THE WILMINGTON JOURNAL.

WILMINGTON, N. C., FRIDAY, DEC. 5, 1856.

The President's Message.

We publish in full the fourth annual Message of President Pierce. It will be found fully equal to any of the able state papers which have proceeded from the same source, and marked by that boldness and fidelity to principle which have distinguished all that has emanated from the pen of our patriotic Chief Magistrate. Nearly one half of the message is devoted to a review of the sectional difficulties which have agitated the country; and to say that this part is well done is to say nothing—it is more than this. It is conclusive and irresistible. We most especially commend it, every word of it—to the attentive perusal of all our readers. It will amply repay, and more than repay all the time devoted to it.

The receipts into the treasury, from all sources, were, for the last fiscal year, $73,918,141. The payments, including $3,000,000 in execution of the treaty with Mexico, and $12,776,390 for payment of the public debt, amounted to $72,948,792. The public debt has been reduced, during this administration, from $72,879,937 to $30,737,129.

A reduction of the tariff is recommended.

The laws for the reform and reorganization of the Navy have produced the most satisfactory results. A further increase of the Navy is recommended.

The receipts from the sales of the public lands have been $8,821,414.

The expenditures of the Post-office department have been $10,408,886; receipts, $7,628,801, showing a deficiency of $2,787,046. The abolition of the franking privilege, etc., is recommended for the purpose of reducing this deficiency.

The country is at peace with all foreign powers. A treaty has been concluded with Great Britain designed to settle the difficulties arising under the Clayton-Bulwer treaty. There is reason to believe that the negotiations with Denmark, in reference to the Sound dues, will result in a satisfactory arrangement.

Reference is made to the proposition to abolish privateering, and the position of the United States in favour of respecting private property on sea as well as on land.

At present it is impossible to say which is the *de facto* government of Nicaragua. At one time a Minister was received, but he remained only a short time. Now two Ministers come accredited from two contending parties, and this government awaits further developements before receiving either of them.

Reference is made to the unpleasant relations which have arisen between this country and New Grenada, arising out of the course of the latter, and to the measures which it has been deemed proper to adopt in order to ensure protection to the persons and property of the citizens of the United States at the city of Panama and on the Isthmus.

The Message is of a readable length, and will be read perhaps as extensively as any Message has ever been. While there is nothing about it exaggerated, there is nothing dull or common-place. It is throughout forcible and direct.

POPULAR ELECTIONS.—The practical objection against the multiplication of popular elections is that it tends to defeat its own object. In a republic, no man who pretends to respect the principles upon which republican governments are founded, will contend that such or such a thing is wrong because it confides too much power to the people. The people are the legitimate owners and proprietors of all power, and are only restrained in the exercise of that power by such limitations as their own wisdom may prescribe, and as experience may show to be necessary for the more fully securing the rights and liberties of all. Laws and Constitutions are so many self-imposed restrictions, and, as springing from the people, are as much the representatives of their power as any more direct acts. It is, therefore, a question fairly to be considered, not whether, in extending the number of officers to be chosen by the people directly at the polls, too much power is given to the people, to whom that power already belongs, but whether the people would not become fatigued and careless, and the elections, carried on in their name, fail to represent their will. Where elections are a matter of every day occurrence, either the people are kept in a state of chronic excitement, or become careless, and do not turn out to vote. In the one event, the chronic excitement alluded to, interferes with cool discrimination; in the other, where the people become careless and neglect to vote, the choice becomes the prey of a few artful managers.

The people of North Carolina are just as competent to elect Judges, Solicitors and Magistrates, as their servants, the members of the Legislature, are to do for them, and an amendment of the Constitution, providing for the election of these officers by popular suffrage, would be simply a taking into their own hands, by the people, of one of their powers at present delegated to their representatives. It is a question of policy, of expediency. On principle, there can be no objection to the measure; neither do we see that any principle is violated under the existing arrangement, for we see nothing more undemocratic in the delegation of this power to their servants, than in the delegation of the vast number of other powers which must be delegated to representatives in a representative government.

Would the change work favourably? Would the people take sufficient interest in their multiplied elections to secure a full and fair expression of their choice in each and every instance? Would there not be the danger, that at one time they might be worked up to a state of excitement not favourable to that cool examination which ought to be brought into the selection of judicial officers, while at other times such apathy might prevail as to leave the choice virtually in the hands of the active politicians or wire-workers rather than the people at large. We know that in the Legislature of any State, there will be log-rolling and wire-pulling, and that there are few practical objections that can be urged against popular elections that will not apply with equal, if not greater force against elections by the Legislature, with the single exception of that arising from the multiplication of popular excitements, wearing themselves out, and leaving the people comparatively careless about *all* elections.

We confess that we are not sufficiently posted upon this matter—have not viewed it sufficiently in all its bearings, to enable us to make up our minds finally and conclusively. But sufficient considerations present themselves, almost unsought, to show us that it is one that demands caution in its handling, and the absence of hasty action, or unreflecting impulse. Our Judiciary is unquestionably pure; upon the whole it bears more than an average reputation for ability; indeed, few States stand higher in this respect. If, upon examination, it can be shown that the proposed change will operate advantageously, that where it has been tried, it has worked better than our present system, then we shall not simply assent to it, but become its warm advocates. Until that time, we must watch the progress of events, satisfied that sudden changes are to be avoided, unless some principle be involved, or some palpable good be certain to arise from them.

☞ The report that Gen. Cass has been offered a seat in Mr. Buchanan's cabinet is positively contradicted.

The Cape Fear and Deep River Navigation.

We do not again refer to this work for the purpose of again finding fault with it or its managers.—Some of those latter we know and see almost daily, and we feel certain that they agree with us that something has been wrong, and that something ought to be done. What this something is or ought to be, is the question. It is to the future we propose to look, not to the past. Or if to the past, only for the purpose of using its errors and wrong movements as beacons to warn us off from the same shoals and quicksands upon which its hopes have been wrecked. That there has been mismanagement of the most extraordinary character, cannot be doubted by any man who has watched the affair from its start, before ground was broken upon the Central Railroad, up to the present time, when the last named immense work is, and has been for a considerable length of time, in operation, while this work is still unfinished, still in a cloud, still in doubt and distraction. And yet we have laid before us, not simply Col. Thompson's romantic speculations, but the deliberate opinion of Mr. Douglass, a slack-water engineer of high and well-established reputation, who says that the work is feasible; and further, putting together the several reports that have from time to time been issued, it ought to have been made available with less than the amount placed at the disposal of those having control of its fortunes.

But, as already remarked, it is still unfinished, still unavailable, still in a position that, if stopped, all that has so far been done on it must prove a direct loss. This is the position of affairs now presented to us, and that with which we are called upon to deal, and the question is now—what is best to be done? Will the State abandon the work—sacrifice what she and her citizens have done on it, the money they have advanced and the efforts they have made? There will hardly be an affirmative response to this. But again, after the failures that have been made, the expectations that have been raised only to be disappointed, where is the faith to come from necessary to induce the legislature to come to the rescue? This appears to us to be a difficult question to answer, and yet it is one that must be answered and that satisfactorily before anything can fairly be expected from the State or individuals.

It appears to us that unless the Legislature does do something, one of two contingences must happen:—The work must go down or it must pass into the hands of new parties, who, for a merely nominal consideration—not enough, it may be, to discharge its floating debts, will receive and reap the fruits of all that has already been done. Humiliating as this would be, and much loss as it would entail, it would yet be preferable to seeing the work stop, or linger on unfinished for another decade.

But we take it for granted that few if any would be willing to see either of these contingencies happen. The Stockholders in this place, we feel certain, looked for their recompense mainly through the accession to the trade and prosperity of the town, expected to flow from the opening of this great work, with its new and vast addition to the commerce of Wilmington and of the State, and therefore would prefer its completion by anybody, to its final abandonment or indefinite suspension, at the same time that both their State pride and feelings of interest would alike lead them to desire its completion and the retention of its proprietorship by the State and the company.

The company employed Mr. Douglas at a salary of $5,000 per annum and expenses paid, certainly some money for anybody on anything, being within one-fifth of the amount paid to Mr. Fleming for devoting all his time to the Engineering and Superintendency of the longest line of Railroad now in process of construction in the United States. Surely they ought to have confided to an officer in whom they placed five thousand dollars worth of confidence for a part of his time, the appointment of his own subordinates—his own executive officers, by whom his plans were to be carried out. State pride, county pride, neighborhood pride are very right and proper things, but they are not engineering nor will they build a work like this; and, at any rate ought not to thwart it; and yet it is too apparent that they have thwarted this. It is too apparent that to the wish to give this or that contract to "our own people" in Cumberland or Chatham, to employ this or that one of "our own young men" there and thereabouts, the interests of the work have been made subservient. To get the work done—to get it well done—to get it promptly done—these are the ends and objects of primary importance, not the distribution of contracts or employments to the best men in the world for other businesses or on their own hook, but not the men for this. To enable the Legislature conscientiously to do anything, they must know something—have some fact about the work, and must feel that *the work* and not employees or contractors is first to be looked to—that its interest is the one to which all other interests must be postponed, that neither holding back nor preference nor exception nor management nor anything else is to be known—save in the interest of the work. Let it be felt that the real, actual, whole case is before the Legislature, and, above all, that the work is to be done by those who will do it best, no matter who they may be, and we feel assured that it will neither be allowed to stop nor pass into the hands of speculators.

☞ The re-opening of the slave trade, advocated by some few Southern journals, and recommended by Gov. Adams, of South Carolina, in his late message to the Legislature of that State, does not appear to meet with sufficient favor at the South to elevate it to the dignity of a practical question. The common impression seems to be that this trade is prohibited by the Constitution of the United States. This impression is of course erroneous. It is simply prohibited by act of Congress. The Constitution restrained Congress from passing any law upon the subject until 1808; and when action was taken upon the subject, the South was the most forward in having it done.

Waiving all discussion of the merits of the question, or the morality of the trade, it is enough for us to know that its resumption *in* the Union is impracticable. The North would be united against it, and we would be much mistaken if the South generally would favor it. This certainly is not a time when the South, or any portion of the South, ought to embarrass her own action in defence of tangible, guaranteed rights, or weaken the hands of those at the North who contend under difficulties for the maintainance of those rights, and, least of all, should she do so by pressing what all must feel to be an abstraction.

Congress.

Both Houses met at noon on Monday, and, after organizing, appointed a Committee to wait upon the President, and inform him of their readiness to receive any communication from him. The Committee reported that the Message would be sent in at noon on Tuesday.

In the House, Mr. Phelps presented the credentials of Mr. Whitfield, the delegate elect from Kansas, and moved he be sworn in.

Mr. Gulusha A. Grow, of Pennsylvania, objected. The Speaker observed that, objection being made, it would be the duty of the Chair to submit the question to the House whether the gentleman from Kansas be sworn in as a delegate.

Mr. Campbell, of Ohio, suggested to Mr. Grow whether, as this is a short session, and much unfinished business had to be attended to, it would not be better to allow the matter to lie over, as it did last session on a similar occasion. He did not see that anything could thus be lost.

The House by a vote of 104 to 97 refused to admit Mr. Whitfield to be sworn in. Mr. Grow moved to reconsider the vote refusing Mr. Whitfield his seat, and then to lay that motion on the table. These motions were not put, owing to the determination of Mr. Whitfield's friends to have action postponed until the House should be full. The House remained in squabbling, but generally good humoured session until half-past seven at night.

It is apparent from this and other indications, that the factionists, though defeated at the polls, are determined to pursue their disorganizing course in Congress to the last, even to the delay or prevention of business. We have reason to anticipate a stormy and disagreeable session.

As we remarked on Monday, no copy of the Message is in the hands of the Postmaster in this place, and we must therefore await its reception by mail.—We have learned that Mr. Gulick, formerly of Goldsboro', proceeded to Raleigh on Monday with the copy usually deposited here. We presume that the fact of the Legislature being there in session was the reason assigned for this change of destination. The report of the Secretary of the Treasury, quite a lengthy document is in the hands of the collector.

☞ We have before us the San Francisco Herald of the 5th, from which we glean some items. The Herald, which has fought the Vigilance Committee with might and main, rejoices over their defeat, for to that the triumph of Buchanan in California amounts, the Democrats having been for a length of time opposed to the Vigilance Committee to a man. In San Francisco the patent glass ballot boxes were used, and it is admitted on all hands that the elections were fairly conducted, and yet the vote polled was 12,152, being within 199 of that cast in 1855 for Governor; so that all the talk about thousands of spurious votes having been stuffed into the ballot-boxes in 1855, is evidently without foundation. The city, it is believed, has not increased in population since that time, and its extent has been abridged by the erection of the Southern portion into the county of San Mateo, and yet, now, the same, or about the same number of votes is polled, with glass ballot-boxes, and Judges and Inspectors of elections against whom no charge is alleged.

The Vigilants and their Emissaries, were, almost to a man engaged in spreading Fremont tickets.—Some of them had tickets headed by the names of Buchanan and Breckinridge, but with the names of the Black Republican electors, which they contrived to pass upon some of the unwary, before the trick was discovered.

We notice the sudden death of Hamilton Bowie, one of the leading friends of Law and Order, an intimate associate of Ashe and Terry. Mr. Bowie was a Southern man.

SOUTHERN COMMERCIAL CONVENTION.—His Excellency Gov. Bragg, has appointed the following gentlemen of this place and vicinity, State delegates to the Southern Commercial Convention, to be held in Savannah, on the 8th day of this month, (Monday next,) to wit:—Joshua G. Wright, Wm. S. Ashe, James H. Pritchett, of Brunswick, H. L. Holmes, Thomas H. Ashe, Lucien Holmes, John L. Holmes, S. R. Bunting, P. M. Walker, John L. Meares and John Dawson.

HILTON BRIDGE.—We are requested to state that Hilton Bridge is now in a condition for travellers to pass over it.

For the Journal.

Public Meeting at Long Creek.

A meeting of the citizens of the village of Long Creek was held on the 25th November, 1856, to consider the question of applying to the Legislature for an act of incorporation for the place.

Capt. John Jones was appointed Chairman, and Dr. John C. Broadhurst, Secretary.

The question being taken, as to whether application should be made for an Act of Incorporation, it was decided in the affirmative.

The question being taken as to what name the village should in future have, after an interchange of views, it was agreed to select a name by ballot, the majority ruling in the matter. Several names were proposed, but the name of Eolia obtained a majority of votes. It was then decided that the village of Long Creek should in future be called Eolia.

A committee was appointed to lay off the limits of the town, and to draw up such an Act of Incorporation as they might consider proper and acceptable, and to report to an adjourned meeting. The Committee consists of Messrs. Evan L. Miller, John Larkins and Dr. Satchwell.

Resolved, That the proceedings of this meeting be signed by the Chairman and Secretary, and published in the Wilmington Journal and Herald, and a copy sent to each one of our representatives in the Legislature from New Hanover County.

The meeting adjourned to meet two weeks hence, to hear the report of the Committee.

JOHN JONES, Chairman.

JOHN C. BROADHURST, Secretary.

From New Orleans and Havana.

NEW YORK, Nov. 30.—The steamer Philadelphia, from New Orleans and Havana, arrived to-day at noon. She brings company H, seconnd regiment artillery, under command of Captain W. F. Barry and Lieut. Butler.

The steamer Washington, hence for Bremen, and the New York, for Glasgow, have anchored at quarantine in consequence of the storm.

Further from Kansas.

CHICAGO, Dec. 1.—Kansas dates to the 24th have been received. Thirty-nine Free State prisoners at Lecompton escaped on the night of the 22d. No violence was used by them. The report that Judge Lecompte had issued a process against Gov. Geary is not confirmed. It is stated that he had granted a writ of habeas corpus in the case of Hayes.

Official Returns from Iowa.

CLEVELAND, Nov. 29.—The following is the official vote of Iowa for President: Fremont, 44,127; Buchanan, 36,241; Fillmore, 9,444.

From the San Francisco Herald.

Topics of the Day.

We have the great pleasure of announcing to the people of the State a joyful and glorious victory for Buchanan and the Union. California, the youngest of the States, refuses to lend her vote to the treasonable designs of the Republicans; and from mountain and valley, through all the broad extent of this glorious land, resound the shouts of the people for the Constitution and the Union. Our columns teem with the details of this splendid victory. As we write (at four o'clock in the morning,) despatch after despatch comes in announcing the joyful tidings that one county after another has borne testimony to her love of the Constitution and the Union by giving a majority for Buchanan. So overwhelming a triumph we have never seen before. Fremont will not get a single county in the State but one—Santa Clara—and we trust that further returns may redeem that beautiful valley from the deep disgrace of having united in the treasonous designs of the Republicans against the union of the States. And although Fillmore will beyond doubt get a larger vote than Fremont, he cannot calculate upon a single county in the State. We have little doubtt that before the steamer leaves this evening, we shall have received such information as will justify the assertion that Buchanan has got every county in the State but one.

In the face of overwhelming odds the gallant Democracy of San Francisco have carried this county by a handsome majority for Buchanan. Of the desperate efforts made by the other party we care not at present to enter into particulars. They are beaten, and we care not to exult over them. We are content to say that in despite of the most serious and disheartening difficulties we have gained the most signal triumph ever acheived in this State.

From our Raleigh Correspondent.

RALEIGH, December 1, 1856

SENATE.—The following are the only items of interest which occurred in the proceedings of the Senate to-day:

Mr. Boyd offered a resolution instructing the Judiciary Committee to enquire into the expediency of amending the laws relating to insolvent debtors.—Mr. Rives introduced a bill giving Courts of Law jurisdiction over sales of real estate, in certain cases. The engrossed bill, (from the House,) amending the acts relating to the election of Commissioners in the town of Wilmington, was read the second time and laid on the table.

Mr. Holmes introduced a bill for the improvements of Rivers in Sampson county. The bill to complete the Fayetteville and Albemarle Plank Road was read the second time and laid on the table. The bill incorporating the North Carolina and New York Steamship Company was read the third time and laid on the table. A bill relating to gaming was read the third time and passed.

A bill to pay jurors, in certain counties, was, on motion of Mr. Clarke, re committed to the Judiciary Committee, with instructions to report a general law on the subject.

HOUSE OF COMMONS.—Messrs. Yancey of Madison, and Outlaw, of Bertie, took their seats. On motion of Mr. Badham, the regular hour for adjournment was fixed for half past one o'clock, P. M. Mr. Foster introduced a bill for so amending the Constitution of the State as to prevent unjust taxation of lands.

The following bills were introduced and read the first time:

Mr. Reeves, a bill to amend 32d section 66th chapter of the Revised Code. Mr. Gilliam, a bill to extend further protection to the estates of married women. Mr. Jones, a bill concerning the duties of Register of Probates, &c. Mr. Dills, a bill repealing the 13th, 14th, 15th and 16th sections of the Revised Code, concerning Agriculture. Mr. Gilliam, a bill to amend 48th section of 31st chapter of the Revised Code, concerning ejectments. Mr. Love, a bill to increase the salary of the Secretary of State to $1,200.

The following bills were read the second time, and, the rules being suspended, were read the third time and passed:

A bill concerning the protesting of bills of exchange. This bill enacts that the place where a bill of exchange is drawn or dated from, is the place where notice of protest must be sent, unless otherwise expressed. A bill to incorporate the town of Troy, Montgomery county. A bill to incorporate the Camden and Pasquotank New Cut Canal Company. A bill to incorporate Holly Springs High School, Wake county.

A resolution, introduced by Mr. Bethea, in favor of Martha Speirs, passed its second reading.

A message from the Governor, transmitting certain historical documents from the Hon. D L Swain, was sent to the Senate, with a proposition to print 300 copies thereof.

A message from the Senate, transmitting a list of seven new Magistrates for Harnett county, being read, after a few remarks from Mr. Bethea, the Speaker vacated the Chair and addressed the House, and, at some length, explained the present position of affairs. The object attained by the appointment of new Magistrates is to enable the people to stop further proceedings in this county until the decision of the Supreme Court is given. At the conclusion of Mr. Shepherd's speech, the message was concurred in. After which the House adjourned.

RALEIGH, December 2d, 1856.

SENATE.—Mr. Coleman, from the Judiciary committee, reported the bill concerning the peremptory challenge of jurors. The bill provides for the repeal of a portion of the 32d sec. of the 35th chapter of the Revised Code. A debate arose on its passage. Messrs. Eaton, Gorrell, Wilder and J. M. Thomas strongly opposed the bill, and Messrs. Hill and Coleman supported it. On the question being put, the bill was rejected. Yeas 15, Nays 24.

On motion of Mr. Clark, the use of the Senate chamber was granted to the Electoral College, on Wednesday, at 12 o'clock.

A bill to emancipate Jerry, a slave, was rejected. Yeas 13, Nays 27.

The Senate would not concur in the message from the House, transmitting the Governor's message and other documents from the Hon. D. L. Swain. On motion of Mr. Gorrell, a message was sent to the House proposing to raise a joint select committee to whom the matter should be referred. Mr. Coleman, after some remarks upon the importance of the matter, offered a resolution extending the time appointed by the last Legislature for the Hon. D. L. Swain to examine the archives of Great Britain for historical documents relative to the history of North Carolina, which passed its first reading.

Mr. Hill introduced a bill defining the duty of the Secretary of State in distributing the public laws, &c.

On motion of Mr. Eaton, a resolution was adopted, that the two houses of the General Assembly should assemble in the Commons Hall, on the 6th inst., at 12 o'clock M., to count the votes given at the election in August last for Governor of the State.

The Senate then adjourned.

HOUSE OF COMMONS.—After the usual morning business, the presentation of petitions, &c., the Speaker presented a report from the President of the Raleigh & Gaston Railroad, which, on motion of Mr. Jenkins, was sent to the Senate with a proposition to print.

Mr. C. N. White presented a petition in favor of incorporating the Bank of Concord.

On motion of Mr. Bethea, a resolution was adopted authorizing the Governor to procure arms and equipments for the cadet companies of this State.

Mr Bullock introduced a bill to extend the powers of the Roanoke Valley railroad. Referred to the committee on internal improvements.

Mr. McIntosh introduced a bill to incorporate the York Collegiate Institute. Mr. Gilliam a bill to amend the 16th sec. of the 12th chapter of the Revised Code concerning wrecks.

The remainder of the session was occupied in the consideration of Dr. Pitchford's bill altering the law of Deeds in Trust, so as to give an equal chance to creditors. A long debate took place, in which Dr. Pitchford, Messrs. Jenkins, White of Bladen, Ogburn, Caldwell and Bridgers participated. The bill was finally defeated—yeas 49, nays 58.

The House then adjourned.

LATER.—We learn that the act for the repeal of the Registration Law for the town of Wilmington, passed the Senate on the 3d inst., with an amendment to the House Bill, requiring a residence of six months in said town. The bill now goes back to the House for concurrence. It will, no doubt, pass that body to-day, (Thursday.)

Secretary of the Navy's Report.

WASHINGTON, Dec. 2.—The report of the Secretary of the Navy gives a detailed account of the operations during the year, and its present strength. Among his recommendations are some for another squadron in the Pacific; for the adoption of the English and French system of gunnery on practice in ships, and for the dispatch of a small steamer to survey the guano Islands, on which Commodore Mervine had made an unsatisfactory report. It also recommends the building of steam sloops of war of small draft. The sending out of seamen to relieve distant crews, is spoken of as an experiment, and it will be continued if it be found to work well.

WASHINGTON, Dec. 1.—As a locomotive and five freight cars were passing over the bridge across the South branch of Shenandoah river, on the Manassas Gap Railroad, on Saturday night, the structure broke down, precipitating the entire mass below. The report says that five persons were killed, among them Mr. Fexster, the engineer; Mr. Nicols, the fireman; Mr. Buck, agent, and two others. The conductor escaped. There was no connection with the Orange road to-day.

KANSAS.—St. Louis, Dec. 2.—Advices from Kansas say that the militia under Col. Titus will soon be disbanded. Gov. Geary quietly submitted to the action of the *habeas corpus*, issued by Lecompte in the case of Hayes. Titus was to leave for Nicaragua shortly with 100 men.

From Mexico.

NEW ORLEANS, Nov. 24.—Advices from Mexico confirm the success of Vidaurri, as previously reported, and relate more revolutionary movements.

VOTE IN VIRGINIA.—Returns from all the counties in Virginia save two—Calhoun (new) and Wyoming—give Buchanan 30,092 majority. Wyoming at the Governor's election gave Flourney 34 majority.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES

To the Two Houses of Congress, at the commencement of the Third Session of the Thirty-fourth Congress.

Fellow-citizens of the Senate and of the House of Representatives:

The Constitution requires that the President shall, from time to time, not only recommend to the consideration of Congress such measures as he may judge necessary and expedient, but also that he shall give information to them of the state of the Union. To do this fully involves exposition of all matters in the actual condition of the country, domestic or foreign, which essentially concern the general welfare. While performing his constitutional duty in this respect, the President does not speak merely to express personal convictions, but as the executive minister of the government, enabled by his position, and called upon by his official obligations, to scan with an impartial eye the interests of the whole and of every part of the United States.

Of the condition of the domestic interests of the Union, its agriculture, mines, manufactures, navigation, and commerce, it is necessary only to say that the internal prosperity of the country, its continuous and steady advancement in wealth and population, and in private as well as public well-being, attest the wisdom of our institutions, and the predominant spirit of intelligence and patriotism, which, notwithstanding occasional irregularities of opinion or action resulting from popular freedom, has distinguished and characterized the people of America.

In the brief interval between the termination of the last and the commencement of the present session of Congress, the public mind has been occupied with the care of selecting, for another constitutional term, the President and Vice President of the United States.

The determination of the persons, who are of right, or contingently, to preside over the administration of the government, is, under our system, committed to the States and the people. We appeal to them, by their voice pronounced in the forms of law, to call whomsoever they will to the high post of Chief Magistrate.

And thus it is that as the senators represent the respective States of the Union, and the members of the House of Representatives the several constituencies of each State, so the President represents the aggregate population of the United States. Their election of him is the explicit and solemn act of the sole sovereign authority of the Union.

It is impossible to misapprehend the great principles, which, by their recent political action, the people of the United States have sanctioned and announced.

They have asserted the constitutional equality of each and all of the States of the Union as States; they have affirmed the constitutional equality of each and all of the citizens of the United States as citizens, whatever their religion, whatever their birth, or their residence; they have maintained the inviolability of the constitutional rights of the different sections of the Union; and they have proclaimed their devoted and unalterable attachment to the Union and to the constitution, as objects of interest superior to all subjects of local or sectional controversy, as the safeguard of the rights of all, as the spirit and the essence of the liberty, peace, and greatness of the Republic.

In doing this, they have, at the same time, emphatically condemned the idea of organizing in these United States mere geographical parties; of marshalling in hostile array towards each other the different parts of the country, North or South, East or West.

Schemes of this nature, fraught with incalculable mischief, and which the considerate sense of the people has rejected, could have had countenance in no part of the country, had they not been disguised by suggestions plausible in appearance, acting upon an excited state of the public mind, induced by causes temporary in their character, and it is to be hoped transient in their influence.

Perfect liberty of association for political objects, and the widest scope of discussion, are the received and ordinary conditions of government in our country. Our institutions, framed in the spirit of confidence in the intelligence and integrity of the people, do not forbid citizens either individually or associated together, to attack by writing, speech, or any other methods short of physical force, the Constitution and the very existence of the Union. Under the shelter of this great liberty, and protected by the laws and usages of the government they assail, associations have been formed, in some of the States, of individuals, who, pretending to seek only to prevent the spread of the institution of slavery into the present or future inchoate States of the Union, are really inflamed with desire to change the domestic institutions of existing States. To accomplish their objects, they dedicate themselves to the odious task of depreciating the government organization which stands in their way, and of calumniating, with indiscriminate invective, not only the citizens of particular States, with whose laws they find fault, but all others of their fellow-citizens throughout the country, who do not participate with them in their assaults upon the Constitution, framed and adopted by our fathers, and claiming for the privileges it has secured, and the blessings it has conferred, the steady support and grateful reverence of their children. They seek an object which they well know to be a revolutionary one. They are perfectly aware that the change in the relative condition of the white and black races in the slaveholding States, which they would promote, is beyond their lawful authority; that to them it is a foreign object; that it cannot be effected by any peaceful instrumentality of theirs; that for them, and the States of which they are citizens, the only path to its accomplishment is through burning cities, and ravaged fields, and slaughtered populations, and all there is most terrible in foreign, complicated with civil and servile war; and that the first step in the attempt is the forcible disruption of a country embracing in its broad bosom a degree of liberty, and an amount of individual and public prosperity, to which there is no parallel in history, and substituting in its place hostile governments, driven at once and inevitably into mutual devastation and fratricidal carnage, transforming the now peaceful and felicitous brotherhood into a vast permanent camp of armed men, like the rival monarchies of Europe and Asia.—Well knowing that such, and such only, are the means and the consequences of their plans and purposes, they endeavor to prepare the people of the U. States for civil war by doing everything in their power to deprive the Constitution and the laws of moral authority, and to undermine the fabric of the Union by appeals to passion and sectional prejudices, by indoctrinating its people with reciprocal hatred, and by educating them to stand face to face as enemies, rather than shoulder to shoulder as friends.

It is by the agency of such unwarrantable interference, foreign and domestic, that the minds of many, otherwise good citizens, have been so inflamed into the passionate condemnation of the domestic in situations of the southern States as at length to pass insensibly to almost equally passionate hostility towards their fellow-citizens of those States, and thus finally to fall into temporary fellowship with the avowed and active enemies of the Constitution. Ardently attached to liberty in the abstract, they do not stop to consider practically how the object they would attain can be accomplished, nor to reflect that, even if the evil were as great as they deem it, they have no remedy to apply, and that it can be only aggravated by their violence and unconstitutional action. A question, which is one of the most difficult of all the problems of social institution, political economy and statesmanship, they treat with unreasoning intemperance of thought and language. Extremes beget extremes. Violent attack from the North finds its inevitable consequence in the growth of a spirit of angry defiance at the South. Thus, in the progress of events we reached that consummation which the voice of the people has now so pointedly rebuked, of the attempt, of a portion of the States, by a sectional organization and movement, to usurp the control of the government of the United States

I confidently believe that the great body of those who inconsiderately took this fatal step, are sincerely attached to the Constitution and the Union. They would, upon deliberation, shrink with unaffected horror from any conscious act of disunion or civil war. But they have entered into a path which leads nowhere, unless it be to civil war and disunion, and which has no other possible outlet. They have proceeded thus far in that direction in consequence of the successive stages of their progress having consisted of a series of secondary issues, each of which professed to be confined within constitutional and peaceful limits, but which attempted indirectly what few men were willing to do directly, that is, to act aggressively against the constitutional rights of nearly one-half of the thirty-one States.

In the long series of acts of indirect aggression, the first was the strenuous agitation, by citizens of the Northern States, in Congress and out of it, of the question of negro emancipation in the Southern States.

The second step in this path of evil consisted of acts of the people of the northern States, and in several instances of their governments, aimed to facilitate the escape of persons held to service in the southern States, and to prevent their extradition when reclaimed according to law and in virtue of express provisions of the Constitution. To promote this object, legislative enactment and other means were adopted to take away or defeat rights which the Constitution solemnly guarantied. In order to nullify the then existing act of Congress concerning the extradition of fugitives from service, laws were enacted in many States forbidding their officers, under the severest penalties, to participate in the execution of any act of Congress whatever. In this way that system of harmonious co-operation between the authorities of the United States and of the several States for the maintenance of their common institutions, which existed in the early years of the Republic, was destroyed; conflicts of jurisdiction came to be frequent; and Congress found itself compelled, for the support of the Constitution and the vindication of its power, to authorize the appointment of new officers charged with the execution of its acts, as if they and the officers of the States were the ministers, respectively, of foreign governments in a state of mutual hostility, rather than fellow magistrates of a common country, peacefully subsisting under the protection of one well constituted Union. Thus here, also, aggression was followed by re-action; and the attacks upon the Constitution at this point did but serve to raise up new barriers for defence and security.

The third stage of this unhappy sectional controversy was in connexion with the organization of territorial governments and the admission of new States into the Union. When it was proposed to admit the State of Maine, by separation of territory from that of Massachusetts, and the State of Missouri, formed of a portion of the territory ceded by France to the United States, representatives in Congress objected to the admission of the latter, unless with conditions suited to particular views of public policy. The imposition of such a condition was successfully resisted. But, at the same period, the question was presented of imposing restrictions upon the residue of the territory ceded by France. That question was, for the time, disposed of by the adoption of a geographical line of limitation.

In this connexion it should not be forgotten that when France, of her own accord, resolved, for considerations of the most far-sighted sagacity, to cede Louisiana to the United States, and that accession was accepted by the U. States, the latter expressly engaged that "the inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their LIBERTY, PROPERTY, and the religion which they profess"—that is to say, while it remains in a territorial condition, its inhabitants are maintained and protected in the free enjoyment of their liberty and property, with a right then to pass into the condition of States on a footing of perfect equality with the original States.

The enactment, which established the restrictive geographical line, was acquiesced in rather than approved by the States of the Union. It stood on the statute book, however, for a number of years; and the people of the respective States acquiesced in the re-enactment of the principle as applied to the State of Texas; and it was proposed to acquiesce in its further application to the territory acquired by the United States from Mexico. But this proposition was successfully resisted by the representatives from the Northern States, who, regardless of the statute line, insisted upon applying restrictions to the new territory generally, whether lying north or south of it, thereby repealing it as a legislative compromise, and on the part of the North, persistently violating the compact, if compact there was.

Thereupon this enactment ceased to have binding virtue in any sense, whether as respects the North or the South; and so in effect it was treated on the occasion of the admission of the State of California, and the organization of the Territories of New Mexico, Utah, and Washington.

Such was the state of this question, when the time arrived for the organization of the Territories of Kansas and Nebraska. In the progress of constitutional inquiry and reflection, it has now at length come to be seen clearly that Congress does not possess constitutional power to impose restrictions of this character upon any present or future State of the Union.—In a long series of decisions, on the fullest argument, and after the most deliberate consideration, the Supreme Court of the United States had finally determined this point, in every form under which the question could arise, whether as affecting public or private rights—in questions of the public domain, of religion, of navigation, and of servitude.

The several States of the Union are, by force of the Constitution, co-equal in domestic legislative power. Congress cannot change a law of domestic relation in the State of Maine; no more can it in the State of Missouri. Any statute which proposes to do this is a mere nullity; it takes away no right, it confers none. If it remains on the statute book unrepealed, it remains there only as a monument of error, and a beacon of warning to the legislator and the statesman. To repeal it will be only to remove imperfection from the statutes, without affecting, either in the sense of permission or of prohibition, the action of the States, or of their citizens.

Still, when the nominal restriction of this nature, already a dead letter in law, was in terms repealed by the last Congress, in a clause of the act organizing the territories of Kansas and Nebraska, that repeal was made the occasion of a wide-spread and dangerous agitation.

It was alleged that the original enactment being a compact of perpetual moral obligation, its repeal constituted an odious breach of faith.

An act of Congress, while it remains unrepealed, more especially if it be constitutionally valid in the judgment of those public functionaries whose duty it is to pronounce on that point, is undoubtedly binding on the conscience of each good citizen of the republic. But in what sense can it be asserted that the enactment in question was invested with perpetuity and entitled to the respect of a solemn compact? Between whom was the compact? No distinct contending powers of the government, no separate sections of the Union, treating as such, entered into treaty stipulations on the subject. It was a mere clause of an act of Congress, and like any other controverted matter of legislation, received its final shape and was passed by compromise of the conflicting opinions or sentiments of the members of Congress. But if it had moral authority over men's consciences, to whom did this authority attach? Not to those of the North, who had repeatedly refused to confirm it by extension, and who had zealously striven to establish other and incompatible regulations upon the subject. And if, as it thus appears, the supposed compact had no obligatory force as to the North, of course it could not have had any as to the South, for all such compacts must be mutual and of reciprocal obligation.

It has not unfrequently happened that law-givers, with undue estimation of the value of the law they give, or in the view of imparting to it peculiar strength, make it perpetual in terms; but they cannot thus bind the conscience, the judgement, and the will of those who may succeed them, invested with similar responsibilities, and clothed with equal authority. More careful investigation may prove the law to be unsound in principle. Experience may show it to be imperfect in detail and impracticable in execution. And then reason and right combine not merely to justify, but to require its repeal.

The Constitution, supreme as it is over all the departments of the government, legislative, executive, and judicial, is open to amendment by its very terms, and Congress or the States may, in their discretion, propose amendments to it, solemn compact through it in truth is between the sovereign States of the Union. In the present instance, a political enactment, which had ceased to have legal power or authority of any kind, was repealed. The position assumed that Congress had no moral right to enact such repeal, was strange enough, and singularly so in view of the fact that the argument came from those who openly refused obedience to existing laws of the land, having the same popular designation and quality as compromise acts—nay, more, who unequivocally disregarded and condemned the most positive and obligatory injunctions of the Constitution itself, and sought, by every means within their reach, to deprive a portion of their fellow-citizens of the equal enjoyment of those rights and privileges guarantied alike to all by the fundamental compact of our Union.

This argument against the repeal of the statute line in question, was accompanied by another of congenial character, and equally with the former destitute of foundation in reason and truth. It was imputed that the measure originated in the conception of extending the limits of slave labor beyond those previously assigned to it, and that such was its natural as well as intended effect; and these baseless assumptions were made, in the northern States, the ground of unceasing assault upon constitutional right.

The repeal in terms of a statute, which was already obsolete, and also null for unconstitutionality, could have no influence to obstruct or to promote the propagation of conflicting views of political or social institution. When the act organizing the Territories of Kansas and Nebraska was passed, the inherent effect upon that portion of the public domain thus opened to legal settlement, was to admit settlers from all the States of the Union alike, each with his convictions of public policy and private interest, there to found in their discretion, subject to such limitations as the Constitution and acts of Congress might prescribe, new States, hereafter to be admitted into the Union. It was a free field, open alike to all, whether the statute line of assumed restriction were repealed or not. That repeal did not open to free competition of the divers opinions and domestic institutions a field, which, without such repeal, would have been closed against them; it found that field of competition already opened, in fact and in law. All the repeal did was to relieve the statute-book of an objectionable enactment, unconstitutional in effect, and injurious in terms to a large portion of the States.

Is it the fact, that, in all the unsettled regions of the United States, if emigration be left free to act in this respect for itself, without legal prohibitions on either side, slave labor will spontaneously go everywhere, in preference to free labor? Is it the fact, that the peculiar domestic institutions of the Southern States possess relatively so much of vigor, that, wheresoever an avenue is freely open to all the world, they will penetrate to the exclusion of those of the Northern States? Is it the fact, that the former enjoy, compared with the latter, such irresistibly superior vitality, independent of climate, soil and all other accidental circumstances, as to be able to produce the supposed result, in spite of the assumed moral and natural obstacles to its accomplishment and of the more numerous population of the Northern States?

The argument of those, who advocate the enactment of new laws of restriction, and condemn the repeal of old ones, in effect avers that their particular views of government have no self-extending or self-sustaining power of their own, and will go no where unless forced by act of Congress. And if Congress do but pause for a moment in the policy of stern coercion; if it venture to try the experiment of leaving men to judge for themselves what institutions will best suit them; if it be not strained up to perpetual legislative exertion on this point; if Congress proceed thus to act in the very spirit of liberty, it is at once charged with aiming to extend slave labor into all the new Territories of the United States.

Of course, these imputations on the intentions of Congress in this respect, conceived as they were in prejudice, and disseminated in passion, are utterly destitute of any justification in the nature of things, and contrary to all the fundamental doctrines and principles of civil liberty and self-government.

While therefore, in general, the people of the northern States have never, at any time, arrogated for the federal government the power to interfere directly with the domestic condition of persons in the southern States, but on the contrary have disavowed all such intentions, and have shrunk from conspicuous affiliation with those few who pursue their fanatical objects avowedly through the contemplated means of revolutionary change of the government, and with acceptance of the necessary consequences—a civil and servile war—yet many citizens have suffered themselves to be drawn into one evanescent political issue of agitation after another, appertaining to the same set of opinions, and which subsided as rapidly as they arose when it came to be seen, as it uniformly did, that they were incompatible with the compacts of the Constitution and the existence of the Union.—Thus, when the acts of some of the States to nullify the existing extradition law imposed upon Congress the duty of passing a new one, the country was invited by agitators to enter into party organization for its repeal; but that agitation speedily ceased by reason of the impracticability of its object. So, when the statute restriction upon the institutions of new States, by a geographical line, had been repealed, the country was urged to demand its restoration, and that project also died almost with its birth. Then followed the cry of alarm from the North against imputed southern encroachments; which cry sprang in reality from the spirit of revolutionary attack on the domestic institutions of the South, and, after a troubled existence of a few months, has been rebuked by the voice of a patriotic people.

Of this last agitation, one lamentable feature was, that it was carried on at the immediate expense of the peace and happiness of the people of the Territory of Kansas. That was made the battle field, not so much of opposing factions or interests within itself, as of the conflicting passions of the whole people of the United States. Revolutionary disorder in Kansas had its origin in projects of intervention, deliberately arranged by certain members of that Congress which enacted the law for the organization of the Territory. And when propagandist colonization of Kansas had thus been undertaken in one section of the Union, for the systematic promotion of its peculiar views of policy, there ensued, as a matter of course, a counter-action with opposite views, in other sections of the Union.

In consequence of these and other incidents, many acts of disorder, it is undeniable, have been perpetrated in Kansas, to the occasional interruption, rather than the permanent suspension, of regular government. Aggressive and most reprehensible incursions into the Territory were undertaken, both in the North and the South, and entered it on its northern border by the way of Iowa, as well as on the eastern by way of Missouri; and there has existed within it a state of insurrection against the constituted authorities, not without countenance from inconsiderate persons in each of the great sections of the Union. But the difficulties in that Territory have been extravagantly exaggerated for purposes of political agitation elsewhere. The number and gravity of the acts of violence have been magnified partly by statements entirely untrue, and partly by reiterated accounts of the same rumors of facts. Thus the Territory has been seemingly filled with extreme violence, when the whole amount of such acts has not been greater than what occasionly passes before us in single cities to the regret of all good citizens, but without being regarded as of general or permanent political consequence.

Imputed irregularities in the elections had in Kansas, like occasional irregularities of the same description in the States, were beyond the sphere of action of the Executive. But incidents of actual violence or of organized obstruction of law, pertinaciously renewed from time to time, have been met as they occurred, by such means as were available and as the circumstances required; and nothing of this character now remains to affect the general peace of the Union. The attempt of a part of the inhabitants of the Territory to erect a revolutionary government, though sedulously encouraged and supplied with pecuniary aid from active agents of disorder in some of the States, has completely failed. Bodies of armed men, foreign to the Territory, have been prevented from entering or compelled to leave it. Predatory bands engaged in acts of rapine, under cover of the existing political disturbances, have been arrested or dispersed. And