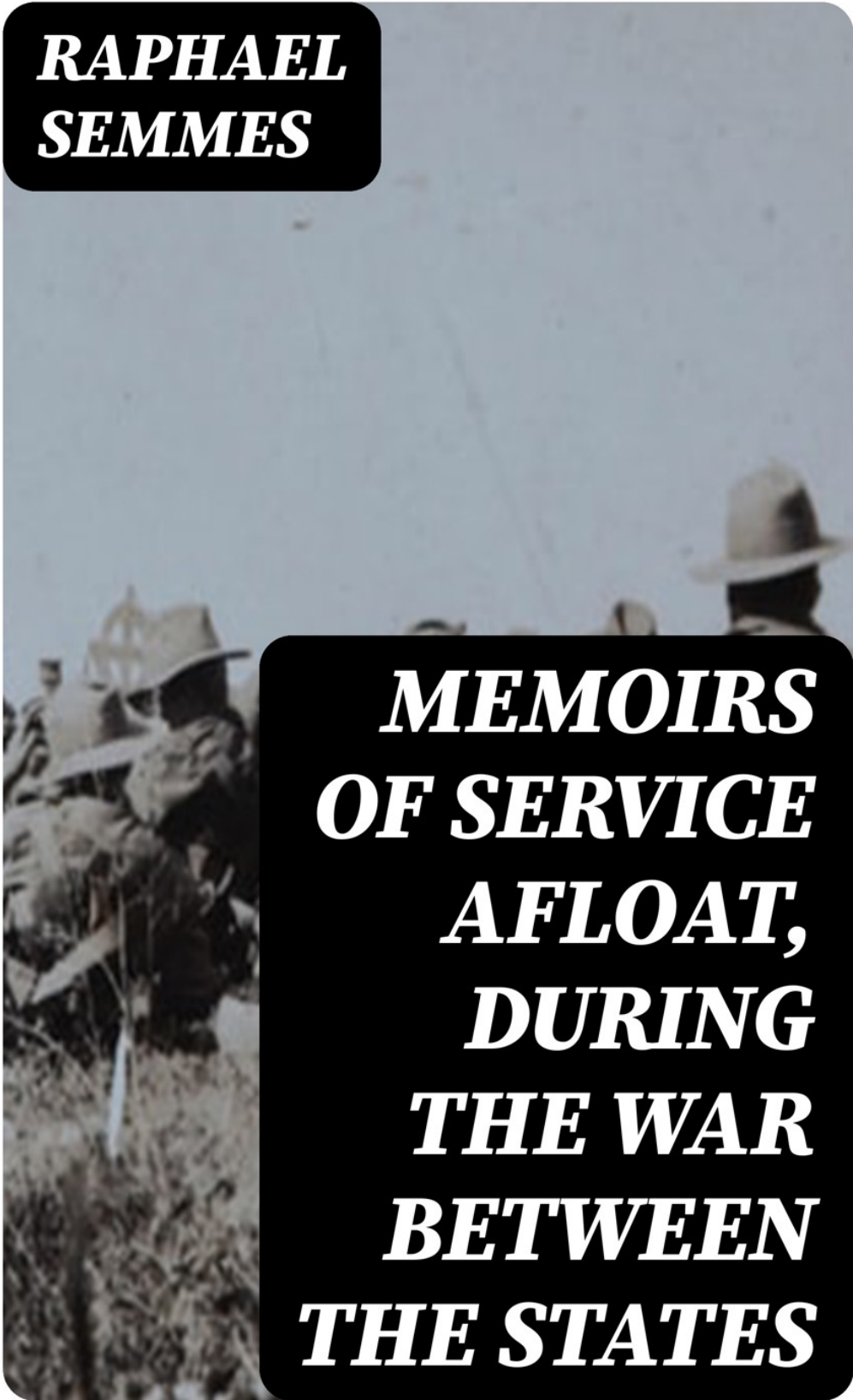




***RAPHAEL
SEMMES***

***MEMOIRS
OF SERVICE
AFLOAT,
DURING
THE WAR
BETWEEN
THE STATES***

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Raphael Semmes

Memoirs of Service Afloat, During the War Between the States

EAN 8596547023982

DigiCat, 2022

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PREFACE.

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A NUMBER of publications have appeared, first and last, concerning the author and his career, as was naturally to have been expected. The *Alabama* was the first steamship in the history of the world—the defective little *Sumter* excepted—that was let loose against the commerce of a great commercial people. The destruction which she caused was enormous. She not only alarmed the enemy, but she alarmed all the other nations of the earth which had commerce afloat, as they could not be sure that a similar scourge, at some future time, might not be let loose against themselves. The *Alabama*, in consequence, became famous. It was the fame of steam. As a matter of course, she attracted the attention of the book-makers—those cormorants ever on the lookout for a “speculation.” A number of ambitious *literateurs* entered the seductive field. But it was easier, as they soon found, to enter the field than to explore it, and these penny-a-liners all made miserable failures—not even excepting the London house of Saunders, Otley & Co., to whom the author was induced to loan his journals, in the hope that something worthy of his career might be produced. To those who have chanced to see the “Log of the *Sumter* and *Alabama*,” produced by that house, it will be unnecessary to say that the author had no hand in its preparation. He did not write a line for it, nor had he any interest whatever in the sale of it, as the loan of his journals had been entirely gratuitous. So far as his own career was concerned, the author would gladly have devolved the labor of the historian on other shoulders, if this had been possible.

But it did not seem to be possible, after the experiments that had been made. With all the facilities afforded the London house referred to, a meagre and barren record was the result. The cause is sufficiently obvious. The cruise of a ship is a biography. The ship becomes a personification. She not only

“Walks the waters like a thing of life,”

but she speaks in moving accents to those capable of interpreting her. But her interpreter must be a seaman, and not a landsman. He must not only be a seaman, he must have made the identical cruise which he undertakes to describe. It will be seen, hence, that the career of the author was a sealed book to all but himself. A landsman could not even interpret his journals, written frequently in the hieroglyphics of the sea. A line, or a bare mark made by himself, which to other eyes would be meaningless would for him be fraught with the inspiration of whole pages.

Besides, the *Alabama* had an inside as well as an outside life. She was a microcosm. If it required a seaman to interpret her as to her outside life, much more did it require one to give an intelligible view of the little world that she carried in her bosom. No one but an eye-witness, and that witness himself a sailor, could unveil to an outside world the domestic mysteries of the every-day life of Jack, and portray him in his natural colors, as he worked and as he played. The following pages may, therefore, be said to be the first attempt to give anything like a truthful picture of the career of the author upon the high seas, during the late war, to the public. In their preparation the writer has discarded the didactic style of the historian, and adopted that of memoir writing, as better suited to his subject. This style gave him more latitude in the description of persons and events, and relieved him from some of the fetters of a mere writer of history. There are portions of the work, however, purely

historical, and these have been treated with the gravity and dignity which became them. In short, the author has aimed to produce what the title of his book imports—an historical memoir of his services afloat during the war. That his book will be generally read by the Northern people he does not suppose. They are scarcely in a temper yet to read anything he might write. The wounds which he has inflicted upon them are too recent. Besides, men do not willingly read unpalatable truths of themselves. The people of America being sovereign, they are like other sovereigns—they like those best who fool them most, by pandering to their vices and flattering their foibles. The author, not being a flatterer, cannot expect to be much of a favorite at the court of the Demos.

A word now as to the feeling with which the author has written. It has sometimes been said that a writer of history should be as phlegmatic and unimpassioned as the judge upon the bench. If the reader desires a dead history, in other words, a history devoid of the true spirit of history, the author assents to the remark. But if he desires a living, moving, breathing picture of events—a *personam* instead of a *subjectam*, the picture must not be undertaken by one who does not feel something of that which he writes. Such a terrible war as that through which we have passed could not be comprehended by a stolid, phlegmatic writer, whose pulse did not beat quicker while he wrote. When all the higher and holier passions of the human heart are aroused in a struggle—when the barbarian is at your door with the torch of the incendiary in one hand, and the uplifted sword of diabolical revenge in the other—*feeling* is an important element in the real drama that is passing before the eyes of the beholder. To attempt to describe such a drama with the cold words of philosophy, is simply ridiculous. If the acts be not described in words suited to portray their infamy, you have a lie instead of history. Nor does it follow that feeling

necessarily overrides judgment. All passions blind us if we give free rein to them; but when they are held in check, they sharpen, instead of obscuring the intellect. In a well-balanced mind, feeling and judgment aid each other; and he will prove the most successful historian who has the two in a just equipoise. But though the author has given vent occasionally to a just indignation, he has not written in malice. He does not know the meaning of the word. He has simply written as a Southern man might be supposed to think and feel, treading upon the toes of his enemies as tenderly as possible. If he has been occasionally plain-spoken, it is because he has used the English language, which calls a rogue a rogue, notwithstanding his disguises. When the author has spoken of the Yankee and his "grand moral ideas," he has spoken rather of a well-known type than of individual men. If the reader will bear these remarks in mind as he goes along, he will find them a key to some of the passages in the book. In describing natural phenomena, the author has ventured upon some new suggestions. He submits these with great diffidence. Meteorology is yet a new science, and many developments of principles remain to be made.

ANCHORAGE, NEAR MOBILE, ALA.,
December, 1868.



MEMOIRS OF SERVICE AFLOAT.

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CHAPTER I.

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A BRIEF HISTORICAL RETROSPECT.

THE disruption of the American Union by the war of 1861 was not an unforeseen event. Patrick Henry, and other patriots who struggled against the adoption of the Federal Constitution by the Southern States, foretold it in burning words of prophecy; and when that instrument was adopted, when the great name and great eloquence of James Madison had borne down all opposition, Henry and his compatriots seemed particularly anxious that posterity should be informed of the manly struggle which they had made. Henry said, "The voice of tradition, I trust, will inform posterity of our struggles for freedom. If our descendants be worthy of the name of Americans, they will preserve, and hand down to the latest posterity, the transactions of the present times; and though I confess my explanations are not worth the hearing, they will see I have done my utmost to preserve their liberty."

The wish of these patriotic men has been gratified. The record of their noble deeds, and all but inspired eloquence, has come down to posterity, and some, at least, of their descendants, "worthy of the name of Americans," will accord to them the foremost rank in the long list of patriots and sages who illustrated and adorned our early annals.

But posterity, too, has a history to record and hand down. We, too, have struggled to preserve our liberties, and the

liberties of those who are to come after us; and the history of that struggle must not perish. The one struggle is but the complement of the other, and history would be incomplete if either were omitted. Events have vindicated the wisdom of Henry, and those who struggled with him against the adoption of the Federal Constitution. Events will equally vindicate the wisdom of Jefferson Davis, and other Confederate patriots, who endeavored to preserve that Constitution, and hand it down, unimpaired, to their posterity.

The wisdom of a movement is not always to be judged by its success. Principles are eternal, human events are transitory, and it sometimes takes more than one generation or one revolution to establish a principle. At first sight, it may appear that there is some discordance between Patrick Henry and Jefferson Davis, as the one struggled against the adoption of the Constitution, and the other to preserve it. But they were, in fact, both engaged in a similar struggle; the object of both being to preserve the sovereignty of their respective States. Henry did not object so much to the nature of the partnership, into which his State was about to enter, as to the nature of the partners with whom she was about to contract. He saw that the two sections were dissimilar, and that they had different and antagonistic interests, and he was unwilling to trust to the *bona fides* of the other contracting party. "I am sure," said he, "that the dangers of this system are real, when those who have no similar interests with the people of this country are to legislate for us—when our dearest interests are to be left in the hands of those whose advantage it will be to infringe them."

The North, even at that early day, was in a majority in both houses of Congress; it would be for the advantage of that majority to infringe the rights of the South; and Henry, with

much more knowledge of human nature than most of the Southern statesmen of his era, refused to trust that majority. This was substantially the case with Jefferson Davis and those of us who followed his lead. We had verified the distrust of Henry. What had been prophecy with him, had become history with us. We had had experience of the fact, that our partner-States of the North, who were in a majority, had trampled upon the rights of the Southern minority, and we desired, as the only remedy, to dissolve the partnership into which Henry had objected to entering—not so much because of any defect in the articles of copartnership, as for want of faith in our copartners.

This was the wisdom of Jefferson Davis and his compatriots, which, I say, will be vindicated by events. A final separation of these States must come, or the South will be permanently enslaved. We endeavored to bring about the separation, and we sacrificed our fortunes, and risked our lives to accomplish it. Like Patrick Henry, we have done our “utmost to preserve our liberties;” like him, we have failed, and like him, we desire that our record shall go down to such of our posterity as may be “worthy of the name of Americans.”

The following memoirs are designed to commemorate a few of the less important events of our late struggle; but before I enter upon them, I deem it appropriate to give some “reason for the faith” that was in us, of the South, who undertook the struggle. The judgment which posterity will form upon our actions will depend, mainly, upon the answers which we may be able to give to two questions: First, Had the South the right to dissolve the compact of government under which it had lived with the North? and, secondly, Was there sufficient reason for such dissolution? I do not speak here of the right of revolution—this is inherent in all peoples, whatever may be their form of government. The very term “revolution” implies a forcible disruption of

government, war, and all the evils that follow in the train of war. The thirteen original Colonies, the germ from which have sprung these States, exercised the right of revolution when they withdrew their allegiance from the parent country. Not so with the Southern States when they withdrew from their copartnership with the Northern States. They exercised a higher right. They did not form a part of a consolidated government, as the Colonies did of the British Government. They were sovereign, equally with the Northern States, from which they withdrew, and exercised, as they believed, a peaceful right, instead of a right of revolution.

Had, then, the Southern States the peaceful right to dissolve the compact of government under which they had lived with the North? A volume might be written in reply to this question, but I shall merely glance at it in these memoirs, referring the student to the history of the formation of the old Confederacy, prior to the adoption of the Constitution of the United States; to the "Journal and Debates of the Convention of 1787," that formed this latter instrument; to the debates of the several State Conventions which adopted it, to the "Madison Papers," to the "Federalist," and to the late very able work of Dr. Bledsoe, entitled "Is Davis a Traitor?" It will be sufficient for the purpose which I have in view—that of giving the reader a general outline of the course of reasoning, by which Southern men justify their conduct in the late war—to state the leading features of the compact of government which was dissolved, and a few of its historical surroundings, about which there can be no dispute.

The close of the War of Independence of 1776 found the thirteen original Colonies, which had waged that war, sovereign and independent States. They had, for the purpose of carrying on that war, formed a league, or

confederation, and the articles of this league were still obligatory upon them. Under these articles, a Federal Government had been established, charged with a few specific powers, such as conducting the foreign affairs of the Confederacy, the regulation of commerce, &c. At the formation of this Government, it was intended that it should be perpetual, and was so declared. It lasted, notwithstanding, only a few years, for peace was declared in 1783, and the *perpetual* Government ceased to exist in 1789. How did it cease to exist? By the *secession* of the States.

Soon after the war, a convention of delegates met at Annapolis, in Maryland, sent thither by the several States, for the purpose of devising some more perfect means of regulating commerce. This was all the duty with which they were charged. Upon assembling, it was found that several of the States were not represented in this Convention, in consequence of which, the Convention adjourned without transacting any business, and recommended, in an address prepared by Alexander Hamilton, that a new convention should be called at Philadelphia, with enlarged powers. "The Convention," says Hamilton, "are more naturally led to this conclusion, as in their reflections on the subject, they have been induced to think, that the power of regulating trade is of such comprehensive extent, and will enter so far into the great system of the Federal Government, that to give it efficacy, and to obviate questions and doubts concerning its precise nature and limits, may require a corresponding adjustment in other parts of the *Federal* system. That these are important defects in the system of the Federal Government is acknowledged by the acts of those States, which have concurred in the present meeting. That the defects, upon closer examination, may be found greater and more numerous than even these acts imply, is at least, so far probable, from the embarrassments which characterize

the present state of our national affairs, foreign and domestic, as may reasonably be supposed to merit a deliberate and candid discussion, in some mode which will unite the sentiments and counsels of all the States.”

The reader will observe that the Government of the States, under the Articles of Confederation, is called a “Federal Government,” and that the object proposed to be accomplished by the meeting of the new Convention at Philadelphia, was to *amend* the Constitution of that *Government*. Northern writers have sought to draw a distinction between the Government formed under the Articles of Confederation, and that formed by the Constitution of the United States, calling the one a league, and the other a government. Here we see Alexander Hamilton calling the Confederation a government—a Federal Government. It was, indeed, both a league and a government, as it was formed by sovereign States; just as the Government of the United States is both a league and a government, for the same reason.

The fact that the laws of the Confederation, passed in pursuance of its League, or Constitution, were to operate upon the *States*; and the laws of the United States were to operate upon the *individual citizens* of the States, without the intervention of State authority, could make no difference. This did not make the latter more a government than the former. The difference was a mere matter of detail, a mere matter of machinery—nothing more. It did not imply more or less absolute sovereignty in the one case, than in the other. Whatever of sovereignty had been granted, had been granted *by the States*, in both instances.

The new Convention met in Philadelphia, on the 14th of May, 1787, with instructions to devise and discuss “all such *alterations*, and *further* provisions as may be necessary to render the Federal Constitution adequate to the exigencies

of the Union.” We see, thus, that the very Convention which framed the Constitution of the United States, equally called the Articles of Confederation a Constitution. It was, then, from a Constitutional, Federal Government, that the States seceded when they adopted the present Constitution of the United States! A Convention of the States assembled with powers only to amend the Constitution; instead of doing which, it abolished the old form of government altogether, and recommended a new one, and no one complained. As each State formally and deliberately adopted the new government, it as formally and deliberately seceded from the old one; and yet no one heard any talk of a breach of faith, and still less of treason.

The new government was to go into operation when nine States should adopt it. But there were thirteen States, and if nine States only acceded to the new government, the old one would be broken up, as to the other four States, whether these would or not, and they would be left to provide for themselves. It was by no means the voluntary breaking up of a compact, *by all the parties to it*. It was broken up piece-meal, each State acting for itself, without asking the consent of the others; precisely as the Southern States acted, with a view to the formation of a new Southern Confederacy.

So far from the movement being unanimous, it was a long time before all the States came into the new government. Rhode Island, one of the Northern States, which hounded on the war against the Southern States, retained her separate sovereignty for two years before she joined the new government, not uttering one word of complaint, during all that time, that the old government, of which she had been a member, had been unduly broken up, and that she had been left to shift for herself. Why was this disruption of the old government regarded as a matter of course? Simply

because it was a league, or treaty, between sovereign States, from which any one of the States had the right to withdraw at any time, without consulting the interest or advantage of the others.

But, say the Northern States, the Constitution of the United States is a very different thing from the Articles of Confederation. It was formed, not by the States, but by the people of the United States in the aggregate, and made all the States one people, one government. It is not a compact, or league between the States, but an instrument under which they have surrendered irrevocably their sovereignty. Under it, the Federal Government has become the paramount authority, and the States are subordinate to it. We will examine this doctrine, briefly, in another chapter.

CHAPTER II.

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THE NATURE OF THE AMERICAN COMPACT.

THE two principal expounders of the Constitution of the United States, in the North, have been Daniel Webster and Joseph Story, both from Massachusetts. Webster was, for a long time, a Senator in Congress, and Story a Justice of the Supreme Court of the United States. The latter has written an elaborate work on the Constitution, full of sophistry, and not always very reliable as to its facts. The great effort of both these men has been to prove, that the Constitution is not a compact between the States, but an instrument of government, formed by the *people* of the United States, as contra-distinguished from the States. They both admit, that if the Constitution were a compact between the States, the States would have a right to withdraw from the compact—all agreements between States, in their sovereign capacity, being, necessarily, of no more binding force than treaties. These gentlemen are not always very consistent, for they frequently fall into the error of calling the Constitution a compact, when they are not arguing this particular question; in short, it is, and it is not a compact, by turns, according to the use they intend to make of the argument. Mr. Webster's doctrine of the Constitution, chiefly relied on by Northern men, is to be found in his speech of 1833, in reply to Mr. Calhoun. It is in that speech that he makes the admission, that if the Constitution of the United States is a compact between the States, the States have the right to withdraw from it at pleasure. He says, "If a league between

sovereign powers have no limitation as to the time of duration, and contains nothing making it perpetual, it subsists only during the good pleasure of the parties, although no violation be complained of. If in the opinion of either party it be violated, such party may say he will no longer fulfil its obligations, on his part, but will consider the whole league or compact as at an end, although it might be one of its stipulations that it should be perpetual.”

In his “Commentaries on the Constitution,” Mr. Justice Story says, “The obvious deductions which may be, and indeed have been drawn, from considering the Constitution a *compact between States*, are, that it operates as a mere treaty, or convention between them, and has an obligatory force no longer than suits their pleasure, or their consent continues.” The plain principles of public law, thus announced by these distinguished jurists, cannot be controverted. If sovereign States make a compact, although the object of the compact be the formation of a new government for their common benefit, they have the right to withdraw from that compact at pleasure, even though, in the words of Mr. Webster, “it might be one of its stipulations that it should be perpetual.”

There might, undoubtedly, be such a thing as State merger; that is, that two States, for instance, might agree that the sovereign existence of one of them should be merged in the other. In which case, the State parting with its sovereignty could never reclaim it by peaceable means. But where a State shows no intention of parting with its sovereignty, and, in connection with other States, all equally jealous of their sovereignty with herself, only delegates a part of it—never so large a part, if you please—to a common agent, for the benefit of the whole, there can have been no merger. This was eminently the case with regard to these United States. No one can read the “Journal and Debates of the

Philadelphia Convention,” or those of the several State Conventions to which the Constitution was submitted for adoption, without being struck with the scrupulous care with which all the States guarded their sovereignty. The Northern States were quite as jealous, in this respect, as the Southern States. Next to Massachusetts, New Hampshire has been, perhaps, the most fanatical and bitter of the former States, in the prosecution of the late war against the South. That State, in her Constitution, adopted in 1792, three years after the Federal Constitution went into operation, inserted the following provision, among others, in her declaration of principles: “The people of this Commonwealth have the sole and exclusive right of governing themselves as a free, sovereign, and independent State; and do, and forever hereafter shall exercise and enjoy every power, jurisdiction, and right which is not, or may not hereafter be, by them, expressly delegated to the United States.”

Although it was quite clear that the States, when they adopted the Constitution of the United States, reserved, by implication, all the sovereign power, rights, and privileges that had not been granted away—as a power not given is necessarily withheld—yet so jealous were they of the new government they were forming, that several of them insisted, in their acts of ratification, that the Constitution should be so amended as explicitly to declare this truth, and thus put it beyond cavil in the future. Massachusetts expressed herself as follows, in connection with her ratification of the Constitution: “As it is the opinion of this Convention, that certain amendments and alterations in said Constitution would remove the fears, and quiet the apprehensions of the good people of the Commonwealth, and more effectually guard against an undue administration of the Federal Government, the Convention do, therefore, recommend that the following alteration and provisions be introduced in said Constitution: First, that it be explicitly

declared, that all powers not delegated by the aforesaid Constitution are reserved to the several States, to be by them exercised.”

Webster and Story had not yet arisen in Massachusetts, to teach the new doctrine that the Constitution had been formed by the “*People of the United States,*” in contradistinction to the people of the States. Massachusetts did not speak in the name of any such people, but in her own name. She was not jealous of the remaining people of the United States, as fractional parts of a whole, of which she was herself a fraction, but she was jealous of them as *States*; as so many foreign peoples, with whom she was contracting. The powers not delegated were to be reserved to those *delegating* them, to wit: the “*several States*;” that is to say, to each and every one of the States.

Virginia fought long and sturdily against adopting the Constitution at all. Henry, Mason, Tyler, and a host of other giants raised their powerful voices against it, warning their people, in thunder tones, that they were rushing upon destruction. Tyler even went so far as to say that “British tyranny would have been more tolerable.” So distasteful to her was the foul embrace that was tendered her, that she not only recommended an amendment of the Constitution, similar to that which was recommended by Massachusetts, making explicit reservation of her sovereignty, but she annexed a condition to her ratification, to the effect that she retained the right to withdraw the powers which she had granted, “whenever the same shall be perverted to her injury or oppression.”

North Carolina urged the following amendment—the same, substantially, as that urged by Virginia and Massachusetts: “That each State in the Union shall respectively [not aggregately] retain every power, jurisdiction, and right which is not by this Constitution delegated to the Congress

of the United States, or to the departments of the Federal Government.”

Pennsylvania guarded her sovereignty by insisting upon the following amendment: “All the rights of sovereignty which are not, by the said Constitution, expressly and plainly vested in the Congress, shall be deemed to remain with, and shall be exercised by the several States in the Union.” The result of this jealousy on the part of the States was the adoption of the 10th amendment to the Constitution of the United States as follows: “The powers not delegated to the United States, by the Constitution, nor prohibited by it to the States, are reserved to the States, or to the people.”

It is thus clear beyond doubt, that the States not only had no intention of merging their sovereignty in the new government they were forming, but that they took special pains to notify each other, as well as their common agent, of the fact. The language which I have quoted, as used by the States, in urging the amendments to the Constitution proposed by them, was the common language of that day. The new government was a federal or confederate government—in the “Federalist,” it is frequently called a “Confederation”—which had been created by the States for their common use and benefit; each State taking special pains, as we have seen, to declare that it retained all the sovereignty which it had not expressly granted away. And yet, in face of these facts, the doctrine has been boldly declared, in our day, that the Constitution was formed by the people of the United States in the aggregate, as one nation, and that it has a force and vitality independent of the States, which the States are incompetent to destroy! The perversion is one not so much of doctrine as of history. It is an issue of fact which we are to try.

It is admitted, that if the fact be as stated by our Northern brethren, the conclusion follows: It is, indeed, quite plain,

that if the States did not create the Federal Constitution, they cannot destroy it. But it is admitted, on the other hand, by both Webster and Story, as we have seen, that if they did create it, they may destroy it; nay, that any one of them may destroy it as to herself; that is, may withdraw from the compact at pleasure, with or without reason. It is fortunate for us of the South that the issue is so plain, as that it may be tried by the record. Sophistry will sometimes overlies reason and blind men's judgment for generations; but sophistry, with all its ingenuity, cannot hide a fact. The speeches of Webster and the commentaries of Story have been unable to hide the fact of which I speak; it stands emblazoned on every page of our constitutional history.

Every step that was taken toward the formation of the Constitution of the United States, from its inception to its adoption, was taken by the States, and not by the people of the United States in the aggregate. There was no such people known as the people of the United States, in the aggregate, at the time of the formation of the Constitution. If there is any such people now, it was formed by the Constitution. But this is not the question. The question now is, who formed the Constitution, not what was formed by it? If it was formed by the States, admit our adversaries, it may be broken by the States.

The delegates who met at Annapolis were sent thither by the States, and not by the people of the United States. The Convention of 1787, which formed the Constitution, was equally composed of members sent to Philadelphia by the States. James Madison was chosen by the people of Virginia, and not by the people of New York; and Alexander Hamilton was chosen by the people of New York, and not by the people of Virginia. Every article, section, and paragraph of the Constitution was voted for, or against, by States; the

little State of Delaware, not much larger than a single county of New York, off-setting the vote of that great State.

And when the Constitution was formed, to whom was it submitted for ratification? Was there any convention of the people of the United States in the aggregate, as one nation, called for the purpose of considering it? Did not each State, on the contrary, call its own convention? and did not some of the States accept it, and some of them refuse to accept it? It was provided that when nine States should accept it, it should go into operation; was it pretended that the vote of these nine States was to bind the others? Is it not a fact, on the contrary, that the vote of eleven States did *not* bind the other two? Where was that great constituency, composed of the people of the United States in the aggregate, as one nation, all this time?

“But,” say those who are opposed to us in this argument, “look at the instrument itself, and you will see that it was framed by the people of the United States, and not by the States. Does not its Preamble read thus: ‘We, the people of the United States, in order to form a more perfect Union, &c., do ordain and establish this Constitution for the United States of America’?” Perhaps there has never been a greater literary and historical fraud practised upon any people, than has been attempted in the use to which these words have been put. And, perhaps, no equal number of reading and intelligent men has ever before submitted so blindly and docilely to be imposed upon by literary quackery and the legerdemain of words, as our fellow-citizens of the North have in accepting Webster’s and Story’s version of the preamble of the Constitution.

A brief history of the manner, in which the words, “We, the people,” &c., came to be adopted by the Convention which framed the Constitution, will sufficiently expose the baldness of the cheat. The only wonder is, that such men as

Webster and Story should have risked their reputations with posterity, on a construction which may so easily be shown to be a falsification of the facts of history. Mr. Webster, in his celebrated speech in the Senate, in 1833, in reply to Mr. Calhoun, made this bold declaration: "The Constitution itself, in its very front, declares, that it was ordained and established by the people of the United States in the aggregate!" From that day to this, this declaration of Mr. Webster has been the chief foundation on which all the constitutional lawyers of the North have built their arguments against the rights of the States as sovereign copartners.

If the Preamble of the Constitution stood alone, without the lights of contemporaneous history to reveal its true character, there might be some force in Mr. Webster's position; but, unfortunately for him and his followers, he has *misstated a fact*. It is not true, as every reader of constitutional history must know, that the Constitution of the United States was ordained by the people of the United States in the aggregate; nor did the Preamble to the Constitution *mean to assert* that it was true. The great names of Webster, and Story have been lent to a palpable falsification of history, and as a result of that falsification, a great war has ensued, which has sacrificed its hecatomb of victims, and desolated, and nearly destroyed an entire people. The poet did not say, without reason, that "words are things." Now let us strip off the disguises worn by these word-mongers, and see where the truth really lies. Probably some of my readers will learn, for the first time, the reasons which induced the framers of the Constitution to adopt the phraseology, "We, the people," &c., in the formation of their Preamble to that instrument. In the original draft of the Constitution, the States, by name, were mentioned, as had been done in the Articles of Confederation. The States had formed the old Confederation, the States were equally

forming the new Confederation; hence the Convention naturally followed in their Preamble the form which had been set them in the old Constitution, or Articles. This Preamble, purporting that the work of forming the new government was being done by the States, remained at the head of the instrument *during all the deliberations of the Convention*, and no one member ever objected to it. It expressed a fact which no one thought of denying. It is thus a fact beyond question, not only that the Constitution was framed by the States, but that the Convention so proclaimed in "*front of the instrument.*"

Having been framed by the States, was it afterward adopted, or "ordained and established," to use the words of Mr. Webster, by the people of the United States, in the aggregate, and was this the reason why the words were changed? There were in the Convention several members in favor of submitting the instrument to the people of the United States in the aggregate, and thereby accomplishing their favorite object of establishing a consolidated government—Alexander Hamilton and Gouverneur Morris among the number. On the "Journal of the Convention," the following record is found: "Gouverneur Morris moved that the reference of the plan [i.e. of the Constitution] be made to one General Convention, chosen and authorized by the people, to consider, amend, and establish the same." Thus the question, as to who should "ordain and establish" the Constitution, whether it should be the people in the aggregate, or the people of the States, was clearly presented to the Convention. How did the Convention vote on this proposition? The reader will perhaps be surprised to learn, that the question was not even brought to a vote, for want of a second; and yet this is the fact recorded by the Convention.

The reader who has read Mr. Madison's articles in the "Federalist," and his speeches before the Virginia Convention, in favor of the ratification of the Constitution, will perhaps be surprised to learn that he, too, made a somewhat similar motion. He was not in favor, it is true, of referring the instrument for adoption to a General Convention of the whole people, alone, but he was in favor of referring it to such a Convention, in connection with Conventions to be called by the States, thus securing a joint or double ratification, by the people of the United States in the aggregate, and by the States; the effect of which would have been to make the new government a still more complex affair, and to muddle still further the brains of Mr. Webster and Mr. Justice Story. But this motion failed also, and the Constitution was referred to the States for adoption.

But now a new question arose, which was, whether the Constitution was to be "ordained and established" by the legislatures of the States, or by the people of the States in Convention. All were agreed, as we have seen, that the instrument should be referred to the States. This had been settled; but there were differences of opinion as to how the States should act upon it. Some were in favor of permitting each of the States to choose, for itself, how it would ratify it; others were in favor of referring it to the legislatures, and others, again, to the people of the States in Convention. It was finally decided that it should be referred to Conventions of the people, in the different States.

This being done, their work was completed, and it only remained to refer the rough draft of the instrument to the "Committee on Style," to prune and polish it a little—to lop off a word here, and change or add a word there, the better to conform the language to the sense, and to the proprieties of grammar and rhetoric. The Preamble, as it stood, at once presented a difficulty. All the thirteen States were named in