

virtue of an inherent constitutional right...

in short, let us look the danger, clearly in the face...

What, in the meantime, is the responsibility and condition of the Executive?

He is bound by solemn oath before God and the country...

This obligation he cannot be absolved by any transfer of power...

But what is the performance of this duty, in whole or in part...

been rendered impracticable events...

Such, at the present moment, is the case throughout the State of South Carolina...

As far as the laws of the United States to secure the administration of justice by means of the Federal Judiciary are concerned...

All the Federal officers within its limits, through whose agency alone these laws can be carried into execution, have already resigned...

No longer have District Judges, a District Attorney, or a Marshal, in South Carolina. In fact, the whole machinery of the Federal Government, necessary for the distribution of remedial justice among the people, has been demolished...

difficult, if not impossible, to replace it. The only acts of Congress on this subject...

of the 28th February, 1785, and 2d March, 1835. Those authorized the President, Attorney General, and a Marshal with his posse comitatus...

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 peacefully to their respective abodes within a limited time...

ability to perform in a State, where no judicial authority exists to issue process, and where there is no Marshal to execute 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 how inadequate they are...

without further legislation to overcome a united opposition in a single State, to speak of other States who may place 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, or the revenue still continues to be collected at the Custom House in Charleston...

and should the Collector unfortunately resign, a successor may be appointed to perform this duty.

Then in regard to the property of the United States in South Carolina. This has been purchased for a fair equivalent...

By the consent of the Legislature of the State, for the forts, magazines, arsenals, &c., and over these the author 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 officers in command of the forts has received orders to act strictly on the defensive...

responsibility for consequences would rightfully rest upon the heads of the assailants.

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 relations between the Federal Government and South Carolina...

He has been invested with 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 bears a resemblance to the recognition of foreign de facto government, involving no such 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 question in all its bearings. The course of events is so rapidly hastening forward, that the emergency may soon arrive, when you may be called upon to decide the momentous question whether you possess the power, by force of arms 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 withdrawn from the Confederacy? If answered in the affirmative, it must be on the principle that the power has been conferred upon Congress to declare and also make war against a State...

After much serious reflection has arrived at the conclusion that no such power has been delegated upon 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 is equally manifest that its exercise is not necessary 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. He observed: "The use of force against a State would look more like a declaration of war than an indication of punishment; and would probably be considered by the party attacked as a dissolution of all previous compacts by which it may be bound..."

Upon his motion the clause was unanimously postponed, and was never I believe again presented. Soon afterward, on the 8th June, 1787, when incidentally adverted to the subject, he said: "Any Government for the United States, formed on the supposed pretexts of using force against the non-compliance of some of the States, would prove a military and sanguinary usurpation of the powers which are as the government of Congress, evident by measuring 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 such a war should be considered by the party attacked as a dissolution of all previous compacts by which it may be bound. In the nature of things we could not, by physical force, control the will of the people and compel them to elect Senators and Representatives to Congress, and to the Senate, and to perform all the other duties depending upon their own volition and acquiescence from the citizens of a free State as a constituent member of the Confederacy.

If we possessed this power, would it be wise to exercise it under existing circumstances? The object would doubtless be to preserve the Union. War would not be the object, but the effect would be of destroying it, but would banish all hopes of peaceable reconstruction. Besides the internal conflict a vast amount of blood and treasure would be expended in the maintenance of the force which would be required to keep the people during the conflict. The fact is that our Union rests upon public opinion, and can never be maintained by the blood of its citizens shed in civil war. If it cannot live in the affections of the people, it must one day perish. We shall possess no other resource than to cry out to the conspirators, but the sword was not placed in their hand to preserve it by force.

But may I be permitted solemnly to invoke my countrymen 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 to the blood of our fathers, by the glories of the past, and by the hopes of the future. The Union has already made us the most prosperous and free long, if preserved, render us the most powerful nation on the face of the earth. In every foreign region of the globe, the title of American citizen is held in the highest respect, and when pronounced in a foreign land, it causes the hearts of our countrymen to be lifted to the height of pride. Surely when we reach the brink of the yawning abyss, we shall recoil with horror from the last fatal plunge. By such a dread catastrophe, the hopes of the friends of freedom throughout the world would be destroyed and a long night of leaden despotism would shroud the nations. Our example, for more that eighty years would not only be lost, but it would be quoted as a convincing proof that man is unfit for self-government.

It is not every wrong that is not every grievous wrong, which is only a temptation to such a fearful alternative. This ought to be the last fearful remedy of a despairing people, after every other constitutional means of redress had been exhausted. I would repeat that under this free Government, there is an incessant ebb and flow of public opinion. The slavery which has disgraced our country, has now reached its day. A firm belief that it has reached and passed the culminating point. But if, in the midst of the existing excitement, the Union shall perish, the evil may then become irreparable. Congress can contribute much to avert it by proposing and recommending to the Legislature of the several States the remedy for existing evils which the Constitution has provided for its own preservation. This has been tried at different critical periods of our history, and always with eminent success. It is to be found in the fifth 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 three-fourths of the several States. They have consequently become parts of the Constitution. 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 secure 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 same process after the election of President Jefferson by the House of Representatives, in February, 1803. This amendment was rendered necessary to meet an emergency of the dangers which had seriously threatened the existence of the Government during the tenure of that election. The article for its own amendment was intended to secure the amicable adjustment of conflicting constitutional questions like the present, which might arise between the Governments of the States and that of the United States. This appears from contemporary history. In this connection, I shall merely call attention to a few sentences in Mr. Madison's justly celebrated report, in 1790, to the Legislature of Virginia. In this he ably and conclusively denied 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," a palpable and alarming infraction of the Constitution, in pointing out the peaceful and constitutional remedies—and he referred to none others—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 a rescinding of the two offensive acts, or might have represented to their respective State Legislatures to propose 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 same object."

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

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

1. An express recognition of the right of property in slaves in the States where it now exists, or may hereafter exist.

2. The duty of protecting this right in all the common Territories throughout their respective claims, and until they shall be admitted as States into the Union, with or without slavery, as their Constitutions may prescribe.

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 Fugitive Slave 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.

I may be doubted that such a construction of the Constitution should be resolved with favor by all the States of the Confederacy. In any event, it ought to be tried in a spirit of conciliation before any of these States shall separate themselves from the Union.

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 neighboring States 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 undertaken 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 offending people of neighboring republics, with whom we had no quarrel, in addition to these and other difficulties we experienced a revolution 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 a retrospect of what was then our condition and contrast this with our material prosperity and peace, we have abundant reason to turn our grateful thanks to that merciful Providence which has never forsaken us as a nation in all our past trials.

JAMES BUCHANAN, Washington, Dec. 4th, 1860.

THE MONTROSE DEMOCRAT. TERMS—\$10 PER ANNUM IN ADVANCE. A. J. GERRITSON, EDITOR, PUBLISHER, AND PROPRIETOR. Charleston, Dec. 13th, 1860.

TO THE PUBLIC.

THE MONTROSE DEMOCRAT.

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It contains the latest news and information from the South and West, and is a valuable source of intelligence to all those interested in the progress of the Southern States.

The paper is published weekly, and is sold at the rate of ten shillings per annum in advance.

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Advertisements are inserted at the rate of one shilling per line per week.

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TRUE STATE OF KANSAS AFFAIRS.

As a statement of Kansas affairs, of interest to the public, we copy from a paper published in the Territory, which contains some items as well as the condition of the Territory, and show who is to blame.

Last spring the United States grand jury indicted thirty-three of Montgomery's men for horse stealing. Two of these—Newworth and Lobbins—made revolutions implicating the entire Montgomery gang; in a combination, to commit perjury and assassination, as a means of escaping detection and punishment. The grand jury indicted David Reuben and Robert Forbes, and others of a gang who resided and imprisoned in the State of Missouri, where they attempted to "break them on a horse stealing." The grand jury officer, their trial to come off last Monday at a special term of court to be held at Fort Scott. Under this condition of things, Montgomery and his men have been rallying and preparing for the outbreak. Our Kansas neighbors of New England have been doing their part, we understand, by furnishing Sharp's rifles, ammunition and provisions in abundance, and the sympathy of some of our Eastern Reformers, Kansas Democrat.

The Missouri Outbreak.—Affairs at Fort Scott are assuming a serious aspect, as will be seen by our reports this morning. The lawless outrages of Montgomery's party are becoming more bold and infamous. The proper authorities should at once take prompt measures