New Orleans Daily Crescent.
TUESDAY MORNING, APRIL 9, 1861.

NEW ORLEANS DAILY CRESCENT.

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VOLUME XIV. TUESDAY MORNING, APRIL 9, 1861. NUMBER 31.

TALK ON 'CHANGE.

It was very quiet on the flags yesterday. The weather was all that could be desired for business. The telegraphic dispatches received late on Saturday night were freely talked of, but there was very little credence given to them—though that it is designed to reinforce Fort Pickens is not questioned. Other talk was, that the wily Secretary of State, Mr. Seward, is weaving a net to catch the South. In the meantime, it was suggested for us to be prepared. It was also talked of that a man-of-war steamer had crossed and was coming up the river. This steamer, we expect, will prove to be a Swedish steamer from London, bound hither on a regular legitimate business—so the consignee said. Whether she has a cargo of guns, blunderbusses and other munitions of war on board, we cannot say. It will be very difficult for a war vessel to pass through Plaquemine Reach, pass Fort St. Philip and Fort Jackson. If a British squadron, after two weeks trial in 1814 and 1815, could not pass the mud breastworks of old St. Philip, it is extremely doubtful if a squadron could pass two forts at this time, both well supplied with the appliances of warfare. However, Mr. Lincoln's squadron has not entered the Mississippi as yet. It will be well for our authorities to keep a good lookout for some of the small vessels of the Black Republican navy. They might pay a visit to Proctorville, the fort at Chef Menteur, the tower at Bayou Dupré; also the Bayou Bienvenu might attract some of the Black Republican freebooters. It is plain a landing could be made at Proctorville, though there would not be much gained by it. But a truce to these war reports, the telegraph is becoming the medium for mischief and falsity.

About meridian it was announced that one of the mails line of steamers had arrived at Portland, with dates from Liverpool to the 29th ult., which embraces the commercial week ending the 30th March. The highest quotations for Middling Orleans cotton was 7.5-16d. This is not apropos, just at this moment, for our market. The steamer of the 30th from Liverpool will not bring anything of interest. We shall, therefore, be seven or eight days without later intelligence from England—say until Monday, the 15th inst. In the meantime, we hope to go through the interregnum without any trouble.

It is hardly necessary to allude to the talk of England's feelings towards the Southern Confederacy. It is considered almost as certain as that the sun will revolve on its axis that the great manufacturing interest of Great Britain and France will sustain the action of the Confederated States. The London Economist, of the 9th of March, has an article entitled the American Confederations, wherein it says that New York (meaning the city) may be a republic by itself; that Maine may join Canada, to which we may add, if all the New England States would follow, nobody would be hurt in the great South.

But here are the remarks, with an extract of a communication from a commercial source in the South. The Economist, it will be observed, speaks in the most commendable terms of President Davis' inaugural address. In speaking of the new Confederation, it says:

And that it must be considered as established, few who have watched the progress of events or read the remarkable, firm and temperate speech of Mr. Jefferson Davis on his inauguration as Southern President, can, we think, feel much doubt. The tone of nearly all private and commercial correspondence from the South confirms this impression. When we meet with a passage like the following in the business letters of a house of trade to its customers in this country, we shall not certain much expectation of a retrocession.

Our Southern Confederation of seven valuable cotton States, whose export of cotton last year to all parts of the world amounted to 4,662,915 bales, has been formed by a people composed of some of the ablest men of our country, able in the field and in the cabinet, and now in evidence. Such a Government must command the respect of the world. We have decided preferences; but because we conscientiously believe and maintain, and desire to maintain, slavery as an institution recognized by the Scriptures, and as the happiest form of labor ever seen in the African race, it seems our opponents desire to drive us into war. We shall accept it, if we must, and we will, at all events, the Christian most starkly from; but if forced on us, we shall meet it like men who know their rights and dare defend them.

It is true that our letters from the North speak in a different strain—some writing hopefully of reconciliation even now, some writing menacingly of coercion. But it is evident that they look upon the latter alternative as a very deplorable and doubtful one; and, as to the former, they are unable to define whence conciliation is to come, or what appearance of it can be traced. It is true, we are assured, that Mr. Lincoln still announces his determination to collect the Custom duties in the ports of the seceding States, though he will neither invade nor coerce; but it is difficult to believe that a policy so hesitating and so really useless can be persevered in.

So talks and writes one of the ablest English editors.

There were no mails received yesterday, and business closed at an early hour. The Merchants' Exchange was opened, but it will be some time before we shall witness the congregations there as in days of yore. It is refreshing to look back on the old times when merchants met in the old time-honored building. A central place, with large accommodations and ample room, has long been wanted in our city, where sales could be effected. The old St. Louis rotunda has long since passed out of date. Bank Arcade is gone, and only exists in memory. The St. Charles never was a place of popularity for public sales. The City Hotel is too cramped for large gatherings. The Merchants' Exchange now offers sufficient room, good light and all the appliances for daily meetings of merchants and citizens. It is hoped the patronage of the community will be commensurate with the importance of the undertaking and the outlays for the accommodation of the public. We have now something of a building, where merchants and others can congregate. Of course, it is not expected that many changes can be carried through before the opening of the next commercial season. It must be taken into consideration the business season for 1861 is passing—that the hegira of visiters, transient citizens, has commenced.

Local Intelligence.

THE WEATHER

Continues as lovely as can possibly be desired. Yesterday morning the sunshine had a slight chill upon it, which was delightfully bracing and invigorating after the warm weather of the few preceding days.

HEALTH OF THE CITY.

New Orleans has never been so healthy as at present. The Board of Health report that there were only ninety-six interments in the cemeteries last week and of this number of deaths, about half were children.

FLAG PRESENTATION.

Capt. Mollieur's Second Company of the Chasseurs-a-Pied were on Sunday presented with a rich and beautiful Southern Confederacy flag by the ladies of the Second District. The presentation was made by Miss Queyron, godmother of the flag, who accompanied the presentation with a graceful and feeling address, to which Capt. Mollieur responded as became a gentleman and a soldier. The company then proceeded to the Cathedral, where, in presence of a great multitude, and with the most solemn ceremonies, the flag was consecrated by the Rev. Father Perché. After this, the company became the guests of the officers of the Orleans Guard, at whose arsenal, with that other fine young company, the Louisiana Cadets, the proceedings of the day were concluded in the happiest possible manner, with wine-quaffing, toasts, speeches and other pleasantnesses which brave and gallant spirits like our New Orleans soldiers know so well how to get up and enjoy.

THE BENEVOLENT SOCIETIES.

Swiss Benevolent Society.—The anniversary of this Society was celebrated on Saturday evening, at Louis' restaurant, by a sumptuous dinner, very numerously attended. The first toast, "to the prosperity of the new Southern Confederacy, and to its President, Jeff. Davis," was received with cheers and long applause. The remainder of the proceedings were worthy of the sons of the famed European Republic, banded together in this later Republic, for purposes of brotherhood and benevolence.

Parson Benevolent Society.—A new building built for charitable purposes, by the French Mutual Benevolent Society, at the corner of St. Ann and Derbigny streets, at a cost of $30,000, and on a lot of ground donated by the President, Mr. Blineau, was inaugurated on Saturday night by a brilliant ball. This society has been actively at work nearly twenty years, and has administered charity most effectually. Their old Asylum, characteristically named King Louis Phillippe House, on Bayou Road, became too small, and the need of increased benevolence induced the erection of the new Asylum. The lower story, traversing the entire length 180 feet, is a hall 40 feet wide, on each side of which are six rooms of 30 by 15. The upper stories are divided on a similar arrangement.

THE CALHOUN GUARDS.

In speaking of this Company, which turned out for the first time on Sunday, we stated that it was composed of Irish-born citizens, which we believed was the case so far as we knew the company. To our surprise, some of the members seemed to fancy that this was an aspersion upon the Company; at least one man did, who came to the office before we arrived and talked impudently about it, and to whom we would have shown the door in double quick time, had we been present.

The following polite note from Captain Henry Strong, we cheerfully publish:

New Orleans, April 8, 1861.

To the Editor of the Crescent:

Sir—In the notice of the Calhoun Guards' parade yesterday, you call the members of the corps Irish born citizens. I would wish to state for the information of those who are anxious for inquiry as to who we are, that the members are composed of citizens of the Confederate States; and further, that we have in our company American, French, German, English, and Irish born citizens.

By correcting the notice you will confer a favor on the members.

Your obedient servt,
HENRY STRONG,
Captain Calhoun Guards.

CORONER'S INQUEST.

The Coroner yesterday held an inquest on the body of Robert Murphy, aged 17, a native of Ireland, found dead on board the ship Levi Woodbury. Verdict, that he died of cholera morbus.

THIRD DISTRICT SCHOOL EXAMINATION.

The DeSoto School, on Mandeville street, and the Washington Boys' School, on Moreau street, were examined last week. We could not be present; but we hear that both schools passed a highly creditable examination.

The school at Milneburg was to be examined yesterday. To-day the school at the Barracks is to be examined. The remainder of the examinations in the Third District are to come off as follows: To-morrow the LeBreton Boys' School, on the Bayou Road. Thursday, 11th instant, LeBreton Girls' School, on the Bayou Road. Monday, 15th instant, Seventh Ward Girls' School, corner of Frenchmen and Morales streets. Wednesday, 17th instant, Washington Girls' School, Moreau street, near Piety. Friday, 19th instant, Fillmore Boys' School, on Bagatelle street, between Good-children and Morales. Monday, 22d instant, Macarty School, on the site of the old Macarty Plantation. Wednesday, 24th instant, Boys' High School, at the Fillmore School-house, on Bagatelle street.

FOURTH DISTRICT SCHOOL EXAMINATIONS.

The annual examination of the Boys' High School, of the Fourth District, began yesterday, and will conclude to-day. To-morrow we hope to be able to say something about it.

The examination of the Girls' High School will begin to-morrow and conclude on Thursday. The annual exhibition, and distribution of diplomas to the High School graduates, will take place on Friday, at the Methodist Church, corner of Felicity and Chestnut streets.

The best and final evidences of the progress of public education in the Garden District, are to be witnessed this week, and we can state that all who attend the High School examinations and the final exhibition will be well repaid for the trouble of going.

DEPARTURE OF THE FIREMEN.

Some sixty or seventy members of Perseverance No. 13, a goodly representation of Jackson No. 18, and some members of other fire companies, left yesterday afternoon by the mail-boat, to join the Mobile firemen in their annual celebration to-day. No. 13 took their splendid new machine along. We expect to hear big accounts of to-day's doings in Mobile.

YOUNG MAN DROWNED.

Nicholas Birmingham, a youth 17 years of age, well known in this city, was drowned at Berwick's Bay last Thursday, by the upsetting of his boat, in which he was fishing with a colored boy. He was an employé of the Opelousas Railroad Company, and belonged to Capt. Dreux's company, the Orleans Cadets.

SPECKS OF FIRE.

A fire broke forth amid some bed-clothing in the house No. 159 Canal street on Sunday night, but it was extinguished before much damage was done.

At half-past 3, yesterday afternoon, a fire started and slightly damaged the roof of a kitchen on Terpsichore street, near Nayades.

THE COURTS.

First District Court—*Judge Hunt.*—Victor Garcia, charged with murder; John Rolliran, charged with manslaughter; Michael Ronbal Madden, charged with robbery, were severally arraigned yesterday, and pleading not guilty, were remanded to await trial. William Tiogo, charged with receiving stolen property knowingly; Michael Hill, charged with assault with intent to kill; Joseph Reister, charged with stabbing with intent to murder; Joseph Rees and Leonard Roussa, charged with trading with a slave; and Jean Baptiste Favre, charged with receiving stolen property knowingly, were severally arraigned, and, entering the plea of not guilty, were discharged on bond until further notice.

Ernest Lambert and Pierre Delrieaux, charged with assault and battery, were, on motion of the District Attorney, discharged by nolle prosequi.

Patrick Callan and Margaret Callan, were acquitted, by jury trial, of the charge of assault and battery, and accordingly discharged.

Mary O'Brien, charged with assault and battery, was placed upon her trial. The jury returned a verdict of "guilty, and recommended her to the mercy of the court."

Recorder Emerson's Court.—The Monday morning blues filled the dock yesterday morning, as usual, and presented an extravagantly beautiful and picturesque appearance. They were sifted out and disposed of in the usual manner.

Daniel Block, for publicly uttering threats of violence against his wife, Carolina Block; Mrs. Charlotte West, for violently abusing James Deane, at the place where both live, on Religious street, near Market; and Philip Schaberly, for insulting and abusing the wife of Charles Frederick, on Camp street, were all put under bonds to keep the peace for three months.

Rosa Fitzpatrick and husband, Mrs. Powers and husband, and Mary Dagan, charged with fraudulently making way with a roll of $800 in bank notes which Mrs. Louisa Keller's son was so careless as to drop on the street, on the 11th ult., were dismissed, on motion of counsel for the prosecution.

George O'Brien, charged with passing a counterfeit $2 56 gold piece upon John Lovell, was dismissed for want of evidence; and Peter Brown, charged with thrashing Geo. M. Woodworth, on Pulton street, was dismissed because Woodworth failed to appear.

The following accused parties were arraigned and booked for future examination:

John Griffin, alias Brockey, charged with dangerously stabbing John Hopkins at the Lafayette Exchange on Saturday morning. (Case reported by us yesterday.) Sent to prison to await the result.

John Connors and Mrs. Connors, charged with robbing John Reed on Thursday night last, while he was lying on a bench at No. 70 Good street; cutting his pockets and taking therefrom two gold watches, gold chain, gold pencil, and other articles, valued altogether at about $200, and $502 in bank bills and gold and silver coin; four other parties, not arrested, charged with aiding and abetting the robbery. Bail of $750 given by each to appear on the 20th inst.

Frederick Bladner, charged by Joseph Duffy with breaking into the Tattersalls Coffeehouse, on St. Charles street, on Friday night, and robbing the money drawer of $35. Sent to prison in default of bail, to be examined on the 13th.

Isabella Foster, charged with violently beating Laura Williams, pulling her hair, knocking her down, and kicking and stamping her, with intent to kill, on Saturday night, at No. 52 Basin street. Bail given.

SPEECH OF HON. W. R. MILES,

—IN THE—

CONVENTION OF LOUISIANA,

—ON THE—

ADOPTION OF THE CONSTITUTION OF THE CONFEDERATE STATES OF AMERICA.

Mr. President: It is with great regret that I now address the Convention. Nothing but a stern sense of duty could induce me to do it. The act is not of my seeking. I have endeavored to avoid it. But the irregular and inconsiderate course pursued to-day by this body has left me no alternative.

An early, zealous, and steadfast friend of the Southern movement, I have given close attention to the principles involved, and the policy to be pursued. Without rehearsing them in detail, I may safely say, the adoption of a Constitution for the Permanent Government of the Confederate States, is the most important. On the 28th of January last, we passed an ordinance providing for the election of six delegates, to meet the delegates of the other seceding States in Convention at Montgomery. We provided among other things:

"That said Delegates be instructed to aid in forming a Provisional Government, on the basis of the Constitution of the United States, for such States as have seceded, or may secede, to be established and put into operation before the 4th of March, 1861, and that the action of the Convention of the seceding States shall proceed forthwith to consider and propose a Constitution and plan for a Permanent Government for such States, which proposal plan shall be referred back to the several State Conventions for their adoption or rejection."

Under the provisions of this ordinance six delegates were elected. They proceeded to Montgomery, and, in conjunction with the other delegates, organized as a Congress. They adopted a Provisional Constitution, they formed a Provisional Government, and immediately engaged in legislation under it. Meantime, they proceeded with closed doors to consider a plan for a Permanent Government. The result of their labor we never knew officially until yesterday. It is true, we had telegraphic reports a day or two before. But they were so manifestly erroneous in some particulars, that no certain reliance could be placed on them.

At various intervals during the session of this body yesterday, and in my library last night, I examined, as far as possible, this Constitution. It occurred to me some modifications would adapt it better to our wants; and, hence, I introduced a few minutes ago the following resolution:

"*Resolved*, That the Constitution recently adopted by the Montgomery Convention be referred to a Committee of Eleven, to be appointed by the President, with instructions to report what action should be taken thereon. And if the committee shall report in favor of its ratification, to report also such amendments (if, in their opinion, any ought to be recommended) as will make the Constitution safe as a fundamental law, and acceptable to the people."

I accompanied this resolution with some explanatory remarks to this effect: "that there was no doubt of the almost unanimous disposition of the Convention to ratify the Constitution; but insisted that a matter of such gravity should be acted on with calmness and deliberation; and, that as the people of Louisiana were now assembled in Convention, the opportunity should not be lost of suggesting amendments in the very form prescribed by the Constitution, if it was the sense of the Convention it required amending." And took occasion to say, "that the principal amendments to the Constitution of the United States, were suggested by the Conventions that ratified it."

I had scarcely taken my seat when the gentleman from Plaquemine moved to take up the Permanent Constitution to-day, and adopt it section by section. The gentleman from Baton Rouge moved as an amendment that the entire Constitution be adopted by acclamation; and in this shape the question now stands. It seems to me the question is alike insulted to the importance of the subject and the impressiveness of the occasion. Neither in ancient annals nor in modern history is a precedent to be found for so unusual a proceeding. Nor do I venture too much in asserting that it will never find a parallel in all coming time. To attempt, with a "hip, hip, hurrah!" without reflection, discussion or deliberation, to adopt a fundamental law for a free and intelligent people, looks to me like a broad farce, whilst the proposition to adopt the Constitution as a whole, without opportunity of suggesting amendments, puts each member in the very unpleasant attitude of being forced to vote that he disapproves, by voting *for* the Constitution; or of voting against much that he approves by voting *against* the Constitution. Indeed, if the character of the gentleman from Baton Rouge was not above all suspicion, contempt for directness and simplicity of purpose, I might, in my turn, be well construed into a covert attack upon the Constitution itself, the intelligence of the Convention that framed it, and the discretion of this body to whom it is now presented for adoption or rejection.

As the matter stands we are compelled to adopt the opinions of others, however defective, and to suppress our own, even if it could be shown they were adapted to the emergency; or to arrest the consummation of a revolution set on foot by our own energy, and deprive ourselves of the benefits of a movement in which all our interests are involved. All, therefore, who do not agree precisely with every clause of this Constitution are now compelled to vote under moral and intellectual duress. We can not afford to defeat the plan for a Permanent Government, because we stand on the perilous edge of civil war and anarchy. If we ratify the Constitution without suggesting amendments, and insistence, it will be construed as an adoption of all its provisions, and an endorsement of all the principles embodied in it. The only logical course to be taken then, is to vote for its ratification after stating our objections to it.

For one, I am free to say, that so far as the Confederate Constitution is a copy of the Constitution of the United States, it meets my approbation. Several changes, too, I think, have been adopted with great advantage. Particularly that one which gives the President the power to veto any one item in the appropriation bill, whilst approving the balance. This will have the effect of extirpating that vile system of log-rolling legislation, so long a disgrace to the Congress of the United States, and of dipping in the spoils of opinion that has aided in sapping and undermining its Government.

The omission of the "general welfare" clause in the present Constitution is also a gain. It was the prolific source of disturbing agitation under the old Government. Vagrant powers claimed by latitudinarian constructionists, that could derive no validity from specific grants, became common sense of their advocates found a resting place under this clause. For getting us rid of this cause of annoyance, the Montgomery delegates are entitled to our thanks. There are other alterations for the better that I have not time to notice.

But I am reluctantly constrained to say, there have been some changes made by the Montgomery Convention, that if permanently adhered to, will, in the end, prove destructive to free Government. And because I intend to vote for the ratification of the Constitution, and am unwilling that my vote, given now, shall, hereafter, be construed into an approval, on my part, of all its provisions, I take occasion to point out what, in my opinion, are defects, and hope, as the Convention will not now attend to it, an early future will correct by way of amendments.

When the ordinance providing for submitting the Permanent Constitution to the people was introduced the other day by the gentleman from Avoyelles, (Mr. Cannon) I told him the principle involved in it was right; that no government must be supported and maintained by the people, it could only rest firmly on their consent; and that it was important to have a formal expression of that consent. But believing with him that it would be ratified by an overwhelming majority of the popular vote, I declined to sustain his proposition, because of the delay it would occasion. Fearing that the Government at Washington would not recognize our independence, so long as a plausible pretext could be urged against it; fearing also that European powers would decline to recognize us until a Permanent Constitution should have been adopted; and apprehending that in the meantime the concentration of troops at points along the coast, in the neighborhood of certain forts, might lead to a collision, and that collision lead to a war, I felt compelled, in order to avert a great calamity, to prevent the delay by voting against submitting the Constitution to the people.

For similar reasons, I am now obliged to vote for the Constitution, and avail myself of the occasion to point out my objections.

It seems to me that that part of the second paragraph of the sixth section of the first article, which authorizes Congress to give seats to the Cabinet Ministers on the floor of either House, with the privilege of discussing any measure appertaining to their respective departments, is a grave error. While no reason of any force has occurred to me to justify such a wide departure from the principle of our ancestors, many have suggested themselves against it.

It is a step towards consolidation. It is a concentration of power and influence in the hands of the Executive, neither necessary nor safe. It is a destruction in part of that system of checks and balances between the Executive, Legislative and Judicial branches, the preservation of which in its entirety is so essential to the maintenance of free institutions. It is a union *pro tanto* of the law making and the law executing powers of the Government; it is an adoption, moreover, of one of the most obnoxious features of the English Constitution—omitting its conservative element—the sense of responsibility to an enraged constituency for a stupid or wicked exercise of legislative power.

On what principle are these Ministers entitled to a seat on the floor of Congress? To discuss the measures appertaining to their several Departments, say the friends of the clause? But, I answer, that is precisely what is not wanted. The measures connected with these departments directly and indirectly will embrace the entire range of Congressional legislation. These Cabinet Ministers, then, who will represent no constituency, who will be responsible to no constituency, who will have none of the inducements to caution and circumspection that would operate on a Congressman or Senator, will have it in their power, to a large extent, to mould and fashion the Legislature of the country. It is no answer to say they can only argue, they cannot vote. Seductive argument, glowing rhetoric, artful sophistry, impeding elocution, from six gentlemen, selected for their talents and attainments, must of necessity exercise great influence; but when to all these are added the blandishments of power, the influence of close contact, and the hope of reward, is it too much to suppose that the whole, combined, might not control the fate of a doubtful bill? Why, it is a well-known historical fact that at a memorable period when the English House of Commons began to show some signs of dissatisfaction at the continued assertion of regal prerogative, the Ministers of the Crown were insinuated on the floor, in order to procure by persuasion what could no longer be coerced by threats; and now we know that for long years past the influence of Ministers in the House, coupled with office bribes and other corruptions, has to a large extent controlled the destiny of the British Empire.

Shall we not profit by the experience of the past? Shall we shut our eyes to the light of history? Shall we forget that man is essentially the same in all ages? Shall we provoke Providence by putting our officials in the way of temptation, or shall we, like prudent men, guard against a great evil by destroying the cause of it? This can only be done by striking this clause from the Constitution; or if it must be retained, mitigate the evil as far as possible by an amendment, providing, as is the practice under the English Constitution, that if the Ministers are defeated, they shall not be dissolved and the President compelled to form a new one, reflecting the ascertained popular will.

The ninth paragraph of the ninth section of the first article, is in my opinion a radical departure from the philosophy of free government.

The asserted right of taxation without representation, was the leading grievance that produced the American revolution. The right, however, to vote for a representative who is empowered to levy taxes, but who, at the same time has the power to appropriate the money, is not alone a privilege without a corresponding benefit, but is a practical denial of the elementary principles of freedom. The extortions of Henry the VIII, the confiscations of Henry the VIII, the benevolences and ship money of Charles the I, enforced against law and common justice, were not more abhorent to reason than is the proposition that the money collected from the people by the tax gatherer shall be placed beyond the reach of a majority of their representatives and put under the exclusive control of the heads of Department.

Until now I had supposed that among American freemen there was no difference of opinion on this subject. The right of the people who pay the taxes to appropriate the money, through their representatives, to such objects and purposes as are allowed by the fundamental law, I had thought would not be doubted. And it had occurred to me that the right of a majority of Congress to control the purse as well as the sword of the nation rested on principles so familiar, and so well approved, that no attempt would be made to disturb it.

Yet the clause last quoted denies this right, and destroys these principles. It establishes a perpetual *veto*. Without the *previous permission* of the President and one of the heads of Department—the people's representatives can not appropriate a dollar of the people's money to any object, or for any purpose, however much demanded by the people themselves, unless by a two-thirds majority vote! Is not this a gross and palpable innovation on the principles of free Government? On what principle is it that a man because elected President, and six others appointed by him as Cabinet Ministers, are all at once endowed with superhuman wisdom and knowledge? How can they know, as a matter of course, what is the will of the people, as completely, and understand as thoroughly, the wants and necessities of the great body of the people, as the representatives who come up from their midst? By all the rules of common sense, men have the right to direct the destiny of their own money, and by all the principles of free Government, the people who pay the taxes may, within the limits of the Constitution, appropriate the money at pleasure, without the official or officious guardianship of President and Cabinet. To deny this, is to sap the foundation of Republican institutions, and erect on their ruins a superstructure that, however imposing its exterior, will contain within an altar, on which will be offered up daily sacrifices for the success of the few at the expense of the many.

If, then, we give to the President, through his Ministers, the power to shape the legislation of the country, and always with it center upon the President and his Ministers the absolute control of the whole money power of the nation—which this clause of the Constitution undeniably does, for all practical purposes—we may cling to the *name* of a free people, but it will be impossible to continue long a free people in *fact*. The name will avail but little when the thing shall have become extinct; for the fostering hand, in which alone it can live, will be gone, and awaken a responsive echo in every heart, they may be used as a delusion and a snare. It is matter of grave doubt, for instance, whether there was as much genuine freedom under the iron protectorate of Cromwell as under the much and justly abused reign of the First Charles. And it is certain that while the guillotine did its work under the direction of Robespierre, the name of liberty was prostituted to wholesale butchery and measureless oppression.

It is our duty, then, to remember the political axiom that "power is always stealing from the many to the few." It has been verified in all ages of the world, under all forms of government and all conditions of society. Instead, therefore, of investing the few with powers not only not necessary to the efficient discharge of their duties, but dangerous to and destructive of the liberties of the people, it is our duty to give to the few who govern only such powers as are indispensable to the execution of the trust. If it be true that the price of liberty is eternal vigilance, it follows that, in order to be surely retained, it must be strongly and unremittingly guarded. No power should be surrendered by the people, the parting with which would put its safety in peril. But if, as is proposed by this Constitution, the people give up their money to the purse, and allow the Cabinet Ministers to fashion and mould the legislation of the country, they will have tamely abandoned two of their most impregnable strongholds, which, in the hands of unprincipled and ambitious men, may be surely turned against them and wielded to their destruction.

Such a catastrophe ought to be carefully guarded against by proper amendments. Everything ought to be done to strengthen the State Governments, and limit the Confederate Government, to the simple exercise of a few powers plainly granted. But for external relations we would have no need of the Confederacy. The status of the citizen, the social relations, domestic rights and duties, titles to property, protection to person and property, and the guarantee of personal freedom—all these depend upon State laws. We want no power, therefore, vested in the President or his official dependents, giving them the privilege of dictating to us the subjects on which we shall legislate. Nor do we require the officious intermeddling of irresponsible Cabinet Ministers in the discussions of either House of Congress.

The last clause of the second section of the second article violates a fundamental principle of free government.

By its terms, all officials except the heads of Departments and diplomatic agents, are to hold office during *good behavior*, which for all practical purposes, means *for life*.

Looking to our long extent of coast, and our almost equally long extent of frontier, it will be seen that to prevent smuggling, and ensure the certain collection of the customs, many thousands of men will be required. When to these are added the large number to be engaged in the mail service, and the employés in the other departments, we will have a great army of office-holders fastened upon the country, eating out its substance, independent alike of the government and the people. Insubordination, annoying inattention to duty, and peevish superciliousness of manner, will in the end be found to exist everywhere, resulting in the establishment over us of a set of domineering masters, instead of having under us an orderly, well-behaved class of public servants.

[Mr. Estlin, at this point, with the consent of Mr. Miles, moved that the further consideration of the subject be postponed until 12 o'clock to-morrow.]

When this subject was postponed on yesterday I had called the attention of the Convention to three clauses of the Constitution that, in my opinion, ought to be amended. I endeavored to show that the President, who is charged with the execution of the laws, ought not to be permitted, through his Cabinet Ministers, to fashion and control their enactment. I also endeavored to show that the people who pay the taxes have the undoubted right to direct the appropriations of their own money. I stated that it was subversive of the elementary principles of free government to fasten upon us a large army of office-holders *for life*.

Since the adjournment on yesterday I have been expostulated with by many friends on what they are pleased to term the impolicy of stating these objections now. I have reflected on what they said, and, with great respect for their opinions, am compelled to differ with them. It seems to me that if objections exist, now is the time of all others to state them. The organization of the government will not be in the least retarded. Nor will the affections of the people for it be in the least weakened by such a course; whilst by it, public attention will be aroused, a just criticism invoked, and if the objections are well taken, proper amendments to remove them will be suggested. If not well taken, the challenged investigation will only result in a settled conviction that the Constitution is as near perfect as could be desired.

I have also been told by many that although in their opinion my objections are sound in principle, the character of the distinguished Chief Magistrate of the Confederate States is a sufficient guarantee that these enlarged powers will not be abused. I admit it. I have known him long. He is a soldier, a statesman, and a gentleman, and may be safely trusted. But it would be a crime to forget that the chair once occupied by George Washington is now filled by Abraham Lincoln.

I have been requested by several members to define with more accuracy the principles of the English Constitution, to which I likened the first clause of this, to which I objected. Originally the King was surrounded by a body known as the Privy Council, the Cabinet Council being a thing of comparatively modern origin. It is known of all that the two last Henry's governed the realm with an absolutness greater than had been practiced for many years before. Their orders were tamely registered, and their demands readily granted by subservient Parliaments. The King's commands had only to be known in order to pass through the required forms into laws of the land. During the reign of Mary some slight symptoms of Parliamentary independence were manifested. The imperious and haughty Elizabeth, with all her stern courage and acknowledged ability to govern, found it impossible to repress, by threats and intimidation, the growing clamor for the liberties of Parliament. And with that versatility and tact for which she was so remarkable, adopted personal influence and winning persuasion when commands was no longer available. She accordingly insinuated her Ministers, Knollys, Hatton and Robert Cecil, upon the floor of the House of Commons, whose adroitness there enabled her to win what she could no longer extort by absolute command.

This is the origin of seats on the floor of the Commons by Ministers of the Government. Omitting what occurred between that period and the reign of William the Third, it is sufficient to state that at this latter period the Cabinet, as contradistinguished from the Privy Council, was first called into existence. And with slight and trifling modifications, the practice has since obtained that a defeat of the Ministry resulted either in the dissolution of the Cabinet and the formation of a new one, or an appeal by the Ministers to the people in a new election—the object in either alternative being to carry out the popular will.

I now direct the attention of the Convention to the first paragraph, eighth section first article, of the Constitution.

I promise by saying my theory is that of free trade. If I could control the destiny of the country, I would marry the Confederate States to the ocean that washes their coast line, as Venice of old wedded her Doge with the Adriatic. I would strike off all fetters from commercial traffic, and allow it to float free over the storm ruffled bosom of the deep. I would give free ingress and egress to the cargoes of all friendly powers. I would allow the ships of all nations to fetch and carry on the same terms. I would put agriculture, commerce, and manufacturing industry on the same footing. I would allow all men and each pursuit to stand or fall on their or its own merits. On the broad principles of equality I would secure all interests, but favor none. Men may have honestly differed years ago, under the old Government, on the question of protecting home industry against what was contended to be the unfair competition of foreign pauper labor. Whatever of force or plausibility may have entered into the argument in favor of protection then, entirely ceases now. The population of the Confederate States is almost exclusively agricultural or commercial. Our interest is to sell in the highest and buy in the cheapest market. Any restriction imposed upon our commerce will militate against our progress. And I do not hesitate to declare that our onward march to future wealth and greatness will be much impeded by Custom-house regulations. In proof of which it may be safely said, that the perfect system of free trade existing between the States under the old Government, contributed more than any other cause to the unexampled prosperity of the people.

The peculiarity of our position, independent of all other considerations, points out the propriety of absolute free trade. To say nothing of the immense outlay along the coast line for custom-houses and revenue cutters, and the expense of providing the various regiments of employés incident to such establishments, we have a frontier line of thousands of miles, extending from the Atlantic ocean in the East, to the foot of the Rocky Mountains in the West, thence southward to the mouth of the Rio Grande. If we do not guard this frontier, it is plain that contraband goods will cross it continually in fraud of the public revenue. If we attempt to guard it efficiently, the number of men required for that purpose will be very great. A continuous chain of custom-house, or military posts, will have to be established for thousands of miles, all along the frontier line. And it will be found after trial that the expense of collection will be enormous. My information is, that along the French frontier bordering Germany, Italy and Belgium, the cost of establishments and pay of men exceeds the gross amount collected from customs. It is not at all impossible that a similar result will follow the adoption of free trade under our system here. How much better, then, to abandon a system beset with so many difficulties and attended with so much expense?

Whilst a large majority of public men admit that free trade is our true interest, a tremulous apprehension lest the people will oppose it, prevents its adoption. The Legislature who dares not take such a bold step to control his action commits a mistake. The people are anxious to advance. They are intelligent, and eminently practical. They are quick to perceive and eager to adopt any course of policy that will benefit them. And they have only to be shown, as can easily be done, that free trade, with all its benefits, is attainable, to concede all interests in order to procure their assent.

If, however, we cannot obtain absolute free trade, we must be hopelessly blind to our destiny, if we do not demand that qualified free trade, most closely approximating to it. And if I felt at liberty to take the first paragraph of the 8th section of the first article as a basis of action, there I would go. I should congratulate the country on the adoption of such a principle. In words, it fairly enough provides that no bounty shall be paid from the Treasury, nor shall any duties be so laid as to foster one branch of industry over another. Yet I cannot forget that ingenious construction not unfrequently shows that plain men are not permitted to understand plain language in a plain way.

Taking the words as written, no logical or candid mind, it seems to me, can understand the clause of the Constitution last referred to otherwise than as putting all pursuits on the same level. Yet it is palpable it was not intended to be so understood. For it must not be forgotten that the same gentlemen who acted as delegates in the Montgomery Convention, in framing this Constitution, were at the same time acting as members of a Congress under the Provisional Government. In the Constitution framed by them they declare that the Permanent Government is the "successor" of the Provisional Government; and that all laws enacted under the latter shall continue in force under the former, until repealed. It is thus apparent that all laws passed by them are to be understood as compatible with the provisions of the Permanent Constitution.

Within the last few days we have seen a copy of the tariff bill recently introduced at Montgomery. The papers that publish it state that it has passed its second reading, and will, on the reassembling of Congress, be finally adopted. An examination of this bill will show that duties *are* so imposed as to foster one branch of industry over another. If all were intended by it to be placed on terms of exact equality, how is it that the sugar planter is protected by a 20 per cent. duty? How is it that a free list is adopted? How is it that discriminations beginning at *nothing* on the free list as a basis run up to 25 *per cent.* This is no new question. It has been discussed again and again at Washington, by men who exhausted the subject. It is admitted on all hands, that as the free lists is extended, the duties on other articles must be increased; and that, in the main, the articles taxed highest come in competition with articles either made at home, or that can be made at home. This bill, therefore, does not differ in *principle* from the protective tariff laws under the old Government. It only differs in *degree*.

Let us look, then, to the probable consequences. In the end, North Carolina, Virginia, Maryland, Tennessee, Kentucky, Missouri and Arkansas are sure to join us. All of these States, except the latter, and that in part—are admirably adapted to manufacturing pursuits. The coal beds and iron mines of some of them are also quite extensive. Coming into the Confederacy after its organization—after a contemporaneous exposition of the Constitution by the gentlemen who made it—(and who they will have a right to say understood their own work)—after an acquiescence in that exposition by the States who formed the Confederacy—they will have a right to demand, as they will demand, not only a continuance, but an enlargement of the *discriminating principle*. They will have the right to read our Constitution by the light of surrounding circumstances, existing at the date of its *formation* and adoption; and it will then be too late to accomplish what now might easily be done. Amend this clause by adding these words: "That all duties and imposts shall be levied at the same rate ad valorem on all articles imported."

Taken in its literal sense, the Constitution, as it stands, means this, and nothing else. Future agitators, then, growing out of present misconstruction, should be avoided by such an amendment as I have mentioned.

The members of the Convention should bear in mind the real cause of our present revolution. That it originated in the tariff question there can be no doubt.

The embargo and non-intercourse policy of Mr. Madison's administration diverted a large amount of capital from ordinary pursuits into manufacturing enterprises during the last war with Great Britain. At the close of the contest, when this policy was abandoned, the infant manufactories, having been forced into premature development by *prohibition*, claimed a discrimination for their *protection* in the imposition of duties. Under the peculiar circumstances, the protection was accorded, the act of 1816 was the result, to which Mr. Calhoun was a party both by vote and speech.

The principle having been unfortunately admitted, from that time forward there was a ceaseless cry for discriminating protective duties; and the principle was embodied in, while the measure was enlarged, by the acts of 1818, 1822 and 1824, and finally culminated in the bill of abominations of 1828. The glaring inequality of this last act, and the grinding oppression produced by it on the staple States, resulted in the nullification ordinance of South Carolina, and came near involving the country in a civil war. The compromise of 1833 stayed the uplifted hand of civil strife, and by providing that no tariff should be imposed, except for revenue, and that no more revenue should be collected than was necessary for an economical administration of the Government, promised what was believed to be an *equitable* and *final* adjustment of this disturbing question, on terms which, if not entirely satisfactory, were at least acceptable to all. But in 1842 the subject was again reopened; the free list was enlarged; discriminations for protection asserted on one side and denounced on the other; ending in the adoption of a tariff oppressive to the South, which speedily spread disquiet and alarm. Agitation succeeded to disquiet, and the contest between what Mr. Seward has since not inaptly termed the capital and labor States—the first claiming equality of right under the Constitution, and the other demanding a bounty on its labor—shook the country to its center. This ended in the passage of the act of the 30th of August, 1846, which, while it retained the measure of protection, still retained the principle by adhering to an extensive free list and a wide range of discrimination.

No immediate disc