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QUESTION OF SECESSION.

For the Times.

MR. EDITOR:—If convenient, I will thank you to insert the letter I send you; it is from the pen of JAMES MADISON, in relation to the, at present, all-important and all-absorbing subject of *Secession*. No man, this country has produced, was better competent to speak upon and expound that subject than Mr. MADISON—because he was among the foremost of our Revolutionary patriots and statesmen, for his constitutional learning, his intimate and matured knowledge of the structure of our Government, his freedom from partizan profession, his calm, dignified, unpretending and unprejudiced wisdom; and he was, in my humble judgment, the greatest constitutional lawyer that has ever lived. SUBSCRIBER.

December 12th, 1860.

A NEW TESTIMONY FROM MR. MADISON.

The views of Mr. MADISON against the assumed right of secession are so well known, and were so consistently maintained from the date of the ratification of the Constitution down to the time of his death, that nothing is needed to add to the authority of his great name on this question. As cumulative evidence on this point, however, is valuable, because proceeding from one justly called the "Father of the Constitution," we give place to the subjoined reiteration of his opinion, which has just met our eye in the columns of our intelligent contemporary, the Charlottesville (Va.) *Review* of yesterday, the 23d inst.—*National Intelligencer.*

UNPUBLISHED LETTER FROM MR. MADISON ON SECESSION.

We are indebted to our friend, ALEXANDER RIVES, Esq., for the following letter from Mr. Madison on the subject of State Secession.

In 1832 Mr. Rives, under the signature of "A Friend of Union and State-rights," published two communications in the Virginia (Charlottesville) *Advocate*. The letter of Mr. Madison was called forth by these articles, and was addressed to the writer of them under his *nom de plume*. It bears no date, but a letter from Mr. Rives in reply to it in our possession is dated January 7th, 1833. We publish verbatim from the MS.:

[CONFIDENTIAL.]

I have received the letter signed "A Friend of Union and States-Rights," enclosing two Essays under the same signature.

It is not usual to answer communications without the proper names to them. But the ability and the motives disclosed in the Essays induce me to say, in compliance with the wish expressed, that I do not consider the proceedings of Virginia in '98-'99 as countenancing the doctrine that a State may *at will* secede from its constitutional compact with the other States. A rightful secession requires the consent of the others, or an abuse of the compact absolving the seceding party from the obligations imposed by it.

In order to understand the reasoning on one side of a question, it is necessary to keep in view the precise state of the question and the positions and arguments on the other side. This is particularly necessary in questions arising under our novel and compound system of government. Much error and confusion have grown out of a neglect of this precaution.

The case of the alien and sedition acts was a question between the Government and the constituent body, Virginia making an appeal to the latter against the assumption of power by the former.

The case of a claim in a State to secede from its union with the others is a question among the States themselves as parties to a compact.

In the former case it was asserted against Virginia, that the States had no right to interpose legislative declarations of opinion on a constitutional point; nor a right to interpose at all against a decision of the Supreme Court of the United States, which was to be regarded as a tribunal from which there could be no appeal.

The object of Virginia was to vindicate *legislative* declarations of opinion; to designate the several *constitutional* modes of interposition by the States against abuses of power, and to establish the ultimate authority of the States as *parties to and creatures of* the Constitution to interpose against the decisions of the judicial as well as the other branches of the Government—the authority of the judicial being in no sense *ultimate*, out of the purview and form of the Constitution.

Much use has been made of the term "respective" in the third resolution of Virginia, which asserts the right of the *States*, in cases of sufficient magnitude, to interpose "for maintaining within their *respective* limits the authorities, &c., appertaining to them;" the term "respective" being construed to mean a constitutional right in *each* State, *separately*, to decide on and resist by force encroachments within its limits. A foresight or apprehension of the misconstruction might easily have guarded against it. But, to say nothing of the distinction between ordinary and extreme cases, it is observable that in this, as in other instances throughout the resolutions, the plural number (*States*) is used in referring to them; that a concurrence and co-operation of all might well be contemplated in interpositions for effecting the objects within reach; and that the language of the closing resolution corresponds with this view of the third.—The course of reasoning in the report on the resolutions required the distinction between *a State* and *the States*.

It surely does not follow from the fact of the States, or rather the people embodied in them, having, as parties to the constitutional compact, no tribunal above them, that, in controverted meanings of the compact, a minority of the parties can rightfully decide against the majority, still less that a single party can decide against the rest, and as little that it can at will withdraw itself altogether from its compact with the rest.

The characteristic distinction between free Governments and Governments not free is that the former are founded on compact, not between the Government and those for whom it acts, but among the parties creating the Government. Each of these being equal, neither can have more right to say that the compact has been violated and dissolved than every other has to deny the fact and to insist on the execution of the bargain.—An inference from the doctrine that a single State has a right to secede at will from the rest is that the rest would have an equal right to secede from it; in other words, to turn it, against its will, out of its union with them. Such a doctrine would not, till of late, have been palatable anywhere, and nowhere less so than where it is now most contended for.

A careless view of the subject might find an analogy between State secession and individual expatriation. But the distinction is obvious and essential. Even in the latter case, whether regarded as a right impliedly reserved in the original social compact, or as a reasonable indulgence, it is not exempt from certain conditions. It must be used without injustice or injury to the community from which the expatriating party separates himself. Assuredly he could not withdraw his portion of territory from the common domain. In the case of a State seceding from the Union, its domain would be dismembered, and other consequences brought on not less obvious than pernicious.

I ought not to omit my regret that in the remark on Mr. Jefferson and myself the names had not been transposed.

Having many reasons for marking this letter *confidential*, I must request that its publicity may not be permitted in any mode or through any channel. Among the reasons is the risk of misapprehensions or misconstructions, so common, without more attention and development than I could conveniently bestow on what is said. With respect, JAMES MADISON.

Wishing to be assured that the letter has not miscarried, a single line acknowledging its receipt will be acceptable.

[Some persons might conclude from the statement in the beginning of this letter, "A rightful secession requires the consent of the others," &c., that Mr. MADISON recognised in an extreme case the abstract right of secession now claimed by South Carolina. But, by reference to his letter of March, 1833, to Mr. Webster, it will be seen that he there states that "the right of seceding for intolerable oppression is another name only for revolution."—*Nat. Intel.*]

For the Times.

MR. EDITOR:—Enclosed I send you another letter of JAMES MADISON, on Secession and Nullification. It has been habitual with some to claim JEFFERSON as the author of the Virginia Resolutions. It will be seen from the letter who was the author and what was the author's interpretation of them. It is not impossible the misapplication of the resolutions may make some ten or a dozen kings in the South, or establish an oligarchy, resting upon a slave basis and sustained by a standing army.

SUBSCRIBER.

December 17th, 1860.

MONTPELIER, Dec. 23, 1832.

DEAR SIR: I have received yours of the 19th, enclosing some South Carolina papers There is in one of them some interesting views of the doctrine of secession, among which one that had occurred to me, and which for the first time I have seen in print, namely, that if one State can at will withdraw from the others, the others can withdraw from her, and turn her, *nolentem volentem*, out of the Union.

Until of late there is not a State that would have abhorred such a doctrine more than South Carolina, or more dreaded an application of it to herself. The same may be said of the doctrine of nullification, which she now preaches as the only doctrine by which the Union can be saved.

I partake of the wonder that the men you name should view secession in the light mentioned. The essential difference between a free Government and a Government not free is that the former is founded in compact, the parties to which are mutually and equally bound by it. Neither of them, therefore, can have a greater right to break off from the bargain than the other or others have to hold him to it; and certainly there is nothing in the Virginia resolutions of '98 adverse to this principle, which is that of common sense and common justice.

The fallacy which draws a different conclusion from them lies in confounding a single party with the parties to the constitutional compact of the United States. The latter, having made the compact, may do what they will with it. The former, as one of the parties, owes fidelity to it till released by consent or absolved by an intolerable abuse of the power created. In the Virginia resolutions and report the plural number (States) is in every instance used whenever reference is made to the authority which presided over the Government.

As I am now known to have drawn those documents, I may say, as I do with a distinct recollection, that it was intentional. It was in fact required by the course of reasoning employed on the occasion. The Kentucky resolutions, being less guarded, have been more easily perverted. The pretext for the liberty taken with those of Virginia is the word "respective" prefixed to the "rights, &c" to be secured within the States. Could the abuse of the expression have been foreseen or suspected, the form of it would doubtless have been varied. But what can be more consistent with common sense than that all having the rights, &c. should unite in contending for the security of them to each?

It is remarkable how closely the nullifiers, who make the name of Mr. Jefferson the pedestal for their colossal heresy, shut their eyes and lips whenever his authority is ever so clearly and emphatically against them. You have noticed what he says in his letters to Monroe and Carrington (p. 43 and 203, vol. 2d) with respect to the power of the old Congress to coerce delinquent States; and his reasons for preferring for the purpose a naval to a military force; and, moreover, his remark that it was not necessary to find a right to coerce in the Federal articles, that being inherent in the nature of a compact. It is high time that the claim to secede at will should be put down by the public opinion, and I am glad to see the task commenced by one who understands the subject.

I know nothing of what is passing at Richmond more than what is seen in the newspapers. You were right in your foresight of the effect of passages in the late proclamation. They have proven a leaven for much fermentation there, and created an alarm against the danger of consolidation balancing that of disunion.

With cordial salutations,

JAMES MADISON.

NICHOLAS P. TRIST.

Selected Miscellany.

From The Leisure Hour.

TWO DREAMS.

In the year 1808 there was, and probably still is—unless, among the many changes which have taken place since I left London, it is pulled down—a place in the Strand called Lyons Inn, the smallest of the law inns; and a queer old dismal, dark place it was, although it had some very comfortable suites of chambers. The inn consisted of eight or ten spacious houses, forming a quadrangle. In one of these resided a relative of mine, George Cockayne, a solicitor of some considerable practice, having an agency business for many country attorneys in the Midland Circuit. He used to relate the following singular coincidence of two dreams and their consequences.

He had a client, a country magistrate, in one of the midland counties, who called upon him one morning and related a dream—if it was a dream—he said, of which he seemed very doubtful, for so deeply had it impressed his mind that he had actually come to London purposely to consult my friend on the subject. "I reminded him," said Cockayne, "that my profession did not include the interpreting of dreams. 'Hear me seriously,' said the magistrate, 'and you will see the necessity of my taking advice.' So I handed him a chair, and prepared to listen, when he thus proceeded:

"'Last Monday night I had been in bed about an hour; I may have previously dropped off to sleep, but think not; and what took place was quite vivid, and unattended by the usual misty weakness of a dream, so that I am very doubtful if it was in sleep it occurred. I saw, or thought I saw, the pale face of my old friend and neighbor at the lodge, at the foot of my bed (he then lay dead, but I did not know this till the following morning). He asked me to rise, and I did so, when he informed me that his death had been foully caused by his cousin, the family apothecary, "who believed himself to be after my son the next heir to the estate; and be assured of this, that if means be not taken to prevent his prescribing for my boy, he will meet with a similar death. I entreat you, therefore, to use your influence to have him removed from attending my family at all, and save my dear boy from a premature death."

"'On saying this, he appeared to fade gradnally from my sight, and I got out of bed, feeling assured that this was a reality, and no dream. Now, sir, I am invited to attend the funeral of my old friend on Tuesday next: what would you advise?'

"'Why,' I replied, 'this is surely a very frail foundation on which to found a charge against a respectable man. Why did not the ghostly visitor furnish you with some specific evidence? Would you, as a magistrate, listen to such a tale? Have you any other reason for suspecting foul play?'

"'No,' said he, 'I certainly have not.'

"I looked at my friend, and asked him if he really had come eighty miles in consequence of this dream. 'Yes,' said he; 'I can quite understand your wonder, but I was so impressed with the reality of what I saw with my own eyes and heard with my own ears, that I could not resist the desire I felt to consult some lawyer of considerable experience.' 'What, in dreams?' said I.—'Well, you may laugh at me, but really it seems a serious matter to my mind.'

"He came in the afternoon," said Cockayne, "to dine with me; I found his mind still full of its reality, and he urged me to send for that celebrated Bow street officer, Townsend, to go down with him by the mail that evening; but I finally succeeded in convincing him how dangerous it would be to raise so serious an inquiry on the foundation of a dream, and I never heard more on the subject from him.

"About ten years after this occurrence my client died, and as my new partner, Mr. Taylor, was going the circuit, it was arranged that he should call on the executor of my late client for a small balance due to me from the deceased. On Mr. Taylor's return home, while paying me the amount he had received, he mentioned that the executor had related to him a very singular circumstance while dining with him.

"I should here state that Mr. T. was not in partnership with me at the time of my late client's visit to London respecting his dream, nor had I ever related it to him.

"'Some conversation,' said Mr. T., 'arose after dinner, when the lady had retired, about dreams, when he mentioned to me a very curious one of his own, that occurred to him some years ago. He did not call it a dream, but insisted upon it that it was a reality. He said that late one night he was reading in his library, Tomline's "Life of Pitt," which,' said he, '"could not suggest such a subject as was then presented to my mind. While I was reading, my light gradually dimmed out, and a well-known familiar voice addressed me. I saw nothing. The purport of the address was that the friend whose funeral I was going to attend on the morrow had been put to death by his medical attendant, who also contemplated doing the same to his son, as, in case of the son's decease, he would, as next relative, succeed to the property, and I was entreated to take up the matter. I kept listening but no more was said. The voice, I felt sure, was that of my deceased friend. I felt a shuddering creep over me, and after a minute's pause I shrieked out, 'Who is there?' No answer was heard; so I rose from my chair, and with some tremor lighted my candle, and sat down to think; but soon after this my wife's bedroom bell rang, which I concluded was for me, as it was very unusual with we to sit up so late. When I got up-stairs, my wife had dropped off to sleep again, so I said nothing to her on the subject; but early in the morning I rode over to a friend, who was the coroner, and communicated to him my strange message. He severely ridiculed it, or rather me, for entertaining such a notion of a dream, which he insisted it was; but at the same time he cautioned me to keep it quiet, and not subject myself to an action for defamation. I did keep the matter quite secret, and only now venture to relate it, as the last of the parties concerned, (the poor doctor), was thrown from his horse and killed. Fairly or foully, he had succeeded to the estate on the decease of my old friend's son."'

"On hearing this," said Mr. Cockayne, "I related to Mr. Taylor my old client's singular dream, and we concluded the matter ought not to rest here; so I finally determined to go down and see the executor and make a cautious inquiry. I did so, and found that the son had been attended by his medical relative during a long illness, which ended in death, and that he had succeeded to the property as heir-at-law, without any suspicion of unfair treatment. I then asked if my late client had ever mentioned to him a particular dream relative to this matter. He looked greatly surprised, but answered in the negative. I then communicated to him the dream as related to me, whereat his astonishment was great indeed. After some further consultation we determined to proceed together to the old coroner, and relate it to him. We did so, and he was equally astonished; but, after much serious consideration, we concluded that it was altogether a dead case, and could not be resuscitated to any practical purpose.

"The coroner observed that it was a most singular instance of coincidence, possibly arising from both the parties being led into the same course of reflection, on the impropriety of a medical relative being the sole attendant upon two persons in whose death he was deeply interested, and it was decided to avoid originating any public investigation. So the matter dropped."

The doctor's family have since been deprived of the estate by a contest in Chancery, wherein it was discovered that he had established his heirship by a forged document, and that he was in fact illegitimate.

ROSES AND THORNES.—We wonder what this world would be to us if, throughout our lives, we reposed on a bed of roses? Should we, in reality, feel more happy than when, under the present social dispensation, we frequently feel a sharp thorn in our sides, and a score of their keen biting points starting up against our heads in the night-time, as if so many little imps were holding a carnival amidst the feathers of our pillow?—We have often asked the question, both of ourselves and others, but never could obtain a satisfactory answer; and and being obliged to take refuge in the court of experience, we very soon discovered that appearances were invariably deceptive, and that the roses and thorns of life mingled promiscuously together; that they were inseparably united—one for a stimulant to man, the other as a reward to him during the natural pauses between his exertions.

WOMEN AND MARRIAGE.

BY WASHINGTON IRVING.

I have speculated a great deal upon matrimony. I have seen young and beautiful women, the pride of gay circles married—as the world says—well! Some have moved into costly houses, and their friends have all come and looked at their fine furniture and their splendid arrangements for happiness, and they have gone away and committed them to their sunny hopes cheerfully and without fear. It is natural to be sanguine for the young, and at such times I am carried away by similar feelings. I love to get unobserved into a corner, and watch the bride in her white attire, and with her smiling face and soft eyes moving before me in their pride of life, weave a walking dream of her future happiness, and persuade myself that it will be true. I think how they will sit upon the luxurious sofa as the twilight falls, and build gay hopes, and murmur in low tones the now forbidden tenderness; and how thrilling the allowed kiss, and the beautiful endearments of wedded life, will make even their parting joyous, and how gladly come back from the crowd and the empty mirth of the gay to each other's quiet company. I picture to myself that young creature, who blushes even now at his hesitating caress, listening eagerly for his footsteps as the night steals on, and wishing that he would come; and when he enters at last, and, with an affection as undying as his pulse, folds her to his bosom, I can feel the tide that goes flowing through the heart, and gaze with him on that graceful form as she moves about for the kind offices of affection, soothing all his unquiet cares, and making him forget even himself in her young and unshadowed beauty.

I go forward for years, and see her luxurious hair put soberly away from her brow, and her girlish graces ripen into dignity, and bright loveliness chastened with the gentle meekness of maternal affection. Her husband looks on her with a proud eye, and shows her the same fervent love and delicate attentions which first won her, and her fair children are growing about them, and they go on full of honor and untroubled years, and are remembered when they die.

I say I love to dream thus when I go to give the young bride joy. It is the natural tendency of feeling touched by loveliness, that fears nothing for itself; and if I ever yield to darkened feelings, it is because the light of the picture is changed. I am not fond of dwelling upon such changes, and I will not minutely now. I allude to it only because I trust that my simple page will be read by some of the young and beautiful beings who daily move across my path; and I would whisper to them as they glide by joyously and confidently, the secret of an unclouded future.

The picture I have drawn above is not peculiar. It is colored like the fancies of the bride; and many, oh! many an hour will she sit, with her rich jewels lying loosely in her fingers, and dream such dreams as these. She believes them, too—and she goes on awhile undeceived. The evening was not too long while they talk of plans for happiness and the quiet meal is still a pleasant and delightful novelty of mutual reliance and attention. There comes soon, however, a time when personal topics become bare and wearisome, and slight attentions will not alone keep up the social excitement. There are long intervals of silence, and detected symptoms of weariness; and the husband, first, in his manhood, breaks in upon the hours they were wont to spend together. I cannot follow it circumstantially. There comes long hours of unhappy restlessness, and terrible misgivings of each others worth and affection, till, by and by, they can conceal their uneasiness no longer, and go out separately to seek relief and lean upon the hollow world for the support which one who was their lover and friend could not give them!

Heed this, ye who are winning by your innocent beauty, the affection of high-minded and thinking beings. Remember that he will give up the brother of his heart, with whom he has had even fellowship of mind, the society of his cotemporary runners in the race of fame, who have held with him a stern companionship; and frequently in his passionate love, he will break away from the arena of his burning ambition, to come to listen to the 'voice of the charmer.' It will bewilder him at first; but it will not long. And then, think you that an idle blandishment will change a mind that has been used, for years, to an equal communion? Think you he will give up for a weak dalliance, the animating themes of man, and the search into the mysteries of knowledge? Oh, no, lady! believe me, no! Trust not your influence to such light fetters. Credit not the old fashioned absurdity, that woman's is a secondary lot, ministering to the necessities of her lord and master. If your immortality is as complete and your gift of mind as capable as ours, I would put no wisdom of mine against God's allotment. I would charge you to water the undying bud, and give it a healthy culture, and open its beauty to the sun; and then you may hope that, when your life is bound with another, you will go on equally, and in fellowship that shall pervade every earthly interest.

Waterloo the Day After the Battle.

On the surface of two square miles, it was ascertained that fifty thousand men and horses were lying! The luxurious crop of ripe grain which had covered the field of battle, was reduced to litter, and beaten into the earth; and the surface trodden down by the cavalry, and furrowed deeply by the cannon wheels, strewed with many a relic of the fight. Helmets and cuirasses, shattered and broken swords; all the variety of military ornaments, lancer caps and Highland bonnets; uniforms of every color, plume and pennon; musical instruments, the apparatus of artillery, drums, bugles; but, good God! why dwell on the harrowing picture of a foughten field?—each and every ruinous display bore mute testimony to the misery of such a battle. * * *

Could the melancholy appearance of this scene of death be hightened, it would be by witnessing the researches of the living, amid its desolation, for the objects of their love. Mothers, and wives, and children, for days were occupied in that mournful duty; and the confusion of the corpses—friend and foe intermingled, as they were—often rendered the attempt at recognizing individuals difficult, and in some cases impossible. * * In many places the dead lay four deep upon each other, marking the spot where some British square had occupied, exposed for hours to the murderous fire of a French battery. Outside, lancer and cuirassier were scattered thickly on the earth. Madly attempting to force the serried bayonets of the British, they had fallen in the bootless essay by the musketry of the inner files. Farther on, you trace the spot where the cavalry of France and England had encountered; chasseur and hussar were intermingled; and the heavy Norman horses of the Imperial Guard were interspersed with the gray chargers which had carried Albion's chivalry. Here the Highlander and traileur lay, side by side, together; and the heavy dragoon, with green Erin's badge upon his helmet, was grappling in death with the Polish lancer. * * On the summit of the ridge, where the ground was cumbered with dead, and trodden fetlock-deep in mud and gore by the frequent rush of rival cavalry, the thick-strewn corpses of the Imperial Guard pointed out the spot where Napoleon had been defeated. Here, in column, that favored corps, on which his last chances rested, had been annihilated; and the advance and repulse of the Guard was traceable by a mass of fallen Frenchmen. In the hollow below, the last struggle of France had been vainly made; for there the Old Guard attempted to meet the British, and afford time to their disorganized companions to rally.

"WHAT IS IT?"—Barnum's "What Is It?" is nowhere! We have in our possession (picked up in the street) a singular piece of dry goods; it is fourteen, only think, fourteen inches long, about three quarters of an inch wide, one half of it made of elastic, the other half is white velvet with a red rose, a delicate bud, and sundry green leaves stamped upon it in bright colors. It appears to have had a silver clasp upon it, but one side of the said clasp is gone, (which will account for it being in the street perhaps.) The first question is, "What is it?" the next is, "Whose is it? We know that the lady—for it must have been a lady who wore it—is pretty, or has been, but inclined to the opinion that she is slightly *embonpoint*. "Whose is it?" we repeat. Oh! dear, how queer the lady must have felt when she felt the clasp burst and knew it must fall to the pavement the next instant, eugh! We'll warrant that her cheeks turned as red as the rose on the beautiful zone before us.—But "whose is it?" that's the question.—The fair one to whom it belongs can have it by calling at this office and proving property. There are no charges to pay, consequently the recovery of the said belt (?) depends entirely upon the production of its mate.

N. B.—We forgot to mention that it just fits around our neck. "Whose is it?" "whose is it?" ay! and "what is it?"—*Norfolk Day Book.*

A HINT TO GARDENERS.—The latest invention is an instrument to prevent poultry from scratching up the gardens. It is something like a long spur, attached to the hind part of a rooster's leg. The instrument is so arranged that when the fowl is about to scratch the earth, the spur catches in the ground before the foot has fairly descended, and obliges it to bring its foot down quietly and harmlessly in front of the place where it aimed at. The fowl thereupon tries the other foot with a like result. It keeps on trying, and, before it is aware of it, the machine has walked it right out of the garden.

☞There was an old farmer who kept a large poultry yard, and had one hen who, not content with her proper sphere of action, was continually endeavoring to crow. At last, after repeated attempts, she succeeded in making something like a crow. The farmer was taking his baeakfast at the time and hearing the noise rose and went out, and discovered the author of the curious attempt. He soon returned, bearing in his hand the crowing hen, *minus* her head.—"There," said he, "I'm willing hens should do most anything, but I ain't willing they should crow. Cocks may crow as much as they please, but hens shall not; it's setting a bad example."

☞If a ship is of the feminine gender why are not fighting vessels called women-of-war, instead of men-of-war?

☞We may owe it to our enemies to forgive; we owe it to ourselves not to forget.