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TERMS

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107 Letters to the Editor must be post, paid.

THE PRESIDENT'S VETO MESSAGE. SPEECH OF HON. G. E. BADOER, OF NORTH CAROLINA.

In the Senate, May 11, 1854, On the President's Message vetoing the bill grant-ing Lands to the several States for the relief of the Indigent Insane

Mr. Badger said: Mr. Badger said: Mr. Bargent instance. Mr. Bargent instance. Mr. Bargent instance. Mr. Bargent instance. Mr. Barger said: House shall proceed to recomsider the fill with the former saider s it makes it his duty, with the disapproval, to communicate in writing his objections. There-fore, as I have already said, it becomes not only absurdity to suppose that it could form any porthe right, but the duty, of the body to which the bill is returned, carefully to consider the objections of the President.

upon us of giving that careful examination to the objections of the President to the bill for the benefit of the indigent insance ; to submit views which to me appear to be just, to be demanded by the importance of the matters embraced in the message, and which show, as I think, that the objections taken by the President have no fourdetion. It is manifest. Mr. President, that, in discharging this daty, high sourcey towards the official functionary at the head of the Government demands that the investigation should meet the objections of the President, so far as we under-objections of the President, so far as we under-objections of the President, so far as we underdemands that the investigation should meet the objections of the President, so far as we under-stand them, upon their true merits; and that no altempt should be made to resort to mere ques-tions of words, no effort to withdraw the atten-tions of words, no effort to withdraw the atten-tions of words, no effort to mithdraw the atten-tions of words, no effort to withdraw the atten-tion attend to another subject, for-the discarded of the mode to the prim-the property of tions of words, no effort to withdraw the attent. Mr. President, I have a statuted work upon tion of the Senate or the country from the prin-diples, which are really at stake; but that, on prornment, in relation to another subject. for-the contrary, disregarding all minor topics, put-nishes a very clear and safe, ground for interpret the contrary, disregarding all minor topics, put-ting the dialectics of verbal criticism entirely aside, we should consider, fairly and respectful-view I have taken. On the 2021 page of his time which the President has felt it | treatise he thus expresses himself. ly, the obj

power under the Constitution to devote any porpower under the constitution to devote any por-tion of the public domain to the purposes indi-cated in the bill; and, in the next place, if the bill acre free free from that objection, if the Consti-tution did authorize an application of a portion

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the express dominion, ownership, title. It is used in its appropriate, legal signification, not as ex-pressing merely the subject-matter in which any title is supposed to exist, but the very title, do-minion, right of possession, control and enjoy-ment in the territory. It is as the "property of the United States" that the clause provides for b.

Now, sir, the United States, thus owning this meritory, had what ? Why, they had like every there over, the right to dispose of it-the just disposendi-the essential attribute of true owner-ship, without which property in anything cannot, in a proper sense, be said to exist; for in strict-dress, if there be an owner who is competent to act, he must have power to dispose of what he owns ; this power was in the United States in its

to Congress the power to dispose of it. The just dispose of it. The just disposendit, whatever it was that attaches to true undership, and which bolonged to the United States in their political expects to the United States in their political expects as the owners, is in their constitution, deviced upon Congress without limitation of any the United States, in their constitution, deviced upon Congress without limitation of any the devices understates. The poner of Congress owner the public terration is avoid there been enough the devices understate when the question arises with regard to the power of Congress and antipation is subject to no control, but it is avoid to the power of Congress and antipation is avoid to the power of Congress and antipation is avoid to the power of Congress and antipation is avoid to the power of Congress and antipation is avoid to the power of Congress and antipation is avoid to the power of Congress and antipation is avoid to the power of Congress and antipation is avoid to the power of Congress and antipation is avoid to the power of Congress and antipation is avoid to the power of Congress and antipation is avoid to the power of Congress and antipation is avoid to the power of Congress and antipation is avoid to the power of Congress and antipation is avoid to the power of Congress and antipation is avoid to the power of Congress and antipation is avoid to the power of the constitution is avoid to the constitution of the constitution of the constitution is avoid to the power of the constitution of the

It would, therefore, be an absurdity to suppose that it could form any por-

tion of the rights reserved to the States. power which exists somewhere. In the very naare of the case it must exist suberhere It is my purpose this morning to discharge, so belonged to the political sovereignty designated far as I am concerned, the duty which devolves as " the Unit ed States of America," and these

Iv, the objections which the Freeilent has foli it his duty to make, according to their substance and intended import. That duty I shall endeav-or to discharge in the manner and with the spirit. I have indicated. This belongs to my position as a member of this hody, and this I would not wilfully disregard if I did not occupy that posi-tion. tion. If I understand the message of the President of the United States aright, he objects to the pas-age of the bill providing for the indigent insane upon the ground, first, that Congress has no powers vested in Congress, are, one

er to dispose of the territory or other property be-longing to the United States." The territory, therefore, is treated as the "property of the U. Sin en." It is the largest word that can be used, granted in equally broad terms, is not co-exten-therefore, is treated as the "property of the U. Sin en." It is the largest word that can be used. granted in equally broad terms, is not co-exten-sive in its largeness with the treaty-making pow-er?. As Mr. Calboun argues, this is an express grant of an exclusive power; therefore, all the treaty-making power is in the President, by and with the advice and consent of the Senate.-Whatever may be done by a treaty, may be don

by the President, by and with the advice and consent of the Senate, unless it is, among other things, to exercise a power which the Constitution inhibited to the Gavernment or any of its branches, or where a thing is anthorized to be done in a particular manner, and, prohibited in any other, or where the power is sought to beu the purpose of destroying or altering the Consti-Where, then, are there any limitations apon this power over the lands? If the United rates of America, as a political sovereighty, own property, they undoubtedly have power to sell or otherwise dispose of it, to sell if for whatseever they please, and to give it to whomsoever they

please. Well, whatever their power was, they have devolved it upon Congress in express, un-

1832, you will find this language : Among the interests which merit the consid-

ation of Congress, after the payment of the publie debt, one of the most important, in my view is that of the public lands. Previous to the for mation of our present Constitution, it was recom mended by Congress that a portion of the waste lands owned by the States should be ceded to the United States, for the purpose of general harmony, and have fund to most the expenses of the war. The recommendation was adopted ; and, at different periods of time, the States of Massa chusetts, New York, Virginia, North and South

one people, interested alike in the prosperity of

Arir common country." Surely it is impossible to express the power in more large and comprehensive terms. Beyond all doubt, Mr. President, Congress is bound, in the exercise of every power, and the President in making treaties is bound in the exercise of that power, constantly to bear in mind the purpose for which this Constitution was formed, as set out in the preamble ; and all these powers, howte in the form of the grant, and h in alies neer absolute in point of fact they may be-I mean as to naked power-are always to be used, and can only be rightfully used, for the purpose of accomplishing the great ends, or some of them of catablishing justice, insuring domestic tran-quillity, providing for the common defense, pronoting the general welfare, and securing the

measure was unconstitutional. Now, sir, with regard to the bill passed in [Mr. 1826, the art granting a township of land for the for benefit of the Kentucky Asylum for the deaf and damb, I find, upon referring to Mears Gales & for th Seaton's Register of Debates, that on the 28th of March, 1820, when the Senate proceeded to the vanion for the bill. consideration of that bill :

"Mr. Coan objected to the bill on principle, as an unconstitutional grant of common property for a partial or local purpose, and argued against

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RALEIGH, NORTH CAROLINA, WEDNESDAY MORNING, MAY 24, 1854.

e bill on that ground. "A debate of wide extent, and considerable "A debate of wide extent, and considerable duration, cosmed on the merits of the bill and the validity of the objections made to it by Mr. C., and on some of its details. The bill was supported by Messres, Rowan, Johnson, of Ken-tucky, Bonton, Barton, Eaton, Holmes, Lloyd, Mills, Edwards, Handricks and King." After debate, that bill was passed by a vote of the support of the super star is in the coll of the superstructure in super star.

yeas swenty-seven to may six. I wish to call attention to this fact. "Mr. Cobb objected to the bill on principle, asan unconstitutional grout of common property for a partial or local purpose, and argued against

who voted in favor of that hill I find the following names: I will not read them all, I will not under-take to read some names which carry great weight with me; but I will read the names of gentlement tion, upon the ground that they are dispositions

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this government? I have before me a list of of land to States for various objects, ap I of by General Jackson and Mr. Polk du grants proved of by General Jackson and Mr.

ring the time they were at the head of the gov-ernment, in which such conditions, or conditions liable to equal objection, were imposed. If these acts are looked through, it will be found that Congress uniformly undertakes to di-rect what shall be done with the property which it must be acts are looked through the state of the it grants, to what purposes it shall be applied, and prohibits its being applied to any other pur-These grants are innumerable. I have pous. Losse grants are innumerable. I have tablesof them here, but I will not fatigue the Sonate by going over them, but will hand them over 50 the reporter, to be published in connection with these remarks. (See Appendix.) Now, Sh, if it is unsecondational for Congress.

to grant to any of the old States a certain portion of the public hilds, with a direction that the proceeds, the interest upon the amount realized from the salar of those knris shall be applied to the support of an asylum for the insane. I wish ory is clearly exchange and universe and antipation is subject to no control, but is atforded by and universe, and universe and antipation is subject to no control, but is atforded by sipulations in the cession, or by the ordinance of 1757, under which any part of it has been set-tlel."—See, 1328. Such, Mr. President, seems to have been the born was the judgment of an overwhelming inc. born was the provide and partial. Now, sir, among these and new part.

with me; but I will read the names of gentlemen known for emineuce in the Democratic party theo and afterwards. Take notice that this vole was

Polk-of Tennessee, Mr. Saunders, of North Carolina, and Mr. Wicklifo, of Kentacky. Thus, sir, that hill, after discussion in both Honass in the year 15-5, passed in the Senate by a vote of 27 to 6, and in the Honse by a vote of

 domestic escalatet, than a grant made by ntybnor-able friend from Illinois, who sits beside me, IM, Stitzianj to mysein of \$10,000, to be applied of the different members of the Union. Well, if you have not over the index of the different members of the Union. Well, if you have not over the index of the different members of the Union. Well, if you have not over the index of the different members of the union, which we hold as a trust find for the common benefit of the members of the members of the union, which we hold as a trust find for the common benefit of the members of the members of the members of the members of the union, have no family.
Bui, Mr, President, if there is any apparent fore in the objection/bow are we to resist that has been doar from almost the comme teen out of the States are not owners of these lands, have no true proparty or dominion over them, but hold them are trustees? The whoth are we to resist that has been doar from almost the comme teen out of the states are not owners of these lands, have no true proparty or dominion over them, but hold them are the length of the trustees? The whoth are we trustees and a non blenefit of the states derives an equal or proparent of the states over memory. If have before me a list of the states over the marely as trustees? For whoth are we to resist that has been doar from almost the comme teen of the states over the more of the states derives an equal or proparent of the states of the states over the more of the states over the more of the states derives an equal or proparent of the states over the more of the states derives an equal or proparent of the states over the more of the states over the more of the states over the more of the states over the true property or .dominion over them, but hold them merely as trustees? For whom are we irustees? For the common and equal lengit of all the States. It is proposed, then, to take a portion of these lands and apply them in a par-ticular direction for the common and equal benefit of all the States. But we are hold, "No; it is amoonstitutional to do that; Sou have no right-ful power to do it; you are coupelled to hold them for your certain que trustes; we hold the states. ful power to do it; you are competed to one in friend in my eye [Mr. them for your ecstal que trusts ; you are to keep them; you are not to let the parties for whom you hold have the benefit of them." The Uni-this Government for the lo de States do not hold them, we are told, for heir own benefit, but for the benefit of the sec-cedel, the rule laid down

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their own henchi, but for the benefit of the sec-oral States', yet it is required that the trastee whill not permit the States to have the use of the ware to addret to and is a profit, although the only purpose for which the conton and equal footing of fairness. Tou may, according to this doctrine, grant any mount of the lards yea please to the States in which they are situated. Tou may go there sail indholder, and you may grant lands for univer-atios, you may grant lands for emails and railroads, you may grant lands for court-houses and sails of government. All that, as a landholder, you have a fight 57 the lards in the mean time 7 These character of a trustee in the mean time 7 These character of a trustes in the mean time? These ideas are not exactly reconcilable. If we are, in the true and proper sense of the term, landbold- able them as pay the war we, if we own the lands, then we have the right to dispass of them. If we do not, if we are merely of for anothe parasers of the trustees for the boneft of all the States equally, where do we get the power, as trustees, to give away portions of these lands for the purpose of building colleges, and erecting primary schools in the States in which they lie? The argument When the out what weak has have and generations of generations of the provide as transients of the provide as the

Mr. President, we are reduced to a very singular condition, in consequence of the interpre-tation given to our connection with these public lands. Now, lat me ask the attention of the The set of the ball, yield the protection of the prot

the United States, or the United St the Government II rolly the whole en

able them to pay the un Then, he says, the land of for such purposes of vantage to the whole, p vantage to the whole po deom right. I am willing I am willing to own, if cording to the rale by whi land claimed, that the pr proportion to her population and contributions to the con-

Sir, to my understanding It i stration : either there is a lands, or there is not. If the United States own th