

**THE GREAT ISSUES NOW
BEFORE THE
COUNTRY. AN
ORATION. JULY 4, 1861**

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The great issues now before the country. An oration. July 4, 1861 by Edward Everett

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EDWARD EVERETT

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THE GREAT ISSUES NOW BEFORE THE COUNTRY.

AN ORATION

BY

EDWARD EVERETT.

DELIVERED AT THE NEW YORK ACADEMY OF MUSIC.

JULY 4, 1861.

NEW YORK:
JAMES G. GREGORY,
(SUCCESSOR TO W. A. TOWNSEND & CO.,)
NO. 48 WALKER STREET.
1861.

THE GREAT ISSUES

NOW BEFORE THE COUNTRY.*

WHEN the Congress of the United States, on the 4th of July, 1776, issued the ever memorable Declaration, they deemed that a decent respect for the opinions of mankind, required a formal statement of the causes which impelled them to the all-important measure. The eighty-fifth anniversary of the great Declaration finds the loyal people of the Union engaged in a tremendous conflict, to maintain and defend the grand nationality which was asserted by our fathers, and to prevent their fair creation from crumbling into dishonorable chaos. A great people gallantly struggling to keep a noble frame-work of government from falling into wretched fragments, needs no justification at the tribunal of the public opinion of mankind. But while our patriotic fellow-citizens, who have rallied to the defence of the Union, marshalled by the ablest of living chieftains, are risking their lives in the field; while the precious blood of your youthful heroes and ours is poured out together in defence of this precious legacy of constitutional freedom, you will not think it a misappropriation of the hour, if I employ it in showing the justice of the cause in which we are engaged, and the fallacy of the arguments employed by the South in vindication of the war, alike murderous and suicidal, which she is waging against the Constitution and the Union.

A twelvemonth ago, nay, six or seven months ago, our country was regarded and spoken of by the rest of the civilized world, as among the most prosperous in the family of nations. It was classed with England, France, and Russia, as one of the four leading powers of the age.† Remote as we were from the complications of foreign politics, the extent of our commerce

* Large portions of this oration were, on account of its length, necessarily omitted in the delivery.

† *The Edinburgh Review*, April, 1861, p. 556.

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and the efficiency of our navy won for us the respectful consideration of Europe. The United States were particularly referred to on all occasions, and in all countries, as an illustration of the mighty influence of free governments in promoting the prosperity of states. In England, notwithstanding some diplomatic collisions on boundary questions, and occasional hostile reminiscences of the past, there has hardly been a debate for thirty years, in parliament, on any topic, in reference to which this country in the nature of things afforded matters of comparison, in which it was not referred to as furnishing instructive examples of prosperous enterprise and hopeful progress. At home the country grew as by enchantment. Its vast territorial extent, augmented by magnificent accessions of contiguous territory peacefully made; its population far more rapidly increasing than that of any other country, and swelled by an emigration from Europe such as the world has never before seen; the mutually beneficial intercourse between its different sections and climates, each supplying what the other wants; the rapidity with which the arts of civilization have been extended over a before unsettled wilderness, and, together with this material prosperity, the advance of the country in education, literature, science, and refinement, formed a spectacle of which the history of mankind furnished no other example. That such was the state of the country six months ago was matter of general recognition, and acknowledgment at home and abroad.

There was, however, one sad deduction to be made, not from the truth of this description, not from the fidelity of this picture, for that is incontestable, but from the content, happiness, and mutual good-will which ought to have existed on the part of a people favored by such an accumulation of providential blessings. I allude, of course, to the great sectional controversies which have so long agitated the country and arrayed the people in bitter geographical antagonism of political organization and action. Fierce party contentions had always existed in the United States, as they ever have and unquestionably ever will exist under all free elective governments; and these contentions had, from the first, tended somewhat to a sectional character. They had not, however, till quite lately, assumed that character so exclusively, that the minority in any one part of the country had not had a respectable electoral representation in every other. Till last November, there has never been a Southern presidential candidate who did not receive electoral votes at the North, nor a Northern candidate who did not receive electoral votes at the South.

At the late election and for the first time, this was not the case; and consequences the most extraordinary and deplorable have resulted. The country, as we have seen, being in profound peace at home and abroad, and in a state of unexampled prosperity—agriculture, commerce, naviga-

tion, manufactures, east, west, north, and south, recovered or rapidly recovering from the crisis of 1857—powerful and respected abroad, and thriving beyond example at home, entered, in the usual manner, upon the electioneering campaign, for the choice of a nineteenth President of the United States. I say, in the usual manner, though it is true that parties were more than usually broken up and subdivided. The normal division was into two great parties, but there had on several former occasions been three; in 1824 there were four, and there were four last November. The South equally with the West and the North entered into the canvass; conventions were held, nominations made, mass meetings assembled; the platform, the press enlisted with unwonted vigor; the election in all its stages, conducted in legal and constitutional form, without violence and without surprise, and the result obtained by a decided majority.

No sooner, however, was this result ascertained, than it appeared on the part of one of the Southern states, and her example was rapidly followed by others, that it had by no means been the intention of those states to abide by the result of the election, except on the one condition of the choice of their candidate. The reference of the great sectional controversy to the peaceful arbitrament of the ballot-box, the great safety-valve of republican institutions, though made with every appearance of good faith on the part of our brethren at the South, meant but this: If we succeed in this election, as we have in fifteen that have preceded it, well and good; we will consent to govern the country for four years more, as we have already governed it for sixty years; but we have no intention of acquiescing in any other result. We do not mean to abide by the election, although we participate in it, unless our candidate is chosen. If he fails we intend to prostrate the government and break up the Union—peaceably, if the states composing the majority are willing that it should be broken up peaceably—otherwise, at the point of the sword.

The election took place on the 8th of November, and in pursuance of the extraordinary programme just described, the state of South Carolina, acting by a convention chosen for the purpose, assembled on the 17th of December, and on the 20th, passed unanimously what was styled "An ordinance to dissolve the Union between the state of South Carolina and other states united with her, under the compact entitled the Constitution of the United States of America." It is not my purpose on this occasion to make a documentary speech, but as this so called "ordinance" is very short, and affords matter for deep reflection, I beg leave to recite it in full:

"We, the people of the state of South Carolina, in convention assembled, do declare and ordain, and it is hereby declared and ordained, that the ordinance adopted by us in convention on the 23d day of May, in the

year of our Lord 1788, whereby the constitution of the United States was ratified, and also all acts and parts of acts of the General Assembly of this state, ratifying the amendments of the said constitution, are hereby repealed, and that the Union now subsisting between South Carolina and other states, under the name of the United States of America, is dissolved."

This remarkable document is called an "ordinance;" and no doubt some special virtue is supposed to reside in the name. But names are nothing except as they truly represent things. An ordinance, if it is any thing clothed with binding force, is a law, and nothing but a law, and as such this ordinance being in direct violation of the constitution of the United States is a mere nullity. The constitution contains the following express provision: "This constitution and the laws of the United States made in pursuance thereof, and the treaties made, or which may be made, under the authority of the United States, shall be the supreme law of the land, and the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding." Such being the express provision of the constitution of the United States, which the people of South Carolina adopted in 1788, just as much as they ever adopted either of their state constitutions, is it not trifling with serious things to claim that, by the simple expedient of passing a law under the name of an ordinance, this provision, and every other provision of it may be nullified, and every magistrate and officer in Carolina, whether of the state or Union, absolved from the oath which they have taken to support it?

But this is not all. The secession ordinance purports "to repeal the ordinance of the 23d May, 1788, by which the constitution of the United States was ratified by the people of South Carolina. It was intended of course by calling the act of ratification an ordinance, to infer a right of repealing it by another ordinance. It is important therefore to observe that the act of ratification is not, and is not called, an ordinance, and contains nothing which by possibility can be repealed. It is in the following terms:

"The convention [of the people of South Carolina] having maturely considered the constitution, or form of government, reported to Congress by the convention of delegates from the United States of America, and submitted to them by a resolution of legislature of this state, passed the 17th and 18th days of February last, 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 the people of the said United States and their posterity, do, in the name and in the behalf of the people of this state hereby assent to ratify the same."

Here it is evident that there is nothing in the instrument which in the nature of things, can be repealed; it is an authorized solemn assertion of the people of South Carolina, that they assent to and ratify a form of government, which is declared in terms to be paramount to all state laws and constitutions. This is a great historical fact, the most important that can ever occur in the history of a people. The fact that the people of South Carolina, on the 23d of May, 1788, assented to and ratified the constitution of the United States, in order, among other objects, to secure the blessings of liberty for themselves and "their posterity," can no more be repealed in 1861 than any other historical fact that occurred in Charleston in that year and on that day. It would be just as rational, at the present day, to attempt by ordinance to repeal any other event—as that the sun rose or that the tide ebbed and flowed on that day—as to repeal by ordinance the assent of Carolina to the constitution.

Again; it is well known that the various amendments to the constitution, were desired and proposed in different states. The first of the amendments proposed by South Carolina, was as follows:—

"Whereas it is essential to the preservation of the rights reserved to the several states, and the freedom of the people under the operation of the general government, that the right of prescribing the manner, times and places of holding the elections of the federal legislature should be forever inseparably annexed to the sovereignty of the states; this convention doth declare that the same ought to remain to all posterity a perpetual and fundamental right in the local exclusive of the interference of the general government, except in cases where the legislature of the states shall refuse or neglect to perform or fulfil the same, according to the tenor of the said constitution."

Here you perceive that South Carolina herself in 1788 desired a provision to be made and annexed inseparably to her sovereignty, that she should forever have the power of prescribing the time, place, and manner of holding the elections of members of Congress;—but even in making this express reservation, to operate for all posterity, she was willing to provide that, if the state legislatures refuse or neglect to perform the duty, (which is precisely the case of the seceding states at the present day), then the general government was, by this South Carolina amendment, expressly authorized to do it. South Carolina in 1788, by a sort of prophetic foresight, looked forward to the possibility, that the states might "refuse or neglect" to co-operate in carrying on the government, and admitted, in that case, that the general government must go on in spite of their delinquency.