

cannot be given, by confederacies in which authority is scattered, and where it is consequently without value and without real existence. Every constitutional mode of existence has its advantages; but assuredly that state of existence which gives permanence and stability to institutions should be preferred to others. Let us bear in mind that the Constitution of the United States has been but a compromise between state sovereignty and the need of a supreme authority to ensure the working of the state machinery, and that it was not perfect even in the opinion of its authors. In order to prove this statement, I shall call to my assistance words of greater weight than my own—those of JOSEPH STOREY, probably the greatest constitutional authority of the United States :—

Any survey, however slight, of the Confederation will impress the mind with the intrinsic difficulties which attended the formation of its principal features. It is well known that upon three important points touching the common rights and interests of the several states, much diversity of opinion prevailed, and many animated discussions took place. The first was as to the mode of voting in Congress, whether it should be by states or according to wealth or population. The second, as to the rule by which the expenses of the Union should be apportioned among the states. And the third, as has been already seen, relative to the disposal of the vacant and unappropriated lands in the western territory. But that which strikes us with most force is the increasing jealousy and watchfulness everywhere betrayed in respect to the powers to be confided to the General Government. For this several causes may be assigned. The colonies had been long engaged in struggles against the superintending authority of the Crown, and had practically felt the inconveniences of the restrictive legislation of the parent country. These struggles had naturally led to a general feeling of resistance of all external authority, and these inconveniences to extreme doubts, if not to dread of any legislation, not exclusively originating in their domestic assemblies. They had, as yet, not felt the importance or necessity of union among themselves, having been hitherto connected with the British sovereignty in all their foreign relations. What would be their fate, as separate and independent communities; how far their interests would coincide or vary from each other as such; what would be the effects of the union upon their domestic peace, their territorial interests, their external commerce, their political security, or their civil liberty, were points to them wholly of a speculative character, in regard to which various opinions might be entertained, and various and even opposite conjectures formed, upon grounds apparently of equal plausibility.

Notwithstanding the declaration of the articles, that the union of the states was to be perpetual, an examination of the powers confided to the General Government would easily satisfy us that they looked principally to the existing revolutionary state of things. The principal powers respected the operations of war, and would be dormant in times of peace. In short, Congress in peace was possessed of but a delusive and shadowy sovereignty, with little more than the empty pageantry of office. They were indeed clothed with the authority of sending and receiving ambassadors; of entering into treaties and alliances; of appointing courts for the trial of piracies and felonies on the high seas; of regulating the public coin; of fixing the standard of weights and measures; of regulating trade with Indians, of establishing post offices; of borrowing money and emitting bills on the credit of the United States; of ascertaining and appropriating the sums necessary for defraying the public expenses, and of disposing of the western territory. And most of these powers required for their exercise the assent of nine states. But they possessed not the power to raise any revenue, to levy any tax, to enforce any law, to secure any right, to regulate any trade, or even the poor prerogative of commanding means to pay its own ministers at a foreign court. They could contract debts, but they were without means to discharge them. They could pledge the public faith, but they were incapable of redeeming it. They could enter into treaties, but every state in the union might disobey them with impunity. They could contract alliances, but could not command men or money to give them vigor. They could institute courts for piracies and felonies on the high seas, but they had no means to pay either the judges or the jurors. In short, all powers which did not execute themselves were at the mercy of the states, and might be trampled upon at will with impunity.

One of our leading writers addressed the following strong language to the public :—

By this political compact the United States in Congress have exclusive power for the following purposes, without being able to execute one of them: they may make and conclude treaties, but can only recommend the observance of them. They may appoint ambassadors, but cannot defray even the expenses of their tables. They may borrow money in their own name on the faith of the union, but cannot pay a dollar. They may coin money, but they cannot purchase an ounce of bullion. They may make war, and determine what number of troops are necessary, but cannot raise a single soldier. In short, they may declare everything, but do nothing.

Strong as this language may seem, it has no coloring beyond what the naked truth would justify. WASHINGTON himself, that patriot without stain or reproach, speaks, in 1785,