The Feliciana Democrat.

From the Mississippian.

THE AFRICAN SLAVE TRADE.

The 9th Section of the 1st Article of the Constitution of the United States, is in the following words:

"The migration or importation of such persons as any of the States now existing shall thing proper to admit, shall not be prohibited by the Congress, prior to the year 1808, but a tax, or duty may be imposed not exceeding ten dollars for each person."

This is the only section, or sentence in the constitution, which alludes to this trade.

Under this clause, Congress has assumed the power to legislate, commencing in 1807, and running up to 1820, when the trade was made piracy. We deny any such power in Congress.

Up to the formation of the constitution, each colony, or State, possessed and exercised the right to import Africans. If they have not relinquished the right by that instrument, they still possess it. Congress can take nothing, except what is expressly granted, or what is absolutely necessary to carry out an express grant. In the above section, it is strongly indicated, that after 1808, Congress should have the power to prohibit such "migration and importation," but as that is a mere inference, and no express grant is given, we hold they cannot do more, than levy a "tax or duty" of ten dollars upon each person imported.

If the convention intended to invest Congress, with the power, how easily it would have been to say so in express language.

To our mind, then, the proposition is most clear, that the right to import Africans, originally belonging to the States, and not having been "delegated to the United States by the constitution, nor prohibited by it to the States it is reserved to the States respectively, or to the people," and as a necessary corollary any of the States may now import Africans, subject to a "tax or duty" by the Government

Nor are we deterred in the expression of this opinion, by the fact, that the Courts have decided differently. No human tribunal is perfect; and judges are but men. New lights are being shed every day, around even constitutional questions. When this question was adjudicated, it was new, and many of the states men of the South not only acquiesced in, but desired it settled in the way it was.—Slavery was then thought to be not only a moral, but a political evil; and the African slave trade, a crying sin. Under such circumstances, it is not strange that the courts should have taken a latitude in construction, not warranted by the constitution, and which they would utterly refuse now.

The States of this Union, cannot consent to part with their rights, upon the assumptions of Congress, or the doctrines of the Courts, creatures of their own making.

Upon the preservation of these rights, depends the liberty of the people, and the existence and purity of the Government. Let them be tamely surrendered, and the constantly accumulating power at Washington, will soon make this a consolidated, and despotic Government, with all the elements of evil and none of the qualities of good.

At this critical juncture, when the power of the Government is likely to pass into the hands of an irresponsible, and reckless, and we will add, villainous Black Republican majority ready to plant its heavy heel, upon every thing Southern, it behooves the States to watch with double vigilance and care, all their original rights and powers. Take it for granted, however, that Congress has jurisdiction of this subject, by what right do they make the offence piracy.

Piracy is as well defined, as any crime known to criminal law; not only by common consent, lexicographers, common law, the statutes of all nations, but also by the laws of nations. It is "robbery upon the high seas," and hence, a pirate is considered "an enemy to mankind." By what sort of reasoning, or legerdemain, can Congress declare the purchasing of an African in Africa, or kidnapping a negro on the coast of Africa, or the sale of an African on the high seas, or the landing of an African in any of our ports, with the intention to make a slave of him, Piracy?

As a legislative body, Congress can do nothing except what legitimately belongs to it as such. Whenever the fundamental law expressly authorizes an act, it can be done, and such other acts, as necessarily grow out of such power.

A proposition, self-evidently absurd, cannot be made good sense, or logical, by act of Congress.

Suppose Congress were to pass a law, declaring black was white, and white was black, or that two and two make five, or that a monkey was endowed with reason, or that larceny was murder, does any one believe such a law would be legitimate or effectual? It would be considered not only a dead letter, but ridiculous. And why? Because such matters are not within the scope of legislative functions, and jurisdiction.

The very organism of that body, the purpose for which it was constituted, the rules of common sense, which govern all legitimate bodies, as well as their usage, prohibit Congress from doing that which does not appertain to its duties.

Apply these principles to the act of Congress, making the African slave trade piracy, and they show clearly, that they have done an act, in itself, absurd, and preposterous.

We apprehend this power has been assumed under the 8th section, of the 1st article of the constitution, in which its powers are enumerated, to-wit: "To define and punish piracies, and felonies, committed on the high seas, and offences against the laws of nations."

That certainly does not give to Congress the power to make any other crime piracy, which is not recognized as piracy, by the laws of all nations. It certainly does not mean, that if a man was to commit a rape, while sailing from Africa, to Charleston, Congress may rightfully declare it piracy. "They shall define and punish piracy, &c." The term "piracy" used in the sentence, is an express limitation, and shows that nothing more was meant, than that Congress might more fully, and more specifically state, and define piracy, so that no quibbles, and subterfuges, should screen offenders If it had given to Congress the power to define what offences committed on the high seas should *constitute* piracy, then the assumption would be founded upon more plansible grounds In the same section of the constitution, Congress has power "to regulate commerce with Foreign Nations." Should the advocates of this law claim the power under this sentence, they would be arming Congress with a power, not only "to regulate," but to destroy commerce with Foreign Nations.—For if the right can be exercised with regard to Africans as an article of commerce, it can be exercised with regard to any other article of commerce, and Congress could declare the purchase of iron in Cuba, a blooded horse in Arabia, a cashmere goat in Persia, a bag of coffee in Cuba, or a yard of silk in China, piracy. This would be regulating commerce with Foreign nations with a vengeance.

Look at this question then, from every standpoint of constitutional construction, we cannot resist the inevitable conclusion, that Congress has assumed a jurisdiction and power, not legitimate and proper

Property in slaves is recognized by the constitution of the United States, indeed it is the only property which is recognized by that instrument Not only so, but a guarantee is given to those who own them, that if they escape into another State, they shall be delivered up Notwithstanding this clear, and explicit recognition Congress has passed a law, making it piracy, to import one from Africa.—In a moral, or legal point of view what is the *difference between bringing a slave into* Mississippi, from Africa to Virginia If the one be unlawful, why not make the other equally so?

In this incongruous and paradoxical situation the government places the proposition of encouraging and protecting slavery in the fundamental law and having in her code, extraordinary penal laws against slavery One or the other, is a stigma and blur upon our national escutcheon.

As the one is the act of our fathers, who won our liberties and framed our constitution, and the other the act of their degenerate sons, we cannot hesitate as to which should be expunged from the statute book.

Slavery occupies not only a high and lofty, but a sacred position among us. Our constitution recognizes and protects it, and our Eagle is to defend and shield it This day, instead of having four war vessels on the coast of Africa, to capture and swing up to their yard arms, our seamen as pirates, who go there for a negro, our Government ought to have the same force there, for the purpose of shielding them, under the ample folds of her flag, against the assaults of all nations.

Instead of hunting up with the harpies of the law, and charging and convicting citizens before the courts, for bringing slaves upon our coasts, they should be planting their cannon to protect them when they come, and welcome them home with open arms

We believe slavery not only an element of national wealth, but of national strength.—Four millions of slaves occupying that portion of our country almost under the vertical rays of a tropical sun, where it is morally impossible for the Anglo Saxon race to do the necessary labor, growing not only provisions for exportation but three million bales of cotton annually, worth from one hundred and twenty to one hundred and fifty millions of dollars, is an argument so gratifying and conclusive, that it needs no comments or adjuncts to sustain it.

Why are field negroes now selling for such high prices? Is it because cotton is high, or because their labor is so remunerative? It is neither the one or the other, but because labor is so scarce. Supply the demand, furnish plenty of laborers, and the price of negroes will go down at once, nor will it lessen the production of the slave State. The planter who works twenty hands will make as many bales of cotton when those hands are worth ten thousand dollars, as when they are worth twenty thousand. His income, and not the price of his labors, is the true criterion and standard of his wealth.

If we were all negro traders, and our negroes were for sale, the reduction of their prices would lessen our individual and national wealth; but as we desire to purchase more instead of selling those we have, it matters not what their price may be, since they will cost the same amount of labor at one price as another

[Conclusion next week.]

FINGERS AND RINGS.—The selection of fingers for the ring is by no means an indifferent matter: it forms a course of study The index, or first finger which the Hebrews call the finger of God, and is universally the indicative sign. It figures in advertising columns; on sign posts it is delineated issuing from a clenched fist, to point out the road to follow; and the lover places it on his lips to command silence and circumspection The gods of antiquity wore the ring of authority as their imposing phalanx, in evidence of their omnipotence. The examples still imitated by the pope, cardinals, bishops, and others of laborious elegance. The second finger from the thumb is the drum major of the hand, and, like children of a commanding height, it seems as if its body had grown at the expense of its mind Under-officers of the line, superior cooks, who have had their affections, and wrestlers, to whom physical development is an accomplishment, wear the ring on this finger. The favorite and popular finger has been at all times the third from the thumb, and the origin of this is so curious that we must not pass it over in silence. It is maintained that an artery leads thence directly to the heart, and it is by right of this relation that marriage rings are placed on it. Old apothecaries used to mix their prescriptions in presence of the client with this privileged finger, to indicate that no hurtful substance was present. The thumb had had its day of glory, when it was ordered to open the touchpan, or take the cartridge by the aid of the first finger. Formerly, soldiers and physicians wore their rings upon the thumb. It was thought that this ring, which was usually very large, contained suitable cordials to disinfect a sick room or reanimate a wounded warrior.

☞ A very agreeable omnibus passenger, of Yankee origin, but residing in the far West, discoursed as follows:

The people of this Western land are said to be at present divided according to the following classification: Poor, poorer, poorest; but I think the words, odd, odder, oddest, applied to them, would be as literally true; in fact, I often believe the words applicable to all the dwellers upon our fair earth. Among the odder, you will surely place the subject of the following anecdote, to which it is impossible to do full justice, as I lack power to delineate the inimitable surroundings. Mrs.—— had been suddenly bereaved of an excellent father. I called to condole with her upon her great loss, and being moved at sight of her affliction, was mingling my tears with hers, when she remarked, "Poor *Paw;* I seemed to be very much attached to Paw, some way, poor old feller!" The inward struggle which immediately took place in the breast of your humble servant, between laughter and a sense of the impropriety of indulging it, has seriously affected her digestive powers ever since. The poor woman, whose grief was sincere, had not the remotest idea of her absurdity.

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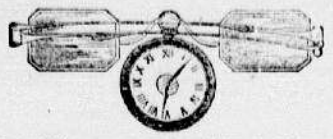

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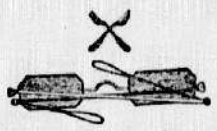

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