

# The Sumter Banner.

DEVOTED TO SOUTHERN RIGHTS, DEMOCRACY, NEWS, LITERATURE, SCIENCE AND THE ARTS.

W. J. FRANCIS, Proprietor.

'God—and our Native Land.'

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## POLITICAL.

### CHANCELLOR WARDLAW.

The following very clear and able exposition of the views of Chancellor Wardlaw, we take from the Edgfield Advertiser.

#### To the People of Edgfield District.

On the political questions which now divide parties in this State, I have hitherto refrained from any publication of my opinions, from regard to the propriety of my position as a Judge and a member to the Convention.

The reputation of the Bench for impartiality is so important to the satisfactory administration of justice, generally the duty of a Judge is to stand aloof from all factious dissensions, religious or political; and to abstain from all higher questions, which would tend to engage the public attention, and to engage the minds of the people.

As a citizen, however, remains a citizen, his rights nor his duties are lessened by his office. He sometimes avoids the appearance of expressing his views on public questions, with frankness yet with courtesy, than by preserving a silence that may be attributed to timidity or deceit.

The matters now debated by our people, involve the very frame of the Government; and in the spirit of Solon's law, every citizen, in every station, is bound to take the side of truth and right.

Some attempt has been made to disparage the authority of Judges on the present issues, but their influence should depend upon their intelligence and probity. If the permanent tenure of their office, (in itself equivocal according to some of the doctrines of the times,) may incline them to conservatism, it produces independence of opinion to the same extent; and their salaries are not their whole interest.

Property in the commonwealth, as in the case of other countries, is divided into estates, and their children and friends, are controlled by the action of the law.

During my absence on official duty and without exacting from me any pledges, you elected me a delegate of the Convention—a deliberate assembly of the gravest character, where conclusion should be attained by comparison of various judgments; perhaps, by some concession of preconceived notions; I can make no pledges now, committing me to foregone conclusions on particular measures, notwithstanding changes of circumstances and convictions.

It is inconsistent with the schemes of our Government, destructive of the independence and usefulness of the delegate, and unjust to his colleagues, for a member to pre-judge absolutely any specific measure, that may come before the Convention. In my own case at least, I feel too little confidence in my information and my reasoning, to set my honor against any change of opinion that the changing events of a year may produce; and I propose to reserve the right of fairly considering all the arguments and the evidence that may be presented, when my judgment is to be finally formed.

With this saying I am quite willing to state my present opinions. My purpose is to state them, rather than to defend them by argument.

The doctrines as to the rights and remedies of the States, professed by the people of this State in 1832, following the lead of Virginia and Kentucky in 1798, still have the full assent of my understanding. As a disciple of this faith, I adopt the tenet, that a State may secede at will from the Union she has formed with sister States. Our Confederacy is of peculiar character, and little aid, in the construction of the instrument of Union, is afforded by studying the structure of other leagues. By the declaration of independence certain British Colonies became sovereign States, and when afterwards they, separately as sovereigns, formed in the Federal Constitution, a compact for the exercise of certain powers jointly, they did not surrender their sovereignty. The Federal Government is the Government of each of the States—a common agency for the execution of definite powers; and its constitutional acts demand obedience as the acts of the several States, by virtue of their previous covenant, even of those States, the representatives of which may have dissented from the acts. The right of Seces-

sion is not derived from the Constitution; in strictness of speech, it is not a right reserved by the tenth Article of the Amendments. We look to the Constitution to ascertain the powers of the Federal Government, not the rights of the States. The whole scheme of that instrument is to enumerate the powers to be exercised by the common agent, not to mention the powers of the constituent States. Everything not given by them is retained. Certain restrictions are imposed on the exercise of powers by the States while they are in the Union, but no provisions is made as to the withdrawal from the Union, nor for any matter outside of the Union. It is enough to demonstrate the right in question, that the Constitution neither prohibits, nor restrains its exercise. From a compact of Union among States for an indefinite time, as from a partnership among individuals for an uncertain term, any member may secede and resume the station occupied before the compact was formed. The sufficiency of the cause for Secession, as this must be determined by the seceding State, does not logically affect the right, but it may seriously affect the practical consequences of its exercise in any particular instance. In all acts concerning her foreign relations, a State should be able to defend herself by good reasons in the forum of nations. The other States have no right to coerce a seceding State to return into the Union, under any circumstances; yet if the Secession be under circumstances of bad faith, as during flagrant war, a plausible excuse is furnished for hostilities to compel satisfaction for the wrong thereby resulting. It is as desirable, that before an act of secession, a State should intelligently and deliberately consider the consequences that will follow from these steps, that she should not be hurried into the act of Secession, and then regret the consequences that will follow.

It follows from these views, that I do not regard allegiance to the State of South Carolina exclusively. Until she restores in her sovereign capacity, to the measure of Secession, every citizen retains his right of private judgment and of individual resistance to the movement; but when she takes this final step, I feel that I should justly incur the penalties of treason, if I resisted her edict.

To avoid all ambiguity, I avow my obligation to obey such action if adopted by the existing Convention, although the delegates may have been elected by a minority of the people of the State. All citizens had the opportunity of voting for delegates, and those who neglected it must be presumed to acquiesce in the choice made by such as exercised their franchise. It would be very unsafe, to look behind the regular forms in which the will of the community is manifested, in order to ascertain the real wishes or "higher law" of the majority. Subsequent ratification by the people of such act of the Convention, I regard as neither necessary nor expedient—not necessary, for in theory the whole people speak through their delegates—not expedient, on account of its mobocracy tendency.

With all my respect for the Legislature I cannot approve the arrangement by which the members of the Convention were elected so long before their services were needed. Conventions thus clothed with the majesty of the people and speaking their sovereign voice, should be fresh from their constituents when called to act, should be convoked for a definite purpose, and should retain their powers for the shortest convenient term. In the only other instance in this State since the adoption of her Constitution, when this vast machinery was set in motion, the end to be achieved and the mode of operation were previously well understood. But the present Convention was elected before any agreement as to its measures among the people, or even any deliberate consideration of its purposes. I impate no design by this premature election to entrap the unwary, or to commit the unfinished, but it may be that such results have followed. The call of the Convention I think may be justified by the example of Mississippi, after she pledged to her Co-operation, by our Legislature, (although the same, appointed for her Convention by Mississippi, did not imperatively demand such a call by our Legislature at the last, rather than the next session); but it should be borne in

mind that neither Mississippi nor this State had then proposed a specific mode of resistance. More time should have been allowed for the people to make up their own minds, and to ascertain the views of proposed delegates.

I fully concur with those who hold that the aggressions of the Federal Government upon the South justify any measure of redress that may be adopted by the Southern States, or any of them. The Constitution of the United States seems wisely contrived to secure strength in the government, and liberty in the people; and if it had been strictly construed, and faithfully executed, the people of all sections under its sway, might long have remained harmonious and happy. But usurpation, under the instigation of ambition and avarice, has contemned and perverted its provisions; its parliament securities for the minority have proved inefficient; and, practically, it imposes slight restriction upon the will of the majority. Thus another example is added to the many in history of the proclivity of governments to despotism. From the beginning, under the system of indirect taxation, the financial operations of the government has been severe upon the Southern producing States; and, when the system of internal improvements, pensions, and fortifications was added, the disbursement of the taxes became as unequal as the collection, and a constant drain from the South was established. In rapid progress, discriminating duties on imports were imposed, by which the Constitution was perverted, and the labor of the South made tributary to the manufacturing industry of the North. With a very slight increase of power, the Federal Government has been gradually and systematically pursuing the purpose of destroying our labor itself. At the adoption of the Constitution, slavery provided in nearly all the States, and was solemnly guaranteed by that instrument. It has been gradually limited to less than one-half of the States, who justly cherish it as the most moral and most efficient organization of human labor; while their partners in the Union regard the sin of masters, in holding slaves, to be so heinous as to taint all who are in any political connection with slaveholders. This anti-slave party, already predominant and rapidly growing, has excluded the people of the Southern States from common participation in the territory of the Union, in the acquisition of which they contributed even an undue proportion of treasure and blood. The purpose is now boldly avowed by this party never to admit into the Union another State in which slavery is tolerated, and the design is indicated, not obscurely, to abolish, as soon as practicable, this institution in all the States. The adjustment of this controversy by Congress, impudently called a compromise, aggravates the wrongs and indignities otherwise done to the South. All the measures constituting the compromise, were undisguised concessions to the fanaticism and injustice of the North, except one, and that was a barren recognition of a Constitutional right. The remedy practically afforded by the fugitive slave law, is to enable a Southern master to recapture occasionally a slave at the North, corrupted into an agent of abolition, at an expense in money equal to the value of the slave when he fled, and at the risk of violence and imprisonment to the captors. We freemen of the South should not submit to a tyranny so injurious and so degrading. It should be our unflinching determination to resist at all hazards. Remedy within the Union is hopeless. We may part with regret from a confederacy which has done so good service in the great work of civilization and free government, but it has achieved its end, and like other works of man may yield to the force of events. The interests of the people of this Union have become so conflicting in the various sections, and their feeling towards each other so much exacerbated, that peace as well as expediency recommend disunion.

Indemnity for the past, so often mentioned in jingling connection with security for the future, can scarcely be expected by the most sanguine. Our great business is to establish proper guards for our future security. Without dispute we may effect this

object by the establishment of a Southern confederacy; and without dispute Secession is a proper means to this end; but the question which has divided the resistance party of South Carolina, is, whether we shall resort to Secession before we obtain assurances that some other States, having the same interests and the same wrongs, will join in the movement. All are willing to separate from the North, but some are not ready for disunion from all our Southern sisters. This division of opinion among those, who with equal spirit and equal patriotism, seek the same end by different means, is to be greatly regretted, and all of us should be willing to make sacrifices of opinion, to restore harmony in our ranks.

The names of the two sections for resistance are not very distinctive, as both look to secession for remedy and both profess desire for Co-operation; still the names have obtained an application sufficiently definite for use. The diversity between the parties as to abstract doctrines is not considerable, but the disagreement is more serious as to movements and measures. The secession party set forth as their ultimatum, that the State shall secede absolutely before the existence of the present convention be terminated, which, as they propose the convention to be assembled next spring, will be about April or May, 1853. The Co-operation party decline to fix now a certain period for the duration of the Union, or to be more definite in the point of time, than that the State should secede within a reasonable time. As it were to put in jeopardy the great measure of a Southern confederacy, by assuming as a condition, that we should secede before a certain time, we should be liable to the charge of having sacrificed to expediency the principle of our cause.

It is quite surprising to those whose feelings outrun their judgments, to be arranged to take at once a decided step, without dallying with danger, or poring into consequences. This is more grandiloquent, than moral or rational. Ethical writers instruct us, that the probability of success is a necessary element in the justification of a revolutionary measure. The evangelist advises him that contemplates the building of a tower, first to count the cost, lest after laying the foundation he be not able to finish it, and thus provoke the mock of beholders; and considers it plain, that a king going to war and finding his force inadequate, should send an embassy and desire conditions of peace. I am not ashamed to confess, that we may properly take counsel of our interest, and our resources, while choice is left, before we commit ourselves to an important and uncertain enterprise. Courage does not consist in insensibility to danger, but in the resolute discharge of duty, whatever dangers may lie in the way. One deserves impeachment of his understanding and of his moral principles, rather than praise of his spirit, who thrusts himself wantonly into perils. The Christian who, in quiet obedience of conscience incurs death rather than renounce his faith, is a worthy martyr of the truth; he who unnecessarily or ostentatiously provokes persecution, deserves little pity when he suffers. Other States equally interested with South Carolina in the institution of slavery and the tyrannous aggressions upon it, and not inferior in intelligence and firmness, are not yet satisfied with our course of resistance; and we may still reason with them for a time, before we throw ourselves under the wheels of Judgment. Our former controversy with the Federal Government, and the thorough discussion amongst us as to the relations of the States to the Government, have destroyed our idolatrous veneration of the Union; and the same result must follow full investigation, in all the States that have suffered the same wrongs.

In another respect, the secessionists have advantage before the people, namely, in proposing a distinct measure within a definite time. But he deserves little praise for discrimination who chooses, finally, while the term of choice still continues. The expedient which may seem wise to-day, may soon become very inept from the progress of events. Our

strength is not so superabundant, as to justify us in any course that may arise from the chapter of accidents. We think, and justly as I believe, that the past aggressions of the Government justify immediate resistance; but Georgia has determined to wait for further grievances. It may well happen, that the occasion for which Georgia waits, may arrive during the term of our Convention. The abolitionists are now held by their leading politicians, straining in the leash; and perhaps the things may even hold until the next Presidential election is over, but soon the dogs must be let slip, with the cry of havoc. The body of fanatics is too strong and too rapidly increasing, to be long restrained from further aggressions by any consideration of prudence or honor, of law or the Constitution. If Georgia, the empire State of the South, were ready to go with us, I think we should now make the venture.

The arguments mainly employed for prompt secession, are, that the State is pledged to this course, and that is the most efficient mode of producing co-operation.

The careful inquirer for the truth, will discover, that the past action of the State has imposed no obligation upon her to resist at any particular time or in any particular mode. It may well be disputed, whether the rules of a factitious code of honor apply to a State, and whether members of the Legislature in passing resolutions concerning our federal relations act otherwise than as a popular assembly; but granting that the Legislature can commit the faith of the State in this matter, the pledges of the Legislature do not go beyond resistance in Co-operation with our States, nor do they exclude the measure of resistance, which we may see fit to adopt.

It is not likely, however, that separate secession would be peaceful. However firm may be our convictions of the truth of secession, this step is not to be taken until we are assured that the neighboring States will not be acknowledged by the Federal Government; and would be tardily, if at all, recognized by foreign nations, which have hitherto known us only through our Federal rulers. So isolated would be our condition, that the Government might venture upon direct coercion by the army and navy; but it is more probable, that it would continue to treat us as an integral portion of the Union, and pursue the collection of its revenue from imposts here, perhaps changing the location of the Custom-Houses to Fort Sumter and other posts commanded by military or naval force. Obvious policy would induce the Administration to offer us no offence practically consistent with denial of the right of secession; and in case of actual conflict, to throw the blame of assault upon us. I apprehend there would be little difficulty in provoking some of our people to take the offensive attitude. Upon the recent increase of forces in the forts in the harbor of Charleston, the people were gravely exhorted to anticipate the action of the Convention and by riot and treason to forestall the decision of the issue before the State. With a population so spirited and inflammable as ours, conflict with the minions of power would be almost inevitable, in which too we should be the aggressors. I suppose, however, that our adversaries would not actually invade our soil, nor prosecute such warfare as would be dependent upon the chances of battle; but that they would endeavor by annoying restrictions of commerce and pinching contrivances to break down the spirit of our people. In such a state of things, we should have no place for individual allies, nor even opportunity of making a glorious sacrifice of our lives. The instance of the Force bill may teach us, that even our neighbors are little disposed to resist abstract injustice which works no actual oppression upon them; and foreign nations, still receiving indirectly the benefits of our trade, would hardly involve themselves in a domestic quarrel as a revenue law.

From the prominence recently given to this topic of separate secession, I have felt obliged to say this much, although really the whole discussion is premature. A few months ago, the people of the State were nearly unanimous for resistance to Federal wrongs, and although differing as to the circumstances under which it should be undertaken, yet discussing their points of difference without heat or strife, and willing to leave the set-

tlement of the whole matter to the unfettered discretion of the Convention. Now, many have decided that secession within a short time is the only remedy, and that the Convention has no other business but to register this edict. In my opinion, it will be time enough to adopt this desperate expedient, when disgraceful submission is the only alternative. Effectual resistance cannot be made except by the concerted action of several States of respectable strength; and our efforts at present should be directed to secure such concert. If it be obtained, by peaceable revolution, a strong and stable Confederacy may be established among States of homogeneous interests, with every element of prosperity. It must be conceded, that the prospect of such Co-operation is not very encouraging at present; but it would be rash to assume that it is desperate; and united resistance is so important and desirable, that much time and effort should be expended to effect it, before it be forever abandoned. Truth is mighty, and will prevail. The Southern Rights Party in our neighboring States, with truth on their side, must obtain the ascendancy.

If the inquiry be made of me, what, then, should the Convention do, I must leave the answer to the wisdom of the Convention itself, in which I confide. It is possible that, during the term of that body, such Co-operation of other States may be obtained, or the hopelessness of such Co-operation at any time be so clearly manifested, that secession may be properly resorted to; but it is much more probable that, at the expiration of the Convention's existence, a middle state of things will be presented, namely Co-operation neither established nor desperate, which will demand further delay. It is not likely, however, that separate secession would be peaceful. However firm may be our convictions of the truth of secession, this step is not to be taken until we are assured that the neighboring States will not be acknowledged by the Federal Government; and would be tardily, if at all, recognized by foreign nations, which have hitherto known us only through our Federal rulers. So isolated would be our condition, that the Government might venture upon direct coercion by the army and navy; but it is more probable, that it would continue to treat us as an integral portion of the Union, and pursue the collection of its revenue from imposts here, perhaps changing the location of the Custom-Houses to Fort Sumter and other posts commanded by military or naval force. Obvious policy would induce the Administration to offer us no offence practically consistent with denial of the right of secession; and in case of actual conflict, to throw the blame of assault upon us. I apprehend there would be little difficulty in provoking some of our people to take the offensive attitude. Upon the recent increase of forces in the forts in the harbor of Charleston, the people were gravely exhorted to anticipate the action of the Convention and by riot and treason to forestall the decision of the issue before the State. With a population so spirited and inflammable as ours, conflict with the minions of power would be almost inevitable, in which too we should be the aggressors. I suppose, however, that our adversaries would not actually invade our soil, nor prosecute such warfare as would be dependent upon the chances of battle; but that they would endeavor by annoying restrictions of commerce and pinching contrivances to break down the spirit of our people. In such a state of things, we should have no place for individual allies, nor even opportunity of making a glorious sacrifice of our lives. The instance of the Force bill may teach us, that even our neighbors are little disposed to resist abstract injustice which works no actual oppression upon them; and foreign nations, still receiving indirectly the benefits of our trade, would hardly involve themselves in a domestic quarrel as a revenue law.

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If the inquiry be made of me, what, then, should the Convention do, I must leave the answer to the wisdom of the Convention itself, in which I confide. It is possible that, during the term of that body, such Co-operation of other States may be obtained, or the hopelessness of such Co-operation at any time be so clearly manifested, that secession may be properly resorted to; but it is much more probable that, at the expiration of the Convention's existence, a middle state of things will be presented, namely Co-operation neither established nor desperate, which will demand further delay. It is not likely, however, that separate secession would be peaceful. However firm may be our convictions of the truth of secession, this step is not to be taken until we are assured that the neighboring States will not be acknowledged by the Federal Government; and would be tardily, if at all, recognized by foreign nations, which have hitherto known us only through our Federal rulers. So isolated would be our condition, that the Government might venture upon direct coercion by the army and navy; but it is more probable, that it would continue to treat us as an integral portion of the Union, and pursue the collection of its revenue from imposts here, perhaps changing the location of the Custom-Houses to Fort Sumter and other posts commanded by military or naval force. Obvious policy would induce the Administration to offer us no offence practically consistent with denial of the right of secession; and in case of actual conflict, to throw the blame of assault upon us. I apprehend there would be little difficulty in provoking some of our people to take the offensive attitude. Upon the recent increase of forces in the forts in the harbor of Charleston, the people were gravely exhorted to anticipate the action of the Convention and by riot and treason to forestall the decision of the issue before the State. With a population so spirited and inflammable as ours, conflict with the minions of power would be almost inevitable, in which too we should be the aggressors. I suppose, however, that our adversaries would not actually invade our soil, nor prosecute such warfare as would be dependent upon the chances of battle; but that they would endeavor by annoying restrictions of commerce and pinching contrivances to break down the spirit of our people. In such a state of things, we should have no place for individual allies, nor even opportunity of making a glorious sacrifice of our lives. The instance of the Force bill may teach us, that even our neighbors are little disposed to resist abstract injustice which works no actual oppression upon them; and foreign nations, still receiving indirectly the benefits of our trade, would hardly involve themselves in a domestic quarrel as a revenue law.

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