

Western Carolinian.

It is even wise to abstain from laws, which however wise and good in themselves, have the assistance of inequality which find no response in the heart of the citizen, and which will be evaded with little remorse.
The wisdom of legislation is especially seen in crafting laws on conscience.
Dr. Channing.

(BY BURTON CRAIG.)

SALISBURY, ROWAN COUNTY, N. C., MONDAY MAY 1, 1854.

(VOL. XIII. NO. 64.)

NOTICES

The WESTERN CAROLINIAN is published once a week at two dollars per annum, if paid within three months, or two dollars and fifty cents, if paid at any other time within the year. No Paper will be discontinued until all arrearages are paid, unless at the Editor's discretion. No subscription will be received for a less time than one year.

A failure to notify the Editor of a wish to discontinue, one month before the expiration of a year, will be considered as a new engagement.

Any person procuring six solvent subscribers to the Carolinian, shall have a seventh paper gratis.—Advertising at the usual rates.

All letters addressed to the Editor must be post paid or they will not be attended to. These terms will be strictly adhered to.

POLITICAL.

FROM THE NORFOLK HERALD.

PRESIDENT'S PROCLAMATION.

No. 2.

The People of the several revolted colonies of Great Britain, having become free sovereign and independent States, in the manner stated in my last number, must necessarily continue to be such sovereign States, unless they have done or suffered some act, since their sovereignty was assumed, whereby its rights and powers have been annulled. Have they done or suffered any such act? This is the question which in my last number I proposed to consider. But a re-portal of the Declaration of the President, since this Proclamation was made, having shown me what had not before observed, that doubts therein cast upon the truth of my proposition, which asserted the primacy of the sovereignty of the several States, at least, is often admitted, by necessary implication at least, in many other parts of this very instrument itself. I think it right to endeavor to remove all these doubts, before I proceed further in the execution of the task I have undertaken.

During the various discussions, which the reputation of the questions as to the extent of the legitimate powers of the present government of the United States called forth, in former days, this asserted original sovereignty of the States was admitted to be claimed by both sides, and made the very basis of all the arguments of Federalists and Democrats respectively. To these discussions, there was then brought, to other party as much of zeal, of industry, of wisdom, and of laborious research, as has ever been manifested in this country, before or since; and the discussions were conducted on either hand, by many of the patriots of the Revolution who were familiar with all its events, because they had been actors and advisers in that great epoch *ab initio*. Nay it used to be then contended by either party, that the real rights of sovereignty, caused the necessity for the then new Federal Constitution. But like Motley's mock *non est* *clausa tuta ceta*, and the new Congress of Politicians, having younger and of course wiser heads, have of late discovered that all this was a mistake.

The fashionable doctrines of the present day, seems to be, that *These states were never sovereign*; that there was, from the beginning, some great Central Sovereign power, abiding somewhere else than in the several States, of which they were subjects, and all their people lieges. In illustration of this new doctrine, the Proclamation says, that "in our colonial state, although dependent upon another power, we very early considered ourselves as connected by common interest with each other. Leagues were formed for common defence; and before the Declaration of Independence, we were known in our aggregate character as the United Colonies of America. That decisive and important step was taken jointly. We declared ourselves a nation by a joint, not by several acts."

The exceeding caution in which this passage is penned, its intended assertions of doctrine, while seeming to narrate facts, and the opening, if cautiously and designedly, leaves far escape from these doctrines, be thereafter controverted, may perhaps excite the admiration of mis-trainees or training in the mazes of diplomacy. But when found in a State Paper, uttered by the Chief Magistrate, announced by him as being intended for the edification and instruction of those to whom it is addressed, it can never meet the approval of the candid and ingenious. Its obvious purpose is to assert, as a political dogma, that the revolted Colonies became one Sovereign nation, before they severally assumed sovereignty upon themselves as individual States; and to prove that the States never were sovereign. But as this new doctrine was in direct conflict with all our past opinions, and in seeming opposition to much of our past history, it would not do to blurt it in the public face at once as doctrine; therefore it is presented seemingly as a simple fact. Nay, it is not exhibited as a substantive fact, but in the modest guise of a mere inference from other facts. These other facts too, are asserted in selected terms of each broad

and general signification, that it is difficult to fix their precise meaning.

If seeing the necessary tendency and effect of the doctrine designed to be put forth on this passage, any one denies its truth, such may immediately be met by the assertion, that it is not stated as doctrine, but as historical fact merely. If it be denied as such a fact, it may be immediately said, that it is not asserted as a substantive fact, but only as one inferred from others previously stated. If the correctness of this inference is questioned, then commences a discussion as to the true meaning of the words employed to state the facts from which the inference is made; and this discussion, if it convicts the author of error, will also furnish him an excuse for saying, that he is no scholar, not skilled in "metaphysical subtlety," and therefore, may have used terms inappropriate to convey, accurately, his own meaning, which, however, is precisely yours, but if the signification of the words employed in this apparent and simple narrative, is once admitted to be that in which they are obviously used, and if the facts themselves so taken are conceded, then no logical mind can escape from the conclusion derived from such facts, and the purpose of this argument, which is to disprove the original sovereignty rights of the States, is fully attained.

The ingenuity of an argument thus constructed, undoubtedly has merit, but it is not such merit as ingenuous candor can ever claim. It imposes upon all who may deny its conclusion, the laborious task of unraveling a long tissue of supposed errors, and when they have done so, it exposes them to the sneer of having labored to disprove, what, it will then be said, was never affirmed. On the other hand, if they pass by such things unnoticed, they immediately fall into the snare laid for them, from which they cannot then easily extricate themselves. For one, I greatly prefer to undertake the labor, and to subject myself to the sneer, than to incur the other hazard. Therefore, I will bring the whole of this narrative and argumentative passage to the test of a strict analysis. Its importance justifies its art requires this.

The object of this argument, (confessed in its conclusion) is to prove, that the *Proclamation* of some of these new United States, while in their colonial state, declared themselves to be a Nation, by the Declaration of Independence, made in 1776, under which they became, "One People." The necessary and inevitable result of this would be, that the People having united resolved themselves into one Nation, could not thereafter create themselves into separate and independent sovereignties otherwise than by force, or by common consent. But as no one has presumed as yet, at least to establish or attempt to establish, sovereignty here, by force, and as there exists not the slightest memorial of any common consent on the part of this supposed nation, to its own dismemberment, therefore, the sovereignty of the states never could have existed. The author of this Proclamation, does not seem to have been aware of the fact, which I stated in my last number, that before the Declaration of Independence, in July 1776, the People of Virginia certainly, and of certain of the other colonies, I believe, had severally an independence, in totally disavowing their former government, and ordaining new governments for themselves respectively. But, if such a fact had been known to him, it would not have changed the intended effect of his conclusions; because, as this new Nation is said to have been created by the People, a part of which people the creators of state sovereignties were, their last act would of course have abrogated and annulled their first, and so put an end to the sovereignty which they had created but a short time before. So that the Sovereignty of all the States which had declared themselves sovereign before the Declaration of Independence in July 1776, is as certainly annulled, as the existence of the sovereignty of the States who had not then declared it, is prevented, by the mere assertion of this simple fact, of our existence as one nation, if that fact was true. A matter so important in its consequences, ought not, and would not be conceded, to the mere say so of any man, although that man might be the President; therefore, it became indispensably necessary, that he should prove it. Hence, the attempt to do so. Let me now examine what these proofs are.

As the object was to prove the existence of a Nation, the first step of the process must necessarily be to prove the pre-existence of a community. Government being superinduced upon this community, it would then become a nation, so far at least as all the members of that community were concerned. The first point to be proved then, was the existence of a community composed of all the people who were afterwards to become the subjects of the nation.—Now how is this established? "In our colonial state," says the President, "although dependent upon another power, we very early considered ourselves as connected by common interest with each other." A more flimsy pretext from which to infer the existence of a single community, could not easily have been selected; and a more ingenious mode of getting up this pretext could not well have been de-

vised. Mark, no social connection of any sort, is affirmed to have actually existed; it is merely said, that we very early considered ourselves as connected. And by what was this imaginary connection constituted? Were we inhabitants of a common territory, the vacant and unoccupied parts of which were admitted to all? No. Did we possess the same religious faith? No. Did there exist any one institution, which having been created or preserved by all, was therefore common to all? No. By what tie then did this People consider themselves to be connected, in their colonial state? Why, by the tie of a supposed common interest. No man before President Jackson ever thought of inferring the existence of a community, from such a fact, which if he believed to be sufficient to produce that effect, would consolidate, probably, one half the People of the whole world into one community, and by so doing would dissolve more than the half of all the societies now existing, whose members do not even consider themselves as connected by any such tie.

But perhaps it will be said, that I do the President wrong, in supposing that he meant "the People," when he says "we"; that by this personal pronoun he did not mean to denote all the Colonists, in their individual, but in the social characters which they had long had, and which was denoted by the term Colonies. If so, this sentence becomes the simple annunciation of a well known historical fact, proved by numerous documents in our archives, that even in their colonial state, the several Colonies considered themselves as connected with each other by a common interest. But as all these documents while establishing this fact, establish also, that this belief of a common interest, was neither designed or ever supposed to amalgamate the different Colonies, by whom it was entertained into a single community, but merely to invite to their co-operation, confederacy and union as distinct independent communities, it is not easy to discern how from such a fact, the existence of a single community could be inferred. Therefore, and as the use made of the assertion was afterwards manifest, I was bound to consider its meaning to be such as I have stated; especially as I found this word "we," in an address of the President to his "fellow citizens," the People.

So much for the first proposition of this argument, which if considered in one light asserts a truth directly in contradiction to its conclusion; and if considered in another, asserts not only an unknown fact, but one unimportant if it could be known. In which of these lights it was designed to be seen, let the rules of the English language, and the conclusion of the argument itself, determine.

Having inferred the existence of one great community, composed of all the People of the different revolted Colonies, while yet in their colonial state, the next step necessary to be taken in the argument designed to prove their subsequent existence as one Nation, was to superinduce a government upon this great community; for a nation without a government, would indeed be a non-descript, as horrible in the Political, as any of the fabled monsters of the natural world.—Here, as before, it would not do to affirm the establishment of any such government, at the time referred to, that is to say, "in our colonial state," as a positive fact, for this would be in direct contradiction of the other affirmation, of our dependence on another power; & of such a fact too, there does not exist any scientific proof in any of our histories or state papers.—Therefore, the existence of such a government, like that of the community, was to be inferred. Now from what is this second inference to be made?

"Leagues were formed for common defence," says the President; and as Leagues can only be formed by communities, acknowledging some government, authorized to speak and so to connect for them the fact he conceded, that Leagues were formed by this great community, it establishes beyond doubt, not only the actual existence of such a community, but of its government too. But mark the caution displayed in this assertion also. The President does not say, in terms at least, that these Leagues were so formed, but sedulously avoids to state by whom or with whom they were formed.—The cause of this obscurity is not difficult to be explained. If it had been asserted as an historical fact, that in their colonial state, the colonists being connected together as one community, had in that character, entered into any League, whatever, this fact could not have been proved, simply because it neither is or could be true. But if it had been said, that these Leagues were formed by the different colonies with each other, as separate and independent communities, in asserting this well known historical truth, easily to be proved by a reference to the Leagues themselves, the President would have dissolved completely his imaginary great community, and with it the government to regulate the affairs of this supposed Nation.—Nay he then would have established, beyond doubt the separate and independent existence of the colonies, as acknowledged by themselves, in such Leagues. To avoid this dilemma, the author of this Proclamation, most cautiously suppresses the fact by whom and

with whom these Leagues were made.—Yet as they were certainly made for "common defence," all those who may be disposed to believe that "we" in the first sentence denoted the Colonists as individuals, and not the Colonies as Communities, will of course conclude, that these Leagues were made by the same "we," with some Community foreign to themselves.—While those who understand "we" in a different sense, will arrive at a conclusion diametrically opposed to this.—So much for the second member of this argument, which like the first, is either true or false, according to the meaning intended to be annexed by its author, to the words "we" and "our."

Having inferred the existence of a supposed Community, and also inferred a government for it, in the mode I have stated, the next thing needful, was to bestow a name upon this infant Nation. But as it would have been difficult to infer a name which could not have had any previous existence, the President was compelled to state this name positively.—Therefore, he next says that "before the declaration of independence, we were known in our aggregate character as The United Colonies of America." The attempt to infer any fact from any name merely, would be considered, generally, rather as an assumption than an inference. But to infer the fact of a single Nation, from the name of many United Colonies, or of many Colonies United, whether in America or any where else, is not only a groundless assumption, but a plain perversion of the meaning of words, unless *United* and *Consolidated*. The President seems to have been aware of this, therefore to do away, so far as he could, the effect of his own strong words *United Colonies* used apparently to show, that the Colonies were united and not consolidated into one Nation, he tells us, that "we were known in our aggregate character" by this name.—Altho' I cannot help considering this phrase "aggregate character," as very unfortunate, especially when applied to United Colonies, yet I freely admit, that the excuse of the Rhetorician, may be found in the necessity the Politician has to employ it. There were two differing parties interested in the matter, he was desirous to please both, therefore, from the beginning of his argument, he had used terms so general, that either might apply them to their own side; but when he came to give a name to his Nation, he found that so clearly indicating that it was not one consolidated mass, but many distinct masses united, merely; it was necessary to weaken the force of this. Hence, he tells us, that although we were united by name, yet in character we were aggregated, that is to say, consolidated.

From what source the President may have derived his information as to aggregate character, except from its name, I know not. But if his information as to our character, is as inaccurate as his representation of our name, but little reliance should be paid to it. I have before me a copy of the Journal of the first Congress, which met at "the Carpenters" Hall in the City of Philadelphia, on Monday the 5th day of September, 1774.—In this first and most authentic document, which any one can consult, to discover either their name or character, at that day, both the one and the other is thus described, "We the Delegates of the several Colonies of New Hampshire, &c. &c. (naming each) deputed to represent them in a Continental Congress." Under this name, and in this character, was their first great act of Association entered, into, for non importation, non consumption, and non exportation, and recommended "to the Provincial Conventions, and to the Committees in the respective Colonies," to be carried into effect by them. Under the name and character of "the Delegates appointed by the several English Colonies of New Hampshire, &c. (naming each) to consider of their grievances in General Congress," was their next great act, the Address to the People of Great Britain, uttered.—Under the name and character of "we, the delegates of the Colonies of New Hampshire, &c. (naming each) deputed by the inhabitants of the said Colonies, to represent them in a general Congress, to consult together, &c." was the Address to the inhabitants of the Province of Quebec, put forth. Under the name and character of "We, your Majesty's faithful subjects of the Colonies of New Hampshire, &c. (naming each) in behalf of ourselves and of the inhabitants of these Colonies, who have deputed us to represent them in general Congress," was the Address to the King adopted, which was the last act of that enlightened and patriotic body, the first Congress. In short there cannot be found a single act of the first Congress, in which that body denominated itself as "The United Colonies of America," or in which its members denominated themselves as delegates of or to any body of that name. So far from it, all these acts show, upon their very face, that they were the acts of individuals, representing respectively not one, but several constituent bodies, and these individuals, as the representatives of such constituent bodies, respectively, were said to be assembled in a general Congress. In further proof of which, it may also be remarked, that the

very first rule established to regulate the proceedings of this Congress, was "that in determining questions, each Colony or Province should have one vote," without any reference to the number of its delegates present, or of its importance in any sense whatever.

Upon such evidence, I think myself justified in saying, that altho' at some subsequent period, it may possibly be found, that the delegates united in a general Congress, in some of their ordinary proceedings, and for brevity's sake may perhaps have spoken of themselves as the delegates of the United Colonies, yet in all their solemn acts they are differently described. Thus in the most important paper which they could offer, the Commission to Gen. Washington as Commander in Chief, granted on the 17th June, 1775, they style themselves "The Delegates of the United Colonies of New Hampshire, &c." (naming each as before) and by that name and in that character grant to him all the rights and authorities which he then acquired. Therefore, the President seems to have a little ground, for bestowing this new name of the United Colonies of America, upon all the revolted Colonies or Colonists of that day, as he has to bestow upon the Colonists any such aggregate character as that under which he is supposed to assert that they were then known.

Whether by the declaration of independence, uttered in 1776, either in the manner in which "that decisive and important step was taken," or in the language of that instrument, "we declared ourselves a Nation," and so annulled or prevented all the sovereign rights of the States, is a question I should have examined in this number, except for the reason I have before stated. But, Mr. Editor, I have already occupied so much of your space, that I must not intrude upon it at present, further than to say, that this declaration, being the first act which occurs in our history, that can be, or is supposed to annul any of the Sovereign rights of the States, its minute examination, under a part of my original plan, which will be prosecuted in my next number.

A VIRGINIAN.

NO. 4.

The Declaration of Independence uttered in 1776, was considered, at that day, as the most important act which had ever occurred in this Country, and subsequent times has not weakened the sentiment it was then intended to inculcate. We still continue to commemorate it annually, on the day of its date, when all the citizens of these new United States, join with one accord, in humble adoration and thanksgiving to that Divine Providence, under whose protection, the great truths it announces were afterwards maintained and established. But if the effect of this Declaration, was to consolidate all the three Colonies, by whose representatives it was made, as one nation, and to amalgamate their inhabitants into "One People," the Fourth day of July, instead of being celebrated as a Jubilee, would probably be spent much more appropriately in weeping and wailing. Was such the true nature and intended effect of this Declaration? This is the question I propose now to examine.

In speaking of this Declaration, the President says in his Proclamation, "that decisive and important step was taken jointly. We declared ourselves a Nation by a joint, not by several acts." It is obvious from this passage, that its author designed to establish the existence of a Nation, not less by the manner in which the Declaration was made, than by the actual assertions of this instrument itself: for not satisfied with stating that this step was taken jointly, he adds, that by such a joint act we declared ourselves a Nation. I will examine into the truth of each of these assertions, before I give my own views of the subject.

A joint act, *ex vi termini*, implies the co-operation of several agents, by whose united and joined agencies it has been produced. Hence, it would be a very great absurdity, to speak of any act done by one agent only, as a joint act, and therefore, no corporate act, is ever properly described, as the joint act of a Corporation, even when such a body is composed of many members; for although the members may be many, the Corporation is but one; and the act, if a corporate act, must be performed by that one body only. It is not every act effected by the co-operation of several agents however that is properly termed a joint act.—Because although considered in reference to the number of its authors, every single act accomplished by the co-operation of several agents, must be their joint act, yet considered in reference to its intended effects, as these may be many, and attach to all, or to some only of its agents, the act is regarded as either joint or several, according to the nature of these intended effects. But as the intent of the act, cannot possibly be inferred from the number of agents co-operating to its accomplishment, while it is admitted, that several as well as joint effects may and do result even from a joint act, the nature of such an act can only be ascertained from the intention of the agents. This intention must always be sought for, and generally, is best manifested, in the declarations of the agents employed to perform the act, es-

pecially when these declarations are uttered in the act itself, and of course at the time of performing it.

If these plain propositions, which every Tyro has hitherto acknowledged to be true, are still admitted to be correct, it will be found difficult certainly, nay impossible probably, to reconcile them with the assertions of the President, when the effect intended to be produced by these assertions is remembered. The object in view in making these assertions to prove (argue by, that by virtue of the Declaration of Independence we acknowledged ourselves to be one Nation. Hence, the President says "that decisive and important step was taken jointly." Now, if by this he means to say, merely, that this declaration was the work of many persons co-operating to produce it, no matter in what character they acted, he asserts a fact, so unimportant to his purpose, and so familiar to every one, that it really seems almost ludicrous to utter it with such apparent gravity, if indeed it was necessary to state it at all. But if he means to be understood, as asserting, that this declaration was the joint act of the representatives of any single body, previously known as a Commonwealth or Nation, besides the historical error committed, he states what must be unintelligible to all, except to those who can comprehend how any single body can do any joint act. I should have been disposed to consider this sentence as a mere inaccuracy, caused by the precipitate haste in which this state paper was probably prepared, and therefore, to have passed it by unnoticed, but that it is in exact keeping with all the previous parts of this argument, and moreover, is in substance repeated more impressively, in the next sentence wherein it is said, that "we declared ourselves a Nation by a joint not by several acts." Now, if we were a Nation before the Declaration of Independence was uttered, (as it was the purpose of all the previous parts of this argument to prove,) it would have been impossible for us as a Nation, to proclaim this fact by any joint act; and if before that event occurred, we were not a Nation, but separate communities of individuals, it seems difficult to conceive, how we [whether the Colonies or Colonists] could have declared ourselves as a Nation, by any other than several acts.

The reason of all this mystification and apparent absurdity will be obvious when we come to consider the declarations actually made in the Declaration of Independence itself.—We shall then find that this instrument, instead of proclaiming the Colonies to be one Nation, declared them to be "free and independent States," *inter se*. Hence, as it was impossible to infer the existence of one nation from such terms, in which this idea is so plainly and positively negatived, resort was had to the manner in which this declaration was made, and we are told, "that decisive and important step was taken jointly," and that "we declared ourselves a Nation by a joint, not by several acts"—as if the plain and obvious meaning of the act itself, could be changed by any such extrinsic circumstances.

I have now done with this part of the argument of the President, the design of which is to show, that these States never were sovereign, in showing that they constituted but parts of another sovereignty called the nation. I will now proceed to give my account of the declaration of independence; and therein to state, my ideas of its effects upon the several Colonies, who by their representatives, were parties to that instrument.

The true nature and intended effect of the Declaration, can never be understood, from a consideration of the manner in which it was executed, merely. Whether it was produced by the agency of one only, or by the joint agency of many, or by the several agencies of different persons co-operating to the same end, is of little consequence. Its object and intended effects must be inferred from its language, although if that is ambiguous, these may very properly be sought for, in extrinsic circumstances of any kind, whether these circumstances are found in the manner of the execution of the instrument, or in any thing else. Let us then turn to the act itself, and judge from its contents, of its end and object, before we attempt to discover these last in any other way.

When so examined, the Declaration of Independence seems to be a manifesto, addressed to the world, that is to say, to the civilized world, designed to inform it, of the pre-existence of a new event interesting to humanity, and of causes and circumstances which had occasioned the occurrence of this new fact. Like the Manifesto that generally accompanies or immediately follows every modern Declaration of War, which in announcing the new relations of the belligerents, and narrating how these have been produced, it so contains an implied appeal to other States, and to posterity, for the justification of those by whom this new state of things has been made necessary. Considered in this light it asserts nothing but what had previously existed, although but recently; and its object is confined to the justification of that pre-existing state of things which it so announces. If this was its purpose, it cannot be considered as creating any new community, as ordaining any new government, or bestowing any new name; but