

THIS WEEK'S PAPER.

On account of the combined length of Mr. Calhoun's Opinion, and Gov. Aiken's Message, we are compelled to exclude other matter. But little news has been received from Mexico, during the past week, other than the bombardment of Tobacco and the capture of Tampico.

MR. CALHOUN'S OPINION.

We publish to-day the corrected copy of the Opinion on the General Ticket System which, as mentioned in our last, we received from Mr. Calhoun himself. He is opposed to the proposed change in the manner of electing the Electors of the President and Vice President. The Opinion is worthy of a careful perusal, as it is marked by the usual ability of its distinguished author.

THE MESSAGE.

We have received from the Hon. F. J. Moses, a copy of Gov. Aiken's Message.

This is an able document both in regard to matter and style. Reference is made to the connection by railroad of some of the Districts east of the Wateree river with some part of the North Carolina line; and the investment in enterprises of this character of some of the funds arising from the surplus revenue of the State is recommended. The certainty of punishment on conviction renders the Governor's recommendation of a Penitentiary worthy of consideration and action; for the certainty of punishment and the majesty of the law are frequently made of no effect at the present day by the attendant severity. The resignation of the Hon. GEORGE McDONNELL is noticed in terms which do honor to the head and heart which dictated them, and which lament equally with the State the retirement of this distinguished patriot and advocate of free trade. In fine, the Message is characterized throughout by that sterling good sense, which so eminently marks our present Chief Magistrate, and by the sufficiency and compactness with which its views are presented.

ACCIDENT.

On Friday morning, the 27th ult., the mail stage, as it was leaving this place, was upset. Fortunately, there was only one passenger, Mr. SAM'L MAYRANT, of this place, who was riding on the box. Mr. M. in endeavoring to jump from the stage, was thrown on his left leg which was severely sprained. His numerous friends both here and elsewhere, will be glad to learn that he is gradually, though slowly, recovering from the effects of the accident.

COTTON.

The transactions in this staple amounted, in the Charleston market, at the close of the week ending Friday, Nov. 27, to receipts of 12,981 bales and sales of 10,584 bales. The prices were as follows: middling to middling fair, 8 3/4 to 9 1/8; fair to fully fair, 9 1/4 to 9 3/8; good fair to fine, 9 1/2 to 9 3/4 cents per pound. The price of cotton seems to have been wavering for the two previous weeks in the market to which our staple produce goes, and we much doubt any material advance above the present prices.

SUMTER VOLUNTEERS.

On Saturday the 28th ult., a parade of "The Sumters," a company organized in this District on the 6th of June last, under the twelve months requisition of the government, was held for the purpose of ascertaining how many of those who volunteered under the previous organization were able to enrol themselves under the new enlistment required by the Government for the whole period of the Mexican war. We are informed that upwards of 35 or 40 came forward and complied with the new terms. An opportunity is now afforded to the young and able-bodied men of the District to enrol for the continuance of the war, and to uphold the high character which Sumter has long held and claimed for devotion to the State and the common country.

LEGISLATURE OF S. CAROLINA.

This body convened on 23rd ult., and proceeded to organize. In the Senate, Hon. I. D. Witherspoon of York, was called to the Chair, when that body proceeded to elect its officers. The Hon. Angus Patterson was re-elected President; Wm. E. Martin, Clerk; John T. Goodwyn, Reading Clerk; J. B. Fulton, Door Keeper; J. D. Gaillard, Messenger.

The Senate having next sent a message to the House stating that it was ready for business, adjourned, to meet at 12 o'clock Tuesday.

In the House of Representatives, Maj. James Edward Henry, of Spartanburg, was called to the Chair; when the Hon. William F. Colcock was re-elected Speaker; T. W. Glover, Clerk; W. B. Lorr, Reading Clerk; and James McIlhenny, Door Keeper. There were two unsuccessful ballotings for Messenger. The House then appointed a Committee to notify His Excellency, Gov. Aiken, that it was organized and ready to receive any communication he might have to make. Received a communication from the Senate, informing the House that they were ready for business. The House returned a similar message, and adjourned to meet on Wednesday at 12 o'clock.

From the New Orleans Tropic, Nov. 21.

TAMPICO IS OURS!!!

ARRIVAL OF THE U. S. STEAMSHIP MISSISSIPPI.

The United States steam ship Mississippi, Lieut. Commandant Henry A. Adams, arrived at the South West Pass, on Thursday night, from Tampico, with Commodore M. C. Perry on Board. Commodore Perry and Purser Warrington reached the city, in the tow-boat Star, yesterday morning. We have had the pleasure of conversing with the officers above named, and from them we learn the gratifying intelligence that on Saturday, the 14th inst., Tampico was taken without the shedding of blood, and is now in possession of

Commodore Conner. The troops of thearrison had evacuated it some time before, carrying with them its guns and ammunition, or disposing of them in some way, so that they could not be found. The important city of Tampico is now ours, and the capture of it without the loss of a man, is a gratifying in the extreme. The town was garrisoned by about three hundred of our sailors and marines.

Com. Perry expresses the opinion that the possession of Tampico is more desirable and important to the United States, in view of a further prosecution of the war, than even Vera Cruz.

The Mississippi landed Acting Lieut. Anderson of the Navy, at the Brazos, to communicate to Gen. Patterson the capture of Tampico.

It is believed that the Mississippi, which vessel will start on her return to the squadron this evening, was ordered here to procure arms, ammunition, and it is thought, men, to reinforce the now United States garrison at Tampico.

Nothing of interest had been heard from the city of Mexico, but Com. P. says that the Government and people evince great bitterness towards the United States.

Commodore Perry is in robust health and fine spirits. The officers and men of the squadron are in the enjoyment of good health.

Troops for Tampico.—We learned, last evening, that all the Troops now here, and those expected here in a few days, are ordered to Tampico. There are some fifty recruits of 2d Infantry, who will leave tomorrow for the Balize, where the steamship Mississippi lies, on board of which they will proceed to Tampico.

The steamboat Albatross is expected tomorrow, with 120 recruits—also of the 3d Infantry. She would have been here today, but for some accident to her machinery. The companies of the new Rifle Regiment—400 strong—are also expected tomorrow. All these troops will be sent immediately to Tampico. It is rumored that the Governor of the State will be called on for a volunteer force, to hold and garrison this important point. He was garrisoned for some time, last evening, with Gen'l. Brooke and other officers of the army.—N. O. Delta.

CHERAW, NOV. 24.

HAIL STORM.—On Sunday afternoon last, between 3 and 4 o'clock, a severe hail storm passed over our town. Some of the hail stones were very large, and a number of window glasses were broken by them. The wind was very high, and blew with much violence from the N. W. prostrating trees, fences, &c. in its course. There was also, at the same time, a heavy fall of rain, and some thunder and lightning.—Gazette.

GOVERNOR'S MESSAGE.

EXECUTIVE DEPARTMENT.

Columbia, Nov. 24, 1846.

Gentlemen of the Senate,

and of the House of Representatives:

The assembling of the Legislature, to discharge the high duties devolved on it by the Constitution, is always an event of great interest, and at this time is rendered even more so, by the important circumstances which have taken place since its last session. Your predecessors, having fulfilled their term of duties, have returned to the bosom of their constituents—the people—who have, once again, without turbulence or disorder, exercised their sovereign power in your selection as Representatives, adding another peaceful trophy to the many illustrious triumphs of our Republican institutions. To your hands is committed a high and important trust, and fresh as you are from the midst of those whom you are commissioned to represent, having an intimate acquaintance with their wants and condition, and identified with them in every particular, the State may well look with confidence to the faithful and able discharge of the important obligations under which you rest.

The great failure in the provision, crop of the last season, which inflicted severe suffering on many of our people, has been followed, this year, by a most abundant and plenteous yield of every grain and grass, that serves as food for man and the animals committed to his care. The crop of one of our great staples, cotton, though moderate, is, at least, a fair proportion, when compared with that of our sister States, engaged in similar cultivation. The health of our people has been good, and they have been studiously assiduous of the laws, and every obligation of good citizenship, while, to crown all, a sense of returning justice has marked the measures of the Federal Government. The faithful fulfillment of its promises, in destroying the protective system,—its wise adherence to sound constitutional principles, in administering power,—the happy adjustment of our disputes with England, on terms so honorable and advantageous to each, bying broader and firmer the foundations of the peace and prosperity of both nations,—claim at our hands the warmest expressions of admiration. In the recent example and concurrent action of England and the United States, a progress has been given to the principles of Free Trade, among the nations of the earth, which, while it adds another grant to the great charter of human liberty,—the right to enjoy the full and unrestricted reward of its own labor,—promises the early fulfillment of that higher civilization and improvement, which imparts to our race the greatest usefulness, and confers the highest enjoyment, thus banishing the strifes and animosities of

war, and harmonizing nations in the bonds of peace.

It is deeply to be deplored, that at the very moment when we are thus earnestly cultivating and strengthening the principles of Peace with all other nations, we are unhappily involved in a War with our nearest neighbor, the sister Republic of Mexico,—a war forced upon us by her utter disregard of national obligations, commenced by herself most unnecessarily, and which has, thus far, been attended with humiliating reverses to her arms, accompanied with the loss of extensive States and Provinces, while it has been most signally successful and glorious on our part. Nevertheless, we cannot but lament the continuance of a contest, which, of necessity, compels us to inflict the scourge of invasion on our enemy, the calamities of which, however mildly conducted, must always be distressing, and the very success of which will infuse new and dangerous tendencies into our people, and, perhaps, new and dangerous elements into the administration of our Government,—leading us into war and conquest, away from that peaceful policy, by which our Constitution is to be preserved, and the permanent prosperity and greatness of our country most effectually secured. The efforts made by our Government to procure Peace, by sending the olive branch to Mexico, at the very moment when our armies, flushed with victory and elated with the most glorious triumphs, were ready to be precipitated upon her territories, were wise, well-timed, and, in all respects, such as became a powerful and magnanimous Nation. The honor of our country demands, since Mexico has refused to negotiate, that she shall be made to feel the full force of our power, and that the war shall be prosecuted with the utmost vigor. Yes! I cannot but indulge the hope, that she may be awakened to an early and just sense of her true condition, and that this unhappy contest between neighboring Republics, be brought to a speedy and honorable termination.

It is with pleasure and satisfaction that I turn from the contemplation of so painful a subject, and proceed to the discharge of the duties incumbent upon me: of making such suggestions as I may deem important to the interest of our beloved State, and having before you such information, in relation to her internal affairs,—her moral and physical condition,—concerning which it becomes you, as the Representatives of the People, strictly to enquire.

As a matter of the highest consequence, permit me here to call your attention to the all-important subject of Education.—The very important and, I might almost add, useless system, under which our Free Schools are at present conducted, calls loudly for Legislative interference, and I beg leave to refer your honorable body to my annual communication of the last Session, in relation to this subject, and, as closely connected with it, to urge the appointment of an officer, whose duty it shall be to exercise a direct and vigilant superintendency over this department.

Subsequent observation has tended to strengthen and confirm the former favorable impressions which I expressed in regard to the Military Academies, both in Charleston and Columbia, and I earnestly invoke for them your care and protection, as nurseries, in which not only the habits and duties of the soldier are acquired, but the substantial advantages of a solid and useful education. Too much praise cannot be accorded to the Superintendent and Professors, for the manner in which their duties have been performed, and the perfect order and decorum which have been maintained in these institutions during the past year.

I am rejoiced to have it in my power to state, that one of the favorite and cherished objects of the Legislature,—the South Carolina College, which has sent forth, into every portion of the State, so many well instructed citizens, to add to her renown, and sustain her high reputation,—is in as flourishing a condition as its warmest friends could desire. The administration of its accomplished President, aided and sustained by the combined efforts of the very learned Faculty with which he is associated, has been distinguished by the most gratifying results, and we may well entertain the hope, that a few years only will be necessary, with a wise and judicious expenditure on your part, to place it among the first class, in the rank of those literary institutions which enrich and adorn our country. The munificent liberality of a distinguished citizen of our State, has recently done much for this Institution, by the establishment of a scholarship for the benefit of a class of young men who might otherwise never be able to obtain the advantages of a collegiate education; and were any thing, but the consciousness of a noble act, necessary, his reward will be found in the gratitude of those to be benefited by his generosity, and the thanks of the whole State. While upon the subject of the College, I would respectfully suggest that a new Professorship—of Geology and Agriculture—be created, as a most desirable and important addition to those already established, thereby affording information on subjects closely connected with the industry and pursuits of a large portion of our people.

I would turn your attention like wise to the gratifying fact, that the spirit of the age in which we live, has called into existence, within the borders of our own State, other institutions, which may justly claim a share of patronage and encouragement, commensurate with the magnitude of their objects. The College in Charleston, and the Medical College in the same metropolis, are both of them, institutions that have caught

equality, will have been utterly destroyed, and the powers of the State and government concentrated in that, which has the greatest number of voters. It would be an entire and disastrous political revolution. Instead of the present excellent, constitutionally government, which makes ours, in its true meaning, a Republic or Commonwealth, that is, the Government of the whole, we would have an absolute and despotic democracy,—the government of one portion of the State over the other—the one that has the greatest number of votes, over that which has the fewest. No greater curse could befall the State, including both divisions—the one which would acquire the power, and the other which would lose it. It would corrupt the one and debase the other.

But we are told, in order to induce us to take a step so fatal, that all other States of the Union have adopted the general ticket for the appointment of electors. It is true that such is the case; but it is equally so, that its adoption was not the result of unbiased and deliberate preference. It was not so originally. I have not at hand the means of ascertaining the mode adopted at first by the several States, but unless I greatly mistake, I do not err in asserting that the great majority appointed their electors, either by Districts or their Legislatures, and few indeed by general ticket. That all since, except this State, have adopted it, is attributable, partly, to the violent party struggles, growing out of the Presidential election and partly to that tendency of all popular governments to concentrate power in the hands of the mere numerical majority as already explained. In these struggles, one state after another, of those that adopted the district system, resorted, in their eager desire for victory, to the general ticket, in order to concentrate their power; while the states, which, at first, appointed by their Legislatures gradually yielded to the tendency towards the numerical majority. That this state has been able to resist successfully the operation of such powerful causes is attributable to the superiority of her Constitution. Long may it enable her to continue her successful resistance, and, instead of following the evil example of others, may it be her patriotism and pride to be an example to them, even if it should remain, to be as it now is, a solitary one.

With these weighty and to my mind overwhelming reasons against the adoption of the general ticket, I would here close the discussion, as far as regards it, as being wholly out of the question, were it not for the deep conviction I have, as to the disastrous consequences to the state, which would follow, should it be unfortunately adopted. Under its influence, I feel it to be a duty, in replying to your note, to omit no material reason against it. There still remains one such, with which I shall close this portion of the discussion of the subject.

Those who support a general ticket seem to me, with all due deference, to rest its adoption on a series of unfounded assumptions. They assume, in the first place, that the federal Constitution vests the appointment of electors in the people. But such is not the fact. On the contrary, it expressly provides, that each state shall appoint its electors, with no other restrictions, except that the manner shall be as directed by its Legislature, and that no Senator, or Representative, or person holding an office of trust, or profit under the United States shall be an elector. It is, then, clear, the assumption, that the federal Constitution gives the appointment to the people, rests on another assumption that the people are the state. It is indeed true they are, regarded in their organic character, as constituting a body politic. In that sense, the people are the state, and the state the people, but no other. It is not, however, in that sense, that the advocates of the general ticket use it. On the contrary, they evidently apply it to the people, in their unorganized character as mere individuals,—a sense, in which the people are never called the state, nor the state the people. I say evidently, because the effect of adopting it would be, to give the appointment to a mere majority, regarded as so many individuals, without the slightest reference to the peculiar political organization of our state, or even an attempt to adjust the power of appointing the electors, so as to conform to it. But the assumption, that the people are the state in that sense, is as unfounded, as the first on which it rests, that the Constitution gives the appointment to them. But even this unfounded assumption rests on another equally so; that the numerical majority is the people, and on that rests the conclusion, that the adoption of the general ticket, which would give the power to it would be the same as giving it to the people. And this brings us to the final and radical assumption, which lies at the bottom of the whole series, that the majority has the natural, inherent and indefeasible right of governing,—an assumption not only utterly unfounded, but of the most dangerous character, and in direct conflict with the Constitution of this state and that of the Union. All natural rights are the rights of individuals, and belong to them as such. They appertain neither to majorities, nor minorities. On the contrary, all political rights are conventional. Neither majorities, nor minorities can rightfully exercise any such, but by compact or agreement, expressed or implied.—Some of the states of the Union, it would seem, have based their Constitutions on the assumption, that the mere numerical majority, has the right to govern. In such it would, indeed, be the state by implication, and the adoption of the general ticket by

them, for the appointment of electors, would be in conformity with the provision of the federal Constitution, which vests it in the state. But, such is not our case. Our state is organized on the far broader and more solid and durable foundation, of the concurrent majority, to the entire exclusion of the numerical. To adopt then the general ticket would not be with us to give the appointment to the State. On the contrary, it would be to introduce a new element, calculated to subvert and destroy the very foundation on which its organization rests, as has been shown.

Setting, then, aside the general ticket, for these numerous and insurmountable objections, as utterly inadmissible, no other alternative is left, but to retain the present mode of appointment, or adopt the District system, by dividing the state into a number of Districts equal to the number of its electors, and allot the appointment of one to each. If it should be thought preferable to give the appointment directly to the people, without any intermediate agency, then, the latter should be adopted, as the only way by which it can be truly given to them, and, that too, with strict justice to the two great divisions of the state, and without the hazard of destroying, or disturbing the compromise between them. The strongest objection to it, is, that it might diminish the relative weight of the state in the Presidential election, by exposing its vote to the hazard of a division. It is certainly desirable to avoid that, so long as the other states shall continue to concentrate theirs by a general ticket. But, I must say, even setting this objection aside, that I can see no adequate reason for changing the present mode.—Under our well constructed and just Constitution, the Legislature may, with strict regard to truth, be said to be the true representative of the state. It has heretofore proved to be so, in the appointment of electors. In no instance has it deceived or betrayed the state in reference to it.

Nor am I aware of any formidable objection against continuing the present mode, growing out of the late act of Congress, which may not be met by an amendment of our state Constitution, fixing an early day for the meeting of the Legislature every fourth year, so that it may be in session to comply with its provisions, and in having a call session for that purpose, until the amendment can be made.—But whether that should be done, or the District system adopted, notwithstanding the hazard of dividing the vote of the state, are questions to be decided, not so much by reference to principle, as considerations of expediency in reference to which the Legislature is the most competent to decide.

But it is urged, that a change must be made, because the Legislature has no right to appoint the electors. To this it may be fairly answered, that the objection comes too late. The federal government has been in operation more than half a century, during which time, there have been fifteen Presidential elections, at each of which one or more states have appointed their electors by the Legislature; and in not a single instance have the two houses of Congress, in counting the votes, objected to receive the vote of a state, because it was cast by electors appointed by its Legislature.

But waiving this answer, I cannot perceive any solid ground for the objection.—The federal constitution expressly vests the power of appointing the electors in the states; that is, as has been shown, in the people in their organized character as constituting a body politic, and the power of directing the manner of appointing in their Legislatures, without qualification. It is left to their discretion to decide, whether it shall be done directly by the people of the state or indirectly through intermediate agents, provided the manner directed, shall be such as to be fairly the act of the state; that is, of the people in the character above stated. The more perfectly and fully it would be theirs in that character, the more perfectly and fully would the intention of the Constitution be complied with, whether done through the direct vote of the people, or any intermediate agency, including the Legislature. But it is certain, that with us, whatever may be the case in other states, no other agency could be constituted or any other mode of appointment adopted, that would more perfectly and fully represent the state, or make the appointment more truly its act, than that by its Legislature.

I have now complied with your request, with as much brevity as possible considering the importance and complex character of the question involved. I have, indeed, experienced no inconsiderable difficulty, in discussing some of the points, to express myself with sufficient clearness to be well understood, without going into a discussion of some of the fundamental principles of political science, if it may be so called, and, thereby, increasing unreasonably the length of my answer to your request. As it is, I fear, in attempting to avoid prolixity, I have not sufficiently explained my meaning, on some of the points, to escape obscurity.

In conclusion permit me to say, if what I have written should shed an additional ray of light on the nature and character of our excellent state Constitution, or contribute in any degree, to guard against the adoption of any measure calculated to impair, or weaken it, I shall feel myself amply compensated for the time and reflect on I have bestowed on this communication.

J. C. CALHOUN.

Messrs. James L. Orr, William Sloan, A. Evans, and F. W. Symmes.