THE CAUSES OF THE WAR-
Traced Back to the Formation of the Constitution.

AN ABLE PAPER READ BY JULIAN L. WELLS BEFORE CAMP MOULTRIE, SONS OF CONFEDERATE VETERANS,

At its Recent Anniversary Celebration-The Union all Along, from Its Very Foundation, had been an Alliance Between Two Peoples of Divergent Interests and of Dissimilar Characteristics.

Many volumes might profitably be filled with the discussion of this vast and intricate question, and necessarily only a very imperfect outline can even be attempted here.

While in the throes of war and revolution the American colonies, having made common cause against the mother country, were obliged to combine for mutual defence against the common danger; and this combination finally took shape in the Articles of Confederation and Perpetual Union, ratified in March, 1781.

In January, 1783, Great Britain acknowledged the revolted colonies, each separately and by name, as thirteen independent States, and agreed, on withdrawing her troops, not to carry off "any negroes or other property."

In the collapse and exhaustion which must follow even successful revolution the States felt, almost as keenly as they had done under the stress of war, their individual impotence and their mutual interdependence. It was, therefore, natural that, as the impracticable character of the Articles of Confederation became apparent, they should "seek to establish a more perfect union."

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A convention, composed of delegates from twelve States, met at Philadelphia and the contest raged between the advocates of unlimited State sovereignty and the supporters of a modified centralization. The Constitution was promulgated as a compromise measure and recommended to the States for adoption.

A provision authorizing the coercion of an obstructive State failed to meet even consideration, but was promptly thrown aside, thus showing undoubtedly the opinion of the convention that the Union could not lawfully use force against any of its members. As the Federalist, the organ of the Consolidation party, expressed it, **"the States were still to be regarded as distinct and independent sovereigns."**

It should be noted that the existence and legality of slavery is recognized in three places in the Constitution, and that a disregard of these provisions, or the obligations arising there from, is in itself cause sufficient to justify a disruption of the Union, as a "contract violated on one side is abrogated on all sides."

It is further noticeable that the eleven States which first adopted the Constitution were seceders from the Articles of Confederation and Perpetual Union and from the two States which remained loyal to the Federation, and that the States thus adopting the Constitution were in a position exactly analogous to that of the Confederate States in 1861.

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Finally, in 1790, the last of the original thirteen States acceded to the new Constitution (some of them with great reluctance, **New York and Rhode Island expressly reserving the right to secede**), and the United States of America was launched upon its career.

It is worthy of thoughtful consideration that **"the Northern States declared in convention, that they had but one motive for forming a Constitution, and that was commerce."**

The causes which led to the rupture between the Northern and Southern States began to make themselves felt within a very few years after the adoption of the Constitution. Probably the seeds of inevitable controversy were sown by the attempt to found the Federal fabric upon an agreement in writing, which must, on account of the limitations of language, be subject to varied constructions.

A POLITICAL BARGAIN.

The adoption of the Constitution was effected by a political bargain, whereby to the South, was secured the peaceable possession of its slaves, and to the North the benefits of Navigation Acts and protection. Thus with their own mouths and by their own acts the Northern States proclaimed the worship of Mammon, to which they have ever been faithful. Having gained by the political bargain every advantage they desired in the Navigation Acts and protection, and thinking that they had squeezed out of the institution of slavery every possible financial profit that could accrue to themselves, their conscience smote them that

they should have endorsed a national institution that promised to continue a source of wealth and happiness to another section, and they cried out to their God that they would crush out such cruel injustice-to themselves.

THE "ASSUMPTION BILL."

The first great sectional divergence occurred on the assumption bill, whereby the representatives of the Northern States proposed that the general government should assume the various State debts. A large portion of the bonds of the several States had been bought for a song by the people of the Northern States, and should the United States government assume the obligation their value would be much increased and great would be the pecuniary profit of the inhabitants of the Northern States at the expense of the States in general. To secure this money gain, the New England members were willing to disrupt the Union. **Jefferson says: "The Eastern members threaten secession and dissolution," and Alexander Hamilton expressed his fears that the Northern States would dissolve the Union if the assumption bill were not passed.** So here at the beginning of the life of the Union the Eastern and Northern States were willing to destroy it, not because their rights were violated, but because their very questionable commercial speculation was objected to.

The impending disunion was avoided by a compromise. The Southern members of Congress allowed the assumption bill to pass, while the Northern members withdrew their opposition to the Capital being placed at Washington. Here, as at every period of the ante-bellum history of the Union, the danger of compromises or political trades is apparent. **In every bargain the South suffered injury.** In each instance we see the mistake of attempting to avoid a contention by adopting the

expedient as a substitute for the right. In every compromise the object of the South was most generous and patriotic, in wishing to promote the welfare of all the States, even at her own expense, and seeking to maintain the integrity of the Union when threatened by the insatiable desire of the Northern members of the partnership for commercial gain, but through this too generous yielding the South was gradually stripped of all advantages accruing from the Union, and was finally forced into a life or death struggle for her rights as guaranteed under the Constitution.

"LIBERAL CONSTRUCTION."

The view of the meaning of the constitutional compact taken by the then most rampant advocates of loose construction of the Constitution in the closing years of the last century differed widely from the interpretation that their successors chose to adopt.

Dr. Johnson, of Connecticut, said in the Federal Convention: "The fact is the States do exist as so many political societies, and a government is to be formed for them in their political capacity, as well as for the individuals composing them. **Does it not seem to follow that if the States, as such, are to exist, they must be armed with some power of self-defence?" That means the right to secede.** In the same debate Mr. Ellsworth said: "He turned his eyes, therefore, for the preservation of his rights to the State governments." Mr. Ellsworth and Mr. Sherman unite in saying: "The powers vested in Congress go only to matters respecting the common interests of the Union and are special defined, so that the particular States retain their sovereignty in other matters." Oliver Ellsworth further said: **"The Constitution does not attempt to coerce sovereign bodies-States in their political capacity."**

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Alexander Hamilton, the head and front of the Centralization party, himself says: "But how can this (military) force be exerted on the States collectively (against State authority?) It is impossible." Thus, and by like examples much too numerous to quote, we see the view of the limitation of the powers of the general government taken by the fathers of the republic and agreed to by their supporters and constituents.

Before the first year of this century the tendency to consolidation became to apparent that two States, at least, passed resolution assertive of their States' rights, and as these resolutions were without opposition or contradiction, they must have embodied the currently received doctrine of their time.

STATE RIGHTS DECLARED.

The declaration of Virginia, drawn up by Mr. Madison, sets forth: "That in case of a deliberate, palpable and dangerous exercise of powers not granted in said compact (the Constitution) the States who are parties thereto, have the right, and are in duty bound to interpose for arresting the progress of the evil, and for maintaining within their respective limits the authorities, rights and liberties appertaining to them."

The resolutions sketched by Thomas Jefferson and passed by the Legislature of Kentucky declared: **"That whensoever the general government assumes and delegates powers, its acts are unauthoritative, void and of no force; that each State acceded as a State, and is an integral party, its co-States forming as to itself the other party; that the government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to it, since that would have made its discretion and not the**

Constitution the measure of its powers; that as in all other cases of a compact among parties having no common judge for itself, as well of the infractions as the mode and measure of redress."

That the doctrine of States' rights and rigid construction of the Constitution was held by the people of the North generally and of New England in particular, is amply proved by their words and deeds, both before and after the promulgation of the above resolutions by Virginia and Kentucky.

Mr. Ellsworth and Mr. Sherman write: "Some additional powers are vested in Congress, which was the principal object the States had in view in appointing the Convention; those matters extend only to the common interests of the Union, and are specially defined, so that the particular States retain their sovereignty in other matters."

Dr. Johnson further says: "This excludes the idea of an armed force." And Oliver Ellsworth, of Connecticut, endorses this statement: "The Constitution does not attempt to coerce sovereign bodies-States in their political capacity." This is sufficient evidence of the extreme States' rights opinion of the New Englanders and their allies during the close of the last and at the opening of the present century. Why their opinions as to matters of right changed so completely in accordance with their pecuniary interests the generation which fought the war and crushed the South will have to answer to their God; they have never been able to form an answer convincing to man.

RESISTANCE TO THE EMBARGO.

The great sectional ground of controversy next in order after the assumption bill is the Embargo Act of 1807.

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Whether or not the embargo was necessary or politic is in itself an intricate subject, foreign to the purposes of this discussion.

This much, however, is certain, that it was a measure passed with the express purpose of protecting the commercial interests of the North and New England, and in accordance with a petition presented by the merchants of Boston; urging that "such measures should be promptly adopted as will tend to disembarrass our commerce, assert our rights and support the dignity of the United States." Similar petitions were also presented by the merchants of New York and Philadelphia."

If the merchants and people of New England objected to the embargo, it was merely because, in their opinion, it was not an advisable means "to disembarrass our commerce," yet they considered this mere difference of opinion on a matter of expediency as a sufficient ground for breaking up the Union, and that they had a right to do this, whenever their interests, in their opinion, made it necessary, the people of New England seem at that time to have had no doubt.

The citizens of Boston addressed their Legislature as follows: "Our hope and consolation rest with the Legislature of our State, to whom it is competent to devise means of relief against the unconstitutional measures of the general government; that your power is adequate to this object is evident from the organization of the confederacy."

This and like utterances by other towns point directly to resistance to the general government. Said the Boston Sentine: "If petitions do not produce a relaxation or removal of the embargo, the people ought immediately to assume a higher tone. The government of

Massachusetts has also a duty to perform. The State is still sovereign and independent."

Mr. Hilhouse, of Connecticut, said in the United States Senate: "I consider this to be an act which directs a mortal blow at the liberties of my country; an act containing unconstitutional provisions, to which the people are not bound to submit, and to which in my opinion, they will not submit."

Yielding to such threats of secession the embargo was repealed in 1809.

Followed close by the embargo was the ground of controversy-the purchase of Louisiana. This measure was clearly expedient, and tending to promote the power and wealth of the United States, yet was attacked by the New England members of Congress, not so much on constitutional grounds, on which it was assailable, but rather for the malicious reason that it would tend to increase the prosperity and importance of the South. Such malevolence is discreditable enough to its authors as men, and gives the lie to the hypocritical pretensions of the New Englanders to superior sanctity, founded upon the sour perversions of Christianity derived from their Puritan ancestors.

Mr. Quincy, of Massachusetts, used the following language in debate in Congress: "If this bill passes it is my deliberate opinion that it is virtually a dissolution of the Union that will free the States from their moral obligation; and, as it will be the right of all, so it will be the duty of some to prepare for separation, amicably if they can, violently, if they must."

We here again see the right of secession declared for his constituents by one of New England's most distinguished statesmen, and received so much, as a matter of course, that it was not questioned.

THE WAR OF 1812.

Next in the march of events comes the war of 1812. This war was undertaken with the avowed intention of protecting the commerce and the seamen of New England from the domineering encroachments of the British sea power, yet the moment that the stress of war begins to the felt what is the result? The Northern States, having adopted the Constitution mainly for promoting their commercial interests, became restive as soon as their trade was interfered with by war, even though that war was entered upon for the purpose of protecting their commerce, and though their carrying trade was only temporarily decreased during the continuance of hostilities, with a view to their own ultimate benefit.

Ministers of the Gospel in the Eastern States denounced the war of 1812 as "an unholy war. "When the armies of the United States were invading Canada, in the churches of New England they prayed "that all invading armies might be cut off," and "that they who take the sword may perish by the sword."

It is hardly necessary to call intention to the fact that the reverend gentlemen who led these vindicative prayers and the congregations who joined in them, put themselves beyond the pale of Christianity, for Christians may not lawfully pray for the destruction even of their bitterest enemies. During the war of 1812, more than at any other time, the New England pulpit, press and representatives in Congress reiterated their intention to secede, and still their declarations passed

unchallenged as an unquestioned right. The Rev. Mr. Gardener, in a sermon preached in Boston, July 23, 1812, says: "The Union has long since been dissolved; it is full time that this part of the United States should take care of itself."

This is only a specimen of many exhortations to secession.

The press teemed with similar sentiments: "My plan is to withhold our money and make a separate peace with England."
From the Boston Advertiser.

"That there will be a revolution if the war continues, no one can doubt, who is acquainted with human nature and is accustomed to study cause and effect. The Eastern States are marching steadily and straightforward up to the object."-Federal Republican.

These are only specimens from the leading newspapers.

The citizens of Newberryport, Mass., memorialized their Legislature as follows:
"We call upon our State Legislature to protect us in the enjoyment of those privileges, to assert which our fathers died, to defend which we profess ourselves ready to resist unto blood."

No more violent sentiments can be expressed by the most hot-headed secession convention.

"We will not pay our continental taxes, or aid, inform or assist any officer in their collection."

This resolution, passed by a mass meeting at Reading, Mass., is less violent than the resolutions immediately above, but it shows a more determined, though less noisy, spirit.

Said Cyrus King, of Massachusetts, in a speech in Congress:
Yes, sir; I consider this administration as alien to us, so much so that New England would be justified in declaring them, like all foreign nations, enemies in war, in peace, friends."

The Federal Republican has it: "On or before July 4 next, if James Madison is not out of office, a new form of government will be in operation in the eastern section of the Union."

These are completely parallel, in most respects identical, with the utterances of the most extreme secession politicians and newspapers of 1860, except in the very important respect that even the most violent southern secessionists deplored the necessity which forced them to their course, and rested the grounds of their action on principle and right, whereas the northern secessionists of 1814 never alluded to principle, but merely writhed and roared when the "pocket nerve" was touched.

Grave and distinguished Southerners actually shed tears at the sad necessity of separation in 1861. We hear of no such evidences of feeling in 1814. The Eastern States were bound to rule or ruin; they must have full pockets or no Union.

STATE RIGHTS IN NEW ENGLAND.

John Lowell, of Massachusetts, in 1812, writes: "Is there no constitutional right in the people or the several States to judge whether

the militia are, or are not, constitutionally called into service? In whom from the very limitation in the Constitution reposes the ultimate right to judge whether the cause does exist? We answer, in the constituting power (i. e., the State), not in the delegate (i.e., the general government), in the master, not in the servant; ultimately in the people of the several States. The very idea of limitation excludes the possibility that the delegate (i. e., the general government), should be the judge."

The above, from the pen of a New Englander, expresses the sentiments of New England in 1812, and is a strict declaration of the doctrine of States' Rights, according to the teachings of Jefferson and Madison.

Gouverneur Morris was the very man who revised the language of the Constitution before its final adoption, and must, therefore, have understood its meaning. These are his words: **"That the Constitution was a compact, not between solitary individuals, but between political societies-each State enjoying sovereign power."**

In a subsequent letter he says: "The Union is already broken by this administration. Should we now rely upon it we would forfeit all claim to common sense." Such was then the opinion at that time of the North in general, and of New England in particular, as to their right to secede.

The Connecticut Courant says: **"We have now already approached the era when they (the different States) must be divided."**

NEW ENGLAND'S "TREASON" IN 1809.

The inclination of New England to reunite herself with Great Britain has now been almost forgotten, having been studiously kept in the background for the better part of a century, but in 1809 it was so well

known that the Governor-General of Canada sent an agent in to New England with a view of a co-operation with England and a union with Canada.

Says the Federal Republican: "One step more and the union of these States is severed."

All this was a matter of general notoriety at the time.

Thomas Jefferson writes to Elbridge Gerry, of Massachusetts: "What, the, does this English faction with you mean? They count on British aid. They would separate from their friends, who alone furnish employments for their navigation, to unite with their only rival for that employment."

A great deal of mouthy patriotism for the Union has emanated from New England for many years past, and their genius enthusiasm for "The Old Flag and an Appropriation" has never been doubted; but how can they explain away the fact that they were on the point of betraying their country and deserting to the enemy in 1814?

NEW ENGLAND'S SPIRIT.

We must turn for a time from the political to the military history of the war of 1812, which is interwoven with and illustrates the political status of the times and the temper of New England.

Massachusetts and Connecticut refused to furnish troops to fight the battles of the Union, while the troops of New York refused to leave the State and follow their generals to the invasion of the enemy's country, Canada.

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Governor Chittenden, of Vermont, issued his proclamation recalling the Vermont militia from serving against the British. In the Massachusetts Senate resolutions were introduced expressing the readiness of Massachusetts to aid with her whole power the Governor of Vermont, who deservedly was threatened with prosecution for having held back the troops which his country needed in time of war.

"The Legislature of Massachusetts forbade the use of the jails to confine British prisoners of war and ordered the jailors to release them."

It may be noted that while New England refused to furnish troops, and the rest of the North was lukewarm, the South Carolina generals, Wade Hampton, the grandfather of our own immortal Hampton, and General Ralph Izard were battling on the Canadian frontier, a thousand miles from their State, to protect the homes of New York and New England, the apathy of whose men, however, made the efforts of the South Carolina generals almost unavailing.

"Inmore than one instance one-half of the American force was beaten under the eye of the other, which could not be induced to move till it was time to run away."

"General Hull, Governor of Michigan, surrendered an army of 2,500 Americans to a force of 600 British and 600 Indians at Detroit." This illustrates the lukewarmness of the Northerners even on their own ground.

After the disgraceful surrender of Hull, of Michigan, General William Henry Harrison, of Virginia, took command on the northwestern

frontier, and by vigorous efforts defended that line and brought the defence to a successful conclusion in the battle of Tippecanoe.

The efforts of Colonel Scott, of Virginia, were rendered ineffectual by the incompetence of his subordinates and the lack of martial spirit in his troops recruited in the Northern States, hence in the campaigns of 1813 and 1814 little was accomplished.

While New England was on the point of secession and making her own peace with England, though the war was waged for her benefit; and while she refused to furnish troops, or indeed to allow her militia to serve, the South, owing to her very great distance from the scene of land hostilities, had no opportunity to face the public enemy, but when the chance was at last given, the South took energetic and noble advantage of it.

THE BATTLE OF NEW ORLEANS.

The temporary cessation of the Napoleonic wars and the banishment of Bonaparte to Elba gave England the opportunity to land at the mouth of the Mississippi a force stated at 12,000 men, consisting of veterans of Wellington's Peninsular campaigns. These British veteran troops, who, under the leadership of Wellington, had just performed the exploit of driving from the Spanish peninsula the hitherto invincible legions of France, led by the great marshals of Napoleon; these British veterans were entitled to be considered among the finest soldiery then in the world. But the British government was woefully mistaken if they thought that the manhood of the country was assembled on the Canadian frontier, and that the conspicuous lack of military ardor there displayed by both officers and men was characteristic of all the American people.

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By landing a force of veteran troops at New Orleans the English indeed took the United States by surprise. But Andrew Jackson, of Tennessee, was in command of the southwest and exhibited a flash of that high military genius which has since so immortally distinguished the South and her sons.

While the New England States were haggling with the general government about the pay and the maintenance of militia, who did little but demonstrate their own inefficiency, when at last put into the field, Andrew Jackson, destitute of troops and munitions of war, could only call upon the citizens of the then frontier, comprising the States of Kentucky, Tennessee, Alabama, and Mississippi.

At once the hardy frontiersmen responded to the call without the hope of pay or reward. The page of battle had been thrown down, and Southern men have never, "even unto this day," been slow in accepting such a challenge. **We hear of no Legislature in the South splitting hairs as to the legality of sending their citizens out of the State to fight the battles of their country. The bold men of the southwest hastened to New Orleans without waiting for any legislature to authorize or to command them to do their duty.**

Then followed the battle of New Orleans, where the soldiers who had conquered under Wellington, unable to advance and live, and too brave to flee, were mowed down by the Mississippi rifle in the hands of the Southern citizen soldiers.

This is all matter of history, which is only alluded to here in order to call attention to the similarity between the Southern riflemen of the

battle of New Orleans and their immediate descendants, who have since poured out their heroic blood on so many hard fought battlefields.

SECESSION IN 1812-15.

While these stirring events were in progress at the South, the Hartford Convention had been in session in New England, and the delegates had been busy, not in devising means for the general defence, but in considering terms which should be dictated to the general government and the loyal States. The terms decided upon were in effect intended to diminish the political power of the South and to increase the already great commercial advantages of New England.

Failing the acceptance of these terms, New England was to secede, as usual, and make her own peace with Great Britain and desert to the enemy in time of war. Commissioners were actually appointed to report to President Madison the intention of New England to abandon her sister States, and these commissioners had reached Washington when the treaty of peace was signed, and the commissioners had no occasion to deliver their message.

In this connection it may be well to remember that John Quincy Adams always maintained that the Hartford Convention was a "treasonable convention," as it "gave aid and comfort to the enemies of the country in time of war."

While President of the United States Mr. Adams wrote: "That project, I repeat (secession) had gone to the length of fixing upon a military leader for its execution."

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The journal of the Hartford Convention concludes with the words: "States which have no common umpire must be their own judges and execute their own decisions."

However contemptible the intention of the New England States may have been to desert under fire, they had an undoubted legal right to do so, and to withdraw from the Union whenever they saw fit.

In her original Convention in 1780, Massachusetts declared: "That the people of this Commonwealth have the sole and exclusive right of governing themselves as a free, sovereign and independent State, and do and forever hereafter shall exercise and enjoy every power, jurisdiction and right which is not, or may hereafter be, by them expressly delegated to the United States of America in Congress assembled."

Timothy Dwight writes: **"A war with Great Britain we, at least in New England, will not enter into; sooner would our inhabitants separate from the Union."**

In 1804 the Legislature of Massachusetts enacted, "That the annexation of Louisiana to the Union transcends the constitutional power of the government of the United States. It formed a new confederacy to which the States, united by the former compact, are not bound to adhere."

Speaking of the admission of Louisiana, Josiah Quincy, of Massachusetts, said in Congress: "If this bill passes it will be the duty of some definitely to prepare for a separation, amicably if they can, violently if they must." And he continued, saying that it was obvious to reason that in any partnership those who considered themselves

aggrieved by the acts of their partners, were at liberty to withdraw. This proposition Mr. Quincy stated to be common law and common sense.

It if was law and common sense in 1804, why was it not law and common sense in 1861?

John Quincy Adams, in a speech made in 1839, said: "It would be far better for the disunited States to part in friendship from each other than to be held together by constraint."

In the House of Representatives (1842) Mr. Adams presented a **petition from Haverhill, Mass., praying that Congress will immediately adopt measures to peaceably dissolve the Union of these States:** First, because no union can be agreeable and permanent which does not present prospects of reciprocal benefit. Second, because a vast proportion of the revenue of one section of the Union is annually drained to sustain the views and course of another section without any adequate return."

The above states very well the position of the Southern States only nineteen years later.

Massachusetts adopted the following resolutions in 1844: "That the project of the annexation of Texas, unless arrested on the threshold, may drive these States into a dissolution of the Union. That such an Act would have no binding force whatever on the people of Massachusetts.

That is a strong assertion of the doctrine and the rights both of nullification and secession. **Those doctrines became odious to the Northern and Eastern States only when used by the Southern States to protect their constitutional rights.**

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THE MISSOURI COMPROMISE.

But let us now return to the year 1819 and the profound agitation caused by the Missouri question, which at that time excited the public mind to such an extent that Thomas Jefferson writes: "In the gloomiest moments of the Revolutionary war I never had any apprehension equal to what I feel from this source."

Maine and Missouri both applied at about the same time for admission into the Union. Both Northern and Southern members of Congress were in favor of admitting Maine as she undoubtedly had a right under the Constitution to be admitted; but the Northern members refused to admit Missouri, on the ground that Missouri allowed slavery; though, as all the original States formerly permitted slavery, and as Missouri was entitled to admission on the same footing as the original States, what the slavery question had to do with the right of Missouri to admission it is hard to discover. But the reason for which the Northern members wanted to exclude Missouri as a slave State is very patent. Slavery having been found to be an industrial failure at the North had been abandoned after the Northern and Eastern States had made all that they could out of it by selling off their own slaves and by importing slaves for others, when allowed to do so.

But when this source of profit was cut off by the refusal of the South to receive any more African slaves, the Northern conscience became very tender as to the moral right of any community to derive advantage from an industrial system from which the Northern members could get no pecuniary advantage.

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The Northern States were jealous of the industrial prosperity and consequent political powers of the Southern States under the slavery system, hence the abolition agitation which made itself so strongly felt in the dispute of the admission of Missouri, and which raged afterwards with ever-increasing fury.

The State of Maine was duly admitted by the concurrence of the Southern votes in Congress, on the understanding that Missouri was to be admitted likewise by the Northern votes, but the Northern members of Congress fraudulently refused to carry out their agreement and Missouri still remained excluded from her rights.

Finally she was admitted under the celebrated Missouri Compromise, by which slavery was forbidden north of latitude 36 degrees 30 minutes and permitted south of that line.

Here, again, the South committed the grave error of allowing vested rights to be abridged in order to still a temporary storm. **Each time that the South agreed to a compromise she weakened herself and strengthened her adversary.**

SLAVERY CONSTITUTIONAL.

From this time on the history of sectional disagreement is largely a history of the slavery question.

On May 25, 1836, Mr. Pinckney, of South Carolina, introduced the following resolution in the House of Representatives, which was passed by a vote of 182 to 9 (six of the negative votes being from New England):

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"Resolved, That Congress possesses no constitutional authority to interfere, in any way, with the institution of slavery in any of the States of this Confederacy."

John C. Calhoun's resolutions passed in the United States Senate January 12, 1838, are of the same tenor, but more elaborate:

"Resolved, That domestic slavery, as it exists in the Southern and Western States of this Union, composes an important part of their domestic institutions inherited from their ancestors, and existing at the adoption of the Constitution, by which it is recognized as constituting an important element in the apportionment of powers among the States, and that no change of opinion or feeling on the part of the other States of the Union in relation to it can justify them or their citizens in open and systematic attacks thereon, with the view to its overthrow; and that such attacks are in manifest violation of the mutual and solemn pledge to protect and defend each other given by the States respectively on entering into the constitutional compact which formed the Union, and as such are a manifest breach of faith and a violation of the most solemn obligations.

"Resolved, That any attempt of Congress to abolish slavery in any Territory of the United States in which it exists would create serious alarm and just apprehension in the States sustaining that domestic institution; would be a violation of good faith towards the inhabitants of any such Territory who have been permitted to settle with and hold slaves therein, because the people of any such Territory have not asked for the abolition of slavery therein, because when any such Territory shall be admitted into the Union as a State, the people thereof will be entitled to decide that question exclusively for themselves."

Passed the Senate-yeas 35, nays 9-Massachusetts, Vermont and Rhode Island voting in the negative.

CALHOUN'S BILL OF WRONGS.

Mr. Calhoun, in his speech in the Senate, March 4, 1850, sets forth the long course of injustice perpetrated by the North on the South in their attempt to abridge the constitutional rights of the South in regard to slavery, and shows how the citizens of the South were excluded from far the larger portion of the territory controlled by the United States, and how the industry of the South was sapped by the protective tariff for the benefit of the North.

Mr. Calhoun says: "What was once a constitutional Federal Republic is now converted into one in reality as absolute as that of the Autocrat of Russia, and as despotic in its tendency as any absolute government that ever existed.

"The cry of Union, Union, the glorious Union, can no more prevent disunion than the cry of health, health, glorious health, can save a patient dangerously ill.

"Nor can the Union be saved by invoking the name of the illustrious southerner whose mortal remains repose on the western bank of the Potomac. He was one of us-a slaveholder and a planter. And it was the great and crowning glory of Washington's life that he severed a union with Great Britain which had ceased to be mutually beneficial."

Said James K. Polk in his inaugural address: **"One great object of the Constitution was to restrain majorities from oppressing minorities, or encroaching on their rights. Minorities have a right to appeal to the**

Constitution as a shield against such oppression." How vain this appeal was events proved.

WEBSTER FOR SECESSION.

Mr. Webster, in his speech at Capon Springs, Va., in 1851 says: "I do not hesitate to say and repeat that if the Northern States refuse willfully and deliberately to carry into effect that part of the Constitution which respects the restoration of fugitive slaves, the South would no longer be bound to keep the compact. A bargain broken on one side is a bargain broken on all sides."

Judge McLean, of the Supreme Court of the United States, says: "Is not the master entitled to his property? I answer that he is. His right is guaranteed by the Constitution, and the most summary means for its enforcement are found in the Act of Congress."

Judge Story decides as follows: "It is well known that the object of the clause in the Constitution relating to persons owing service and labor in one State escaping into another was to secure to the citizens the complete right and title of ownership to their slaves as property in every State of the Union."

HATRED OF THE SOUTH.

Governor Chase gives the **key to the cause of the whole Abolitionist excitement when he said: "I do not wish to have the slave emancipated because I love him, but because I hate his master."**

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The New York Tribune has it: "We have no doubt that the free and the slave States ought to be separated; the Union is not worth supporting in connection with the South."

This was in 1859, and it is only two years later that these people, who said that "the Union was not worth supporting," were hiring substitutes to force the South back into the Union.

The great disruptive force which, in addition to the slavery question, operated to antagonize the Northern and Southern sections of the Union was the tariff.

At this is still a current issue, and universally discussed in all its bearings, it needs no great explanation here.

Beginning about 1816, the protective policy gradually grew and widened against the most strenuous opposition from the Southern States. At first protection was opposed by New England, as they considered their interests better advanced by promoting foreign commerce, and consequently their own carrying trade, than by protection; Daniel Webster was, in fact, one of the most earnest opponents of protection in its early stages. But soon New England found it more profitable to foster manufactories under protection than to nurse the carrying trade-hence she has ever since advocated protection as a patriotic measure.

Each successive tariff bill increased the bitter discontent and sense of injustice under which the South labored. The States of Georgia and South Carolina entered formal protests in their sovereign capacity.

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NULLIFICATION.

At length the irritation became so intense that in 1832 South Carolina passed the famous Ordinance of Nullification, whereby the revenue laws of the United States were suspended. The militia of the South were put in readiness for immediate service. On the other hand President Jackson sent United States troops and men-of-war to Charleston, and an armed conflict was imminent.

But at this critical junction Mr.Clay introduced his compromise resolution, whereby certain articles used in the South were put upon the free list. South Carolina was so far satisfied that her Convention repealed the Nullification laws, and the great struggle was delayed for a time.

From the cessation of the Nullification struggle until the breaking out of the 'Great War' the same tendency is always manifest. The Northern members of Congress were perpetually agitating to increase the tariff burdens borne by the South, and to decrease the political importance of the South by abolishing her slave representation, which was guaranteed by the Constitution. It would be very desirable to show this somewhat in detail, and to illustrate it by quotations from the writers and the Legislative records of those days, but reasonable limits of time and space have already been exceeded, and we must hurry to a conclusion, leaving much valuable information untouched. A few quotations are, however necessary.

THE DRED SCOTT DECISION.

As additional authority for the legality and constitutionality of slavery (if any were needed) we must refer to the **decision of the Supreme**

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Court of the United States in the Dred Scott case, in which it was decided:
That free negroes are not citizens.

That since the adoption of the Constitution no State can by subsequent law make any person a citizen who is not recognized as such by the Constitution.

That a change in public opinion cannot change the meaning of the Constitution.

That every citizen has a right to take with him, into any territory of the United States any property that the Constitution recognizes. That the Constitution recognizes slaves as property and pledges the government to protect it, and that Congress cannot lawfully interfere with such property.

BUCHANAN AGAINST FORCE.

In addition to what has already been said in regard to the right of secession, it may be well to quote President Buchanan, a strong Union man, in his annual address,1860: Has the Constitution delegated to Congress power to coerce a State into submission which is attempting to withdraw, and has actually withdrawn, from the Confederacy? If answered in the affirmative, it must be on the principle that power has been conferred upon Congress to declare and to make war against a State. After much serious reflection I have arrived at the conclusion that no such power has been delegated to Congress or any other department of the Federal government. It is manifest, upon an inspection of the Constitution, that this is not among the enumerated powers granted to Congress, and it is equally apparent that its exercise

is not necessary and proper for carrying into execution one of these powers. So far from this power having been delegated to Congress it was expressly refused by the convention which formed the Constitution. Without descending to particulars, it may be safely asserted that the power to make war against a State is at variance with the whole spirit and intent of the Constitution."

Such were the words of the President of the United States on the very eve of the great Civil war. It is clear, then, that the war could not have been undertaken by the government and politicians of the North with any claim of moral or legal right. The politicians and abolition fanatics deluded the people into that belief, but the war was brought on by the desire for commercial supremacy on the part of the Northern people, and political power and spoils on the part of the politicians.

Probably the best short exposition of the causes and circumstances necessitating and justifying secession is to be found in the Ordinance of Secession of South Carolina.

The continual cause of irritation which I have attempted to outline, or rather to allude to, at length reached their unavoidable culmination in the great struggle, with the results of which we are only too familiar. If this necessarily meager sketch shall encourage anyone of candid mind to a personal investigation of the subject, the object of these lines will be attained.