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FOR PRESIDENT OF THE UNITED STATES,

HENRY CLAY,
OF KENTUCKY.

Subject to the decision of a National Convention.

NEW-ORLEANS:
MONDAY MORNING, NOV. 18, 1839.

FACTS FOR THE PEOPLE.

When the public mind is tortured to frenzy, by repeated disaster and impending ruin, under multiplied wrongs —when experiment after experiment has only added misery to disappointment—when prospects the most cheering have been blighted, and visions of prosperity have ended in misfortune, until the people are ready to surrender themselves up to gloom and despair. It becomes more and more the duty of the journalist to present before them the causes of their affliction, that they may apply the remedy and be healed. Whatever evil may befall the country, however dim the prospect of better days may be, it does not become the patriot to relax his exertions in retrieving the broken fortunes of the state—he should struggle on, though hope herself should set in one dark, rayless and dreary night. He will find that in his bosom which will forward him for his labor, and console him, should all be lost. For honor to eat the bread of poverty, moistened by the sweat of the brow, than turn traitor to our cause and join the revels of those who feast by despoiling the country.

We would call the attention of our readers to the following table, showing the amount of imports and exports for fifteen years, from 1824 to 1838 inclusive. Taken in connection with the history of banking for that period of time, much light will be thrown upon the question which now monopolizes public attention.

For the year ending 30th Sept.	*Imports.*	*Exports.*
1824,	$80,549,017	$75,986,657
1825,	96,340,075	99,535,966
1826,	81,924,477	77,595,329
1827,	79,484,068	72,264,673
1828,	88,509,941	72,264,673
1829,	74,462,987	72,358,671
1830,	70,876,920	73,845,896
1831,	103,191,124	81,310,583
1832,	101,029,366	87,176,943
1833,	108,118,311	90,140,443
1834,	126,521,332	104,691,734
1835,	149,895,742	126,375,532
1836,	189,980,035	128,850,088
1837,	140,989,267	117,419,357
1838,	113,177,104	108,486,616
	1,608,432,220	1,393,132,600
Deficiency in the proceeds of exports,		214,999,729

It appears then, that the foreign debt contracted by an excess of imports over exports for the fifteen years preceding the 30th September, 1838, amounted to the enormous sum of *two hundred and fourteen millions of dollars*, and upwards. By referring to the table, it will be seen that from 1824 to 1831, the exports and imports were nearly of equal amounts—the former being sometimes greater, sometimes less than the latter, but exhibiting no greater fluctuation than might be expected in commercial transactions of such immensitude. Our readers will bear in mind that the 5% upon the United States Bank commenced in 1831 and that in 1831 the consequences of that war began to be felt. From that period the returns uniformly exhibit a vast excess of imports over exports, particularly in 1836, *the year in which the charter of the United States Bank expired*, when the imports exceeded the exports by more than *sixty-one millions of dollars*. By inspecting the returns as above given, other inferential facts will be seen, viz: that the imports of 1837, the year of the great revulsion) exceeded the imports of 1827, (the year in which the United States Bank was charged with having expanded her issues to an undue extent) by more than sixty-one millions of dollars, and that the imports of 1836, (when the charter of the United States Bank expired) exceeded those of any year in which that institution was in existence by upwards of NINETY-THREE MILLIONS! Again, the administration in endeavoring to prevent overtrading, has increased our foreign debt more than two HUNDRED AND THREE MILLIONS; for the table shows that of the two hundred and fourteen millions of deficit in the exports for the above fifteen years, more than two hundred and three millions have accumulated since the commencement of the war upon the United States bank.

If then, the embarrassed condition of the country to-day is owing to over trading, why not resort to the remedy which used to keep commerce within its proper channel The foreign debt, contracted prior to 1838, was not in the least burdensome, and was no more than the expanding resources of the country could well make good. From that period over trading commenced and over banking also. We sometime since showed that the banking capital of the state banks, has been tripled since 1829—that four hundred and eighty four bank charters have been granted by the states since that time, and that during the existence of the United States bank, the increase of banks averaged about six banks a year, whereas since the divorce of the bank and the general government, those corporations have multiplied at the rate of more than *seventy a year*. We then showed that the remedy against over banking was a national bank, and we now show, if there is any thing, that such an institution is the only resort against over trading. We will continue from time to time, to lay important *facts* bearing upon the question before the people—we trust that it will not prove to be a useless task.

NEW-YORK ELECTIONS

Seem to have triumphed in the city of New-York. By what means our correspondent will inform us in a separate letter. We subjoin the vote on the several ticket —

...day 2-	24	Hone (W.)	Tompkins	
739	326	540	321	(L.F.) mem
750	327	535	320	
761	329	501	307	
1840	781	495	305	
1841	795	505	304	
1842	779	509	321	
1843	1017	731	375	
1844	1159	1035	182	
1845	1017	986	432	
1846	881	1057	440	
1847	1065	1015	446	
1848	877	1503	177	
1849	668	578	316	
1850	666	604	773	
1851	673	632	586	221
1852	770	861	1861	236
13,132	13,623	10,518	2698	4529
		13,623		2698
		15,132		7227

Total number of votes, 38,273

In November, 1838,

Furman (whig) had	30,936
Tompkins (locofoco)	29,183
Total	59,693
Whole number in 1839	38,273

Decrease of votes this year 14,420

* In this amount of difference, the scalt ring abolition and other votes, amounting, perhaps to two hundred in all are not included.

With regard to the state, our information is yet imperfect. Our correspondent's letter, written on the morning after election, speaks somewhat discouragingly, but the evening editions of the different newspapers in the city, give unstrung hopes of whig triumph. Hear what the evening edition of the New York *Times* says—

THE STATE IS SAFE! Our accounts from the interior are most flattering. We have intelligence which leaves little doubt of a decided and triumphant majority in both branches of the legislature and an increased aggregate majority of the ticket. The whigs will carry the 3d, 4th, 6th, 7th and 8th senate districts; and the administration will carry the 1st, 2nd and 5th districts. The 3rd is the great battle ground, as it elects this year three senators. The senate will then stand, whigs 30, locofoco 12. Whig majority 12.

In the assembly the whigs last year had 36 majority. Now they loose New York, 13. Richmond, 1, total heard from 14, requiring 8 more to get the majority. Three city counties remain to be heard from, which we suppose will probably gain in Steuben, 2; in Columbia and Green, 3; and out of the five members in Sullivan, Orange and Putnam, at least 4 or if not the whole—five will be taken gain one in the counties of Clinton and Oswego, if not two, so that the state is safe. We have this estimate from a gentleman of the first order. We are not only well acquainted with the political affairs but has been actively engaged in the canvass, and on whose correctness we place implicit reliance, and it is in connection with our information on the subject from other sources."

The whig majority in the assembly last year was 36. The locofocos have gained 13 in New York city, and one in Richmond; making a difference of twenty eight votes on. They must gain four more to neutralize the whig majority of last year. This, we think, they should not do, on the contrary will one members in several counties.

From Albany and the third senatorial district in which there were three candidates on each side, the accounts are most encouraging. The city gives an unusually heavy whig majority—over 600 it is believed. Kings county, one whig and one locofoco to the assembly—same as last year. With regard to the other counties generally, rumors and estimates favorable to the whigs, but as the votes had not been canvassed we will await certain information before publishing the result.

LOSS OF STEAMBOAT ARROW.

We regret to announce the loss of the steamboat Arrow from St. Louis for this port. The *Arrow* left that place about ten days ago on her first trip. When within a few miles of Bayou Sara she struck a snag and sunk rapidly. So sudden was the calamity and so quick did she sink, that although near the shore at the time the accident occured, the passengers' lives were not saved without considerable difficulty. Only all their baggage was lost. The books and papers of the steamboat were likewise lost, together with the [illegible] containing large sums of money and several [illegible] which had been shipped on board. The cargo was a total loss. The *Arrow* was valued at $25,000. The crew and passengers after [illegible] were picked up by steamers Gov. [illegible] and Fanny.

STEAMER C.—The United States mail boat Mercury which arrived yesterday, reports that the British steamer Estngrant, captain Main, 62 days from Liverpool to Mobile, has been run ashore on the west end of Cat Island, and is a total loss. The St went to their assistance, but her services were not desired, when she sailed on her course, leaving the unfortunate vessel stranded and having done feet water in her hold. She had a cargo of salt and a few packages of merchandise.

DER DEUTSCHE

Is the title of a new paper in the German language, issued from the printing office of Messrs. Johns & Manouvrier, the first number of which, while its appearance on Saturday. We do not pretend to form an opinion of its contents; but as a specimen of typography it is as neatly finished and beautiful as any newspaper we have ever seen.

[By Through the politeness of the officers of steam ship New York, Capt. J. C. Wright, arrived last evening from Galveston, which place she left on the 13th instant, we are informed that the sickness at Houston is fast abating, and it was quite healthy at Galveston when she left. We also acknowledge the receipt of the Galveston and Galveston Gazette, of the 13th instant, the only paper we could obtain last night, in time, however, there is little of importance. The Galveston market will be found under its proper head.

[By Boston.—One hundred thousand dollars was received at New York by the barque *Elizabeth*, from Vera Cruz.

[By On Saturday, the Texican steam ship of war Zavala, commander, A. C. Hinton, Esq. arrived in our port from Galveston, which place she left on the 13th instant. The sickness at Houston and Galveston had greatly abated. Settlers were arriving in large numbers. The Indians were tranquil.

We learn that it is Capt. Hinton's intention to have the Zavala completely overhauled, cleaned and repaired, prior to his departure from our port.

List of officers of the Zavala.

Commander—A C Hinton.

E P Kennedy, 1st lieutenant; G P Exter, 2d do; F Dorsey, surgeon; D Kerr, purser; D Lloyd, master; R Barbe, captain's clerk; C Cummings, midshipman; J C Willis, do; Fierpont, Throomb, Gold, Lewis, Holstead and Bennett.

Engineer Department.

George Beatly, chief engineer; John Miller, assistant do.

To the Editors of the New-Orleans Bee:

SLAVERY IN IOWA.

Messrs. Editors.—Under this head, I beg leave to report through your columns, a decision made by the Hon. Chief Justice Mason, which, for the present, settles the question in reference to slavery in that territory.

In the May term of the district court, for the county of Desmoines, A. D. 1838, M. Easton, formerly a citizen of Louisiana, sued out a writ of *habeas corpus* during the session of the court, to bring before him a certain woman, named Rachel, whom he claimed as his slave, with the cause of her detention. Mr. Clendershott, to whom Rachel had been committed, appeared by counsel to defend the writ. Counsel for defendant moved the court to dismiss the *habeas corpus*, alleging that she had not been detained &c. and urged that the power of perversion of the writ. That writ was intended to discharge persons illegally detained in custody, and it has been used in this instance to bring into custody her who was entitled to the privileges of it. The court dismissed the writ, and the prisoner was discharged. Plaintiff then brought a suit of replevin and Rachel was took into the custody of the sheriff. Defendant issued a writ of habeas corpus to bring her before the court and discharge her from the custody of the sheriff. On application, counsel moved for her discharge on the grounds that there was no law in the territory by which a human being could be taken with a writ, which was only intended to be applied to "goods and chattles." Plaintiff's counsel replied, that colored persons in a state of servitude to their masters, were comprised in the terms of "property called "goods and chattles," and were recognized as such by the laws of both slave holding and non-slave holding states. After arguments of counsel, the writ of replevin was dismissed—the prisoner again discharged, and leave obtained from the court to file a petition to reclaim and take possession of Rachel as a slave. Under this proceeding, the court permitted the parties to go into the merits of the cause. The court decided against the right, which plaintiff had to the property of the slave—that he purchased her in Louisiana, and had not disposed of his right to and title in favor of the petition, counsel referred to the 5th and 6th sections of an act passed by the legislature of Iowa, fixing effect on the 1st day of April, A. D. 1839. By these sections, masters, travellers, and emigrants, passing through the territory, are secured the right to hold slaves while travelling or during a temporary sojournment.

This section of said act provides that no colored person shall reside in the territory for an hour a certificate of freedom from their masters, or from some court of the United States, received and recorded in court. Under this section it will be necessary for a person claiming as a slave, to prove their freedom. Plaintiff then produced a bill of sale by the said Rachel, made in Louisiana agreeably to the laws of that state. Referred to the ordinance of '87 and act of congress of 1820, in reference to the Missouri question; stated that the act of 1820 was only prohibitory, and that the territories, to be formed north of the line of 36 degrees 30 minutes, and had not affected the right of citizens of Louisiana residing within that portion of the territory which belonged to that state at the time of the treaty between the United States and France of 1803.

Plaintiff read his bill of sale, admitted that he came to the territory for the purpose of residing there, and claimed the privileges guaranteed to the citizens of Louisiana by the French treaty of 1803.

Counsel for defendant resist the petition. Refer to the act of Iowa, regulating colored persons. Say that this act is in contravention of the ordinance of '87, which declares that "neither slavery, nor involuntary servitude," shall ever be tolerated." The organic act of congress of 1838 extends the authority of that ordinance to the territory of Iowa. Refer to the 3d article of the French treaty.

"The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyments of their liberty, property, and the religion which they profess." Counsel contend that by the words, *in the meantime*, is meant that the existing state of things, at the time of the treaty, should terminate as soon as all or any portion of said territory should be admitted into the Union; and accordingly, at the time of such admission, slavery should be forever abolished. Cited the act of congress of '20, "that involuntary servitude shall never be held, north of the line of latitude 36 degrees 30 minutes.

The Court, C. J.

"I cannot hold to the doctrine, as to the construction which plaintiff's counsel put upon the act of congress of 1820. The words are express on the subject, and directly, and positively prohibit involuntary servitude forever in the territory designated by the act. And to follow the construction of the act now contended for by the counsel for defendant, would be to annul the provisions of the French treaty. It is not for this court to declare that the treaty is violated. That provision, with some higher tribunal. I am bound by the constitution and laws of the country, and I consider the treaty of 1803 as no higher authority than laws made by congress, pursuant to the constitution of the United States. The construction I am inclined to place upon that provision of the treaty which guarantees the *liberty* of the citizens of Louisiana, is, that it was the intention to place every human being, within the ceded territory, upon an equal footing with any free white citizen of the United States; and for that purpose, I conceive, the word "citizen" contemplates all persons, whether slaves or freemen."

Upon full consideration by the court, the petition was dismissed, and the prisoner discharged. It was permitted to go without further restraint of liberty.

I am constrained to say, from conscientious views of the case, that the broad positions taken in this decision are not only questionable, but certainly not founded in law, as I shall humbly endeavor to show by citing the acknowledged law of the land.

With regard to the third article of the treaty of 1803, facts do not sustain the decision in reference to the country, for by the judge's construction slaves would have to be still at liberty in every portion of the ceded territory, and they could not, by any law of the land, be again subjected to servitude after the treaty had gone into effect. But slaves have been held since, and not in the state of Louisiana alone, but in two other states made of the same territory, and even after Louisiana had assumed her state government.

Had the treaty of '03 set at liberty and placed the slaves then in Louisiana upon an "equal footing" with any citizen of the United States, slavery would by that treaty, have been abolished the moment it took effect, and if the citizens of Louisiana would be secured in the free enjoyment of their *liberty*, they could not be secured in the benefit of slaves then in servitude, why are they now in that condition? Why is slavery tolerated in any part of the territory embraced in that treaty? Had the stipulated conditions of that treaty dissolved the rights of citizens to hold that species of property, and they have since been permitted to do so by congress, why has not France complained of a violation of treaty? But the next word in that article settles the question. The citizens are to be protected in the enjoyment of their "property," as well as liberty and the laws of France and the U. States find recognized colored persons in a state of involuntary servitude the same under the description of property called "goods and chattles;" the colored persons owned then by the inhabitants of Louisiana, were considered as slaves; and an invidiable right was vested in citizens to claim the perpetual services of their servants. Even had the word "property" not been contained in the clause, it could not have been released from service of the same nature as a vested before the treaty. And as they were slaves previously, they must be slaves subsequently. It gave no higher, no better right when they could not claim their liberty. This, I humbly conceive, to be the true construction of the 3d article.

The right of slaves vested in the citizens of Louisiana to hold slaves, and guaranteed to them by the United States and French republics, there is no power, either in France or America, could divest them of that right, without their consent. The treaty stands in the light of a compact or law in force. France as done, has no power to revoke a grant made for the use of her third party. The United States as trustee can exercise no act by which those vested rights might be injured—and the inhabitants for whose use the grant was made is the *cestui que trust*, and as such, may claim the eternal unimpaired guaranty. Perhaps in no case can the treaty may be understood, as protecting the citizens of Louisiana; *and the descendants of the citizens resident in Louisiana at the time of the cession may forever be protected in their right to the services of their slaves in every portion of territory ceded to the United States by the treaty of* 1803.

As to the position, that should the act of congress of 1820 contravene the treaty of '03 it would not be the province of the *judiciary* to declare that law *non tanta*, invalid or incorrect, and the laws of the land would not sustain it.

It is humbly conceived that the congress did not intend to contravene that treaty when they enacted, that slavery should forever be prohibited, in all that portion of the territory of Louisiana, north of the line of 36 degrees 30 minutes north latitude." That provision referred to the *institutions of states* that were yet to be admitted into the Union. They were to be free. But it was not designed to compromit the rights of those who had claimed privileges under the treaty of cession. And even had it been the intention of congress to limit the inhabitants to any one portion of the territory, so far as related to the right to hold slaves, the act would have been invalid as to that provision; for it will not be admitted, that congress had the same right to abrogate as to confirm. It is a law of perpetuitant consent to the constitution itself. It is embodied among the supreme laws of the land. And all acts in contravention of it are invalid. And who but the judiciary has power to declare them so? The judiciary is the safeguard and the constitution, the "security for good government," and they are to say whether there be "conformable to the *constitution*," and the "first question to be decided, when a law comes before this department, is its constitutionality; since, if it were unconstitutional, it would not be a law, though it had the form; and it would accordingly be *declared* void by the *judiciary* is empowered to decide, in the last resort, when either federal or state government has transcended its constitutional limits, and to declare, such proceeding void." Considering then, the treaty, as placed among the high authorities of the federal constitution and the known laws of nations, I deem it incumbent on the court to decide whether a law be made in contravention of a treaty, pronouncing that it would have been proper for the court to have declared that provision invalid, which interferes with the vested rights of citizens of Louisiana.

Yours, &c. F. PERIN.

IMPORTANT DECISION.

The supreme court decided yesterday a case argued at the last July term, involving the constitutionality of *the general banking law*. The judges expressed opinions to the effect following—*first*, that associations formed under the general banking law are corporations: *second*, that the assent of two-thirds of all the members elected to each branch of the legislature was necessary to the passing of the act; and *third*, that it passed by a vote of two-thirds the act is constitutional. On the last point judge Bronson was not prepared to concur; but on the other questions all the judges were agreed in opinion

The only objection to the general banking law was not passed by a two third vote, did not arise on the demurrer to the plaintiff's declaration, and whether on a writ of error the court could look beyond the statute book for the purpose of reaching that question was not decided. *Albany Argus.*

SALES AT AUCTION—THIS DAY.

By A. L. Fenner, at the City Exchange, St Louis street, at 12, m.—several lots of ground—see advertisement.

By J. A. Beard, at No. 37, New Levee, at 10, a. m. a large stock of clothing, hats, shoes, &c

By the same, at the cotton press of Messrs. W. & P. Collins, Magazine street, at 4, p. m.—damaged cotton.

By J. Le Carpentier, at 10, a. m —several cases of hats.

By P. A. Guillotte, in the Theatre lot, at the corner of Magazine and Delord streets, at 10, a. m.—Mexican mules and horses.

[MD, yesterday, 17th instant, Mrs. Cecelia G. Hunter, wife of Mr. William H. Hunter, of this city. The friends of the family and that of J. Morgan Esq. are invited to attend her funeral this morning at 11 o'clock, from No. 36 Magazine st.

TRADE AND COMMERCE.

EXPORTS

Liverpool—Per ship J W Bishop, 644 do 28 bales cotton.
Bremen—Per ship Rebecca—600 bbls hay and sent cedar.
Mexico—Per ship Rebecca—1713 sacks corn.
Per ship Virginia—1677 bales cotton.
Valery—Per brig Berry—600 bales cotton.
Havana—Per brig Boy—696 bbls flour, 100 kegs lard, 9 bbls lard.
Matanzas—Per ship Rebecca—160 bbls flour, 100 do corn, 286 sacks, 16 bbls do shipstuff, 1 keg do.
Per ship Rebecca—160 bbls flour, 100 do corn, 286 sacks, 16 bbls do shipstuff, 1 keg do.
Per steamboat Bob Morris—300 sacks corn; 68 the oats, 120 pcs bagging, 161 bbls flour, 10 bbls bacon, 80 bbls sugar, 4[illegible].

IMPORTS.

Bremen—Per ship Copernicus—709 demijohns, 100 hampers, 100 barrels, 400 barrels and 50 casks.
New York—Per ship Auburn—sent in ballast.
Per ship Rebecca—from Rotterdam via Holland—363 bales hay, 270 tons flag stones, 10 do paving stone.
Philadelphia—Per ship Constellation—sent in ballast.
Per schooner Brilliant from Bayou Sara—94 bales of hay, 1 do bacon, 1 do feathers, 14 do [illegible], 1 do [illegible], 4 do [illegible], 1 do [illegible], 1 do [illegible], 1