

**A FEDERAL UNION, NOT A  
NATION: AN  
EXAMINATION INTO OUR  
SYSTEMS OF GOVERNMENT**

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A Federal Union, Not a Nation: An Examination Into Our Systems of Government by Edward Hamilton

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AN EXAMINATION INTO OUR

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BY

EDWARD HAMILTON.

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1880.

THE SITUATION OF THIS COUNTRY IS ALARMING ENOUGH  
TO ROUSE THE ATTENTION OF EVERY MAN, WHO PRETENDS  
TO A CONCERN FOR THE PUBLIC WELFARE.

APPEARANCES JUSTIFY SUSPICION; AND WHEN THE SAFETY  
OF A STATE IS AT STAKE, SUSPICION IS A JUST GROUND OF  
INQUIRY. LET US ENTER INTO IT WITH CANDOR AND  
DECENCY.

*JUNIUS.*

U. S. G. O. P. 11 2, 2,

## PREFACE.

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A CONCISE statement of the fundamental principles, relative to the powers and limitations of our several systems of State and Federal Government, seems timely at the present time, and was first suggested to my mind by the following debate in the Federal House of Representatives on the 18th March, 1876:—

### A CENTRALIZATION RESOLUTION.

Mr. Baker, of Indiana, offered the following resolution:

*Resolved*, That the people of the United States constitute one nation, and not a mere confederacy of States and nations; that the Constitution was formed by the people acting in their primary and individual capacity through their delegates thereto duly constituted; that the Government, under the Constitution, is of the people and for the people, and that in its appropriate sphere the Government of this nation is sovereign and supreme; that in its nature it is permanent and indissoluble, except by the action and consent of the whole people; that no State has any right or authority to judge of the Constitutionality of the laws enacted by Congress, or to nullify the execution of the same; and that all overt acts by any State or people thereof, or secession therefrom, or of rebellion against the same, constitute treason; and that the late war of the rebellion, for the dismemberment of the Union, was causeless and indefensible on any theory of right or of Constitutional law.

He moved that the rules be suspended, and the resolution adopted, and called for the yeas and nays, which were ordered.

Mr. Stone, of Missouri, moved to adjourn. Rejected.

Mr. Cox, of New York, asked whether the resolution was divisible.

The Speaker responded that the motion to suspend the rules and adopt the resolution was not divisible.

Mr. Cox asked whether it was in order to read from the Constitution these words, "Done in Convention by the unanimous consent of the States. George Washington."

The Speaker replied that it would be in the nature of debate, and not in order.

The motion to suspend the rules and adopt the resolution was rejected — yeas 91, nays 75 — two thirds not having voted in the affirmative. Very few Democrats voted for it. Among them were Durand, of Michigan; Hardenbergh, of New Jersey; Jenks, of Pennsylvania; New, of Indiana; Phelps, of Connecticut; Potter, of Michigan; Vance, of Ohio, and A. S. Williams, of Michigan. All the Republicans voted for it, all the Southern Democrats against it, and most of the Northern Democrats refrained from voting.

Before the vote was announced, Mr. Baker called the attention of the Chair to the fact that many members were present who were not voting; and he made a point of order that they be compelled to vote.

The Speaker overruled the point.

Mr. Randall, of Pennsylvania, remarked that there was a good deal of truth in the resolution, and also a good deal of false principle.

The result of the vote was then announced. The following is the negative vote:

Messrs. Ashe, Atkins, Beebe, Blackburn, Bland, Blount, Boone, Bright, Brown, of Kentucky, Cabell, Caldwell, of Alabama, Caldwell, of Tennessee, Candler, Cate, Clarke, of Kentucky, Cook, Cowan, Culbertson, DeBolt, Dibrell, Douglas, Ellis, Faulkner, Felton, Forney, Franklin, Glover, Goode, Gunter, Hancock, Hartridge, Harris, of Georgia, Hewitt, of Alabama, Hill, Hooker, House, Hunton, Hurd, Jones, of Kentucky, Knott, Levy, Lewis, Lord, Meade, Milliken, Mutchler, Odell, Parsons, Payne, Phillips, of Missouri, Piper, Rea, Reagan, Rice, Riddle, Robbins, of North Carolina, Robbins, of Pennsylvania, Ross, Scales, Sheakley, Singleton, Smith, of Georgia, Stone, Terry, Throckmorton, Tucker, Vance, of North Carolina, Waddell, Walser, of New York, Ward, Williams of Alabama, Williams of Indiana, Williss, Yeates, and Young. — 75.



## RESOLUTIONS BY MR. COX.

Mr. Cox then offered the following resolutions:

*Resolved*, That the people of the United States constitute a nation in the sense, to the extent, and for the purposes defined in the Federal Constitution.

*Resolved*, That the Government of the United States is a Federal Union, and was formed by the people of the several States in their sovereign capacity; that the rights and powers of the United States Government are defined and limited by the Federal Constitution, and these rights and powers cannot be enlarged or diminished except by an amendment to the Constitution.

*Resolved*, That the rights of States have the same sanction of security in the Constitution as the rights and powers of the Federal Government; and that local domestic government by the several States, within the limits of the Constitution, is absolutely necessary for the preservation of the liberties of the citizen and the continuance of a republican system of government.

*Resolved*, That the doctrine that any State has the right to secede from the Union is in conflict with the idea of a perpetual Union as contemplated by the Constitution, and should be regarded as being forever extinguished by the result of the recent civil conflict.

Mr. Holman, of Indiana, called for the yeas and nays, and they were ordered.

Mr. Blaine, of Maine, expressed a hope that every Union man in the House would vote against the resolutions.

The motion to suspend the rules and adopt the resolutions was adopted — yeas 160, nays 42.

All the Democrats and a few Republicans voted for the resolutions. Among the Republicans voting yea, were Messrs. Kelley, Leavenworth, McDill, Phillips, of Kansas, Platt, Townsend, of Pennsylvania, Willard, W. B. Williams, of Michigan, and Wilson, of Iowa. The rest of the Republicans voted no.

It will be observed, that notwithstanding the crack of the radical whip by ex-Speaker Blaine, that out of one hundred and ninety-two members present and voting thereon, but forty-two voted against the resolutions of Hon. Mr. Cox of New York.

This fact is alluded to for the purpose of proving that a majority of the Republican party still adhere to

the theory upon which our forefathers established our governmental systems, and that but a minority of active and ambitious men would overthrow them.

In the brief statement presented it has been my purpose to give in a condensed form : First, the action of the Fathers both in the establishing a confederacy, and also in providing for "a more perfect union of the States." Second, the definition of words as expounded by Noah Webster. Third, authoritative quotations to show the views not only of the framers of our federal system of government, but the views of those who founded the republican party, and the position it took as to this question of the rights of the States in its early organization, upon which position it achieved success in the North, and the acquisition of political power in the Federal government.

Parts II. and III. are discussions of these principles in brief, the whole presenting what appears to me to be a candid and just statement of the question discussed and adopted by the House of Representatives on the occasion referred to.

The difficulty has been to condense and pass over a mass of additional testimony confirmatory of the views advanced, as it always is easier to elaborate than to condense where the testimony is voluminous.

Trusting these pages may aid in maintaining our local domestic rights and powers, and make clear to some the relations between the States and their Federal Government, as well as to warn the people themselves to guard jealously their own reserved powers as freemen, they are respectfully submitted.

EDWARD HAMILTON.

JAMAICA PLAIN, BOSTON, MASS., February, 1880.

It is rather remarkable that any body of men in any party in the States of our Union, can be found at this late day, advocating the doctrine that the Federal Government can of right interfere in the management of the local affairs of the people of the States.

Surely no agent is greater than his principal, no representative can have or rightfully exercise powers other than those delegated to him in the instrument creating him, and which he is bound to support and maintain unimpaired by the oath he has taken to do so, and by the fact that his sole authority consists in that derived from the Constitution. Therefore all attempts to adopt legislation outside constitutional limits, to assume powers which belong exclusively either to the people or to the States, is usurpation.

Before quoting authoritative opinions upon this question, let us first examine the proceedings of the bodies which created our federal system of government, and see what was understood by them to be the relation between the Federal and the State governments.

#### THE CONFEDERATION.

During the time the Declaration of Independence was under consideration, Congress took the necessary measures for the formation of a constitutional plan of union. A committee to form a plan was appointed on the 12th of June, 1776, and the plan proposed by this