New Orleans Daily Crescent.

WEDNESDAY MORNING, DECEMBER 14, 1859.

MESSAGE OF GOV. WISE.

The Legislature of Virginia assembled on the 5th inst. Up to this time we have received no proceedings of the Legislature of any importance, the mails having failed to come regularly through, as is usual and customary under the magnificent management of the present astoundingly sublime Administration. But, as no one, now-a-days, expects anything partaking of efficiency or patriotism, from "Old Buck" or any of his subordinates, it is a matter of impossibility that any disappointment should ensue, unless the antiquated specimen of all human abomination should change his course suddenly and radically.

We have received the annual message of Gov. Henry A. Wise, however. It is a splendid document. It is written with masterly ability; and courage sense and fervent patriotism glow and pervade every line and sentence of it. Gov. Wise has, heretofore, been no special favorite of ours, on account of certain idiosyncracies which, in our humble opinion, have tended to obscure his otherwise peerless intellectual greatness; but we do say, unqualifiedly and unadvedtedly, that his course in the recent Harper's Ferry embroglio, from beginning to end, is deserving of the highest commendation, and that his late message places him in the front rank, foremost among the foremost of great, reliable, Southern statesmen. His head, heart and arm, have been equal to the emergency which forced itself upon him, and Virginia has reason to be proud of her grand chief magistrate.

We have not room for the whole message of Gov. Wise, but we shall present a sufficiency of extracts to enable our readers to appreciate and understand the tone and temper of the entire admirable document, so far as the absorbing question at issue is concerned.

We will now commence our quotations. The Governor starts out in this wise:

Up to a late period I had fondly hoped to close my official term and part from my executive labors with naught but cause of congratulation on the condition of the commonwealth. But, the uppermost theme in this my last regular message must be, that our peace has been disturbed; our citizens have been imprisoned, robbed and murdered; the sanctity of their dwellings has been violated; their persons have been outraged; their property has been seized by force of arms; a strong-hold in our midst, with its arms and munitions of war has been captured, and the inhabitants cut off from the means of defense; a national highway through our limits, and its locomotive trains and telegraphic wires have been stopped; the State and national sovereignties have been insulted and assailed; and State and Federal troops have been called out and been compelled to fight, at the loss of several killed and wounded, to subdue rebellion and treason at Harper's Ferry, in the county of Jefferson, within our jurisdiction.

This was no result of ordinary crimes, however highhauded and felonious. It was no conspiracy of bandits against society in general, with the motives which usually actuate criminals, confined to the instruments and to the perpetrators, and to be crushed by their arrest and punishment. But it was an extraordinary and actual invasion, by a sectional organization, specially upon slaveholders and upon their property in negro slaves. The home to be invaded was the home of domestic slavery; the persons to be seized were the persons of slaveholders; the property to be confiscated was the property in slaves and the other property of slaveholders alone, such as money, plate, jewels and other of like kind, which was to be taken to compensate the robbers for the trouble and risk of robbing the masters of their slaves: the slaves were not to be taken to be carried away, but they were to be made to stand by the side of the robbers, and to be forced to fight to liberate themselves by massacreing their masters; the arsenal was taken to supply arms to servile insurgents; and a provisional government was attempted, in a British province, by our own countrymen, united to us in the faith of confederacy, combining with Canadians, to invade the slaveholding States of the United States; and this the night of the 16th of October last, was surprised, and the day of the 17th of October last was started by the signal guns of rapine, murder, robbery and treason, begun at Harper's Ferry for the purpose of stirring up universal insurrection of slaves throughout the whole South.

Sudden, surprising as this invasion has been, it is not more so than the rapidity and rancor of the causes which have prompted and put it in motion. It is not confined to the parties who were the present participators in its outrages. Causes and influences lie behind it more potent for than the little band of desperadoes who were sent ahead to kindle the sparks of a general conflagration; and the event, sad as it is, would deserve but little comment, if the condign punishment of the immediate perpetrators of the felonies committed would for the future secure the peace which has been disturbed, and guarantee the safety which is threatened. Indeed, if the miserable cowards who were the only conspirators against our peace and safety, we might have forgiven their offences and constrained them only by the grace of God. But an entire social and sectional sympathy has incited their crimes, and now rises in rebellion and insurrection to the height of sustaining and justifying their enormity.

It would be pusillanimous to shut our eyes and to affect not to see certain facts of fearful import which stare us in the face, and of which I must speak plainly to you, with the firm and manly purpose of meeting danger, and with no weak and wicked design of exciting agitation. That danger exists, of serious magnitude, there can be no doubt in the minds of the most calm and reflecting, and the way to avert it in all cases is to march up to it and meet it front to front. If it has not grown too great already, it will retire from collision, and if it has grown strong enough already for the encounter, it had better be met at once, for it will not diminish by delay. I believe in truth, that the very policy of the prime promoters of this apparently mad movement is purely temporary, and that whether we will face the danger which is now sealed in blood. If we "take the dare," the aggression will become more and more insolent; and if we do not, that it will either truckle or meet us in open conflict to be subdued; and, in either event, our safety and the national peace will be best secured by a direct settlement at once—the sooner the better.

For a series of years social and sectional differences have been growing up, unhappily, between the States of our Union and their people. An evil spirit of fanaticism has seized upon negro slavery as the one subject of social reform, and the one idea of its abolition has seemed to madden whole masses of one entire section of the country. It enters into their religion, into their education, into their politics and prayers, into their courts of justice, into their business, into their legislatures, into all classes of their people, the most respectable and most lawless, into their pulpits and into their presses and school-houses, into their men, women and children of all ages, everywhere. It has trained three generations, from childhood up, in moral and social habits of hatred to masters of African slaves in the United States. It turns not upon slavery elsewhere, or against slaveholders in any other country, but is especially malignant and vindictive towards its own countrymen, for the very reason that it is bound to them by the faith and sanction of a confederate law. To set up that law to it is to enrage it by the sight of the law, because it is bound by it. It has been taught by the Atheism of a "higher law" than that of a regular government bound by constitutions and statutes. It has been made to believe in the doctrine of absolute individual rights, independent of all relations of man to man in a conventional and social form; and that each man for himself has the prerogative to set up his conscience, his will and his judgment over and above all legal enactments and social institutions. It has been inflamed by prostituted teachers and preachers and presses to do and dare any crime and its consequences which may set up its individual supremacy over law and order. It has been taught from the Senate chamber to trust in the fatality of an irrepressible conflict, into which it is bound to plunge. Its anti-Christ pulpit has breathed naught but insurrectionary wrath into servants against their masters, and has denounced our national Union as a covenant with death for recognising property in slaves and guaranteeing to it the protection of law. It has raised contributions in churches to furnish arms and money to such criminals as these to make war for empire of settlement in our new territories. It has trained them on the frontier, and there taught them the skill of the Indian in savage warfare, and then turned them back upon the oldest and largest slaveholding State, to surprise one of its strongest holds. It has organized in Canada and traversed and corresponded thence to New Orleans, and from Boston to Iowa. It has established spies everywhere, and has secret agents in the heart of every slave State, and has secret associations and "underground railroads" in every free State. It enlists influence and money at home and abroad. It has sent counsellors and counsellors and sympathy, and would have sent rescue to these assassins, robbers, murderers and traitors, whom it sent to felons' graves. It has openly and secretly threatened vengeance on the execution of our laws. And since their violation it has defiantly proclaimed aloud that "insurrection is the lesson of the hour"—not of slaves only, but all are to be free to rise up against fixed government, and no government is to be allowed, except "the average common sense of the masses," and no protection is to be permitted against that power.

Further along the message says:

The strongest argument against this unnatural war upon negro slavery in one section by another of the same common country, is that it inevitably drives to dissolution of the States, embittered with all the vengeful hate of civil war. As that union is among the most precious of our blessings, so the argument ought to weigh which weighs it value. But this consideration is despised by fanaticism. It contemns the Union, and now contemns us for clinging to it as we do. It scoffs the warning that the Union is endangered. The Union itself is denounced as a covenant with sin, and we are scorned as too timid to make the warning of danger to it worthy to be heeded. It arrogantly assumes to break all the bonds of faith within it, and defies the attempt to escape the oppression without it. This rudely assails our honor, as well as our interest, and demands of us what we will do. We have but one thing to do, unless the numerical majority will cease to violate confederate faith, on a question of such vital importance to us, and will cease, immediately and absolutely cease, to disturb our peace, to destroy our lives and property, and to deprive us of all protection and redress under the perverted forms and distorted workings of the Union, we must take up arms. The issue is too essential to be compromised any more. We cannot stand such insults and outrages as those of Harper's Ferry without suffering worse than the death of citizens: without suffering dishonor, the death of a State.

For a quarter of a century we have been persuaded to forbear, and patiently to wait for the waking and working of the conservative elements in our sister States. We have borne and forborne, and waited in vain. We know that we have many sound and sincere friends in the non-slaveholding States. It may be that they are most numerous far who abhor and detest such wrongs as these, but it is not to be disguised that the conservative elements are passive, whilst the fanatical are active, and the former are fast diminishing, whilst the latter are increasing in numbers and in force. But where is the evidence that the conservative elements are most powerful? Do we look to the schools and colleges? to the pulpits and clergy, and churches and congregations? to the press? to the journals? to the books? to the professions? to the artisans? to associations, which are marked characteristics of the age? to politics? to public assemblies and speakers? to legislatures? to Congress? to laws, either State or Federal? to elections? to the administration of the laws? to judicial decisions? Alas! turn where we will and to what we will, we find that the judgments of the courts only are with us, but they have lost all reverence and respect, and we are left without protection, and the Supreme Court of the United States is assailed for not assailing our constitutional defences. And these last are assailed in denying the rights of protection itself. A new sovereignty and a new law is set up over the old, and we are denied protection under both. Where the Federal Government has no power to oppress, it is assumed; and where it has the power and it is its duty to protect, it is not allowed to intervene. And the non-slaveholding States are in nearly solid array opposed to us. We, united, may contend for a while by the aid of pluralities, but for a short time only, and uncertainly at any time, and at best have no majorities on which we can rely in at least sixteen States, having the power of the Union. The active has overcome the passive element; fanaticism has subdued conservatism in all these States, and these can now, in our present condition, practically wield our destinies for weal or woe. Will they come back to the Constitution and abide its covenants or not?

But no words can elaborate the issue to which we are now practically brought by the events at Harper's Ferry.

It is in vain to point to the paucity of the numbers of the marauders. The daring of their attempt would prove not more their fool-hardiness than their full assurance that they were to be joined by a force sufficient to make them formidable, and to be cradled by mild for prosecution, if they had not mistaken the number and disposition of the slaves, who they expected to seize the spears which they brought to capture an arsenal of arms, it is not known, and never will be known, how many other white fanatics would have swelled their numbers, nor how much blood and treasure it would have cost to quell their rebellion. For we know not how many there were, but they were fatal to the lives of several of our most worthy citizens; and insultingly dared the chances of doing immeasurable mischief to our entire northern border.

And it is mockery to call them monomaniacs. Maniacs they were only as all great criminals are; and monomaniacs they were, only as the subject of slavery makes men more monomaniacs than any other one subject can. If these men were monomaniacs, then are a large portion of the people of many of the States monomaniacs.

Before these crimes, they were deemed sane soldiers in a notable crusade against slavery and slaveholders. Many of those who now plead their insanity for them, put Sharpe's rifles in their hands and enlisted and trained and trusted their wits for war in Kansas. Contributions were raised for them in churches. They had been puffed with the praise of the professedly pious for being the very men of destiny for the mission against slave settlements. They had been furnished with money to make sharp spears of butchery for the throats and breasts of masters, and to supply munitions and stores of regular campaigns. They assembled together from parts as far between as they themselves were few. They were provided, supplied and furnished with much beyond their own wants and means. And it is passing strange that they, madmen, should, few as they were, have been so many madmen, meeting from so far apart so well supplied by others than themselves, at a point so well selected, and that they should have conspired with so much method as to be so successful against such apparent odds. Were these parties, known and unknown, so situated, all mad? It is enough to say that the leader, almost spurned the falsehoods, hypocrisy and cowardice of this mawkish plea of monomania, and neither he, nor one of his men, nor their counsel, put it in upon their trials. He expected from his prompters and backers and sympathisers better pretence and more potent defense than that. Before his failure and defeat in what, in their correspondence with him, they called a "glorious cause," their sympathy was all with his desperate daring and success; and now it is with his insanity for a plea against the legal penalties of his crimes, which had their origin in this very sympathy. A sympathy which saw his insanity too late to snatch from his hands the weapons it had placed there; too late to save the lives taken by its own incitement; and too late to save him from a felon's fate.

We omit the Governor's reference to the judicial and other proceedings, had in reference to the Harper's Ferry affair, and pass on to matters of more absolving interest. After speaking of the well-nigh universal clamor for the pardon of John Brown and confederates, Governor Wise justly observes:

There was no middle ground of mitigation. To pardon or reprieve at all, was to proclaim a licensed impunity to the thousand fanatics who are mad only in the guilt and folly of setting their individual supremacy over law, life, property, and civil liberty itself. This sympathy with the leaders was worse than the invasion itself. The appeal was: It is policy to make no martyrs, but disarm murderers, traitors, robbers, insurrectionists, by free pardon for wanton, malicious, unprovoked felons! I could but ask, will execution of the legal sentence of a human law make martyrs of such criminals? Do sectional and social masses hallow these crimes? Do whole communities sympathize with the outlaws, instead of sympathizing with the outraged society of a sister sovereignty? If so, then the sympathy is as felonious as the criminals, and is far more dangerous than was the invasion. The threat of martyrdom is a threat against our peace, and demands execution to defy such sympathy and such saints of martyrdom. The issue was forced upon us: Shall John Brown be pardoned, lest he might be canonized by the execution of felony for confessed murder, robbery and treason in inciting servile insurrection in Virginia? Why a martyr? Because thousands applaud his acts and opinions, and glorify his crimes? Was I to hesitate after this? Sympathy was insurrection, and had to be subdued more sternly than was John Brown. John Brown had surely to die according to law, and Virginia had to meet the issue. It is made. We have friends or we have not in the States whence these invaders come. They must now be not only conservative, but active to prevent invaders coming. We are in arms.

Information from all quarters, with responsible names, and anonymous, dated the same time, from places far distant from each other, came, of organized conspiracies and combinations to obstruct our laws, to rescue and seize hostages, to commit rapine and burning along our borders on Maryland, Pennsylvania, Ohio and Indiana, proceeding from these States and from New York, Massachusetts and other States and Canada. These multiplied in every form for weeks; and at last, on the 19th of November, a call was very properly and timely made by Col. Davis for an additional force of 500 men.

These reports and rumors, from so many sources, of every character and form, so simultaneously, from places so far apart, at the same time, from persons so unlike in evidences of education, could be from no conspiracy to hoax; but I relied not so much upon them as upon the earnest continued general appeal of sympathizers with the crimes. It was impossible for so much of such sympathy to exist without exciting bad men to action of rescue and revenge. On this I acted.

After stating an undeniable truth, that "there is no danger from our slave and colored people," Gov. Wise remarks:

But why do our slaves on the border not take up arms against their masters? We must look firmly at this fact before we take it as a solace. In the answer to that question lies the very root of our danger. Masters in the border counties now hold their slaves by sufferance. The slaves could fly to John Brown much easier than he could come and take him. The slaves at will can liberate themselves by running away. The underground railroad is at their very doors, and they may take passage when they please. They prefer to remain. John Brown's invasion startled us; but we have been tamely submitting to a greater danger, without confessing it. The plan which silently corrupts and steals our slaves, which sends secret emissaries among us to "stampede" our slaves, which refuses to execute fugitive slave laws, which form secret societies for mischief, with the motto, "alarm to their sleep, fire to their dwellings and poison to their food and water," and which establishes underground railroads and depots and rendezvous for invasion, is more dangerous than the invasion by John Brown. Yet the latter excites us, and in the former we have been sleepily acquiescing. It is no solace to me, then, that our border slaves are so liberated already by this exterior asylum, and by this still, silent, stealing system, that they have no need to take up arms for their own liberation. Confederate States as well as individuals have denounced our laws and set them at defiance; they have by their laws encouraged and facilitated the escape of our slaves, and have made abolition a cancer eating into our very vitals.

We must, then, acknowledge and act on the fact that present relations between the States cannot be permitted longer to exist without abolishing slavery throughout the United States, or compelling us to defend it by force of arms.

On the 25th ultimo I addressed a letter to the President of the United States, of which the enclosed is a copy. On the 29th I received from him the accompanying answer, to which I have not replied, but upon which I must here comment.

He seems to think that the constitution and laws of the United States do not provide authority for the President to interpose to "repel invasion," or keep the peace between the States, in cases where the citizens of one State invade another State, unless the executive or legislature of the State invaded applies for protection. I differ from this opinion. Neither the framers of the Constitution nor the Congress of 1795 were guilty of so gross an omission in their provisions for the national safety.

By clause 3d of section 3 of article 1st of the Constitution, the States are deprived of the power, "without the consent of Congress, to keep troops or ships of war in time of peace, or to engage in war, unless actually invaded, or in such imminent danger as will not admit of delay."

To compensate them for this privation of the power of preparation for defence, it is provided in section 4th of article 4th, that "the United States shall guarantee to every State in the Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive, (when the Legislature cannot be convened,) against domestic violence."

Now, it is readily conceded, "United States" here is to be taken as synonymous with the words "the Congress." The clause is in juxtaposition with clauses defining the powers of "the Congress." And if they were not, by the 18th clause of section 8th of article 1st, to "the Congress" is given the power "to make all laws which shall be necessary and proper for carrying into execution" its own powers, "and all other powers vested in the Government of the United States, or in any department or officer thereof."

This duty and power, then, of guaranteeing protection to every State against invasion, belongs unquestionably to Congress. Has it exercised the power? It has. Thus:

"To the Congress also is given the power "to raise and support armies," and "to provide and maintain a navy," and these are called, specially, "the land and naval forces" of the United States.

I presume that no one will gainsay the proposition that the chief object of these land and naval forces is, "to suppress insurrections and to repel invasions."

But in addition to these powers, another is specially added: "To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and invasions." And I presume that no one will insist that the regular army and navy of the United States may not be ordered to execute the laws of the United States, to suppress insurrection and repel invasions, without calling forth the militia, or through the militia may be called forth to execute the same purposes.

This granted, the Congress did pass the law: 1st, to raise armies, and to provide and maintain a navy, as well as laws for calling forth the militia. And then, by article 2d, the President is invested with the executive power. He is sworn faithfully to execute the office of President, and to the best of his ability, to preserve, protect and defend the Constitution of the United States: and he is made commander-in-chief of the army and navy of the United States and of the militia of the several States when called into the actual service of the United States; and he shall take care that the laws be faithfully executed.

Now, to revert to the 4th section of the 4th article:

In this section, there are two things against which the United States guarantees protection to every State:

1st, against "invasion." Not one kind of invasion or another, but simply "invasion" of all kinds from every quarter; and no application for protection is required against invasion. Whenever it comes, however it comes, it is to be protected against. The word itself imports force from without—any force from without the State invaded, whether from foreign country, or alien enemies, or Indian tribes; it is confined to no particular invasion. And against this the President has the means, provided by Congress in the laws raising and providing a standing army and navy—the land and naval forces of the United States, which need not be "called forth," but are armies already raised, and standing, and a navy already "provided and maintained." The President is commander-in-chief of these, and may order them to repel actual invasion, as they are already in actual service without being "called forth." And he is surely as much bound to execute the Constitution as the the statutes of Congress. "The laws," to be executed, embrace both; and he has the means to execute both provided in the statutes for raising armies and providing a navy, as well as in the laws calling forth the militia.

But to proceed:

2d. The second thing that every State is to be protected against is, "domestic violence." These words import force from within—a domestic force, acting in rebellion or insurrection or obstruction of the laws, against the State. To interpose against this, there must be an application of the Legislature, or of the Executive of the State when the Legislature cannot be convened.

And under this clause of this section, special acts of February 28th, 1795, and of March 3, 1807, have been passed. They are wholly distinct from the laws of Congress raising armies providing a navy. The first clause of the first section of the act of 1795 relates to invasions of the United States "from any foreign nation or Indian tribe." The 2d clause of that section relates to "insurrection in any State against the government thereof," etc., to "domestic violence," in other words, and not expressly or impliedly to "invasion of any State." And the 2d section of the act relates to obstruction of the laws of the United States, and not of any State. And the whole act, so far as it relates to the States, is an act to provide for "calling forth the militia" to suppress domestic violence, and not for commanding the land and naval forces already in actual service against "invasion." Invasion of any State is in fact invasion of the United States. And the act of 1807 applies expressly to cases only of "insurrection or obstruction to the laws either of the United States, or of any individual State or Territory." And, if the President's construction of his power be correct, this act, which was intended undoubtedly to extend the act of 1795, and enlarge its provisions, would operate to restrict and contract its provisions. He could not use such part of the land and naval force of the United States as shall be judged necessary by him, without having first observed all the prerequisites of the law for calling forth the militia. These acts, in a word, do not in word or meaning apply to cases of "invasion of a State," but so far as a State is concerned, to cases only of domestic violence; and where the militia are called forth on application to the Legislature or of the the executive of the State rebelled against.

Here there was no "insurrection;" no case of force from within. Invasion was threatened from without, by citizens of one State against another State. It is monstrous to say that there is nothing in the Constitution or laws guaranteeing protection to a State in such cases. The Constitution is express. It needs in fact the laws only which have been passed—the laws of the army and navy of the United States, and the laws for calling forth the militia, to execute both of the clauses of protection guaranteed by the Constitution to "every State in this Union." The men of 1795 made no such gross omission. They understood their work too well for that. And what a spectacle the United States would have presented, if on the second an army of fanatics had invaded Virginia to rescue felons legally convicted, and a bloody battle had been joined, and the United States land forces at Harper's Ferry had stood neutral spectators, guarding only the United States arsenal, and playing posse comitatus to a United States Marshal, but not allowed to aid the execution of the laws of a State or to repel invasion, because the United States were not invaded "from a foreign country, or by Indian tribes." The bare statement is revolting to the 4th section of the fourth article of the Constitution guaranteeing protection to every State against invasion; to every statute of Congress raising land and naval forces of the United States; to all the ends and purposes of those laws and to peace; to the oath and Executive office of the President of the United States to preserve, to protect and defend the Constitution; and to see the laws faithfully executed.

Such are my views of the Constitution and laws. The views of the President, it seems, are different. I notified him of a just apprehension that this State was threatened with "invasion by a predatory border war, to rescue prisoners convicted of high crimes and felonies, and to seize our citizens as hostages and victims in case of the execution of the criminals, proceeding from several surrounding States."

He answers, that "it would seem almost incredible that any portion of the people of the States mentioned, should be guilty of the atrocious wickedness as well as folly of attempting to rescue convicted traitors and murderers from the penalty due to their crimes under the outraged laws of Virginia."

I reply to him, through you, gentlemen, that it is strange this should seem so incredible, when the very "convicted traitors and murderers" were portions of the people of the States mentioned, who had just been convicted of invading our border, and seizing a United States arsenal, and of perpetrating treason and murder against both the State and the United States authority. And I surely may be allowed latitude for acting on the mass of information I have received of renewed invasion, when, perhaps, pardonable inattention at Washington to warning of the murder and treason at Harper's Ferry, left an arsenal and a people defenceless against that invasion!

I did not call on the President to protect Virginia, and would not do so. I apprised him of apprehensions, "in order that he might take steps to preserve peace between the States." I had called out our own militia, and they are a thousand fold ample to defend their State. They have had not only to guard their own border, but to guard in part the arsenal of the United States. The President has, however, manifested a "cheerful and cordial" disposition to defend the place ceded to the United States at Harper's Ferry; he sent a small guard, as soon as informed it was unguarded, and has reinforced that guard, "not only to protect the public property clearly within federal jurisdiction, but to prevent the insurgents from seizing the arms in the arsenal at that place, and using them against the troops of Virginia." "Besides," he says, "it is possible the additional troops may be required to act as a *posse comitatus*, on the requisition of the Marshal of the United States for the Western District of Virginia to prevent the rescue of Stevens, now in his custody, charged with the crime of high treason."

Then for these objects: 1st. To keep arms of the United States out of the hands of the invaders of Virginia; and 2d. To act as "*posse comitatus*" to the United States Marshal, the land force of the United States may be used; but 3d. Not to prevent "invasion" of one State by the people of another State. And he says he can discover nothing in any provision in the Constitution or laws of the United States which would authorize him to "take steps" for the purpose of preserving peace between the States "by guarding places in surrounding States which may be occupied as depots and rendezvous by desperadoes to invade Virginia." As I understand his interpretation of the Constitution and laws, he cannot call forth the militia nor employ the land and naval forces of the United States "for this purpose." He says it is the duty of the respective State Governments to break up such depots, and to prevent their citizens from making incursions, etc.; but that if the Federal Executive were to enter these States and perform this duty for them, it would be a manifest violation of their rights. Were he thus to act it would be a palpable invasion of State sovereignty, and as a precedent might prove highly dangerous. Now, this is new doctrine, and teaches even Virginia a lesson of State rights which destroys her constitutional guarantee of protection by the United States against "invasion by Abolition fanatics from other States." They are not from any foreign country, nor are they Indian tribes. The fanatics from free States, such as John Brown and Stevens, he says, in effect, are not invading the United States when invading Virginia; they are not "from any foreign nation or Indian tribe," therefore it is lawful for the President to employ the Federal forces to repel such invasion."

These are alarming doctrines to the invaded States. And however the argument or the error may be between the President and your executive, this, at least, is clear, that if I am right in my views of our guarantee of protection in the case of force us, imminent as it is, he, the executive of the United States, does not concur with me, and will not enforce the protection we need; and, on the other hand, if he is right, and we cannot legally claim that the United States shall keep the peace between the States and guarantee one State against invasion from another, the federal executive cannot interpose to prevent the invasion. In either case we are clearly thrown on our own self-dependence. We must rely on ourselves, and fight for peace! I say to them—To your tents! Organize and arm!

The constitutional guarantee of protection is withheld, whilst we are invaded from all around. And then, by article 2d, the President is invested with the executive power. He is sworn faithfully to execute the office of President, and to the best of his ability, to preserve, protect and defend the Constitution of the United States: and he is made commander-in-chief of the army and navy of the United States and of the militia of the several States when called into the actual service of the United States; and he shall take care that the laws be faithfully executed.

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But to proceed:

2d. The second thing that every State is to be protected against is, "domestic violence." These words import force from within—a domestic force, acting in rebellion or insurrection or obstruction of the laws, against the State. To interpose against this, there must be an application of the Legislature, or of the Executive of the State when the Legislature cannot be convened.

And under this clause of this section, special acts of February 28th, 1795, and of March 3, 1807, have been passed. They are wholly distinct from the laws of Congress raising armies providing a navy. The first clause of the first section of the act of 1795 relates to invasions of the United States "from any foreign nation or Indian tribe." The 2d clause of that section relates to "insurrection in any State against the government thereof," etc., to "domestic violence," in other words, and not expressly or impliedly to "invasion of any State." And the 2d section of the act relates to obstruction of the laws of the United States, and not of any State. And the whole act, so far as it relates to the States, is an act to provide for "calling forth the militia" to suppress domestic violence, and not for commanding the land and naval forces already in actual service against "invasion." Invasion of any State is in fact invasion of the United States. And the act of 1807 applies expressly to cases only of "insurrection or obstruction to the laws either of the United States, or of any individual State or Territory." And, if the President's construction of his power be correct, this act, which was intended undoubtedly to extend the act of 1795, and enlarge its provisions, would operate to restrict and contract its provisions. He could not use such part of the land and naval force of the United States as shall be judged necessary by him, without having first observed all the prerequisites of the law for calling forth the militia. These acts, in a word, do not in word or meaning apply to cases of "invasion of a State," but so far as a State is concerned, to cases only of domestic violence; and where the militia are called forth on application to the Legislature or of the the executive of the State rebelled against.

Here there was no "insurrection;" no case of force from within. Invasion was threatened from without, by citizens of one State against another State. It is monstrous to say that there is nothing in the Constitution or laws guaranteeing protection to a State in such cases. The Constitution is express. It needs in fact the laws only which have been passed—the laws of the army and navy of the United States, and the laws for calling forth the militia, to execute both of the clauses of protection guaranteed by the Constitution to "every State in this Union." The men of 1795 made no such gross omission. They understood their work too well for that. And what a spectacle the United States would have presented, if on the second an army of fanatics had invaded Virginia to rescue felons legally convicted, and a bloody battle had been joined, and the United States land forces at Harper's Ferry had stood neutral spectators, guarding only the United States arsenal, and playing posse comitatus to a United States Marshal, but not allowed to aid the execution of the laws of a State or to repel invasion, because the United States were not invaded "from a foreign country, or by Indian tribes." The bare statement is revolting to the 4th section of the fourth article of the Constitution guaranteeing protection to every State against invasion; to every statute of Congress raising land and naval forces of the United States; to all the ends and purposes of those laws and to peace; to the oath and Executive office of the President of the United States to preserve, to protect and defend the Constitution; and to see the laws faithfully executed.

Such are my views of the Constitution and laws. The views of the President, it seems, are different. I notified him of a just apprehension that this State was threatened with "invasion by a predatory border war, to rescue prisoners convicted of high crimes and felonies, and to seize our citizens as hostages and victims in case of the execution of the criminals, proceeding from several surrounding States."

He answers, that "it would seem almost incredible that any portion of the people of the States mentioned, should be guilty of the atrocious wickedness as well as folly of attempting to rescue convicted traitors and murderers from the penalty due to their crimes under the outraged laws of Virginia."

I reply to him, through you, gentlemen, that it is strange this should seem so incredible, when the very "convicted traitors and murderers"

A SHOCKING CASE OF AMALGAMATION.—From the Detroit Free Press of the 2d inst. we extract the following:

This case, which we mentioned yesterday, was brought into Court at the morning session of the Police Court, and adjourned for the convenience of the prosecution in procuring evidence. There is more of the case than appeared at first. The parents of the girl are English people, who came to this city from Hudson's Bay, where the husband and father was in the employ of the Fur Company. The negro, Tom Slaughter, made the acquaintance of the girl without the knowledge of the parents, and enticed her away from home for the purpose of marrying her, notwithstanding the fact that he had already two white wives living. She is only sixteen years old, is quite good-looking, and has been properly brought up by her parents, who are in every respect worthy and estimable people.

Slaughter ruined one of his former wives by his brutal treatment, and she is now a drunken, abandoned prostitute, an every-day frequenter of the Police Court. Having induced her to marry him, he kicked her out of doors in a short time, and let us have returned and endeavored to live with him, he met her only with blows and curses, and turned her away to shift for herself. What became of the other one is not known, but she probably shared a similar fate. It is impossible to conceive of a more loathsome union, for, aside from being as black as the ace of spades, he has not the merit of decency in any respect, but is one of the most degraded of his race—morally dead, and physically tainted with a loathsome disease that pollutes the very atmosphere that he breathes. Yet, with all this, a white woman, who has been reared in the bosom of a strictly moral, and to all appearances, eminently worthy family, leaves her home and betakes herself to his arms. It is enough to sicken humanity.

The aged father and mother were at the Police Court yesterday, and excited universal sympathy by their heart-broken appearance. They desire to recover their daughter and punish the villain who enticed her away from home. The preacher who married them is in custody, and will be dealt with as the law directs.

MARINE DISASTER.—From the Savannah News of the 9th we extract the following:

The British ship Admiral, which arrived yesterday from Liverpool, had on board Capt. Gardner, of the British brig Mary of Yarmouth, N. S., with his officers and crew, having been taken on board the Admiral under the following circumstances, as reported to us by Capt. Gardner: The brig was bound from Newport, England, to Martinique, with a cargo of coal, having left the former place on the 14th October. On the 20th of the same month, in lat. 43 deg., lon. 15 deg., an explosion took place, supposed to have been caused by a spontaneous combustion, blowing up her decks and starting the quarter under water. The boats were immediately launched and an effort made to throw out her cargo, but finding the vessel fast sinking, they were compelled to stop.

About this time a sail hove in sight which bore down upon them, and which proved to be the Br. ship Admiral, Capt. Coxhead, from Liverpool for this port. The Captain, officers and crew were taken on board, and have arrived in Savannah, as before stated.

The brig went down in about thirty minutes after she was abandoned, the captain and crew barely having time to save their clothing. Capt. Gardner, his officers and crew, desire to return their thanks publicly to Capt. Coxhead for his kindness to them during the passage.

FROM ST. HELENA PARISH.—The Greensburg Imperial of Saturday has the following:

On Tuesday evening last, after a warm and sultry day, a strong northwester set in about 4 o'clock, in less than three hours the thermometer fell from extreme heat to the freezing point. Sleet fell in small quantities, and was congealed in a very few minutes. The ice in many places has not thawed up to the hour of going to press—4 o'clock this morning.

In some parts of this parish for several weeks there has been considerable mortality among the cattle, without any apparent cause. Some have supposed that they are affected with a species of the black tongue, which prevailed very extensively here last year about this season. Whatever may be the disease, it has proved very fatal, and it would be well for our farmers to give their cattle a good deal of attention.

SUMMARY PUNISHMENT.—Just as we are going to press we learn that a traveling agent for maps, in an adjoining county, went into a negro quarter at a late hour in the night, and was preaching Abolitionism to the negroes. An old favorite servant went and waked up his master and informed him there was a white man out there preaching to the negroes. The gentleman went out and made the negroes hoist and hang him to a joist, dug a hole and buried him the same night.

[Waynesboro' (Ga.) News, Dec. 6.

PHOTOGRAPHIC.

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