

ed. Nothing could have been wiser and more consistent with the principles of the framers of the Constitution. The United States are sovereign States, and the Constitution is a compact of sovereign States; and inasmuch as Congress could not confer sovereignty upon a Territory, it was left to the people of the Territory to assert their own sovereignty, and then, as sovereign, come into the Federal Union. They wisely concluded that an act of Congress declaring a Territory a sovereign State would in fact invest it with no attribute of sovereignty; but that the people of the Territory, at a proper time, being the only source of sovereignty, could make the declaration for themselves. Accordingly, whenever a State has been admitted into the Union, it has been after their constitution has been adopted and their sovereignty announced; and then, as one of our glorious sisterhood, she has been welcomed amongst us. This power was withheld from Congress, and left with the people. Nor is the Constitution silent as to the time when this event shall take place. The indications in the Constitution are so clearly marked, Mr. Chairman, as to leave no room for conjecture. In the second section of the first article it is provided that there shall be an apportionment of representation to population, and that each State shall have at least one representative. It was distinctly foreseen that Kentucky, Tennessee, and the great Northwestern Territory was soon to be filled with inhabitants—soon to demand admission into the Confederation; and with the forecast which marked all their acts, it was fixed when such a demand might be made, and when it would be the duty of Congress to meet it and to comply. The Constitution was made with reference to the extension of our institutions, and the increase in the number of the States. When, therefore, the minority of the territory shall have ceased—when the residents, who have made their homes upon the public domain, now transferred by sale to the occupants thereof, shall have amounted to a sufficient number to give them a right to claim a representation on this floor—then they have reached a position in their existence on which to assert their sovereignty, by adopting fundamental law for themselves, fixing their own domestic policy, admitting or excluding slavery and doing any other thing which is not inconsistent with republican government. When this constitution is adopted, they have a right to ask, and Congress is bound to admit, the sovereign State into the Confederacy. It cannot be gravely asserted that the sovereignty accrues to the State by the acknowledgment or expression of consent on the part of Congress. As well might the independence of a Government be asserted by its recognition by other Governments. Independence must exist before it is recognized, and sovereignty must spring from its proper source, the action of the people, and its acknowledgment by Congress admits its previous existence. (See note C.)

When the people of a Territory grow under the Constitution, and shall abolish or establish slavery in their constitution, no one has a right to question their authority so to do. I do not invoke the authority of Congress to protect slaves as property in the Territories. I ask for no legislation upon the subject. They are already recognized as property by the Constitution and laws, and the courts afford ample protection to the rights of property. Legal rights must of necessity be decided by the courts. A mere territorial government, owing its existence to an act of Congress, subjecting its laws to the veto of Congress, and leaning for the expenses of its administration upon Congress, can surely lay no claim to the attributes of sovereignty. The Constitution and laws which bind Congress bind them, and they can neither create nor destroy institutions recognized and guaranteed by that Constitution. If I am asked why any particular point of time should be denoted as that in which a Territory may acquire and assert the sovereignty of a State, I reply, that the reason is the same as that which confers the right of self-direction and self-control upon an individual who has reached the age of twenty-one years. A time must be designated, and that decision must be the result of prudence and sound reason. The object of our system is to extend republican institutions; and when a territory shall have passed the years of its minority, and acquired a population sufficiently numerous to entitle it to a representative on this floor, it has all the elements of sovereignty, and can perfect it by the proper combination and concentration of these elements.

But this question is presented in a most practical and important aspect when we consider the results of the Mexican war. New Mexico and California are integral portions of our territory by the treaty of peace, which we have reason to believe has been ratified between the countries. They will require a territorial organization at our hands, and we are already told by a gentleman from New York, [Mr. Murphy,] that inasmuch as the laws of those provinces already forbid slavery, it cannot exist within their limits without legislative enactments. To sustain this position, he has referred to the opinion of Lord Mansfield in the case of Campbell against Hall, (1 Cowper's Reports,) where Lord Mansfield lays down the doctrine that the laws of a conquered country continue in force until they are altered by the conqueror; a doctrine which, if taken in its full extent, seems subversive of all the received principles of the law of conquest, and which, however applicable to the English Government, is totally repugnant to our institutions and our fundamental law. There can be no civil dominion over any territory of the United States, which is not founded upon the Constitution. From this source it must emanate, and as soon as either by treaty or by the sword a territory is incorporated within the limits of the U. States, and is operative upon it, and whatever is repugnant to, or subversive of, its provisions must fall before its power. This must be manifest; for, if otherwise, we might have an established religion in those provinces, against the express provisions of the Constitution, and the security of persons and of property might be utterly lost against all the guarantees provided for their protection. The conquered nation would give law to their conquerors, and the result of victory would be the subjection of the victors.

consumption of our glory and our power as a people can scarcely be conceived by the most vivid imagination—when the obedient lightning coursing along on the wires of communication will ere long place our kindred on the Pacific and Atlantic shores again in the family circle, and carry in a moment to the tale of joy or sorrow rivers, and forests and prairies, and plains—when distance shall no longer forbid association, and light and knowledge shall make their aggressive advances on darkness and barbarism—when the resources of our territories, developed under the creative energies of our wonderful people, shall, year after year, greet us with the organization of a new State, the introduction of a new sister into the family, bright with all the paraphernalia of virgin sovereignty. Let it not, sir, be reserved for us, in an unworthy struggle for political ascendancy, or more unworthy grasping for exclusive privileges, founded on sectional claims, to create and awaken the elements of a storm, which shall sweep over our bright and happy country, like the angel of destruction, leaving nothing but the wreck of liberty and the ruin of social institutions; which shall show to the world the tomb of liberty, the fragments of its temples; where the friends of our race shall weep, and the enemies of human advancement shall rejoice.

Mr. Chairman, I present to the committee the resolution of the Baltimore Convention which denounces, in the strongest terms, the interference of Congress with the institution of slavery, or even the taking of incipient steps thereto. I offer to our northern and western brethren the Missouri compromise, onerous and exacting as it is upon the South, extending its provisions to the Pacific, including the fine soil, the magnificent harbors, and all the local advantages which nature has appropriated to these geographical limits. I admit the right of the inhabitants of the Territories to make their own municipal institutions, whenever they shall reach that amount of population which shall entitle them to representation on this floor. I shall welcome them whether forbidding or recognizing slavery, into the Union. I am contented to leave the question in the Territories up to that time; to the learning and the purity of our courts. But I protest against the right of a few habitans of a Territory to exclude the citizens of fifteen States of this Union from the occupancy of the common public domain. I protest against the authority of a law which they may enact which shall override the Constitution, and leave us but the empty name of protection by appeal. I am willing to leave the question whether the laws of conquered New Mexico and California shall control us, to the courts. I invoke no legislation on the part of Congress, to protect, to extend, or to limit slavery.

But, sir, we meet with embarrassments on this subject which are exceedingly annoying. We find southern statesmen, surrendering this great constitutional question to legislate authoritatively and without limit upon the admission of slavery into the Territories. We find among ourselves those who give up the last hopes of the South, and surrender the citadel to the besiegers. Precedent is invoked to establish the right to disinherit, but the penalty of crime, the forfeiture of felony, is fixed upon us, and we are required, as supplicants, to ask that as mercy which we should claim as a right.

A distinguished Senator of my own State, [Mr. Badger,] a gentleman of high attainments and extended reputation, in a recent speech on the Oregon bill, admitted the right of Congress to legislate for the exclusion of slavery in the territories, but placed the south upon the principle of expediency, and the sense of justice of the Federal Legislature. Gracious Heaven! are we reduced to this? Is our only, our last hope, the verdict of a jury whose interests, whose feelings, and whose organization fix that verdict against us? Can any man close his eyes to the fact that the progress both of opinion and of power is against the south? Every concession was made to southern interests—even the slave trade was legalized and protected by the Constitution—when the power and interest of the south were indispensable; and never until the Missouri question arose was the power of Congress on this subject regarded as a matter of much moment. But the scene is changed. The rich, the lovely lands ceded by Virginia, the great mother of commonwealths, have been organized into States, and she stands overshadowed, her broad disk diminishing, and, unlike the setting sun, does not even retain her relative size, to compensate for the loss of the influence of her noonday splendor. The lion's share of the territory has been already awarded to the States whose municipal law does not recognize slavery. And are we left to the mere refuge of expediency, in this effort to secure our rights? And do southern statesmen sound the first note of retreat? Does the flag fall first in their hands? Are we to look, as our last resort, to Congress, with no safeguard but expediency? Already has a Senator [Mr. Niles] announced that this is a question of power, and of power only. The horse-leech, and the gray may say, Enough; but the lust of power can never be satisfied. Gaining strength, and increasing in influence, it will never concede the advantages attained, nor moderate its demands for those in prospect. And Southern statesmen yield the question! The best blood of the south has flowed like water. Side by side have they fallen, in the fiercest of the battle, with the soldiers of every State in the Union. And before the requiem is chanted over the clod which covers them, their fathers and brothers and children are told the prize is not for you; the soldier's lands cannot be inhabited by his relatives and friends, because the domestic institutions of their States differ from those who control a majority of votes in Congress. The emigrant from every portion of the world—the convicts, the paupers, the loafers, and the felons of all Europe—may come upon the

lands red with the blood our bravest & our best, and turn them and their property away. The may say, it is a good land indeed, and won with your blood, but there is a dispensation which gives it to us, who have no kindred feelings, no sympathy with you. Our children have been cast out, and the stranger is admitted. Sir, I hail the emigrant and uncultivated domain yield them abundance—our institutions liberty. Let their tears of sorrow be dried, and the gaunt genius of famine forever depart from them.

APPENDIX. Note A.—The proposition that Congress has unlimited power over the territories, has been broadly asserted by the gentleman from Indiana [Mr. Pettit] who, in reply to a question propounded to him by myself, whilst discussing this subject, declared that Congress had a right in the territories, to establish a hereditary monarchy, an established religion, titles of nobility, and even to sell the inhabitants into slavery; and that there was no limit but the will of the national Legislature in the premises. The most obvious and ample refutation of such a doctrine is to be found in its monstrous results.

Note B.—In the case of Loughborough vs. Blake, 5 Wheaton, 317. Chief Justice Marshall decides that the words of the constitution, directing taxes, imposts, and excises to be uniform throughout the United States, includes in the terms "United States," all the States and territories of the United States; all the States and territories are out of the United States, and not protected or governed by our fundamental law, then the inhabitants are aliens and not citizens; a question never yet gravely raised.

Note C.—The case of Missouri affords a striking illustration: Missouri adopted her constitution in 1820, and continued a sovereign State, governed by her own laws, and under the protection of the proclamation of 1822, after complying with an offer, made by resolution, on the will of the government of the United States, and accepted by the legislature of Missouri, in her sovereign capacity.

Later From Europe.

From the Journal of Commerce. HIGHLY IMPORTANT. Four days fighting in Paris—The Arch Bishop murdered—and 14 general officers, 6 deputies, and 25,000 men killed and wounded—the Republic triumphant.

The steamer Niagara arrived at Boston on the 13th July, about 7 o'clock. One of the bloodiest dramas which the history of France has ever had to record, has been enacted in the streets of Paris.

After four days and nights of incessant fighting, the insurgents were utterly vanquished, with an estimated loss of 10,000 killed and 25,000 wounded. The rebellion appears to have been commenced by a deputation of *ouvriers*, who waited upon M. Marc at the Luxembourg. He listened to their grievances; and observing that their spokesman had been active in the affair of the 15th of May, said to the men: "You are not the slaves of this man; you can state your own grievances." This expression was distorted among the workmen, that M. Marc had called them slaves; and it seems to have been the signal for the conspirators—who had organized a vast movement—to commence their operations. On Thursday the *garde nationale* were raised, and the troops and the national guards called out. On Friday the 23d, the insurgents possessed themselves of all that portion of the right bank of the river Seine, stretching from the Faubourg St. Antoine to the river, whilst on the left bank they occupied all that portion called the Cite, the Faubourg St. Marcel, St. Victor, and the lower quarter of St. Jacques.

The city of Paris stands in the valley of the river Seine, in such a way that whilst the most central part of the city occupies the islands and the strand of the river, the streets which diverge at right angles from this point rise by a somewhat rapid ascent to the high ground on each side of the valley. The centre of the insurrection was established on the low ground by the river. Its wings rested on the opposite heights. By these extensive lines of operations, the insurgents occupied a vast portion of the most defensible part of the city, and actually threatened the Hotel de Ville; which, if they had succeeded in taking, might have secured the first victory on their side. On Friday there were partial conflicts, but the insurgents seemed to be occupied more at fortifying their positions than in actual fighting.

On Saturday, the 24th, the National Assembly declared itself in permanence, and Paris was placed in a state of siege. The executive power was delegated absolutely to Cavaignac, and at half-past 10 the members of the executive government resigned. They declared that they should have been wanting in their duty and honor had they withdrawn on account of sedition or a public peril; they only withdrew before a vote of the Assembly. Reports poured in every hour to the Assembly, and as the intelligence arrived of the slaughter of the national guard, and the fall of one general after another, who was killed or wounded by the insurgents, the sensation became deep and alarming.

On Saturday night, at 8 o'clock, the capital was in an awful state. Fighting continued with unabated fury. Large masses of troops poured in from all the neighboring departments; but still, the insurgents having rendered their position almost impregnable, resisted, more or less effectually, all the forces which could be brought against them. The red flag—the banner of the *republique democratique et sociale*—was hoisted.

On Sunday morning, at the meeting of the National Assembly, the President announced that the government forces had completely succeeded in suppressing the insurrection on the left bank of the river after a frightful sacrifice of human life, and that Gen. Cavaignac had given the insurgents on the right bank till 10 o'clock to surrender, when, if they did not lay down their arms, he would storm their entrenchment in the Faubourg St. Antoine, where they were now driven, and put the whole to the sword. The heaviest artillery had been brought to bear upon them, and little doubt could be entertained that the insurrection could be put down. The hope held out of the termination of the insurrection was not, however, realized. The

fighting continued the whole of Sunday, with a fearful loss of life, especially to the national guard. On Monday, the reinforcements Gen. Lamoriciere had received from Cavaignac, enabled him to hem in the insurgents in the eastern part of the city; and although reduced to extremities, they still fought with incredible valor. It was thought on Monday morning early that they would surrender; but again the hope thus held out of the termination of the insurrection was not immediately realized. At half-past 10 the fighting was resumed, and it was only after a frightful struggle of about two more hours that the government troops everywhere prevailed, and the part of the insurrection being broken, the insurgents were either shot, taken prisoners, or fled into the country in the direction towards Vincennes. The eastern quarters, comprising the Faubourg St. Antoine, du Temple, Meuilmontant, and Pavin Court, were the last subdued. The last band took refuge in the celebrated cemetery of Pere la Chaise, but the Guard Mobile hunted them even from this sanctuary, and they were slaughtered in the neighboring fields.

On Tuesday the insurrection was definitely quelled. The loss of life has been terrific—no fewer than 14 general officers has been put *hors du combat*—a greater loss than in the most splendid engagements of Napoleon. Four or five members of the National Assembly are amongst the killed and as many more wounded. But the most touching death is that of the Archbishop of Paris. The venerable prelate on Sunday volunteered to go to the insurgents as a messenger of peace. Gen. Cavaignac said that such a step was full of danger, but this Christian pastor persisted. He advanced, attended by his two vicars, towards the barricades, with an olive-branch borne before him, when he was ruthlessly shot in the groin, and fell mortally wounded. The venerable prelate was ordered by the insurgents to the nearest hospital in St. Antoine, where he received the last sacraments, languished, and has since died.

The number of prisoners captured of the insurgents exceeds 5,000. All of the prisons are filled, as well as the dungeons and vaults of the Tuilleries, the Louvre, Palais Royal, the Chamber of Deputies, and the Hotel de Ville. A military commission has already been appointed to try such as were found with arms in their hands, and they will probably be deported to the Marquesas islands, or some transatlantic French colony. A decree has been proposed with that object. We have not space to recount the many acts of individual heroism. Many soldiers exhibited sublime courage. On the other hand, the savage cruelty with which the insurgents waged war almost exceeds belief. They tortured some of their own prisoners, cut off their hands and feet, and inflicted barbarities worthy of savages. The women were hired to poison the wine sold to the soldiers, who drank it, reeled and died. It is to be believed generally, that if the insurgents had succeeded in following up their most admirably conducted plan of operations, and having advanced their line and possessed themselves of the Hotel de Ville, and followed up their attacks along the two banks of the river, that the whole city would have been given up to pillage. Indeed, the words pillage and rape are said to have been inscribed on one of their banners. Not less than 30,000 stand of arms have been seized and captured in the Faubourg St. Antoine alone.

Every species of artifice was employed to convey ammunition. The pails of the milk-women, the couches of the wounded, and even the coffins of the dead, were found filled with gunpowder and cartridges. Large sums of money in gold and notes were discovered on the persons of men apparently in extreme poverty, and of young children. The women of Paris took a most active part in the struggle. They conveyed orders and signals through the hottest fire. They carried off the wounded; some of them perished in the barricades, or fired from the houses on the soldiers; whilst some are even reported to have inflicted the most refined barbarities upon their wretched fellow citizens who had fallen prisoners into their hands.

The position of the insurgents throughout the line was immensely strong. The barricades in advance of the barriers, were as formidable as regular engineers could have constructed them. The houses covering them occupied the means of passing from one to another. When these facts shall be taken into consideration, there will not be so much surprise at the offensive and defensive efforts of the rebels; who, though comparatively few in number, were intimately acquainted with the ground, strongly fortified, and supported by the sympathies and the positive co-operation of the whole population of the continuous line of towns that borders the boulevards.

The Constitutionnel states that among the mass of papers found in the lodgings of Lieut. De Flotte, were discovered several letters from Lamartine, together with a passport signed by him, and another by Louis Blanc. Orders have, it is said, been given for the arrest of Lamartine, Ledru Rollin, Louis Blanc, Caussidiere, and Ia Grange.

The latest advices disclose some frightful scenes of large bodies of prisoners being shot in various attempts to escape. The National Assembly seem wound up to a high state of excitement. 100,000 insurgents were on the one side, and 250,000 troops and national guards on the other. All the anarchist journals are suppressed.

The rallying sign of the insurgents was a small *osier* wand that each of them kept concealed in his sleeve. Those borne by the chiefs were forked at the end. Evidence has been obtained that besides their general plan of operation, the insurgents had a revolutionary government organized. Assassinations take place in great numbers in the quarters where the discontented population reside, and generally at night in the streets. The insurgents, although

conquered, are by no means subdued; and it is not improbable that they may attempt to renew the struggle. At present, however, they confine their attempts to poisoning and secret murders. The estimates of killed and wounded vary materially. Some accounts give 35,000 as the total on both sides; whilst others give only 10,000. The disturbances which broke out in Marseilles on the 22d ult, have been quelled. The departments of France generally are tranquil.

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LOOK AT THE CONTRAST!

In 1844 Mr Manly run for the Senate in this county, and though backed by all the whig wealth and aristocracy of Raleigh, he was beaten badly. He was "weighed in the balance and found wanting" by his own neighbors here in Wake county, who, though they thought well enough of him personally, could not and would not endorse his federal principles. He never held an office at the hands of the people in his life; but he has been literally shingled over with offices from corporations and under delegated power. At the time he was nominated for Governor he held the following offices, or most of them: Secretary to the University, County Attorney for Chatham, Bank Attorney, Attorney for the Literary Board, Attorney for the Mutual Insurance Company, member of the Literary Board, and Clerk to the House of Commons. Whom the people reject the federal leaders reward.

Now look at Col. Reid. A self-made man—one of the people, the people have always honored him and confided in him. He has served them repeatedly in the Legislature and in Congress; and as an evidence of his great popularity where he is personally known, we may state that he got for Congress in 1845, in the counties of Ashe, Wilkes, Surry, Stokes, Rockingham, and Caswell, nearly 400 votes more than Mr Polk received in 1844. He will beat Mr Manly at least one thousand votes in his old Congressional District.

SIGN IN THE WEST—STRONG FOR CASS AND BUTLER.—In Illinois the democratic party have their ticket of candidates for all the State offices ready for the polls. The whig party had their candidates for governor, &c., also announced; and the prospect was pretty fair for a decent contest, in which the democratic majority would have been reduced, perhaps, to 15,000. On the announcement of the Taylor nomination, the whigs prudently withdrew their candidates, and left the track open, so as not to show to the world too soon the 20,000 majority which Illinois will give for Cass and Butler.

We notice that the Florida Sentinel—a whig paper at Tallahassee, Florida—contains an extract from a letter written from this city to a northern whig paper, stating that, at the dinner given to Senator Crittenden, Mr Westcott, of Florida, avowed his preference for General Taylor as President. We are authorized by Mr Westcott to state, that, since the nomination by the Baltimore convention, he has not entertained the slightest idea of voting for or supporting any candidates but Cass and Butler. —Washington Union.

ROBERT CARTER NICHOLAS, ESQ.—This gentleman, late senator from St. James, whose defection from the democratic ranks, and in favor of General Taylor, excited some sensation in the political circles—some name, too, appears in the list of Taylor electors—has written a letter in which he recedes from his position in favor of the Taylor ticket. Mr Nicholas's letter will, we presume, appear in a few days. He is the same gentleman who proposed resolutions in our State Senate in 1846, nominating General Taylor for the presidency. —N. O. Delta.

"ALL FOR CASS."—The Editor of the Wheeling Argus, who recently returned home from a trip to the East, states, that the enthusiasm which prevailed in every part of the country through which he passed, for the Democratic nominees, is unparalleled. He says:

"But, as our company on the canal boat, consisted of some fifty gentlemen, and a good sprinkling of ladies, was made up of all sorts of politicians, we mutually agreed to find out, if possible, the sentiments of every crowd on shore, and every passenger we met; and if we failed in doing so, it was not the fault of our company—every body was sounded, and nine tenths responded 'Hurrah for Cass and Butler.' 'All Cass men here,' 'no Taylor men here,' and such like expressions plainly showing a decided preference for the nominees of the Baltimore Convention."

The Washington correspondent of the Charleston Courier says: I am inclined to doubt whether the Senate Committee will report any compromise—but content themselves with proposing some scheme for the temporary defence and protection of the territories of California and New Mexico.

It is urged in opposition to a compromise on the line of 36 30, or any eastern and western line, that it will divide California and New Mexico, and prevent either from ever forming a State. The whole of California it is said, can make but one State, and it will be long before it will have the requisite population even for that. Therefore, it has been proposed by some, to make New Mexico a slaveholding State, and California a free State.

GEN. CASS'S PERSONAL CHARACTER.—Abbot Lawrence, the great Massachusetts whig. In a speech at a Taylor meeting at Burlington, last week, made this remark of the democratic candidate for the presidency:—"I know him well. I have broken bread with him in his own house, and he with me in mine. He is a gentleman—a man of unblemished personal character, against which nothing can justly be said."