

The President of the United States, by his Proclamation of the 15th of April, had called upon a portion of the States to place at his disposal a body of militia, to the number of seventy-five thousand men. The Proclamation was directed against the people of the newly-formed Southern Confederacy, and its purposes and policy were obvious, although its terms were technically shaped in conformity with the Act of Congress of 1795. It recited, with formal precision, in the language of the Act, "that the laws of the United States were opposed, and the execution thereof was obstructed," in the seven seceded States, "by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the Marshals," and it called forth the militia of the other States, in the further language of the statute, "to suppress such combinations, and to cause the laws to be duly executed." In pursuance of another section of the law, it then commanded "the insurgents to disperse and retire peaceably to their respective abodes" within twenty days. If there is any proposition clear beyond dispute, it must be, that if the occasion which authorizes the President to call out the militia, under the Act of 1795, existed at all, it was declared, by the explicit terms of the Proclamation, to exist only in the States of the Southern Confederacy, which were therein enumerated. It is equally indisputable, as matter of law, that the militia, if called out lawfully at all, were lawfully empowered to execute the laws and suppress unlawful combinations in the seven States named, and in none other. Such a conclusion of law is not only obvious and unavoidable, as matter of construction, but equally to be insisted upon as matter of principle and self-protection on the part of the people; for the exercise of the military power, in a free government, is never to be permitted, except within the limits and under the severest restrictions and checks of the law. If a President of the United States, under the fraudulent pretence of suppressing unlawful combinations in Louisiana and Florida, could be permitted to call out troops, to be used for any purpose in Maryland or Virginia, no soil of any State would be free from invasion, and no right of the citizen anywhere would be secure against overthrow.

It was not, however, because of any apprehension that the militia which were called out by the President would be used in other than the designated quarters, that the Proclamation created an intense and immediate excitement in the Southern and Border Slave States. On the