

The Weekly Raleigh Register,

AND NORTH CAROLINA GAZETTE.

WEDNESDAY, JULY 11, 1849.

NUMBER 40

REGISTER.
PUBLISHED BY
W. G. GALE,
Proprietor,
No. 100 N. C. Street,
Raleigh, N. C.
July 7, 1849.

THE "STANDARD" ON SLAVERY, &c

We regret the necessity of being compelled to allude to this subject again—but we cannot permit the leading articles in the two last numbers of the "Standard" to pass unnoticed. We shall have to refer, in course, to both. Now, as we have said before, discussion on this question, growing out of difference of opinion, among Southern men, can not avail aught of good for Southern institutions, inasmuch as our strength is in Union. But the responsibility must rest upon those who are endeavoring to foment divisions among the people of the South, for mere party purposes—and who, instead of trying by argument and conciliation, to unite all shades of opinion upon one broad and common platform of defence, are by a system of denunciation and abuse daily weakening the South, and consequently aiding the abolitionists of the North. Such, we repeat it, must be apparent to every one not blinded by party prejudices, is the tendency of the course pursued by the North Carolina "Standard."

In the article in that paper of June 20th, (to which we have referred before,) is oracularly put forth the test of orthodoxy on this subject, to which every man in the State must subscribe, under the penalty of excommunication for heresy, in the first place, and of the stake for contumacy, in the second place. Is this the liberty of opinion for which the Christian world has been struggling for the last three hundred years, and which we have been taught from childhood to believe, had been secured to us, by the heroes and sages of our past history? Strange as it may seem—mortifying as it is to Southern men—and cheering as it must be to the relentless fanatics of the North—yet so it is; we find ourselves assailed, not only by the abolition press of the North, but by the "Standard" here in our midst. And why? Simply because we do not—because we cannot agree with that print, in its Constitutional view of this question. And until it gives us something in the way of argument, a little stronger than is contained in the weak and self-sufficient view presented of this question in its constitutional aspect, in the article before alluded to, we must be pardoned for adhering to our opinion.

In our previous notice of the "Standard's" article, we objected to the course of that print, because, inasmuch as the issue presented by it, must produce a division here in the South even, it was therefore a weak ground to occupy; that inasmuch as the South would likely be soon called on to exert all her strength, Union was the first great pre-requisite to success. We now propose to show, that the course of the "Standard" in trying to enforce an opposition to the Wilmot proviso, upon the ground that it would be a violation of the Constitution, is weak, because it is *unsound*.—And no matter what partizan babbler may say, we do not intend to allow the Register to become an engine of mischief to Southern institutions, either by exciting divisions and animosities among Southern men, or by fighting the contest of Southern rights from a weak and untenable position.

In noticing the positions, (for arguments, we can not call them) assumed by the "Standard" in reference to the Wilmot Proviso, we may be a little tiresome, but we crave the indulgence of our readers. Our inability to digest the "Standard's" politico-constitutional metaphysics on this question, constitutes the gravamen of its charge against us; and all we desire, is a dispassionate consideration of this subject. The "Standard's" view of the matter consists in great part of mere senseless truisms, which it assumes as premises, and then jumps to conclusions that are utterly irrelevant and unwarranted, leaving it to the ingenuity of its readers to fill up the void, each one for himself, by his own peculiar process of inductive reasoning. The "Standard" deals with this branch of the subject thus: "First as to the Constitutional power. These territories have been acquired by the blood and treasure of all the States." This we readily admit—and although it is a good argument against the injustice of the Wilmot Proviso, it certainly cannot change the express letter of the Constitution, which was adopted 60 years before the territories in question were acquired.—Again,

"Slavery is recognized by the constitution, and our slaves, it is expressly declared in that instrument, are liable to be taxed directly, and they have been, for the purpose of raising revenue for the federal treasury."

As to the first proposition in the foregoing sentence, viz; that "slavery is recognized by the Constitution"—although we admit this in a certain sense, yet we do not admit it in the sense evidently intended for by the "Standard." If it is contended that the framers of the Constitution merely recognized slavery as an existent fact—that the Constitution left it where the framers of that instrument found it, an institution entirely dependent upon, and having no other sanction, (in the States,) than the local municipal law of those States—this we admit to the full extent. But if it is contended that the Constitution gives a national sanction to slavery, or recognizes it as a national institution—if it is contended, that the Constitution recognizes slavery as a sort of American Common Law principle, wherever it is not expressly prohibited by State authority, then we deny it, and call for the proof. Now the only clause in the Constitution which refers directly to slavery, as an existent institution, is the 2d section of the 4th article, (providing for the delivery of fugitive slaves) viz: "No person held to service or labor in one State, under the laws thereof, escaping into another, shall in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due." Here it is evident that the only recognition of, and the only sanctions given to slavery,

by the Constitution are, that it has its existence, and receives its protection, from the laws of the States. Under the local municipal law, the Constitution found slavery, there it left it; and there, and there alone, every true friend of the South ought to wish it to remain. If the Constitution recognizes slavery in any other sense than hereint contended for—if it gives a national sanction to slavery, independent of the local law, does it not follow that in the forts and dockyards of New England, where the territory is owned by the United States, slavery would be a constitutional institution wherever Congress has acquired, in the cessions from the States, exclusive jurisdiction?—Suppose New York were to repeal the law abolishing slavery in that State, without enacting any other law to regulate the relation of master and slave—why, if the Constitution of the United States recognizes slavery as a national institution, which must, under that Constitution, go wherever it is not prohibited by the local law, of course slavery would *eo instantur* take root in that State. For if slavery be under the Constitution, the United States Common Law, subject to prohibition by the local law only, it must take effect on every foot of territory where that Constitution is "the supreme law of the land," as well in a State as a territory, unless prohibited by the local law. If this position be correct, and we think it cannot be controverted, it necessarily follows, as the Constitution gives no right, which Congress is not in good faith bound to enforce and protect—that Congress ought to pass laws regulating the relations of master and slave in the forts and dockyards in the North, or in any State that might repeal its laws abolishing slavery, without further legislating on the subject. As to the second proposition of the foregoing sentence, that our slaves are liable to be taxed and have been taxed by the Federal Government—that we readily admit, yet, in order to a proper understanding of the subject, let it be recollected that they are taxed as other things, recognized as property by the State laws, are taxed, and subject to the same rules and regulations, on their removal to another State, or distant territory of the United States. The "Standard" goes on to say,

"Viewed in one sense, and indeed in the only important one, in considering this question, they (slaves) are as much property, in the eye of the Constitution, as the looms and spindles of New York and Massachusetts."

Aye, indeed! are they no more so? We thought just now, they were not only protected by State law, but were "recognized by the Constitution;" that it was "expressly declared they were liable to be taxed," &c. Well, the "Standard" will not content that the looms and spindles of New York and Massachusetts are recognized by the Constitution of the United States. That print has long urged, that looms and spindles employed in manufacturing industry, were entitled to no other protection than the State law gave them, even at home; and will it now admit, that if these looms and spindles are transferred by their owners to the Territories, they are entitled to any other protection than the local law might there afford to them? Or in the absence of any local law in the Territories, is Congress bound by the Constitution to interpose, and to regard those looms and spindles in the same point of view, and to extend to them the same protection, that the law of the State did, from whence they were carried? The "Standard" has chosen to put slaves on the same footing it does the looms and spindles of the North; and on an issue of its own tendering, we readily meet it.—Passing by the absurdity of its parallel—after just contending that slave property was entitled to protection under the Constitution, and after having for years contended, that manufacturing industry was entitled to no such protection—we meet the issue as we suppose it was intended to be presented: that what is recognized as property by the laws of our State, is entitled to the same protection, under the Constitution, as whatever else may be recognized as property, under the laws of another State. Now this proposition we readily admit, and insist that it fully sustains our view of the subject—and if carried out to its legitimate results practically, will, "out of its own mouth condemn" the "Standard." Every man in Massachusetts or New York that invests his capital in looms and spindles, is entitled to protection in the possession of his property, and to the enjoyment of the proceeds of his labor. Whence does he derive this protection? From the local municipal law of those States, which, so far as regards internal regulation and domestic police, the Constitution of the United States has left to the sole and absolute control of the States. Well, we will suppose the Massachusetts manufacturer chooses to transfer his business to Chihuahua, in New Mexico, in search of a better market and higher profits. To what protection is he entitled, when he reaches there, and his looms and spindles are again in motion? To the local municipal law of New Mexico? or to the local law of Massachusetts? or to some indefinite protection under the Constitution of the United States?—Which? Let the "Standard" answer. Suppose the State of Massachusetts, in its zeal for the encouragement of manufacturing industry, shall have passed a law, granting a bounty to manufacturers of certain kinds—is the Massachusetts emigrant entitled to the bounty so far from granting bounties to manufacturers, shall have subjected them to enormous taxation) shall erect a mill close by, under what law of protection to his property does he toil by day and sleep by night? If he be a peaceable and law-abiding citizen, must he modestly apply for the bounty under the Massachusetts law, or voluntarily tender the tax under the South Carolina law—or must he go in search of some lawyer of the Cal-

ifornia school, to tell him what is the protection afforded him by the Constitution of the United States? Let the "Standard" answer. Let it not escape from the force of our illustration, by attempting to evade it. If the citizen of any State, or removing to a Territory of the United States, carries with him the rights and privileges he enjoys under the laws of the State whence he goes, he carries with him the *whole* of those rights and privileges. If he does not, but carries with him only a part of them, will the "Standard" inform us what part he carries, and what part he leaves behind—that is the principle by which we are to define the extent of those rights and privileges, and to produce uniformity of the same? By the law of North Carolina, the murder of a slave by his master is felony—suppose by the law of Mississippi it be only a misdemeanor—when the North Carolinian and Mississippian take their slaves to California, under which law are they to be tried, in case of the killing of a slave by either? Some States make it penal to work slaves on the Sabbath day; in others it is no offence—which law is to prevail in the Territories? Some States pay the master for the slave, when he is executed for a capital offence; others do not—which regulation is to maintain in the Territories? If the doctrine contended for by the "Standard" be correct, then in the Territories, there will either be no general law on the subject, but that of force; or else you will have a separate code for the emigrants from every slave State in the Union. And when you go to the Constitution of the United States, to which the "Standard" refers for the source of this right, you find it is entirely silent on the subject.

The "Standard" says further, "Congress is not the sovereign under that Constitution, but a body with delegated powers." This we deny, in the broad and unqualified terms in which it is laid down. Congress is sovereign to the extent of the powers that are delegated. Walker defines "sovereign" to mean "Supreme in power," and the Constitution declares "that the laws of the United States which shall be made in pursuance of the Constitution, (that is, in pursuance of the powers that are delegated) shall be the supreme law of the land." Here then we have the express letter of the Constitution on the one hand, and the Raleigh "Standard" on the other. We say to the readers of the "Standard," "choose ye whom you will serve." Again, says the "Standard"—"It (Congress) received its existence from the States and owes to them its continued vitality, and it can pass no law affecting either the citizens of the States or the States themselves, which is not expressly authorized by the Constitution, or necessary to carry into effect some power expressly made." Granted—but what has this to do with the question? Why is this political axiom, that any tyro in Constitutional reading can quote as glibly as the "Standard" can, put forth with such amazing gravity?—Why, but to mystify the subject, and mislead its readers? Why, but to make them believe its absurd conclusions are the legitimate results from undisputed premises? But says the "Standard":

"The States are sovereign, and equals. Congress, therefore, possesses no right to pass any law which discriminates directly, or by its effects, in favor of one State, and against another."

The conclusion to which the "Standard" arrives in the latter sentence of the above, is made to rest upon the soundness of the premises as laid down in the first sentence, viz: that "the States are sovereign and equals." If the rights of the States rest on no safer argument than this, well may they exclaim "save us from our friends."—The States are not absolutely sovereign. Sovereignty in our Country is divided betwixt, and exercised by, two separate and distinct organizations, viz: the State and General Government. Each is sovereign within the scope of its legitimate functions, and no further. For instance, the public law writers specify among the attributes of sovereignty, the power to make treaties, grant letters of marque, coin money, &c.—now these are all expressly prohibited to the States by the Constitution, and conferred upon Congress.—See what an absurdity the "Standard" has here involved itself in. It has just said "Congress is not the sovereign under that Constitution"—and now it says "the States are sovereign." If this be true, State laws upon any and all subjects (for the "Standard" makes no qualification) are paramount to the laws of Congress. What nonsense! As to the conclusion deduced from these false premises—if the "Standard" means, that Congress possesses no right to pass any law, which shall directly or "by its effects," encroach upon any of the Constitutional rights, powers, or privileges, of any one of the States, we admit the truth of his proposition; but if the "Standard" means, that Congress possesses no right to pass any law, "the effects" of which may enure to the benefit of the people of some one State more than of another, then we insist the argument is erroneous. Will the "Standard" deny that the effects of the law establishing the Navy-yard at Gosport, have been to benefit Virginia and her people, more than North Carolina? Or that the improvements of the harbors of New York and Charleston, have "in their effects" been more in favor of the States of New York and South Carolina, than of Tennessee and Kentucky? Or that "the effects" of improving the Ohio and Mississippi, have operated more in favor of Louisiana and Ohio, than of Maine and New Hampshire? Whence does the "Standard" derive this unheard of, this dog-in-the-manger construction of the Constitution—that even within the scope of the granted powers, Congress has no right to exercise any one of them, if by "its effects," it operates more in favor of one State than another. Although the "Standard" does not expressly say this, yet it is apparent that such is the necessary consequence of its positions. No such doctrine as this is warranted by the letter of the Constitution—then, will the "Standard" inform us of its authority for such construction? The absurdity of such a construction must be plain. In a country of such vast extent, such diversified pursuits and various interests as ours, it is almost impossible to conceive of any law of magnitude being passed by Congress, that will not "in its effects," be more beneficial to the people of some one State than some other; and frequently to the positive injury of the latter. For instance, the "Standard" will admit that a revenue tariff may afford incidental protection to manufactures, and yet be

Constitutional. The "Standard" insists that the imposition of every duty is so much added to the price of any article—then here is an instance where a law may operate not only "in its effects," but directly in favor of the people of one State, and against those of another, according to the "Standard," and yet be Constitutional. Again, a war might in its effects devastate one State, and decimate its population, whilst the people of that very State might be heavily taxed to support the war—possibly some distant States in the additional demand created for food, clothing and munitions of war, might, from this renewed demand for their productions, be reaping a benefit from the war—and such in a great measure, is the result of all wars—yet, does this at all contravene the express power given to Congress, "to declare war?" A perfect equality of the benefits and burdens which may be "the effects" of legislation, is not to be attained, and the framers of the Constitution were too practical to aim at any such Utopian result.

We must stop for to day. If we do not, we find that we are likely to make this article too long. We are not quite done with the subject, however. In our next we will resume our review of the "Standard's" Constitutional view of the question. We must dismiss it for the present, by saying again, that we do not consider the "Standard" as sound and trustworthy on the subject of slavery. The course of that print and its co-laborers, argues no good for the South. They seem to think that opinions on questions of constitutional law are like party harness, to be put on and off as convenience or interest may dictate. They do not seem to have discovered that convictions of the truth or falsehood of any proposition are not voluntary. We warn the South against such self-constituted leaders. He who from real zeal, rushes headlong into the conflict, without having first examined his ground and made sure of his footsteps, is rash and unreliable. He who from pretended zeal, denounces the caution of one portion of his comrades, and leads the other into an ambuscade, is an impostor, and should be expelled from the camp of the faithful. We are for leaving the question of our rights, as involved in the Wilmot Proviso, to the people, the whole people of the South, who have heads to understand, and hearts to feel, the injustice and wrong of that measure. The "Standard" is for taking it from the people, and intrusting it to technical quibblers and constitutional hair-splitters. We are for taking care of Southern rights—the "Standard" is for taking care of itself and its party.

Reception of Father Mathew.

Father Mathew is at length a sojourner in the United States, and is at present recruiting from the fatigues of his voyage on Staten Island. He was received with much courtesy, on his arrival at Quarantine, by the Medical staff stationed there; and after an interchange of civilities, proceeded to the residence of his friends, where he was visited by committees from New York charged with the duty of preparing for his public reception in that city.

A great temperance meeting is to be held in the Tabernacle at which he will deliver an address. The New York Herald says: "We visited the good man yesterday; and though he looked well after his voyage, there was a decided change in his general appearance from the time that we saw him in Ireland a few years ago—not so great a change, however, as we were led to expect from what we had heard. His face is still ruddy, and beams as it ever did, with benevolence. His hair is turned from a jet black to a dark grey. He has less activity, and his step has lost much of its elasticity; but this may be partly accounted for by the fact of his frame not having yet got rid of the motion of the vessel.

"The most remarkable change is in his voice—it is subdued and faltering, and wants the energy of tone it once possessed. It must, however, be recollected, that Father Mathew is now 59 years of age and has scarcely yet recovered from a severe attack on his nervous system. Seven years ago he would be taken for a man of 40 years of age. He has one feature unchanged—his clear blue eye still undimmed, reveals his bright intelligence within. He expresses himself as delighted with the country and its scenery. He is particularly pleased with the view of the bay, between Long Island and Staten Island, as seen from Mr. Nesmith's house, and compares it to the Lakes of Killarney."

Died,

At Buffalo Springs, Va., on the 26th ult., Samuel F. Reavis, son of Whitfield Reavis, Esq., of Henderson, N. C., aged 23 years.

Having given himself to usefulness in his early years, Mr. Reavis persevered in his pursuits until his health would admit of it no longer. About twelve months ago he retired from business, and resorted to a course of medical skill could afford him no relief, he left Henderson on the 24th ult. for Buffalo Springs, as well as he had been for some months, where he died very suddenly on the 26th ult. He has left numerous friends and relatives to mourn their irreparable loss.

The writer of this notice has been an intimate acquaintance of the deceased for several years, and can with much confidence say, he justly merited the esteem which was extended to him by all who knew him. May kind Heaven smile upon his afflicted friends and relatives and enable them to bear it with fortitude.

Music—A Card.

The undersigned has just arrived from the South, and offers his services to the Citizens of Raleigh, as Instructor of Music in all its branches; and flatters himself that his well-known abilities as an Instructor will be a sufficient guarantee for success.

The undersigned will take classes in schools, and instruct pupils on the new improved system of Pestalotti, which is well known in the South as the shortest method of imparting a knowledge of the science of Music, and is a great saving of time for other studies, as two or three pupils may take their lessons at the same time. This method is adopted in the first class schools as well in Alabama as Louisiana, and it has proved superior to any other method.

For Terms, apply at the Office of the Raleigh Register, or at the Eagle Hotel.

JOHN F. BRANDT,
Professor of Music.

Raleigh, July 5, 1849. 54—1f

Boston's Life in the Far West—

Life in the Far West, by GEORGE F. BOSTON. This day received at the N. C. BOOKSTORE, Raleigh, July 5, 1849. 54

By the Rev. Charles Beecher—

The Incarnation, or the pictures of the Virgin and her Son. For sale by H. D. TURNER, Raleigh, July 5, 1849. 54

Valuable Property for Sale.

THE Subscriber offers for sale his Farm, immediately adjoining the village of Chapel Hill, containing 352 Acres, one half of which is under cultivation; the other half, (which is the better part,) is covered with Timber of virgin growth. There are, on the premises, two good log houses, one of them with three rooms, a new Threshing Machine, two stables, a Crub, and every other out-house necessary for a farm of large size. The Land, though not rich, has been gradually improving for the last two years. The soil is light on the surface, with a clay foundation, and is now in a state of high cultivation. There is enough meadow ground to make annually from 500 to 200 tons of hay, besides several grass-lands separately enclosed, and a pasture of ten acres for cows. A beautiful stream flows through the middle of the farm; and more than thirty delightful Springs break out from the hillsides. There has been set out, within the last five or six years, an extensive Orchard, containing nearly 300 apple trees of fifteen choice varieties, 200 peach trees of five or six of the best kinds, besides a number of damsons, blue plums, prunes, figs, pines and cherries—all of which are healthy, and in full bearing. An unfailing stream, conducted from a small distance, furnishes abundance of water to the Dwelling House, and to the several lots belonging to the stable, cow house and calf shed.

The tract, as before stated, runs up to the boundary of the Village, and is in no part more than one mile and a half distant from it. A lovely site for a house is reserved in a handsome grove, near the village, which commands a view of twelve miles.

The terms of sale will be made easy; and possession given at any time after the 1st day of October.

W. M. GREEN.
Chapel Hill July 5th, 1849. 54 if
Standard 4 times.

Transylvania University,

MEDICAL DEPARTMENT.

THE 32d Session will open on the 1st Monday in November next, under the direction of the following Faculty, viz:

Benj. W. Dudley, M. D., Professor of the Principles and Practice of Surgery.
Robert Peter, M. D., Professor of Chemistry and Pharmacy.
James M. Bush, M. D., Professor of Special and Surgical Anatomy.
Sam'l. Anan, M. D., Professor of Theory and Practice of Medicine.
Ethelbert L. Dudley, M. D., Professor of General and Pathological Anatomy and Physiology.
Henry M. Bullitt, M. D., Professor of Materia Medica and Therapeutics.
William M. Boring, M. D., Prof'r of Obstetrics and the Diseases of Women and Children.
H. M. Skillman, M. D., Demonstrator of Anatomy.

The cost of a full course is, One Hundred and Fifty Dollars, invariably in advance. The Matriculation and Library tickets, Five Dollars. The Dissecting ticket, Ten Dollars. The Graduation Fee is Twenty-five Dollars. Boarding and lodging from \$2.00 to \$3.00 per week.

ROBERT PETER, M. D.,
Dean of the Faculty.
Lexington, Ky., June 27, 1849. 54 4t

PROSPECTUS

FOR ENLARGING AND OTHERWISE IMPROVING

THE RALEIGH REGISTER.

THIS long established Whig Journal, having passed permanently into the hands of the present Editor, he has determined (provided sufficient encouragement be given) upon so enlarging its dimensions, as to make it contain nearly *four* columns more matter than it now does, and upon improving its appearance in such manner as to make it one of the

Largest and Handsomest Sheets in the South!

To effect this object, it will require a considerable expenditure in the purchase of a new Press, new Type, and other necessary materials; and as we do not intend making any advance upon the present rates of subscription, we shall have to rely solely for remuneration upon accessions to our list. We have issued this Prospectus with a view to the attainment of this object; and it is desired that our friends will exert themselves in procuring us subscriptions.

TERMS:
For the Semi-Weekly, \$5, or \$4 50, in advance—
Weekly, \$3, or \$2 50,
\$3—Will our brethren of the Press oblige us, by giving the above Prospectus an insertion?

Valuable Land For Sale!

THE Subscriber wishing to carry his Negroes to the South, offers for sale the following valuable Tracts of Land, viz:

One tract containing 1650 Acres, and situated 9 miles west of Smithfield. There is a large and convenient Dwelling house, on this land, with all necessary out-houses. It is excellent farming land for this country, and there is enough of it in cultivation to produce six or seven hundred barrels of corn. There is, also, a Grist and Saw-mill on the tract. The plantation is well watered—and one third of the land in cultivation is low ground. There are, also, about thirty thousand turpentine boxes cut.

ALSO,
Another Tract, lying twelve miles below Smithfield, immediately on the river, containing 440 Acres. This is excellent farming land, and as good range for stock as any in the State.

Those wishing to purchase such lands, will please call on the Subscriber, at his residence, 9 miles west of Smithfield, and he will take great pleasure in showing them and giving every one an opportunity to judge for himself.

ROBERT A. SANDERS,
Johnston Co., May 7, 1849. 57—1f

North Carolina Rail Road.

NOTICE is hereby given that on Friday the 20th day of July next, Books for Subscription to the Capital Stock of the North Carolina Rail Road Company will be opened in the City of Raleigh, and will be kept open for thirty days thereafter.

JOSHUA O. WATSON,
DUNCAN K. McRAE,
THOMAS J. LEMAY,
CHAS. L. HINTON,
WILL: W. HOLDEN.

Raleigh, June 29, 1849. 59—4t