Daily Appeal.

MEMPHIS.

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Reading Matter on Every Page.

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JUDGE BLACK'S REPLY TO SENATOR DOUGLAS.

Having republished Senator DOUGLAS' article from *Harper's Magazine*, we this morning give the reply of Attorney General BLACK, from the New York *Herald*, to our readers. Our object is to give both sides of the argument from the distinguished contestants in a fair, full and complete manner.

MESSRS. JEFF. DAVIS, BROWN, YANCEY, CLAY AND IVERSON.

A communication appeared in the APPEAL, on Thursday morning, which would have been rejected by the editors, had either of them seen it, or, at least, would have appeared with such comments as we deemed due to the distinguished southern Democrats, whose career and services are severely criticised. We need scarcely say to the readers of the APPEAL, who have for several years been witnesses of our admiration for such men as JEFFERSON DAVIS, that we could have find it in our heart to assail his public or private motives, either directly or indirectly, and when unjustly assailed, we would ever be among the first to defend him. In the present instance we do not agree with our correspondent, at all, in his sweeping imputation of disloyalism and a Jesuitical course against Col. DAVIS. On the contrary, we regard Col. DAVIS as one of the truest and most gallant spirits of our country. It is enough for us to put in this protest against the opinion of our correspondent, in as much as his remarks are general, and do not specify any particular deeds which he reprobates.

With regard to Messrs. CLAY of Alabama, JUDSON of Georgia, YANCEY of Alabama, etc., though we do not concur with them in many of their ideas, which we regard as extreme and impracticable, we take this occasion to say, that we see no special or general cause for southern writers to indulge in disparagement of them. Outside of their extreme views, we cherish for them a high regard, and, except to refute their opinions, when we deem they are becoming dangerous, we disapprove of any assaults upon them, or disparagements of their motives, to which we accord the high merit of honesty and sincerity.

We repeat that neither editor of this paper read the communication in question before it appeared in print.

The same remarks are applicable to Gov. BROWN, of Mississippi, that we have applied to the other distinguished gentlemen whom we have named. He is a true and warm-hearted southern gentleman, and any differences we may have with him either on abstract or practical points are honest differences, and can never effect our high estimate of him as a gentleman and a statesman.

ADULTERATED COTTON.

The following remarks from WAIGHT & Co.'s New York Cotton Circular deserve serious attention. The concluding warning about the proceedings of the English Cotton Supply Association are well worthy of consideration. There is a disposition to treat the proceedings of this Society with contempt, and to regard their experiments and explorations as the mere offspring of a sentimentalism engendered by opposition to slavery. That anti-slavery feeling has its share in the encouragement that Society receives is undoubted, but the Society itself is principally in the hands of the manufacturers and merchants of Manchester—a set of men unsurpassed for the practical nature of their ideas. Their great object is to raise up a cotton market that shall compete with the American market, and thus to secure to themselves that great object of their desires—"cheap cotton." The short-sighted people who are guilty of "splitting," "sandling," and other species of false packing, are their warmest and most efficient supporters the Manchester "philanthropic" men have. WAIGHT & Co.'s Circular says:

The severe losses upon shipments of sandy cotton, during the past season, seem to demand some notice, and the following position in connection with the subject may be worthy of consideration:

1. There was no sandy cotton worth mentioning fifteen or twenty years ago, and indeed very little ten years ago.

2. In the last few years the quantity has increased in a ratio far beyond the increase of crop.

3. The cotton gin, it is believed, has been improved in this interval, or at least, has not deteriorated.

4. The mode of adulterating cotton began in the New Orleans districts, but has since extended more or less over the whole cotton growing area.

5. Such cotton has become virtually unsalable at Liverpool, because of its superabundance and when a buyer has been found, the reduction in price has been twice or even four times as great as in the quantity on this side. In fact it has frequently happened, that the loss on ten bales of sandy stuff, is the cost of one hundred, has much more than counterbalanced the profit upon the whole.

6. Sandy cotton is destructive to machinery, for though all cotton is cleaned before it is spun up, some particles of sandy dust will remain, and greatly increase the wear and tear of axles, etc., hence, many spinners will not buy it at any price.

Supposing the preceding positions to be correct, or see nearly correct, it is impossible to avoid the conclusion, that the adulteration of is by instinct of it, wilful negligence on the part of the planter, which has been far carried by a course he would have avoided and been ashamed of a few years ago.

Under these circumstances we presume, the remedy for this great evil can never be effectually applied through the purchasers of cotton, and it must be palpable to them, that if they fail to apply it, they will not only damage their own interests, but the true interests of the planter. Let them, therefore, positively refuse to have "bale" of sandy and dirty cotton forced upon them in buying round lots, and decline to purchase sandy cotton at all, except at the fullest reduction in price, which its unpalatabonce has compelled them to concede at Liverpool and elsewhere; and let all importers in Europe frame their orders to this country upon similar principles. They may, for a time, be obliged to pay a relatively higher price for the clean qualities, but they will soon bring the evil of adulteration with sand to an end.

Liverpool is now fuller of sandy and dusty, and therefore, almost unsalable cotton, than ever before, and it remains to be seen, what further reduction there will be in the price of such stuff, when the cleaner qualities of the new crop become abundant.

This careless negligence among our planters has contributed to promote the energetic measures, by which the Cotton Supply Association in England has encouraged the production of cotton in so many parts of the world. A rapid increase is now taking place in its export from Africa; and the increase of production in India has been at a greater ratio in each period of five years, than in the United States; and it is undeniable, that while our cotton has been deteriorating in quality and cleanliness, East India, and other cotton lands have constantly improving in these respects. When, therefore, we consider that in eighteen months there will be an uninterrupted line of railroad from the interior of India to Bombay, and the careless and willful adulteration of our cotton with sand and dirt will stimulate the ratio of increase in India, etc., large as it has become, it appears to us, that our planters are jeopardizing their pre-eminent influence and power as the great producers of this necessary article.

It must not be forgotten that in the last few years there has been more demand for East Indian cotton in Europe than could be met by the supply, and that it has been solely in consequence of its inadequate supply from India, that so much of our low dirty and sandy cotton has been used by spinners, at the price they have paid for it in Liverpool.

EDITORS APPEAL: The introduction of the Wilmot Proviso in Congress, the session of 1847, brought forward the doctrine of Popular Sovereignty in contradistinction. The whole Democratic party advocated it, and none more ably than the venerable Senator from Michigan, Gen. Cass, in the Nicholson letter, and his speech in the United States Senate. In reference to the doctrine of the Nicholson letter you advocated in the following editorial of June 18, 1848:

We publish to-day, the letter of Gen. Cass to A. O. P. Nicholson, upon the Wilmot Proviso. Gen. Cass advocates, with great force, the true position, in our opinion, upon this exciting subject. He says in the most emphatic terms that Congress has no constitutional right or power to interfere with the institution of slavery in the States. That it is a civil and municipal institution, alone under the control of the people of the States, and is only a legitimate subjects of State legislation. This is the doctrine of the Constitution of the United States. Let the power to regulate the question of slavery rest where the father of the Republic saw proper to leave it, and all will be safe. Its existence there depends upon climate and soil, and the adoption of vegetation to them. Where labor ceases to be profitable, then the institution will exist no longer. Gen. Cass is equally clear and explicit with regard to the subject of slavery in the Territories. He thinks the "people of any Territory hereafter acquired have the right to regulate it for themselves under the general principles of the Constitution." We regard this as the true and safe doctrine. It would appear that if any Congress should create or abolish slavery in the Territories, and have no right to interfere with the institution in the States. The inalienable rights of life, liberty, and the enjoyment of property is the same, whether the citizen lives in a State or Territory, and it would be against all great principle of Democratic representation and legislation to say that the civil rights of American citizens should be created or abridged by a body in which they could have no voice.

The great doctrine of Popular Sovereignty, advocated in the above editorial, was laid down in the Democratic platforms of 1848 and 1856, and a consistent action on principle by the Charleston Convention, next year will sustain the principle.

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MEMPHIS, Sept. 16, 1859.

THE TERRITORIAL SLAVERY QUESTION.

Reply of Judge Black, Attorney General of the United States, to Late "Popular Sovereignty's" Manifesto of Mr. Douglas.

From the New York Herald.]

PREFATORY NOTE.

The writer of these "observations" waited a few days after the appearance of *Harper's Magazine* for September, in the confident expectation that somebody with more leisure and greater ability, was duly fully express the almost universal dissent of the public mind from the views contained in Mr. Douglas' article. He yielded to "the request of friends" only when he saw what he supposed to be a general wish for a discussion more extended than could be given of such a subject in newspaper paragraphs. Why not put the writer's name to it? Because the truth or falsehood of what is written does not depend on the name or character of him who wrote it. *Be Ribellum!* Let it go forth, and find what entertainment it can.

WASHINGTON, Sept. 7, 1859.

Every one knows that Mr. Douglas, the Senator from Illinois, has written and printed an elaborate essay, comprising thirty-eight columns of *Harper's Magazine*, in which he has undertaken to point out the dividing line between federal and local authority." Very many persons have glanced over its pinnacles to catch the leading ideas without loss of time, and some few have probably read it with care.

Those who dissent from the doctrines of this paper owe to its author, if not to his arguments, a most respectful answer. Mr. Douglas is not the man to be treated with a disdainful silence. His ability is in fact unquestioned; his public career, in the face of many disadvantages, has been uniformly successful; and he has been for many years a working, struggling candidate for the Presidency. He is, moreover, the Cerypheus of the political party, the founder of a new school; and his disciples naturally believe in the infallible verity of his words as a part of their faith.

The style of the article is, in some respects, highly commendable. It is entirely free from the the vulgar clap-trap of the stump; has no vain adornment of classical scholarship; it shows no signs of the frequent Senatorial is even without the logic of the great debater. Many portions of it are very obscure. It seems to be an unsuccessful effort at local persuasion like the writing of a Judge, who is trying in vain to give good reasons for a wrong decision on a question of law which he has not quite mastered.

With the help of Messrs. SEWARD and LINCOLN, he has defined accurately enough the platform of the so-called Republican party; he does not attempt to controvert the proposition that their doctrines are, in the last degree, dangerous. They are, most assuredly, full of evil and only evil, and that, too, of the most "probable conduct" which they speak of with so much pleasure between the "opposing and enduring forces" of the Northern and Southern States, will be felt not merely in the South, but in the country, but to the existence of the government itself. Mr. Douglas knows this, and he knows also that the Democratic party is the only power which is, or can be, organized to resist the Republican forces, or oppose their hostile march upon the capital. He who divides and weakens the friends of the country and weakens the friends of the country assumes a very grave responsibility.

Mr. Douglas separates the Democratic party into three classes, and describes them as follows:

First. Those who believe that the Constitution of the United States neither establishes nor prohibits slavery in the States or Territories beyond the power it gives to the States or Territories to make it lawful or unlawful. It leaves the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States.

The Constitution neither establishes nor prohibits slavery in the States or Territories. It is the same in this that the Constitution does not, of itself, make any person or any man's slave, or create the condition of slavery, and impose it on free negroes, but leaves the question of every Black man's status, in the Territories as well as in the States, to be determined by the local law. Then we admit, for I is the very same proposition which we have been trying to prove. But if, on the contrary, I is to be understood as an assertion that the Constitution does not permit a master to keep his slave, or a freeman to have his liberty, in all parts of the Union where the local law does not interfere to prevent it, then the error is not only a very grave one, but it is also absurd and self-contradictory.

The Constitution neither establishes nor prohibits slavery in the States or Territories beyond the power of the people legally to control it, as other property. This is nothing to Point-to-Point strain. Of course a subject, which is legally controlled, cannot be beyond the power that controls it. But the question is, what constitutes legal control, and when the people of a State or Territory are in a condition to exercise it.

The Constitution of the United States * * * * leaves the people perfectly free—now, subject only to the Constitution of the United States. This carries us round a full circle, and brings us precisely at the place of beginning. That the Constitution, here as everywhere else, is most true. We are far from denying it. We never heard it doubted, and expect we never will. But the statement of it proves nothing, defines nothing, and excludes nothing. It merely darkens the subject, as words without meaning always do.

But notwithstanding all this circuity of expression and consequent emptiness of meaning in the magazine article of Mr Douglas, we think we can guess what his opinions are or will be when he comes to reconsider the subject. He will attack (at least he will undertake to deny) that the status of a negro, whether of servitude or freedom, accompanies him wherever he goes, and follows him in any law on the subject. We do not charge him with any intention to be unfair, but we assert that he has, in fact, done worse (or probably, nine-tenths-of the party by attempting to put them on grounds which they never chose for themselves.

The Constitution certainly does not establish slavery in the Territories, nor anywhere else. Nobody in this country ever thought or said so. But the Constitution regards as property lawfully acquired in a State. If a citizen acquires property of any kind in a State, and goes with it into a Territory, he is not for that reason deprived of it. Our whole argument is that the legal owner of a slave or other chattel may go with him into a Federal Territory, without forfeiting his title.

Who denies the truth of this, and upon what ground can it be controverted? The reasons which support it are very obvious and very undeniable. A contrary doctrine would leave Douglas ought to be familiar with them, and there was a time when he was supposed to understand them very well. We will briefly give the reasons for the principle of public law, that a right of property, a private relation, condition or status lawfully existing in one State or country, is not changed by the mere removal of the parties to another country, unless the law of that other country be in direct conflict with it. For instance: A marriage legally solemnized in France is binding in America; children born in Germany are legitimate here if they are legitimate there; and a merchant who buys goods in New York is not obliged to see that the State law carries them to Illinois and hold them there under his contract. It is precisely so with the status of a negro carried from one part of the Union to another. Slavery is a status, and its freedom or servitude depends on the law of the place where he resides now, and depends on that alone, if there be no conflicting law in the place to which he goes or is taken. The Federal Constitution therefore recognizes slavery as a legal condition wherever the local government chooses to let it stand unabolished, and regards it as illegal wherever the laws of the place have prohibited it. A slave being property in Virginia, remains property, and his master has all the rights of a Virginia master wherever he may go, so that he go not to any place where the local law comes in conflict with his right. It will not be pretended that the Constitution itself forbids to the Territories a conflicting law. It contains no provision that can be construed into any semblance of a prohibition.

2. The dispute on the question whether slavery or freedom is local or general is a mere war of words. The black race in this country is neither bond nor free by virtue of any general law. That portion of it which is free is free by virtue of some local regulation, and the slave owes his servitude to a similar reason. The Constitution and laws of the United States simply declare that everything done in the province of the State government and within it, and they shall be protected in carrying it out. But free negroes and slaves may both find themselves outside of any State jurisdiction, and in a Territory where no regulation has yet been made on the subject. There the Constitution is equally impartial. It neither frees the slave nor enslaves the freeman. It requires both to remain in statu quo until the *status* already impressed upon them by the law of their previous domicil shall be changed by some competent local authority. What is competent local authority in a Territory will be elsewhere considered.

The first question to be asked is, to whom it belongs, and to both the others he is equally opposed. He has no right to come between the second and third class. If the difference which he speaks of does actually exist, it opponents, it is their business, not his, to settle it or fight it out. We shall, therefore, confine ourselves to the dispute between Mr. Douglas and his followers on the one side and the rest of the Democratic party, on the other; presuming that he will be willing to observe the principle of non-intervention in all matters with which he has no concern.

We will insert the order in which he has discussed the subject, an endeavor to show—

1. That he has correctly stated the doctrine held by his opponents; and

2. That his own opinions, as given by himself, are altogether unsound.

1. He says that a certain portion of the Democratic party believe, or profess to believe, that the Constitution establishes slavery in the Territories, and insists that it is the duty of the Judiciary to maintain it wherever there is any law on the subject. We do not charge him with any intention to be unfair, but we assert that he has, in fact, done worse (or probably, nine-tenths-of the party by attempting to put them on grounds which they never chose for themselves.

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The federal constitution carefully guards the rights of private property against the federal government itself by declaring that it shall not be taken for public use without compensation nor without due process of law. Slaves are private property, and every man who has taken an oath of allegiance to the institution is religiously, morally and politically bound to regard them as such. Does anybody suppose that a constitution by which acknowledges the sacredness of private property so fully would wantonly destroy that right, not by any words that are found in it, but by mere implication from its general principles? We might as well be asserted that the general principles of the Constitution gave Lane and Montgomery a license to steal horses in the valley of the Osage.

4. The Supreme Court of the United States has decided the question. After solemn argument and careful consideration that court (which has associated in it some of the first ability in the country) has decided that it is the duty of the Judiciary to maintain