

VALLEY SPIRIT.

CHAMBERSBURG, PA.

Wednesday Evening, Oct. 19, 1859.

J. H. COOPER, MURDER.

FOR PRESIDENT,
JEREMIAH S. BLACK,
Of Pennsylvania.

A Strange Story.

A very strange story is going the rounds of the newspapers, to the effect that an election was held in this State last week, and that the Republicans carried their State ticket by something like 10,000 majority. It is also stated that there were 67 Republicans and 32 Democrats elected to the House, and that the Senate will stand 21 Republicans to 12 Democrats. We are endeavoring to get at the truth in relation to this matter, with a view of informing our readers. In the meantime we would earnestly caution our friends against believing it.

The State Fair.

The *Fulton Democrat* and the *Dollar Newspaper* strongly condemn the management of the State Fair held recently near Philadelphia under the auspices of the Agricultural Society of Pennsylvania. The editor of the *Democrat*, who attended the Exhibition, says the chief aim of the managers seemed to be the making of a great display of fire engines and fast horses. The enormous sum of \$1500 was squandered on Engines—one company receiving a premium of \$250, another \$200, another \$150, another \$100, and another a silver horn; and if this were not enough, one or two hundred horses were provided with dinner every day at the expense of the Society. The really Agricultural portion of the Exhibition received but little attention or encouragement.

This is just what might have been expected to come out of the elevation of Mr. DAVID TAGGART to the Presidency of the Agricultural Society of the State. We have heard of him as a politician and a breeder of game chickens and other fancy fowls, but we have yet to hear of him as a leading agriculturist. When a member of the State Senate, Mr. TAGGART distinguished himself by a silly speech on the occasion of his elevation to the Speakership. He has again distinguished himself by his folly. It is time for him to retire.

Kicking Foreign Out.

The Republicans, fading that those Democrats run best who are most bitterly opposed by FOREIGN, have begun the work of kicking him out of their party. The Philadelphia North Americans desire him any share in the recent Republicans triumph, saying that they carried the State without extraneous aid. The Pennsylvania proves very conclusively by the official figures that FOREIGN and his Press had no influence; and to show the feelings with which he is now regarded by the Republicans, it states that only a day or two since a couple of New England Congressmen were apprised for their influence in favor of FOREIGN's aspirations to the Chairmanship of the new House. They replied without hesitation that he was of no account, and they were not fools enough to buy a man who had been a traitor to his friends, with the expectation that he would prove true to his new. Now will the Republican Congressmen from New England listen a moment to such a proposition.

Black's Reply to Douglass.

We print Judge BLACK's Appendix to his Observations on Senator DOUGLASS's Views of Popular Sovereignty. The public will admire not only the vigorous style and sound sense of these additional Observations, but also their dignified tone. The valgarity and meanness displayed by Senator DOUGLASS in his Worcester speech, have not tempted Judge BLACK to utter a word unbecoming a gentleman.

Soon after the second edition of Judge BLACK's pamphlet appeared, it was announced that Senator DOUGLASS intended preparing a reply. Now, however, it is given out that he has no such purpose. We do not wonder that he is disposed to keep quiet. After being twice held in hand and shaken by an intrepid giant, the little Senator must be in much the same plight as old Bill Jevons would have been if the Lord had responded to Deacon Remond's prayer to him to "take Bill and hold him over the bottomless pit and shake him, but not to let him fall in."

DOUGLASS Condemned.

The report that Mr. DOUGLASS had suffered a stroke of his infarctus to prevent him from sitting in the *Free* this Senator Remond, who did recently in a duel with Judge TIGER, in California, was the victim of a conspiracy against his life, at the hand of which stood the President, is contradicted by *judicium*. The remonstrance had its origin in the feeling which still haunts every honest-hearted man when the foolish charge was made, that the editor of the *Free* ought to be condemned for his advocacy for the cause of the slaves.

Mr. DOUGLASS' pamphlet is an excellent contribution to this subject. As to the remonstrance, it is well worth reading.

Europe.

It takes a great deal of patching to mend up the tortured affairs of Europe. The various powers of the old world have found out each other pretty well, and the result is a general distrust in spite of the friendly protestations of sovereigns and prime ministers. It seems to be understood in Europe now, that the more a ruler tries to please the more he means war. France and England, though pretending to keep up their unnatural alliance, are armament against each other on a formidable scale. They are fighting together against the Chinese at the other side of the world; and at home, in sight of one another, they are preparing for the deadly conflict between them which they feel must come sooner or later.

The affairs of Italy are in a very unsettled state. The Emperor of France went there with a great army six months ago to mend matters and only made them worse. He gained several victories at fearful cost, and concluded a hasty and ill-digested peace before he had got fairly under the guns of an Austrian fortress. The slaughter ceased; but the Peace Conference sitting in Switzerland has not been able to adjust the disputed affairs of Italy, and preparations are being made for a renewal of the bloody struggle. The rulers of the smaller States, who were lifted from their thrones by the whirlwind of war, and whose return to power is obnoxious to the people, are gathering forces to fight their way back to their vacant palaces. The papal government also is preparing to assert its authority over refractory districts in the States of the Church, where federal troops are concentrated. The whole aspect of affairs is troubesome.

Spain, too, despoiled and impoverished as she is, is preparing to go to war with Morocco, and has declined England's offer to mediate.

Compared with Europe, how happy is the condition of America. Excepting some trifling Indian disturbances on the frontier of our Southwestern States, and a little broil between two or three of the petty Republics of South America, peace and contentment reign from Greenland to Patagonia. Thus may it ever be in the great continents of the western hemisphere, whatever the hatred, the avarice or the ambition of the rulers of the old world may impel them to do to one another.

China.

We have news by the last steamer from Europe, that Mr. WARD, the American Minister to China, had arrived at Pekin, the capital of the Celestial Empire. We have but little doubt that this is true, but we are disposed to question the accuracy of the description of his journey to the capital after he left his vessel. It is stated that on arriving at Ning-Ho-Tun, Mr. WARD and all the members of the American Legation, under the guidance of a mandarin, were placed in a huge box, about five metres long by three broad, which was closed everywhere but above, so as to prevent those it contained from seeing the country. This box, or travelling chamber, provided with all things necessary to the comfort of the travellers, was placed on a raft and taken first up the river, and then up the Imperial Canal, as far as the gate of the capital. Here it was placed on a truck, drawn by oxen, and in this way the Minister of the United States and the members of his Legation entered the town of Pekin. They were perfectly well treated by the Chinese, but were not allowed to see anything. The truck was drawn into the courtyard of a large house, which was to be the residence of the American Envoy, but from which they were not to be allowed to go out. At the last dates they were awaiting their interview with the Emperor. They had not been allowed to have any communication with the outer world, but were permitted to send a despatch to Mr. FISH, the American Consul at Shanghai, informing him of their safety. After the interview, the American Minister was to be re-conducted to the frontier in the same way as that in which he came.

We do not believe that the American Minister would compromise his dignity and the dignity of his country, by allowing himself and his suite to be treated like wild beasts or scalded like felons.

Salt River Expedition.

We expect to receive a communication from our correspondent on board the Democratic Expedition up Salt River, in consequence of our next issue. We anticipate a graphic narrative, as our correspondent yields a very sprightly pen.

The State Ticket.

Opposite Article. *Opposite Article.*
Opposite Article. *Opposite Article.*

APPENDIX TO
Judge BLACK'S OBSERVATIONS ON SOVEREIGNTY
OR Douglass' VIEWS OF POPULAR SOVEREIGNTY.

Another edition of these "Observations" being called for, an opportunity is afforded of adding some thoughts suggested by the attempted reply of Mr. Douglass, and by some criticisms of a different kind which have appeared in other quarters.

Mr. Douglass charges us with entertaining the opinion that "all the States of the Union" may constitute private property—a doctrine which he denounces as a most "wicked and dangerous heresy." He champions 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 tail will put him down.

There is so much thing and nothing like it on all these pages, from the first to the last. Mr. Douglass was merely flourishing his lance in the empty air. He had no ground for his assertion, except a most unauthorized inference of his own from our denial that the power existed in the Territories. The Territories must wait till they become sovereign States before we can confess our property: that was our position. Therefore, says the logic of Mr. Douglass, 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 hands off its 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 implies 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 this same paragraph shows why it was important that no attempt should be made to exercise such power by a Territory:

"It is 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. Douglass certainly read these paragraphs, for he borrowed a phrase from them, and put it into his own speech. He ought to have understood them, why did he allege that this pamphlet favored the dangerous heresy referred to? Let the clarity which "thinketh no evil" bid the best excuse for him it can.

That the government of a sovereign State, unrestricted and unchecked by any constitutional prohibitions, 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. 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 seven hundred years, for Great Charters, Bills of Rights, and Constitutions to limit the sovereignty of all the governments they have 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 of 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 dead."

Now, what is the constitutional prohibitions 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 of the Federal Constitution, which forbids the taking of private property without compensation, can be used so as to restrain a territorial government? Certainly not. The Supreme Court have decided, (in Barron vs. The City of Baltimore, 7 Peters, 245) that the clause referred to applies exclusively to the exercise of the power by the Federal Government. The rule was so laid down by Chief Justice MARSHALL. It was occurring 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 in the Territories, it is sovereignty uncontested by any constitutional instrument. This implies a power in the Territories immediately greater than that of any other government in all North America.

The simple and only solution of all this difficulty is furnished by the Supreme Court, and adopted by the Democratic Party in their principles governing the Territories. It is this: That the Territories are sovereign, but their government

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 far greater than those of a Federal Territory. The people of a city elect their own mayor, and directly or indirectly, appoint all 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 complicated with restrictions and regulations which could never be imposed on a sovereignty by my 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 derive a man's 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 of more held the negative; and Mr. Douglass, in his elaborate article in Harper, it is recited, into the public ear from the stamp, and it stands at us in great capitals from the headpiece which call the people to his meeting. 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-master of the whole controversy is admitted to be a sonosity. His "checks his thunder in mid-valley," 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. Douglass; 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 not always, as far as I can see, applied by Mr. Douglass, 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 regularly 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 vaguely entertained in times when the Leacompton constitution was proposed. But that is gone by. MATURE REACTION has left modocracy without a defender. Nobody now insists that the right to make or annul laws and constitutions can be exercised in voluntary mass meetings or at elections unauthorized 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. Douglass now says it is not there; and he is right. That being the case, where is it?

When Mr. Douglass, in his speech at Worcester, was repudiating and denying the doctrine of sovereignty in the Territories, and reciting 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-Leacompton 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. Freehold, 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 to me, that this sovereignty is suspended in the United States, that is, it is dependent from something in the United States, and not independent; like every other sovereignty under heaven. But the more 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 entitled to be sovereign. This is the talk of a man who has too much learning. These technical terms of the common law were borrowed by English conveyancers and real property lawyers, for the purpose of expressing the artificial relations which were sometimes held to binds, bonds, and tenures, and leases, but they are wholly inappropriate to such a subject as the sovereignty of a State or nation. We might as well call the Territorial government a "sovereign in a double name, but it is, in effect, as empty and futile, as it is absurd, like men who believe in love 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. Douglass is guilty 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 power. He professes to take the inalienable right of property away from the slaves, and to transfer it to the colored race. This is left them, but that "Higher Law," which has no sanction nor 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.

He is a master of his fictions. Let his practice, then, correspond with his fictions: let him "walk worthy of the vocation which he holds"; 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 do what is unrighteous. Let his principles, then, correspond with his fictions: let him "walk worthy of the vocation which he holds"; 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 do what is unrighteous.

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 northern States, negroes are within this definition, and the Constitution of the United States not only recognizes the validity of the State laws, but it sides 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 proprietors. The law, then, of the States is which they are and the Constitution of the Federal Government, to all legal intents and purposes, pronounces that slaves are property. Beside here, our adversaries convert it from a legal to a theological question—But, when they appeal from the Constitution, they are the ones 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.

There is ample confirmation of ideas on another subject. Mr. Douglass and his disciples confine to certainDemocrats (to the Presidents among others) the belief that the Constitution establishes slavery in the Territories and to sustain this conclusion they quote from a message in which the *abolition of slavery* in the Territories is asserted by virtue of the Constitution in accordance with the authority of the Supreme Court. Now we see in the wrong. Is the expression that a thing exists by virtue of the constitution equivalent to saying that the Constitution has established it? Now is seen that Mr. Douglass makes 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:

1. 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 created them. It is not possible to believe, that Mr. Douglass 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 do 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 engaged in raising an excitement about nothing;—trying to turn the cause of politics into a tempest, without having even a feather to wait, or a fly to draw.

But that is not all. Mr. Douglass has continually used the very word *sovereignty* with reference to the Territories. This title which the owner squatted in the State from whence he came must be respected in his new dominion 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 he sold, or repudiated, 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 squatted in the State from whence he came must be respected in his new dominion 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.

Some of Mr. Douglass' partisans, and nearly all of the anti-slavery opposition, contend that property in slaves does not exist so as to entitle it to the 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 northern States, negroes are within this definition, and the Constitution of the United States not only recognizes the validity of the State laws, but it sides 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 proprietors. The law, then, of the States is which they are and the Constitution of the Federal Government, to all legal intents and purposes, pronounces that slaves are property. Beside here, our adversaries convert it from a legal to a theological question—But, when they appeal from the Constitution, they are the ones 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.

John A. THOMAS has "invented"

It was voted more than three days, and he had

is served in the Circuit Court. The original judgment was that he had paid over \$1000 for

for being bad, and he was going to pay

the fine. The court then gave him a

he was going to pay the fine,

the fine, and he was going to pay

the fine, and he

