

## PUBLIC DINNER AT NEW YORK.

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I OWE the honor of this occasion, Gentlemen, to your patriotic and affectionate attachment to the Constitution of our country. For an effort, well intended, however otherwise of unpretending character, made in the discharge of public duty, and designed to maintain the Constitution and vindicate its just powers, you have been pleased to tender me this token of your respect. It would be idle affectation to deny that it gives me singular gratification. Every public man must naturally desire the approbation of his fellow-citizens; and though it may be supposed that I should be anxious, in the first place, not to disappoint the expectations of those whose immediate representative I am, it is not possible but that I should feel, nevertheless, the high value of such a mark of esteem as is here offered. But, Gentlemen, I am conscious that the main purpose of this occasion is higher than mere manifestation of personal regard. It is to evince your devotion to the Constitution, your sense of its transcendent value, and your just alarm at whatever threatens to weaken its proper authority, or endanger its existence.

Gentlemen, this could hardly be otherwise. It would be strange, indeed, if the members of this vast commercial community should not be first and foremost to rally for the Constitution, whenever opinions and doctrines are advanced hostile to its principles. Where sooner than here, where louder than here, may we expect a patriotic voice to be raised, when the union of the States is threatened? In this great emporium, at this central point of the united commerce of the United States, of all places, we may expect the warmest, the most determined and universal feeling of attachment to the national government. Gentlemen, no one can estimate more highly than I do

the natural advantages of your city. No one entertains a higher opinion than myself, also, of that spirit of wise and liberal policy, which has actuated the government of your own great State in the accomplishment of high objects, important to the growth and prosperity both of the State and the city. But all these local advantages, and all this enlightened state policy, could never have made your city what it now is, without the aid and protection of a general government, extending over all the States, and establishing for all a common and uniform system of commercial regulation. Without national character, without public credit, without systematic finance, without uniformity of commercial laws, all other advantages possessed by this city would have decayed and perished, like unripe fruit. A general government was, for years before it was instituted, the great object of desire to the inhabitants of this city. New York, at a very early day, was conscious of her local advantages for commerce; she saw her destiny, and was eager to embrace it; but nothing else than a general government could make free her path before her, and set her forward on her brilliant career. She early saw all this, and to the accomplishment of this great and indispensable object she bent every faculty, and exerted every effort. She was not mistaken. She formed no false judgment. At the moment of the adoption of the Constitution, New York was the capital of one State, and contained thirty-two or three thousand people. It now contains more than two hundred thousand people, and is justly regarded as the commercial capital, not only of all the United States, but of the whole continent also, from the pole to the South Sea. Every page of her history, for the last forty years, bears high and irresistible testimony to the benefits and blessings of the general government. Her astonishing growth is referred to, and quoted, all the world over, as one of the most striking proofs of the effects of our Federal Union. To suppose her now to be easy and indifferent, when notions are advanced tending to its dissolution, would be to suppose her equally forgetful of the past and blind to the present, alike ignorant of her own history and her own interest, metamorphosed, from all that she has been, into a being tired of its prosperity, sick of its own growth and greatness, and infatuated for its own destruction. Every blow aimed at the union of the States strikes on the tenderest nerve of her interest.

and her happiness. To bring the Union into debate is to bring her own future prosperity into debate also. To speak of arresting the laws of the Union, of interposing State power in matters of commerce and revenue, of weakening the full and just authority of the general government, would be, in regard to this city, but another mode of speaking of commercial ruin, of abandoned wharfs, of vacated houses, of diminished and dispersing population, of bankrupt merchants, of mechanics without employment, and laborers without bread. The growth of this city and the Constitution of the United States are coevals and contemporaries. They began together, they have flourished together, and if rashness and folly destroy one, the other will follow it to the tomb.

Gentlemen, it is true, indeed, that the growth of this city is extraordinary, and almost unexampled. It is now, I believe, sixteen or seventeen years since I first saw it. Within that comparatively short period, it has added to its number three times the whole amount of its population when the Constitution was adopted. Of all things having power to check this prosperity, of all things potent to blight and blast it, of all things capable of compelling this city to recede as fast as she has advanced, a disturbed government, an enfeebled public authority, a broken or a weakened union of the States, would be most efficacious. This would be cause efficient enough. Every thing else, in the common fortune of communities, she may hope to resist or to prevent; but this would be fatal as the arrow of death.

Gentlemen, you have personal recollections and associations, connected with the establishment and adoption of the Constitution, which are necessarily called up on an occasion like this. It is impossible to forget the prominent agency exercised by eminent citizens of your own, in regard to that great measure. Those great men are now recorded among the illustrious dead; but they have left names never to be forgotten, and never to be remembered without respect and veneration. Least of all can they be forgotten by you, when assembled here for the purpose of signifying your attachment to the Constitution, and your sense of its inestimable importance to the happiness of the people.

I should do violence to my own feelings, Gentlemen, I think I

should offend yours, if I omitted respectful mention of distinguished names yet fresh in your recollections. How can I stand here, to speak of the Constitution of the United States, of the wisdom of its provisions, of the difficulties attending its adoption, of the evils from which it rescued the country, and of the prosperity and power to which it has raised it, and yet pay no tribute to those who were highly instrumental in accomplishing the work? While we are here to rejoice that it yet stands firm and strong, while we congratulate one another that we live under its benign influence, and cherish hopes of its long duration, we cannot forget who they were that, in the day of our national infancy, in the times of despondency and despair, mainly assisted to work out our deliverance. I should feel that I was unfaithful to the strong recollections which the occasion presses upon us, that I was not true to gratitude, not true to patriotism, not true to the living or the dead, not true to your feelings or my own, if I should forbear to make mention of ALEXANDER HAMILTON.

Coming from the military service of the country yet a youth, but with knowledge and maturity, even in civil affairs, far beyond his years, he made this city the place of his adoption; and he gave the whole powers of his mind to the contemplation of the weak and distracted condition of the country. Daily increasing in acquaintance and confidence with the people of New York, he saw, what they also saw, the absolute necessity of some closer bond of union for the States. This was the great object of desire. He never appears to have lost sight of it, but was found in the lead whenever any thing was to be attempted for its accomplishment. One experiment after another, as is well known, was tried, and all failed. The States were urgently called on to confer such further powers on the old Congress as would enable it to redeem the public faith, or to adopt, themselves, some general and common principle of commercial regulation. But the States had not agreed, and were not likely to agree. In this posture of affairs, so full of public difficulty and public distress, commissioners from five or six of the States met, on the request of Virginia, at Annapolis, in September, 1786. The precise object of their appointment was to take into consideration the trade of the United States; to examine the relative situations and trade of the several States; and to consider how

far a uniform system of commercial regulations was necessary to their common interest and permanent harmony. Mr. Hamilton was one of these commissioners; and I have understood, though I cannot assert the fact, that their report was drawn by him. His associate from this State was the venerable Judge Benson, who has lived long, and still lives, to see the happy results of the counsels which originated in this meeting. Of its members, he and Mr. Madison are, I believe, now the only survivors. These commissioners recommended, what took place the next year, a general Convention of all the States, to take into serious deliberation the condition of the country, and devise such provisions as should render the constitution of the federal government adequate to the exigencies of the Union. I need not remind you, that of this Convention Mr. Hamilton was an active and efficient member. The Constitution was framed, and submitted to the country. And then another great work was to be undertaken. The Constitution would naturally find, and did find, enemies and opposers. Objections to it were numerous, and powerful, and spirited. They were to be answered; and they were effectually answered. The writers of the numbers of the *Federalist*, Mr. Hamilton, Mr. Madison, and Mr. Jay, so greatly distinguished themselves in their discussions of the Constitution, that those numbers are generally received as important commentaries on the text, and accurate expositions, in general, of its objects and purposes. Those papers were all written and published in this city. Mr. Hamilton was elected one of the distinguished delegation from the city to the State Convention at Poughkeepsie, called to ratify the new Constitution. Its debates are published. Mr. Hamilton appears to have exerted, on this occasion, to the utmost, every power and faculty of his mind.

The whole question was likely to depend on the decision of New York. He felt the full importance of the crisis; and the reports of his speeches, imperfect as they probably are, are yet lasting monuments to his genius and patriotism. He saw at last his hopes fulfilled; he saw the Constitution adopted, and the government under it established and organized. The discerning eye of Washington immediately called him to that post, which was far the most important in the administration of the new system. He was made Secretary of the Treasury; and how he fulfilled the duties of such a place, at such a time, the

whole country perceived with delight and the whole world saw with admiration. He smote the rock of the national resources, and abundant streams of revenue gushed forth. He touched the dead corpse of the Public Credit, and it sprung upon its feet. The fabled birth of Minerva, from the brain of Jove, was hardly more sudden or more perfect than the financial system of the United States, as it burst forth from the conceptions of ALEXANDER HAMILTON.

Your recollections, Gentlemen, your respect, and your affections, all conspire to bring before you, at such a time as this, another great man, now too numbered with the dead. I mean the pure, the disinterested, the patriotic JOHN JAY. His character is a brilliant jewel in the sacred treasures of national reputation. Leaving his profession at an early period, yet not before he had singularly distinguished himself in it, his whole life, from the commencement of the Revolution until his final retirement, was a life of public service. A member of the first Congress, he was the author of that political paper which is generally acknowledged to stand first among the incomparable productions of that body;\* productions which called forth that decisive strain of commendation from the great Lord Chatham, in which he pronounced them not inferior to the finest productions of the master states of the world. Mr. Jay had been abroad, and he had also been long intrusted with the difficult duties of our foreign correspondence at home. He had seen and felt, in the fullest measure and to the greatest possible extent, the difficulty of conducting our foreign affairs honorably and usefully, without a stronger and more perfect domestic union. Though not a member of the Convention which framed the Constitution, he was yet present while it was in session, and looked anxiously for its result. By the choice of this city, he had a seat in the State Convention, and took an active and zealous part for the adoption of the Constitution. On the organization of the new government, he was selected by Washington to be the first Chief Justice of the Supreme Court of the United States; and surely, the high and most responsible duties of that station could not have been trusted to abler or safer hands. It is the duty of that tribunal, one of equal importance and delicacy, to decide consti-

\* Address to the People of Great Britain.

tutional questions, occasionally arising on State laws. The general learning and ability, and especially the prudence, the mildness, and the firmness of his character, eminently fitted Mr. Jay to be the head of such a court. When the spotless ermine of the judicial robe fell on John Jay, it touched nothing less spotless than itself.

These eminent men, Gentlemen, the contemporaries of some of you, known to most, and revered by all, were so conspicuous in the framing and adopting of the Constitution, and called so early to important stations under it, that a tribute, better, indeed, than I have given, or am able to give, seemed due to them from us, on this occasion.

There was yet another, of whom mention is to be made. In the Revolutionary history of the country, the name of CHANCELLOR LIVINGSTON became early prominent. He was a member of that Congress which declared Independence; and a member, too, of the committee which drew and reported the immortal Declaration. At the period of the adoption of the Constitution, he was its firm friend and able advocate. He was a member of the State Convention, being one of that list of distinguished and gifted men who represented this city in that body; and he threw the whole weight of his talents and influence into the doubtful scale of the Constitution.

Gentlemen, as connected with the Constitution, you have also local recollections which must bind it still closer to your attachment and affection. It commenced its being and its blessings here. It was in this city, in the midst of friends, anxious, hopeful, and devoted, that the new government started in its course. To us, Gentlemen, who are younger, it has come down by tradition; but some around me are old enough to have witnessed, and did witness, the interesting scene of the first inauguration. They remember what voices of gratified patriotism, what shouts of enthusiastic hope, what acclamations rent the air, how many eyes were suffused with tears of joy, how cordially each man pressed the hand of him who was next to him, when, standing in the open air, in the centre of the city, in the view of assembled thousands, the first President of the United States was heard solemnly to pronounce the words of his official oath, repeating them from the lips of Chancellor Livingston. You then thought, Gentlemen, that the great work of the Revolution was accomplished.

You then felt that you had a government; that the United States were then, indeed, united. Every benignant star seemed to shed its selectest influence on that auspicious hour. Here were heroes of the Revolution; here were sages of the Convention; here were minds, disciplined and schooled in all the various fortunes of the country, acting now in several relations, but all cooperating to the same great end, the successful administration of the new and untried Constitution. And he,—how shall I speak of him?—he was at the head, who was already first in war, who was already first in the hearts of his countrymen, and who was now shown also, by the unanimous suffrage of the country, to be first in peace.

Gentlemen, how gloriously have the hopes then indulged been fulfilled! Whose expectation was then so sanguine, I may almost ask, whose imagination then so extravagant, as to run forward, and contemplate as probable, the one half of what has been accomplished in forty years? Who among you can go back to 1789, and see what this city, and this country, too, then were; and, beholding what they now are, can be ready to consent that the Constitution of the United States shall be weakened,—dishonored,—*nullified*?

Gentlemen, before I leave these pleasant recollections, I feel it an irresistible impulse of duty to pay a tribute of respect to another distinguished person, not, indeed, a fellow-citizen of your own, but associated with those I have already mentioned in important labors, and an early and indefatigable friend and advocate in the great cause of the Constitution. I refer to MR. MADISON. I am aware, Gentlemen, that a tribute of regard from me to him is of little importance; but if it shall receive your approbation and sanction, it will become of value. Mr. Madison, thanks to a kind Providence, is yet among the living, and there is certainly no other individual living, to whom the country is so much indebted for the blessings of the Constitution. He was one of the commissioners who met at Annapolis, in 1786, to which meeting I have already referred, and which, to the great credit of Virginia, had its origin in a proceeding of that State. He was a member of the Convention of 1787, and of that of Virginia in the following year. He was thus intimately acquainted with the whole progress of the formation of the Constitution, from its very first step to its final adoption. If



ever man had the means of understanding a written instrument, Mr. Madison has the means of understanding the Constitution. If it be possible to know what was designed by it, he can tell us. It was in this city, that, in conjunction with Mr. Hamilton and Mr. Jay, he wrote the numbers of the *Federalist*; and it was in this city that he commenced his brilliant career under the new Constitution, having been elected into the House of Representatives of the first Congress. The recorded votes and debates of those times show his active and efficient agency in every important measure of that Congress. The necessary organization of the government, the arrangement of the departments, and especially the paramount subject of revenue, engaged his attention, and divided his labors.

The legislative history of the first two or three years of the government is full of instruction. It presents, in striking light, the evils intended to be remedied by the Constitution, and the provisions which were deemed essential to the remedy of those evils. It exhibits the country, in the moment of its change from a weak and ill-defined confederacy of States, into a general, efficient, but still restrained and limited government. It shows the first working of our peculiar system, moved, as it then was, by master hands.

Gentlemen, for one, I confess I like to dwell on this part of our history. It is good for us to be here. It is good for us to study the situation of the country at this period, to survey its difficulties, to look at the conduct of its public men, to see how they struggled with obstacles, real and formidable, and how gloriously they brought the Union out of its state of depression and distress. Truly, Gentlemen, these founders and fathers of the Constitution were great men, and thoroughly furnished for every good work. All that reading and learning could do; all that talent and intelligence could do; and, what perhaps is still more, all that long experience in difficult and troubled times and a deep and intimate practical knowledge of the condition of the country could do,—conspired to fit them for the great business of forming a general, but limited government, embracing common objects, extending over all the States, and yet touching the power of the States no further than those common objects require. I confess I love to linger around these original fountains, and to drink deep of their waters. I love to imbibe,

in as full measure as I may, the spirit of those who laid the foundations of the government, and so wisely and skilfully balanced and adjusted its bearings and proportions.

Having been afterwards, for eight years, Secretary of State, and as long President, Mr. Madison has had an experience in the affairs of the Constitution, certainly second to no man. More than any other man living, and perhaps more than any other who has lived, his whole public life has been incorporated, as it were, into the Constitution; in the original conception and project of attempting to form it, in its actual framing, in explaining and recommending it, by speaking and writing, in assisting at the first organization of the government under it, and in a long administration of its executive powers, — in these various ways he has lived near the Constitution, and with the power of imbibing its true spirit, and inhaling its very breath, from its first pulsation of life. Again, therefore, I ask, If he cannot tell us what the Constitution is, and what it means, who can? He had retired with the respect and regard of the community, and might naturally be supposed not willing to interfere again in matters of political concern. He has, nevertheless, not withholden his opinions on the vital question discussed on that occasion, which has caused this meeting. He has stated, with an accuracy almost peculiar to himself, and so stated as, in my opinion, to place almost beyond further controversy, the true doctrines of the Constitution. He has stated, not notions too loose and irregular to be called even a theory, not ideas struck out by the feeling of present inconvenience or supposed mal-administration, not suggestions of expediency, or evasions of fair and straightforward construction, but elementary principles, clear and sound distinctions, and indisputable truths. I am sure, Gentlemen, that I speak your sentiments, as well as my own, when I say, that, for making public so clearly and distinctly as he has done his own opinions on these vital questions of constitutional law, Mr. Madison has founded a new and strong claim on the gratitude of a grateful country. You will think, with me, that, at his advanced age, and in the enjoyment of general respect and approbation for a long career of public services, it was an act of distinguished patriotism, when he saw notions promulgated and maintained which he deemed unsound and dangerous, not to hesitate to come forward and to place the

weight of his own opinion in what he deemed the right scale, come what come might. I am sure, Gentlemen, it cannot be doubted,—the manifestation is clear,—that the country feels deeply the force of this new obligation.\*

Gentlemen, what I have said of the benefits of the Constitution to your city might be said, with little change, in respect to every other part of the country. Its benefits are not exclusive. What has it left undone, which any government could do, for the whole country? In what condition has it placed us? Where do we now stand? Are we elevated, or degraded, by its operation? What is our condition under its influence, at the very moment when some talk of arresting its power and breaking its unity? Do we not feel ourselves on an eminence? Do we not challenge the respect of the whole world? What has placed us thus high? What has given us this just pride? What else is it, but the unrestrained and free operation of that same Federal Constitution, which it has been proposed now to hamper, and manacle, and nullify? Who is there among us, that, should he find himself on any spot of the earth where human beings exist, and where the existence of other nations is known, would not be proud to say, I am an American? I am a countryman of Washington? I am a citizen of that republic, which, although it has suddenly sprung up, yet there are none on the globe who have ears to hear, and have not heard of it; who have eyes to see, and have not read of it; who know any thing, and yet do not know of its existence and its glory? And, Gentlemen, let me now reverse the picture. Let me ask, who there is among us, if he were to be found to-morrow in one of the civilized countries of Europe, and were there to learn that this goodly form of government had been overthrown, that the United States were no longer united, that a death-blow had been struck upon their bond of union, that they themselves had destroyed their chief good and their chief honor,—who is there whose heart would not sink within him? Who is there who would not cover his face for very shame?

At this very moment, Gentlemen, our country is a general refuge for the distressed and the persecuted of other nations. Whoever is in affliction from political occurrences in his own

\* The reference is to Mr. Madison's letter on the subject of *Nullification*, in the *North American Review*, Vol. XXXI. p. 537.

country looks here for shelter. Whether he be republican, flying from the oppression of thrones, or whether he be monarch or monarchist, flying from thrones that crumble and fall under or around him, he feels equal assurance, that, if he get foothold on our soil, his person will be safe, and his rights will be respected.

And who will venture to say, that, in any government now existing in the world, there is greater security for persons or property than in that of the United States? We have tried these popular institutions in times of great excitement and commotion, and they have stood, substantially, firm and steady, while the fountains of the great political deep have been elsewhere broken up; while thrones, resting on ages of prescription, have tottered and fallen; and while, in other countries, the earthquake of unrestrained popular commotion has swallowed up all law, and all liberty, and all right together. Our government has been tried in peace, and it has been tried in war, and has proved itself fit for both. It has been assailed from without, and it has successfully resisted the shock; it has been disturbed within, and it has effectually quieted the disturbance. It can stand trial, it can stand assault, it can stand adversity, it can stand every thing, but the marring of its own beauty, and the weakening of its own strength. It can stand every thing but the effects of our own rashness and our own folly. It can stand every thing but disorganization, disunion, and nullification.

It is a striking fact, and as true as it is striking, that at this very moment, among all the principal civilized states of the world, *that* government is most secure against the danger of popular commotion which is itself entirely popular. It seems, indeed, that the submission of every thing to the public will, under constitutional restraints, imposed by the people themselves, furnishes itself security that they will desire nothing wrong.

Certain it is, that popular, constitutional liberty, as we enjoy it, appears, in the present state of the world, as sure and stable a basis for government to rest upon, as any government of enlightened states can find, or does find. Certain it is, that, in these times of so much popular knowledge, and so much popular activity, those governments which do not admit the people to partake in their administration, but keep them under and beneath, sit on materials for an explosion, which may take place at any moment, and blow them into a thousand atoms.

Gentlemen, let any man who would degrade and enfeeble the national Constitution, let any man who would nullify its laws, stand forth and tell us what he would wish. What does he propose? Whatever he may be, and whatever substitute he may hold forth, I am sure the people of this country will decline his kind interference, and hold on by the Constitution which they possess. Any one who would willingly destroy it, I rejoice to know, would be looked upon with abhorrence. It is deeply entrenched in the regards of the people. Doubtless it may be undermined by artful and long-continued hostility; it may be imperceptibly weakened by secret attack; it may be insidiously shorn of its powers by slow degrees; the public vigilance may be lulled, and when it awakes, it may find the Constitution frittered away. In these modes, or some of them, it is possible that the union of the States may be dissolved.

But if the general attention of the people be kept alive, if they see the intended mischief before it is effected, they will prevent it by their own sovereign power. They will interpose themselves between the meditated blow and the object of their regard and attachment. Next to the controlling authority of the people themselves, the preservation of the government is mainly committed to those who administer it. If conducted in wisdom, it cannot but stand strong. Its genuine, original spirit is a patriotic, liberal, and generous spirit; a spirit of conciliation, of moderation, of candor, and charity; a spirit of friendship, and not a spirit of hostility toward the States; a spirit careful not to exceed, and equally careful not to relinquish, its just powers. While no interest can or ought to feel itself shut out from the benefits of the Constitution, none should consider those benefits as exclusively its own. The interests of all must be consulted, and reconciled, and provided for, as far as possible, that all may perceive the benefits of a united government.

Among other things, we are to remember that new States have arisen, possessing already an immense population, spreading and thickening over vast regions which were a wilderness when the Constitution was adopted. Those States are not, like New York, directly connected with maritime commerce. They are entirely agricultural, and need markets for consumption; and they need, too, access to those markets. It is the duty of the government to bring the interests of these new States into

the Union, and incorporate them closely in the family compact. Gentlemen, it is not impracticable to reconcile these various interests, and so to administer the government as to make it useful to all. It was never easier to administer the government than it is now. We are beset with none, or with few, of its original difficulties; and it is a time of great general prosperity and happiness. Shall we admit ourselves incompetent to carry on the government, so as to be satisfactory to the whole country? Shall we admit that there has so little descended to us of the wisdom and prudence of our fathers? If the government could be administered in Washington's time, when it was yet new, when the country was heavily in debt, when foreign relations were in a threatening condition, and when Indian wars pressed on the frontiers, can it not be administered now? Let us not acknowledge ourselves so unequal to our duties.

Gentlemen, on the occasion referred to by the chair, it became necessary to consider the judicial power, and its proper functions under the Constitution. In every free and balanced government, this is a most essential and important power. Indeed, I think it is a remark of Mr. Hume, that the administration of justice seems to be the leading object of institutions of government; that legislatures assemble, that armies are embodied, that both war and peace are made; with a sort of ultimate reference to the proper administration of laws, and the judicial protection of private rights. The judicial power comes home to every man. If the legislature passes incorrect or unjust general laws, its members bear the evil as well as others. But judicature acts on individuals. It touches every private right, every private interest, and almost every private feeling. What we possess is hardly fit to be called our own, unless we feel secure in its possession; and this security, this feeling of perfect safety, cannot exist under a wicked, or even under a weak and ignorant, administration of the laws. There is no happiness, there is no liberty, there is no enjoyment of life, unless a man can say when he rises in the morning, I shall be subject to the decision of no unjust judge to-day.

But, Gentlemen, the judicial department, under the Constitution of the United States, possesses still higher duties. It is true, that it may be called on, and is occasionally called on, to decide questions which are, in one sense, of a political nature.

The general and State governments, both established by the people, are established for different purposes, and with different powers. Between those powers questions may arise; and who shall decide them? Some provision for this end is absolutely necessary. What shall it be? This was the question before the Convention; and various schemes were suggested. It was foreseen that the States might inadvertently pass laws inconsistent with the Constitution of the United States, or with acts of Congress. At least, laws might be passed which would be charged with such inconsistency. How should these questions be disposed of? Where shall the power of judging, in cases of alleged interference, be lodged? One suggestion in the Convention was, to make it an executive power, and to lodge it in the hands of the President, by requiring all State laws to be submitted to him, that he might negative such as he thought appeared repugnant to the general Constitution. This idea, perhaps, may have been borrowed from the power exercised by the crown over the laws of the Colonies. It would evidently have been, not only an inconvenient and troublesome proceeding, but dangerous also to the powers of the States. It was not pressed. It was thought wiser and safer, on the whole, to require State legislatures and State judges to take an oath to support the Constitution of the United States, and then leave the States at liberty to pass whatever laws they pleased, and if interference, in point of fact, should arise, to refer the question to judicial decision. To this end, the judicial power, under the Constitution of the United States, was made coextensive with the legislative power. It was extended to all cases arising under the Constitution and the laws of Congress. The judiciary became thus possessed of the authority of deciding, in the last resort, in all cases of alleged interference, between State laws and the Constitution and laws of Congress.

Gentlemen, this is the actual Constitution, this is the law of the land. There may be those who think it unnecessary, or who would prefer a different mode of deciding such questions. But this is the established mode, and, till it be altered, the courts can no more decline their duty on these occasions than on other occasions. But can any reasonable man doubt the expediency of this provision, or suggest a better? Is it not absolutely essential to the peace of the country that this power should exist

somewhere? Where can it exist, better than where it now does exist? The national judiciary is the common tribunal of the whole country. It is organized by the common authority, and its places filled by the common agent. This is a plain and practical provision. It was framed by no bunglers, nor by any wild theorists. And who can say that it has failed? Who can find substantial fault with its operation or its results? The great question is, whether we shall provide for the peaceable decision of cases of collision. Shall they be decided by law, or by force? Shall the decisions be decisions of peace, or decisions of war?

On the occasion which has given rise to this meeting, the proposition contended for in opposition to the doctrine just stated was, that every State, under certain supposed exigencies, and in certain supposed cases, might decide for itself, and act for itself, and oppose its own force to the execution of the laws. By what argument, do you imagine, Gentlemen, was such a proposition maintained? I should call it metaphysical and subtle; but these terms would imply at least ingenuity, and some degree of plausibility; whereas the argument appears to me plain assumption, mere perverse construction of plain language in the body of the Constitution itself. As I understand it, when put forth in its revised and most authentic shape, it is this: that the Constitution provides that any amendments may be made to it which shall be agreed to by three fourths of the States; there is, therefore, to be nothing in the Constitution to which three fourths of the States have not agreed. All this is true; but then comes this inference, namely, that, when one State denies the constitutionality of any law of Congress, she may arrest its execution as to herself, and keep it arrested, till the States can all be consulted by their conventions, and three fourths of them shall have decided that the law is constitutional. Indeed, the inference is still stranger than this; for State conventions have no authority to construe the Constitution, though they have authority to amend it; therefore the argument must prove, if it prove any thing, that, when any one State denies that any particular power is included in the Constitution, it is to be considered as not included, and cannot be found there till three fourths of the States agree to insert it. In short, the result of the whole is, that, though it requires three fourths of the



States to insert any thing in the Constitution, yet any one State can strike any thing out of it. For the power to strike out, and the power of deciding, without appeal, upon the construction of what is already in, are substantially and practically the same.

And, Gentlemen, what a spectacle should we have exhibited under the actual operation of notions like these! At the very moment when our government was quoted, praised, and commended all over the world, when the friends of republican liberty everywhere were gazing at it with delight, and were in perfect admiration at the harmony of its movements, one State steps forth, and, by the power of nullification, breaks up the whole system, and scatters the bright chain of the Union into as many sundered links as there are separate States!

Seeing the true grounds of the Constitution thus attacked, I raised my voice in its favor, I must confess with no preparation or previous intention. I can hardly say that I embarked in the contest from a sense of duty. It was an instantaneous impulse of inclination, not acting against duty, I trust, but hardly waiting for its suggestions. I felt it to be a contest for the integrity of the Constitution, and I was ready to enter into it, not thinking, or caring, personally, how I might come out.

Gentlemen, I have true pleasure in saying that I trust the crisis has in some measure passed by. The doctrines of nullification have received a severe and stern rebuke from public opinion. The general reprobation of the country has been cast upon them. Recent expressions of the most numerous branch of the national legislature are decisive and imposing. Everywhere, the general tone of public feeling is for the Constitution. While much will be yielded — every thing, almost, but the integrity of the Constitution, and the essential interests of the country — to the cause of mutual harmony and mutual conciliation, no ground can be granted, not an inch, to menace and bluster. Indeed, menace and bluster, and the putting forth of daring, unconstitutional doctrines, are, at this very moment, the chief obstacles to mutual harmony and satisfactory accommodation. Men cannot well reason, and confer, and take counsel together, about the discreet exercise of a power, with those who deny that any such power rightfully exists, and who threaten to blow up the whole Constitution if they cannot otherwise get rid of its

operation. It is matter of sincere gratification, Gentlemen, that the voice of this great State has been so clear and strong, and her vote all but unanimous, on the most interesting of these occasions, in the House of Representatives. Certainly, such respect to the Union becomes New York. It is consistent with her interests and her character. That singularly prosperous State, which now is, and is likely to continue to be, the greatest link in the chain of the Union, will ever be, I am sure, the strongest link also. The great States which lie in her neighborhood agreed with her fully in this matter. Pennsylvania, I believe, was loyal to the Union, to a man; and Ohio raises her voice, like that of a lion, against whatsoever threatens disunion and dismemberment. This harmony of sentiment is truly gratifying. It is not to be gainsaid, that the union of opinion in this great central mass of our population, on this momentous point of the Constitution, augurs well for our future prosperity and security.

I have said, Gentlemen, what I verily believe to be true, that there is no danger to the Union from open and avowed attacks on its essential principles. Nothing is to be feared from those who will march up boldly to their own propositions, and tell us that they mean to annihilate powers exercised by Congress. But, certainly, there are dangers to the Constitution, and we ought not to shut our eyes to them. We know the importance of a firm and intelligent judiciary; but how shall we secure the continuance of a firm and intelligent judiciary? Gentlemen, the judiciary is in the appointment of the executive power. It cannot continue or renew itself. Its vacancies are to be filled in the ordinary modes of executive appointment. If the time shall ever come (which Heaven avert), when men shall be placed in the supreme tribunal of the country, who entertain opinions hostile to the just powers of the Constitution, we shall then be visited by an evil defying all remedy. Our case will be past surgery. From that moment the Constitution is at an end. If they who are appointed to defend the castle shall betray it, woe betide those within! If I live to see that day come, I shall despair of the country. I shall be prepared to give it back to all its former afflictions, in the days of the Confederation. I know no security against the possibility of this evil, but an awakened public vigilance. I know no safety, but in that state of public

opinion which shall lead it to rebuke and put down every attempt, either to gratify party by judicial appointments, or to dilute the Constitution by creating a court which shall construe away its provisions. If members of Congress betray their trust, the people will find it out before they are ruined. If the President should at any time violate his duty, his term of office is short, and popular elections may supply a seasonable remedy. But the judges of the Supreme Court possess, for very good reasons, an independent tenure of office. No election reaches them. If, with this tenure, they betray their trusts, Heaven save us! Let us hope for better results. The past, certainly, may encourage us. Let us hope that we shall never see the time when there shall exist such an awkward posture of affairs, as that the government shall be found in opposition to the Constitution, and when the guardians of the Union shall become its betrayers.

Gentlemen, our country stands, at the present time, on commanding ground. Older nations, with different systems of government, may be somewhat slow to acknowledge all that justly belongs to us. But we may feel without vanity, that America is doing her part in the great work of improving human affairs. There are two principles, Gentlemen, strictly and purely American, which are now likely to prevail throughout the civilized world. Indeed, they seem the necessary result of the progress of civilization and knowledge. These are, first, popular governments, restrained by written constitutions; and, secondly, universal education. Popular governments and general education, acting and reacting, mutually producing and reproducing each other, are the mighty agencies which in our days appear to be exciting, stimulating, and changing civilized societies. Man, everywhere, is now found demanding a participation in government, — and he will not be refused; and he demands knowledge as necessary to self-government. On the basis of these two principles, liberty and knowledge, our own American systems rest. Thus far we have not been disappointed in their results. Our existing institutions, raised on these foundations, have conferred on us almost unmixed happiness. Do we hope to better our condition by change? When we shall have nullified the present Constitution, what are we to receive in its place? As

fathers, do we wish for our children better government, or better laws? As members of society, as lovers of our country, is there any thing we can desire for it better than that, as ages and centuries roll over it, it may possess the same invaluable institutions which it now enjoys? For my part, Gentlemen, I can only say, that I desire to thank the beneficent Author of all good for being born *where* I was born, and *when* I was born; that the portion of human existence allotted to me has been meted out to me in this goodly land, and at this interesting period. I rejoice that I have lived to see so much development of truth, so much progress of liberty, so much diffusion of virtue and happiness. And, through good report and evil report, it will be my consolation to be a citizen of a republic unequalled in the annals of the world for the freedom of its institutions, its high prosperity, and the prospects of good which yet lie before it. Our course, Gentlemen, is onward, straight onward, and forward. Let us not turn to the right hand, nor to the left. Our path is marked out for us, clear, plain, bright, distinctly defined, like the milky way across the heavens. If we are true to our country, in our day and generation, and those who come after us shall be true to it also, assuredly, assuredly, we shall elevate her to a pitch of prosperity and happiness, of honor and power, never yet reached by any nation beneath the sun.

Gentlemen, before I resume my seat, a highly gratifying duty remains to be performed. In signifying your sentiments of regard, you have kindly chosen to select as your organ for expressing them the eminent person\* near whom I stand. I feel, I cannot well say how sensibly, the manner in which he has seen fit to speak on this occasion. Gentlemen, if I may be supposed to have made any attainment in the knowledge of constitutional law, he is among the masters in whose schools I have been taught. You see near him a distinguished magistrate,† long associated with him in judicial labors, which have conferred lasting benefits and lasting character, not only on the State, but on the whole country. Gentlemen, I acknowledge myself much their debtor. While yet a youth, unknown, and with little expectation of becoming known beyond a very lim-

\* Chancellor Kent, the presiding officer.

† Judge Spencer

fted circle, I have passed days and nights, not of tedious, but of happy and gratified labor, in the study of the judicature of the State of New York. I am most happy to have this public opportunity of acknowledging the obligation, and of repaying it as far as it can be repaid, by the poor tribute of my profound regard, and the earnest expression of my sincere respect.

Gentlemen, I will no longer detain you than to propose a toast:—

The City of New York; herself the noblest eulogy on the Union of the States.