

had received, from the moral and physical tortures endured, have become insane. They howl in their prisons, sometimes mingling with the other victims, at other times alone, but without any difference of treatment. One of these wretched maniacs committed one day an insane act. The head jailer beat him so cruelly as to leave him almost lifeless on the ground. Young C., who was in the same cell, indignant at the outrage, called out that they were murdering the man. Thereupon the jailer departed, but immediately returned with a band of turnkeys; who at once fell upon the youth, removed him to another prison, and there, with sticks and ropes, mercilessly belabored him. Another poor fellow, whose intellect was temporarily wandering, A. M., having made some complaints about his food, was kicked and thrashed back to his old cell—there left without attendance, without the visit of the physician, and with the coarsest diet. He recovered from his mental illness, but now, owing to the length of the imprisonment, and the sufferings endured, and to the treatment to which he has been subjected, his health has suffered to such an extent that his friends have no hope of ever seeing him again on this side of the grave.

Daily Telegraph.

HARRISBURG, PA. Tuesday Afternoon, December 4, 1860.

LAST ANNUAL MESSAGE

JAMES BUCHANAN, PRESIDENT OF THE UNITED STATES.

FELLOW-CITIZENS OF THE SENATE AND HOUSE OF REPRESENTATIVES:—Throughout the year since our last meeting, the country has been eminently prosperous in all its material interests. The general health has been excellent, our harvests have been abundant, and plenty smiles throughout the land. Our commerce and manufactures have been promoted with energy and industry, and have yielded fair and ample returns. In short, no nation in the tide of time has ever presented a spectacle of greater material prosperity than we have done until within a very recent period.

Why is it, then, that discontent now so extensively prevails, and the Union of the States, which is the source of all these blessings, is threatened with dissolution? The long-continued and interperpetrated interference of the Northern people with the question of slavery in the Southern States has at length produced its natural effects. The different sections of the Union are now arrayed against each other, and the time has arrived, so much dreaded by the Father of his Country, when hostile geographical parties have been formed. I have long foreseen and often forewarned my countrymen of the peril impending danger. This does not proceed solely from the territorial legislation of Congress or the territorial legislatures, but from the efforts of different States to defeat the execution of the Fugitive Slave law. All or any of these evils might have been endured by the South without danger to the Union, (as others have been,) in the hope that time and reflection might apply the remedy. The immediate peril does not arise from these causes as from the fact that the increasing and violent agitation of the slavery question throughout the North for the last quarter of a century has at length produced its malign influence upon the slaves, and inspired them with vague notions of freedom. Hence a sense of security no longer exists around the family altar. This feeling of peace at home has given place to apprehensions of servile insurrection. Many a nation throughout the South retires at night in dread of the insurrection of the children before their doors, whether real or imaginary, extend and intensify itself until it shall pervade the masses of the Southern people, then dissolution will become inevitable.—Self-preservation is the first law of nature, and has been implanted in the heart of man by his Creator for the wisest purpose; and no political union, however fraught with blessings and benefits in all other respects, can long continue, if the necessary consequence be to the homes and families of nearly half the parties to it habitually and hopelessly insecure. Sooner or later the bonds of such a Union must be severed. It is my conviction that this fatal period has not yet arrived; and my prayer to God is that He would preserve the Constitution and the Union throughout all generations.

But let us take warning in time, and remove the cause of danger. It cannot be denied that for five and twenty years, the agitation at the North against slavery in the South, has been incessant. In 1835 pictorial lectures, and inflammatory appeals, were circulated extensively throughout the South, of a character to excite the passions of the slaves; and in the language of General Jackson, "to stimulate them to insurrection, and produce all the horrors of a servile war." This agitation has ever since continued by the public press, by the abolition sermons and lectures. The time has now arrived when the people of the North are to be called upon to settle the slavery question forever, and to restore peace and harmony to this distracted country.

They and they alone, can do it. All that is necessary to accomplish the object, and all for which the slave States have ever contended, is to be let alone, and permitted to manage their domestic institutions in their own way. As sovereign States, they, and they alone, are responsible before God and the world for the slavery existing among them. For this, the people of the North are not more responsible, and have no more right to interfere, than with similar institutions in Russia or in Brazil.—Upon their good sense and patriotic forbearance I confide I shall greatly rely. Without their aid, it is beyond the power of any President, no matter what may be his own political proclivities, to restore peace and harmony among the States. Wisely limited and restrained as is his power, under our Constitution and laws, he alone can accomplish but little, for good or for evil, on such a momentous question.

And this brings me to observe that the election of any one of our fellow-citizens to the office of President does not of itself afford just cause for dissolving the Union. This is more especially true if his election has been effected by a mere plurality, and not a majority, of the people and has resulted from transient and temporary causes, which may probably never again occur. In order to justify a resort to revolutionary resistance, the Federal Government must be guilty of "a deliberate, palpable, and dangerous exercise" of power not granted by the Constitution. The late presidential election, however, has been held in strict conformity with its express provisions. How, then, can the result justify a revolution to destroy this very Constitution? Reason, at

justice, a regard for the Constitution, all require that we shall wait for some overt and dangerous act on the part of the President elect before resorting to such a remedy.

It is said, however, that the antecedents of the President elect have been sufficient to justify the fears of the South that he will attempt to invade their constitutional rights. But are such apprehensions of contingent danger in the future sufficient to justify the immediate destruction of the most sacred system of government ever devised by mortals? From the very nature of his office, and its high responsibilities, he must necessarily be conservative. The stern duty of administering the vast and complicated concerns of this Government affords in itself a guarantee that he will not attempt any violation of a clear constitutional right. After all, he is no more than the chief executive officer of the Government. His province is not to make, but to execute, the laws; and it is a remarkable fact in our history, that, notwithstanding the repeated efforts of the anti-slavery party, since we have passed the Missouri Compromise, impairing in the slightest degree, the rights of the South to their property in slaves. And it may also be observed, judging from present indications, that no possibility exists of the passage of such an act, by a majority of both Houses, either in the present or the next Congress. Surely, under these circumstances, we ought to be restrained from present action by the prospect of evil, which as never man spoke, that "suffering until the day is the evil thereof." The day of evil may never come, unless we shall rashly bring it upon ourselves.

It is alleged as one cause for immediate secession that the Southern States are denied equal rights with the other States in the common Territories. But by what authority are these denied? Not by Congress, which has no authority to exclude slavery from these Territories; and certainly not by the Supreme Court, which has solemnly decided that slaves are property, and, like all other property, their owners have a right to take them into the common 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 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 slavery "is and shall be, forever 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 whenever it shall be presented in a legal form.

Only three days after my inauguration the Supreme Court of the United States solemnly adjudged that this power did not exist in a territorial legislature. Yet such has been the factious temper of the times that the correctness of this decision has been extensively impugned before the people, and the question has given rise to angry political conflicts throughout the country. Those who have appealed from this judgment to popular assemblies would, if they could, 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 constitution to exercise it. It cannot be exercised in any State except 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, as 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 is not subordinate territorial legislation. Were it otherwise, it would indeed would the equality of the States in the Territories be destroyed, and the rights of property in slaves would depend, not upon the guarantee 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 the people, much less can it afford a good reason for the secession of any State.

The most palpable violation of constitutional duty which has yet been committed consists in the acts of different State legislatures in defeating 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 laws, both State and National, before whom the beginning of time has arisen, have from the beginning been null and void. The single exception is that of a State court in Wisconsin, and this has not only been reversed by the proper appellate 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 by the Supreme Court of the United States upon an express provision of the Constitution, requiring that fugitives who escape from service in one State to another, 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 has been my own duty, with vigor in executing the supreme law against conflicting enactments of State legislatures. Should he fail in the performance of this high duty, he will have manifested a disregard of the Constitution and laws, to the great injury 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. We wait for the overt act. The fugitive-slave law has been carried into execution in every contested case since the commencement of the present administration; though often, it is to be regretted, with considerable inconvenience to the master, and with considerable expense to the government. Let us trust that the State legislatures will repeat their unconstitutional and obnoxious enactments. Unless this shall be done without unnecessary delay, it is impossible for any human power to save the Union.

The Southern States, standing on the basis of the Constitution, have a right to demand that justice from the States of the North.—Should it be refused, then the Constitution, which all the States are parties, will have been willfully violated by one portion of them in violation of 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 justified in revolutionary resistance to the Government of the Union. I have purposely confined my remarks to revolutionary resistance, because it has been claimed within the last two years that any State, whenever this shall be its sovereign will and pleasure, may secede 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 such became parties to the Union by the vote of its own people assembled in Convention, and that they 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 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 toil, privation, and blood to establish.

Such a principle is wholly inconsistent with the doctrine that under the Federal Constitution there was no foundation for secession. 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 toil, privation, and blood to establish. Such a principle is wholly inconsistent with the doctrine that under the Federal Constitution there was no foundation for secession. 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 toil, privation, and blood to establish. Such a principle is wholly inconsistent with the doctrine that under the Federal Constitution there was no foundation for secession. 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 toil, privation, and blood to establish.

It is not pretended that any clause in the Constitution gives countenance to such a theory. It is alleged, however, that 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 right 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 constitution."

"Nor is the Government of the United States, created by the Constitution, less a 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 judicial departments. It operates, like them, in the same manner, and things, and, like them, it has at command a physical force for executing the powers committed to it. It was intended to be perpetuated, and not to be annulled at the pleasure of any one of the contracting parties. The old articles of Confederation were entitled "Articles of Confederation 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 Confederation, 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 perpetuity.

But that the Union was designed to be perpetual appears conclusively from the nature and extent of the powers conferred by the Constitution on the Federal Government. These powers embrace the very highest attributes of national sovereignty. They place both the sword and the 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 regulate commerce with foreign nations, and among the States and 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 tax, to 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, expressly 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 any thing but gold and silver coin a tender in payment of debts; 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 engage in war, unless actually invaded, or in such imminent danger as will not admit of delay."

In order still further to secure the uninterrupted exercise of these high 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, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State 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 legislatures, and all executive and judicial officers, "both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution."

left it in the discretion of each whether to obey or to refuse, and they often declined to comply with such requisitions. It thus became necessary, 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 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 possesses over subjects not delegated to the United States but "reserved to the States, respectively, or to the people."

To the extent of the delegated powers the Constitution of the United States is as much a part of the constitution of each State, and is as binding upon its people, as though it had been so from the beginning. This Government, therefore, is a great and powerful Government, invested with all the attributes of sovereignty over the special subjects to which its authority extends. Its framers never intended to implant in its bosom the seeds of its own destruction, nor were they at its creation guilty of the absurdity of providing for its own dissolution. It was not intended by its framers to be the useless fabric of a vision, which, at the touch of the enchanter, should vanish into air, but to be a substantial and mighty fabric, capable of resisting the flow of time and of defying the storms of ages. 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 States could ever be so interpreted as to enable any 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 redress 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 old governments have been destroyed, and new ones have taken their place. It is embodied in strong and express language in our own Declaration of Independence. But the distinction must ever be observed, that this is a revolution against an established Government, and not a voluntary secession from it by virtue of an inherent constitutional right. In short, let us look the danger fairly in the face. Secession is neither more nor less than a revolution, but still it is a revolution.

What, in the mean time, is the responsibility and true 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 he cannot 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 moment, is the case throughout the State of South Carolina. As the laws of the United States to secure the maintenance 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. 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 the laws of justice among the people, has been demolished, and it would be difficult, if not impossible, to replace it.

The only acts of Congress on the statute-book, bearing upon this subject, are those of the 28th February, 1795, and 3d March, 1807. These authorize the President, after he shall have ascertained 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 respective abodes, within a limited time. This duty cannot be performed 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 combined combination to resist him.

The bare enumeration of these provisions proves how inadequate they are without further legislation to overcome the united opposition of a single State, not 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. The revenue still continues to be collected, as heretofore, at the custom-houses; 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 erection of forts, magazines, arsenals, &c., and over these the authority "to exercise exclusive 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 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 the State of Carolina. He possesses no power to change the relations 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 no resemblance to the recognition of a 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 arise, 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.

and enumerated powers granted to Congress; and it is equally apparent 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 of 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 brief and 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 infliction of punishment; and would probably be considered by the party attacked as a dissolution of all previous compacts by which it might be bound."

Upon his motion the clause was unanimously postponed, and was never again I believe presented. Soon afterwards, on the 8th June, 1787, when incidentally adverted to the subject, he said: "Any Government for the United States, formed on the supposed principle of using force against the unconstitutional proceedings of the States, would prove as visionary and 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 such a war should result in the conquest of a State, how are we to govern it afterwards? Shall we hold it as a province, and govern it by despotic power? 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, 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 present the most effectual means of destroying it; but would banish all hope of its peaceable reconstruction. Besides, in the fraternal conflict a vast amount of blood and treasure would be expended, rendering future reconciliation between the States impossible. To meanly acquiesce in the blood of our fellow-citizens, and to permit the people during its existence?

The fact is, that our Union rests upon public opinion, and can never be cemented by the blood of its citizens shed in civil war. It can not live in the affections of the people, it must one day perish. Congress possesses many means of preserving it by conciliation; but the sword was not placed in their hands to preserve it by force.

But may I be permitted solemnly to invoke our 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 by 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, ere long, will, 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 swell with honest pride. Surely, when we are on the brink of a degrading 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 despotism would enshroud the nations. Our example for more than eighty years would not only be lost; but would be quoted as a conclusive proof that man is unfit for self-government.

It is not every wrong, may it be said, 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 mode of reconciliation has been exhausted. We should reflect that under this free government there is an incessant ebb 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 culminating point. But if in the midst of the existing extension the Union shall perish, the evil may then become irreparable. Congress can contribute much to avert it, by proposing and commending to the Legislatures of the several States the remedy for existing evil, which the Constitution has itself 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 of three-fourths of the several States, and consequently become a part of the Constitution. To this process the country is indebted for the clause prohibiting Congress from passing any law respecting the 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 secures the people against any abuse of power by the Federal Government. Such were the apprehensions justly entertained by the friends of civil 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 prevent a recurrence of the dangers which had seriously threatened the existence of that election. The article for its own amendment was intended to secure the amicable adjustment of conflicting constitutional questions 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 1799, to the legislature of Virginia. In this he ably and conclusively defended the resolutions of the preceding legislature against the strictures of several 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." In pointing out the peaceful and constitutional remedies, 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 propose an explanatory amendment to the Constitution, or two-thirds of themselves, if such had been their opinion, 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 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 points: 1. An express recognition of the right

property in slaves in the States where it exists or may hereafter exist.

2. The duty of protecting this right in the common territories throughout the territorial existence, and until they shall be admitted as States into the Union, with the exception of slavery, as their constitutions may prescribe.

3. A like recognition of the right of masters to have his slave, who has escaped from one State to another, restored and "helped up" to him, and of the validity of the fugitive-slave law enacted for that purpose, and with a declaration that all State laws, which, by their operation, would defeat or obstruct this right are unconstitutional, and are consequently null and void.

It may be objected that this construction of the Constitution has already been settled by the Supreme Court of the United States, and that more ought to be required. The answer to this is, that a very large proportion of the people of the United States still contest the correctness of this decision, and will cease to acquiesce in it until they have seen the same established by the people of the States in their sovereign character. Such a declaration of amendment would, it is believed, terminate the existing discussions, and restore peace and harmony among the States.

It ought not to be doubted that such a appeal to the arbitrament established by the Constitution itself would be received with favor by all the States of the Confederacy. The event it ought to be tried in a spirit of candor, and before any of those States shall have seceded from the Union. People of the South! When I entered upon the duties of the Presidential office, the aspect of neither 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, numerous and powerful advocates of military expeditions were countenanced by many of our citizens, and were sending our ships on our shores, for the purpose of carrying war upon the unoffending people of neighboring republics with whom we were at peace. In addition to these and other difficulties, we experienced a revolution in monetary value soon after my advent to power, of unexpected severity and of ruinous consequences to the great interests of the country. When we retrospectively view what was then our condition, and contrast this with its material position at the time of the late Presidential election, we have abundant reason to return our thanks to that merciful Providence which never forsaken us as a nation in all our trials.

OUR FOREIGN RELATIONS.

OUR RELATIONS WITH GREAT BRITAIN. Our relations with Great Britain are of the most friendly character. Since the commencement of my administration, the two dangerous questions arising from the Clayton 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 and Bulwer treaty between the two governments, which at different periods of the discussion, bore a threatening aspect, have resulted in a 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 pursuance of the understanding between the two governments, had agreed to voluntarily relinquish the right of search claimed by the British government, to have been amicably and honorably adjusted.

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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 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 question is still under negotiation, it is deemed advisable at the present moment to make any 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 his consequences, it cannot fail to increase the friendly relations between the government and people of both countries, which political and social intercourse with each other.

With France, our ancient and powerful ally, our relations continue to be of the most friendly character. A decision has recently been pronounced by 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 arms 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 having become a citizen of the United States, has changed his allegiance, and has lost his right to serve in the French army in case he should return to the French army in case he should return to the French army. 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, "I 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 principle, and just political government of the Empire. In any event, our Government is bound to protect the rights of our naturalized citizens every