

# THE COURIER

"TO THINE OWN SELF BE TRUE, AND IT MUST FOLLOW, AS THE NIGHT THE DAY, THOU CANST NOT THEN BE FALSE TO ANY MAN."

VOL. 2.

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W. K. EASLEY, Editor.

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### CONGRESSIONAL.

#### CONGRESS.

In the United States Senate on Wednesday, August 14th, Mr. Hunter presented a protest against the passage of the bill for the admission of California, a copy of which we insert, with the names signed there-to:

We, the undersigned Senators, deeply impressed with the importance of the occasion, and with a solemn sense of the responsibility under which we are acting, respectfully submit the following protest against the bill admitting California as a State into this Union, and request that it may be entered upon the journal of the Senate. We feel that it is not enough to have resisted in debate alone, a bill so fraught with mischief to the Union and the States which we represent, with all the resources of argument which we possessed, but that it is also due to ourselves, the people whose interests have been entrusted to our care, and to posterity, which even in its most distant generations may feel its consequences, to leave in whatever form may be most solemn and enduring, a memorial of this opposition which we have made to this measure, and of the reasons by which we have been governed, upon the pages of a journal, which the Constitution requires to be kept so long as the Senate may have an existence, we desire to place the reasons upon which we are willing to be judged by generations living and yet to come, for our opposition to a bill whose consequences may be so durable and portentous as to make it an object of deep interest to all who may come after us.

We have dissented from this bill because it gives the sanction of law, and thus imparts validity to the unauthorized action of a portion of the inhabitants of California, by which an odious discrimination is made against the property of the fifteen slaveholding States of the Union, who are thus deprived of that position of equality which the Constitution so manifestly designs, and which constitutes the only sure and staple foundation on which this Union can repose.

Because the rights of the slaveholding States to a common and equal enjoyment of the territory of the Union has been defeated, by a system of measures, which, without the authority of precedent, or of law or of the Constitution, were manifestly contrived for that purpose, and which Congress must sanction and adopt, should this bill become a law.

In sanctioning this system of measures, this Government will admit, that the inhabitants of its territories, whether permanent or transient, whether lawfully or unlawfully occupying the same—may form a State without the previous authority of law, without even the partial security of a territorial organization formed by Congress, without any legal census or other efficient evidence of their possessing the number of citizens necessary to authorize the representation which they may claim, and without any of those safeguards about the ballot box which can only be provided by law, and which are necessary to ascertain the true sense of a people. It will admit too that Congress, having refused to provide a Government except upon the condition of excluding slavery by law, the Executive branch of this Government may, at its own discretion, invite such inhabitants to meet in convention under such rules as it or its agents may prescribe, and to form a constitution affecting, not only their own rights, but those also of fifteen States of the confederacy, by including territory with the purpose of excluding those States from enjoy-

ment, and without regard to the natural fitness of boundary, or any of the considerations which should properly determine the limits of a State. It will also admit that the convention, thus called into existence by the Executive may be paid by him, out of the funds of the United States, without the sanction of Congress, in violation not only of the plain provision of the Constitution, but of those principles of obvious propriety which would forbid any act calculated to make that convention dependant upon it; and last but not least, in the series of measures which this Government must adopt and sanction in passing this bill, is the release of the authority of the United States by the Executive alone to a Government thus formed, and not presenting even sufficient credence of its having the assent of a majority of the people for whom it was designed. With a view of all these considerations, the undersigned are constrained to believe that this Government could never be brought to admit a State presenting itself under such circumstances, if it were not for the purpose of excluding the people of the slaveholding States from all opportunity of settling with their property in that territory.

Because, to vote for a bill passed under such circumstances would be to agree to a principle which may exclude forever hereafter, as it does now, the States which we represent, from all enjoyment of the Union; a principle which destroys the equal rights of their constituents, the equal of their States in the confederacy, the equality of those whom they represent as men and citizens in the eye of the law, and their equal title to the protection of the Government and the Constitution.

Because all the propositions have been rejected, which have been made to attain either a recognition of the rights of the slaveholding States to a common enjoyment of all the Territory of the United States, or to a fair division of that territory, between the slaveholding and non-slaveholding States of the Union; every effort having failed which has been made to obtain a fair division of the territory proposed to be brought in as the State of California.

But lastly, we dissent from this bill, and solemnly protest against its passage, because in sanctioning measures so contrary to former precedent, to obvious policy, to the spirit and interest of the Constitution of the United States, for the purpose of excluding the slaveholding States from the territory thus to be erected into a State, this Government in effect declares that the exclusion of slavery from the territory of the United States, is an object so high and important as to justify a disregard, not only of all the principles of sound policy, but also of the Constitution itself. Against this conclusion, we must now and forever protest, as it is destructive of the safety and liberties of those whose rights have been committed to our care, fatal to the peace and equality of the States which we represent, and must lead, if persisted in, to the dissolution of that confederacy in which the slaveholding States have never sought more than equality, and in which they will not be content to remain with less.

J. M. MASON, } Virginia.  
R. M. T. HUNTER, }  
A. P. BUTLER, } So. Ca.  
R. W. BARNWELL, }  
H. L. TURNER, Tennessee.  
PIERRE SOULE, Louisiana.  
JEFFERSON DAVIS, Mississippi.  
DAVID R. ATCHISON, Missouri.  
JACKSON MORTON, Florida.  
D. L. YULEE, }  
Senate Chamber, Aug. 14, 1850.

Mr. Hunter in presenting the protest, said, those who presented it, were aware that they had no right to demand it of the Senate; but they asked it as a courtesy, to be permitted in that way to express their strong disapprobation of the measure against which they protest.

Mr. Davis of Massachusetts, was opposed to the protest being entered upon the journal, because it was contrary to all precedent, and that as this privilege had never been granted, it ought not to be in this case. If those opposed to a measure were allowed to record their justifications on the journal, a like privilege should also be accorded to those in favor.

Mr. Foote was opposed to the protest. He had been instructed by his Legislature to oppose the admission of California, and he had done so; but after the action of the Senate, he considered it his duty to cease all parliamentary opposition, and submit.

He felt that the placing of this paper on the records of the Senate was fraught with evil to the country, and he would therefore enter his protest against the protest.

Mr. Shields was in favor of granting this courtesy to the Southern members. This protest would go to the country and be published in the newspapers and read whether placed upon the journal or not; and he did not consider the mere placing of this paper upon the journal would be the cause of any additional excitement, than would be occasioned by the mere publication. There were two rights he had always respected—the right of petition and that of complaint. He regarded this as a complaint of the minority, and it was an act of courtesy to that minority to permit them to place it upon the journal.

Mr. Baldwin concurred with the views expressed by the Senator from Massachusetts, (Mr. Davis.) The yeas and nays of the Senators were recorded on the journal, and in this manner every Senator had the right of protest.

Mr. Hale wished simply to call the attention of the Senate to the fact, that in the House of Representatives, a protest was presented by himself and others in the twenty-eighth Congress, and rejected.

Mr. Hunter then read from the journal, to show that a protest had been entered upon the journal of the House, thus furnishing a precedent.

Mr. Cass said that the question of entering the protest upon the journal, was one of expediency, and not of power; and he should vote for it as an act of courtesy to those proposing it.

Mr. Winthrop was opposed to the protest being entered. There was no precedent. He and other Northern men had desired to enter a protest in the case of annexation.—There was but one body in the world which allowed its members to enter a protest upon the journal, and that was the British House of Peers—an aristocratic legislative body, which could not be held up as an example to a Republican Government.

Mr. Butler said that in his own State the privilege of protest was granted the members of the State Legislature; that its exercise was not common; that it was a form of showing their strong disapprobation of a measure; that if this protest was not entered upon the journal, it would go into the country, be printed and exercise the same influence upon the people.

Mr. Davis, of Mississippi, thought that if the wish was to prevent any undue excitement, the proper course was to permit the protest to be quietly recorded on the journal. The making of lengthy speeches to be printed, would not have that effect.

The question being asked, whether the reception of a petition could place it upon the journal.

The President decided that it would not.

Messrs Benton, Downs and Pratt, severally, spoke against its reception.

The further consideration of the subject was then postponed.

On motion of Mr. Douglas, the bill for the establishment of a territorial Government for New Mexico, was taken up for consideration.

After the adoption and rejection of several amendments, the bill was ordered to be engrossed, upon which,

Mr. Hale moved that the Senate go into Executive session; agreed to.

Mr. Hamlin intimated his intention to vote for the reception of the paper, if some subsequent motion, such as to lay it on the table, or place it upon file, on which the yeas and nays should be taken, would not necessarily cause its insertion upon the journal. In that case, he should vote against its reception.

Mr. Berrien was understood to ask whether the taking of the yeas and nays upon the reception would not cause the insertion upon the journal.

Mr. Turney thought a proper course would be, to unite the motion of reception and entering upon the journal.

Mr. Badger said he had intended to vote against the protest, but the remarks of several Senators had rather induced him to go for it, believing the reception would have a good effect.

In the House of Representatives, on the same day, an amendment was passed by a vote of 112 to 47 to restrict debate in Committee of the Whole, under the five minute rule.

Mr. Ashton moved that the House proceed to the business on the Speaker's table, where now lie the bills passed by the Senate to adjust

the Texas boundary question, to admit California as a State into the Union, and to establish a territorial government for the territory of Utah. The House refused, by a vote of 80 in the affirmative, to 102 in the negative, to go into the business on the Speaker's table.

In the Senate, on Thursday, Aug. 15, on motion by Mr. Mason, the Senate proceeded to consider bill No. 23, in relation to fugitive slaves, being the bill to provide for the more effectual execution of the third clause of the second section of the 4th article of the Constitution of the United States, and

On motion by Mr. Mason, it was Ordered, That said bill be made the special order for Monday next, and every day thereafter until disposed of.

The reception and entering of the protest of some Southern Senators to the passage of the California bill, came up for consideration.

The following clause was added to the protest:

"Because the admission of California as a State into the Union without any previous reservation, assented to by her of the public domain, might involve an actual surrender of that domain to, or at all events, places its future disposal at the mercy of that State, and as no reservation in the bill can be binding upon her until she assents to it, as her dissent 'hereafter,' would in no manner affect or impair the act of her admission."

Mr. Badger, who yesterday declared his intention to vote in favor of granting the request asked by some members of the Senate, of entering a protest against the passage of the bill for the admission of California, stated to-day, that the remarks of the Senators from Maryland and Louisiana, (Downs and Pratt,) led to a more thorough examination of the subject, and a consequent change of views. He now regarded that the entering of this protest upon the journal, would be establishing a dangerous precedent. Mr. B. then gave his reasons at length for that opinion.

The question of the reception of the protest, and of its insertion in the journal, was further discussed by Messrs. Hunter, Butler, Cass, Davis of Mississippi, Turney and Soule in favor, and Messrs. Walker, Benton, Pratt, Downs, Houston and Whitcomb against.

Mr. Cass was still of the opinion expressed yesterday. Reflection, and listening to the discussion of the subject, had strengthened that opinion. The entering of a protest upon the journal was not forbidden by the Constitution. The Convention that framed that Constitution left the Senate to exercise its own discretion in this matter. He attached no importance to the mere entering upon the journal of a paper of this kind—the journal was not read by the people at large. If this paper was of such a character as to be productive of a vast amount of evil, it would not be remedied by refusing an insertion of it upon the journal. It had already been published, and would soon be in the hands of the people all over the country.

Mr. Davis, of Mississippi, thought that more importance had been given to the paper by its opponents than it could possibly have attained if it had been suffered quietly to be placed upon the journal. He then, in a masterly manner, spoke of the general subjects connected with the protest, and declared his firm attachment to a Constitutional Union.

On motion, the question of the reception of the protest was laid on the table—yeas 23, nays 19, as follows:

Yeas—Messrs. Badger, Benton, Bradbury, Bright, Chase, Cooper, Davis, of Massachusetts, Dodge, of Wisconsin, Downs, Green, Hamlin, Houston, Miller, Norris, Phelps, Pratt, Smith, Underwood, Upham and Winthrop—22.

Nays—Messrs. Atchison, Barnwell, Berrien, Butler, Cass, Davis, of Mississippi, Dawson, Dodge, of Iowa, Dickinson, Hunter, Mason, Morten, Rusk, Sebastian, Simonds, Soule, Sturgeon, Tuney, and Yulee—19.

The bill to provide a territorial government for New Mexico was taken up, the title amended and passed; yeas 27, nays 10, as follows:

Yeas—Messrs. Atchison, Badger, Benton, Berrien, Bradbury, Bright, Cass, Cooper, Dawson, Dodge, of Iowa, Douglas, Downs, Felch, Houston, Hunter, King, Mangum, Mason, Norris, Pratt, Rusk, Shields, Sebastian, Sturgeon, Underwood, Whitcomb and Wales—27.

Upham, Walker and Winthrop—10. The Senate then adjourned over to Monday.

In the House of Representatives, at a late hour the same day, we understand from a telegraphic despatch in the Charleston Evening News, of Saturday, Mr. Pearce's Bill for the settlement of the boundary of Texas, passed that body by a majority of fifty.

### THE CALIFORNIA BILL.

This Bill, introduced into the U. S. Senate in March last, by Mr. Douglas, and which passed that body on Tuesday, the 13th inst., is as follows, all the amendments offered except the one embraced in the 3d section having been rejected:

*A Bill for the admission of the State of California into the Union.*

Whereas the people of California have presented a constitution and asked admission into the Union, which constitution was submitted to Congress by the President of the United States by message, dated February 13th, 1850, and which, on due examination, is found to be republican in its form of government:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the State of California shall be one, and is hereby declared to be one of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever.

Sec. 2. *And be it further enacted,* That until the representatives in Congress shall be apportioned according to an actual enumeration of the inhabitants of the United States, the State of California shall be entitled to two representatives in Congress.

Sec. 3. *And be it further enacted,* That the said State of California is admitted into the Union upon the express condition that the people of said State, through their Legislature or otherwise, shall never interfere with the primary disposal of the public lands within its limits, and shall pass no law and do no act whereby the title of the United States to, and right to dispose of, the same shall be impaired or questioned; and they shall never lay any tax or assessment of any description whatsoever upon the public domain of the United States; and in no case shall non-resident proprietors, who are citizens of the United States, be taxed higher than residents; and that all the navigable waters within the said State shall be common highways, and forever free, as well to the inhabitants of said State as to the citizens of the United States, without any tax, impost, or duty therefor: *Provided,* That nothing herein contained shall be construed as recognizing or rejecting the propositions tendered by the people of California as articles of compact in the ordinance adopted by the convention which formed the constitution of that State.

### ANALYSIS OF THE VOTE ON THE CALIFORNIA BILL.

The vote on the passage of the California Bill in the United States Senate, on Tuesday, the 13th inst., may be analysed as follows:

Yeas.—*Free State Democrats.*—Messrs. Bradbury, Bright, Cass, Dickinson, Dodge of Wisconsin, Dodge of Iowa, Douglas, Felch, Hamlin, Jones, Norris, Shields, Sturgeon, Walker, and Whitcomb—15.

*Free State Whigs.*—Messrs. Baldwin, Cooper, Davis, of Massachusetts, Ewing, Greene, Miller, Phelps, Seward, Smith, Upham and Winthrop—11.

*Slave State Democrats.*—Messrs. Benton and Houston—2.

*Slave State Whigs.*—Messrs. Bell, Spruance, Underwood, and Wales—4.

### VOTE ON THE CALIFORNIA BILL.

The Bill passed the Senate on the 13th inst., giving the full boundaries as claimed by the State, by the following vote: We find them thus classified:

AYES, 33.  
Baldwin, Conn.  
Bell, Tenn.  
Benton, Mo.  
Bradbury, Me.  
Bright, Ind.  
Cass, Mich.  
Chase, To.  
Cooper, Pa.  
Davis, Mass.  
Dickinson, N. Y.  
Dodge, Wis.  
Dodge, Co.  
Douglas, Ill.  
Ewing, Mo.  
Houston, Tex.  
Jones, Iowa.  
Miller, N. J.  
Norris, N. H.  
Phelps, Vt.  
Seward, N. Y.  
Shields, Ill.  
Smith, Conn.  
Spruance, Del.  
Sturgeon, Pa.  
Underwood, Ky.  
Upham, Vt.  
Wales, Del.  
Walker, Wis.

Greene, R. I.  
Hale, N. H. (f. s)  
Hamlin, Maine.

Winthrop, Mass.  
Whitcomb, Ind.  
NAYS, 17.  
Atchison, Mo.  
Barnwell, S. C.  
Berrien, Ga.  
Butler, S. C.  
Clemens, Ala.  
Davis, Miss.  
Foote, Miss.  
Hunter, Va.  
King, Ala.  
Mason, Va.  
Morton, Fla.  
Morton, Fla.  
Rusk, Texas.  
Sebastian, Ark.  
Soul, La.  
Turner, Tenn.  
Yulee, Fla.

The absentees and members not voting were as follows:

From slave States  
Pearce, Md.  
Mangum, N. C.  
Badger, " "  
Dawson, Ga.  
Clay, Ky.  
Downs, La.  
Mason, Va.  
From free States.  
Clark, R. I.  
Dayton, N. J.  
Felch, Mich.

### FREMONT AND BENTON.

The Washington correspondent of the Baltimore Clipper, referring to the defeat of the Benton party in Missouri, gives a rumor that Col. Fremont, the son-in-law of Benton, will probably resign his seat in the California Senate, so as to give Benton a chance of being elected to the Senate from that State (!) We had suspected that the old man was looking to the back benches as his best chance. We trust California will not elect him, though we confess the fact that she has a Bear upon her State Arms, is ominous of some such result. It will be some satisfaction however, to have driven Old Bullion beyond the Rocky Mountains. His next step, we trust, will be the Sandwich Islands, and so on to China, the only people whose arrogance and self conceit are a match for his own.—*Constitutionalist.*

TOO BIG A BOOH!—A man buying about to purchase a young horse, was fearful he might prove skittish, as the phrase is; and in order to test his soundness, or strength of nerve, directed his boy to go a little way off, behind the next corner, and he would ride the colt down opposite to him, when he should start suddenly out, and cry "booh!" and if the colt could stand that, it would be proof enough of his being firm and well broke. The boy took his station, and the man mounted and rode along; but when he came opposite the corner, and the boy jumped out and cried "booh!" the colt threw him off. The rider picked himself up soon, however, and rubbing his shoulder and shins, asked the boy what he did so for. "Why father," said the boy, "you told me to say booh." "Yes," said the old man, "but there was no need of saying such a big booh to such a little horse."

Encourage your own Mechanics.—Do not send abroad for help, if you have work to do—when it can be done in your own neighborhood—perhaps at your next door. Encourage your own honest, industrious, faithful mechanics. They need all the work they can get. By such a course, you keep money at home, assist the worthy, and have just as good work performed. It is the only way to make a town prosperous, to support your schools and churches. Where there is a disposition to send a hundred miles for articles that, to say the least, could be manufactured as well at your own door, there will always be little or no business done in the place—the churches will be thinly attended and all kinds of labor extremely dull. Wherever mechanics are the best employed, prosperity is seen—the social virtues predominate, travelling mount anks and pedlars retire in disgust, and a kindly, brotherly feeling is experienced, which is the source of unspeakable happiness.

Whatever you have to be done, look around and see if your neighbors cannot do it. If you have a harness to be made or a pump to be bored, a pack of cards to be printed or a well to be dug, just look among your neighbors, before you undertake to send abroad, and if you have none around you capable of the task, it will be time enough to look elsewhere. It is wrong idea to suppose nothing is serviceable that is made at home. We know of many instances where men have refused to purchase work made by their neighbors, and sent to a distant city for the articles they needed, and paid a third more for them, when behold, they had been manufactured and sent away to sell by the very neighbors of whom they refused to purchase.

Let it be the motto of all—I will encourage my own neighbors. In turn you will be encouraged also.