

and not that of the state from which the slave was brought. Thus, in my own State, though, in point of fact, there were not a single slave to be found to-day, still slavery would be a recognised institution of the State; and the man who should go there with his slave to-morrow, would not carry any new institution with him, but would merely carry there a recognised subject of property under the existing law.

Now, it seems to me, that the gentlemen whose opinions I oppose must maintain one of two things: either that by force of the Constitution of the United States the moment territories are acquired slavery becomes there a recognised institution, or else, that whether it will be an institution of the territory or not depends upon the fact whether or not a slave shall be carried there; that, when carried, the law of slavery springs up, and when removed the law ceases. Now, sir, this latter proposition seems to me an absurdity. The law which recognises slavery must exist, or not exist, independently of the conduct of individuals; and as, in my judgment, the Constitution does not of itself establish slavery where it did not exist, we must in order to ascertain its existence, resort to the previous law. There seems to be some doubt, as I collect from the remarks of honorable Senators on this subject, what was the state of the law in the territories acquired from Mexico. By some it is alleged, that all slavery was absolutely prohibited; by some, that a species of slavery, called *Peon* servitude, existed under certain modifications, about which gentlemen are not agreed; but is conceded on all hands, that African slavery, as recognised in certain States of the Union, was not an institution recognised in these Mexican territories.

Now, I hold, upon this concession, that the law in Mexico not having recognised slavery as it exists with us, such slavery stands prohibited in Mexico until it shall be allowed by law. Nothing, I apprehend, is clearer, than that by the acquisition of a territory, whether it forms a part or the whole of the foreign nation—whether subdued by arms or ceded by treaty—no laws are repealed except those which are inconsistent with the relations which the subjugated people bear to their new sovereign; that such acquisition implies only a change of dominion and allegiance—a transfer of legislative authority and executive control; and that all laws, not necessarily inconsistent therewith, remain in full force until the new sovereign shall modify, alter, or abolish them. On this subject Vattel thus expresses himself:

"The fundamental regulation that determines the manner in which the public authority is to be exercised, is what forms the Constitution of the State. In this is seen the form in which the nation acts, in quality of a body politic, how and by whom the people are to be governed, and what are the rights and duties of the Governor." "The laws are regulations established by public authority, to be observed in society." "The laws made directly with a view to the public welfare are political laws, and in this class those that concern the body itself, and the being of the society, the form of government, the manner in which the public authority is to be exercised; those, in a word, which together form the Constitution of the State, are the fundamental laws. The civil laws are those that regulate the rights and conduct of the citizens among themselves."

Chief Justice Marshall, in delivering the opinion of the court, in the case to which I have before referred, speaking of the effect produced by the cession of territory says:

"On such transfer of territory it has never been held that the relations of the inhabitants with each other undergo any change. Their relations with their former sovereign are dissolved, and new relations are created between them and the government which has acquired their territory. The same act which transfers the allegiance of those who remain in it, and the law which may be determined political is necessarily changed; although that which regulates the intercourse and general conduct of individuals remains in force until altered by the newly created power of the State."

And again, in the same opinion, he says:

"It has been already stated that all the laws which were in force in Florida, while a province of Spain, those excepted which were political in their character, which concerned the relations between the people and their sovereign remained in force until altered by the Government of the United States. Congress recognises this principle by using the words 'laws of the territory now in force therein.'"

Now, it is here manifest, that of the laws of a ceded territory, none are abrogated by the cession except those which are called political, and that those only are called political which concern the relations between the people and their sovereign; that these are "necessarily changed, because inconsistent with the new relations between the territory and its new sovereign; that the necessity of the case alone produces any change; and that all other laws, whether described as the municipal laws, the civil laws, or the laws regulating "the rights and conduct of the citizens among themselves," remain in force until altered by the new sovereign.

Now, sir, it is agreed by all the writers on national law, by all judges who have treated upon this subject, that slavery owes its existence to positive law, to municipal law; that independently of law authorizing it, it does not exist anywhere; from which it necessarily follows that, whether African slavery be expressly prohibited in these territories or not, it does not exist, unless by their law it be allowed, which no one pretends. Whether it shall be introduced, or its exclusion continued, depends, in my judgment, upon the will of Congress. If nothing be done by Congress it remains excluded, and their power over the subject is complete and perfect. It seems to me that some confusion has resulted in the views of gentlemen upon this subject, from the fact that we heretofore have not made acquisitions

of territory except with a view to the formation of States; but we have just as much power to acquire territory, and keep it in perpetual pupillage, as we have to bring it into the Union as a State. Our right to acquire springs out of the treaty power and the war power, and when we acquire we are to decide for ourselves what shall be done with what has become ours, by cession or by conquest. If we should obtain that *El Dorado* of some gentlemen, the island of Cuba, would we be bound to admit it into our Union? By no means. We should have a right to keep it as a territory—a province—and regulate it as we please. And if we deemed it best for the interest of the United States, we might rightfully so keep it, even to use an extravagant phrase, "to the last syllable of recorded time." The constitutional restrictions were intended to protect us against our own Government; they were intended to regulate us among ourselves, to define and distribute the powers which exist between the United States and the several States, and to secure to the States and to the people powers not granted to the United States. There is not an article which looks to the restraint of power, except as it is to be exercised over us; not an article designed to shorten our hands or diminish the aggregate of our power in acting externally upon foreign territory. Therefore, I hold that, among those subjects falling within the constitutional power of Congress, is the entire regulation of such territory as we may acquire, to make such laws for it as we may think best, and to give it a political organization of such kind, and with such restraints and limitations, as we may prescribe. Within this power is included the introduction or exclusion of slavery, according to our own judgment, entirely independent and irrespective of the wishes of the people of the territory, or any body else. My friend from Ohio, (Mr. Corwin) in his speech yesterday, stated that I was the only gentleman sustaining the same relation to the subject, upon this floor, who entertained this opinion. Since that remark was made, my friend from Kentucky, (Mr. Underwood) has expressed the same opinion, and I hazard nothing in saying that the honorable Senator from Missouri, (Mr. Benton) now in my eye, than whom no man is more capable of forming a sound judgment, holds the same opinion without qualification. If I do him injustice, I hope he will say so. The opinion is by no means novel. Why, sir, when the bill admitting Missouri passed the House, it contained an express provision, as a fundamental condition on which that State was to be admitted, that slavery should be excluded. When the bill came into the Senate that provision was stricken out, and the Missouri compromise, excluding slavery from the territory north and west, was agreed to; and, so far were southern members from having discovered, at that time, that Congress had no power over the subject, the amendment was adopted apparently without a division, at all events, without the yeas and nays; no southern member appearing to have thought it necessary or important to record his vote. Nor was this an instance of hasty and inconsiderate action. Among the Southern Senators present on that occasion was the late William Pinckney. It would be idle for me to say here, or anywhere in the United States, who William Pinckney was, or to what respect his opinions are entitled. In a letter written to his son-in-law, and preserved in his life by Mr. Wheaton, he said:

"The bill for the admission of Missouri into the Union (without restrictions as to slavery) may be considered as passed. That bill was sent back again this morning from the House, with the restrictions as to slavery. The Senate voted to amend it by striking out the restriction, (27 to 15,) and proposed as another amendment, which I have all along been the advocate of, a restriction upon the vacant territory to the north and west as to slavery."

(To be concluded next week.)

#### PROGRESS OF DORRISM IN OHIO.

The Locofocos, in Convention in Cincinnati (Ohio) on Saturday week, determined in favor of the Dorr revolution—to disregard the apportionment law of last winter. They nominated a Senator and five Representatives for the county at large, wholly disregarding the two representative districts, and neither of the candidates resides in the first district. The plan of the revolutionists, as published, is to elect as many Locofoco members as they can, and for the members elected to break up the Legislature by refusing to take their seats, and leaving the Houses without a quorum. To carry this plan into operation, they rely upon the Township Trustees to receive and count the votes, and the Clerk of the Court of Common Pleas to give them the proper certificates, the law and their oaths of office to the contrary notwithstanding. Many of the Trustees have already declared that they will follow the law and their oaths, and reject every vote for representative with more than three names upon it; and we misapprehend the moral honesty of the Clerk if he, also, is not found in the discharge of the duty imposed upon him by the law and his oath, instead of following the orders of this body of disorganizers.—*Cincinnati Gazette*

#### THE INFLUENCE OF MR. CRITTENDEN'S PRESENCE.—The Frankfort Commonwealth says:

"Prior to the late election, Mr. Crittenden was able to visit thirty six of the one hundred counties of the State. His gain in the ninety-six counties heard from is thirty-eight hundred and eighty, of which thirty three hundred and eighty were gained in the counties in which he addressed his fellow citizens."

#### The Wilmot Proviso—Standard.

It is reported among the people, by democratic leaders, that the Oregon Bill, which contained the Wilmot Proviso, and which President Polk approved, did not violate the principles of the Missouri Compromise. If the democrats will not believe the record of Congress, nor any statement on the subject, emanating from the Whig Press, we suppose they will take the *Raleigh Standard* as good authority. The editor of the *Standard*, in his paper of the 23d inst. says:

Congress adjourned on the 14th inst. After a long and bitter contest on the question of slavery, the Oregon Bill, with the Wilmot Proviso included, and the Missouri Compromise stricken out, was adopted and has become a law.

Observe, Mr. Holden says, "with the Missouri Compromise stricken out." All we ask of the democratic leaders is to admit this fact, and not deceive the people, in contradiction of the admissions of their own organ. Vote as they may; twist and turn the matter as they choose—let the people know that Polk has approved of the Wilmot Proviso, and that Cass is pledged to the measures and policy of his administration.

The *Standard* says "the principle of the Proviso is wrong and ought to be resisted." Very well. So we all say. But what does the reader suppose is the reason Mr. Holden gives, in excuse for Mr. Polk? Why that "no southern man thinks of carrying slaves to Oregon." And so, we may abandon principle, and set up a dangerous precedent, because in a particular case there may be no practical illustration of that principle. By equally as sound reasoning we may admit the principle that thieving is right, because, in a certain community, "no one thinks of stealing."

Mr. Holden thinks it was not necessary that we should "fight the battle for southern rights over this bill," and that the "contest will come up at the next session upon the proposition to establish Territorial governments in New Mexico and California." Why should not the battle be fought on every occasion of assault? Why should we recede from the ground we have taken, and give up our principles more at one time than another? Is it not the truth and the right to be defended on all occasions? We should be glad to learn how any man can yield up an essential article in his creed, either religious, moral or political, and be considered faithful to his trust or honest in his professions. We beg our friend Holden to expound, demonstrate, edify, in the premises; and then we shall see that a man may say the sun shines at noon day, when it really does shine, and at the same time admit that it is as dark as midnight, if there is nothing of "practical importance" in the question.

But there is a very strong party reason for the course of Mr. Polk, which will be deemed of more consequence to Polk, and especially to Cass, than southern rights or southern honor—and this is the catching of northern votes for the Presidency.—This is in accordance with the conduct of democratic leaders, who sacrifice every principle, violate constitutional law, and minister to all political licentiousness, solely for the purpose of party triumph and the acquisition of political power.

"We should not have fought the battle of southern rights over this bill," says our "indomitable friend Mr. Holden. Oh, no—"never mention it"—never think of southern rights till after the election. Such matters as political consistency, honor, integrity, are of no "practical importance" at the present time—all must yield to electioneering purposes.

And now the people are taught to believe that the friends of General Cass may perpetrate all sorts of political fraud, even to the abandonment of every principle for which the South ever contended; and after they have elected him, will be the very models of political perfidy; patriots of the first water. We doubt if the people will trust them—they find them in the slough of corruption, and there they will leave them.

We must remark further, at the risk of making this article too long.

In the very paper in which Mr. Holden sanctions Mr. Polk's approval of the Wilmot Proviso, without the Missouri Compromise, he falsely accuses Mr. Fillmore of being a Wilmot Proviso man, and for this he scandalizes him—and in regard to the very doctrine of the Oregon bill, which makes no attempt to deprive us of our slaves, he says as follows:

Do we thank any man for assuring us that he will not burn our houses, nor cut our throats? Is this all that Southern Whigs can show in Fillmore's favor? Has he ever denounced the Wilmot Proviso as unconstitutional, as Lewis Cass has done? Is it not notorious, in the North where he is known, that he is a Wilmot Provisoist?

Premising that Lewis Cass has never denounced the Wilmot Proviso as unconstitutional, but refuses to answer on that point; we would ask what is Mr. Polk who officially approved of the Wilmot Proviso, or Mr. Cass who is pledged to his administration? They do not even give the assurance spoken of in the first sentence of the above extract. And what is the position of the Democratic leaders, who approve of Mr. Polk's conduct? Why they are "Wilmot Provisoists," as all must see, who will take words and acts for proof.

Here is another precious extract from the *Standard*:

Slaveholding Whigs of North Carolina! it is high time that your candidates for the Presidency and Vice Presidency had spoken out. Are they opposed to the Wilmot Proviso? Will Zachary Taylor veto it or will Millard Fillmore give the casting vote for the South and the Union, if the Senate should tie upon it?

Out upon you, Mr. Holden, for a brazen wag. "Will Zachary Taylor veto it?" Did Mr. Polk veto it? It is asked if Millard Fillmore will give his casting vote for the South and the Union. Undoubtedly he will if occasion calls for it.

But what questions are these from a source that has given up the South and the Union to the mercy of the enemies of the South!

It is with unaffected astonishment we have observed these monstrous discrepancies in the *Raleigh Standard*. We cannot account for it in any other way than by admitting the truth of the adage: "He needs must go whom the Devil drives." *Wilmington Commercial*.

#### CAROLINA WATCHMAN.

Salisbury, N. C.

THURSDAY EVENING, SEPTEMBER 7, 1848.

FOR PRESIDENT,  
GENERAL ZACHARY TAYLOR,  
OF LOUISIANA.

FOR VICE PRESIDENT,  
MILLARD FILLMORE,  
OF NEW YORK.

#### WHIG ELECTORS.

- DIST. No. 1—KENNETH RAYNER.
- " " 2—EDWARD STANLY.
- " " 3—HENRY W. MILLER.
- " " 4—W. H. WASHINGTON.
- " " 5—GEORGE DAVIS.
- " " 6—JOHN WINSLOW.
- " " 7—JOHN KERR.
- " " 8—WILLIAM WITHERS.
- " " 9—JAMES W. OSBORNE.
- " " 10—TODD R. CALDWELL.
- " " 11—JOHN BAXTER.

#### AWFUL—"STARTLING DEVELOPMENTS."

Reader what do you suppose these "startling developments" are? Has Great Britain declared war against the United States because four Americans were arrested in Ireland and identified as having been concerned in the Irish rebellion? No. Such does not constitute the startling developments, but because some one (equally as anxious for it to be so, as the *Standard* man) has started a report that Gen. TAYLOR has written a letter to Senator BALDWIN of Connecticut, in which he "pledges himself that he will not veto any measure that has passed both Houses of Congress, AND ALLENDS PARTICULARLY TO THE WILMOT PROVISIO."

Does not the whole carry the falsehood on its face plainly to any man not wholly carried away by party prejudice? Is it not disgusting in the extreme, to men of honesty and candor to see such false tales, about a man living in one of the largest slaveholding States in the Union? Gen. TAYLOR is not a man to be caught in such a trap, his life and acts prove him one of the purest men living. Such contemptible tales are worthy of the source from whence they sprang and worthy of the party engaged in circulating them against a war-worn soldier. Let it not be forgotten, that lies as base as these, were published throughout the length and breadth of the land against HENRY CLAY, whom these Locofoco slanderers, now hypocritically profess to hold in such high reverence, during the last Presidential contest. They also vilified and slandered the lamented HARRISON, in the same way. The very lowest depth of billingsgate scandal was resorted to, to blast the reputation of these two great statesmen, and will be again, as the day of election draws nigh. The friends of General TAYLOR and of the country, must be on their guard, and be ready to contradict any tale which may be circulated in a peremptory manner.

We are astonished at the Editor of the *Standard* for publishing such an improbable report. He knows that Gen. TAYLOR has not written such a letter. He knows that the General is not made of such pliant composition, though LEWIS CASS may be. The Editor of the *Standard*, is also fully aware, that General TAYLOR has never and will never sail under two different banners. He knows that the *Constitution of the Country* is the only one under which ZACHARY TAYLOR sails. So then he has knowingly and wilfully wronged and misrepresented the Hero of four of the hardest fought battles on record. We remarked above that we were surprised at this, but when we remember this very man, Holden, in 1842, was an admirer and supporter of HENRY CLAY, and how he slandered him in 1844, we confess we are not so much surprised after all at his treatment of Gen. TAYLOR. Such would be the fate of GEORGE WASHINGTON, at his hands, were he alive, although he now professes to revere him.

Suppose John C. Calhoun had been the Locofoco candidate for the Presidency, would any one having the least respect for himself have doubted his fidelity to the South on the question of Slavery? We venture to say not. Well, then, if no man would have questioned Mr. CALHOUN'S fidelity, why should the Democracy seem so incredulous as to Gen. TAYLOR? Does it not look very much like "straining at a gnat and swallowing a camel," when we remember who the Democratic candidate is; where he is and what he has said publicly on this subject? If we take this view of the question, how mortifying must it be to Gen. TAYLOR to know that Southern men pretend to have doubts as to his opinions; and how ungenerous is it in such to insinuate by their conduct that he ought not to be trusted.

The "Raleigh Standard" appears to be in quite a flurry because the Rough and Ready Club of Raleigh refused to unite with the President of the Locofoco Club of that City, in addressing a letter to Gen. TAYLOR to obtain his opinions on the War and the Wilmot Proviso. Below we give the admirable answer of Geo. W. Haywood, the President of the Rough and Ready Club to the proposition, and ask every man of candor, if it is not what it should be. It speaks in a tone not to be misunderstood, and holds up the object of the Locofocos in no enviable light:

RALEIGH, August, 1848.

Sir: I have received your communication of the 22d inst., and having submitted it, at the earliest opportunity to the Rough and Ready Club of this County, by their direction, return you the following answer:

"We have the utmost confidence, derived from the character of Gen. Taylor, and from the whole history of his life, that, if called by the voice of the people to the Presidency of the United States, he will discharge his duties with fidelity and ability, and with a single eye to the good of the whole country. We therefore decline your request to unite with you in enquiring into his views on the particular questions you suggest. Neither Washington, nor Adams, nor Jefferson, nor Madison, nor Monroe, were ever catechized by clubs or conventions. They stood upon their well known characters for integrity, intelligence, and patriotism, and Gen. Taylor, in this respect at least, stands upon their platform.

We have other reasons for declining your request. First, you have not avowed your motive or your object in making the inquiries, or in asking us to participate in them. If, indeed, you had stated that, should Gen. Taylor, in his answer to these inquiries, show that his opinions accorded with yours, you would support him for the Presidency, then your request would have some plausible foundation, and we might have given it a more favorable consideration. You have not avowed this object, and we have no reason to presume it. If, on the other hand, your object was to draw Gen. Taylor into an answer, which, by any sort of distortion or ingenuity, could be converted to his prejudice, then we ask you, yourselves honorable men, what kind of a response, a question propounded to any honorable gentleman in private life, with such a covert or avowed purpose, would inevitably provoke? We must decline an association in an inquiry so proposed, but at the same time, we feel perfectly sure that, if under such circumstances, Gen. Taylor would answer the inquiries, the purpose would not be accomplished.

We will, however, out of respect to you, give other reasons. What you request us to join in asking is, what are the General's views as to the justice of the Mexican war, the mode of its prosecution, &c. Peace having been concluded with Mexico, we think the question of the justice of the war rests entirely between the Executive of the United States, who commenced it, and the people who are to pass upon the acts of his administration. The war belongs to past events—and we should no sooner ask what Gen. Taylor thought in the abstract upon its justice, than inquire what his opinions were as to the conquests of Alexander, the dismemberment of Poland, or the forcible acquisitions of the British in the East Indies, or any other matters of historical fact. As to the prosecution of the war the same remark applies. It is now a part of the history of the country, and the Cass and Butler Club must surely have heard of the part Gen. Taylor performed, of the brilliant victories of Palo Alto, Resaca de la Palma, Monterey and Buena Vista, which covered our country with such a flood of glory.

Then we are asked to join you in requesting Gen. Taylor's opinions upon the Wilmot Proviso. You do not say in what respect you desire information on this subject, whether as to the constitutionality of such a provision in a law relating to territories, or as to its expediency. As to the first, the constitutionality of the law, we presume you cannot now be very anxious about General Taylor's opinion, since your leading Southern Senators in Congress, Houston, Benton, and the President, the head of your party, have upon their oaths declared such a proviso constitutional—the former by voting for, and the latter by approving the bill for the government of the Oregon Territory, in which the Wilmot proviso was expressly and deliberately inserted. As to the expediency of the proviso in relation to California and New Mexico, we have no reason to doubt that Gen. Taylor will do every thing in his power to protect the rights and interests of the South.

We have thus respectfully, as we trust, answered your communication, perhaps more at length than we thought necessary, but our answer is drawn so as to prevent any misapprehension of our motives for declining your request.

We would, with great respect, suggest that this, the second communication from your Club to ours, should be the last. We can perceive no good to arise to either party from the repetition of such communications. We think we can conduct our canvass without any aid from you, and we certainly have no disposition to interfere with your appropriate functions.

Very respectfully, I remain  
Your obedient servant,  
GEO. W. HAYWOOD,  
Pres't Rough and Ready Club.

To D. K. McRAE, Esq.

We will inform the Locofocos in general, that we do not suspect Gen. TAYLOR as not being orthodox on these questions. It is enough for reasonable men to know that he lives in Louisiana—that he is not like Cass in this respect, for and against the Wilmot Proviso as "circumstances" require. He never prayed for the abolition of slavery; his own mind is undergoing no change on the subject.

Suppose Mr. *Standard*, the General had been addressed on these questions and his views coincided with yours, would you and the democracy have voted for him? Would you have hauled down the Cass standard and run up in its stead that of old Rough and Ready?

Major General Gaines has issued a General Order, upon assuming the command of the Eastern Division of the Army, and tenders to the troops returned from Mexico his cordial congratulations.

The Charlotte Jeffersonian informs us whether it were many volunteers of the 1st Regiment; but says "they were gentlemen, the Watchman dare not off his shoulder on to let it pass, being a small The reader will remember issue with the Jeffersonian, to wit: "We have there are about eight of osities, (Taylor men) in Now if the Jeffersonian "information," be it from whether gentleman or not, it places itself in a position that makes sides the Watchman, "call in question its veracity."

As to the Cabarrus conduct has been most of who have come out of great credit to themselves, led to our highest respect, were every one opposed of the Whig party. But say, by way of acknowledgment, sure on the receipt of agreement that, when we receive five—not "more than five" that Company, as the *Jeffersonian*, why we are adverse than before; for there be of these CURIOSITIES we were prepared to hear C. did not have exceeding One other question was Jeffersonian, and it is All those volunteers with," "heard from," whom you "were informed the "eight or ten Cass men?"

The scrap headed "and which is alluded to in the last number of the tractured from the "Baltimore" have been so credited, tal omission. The "Mason" alluded to we think was burg, Virginia.

"Was Washington, or son, ever held up in one ain measure, and in another it?"—*Raleigh Standard*.

No Mr. Holden, they Cass is held up as a friend North and a friend to the Neither did their friends different lives of them—non-slaveholding States, slaveholding States. But done this abominable Cass winked at it we his silence on the subject, ficient that he will do up to the Presidential Chair can.

PRIZE CROP OF Because we promised state that Jony I. Saxe town, took the prize at four bushels of live surprise those who saw of Mr. Jones' at Comore more certain than that it more than the above learn it only produced is very good, but nothing the competitors will do

Charlotte and South Carolina The Rail Road Journal now scarcely be a doubt of the road from Charlotte, N. C. as much of it is under contract, gressing nobly; and we agined in the belief that Virginia will not falter in the Richmond to Danville, being completed and in difficult to prevent the remaining link—as it was one wanting between and we may say Montic and Nashville in Tennessee in Florida, in the accomplish it, the people North Carolina must act, and resolve."

#### HOLDEN'S DOLLAR

We have been favored er, Charles W. Holden, street, New York, with of this Magazine, and his acquaintance which we can say, that we know of description equal to it, belished with engraving objects and portraits of sons. In addition to the ter which it contains, price is so low (\$1 00 within the reach of all such a work.

We inadvertently the newly elected Sheriff the first officer to make his