The New Orleans Bee.

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NEW ORLEANS, SATURDAY MORNING, SEPTEMBER 29, 1860. Vol. XVII—New Series. Vol. XXXIII.—Whole No. 11,792.

THE DAILY ...

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SUBSCRIPTIONS BY THE WEEK.

The carriers of the Bee are authorized to receive subscriptions to our paper, at the rate of 25 cents a week, payable in advance to the carriers themselves.

Assistant Under Title Bleg.

By E. Bayne & Co., at 12 o'clock, at No. 48 and 49 Old Levee street, bagging, bowie and shears; also, at 10 o'clock, assistant under title.

By C. E. Fayssoux, at 10 o'clock, at the Ursula Exchange, the negro boy Ned, aged about 18, brought from Carolina, and late daughter Alice.

By Vincent & Co., at 10 o'clock, at No. 28 Carondelet street, foreign and American dry goods.

By N. Viguie, at 11 o'clock, at the City Hotel, Royal street, the negro boy Alcide.

By M. Bernett, Jr., at 10 o'clock, at the corner of St. Louis and Chartres streets, dry goods, hosiery, blankets, clothing, &c.

By Phoebe J. Spear, at 4½ o'clock, at the corner of Ursulines and Galvez streets, furniture.

By D. E. Morgan, at 12 o'clock, at Messrs. L. J. Gayle & Co.'s, Old Levee street, No. 68, negro about thirty.

A MASTERLY PRODUCTION.

The aged man that will remember Amos Kendall—the reputed head of General Jackson's Administration; the shrewd, pushing, prying, original mind which secretly and invisibly was supposed to direct much of Old Hickory's vigorous volley, and to compose many of the State papers signed with her name. Mr. Kendall has been living quietly in Addison county, South Carolina, for a number of years, but even at the advanced age of seventy-one, the momentous crisis has aroused him from the lethargies and apathy which were stealing over him, and has indeed him once again to singing his unrivaled subject in defense of the Constitution and the Union. The occasion which has evoked Mr. Kendall's exposition was a letter from ex-Governor Owen, asking for a full declaration of opinions touching Secession, the rights of the South, and the issues at stake. Mr. Kendall replies at much length under date of the 25th instant.

He begins by referring to Mr. Owen's statement that the South should never suffer a Black Republican President to be inaugurated, and says that he shudders at such sentiments; that there is in such a recommendation a family little short of anathema, and adds:

Would you pull down the temple of heaven because wrong and crime exist on earth? Would you break up the earth on account of the dread beginnings earthquake constantly heave it and pestilence walks its surface? This Union, sir, is our temple; is the temple in which the North and South, East and West, to be broken up, even should a Black Republican be elected President next November. Should the attempt be made, an united North, and three-fourths of a divided South, would spring to the rescue. No, no, the remedy for the evils of which you loudly complain can be found within the Union, and not among its bloody rules.

I admit that the grievances which you enumerate are hard to be borne; but it is to South-ern men are not just subject of complaint for their existence. The general sentiment of the country, North and South, at the close of the revolutionary war was true and slavery. In less than in the South, has remains unchanged in the North. There, however, it has been rooted to an extent entirely by the prejudices of fanaticism and the desperadoes of political demagogues, aided not a little by the acts, the language, and the violence of Southern Disunionists.

Mr. Kendall then proceeds to examine into the causes which have brought the politics of the country to so deplorable a condition. He argues to prove that a small band of Disunionists have deliberately gone to work to break up the Democratic party; to render it entirely subservient to the ideals, and subsequently odious to the North, and thus to throw it into a minority; that the President has aided, consciously or unconsciously, in the scheme by siding with the Administration on the Lecompton question, and by proscribing all who declined accepting the new test of fealty. He affirms that secession was part of the programme of the Disunionists for breaking up the Democratic party, and that they went to Baltimore to complete the treasonable work begun at Charleston. He next grapples with the dogma of Congressional protection to slave property, which was made the pretext for a rupture, and which is made by Seward, Lincoln, and leading Republicans, the test of exclusion, and logical argument. We cannot deny ourselves the pleasure of perusing, unabridged, this portion of Mr. Kendall's letter:

If Congress have the right to legislate for the protection of slave property in the Territories, they have a right to legislate for the protection of all other property; and if they have a right to legislate for the protection of property, they have a right to legislate for the protection of persons. The assumption that they can legislate for the protection of slave property implies, necessarily and inevitably, to the conclusion that they have power to legislate for the protection of free negroes whatsoever. If you can pay your money on the argot of the power in the Constitution, should it exist, to protect slaveholders, if any can be found. Upon this principle Congress may acquire an empire outside of the organized States, free which it may exercise the most powerful sovereignty, governing it as the Roman Senate governed its conquered provinces. And this under a Constitution which positively restricts the Federal power of legislation to the territory and subjects of land purchased, with the consent of the States, for specified objects; and grants no power of general legislation over a Territory whatsoever.

To verify these positions we need only advert to the Constitution. Among the powers granted to Congress in the following, viz.

"To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may by cession of particular States, and the acceptance of Congress, become the seat of Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings."

Mark the jealousy with which this power is restricted. For the protection of the Government, &c., it is limited to a country not exceeding ten miles square, and it cannot be exercised over "the forts, magazines, arsenals, dock-yards, and other needful buildings," situated within the States, unless the land on which they belong has been ceded shall be first purchased with the consent of the Legislatures of those States. Is it conceivable that the framers of the Constitution, with the excessive power of legislation in Congress to a territory not exceeding ten miles square, and by a bare majority, granted that power broadly enough to cover the whole constitutional domain of the organized States, should it be assumed by pure construction?

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"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

The word "territory" used in this provision obviously means *land*, and nothing else. The United States, at the time when the Constitution was adopted, owned an immense domain of land north of the Ohio river, and these lands Congress was authorized to "dispose of." Then the word "territory" or "property" is constantly spoken of in connection with the words "and other property"—*territory and other property*. The subsidiary system of, there fore, is *property in lands*.

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The property of the United States, not on any other property, nor on persons or things as they may be connected with the public property. To this extent, and no further, is the power of Congress over a Territory granted to Congress, and whenever all the laws and other property are disposed of, the "rules and regulations" granted in this clause is rendered inoperative.

Moreover, this grant of power extends as well to property within a State as within a Territory, and a State has general power of legislation over it. A State Legislature; yet the power of "rules and regulations" granted respecting the public property in the same in a State as in a Territory. The scope of the grant can, of course, be no greater in a Territory than in a State, and it is manifest from the Constitution and from the laws of Congress to exercise powers of legislation, other than within limited spheres.

It is not a satisfactory reply to this argument to say that such a power has, to some extent, been exercised. It is beside the purpose to rely upon the usurpation them to put a stop to it, as in the case of the United States Bank, by bringing the Government back to the constitutional limits. It is the duty of every friend of the Constitution to protect it from violation, and the constitutional principle that Congress shall not legislate for the Territories at all, or the subjection of a private subject to the Constitution, which, in its application to property, is only delete the object it is advanced to promote, social equality and the free State majority to compel the establishment of slavery in the Federal Union with an express remedy of the organized States, over which the majority should dominate the people of the Territories at their option. If such an idea be chargeable, the opposition is not restricted then the Black Republicans, though they acquire the control of all the branches of the Government, will not be able to now put up the Congressional power over the question of property in the Territories over the objection of the people of the States, involving the power of general legislation, involving the people to destroy in every case protect.

In by the terms follows that the people who may country a Territory of the United States preparatory to an independent community with all the attributes of sovereignty. Though the Constitution of the United States does not apply to them, they live under another constitution of government which has more limited. I mean the government of sovereignty. They have the right to dictate of bands of banning or slavery located in the wilderness, who may adopt such rules and regulations in respect to it as they may think fit for the protection of persons and property, said Congress acknowledges to be the subject by admitting the State into the Union on the footing with the original States. At that moment, and not before, by power of a United sovereignty assumed, slavery or no slavery, and may be excepted or destroy local law, which the legislative power was bounded to make, is wiped out by the operation of the Constitution. It will be said that the people of the State may be unacquainted or reluctant to adopt slavery when about to assume the character of a sovereign State; a question for the people to answer when they shall present themselves for admission into the Union.

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The Constitution of the United States was not made for Territories but for States, as its name implies. It has, by strict rules of succession, nothing to do with Territories—consist of the States already beyond the protection and disposition of the common property therein. It goes no further than to authorize the Territories shall be left to themselves until they have a population adequate to the formation of a respectable community, when their independence should be acknowledged, and their admission into the Union granted on the same principles that they adopt a republican government.

But if we are to look to a basis as to the power of Congress to legislate for the Territories, is it not safer to adhere to principles consistent with principles? May the power then to assume to be a State of the original States, when admitted into the Union, and not the population of a third-rate city of the present day, and no harm would be likely to arise by leaving the Territories to themselves the until they have doubled the population of Delaware or Rhode Island in 1790. But would it not be incomparably better to admit them into the Union of States, with a much less population, than to allow them to be a bone of contention among demagogues and Disunionists, threatening every essential interest of the country and jeopardizing the union of the existing States?

The remainder of the letter is occupied with the question of the necessity for Southern troops, in case of a Black Republican's election to the Presidency. He hints how the inauguration of such a functionary is to be prevented; and denounces the folly of stating by an armed resistance after his election. We have not room to do so. He argues briefly but cleverly against the nullification theory. His points are the fact that the cry of Disunion, ignore not even those who confine most from Southern sentiment, but from those who suffer least, and that the frontier slave States have now a hundred slaves, where the entire States has only; and yet that the former are staunch and loyal to the Union. They prefer to fight the Abolitionists, if fight they must, within the Union, where their advocates are constitutionally distributed by constitutional obligations.

Mr. Kendall affirms that the South has a peaceful remedy in the overwhelming Union sentiment of the Middle and Western States. He says he, the present Administration out of power, the Democratic party, instead of virtually ministering to their designs, and placing itself fairly on Union ground, the majorities of Charleston and Baltimore would never have occurred, the "Constitutional Union party" would have been an impossibility, the Democracy would have recovered its ascendency in the North and an united party, entering the field in the North and of the South, would now have the presidency next November. What ought to have been the preventive must now be the remedy. Should Lincoln be elected, patriotic men everywhere must throw aside party considerations, and band together to check Disunion, keep down the Black Republicans, and expel them from power at the next election. Mr. Kendall, then, makes a strong appeal to the Democracy of the South, to which we are not among its bloody rules.

I admit that the grievances which you enumerate are hard to be borne; but it is from Southern men are not just subject of complaint for their existence. The general sentiment of the country, North and South, at the close of the revolutionary war was true and slavery. In less than in the South, has remains unchanged in the North. There, however, it has been rooted to an extent entirely by the prejudices of fanaticism and the desperadoes of political demagogues, aided not a little by the acts, the language, and the violence of Southern Disunionists.

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BY TELEGRAPH.

[TRANSMITTED TO THE NEW ORLEANS BEE.]

Further from Europe By the Steamship Persia—The Exhibition in the Papal States—The Surrender of Perugia.

NEW YORK, September 28.—The following is the balance of the news received at this port by the steamship Persia:

Garibaldi has continued to march in the States of the Church.

Gen. Fanti made his entrance into the town of Perugia on the 14th. There was heavy firing through all the night, and the enemy opened the fortress, which subsequently surrendered with 3000 prisoners including Gen. Schmidt. The loss on the Garibaldian side was trifling.

Gen. Cialdini has sent his soldiers to attack and disperse all foreign adventurers without mercy.

Doncaster St. Leger Races.—Mr. Ten Broeck's Umpire was fifth in the Doncaster St. Leger race.

Our Relations with Peru.—New York, September 28.—Advices from Callao state that Peru has made a proposition to settle the difficulties with our Government.

Havana Exchanges and Cuba.—New York, September 28.—Exchange on London is reported from Havana, having in its possession a large amount of money belonging to a firm in Madrid, which failed from the effects of the attack made on Seville by Gen. Prim.

Steamboat Stopped and Sunk.—Memphis, September 28.—The steamer Ross Douglas, Capt. McGinnis, struck a snag and sunk immediately above Osceola.

The boat will probably be raised in a damaged condition.

New York Markets.—New York, September 27.—Cotton quiet; sales to-day 1000 bales at 10½c. for Middling. Flour firm; sales 12,000 bbls. at $5 15 to $5 25 for Superfine State. Corn firm; sales 5500 bushels Western Mixed at 62½c. to 63c. Pork very dull; sales 500 bbls. at $19 75 for Mess. Lard very dull; sales 200 bbls. at 12¼c. to 13¼c. per lb. Coffee quiet; Cuyos at 14c. per lb. Sugar buoyant; sales 250 hhds. at 5¾c. to 7¾c. for Cuba, 6¾c. to 7½c. for Porto Rico, and 7¼ to 7¾c. for Havana; refiners are again purchasing.

Cincinnati Markets.—Cincinnati, September 27.—Flour dull but firm; sales at $5 to $5 25 per bbl. Corn firm; sales at 50c. per bushel. Whisky—sales of 200 bbls. at 19½c. per gal.

Letter from California—Arrival of the Express.

ST. JOSEPH, Mo., September 26.—The United Overland Express Company has received on this side, bringing the San Francisco dates to the 15th instant.

San Francisco Market.—San Francisco, September 15.—Trade with the country continues steady.

Wheat is firm and advancing.

Barley is now quoted at 124c.

A marcity of freights and tonnage has been experienced. Rates are looking up, and new arrivals will no doubt command an advance.

California Merchandise Exports.—The exports of merchandise, exclusive of treasure and of specie, since the 1st of September, are valued at nearly $5,000,000.

Enterprise vs. California.—A second western factory is now in process of construction at San Francisco, and will be completed in a short time.

Acquittal of Dr. Stow.—Doctor W. H. Stow, charged with killing a member of the California Legislature during the last session, had been tried and finally acquitted.

Mining News.—The news from the Coos and Rogue River mines is favorable. Persons are arriving there from Oregon every week, and many others are preparing to go.

Law Suits.—Mr. Call and others have brought suit against the Ophir and Mexican Companies. The aggregate amount of the suits is $250,000.

Arrival of the California Overland Mail.—Fort Smith, September 28.—The overland California mail has arrived at this point.

No news from California has been anticipated by the Pony Express.

The telegraphic line from San Francisco was completed to Fort Churchill the first week ago, and messages to that point would be transmitted on the 16th.

It is expected that the Indians are contesting their depredations in various portions of the West.

Immigration is now leaving Northern Texas in large numbers, and, rather, it was supposed, to the Territory of Kansas and the State of Missouri.

Bankers at Omaha City were purchasing $20,000 in gold a week from the returning miners.

St. Joseph and Denver City Mail Routes.—Washington, September 28.—The mail routes from St. Joseph, Missouri, and Dan ville City is to be discontinued.

The mails will go via Council Bluffs.

United States Treasury.—Washington, September 28.—The coupons on the Treasury Department fell due on the first week said $1,840,000, including $600,000 from customs.

Illness of the Chinese Minister.—Washington, September 28.—A private letter says that Mr. Ward, U. S. Minister to China, asks for six months' leave of absence on account of ill health.

Pennsylvania Politics.—Harrisburg, Penn., September 26.—At a meeting of the Pennsylvania Central Union Committee it was resolved inexpedient for the Bell-Everett party to nominate a Governor.

A committee was appointed to confer with the State electoral ticket.

A resolution was offered recommending an immediate withdrawing of Union State ticket in favor of the Douglas ticket, soon after the October election.

Appointments in the Census Bureau.—Washington, September 26.—The President has appointed Mr. Wm. J. Dekner clerk in the Census Bureau.

New California Mail Route.—Washington, September 26.—The Postmaster-General is making arrangements for the establishment of the California mails via Great Salt Lake.

It is understood that the transportation of the mails by the Pony Express will soon be stopped.

Monuments of the Dead, at Mexico.—Hia Arrival at St. Louis.—St. Louis, Sept 26.—Baron Gagdorp was enthusiastically received in this city. He lectured, the Western Academy of Arts yesterday, and left for Cincinnati this morning.

Bell and Breckinridge.

Which of these gentlemen has the largest pecuniary interest in Southern property? Neither of them is poor; where is Mr. Breckinridge's property? The following short letter about Mr. Breckinridge, we suppose, is an old acquaintance with the public by this time. It may be desirable, however, to read it in connection with one about Mr. Bell's Southern interest:

SARATOGA SPRINGS, LEXINGTON, KY., August 29, 1860.

Messrs. Williams & Co., Jamestown, Fla.:

Gentlemen: I have been requested to answer your inquiries in relation to Hon. John C. Breckinridge's ownership of slaves. I will state that for the last three years he has listed no property, either personal or real estate, for taxation, as appears from our tax books. Mr. Breckinridge has not personally made here, and heard at the Phœnix Hotel in this city.

Respectfully, T. R. CROSS, Sheriff.

Henry C. Yeatman, Esq., of Nashville, writes as follows to his friend, H. F. Lavillebovere, of New Orleans, under date of September 18, 1860:

I have just read the political portion of your letter to Col. Bell. He appeared much pleased with your denunciation of the state of feeling in the South, and remarked that the same sentiments you have manifested in the course of the letter. In reference to his objection to being elected by a sectional vote, I can answer for him that he is intermarried with his wife to the extent of one-third of our free blacks. We owned eighteen negroes belonging to the connection, and when he had so many slaves, Every boy brings additional good fellings from both the North and South. Mr. Douglas has squared here on the 30th, and Mr. Ostenaken on the 31st.

HENRY C. YEATMAN.

Additional News.

COLUMBUS, (Ga.) September 25.—Douglas and Johnson were here to-day, speaking in the Park. An immense crowd was in from surrounding townships and counties, and the proceedings was over an hour in passing.

ALBANY, (N. Y.) September 25.—James T. Brady, the celebrated lawyer, declines the Democratic nomination for Governor on the Douglas ticket, and says he will not leave to-night. He proclaimed war to the knife against the Tammany Democracy, declaring that if Lincoln were elected, Seward, the Island in the Secretary of State, and Evarts 33 Seward's planet in their domain, in which event the Republican party would be in the ascendant, and that after this session Douglas would not be heard of again. Brady declares that he will use his whole influence to defeat each, but that governance in the North or in the South.

There is but one Democrat left for Tammany. Of the two sectional tickets presented there is but little preference. Their nominees are the best men, and the only ones who have any chance.

With these views, which we have arrived after a silent and careful consideration, unbiased by any motives but the common good, and strongly warped over every personal wish, we are compelled to go for Bell, Everett, the Union, and the Laws.

The Washington (N. C.) Pioneer has abandoned its neutrality and will hereafter support Bell and Everett. In announcing the fact it says:

After due deliberation we have concluded to-day to the announcement that we will support the Union, the Constitution and the enforcement of the laws, by every honorable means in our power. We have done so from a sense of duty to the country, and to the utmost of its ability, to advance the principles of the Constitutional Union party, and the success of Bell and Everett, the standard bearers of republican principles.

The Southern Times, published at Tarboro, Jackson parish, Louisiana, says:

Douglas and Johnson are gaining in this parish every day. The old Union Democrats are coming to the rescue of their time-honored, glorious old party, and why may we not hope that even the deliberate efforts made here to find out the enemies upon them—men who never drew a Democratic ballot in their lives, and who repudiate to-day the name of Democrat!

This is the parish which the Breckinridgers boast of carrying by seven hundred majority. If they get one-tenth of that figure, they will have reason to rejoice.

Murder in New York.—New York, September 25.—An altercation took place this morning at a tenement house in Water street, between Thomas Sullivan and John McGee, which resulted in the death of the latter, from stabs from a sheath knife. The murder occurred in the presence of the wives and children of both parties.

Face the Music.—The editor of the Louisville *Democrat* has a friendly word of advice to Governor Wickliffe. The former says:

Governor Wickliffe, we suppose, is an old acquaintance with the public by this time. It may be desirable, however, to read it in connection with one about Mr. Bell's Southern interest:

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