A CENTURY OF CONSTITUTIONAL INTERPRETATION.

WHEN Major William Jackson, Secretary of the Constitutional Convention of 1787, set off to lay the signed copy of the Constitution before the Continental Congress, he bore with him a letter from Washington and a copy of three resolutions passed by the Convention. One of these resolutions set forth the wish that, when nine States had ratified the new plan of government, the Congress should name three days: on one, electors were to be chosen in the ratifying States; on another, the electors were to meet and vote for President and Vice-President; on the third, proceedings were to begin under the Constitution. When therefore on July 2, 1788, the President of the old Congress informed the members present that nine States had ratified, he reminded them also that it thus became their duty to carry out the resolution of the Convention and fix the three required dates. After much delay and much debate the first Wednesdays in January, February, and March, 1789, were chosen.

The first Wednesday in March fell on the 4th of the month, and on that day the Constitution under which we now live became the supreme law of the land. Though the conventions of eleven States had then ratified, but three had done so unanimously. To thousands of well-meaning men in every State the new plan was offensive because it was too costly; because it was to be a government of three branches instead of a government of one; because the power of taxing was vested in Congress; because liberty of the press was not assured; because trial by jury was not provided in civil cases; because there was no provision against a standing army, and none against quartering troops on the people; because religious toleration was not secured; because it began with "We, the people," and not with "We, the States"; because it was not only a confederation, which it ought to be, but a government over individuals, which it ought not to be. In the conventions of eight States the men holding these views made strong efforts to have the Constitution altered to suit their wishes. In Pennsylvania, in Connecticut, in Maryland, the "amendment mongers," as the Federalists called them, failed. But in five conventions they did not fail, and in these the ratifications were voted in the firm belief that the changes asked for would be made. When Washington was inaugurated the amendments offered numbered seventy-seven. But Congress was too busy laying taxes, establishing courts, and forming departments to give any heed to the fears and dreads of a parcel of countrymen. Nor was it till the legislature of Virginia protested that the House of Representatives found time even to hear the amendments read. The language of the protest was of no uncertain kind.

The members were reminded that the Constitution was very far from being what the people wished. Many and serious objections had been made to it. These objections were not founded on idle theories and vain speculations. They were deduced from principles established by the bitter experience of other nations. The sooner Congress recognized this fact, the sooner it would gain the confidence of the people and the longer the new government would last. The anxiety which the people felt would suffer no delay. Whatever was done must be done at once, and as Congress was too slow to do anything at once, the Virginia legislature asked that a convention be called to propose amendments and send them to the States. For a while it seemed as if the protest from Virginia would share the same fate as the amendments from the States. Is the Constitution, it was asked, to be patched before it is worn? Is it to be mended before it is used? Let it be at least tested. Let us correct, not what we think may be faults, but what time shows really are defects. So general was this feeling that the House would have done nothing had not Madison given notice that he intended in a few weeks to move a series of amendments which would, he hoped, do away with every objection that had been lodged against the Constitution by its most bitter enemies. His amendments were nine in number. Out of them Congress made twelve. The first, which fixed the pay of Congressmen, and the second, which fixed the number of the members of the House of Representatives, were rejected by the States. Ten were ratified, and December 15, 1791, they were declared to be in force.

But the framers of the amendments were doomed to disappointment. Their work did not prove to be enough. And while the States were still considering it, the "mongers" were clamoring as loudly as ever for something more. Congress had begun to exercise its powers. The exercise of its powers had produced heart-burnings and contentions and warm disputes. The question of constitutional right had been often raised, and before the Government was two years old the people were dividing

into two great parties — the loose constructionists and the strict constructionists; the men who believed in implied powers and the men who believed in reserved powers; the supporters of a vigorous national government and the supporters of State rights.

It might seem, at first sight, that this diversity of opinion was but another phase of that general diversity of opinion which is to be found in all communities on all kinds of subjects — on art, on music, on dress, on religion, on etiquette. But the history of the past hundred years goes far to show that the constitutional opinions held by any set of men, at any particular time, and in any particular place, have been very largely determined by expediency. The people, the Congress, the legislatures of the States, the political conventions, the Presidents, the Supreme Court, have each in turn interpreted the Constitution. Now the dispute has been over the powers of Congress, now over the nature of the Constitution itself, now over the manner and meaning of its ratification. Now the contending parties have tormented themselves with such questions as, Is it a compact, or an instrument of government? Was it framed by the people, or by the States? Is there a common arbiter? May the States interpose? May the General Government coerce? May a State secede? Yet the cases are few indeed where the answers to these questions have rested on great principles and not on expediency.

The contest began in 1790 over the powers of Congress. The State debts were assumed. A national bank was started. The first excise was laid, and a round tax was put on carriages. Every one of these measures touched the interests of a section or a class. The debts of the Eastern States were larger than the debts of the Southern States. The bank stock was held by Northern men to the exclusion of Southern men. Whisky was the staple of western Pennsylvania. The cry of partial legislation was therefore raised, and the legislatures of Pennsylvania, of Maryland, of Virginia, and of North Carolina denounced the assumption act as unconstitutional and infamous. The people of western Pennsylvania rose in open rebellion against the whisky tax. The carriage-makers, pleading that the carriage tax was direct and therefore unconstitutional, took their case to the Supreme Court. Even the President had doubts as to the right of Congress to charter a national bank, and called for the opinions of his Cabinet. The great leader of the Federalists and the great leader of the Republicans replied, and each for himself laid down rules for constitutional interpretation.

Hamilton approved of the bank, set forth the loose construction view, and declared the powers of Congress to be of three sorts — express powers, implied powers, and resultant powers. Express powers were, he said, such as are clearly stated in the Constitution and are well understood. The implied powers were not indeed so well understood, yet they were just as clearly delegated. Nowhere did the Constitution say Congress shall have power to tax whisky, Congress shall have power to tax rum. Yet the existence of that power could not be doubted, nor could it be doubted that it was merely a particular power implied from the general power to lay and collect taxes, duties, imports, and excises. Resultant powers were such as resulted from the total grant of powers.

Jefferson disapproved of the bank, set forth the close construction view, and would admit but two kinds of powers — those expressly granted, and those absolutely necessary (not merely convenient) to carry out the powers expressly given.

The loose constructionists prevailed. The bank charter was signed. The whisky insurrection came to nothing. The Supreme Court decided against the carriage-makers, and the close constructionists, defeated and angry, fell back on their last resource, and before the first session of the Second Congress ended five constitutional amendments, defining the powers of Congress, appeared in the Senate. One pronounced every tax direct which was not laid on imports, excises, transfers of property, and proceedings at law. Another denied Congress the power to grant a charter of incorporation, or to set up a commercial monopoly of any kind. The third excluded from Congress every man concerned in the direction or management of a bank or moneyed corporation. The fourth went further still and proposed to shut out from the possibility of a seat in either House every man who sat on the board of directors, or filled a clerkship, or owned a share of stock of the Bank of the United States. The fifth proposed that the judicial power of the United States should be vested, not only in one Supreme Court and such inferior courts as Congress might ordain and establish, but in such State courts as the Congress should deem fit to share it.

The fifth amendment was aimed full at the Supreme Court. On the bench of that court sat John Jay, the Chief-Justice, and James Wilson, Iredell, Cushing, Rutledge, and Blair, the five associate justices. But little business had come before them, yet they had handed down two decisions which seemed to every strict constructionist to threaten the ruin of republican government. One declared that the tax on carriages was not direct, and the other asserted the right of a citizen to sue a State. At this even the friends of loose construction took fright, and once more expediency became the

cause of action. The good people of Massachusetts were at that very moment being sued by an alien and a subject of Great Britain, and the legislature, alarmed by the decision of the court, bade its senators, and requested its representatives, to spare no pains to have the Constitution amended. The instructions were obeyed, the eleventh amendment went out to the States in 1794, and in 1798 became part of the Constitution.

With this amendment the Supreme Court drops from the constitutional discussions for a time, and the behavior of the President takes its place. In 1792 France declared war on Great Britain. In 1793 Genet landed on our shore, and the day seemed not far distant when the United States would be called on to make good the promise of the old treaty of 1778. The Administration was for neutrality, and Washington issued a proclamation to that effect. This course was the only wise and safe one. But it was a Federal measure. As such it had to be opposed; and raising the cry of unconstitutionality, for want of a better reason, the Republicans denounced the President in every Democratic newspaper and in every Democratic society the land over. He had, they claimed, violated the Constitution. He had usurped the powers of Congress. To proclaim neutrality was to forbid war. To forbid war included the power to declare war, and the power to declare war had been expressly delegated to Congress. The constitutionality of the act was defended by Hamilton in his letters of "Pacificus." What could be said against it Madison gave in the letters of "Helvidius."

Hardly had this dispute subsided when a new one arose. The President and the Senate had ratified the ever-memorable treaty of 1794, and the House had been called on to vote the money necessary to put the treaty in force. But the House was then in Republican hands. The Republicans were determined to defeat the treaty, and sought to do so by refusing to vote the money needed. This the Federalists resisted as unconstitutional. The treaty-making power was, they held, confined to the President and the Senate. The duty of the House was to vote the money and be still. A great debate followed, in which the right of the House to share in making treaties, the place of treaties with respect to the Constitution and the laws, the proper subjects of treaties, were examined with a keenness which makes the debate profitable reading at the present day.

Offensive as the English treaty was at home, it was doubly so abroad. The French Directory suspended the old treaty of amity and commerce, recalled their minister, sent the American minister out of France, insulted the X. Y. Z. commissioners, and brought on the quasi-war of 1798 and 1799. Never since the days of the Stamp Act had the country been so enraged. Numbers of Republicans quit their seats in Congress and hastened home, and the Federalists, thus left in control, passed the Alien Enemy Act, the Alien Friends Act, the Naturalization Act, and the Sedition Bill, and opened a new era in our constitutional history. From 1789 to 1798 the discussions had been confined to the text of the Constitution. The Supreme Court had defined the meaning of certain phrases. Congress had wrangled over the exercise of certain powers. States had declared certain acts unconstitutional. Madison, Hamilton, and Jefferson had laid down rules for a correct interpretation. But now a new step was taken, and in the resolutions of 1798 and 1799 the very nature of the Constitution was defined by the legislatures of Kentucky and Virginia. The substance of the Kentucky resolutions is that the Constitution is a compact; that to this compact each State has assented as a State; and that, as in all other cases of compact among parties having no common judge, each party has an equal right to judge for itself as well of infractions as of the mode and measure of redress. The substance of the Virginia resolutions is the same, save that in them the right of judging and interposing is given, not to a single State, but to "the States," by which is to be understood another Federal Convention.

This definition made, they declared the alien and sedition laws void and of no force, and called on the co-States for an expression of opinion. Delaware and Rhode Island, and Massachusetts and New York, and Connecticut and New Hampshire and Vermont alone replied. Each one of the seven declared that no State legislature ought to judge of the constitutionality of laws made by the General Government, and each gave that power solely to the Supreme Court. Such was their opinion in 1799; but the time was soon to come when four of the seven would abandon this doctrine and when they in turn would defy the authority of Congress, pronounce some of its acts unconstitutional, and declare others null and void. To these answers both Virginia and Kentucky made reply, and in the reply of Kentucky was laid down the statement that when the General Government is guilty of any infraction of the Constitution a nullification of its acts by the sovereign States is the rightful remedy.

At this time the new century opened. The Presidential election of 1800 was held and Adams was defeated. The two parties changed places, and with the change of place came a change of opinions. To the minds of all true Republicans the experience of ten years had shown four serious defects in the Constitution: the manner of electing the President was bad;

the Senate was too independent a body; the Supreme Court was breaking down State rights; the powers of Congress were not well defined. These defects were thought to be most serious and became during the next ten years the cause of a new batch of proposed amendments.

The most prolific source of such was the contested election of 1801. Twelve times the proposition to change the constitutional provision for electing President and Vice-President came before House and Senate. Some recommended that a separate ballot for President and Vice-President should be cast by the electors. Some were for choosing the electors by the district system; some for declaring no man eligible to the Presidency for more than four years in any term of eight; some that a person who has been twice successively elected shall not be eligible for a third term till four years have passed, and then only for one term more. From 1800 to 1804 the tables of the House and Senate were never free from such propositions. Then, after four years of reflection, the twelfth amendment went out to the States and was adopted; and the next session the whole matter was up again for amendment.

The attack on the judiciary began with the repeal of the Judiciary Law passed by the Federalists in 1801. Under this act sixteen new judgeships were created and filled by men who, the Constitution declared, should hold their places during good behavior. But the Republicans, asserting that abolishing the office was not by any means removing the man, repealed the law and swept the "midnight judges" out of place. This done, they took one step more and impeached the Federal judges Pickering and Chase. Pickering, a raving lunatic, was removed. Chase, the most hated Federalist alive, was not removed. He had escaped, in the opinions of the Republicans, because the Constitution required judges to be impeached, and because, on his impeachment, Federal senators from Republican States voted for acquittal. But his enemies hoped to reach him and others in time, and promptly brought in three constitutional amendments. Again and again it was proposed that judges of the Supreme and all other courts of the United States should be removed by the President on the joint address of both houses. The legislatures of Kentucky and Pennsylvania and Vermont asked that the judges of the Supreme Court and all other courts of the United States should hold office for a term of years, and in this Massachusetts joined. Another proposition, made by Pennsylvania, was that in cases of impeachment a majority vote be enough to convict. Another plan gave power to each State legislature to recall any senator elected by it at any time. The legislature of Pennsylvania, recalling the Sedition Law so fearlessly administered by Chase, proposed that the judicial power of the United States should not be construed to extend to controversies between a State and the citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State and the citizens thereof and foreign States, citizens, or subjects.

It would have been well for Pennsylvania could the amendment have passed; for her governor was to be engaged in a bitter contest with the Supreme Court, and her troops were to be drawn up around the home of the Rittenhouse heirs to prevent the marshal serving a mandamus: a committee of her legislature was formally to resolve that in a government such as that of the United States, where there are powers granted to the General Government and rights reserved to the States, conflicts must arise from a collision of powers; that no provision is made by the Constitution for determining such disputes by an impartial tribunal; and that to suffer the Supreme Court to decide on State rights is simply to destroy the Federal part of our government. The court triumphed. But the legislature was not discouraged, and it framed an amendment to the Constitution providing for the creation of an impartial tribunal to decide such disputes, and called for an expression of opinions by the co-States. Virginia answered, and in 1810 asserted what in 1798 and 1799 she had denied, that there was a common arbiter, and that that common arbiter was the Supreme Court. But Pennsylvania was still unconvinced, and in 1811 her legislature plainly affirmed the Virginia and Kentucky doctrine of 1798.

But the Republican States were not the only ones with constitutional grievances. The Federal States found grievances in the purchase of Louisiana and in the long embargo. There is not in the Constitution an express grant of power to buy land from foreign countries. Up to 1803 a Republican would, therefore, have flatly denied that such a purchase could legally be made. But the Republicans were now in power. The purchase was most desirable, and they proceeded to defend it by arguments drawn from the "general welfare clause," from the treaty-making power, from the war power; and they voted money to buy Louisiana.

The last of men to oppose such a purchase should have been the Federalists. But they were then in opposition, and became in turn most strict constructionists. They declared the treaty with France unconstitutional because the treaty-making power gave no right to acquire soil; because the ports in Louisiana were to be more favored than ports elsewhere; because the President and the Senate had regulated trade

with France and Spain, a right the Constitution expressly declared to belong to Congress; and because from this territory new States were to be admitted into the Union. New England looked with dread on the admission of such new States, and to keep down their votes in the House of Representatives Massachusetts proposed a constitutional amendment, asking that henceforth representation and direct taxes be apportioned according to the number of free inhabitants. The resolution was read, was ordered to lie for consideration, and for eleven years seemed to be forgotten. It was a protest, and was not intended to be anything more. Seventeen States then formed the Union. The assent of thirteen was therefore necessary to amend the Constitution. But as eight States tolerated slavery, no amendment could pass without the assent of at least four slave States; and to suppose that four slave States would consent to cut down their representation at the request of Massachusetts was never seriously thought of for a moment. It was in truth but a protest, and the first of a series of protests which during eleven years continued to come from the Federal States of New England.

The next expounding of the Constitution grew out of the embargo and the exercise of the war powers of Congress during the war of 1812. No express power to lay an embargo can be found in the Constitution. But the Republicans had cast away much of their doctrine of strict construction, deduced the right from the power to regulate commerce, passed the laws of 1807 and 1808, and heard their constitutional right so to do denied by the very men who in 1794 had been instrumental in passing an embargo. To explain this was easy. The Federal embargo of 1794 was laid, it was said, for a short time, and was a regulation of commerce. The Republican embargo of 1807 was for an unlimited time, and was a destruction of commerce. Congress had power to regulate commerce, therefore the Federal embargo of 1794 was constitutional. Congress had no power to destroy commerce, therefore the Republican embargo of 1807 was not constitutional. This interpretation the legislature of every Federal State, and the people of every Federal county and town, accepted and asserted, and piled the table of the Tenth Congress high with addresses and memorials all declaring that the embargo acts were oppressive, unconstitutional, null, and void. But the only reply to such remonstrance was an act, to them more infamous still — the "Force Act" of 1809.

Since the days of the Alien and Sedition laws power so vast had never been bestowed on the President. Indeed what the Alien and Sedition acts were to Virginia and Kentucky in 1798 that was the Force Act to New England in 1809. With one voice the Federalists denounced them, and with one consent asserted the doctrine of State interposition. The people of Boston voted them repugnant to the true intent and meaning of the Constitution, and petitioned the legislature to interfere and save the people from the ruinous consequences of the system. From Portland came a call to adopt such measures as in 1776 were used "to dash in pieces the shackles of tyranny." The people of Hallowell declared that when those delegated to make and execute laws transcend the powers given them by a fair construction of the instrument whence their powers come, such a law is null; they voted the Force Act such a law, and petitioned the legislature to interfere and stop the career of usurpation. The New Haven meeting described the act as repugnant to the Constitution, oppressive, and a violation of the constitutional guarantees that "excessive bail shall not be required, nor excessive fines imposed," nor "the right of the people to be secure in their persons, houses, papers, and effects" violated. Delaware pronounced the act "an invasion of the liberty of the people and the constitutional sovereignty of the States." A committee of the legislature of Massachusetts, to which the petitions were referred, reported that the embargo acts were oppressive, unjust, unconstitutional, and not legally binding on the citizens of the State. They too recommended interposition, but interposition in the form of an act to protect the citizens against unreasonable, arbitrary, and unconstitutional searches of their dwellings. And now the Republicans gave way, and in 1809 the embargo was lifted.

The third decade of our history under the Constitution covers the war of 1812. A week before the war was formally declared General Dearborn, by order of the President, issued a call on the States for militia. In most of the States the call was promptly obeyed. But in Massachusetts, Connecticut, and Rhode Island the troops were flatly refused. There were, in the opinions of the governors, but three purposes for which the militia of a State could be called out by a President, and these three were: to repel invasion, to execute the laws, to suppress insurrection. But the laws were everywhere executed. There were no insurrections to put down. No enemy had invaded the soil. The call was therefore unconstitutional. This interpretation was approved in Massachusetts by the judges, in Rhode Island by the Council, and in Connecticut by the Assembly, which now in turn put forth a definition of the Constitution and the rights of the States under it. In this she declares that the State of Connecticut is a free, sovereign, and independent State; that the United States are a confederacy of

States; that we are a confederated and not a consolidated republic; and that the same Constitution which delegates powers to the General Government forbids the exercise of powers not delegated, and reserves them to the States respectively.

Two years now passed by, and New England was again aflame. The cause was the refusal of the Government to defend the coast, and the desperate efforts of the two secretaries to get troops and sailors for the war. The need of men for the army and the navy brought before Congress the conscript plan of the Secretary of War, the impressment plan of the Secretary of the Navy, the bill to enlist minors without the consent of their parents or guardians; and Connecticut bade her governor, if they passed, call the legislature together that steps might be taken to preserve the rights and liberties of the people and the freedom and sovereignty of the State. The refusal of the General Government to defend the coast of New England drew from the legislature of Massachusetts the call for the Hartford Convention. To it came delegates from the States of Massachusetts, Rhode Island, and Connecticut, chosen by the legislatures, and delegates from two counties in New Hampshire and one in Vermont, chosen by conventions of the people. Their duty was to devise and suggest for adoption, by the respective States, such measures as they might deem expedient, and if necessary provide for calling a convention of all the States to revise the Constitution.

They deemed it expedient to propose seven amendments to the Constitution. They would have had representatives and direct taxes apportioned according to the number of free persons. They would have had no new States admitted into the Union without consent of two-thirds of both houses of Congress; no embargo laid for more than sixty days; no President ever reëlected, and no two consecutive Presidents from the same State. They would have cut off naturalized citizens from seats in Congress and civil offices under the authority of the United States. They would have made a two-thirds' vote of both houses necessary to lay a commercial restriction or to pass a declaration of offensive war.

These in time were duly laid before Congress, where they were buried under a host of other amendments. The old proposition to remove judges by joint address of both houses had come up three times; to elect the President by district system, six times. There, too, were others: to shorten the term of senators; to give Congress and the States concurrent power to train the militia; to prevent increase of pay of Congressmen till after one election had intervened; to declare that if any citizen of the United States shall accept, or receive, or retain, or claim any title of nobility or of honor, or shall, without leave of Congress, accept any present, any pension, any office, any emolument of any kind, from emperor, king, prince, or foreign power, he shall cease to be a citizen of the United States and be incapable of holding office. Strange as it may seem, this last proposition passed each house, was approved by the President, went out to the States, and may be found in copies of the Constitution printed in Madison's term, as article 13th of the amendments. When the House in 1817 called on the President for an explanation, it came out that twelve States had ratified, that thirteen would have put it in force, and, supposing the thirteen would surely be obtained, the amendment had been inserted in the copies of the Constitution ordered printed by Congress.

More curious still was an amendment providing for the abolition of the Vice-Presidency, the yearly election of representatives, the triennial election of senators, and the choice of President by lot. The senators were to be parted into three classes, one of which was to go out each year. These retiring senators, called up in alphabetical order, were, in the presence of the House of Representatives, to draw each a ball from a box. One ball was colored, the rest were white; and the man fortunate enough to draw the colored ball was to be President for a twelvemonth.

Mingled with these were a few propositions which began to show the first results of the war. Congress was to have power to lay a duty of ten per cent. on exports, build roads and canals in any State with the consent of the State, and establish a national bank with branches. From the President was to be taken all power to approve or disapprove bills. To Congress was to be given power to appoint heads of all departments, fill all vacancies in the judiciary, and appoint all office-holders under the Government of the United States.

In nothing is the spread of the loose construction idea so well shown as in the feeling of the Republicans towards the National Bank. In 1791 they denounced it. In 1811 they refused to recharter it. But now in 1816 they reprinted the arguments of Hamilton to prove the constitutionality of a bank, and passed the charter of the second bank, which Madison, the opposer of banks, signed, and which the Supreme Court, in 1820, declared constitutional. But while the question of constitutionality thus disappeared, the ancient hatred remained. It was still to the popular mind a "moneyed monopoly," an "engine of aristocracy," a great monster "trampling on the vitals of the people."

The charter of the bank marked, for a time,

the limit of broad construction. This limit reached, a reaction followed, and with the opening of the fourth decade began a new contest over State rights. Ohio had taxed two branches of the Bank of the United States, and when the bank resisted had sent her officers to break open the vaults and carry off the tax money by force. The bank entered suit against the officers in the circuit court of the United States and won it, and Ohio in her turn affirmed her belief in State rights and nullification. She protested against the decision of the court as a violation of that amendment of the Constitution which declares that a State may not be sued. She protested against the doctrine that "the political rights of the separate States that compose the American Union, and their powers as sovereign States, may be settled and determined by the Supreme Court." She "approved the resolutions of Kentucky and Virginia," and called on each State for an expression of opinion. None replied. But eight soon followed her example. The first was Kentucky; and from her in 1822 came a constitutional amendment proposing that in all suits to which a State was a party an appeal should lie to the Senate; for in Kentucky, too, the circuit court had been busy, and had swept aside the infamous legislation known to history as the "relief laws."

New York came next. In 1824 the United States set up a claim to the right to require boats navigating canals to take out licenses and pay tonnage duty, and a resolution appeared in the New York Assembly declaring that the State must interfere in defense of her citizens. The Federal courts in 1822 declared unconstitutional the South Carolina acts according to which any free negro sailor who came into the ports of the State could be imprisoned until he sailed again. Governor Wilson when stating this decision to the legislature called on the members to preserve the sovereignty and independence of their State, and told them it would be better "to form a rampart with our bodies on the confines of our territory" than to be "the slaves of a great consolidated government." The legislature replied that the law of self-preservation was above all laws, all treaties, all constitutions, and would never be shared with any other power.

In 1824 Congress passed the "Woollen Bill," and Virginia, North Carolina, South Carolina, Georgia, Alabama, and Mississippi made haste to declare that the tariff, and the internal improvements for which they believed the tariff laid, were not authorized by the plain construction, true intent, and meaning of the Constitution. Each defined the Constitution as a compact into which each State had entered as a sovereign State. Each asserted that no common arbiter was known, and that each State therefore had the right to construe the compact for itself. Each then proceeded to construe it, and declared that the power to lay import duties was given for the purpose of revenue and revenue only, and that every other use of it was a palpable usurpation of power not given by the Constitution.

To these resolutions Congress gave no heed, and in 1828 passed the "tariff of abominations." Then the indignation of the South burst forth. On the day the news reached Charleston and Savannah, every British ship in the harbors pulled down its flag to half-mast. For months not a public dinner was given in the South but the diners drank destruction to the American system and prosperity to State rights. In scores of towns the sky was reddened by burning effigies of Henry Clay.

In the midst of this commotion Senator Foote of Connecticut moved that the Committee on Public Lands be instructed to inquire whether it be expedient to limit for a while the sale of lands to such as had already been offered and were then subject to entry; and so brought on the Webster-Hayne debate. There was nothing in the motion of a constitutional nature, but the tariff, and the acts of South Carolina on the tariff, were the topics of the hour and could not be kept from the discussion. During three days the Senate and the crowd that packed the chamber heard the Constitution expounded as it was never expounded before. The Virginia doctrine of 1798 pronounced the Constitution a compact between sovereign States, denied that any common arbiter existed, and asserted the right of interposition by "the States." But the Carolina doctrine as now set forth by Hayne was the Kentucky doctrine of 1798, and asserted the right of nullification by a single State; and asserted that right, not as a revolutionary right existing on the ground of extreme necessity, but as a sovereign right existing under the Constitution.

Thus set forth nullification became a favorite doctrine, and in 1830 was adopted by Massachusetts, and in 1831 and in 1832 by Maine. William, King of the Netherlands, had rendered his decision on the disputed North-east boundary, and had traced out a line which, had it been accepted, would have deprived both Maine and Massachusetts of large tracts of land. But Massachusetts notified the General Government that it would be well not to accept the decision, as any act purporting to carry it out would be "wholly null and void, and in no way obligatory" on their government or people. Maine declared she would never consent to give up an acre of her territory on the recommendation of any foreign power. The decision of William was not accepted, and no chance

was given the States to carry out their threats. But the hour was at hand when another State, for another reason, was to make the test.

The "Southern movement" of 1828 and 1829, the burning effigies, the toasts, the remonstrances, the resolutions, the boycotts, had all been lost upon the tariff-men. The threat of nullification, the threat of interposition, the threat of resistance, had been made by so many States, in so many parts of the Union, that they had lost all terrors. Virginia and Kentucky, and Pennsylvania, and Ohio, and New York, and North Carolina, and South Carolina, and Mississippi, and Alabama, and Georgia, and Massachusetts, and Maine had each made them, and it was well known that more than one State had made them never intending to carry them out. The tariff-men therefore, quite undismayed, laid the great tariff of 1832. But the threat of one State was not idle; and November 19, 1832, a convention of South Carolina delegates declared the tariff laws no longer binding on her people.

And now the States were called on to make good their threats, and one by one proved wanting. A year before, the legislature of Maine had declared, "Maine is not bound by the Constitution to submit to the decision which is or shall be made under the convention." But she now declared nullification to be "neither a safe, peaceable, nor constitutional remedy." Massachusetts had declared that any law to carry out the decision of the King of the Netherlands would be "wholly null and void." But she now declared that while she would resist a law she would not nullify. The legislature of Ohio in 1820 had expressly adopted the Virginia and Kentucky resolutions of 1798 and 1800. But there, too, opinions had changed; and Ohio now declared that the doctrine that a State has power to nullify a law of the General Government is revolutionary and "calculated to overthrow the great temple of American liberty."

But it is needless to recall the long resolutions passed by the States; the proclamation of Jackson; the great debate in the Senate between Webster, Calhoun, and Clay; the offer of Virginia to mediate; the call of Georgia for a Southern convention; the Force Act passed by Congress; or the compromise measures which persuaded South Carolina to repeal her ordinance of November, 1832. It is enough to know that each party held to its principles while it gave up its particular acts. The tariff of 1832 was altered, but the constitutionality of the protective tariff was not given up. The ordinance of nullification was repealed, but the right to nullify and secede was not disavowed. Then was the time to have secured such a disavowal. The States had committed themselves against the doctrine and could not have refused a constitutional amendment forbidding it. But no such amendment was offered.

Of the amendments that were offered in the House and Senate, one proposed to give Congress power to build roads and canals; another, to carry on internal improvements for national purposes; a third, that money used for building roads and digging canals should be apportioned according to population. A fourth related to the bank; for the charter of the second National Bank, in 1816, again brought up the question of constitutionality, and Pennsylvania, Ohio, and Indiana demanded that an amendment be added forbidding the charter of any bank except for the District of Columbia. But the amendment which was always present, which was rejected and tabled and postponed, sent to special committees, to the Judiciary Committee, to the Committee of the Whole, passed in one house and rejected in another, yet never for a session absent from the journals, related to the manner of electing the President. The extension of the franchise in some of the States, and the rapid growth of what Benton called the "demos krateo" in all the States, had greatly strengthened the belief that the people, and the people alone, should choose the President. From 1820 to 1825, therefore, the old amendment for a choice of electors by districts was urged over and over again.

For twenty years the Presidents had been natives of Virginia, and for twenty-four years ex-Secretaries of State. But against these a revolt now took place. They also became the cause of proposed constitutional amendments. No man was to be eligible to the Presidency who had been a Congressman within two years, or held any office under the Government within five years of the day of election. The States were to be arranged in four classes and a President to be taken out of each class in rotation.

With such idle schemes Congress went on amusing itself till the memorable election of 1824. Then the electoral college a second time failed to make a choice, and a second time a President was chosen by the House of Representatives. This time the man of the people was beaten, the will of the people was said to have been defied, and senators, representatives, and State legislatures joined in one demand that the college of electors be swept away.

Hardly had the election been decided in the House when Mr. McDuffie of South Carolina proposed that the election of President should never be made by Congress; that there should be a direct vote of the people by districts, and that the man who carried a majority

of the districts should be President. Buchanan was for giving the choice in contested elections to the State legislatures. Hayne was against all intervention of Congress. Dickerson was against a third term, and the Senate sent his amendment to the House. Phelps was for going back to the old custom abolished by the twelfth amendment. Sloane was for a per capita election throughout the United States. Benton, from the Senate committee, reported in favor of a popular vote in districts; the abolition of the electoral college; a majority of districts necessary to a choice, and when no majority a reëlection as before; if no choice then, a choice by the Congress. So vital had the question become, that in the four years of Mr. Adams's presidency thirty-three amendments concerning it were offered in the House and Senate. Then, wearied with it all, a member urged giving Congress power, after 1830, to propose amendments every ten years and no oftener. But the manner of election was not changed. Jackson was chosen in the old way; the dread which the Democrats had of the electoral college ended, and the dispute over the manner of electing was changed to a dispute over the length of term. Jackson, in his message to Congress, asked for a definite limit, and more amendments followed. Some would give him no more than two terms; some, one term of four years; others, one term of five. Again nothing was done, and again the President returned to the subject in his message in December, 1836. The select committee reported on it and were discharged, and the proposition came up regularly each session, only to be thrust aside by others more pressing.

On March 4, 1829, Jackson began what his enemies have called his "reign," and the amendments offered during his terms were prompted more by the bitter hatred the Whigs felt towards him than by any public necessity. He removed men from office by hundreds; and the Whigs retaliated by offering an amendment that all tenure of office not otherwise provided for by the Constitution should be regulated by Congress. He demanded that Duane should withdraw the deposits from the Bank of the United States. Duane refused, was removed, and for this the Whigs retaliated with an amendment that the Secretary of the Treasury should be chosen annually by the joint vote of House and Senate and should nominate, and by and with the advice of the Senate appoint, all officers whose duty it was to disburse the revenues. Jackson gave five members of Congress places in the Cabinet. Three more he sent to foreign courts. Four more he made comfortable with collectorships, appraiserships, and district attorneyships, and to stop him the Whigs proposed a third amendment. By it senators and representatives were not to be eligible to any office in the gift of President or Secretary of the Treasury during the term for which they were elected to sit in Congress, nor for two years thereafter. But the great constitutional question was the right to abolish slavery.

The Missouri Compromise had stirred up Benjamin Lundy, Benjamin Lundy had stirred up Garrison, and Garrison in turn had roused the antislavery feeling of the North. Hundreds of antislavery societies had sprung into existence, and from these petitions, signed, it is said, by 34,000 names, praying for the abolition of slavery in the District of Columbia, came pouring in. Once more the interests of a section were attacked. Once more expediency produced the charge of unconstitutionality. Congress had no power to abolish slavery anywhere. To ask it to abolish slavery was to ask it to do an unconstitutional act, and petitions making such requests were themselves unconstitutional and ought not to be received. A motion that the House of Representatives would not receive any petition for the abolition of slavery in the District of Columbia was sent to a committee. From that committee, in May, 1836, came a report that Congress had no power to interfere with slavery in any of the States; that it ought not to interfere with it in the District of Columbia; and that all "petitions, memorials, resolutions, or papers, relating in any way or to any extent whatever to the subject of slavery or the abolition of slavery, shall, without being either printed or referred, be laid upon the table, and that no further action whatever shall be had thereon."

Thus was the Constitution violated. Thus was the famous "gag rule" enacted. Thus was begun the glorious contest waged by John Quincy Adams in behalf of the right of petition. Thus was slavery brought up for settlement under the Constitution.

On March 4, 1837, Andrew Jackson quit office; Martin Van Buren began what the Whigs called "Jackson's Appendix," and during four years the amendments offered were Whig amendments setting forth old Whig principles. The President was to have one term. Congressmen were to be ineligible to offices in the gift of the President for two years after the close of the term for which they were elected to serve in Congress. Judges of the Supreme Court were to serve for seven years and no longer. With these came up from time to time other amendments expressive of the moral sense of the community. The collector of the port of New York went off a defaulter for $1,500,000; Congressman Cilley was murdered in a duel.

Shocked at such enormities, the whole community cried out for reform, and two constitu-

tional amendments promptly appeared in Congress. Embezzlers were to be forever disfranchised. Duelists were to be forever shut out from office-holding under the Government of the United States.

But all of these were overshadowed by the great constitutional question of the hour — the right of Congress to abolish slavery in the District of Columbia. In the two years which had elapsed since the "gag rule" was passed a great moral awakening had begun. Slavery, as well as duelists and embezzlers, was growing hateful, and the antislavery movement had entered the political field to stay. The legislature of Massachusetts pronounced the "gag rule" unconstitutional, and asserted that Congress had power to abolish slavery in the District of Columbia. So did Vermont. Connecticut repealed the "black code." From a few hundred in 1835, the antislavery societies rose to two thousand in 1837. The abolition petitions which reached Congress in the early months of 1838 are said to have borne signatures traced by three hundred thousand hands. Then was it that Calhoun brought in five resolutions defining the powers of Congress and the States over slavery. Then was it that Mr. Clay moved eight more on slavery, the slave trade, and the petitions. Then was it that Mr. Atherton moved yet another five, drawn up by the Democratic caucus, declaring that the Government of the United States was a Government of limited powers and had no jurisdiction over slavery in the States; that petitions to abolish slavery in the District and the Territories were part of a plan indirectly to destroy slavery in the State; that as Congress could not do indirectly what it could not do directly, these petitions were against the true intent and spirit of the Constitution, and that they ought, when presented, to be laid on the table without being debated, printed, or referred. One by one they were adopted, and hardly were they adopted when a member moved an explanation. The States were not associated on principles of unlimited submission. The Federal Government was a Government of limited and specific powers derived from the people of the States, and the House of Representatives in adopting the "gag rule" had but fulfilled its constitutional duty and in no way infringed the right of petition or the freedom of debate. Then was it that John Quincy Adams moved the first antislavery constitutional amendment. Save Florida, no slave State should ever again be admitted into the Union. On July 4, 1842, hereditary slavery was to cease and all negroes born after that day to be forever free. On July 4, 1845, there was to be an end made to slavery and the slave trade in the District of Columbia.

A week later the first half-century under the Constitution ended. The second half opened with a lull in constitutional discussion. During two years not an amendment was offered. There began a new threshing of the old straw. The term of the judges, the term of the President, the manner of electing him, the exclusion of Congressmen from office, were repeatedly made the subjects of proposed amendments. There was a long debate on the constitutionality of the protective tariff. There was a renewal by Massachusetts of the old demand that representation and direct taxes be apportioned according to the number of free inhabitants, and of the old question of the constitutionality of a bank.

The great Whig victory of 1840 turned over the administration of affairs to the loose construction party. But the death of Harrison in 1841 gave it back again to the strict constructionists; for such Tyler had always been and such he always remained. Still the Whigs were not dismayed, and one by one brought forward their promised reforms. They repealed the Sub-Treasury Act, and Tyler signed the bill. But he vetoed, as unconstitutional, the bill to establish "The Fiscal Bank of the United States," and the bill to establish a "Fiscal Corporation."

For this, Whig voters burned him in effigy all over the Union. For this, the Whig caucus read him out of the party, and in an earnest address to the people called for a lessening of the executive power by limiting the veto, by restricting the President to a single term, and by giving the appointment of Secretary of the Treasury to Congress. The people gave the address small heed; but the great Whig leader did, and in December, 1841, moved three constitutional amendments. Henceforth a majority vote was to be enough to pass a bill over the veto; henceforth the Treasurer and the Secretary of the Treasury were to be appointed by Congress, and no Congressman given any office during the term for which he had been elected. Clay defended his amendments with all the eloquence and skill of which he was master. Calhoun attacked them with more than common zeal and the Senate laid them on the table. But the end was not yet. The last reduction provided by the compromise tariff was to take place June 30, 1842. The Whigs passed a bill suspending this reduction till August 1, 1842, and Tyler sent it back with his "I forbid." Unable to override the veto, the Whigs passed a new tariff act, and this also Tyler sent back with his "I forbid."

The House took up the message which accompanied this veto — the "ditto veto," as it was nicknamed by the Whigs — and sent it to a committee of thirteen. John Quincy Adams

was the chairman and wrote a report which ended with another call for the constitutional amendment proposed by Clay, for a limitation of the veto. The report accomplished nothing; but the question at issue was by no means dead, and appeared in both the Whig and Democratic platforms of 1844.

The custom of laying constitutional "planks" in a party platform was brought in by the National Republicans in 1832. Those were the days when nullification was rife, when the Supreme Court was defied, when the outlay of public money on internal improvements was still thought unconstitutional. But such was not Republican doctrine; and in their platform, the first ever framed by a national convention, they boldly declared for internal improvements, and pronounced the Supreme Court the only tribunal for deciding all questions arising under the Constitution and the laws.

As this was the first, so for eight years it was the last party platform. Then, in the campaign of 1840, the Democrats imitated the Republicans of 1832, framed their first party platform and in it laid down the party views on the Constitution. The Federal Government was declared to be one of limited powers. These powers were derived solely from the Constitution and were to be construed strictly. Such a construction gave to Congress no power to make internal improvements, to assume State debts, to charter a bank, nor to meddle with the domestic institutions of the States. In these principles neither time nor experience wrought any changes, and for twenty years they were regularly reaffirmed by every Democratic convention. Four years later the men who nominated Clay drew up three resolutions, which must be considered as the first Whig platform, and in them demanded one term for the President and a reform of executive usurpations, which every true Whig understood to mean the constitutional amendments supported by John Quincy Adams and Henry Clay.

But the election was contested on very different grounds. It was under the cries of "The reannexation of Texas and the reoccupation of Oregon," "The whole of Oregon, or none," "Fifty-four forty or fight," that the Democrats entered the campaign. It was under such cries as "Texas or disunion," "Give us Texas or divide the spoons," that they won it. The treaty of annexation had failed in the Senate on constitutional grounds. Some denied the right to acquire foreign soil in any manner. Some objected to annexing it by treaty: to remove their scruples annexation by joint rule was proposed, only to be resisted by those who claimed that annexation by treaty was the only constitutional method of procedure. A compromise followed, and Tyler was left to submit to Texas the joint rule or open negotiations for a new treaty, as he saw fit. He submitted the joint rule and gave the country Texas. Then came the war. The war gave us new territory; the new territory had to be governed, and the attempt to set up territorial governments in California, New Mexico, and Utah brought up the question whether those governments should be slave or free.

On the one hand were the Free-soilers, holding two definite theories of the status of slavery under the Constitution. Slavery in the State was, they held, a purely domestic institution. State laws created it. State laws protected it, and these laws the Federal Government could not repeal. For slavery in the States, therefore, the Federal Government was not to blame. But for the existence of slavery in the Territories the Federal Government was to blame; for over the Territories the States had no authority and the Congress all authority. But the Constitution expressly denied to Congress power to deprive any man of life, liberty, or property without due process of law. Congress had, therefore, no more power to make a slave than to make a king; no more power to set up slavery than to set up monarchy. The Congress must prohibit slavery in the Territories, in the District of Columbia, and wherever else its authority was supreme.

On the other hand were the Democrats, resisting the Wilmot proviso, resisting the exclusion of slavery from the Territories; demanding the fulfillment by the North of the constitutional obligation to return fugitive slaves; asserting the doctrines of popular sovereignty and non-interference, and threatening disunion if every demand were not conceded. Non-interference meant the constitutional right of every slaveholder to take his slaves to any State or any Territory and be secure in their possession, and the constitutional duty of Congress to do nothing tending directly or indirectly to hurt slavery even "in its incipient stages." Popular sovereignty meant the right of the people in a Territory to determine for themselves when they framed their State constitution whether they would or would not have slavery.

By 1850 these two doctrines had become so well defined that an attempt was made to fasten them on the Constitution. One amendment proposed that the Constitution should never be amended so as to abolish slavery without consent of each State in which slavery existed. By another resolution the Committee on the Judiciary were to frame an amendment setting forth that the people of each separate community, whether they do or do not reside in the Territories, have a right to make their own domestic laws and to establish their own domestic government.

Again the proposed amendments were

thrown aside; but the doctrine of popular sovereignty triumphed. By the compromise of 1850 it was applied in the organization of Utah and New Mexico, and in them slavery was established. By the act of May 22, 1854, it was again applied in the organization of Kansas and Nebraska, and in Kansas slavery was desperately resisted. When that dreadful war was over, Clay was dead; Webster was dead; the old Whig party was dead; the Free-soil party had given place to the Republican party; the Dred Scott decision had been made, and the Democratic party was rent into two sectional factions holding two very different views on "sovereignty." The Southern wing, led by Breckinridge and Lane, still held to the old form of "popular sovereignty," and still declared that when the settlers in a Territory, having an adequate population, form a State constitution, the right of sovereignty begins; that they then have the right to recognize or prohibit slavery, as they see fit, and must then be admitted as a State with their constitution free or proslavery, as they wish; still held that the government of a Territory is provisional and temporary, and that while it lasts all citizens of the United States have equal rights to settle in the Territories without their rights or property being impaired by congressional action. The Northern wing, led by Douglas, proclaimed the doctrine of "squatter sovereignty," the right of the people while still in the territorial condition to determine through their territorial legislatures whether they would or would not have slavery.

The Republicans, on the other hand, asserted the normal condition of the Territories to be that of freedom, and denied the authority of Congress, of the territorial legislatures, of territorial constitutional conventions, and of any individual to give legal existence to slavery in the Territories. In 1860 this doctrine triumphed, and the Southern States at once began to carry out the threats so often made, and one by one seceded.

Then came up for final settlement two questions, many times discussed in vague or general language: May a State secede? May the Federal Government coerce? The answer of Buchanan to these questions is given in his message to Congress in December, 1860. He admitted, as all men must admit, that revolution is a "rightful remedy" for tyranny and oppression. He denied that secession was a constitutional remedy for anything. But he asserted that the Constitution gave no power to coerce a State when it claimed to have seceded. He admitted that the Constitution did give the power to enforce the laws of the Union on the people of a so-called seceded State; but he asserted that he was powerless to do so because he could not comply with the terms of the law of 1795, which provided for putting that power into effect. Having laid down these principles, he fell back on the old remedy and urged an "explanatory constitutional amendment." This amendment was to declare, not that secession was unconstitutional, not that the General Government might coerce, but that the right of property in slaves was recognized in every State where it then existed or might exist; that this right should be protected in the Territories so long as they remained Territories; and that all State laws hindering the return of fugitive slaves were unconstitutional, null, and void.

The hint was taken, and men of all parties made haste to lay before Congress a vast mass of propositions and amendments. One was for urging the States to call a constitutional convention. Jefferson Davis was for declaring by amendment that property in slaves stood upon the same footing as other kinds of property and should never be impaired by act of Congress. Andrew Johnson had a long list of six more. Mr. Crittenden, a senator from Kentucky, offered seven. From the House Committee on the State of the Union came seven. From the Peace Conference came seven. All were compromises. The slave States had complained that they were not given equal rights in the Territories. They were now given rights; and the public domain was parted by the old Missouri Compromise line of 36° 30′. In the Territories north of the line there was to be no slavery; in the Territories south of the line slavery was to be protected. The slave States had demanded "popular sovereignty." They were now given popular sovereignty, and the Territories both north and south of 36° 30′ were to be suffered, when they formed State constitutions, to set up or prohibit slavery. The free States had complained of the acquisition of territory for the purpose of spreading slavery. The Federal Government was now forbidden to acquire any territory in any way, save by discovery, without the consent of a majority of the senators from the States where slavery was not allowed and of a majority of the senators from the States where slavery was allowed. The free States had demanded the abolition of slavery in the District of Columbia; but this was refused, and in future neither the Constitution nor any amendment was to be so construed as to give Congress power to meddle with slavery in the States, nor to abolish it in the District without the consent of Maryland. The free States had demanded that the slave trade between the States be stopped, and this was granted. The slave States had demanded a better enforcement of the fugitive-slave law: this too was granted,

and the States were to have power to pass laws to enforce the delivery of fugitive slaves to legal claimants. All these amendments, and all the provisions of the Constitution touching slavery, were never to be changed without the consent of each State. But the day for compromise was gone. Congress would not accept them, and March 2, 1861, sent out to the States a short amendment in their stead, providing that Congress should never abolish nor meddle with slavery in the States. Maryland and Ohio alone ratified it. The war made it useless, and in February, 1864, it was recalled, to be followed in February, 1865, by an amendment which the States did accept and which abolished slavery in the United States forever. Then began the days of reconstruction, and when March 30, 1870, came, two more amendments had been added to the Constitution.

With these the amending stopped; but the rage for amendment went on burning with tenfold fury. State sovereignty was gone; Federal sovereignty was established. The National Government, not the State Government, was now looked up to as the righter of wrongs, the corrector of abuses, the preserver of morals; and individuals, societies, sects, made haste to lay their grievances before Congress and ask to have them removed by constitutional amendment. The change which the war has produced in this respect is most marked and curious. During the nineteen years which have passed since 1870, three hundred and ten amendments have been offered. Many of these, it is true, have in one form or another tormented Congress for ninety years; but among them are others which indicate nothing so plainly as the belief that the Government is now a great National Government and that its duty is to provide in the broadest sense for "the general welfare" of the people. To Congress, therefore, have come repeated calls for constitutional amendments, forbidding special legislation; forbidding the manufacture and sale of spirituous liquors; forbidding bigamy and polygamy; forbidding the repeal of the pension laws; giving Congress power to pass uniform marriage and divorce laws, and power to limit the hours of labor; giving women the right to vote; giving the States power to tax corporations; and for amendments abolishing and prohibiting the convict-labor system and acknowledging the existence of a God.

John Bach McMaster.

SIXTY AND SIX; OR, A FOUNTAIN OF YOUTH.

Fons, delicium domus.— MARTIAL.

LIGHT of the morning,
Darling of dawning,
Blithe little, lithe little daughter of mine!
While with thee ranging
Sure I 'm exchanging
Sixty of my years for six years like thine.
Wings cannot vie with thee,
Lightly I fly with thee,
Gay as the thistle-down over the lea;
Life is all magic,
Comic or tragic,
Played as thou playest it daily with me.

Floating and ringing
Thy merry singing
Comes when the light comes, like that of the birds.
List to the play of it!
That is the way of it;
All 's in the music and naught in the words —
Glad or grief-laden,
Schubert or Haydn,
Ballad of Erin or merry Scotch lay,
Like an evangel
Some baby angel
Brought from sky-nursery stealing away.

Surely I know it,
Artist nor poet
Guesses my treasure of jubilant hours.
Sorrows, what are they?
Nearer or far, they
Vanish in sunshine, like dew from the flowers.
Years, I am glad of them!
Would that I had of them
More and yet more, while thus mingled with thine.
Age, I make light of it!
Fear not the sight of it,
Time 's but our playmate, whose toys are divine.

Thomas Wentworth Higginson.