## Carlisle Volunteer WIRA.

## IDENT'S MESSAGE.

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lizens of the Senate in and House of Representatives: mont the year since our last meeting, iry has been eminently prosperous rial interests. The general health Fexcellent, our harvests have been and plenty smiles thoroughout the commerce and manufactures have ented with energy and industry, and the fair and ample returns. In short, and in the tide of time has ever presented In the tide of time has ever presented the of greater material prespectly than it deshe until within a very recent period light then, that discontent now so exist gravails, and the Union of the States, the source of all these blessings, is it in the source of all these blessings is it in the source of all these blessings. these with destruction? The long-con-light littemperate interference of the trupeople with the question of slavery the Southern States has at length produced in Attural effects. The different sections of Union are now arrayed against each other, her of his Country; when hostile geo-ther have been formed. I have and often forewarned my counin and often forewarned my coun-ties now impending danger. This imposed solely from the claim on the dangers or the territorial legislature to layery from the Territories, nor from of different States to defeat the exethe fugitive-slave law. All or any of in might have been endured by the thout danger to the Union, (as others (a) in the hope that time and reflection ly the remedy. The immediate periluse much from these causes as from that the incessant and violent agitation very question throughout the North st quarter of a century, has at length its malign influence on the slaves, fred them with vague notions of free

fa sence of security no longer exists the family altar. This feeling of peace has given place to apprehensions of maurrection. Many a matron throughuth retires at night in dread of what all herself and her children before the Should this apprehension of domesmaify itself until it shall pervade the of the Southern people, then disunion the inevitable, Self-preservation is the lof nature, and has been implanted in of man by his Creator for the wisest and no political union, however with blessings and benefits in all other can long continue, if the necessary the dearly half the parties to it habitually lightesty insecure. Sooner or later the cardinate at the source of th

a take warning in time, and remove of danger. It cannot be denied that, the twenty years, the agitation at the set slavery in the South has been in 1835 pictorial hand-bills, and appeals, were circulated exten-tout the South, of a character to fout the South, of a character to sions of the slaves; and, in the General Jackson, "to stimulate anguage, Reneral Jackson, "to stimulate hem to high rection, and produce all the horces of a service war." This agitation has over the bean continued by the public press, by proceedings of State and county, conventing by abolition sermons and lectures.

If Congress has been occupied in vioceches on this never-ending subject; leals in pamphlet and other forms, enby distinguished names, have been sont by distinguished names, have been sent this central point, and spread broader the Union.

easy would it be for the American peq-settle the slavery question forever, and

re peace and harmony to this distracted and they alone, can do it. 'All that is and they alone, can up it. An entering to accomplish the object, and all ish the slave States have ever contended, let alone, and permitted to manage their distinctions in their own way. As n States, they, and they alone, are re-before God and the world for the disting among them. For this, the de the North are not more responsible, A We for more right to interiere, than with the first tutions in Russia or in Brazil.— I for their good sense and patriotic forbearance from the first tution of tution of the first tutio clivites directore peace and harmony among the States Wisely limited and restrained as is his powers under our Constitution and laws, he aloue an accomplish but little, for good or a vil on such a momentous question.

this brings me to observe that the elecany one of our fellow-citizens to the President does not of itself afford just dissolving the Union. This is more irue if his election has been effected plurality, and not a majority, of the Lary causes, which may probably never country. In order to justify a resort to library resistance, the Federal Government be guilty of "a deliberate, palpable the rouse exercise" of powers and

rous exercise" of powers not granted anight tution. The late Presidential nowever, has been held in strict conwith its express provisions. How, an the result justify a revolution to de-dis very Constitution? Reason, justice, the Constitution, all require that wait for some overt and dangerous act art of the President elect before re-

id however, that the antecedents of mit elect have been sufficient to jusrs of the South that he will attempt the South that he will attempt the constitutional rights. But are the sions of contingent danger in the stop justify the immediate description of the system of government words. The stop justify he conservative. The stop duty of this first per system of the vast and complicated conservative of this Government affords the stop justifies the guarantee that he will not attempt the stop of this Government affords the guarantee that he will not attempt

itself a guarantee that he will not attempt violation of a clear constitutional right. mall he is no more than the chief of the Government. His province make, but to execute, the laws; and dirkable fact in our history, that, noting the repeated efforts of the anti-tty, no single act has ever passed these we may possibly except the impromise, impairing, in the slightdirection rights of the South to their de alayes. And it may also be obpointify exists of the passage of such an in the passage of such an interest of such a ent or the next Congress. Surely, tiese dircumstances, we ought to be re-from present action by the precept of its arake as never man spoke, that "sufin the day is the evil thereof." The limay never come, unless we shall

tipe it upon ourselves.

Legal as one cause for immediate selet the Southern States are denied a with the other States in the comries. But by what authority are Not by Congress, which has and I believe never will pass, desclude slavery from these Territo-ac cartainly not by the Supreme Court,

property, and, like all other property, their liberty and happiness of the millions compoowners have a right to take them into the com-Territories, and hold them there under the protection of the Constitution.

So far, then, as Congress is concerned, the objection is not to anything they have already done, but to what they may do hereafter. It will surely be admitted that this apprehen will surely be administed that this apprehension of future danger is no good reason for an immediate dissolution of the Union. It is true that the territorial legislature of Kansas, on the 23d of February, 1860, passed in great haste an act, over the veto of the Governor, declaring that slavary "is and shall be fordeclaring that slavery "is, and shall be, for-over prohibited in this Territory." Such an act, however, plainly violating the rights of property secured by the Constitution, will surely be declared void by the judiciary when-over it shall be presented in a legal form.

Only three days after my inauguration the

Only three days after my inauguration the Supreme Court of the United States solemnly adjudged that this power did not exist in a ter-ritorial legislature. Yet such has been the fac-tious temper of the times that the correctness of this decision has been extensively impugued before the people, and the question has given rise to angry political conflicts throughout the country. Those who have appealed from this judgment of our highest constitutional tribunal to popular assemblies would, if they could, invest a territorial legislature with power to have a territorial rights of property. This of this decision has been extensively impugued invest a territorial legislature with power to annul the sacred rights of property. This power Congress is expressly forbidden by the Federal Constitution to exercise. Every State legislature in the Union is forbidden by its own legislature in the Union is forbidden by its own constitution to exercise it. It cannot be exercised in any State except by the people in their highest sovereign capacity when framing or amending their State constitution. In like manner, it can only be exercised by the people of ner, it can only be exercised by the people of a Territory represented in a convention of delegates for the purpose of framing a constitution preparatory to admission as a State into the Union. Then, and not until then, are they invested with power to decide the question whether slavery shall or shall not exist within their limits. This is an act of sovereign authority, and not of subordinate territorial legislation. Were it otherwise then indeed gislation. Were it otherwise, then indeed would the equality of the States in the Terriories be destroyed, and the rights of property in slaves would depend, not upon the guaran-tees of the Constitution, but upon the shifting majorities of an irresponsible territorial legislature. Such a doctrine, from its intrinsic unsoundness, cannot long influence any considerable portion of our people, much less can it afford a good reason for a dissolution of the

Union.

The most palpable violations of constitutional duty which have yet been committed onsists in the acts of different State legislatures to defeat the execution of the fugitive slave law. It ought to be remembered, however, that for these acts, neither Congress nor any President can justly be held responsible. Having been passed in violation of the Federal Constitution, they are therefore null and void. All the courts, both State and national, before whom the question has arisen, have from the beginning declared the fugitive-slave law to be constitutional. The single exception is that of a State court in Wisconsin; and this has not only been reversed by the proper ap-pellate tribunal, but has met with such universal reprobation that there can be no danger from it as a precedent. The validity of this law has been established over and over again law has been established over and over again by the Supreme Court of the United States with perfect unanimity. It is founded upon an express provision of the Constitution, requiring that fugitive slaves who escape from service in one State to another shall be "delivered up" to their masters. Without this provision it is a well known historical fact that the Constitution itself could never have been adopted by the Convention. In one form or other under the acts of 1793 and 1850, both being substantially the same, the fugitive-slave law has been the law of the land from the days of Washington until the present moment. Here then, a clear case is presented, in which it then, a clear case is presented, in which it will be the duty of the next President, as it will be the duty of the next president, as it has been my own, to act with vigor in executing this supreme law against the conflicting enactments of State legislatures. Should he fail in the performance of this high duty, he will then have manifested a disregard of the Constitution and laws, to the great injury of the nearly of nearly one half of the States of the people of nearly one-half of the States of the Union. But are we to presume in advance that he will thus violate his duty? This would be at war with every principle of justice and of Christian charity. Let us wait for the overt act. The fugitive-slave law has been thing in the constitution or laws of any State carried into execution in every contested case since, the commencement of the present administration; though often it is to be regretted, with great loss and inconvenience to the master, and with considerable expense to the governnent. Let us trust that the State legi will repeal their unconstitutional and obnoxous enactments. Unless this shall be done without unnecessary delay, it is impossible for

The Southern States, standing on the basis of the Constitution, have a right to demand this act of justice from the States of the North. Should of justice from the States of the North. Should it be refused, then the Constitution, to which all the, States are parties, will have been wilfully violated by one portion of them in a provision essential to the domestic security and happiness of the remainder. In that event, the injured States, after having first used all peaceful and constitutional means to obtain redress, would be institled in revolutionary resistance to the Covern ustified in revolutionary resistance to the Governent of the Union.

I have purposely confined my remarks to revo-lutionary resistance, because it has been claimed lutionary resistance, because it has been claimed within the last few years that any State, whenever this shall be its severelgn will and pleasure, may secode from the Union, in accordance with the Constitution, and without any violation of the Constitutional rights of the other members of the Confederacy. That as each became parties to the Union by the vote of its own people assembled in convention, so any one of them may revise from convention, so any one of them may retire from the Union in a similar manner by the vote of such

a convention.

In order to justify secession as a constitutional remedy, it must be on the principle that the Federal Government is a mere voluntary association of States, to be dissolved at pleasure by any one of the contraction rewrites. If this has to the Contraction of the contraction rewrites. of States, to be dissolved at pleasure by any one of the contracting parties. If this be so, the Confederacy is a rope of sand, to be penetrated and dissolved by the first-adverse wave of public opinion in any of the States. In this manner our thirty-three States may resolve themselves into as many petty, jarring and hostile republics, each one retiring from the Union, without responsibility, whenever any sudden excitement might impel them to such a course. By this process a Union might be entirely broken into fragments in a few weeks, which cost our forefathers many years of weeks, which cost our forefathers many years o toil, privation and bleed to establish.

Such a principle is wholly inconsistent with the history as well as the character of the Federal Constitution. After it was framed, with the greatest deliberation and care, it was submitted to conventions of the people of the several States for ratification. Its provisions were discussed at length in these bodies, composed of the first men of the country. Its op-penents contended that it conferred powers upon the Federal Government dangerous to the rights of the States, whilst its advocates main-tained that under a fair construction of the instrument there was no foundation for such apprehensions. In that mighty struggle between the first intellects of this or any other country, it never occurred to any individual, either among its opponents or advocates, to assert, or even to intimate, that their efforts were all vair labor, because the moment that any State felt herself aggrieved she might secode from the Union. What a crushing argument would this have proved against those who dreaded that the rights of the States would be endangered by he Constitution. The truth is, that it was not until many years after the origin of the Federal Government that such a proposition was first advanced. It was then met and refuted by the conclusive arguments of General Jackson, who in his message of 16th January, 1833, transmitting the nullifying ordinance of South Carolina to Carolina to Congress, employs the following language:—"The right of the people of a single State to absolve themselves at will, and

Commence of the Secretary of the

sing this Union cannot be acknowledged.—Such authority is believed to be utterly repugnant both to the principles upon which the General Government is constituted and to the objects which it was expressly formed to at-

It is not pretended that any clause in the constitution gives countenance to such a theory. It is altogether founded upon inference, not from any language contained in the instrument itself, but from the sovereign character of the several States by which it was ratified. But is it beyond the power of a State, like an individual, to yield a portion of its sovereign rights to secure the remainder? In the language of Mr. Madison, who has been called the father of the Constitution: "It was formed by the States that is by the people in each of the States, acting in their highest sovereign capacity; and formed consequently by the same authority which formed the State Constitutions."

"Nor is the Government of the United States, created by the Constitution, lessa Government in the strict sense of the term, within the sphere of its powers, than the governments created by the constitutions of the States are, within their several spheres. It is, like them, organized into legislative, executive, and justices are the several spheres. diciary departments. It operates, like them, directly on persons and things; and, like them, it has at command a physical force for execu ting the powers committed to it."

It was intended to be perpetual, and not to be annulled at the pleasure of any one of the contracting parties. The old articles of con-federation were entitled "Articles of Confederation were entitled eration and Perpetual Union between the States;" and by the 13th article it is expressly declared that "the articles of this Confederation shall be inviolably observed by every State and the Union shall be perpetual." The preamble to the Constitution of the United States, having express reference to the articles of Con-federation, recites that it was established "in order to form a more perfect union." And yet it is contended that this "more perfect union" does not include the essential attribute of per

But that the Union was designed to be per-petual appears conclusively from the nature and extent of the powers conferred by the Con-stitution on the Federal Government. These stitution on the Federal Government. These powers embrage the very highest attributes of national sovereignty. They place both the sword and purse under its control. Congress has power to make war, and to make peace; to raise and support armies and navies, and to conclude treaties with foreign governments.— It is invested with the power to coin money and to regulate the value thereof, and to regu late commerce with foreign nations, and among the several States. It is not necessary to enumerate the other high powers which have been conferred upon the Federal Government. In order to carry the enumerated powers into effect, Congress possesses the exclusive right to lay and collect duties on imports, and in common with the States to lay and collect all other taxes.

But the Constitution has not only conferred these high powers upon Congress, but it has adopted effectual means to restrain the States from interfering with their exercise. For that purpose it has, in strong prohibitory language, expressively declared that "no State shall enter into any treaty, alliance or confederation; grant letters of marque and reprisal; coin money: emit bills of credit; make anything but gold and silver coin a tender in payment of dehts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts." Moreover "without the consent of Congress, no State shall lay any imposts or duties on any imports or exports, except what may be absolutely necessary for executing its inspection laws; and, if they exceed this amount, the excess shall belong to the United States.

And "no State shall, without the consent of Congress lay any duty of tonnage; keep troops or ships of war, in time of peace; enter into any agreement or compact with another State, or with a foreign power; or energy in war, unless actually invaded, or in green minent danger minent danger as will not admit of dela

In order still further to be the uninter-rupted exercise of these light powers against State interposition, it is provided "that this Constitution and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, unler the authority of the United States, shall to the contrary notwithstanding.

The solemn sanction of religion has been superadded to the obligations of official duty, and all senators and representatives of the United States, all members of State Legislaures, and all executive and indicial officers both of the United States, and of the several States shall be bound by oath or affirmation to support this Constitution.'

In order to carry into effect these powers. the Constitution has established a perfect Government in all its forms, Legislative, Executive, and Judicial; and this Government, to the extent of its powers, acts directly upon the individual citizens of every State, and executes its own decrees by the agency of its own offi-

In this respect it differs entirely from the Government under the old Confederation, which was confined to making requisitions on the States in their sovereign character. This left it in the discretion of each whether to obey or to refuse, and they often declined to comply requisitions. It thus became neces sary, for the purpose of removing this barrier, and "in order to form a more perfect Union," to establish a Government which could act directly upon the people, and execute its own! laws without the intermediate agency of the States. This has been accomplished by the Constitution of the United States.

In short, the Government created by the Constitution, and deriving its authority from ceedings of the States, would prove as visionary Constitution, and deriving its authority from the sovereign people of each of the several States, has precisely the same right to exercise its power over the people of all these States, in the enumerated cases, that each one of them ossesses over subjects not delegated to the United States but "reserved to the States, re-

spectively, or to the people."

To the extent of the delegated powers the Constitution of the United States is as much a State, how are we to govern it afterwards? part of the constitution of each State, and is as part of the constitution of each State, and is as binding upon its people, as though it had been by despotic power? In the nature of things

textually inserted therein.

This Government, therefore, is a great and powerful Government, invested with all the attributes of sovereignty over the special subjects in which its authority extends. Its framers never intended to implant in its hopen the special subjects. o implant in its bosom the seeds of its own des to implant in its bosom the seeds of its own destruction, nor were they at its oreation guilty of the absurdity of providing for its own discolution. It was not intended by its framers to be the baseless fabric of a vision which, at the touch of the enchanter, would vanish into thin air, but a substantial and mighty fabric, capable of resisting the slow decay of time, and of defying the storms of agos.

Indeed, well may the jealous patriots of that day have indulged fears that a government of such high powers might violate the reserved rights of the States, and wisely did they adopt the rule of a strict construction of these powers to prevent the danger! But they did not fear, nor had they any reason to imagine, that the Constitution would ever be so integrated as to each be exercised. ever be so interpreted as to consent the my state, by her own act, and without the consent of her sister States, to discharge her people from all or any of their Federal obligations.

It may be asked, then, are the people of the States without rodress against the tyranny and oppression of the Federal Government?. By no means. The right of resistance on the part of the governed against the oppression of their governments cannot be denied. It exists independently of all constitutions, and has been exercised at all periods of the world's history. Under it old governments have been destroyed and new ones have taken their places. It is embodied in strong and express language in our own Declara Adjusted by the Supreme Court, without the consent of the other States, from an established government, and not a voluntary their nost solemn obligations, and hazard the secession from it by virtue of an inherent constition of Independence. But the distinction must ever be observed, that this is revolution against

carried into execution, have already resigned We no longer have a district judge, a district attorney, or a marshal in South Carolina. In fact, the whole machinery of the Federal Government, necessary for the distribution of re-medial justice among the people, has been de-molished; and it would be difficult, if not impossible to replace it.

The only acts of Congress on the statute-book, beating upon this subject; are those of the 28th February, 1795, and 3d March, 1807. These uthorize the President, after he shall have as certained that the marshal with his posse comitatus is unable to execute civil or criminal process in any particular case, to call forth the militia and employ the army and navy to aid him in performing this service, having first by Proclamation commanded the insurgents "to disperse and retire peaceably to their re-spective abodes, within a limited time." This duty cannot by possibility be performed in a State where no judicial authority exists to issue process, and where there is no marshal to exeute it, and where, even if there were such an officer, the entire population would constitute one solid combination to resist him.

The bare enumeration of these provisions proves The bare enumeration of these provisions proves how inadequate, they are without further legislation to overcome a united opposition in a single State, not to speak of other States who may place themselves in a similar attitude. Congress alone themselves in a similar attitude. Congress alone has power to decide whether the present laws can or cannot be amended so as to carry out more effectually the objects of the Constitution.

The same insuperable obstacles do not lie in the way of executing the laws for the collection of the customs. The revenue still continues to be collected, as heretofore, at the custom-house in Charleston; and should the collector unfortunately resign, a successor may be appointed to perform

Then in regard to the property of the United States in South Carolina. This has been purchased for a fair equivalent, "by the censent of the Legislature of the State," "for the crection of forts, magazines, arsenals," &c., and over these the authority "to exercise legislation" has been expressly granted by the Constitution to Congress. It is not believed that any attempt will be made to expel the United States from this property by force; but if in this I should prove to be mistaken, the officer in command of the forts has received orders to act strictly on the defensive. In such a contingency, the responsibility for consequences would rightfully rest upon the heads of the assailants.

Apart from the execution of the lays, so far

Apart from the execution of the laws, so far as this may be practicable, the Executive has no authority to decide what shall be the rela-tions between the federal government and South Carolina. He has been invested with no such discretion. He possesses no power to change the relations heretofore existing between them, much less to acknowledge the independence of that State. This would be to invest a mere Executive officer with the power of recognizing the dissolution of the Confederacy among our thirty-three sovereign States. It hears no resemblance to the recognition of a foreign de facto government, involving no sucl

responsibility.

Any attempt to do this would, on his part, be a naked act of usurpation. It is, therefore, my duty to submit to Congress the whole ques-tion in all its bearings. The course of events is so rapidly hastening forward that the emer gency may soon arise, when you may be called upon to decide the momentous question whether you possess the power, by torce of mans, to compel a State to remain in the Union. I should feel myself recreant to my duty were I not to express an opinion on this important subject.

The question fairly stated is: Has the Constitution delegated to Congress the power to coerce a State into submission which is attempting to withdraw or has actually withtempting to withdraw or has actually withdraw from the Confederacy? If answered in the affirmative, it must be on the principle that the power has been conferred upon Contact that the power has been conferred upon gress to declare and make war against a State.

After much serious reflection I have arrived at the common Territories throughout their territhe conclusion that no such power has been delegated to Congress or to any other department of the Federal Government. It is manifest, upon an inspection of the Constitution, that this is not among the specific and enumerated powers granted to Congress; and it is equally apparent that its exercise is not "neessary and proper for carrying into execution' any one of these powers. So far from this power having been delegated to Congress, it was expressly refused by the Convention which

framed the Constitution. It appears, from the proceedings of that body, that on the 31st May, 1787, the clause "authorizing an exertion of the force of the whole against a delinquent State" came up for consideration. Mr. Madison opposed it in a brief but powerful speech, from which I shall extract but a single sentence. lle observed; "The use of force against a State would look more like a declaration of war than an infliction of punishment; and would probably be considered by the party attacked as a dissolution af all previous compacts by which it

Unon his motion the clause was unanimously postponed, and was never I believe again presented. Soon afterwards, on the 8th of June, 1787, when incidentally adverting to the subject he said: "Any Government for the United States, formed on the supposed practicability of using force against the unconstitutional proand fallacious as the government of Congress, evidently meaning the then existing Congress

of the old Confederation. Without descending to particulars, it may be safely asserted, that the power to make war against a State is at variance with the whole spirit and intent of the Constitution. Suppose we could not, by physical force, control the will of the poople and compel them to elect senators and representatives to Congress, and to perform all the other duties depending upon their own volition, and required from the free citizens of a free State as a constituent member

of the Confederacy.

But, if possessed of this power, would it be wise to exercise it under existing circumstances? The object would doubtless be to preserve the Union. War would not only p the most effectual means of destroying it; but would banish all hope of its peaceable recon struction. Besides, in the fraternal conflict a vast amount of blood and treasure would b expended, rendering future reconciliation between the States impossible. In the mean time who can foretell what would be the suffering and privation of the people during its exis

The fact is, that our Union rests upon pub lic pinion, and can never be comented by the blodd of its citizens shed in civil war. cannot live in the affections of the people, i must one day perish. Congress possess many means of preserving it by conciliation; but the sword was not placed in their hand to preserve it by force.

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But may I be permitted solemnly to invoke my pountrymen to pause and deliberate before they determine to destroy this, the grandest temple which has ever been dedicated to human freedom since the world began? It has been consecrated by the blood of our fathers, by the glories of the past, and by the hopes of the future. The Union has slready made us the most prosperous, and ere long will, if pre-

ernment.

It is not very wrong—nay, it is not every gricvous wrong—which can justify a resort to such a fearful alternative. This ought to be the last desperate remedy of a despairing people, after every other constitutional means of conciliation had been exhausted. We should reflect that under this free Government there is an incessant cbb and flow in public opinion. The slavery question, like everything human, will have its day. I firmly believe that it has already reached and passed the cultinating point. But if, in the midst of the existing excitement, the Union shall perish, the evil may then become irreparable. Congress can cantribute much to avert it by proposing and recommending to the Legislatures of the several States the remedy for existing evils, which the Constitution has itself provided for its own preservation. This has been tried at different critical periods of our history, and always with imminent success. It is to be found in the 5th article providing for its own tends to the tends of the several states. thed at universit entities periods of our mistory, and always with imminent success. It is to be found in the 5th article providing for its own amendment. Under this article amendments have been proposed. by two-thirds of both houses of Congress, and have been "ratified by the legislatures of three-fourths of the several States," and consequently become parts f the Constitution.

To this process the country is indebted for To this process the country is indebted for the clause prohibiting Congress from passing any law respecting an establishment of religion, or abridging the freedom of speech or of the press, or of the right of petition. To this we are also indebted for the Bill of Rights which are also indepted for the Diff of Rights which secures the people against any abuse of power by the Federal Government. Such were the apprehensions justly entertained by the friends of State-rights at that period as to have rendered it extremely doubtful whether the Constitution could have long survived without these amendments.

Again, the Constitution was amended by the ame process after the election of President Jefferson by the House of Representatives, in February, 1803. This amendment was rendered necessary to prevent a recurrence of the dangers which had seriously threatened the existence of the Government during the pen-dency of that election. The article for its own amendment was intended to secure the amicable adjustment of conflicting constitutional ques-tions like the present, which might arise be-tween the governments of the States and that of the United States. This appears from con-

temporaneous history.
In this connection, I shall merely call attention to a few sentences in Mr. Madison's justly tion to a few sentences in air. Maaison a justify celebrated report, in 1799, to the legislature of Virginia. In this he ably and conclusively defended the resolutions of the preceding legislature against the strictures of several other State legislatures. These were mainly founded upon the protest of the Virginia legislature against the "Alien and Sedition Acts," as "palpable and alarming infractions of the Constitution." Constitution." In pointing out the peaceful and constitutional remedies, and he referred to none other, to which the States were authorized to resort, on such occasions, he concludes by saying, "that the legislatures of the States might have made a direct representation to Congress, with a view to obtain the rescinding of the two offensive acts, or they might have represented to their respective Senators in Congress their wish that two-thirds thereof would opose an explanatory amendment to the Constitution, or two-thirds of themselves, if such had been their option, might, by an application to Congress, have obtained a convention for the

This is the very course which I carnestly recommend in order to obtain an "explanatory amendment" of the Constitution on the subject of slavery. This might originate with Congress or the State legislatures, as may be deemed most advisable to attain the object.

The explanatory amendment might be confined to the final settlement of the true construction of the Constitution on three special

torial existence, and until they shall be admitted as States into the Union, with or without slavery, as their constitutions may pre-3. A like recognition of the right of the

master to have his slave, who has escaped from one State to another, restored and "delivered up" to him, and of the validity of the fugitiveslave law enacted for this purpose, together with a declaration that all State laws impairing or defeating this right are violations of the Constitution, and are consequently null and void

It may be objected that this construction of the Constitution has already been settled by the Su-preme Court of the United States, and what more ught to he required. The answer is, that a very large proportion of the people of the United States still contest the correctness of this decision, and never will cease from agitation, and admit its binding force, until clearly established by the people of the several States in their sovereign character.-Such an explanatory amendment would, it is helieved, forever terminate the existing dissensions. and restore peace and harmony among the States.

It ought not to be doubted that such an appeal

to the arbitrament established by the Constitu-tion itself would be received with favor by all the States of the Confederacy. In any ovent it ought to be tried in a spirit of conciliation before any of these States shall separate themselves from the

When I entered upon the duties of the Presidential office, the aspect neither of our foreign nor domestic affairs was at all satisfactory. We were involved in dangerous complications with several nations, and two of our Territories were in a state of revolution against the Government.

A restoration of the African slave trade had numerous and powerful advocates. Unlawful military expeditions were countenanced by many of our citizens, and were suffered, in defiance of the efforts of the Government, to escape from our shores, for the purpose of making war upon the unoffending people of neighboring republics with whom we were at peace.

In addition to these and other difficulties, we experienced a revulsion in monetary affairs, soon after my advent to power, of unexampled severity and of ruinous consequences to all the great interests of the country. When we take retrospect of what was then our condition, and contrast this with its material prosperity at the time of the late presidential election, we have abundant reason to return our grateful thanks to that merciful Providence which has never forsaken us as a nation in all our pass trinls.

## OUR FOREIGN RELATION. GREAT BRITAIN.

Our relations with Great Britain are of the most friendly character. Since the commence-ment of my administration, the two dangerous questions, arising from the Claylon and Bulwer treaty and from the right of search claimed by the British government, have been amicably and honorably adjusted.

The discordant construction of the Clayton Bulwer treaty between the two governments, which at different periods of the discussion, bore a threatening aspect, have resulted in final settlement entirely satisfactory to this Government. In my annual message I informed Congress that the British government with the republics of Honduras and Nicaragua, in purrepublies of Honduras and Mearagus, in the suance of the understanding between the two governments. It is nevertheless confidently expected that this good work will ere long be accomplished." This confident expectation has since been fulfilled. Her Britanic Majesty concluded a treaty with Honduras on the 24th Nacomplet 1859 and with Nicopagness than November, 1859, and with Nicaragua on the 28th August, 1860, relinquishing the Mosquito

tutional right. In short, let us look the danger fairly in the face. Secession is neither, more nor less than revolution. It may or may not be a justifiable revolution, but still it is revolution. What, in the meantime, is the responsibility and position of the Executive? He is bound by solemn oath before God and the country "to take care that the laws be, faithfully executed," and from this obligation be caunot be absolved by any human power. But what if the performance of this duty, in whole or in part, has been rendered impracticable by events over which he could have exercised no control? Such at the present more ment, is the case throughout the State of South Carolina, so far as the laws of the State of South Carolina, so far as the lawsoft the United States to secure the administration, of justice by means of the Federal Judiciary are cencerned.

All the Federal officers within its limits, through whose agency alone these laws can be

claim on the part of Great Britain, forcibly to visit and search American merchant vessels on the high seas in time of peace, has been abandoned. This was by far the most dangerous question to the peace of the two countries which has existed since the war of 1812. Whilst it remained open, they might at any moment have been precipitated into a war. This was have been precipitated into a war. This was rendered matifest by the exasperated state of public feeling throughout our entire country, produced by the forcible search of American merchant vessels by British cruisers on the coast of Cuba, in the spring of 1858. The American people halled with general acclaim the orders of the Secretary of the Navy to our naval force in the Gulf of Mexico. The profess naval force in the Gulf of Mexico, "to protect all vessels of the United States on the high seas from search or detention by the vessels-ofwar of any other nation."

These orders might have produced an immediate collision between the naval forces of the two countries. This was most fortunately prevented by an appeal to the justice of Great Britain and to the law of nations as expounded by her own most eminent jurists.

The only question of any importance which still remains open, is the disputed title between the two governments to the island of San Juan, in the vicinity of Washington Territory. As this ques-tion is still under negotiation, it is not deemed advisable at the present moment to make any other allusion to the subject.

other allusion to the subject.

The recent visit of the Prince of Wales, in private character, to the people of this country, has proved to be a most auspicious event. In its consequences it cannot fail to increase the kindred and kindly feelings which I trust may ever actuate the government and people of both countries in their political and social intercourse with each other. other.

With France, our ancient and powerful ally; our relations continue to be of the most friendly character. A decision has recently been made by a French judicial tribunal, with the approbation of the Imperial Government, which cannot fail to foster the sentiments of mutual regard that have so long existed between the two countries. Under the French law no person can serve in the armies of France unless he be a French citizen.

The law of France recognizing the natural right of expatriation, it follows as a necessary consequence that a Frenchman, by the fact of

consequence that a Frenchman, by the fact of having become a citizen of the United States, has changed his allegiance and has lost his native character. He cannot, therefore, be com-pelled to serve in the French armies in case he should return to his native country. These principles were announced in 1852 by the French Minister of War, and in two late cases have been confirmed by the French judiciary. In these, two natives of France have been discharged from the French army, because they had become American citizens. To employ the language of our present Minister to France, who has rendered good service on this occasion, al do not think our French naturalized fellow citizens will hereafter experience much annoyance"on this subject." I venture to predict that the time is not far distant when the other continental powers will adopt the same wise and just policy which has done so much honor to the enlightened government of the Emperor. In any event, our Government is bound to protect the rights of our naturalized citizens everywhere to the same extent as though they had drawn their first breath in this country. We can recognize no distinction between our untive and naturalized citizens.

Between the great empire of Russia and the United States the mutual friendship and regard which has so long existed still continues to prevail, and if possible, to increase. Indeed, our relations with that empire are all that we

could desire. SPAIN. Our relations with Spain are now of 2 more complicated though less dangerous character than they have been for many years. Our citizens have long held, and continue to hold, numerous claims against the Spanish government. These had been ably urged for a series of years by our successive diplomatic representatives at Madrid, but without obtaining redress. The Spanish government finally agreed to institute a joint commission for the adjustment of these claims, and on the 5th day of March, 1860, concluded a convention for

this purpose with our present minister at Madrid. Under this convention, what have been denominated the "Cuban claims," amounting to \$128,685.44, in which more than one hundred of our fellow-citizens are interested, were recognized, and the Spanish government agreed to pay \$100,000 of this amount "within three months following the exchange of ratifications." The payment of the remaining \$28,635.54 was to await the decision of the commissioners for or against the "Amistad claim;" but in any event, the balance was to be paid to the claimants either by Spain or the United States .-These terms I have every reason to know are highly satisfactory to the holders of the Cuban olaims. Indeed, they have made a formal offer authorizing the State Department to settle these claims, and to deduct the amount of the Amistad claim from the sums which they are entitled to receive from Spain. This offer,

of course, cannot be accepted. All other claims of citizens of the United States against Spain, or of subjects of the Queen of Spain against the United States, including the "Amistad aim," were by this convention referred to a board of commissioners in the usual form. Neither the validity of the Amistad claim nor of any other claim against either party, with the single exception of the Cuban claims, was recognized by the convention. Indeed, the Spanish government did not insist that the validity of the Amistad claim should be thus recognized, notwithstanding its payment had been recommended to Congress by two of my predecessors as well as by myself, and an appropriation for that purpose had been passed by the Senate of the United States. They were content that it should be subjected to the content that it should be submitted to the board for examination and decision, like the other claims. Both governments were bound respectively to pay the amounts awarded to the several claimants "at such times and places as may be fixed by and according to the tenor of said awards.'

I transmitted this convention to the Senate for their constitutional action on the 3d May, 1860, and on the 27th of the succeeding June, they deter-mined that they would "not advise and consent" to its ratification

These proceedings place our relations with Spain in an awkward and embarrassing position. It is more than probable that the final adjustment of these claims will devolve upon my successor. I reiterate the recommendation contained in

my Annual Mossage of December, 1858, and repeated in that of December, 1859, in favor of the acquisition of Cuba from Spain by fair of the acquisition of Cuba from Spain by fair purchase. I firmly believe that such an acquisition would contribute essentially to the well-being and prosperity of both countries in all future time, as well as prove the certain means of immediately abolishing the African slave-trade throughout the world. I would not repeat this recommendation upon the present occasion, if I believed that the transfer of Cuba to the United States, upon conditions highly to the United States, upon conditions highly favorable to Spain, could justly tarnish the national honor of the proud and aucient Spanish Monarchy. Surely no person ever attributed to the first Napoleon a disregard of the national honor of France, for transferring Louisians to the United States for a fair equivalent both in money and commercial advantages.

AUSTRIA, &C. With the Emperor of Austria, and the remaining continental powers of Europe, includ-ing that of the Sultan, our relations continue to be of the most friendly character.