CONGRESSIONAL.

INTERESTING DEBATE IN THE UNITED STATES SENATE.

SLAVERY IN THE TERRITORIES.—MR. WEBSTER AND MR. CALHOUN.

In Senate on Saturday last, amendments to the Civil and Diplomatic appropriation Bill, being under consideration.

MR. WEBSTER. The honorable senator from South Carolina, who has just taken his seat, says he is prepared to say boldly, that the Northern States have not observed, but have broken, the compromise of the constitution. It is no duty of mine, sir, to take up a glove that is thrown to the whole world. It is no duty of mine to accept a general challenge. But if the honorable member shall see fit to be so obliging as to inform the Senate, in my hearing, on what occasions the State whose representative I stand here has forborne to observe, or has broken, the compromises of the constitution, he will find in me a combatant upon that question.

MR. BUTLER. I take the liberty to ask the gentleman if, in every respect, she has sustained the laws of the United States?

MR. WEBSTER. I have not yielded the floor, sir.

MR. BUTLER. I asked the question in good faith.

MR. WEBSTER. I do not doubt it. I will yield the floor with great pleasure if the senator desires, (taking his seat.)

MR. BUTLER. I understood the senator to ask me whether the State of Massachusetts——

MR. WEBSTER (in his seat.) No, sir.

MR. WEBSTER. My opinion is, then, if the senator asked my judgment——

MR. CALHOUN (in his seat.) He did not ask you.

MR. BUTLER. Then I beg your pardon, sir, for the interruption.

MR. WEBSTER. I have not the least objection, sir. I did not make a point of this. I will hear the gentleman with the greatest respect—the respect which I always feel for him. All that I mean to say is, that if he is prepared to reduce what seemed to be a general charge to a particular charge and if he shall undertake to specify or particularize any case in which the legislature of the State whose representative I am here has forborne to observe, or has broken, or attempted to break or violate the compromise of the constitution, it will be my duty to meet that question, and defend the State in which I live. I do not intend to go into that, sir, at all at present. Other States can answer for themselves.

Mr. President, it is of some importance that we should seek to have clear ideas and correct notions of the question which this amendment of the honorable senator from Wisconsin presents to us; and especially that we should seek to get some conception of what is meant by the proposition in a law to "extend the constitution of the United States to a territory." Why, the thing is utterly impossible. All the legislatures in the world, in this general form, could not accomplish it; there is no congruity; there is no case for the action of legislative power in such a manner as that. The constitution—why, what is it? We extend the constitution of the United States, by law, to a territory! Well, what is the constitution of the United States? What is its very first principle? Why, is it not that all within its influence and comprehension shall be represented in the legislature which it establishes; shall have not only a right of debate, but a right of vote; that all have representation in both houses of the legislature? Is not that the fundamental principle of the constitution? Does it not all rest upon that? Can we, by law, extend that to a territory of the United States? Everybody will see that it is altogether impracticable.

Well, the amendment goes on in the same way, and says, further, that the revenue laws shall, as far as they are suitable, be applied in the territories. Now, I should like to know whether that qualification of the honorable member as he understands it applies, as far as it is suitable, to the constitution itself; or whether he understands that qualification as applicable only to the revenue laws of the United States which he proposes to establish in the territory. Does the expression, "as far as suitable," apply to the constitution or the revenue laws, or both?

MR. WALKER. I would say this, sir; that whatever may have been said in the discussion of that point, it certainly was not my meaning to frame the amendment to extend the constitution to this territory in those respects in which it may be inapplicable.

MR. WEBSTER. Then it comes to this: that the constitution, as far as practicable is to be extended to the territory; and how far it is practicable, is to be left to the President of the United States; and therefore, the President of the United States, after it is a territory, is an absolute despot over that territory. He is the judge of what is suitable and of what is unsuitable; and what he thinks suitable he applies, and what he thinks unsuitable he refuses to apply. He is *omnis in hoc*. It is to say in general terms that the President of the United States shall govern this territory as he sees fit until Congress makes further provision. If that be it, it is exactly leaving the territory under the military rule which now subsists over it. The President may make the custom-houses, as attempted in the case of Florida, but the amendment leaves everything exactly where it is.

Now, if the gentleman will be kind enough to tell me what principles of the constitution he supposes suitable—what distinction he will draw between the suitable and unsuitable, as applying to California—I shall be better instructed; but let me only say, sir, that in its general sense there is no such thing as extending the constitution of the United States over a Territory. The constitution of the United States is established over the United States, and over nothing else. It can be established over nothing else than the existing States and over new States that shall come in hereafter. When they do come in, they then come under the constitution. There is a confusion of ideas, and in this respect, which is quite remarkable among intelligent gentleman, and especially among professional and judicial characters. It seems to be taken for granted, that the right of trial by jury, of *habeas corpus*, and everything in the constitution of the United States designed to protect personal liberty, by force of the constitution, is extended over all acquired territory. That cannot be maintained; that proposition cannot be maintained at all. How do you arrive at it? Why, sir, by the closest of all possible inference. It is asked, is it possible that those of our fellow citizens are not entitled to the writ of habeas corpus and trial by jury? Yes, sir, it is very possible, and very true; it is exactly so, until the legislation of Congress gives them a form of government that takes with it and maintains those general principles of public liberty.—Why, if the ideas of some gentlemen, the hopes of some persons, were realized, and Cuba were to become a possession of the United States to-morrow, does any body suppose that the habeas corpus and trial by jury attaches itself to Cuba? Why any more, let me ask?—and let me ask, especially, the honorable Senator from South Carolina—why are they entitled to these rights any more than to our election laws and political franchises—popular franchises? Sir, the whole authority of Congress on the subject is comprised in that very short provision, that Congress shall have power to make all needful rules and regulations respecting the Territories of the United States. The word is "territory;" for it is quite evident that the compromises, of the constitution looked to no new acquisitions to form new territories; but as they have been acquired from time to time, new territories have been regarded as within that general scope and provision of the constitution, and are all governed by that. We have never had a territory yet, governed as the United States are governed, either in respect to taxation, or in respect to representation, or judicature, or legislature, or anything else; but they have always had a constitution peculiar to themselves, supposed to be appropriate to their condition, and which constitution is the law of Congress establishing a territorial government; and that government may be one way, or it may be another. I need not say, and do not say, that while we sit here to legislate and pass laws for the Territories, we are not bound by every one of the great principles of public liberty which were incorporated in our constitution, and made the foundation upon which it rests. We would be unjust to ourselves, to the spirit of the constitution, to the cause of liberty and good government, if we failed to observe with religious scrupulousness, in the formation of a Territorial government, any one of these great, free, liberal, popular conservative principles. These are the considerations that are to operate upon us in passing the law. These principles do not or cannot in their own authority *proprio vigore* attach to Cuba or any cession of territory made, because upon a cession of territory to the United States, that territory does not become a part of the United States.

I propose, sir, not to pursue this discussion, but I do ask gentlemen, who are in the habit of discrimination—I ask the honorable senator from South Carolina, particularly—to distinguish between the great principles that ought to govern us, while we pass laws for the government of territories, and those principles which are inherent in our own system at home—part and parcel of the authority under which we act, and from which we are not at liberty in any case to depart. It seems to me that we may take any part of the constitution of the United States that we think applicable to the territory, and enact that it shall be a law of the territory. It will be, but it will stand upon the enactment—upon the authority of the act of Congress, and not upon the general authority of the constitution of the United States—because it is as clear as daylight that the constitution of the United States makes no provision whatever for the government of the territories, except that provision which leaves it all to the discretion of Congress, regarding them as not of the United States, not a part and portion of the United States, but as a territory owned by the United States and the Union established under the constitution.

MR. CALHOUN. Mr. President, I rise to detain the Senate but for a few minutes with a view to make a remark upon the proposition advanced by the senator from New Jersey, [Mr. Dayton,] endorsed in full by the senator from New Hampshire, [Mr. Hale,] and partially endorsed by the senator from Massachusetts, [Mr. Webster,] that the constitution of the United States does not extend to territories. Now, sir, I am very happy to hear this proposition, for it will have the effect to narrow to a great extent the controversy between the North and South as regards the slave question in connection with the territories. It is an implied admission on the part of these gentlemen, that if the constitution extends to the territories, it will protect the slave property of the South within their limits. It will place it under the shield of the constitution, and you can put no other interpretation upon the opposition which gentlemen have made to the extension of the constitution over the territories of the United States. Then the simple question is, does the constitution of the United States extend to the Territories? Why, sir, the constitution interprets itself; it pronounces itself to be the "supreme law of the land."

MR. WEBSTER, (in his seat.) What land?

MR. CALHOUN. "The land." The land [belonging] to the United States, or the territories of the United States as a part of the land. Not the supreme law of the State only; wherever our flag goes, wherever our authority goes, the constitution, in part—in all its suitable parts—goes. Why, sir, can we have authority beyond the constitution? I put the question to the honorable gentleman—if the constitution does not go there? Are not we subject to the constitution? Is not the existence of Congress itself dependent upon the constitution? Would it not be annihilated with the constitution? And shall we, the creature of the constitution, pretend that we have an authority beyond the reach of the constitution?—Sir, I was told a few days since, that the Supreme Court of the United States had made a decision that the constitution did not extend to the territories but by act of Congress. I was incredulous and I am now incredulous, that any tribunal pretending to have a knowledge of our system of government should announce such a monstrous absurdity. Such a decision as that would be a significant omen. But sir, I for one, say it ought not, and never can prevail.—The territories belong to us. They are ours, as representatives of the States of the Union. We are the representatives of the States of the Union, and whatever authority the United States can exercise in the constitution must be exercised by us. It is by the authority of the constitution that they have become ours. Sir, there are some questions that do not admit of argument. This is one of them. The mere statement carries with it the conclusion.

I rejoice, then, to hear gentlemen by implication acknowledge that if the constitution be there, we are under its shield. The South want no higher or stronger position to stand upon. You have put us upon high grounds. You have admitted that the only means of defending your claims, and refusing ours, is to deny the existence of the constitution in the Territories. The gentleman from Massachusetts, I said, only partially acknowledges it. He acknowledges that the great fundamental principles of our government may be carried there. He is right in that. Now, sir, is there a more fundamental principle than this—that this is a federal Union; that the States, as parties to the Union, are States to which the territory belongs in their federal capacity? Is there a more fundamental principle than this—that there is a perfect equality between the members of the federal Union in all respects? There can be none, sir. The constitution forbids all discrimination which would subject one portion of the Union—nearly half the entire number—to the other portion, upon any question.

Sir, I will not dwell upon this longer. I am ready to listen, if gentlemen choose to go on and show us by what ingenuity they can make out their case. It is a mere assertion to say that the condition does not extend to the territories. Prove that proposition. Prove that it does not extend; that it is incapable of being extended.

I hold the whole course of this debate to be triumphant upon that point. We are put upon higher grounds. It has narrowed the difference, and reduced it to a single point. The true difference will be more easily understood by the community when it is admitted that we can only be ousted by ousting the constitution.

MR. DOUGLAS obtained the floor, but gave way to Mr. Webster. I am sorry to be in your way, sir, (to Mr. Douglas,) but I should be very glad to have an opportunity to reply to the senator from South Carolina last speaking. The honorable gentleman alludes to some decisions of the Supreme Court, as affirming that the constitution of the United States does not extend to the Territories of the United States, and he says that he regards it as very extraordinary.

MR. CALHOUN. I said that I was told of them, but I was incredulous of the fact.

MR. WEBSTER. Well, sir I can remove the gentleman's incredulity; for the same thing has been decided in the Supreme Court of the United States for the last thirty years.

MR. BUTLER asked for an instance.

MR. WEBSTER. In five minutes' recollection I could give you half a dozen.

MR. BUTLER. The case of Tanter?

MR. WEBSTER. That is one. I am somewhat surprised at his remarks; for I can tell the honorable senator from South Carolina, that in forming this judgment upon the courts of the United States, supposing them to have come to such a decision, he forms, as I can very readily convince him, an equally unfavorable judgement of his own repeated acts in both houses of Congress. Now sir, the constitution of the United States, the gentleman argues extends over the territories. What parts of them? How does it get there? Most especially, for a gentleman so distinguished among the strict constructionists of the country, to maintain that the constitution of the United States extends over the territories, without showing any clause of the constitution any way leading to that result, or from which such a result could in any way be inferred, increases in my mind, the surprise.

One idea further, sir, upon that branch of the subject. The constitution of the United States extends over the territories, and no other law existing there! I beg to know, sir, how any political government would get on without any other authority over it than such as is created by the constitution of the United States? Does the constitution of the United States settle titles to land? Does it settle rights of property? Does it ascertain the law of marriage? Does it fix the relation of parent and child, guardian and ward? Not one of them, sir. The constitution of the United States establishes what the gentleman calls a confederation for certain great purposes, leaving all the great mass of law which is to govern society to derive their existence from State fountains. That is the just view of the state of things under the constitution. A State or Territory that had no law but such as it could derive from the constitution of the United States, would be entirely without any state or territorial government. But further, sir, the honorable gentleman has been in Congress these thirty years, and is, therefore, conversant with every subject.

I mean, of course, to except the time when, so much to the advantage of the country, he has been employed in another branch of the government.—He has assisted in the establishment of these territorial government from time to time—seen them always—assented to them always. Now, the honorable gentlemen knows that the Congress of the United States have established provisions respecting the Territories utterly repugnant to the constitution of the United States. I will mention one that was alluded to just now by the Honorable Senator from New Hampshire—that the constitution of the United States provides for the United States independent judiciary. Every judge of every court of the United States holds his commission and his office upon the tenure of good behaviour. No judge in any one of the Territories which the honorable Senator has himself contributed to establish ever held his office upon such a tenure. He holds it for a term of years, or holds it removable at executive discretion.

MR. DAYTON. How is it about Wisconsin?

MR. WEBSTER. I do not know particularly about Wisconsin, but I remember Gen. Jackson turned out the judges up in Michigan, which was pretty near Wisconsin. [Laughter.] The tenures were all for a term of years. Now, sir, how did we govern Louisiana before it was a State?—Did the writ of habeas corpus exist in Louisiana before its territorial government? Did the right of trial by jury? Who ever heard of trial by jury in Louisiana before it became a State, or before the law creating a territory gave it a right of trial by jury? Nobody, sir, *nobody*. It is well for us to look to our history. I do not believe that there is any new light now to be thrown upon the history of the proceedings of this government in relation to that matter. The history of this government has shown that when new territory has been obtained by acquisition from foreign nations, that territory has been given, by Congress, such laws as Congress should pass for its immediate government—such laws as Congress should pass for its government during its territorial existence during the preparatory state in which it should remain until it was fit to come in as one of the family of States.

Mr. President, the honorable Senator argues that the constitution declares itself the law of the land, and therefore must pervade the territories. "The land," I take it, sir means the land over which the constitution was established; or, in other words, it means the U. States, united under the constitution: but does not the gentleman see at once that that argument would prove a great deal too much? The constitution no more says that the constitution itself shall be the supreme law of the land, than it says that the laws of Congress shall be the supreme law of the land. They are both in the same position. "This constitution, and the laws of Congress passed under it, shall be," says the constitution, "the supreme law of the land."

MR. CALHOUN. The laws of Congress made in pursuance of its provisions.

MR. WEBSTER. Very well; I suppose the custom-house laws are made in pursuance of the constitution. The honorable member does not deny that. If the constitution, because it is the supreme law of the land, goes to these territories, then the custom house laws go with it. Under the same provision, the constitution shall be the law of the land.

The laws, also, of Congress, made in pursuance of the constitution, are the law of the land, and no legislation upon the subject is necessary. The gentleman's argument proves that the moment a territory is attached to the United States, all the Laws of Congress, as the constitution of the U. States, become the governing rule of men's conduct, and the rights of men, because they are the laws of the land. The laws of Congress are to be the supreme law of the land as well as the constitution. Sir, this is a course of reasoning that cannot be maintained.

Suppose, sir, the Crown of Great Britain should make a conquest and it has made many—who ever heard it contended that the constitution of England or the supreme power of Parliament, because it is the supreme law of the land, was extended over these colonies until extended by legislation?—Why, sir, the whole history of the colonial conquests of England shows exactly the reverse to be the case.

The right of government, until a civil government is provided by Parliament, exists only as a military power, to be enforced by military means, under Executive authority. It is subject to the control of Parliament, and Parliament may make all laws which it deems necessary and proper to be made; but a colony never falls under the general dominion of the existing English laws until such provisions is made. Well, it is exactly in the same strain of political events—it is exactly upon the basis of the same principle that we have adopted the constitutional principle that a territory becoming the property of the United States, or coming to belong to the United States by acquisition or cession, remains, as we have no *jus colonia*, to be taken possession of in the first place by Congress, and then to be governed exactly as Congress may prescribe.

MR. CALHOUN. I will be very short and I trust decisive, in my reply. The Senator's first objection is, as I understand it, that, I show no authority by which the constitution is extended to the territories. Well sir, I ask the Senator if I did not inquire how did Congress get any power over the territories?

MR. WEBSTER. By that provision of the constitution which provides that "Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

MR. CALHOUN. Then to that extent at least the Senator admits that the constitution extends to the territories, in direct contradiction to the assertion that it does not extend to them.

MR. WEBSTER. To be sure it does; the power to make laws.

MR. CALHOUN. The Senator says, in making laws. I answer not laws in reference to the government of the territory, but in reference to it as property, for it expressly unites territory with other property of the United States, showing that it regards territory simply as property, and gives Congress only the power of regulating it as such.—Now, I ask the Senator where does he get the power to establish a territorial government, if the constitution extends to territory only to the extent of regulating it as property?

Where, then, do you get your legislative power over territories? I repeat, how do you extend the authority of Congress to the territories, when the existence of Congress depends upon the constitution? Can any one answer me? And yet the Senator said I assigned no reason for it. I assigned the strongest reason—that if the constitution does not extend there, you have no right to legislate there.

His next point is that the constitution is confined exclusively to the States, and he was surprised to hear from me the rule laid down upon the subject. He stated that the constitution of itself cannot execute itself; it requires the government.—I never asserted that the constitution could execute itself without a government. It can no more execute itself within the States without a government, than beyond the States without a government. It requires human agency to support it every where. I say nothing as to that.

His next objection is that all the provisions of the constitution do not extend to the territories;—and he mentions the case of judges, appointed for a term of years in the territories, and the constitution requires that judges of the Supreme and inferior courts shall hold their tenure during good behavior. He says that this proves that these judges do not come under the provisions of the constitution.

MR. WEBSTER. So far as an appeal lies from them, they are inferior courts.

MR. CALHOUN. So an appeal lies from the State courts, and many of the judges of the State courts do not hold their tenure for a term of years. Are they, too, inferior courts within the meaning of the constitution? Now, sir, whether the Congress of the United States has a right to fix the legal tenure of the judges or not, I do not pretend to say. It may be that Congress has stretched its power beyond the constitution, or it may be that the courts have decided erroneously. That is a question unnecessary for me to decide. I never asserted that the whole constitution extends itself to the territories. Many of its provisions are inapplicable to the territories. The greater portion was intended to provide for the special legislation of the States composing the Union. But many provisions do extend to the territories.

He says there is nothing in my argument declaring the constitution to be the supreme law of the land, because it also provides that laws made in pursuance of it are also the supreme law of the land; and in illustration of that position, he asserted that if such was the case, it would be unnecessary to establish custom house laws in California as this bill proposes, as the existing custom house laws would be extended as a matter of course. In reply, I state that, according to my impression, all the custom house laws have a local character, and are enacted in reference to particular places by name. Am I right in this impression? [Several Senators. "Yes."] They, then, from their nature, cannot be extended to California without special legislation for the purpose.

I do not remember whether the Senator has made any other objection. I have noticed them all, I think. If I have not, I shall be very glad to be reminded of any other, for I listened attentively to his remarks.

I do not need to make out a case. No, sir, the proposition that the constitution of the U. States extends to the territories, as far as it can be applicable to them, is so clear that even the great talents of the Senator from Massachusetts himself, (Mr. Webster,) cannot maintain the opposite.

It may be, indeed, doubtful what particular provisions of the constitution are or are not to be extended to territories in many cases. But there is one entire class in reference to which there can be no doubt. I refer to those provisions which prohibit Congress from enacting certain laws in any case whatever. Among them, I ask the Senator whether Congress has the power to enact any laws with respect to religion in the territories which the constitution expressly forbids? It also forbids the establishment of an order of nobility. I ask, can Congress establish any such an order in the territories? I might go on and repeat many such questions, to all of which there can be but one reply—that it cannot. This class of restrictions, then, upon the power of Congress, must be admitted to extend to the territories, and if they may, why may not the power of Congress, when applicable, be also extended? No good reason can be assigned.

Sir, I do not deem it necessary to dwell longer upon the point. I should be happy to hear any explanation from the Senator.

MR. WEBSTER. I will detain the Senate but a single moment, sir. The great question is this—the precise question is this: Whether a territory, when it remains in a territorial state, is a part of the United States? I maintain that it is not; and there is not a stronger proof of what has been the idea of government in that respect than that to which I alluded, and which has drawn the honorable Senator's attention. Now, let us see how that stands. The judicial power of the United States is declared by the constitution to be "vested in one Supreme Court, and in such inferior courts as Congress shall, from time to time, ordain and establish." The whole judicial power of the United States, therefore, is in these courts; and the constitution declares that "all judges of these courts shall hold their office during good behavior."—Well, then, the gentleman must admit that the legislation of Congress heretofore has not been altogether in error; that those territorial courts do not constitute a part of the judicial power of the United States—as they certainly do not; because the whole judicial power of the United States has to be vested in one Supreme Court, and in such inferior courts as Congress shall establish, and the judges of all those courts are to have a life tenure in their offices; and we do not give such life tenure, and never did, to the judges of any territorial courts. That has gone upon the presumption and true idea, as I suppose, that the Territories are not within any part of the United States, but are subject to their legislation. But where did they get this power? Why, I have stated that the constitution says it may make all needful rules and regulations respecting territories—and it is on that clause, and that clause only, that the legislation of Congress respecting Territories has been conducted; and it is apparent, from all our history, that no other provision was intended for Territorial governments, inasmuch as it is highly probable—I think certain—that no acquisition of foreign territory was ever contemplated.

And again, there is another remarkable instance. The honorable gentleman, and his friends who act with him on these subjects, hold that the power of internal improvements within the United States does not belong to Congress. They deny that we can pass such a law for internal improvements in any of the State of the Union, while they all admit that the moment we go out of a State into a Territory, we may make just as many improvements as we choose. There is not a gentleman on that side of the chamber who has not, time and again, voted public money out of the public treasury for internal improvements out of the Union and in Territories; but does not that prove, that in the conception of gentlemen, they are no parts of the Union.

Sir there is no end to the illustrations which may be brought upon this subject; history is full of them: history uniform in its course. It began with the case of Louisiana. It went on after Florida became a part of the Union; and in all cases, under all circumstances, by every proceeding of Congress upon the subject, and by all judicature upon the subject, it has been held that the territories belonging to the United States were to be governed by a constitution of their own; and in the approving of that constitution, the legislation of Congress was not necessarily confined to those principles which bind it when it is exercised in passing laws for the United States themselves.—But sir, I take leave of the subject.

MR. CALHOUN. The Senator has undertaken to reply to my answer by maintaining that the territories form no part of the United States. I had supposed that all the territorial possessions that we have within the limits of the United States had constituted a part.

MR. WEBSTER. Never!

MR. CALHOUN. The constitution expressly declares they belong to the United States.

MR. WEBSTER. That is a very different thing. A colony of Great Britain belongs to England.

MR. CALHOUN. As they belong to the U. States they must have exclusive authority over them; and as this government is the sole representative of the United States, it of necessity must possess whatever legislative power can be exercised over the territories. It is, then, as belonging to the U. States that we derive, under the constitution, the power of legislating over the territories. Now, as the constitution, creates the United States, and as it is the bond of the Union which makes the United States, it is manifest that the authority of the United States cannot be extended to the territories unless the constitution extends to them. The opposite view would be absurd, as it presupposes that the government of the United States could legislate over a territory which does not belong to the United States.

The Senator has again alluded to the courts of the United States in illustration of the position which he has taken, in this respect, substantially the same ground which he did when he was previously up; and I am content with the answer which I made in reply to it when last up, without undertaking to combat it with any other. In order to show that there is a difference between the power of Congress in the States and in the Territories, he has referred to the subject of internal improvements, and asserted that there is not a member of this body, however opposed to internal improvements within the States, who hesitated to vote for internal improvements in the Territories. I admit there is a great difference as to the power of Congress in legislating within the States, and within the Territories. The Senator is surely mistaken in asserting that while many objected to the exercise of the power referred to, none objected to its exercise in the Territories. I, myself, although I admit that this government, considered as a proprietor, might contribute to improvements made through its lands, to the extent they are benefitted, deny that we have any more right to appropriate money in Territories than we have in the States. The question, however, of appropriating money for internal improvements, turns upon the interpretation of the provision in the constitution relative to laying taxes and appropriating money, and of course comes under an entirely different category. But there are many of my friends on this side who take a much more restrictive view of the power of internal improvements in Territories than I do, and who believe them to be unconstitutional in all cases.

Upon review of this discussion I feel that I am justified in asserting that the proposition that the constitution does not extend to the Territories is so utterly indefensible, that all the ingenuity and powers of the Senator has not been able to maintain it, or render it plausible.

I conclude by adding, as a sum total of the argument, that the South cannot be deprived of the rights she claims in the Territories, without being deprived of the protection which the constitution throws about her.

MR. STANLY'S SPEECH,

Upon the Slavery Resolutions, passed by the last General Assembly.

ELIZABETH CITY, Feb. 22, 1849.

Through the kindness of a friend, my attention was called, a few days ago, to a Speech delivered in the House of Commons, by the Hon. Edward Stanly. The tone and character of this Speech, surprised me very much; for whilst it professes to discuss the slavery Resolutions, it was evidently intended solely as an attack upon me, for having voted against Mr. Badger, for Senator. I had heard, previously to my leaving Raleigh, that the Honorable gentleman, in the fury of his zeal for Mr. Badger, had delivered one of his characteristic speeches, in which I had not been spared; but I felt so little interest in the matter, that I would most probably have remained in ignorance of the harm done me, if my attention had not been accidentally called to the published Speech. Nor would I now notice the subject, if it were not to set the gentleman right in one particular, viz: my vote for Mr. Rayner in preference to Mr. Badger. At the time of my vote for Mr. Rayner for Senator, I was ignorant "that he entertained the same opinions as those of Mr. Badger, upon the Compromise bill," which this published speech alleges to be the fact. I had been informed previously to the Senatorial election, that Mr. Rayner, whilst in Congress, had delivered a Speech, in which he took the ground that it was unconstitutional in the Federal Government to abolish Slavery in the district of Columbia, and it was, I think, a very fair inference of mine, that if it was unconstitutional for Congress to prohibit slavery in the District of Columbia, over which it has exclusive jurisdiction, it would likewise be unconstitutional to prohibit slavery in a Territory over which it has a very limited jurisdiction. I mention this circumstance as explanatory of my vote for Mr. Rayner in preference to Mr. Badger, and to exonerate myself from the charge of being influenced by personal hostility to the latter gentleman. I entertain now, and never have entertained any feelings of hostility towards Mr. Badger, and whilst I am under no obligation to prefer him to all others, I am not disposed to deny him any thing to which he is fairly and honestly entitled.

Previously to my leaving home for the Legislature, the opinion entertained in this section of country, so far as I heard any opinion expressed, was, that Mr. Badger's vote and speech upon the Compromise Bill, constituted a great objection to his re-election to the United States Senate; this opinion I heard reiterated very generally in Raleigh, and by at least two Whig members of Congress. I am not disposed to go into a history of the Senatorial election, or to express an opinion of the manner in which the result was brought about. The friends of Mr. Badger succeeded in the contest, and I have no disposition to disturb their self-complacency. I was not a candidate for the station, and positively refused to permit my name to be placed in nomination. Mr. Stanly, in his speech, mistakes epithets for arguments, and alludes to me as Mr. Senatorial. I know no reason why I have not as much right to aspire to the Senate as other gentlemen. I have served the people for the last twenty years, in a legislative capacity, if not with as much ability, with at least as much zeal as any of them. On this occasion, however I was not an aspirant, and the friends of Mr. Badger must seek some other protection for him, against the Resolutions of the Legislature. Personalities are always a proof of weakness, and at best they are an unfair and ungenerous mode of argument. Were I to imitate the temper of Mr. Stanly's speech, and endeavor to impugn the motives of his ardent patriotism, which advocates a construction of the constitution, at the eminent risk of our great Southern institution, I too might use an epithet, and call him *Mr. Would-be-Foreign-Minister*. This would be no argument against his speech, and would be attributing to him motives of action, of which I believe him to be entirely unconscious. I signed his recommendation to the President, Gen. Taylor, for a Foreign Mission, with the greatest pleasure; nor am I disposed to impeach his motives because he aspires to an office to which he is fairly entitled by his talents and his services.

Those papers which have published Mr. Stanly's speech will confer a favor on the subscriber by publishing this explanatory Card.

WILL: B. SHEPARD.

SOME TRUTH.

Major Noah of the *Sunday Times*, always correct upon the subject of southern rights, has the following upon the abolition feeling of the Northern States:

"A GLANCE AT BOTH SIDES.—The Philadelphia Bulletin, a highly respectable paper, in running over its exchanges, came suddenly upon the following paragraph from a New Orleans paper:

At a sale of negroes by Thomas M. Hume, Esq. yesterday morning, north of the Exchange, prime negro woman sold singly at $500, and negro men (cotton hands) ranged from $600 to $650. This is a substantial evidence that there is a steady demand for this species of property in our city, and at fair prices.

"The worthy editor, on perusing the above, said it sounded quite strange to northern ears, for it brought vividly before him the reality of slavery, with its degradation. It also exhibited, he said, in its more forcible light, the difference between the southern and northern social systems, and he seemed to be quite uneasy and fretful in reading such announcements. We do not of course wish to wound the sensibility of our Philadelphia colleague, but desire to bring to his view something similar, not at the south, but very near to his own office, where he is now engaged in writing in the Quaker-City. The following we copy from Doctor Franklin's Gazette of Sept. 26, 1754:

To be Sold—A likely negro woman, that can wash, iron and cook extraordinary well, and understands all sorts of housework, and has had the small pox and measles. She is sold for no fault, but for want of employment—her mistress being dead. Enquire at the new printing office.

To be Sold—A likely negro woman. She can wash, iron, cook and do housework. Enquire at the new printing office.

"Suppose we give a few items to the worthy editor nearer home—here in the city of New-York. In 1676, the Common Council passed a law against 'the revels of Indian and negro slaves at inns'—showing that slavery existed among Indians as well as blacks. In 1683, it was decreed that not more than four Indian or negro slaves may assemble together, and at no time to bear any fire arms. If 'slaves, negroes and Indians' were found out too late at night in noisy gambols, they were to be whipped, and to pay the church-wardens three shillings. In 1764, the coffee-house at the foot of Wall street was the place designated to sell slaves. In no colony of the Union did slavery more generally prevail than in that of New York. Among the advertisements in 1760, we find the following:

For Sale—A parcel of fine young slaves, just imported in the schooner Catharine, from the coast of Africa, and for sale at Moat's wharf, by Thos. Randall and I. Alexander.

"We may as well state that we believe Thomas Randall was the Capt. Randall who owned all the Sailor's Snug Harbor leases, and who made his money in the slave-trade. Conscientiously, no abolitionist should live in one of the houses built with slave money; but not one will remove on that account, we dare say.

"To the sympathies of England we owe the abolition agitation in this country—with what sincerity, we may gather from the fact that England was the parent and founder of the slave-trade in this country. In the official instructions to Governor Cornbury, he is enjoined to encourage trade and traders, '*particularly to the Royal African Company of England*,' and recommending said company to take special care that the province of New York may have a constant and sufficient supply of *merchantable negroes at moderate rates*; and in addition to this protection of the slave-trade, his lordship is instructed to 'take especial care that God Almighty be devoutly served, and to grant liberty of conscience to all persons except papists!'

"Every political abolitionist in this country is *de facto* a British agent, laboring to carry out the great project of that Government in dividing the Union—so that the southern republic, not being manufacturing may take British goods in exchange for their cotton; and strange to say, the manufacturers of New England themselves are active in pushing on this agaitation, without exactly seeing the finger that is guiding it, or the object in view. In addition, England is endeavouring, by every pecuniary encouragement, to erect Canada into an asylum for runaway slaves; and there are at this moment in Congress men legislating to give certain commercial privileges to Canada, with the ultimate hope that she may be finally annexed to the Union as northern free states to keep up the preponderance against the south, and finally to create a northern confederacy. England may before long regret her interference in the affairs of this country."

NEW YORK, March 3, 1849.

The Steamer Crescent City arrived here to-d from Chagres. She brings no Gold. At the t of her departure there were over one thousand p sengers waiting at Panama to cross the Isthm They are charged two dollars per day for board The ship Lexington has taken a half million dollars' worth of Gold dust to Valparaiso, to be me into bars, and sent to the United States, via P ma. The steamer Falcon arrived at Havana the 27th February.