

thing is not even contemplated, much less provided for. Like parricide at Athens, it was held too heinous and impossible, to be named, even for the purpose of punishment. As early as the fifth day after the meeting of the Convention for the formation of the Federal Constitution, "the use of force against a State," by the rest of the Union, as contemplated in the plan of Mr. Randolph, was denounced by Mr. Madison, and on his motion the resolution providing for it was indefinitely postponed by unanimous assent. Mr. Madison announced it as his deliberate opinion that "a union of the States, containing such an ingredient, seemed to provide for its own destruction." From that day forward such an idea ceased to be a part of the theory of those by whom the Constitution was framed. When Gen. Hamilton was called to express his opinion upon it, he asked, "How can this force be exerted on the States collectively? It is impossible; it amounts to a war upon the parties. Foreign powers, also, will not be idle spectators. They will interpose; the confusion will increase and a dissolution of the Union will ensue." The reasoning was unanswerable, and the Constitution happily was not stained with the perilous folly, against which these two great statesmen so earnestly protested. There was not a discussion in the debates on the Federal Constitution, whether in the Convention which framed it or the State Conventions which adopted it, that does not confirm this view of its spirit and purpose. The essays of the Federalist are pregnant with demonstrations to the same effect, and there is no constitutional lawyer who does not know, that the whole theory of the Government is to act, through the courts, upon individuals, and not through the Army and Navy upon the States. The brave and wise men who framed and upheld it, would have died in the breach before they would have submitted themselves to it upon any other basis. It could never have been adopted, it would never have been ratified, upon any other understanding. The States would have endured anarchy, distracted counsels, and all the evils of the old Confederation, aggravated tenfold, before they would have surrendered themselves to any system in which the Federal Government, and least of all, the Federal Executive, was clothed with the constitutional power of coercing them by force of arms. They entered into a constitutional Union, depending for its permanence upon the good faith and good feeling of its members, and deriving its strength from their consent only. They did not abandon themselves to the bayonets of a military despotism enthroned upon popular majorities.