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THE

SENTINEL:

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BY J. W. ALSPAUGH,

Editor and Proprietor.

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POETRY.

From the New York Ledger.

THE MOUNTAIN BURIAL.

BY MRS. L. H. SIGOURN

The Rev. Dr. Mitchell, Professo
istry, Mineralogy and Geology, in
sity of North Carolina, lost his life
fic exploration of the Black Mountain
est land east of the Mississippi, and w
ed on Mount Mitchell, its most elevated p
June 16th, 1858.

Where is he, Mountain Spirit?
Dread Mountain Spirit, say!
That honored Son of Science
Who dared thy shrauded way?
Oh, giant-firs! whose branches,
In gloomy grandeur meet,
Did ye his steps imprison
Within your dark retreat?

Ye Mists and muffled Thunders
That robe yourselves in black,
Have you his steps deluded
To wander from the track?
Make answer—have ye seen him?
For hearts with fear are bow'd,
And torches, like the wandering stars,
Gleam out above the cloud.

Sound hunter's horn!—haste mountain ers!
Lo, on the yielding fern,
Are these his foot-prints o'er the ledge?
Will he no more return?
He cometh!—*How?*—As marble comes
Forth from its quarried bed,
With dripping locks, and rigid brow,
Comes back the noble dead.

O'er that deep, watery mirror,
With sweetly pensive grace,
The graceful Rhododendron lean'd
To look upon his face.
While, 'mid the slippery gorges,
The gorgeous laurels stand,
Which, faithless, like the broken reed,*
Betray'd his grasping hand.

No crystal, in its hermit-bed,
No strata of the dales,
No stranger, plant, or noteless vine,
In Carolinian vales;
No shell upon her shore,
No ivy on her wall—
No winged bird, or reptile form,
But he could name them all.

So Nature hath rewarded him
Who loved her sacred lore,
With such a pillow of repose
As man ne'er had before.
A monument that biddeth
Old Egypt's glory hide,
With all her kingly pyramids,
In all their rude-hill pride.

Up!—up!—courageous mountaineers—
Each nerve and sinew strain—
For what ye do from love this day
Ye ne'er shall do again.
From beetling crag to summit,
So ominous and steep,
They force their venturous way, where scarce
The chamois dares to leap.

There, many thousand feet above
Atlantic's surging height,
Prelate and priest, with lifted hands,
Invoke the God of Might;
And then the cloud-encircled cliff
Its granite bosom spread,
And in the strong and close embrace
Inlocked the saintly dead.

So in thy sepulchre of rock,
Followers of Jesus, rest,
Serene approachless and sublime,
Until the mountain crest
Shall redden with the fires of doom,
And Earth affrighted stand!
Then joyful leave thy Pisgah tomb,
And tread the promised Land.

HARTFORD, February 16, 1859.

*When Prof. Mitchell was discovered in a stream into which, during the mists of the evening and the darkness of a sudden thunder-storm he had fallen, over a precipice of forty feet, he held in his hand a broken branch of laurel.

☞ "I never complained of my condition but once," said an old man, "when my feet were bare and I had no money to buy shoes; but I met a man without feet; and became contented."

[From the Washington Constitution.]

Appendix to Judge Black's Pamphlet.

We publish below an appenix to Judge Black's "Observation on Senator Douglas's Views on Popular Sovereignty," called forth on demand for a second edition by Judge D.'s attempt to rely to those "Observations" at Wooster, Ohio, and by the commentaries which have been made on them by some of his friends. The appendix, couched in the same dignified, unimpassioned language as the "Observation," is marked by the same force of thought, closeness of reason, and felicity of expression that characterized the pamphlet. It lays bare to the very bone the flaws and imperfections of Judge Douglas's "Views on Popular Sovereignty," modified, amended and altered, though they have been by reflection and by circumstances; shows that all attempts to give new readings of the Constitution which the Supreme Court does not warrant, are sure to lead to disastrous consequences, and recommends all who desire to preserve an unblemished political reputation to respect the principles and acknowledge the binding force of the guarantees of the great Charter of our Liberties.

We commend the appendix to the earnest perusal of our readers and of the American people generally.

APPENDIX.

Another edition of the "Observations" ing called for, an opportunity is afford- for adding some thoughts suggested by e attempted reply of Mr. Douglas, and y some criticisms of a different kind hich have appeared in other quarters.

Mr. Douglas charges us with entertaining the opinion that "all the States of the Union" may confiscate private property —a doctrine which he denounces as a most "wicked and dangerous 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 no such thing and nothing like it on all these pages, 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 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 position. 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 12:

"All free people know, that if they would remain free, they must compel the government to keep its hand off their private property; and this can be done only by tying them up with careful restrictions. Accordingly our Federal Constitution declares that 'no person shall be deprived of his property except by due process of law,' and that "private property shall not be taken for public use without just compensation.' It is universally agreed that this applies only to the exercise of the power by the government of the United States. We are also protected against the State governments by a similar provision in the State constitutions. Legislative robbery is, therefore, a crime which cannot be committed either by Congress or by any State legislature, unless it be done in flat rebellion to the fundamental law of the land."

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

"Is it not every way 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 conferred upon, them and properly limited, so as 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 these seven hundred years, for Great Charters, Bills of Rights, and Constitutions to limit the sovereignty of all the governments they 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 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 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 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 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 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 power itself, cannot 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 reward them as sovereigns. 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 deniel fairly, as meaning, that he never thought the Territories had the right, and powers, which belong to sovereign governments, 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; and if Kansas 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 under our political system* is that *every distinct political community*, loyal to the Constitution and the Union, *is entitled to all the rights, privileges, and immunities of self-government* in respect to their local concerns and internal polity, 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 sovereign rights, and nothing else. Any community which has the independent and uncontrolable right of self-government, with respect to its local concerns and internal polity, must be, *quoad hoc*, a sovereign.

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

"Examine the bills and search the records and you will find that the *great principle* which underlies those measures (the compromise of 1850) is the *right* of the people of *each State, and each Territory* WHILE A TERRITORY, to DECIDE the slavery question for themselves."

Is not this claiming sovereignty for the Territories? Can the slavery question be decided without legislating upon the right of property? 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 Mr. Douglas make 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 magazine to prove the truth of the latter doctrine. Nobody but himself and his followers were ever accused of denying it. If *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 ingaged in raising an excitement about nothing;—trying to toss the ocean 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 sovereignly* with reference to the Territories. This *sovereignty in the Territories* he 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 made a speech or written a letter for the newspapers on any other object. 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 hand-bills 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 mid-volley," 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 regularity 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 vagnely entertained in time 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 our annual laws and constitutions can be exercised by law. Mr. Douglass 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 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 new 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 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 legally appropriate to his own exclusive use and transfer 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, seeing that slaves were liable to one danger from which all other property was exempt, namely, that of being seduced away by the offer, in other States, of legal shelter from the pursuit of their owners, agreed that the Federal Government should guarantee their re-delivery to the exclusive possession of the persons entitled to them as propietors. 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 and no 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 extremest 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 precisely 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.

HE DRINKS.—How ominous that sentence falls! How we pause in conversation and ejaculate, 'It's a pity!' How his mother hopes he will not when he grows older; how his sisters persuade themselves that it is only a few wild oats that he is sowing! And yet the old men shake their heads and feel gloomy while they think of it. Young man, just commencing life, buoyant with hopes, don't drink! You are freighted with a precious cargo. The hopes of your parents, of your sisters, of your wife, of your children, all are laid down upon you. In you the aged live over again their days; through you only can that weary one you love obtain a position in society, and from the level in which you place them, must your children go into the great struggle for life.

BURNING OF HUMAN BODIES FOR FUEL.—The first and only railroad in Africa, was completed a few months ago. It connects Alexandria, the chief Egyptian sea-port with Cairo. The most remarkable fact connected with this evidence of progress in Egypt, is the use of human bodies for fuel. The locomotives are fed with this novel food, and actually derive their strength from the burning bones and flesh of men.