

LINCOLN COURIER.

"THE PUBLIC GOOD SHOULD EVER BE PREFERRED TO PRIVATE ADVANTAGE."

VOLUME 4.

LINCOLN, NORTH CAROLINA, FRIDAY MORNING, JUNE 30, 1848.

NUMBER 22.

PRINTED AND PUBLISHED WEEKLY, BY THOMAS J. ECCLES.

TERMS.—Two dollars per annum, payable in advance; \$2 50 if payment be delayed 3 months. A discount of clubs of 3 or more. Advertisements will be conspicuously inserted, at \$1 per square (14 lines) for the first, and 50 cents for each subsequent insertion.

THE RETURNED.

BY MISS EMILY NELSON.

Receive him, oh! my father,
His in penitence doth come
From his long years' sad wanderings,
To his childhood's happy home.
No more his brow is haughty,
Or his red lip curled in scorn,
My father! oh! receive him;
'Tis thy son! thine own first born!

Nay—look not thus in anger,
Oh! my sire, it must not be;
Think of him who may refuse
His sweet mercy unto thee.
Think, think of that Tribunal
Where a suppliant thou'lt stand,
For bright, nodding favors,
From the Great Almighty's hand.

Think of that past, mournful hour,
When my sainted mother died;
And thou in heart's deep anguish
Kneelt, all weeping, by her side.
Think upon thy solemn vow,
The imploring look she gave;
Canst thou break the ties of flowers
Have bloomed above her grave?

Father! 'tis a horrid thing
Unforgiving thus to die;
Curses on the quivering lip,
And dark anger in the eye.
Thou art now an aged man,
Life's bright sands are nearly run,
Soon above thy head will cease
To gleam the summer sun.

Father! no—it must not be;
With heart's love and glances mild
Thou'lt get—yes, I know thou wilt—
Thine erring, wandering child.
Cherished brother, hasten now,
No longer thou art repined;
Pardon and a father's love
Await the young Returned.

Letter from General Cass to A. O. P. Nicholson, Esq.

WASHINGTON, Dec. 24, 1847.

DEAR SIR: I have received your letter, and shall answer it as frankly as it is written.

You ask me whether I am in favor of the acquisition of Mexican territory, and what are my sentiments with regard to the Wilmot Proviso?

I have so often and so explicitly stated my views of the first question, in the Senate, that it seemed almost unnecessary to repeat them here. As you request it however, I shall briefly give them. I think, then, that no peace should be granted to Mexico, until a reasonable indemnity is obtained for the injuries, which she has done us. The territorial extent of this indemnity is, in the first instance, a subject of executive consideration. There the constitution has placed it, and there I am willing to leave it; not only because I have full confidence in its judicious exercise, but because, in the ever varying circumstances of a war, it would be indelicately, by a public declaration, to commit the country to any line of indemnity, which might otherwise be enlarged as ultimate justice of the enemy produces the contest, with its loss of blood and treasure.

It appears to me that the kind of metaphysical magnanimity, which would reject all indemnity at the close of a bloody and expensive war, brought on by a direct attack upon our troops by the enemy, and preceded by a succession of unjust acts for a series of years, is unworthy of the age in which we live, as it is revolting to the common sense and practice of mankind. It would conduce but little to our true security, or, indeed, to our present reputation, to declare that we repudiate all expectation of compensation from the Mexican government, and are fighting, not for any practical result, but for some vague, perhaps philanthropic object, which escapes my penetration and must be defined by those, who assume this new principle of national intercommunication. All wars are to be deprecated, as well by the statesman as by the philanthropist. They are great evils, but there are greater evils than these, and submission to injustice is among them. The nation, which should refuse to defend its rights and its honor when assailed, would soon have neither to defend; and when driven to war, it is not by professions of disinterestedness and declarations of

magnanimity, that its national objects can be best obtained, or other nations taught a lesson of forbearance—the strongest security for permanent peace. We are at war with Mexico, and its vigorous prosecution is the surest means of its termination, and ample indemnity the surest guaranty against the recurrence of such injustice as provoked it.

The Wilmot Proviso has been before the country some time. It has been repeatedly discussed in Congress, and by the public press.

I am strongly impressed with the opinion, that a great change has been going on in the public mind upon this subject—in my own as well as others, and that doubts are resolving themselves into convictions, that the principle it involves should be kept out of the national legislature, and left to the people of the confederacy in their respective local governments.

The whole subject is a comprehensive one, and fruitful of important consequences. It would be ill-timed to discuss it here. I shall not assume that responsible task, but shall confine myself to such general views, as are necessary to the fair exhibition of my opinions.

We may well regret the existence of slavery in the Southern States, and wish they had been saved from its introduction. But there it is, and not by the act of the present generation, and we must deal with it as a great practical question, involving the most momentous consequences. WE HAVE NEITHER THE RIGHT NOR THE POWER TO TOUCH IT WHERE IT EXISTS; and if we had both, their exercises, by any means heretofore suggested, might lead to results, which no wise man would willingly encounter, and which no good man could contemplate without anxiety.

The theory of our government presupposes, that its various members have reserved to themselves the regulation of all subjects relating to what may be termed their internal policy. They are sovereign within boundaries, except in those cases, where they have surrendered to the general government a portion of their rights, in order to give effect to objects of the union, whether these concern foreign nations or the several States themselves. Local institutions, if I may so speak, whether they have reference to slavery or to any other relations, domestic or public, are left to local authority either original or derivative.—Congress has no right to say, that there shall be slavery in New York, or that there shall be no slavery in Georgia; nor is there any other human power, but the people of those States, respectively, which can change the relations existing therein; and they can say, if they will—We will have slavery in the former, and we will abolish it in the latter.

In various respects the Territories differ from the States. Some of their rights are inchoate, and they do not possess the peculiar attributes of sovereignty. Their relation to the general government is very imperfectly defined by the constitution; and it will be found upon examination, that, in that instrument the only grant of power concerning them is conveyed in the phrase "Congress shall have the power to dispose of and make all needful rules and regulations, respecting the territory and other property belonging to the United States." Certainly this phraseology is very loose, if it were designed to include in the grant the whole power of legislation over persons, as well as things. The expression, the "territory and other property," fairly construed, relates to the public lands, as such, to arsenals, dockyards, forts, ships, and all the various kinds of property, which the U. States may and must possess.

But surely the simple authority to dispose of and regulate these, does not extend unlimited power of legislation, to the passage of all laws, in the most general acceptance of the word, which, by the by, is carefully excluded from the sentence. And, indeed, if this were so, it would render unnecessary another provision of the constitution, which grants to Congress the power to legislate, with the consent of the States, respectively, over all places purchased for the erection of forts, magazines, arsenals, dockyards &c. These being the "property" of the United States, if the power to make "needful rules and regulations concerning" them includes the general power of legislation, then the grant of authority to regulate "the territory and other property of the United States" is unlimited, wherever subjects are found for its operation, and its exercise needed no auxiliary provision. If, on the other hand, it does not include such power of legislation over the "other property," of the United States, then it does not include it over their "territory;" for the same terms which grant the one, grant the other. "Territory" is here classed

with property, and treated as such, and the object was evidently to enable the general government, as a property holder—which, from the necessity it must be—to manage, preserve, and "dispose of" such property as it might possess, and which authority is essential almost to its being. But the lives and persons of our citizens, with the vast variety of objects connected with them, cannot be controlled by an authority, which is merely called into existence for the purpose of making rules and regulations for the disposition and management of property.

Such, it appears to me, would be the construction put upon this provision of the constitution, were this question now first presented for consideration, and not controlled by impetuous circumstances. The original ordinance of the Congress of the Confederation, passed in 1787, and which was the only act upon this subject in force at the adoption of the constitution, provided a complete frame of Government for the country north of the Ohio while in a territorial condition, and for its eventual admission in separate States into the Union. And the persuasion that this ordinance contained within itself all the necessary means of execution, probably prevented any direct reference to the subject in the constitution, further than vesting in Congress the right to admit the States formed under it into the Union. However, circumstances arose which required legislation, as well over the territory north of the Ohio, as over other territory, both within and without the original Union, ceded to the general government; and, at various times, a more enlarged power has been exercised over the Territories—meaning thereby the Territorial Governments—in an is conveyed by the limited grant referred to.—How far an existing necessity may have operated in producing this legislation, and thus extending by rather a violent implication, powers not directly given, I know not. But certain it is, that the principle of interference should not be carried beyond the necessary implication, which produces it. It should be limited to the creation of proper governments for new countries, acquired or settled, and to the necessary provision for their eventual admission into the Union, leaving in the meantime, to the people inhabiting them, to regulate their internal concerns in their own way. They are just as capable of doing so as the people of the States; and they can do so at any rate, as soon as their political independence is recognized by administration into the Union. During this temporary condition, it is hardly expedient to call into exercise a doubtful and invidious authority, which questions the intelligence of a respectable portion of our citizens, and whose limitation, whatever it may be, will be rapidly approaching its termination—an authority which would give to Congress despotic power, uncontrolled by the Constitution, over most important sections of our common country. For, if the relation of master and servant may be regulated or annihilated by its legislation, so may the relation of husband and wife, of parent and child, and other conditions which our institutions and the habits of our society recognize. What would be thought if Congress should undertake to prescribe the terms of marriage in New York, or regulate the authority of parents over their children in Pennsylvania? And yet it would be as vain to seek one justifying the interference of the national legislature in the cases referred to in the original States of the Union. I speak here of the inherent power of Congress, and do not touch the questions of such contracts, as may be formed with new States who, admitted into the confederacy.

Of all the questions that can agitate us those which are merely sectional in their character are the most dangerous, and the most to be deprecated. The warning voice of him who, from his character, and services, and virtue, had the best right to warn us, proclaimed to his countrymen in his Farewell Address—the monument of wisdom for him, as I hope it will be of safety for them—how much we had to apprehend from measures peculiarly affecting geographical portions of our country. The grave circumstances in which we are now placed make these words, words of safety; for I am satisfied from all I have seen and heard here, that a successful attempt to engraft the principles of the Wilmot Proviso upon the legislation of this government, and to apply them to new territory, should new territory be acquired, would seriously affect our tranquility. I do not suffer myself to foresee or to foretell the consequences that would ensue; for I trust and believe there is good sense and good feeling enough in the country to avoid them by avoiding all occasions which might lead to them.

Briefly, then, I am opposed to the exercise of any jurisdiction by Congress over this matter, and I am in favor of leaving to the people of any territory, which may be hereafter acquired, the right to regulate it for themselves, under the general principles of the constitution. Because—

1. I do not see in the constitution any grant of the requisite power to Congress; and I am not disposed to extend a doubtful precedent beyond its necessity—the establishment of territorial governments when needed, leaving to the inhabitants all the right compatible with the relations they bear to the confederation.

2. Because I believe this measure, if adopted, would weaken, if not impair, the Union of States; and would sow the seeds of future discord, which would grow up and ripen into an abundant harvest of calamity.

3. Because I believe a general conviction, that such a proposition would succeed, would lead to an immediate withholding of the supplies, and thus to a dishonorable termination of the war. I think no dispassionate observer at the seat of government can doubt this result.

4. If, however, in this I am under a misapprehension, I am under none in the practical operation of this restriction, if adopted by Congress, upon a treaty of peace making an acquisition of Mexican territory. Such a treaty would be rejected just as certainly as presented to the Senate. More than one third of that body would vote against it, viewing such a principle as an exclusion of the citizens of the slaveholding States from a participation in the benefits acquired by the treasure and exertions of all, and which would be common to all. I am repeating—neither advancing nor defending those views. That branch of the subject does not lie in my way, and I shall not turn aside to seek it.

In this aspect of the matter, the people of the United States must choose, between this restriction, and the extension of their territorial limits. They cannot have both; and which they will surrender, must depend upon their representatives first, and then, if these fail them, upon themselves.

5. But after all, it seems to be generally conceded, that this restriction, if carried into effect, could not operate upon any State to be formed from newly acquired territory. The well known attributes of sovereignty, recognized by us as belonging to the State governments, would sweep before them any such barrier, and I would leave the people to express and exert their will at pleasure. Is the object, then, of temporary exclusion for so short a period as the duration of territorial governments, worth the price at which it would be purchased? worth the discord it would engender, the trial to which it would expose our Union, and the evils that would be the certain consequences, let that trial result as it might?—As to the course, which has been intimated, rather than proposed, of engrafting such a restriction upon any treaty of acquisition, I persuade myself it would find but little favor in any portion of this country. Such an arrangement would render Mexico a party having a right to interfere in our internal institutions in questions left by the constitution to the State governments, and would inflict a serious blow upon our fundamental principles. Few indeed, I trust, there are, among us, who would thus grant to a foreign power the right to inquire into the constitution and conduct of the sovereign States of this Union; and if there are any, I am not among them, and never shall be. To the people of the country under God, now and hereafter, are its destinies committed; and we want no foreign power to interrogate us, treaty in hand, and to say, Why have you done this, or Why have you left that undone?—Our own dignity and the principles of national independence unite to dispel such a proposition.

But there is another important consideration which ought not to be lost sight of in the investigation of this subject. The question that presents itself is not a question of the increase, but of the diffusion of slavery. Whether its sphere be stationary or progressive, its amount will be the same. The rejection of this restriction will not add one to the class of servitude, nor will its adoption give freedom to a single being who is now placed there. The same numbers will be spread over a greater territory; and so far as compression, with less abundance of the necessities of life, an evil, so far will that evil be mitigated by transporting slaves to a new country, and giving them a larger space to occupy.

I say this in the event of the extension of slavery over any new acquisition. But can it go there? This may well be doubted. All the descriptions,

which reach us of the condition of the Californias and of New Mexico, to the acquisition of which our efforts seem at present directed, unite in representing those countries as agricultural regions, similar in their products to our middle States, and generally unfit for the production of the great staples which can alone render slave labor valuable. If we are not grossly deceived—and it is difficult to conceive how we can be—the inhabitants of those regions, whether they depend upon their ploughs or their herds, cannot be slave holders. Involuntary labor, requiring the investment of large capital, can only be profitable when employed in the production of favored articles, confined by nature to special districts, and paying larger returns than the usual agricultural products spread over more considerable portions of the earth.

In the able letter of Mr. Buchanan upon this subject, not long since given to the public, he presents similar considerations with great force. "Neither," says the distinguished writer, "the soil, the climate, nor productions of California south of 35 deg. 30 min., nor indeed any portion of it, north or south, is adapted to slave labor; and besides every facility would be there afforded for the slave to escape from his master. Such property would be entirely insecure in any part of California. It is morally impossible, therefore, that a majority of the emigrants to that portion of the territory south of 35 deg. 30 min., which will be chiefly composed of our citizens, will ever re-establish slavery within its limits.

"In regard to New Mexico, east of the Rio Grande, the question has already been settled by the admission of Texas into the Union.

"Should we acquire territory beyond the Rio Grande and east of the Rocky mountains, it is still more impossible that a majority of the people would consent to the re-establishment of slavery. They are themselves a colored population, and among them the negro does not belong socially to a degraded race."

With this last remark Mr. Walker fully coincides in his letter written in 1844, upon the annexation of Texas, and which every where produced so favorable an impression upon the public mind, as to have contributed very materially to the accomplishment of that great measure. "Beyond the Del Norte," says Mr. Walker, "slavery will not pass; not only because it is forbidden by law, but because the colored race there preponderates in the ratio of ten to one over the whites, and holding as they do the government and most of the offices in their possession, they will not permit the enslavement of any portion of the colored race, which makes and executes the laws of the country."

The question, it will be therefore seen on examination, does not regard the exclusion of slavery from a region where it now exists, but a prohibition against its introduction where it does not exist; and where, from the feelings of the inhabitants and laws of nature, "it is morally impossible," as Mr. Buchanan says, "that it can ever re-establish itself.

It argues well for the permanence of our confederation, that during more than half a century, which has elapsed since the establishment of this government, many serious questions, and some of the highest importance, have agitated the public mind, and more than once threatened the gravest consequences; but that they have all in succession passed away, leaving our institutions unscathed, and our country advancing in numbers, power, and wealth, and in all the other elements of national prosperity, with a rapidity unknown in ancient or modern days. In times of political excitement, when difficult and delicate questions present themselves for solution there is one ark of safety for us; and that is an honest appeal to the fundamental principles of our Union, and a stern determination to abide their dictates. The course of proceeding has carried us in safety through many a trouble, and I trust will carry us safely through many more, should many more be destined to assail us. The Wilmot Proviso seeks to take from the legitimate tribunal a question of domestic policy having no relation to the Union, as such, and to transfer it to another, created by the people for a special purpose, and foreign to the subject matter involved in this issue. By going to our true principles, we go back to the road of peace and safety. Leave to the people, who will be affected by this question, to adjust it upon their own responsibility, and in their own manner, and we shall render another tribute to the original principles of our government, and furnish another guaranty for its permanence and prosperity.

I am, dear sir, respectfully,
Your obedient servant,
LEWIS CASS.
A. O. P. NICHOLSON, Esq., Nashville, Tenn.