The Herald.

CARLISLE, PA.

Friday, December 7, 1860.

The President's Message.

The threatening aspect of public affairs, gives increased interest to the President's Message, communicated to Congress, on Tuesday. To the exclusion of other matter, we have given that portion which relates to secession. The remainder of the message is devoted to a consideration of our Foreign Relations, Kansas and Utah, the Finances, Tariff, &c.

The Panic.

The democrats are endeavoring to charge the present "tight times" to the election of Lincoln; but it wont do. The election of Mr. Buchanan produced the panic of 1857, and his vascillating course, has produced the panic of 1860. Mr. Buchanan is the only President who has been able to get up two money panics, during one term of office.

The Next Legislature.

The Legislature of 1861, will be one of unusual importance, and the proceedings during the Session, will be looked for with much interest. The Session will commence on Tuesday, (Jan. 1st,) and on the Tuesday following, a United States Senator will be elected, to succeed Gov. Bigler.

On the third Monday of January, a State Treasurer will be elected, and on the third Tuesday of January, A. G. Curtin, the Governor elect, will be inaugurated.

The Hon. Robert M. Palmer, of Schuylkill county, is Speaker of the Senate, having been elected at the close of last Session. The principal persons named for Speaker of the House are: Gideon J. Ball, of Erie: John J. Patterson, of Juniata; Dr. J. H. Seltzer, Jacob E. Ridgway and Isaac A. Sheppard, of Philadelphia; Elisha W. Davis, of Venango; and Isaac G. Gordon, of Jefferson County.

For United States Senator, the following names will be presented: Hon. James Pollock, of Northumberland; A. H. Reeder, of Northampton; Morton McMichael, of Philadelphia; David Wilmot, of Bradford; A. K. McClure, of Franklin; Thaddeus Stevens, of Lancaster; Edgar Cowan, of Westmoreland; Thomas Williams, and James K. Moorhead, of Alleghany; and James Veech, of Fayette.

For State Treasurer, Hon. Henry D. Moore, of Philadelphia. Mr. Francis, late Speaker of of the Senate, and Mr. Baldwin, late Speaker from Lancaster, are named.

As far as the limits of a weekly paper will admit, we will keep our readers advised of the proceedings.

PERSONAL LIBERTY LAWS.

The Southern Disunionists, who declared at first, that the election of a Republican candidate, to the Presidency, was just cause for Secession, have become convinced of their own absurdity, and now base their action upon the existence of Personal Liberty laws in the free States, intended, as they allege, to prevent the operation of the Fugitive Slave law. However applicable this charge may be to some of the free States, we are satisfied that Pennsylvania has no right to be included in this category.

There is no personal liberty law in Pennsylvania. In 1847, under the administration of Gov. Shunk, the Legislature of Pennsylvania, passed a law to prevent kidnapping in this State. This law was based on the decision of the Supreme Court of the United States, which declared, that the business of legislating for the recapture of fugitive slaves, belonged to Congress, and not to the States, and that State officers could have no duties imposed on them by United States laws.

This law, after providing sufficient penalties for any attempt to kidnap *free persons*, with a design to reduce them to slavery, contained two other provisions—one prohibiting State officers from serving as such, in the capture f slaves, and the other, prohibiting the use of the jails, for securing fugitive slaves after their capture. This last provision, was complained of by the South, and was repealed in 1852, and during the last session of the Legislature the other provisions of the law of 1847, were incorporated into the revised Penal Code. This Code was revised by three distinguished democrats of this State—Judge Knox, Judge King and David Webster—and was approved by Gov. Packer, and every democrat in the Legislature,

By the enactment of the revised Penal Code. Sections 1st, 2d, 3d, 4th, and 6th, of the act of 1847, were repealed, and that which remains, on the statute book, is not in conflict with the Fugitive Slave Law, nor intended to obstruct its operation.

MOVEMENTS OF U. S. TROOPS.—A large number of U.S. soldiers are about to sail from New York for California, to join the first regiment of infantry. They will be officered as follows: Lieut. Col. Merchant will be in command, assisted by Captains Whittlesey and Davidson, Lieuts. McKee, Baker, Worth, and Riley, sixth infantry; Lieut. Quattlebaum, ninth infantry; and Assistant Surgeon Short. On the arrival of the recruits at San Francisco, Lieut. Col. Merchant will resume command of the third artillery at the Presidio, when Lieut. Col. Nauman will repair to Fort Vancouver, W. T. to command the Artillery School of Practice. On his arrival there the headquarters of the fourth Infantry will be removed to Fort Dallas.

HOW THEY ORIGINATE.—The following extract from the correspondent of the St. Louis Democrat may account for the origin of many of the most startling of the rumors from Kansas. The correspondent, writing from the "seat of war," says:—

Two hundred United States troops were mistaken on Wednesday last for Montgomery's men, and at the sight of them, all the farmers ran away and deserted their homes. They soon found out their mistake, however, and returned to their farms.

One man with a team of four horses saw a foraging party of the United States troops, numbering thirty men. His alarm was so sudden and great that he cut one of his horses out of his team and broke for the settlement, like Tam O'Shanter with the witches after him, bearing the news that the robbers were coming. In an hour or two the troops quietly rode in with the remaining horses of the team, and the poor farmer was terribly ridiculed for his fright.

(Communicated.)

U. S. SENATOR.

The question of the United States Senatorship is already exciting discussion among the politicians; and many of the Republican papers of Western Pennsylvania have suggested the name, of Hon. JOHN H. WALKER, of Erie county, for that high station. They urge, also, that in justice and usage the West is at the present time entitled to the Senator.

Mr. WALKER is a gentleman of fine abilities, of great legislative experience, and his moral and political character are without blemish. As Speaker of the Senate of this State, he acquitted himself in an admirable manner. The West is certainly entitled to the Senatorship, as the heavy majorities she rolled up for CURTIN and LINCOLN contributed much to our recent victory, and her claims should be neither overlooked nor postponed. The election of Mr. W. would be a just appreciation of the services of the gallant West, and would place an able [illegible] the Nation. W.

PRESIDENT'S MESSAGE.

Fellow Citizens of the Senate and House of Representatives:

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

Why is it, then, that discontent now so extensively prevails, and the Union of the States, which is the source of all these blessings, is threatened with destruction? The long continued and intemperate interference of the Northern people with the question of slavery, in the Southern States has at length produced its natural effects. The different sections of the Union are now arrayed against each other and the time has arrived, so much dreaded by the Father of his Country; when hostile geographical parties have been formed. I have long foreseen and often forewarned my countrymen of the now impending danger. This does not proceed solely from the claim on the part of Congress or the territorial legislature to exclude slavery from the Territories, nor from the efforts of different States to defeat the execution of the fugitive slave law. All or any of these evils might have been endured by the South without danger to the Union (as others have been,) in the hope that time and reflection might apply the remedy. The immediate peril arises not so much from these causes as from the fact that the incessant and violent agitation of the slavery question throughout the North for the last quarter of a century, has at length produced its malign influence on the slaves, and inspired them with vague notions of freedom.

Hence a sense of security no longer exists around the family altar. This feeling of peace at home has given place to apprehensions of servile insurrection. Many a matron throughout the South retires at night in dread of what may befall herself and her children before the morning. Should this apprehension of domestic danger, whether real or imaginary, extend and intensify itself until it shall prevade the masses of the Southern people, then disunion will become inevitable. Self preservation is the first law of nature, and has been implanted in the heart of man by his Creator for the wisest purpose; and no political union, however fraught with blessings and benefits in all other respects, can long continue, if the necessary consequence be to render the homes and firesides of nearly half the parties to it habitually and hopelessly insecure. Sooner or later the bonds of such a Union must be severed. It is my conviction that this fatal period has not yet arrived; and my prayer to God is that He would preserve the Constitution and the Union throughout all generations.

But let us take warning in time, and remove the cause of danger. It cannot be denied that, for five and twenty years, the agitation at the North against slavery in the South has been incessant. In 1835 pictorial hand-bills, and inflammatory appeals, were circulated extensively throughout the South, of a character to excite the passions of the slaves; and, in the language of General Jackson, "to stimulate them to insurrection, and produce all the horrors of a servile war." This agitation has ever since been continued by the public press, by the proceedings of State and county conventions, and by abolition sermons and lectures.—The time of Congress has been occupied in violent speeches on this never-ending subject; and appeals, in pamphlet and other forms, endorsed by distinguished names, have been sent forth from this central point, and spread broadcast over the Union.

How easy would it be for the American people to settle the slavery question forever, and to restore peace and harmony to this distracted country.

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

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

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

It is alleged as one cause for immediate secesssion that the Southern States are denied equal rights with the other States in the common Territories. But by what authority are these denied? Not by Congress, which has never passed, and I believe never will pass, any act to exclude slavery from these Territories; and certainly not by the Supreme Court, which has solemnly decided that slaves are property, and, like all other property, their owners have a right to take them into the common Territories, and hold them there, under the protection of the Constitution.

So far, then, as Congress is concerned, the objection is not to anything they have already done, but to what they may do hereafter. It will surely be admitted that this apprehension of future danger is no good reason for an immediate dissolution of the Union. It is true, that the territorial legislature of Kansas, on the 23d of February, 1860, passed in great haste an act, over the veto of the Governor, declaring that slavery "is, and shall be, forever prohibited in this Territory." Such an act, however, plainly violating the rights of property secured by the Constitution, will surely be declared void by the judiciary whenever it shall be presented in a legal form.

Only three days after my inauguration the Supreme Court of the United States solemnly adjudged that this power did not exist in a territorial legislature. Yet such has been the factious temper of the times that the correctness of this decision has been extensively impugned before the people, and the question has given rise to angry political conflicts throughout the country. Those who have appealed from this judgement of our highest constitutional tribunal to popular assemblies would if they could; invest a territorial legislature with power to annul the sacred rights of property. This power Congress is expressly forbidden by the Federal Constitution to exercise. Every State legislature in the Union is forbidden by its own constitution to exercise it. It cannot be exercised in any State except by the people in their highest sovereign capacity when framing or amending their State constitution. In like manner, it can only be exercised by the people of a Territory represented in a convention of delegates for the purpose of framing a constitution preparatory to admission as a State into the Union. Then and not until then, are they invested with power to decide the question whether slavery shall or shall not exist within their limits. This is an act of sovereign authority, and not of subordinate territorial legislation. Were it otherwise, then indeed would the equality of the States in the Territories be destroyed, and the rights of property in slaves would depend, not upon the guarantees of the Constitution, but upon the shifting majorities of an irresponsible territorial legislature. Such a doctrine, from its intrinsic unsoundness, cannot long influence any considerable portion of our people, much less can it afford a good reason for a dissolution of the Union.

The most palpable violations of constitutional duty which have yet been committed consists in the acts of different State legislatures to defeat the execution of the fugitive slave law. It ought to be remembered, however, that for these acts, neither Congress nor any President can justly be held responsible. Having been passed in violation of the Federal Constitution, they are therefore null and void. All the courts, both state and national, before whom the question has arisen, have from the beginning declared the fugitive slave law to be constitutional. The single exception is that of the State court in Wisconsin; and this has not only been reserved by the proper appellate tribunal, but has met with such universal reprobation that there can be no danger from it as a precedent. The validity of this law has been established over and over again by the Supreme Court of the United States with perfect unanimity. It is founded upon an express provision of the Constiution, requiring that fugitive slaves who escape from service in one State to another shall be "delivered up" to their masters. Without this provesion it is a well known historical fact that the Constitution itself could never have been adopted by the Convention. In one form or other under the acts of 1793 and 1850, both being substantially the same, the fugitive slave law has been the law of the land from the days of Washington until the present moment. Here then, a clear case is presented, in which it will be the duty of the next President, as it has been my own, to act with vigor in executing this supreme law against conflicting enactments of State legislatures. Should he fail in the performance of this high duty, he will then have manifested a disregard of the Constitution and laws, to the great injury of the people of nearly one-half of the States of the Union. But are we to presume in advance that he will thus violate his duty? This would be at war with every principle of justice and of Christian charity. Let us wait for the overt act. The fugitive-slave law has been carried into execution in every contested case since the commencement of the present administration; often it is to be regretted, with great loss and inconvenience to the master, and with considerable expense to the Government. Let us trust that the State legislatures will repeal their unconstitutional and obnoxious enactments. Unless this shall be done without delay, it is impossible for any human power to save the Union.

The Southern States, standing on the basis of the Constitution, have a right to demand this act of justice from the States of the North. Should it be refused, then the Constitution, to which all the States are parties, will have been willfully violated by one portion of them in a provision essential to the domestic security and happiness of the remainder. In that event, the injured States, after having first used all peaceful and constitutional means to obtain redress, would be justified in revolutionary resistance to the Government of the Union.

I have purposely confined my remarks to revolutionary resistance, because it has been claimed within the last few years that any State, whenever this shall be its sovereign will and pleasure, may secede from the Union, in accordance with the Constitution, and without any violation of the Constitutional rights of the other members of the Confederacy.—That as each became parties to the Union by the vote of its own people assembled in convention, so any one of them may retire from the Union in a similar manner by the vote of such a convention.

In order to justify secession as a constitutional remedy, it must be on the principle that the Federal Government is a mere voluntary association of States, to be dissolved at pleasure by any one of the contracting parties. If this be so, the Confederacy is a rope of sand, to be penetrated and dissolved by the first adverse wave of public opinion in any of the States. In this manner our thirty-two States may resolve themselves into as many petty, jarring and hostile republics, each one retiring from the Union, without responsibility, whenever any sudden excitement might impel them to such a course. By this process a Union might be entirely broken into fragments in a few weeks, which cost our forefathers many years of toil, privation and blood to establish.

Such a principle is wholly inconsistent with the history as well as the character of the Federal Constitution. After it was framed, with the greatest deliberation and care, it was submitted to conventions of the people of the several States for ratification. Its provisions were discussed at length in these bodies, composed of the first men of the country. Its opponents contended that it conferred powers upon the Federal Government dangerous to the rights of the States, whilst its advocates maintained that under a fair construction of the instrument there was no foundation for such apprehensions. In that mighty struggle between the first intellects of this or any other country, it never occurred to any individual, either among its opponents or advocates, to assert, or even intimate, that their efforts were all vain labor, because the moment any State felt herself aggrieved she might secede from the Union. What a crushing argument would this have proved against those who dreaded that the rights of the State would be endangered by the Constitution. The truth is, that it was not until many years after the origin of the Federal Government that such a proposition was first advanced. It was then met and refuted by the conclusive arguments of General Jackson, who in his message of 16th January, 1833, transmitting the nullifying ordinance of South Carolina to Congress, employs the following language:—"The right of the people of a single State to absolve themselves at will, and without the consent of the other States, from their most solemn obligations, and hazard the liberty and happiness of the millions composing this Union cannot be acknowledged. Such authority is believed to be utterly repugnant both to the principles upon which the General Government is constituted and to the objects which it was expressly formed to attain."

It was not pretended that any clause in the Constitution gives countenance to such a theory. It is altogether founded upon inference, not from any language contained in the instrument itself, but from the sovereign character of several States by which it was ratified. But is it beyond the power of a State, like an individual, to yield a portion of its sovereign rights to secure the remainder? In the language of Mr. Madison, who has been called the father of the Constitution: "It was formed by the States—that is the people in each of the States, acting in their highest sovereign capacity; and formed consequently by the same authority which formed the State Constitutions."

"Nor is the Government of the United States, created by the Constitution, less a Government in the strict sense of the term, within the sphere of its powers, than the governments created by the constitutions of the States are; within their several spheres. It is, like them, organized into legislative, executive, and judiciary departments. It operates, like them, directly on persons and things; and, like them, it has at command a physical force for executing the powers committed to it."

It was intended to be perpetual, and not to be annulled at the pleasure of any one of the contracting parties. The old articles of confederation were entitled "Articles of Confederation and Perpetual Union between the States;" and by the 13th article it is expressly declared that "the articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual." The preamble to the Constitution of the United States, having express reference to the articles of Confederation, recites that it was established "in order to form a more perfect union." And yet it is contended that this "more perfect union" does not include the essential attribute of perpetuity.

But that the Union was designed to be perpetual appears conclusively from the nature and extent of the powers conferred by the constitution on the Federal Government.—These powers embrace the very highest attributes of national sovereignty. They place both the sword and purse under its command. Congress has power to make war, and to make peace, to raise and support armies and navies, and to conclude treaties with foreign governments.—It is invested with the power to coin money, and to regulate the value thereof, and to regulate commerce with foreign nations, and among the several States. It is not necessary to enumerate the other high powers which have been conferred upon the Federal Government. In order to carry the enumerated powers into effect, Congress possesses the exclusive right to lay and collect duties on imports, and in common with the States to lay and collect all other taxes.

But the Constitution has not only conferred these high powers upon Congress, but it has adopted effectual means to restrain the States from interfering with their exercise. For that purpose it has, in strong prohibitory language, expressively declared that "no State shall enter into any treaty, alliance or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and Silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts." Moreover "without the consent of Congress, no State shall lay any imposts or duties on any imports, except what may be absolutely necessary for executing its inspection laws;" and, if they exceed this amount, the excess shall belong to the United States.

And "no State shall, without the consent of Congress, lay any duty of tonnage; keep troops or ships of war, in time of peace; enter into any agreement or compact with another State, or with a foreign power; or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay."

In order still further to secure the uninterrupted exercise of these high powers against State interposition, it is provided "that this Constitution and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding."

The solemn sanction of religion has been superadded to the obligations of official duty, and all senators and representatives of the United States, all members of State Legislatures, and all executive and judicial officers, "both of the United States, and of the several States, shall be bound by oath or affirmation to support this Constitution."

In order to carry into effect these powers, the Constitution has established a perfect government in all its forms, Legislative, Executive and Judicial; and this Government, to the extent of its powers, acts directly upon the individual citizen of every State, and executes its own decrees by the agency of its own officers.

In this respect it differs entirely from the Government under the old Confederation, which was confined to making requisitions on the States in their sovereign character. This left it to the discretion of each whether to obey or refuse, and they often declined to comply with such requisitions. It thus became necessary, for the purpose of removing this barrier, and "in order to form a more perfect Union," to establish a Government which could act directly upon the people; and execute its own laws, without the intermediate agency of the States. This has been accomplished by the Constitution of the U. States.

In short, the Government created by the Constitution, and deriving its authority from the sovereign people of each of the several States, has precisely the same right to exercise its power over the people of all these States, in the enumerated cases, that each one of them possesses over subjects not delegated to the United States, but "reserved to the States, respectively, or to the people."

To the extent of the delegated powers, the Constitution of the United States is as much a part of the constitution of each State, and is as binding upon its people, as though it had been textually inserted therein.

This Government, therefore, is a great and powerful Government, invested with all the attributes of sovereignty over the special subjects in which its authority extends. Its framers never intended to implant in its bosom the seeds of its own destruction, nor were they at its creation guilty of the absurdity of providing for its own dissolution. It was not intended by its framers to be the baseless fabric of a vision which, at the touch of the enchanter, would vanish into thin air, but a substantial and mighty fabric, capable of resisting the slow decay of time, and of defying the storms of ages.

Indeed, well may the jealous patriots of that day have indulged fears that a government of such high powers might violate the reserved rights of the States, and, wisely did they adopt the rule of a strict construction of these powers to prevent the danger! But they did not fear, nor had they any reason to imagine, that the Constitution would ever be so interpreted as to enable any State, by her own act, and without the consent of her sister States, to discharge her people from all or any of her Federal obligations.

It may be asked, then, are the people of the States without redress against the tyranny and oppression of the Federal Government?—By no means. The right of resistance on the part of the governed against the oppression of their governments cannot be denied. It exists independently of all constitutions, and has been exercised at all periods of the world's history. Under it all governments have been destroyed and new ones have taken their places. It is embodied in strong and expressive language in our own Declaration of Independence. But the distinction must ever be observed, that this is revolution against an established government, and not a voluntary secession from it by virtue of an inherent constitutional right. In short, let us look the danger fairly in the face. Secession is neither more nor less than revolution. It may or may not be a justifiable revolution, but still it is revolution.

What, in the meantime, is the responsibility and position of the Executive? He is bound by a solemn oath before God and the country "to take care that the laws be faithfully executed." And from this obligation he cannot be absolved by any human power. But what if the performance of this duty, in whole or in part, has been rendered impracticable by events over which he could have exercised no control? Such, at the present moment, is the case throughout the State of South Carolina, so far as the laws of the United States to secure the administration of jusiice by means of the Federal Judiciary are concerned.

All the Federal officers within its limits, through whose agency alone these laws can be carried into execution, have already resigned. We no longer have a district judge, a district attorney, or a marshal in South Carolina. In fact, the whole machinery of the Federal Government, necessary for the distribution of remedial justice among the people, has been demolished; and it would be difficult, if not impossible, to replace it.

The only acts of Congress on the statute-book, bearing upon this subject, are those of the 28th of February, 1795, and 3d of March, 1807. These authorize the Presicent, after he shall have ascertained that the marshal with his posse comitatus is unable to execute civil or criminal process in any particular case to call forth the militia and employ the army and navy to aid him in performing this service, having first by Proclamation commanded the insurgents "to disperse and retire peaceably to their respective abodes, within a limited time." This duty cannot by possibility be performed in a state where no judicial authority exists to issue process, and where there is no marshal to execute it, and where, even if there were such an officer, the entire population would constitute one solid combination to resist him.

The bare enumeration of these provisions proves how inadequate they are without further legislation to overcome a united opposition in a single State, not to speak of other States who may place themselves in a similar attitude. Congress alone has power to decide whether the present laws can or cannot be amended so as to carry out more effectually the objects of the Constitution.

The same insuperable obstacles do not lie in the way of executing the laws for the collection of the customs. The revenue still continues to be collected, as heretofore, at the custom-house in Charleston; and should the collector unfortunately resign, a successor may be appointed to perform this duty.

Then in regard to the property of the United States in South Carolina. This has been purchased for a fair equivalent, "by the consent of the Legislature of the State," "for the erection of forts, magazines, arsenals," &c., and over these the authority "to exercise legislation" has been expressly granted by the Constitution to Congress. It is not believed that any attempt will be made to expel the United States from this property by force; but if in this I should prove to be mistaken, the officer in command of the forts has received orders to act strictly on the defensive. In such a contingency, the responsibility for consequences would rightfully rest upon the heads of the assailants.

Apart from the execution of the laws, so far as this may be practicable, the Executive has no authority to decide what shall be the relations between the federal government and South Carolina. He has been invested with no such discretion. He possesses no power to change the relations heretofore existing between them, much less to acknowledge the independence of that State. This would be to invest a mere Executive officer with the power of recognizing the dissolution of the Confederacy among our thirty-three sovereign States. It bears no resemblance to the recognition of a foreign de facto government, involving no such responsibility.

Any attempt to do this would, on his part, be a naked act of usurpation. It is, therefore my duty to submit to Congress the whole question in all its bearings. The course of events is so rapidly hastening forward that the emergency may soon arise, when you may be called upon to decide the momentous question whether you possess the power, by force of arms, to compel a State to remain in the Union. I should feel myself recreant to my duty were I not to express an opinion on this important subject.

The question fairly stated is: Has the Constitution delegated to Congress the power to coerce a State into submission which is attempting to withdraw or has actually withdrawn from the Confederacy? If answered in the affirmative, it must be on the principle that the power has been conferred upon Congress to declare and make war against a State. After much serious reflection I have arrived at the conclusion that no such power has been delegated to Congress or to any other department of the Federal Government. It is manifest, upon an inspection of the Constitution, that this is not among the specific and enumerated powers granted to Congress; and it is equally apparent that its exercise is not "necessary and proper for carrying into execution" any one of these powers. So far from this power having been delegated to Congress it was expressly refused by the Convention which framed the Constitution.

It appears, from the proceedings of that body, that on the 31st of May, 1787, the clause "authorizing an exertion of the force of the whole against a delinquent State" came up for consideration. Mr. Madison opposed it in a brief but powerful speech, from which I shall extract but a single sentence. He observed: "The use of force against a State would look more like a declaration of war, than an infliction of punishment; and would probably be considered by the party attacked as a dissolution of all previous compacts by which it might be bound."

Upon his motion the clause was unanimously postponed, and was never, I believe, again presented. Soon afterwards, on the 8th of June, 1787, when incidentally adverting to the subject he said: "Any Government for the United States, formed on the supposed practicability of using force against the unconstitutional proceedings of the States, would prove as visionary and fallacious as the government of Congress," evidently meaning the then existing Congress of the old Confederation.

Without descending to particulars, it may be safely asserted, that the power to make war against a State is at variance with the whole spirit and intent of the Constitution. Suppose such a war should result in the conquest of a State, how are we to govern it afterwards? Shall we hold it as a province, and govern it by despotic power? In the nature of things we could not, by physical force, control the will of the people and compel them to elect Senators and Representatives to Congress, and to perform all the other duties depending upon their own volition, and required from the free citizens of a free State, as a constituent member of the Confederacy.

But, if possessed of this power, would it be wise to exercise it under existing circumstances? The object would doubtless be to preserve the Union. War would not only present the most effectual means of destroying it; but would banish all hope of its peaceable reconstruction. Besides, in the fraternal conflict a vast amount of blood and treasure would be expended, rendering future reconciliation between the States impossible. In the mean time, who can foretell what would be the suffering and privation of the people during its existence?

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

But I may be permitted solemnly to invoke my countrymen to pause and deliberate before they determine to destroy this, the grandest temple which has ever been dedicated to human freedom since the world began? It has been consecrated by the blood of our fathers, by the glories of the past, and by the hopes of the future. The Union has already made us the most prosperous, and ere long, will, if preserved, render us the most powerful nation on the face of the earth. In every foreign region of the globe the title of American citizen is held in high respect, and when pronounced in a foreign land it causes the hearts of our countrymen to swell with honest pride. Surely, when we reach the brink of the yawning abyss we shall recoil with horror from the last fatal plunge. By such a dread catastrophe the hopes of the friends of freedom throughout the world would be destroyed, and a long night of laden despotism would enshroud the nations. Our example for more than eighty years would not only be lost, but it would be quoted as a conclusive proof that man is unfit for self-government.

It is not very wrong—nay, it is not every grevious wrong—which can justify a resort to such a fearful alternative This ought to be the last desperate remedy of a despairing people, after every other constitutional means of conciliation had been exhausted We should reflect that under this free Government there is an incessant ebb and flow in public opinion. The slavery question, like everything human, will have its day. I firmly believe that it has already reached and passed the culminating point. But if, in the midst of the existing excitement, the Union shall perish, the evil may then become irreparable. Congress can contribute much to avert it by proposing and recommending to the Legislatures of the several States the remedy for existing evils, which the Constitution has itself provided for its own preservation. This has been tried at different critical periods of our history, and always with imminent success. It is to be found in the 5th article providing for its own amendment. Under this article amendments have been proposed by two thirds of both houses of Congress, and have been "ratified by the legislatures of three fourths of the several States," and consequently become parts of the Constitution.

To this process the country is indebted for the clause prohibiting Congress from passing any law respecting an establishment of religion, or abridging the freedom of speech or of the press, or of the right of petition. To this we are also indebted for the Bill of Rights which secures the people against any abuse of power by the Federal Government. Such were the apprehensions justly entertained by the friends of State rights at that period as to have rendered it extremely doubtful whether the Constitution could have long survived without those amendments.

Again, the Constitution was amended by the same process after the election of President Jefferson by the House of Representatives, in February, 1803. This amendment was rendered necessary to prevent a recurrence of the dangers which had seriously threatened the existance of the Government during the pendency of that election. The article for its own amendment was intended to secure the amicable adjustment of conflicting constitutional questions like the present, which might arise between the governments of the States and that of the United States. This appears from contemporaneous history.

In this connection, I shall merely call attention to a few sentences in Mr. Madison's justly celebrated report in 1799, to the legislature of Virginia. In this he ably and conclusively defended the resolutions of the preceding legislature against the strictures of several other State legislatures. These were mainly founded upon the protest of the Virginia legislature against the "Alien and Sedition Acts," as "palpable and alarming infractions of the Constitution." In pointing out the peaceful and constitutional remedies, and he referred to none other, to which the States were authorized to resort on such occasions, he concludes by saying, "that the legislatures of the States might have made a direct representation to Congress, with a view to retain the rescinding of the two offensive acts, or they might have represented to their respective Senators in Congress their wish that two-thirds thereof would propose an explanatory amendment to the Constitution, or two-thirds of themselves, if such had been their opition, might, by an application to Congress, have obtained a convention for the same object."

This is the very course which I earnestly recommend in order to obtain an "explanatory amendment" of the Constitution on the subject of slavery. This might originate with Congress or the State legislatures, as may be deemed most advisable to attain the object.

The explanatory amendment might be confined to the final settlement of the true construction of the Constitution on three special points:

1. An express recognition of the right of property in slaves in the States where it now exists or may hereafter exist.
2. The duty of protecting this right in all the common Territories throughout their territorial existence, and until they shall be admitted as states into the Union, with or without slavery, as their constitutions may prescribe.
3. A like recognition of the right of the master to have his slave, who has escaped from one State to another, restored and "delivered up" to him, and of the validity of the fugitive slave law enacted for this purpose, together with a declaration that all State laws impairing or defeating this right are violations of the Constitution, and are consequently null and void.

It may be objected that this construction of the Constitution has already been settled by the Supreme Court of the United States, and what more ought to be required. The answer is, that a very large proportion of the people of the United States still contest the correctness of this decision, and never will cease from agitation, and admit its binding force, until clearly established by the people of the several states in their sovereign character. Such an explanatory amendment would, it is believed, forever terminate the existing dissensions, and restore peace and harmony among the States

It ought not to be doubted that such an appeal to the arbitrament established by the Constitution itself would be received with favor by all the States of the Confederacy. In any event it ought to be tried in a spirit of conciliation before any of those States shall separate themselves from the Union.

When I entered upon the duties of the Presidential office, the aspect neither of our foreign nor domestic affairs was at all satisfactory. We were involved in dangerous complications with several nations, and two of our Territories were in a state of revolution against the Government

A restoration of the African slave trade had numerous and powerful advocates. Unlawful military expeditions were countenanced by many of our citizens, and were suffered, in defiance of the efforts of the Government, to escape from our shores, for the purpose of making war upon the unoffending people of neighboring republics with whom we were at peace.

In addition to these and other difficulties, we experienced a revulsion in monetary affairs, soon after my advent to power, of unexampled severity and of ruinous consequences to all the great interests of the country. When we take a retrospect of what was then our condition, and contrast this with its material prosperity at the time of the late presidential election, we have abundant reason to return our grateful thanks to that merciful Providence which has never forsaken us as a nation in all our past trials.

Town and County Matters.

Meteorological Register for 1860.

THERMOMETER.

1860. NOV. DEC.	7 o'ck. A. M.	2 o'ck. P. M.	9 o'ck. P. M.	Daily Mean.	Rain.
29	22	36	30	29 33	—
30	34	40	35	36 33	—
1	32	32	26	30 00	—
2	28	34	31	31 00	—
3	30	36	28	31 33	—
†4	31	24	25	30 00	20
†5	32	33	30	28 33	—

REMARKS.—†Snow.

☞ We take pleasure in calling attention to the advertisement of R. Newell's Gallery of Art. The testimonials are of the first character.

LOST.—On Thursday morning last, between TAYLOR's Shoe Store, and CART's corner, a pair of Gold Spectacles in a small black case. The finder will be rewarded by leaving them at this office.

DEDICATION OF THE ENGLISH LUTHERAN CHURCH.—As we mentioned last week, the services in connection with the re-opening and dedication of this Church, will take place on *Sunday next*, the 9th inst. The building is now entirely completed, and reflects great credit on the energy of the congregation, and the workmanship of those engaged upon it. There are now 166 pews on the main floor of the church, and it is estimated that an audience of 1200 people can be comfortably accommodated in it. The pews have not yet been re-let, and the seats will therefore be entirely free to all who may wish to attend the interesting exercises on Sunday next.

Rev. F. W. CONRAD, of Dayton, Ohio, will preach the sermon at the dedication, in the morning at 10½ o'clock, the services commencing half an hour earlier than usual.

Rev. EDWIN W. HUTTER, of Philadelphia, (whom many of our readers will recognize as being in former years the private Secretary of President Buchanan,) will preach a sermon in the afternoon, the services commencing at 3 o'clock.

The evening services will commence at the usual hour, 6½ o'clock, at which time Prof. CONRAD will preach again.

The public generally, are invited to attend these services.

THANKSGIVING DAY.—In conformity with the recommendation of the Governor, and in concurrence with a sentiment which has become almost universal, Thanksgiving Day was well observed in Carlisle. The weather was delightful; business was entirely suspended, and the citizens generally gave themselves up to the enjoyment of the holiday. In the forenoon, services were held in the 2d Presbyterian, and German Reformed Churches, and at night, a vocal and instrumental concert was given, under the direction of JOHN H. RHEEM, for the benefit of the Union Fire Company.

THE COUNTY OFFICES.—Messrs QUIGLEY, CROFT and EMINGER, the late incumbents of the offices of Prothonotary, Clerk of the Courts, and Register, gracefully yielded the "seals of office," to their successors, Messrs DUKE, FLOYD and BRADY, on the 1st inst. The retiring officers, in the discharge of their duties, have been capable, attentive and obliging; and if the gentlemen just inducted, follow in the footsteps of their "illustrious predecessors," the people of this county will have no reason to regret the change.

THE CONCERT OF THE CONTINENTALS.—This popular band of vocalists, gave a concert at Rheem's Hall, on Monday evening last, before a crowded audience. Stocks may droop, money may be scarce, the banks suspend, and the South threaten to secede, yet the "quarters," are always forthcoming for a concert by the "Continentals." Either they are very popular, or Carlisle has a music-loving community; no doubt, both have their influence, and we hope the feeling may long continue in such proportion, as to be profitable to them and pleasant to their patrons. The singers were in excellent time, and introduced several new pieces. Young LEWIS was magnificent on his violin, and everybody seemed pleased, except that they thought the programme too short.

AN ACCIDENT.—MRS. ORR, while returning from the Post Office on Tuesday last, fell on a sliding place made by some boys, on the pavement, near the 1st Presbyterian Chuch, and broke her arm, and dislocated her wrist. The borough authorities should guard against such accidents, by prohibiting the boys from using the pavements for this purpose.

FATAL ACCIDENT.—Last Saturday, while Mr. DINWIDDIE, freight agent on the Cumberland Valley Rail Road, was in the act of uncoupling some cars, as the train was running into Chambersburg, he lost his balance and fell on the track. Several cars passed over him injuring him so severely, that he died a few hours after.

SUDDEN DEATH.—WM. M. WILSON, Sutler at the Carlisle Barracks, died suddenly on Friday last. He had been complaining of ill health for some days, and in a fit of coughing, ruptured a blood vessel and died in a few minutes.

RETURNED.—We had the pleasure, a few days ago, of welcoming our townsman, Lieut. ROBERT MACFEELY, 4th U. S. Infantry, who has returned home, on fourlough, after some eight years service with his Regiment in Oregon.

HAVERSTICK'S STORE.—The large additions which our friend HAVERSTICK has made to his former stock, in view of the approaching holidays, renders his establishment a perfect *magazine* of every thing to tempt the eye or gratify the taste. Among the articles will be found, fancy Gift Books in various styles, toilett articles, perfumery, candies, fruits, pickles sauces and a choice collection of fancy goods of new designs, suitable for holiday presents.

THE PHŒNIX RESTAURANT, under RHEEM'S HALL, by GEORGE W. FOLAND, offers every inducement for Gentlemen and Ladies, from the country, who visit town on business, to treat themselves to a fine dish of oysters. The rooms are fitted up in the most comfortable style, and visitors are entirely secluded from other company.

Mr. FOLAND, is prepared also, to serve up suppers, for private parties, either at his rooms or elsewhere, and supply families with oysters by the quantity. His oysters are always fresh, and of the best varieties in the market.

Special Notices.

REMEMBER, Strumous or Scrofulous affections are the curse, the blight, of mankind. They are vile and filthy, as well as fatal. They arise from impurity and contamination of the blood, and are to be seen all around us, everywhere. Thousands Daily are consigned to the grave from the direful effects of this disease. But why trifle any longer, when the remedy is at hand? DR. LINDSEY'S BLOOD SEARCHER—the only effectual preparation now before the people, that does its work mildly and safely. It does not close the issue superficially, while

"Foul corruption mining all within,
Infects unseen."

But Purges the Entire System of all Impure Matter, Invigorates the Body, and leaves the Afflicted in the Enjoyment of Good Health. To convince the skeptical of its healthy effects, try but one bottle, and be convinced. Sold by all the Druggists in this place, and dealers throughout the country. Nov. 23, '60.-1m.

MRS. WINSLOW, an experienced nurse and female physician, has a soothing Syrup for children teething, which greatly facilitates the process of teething by softening the gums, reducing all inflamation, will allay all pain, and insure to regulate the bowels—Depend upon it, mothers, it will give rest to yourselves and relief and health to your infants. Perfectly safe in all cases. See the advertisement in another column. July 20, 1860.-1y.

CATARRH! CATARRH!! CATARRH!!!—What is it? How Cured?—Thousands of Persons suffer all sorts of annoyance from Catarrh. Most people know what its inconvenience and results are, yet but few know how it can be cured. It is simply a chronic irritation, and often enlargement of follicles and consequent thickening of the mucus membrance, lining the nasal cavities frontal sinuses, and sometimes extending into the throat and lungs. From this result tightness and often vertigo of the head, obstructed nose, or a profuse flow of mucus, loss of smell, nasal voice, and often impaired hearing and taste.

The old school remedies have never been able to do any thing for it. Nasal injections and inhalation are as painful and expensive as they are generally worthless. Yet Humphreys' Catarrh Specific, a simple Sugar Pill, taken two or three times per day, promptly cures the milder cases; cures at once all colds in the head, and radically cures, by persevering use, the most obstinate cases, as is proved by the experience of hundreds. Price, with full directions, Fifty Cents per box.

N. B.—A full set of Humphreys' Homeopathic Specifics, with Book of Directions, and twenty different Remedies, in large vials, morocco case, $5; ditto in plain case, $4; case of fifteen boxes, and Book, $2. Single boxes, 25 cents and 50 cents.

These Remedies, by the single box or case, are sent by mail or express, free of charge, to any address, on receipt of the price. Address

Dr. F. HUMPHREYS & Co.
No. 562 Broadway, New York.

Sold by C. Inhoff, Carlisle.

IT IS A COMMON OBSERVATION that there are more sufferers from debility, among Americans, than can be found among any other civilized nation. The reason is obvious. We take too little exercise, and forget the wants of the body in the absorbing pursuits of business. In all such cases, ordinary medicines can do little good. What is required is just such a tonic and invigorator as Dr. J. Hostetter has given to the world, in his celebrated "BITTERS." The weak and nervous, denizen of the counting house, the exhausted toiler upon the shop board, and the prostrated student of the midnight lamp have found a wonderful regenerator in the "Bitters," and prefer it to more pretentious but less efficacious medicines. But it should not be forgotten that the agent which is so magical in its influence upon a frame which is merely debilitated, is equally powerful in assisting nature to expel the most terrible forms of disease. Who would not give it a trial?

Sold by druggists and dealers everywhere.
☞ See advertisement in another column.

TO CONSUMPTIVES.—The advertiser, having been restored to health in a few weeks by a very simple remedy, after having suffered several years with a severe lung affection, and that dread disease Consumption—is anxious to make known to his fellow sufferers the means of cure.

To all who desire it, he will send a copy of the prescription used (free of charge,) with the directions for preparing and using the same, which they will find a sure Cure for Consumption, Asthma, Bronchitis, &c." The only object of the advertiser in sending the Prescription is to benefit the afflicted, and spread information which he conceives to be invaluable, and he hopes every sufferer will try his remedy, as it will cost them nothing, and may prove a blessing. Parties wishing the prescription will please address

Rev. WILLIAM A. WILSON
Williamsburgh,
Oct. 5, 1860.-1y. Kings County, New York.

☞ COUGHS.—The sudden changes of our climate are sources of Pulmonary, Bronchial, and Asthmatic Affections. Experience having proved that simple remedies often act speedily and certainly when taken in the early stages of the disease, recourse should at once be had to "Brown's Bronchial Troches," or Lozenges, let the Cold, Cough, or Irritation of the Throat be ever so slight, as by this precaution a more serious attack may be warded off. Public Speakers and Singers will find them effectual for clearing and strengthening the voice See advertisement. Nov. 30, '60-6m

Marriages.

On the 29th ult., by the Rev. A. H. Kremer, Mr. CHRISTIAN JACOBY, of West Pennsboro, to Miss WILAMINE WESTAFED, of Nowton Twp this Co.

On the 4th inst., at the Westminister Church, Balto. Md. by Rev. Cyrus Dickson D. D. WILLIAM S. FLEMING, formerly of Carlisle, to Miss VIRGINIA L. MILLER daughter of the late Jacob B. Miller Esq., of Balto.

Deaths.

On Friday last, ANN C. REIGHTER, of this borough, in the 59th year of her age.

The Markets.

CARLISLE PRODUCE MARKET.

Reported weekly for the Herald by Woodward & Schmidt.

FLOUR (Superfine)	$4 50
do. (Extra.)	4 75
do. (Family)	4 75
RYE FLOUR	3 37
WHITE WHEAT	1 10
RED do.	1 00
RYE	65
CORN	55
OATS, per 32 lb.	27
OATS, per 30 lb.	25
CLOVERSEED	5 25
TIMOTHYSEED	2 00
SPRING BARLEY	65
WINTER BARLEY	70

New Advertisements.

R. NEWELL'S PHOTOGRAPH GALLERY,
NO. 724 ARCH STREET
PHILADELPHIA.

One of the largest and most complete Galleries in the United States, where the best Pictures, known to the Photographic art, at prices no higher than are paid for miserable caricatures.

The Proprietor a practical Photographer, attends personally, every sitting—and allows no Picture to leave the Gallery unless it gives perfect satisfaction.

Daguerreotypes and Ambrotypes, of absent or deceased friends, photographed to any required size, or taken on Canvass, life size, and painted in Oil by the best Artists.

At this Gallery pictures can be taken in any weather—as perfect in cloudy weather as when the sun shines.

Persons visiting the city are respectfully invited to examine our specimens, which for price and quality defy competition.

☞ Instructions given in the art of Photography.

R. NEWELL,
GALLERY OF ART,
724 Arch Street, Philadelphia.

COMMENDATIONS:

From Hon. LEWIS D. CAMPBELL, M. C., Ohio.

My family and friends all concur in the opinion that the (Newell) Picture is more life-like than any thing they ever saw. My likeness has been repeatedly taken by different Artists in various ways, but I have never yet had one which presents so true to nature, all the features and expressions of countenance as this.

From Hon. E. JOY MORRIS, late Minister to Italy.

The exquisite finish, beauty and softness of your portrait, conjoined with their durability of color and faithfulness as likenesses, cannot fail to commend them to the attention and patronage of all who appreciate true art.

From COL. JAMES PAGE.

Having occasion for a portrait, I procured one from Mr. Robert Newell, of the city of Philadelphia, a miniature in Oil Colors, under the new process discovered by him, and take great pleasure in expressing the satisfaction given me, not only by the accuracy of the likeness, but its artistic finish in all respects, and recommend him to the patronage of those disposed to encourage the beautiful art. Dec. 7, 1860.-3mos.

FOR SALE.—A fresh Milk Cow, enquire at this office. Dec. 7, 1860.

Notice is hereby given that the partnership lately existing between J. G. Callio and Elizabeth Trout was dissolved by mutual consent on the — day of November 1860. All debts due to the said partnership are to be received by the said J. G. Callio, and all demands on the partnership to be presented to him for payment.

J. G. CALLIO,
Dec. 7, '60.-1m. ELIZABETH TROUT.