SPEECH OF MR. BADGER,

ON THE COMPROMISE BILL.

Delivered in the Senate of the United States, July 26.

The Senate having under consideration the bill to establish the territorial governments of Oregon, New Mexico, and California:

Mr. BADGER said: I am very sorry that my honorable friend who reported this bill, (Mr. CLAYTON,) felt himself compelled, by considerations of duty, under the influence of which I know he always acts, here and elsewhere, to press the measure through the Senate, and to prevent, so far as depended on his action and influence, a full, ample, and thorough investigation of the subject in all its bearings. What is the character of the measure? It is a proposal to settle a most difficult and anxiously considered subject, upon a plan entirely novel—one heretofore proposed by no one, and so far as known, thought of by no one. It is a measure of immense importance, relating, as it does, to a subject in itself of vast concern and complicated by many incidental difficulties. Now, it does seem to me, that when the gentlemen composing the committee, after the various diversities of opinion among themselves, which were stated by my friend from Delaware, (M. CLAYTON,) at last hit upon and concluded to present, as a compromise, a measure before unknown and unconjectured, it was due to the importance of the occasion—the high, solemn, and lasting interest at stake—and, in an eminent degree, due to this body, itself, that, instead of being introduced to us with a significant notification that it was to be pressed through in hot haste—

Mr. Clayton, (in his seat.) Nothing of the kind.

Mr. Badger. I will show there was, though perhaps it was not intended. I was about to say, when interrupted by the Senator, that in these circumstances, instead of such an announcement being made to the Senate, we should have been informed that the committee, unable to agree upon any thing else, and acting from the best motives, had thought proper to present a new and unheard of plan of pacification on this momentous question; that they desired no haste; that, on the contrary, they invoked from every member of the Senate the fullest scrutiny; that they not only wished and hoped, but demanded, as due to themselves, the Senate, and the country, the application, on the part of every member of the body, of his best understanding to this subject, and a full, deep, thorough and searching investigation of the plan presented in all its parts and bearings; that full time should be afforded to enable Senators both to reflect and to debate; and that, so far from the usual order of the Senate being reversed, in this question pressed upon a weary and exhausted Senate—motions to adjourn, after a continued sitting of seven and eight hours, resisted, and the yeas and nays demanded—no opportunity for deliberation and discussion would be withheld.

My honorable friend from Delaware, (Mr Clayton,) says that no intention was announced to press this measure through in haste. If by that he means that no such terms were used, he is undoubtedly correct. But, in point of fact, how stands the matter? My friend announced that he would *press* this bill upon the consideration of the Senate. It was first called up, if I recollect aright, on Saturday afternoon; and, after a long and laborious session, my honorable friend resisted a motion for adjournment, and on yeas and nays, voted against it. The Monday after was spent in the consideration of the bill, and precisely the same result took place. My honorable friend in charge of the bill, to whom its friends naturally looked for the course they ought to pursue upon motions for adjournment, still declined to adjourn. Yes, after a session of full seven hours, nearly eight, I may add, when my honorable friend from Kentucky, (Mr. UNDERWOOD,) rose to address the Senate, himself a member of the committee; when many Senators were exhausted and some prostrated; and when even I, with a constitution of iron, and youth besides on my side, felt some respite to be necessary, a motion to adjourn was carried, upon the yeas and nays, against the vote of my friend from Delaware. The proceeding was, in my opinion, unfortunate—very unfortunate—though I attribute nothing of impropriety of intention to the gentleman, or those who acted with him.

Mr. CLAYTON. It is very extraordinary that the gentleman does not recollect that when the Senator from Maryland, (Mr. JOHNSON,) who was exhausted and unwell, desired the Senate to adjourn, I, in opposition to the wishes of the friends of the bill, expressed a desire that the motion might succeed, and gave it my support. That the gentleman calls "hot haste."

Mr. BADGER. Unfortunately, the honorable gentleman confounds two different cases. I know that the gentleman assented to the motion to adjourn last evening, for the accommodation of my friend from Maryland; but how was it when my friend from Kentucky, (Mr. UNDERWOOD) *who was supposed to be opposed to the bill*, desired an adjournment for his accommodation? It was to this case that I referred. Allow me, sir, to add what I was about to say when interrupted by the honorable gentleman, that I regard his course as peculiarly unfortunate with regard to such a bill as this. The great end and object of the bill, as avowed by the gentleman and the committee, is to pacify the public mind, to settle this agitated subject, and to restore harmony to the country. How? Only by its moral power. You cannot change the opinion, or settle the discontents of free America, by the mere force of law. On occasions of this kind, it is all important that the moral influence which accompanies a measure, should be as extensive as possible in its operation; and therefore, I think, there should have been shown no discussion of the question, by pressing a vote here until the physical energies of the Senate should be broken down, and the members be compelled by exhaustion to submit.

This is a long session, and the Senate have refused to fix any day for its termination; and therefore, there is no excuse, in my judgement, for the course which has been pursued. The session it is true, has been a very long one; and the weather is very hot and exhausting. I am as anxious as any gentleman to return to my home and my children, but I see no reason why this great and important measure should be hurried through the Senate. If, indeed, the Senate had passed the resolution from the House, and the House had adopted its amendment fixing the final day of adjournment for the 31st, we should have stood in a very different condition. In that case, I should myself have given a silent vote, or should, at most have made a very brief statement of the grounds upon which I have formed an opinion adverse to the passage of the bill. But under present circumstances, with an unlimited session before us, I feel justified in presenting my views fully and at large. I shall undertake to show that this compromise measure, which my honorable friend has reported and recommends, involves a total and absolute surrender, on the part of the South, of whatever rights, feelings, or interest we may have in the subject, without any advantage being gained thereby to us, or to the country.

Mr. President, on the first day of June, in this present year of salvation, one thousand eight hundred and forty eight, a speech was delivered by an honorable member of the other House, representing a district in my own State, which I find in a pamphlet published in this city, and entitled, "Speech of A. W. Venable, of North Carolina, in the House of Representatives, June 1, 1848," code headed, "Slavery in the Territories." In this speech are some remarks in reference to myself, and I read them because, as the Senate will see, they have an immediate connection with the subject under consideration.—The passage will be found [on important subjects I like to be precise] on the 7th page, near the foot of the left hand column, and is in these words:

"A distinguished Senator of my own State, (Mr. BADGER,) a gentlemen of high attainments and extended reputation, in a recent speech on the Oregon bill admits the right of Congress to legislate for the exclusion of slavery in the territories, but placed the South upon the principle of expediency and the sense of justice of the Federal Legislature."

Now, to those who are curious in such matters, it may be somewhat interesting to learn that, in this speech, distributed in North Carolina about the middle of this month,* and delivered, as stated on its face, on the *first* day of June, reference is made in the passage which I have read, to some remarks submitted by me in the Senate upon the *second* day of the same month of June. My first impression, was that the gentleman was incorrect in his chronology; but before committing myself on this point, I thought I would follow the example commended to us by the Senator from Mississippi, (Mr. Foote,) several times this session, and have a peep at the dictionary to ascertain what this word "chronology" means. I found that I was mistaken in my first notion, for the definition of "chronology" is satisfied by arranging events according to the proper *year;* and, therefore, the gentleman was guilty of no violation of *chronology* when he represented himself as referring on the *first* of June to what was said on the *second*, both days being in the same *year*. Some persons, on reading this reference in the speech to my remarks, and finding, from the proceedings and debates of the Senate, that I had not said one word on the subject until after the speech was made, might suppose that a slight inaccuracy had crept in, and that those remarks were not made at all in the House of Representatives on the *first* of June, which refer, *as a past event*, to a speech of mine, made on the *second* of June; but were inserted for the first time in the *printed* speech in the month of *July*. But I draw no such inference. The whole matter may be satisfactorily explained, without any such uncharitable supposition. In ancient times, when the prophetic spirit descended upon a man, the seer, "rapt in future times," often saw events with such force and distinctness, that, in prophetic strain, he spoke of them as past already. Again: This is the age of progress. In the olden time, it was said that "coming *events* cast their *shadows* before;" and now, in the mighty improvements of the day, amidst the wonders of steam and electricity, it may well be, that "coming *words* cast their *sounds* before!" And thus it happened that my colleague of the House, in the dark hour of midnight, had his spirit troubled with a vision so clear of the atrocity which I should commit on the *second* of June, that it became impressed upon his mind as a *past* event, and, as such, he alluded to it on the *first*. And then, his patriotic horror, in this clear foresight or *forehearing* of my offence, impelled him to make a pious appeal to heaven in these words, immediately following those which I have quoted:

"Gracious heaven! are we reduced to this? Is our only, our last hope, the verdict of a jury whose interest, whose feelings, and whose organization fix that verdict against us?"

And a little after, still referring to me, he exclaims—

"And do southern statesmen sound the first note of retreat? Does the flag fall first in their hands?"

Now, as I intend to advance again that atrocious sentiment which, delivered by me on the *second* day of June, awakened the prophetic horror of my colleague of the House on the *first*, and as his speech, no doubt with the kindest feelings towards me, was printed and circulated extensively in the State of North Carolina, the Senate will see why I have made this reference, and that it is demanded of me, as a matter of respect and grateful consideration to him, that I should state the grounds on which my opinion rests; an opinion, by the expression of which I have, according to his phrase, "sounded the first note of retreat" from a position which I have never assumed, and thrown down a flag which I never raised.

In order to a full understanding of my views, it is necessary that I should go back a little in the argument, and show that this Government has a right to acquire territory, and whence that right is derived. Upon this point different opinions have been expressed. My friend from Massachusetts, (Mr. Davis,) in a very able speech on this subject, treated this as a *casus omissus* in the Constitution, held the power to acquire an assumed one, and the right to govern as a consequence merely of the acquisition. In my opinion, the power to acquire territory is expressly conferred upon the Government of the United States by the Constitution. The President, by and with the advice and consent of the Senate, has power to make treaties. Congress has power to declare war. The Constitution specifies no particular kind of treaties, as included in or excluded from the grant. Nor does it specify the purpose for which war is to be waged, or the manner in which it is to be concluded, but leaves these as necessary incidents to the treaty-making and war-making powers respectively. Again, the Constitution has not only omitted any express restriction upon the treaty-making power, but declares that "all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land." Whatever limitations, therefore, may from the necessity of the case be inferred—as for instance, that a treaty cannot be made to destroy the Government, or the Constitution, or any integral part of them, or to introduce any new element of political power—it is certain that the treaty-making power is subject to no express limitation whatever. When the Constitution was formed, various kinds of treaties were known among nations; and all these were undoubtedly included in the granted power. Among these were treaties of cession, by which the United States might acquire as well as cede territory. The power is a large one, and the limitations upon it, whatever they may be, have not yet been defined or applied. The extent of this power may be judged from a few instances furnished by the history and practice of the nation.

First. By treaty, the President and Senate can exercise a power expressly conferred upon Congress. For example, they can regulate commerce, and confer citizenship. Again, by treaty the United States can exercise a power not conferred upon the General Government at all, but undoubtedly reserved to the States. Of this, examples are found in the treaties with France and the Netherlands, by which the subjects of those powers were enabled to succeed to the inheritance of lands in the United States without becoming naturalized, and thereby the laws of the States excluding aliens from the succession were repealed and abrogated. Again, by treaty the United States can set up a demand for a debt which has been by due course of law paid and satisfied. This was done with regard to the British debts which had been rightfully confiscated by State authority during the Revolutionary war, and the amount paid into the treasuries of the respective States. And, again, by treaty the United States may acquire authority to erect judicial tribunals and confer judicial power within the territory of a foreign and independent nation. Of this we have an example in the bill now on our table—to erect such tribunals and confer such power—to be exercised in the empire of China. It seems, therefore, to follow necessarily, as well from the express grant of power as from the practice of the Government, that the President and Senate, by treaty, may acquire territory for the United States. When that acquisition is made, by the exercise of the power thus granted, the Constitution confers expressly upon Congress the power to legislate for the government of the territory so acquired. For it confers on Congress the power "to make all laws necessary and proper for carrying into execution" the "power vested by this Constitution in the Government of the United States, or in any department or officer thereof." To my understanding it is therefore plain that, by the treaty-making power, we have express authority to acquire territory; and, by the provision I have cited, Congress has express authority to legislate for it when acquired. Now, sir upon this power, what are the restrictions, and where are they to be found? There are plainly none in the Constitution itself. It is one thing for us to think that certain restraints upon the exercise of this power would be convenient, would at this particular time be reasonable, would subserve the interests of that section of the country in which we happen to live, or, if you please, the general interests of the whole; and it is another and very different thing to show an actual restriction upon the power itself. The former relates to a just and proper mode of exercising authority, and addresses itself to those in whom the power is vested. The other implies an actual exclusion of the power, which leaves nothing for the exercise of discretion at all. The honorable Senator from Virginia, (Mr. Hunter) remarked that, although it seemed to him an absurdity to deny Congress the power to govern the territory, yet that power must be exercised in subordination to some general rule given in the Constitution. He undertook to specify one case, and certainly it was a very unhappy illustration of the rule he had laid down. He remarked that Congress was bound to establish over a territory a republican form of government. Why, sir, what has been heretofore the action of Congress? What do we propose to do by this very bill? Establish a *republican* form of government? Why, the President and Senate are to send four men to New Mexico and five to California, who, without the previous request or subsequent sanction of the people there, are to exercise legislative, executive, and judicial powers over them. Is *this* republican? Is this what the Constitution calls a republican government? A government, in which the people governed do not elect their governors, and do not exercise the smallest restraint, control, or influence over them. Sir, it is preposterous to call such an institution republican. How, then, do gentlemen make out that from this general power of Government, conferred without qualification, is excepted the power of excluding the institution. It exists in the States which allow, it, as a State institution, under their laws. It does not exist as an institution of the United States. It is not an institution that owes its origin to any law of the United States, by which slavery is introduced or established. Nor is it recognised by the Constitution of the United States, otherwise than as a State institution. The only reference to it in that instrument is the simple provision by which persons bound to service or labor in one State, "under laws thereof," and escaping into another, shall be delivered up on complaint of the party to whom such service or labor may be due. Where, then, do gentlemen find ground for the conclusion that, although Congress has power to govern these terrritories in every other particular, it has no power to govern them in regard to this particular institution? If the conclusion were right, would it not follow, that to introduce slavery is as much beyond the power of Congress as to exclude it?

Mr. President, the opinions I have expressed do not depend on any reasoning of my own, but, without referring to the precedents which have been furnished by the past history of the Government, are fully sustained by the solemn and considerate judgment of the Supreme Court of the United State, in the case so often referred to, (American Insurance Company *vs* Canter, 1 *Pet.*,) both as to the source from which the right of acquisition is derived, and the nature and extent of the power over what is acquired. In delivering the opinion of the court in that case, Chief Justice Marshall says:

"The Constitution confers *absolutely* on the Government of the Union the powers of making war and of making treaties; consequently, that Government possesses the power of acquiring territory either by conquest or by treaty. If it be ceded by the treaty, the ceded territory becomes a part of the nation to which it is annexed, either on the terms stipulated in the treaty of cession, or on such as its new master shall impose. Perhaps the power of governing a Territory belonging to the United States, which has not, by becoming a State, acquired the means of self-government, may result necessarily from the facts that it is not within the jurisdiction of any particular State, and is within the power of jurisdiction of the United States. The right to govern must be the inevitable consequence of the right to acquire territory. Whichever may be the source whence the power is derived, *the possession of it* is unquestioned."

Mr. Justice Johnson, in his opinion, delivered in the same case, when in the circuit court, thus expresses himself:

"The right, therefore, of acquiring territory, is altogether incidental to the treaty-making power, and, perhaps, the power of admitting new States into the Union; and the government of such acquisitions is of course left to the legislative power of the Union, as far as that power is uncontrolled by treaty. By the latter we acquire either positively or *sub modo*, and by the former dispose of acquisitions. I see nothing in which the power acquired over the ceded territories can vary from the power acquired under the law of nations by any other government over acquired or ceded territory."

Now, sir, here is, *if* I can understand it, a clear and decided opinion of the court, delivered by the eminent man who at that time presided over its deliberations, and who was himself the embodiment of all judicial excellence—that, under the treaty and war powers, the United States have, under the Constitution, the right to acquire territory; that they acquire it upon the same terms as any other nation; and that it is subject, in their hands, to such terms and conditions as they may deem proper to impose, subject only to such restrictions if any, as may be contained in the treaty of cession. Now, how do we expect, after this decision, to procure from the Supreme Court of the United States an adjudication that, independently altogether of legislation by Congress, the instant any territory becomes ours, the institution of slavery exists there by the mere force of the Constitution of the United States? Gentlemen say that every American citizen has a right to go into the newly acquired territory. It is needless to examine that, for no one proposes to exclude them. But it is another and different question, whether he has a right to carry a slave there, and, because the slave was recognised as *property* in the State from which he came, to insist that, therefore, such slave shall be recognised as *property* in the territory to which he goes. The affirmative of the question cannot, in my opinion, be maintained. Suppose, which is not at all unlikely, that within a few years we should follow the example of Great Britain, and procure the cession of some station or post within the dominions of the Emperor of China, in order more effectually to promote our commerce and protect our citizens in that country, could it be maintained that, instantly upon the cession, from the nature of our Constitution itself, negro slavery would spring up and become a recognised institution there? This would seem to be absurd. Yet it stands upon the same arguments, applying with equal force, upon which rests the alleged constitutional propagation of slavery into these Mexican territories. Sir, the inquiry must present itself, whether slavery was an institution of the territory before, in point of fact, any slave was carried there by one of our citizens. If so, then the slave carried would be recognised as property in the territory by force of its own institution, and not that of the States from which the slave was brought. Thus, in my own State, though, in a point of fact, there was 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 or non-existence after our acquisition, 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 it is conceded on all hands, that African slavery, as recognised in certain States of the Union, was not an institution recognised in those 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 a 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 executed, 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 exerted 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 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.

(Concluded in our next.)

From the Richmond Whig.

MORE SECRET HISTORY.

The correspondence of Francis P. Blair and Benjamin Tappan, developed certain pages of secret history, which were any thing but advantageous to the character of Mr. Polk, as a candid and upright statesman. The following letter betrays a system of double dealing, persevered in throughout the agitation of the Texas question, which is altogether without a parallel in the history of this country, and which has not its like in any place save in the corrupt circle of European courts. One would, almost, imagine that these transactions must have occurred in Italy during the 15th century, and not in America during the 19th.

Our readers very well know who Mr. Jones is. He was the editor of the Madisonian during the Tyler administration, and the confidential friend of the President, known to be deep in the confidence of all the Cabinet. He had ample opportunities for making the discoveries herein set forth, and there is an air of candor about his letter, which cannot be mistaken. The letter itself will not fail to convince all who read it, of the sincerity of the author. Mr. Jones has done the country a service in adding this chapter to the secret history of the most enormous public crime, which had been perpetrated since the first partition of Poland, and which resulted in consequences to us, the end of which have not yet been seen.

TO THE EDITOR OF THE WHIG.

PHILADELPHIA, Aug. 10th, 1848.

Gentlemen—You have seen, perhaps published, one or two letters recently written by Mr Blair, divulging a few items of the intrigues at Washington, in relation to the mode adopted for the annexation of Texas. Mr B.'s revelations, while they very palpably leave a stain upon the character of Mr Polk, at the same time prove that he was on terms of mutual familiarity with the President, his confidential friend, A V Brown, and Mr Benton. Now it is not my purpose either to attempt a defence of Mr Polk, or a refutation of the testimony of Mr B. It is merely my purpose to supply a few items of the recent history of the time, omitted by Mr Blair, and of which, perhaps, he had no knowledge.

In the first place, Mr Brown, one of the President's confidential friends, had previously pledged himself [in Mr. Polk's behalf] to Mr Tyler's friends, that Mr. Benton should never have the slightest influence with the President, if elected.'

In the next place' similar pledges were given by Mr. P.'s friends immediately attached to his person (both previously and subsequently to his election) in regard to Mr. Blair. They stated (in writing) that the "conduct of the Globe had lost them Tennessee, and came nigh losing them the Union." This perhaps, may explain to Mr. Blair the secret of the President's duplicity—but not justify it.

I have no expectations, hopes or desires specially to participate in the benefits of party triumphs in future. I desire merely to "vindicate the truth of history"—and the whole truth.

There were also acknowledgments from the Alpha and Omega of Democracy, Gen. Jackson and Thomas Ritchie, that the friends of Mr. Tyler stood upon an equal footing with the rest of Mr. Polk's supporters. It may not be necessary to state that I never asked a favor at Mr. Polk's hands; but it is worthy of mention that the reeking knife of proscription was relentlessly drawn across the throats of all, or nearly all, of those left in official station by Mr. Tyler—from the greatest of living patriots, Mr. Calhoun, to a subordinate custom-house office in this city, Mr. Custis.

It is likewise a portion of the history of the time, that Mr. Walker—who had previously involved himself in a contemplated military enterprise against Texas, without the sanction of law, and similar, in certain respects, to Burr's conspiracy—upon the withdrawal of Mr. Tyler from the canvass, shed tears of gratitude and delight in the counting room of the Madisonian office, and declared that Mr. T. had saved the party from defeat. Subsequently, he became a very Robespierre in sending Mr. T's friends to the guillotine.

Now, I am done, I hope with party politics forever. And yet, as I have a small space left, I may as well express my profound regret that I contributed, in the slightest degree, to the elevation of a man to the highest position in the world, who possessed so diminutive an intellectual calibre as Mr. Polk. He stumbled in making his first official step and has never since been able to assume the dignified equilibrium of a statesman. After his braggadocian assertion in regard to Oregon, he was intimidated into an acceptance of a treaty not negotiated with, but dictated by, the British Cabinet. None but the Americans who happened to be in Europe at the time, can appreciate the sentiment of other nations in regard to the pusillanimous conduct of our Executive.—They viewed the head of the Confederacy as a true representative of the intelligence, honor and bravery of the people over whom he presided.—His war with Mexico was regarded as a mere attempt to remove such imputations. And in so far as our Generals and the army were concerned, the wanton scheme was successful. But the avowed objects of the war were never to be obtained, for want of wisdom and firmness in the Executive. Mr. Polk's 'indemnity for the past and security for the future,' is now a by-word and derision at every civilized court in the world.

Impartial history will bear record of Mr. Polk's total incompetence as a Chief Magistrate. His acts are a series of blunders. The repeal of the tariff of '42 was a blunder. I say this, who am an advocate of free trade. Had the tariff not been disturbed, England by this time would have been bankrupt, and our manufactures have no longer needed special protection. Now, any one who will look over the Union, must perceive the almost prostrating of the manufacturing interest, while every ship that sails from our parts is freighted with our gold and silver. And before many months, in spite of Mr. Walker's figures, the vaults of the Treasury will again be empty, and new loans necessary.

In regard to Mr. Cass, no sort of "punctilio" would constrain me to vote for him. He is an abolitionist. I care not what description of letters he may write to Mr. Ritchie, to bamboozle the South. He is capable of doing that, and of explaining (by means of private agents) to his northern friends his motives and reasons for doing so. The northern abolitionists who abandoned his cause, do it not because they are satisfied he is no abolitionist; but because he has not the independence to remain *openly* consistent in his long cherished convictions on the subject of the Wilmot Proviso, the Tariff, &c. Although his confidential friends assure them that his doctrine of leaving the control of the subject of slavery to the vote of a majority of the inhabitants of the territories, will be the most effectual and speedy method of interdicting any participation of the South in such domains belonging of right equally to all of the States, yet they condemn his unmanly prevarication, and feel strong enough to carry their point with a champion who is not afraid to avow his purposes.

One word in regard to democracy as at present organized. I regard it (always excepting some of its ligaments on your side of the line) as an irremediable mass of corruption, incapable of "shoughing of" any particles worse than those that remain. It has 'progressed' beyond the Constitution, and if not withheld in its career will soon produce anarchy, civil war, and an Imperial Master. The Convention of '44 destroyed the liberties of the people, by abolishing the right of suffrage—the first and dearest of rights—in dictating a man to the country, who had not previously received the 'voices' of any portion of the people. Mr. Cass is a 'Progressive Democrat,' and a 'Manifest Destiny' man.

I am your obedient servant,

J. B. JONES.

P. S. I intend to support Gen. Z. Taylor.

PARSON BROWNLOW AND TAYLOR.

The eccentric and warm hearted-editor of the Jonesborough (Tenn.) Whig, was so grieved at the defeat of Mr. Clay in the Philadelphia Convention, that he refused to run up the names of Taylor and Fillmore. Time, however, has mollified the old gentleman's resentments, and he now urges all good Whigs to vote the ticket. We quote below the conclusion of two long articles on the Presidency, published in his paper of August 2, and both signed with his own name, as follows:—*Baltimore American.*

"All good Whigs who intend to vote in this election, ought to vote for Taylor and Fillmore. If the ticket is elected, as it certainly will be, the influential Whigs of the Union may influence the measures of Taylor, and if so, we shall have a sound administration. If Providence should call Taylor away, we shall have a sound Whig President, and an able Statesman in the person of Millard Fillmore. Should Cass and Butler be elected, we can hope for nothing good for four years to come. Then let all good Whigs, vote for Taylor, *at a venture*, and when four years shall have rolled around, let them again put on the harness and wheel into line in support of their *principles*.

W. G BROWNLOW,
Editor of the Jonesboro' Whig.

You can say to your friends that Tennessee will go for Taylor and Fillmore by a majority of five or ten thousand votes—that this District, heretofore Democratic, will give them a majority, and last, thought not least, that this county, always Democratic, will go for Taylor and Fillmore.

Very respectfully, your ob'd servant.
W. G. BROWNLOW.

THE LAW OF LOVE.

BY N. P WILLIS.

Oh, if there is one law above the rest
Written in wisdom—if there is a word
That I would trace as with pen of fire
Upon th' unsullied temper of a child—
If there is anything that keeps the mind
Open to angel-visits, and repels
The ministry of ill—*'tis human love.*

God has made *nothing* worthy of contempt:
The smallest pebble in the well of truth
Has its peculiar meanings, and will stand
When man's best monuments wear fast away

The law of Heaven is *love*, and tho' its name
Has been usurped by passion, and profan'd
To its unholy uses through all time,
Still, the eternal principle is pure;
And in these deep affections that we feel
Omnipotent within us, can we see
The lavish measure in which love is given.
And in the yearning tenderness of a child
For every bird that sings above his head,
And every creature feeding on the hills,
And every tree and flower and running brook
We see how everything was made to love,
And how they err who in a world like this
Find anything to HATE but human pride.

A CHAPTER OF POLITICAL WONDERS.—Some one has quaintly remarked, if peace be now made this will be the first example of war *begun without authority and ended without authority.* But this is only a part of the wonders which attend this most extraordinary chapter of history. Look at these, for example:

1 The President makes war without the authority of law.

2. His Ambassador ends it without his authority, or any authority.

3. The President of this country permits the ablest Generals of the enemy to take command and fight us as hard as possible.

4. The General of our forces, who conquered the enemy, is arrested in the midst of victories, and without offence, is to be tried as a criminal.

5. We propose to pay twenty million of dollars for territory we have already occupied.

6. We have the best lands in the world, and we are exceedingly anxious to get the worst.

A series of contradictions of blunders and incredible inconsistences like these, cannot we believe be paralleled by any administration, in any country. Perhaps if we hunt up the records of some King John or Henry VI. we may possibly find a parallel but certainly not in this country or in any recent history of Europe.—*Frank. (Ky.) Common.*

If you would have a light heart and a clear conscience—pay the Printer.

State of North Carolina.—BUNCOMBE COUNTY. Superior Court of Law, Spring Term, 1848.

Eliza White, vs. William White. } Petition for Divorce.

Upon the return of the Sheriff, that the defendant cannot be found, and proclamation having been publicly made at the door of the Court House for the defendant to appear and answer as commanded by the subpœna: Therefore ordered by Court, that publication be made in the Highland Messenger, published at Asheville, and the Raleigh Register, published at Raleigh, for three, months requiring of the defendant to be and appear at the next Term of this Court to be held at the Court House in Asheville, on the 2d Monday after the 4th Monday in September next, or that judgment will be taken against him pro confesso, and the petition heard.

Witness, J. H. Coleman, Clerk of our said Court at office, the 2d Monday after the 4th Monday in March, A. D. 1848.

J. H. COLEMAN, Cl'k.

July 13, 1848. Pr's. fee $6 62½ 57 3m