

**A BRIEF ENQUIRY INTO THE TRUE
NATURE AND CHARACTER OF OUR
FEDERAL GOVERNMENT: BEING A
REVIEW OF JUDGE STORY'S
COMMENTARIES ON THE CONSTITUTION
OF THE UNITED STATES; PP. 1-129**

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INTRODUCTORY NOTICE.

THERE is a prevailing tendency in the popular mind, at the present time, to undervalue the importance of the States in the American system of Government. This fact has suggested the republication of this Essay on their true relations to the Federal Government. A word as to the personal history of the author.

It has been the fate of ABEL PARKER UPSHUR, to be more generally known by the accidental circumstance of his melancholy end, than by his own merits. He was killed by the explosion of a great gun (the Peacemaker, as it was called,) on board the Steamer Princeton; being at the time the Secretary of State of the United States, under President Tyler. This was on the 28th of February, 1844. He had studied law under William Wirt: he practised his profession from 1810 to 1824. After an interval of retirement, he held high judicial position as Judge of the General Court of Virginia, from 1826 to 1841; at which last period, he entered Mr. Tyler's Cabinet as Secretary of the Navy. On Mr. Webster's retirement, in the Spring of 1843, Judge Upshur succeeded him as Secretary of State.

PREFACE.

THE book to which the following pages relate has been for several years before the public. It has been reviewed in some of the principal periodicals of the country, and recommended in the strongest terms to public favor. I have no disposition to detract from its merits as a valuable compendium of historical facts, or as presenting just views of the Constitution in many respects. My attention has been directed to its political principles alone, and my sole purpose has been to inquire into the correctness of those principles, so far as they relate to the true nature and character of our Federal Government.

It may well excite surprise that so elaborate a work as this of Judge Story, and one so well calculated to influence public opinion, should have remained so long unnoticed by those who do not concur in the author's views. No one can regret this circumstance more than I do; for I would willingly have devolved upon abler hands the task which I have now undertaken. I offer no apology for the manner in which that task has been performed. It is enough for me to say, that the reader, howsoever unfavorable his opinion of this essay may be, will not be more sensible of its imperfections than I am. I know that the actual practice of the federal government for many years past, and the strong tendencies of public opinion in favor of federal power, forbid me to hope for a favorable reception, except from the very few who still cherish the principles which I have endeavored to re-establish.

The following essay was prepared about three years ago, with a view to its publication in one of our periodical reviews. Circumstances, which it is unnecessary to mention, prevented this