

the authority of the Union and the jurisdiction of its tribunals—was to trifle with the understandings of educated men. To issue a proclamation to three millions of free Americans, composing seven powerful States, and asserting the sacred and indelible right of self-government, with arms in their hands, and “command” them as “insurgents” to “retire peaceably to their respective abodes,” like a mob at a street corner, was an absurdity too gross to be here respectfully discussed. No government would venture to palm such an imposition upon a people, except in the well-assured confidence of absolute power. Nay, in the passionate excitement of the moment, the President forgot even the suggestions of political decorum, and did not hesitate to transgress all possible constitutional limits, and confess a purpose of animosity and revenge, by distinctly calling on the people, whom he summoned to the field, “to redress wrongs already long enough endured.” The Proclamation, therefore, meant war, and nothing but war. It could signify nothing else, and to attempt to cloak its meaning and purpose under the flimsy pretext of “executing the laws,” and “suppressing unlawful combinations,” was but to cover up a flagrant usurpation with words.

Neither the Constitution nor the laws of the United States can be tortured into conferring the war-making power upon the President in any contingency. Where foreign nations are concerned, the plain language of the fundamental law entrusts it to Congress only. As against the States of the Union, the possibility of such a 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 Fed-