THE WILMINGTON JOURNAL.

CONFEDERATE STATES OF AMERICA.

WILMINGTON, N. C., SATURDAY, JULY 27, 1861.

THURSDAY, JULY 25TH.

We had the pleasure this morning of seeing in our office one of the soldiers from General Garnett's force at Laurel Hill. He contradicts the reported surrender of four Georgia companies at that point. Four companies were cut off from the main body, and were unable to rejoin—but they have since got safe to Monterey, not on parole, having never been taken. Their sufferings were very great indeed. Our informant says he met one of our North Carolina volunteer regiments, Col. Lee's, we think. They were in excellent health and good spirits.

The "Daylight" will have to do better, if she expects any one to acknowledge her blockade of our port as either actual or effectual. Two vessels have just come in.

"There's Jeff Davis!" was the cry that rang through the ranks of the Southern army at Manassas, when the President appeared on the field. The wavering rallied, and the bravest out-did all their former efforts. The fight was no longer doubtful.

Among the prisoners taken on Sunday, was a Mr. Ely, a member of Lincoln's Congress from Rochester, New York. Mr. Ely was an amateur fighter. He was secured by Captain Harrington of Col. Cash's South Carolina regiment.

The reports from the North are very conflicting, none of them, however, put the Federal loss in killed at a less figure than four thousand. We presume six thousand killed would be nearer the mark. As there are generally two wounded to every one killed, we think that the effective force of Lincoln's army has been reduced by amount not less than twenty thousand. There is no doubt but that General Scott will make every effort to retrieve his defeat, and men will be poured down rapidly. They lay all the blame now upon Patterson. The next time it will be somebody else.

Perhaps nowhere is the effect of the news more startling than in Louisville, St. Louis and Baltimore, where the Southern men, although under the heel of a military despotism, actually cannot contain themselves, nor conceal their joy. "The little iron man from Massachusetts," who boasts of "throttling" Maryland, may yet be forced to give up his grip and defend his own life, or seek safety in flight.

SATURDAY, JULY 27TH.

The Portsmouth *Transcript* says that Lieutenant Selden, who recently passed through here as a prisoner in charge of a portion of the Florida Regiment, has violated his parole at Richmond and decamped. Selden had been in the United States Navy, was in charge of certain prizes. He was taken and the prizes recaptured by the Floridians. Selden is a Virginian.

The Norfolk *Day Book* is happy to say that the report of the death of Captain D'Lagnel is unfounded. He is still alive, although severely wounded. We trust that this report of the *Day Book* may prove to be true, but we fear it is not.

The Petersburg *Express* of yesterday repeats the rumor already alluded to by us with reference to Beauregard's having entered Alexandria without firing a gun. *Something* is going on in that direction, or towards Leesburg, or both, but *what*, is difficult to say. One thing is certain, the telegraphs and correspondents keep very close. This is of course the order of the Confederate authorities, who, without violating any civil rights, can effectually prevent an exposure of their military plans, movements or operations.

The Richmond Despatch states on reliable information that T. F. Meagher, the celebrated Irishman, who volunteered to fight against Virginia, which led the way in defending the rights of foreigners against the Know Nothings of the North, was killed in the battle of the 21st. The Despatch rejoices to hear it.—So do we. It served him right.

When Lincoln and Scott learned the result of the fight on the plains of Manassas, they not only *thought* "damn it!" but they *said* it. By the way we much prefer the name of Manassas to designate the great battle field of the 21st, to any of the other names so far employed. Manassas is sonorous; it is Scriptural; it is connected in the Southern mind with so many associations of Beauregard's stand to check the Federal advance; it is the locality to which our troops fell back, and beyond which they would *not* fall back, weeks ago. The general idea of the battle arises at the mention of Manassas. It does not in connection with Bull's Run or Stone Bridge. What name may finally take its historical place in the battle roll we cannot say, but our vote is for Manassas, although, really, the leading position so long held by General Beauregard is far enough from the true Manassas, which is a gap in the Blue Ridge—Manassas Gap,—whereas the battle-ground was in the neighborhood of the junction of the road which crosses the Blue Ridge at that Gap, with the Orange and Alexandria Road. It is called the Manassas Junction.

The Savannah Daily papers, yielding to the pressure of the times, have been compelled to raise their subscription price to $8 a year. The price of the Charleston Courier or Mercury is $10; of the Mobile Register, $10—of the Tribune, $8; New Orleans Picayune or Bulletin, $12—Delta or Crescent, $10; Memphis Avalanche, Bulletin or Appeal, $10; Nashville Union or Banner, $8; Montgomery Advertiser or Mail, $8. We state these facts, not by way of preliminary to a rise in our rates, for *we* have no such intention, but simply to show how the thing works upon the newspaper business as well as upon every other.

General Scott has made up his mind to occupy Richmond on the next *thirtieth of February*. One of Ellsworth's Zouaves had been assured that *he* should dine this week in Richmond. Before he had a chance to pull trigger, a ball tumbled him over and he was taken to Richmond sure enough. "Well," said he, "here I am in Richmond!" "but," added this pious and examplary man, in his poetical style "How the h—ll am I to dine with a ball in my belly?"

THE enemy at Manassas appears to have been armed mainly with Minie rifles, or at least to have fired Minie balls. This is shown by the character of the injuries inflicted upon our people who fell either dead or wounded by small arms. The Minie ball, especially when fired from a rifled weapon, makes an awful wound, not to be mistaken for that made by a round ball from a musket. More in proportion of the enemy fell by cutting and thrusting weapons, and by artillery. The bayonet and bowie knife with the Light artillery, were all used with terrible effect by the soldiers from the extreme South West.

A Good Arrangement.

We learn that the Wilmington & Weldon Rail Road Company is about fitting up a few ambulance cars for transportation of sick and wounded soldiers. These cars are intended to run all the way from Richmond to the Cape Fear River—they are to have easy lounges and hammocks.

Will other roads join in this arrangement?

We trust they will. When the pulse throbs with fever or the mangled frame is torn with torture at every turn, the changing of cars and the forced necessity of maintaining an erect position is agony unendurable, and certainly an agony that our wounded soldiers ought to be spared if an arrangement can be made whereby this can be done.

Some Reflections

We take it for granted the full and interesting account of the battle at Manassas, or Stone Bridge, as the location is differently named, which we take from the special correspondence of the Richmond Despatch, together with the able and patriotic address delivered by Hon. John C. Breckinridge, will be read by all, and be more acceptable than anything we could offer of our own, and we therefore have the less hesitation in surrendering so large a portion of our columns to these documents.

We need hardly say that yet throughout the length and breadth of the land, North as well as South, the contest of last Sunday holds the foremost place in the public mind, and that the eagerness with which details are sought, remains unabated.

The moral effect of this battle is greater even than its physical advantages, and perhaps it might be difficult to overrate either. But let us beg our readers to recollect that although difficult to overrate the importance of this great transaction, it is far from being impossible. If it leads to supineness on our part, or if in consequence we take up the false impression that the war is over, our victory of the 21st had better never been achieved.

This war cannot end while a hostile foot presses the soil of Virginia or of any other of the Southern States. It is true that the false notions which the Federalists held of their own invincibility have been dissipated—that their columns have been disorganized and demoralized and can hardly be said to constitute an army South of the Potomac; but their mere numerical strength is, comparatively speaking, little reduced.—They still hold Alexandria, and behind their entrenchment there and at Washington City, they will carry on the work of reinforcement and reconstruction with all the vigor that wounded pride and baffled rage can suggest or inspire. We want to whip them the next time worse than this time, but we want something more than mere victory. We want to be in a position to be able to *improve* our victory. Had Beauregard possessed a reserve of twenty thousand and four thousand cavalry, he might have, and we think he could have, entered Alexandria, & perhaps Washington, pell mell with the broken and dispirited Federalists, whom he could have literally annihilated by turning their own guns upon them.

However necessary success was to the Federalists, it was indispensable to us. Our government and our military organization are very young and must make *prestige*, whereas an older government, with historical renown, no matter how weakly managed, has still been able to obtain a foot-hold, to send out roots and fibres far and wide and thus to resist any sudden pressure or untoward event.

But now, while we are not unduly elated by this past success, we must learn, in the course of the contest, to be prepared to endure defeat without undue depression. The fortunes of war may not be uniform, and it would be folly to expect them to be so. Our army has shown conclusively to the world that the Confederate States are a power—a belligerent, fully deserving of that character and able to cope on fair terms with their antagonists in a fair pitched battle. Should some occasional reverses visit our arms hereafter, we must be prepared to take the bad with the good and make the best of it, confident that all will come right.

We can look for none of those peculiar interpositions known as miracles. No Joshua will command the sun to stand still for us, nor any angel be sent from heaven to cut off the mighty men of valor or the leaders and captains in the camp of Abraham Lincoln, as happened in the days of Sennacherib, King of Assyria. But we may rest assured that in the faithful use of the means placed at our disposal, we will find our efforts crowned with that just measure of success which, in the wise ordering of Providence, is accorded to those who fairly earn it.

The battle-ground of Manassas is now famous. Perhaps in some future time, the farmer, when he ploughs his fields and turns up some relic of what once was a man, will be as much puzzled as was the Bavarian peasant on the field of Blenheim, who could only answer his little grandchild's question why men killed each other so, that he could not tell, but "It was a glorious victory." We trust, however, that it will be long before the spirit that animated the Confederate troops at Manassas dies, or the principles of liberty for the preservation of which the Confederacy was organized, be forgotten, or the memory of the first martyrs cease to be cherished.

On the clear bright morning of Sunday 21st July, in full sight of the soft hazy line of Blue Ridge and in the midst of a beautiful peidmontain country, abounding in the most beautiful scenery spite the very unromantic names of Bull Run and the like, the long lines of Scott's army poured down on the Confederate position. They said they were going to Richmond by way of Manassas. During most of Friday and Saturday, and much of the night of the latter, General Johnston, with his gallant army of the Shenandoah, struggled manfully on from Winchester to be in at the fight.

As an instance of the spirit animating all our troops, the Richmond *Enquirer* mentions that the sixth North Carolina Regiment, went immediately from the cars to the battle after eating no meal since Saturday morning. They joined in the pursuit and were too exhausted to return to camp, but bivouaced on the field. Col. Fisher was the only officer killed. It is no doubt so, that three companies of Col. McRae's Regiment, were on the field and actively engaged under the command of Lieut. Col. James.

WE see that Mr. J. W. Zimmerman, of this place, who was arrested and carried on with the Florida Regiment, or the prisoners in charge of a portion of that Regiment, has returned, he having been honorably discharged upon examination. There really appeared to be nothing whatever impugning in any way his fidelity to the State. There must have been a *mistake* all round.

A GOODLY NUMBER of noble soldiers from Alabama, are passing through here to-day. Without stating the numbers, we may say, that, judging by the late trial at Manassas, they will be found equal to about five thousand of Lincoln's men.

Troops from the whole South are pouring in. We will soon make successful head in Western Virginia; be able to assist Missouri, and show our hands in Kentucky. Where our forces are just now, or how many, we will not say, but they are coming up fast enough and thick enough to render Washington less safe than Richmond.—*Daily Journal, 27th July.*

TWO OF OUR North Carolina regiments were in the fight at Manassas, the sixth regiment of State troops commanded by Col. Fisher, and the 11th volunteers under Col. Kirkland. We know that they did their duty there, and that Col. Fisher died in its discharge. We know that our people were under fire for some seven hours, but beyond this general statement we are unable to get any particulars. We do trust that we may not be called upon to record the death of many of our brave men. In fact, we have every ground for hope. The whole Southern loss is not a thousand killed. We must rest satisfied with what information we can get for the present.

P. S.—The latest advices from Richmond state that we had 16 killed and between 40 and 50 wounded in above regiments. See telegram.

THE RICHMOND *Enquirer* learns that M. Paul, the French Consul in that city has dispatched a courier to his Government, conveying an account of the two battles recently fought near Manassas.

It was probably Col. Scott, an aid to General Scott, whose sword was taken in General Scott's carriage on Sunday last.

Speech of the Hon. John C. Breckinridge,

Delivered in the United States Senate on the 16th Day of July, 1861.

Mr. Breckinridge (Dem., Ky.) proceeded to speak at length in opposition to the resolution. He said under ordinary circumstances he might content himself with a vote, but now he thought it required to give expression to his views. It was proposed by resolution to declare the acts of the President approved. The resolution on its face seems to admit that the acts of the President were not performed in accordance with the Constitution and the laws.—If that were the case, then he would be glad to have some reason assigned, showing the power of Congress to indemnify the President for a breach of the Constitution. He denied that one branch of the Government can indemnify public officers in another branch or violation of the Constitution and laws. The powers conferred on the Government by the people of the States, are the measure of its authority. These powers are confided in different departments, and their boundaries are determined. The President has rights and powers conferred, and the Legislative Department its powers, and the Judicial Department its powers, and he denied that either can encroach on the other, or indemnify the other for usurpations of the powers confided by the Constitution.

Congress has no more right to make constitutional the unconstitutional acts of the President than the President to make valid the act of the Supreme Court encroaching on the Executive power, or the Supreme Court to make valid an act of the Executive encroaching on the Judical power.—The resolution substantially declares that Congress may add to the Constitution or take from it in a manner not provided by that instrument; that her bare majority can by resolution make that constitutional which is unconstitutional by the same authority. So, in whatever view, the power granted by this resolution is utterly subversive of the Constitution. It might be well to ask if the President had assumed power not conferred. He should confine himself to the acts enumerated in the resolution, acts which he declared to be usurpations on the part of the Executive; and so far from approving the acts, he thought this high officer should be rebuked by both houses of Congress.

The President has just established blockades. Where is the clause in the Constitution which authorizes it? The last Congress refused to confer authority, and by what authority did the President do it after they refused? The Constitution declares that Congress alone have power to declare war; yet the President has made war. In the last session the Senator from Illinois (Douglas) delivered a speech, on the 15th of March, which he would read. He then read an extract of Mr. Douglas' speech, declaring that the President had no right to make a blockade at New Orleans or Charleston, more than at Chicago. He also read from a speech of Daniel Webster, delivered in 1832, declaring that Gen. Jackson had no right to blockade Charleston. He said he approved the sentiments uttered by these eminent statesmen who were formerly regarded as sound, and thought the time had again come when it would not be thought treason to maintain them.

The resolution proceeds to approve the act of the President, enlisting men for three and five years. By what authority of the Constitution and law has he done this? The power is not in the Constitution, nor granted by law.—Therefore, it must be illegal and unconstitutional. Again, the President by his own will has added immensely to the army; whereas the Constitution says Congress alone have power to raise armies. He has also added to the navy, against the warrant of the Constitution. These acts are not defended on constitutional or legal grounds, and he pronounced them usurpations. This resolution goes on to recite that the President has suspended the writ of *habeas corpus*, and proposes to ratify and make that valid.

We have a great deal of talk about rights—the rights of States, the rights of individuals, and some of them have been said to be shadowy and imaginary; but the right of every citizen to be arrested only by a warrant of law, and his right to have his body brought before a judicial authority, in order that the grounds of that arrest may be determined on, is a real right. There can be no dispute about that. It is the right of rights to all—high, low, rich or poor. It is especially the right of that class which his Excellency the President calls plain people. It is a right, the respect of which is a measure of progress and civilization. It is a right that has been struggled for, fought for, guarded by laws, and backed up in constitutions.

To have maintained it by arms, to have suffered for it, then to have it established on foundations so immutable that the authority of the sovereign could not shake it, as the chief glory of the British people, from whom we derive it. In England the legislative power alone can suspend it.—The monarch of England cannot suspend that right. But the Trans-atlantic freemen seem to be eager to approve and ratify acts which a European monarch dare not perform. It needs no legal argument to show that the President cannot suspend the writ of *habeas corpus*. I content myself with referring to the fact, that it is classed among the legislative powers by the Constitution. And that article conferring powers on the President touches not the question.

I may add that upon no occasion has it ever been asserted in Congress, so far as I recollect, that this power exists on the part of the Executive. On one occasion Mr. Jefferson thought the time had arrived when the writ might be suspended, but he did not undertake to do it himself, and did not even recommend it. He submitted it to Congress, and in the long debates which followed, there was not the least intimation that the power belonged to the Executive. I then point to the Constitution and ask Senators from what clause they deduce the right, by any fair construction of the instrument itself, what part confers the power on the President? Surely not that clause which enjoins him to take care of the Constitution and the laws, and faithfully to execute them. The most eminent commentators of the Constitution declare it to be a legislative right.

The opinion of the present Chief Justice, which has never been answered, makes all further argument idle and superfluous; and one of the worst signs of the times is the manner in which that opinion has been received. A subordinate military officer in Baltimore arrests a private citizen and confines him in a fortress. His friends get a writ of *habeas corpus*, but it cannot be executed. The Chief Justice then gives an opinion, which is commended, not only by the profession of which he is so great an ornament, but by all thoughtful men in the country. The newspapers of the country, and the men excited by violent passions have denounced the Chief Justice, but have not answered his opinion. There it stands, one of those productions which will add to his renown.

The abuse of the press, and the refusal to respect just authority, and the attempt to make that high judicial officer odious, will yet recoil on these men. I honor him for the courage with which he did his duty, as well as for the calm and temperate manner in which he performed it. I am glad he yet remains among us, a man so remarkable for his honored length of years, and his eminent public services, and for the rectitude of his private life, that he may be justly ranked among the most illustrious Americans of our day.—You propose to make this act of the President valid without making a defence of it, either on legal or constitutional grounds. What would be the effect? In thus approving what the President has done in the past, you invite him to do the like in the future, and the law of the country will lie prostrate at the feet of the Executive, and in his discretion he may substitute the military power for judicial authority.

Again, Mr. President, although there are few of us here who take the view of the Constitution by this right, which I am advocating to-day, I trust we will not, under any circumstances, fail to protest in temperate but manly language against what we consider a usurpation of the President. Let me call the attention of the Senate briefly to other acts against which I protest in the name of the Constitution, and the people I represent. You have practically martial law all over this land. The houses of private citizens are searched without warrant of law. The right of the citizen to bear arms is rendered nugatory by their being taken from them without judicial process, and upon mere suspicion. Individuals are seized without legal warrant, and imprisoned.

The other day, since Congress met, a military officer in Baltimore appointed a Marshal for that city. Will any man defend the act? Does it not override all other law? Is it not substituting the rule of a military commander for the laws of the land! What more authority had this officer to appoint a marshal for the city of Baltimore than he had to appoint a pastor for one of their congregations or a president for one of their banks? The Constitution guards the people against any seizure without a warrant of judicial authority. Has not the President of the United States, by one broad, sweeping act, laid his hands upon the private correspondence of the whole community? Who defends it as conformable to the Constitution?

I am told, sir—and if I had the power I would offer a resolution to inquire into it, in the name of the public liberties—I am told that at this moment, in the jail in this city, there are individuals who have been taken by military authorities from Maryland and other States, and now lie here and cannot get out, and in some instances they have actually been forgotten. I was told of one instance where a man was put in jail here and forgotten. His friends made application at one of the Departments, and they looked into the case and found nothing against him, and he was discharged. But, in the rush of events, the very existence of this man, and the cause of his imprisonment, were forgotten. We may have this joint resolution to approve these acts and make them valid, but we cannot make them valid in fact.

I know that Congress, in the exercise of its legislative functions, may appropriate money, but it has been expended by the President without warrant of law. But whatever unconstitutional act he may have committed cannot be cured by a *joint* resolution. It stands there, and will stand forever. Nor can this Congress prevent a succeeding Congress from holding any officer of the Government responsible for a violation of the Constitution. I enumerate what I regard as the usurpations of the Executive, and against which I wish to record the protest of those who are unwilling to see the Constitution subverted, under whatever pretext, necessity, or otherwise.

Mr. B. then re-enumerated the several acts in the resolution to which he had referred. These great fundamental rights, sir, the sanction of which is the measure of progress and civilization, *have* been trampled under foot by the military, and are being now trampled under foot every day in the presence of the two Houses of Congress; and yet so great on one side is the passion of the hour, and so astonishing the stupid amazement of the other, that we take it as natural, as right, and as of course. We are rushing, sir, and with rapid strides, from a constitutional government into a military despotism.

The Constitution says, the freedom of speech and of the press shall not be abridged, yet, three days ago, in the city of St. Louis, a military officer, with four hundred soldiers—that was his warrant—went into a newspaper office in that city, removed the type, and declared that the paper should be no longer published, and gave, among other reasons, that it was fabricating reports injurious to the United States soldiers in Missouri. Is there a Senator here, a citizen of this land, who will say that the slightest color of authority exists on the part of a military officer for depriving a citizen of liberty or property without a warrant of law, or to suppress the freedom of the press. And we are told by the same despatch that the proprietors of the paper submitted, and intended to make an appeal. To whom? To the judicial authorities? No, sir. But to Major-General Fremont when he should reach St. Louis.

The civil authorities of the country are paralyzed, and practical martial law is being established all over the land. The like never happened in this country before, and it would not be tolerated in any country in Europe which pretends to the elements of civilization and liberty. George Washington carried the Thirteen Colonies through the war of the revolution without martial law. The President of the United States could not conduct the Government three months without resorting to it. I presume every Senator has read the opinion of the Chief Justice to which I have referred. I shall content myself with reading a few extracts, to present my opinion on the subject. (Mr. B. read from the closing part of Judge Taney's opinion.)

Thus the President has assumed the legislative and judicial powers, and concentrated in his hands the executive, legislative and judicial powers, which in every age has been the very evidence of despotism; and he exercises them today, while we sit in the Senate chamber, and the other branch of the Legislature at the other end of the Capitol. Mr. President, what is the excuse—what is the justification? Necessity? I answer, first, there was no necessity. Was it necessary to preserve the visible emblems of Federal authority here that the Southern coast should have been blockaded? Did not the same necessity exist when Congress, at the last session, refused to pass the Force bill? Was it necessary to the existence of the Union, till Congress should meet, that powers not conferred by the Constitution should be assumed?

Was there a necessity for overrunning the State of Missouri? Was there a necessity for raising the largest army ever assembled on the American continent, and for collecting the largest fleet ever collected in an American harbor? Congress may deem it was necessary in contemplation of a protracted struggle for the preservation of the Constitution and the Union. What I mean to say is, that there was none of that overruling necessity for present preservation which may apply to usurpations of the Constitution. In the case of the man in Maryland who was confined so long in Fort McHenry, was there any necessity of confining him instead of turning him over to the civil authorities?

The chief charge was, that weeks before he had been concerned in treasonable acts. Was not the judicial authority there to take charge of him, and if convicted, to punish him? If there was a necessity in the present state of affairs, and Congress in session here, then what a long necessity we have before us and impending over us. Let Congress approve and ratify these acts, and there may occur a necessity which will justify the President in superseding the law in every State in this Union, and there will not be a vestige of civil authority left to rise against this usurpation of military power. But I deny this doctrine of necessity. I deny that the President of the United States may violate the Constitution upon the ground of necessity.

The doctrine is utterly subversive of the Constitution. It substitutes the will of one man for a written constitution.—The Government of the United States, which draws its life from the Constitution, does not rest upon an implied consent. It rests upon an express and written consent, and the Government may exercise such powers and such only as are given in this written form of government. The people of these States conferred on this agent of theirs just such powers as they deemed necessary. All others were retained. The Constitution was made for all contingencies—for peace and for war; and they conferred all the power they deemed necessary, and more cannot be assumed. If the powers be not sufficient, still none others were granted, and none others can be exercised. Will this be denied?

Is the idea to be advanced that all constitutional questions are to be made subordinate entirely to the opinions and ideas that may prevail, at the hour, with reference to political unity? It has been held heretofore, and I thought it was axiomatic and received by the world, that the terms of the Constitution of the United States were the measure of power on the one side, and of obedience on the other. Let us take care how we establish a principle that, under any presumed stress of circumstances, powers not granted may be assumed. Take care and do not furnish an argument to the world and history that it shall not respect that authority which no longer respects its own limitations.

These are a few of the reasons that will control my vote against this resolution. I hope it will be voted upon, and if it should receive a majority, as I fear it will, it will be an invitation to the President of the United States, in the absence of all legislation, to do the like acts whenever, in his opinion, it may be necessary. What will be the effect of it in Kentucky, and Missouri, and everywhere? In his discretion he will feel himself warranted in subordinating the civil to the military power, and to imprison citizens without the warrant of law, and to suspend the writ of *habeas corpus*, and establish martial law, to make searches and suppress the press, and to do all those acts which rest on the will and authority of a military commander.

In my judgment, if we pass this, we are upon the eve of putting, so far as we can, in the hands of the President of the United States, the power of a dictator. With such a beginning as this, what are we to expect in the future?—When we see men imprisoned within hail of the Capitol, without warrant, and Congress in session, and the Courts paralyzed, and Congress not rising in a protest of indignant terms against it, we may well be filled with gloomy forebodings for the future. What may we expect, except a line of conduct in keeping with what has been done? Is this a contest to preserve the Union? If so, then it should be waged in a constitutional manner. Is the doctrine to obtain that provinces are to be entirely subordinate to the idea of political unity?

Shall the rallying cry be, the Constitution and the Union, or are we prepared to say that the Constitution is gone, but the Union survives? What sort of a Union would it be?—Let this principle be announced, and let us carry on this contest with this spirit, winking at or approving the violations of this sacred instrument, and the people will soon begin to inquire, what will become of our liberties at the end of the experiment? The pregnant question for us to decide is, whether the Constitution is to be respected in this struggle, or whether we are called upon to follow the flag over the ruins of the Constitution? I believe, without questioning the motives of any, the whole tendency of the present proceedings is to establish a Government without limitations, and radically to change our frame and character of Government.

I was told the other day by a distinguished American that many Americans abroad, when asked about the present condition of things here said: "We thought your Federal Government rested on consent, and how do you propose to maintain it by force?" Often the answer would be, "It was intended to rest on consent, but it has failed. It is not strong enough and we intend to make it strong enough and to change the character of the government, and we will give it all the strength we deem essential without regard to the provisions of the Constitution, which was made some eighty years [illegible] has been found not fit for the present conditio[illegible]"

[illegible] the attention of the country should be [illegible] tendency of things. I know there are thou[illegible] men—thousands of men who love the C[illegible] through the adhering States, who wo[illegible] ent to make this contest with any purpose to [illegible] with the personal rights of political communities. He then referred to a suggestion in a Northern paper that a change in the character of the Government was contemplated, and also to a speech made by the present Secretary of War, in which he said the Southern States must be subdued, and at the end of this contest there would be no Virginians, as such, or Carolinians, but all Americans.

I call on Senators to defend the constitutionality of these acts, or else admit that they carry on this contest without regard to the Constitution. I content myself in saying that it never was contemplated by the framers of the Constitution that this Government should be maintained by military force or by subjugating different political communities. It was declared by Madison and by Hamilton himself that there was no competency in the Government thus to preserve it. Suppose the military subjugation is successful—suppose the army marches through Virginia and the Gulf States to New Orleans—then the war is prosecuted unconstitutionally.—Even if there was warrant of law for it, it would be the overthrow of the Constitution. There is no warrant in the Constitution to conduct the contest in that form.

In further proof of how they intend to conduct this contest, I refer to the speech of the eloquent Senator from Oregon, (Mr. Baker,) when he declared he was for direct war, and said that for that purpose nobody was as good as a dictator. Is anything more necessary to show that, so far as that Senator is concerned, he proposed to conduct the contest without regard to the Constitution? I heard no rebuke administered to the eminent Senator, but, on the contrary, I saw warm congratulations, and the Senator declared that, unless the people of these States were willing to obey the Federal Government, they must be reduced to the condition of territories, and, he added, he would govern them by Governors from Massachusetts and Illinois. This was said seriously and afterward repeated.

Mr. Baker explained. He said he was delivering a speech against giving too much power to the President, and was keeping his usual constitutional, guarded position against an increase of the standing army, and gave, as an excuse for voting for the bill, the present state of public affairs.—He did say he would take some risk of despotism, and repeated that he would risk a little to save all. He hoped the States would return to their allegiance, but if they would not he thought it better for civilization and humanity that they should be governed as territories. He did say so then, and believed so now, and thought the events of the next six months would show that it would be better if the Senator believed it too.

Mr. Breckinridge said the answer of the Senator proved what he said, and contended that it was evident that the Constitution was to be put aside. It was utterly subversive of the Constitution and of public liberty to clothe any one with dictatorial powers. He then referred to the speech of Mr. Dixon, of Connecticut, who said, in substance, that if African slavery stood in the way it must be abolished.

[Mr. Dixon had the Secretary read what he did say on the subject, as published yesterday.]

Mr. Breckinridge said it appeared to him that the most violent Republicans had possession of the Government, and referred to the bill introduced by Mr. Pomeroy to suppress the slaveholders rebellion, and which also contained a provision for the abolition of slavery. He contended that the very title was enough to show that the Constitution was to be put aside.

Mr. Bingham (Rep., Mich.,) asked if he contended this was not a slaveholders' rebellion.

Mr. Breckinridge.—I do, sir; I do. He then referred to the refusal of last session to make any compromise, though the Southern leaders said they would be satisfied with the Crittenden Compromise. But all efforts were refused, and now any offers of peace are ruled out of order in one House, and it is vain and idle to argue for it. He wanted to let the country know that Congress deliberately refused the last effort to avert the horrors of an internal struggle. But why utter words? I shall trouble the Senate no longer. I know that no argument or appeal will have any effect.

I have cherished all my life an attachment to the Union of these States, under the Constitution of the United States, and I have always revered that instrument as one of the wisest of human works; but now it is put aside by the Executive of the United States, and those acts are about to be approved by the Senate, and I see proceedings inaugurated, which, in my opinion, will lead to the utter subversion of the Constitution and public liberty. It is vain to oppose it. I am aware that, in the present temper of Congress, one might as well oppose his uplifted hand to the descending waters of Niagara, as to risk an appeal against these contemplated proceedings. The few of us left can only look with sadness on the melancholy drama being enacted before us. We can only hope that this flash of frenzy may not assume the form of chronic madness, but that Divine Providence may preserve for us and our posterity, out of the wreck of a broken Union, the priceless principles of constitutional liberty and self government.

Mr. Lane (Rep., Ind.,) said he wanted to know if the President had not saved the country by prompt action.—He sanctioned all done, and the people sanctioned it; and he sanctioned all to be done when our victorious columns shall sweep treason from all Virginia. The President had suspended the writ of *habeas corpus*, and he only regretted the corpus of Baltimore treason had not been suspended at the same time. Suppose the Senator from Kentucky had been elected President; would he have refused to defend the Capital when he found that armed rebellion was endeavoring to capture it? He believed not. He proceeded to allude to the seizure of telegraphic despatches, severely commented on as a usurpation of power by the Senator from Kentucky. That seizure would be necessary, perhaps, to implicate certain Senators on this floor. He had read this day, in a paper, that a Senator had telegraphed that President Lincoln's Congress would not be allowed to meet here on the 4th of July.

Mr. Breckinridge said he supposed the Senator alluded to him.

Mr. Lane replied that he did.

Mr. Breckinridge replied that his personal relations with the Senator precluded him from believing that he would do anything of the kind; but he had to say that the statement that he sent such a despatch was totally unfounded. He would not pretend to deny all the charges made against him in the papers. He had attempted it once, but found the charge reiterated in the same journal the second day after he had expressly denied it. He would say, however, now, that the statement that he had telegraphed Mr. Jefferson Davis, or written to him, that Kentucky would furnish him with 7,000 armed men, was, like other charges totally false. And he had been informed by the Governor of Kentucky that the charge in respect to him was equally false.

Mr. Lane then proceeded to defend the suppression of certain traitorous newspapers, disarming the people in rebellion, and other acts which the Senator from Kentucky deemed unconstitutional. Allusion had been made to the compromise of last session, but he would only say that none was made because of traitors who occupied the now vacant seats. All they asked now was the Kentucky remedy for treason—hemp.

BY TELEGRAPH.

FOR THE JOURNAL.

FURTHER DETAILS OF THE BATTLE.

RICHMOND Va., July 24th, 1861, p. m.

An intelligent, reliable gentleman of South Carolina who was on the battle field, and who held a prominent position there, says that South Carolina had seven regiments, including Hampton's Legion, in the battle. The 2d regiment, Col. Kershaw's, was in the hottest of the fight. Col. Cash's 8th regiment was with Col. Kershaw. Those regiments brigaded together. Col. Sloan's 4th regiment, was the first to engage the enemy. It was stationed three miles to the left of the other South Carolina regiments, and with the Louisiana troops. They suffered considerably, and Adjutant Wilkes, Lt. Earle, and other officers were killed. Captain Poole severely, perhaps mortally wounded. Capt. Kirkpatrick was also wounded, it is feared severely. About a dozen officers and quite a number of privates were killed, but their names have not yet been reported.

Col. William's 3d, and Col. Bacon's 7th S. C., were with Col. Kirkland's 11th North Carolina, and Col. Kelley's Louisiana regiments. They constituted the centre of the general line, and held Mitchell's force on the direct line from Fairfax Court House to Manassas. These regiments were under cannonade from sunrise until nearly sunset, but being in the centre they suffered but little. Just before sun down, and when the right wing of the enemy gave way, they were ordered to charge the batteries in their front, which they executed in gallant style, led by Gen. Bonham. When the charge was made the enemy promptly retreated, and the loss of those regiments was small. They pursued the enemy to Centreville, and took nine millions dollars worth of Federal property, which is believed to be in the hands of those regiments. But few of our forces were killed or wounded.

Col. Jenkins' regiment was in Gen Jones' Brigade, and was situated some distance to the right of the general line near where the Railroad crosses Bull's Run. They were not in the fight until late in the afternoon, when they made an unsuccessful attempt to storm the battery on the extreme left of the enemy's line. In this gallant charge they suffered considerably, but the particulars of the killed and wounded have not yet been ascertained. I have not yet been able to obtain the reports of the killed and wounded in any of the South Carolina regiments or Hampton's Legion.

KILLED AND WOUNDED.—GEORGIA MACON GUARDS.—No officers killed or wounded. Leonidas Lamar, Walter C. Allen, Wm. M. Jones and Wm. Garry, privates, were killed. —Wilcox, of Savannah, Joseph Goff, of Georgia, J. McLeod, Miram, Malsby and Wood, of Macon Guards, slightly wounded. Those who were seriously wounded are Chas. Gamble, in both legs, Andrew McKenna, in the shoulder, Wm. Ainsworth, severely in the bowels. Others were so slightly as not worth mentioning.

LATER FROM RICHMOND.

RICHMOND, Va., July 25th, 1861.

The bodies of Generals Bartow and Bee, and Lieut. Col. Johnson, left here early this morning *en route* for their former homes. An immense procession escorted the bodies to the depot.

The Bank Convention met here yesterday and organized, and then adjourned to meet again to-day.

LATEST FROM RICHMOND.

RICHMOND Va., July 25, 1851, 12 a. m.

Hon. T. L. Clingman has just arrived from Manassas, and reports sixteen as killed and between forty and fifty wounded in the North Carolina regiments—6th and 11th.

The only officer killed was Col. Fisher.

NORTHERN REPORTS.

[VIA LOUISVILLE AND MOBILE.]

INDEPENDENCE, MO., July 24th, 1861.

Dates from Santa Fe to the 7th inst., have been received here. Granville Orey was a candidate for Congress from the Mesilla Valley.

JEFFERSON CITY, MO., July 24th, 1861.

Uria Wright made a violent Southern speech in the State Convention, denouncing Lincoln's administration as revolutionary and despotic, and denounced the Union.

A committee has been appointed to report on the distracted condition of the State.

WASHINGTON, D. C., July 23d, 1861.

The U. S. Secretary of War telegraphs a reply to the N. York Union Defence Committee:

"Cheer our friends to active exertions, that we may speedily retrieve our misfortune. We are making the most vigorous efforts to concentrate a large and irresistible army at this point. Regiments are now arriving. The works on the South side of the Potomac are being well manned. The Capital is safe.

"Signed, SIMON CAMERON."

The Virginia Cavalry occupied Centreville last night, extending their scouts to Fairfax C. H. There were no signs of an advance.

This morning was occupied in putting affairs on the Virginia side in order in their original lines.

The list of officers killed and wounded still increases.

A Zouave drummer escaped from the Confederates, who says that there is an immense number of prisoners in the Confederates' hands.

At Fortress Monroe, on yesterday, the Floyd gun was to be moved to annoy Sewell's Point. Important news may be expected from Old Point.

President Lincoln and the Secretary of War are vigorously at work organizing a powerful army.

Over six thousand fresh troops have been accepted during the past six hours.

Immense reinforcements are being procured daily.

Dr. Bell has been arrested for uttering treasonable sentiments, and was only saved from the mob by the officers. Tyler says he knows nothing.

The Federalists are throwing up entrenchments at Centreville.

Lincoln and Seward are on the Virginia side. They complimented the 69th regiment, and urged them to re-enlist. They said they would if the President desired it. Lincoln replied that he did, when the whole regiment re-enlisted. He gave a complimentary letter to the regiment.

Mr. Breckinridge visited the Confederate prisoners, offering them his sympathies.

It is reported that General Lee has gone to Lynchburg to intercept Gen. McClellan.

Congress.

The Senate passed a bill for the transportation of munitions of war to loyal citizens in the Confederate States, with two millions of dollars appropriation.

The House passed a bill abolishing the District Courts in Kentucky and Missouri—dividing Kentucky into two Judicial districts and Missouri into one. Yeas, 79, nays 50.

Mr. Crittenden opposed the bill as an abuse of power by Congress, and an innovation of the Constitution.

NEW YORK, July 23d, 1861.

Private dispatches report four hundred and seventy-five of the 71st N. Y. regiment as missing.

LOUISVILLE, KY., July 24th, 1861.

The effect of the overwhelming defeat of Lincoln's forces at Manassas, has been in the highest degree inspiriting to the Southern rights men here. The Union men are sorely depressed, many declaring that no proper solution has yet transpired to account for their disastrous defeat.

Tompkins' death is deplored as a brutal murder.

Latest From Old Point and Washington City.

LOUISVILLE, KY., July 25th, 1861.

Advices from Fortress Monroe state that the important contemplated movement from Old Point has been postponed in consequence of the sad and unfortunate news of the Federal defeat at Manassas.

A schooner from Norfolk, heavily ladened, probably with cannon for Richmond ran the blockade at Newport News, and got up James River. Only six shots were fired at her.

Later advices from Washington say, that the Confederate's pickets extend to Fall's Church.

Business at the War Department is heavy. Telegrams are accumulating tendering troops to the Federal Government. Illinois has offered seventeen, and Indiana ten regiments.

The wounded continue to arrive.

In the House a bill has passed giving the President power at his option to appoint Consuls to any foreign port to prevent piracy.

The Senate bill to accept half a million of volunteers has passed the House.

A duel is reported as pending between Burnet and Richardson. Friends are trying to effect an amicable adjustment.

Gen. Wadsworth has arrived from Fairfax Court House, and reports the Confederates as coming on.

PENSACOLA, Fla., July 24, 1861, a. m.

A national salute of eleven guns will be fired by Fort Barrancas to-day at 12 o'clock, in honor of the Confederate victory at Manassas.

The same will be done here this afternoon.

ST. LOUIS, MO., July 24th, 1861.

A large body of Missourians are marching from Smith, East Missouri, on to Pilot Knob, at the Southern terminus of the Iron Mountain Rail Road. Bland, the federal commander stationed there, calls for reinforcements immediately.

Four men have been shot at Danville, Missouri, by the Federalists, for hanging Col. Sharp and Lieut. Jaiger.

Zeigle is at Springfield with eight thousand men, organizing for three years service.

Gen. McCulloch is at Camp Walker, Arkansas, with five thousand well armed troops; and Gov. Jackson is near by with ten thousand.

Latest From Missouri.

JEFFERSON CITY, MO., July 24th, 1861.

In the Missouri State Convention a resolution has been offered to the effect that any change in the Executive department of the State Government, would not promote the welfare of Missouri. Referred to a committee of seven.

From Europe.

NEW YORK, July 23d, 1861.

The latest Liverpool advices are via Londonderry to the 12th inst.

Cotton—The sales for the week reach 81,000 bales, speculators taking 13,000 and exporters 25,000 bales,—the market closing firm but less active.

Friday, July 12th.—Cotton—Sales to-day of 10,000 bales, speculators and exporters taking 3,000,—the market closing quiet but steady at the following quotations: Fair Orleans 8½d. a 8¾d; middling do., 8½d.; Fair Mobile, 8¾d.; middling do., 8d.; Fair Uplands, 8½d.; middling do., 7¾d.—Stock in port 1,100,000 bales, of which 841,000 were American.

Breadstuffs dull. Provisions quiet.

Consols 91¼.

Later from Europe.

NEW YORK, July 24th, 1861.

The Steamship Arabia has arrived at Halifax, with dates from Liverpool to the 13th inst.

She brings £117,000 in specie.

Saturday, July 13.—Cotton—Sales of 10,000 bales, the market closing quiet but steady.

Consols unchanged.

The Havre market was unchanged. Sales for the week of 8,500 bales of Cotton.

FROM RICHMOND.

RICHMOND, VA., July 25th, 1861, p. m.

The proceedings of Congress to-day have been comparatively uninteresting.

The Bank Convention has not yet determined upon their financial policy. It is believed they will do so to-morrow, the basis having been measurably agreed upon.

WASHINGTON NEWS.

LOUISVILLE, KY., July 25th, 1861.

Advices from Washington City state that the Federal Pickets at Fall's Church were driven in early on Wednesday.

Gen. McClellan arrived to-day.

The War Department is engaged in a thorough re-organization of the army. The old system will be changed, and reliable officers are to be provided, subject to the examination of a board of officers appointed by the War Department.

Two Bradleys and a student of the ministry have been arrested at Alexandria as Manassas spies.

The Federal pickets have been withdrawn two miles outside of Alexandria.

It is reported that eighty thousand troops have been accepted throughout the North.

France and England are undoubtedly discussing the blockade of the Confederate ports, with a view to making propositions.

The New York Herald says that the memorable rout at Manassas has thrown the Federal Government back on the defences occupied three months ago to offensive operations before their fall.

All the War Department letters since their defeat contain the following: "Your regiment is accepted, with the distinct understanding that this Department will revoke the commissions of all officers who prove incompetent to command."

The New York World's special correspondent says that the Confederates are largely encamped between Fairfax and Centreville.

Col. Bartlett, of the 5th Mississippi regiment, has been brought to Washington as a prisoner.

The Cincinnati papers contain the N. Y. Tribune's call for the resignation of the whole Cabinet on account of incompetency.

The following shows the recklessness of Lincoln's attempt to explain away the glorious victory of the Confederates:

"WASHINGTON.—There is no doubt good reason why the rebels declined pursuing our retreating forces. A panic occurred among them, and they retired to the Manassas entrenchments."

INDIANAPOLIS, IND., July 25th, 1861.

Two regiments have returned here, and been mustered out of service. Three more are on their way home.

From Richmond.

RICHMOND, VA., July 26, 1861.

Hon. Robert Toombs, of Georgia, has resigned his position as Secretary of State, and the Hon. R. M. T. Hunter, of Virginia, has been appointed in his place.

[Mr. Toombs has been appointed a Brigadier General in the Confederate States Army—JOURNAL.]

Gov. Jackson and Gen. Atkinson, of Missouri, have arrived in this city.

Postmaster General Regan, in a letter to the President of the Southern Express Company, published in the Examiner of this morning, says that newspapers cannot be carried by mail carriers or express men, without the payment of the regular rates of postage.

In Congress to-day, nothing of general interest was done.

The Bank Convention has adjourned, after expressing an opinion in favor of the Confederate Government issuing one hundred millions dollars in Treasury notes, in addition to the amount already authorized. The fives, tens and twenties not to bear interest. Other denominations to bear interest at the rate of 7 3-10ths per cent.

From Missouri.

KNOXVILLE, TENN., July 26th, 1861.

Gov. Jackson and Gen. Atkinson, of Missouri, arrived here yesterday, en route for Richmond. Gov. Jackson says that there are one hundred thousand Missourians ready, if they had arms, to defend the cause of the South.

ST. LOUIS, July 26, 1861.

Fremont has arrived here. The Missourians have taken Memphis, in Scotland County, Missouri.

[SECOND DISPATCH.]

ST. LOUIS, MO., July 26th, 1861.

Many three months volunteers in the interior are arriving home to see how their business is; if less profitable than soldiering they promise to return.

LOUISVILLE, KY., July 26th, 1861.

Enthusiastic receptions of the returned three months volunteers are noticed at the various places, whose departure was not noticed from headquarters.

Permits are granted to ship to all ports in Kentucky.

JEFFERSON CITY, MO., July 26th, 1861.

The Convention declares the principal State offices vacant, and provides for filling them by the Convention, and repeals part of the State Constitution.

The Supreme Court is to consist of seven Judges, four of them to be creatures.

The Convention abolishes the State Legislature, and annuls several acts passed by the past Legislature.

From Washington.

[VIA NEW ORLEANS AND MOBILE.]

WASHINGTON, D. C., July 26th, 1861.

The Senate bill to refund the money expended by the different States to defend the Federal government, has passed.

SECOND DISPATCH.

WASHINGTON, D. C., July 26th, 1861.

The Ohio second regiment have delivered up their arms and gone home. Several other regiments have also gone home—amounting in all to about 15,000 men.

The Confederates are mounting siege guns at Fairfax.

Several officers, as a reward for their courage, have been authorized to raise regiments. New regiments are being constantly accepted, however.

HOUSE.—Mr. McClernand said that the House should make provisions for additional resources, else the Government credit would fail.

Mr. Wright said it had failed already.

In the House in Committee of the Whole the direct tax meets with violent opposition.

Nothing has been heard from the flag of truce sent out to Manassas to bury the dead, or from Col. Cameron.

It is supposed that the Southerners have a scheme on foot to be kept secret and they detain everything coming within their lines.

From Fortress Monroe an expedition consisting probably of six launches, has burned nine Confederate sloops and schooners.

THIRD DISPATCH.

WASHINGTON, D. C., July 26, 1861.

In the Senate, bills have been passed to build a new bridge near the present, and repair the Long Bridge; also to investigate the salaries of officials.

A resolution for maintaining the supremacy of the Union, passed by a vote of thirty yeas to one nay—the negative vote being cast by Mr. Breckenridge.

New Orleans Market.

NEW ORLEANS, July 26th, 1861.

Cotton—No sales; middling 10½ to 11 cents. Decrease in receipts at this port for the year 356,500, and at all other ports 900,000 bales—being a total deficit of 191,628 bales, against 2,192 last year. Stock in port 9,595 bales, against 45,780 bales last year. Sugar 3¾ a 4¾ cents. Flour $6 50 to $6 75. Coffee 17 to 22 cents; stock 2,800 bags.

New York Market.

NEW YORK, July 26th, 1861.

Cotton—Sales of 1,900 bales at 15¾ a 16 cents. per lb.—Treasury notes, (6's) 98¼. United States 6's 81.

FROM EUROPE.

ST. JOHN'S, N. F., July 26th, 1861.

The Steamship City of Baltimore arrived off Cape Race on Thursday night, with Liverpool dates to the 18th inst.

She brings forty-two thousand pounds in specie. The Borussia had sailed with seventy-five thousand pounds.

The general news is unimportant.

The London Times thinks that Lincoln's heavy taxation will induce the Northerners to reconsider their rejection of peace or compromise.

LIVERPOOL, July 18th.

Cotton.—Sales on Wednesday and Thursday 40,000 bales; speculators and exporters taking 20,000. The market is buoyant, and prices had advanced ⅛d.

Breadstuffs quiet, but steady. Provisions steady.

Consols 98⅞ to 90.

ARRIVED LAST EVENING.—By the Central cars last evening, eighty wounded prisoners, from Manassas, were brought to this city. They were taken in charge by our citizens, and conveyed to private residences, where they will receive such treatment as their necessities may require.

Lieut. E. M. Alfriend, of the Richmond Zouaves, and Capt. Samuel T. Bayly, both from Monterey, arrived here last evening. They report all quiet at Monterey.

Major. Nat. Tyler is expected to arrive in Richmond to-day. He is well.

A few of Ellsworth's Zouaves, who were captured at Manassas, were brought to this city last evening.

Richmond Enquirer.

Officers of the Fourteenth Regiment North Carolina Volunteers.

At an election for officers of this Regiment, held at Garysburg on the 16th inst.—

Captain William J. Clarke, C. S. A., was unanimously elected Colonel.

Major T. Brown Venable, A. Q. M., was unanimously elected Lieutenant Colonel, and

Captain Johnathan Evans, of the Cumberland Plough Boys, Major.

This Regiment is entirely officered by native born North Carolinians, and is said to be one of the finest in the service; it is between one thousand and eleven hundred strong.

Raleigh Register.

REBELLION IN ILLINOIS.—Northern accounts from Illinois, of the 17th instant, state that a rebellion had broken out in Washington county, Illinois. At Nashville, in that county, the insurgents had cut down the stars and stripes, and hoisted in their place the Confederate flag. "Union" men had been ordered to leave the town.