Constitutional history of the United States from their Declaration of Independence to the close of their Civil War

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CONSTITUTIONAL HISTORY
OF
THE UNITED STATES
FROM THEIR DECLARATION OF INDEPENDENCE
TO THE CLOSE OF THEIR CIVIL WAR

BY
GEORGE TICKNOR CURTIS

IN TWO VOLUMES
Vol. II.

EDITED BY
JOSEPH CULBERTSON CLAYTON

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PREFACE.

In addition to "an infinite capacity for taking pains," a Macaulay-like memory, the precision of a lawyer and dialectician, the enthusiasm born of a profound reverence for the Federal Constitution, a close intimacy with many of our greatest statesmen, lawyers, and judges, Mr. George Ticknor Curtis possessed the power of taking broad historical and philosophical views, in a true judicial temper, and of expressing them with remarkable force and clearness.

The gravity, sincerity, precision, directness, and simplicity of his diction—scarcely modern—and his exhaustive knowledge of his noble subject, pre-eminently qualified him for writing the History of the Constitution of the United States, a history which appeals to the general reader and intelligent citizen as well as to the professional student of public affairs and Constitutional Law.

In 1854, Mr. Curtis's "History of the Constitution of the United States" first appeared—in two volumes. It at once became a standard "authority," and a worthy companion to "Story on the Constitution," and has been often cited with respect and approval by the Supreme Court; and all publicists have conceded its fairness and trustworthiness, although some of them have not been able to agree with its conclusions on every point of theory or of interpretation.

In 1889, he issued a revised edition in one volume, and announced, as in preparation, a second volume in continuation of the work originally published. The prospectus said:

"The first volume of this work contains the whole of Mr. Curtis's 'History of the Origin, Formation, and Adoption of the Constitution of the United States, with Notices of its Principal Framers,' which was first published by this house more than thirty years ago. The first volume of the new book has its
separate Index. The author has carefully revised his former work on the formation and adoption of the Constitution.

"The second volume, now in preparation, will have its own Index, and will be divided into fourteen chapters. The author explains in his Preface his reason for grouping together in these several chapters the topics to which they relate, instead of giving the Constitutional History of the United States in a strictly chronological order.

"The period covered by the second volume is from the adoption of the Constitution to the close of the Civil War—three quarters of a century. In fact, the volume embraces the Constitutional History of the country for about a century, since it describes all the changes that have followed the Civil War or that accompanied it, as well as those which preceded it. The following are some of the topics treated in the second volume: History of Opinion and Belief concerning the Nature of the Constitution; the Virginia and Kentucky Resolutions of 1798; the Federalists of New England and the Hartford Convention; Nullification, how distinguished from Secession; Webster and Calhoun, as Representatives of Opposite Theories; Renunciation of the Constitution by the Early Founders of the Anti-Slavery Societies; the History of Secession; the South Carolina Ordinance; Why Secession is Revolution; True Justification of the Federal Government in the Prosecution of the Civil War; Views of the Friends and Opponents of the Constitution at the time of its Adoption Conceded in Regard to its Nature; Hamilton as a Representative of the former, Patrick Henry of the latter; their Respective Opinions of the Necessity for a Bill of Rights; Necessity of Organic Laws to Supply the Machinery of the New Government; Mode of Choosing the President; his Constitutional Functions; 'Counting' the Electoral Votes; Washington's Acceptance of the First Presidency; Earliest Precedent of 'Counting' the Electoral Vote; Inauguration of the President and Vice-President; Power of Removal from Office; President's Salary; Question of a Title for the President; the Ten Amendments of the Constitution adopted in 1789-91; Why they were Demanded, and why they were Proposed; the First Revenue Law of the United States; How far 'Protection' was deemed Obligatory; Organization of the Judicial and Executive Depart-