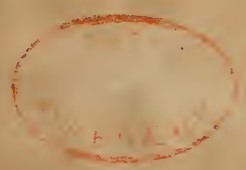
THE

League of States.

BY

BENSON J. LOSSING.



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PUBLISHER'S NOTE.

As the doctrine of *Supreme State Sovereignty*, deceptively called "State Rights," is the foundation upon which the Rebels rest their claim for justification in passing ordinances of Secession and declaring their independence of the National Government, and are justified by their sympathizers; and believing that the wider circulation, in pamphlet form, of the Historical facts having relation there to, contained in the following pages, from Harper's Magazine for January, 1863, will be useful, the Publisher takes pleasure in presenting them to the public in this form, with the Author's concurrence.

THE LEAGUE OF STATES.

THE events attendant upon the passage of the Stamp Act, and the attempts to enforce it, failed to teach wisdom to the British cabinet. A fatal pride of power, and love of domination, and contempt for the American colonists blinded the rulers of Great Britain, and for ten years they listened to the popular tumults in the Western World, the petitions of loyal men there and at home, and the remonstrances of the oppressed in both countries, with a stolid indifference that may be interpreted only by the knowledge which the world had been compelled to obtain of the amazing conceit, ineffable vanity, and cruel selfishness which had always distinguished the public acts of the ruling classes of England ever since Mercury became their tutelar deity. Finally, when the lightnings of defiance flashed from Western clouds upon the dim visions of the King and his council, and the muttering of the thunders of revolution that came over the Atlantic fell ominously upon their dull ears, they were compelled to acknowledge a sense of danger and to prepare for a coming tempest. They sent armed men to plant the heel of military despotism upon the necks of a free people, and to choke into silence the annoying clamors for justice in the New England capital, where they were loudest and most persistent. In amazing blindness they annihilated its commerce. The port was sealed up, the courts of justice were removed fifteen miles away, and a thousand households were filled with distress. This act, intended to punish, only exasperated. It cemented the UNION that was formed in the Stamp Act Congress in New

York almost nine years before. The blow struck at the prosperity of Boston and the government of Massachusetts Bay was felt by every colony as an indignity to each to be resented without delay. The inhabitants of Boston immediately felt the practical sympathy of the continent. Flour, rice, grain, fuel, money, and a thousand little articles of comfort flowed in upon them from every colony. And the city of London, the capital of the oppressor, subscribed, in its corporate capacity, one hundred and fifty thousand dollars for the poor of Boston!

Throughout the Colonies there was a smothered cry, "To arms!" The fife and drum were heard all over the land. The train-bands increased in number, and practised daily in the art of war during the summer and autumn of 1774. Fathers and sons, encouraged by the gentler sex, received martial lessons together, and thousands were enrolled in companies prepared to take arms at a minute's warning. The popular leaders labored incessantly in bringing public opinion into proper shape and consistency for vigorous and united action. The people were harangued in public assemblies, and the newspaper press became bolder and bolder every hour. Epigrams, sonnets, parables, dialogues, and every form of literary expression was used to convey to the popular mind, with point and terseness, the great idea. The following is a fair specimen of the manner in which the quarrel was stated, epigrammatically:

> "Rudely forced to drink tea, Massachusetts, in anger,
> Spills the tea on John Bull; John falls on to bang her.
> Massachusetts, enraged, call her neighbors to aid,
> And give Master John a severe bastinade.
> Now, good men of the law! pray who is in fault—
> The one who begins or resents the assault?"

Notwithstanding the warlike preparations, the consciousness that forbearance was no longer a virtue, and that slavery or armed resistance was the alternative presented to them, the long-suffering and patient people hesitated, and resolved to deliberate once more in solemn council before they should appeal to the *ultima ratio regum*—the final argument of kings, as Louis the Fourteenth declared his cannon to be, by the

inscription of these words upon them. There was a general desire for a Continental Congress. Leading minds in every province perceived the necessity for a Colonial League; and the patriotic hearts of Anglo-America seemed to beat as with one pulsation with that sublime idea. It seemed to the men of thought and forecast that the fulness of time had arrived when a nation was to be born, and there was an almost simultaneous expression of the thought in every part of the British empire in America south of the St. Lawrence. Little Rhode Island, whose popular sceptre was held by the tremulous hand of Hopkins, was the first of the colonies to speak out in favor of a general Congress; and yet she was the last, in after-years, owing to a powerful faction, to give her adhesion to the only form of national government that promised real vitality, strength, and perpetuity. A town meeting, held in Providence on the 17th of May, 1774, proposed a Continental Congress. Another, held in Philadelphia four days afterward—and, of course, without possible concert—made a similar proposition. Two days later a public meeting in the city of New York expressed the same sentiments. Ten days after Rhode Island spoke the members of the Virginia Assembly, which Lord Dunmore had just dissolved, met in the Raleigh Tavern at Williamsburg, and warmly recommended the meeting of a general Congress of deputies. On the 31st of the month a town meeting in Baltimore, Maryland, expressed a desire for a Continental Congress; and on the 6th of June the inhabitants of Connecticut assembled at Norwich made a similar expression of views. A county meeting at Newark, New Jersey, on the 11th of June; and the Massachusetts Assembly, and a public meeting at Faneuil Hall, in Boston, on the 17th —just a year before the battle of Bunker's Hill—strongly recommended the measure. On the 29th a county meeting in New Castle, Delaware, approved the proposition; and on the 6th of July the committee of correspondence at Portsmouth, New Hampshire, expressed their approbation. On the 6th, 7th, and 8th of July there was held a general Provincial Convention at Charleston, South Carolina, and that body urged the

necessity of such Congress. Finally, at a district meeting at Wilmington, in North Carolina, on the 21st, the assembled inhabitants, by resolutions, spoke warmly in favor of deliberation in a general council of representatives. It will be perceived that within the space of sixty-four days, in every Anglo-American colony excepting Georgia, there were decided public expressions of an earnest desire for a Continental Congress for the purpose of deliberation on the relations between the American colonies of Great Britain and the home government. The Assembly of Massachusetts proposed the 1st of September, 1774, as the time when, and the city of Philadelphia as the place where, the Continental Congress should convene. The other colonies acquiesced; and on Monday, the 5th of September, fifty-four delegates from twelve of the thirteen colonies assembled at Carpenter's Hall, Philadelphia.* Peyton Randolph, of Virginia, was chosen permanent President of the Congress, and Charles Thomson, of Pennsylvania, was appointed Secretary. That meeting of the most eminent men of the continent in point of abilities, virtue, and fortunes—more eminent for these, in the opinion of the venerable Secretary in after-years, than any that succeeded them—was a sublime spectacle, and drew from the pen of Trumbull, a contemporary poet, and the author of "M'Fingal," the following lines:

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* The following are the names of the Representatives: *New Hampshire*—John Sullivan, Nathaniel Folsom; *Massachusetts*—Thomas Cushing, Samuel Adams, John Adams, Robert Treat Paine; *Rhode Island and Providence Plantations*—Stephen Hopkins, Samuel Ward: *Connecticut*—Eliphalet Dyer, Roger Sherman, Silas Deane; *New York*—James Duane, John Jay, Isaac Low, John Alsop, William Floyd, Philip Livingston, Henry Wisner; *New Jersey*—James Kinsey, Stephen Crane, William Livingston, Richard Smith, John De Hart; *Pennsylvania*—Joseph Galloway, John Morton, Charles Humpheys, Thomas Mifflin, Samuel Rhodes, Edward Biddle, George Ross, John Dickenson; *Delaware*—Cæsar Rodney, Thomas M'Kean, George Read; *Maryland*—Robert Goldsborough, Samuel Chase, Thomas Johnson, Matthew Tilghman, William Paca; *Viryinia*—Peyton Randolph, Richard Henry Lee, George Washington, Patrick Henry, Richard Bland, Benjamin Harrison, Edmond Pendleton; *North Carolina*—William Hooper, Joseph Hewes, Richard Caswell; *South Carolina*—Henry Middleton, John Rutledge, Thomas Lynch, Christopher Gadsden, Edward Rutledge.

"Now meet the fathers of this Western clime,
Nor names more noble graced the roll of Fame;
When Spartan firmness braved the wrecks of time,
Or Rome's bold virtues fanned the heroic flame.

"Not deeper thought the immortal sage inspired
On Solon's lips where Grecian Senates hung;
Nor manlier eloquence the bosom fired
When genius thundered from the Athenian's tongue."*

Who shall take the lead? was a grave question in all minds when the Congress was organized. There was a profound and painful silence until a plain-looking man, with unpowdered hair, a solemn face, a dress of gray cloth, and having the general appearance of a rural parson, arose to speak. He was a stranger to most of the assembly; and when his clear and sweetly-musical voice filled their ears with eloquent words, the question, Who is it? ran in quick whispers from lip to ear. To a very few he was known as the fiery orator who, nine years before, had thrilled the Virginia Legislature, and led it to the verge of apparent treason, by denunciations of the Stamp Act and the enunciation of the rights of a free people. It was PATRICK HENRY. Then he impelled the representatives of Virginia to make bold expression of the rights of man; now he impelled the representatives of a budding nation to vigorous and noble actions, in laying broad and deep the foundations of a Republic. One of the earliest and most important of these actions was the passage of the following resolution:—

"*Resolved*, That this Congress approve the opposition of the inhabitants of the Massachusetts Bay to the execution of the late acts of Parliament, and if the same shall be attempted to be carried into execution by force, in such case *all America* ought to support them in their opposition."

This resolution, full of tremendous vital force, gave conception to a nation. It declared the Anglo-American Colonies a UNIT.

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* These are from an "Elegy on the Times," published while the Congress were in session.

It solemnly declared that the quarrel of Massachusetts with the imperial Government belonged to *all* the Colonies; that her defiant, rebellious, revolutionary acts—acts which would inevitably lead to war if resisted, and to independence and nationality if successfully persisted in—were the acts of *all* the provinces; that their aspirations, desires, hopes, and interests were mutual; and that they were determined to be free or independent, or both. That resolution was the key-note to the bugle blast that called a Continent to arms.

Thirty-one days, during eight consecutive weeks, the Congress labored in session. They formed wise plans for future operations, and gave to the world several remarkable State papers. Their action assumed the form of Legislative authority, and was accepted as such by the people. It gave form and expression to public opinion; and thenceforth the Colonies acted in perfect unison upon all subjects pertaining to the common welfare. Having agreed that it would be necessary "that another Congress should be held on the 10th day of May next," unless the grievances complained of should be redressed before that time, they adjourned on the 26th of October.

Another Congress assembled at the same place on the 10th of May, 1775. The grievances of the colonists were not redressed, but largely increased. Great Britain had declared her American children to be in a state of rebellion, and had sent armed hosts to Boston to crush the head of the dangerous insurrection. Blood had flowed at Lexington and Concord; and the armed minute-men of New England, who had taken lessons in the art of war the previous year, were rushing toward their capital to keep the invading force within its narrow peninsula, to which the neighboring yeomanry had lately driven the first armed trespassers upon their soil. It was evident that the sword was not likely to be soon sheathed; and sagacious men perceived the urgent necessity for the construction of a civil government, composed of the powers of the provincial Legislatures in concentrated form, that should be

adequate to carry on a vigorous war and establish the independence of the people.

Among the truly wise men of America at that time was the already venerable and venerated Dr. Franklin, who, more than twenty years before, had planned a scheme of government for the United American Colonies. He was now a member of the second Continental Congress, as a representative of Pennsylvania. His sagacious mind clearly perceived the urgent necessity for a concrete civil government, and on the 21st of July he offered to the Continental Congress, on his own responsibility, a plan for a Federal government, which he styled *Articles of Confederation and Perpetual Union;* but designed to continue, as the last Article expressed it, only until the grievances of which the colonies complained should be redressed, when they would "return to their former connection and friendship with Great Britain." The Congress had already set forth the causes and the necessity for taking up arms, in terms which implied perfect union, and made the document in its manifest spirit a declaration of independence. "We are reduced," they said, "to the alternative of choosing unconditional submission to irritated ministers, or resistance by force. The latter is our choice. We have counted the cost of this contest, and find nothing so dreadful as voluntary slavery. Our cause is just, OUR UNION IS PERFECT, our internal resources are great, and, if necessary, foreign assistance is undoubtedly attainable. Before God and the world we declare, that the arms we have been compelled by our enemies to assume we will employ for the preservation of our liberties; being, with one mind, resolved to die freemen rather than slaves." They also sent a petition to the King, in which their *union* was boldly announced. "We beseech your Majesty," they said, "to direct some mode by which the *united applications* of your faithful colonists to the throne, in pursuance of their common councils, may be improved into a happy and permanent reconciliation."

Notwithstanding these bold words, there was a manifest

timidity in the Congress, hurtful to necessary vigor. While Franklin, the Adamses, Richard Henry Lee, and a few others contemplated final separation from and independence of Great Britain as the inevitable result of the war just entered upon, the great majority of the deputies as well as their constituents desired nothing more than the acquiescence of the imperial government in the demands of the colonists, and a permanent reconciliation. The policy fashioned by such ideas marked every step of the Congress. Franklin and his more ardent associates deprecated it; and not being able longer to keep silence when silence would be practical acquiescence in a policy that would paralyze the army and endanger the great cause, he, as we have observed, late in July, offered a plan for a temporary civil government, but which, no doubt, he believed would be perpetual. It proposed to call the nation thereby created The United Colonies of North America, and contemplated including in the league, in addition to the thirteen (Georgia had just sent a delegate to the Congress) provinces already represented in the great council, Quebec or Canada, St. John's (now Prince Edward's), Nova Scotia, Bermudas, West Indies, East and West Florida, and even Ireland. Each colony was to retain and amend its own Constitution and laws, while the powers of the General Government, in the exercise of the more important functions of sovereignty, were to include all questions of war, peace, alliance, commerce, currency, the army and navy, Indian affairs, and the control of all public lands not then ceded to the provinces by the aborigines. It proposed a Federal revenue to be derived from taxes and contributions from the several colonies, according to their respective population of males between sixteen and sixty years of age. The Congress was to consist of one body only, whose members were to be apportioned triennially according to population, as at the present time, and annually chosen. An Executive Council, consisting of twelve persons, chosen by Congress from its own body, was to wield the power now exercised by the President of the United States. Provision was made for

amendments, and also for the termination of the league, on certain contingencies already made.

What action was taken on Franklin's proposition at the time we have no positive knowledge. It was probably referred to a committee, and so the matter rested. The Congress seemed to have no fixed plan for the future other than the vigorous prosecution of the war. The teeming present, with all its vast concerns, seemed to engross their whole attention; and it was not until almost a year later, when the Congress had determined to make a public declaration of independence, that the subject again received serious attention in that body.

During the spring of 1776 the colonies, in various ways, had spoken out boldly in favor of independence. Virginia instructed her representatives in the Continental Congress to *propose* it. Already that Congress had made great progress toward the establishment of a nation by resolving, early in May, "That it be recommended to the general assemblies and conventions of the United Colonies, where no government sufficient to the exigencies of their affairs hath hitherto been established, to adopt such a government as shall, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general."

This was a bold step, but one still bolder was taken a little more than ten days afterward. Doubt, dread, and hesitation had brooded like a fearful cloud over the national assembly, and all hearts began to fail, when Richard Henry Lee, of Virginia, arose in the Congress, and with his clear, musical voice, read the resolution, "That these United Colonies are, and of right ought to be, free and independent States; and that all political connection between us and the State of Great Britain is, and ought to be, totally dissolved." John Adams, of Massachusetts, seconded the resolution. It was considered three days afterward, and then further action upon it was postponed until the first of July. Meanwhile, that no time should be

lost in the event of the Congress agreeing thereto, a committee was appointed to prepare a declaration to that effect.

The proposed declaration of independence suggested the absolute necessity of a civil government for the United Colonies in their changed relations to each other and to the British crown. Accordingly, on the same day when a committee was appointed to draw up that declaration, another, composed of one delegate from each province, was appointed to "prepare and digest the form of a Confederation to be entered into between the Colonies." That committee reported a draft on the 12th of July, and it became a subject for debate occasionally until the 20th of August, when a new draft was reported, and an order given for eighty copies to be printed for the use of the members.

We find no further notice of the *Articles of Confederation* for almost eight months, when, on the 8th of April, 1777, the Congress ordered that "The report of the Committee of the whole House on the *Articles of Confederation* be taken into consideration on Monday next, and that two days in each week be employed on that subject." But it was postponed, and for months it lay untouched. Finally a victorious British army was approaching Philadelphia from the direction of the Chesapeake, and on the advice of Colonel Hamilton, one of General Washington's aids, the Congress left Philadelphia and resumed their sittings at Lancaster near the close of September. Two days afterward they fled to Yorktown, or York, where they met on the 30th. Realizing the fact that the safety of the cause must depend upon a more perfect union of the Colonies and a more efficient form of national government than a congress of deputies without any executive head, they resumed the consideration of the *Articles of Confederation* on the 2d of October. The discussions commenced on the 7th, and were continued until Saturday, the 15th of November, when they were agreed to, and a committee, charged with their revision and arrangement, were ordered to have three hundred copies

printed for the use of the Congress and the State Legislatures. In these Articles, thirteen in number, the national title given was THE UNITED STATES OF AMERICA, in conformity with a law or resolution of Congress passed in September, 1776, directing that in all commissions or other legal instruments of writing the word "States" should be used where that of "Colonies" had been before employed.

The Congress directed that the *Articles of Confederation* should be sent to the several State Legislatures for their consideration, with a circular letter recommending each of them, in the event of their approving of the Articles, "to invest the delegates of the State with competent powers, ultimate, in the name and in behalf of the State, to subscribe Articles of Confederation and Perpetual Union of the United States, and to attend Congress for that purpose on or before the 10th day of March next." But it was not until the 20th of June following that the subject was again taken up in the Congress, when a call was made upon the representatives of the States for the report of their several constituents upon the Confederation and the powers committed to them. Six days afterward a form of ratification was adopted for signature, and on the 9th of July the delegates from eight States appended their names to it.* These were sufficient to carry the instrument into effect and put the new government in motion, but out of deference to the remaining five States such action was deferred for almost three years. Maryland was the last to acquiesce. Her consent to ratify was given on the 1st of March, 1781,† and on the following day the Congress met, for the first time, under the *Articles of Confederation.*

The reasons for hesitation on the part of some of the States were various. The limits of this paper will permit a reference

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* These were New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Virginia, and South Carolina.

† North Carolina ratified the Articles on the 21st of July, 1778; Georgia on the 24th; New Jersey on the 26th of November; Delaware on the 5th of May, 1779 and Maryland on the 1st of March, 1781.

to only one or two of the most importance. The Articles did not seem to accord with the prevailing sentiments of the people as set forth in the Declaration of Independence. The former was based upon a superintending Providence and the inalienable rights of man ; the latter rested upon the sovereignty of declared power. "One," said John Quincy Adams, "ascended from the foundation of human government to the laws of nature and of nature's God, written upon the heart of man ; the other rested upon the basis of human institutions and prescriptive law, and colonial charters." The system of representation, by which each State was entitled to the same vote in Congress, whatever might be the difference in population, was also objectionable. But the most obnoxious feature of all was that the *limits* of the several States were unadjusted and unnoticed, and a like neglect was observed concerning the possession of the "crown-lands," or public domain.

The government thus formed was simply a league of independent States, the second Article declaring "that each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right," which was not, by the Confederation, "expressly delegated to the United States in Congress assembled." It was declared, in substance, that all were to engage in a reciprocal treaty of alliance and friendship for mutual advantage, each to assist the other when help should be needed ; that each State should have the right to regulate its own internal affairs ; that no State should separately send or receive embassies, begin any negotiations, contract engagements or alliances, or conclude treaties with any foreign power, without the consent of the General Congress ; that no public officer should be allowed to accept any presents, emoluments, office, or title from any power, and that neither Congress nor State Governments should possess the power to confer any title of nobility ; that none of the States should have the right to form alliances among themselves, without the consent of Congress ; that no State should keep up a standing army or ships of war in time of peace, beyond the amount stipulated by Con-

gress; that when any of the States should raise troops for the common defence, all the officers of the rank of Colonel and under should be appointed by the Legislature of the State, and superior officers by Congress; that all expenses of the war should be paid out of the public Treasury; that Congress alone should have the power to coin money; and that Canada might, at any time, be admitted into the Confederacy, when she felt disposed. The concluding clauses were explanatory of the power of certain governmental operations, and contained details of the same.

Such is a brief outline of the form of government which the fathers of the Revolution fashioned while in the midst of a great war for their independence; and such was the organic law of the confederated States when, on the return of peace, and the acknowledgment of their independence by Great Britain, they attempted a national career. But the powers of Congress above delineated were so qualified and weakened by restrictions that in many instances they were rendered almost nugatory. It was expressly provided that the Congress should not engage in war; nor grant letters of marque or reprisal in time of peace; nor enter into any treaties of alliance; nor coin money or regulate its value; nor levy the sums necessary to be raised for the public use; nor emit bills; nor borrow money on the credit of the United States; nor make any appropriations of money; nor decide upon the number of vessels for the navy to be constructed or used, or the land and sea forces to be raised; nor appoint a commander-in-chief of the army or navy, unless nine States of the League should consent to the same. The executive powers were placed in the hands of a committee of the States during the recess of Congress, yet they could do none of the acts above mentioned without the consent of nine States. The General Government had no power of taxation, direct or indirect. The revenues of the country were left wholly in the control of the States composing the League. Each was left to establish its own custom-houses and revenue laws; and the only means which the Government could use

in reply to the demands of public creditors and current expenses had to be derived from the voluntary grants of the several States. No provision was made for the enforcement of the measures which the Congress were authorized to adopt, and any party to the League, being a sovereign State, might violate the compact without incurring any other risk than the improbable one of civil war; improbable, because it would have been unnatural for the remainder of the Confederacy to attempt *coercion*. It would have been considered an unholy attempt to "subjugate" a "sovereign State," and a gross violation of "reserved rights," and the "sacred privilege of Secession."

When, on the 25th of November, 1783, the last hostile band left the soil of New York, and the vessels that bore them seaward became mere specks upon the horizon in the evening sun, the American saw, with the eyes of faith and hope, the bonds of British thraldom fall at his feet, and his pulse beat high with the inspirations of conscious freedom and absolute independence. He conceived that the great work of the Revolution was over, and that henceforth his beautiful land would be distinguished for uninterrupted peace, political and social prosperity, and wonderful national growth. Alas! these natural, generous, patriotic, and hopeful emotions were fallacious. They were born of a beautiful theory, but derived no sustenance from sober facts. They were the poetry of that hour of triumph, entrancing the spirit and kindling the imagination. They gave unbounded pleasure to a disenthralled people. But there were wise and thoughtful men who had communed with the teachers of the Past, and sought knowledge in the rigorous school of the Present. They diligently studied the prose chapters of the great volume of current history spread out before them, and were not so jubilant. They reverently thanked God for what had been accomplished; adored him for the many interpositions of his providence in their behalf, and rejoiced because of the glorious results of the struggle thus far. But they clearly per-

ceived that the peace established by high contracting parties would prove to be only a lull in the great contest—a truce soon to be broken, not, perhaps, by the trumpet calling armed men to the field, but by the stern behests of the inexorable necessities of the new-born Republic. The Revolution was accomplished, and the political separation from Great Britain was complete, but absolute independence was not achieved.

The experience of two years wrought a wonderful change in the public mind. The wisdom of the few prophetic sages who warned the people of dangers became painfully apparent. The Americans were no longer the legal subjects of a monarch beyond the seas, yet the power and influence of Great Britain were felt like a chilling, overshadowing cloud. In the presence of her puissance, in all that constitutes the material strength and vigor of a nation, the League of States felt their weakness; and from many a patriot heart arose a sigh to the lips, and found expression there in the bitter words of deep humiliation—"We are *free*, but not *independent*."

Why not? Because THEY HAD NOT FORMED A NATION, AND THEREBY CREATED A POWER TO BE RESPECTED; because British statesmen were wise enough to perceive this inherent weakness, and sagacious enough to take advantage of it. Without the honesty of the King who had acknowledged the independence of the United States, misled by the fatal counsels of the refugee loyalists who swarmed in the British metropolis, and governed wholly by the maxims and ethics of diplomacy, the English ministry cast embarrassments in the way of the Confederation; neglected to comply with some of the most important stipulations of the Treaty of Peace; maintained a haughty reserve, and waited with complacency and perfect faith to see the whole loose fabric of government in the United States, connected by the bonds of common interest and common danger while in a state of war, crumble into fragments, and the people return to their allegiance as colonists of Great Britain, glad to escape

from the troubles of anarchy. Their trade and commerce, their manufactures and arts, their literature, science, religion, and laws, were yet largely tributary to the parent country, without a well-grounded hope for a speedy deliverance. To this domination was added a traditional contempt of the English for their trans-Atlantic brethren, as an inferior people; and the manifestation of an illiberal and unfriendly spirit, heightened by the consciousness that the Americans were without a government sufficiently powerful to command the fulfilment of treaty stipulations, or an untrammelled commerce sufficiently important to attract the cupidity and interested sympathies of other nations.

The Confederacy, or League of States, having assumed a national attitude, its powers and influence were soon tested. A debt of seventy millions of dollars lay upon the shoulders of a wasted people. About forty-four millions of that amount were owing by the Confederate Government (almost $10,000,000 of it in Europe), and the remainder by the individual States. These debts had been incurred in carrying on the war for independence. Even while issuing their paper money in abundance the Congress had commenced borrowing; and when, in 1780, their bills of credit became worthless, borrowing was the chief monetary resource of the Government. This, of course, could not go on long without involving the Republic in embarrassment and accomplishing its final ruin. The restoration of the public credit or the downfall of the infant republic was the alternative presented to the American people at the time we are considering.

With a determination to restore the public credit, the General Congress put forth all its strength in efforts to produce that result. Only a few months after the preliminary treaty of peace was signed that body solemnly declared "that the establishment of permanent and adequate funds on taxes or duties, which shall operate generally, and on the whole in just proportion, throughout the United States, is indispensably necessary toward doing complete justice to the public creditors, for restoring

public credit, and for providing for the future exigencies of the war." Two months later the same Congress recommended to the several States, for the same purpose, to vest that body with powers to levy, for a period of twenty-five years, specific duties on certain imported articles, and an *ad valorem* duty on all others ; the revenue therefrom to be applied solely to the payment of the interest and principal of the public debt. It was also proposed that the States should be required to establish, for the same time and for the same object, substantial revenues for supplying each its proportion of one million five hundred thousand dollars annually, exclusive of duties on imports. This proposition was approved by the leading men of the country, but it was not adopted by the several States. They all took action upon it in the course of the next *three years;* but that action was rather in the form of overtures—indications of what each State was willing to do—not of positive law. All the States except two were willing to grant the required amount, but they were not disposed to vest the Congress with the required power. "It is *money*, not *power*, that ought to be the object," was the jealous remark. "The former will pay our *debts*, the latter may destroy our *liberties.*"

This first important effort of the General Congress, or Government of the League, to assume the functions of sovereignty was a signal failure, and the beginning of a series of failures. It excited a jealousy between the State and General governments, and exposed the utter impotency of the latter, whose vitality depended upon the will or caprice of thirteen distinct legislative bodies, each tenacious of its own peculiar rights and interests, and miserly in its delegation of power. It was speedily made manifest that the public credit must be utterly destroyed by the inevitable repudiation of the public debt.

The League were equally unfortunate in their attempts to establish commercial relations with other governments, and especially with that of Great Britain. Overtures were made to the British ministry, and William Pitt, then Chancellor of the

Exchequer, although only twenty-four years of age, introduced a bill into Parliament for the regulation of commerce between the two countries, by which trade with the British West India Islands and other colonial possessions of the Crown might be thrown open to the enterprise of the merchants of the United States. In this measure was involved a powerful element of solid peace and harmony between the two countries; but there appeared not to be wisdom enough among the British people for a practical perception of it. The shipping interest, then potential in the British Parliament, with strange blindness to its own welfare and that of the state, successfully opposed the measure; and a new ministry, who speedily assumed the reins of power, listened to other counsels than those of the wise and sagacious Pitt. Instead of acting liberally toward the United States, as friends and political equals, they inaugurated a restrictive commercial policy, and assumed the offensive hauteur of lord and master in the presence of vassals and slaves. Echoing the opinions of the acrimonious Silas Deane, the specious Tory Joseph Galloway, and Peter Oliver, the refugee Chief-Justice of Massachusetts, English writers and English statesmen made public observations which indicated that they regarded the American League of States as only temporarily alienated members of the British realm. Lord Sheffield, in a formidable pamphlet, gave expression to the views of the Loyalists and leading British statesmen, and declared his belief that ruin must soon overtake the League because of the anarchy and confusion in which they were involved in consequence of their independence. He assumed that the New England States in particular would speedily become supplicants at the feet of the King for pardon and restoration as colonists. He perceived the utter weakness and consequent inefficiency of the constitution of the League as a form of government, and advised his countrymen to consider them as of little account as a *nation*. He could easily divine the effects of a diversity of feelings and interests when each State was allowed to act in its separate capacity as a sovereign,

with the right to secede at any moment. "Their climate, their staples, their manners are different," he said; "their interests opposite; and that which is beneficial to one is destructive to the other. We might as reasonably dread the effects of combinations among the Germans as among the American States, and deprecate the resolves of the Diet as those of the Congress. In short, every circumstance proves that it will be extreme folly to enter into any engagements by which we may wish to be bound hereafter. It is impossible to name any material advantage the American States will or can give us in return more than what we of course shall have. *No treaty can be made with the American States that can be binding on the whole of them.* . . . . .If the American States choose to send consuls, receive them, and *send a consul to each State.* Each State will soon enter into all necessary regulations with the consuls, and this is the whole that is necessary." In other words, the League has no dignity above that of a fifth-rate power, and the States are only dislocated members of the British empire.

In view of the unfriendly conduct of Great Britain, in respect to commercial regulations, the General Congress, in the spring of 1784, asked the several States to delegate powers to them for fifteen years, by which they might compel England to be more liberal by countervailing measures of prohibition. But that appeal was in vain. The States, growing more and more jealous of their individual sovereignty, would not invest the Congress with any such power; nor would they, even in the face of the danger of having their trade go into the hands of foreigners, make any permanent and uniform arrangement among themselves. Without public credit; with their commerce at the mercy of every adventurer; without respect at home or abroad, the League of Sovereign States, free without independence, presented the sad spectacle of the elements of a great nation paralyzed in the formative process, and the coldness of political death chilling every developing function of its being.

The League now sought diplomatic relations with Great Britain, because of the inexecution of the Treaty of Peace on the part of that power, and met with equal contempt. John Adams was sent to England with the full powers of a plenipotentiary, but he could accomplish very little. His mission was almost fruitless. The estimation in which his Government was held may be inferred from the question of the Duke of Dorset, when, in reply to a letter signed by Adams of Massachusetts, Franklin of Pennsylvania, and Jefferson of Virginia, on the subject of a commercial treaty, in the spring of 1785, he inquired whether they were commissioned by Congress or their respective States, for it appeared to him "that each State was determined to manage its own matters in its own way."

Adams was never actually insulted; but the chilliness of the social atmosphere in London, and the studied neglect of his official representations, often excited hot indignation in his bosom. But his Government was so really imbecile that he was compelled to bite his lips in silence. When he recommended it to pass countervailing navigation laws it had no power to do so; and at length, disgusted with his mission, he asked and obtained leave to return home.

Meanwhile matters were growing infinitely worse in the United States. The Congress became absolutely powerless. The States had assumed all sovereign power, each for itself, and their interests were too diversified, and, in some instances, too antagonistic, to allow them to work in harmony for the general good. The League was on the point of dissolution, and the fair fabric for the dwelling of Liberty, reared by Washington and his compatriots, seemed tottering to its fall. The idea of forming two or three distinct confederacies took possession of the public mind. Western North Carolina revolted, and the new State of Franklin, or Frankland, formed by the insurgents, endured for several months. A portion of Southwestern Virginia sympathized with the movement. Insurrection against the authorities of Pennsylvania appeared in the Wyoming Valley. A convention deliberated at Portland on the expedi-

ency of erecting the territory of Maine into an independent State. An armed mob surrounded the New Hampshire Legislature and demanded a remission of the taxes ; and in Massachusetts Daniel Shays placed himself at the head of a large body of armed insurgents, and defied the government of that State. There was resistance to taxation everywhere, and disrespect for law became the rule and not the exception. All this rapid tendency to anarchy was justified by the right of *secession* guaranteed by the exercise of INDEPENDENT STATE SOVEREIGNTY —that hateful political heresy whose logical result is seen in the inauguration of the Great Rebellion now (1862) desolating the land. There was doubt, and perplexity, and confusion on every side. Society appeared to be about to dissolve into its original elements.

Patriots, men who had labored for the establishment of a wise government for a free people, were heart-sick. "Illiberality, jealousy, and local policy mix too much in all our public councils for the good government of the Union," wrote Washington. "The Confederation appears to me to be little more than a shadow without the substance, and Congress a nugatory body, their ordinances being little attended to. To me it is a solecism in politics ; indeed, it is one of the most extraordinary things in nature that we should confederate as a nation, and yet be afraid to give the rulers of that nation (who are the creatures of our own making, appointed for a limited and short duration, and who are amenable for every action, and may be recalled at any moment, and are subject to all the evils they may be instrumental in producing) sufficient powers to order and direct the affairs of the same. By such policy as this the wheels of government are clogged, and the brightest prospects, and that high expectation which was entertained of us by the wondering world are turned into astonishment ; and from the high ground on which we stood we are descending into the vale of confusion and darkness.....That our resources are ample and increasing none can deny ; but while they are grudgingly

applied, or not applied at all, we give a vital stab to public faith, and shall sink, in the eyes of Europe, into contempt."

Other patriots uttered similar sentiments; and there was a feverish anxiety in the public mind concerning the future, destructive of all confidence and ruinous to enterprises of every kind. Grave discussions upon the subject occurred in the library at Mount Vernon, and Washington suggested the idea of a convention of deputies from the several States to make arrangements for a general commercial system over which the Congress under the Confederation had no control. That suggestion was luminous. It beamed out upon the surrounding darkness like a ray of morning light. It was the herald and harbinger of future important action—the key-note of a loud trumpet-call for the wise men of the land to save the tottering Republic. It was the electric fire that ran along the paralyzed nerves of the nation, and quickened into action a broader statesmanship, like that displayed by the youthful Alexander Hamilton, who, three or four years before, had induced the Legislature of the State of New York to recommend "the assembling of a General Convention of the United States specially authorized to revise and amend the *Articles of Confederation*, reserving the right to the respective legislatures to ratify their determination." Then was planted the seed of the National Constitution.

At length a convention of delegates assembled at Philadelphia, in May, 1787, and in September following their labors resulted in the production of our present National Constitution. It was submitted to conventions of the representatives of the people (not the Legislatures) in all the States. After earnest deliberation—after the free discussion of every known principle of government involving State rights and State sovereignty —after a careful comparison of the advantages and disadvantages of a consolidated nation and the Confederacy they had fairly tried, they solemnly declared that "We the People of the United States, in order to form a more perfect Union,

establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America." By this solemn act of the PEOPLE, they became a consolidated nation, and the hitherto "Sovereign States" were transformed into municipalities, holding the same general relation to the National Government as towns and counties did to themselves.

With the birth of the nation, in the spring of 1789, the Continental Congress—the representative of the League of States—whose existence began in 1774, expired. Its history is one of the most remarkable on record. It was first an almost spontaneous gathering of patriotic men, chosen by their fellow-citizens in a time of great perplexity, to consult upon the public good. They represented different provinces extending a thousand miles along the Atlantic coast, with interests as diversified as the climate and geography. With boldness unequalled, and faith unexampled, they snatched the sceptre of rule over a vast dominion from imperial England of whose monarch they were subjects, and assumed the functions of sovereignty by creating armies, levying war, issuing bills of credit, declaring the provinces free and independent States, negotiating treaties with foreign governments; and finally, after eight long years of struggle, wringing from their former ruler his acknowledgment of the independence of the States which they represented. The career of that Congress was meteor-like, and astonished the world with its brilliancy. It was also short. Like a half-developed giant exhausted by mighty efforts, it first exhibited lassitude, then decrepitude, and at last hopeless decay. Poor and weak, its services forgotten by those who should have been grateful for them, it lost the respect of all mankind, and died of political marasmus.

Out of the remains of the weak *Confederacy*, whose bond of union was like a rope of sand, Phœnix-like and in full vigor, arose a Nation whose existence had been decreed by the will

of true sovereignty—THE PEOPLE—and whose perpetuity depends upon that will. It immediately arrested the profound attention of the civilized world. It was perceived that its commerce, its diplomacy, and its dignity were no longer exposed to neglect by thirteen distinct legislative bodies, but were guarded by a central power of wonderful energy. It was seen that the immortal prophecy of Bishop Berkeley was on the eve of fulfilment. Haughty England, who had believed all that Lord Sheffield had asserted, and more, and steadily refused to send an ambassador to the United States or make commercial arrangements with them while they remained simply a League of irresponsible "Sovereignties," now hastened to do both, because Commerce, the god of her idolatry, nodded willing and anxious assent. The very propositions for a commercial treaty which were rejected with scorn when offered by Adams a few years before, were now revived by the British Government itself, and a minister plenipotentiary was sent to the American Republican Court. France, Spain, and Holland also hastened to place their representatives at the seat of the new government, and the world acknowledged that the new-born nation was a power in the earth—positive, tangible, indubitable.

Let us remember that we are a NATION, not a LEAGUE OF STATES or CONFEDERACY. Words have deep significance in certain relations. Let us, in thinking, speaking, and writing of our Government and its concerns, habitually use the word *National* instead of *Federal*. The former expresses a great truth, and is broad and noble; the latter expresses a falsehood, and is narrow and ignoble in comparison. The former is calculated to inspire our children with just, expanded, and patriotic views; the latter, by its common use, will tend to perpetuate the heretical doctrine of *State sovereignty*, give our children false ideas, and make them subservient to sectional bigotry. Let us habitually say, National Congress, National Capitol, National Government, National Army and Navy, National Judiciary, etc. Let the idea of *Nationality* permeate our whole political system.