

# RALEIGH REGISTER

## AND NORTH-CAROLINA GAZETTE.

"Ours are the plans of fair delightful peace, unwarped by party rage, to live like brothers."

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### DEBATE IN THE SENATE

On the Michigan Admission Bill.

#### REMARKS OF MR. STRANGE (of N. C.)

Mr. STRANGE said he was gratified that the Senator from South Carolina had addressed the Senate; for he had a very high respect for his abilities, and, from some intimations he had casually thrown out, he was apprehensive that, in retaining the Preamble, the Senate was falling into some unperceived but dangerous error. But we have now heard all that the Senator has to say upon this important subject, and he has utterly failed to convince us of error in a single proposition about which we differed. This was not for want of ability in the honorable Senator, but was entirely owing to the cause he advocated—to his being on the wrong side of the question. The most powerful intellect can never long make head against truth. Mr. S. said he had as high a regard as the gentleman, for the institutions of their common country—admired as much the wisdom of their organization, and cherished toward them as deep an affection. He was far from believing time misspent in this body which was employed in the discussion of great Constitutional questions, and was never sorry to see the talent of the Senate arrayed upon different sides of interesting propositions. The having them presented in all their various bearings and points of view, and sifted and examined with care and ability, was very friendly to the ascertainment of truth. It had been adverted to in this House, that some of its members had been recently transferred hither from judicial stations in their respective States, and he had himself the honor to be among the number; and he would take the liberty of stating, as one of the results of his official experience, that the failure of an able lawyer was nearly as good evidence of the unsoundness of his position, as the strength of argument brought to bear against it by the opposing counsel; and so, on the present occasion, having listened to the unsuccessful efforts of the able Senator from South Carolina, to overthrow the positions he had assumed in the early part of this debate, it had but inspired him with renewed confidence in their soundness.

The Senator has in the first place assailed the preamble to this bill on account of its inconsistency with the votes, at the last session of Congress, of its present advocates. Upon this point Mr. S. had nothing to say. Those of whom this predicament was supposed, were doubtless well able to vindicate themselves; but for his part, he had not then had the honor of a seat in this body, & consequently stood entirely uncommitted to any of its doings. But it was farther urged that Michigan was a State, and that those who disputed it did so in the face of a record—for that the act of Congress, passed at the last session, expressly declared her to be a State. But said Mr. S. I deny her to be a State, without any apprehension of being overborne by any such record as that referred to by the gentleman. If there was such an act as the one described by the Senator, he would not question its existence, nor would he indeed put him to the proof that there was such a record. But what the record would prove, when produced, was an altogether different matter, and he denied that any act of Congress, however broadly it might assert it, could prove the existence of a State under the circumstances stated in the case of Michigan; it was altogether incompetent to the proof of such a fact. Here Mr. S. took leave to remark that it was with great reluctance he had embarked so deeply in this debate: but he had been induced at an early period to state a few propositions which had been denounced as dangerous and revolutionary in their tendency. He would never venture on this floor to state any thing as his deliberate conviction, which had not been duly considered by him. He might sometimes throw out crude suggestions, with a view to draw out others, or bring their attention to the subject; but on such occasions he would always present them as hasty impulses of the passing moment; but when he had gone so far as to make a deliberate assertion, he trusted he should always be

found ready to maintain his position.—He had asserted that Michigan was not a State, and this he stood ready to prove. It is not denied that the land covered by Michigan was once the property of the Union; and it is a principle of law which he presumed no Senator would deny, that things continuous in their nature are always presumed to remain the same, unless the contrary is shown. If, then, the territory embraced in Michigan was once the property of this Union, it continues to be so until gentlemen show us the where, the when, and the how of its cessation. They say it ceased to be so by virtue of the act of Congress of the last session. I deny the authority of Congress to pass such an act. If they have passed such an act, it is a nullity. When an act of Congress comes in collision with the Constitution, it comes in contact with a power which annihilates it; as though it had never existed. It is a dead letter. The Constitution gives authority to Congress to create a State for no other purpose but admission into the Union; and whenever Congress passes an act creating a State, without at the same time admitting it into the Union, that act is a nullity. Indeed, if the matter were *res integra*, if it were a new question, it might be seriously debated whether Congress can create a State even for the purpose of admission into the Union. But I will not deny that it has been the practice to do so, & I am not now disposed to question its correctness. I had occasion heretofore to call the attention of the Senate to the only clause of the Constitution relating to that subject, and defied any one to produce any other authority for Congress to create a State, or to contend that the power under that clause was any thing more than implied.

[Here Mr. Calhoun interrupted Mr. S. to explain himself, and said that he had not declared Congress competent to create a State, either in or out of the Union; but by withdrawing its jurisdiction from a given Territory, that Territory was then at liberty to form itself into a State.]

Mr. S. said he did not think the Senator's explanation had materially varied his position. That there could be but little difference between creating a State out of the territory of the Union and suffering it to create itself; as in both cases Congress relinquished a trust confided to her by the Union, which she had no right to relinquish but in one special case, and that was, when by the same act she formed the State and admitted it into the Union; so that the act of Congress of the last session, not executing any power possessed by Congress, is a nullity.

But the Senator from South Carolina insists, that to deny Michigan to be a State is a denial against the actual and obvious fact that Michigan is now really exercising all the powers of sovereignty; she has formed her Constitution, elected her Legislature and members of Congress, and her Legislature has actually assembled, and elected her Senators to Congress. But (said Mr. S.) the question is not what Michigan has done, but what she has a right to do. Although these things I admit may be *prima facie* evidence of her legal existence as a State, they are susceptible of being met by the proof of what is in fact her true condition. When one is found acting *stai juris*, exercising all the privileges of a freeman, it may be *prima facie* evidence that he is what the performance of the act implies; but if it be susceptible of proof that he is in fact a slave, the inference no longer exists that he is free.—And so, in this case, we show that Michigan was once subject to the United States, and demand the proof that she has ever been emancipated. In vain was the wisdom of our forefathers employed in devising plans for the happiness and perpetuity of this nation; in vain did they inculcate the doctrine of union, and repudiate the idea of separate sovereignties of multiplied confederacies, if the doctrine of the Senator from South Carolina is to prevail. If Michigan can exist as a separate State for a single hour, she may for days and years, and might ultimately refuse to come into the Union at all. During this time she may have her own army and navy, declare war, form alliances, and do all those acts which our forefathers were so anxious to bring within the control of a power representing the common interest of all the States. The idea is too preposterous, too inconsistent with all their plans and purposes, to suppose that they contemplated it for a single moment. The whole confederacy would be in continual danger of dissolution from such a cause operating in its vicinity; and yet, according to the Senator's theory, there is no mode of preventing this evil, but, after we had rashly given her a separate existence, constraining her by the terror of the sword and the bayonet, or the application of them, to become an unwilling party to our national compact; a state of things which no one can suppose to have been planned by wisdom, or desirable either upon the score of interest, patriotism, or humanity. But to enforce his position the Senator has supposed that it is necessary she should first have a separate existence ere she can become a member of our Union, which he insists is altogether federative, and even urges that she must be of age. Now, I humbly conceive that the Senator has suffered himself to be misled by a metaphor, a figure of speech. The

age of the Territory or State is a matter of perfect indifference; it is enough if the inhabitants are of age to make contracts; for with them, if with any one, the compact is formed. The idea of the necessity of a separate anterior existence as a State is altogether fallacious; the incident of being a member of the Union is a portion of the very law of her existence, and her federal relationship commences *eo instanti* that she becomes a State. Nor does this violate the analogy of individual relationship to society; the infant, as soon as he is born, becomes a member of the political society in which he comes into existence. By his very birth the social compact is implied; and without any formal recognition of the compact, when he shall attain mature age, he is held liable to the sanctions of the law as soon as capable of discerning between right and wrong; without waiting for his assent society extends over him the arm of protection. No matter how young he may be, he who takes away his life is punished by society as a murderer; and it is not because the social compact is not sufficiently complete, but in mere tenderness to the frailty of human nature, that he is not liable to punishment for a violated law, at any stage of existence, however early.

But another difficulty, which it is attempted to throw in our way, is, that Michigan has already elected her Senators and Representative; and if we say that she is not a State, their election is irregular, and they will not be entitled to seats in the respective branches of the National Assembly. I have already had occasion to say, sir, that while I have the honor of representing in part a sovereign State on this floor, I will speak what I believe to be the language of truth, regardless of the consequences. If, then, the assertion that Michigan is not a State must necessarily exclude the honorable gentlemen now waiting for admission to their seats, I shall deeply regret it. But, sir, I foresee no such consequence; the whole matter appears to me exceedingly plain, and free from all the metaphysical difficulties in which gentlemen have striven to involve it. When a bargain is concluded between two parties, it is no longer a matter of consequence from which the first overture proceeded, whether the vendor proposed to the vendee, or the vendee to the vendor; the only question is, was there finally an agreement between them? And the same consequences precisely follow, whichever made the first advance. Now, sir, Michigan had no right to form herself into a State without the assent of Congress; and with the assent of Congress, she had the right. It is a matter of perfect indifference, whether Michigan took the primary steps with a view to their ratification by Congress, which ratification is subsequently made, or that Congress first gives the permission, and Michigan acts upon such permission; whether the Senators and Representative from Michigan knock at the door of Congress and are admitted, or Congress opens her doors and announces to Michigan that her Senators and Representative may walk in whenever she pleases to send them, and they are sent and do walk in. In the one case, Michigan acts upon a previous authority, and in the other, a subsequent ratification gives effect to that which was previously done. I think I have now sufficiently shown that I was right in contending that Michigan was not a State. The Senator himself, from South-Carolina, has admitted the evil consequences likely to flow from supposing that Congress has the power to create a State for any other purpose than admission into the Union.—[Here Mr. Calhoun disclaimed.]—Well, said Mr. S. I certainly understood him to say so, but I suppose I was mistaken; but I insist that, without the gentleman's admission, the consequences are plain and obvious to every man—that the perpetuity of our Union would be seriously endangered, and that in the mean time, we should, with our own hands, be placing in our side a thorn, to rankle and annoy us, and all without the slightest inducement or consideration; and no one who has a proper respect for the good, great and wise framers of our Constitution, can ever believe that they intended any thing so preposterous.

Having, as I conceive, disposed of this matter, it is unnecessary for me to take up the inquiry of the gentleman, whether, in a regularly organized State, a Convention can be called under any other authority than that of the Legislature. I do not find it my present purpose to take either side of this question, as Lin-in-t that Michigan is not a regularly organized State, but is, as admitted by the Senator from South-Carolina, *pro hac vice*, in a state of nature. Nothing therefore remains, but the inquiry whether a Convention has actually been held by Michigan, in any manner convened. And here I must be allowed to say, that I have been singularly unfortunate in being misrepresented by both the Senators from South-Carolina. By both I have been represented as saying that a Convention was an undefined and undefinable something. I had the honor of correcting the misapprehension of the Senator from South-Carolina who first addressed the Senate, and flattered myself that I had satisfied him; but his colleague has to-day fallen into a similar mistake, and I now beg

leave to set him right also. I never thought, and therefore do not think I could ever have said, that a Convention was something undefined and undefinable. On the contrary, I stated that it was an assemblage of all the persons of a given community, in person, or by their acknowledged agents or representatives; that it was perfectly certain in its existence, and in power irresistible. I did say, and do still say, that how it is to be gotten together is a matter altogether undefined by any law; but, when got together, its identity was a thing of the most absolute certainty, and in a country situated like Michigan, so far as its own people were concerned, supposing the authority of Congress out of the question, omnipotent. Has a Convention been holden in Michigan? That something of the kind has been holden no one denies; but the difference of opinion seems to turn on the nature of the Assembly at Ann Arbor.—The Senator from South-Carolina, with that delicacy which usually characterizes the initiatory steps in an argument, said he would not call it a caucus. But as men grow warmer in argument, they generally grow bolder in assertion; and accordingly, in a few breaths, the Senator flatly calls it a caucus, with a view, doubtless, to brand it with a very odious name. But I will press this matter no farther.

Mr. President, my object in rising at the commencement of this debate, was simply to state what I conceived to be the true questions presenting themselves on the bill before us. I had observed what I conceive to be a vicious habit in this body to be exceedingly discursive in debate, to bring all sorts of things to bear upon all sorts of questions, and especially to involve every matter in the vortex of party politics. Now, sir, conceiving myself to be a new member, with a mind not yet contaminated by these vicious practices, I thought I was able to see without bias the true points in controversy, and I accordingly rose to present them to the Senate, and supposed, when this was done, my task was fulfilled.—But I find, sir, I have been engaged in advocating treason and revolution, as some gentlemen think, and have been most unexpectedly called out to rescue myself from misapprehension, and am now forced in some degree to fall into the practice I have condemned in others, and touch upon a subject which has nothing in the world to do with the bill before us.

The Baltimore Convention has been alluded to, and, as usual, for purposes of denunciation. In looking round this assembly, I see no one who had the honor or misfortune, as the case may be, to have been a member of that body. For myself, I must plead guilty to the charge.—But, certainly, sir, when I went there I was entirely unconscious of any criminal intent. I did not conceive that I was, in any way, violating the laws and Constitution of my country, or subjecting myself to be arraigned as a traitor to either. I thought I was merely exercising the privilege of a free citizen to go where I pleased, and meet whom I pleased, for the purpose of consulting on matters in which we had a common right to act. A few of our fellow-citizens, in their respective parts of the country, selected us to meet at Baltimore, and ascertain by conference who among the many distinguished fellow-citizens scattered over our wide extent of country had been most decided in their adherence to sound republican principles, best qualified to fill the two highest offices in our gift as a nation, and most likely to be acceptable to the People at large. We met, we conferred, and two distinguished individuals, as the result of our deliberations, were named and recommended to the People of the United States. We did not pretend to any power of coercion, and did not imagine that any one would impute to us such power. It was left to the free People of this Union to ratify or annul the choice we had made. We did not feel ourselves in the possession of any means of coercion. We had not any physical force to command, nor the control of treasure wherewith to purchase suffrages. We did nothing but publish a small pamphlet, setting forth what we had done, and coldly laying before the Public the reasons why we believed the persons we had named ought to have the support of their fellow-citizens.

But it has been said we were office-holders and office-seekers, and our object was the acquisition of offices, or the perpetuity of those already possessed. For himself, (said Mr. S.) he was at that time the holder of an office under the State of North Carolina, but he had never imagined its perpetuity depended upon the results of the Baltimore Convention, for it was an office for life. And, as to having had any thing personal in expectancy, he could, with a clear conscience, repel the imputation; and, in demanding of the Opposition to believe him sincere, he required nothing more than the same courtesy he extended to them. As a party, he believed the Opposition sincere in their opinions. To many individuals of that party he had no doubt, it would be a most alarming exposure to have their hearts opened to public gaze; but the bulk of the party, he doubted not, were sincere, and might possibly be right in the various points of difference between them and those with whom he acted. If

they were right, he trusted in God they would yet triumph over us. But believing, as I do, that they are wrong, I will manfully strive against them with all the means in my power. The Baltimore Convention was one of those means, and I heartily rejoice that it has so far been successful.

A variety of other topics, he said, had been referred to, equally impertinent to the subject in hand, yet he would not go into them; but, finding himself standing alone of the 600 men who constituted the Baltimore Convention, he thought it but reasonable that he should have said thus much in its vindication, when he heard it so unnecessarily assailed.

#### WILLIAM B. SHEPARD.

We find in the Washington Correspondence of the Pennsylvania Inquirer, the following complimentary remarks to one of our Representatives in Congress:

Washington, Dec. 21, 1836.

In the House of Representatives this morning, the Hon. William B. Shepard, of N. Carolina, presented a memorial from certain citizens of his State, praying Congress to pass a law to provide for the future distribution of the Surplus Revenue. He asked that it might be referred to the Committee on Ways and Means, and supported the motion in a speech, which for eloquence, dignity, purity of diction, and manliness, has not been equalled by any man in the American Congress.

Mr. Shepard is an elegant scholar, a man of finished classical attainments, & what cannot be said of every man who holds a seat in the House of Representatives, is a perfect gentleman.

In politics, Mr. Shepard is opposed to the Administration, and acts with fearlessness and independence. His speech was listened to with the most profound attention, and when published, will gain fresh laurels for its author. The style of Mr. Shepard's eloquence reminded me of the better days of the British Parliament. He possesses all the dignity of Chatham, combined with the fervid fancy of Grattan.

Lest it should be thought, that in passing this warm eulogium on Mr. Shepard, I am actuated by personal considerations, it is right for me to say, that I never had the pleasure of the gentleman's acquaintance, and that I never expect it. Since I have been at Washington, now some years, I have often had opportunities to admire Mr. Shepard, but on no previous occasion, have I adverted to his powers and eloquence. If he kept around him an army of letter writers, pensioned by a liberal allowance of gin and cigars, long since would he have been engulphed by the puffs of the sycophants of the day.—He is a man of too much dignity to resort to any thing of the kind, and will rise in the estimation of his countrymen on the basis of his own intrinsic merits.

#### DEFERRED ARTICLES.

##### VIRGINIA ON ABOLITION.

The Lieutenant Governor (acting Governor) of Virginia, concludes the topic of Abolition with the following recommendations:

"Believing as I do, that this question, more than any that ever has come, or ever can come before the American people, is fraught with the direst calamities to the country—indeed, that on its wise and just determination hangs our destiny as a free, happy and united, or a distracted and harassed people, I respectfully submit to your consideration, the expediency of addressing, without delay, to the Non-Slave-holding States, a solemn memorial and remonstrance, exhibiting the high and inviolable character of the rights which are invaded—the evil effect of intermeddling with them, both on the master & the slave—the peril into which it brings the Union—the necessity that exists for the adoption by them of the measures requested to be taken—thir intrinsic propriety, and especially disabusing the public mind of the fatal error, that power is wanting in any Government to punish injuries inflicted by its citizens on those of another—and appealing to them in the name of justice, humanity, freedom, peace and an imperilled Union, to afford a protection indispensable to the South, and which it is their imperative duty to grant. When this shall have been done, we shall stand acquitted before the world, of the high responsibility we are under, to do all in our power to arrest, if possible, the career of Fanaticism whose march is over violated faith—the disregarded rights of the South—the wreck of the Union—and the prostrate cause of liberty itself."

#### EXTRAORDINARY PHENOMENON.

Extract of a letter from a friend to a member of Congress from the State of New York.

Troy, Jan. 2, 1837.

"The lower part of our city has become a modern Pompeii. Last evening, about seven o'clock, the hill at the lower part of the city slid down, covering up houses, barns, &c. with men, women and children in them. It has covered up

every thing half way to the river, passing over Sixth, and Fifth, and Fourth streets to Third street.

"Never was there greater consternation. The whole city is alive, and on the spot, with thousands from other places, digging out the dead. They have found eight dead bodies, and nineteen horses. It is impossible to say how many lives have been lost. I have just come from the spot, and I saw them dig out two little children, lying in a trundle bed, sleeping the sleep of death, without a bruise upon them, probably smothered."

"Where Fourth street was, the earth is at least sixty feet high. There were not many houses near the spot, but what were buried. It is calculated that seven buildings, each occupied by two or three families, are destroyed. There was a house upon the hill, which has not been discovered."

#### INDIAN ORATION.

ON THE DEATH OF COMMODEORE DECATUR.

The warrior of the waters has gone to the land of spirits, and the ghosts of his fathers rejoice not in his coming, for he came not in the storm of battle.

The warrior of the waters was a great lion. When he rose in his rage, and shook himself, the green hills trembled. When in anger, he thundered with his voice, the storm did follow. He bounded over the waters, and the beasts of the other world tains hid with fear. He str'd her his paw over the great waters, and gored the lion of the east. He was mighty and great as the Alleghany. He was strong and fierce as the torrent down the steeps of the Niagara. Mighty and great he was. Yet, a little bee did overcome him. Public opinion was a small bee, and the lion might have crushed it with his foot. But the little bee crept into the ear of the great lion, and stung him on the strings of life. The lion was vanquished, and the little bee yet lives and buzzes of his conquest.

The warrior of the waters has gone to the land of spirits, and the ghosts of his fathers rejoice not in his coming, for he came not in the shroud of glory.

The Legislature of S. Carolina adjourned on the 21st. They subscribed to the stock of the Louisville Cincinnati and Charleston Rail Road Company, one million of dollars, out of the (U. S.) Surplus Fund—and granted banking privileges to the Company under certain restrictions. They also appropriated \$60,000 to the College, for a Library Hall, purchase of books, &c., &c.—besides \$40,000 for extending the Columbia Canal, and other small sums to other Internal Improvements.—They have abolished the Court of Appeals, and instituted two others, one for Equity, and the other for Common Law purposes—the former being bound, in all disputed cases, by the decisions of the Court of Law.

Governor Butler, Thos. Bennett, R. G. Mills, D. L. Wardlaw, T. F. Jones, and John Cheanut, have been appointed Commissioners with full powers to represent in person or by attorney, the stock of this State in the Charleston and Cincinnati Rail Road Company."

**FIRE.**—A small house in the yard of Mrs. Deia Haywood, in this City, was consumed by fire, on Tuesday night last, supposed to be the result of accident. It occurred about 7 o'clock; and as it was not discovered until the flames had burst through the roof, all efforts to save the tenement were unavailing, by the citizens and strangers who promptly rushed to the spot. The dwelling was saved by timely exertions, the favorable direction of the wind, and the dampness of the building from the late rain.—Star.

#### DREADFUL SHIPWRECK!!

We stop the press to announce that the barque Mexico, from Liverpool for this port, which has been below since Sunday, went ashore on Hempstead bar on Tuesday.

The Wreck master has arrived from the vessel, and we learn that but eight persons had reached the shore when he departed. The remainder, over ONE HUNDRED in number, he thinks must have perished.

It is said she had no pilot on board, and that she had had a signal of distress flying for several days.

The survivors are so severely injured by the frost as to be unable to give any intelligible account of the disaster.

P. S. Woodall, on examination of our marine list of vessels, that the Mexico had 166 Passengers, so that the loss of life must be even more severe than that mentioned in the former paragraph.

New York paper.

Mr. POINDEXTER.—It has been reported in letters from this place, and widely circulated, that this able State-man had died of the injuries received by the late terrible accident met with at Natchez. However probable the said report seemed to be, it gives us pleasure to say that a gentleman, who has arrived in this city direct from Natchez, states, not only that he was not dead when he left that place, but supposed to be recovering.—New York paper.