

Address Adopted by the Philadelphia Convention.

Continued from first Page.

other 10 from all share in their own Government until it sees fit to admit them thereto. What is there to distinguish the power thus asserted and exercised from the most absolute and intolerable tyranny. Fourth—nor do these extravagant and unjust claims on the part of Congress to powers and authority never conferred on the Government by the Constitution, find any warrant in arguments or excuses urged on their behalf. It is alleged, first, that these States, by the act of rebellion and voluntarily withdrawing members from Congress, forfeited their right of representation, which they can only receive again at the hands of the supreme legislative authority of the Government on its own terms, at its own discretion. If representation in Congress and participating in the Government, were simply privileges conferred and held by favor, this statement might have the merit of plausibility; but representation is under the Constitution not only expressly recognized as a right, but it is imposed as a duty; and it is essential in both respects to the assistance of Government and maintenance of authority in free governments. The fundamental and essential rights cannot be forfeited except against individuals by due process of law, nor can constitutional duties and obligations be discharged and laid aside. The enjoyment of their rights may be for a time suspended, or by a failure to claim them, the duties may be evaded by a refusal to perform them. The withdrawal of their members from Congress by States which resisted the General Government, was among the acts of insurrection—was one of the means and agencies by which they sought to impair the authority and defeat the action of the Government, and that act was annulled and rendered void when the insurrection itself was suppressed. Neither the right of representation nor the duty to be represented was in the least impaired by the fact of insurrection; but it may have been that by reason of the insurrection the conditions on which the enjoyment of that right and the performance of that duty for the time depended, could not be fulfilled. This was in fact the case—an insurgent power was in exercise of usurped and unlawful authority, and had suspended within the territory under its control that allegiance to the Constitution and laws which is made by that fundamental law the essential condition of representation in its Government. No man within the insurgent States was allowed to take an oath to support the Constitution of the United States, and as a necessary consequence, no man could lawfully represent those States in the councils of the United States. But this was only an obstacle to the enjoyment of a right and to the discharge of a duty. It did not annul the one nor abrogate the other, and it ceased to exist when the usurpation by which it was created had been overthrown and the States had again resumed their allegiance to the Constitution and laws of the United States. But it is asserted in support of the authority claimed by Congress now in possession of power, that it flows directly from the laws of war; that it is among the rights which victorious war always confers upon conquerors, and which the conquerors may exercise or waive in their own discretion. To this we reply that the laws in question relate solely so far as the rights they confer are concerned, to wars waged between alien and independent nations, can have no place or force in this regard in a war waged by a government to suppress an insurrection of its own people upon its own soil against its authority. If we had carried on a successful war against foreign nations, we might then have acquired possession and jurisdiction of their soil, with the right to enforce our laws upon their people, and to impose upon them such laws and obligations as we might choose, but we had, before the war, complete jurisdiction of the Southern States, limited only by our constitution. Our laws were the only national laws in force; the government of the United States was the only government through which those States and their people had relations with foreign nations, and its flag was the only flag by which they were recognized or known anywhere on the face of the earth. In all these respects, and in other respects, involving national interests and rights, our possession was perfect and complete. It did not need to be acquired, but only to be maintained, and a victorious war against the rebellion could do nothing more than maintain it. The war was only called to vindicate the disputed supremacy of the Constitution. It could neither enlarge or diminish that authority which that Constitution confers upon the Government by which was achieved such an enlargement or abridgement of the Constitutional power. It can be effected only by amendment of the Constitution itself and such amendments can be made only in the modes which the Constitution itself prescribes. The claim that the suppression of insurrection against a government gives additional authority and power to that government, especially that it enlarges the jurisdiction of Congress, and gives that body the right to exclude States from representation in the National Council, with-

out which the Nation can have no authority and no existence, seems to us at variance alike with the principles of the Constitution and with the public safety. It is alleged that in certain particulars the Constitution of the United States fails to secure that absolute justice and impartial equality which the principles of the Government require that it was in this respect the result of compromises and concessions to which, however necessary when the Constitution was formed, we are no longer compelled to submit, and that now having the power, through successful war and just warrant for its exercise in the hostile conduct of the insurgent section, the actual government of the United States may impose its own conditions and make the Constitution conform in all its provisions to its own ideas of equality and the rights of man.

It is the unquestionable right of the people of the United States to make such changes in the Constitution as they may upon due deliberation, deem expedient; but we insist that they shall be made in a mode which the Constitution itself points out in consistency with the spirit and letter of that instrument and with the principles of self government, and of equal rights, which is at the base of our Republican Government. We deny the right of Congress to make these changes in the fundamental law, without the concurrence of three-fourths of all the States, including especially those to be most seriously affected by them, or to impose them upon these States or people, as conditions of representation or of admission to any of the rights, duties and obligations which belong, under the Constitution, to all the States alike; and with still greater emphasis do we deny the right of any portion of the States excluding the rest of the States from any share in their councils to propose or sanction changes in the Constitution which may effect permanently their political relations and control or erase the legitimate action of the several members of the common Union. Such exercise of power is simply usurpation just as unwarrantable when exercised by the Northern States, as it would be if exercised by the Southern and not to be fortified or palliated by anything in the past history, either by those by whom it is attempted, or of those upon whose rights and liberties it is to take effect. It finds no warrant in the Constitution. It is at war with the fundamental principles of our form of government. If tolerated in one instance, it becomes the precedent for future invasion of liberty and Constitutional right: depending solely upon the will of the party in possession of power, and thus leads by necessary sequence to the most fatal and intolerable of all tyrannies—the tyranny of shifting and irresponsible factions. It is against this, the most formidable of all dangers which menace the stability of free government, that the Constitution was intended most carefully to prevent. We demand strict, steadfast adherence. Its provisions, in this, and in this alone, can we find a basis of permanent union and peace; but is alleged in justification of the usurpation which we condemn, that the condition of the Southern States and people is not such as renders safe their re-admission to share in the Government of the country that they are disloyal in sentiment and purposes; that neither the honor, credit nor interest of the nation would be safe if they were re-admitted to share in its councils. We might reply to this, first, that we have no right, for such reasons, to deny to any portion of the States or people the rights expressly conferred upon them by the Constitution of the United States; second, that so long as their acts are those of loyalty—so long as they conform in all other public conduct to the requirements of the Constitution and laws—we have no right to exact from them conformity in their sentiments and opinions to their own, third, that we have no right to distrust the purpose or ability of the people of the Union to protect and defend, under all circumstances and by whatever means that may be required, its honor and its welfare. There would, in our judgment, be full and conclusive answer to the plea thus advanced for the exclusion of the States from the Union; but we say further, that this plea rests upon a complete misapprehension or unjust perversion of existing facts. We do not hesitate to affirm that there is no section of the country where the Constitution and the laws of the United States find more prompt and strict obedience than in those States and among that people who were lately in arms against them, or where there is less purpose or less danger of any future attempt to overthrow the authority. It would seem to be both natural and inevitable that in States and sections so recently swept by the whirlwind of war, and where all ordinary modes and methods of industry have been broken up, and the bonds and influences that guarantee social order have been destroyed, where thousands and tens of thousands of turbulent spirits have been suddenly loosed from the discipline of war and thrown without resources or restraint upon a disorganized or chaotic society, and where the disgrace of defeat is added to the overthrow of ambition and hope, scenes of violence should defy for a time, perfect discipline of law, and excite anew the fears and forbodings of the patriotic and well disposed. It is unquestionably true, that local disturbances of this kind,

accompanied by more or less violence, do still occur; but they are confined entirely to the cities and larger towns of the Southern States, where different races and interests are brought closely in contact, and the passions and resentments are always most early fed and ripen into outbreaks. They are quite as much the fruit of untimely political agitation as of any hostility on the part of the people. But the concurrent testimony of those best acquainted with the condition of Southern society, and the state of public sentiment in the South, including that of its representation in this convention, establishes the fact that the great mass or majority of the Southern people accept, with as full and sincere submission as do the people of other States, the re-established supremacy of the national authority, and are prepared in the most loyal spirit, and with a zeal quickened alike by their interest and their pride to co-operate, with other States and sections in whatever may be necessary to defend the rights, maintain the honor, and promote the welfare of our common country. History affords no instance where a people so powerful in numbers, resources, and public spirit, after a war so long in its duration, so destructive in its progress, and so adverse in its issue, have accepted defeat and its consequences with so much of good faith as has marked the conduct of the people lately in insurrection against the United States. Beyond all question this has been largely due to the wise generosity with which their enforced surrender was accepted by the President of the United States and the Generals in immediate command of their armies, and to the liberal measures which were afterwards taken to restore order, tranquility and law to the States; where all had for sometime been overthrown. No steps could have been better calculated to command the respect, win the confidence, revive the patriotism, and secure the permanent and affectionate allegiance of the people of the South to the Constitution, than those which have been so warmly taken and so steadfastly pursued by the President of the United States. That the people of the South are to-day less cordial in their allegiance than they were immediately upon the close of the war, we believe is due to the changed tone of the legislative department of the general government and the action by which Congress has endeavored to supplement and defeat the President's wise and beneficent policy of restoration; to their exclusion from all participation in our common government, to the withdrawal from them of rights conferred and guaranteed by the Constitution, and to the evident purpose of Congress, in the exercise of usurped and unlawful authority, to reduce them from the rank of free and equal members of a Republic of States, with rights and dignities unimpaired, to conquered provinces and a conquered people, in all things subordinate and subject to the will of their conquerors, free only to obey laws in the making of which they are not allowed to share. No people ever yet existed whose loyalty and faith such treatment, long continued, would not alienate and despair; and the millions of Americans who live in the South would be unworthy citizens of a free country, degenerate sons of a heroic ancestry, unfit ever to become the guardians of the rights and liberties bequeathed to us by the fathers and founders of the Republic, if they could accept with uncomplaining submission the humiliation thus sought to be imposed upon them. Resentment of injustice is always and everywhere essential to freedom and the spirit which prompts the States and people lately in insurrection, but insurgent now no longer, to protest against the imposition of unjust and degrading conditions, makes them all the more worthy to share in the government of a free commonwealth, and gives still firmer assurance of the future power and freedom of the Republic. For whatever responsibility the Southern people may have incurred in resisting the authority of the National Government, and in taking up arms for its overthrow, they may be held to answer as individuals before the judicial tribunals of the land, and for their conduct as societies and organized communities they have already paid the most fearful penalties that can fall on offending States, in the losses, the suffering and the humiliation of a successful war. But whatever may be the guilt or punishment of the conscious authors of the insurrection and of common justice demand the concession that the great mass of those who became involved in its responsibilities, acts upon what they deemed to be their duty, in defense of what they had been taught to believe their rights under a compulsion, physical and moral, which they were powerless to resist; nor can it be amiss to remember that, terrible as have been the bereavements and losses of this war they have fallen exclusively upon neither section, and upon neither party. That they have fallen with far greater weight upon those with whom the war began; that in the death of relatives and friends, the dispossession of families, the destruction of social systems and socialities; the overthrow of governments, of law and order; the destruction of property and the means of industry; the loss political, commercial and moral influence in every shape and form which great calamities can assume; the States and people which engaged in the war against the Government

of the United States, have suffered tenfold more than those who remained in allegiance to its Constitution and laws. These considerations may not, as they certainly do not, justify the action of the people of the insurgent States; but no just and generous mind will refuse to them any considerable weight in determining the line of conduct which the Government of the United States should pursue toward them, if not with alacrity, certainly without sulky resentment. The defeat and overthrow they have sustained, they acknowledge and acquiesce in, the result to themselves and the country which that defeat involves. They no longer claim for any State the right to secede from the Union. They no longer assert for any State an allegiance paramount to that which is due the General Government. They have accepted the destruction of slavery, abolished it by their State Constitutions, and concurred with the States and people of the Union in prohibiting its existence forever upon the soil, or within the jurisdiction of the United States. They evince this purpose just as fast as it may be possible and safe to adopt. Their domestic laws are changed to the condition of their society and they seek to secure by the laws and its tribunals, equal and impartial justice to all classes of their inhabitants. They admit the invalidity of all acts of resistance to the national authority, and of all debts incurred in attempting its overthrow. They avow their willingness to share the burdens and discharge all the duties and obligations which rest on them in common with other States and other sections of the Union, and avow through their public conduct in every way and by most solemn acts, by which States and societies can pledge their faith, their engagement to bear true faith and allegiance through all time to come to the Constitution of the United States and to the laws that may be made in pursuance thereof.

Fellow countrymen, we call upon you in full reliance, upon your intelligence and your patriotism, to accept with the generous and ungrudging confidence this surrender on the part of those lately in arms against your authority, and to share with them the honor and renown which await those who bring back peace and concord to jarring States. The close of the rebellion with all its sorrow and disaster has opened a new career of glory to the nation. It has saved it, it has swept away the hostilities of the sentiment and inter which were standing menace to its peace. It has destroyed the institution of slavery, always a cause of sectional agitation and strife. It has opened for our country the way to unity of interest, of principle and of action through all time to come. It has developed in both sections a military capacity for the achievements of war, both by sea and by land, before unknown even to ourselves; and maintained to the exercise hereafter under a united country an important influence upon the character and destiny of the continent and the world. And while it has thus revealed, despatched and compacted our powers, it has proved to us beyond controversy or doubt, by the course pursued toward both the contending sections by foreign powers, that we must be the guardians of our own independence; that the principles of republican freedom we represent, can find among the nations of the earth no friends or defenders but ourselves. We call upon you therefore by every consideration of your own dignity and safety, in the name of liberty throughout the world, to complete the work of restoration and peace which the president of the United States has so well begun and which the policy adopted, and the principles asserted by the present Congress alone obstructs. The time is close at hand when the members of the next Congress are to be elected; if that Congress shall perpetuate this policy, and by the excluding loyal States and people from representation in its halls, and shall continue the usurpation by which the legislative powers of the Government are now exercised, common prudence compels us to anticipate augmented discontent; a sudden withdrawal from the duties and obligations of the Federal Government; internal dissensions, and a general collision of sentiments and pretensions, which may result in a still more fearful shape the civil war from which we have just emerged. We call upon you to interpose your power to prevent the occurrence of so transcendent a calamity. We call upon you in every Congressional district of every State to secure the election of members who, whatever other difference may characterize their political action, will all unite in recognizing the right of every State of the Union to representation in Congress, and who admit to seats in either branch, loyal representatives from every State in allegiance to the Government who may be found by each House, in the exercise of the power conferred upon it by the Constitution, to have been duly elected, returned and qualified for a seat there. And when this shall have been done, the Government will have been restored to its integrity; the Constitution will have been re-established in its full supremacy, and the American Union will have again become what it was intended by those who formed it to be a sovereign nation, composed of separate States, each like itself in a distinct and independent sphere and exercising powers already defined, and ruled by a common Constitution, resting upon

the assent, the confidence and the co-operation of all the States and all the people subject to its authority. Thus reorganized and restored to their Constitutional relations the States and the General Government can enter in the fraternal spirit with a purpose and common interests upon whatever reforms the security of personal rights, and the enlargement of popular liberty and the perfection of our Republican institutions may demand.

THE COURIER.

TUESDAY, SEPT. 4, 1866.

AID AND COMFORT FOR THE ENEMY.

The Jacksonville Reporter, than which there is no sounder Democratic paper anywhere, argues elaborately against the Democratic members of the approaching Legislature entering into any arrangement by which any but a true and tried Democrat shall receive their support for United States Senator. This logic is abstractly correct; we admire it; but are there not considerations involved in this matter that place the question above and independent of a mere partisan choice for party's sake? No one, we are quite sure, would feel more delighted, were it possible for such a thing to be done, than we would be to see any one of dozens of firm, tried and true Democrats we could name, elevated to the high and honorable position of United States Senator from Oregon, but, owing to the peculiar situation and posture of affairs, it may not be possible to elect either of them this time, while it is possible to inflict full as severe a wound upon the radical disunion party, and to that extent at least, aid in the restoration of our distracted and mal-administered government. Our able contemporary seems particularly bitter against Senator Nesmith. "This is a point upon which we presume Democrats may honestly differ." If, in order to defeat the avowed disunionists who now afflict and disgrace republicanism, we must go outside of our party proper, we know of no one upon whom we would bestow our support with greater alacrity than J. W. Nesmith. Though he can not plead identification with the interests of the Democratic party as entitling him to Democratic support, he can point to a record which is quite unimpeachable in proof of his anti-radical, and conservative position. And though he has not been, during his Senatorial career, such a Democrat as we could have desired in his place, he has nevertheless been uniformly credited by the opposition press of the east, to the Democracy. So far as the amount he has done for his constituents is concerned, we can say, that whatever congressional legislation beneficial to this coast during his senatorial term, we believe to have been due to the exertions of J. W. Nesmith.

The Democratic element in our legislature can in no possible way, better subserve the interests of the disunionists of Oregon, than by virtually standing aloof from any participation in the senatorial contest by voting in a body for some one whom it is impossible to elect. This is precisely the consummation for which they pray—that they will not act thus is what they fear. While the Democratic party of Oregon, through her representatives in the Legislature, can not dictate who shall be our next Senator, it is amply able to dictate who shall not be, and this advantage, all things considered, is something to be proud of, and something that can be wielded to the infinite advantage of Oregon and the whole country as well. We are satisfied that two thirds of the people of this State desire the defeat of the Gibbs-Mitchell junta, and they will hold the Democratic members of our next Legislature responsible, and justly too, for a failure in this behalf.

Since it is foregone that we cannot get our first nor even our second choice, we pledge ourself to be satisfied with the election of any good Johnson man to the Senate, be he Nesmith or whomsoever else. The blacks would esteem the election of Nesmith as great a defeat to themselves as they would the election of Hon. Beriah Brown or Hon. John B. Weller. It is our duty to so defeat and consequently demoralize them if we can. Sound policy says so; our distracted and upheaved country says so; the interest of the democratic party of Oregon says so, and fifteen thousand honest voters of this State say so, and we have confidence, to believe it will be done. For the Democratic members to compromise the voice of the party by simply making a swaggering show for some one whom it is impossible to elect, and thus suffer the chronic disunionists to triumph would be aiding and abetting the enemy, and a folly and wickedness for which they would ever hereafter be held responsible.

We repeat, in conclusion, that it is the wish of two thirds of the people of Oregon, that the radical schemes be defeated, and he who wantonly runs counter to this desire may expect to be shelved in the future, no matter which party elected him this time.