

houn to Honorable Laurel Summers of Iowa, now in the State Historical Collections:

FORT HILL, (S. C.), 16th Nov. 1848.

DEAR SIR: You are right. Consolidation is shaking this government to its center, and will overthrow it, unless we abandon a loose and latitudinous construction of the constitution, and return to the old and rigid construction, which brought the republican party into power.

You ask me: What right has Congress to compromise the subject of slavery? I answer none at all. That it is a subject that does not fall within its province, except to pass such acts as may aid in carrying out the compromises of the Constitution in reference to it, including the delivering of fugitive slaves, and the apportionment of direct taxes. and of representation in the House of Representatives, and to secure the just equality of the citizens in all places where it has exclusive jurisdiction, and in reference to all subjects falling within its jurisdiction. It can make no discrimination between the citizens of one State and another, on account of their local institutions or from any other cause.

But while I hold that Congress has no power to pass a compromise line or to prohibit the citizens to emigrate with their slaves into the territories of the United States, I at the same time hold, the inhabitants of the territories have no such right, until they are authorized to form a State and to enter the Union as one of its members. The sovereignty over the territories is exclusively in the people of the several States, composing the Union, in their federal character, as such, and it is the greatest absurdity to suppose, that the inhabitants of a territory before they are authorized to form a State, can perform an act that involves the high exercise of sovereign power.

With respect, I am, etc.,

LAUREL SUMMERS, ESQ.

J. C. CALHOUN.

CHIEF JUSTICE CHARLES MASON.

As stated elsewhere a superb oil portrait of this illustrious early Iowan, from the easel of Geo. H. Yewell, N. A., was presented to the State—the Supreme Court receiving it for permanent preservation in its chambers—on the 22d day of May last. The remarks of Judges Wright and Kinne contain fitting tributes to Judge Mason's character as a soldier, scholar, citizen, scientist and jurist, placing on record interesting and valuable informa-

tion which was fast fading out of existence. That Judge Mason so early decided that a slave brought into Iowa from that moment became a free man—that he favored the amplest protection of women in the ownership of property—are facts which are now for the first time brought to the notice of this later generation and made matters of permanent record. We are glad to present an excellent portrait of Judge Mason from a photograph of this fine painting, which is believed to be one of Mr. Yewell's best works. A facsimile of the original oath of office sworn and subscribed by Judge Mason, before W. B. Conway, Secretary of Iowa Territory, is also given. This document would seem to be in the hand-writing of Mr. Conway, for such things as blanks for that purpose were not in existence at that time in Iowa Territory.

NAMING FIFTY COUNTIES.

An abstract of an interesting paper read by Hon. P. M. Casady, at the meeting of the Pioneer Law-makers of Iowa, February 15, 1894, giving his recollections of the action of the Legislature of 1850-51 in naming fifty Iowa counties, will be found in this number of THE ANNALS. Mr. Casady was at that time a State Senator, his district comprising the counties of Polk, Dallas, Jasper, Marshall, Story, Boone, Warren and Madison. The bill naming the counties was for the most part considered in committee of the whole, of which action no record appears. It made, when complete, just fifty sections, a county being named and its boundaries defined in each. It was approved on the 15th day of January, 1851, by Governor Stephen Hempstead. The counties of Hamilton, Webster, Calhoun and Woodbury were at that time respectively named, Risley, Yell, Fox and Wahkaw, but changed by

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