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The New Orleans Bee.

No. 78 Chartres street.

NEW ORLEANS, WEDNESDAY MORNING, SEPTEMBER 17, 1862. Vol. XVII—New Series. Vol XXXVI.—Whole No 12,484.

Sales by Auction To-Day.

By S. H. Montgomery, at half-past 9 o'clock, at yard 66, Third Districk, sides, shoulders and potatoes: at 10 o'clock, at Exchange street, No. 165, household furniture; at 10½ o'clock, at commission No. 18, Union street, flour, bacon, &c.; at 11 o'clock, on Calliope street, in front of St. Charles and Camp, mahogany and B. W. furniture.

By Hanlon & McLean, at 11 o'clock, at No. 45 Commerce street, furniture.

CRIME AND CANT.

The good people of England have just discovered that their pseudo-philanthropy which induced them to abuse the severity of legislation with the well-being of offenders principally in view, is producing just what every man of common sense expected,—great injury to the rest of the community. Grown so tender as to be unable to bear the execution of a murderer, or the comparative punishment of bolsome and incorrigible offenders, they have had recourse to every scheme that the ingenuity of benevolence could suggest to relieve themselves of a duty. One of the latest of their efforts in this direction, was the adopting of the ticket-of-leave system in England itself, on as large a scale as it had previously existed in Australia, up to the time that the colonists refused to receive any more of Britain's convicts. The consequences has been such as alarming increase of crime, as to have given considerable attention to the subject. In 1861 the thousand leaves granted exceeded those of the previous year by one thousand; and in the same period the number of burglaries committed was greater by five hundred and fifty-six, and garrote and other violent robberies "attained a frequency," says one writer, "which renders it expedient that the wayfarer of London streets by gaslight should wear a helmet and a spiked collar, if not also have his sides plated with iron." Such a picture may well enough, indeed, excite public denunciation of the ticket-of-leave system.

In the far-off, uncongested regions of Australia of past days the ticket-of-leave system may have worked to advantage. A convict out there had opportunities of improving his condition, which left him no temptation to commit crime. But as soon as the country began to fill up, to be appropriated, to be studded with flourishing cities, to be extensively tilled and grazed, to develop vast resources, to acquire wide-spread wealth—in short to take the definite position of a populous and flourishing country, in which opportunities of every aggrandizement became constantly more limited, and the temptations to crime proportionally greater, the system was found to be intolerable, and was abandoned. Unable to discover the actual cause which led the new countries to refuse any longer to be subjected to the [illegible] humanity-mongers proceeded it to Europe itself. They are now experiencing the [illegible] results, and, alarmed at them, [illegible] require what they can do with their thieves and ruffians.

Common sense at once says hang your murderers at least, punish with adequate imprisonment and labor other heinous or incorrigible offenders, for where a pecuniary penalty will serve the grand end of all criminal legislation—that of deterring the offender and others from repeating the offence, have reformatory institutions for young and pliable offenders. In all civilized nations these are and always have been the chief modes of punishment resorted to, and in spite of what barbarous cruelty on the one hand, or mistaken leniency on the other hand, may have done, ever must remain so. But there has been a common hankering in our days to abolish them, to tinker them, to render them unnecessary, to attain the impossible human condition of no crime and no punishment. The result in England is admitted; and now the inquiry is what can be done with its "human darnel, tares, thorns and thistles, stinging nettles, deadly nightshade, and other poisonous vegetation." The writer from whom we have already quoted thus expresses himself in reply:

Being human, the noxious produce of care cannot be gathered into bundles and burnt; made a heathy of, and a handful cast on the wind. It must, modern, benevolence has decided, be suffered to live; but how can it, consistently with the well-being of the community? Merciful legislation has created it as a subject of improvement, by means of correction and culture. Capability of improvement, however, is limited. Few are found incapable of being improved into a silk purse. An idiot may, by any improvement be converted into a philosopher. An idiot can a criminal, naturally depraved, be improved into the character of a righteous man. Such unhappily organized be they are mostly capable only of being improved [illegible] of the best of the kind. The only improvement too summary for the present times. For so much improvement as is possible in the nature of things, you have the only season. Reformatories for young thieves may answer their purposes; but mature rogues are almost necessarily incorrigible. What reasonable hope, at any rate, can be entertained of reclaiming them during certain brief years of imprisonment? Their minds are set as firmly as their bodies. No permission can be impressed on their features. They have their vices as well as their virtues. Intelligent people can only be taught by degrees, and those who are stupid can learn nothing at all. What is the use of shutting up an adult pickpocket or housebreaker in a cell and sending in a clergyman to exhort and preach to him? How can he be expected to believe what the ravished parson tells him? He will not take it for granted, like a child. In order to be convinced of the error, or rather of the deceit, of his ways, which is all that he is likely to care about, he must first be converted. His conversion is possible no otherwise than by argument, and that only on the condition of his understanding on his side and of logic on that of his instructor. In that two fold contingency, which is not common, all months' hard labor of Paley's Evidences, and of Butler's Analogy," besides the treadmill and the crank, might perhaps suffice to satisfy an exceptional sweet-mohenan of the expediency of observing the eighth commandment. The more ordinary operation of religious instruction on a convict is that of simply making him a hypocrite. He learns to whine and groan, and turn up his eyes, and quote Scripture, and pretend to utter cant and make grimaces which are accepted by the chaplain as evidences of repentance, on the strength of which, and the imaginary state of grace, too hastily attested by his spiritual attendant, he receives a ticket of leave, and goes on his way rejoicing, to commit more robbery and very likely wind up with murder.

Short terms of imprisonment protect the public from rogues and ruffians while they last, and no longer; and it is about as wise and about as safe to turn a tiger loose as to turn a Bill Sykes, however severe, with a ticket-of-leave. The only security against rogues is grain in that which is done by placing them under restraint. That, it might be thought, could be easily done, with advantage to the community, by keeping them employed at work which would pay for their maintenance. Unfortunately this is not so. The enforced labor of convicts would, it is found, compete injuriously with honest industry. Their competition in working order, for practical purposes, would cost considerably more than the keep of paupers. Political economy forbids a system to interfere with the labor-market by any legislative execution of wages above the value of convicts' work. It also requires that poverty should be treated as crime. These are the reasons for the posting of our criminals appears necessarily to result from obedience to the laws of political economy. Consistently with the principles of that science, and also with justice, it might be the fact by sending convicts to the workhouse and pauper to jail. The only other way to deal with it seems to be that of reverting to the wisdom of our ancestors, and hanging intolerable offenders out of the way. All else that remains is to grin and bear it, if we cannot bear the expense of holding in safe custody the villains who are now enlarged with tickets of leave.

On the whole, common sense must endorse these views; but it is certainly a very great error to suppose that there is any weight in the assertion that the enforced labor of convicts would compete injuriously with honest industry. Indeed, this assertion is virtually contradicted by the very next sentence, "Their maintenance in working order, for practical purposes, would cost considerably more than the keep of paupers." For if the cost of whatever their labor might produce be thus high, how could these productions compete injuriously with honest industry? It is true, that the writer may hold that honest industry may not be able to produce at a rate merely sufficient to meet the cost of paupers, but must command a higher return than that. This, however, is a question so greatly affected by the infamous manner in which the cost of paupers is kept down, that it is of no effect in the case. Were the unfortunate poor so mercifully treated as they ought to be, it must be a cardinal point that they should cost more, would be better treated, than murderers and robbing convicts. Were this so, the competition between honest industry and perverse would be such that we might certainly understand the proposition of we have,—that is, that convict labor would be dearer than that of honest industry, with which, therefore, it could not compete injuriously.

But if we waive this point, there is one still longer against the objection to convict labor by reason of its being cheaper than those of honest industry. It is not correct to insinuate that political economy would forbid it on that account. On the contrary, it would encourage it by every possible means, as it does every other mode of cheap production. And it would vouch as to most the more advantage from it, the more extensive and the cheaper it was. It is the very basis of modern political economy that the most industry caused by injured by cheap production, but most eligibly to be benefited by it in proportion to its extent. So that whichever we look at the matter, convict labor is no disadvantage to the community. Either it does not cost that of honest industry, and, therefore, operates to compete injuriously with it; or it does cost less and can produce more cheaply, and, therefore, contributes to the advantage of the community.

We learn that Captain Cloué, formerly commander of the French dispatch steamer Milne, has been appointed captain of a ship of the line.

The attention of the trade is invited to the sale this day by B. F. Montgomery: At 9½ o'clock, at 165 Bourbon, Post 49, Third District, sides, shoulders, and a large lot of potatoes; at 10½ o'clock, on Washington No. 12 Union street, a peremptory sale of bacon, sides and shoulders; the amount of the commanding officer the above sale is very large—all are to be sold positively without any reserve; it should attract a large number of purchasers; at 10½ o'clock, at No. 165 Bourbon street, between Orleans and St. Ann streets, all the furniture of said dwelling; at 11 o'clock, on Calliope street, between St. Charles and Camp streets, a large lot of fine walnut furniture. See advertisements.

We call the attention of our readers to Hanlon & McLean's fine sale, at the house No. 45 Commerce street, at 11 A. M. For further particulars, we refer to their advertisement in another column.

Review of the New York Press.

We press it below a few extracts from our Northern exchanges upon the all-absorbing war topic.

The New York *Herald* of the 31st August publishes the following article upon the battles of the 29th and 30th, on the plains of Manassas:

THE CROWNING VICTORY OF THE WAR—THE SECOND GREAT BATTLE OF BULL RUN.

We have the pleasure to announce to congratulating our readers this morning upon another triumph, from the fields before us, as the crowning victory of the war.

The old battle-field of Bull Run has been immortalized. The conflict of Friday and yesterday on that memorable field completely eclipses the long-vaunted, small affair of July 21, 1861. In that battle, under General McDowell, the rebel forces actually engaged did not exceed 18,000 men; and the loss in killed and wounded were 1490; while, with more 25,000 men in the field, the rebel loss (Beauregard's report) was 1982. In this late battle, on the same ground, our forces engaged could hardly be less than 75,000 veteran soldiers, and the rebel army were double, less fully up to this figure, including raw recruits, if not considerably beyond it. Our losses in the day's fight are roughly estimated by General Pope at not less than eight thousand killed and wounded, while he thinks the rebel loss was to the extent of twenty thousand. The casualties of the second day may have been greater or less. They have not been ascertained. It is manifest, however, that in desperate fighting and in the aggregate of killed and wounded on both sides, the second great and sanguinary battle of Bull Run will exhibit more than two days' bloody details at Fitzhugh Landing.

We accept the result, in advance of its particulars and details, as a crowning Union victory. We think Gen. Pope is entitled to it, about as, from the decided and satisfactory results of the first day, at the close of which the enemy were driven from their field, and "great captures," of the extent of which his staff could not form an idea, were made by General Pope. The first battle of Bull Run, resulted in a decisive Union victory, would have virtually ended this war a year ago: this second and much greater battle, if a crushing rebel defeat, as we believe it will turn out to be, will put an end to the hopes of the rebels on the very field where they were first encouraged into a defensive constitution of ultimate success.

The victory of Bull Run of July a year ago has the most deplorable character that could have happened to our rebellious "Confederate States." It inspired and encouraged them to a resistance to the authority of the Union which has reduced them to universal mourning, to bankruptcy and wide-spread destitution, and which has actually absorbed the very bowels of the South, and society. Had the rebels succeeded in that battle, there would have been an immediate popular Union reaction throughout our rebellious States, which would have restored them to the Union without a struggle. We hope, however, that what we might have accomplished for the Union and for the South at Bull Run on Sunday last, has accomplished there yesterday; and the result virtually ends the war, and clears the way for the restoration of the Union. *Herald* dates without much additional description of heaven's life, property, capital or labor.

We repeat that our first reports from the Bull Run battle of last year, and from the first day's engagement of this year, are but all the advantage in regard to this last grand battle point so encouragingly to a decisive victory that we cannot altogether repress the hurrahs to announce the report of the final result. Consider, then, that these McClellan, single handed, was able to raise and bring into the field a whole rebel army in front of Richmond for seven successive days, we cannot for a moment entertain the idea that the combined forces of Pope, Burnside and McClellan have failed in the end to force Lee on to administer to that rebel army a crushing defeat.

The *Times* of the 1st publishes the following:

THE BATTLES NEAR WASHINGTON.

The series of gallant battles which began on Wednesday morning last, on the plains of Manassas, called Bull Run, a short distance south-west of Washington, seem to have come to a virtual termination. The enemy, now the historic ground of Bull Run and Centreville. An authorized Washington telegram this morning announces that our forces were but little if any fighting on yesterday. Thursday was the four days from Wednesday to Saturday the fighting was continuous, hot and bloody. Beginning on the extreme right, it has been a single action of the national army, which was the attacking party, and achieved a decided success, the battle terminating in engagements on Thursday, with indecisive results, swelled into the proportions of a general engagement with fearful carnage and a memorable issue on Friday, till on Saturday the retreat of the enemy. This may be considered a "severe battle"—how severe as yet we know not—followed, the result of which, according to the latest morning's despatches, was that "the advantage, on the whole, was with the enemy, and General Pope fell back to Centreville with his whole army, in good order."

This closes the battle of a week, in which, when the facts are known, it will probably be seen was fought two if not three of the greatest and most sanguinary battles of the present war. It is to be hoped that Washington, the public will be furnished with some *authentic* details of at least their main features.

In several of the engagements that the greater part of the late Richmond rebel army was engaged in these battles. The danger of the movement to Pope's rear was too great to have been withheld from it. Between Pope and Washington on the one hand, and Richmond on the other, was the whole available force of the rebel army. It was simply a question of time when the enemy would invade the North, leaving their own territory in their rear, on the one hand, and Washington on the other. In view of the tremendous interests at stake, our preparation should be on the most extensive scale. And we have to bet little time for preparation, we cannot doubt, in the action, a single hour. This morning, with the rising sun, the citizens should go to work. The first duty is that every man to has a gun to put it in order for service. No matter what kind of weapon, it should be made ready for use. Ammunition adapted to each weapon, should be prepared by their owners. In this way a powerful auxiliary to the regular military and navy will be available, in case of necessity. In this line, we may rely upon much assistance from the country. Our friends in the rural districts, will respond promptly, furnishing private guns and men, when rallied upon.

The Situation in Kentucky.

[From the Cincinnati Gazette, Sept. 7.]

The situation in Kentucky has grown suddenly into one of extreme interest. Within three days the rebels have successfully invaded the central portion of the State, and now hold Lexington, Frankfort, and probably Frankfort. The Union forces have fallen back on the Ohio river at Louisville and Cincinnati. The Legislature has adjourned from Frankfort to Louisville, to which place the public archives have also been removed. The rebels, for the time being, have an undisputed field in the finest section of the State; and they will fare sumptuously for a month. It is understood that their march to the border. The indications are that Buckner and Morgan are to operate against Louisville, in connection with Kirby Smith. Cerro Gordo Williams will also probably cut off the Big Sandy Valley and join Smith at Paris. Vigorous measures have been adopted in every loyal district in Kentucky, and these will be pushed forward until the rebels shall be ready not only to resist but drive back the invaders.

News from Key West, &c.

The New York *Herald* of the 31st ult. publishes the following:

The United States gunboat R. R. Cuyler, Commander Phillips, (late Commander Winslow, who died at sea) arrived at this port yesterday morning from the coast of West, August 29, and Mosma, N. P., August 26.

On the 23d inst., off the latter, spoke United States gunboat Henryville, who reported having lost their sergeant, a private soldier, and had five officers then sick with yellow fever.

On the 24th inst. the Cuyler fell in with the Henryville, who reported having lost their sergeant, a private soldier, and had five officers then sick with yellow fever.

On the 25th inst. the Cuyler fell in with the Henryville, who reported having lost their sergeant, a private soldier, and had five officers then sick with yellow fever.

On the 26th inst. the Cuyler fell in with the Henryville, who reported having lost their sergeant, a private soldier, and had five officers then sick with yellow fever.

On the 27th inst. the Cuyler fell in with the Henryville, who reported having lost their sergeant, a private soldier, and had five officers then sick with yellow fever.

On the 28th inst. the Cuyler fell in with the Henryville, who reported having lost their sergeant, a private soldier, and had five officers then sick with yellow fever.

On the 29th inst. the Cuyler fell in with the Henryville, who reported having lost their sergeant, a private soldier, and had five officers then sick with yellow fever.

On the 30th inst. the Cuyler fell in with the Henryville, who reported having lost their sergeant, a private soldier, and had five officers then sick with yellow fever.

On the 31st inst. the Cuyler fell in with the Henryville, who reported having lost their sergeant, a private soldier, and had five officers then sick with yellow fever.

On the 1st inst. the Cuyler fell in with the Henryville, who reported having lost their sergeant, a private soldier, and had five officers then sick with yellow fever.

On the 2d inst. the Cuyler fell in with the Henryville, who reported having lost their sergeant, a private soldier, and had five officers then sick with yellow fever.

On the 3d inst. the Cuyler fell in with the Henryville, who reported having lost their sergeant, a private soldier, and had five officers then sick with yellow fever.

On the 4th inst. the Cuyler fell in with the Henryville, who reported having lost their sergeant, a private soldier, and had five officers then sick with yellow fever.

On the 5th inst. the Cuyler fell in with the Henryville, who reported having lost their sergeant, a private soldier, and had five officers then sick with yellow fever.

On the 6th inst. the Cuyler fell in with the Henryville, who reported having lost their sergeant, a private soldier, and had five officers then sick with yellow fever.

On the 7th inst. the Cuyler fell in with the Henryville, who reported having lost their sergeant, a private soldier, and had five officers then sick with yellow fever.

On the 8th inst. the Cuyler fell in with the Henryville, who reported having lost their sergeant, a private soldier, and had five officers then sick with yellow fever.

On the 9th inst. the Cuyler fell in with the Henryville, who reported having lost their sergeant, a private soldier, and had five officers then sick with yellow fever.

On the 10th inst. the Cuyler fell in with the Henryville, who reported having lost their sergeant, a private soldier, and had five officers then sick with yellow fever.

On the 11th inst. the Cuyler fell in with the Henryville, who reported having lost their sergeant, a private soldier, and had five officers then sick with yellow fever.

On the 12th inst. the Cuyler fell in with the Henryville, who reported having lost their sergeant, a private soldier, and had five officers then sick with yellow fever.

On the 13th inst. the Cuyler fell in with the Henryville, who reported having lost their sergeant, a private soldier, and had five officers then sick with yellow fever.

On the 14th inst. the Cuyler fell in with the Henryville, who reported having lost their sergeant, a private soldier, and had five officers then sick with yellow fever.

On the 15th inst. the Cuyler fell in with the Henryville, who reported having lost their sergeant, a private soldier, and had five officers then sick with yellow fever.

On the 16th inst. the Cuyler fell in with the Henryville, who reported having lost their sergeant, a private soldier, and had five officers then sick with yellow fever.

On the 17th inst. the Cuyler fell in with the Henryville, who reported having lost their sergeant, a private soldier, and had five officers then sick with yellow fever.

On the 18th inst. the Cuyler fell in with the Henryville, who reported having lost their sergeant, a private soldier, and had five officers then sick with yellow fever.

On the 19th inst. the Cuyler fell in with the Henryville, who reported having lost their sergeant, a private soldier, and had five officers then sick with yellow fever.

On the 20th inst. the Cuyler fell in with the Henryville, who reported having lost their sergeant, a private soldier, and had five officers then sick with yellow fever.

On the 21st inst. the Cuyler fell in with the Henryville, who reported having lost their sergeant, a private soldier, and had five officers then sick with yellow fever.

On the 22d inst. the Cuyler fell in with the Henryville, who reported having lost their sergeant, a private soldier, and had five officers then sick with yellow fever.

On the 23d inst. the Cuyler fell in with the