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SPEECH

OF

MR. M. P. GENTRY, OF TENNESSEE,

ON THE

ADMISSION OF CALIFORNIA.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, MONDAY, JUNE 10, 1850.

The House being in Committee of the Whole, and having under consideration the President's message in relation to California,

Mr. GENTRY addressed the committee as follows:

Mr. CHAIRMAN: Congress has been in session six months, occupied almost exclusively with the question now before this committee. Other questions of public interest, various and important in their nature, strongly claim the attention of the legislative branch of the Government, but are excluded from consideration. By a war with Mexico we have acquired vast territories. By the treaty of Guadalupe Hidalgo we have bound ourselves to protect the people of those territories; to secure to them all the rights of citizens of the United States; and in due time admit them, as States, into the Union. Repeated efforts have been made to redeem our plighted faith in this regard, but in every instance causes, which I will develop in the course of my remarks, have prevented legislation. We begin to realize the truth that the policy of aggressive war—conquest and colonization—is not suited to the genius of our government. With our conquests there comes upon us the question, shall Congress prohibit or admit slavery in the Territories we have acquired? It is a question fraught with discord and danger. It has, in a great degree, alienated the northern and southern States, and made disunion a familiar word in our political vocabulary. It has paralyzed the Government, and threatens its destruction. The wisest statesmen and most sanguine patriots tremble for the safety of the Republic. What policy has brought us into these dangers? Who is responsible for the existing state of things? Who forewarned the country of this crisis? Who—what political party is it that, being solemnly forewarned, nevertheless blindly and recklessly persevered in steering the ship of state into its present perilous condition? These are questions which I propose to discuss with candor. I intend to speak what I think.

In debating so grave a subject, I would not, if left to choose for myself, introduce questions connected with party politics. But the course which gentlemen on the other side of the House have thought proper to pursue leaves me no choice in this respect. They have debated the subject for

six months, and nearly all who have spoken on that side of the House have labored to fix the responsibility for the existing state of things on the President of the United States. Differing widely as to the particular acts which are alleged to have produced the present state of affairs, they agree in ascribing them to him. While one gentleman urges that the existing difficulties are attributable to the position which he occupied when a candidate for the Presidency, another ascribes them to the advice which he has given to the people of California since his election; and others contend that all would have been well with us if he had announced in his annual message his purpose to veto any bill that might pass the two Houses of Congress inhibiting slavery in the Territories we have acquired from Mexico. The brief hour to which I am limited by a rule of the House will not permit me to repel, specifically, these discordant imputations; but I will endeavor to vindicate the President by exhibiting the true causes of the present state of affairs, and by fixing the responsibility where justice and truth require. I recognise the right of a representative of the people in the Congress of the United States freely to canvass the official conduct of the President, and every other Executive functionary, and hold them to a rigid responsibility for their official acts. It is a right limited only by such restrictions as truth, justice, and honor impose. If these virtues have not lost their influence upon the public mind, the verdict of the country will be, that the President is in no degree responsible for producing those evils which now excite the public anxiety.

To explain thoroughly and fully the causes which have produced the sectional excitements and animosities which now disturb the harmony of the Union and obstruct the legislation of Congress, it is necessary to go back to a period when the representatives of the slaveholding States, mistaking the true policy of the South, violently and vehemently opposed the reception and reference of petitions for the abolition of slavery in the District of Columbia, emanating from northern abolition societies, and finally succeeding in procuring the adoption, by this House, of a rule prohibiting the reception and reference of those petitions. Previous to the period to which I refer, efforts to agitate the public mind on the subject of slavery were

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confined to a few fanatics in the non-slaveholding States, who, organized into abolition societies, were in the habit of forwarding to Congress, at every successive session, petitions for the abolition of slavery in the District of Columbia, where, as they contended, Congress had full power over the subject. They were few in number, and the great body of the northern people, of both political parties, neither sympathized nor co-operated with them. But the unwise course pursued by southern representatives with respect to their petitions imparted to that handful of fanatics a power and influence over public affairs which has largely contributed to bring the country into its present condition. Petitions on the same subject had, from an early period of the Government, been from time to time presented, received, and referred, creating no excitement in Congress or among the people. It were well for the country if the same mode of treating such petitions had been continued.

But, unfortunately, the southern members of Congress, under the lead of the late distinguished Senator from South Carolina, (Mr. CALHOUN,) opposed the reception and reference of those petitions, placing their opposition, if I remember correctly, upon the ground that the Constitution did not confer upon Congress the power to abolish slavery in the District of Columbia, and that the reception of petitions praying for such an object would be an implied assertion of the power to grant the prayer of the petitioners; that to admit the existence of such power in Congress would be fatal to the interests and rights of the slaveholding States; and that therefore the petitions ought not to be received. Their arguments prevailed; and the rule prohibiting the reception of such petitions was established. At that time, the late ex-President John Quincy Adams was a member of this House. Descended from a sire who had made himself illustrious by his public services in the Revolution—himself eminent for high ability and extensive acquirements—venerated, especially by the people of the northern States, for his private virtues and public services—he put himself forward upon this floor, with all the weight of influence naturally attaching to one so characterized and distinguished, as the champion of the constitutional right of petition. Distinctly declaring himself opposed to granting the prayer of the petitioners, he nevertheless contended that it was the right of the people under the Constitution “peaceably to assemble and petition for the redress of grievances;” and that it was the duty of Congress to respectfully receive, refer, and consider their petitions. With unexampled inflexibility of character, he devoted all his powers to the contest; and, after a struggle characterized by the most excited and disorderly debates on this floor, and protracted through a period of several years, that rule was rescinded. Since then, abolition petitions, as in the olden time, have been received and referred every day, or at least whenever any member has chosen to present them, without a formal motion, and without creating the least excitement here or elsewhere.

In the progress of that struggle thousands, aye, hundreds of thousands, of the people of the non-slaveholding States, who had previously scoffed and derided the Abolitionists, found themselves brought into sympathetic association and zealous co-operation with them. The unwise opposition of the public men of the South to the reception of their petitions had raised the Abolitionists into respectable and honorable associations, and enabled them to appropriate to their objects the seeming championship of Mr. Adams, and to identify themselves with a question that addressed itself powerfully to popular sympathies. Aided by the circumstances to which I have referred, they were enabled to give such a direction to political discussions as tended to

deepen, and strengthen, and diffuse, far and wide, the abstract sentiment of hostility to slavery pre-existing in the minds of the northern people. Meanwhile, southern demagogues, under the impulse of motives not dissimilar to those which actuated the Abolitionists, had been equally energetic and successful in arousing sectional passions and creating sectional hostility. It was when demagogues and fanatics had thus inflamed and excited the prejudices and passions of the North and the South, that the question of annexing the Republic of Texas to the United States was introduced into the politics of this country. Texas had proposed to annex herself to the United States during the administration of President Jackson, by whom the proposition was promptly rejected. She renewed the proposition during President Van Buren's administration, who likewise promptly rejected it.

In the year 1840 William Henry Harrison was elected President of the United States, and John Tyler Vice President. In one month after he was inaugurated President Harrison died, and the Vice President became the President of the United States. I need not dwell upon the political events which followed that occurrence. They are fresh in the recollection of all who have paid any attention to public affairs. Mr. Tyler refused to co-operate with the political party which elected him, and, by a series of Executive vetoes, prevented the adoption of measures of public policy for which that party considered itself pledged to the country. They denounced him for dishonorable political infidelity; and, with the exception of some half dozen gentlemen, the Whig members of Congress placed themselves in hostile opposition to the President. Fierce and angry denunciations, criminations and recriminations, became the order of the day. In the midst of those exciting scenes, a distinguished Whig, who adhered to Mr. Tyler in that controversy, made a remark to me which produced a strong impression on my mind. Between that gentleman and myself very friendly relations had existed. He had exhibited some anxiety for me to take position with him in sustaining Mr. Tyler. In the conversation to which I am referring, he had been seeking to ascertain the disposition of my mind as to the policy of annexing Texas to the United States, and while speculating on that subject, he remarked, with great vehemence of manner, “Mr. Tyler holds in his hands a political question with which he can at any time destroy the present organization of political parties.” The full meaning of this remark was explained when Mr. Tyler concluded a treaty with Texas, by the provisions of which that republic agreed to surrender its nationality, and become one of the States of this Union, and when other developments showed conclusively that it was his aim, by means of Executive patronage, and the question of Texas annexation, to abstract from the Whig and Democratic parties materials for a third political party, by the support of which he hoped to be elected to the high station to which an accident had elevated him. The treaty being concluded and submitted to the Senate for its ratification, that body, after long debate, refused to ratify it. It was supported and opposed, indiscriminately, by Whigs and Democrats. It disturbed, but did not destroy, the existing party organizations.

The period was approaching when the political parties of the country were to assemble in convention for the purpose of nominating candidates for the Presidency and Vice Presidency. For this purpose the Whig party and the Democratic party, respectively, assembled in convention at Baltimore; and Mr. Tyler mustered an assemblage there also, about as numerous and respectable as that famous company with which Falstaff was ashamed to march through Coventry. Previous to the assembling of

the conventions, the universal sentiment of the Whig party had designated Mr. Clay as their candidate for the Presidency; and, with equal unanimity, Mr. Van Buren had been indicated as the favorite of the Democratic party. Each of these distinguished gentlemen were requested to make known to the public their views as to the policy of annexing Texas to the United States; and both of them proclaimed their opposition to that measure. The Democratic convention, seeing that, without some new question capable of unsettling the opinions and purposes of the people with respect to political parties and public men, they were, doomed to defeat, repudiated Mr. Van Buren and nominated Mr. Polk, because he had expressed himself in favor of annexing Texas. The Whig convention, without a dissenting voice, nominated Mr. Clay. Mr. Tyler's convention performed the work for which they were convened by nominating him; but when that gentleman discovered that the Democratic party had robbed him of the hobby with which he had expected to ride triumphantly into the Presidency, he withdrew from the canvass. The Democratic party entered upon the canvass with the motto inscribed upon their party banner: "THE WHOLE OF OREGON AND THE ANNEXATION OF TEXAS."

Mr. Chairman, I am endeavoring to exhibit the causes which have brought the country into its present difficulties, and to fix the responsibility for the existing state of things where truth and justice require it to be fixed. Want of time will not permit me to present all the facts needful to a full comprehension of the argument. I beg gentlemen to remember all that the iron rule of this House prevents me from detailing. They will remember the position occupied by the Whig party with respect to the annexation of Texas, when, in the manner I have described, that was made a purely party question in the Presidential canvass of 1844. They will remember the views put forth by the Whig candidate (Mr. Clay) in his Raleigh letter. They will remember that the prominent men of the Whig party, with few exceptions, everywhere opposed that measure, upon the ground that annexation would be a breach of faith with Mexico; that it would probably involve the United States in a war with that government; that it would create among our people an appetite for territorial aggrandizement that would be insatiable; that it would engender between the States sectional animosities, and imperil if not destroy the Union. What was prophecy then is history now. Their warnings were unheeded. Mr. Polk was elected to the Presidency, and, under his auspices, the measure of annexation was consummated. Mr. Calhoun, who was Secretary of State when the treaty with Texas was negotiated, placed the policy of that measure upon the ground that it was necessary as a means of giving additional security to slavery, by increasing the political power of the slaveholding States. The northern States, opposed in sentiment to slavery, and unwilling to concede preponderance of political power to the southern States, were naturally hostile to annexation; and although they sullenly acquiesced in the consummation of that measure, it was obvious to all that a deep feeling of discontent rankled in their bosoms.

The war with Mexico followed close upon the heels of annexation, and it was soon manifest that the President was resolved upon the acquisition of territory; and when a bill appropriating three millions of dollars, to enable the President to negotiate a treaty of peace, was under consideration, the gentleman from Pennsylvania, (Mr. WILMOT,) moved to amend it by attaching the proviso, which has since figured so prominently in our political discussions. This House, by a large majority, sustained his motion, but the Senate failed for want of

time to act upon the bill; and it did not become a law. When Congress assembled at the succeeding session, our armies had defeated and destroyed those of Mexico; and our commanders in California and New Mexico were in quiet possession of those provinces. They had issued proclamations announcing to the people of those provinces that they were "annexed" to the United States; thus disclosing, beyond the possibility of a doubt, that the President had, from the beginning, prosecuted the war with Mexico for the purpose of conquest. In his message to Congress, he assumed that all who questioned the propriety of his conduct in this respect were, in effect, opposed to their country, and were "giving aid and comfort to the enemy." On the motion to refer the President's message a debate arose, during which his supporters on this floor reiterated the same idea. Having participated in that debate, and, inasmuch as what I said on that occasion supports the position which I am now endeavoring to establish, I hope I will be pardoned for reading a short extract from the speech which I then delivered:

"It is the duty of Congress, and I invoke the performance of that duty, to limit and control the discretion of the President in relation to the further prosecution of the war. If Congress believes it to be expedient and just to wage a war of conquest for the acquisition of territory, let that fact be declared; and if Congress believes it to be inexpedient, let it assert the constitutional right of the legislative branch of the Government, by saying to the President, 'thus far shalt thou go, and no farther.'

* * * * *

"It is moral cowardice, when the great interests of the Republic are in peril, to shut our eyes, and shrink from a contemplation of the dangers with which we are threatened. * * *

"He must be blind to all the signs of the times who does not perceive that there is a fixed and almost universal determination in the northern States not to acquiesce in a further extension of territory, without attaching to such extension the prohibition to which I have referred. How shall we overcome this difficulty, when the question shall come before Congress permanently to annex the conquests of the President? We have already seen, by a vote of this House, that the non-slaveholding States will insist upon prohibiting slavery in those Territories. Will the southern States consent to the admission of free States south and west of Texas? What will Texas say? What will Louisiana say? What will the whole South say? All the dangers growing out of this question of slavery, which we have met and overcome heretofore, are as nothing compared with those which will arise when that question shall come up as the consequence of Mr. Polk's conquests and annexations.

"Mr. Chairman, in my opinion, there are bad men in the North and the South, who desire a dissolution of the Union, and who, without avowing their object, are laboring diligently to produce that end. The President is driving the ship of state into a most stormy and dangerous sea; and if Congress fails to act in the lofty spirit of patriotism which the occasion demands—if it fails to assert the constitutional rights and perform the constitutional duties which properly belong and attach to the legislative branch of the Government, by putting a limit to Executive discretion in the further prosecution of this war with Mexico, in my opinion the day is not distant when it will require all the virtue, intelligence, and patriotism of the country to preserve the Union and save the public liberty."

Mr. Chairman, these remarks brought down upon me a storm of denunciation. Among others, my colleagues on the other side of the House made themselves prominent in attacking my course.

They impeached my patriotism. They arraigned me for introducing the firebrand of slavery into the councils of the nation, for the purpose of impairing its energy in the prosecution of a "just and glorious war." This storm of denunciation was hurled against me for weeks, and until I was rescued by a movement of the honorable gentleman from New York, (Mr. PRESTON KING,) who sits before me. On the morning of Jan. 5, 1847, that gentleman entered this hall with a roll of manuscript in his hand, and obtaining the floor, proceeded to "define the position" of the Democratic party of the northern States with respect to the war with Mexico. Want of time will not permit me to read that important paper; but if I make misstatements with respect to it, I will thank the gentleman to correct me. In substance it said: "The Democrats of the non-slaveholding States intend to vote men and money, to any extent needful, for the vigorous and successful prosecution of the war with Mexico. They are in favor of acquiring territory to indemnify the United States for the expenses of that war; but it is with them a *fixed principle*, a *settled purpose*, not to permit the existence of slavery in any territory that may be acquired."

Mr. McCLEARNAND. I beg leave to say that I, for one, objected to the manifesto of the gentleman from New York, and urged him not to offer it.

Mr. G. resumed. It is not my purpose to do injustice to any one. I remember that the gentleman from Illinois, (Mr. McCLEARNAND,) and, perhaps, two or three others on that side of the House, dissented from that manifesto; but their number was quite too small to impair in any degree the force of the fact which I am presenting. When the gentleman from New York read his manifesto, the storm, which had been so long and so furiously beating upon me, ceased.

The Whigs of the northern States also defined their position. They proclaimed that they were opposed to extending the limits of the United States; opposed to the acquisition of territory north or south; but, said they, if we are overruled—if, against our counsels and votes, you insist upon acquiring territory, we will co-operate in preventing the introduction of slavery therein.

When we of the South were thus forewarned by the Whigs and Democrats of the non-slaveholding States, my friend from Georgia, (Mr. STEPHENS) introduced a resolution, declaring the legitimate objects of the war with Mexico, and restricting the discretion of the President, by inhibiting the acquisition of territory. When I made the speech from which I have ventured to read an extract, I had in the drawer of my table a resolution, similar to that offered by my friend from Georgia, which I intended to offer at a suitable time. He anticipated me in the execution of my purpose. I had hoped when those developments should be made to which I have referred, that the *Democratic members of this House from the southern States would co-operate with the Whigs to prevent the acquisition of territory*. I was disappointed in this reasonable expectation. When the House voted on the resolution offered by my friend from Georgia, every northern and southern Whig voted for it; every northern and southern Democrat voted against it.

Mr. STEPHENS. No; Mr. Cobb, of Alabama, voted with us.

Mr. GENTRY. A friend informs me that Mr. Cobb, of Alabama, voted with us on the question to which I am referring. If my friend is correct in his recollection, I must do the gentleman from Alabama the justice to say, that he stands "solitary and alone," honorably isolated from his political party. In the Senate, Mr. BERRIEN introduced a resolution similar to that introduced here, and the vote upon it was precisely like that in this House; every Whig from the North and the South, with

perhaps, one exception, voted for it; and every Democrat from the North and the South voted against it.

Mr. Chairman, what causes have produced the present state of things? What policy? Who is responsible? Is it the President? The incontrovertible truths of history which I have presented vindicate him from that false and unjust imputation, and fix the responsibility where an honorable gentleman from Mississippi, (Mr. THOMPSON,) more candid than most of those who have spoken on that side of the House, says it ought to rest.

That gentleman, in a speech which he made a few days ago; claimed for the Democratic party, of which he is a member, the glory of annexing Texas; the glory of the war which followed that event; and the glory of adding to the Territories of the United States California and New Mexico. And he admitted, that all the responsibilities resulting from these achievements rested upon the Democratic party; and that, therefore, that party is bound to come to the rescue and extricate the Republic from the difficulties and dangers in which Democratic measures have involved it.

It has been my aim to prove the correctness of the admissions so candidly made by the gentleman from Mississippi, and to show, beyond the possibility of doubt or cavil, that the policy and measures opposed by this side of the House, and supported and carried through by that, have brought the country into its present dangers. Come what may, our skirts are clear. If the political equilibrium between the slaveholding and non-slaveholding States is lost, never to be regained; if the property of the southern States is thereby rendered insecure; if faction and discord reign where patriotism and wisdom ought to rule; if the Union, and the liberty and happiness which it guarantees, are imperilled, the causes which have produced these evils are manifest, and the good sense of the country will correctly decide where responsibility rightfully rests.

But though, as I have shown, we can, on this side of the House, justly claim to be free from all responsibility for the present state of things, I hold that every patriot is equally bound to exert himself to save the country from the dangers by which it is now environed. The Wilmot proviso, which reared its front in this hall whilst the war with Mexico was raging, has reappeared at every period since the treaty of Guadalupe Hidalgo, when an attempt has been made to redeem the obligations which this Government assumed by the stipulations of that treaty; and the faith which we solemnly plighted to Mexico yet stands unredeemed. Meanwhile, as if to prepare the hearts of the people for bloodshed, civil war, and a dissolution of the Union, agitators, fanatics, and factionists in the northern and southern States have been busily and successfully engaged in inflaming and rousing into activity sectional prejudices, passions, and hostilities, whose loud roar, borne to our ears by every breeze that comes from the North or the South, bodes nothing but evil to the republic. Six months of the session of Congress have been spent in angry debate as to what measures of legislation shall be adopted with respect to the Territories which we have conquered from Mexico, and there is now as little prospect of union and harmony on that question as at the beginning of the session; and it has been distinctly threatened that, in certain specified contingencies, faction will so display itself here as to defeat the appropriation bills, and thus arrest, if not destroy, the government.

Mr. Chairman, this is a deplorable, humiliating, and dangerous state of affairs, calling imperiously upon us all to hold our passions and prejudices in strict subordination to patriotism and reason, that we may devote ourselves with effective energy to the service of the country. What shall we do?

To what remedy shall we resort? Where is the path that wisdom bids us tread? What line of policy will shield the country, and save it harmless from impending dangers? What measure, founded in justice and wisdom, can we adopt that will harmonize conflicting interests and prejudices, and give quiet and tranquillity to this great family of States? The consideration of Congress and the attention of the public have been for some time directed to three propositions: 1st. That recommended by the President; 2d, the Compromise bill reported by the committee of thirteen in the Senate; and 3d, the Missouri compromise line.

The last mentioned proposition is supported chiefly by those gentlemen from the southern States who have heretofore been most zealous and vehement in insisting upon the constitutional right of the slaveholding States to an unrestricted participation in the territories acquired from Mexico; and who have denied the power of Congress to *prohibit* or *establish* slavery, or otherwise legislate upon that subject in the Territories of the United States. I have never, in the course of my experience, known so glaring an exhibition of inconsistency by intelligent public men. To understand the effect of applying the Missouri compromise to the territory acquired from Mexico, it must be remembered that slavery existed by law in all the Louisiana territory acquired from France, and that the Missouri compromise *abolished and prohibited* slavery in all that territory north of 36° 30' of north latitude, and *permitted slavery* south of that line. It was literally the enactment of the Wilmot proviso north of the line 36° 30', and non-intervention south of that line. It was a distinct and most effective assertion and exercise by Congress of the power to legislate upon the subject of slavery in the Territories of the United States. To extend the Missouri compromise line through our recent acquisitions to the Pacific, would be to enact the Wilmot proviso in about four-fifths of the territory, and leave the residue, south of that line, subject to the operation of those Mexican laws which abolished slavery previous to our conquest, and which, according to the opinion of a large majority of jurists, remain in full force and effect. I am aware that gentlemen distinguished for legal learning hold that the Mexican laws are null and void; but whilst this question is undecided by competent judicial authority, slavery is as effectually excluded as if Congress had prohibited it by express provisions of law. No slaveholder would take his slaves into that country with the certainty of subjecting himself to a long and expensive lawsuit, that would most probably eventuate in the emancipation of his slaves. But no one believes that it is possible for such a proposition to pass in either House of Congress, and therefore it is a waste of time to discuss it. A fair apportionment of acquired territory between the slaveholding and non-slaveholding States constitutes the *principle* of the Missouri compromise, and to apply this principle to the territories acquired from Mexico, inasmuch as California has, by her constitution, prohibited slavery, all laws which prevent its introduction in the residue of our Mexican territory should be repealed by Congress.

The Compromise bill of the Senate proposes to admit California as a State into the Union, to organize territorial governments for New Mexico and Utah without the Wilmot proviso, and to settle the disputed question of boundary between Texas and New Mexico, by giving to Texas a consideration in money to relinquish her claim. With respect to the admission or non-admission of slavery into those Territories, it adopts the principle of non-intervention, leaving the final decision of that question to the people when they adopt constitutions preparatory to their admission into the Union as States.

If it be true that the laws of Mexico which abolished slavery in those Territories remain in force until repealed, then by the provisions of the Compromise bill slavery will be excluded from those Territories during the continuance of the territorial governments which it proposes to establish, for it expressly inhibits the repeal of those laws. It does not secure to the slaveholding States what most of their public men have claimed as their constitutional right. The people of the southern States are not insulted by a direct enactment of the Wilmot proviso, but for this forbearance they are required to be content with a state of things which as effectually excludes slavery from those Territories as if the bill contained the proviso in express terms.

The difficulty of devising measures of legislation suited to the condition of the Territories which we have acquired, and acceptable to the people of the different sections of the Union, results, in my opinion, chiefly from the extreme zeal, violence, and passion, with which erroneous opinions have been inculcated, by political partisans, in the non-slaveholding and slaveholding States of the Union. There is a struggle between these two classes of States for political power. At present, the Union consists of thirty States, in one-half of which slavery exists; and each State being entitled by the Constitution to two Senators, there is, therefore, in the Senate an exact balance of power between the slaveholding and the non-slaveholding States. The territory which we have acquired from Mexico is sufficient in extent to form, when it shall be peopled, several new States; and as these shall be slave States or free States, so will the preponderance of political power be determined in this government. And this I apprehend is the true source of the sectional controversy that now afflicts the country. In the North the opinion has been constantly propagated that prohibitory legislation was necessary to prevent the extension of slavery and the formation of additional slave States; while in the South it has been urged with equal zeal that such indeed would be the result, but for the obstacles interposed by northern agitation and the threat of hostile legislation.

In my opinion, causes which exist—and which legislation cannot change—make it impossible for slavery to obtain a permanent foothold in the Territories acquired from Mexico. The character and sentiments of the people who now inhabit them, and who are likely to emigrate thither—the character of the country, its soil and climate, all conspire to make such a result impossible. A recognition and candid admission of this truth by the North and the South would, it seems to me, moderate the irrational excitement which exists on this subject in both sections, and remove one of the principal causes that now embarrass this Government and disturb the public tranquillity.

When I say that slavery will be forever excluded from the Territories which we have acquired from Mexico, by causes that exist independent of Congressional legislation, I am only repeating an opinion which has heretofore been expressed by the late Secretary of the Treasury, Mr. R. J. Walker; by Mr. Cass, in his Nicholson letter; by the late Secretary of State, Mr. Buchanan; and by Mr. Webster, in his recent great speech in the Senate; and I think I am safe in saying, that I am only uttering a truth which every intelligent man in this republic believes, who has examined the subject with the purpose of arriving at correct conclusions. I am supported in this opinion, also, by the Committee of Thirteen which reported the Compromise bill, as the following extract from the report accompanying that bill will show:

“The bill for establishing the two Territories, it will be observed, omits the Wilmot proviso on the

one hand, and, on the other, makes no provision for the introduction of slavery into any part of the new Territories. That proviso has been the fruitful source of distraction and agitation. If it were adopted and applied to any Territory, it would cease to have any obligatory force as soon as such Territory were admitted as a State in the Union. There was never any occasion for it, to accomplish the professed object with which it was originally offered. This has been clearly demonstrated by the current of events. California, of all the recent territorial acquisitions from Mexico, was that in which, if anywhere within them, the introduction of slavery was most likely to take place; and the constitution of California, by the unanimous vote of her convention, has expressly interdicted it. There is the highest degree of probability that Utah and New Mexico will, when they come to be admitted as States, follow the example."

Mr. Chairman, if I have succeeded in establishing the positions I have assumed, in any degree proportionate to my own deep conviction of their truth, the conclusion will follow, that in deciding the comparative merits of the several measures now under consideration in this and the other end of the Capitol, we ought to be governed, not exclusively by our individual opinions of the specific provisions of those measures, but that our estimate of their adaptation as remedies for existing evils ought to be in a great degree influenced by the favor and support extended to them by the Representatives of conflicting sentiments and opinions.

When the various matters in controversy between the northern and southern sections of the Union were referred by the Senate to a committee, composed of Senators eminent for talents and patriotism, and selected, in equal numbers, from the two great political parties, and from the slaveholding and non-slaveholding States, the hope naturally arose in the public mind, that the high character of that committee would impart an influence to its recommendations that would take these questions out of the vortex of party politics, and commend its recommendations to the general acceptance and approval of the whole country. This expectation has not been realized. Since the report of the committee the Senate itself has been converted into a scene of discord—an arena of sectional strife. Southern Senators oppose the report of the committee because it yields every thing in controversy to the North, and, on the other hand, northern Senators oppose it because it yields every thing in controversy to the South. Its supporters in the South obviously intend to assume that it secures the admission of slavery into the Territories acquired from Mexico, whilst it is equally obvious that its northern supporters will assume that it excludes slavery from those Territories. Can a measure susceptible of such contradictory construction tranquilize the public mind, and restore harmony to the Union? If it be passed into a law by Congress, is it not to be feared that the same conflict of opinion which has marked the debate in the Senate will be transferred to the popular forum, in the North and South; and that protracted agitation, and deeper and more dangerous sectional excitements, will be the consequence? In the midst of this conflict of opinion, it now hangs suspended in the Senate—no man claiming to be able to foretell its fate. Should it receive such modifications as to make it pass the Senate, is it not to be apprehended that, when it comes into this Hall, it will encounter the same fate which every attempt heretofore made to establish territorial governments for our Mexican territories has encountered? Will not some ardent "Free-soiler" rise in his place, and move to amend, by attaching the Wilmot proviso, prohibiting slavery in those Territories? And will not that proposition, as heretofore, command a

majority of votes in this House, and will not increased sectional exasperation and excitement follow as a consequence? It was undoubtedly well-founded apprehensions of this kind, that induced the President to recommend Congress to confine its action, for the present, to the admission of California into the Union as a State, and leave the residue of territory to the government of existing laws and the temporary governments which have been established.

This recommendation of the President contemplates the early admission of New Mexico, as a State into the Union, and refers the question of the existence or non-existence of slavery therein to the decision of the people, when they form a State constitution, preparatory to their application for admission. He recommends the North to waive the proviso, so offensive to the South, and he recommends the South and the North mutually to consent to a reference of the question in dispute between them to the decision of that tribunal which, in the last resort, must have jurisdiction, whatever plan of temporary adjustment may be adopted by Congress. He recommends a "compromise" which gives a triumph neither to the one section nor the other, and which requires neither section to sacrifice its principles, its pride, or its rights. The fact having been developed by repeated unsuccessful attempts, that Congress cannot, by any act of legislation, adjust the question in dispute to the satisfaction of the parties to that dispute, the President recommends them to refer its decision to that great American principle which recognises the right of every political community to choose and decide for itself what shall be the character of its institutions and laws.

But it is urged that there were irregularities, informalities, departures from established usages, in the proceedings in California, which resulted in the formation of a State constitution and an application for admission into the Union, that constitute sufficient grounds for rejecting her application. These objections are so trivial that I will not waste time in refuting them. No one entertains the expectation that California will be remanded into a territorial condition, and the question of her admission is merely a question of time. It may be delayed, but cannot and ought not to be prevented. More plausible objections are urged against the early admission of New Mexico into the Union as a State; one of which is, that the population, unaccustomed to self-government, is not sufficiently civilized and intelligent to comprehend and perform the duties that would attach to them as a State. I admit the force of this objection, and frankly declare that, but for the peculiar circumstances under which we are to act, I would be in favor of holding New Mexico to a long period of territorial pupilage, before admitting her as a State into the Union; but when we compare the evils which may result from her admission as a State with those likely to flow from a prolongation of present difficulties, they sink into insignificance. Gentlemen from the slaveholding States found their opposition to the early admission of New Mexico upon the assumption that the sentiments and opinions of that people are sufficiently known to make it certain that they will incorporate a prohibition of slavery into their constitution.

Admitting the truth of this assumption, it does not constitute a sufficient reason for rejecting the policy which I am advocating. I have already expressed the opinion that the same result would ultimately obtain, whatever may be the legislation of Congress; and a brief postponement of that result would not compensate for the evils likely to flow from a continuation of the strife and agitation which now distracts the country. And, as the people, when in convention to form a State constitu-

tion, can alone finally decide the question which is the cause of that strife and agitation, every consideration of policy, having reference to the harmony and stability of the Union, urges most powerfully its immediate reference to them. Let the people of New Mexico decide the question to suit themselves, and whatever their decision may be, the people of the United States will acquiesce. If they adopt a constitution prohibiting slavery, what right will the southern States have to complain? If they adopt a constitution which establishes slavery, what right will the northern States have to complain? The North and the South will recognise the right of New Mexico to decide conformably to her own convictions; and whether that decision shall accord with the preference of the one or the other section, they will acquiesce; and their patriotism will signally rebuke any attempt, by those who are hostile to the Union and seek its destruction, to make the decision of New Mexico, on this subject, conducive to the accomplishment of their traitorous purposes. It is a feature in the plan of adjustment recommended by the President, which more than any thing else commends it to my support, that it settles, by the only mode practicable, finally and forever, this unhappy controversy between the North and the South, and puts an end to sectional agitation on that subject.

Having expressed my approval of the policy recommended by the President. I feel myself called upon to answer another objection urged against it; which is, that by its adoption the United States would fail to redeem the obligations incurred by the treaty of Guadalupe Hidalgo. The ninth section of that treaty provides that—

"Mexicans who, in the Territories aforesaid, 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.

Now, I think it is a manifest truth, that the policy recommended by the President to admit California as a State immediately, and New Mexico at an early day, more fully and completely redeems our treaty obligations, with respect to those Territories, than any which has been suggested. But it is contended that this policy leaves the people of those Territories, during the time preceding their admission into the Union as States, subject to the tyranny of military government; and that it is, therefore, repugnant to American ideas of liberty. Surely those who urge this objection have not read the official documents which have been communicated to Congress, and laid upon our tables. It was the boast of Mr. Polk's administration that it had, while the war with Mexico was yet raging, waived the rights of conquest, as defined by the law of nations, and generously given to California and New Mexico civil governments, instead of subjecting them to the rigors of military law.

Nothing like military government exists in either of those Territories. The military arm of the United States is there to protect, not to rule. The Secretary of War, in his annual report, referring to the delicate duties imposed upon the army by the peculiar state of things existing in California and New Mexico, says, "one of its assigned duties is to aid civil functionaries, when required, in the preservation of public tranquillity;" and, in a communication addressed to General Reily, acting civil

governor of California, dated June 26, 1849, he says:

"It is equally true that all laws existing and of force in California at the period of the conquest are still operative, with the limitation that they are not repugnant to the Constitution and laws of the United States. In my opinion these constitute the whole code of laws now of force in California. I should add, that this opinion does not infringe on the right of communities to make necessary regulations for the police and security of persons and property. Such regulations must necessarily be temporary, as they are presumed to be voluntary, and designed to meet emergencies and difficulties which the sovereign power will take the earliest occasion to remove."

General Reily, writing to the Secretary of War, under date of August 30th, 1849, says:

"Before leaving Monterey, I heard numerous rumors of irregularities and crimes among those working in the *placers*; but, on visiting the mining regions, I was agreeably surprised to learn that every thing was quite the reverse from what had been represented, and that order and regularity were preserved throughout almost the entire extent of the mineral districts. In each little settlement or tented town, the miners have elected their local alcaldes and constables, whose judicial decisions and official acts are sustained by the people, and enforced with much regularity and energy."

Colonel Washington, as acting governor of New Mexico, writes to Mr. Marcy, Secretary of War, under date of November 8, 1843, as follows:

"The system of government now in force in New Mexico is that which was established in 1846, and embraces what is commonly termed Kearny's code, to which the people, through their representatives lately assembled in convention, have happily expressed their assent, as will be seen by their memorial to Congress, and is considered adequate to the wants of the country until another can be provided."

These extracts, from official documents, conclusively show that our Mexican Territories are not subject to military government in the obnoxious sense of that term. Pre-existing laws have not been superseded by martial law; judicial tribunals have not been superseded by courts martial. General Reily describes "each little settlement or tented town" as a miniature democracy, making laws adapted to its condition, and administering them by agents chosen by the people; thus giving protection and security to "life, liberty, and happiness," and gloriously illustrating the capacity of man to enjoy and exercise the great right of self-government. Although it is true that the duties of civil governor of New Mexico have been devolved upon a military officer, it does not follow, as a consequence, that the people of that Territory are subject to a *military government*. It would be quite as logical to conclude that the people of the United States are subject to a military government, because the Chief Magistrate of the Republic is also commander-in-chief of its army and navy.

Mr. Chairman, let California be admitted into the Union, and the cause which distracts the national councils will be vastly diminished in magnitude, and the public mind will tranquilize in a corresponding degree; and thereupon a state of sentiment and opinion in the country will ensue, which will enable Congress to adopt such measures, with respect to the residue of the territory acquired from Mexico as may be necessary and proper, without the apprehension of dangerous excitements and convulsions in the Union. But though I believe the legislation recommended by the President to be the safest and wisest for the country, all things considered, yet it is not my purpose obstinately to withhold my support from any other plan of adjustment which, repudiating the Wilnot proviso,

offensive to the people I represent, can command such confidence and support from the representatives of northern and southern sentiment and opinion, as to inspire a reasonable confidence in its capacity to put an end to sectional agitation, and restore harmony and fraternal feeling to the States of this Union.

Mr. Chairman, when the combination of causes which have prevented the recommendation of the President from receiving a fair and just consideration in the two Houses of Congress shall be fully comprehended, the mists which now dim the public vision will dissipate, and it will be seen and admitted that it is a recommendation founded in a wise appreciation of the difficulties that surround the subject—a recommendation worthy of one whose deeds, under the flag of his country, have carried its military glory to the farthest confines of civilization, and whose patriotism, *bounded by no sectional lines*, is co-extensive with the limits of that great Republic, which, justly appreciating his merit, has made him its Chief Magistrate. And notwithstanding the extraordinary efforts that have been and may be made, to force the adoption of some plan of adjustment differing from that recommended by the President, yet it is by no means certain that these efforts may not be defeated by the same causes that have hitherto proved fatal to legislation on this subject. Aside from the fact, admitted by all, that a large majority of Congress are in favor of admitting California as a State into the Union, nothing is settled, nothing is known, nothing can be foretold; and it may so happen that the question will at last be narrowed down to the admission or non-admission of that State.

At an early period of the session, the honorable gentleman from North Carolina, (Mr. CLINGMAN,) anticipating this as a possible occurrence, threatened that the minority would, in such event, defeat that measure by demanding the ayes and noes on motions to adjourn, and motions for calls of the House, and, by constantly alternating and repeating these motions, consume the entire session of Congress, preventing thereby, not only the admission of California, but also the passing of those appropriation bills indispensably necessary to carry on the Government. And the honorable gentleman very distinctly intimated that, to accomplish this object, as a last resort, a Bowie-knife tragedy might be enacted on this floor, reducing the members of this House to a number below a constitutional quorum. This would be rebellion in its worst form—a factious attempt by a *minority* of Congress to usurp that control over legislation which the Constitution confers upon a *majority*. Should the contemplated contingency arise, I trust the majority of this House will not be frightened from its propriety by this offensive appeal to its fears, but that it will maintain its constitutional right to control legislation with calmness, dignity, and firmness; and, avoiding all disorderly and unbecoming exhibitions of excitement, it will, if needful, adjourn from day to day, even to the end of the session, that public opinion and the ballot-box may come to the rescue, and properly rebuke so daring and reckless an assault upon the fundamental principle of republican government. But I trust no such necessity will arise. I have respected and esteemed the honorable gentleman from North Carolina so much, that I cannot otherwise regard his declarations than as an ebullition of excited feeling, rather than evidence of a settled purpose. I am sure that his self-respect and his love of country will make it impossible for him to attempt the execution of a threat, made in the heat of debate, and unactioned, I hope, by his subsequent calmer reflections.

Mr. Chairman, we are so constituted that we often resist the conviction and admission of unpalatable

truths, even when they stand revealed to our mental vision in unmistakable reality. The equilibrium of political power, which has heretofore been maintained between the slaveholding and non-slaveholding States of the Union, will presently be a fact “consigned to the receptacle of things lost upon earth;” and the preponderance of political power under this Government will pass, never to be regained, to the non-slaveholding States. In my judgment, the best interests of this Republic require, that this truth should be frankly declared by public men, and recognised by the people. It is a truth which raises a question the gravest and most important that any people were ever called upon to consider and decide. That question is, *Shall the Union be maintained or dissolved?* Is it wiser for the southern States to quietly acquiesce in this inevitable transfer of political power to the northern States, and trust for *their safety and the security of their property* to the justice and patriotism of their co-States, and the guaranties of the Constitution, “or to take arms against a sea” of *apprehended dangers*, and, by dissolving the Union, seek security and safety in the organization of a southern confederacy? “To this complexion it must come at last.” *This is even now the real question.* I have, in a preceding part of my remarks, endeavored to show what and whose policy has destroyed that equilibrium of power, the destruction of which now creates so much anxiety in the slaveholding States; and it is needless for me to repeat what I have already said upon that subject. I submit to the results of a policy, the consequences of which I foresaw, and which I labored in vain to defeat. I will trust to the guaranties of the Constitution, and to the justice and patriotism of those who are henceforth to wield the power which it confers. Not until this reliance fails, will I permit myself to look to a dissolution of the Union as a remedy for existing evils, or those which are apprehended. I am a citizen of a slaveholding State—I am the representative of a slaveholding constituency—and come what may, in connexion with this subject, their fate shall be my fate, their destiny my destiny. Identified with them, and bound to them by all ties that are sacred and strong, I declare it as my opinion that, while the happiness, welfare, and liberty of all the States are involved in the maintenance of the Union, the southern States are pre-eminently interested in its preservation. And if my voice could reach the slave-owners of the South, I would tell them that the Union is the only effective safeguard for the security of that peculiar property with regard to which they are now so anxious; and, if I could, I would proclaim to them, “in a voice of sevenfold thunder,” *that those are practically their worst enemies who counsel them to any course of action which tends to its destruction.*

Mr. Chairman, it must be a source of happiness to every man who loves his country to perceive that, although speeches of a sectional and inflammatory character have been for six months sent forth from this Capitol, and scattered broadcast over the land, their effect seems to have been to tranquilize rather than excite the public mind. The people pause, as well they may, when the vortex of disunion and civil war is opened to their view. They refuse to volunteer or be impressed into the service of disunionists. They will not enlist under that banner. They will not march to that music. They have given unmistakable evidence that they are devoted to the Constitution of their country, and that they are determined to sustain and uphold the Government bequeathed to them by their ancestors, and make it, in all time to come, what it has been in time past—the beacon-light of liberty, guiding the nations of the earth to political redemption, as the star of Bethlehem guided to the Redeemer.

