

**OUR NATIONAL CONSTITUTION:  
ITS ADAPTATION  
TO A STATE OF WAR OR  
INSURRECTION, A TREATISE**

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Our national Constitution: its adaptation to a state of war or insurrection, a treatise by Daniel Agnew

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**DANIEL AGNEW**

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*SECOND EDITION.*

O U R

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OR

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A TREATISE

BY THE

HON. DANIEL AGNEW,

President Judge Seventeenth Judicial District, Pennsylvania.

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## CORRESPONDENCE.

HARRISBURG, PA., March 19th, 1863.

HON. DANIEL AGNEW,  
President Judge Seventeenth Judicial District, Pennsylvania.

DEAR SIR: The undersigned having listened with great pleasure to your truly able, appropriate, and patriotic address delivered last evening, and being desirous that our fellow-citizens throughout the State shall participate in our pleasure, as well as enjoy the profit that its perusal must confer, respectfully request that you will furnish a copy for publication, if in your power to do so.

With much respect,

Your obedient servants,

JOHN P. VINCENT,	W. F. SMITH,
E. W. TWITCHELL,	THOMAS COCHRAN,
A. W. BENEDICT,	G. V. LAWRENCE,
A. H. GROSS,	HARRY WHITE,
JAMES C. BROWN,	J. H. ROBINSON,
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WILLIAM HENRY,	JAMES L. GRAHAM,
ISAIAH WHITE,	M. B. LOWRY,
H. W. GRANT,	HENRY JOHNSON,
WILLIAM HUTCHMAN,	S. F. WILSON.
J. W. HUSTON,	

HARRISBURG, March 19th, 1863.

GENTLEMEN: I have your note of this morning. I am willing to be guided entirely by your wishes and judgment as to the publication of my lecture. The manuscript is therefore at your service.

With great respect,

I am your obedient servant,

DANIEL AGNEW.

To Messrs. JOHN P. VINCENT,  
A. W. BENEDICT,  
WILLIAM HENRY,  
GEORGE CONNELL,  
And others.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for transparency and accountability, particularly in the context of public administration and financial management. The text highlights that records should be kept in a clear, organized, and accessible manner, allowing for easy retrieval and verification of information.

2. The second part of the document addresses the challenges associated with record-keeping, such as the volume of data, the complexity of systems, and the risk of data loss or corruption. It suggests that organizations should invest in robust information management systems and implement strict security protocols to protect their records. Additionally, it stresses the need for regular audits and reviews to ensure the integrity and accuracy of the data.

3. The third part of the document focuses on the legal and regulatory requirements governing record-keeping. It notes that various laws and regulations, such as the Freedom of Information Act and the Data Protection Act, impose specific obligations on organizations regarding the collection, storage, and disposal of records. Compliance with these requirements is crucial to avoid legal penalties and maintain public trust.

4. The fourth part of the document discusses the role of records in decision-making and strategic planning. It argues that well-maintained records provide valuable insights into organizational performance, trends, and risks, enabling leaders to make informed decisions and develop effective strategies. Records also serve as a historical reference, allowing organizations to learn from past experiences and improve their operations over time.

5. The fifth part of the document concludes by emphasizing the long-term value of records and the importance of a proactive record management strategy. It encourages organizations to view records as a valuable asset and to integrate record management into their overall business processes. By doing so, organizations can ensure the longevity and availability of their records, supporting their mission and vision for the future.



## OUR NATIONAL CONSTITUTION.

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My subject is the adaptation of the Federal Constitution to a state of insurrection.

Hoping that I may succeed in presenting some clear views of the change wrought by war upon this framework of National life, and of the dormant energies it starts into activity, I shall endeavor to remember that a popular lecture demands more than close logic and dry detail.

The transition our country has undergone, is exquisitely painful. Plunged by a wicked rebellion, from a state of peace and high prosperity, into an abyss of ruin, she presents a spectacle unexampled in the past,—save in that rebellion, described in the grand epic of Milton, when the race itself was buried beneath the desolation of the fall.

How blest was the charm in the poet's lines, which, in earlier days, you have repeated with swelling heart and highborn hope:

"Columbia, Columbia! to glory arise,  
The queen of the world, and the child of the skies!"

And you felt how dear to you was the country that gave you birth, or in whose happy bosom you found an asylum from the wrongs and oppressions of other lands. But if the America of sixty years ago could thus inspire the poet, and furnish to his lay a subject more noble than ever Calliope breathed in heroic numbers, or Homer sang, what was the America of three short years ago, when she proudly stood the cynosure of nations, the home of liberty, and the exemplar of republics!

O, my country! if ever I could wish the fire of genius to light up the dark chambers of my soul, and inspire my heart with the

poet's fervor, as well as the patriot's love, it would be to describe thee as thou wert, and as, to my fond, confiding hope, thou seemedst destined ever to be!

From the pine-clad hills of Maine to the grassy glades of Texas; from the busy marts of the Atlantic to the golden gate of the Pacific,—bearing the fruits of every clime, abounding in the products of every zone,—this delightful home of man spread its vast fields of culture, its exhaustless mines, and its countless avenues of trade, to a busy, a happy, and a prosperous people.

No dream of Utopia ever saw man so favored, or scene so fair. The gifts of Providence, held by no miserly hand, showered down abundance, far above ordinary wants. Never had gaunt, lean-ribbed Famine stalked through the land, calling for hecatombs to appease his hungry sacrifice.

Labor, unlike that of older lands, eking out a scanty subsistence, rewarded here, ever produced a surplus; while the door to learning, wealth, and fame, opened to the humble and the high.

Her commerce whitened every sea, and anchored in every port. Bounding over mountains, leaping oceans, and crossing the Antarctic, her sons overcame every obstacle,—unsealing the closed ports of Japan, sounding the Dead Sea, and laying bare a South Polar continent.

That bright constellation, which sparkled upon the flag of liberty, but emblemized the Union of States; which, planting its first signal station on the crest of Mount Washington, and, pausing for a moment on the tops of the Alleghanies, faltered not until it had spanned a continent, and rested on the peaks of the Golden State.

So stood this Federal Union in 1860, a synonyme of power, the temple of freedom, and a light to the world, when South Carolina, raging with diabolism, and drunken with passion, frantically cut the golden cord of Union, which bound her to liberty, prosperity, and honor; and like a bark suddenly burst from her moorings, rushed upon the foaming sea of Secession. This was on the 20th day of December, 1860. On the 7th, 11th, 12th, 19th, and 28th of January, 1861, Mississippi, Alabama, Florida, Georgia, and Louisiana, respectively, and Texas on the 1st day of February, passed their ordinances of secession, and plunged into the same frightful gulf of ruin.

On this first day of February, 1861, while the old administration was yet in power, and before the Federal Government had picked up the gauntlet of war, thrown down by Secession, let us pause a moment, to consider the true character of secession, in reference to the Constitution of the United States.

The world is governed by names. Never was a great crime in national life committed under its appropriate appellation, but wicked men have ever sought to dignify or justify it under the name of some virtue. Call it patriotism, call it honor, or glory, or what you will, and veil it under the mild term, *secession*; but before the first day of February, 1861, secession was treason,—treason of the plainest stamp, as defined in the Constitution; its avowed purpose the overthrow of the Government, its accomplishment by force of arms.

“Treason against the United States” (says the Constitution) “shall consist only in *levying war*, against them, or in adhering to their enemies, giving them aid and comfort.”

Fortunately, the phrase “levying war” received a settled interpretation in the best days of the republic. In the trial of Aaron Burr, C. J. Marshall held this term to be technical, borrowed from the English statute, and he adds, “It is scarcely conceivable that the term was not employed by the framers of the Constitution in the sense which has been affixed to it by those from whom we borrowed it.”

“Levying war,” says Lord Hale, in his Pleas of the Crown, “is direct, when the war is levied directly against the Government, with intent to overthrow it; such, for instance, as holding any of the Government’s forts or ships, or attacking them, or delivering them up to the rebels through treachery.”

In the *United States vs. Fries*, it was said, “If a body of men *conspire* or meditate an insurrection to resist or oppose the execution of any statute of the United States by force, they are guilty of a high misdemeanor; but if they proceed to carry such intention into *execution by force*, they are then guilty of treason by levying war.”

In the trial of the Christiana rioters in this State, Judge Grier, following this early interpretation of the fathers, laid down the law of treason, thus: “That the levying war against the United States is not necessarily to be judged alone by the number and