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MR. BADGER'S SPEECH.

IN SENATE OF THE UNITED STATES, JULY 26, 1848. The bill to establish the Territorial Governments of Oregon, New Mexico, and California...

Mr. Badger said: I am sorry that my honorable friend who reported this bill, (Mr. Clayton) felt himself compelled, by considerations of duty...

Now, to those who are interested in such matters, it may be somewhat interesting to learn that, in this speech, distributed in North Carolina about the middle of this month, and delivered as stated on its face, on the first day of July...

My honorable friend from Ohio, (Mr. Clayton) says that no intention was announced to press this measure through in haste. If by that he means that no such intention was had, he is undoubtedly correct.

Mr. Clayton is very contradictory. The gentleman does not recollect that after the Senator from Maryland, (Mr. Anthony) who was exhausted and unwell, died the Senate adjourned...

there should have been shown no disposition to put off any question by a discussion of the question, by pressing a vote here until the physical energies of the Senate should be broken down...

Mr. President, in the history of June, in this present year of celebration, one thousand eight hundred and forty-eight, a speech was delivered by an honorable member of the other house...

A distinguished Senator from my own State, (Mr. Badger), a gentleman of high attainments and extended reputation, in a recent speech on the Oregon bill, admitted the right of Congress to legislate for the exclusion of slavery in the Territories...

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argument, and show that this Government had a right to acquire territory, and whence that right is derived. Upon this point different opinions have been expressed. My friend from Massachusetts, (Mr. Davis), in a very able speech on this subject, treated this as a *casus belli* in the Constitution...

Mr. President, the opinions I have expressed do not depend on any reasoning of my own, but without referring to the precedents which have been furnished by the past history of the Government...

The Constitution confers absolutely on the Government of the Union the power of making war and of making treaties; consequently, that Government possesses the power of acquiring territory either by conquest or by treaty.

Now, it seems to me that the position of those gentlemen who maintain that the Constitution of the United States does not authorize the acquisition of territory by conquest or by treaty...

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do gentlemen find ground for the conclusion that, although Congress has the power to govern these territories in every other particular, it has no power to govern them in regard to this particular institution? If the conclusion were right, would it not follow, that to introduce slavery in as much beyond the power of Congress as to exclude it?

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hood of a territory, whether it forms a part of the whole of a foreign nation—whether subdued by arms or ceded by treaty—no laws are repealed except those which are inconsistent with the relations which the subjugated people bear to their new sovereign; that such acquisition implies only a change of opinion and allegiance—transfer of legislative authority and executive control; and that all laws not necessarily inconsistent therewith, remain in full force until the new sovereign shall modify, alter, or abolish.

The fundamental regulation that determines the manner in which the public authority is to be exercised, is what forms the Constitution of the State. In this is seen the form in which the nation acts, in quality of a body politic, how and by whom the people are to be governed, and what are the rights and duties of the Governor.

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Missouri compromise, excluding slavery from the territory north and west, was agreed to; and so far were southern members from having discovered, at that time, that Congress had no power over the subject, the amendment was adopted apparently without a division, at all events, without the yeas and nays; no southern member appearing to have thought it necessary or important to record his vote.

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