Nation into civil war. The falsity of the doctrine is now written in bloody lines, and the groans of the battle-field call upon us to abandon it. The Nation's life must be preserved; and the Government, whose duty it is to preserve it, must be sustained. The allegiance of the citizen, as we have seen, is not a matter of choice, but a duty. And if the citizen owes allegiance, the Government owes protection. As it is the duty of the parent to protect his family, so it is the duty of the ruler to defend the nation over whom he has been placed. He *must* do it. He has no option in the case. The duty grows out of the very nature of his office as ruler. Even were there no written constitution, and no oath of office, the duty to suppress a rebellion would still be imperative.

But our Chief Executive has taken a solemn oath, and the Constitution has conferred upon him almost unlimited powers. Those who honestly think, if such there are, that the President has violated the Constitution in his efforts to suppress the rebellion, can hardly have studied that instrument with the care and attention it deserves. To such, and to all, let me commend the words of one whose patriotism was as pure as his statesmanship was profound. They are the words of one who had himself held that high office, and were spoken during the administration of a political opponent:

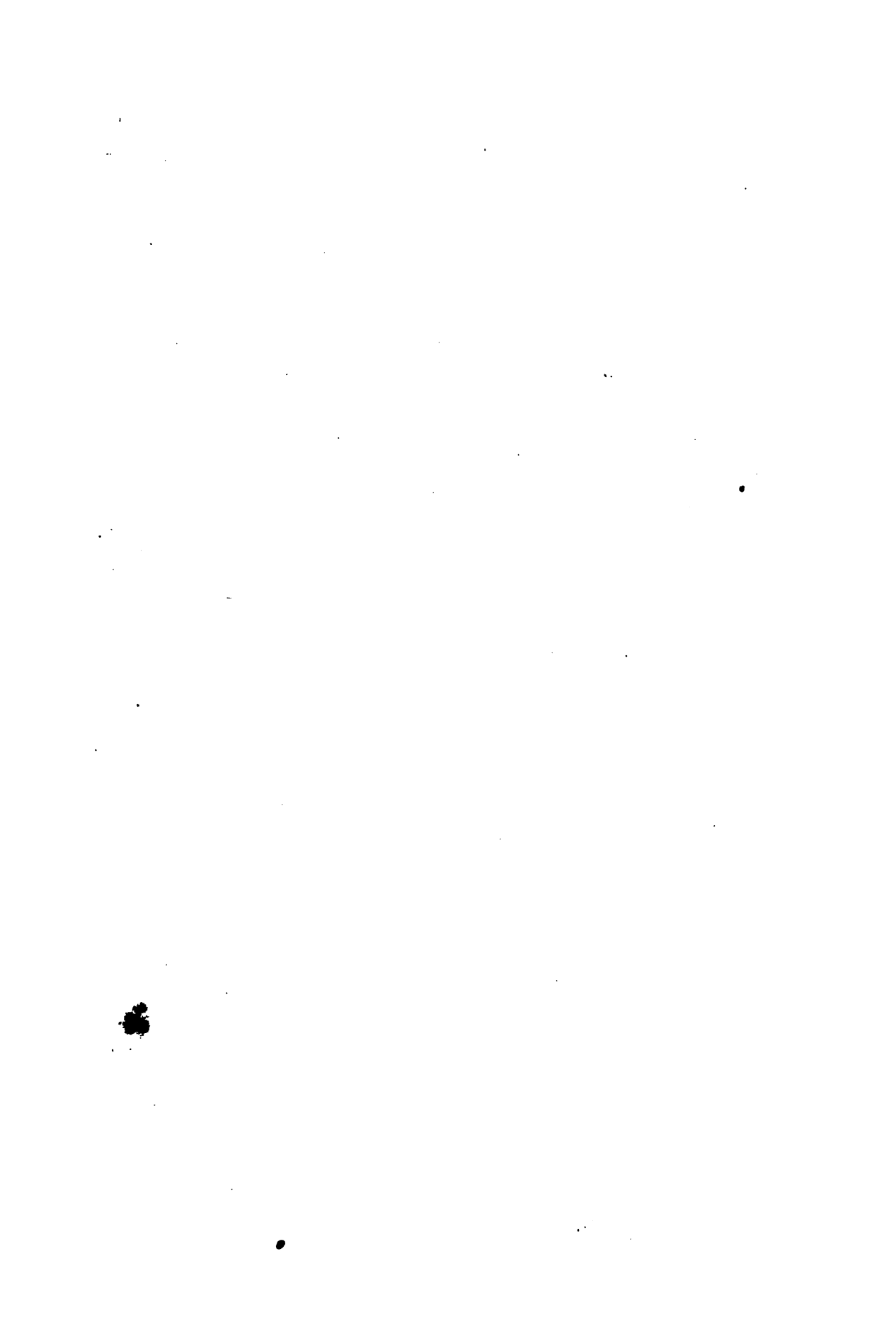
“ It has, perhaps, never been duly remarked, that, under the Constitu-

tion of the United States, the powers of the executive department explicitly and emphatically concentrated in one person, are vastly more extensive and complicated than those of the legislative. The language of the instrument, in conferring legislative authority, is, '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.' But the executive trust it committed in unrestricted terms: 'THE executive power shall be vested in a President of the United States.'

Under the Articles of Confederation there was no executive; the Nation had no head. The experience of those few years was enough. The Constitution not only provided for an executive, but it conferred upon him almost unlimited power. The powers of Congress are clearly specified in it, but we look in vain for any specifications of the powers of the President. In him was vested *the* executive power.

The President, then, has vast authority. Whether wisely or unwisely, the Constitution has conferred it upon him. In the hands of a wicked or imbecile ruler, this power might cause untold mischief; but the people should confer this high office upon no such man. In all public offices we want honest, capable men, and such we believe is Abraham Lincoln. Notwithstanding all the clamor about executive usurpations, no instance has yet been pointed out in which he has exceeded his rightful authority.

Let us be thankful that at this time, when the very life of the nation is in peril, God has given us a Chief Magistrate whose honesty, fidelity, and conscientiousness are manifest to all who do not place party above country.







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