

**WEBSTER'S WORK FOR THE
UNION: A PAPER READ BEFORE
THE FORTNIGHTLY CLUB,
NEWARK, NEW JERSEY, APRIL,
1914**

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FRANK BERGEN

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WEBSTER'S WORK FOR THE UNION



David Welles

NOTE

The following paper was prepared for the purpose of bringing out a little more distinctly than elsewhere (1) the plight from which Daniel Webster rescued the constitution; (2) the fact that in March, 1850, he was not behind the spirit of the times in dealing *as a statesman* with the menacing problem of slavery; and (3) that his personal opinions on the subject of slavery were quite in harmony with the sane sentiment of his countrymen in the decade before the civil war.

For the use of the portrait of Webster I am indebted to Houghton, Mifflin Co., by whom it was published in Lodge's *Life of Webster*; and to J. B. Lippincott Co. for the *fac-simile* of a letter by Lincoln to Chase, published by them in Lee's *True History of the Civil War*.

F. B.

Newark, N. J., September, 1914.

WEBSTER'S WORK FOR THE UNION

MR. GLADSTONE once said: "The American constitution is the most wonderful work ever struck off at a given time by the brain and purpose of man." Gladstone often failed in his efforts to tell the truth, and he seldom failed more completely than when he made that statement. If he had known as much about the American constitution as he may have known about Greek, and had ever learned to make a remark in English with less than two meanings, he might have said that the building of the republic of the United States under the supposed or alleged authority of the constitution is one of the most wonderful works ever accomplished by the brain and purpose of man within a period of eighty years.

I have never been able to find out definitely whether the draft of the constitution as it came from the convention held at Philadelphia in 1787 expressed the agreement of the delegates or delegations from the states as clearly as

they might have expressed it if they had dared to be candid, or was an effort to do a good thing by stealth. There is evidence to support both views; indeed, there is so much evidence to support either view as to make controversy interminable and the ascertainment of the truth impossible. Important provisions of the constitution which were rejected, when proposed in plain language in the convention, afterwards appeared in the final draft in covert forms of expression. The important contract clause was rejected when offered by Rufus King, and afterwards inserted by the committee on style, and so approved with the rest by the final vote. Besides, other provisions that probably would not have been admitted if expressed in lucid paragraphs, were discovered, after the constitution was adopted, lurking among the loose joints of other powers, which, when examined separately, did not offend the delegates of a majority of the states.

The most notable instance of this kind consisted of the proposals to confer on the federal government power to annul legislation or proceedings of the states inconsistent with the con-

stitution. The first plan of a constitution submitted (Randolph's) contained a provision to authorize congress to negative all acts contrary, in its opinion, to the constitution or to any treaty, and to use force to compel obedience by the states. The second (Charles Pinckney's) proposed to give congress power to revise state laws supposed to conflict with the constitution, and to negative and annul them if found inconsistent. The third (Paterson's) provided that if any state or body of men should oppose or prevent the enforcement of any act of congress or a treaty, the federal executive should have power to compel obedience by force. The next (Hamilton's) declared that all laws of the states inconsistent with the constitution and acts of congress should be null and void. This was followed by a motion of Charles Pinckney to vest in congress the power to negative all laws passed by the several states interfering, in the opinion of congress, with the general interest and harmony of the union. Not one of these proposals was adopted, although some of them were pressed vigorously; but their object was substantially accomplished by other provisions