Daily Appeal.

MEMPHIS.

THURSDAY, :: NOVEMBER 3, 1859

Reading Matter on Every Page

Largest Circulation in the City

FIRST AND FOURTH PAGES.

FIRST PAGE.—Results of the Investigations of Senator Mason; From Russia to Pekin; The Bonapartes and the Beauharnais—The Revenges of History.

FOURTH PAGE.—Poetical—Day and Nightly—Philosophy of Human Life; Fashionable Women.

MR. BAYLESS' RESOLUTIONS.

We have already published the resolutions introduced into the Legislature of Tennessee by Mr. BAYLESS, and we think there ought to be no division of public sentiment as to the propriety of their passage. They truly express the feelings and principles of our people touching the late treasonable ferray into the State of Virginia. The same feray might just as well have been made into either one of the slaveholding States, who are united by common institutions, common sympathies and a common destiny, and who ought to be, and will be, prepared to stand or fall together. The importance of an expression of the sense of the Southern States with regard to this unprecedented outrage, lies in the fact that it is time for the world to know that the people are firmly united in the determination to defend and enforce their rights, and that no party prejudice can ever divide them in the recognition of their duty. It is true that, in its immediate consequences, the Harper's Ferry outrage was a very small affair; but in its significance, as reflecting the wishes of a large portion of the Black-Republican party, and as indicating the loyalty of the southern slave in his patriarchal relation to the master, it possesses an unlimited importance.

It is in this view that the South should unanimously concur in expressing one universal sentiment of execration for the real authors of this diabolical outrage—those who are morally responsible for it—the Black-Republican press and orators. Let public indignation consume them, and especially let the South present a united and unbroken front, to teach them how impotent is their treason, how dark their guilt, how strong the moral force of a righteous public opinion, when aroused in the vindication of constitutional right, public order and the preservation of our institutions. It is only thus that the unholy agitation in the Northern States can be effectually crushed out and such mad warfare be forever prevented. The South must present an unbroken front against those who instigate the attacks upon her, and must show to her enemies that Abolitionism and Black-Republicanism have no sympathizers or allies to her borders.

MISSISSIPPI LEGISLATURE.

This body assembles at Jackson on Monday next. Several of the delegates from the northern counties were in the city yesterday en route for Jackson. We had the pleasure of visits yesterday from Gen. TALIAFERRO, senator from Jackson, and M. BRYZER, one of the representatives elect from DeSoto.

CURRENT TOPICS.

IN THE COUNTRY, OCT. 29, 1859.

EDITORS APPEAL:—Sons of the Opposition papers of the South, it seems, are engaged just now in an ill-conceived attempt to make the people believe that the Black-Republicans are in no way responsible for the Abolition invasion of Virginia, at Harper's Ferry. Such a course is not only disloyal, it is insulting to the intelligence of the South. Say what they will against Abolitionism in the abstract—and some of them are trying to frame out spit stroke in that way of late—they cannot hide the fact that many of their Northern allies, the so-called "conservative" Republicans, have openly attempted to excuse old Brown and his band of incendiaries, on the "patent" plea of insanity, while others shameless justify them on the double ground of "revenge" and "philanthropy." Strange juxtaposition—horrible dilemma!—when men are brought to such shifts as this to justify treason and extenuate the wholesale slaughter of the men, women and children of the South!

I thank you, Messrs. Editors, for the publication of the letter of the Hon. Mr. Vallandigham, the noble Democrat of Ohio, on the Harper's Ferry outrage. It is the letter of a patriot—of a brave, honorable and high-principled man, who, though living in the most fanatical Black-Republican region of the Union, dares to tell his fellow-citizens the whole truth about the fiendish plot of treason and incendiarism and has so long attempted against the Republic. He tells the slave-holding men of every grade—"conservatives," middle-men and ultras—that cause and effect were never more intimately related than are the teachings of the Republicans and the outbreak at Harper's Ferry. He tells them that "the conspiracy was the natural and necessary consequence of the doctrines proclaimed every day, year in and year out, by the apostles of abolition." He tells them "that Brown has been deliberately guilty of treason and murder," to their most mortifying and abominable forms; and "that he (Brown) will perish justly and miserably—an insignificant felon; but guilter than he, and more than his blood upon their skirts, the false and cowardly prophets and teachers of abolition." And more of the same sort.

Where, but from Democratic lips and hearts will you hear such language in the North? Besides, who does not know that although there may be different degrees of baseness among the advocates of anti-slavery—although there may be shades of distinction among the Republicans, from the "dark-colored" to the "sooty black"—they are, nevertheless, all of the same seditious family of abolition, and that the trail of the serpent is over all, from Banks to Watson, Webb, down through Sewards and Greeleys, to Giddings, and Garrison, and Gerrit Smith.

And so, Messrs Editors, it has come to light that Senator Seward was consulted beforehand, about the proposed insurrection! This United States Senator, under oath to the Constitution and laws, knew that treason and insurrection, and wholesale slaughter were in contemplation by his fanatical followers, and "kept it to himself, and shook off to Europe! Is it possible that any patriot, any gentleman, any man of honor, can be willing to sit down in the deliberative body, with this arch traitor, at the approaching session of Congress? Seward, are o'ing in present appearances, has been guilty of something, more than misprision of treason, for while conniving at treason, it seems, he did not disseat from the plan of insurrection, and endeavored to save "his country" by "regretting" that the plot had been communicated to him! Chase, of Ohio, who, it is said, is about to be re-elected to the Senate, is to a still worse box. He, we notice, contributed money for the "philanthropic cause" of murdering the citizens of Virginia, and of the slaveholding States, where insurrection "would have broken out, but for the mistake or precipitancy of old Brown. Can any southern man—can any man who is loyal to the Constitution of his country, loyal to truth, honor, or religion, submit to sit in same legislative council with this cowardly shelter of cut-throats and assassins?

Again: supposing, when regulations are made upon the Abolition Governors of Ohio and New York, for Chase, and Giddings, and Seward, Gerrit Smith and Fred Douglass, and others, as "accessories before the fact" to the great crime committed at Harper's Ferry—suppose, as is most likely, those fanatical officers refuse to comply—what then? And, in such event, suppose that the President sends troops to effect their arrest, as I have no doubt he will do—what then? Suppose New York and Ohio resist—don't you see, Messrs. Editors, that so far as this Government is concerned, chaos will almost have come again, and all this, too, directly resulting from the teachings of the false prophets of Abolition, the high priests of that "conservative" head of self-styled "Republicans," with whom the southern Opposition would have to unite solely in order to beat down the only national and constitutional party left in the land?

J. P. P.

Giddings Denies.

Mr. Giddings delivered, as promised, at Philadelphia, October 28, an address for the purpose of explaining what he knew about Brown. He said he invited Brown to Jefferson, Ohio, where he delivered a lecture one Sunday, after church, telling his trials in Kansas. After the lecture, Mr. Giddings promoted the audience to contribute for the relief of Brown. Afterward Brown took tea at his residence, where they had conversation, though Brown never said he intended to visit slave States to free slaves. Giddings inferred he would, if opportunity offered, satisfy from his having done so in Missouri. These were the only times Giddings saw Brown. He asserts that neither in the lecture or conversation did Brown say he had accomplices or associates. No mention was made of Harper's Ferry or Virginia organizations, or of a Provisional Government. He acknowledges contributing three dollars to Brown toward the necessities of his father after the release of Dow from the kidnappers—a mother in which Giddings acknowledged he had taken a strong interest. In bestowing this gratuity he had little idea it was to aid in fitting out an expedition which was to capture Harper's Ferry, or in the remote of the Old Dominion, and strike terror to the Executive.

POPULAR SOVEREIGNTY IN THE TERRITORIES.

JUDGE DOUGLAS IN REPLY TO JUDGE BLACK

[CONCLUDED.]

So it appears that from the day that the Territory was organized under a temporary government, with a Legislature elected by the resident inhabitants, the power of Congress, even "for the preservation of peace and good order among the settlers," ceased; and, the people thereof were left perfectly free to form and regulate their domestic institutions in their own way, subject only to "the principles of the confederation," which conferred on Congress no power over the domestic concerns and internal policy of the people, neither in the States nor in the Territories.

Now let us see whether it be true, as asserted by Judge Black, that this Jeffersonian plan "was superseded by Congress and never afterwards referred to by Mr. Jeff—nor himself."

On the next page, 279, of the same volume of the journal, will be found the following entry:

"The amendment of Mr. Gerry being adopted, the report as amended was agreed to as follows:"—Here the journal contains the entire Jeffersonian plan, the substance of which was embraced in my article in *Harper*. On the next page, 280, at the end of the Jeffersonian plan, will be found the following entry:

"On the question to agree to the foregoing, the yeas and nays being required by Mr. Beresford:

New Hampshire—Mr. Foster	Ayes	1
Massachusetts—Mr. Gerry	Ayes	1
Rhode Island—Mr. Ellery	Ayes	1
Connecticut—Mr. Sherman	Ayes	1
New York—Mr. De Witt	Ayes	1
New Jersey—Mr. Brearley	Ayes	1
Pennsylvania—Mr. Mifflin	Ayes	4
Virginia—Mr. Jefferson	Ayes	3
Maryland—Mr. Stone	Ayes	2
North Carolina—Mr. Williamson	Ayes	2
South Carolina—Mr. Beresford	Ayes	1

"So it was resolved in the affirmative."

Thus it appears by the journal that the Jeffersonian plan of government for the territories, instead of having been "rejected by Congress," was actually adopted by the vote of ten States out of the eleven, and by the voice of twenty-two members out of the twenty-four present.

The importance of destroying the authority of this measure, and of the almost unanimous vote of the States and of the members of Congress by which it was adopted, is apparent when we consider that even the all-powerful of the United States would feel some delicacy in charging Thomas Jefferson and his illustrious associates—those who are morally responsible for it—the Black-Republican press and orators. Let public indignation consume them, and especially let the South present a united and unbroken front, to teach them how impotent is their treason, how dark their guilt, how strong the moral force of a righteous public opinion, when aroused in the vindication of constitutional right, public order and the preservation of our institutions. It is only thus that the unholy agitation in the Northern States can be effectually crushed out and such mad warfare be forever prevented. The South must present an unbroken front against those who instigate the attacks upon her, and must show to her enemies that Abolitionism and Black-Republicanism have no sympathizers or allies to her borders.

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DOES THE CONSTITUTION CARRY SLAVERY INTO THE TERRITORIES?

VIEWS OF THE CONSTITUTIONIST.

Judge Black says, that "The Constitution certainly does not establish slavery in the Territories, nor anywhere else." It would be a very pleasant thing for the Democracy if this has had the happy effect of drawing from the attorney-general a declaration so unexpected as it is gratifying to the great body of the Democratic party, that "the all-powerful to be Palmetto twenties" of the party, as he asserts, will tend in a great measure to restore harmony to a crumbled and unity to our ranks. It is to be regretted that he has not used this language in any editorial or technical sense, commending to a more public view and more favorable light the doctrine which he wishes to be understood as declaring that slavery does not derive its legal existence or validity from the Constitution of the United States, but that it is owing to the action of the local laws of the and so more, under the Constitution, in the several Territories as in each of the States of the Union; and that those rights are not affected by the Constitution, but are left to stand on equal the provision for the rendition of fugitive slaves, which is the same in the States and Territories.

With this understanding, I do not feel disposed to quarrel with Judge Black for its expression assertion that "nobody ever said or thought" that the Constitution established slavery "in the Territories, nor anywhere else," nor with Mr. Buchanan for his statement in his Lecompton message to Congress, that—

"It has been solemnly adjudged by the highest judicial tribunal known to our laws that slavery exists in Kansas by virtue of the Constitution of the United States. Kansas is therefore, at this moment as much a slave State as Georgia or South Carolina."

I am also willing to accept in the same spirit of harmony the as hostile law explanation which the attorney-general has furnished in his answer to Governor Wise, that "all he meant to say was that slavery exists in the Territories in virtue of the Constitution in the same sense that "Christianity," Mormonism, Mohammedanism, Polygamy, and the Devil, or any other evil, exists in the Territories; and that therefore Kansas is a slave State in the same sense that Georgia and South Carolina are Christian States, or Mormon States, or Mohammedan States, or Pagan States; that "the Constitution does not establish Christianity," nor Mormonism, nor Mohammedanism, nor Paganism in the Territories; but that "Christianity, of course Mormonism, and Mohammedanism, and Paganism," exists there by virtue of the Constitution, which "does not establish, or Mormon, or Mohammedan, or Pagan" exists in a Territory, he cannot be prevented from taking his religion along with him, nor can he be prevented from practicing his religion in the same manner as the people and legislators of the Territory by whose authority those the prevention have any legal existence or power. What authority can any such "constitutional convention" have except that which it derives from the legislature which called it into existence, or from the people of the Territory by whom the delegates were elected? If neither the people nor the territorial legislature possess any sovereign power, where is the sovereign authority to be found in the constitutional convention of their own creation? Suppose, then, the people of a Territory shall "wait until they are a constitutional convention for the authority of slavery to come into their hands in Dunks, and again at Lecompton, in Kansas, what power will they have to confiscate private property? or to interfere in the slavery question, or to perform any other act of a sovereign nature? Is it not the fact that the Territories "have no attribute of sovereignty about them?" I can understand how the Democratic legislature can exercise legislative power over all rightful subjects of legislation in pursuance of the act of Congress and the Constitution; but I confess my inability to understand how any "constitutional convention" without the consent of Congress, and subject the organic law established by Congress, and exercise all the sovereign functions pertaining to a sovereign State, before the Territories become States, and when "either have no attribute of sovereignty about them?"

DOES SLAVERY EXIST IN THE TERRITORIES BY VIRTUE OF THE CONSTITUTION?