WEEKLY SENTINEL.

MONDAY.............................. JULY 14

THE CONSTITUTION.

AN ORATION
DELIVERED BY
Hon. George T. Curtis,
Before the City Council and Citizens of Boston, at the Academy of Music, July 4th, 1862.

Mr. Mayor and Gentlemen of the City Council:

Had I felt at liberty to consult my own inclination alone, I should have asked you to excuse me from taking part in the proceedings of this day. At a much earlier period of life I enjoyed the distinction of being placed on the long roll of those who have successively spoken to the people of Boston, at the bidding of their municipal authorities, on this, our national anniversary. At this particular juncture, I could well have desired to be spared from the performance of any such public duty. I had prepared myself to bear what is now upon us, in silence and obscurity—doing the infinitely little that I may, to alleviate personal suffering, sustaining the hopes of those who are nearest to me, and endeavoring to cherish in my own breast a living faith in the strength and perpetuity of our republican forms of government.

But private wishes are nothing—private tastes are nothing—in the presence of great public trials and dangers. We cannot, if we would, escape the responsibilities which such trials and dangers entail upon us. If we fly to the uttermost parts of the earth, the thought of our country is with us there. If we put on the robes of the stoic, or wrap ourselves in the philosophy of the fatalist, the heart beneath will beat for the land of our birth [applause], in spite of the outward man. There is no peace, there is no hope, there is no happiness, in a state of indifference to the welfare and honor of our country. The most sordid of men, whose sole delight consists in laying, day by day, one piece of gold upon his already swollen heaps, has no more assured rest from anxiety for his country, in times of real peril, than he whose sole being quivers beneath the blows which public disasters or disgraces inflict upon a refined and sensitive nature. To love our country; to labor for its prosperity and repose; to contend, in civil life, for the measures which we believe essential to its good; to yearn for that long, deep, tranquil flow of public affairs, which we fondly hope is to reach and bear safely on its bosom those in whom we are to have an earthly hereafter; these are the nobler passions and the higher aims which distinguish the civilized from the savage man. Even if I did not feel such emotions deeply, how could I bring here at such a time as this, the doubts and misgivings of one fearful for himself? The thickly-crowded memories of the far-off dead, who have fallen in the bitter contests of this civil war admonish me of the insignificance of such fears. Who shall bring a thought of the exertions, the sacrifices or the responsibilities of public discourse into the presence of the calamities of his country.

I am here for a far other purpose. I come to plead for the Constitution of our country. [Applause.] I am here to show you, from my own earnest convictions, how dangerous it may be to forego all care for the connection between the political past and the political future. I am here to state to you, as I have read them on the page of history, the fundamental conditions on which alone, as I believe, the people of these States can be a nation and preserve their liberties. I am here to endeavor to rescue the idea of union from heresies as destructive as the disorganizing and justly reprobated heresies of secession. I wish to do what I can to define to rational and intelligent minds the real nature and limits of the national supremacy; and to vindicate it from the corroding influence of doctrines, which are leading us away from the political faith and precepts of a free people.

Do you say that there is no need of such a discussion? Reflect for a moment, I pray you, on what has already crept into the common uses of our political speech. We hear men talk about the "old" Constitution; as if that admirable frame of government, which is not yet older than some who still live under its sway, and which has bestowed on this nation a vigor unexampled in history, were already in its decrepitude, or as if it had become suspended from its functions by general consent, to await at respectful distance the advent of some new authority, as yet unknown. We hear men talk of the "old" Union; as if there were a choice about the terms on which the Union can subsist, or as if those terms were not to be taken as having been fixed, on the day on which Washington and his compatriots signed the Constitution of the United States. [Applause.] You will not say that this tendency—this apparant willingness to break away from the past and its obligations, and to throw ourselves upon a careless tempting of the future—does not demand your sober consideration. I beg you also to call before you another symptom of these unsettled times. With an extravagance partly habitual to us, and partly springing from the intense exertions of the year which has just passed, we have encountered the doctrines of secession and disunion with many theories about the national unity and the Federal authority, which are not founded in history or in law. Are you not conscious that there has been poured forth from hundreds of American pulpits, platforms and presses, and on the floors of Congress, a species of what is called argument, in defense of the national supremacy, which ill befits the nature of our republican institutions? When I hear one of these courtier-like preachers or writers, for our American sovereigns, resting the authority of our Government on a doctrine that might have gained him promotion at the hand of James of Charles Stuart, I can not help wishing that he had lived in an age when such teachings, if not actually believed to be sound, were, at all events, exceedingly useful to the teachers. My friends, I can not bear the thought of vindicating the supremacy of our National Government by anything but the just title on which it was founded; and I will not desert the solid ground of our republican constitutional liberty for any purpose on earth, while there is a hope of maintaining it. [Applause.]

I know of no just foundation for the title of government in this country, but consent—that consent which resides in compact, contract, stipulation, concession—the *"do et concedo"* of public grants. Give me a solemn cession of political sovereign powers evidenced by a public transaction and a public charter, and you have given me a civil contract, to which I can apply the rules of public law and the obligations of justice between man and man; on which I can separate the legitimate powers of the Government from the rights of the people; on which I can, with perfect propriety, assert the authority of law in the halls of criminal jurisprudence, or, if need be, at the mouth of the cannon. But when you speak of any other right of one collection of people or States to govern another collection of people or States; when you go beyond a public charter to create a national unity and a duty of loyalty and submission independent of that charter; when you undertake to found Government on something not embraced by a grant—I understand you to employ a language and ideas that ought never to be uttered by an American tongue, and which, if carried out in practice, will put an end to the principles on which your liberties are founded. [Applause]

For these and many other reasons—most appropriate for our consideration this day—let us recur to certain indisputable facts in our history. I shall make no apology for insisting on the precedents of our national history. No nation can safely lay aside the teachings, the obligations or the facts of its previous existence. You can not make a *tabula rasa* of your political condition, and write upon it a purely original system, with no traditions, no laws, no compacts, no beliefs, no limitation, derived from the generations who have gone before you, without ruinously failing to improve. Revolutionary France tried such a proceeding, and property, life, religion, morals, public order and public tranquility went down into a confusion no better than barbarism, out of which society could be raised again only by the strong hand of a despot. We are of a race which ought to have learned by the experience of a thousand years that reforms, improvements, progress, must be conducted with a fixed reference to those antecedent facts which have already formed the chief conditions of the national existence. Let us attend to some of the well known truths in our history.

1. The Declaration of Independence was not accepted by the people of the Colonies, and their delegates in Congress were not authorized to enter into a Union without a reservation to the people of each Colony of its distinct separate right of internal self government. To represent the abstract sentiments of the Declaration as inconsistent with any law or institution existing in any one of the Colonies, is to contradict the record and history of its adoption. What, for example, do you make of the following resolution of the people of Maryland in convention, adopted on the 28th day of June, 1776, and laid before the Continental Congress three days before the Declaration of Independence was signed:

"That the deputies of said Colony or any three or more of them, be authorized and empowered to concur with the other United Colonies, or a majority of them, in declaring the United Colonies free and independent States; in forming such further compact and confederation between them; in making foreign alliances, and in adopting such other measures as shall be adjudged necessary for securing the liberties of America; and that said Colony will hold itself bound by the resolutions of the majority of the United Colonies in the premises; *provided, the sole and exclusive right of regulating the internal government and policy of that Colony be reserved to the people thereof.*"

This annunciation of the sense and purpose in which the people of Maryland accepted the Declaration, is just as much a part of the record as the Declaration itself; and it clearly controls for them the meaning and application of every political axiom or principle which the Declaration contains. It was intended to signify to the country and the world, that the people of Maryland consented to separate themselves from the sovereignty of Great Britain, *on the condition*, that the right to maintain within their own limits just such a system of society and government as they might see fit to maintain, should belong to them, notwithstanding anything said in the Declaration to which they were asked to give their assent.

Several of the other colonies made a similar express reservation; and all of them, and all the people of America, understood that every colony accepted the Declaration, in fact, in the same sense. No man in the whole country, from the 4th of July, 1776, to the adoption of the Articles of Confederation, ever supposed that the Revolutionary Congress acquired any legal right to interfere with the domestic concerns of any one of the colonies which then became States, or any moral authority to lay down rules for determining what laws, institutions or customs, or what condition of its inhabitants, should be adopted or continued by the States in their internal government. From that day to this, it has been a received doctrine of American law that the Revolutionary Congress exercised, with the assent of the whole people, certain powers which were needful for the common defense; but that these powers in no way touched or involved the sovereign right of each State to regulate its own internal condition.

2. When the Articles of Confederation were finally ratified, in 1781, there was placed in the very front of the instrument the solemn declaration that "each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States in Congress assembled;" and the powers given to the United States in Congress related exclusively to those affairs in which the States had a common concern, and were framed with a view to the common defense against a foreign enemy, in order to secure, by joint exertions, the independence and sovereignty of each of the States.

3. When the Constitution of the United States was finally established, in 1788, the people of each State, acting through authorized agents, executed, by a resolution or other public act, a cession of certain sovereign powers, described in the Constitution, to the Government which that Constitution provided to receive and exercise them. These powers being once absolutely granted by public instruments duly executed in behalf of the people of each State, were thenceforth incapable of being resumed; for I hold there is nothing in the nature of political powers which renders them, when absolutely ceded, any more capable of being resumed at pleasure by the grantors, than a right of property is when once conveyed by an absolute deed. In both cases, those who receive the grant hold under a contract; and if that contract, as is the case with the Constitution, provides for a common arbiter to determine its meaning and operation, there is no resulting right in the parties, from the instrument itself, to determine any question that arises under it.

At the same time, it is never to be forgotten that the powers and rights of separate internal government which were not ceded by the people of the States, or which they did not, by adopting the Constitution, agree to restrain, remained in the people of each State in full sovereignty. It might have been enough for their safety to have rested upon this as a familiarly understood and well-defined principle of public law, implied in every such grant. But the people did not see fit to trust to implication alone. They insisted upon annexing to the Constitution an amendment, which declares that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

We thus see that, from the first dawn of our national existence, through every form which it has yet assumed a dual character has constantly attended our political condition. A nation has existed, because there has all along existed a central authority having the right to prescribe the rule of action for the whole people, on certain subjects, occasions, and relations. In this sense and in no other, to this extent but no further, we have been since 1776, and are now, a nation. At the beginning, the limits of this central authority, in respect to which we are a nation, were defined by general popular understanding; but more recently were they fixed in written terms and public charters, first by the Articles of Confederation, and ultimately, and with a more enlarged scope and a more efficient machinery, by the Constitution. The latter instrument made this central authority a government proper, but with limited and defined powers, which are supreme within their own appropriate sphere. In like manner, from the beginning there has existed another political body; distinct, sovereign within its own sphere, and independent as to all the powers and objects of government not ceded or restrained under the Federal Constitution. This body is the State: a political corporation, of which each inhabitant is a subject, as he is at the same time a subject of that other political corporation known as the United States.

All this is familiar to you. But I state it here, because I wish to remind you that the careful preservation of this separate political body, the State,—this sovereign right of self government as far as it has been retained by the people of each State.—has ever been a cardinal rule of action with the American people, and with all their wisest statesmen, Northern and Southern, of every school of politics. There have been great differences of opinion, and great controversies, respecting the dividing line which separates, or ought to be held to separate, the national from the State powers. But no American statesman has ever lived, at any former period, who would have dared to confess a purpose to crush the State sovereignties out of existence; and no man can now confess such a wish, without arousing a popular jealousy, which will not slumber, even in a time of civil war and national commotion. [Applause]

What is the true secret of this undying popular jealousy on the subject of State rights? What is it, that even now—when we are sending our best blood to be poured out in defense of the true principle of the national supremacy—causes all men who are not mad with some revolutionary project, to shrink from measures that appear to threaten the integrity of State authority, and to pray that at least that bitter and dreaded cup may pass from us? It is the original, inborn and indestructible belief that the preservation of the State sovereignty, within its just and legitimate sphere, is essential to the preservation of republican liberty. Beyond a doubt, it was this belief which led the people from the first to object, as they sometimes did unreasonably object, to the augmentation of the national powers. Perhaps they could not always explain—perhaps they did not always fully understand—all the grounds of this conviction. It has been, as it were, an instinct; and for one, I hope that instinct is as active and vigilant this day, as I am sure it was eighty years ago.

For I am persuaded that local self-government to as great an extent as is consistent with national safety, is indispensable to the long-continued existence of republican government on a large scale. A Republic, in a great nation, demands those separate institutions, which imply in different portions of the nation some rights and powers with which no other portion of the nation can interfere. You may give the mere name of a republic to a great many modes of national existence; but unless there are local privileges, immunities and rights, that are not subject to the control of the national will, the Government, although resting on a purely democratic basis, will be a despotism toward all the minorities. A great nation, too, that attempts republican government without such local institutions and rights, must soon lose even the republican form. Twice within the memory of some who are yet living, have the people of France tried the experiment of calling themselves a Republic; and France, be it remembered, has been, ever since her great Revolution, essentially a democratic country. But her republics have never been anything but huge democracies, acting with overwhelming force sometimes through a head called a Directory, sometimes through a First Consul, sometimes through a President, but ending speedily in an Emperor and a Despotism. It is impracticable for a great and powerful democratic nation, whose power is not broken and checked by local institutions of self government, to avoid conferring on its head and representative a large part or the whole of its own unlimited force. If that head is not clothed with such power, there will be anarchy. Louis Napoleon, by the present theory of French law, is the representative of the whole authority of the French nation—so constituted by universal suffrage; and if his power did not in fact correspond to this theory, order could not be preserved in France. The most skeptical person may be convinced of this, who will read the Constitution of the French Empire, remembering that it is the work of the Emperor himself.

Turning now to our own country, let us suppose that the States of this Union, from the Atlantic to the Pacific, were obliterated to-day, and that the people of this whole country were a consolidated democracy, "one and indivisible." No laws would then be made, no justice administered, no order maintained, no institutions upheld, save in the name and by the authority of the nation. What sort of a Republic, think you, would that be? If it started with the name and semblance, how long would it preserve the substance of Republican institutions? In order to act at all in the discharge of the vast duties devolving upon it, the government of such a Republic, extending over a country so enormous, must more and more be made the depository of the irresistible force of the nation; and the theory that the will of the government expresses in all cases, the will of the ruling majority, must soon confer upon it that omnipotent power, beneath which minorities and individuals can have no rights.

This is no mere speculation. Every reflecting man in this country knows that he has some civil rights, which he does not hold at the will and pleasure of a majority of the people of the United States. He knows that he holds these rights by a tenure which cannot lawfully be touched by all the residue of the nation. This is Republican Liberty, as I understand and value it; and without this principle in some form of active and secure operation, I do not believe that any valuable Republican liberty is possible in any great Democratic country on the face of the earth. Certainly, it is not possible for us.

It seems to one who looks back upon our history, and who keeps before him the settled condition of our liberty, almost impossible to believe, that in consequence of a direct collision between the rightful supremacy of the nation, and a wrongful assertion of State Sovereignty, we are exposed to all the evils of civil war, and to the danger of destroying the true principles of our system, in the effort to maintain them. That this danger is real and practical, will be conceded now, by every man who will contemplate the projects that spring up on all sides, looking to the acquisition of powers which have never belonged to the Federal Union by any theory under which it has yet existed. The main resemblance between these projects is, that none of them will fit the known basis of the Constitution; and that as means, therefore, of curing the disorders of our country, or of making men obedient to the Constitution, their tendency is merely mischievous. At the same time, they are none of them founded on any theory of a new Union, or on a new form of national existence, which their authors can explain to us or to themselves. One man, for instance, wishes the Government to assume the power of emancipating all the slaves of the South, by some decree, civil or military. But he cannot possibly explain what the Government of the Union is to be, when it has done this. Another man wants a sweeping confiscation of the property of all the people of the revolted States, guilty and innocent alike. But he does not tell you what kind of a sovereign the United States is to be, after such a seizure shall have been consummated. A third, in addition to these things, and as if in imitation of the Austrian method of dealing with rebellious Hungary, wishes to declare a sweeping forfeiture of all political rights; an utter extinguishment of the corporate State existence, and a reduction of the people of the revolted States to a condition of military or some other vassalage. But he not only does not show the Constitution enables the Federal Government to obliterate a State, but he does not even suggest what the Union is to be, when this is done, or even whence the requisite physical force is to be derived. Multitudes of politicians tell us that slavery is the root of all the national disasters, and that we must "strike at the root." But none of them tell us how we are to pass through these disasters to a safer condition, or what the condition is to be when we shall have "struck at the root." [Applause.[

Now it seems to me, endeavoring as I do to repress all merely vain and useless regrets for what is passed, and to find some safe principle of action for the present and the future, that there is one thought on which the people of the United States should steadily fix their attention. We have seen that our National Union has had three distinct stages. The first was the Union formed by sending delegates to the Revolutionary Congress, and by a general submission to the measures adopted by that body for the common defense. The second was the closer league of the Confederation, the powers of which were defined by a written charter. The third was the institution of a Government proper, with sovereign but enumerated powers, under the Constitution. Now I infer from what I see of some of the currents of public and private opinion, that many persons entertain a vague expectation that the military operations now necessarily carried on by the Federal Government will result in the creation of new civil relations, a new Union and a new Constitution of some kind, they know not what. He would be a very bold and a very rash man who should undertake to predict what new Constitution can follow a civil war in a great country like this. But looking back to the commencement of our national existence, we see that there never has been a change in the form of the Union; there never has been a new acquisition of political power by the central Government which has been gained by force. Such additions of foreign territory as we have obtained by arms or treaty have merely increased the area of the Union, but they have not augmented the political powers of the Government in the smallest degree. The inhabitants of those regions have come into the Union subject to the same powers to which we, who were original parties to the formation of the Constitution, have always been subject, and to no others. The national authority has never gained the slightest increase of its political powers by force of arms. In every stage in which its powers have been augmented the increase has been gained by the free, voluntary consent of the people of each State, without coercion of any kind.

This consideration certainly affords no reason why the Government of the United States should not vindicate its just authority under the Constitution over the whole of its territory by military power. The right of the Government of this Union to exercise the powers embraced in the Constitution rests, I repeat, upon a voluntary, irrevocable cession of those powers by the people of each State; and no impartial publicist in the world will deny that the right to put down all military or other resistence to the exercise of those powers rests upon a just and perfect title. [Applause.] This title is founded on a public grant.

But when you come to the idea of acquiring other and further powers by the exercise of force, you come to a very different question. You then have to consider whether a people whose civil polity is founded on the title given by consent—who have never known or admitted any other rule of action than that expressed in the maxim that "governments derive their just powers from the consent of the governed"—can proceed to found any new political powers on a military conquest over a rebellion, without changing the whole character of their institutions. For my own part, with the best reflection I have been able to give this momentous subject, I have never been able to see how a majority of the American people can proceed to acquire by military subjugation, or by military means, or maxims, any new authority over the people or institutions or any State or class of States, without falling back upon the same kind of title, as that by which William of Normandy and his descendants acquired and held the throne of England. That title was founded on the sword.

Perhaps there are some who will say, if this is to be the issue let it come. I can have no argument with those who are prepared to accept, or who wish for, this issue. All that I know or expect in this world, of what may be called civil happiness, is staked on the preservation of our republican constitutional freedom. [Applause.] If others are prepared to yield it; if others are willing to barter it for the doubly hazardous experiment of obtaining control over the destiny of a race not now subject to our sway, or dependent on our responsibility; if others are ready to change the foundation of our Union from free public charters to new authorities obtained by military subjugation—I cannot follow them. [Applause.] I shall bear that result, if it comes, with such resignation as may be given to me. But you will pardon me, fellow-citizens, if, with my humble efforts, I yet endeavor to sustain those, be they many or few, who faithfully seek to carry us to the end of these great perils with the whole system of our civil liberties unimpaired. [Long continued applause and cries of "Good."] You will still, I trust, give every honest man the freedom to struggle to the last for that inestimable principle, on which the very authority of our government to demand the obedience of all its citizens was founded by those who created it. [Applause]

The object for which we are urged by some to put at imminent hazard the foundation principle of our Federal system is, emancipation of the slaves of the South. No one can be less disposed than myself to undervalue the capacity of my countrymen to do a great many things—and to do them successfully. One would suppose, however, that a proposition to effect a sweeping change in the condition of four millions of the laboring peasantry of a great region of country, and to do it in almost total ignorance of the methods in which that particular race can be safely dealt with, so as to produce any good, would be a proposition upon which even our self confidence would be likely to pause. One would suppose that such an idea might suggest an inquiry into the limits of human responsibility. It is not allowed among sound moralists, that there is any rule which authorizes a statesman to undo an original wrong, at the imminent hazard of doing another wrong, as great or greater; and there is no rule of moral obligation for a statesman that is not applicable to the conduct of a people.

Setting aside, then, for a moment, all idea of constitutional restraint, let me put it to each one of you to ask himself how many persons there are in all the North, on whose judgment you would rely for a reasonably safe determination as to what ought to be done with slavery, having a single view to the welfare of that race? Of course I do not speak of disposing of a few hundred individuals, but of general measures or movements affecting four millions of your fellow-creatures. It has been my fortune, in the course of life, to know a few truly great statesmen in this our Northern latitude, and to know many other persons, for whose general opinions on what concerns the welfare of the human race I should have profound respect. But I have never seen the man, born, educated and living away from contact with slavery as it exists in the South, whom I could regard as competent to determine what radical changes ought to be made in the condition of a race, of whom all that we yet know evince their present incapacity to become self-sustaining and self-dependent. [Long continued applause and some hisses] In such a case, it appears to me a very plain moral proposition, that our Maker has not cast upon us the responsibility of becoming his agent in the premises. [Applause and hisses.] But it further appears to me that, in this case, he has surrounded my moral responsibility with other limitations which I cannot transcend. If the order of civil society in which I am placed imposes on me an obligation to refrain from acting on the affairs of others; if I cannot break that obligation without destroying the principle of a beneficent government and overturning the foundations of property; if I cannot use means which I am tempted to employ, without danger or unspeakable wrong; or if the utter inefficacy of those means is apparent to me and to all men—what is my duty to Him who sets the moral bounds of all my actions? It is to use those means, and those only, against which he has raised no such gigantic and insuperable moral obstacles. That any valuable military allies can be found among the negroes of the South; that any description of Government custody or charge of them can become more than a change of masters, and that anything but weakness to the national cause results from projects that look to the acquisition of national power over their condition,—are truths on which the public mind appears to be rapidly approaching a settle conviction. [Applause]

I add one word more upon this topic; and I do it for the purpose of saying in the presence of this community that any project for arming the blacks against their masters deserves the indignant rebuke of every Christian in the land. [Cheers and hisses.] When the descendents of those whom Chatham protected against ministerial employment of the Indian scalping knife so forgot the civilization of the age and their own manhood as to sanction a greater atrocity, we may hang our heads in shame before the nations of the earth.

But there is another aspect of this matter, which it would be entirely wrong to overlook. The great army which has rallied with such extraordinary vigor and alacrity to the defense of the Union and the preservation of the Constitution—which has endured so much, and has exhibited such heroic qualities—is not a standing army of hired mercenaries. It is an army of volunteers, of citizen soldiers who have left their homes and entered the service of their country, for a special purpose which they distinctly understand. Permit me to say that you are bound to remember this: or, rather let me cast aside the language of exhortation, and assert, in your name, that you remember it, with pride and exultation. The purpose for which these men were asked to enter the public service was the protection of the existing Union and the existing Constitution from attempts to overthrow or change them by organized violence; and that purpose is the most important element in their relation to the Government. No other army in the world ever entered the service of any power, with an understanding so distinct, so peculiar, so circumscribed in respect to the objects for which it was to be used; so directly addressed to the moral sense and intelligent judgment of intelligent men. I can not doubt that I speak the sentiments of nine men out of every ten in this community, when I say that to change that purpose, and to use that army for any other end than the defense of the Constitution as it is, and the restoration of the Union of our forefathers, would be a violation of the public faith. [Applause.]

It is now proposed to enlarge that army by a further call for volunteers. Let them come forth making no conditions with the Government [applause]; for the Government has made its own conditions, and has made them in accordance with the letter and the spirit of the Constitution. The purposes and objects of the war, as declared at the beginning, can never be changed, unless the people shall be so untrue to themselves as to compel a change; and when they do that, they will be themselves responsible for the defeat of their own hopes.

There is yet another topic, on which, as it seems to me, we ought carefully and soberly to reflect. I mean the history of opinion concerning the nature of the Union, and the causes which from time to time have produced disorganized doctrines respecting it. But let me ask you here not to misunderstand me. I seek no occasion to fasten upon particular persons one or another measure of responsibility for what has occurred; and, therefore, in pursuance of a rule which I have imposed on myself in the preparation of this discourse, the name or designation of no living man in the North or the South, will pass my lips this day. [Applause]

Whoever is well acquainted with the political history of this country since the adoption of the Federal Constitution, must know that there have been developed at various times certain strange opinions concerning the nature of the Federal Union, the foundation of its authority and the character of the obligations which we owe to it. In general the people of the United States have been content to rest upon that theory respecting their Government, which has always prevailed in its official administration in whatever hands that administration has been lodged; this theory being that the central Government holds certain direct and sovereign but special powers over the whole people, ceded to it by the voluntary grant of the people of each State. But a sense of injury in certain localities, springing from wrong supposed to have been committed or meditated by the ruling majority, or by those who at the time exercised the power of the majority, has not unfrequently led men here as elsewhere to indulge in speculations and acts quite inconsistent with the only basis on which the Government can be said to have any real authority whatever. To enumerate all these occasions or to recite the intemperate conduct that has attended them in periods of great excitement, is unnecessary. But there is one of them which may serve as a simple illustration of all that I desire to say on this special topic.

It is commonly said—and with much logical truth—that the doctrines of nullification lead, by natural steps, to the doctrines of secession; and the late Mr. Calhoun, who is justly considered as the patron, if not the author, of the former, is also popularly regarded as the father of the latter. But it is important for us, in more aspects than one, to know that Mr. Calhoun did not contemplate or desire a dissolution of the Union. He adopted a doctrine respecting it which does indeed lead, when consistently followed out, to what is called the constitutional right of secession; but he did not see this connection or intend the consequence. There is reason to believe that if his confidential correspondence during the times of nullification shall ever see the light, it will be found that he was a sincere lover of the Union, and was wholly unconscious that he was sowing in the minds of those who were to come after him seeds that were to bear a fatal fruit. It was in his power at one time to have arrested the career of the nullifiers in South Carolina, for to them his word was law; and if he had so done, he would probably have been placed by his numerous, powerful and attached friends out of that State, in nomination at least for the highest office in the country.

But what was it that led that subtle, acute, and generally logical intellect, to embrace a theory respecting the Constitution, which was entirely at variance with the facts that attended its establishment? The process was very simple, with a mind of a highly metaphysical and abstract turn. Mr. Calhoun had persuaded himself, contrary to an earlier opinion, that a protective tariff was an unconstitutional exercise of power by the General Government, oppressive to South Carolina; and he cast about for a remedy. He saw no relief against this fancied wrong, likely to come from a majority of Congress, and the people of the Union; and reasoning from the premises that the Constitution is a compact between sovereign States, an infraction of which the parties can redress for themselves when all other remedy fails, he reached the astounding conclusion that the operation of an act of Congress may be arrested in any State, by a State ordinance, when that State deems such an act an unconstitutional exercise of power. But he always maintained that this was a remedy within the Union, and not an act of revolution, or violence, or secession.

This memorable example of the mode in which opinion respecting the nature of our Union is affected, is full of insurrection at the present time. But, let no one misunderstand or misrepresent the lesson that I draw from it; and, that no one may have an excuse for so doing, let me be as frank and explicit as my temporary relation to this audience demands. I do not say that the course and result of the late Presidential election furnishes the least justification or excuse for what the South has done. I have never believed that any circumstances of a constitutional election, could of themselves afford a justification to any State, or any number of States, in withdrawing from the Union. Neither do I say, or believe, that any condition of opinion respecting a right to withdraw, can afford the slighest apology for that conduct on the part of individuals, in or out of the Government, in respect to which there must always remain in every sound mind a great residuum of moral condemnation. Neither do I doubt at all the existence or a long cherished purpose on the part of some Southern political men, to seize the first pretext for breaking up the Union of these States. [Applause.]

But, my fellow citizens, it does not appear to me—and there is practical importance in the inquiry, in reference to a future restoration of the Union—that we ought soberly to consider, whether any mere conspiracy of politicians could have found a *willing people*, if causes had not long been in operation, which have promoted the growth of doctrines and feelings about the nature and benefits of the Union fatal to its present dominion over their minds and hearts.

What has been going on here in the North during the last twenty or twenty-five years? We have had a faction, or sect, or party—call it what you will—constantly increasing, constantly becoming more and more an element in our politics, which has made, not covert and secret, but open and undisguised war upon the Constitution, its authority, its law, and the ministers of its law, because its founders, for wise and necessary purposes, threw the shield of its protection over the institutions of the South. If there is a disorganizing doctrine, or one diametrically hostile to the supremacy of the Constitution, which that faction has not held, inculcated and endeavored to introduce into public action, I know not where in the whole armory of disunion to look for it. [Applause.] They never cared whether the Constitution was a compact between independent States, or an instrument of sovereign government resting on the voluntary grant and stipulation of the people of each State. Destroy it, they said; destroy it! for, be it one thing or another, it contains that on which the heavens cry out and against which man ought to rebel. And so they went on doing their utmost to undermine all respect for its obligations, and to render of no kind of importance the foundations on which its authority rests. The more that public men in the North, from weakness, or ambition, or for the sake of party success, assimilated their opinions to the opinions of this faction, the more it became certain that the true ascendancy and supremacy of the Constitution could never be regained without some enormous exertion of popular energy, following some newly-enlightened condition of the popular understanding. When the country was brought to the sharp and sudden necessity of vindicating the nature and authority of the Union, there was throughout the North a general popular ignorance of its real character, and a wide-spread infidelity to some of its important obligations.

What has been going on in the South during the same period? On this point there is much to be learned by those who seek the truth. If you will investigate the facts, you will find that no such opinion as a right of secession had any general acceptance in the South. No general support was given in the South to the conduct of South Carolina in the matter of nullification. Very few southern statesmen or politicians of eminence, not belonging to that State, followed Mr. Calhoun and Mr. Hayne; and when the great debate on the nature of the Constitution was closed, the general mind of the South was satisfied with the result.

How is it now? The simple truth is, that secession—understood by Southern politicians as a right resulting from the nature of the Union—is a growth of the last twenty-five years; and it has become the prevalent political faith with the most active of the educated men of the South who have come into public life during this period. It is my belief, founded on what I have had occasion to know, that the great body of Southern opinion respecting the Constitution, its nature, its obligations and its historical basis, has undergone a complete revolution since the year 1835. What Mr. Calhoun never contemplated as a remedy against supposed unconstitutional legislation, has become familiar to men's mind as a remedy against that which was striking deeper than legislation; which might never take the form of Congressional action, but was constantly taking every form of popular agitation; which might never become the tangible and responsible doctrine of administration, but was yet all the more formidable and irritating because it lay couched in an irresponsible popular sentiment, fomented by appeals which were designed to deprive constitutional ties and obligations of their binding moral force. [Applause.]

Are we told that these things do not stand in any relation of cause and effect? Are we so simple, so uninstructed in what influences the great movements of the human mind, that we can not see how intellect and passion and interest may be affected by what passes before our eyes? Must I wait until the whole fabric of free constitutional government is pulled down about my head, and I am buried beneath its ruins, before I cry out in its defense? Must I postpone all judgment respecting the causes of its disintegration until it has gone down in the ashes of civil war, and history has written the epitaph over the noblest commonwealth that the world has seen? I fear that there is a too prevalent disposition to surrender ourselves as passive instruments into the hands of fate—too much of abandonment to the current of mere events—too great a practical denial of our own capacity to save our country by a manly assertion of the moral laws on which its preservation depends. Can it be that we are losing our faith in that Ruler who has made the safety of nations to depend on something more than physical and material strength, who has given us moral power over our own condition and has surrounded us with countless moral weapons for its defense? [Applause]

It is marvellous through what a course of instruction, through what discipline of suffering and calamity, the people of this country have had to pass, in order fully to comprehend the truth that the nature of their government depends upon sound deduction from a series of historical facts: and that it must, therefore, be defended by consistent popular action. It is now somewhat more than thirty years since Daniel Webster, (app.) combining in himself more capacities for such a task than had ever been given to any other American statesman, demonstrated that our national Government can have no secure operation whatever, unless the obviously true and simple deduction from the facts of its origin is accepted as the basis of its authority. You know what he taught. You know that he proved—if ever mortal intellect proved a moral proposition—that in the exercise of its constitutional powers the national Government is supreme, because every inhabitant of every State has covenanted with every other inhabitant of every other State that it shall be so; that even when the national Legislature is supposed to have overstepped its constitutional limits, no State interposition, no State legislation, can afford lawful remedy or relief; and that all adverse State action, whether called by the name of Nullification, or by any other name, is unlawful resistance. We are glad enough now to rest upon his great name; we march proudly under his imposing banner to encounter the hosts of "constitutional secession." But how was it with us? even before he was laid in that unpretending tomb, which rises in the scene that he loved so well, and overlooks the sounding sea, by the music of whose billows he went to his earthly rest? Did we follow in his footsteps? Did we requite his unequalled civil services? Did we cherish the great doctrine that he taught us, as the palladium of a government which must perish if that doctrine loses its pre-eminence in the national mind? How long or how well did we preserve the recollection of his teachings, when our local interests and feelings were arrayed against the action of the Federal Power? I will not open that record. I would to heaven that it were blotted out forever. But I cannot stand here this day and be guilty of any thing so unfaithful to my country, as to admit that under a government whose authority can live only when sustained by popular reverence for its sanctions and popular belief in its foundations, opinion in the South has not been affected by what has transpired in the North. [Applause]

I have endeavored to state, with fairness and precision, the principle on which the American Union was founded, and to show that its preservation depends upon keeping the National and the State sovereignties each within the proper limits of its appropriate sphere. I am aware that the opinion has been formed to a great extent in foreign countries and in the South, and by some among us, that this principle is no longer practicable; that the Union of free and slave States in the same nation has become an exploded experiment; and that our interests are so incompatible that a reconstruction, on the old basis at least, ought not to be attempted. We should probably all concede that this view of the subject is correct, if we believed that the incompatibility is necessary, inherent, and inevitable. But there is not enough to justify the breaking up of such a Union, if the supposed incompatibility is but the result of causes which we can reach, or if it arises from an unfaithful compliance with the terms of our association. We can make such an association no longer practicable if we choose to do so. We can prevent it from becoming impracticable if we are so resolved. If the free States, as one section, and the slave States, as another, will not respect their mutual obligations, then there is an end of the usefulness of all effort. If we, of the North, will not religiously and honestly respect the constitutional right of every State to maintain just such domestic institutions as it pleases to have, and protect that right from every species of direct and indirect interference, then there is an absolute incompatibility. If they of the South will not as honestly and religiously maintain the right of the Federal Union to regulate those subjects and interests which are committed to it by the Constitution, then there is, in like manner, an incompatibility of precisely the same nature. If the parties, in reference to the common domains, will admit of no compromise or concession, but each insists on applying to them its own policy as a national policy, then the incompatibility is as complete from that cause as it is from the others. The difficulty is not in the principle of the association, for nothing can be clearer than that principle; and when it has been honorably adhered to, no Government in the world has worked more successfully. But the difficulty has arisen from disturbing causes that have dislocated the machine; and what we have now to ascertain is, whether the PEOPLE on both sides will treat those causes as temporary, and remove them, or will accept them as inevitable and incurable, and thus make the separation final and conclusive.

In the gloomy conception of the old Grecian tragedy, no room was left by the poets for the moral energies of man, there was no force in human innocence or virtue. Higher than Jupiter, higher than the heavens, in infinite distance, in infinite indifference to the fortunes of men or gods, sate the mysterious and eternal power of destiny. Before time was, its decrees were made; and when the universe began, that awful chancery was closed. No sweet interceding saints could enter there, translated from the earth to plead for mankind. No angels from love and mercy came from human abodes, to bring tidings of their state. No mediator, once a sufferer in the flesh, stood there to atone for human sin. The wail of a nation in its agony, or the cry that went up from a breaking human heart, might pierce into the endless realms of space, might call on the elements for sympathy, but no answer and no relief could come. He who was preordained to suffer, through whatever agency, suffered and sank, with no consolation but the thought that all the deities, celestial and infernal, were alike subject to the same power.

Are we, too, driven by some relentless force, that annihilates our own free wills and dethrones Him who is supreme? Are we cast helpless and drifting, like leaves that fall upon the rushing stream? Must we give way to blank despair? No, no, no! There are duties to be done—to be done by us; for whatever may be the result of this mighty array of army against army—whatever may be the effect of victories that have or shall be won—whatever are to be our future relations with the people of the South, the time is coming when we and they, face to face, and in the eye of an all seeing God, must determine how we will live side by side as the children of one eternal Parent. [Applause] For that approaching day, and for the sake of a restoration of that which arms alone can not conquer, let me implore you to make some fit and adequate preparation of instruments and agents and means and influences: Trust to the humanizing effects of a new and better intercourse. Trust to the laws of nature which have poured through this vast continent the mighty streams that bind us in the indissoluble ties of commerce. Trust in that charity—the follower and the handmaid of Commerce—which clothes the naked and feeds the hungry and forgives the erring. Trust in the force of kindred blood, which leaps to reconciliation when the storms of passion are sunk to rest. Trust in that divine law of love, which has more power over the human soul than all the terrors of the dungeon or the gibbet. Trust in the influence over your own hearts and the hearts of others, of that religion which was sent as the messenger of peace on earth, good will to men. Trust in the wise, beneficent, impartial and neutral spirit of your Fathers, who gave tranquility, prosperity and happiness to the whole land. Trust in God, and you may yet see your national emblem, not as the emblem of victory, but as the sign of a reunited American people, floating in the breath of a merciful heaven, and more radiant with the glory of its restored constellation, than with all the triumphs it has won, or can ever win, over a foreign foe. [Long continued applause.]

LEGAL.

STATE OF INDIANA, MARION COUNTY, SS:—In the Court of Common Pleas of Marion county, in the State of Indiana, October Term, A. D. 1862.—Josiah Chambers, Levi C. Stevens, Francis Wymand, Theodore Shotwell, and John Niswanger vs. J. J. Stevenson.

Be it known, That on this 14th day of June, in the year 1862, the above named plaintiffs, by their attorneys, filed in the office of the Clerk of the Court of Common Pleas their complaint of underpleader against said defendant in the above entitled cause together with an affidavit of a competent person, that said defendant, J. J. Stevenson, is not a resident of the State of Indiana.

Said defendant is therefore, hereby notified of the filing and pendency of said complaint against him, and that unless he appear and answer or demur thereto, at the calling of said cause on the second day of the next Term of said Court, to be begun and held at the Court-house, in the city of Indianapolis on the first Monday in October next, said complaint, and the matters and things therein contained and alleged, will be heard and determined in his absence.

WILLIAM WALLACE, Clerk.
By W. C. SMOCK, Deputy Clerk.
William Henderson and Newcomb & Tarkington, Attorney for Plaintiffs. je23-w3w

STATE OF INDIANA, MARION COUNTY, SS:—In the Court of Common Pleas of Marion county, in the State of Indiana, October term, A. D 1862.—Edmund Burke and Thomas Barnes vs. Jacob S. Pratt.

Be is known, That on this 28th day of June, in the year 1862, the above named plaintiffs by their attorneys filed in the office of the Clerk of the Court of Common Pleas their complaint against said defendant, in the above entitled cause, together with an affidavit of a competent person that said defendant, Jacob S. Pratt, is not a resident of the State of Indiana.

Said defendant is, therefore, hereby notified of the filing and pendency of said complaint against him, and that unless he appear and answer or demur thereto, at the calling of said cause on the second day of the next term of said Court, to be begun and held at the Court House, in the city of Indianapolis, on the first Monday in October next, said complaint, and the matters and things therein contained and alleged, will be heard and determined in his absence.

WM. WALLACE, Clerk,
By W. C. SMOCK, Deputy
Wm. Henderson, Attorney for Plaintiff. jy7-w3w

INSURANCE.

Indiana Fire Insurance Co.,
INDIANAPOLIS, INDIANA,
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may2. d1mw2m

SINKING FUND NOTICE.

THE Act of March 9th, 1861, gives to Borrowers of the Sinking Fund the privilege of paying their Loans by annual installments of one-fifth of the principal, commencing in 1863, on the day when interest falls due upon the respective Mortgages, with the proviso, however, *"That interest be annually paid in advance, and at the appropriate time."* The officers of the Fund are disposed to give all indulgence to Borrowers, compatible with their duties as enjoined by law; but they cannot disregard the positive provisions of the statute. Debtors to the Sinking Fund will therefore appreciate the importance of paying the interest on their Loans as soon as it is due.

H. C. NEWCOMB, President.
July 1, 1862. d1t&w3t

NOTICE.

Two Horses Strayed or Stolen.

STRAYED OR STOLEN from the subscriber, on Davidson street, between Michigan and North streets, in Indianapolis, on the 18th of June, two Horses and a Colt. One of the horses is an iron gray, spotted on his neck and head with red spots, about 7 years old, 16 hands high, shod before. The other is a dark bay, about the same age, size and hight, and walks a little stiff, I think has no white on him, not shod. The colt is a mare, a year old past, and light bay. A liberal reward will be paid to any person who will return the horses or give information that will lead to their recovery.

jy3-d1&w2 C. F. WISHMIER.

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ELECTION NOTICE.

I. P. & C. R. R. CO.

THE regular Annual Meeting of the Stockholders of the Indianapolis, Pittsburgh and Cleveland Railroad Company will be held at their office in this city on Thursday, the 17th day of July next, for the election of fifteen Directors, and the transaction of any other business that may come before them.

EDWARD KING, Secretary.
Indianapolis, June 15, 1862. je21-d1t&w3t

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In store and for sale by
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100 BAGS Old Java Coffee;
100 BAGS Rio Coffee;
150 BOXES Ground Coffee; Do. in Papers;
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200 CHESTS and Half Chests Gunpowder, Young Hyson, Hyson Skin, and Oolong Teas, very cheap;
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