WANTED.

WANTED TO RENT.

FOR the ensuing year, a good DWELLING HOUSE, unfurnished or Main street, to contain eight or ten rooms, kitchen and outverandas, with as many modern improvements as necessary. Inquire at THIS OFFICE. n11 1m*

STRAYED--STOLEN.

STRAYED.

FROM the subscriber, on Tuesday night, November 20, two dark bay mares MULES, five and three years old, medium size, tolerably well matched, some and tailed, trimmed pretty close, the hair worn from the necks and bitten by the harness, not shod. I will pay a liberal reward for their delivery to me, or any information by which I may get them. F. M. FLETCHER.

Near Lake, Mt Pleasant.

STRAYED OR STOLEN.

OF the 24th of November, a black HORSE, with star on his forehead, left hind foot white, left hind foot white, branded G on the left shoulder. Any information of him will be fully rewarded by G. H. GREEN, corner of Orleans and Union streets. n28-1m*

STRAYED OR STOLEN,

A BLACK HAIR MULE, three and a half hands high, eight years old, branded in the left ear. Left the subscriber the night of the 26th inst. Any information left at Dr. KEITRICK'S stable will be thankfully received. n29-3t*

STRAYED OR STOLEN.

FROM the subscriber, two with SHOES and CALVES. One has a white back and sides, the other is red and brown colored bull Calf. One full marked, the other half marked. n28-1w 200 Main street, Memphis.

FOR SALE OR RENT.

FOR RENT.

DOUBLE OFFICES (suitable for professional men), on Exchange, at the Cotton Mart, corner of Main and Monroe streets. Apply to M. D. HUNT, n11-1m No. 2, third story, Cotton Mart.

FOR SALE.

A BOILER CHIMNEY, about as good as new, suitable for either locomotive or stationary engine. Will be sold cheap. Apply to the proprietors of the APPEAL. n11

Business Notices.

TO ADVERTISERS.

☞ All advertisements of Warts, For Sale and Rent, Lost and Found, Steamboat Departures, etc., not exceeding five lines, are inserted in the APPEAL under proper headings, at 50 cents for one insertion, two times for 75 cents, three times for $1, and one week for $1.50, payable invariably in advance.

CLARK & REMINGTON'S

PHOTOGRAPHIC AND FINE ART GALLERY,

PHOTOGRAPHS,
TYPETYPES,
AMBROTYPES,
SPHEROTYPES.

LIFE-SIZE PHOTOGRAPHS ON CANVAS!

Painted by the celebrated artist, J. B. Bradell, of New York, who points exclusively for our gallery. Photographs enlarged from the smallest miniatures, and painted life-size by CLARK & REMINGTON, n22-1m Corner Main and Madison streets.

FASHIONABLE

CLOTHING!

JAS. MARKS & CO.,

219 MAIN STREET,

(Opposite Odd Fellows' Hall.)

COLD inform the citizens of Memphis and vicinity, that they have opened the store 219 Main street, formerly occupied by J. A. Bruce, where they will keep constantly on hand

A FIRST CLASS STOCK OF READY-MADE CLOTHING AND GENTS' FURNISHING GOODS.

ALSO—

A STOCK OF YOUTHS' CLOTHING, HATS AND CAPS, BOOTS AND SHOES, Wholesale and Retail.

Our Goods are all from OUR OWN MANUFACTORY the cost, and made in a superior style, and will be LOWER that ever before offered in this city. Our time we shall use every duty competition.

NEW ARRIVALS OF GOODS EVERY WEEK!

JAMES MARKS & CO.,

219 MAIN STREET.

LEECHES—FRESH LEECHES,

Always on hand by Wm. C. WARNER, Cupper and Leecher, No. 77 Madison street, between Second and Third streets, Memphis. n24-1m

BERNADO INSURANCE COMPANY, OF MEMPHIS,

Offices opposite the Post Office, Main street.

CAPITAL, $200,000.

DIRECTORS:

W. B. ROSS, J. H. Greenwood,
J. WINBORNE, J. Phelan,
A. C. Treadwell, W. B. ROSS, President.

H. DUNLAP, Secretary. n231-1y

☞ See advertisement of Ward & McClellan, wholesale and retail Druggists, 375 and 377 Main street, opposite Worsham House. n26

QUERY.—Have you seen that big Indian in another column, talking about BOOTS, SHOES and HAVANA, at the Cincinnati Retreat?

Hardware, Agricultural Implements, Mill stones.—Read advertisement of GRIFFIN, FROST & CO.

In another column, see the advertisement of George Pattison & Co., Bookseller and Stationers, 262 Main street, near Madison street.

See F. H. Clark & Co.'s column.

Arkansas River Plantation,

For Sale.

I OFFER the new one Plantation, situated on the Arkansas River, Arkansas County, Arkansas, about South Bend, containing 1500 acres, 300 bottom 200 acres in cultivation, 300 acres cleared, all enclosed, and four hundred hands.

Long time will be given on one-third the purchase money, if desired.

Refer to Thomas H. Allen, Memphis, or address me, at Fort Pike, Arkansas.

n22-1m(w) WILLIAM PRICE.

Suspended Banks.

WE desire to say to our friends and customers in Arkansas, Mississippi and Tennessee, that banks still continue in the solvency of the banks, we will continue to receive at par the Southern Bank notes and drafts in our state, the bills of all the Tennessee banks issued prior to the suspension, and bills of the banks of Virginia, North Carolina, South Carolina, Georgia, Alabama, and Kentucky. SCRIP BILLS OF NOTE, and that of other banks in Tennessee, we will receive as we may be able to dispose of them from time to time as necessary. Exchange on Louisville, Cincinnati, New Orleans, and any by deposit, as our belief that this plan will be satisfactory to all parties concerned.

It is our intention to purchase, in one or more lots of 100 bales of good middling cotton, for which we will pay the highest market price, in cash or money at par for bankable funds. Cotton delivered at our store, or shipped to our address, will be weighed and receipted for on the day of receipt.

n22-1m(w) H. VOLLINTINE.

A FINE COTTON FARM

For Sale.

THE undersigned offers for sale a 320-acre Cotton Farm, adjoining Clarendon, the county seat of Monroe, Arkansas, and within half a mile of the White River, and within half a mile of the Cotton Plant, Arkansas river; the front contains 100 acres, and 100 acres cleared four years ago. There is a new gin house and one and a half story dwelling house on the place. Will also sell all the picket, corn and other tools, and farming implements. Will sell the whole or half of it, if desired.

TERMS: One-fourth in cash and balance in one, two and three years, with ten per cent. interest from date, or one-third cash and balance in one and two years, with eight per cent. interest from date. Title good.

For further particulars, apply to the undersigned, or Gustavus Adolphus, at Fort Smith, or Dr. Hatcher, James T. Armstrong, of Jefferson county, Arkansas.

n23-w3t D. J. ARMSTRONG.

Local Matters.

Wednesday Morning, Dec'r 5, 1860.

Removal---Notice.

The APPEAL office has been moved to our new building, corner of Union street and Front Alley, where all persons having business with the office, are requested to call in future.

TRAVELERS' GUIDE.

MEMPHIS AND CHARLESTON RAILROAD.

	ARRIVE.	DEPART.
Mail train	1:00 P. M.	6:30 A. M.
Express train	10:50 A. M.	3:30 P. M.
Accommodation train	3:30 A. M.	4:00 P. M.

MEMPHIS AND OHIO RAILROAD.

	ARRIVE.	DEPART.
Mail and express train	7:00 P. M.	8:00 A. M.
Hollandia express	10:00 A. M.	3 P. M.

MISSISSIPPI AND TENNESSEE RAILROAD.

	ARRIVE.	DEPART.
Mail train	10:35 A. M.	3:00 P. M.
Freight and accommodation	3:30 P. M.	6:00 A. M.

MEMPHIS AND LITTLE ROCK RAILROAD.

Passenger Train leaves Ferry Landing daily (Sundays excepted) at 8:30 A. M. Arrive at 5 P. M. Connects at Madison with Arkansas Stage Company and Overland to Texas, California, Gila River, Fort Smith, San Francisco, California; Hot Springs, Washington, Arkansas; Clarksville, Texas, and all points in Northern Arkansas and Texas. Tickets for sale by L. S. Knowlton, sole agent for this line. Union Ticket Office, Gayoso House Reading Room.

☞ For "*River News*" see Fourth Page.

☞ Go to Odd-fellows' hall this night and hear M. Ainsley Scott sing "Good Old Friends."

CITY TAXES.—We learn from Mr. Bowen that he will accept South Carolina money in payment of city taxes.

MARY FINEN.—Mary Smith was yesterday fined for selling whisky without a license. Oh, Mary, how could you?

ELECTION.—The election for a constable to fill the place left vacant by A. P. McKnight's resignation will take place to-morrow week.

THANKS.—We are indebted to Mr. Charles Jones, who returned to the city from Cincinnati on yesterday evening, for late St. Louis and Cincinnati papers.

UNANIMOUS.—The universal vote declares that the shell oysters of "Vincent," at the corner of Washington street and Front row, are unapproachable. Try them.

HELD OVER.—The city inspector, Mr. Kirwan, gave us some interesting information yesterday respecting his official duties, which we are obliged to hold over until to-morrow.

☞ Go hear E. Green sing "Ebblens," with bugle imitations, to-night at Odd-fellows' hall.

MOUND CITY.—Between ten and eleven this morning is the time appointed for the mayor, aldermen and others to start by the ferry for Mound City to dine there and judge of its fitness to be made the starting point of the Little Rock railroad.

COME TO TOWN.—We learn from Prof. Wise that his grand balloon, the Lady Washington, has arrived by Adams' Express. If citizens will manifest a little liberality, we shall have such an ascension as has never before been made in Memphis.

GROCERIES—GROCERIES.—To be sold at the Arcade "place of trade," this morning at ten o'clock, a whole grocery store, containing every class of provisions. O, ye hungry! now is your time. Come to the Arcade—where meat and bread can be made.

☞ Go to Odd-fellows' hall and hear the sixteen Ethiopian performers to-night, and laugh and grow fat.

A DIFFERENCE.—A week ago a contemporary said Patti, the adorable Adelina, had "a cracked voice." Yesterday the same paper indorsed her as "a very neat singer, exceedingly well trained, and in many respects the best vocalist of her age we have ever heard."

TWENTY-FIVE DOLLARS EACH.—Hugh Tait was fined twenty-five dollars yesterday by the recorder for threatening to deprive the city of one of her police, by shooting him. Policemen at twenty-five dollars—as cheap as gold watches at bogus auction.

BENEFIT.—W. C. Thompson, Esq., manager of the theater, has given great satisfaction in discharge of his important duties. We learn that Saturday night will be set apart for a benefit for him. The Wallacks will take a part in the performances, and we doubt not the manager's friends will be present in force.

Go hear M. Ainsley Scott's new ballad at Odd-fellows' hall to-night.

THE DAY ARE GOLD MINE.—We observe that the last issue of the Dos Arc (Ark.) Citizen has not a word about the gold mine reported to have been discovered at that place, or of the formation of a company for working it. From this silence we presume the mine has been sent to increase the treasures of the chateaux en Espagne.

FRIENDLESS AND SICK.—The station house keeper last evening took Richard Boosly into that establishment for shelter. The poor fellow was sick and friendless; like the birds of the air, and the Galilean teacher, "he has not where to lay his head." This morning he will be turned into the street; then what may he do? We want some institution in Memphis for such "homeless" sufferers of fortune's frowns.

☞ Clothing, clothing, clothing, at Sproule & McCown's, 187 Main street, under Worsham House.

BEARS IN ARKANSAS.—For the information of our hunting citizens we copy the following from the Hartsburg, Arkansas, Journal of Saturday last; it will acquaint with the spot where game is to be found: In the last two or three weeks Ben. Harris and John England have killed no less than three bears. One day this week they went a hunting again. We understand that they came in last night with three bears, two deer, two turkeys, one coon and one possum. This is six bears in all they have killed in the last two or three weeks.

☞ Go see Master Charley, the infant champion jig dancer, only seven years old, at Odd-fellows' hall to-night.

THE MYNATT CASE.—We have lying before us a communication from W. P. Finney, Esq., clerk of the court at Somerville, in this State, to S. M. Webb, Esq., brother of the late Mr. Webb who met with his death in an altercation with Mr. Mynatt. The letter says, replying evidently to an inquiry from Mr. S. M. Webb: "You ask how the jury stood in the Mynatt case? I answer that eight were for murder and four for voluntary manslaughter." The letter is formally signed by Mr. Finney, and a note upon it requests all the morning city papers to make the correction in their statements, which it contains.

☞ Sproule & McCown invite the attention of the public to their well assorted stock of overcoats, business suits, velvet vests and warm underwear.

THE MAILS.—In looking over our exchanges we find complaints in every direction about the irregularity of the mails. We believe they are true, for in Memphis our mercantile and corresponding community endure as little inconvenience and annoyance from outrageous delays. As a specimen of what the country press has to say upon the subject, we quote the following from the Warren (Ark.) Sunbeam: "Mails in our section entire very irregularly now, and we hear complaints from all quarters in regard to this crying evil. Though we have a daily line of United States mail coaches, both from the East and the West, we could hold all the mail matter that has come to the Warren post office, in the last week, in our hat—full. In fact, mail matters are so sadly out of joint, that people along the stage road begin to believe that the mail agent either dead or has resigned his office. His numerous friends would like to hear from him immediately. We hope our brethren of the press all over the State will speak out on this matter, for the way that mail matters are conducted now, the postal arrangement is little less than a public nuisance." We might add to this that the next slow thing we know to the mails is the telegraph. Would somebody wake up somewhere?

A CARD.

MEMPHIS, December 4, 1860.

D. H. DUTHERA, Esq.: *Dear Sir*—I was surprised and mortified to learn for the first time this morning that you were accused in this community of entertaining abolition sentiments, and having abolition proclivities.

I am sure, from several incidental conversations with you, in which matters of this kind were distinctly referred to, that if you are as free from every fault as that of which I was informed you to be accused, and if you are worthy the high social and business position here which your friends and relatives, well known to me, enjoy in Charleston, and which I have abundant reason to believe you enjoyed during a long residence there also.

I did not know you personally in Charleston, but you came introduced to me by a mutual friend. From this introduction, and what I know of your relatives in Charleston, it needed no protestations from you to convince me that you would not live in a community where institutions you did not feel willing cordially to support. Very truly yours,

S. H. SHEPHERD.

THE WALLACK'S.—The Wallacks perform again to-night. It is indeed a treat to witness the higher walks of the drama, the productions of the greatest minds rendered by persons who form their own conceptions, have the genius to penetrate the inspiration of their authors, and the art to present those inspirations in a living development of expression, in face, voice and gesture. There is a classic and purity in the style of performance of Mr. and Mrs. Wallack; a softness and quietness in their conceptions; a truth and attractiveness in their delineations that entitles them to great popularity and a liberal patronage. Tonight, *Leoba*, the beautiful Venitian story which was so attractive to the audience, and which obtained such warm applause, will be again presented. The remainder of the bill is extremely attractive.

"EMPTING IT."—C. W. Barton was in town yesterday; he tried the strength of our liquors and got "high;" having reached that elevation, he concluded to add to it the dignity of ranking among the "fast;" so he chose a carriage the horses of which he felt sure had "bottom" in their composition, and ordered them, after he had taken his seat, to "fling." He went nowhere in particular, but drove everywhere in general, being confident that admiring looks everywhere followed him and his "team." At the end of the "fast" performance, C. W. declined to pay for the carriage he had hired, and he found himself promoted to another dignity—he was arrested. The recorder will give the finishing touch this morning.

FIRE.—Yesterday a boy in the office of Waldron & Co., on Shelby street, below Union, in the absence of the proprietors, concluded to take a smoke. The young person, possessed of twelve or thirteen summers, filled his pipe and lighted it. He threw down the lucifer match that gave fire to his weed, the match fell among some cotton samples, which took fire as the combustible was not extinguished. A considerable "flare up" was the consequence, but the burning material was cast into the street without serious damage to the room. Young smoker got his hair singed and had his eyelashes and eyebrows made a burnt sacrifice in his exertions to subdue the flame his juvenile devotion to tobacco had lighted.

☞ Go to Odd-fellows' hall to see the stage struck hero, or manager in search of talent, this evening.

FIRE SHOVEL AFFECTION.—John Burke, not being able to evince his love to his wife hard enough otherways, yesterday undertook to manifest its solidity by the aid of a fire shovel, which he "laid on" with a zeal that evinced the strength of his affection. The police—unromantic beings, incapable of appreciating the emotions of the tender passion—arrested John on the plea of not treating his wife with the tenderness due to her. The demonstrative husband will be introduced to the recorder this morning, when the loftiness of his motives for using the fire shovel will, no doubt, be amply recognized.

☞ Go hear Shirey sing "Folks that put on Airs," at Odd-fellows' hall this evening.

FOOTED IT.—A few days ago two gentlemen in the Worsham house were debating the Union question, when one of them knocked the other down; the police at once took the injured and suffering party to jail. This was "smart," but we learn a yet "smarter" thing was done yesterday: that a man stole a pig's foot out of a grocery, that the grocery keeper was arrested, and ultimately fined, for no other offense than having feel among his stock that took strange walk without his concurrence.

South and North Carolina, Georgia, Alabama, Kentucky, Illinois, Wisconsin, Missouri and Virginia money taken at par at Sproule & McCown's.

CRIMINAL COURT.—At this court the case of Dunham, for murder, was progressing yesterday; to-day it will go to the jury. At the conclusion of this case the misdemeanor docket will be taken up. The jury yesterday found a true bill against Wm. Brown, for assault and bat ery. The trial of the negro slave, charged with a murder committed in Nonconnah bottom, is set for Tuesday week. This will be the second trial, the first having been set aside by the supreme court.

☞ Go hear C. Bowes sing "My Love is a Mariner on Brave," at Odd-fellows' hall tonight.

ARKANSAS GOSSIP.—A city paper yesterday, in its river news, speaking of the *Gem City* steamboat, in from White river, says: "Captain Fleming presented us specimens of the gold recently discovered at Dos Arc. It is thought they will dig up the town in search after the precious metal." We think the digging will not go on.

ARRESTED.—Charles Holeban, charged with the murder of James Keefe, on the Paducah railroad, some time ago, was arrested yesterday on the instance of John Burt, a brother-in-law of the deceased. Burt lives in the city, and met the accused in the street, when he had him arrested on the above charge.

COMMON LAW COURT.—At this court, yesterday, the cases were not of public interest; to-day the corporation cases will be commenced, commencing with appeals from the Recorder's court.

PEACE.—E. Marshll was bound over by Esq. Hill, yesterday, in five hundred dollars, to keep the peace toward all citizens in general, and toward G. W. Phipps in particular.

ARRIVAL.—Hon. Judge Sebastin, of Arkansas, and family, were among the arrivals at the Gayoso yesterday.

☞ Go to Odd-fellows' hall this evening and hear E. N. Slocum sing the "Scoop's Refrain."

☞ Weekly supplies of clothing at the well known house of Sproule & McCown.

Latest News by Telegraph.

A Proposition for a Compromise---Several Prominent Republicans Favor It.

WASHINGTON, December 3.—A proposition is on foot that the Representatives from all the Southern States except South Carolina, hold a conference and propose a list of their grievances, and what measures will be satisfactory to them; the list to be submitted to the conservative Republicans, and, in the event of receiving their final, be referred to a committee composed of one member from each State.

This proposition is much discussed, and several prominent Republicans have manifested thereto

The assurances of Representatives and others from Georgia, Alabama and Mississippi, that these States will not secede without South Carolina, and of the Union, have materially alarmed the conservatives, who believed that North Carolina would have no supporters among the Southern States.

New Orleans Markets by Telegraph.

NEW ORLEANS, December 3, 5 P. M.—Cotton—Sales of bonded amount to 6000 bales at 9½c. For New Orleans inland shipments, 2000 bales, and for the past three days amount to 15,000 bales. The receipts of the past three days amount to 34,800 bales against 16,700 bales during the same time last year. The receipts at this port are 58,000 bales less than last year. The stock of cotton in ports and on the Mississippi river is now 200,000 bales less than last year. Sterling closed 107 at 4 buyer.

Exchange on London is quoted at 8@10 premium. Exchange on New York 3@3¼ c.

The John Brown Meeting in Boston.

BOSTON, December 3.—Along the John Brown meeting at Tremont Temple was dispersed yesterday by a mysterious bell; a meeting of the Bethel colored church. A disturbance being apprehended, a detachment of infantry was held in readiness, but the police prevented the threatened disorder. Many of the leading business men of this city and other citizens largely subscribed the subscription list for Brown's mother. The memorial discussion of the Tremont Temple meeting was closed with general satisfaction.

Arrival of the Denver City Express.

FORT KEARNEY, December 4.—The United States mail stage coach, from Denver city, arrived here today with dates to the 1st inst.

The Black hawks is carrying of the stock along the route.

The miners are doing well.

The Sioux Indians are represented to be in a starving condition, and are committing depredations on the ranches.

New York Markets by Telegraph.

NEW YORK, December 4.—Cotton closed dull, with a declining tendency; sales of 700 bales at 10c. Flour is dull at a decline of 5c. Sales of 13,700 bbls at $4@$5 a 5. Corn closed dull. The sales of to-day amount to 49,000 bushels at 62@64c. Gun steadily at 77@80c. Pork closed firm, with sales of 1000 bbls at $22 38. Lard closed dull at 12@13c. Sugar firm. Coffee dull, with sales of 400 bales Cuba at 3¾@10¾c, and 110 Rattan at 6¾c.

A Convention to be Called in Texas.

NEW ORLEANS, December 4.—Advices received from Texas says that a circular letter has been signed by a number of public gentlemen, calling on the citizens of Texas to elect delegates to a convention to be held on the 4th of January. The said convention to assemble at the capital on the 4th Monday in January. This movement appears to meet with popular sanction.

XXXVI Congress---Second Session.

WASHINGTON, December 3.—The Senate met at noon today. Seventeen Senators did not respond to their names.

An adjournment was voted when it was announced that the President's message would not be received to-day.

HOUSE.—The House adjourned until to-morrow on account of the President's message not being announced.

Official Advices from Fort Scott---Montgomery's Band Amounts to Nothing.

WASHINGTON, December 4.—The Secretary of the Interior has received official dispatches from Fort Scott, bearing date November 28th. The Reporter says: "The business of the land office has not been interfered with, and all is quiet. We have received the report of Capt. Montgomery and his band amounts to nothing.

Meeting of the Supreme Court.

WASHINGTON, December 4.—The Supreme court of the United States met to-day in the old hall of the house of representatives. Judge Wayne, of Georgia, was absent. The court called on the President to pay their respects, and then adjourned.

PRESIDENT'S MESSAGE!

SECESSION CONSIDERED.

COERSION REPUDIATED.

RECOMMEND A CONVENTION OF THE STATES.

WASHINGTON, December 4.—The President in relation to secession recommends: What in the meantime is the responsibility and true position of the Executive? He is bound by solemn oaths before God and the country to take care that the laws of the United States shall 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 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 justice by means of the Federal judiciary are concerned, all the Federal officers within its limits, through whose agency alone those 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 the 3d of March, 1807. These acts authorize the President after he shall have ascertained that the marshal with his posse comitatus is unable to execute a 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 peacefully to their respective abodes within a limited time.

This duty cannot by any possibility be performed in a State where no judicial authority exists to issue a process, and where there is no marshal to execute it, and wherever, if there were such an officer, the entire population would constitute one solid combination to resist him. 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, etc., and ever since the authority to exercise exclusive 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 shall 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 would rightfully rest upon the heads of the assailants. Apart from the execution of the laws, so far as they may be practicable, the Executive has no authority to decide what is the relation between the Federal Government and South Carolina.

He has been invested with no such discretionary power. 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 office with the power of recognizing the dissolution of the Confederacy among over thirty-three sovereign States. It bears no resemblance to the recognition of a foreign defacto government, involving no such responsibility. Any attempt to do this would, on its 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 compelled to decide the momentous question whether you possess the power by force of arms to compell 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 question.

The question fairly statated 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 assumed in the affirmative, it must be on the principle that the power has been conferred upon Congress to declare and make war upon 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 Government. It is manifest upon an inspection of the Constitution that this is not among the specified 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 those 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 seventeen hundred and eighty-seven the clause authorizing an execution of the force of the whole against a delinquent State, came up for consideration. Mr. Madison offered 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 afterward, on the 6th 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 constitutional 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 being necessary to parse laries, 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 would 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 citizens of a free State and a common member of the Confederacy. But if we possessed 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 peacable reconstruction; besides in the fraternal conflict, countless of blood and treasure would be expended, rendering future reconciliation between the States impossible. In the meantime, who can foretell what would be the sufferings and privations of the people during its existence.

But may it be permitted solemnly to invoke my countrymen to pause and deliberate before they determine to destroy 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 are long will render us the most powerful nation on the face of the earth. In every foreign region of the globe the title of an American citizen is held in the highest 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 leaden despotism would enshroud the nation. 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 every wrong, nay, it is not even every grievous wrong which can justify a resort to such a fearful alterna tive. This ought to be the very last desperate remedy of a denshring 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 existing excitement, the Union shall perish, the evil may then become irreparable. Congress can contribute much to avoid 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 eminent success. It is to be found in the fifth 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 have, consequently, become parts of the Constitution. To this process the country is indebted for the clause prohibiting Congress from passing any laws 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 rights which secure 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 these 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 existence of the Government during the pendency of that election. The action for its own amendment was intended to secure an amicable adjustment of conflicting constitutional questions like the present, which might arise between the government 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 to 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 legislature of the States might have made direct representation to Congress with a view to obtain a rescinding of the two offensive acts, or they might have represented to their respective Senators in Congress their wish that two-thirds thereof would have proposed an explanatory amendment to the Constitution, or two-thirds of themselves, or if such had been their option, 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 right originates 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. *First*. An express recognition of the right of property in slaves in the States which now exist, or may hereafter exist. *Second*. The duty of protecting this right in all the common Territories throughout the territorial existence, and until they shall be admitted as States into the Union, with or without slavery, as their Constitutions may prescribe. *Third*. A like recognition of the right of the master to have his slave, who has escaped from one State to another, 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 of the Constitution itself, should 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. The President enumerates the evils resulting from civil war, but is convinced that period has not arrived, in order to justify a resort to revolutionary remedies. The President says: "Secession is not a peaceable remedy. It is the very acts of Congress on the statute book bearing upon this subject are those of the 28th of February, 1795, and the 3d of March, 1807. These acts authorize the President after he shall have ascertained that the marshal with his posse comitatus is unable to execute a 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 peacefully to their respective abodes within a limited time.

This duty cannot by any possibility be performed in a State where no judicial authority exists to issue a process, and where there is no marshal to execute it, and wherever, if there were such an officer, the entire population would constitute one solid combination to resist him. 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, etc., and ever since the authority to exercise exclusive 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 shall 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 would rightfully rest upon the heads of the assailants. Apart from the execution of the laws, so far as they may be practicable, the Executive has no authority to decide what is the relation between the Federal Government and South Carolina.

He has been invested with no such discretionary power. 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 office with the power of recognizing the dissolution of the Confederacy among over thirty-three sovereign States. It bears no resemblance to the recognition of a foreign defacto 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 compelled to decide the momentous question whether you possess the power by force of arms to compell 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 question.

The question fairly statated 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 assumed in the affirmative, it must be on the principle that the power has been conferred upon Congress to declare and make war upon 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 Government. It is manifest upon an inspection of the Constitution that this is not among the specified 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 those 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 seventeen hundred and eighty-seven the clause authorizing an execution of the force of the whole against a delinquent State, came up for consideration. Mr. Madison offered 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 afterward, on the 6th 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 constitutional 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 being necessary to parse laries, 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 would 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 citizens of a free State and a common member of the Confederacy. But if we possessed 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 peacable reconstruction; besides in the fraternal conflict, countless of blood and treasure would be expended, rendering future reconciliation between the States impossible. In the meantime, who can foretell what would be the sufferings and privations of the people during its existence.

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Commercial Matters.

DAILY REPORT OF THE MARKET.

FURNISHED FROM THE MERCHANTS' EXCHANGE.

MEMPHIS, December 3, 1860.

COTTON—The unfavorable tone of New York and New Orleans advices, added to the continued difficulty experienced in negotiating exchange, produced a dull and inactive market yesterday, and the sales were confined to 428 bales. Sales—10 bales at 7¾,