

THE COURIER.

J. W. JOHNSON, EDITOR.

It is the undoubted right of the people to canvass public measures and the merits of public men. —WEBSTER.

Our idea of Journalism is, he who dare not tell the truth is a coward, and he who will not is a knave.

It is by this shallow "policy" of suppressing the truth that a whole generation has been taught to believe a lie. —C. CHAUNCEY BURR.

TUESDAY, SEPTEMBER 3, 1867.

CAN A STATE SECEDE?

Having in our last issue considered what a State is, let us next examine whether a State of the United States can absolve itself from the General Government. Of course, there can be no question but that a contention with arms until resistance upon the part of the United States ceases, would absolve that allegiance owed by the people of the insurrectionary district to the General Government. That would be successful revolution which overthrows all law. The question is not whether it is one of the possibilities for a people to secure their independence, but whether any such thing has yet occurred in the United States. Whether an attempt and failure, changes the legal status of the States and the United States. Clearly there are but two ways by which a State could cease to be a part of the United States, *the one by law, the other by war.*

In the United States if a Legislature properly elected and organized pass an act and a question is presented for consideration as to its vitality and legality, we compare it with the Constitution of the United States to ascertain whether it in any manner conflicts with the proper exercise of the powers delegated to the General Government, if it do not conflict, nor with the State Constitution, and if it do not come within the pervue of powers prohibited the State, it is good law; but if there be a conflict constitutional law takes precedence of statute, and the Constitution of the United States over that of the State.

Art. VI. Clause 2. of the Constitution of the United States, ratified by the people of the several States severally says:—

"The Constitution and the laws of the United States which shall be made in pursuance thereof, shall be the supreme law of the land and the Judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

If then the Secession Ordinances were contrary to the Constitution, they were null and void *ab initio* and the Judges and other legal authorities are bound so to hold. Whether, therefore, the States seceded by law, depends upon whether their Ordinances of Secession were contrary to the Constitution of the United States. If they do not in any manner conflict, then of course secession was legal, they did separate from us, form a new government in law and in fact (and that clause of our constitution which forbids a State from confederating with another State could not apply to them, they having ceased to be a part of the Government.)—the United States exercising the right of any nation to make war upon whom it will,—with or without cause, made war upon the Confederate States of America, a government in law and in fact, and having conquered, subdued and expunged said government so legally established, is by the law of nations bound for its indebtedness, but may take and have dominion over its territory and people.

But if the Secession Ordinances were contrary to the Constitution there was, so far as law is concerned no separation. All governments are formed to have perpetual existence and any act destructive of that end is hostile to its fundamental law; and were there nothing else to base an argument upon; this well known principle would be amply sufficient; for certainly there could be no greater violation of the Constitution than its utter repudiation and violation in every particular; but that which violates it in any particular is null and void, therefore the Secession Ordinances which were professedly, fully, entirely and solely repudiation and violation of it entire, as a part is not greater than the whole, were beyond question null and void from their passage.

The Articles of Confederation were forced to make a perpetual union between the

States and the Constitution to form a more perfect Union. Now if you make a perpetual union more perfect by a specific bond, you cannot sever that unity except in violation of that bond which holds the several into one, which bond is the Constitution. And the first and primary expressed object of that constitution was to form and preserve that unity. Manifestly therefore, any law which would separate any portion of the confederation from the government is contrary to the bond that was formed to hold them together—the Constitution of the United States, and therefore null and void and of no more legal effect than the Declaration of Independence of 1776,—a notice to the world of a conflict of arms that would follow.

If then the Secession Ordinances were null and void, all persons holding office by virtue and in pursuance of those ordinances possessed no legal authority to act as officers, for no one can derive legal authority from and by virtue of an illegality. The assumed Legislative authorities holding their tenure of office in pursuance of those ordinances, could not amend any statute or other laws; and so too with all others claiming to be in authority. They were in authority as the Vigilance Committee at San Francisco at the time of the hanging of Cora and Casey, government *de facto*, but not *de jure*.

Revolutionists may for a time enforce their mandates, but that does not change the law upon their suppression. A law is made in pursuance of certain regulated forms, and provision is made for its repeal or change in certain manners, by certain officers, under certain conditions. Now, when there is no one legally authorized to repeal or amend a law it remains unchanged; and as I have shown, those who claimed to be the legislative authority possessed no legal authority to in any manner act as such, holding their authority from a nullity. There were then, no laws changed from the debut of the Secession Ordinances, to the resumption, under the old authority after the revolutionary party was put down.

True those States were for four years by reason of the action of the revolutionists, without officers. But vacancies in office in the United States from death, expiration of term, resignation, &c., is of so common occurrence that it would seem this ought not present any difficulty to an American. While the office remains, (and it could only be abolished by legal authority or successful revolution,) and the old provision relative to salary and fees continue, certainly some one can be found willing to sacrifice himself on the altar of public good. When our offices become vacant, we have but to elect new officers and move on as if the vacancy had been for an hour, a day, a week, a month, a year. A question of time does not change the principle or the law.

Clearly then, all the States that ever were in the Union are yet in the Union unless they succeeded in separating themselves from us by act of war; and when we say States we do not mean the land and people but the political corporation of the people on the land.

Assuming for the present, that the South did not accomplish secession by war, he who holds to the doctrine that a State has ceased to be a State of the Union and has become a Territory and subject to the control of Congress by any act of its own, is a secessionist; for what ever that act be by which that State has thus seceded, it must be legal or it can not have legal effect, and that act, whatever it be, was one of the means selected by them to accomplish secession. To acknowledge the legality of the effect is to acknowledge the legality of the cause that produced it.

This is admitting what the South claimed, *the legal right to secede* which we then denied, upon which the dogs of war were loosed, the battle decided against their right. And now that the South have admitted their error and acquiesced in the verdict of the great jury of arms *ne creat*, those very men who made day and night hideous with their whining, cracked, sinister cry of Union; who were so intensely loyal that they would not permit a difference of opinion as to the best means to be used to preserve the Union are now as radically pledged to the dissolution of the tie that binds a State to the Union as they then were to maintain it and are just as unscrupulous; and yet have the bold, brazen-faced effrontery to claim to be the very immaculate, embodiment of loyalty, and the only party that love the United States Government. And while throttling and attempting to crush the life from ten States, say, from the whole Republic, that they may blind the people from their perfidy and to shield their poisonous, gangrened carcasses from the just indignation of an uprising people, keep up the tainian cry of "Union," "Union."

Honest lago,
Who stole the liver of Heaven
To serve the Devil in.

Our Republican friends having spent a life of abstemious habits "force of circumstances over which they had no control," a life of longing for the pleasures of Mammon have but within the last eight years just tasted the sweet wine and felt the blissful sensation of power, have drunk to excess, eye, have drained the very dregs. The electric effect of their enthusiasm and unnatural force has diffused itself throughout the entire land and that feeling of pride which a youth has when just awakened to a consciousness of powerful manhood being upon them, we can almost say of America, what the Poet said of another,
France got drunk on blood to vomit crime,
And bitter have been her sternities ever since.

A NEW SCHOOL READER.

It has been a great source of regret to very many intelligent persons that our school Readers contain so little matter worth the remembering, and that matter so varied that it debauches the mind from application to subjects requiring continuous thought for a thorough understanding. A mixture of poetry and prose about home, mother, patriotism, a wild cat hunt, the sagacity of the dog; the nobility of labor, *et ul omni genus* fill most of our Readers, all of which may be in pure style; but wherein does it fit the rising generation for taking their place in the great arena of life, and acting well their part.

"School boy days" with most of us is the time in life set apart for mental culture and when the active duties of life are commenced in earnest few have the time or inclination to devote much time to books.

How important it is, then, that the youth's training when in school should be practically applicable in after life.

The school Reader is a book with which the student becomes very familiar and is retained in the memory with the greatest tenacity. And, as in the United States every citizen is an active participant in the making of our laws, rules and institutions and in the guiding of public policy by which private acts and affairs are governed; and as the mothers have a powerful influence upon and the training of the rising generation, we are satisfied beyond a reasonable doubt that our scholars need and ought at once to have, as a text-book next after the Third or Fourth Reader, some book giving full and ample information upon the fundamental principles of the Constitution of the United States, and the different theories of its construction, with what our leading statesmen have said and done with reference to it since its adoption.

From this great field, of information, certainly there is enough to select information of constant and lasting value and of the choicest literature, to make a school book wherein our youth can learn to read and obtain substantial knowledge of their duties in after life at the same time.

The Hon. Isaac Cox, of Josephine county, Oregon, has undertaken to supply this necessity and has prepared a neat volume entitled the AMERICAN SAFEGUARD, giving the opinions of many eminent statesmen, in terse and sparkling gems, the Declaration of Independence, the Constitution of the United States, an analytical index to the Constitution by which any one not familiar with the instrument can easily turn to any subject treated, political definitions, a treatise upon the history of the government, a treatise upon political economy, a few elegant and valuable extracts from the Federalist prepared by some of the ablest founders of our Government, the farewell addresses of Washington and Jackson, the inaugural addresses of John Adams, Jefferson and Madison, the letter of Jackson declining a carochaphagus, Jefferson's Manual of Parliamentary practice and the Citizen's Manual. Certainly nothing is more requisite for a citizen to know than what is contained in these subjects: and that it is well prepared and free from partisan tinge is, perhaps, sufficiently insured, when it is known that the leading papers of both parties have endorsed it as a book that ought to find a place in every library and at every fireside.

Parents, buy the book and if it meet your approbation give it to your boys and girls to take to school and use as a text-book. While we have a Constitution and desire to follow it, we should first learn what it is; and certainly we ought to thoroughly understand an instrument so dear to many before discarding it.

The Manual of Parliamentary Practice, and Citizens' Manual, contains full and complete information concerning the forming and conducting public meetings and literary societies, and as all at times attend, and participate in such meetings, how necessary that all should be well-informed, and yet, how lamentably deficient are the masses in this respect.

Give the book to our children at the schools and the next generation will know much better what our government ought to do and how it ought to be done, as well as how to conduct public meetings and societies.

A DAMNING EXPLANATION.—The Philadelphia Age publishes the following extract from the minutes of the committee that investigated the Conover case:

"Why" asked the Judiciary Committee of William Campbell, "did you make this false affidavit?"

"That," replied Campbell, "will require a little explanation. I was informed by Mr. Conover that Judge Holt had offered a reward of \$100,000 for the capture of Jefferson Davis; that now Davis was taken, they had not enough against him to justify them in what they had done; that Judge Holt wanted to get witnesses to prove that Davis was interested in the assassination of President Lincoln, so as to justify him in paying the reward."

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W. WEATHERFORD,
Portland, Aug. 27, 1867. in p31 1y

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