

Resolutions of the Late Senate.

The first Resolution which passed the Senate lately in Session was as follows:

Resolved, That the Legislative Assembly of the State of Oregon, unswerving in fidelity to the Union, declares its firm determination to maintain and defend the Constitution of the United States, and the Constitution of this State, against every aggression, either foreign or domestic, and that it will sustain the Government of the United States in every Constitutional requirement.

This reminds us very much of the manner in which O'Meara disposes of the question of suffrage by saying: that none should vote except those who, in the opinion of the party in power, know enough to vote right. The above resolution is the first of a series of eight, drafted and passed by an intensely Democratic Senate in the State of Oregon. It swears fidelity to the Union; declares its determination to maintain and defend the Constitution of the United States; and the State of Oregon against all aggressions, either foreign or domestic; and that it will sustain the Government of the United States in every Constitutional requirement.

We desire to address ourselves to the people, irrespective of party, in discussing the extremes of both the present political organization. Our readers all know that we consider the principle of universal suffrage the extreme of the Republican party. So we consider the principle set forth in these resolutions, the dangerous extreme of the Democratic party; and to oppose both is but our duty. The leaders, not the masses, of the Democratic party claimed, in 1861, when the attention of the American people was called directly to the subject of the power of the general Government, that it possessed no powers, except those expressly delegated to it by the several States at its formation, and that such delegation of power must be strictly construed. So said Buchanan, and all the Democratic resolutions and great men of that party at the time, when State after State, were passing their ordinances of secession, and Democratic leaders all over the land did proclaim and maintain that they were devoted to the Constitution, and that they would sustain and maintain it inviolate, just as does the above resolution, but, of course, as they understood it. So, the men who passed the above resolution mean by their declaration, that they will maintain the Constitution as they understand it.

Now, hitherto, they called it unswerving fidelity to the Union when they declared that a State in this Union had never delegated away the right to retire from the Union whenever she desired. Buchanan declared his unswerving fidelity to the Union when he said, there was no power found in the Constitution to secede a State; and Democratic leaders, from Maine to Texas, and from Minnesota to South Carolina, all responded, Amen. And when we speak of the leaders of that party, we desire to be understood, those who supported Breckenridge and Lane, and remained such during the war. And now, what we charge is this, that when the leaders of that party, at this day, profess fidelity to the Union, as in the above resolution, they really mean to say, that this Union was created by the States in their sovereign capacity; that the Union is a confederation of States, and not a National Government by the whole people; that the general Government formed by this Union has no power, except that expressly conferred upon it by the States in the Constitution, and that the power so conferred must be strictly construed. And so says the leading Democratic organ of this State, the *Herald*. Hear it in its issue of the 4th inst: "The Democratic party holds that the powers of the general Government were granted by the States in the Constitution, and it is now, and always has been, opposed to that Government, assuming any powers not granted." And in the same article, the editor declares that

they are strict constructionists. This is nothing new; we only mention this to show that every leading journal and politician of that party holds that doctrine, and intend to carry it out. Now we shall attempt to show that, if carried out, it must result as disastrously to the Government, as would the doctrine of universal suffrage, if once established. And if we establish this, then we believe that hundreds of Democrats in Oregon will be as ready to denounce the one as the other. And mark, they claim in the above resolution, that they will defend the Constitution of the United States against aggressions, foreign or domestic. But, they say, in the late rebellion, the Government was the aggressor upon the reserved rights of the State; consequently, according to their construction of the Constitution, they can defend that instrument, and at the same time defend a State in her treason, and call her people patriots, because they say, if a State, of a number of States, should invade other States, or the general Government, and attempt to overthrow it, then their duty would be plain; they would then defend the Constitution and general Government by assisting to repel the invasion. But they also say, that while a single State has no right to invade any other State, or the general Government, neither has the Government the right to invade a State for the purpose of compelling her, by force of arms, to return back into the Union, after she has passed, by the solemn act of her people, an ordinance of secession; and this is the defence meant in the said resolution. But the resolution proposes to defend also the constitution of our own State. We ask the people to consider how the body which passed the resolution defended the Constitution of Oregon? It came to its defence most nobly, when it violated its provision setting apart the proceeds of the 500,000 acres of land as an irreducible school fund, and absolutely donating \$200,000 to establish a monopoly in Oregon, which will be, when established, of no benefit, but a curse, to the State, upon the pretense that it would greatly benefit the west side.

If they desired to benefit the west side, why did they not give the money, if give they must, to a company who would build us a railroad, then we should have been benefited. It came to the defence of the Constitution with a vengeance, when, in palpable violation of that instrument, it raised the salary of the State Treasurer from eight hundred to four thousand dollars per annum.

And then this famous resolution closes with the declaration that they will sustain the Government of the United States in every Constitutional requirement. Of what avail is this? for, if the doctrine of the resolutions be true, there is nothing required, because the supreme power is with the States, not with the general Government. But, to show you that we have made no mistake as to the real sentiments of the resolution; we give the second one here:

2d. That this Assembly declare that each State of the United States is an independent sovereign community except in so far as certain powers, which it might otherwise have exercised, have been conferred on a general Government, established under a written Constitution, and exerting its authority over the people of all the States. That this general Government is a limited one, its powers being specific and enumerated, and all powers not conferred upon it, remaining with the States and with the people. That, as well as grants of power, the Constitution contains positive prohibitions against the exercise of certain other powers wisely intended to guard against the assumption of all power, or absolute sovereignty, and to protect the people from the dangers of a consolidated Government. That to preserve this Union in happiness and prosperity, the Constitution must be kept inviolate as the highest law, and the only source of power in the conduct of the general Government.

In this resolution, they most emphatically declare that each State in this Union is an independent sovereign, an independent, practical organization. What will honest Democrats, who claim to be opposed to secession and treason, say to this? No man can be more unreasonable in his statements than to say that he endorses the above resolution, and that a State has no

right to secede, for if, as the resolution asserts, each State is an independent Government and sovereignty, then the general Government is a mere creature of the State; possessing no sovereignty; for it is undeniable, that he who creates, possesses the power to destroy. And then, the doctrine of the resolution is all that was ever claimed for the States under the articles of Confederation, they were then sovereign, it was conceded, and they could be no more; but it was also conceded, that while each State remained a sovereign, we could have or possess no nationality, and it was for this express purpose that the several States consented to surrender their sovereignty, to establish a Government for the people, which alone should possess supreme power. If it be true that each State is an independent Government, absolutely sovereign, then, with each State rests the sovereignty of the Government; and we have demonstrated in the United States the singular and absurd phenomenon of thirty-seven sovereignties under one Government. The word sovereignty has never received but one definition, supreme, absolute, uncontrollable power. Now, if each State possesses this kind of power, it is most supremely ridiculous to contend that they have and possess no power to secede, for, remember, the resolution says, that the general Government is one of limited powers, granted by the several States as such, and that those powers are specific and enumerated. We challenge any man to point out a specification or enumeration of power in the Constitution whereby any one of the States have expressly delegated away the right to sever her connection with the general Government; and a State can only be held in the Union legally, upon the principle that we are a nation, not a confederation of nations, and that there is but one sovereignty in the nation, and that rests with the people.

But what means this language in the resolution? "and all powers not conferred upon it (the general Government), remains with the States and with the people." If a State be supreme in power, why not stop at the word States, without adding, and the people? But this phrase, "and the people," is the veil always used by the leaders of that party to deceive the people. We appeal to Democrats, ask your leaders and journalists what they mean by this phrase; do they mean the people of a single State? If so, then the resolution ought to read, "and all power not delegated to the general Government is reserved severally to the sovereign States or to the people thereof." And if this is what they mean, then any man of ordinary discernment can see at once the propriety of the argument made by J. C. Calhoun and Jeff Davis, in support of secession; and if this is the idea they desire to convey, then it is senseless to use the words, "or the people thereof," for to say that the balance of power belongs to a State, or the people of a State, is simply a repetition; the two phrases are synonyms, both meaning the same thing; and it is but to hide the deformity of the doctrine that the word, people, is used at all. But if they shall say that they do not mean the people of one State, independent of another State, possesses absolute power, to whom, then, do they refer? Is it to the people of any given number of the States, or the people of any particular locality? Most certainly not; the proposition would be too absurd. Can they mean the people of all the States in the aggregate? Then, all is conceded, for we claim nothing more.

And we hold it to be the true doctrine, that with the whole people rests the sovereignty of this Government. The Constitution of the United States said nothing about reserved powers, nor, indeed, was it necessary, for it too plainly indicated that the sovereign power should rest with the people in the aggregate, when it proclaimed to the world by its preamble that we, the people, do ordain and establish this Government. It is true, that some of the very men who opposed the adoption of that instrument, afterwards procured an amendment, which says, that all power not delegated by the Constitution is reserved to the States, or to the people, and the men who had labored so hard and long to establish it, were content with the amendment, well

knowing that it effected no change, and really amounted to nothing; for the only legitimate construction that could be put upon it was, that the word people meant the whole people of the United States, and not the people of a single State; for the result of the latter construction would, be to undo and destroy all that Washington and his copatriots had, by their great wisdom and efforts accomplished, and the amendment might as well be out as in the Constitution; for if the people are the source of all power, then all not delegated by them to any branch of the Government, naturally remains with them, and it was only adopted to satisfy the political whims of a few who opposed the adoption of that instrument.

We have already shown that any other construction of the word people than to make it apply to the whole people of the United States, would at once establish as true the doctrine of State supremacy and peaceable secession, and wipe out for ever in this Government, the crime of treason in any person or persons who should see fit to take up arms to defend an ordinance of secession passed by the representatives of their own State. And now we ask in all candor, what objection can be urged against the doctrine that this Government is one of the people, and that in their hands is all power, or the sovereignty of this nation? Can it be said that the rights of the citizen are unsafe where the supreme power is in the hands of the whole people? Will it be contended that a minority ought to rule the majority? Will any sane man say that the will of the whole people, when fairly expressed, ought not to be carried out? What benefits, then, would result from the establishment of the doctrine of State supremacy? None whatever; but evil continually. It was the people who adopted the Constitution, and declared that it should be the supreme law of the land, anything in the Constitution or laws of a State to the contrary notwithstanding, and also that all laws passed under the Constitution should be paramount to any power possessed by a single State; and this provision of the Constitution alone, completely and for ever annihilates the doctrine of State supremacy.

And again, we ask, do not the people possess the power, under the Constitution itself, to change, alter or abolish it, and substitute anything they desire in its place, as amendments thereto, provided they do it in the mode therein prescribed? Most certainly they do; then what is left of the supreme power of an individual State? All we contend for is, the establishment, beyond controversy, of the principle that the supreme power of this nation rests with the people; that they have a right, through their representatives in Congress, to enact any law they desire, consistent with the Constitution which they themselves have adopted; and that whenever they desire to enact a law, if it should be such a one as is now forbidden by the Constitution, they possess the complete and uncontrollable power to so amend that instrument as to allow their servants to pass the law desired, and in that manner, under all circumstances, to enforce their will.

We are not now attempting to discuss the question as to the extent of the powers conferred by the people upon any branch of the Government, but the question is, who possesses the absolute power which cannot be controlled by any other power, the people of each State, independent of all or any other State, or the people of all the States in the aggregate? We say the whole people of all the States possess it; for if it be true that the people of each State possess it, each for itself, then, so long as one State in the Union should refuse to give its assent to an amendment proposed to the Constitution, it could not be incorporated. The very fact that three-fourths of the States possess the right under the Constitution to pass any amendment they may desire overthrows the whole theory of the doctrine of supreme power in a single State. The great mistake made in the discussion of political questions is, that men in the heat of partizan feeling, substitute power for policy, and we think we are safe in saying that three-fourths of all political questions about which men differ, are questions simply of policy, not of power. We have no doubt as to the power of the

general Government, by an amendment to the Constitution in the manner provided, to regulate the qualification of a voter in every State in the Union, but we are utterly opposed to the policy. And again, in our judgment, it would be far safer to trust in the wisdom of the people of all the States, than in that of the people of a single State. What, then, can be the object for an attempt to maintain the doctrine laid down in the above resolutions? Most certainly none that we can discover, except to lay the foundation in the minds of the people in the North, as was done at the South, in the days of Calhoun and nullification, for the establishment of a political dogma that would result in disintegration, internal strife, and final annihilation of Republicanism on the continent of America.

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N. LEE, Chairman Ex. Com.

WM. HOWE, Sec. of Board.

Administrator's Notice.

NOTICE IS HEREBY GIVEN THAT at the November Term of the County Court of Polk County, N. L. Butler was appointed Administrator of the estate of B. F. Bond, deceased. All persons having claims against said estate are requested to present the same within six months from the date hereof.

N. L. BUTLER, Administrator.

Dallas, Oregon, Nov. 9, 1870. 36-4v

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