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SPEECH

OF

MR. DAVIS, OF MISSISSIPPI,

ON THE SUBJECT OF

SLAVERY IN THE TERRITORIES.



DELIVERED IN THE SENATE OF THE UNITED STATES, FEBRUARY 13 & 14, 1850.

The Senate having, as in Committee of the Whole, proceeded to the consideration of the resolutions submitted by Mr. CLAY—

Mr. DAVIS, of Mississippi, addressed the Senate as follows :

Mr. PRESIDENT: One of the greatest causes of the apprehension which fills my mind under the existing state of things, is the indifference and incredulity of those who represent the majority of the United States. Yet from every quarter of this broad Union come daily evidences of the excitement which is felt, of the gathering storm which threatens to break upon us. That this Senate chamber should be crowded, that the galleries should be filled, and admittance be sought upon the floor, when men of high national reputation address the Senate, should not surprise any one. But when it is repeated on an occasion like this, when it must be the cause, and not the advocate, that attracts the multitude, it is time that all should feel there is that within the breasts of the people which claims the attention of the Legislature.

When the honorable Senator from Kentucky (Mr. CLAY) introduced the resolutions now under discussion, I thought it my duty to present my views of what I considered injustice to those whom I represent, and to offer some opposition to the dangerous doctrines which I believed he then presented. Whether it was impatience at finding any of his opinions controverted, or whether it was that he sought an adversary so feeble as to secure an easy victory, I know not, and it matters not to me. He challenged me to this discussion whenever I was ready. I was ready then, and meet him now. It has been postponed at his option, and not mine; and that, when he prepared and delivered his speech before the Senate, I did not immediately follow him, was because I could not obtain the floor. I now come to lift the glove he then threw down, and trust in the justice of the cause in which I stand.

The country has been induced to expect—and notwithstanding all previous evidence against it, even I had cherished the hope—that the great power of that Senator, and his known influence in the country, would have been exerted in a crisis so dangerous as this, with the high and holy purpose of preserving the Union. I had hoped from him a compro-

122

mise that would have contained the spirit of that which, in another dangerous period in the history of this country, brought calm and sunshine, instead of the gloom which then lowered over us. In this hope I have been disappointed—grievously disappointed by the character of the resolutions which he has introduced, and yet more grievously disappointed in the remarks by which they were prefaced. If that great power and influence to which I have alluded, and that eloquence upon which multitudes have hung entranced, and remembered only to admire, had now been exerted in the cause of the weak against the strong, the cause of the Constitution against its aggressors, the evils by which we are surrounded might perhaps have been removed, and the decline of that Senator's sun been even more bright than its meridian glory. But, instead of this, he has chosen to throw his influence into the scale of the preponderating aggressive majority, and in so doing vehemently to assert his undisputed right to express his opinions fearless of all mankind. Why, sir, there was nothing to apprehend, and I presume no one will dispute the right of the Senator to advance his opinions in any decorous language he might choose.

Mr. President, my feelings and my duties run in the same channel. My convictions of what is necessary to preserve the Union correspond with my opinions in relation to the local and peculiar interests which I particularly represent. I have therefore no sacrifices to make, unless it be that personal sacrifice I make in appearing under circumstances like those which now surround me.

The greater part of the Senator's argument has been directed against the right of the Southern States to that equality of enjoyment in the Territories to which they assert they are entitled. He has rebuked the spirit of abolitionism as the evil of the country, but, in doing so, instead of describing it as a factious, disorganizing, revolutionary spirit, he has only spoken of it as the offspring of party, the result of passion. Now, Mr. President, I contend that the reverse is true. I contend that it is the want of party which has built up this faction and rendered it dangerous; that so long as party organization preserved its integrity, there was no place for a third party, and no danger from it. If this were merely the result of passion, I should then have hopes which I cannot now cherish. If it were the mere outbreak of violence, I should see some prospect for its subsidence. But considering it, as I do, the cold, calculating purpose of those who seek for sectional dominion, I see nothing short of conquest on the one side, or submission on the other. This is the great danger which hangs over us—not passion—not party; but the settled, selfish purpose which alone can sustain and probably will not abandon the movement. That upon which it originally rested has long since passed away. It is no longer the clamor of a noisy fanaticism, but the steady advance of a self-sustaining power to the goal of unlimited supremacy. This is the crevasse which the Senator described—a crevasse which he figuratively says is threatening submersion to the whole estate, while the owners are quarrelling about the division of its profits. Yes, sir, a moral crevasse has occurred: fanaticism and ignorance—political rivalry—sectional hate—strife for sectional dominion, have accumulated into a mighty flood, and pour their turgid waters through the broken constitution, threatening not total submersion, but only the destruction of a part of the estate—that part in which my constituency, as well as that of the Senator, is found.

What, then, under such circumstances as these, does the Senator propose as a remedy? Does he call all the parties to check the breach which threatens danger to one? Does he lend his own hand to arrest the progress of the flood? No. He comes here, representing those Southern interests which are at stake, surrenders the whole claim of the South, and gives a support to abolitionism which no Northern man—no, nor every Northern man in the Senate—could have afforded. However much we may regret, our surprise must be limited by the recollection that we had some cause to anticipate this. The public press had given us last summer a letter from him, addressed to the abolitionists of Ohio—a man most notorious among them being upon the committee—in which that very ordinance of 1787 was treated as a great blessing and slavery as a curse. The representatives of the South have never sought to violate that compromise or concession, whatever it may be called, that was made in 1787. The representatives of the South have not entered into arguments upon the blessings and evils of slavery. They have said, from time to time, that it was a domestic institution; that it was under their own control; and that they claimed for it only the protection which the Constitution accords to every other species of property. Less than that they can never take, unless they are willing to become an inferior class, a degraded caste in the Union.

A large part of the non-slaveholding States have declared war against the institution of slavery. They have announced that it shall not be extended, and with that annunciation have coupled the declaration that it is a stain upon the Republic—that it is a moral blot which should be obliterated. Now, sir, can any one believe, does any one hope, that the Southern States in this confederacy will continue, as in times gone by, to support the Union, to bear its burdens, in peace and in war, in a degree disproportioned to their numbers, if that very Government is to be arrayed in hostility against an institution so interwoven with its interests, its domestic peace, and all its social relations, that it cannot be disturbed without causing their overthrow? This Government is the agent of all of the States; can it be expected of any of them that they will consent to be bound by its acts, when that agent announces the settled purpose in the exercise of its power to overthrow that which it was its duty to uphold? That obligation ceases whenever such a construction shall be placed upon its power by the Federal Government. The essential purpose for which the grant was made being disregarded, the means given for defence being perverted to assault, State allegiance thenceforward resumes its right to demand the service, the whole service, of all its citizens.

The claim is set up for the Federal Government not only to restrict slavery from entering the Territories, but to abolish slavery in the District of Columbia, to abolish it in the arsenals and dock-yards, to withdraw from it the protection of the American flag wherever it is found upon the high seas—in fact, to strip it of every protection it derives from Government. All this under the pretext that property in slaves is local in its nature, and derives its existence from municipal law. Slavery existed before the formation of this Union. It derived from the Constitution that recognition which it would not have enjoyed without the confederation. If the States had not united together, there would have been no obligation on adjoining States to regard any species of property unknown to themselves. But it was one of the compromises of the Con-

stitution that the slave property in the Southern States should be recognized as property throughout the United States. It was so recognized in the obligation to restore fugitives—recognized in the power to tax them as persons—recognized in their representation in the halls of Congress. As a property recognized by the Constitution, and held in a portion of the States, the Federal Government is bound to admit it into all the Territories, and to give it such protection as other private property receives.

I do not propose to follow the argument of the Senator from Georgia, (Mr. BERRIEN.) I will not mar its beauty or weaken its force by any thing which I can say. I believe that his argument upon that point was so conclusive as to require no addition, if I had the power to make it. It becomes us, it becomes you—all who seek to preserve this Union, and to render it perpetual—to ask, why is this power claimed? Why is its exercise sought? Why is this resolution to obstruct the extension of slavery into the Territories introduced? It must be for the purpose of political power; it can have no other rational object. Every one must understand that, whatever be the evil of slavery, it is not increased by its diffusion. Every one familiar with it knows that it is in proportion to its sparseness that it becomes less objectionable. Wherever there is an immediate connexion between the master and slave, whatever there is of harshness in the system is diminished. Then it preserves the domestic character, and strictly patriarchal relation. It is only when the slaves are assembled in large numbers, on plantations, and are removed from the interested, the kind, the affectionate care of the master, that it ever can partake of that cruelty which is made the great charge against it by those who know nothing of it, and which, I will passingly say, probably exists to a smaller extent than in any other relation of labor to capital. It is, then, for the purpose of political power; and can those who, in violation of constitutional rights, seek and acquire political power, which, in progress of time, will give them the ability to change the Constitution of the United States, be supposed just then to be seized with a feeling of magnanimity and justice, which will prevent them from using the power which they thus corruptly sought and obtained? Man, Mr. President, may become corrupted by the possession of power; he may seek it for pure motives, and be corrupted by its exercise. The reverse of this all history and all reason deny.

Warned by the delusive compromises of the past, we are stimulated by the dangers which surround us to look forward to the issue that has been suggested as the ultimate end—to the day when the power to remodel the Constitution, being possessed, will be exercised; and therefore the men of the present generation are called upon to meet it; they have no right to postpone to posterity the danger which is laid at their own doors; ours is the responsibility, and upon us devolves the duty of deciding the issue. If, sir, I represented a Northern State, however much it might be opposed to the institution of slavery, I feel that I should say to my constituents, without a balance of power such as will enable every interest to protect itself—without such checks and such restraints as can never exist where any one section is paramount to all others—that the great purposes of this Union could never be preserved, the confederacy must be short-lived, and PERISH by the destruction of the principles upon which it was founded. That, for such reasons, under the case supposed, I would as now, oppose a policy which, if it confer a temporary benefit on one, must end in the permanent injury of all.

I believe, Mr. President, it is essential that neither section should have such power in Congress as would render them able to trample upon the rights of the other section of this Union. It would be a blessing, an essential means to preserve the confederacy, that in one branch of Congress the North and in the other the South should have a majority of representation. Ours is but a limited agency. We have but few powers, and those are of a general nature; and, if legislation was restricted and balanced in the mode I have suggested, Congress would never be able to encroach upon the rights and institutions of any portion of the Union, nor could its acts ever meet with resistance from any part of it. The reverse being the case, who knows how soon the time may come when men will rise in arms to oppose the laws of Congress? Whenever you take from the people of this country the confidence that this is their Government, that it reflects their will, that it looks to their interests, the foundation upon which it was laid is destroyed, and the fabric falls to the ground. More emphatically in this than in any other, though it was said by the great Emperor of Europe to be true of all, does this Government depend upon the consent of the people. So emphatically is it true, that the laws of Congress could not be executed in any one State of this Union if that State was resolved to resist it. So entirely is this the case, that, whatever law may be passed at this session—and I perceive a disposition on all sides to pass one for the recovery of fugitive slaves—I feel that that law will be a dead letter in any State where the popular opinion is opposed to such rendition. I would sooner trust it to-day to the sense of constitutional obligations of the States than to the enforcement of any law which Congress can enact against the popular opinion of those among whom it is executed. I have never expected any benefit to result to us from this species of legislation. I believe upon this, as upon every other subject, that we must rely more on the patriotism, the good sense, and morality of the people, than upon any tribunal, to preserve the rights of the Southern States. I have said elsewhere, and where there was none to represent them, that I believed, if the wrongs and injuries heaped upon the South were understood by the great body of the people at the North, the whole conduct of their politicians would be rebuked, and peace and harmony would be restored. But, sir, it is the evil of the time in which we live, that the responsibilities which rest upon us—the responsibilities of our day—are sought to be transferred to another. It is the misfortune of the country that men, instead of meeting issues, shrink from them, and, instead of relying upon the sober second thought of the people, are waving to and fro, like reeds before the wind, to the pressure of every popular impulse. We have high and holy duties to perform—duties of which we are wholly unworthy, unless every man here is ready to hazard his political life for the maintenance of those principles which he has sworn to uphold and to preserve.

But, Mr. President, it is my purpose, and I am sorry, even for one moment, to have diverged from it, calmly and briefly to direct my attention to the main argument of the Senator from Kentucky. I claim, sir, that slavery being property in the United States, and so recognised by the Constitution, a slaveholder has the right to go with that property into any part of the United States where some sovereign power has not forbidden it. I deny, sir, that this Government has the sovereign power to prohibit it from the Territories. I deny that any territorial community, being a dependance of the United States, has that power, or can pro-

hibit it, and therefore my claim presented is this, that the slaveholder has a right to go with his slave into any portion of these United States, except in a State where the fundamental law has forbidden it. I know, sir, that the popular doctrine obtains, that every community has that power; and I was sorry to hear the Senator from Kentucky, in some portion of his speech, assent to it, though in others he did oppose it. Who constitute the communities which are to exercise sovereign rights over the Territories? Those who, in the race for newly acquired regions, may first get there. By what right, sir, do they claim to exercise it? The Territories belong to the United States, and by the States only can sovereignty be alienated. If a mass of persons, sufficiently great to seize upon one of the Territories of the United States, should, by a revolution, wrest it from us, then they would have sovereignty, and could establish any fundamental laws they chose; but until that high act of revolution is performed, it will not cease, save by their consent, to be a Territory belonging to the United States. The sovereignty rests in the States, and there is no power, save that of the States, which can exclude any property, or can determine what is property, in the Territories so held by the States in common. That power the States have not delegated; it can be exercised rightfully only by compact or agreement of the States. It is, therefore, that I have held and hold that the Missouri compromise derived its validity from the acquiescence of the States, and not from the act of Congress.

The General Government has, as agent, to dispose of the public lands, the power necessary to execute that trust. How far this extends it may not be very easy by fixed standard to determine, but it is easy to perceive that this cannot give e sovereignty, or any other than the subordinate functions of government. The Senator from Kentucky, however, claims this from the clause which gives to Congress the power to dispose of and make "needful rules and regulations" for the territory and other property of the United States. I admired his ingenuity when he said Territories. "Territories" is not the phrase of the Constitution; it is "territory," and that territory was the common domain of the United States. That territory—public land—lies within as well as without the limits of the States of the Union. Every new State has been admitted with territory recognized as the property of the United States.

The territory held by the old States was transferred to the United States as a common property. Out of this territory new States have been formed, and the unsold land in these States is still held as the territory of the United States. Does this power, then, to dispose of that territory within the State of Mississippi, for instance, confer upon Congress the sovereignty enabling it to decide what property shall go upon that land, and what shall be the relation of persons subsisting upon it? And if it be not a good argument for a quarter section, or a half section, or a township, it is not good for the vast extent of border which we have upon the Pacific ocean. It is a power over property, and over property merely. Fully to exercise this will require, where there is no government, that some organization shall be made. Since that has been argued, and so ably argued, by the Senator from Michigan, (Mr. Cass,) it may not need further remark. I regret, however, that I am not able to agree with the whole of the argument of that distinguished Senator. His position and argument carries me to the point where any number of individuals, however small, however unauthorized, may assert that sove-

reignty which I hold to reside only in the States of this Union. This vagrant power to govern the Territories, located by some in one place, and by others in another, has never been drawn from a source which could not be controverted, except one. That, sir, is the right which the people inhabiting the Territory have to throw off their dependency upon this government, and to establish a sovereign State by the right of revolution. My argument goes only to the condition of those Territories and those communities, while they are a part of the United States. If the Senator from Michigan, when he asserts the powers of sovereignty to rest in the people of the Territory, and to be derived from Almighty God, means thus to assert as inalienable the right of revolution, and to draw this power from that source, then I agree with him entirely.

It is also, and by very high authority, attempted to draw the right to govern Territories from the treaty-making power. That power does not rest in Congress. It is not a function of the General Government. The treaty-making power vests in the President and in the Senate—the one to negotiate, the other to ratify and confirm. If it is drawn from the treaty making power, and belongs to that, or grows out of it, then it belongs to the President and the Senate, and not to Congress. The treaty-making power is the mean which has been and may be legitimately used to acquire territory; but when it has been acquired, the transferred property is under all the conditions of the Constitution. It is then to be governed according to its principles. It matters not how it was obtained. The Constitution is supreme over it, and there can be no paramount law. The Constitution is the bond between the States—the agreement by which they act in concert. No power can be exercised by any department of this Government, and least of all by its legislative department, which is not derived from that source.

—But the Senator from Kentucky did not stop here. If he had paused at this controverted point—if he had only asserted that the Constitution gave power at one place or another—it would not have presented the dangerous aspect it wears in this discussion. But he goes further. He declares—and his position, his high name, may do us great injury by the declaration—that slavery does not exist, that it is interdicted by the law from the Territories acquired from Mexico; and, moreover, that it is excluded by a decree of nature, and of nature's God, from the land. The Senator quoted no law. He referred to a date when there was no law. Upon the point of prohibition I took issue with him, and upon that point I propose to present the proof. I have here, sir, the act of 1824, the decree of 1829, and the act of 1837, in the original language, which, I believe, are all that can be found of action of the Mexican Government, upon that subject; and, by one competent for the purpose, I have had them translated. The act of 1824, is for the prohibition of the traffic in slaves. It declares:

“DECREE OF THE 13TH JULY, 1824.

“*Prohibition by Congress of the Traffic in Slaves.*

“The Sovereign Constituent Congress of the United States of Mexico has thought it proper to decree as follows:

“1. The commerce or traffic in slaves is forever prohibited in the Territory of the United States of Mexico, under whatever flag, and coming from whatever Power, (or country.)

“2. Slaves which shall be introduced against the tenor of the foregoing article are free, from the single fact of treading the *Territory* of Mexico.

“3. Any vessel, whether national or foreign, in which slaves shall be introduced, shall be irreversibly forfeited, with all its cargo; and the owner, supercargo, captain, master, and pilots, shall suffer the punishment of ten years' imprisonment.

“4. This decree shall have effect from the very day of its publication. But, as to the penalties prescribed in the foregoing article, it shall not have such effect for six months, with reference to the colonists who, in virtue of the law of the 14th October last, as to the colonization of the isthmus of Gonzaco lcos, disembarked slaves for the purpose of introducing them into Mexican territory.”

This was a prohibition against taking slaves into California and New Mexico from the United States, while those Territories belonged to the Mexican Republic. This is the only case in which a permanency is declared for the policy avowed, is the only prohibition, and it is now clearly inoperative. Next is the decree of 1829, the decree of a usurper—passed not by forms of law, but in violation of them. It declares:

“15TH DAY OF APRIL, 1829.

“Decree of the Government, in virtue of Extraordinary Powers. Abolition of Slavery in the Republic.

- “1. Slavery is (or literally remains) abolished in the republic.
- “2. Those are consequently free who were heretofore considered as slaves.
- “3. When the condition of the Treasury admits of it, the proprietors of slaves will be indemnified in a manner to be settled by the laws.”

That decree was not executed. That some proprietors lost their slaves is not doubted; but that it was not fully executed is clear, from the fact that, in 1837, legislation occurred to carry out the object of the decree:

“5TH DAY, APRIL 4, 1837.

“Law.

- “Slavery is (or literally remains) abolished in the republic, without any exception whatever.
- “1. Slavery is (or literally remains) abolished, without any exception, in all the republic.
- “2. The owners of slaves manumitted by the present law, or by the decree of the 15th September, 1829, (summary of that month, page 2137,) will be indemnified for the value of the same; this value to be estimated by the valuation of their personal qualities; for which purpose a judge will be named by the commissary general, or his representative, and another by the owner, and in case of disagreement, a third, named by the proper constitutional *alcalde*, without interposition of appeal of any kind from this decision. The indemnification of which this article speaks will not be effective as regards the emigrants of Texas that may have taken a part in the revolution of that department.
- “3. The same owners to whom will be given gratis the original documents of the valuation referred to in the anterior article will present them to the Supreme Government, who will ordain that the general treasury issue the corresponding bonds for value of the respective amounts.
- “The payment of said bonds will take place in the manner which the Government may judge most equitable, conciliating the rights of individuals with the actual state of the public funds.”

Here it will be seen, by comparison, that when perpetuity is intended, a distinct expression is used, as in the act of 1824—*para siempre*, forever; this is not found in the abolition decree or act of Congress. How, therefore, do gentlemen learn the intent, and how will they proceed to give the stamp of eternal to the act of a Government which furnishes annual revolutions?

This law was never carried out. So far as I have been able to learn, the appraisement, which was a part of the law, with which it was to go into effect, was never made, nor in any manner compensation rendered. More, sir; so far as I have been able to learn, this decree for the abolition of slavery, and the act of 1837, were both in violation of the wishes of the States and individuals particularly concerned. It was enacted against their will, by usurpation of power, first on the part of the dictator, and secondly on the part of the Mexican Congress.

We have, in our practice and in our principles of government, nothing which can be considered as a parallel to a dictator, as known in the history of Mexico. The nearest parallel which I can imagine is, to suppose that in a period of invasion and imminently great danger, martial law should be declared over the whole of the United States. Suppose, in that case,

that the Executive of the United States, vested with extraordinary power, should decree that slavery was abolished throughout the United States by virtue of the powers which he held under martial law, does any body believe it would be submitted to? Will any man contend that such a decree would have the validity of law in this Union? Will any man contend that if a future Congress should legislate in conformity thereto, and to compensate those who had lost their slaves under such a decree, the owner would be thereby compelled to submit to the decree? Or does any man believe that even if the right were conceded to our Congress to pass an emancipation act, providing that the slaves should be liberated by paying for them, the passage of such an act would be obligatory upon the owners before the compensation was made? All these points failed in the Mexican case. So far, then, as I can view this case, with my notions of constitutional construction, it was void in the beginning, and remained void to the end.

But suppose it was a law. However informal the enactment, that supposition may be made from the fact that slavery did not exist in Mexico at the time we acquired the territory. Suppose it be conceded that by law it was abolished—could that law be perpetual?—could it extend to the territory after it became the property of the United States? Did we admit territory from Mexico subject to the Constitution and laws of Mexico? Did we pay fifteen millions of dollars for jurisdiction over California and New Mexico, that it might be held subordinate to the law of Mexico? In the discussion upon that treaty by which we acquired the territory, it was a very general opinion that we should get jurisdiction, and jurisdiction alone; that all the land would be found to be covered by grants which had become valid, so that we should not get public domain. Under the present construction, it seems that we did not get jurisdiction either.

The argument made here and elsewhere for the continuance of the laws of Mexico is drawn from the laws of nations in relation to a conquered territory. I do not intend to go into that discussion. It is gratifying to every one, and marks the progress of civilization, to observe step after step taken to soften the rigors of war, and to ameliorate the condition of the subjugated. But, sir, this is not a conquest. This people came not to us as a conquered race. We acquired the territory by purchase and treaty, and we got from Mexico only that which she was willing to sell. The negotiation of the treaty shows that our Commissioner endeavored even to get a small strip off from Sonora, and was refused upon the ground that they would not interfere with the limits of a State. They sold us that which they were willing to part from; and whatever it was worth to us, we paid them much more than it was worth to them.

It is not to the law of nations, it is not to the moral feeling of the age, in relation to a conquered people, that we are to look. It is to the treaty, to the terms of the treaty, and to the principles of the Constitution of the United States. Of the two articles—the 8th and 9th—the one secures all the rights of property to the Mexicans in the Territory at the time of its acquisition; the other guaranties a further admission to the rights of citizenship:

“ARTICLE VIII.—Mexicans now established in Territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican

republic, retaining the property which they possess in the said Territories, or disposing thereof, and removing the proceeds wherever they please, without their being subjected, on this account, to any contribution, tax, or charge whatever. Those who shall prefer to remain in the said Territories may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States. But they shall be under the obligation to make their election within one year from the date of exchange of ratifications of this treaty; and those who shall remain in the said Territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.

“ARTICLE IX.—The Mexicans who, in the Territories afore-said, shall not preserve the character of citizens of the Mexican republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and in the mean time shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.”

The Commissioners of Mexico had no idea that they were, by treaty, transferring their law abolishing slavery into the United States. They had no conception that we were to be bound by the edicts and statutes of Mexico. And certainly if such an idea had been entertained by the Senate, it could not have been sanctioned by two-thirds of them. But this is not left undecided, or to mere speculation. This question was brought up in the discussion between the Commissioners, and it will be found, by a letter directed to the then Secretary of State (the Hon. Jas. Buchanan) by our agent, Mr. Trist, dated at Tacubaya, February 4, 1847, that the Mexican Commissioners pressed this point, the continuation of their law for the exclusion of slavery, upon Mr. Trist, in the earnest language which was read by the Senator from Kentucky.

But the Senator did not read all that was said in reply to the Mexican Commissioners. I believe it appears in his revised speech. After telling them that such a proposition could not be entertained, Mr. Trist says:

“I concluded by assuring them that the bare *mention* of the subject in any treaty to which the United States were a party was an absolute impossibility; that no President of the United States would dare to present any such treaty to the Senate; and that, if it were in their power to offer me the whole territory described in our project, increased tenfold in value, and, in addition to that, covered a foot thick over with pure gold, upon the single condition that slavery should be excluded therefrom, I could not entertain the offer for a moment, nor think even of communicating it to Washington. The matter ended in their being fully satisfied that this topic was one not to be touched, and it was dropped, with good feeling on both sides.”

Then, sir, the people of Mexico cannot expect that their law shall be recognized by our Government. The Commissioner of the United States rejected the proposition as one which could not be entertained.

With this state of facts, the Senate have ratified the treaty. Under the belief that the Constitution of the United States covers all the territory which belongs to the States, under the conviction that the Supreme Court of the United States, sitting in judgment under the Constitution, would sustain us in such rights, we have tried to organize Territorial Governments; we have tried to transfer this question from Congress to the Supreme Court of the United States; we have asked for the establishment of district courts in California, for the simple admission that the Constitution of the United States prevailed over that country, in order to wring from those who opposed our rights under it some opportunity to test them legally. After all this, and when Congressional agitation has prevailed to prevent the slaveholder from migrating with his property, and sharing in the determination of the fundamental law, we are now told, with patronizing air, that we ought not to object since we have not been prohibited from participation in the Territories by Congress, and that in

the case of California we are bound to accept such terms as the inhabitants of the Territory possessing it, under such circumstances, shall think fit to dictate to us. That the will of the conglomerated mass of gold-hunters, foreign and native, is to be taken as the decree of Nature, and to be held authoritative for the exclusion of citizens of the United States from equal privileges which the Constitution declares, and was established to secure.

Why, sir, what choice is there between this and the Wilmot Proviso? I for one, would prefer the Wilmot Proviso. I demur, sir, after the House had killed the Wilmot Proviso, against any claim to a dukedom for him who brings the lifeless corpse into the Senate. I wont agree to grant it, even under the threat of being left to kill all future Percys, without the aid of the knight who found the body by the wayside; least of all, have I any thanks to return to the Senator from Illinois, for the ground which he says he has assumed among his constituents in opposing the Wilmot Proviso; that it had no application, because, slavery being already excluded from the Territories, it was wholly unnecessary to prohibit it by new enactment.

Sir, I prefer the Wilmot Proviso to that position; I prefer it, because the advocate of the Wilmot Proviso attempts to rob me of my rights, whilst acknowledging them, by the admission that it requires legislation to deprive me of them. The other denies their existence.

Mr. DOUGLAS, (interposing.) Mr. President, I do not know what is the intention of the Senator in bringing me into his speech. I am not aware—

Mr. DAVIS. I alluded to the position which you assumed in debate yesterday, for the purpose of answering it.

Mr. DOUGLAS. I stated then, as I have always stated, and as I state now, that I am opposed to the Wilmot Proviso, because, in my judgment, it violates a fundamental principle of free government—that all people have the right, derived from God himself, to regulate their own institutions as they see fit.

Mr. DAVIS. If the Senator had been understood by me on that occasion as I understand him now—that he was opposed to the Wilmot Proviso because it violated a fundamental principle of our Government—I should not have alluded to him.

Mr. DOUGLAS. You will find it so reported in both the journals which report officially for the Senate.

Mr. DAVIS. I did not mean to doubt it, sir. I am always prepared to admit that I am mistaken, when a Senator corrects me, in quoting from what he has said. I always permit him or any other gentleman to correct me, when I am stating what his position is, or what I had supposed it to be. I should as soon think of disputing with him upon the pronunciation of his own name. I presume, of course, that he is right, and I am wrong. And even if he had presented the subject as I thought, and meant to say any thing else, his explanation is good with me, the intent, the idea of the speaker, not the language, being that which is valuable. I, perhaps, more readily so understood the Senator from Illinois, because such positions had been taken by the Senator from Kentucky. I think that his earnest, even solemn, appeal to the North not to impose the Wilmot proviso, rested solely upon the ground that there was no necessity for it, the exclusion being already complete. If our rights are to be taken away from us, if slavery is excluded from the Territories—and

the Wilmot proviso is only intended to exclude slavery—I do think that the honorable Senator from Kentucky presented to the North quite a sufficient argument for not pressing that measure. He asks them, for the sake of concord and harmony, for the sake of preserving the Union, to forbear from passing a law for an object and upon a subject which is, according to him, already covered by enactment, just as effectual for the purpose intended as that which he asks them to abandon. They must be very unreasonable, if they persist, under such circumstances, in a course of legislation so perilous and so unnecessary; and, I think they might, for a less consideration than the preservation of the Union, consent to a sacrifice which would cost absolutely nothing.

The Senator from Kentucky has not only spoken repeatedly of these resolutions as resolutions of mutual concession, but on one occasion at least he spoke of them as concessions in which the North yields to the South far more than she receives. Where is the concession to the South? Is it in the admission, as a State, of California, from which we have been excluded by Congressional agitation? Is it in the announcement that slavery does not and is not to exist in the remaining Territories of New Mexico and California? Is it in denying the title of Texas to one-half of her Territory? Is it in insulting her by speculating upon her supposed necessities, and offering her a sum of money in consideration of a surrender of a portion of her territory? Is it by declaring that it is inexpedient to abolish slavery in the District of Columbia, unless this Federal Government make compensation to the owners of the slaves—a class of property with which this Government has nothing more to do than with any other? Or is it in another condition which places the property of the owner at the mercy of the wayfarer, that is unless consent is obtained from the District, which can doubtless be obtained at some early day, through the great numbers of agents and office-holders the North gives annually to this city as temporary residents? Is this, or either of these propositions, a concession to the South? Are we to fill the Treasury, in order that it may be emptied for purposes of abolition? Is that one of the purposes for which we submit to taxation, direct or indirect? Can money be appropriated from the Treasury for any other than those purposes indicated in the Constitution? And was this Constitution formed for the purpose of emancipation? Sir, it seems to me that this is a question which gives its own solution—needs no answer.

All property is best managed where Governments least interfere, and the practice of our Government has been generally founded on that principle. What has been the progress of emancipation throughout the whole history of our country? It has been the pressure of free labor upon the less profitable slave labor, until the slaves were transferred to sparser regions, and their number, by such transfer, was reduced to a limit at which, without inconvenience or danger, or serious loss, emancipation of the few who remained might occur. If this Federal Government had been invested with a trusteeship to take charge of the negroes of the United States, and provide for their emancipation, then I would admit that appropriations of money might be made out of the Treasury for purposes of abolition in the District of Columbia, but not otherwise.

But, sir, is it true that the State of Maryland alone has any interest in this question? Is it true that there is no implied faith towards other States than Maryland not to disturb this question? The citizens of other States who helped to build up this Capitol and these public edifices

expected it to be neutral ground, upon which they might all come with their rights equally recognised, each as in the different sections of the Union. Was there no implied faith to them? Should we stand upon an equal footing in this District, the common property of the several States, if slavery were abolished and the Southern man were not permitted to bring with him a species of domestics to which he is accustomed and attached, and which are therefore necessary to him? Would he have the same privileges in this District as those who have domestics of another sort? If not, then I say it ceases to be the common property of the United States, in which the citizens of every State have equal privileges.

I will now, sir, in this connexion—because it is so much more pointed than any thing which I could offer on the subject—refer to the remarks made by the honorable Senator from Kentucky, when formerly a member of this body, upon this very subject, the abolition of slavery in the District of Columbia. He then said:

“The following is the provision of the Constitution of the United States, in reference to this matter:

“‘To exercise exclusive legislation in all cases whatsoever over such District (not exceeding ten miles square) as may by cession of particular States, and the acceptance of Congress, become the seat of Government of the United States.’

“This provision preceded, in point of time, the actual cessions which were made by the States of Maryland and Virginia. The object of the cession was to establish a seat of Government of the United States, and a grant in the Constitution of exclusive legislation must be understood, and should be always interpreted, as having relation to the object of the cession.” * * * *

“If it were necessary to the efficiency of this place as a seat of the General Government to abolish slavery, which is utterly denied, the abolition should be confined to the necessity which prompts it—that is, to the limits of the city of Washington itself. Beyond those limits, persons concerned in the Government of the United States have no more to do with the inhabitants of the District, than they have with the inhabitants of the adjacent counties of Maryland and Virginia which lie beyond the District.” * * * *

“The grant in the case we are considering, of the territory of Columbia, was for a *seat of government*. Whatever power is necessary to accomplish that object is carried along by the grant. But the abolition of slavery is not necessary to the enjoyment of this site as a seat of the General Government. The grant in the Constitution of exclusive power of legislation over the District was made to ensure the exercise of an exclusive authority of the General Government to render this place a safe and secure seat of government, and to promote the well-being of the inhabitants of the District. The power granted ought to be interpreted and exercised solely to the end for which it was granted.”

That I hold to be a more conclusive argument against than the one which the Senator offered upon this occasion for the power. We have no right to exercise any authority over the District of Columbia, except for those purposes for which it was ceded to the United States by the States to which it formerly belonged. Until the argument heretofore used is answered more effectively than on this occasion, it is perhaps unnecessary to disturb it. Sir, if the argument of the Senator that slavery was prohibited in Mexico, and that thereby it is prohibited in the Territories acquired from her, were good in relation to slavery, it must equally hold good with reference to some sixty articles of ordinary commerce prohibited by Mexican law. In a letter from the Secretary of the Treasury, March 30th, 1847, he states that about sixty articles of ordinary commerce are embraced in the acts of prohibition in Mexico, including many of the most common articles of trade, such as cotton and cotton fabrics, salt, tobacco, coarse woollen cloths, grain of all kinds, and most kinds of leather, and other manufactured articles. If the right of the slaveholder to migrate into the Territories, and to carry this species of popery there, is prohibited by Mexican laws, so is the right of the ordinary trader to enter there with any of those sixty articles of commerce likewise prohibit-

ed, and the privilege which every citizen now freely exercises of free trade in the Territories does not exist of right. But the right of free trade throughout the United States is derived from the Constitution, and resulted necessarily and instantly from the transfer of the country to the United States. That right equally applies to the transfer of slave property from the domicile of the owner in any of the States to the same Territories; and the Mexican laws are no more in force on this subject than on the other.

But if I am told, by way of answer, that the revenue laws are extended over the Territories, I reply they are extended only by the authority of the Constitution. The Mexican law which abolished slavery had not the same validity—it had not the same formality—not the same binding force as those which prohibited these sixty enumerated articles of commerce. It was because the Constitution overrode these prohibitory laws that free trade now exists. It is because the Constitution recognises property in slaves, and secures equal privileges and immunities to all citizens of the United States, that we claim the abolition of slavery by Mexico to have died with the transfer of those Territories to the United States. By the transfer of the territory, the sovereignty of Mexico was withdrawn; the sovereignty of the United States was immediately extended over the country and filled its place: a sovereignty to be measured by our Constitution, not by the policy of Mexico. But let us suppose that it had been referred to Mexican people, whether they would more readily tolerate the introduction of free trade and of slavery or Protestantism within their boundaries, does any one doubt that they would say carry into California and New Mexico any or all of the sixty prohibited articles, and slavery likewise, but spare us the introduction of Protestantism. Does the established religion of Mexico remain in force, is Protestantism excluded from the Territories, or does the freedom of religious worship secured by our Constitution prevail over the land? I hope it will not be attempted to discriminate between the few and the many in cases of constitutional right; that the principles of our compact, sacred to the defence of the minority, will not be stretched and contracted as prejudice or interest may dictate.

The sovereignty of the United States refers to the Constitution. Upon that I am disposed to rest the rights of the South. But, sir, because, on a former occasion, I stated what I believed to be our constitutional rights, but that as there were two great antagonist principles in this country—the one claiming that slavery shall be excluded from all the Territories, and the other contending that slaveholders have a right to go with their property into all of the Territories, and as these two conflicting principles could not be reconciled, as compromise was only to be found in a division of the property, that I would consent to the establishment of a line, on one side of which one of these principles should prevail, and on the other side the other should be recognized—because I stated this, and because I suggested that this common territory, which it seems cannot be enjoyed in peace together, should be divided, I was charged with the desire to establish slavery where it does not now exist. I claimed as our existing right the privilege to go into all the territory, and said I would not recognize your right to exclude us from any portion of it; for one, I was willing to settle the controversy, and incur the hazard of taking the Missouri compromise line as a division, waving the question of right. I would agree to any compromise adequate to the present

crisis which equality and honor will permit. Now, sir, what was the case in the Missouri compromise? That was all slave territory; and to be divided between the slaveholding and non-slaveholding States, it merely required a line to be drawn, and prohibition to be attached to that part which was assigned to the non-slaveholding interest. So in the case of Texas, with the exception that, as the territory was covered by the jurisdiction of a sovereign State, the prohibition could only take effect after Texas withdrew her sovereignty from the part so provided for.

Mr. President, in all the controversy which has arisen about the validity and extent of the Mexican law, no species of property has ever been denied the right to enter the territory we have acquired, except slaves. Why is this? What is there in the character of that property which excludes it from the general benefit of the principles applied to all other property? It is true that gentlemen have asserted that this is local, and depends upon the laws of the States in which it exists; that it was established by municipal regulations. But gentlemen must understand that this slave property, like all other, is not the creation of statute, it is regulated by law like other tenures and relations of society, but like other property, must have existed before laws were passed concerning it; like other property, resulted from the dominion of mind over matter, and, more distinctly than most other species of property, is traced back to the remotest period of antiquity. Following up the stream of time, as far as history will guide us, we find there, in the earliest stage of society, slavery existing, and legislated upon as an established institution. And wherever the hieroglyphics of Egypt have been deciphered, and have told the history of ages not otherwise recorded, they show that the Ethiopian, so far as he has been traced, has been found in the condition of bondage. This kind of property was not established here by law, nor did it originate here. It came into the colonies as all other property, subject to the common law which then governed them; and from time to time, laws have been passed to regulate it, but never to establish it. No law has ever been passed to make a freeman a slave, save that which imposes involuntary servitude as a punishment for crimes. Slaves were purchased upon the coast of Africa, and brought to the colonies of the United States, in their earliest history. Those colonies resisted such importations, yet the mother country continued it because it was profitable to her commerce; and after this Union was formed, those States which now insist upon restricting slavery—now most vociferous for abolition—were the same that extended the period to which slaves were introduced into the United States; the same that postponed the date when the custom-house officers of the United States should be required to execute the laws of Virginia, to prevent the further introduction of negroes and mulattoes from the West Indies. Yes, it was northern men who rebuked Mr. Randolph for speaking of the high powers which Virginia might exercise, if the Federal Government should not require her custom-house officers to aid in the execution of that law. This property, after it had ceased to be connected with the slave-trade, and no longer served to employ shipping and gratify the avarice of those who had sustained the policy of that trade, became the subject of popular declamation; and those who grew rich in the traffic have been ever since making public demonstration of their horror of the crime, as they denominate slavery. It was, so far as our interest was involved, a sound, wise policy

that abolished that trade, and I presume there is no man in the United States who would be willing to revive it.

The slave trade, however, so far as the African was concerned, was a blessing; it brought him from abject slavery and a barbarian master, and sold him into a Christian land. It brought him from a benighted region, and placed him in one where civilization would elevate and dignify his nature. It is a fact which history fully establishes, that through the portal of slavery alone, has the descendant of the graceless son of Noah ever entered the temple of civilization. Thus has been made manifest the inscrutable wisdom of the decree which made him a servant of servants. The slave trade has been the greatest source of permanent blessing to him. It has sent back a population possessed of an intelligence that would have never been reached in their own country. It has established that colony which, if any thing can, may lead to the extinction of the slave trade. I say if any thing can; for it is a notorious fact, that the slave trade has increased in proportion to the efforts made to destroy it. And the horrors of the traffic have increased in a still higher ratio; not only by the suffering which results from the necessity of using small vessels to escape the vigilance of the cruisers, but also by famine and disease caused by long delay on the coast, the result of difficulty in embarkation, under the watchful vigilance of the observing squadron. From like cause many of the slaves brought to the coast of Africa have been massacred by their barbarian masters. In 1846 the commander of the British ship *Actæon* wrote to the Secretary of the Admiralty that the native chief of Lagos caused upwards of two thousand of his slaves to be slaughtered. Let this speak to those who suppose that slavery begins with transportation, and that absolute power over the African is a thing peculiar to our continent. But, whatever be the curse or the blessings of the African slave trade, it is a thing which was never introduced or engaged in by the South, and one for which Southern men never were and their descendants are not responsible. It is not our province to reply to any strictures which may be made upon it; it is odious among us now, as it was with our ancestors. We only defend the domestic institution of slavery as it exists in the United States; the extension of which into any new Territory will not increase the number of the slaves by one single person, but which it is very probable may, in many instances, produce emancipation. If, during the early settlement of a country, slaves are permitted to enter, the excess of demand over supply of labor will no doubt cause their introduction; but if it prove to be one in which climate and soil are both opposed to their use, then the population of the States which may be erected there, will as certainly decree emancipation, as the same causes produced the emancipation of slavery in any of the Northeastern States. It is not, then, for the purpose of emancipation or for the benefit of the slave that it is sought to restrict it; no, sir, quite otherwise; for it will be remembered that, on the floor of the Senate, it was once avowed that the policy of the extension of slavery was opposed because it would be the means of multiplying their number by increasing their substantial comforts. Yes, sir, we were pointed to the statistics of the North to show that crime, and degradation, and poverty, drew in their train, as a natural result, a check to the increase, and indicated the final extinction of the free blacks resident in that section; and those who said this are the same who, with pretensions of philanthropy, of special regard for

the African, are striving for abolition, and attacking the peace of the people with whom they live, and between whom and them exist relations as kind as those which exist between man and man in the ordinary relation of life.

But, sir, the Senator, after declaring that no earthly power could induce him to vote for the recognition of this right to introduce slaves into the territory of the United States, announced that the effort to claim the recognition of it was an effort to propagate slavery, and then, as though it were a convertible term, said to propagate wrong. I do not propose to discuss the justice or injustice of slavery as an abstract proposition; I occupy this seat for no such purpose. It is enough for me to know, that here we are not called upon to legislate either for its amelioration or to fix the places in which it shall be held, and certainly have no power to abolish it. It is enough for me elsewhere to know, that it was established by decree of Almighty God, that it is sanctioned in the Bible, in both Testaments, from Genesis to Revelations; that it has existed in all ages, has been found among the people of the highest civilization, and in nations of the highest proficiency in the arts. It is enough, if this were not sufficient, to know that it existed in all the States of this Union at the period of the confederacy, and in all but one at the adoption of this Constitution, and that in one-half of them it continues to exist at the present day. It does not follow, because he believes it demonstrable, that a Southern man should enter into an argument to justify the right to hold property of this character. Testimony might be produced to show that many blessings spring from it, in proportion to the evils that are so loudly denounced as an inherent part of it. But I ask of those who entertain opinions opposite to mine, is it well to denounce an evil for which there is no cure? Why not denounce criminal laws, declaim against disease, pain, or poverty, as wrong? There are many evils in the condition of man which we would be glad to remedy; but, not being able, we permit them to exist as less than those which would follow an interference with them.

The abolition of slavery in the District of Columbia, so long agitated in both halls of Congress, and which has formed the themes of so many Northern lectures, I had hoped, whilst they had so many more important themes, and especially whilst assuring us that there was no intention to interfere with slavery in the States, but only to prevent its extension, would for a season have been permitted to repose, if it be now impossible to return to the sounder opinions of other times. It was formerly the case—I will not say in the better days of the republic, though any that have gone before may prove to be better than these—that Northern men, on account of the implied faith of the cession, and for the peace that should exist in the place held for common purposes by a common Government, resisted every attempt to touch the institution of slavery in the District of Columbia. Such, I recollect, was the course of a distinguished Senator once, from the State of Pennsylvania—distinguished then, and more distinguished since—distinguished by his capacity—distinguished by his high attainment—distinguished for his high eloquence—yet more distinguished still for the pure morality of his life, and the stern patriotism of his character. That Senator (Mr. BUCHANAN, of Pennsylvania) presented from the people of his own State a petition for the abolition of slavery in the District of Columbia. After a long and able discussion, the prayer of the petitioners was rejected by a vote of 34

to 6. He presented it as a matter of respect to those who had enclosed it to him; but he moved that it be rejected, and made a speech in favor of its rejection. From that speech I will read some short passages :

“The Constitution has, in the clearest terms, recognized the right of property in slaves. It prohibits any State into which a slave may have fled from passing any law to discharge him from slavery, and declares that he shall be delivered up by the authorities of such State to his master. Nay, more; it makes the existence of slavery the foundation of political powers, by giving to those States within which it exists Representatives in Congress, not only in proportion to the whole number of free persons, but also in proportion to three fifths of the number of slaves.”

“Sir, said Mr. B., this question of domestic slavery is a weak point in our institutions. Tariffs may be raised almost to prohibition, and then they may be reduced so as to yield no adequate protection to the manufacturer; our Union is sufficiently strong to endure the shock. Fierce political storms may arise; the moral elements of the country may be convulsed by the struggles of ambitious men for the highest honors of Government. The sunshine does not more certainly succeed the storm than that all will again be peace. Touch this question of slavery seriously—let it once be made manifest to the people of the South that they cannot live with us, except in a state of continual apprehension and alarm for their wives and their children, for all that is near and dear to them upon the earth, and the Union is from that moment dissolved. It does not then become a question of expediency, but of self-preservation. It is a question brought home to the fireside—to the domestic circle—of every white man in the Southern States.”

Thus he spoke in 1835; and recently, when no longer in the public councils, he answered an invitation from his old friends in Berks county, Pennsylvania, and then, alluding to this same harassing and distracted question, used the following language :

“After Louisiana was acquired from France by Mr. Jefferson, and when the State of Missouri, which constituted a part of it, was about to be admitted into the Union, the Missouri question arose, and in its progress threatened the dissolution of the Union. This was settled by the men of the last generation, as other important and dangerous questions have been settled, in a spirit of mutual concession. Under the Missouri compromise, slavery was ‘forever prohibited’ north of the parallel of 36 degrees 30 minutes; and south of this parallel the question was left to be decided by the people. Congress, in the admission of Texas, following in the footsteps of their predecessors, adopted the same rule; and, in my opinion, the harmony of the States, and even the security of the Union itself, require that the line of the Missouri compromise should be extended to any new territory which we may acquire from Mexico.”

Now, I have no doubt that if that honorable gentleman was upon this floor he would vote for the extension of the Missouri compromise line to the Pacific, with the admission of our right below the line as distinctly as the prohibition above it. I do not believe he would practise a delusion, but frankly and honestly would say that the application of the Missouri compromise line to the present case would require new terms. It would not be in keeping with the language I have quoted and the opinion I have expressed of him to act otherwise. Is it honest for those who have enjoyed all the benefits of the Missouri compromise, when it was run through slaveholding States and Territories, now to claim that these benefits are not to be extended to others? Who would expect a Southern man to accept the Missouri compromise line with the condition of slavery prohibited above it, and nothing said about it below the line? What would be obtained? Would there be a settlement of the question—any peace secured to the country? I ask, is it not offensive to the understanding of any man to suppose he will surrender substantial, essential rights for empty professions? If I am told that it would be implied, but that the feelings of the North will not allow the expression, then, sir, I am offered new evidence of a hostility which is incompatible with the idea of compromise, or the expectation of its faithful observance.

THURSDAY, FEBRUARY 14, 1850.

Mr. DAVIS resumed and concluded his remarks as follows:

One of the positions laid down by the honorable Senator from Kentucky, and which he denominated as one of his two truths, was, that slavery was excluded from the Territories of California and New Mexico by a decree of Nature. From that opinion I dissent. I hold that the pursuit of gold-washing and mining is better adapted to slave labor than to any other species of labor recognized among us, and is likely to be found in that new country for many years to come. I also maintain that it is particularly adapted to an agriculture which depends upon irrigation. Till the canals are cut, ditches and dams made, no person can reclaim the soil from Nature; an individual pioneer cannot settle upon it with his family, and support them by the product of his own exertion, as in the old possessions of the United States, where rain and dew unite with a prolific soil to reward freely and readily the toil of man. It is only by associated labor that such a country can be reduced to cultivation. They have this associated labor in Mexico under a system of *peonage*. That kind of involuntary servitude, for debt I suppose, cannot long continue to exist under American institutions; therefore the only species of labor that can readily supply its place under our Government would, I think, be the domestic servitude of African slavery; and therefore I believe it is essential, on account of the climate, productions, soil, and the peculiar character of cultivation, that we should during its first settlement have that slavery in at least a portion of California and New Mexico. It is also true, that in certain climates only the African race are adapted to work in the sun. It is from this cause perhaps more than all others that the products of Mexico, once so important and extensive, have dwindled into comparative insignificance since the abolition of slavery. And it is also on that account that the prosperity of Central and Southern America generally has declined, and that it has been sustained in Brazil, where slavery has continued; that Jamaica and St. Domingo have now, from being among the most productive and profitable colonies, sunk into decay, and are relapsing to desert and barbarism; and yet Cuba and Porto Rico continue to maintain, I might say to increase, their prosperity. I therefore deny what is affirmed by the Senator from Kentucky to be his second truth, and in support of that denial call attention to the wealth and productiveness of Mexico when slavery existed there, and invite a comparison between that and its condition at present. In the great work of Humboldt we find the following statement:

"Mexico, in 1803, after defraying the annual expenses of her administration, \$10,500,000, which included the cost of her army of 10,000 Spanish troops, and after remitting to Spain a surplus of \$6,000,000 in specie, exhibits the singular spectacle of a distant colony sustaining the other colonies of Spain by the annual remittance to each of the following sums:

To Louisiana.....	\$557,000
To Florida.....	151,000
To Cuba.....	1,826,000
To Porto Rico.....	377,000
To St. Domingo.....	274,000
To Trinidad.....	200,000
To Philippine Isles.....	250,000

Aggregate..... \$3,635,000

That she might have been called upon to contribute something to the everglades and sands of Florida is not so unreasonable; but that the

rich alluvial of Louisiana, with her population industrial, intelligent, established, and engaged in the same pursuits then as now; that the islands of Cuba and Porto Rico, which now, in addition to their own heavy expenditures, contribute to support the Spanish Crown, should then depend on annual contributions from Mexico; and that Mexico has, since the abolition of slavery, become so impoverished that, to derive money for her support, she sold territory to the United States, is proof that cannot be denied of the value of the institution of slavery in a soil and climate like hers. The proof, if not in the whole is certainly in part of California and New Mexico applicable to the same extent as in the rest of the Republic of Mexico. It certainly justifies a claim to trial before the decree is announced.

We do not ask Congress to express an opinion in relation to the decrees of Nature, or say that slavery shall be planted in any of the Territories of the United States. We only claim that we shall be permitted to have the benefit of an experiment, that we may have that equal participation in the enjoyment of the Territories which would secure to us an opportunity to be heard in the determination of their permanent institutions. We have only said that we are entitled to a decision of the Supreme Court of the United States, and that we should be allowed to try the institution of slavery, that thus it might be ascertained what the decree of Nature is. Both these have been denied to us. We have been denied by Congress an appeal to the Supreme Court; we have been debarred by Congressional agitation from obtaining the decree of Nature. We ask that both shall be permitted to us; granted not as a boon, but secured to us as a right—an equal right of the sovereign States of the South. More than this we have not claimed—more than this we do not desire. Instead of insisting upon the expression of any opinion of Congress in accordance with our own, we ask that the expression called for by the Senator from Kentucky shall be suspended. We ask that the decision of the Supreme Court and the decree of Nature may intervene; and that Congress shall oppose no legislative influence to the one, and no obstacles to the fair decision of the other. No, sir, we have not sought to rest our rights upon the expression of Congressional opinion, but upon the principles of the Constitution and the laws of Nature; least of all do we desire a compromise like that the Senator from Kentucky informs us he brought forward, and which was passed by Congress in 1821—a compromise as devoid of substance as that made by William Deloraine, who, not having learnt his alphabet, being even unable to spell his neck verse, entered into a contract that he would not write. Like this was the Senator's compromise with the State of Missouri that she would not pass laws in violation of the Constitution of the United States—laws, which, if she had passed them, would therefore have been void from their inception. We want something substantial, something permanent; something that will secure to us the peace of which we are now deprived; and something that will protect us from further interruption in the enjoyment of those rights and privileges to which we are entitled; something which promises reason and good feeling, instead of passion and bitterness in the halls of legislation; not a mere verbal, illusory, temporary, fruitless escape from the issue thrust upon us. With this brief notice of what the Senator calls his second truth, I will now proceed to the consideration of the point that I was about to enter upon yesterday when the Senate adjourned.

It is asserted that the Texas boundary is an open question, and that

the Government of the United States has power to close it, and that they derived this power from the terms of the annexation of Texas. I deny that it is an open question. I deny that the Government of the United States ever had, under the resolution of annexation, power to close it. Texas agreed that her boundary should be settled by the treaty-making power of the United States; not by the Government of the United States—not by the Congress of the United States, but by the treaty-making power of the United States; and there is a great difference, as all will perceive, between referring this question to Congress and to the Senate and the President. In referring it to the Senate, Texas referred it to a body in which, at that time, one half of the members had interests like those which she desired to maintain. In referring it to the President, she referred it to a Southern man, whose education and associations warranted a reliance both on his information and sympathies. If it had been referred to Congress, her rights would have been in the House of Representatives fully under the power of the North, and this consideration might have entered very largely into the selection of the Senate and President as her advocate, or umpire. There was this difference, so far as her institutions were concerned, between referring it to the treaty-making power and to the law-making power of this Government. The treaty-making power being unable to adjust it, the President of the United States having failed to settle by negotiation, the boundary dispute with Mexico, he then, in conformity with the obligations to defend the territory of every State in the Union, resisted the aggression committed in the invasion by Mexico on the territory of Texas. The boundary which was defined by the Congress of Texas before the annexation, with which definition the United States accepted her, was the only boundary the President could recognise, until a new boundary should be agreed on by treaty with Mexico.

Whatever the United States might have done by treaty with Mexico, as to the boundary of the Rio Grande, it was plain that, when unable to enter into and settle the question by treaty, the United States was bound by every power the Government possessed, to maintain the jurisdiction of Texas, to the extent it was exercised at the date of annexation. The Senator from Kentucky well said that the President of the United States had no right to assume to settle the boundary of Texas. Nor, sir, did that great and good man ever assume such a power; he but discharged the duties which devolved on him as the Chief Executive, to maintain the boundaries of the State, and to defend the Union against foreign invasion. In the discharge of this duty, and in the execution of this high responsibility resting on him, the Mexican war was undertaken for the defence of Texas against Mexican invasion. Then the question arises, shall the United States, after defending the boundaries of Texas, engaging in war to maintain those boundaries, and closing that war by acquiring all the territory claimed, and more besides, present her own claim as opposed to the claim of Texas, and thus falsify the position she assumed when she went to war with Mexico to maintain the boundary of Texas? We must come to that, or admit the boundaries as laid down by her when an independent State, and which we asserted and maintained against the Government of Mexico.

I wish also to call attention to another distinction. We did not acquire Texas as a Territory, out of which a State or States might be carved. Congress refused to acquire her as a Territory, and she came in

as a State. As a State she had sovereign jurisdiction over all her territory; and, save under the qualified power granted in the resolutions of annexation, which must be strictly construed as a contract between the two sovereignties, the United States had no power to touch an acre or a foot even of her territory. I leave the Senator who sits near me, (Mr. Rusk,) and who so ably represents that State, to maintain the boundary of Texas as asserted by her, to lay down the limits over which she has the right to claim sovereign jurisdiction, and further to maintain her title. I promised to be brief, and I am glad to leave the whole question in such able hands.

But the Senator from Kentucky says we have paid \$15,000,000 for the acquisition of this territory, and that, therefore, Texas has no right, without paying part of the purchase money, to expect the benefit of the acquisition to the extent of her claim. Well, I am not able to make any distinction between Texas being called upon to make extraordinary contributions to pay a part of the purchase money and of the debt incurred in the prosecution of the war to maintain her boundary. As a sovereign State of the Union, she pays, through the revenue imposts, her quota towards the defrayment of all the expenses of the Government, whether for peace or war. This purchase money was to acquire territory from Mexico, and though efficient to settle the question between the Governments, which had been complicated by the events of the war, it was not a payment for any part of Texas, surely was not the purchase of a claim to be set up against our own citizens, nor a State of the Union. The boundary of Texas had been maintained by arms, and I cannot admit that it was purchased with money. But, if enumerated among the war debts, the sum agreed to be paid by the treaty goes in with all other expenditures incurred in the prosecution of the war. Texas, with no more right can be called on in an extraordinary manner to furnish funds to reimburse the one than the other.

The Senator refers to the liberality of his proposition to give to Texas the territory between the Nueces and the Rio Grande; and, strangely enough, that little strip of country was assumed by him to be nearly equal to the territory of Texas east of the Nueces and of New Mexico. I presume he meant of the province of Texas as she existed under the Mexican Government. Well, sir, I have a table showing the extent in square miles of the old province of Texas.

Texas, within her ancient limits, had an area in square miles of	148,569
Between the Nueces and the Rio Grande, has	52,018
North of Ensenado and east of Rio Grande, being the part claimed as being in New Mexico,	124,933
Aggregate,	325,520

The country west of the Nueces being less than half—not much more than a third—of the size of the old State of Texas.

Texas, as annexed, was not the ancient province, but the independent State of Texas, as established by her revolution. Her title is now disputed to all that part of her territory which was once within the limits of Tamaulipas and New Mexico—being 177,051 square miles—which leaves 148,569 square miles for the State of Texas; that is to say, more than one-half of the territory she comprises is to be claimed, less than a sixth to be restored, and this is called a liberal concession. But the

territory held out as a great boon granted to Texas—that between the Nueces and the Rio Grande—is the very desert once so eloquently described by the Senator from Missouri, who sits near me, as the country through which the dividing line between the United States and Mexico should be drawn. And I now believe that a line drawn through that country would be a better boundary than the Rio Grande. The boundary I desired was the mountain barrier south of the Rio Grande. I wanted all the country drained by the Rio Grande; and I have regretted, from the time that amendment to the treaty failed, to the present day, that we did not decide to amend the treaty by taking from Mexico that portion of her northern possessions which, inhabited by a restless population, was an object of apprehension, and, infested by roving bands of Indians, was useless to her, and might have been highly beneficial to us.

But, sir, the boundary of ancient Texas the Senator from Kentucky, I think, once admitted to be the Rio Grande. I think he once contended that the title to that boundary was as complete as that to the island of Orleans; but now when he refers to the acquisitions of territory which the United States have made within the last sixty years, he enumerates Louisiana, and Texas, and Florida, all of which he says inured to the benefit of the Southern States, save the amount above the line of $36^{\circ} 30'$. Sir, I think the same Senator, in discussing the question of the acquisition of Florida, opposed it on the ground that we gave away the vast domain of Texas, more extended and valuable than the Territory of Florida. I think also that the acquisition of Florida was not a Southern measure, and that Mr. Monroe justified himself before Southern men for that treaty by the necessity which sectional rivalry had created. It never was a Southern measure; the Southern men wanted Florida, and were willing to pay a fair price for it. They had long looked forward to the day when she would fall into our hands, as they believed, sooner or later, she must; but they did not wish to acquire it at the expenditure requisite at the time it was obtained. Texas, therefore, should not be enumerated again; for she was included in the old Territory of Louisiana, and from which she was separated by a contract unfavorable to the South. Leaving these things—stories twice told, and which are not necessary to repeat—let us take the question as it stands: let us take the Territories north and south of the line $36^{\circ} 30'$, and then see where the balance of acquisition has gone. I shall refer to a pamphlet, very widely circulated over the United States, and which has been severely criticised, but I believe the facts set forth have not yet been denied—the pamphlet of Ellwood Fisher. He says:

“When the North American colonies confederated for resistance to Great Britain, the territorial area of the southern portion of them was 648,202 square miles; that of the northern only 164,081, or about one fourth as large.”

In reference to the cession of the Northwestern Territory by Virginia, he says:

“The object of this cession and the ordinance of 1787 was to equalize the area of the two sections. The acquisition of Louisiana in 1803 added 1,138,103 square miles to our territory, of which, by the Missouri compromise, the South obtained only 226,013 square miles, or about one-fifth; the other four-fifths, notwithstanding they came to us as a slaveholding province, were allotted to the North, which thus had acquired more than 700,000 square miles of territory over the South. Florida and Oregon were acquired by the treaty of 1819, by which the South got 59,268 square miles, and the North 341,463, making the North about 1,000,000 of square miles the most. In 1845 Texas was annexed, which added only 325,520 square miles to the South, even if all Texas were included. In 1848 we obtained 526,078 square miles more in the Territories of New Mexico and California. And now the North claims the whole of this also; and not

only this, but half of Texas besides, which would make the share of the North exceed that of the South nearly 1,500,000 square miles—a territory about equal in extent to the whole valley of the Mississippi, and leaving the South only about 810,812 square miles, while the North retains 2,097,124, or nearly three-fourths of the whole!"

Estimating all the territory not within the limits of any of the States, it will be found that the part which will inure to the benefit of the North, as against the South, if we extend the Missouri compromise to the Pacific ocean, will be something more than 4 to 1. So much, sir, for the great advantages, territorially considered, which we of the South have derived from the acquisitions of the United States.

But we at the South are an agricultural people, and we require an extended territory. Slave labor is a wasteful labor, and it therefore requires a still more extended territory than would the same pursuits if they could be prosecuted by the more economical labor of white men. We have a right, in fairness and justice, to expect from our brethren of the North that they shall not attempt, in consideration of our agricultural interests—if that alone be considered—to restrict the territory of the South. We have a right to claim that our territory shall increase with our population, and the statistics show that the natural increase of our population is as great as that of any part of the United States. Take out the accession from foreign immigration, and compare the increase of population in the Northern States and the Southern States, and the latter will be found a fraction greater. With this increase of population we must require increased territory; and it is but just, and fair, and honest that it should be accorded to us without any restriction or reservation. I was surprised, then, to hear the Senator from Kentucky, while he admitted that he believed he had voted for the Missouri compromise, which asserted the power, and excluded the South from all the Territories she once owned north of 36 degrees 30 minutes, declare that no earthly power should induce him to recognise the right of slavery to go into territory south of 36 degrees 30 minutes, where that institution does not now exist. He then said, in emphatic language, that he would not plant the institution of slavery anywhere. That, sir, is not the proposition. Nobody asks the Federal Government to compel its introduction, or to plant slavery in the Territories, or to engage in the slave trade, in order to furnish material for extending the institution into any new territory. All that we assert is the right of the Southern people to go with that species of property into the territory of the United States. That, therefore, is the right denied. And, subsequently, while admitting that it was equally right and just if the majority excluded slavery north of 36 degrees 30 minutes, that it should be permitted south of that line, yet, at the same time, he says he could not vote for a proposition that carried slavery into any Territory where it is not already established, though he would yield to such a decision by the majority. If it is equal and just that both rules or neither should be adopted; if it is in the power of the majority to pass one measure, but not their will to pass the other, it seems to be the duty of any one, in the name of equality and justice, to interpose whatever power he may possess to place those equal and just conditions on the whole proposition. In denying our right, however, under the Constitution, to take slaves into the Territories, he stated it to rest on a position somewhat, I think, like this: that slavery did not exist in all the States of the Union, and that, therefore, it was not a property recognised throughout the

United States, and in support of that position he supposed a case, that the Northern States should assert that the Constitution abolished slavery because they had no slavery within their limits. Now, to make this an equal proposition, it is necessary to declare that the power to protect is the same as the power to destroy—that this Government is the creator and not the creature of the States—that it is the master and not the servant of the States, and that it created property in slaves and established the institution of slavery. We claim that it is the duty of the Government to protect every species of property—that the Government has no right to discriminate between one species of property and another. It is equally bound to protect on the high seas the slave in the vessel as the hull of the vessel itself, and it is equally bound to protect slave property, if wrecked on a foreign coast, against a hostile assertion of foreign power, as it would be the wreck of the vessel itself. And to this error—for so I must consider it—this confounding of sovereign and delegated authority, is to be attributed the claim which is set up, of power to abolish slavery, as derived from the exclusive legislation granted to the Government in this District. This construction of the word “exclusive” would render it synonymous with the word “unlimited.” That exclusive legislation was necessary for the protection of the seat of government will be readily conceded. It was essential to the Government to have exclusive legislation, so that no other authority might interfere with its functions. But unlimited legislation surely is not required, and I say it could not have been granted by the Constitution; nay, more, I hold that the grant of exclusive legislation does not necessarily extend to the full power permissible under the Constitution of the United States, that there are restrictions, and broad distinctions, growing out of the vested rights and interests of others—in this case not merely of the ceding States, but of all the States of the Union. The power of the Federal Government extends only so far as is necessary to secure the seat of government as such, and to protect therein the public property of the United States. The Senator asserts, because of the grant of exclusive legislation, that the Government has equal power over the District with that which a sovereign State possesses within its limits, applies this to the regulation of the slave trade, and goes on to declare that which I will not deny, that the States have full power over this subject. Yet I could quote himself against this argument, and could show that he denied this power to the States, and arraigned those who asserted it as being on the side of the abolitionists. I refer to the case of *Groves vs. Slaughter*, where the Senator appeared as counsel, and where the right of Mississippi, here referred to, the right of a State to exclude the introduction of slaves as merchandize, was the very matter in dispute, and where, having argued that the Constitution of Mississippi was directory, and not enacting—that it directs the Legislature to prohibit the importation of slaves as merchandise, but does not itself prohibit—he goes on to say:

“The last question in the case is, whether the provision of the Constitution of the United States which gives to Congress exclusively the right to regulate commerce between the States, is opposed by the Constitution of Mississippi. The argument for the plaintiffs in error is on the abolition side of the question. The counsel for the defendant sustain the opposite principle.

“The object of prohibition in the Constitution of the United States is to regulate commerce; to sustain it, not to annihilate it. It is conservative. Regulation implies continued existence—life, not death; preservation, not annihilation; the unobstructed flow of the stream, not to check or dry up its waters.

"But the object of the abolitionists is to prevent the exercise of this commerce. This is a violation of the right of Congress under the Constitution.

"The right of the States to regulate the condition of slaves within their borders is not denied. It is fully admitted. Every State may, by its laws, fix the character and condition of slaves. The right of Congress to regulate commerce between the different States, which may extend to the regulation of the transportation of slaves from one State to another, as merchandise, does not affect these rights of the States. But, to deny the introduction of slaves, as merchandise, into a State from another State, is an interference with the Constitution of the United States. After their introduction they are under the laws of the States.

"Nor is the power given by the Constitution of the United States to regulate commerce one in which the States may participate. It is exclusive. It is essentially so; and its existence in this form is most important to the slaveholding States."

It is not important, however, for the present investigation, to examine these general positions taken then or now, and I will not pursue them further. The opinion is adverse, it will be seen, to the one the Senator stated on this occasion to the Senate. Both claim extreme powers for the Federal Government, and both therein I believe to be wrong.

Sir, it has been asked on several occasions during the present session, what ground of complaint has the South? Is this agitation in the two halls of Congress, in relation to the domestic institutions of the South, no subject for complaint? Is the action of the Legislatures of Northern States, defeating provisions of the Constitution which are among its compromises for our benefit, no subject for complaint? Is the denunciation heaped upon us by the press of the North, and the attempts to degrade us in the eyes of Christendom—to arraign the character of our people and the character of our fathers, from whom our institutions are derived—no subject for complaint? Is this sectional organization, for the purpose of hostility to our portion of the Union, no subject for complaint? Would it not, between foreign nations—nations not bound together and restrained as we are by compact—would it not, I say, be just cause for war? What difference is there between organizations for circulating incendiary documents and promoting the escape of fugitives from a neighboring State, and the organization of an armed force for the purpose of invasion? Sir, a State relying securely on its own strength would rather court the open invasion than the insidious attack. And for what end, sir, is all this aggression? They see that the slaves in their present condition in the South are comfortable and happy; they see them advancing in intelligence; they see the kindest relations exist between them and their masters; they see them provided for in age and sickness, in infancy and in disability; they see them in useful employment, restrained from the vicious indulgences to which their inferior nature inclines them; they see our penitentiaries never filled, and our poor houses usually empty. Let them turn to the other hand, and they see the same race in a state of freedom at the North; but instead of the comfort and kindness they receive at the South, instead of being happy and useful, they are, with few exceptions, miserable, degraded, filling the penitentiaries and poor-houses, objects of scorn, excluded, in some places, from the schools, and deprived of many other privileges and benefits which attach to the white men among whom they live. And yet they insist that elsewhere an institution which has proved beneficial to this race shall be abolished, that it may be substituted by a state of things which is fraught with so many evils to the race which they claim to be the object of their solicitude? Do they find in the history of St. Domingo and in the present condition of Jamaica, under the recent ex-

periments which have been made upon the institution of slavery in the liberation of the blacks, before God, in his wisdom, designed it should be done—do they there find any thing to stimulate them to future exertion in the cause of abolition? Or should they not find there satisfactory evidence that their past course was founded in error? And is it not the part of integrity and wisdom, as soon as they can, to retrace their steps? Should they not immediately cease from a course mischievous in every stage, and finally tending to the greatest catastrophe? We may dispute about measures: but as long as parties have nationality—as long as it is a difference of opinion between individuals passing into every section of the country—it threatens no danger to the Union. If the conflicts of party were the only cause of apprehension, this Government might last forever: the last page of human history might contain a discussion in the American Congress upon the meaning of some phrase, the extent of the power conferred by some grant of the Constitution. It is, sir, these sectional divisions which weaken the bonds of union and threaten their final rupture. It is not differences of opinion; it is geographical lines, rivers, and mountains which divide State from State, and make different nations of mankind.

Are these no subjects of complaint for us? And do they furnish no cause for repentance to you? Have we not a right to appeal to you as brethren of this Union—have we not a right to appeal to you as brethren bound by the compact of our fathers, that you should, with due regard to your own rights and interests and constitutional obligations, do all that is necessary to preserve our peace and promote our prosperity?

If, sir, the seeds of disunion have been sown broadcast over this land, I ask by whose arm they have been scattered? If, sir, we are now reduced to a condition when the powers of this Government are held subservient to faction; if we cannot and dare not legislate for the organization of Territorial Governments—I ask, sir, who is responsible for it? And I can, with proud reliance, say it is not the South! it is not the South! Sir, every charge of disunion which is made on that part of the South which I in part represent, and whose sentiments I well understand, I here pronounce to be grossly calumnious. The conduct of the State of Mississippi in calling a Convention has already been introduced before the Senate; and on that occasion I stated, and now repeat, that it was the result of patriotism and a high resolve to preserve, if possible, our constitutional Union; that all its proceedings were conducted with deliberation, and it was composed of the first men of the State.

The Chief Justice—a man well known for his high integrity, for his powerful intellect, for his great legal attainments, and his ability in questions of constitutional law—presided over that Convention. After calm and mature deliberation, resolutions were adopted, not in the spirit of disunion, but announcing, in the first resolution of the series, their attachment to the Union. They call on their brethren of the South to unite with them in their holy purpose of preserving the Constitution, which is its only bond and reliable hope. This was their object; and for this and for no other purpose do they propose to meet in general Convention at Nashville. As I stated on a former occasion, this was not a party movement in Mississippi. The presiding officer belongs to the political minority in the State; the two parties in the State were equally represented in the members of the Convention, and its deliberations assumed no partisan or political character whatever. It was the result of

primary meetings in the counties: an assemblage of men known throughout the State having first met and intimated to those counties a time when the State Convention should, if deemed proper, be held. Every movement was taken with deliberation, and every movement then taken was wholly independent of the action of any body else; unless it be intended by the remarks made here, to refer its action to the great principles of those who have gone before us, and who have left us the rich legacy of the free institutions under which we live. If it be attempted to assign the movement to the nullification tenets of South Carolina, as my friend near me seemed to understand, then I say you must go further back, and impute it to the State rights and strict construction doctrines of Madison and Jefferson. You must refer these in their turn to the principles in which originated the revolution and separation of these then colonies from England. You must not stop there, but go back still further, to the bold spirit of the ancient barons of England. That spirit has come down to us, and in that spirit has all the action since been taken. We will not permit aggression. We will defend our rights; and if it be necessary, we will claim from this Government, as the barons of England claimed from John, the grant of another *magna charta* for our protection.

Sir, I can but consider it as a tribute of respect to the character for candor and sincerity which the South maintains, that every movement which occurs in the Southern States is closely scrutinized, and the assertion of a determination to maintain their constitutional rights is denounced as a movement for disunion; whilst violent denunciations against the Union are now made, and for years have been made, at the North by associations, by presses and conventions, yet are allowed to pass unnoticed as the idle wind—I suppose for the simple reason that nobody believed there was any danger in them. It is, then, I say, a tribute paid to the sincerity of the South, that every movement of hers is watched with such jealousy; but what shall we think of the love for the Union of those in whom this brings no corresponding change of conduct, who continue the wanton aggravations which have produced and justify the action they deprecate? Is it well, is it wise, is it safe, to disregard these manifestations of public displeasure, though it be the displeasure of a minority? Is it proper, or prudent, or respectful, when a Representative, in accordance with the known will of his constituents, addresses you the language of solemn warning, in conformity to his duty to the Constitution, the Union, and to his own conscience, that his course should be arraigned as the declaration of ultra and dangerous opinions? If these warnings were received in the spirit they are given, it would augur better for the country. It would give hopes which are now denied us, if the press of the country, that great lever of public opinion, would enforce these warnings, and bear them to every cottage, instead of heaping abuse upon those whose ease would prompt them to silence—whose speech, therefore, is evidence of sincerity. Lightly and loosely Representatives of Southern people have been denounced as disunionists by that portion of the Northern press which most disturbs the harmony and endangers the perpetuity of the Union. Such, even, has been my own case, though the man does not breath at whose door the charge of disunion might not as well be laid as at mine. The son of a revolutionary soldier, attachment to this Union was among the first lessons of my childhood; bred to the service of my country from boyhood, to mature age I wore its

uniform. Through the brightest portion of my life I was accustomed to see our flag, historic emblem of the Union, rise with the rising and fall with the setting sun. I look upon it now with the affection of early love, and seek to maintain and preserve it by a strict adherence to the Constitution, from which it had its birth, and by the nurture of which its stars have come so much to outnumber its original stripes. Shall that flag, which has gathered fresh glory in every war, and become more radiant still by the conquest of peace—shall that flag now be torn by domestic faction, and trodden in the dust by petty sectional rivalry? Shall we of the South, who have shared equally with you all your toils, all your dangers, all your adversities, and who equally rejoice in your prosperity and your fame—shall we be denied those benefits guaranteed by our compact, or gathered as the common fruits of a common country? If so, self-respect requires that we should assert them; and, as best we may, maintain that which we could not surrender without losing your respect as well as our own.

If, sir, this spirit of sectional aggrandizement, or, if gentlemen prefer, this love they bear the African race, shall cause the disunion of these States, the last chapter of our history will be a sad commentary upon the justice and the wisdom of our people. That this Union, replete with blessings to its own citizens, and diffusive of hope to the rest of mankind, should fall a victim to a selfish aggrandizement, and a pseudo philanthropy, prompting one portion of the Union to war upon the domestic rights and peace of another, would be a deep reflection on the good sense and patriotism of our day and generation. But, sir, if this last chapter in our history shall ever be written, the reflective reader will ask, whence proceeded this hostility of the North against the South? He will find it there recorded that the South, in opposition to her own immediate interests, engaged with the North in the unequal struggle of the Revolution. He will find again that, when Northern seamen were impressed, their brethren of the South considered it cause for war, and entered warmly into the contest with the haughty Power then claiming to be mistress of the seas. He will find that the South, afar off, unseen and unheard, toiling in the pursuits of agriculture, had filled the shipping, supplied the staple for manufactures, which enriched the North. He will find that she was the great consumer of Northern fabrics—that she not only paid for these their fair value in the markets of the world, but that she also paid their increased value, derived from the imposition of revenue duties. And if, still further, he seeks for the cause of this hostility, it at last is to be found in the fact that the South held the African race in bondage, being the descendants of those who were mainly purchased from the people of the North. And this was the great cause. For this the North claimed that the South should be restricted from future growth—that around her should be drawn, as it were, a sanitary cordon to prevent the extension of a moral leprosy; and if for that it shall be written the South resisted, it would be but in keeping with every page she has added to the history of our country.

It depends on those in the majority to say whether this last chapter in our history shall be written or not. It depends on them now to decide whether the strife between the different sections shall be arrested before it has become impossible, or whether it shall proceed to a final catastrophe. I, sir—and I only speak for myself—am willing to meet any fair proposition—to settle upon anything which promises security for the

future ; any thing which assures me of permanent peace ; and I am willing to make whatever sacrifice I may properly be called on to render for that purpose. Nor, sir, is it a light responsibility. If I strictly measured my conduct by the late message of the Governor, and the recent expressions of opinion in my State, I should have no power to accept any terms save the unqualified admission of the equal rights of the citizens of the South to go into any of the Territories of the United States with any and every species of property held among us. I am willing, however, to take my share of the responsibility which the crisis of our country demands. I am willing to rely on the known love of the people I represent for the whole country, and the abiding respect which I know they entertain for the Union of these States. If, sir, I distrusted their attachment to our Government, and if I believed they had that restless spirit of disunion which has been ascribed to the South, I should know full well that I had no such foundation as this to rely upon—no such great reserve in the heart of the people to fall back upon in the hour of accountability.

Mr. President, is there such incompatibility of interest between the two sections of this country that they cannot profitably live together? Does the agriculture of the South injure the manufactures of the North? On the other hand are they not their life-blood? And think you if one portion of the Union, however great it might be in commerce and manufactures, was separated from all the agricultural districts, that it would long maintain its supremacy? If any one so believes, let him turn to the written history of commercial States; let him look upon the mouldering palaces of Venice; let him ask for the faded purple of Tyre, and visit the ruins of Carthage; there he will see written the fate of every country which rests its prosperity on commerce and manufactures alone. United we have grown to our present dignity and power—united we may go on to a destiny which the human mind cannot measure. Separated, I feel that it requires no prophetic eye to see that the portion of the country which is now scattering the seeds of disunion to which I have referred, will be that which will suffer most. Grass will grow on the pavements now worn by the constant tread of the human throng which waits on commerce, and the shipping will abandon your ports for those which now furnish the staples of trade. And we who produce the great staple upon which your commerce and manufactures rests, we will produce those staples still; shipping will fill our harbors; and why may we not found the Tyre of modern commerce within our own limits? Why may we not bring the manufacturers to the side of agriculture, and commerce, too, the ready servant of both?

But, sir, I have no disposition to follow this subject. I certainly can derive no pleasure from the contemplation of any thing which can impair the prosperity of any portion of this Union; and I only refer to it that those who suppose we are tied by interest or fear, should look the question in the face, and understand that it is mainly a feeling of attachment to the Union which has long bound, and now binds the South. But, Mr. President, I ask Senators to consider how long affection can be proof against such trial, and injury, and provocation as the South is continually receiving.

The case in which this discrimination against the South is attempted, the circumstances under which it was introduced render it especially offensive. It will not be difficult to imagine the feeling with which a Southern

soldier during the Mexican war received the announcement that the House of Representatives had passed that odious measure, the Wilmot proviso; and that he, although then periling his life, abandoning all the comforts of home, and sacrificing his interests, was, by the Legislature of his country, marked as coming from a portion of the Union which was not entitled to the equal benefits of whatever might result from the service to which he was contributing whatever power he possessed. Nor will it be difficult to conceive, of the many sons of the South whose blood has stained those battle-fields, whose ashes now mingle with Mexican earth, that some, when they last looked on the flag of their country, may have felt their dying moments embittered by the recollection that that flag cast not an equal shadow of protection over the land of their birth, the graves of their parents, and the homes of their children so soon to be orphans. Sir, I ask Northern Senators to make the case their own—to carry to their own fireside the idea of such intrusion and offensive discrimination as is offered to us—realize these irritations, so galling to the humble, so intolerable to the haughty, and wake before it is too late, from the dream that the South will tamely submit. Measure the consequences to us of your assumption, and ask yourselves whether, as a free, honorable, and brave people, you would submit to it?

It is essentially the characteristic of the chivalrous, that they never speculate upon the fears of any man, and I trust that no such speculations will be made upon the idea that may be entertained in any quarter that the South, from fear of her slaves, is necessarily opposed to a dissolution of this Union. She has no such fear; her slaves would be to her now as they were in the revolution, an element of military strength. I trust that no speculations will be made upon either the condition or the supposed weakness of the South. They will bring sad disappointments to those who indulge them. Rely upon her devotion to the Union, rely upon the feeling of fraternity she inherited and has never failed to manifest; rely upon the nationality and freedom from sedition which has in all ages characterized an agricultural people; give her justice, sheer justice, and the reliance will never fail you.

Then, Mr. President, I ask that some substantial proposition may be made by the majority in regard to this question. It is for those who have the power to pass it to propose one. It is for those who are threatening us with the loss of that which we are entitled to enjoy to state, if there be any compromise, what that compromise is. We are unable to pass any measure, if we propose it; therefore I have none to suggest. We are unable to bend you to any terms which we may offer; we are under the ban of your purpose; therefore from you, if from anywhere, the proposition must come. I trust that we shall meet it and bear the responsibility as becomes us; that we shall not seek to escape from it; that we shall not seek to transfer to other places, or other times, or other persons, that responsibility which devolves upon us; and I hope the earnestness which the occasion justifies will not be mistaken for the ebullition of passion, nor the language of warning be construed as a threat. We cannot without the most humiliating confession of the supremacy of faction evade our constitutional obligations, and our obligations under the treaty with Mexico, to organize governments in the Territories of California and New Mexico. I trust that we will not seek to escape from the responsibility, and leave the country unprovided for unless by an irregular admission of new States; that we will act upon the

good example of Washington in the case of Tennessee, and of Jefferson in the case of Louisiana; that we will not, if we abandon those high standards, do more than come down to modern examples—that we will not go further than to permit those who have the forms of government under the Constitution, to assume sovereignty over territory of the United States; that we may at least, I say, assert the right to know who they are, how many they are—where they voted, how they voted—and whose certificate is presented to us of the fact before it is conceded to them to determine the fundamental law of the country, and to prescribe the conditions on which other citizens of the United States may enter it. To reach all this knowledge, we must go through the intermediate stage of Territorial Government.

How will you determine what is the seal, and who are the officers of a community unknown as an organized body to the Congress of the United States. Can the right be admitted in that community to usurp the sovereignty over territory which belongs to the States of the Union? All these questions must be answered, before I can consent to any such irregular proceeding as that which is now presented in the case of California.

Mr. President, thanking the Senate for the patience they have shown towards me, I again express the hope that those who have the power to settle this distracting question—those who have the ability to restore peace, concord, and lasting harmony to the United States—will give us some substantial proposition, such as magnanimity can offer, and such as we can honorably accept. I, being one of the minority in the Senate and the Union, have nothing to offer, except an assurance of co-operation in any thing which my principles will allow me to adopt, and which promises permanent, substantial security.





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