the case in point, he held that the sitting member was clearly and fairly beaten.

The House had no right to make the penalty of the violation of the law of Iowa the loss of the right to vote. There was no fraud in this election be vitiated by the House. The contestants having a clear majority of the votes of the districts. Under these circumstances he should vote to give him the seat. These voters had exercised their rights in what appeared to them to be in conformity to law, and he should stand up in defence of them. The people of Iowa had spoken and he should vote to respect their voice.

Mr. VAN DYKE, before commencing his speech, gave notice of his intention to offer an amendment to the resolution proposed by Mr. Strong, to declare the sitting member entitled to his seat, his substituting another to give the seat to the contestant. He regarded the taking away of the Kanesville poll-book to be a larceny and the individual holding the book, knowing how it had been obtained, he conceived to be but little better than the thief. Mr. V. D. then argued all the points in the case at length, (reported in previous speeches in this paper,) contending that the contestant had been legally elected.

Mr. BURT remarked that he had rarely listened to an abler debate than this had been for the last three days. Yet he had seldom witnessed less attention paid on the part of the House. This, he presumed, arose from the fact that the members had generally carefully informed themselves upon the question, from the reports of the majority and minority of the Committee on Elections. He therefore felt at liberty to move the previous question.

Mr. STRONG (chairman of the Committee on Elections) rose to claim his right under the rule to make the closing speech.

Mr. VAN DYKE rising to a point of order, held that after the previous question was moved, the member introducing the bill was *not* entitled to the benefit of this rule.

The point of order being overruled, there arose conversational debate thereupon, participated in by the Speaker, Mr. Schenck, Mr. Stephens, of Georgia, Mr. P. King, Mr. White, Mr. Woodward, Mr. Evans, Mr. Richardson, Mr. Van Dyke, Mr. Burt, and Mr. Evans, of Mary land; when

Mr. EVANS, of Maryland, remarking that the question was new and of great interest, took an appeal from the decision of the chair, in which he coincided, but only in order to have the decision of the point placed on record.

The question on the appeal being put, the decision of the chair was sustained; whereupon

Mr. STRONG addressed the House from the rostrum for an hour, summing up the case in favor of the claim of the sitting member.

The SPEAKER having brought the House to order by much rapping,

Mr. LEFFLER made a few remarks to disclaim the position which Mr. Evans, of Maryland, has assigned to him, in saying that he (Mr. L.) had brought charges against Truman Smith, Fitz Henry Warren, and others in the course of his speech.

Mr. DISNEY, then taking the floor, argued for an hour in favor of the claim of the sitting member. He had had twenty years experience in such cases, and had never seen one in which the rights of a party were more clear, than were those of the sitting member in this case. This Government being upheld by law, to sweep away its statutes, State or general, would be to break it down. The laws regulating elections were as sacred as any others. If they could be disregarded in one respect, they might be so disregarded in all; and, thus, minors and females might claim the right to be counted in an election in common with voters so declared to be by the law. All election laws were arbitrary, there being nothing in the innate nature of things to authorize one class to vote, and to enforce the propriety of the exclusion of other classes.

The friends of the contestant, while they argued in the matter of the Kanesville and Boone township votes, against the propriety of the strict enforcement of the Iowa election laws, strenuously insisted that they should be regarded to ther uttermost letter, in the matter of the Boone county vote, cast in under the organization of Polk county. They changed after this fashion in order to strengthen the claim of the contestant. There was fraud on the part of the friends of the latter from the beginning, and his case was thus tainted throughout all its minutiæ.

Even in the investigation ordered by the House, Orson Hyde had directed the Mormons, in replying to interrogatories put to them, to practice fraud by refusing to disclose any thing likely to make against the contestant's claim.

Mr. D. next undertook to show that this act of Hyde was in keeping with his arrangement with Warren, whose interviews and consultations with Hyde and Pickett he explained at length. Pickett was the only witness pretending that Kanesville was legally competent to be attached to Monroe county; even Hyde, as well as all others examined at K., declaring that they knew their residence to be six miles north of the boundary of Monroe. Yet knowing this fact, the minority of the Committee on Elections had claimed in their report that Kanesville was in Monroe.

Mr. DISNEY then reviewed the Boone township vote, to show that the forty or fifty Mormons who went from Boone township over to Dallas county to effect the choice of officers for that county, never pretended that they were residents of Dallas, or of territory west of that county. Thus *their* purpose was clearly fraudulent.

He defended the sitting member for his act of taking charge of the Kanesville poll-book, as being proper under all the circumstances; as he (Mr. Thompson) knew well that it was the purpose of his opponents to perpetrate a fraud, in which it was to play an important part.

Mr. D. scouted the idea that the judges of the election in Kanesville were friends of the sitting member. Like Hyde and Pickett, though nominally Democrats, they were connected with the Mormons, and had voted against Mr. Thompson.

He held that the action of the Legislature of Iowa in recognising the vote of Boone county cast in connexion with Polk county, and in further rejecting the vote cast in Kanesville (in receiving and rejecting members elect to that body,) had settled the case; Congress having no moral right to place upon their election laws a construction the reverse of that given to them by their authors themselves.

Mr. THOMPSON, of Pennsylvania, believed this to be a great judicial question, and upon it he should not be induced to give a party vote.

All the territory west of Monroe was certainly attached to that county, and those not living west of her could not vote there. Was Kanesville west of Monroe?

Mr. VAN DYKE held that the evidence showed that Kanesville *was* west of Monroe; but there had never been a line run to establish the fact, Mr. V. D. was understood to add.

Mr. T. continuing, urged that Mr. V. D. was mistaken. Judge Mason's testimony and that of Mr. Webber had settled the fact that the line had been run, and that Kanesville was north of that line full six and a half miles. (Here Mr. T. quoted their testimony to prove the fact.) Then, to admit the votes of the Kanesville Mormons would be to take from the State of Iowa the right to fix the time, manner, and place in which their elections should be held. The law said that they should reside in the county for 20 days, while the facts proved that they did not reside in the county in which they voted at all. This provision of the Constitution was designed to prevent pipe-laying.

Mr. BURT suggested to the mover of the substitute (Mr. Van Dyke,) the propriety of modifying the amendment by striking out all but the last resolution, which declared the contestant entitled to the seat.

Mr. VAN DYKE asked the consent of the House for permission to do so;

But Mr. P. KING objecting,

Leave was not granted.

An ineffectual motion to adjourn was next made.

The question being on the amendment, after much confusion, it was put by yeas and noes; and it was not agreed to—yeas 95, noes 94. The Speaker voting in the negative, and thus making a tie vote.

Mr. MEADE then moved an adjournment; which was not agreed to—yeas 76, nays 102.

Mr. McCLERNAND moved to lay the whole subject on the table.

And pending that motion, after much confusion, one or two ineffectual motions to adjourn over until Monday being made in the mean while,

The House adjourned.

To the Editors of the Southern Press:

Washington, (D. C.,) June 26, 1850.

In the Union of yesterday, a letter addressed by me to M. C. Galloway, esq., editor of the Florence Gazette, (Alabama,) has been republished, together with the comments of Mr. Galloway, upon my opposition to the somewhat notorious Compromise proposed by the Committee of Thirteen in the United States Senate.

My allegations were substantially, "That the Compromise scheme, in effect gave up all of California, New Mexico, Utah, and all that part of Texas proposed to be taken South of the Missouri Compromise line of 36° 30′ to Abolition." And that "from 10 to 15 millions of dollars were to be paid to Texas to keep her quiet."

I now reassert substantially every proposition, and challenge Mr. Ritchie to show how the Southern Slaveholder is to get any portion of the Territory spoken of for his use.

When the rights of the people I represent are in danger from acknowledged aggressions, I am not to be satisfied with "possibilities," or even with bare "probabilities." I want for them the substance and not the shadow. I therefore desire Mr. Ritchie to point me to the particular section of the bill, which even *permits* my constituents to enter upon the Territory, with their slaves; and in the absence of any *scrap* in the whole bill guarranteeing this right; and with the opinion of eminent men, North and South, who support the bill, that we of the South can get no part, added to the great body of the North who oppose it, my objections to it remain in full force, not weakened in the slightest degree by Mr. Ritchie's article, or by that of the editor of the Florence Gazette which he has paraded here.

Mr. Ritchie knows, I presume, as well as I do, that no vote can be had at this Congress, intended in honest good faith to secure to the South any part of this territory or to secure the owners of slave property "protection," *with a view* of letting them have even a chance to establish their institutions thereon.

Mr. Ritchie knows this, and yet does not even demand this protection for my constituents, as a condition precedent; and how can he expect me to support his scheme?

I admit that he says he desires such protection; but one may well be excused for not thinking he was very warm in his wishes; for he says that such "protection" by law cannot be obtained from the North." How does he know if he asks less?

As it respects the editor of the Florence Gazette, he is one of those kind, obliging men, whose opinions are formed from impulses, without much tax upon his judgment; and like most others, who are warm hearted and hasty in drawing conclusions from the influences which surround them, will be ready to change them whenever he finds himself in error, as he is in this instance.

Like many others of greater fame, when he discovers where these opinions are likely to lead him, and when he understands this question better, and sees how universally unpopular this compromise scheme is becoming, that "*he, too,*" will also change He will greatly prefer giving up California, Utah, and New Mexico, to that "non-action," to which we are all opposed, rather than giving up the same territory and rights of sovereignty and adding to it two States from Texas and paying fifteen millions in the bargain.

If we have to pay any part of the Texas debt we cannot expect to get off with less than the fifteen millions, and it appears to me that every man of sense, who did not want that part cut off from Texas given up to abolition would only propose that Congress should buy and hold her land, as she holds lands in other States and not require Texas to part with the sovereignty and jurisdiction—for with these left to Texas my constituents can, by the treaty of annexation, carry their property there, and be protected in its use; but pass this scheme of compromise, and according to the opinion of its ablest supporters, this right will be instantly surrendered.

Respectfully, &c.

DAVID HUBBARD.

CORRESPONDENCE.

FROM OUR BALTIMORE CORRESPONDENT.

Baltimore, June 28—5 p. m.

Free-soil Jubilation.—The New Mexican Scheme.—The New Sun Building.—The Tobacco Crop Reform Convention.—The Forrest and Willis Case.—Northern Markets, &c.

The Northern Free-soil fanatics are chaunting their jubilation at the course of President Taylor in the liberal construction of his Executive powers towards New Mexico, giving them two more free State senators, and slicing off, without equivalent, so large and valuable a portion of Texan Territory. He thus gives them the only clause of the Compromise bill that they considered worth having, and that without the necessity of paying fifteen millions for it. They now go for Southern Presidents—finding them more likely to make concessions to the North than Northern Presidents. It was this view of the question that has induced the New York Free-soilers to throw the Wilmot Proviso overboard; and, at their convention, yesterday to unite with the Hunkers in the reorganization of the old Democratic party.

The proprietors of the Baltimore Sun are erecting an edifice on the corner of South and Baltimore streets, that for beauty of architectural design and construction, will have no equal in the city. It fronts 55 feet on Baltimore street, and 75 feet on South street, and is to be built entirely of iron, five stories in height. The vaults are to extend under the pavement and eight feet of the street, forming a room 130 feet in length, 20 feet broad, and 15 feet clear from floor to ceiling, which is to be divided off into storage rooms, press rooms, folding and packing rooms, fuel rooms, &c., and all this under the thoroughfares of the sidewalk and street, over which carts, omnibusses, and pedestrians will be constantly moving. The castings for the front are highly ornamental, and the whole structure, with $47,00 paid for the lot, will not cost less than $130,000.

The accounts coming in from the tobacco regions of Maryland not only indicate a small crop of the weed, but in many districts no crop at all. The lateness of the season prevented the growth of the plants, and when they had grown sufficiently large for transplanting, a long-continued drougth kept them still in the seed bed, until they have grown too large for setting out at all. There is now, therefore, a great scarcity of plants, and the lateness of the season may prevent those tha are set out from coming to maturity before frost.

The election of delegates to our State Constitutional Reform Convention, which assembles next month, will attract much attention throughout the city. The Whigs, who have hitherto taken but little interest in the matter, are now rallying in the counties to secure a majority of the members of the convention,

The New York Home Journal, of this week, contains an article of three columns from the pen of its editor, Mr. Willis, relative to the recent cowhiding he received at the hands of Mr. Forrest. He attempts to vindicate his character from the allegations of Mr. Forrest in the public prints, and undertaking to show that that gentleman's assault on him in the parade ground was made in a manner worthy anything but a man of honor. There are two sides to the affair, neither of which can boast of an excess of honorable conduct. It is about to be dramatized at one of the New York theatres under the title of "Dashes at Fashionable Life with a Free Cowskin."

The steamer Isabel which arrived at New York a few days since to go into the dry dock for repairs, was not alllowed to enter on account of the quarantine laws, and has returned to Charleston.

Int he Baltimore flour market to-day, there were sales of 300 bbls. Howard street flour at $5.12½, the market closing inactive. Sales of city corn meal at $3.12½. Wheat is nominal at 130 cts. for white, and 119 for red. Sales of White corn at 59 a 60, and of yellow at 61 a 62.

At New York, to-day, stocks were bouyant, with sales of new loan at an advance of ¼. There is a steadier feeling in the Cotton market, and the sales yesterday and to-day are 4,000 bales at prices current before the receipt of the Niagara's advices. No change in flour is given.

Interesting Intelligence from Africa, &c.

Boston, June 27.—Advices from Monrovia, Africa, report the colony of Liberia in a prosperous and healthy condition. The U. S. squadron on the coast were in the enjoyment of good health.

The brig Bainbridge arrived at Monrovia on the 14th from a cruise to the Gulf of Guinea. She fell in with no American merchantmen.

The U. S. ship Portsmouth and the brig Perry, were at Princess Island.

Dates from Belize, Honduras, to June 1st, report a scarcity of money, and but little business doing. There was no trade going forward with Yucatan, owing to the civil war between the Spaniards and Indians.

We have late advices from Rum Key, which state that the islands of Great and Little Inagus, were visited by several heavy rains, which destroyed all the salt ponds in the neighborhood of Rum Key.

Steamboat Accident,—Sailing of the Ohio, &c.

New York, June 28—2, p. m.

The steamboat Commodore, plying between here and Boston, went ashore this morning in a fog on Execution Rock, off New Rochelle. She is badly damaged, but none of the passengers were injured.

The steamer Ohio sailed for Chagres to-day with two hundred passengers. She went off in fine style, in view of a large number of spectators.

Statistics of New York.—We glean some of the following interesting facts with regard to the statistics of New York, from Rode's new City Directory, just published. The extent to which banking is carried may be judged of by the number of banks, of which there are no less than thirty in the city, having an aggregate capital of more than twenty-seven millions of dollars. The capitals of these banks are divided into shares varying from $500 to $18. Besides these there are eight banks for the savings of the poorer classes of our citizens. The fire and marine insurance companies number eighty-one, but of these there are twenty-five only having their capitals in New York, which amount to about nine millions of dollars; the remaining fifty-six, are principally agency offices for companies which have been established in other States. Of life and trust companies there are twenty-six, whose aggregate capital is near three millions and a half of dollars. The aggregate amount of real and personal estate of the city is estimated at $254,493,527, the increase of the last year over the preceding, amounting to over seven millions of dollars.

There are one hundred and six weekly and daily newspapers printed in New York, sufficient, it might be supposed, to supply the whole world. In addition to these, there are one hundred and six periodicals published weekly, monthly, or quarterly, a large number of which, we imagine, eke out a miserable existence. Indeed, considering the trash to which the name of literature is given, New York would be much better off with half the number, if edited in a respectable style.

There are fourteen railroad companies, some of which run their rails even to the very heart of the city. So popular have railroad cars become, that it is pretty certain that they will, in the course of a few years, supersede the jumbling and frequently uncomfortable omnibus. A report presented two or three weeks since to the Board of Aldermen, recommending the laying of rails through the principal streets, with branches intersecting the city at stated points, will very probably be adopted before the election of a new Common Council—that is, if the tea-room and other minor matters do not absorb the attention of the city fathers.

The various steamboat lines number fifty-eight; express companies twenty-six, and telegraph companies nine.

Beside the innumerable private boarding-houses and emigrant lodging houses, there are forty-five hotels.

The limited number of markets (there being but eleven) has long been complained of by the residents of the upper portion of the city. A number of the inhabitants living in the vicinity of Twelfth street and Avenue C, have drawn up a petition to the Common Council for the erection of a suitable market to be erected in that neighborhood. This would be perhaps the most eligible situation for a market in that locality, as the pier at the foot of Avenue C, presents great facilities for vessels freighted with provisions and the various descriptions of produce. Nor is the east side of the city, near and about Twentieth street in a better condition in this respect, although the people have not expressed their grievances through a petition. The various little butcher stalls are but poor substitutes for a market. If it be considered necessary to add a new ward to the city, surely it is not less so to add a few more markets for the accommodation of the rapidly increasing up-town population.

Liberal provision has been made for the education of the children of the poorer classes, as there are no less than one hundred and sixty-nine Ward and Public Schools in New York, which, with the different corporate and private schools, swell the amount to more than two hundred. If to these may be added the various literary societies, scientific institutions and libraries, it will be seen that if our people are ignorant, it is not for want of the means of obtaining instruction and information. One hundred and twenty moral, charitable, and benevolent societies and institutions receive their support from the contributions and bequests of private individuals, and also from the city treasury.

The following is a list of churches of various denominations:—31 Baptist; 10 Congregational; 12 Dutch Reformed; 4 Friends; 10 Jewish; 7 Lutheran; 31 Methodist Episcopal; 3 Methodist Protestant; 42 Protestant Episcopal; 2 New Jerusalem; 34 Presbyterian; 4 Associate Presbyterian; 2 Associate Reformed Presbyterian; 3 Primitive Christians; 19 Roman Catholic; 2 Unitarian; 4 Universalist; 1 Wesleyan Methodist; 6 Miscellaneous.

There are twenty-five omnibus lines, to which there are attached four hundred and twenty-five stages, running through the principal thoroughfares.

The total number of buildings erected in the city in the year 1849, is one thousand six hundred and eighteen, a large number of which, it should be remembered, have been erected on the sites of old buildings.—*N. Y. Evening Post.*

Senate Debate.

Thursday, June 27, 1850.

CALIFORNIA—TERRITORIAL GOVERNMENTS—ADJUSTMENT.

The Senate, as in committee of the whole, resumed the consideration of the bill for the admission of California as a State into the Union, to establish territorial governments for Utah and New Mexico, and making proposals to Texas for the settlement of her western and northern boundaries—the question pending being upon the amendment submitted by Mr. Soule,

Mr. WEBSTER. Mr. President, the amendment proposed by the honorable member from Louisiana [Mr. Soule] respects that part of the present bill which proposes the immediate admission of California into the Union as a State; and the amendment is opposed to that immediate admission. It proposes, on the contrary, that the subject shall be referred back to the people of California, that certain conditions and modifications of the constitution of California shall be proposed to that State. If the people of that State, in convention, shall accede to such conditions and modifications, then the President of the United States may issue his proclamation announcing that fact; and thereupon California is to be admitted into the Union. The question, therefore, is, whether, upon the whole, it would be more advisable to admit California now, under all the circumstances of the case, than to send her constitution back again, and postpone to some future and indefinite period, her admission into the Union. In my opinion, it is highly expedient to admit California now. In my opinion, it is highly expedient to give her now a proper position in the Union—to give her such powers as shall enable her to revolve among the other orbs in our system. And I verily believe that that is the settled judgment of a great majority of the people of this country. If there be any question growing out of these territorial acquisitions, in which there seems to be a general, I will not say a unanimous public opinion, it is that under the circumstances, it is expedient and proper to admit California into the Union without further delay. She presents a constitution to which, in its general aspect as a republican constitution, we can make no objection. The case is urgent and pressing. No new State has ever appeared, asking for admission into the Union, under circumstances so extraordinary or so striking; nor have the oldest of us ever seen a case presenting such peculiarities and such irregularities. There is, in the history of mankind, within my knowledge, no instance of such an extraordinary rush of people for private enterprise to any one point on the globe. It has been estimated already that there were 150,000 people in California. Whether there be more or less at a given moment is immaterial. Set it at what you will: while you discuss it, the number is filled up.

It would seem that at this very day there are 50,000 or 60,000 persons traversing the great plains between Missouri and the Rocky Mountains, all bound to California. Other thousands are waterborne around Cape Horn. Other thousands, again, crowd, and press, and fill up, and more than fill, every conveyance that can take them to and from the isthmus. So that it may be said, truly, I think, that this very year will add 100,000 persons to the population of California. Certainly, sir, this is one of the most sudden and striking occurrences, not only in our generation, but in any generation, so far as respects private enterprise, and an extraordinary rush of people to a given point upon the earth's surface. The capital of the Territory is supposed to contain 30,000 or 40,000 people: 1,200 vessels have visited it: 350 or 400 vessels have been found riding in the harbor of San Francisco at the same time. San Francisco, the capital, is already a city of 20,000 to 40,000 persons. And California looks out upon India, and China, and Polynesia, to the West, as we here look out upon Europe to the East.

The question then is, What is to be done with California? Five years ago it happened to me to say, in a public discussion, that perhaps the time was not far distant when there would be established beyond the Rocky Mountains a great Pacific republic, of which San Francisco would be the capital. I am overwhelmed, sir, by the appearance of the fulfilment of that prophecy so suddenly. It is the alternative. In my judgment, I do not think it safe longer to delay the bringing of California into this circle of States, unless gentlemen are willing to contemplate that alternative. Other gentlemen have as much means of information upon the state of things in California as I have, and perhaps more. My information is such that I do not think it safe, if we intend to bring her into the Union at all, to defer that measure to another session of Congress, or to any time beyond that which is absolutely necessary to despatch the business properly. Then, sir, I suppose that if it is the general sentiment of the country, it will be also the general sentiment of this and of the other House of Congress, that it is expedient, if there be no insurmountable objections, to bring California into the Union at once. I do not understand the honorable gentleman, the author of this amendment, otherwise than that, if it were not for objections which he has propounded to the Senate, he should be willing to admit California into the Union.

Now, the question is, whether these objections are insurmountable. If they are, then California must be kept out of the Union, let what will be the consequences. But if they are not insurmountable, though they may stand in the category of objections—though things may exist which we may wish had been otherwise—yet it is a case of so much exigency and emergency, that it seems to me to be the duty of Congress to admit California, unless, as I have already repeatedly said, the objections are insurmountable. Then let us come at once to that point, and see what are the objections suggested by the honorable Senator from Louisiana, [Mr. Soule.]

They divide themselves into two classes. In the first place he says that by the constitution of California, and by the bill unamended before the Senate, there is no sufficient security that the United States will possess, or enjoy, or have the right to dispose of, the public domain, or the unappropriated lands in California. That is his first objection. The second relates to the boundaries of California, which he says are extravagantly large in the first place; which in the second place are unnaturally arranged; and, in the third place, are impolitic, and unfit to be maintained.

He proposes to remedy what he considers the first great deficiency of the bill, by sending back this constitution to California, to obtain from a convention of that State an agreement, compact, consent, to the effect that the State of California shall never interfere with the public lands in the State, or with the primary disposal of them; nor shall ever tax them while held by the United States; nor shall tax non-resident proprietors higher than resident proprietors are taxed. These are the provisions which are in this bill. But then the honorable member's argument is, that they are conditions which, from the nature of the case, can never receive the consent of, because they can never be presented to, the people of California; they are void; and that the assent or consent of California to these conditions is necessary to make them valid and binding. His argument proceeds upon this idea: that, without some such stipulation or compact upon the part of the State, the creation of a territory into a State—a political, or, as he says, a sovereign community—does necessarily establish in that sovereign community a control over the public domain; that when California becomes a State, *ipso facto*, she holds, possesses, enjoys, and controls the public lands. And this result he verifies from an argument founded upon the nature of sovereignty, because he says that it is the essence of sovereign power to control the public domain.

Sir, we mislead ourselves often by using terms without much accurary, or terms not customarily found in our Constitution and laws. That the States are sovereign in many respects, nobody doubts; that they are sovereign in all respects, nobody contends. The term "sovereign" or "sovereignty" does not occur in the Constitution of the United States. The Constitution does not speak of States as sovereign States; does not speak of this Government as a sovereign government. It avoids, apparently sedulously, the application of terms that might admit of dispute. The true idea of the Constitution of the United States, and also of the constitution of every State of the Union, is, that powers are conferred upon the legislature not by general description, but by enumeration. The Government of the United States holds no power which it does not hold by the enumeration of the power in the Constitution of the United States; and the same may be said of the government of every State. The constitution of every State prescribes definitely the powers which shall belong to the State and to each of its branches. But if this were a true source of argument in this case, the honorable member would find that this implication arising from sovereignty would just as truly adhere to the Government of the United States as to the States. Certainly the more eminent branches of sovereignty are in the Government of the United States. The United States Government makes war, raises armies, maintains navies, enters into alliances, makes treaties, coins money—none of which exercises of sovereignty the State government possesses. Nevertheless, there are sovereign authorities which the State governments do perform. They punish crime, imprison for felony; they regulate the tenure of lands; they exercise a municipal sovereignty over every thing within their territories.

If, then, this power over the public domain were to go to the government that possesses the sovereignty by implication, to which government would it belong? Why, clearly, to this Government, and not to the government of the State.

But, sir, the question does not, in my judgment, come up upon any such point. Let me remark that this question is not a new one. I met it here the first session that I took my seat in the Senate. These notions, some of them, run in a periodical orbit. They come back upon us every fifteen or twenty years. This notion that the sovereignty of the State necessarily carries with it the ownership of public lands within its limits, fifteen or twenty years ago was brought forward. It was discussed; it exploded, went off, and was forgotten. It is now here, back again, exactly with the same aspect, in all respects, that attended it then.

Sir, in the year 1828 or 1829, the legislature of Indiana took up this subject, and passed resolutions, and instructed her members of Congress to support them by argument. The resolutions were as follows:

Resolved, &c., That this State, being a sovereign, free, and independent State, has the exclusive right to the soil and eminent domain of all the unappropriated lands within her acknowledged boundaries; which right was reserved for her by the State of Virginia, in the deed of cession of the Northwestern Territory to the United States, being confirmed and established by the articles of confederacy and the Constitution of the United States.

That our senators in Congress be instructed, and our representatives requested, to use every exertion in their power, by reason and argument, to induce the United States to acknowledge this vested right of the State, and to place her upon an equal footing with the original States, in every respect whatsoever, as well in fact as in name.

They did so. One of the gentlemen who represented Indiana at that time in the Senate, recently deceased, was Mr. Hendrick, who presented the resolutions and took the position, as stated in the following extract from a report of the proceedings of the Senate:

Mr. Hendricks, in presenting these resolutions, said it had become his duty to present to the Senate resolutions of the general assembly of the State of Indiana, on the subject of the public lands within the limits of that State. These resolutions (said he) are similar in character to those of the State of Louisiana, a few days ago presented by a senator from that State. They are also, in some degree, similar to the spirit of a memorial of the State of Illinois, recently presented to the Senate by a senator from that State. In these resolutions, the legislature of Indiana has solemnly declared that the State, being sovereign, free, and independent, has the exclusive right to the soil and eminent domain of all the unappropriated lands within her acknowledged boundaries, and that this right was reserved to her by the State of Virginia in the deed of cession of the Northwestern Territory to the United States—grounds which, if tenable, as I verily believe they are, strongly appeal to the justice and to the pride of the senators and representatives of that magnanimous State.

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"It is believed that the compact not to interfere with the primary disposee of the soil, and not to tax the lands for a specified period, cannot confer power on the Federal Government to hold the soil of that State for any other purposes than those pointed out by the Constitution, even if that compact had emanated from authority unquestionably competent to make it, and had been based on policy as unquestionable. There is no disposition to interfere with this compact so long as it has the form of existence in the statute-book. But its validity is questioned, having been made by the people of the territory before the State was admitted into the Union; and its irrevocable character, as well as the perpetual obligation which it attempts to impose on the people of the State, is believed to be a dereliction of a fundamental principle of our institutions, which asserts the right of every free people to change their constitutions and laws, from time to time, as their wisdom and experience may direct. Nor does it seem to strengthen the pretension of right, to assert that the General Government may hold the soil of the State as an individual may hold; for it is by no means in that character she does hold. She holds as a sovereign, and subjects the soil of the State to the uncontrollable action of her legislative power."

Mr. Hendricks peformed the duty imposed upon him by the legislature, and brought forward as a section to some one of the graduation bills introduced by the honoroble Senator from Missouri a resolution to that effect. Proceeding upon the ground that this land was the property of the State, he proposed to acknowledge that fact by the insertion of the following section in the graduation bill then pending before the Senate:

Sec. 6. *And be it further enacted*, That the public and unappropriated lands within the limits of the new States shall be, and the same are hereby, ceded and relinquished in full property to the several States in which the same may lie, on condition that such States shall not, at any time hereafter, put such lands into market at a lower minimum price than shall be established by law for the sale of public lands in the Territories; and on condition that the Indian title to lands within the limits of any State, shall hereafter be extinguished at the expense of such State.

On that occasion the Senate was addressed much at length in support of the same proposition by a gentleman now holding an eminent position upon the bench of his country, then a member of Congress from Alabama. He maintained the same general idea. He said:

I have long entertained the opinion that the United States cannot hold land in any State of the Union, except for the purpose enumerated in the Constitution; and whatever right they had to the soil, while the country remained under territorial governments, passed to the States formed over the same territory, on their admission into the Union, on an equal footing with the old States.

So the honorable Senator from Louisiana [Mr. Soule] is following a precedent. His argument, so far as I can understand it, is ingenious, able, and learned, but founded upon the same general idea. Both the gentlemen upon that occasion, and the honorable Senator from Louisiana upon the present, have based their views upon some maxims of national and public law. One of those gentlemen, [Mr. Hendricks,] for example, quoted this from Vattel—exactly what the honorable Senator from Louisiana quotes:

The general domain of the nation over the lands it inhabits is naturally connected with the empire; for, establishing itself in a vacant country, the nation certainly did not pretend to have the least dependence there on any other power; and how should an independent nation avoid having authority at home? How should it govern itself at its pleasure in the country it inhabits, if it cannot truly and absolutely dispose it? And how should it have the full and absolute domain of the place in which it has no commrnd? Another sovereignty, and the right it comprehends, must take away its freedom of disposal.

Sir, nothing is more true, nothing is more just, than this doctrine of Vattel, for a nation which has settled in a country without an ownership. There the vacant land becomes naturally its own. But if a number of people occupying land that is owned, living in a country under another government, establish a political community by any act of theirs, how can they divest the original ownership? Sir, we are to bear in mind that the United States owns California; that the land is theirs. It is their acquisition. It belongs to the government of the United States. Now, if persons own particular parts of these lands, appropriated to specific purposes, or granted to individuals by the government of Spain, and if *they* are not divested of their property by the erection of a State government; by what process of reasoning can it be made to appear that the United States are divested, and that the whole domain is acquired to the government of the State? That doctrine of Vattel is, as I have shown, only applicable to the case where a people enters into a country vacant of ownership. If the gentleman who has read from that author had been kind enough to read the whole of the authority, he would have found, I think, exactly the proper distinction. He left off in the middle of a sentence in Vattel. The entire quotation is as follows:

"The general domain of the nation over the land she inhabits is naturally connected with the empire; for, in establishing herself in a vacant country, the nation certainly does not intend to possess it in subjection to any other power; and can we suppose an independent nation not vested with the absolute command in her domestic concerns? Thus we have already observed that, in taking possession of a country, the nation is presumed to take possession of its government at the same time. We shall here proceed further, and show the natural connexion of these two rights in an independent nation. How could she govern herself at her own pleasure in the country she inhabits, if she cannot truly and absolutely dispose of it? And how could she have the full and absolute domain of a place where she has not the command? Another's sovereignty, and the rights it comprehends, must deprive her of the free disposal of that place. Add to this the eminent domain, which constitutes a part of the sovereignty, and you will the better perceive the intimate connexion existing between the domain and the sovereignty of the nation. And, accordingly what is called the *high domain*, which is nothing but the domain of the body of the nation, or of the sovereign who represents it, is every where considered as inseparable from the sovereignty. The *useful domain*, or the domain confined to the rights that may belong to an individual in the State, may be separated from the sovereignty, and nothing prevents the possibility of its belonging to a nation in places that are not under her jurisdiction. Thus many sovereigns have fiefs and other possessions in the territories of another prince; in these cases they possess them in the manner of private individuals.

"The sovereignty, united to the domain, establishes the jurisdiction of the nation in her territories, or the country that belongs to her. It is her province, or that of her sovereign, to exercise justice in all the places under her jurisdiction—to take cognizance of the crimes committed, and the differences that arise in the country."

Now, that is precisely my view. The Government possesses, in all respects, its title in the same manner as individuals retain theirs. The municipal sovereignty, which regulates the transmission, alienation, &c., of portions of the soil, belongs to the new State government, undoubtedly, within her limits. That is unquestionable. But then there is nothing to prevent any other government from possessing the *dominum utile* in any portion of it—nothing at all. Another government may possess it, precisely as an individual may. The United States may still hold land in California, as well as any individual citizen of the United States. The only difference is this, that the Government of the United States holds land only for one great purpose—that is, to sell. It holds it in trust, to sell it for the benefit of the Government; and so soon as sold, it comes under the municipal sovereign; it partakes of the qualities of other land, and is subject to all the rules prescribed by the legal sovereignty. The only exception is this: that in regard to lands of the United States, that is established by law which, in regard to individuals, might be established by contract; that is, that during a certain period those lands, the property of the United States, should be so far exempted from the municipal sovereignty under which they are placed as not to be subject to taxation; and afterwards that the lands held by non-residents cannot be taxed more highly than those of residents. With this exception, which it is just as competent for individuals to make by contract as it is for the Congress of the United States to impose by law, the mode in which lands are held in a State is precisely the same as regards individuals and the United States. They are exactly the same.

Sir, every part of our American history abounds with instances of this sort within the sphere of her own Government, and without the sphere of her own Government. I think I have understood that, with all her domestic sovereignty, the State of New Jersey never possessed any public domain or authority over the uncultivated lands within her limits. The title was, I believe, in the possession of a board of proprietors, who sold it out. The State government had no control over them. So it happened in a great portion of New York. Massachusetts claimed a title to a great part of the western section of the State of New York. She sold it to Mr. Morris, he sold it to B—— and Phelps; and they sold it to the Holland Land Company. I understand that one-third of the State of New York was owned by a foreign company. That was never supposed to be an infringement of the right of the State of New York. The same thing has happened in other countries.

Now the question of sovereignty does not arise. The history of our titles in this respect, and the history of the laws and usages of the country in this particular, have been fully detailed by the honorable member from Illinois, (Mr. Douglas,) and I shall not go over the track he has trodden. He has shown all the precedents. Taken together, they are all one way. There may be exceptions here and there; but the general idea has been that the creation of a State, the admission of a State, had no effect at all upon the property of the United States lying within its limits. It is hardly worth while for me in this atmosphere to argue he point at length. It has been decided and settled by the highest judicial authority of the country—plainly decided and unequivocally. The case will be found in the 3d of Howard. The judgment of the court in that case was pronounced by the gentleman to whom I have referred as having given an opinion the other way when he was a member of Congress. The opinion, in the year 1845, in a case of very great importance, was this:

[The honorable Senator here read the extract, of which we could not obtain a copy.]

Therefore, sir, while the doctrine of the Supreme Court thus enunciated stands, the public authority of the United States over the lands lying within the new States stands on the law of Congress. Now, the argument of the honorable Senator from Louisiana is, that, there being conditions, the assent of the other side, or a compact entered into by the other side, is indispensable. The opinion of the Supreme Court precisely and exactly overrules all that; and the honorable member will see that if it did so happen that the daughtsman of this bill had left open those reservations, it being understood so and so, and had not fallen into the use of the word "conditions," the whole ground of argument of the honorable member would have failed at once. It is enough to say that the Supreme Court has decided directly and distinctly the very point, that the authority of the United States does so far extend as, by force of itself, *proprio vigore*, to exempt lands from taxation when a new State is created over territory in which the lands lie. Then, sir, what is the result of this bill? What has become of all this danger to the public *lands*? Compacts make it no better; it is better without them. Consent makes it no better; that is the language of the Courts—their unanimous language. Therefore I think the honorable gentleman from Illinois (Mr. Douglas) entirely right, when he proposed the law which he did propose in the act for the admission of California, in omitting all reference to that act.

The third section of this bill was added to satisfy doubts. Exceptions were taken, and it was thought that this section would satisfy and remove objection. It was introduced for that laudable purpose; and the bill stands, according to the decisions to which I have referred, just as well without that section as with it. What is there to overturn the law of nations, the history of our government? What is there in this case to show that California has any idea of becoming the owner of the public lands? Why, upon the very face of her constitution, she acknowledges the right of the United States; she goes on in the ninth article of the constitution to provide how those lands shall be disposed of and taken care of by the legislature, which may be granted to her by the United States. Is not that an admission that the public lands in that territory belong to the United States? We must go with this case, I think, according to our own judgment. We must regard substance and not form. If anything be established by law—if anything be settled by the experience of the government, in the course of the admission of half the States now in the Union—if anything be settled by the solemn decision of the highest judicature of the country, it is that there is no such thing as an implication of the control over the public lands, arising from the admission of a State, founded upon any idea that public domain necessarily adheres to State sovereignty.

Now, sir, I hope the honorable member from Louisiana [Mr. Soule] will reconsider it, that he will look to what has been decided; that in this important emergency he will consider whether it is worth his while to stand upon technicalities, and whether it is not rather his duty to conform to the usages and practice, and to the laws and adjudication of the country. The honorable Senator is younger than the most of us; but he will allow me to say to him that it will be very doubtful whether, in his career as a public man, however long it shall be continued, he will arrive at a more important exigency in the public service than is now before him. He has taken an important part in some amendments, and a successful part in some amendments of this bill. He has accomplished that which he and his friends think important in respect to the territorial governments. Will he not help us now to accomplish his own work, and will he not reconsider his objection to the admission of California? For the present I say, so far as these objections go—and there are others to which I shall presently advert—unless he can say there is something in the law, or the statutes, or the decisions of the country—something in the practice of the country—will he not come to the conclusion that this is a common case, an ordinary case—that every doubt about it is shut up and concluded by solemn judicial decisions, and, so far as this objection goes, that he ought to withhold or withdraw his objection to the admission of California?

Then there are other objections. He says that the boundaries are wrong; that they are extravagantly large; that they are unnatural; and that they are impolitic. Now, sir, this is a question which must very much depend upon the nature of the country. At an early period of the session I expressed an opinion that I still hold, though I do not say that are not grounds of different opinions; and that is, if the thing were before us now, we could not make a better boundary for California than is made in her constitution. I formed that opinion from my notion of the conformation of the country, of the nature of its soil, and of the circumstances connected with it. The gentleman says it is three times the amount of the average extent of States in the Union. Well, what follows from that? That there are more than three times as many desert mountains—more than three times as many inaccessible and rocky hills than in any other State of the Union. The question is, how much land is useful?—how much can be made to contribute to the subject of men and society? With respect to that, sir, I am sure every gentleman that looks at it must be of the opinion that, although California must have a very great seaport, and a large city or two, yet, for agricultural products, the whole State of California, as it now is, can never be made equal to a quarter part of the State of Illinois.

In the first place, the great angle of the line steering off from the eastern bottom of the Sierra Nevada, running to the Gila, is a desert of sand, absolute and entire, taking off 30,000 or 40,000 miles of the territory; and that is a pretty important reduction. Then, look again at the mountains. There is along the valleys of the Sacramento and the Joaquin undoubtedly good land. There may be some good land between the mountains and the sea; but, on the whole, nobody can say that of the quantity of tolerable and good land there is any excess. On the contrary, there is much less than belongs to many of the States of the Union.

Then, there is another consideration. With what would you connect South California if you disconnected her with North California? and what is the value of South California disconnected with North California? Look upon the map. Suppose you run the line 36 deg. 30 min. from the sea down to New Mexico. What have you? You have the mountains—you have this vast tract of sand; and from the best information I can obtain—and I have looked at the matter pretty thoroughly, and I think from sources that everybody will regard as the best—I think there can be, at most, in what would constitute this Territory of South California, not more than 5,000 square miles of practicable land that could be tilled. The country is a good grazing country, and the mountains are very well adapted to that. But we speak of the country that can be tilled and cultivated. We must look at the climate as well as the surface; for gentlemen will please to remember that in this part of California eight months of the year roll on without a drop of rain from the clouds, and there is not in the whole of it any land that can be cultivated without irrigation. So small are the streams when you depart from the two rivers—Sacramento and San Joaquin—that they do not supply water enough for the cultivation of a very small portion of the land that might otherwise be made fit for cultivation. What, then, would be the value of this country? The Senator from Louisiana contends for it as the right of the South. Is there any value in it more than nominal right? Could the South make any use of that territory, if it were territory free from restraint? I think not. How is it possible for Southern slavery, such as we have it here, to be employed in such a region as that? Is it not, therefore, a mere dispute without having a substantial value at stake, whichever way the result may be?

I think the case should be considered in its substantial aspect. We ought all to look at it, and see what is the most practical good we can do. The honorable member from Louisiana proposes to make the line of 36 deg. 30 min.—the line commonly called the Missouri Compromise line—a boundary. Now, is that practicable? Does the honorable gentleman and his friends suppose that either now or hereafter, by this Congress, or by the next Congress, any such thing can be done—looking to the fact that this Southern California is part of California, within her established boundaries? I have yet to learn, though I have heard it suggested to the contrary, that there is any disposition or wish on the part of the people, from Monterey down to San Diego, to be by themselves, and constitute a State by themselves. I find that a member of this constitutional convention of California, Mr. ——, from San Angelos, in the early part of the debate, having got into some warmth of discussion with a Northern member, suggested such an idea. He, however, took it back, subsequently, as will be seen upon page 446 of the debates. I see no evidence that the people south of 36 deg. 30 min. desire to set up for themselves, or to have any other government than this, or be associated otherwise than they now are. It is to be remembered, Mr. President, that this Lower California is the old part of California, which has been settled 150 or 200 years. Its habits are fixed; and though it is a subject I do not wish to dwell upon, it may be fit to refer to it, and say that so far as I see, in the course of the debates in this convention, any thing of a fixed purpose to exclude slavery, that sentiment is certainly most strongly expressed by persons, members of the convention, coming from this old and Southern part of California. I think, therefore, it is not a thing worth the contest, even if it could be accomplished, which I do not think can be done. Is it not, therefore, better to take this bill as it stands, with what has been done for the Territories? And taking it as it stands under the constitution of California with regard to the boundaries, and looking at the practical operation, I may not say *certain* operation of things, is it not our bounden duty to receive California into the Union as a State, and immediately?

The idea pressing upon my mind in all this matter is this: that it is our duty to accomplish something on the subject of these Territories without further delay, and to accomplish something that shall be as satisfactory to all parts of the country as we can. I had no hand in introducing these Territories into the Union. I am no prophet; but it required no prophecy to foresee the controversies that might spring out of this acquisition. Here they are upon us. I wish to deal with this subject in all fairness, in the justest and most expedient manner. And as, according to my fixed opinion, there is no necessity for discussing, for receiving, or rejecting, this vexed question of slavery in all these Territories, I wish for my part, as an American, as one who desires to carr yon the Government—to maintain the Government—to see a course adopted, with respect to these Terretories, that shall give all the satisfaction that can be given, and shall accomplish something for the quiet of the country, without further delay.

It has already been suggested, Mr. President, and it is known to us, that we have been here six or seven months, and we are called upon to make some disposition of this matter. I think the clearest point of duty open before us is the admission of California; and I hope we shall have to-day, or whenever the question is taken, such a vote upon the proposition of the honorable member from Louisiana as will convince him and his friends that it is the general judgment of the Senate, of the Government, and of the whole country, that California should be admitted without further delay, and the necessary legislation entered upon—which is no light work—for the establishment of the proper authority of the United States in the Territories.

I think, therefore, without going into any elaborate argument, the honorable member from Louisiana will see that there is nothing to dispute about with respect to the rights of Congress—nothing to dispute about with respect to any danger that California will run away with the public lands, or that she will undertake to tax the public lands or the lands of non-residents. It is enough that Congress shall have expressed its will, and California will be bound by it. Therefore, with respect to California, I trust we may have a vote that will be satisfactory; and, as far as our proceedings can show it, it will be seen that this part of the case is a clear one, so far as the judgment of Congress is concerned.

The debate was further continued by Senators Foote, Barnwell, Butler, and Davis, of Mississippi, until half-past four o'clock, when

Mr. DAVIS gave way to a motion for adjournment.

Upon this motion the yeas and nays were demanded and ordered; and being taken, it was decided in the affirmative—yeas 34, nays 20—as follows:

Yeas—Messrs. Atchison, Badger, Baldwin, Barnwell, Bell, Benton, Berrien, Butler, Chase, Clarke, Clemens, Corwin, Davis of Massachusetts, Davis of Mississippi, Dayton, Dodge of Iowa, Downs, Greene, Hale, Hamlin, Hunter, King, Mason, Miller, Morton, Pearce, Sebastian, Seward, Shields, Smith, Soule, Turney, Upham, and Yulee—33.

Nays—Messrs. Bright, Cass, Clay, Cooper, Dawson, Dickinson, Dodge of Wisconsin, Douglas, Felch, Foote, Houston, Jones, Norris, Pratt, Rusk, Sturgeon, Underwood, Walker, Webster, and Whitcomb—20.

So the Senate adjourned.