

# THE NORTH CAROLINA STAR.

THOMAS J. LEMAY, Editor.

NORTH CAROLINA—"Powerful in intellectual, moral and physical resources, the land of our sires and home of our affections."

LEONIDAS E. LEMAY, Associate Editor.

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## MISCELLANEOUS.

### THE BRIDAL GIFT.

BY MRS. F. FAIRBANKS.

Emily F. was the daughter of a lady who, since her widowhood, had seen much adversity. Mrs. F. was of a good family, and her deceased husband was highly respected and eminent in his profession. Many of their children had fallen victims to consumption, and there now only remained three of a once numerous family: Emily, Charles and Edward, were their names. They were all remarkable for personal beauty: Emily was one of the most feminine and delicate character. Her hair was of a light and glossy brown, and peculiarly abundant; her eyes deep blue, her cheeks faintly tinted with pink, but her lips were of the brightest hue. Such were her charms, and the portrait of her, which was painted on the eve of marriage with one to whom she was fondly attached, conveyed but an inadequate idea of her perfection. Albert was but three years her senior and was in every respect a suitable match for her. His parents already loved her as their own child, and all who knew them began to think that for once the course of true love must run smooth.

The wedding day was fixed and Emily took a natural and innocent delight in looking at the bride's apparel, and simple but elegant accessories to a female toilet, which were gifts from her present and future relatives. Albert was not wealthy, and consequently diamonds, pearls, and rubies, India shawls and costly robes were not there: nor did the happy girl for one moment regret their absence; and her lover, when he saw her glossy ringlets, and fair and polished brows, thought plumes and a tiara would almost mar her beauty.

Eagerly did Emily gaze from her chamber window at the hour when Albert usually arrived, and gladly did she hail him when he came. Bright visions of years of bliss floated before them both, and they were never weary of gazing their future home. Alas! their hopes were doomed to be unfulfilled. Albert was seized with sudden illness. Medical aid and the attentions of fond relatives and of an adoring girl were unavailing; and, on the day previous to that which should have shone on her nuptials, Emily had to deplore the death of her lover.

Need not try to paint the anguish of her feelings. Vainly should I waste words to describe that which all can well imagine. Yet Emily sorrowed not as "one without hope"; she had the blessed conviction that her Albert's virtues had secured to him an eternal abode in those happy regions where there is no parting, whose tears cease to flow, and where hearts ache not. Time soothed the violence of her sorrow, but she felt no less at the first hour totally irreparable was her loss. She spoke not of her departed Albert, but her thoughts were ever with him.

It was about two years after the death of her lover, that Emily became acquainted with Lord L. He was a young man of prepossessing manners and appearance, and possessed of a large fortune. His heart was soon bestowed on the gentle and lovely girl, and he paid her many kind and unobtrusive attentions. Lord L. was totally unacquainted with Emily's previous engagement, and attributed to the alteration in her fortune that depression which arose from disappointed affection. Emily believed that he was acquainted with her sad story and was grateful for his delicate and silent regard; but she knew not the nature or depth of his feelings. She was therefore, much surprised and really grieved, when he one day avowed his love, and sought her to become his bride. She burst into tears, and for some moments was unable to speak.

At length she was able to reply, but a visitor then announced, and she had time to say, "I will write to you," a friendly, familiar acquaintance entered the room, who exhibited no intention of a speedy departure. Consequently, in a brief time, Lord L. took his leave, wearing by the frivolity, which would at any period have annoyed him, but which now very quickly exhausted his patience.

It was nearly an hour ere Emily bade adieu to the intruder: she then flew to her mother, whom slight indisposition had confined to her apartment. On naming to her the proposals she had received, Mrs. F. exclaimed: "How fortunate, how delightful!" "Delightful!" echoed her daughter; "my dearest mother, I do not understand these expressions."  
"Why, what parent would not rejoice at her daughter having engaged the affections of so amiable, agreeable, and in every way so claimable a young man as Lord L.?"  
"Nay, you should pity him," said Emily, "since I believe him sincere in his profession of regard, and he will consequently feel much disappointment when I tell him how utterly impossible it is that I should ever marry."  
"And why, Emily, should you never marry?"  
"Dear mother, can you ask that question—can you believe me to be so mean as to wed for wealth and rank?"  
"You dislike Lord L. then?" said Mrs. F.

"Oh no; I think him an amiable and agreeable young man, with much good sense, and high and honorable feeling. I have never met with one I would more gladly hail as the husband of my sister had I one; but, dearest mother, I can never love again my heart lies in the tomb of Albert."

Tears flowed abundantly as she concluded, and for some time they were both silent. At length Mrs. F. resumed:

"I have, I believe, Emily, always been a kind and tender parent to you."  
"You have, you have, indeed!" interrupted her daughter.

"And I have never been unreasonable or unjust. Emily; were Albert living, I would not urge you to marry another, though a reigning sovereign should ask you for his bride. But, he is gone, and since Lord L. is not personally disagreeable to you—since you know and appreciate his many amiable and estimable qualities, I beseech you not to refuse the happy and brilliant position which is now offered to you. I am aware that a young and ardent girl imagines that it is necessary to be violently in love when she marries: You say you can never be so more; but trust me, my dear child, respect, esteem, and regard, will make you as happy as, or even perhaps happier, than love could do."

Did Mrs. F. believe her own words? I doubt it: at any rate, she failed to convince her daughter. But I will not detail the many conversations which took place between the ladies; suffice it to say, Emily agreed that her mother should see Lord L. the following day, and explain to him her feelings.

When her eldest son returned that evening, Mrs. F. was closeted with him for some time. He told her he was sure Lord L. was in total ignorance of Albert ever having existed; and strongly urged her not to mention to his lordship the circumstances of his sister's attachment.

"Of course," added her "Emily feels at first a little dislike to form a new engagement. It is natural; it recalls more vividly the memory of poor Albert. He was a fine, noble fellow and any girl might have liked him; but I am also an excellent young man; he is besides handsome and rich, and Emily will soon insensibly become attached to him. I would let her imagine he knew all her former history whilst in fact I would tell him she was not prepared to give a decided answer at present, and keep him in a little suspense at the same time giving great hopes (which I think you reasonably may) of a final satisfactory reply."

Mrs. F. highly approved of her son's scheme and acted accordingly. Some months afterwards, Lord L., who had continued his visits again brought Miss F. to become his wife. His letter was a rare specimen of ardent affection and good sense. Had it by any accident fallen into the hands of an uninterested stranger it would, unlike the generality of love letters, have failed to excite a smile of derision. This episode had its due effect with Emily; and her relatives so strongly urged her, that she at length gave her consent. She now strove as much as possible to banish all remembrance of other days. Lord L. was fond of the splendor which became his wealth and rank, yet his taste was not gaudy. His house in town was furnished with elegance and beauty, but simplicity. The jewels with which he presented his bride, were equally neat and costly. His boudoir was a little paradise. The choicest work of English and foreign authors, in the most elegant binding, adorned the bookshelves; beautiful plants, among which Emily's favorite, the rose rose, was conspicuous, shed a delicious odor around. The chimney piece was supported on either side by Cupid and Psyche; two beautiful marble figures from the chisel of the younger Westmacott. A magnificent Turkey carpet covered the floor; a few exquisite pictures of the ancient school, and by a modern artist, but beautifully finished, hung upon the walls. The last was a portrait of Lord L. All that affection could imagine, art invent and wealth purchase, was united to adorn the boudoir of the fair Emily.

At length the 12th of May, the day so anxiously anticipated by Lord L. arrived. His sisters were to be the bride's maids, and as they assisted to adorn the gentle Emily for the nuptial ceremony, they formed a lovely group. Fanny was just arranging the fall of the bridal veil, when Bertha, gazing from the window exclaimed, "Here comes Edgely; naughty boy! why is it contrary to all etiquette; the bride and bridegroom should meet for the first time on their wedding day at the altar." Look Emily, how beautiful the new carriage looks, and what splendid bay horses!" Emily could only faintly smile, and echo the word "beautiful."

"See! the carriage drives away again; Edgely has left a parcel," continued Bertha, as she ran out of the room to meet the servant who brought it. A little note contained these words:—  
"I send my beloved Emily some of our family jewels. The pearls, love, are less delicately fair than thou, and Edgely add to thy beauty, yet wear them for the sake of thine adoring L."

The bride's maids eagerly opened the case and started back with aghast looks and exclamations of horror. Emily bent forward to discover the cause of their alarm, and beheld a set of jet ornaments. She was not superstitious; yet who can wonder that the color forsook her cheeks, and a sick, faint feeling came over her? She strove to conquer however, and succeeded.

The time had arrived for the party to assemble at the church. Lord L. met his bride at the door of the sacred edifice, and perceiving her neck and arms were unadorned, "why," said he, "did not my Emily wear my bridal jewelry; surely the ornaments were meant to adorn her on her nuptial day."

The brow of the gentle maiden, which had the previous moment worn a smile of chaste modesty, became overcast. The sad recollection of Albert obtruded on her heart, and she muttered to herself, "Yes! funeral emblems are meet for her whose heart is in the grave."  
But L. heard her not for her sisters were seemingly telling him of the strange and disagreeable mistake he had made in sending a mourning suit, instead of one of orient pearls. He naturally felt considerable annoyance; but at this moment they were called to the altar, and in a few minutes the vows were pronounced, which bound him for life to the object of his ardent affection.

Congratulations passed around. I need not describe the *dejeuner*, nor the company. Emily changed her bridal attire for a more usual style of dress and the next day's paper announced that "the happy pair left town, in a travelling chariot and four, for L. Hall, the bridegroom's splendid seat in Hertfordshire."

Nothing could exceed the kindness and devoted attention shown by Lord L. to his beautiful Emily; and she felt the deepest gratitude towards him, but she could not reciprocate

his passion. The idea that she had broken her vows to Albert haunted her, and her health and spirits declined daily. At the end of a fortnight, they returned to town. Mrs. F. assisted Lord L. to nurse the gentle patient and his fair sisters strove to amuse her mind, but in vain. To them, as well as to their brother, the cause of her too evident grief was a mystery.

On the 12th of June, many of those who that day month had assisted at the wedding were again assembled in the same church. The same minister officiated; but now as he opened the book his hand trembled, and tears rendered his voice scarcely audible as he read the burial service! The remains of the fair, the gentle Emily were committed to the earth. And her fond husband knew he had slain her! Yes; she left these lines for him:

"I have striven, but in vain, dear Edgely, to bear up against my grief. The effort was beyond my strength. Forget me, and seek in a union with another, that bliss which there was but little hope of finding with her whose heart has long been in the tomb. Forgive me, dear, kind Edgely. Indeed, indeed, I strove to be happy, and it was not your fault that I was not so. You know how I had loved Albert. I never could speak to you on the subject, but my mother told me all you said. Heaven bless you, and assist you in a second and more fortunate choice."

"And I have killed her," said he when he had perused the scroll. "Had she remained faithful to her first vows, she might have lived for years."  
"Dear Edgely," urged his sisters, "you knew not of her previous attachment. On her mother and brothers rests the blame."  
"Dear Edgely mournfully shook his head and left the room.  
"Poor, dear brother," said Fanny, "he deserved a happier fate."

## TERRITORIAL QUESTION.

MR. BADGER'S SPEECH.

In the Senate, Feb'y. 15.

The Senate having under consideration the motion to refer the President's Message, transmitting the Constitution of the State of California to the Committee on Territories, to which Mr. Benton had moved an amendment to instruct the committee "to report a bill for the admission of the State of California, unconnected with any other subject."

Mr. Butler spoke at some length, and was followed by Mr. BADGER. I desire, sir, to state some difficulties which I feel in voting for the instructions moved by the honorable Senator from Missouri, by which the Committee on the Territories is to be directed to bring in a bill for the admission of the State of California into the Union. I say difficulties, which, as they must prevent me from supporting those instructions, must also, unless they can be satisfactorily removed in my mind, prevent me, in any future stage of this proceeding, from voting for the admission of that State. What I have to state, Mr. President, has been in part referred to by the honorable Senator from South Carolina (Mr. Butler), and although I do not think it at all necessary on this occasion to go into the discussion, as he has, of this question of slavery, in which almost every subject of discussion which comes under the consideration of the Senate either begins or ends, yet allow me to remark, that for the difficulty in which we all feel ourselves to be involved upon this great and agitating subject, which is now shaking this Union from one extremity to the other—for the serious, almost awful prospect which we have before us of danger, either from actual disruption, or from the severance of those ties of mutual affection and confidence which should bind us into one truly united people—let me say, for this I am not responsible.

The honorable Senator from South Carolina (Mr. Butler) says that when this treaty was under consideration he foresaw the difficulty that would grow out of territorial acquisitions. Now, sir, if that honorable Senator, and two other gentlemen upon this floor, on either side of the chamber, foreseeing these same difficulties, and acting under the just and natural influence of that foresight, and united in the support of the amendment which I myself moved to that treaty, by which all acquisitions were to be stricken out, these troubles would never have been upon us.

Mr. BUTLER. I did not allude to the discussion or votes upon the treaty, but just before that. When the treaty was before us, the only way to get through it was to sign the treaty. We had got far enough in before that. What I wanted was to get out. [Laughter.]

Mr. BADGER. Well, Mr. President, so far as that matter is concerned, I stand clear of all responsibility. I had nothing to do with getting us into this difficulty. I had nothing to do with the admission of Texas, which resulted in the war, or with the acquisition with which the war terminated. The question upon the treaty was before the Senate. I proposed my amendment, and, with whatever power I possessed, endeavored to enforce upon the Senate that, by the acquisition of this territory, we were bringing a fire brand into the Union. Gentlemen will remember it. I am sure the Senator from Mississippi (Mr. Foote) remembers it. I then said that, notwithstanding the opinions I entertained with regard to the origin of the war, believing, as I then did—believing I said it—in its origin it was unnecessary, and in its purposes unjust, I would rather consent to wage that war for ten years than to end it by the acquisition of any territory which was to produce an internal dispute and contest through the whole extent of our country. I have no right at all to complain of any gentleman upon this floor, who entertained different opinions with regard to the war, because he voted against striking out the acquisition of territory; or because he voted for the acquisition of territory; but surely I had some reason to be surprised, when gentlemen sympathizing with me in opinion, looking forward to this present contest, realizing the necessity for such a course as would avoid it, refused at the moment the sanction of their additional votes, which had they been given, sir, I hazard nothing in saying that the difficulty we have now to contend with would never have been upon this Union—at all events not in our day. The vote stood upon that amendment 35 to 15. Two votes taken from 35 and added to the 15 would have reduced the majority voting against striking out to less than two-thirds, and so have carried the amendment. My friend from Georgia, (Mr. Berrien) did me the honor on that occasion to second and support the views, and to adopt in substance the argument I had offered, as his first reason for not being able to vote for the ratification of the treaty was the acquisition of territory.

I have no disposition to refer to matters of this kind, or to dwell upon them now; and I therefore proceed, as I intended when I rose, to state the objections which I feel—and strong objections they are, sir—to the admission of the State of California into this Union at this time—and under present circumstances, and which must constrain me to vote against the instructions moved by the honorable Senator from Missouri, (Mr. Benton).

In the first place, sir, it cannot be denied that this application comes before us under circumstances unprecedented in the history of this country. Other Territories, it is true, have first moved in the matter of their admission into the Union; and, without being authorized by a previous act of Congress, have formed a constitution, and applied for such admission. But the circumstances were altogether different in many respects. To take a single example—the State of Michigan. That State belonged to a Territory which had a right to admission. It formed a portion of territory which became the property of the United States upon the express condition that it should be admitted into this Union. In the next place, sir, holding the two provisions identical in meaning, but, independently of that, the alteration was a real and substantial one, and was so understood by the Senate. The idea that the people of these Territories should be admitted into the Union with all the rapidity consistent with constitutional forms, was shocking to the minds of Senators. It was so stated on this floor; and while the Senate was willing that at some future time such admission might take place, there was a decided repugnance to tying up the unfettered judgment and discretion of Congress.

I have said that this amendment was made with remarkable unanimity. When the vote was taken there were 40 Senators present, and the amendment received a vote of 44 out of the 49; and, sir, I was one of those who voted against even this amendment; for I, as the honorable Senator from Mississippi (Mr. Foote) remembers well, and other gentlemen here, was opposed to any stipulations which might be presumed to imply even an imperfect obligation to admit at any time. I do not know how the four gentlemen were influenced who voted upon this question with me. The real sense of the Senate then was 45 to 4 against immediate admission. The four gentlemen who voted with me were Messrs. Baldwin, Corwin, Hale, and Webster. Now, what are we to understand as the fair interpretation of this amended article? There is no provision that these Territories shall be admitted so soon as the form of the constitution will permit, or when they shall attain a certain population. There is nothing resembling the provision contained in thecession of the North-western Territory by Virginia to the United States, or in the treaties by which we acquired Florida and Louisiana—nothing at all. They are to be admitted at a proper time—to be judged of by whom? By the Congress of the United States. Now sir, it seems to me, the force and effect, the purport and design of that is that Congress was first to move in this business; that there should be some material change or condition of circumstances in the future, to be first judged of by Congress, previous to a movement for admission. I know that, if I admit this State into the Union now, Congress will have judged of the propriety of it. No doubt about that. But that article contemplated, I think, more than this—a prior, not a subsequent approval; that we should lead, not follow. And if, without a territorial government, without any treaty provision which entitles them to admission, without any right in them, perfect or imperfect, to ask admission, the act which has been done should obtain our ratification, and the people of California be received into the Union, we shall, I think, abandon too much of the authority and control intended to be reserved to Congress by this amended article.

There are some of the difficulties that, I confess, meet me at the threshold. I admit that in my mind, there are none of them absolutely insuperable. Show me that the great interests of this country can be served; show me that the angry feelings agitating different portions of it against the other can be composed and quieted; show me how the bonds of attachment and confidence among the several portions of this great people, now broken or weakened, can be reunited and strengthened; show me how this practical advantage can ensue from admitting California, and, as I love this Union, as I look to its preservation with anxious jealousy, and would say with General Jackson that it must be preserved, every previous usage, every formal difficulty, every minor consideration will be sacrificed; and give way to the high demand of that duty which I owe both to the constituents I represent and the great Union of which they form a member. Status populi will then be with me *suprema lex*.

I owe it to myself, Mr. President, to say that I have cautiously avoided alluding to any thing connected with the formation of this California constitution, except what was necessary to explain the objections I feel and have stated to the Senate. And I am sorry my friend from South Carolina (Mr. Butler) thought it necessary, in urging, strongly as he did, his objections to that measure, to cast some reflection—upon the President of the United States in relation to the formation of this constitution. Entertaining the opinions I do, and having endeavored to express them frankly and fully to the Senate, it is proper and just to say, I feel satisfied that that high functionary and noble gentleman has done nothing in regard to this transaction but what sprang from the most patriotic motives; that he has used no power, no influence of the Government, to stifle or control the opinions, or direct the judgment of the people of California, and made no suggestions even to them as to the mode or form in which they should establish the constitution under which they desire to live. He has done nothing—and I confess that I cannot see the impropriety of that—but to intimate to the people his opinion that it would be proper, if they desired admission into this Union, to form a constitution and ask admission. I differ from him in opinion as to the expediency of admitting them under present circumstances, but I do not arrogate to myself any superiority of judgment.

Mr. BUTLER. If the honorable Senator will permit me to make an explanation—  
Mr. BADGER. Certainly, sir; certainly.  
Mr. BUTLER. I impudently nothing to the President. I merely said that I thought that his course of policy was rather unfortunate in its results.  
Mr. BADGER. I am glad to hear this explanation—very glad, indeed.  
Mr. FOOTE. If the honorable Senator will allow me—  
Mr. BADGER. Certainly.  
Mr. FOOTE. The honorable Senator has spoken a great deal about precedents. He is known to be strongly in favor of following precedents—more so perhaps, than any other member of the Senate. He has stated that in his opinion the President of the United States did not interfere improperly in the question of the State Government of California; and I should like to have him tell me if he ever met with a precedent like this. He has made the confession that the President of the United States did do something, and I think he will find himself much at a loss to justify the course of the President.

Mr. BADGER. I do not make any confession with regard to the President. I know no more of what the President has done than the honorable Senator from Mississippi knows. All the information I have is contained in the President's message and the papers accompanying it, called for and promptly communicated, and I am sure that he told the truth, to the whole truth, and nothing but the truth. With regard to precedents, I spoke of those which should govern in matters of legislation, with which I am concerned in the halls of Congress. I do not undertake to judge for the United States what might be the proper course for him to pursue in the extraordinary circumstances in which the country is placed, and which have no precedent in history. But what I meant to say was that the President, in what he did was actuated by high, patriotic motives, and did nothing, directly or indirectly, to control or influence the convention of California.

I desire, Mr. President, to keep this subject entirely clear from the topics that may ensue as the just exercise of our judgment and understanding; and I take this occasion to say

affecting the destinies of the population. The fundamental law of every country, however adopted, settles in whom the power to represent the community shall reside—who shall speak the voice of the community, and say that this State, or this political association, will that such and such things shall be done, by collecting and declaring, in due form, the public sentiment of the whole.

Now, sir, every Territorial Government established by Congress emanates from the sovereign power, and receives an authority over the Territory. That sovereign power has a right to fix laws for its government, has a right to prescribe the form and manner, and the only form and manner, in which it shall be recognized as any other than a mere mass of human beings together. By this form of government, proceeding from this sovereignty, is first defined who has a right to speak the voice of the Territory; what portion of the inhabitants shall have the elective franchise, shall choose representatives, who, when chosen by that portion, represent the whole community and speak its voice. In California we have nothing of this. Who chose the representatives? Whence did those who chose them derive the power to authorize these representatives to speak the voice of the people of California as such? Why, sir, without an act of Congress authorizing it, I can conceive of but one way in which such a form can be given to the inhabitants of this Territory, and that is by an act of revolution, in which, throwing off the allegiance of their sovereign, the United States, they think proper to meet together, in their original and primal character of human beings, and say that they will be an organized body with such a form as they think proper. But the present proceeding is not that character. The very movement shows that they were throwing themselves upon no such right. They come here, having formed a constitution which they say embodies the public will of California, and ask that, as a State, they may be admitted into this Union.

Now, sir, the business of my life as a lawyer has inclined me to respect and follow precedents, and I always feel regret when, either needlessly or for even a sufficient cause, it becomes necessary in any particular instance to depart from what has been the established usage of the nation. I think that it is to be regretted that the Congress of the United States should ever have departed from the safe position, that in such matters territorial management should follow and not lead the movement of Congress, did, under any pressure heretofore of circumstances, should have yielded their sanction to an act by which a Territory assumed to itself, without their previous warrant or invitation, to form itself into a sovereign State. But, be that as it may, I feel a strong repugnance to go still further to introduce a new example, and say that, not only without the previous sanction of Congress for such a proceeding, but without the previous authority from Congress for forming the inhabitants of any particular district into a territorial community, for any purpose of government whatever, they may voluntarily associate themselves into a political State, adopt whatever rules in their organization they may think proper, and then apply to us to recognize them as an existing political community—a State—and, as such, receive them into this Union.

This, Mr. President, is the first difficulty I have. There is another that no gentleman has yet alluded to. When this Mexican treaty was first submitted to the consideration of the Senate, it contained an article—the ninth article—providing for the admission of these Territories into the Union as States so soon as, by the form of the constitution of the United States, that object could be accomplished. It was, in other words, an exact, or nearly exact, transcript of the provisions made in the treaties by which we acquired Louisiana and Florida. There has scarcely been an instance, I imagine, where there was any difference at all in which the Senate was so nearly unanimous as against adopting any such provision. Allow me, then, that the matter may be understood, to call attention to the original article, and to the substitute adopted by the Senate.

The words of the original article, so far as relates to this matter, are these: "The Mexicans who, in the Territories aforesaid, shall not preserve the character of citizens of the Mexican republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and admitted, as soon as possible, according to the principles of federal constitution, to the enjoyment of all the rights of citizens of the United States."

The amendment made by the Senate is in these words: "Who, in the Territories aforesaid, shall not preserve the character of citizens of the Mexican republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and admitted, as soon as possible, according to the principles of federal constitution, to the enjoyment of all the rights of citizens of the United States."

Now, what was the meaning of this amendment? I am very well aware that a certain document, which excited some attention here, called the Protocol, informed some Mexican functionaries that, in truth, the Senate of the United States meant nothing by it; that they had some particular choice of phraseology, some preference for their own mode of expression; but as to the notion that they intended to make any essential alteration in the article, that was a mistake; that, so far as that was concerned, they were not in earnest; and that the words inserted by the Senate are to have the same meanings those words that had been struck out of the original article.

Mr. FOOTE. I would remind the Senator that no such words were used by the commission; and he surely would not reflect upon them—  
—one of them is dead, the other absent.  
Mr. BADGER. I am aware that some expressions were used by them. I am not stating or undertaking to state what they said, but the inevitable result of what was said, however I mean result of what was said, upon either of the gentlemen—none at all; I merely wanted to state what would be the result of holding the two provisions identical in meaning. But, independently of that, the alteration was a real and substantial one, and was so understood by the Senate. The idea that the people of these Territories should be admitted into the Union with all the rapidity consistent with constitutional forms, was shocking to the minds of Senators. It was so stated on this floor; and while the Senate was willing that at some future time such admission might take place, there was a decided repugnance to tying up the unfettered judgment and discretion of Congress.

I have said that this amendment was made with remarkable unanimity. When the vote was taken there were 40 Senators present, and the amendment received a vote of 44 out of the 49; and, sir, I was one of those who voted against even this amendment; for I, as the honorable Senator from Mississippi (Mr. Foote) remembers well, and other gentlemen here, was opposed to any stipulations which might be presumed to imply even an imperfect obligation to admit at any time. I do not know how the four gentlemen were influenced who voted upon this question with me. The real sense of the Senate then was 45 to 4 against immediate admission. The four gentlemen who voted with me were Messrs. Baldwin, Corwin, Hale, and Webster. Now, what are we to understand as the fair interpretation of this amended article? There is no provision that these Territories shall be admitted so soon as the form of the constitution will permit, or when they shall attain a certain population. There is nothing resembling the provision contained in thecession of the North-western Territory by Virginia to the United States, or in the treaties by which we acquired Florida and Louisiana—nothing at all. They are to be admitted at a proper time—to be judged of by whom? By the Congress of the United States. Now sir, it seems to me, the force and effect, the purport and design of that is that Congress was first to move in this business; that there should be some material change or condition of circumstances in the future, to be first judged of by Congress, previous to a movement for admission. I know that, if I admit this State into the Union now, Congress will have judged of the propriety of it. No doubt about that. But that article contemplated, I think, more than this—a prior, not a subsequent approval; that we should lead, not follow. And if, without a territorial government, without any treaty provision which entitles them to admission, without any right in them, perfect or imperfect, to ask admission, the act which has been done should obtain our ratification, and the people of California be received into the Union, we shall, I think, abandon too much of the authority and control intended to be reserved to Congress by this amended article.

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There are some of the difficulties that, I confess, meet me at the threshold. I admit that in my mind, there are none of them absolutely insuperable. Show me that the great interests of this country can be served; show me that the angry feelings agitating different portions of it against the other can be composed and quieted; show me how the bonds of attachment and confidence among the several portions of this great people, now broken or weakened, can be reunited and strengthened; show me how this practical advantage can ensue from admitting California, and, as I love this Union, as I look to its preservation with anxious jealousy, and would say with General Jackson that it must be preserved, every previous usage, every formal difficulty, every minor consideration will be sacrificed; and give way to the high demand of that duty which I owe both to the constituents I represent and the great Union of which they form a member. Status populi will then be with me *suprema lex*.

I owe it to myself, Mr. President, to say that I have cautiously avoided alluding to any thing connected with the formation of this California constitution, except what was necessary to explain the objections I feel and have stated to the Senate. And I am sorry my friend from South Carolina (Mr. Butler) thought it necessary, in urging, strongly as he did, his objections to that measure, to cast some reflection—upon the President of the United States in relation to the formation of this constitution. Entertaining the opinions I do, and having endeavored to express them frankly and fully to the Senate, it is proper and just to say, I feel satisfied that that high functionary and noble gentleman has done nothing in regard to this transaction but what sprang from the most patriotic motives; that he has used no power, no influence of the Government, to stifle or control the opinions, or direct the judgment of the people of California, and made no suggestions even to them as to the mode or form in which they should establish the constitution under which they desire to live. He has done nothing—and I confess that I cannot see the impropriety of that—but to intimate to the people his opinion that it would be proper, if they desired admission into this Union, to form a constitution and ask admission. I differ from him in opinion as to the expediency of admitting them under present circumstances, but I do not arrogate to myself any superiority of judgment.

Mr. BUTLER. If the honorable Senator will permit me to make an explanation—  
Mr. BADGER. Certainly, sir; certainly.  
Mr. BUTLER. I impudently nothing to the President. I merely said that I thought that his course of policy was rather unfortunate in its results.  
Mr. BADGER. I am glad to hear this explanation—very glad, indeed.  
Mr. FOOTE. If the honorable Senator will allow me—  
Mr. BADGER. Certainly.  
Mr. FOOTE. The honorable Senator has spoken a great deal about precedents. He is known to be strongly in favor of following precedents—more so perhaps, than any other member of the Senate. He has stated that in his opinion the President of the United States did not interfere improperly in the question of the State Government of California; and I should like to have him tell me if he ever met with a precedent like this. He has made the confession that the President of the United States did do something, and I think he will find himself much at a loss to justify the course of the President.

Mr. BADGER. I do not make any confession with regard to the President. I know no more of what the President has done than the honorable Senator from Mississippi knows. All the information I have is contained in the President's message and the papers accompanying it, called for and promptly communicated, and I am sure that he told the truth, to the whole truth, and nothing but the truth. With regard to precedents, I spoke of those which should govern in matters of legislation, with which I am concerned in the halls of Congress. I do not undertake to judge for the United States what might be the proper course for him to pursue in the extraordinary circumstances in which the country is placed, and which have no precedent in history. But what I meant to say was that the President, in what he did was actuated by high, patriotic motives, and did nothing, directly or indirectly, to control or influence the convention of California.

I desire, Mr. President, to keep this subject entirely clear from the topics that may ensue as the just exercise of our judgment and understanding; and I take this occasion to say

that if the objections which I have stated did exist or can be removed, and if other objections which I had to the early admission of these Territories into the Union, independently of those I have stated, and which I felt then strongly, I should not feel myself at liberty to govern my vote for the admission of that State by any consideration as to the form of government they have adopted. I fully recognize under the laws of the United States, form a constitution and government for themselves, they are the only authority on earth which has a right to determine the particular mode in which the internal affairs of the new State shall be administered. Congress may, and, indeed, is bound to require that the constitution be republican. This is the only authority of supervision, the only restriction upon the full authority of the State; that she shall not introduce into her system any monarchical or aristocratic elements, which are unbecoming to our institutions, and might disturb the harmonious operation of the Government. I have stated the difficulties which I have pressed upon my mind. I record fully with the honorable Senator from Missouri (Mr. Benton) that this is a large subject, and that it should be fully and properly considered, and with the honorable Senator from South Carolina (Mr. Butler) that we should all make known whatever objections, or difficulties, or opinions we have. And I assure honorable Senators that, as far as I have stated my difficulties, I have stated them frankly, and open to truth, and shall willingly receive and act upon any information or argument which may expose my errors, if into errors I have fallen.

T. BUTLER KING'S CARD.—The National Intelligencer and Washington Republic contain the following Card, addressed to the Editors by the Hon. T. BUTLER KING: Washington, Feb. 22d, 1850.

Gentlemen: Permit me to state in your columns that my illness in California and subsequent long continued absence, a numerous pressing engagements since my arrival here, and the effects of a recent indisposition which has paralyzed my energies for many days, have delayed, much longer than I intended or expected, my report on California. But I cannot longer permit the public mind to be assailed, perhaps misled, by insinuations, inquiries, and innuendoes, which, if not promptly answered, may be considered as acquiesced in or bold assertions, if misrepresentation has assumed that form, to pass uncontradicted. I therefore assert that I did not, in connection with my duties in California, nor have I at any time, received secret instructions, whether verbal or written, from the President of the United States, or any member of his Cabinet on the subject of slavery or any other subject. I did not attempt to influence the people of California to decide the question of slavery one way or the other; and any assertion that I did receive such instructions, or attempt to exercise such influence, is false. Any ins