The Pittsburgh Post.

Volume XX. PITTSBURGH, THURSDAY MORNING, JULY 17, 1862. Established 1812.

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DAILY POST.

THE CONSTITUTION.

An Oration Delivered by Hon. George T. Curtis,

Before the City Council and Citizens of Boston, at the Academy of Music, July 4th, 1862.

[Concluded.]

Now it seems to me, endeavoring as I do to repress all merely vain and useless regrets for what is passed, and to find some safe principle of action for the present and future, that there is one thought on which the people of the United States should steadily fix their attention. We have seen that our National Union has had three distinct stages. The first was the union formed by sending delegates to the Revolutionary Congress, and by a general submission to the measures adopted by that body for the common defence. The second was the closer league of the Confederation, the powers of which were defined by a written charter. The third was the institution of a government proper, with sovereign but enumerated powers, under the Constitution. Now I infer, from what I see of some of the currents of public and private opinion, that many persons entertain a vague expectation that the military operations now necessarily carried on by the Federal Government will result in the creation of new civil relations, a new Union and a new Constitution of some kind, they know not what. He would be a very bold and a very rash man who should undertake to predict what new Constitution can follow a civil war in a great country like this. But, looking back to the commencement of our national existence, we see that there never has been a change in the form of the Union; there never has been a new acquisition of political power by the central government, which has been gained by force. Such additions of foreign territory as we have obtained by arms or treaty have merely increased the area of the Union, but they have not augmented the political powers of the Government in the smallest degree. The inhabitants of those regions have come into the Union subject to the same powers to which we, who were original parties to the formation of the Constitution, have always been subject, and to no others. The national authority has never gained the slightest increase of its political powers by force of arms. In every stage in which its powers have been augmented, the increase has been gained by the free, voluntary consent of the people of each State, without coercion of any kind.

This consideration certainly affords no reason why the Government of the United States should not vindicate its just authority under the Constitution, over the whole of its territory, by military power. The right of the Government of this Union to exercise the powers embraced in the Constitution rests, I repeat, upon a voluntary, irrevocable cession of those powers by the people of each State; and no impartial publicist in the world will deny that the right to put down all military or other resistance to the exercise of these powers rests upon a just and perfect title. This title is founded on a public grant.

But when you come to the idea of acquiring other and further powers by the exercise of force, you come to a very different question. You then have to consider whether a people whose civil policy is founded on the title given by consent—who have never known or admitted any other rule of action than that expressed in the maxim that "governments derive their just powers from the consent of the governed"—can proceed to found any new political powers on a military conquest over a rebellion, without changing the whole character of their institutions. For my own part, with the best reflection I have been able to give to this momentous subject, I have never been able to see how a majority of the American people can proceed to acquire by military subjugation, or by military means, or maxims, any *new* authority over the people or institutions of any State or class of States, without falling back upon the same kind of title as that by which William of Normandy and his descendants acquired and held the throne of England. That title was founded on the sword.

Perhaps there are some who will say, if this is to be the issue let it come. I can have no argument with those who are prepared to accept, or who wish for this issue. All that I know or expect in this world, of what may be called civil happiness, is staked on the preservation of our republican constitutional freedom. If others are prepared to yield it; if others are willing to barter it for the doubly hazardous experiment of obtaining control over the destiny of a race not now subject to our sway, or dependent on our responsibility; if others are ready to change the foundation of our Union from free public charters to new authorities obtained by military subjugation—I cannot follow them.—I shall bear that result, if it comes, with such resignation as may be given to me. But you will pardon me, fellow-citizens, if, with my humble efforts, I yet endeavor to sustain those, be they many or few, who faithfully seek to carry us to the end of these great perils with the whole system of our civil liberties unimpaired. You will still, I trust, give every honest man the freedom to struggle to the last for that inestimable principle, on which the very authority of your government to demand the obedience of all its citizens was founded by those who created it.

The object for which we are urged by some to put in imminent hazard the foundation principle of our federal system is, emancipation of the slaves of the South.—No one can be less disposed than myself to undervalue the capacity of my countrymen to do a great many things—and to do them successfully. One would suppose, however, that a proposition to effect a sweeping change in the condition of four millions of the laboring peasantry of a great region of country, and to do it in almost total ignorance of the methods in which that particular race can be safely dealt with, so as to produce any good, would be a proposition upon which even our self confidence would be likely to pause. One would suppose that such an idea might suggest an inquiry into the limits of human responsibility. It is not allowed among sound moralists, that there is any rule which authorizes a statesman to undo an original wrong, at the imminent hazard of doing another wrong, as great or greater, and there is no rule of moral obligation for a statesman that is not applicable to the conduct of a people.

Setting aside, then, for a moment, all idea of constitutional restraint, let me put it to each one of you to ask himself how many persons there are in all the North, on whose judgement you would rely for a reasonably safe determination as to what ought to be done with slavery, having a single view to the welfare of that race?—Of course I do not speak of disposing of a few hundred individuals, but of general measures or movements, affecting four millions of your fellow-creatures. It has been my fortune, in the course of life, to know a few truly great statesmen in this Northern latitude, and to know many other persons for whose general opinions on what concerns the welfare of the human race I should have profound respect. But I have never seen the man, born, educated and living away from contact with slavery as it exists in the South, whom I could regard as competent to determine what radical changes ought to be made in the condition of a race of whom all that we yet know evinces their present incapacity to become self-sustaining and self-dependent. In such a case, it appears to me a very plain moral proposition, that our Maker has not cast upon us the responsibility of becoming His agents in the premises. But it further appears to me that, in this case, he has surrounded my moral responsibility with other limitations which I cannot transcend. If the order of civil society in which I am placed imposes on me an obligation to refrain from acting on the affairs of others; if I cannot break that obligation without destroying the principle of a benificent government and overturning the foundations of property; if I cannot use means which I am tempted to employ, without danger of unspeakable wrong; or if the utter inefficacy of those means is apparent to me and to all men—what is my duty to Him who sets the moral bounds of all my actions? It is to use those means, and those only, against which he has raised no such gigantic and insuperable moral obstacles. That any valuable military allies can be found among the negroes of the South; that any description of government custody or charge of them can become more than a change of masters, and that anything but weakness to the national cause results from projects that look to the acquisition of national power over their condition—are truths on which the public mind appears to be rapidly approaching a settled conviction.

I add one word more upon this topic; and I doit for the purpose of saying, in the presence of this community, that any project for arming the blacks against their masters deserves the indignant rebuke of every Christian in the land. When the descendants of those whom Chatham protected against ministerial employment of the Indian scalping knife so forget the civilization of the age and their own manhood as to sanction a greater atrocity, we may hang our heads in shame before the nations of the earth.

But there is another aspect of this matter, which it would be entirely wrong to overlook. The great army which has rallied with such extraordinary vigor and alacrity to the defence of the Union and the preservation of the Constitution—which has endured so much, and has exhibited such heroic qualities—is not a standing army of hired mercenaries. It is an army of volunteers, of citizen soldiers who have left their homes and entered the service of their country, for a special purpose, which they distinctly understand. Permit me to say that you are bound to remember this—or, rather let me cast aside the language of exhortation, and assert, in your name, that you remember it, with pride and exultation. The purpose for which these men were asked to enter the public service was the protection of the existing Union and the existing Constitution from attempts to overthrow or change them by organized violence; and that purpose is the most important element in their relation to the Government. No other army in the world ever entered the service of any power, with an understanding so distinct, so peculiar, so circumscribed in respects to the objects for which it was to be used; so directly addressed to the moral sense and intelligent judgment of intelligent men. I cannot doubt that I speak the sentiments of nine men out of every ten in this community, when I say that to change that purpose, and to use that army for any other end than the defense of the Constitution as it is, and the restoration of the Union of our forefathers would be a violation of the public faith.

It is now proposed to enlarge that army by a further call for volunteers. Let them come forth making no conditions with the Government, for the Government has made its own conditions, and has made them in accordance with the letter and the spirit of the Constitution. The purposes and objects of the war, as declared in the beginning, can never be changed, unless the people shall be so untrue to themselves as to compel a change; and when they do that they will be themselves responsible for the defeat of their own hopes.

There is yet another topic on which, as it seems to me, we ought carefully and soberly to reflect. I mean the history of opinion concerning the nature of the Union, and the causes which, from time to time, have produced disorganizing doctrines respecting it. But let me ask you here not to misunderstand me. I seek no occasion to fasten upon particular persons one or another measure of responsibility for what has occurred; and therefore, in pursuance of a rule which I have imposed on myself in the preparation of this discourse, the name or designation of no living man, in the North or in the South, will pass my lips this day.

Whoever is well acquainted with the political history of this country, since the adoption of the Federal Constitution, must know that there have been developed at times certain strange opinions concerning the nature of the Federal Union, the foundation of its authority, and the character of the obligations which we owe to it. In general, the people of the United States have been content to rest upon that theory respecting their Government which has always prevailed in its official administration, in whatever hands that administration has been lodged; this theory being that the General Government holds certain direct and sovereign, but special, powers over the whole people, ceded to it by the voluntary grant of the people of each State. But a scene of injury in certain localities, springing from wrong supposed to have been committed or meditated by the ruling majority, or by those who at the time exercised the power of the majority, has not unfrequently led men, here and elsewhere, to indulge in speculations and acts quite inconsistent with this only basis on which the Government can be said to have any real authority whatever. To enumerate all these occasions, or to recite the intemperate conduct that has attended them in periods of great excitement, is unnecessary. But there is one of them which may serve as an ample illustration of all that I desire to say on this special topic.

It is commonly said—and with much logical truth—that the doctrines of nullification lead, by natural steps, to the doctrines of secession; and the late Mr. Calhoun, who is justly considered as the patron, if not the author, of the former, is also popularly regarded as the father of the latter. But it is important for us, in more aspects than one, that Mr. Calhoun did not contemplate or desire a dissolution of the Union. He adopted a doctrine respecting it which does indeed lead, when consistently followed out, to what is called the constitutional right of secession; but he did not see this connection, or intend the consequence. There is reason to believe, that if his confidential correspondence during the time of nullification shall ever see the light, it will be found that he was a sincere lover of the Union, and was wholly unconscious that he was sowing, in the minds of those who were to come after him, seeds that were to bear a fatal fruit. It was in his power at one time to have arrested the career of the nullifiers in South Carolina, for to them his word was law; and if he had so done, he would probably have been placed by his numerous, powerful, and attached friends, out of that State, in nomination at least for the highest office in the country.

But what was it that led that subtle, acute, and generally logical intellect to embrace a theory respecting the Constitution which was entirely at variance with the facts that attended its establishment? The process was very simple with a mind of a highly metaphysical and absent turn. Mr. Calhoun had persuaded himself, contrary to an earlier opinion, that a protective tariff was an unconstitutional exercise of power by the General Government, oppressive to South Carolina, and he cast about for a remedy. He saw no relief against this fancied wrong likely to come from a majority of Congress and the people of the Union, and reasoning from the premises that the Constitution is a compact between sovereign *States*, an intraction of which the parties can redress for themselves when all other remedy fails, he reached the astonishing conclusion that the operation of an act of Congress may be arrested in any State by a State ordinance, when that State deems such an act an unconstitutional exercise of power. But he always maintained that this was a remedy within the Union, and not an act of revolution, or violence, or secession.

This memorable example of the mode in which opinion respecting the nature of our Union is affected is full of instruction at the present time. But let no one misunderstand or misinterpret the lesson that I draw from it; and, that no one may have an excuse for so doing, let me be as frank and explicit as my temporary relation to this audience demands. I do not say that the course and result of the late Presidential election furnishes the least justification or excuse for what the South has done. I have never believed that any circumstances of a constitutional election could of themselves afford a justification to any State, or any number of States, in withdrawing from the Union. Neither do I say, or believe, that any condition of opinion respecting a right to withdraw can afford the slightest apology for that conduct on the part of individuals, in or out of the Government, in respect to which there must always remain in every sound mind a great residuum of moral condemnation. Neither do I doubt at all the existence of a long-cherished purpose on the part of some Southern political men to seize the first pretext for breaking up the Union of these States.

But, my fellow citizens, it does appear to me—and there is practical importance in the inquiry, in reference to a future restoration of the Union—that we ought soberly to consider, whether any mere conspiracy of politicians could have found a *willing people*, if causes had not long been in operation which have prompted the growth of certain and feelings about the nature and benefits of the Union fatal to its present dominion over their minds and hearts.

What has been going on here in the North, during the last twenty or twenty-five years? We have had a faction, or sect, or party—call it what you will—constantly increasing, constantly becoming more and more an element in our politics, which has made, not covert and secret, but open and undistinguished war upon the Constitution, its authority, its law, and the minister of its law, because its founders, for wise and necessary purposes, threw the shield of its protection over the institutions of the South. If there is a disorganizing doctrine, or one diametrically hostile to the supremacy of the Constitution, which that faction has not held, inculcated and endeavored to introduce into public action, I know not where in the whole armoy of disunion to look for it. They never cared whether the Constitution was a compact between independent *States*, or an instrument of sovereign government, resting on the voluntary grant and stipulation of the people of each State. Destroy it, they said, destroy it! for be it one thing or another, it contains that on which the heavens cry out and against which man ought to rebel. And so they went on doing their worst to undermine all respect for its obligations, to render of no kind of importance the foundations on which its authority rests. The more that public men in the North from weakness, or ambition, or for the sake of party success assimilated their opinions of this faction, the more it became certain that the true ascendency and supremacy of the Constitution could never be regained, without some enormous exertion of popular energy, following some newly enlightened condition of popular understanding. When the country was brought to the sharp and sudden necessity of vindicating the nature and authority of the Union, there was throughout the North a general popular ignorance of its real character, and a wide spread infidelity to some of its important obligations.

What has been going on in the South during the same period? On this point there is much to be learned by those who seek the truth. If you will investigate the facts, you will find that thirty years ago no such opinion as a right of secession had any general acceptance in the South. No general support was given in the South to the conduct of South Carolina in the matter of nullification. Very few Southern statesmen or politicians of eminence, not belonging to that State, followed Mr. Calhoun and Mr. Hayne; and when the great debate on the nature of the Constitution was closed the general mind of the South was satisfied with the result.

How is it now? The simple truth is, that secession—understood by Southern politicians as a right resulting from the nature of the Union—is a growth of the last twenty-five years; and it has become the prevalent political faith with the most active of the educated men of the South who have come into public life during this period. It is my belief, founded on what I have had occasion to know, that the great body of Southern opinion respecting the Constitution, its nature, its obligations and its historical basis, has undergone a complete revolution since the year 1835. What Mr. Calhoun never contemplated as a remedy against supposed unconstitutional legislation has become familiar to men's minds as a remedy against that which was striking deeper than legislation; which might never take the form of congressional action, but was constantly taking every form of popular agitation; which might never become the tangible and responsible doctrine of administration, but was yet all the more formidable and irritating because it lay couched in an irresponsible popular sentiment, fomented by appeals which were designed to deprive constitutional ties and obligations of their binding moral force.

Are we told that these things do not stand in any relation of cause and effect? Are we so simple, so uninstructed in what influences the great movements of the human mind, that we cannot see how intellect and passion and interest may be affected by what passes before our eyes? Must I wait until the whole fabric of free Constitutional Government is pulled down upon my head, and I am buried beneath its ruins, before I cry out in its defence? Must I postpone all judgment respecting the causes of its disintegration until it has gone down in ashes of civil war, and history has written the epitaph over the noblest Commonwealth that the world has seen? I fear that there is a too prevalent disposition to surrender ourselves as passive instruments into the hands of fate—too much of abandonment to the current of mere events—too great a practical denial of our own capacity to save our country by a manly assertion of the moral laws on which its preservation depends. Can it be that we are losing our faith in that Ruler who has made the safety of nations to depend on something more than physical and material strength, who has given us moral power over our own condition, and has surrounded us with countless moral weapons for its defense?

It is marvellous through what a course of instruction, through what discipline of suffering and calamity, the people of this country have had to pass, in order to fully comprehend the truth that the nature of their Government depends upon sound deduction from a series of historical facts; and that it must, therefore, be defended by consistent popular action. It is now somewhat more than thirty years since Daniel Webster, combining in himself more capacities for such a task than had ever been given to any other American statesman, demonstrated that our National Government can have no secure operation whatever, unless the obviously true and simple deduction from the facts of its origin is accepted as the basis of its authority. You know what he taught. You know that he proved—if ever mortal intellect proved a moral proposition—that in the exercise of its constitutional powers the National Government is supreme, because every inhabitant of every State has covenanted with every inhabitant of every other State that it shall be so: that even when the National Legislature is supposed to have overstepped its constitutional limits, no State interposition, no State legislation, can afford lawful remedy or relief; and that all adverse State action, whether called by the name of nullification or by any other name, is unlawful resistance.—We are glad enough now to rest upon his great name; we march proudly under his imposing banner, to encounter the hosts of "Constitutional Secession." But how was it with us, even before he was laid in that unpretending tomb, which rises in the scene that he loved so well, and overlooks the sounding sea, by the music of whose billows he went to his earthly rest? Did we follow in his foot-steps? Did we requite his unequalled civil services? Did we cherish the great doctrine that he taught us, as the palladium of a Government which must perish if that doctrine loses its pre-eminence in the national mind? How long or how well did we preserve the recollection of his teachings, when our local interests and feelings were arrayed against the action of the Federal Power? I will not open that record. I would to Heaven that it were blotted out forever.—But I cannot stand here this day and be guilty of anything so unfaithful to my country as to admit that under a Government whose authority can live only when sustained by popular reverence for its sanctions and popular belief in its foundations, opinion in the South has not been affected by what has transpired in the North.

I have endeavored to state, with fairness and precision, the principles on which the American Union was founded, and to show that its preservation depends upon keeping the National and the State sovereignties each within the proper limits of its appropriate sphere. I am aware that the opinion has been formed to a great extent in foreign countries and in the South, and by some among us, that this principle is no longer practicable; that the Union of free and slave States in the same nation has become an exploded experiment; and that our interests are so incompatible that a reconstruction, on the old basis at least, ought not to be attempted. We should probably all concede that this view of the subject is correct, if we believed that the incompatability is necessary, inherent and inevitable. But there is not enough to justify the breaking up of such a union, if the supposed incompatability is but the result of causes which we can reach, or if it arises from an unfaithful compliance with the terms of our association. We can make such an association no longer practicable if we chose to do so. We can prevent it from becoming impracticable, if we are so resolved. If the Free States, as one section, and the slave States, as another, will not respect their mutual obligations, then there is an end of the usefulness of all effort. If we, of the North, will not religiously and honestly respect the Constitutional right of every State to maintain just such domestic institutions as it pleases to have, and protect that right from every species of direct and indirect interference, then there is an absolute incompatibility. If they, of the South, will not as honestly and religiously maintain the right of the Federal Union to regulate those subjects and interests which are committed to it by the Constitution, and there is, in like manner, an incompatability of precisely the same nature. If the parties, in reference to the common domains, will admit of no compromise or concession, but each insist on applying to them its own policy as a nation's policy, then the incompatability is as complete from that cause as it is from the others. This difficulty is not in the principle of the association, for nothing can be clearer than this principle; and when it has been honorably adhered to, no Government in the world has worked more successfully. But the difficulty has arisen from disturbing causes that have dislocated the machine; and what we have now to ascertain is, whether the PEOPLE on both sides will treat those causes as temporary, and remove them, or will accept them as inevitable and incurable, and so thus make the separation final and conclusive.

In the gloomy conception of the old Grecian tragedy, no room was left by the poets for the moral energies of man, there was no force in human struggles, no defence in human innocence or virtue. Higher than Jupiter, higher than the heavens, an infinite distance, in infinite indifference to the fortunes of men or gods, save the mysterious and eternal power of Destiny.—Before time was, its decrees were made, and when the universe began, that awful chancery was closed. No sweet interceding saints could enter there, translated from the earth to plead for mankind. No angels of love and mercy came from human abodes, to bring tidings of their state. No mediator, once a sufferer in the flesh, stood there to atone for human sin. The wail of a nation in its agony, or the cry that went up from a breaking human heart, might pierce into the endless realms of space, might call on the elements for sympathy, but no answer and no relief could come. He who was pre-ordained to suffer, through whatever agency, suffered and sank, with no consolation but the thought that all the deities, celestial and infernal, were alike subject to the same power.

Are we driven by some relentless force, that annihilates our own free wills and dethrones Him who is Supreme? Are we cast helpless and drifting, like leaves that fall upon the rushing stream? Must we give way to blank despair? No, no, no! There are duties to be done—to be [illegible] by us; for whatever may be the result of the military struggle now pending—whatever are to be our future relations with the people of the South, the time is coming when we and they, face to face, and in the eye of an all-seing God, must determine how we will live side by side as the children of one eternal Parent. For that approaching day, and for the sake of a restoration of that which arms alone cannot conquer, let me implore you to make some fit and adequate preparation of instruments and agents and means and influence. Trust to the humanizing effects of a new and better intercourse. Trust to the laws of nature, which have poured through this vast continent the mighty streams that bind us in the indissoluble ties of commerce. Trust in that charity which clothes the naked and feeds the hungry and forgives the erring. Trust in the force of kindred blood, which leaps to reconciliation when the storms of passion are sunk to rest. Trust in that divine law of love, which has more power over the human soul than all the terrors of the dungeon or the gibbet. Trust in the influence over your own hearts and the hearts of others, of that religion which was sent as the messenger of Peace on Earth, Good Will to Men. Trust in the wise, beneficent, impartial and neutral spirit of your fathers who gave tranquillity, prosperity and happiness to the whole land. Trust in God; and you may yet see your national emblem, not as the emblem of victory, but as the sign of a re-united American people, floating in the breath of a merciful heaven, and more radiant with the glory of its restored constellation, than with all the triumphs it has won, or can ever win, over a foreign foe.

During the delivery of the oration Mr. Curtis was frequently applauded.

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PURSUANT TO INSTRUCTIONS from the Secretary of the Treasury, a book will be opened on the 27th day of June, 1862, at the office of Hanna, Hart & Co., corner of Wood and Third streets, Pittsburgh, Pennsylvania, for subscriptions, under my superintendence, for U. S. Coupon or Registered Bonds, redeemable at the pleasure of the United States after five years, and payable in twenty years from date, and bearing interest at the rate of six per centum, payable semi-annually, to be issued under the Act of February 25th, 1862.

These Bonds, dated May 1st, 1862, will be issued in sums of Fifty Dollars, One Hundred Dollars, Five Hundred Dollars, and One Thousand Dollars. No subscription for less than Fifty Dollars, nor for any fraction of that sum, can be received. Subscriptions for Fifty or One Hundred Dollars must be paid, at the time of subscribing, in the U. S. Demand Notes, and the accumulated interest from the 1st of May, 1862, in coin; subscriptions for a larger sum may, at the option of the subscriber, be paid at the time; or one-third at the time of subscribing, one-third in twenty, and one-third in forty days thereafter, Provided that no payment shall be less than Fifty Dollars.

Certificates will be granted in due form to subscribers for the amounts so paid, the original of which the subscriber will transmit by mail to the Secretary of the Treasury. Bonds as aforesaid, will be issued thereon to such subscriber, or his order, or to the holder thereof, carrying interest as expressed in such certificate.

Any other information desired will be promptly given on application to the subscriber, personally or by letter. JOSHUA HANNA,

Subscription Agent.

PITTSBURGH LOAN AGENCY, June 27th, 1862. je27-tf

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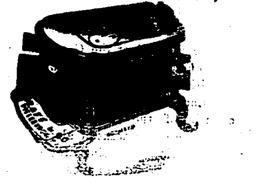

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