

LTODD HUTCHINSON, Publisher.

I WOULD RATHER BE RIGHT THAN PRESIDENT .- HENRY CLAY.

EBENSBURG, PA., THURSDAY, DECEMBER 13, 1860.

\$2.60 PER ANNUM. \$1.50 IN ADVANCE. TERMS:

VOLUME 2.

THE PRESIDENT'S MESSAGE.

FILLOW CITIZENS OF THE SENATE AND HOUSE OF REPRESENTATIVES : Throughout the year, since our last meetng, the country has been eminently prosperus in all its material interests. The general he alth has been excellent; our harvests have been abundant, and plenty smiles throughout the land; our commerce and manufactures have been prosecuted with energy and indusmy, and have yielded fair and ample returns ; short no nation in the tide of time has presated a greater material prosperity than we ave done, until within a recent period. Why isit, then, that discontent now so extensively erails, and the Union of the States, which the source of all these blessings, is threatand with destruction ? The long continued and intemperate interference of the Northern ople with the question of slavery in the thern States has at length produced the stural effects. The different sections of the frien are now arrayed against each other, and the time has arrived, so much dreaded by he Father of his Country, when hostile, georaphical parties have been formed. I have foreseen, and often forewarned my counmen of the now impending danger. This enot proceed solely from the claim on the art of Congress or the Territorial Legislapests exclude slavery from the Territories. er from the efforts of different States to deit the execution of the fugitive slave law --ler any of those evils might have been ened by the South, without danger to the on, as others have been, in the hope that and reflection might apply the remedy. mmediate peril arises, not so much from as causes, as from the fact that the incesstand violent agitation of the slavery quesin throughout the North, for the last quarter facentury, has at length produced its magainfluence on the slaves and inspired them th vague notions of freedom ; hence a sense f security no longer exists around the family ther. This feeling of peace at home has given face to apprehensions of servile insurrection. my a matron throughout the South retires snight in dread of what may befal herself d children before morning. Should this ap ension of domestic danger, whether real imaginary, extend and intensify itself until prevaid the masses of the Southern sple; then disunion will become inevitable. preservation is the first law of nature. has been implanted in the heart of man his Creator, for the wisest purposes, and no olitical union, however fraught with blesags and benefits in all other respects, can my continue, if the necessary consequence be reader the homes and the firesides of nearly alf the parties to it habitually and hopelessly meeture. Sooner or later the bonds of such a union must be severed. It is my conviction batthis fatal period has not yet arrived, and hat my panyer to God is that he would preserve the Constitution and the Union through out all generations. But 1st us take warning in time, and remove the cause of danger. It must be denied that for five and twenty years a agitation at the North against slavery in he South has been incessant. In 1835 pictofal hand bills and inflammatory appeals were utensively circulated in the South, of a charafter to excite the passions of the slaves, and the language of General Jackson, to "stimdate them to insurrection and produce all the murs of a servile war." The agitation has er since been continued by the public press, The proceedings of State and County Conentions, and by Abolition sermons and lectures. The time of Congress has been occujed in violent speeches on this never ending abject, and appeals in paniphlets and other one, endorsed by distinguished names, have sen sent forth from this central point and pread broadcast over the Union. How easy would it be for the American people to settle the slavery question forever, and restore peace and harmony to this distracted country. They " one can do it. All that is necessary to acaplish the object, and all for which the Taxe States have ever contended, is to be let ane and permitted to manage their domestic astitutions in their own way, as sovereign states. They, and they alone, are responsible afore God and the world, for the slavery exing among them. For this the people ofthe North are not more responsible, and have hore right to interfere than with similar ditutions in Russia or Brazil. Upon their cool sense and patriotic forbearance I confess still greatly rely. Without their aid it is noted the power of any President, no mater what may be his political preclivities, to "store peace and harmony among the States. Basely limited and restrained as is his power, ander our Constitutiou and laws, he alone can accomplish but little for good or for evil on tuch a momentous question. And this brings me to observe that the election of any one of wriellow citizens to the office of President, locs not of itself afford just cause for dissolvas the Union. This is more especially true, his election has been effected by mere pluality, and not a majority of the people, and and has resulted from transient and temporo-^{7 chuses}, which probably may never again con. In order to justify a resort to revolu. shary resistence, the Federal Government must be guilty of a deliberate, palpable and angerous erercise of powers, not granted by " Constitution. The late presidential eleea, however, has been held in strict conformly with its express provisions. How, then, can the result justify a revolution to destroy this very Constitution ? Reason, justice, a reand for the Constitution, all require that we smil wait for some overt and daugerous act in the part of the President elect, before reinting to such a remedy. It is said, however, that the antecedents of the President cleet have been sufficient to jusdy the fears of the South that he will attempt invade their constitutiontl rights. But are ach apprehensions of contingent danger in be future sufficient to justify the immediate estruction of the noblest system of government ever devised by mortals? From the very nature of his office, and its high respondities, he must necessarily he conservative. The stern duty of administering the vast and semplicated counsels of this Government, af-

fords, in itself, a guarantee that he will not their unconstitutional and obnoxious enactattempt 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 law. and it is a remarkable fact in our history, that notwithstanding the repeated efforts of the anti-slavery party, no single act has ever passed Congress, unless we may possibly accept the Missouri Compromise, imparing in the slightest degree the rights of the South to their property in slaves; and it may also be observed, judging from the present indications, that no probability exists of the passage of such an act by a majority of both houses, either in the present or next Congress. Surely, under these circumstances we ought to be restrained from present action by the precept of Him who spake as never man spoke, "that sufficient unto the day is the evil thereof." The day of evil may never come, unless we shall rashly bring it upon ourselves.

It is alledged, 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 those denied ? Not by Congress, which has never passed, and I believe never will pass, any act 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 sucely be admitted that this apprehension of 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 pr hibited in this Territory Such an act, however, planly violating the rights of property secured by the Constitution will surely be declared word 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 tended that it conferred power upon the Fed- the government under the old confederation. THE PRESIDENT'S POWER, BY THE CONSTITUTION, 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 conflites thro'aught the country. Those who have appealed from the judgment of our highest Constitutional tribunal to popular assemblies, would if they could, invest a Territorial Legislature with power to annul the sacred rights of property. This power of Congress is expressly forbidden by the Federal Government to exercise. SLAVERY IN THE TERRITORIES. Every State Legislature 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 finminy or amending their State Constitution .--In like manner, it can only be excreised by the people of the Territory represented in a Convention of delegates for the purpose of framing a Constitution preparatory to admision as a State into the Union. Then, and not until then, are they invested with power to decide the question whethes 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 would the equality of the States in the Territories be destroyed, and the right of property in slaves would depend, not upon the guarantees 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 perple, 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, consist 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 be justly 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 the 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 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 will be the duty of the next President, as it has been my ewn, to act with vigor in executing this supreme law against the conflicting enaotments of State Legislatures. Should he fail in the performance of this high duty, he will then have manifested a disregard of the Constitution and the 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. Let us wait for the overt act. THE FUGITIVE SLAVE LAW. The fugitive slave law has been carried into execution in every connested case since the commencement of the present Administration, though often, it is to be regretted, with great loss and inconvenience to the master, and considerable expense to the Government. Let us trust that the State Legislatures will repeal

ments. 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 this act of justice from the States of the North. Should it be re-States are parties, will have been willfully violated by one portion of them, in a provision essential to the Democratic 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 Gov rnment of the Union. I have purposely confined my remarks to revolutionary resistance, because it has been claimed within the last few 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 each became parties to the Union by the vote of its own people, assembled in Convention, so any one of them may retire from the Union in a s milar manner, by the vote of such Convention. In order to justify secession as a constitutional remedy, it must be on the principle that the Federal Government is a mere volum. tary association of the 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 imbel them to such a course. By this process a inion might be entirely broken into fragments in a few weeks which cost our forefathers many years of toil, privation and blood to estabgreatest deliberation and care; it was submit-States for ratification ; its provisions were diseral Government, dangerous to the rights of the States, whilst its advocates maintained that under a fair construction of the instrument there was no foundation for apprehensions. In that mighty struggle between the never occured to any individual, either among its opponents or advocates, to assert, or even to intimate that their efforts were all vain labor, because the moment that any State feit herself aggrieved she might secede 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 the Constitutions? 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 the 16th of J muary, 1833, transmitting the nullifying ordinance of South Carolina to Congress, employs the following longuage ; " The right of the people of a single State to absolve themselves at will, without the consent of other States. from their most solemn obligations, and hazard the liberty and happiness of the millions. composing this Union, cannot be acknowledg-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 attain. It is not protended 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 it is 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 of the States acting in their highest sovereign capacity, and formed, consequently, by the same authority which formed the State Constitu-Nor is the government of the United tions " 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 judiciary departments. It operates like them directly on persons and things, and like them it has at command a physical force for executing 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 of the confederation, and a 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, reiterates 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 attributes of perpetuity. But that union was designed to be perpetual appears conclusive from the nature and extent of 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. CONSTITUTION AND STATE ENACTMENTS. Congress has the power to make war and to navies, and to conclude treaties with foreign

lay and collect other taxes. But the Consti- | it would be difficult, if not impossible, to retution has not only conferred these high pow- place it. ers upon Congress, but it has adopted effectual means to restrain the States from interfering in strong prohibitory language expressly declared that no State shall enter into any fused them, the Constitution, to which all the | treaty, alliance or confederation, grant letters a foreign power, or engage in war, unless acstitution or laws of any State to the contrary | pointed to perform that daty: notwithstanding. The solemn sanction of re- Then, in regard to the property of the Uni- it would be quoted as a conclusive proof that the first men of the country ; its opponents con- cers. In this respect it differs entirely from sailants. which was confined to making requisit the States in their sovereign character. This baseless fabric of a vision, which, at the touch | against a State. of the enchanted, would vanish muo thin air ; but a substantial and mighty fabric, canable | at the conclusion that no such power has been

with their exercise for that purpose. It has the 28th of February, 1795, and 3d March, and privations of the people during its existof marque and reprisal, coin money, emit bills or criminal process in any particular case, to it cannot live in the affection of the people, it of credit, make anything but gold and silver | call forth the militia, and employ the army and | must one day perish. Congress possesses many coin a tender in payment of debts, pass any pavy to aid him in performing this service, means of preserving it by conciliation ; but bill of attainder. ex post facto law or of laws having first, by proclamation, commanded the the sword was not placed in their hands to impairing the obligation of contracts. More- insurgents to disperse, and retire peaceably to preserve it by force. But may I be permitted over, without the consent of Congress, no State | their respective aboves, within a limited time. | solemnly to invoke my countrymen to pauso shall lay any imposts or duties, or any imposts This duty cannot by possibility be performed and deliberate before they determine to destroy or exports except what may be absolutely in the State, where no judicial authority ex- this, the grandest temple which has ever been necessary for executing its inspection laws, ists to issue process, and where there is no dedicated to haman freedom since the world and if they exceed this amount, the excesses marshal to execute it, and where, even if there began. It has been consecrated by the blood shall belong to the United States, and no State | were such an officer, the entire population | of our fathers, by the glories of the past, and shall, without the consent of Congress, lay | would constitute one solid combination to re- | the hopes of the future.

any duty of tonnage, keep troops or ships of sist him. The bare chumeration of these prowar in time of peace, enter into any agree- visions proves how inadequate they are withprovided that this Constitution and the laws | tually the objects of the Constitution. The the United States, shall be the Supreme law to be collected as heretofore, at the Custom

Apart from the execution of the laws, so far

vast amount of blood and treasure would be expended, rendering future reconciliation be-The only acts of Congress on the statute tween the States impossible. In the meantime, book, bearing upon this subject, are those of who can foretell what would be the sufferings 1807. These authorize the President, after he ence. The fact is, that our Union rests upon shall have ascertained that the marshal, with public opinion, and can never be cemented by his posse comitatus, is unable to execute civil the blood of its citizens shed in civil war. If

The Union has already made us the most prosperous, and ere long will, if preserved, ment or compact with another State, or with out further legislation to overcome a united render us the most powerful nation on the opposition in a single State, not to speak of face of the earth. In every foreign region of thally invaded, or in such imminent danger as other States who may place themselves in a the globe the title of American citizen is held will admit of no delay. In order, still farther, similar attitude. Congress alone has power in the highest respect, and when pronounced to secure the uninterrupted exercise of these to decide whether the present laws can or can- in a foreign land, it causes the hearts of our high nowers against State interposition, it is not be amended so as to carry out more effec- | countrymen to swell with honest pride. Surey, when we reach the brink of the yawning of the United States, which shall be made in same insuperable obstacles do not lie in the abyss, we shall recoil with horror from the pursuance thereof, and all treaties made, or | way of executing the laws for the collection | last fatal plunge. By such a dread catastrowhich shall be made, under the authority of of the customs. The revenue still continues phe, the nopes of the friends of freedom throughout the world would be destroyed, and of the land, and the Judges in every State House, in Charleston, and should the collector a long night of leaden despotism would enshall be bound thereby, anything in the con- unfortunately resign, a successor may be ap- shroud the nation. Our example for more than eighty years would not only be lost, but

The College of the Co

theny co u because

s, it

10

igh, ii-idmh-esyn-d,in

de jul

rs. in

rst

ir.

13-

ny for od

th

150

er-

OW

511-

re-

ive

Jul

to

her

ard

ante

my

res-

any

ling

h as

ary-

1081

EP.SN

010

ance

THE

he

off

the

Rhe

Thờ Mrs.

till,

erent

the

1 the

noth.

351

what

ligion has been superadded to the obligations | ted Ftates in South Carolina. This has been | man is unfit for self-government. It is not official daty, and Senators and Representa- purchased for a fair equivalent by the consent every wrong, may, it is not every grevious tives of the United States, all members of of the Legislature of the State, for the erection wrong which can justify a resort to such a State Legislatures, and all executive and ju- of forts, arsenals, &c., and over these, the au- fearful alternative. This ought to be the last dicial otheers, both of the United States and | thority to exercise exclusive legislation has | desperate remedy of a despairing people, after of the several States, shall be bound by oath been expressly granted, by the Constitution, every other constitutional means of conciliaor affirmation to support this constitution. In to Congress. It is not believed that any atorder to carry into effect these powers, the tempt will be made to expet the United States that under this free government there is an lish. Such a principle is wholly inconsistant constitution has established a perfect govern- from this property by force, but, if in this I incessant ebb and flow in public opinion; the with its history, as it was framed with the ment, in all its forms, legislative, executive should prove to be mistaken, the officer in the slavery question, like everything human, will and judicial ; and this government, to the ex- command of the forts has received orders to have its day. I firmly believe that it has alted to conventions of the people of several tent of its powers, acts directly upon the in- act strictly on the detensive. In such a con- ready reached and passed the culminating dividual citizens of every State, and executes | tingency, the responsibility for consequences | point. But if, in the midst of the existing excussed at length in these bodies, composed of its own decrees by the agency of its own offi- would rightly rest upon the heads of the as- citement, the Union shall perish, the evil may then become irreparable.

> WHAT CONGRESS SHOULD DO Congress can contribute much to avert it ha 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 for its own amendment. Under this article, amendments have beenproposed by two thirds of both houses of Congress, and have been ratified by the Legislatures of three-fourthe of the several States, and have consequently become parts of the Constitution. To this process the country is indebted for the clause prohibiting Congress from passing any law respecting any establishment of religion or abridging the freedom of speech, or of any press, or of the entertained by the friends of State rights at doubtful whether the Constitution could have Again, the Constitution was amended by the same process after the election of President necessary to prevent a recurrence of the dangers which had seriously threatenned the exof that election. The article for its own amendment was intended to procure the amicable adjustment of conflicting Constitutional questions like the present, which might arise between United States. This appears from cotemporaneous history. In this connection I shall merely call attention Virginia. In this he ably and conclusively defends the resolutions of the preceeding Legslature, against the strictures of several other ed upon the protest of the Virginia Legislature bleand'alarming infractions of the constitution. In pointing out the peaceful and constitutional remedies (and he referred to none other) to which the States were authorized to resort on a direct representation to Congress, with a view or they might have represented to their restwo-thirds thereof would propose any explantion, might, by an application to Congresss, amendment of the Constitution on the subject final settlement of the true costruction of the Constitution on three special points. First, an express recognition on the right of property ries, throughout their territorial existence,

left it in the discretion of each whether to as this may be practicable, the executive has obey or to refuse, and they often declined to | no authority to decide what shall be the relacomply with such requisitions. It thus became | tions between the Federal Government and first intellects of this or any other country, it | necessary for the purpose of removing this | South Carolina. He has been invested with barrier, and in order to form a more perfect | no such discretion. He possesses no power to | history, and always with abundant success .--union, to establish a government which could change the relations heretofore existing be- It is to be found in the 5th article, providing act directly upon the people, and execute its tween them, much less to acknowledge the own laws without the intermediate agency of | independence of that State. This would be to | the States ; this has been accomplished by the | invest a mere executive officer with the power | Constitution of the United States. In short, of recognizing the dissolution of the confederthe government created by the Constitution, | acy among our thirty-three sovereign States. and deriving its authority from the sovereign | It bears no resemblance to the recognition of people of each of the several States, has pre- | a foreign de facto government, involving no cisely the same right to exercise its power such responsibilities. Any attempt to do this over the people of all these States, in the enu- | would, on his part, be a naked act of usurpamerated cases, that each one of them possesses | tion. It is, therefore, my duty to submit to over subjects not delegated to the United Congress the whole question in all'its bearings. right of petition. To this we are also indebted States, but reserved to the States respectively | The course of events is so rupidly hastening | for the bill of rights which secures the people or to the people. To the extent of the dele- forward, the emergency may soon arrive when against any abuse of power by the federal govgated powers, the Constitution of the United you may be called upon to decide the moment- erament. Such were the apprehensions justly States is as much a part of the Constitution of ous question whether you possess the power each State, and is as binding upon its people, by force of arms to compel a State to remain that period as to have rendered it extremely. as though it had been textually inserted there- in the Union. I should feel myself recreant This Government, therefore, is a great to my duty, were I not to express an opinion long survived without these amendments .and powerfal Government, invested with all on this important subject. The question fairly the attributes of sovereignty over the speci- | stated is :-- Has the Constitution delegated to fied subjects to which its authority extends. | Congress the power to force a State into sub- | Jefferson by the House of pepresentatives in Its framers never intended to implant in its mission, which is attempting to withdraw, or February, 1863. This amendment was rendered bosom the seeds of its own destruction, nor has actually withdrawn from the Confederacy? were they at its creation guilty of the absur- If answered in the amrmative, it must be on dity of providing for its own dissolution. It the principle that the power has been conferred istence of the government during the pendency was not intended by its framers to be the upon Congress to declare and to make war After much serious reflection, I have arrived

of resisting the slow decay of time, and of delegated to Congress, or to any other depart- the governments of the States and that of the defying the storms of age. Indeed, well may ment of the Federal Government. It is manthe zealous patriots of that day have indulged | ifest, upon an inspection of the Constitution, fears that a Government of such high powers | that this is not among the specific and enumermight violate the reserved rights of the States ated powers granted to Congress, and it is to a few instances in Mr. Madison's justly celand wisely did they adopt the rule of a strict | equally apparent that its exercise is not neces- | brated report, in 1779, to the Legislature of construction of these powers to prevent the sary and proper for carrying into execution danger. But they did not fear, nor had they any one of these powers. So far from this any reason to imagine that the Constitution power having been delegated to Congress, it would ever be so interpreted as to anable any | was expressly refused by the Convention that | State Legislatures. These were mainly found-State, by her own act, to discharge her people | iramed the Constitution. It appears from the from all or any of their federal obligations. proceedings of that body, that on the 31st of against the Alien and Sedition Acts, as palpa-RIGHTS OF THE STATES-SOUTHERN SECESSION. May, 1787, the clause authorizing an execution It may be asked, then, are the people of the of the force of the whole against a delinquent South without redress against the tyranny and State came up for consideration. Mr. Madison oppression of the Federal Government? By opposed it in a brief but powerful speech, from no means. The right of resistance on the part | which I shall extract but a single centence .-- | such occasions, he concludes by saying that of the governed against the oppression of their | lie observed: "The use of force against a State | the Legislatures of the States might have made governments cannot be denied. It exists in- would look more like a declaration of war ependent of all constitutions, and has been than an infliction of punishment, and would to obtain rescinding of the two offensive acts, exercised at all periods of the world's history, | probably be considered by the party attacked Under it, old governments have been destroy- as a dissolution of all previous compacts by pective Senators in Congress their wish that ed, and new ones have taken their places. It which it might be bound." Upon his motion is embodied in strong and express language in the clause was unanimously postponed, and atory amendment to the Constitution; or twoour own Declaration of Independence. But | was never, I believe, again presented. Soon | thirds of themselves, if such had been their opthe distinction must ever be observed, that afterwards, on the Sth of June, 1787, when inthis is revolution against an established gov- | cidentally adverting to the subject, he said any | have obtained a convention for the same object ernment, and not a voluntary secession from government for the United States, formed on This is the very course which I carnestly recit by virtue of an inhecent Constitutional the supposed practicability of using force ommend, in order to obtain an explanatory right. In short, let us look the danger fairly against the unconstructional proceedings of in the face. Secession is neither more nor the States, would prove as visionary and fal- of slavery. This might originate with Congress less than revolution. It may or may not be lacious as the government of Congress, evi- or the State Legislatures, as may be deemed justifiable revolution, but still it is revolution. | dently meaning the then existing Congress of | most a dvisable to attain the object. The ex-What, in the meantime, is the responsibility the old confederation. Without descending planatory amenument might be confined to the and true position of the Executive? He is to particulars, it may be safely asserted that bound by a solemn oath before God and the the power to make war against a State is at country to take care that the laws be faith- variance with the whole spirit and intent of fully executed, and from this obligation he the Constitution. Suppose such a war should in slaves in the States where it now exists, or cannot be absolved by any human power. But result in the conquest of a State, how are we may hereafter exist. Second, the duty of prowhat if the performance of this duty, in whole to govern it afterwards? Shall we hold it as teeting this right, in all the common territoor in part, has been rendered impracticable by a province, and govern it by despotic power? events over which he could have exercised no In the nature of things we cannot by physical and until they shall be admitted as States into control? Such at the present moment, is the force control the will of the people, and com- the Union, with or without slavery, as their make peace-to raise and support armies and case throughout the State of South Carolina, pel them to elect Senators and Representatives Constitution may prescribe. Third, A like reso far as the laws of the United States to se to Congress, and to perform all the other du- cognition of the right of the master to have his governments. It is invested with the power cure the administration of justice by means ties depending upon their own volition, and slave, who has escaped from one State to anto coin money, and to regulate the value there- of the Federal Judiciary are concerned. All required from the free citizens of a free State other, returned and delivered up to him, and of, and to regulate commerce with foreign na- the Federal officers within its limits, through as a constituent member of the confederacy. of the validity of the fugitive slave law enacttions and among the several States. It is not whose agency alone these laws can be carried But if we possessed this power, would it be ed for this purpose, together with a declaranecessary to enumerate the other high honors | into execution have resigned. We no longer | wise to exercise it under existing circumstan- | tion that all State laws impairing or deteating which have been conferred upon the rederal have a District Judge, a District Attorney, or ces? The object would be, doubtless, to pre- this right are violations of the Constitution, Government. In order to carry the enumera- Marshal in South Carolina. In fact the whole serve the Union. War would not only prove and are consequently null and void. It may ted powers into effect, Congress poisesses the machinery of the Federal Government neces- the most effectual means of destroying it, but be objected that this construction of the Conexclusive right to lay and collect duties on sary for the distribution of remedial justice would banish all hope of its peaceful recon- stitution has already been settled by the Suimports, and in common with the States to among the people, has been demolished, and struction besides. In the insternal conflict a preme Court of the United States, and what

