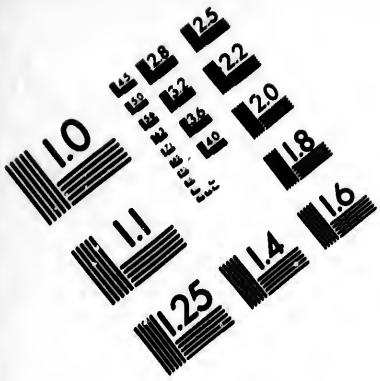

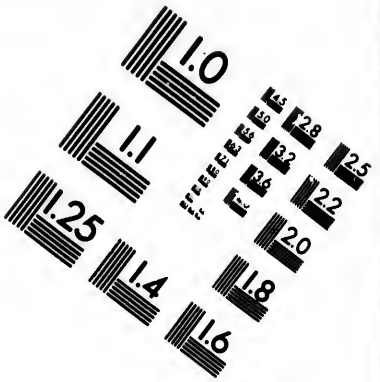

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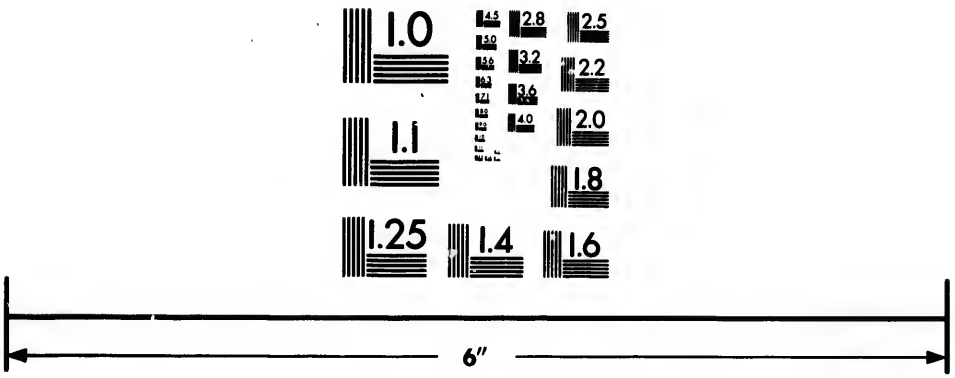

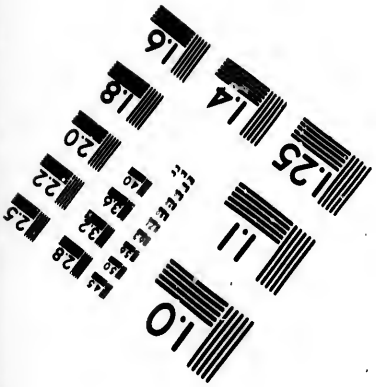

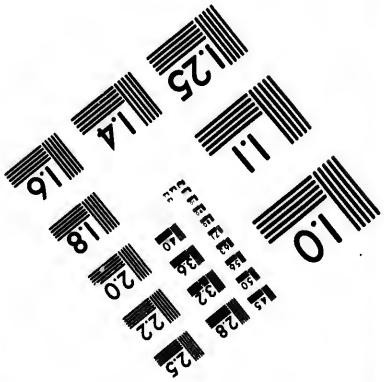

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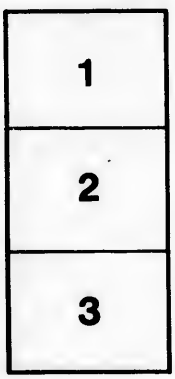

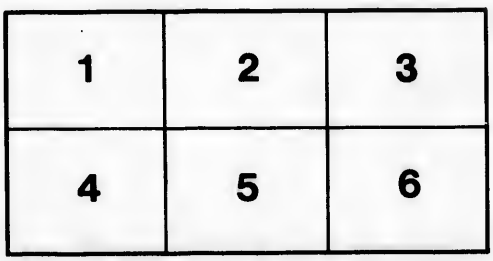

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THE

AMERICAN QUESTION.

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BY

WILLIAM W. STORY.

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THE AMERICAN QUESTION.

LETTER I.

THE Americans feel aggrieved at the attitude of England towards their country in the day of her trial. They had expected from her sympathy and encouragement; but for the most part the tone of her criticism has been derisive, supercilious, and patronising; and, instead of encouragement, she has uttered diatribes against the war as "internecine," "suicidal," "revolting," "disgusting," "wanton," "wicked," and "inhuman." Failure has been prophesied from the first. The Americans have been discouraged from endeavouring to heal the wounds inflicted on their country by treason. No general voice of cheer has called out, urging them to "unthread the eye of rude rebellion." They are earnestly adjured to compromise with it, to conciliate it, to bow down before it; they are told that it is impossible to subdue it. They have homilies on the horrors of war, as if the sword of England had never been unsheathed. They hear that, "bad as the institution (of slavery) is, civil war is worse;"* that emancipation is an absurdity and an impossibility; that it is vain to hope to subjugate and hold the South by force; that the American "Union is a wreck;" and the "United States of North America have ceased to be."† And all this comes from a people whose whole history has been a struggle for freedom, popular rights, national existence, and extension of empire, through a series of civil and foreign wars—whose sword is yet dripping with the blood of

* *Saturday Review.* † *Times.*

treason and rebellion shed in India: one of whose greatest acts was West-Indian Emancipation; and who conquered, and has held by force, not only a vast empire in the East, but the whole Celtic portion of her own island.

Such is the general tone of feeling, and such the general tenor of advice, offered by England to America. The press, with a few honourable exceptions, has steadily maligned and misrepresented the Federal Government; showing a determined bias in favour of the Southern rebellion; and even at the outset prejudging the whole case, and predetermining the issue of the conflict in favour of slavery. It has given constant comfort to the South; exaggerated its successes; praised its leaders; admired its State papers and proclamations; contrasted the gentlemen of the Confederate States with the sweaty mechanics and "mud-sills" of the North; smoothed over the horrors of slavery; dwelt upon the grievance of the Tariff, and recognised the right to revolt against the Federal Government. On the other hand, it has coldly criticised the successes of the Federal army; ridiculed the State papers and policy of the North; declared that "a traveller would find himself more at liberty in Venice than in New York;" scouted the assertion that slavery is at the root of this revolt as a pretence; assailed the Government for endeavouring to force upon the South an oppressive policy of taxation; and declared its sole object to be subjugation for the sake of empire. It has predicted that the "sinews of war" would fail; that the Northern people had only faith in the almighty dollar; and, in the expectation that a foreign loan would be required, exerted all its powers to destroy the credit of the Federal Government. One paper stigmatises this war as "the most groundless and wanton civil conflict of which history gives us any account."* Another declares it to be a "civil war of unprecedented wickedness."† Another characterises the Federal Government as "a blustering despotism," and says that "Mr. Seward has revoked all the liberties of America, and inaugurated a reign of terror;" and adds, "Here is an end of the great experiment." The *Chronicle* and the *Herald* threaten war; one because cotton is

* *Times*, Oct. 12, 1861. † *Saturday Review*, Sept. 15, 1861.

shut up by the blockade, the other because an English ship, which violated the blockade, was condemned by the Admiralty Court in New York, after a fair and honourable trial.* The *Times* says that "we, in common with every nation of Europe, have regarded this unnatural struggle with horror and loathing;" "that an English soldier of note who drew his sword in such a quarrel, would expose himself most justly to the censure and reprobation of his fellow-countrymen." "To whom but the citizens of America," it cries, "and the mere *condottieri*, who are attracted like the crow and the kite by the smell of blood and the sight of carnage, can the wars of the Union be otherwise than revolting and disgusting?" "It is one thing for the princes of the royal house of France to bear their part in gallant actions under such men as Turenne, Condé, Luxembourg, and Saxe; it is another thing to study in the ignorant and bloody school of civil war under rude partisans, inexperienced generals, officers taken from the counter, the desk, the shambles, or worse places." "Should they fall, it will be in an ignoble quarrel, in which they have no concern."† While giving expression to such sentiments and such language as this, these papers declare the press of America to be vulgar, insolent, and mendacious. In the face of these taunts, denunciations, and abuse, they profess surprise that the Americans are indignant, and assert that nothing could be more calm, just, and conciliating than their own bearing.

We are not ashamed to confess that we feel this conduct deeply. We desired the good opinion of England. We thought we were sure of her sympathy, and we are disappointed and hurt.

If such has been the attitude of the press, that of the Government, though cautious and respectful, has not been satisfactory. It rushed with indecent haste to recognise the Southern Confederacy. Before time had been allowed to the Federal Government to send a Minister to England with information of the real facts, before it was possible that any accurate knowledge of its real views and intentions could be obtained,

* *Herald*, Oct. 21. † *Chronicle*, Oct. 15.

the English Government proclaimed in the House of Commons, through Lord John Russell, that while preserving neutrality, they should give the rebellious States all the rights of belligerents. But what are the rights of belligerents? They are, all the rights that any people or nation engaged in a just war can claim of a neutral power. To proffer to traitors and rebels those rights was directly to aid their cause, by giving it the moral encouragement of a great power. That the attempt of the Confederate States violently to withdraw from the Federal Union, contrary to its laws and their own oaths of allegiance, taking by force its arsenals and forts, and organising armed attacks against its property and citizens, without even the form of submitting the question to the people of those States, was pure rebellion and treason, cannot, I suppose, be questioned by any sane man for a moment. When the South shall have succeeded in their attempt and secured their independence, they will cease to be rebels and traitors.

It is only success that excuses treason and makes revolution right. But at the very outset to acknowledge that rebels are entitled to the same rights as the Government against which they are in armed revolt, especially when England was bound to that Government by treaties of commerce and amity, was, to say the least, unusual. Why the exception should be made in favour of the Southern States of America, whose whole grievance against the Federal Government was, that the Republican party then coming into power was averse to the extension of slavery, it is difficult to perceive. Such was not the course of England when Hungary raised the banner of revolt in defence of its ancient rights, when the Sonderbund strove in arms for independence, nor when the Italian States drove out their oppressors to the cry of freedom. Whatever were the private sympathies of England, they were expressed by no public act of its Government. Yet suppose, upon the outbreak of the rebellion in India by a conquered people, America had hurried to declare that she considered the Indians entitled to all the rights of belligerents; and that, deplorable as she thought the war of subjugation, her sympathies were equally divided between Nana Sahib and the English Government;—suppose she had made

the same declaration when Smith O'Brien undertook, with armed force, to nullify her laws;—or suppose, in the case of an outbreak in Ireland, without waiting for exact information, she should declare that the Irish were justified in taking up arms against the oppressors; and that, though America would preserve neutrality, she should recognise them as belligerents, and entitled to the same rights as the British Government:—Would not England receive such a declaration with surprise and indignation? The question as between a Government and armed revolutionists within its boundaries, is different from that which arises between two different nations engaged in war. In the latter case, both parties are entitled to equal rights as belligerents; in the former case, at the outset of the rebellion at least, the Government rebelled against has a right to require that no sympathy or moral aid shall be directly lent to the rebellion, by public acts or declarations of foreign governments; and upon this principle England is now acting in the case of Poland. It is this moral aid, this actual encouragement, lent by the British Government to the South, which constitutes the grievance of America. It is not that America asks the assistance or co-operation of England in the work before her. She needs not her money nor her arms; she only desires a real neutrality. She claims that England politically can only know the Federal Government of the United States, with whom she is connected by treaty; and that the revolt of the Southern States is a domestic concern, with which England has no authority in any way to interfere; and that, at least until there is a probability of the success of those States, they ought not to exist to her as a belligerent power. She asserts that England has given comfort and moral aid to this rebellion. It was well known that the hope of the Southern Confederate States of an alliance with some European power, but especially with France and England, gave vitality to its cause; and to acknowledge them at the beginning as belligerents, and entitled to the same rights as the Federal Government, was at once to give them a *status;* and to intimate a willingness, in case they could for a time support themselves, to recognise them as a Government *de facto.*

Besides, there was a vacillation of opinion in England as to the blockade, which was an encouragement to the South, though finally, after much oscillation, the Government came to the sound conclusion not to interfere. This hesitation gave confidence to the rebels. Public speakers declared, over and over again, that England would not submit to this blockade. Cotton, they declared, England must and would have, even at the cost of war, and some were unwise enough to threaten the overthrow of the ministry unless they broke the blockade. Let one case stand for all. Captain Jervis, member for Harwich, declared, that "if it is necessary for the Government to interfere in the quarrel for the sake of alleviating the distress of the population at home, I shall certainly give them my best support." All this, combined with the vacillation of the Government, gave great confidence to the South as to its ultimate recognition, and encouraged them in their rebellion.

By giving to Southern rebels the rights of belligerents, the English Government involved itself in a difficulty. Belligerents have ordinarily the right to bring their prizes into neutral ports, and libel them in foreign Admiralty courts. This, however, could not be consistently allowed to a body of persons carrying on war at sea against their legitimate government by means of privateers, especially as the English Government had already, by the treaty of Paris, agreed to refuse all rights to vessels sailing under letters of marque and reprisal. In order to avoid this difficulty, England was forced to refuse to both parties the right to bring prizes into her ports, thus placing on the same footing the privateers of revolutionists and the national armed vessels of the United States. Why should the Federal Government be denied a right which, by the common custom and courtesy of neutrals, is accorded to all belligerent powers? It was because England, having given the *status* of belligerents to both parties equally, was forced to deny to the navy of the North what she could not grant to the privateers of the South.

While I am writing these lines the news arrives that a Southern vessel, after wantonly destroying an American ship at the mouth of the English Channel, has brought in her crew as prisoners, and is about to refit and more effectually arm. It is to be

hoped that the action of the British Government in the case will be prompt and decided.

But ships are daily fitted out in Liverpool to carry arms and munitions of war to Southern ports, and thus practically break the blockade, and therefore the Government has declared that persons engaged in such operations "must do so at the risk of capture and condemnation," and that "her Majesty's Government will not afford the slightest protection and countenance to vessels sailing to break the blockade." Yet it has taken no sufficient steps to prevent such shipments; and upon information laid before it, that certain vessels were loading in her ports with goods contraband of war to break the blockade, she has not prevented them from continuing to load and from sailing, since it is only the other day that an English steamer with a large cargo of arms and munitions of war illegally entered a Southern port. There may be great difficulty in preventing such shipments; but, were England earnestly opposed to it, efforts at least would be made to such an end. The purpose and object are undoubtedly illegal, and must finally result, if carried on, in obliging the Federal Government to lay vessels of war along the English coast to capture and destroy such vessels, they being guilty of breach of blockade according to the international law from the moment of their sailing to a blockaded port with contraband goods intending to break the blockade. In such cases, whatever may be the difficulty in proving the object and intention, the law is clear. All this may lead to unpleasant consequences, greatly to be deprecated; and it is to be hoped that the English Government will take some sufficient steps to prevent it.

Again, during the Italian war armed forces were enlisted in England to take part in the revolutionary struggle, and the Government, though it admitted this to be illegal, winked at it and allowed it. Its feelings and hopes were with Italy, and therefore it took no steps to stop this enlistment; but when an English officer in Canada offers his services to the American Government, he is at once arrested, and prevented from carrying his offer into practice by the English Government. It had an

undoubted right to do this; but its conduct in Italy was different, because its sympathies were different.*

And here one fact requires to be noticed, of which there seems to be great misapprehension. Throughout England it has been said by the public prints that the injury done to the Federal commerce by the Southern cruisers was a fit penalty for the refusal of the United States to accede to the terms of the Treaty of Paris as to privateers. "Had the American Government adopted the declaration of Paris in 1856," says a writer in the *Edinburgh Review*, on the "Disunion of America," for October, 1861, "against privateering, which it rejected on the most selfish and discreditable grounds, it would have had a far better claim than it now possesses to protest against the commissions of the Southern privateers" (p. 585). Can it be possible that the writer of this article is ignorant of the real history of this transaction? The American Government, so far from refusing its consent to this declaration, expressly declared its readiness to agree to it, on the condition that England, France, and the other great European powers would go further, and not only abolish privateering, but also carry out at sea the laws of war on land. "If," said the President of the United States, "the leading powers of Europe should concur in proposing as a rule of national law to exempt private property on the ocean from seizure by public armed cruisers as well as privateers, in like manner as private property on land is respected, as far as possible, by national armies, the United States will readily meet them on that broad ground." This was absolutely refused

* Colonel Rankin, a member of the provincial parliament, had been arrested at Toronto for enlisting recruits for the American army. The offence urged against him in the complainant's affidavit is, that he has agreed to accept a military commission to enter into the service of the United States, and that he has induced divers of the Queen's lieges to enlist in the same service. The Colonel claims the right under the British law for himself and his associates "to enrol themselves in the cause of freedom—that of the North against the South;" and he says, "there will be no lack of Canadian gentlemen not only willing, but eager to avail themselves of the opportunity now presented to them of achieving an honourable distinction."—*Galignani's Messenger.*

by England. I do not say on "selfish and discreditable grounds," but certainly refused, and thus the whole matter dropped, not through the refusal of America to accede to a request to abandon one chief arm of her service—her sea-militia—in favour of countries possessing a great standing naval power, vastly superior to her own limited marine, but solely through the refusal of England to abandon the right during war of capturing private property at sea. Had the writer of this article studied the history of America on this point, and acquainted himself with the real facts, he would have seen that the constant efforts of America have been to liberalise the principles of war at sea; that for long years she has strenuously contended for the principle that "free ships make free goods" as a neutral right; and that England as strenuously, and for her own selfish interests, has opposed that principle, never, until the breaking out of the Crimean war, even admitting it as a temporary rule, and that in this opposition she of the great powers stood alone, Russia, Prussia, France, and other nations having concurred with the United States in affirming it as a sound and salutary principle of international law.* In like manner America has resisted the right of search, which England has never wholly renounced. The proposal, then, of America, rejected by England, to exempt private property not contraband of war from capture at sea, was in advance of the views of England.

During the Russian war, her Britannic Majesty's Government, in a note to the American Government, expressed "a confident hope" that it would, "in the spirit of just reciprocity, give orders that no privateer under Russian colours shall be equipped, or victualled, or admitted with its prizes in the ports of the United States, and that the citizens of the United States shall rigorously abstain from taking any part in armaments of this nature, or in any measure opposed to the duties of a strict neutrality." Mr. Marcy, in answer, assents to this entirely, and declares that the "laws of this country impose severe restrictions, not only upon its own citizens, but upon all persons

* See Debate in House of Commons, July 4, 1854.

who may be residents within any of the territories of the United States, against equipping privateers, receiving commissions, or enlisting men therein for the purpose of taking part in any foreign war." And this was in a war between nations, not between a nation and rebels within its own borders. Has England acted, or is she acting now, within the spirit of the above communication? Does she prevent her subjects rigorously from taking part in any armaments of this nature, or in any measure opposed to the duties of a strict neutrality?

But it is asserted, that while America has resented the attitude and criticism of England, she has calmly taken that of France, though the action of both these governments has been the same. True; but, in the first place, no such series of bitter attacks has been made on us by the French press. Public men in France have not rejoiced openly at the "bursting of the republican bubble"—threatened the breaking of the blockade for the sake of cotton—suffered vessels in their ports to lade arms and munitions of war to carry to blockaded ports, and exhausted epithets of abuse on us. In the second place, America has no just title to expect from France the sympathy and moral aid which it claims of England. France is a despotism tempered by popular revolutions against the government. Its history is a series of such revolutions, and it is natural that, to a certain extent, it should sympathise with them. England, on the contrary, is a constitutional government, founded on law, and recognising only legal and constitutional modes of growth and change. In its character it is distinguished by submission to existing institutions until they can be peaceably reformed. It grows steadily towards freedom. It discountenances mob-law and violent revolution. Therefore it is, that by virtue of its noble history, of the utterances of its great men, of its earnest, untiring struggles towards the largest civilisation, of its grand self-sacrifices, that America looked to it for sympathy and encouragement, for words of cheer in subduing the Gerion of slavery, whose hundred hands were violently grasping at her throat, to strangle liberty and constitutional government at once. We cannot but be pained at the thought that it may suffer its material interest to warp its judg-

ment on so momentous a question as that which now agitates the United States.

Amid the noisy clamours of the press some calm voices may still be heard in England. The *Daily News* has steadily stood by the United States in their struggle for constitutional liberty, and its utterances have been uniformly characterised by candour, kind feeling, knowledge, and ability. The *Star* and *Spectator* have also spoken well and wisely; and there are speeches from public men, among which that of the Duke of Argyll may be mentioned, showing an understanding of the question at issue, and a generous feeling towards the people of the United States. But such journals as the *Times*, the *Herald*, and the *Chronicle*, are doing an incalculable injury, by arousing the bitterest feelings of animosity between two countries, which should be united in bonds of amity. The articles in the *Times* are as bad in their spirit as they are incorrect in their statements of fact. They show not only ignorance, but wilful ignorance, and one can scarcely wonder at the feeling of England, if popular opinion is shaped by the writers of these articles. Believing, as I do, that the English only need to know the real facts of the case to give us their earnest co-operation of feeling, I shall proceed to state some of the causes of this war, the motives which animate the North and South, and to endeavour to correct some of the misapprehensions which so widely exist.

In a late speech made by Earl Russell at Newcastle, he says: "The two parties are contending together not upon the subject of slavery, but contending as so many States in the Old World have contended, on the one side for empire, on the other for power.* Sir John Pakington, at Worcester, says, that he regrets that Earl Russell did not "express more firmly and decisively the views of England in regard to the iniquity and folly of continuing the war;" and in a recent article in the *Edinburgh Review*, on "Disunion in America," the writer says,

* One cannot help imagining that Earl Russell's after-dinner speech was a sort of dim reminiscence of the fact that New York being called the "Empire State" and Virginia the "Old Dominion," the contes between them was necessarily between empire and dominion.

"The North does not appear to us to have a better claim to enforce its policy and dominion over the South, than the South had to infect the North with the taint of slavery." He asserts that the contest on both sides is for "territorial dominion;" and he explains territorial dominion to be the power to enforce the will of the North over the South by superior force—to compel the minority, which is a local minority, to submit—in a word, to command the country, and to subdue the people. He then goes on to argue, that the Republican party now having obtained power, will proceed to assert "their dearly-bought ascendancy," and carry out their principles against free trade and slavery, and impose them on a minority, who regard his party with "terror and abhorrence." He also says, that this contest "has not elicited any positive expression (with one exception, in the case of Mr. Bright) of sympathy with either side." "The reason is simple—we regard it as an ill-advised, unnatural, and inhuman contest."

Now, if Earl Russell and the writer in the *Edinburgh* merely mean to say that it is the intention of the Republicans to carry out the principles of their party, after being constitutionally elected under all the forms of law, their opponents voting against them for their own Presidential candidate, these gentlemen are undoubtedly right. But if they mean to intimate that this is not a justifiable and most proper thing, then adieu to constitutional government. If the majority are to be disallowed from carrying out their principles—principles in their opinion vital to the present and future well-being of their country, because there is a minority opposed to them—then the whole theory of the English and American constitutions is nonsense. For as the minority could not, of course, impose their views on the majority, no principles could be carried out except those whereon existed a perfect unanimity of sentiment; and as two parties must always exist on every question of importance, they would always be at a dead-lock, and nothing could go on. When the Reform Bill passed in England, suppose the strong minority opposed to it had broken out into rebellion, refused assent to it, and taken up arms against the Government, would an attempt

to put down that minority have been considered as "ill-advised, unnatural, and inhuman?" I take it to be the fundamental principle of constitutional government that minorities must submit to majorities, and seek by constitutional and peaceable means solely the reversal of any decision by the people against them. But the principle that the minority would be justified in any outbreak of treason or rebellion, simply because they could not rule, would be accepted by no constitutional government on earth.

How stand the facts, then, between the Republicans and Democrats in America? Is there any peculiar reason why the minority should govern the action of the majority? Is that majority oppressive? Are the doctrines it professes unconstitutional? Has the minority failed in obtaining its fair share of the Government? Has it been long out of office? Has it been prevented from carrying out noble principles of government by a tyrannous majority? None of these objections can be made. Was, then, the election of Mr. Lincoln fair in every way, and carried on constitutionally and legally, and with due regard to the rights of all? There is no pretence that it was not.

But to answer these questions fully demands a short review of the political history of the country. The subjects of difference, as stated by the English, are two—the Tariff and Slavery. There is no pretence that there are other questions of difference. We Americans on both sides say there is only one subject of contest—slavery.

Let us examine these questions. First, the Tariff. It is constantly assumed in England that the slave-holding States of the South, being agricultural, are opposed to the tariff, and in favour of free trade; that the tariff has been forced on them by the Northern manufacturing States, and is very injurious to their interests. A little examination will show this to be an illusion.

In the very first session of the House of Representatives, after the adoption of the constitution, the very first measure there proposed and debated was the laying of imposts; and in the very first committee of the whole House the duty of laying

imposts, so as to encourage and protect manufactures, was asserted by nearly every speaker, and doubted or denied by none. The three first speakers, proclaiming this as the duty of Congress, were Mr. Fitzsimmons, of Pennsylvania; Mr. White, of Virginia; and Mr. Tucker, of South Carolina; and Mr. Madison, the leader of the House, declared himself strongly in favour of protection. In the same debate, Mr. Burke, of South Carolina, supported a duty on hemp, for the express purpose of encouraging its growth in his State; and Mr. Smith, from the same State, declared "that the manufacturing States wished the encouragement of manufactures, the maritime States the encouragement of ship-building, and the agricultural States the encouragement of agriculture." Thus, then, the members from South Carolina declared themselves strongly in favour of protection, and proposed duties to protect their own products. That debate ended by the passing of a law—the second of the United States statutes—imposing duties "for the support of government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures."

This principle, then, was admitted and practised upon from the beginning of the American Government. In 1816, when it became necessary to readjust the revenue, it was again acted on, and the tariff of 1816 was introduced, defended, and established under the lead of South Carolina. Mr. Calhoun, afterwards the bitterest opponent of protection, proposed this measure, and gave all his strength to its support, and in so doing was ably seconded by his colleagues, Mr. Lowndes, Mr. Mayrant, and Mr. Woodward. Nor was this tariff merely one for revenue—it laid duties for protection, and in the case of coarse cottons the duty was from 60 to 80 per cent. Mr. Jefferson, too, at this time was in favour of a protective tariff, as any one may see who will take the trouble to read his writings, and especially his famous letter to Benjamin Austin, of January 9, 1816.

But let us continue a little further the history of the tariff. In 1824 the question, as to a tariff on the basis of protection, was debated again with great vehemence in Congress. Up to

this time the principle had been conceded by almost every man of distinction; but now a strong party had grown up in opposition. Let us, then, see if it was the manufacturing, or even the Northern States which forced it on the South. The interests of New England were then purely commercial, their property being mainly invested in shipping. There were but two States devoted at all to manufacturing, and these were the small ones of Rhode Island and Connecticut, which sent only eight members to the House of Representatives. The interests and principles of New England were, therefore, for free trade. The father of the protective tariff of 1824 was Henry Clay, of Kentucky, a slave-holding State. It was introduced by him, and supported by all the force of his great powers; while Mr. Webster, of Massachusetts, the leader of the New England States in the House of Representatives, opposed it with equal vigour and ability. The great leaders, then, of the debate were Mr. Clay, representing a slave state, and advocating a tariff; and Mr. Webster, from a free state, contending against it. In the final vote, by which this measure was carried, and a protective tariff adopted as the policy of the country, Maine, Massachusetts, and New Hampshire cast 23 votes against it, and only 3 for it, thus throwing the weight of its influence into the scale with Virginia, Georgia, and the Carolinas; while the whole delegation from Kentucky, Ohio, Indiana, Illinois, and Missouri voted entirely in its favour. New York threw 26 votes for it to 8 against it; Tennessee, 2 to 7 against; and Maryland, 3 to 6 against. These figures clearly show that it was no contest between the North and South, or the slave-holding and free States, or the manufacturing and agricultural States. The fact is, that it was carried mainly by the grain-growing States against the cotton and tobacco-planting States, the latter making common cause with the States devoted to fishing and navigation. The last-mentioned States opposed the bill through apprehension that it would ruin their commerce, then just reviving after its prostration by the embargo and non-intercourse system of Mr. Jefferson and the Virginia School. The grain-growing States advocated it on the

ground that it would benefit agriculture; and the cotton-planting States opposed it through a belief that it would be injurious to agriculture.

In this manner was carried the protective tariff of Mr. Clay, which, with certain modifications, has continued to be the policy of the United States ever since. The New England States were thus turned from shipping and navigation to manufacturing, and under this system began to build up their great factories and mills. History thus shows that the New England States did not originate a protective tariff, but that it was, on the contrary, forced upon them by the agricultural States, and that they were thus driven to manufactures, after being nearly ruined by the embargo and non-intercourse systems of the Virginia school.

Thus, introduced by no sectional interests, and through no opposition of the free States to the slave States, the tariff became the policy of the country. The most protective tariff that ever was passed was voted for by Southern men, and ratified by John Tyler, a Southern President, a renegade to his party, and now a Secessionist. When, in 1846, a bill was introduced to abolish this tariff, among those who voted to sustain the tariff were Robert Toombs, now in the Confederate army, and Alexander H. Stephens, the Vice-president of the Confederate States. And this same fire-eating Mr. Toombs, in his seat in Congress, among others, voted for the Morill tariff of the present year.

In the next place, as to the injurious effect of the protective tariff on the South. Under its shield Massachusetts has been enabled to carry the manufactures of coarse cottons to such a point that America can now undersell England in foreign ports. The South, of course, receives the advantage of this; and as the importations of the South are mainly coarse woollens and cottons, so far from having experienced injury, it has only known benefit. Were there free trade to-morrow she would come to the same market, because it is the cheapest. Indeed, it is impossible to see why the South should suffer from this system more than the West, both being

chiefly agricultural. Yet the West has never complained. It is, in point of fact, the great cities and towns of the North which feel the weight of the tariff most, because there is the great consumption of foreign manufactures. For a long series of years the system, undoubtedly, met with strong opposition in many of the Southern and Northern States, and formed a main question of difference between the so-called Whig and Democratic parties; but of late years no issue has been made on this point: it has been struck out from the platform of parties, generally acquiesced in by so large a majority as to cease to be a subject for party discussion, and, finally, re-affirmed by a large majority in the passage of the late Morill tariff. If there were not a majority in its favour, how happened it to pass? Who passed it? Was it the North, under the auspices of a Republican administration? By no means. It was passed by Congress, six weeks before the attack on Fort Sumter and the beginning of the Civil War; while the Southern representatives and senators, with few exceptions, were still in their seats, under a pro-slavery administration, and was signed and made a law by the merest tool of the South that ever occupied the presidential chair. It was in his power to veto it had he so chosen; but the pressure of public opinion was too great, and he dared not. One of the last solemn acts of his imbecile administration was to affix his signature to the bill. Winking at treason and robbery of the national treasury, feeble, incompetent, and fluctuating as he was in all his opinions and acts, ready at the dictation of party to yield any principle, this timid and insincere functionary signed the bill which a vigorous remonstrance of the South would have shaken from his hands. The bill, then, was passed by a majority in Congress, representing all parts of the country under a pro-slavery, treasonable Jackson administration, and received their sanction.

But there is one fact more which settles the question as to the views of the South. One of the first acts of the Convention of the Confederate States was to pass a tariff, and to propose an export duty on cotton. The duties laid by this bill were lighter; but the necessity of a tariff was thus admitted. The South can

no longer say that they are opposed to a tariff, but only to the features of a particular tariff. As for free trade, they can now make no pretences to that.

But it never could have been the interest of the South to have free trade, in its widest sense, introduced into the United States. Under such a policy the revenue must be raised by direct taxation, and this would have been ruinous to the South. No stronger blow at slavery could have been struck than this. The constitution of the United States, yielding to the claims of slavery, declares that the apportionment of representation among the slave-holding States "shall be determined by adding to the whole number of free persons three-fifths of the slaves." By this provision, if a district containing 50,000 persons be entitled to a representative in Congress, any district in which there were 20,000 free men, and 50,000 slaves, would have this privilege, while to possess the same right in a non-slave-holding State there must be 50,000 free men; the slaves thus not being reckoned as property, but to a certain extent as persons, though they had no vote. Suppose 100 men to own 8300 slaves a-piece, they would send a representative to Congress, whose vote would be equal to that of 50,000 from the Northern States. But in order to counterbalance this enormous disproportion of rights, the constitution also declares that direct taxation shall be apportioned in the same way. Were revenue, therefore, to be raised by direct taxation, slaves, who under the present system are not taxed at all, must be forced to pay a very large proportion of the sum raised; or, rather, as slaves cannot pay, their masters would be subjected to a burden very difficult, if not impossible, to bear. Yet, under the operation of free trade at the South, after its division from the North, slaves must be taxed, and this of itself would prevent the possibility of introducing it. Indeed, a tax upon slaves was at first laid by the Confederate States, and not only occasioned great irritation, but, in consequence of the want of ready money in the hands of the planters, was rendered almost impracticable in many instances. What, then, would the Confederate States gain, whether in or out of the Union, by

free trade? The plain fact is, that it could not be introduced.*

But there is another consideration. The protective tariff does not, even in a direct sense, alone benefit the North and the manufacturing States. It is vital to the iron of Tennessee and to the sugar of Louisiana and Florida. Cut off the tariff from the latter, and how will they support themselves against foreign competition?

LETTER II.

We now come to the second question, Slavery, which is the real issue between the North and South. The action of the North on this subject is claimed to be a grievance so intolerable as to justify a revolution.

We have already seen the enormous advantage given to

* King Cotton.—There are fifteen Slave States, with a white population of about 7,500,000
And persons of all colours held to service 4,000,000
This last property, or capital, is sold at an average of 750 dols. per head, equal to about ... ... Dols. 3,000,000,000

Much of this property is sold on six and twelve months' credit for notes and mortgages, which is held in part by the banks, and forms part of their capital.

The annual product is, say 4,000,000 bales of cotton, valued at 45 dols. per bale, equal to ... ... Dols. 180,000,000
Rice, sugar, and other crops produced by same, say ... 50,000,000
Making in all ... ... Dols. 230,000,000

Expenses of keeping and clothing 4,000,000 slaves at 60 dols. each ... ... Dols. 240,000,000

Now as to the revenues paid by the South, and how paid.
The supply of cotton goods from the North is estimated at 10 dols. per head on a population of 11,500,000, say 115,000,000 dols. Sufficient of cotton supplied to the North and exported to consume, say 2,000,000

slavery over freedom by the clause in the constitution relating to representation. This in itself is sufficient to give an almost overwhelming preponderance to the slave-holding States; but unjust as it is, the North has silently submitted to it, and in consequence the South has had far more than its proportion of government and office.

When the constitution was adopted, slavery, in the opinion of all the best minds of the day, was doomed to a rapid extinction. It was considered as a great evil which had been forced upon its colonies by England, but which with its growth the nation would slowly but surely throw off. It is useless here to quote the stern judgments then freely uttered against it. There was in fact no one who dreamed of defending it on principle, or regarded it in any other light than as a curse. It had been abolished in some of the thirteen States, and was supposed to be dying out. But this mistake was enormous. So far from dying out, it has grown with our growth and strengthened with our strength. It has spread like a poisonous contagion into the territory adjacent to the original slave

bales of cotton and over, leaving about 2,000,000 bales to pay the North on account of advances, &c. made to the South. The South consumes of dutiable goods for half of the white population 20 dols. per head, say 75,000,000, dols., on which the average duty is about 15 per cent, equal to 11,500,000 dols. The South receives from the general Government, in salaries and mileage of members of Congress, say Dols. 4,800,000
Salaries of ministers, consuls, secretaries, clerks, &c. ... 5,000,000
Postal deficiencies, suppression of the slave-trade, &c. ... 7,000,000
Pay of officers in the army and navy, cadets, &c. 5,000,000
Expenses of the War and Navy Departments, besides, say 6,000,000

Total estimate ... ... Dols. 27,800,000

By these data it will be seen that the capital of the South in slaves does not pay the expense of their keeping by 10,000,000 dols., and the South receives in various ways from the general government 16,500,000 dols., or perhaps a larger sum than they pay in duties. It shows that the value of persons held to service is actually less than nothing, and that the whole credits are obtained at the North for the purpose of putting the crop in the ground to the amount of 200,000,000 dols., on which the Southern planters have to base all their operations for the coming year.—*New York Evening Post.*

States; as new territory was populated it polluted them with its foul embraces, until it now numbers as its victims no less than fifteen States. Emboldened by success it now claims to possess all the free territory; it assaults liberty on its own ground; and, after driving us into foreign war with Mexico, threatening Cuba, and pouring its hordes over the borders of Missouri into Kansas, maddened at its defeat it now violently takes up arms against the Federal Government, and deluges the land with blood. Since the day when Jefferson cried, "Slavery is a curse," a change has come over the party he formed, and who still profess to fight under his banner; and finally Mr. Alexander H. Stephens, one of the most moderate of the Secessionists, the Vice-president of the Confederate States, announces this monstrous doctrine:—

"The foundations of our new Government are laid; its corner-stone rests upon the great truth that the negro is not equal to the white man; that slavery—subordination to the superior race—is his natural and moral condition. This, our new Government, is the first in the history of the world based upon this great physical, philosophical, and moral truth."

It is, then, slavery, and nothing but slavery, which is the hissing head of Southern rebellion. Nothing will content the leaders of this movement but the nationalising of slavery. Their great grievance is that enough has not been given to slavery.

Let us see what has been given. Though the constitution of the United States impliedly consents to the existence of slavery in the original States where it then was, there is not a word to be found in that instrument which in the remotest way implies a right, or confers a power on the Federal Government, to create or permit it elsewhere. Slavery, however, can only exist by positive law, never by implication; and therefore, though the constitution accepts it where it is because it finds it there, it cannot, without express power, carry it where it does not already exist. In the absence of any clause conferring that power expressly, can it be implied from any clause? Quite the contrary. The whole spirit of the constitution is in favour of freedom—its guarantees in favour of slavery are exceptions

to its general character. And in giving these it hides its shame under vague language, and cautiously avoids the use of the words slave or slavery, as if it would taint the instrument by its presence. The spirit, object, and intention of the constitution, is clearly stated in its preamble; and this should always be looked to as the key for its interpretation. Is there here any intimation of an intention to give the Federal Government or the States the power to inflict slavery upon the United States' territories, then free? Here it is:—"We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America."

"To establish justice," "to secure the blessings of liberty"—can the establishment of slavery in the territories be other than in absolute contradiction to these words?

But there is stronger evidence than this. In an ordinance, passed in 1784 for the government of the territory of the United States north-west of the river Ohio, it is directly declared that "there shall be neither slavery nor involuntary servitude in the said territory;" and this ordinance is declared to constitute articles of compact between the original people and States in the said territory, and for ever remain unalterable, unless by common consent.

Slavery was thus expressly prohibited in the north-west territories in 1784. Many years had not elapsed before it began to raise its head and demand new states and territories, and when, in 1820, Missouri claimed admission as a State, the question arose whether she could come in without a prohibition of slavery. Upon this question the friends of liberty and the friends of slavery fought with determination; but the North was finally induced to compromise with the South, and abandon all its principles, and all the principles of the constitution, for the sake of conciliation with a power already grasping and insatiable. It was a foolish and fatal mistake. It was the mistake which liberty has always made in America. All its

compromises have resulted in strengthening the element which has now for a time broken asunder the Union. Yet England again calls out to us—Compromise. Compromise what? Yield what? The South violently asserts that it will not be satisfied with the constitution, that more guarantees must be given to slavery, that slavery must be nationalised in all the territories, that slaveholders shall have the right to carry their slaves where they will, even into the free States themselves, and that those States shall turn slave-hunters in behalf of Southern masters. Shall we go down on our knees at this crack of the slave-whip, and yield up our birthright of liberty? Never! Honour, justice, duty, forbid that we should at any time yield to such demands; but now, with the knife at our throat, if we yield, we are not fit for liberty—we are traitors and cowards to God and the right.

The Missouri Compromise guaranteed to all territory north of 36° 30′ free institutions for ever, while illegally and unconstitutionally all territory south of that latitude was given over to slavery. By one blow slavery was legalised in all the new States below 36° 30′; and here it grew and strengthened, and State after State tainted with it came into the Union, and added to the power of the slave representation in Congress. At last the area was nearly occupied, and Kansas in the free territory was knocking at the door of the Federal Union for admittance. In Kansas, by the solemn terms of the Missouri Compromise, slavery was prohibited. So long as only slave States had demanded admission the South had maintained their agreement, for they had received all the advantage, but now they declared that the compromise was unconstitutional; and, false to all their pledges, repealed it, for the sole purpose of carrying slavery into Kansas. I cannot here enter on the painful and savage scenes that followed. The territory was denied admittance at first, and every effort was made, without regard to law, justice, or decency, to force the accursed institution upon a people who resisted it even to death. Border ruffians from Missouri invaded it, carrying murder and rapine into many a household. Civil fearful outrages were committed. The Administration, pledged to slavery, faltered and betrayed the

people — but the battle at last was won by freedom. Kansas refused to admit slavery, and she came in as a free State.

It was at this time that the Republican party was formed. The Missouri Compromise having been repealed, it planted itself on the constitution, and asserted as its fundamental principle that slavery should not be extended into any more territory, such an extension being wrong in itself, and in violation of the whole spirit of the constitution, and of the express terms of the ordinance of 1784. The extreme Southern-rights party declared that the Government had no more power to prohibit any one from carrying his slave into the territories than from carrying his ox or his horse; thus claiming that slavery is legalised by the constitution everywhere, and that they had a right to infect all the new territory with slavery. Between these parties Mr. Douglas formed and represented a third, composed of the more moderate Southern men, on a principle called "squatter sovereignty," by which the question as to slavery or freedom was left to the settlers in each territory to decide for themselves. The difficulty in this last case is evident. If slaves can be carried into the territory and held as of right, the institution of slavery is necessarily affixed to it.

Long before the election came on there were symptoms that the Republicans might elect their candidate, and then commenced the hatching of the plot against the Federal Government. The Treasury — which, when Mr. Buchanan came into power, was full to overflowing — was robbed; the arms and munitions of war belonging to the United States were removed from the North, and stored in the Southern arsenals; the navy was despatched to foreign stations, so as to be beyond the immediate reach of the Government; and every preparation was secretly made by the administration and cabinet to take the Government by a *coup de main* in case of failure in electing the Southern candidate. Violent threats were made in the South of disunion in case of the election of Mr. Lincoln, and every effort was exerted to intimidate the North; but though these produced a great effect on the timid, and made a "Union party" of compromisers, they were generally considered as

mere bluster to attain a political end. When Mr. Lincoln was elected the game was up. The most furious of the Southern politicians fanned the flames of jealousy between State and State, and generally infected the minds even of the more moderate with a groundless terror. The press was gagged; all freedom of opinion and expression was suppressed; to declare one's self in favour of Mr. Lincoln was to expose one's life to imminent danger. Violent outrages were committed on innocent men and women, upon mere suspicion of their entertaining anti-slavery sentiments; and many a person, without trial, or with only the mockery of trial before a vigilance committee, often self-constituted, was hanged up to the first tree, or tarred and feathered, and beaten out of the Southern States.

The North now began to fear that the South would carry out its threats of disunion, and sought in every way to conciliate and compromise. Every politician had a new method of treatment, and the constitution was nearly murdered with patent methods of curing the disease of treason. Had the South really had any grievance, and stated it, it would at once have been remedied. Even had it suffered a sham grievance, I fear that the North would then have been too ready to yield most important principles for the sake of conciliation. The States were willing to repeal their "Personal Liberty Laws," though they considered them constitutional; to promise to carry out the Fugitive Slave Law, though they thought it abominable and illegal; to give new guarantees to slavery in the States; to re-enact a new Missouri compromise—in a word, all kinds of propositions were made to the mad South, which, in the meantime, did nothing but bark and bite, and shake its chain. Committees and conventions constructed every species of compromise for the purposes of conciliation. Virginia offered her mediation. But it was of no use: we did not abase ourselves sufficiently. We would not toss up our hats for slavery and proclaim it as "the corner-stone" of the republic—and so we went to war.

The war was not begun by the North. The "Venerable Edward Ruffin," of Virginia, fired the first gun at Sumter, and it echoed round the world. While the President and

cabinet shuffled, and shifted, and prevaricated, the South stole the arsenals of the Federal Government, took by force its forts, and the "Venerable Edward Ruffin" fired the first gun of a civil war. The uprising of the North, as the report of that gun reached from town to town, was wonderful. The lightning flew along the telegraphic wires to summon the people to arms. Farmers literally left their ploughs in the furrows, their spades in the ditches, to join the army; and without pausing at their homes to say good-bye to their wives and children, took the trains to the cities to be ready to rush to the defence of Washington. Patriotism sprang into sudden existence, full grown and full armed, like Minerva from the brain of Jove. So totally unforeseen was this magnificent movement of the North, that the South hesitated, and that hesitation saved Washington.

Every day now deepens the conviction in the North that the day of compromise is over. When the time for settlement with the South comes—if it ever come—slavery must receive its death-blow. Otherwise, any arrangement will be only a temporary postponement of difficulties, and ten years will not pass without a repetition of this fearful tragedy of civil war.

It is, then, idle to suppose that hatred to the tariff and desire for free trade is the grievance that has driven the South to rebellion. The history of the country proves that slavery is the very hinge of the controversy. It is avowed unblushingly by the South. All their leaders have not even ventured to pretend that the tariff had anything to do with the movement. The "corner-stone" of our new government, says Mr. Stephens, and he, as the Vice-president, may be presumed to know, is slavery. It is because the Republican party, after long years of submission to slaveholders, have finally triumphed, and obtained possession of the government. It is against the grand principle of this party—a principle perfectly constitutional, legal, civilised, and humane, that slavery shall not be extended to the territories, though it must be allowed in the States where it now exists, that the South rebels. After having for years possessed the chief places of the government, domineered and ruled over the country, engaged it in war, both foreign and

domestic, in furtherance of this accursed institution, driven it beyond the limits of the constitution to serve the purposes of slavery and extend its power, it cannot see without dismay and rage the tables turned against it, and freedom occupying the place of slavery. The people of the South, then, furiously rage together and imagine a vain thing. If they cannot govern, they will pull down the pillar of the constitution, and overwhelm all, like a blind Samson, under its ruins. Listen to Mr. Stephens's own account of the causes of this war:—

"The new constitution has for ever ended all agitation relative to the peculiar institution—I mean, slavery as it exists among us. This question has been the immediate cause of the rupture and of the present revolution. Jefferson, with his foresight, predicted that this would be the rock on which the Union would split, and he was right."

But, even were the views of the South as to slavery and the tariff perfectly proper and admirable, the action of the North on neither of these questions has been such as to justify the South in its violence. Nothing has ever been attempted without the sanction of the law and the constitution. Mr. Lincoln's government had performed no act. The doctrines of the Republicans are merely those which, fifteen years ago, would have been deemed so self-evident as to need no party to enforce them—they were almost identical with those of the old Whig party, and the Free-soil party. There was nothing exaggerated in their opinions, or violent in their intentions. Their object was not to touch the question of slavery in the States, but only to oppose the extension into the territories, by all constitutional means. The question was not a new one. It had been fought for more than thirty years. Mr. Lincoln, instead of being an abolitionist, was quite the contrary, and had been opposed by the *New York Tribune* on the ground that he was not thoroughly an anti-slavery man. The course which he had pursued in his public life had been eminently moderate and calm.

No, there was no real grievance; but South Carolina, ever since her effort at nullification in 1833, and its sharp suppression by General Jackson, has nourished a bitter feeling against

the Federal Union. Fanning her own bad passions, and eaten up with jealousy of the North, which she envies, but cannot compete with, she has finally driven out the angel of Liberty, and taken counsel of the twin demons of Slavery and Disunion. It is she who dragged into this unhappy contest the whole of the Southern States; inflaming their passions by calumnies, lies, and preaching to them the devil's gospel of treason and rebellion. And she has done it all for her own selfish greed and ambition. She believes that she is the greatest and best of all the States; and, once free from the North, she expects to become the Empire State of the Southern Confederacy, and to regulate all things by her imperious will. Yet the jealousy between Georgia and South Carolina, is almost as bitter as that of South Carolina against Massachusetts. Their interests are different, and their aspirations different. Georgia is, to a considerable extent, a manufacturing State. She has been populated by Yankees, and is the Yankee State of the South. The interests of Louisiana and Florida are also opposed to the ideas of South Carolina. North Carolina has always been a Union State, and eminently calm and moderate in her views. In fact, could the Confederacy be permitted, without a complete sacrifice of all the principles of the Union, it would, undoubtedly, fall to pieces from internal dissensions within two years.

What is most extraordinary is, that the ordinances of Secession made in Convention by the various slave States have, with few exceptions, never been referred to the popular vote in those States. The acts are the acts of a domineering, unscrupulous, and menacing party, by no means representing the views of the majority. And with such violence and rapidity did this party carry out their project of secession, that the Union men were never able to gather together and make head against it until too late. Yet, wherever the people could speak, despite the Secession ordinances of the Conventions, the great majority declared in favour of the Union. This was the case in North Carolina, Maryland, and Kentucky. In Georgia, also, it is undoubted that there was a very large body, if not a majority, opposed to the action of the State; but the question was never referred to a popular vote. In Tennessee, despite the intimida-

tion there practised, 47,000 votes, constituting one-third of all the votes of the State, were cast against Secession, though the soldiers and thousands of others were prohibited from voting; and the deficiencies in favour of Secession were made up by gigantic frauds. This fact we know from themselves.* In Louisiana, the Secessionists have never to this day published the result of the popular vote, which was undoubtedly in favour of the Union. In Northern Alabama the vote was nearly tied, even in Convention. Virginia has broken in twain on this question,—the western districts declaring strongly for union. Kentucky, by an overwhelming vote, adhered to the Federal Government. Missouri, too, is steadily fighting the battle for union against traitors. It is, therefore, with good hope that the North fights—not to subjugate States, but to liberate them. It wishes dearly to hear the voice of the people of the South.†

* See Mr. H. C. Carey's Letter, *Daily News*, Dec. 6, 1861.

† The following extracts from Southern journals will show what is the feeling in some of the Confederate States:—

A writer in the *Macon Journal* of Georgia says:—"If the State Conventions, which were called for another purpose, can assume that they are the people, that they have the unlimited power of the people, and can do whatsoever they list, and if, under such an assumption of power, they can appoint delegates to a general convention without consulting the people, and can fix upon them a new government without their consent, then a principle which has always been considered fundamental in this country, and 'prized above all price,' is gone. Let the people no longer delude themselves with the notion that they have the right of self-government."

A gentleman whose intelligence and trustworthiness are fully indorsed, says the *New York Tribune*, writes as follows:—"I have just returned from the north-western portion of Georgia. Having been off the road and among the people, I will give you the facts as I know them to exist. 1. There is general, I may almost say universal, dissatisfaction with the Secession movement. The people of this part of Georgia wished to know of me if the people of Tennessee will help them to fight their way back into the Union. Indeed, they say they are not, and will not stay out of the Union. 2. All with whom I have conversed say, that if you will visit north-western Georgia you will be as safe as you are in Knoxville. Indeed they want to see you, and have you speak to them publicly. 3. There is a great complaint, as I learn, in all parts of their State, that their new President has appointed no

But, while the South has blustered about its sham grievances, and loudly denounced the Personal Liberty Bills as unconstitutional, it has in several States been guilty of a clear and gross violation of the constitutional rights of Northern citizens, which it makes no attempt to justify on the ground of law, but only of necessity. Contrary to the express provision of the constitution, declaring that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the

one to office under him but Secessionists, of the old Democratic party, and that they do not allow the people to pass an opinion upon what they do. 4. All the acts of the Congress of their Confederacy are passed in secret session, with closed doors, and what is done is kept from the people, regarded by the people as the worst species of Know-Nothingism, so much complained of in former days. 5. The postal curtailments and the discontinuance of the ports of entry in many instances, they speak of as among their grievances. I am not mistaken when I tell you, that if the question of staying in the Union or going out were submitted to the real people of Georgia, they would vote down Secession most effectually. There is a powerful reaction, and the people applaud the course of Tennessee, and declare for the Union."

In Alabama, though the Convention of that State have made haste to usurp the prerogative and ratify the constitution, the opposition is scarcely less. The *Mobile Advertiser*, an original advocate of Secession, complains thus:—"The Convention has adopted the permanent constitution in behalf of the State of Alabama. Now, in our humble judgment, the Convention has, in this act, exceeded its authority, and that without any reasonable excuse. It matters not whether the action in itself is desirable or not. The great fact stands forth that the delegates were not chosen for any such purpose, and hence have no moral right, without consulting the people, and we question if they have a legal right to act for them in the premises."

The *North Alabamian* took strong and early ground against the scheme of J. Davis and Co. to foist upon the people a constitution without regard to their wishes, and being advised to leave the State, as the penalty for daring to speak thus freely, the editor renews his protest, and, in addition, remarks:—"If all were to leave who are dissatisfied, we fear the remainder would soon have to leave or do worse, for they would have few left on whom they could safely rely for self-protection. It is a remarkable fact, and why it is we know not, that the substantial, physical force of the country—the hard-fisted, hard-working men, everywhere, who are expected to do all the fighting when their country calls—were from the beginning opposed to the ordinance of secession, and are becoming daily more and more dissatisfied with it."

several States," bills have been passed in several Southern States, and particularly in South Carolina and Louisiana, prohibiting the free admission into their ports of all coloured persons, whether citizens of the North or not; and in case such persons are brought there in any vessel, though in the capacity of sailors, they are subject to be taken out, placed in prison, and there kept until the sailing of the vessel, when on payment of their prison fees they are released, and otherwise they

A gentleman, after an extended observation, writes from the interior of Alabama as follows:— "Secession has broken all down in spirit, and in our purses, and there is no chance to sell out at any price. I hope Tennessee will stand by the good old Stars and Stripes. If you have any Secessionists who are sick of 'submission,' as they falsely style obedience to the laws of the land, send them down here to swap property with me. I will give a bargain, or do anything in reason, to get out of this great Confederacy."

In Mississippi the dissatisfaction seems to be great. In proof of this we might quote from a number of leading journals in that State, but we limit ourselves to two; the others are in the same spirit. The *Jackson Mississippian* asserts "the right of the people to decide whether or not they will live under the constitution which is being provided for them by the body in session at Montgomery."

The *Vicksburg Whig* contends that "the permanent [seceding] government must be submitted to the popular will, and woe be to the man who stands between the people and this inalienable right."

In Louisiana, where, as our readers have learned from our columns, Secession succeeded only by suppressing the election returns, and where, no doubt, there is a positive Union majority, the dissatisfaction finds loud and frequent expression. We confine ourselves to a single quotation from the New Orleans *True Delta*:—"Already we find among the most violent advocates of a cotton confederacy some misgivings that all is not right, that to a certain extent only alarming experiments upon popular forbearance may be tried with complete impunity; but experience having whispered to them, that perhaps the submission point is pretty nearly reached, they are disposed to recognise the necessity of an appeal to the people, who, up to this time, they have been studious in ignoring. We incline to the impression that these late recognisers of popular sovereignty are about right, are wise in their generation; for, although political vagaries and the somersaults of political harlequins may astonish and amuse for a time, and when the cost of the amusement is not too great, there will come a day when sober sense will examine the bills, and prudence dictate the adoption of those precautions, neglect of which has lost to people their liberties, and made the purest governments the most insupportable of despotisms."

are liable to be sold in payment of such fees as slaves. These acts, which on the very face of them are unconstitutional, the South refuses to repeal; and Massachusetts having sent one of her most distinguished sons, the Hon. Mr. Hoar, to Charleston, for the purpose of bringing this question before the courts there for adjudication, he was mobbed and driven from the State by the gentlemen of South Carolina. If Massachusetts can submit to this, it is surely little to ask that she may be permitted to keep her "Personal Liberty Bills" until they are judicially shown to be unconstitutional. But Massachusetts was generous. She offered a sacrifice to the Moloch of the South, and, of course, it was scornfully rejected. The South at last was determined to try the issue of arms rather than law or logic; and when offers of compromise at last became tokens of cowardice, and Northern citizens were shot down in street and field, there could be but one result. The first gun at Sumter sounded the knell of compromise for ever.

"If," says Mr. Henry Clay, in a speech delivered by him in the Senate of the United States on Feb. 5, 1850—"If, unhappily, we should be involved in war, in civil war, between the two parts of this Confederacy, in which the effort upon the one side should be to restrain the introduction of slavery into the new territories, and upon the other side to force its introduction there, what a spectacle should we present to the astonishment of mankind, in an effort not to propagate rights, but—I must say it, though I trust it will be understood to be said with no design to excite feeling—a war to propagate wrongs in the territories thus acquired from Mexico. It would be a war in which we should have no sympathies, no good wishes; in which all mankind would be against us; in which our own history would be against us: for, from the commencement of the Revolution down to the present time, we have constantly reproached our British ancestors for the introduction of slavery into this country."

And this brings me to the question as to the right of secession. Able and exhaustive as were the letters of Mr. Motley on this subject, they seem to have failed to convince Englishmen that the American Constitution, neither in theory nor in

fact, constitutes a Confederation of States. The belief still obtains in England that the States are sovereign and independent, and that the Government is the creature of their present will and consent; each having the absolute right to withdraw whenever it thinks best. But careful examination into the real facts would, I am convinced, dispel in any candid mind such an idea; and so essential does it seem to me to put this matter in its true light, that I shall venture briefly to glance at the subject.

In the first place, the constitution was formed and assented to by the States on the very ground that a Confederation was not sufficient. It was an instrument drawn up for the express purpose of superseding and putting an end to the Confederation, under which form the States had completely failed to obtain any happy results. The very rights now claimed by the Confederate States and their party were those granted by the Confederation, and to destroy which the constitution was framed.

The sovereign powers of the States so interfered with the efficient working of the Confederacy, that it soon became apparent to all that some new form of government was required, holding sovereign powers over the States. The Confederacy became ridiculous abroad, and weak and inefficient at home. Mr. Justice Story, in enumerating its vital defects, says: 1st. "There was an utter want of all authority in the Continental Congress to carry into effect any of their constitutional measures." 2nd. "There was no power to punish individuals for any breach of their enactments," so that "men obeyed when it was convenient." 3rd. They "had no power to levy taxes or collect revenue for the public service," though they could apportion its quota or proportion upon each State. 4th. They "had no power to regulate commerce either with foreign nations or among the several States composing the Confederacy." An absolute necessity of a strong government was felt; as a number of sovereign States who could secede at will, or nullify the acts of the central government, it did not work. Therefore, and therefore only, the constitution was framed.

Let us observe the difference between the Confederation and

the Constitution, and we shall better understand the meaning of both. The former instrument was termed "Articles of Confederation and perpetual Union between the States of New Hampshire, Massachusetts' Bay," and so on, enumerating all the thirteen States.

After the name and style of the Confederacy, the very first article reserves expressly to every State "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." The next article propounds the rights of the States, and it is not until Article 9 that the powers of the "United States in Congress assembled" are enumerated—those being very limited, and chiefly relating to war—Congress was one body, not two, and it represented the States only as States. By the very order of these Articles the intentions of the States are manifestly to reserve to themselves in their statal organisation all original powers, and to allow Congress merely subsidiary and administrative faculties.

On the other hand, the instrument by which America is now governed is entitled "The Constitution of the United States," not "Articles of Confederation between the States." It commences authoritatively with the preamble, "We, the people," "do ordain and establish this constitution;" not "we, the States, agree to form a compact or confederacy," but "We, the people, ordain and establish" it. The authority of the constitution is therefore founded on the whole people of the United States. It in express terms calls itself "the Government of the United States." The word "compact" never occurs in the whole instrument but once, when it denies to any State the right to make a "compact with another State or with a foreign power."

It then proceeds at once to state the mode of electing representatives, not to represent the States, but the people according to their number; whereas under the Confederacy the people were not represented at all, but only the States as States. The people, having ordained their constitution, begin with the organisation of the great popular branch of Congress.

Next comes the Senate—a much smaller body, representing

the States—having no power to originate bills of revenue, and composed only of two senators from each State.

Then follow the powers given to Congress—and these are all the sovereign powers of government—of levying taxes, duties, and imposts, providing for the general defence, borrowing money, regulating commerce, foreign and domestic, coining money, establishing post-offices and post-roads, constituting courts of law, defining and punishing piracies and felonies, declaring war, raising and supporting armies and navies and governing them, calling out the militia of the States, suppressing insurrections and repelling invasions, organising the militia, and so on. In a word, all the sovereign powers of a great government are conferred directly and without reserve on Congress. Then follow the denial to the States of the power to make treaties and alliances, grant letters of marque and reprisal, coin money, pass any bill impairing the obligations of contracts, and so on.

Then come the rules as to the President, and afterwards as to the judicial power. But throughout the original constitution not one word is said of any "sovereignty, freedom, and independence of the States," or of their "power, jurisdictions, and rights," as in the Confederation. Nor is it until after the constitution is completed without any reservation of rights to the States, except a few particularly enumerated and trivial ones, showing manifestly what was the intention of the instrument, that subsequently, after its reference for adoption, an amendment was introduced to this effect:—"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." No words of "sovereignty, freedom, and independence"—but simply "the powers not delegated," are reserved—to whom?—absolutely to the States? No: "to the States, or to the people."

What, then, are these powers? They are nothing more than the regulation of their internal mechanism—matters of police, and state law, and discipline, and all things relating to their purely domestic polity. As to their relations with each other, those they cannot regulate, for they are expressly delegated to Congress. What becomes, then, of their sovereign

rights to secede, to make war, to set at defiance the Federal Government? They have not only no existence, but no shadow of existence. There is not a single sovereign power reserved to the States. No allusion is made to their having any powers, except in this amendment. The States have even given the right to the Federal Government to "suppress insurrections." Such powers, therefore, as they have are such as arise by natural implication. Such, for the most part, as towns and counties have to regulate their own concerns, except where those regulations conflict with superior powers.

It is also to be observed that the article of the amendment immediately preceding this, through excess of caution, also increases the powers of Congress so as to cover all implied powers, lest it might be supposed that its powers were confined to those expressly granted.

If by sovereign powers be intended the implied reservation to the States of their rights to exist as States in their organisation and in the management of their domestic concerns, the Federal Government has never denied these rights, or attempted to interfere with them. In this respect the States differ from towns and counties in a State; the constitution not enabling the Federal Government to dissolve the States. Yet the right of cession, or sale, even to foreign powers, of portions of the States, has not only been claimed as a right of the Federal Government, but positively acted upon in the settlement of the north-west boundaries. Mr. Chief Justice Marshall, Mr. Justice Story, John Quincy Adams, and others, have given their opinion that the treaty-making power extended to cases of cession of territory belonging to the States, and Mr. Adams asserts that "under the war power and treaty-making power the Federal Government has authority to interfere with the institution of slavery in any way in which it can be interfered with, from a claim of indemnity for slaves taken or destroyed to the cession of a State burdened with slavery to a foreign power." "So far from its being true that the States where slavery exists have the exclusive management of the subject, not only the President of the United States, but the commander of the army, has power to order universal emancipation." "Nor," adds he, "is this a

mere theoretic statement. Slavery was abolished in Columbia, first by the Spanish General Murillo, and secondly by the American General Bolivar. It was abolished by virtue of a military command given at the head of the army, and its abolition continues to be law to this day." These words were uttered in Congress during two speeches—the first on June 7, 1841, the second on April 14, 1842—and no Southern or Northern man attempted to deny or answer them publicly, in that place at least.

Again, Congress has a right to interfere even in the domestic concerns of a State, on application of the legislature, or of the executive when the legislature cannot be convened, against "domestic violence," and is bound to protect them against invasion. In the case of Rhode Island, when Thomas Dorr and his party, in 1842, took up arms against the government of the State, the United States were on the point of interfering by an armed force, when affairs were fortunately settled. No doubt was entertained of the power of the Federal Government to interfere even when the voters of the State were in conflict with each other.

Thus it is evident, that although under ordinary circumstances, and in times of peace and tranquillity, the Federal Government has never assumed the power to govern or interfere with the internal administration of its domestic affairs by a State, yet it is by no means an admitted truth that it can in no case interfere. The claim of the Southern States, therefore, to the entire rights over their own domestic concerns, is not perfectly clear and undisputed under the powers of the constitution, though practically it has never been carried in force to any great extent. But further than this, the regulation of even their internal affairs is in some cases expressly delegated to the constitution. They are prohibited from laying "imposts, taxes, or duties" on imports or exports, except as "may be absolutely necessary for executing their inspection laws," from coining money, passing laws impairing the obligation of contracts, regulating their own commerce with the other States, establishing their own post-office, and so on.

The State powers of right, therefore, admitted by the constitution are limited, for the most part, to matters of internal police and organisation. They may elect their governor, and houses of parliament, and pass laws and statutes, which they may enforce judicially, unless they are in conflict with the laws of the United States; but the great powers of sovereignty are in the Federal Government, as expressly and impliedly delegated to it by the States themselves.

This constitution was, it is said, submitted to the States for ratification, and not to the people, and on this fact an argument has been founded in favour of State sovereignty. But it was necessarily submitted to the States, because the States then had sovereign rights. It could not be submitted to the people directly. It was for the States to declare whether they accepted the constitution and surrendered those rights. "The People" of the States could not then decide for a State. The constitution did not exist, and the question was simply whether the States would accept it, and thus surrender the powers they then possessed. When they had accepted it, they had delegated to the people what they previously claimed as belonging to themselves as States.

But how was the constitution ratified, and adopted, and established? By the States, as States? By no means. It was ratified by conventions called for that express purpose, and representing in express terms "the people." That term appears in every form of ratification by every State—"in the delegates of the people." Let us take the ratification by South Carolina, the head of the Secessionists. "In convention of the people of the State," begins its caption, and afterwards, "The convention having maturely considered the constitution or form of government reported to Congress," and so on, "do in the name and behalf of the people of this State hereby assent to and ratify the said constitution." And yet South Carolina now declares the constitution not to be a "form of government," but a compact or league of States, and ratified by them as States, and not by "the people!" A government can be "ordained and established," but such terms cannot be applied to a compact. In

ratifying the constitution, the people of the States ratified its language, and determined a government issuing from, and established by, "the people of the United States."

In the convention for the formation of the constitution the first resolution adopted was, "that a national government ought to be established." This phrase was afterwards modified to "a government of the United States;" but the convention declared itself utterly against a proposition by Mr. Patterson of a Confederacy, and refused to accept any modification of the old Confederacy, conferring greater powers on the general Congress. It was not a compact league or confederacy of States that they wished. It was a national government. "We see how necessary for the Union is a coercive principle. No one pretends the contrary," said Mr. Ellsworth, of Connecticut, in the convention for the ratification of the constitution. "However gross a heresy," says the Federalist, "it may be to contend that a party to a compact has a right to revoke that compact, the doctrine itself has had respectable advocates. The possibility of a question of this nature proves the necessity of laying the foundations of our national government deeper than on the mere sanction of delegated authority. The fabric of American empire ought to rest on the solid basis of the consent of the people." And this language was addressed to the States and to the people before the constitution had been adopted. They cannot, therefore, pretend not to have understood the object and meaning of that instrument. Virginia herself, in her ratification, adopts a similar language: "the powers granted under the constitution being derived from the people of the United States," not from the States.

This, then, is the constitution; and how, upon these facts, any argument can be supported that it creates a mere confederacy of States, and not an authoritative government, it is difficult to conceive. Certain powers are reserved, it is said: what are they? Those not already delegated. But all the real powers of sovereignty are already delegated. What powers of sovereignty remain? They cannot coin money, make war, raise armies, regulate commerce, or, in a word, perform any sovereign functions. Sovereign! What does sovereign mean

but superior, and having primal, absolute power? This they never had except it were under the Confederacy. As colonies, the sovereign power was in England. The treaty of peace, assenting to their independence, was in 1783, and the constitution went into effect in 1787, so that at best these sovereign powers under the Confederacy had only existed during an interim; unless, indeed, it be claimed that the claiming of them created them. Among the powers reserved is there a power, then, to secede from the Union? Certainly not. No such power could be reserved by any State without palpable absurdity. No constitution ever did or could provide for its own destruction: no government could tie its own hands by a condition which rendered it imbecile. Without the power to compel obedience and enforce law there is no government, there can be only recommendation. This was precisely the defect of the Confederacy, of which it was said, "They may declare everything, but can do nothing." But the constitution gives Congress "the power to make all laws necessary and proper to carry into execution all the foregoing powers." It does by its express terms absolutely prohibit the States from regulating commerce with foreign nations and among the several States. The moment a State secedes, by the very act it assumes to regulate its commerce with the other States. If it rises in insurrection, Congress has express power to "suppress insurrections;" if it nullifies laws of the United States, Congress has power to carry those laws "into execution."

If the right of secession be claimed as a revolutionary right, it is intelligible. There can be no doubt that revolution is justified by great oppression, when there are no peaceable means of remedy for enormous evils. But revolution in arms should be a last resort, after all other efforts to obtain redress have failed, and even then it must depend for its good name on success. States in revolution against the Government are rebels, however pure and justifiable may be their cause. They are only patriots when they succeed. Is this, then, a cause so pure and clear before the world? Have all possible efforts been made to obtain redress for grievances, before resorting to arms and desolating the land with civil war? No; it is, on the contrary,

tainted with slavery—it is entered into to extend an institution which universal civilisation has branded as infamous. So far from endeavouring to discover a peaceful solution, the South has violently refused all offers of conventions, before which its grievances might be stated and considered; it has rejected all offers of compromise and conciliation, though they went beyond the verge of the constitution in guaranty of slavery. It has wilfully, violently, and unconstitutionally chosen an arbitrament of arms. If there be a revolution not justified it is this. The South dared not accept the offer of a convention before which its professed grievances should be stated: first, because its grievances were all sham; and, secondly, because it well knew that, were they real, every redress would have been given freely. The original American Revolution has been compared to this, but nothing could be more different. Arms were then taken up after peaceable remonstrances had produced no effect, and after long-continued attempts to obtain justice had been rejected. It was not until patience was exhausted that war was resorted to as an *ultima ratio*. Besides, the motive and object of the Revolution was pure—it was to secure freedom and extend civil and popular rights. It was to obtain relief from irritating restrictions, and foolish and oppressive laws. But, on the contrary, this rebellion is to secure slavery and extend civil and popular wrongs. It is to bind closer, under more severe restrictions and more foolish and oppressive laws, the whole Southern States, and to extend into the territories now free the abomination of slavery. Therefore, secession is neither justifiable as a legal right under the constitution, nor as a revolutionary right. As to the former power, these remarks of Mr. Webster are instructive.

"The constitution," says Mr. Webster, "does not provide for events which must be preceded by its own destruction. Secession, therefore, since it must bring these consequences with it, is revolutionary." And he adds:—

"The state constitutions are established by the people of the States. This constitution is established by the people of all the States. How, then, can a State secede? How can a State undo what the whole people have done? How can she

absolve her citizens from their obedience to the laws of the United States? How can she annul their obligations and oaths? How can the members of her legislature renounce their own oaths? Secession, as a revolutionary right, is intelligible; as a right to be proclaimed in the midst of civil commotions, and asserted at the head of armies, I can understand it. But as a practical right, existing under the constitution, and in conformity with its provisions, it seems to me to be nothing but a plain absurdity: for it supposes resistance to government under the authority of government itself; it supposes dismembership, without violating the principles of union; it supposes opposition to law, without crime; it supposes the violation of oaths, without responsibility; it supposes the total overthrow of government, without revolution."

The very objection made by the Southern States to the constitution was that it deprived them of their sovereign rights, that it created a government and not a confederation. "That the government is a consolidated government," cried Patrick Henry, one of the most distinguished orators of Virginia, and a determined opponent of the constitution in the debates against its adoption, "is perfectly evident." The constitution says, "We, the people," instead of "We, the states." This same line of argument was adopted by Samuel Adams, George Clinton, and Luther Martin, among others.

The answer was obvious. So it does; but have you not tried a confederacy, and found it a failure? The government must be consolidated, or it is worthless. There is here no space to quote from the debates on the acceptance of the constitution, but they clearly show how unwillingly the States surrendered their rights, and with what complete knowledge they did it, only craving to save the poor residuum of the mere un-delegated powers.

I am perfectly aware that there exist now, and have always existed, Southern politicians and statesmen who have never been able to relinquish the notion that their States had peculiar rights, and still in some way or other retained those that they had surrendered; and they have undoubtedly contrived to infect with this heresy a considerable party. The early opponents of

the constitution, though beaten in the contest, still defended their views, and the follow[illegible] of Mr. Jefferson have always claimed state rights. But these opinions have never been acquiesced in by the best and ablest men in America. Through a long series of judgments, the Supreme Court of the United States, presided over by Marshall, the greatest constitutional lawyer of his age, has affirmed the constitution to be a government of the people, and not a confederacy of the States, and it is notorious that the decisions of Mr. Justice Story have constantly affirmed the same doctrine. Under these authoritative expositions by the Supreme Court, it is late in the day to claim that the States are sovereign.

When, in 1832, South Carolina attempted to carry out Mr. Calhoun's visionary ideas of nullification and secession, General Jackson, then President, made short work with her. She issued an ordinance declaring that the acts of the general government imposing duties and imposts on foreign commodities were null, and that if an attempt were made to enforce them she would secede and form a separate government. The proclamation of General Jackson, himself a Southern man and a Democrat, forcibly asserts the supremacy of the laws of the Union, the rights of the judiciary to decide upon the constitutionality of the laws, and the total repugnance of the doctrine of nullification to the constitution. In this paper he planted himself strongly on the ground that the constitution does not form a mere league of sovereignties, but a single nation. His prompt and vigorous action silenced nullification.

This was the first explosion of the mine, carefully and diligently charged for years by South Carolina. In connexion with Virginia she had struggled to disseminate her mischievous doctrines, and hoped at last to pull down the Federal constitution, and substitute, therefore, the uncemented card-fabric of state sovereignty.* "The recent attacks in Georgia," says

* Of this proclamation of General Jackson Mr. Justice Story says,—"As a state paper it is entitled to very high praise, for the clearness, force, and eloquence with which it has defended the rights and powers of the national Government."—*Life and Letters*, vol. ii. p. 112; see also pp. 121–123.

Mr. Justice Story, in a letter to Professor Ashmun, "and the nullification doctrine of South Carolina, are but parts of the same general scheme, the object of which is to elevate an exclusive state sovereignty upon the ruins of the general government. The opinions on this subject have been yearly gathering strength, and the non-resistance and passive obedience exhibited to them by the rest of the Union have encouraged, and, indeed, nourished them. If when first they were uttered they had been met by a decided opposition from the legislatures of other States, they would have been obsolete before now. But the indifference of some, the indolence of some, and the easy good-natured credulity of others, have given a strength to these doctrines and familiarised them to the people so much, that it will not be hereafter easy to put them down."*

But it is not my purpose here to multiply opinions. The question, after all, depends upon the terms of the constitution, and that gives no shadow of right to any claim of state sovereignty.

The name "United States of America" is an unfortunate one, and has doubtless led many minds into error. For it may be said, if the States do not form a confederacy, why are they called "United States?" The very name implies federation, not consolidation, and if this be the case the union must depend on the consent of the States, and each must have the right to resume its independence at will. In like manner it might be asserted of the British Government—You are the United Kingdom of England, Scotland, Ireland, and Wales. All these had original sovereign rights; by conquest and consent you have annexed them, and therefore you are but a federation of kingdoms, each of which has the right to secede at its pleasure. The resemblance goes further. In Scotland the forms of law, the laws themselves, and the administration of justice, are upon a different basis from that of England, partaking more of the civil law and less of the common law. Ireland also settles for itself its own internal concerns and holds its subordinate court. The peerages of the kingdoms are distinct in their origin and

* Story's *Life and Letters*, vol. ii. p. 48.

rights. In fact, you are not even at home an absolutely consolidated, homogeneous kingdom, but rather a federation of kingdoms. But when you add Australia and Canada with their separate parliaments and laws, and India with its entirely distinct organisation, your kingdom is wanting in all the elements of consolidation; for how will you on principle distinguish the rights of Canada and Australia relative to England from those of Massachusetts and South Carolina relative to the Federal Government of America? Therefore shall I say each has the right to secede when the government does not suit it. A strong majority in Ireland, and, *à fortiori*, a party approaching to unanimity of principle, may take up arms against England and resist its laws to the cry of "Repeal of the Union," and are justified in so doing. But suppose Ireland or Canada even should take this view, and attempt armed resistance and secession—is it to be supposed that England would be prevented from employing force to subjugate it at once, by the sentimental, or if you will, the Christian reason, that it would be a "fratricidal war," an "internecine war," an "inhuman war?" Would she like to be counselled to compromise with rebellion? Did England ever hesitate in such a case? Let Ireland and India answer.

But in support of this claim of sovereignty among the States what is the argument? Simply this—that though they resigned it formally, it could only have been conditionally—that the Union is merely a sort of co-partnership, where, if the business is badly managed and unprofitable, each partner has the right to withdraw at his pleasure. But even in such a case the argument is untenable. Where partners bind themselves absolutely for life, even in a limited co-partnership as to certain affairs, the partnership only can be dissolved by common consent. No one partner can undertake to withdraw from the firm his funds and his name in a manner injurious to the others and against their will, and, *à fortiori*, cannot take back personal goods and property of any kind which he has sold outright to the firm, and for which he has received full payment, without rendering himself legally and morally liable to the firm. Yet South Carolina and her sister Confederate States claim a right

not only to withdraw, but to take by force of arms the lands, forts, and arsenals sold absolutely by her to the United States Government, and for which they have received full payment. The land on which those forts were built was bought and paid for by the United States. The forts and arsenals were erected at the expense of the Federal Government. The arms and munitions in them were bought by the United States funds. By what right can the States claim to retake them without the consent of the owners? Suppose they say they are willing to pay for them; but the United States is unwilling to sell them, and certainly the Government has a right to keep its own property. Suppose each State to say that she has paid her proportion of the purchase-money; but how, even granting that, is she entitled to take the whole, and to take it by force of arms and bloodshed? South Carolina, when she thus took Fort Sumter, committed not only an act of civil war, but of public robbery. Even granting its right to secede, it could have no right, *vi et armis*, to possess itself of property not belonging to it, however convenient or even necessary to their interests it might be to possess it. This is the sort of right that her Filibusters set up to take Cuba, or any other place that suited their convenience; but I never heard that the civilised world admitted such rights.

Again, even suppose that the original parties to the constitution, the thirteen States which actually surrendered their sovereignty to the Federal Government, have this asserted right to resume that sovereignty under certain circumstances, what sovereignty did the States, not original parties to the constitution, ever resign? Did the States formed out of territories ceded to the Federal Government—did the States purchased of foreign powers—ever have any sovereignty to surrender? What sovereignty did Mississippi, Missouri, Alabama, Tennessee, or Kentucky ever have to surrender? They were formed out of territory exclusively belonging to the United States Government; their lands were surrendered to them provisionally by that Government, not surrendered by them to it. They were populated by emigration from all countries. They have no original rights to take back. If they return to their original

condition they become the absolute property of the United States. So, too, what sovereignty can Louisiana or Florida, to say nothing of Texas, claim to resume? They were purchased by the Federal Government of foreign powers, and they belong to it as completely as it is possible to conceive—not by their surrender of themselves, not by conquest, but by the simple and unequivocal rights of purchase. What possible right can they have to secede? Whatever may be the claims of Virginia, the Carolinas, or Georgia, they certainly are not shared by Arkansas, Missouri, Louisiana, Florida, and Texas.

LETTER III.

It was not on the election of Mr. Lincoln that for the first time violent threats of disunion from the South were heard. So long ago as in 1833, when South Carolina attempted to "nullify" the constitution, General Jackson declared that "the tariff is only a pretext. Disunion and a confederation of the South are the real objects. The next pretext will be slavery." And so it proves. When Fremont was candidate for the Presidency, the same violent threats were made by the South to overthrow the constitution by civil war that were made in the case of Mr. Lincoln. Mr. Butler and Mr. Keitt of South Carolina, Mr. Toombs of Georgia, Mr. Mason of Virginia, then uttered the same language that we still later have heard from Mr. Brooks of South Carolina, Mr. Wise of Virginia, and many others. "If Fremont is elected," cries Mr. Keitt to the people of Lynchburg, in Virginia, "adherence to the Union is treason to liberty. I tell you now, that the Southern man who will submit to his election is a traitor and a coward." Mr. Brooks, in 1856, returning to South Carolina after his ruffianly assault on Mr. Sumner in the Senate with a bludgeon, talks a language of similar ruffianism to an audience which applauds to the echo:—

"We have the issue upon us now; and how are we to meet it? I tell you, fellow-citizens, from the bottom of my heart,

that the only mode which I think available for meeting it is just to tear the constitution of the United States, trample it under foot, and form a Southern Confederacy, every State of which will be a slaveholding State. (Loud and prolonged cheers.)"

The ignorance exhibited by English writers of the commonest facts of political history in the United States, and of the clearest provisions of the constitution, is not strange. The subject is but little studied in England, and it is natural for an Englishman to overlook the differences between the unwritten constitution of his own country and the formal instrument called the Constitution in the United States. It is not to be expected that any person in one country will be thoroughly acquainted with the intimate and practical working even of common principles in a different country; and it is difficult, even with much and careful study, to avoid falling into errors. The writer in the *Edinburgh Review*, on "Disunion in America," asserts, however, that this ignorance does not exist; but, on the contrary, "few subjects," he says, "have been the theme of so much discussion among ourselves for the last half century as the American constitution." And, he adds, "we venture to affirm, that the question being dispassionately viewed in this country from a greater distance, has been on the whole more accurately judged here than by the American people themselves." And he says with a sneer, in speaking of a paper on the American question by Mr. Jay, "We freely confess our inability to follow Mr. Jay in the dogmatical statements which represent, in his opinion, the fundamental laws of his country."

This article, written in a spirit of candour, and, on the whole, of good feeling, is undoubtedly the composition of a man of ability, who arrogates to himself a thorough understanding of the American constitution, and a more accurate judgment of the condition of America than the Americans themselves. Without following him far in his argument, let us examine a little into his knowledge.

He speaks very authoritatively. "The American writers on this subject (sovereignty of the States) have, in our opinion," he says, "committed a gross error in the attempt to transfer to their constitution the high doctrines of allegiance." Having

a preconceived notion that the United States are merely a Federation, he "observes with astonishment" that Mr. Everett "should have fallen into the mistake of comparing an insurrection in Ireland or Scotland to the secession of the Southern States." He thinks Mr. Motley has considerably overstated the sovereign powers of the Union; that no such paramount supremacy as he ascribes to it had ever any real existence—and he quotes, *per contra*, the opinion of Mr. Jefferson, apparently without remembering that he and his party were banded to break down the constitution, and were opposed by Washington, Hamilton, Franklin, Jay, Madison, Marshall, Adams, and the main body of great men, through whose co-operation the constitution was created and carried into efficacy.

In arguing the question of slavery under the constitution, and in answering the doctrine so ably stated by Mr. Motley, he says:—"Under the existing constitution of the United States, which the freemen of the North are now in arms to defend, slavery must be considered to form part and parcel of the law of the Union, not only from the well-known clause which has been made the basis of the Fugitive Slave Law, not only from the decision of the Supreme Court of the United States in the Dred Scott case, but especially from the very last amendment or addition to the constitution passed on the 3rd March of this year, that is, on the eve of President Lincoln's inauguration, which expressly provides: 'That no amendment shall be made to the constitution which will give Congress power to abolish or interfere, within any State, with the domestic institutions thereof, including that of persons held to labour or servitude by the laws of the said State.'

"Thus, in the very crisis of the present quarrel, and the moment when able writers like Mr. Motley were endeavouring to prove to Europe that the Union formed one great nation, represented by its Congress and its President, to execute the supreme law of the commonwealth, Congress did, in fact, declare itself powerless and incompetent to abolish or interfere with slavery, and thereby recognised in more precise terms the full and absolute rights of the several States to deal exclusively with their 'domestic institutions.' But as it is well known

that the several States (or, at least, the greater part of them) never will abolish slavery of their own accord, we are entitled to assert, with this clause before us, that slavery is protected and perpetuated by the constitution itself in those States in which it already exists.

"This single fact seems to us to afford a more conclusive answer than whole reams of argument to the high prerogative doctrines (as we should call them in Europe) recently put forth by the champions of the Federal constitution. According to them the constitution of the United States is not only sovereign but supreme, ordained and established over the States by a power superior to the States." *

Now, we beg to inform this writer, that notwithstanding the study he has given to the constitution of the United States he has now fallen into the gravest error, an error so grave indeed as to shake our faith in his constitutional knowledge to its very foundation. If this is the kind of knowledge on which his conclusions as to American affairs are based, we should be scarcely inclined to agree with him that the American question "could be more accurately judged here (in England) than by the American people themselves."

The fact is, that no such amendment to the constitution was ever made. Had this gentleman simply read the 5th Article of the Constitution of America, he would have seen that Congress cannot make an "amendment or addition to" the constitution. It can merely propose amendments, which, before they can become a part of the constitution, must be "ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof;" and this fact any public man in America would be ashamed not to know, though it is a very natural mistake in an Englishman, who does not discriminate between what he calls his constitution and the written and formal instrument known as "the Constitution" in America. It is true that such a proposal to amend was made by Congress, but there the matter has dropped for the present.

Had he paused to think, he would undoubtedly have seen at

* *Edinburgh Review*, October 1861, p. 559.

once that with a written constitution like that of America, had the power of amendment been given to Congress alone, that instrument would have soon been made the mere football of party, and subjected to all sorts of fluctuations, inconsistencies, and contradictions. Each party, as it obtained predominance, would have endeavoured to stamp its doctrines on to the constitution, which would soon have lost all exactness and precision. The framers of the constitution, therefore, intentionally interposed obstacles in the way of amendment, so as to allow time for party passions to cool, and required not only two-thirds of the Congress to unite in a proposal of an amendment, but three-fourths of the people through their legislatures in convention, to ratify and approve that proposal. Their wisdom was shown by this very case. It was the pressure of circumstances, the desire of conciliation, that prompted Congress to [illegible] is proposal of amendment, and had one vote less been cast [illegible], the proposal would have failed. But there can be little doubt that, had it ever been referred to the people, it would have been rejected.

The error of this writer, then, is the same that an American would make who should declare that any bill recommended by a special committee appointed for such purpose in Parliament thereby became an actual law, although in fact no action was ever taken upon it by the House of Commons, and upon the basis of such a fact should attack the Government of England as having actually accepted and adopted the provisions of the bill, and insist that it afforded a more conclusive answer "than whole reams of argument" by any distinguished statesman to show the real policy of England.

In the construction of the constitution, as creating an authoritative Federal Government, and not a federation of the States, liable to be broken at their will, we prefer to follow the actual provision of the constitution—the adjudications through a long series of years by the Supreme Court of the United States, at the period when it was composed of the most distinguished men that ever sat upon that bench, seeking illustration from the opinions of such men as Washington, Madison, Jay, Marshall, Hamilton, Adams, and others—than to accept

the opinions of even the ablest men of England on a subject where, as we have seen, a gentleman of accomplishment, ability, and candour, falls into so deplorable an error as the writer in the *Edinburgh*.

But here it may be as well to say, that even the opinions of the most distinguished men of America upon the constitution can only be considered as illustrative, and not conclusive as to its meaning. The constitution stands on its own basis, and is not to be propped up by opinions. It is a clear and formal instrument, not to be warped from the manifest purport of its language by any glosses of interpretation. From all opinions appeal may be made to the constitution itself; if it does not clearly support them they must fall to the ground.

We now come to another pretended grievance of the South against the North, which it will be worth while for a moment to consider—the so-called "Personal Liberty Bills." Massachusetts was on the point of entirely modifying hers, so as to remove all shadow of constitutional objection, at the very time when the civil war broke out. There is no space here to enter upon the question of their constitutionality; but, certainly, to say the least, a strong argument can be made in favour of it, and, indeed, has been made by Mr. Charles G. Loring, one of the most distinguished lawyers of the Massachusetts bar. It may, however, be stated that the main object of these bills is to prevent the officers of the State from lending their aid in carrying out the Fugitive Slave Law, and the only question is whether the State has not a right to throw upon the United States authorities the duty of carrying out the provisions of this law. The clause under which the Fugitive Slave Law was passed is in the national constitution, and is a national guarantee. It is not in a State constitution; it does not make requisition upon any State functionary to carry its provisions into effect. In the case of "Prigg v. the Commonwealth of Pennsylvania," the Supreme Court of the United States directly says:—

"The States cannot, therefore, be compelled to enforce them. It might well be deemed an unconstitutional exercise of the powers of interpretation to insist that the States are bound

to provide means to carry into effect the duties of the national government, nowhere delegated or entrusted to them by the constitution. On the contrary, the natural if not the necessary conclusion is, that the national government, in the absence of all positive provisions to the contrary, is bound, through its own proper departments, legislative, judicial, or executive, as the case may require, to carry into effect all the rights and duties imposed upon it by the constitution."

Under this authoritative adjudication, then, the States are not compelled to carry the provisions of the Fugitive Slave Law into effect. And may they not prohibit their officers from assisting, if they choose?

But even this would never have been done had it been supposed that the Fugitive Slave Law was constitutional in itself. But denying as it does the right of a person accused of being a fugitive slave to a trial by jury, it directly violates the provision of the United States constitution, declaring that "no person shall be deprived of life, liberty, or property" without a trial by jury—a clause which includes questions as to fugitive slaves, whether they be considered as property, or as persons to be deprived of liberty. Without entering into any of the other arguments against the constitutionality of this law, for there is no space here, this alone would seem to be unanswerable; but when one also takes into account the fact that the adjudication of any claim to a person accused of being a fugitive slave is given, not to a court or even to a judicial officer, but merely to a commissioner of the United States, whose fee is doubled in case he declare the person a slave, and that he is bound so to declare him on merely *primâ facie* evidence, the law in a merely legal point of view seems monstrous. If to this be added the fact, that it insults the moral feeling of the North, we shall see, perhaps, good reasons why the States should go to the verge of their constitutional powers in rendering the carrying out of this infamous law as difficult as possible. None the less, however, so determined was Massachusetts to perform her constitutional engagements, that she protected the United States authorities by her armed militia in carrying it

out, and accompanied with bayonets the slave Simms to the ship which was to transfer him to the chains of his master.

Nor is it alone in the North that the Fugitive Slave Law is considered as unconstitutional. It has been adjudicated to be so in a Southern State. The *Charleston* (*South Carolina*) *Mercury*, the organ of slavery, so declares it, and in this opinion Senator Rhett, of the same State, and Mr. Iverson, of Georgia, among others, have given their assent.

This defect of trial by jury is deemed by some persons to be obviated by the fact that the remanding of the slave to his master is only preliminary, and that the slave may in his own State bring an action for his freedom, and the question be tried by a jury. But this argument shows a complete confusion of ideas. The original question is not whether a slave shall be surrendered, but whether the person claimed as a slave is a slave or not; and until this be decided by a jury, he cannot be deprived of liberty. Again, though the person thus remanded may have a right of trial in the State to which he is carried, he must be plaintiff in the action, and bear the burden of proof, which in such a case would be enormous, especially as, in the South, the very fact of his colour constitutes a *primâ facie* case against him. Besides, it is plain that, with the laws, prejudices, and opinions of the South on this question, there would be little probability that a black man would ever obtain complete justice. The fact is, that the claimant must prove his case originally, and the burden of proof is legally on him.

The belief that the "Abolitionists" (as all Northern men in any way opposed to the ultra doctrines of the South on the subject of slavery are vaguely called) have ever intended to make any other than a moral and argumentative attack on slavery in the States arises, for the most part, from gross ignorance. It is fostered by public men and speakers of the fire-eating school, followers of the visionary doctrines of Mr. Calhoun, and at heart Secessionists and haters of the Union, in order, by exciting the passions and the fears of the Southern people, and by stimulating sectional jealousies, to bring about their favourite scheme of nullification and secession. For years they have

used every means to foment discord, by malignant misrepresentations of the feelings and objects of the North, by asserting and reasserting as fact the fictions engendered by their imaginations upon their ignorance or their evil desires, hoping by these wicked means to goad an excitable people to the ruin of the country. Shaking the red flag of "abolition," these matadors of the South have infuriated to madness and blindness the many-headed mob, until at last it rushes furiously on its own death. To inform themselves upon the real state of facts, and the real opinions of the North, did not suit their purposes, and they have skilfully managed to rouse the worst passions.

The number of persons in the North really "Abolitionists," in the true sense of that word, is exceedingly small; and strong as the anti-slavery feeling undoubtedly is in Massachusetts, yet even there, in what is called the head-quarters of abolitionism, there has been as yet no political party founded on the abolition of slavery in the States. The few persons whose avowed object and aim are "abolition," are non-resistants and peace men by principle. They refuse even to exercise the right of franchise or accept office under the United States, and confine their efforts solely to arguments against the institution of slavery; while the whole body of the people, instead of endeavouring to compass the destruction of the South, has been fatally prone to compromise and surrender even their constitutional right to act against slavery, for fear of irritating the South. The attempted raid of John Brown into Virginia, so far from receiving sympathy from any part of the North, was denounced in every public meeting. Sympathy was, to some extent, expressed for the man—and in this Governor Wise, of Virginia, could not refrain from joining, wild as he was with rage—but no sympathy or justification was offered for the deed. It was considered as unfortunate, unjustifiably wrong. Yet who taught this lesson to John Brown? It was the slave State of Missouri. It was the border ruffians who made these murderous raids into Kansas. That was his school, and there he learned his lesson. At the very time that the South was raging against him and his treason, it was justifying and advising the self-same course in behalf of slavery. Chas. J. Faulkner, the late representative of

the district of Harper's Ferry, the chairman of the Congressional Democratic Committee of 1856, and the United States minister to France under Mr. Buchanan's administration, at a democratic meeting held in Virginia, says:—"When that noble and gallant son of Virginia, Henry A. Wise, declared, as was said he did in October, 1856, that, if Fremont should be elected, he would seize the national arsenal at Harper's Ferry, how few would at that time have justified so bold and decided a measure! It is the fortune of some great and gifted minds to see in advance of their contemporaries. Should William H. Seward be elected in 1860, where is the man now in our midst who would not call for the impeachment of a governor of Virginia who would silently suffer that armoury to pass under the control of such an executive head?"

Is it for self-protection against violent assault against slavery by the North that the South secedes? When was ever such an assault made except by John Brown? With an amazing inconsistency we hear from Southern men that slavery is not only the humanest of institutions, having the sanction of God's holy writ, but that the slaves are so happy under it that they would not accept freedom, and would shed their last drop of blood in defence of their masters. Yet at the same time, and with the same voice, they say to the North, "You shall not discuss slavery. You will create insurrection among the slaves. You are putting the knife to the throats of our wives and children. They will rise and swamp the South with blood, and therefore we will not have Abolitionists amongst us: we will hang them on the first tree if they come. And as for the constitution and the rights of Northern citizens, by the law of self-preservation, superior to all constitutions, we are entitled to drive them out, and to take their lives." Yet both of these statements cannot be true, and it is useless to argue upon them.

Acting, however, on this last argument, even before this outbreak of civil war, they have gone back into barbarism to protect slavery. Law and trial by jury have been scoffed. Vigilance committees have taken the place of courts of justice. Suspicion has been treated as ample proof; and at best a mere *primâ facie* case, without opportunities of defence, has cost many

a Northern man his life. He happens to have a copy of the *New York Tribune*. He has spoken in favour of Mr. Lincoln. He has been unwise enough to say he does not object to the republican doctrines. "*A la lanterne!*" is the fierce cry of the vigilance committee, and his lifeless body swings to the nearest pecan tree. It is not merely against action, but against thought, that this frightful proscription is made. Lest this be contradicted, let one case stand for a thousand. It is the first that my hands fall upon, and is not selected. William H. Crawford, of Maine, was living in Tarrant county, in Texas. He was out one day with his team, carrying a load of sand, when three armed men came up, charging him with promising to assist a slave to run away. He absolutely denied it, and these men thereupon carried him off into a wood and hung him. The *Fort Worth Chief*, a Texan paper, gives the following notice of this little incident of "the sunny South:"—

"MAN HUNG.—On the 17th inst. was found the body of a man by the name of Wm. H. Crawford, suspended to a pecan tree, about three quarters of a mile from town. A large number of persons visited the body during the day. At a meeting of the citizens the same evening strong evidence was adduced, proving him to have been an Abolitionist.* The meeting indorsed the action of the party who hung him. Below we give the verdict of the jury of inquest:—'We, the jury, find that William H. Crawford, the deceased, came to his death by being hung with a grass rope tied around his neck and suspended from a pecan limb, by some person or persons to the jurors unknown. That he was hung on the 17th day of July, 1860, between the hours of 9 o'clock a. m. and 1 o'clock p. m. We could see no other marks of violence on the person of the deceased.—W. A. Sanderson, J. P., acting as coroner; E. M. Daggett, A. Y. Fowler, S. M. Jameson, A. M. Quayle, jurors.'"

The following is the report of the meeting referred to as published in the same paper:—"At a large and respectable meeting of the citizens of Tarrant County, convened at the Town-hall, at Forth Worth, on the 18th day of July, 1860, pursuant to previous notice, for the purpose of devising means for defending the lives and property of citizens of the county against the machinations of abolition incendiaries, J. P. Alford was called to the chair, and J. C. Terrell was appointed secretary. After the object of the meeting was explained by Col. C. A. Harper, the following preamble and resolutions were unanimously adopted.—'Whereas the recent attempts made to destroy several neigh-

* The evidence, be it observed, is given after he has been hanged.

bouring towns by fire, the nearly total destruction of one of them, coupled with the conversation and acts of one William H. Crawford, who was hung in this county on the 17th instant, prove conclusively to us the necessity of an organised effort to ferret out and punish abolition incendiaries, some of whom are believed to be in our country: Therefore, to discover and punish said Abolitionists, and to secure the lives and property of our citizens, be it resolved, That we indorse the action of those who hung W. H. Crawford in this county on the 17th instant, convinced as we are, from the evidence upon which he was hung, that he richly deserved his fate. Resolved, that a central county committee be appointed by the President, consisting of seven citizens, whose duty it shall be to appoint such committees in every precinct in the county, which sub-committees shall confer with and report to the central committee the names of all suspected persons in their precincts, which persons shall be dealt with according to the pleasure of the central committee. Resolved,—That the members of this meeting hereby pledge themselves to support said central committee in the discharge of their duty in dealing with abolitionists and incendiaries.

'JAMES P. ALFORD, Chairman.

'J. C. TERRELL, Secretary.

"'The central committee hereby notify all persons connected with or holding abolition sentiments to leave the country forthwith, or they may possibly have cause to regret remaining.'"

The wife of this murdered man, in an account published in the Minnesota paper, called the *Waseca Citizen*, adds:—"And this was all that was ever published there to show the justice of the act. On the 18th his body was buried by the roadside. I have asked, in vain, for permission to have it buried in the village graveyard. After the body was brought in, three men came and said they had been appointed to examine our letters and private papers. They searched through the writing-desk, book-case, trunks, and everywhere that they thought letters or papers might be concealed. When they were leaving I asked them if they had found anything. They answered, 'Nothing but letters of friendship.'"

When the North asserts that this is a war between freedom and slavery, they do not, or rather they did not, mean that it was a war of emancipation against the Southern States. Slowly and surely it is drifting in that direction, and if it be long continued it will undoubtedly become so at last. But in the origin it was a war engaged in by the South, with the object to extend slavery into the free territories; and the stand of the

United States Government is not only to uphold the constitution, as forming a government not to be broken down at the will of the States, but to carry out the principle that slavery shall remain in its present limits, and not be forced upon free territory, or at least to maintain the rights of the majority of the people of the United States to effect legitimately and legally such a principle.

The Federal Government has been exceedingly cautious, even to timidity, in acting against slavery in the States. It has unwillingly accepted the service of fugitive slaves; and though its scruples on this point are now overcome, it has never used, or threatened to use, general emancipation as an arm of attack. It has not, therefore, used its greatest power. The moment emancipation is proclaimed there will of necessity be an end of the war. There are four millions of slaves.

It is said that the States of the South cannot be subjugated—that is what we shall see; and if they are subjugated they cannot be held—that, also we shall see. It is believed that, if not a majority, at least a very large minority in the South are in favour of the Union, and that the moment the Federal protection is given they will loudly declare their adherence to the Government. We have already seen, that as yet no clear expression of the popular wish has been given. For all that we know there may be large majorities in favour of the Union. If this be so, these majorities, when the States are subjugated, will rule it. Now they would lift their voice in favour of the Union at the risk of death. Secession has organised itself, holds the power, and Union men can no more speak there than in Venice and Rome—and for the same reason. But it is England who says we cannot hold a subjugated State. Yet is not India a subjugated State? and does she not hold it? Nay, is not Ireland to all intents and purposes a subjugated State? and does she not hold it?

Let us not be alarmed at the words "subjugation and coercion." All war is coercion of the sternest kind; all putting down of rebellion and revolution, whether in India or South Carolina, is subjugation. If by subjugation be meant conquest for the sake of oppression, there is no such intention on the

part of the North. But if by subjugation be meant reducing revolted States to obedience for their benefit and the good of the whole country, subjugation is precisely what the North intends, and it thinks that it can effect that subjugation: not that it denies spirit, courage, energy, and ability of all kinds to the South, but it thinks the sinews of war will there be wanting; that the States are divided in opinion and desire peace; that they will take better counsel at last, or, at all events, that they will find themselves unable to resist the power of the North. They have thus far had many advantages—but already there is dissatisfaction, and the beginning of discord. Their cause is bad, and they will suffer more than the North. Thus far they have made no progress at least, and they are slowly coming to a calmer and truer estimate of the power, determination, and resources of the North. They are further off than ever from such a settlement as they now seek by arms, and every day makes such an end more impossible.

One great advantage the South has had in the general superiority of its officers, many of whom were trained in the North, and educated at West Point. The South, having had the lion's share of patronage, has in this as in other branches of preferment got the better of the North. But the North has the raw material to make officers and soldiers—and the battle-field is a stern school. The London *Times* laughs at our volunteers, and defames our officers, as coming "from the shambles and worse places." That with some most eminent exceptions—such as General M'Clellan, who was generally considered as one of the best and ablest officers in the army, and others whose names are too well known to need enumeration—it is true that the greatest part of the Northern officers came from civil walks of life, though I am not aware that any of them came "from the shambles and worse places." Time and training are undoubtedly necessary to make such men into able officers—but I have the best hope of them. They will be taught by failure, perhaps, but they will gradually learn their duties; and some of them may at last prove equal or superior to men who have had greater advantages in military education. It is worth while to remember

that the fiery Lannes was but a dyer and a volunteer; that Massena, Moreau, Junot, Soult, Augereau, Bernadotte, Hoche, Mortier, and others of the *grande armée*, all rose from the ranks; all were volunteers, and none had any military education. Bessières was a hairdresser, and St. Cyr a drawing-master; and both were volunteers and common soldiers. Yet it will not be disputed that they were at last good officers. The list could be considerably enlarged, but it will suffice. If a dyer and hairdresser could do such deeds, surely a butcher may, after he has had experience. Men are born great generals as they are born poets—training is undoubtedly necessary, but training is not all.

As for our soldiers, they have learned hard lessons, and profited by them. The defeat at Bull's Run was certainly unfortunate in one sense—it exposed us to a fire of criticism not always in the best taste. But let us take those criticisms quietly: much of them was deserved; though it is not taken into account that, despite the sad spectacle of that day's panic, there was a great deal of hard fighting on that field, most honourable to untried and undisciplined troops. At Leesburg, at Springfield, the soldiers fought like veterans; and it will yet be seen that they are capable of heroic endurance and terrible energy. Had the battle of Bull's Run been a victory instead of a defeat, it might have ended the war, perhaps; but the great cause of freedom would not have been gained. The North would have compromised; if a peace had been patched up, it could only have been temporary. The South and the North have more lessons to learn; and no peace which does not tear up the very roots of the rebellion will ever be permanent. I am one of those who believe that God does not mean us to conquer, until dire experience has brought us sternly to face the real facts. If we do not now settle absolutely the question of slavery, we have much to answer for to the future. A great trust will have been betrayed; and this settlement must be made, not in a spirit of revenge, but of justice.

Meanwhile, the action of the South has been such as by no means to recommend its cause. The States have repudiated their just debts; refused to pay to merchants of the North the

money due to them for goods honestly supplied; have driven out well-disposed and quiet persons who refuse the oath of allegiance to their treasonable conspiracy; and have been guilty of acts of ferocity which even passion cannot excuse. On the field of battle they have murdered wounded and defenceless men; fired into ambulances; wreaked their barbarism on dead bodies; and shot down, in cold blood, peaceable men who differed from them. Of these facts there is but too much proof. I know that much is to be forgiven to passion; but there is a limit; and feel assured that few Southern men would wish to justify such barbarities, but rather would indignantly deny them. Yet listen to the *Richmond Examiner*, the direct organ of the Confederate Government.

The Editor is speaking of the Unionists of a portion of Western Virginia, and says:—"The most of them have packed up, ready to leave for Yankeedom at the shortest possible notice. In Braxton County every Tory has been shot by his neighbour; and in several other counties the citizens devoted to the Confederate cause are doing good service in the same manner."

The following extract from Colonel Geary's official report of the recent skirmish at Bolivar Heights, on the Potomac, has stood for at least ten days uncontradicted, says the *New York Tribune*:—"One of the Union soldiers taken by the enemy was Corporal ——, Third Wisconsin Regiment, who was wounded in the action. The other corporal, Benaiah Pratt, of Company A, Twenty-eighth Regiment Pennsylvania Volunteers, was accidentally taken by a few of the enemy, whom he mistook for Massachusetts men; their uniforms corresponding in all respects to that of the latter. The four men who were killed were afterwards charged upon by the cavalry, and stabbed through the body: stripped of all their clothing, not excepting shoes and stockings, and left in perfect nudity. One was laid out in the form of crucifixion, with his hands spread, and cut through the palms with a dull knife. This inhuman treatment incensed our troops exceedingly; and I fear its consequences may be shown in retaliating acts hereafter."

In the North and West the absence of violence of tone

against the South is remarkable. Even while sons, and brothers, and fathers are shedding their blood to maintain the cause of freedom, justice, and popular rights, against States in revolution against the Federal power, she apologises for the South. She believes that they are misled. She would gladly make up the breach and pardon the revolted States. But she does not intend to flinch from her duty—nor, I hope, to compromise and betray the future. Every day strengthens her in her resolution, and believing her cause to be just, she will fight the good fight and conquer in the end.

Whether or not particular men have been disunionists and preached disunion, is, it seems to me, little to the purpose. Far behind this lies the great question, Whether under the constitution disunion is possible? If not, then these doctrines are simply revolutionary. They do not shake the constitution. Though Ireland defame and assault the constitution of Great Britain, though the Chartists threaten it, and Smith O'Brien organise an armed rebellion, that constitution still stands; and it would be preposterous to argue that the doctrines thus propounded, even though they were a thousand-fold more widely and fiercely expressed, afforded any just interpretation of the constitution of Great Britain.

As for a division into various confederacies, which is regarded in England as the most proper and satisfactory end of this conflict, I think the country will never submit to that till chaos comes, for it would be chaos to America. The example of conflicting States in Europe standing in mutual dread of each other, constantly on the brink of war, keeping up an artificial scheme of balance of power, dreading the might, now of France, now of Austria, exhausting the resources of the nations in great armies and navies, merely to guard against contingencies and sudden outbreaks of war, is not a cheerful one. Europe is a failure. It cannot be offered as an example to follow, but to avoid. A division of America into confederacies would be fatal. On the borders, so long as slavery exists, there would be constant inflammation and irritation. Standing armies would be necessary to prevent irruptions. Constant conflicts would occur as to the navigation of great rivers. The

South would gain no advantage as to her fugitive slaves, but utter loss. Indeed, it is impossible to imagine any advantage to be gained by any one of the States, though the disadvantages are large and manifest. Such a consummation is devoutly to be prayed against.

The future of America is in the hands of God. I cannot believe that here is to be an end of the great Republic. The Union must be preserved, and, by the blessing of God, it will be. A tremendous strain upon its weak part has for a time broken it asunder; but the country is in earnest, and it again will be established—not united by the poor solder of compromise, but with the stern matter of justice and right. These are the only means by which States ever can be consolidated. The rotten part of the great structure of the American Republic was slavery, and slavery cannot be welded together with liberty without slowly disintegrating it. We began as a republic, and we had become an oligarchy, domineered over by the slave power with which our fathers had compromised. Let us not again make the same fatal mistake. Repeated compromises have brought America to the verge of ruin. We must now insist on justice and right in reconstructing our Union—not for the sake of the North alone, but for the sake of all—north, south, east, and west—and for the sake of humanity. The crisis is a great one. America must expect to suffer for a time. She is not worthy of her great trust if she cannot endure the trial, and come out of it stronger than ever. If she must learn her lesson by defeat, let her not be disheartened. If she have courage and persistency for right, all will end well. The soft clay which goes into the furnace is made hard and durable only by fire. Republican institutions are on their trial. They must not fail. That would be a loss to civilisation and the world.

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