The Daily Post.

THURSDAY MORNING::::::::OCT. 20.

We have one or two communications on hand, which have been delayed on account of a press of matter. We hope to find room for them to-morrow.

PAPER BOOKS.

We are prepared to print paper books for the Supreme Court, speedily, neatly, cheaply and correctly.

THE PAST AND THE FUTURE.

It is not to be denied that there has been considerable of a shower. At the recent elections the Democratic party has been pretty thoroughly threshed. For the second time, in Pennsylvania, we have been beaten. We will not speculate upon the causes which have led to this calamity. The main cause was undoubtedly a plenty scarcity of Democratic votes in the ballot boxes. Apathy and disaffection kept enough Democrats away from the polls to insure an Opposition triumph. The vote, when it comes to be summed up, will be found small, and the Democratic vote very small indeed. These were manifest signs of reactionary movements in our ranks, and at one time we had hopes that a good turn out would secure us the victory, but that turn out did not take place. The election news from everywhere is very much alike. There is no chance for any county or State bragging of what it has done, over its neighbors. The witty "Artemus Ward" advises the Democracy to quit reading newspapers for a couple of weeks, and devote their attention to some light reading, like Baxter's Saints' Rest. Artemus is right. The figures are very heavy reading for Democrats just now. But we are not disposed to find fault with any body for the result. It was to be, and is—and let us make the best of it. Crimination or childish lamentation can do us no good. Let us begin and work for the momentous future. Pennsylvania is yet a Democratic State, and will so prove herself when the Democracy is true to itself, and rallys for its great principles, as it will rally next year. Let the past rest, and with fresh vigor and spirit, let us enter upon the coming Presidential contest. From the present time let each eye be aimed at victory, in 1860, and each arm be strengthened by everything consistent with sound principles to obtain it.

Pennsylvania has always been a conservative State, and we do not believe she is yet prepared to endorse the mad doctrines of political abolitionism—now named Sewardism. If the issue is distinctly made between a sectional Republican candidate and a National Democrat, we do not think the voice of Pennsylvania will be a doubtful one. But to secure a victory we must work—work—work.

THE "IRREPRESSIBLE CONFLICT" AT HARPER'S FERRY.

The recent extraordinary insurrection at Harper's Ferry, made, as it appears undoubtedly to have been, with a view of exciting a servile insurrection among the slave population of Maryland and Virginia, is a direct consequence of the "irrepressible conflict" doctrines of the Republican party. Such scenes as have occurred within the past few days at Harper's Ferry, are but a faint foretaste of what may be expected if the fanatical Abolition doctrines of Sewardism are permitted to control the government of this country. Although we admit the plan to have been a foolish one, and impossible of consummation, still the country and the world can regard it in no other light than an Abolition movement. It is the first open attempt since the foundation of our government which the fanatics of politics have dared to make to free the slaves of the South by force and bloodshed. The combination, fortunately for the peace of the community, was not extensive enough to be successful to any great extent. Indeed, it could not be successful, for the welfare of the whole white race depends upon the immediate crushing out of all such attempts. A servile war at the South, aided by Abolitionism at the North, would be a most bloody and terrible affair. Such a war was the undoubted intent of those who matured the plan for this sudden and almost incomprehensible outbreak.

In speaking of this exciting occurrence, appropriate reference may be made to a very significant passage in one of Gerrit Smith's letters, published a month or two ago, in which he speaks of the folly of attempting to strike the shackles off the slaves by the force of moral suasion or legal agitation, and predicts that the next movement made in the direction of negro emancipation would be an insurrection in the South. Is this Harper's Ferry affair the consequence of the prediction of the peaceful Gerrit, or is it the "first gun" in the Seward campaign—the commencement of the irrepressible conflict? The future will show whether or not this is the first act of a terrible drama, at the finale of which the curtain may drop upon the American Union, if the designs of the conspirators are not thwarted in time!

THE RUTHERFORD CASE.

We wish to state in advance of the trial of this case, which will probably take place at the present term of our criminal court, that we shall not permit our columns to be sullied by a report of the testimony which must inevitably be adduced on the trial. We have no disposition to minister to the prurient taste which could delight in reading the disgusting details of infamous offences. Those who choose to batten on such garbage must seek it elsewhere than in the columns of the Post. We make this announcement, not that we pretend to greater morality than others, but no one who possesses a conscientious desire to promote public morals, could permit himself to be instrumental in bringing to the household circle of decent people the details of alleged moral obliquity, such as the Cyprian goddess would blush at, and Fauns and Satyrs might be ashamed of. Such details are necessary in order that public justice may not suffer, but it is not necessary that they should be printed and scattered broad cast through our families where the young of both sexes are liable to be corrupted by the malarious influence. Other journals may act differently, but the Post will not inflict upon its readers a kind of reading which may be poisonous to the youthful mind, and can be of no possible use to any one.

The Chicago *Journal* says there is every reason to believe that a small steamboat, on which there were eight persons, including three men and their wives, and two little children, which started from Port Ulao, twenty miles north of Milwaukee, on Tuesday last, has been lost with all on board, in Lake Michigan. The men were respectable American fishermen, who were emigrating from Port Ulao, via the Illinois canal and Mississippi river to their destination. When they launched their craft there was quite a heavy sea, and the vessel leaked.—To remedy this till they reached Milwaukee, they filled the hold with empty barrels, which they calculated would so buoy up the boat that it would not sink. Nothing has been heard of the boat or those on board since their departure from Port Ulao.

Elder Isaac Errett, formerly of this city, is preaching in Cincinnati.

THE NEWS.

In Ohio the Republicans have a majority of fifteen in the Senate, and twenty-four in the House.

Foster's Dramatic Company is at Bucyrus, Ohio, this week. We are glad to hear that the "Governor" is doing well.

The Opposition papers speak of the success of the Republican party in Ohio, as "a sore blow" for Douglas. "Words are but air," and it is easy to make assertions like this, but facts are stubborn things. Our opponents in dissecting the election returns from Ohio seem purposely to have overlooked the significant fact that wherever Senator Douglas spoke in Ohio the Democratic gain and majorities were large and decisive. His first speech was delivered at Columbus, in Franklin county. The result was that the Democratic majority increased from 563 on the State ticket, in '58, to nearly 900 in '59. He then went to Cincinnati, in Hamilton county, which on account of its ten members in the Legislature, was regarded as a most important point. There he made an address which was listened to by one of the largest audiences ever assembled in the city. In 1858 it gave the Opposition a majority of 1200, but was carried by the Democrats in 1859 by 900 to 1000 majority. He also spoke at Wooster, in Wayne county, and the Democratic majority increased there from 55 votes in 1858 to 460 in 1859. These are facts, and they lead to the belief that if it had been possible for Senator Douglas to have delivered ten or fifteen speeches in different parts of Ohio, the Democracy would have been aroused to such an extent that Ohio would have been fully redeemed from Republican misrule. At all events the Democracy of Ohio upon a popular sovereignty platform, have cut down the Opposition majority of 1856 of 45,000 to 15,000 or 16,000. This does not look as though the result of the election in Ohio was a "sore blow" to Judge Douglas.

Mr. Horace Greeley has published in the *Tribune*, over his own signature, a review of the historical portion of Judge Douglas' Essay in Harper's Magazine. We have read it and it does not amount to much. The article is very essentially *Tribunesh*, and does not by any means demolish Mr Douglas' impregnable position. Horace's article was refused by Harper because he was not a leading Republican." This annoys Horace.

On Monday, a man going to the Chemical Bank, New York, to deposit four thousand eight hundred dollars, was robbed of the whole amount. The robber choked him, and left him insensible. Astonishing things are done in New York.

Miss Davenport is playing at the Walnut street Theatre, Philadelphia

Attorney General Black is at present absent from Washington on a visit to Pennsylvania.

The editor of the Plaquemine, Iberville Parish *Gazette and Sugar Gazette* says that the present crop will fall short three hundred thousand hhds. The cane is both short and small, and the stand is not a good one.—The editor adds that there is not one single planter in the parish who can boast a first-rate crop.

The new dome of the St. Louis Court House has been declared by two competent architects to be unsafe, and ready to fall in at any moment. It will have to be taken down and another built, involving an expenditure of at least thirty thousand dollars.

The New York *Times* says that, by common consent, the managers of the New York Central, and New York and Erie, have advanced the freight charge on flour from the lake to city, five cents the barrel, and a more general moderate advance on low class freights is not improbable as business improves from the West.

M. Victor Meunier, a well-known scientific writer, informs the world that the deluge will not take place for six thousand three hundred years, a piece of information which will be eminently satisfactory to the present generation. It is not stated by what course of reasoning he arrives at this conclusion.

Lady Franklin has spent all her fortune in Arctic researches. She is in the South of France, in ill health.

A rich vein of gas has been discovered at Mansfield, Ohio. Soon after being opened, it caught fire, and has burned brilliantly ever since.

The Mansfield *Herald* advocates Governor T. H. Ford, of that ilk, as a candidate for the clerkship of the next House of Representatives.

The Natural Bridge, in Virginia, has been sold to John Lustre for twelve thousand dollars.

Thirty flounces per dress, and not one less, is said to be the last order from the headquarters of fashion. The lady readers of The Post are requested to take notice, and make their arrangements accordingly

Secretary Cobb has received a letter from the Collector at Brownsville, Texas, giving an account of the recent affair at that place. The statements heretofore received are fully confirmed.

The bandits, numbering nearly two hundred, headed by Mexican outlaws, entered the town, deliberately murdered five citizens, broke open the jail and liberated prisoners, entered the Custom House, destroyed and carried off a large amount of property, and, after committing numerous outrageous acts, left the town, and returned to Mexican Territory.

Prompt and decided measures will be adopted by the government to bring these outlaws to justice, and to prevent any future occurrence of the kind

Among the passengers by the steamship Hammonia, who arrived on Monday from Hamburg, is the noted Lola Montez, now Mrs. Held.

Archbishop Hughes, has been on a "flying visit," with President Buchanan, in Washington.

The notorious Sir John Dean Paul, Baronet, who plundered so many British widows and orphans, in the name of a very pious banker, and who was transported for his frauds, is about to be pardoned. Who says that personal influence is of small avail in England?

John Bull seems disposed to play the bully with the United States, as well as China. The English papers talk in a very overbearing manner of the San Juan affair. The probability is that they will not be able to frighten anybody on this side the water.

The Parodi Opera Troupe is at Pike's Opera House, in Cincinnati. They have been very successful for several months past.

It is said that the Mandamus cases against the county and city, are ordered for argument before the Supreme Court on next Friday morning.

The Lancaster *Intelligencer* nominates Bartram A. Shaeffer, of Lancaster, for the Speakership of the State Senate.

Thomas Melorn killed his wife at Chillicothe, Ohio, on Tuesday afternoon, by stabbing her in the side with a sharp poker, during an altercation. The poker pierced her heart.

The merchants and business men of San Francisco, are taking measures for the erection of a monument to Senator Broderick.

The majority for the adoption of the new State Constitution, of Kansas, it is said will reach six thousand.

The returns of the recent election in Georgia, 110 counties heard from, give Brown, the Democratic candidate for Governor, a clear majority of 16,408.

"Paddy" Collins, as blithe and young as ever, is playing at Wood's Theatre, Cincinnati.

The receipts of grain at Chicago during the last week were 31,354 bbls. flour, 484,966 bus. wheat, 47,051 bus. corn, 79,682 bus. oats, and 41,969 bus. barley. The total receipts since the first of January, 1859, have now been 485,658 bbls flour, 5,977,502 bus. wheat, 4,142,966 bus. corn, 996,599 bus. oats, and 311,541 bus. barley. The shipments during the last week have been 16,305 bbls. flour, 601,582 bus. wheat, 24,121 bus. corn, 123,293 bus. oats, and 26,401 bus. barley. The total shipments since the first of January, 1859, have been 202,128 bbls. flour, 4,779,278 bus. wheat, 3,276,042 bus. corn, 732,521 bus. oats, and 152,268 bus. barley. There is now in store 6,500 bbls. flour, 423,375 bus. wheat, 19,900 bus. corn, and 66,000 bus. oats.

Martin F. Conway, who has just been nominated by the Republicans of Kansas for Congress, is a former Baltimorean, and a printer by profession.

The Sacramento *Democratic State Standard* states, on the authority of a prominent Lecompton and warm supporter of the late Senator Broderick, that he (Broderick), while in his room at San Francisco, and just before receiving the challenge from Terry, said he expected to receive challenges from Messrs. Terry, Gwin and Denver, severally, and that he expected to kill all three of them before leaving for Washington.

OBSERVATIONS ON SENATOR DOUGLAS' VIEWS OF POPULAR SOVEREIGNTY,

AS EXPRESSED IN HARPER'S MAGAZINE FOR SEPTEMBER, 1859.

APPENDIX

Another edition of these "Observations" being called for, an opportunity is afforded of adding some thoughts suggested by the attempted reply of Mr Douglas, and by some criticisms of a different kind which have appeared in other quarters

Mr Douglas charges us with entertaining the opinion that "all the State of the Union must confiscate private property—a doctrine which he denounces as a most "wicked and outrageous heresy." He championizes the inviolability of property, and invokes the fiery indignation of the public upon us for ascribing to the States any power of taking it away.—Now mark how plain a tale will put him down.

There is not such thing and nothing like it in all the *Essays*, from the first to the last.—Mr Douglas was merely flourishing his lance in the empty air. He had no ground for his assertion, except a most unauthorized inference of his own from our denial that the power existed in the territories. The territories must wait till they become sovereign States before they can confiscate property that was our to fetch. Therefore, says the logic of Mr. Douglas, all the States in the Union may do it now. What right had he to make imputations of heresy founded upon mere *inference*, when our opinion on *the very point* was directly expressed in words so plain that mistake was impossible. The following sentences occur on page 7:

"In a word, it is the duty of Congress to see that they shall remain free; that the government keeps its hands off the property of the citizen, and that the rights by him, therefore, shall be perfectly secure. Accordingly, our Federal Constitution declares that "no person shall be deprived of his property except by the process of law, and that no private property shall not be taken for public use without just compensation." It is universal in its application, and within the exercise of the powers of the government of the United States. We are not prepared to say that the same principle would be a safe one for the State constitutions. The Legislature of Congress is therefore a tribunal which cannot be committed to lightly to be trusted by any State Legislature, on a question so fundamental in the relations of the fundamental law of the land

If the close of the same paragraph shows why it was important that no attempt should be made to exercise such power by a Territory:

"It is and ever was better to wait until the new inhabitants know themselves and one another, until the policy of the Territory is settled by some experience, and, above all, until the great powers of a sovereign State are regularly defined upon them, and properly limited, lest to prevent the gross abuses which always accompany unrestricted power in human hands!"

"Mr Douglas certainly read these passages, for he borrowed a phrase from them, and put it into his own speech He ought to have understood them. If he both read and understood them, why did he allege that this pamphlet favored the dangerous heresy referred to? Let the charity which "thinketh no evil" find the best excuse for him, it can.

That the government of a sovereign State, unrestricted and unchecked by any constitutional prohibition, would have power to confiscate private property, even without compensation to the owner, is a proposition which will scarcely be denied by any one who has mastered the primer of political science. Sovereignty, which is the supreme authority of an independent State or government, is in its nature irresponsible and absolute. It cannot be otherwise, since it has no superior by whom it can be called to account. Mere moral abstractions or theoretic principles of natural justice do not limit the legal authority of a sovereign. No government *ought* to violate justice; but any supreme government, whose hands are entirely free, *can* violate it with impunity. For these reasons it is that the Saxon race have been laboring planning, and fighting, during seven hundred years, for Great Charters, Bills of Rights, and Constitutions to limit the sovereignty of all the governments they have lived under. Our ancestors in the old country, as well as in America, have wasted their money and blood in vain, to establish constitutional governments, if it be true that a government without a constitution is not capable of doing injustice. They knew better than that. They understood very well that a sovereign government, no matter by whom its power is wielded may do what wrong it pleases, and "bid its will avouch the the deed."

Now, what is the constitutional prohibition which can anywhere be found to restrain "Popular Sovereignty in the Territories" (if there be such a thing there) from confiscating any citizen's property? There is none. A Territory has no constitution of its own, and nobody would be absurd enough to say, that it is governed by the constitution of another State. Will it be said, that the provision in the Federal Constitution, which forbids the taking of private property without compensation, can be used so as to restrain a territorial sovereignty? Certainly not. The Supreme Court have decided (in Barron vs. The City of Baltimore, 7 Peters, 243) that the clause referred to applies exclusively to the exercise of the power by the Federal Government. The rule was so laid down by Chief Justice Marshall. It was concurred in by the whole Court: and its correctness has never been denied or doubted by any judge, lawyer or statesman from the time of the decision to this day. If, therefore, there be a sovereignty in the Territories it is sovereignty unlimited by any constitutional interdict. This implies a power in the Territories infinitely greater than that of any other government in all North America.

The simple and easy solution of all this difficulty is furnished by the Supreme Court, and adopted by the Democratic party as the true principle governing the subject. It is this: That the Territories are not sovereignties, but their governments are public corporations, established by Congress to manage the local affairs of the inhabitants, like the government of a city, established by a State Legislature Indeed, there is, probably, no city in the United States, whose powers are not larger than those of a Federal Territory. The people of a city elect their own mayor, and directly or indirectly, appoint all their municipal officers. But the President appoints the Chief Executive of a Territory, as well as the judges. He may send them there from any part of the Union, and in point of fact they are generally strangers to the inhabitants when first chosen. They are in no way responsible to the Territory, or its people, but to the Federal Government alone, and they may be removed whenever the President thinks proper. The territorial legislature is sometimes (and only sometimes) elected by the people; but why? Because Congress has been pleased to permit it by the organic act. The power that gives this privilege could withhold it too. It is always coupled with restrictions and regulations which could never be imposed on a sovereignty by any authority except its own—The organic act generally prescribes the qualifications of voters, and divides the territory into districts; and the action of the legislative body itself is controlled by the veto power of a Governor appointed by the President and removable at his pleasure. It is too clear for possible controversy, that a Territory is not a sovereign power, but a subordinate dependency. It cannot deprive a man of his property without due process of law, or without just compensation, for two reasons: 1. It has no sovereign power of its own; and, 2. The Federal Government, being forbidden by the Constitution to exercise such itself, can't bestow it on a Territory. The Constitution of the United States protects a man's property from being plundered by a territorial legislature, just as a State constitution protects it from robbery by the authorities of a city corporation.

It should be noted that when this question was before the Supreme Court of the United States, there was some difference of opinion among the judges, on the question whether Congress might, or might not, legislate for a Territory in such manner as to take away the right of property in slaves. A majority of two-thirds or more held the negative: and Mr. Douglas admits that the majority was clearly right. But no member of the court expressed the opinion, nor was it even thought of by the counsel, that the Territories had any such inherent and natural power of their own. Indeed there is no judge of any grade or character, nor any writer on law or government, who has ever asserted or given the least countenance to this *notion of popular* or any other kind of *sovereignty in the Territories*.

Some trouble will be saved in this part of the argument, by the fact that since the first publication of this pamphlet, Mr. Douglas denies and repudiates all claim of sovereignty for the Territories. He even says that he never did regard them as sovereign His words spoken at Wooster, Ohio, and written out by himself are these:

"I NEVER *claimed that territorial governments were sovereign, or that the territories were sovereign powers.*"

Of course this is not to be understood as a mere naked denial that he had previously used those very words. We have no right to charge Mr. Douglas with adopting the exploded system of morality, which allows a man to cover up the truth under an *equivoque*. We are bound to take his denial fairly, as meaning, that he never thought the territories had the rights and powers, which belong to sovereign government. Let us see how this assertion will stand the test of investigation.

We do not deny that the article in Harper is extremely difficult to understand. Its unjointed thoughts, loose expressions, and illogical reasoning, have covered it with shadows, clouds, and darkness. But we will not admit that it has no meaning at all. It is scarcely possible to mistake the general purpose of the author. That purpose undoubtedly was to prove that the States and territories, so far as concerns their internal affairs, have political rights and powers which are precisely equal In fact, he declares, in so many words, that Pennsylvania and Kansas are subordinate to the Constitution "*in the same manner and to the same extent*" He not only levels the territories up to the States, but levels the States down to the territories. If Kansas has slavery by virtue of the Constitution, he insists, that, by the same reasoning, Pennsylvania has it too. Now we know Pennsylvania to be a sovereign State, and Kansas to be her equal, then Kansas must necessarily be a sovereign also.

But look at the last sentence, which is the grand summary of his whole doctrine

"The principle, and the only principle, which can and will keep the Union in peace, is that which gives to the people of each State and each Territory of the Union, exclusively, the right to decide for themselves, subject only to the Constitution of the United States"

Here the States and territories are placed on a footing of perfect equality there is no distinction made between them. If the States are sovereign, so are the territories Besides, the "rights, privileges and immunities," which he describes, as pertaining to every distinct political community, that is, to both States and territories, are political rights and nothing else. Any community which has the independent and uncontrollable right of self government, with respect to its local concerns and internal policy, must be *pro tanto* a sovereignty.

Again, Mr. Douglas, in his speech at Cincinnati, made so lately as the 9th of September last, used the following unmistakable language:

"Examine the laws and search the records, and you will find that the *great principle*, which underlies all measures, the compromise of 1850, is the *right of the people of each Territory and State*, to form a Democratic REPUBLIC the slavery question to themselves."

Is not this claiming sovereignty for the territories? Can the slavery question be *decided* without legislating upon the right of property? And can a subordinate government do that? If the territories have power to decide whether a man shall keep his property or not, where did the power come from? Surely not from Congress through the organic acts They must have it, then, upon what Mr. Douglas calls a *great principle*, and that great principle can be nothing else than "Sovereignty in the Territories." Thus it is seen that Mr. Douglas makes a tour to the West, and on his way back he contradicts what he said as he went out.

There are but two sides to this controversy The territories are either sovereign powers by natural and inherent right, or else they are political corporations, owing all the authority they possess to the acts of Congress which create them It is not possible to believe that Mr. Douglas wrote thirty-eight columns in a magzine to prove the truth of the latter doctrine. Nobody but his self and his followers were ever accused of denying it. He did not deny it, and plant himself upon the opposing ground of *sovereignty in the territories*, then there was no dispute, or cause of division, between him and the Democratic party, and he has consequently been engaged in raising an excitement about nothing: trying to test the question of politics into a tempest, without having even a feather to waft or a fly to drown.

But that is not all. Mr. Douglas has continually used the *very word sovereignty* with reference to the Territories. This *sovereignty in the Territories* has asserted and re-asserted so often, that the phrase is in great danger of becoming ridiculous by the mere frequency with which he repeats it. For many months he has not written a speech or written a letter for the newspapers on any other subject. It heads his elaborate article in Harper; it is vociferated into the public ear from the stump; and it stares at us in great capitals from the handbills which call the people to his meetings. Unless it be acknowledged, he predicts the hopeless division of the party, and even threatens to refuse its nomination for the presidency. Now, all at once, the subject matter of the whole controversy is admitted to be a nonentity. He "checks his thunder in midvolley," and owns that there is no sovereignty in a Territory any more than in a British colony. Other persons may have ridden their hobbies as hard as Mr. Douglas; but since the beginning of the world no man ever dismounted so suddenly.

"Sovereignty in the Territories," of which we have heard so much, is generally, if not always, coupled by Mr. Douglas with the prefix of "*Popular*." This last word appears to be used for the mere sake of the sound, and without any regard whatever to the sense. It does not mean that the people or inhabitants of the Territories have any supreme power independent of the laws, or above the regularly constituted legal authorities. They cannot meet together, count themselves, and say: "We are so many hundreds, or so many thousands, and we must therefore be obeyed: the law is in our voice, and not in the rules which our Government has made to control us" Something like this view was vaguely entertained in times when the Lecompton constitution was opposed. But that is gone by. Mature reflection has left *mobocracy* without a defender. Nobody now insists that the right to make or annul laws and constitutions can be exercised in voluntary mass meetings or at elections unauthorized by law. Mr. Douglas himself says: "It can *only* be exercised where the inhabitants are *sufficient to constitute a government*, and capable of *performing its various functions and duties*—a fact to be ascertained and determined by Congress." The sovereignty, then, is in the government, if it be anywhere. But Mr. Douglas now says it is not there: and he is right. That being the case, where is it?

When Mr. Douglas, in his speech at Wooster, was repudiating and denying the doctrine of sovereignty in the Territories, and resuming his old position, that they are not sovereign powers, it would have been well to fall back upon something a little more intelligible than his reports to the Senate, or his anti-Lecompton letter to Philadelphia. Here is the way he describes sovereignty in his report of 1856:

"The sovereignty of a Territory remains *in abeyance, suspended in the United States, in trust* for the people until they shall be admitted into the Union as a State."

What do these words mean, and in what possible way can they help us to a knowledge of the matter under consideration? *Abeyance* is good law French, and signifies the peculiar condition of an estate after one tenant has died, and before his successor is competent to take it. But what application can it have, even by analogy, to a sovereignty which never existed. It seems, too, that this sovereignty is *suspended* in the United States; that is, *hung* or *dependent* from something in the United States, and not *independent* like every other sovereignty under Heaven. But the most marvelous part of the business is that one government which *is* sovereign is represented as a trustee of the sovereignty of another government which is admitted *not* to be sovereign. This is the talk of a man who has too much learning. These technical terms of the common law were invented by English conveyancers and real property lawyers, for the purpose of expressing the artificial relations which men sometimes bear to lands, tenements, and hereditaments; but they are wholly inapplicable to such a subject as the sovereignty of a State or nation. We might as well call Territorial sovereignty a contingent remainder, an executory devise, or a special fee tail.

There is some confusion of ideas on another subject. Mr. Douglas and his disciples ascribe to certain Democrats (to the President among others) the belief that the Constitution *establishes* slavery in the Territories; and to sustain this accusation they quote from a message in which the EXISTENCE of slavery in the Territories *by virtue of the Constitution* is asserted on the authority of the Supreme Court. Now we are in the wrong, if the expression that a thing *exists* by virtue of the Constitution be equivalent to saying that the Constitution has *established* it. There is not only a substantial, but a wide and most obvious difference. The Constitution does not establish Christianity in the Territories; but Christianity exists there by virtue of the Constitution: because when a Christian moves into a Territory, he cannot be prevented from taking his religion along with him; nor can he afterwards be legally molested for making its principles the rule of his faith and practice.

We have said, and we repeat, that a man does not forfeit his right of property in a slave by migrating with him to a Territory. The title which the owner acquired in the State from whence he came must be respected in his own domicil as it was in the old, until it is legally and constitutionally divested. The proposition is undeniable But the absurd inference which some persons have drawn from it is not true, that the master also takes with him the judicial *remedies* which were furnished him at the place where his title was acquired.—Whether the relation of master and slave exists or not, is a question which must be determined according to the law of the State in which it was created; but the respective rights and obligations of the parties must be protected and enforced by the law prevailing at the place where they are supposed to be violated. This is also true with respect to rights of every other kind. Two merchants living in the same town may buy their goods in different States. Can it be doubted that the title of each depends on the law of the State where he made his purchase? But the law of larceny and trespass is the law of a forum common to both, and must necessarily be the same. The validity of a man's marriage is tried by the standard of the law which prevailed in the country where it was solemnized; but if he beats his wife, she must seek protection from the law of the place where they live.

Some of Mr. Douglas' partizans, and nearly all of the anti-slavery opposition, contend that property in slaves cannot exist so as to entitle it to the protection of the same laws which secure the right of property in other things.—For their benefit we shall briefly show how impossible it is to admit the distinction which they insist upon

What is property Whatever a person may lawfully appropriate to his own exclusive use and traffic for to another by sale or gift. By the laws of the Southern States, negroes are within this definition, and the Constitution of the United States not only recognizes the validity of the State laws, but it aids in carrying them out. The framers of the Constitution, being that slaves were liable to one danger from which all other property was exempt, namely, that of being seduced away by the far off, in other States, of legal shelter from the pursuit of their owners, agreed that the Federal Government should guarantee their redelivery to the exclusive possession of the persons entitled to them as proprietors. The law, then, of the States in which they are and the Constitution of the Federal Government, to all legal intents and purposes, pronounce that slaves are property. Beaten here, our adversaries convert it from a legal to a theological question. But when they appeal from the Constitution to the Bible, they are equally dissatisfied with the decision they get Nothing is left them but that "Higher Law," which has no sanction nor authority, Divine or human. Those who reject the Constitution must be content to follow guides who are stone blind. They are men who aspire to be wise above what is written, and thereby press themselves down to the extreme point of human folly. They turn their backs on all the light, which the world has, or can have; they go forth into outer darkness, and wander perpetually in a howling wilderness of error.

But Mr. Douglas is guiltless of this heresy at least. He concedes that slaves are property like other property, so far as regards the legal remedies and constitutional rights of the owner. He professes to take the fundamental law of the land for his guide upon that point. Let his practice, then, correspond with his faith: let him "walk worthy of the vocation wherewith he is called" let him make no more appeals to popular prejudice for a sovereignty which does not exist above all things, let him never by the slightest suggestion, encourage any Territorial government to undermine the rights of the citizens by *legislation* which is "unfriendly" to the security of either property or life We must not palter with the Constitution in a double sense, but obey it, support it, defend it, earnestly and faithfully, like men who believe in it and love it. Whosoever attempts to trifle with its principles, or weaken the obligation of its guarantees, will find sooner or later that he has fixed a stain upon his political character which "there is not rain enough in the sweet heavens" to wash out.

The Southern Pacific Railroad.

NEW ORLEANS, October 15.—President Fowlkes, of the Southern Pacific Railroad, has arrived here, having settled everything in Texas

The stockholders have elected new directors, with J. Edgar Thomson as President, and reorganized and consolidated the company, fully protecting the old bona fide stockholders. The Texas subscribers make up $500,000 toward the employment of one thousand laborers, of which $100,000 was paid upon the spot. There is renewed confidence in Texas and here, and the stock of the road is selling at par.

A Great Medicine for Females.

Hundreds of stimulants have been invented and sold, purporting to be specific in the various diseases and derangements to which the delicate form of woman render her subject. The result of all these stimulants has been to impart *momentary activity* to the *nervous system*, and lend a vigor to the muscles, but this relief has been succeeded by a depression and prostration greater than before, and the repeated attempts of invalids to build themselves up by these *false remedies*, have finally ended in destroying what little vital organization was left.—But in using "*Barhave's Holland Bitters*" you will find no such disastrous results. It is a purely vegetable compound, prepared on strictly scientific principles, after the manner of the celebrated Holland Professor, Boerhave. Under its influence *every* nerve and muscle receives new strength and vigor, appetite and sleep return, and finally, perfect health. See advertisement in another column.

Read Carefully.—The Genuine highly Concentrated Boerhave's Holland Bitters is put up in half pint bottles only, and retailed at one dollar per bottle. The great demand for this truly celebrated Medicine has induced many imitations, which the public should guard against purchasing. Beware of imposition! See that our name is on the label of every bottle you buy.

BENJAMIN PAGE, Jr. & CO., Sole Proprietors, No. 27 Wood, between First and Second sts., Pittsburgh.

New Advertisements.

ALLEGHENY BANK, October 20th, 1859.

☞ AN ELECTION FOR THIRTEEN DIRECTORS of this Bank will be held at the Banking House, on MONDAY, the 21st day of November, between the hours of 9 A. M and 2 o'clock, P. M.

A general meeting of the stockholders will be held at the Banking House, on TUESDAY, the 1st day of November, at 10 o'clock

oct20:2d J. W. COOK, Cashier.

MERCHANTS' AND MANUFACURERS' B'K, Pittsburgh, October 19th, 1859.

☞ AN ELECTION FOR THIRTEEN DIRECTORS of this Bank will be held at the Banking House, on MONDAY, November 21st, between the hours of 10 and 2

The annual meeting of the stockholders will be held on TUESDAY, November 1st, at 10 o'clock, A. M.

oct20:8tdaltw W. H. DENNY, Cashier.

FLANNELS, FLANNELS.—Red, White, Yellow and Country Flannels; a large stock just received at J. P. SMITH'S, oct20 92 Market street.

New Advertisements.

EXCHANGE BANK OF PITTSBURGH, Pittsburgh, October 20, 1859.

☞ THE ANNUAL ELECTION FOR DIRECTORS of this Bank will be held at the Banking House, on MONDAY, November 21st, between the hours of 10 o'clock, A. M. and 2 o'clock, P. M.

The annual meeting of stockholders will be held on TUESDAY, November 1st, at 10 o'clock, A. M.

oct20:2tm H. M. MURRAY, Cashier.

SEASONABLE HATS, CAPS,

READY-MADE CLOTHING,

Of superior quality and workmanship.

PRICES BELOW COMPETITION.

FLEMING, cor. Wood and Sixth sts.

☞ No Charge for Showing Goods. oct20

BOYS' YOUTHS' AND CHILDREN'S

Metalic Tip Shoes,

WARRANTED NOT TO WEAR OUT AT THE TOES.

For sale at

W. E. SCHMERTZ & CO.'S,

oct20 No. 31 Fifth street.

GENTS'

SCOTCH BOTTOM SHOES,

DOUBLE SOLE,

Received at

W. E. SCHMERTZ & CO.'S,

oct20 No. 31 Fifth street.

SHOT, SHOT, SHOT, SHOT, SHOT, SHOT, SHOT.

The best variety in the city, at

BOWN & TETLEY'S,

oct15 136 Wood street.

GROCERIES, &C., AT AUCTION.—On TUESDAY MORNING, October 25th, at the Commercial Sales Rooms, No. 54 Fifth street, will be sold, for account whom it may concern.—

2 barrels New Orleans Molasses;
2 " " Sugar;
5 half chests Y. H. Teas;
4 " " Black "
1 sack Rio Coffee;
½ box superior chewing Tobacco;
10 boxes double refined Salaratus;
10 " 1 dozen bottles each, Cognac Brandy;
10 cans Mustard, 5 lbs. each;
500 feet Wooden Bowels;
3 casks Rice;
3 " Liverpool Ware;

oct20 J. G. DAVIS, Auctioneer.

PRATT'S LAST AND CLOSING SALE OF VALUABLE BOOKS, STATIONERY, &c.; on THURSDAY, FRIDAY and SATURDAY Evenings, October 20th, 21st and 22d, at 7 o'clock, at the Commercial Sales Rooms, No. 54 Fifth street.

Mr Pratt would respectfully inform his old friends and customers, that he is now drawing his 22d Annual Sale to a close. Many of his most valuable works, and superior Family Bibles yet remain unsold, all of which he is desirous of closing out this week, without regard to cost. Now Look out for bargains Books at Private Sale during the day, at very low prices.

J. K. PRATT, Salesman.
oct20 J. G. DAVIS, Auctioneer.

SUPERIOR HOUSEHOLD FURNITURE &c.—This afternoon, THURSDAY, October 20th, at 2 o'clock, will be sold, at the Commercial Sales Rooms, 54 Fifth st, a lot of superior Household Furniture, which has been but little used, comprising Sofa-seat Mahogany Chairs and Rocker, cane-seat Chairs, Walnut Bedsteads, Mattrasses, Dressing Bureaux, large Book-Stand, Venetian Blinds, Carpets, &c. The sale will be positive, as the family is leaving the city.

J. G. DAVIS, Auctioneer.
oct20

SPANISH BROWN.—25 bbls. for sale by B. A. FAHNESTOCK & CO., oct20 cor. First and Wood sts.

SUP. CARB. SODA.—200 kegs for sale by B. A. FAHNESTOCK & CO., oct20 corner First and Wood sts.

TANNIN.—300 ounces for sale by B. A. FAHNESTOCK & CO., oct20 corner First and Wood sts.

BEAUTIFUL FIGURED MERINOS—Cashmeres, Ottomans, Parametteos, &c; an ample variety.

oct20 C. HANSON LOVE, 74 Market st.

$2,500.—A FARM OF 51 ACRES, minutes at five minutes walk from the R. R. Station, at Freedom; 40 acres in cultivation, one acre of which is in fruit; 2 durable springs; 2 stables, etc. The timber is good; a valuable stone-quarry, good fences, and a stone foundation for a dwelling house. Price $2,500. For sale by S. CUTBERT & SON, oct20 Real Estate Agents, 51 Market st.

CASTILE SOAP.—25 boxes genuine Castile Soap, received and for sale by MURTLAND & CONNOR, oct20 197 Liberty street.

BROOMS.—75 dozen good Corn Brooms, in store and for sale by MURTLAND & CONNOR, oct20 197 Liberty street.

NAILS.—150 kegs, assorted sizes, in store and for sale by MURTLAND & CONNOR, oct20 197 Liberty street.

UNDERSHIRTS AND DRAWERS,

FINE SHIRTS, NECK TIES, SUSPENDERS,

And a full stock of Merino Under Garments, for Ladies and Children, at

oct20:2t JOS. HORNE'S, 77 Market st.

BLACK SILK CROCHET FRINGES—Very heavy, for cloak trimmings, selling cheap at oct20:2t JOSEPH HORNE'S, 77 Market st.

RICH DRESS TRIMMINGS.—The best assortment in city at 77 MARKET STREET oct20:2t JOSEPH HORNE.

CAMBRIC COLLARS—A large lot just opened at about half the usual prices, at oct20:2t JOS. HORNE'S, 77 Market st.

SHAWLS, SHAWLS.—Long and Square

PLAID SHAWLS,

Long and Square Brochee Shawls, Cashmere, Thibett, and Stella shawls, all new and fresh this fall.

J. P. SMITH, Agent,
oct20 92 Market st., between Fifth and Diamond.

FANCY DRESS GOODS, such as Silks, Rich Fancy De Laines,

FIGURED AND PLAIN FRENCH MERINOS,

All Wool Plain Delaines, in all shades, Nouveauti and Montebello Plaids, Traveling Goods, Bayadere, striped and plain, French Chintzes and Calicoes.

J. P. SMITH,
oct20 No. 92 Market street.

PARAMATTAS and French Merinoes, all shades and prices, at

oct20 J. P. SMITH'S, 92 Market street.

W. CUNNINGHAM.....D. CUNNINGHAM,.....R. CUNNINGHAM, D. HEMLE.....C. DUNCAN.

CUNNINGHAMS & CO.—PITTSBURGH CITY GLASS WORKS—WAREHOUSE, No. 119 Water street, and 116 First street, Pittsburgh, Pa., three doors below Monongahela House, Manufacturers of Pittsburgh City Window Glass, Druggists' Glass Ware, and American Convex Glass, for parlor windows, churches and public buildings. se12:1y

UNDER GARMENTS.

WE TAKE PLEASURE in informing our Friends and Customers, that we have received the Agency from two extensive

HOSIER