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SPEECH

OF

HON. ANDREW JOHNSON,
OF TENNESSEE,

ON THE

STATE OF THE UNION;

DELIVERED

IN THE SENATE OF THE UNITED STATES, FEBRUARY 5 AND 6, 1861.

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CHICAGO, ILL.

1870

SPEECH.

The Senate having under consideration the message of the President communicating resolutions of the Legislature of Virginia—

Mr. JOHNSON, of Tennessee. Mr. President, on the 19th of December, I made a speech in the Senate, with reference to the present crisis, which I believed my duty to my State and to myself required. In making that speech, my intention—and I think I succeeded in it—was to place myself upon the principles of the Constitution and the doctrines inculcated by Washington, Jefferson, Madison, Monroe, and Jackson. Having examined the positions of those distinguished fathers of the Republic, and compared them with the Constitution, I came to the conclusion that they were right; and upon them I planted myself, and made the speech to which I have referred, in vindication of the Union and the Constitution, and against the doctrine of nullification or secession, which I look upon as a great political heresy. As far back as 1833, when I was a young man, before I made my advent into public life, when the controversy arose between the Federal Government and the State of South Carolina, and it became necessary for Andrew Jackson, then President of the United States, to issue his proclamation, exhorting that people to obey the law and comply with the requirements of the Constitution, I planted myself upon the principles then announced by him, which I advocated on the 19th of December last. I believed that the positions taken then by General Jackson, and those who came to his support, were the true doctrines of the Constitution, and the only doctrines upon which this Government could be preserved. I have been uniformly, from that period to the present time, opposed to the doctrine of secession, or of nullification, which is somewhat of a hermaphrodite, but approximates to the doctrine of secession. I repeat, that I then viewed it as a heresy and as an element which, if maintained, would result in the destruction of this Government. I maintain the same position to-day. I then opposed the doctrine of secession as a political heresy, which, if sanctioned and sustained as a fundamental prin-

ciple of this Government, will result in its overthrow and destruction; for, as we have seen already, a few of the States are crumbling and falling off.

I oppose this heresy for another reason; not only as being destructive of the existing Government, but as being destructive of all future confederacies that may be established in consequence of a disruption of the present one; and I availed myself of the former occasion on which I spoke, to enter my protest against it, and to do something to extinguish a political heresy that ought never to be incorporated upon this or any other Government which may be subsequently established. I look upon it as the prolific mother of political sin; as a fundamental error; as a heresy that is intolerable in contrast with the existence of the Government itself. I look upon it as being productive of anarchy; and anarchy is the next step to despotism. The developments that we have recently seen in carrying this doctrine into practice, I think, admonish us that this will be the result.

But, Mr. President, since I made that speech on the 19th of December, I have been the peculiar object of attack. I have been denounced, because I happened to be the first man south of Mason and Dixon's line who entered a protest or made an argument in the Senate against this political heresy. From what I saw here on the evening when I concluded my speech—although some may have thought that it intimidated and discouraged me—I was inspired with confidence; I felt that I had struck treason a blow. I thought then, and I know now, that men who were engaged in treason felt the blows that I dealt out on that occasion. As I have been made the peculiar object of attack, not only in the Senate, but out of the Senate, my object on this occasion is to meet some of these attacks, and to say some things in addition to what I then said against this movement.

REPLY TO MR. BENJAMIN.

Yesterday the last of the Senators who represent what are called the seceding States, retired,

and a drama was enacted. The piece was well performed; the actors were perfect in their parts; it was got up to order; I will not say that the mourning auxiliaries had been selected in advance. One of the retiring Senators, in justifying the course that his State had taken, made a very specious and plausible argument in reference to the doctrine of secession. I allude to the Senator from Louisiana, [Mr. BENJAMIN.] He argued that the sovereignty of that State had never passed to the United States; that the Government held it in trust; that no conveyance was made; that sovereignty could not be transferred; that out of the gracious pleasure and good will which the First Consul of France entertained towards the American people, the transfer was made of the property without consideration, and the sovereignty was in abeyance or trust, and therefore his State had violated no faith, and had a right to do precisely what she has done. With elaborate preparation and seeming sincerity, with sweet tones, euphonious utterances, mellifluous voice, and great earnestness, he called our attention to the treaty to sustain his assumption. But when we examine the subject, Mr. President, how do the facts stand? I like fairness; I will not say that the Senator, in making quotations from the treaty and commenting upon them, was intentionally unfair; nor can I say that the Senator from Louisiana, with all his acumen, his habits of industry, and his great research, had not read and understood all the provisions of the treaty. In doing so, I should reflect upon his character; it might be construed as a reflection upon his want of research, for which he has such a distinguished reputation. The omission to read important portions of the treaty I will not attribute to any intention to mislead; I will simply call the attention of the Senate and the country to his remarks, and then to the treaty. The Senator, after premising, went on to say:

"I have said that the Government assumed to act as trustee or guardian of the people of the ceded province, and covenanted to transfer to them the sovereignty thus held in trust for their use and benefit, as soon as they were capable of exercising it. What is the express language of the treaty?"

He then read the third article of the treaty of cession of Louisiana, which provides merely for their incorporation into the United States; their protection in the enjoyment of their religion, &c.; and thus he commented on it:

"And, sir, as if to mark the true nature of the cession in a manner too significant to admit of misconstruction, the treaty stipulates no price; and the sole consideration for the conveyance, as stated on its face, is the desire to afford a strong proof of the friendship of France for the United States. By the terms of a separate convention stipulating the payment of a sum of money, the precaution is again observed of stating that the payment is to be made, not as a consideration, or a price, or a condition precedent of the cession, but it is carefully distinguished as being a consequence of the cession."

Now, Mr. President, to make this matter more intelligible, and better understood by the country, it seems to me it would have been better to read the first article of the treaty, which commences thus:

"The President of the United States of America, and the First Consul of the French Republic, in the name of the

French people, desiring to remove all source of misunderstanding relative to objects of discussion," &c.

After reciting the other treaties pending between France and the United States and Spain, they go on in the first article as follows:

"And whereas, in pursuance of the treaty, and particularly the third article, the French Republic has an incontestable title to the domain and to the possession of the said territory, [that is, of Louisiana,] the First Consul of the French Republic, desiring to give to the United States a strong proof of his friendship, doth hereby cede to the said United States, in the name of the French Republic, forever and in full sovereignty, the said territory, with all its rights and appurtenances, as fully and in the same manner as they have been acquired by the French Republic, in virtue of the above mentioned treaty concluded with his Catholic Majesty."

Which was referred to in the preceding section. Now, sir, is there not a clear and distinct and explicit conveyance of sovereignty, of property, of jurisdiction, of everything that resided in the First Consul of France, to the people of the United States? Clearly and distinctly the jurisdiction and control of that Government were transmitted absolutely by the treaty. Why not have read that part of the treaty first? The second article is in these words:

"ART. 2. In the cession made by the preceding article, are included the adjacent islands belonging to Louisiana, all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices, which are not private property. The archives, papers, and documents, relative to the domain and sovereignty of Louisiana and its dependencies, will be left in the possession of the commissaries of the United States, and copies will be afterwards given in due form to the magistrates and municipal officers of such of the said papers and documents as may be necessary to them."

We see, then, in the first article, that property and sovereignty were all conveyed together, in clear and distinct terms. If there was a power residing anywhere to control the people and the property of Louisiana, it was in the First Consul of France, who conveyed absolutely the sovereignty and right of property to the people of the United States. Then we come to the third article, which the Senator read yesterday:

"ART. 3. The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and, in the mean time, they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess."

There is some order in that; one thing fits the other. There is the conveyance of sovereignty and property. There is a minute enumeration in the second article; and in the third article it is provided that as soon as possible, according to the principles of the Federal Constitution, they shall be incorporated into the Union, and protected in the enjoyment of the religion which they may profess. We see, then, how the thing stands. Have not all these things been complied with? But, by way of exonerating Louisiana from censure for her recent act of attempted secession, it is urged that, when this treaty was made, there was no consideration; but that, out of the good will that the First Consul had towards the American people, the sovereignty was given to us in trust; that we took the property in trust; that we took

everything in trust. Sir, the Federal Government took the property, and the sovereignty with it, in trust for all the States. The retiring Senator's speech—whether it was intended or not, I do not undertake to say—is calculated to make the false impression that some time afterwards, perhaps in some other treaty remote from that, some money was paid by the United States to France, out of the good will that this Government had towards them. And yet, sir, on the same day—the 30th of April, 1803—on which the other treaty was made and signed, the following convention between the United States of America and the French Republic was made:

“The President of the United States of America, and the First Consul of the French Republic, in the name of the French people, in consequence of the treaty of cession of Louisiana, which has been signed this day, wishing to regulate definitely everything which has relation to the said cession.”

This, be it observed, was made on the same day, and was, perhaps, written out before the other treaty was signed. And what does the first article say? It says expressly:

“ART. 1. The Government of the United States engages to pay to the French Government, in the manner specified in the following article, the sum of sixty million francs, independent of the sum which shall be fixed by another convention for the payment of debts due by France to the citizens of the United States.”

What becomes of the specious plea that we took it simply in trust, and that no consideration was paid? Turn over to the American State Papers; look at Mr. Livingston's letters, upon which these treaties were predicated; read his correspondence with Mr. Madison, who was Secretary of State, and you will find that France demanded the sum of 100,000,000*f.* independent of what they owed the citizens of the United States; but after long negotiations, the First Consul of the French concluded to take 60,000,000*f.*; and the first two articles of the treaty which I have read are based upon the 60,000,000*f.* paid by this Government in consideration of the sovereignty and territory, all of which was to be held in trust by the United States for all the States.

This was given to us out of the pure good will that Napoleon at that time had towards the United States! Sir, he had great hate for Great Britain; and by the promptings of that hate he was disposed to cede this territory to some other Power. He feared that Great Britain, whose Navy was superior to his own, would take it. He desired to obtain money to carry on his wars and sustain his Government. These considerations, and not love or partiality or friendship for the United States, led him to make the cession. Then what becomes of the Senator's special pleading? From the Senator's remarks, it may have been concluded that we got it as a gratuity. But after examining the State Papers and the correspondence, and looking at the tedious and labored negotiation previous to the making of the treaty, it is clear that at the time the first treaty was made, on the very same day, the consideration was fixed; and yet the Senators tell us that at some other time a treaty was made not referring to any amount of money agreed to be paid at this particular time, and that there-

fore they are excusable and justifiable in going out of the Confederacy of these States.

And then an appeal was made. It was a very affecting scene. Louisiana was gone; and what was the reason? Great oppression and great wrong. She could not get her rights in the Union, and consequently she has sought them out of it. What are the wrongs of Louisiana? What was the cause for all the sympathy expressed on the one hand, and the tears shed on the other? Louisiana was presented to the country in a most pathetic and sympathetic attitude. Her wrongs were without number; their enormity was almost without estimate; they could scarcely be fathomed by human sympathy. It was not unlike the oration of Mark Antony over the dead body of Cæsar. Weeping friends grouped picturesquely in the foreground; the bloody robe, the ghastly wounds, were conjured to the imagination; and who was there that did not expect to hear the exclamation: “If you have tears, prepare to shed them now!” [Laughter.]

Sir, what are the great wrongs that have been inflicted upon Louisiana? Prior to 1803, Louisiana was transferred from Spain to France, and from France back to Spain—both property and sovereignty—almost with the same facility as a chattel from one person to another. On the 30th of April, 1803, when this treaty was made, what was the condition of Louisiana? It was then a province of the First Consul of France, subject to be disposed of at his discretion. The United States came forward and paid to the First Consul of France 60,000,000*f.* for the territory. The treaty was made; the territory was transferred; and in 1806, in express compliance with the treaty, as soon as practicable, according to the terms of the Federal Constitution, Louisiana was admitted into the Union as a State. We bought her; we paid for her; we admitted her into the Union upon terms of equality with the other States. Was there any oppression, any great wrong, any grievance in that?

In 1815—war having been declared in 1812—Louisiana was attacked; the city of New Orleans was about to be sacked and laid prostrate in the dust; “beauty and booty” were the watchwords. She was oppressed then, was she not? Kentucky, your own gallant State, sir, (and, thank God! she is standing erect now,) and Tennessee, (which, as I honestly believe, will ever stand by her side in this struggle for the Constitution and the Union,) in conjunction with the other States, met Packenham and his myrmidons upon the plains of New Orleans, and there dealt out death and desolation to her invading foe. What soil did we invade? What city did we propose to sack? Whose property did we propose to destroy? Was not Louisiana there gallantly, nobly, bravely, and patriotically defended, by the people of the United States, from the inroads and from the sacking of a British foe? Is that defense one of her oppressions? Is that one of the great wrongs that have been inflicted upon Louisiana?

What more has been done by this Government? How much protection has she received upon her sugar? In order to give that protection, the poorest man throughout the United States is

taxed for every spoonful that he uses to sweeten his coffee. How many millions, under the operation of a protection upon sugar, have been contributed to the wealth and prosperity of Louisiana since she has been in this Confederacy? Estimate them. Is this another of her wrongs? Is this another of her grievances? Is this another of the oppressions that the United States have inflicted upon Louisiana?

Sum them all up, and what are the wrongs, what the grievances which justify Louisiana in taking leave of the United States? We have defended her soil and her citizens; we have paid the price asked for her by the French Government; she has been protected in the production of her sugar, and in the enjoyment of every right that a sovereign State could ask at the hands of the Federal Government. And how has she treated the United States? What is her position? Upon her own volition, without consultation with her sister States, without even consulting with Tennessee and Kentucky, who defended her when she was in peril, she proposes to secede from the Union. She does more: in violation of the Constitution of the United States, in despite of the pledged faith that exists between all the States, she takes our arsenals, our forts, our custom-house, our mint, with about a million dollars. Gracious God! to what are we coming? Is it thus that the Constitution of the United States is to be violated? Forts, arsenals, custom-houses, and property belonging to all the people of all the States, have been ruthlessly seized, and their undisturbed possession is the sum total of the great wrongs that have been inflicted upon Louisiana by the United States!

Mr. President, when I look at the conduct of some of the States, I am reminded of the fable of King Log and the frogs. They got tired of the log that lay in their midst, upon which they could bask in the sun, or from which they could dive to the depth beneath, without interference. And these seceding States have got tired of the Federal Government, which has been so profitable to them, and loathe the blessings which they enjoy. Seemingly, its inability to take care of itself created their opposition to it. It seems, the inability of the United States to defend and take care of its own property has been an invitation to them to take possession of it; and, like the frogs, they seek a substitute for their log. They prayed to Jupiter, the supreme deity, to send them another king; and he answered their prayer by sending them a stork, who soon devoured his subject frogs. There are storks, too, in the seceding States. South Carolina has her stork king, and so has Louisiana. In the heavy appropriations they are making to maintain armies, and in all their preparations for war, for which there is no cause, they will find they have brought down storks upon them that will devour them.

What do we find, Mr. President, since this movement commenced? In about forty-six days, since the first State went out until the last one disappeared—the 26th of January—they have taken from the United States, this harmless old ruler, sixteen forts and one thousand and ninety-two guns, without any resistance, amounting to \$6,513,000.

They are very much alarmed at the power of this Government. Thus the Government oppresses them; thus this Government oppresses Louisiana, pertinaciously persisting in allowing those States to take all the guns, all the forts, all the arsenals, all the dock-yards, all the custom-houses, and all the mints. Thus they are so cruelly oppressed. Is it not a farce? Is it not the greatest outrage and the greatest folly that was ever consummated since man was spoken into existence? But these are the grievances of Louisiana. I shall say nothing against Louisiana. Tennessee and Kentucky have given demonstrations most noticeable that when she needed friends, when she needed aid, they were at her bidding.

But with Louisiana there was another very important acquisition. We acquired the exclusive and entire control of the navigation of the Mississippi river. We find that Louisiana, in her ordinance of secession, makes the negative declaration that she has the control of the navigation of that great stream, by stating that the navigation of the river shall be free to those States that remain on friendly terms with her, with the proviso that moderate contributions are to be levied to defray such expenses as they may deem expedient from time to time. That is the substance of it. Sir, look at the facts. All the States, through their Federal Government, treated for Louisiana. The treaty was made. All the States, by the contribution of their money, paid for Louisiana and the navigation of the Mississippi river. Where, and from what source, does Louisiana now derive the power or the authority to secede from this Union and set up exclusive control of the navigation of that great stream which is owned by all the States, which was paid for by the money of all the States, and upon whose borders the blood of many citizens of the States has been shed?

This is one of the aggrieved, the oppressed States! Mr. President, is it not apparent that these grievances and oppressions are mere pretenses? A large portion of the South (and that portion of it I am willing to stand by to the very last extremity) believe that aggressions have been made upon them by the other States, in reference to the institution of slavery. A large portion of the South believe that something ought to be done in the shape of what has been offered by the distinguished Senator from Kentucky, or something very similar. They think and feel that that ought to be done. But, sir, there is another portion who do not care for those propositions to bring about reconciliation, but who, on the contrary, have been afraid and alarmed that something would be done to reconcile and satisfy the public mind, before this diabolical work of secession could be consummated. Yes, sir, they have been afraid, and the occasion has been used to justify and to carry into practice a doctrine which will be not only the destruction of this Government, but the destruction of all other governments that may be originated, embracing the same principle. Why not, then, meet it like men? We know there is a portion of the South who are for secession, who are for breaking up this Government, without regard to slavery or anything else, as I shall show before I have done.

The Senator from Louisiana, [Mr. BENJAMIN,] in a speech that he made some days since, took occasion to allude to some authority that I had introduced from General Washington, the first President who executed the laws of the United States against armed resistance; and it occurred to him that, by way of giving his argument force, it was necessary to remark that I was not a lawyer, and that therefore I had not examined the subject with that minuteness and with that care and familiarity that I should have done; and hence that I had introduced authority which had no application to the question under consideration. The proof that he gave to show that I had not examined the subject carefully, was contained in the very extract that I had quoted and which he said declared that General Washington had been informed by the marshal that he could not execute the laws; and from the fact of the marshal being incapable to execute them, General Washington was called upon to employ the means, under the Constitution and the laws, which were necessary to their enforcement. It may have been necessary for the distinguished Senator to inform the Senate and the country that I was not a lawyer; but it was not necessary to inform anybody that read his speech and that had the slightest information or sagacity, that he was a lawyer, and that he was making a lawyer's speech upon the case before him; not an argument upon the great principles of the Government. The speech was a complete lawyer's speech, the authorities were summed up simply to make out the case on his side; and he left out all those that would disprove his position.

That Senator yesterday seemed to be very serious in regard to the practical operation of the doctrine of secession. I felt sorry myself, somewhat. I am always reluctant to part with a gentleman with whom I have been associated, and nothing had transpired to disturb between us those courteous relations which should always exist between persons associated on this floor. I thought the scene was pretty well got up, and was acted out admirably. The plot was executed to the very letter. You would have thought that his people in Louisiana were borne down and seriously oppressed by remaining in this Union of States. Now, I have an extract before me, from a speech delivered by that gentleman since the election of Abraham Lincoln, while the distinguished Senator was on the western slope of the Rocky Mountains, at the city of San Francisco. He was called upon to make an address; and I will read an extract from it, which I find in the New York Times, the editors of which paper said they had the speech before them; and I have consulted a gentleman here who was in California at the time, and he tells me that the report is correct. In that speech—after the Senator had spoken some time with his accustomed eloquence—he uttered this language:

“Those who prate of, and strive to dissolve this glorious Confederacy of States, are like those silly savages who let fly their arrows at the sun in the vain hope of piercing it! And still the sun rolls on, unheeding, in its eternal pathway, shedding light and animation upon all the world.”

Even after Lincoln was elected, the Senator from Louisiana is reported to have said, in the

State of California, and in the city of San Francisco, that this great Union could not be destroyed. Those great and intolerable oppressions, of which we have since heard from him, did not seem to be flitting across his vision and playing upon his mind with that vividness and clearness which were displayed here yesterday. He said, in California, that this great Union would go on in its course, notwithstanding the puny efforts of the silly savages that were letting fly their arrows with the prospect of piercing it. What has changed the Senator's mind on coming from that side of the continent to this? What light has broken in upon him? Has he been struck on his way, like Paul, when he was journeying from Tarsus to Damascus? Has some supernatural power disclosed to him that his State and his people will be ruined if they remain in the Union? Where do we find the distinguished Senator only at the last session? On the 22d of May, last, when he made his celebrated reply to the Senator from Illinois, [Mr. DOUGLAS,] the Senator from Louisiana, alluding to the contest for the Senate, between Mr. Lincoln and Mr. DOUGLAS, said:

“In that contest, the two candidates for the Senate of the United States, in the State of Illinois, went before their people. They agreed to discuss the issues; they put questions to each other for answer; and I must say here—for I must be just to all—that I have been surprised in the examination that I made again, within the last few days, of this discussion between Mr. Lincoln and Mr. DOUGLAS, to find that, on several points, Mr. Lincoln is a far more conservative man, unless he has since changed his opinion, than I had supposed him to be. There was no dodging on his part. Mr. DOUGLAS started with his questions. Here they are, with Mr. Lincoln's answers.”

The impression evidently made on the public mind then, before the presidential election, was that Lincoln, the rank Abolitionist now, was more conservative than Mr. DOUGLAS; and he said further, after reading the questions put by Mr. Lincoln, and his answers to them:

“It is impossible, Mr. President, however we may differ in opinion with the man, not to admire the perfect candor and frankness with which the answers were given; no equivocation; no evasion.”

Since that speech was made, since the Senator has traversed from California to this point, the grievances, the oppressions of Louisiana, have become so great that she is justified in going out of the Union, taking into her possession the custom-house, the mint, the navigation of the Mississippi river, the forts, and arsenals. Where are we? “Oh, consistency, thou art a jewel, much to be admired, but rarely to be found.”

Mr. President, I never do things by halves. I am against this doctrine entirely. I commenced making war upon it—a war for the Constitution and the Union—and I intend to sink or swim upon it. [Applause in the galleries.] In the remarks that I made on the 19th of December, I discussed at some length the alleged right of secession. I repudiated the whole doctrine. I introduced authorities to show its unsoundness, and made deductions from those authorities which have not been answered to this day; but by innuendo and indirection, without reference to the person who used the authorities, attempts have been made to answer the speech. Let those who can, answer the speech, answer the authorities, answer the

conclusions which have been deduced from them. I was more than gratified, shortly afterwards, when one of the distinguished Senators from Virginia [Mr. HUNTER] delivered a speech upon this floor, which it was apparent to all had been studied closely; which had been digested thoroughly; which, in the language of another, had been coned and set down in a note-book, and got by rote; not only the sentences constructed, but the language measured. In the plan which he proposed as one upon which the Government can be continued and administered, in his judgment, he brought his mind seemingly, irresistibly, to the conclusion that this doctrine of secession was a heresy. What does he say in that able, that methodical, that well-digested speech? He goes over the whole ground. He has been reasoning on it; he has been examining the principle of secession; he has gone to the conclusion to which it leads; and he is seemingly involuntarily, but irresistibly forced to admit that it will not do to acknowledge this doctrine of secession; for he says:

"I have presented this scheme, Mr. President, as one which, in my opinion, would adjust the differences between the two social systems, and which would protect each from the assault of the other. If this were done, so that we were made mutually safe, I, for one, would be willing to regulate the right of secession, which I hold to be a right not given in the Constitution, but resulting from the nature of the compact. I would provide that before a State seceded, it should summon a convention of the States in the section to which it belonged, and submit to them a statement of its grievances and wrongs. Should a majority of the States in such a convention decide the complaint to be well founded, then the State ought to be permitted to secede in peace. For, whenever a majority of States in an entire section shall declare that good cause for secession exists, then who can dispute that it ought to take place? Should they say, however, that no good cause existed, then the moral force of such a decision, on the part of confederates of those who are bound to the complaining State by identical and homogeneous interests, would prevent it from prosecuting the claim any further."

Sir, I quoted the Old Dominion extensively before. I took the foundation of this doctrine and traced it along step by step, and showed that there was no such notion tolerated by the fathers of the Republic as the right of secession. Now, who comes up to my relief? When the States are seceding, the distinguished Senator from Virginia says, in so many words, that he admits the error, and the force of the principle that a State ought not to be permitted to go out of the Confederacy without the consent of the remaining members. He says, however, that the right to secede results from the nature of the compact. Sir, I have read Mr. Jefferson, and I am as much inclined to rely on the former distinguished men of the State of Virginia as I am on the latter. In the old Articles of Confederation, when the revenue required for the support of the Federal Government was apportioned among the States, and each State had to raise its portion, the great difficulty was, that there was no means by which the States could be compelled to contribute their amount; there was no means of forcing the State to compliance; and yet Mr. Jefferson, in view of that very difficulty, said, in 1786:

"It has been often said that the decisions of Congress are impotent, because the Confederation provides no compulsory power. But when two or more nations enter into compact, it is not usual for them to say what shall be done

to the party who infringes it. Decency forbids this, and it is as unnecessary as indecent; because the right of compulsion naturally results to the party injured by the breach. When any one State in the American Union refuses obedience to the Confederation by which they have bound themselves, the rest have a natural right to compel them to obedience."

The Senator from Virginia says a State has the right to secede from the Union, and that it is a right resulting from the nature of the compact; but Mr. Jefferson said that even under the old Articles of Confederation, no State had a right to refuse obedience to the Confederacy, and that there was a right to enforce its compliance:

"Congress would probably exercise long patience before they would recur to force; but if the case ultimately required it, they would use that recurrence. Should this case ever arise, they will probably coerce by a naval force, as being more easy, less dangerous to liberty, and less likely to produce much bloodshed."—*Jefferson's Works*, vol. 9, p. 291.

When was this? I have stated that it was under the old Articles of Confederation, when there was no power to compel a State even to contribute her proportion of the revenues; but in that view of the case, Mr. Jefferson said that the injured party had a right to enforce compliance with the compact from the offending State, and that this was a right deducible from the laws of nature. The present Constitution was afterwards formed; and to avoid this difficulty in raising revenue, the power was conferred upon the Congress of the United States "to lay and collect taxes, duties, imposts, and excises," and the Constitution created a direct relation between the citizen and the Federal Government in that matter, and to that extent that relation is just as direct and complete between the Federal Government and the citizen as is the relation between the State and the citizen in other matters. Hence we find that, by an amendment to the Constitution of the United States, the citizen cannot even make a State a party to a suit, and bring her into the Federal courts. They wanted to avoid the difficulty of coercing a State, and the Constitution conferred on the Federal Government the power to operate directly upon the citizen, instead of operating on the States. It being the right of the Government to enforce obedience from the citizen in those matters of which it has jurisdiction, the question comes up as to the exercise of this right. It may not always be expedient. It must depend upon discretion, as was eloquently said by the Senator from Kentucky [Mr. CRITTENDEN] on one occasion. It is a matter of discretion, even as Mr. Jefferson laid it down before this provision existed in the Constitution, before the Government had power to collect its revenue as it now has. I know that when, on a former occasion, I undertook to show, as I thought I did show, clearly and distinctly, the difference between the existence and the exercise of this power, words were put into my mouth that I did not utter, and positions answered which I had never assumed. It was said that I took the bold ground of coercing a State. I expressly disclaimed it. I stated, in my speech, that, by the Constitution, we could not put a State into court; but I said there were certain relations created by the Constitution between the Federal Government and the citizen, and that we could

enforce those laws against the citizen. I took up the fugitive slave law; I took up the revenue law; I took up the judicial system; I took up the post office system; and I might have taken up the power to coin money and to punish counterfeiters, or the power to pass laws to punish mail robbers. I showed that under these we had power, not to punish a State, but to punish individuals as violators of the law. Who will deny it; who can deny it, that acknowledges the existence of the Government? This point, I think, was settled in the decision of the Supreme Court in the case of *Ableman vs. Booth*. When the decision of the Supreme Court is in our favor, we are very much for it; but sometimes we are not so well reconciled to it when it is against us. In that case the court decided:

"But, as we have already said, questions of this kind must always depend upon the Constitution and laws of the United States, and not of a State. The Constitution was not formed merely to guard the States against danger from foreign nations, but mainly to secure union and harmony at home; for if this object could be obtained, there would be but little danger from abroad; and to accomplish this purpose, it was felt by the statesmen who framed the Constitution, and by the people who adopted it, that it was necessary that many of the rights of sovereignty which the States then possessed should be ceded to the General Government; and that, in the sphere of action assigned to it, it should be supreme, and strong enough to execute its own laws by its own tribunals, without interruption from a State or from State authorities. And it was evident that anything short of this would be inadequate to the main objects for which the Government was established; and that local interests, local passions or prejudices, incited and fostered by individuals for sinister purposes, would lead to acts of aggression and injustice by one State upon the rights of another, which would ultimately terminate in violence and force, unless there was a common arbiter between them, armed with power enough to protect and guard the rights of all, by appropriate laws, to be carried into execution peacefully by its judicial tribunals."—*Howard's Supreme Court Reports*, vol. 21, p. 516.

When the fugitive slave law was executed in the city of Boston, by the aid of military force, was that understood to be coercing a State, or was it simply understood to be an enforcement of the law upon those who, it was assumed, had violated it? In this same decision the Supreme Court declare that the fugitive slave law, in all its details, is constitutional, and therefore should be enforced. Who is prepared to say that the decision of the court shall not be carried out? Who is prepared to say that the fugitive slave law shall not be enforced? Do you coerce a State when you simply enforce the law? If one man robs the mail and you seek to arrest him, and he resists, and you employ force, do you call that coercion? If a man counterfeits your coin, and is arrested and convicted, and punishment is resisted, cannot you execute the law? It is true that sometimes so many may become infected with disobedience, outrages and violations of law may be participated in by so many, that they get beyond the control of the ordinary operations of law; the disaffection may swell to such proportions as to be too great for the Government to control; and then it becomes a matter of discretion, not a matter of constitutional right.

In this connection, I desire to introduce an authority from Virginia, for I do delight in authority from the Old Dominion; and from the indications that are now visible—although it is possible

that before the setting of the sun I may receive news that will convert my present hopes and my present exhilarated feelings into despair—she is going to make a stand for the Union and the Constitution. I delight in calling upon her for authority. The doctrine that I am trying to inculcate here to-day was the doctrine of Virginia in 1814; and I ask my friend from California to read an extract which I have from the *Richmond Enquirer* of the 1st of November, 1814.

Mr. LATHAM read, as follows:

"THE TRUE QUESTION.—*The Union is in danger.* Turn to the convention of Hartford, and learn to tremble at the madness of its authors. How far will those madmen advance? Though they may conceal from *you* the project of disunion, though a few of them may have even concealed it from themselves, yet who will pretend to set bounds to the rage of disaffection? One false step after another may lead them to resistance to the laws, to a treasonable neutrality, to a war against the Government of the United States. In truth, the first act of resistance to the law is treason to the United States. Are you ready for this state of things? Will you support the men who would plunge you into this ruin?"

"No man, no association of men, no State or set of States has a right to withdraw itself from this Union, of its own accord. The same power which knit us together, can only unknit. The same formality which forged the links of the Union, is necessary to dissolve it. The majority of States which form the Union must consent to the withdrawal of any one branch of it. Until that consent has been obtained, any attempt to dissolve the Union, or obstruct the efficacy of its constitutional laws, is treason—treason to all intents and purposes.

"Any other doctrine, such as that which has been lately held forth by the Federal Republican, that any one State may withdraw itself from the Union, is an abominable heresy—which strips its author of every possible pretension to the name or character of a *Federalist*.

"We call, therefore, upon the Government of the Union to exert its energies, when the season shall demand it—and seize the first traitor who shall spring out of the hobdod of the convention of Hartford. This illustrious Union, which has been cemented by the blood of our forefathers, the pride of America and the wonder of the world, must not be tamely sacrificed to the heated brains or the aspiring hearts of a few malcontents. The Union must be saved, when any one shall dare to assail it.

"Countrymen of the East! we call upon you to keep a vigilant eye upon those wretched men who would plunge us into civil war and irretrievable disgrace. Whatever be the temporary calamities which may assail us, let us swear, upon the altar of our country, to SAVE THE UNION."

Mr. JOHNSON, of Tennessee. Mr. President, I subscribe most heartily to the sentiment presented by the *Richmond Enquirer* of November 1, 1814. Then it was declared by that high authority that the Union was to be saved; that those persons who were putting themselves in opposition to the law were traitors, and that their treason should be punished as such. Now, sir, what is treason? The Constitution of the United States defines it, and narrows it down to a very small compass. The Constitution declares that "treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort." Who are levying war upon the United States? Who are adhering to the enemies of the United States, giving them aid and comfort? Does it require a man to take the lantern of Diogenes, and make a diligent search to find those who have been engaged in levying war against the United States? Will it require any very great research or observation to discover the adherents of those who are making war against the United States, and giving

them aid and comfort? If there are any such in the United States they ought to be punished according to law and the Constitution. [Applause in the galleries, which was suppressed by the Presiding Officer, Mr. FITCH in the chair.] Mr. Ritchie, speaking for the Old Dominion, used language that was unmistakable: "The treason springing out of the hot-bed of the Hartford convention should be punished." It was all right to talk about treason *then*; it was all right to punish traitors in *that* direction. For myself, I care not whether treason be committed north or south; he that is guilty of treason deserves a traitor's fate.

But, Mr. President, when we come to examine the views of some of those who have been engaged in this work, we find that the foundation of their desire to break up this Government dates beyond, and goes very far back of, any recent agitation of the slavery question. There are some men who want to break up this Government anyhow; who want a separation of the Union. There are some who have got tired of a government *by the people*. They fear the people. Take the State of South Carolina. Although she has had Senators on this floor who have acted a portion of the time with the Democratic party, and sometimes with no party, there is, in that State, an ancient and a fixed opposition to a government by the people. They have an early prejudice against this thing called democracy—a government of the people. They entertained the idea of secession at a very early day; it is no new idea with them; it has not arisen out of the slavery question and its recent agitation. Even to this good day, the people, the freemen of South Carolina, have never been permitted to vote for President and Vice President of the United States. They have never enjoyed that great luxury of freemen, of having a voice in the selection of their Chief Magistrate.

I have before me an old volume. In the frontispiece I find a picture of "William Moultrie, Esq., late Governor of South Carolina, and major general in the American revolutionary war." The book is entitled, "Memoirs of the American Revolution, so far as it related to the States of North and South Carolina and Georgia;" and the author is William Moultrie. The Articles of Confederation, it will be remembered, were adopted July 9, 1778. South Carolina was one of the members of the Confederacy—a party to the compact. Charleston was besieged during the revolutionary war, in 1779, by the British. The defense of the town had been kept up for a considerable length of time, and at last General Moultrie sent a message to the British commander, desiring to know "on what terms he would be disposed to grant a capitulation." The answer of General Provost was submitted to the Governor, who summoned a council of war, and the result was the following message to the British commander:

CHARLESTOWN, May 12, 1779.

SIR: I cannot possibly agree to so dishonorable a proposal as is contained in your favor of yesterday; but if you will appoint an officer to confer on terms, I will send one to meet him, at such time and place as you fix on.

I have the honor to be, &c.,

WILLIAM MOULTRIE.

Brigadier General PROVOST.

This is to be found on pages 431 and 432 of Moultrie's Memoirs. On the latter page he says:

"When the question was carried for giving up the town upon a neutrality, I will not say who was for the question; but this I well remember, that Mr. John Edwards, one of the Privy Council, a worthy citizen, and a very respectable merchant of Charlestown, was so affected as to weep, and said, 'What! are we to give up the town at last?'"

He says that he endeavored to get a message carried from the Governor and Council to General Provost. Those to whom he applied begged to be excused; but finally he pressed them into a compliance. The message was:

"To propose a neutrality during the war between Great Britain and America, and the question whether the State shall belong to Great Britain, or remain one of the United States, be determined by the treaty of peace between those two Powers."

The Governor, it seems, proposed a neutrality; proposed to withdraw from the Confederacy, to desist from resistance to Great Britain, and leave it to the two Powers, in making a treaty, to say whether they should remain a colony of Great Britain or be one of the United States. *At this early day, South Carolina was willing to go back and be subjected to the Crown of Great Britain under King George III.*

Mr. WIGFALL. I ask the Senator merely to permit me to correct him as to a fact.

Mr. JOHNSON, of Tennessee. I do not yield the floor.

Mr. WIGFALL. I do not intend to interrupt you—

Mr. JOHNSON, of Tennessee. I do not yield the floor.

The PRESIDING OFFICER, (Mr. FITCH.) The Senator from Tennessee is entitled to the floor.

Mr. WIGFALL. The Articles of Confederation were formed in 1781; that is all.

Mr. JOHNSON, of Tennessee. I have them before me: "Articles of Confederation and Perpetual Union;" and they end: "Done at Philadelphia, in the State of Pennsylvania, the 9th day of July, in the year of our Lord 1778."

Mr. WIGFALL. They were ratified in 1781. If you will read history and inform yourself, you will not fall into so many errors: 1781 is the time; I know it.

Mr. JOHNSON, of Tennessee. I will just refer to the document.

Mr. WIGFALL. While the Senator is looking over it, I will merely observe that I made the correction out of kindness to him.

Mr. JOHNSON, of Tennessee. I always prefer having correct ideas, and selecting my own sources of information. [Laughter.]

Mr. WIGFALL. The year 1781 was the time the Articles of Confederation were ratified. You were simply mistaken; that is all.

Mr. JOHNSON, of Tennessee. I do not accept the correction, nor have I very much respect for the motive that prompted it. Let that be as it may, however, it does not change the great historical fact that at that day, instead of holding out with the other colonies who were members of the Confederacy and engaged in the war, South Carolina was willing to enter into an agreement of neutrality and go back under the protection of King

George III. I have another document that I wish to read from; a book called "The Remembrancer, or Impartial Repository of Public Events for the year 1780." In that year the people of Charleston, a large number of them, in view of the difficulties then upon the country, prepared an address, which I ask my friend from California, who reads so much better than I do, to read for me.

Mr. LATHAM read, as follows:

To their Excellencies, SIR HENRY CLINTON, Knight of the Bath, General of his Majesty's forces, and MARIOT ARBUTHNOT, Esq., Vice Admiral of the Blue, his Majesty's Commissioners to restore peace and good government in the several colonies in rebellion in North America:

The humble address of divers inhabitants of Charlestown:

The inhabitants of Charlestown, by the articles of capitulation, are declared prisoners of war on parole; but we, the undersigned, having every inducement to return to our allegiance, and ardently hoping speedily to be readmitted to the character and condition of British subjects, take this opportunity of tendering to your Excellencies our warmest congratulations on the restoration of this capital and province to their political connection with the Crown and Government of Great Britain; an event which will add luster to your Excellencies' characters, and, we trust, entitle you to the most distinguishing mark of the royal favor. Although the right of taxing America in Parliament excited considerable ferment in the minds of the people of this province, yet it may, with a religious adherence to truth, be affirmed that they did not entertain the most distant thought of dissolving the union that so happily subsisted between them and their parent country; and when, in the progress of that fatal controversy, the doctrine of independency (which originated in the more northern colonies) made its appearance among us, our nature revolted at the idea, and we look back with the most painful regret on those convulsions that gave existence to a power of subverting a constitution for which we always had, and ever shall retain, the most profound veneration, and substituting in its stead a rank democracy, which, however carefully digested in theory, on being reduced into practice has exhibited a system of tyrannic domination only to be found among the uncivilized part of mankind or in the history of the dark and barbarous ages of antiquity.

We sincerely lament that, after the repeal of those statutes which gave rise to the troubles in America, the overtures made by his Majesty's Commissioners, from time to time, were not regarded by our late rulers. To this fatal inattention are to be attributed those calamities which have involved our country in a state of misery and ruin from which, however, we trust it will soon emerge, by the wisdom and clemency of his Majesty's auspicious Government, and the influences of prudential laws, adapted to the nature of the evils we labor under; and that the people will be restored to those privileges, in the enjoyment whereof their former felicity consisted.

Animated with these hopes, we entreat your Excellencies' interposition in assuring his Majesty that we shall glory in every occasion of manifesting that zeal and affection for his person and Government with which gratitude can inspire a free and joyful people.

Charlestown, June 5, 1780.

[Signed by two hundred and ten of the principal inhabitants.]—*The Remembrancer*, part 2, 1780; page 84.

Mr. JOHNSON, of Tennessee. It will be seen, from these two documents, what the early notions of the people of South Carolina were. There never was, and I doubt very much whether, with a large portion of them, there ever will be, any ideas of the people governing themselves. They had, at that early day, a great aversion to a government by the people. It was repudiated; and in the document which has just been read, signed by two hundred and ten citizens of Charleston, they proposed to pass back under the British Government. This carries out the previous proposition to remain with Great Britain by treaty stipulation,

and not go through the revolutionary struggle with the colonies with whom they had formed a confederation.

Again: in 1833, under the pretense of resistance to the operation of our revenue system and to a protective tariff, they endeavored to break up the Government. They were overruled then. Their pride was wounded by that failure; and their determination was fixed, whenever it was in their power, to break up this Government and go out of the Union. This feeling, I have no doubt, has existed there from that period to the present time. When we turn to the debates which recently took place in the South Carolina convention, we find that Mr. Maxcy Gregg, Mr. Rhett, and others, said that their reason for going out of the Union now dates as far back as forty years; some of them said thirty years, and some twenty. Mr. Gregg said, in the South Carolina convention, on the 21st of December last:

"If we undertake to set forth all the causes, do we not dishonor the memory of all the statesmen of South Carolina, now departed, who commenced forty years ago a war against the tariff and against internal improvements, saying nothing of the United States Bank, and other measures, which may now be regarded as obsolete."

Mr. Rhett, on the 24th of December, said:

"The secession of South Carolina is not an event of a day. It is not anything produced by Mr. Lincoln's election, or by the non-execution of the fugitive slave law. It has been a matter which has been gathering head for thirty years."

Hence we see that there is a design with some to break up this Government without reference to the slavery question; and the slavery question is by them made a pretense for destroying this Union. They have at length passed their ordinance of secession; they assume to be out of the Union; they declare that they are no longer a member of the Confederacy. Now what are the other States called upon to do? Are the other States called upon to make South Carolina an exemplar? Are those slave States who believe that freemen should govern and that freemen can take care of slave property, to be "precipitated into a revolution" by following the example of South Carolina? Will they do it? What protection, what security will Tennessee, will Kentucky, will Virginia, will Maryland, or any other State, receive from South Carolina by following her example? What protection can she give them? On the contrary, she indulges in a threat towards them—a threat that if they do not imitate her example and come into a new confederacy upon her terms, they are to be put under the ban, and their slave property to be subjected to restraint and restriction. What protection can South Carolina give Tennessee? Any? None upon the face of the earth.

Some of the men who are engaged in the work of disruption and dissolution, want Tennessee and Kentucky and Virginia to furnish them with men and money in the event of their becoming engaged in a war for the conquest of Mexico. The Tennesseans and Kentuckians and Virginians are very desirable when their men and their money are wanted; but what protection does South Carolina give Tennessee? If negro property is endangered in Tennessee, we have to defend it and take care of it—not South Carolina, that

has been an apple of discord in this Confederacy from my earliest recollection down to the present time, complaining of everything, satisfied with nothing. I do not intend to be invidious, but I have sometimes thought that it would be a comfort if Massachusetts and South Carolina could be chained together as the Siamese twins, separated from the continent, and taken out to some remote and secluded part of the ocean, and there fast anchored, to be washed by the waves, and to be cooled by the winds; and after they had been kept there a sufficient length of time, the people of the United States might entertain the proposition of taking them back. [Laughter.] They have been a source of dissatisfaction pretty much ever since they entered the Union; and some experiment of this sort, I think, would operate beneficially upon them; but as they are here, we must try to do the best we can with them.

REPLY TO MR. LANE.

So much, Mr. President, for South Carolina and Louisiana in this struggle. I do not think they are setting examples very worthy of imitation. But, sir, the speech that I made on the 19th of December seems to have produced some little stir; and among other distinguished Senators, the Senator from Oregon [Mr. LANE] felt it his duty, late in the evening, to make a reply to me. I do not see why it was called for from the Senator from Oregon. I did not know that I had said anything that was offensive to him; it was not my intention to do so; it was an inadvertence, if I did. I felt that I had just come out of a campaign in which I had labored hard, and in which I had expended my money and my time in vindicating him and the present Vice President, who was a candidate for the Presidency, from the charge of favoring secession and disunion. Through the dust and heat, through the mud and rain, I traversed my State, meeting the charge of the Opposition that secession was at the bottom of this movement; that there was a fixed design and plan to break up this Government; that it started at Charleston, and was consummated at Baltimore; and the charge was made that my worthy friend—if I may be permitted to call him such; I thought I was his friend then—was the embodiment of disunion and secession. I met the charge. I denied it. I repudiated it. I tried to convince the people—and I think I did succeed in convincing some of them—that the charge was untrue; and that he and Mr. Breckinridge were the two best Union men in the country. I did not see what there was in my speech that should extort reply from him, who resided away North. I had not come in conflict with anything that he had said or done. When he was striking these blows at me without cause, I thought it was, at least, unkind. I may not have defended him to his entire satisfaction. It so turned out that we were unfortunate; we were defeated; but I was willing to stand like a man; to stand upon the Constitution and the Union, and, if I must fall, fall decently. After I had gone through the canvass; after I had defended the Senator, and sustained him with my voice and my vote, I thought it was strange that he should attack me in the manner he did. I felt

like replying to him, on the spur of the occasion; but it was late in the evening, and by the time he had concluded, the Senate was tired out, and I declined going on. I preferred to let it pass, and submit to all the wrong and injury inflicted upon me. In his speech upon that occasion, the Senator from Oregon made use of the following language:

"He [alluding to myself] has spoken very handsomely of the gallant conduct of that glorious band, the northern Democracy of the country, who, though in a minority at home, have struggled for the rights of their southern brethren—for the equality and rights of all the States. I belong to that portion of the people of this country; and I will say to that honorable gentleman that while they struggle for the constitutional rights of the other States of the Union, as they have always done, and as they will continue to do, there is one thing that they will not do: they will not march under his banner to strike down a gallant, chivalrous, and generous people contending for rights that have been refused them by the other States of this Union. They will not march with him under his bloody banner, or Mr. Lincoln's, to invade the soil of the gallant State of South Carolina when she may withdraw from a Confederacy that has refused her that equality to which she is entitled, as a member of the Union, under the Constitution. On the contrary, when he or any other gentleman raises that banner and attempts to subjugate that gallant people, instead of marching with him, we will meet him there, ready to repel him and his forces. He shall not bring with him the northern Democracy to strike down a people contending for rights that have been refused them in a Union that ought to recognize the equality of every member of the Confederacy."

I do not know that I used any argument that should have caused a reply like that. Did anybody hear me use the term "bloody banner?" Did anybody hear me talk about marching down upon South Carolina? Did anybody hear me speak about coercing a State? No.

Mr. LANE. Will the Senator allow me a word?

Mr. JOHNSON, of Tennessee. I would rather go on, sir. Why, then, answer positions I did not assume, or attribute to me language that I did not use? Was it in the speech? No. Why, then, use language and assign a position to me which, if not intended, was calculated to make a false impression? What called it forth? What reason was there for it? I saw the consternation which was created. I looked at some of their faces. I knew that I had stirred up animosity, and it was important that somebody from another quarter should make the attack. If the attack had been upon what I said or upon the position I had assumed, I should have no cause to complain; and I do not complain now. Sir, though not very old, I have lived down some men. I have survived many misrepresentations. I feel that I have a conscience and a heart that will lead me to do it again. But when I had said nothing, when I had done nothing, to be struck by him whom I have vindicated, I might well have exclaimed, "That was the unkindest cut of all."

Again: the Senator said:

"If it should come unfortunately upon this country, inaugurated by a tyrant, who would like to conquer and hold American citizens as vassals, then I will say to that coward who would do it, 'You will walk over your humble servant's body first.' I shall never cooperate with any portion of this country, North or South, that would strike down a people contending for their rights."

I march down upon South Carolina! Did I propose any such thing? No. War is not the

natural element of my mind; and, as I stated in that speech, my thoughts were turned on peace, and not on war. I want no strife. I want no war. In the language of a denomination that is numerous in the country, I may say I hate war and love peace. I belong to the peace party. I thought, when I was making that speech, that I was holding out the olive branch of peace. I wanted to give quiet and reconciliation to a distracted and excited country. That was the object I had in view. War, I repeat, is not the natural element of my mind. I would rather wear upon my garments the dinge of the shop and the dust of the field, as badges of the pursuits of peace, than the gaudy epaulet upon my shoulder, or a sword dangling by my side, with its glittering scabbard, the insignia of strife, of war, of blood, of carnage; sometimes of honorable and glorious war. But, sir, I would rather see the people of the United States at war with every other Power upon the habitable globe, than to be at war with each other. If blood must be shed, let it not be shed by the people of these States, the one contending against the other.

But the Senator went on still further in that discussion. Why it was necessary to follow up his attack upon me, I cannot tell. Alluding to the Senator from Tennessee, he said:

"He took occasion to give an account of the action of the Senate upon certain resolutions introduced here, setting forth the principles that were made the issue in the late contest, and that were overridden and trodden down. He called the attention of the Senate to a proposition introduced by the honorable Senator from Mississippi [Mr. Brown] to declare that now is the time for action; that a law ought to be passed at this time protecting property in the Territories. Though it was my opinion then that it would have been well to pass such a law, yet that Senator knew, and so did every other one, that it was impossible in this Congress to pass such a law. We might have passed such a bill through this body, but it could never have passed the other. Then it was our duty, as it was our privilege, to set forth the principles on which this Government reposed, and which must be maintained, or the Government cannot exist. They were the principles upon which this great battle was fought, that resulted in the election of Mr. Lincoln."

Before I take up that proposition in connection with what I said before, I wish to say here that, had the Senator avowed the doctrine prior to the last presidential election that he avowed here in reply to me, expressing his secession and disunion sentiments, I give it as my opinion that he could not have obtained ten thousand votes in the State of Tennessee in the last election, and I think I know what I say. I give that, however, simply as my opinion.

But to come back to the point at which the Senator speaks of the resolutions introduced by the Senator from Mississippi, [Mr. DAVIS.] I had referred to those resolutions to show that there was no occasion for this immediate secession without giving the people time to think or understand what was to be done. I thought so then, and I think so now; and I want to show what the Senator's views were then, and see what has brought about such a change upon his mind since. We find that while those resolutions were under consideration, Mr. CLINGMAN offered an amendment, to come in after the fourth resolution, to insert the following:

"Resolved, That the existing condition of the Territories

of the United States does not require the intervention of Congress for the protection of property in slaves.

"On the question to agree to the amendment proposed by Mr. BROWN, to wit: Strike out of the amendment the word 'not,'"

"It was determined in the negative—yeas 5, nays 43."

Now, by striking out the word "not," it makes the resolution read:

"Resolved, That the existing condition of the Territories of the United States does require the intervention of Congress for the protection of property in slaves."

Mr. BROWN, of Mississippi, moved to strike out the word "not," thereby making it read that the condition of the Territories does require the protection of Congress for slave property; and upon the yeas and nays being taken on that motion to strike out the word "not," there were—yeas 5, nays 43.

"On motion of Mr. CLINGMAN,

"The yeas and nays being desired by one fifth of the Senators present,

"Those who voted in the affirmative are: Messrs. Brown, Clay, Iverson, Johnson of Arkansas, Yulee.

"Those who voted in the negative are: Messrs. Benjamin, Bigler, Bingham, Bragg, Bright, Chandler, Chesnut, Clark, Clingman, Collamer, Crittenden, Davis, Dixon, Doolittle, Fitzpatrick, Foot, Green, Gwin, Hale, Hamlin, Hammond, Hemphill, Hunter, Johnson of Tennessee, Kennedy, Lane, Latham, Mallory, Mason, Nicholson, Pearce, Poik, Powell, Pugh, Rice, Sebastian, Sidel, Ten Eyck, Toombs, Trumbull, Wade, Wigfall, Wilson."

Thus, forty-three Senators recorded their vote during the last session of Congress that it was not necessary to pass a law to protect slavery in the Territories. The Senator from Oregon, in connection with other Senators, under the solemn sanction of an oath, declared that it was not necessary to pass laws for the protection of slavery in the Territories. What right has South Carolina lost since the last session? What right has any State lost since the last session of Congress? You declared that it was not necessary to pass a law to protect them in the enjoyment of their property in the Territories; and now, forsooth, in the short space of two or three moons, you turn around and tell the country that States are justified in going out of the Union because Congress will not pass a law to protect them in the enjoyment of their property in the Territories, when you said it was not necessary! That is what I call driving the nail in. [Laughter.] I will remark, as I go along, that the eloquent and distinguished Senator who made his valedictory here yesterday, on retiring from the Senate, voted for that identical resolution. This protection was not necessary then. They said it was wholly unnecessary. But since that, they have waked up to a sense of its necessity, and resolved to secede if it should not be granted. To this same proposition Mr. ALBERT G. BROWN offered an amendment. Mark you, this is the 25th day of May, 1860; and that is not long ago:

"On motion by Mr. BROWN, to amend the resolution by striking out all after the word 'resolved,' and in lieu thereof, inserting:"

I wish I had the whole continent here to hear this paragraph.

"That experience having already shown that the Constitution and the common law, unaided by statutory enactment, do not afford adequate and sufficient protection to slave property; some of the Territories having failed, others

having refused to pass such enactments, it has become the duty of Congress to interpose and pass such laws as will afford to slave property in the Territories that protection which is given to other kinds of property."

That is a pretty clear proposition. Upon that, Mr. BROWN made an argument, showing the number of slaves in the Territories, and the action of the Legislatures, and concluded that if the time ever would arrive, it was then before Congress, and they should pass a law on the subject. What was the vote upon that? How does it stand? We find, after an argument being made by Mr. BROWN, showing that the necessity did exist, according to his argument, the vote upon the proposition stood thus: The question being taken by yeas and nays, it was determined in the negative—yeas 3, nays 42.

Forty-two Senators voted that you did not need protection; that slavery was not in danger.

"The yeas and nays being desired by one fifth of the Senators present,

"Those who voted in the affirmative are: Messrs. Brown, Johnson of Arkansas, Mallory."

There were only three. Who said it was not necessary? Who declared, under the solemn sanction of an oath, that protection was not needed?

"Those who voted in the negative, are: "Messrs. Benjamin"—

Ah! Yes; BENJAMIN!—

"Bigler, Bragg, Bright, Chesnut, Clark, Clay, Clingman, Crittenden, Davis, Dixon, Doolittle, Fitzpatrick, Foot, Foster, Green, Grimes, Gwin, Hamlin, Harlan, Hemphill, Hunter"—

HUNTER, of Virginia, also!—

"Iverson, Johnson of Tennessee, Lane."

Ah! [Laughter.] Yes, LANE, of Oregon, voted on the 25th day of last May, that slavery did not need protection in the Territories. Now he will get up and tell the American people and the Senate that he is for a State seceding, and for breaking up the Government, because they cannot get what he swore they did not need. [Laughter.] That is what I call putting the nail through. [Laughter in the galleries.]

The PRESIDING OFFICER (Mr. FRENCH in the chair.) The galleries must preserve order.

Mr. JOHNSON, of Tennessee. Then, after voting that it was not necessary to have a proposition to protect slavery in the Territories, the original proposition, as amended, was adopted by a vote of 35 yeas to 2 nays; thus voting all the way through, even to the final action of the Senate, that no such protection was necessary. You have not got protection, your rights, your "equality;" and you tell me now by your position that I have done you injustice by defending you against the charge that you were in favor of a dissolution of the Union! Even if you approved it, it would only show that I was mistaken. I was deceived then; that was your fault; if deceived again, the fault will be mine. I assumed, on that occasion, in reference to the act of ratification of the Constitution by the State of Virginia, that so far as I was capable of examining it, Virginia had made no reservation, no condition, in her ratification of the Constitution of the United States. I had examined the question; I had looked at all the authorities that could be found upon the subject, and I could find no warrant for the assertion; but still the Senator

from Oregon, in his reply to me, spoke with great familiarity of the proceedings of that convention ratifying the Constitution, as though he understood it; and with great confidence said it had made a reservation. I will read what he said:

"That gallant old State of Virginia, that glorious Old Dominion, made a condition upon which she adopted the Constitution. It became a portion of the compact. And not only Virginia, but New York, made the same condition when she adopted the Constitution; and Rhode Island also."

He spoke with great confidence in this reply to me. He then said:

"Now, I would ask the honorable Senator from Tennessee, if the time has not arrived when these States ought to resume the powers conferred on a Federal Government; or if it has not, I should like to know when the time can come."

After declaring under the solemn sanction of an oath that no protection was needed, and nothing else has since transpired, he wants to know when the time will come, if it has not come, that they will be justified in breaking up this Confederacy? I saw a good deal of the confusion that was here that evening; authorities were hunted up, paragraphs marked, and leaves turned down; all, I suppose, to facilitate the intended attack. Sometimes a man had a great deal better read and understand a question for himself before he hazards an opinion. I will not say that that is the case with the honorable Senator, for I should proceed upon the idea that he was laboring under the impression that he understood it exactly. It is not a very uncommon occurrence to be mistaken. Sometimes the mistake results from a want of examination; sometimes from an incapacity to understand the subject, and various other causes. So it is that it occurs very frequently we labor under false impressions. We find when we come to examine this subject of the ratification of the Constitution by Virginia, that a committee was appointed in the convention of Virginia, and that that committee reported a set of resolutions. They reported one resolution in lieu of the preamble. That resolution is as follows:

"Resolved, That previous to the ratification of the new Constitution of Government recommended by the late Federal convention, a declaration of rights, asserting and securing from encroachment the great principles of civil and religious liberty, and the inalienable rights of the people, together with amendments to the most exceptionable parts of the said Constitution of Government, ought to be referred by this convention to the other States in the American Confederacy for their consideration."—*Elliot's Debates on the Federal Constitution*, vol. 3, p. 653.

Here was a proposition making conditions; and upon a vote to adopt this amendment it was voted down—yeas 80, nays 88. Then what follows? The committee reported an ordinance adopting the Constitution of the United States; but in their ordinance they go on and make a kind of preamble, or a whereas, a declaration as to their understanding—not conditions, not reservations—but a declaration of their understanding. What do they say:

"We, the delegates of the people of Virginia, duly elected in pursuance of a recommendation from the General Assembly, and now met in convention, having fully and freely investigated and discussed the proceedings of the Federal convention, and being prepared as well as the most mature deliberations hath enabled us, to decide thereon"—

Now, mark you—

“do, in the name and in the behalf of the people of Virginia, declare and make known, that the powers granted under the Constitution, being derived from the people of the United States, be resumed by them whensoever the same shall be perverted to their injury or oppression.”—*Elliot's Debates on the Federal Constitution*, vol. 3, p. 656.

They declare, in behalf of Virginia, that the powers of the Constitution are derived from the people of the United States, to “be resumed by them whenever they shall be converted to their injury or oppression.” Who is to resume them? The people of the United States. That idea was always inculcated by James Madison. What more do they say? This is not the ratifying clause. They say:

“With these impressions”—

Not these conditions, not these reservations—

“With these impressions, with a solemn appeal to the Searcher of hearts, for the purity of our intentions, and under the conviction that whatsoever imperfections may exist in the Constitution, ought rather to be examined in the mode prescribed therein, than to bring the Union into danger by delay with a hope of obtaining amendments previous to the ratification.”

Now comes the ordinance of adoption; and what is it:

“We, the said delegates, in the name and behalf of the people of Virginia, do, by these presents, *assent to and ratify the Constitution*, recommended on the 17th day of September, 1787, by the Federal Convention, for the government of the United States; hereby announcing to all whom it may concern that the said constitution is binding upon the said people, according to an authentic copy hereunto annexed in the words following.”—*Elliot's Debates on the Federal Constitution*, vol. 3, p. 656.

Is there any reservation or condition there? It seems to me that the sight of a man would be tolerably keen that could see a condition there. When was this? We find that Virginia adopted that on Tuesday, June 26, 1788. When did South Carolina come into the Union? Before Virginia did. If Virginia made a condition, South Carolina was already in. How many States were in? The covenant was formed and had been ratified by nine States before Virginia came into the Union. The idea of Virginia appending conditions after the Government was formed and the Constitution ratified by nine States!

But, to make this thing more clear, Mr. Madison, while in New York, received a letter from Mr. Hamilton, stating that he had some doubts as to the ratification of the Constitution by New York; that they wanted some conditions, and one condition was, that they might have the privilege to recede within five or seven years in the event certain amendments were not adopted to the Constitution. I should have remarked, before passing to this, that they adopted it, not wanting delay, and then went in the same committee to report a long list of amendments to be submitted, and some of them were ratified afterwards by the different States. Mr. Madison writes, in reply to Mr. Hamilton, and tells him, if the Constitution is adopted, it must be adopted *in toto*, without reservation or condition. I am inclined to think Mr. Madison had some idea of this ordinance. I think he understood it. Here is his letter. That ordinance was adopted in Virginia, on June 26,

1778, and, in reply to Mr. Hamilton, in the following July, Mr. Madison said:

“The idea of reserving a right to withdraw was started at Richmond, and considered as a conditional ratification, which was itself abandoned as worse than a rejection.”

Does not that show that I have put the correct interpretation upon it? James Madison understood it as being an abandonment. I would as soon rely upon *his* construction of the ordinance that brought Virginia into the Union as I would on that of the distinguished Senator from Oregon. I am inclined to think he was quite as familiar with the history of that transaction and with the whole subject as the Senator from Oregon, with all his familiarity and astuteness on the subject. So much in answer to that portion of the Senator's argument. We find upon an examination, as I before remarked, that nine States had ratified the Constitution before Virginia came in. New York, North Carolina, and Rhode Island came in afterwards. Mr. Madison so understood it. The fathers of the Republic so understood it. The country so understand it. Common sense so understands it. Practicability so understands it. Everything that pertains to the preservation and salvation of the Government so understands it, as contradistinguished from the admission of this doctrine of secession.

But let us progress a little further. The Government was formed; the Constitution was ratified; and after the Constitution was ratified and the Government in existence, there is provision made, for what? “New States may be admitted by the Congress into this Union.” These are the words of the Constitution. Congress has the power to prescribe the terms and conditions of admission of a new State into the Union; and in the discretion of Congress, they are admitted upon an equal footing with the other States. It being an express grant to admit, I say the Federal Government can exercise incidents that are necessary and proper to carry the admission of States into existence upon such a basis as they believe the good of the Government demands. I am not so sure but the admission of a new State is placed upon a different ground from that of one of the original States ratifying the Constitution. As the Senator seems to be so familiar with things of this sort, I will refer to the act admitting the State of Alabama:

An act to enable the people of Alabama Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States. (Approved March 2, 1819.)

Be it enacted, &c., That the inhabitants of the Territory of Alabama be, and they are hereby, authorized to form for themselves a constitution and State government, and to assume such name as they may think proper; and that the said Territory, when formed into a State, shall be admitted into the Union upon the same footing with the original States, in all respects whatever.

Here is the ordinance of Alabama accepting the terms of the above act; passed 2d August, 1819:

“This convention, for and in behalf of the people inhabiting this State, do accept the propositions offered by the act of Congress under which they are assembled; and this convention, for and in behalf of the people inhabiting this State, do ordain, agree, and declare.”
 “And this ordinance is hereby declared irrevocable without the consent of the United States.”

This act was declared irrevocable. They agreed to the conditions offered to them in the act of Congress with reference to the public lands and other subjects, and then the ordinance of coming into the Union was declared irrevocable without the consent of the United States. Congress then passed an act accepting them upon the terms they imposed. That was the compact. What has been done to Alabama? What great complaint has she? Why should she leave the Union in such hot haste?

So much for that, sir. In the remarks that I made when I last addressed the Senate, I referred to the constitution of the State of Tennessee, which was adopted in 1796, and their bill of rights, in which they declare that they would never surrender or give up the navigation of the Mississippi to any people. The Senator from Oregon, on that occasion, in reply to me, used the following language:

"Then he is concerned about the navigation of the Mississippi river. He says that the great State of Tennessee and he, himself, are concerned about the navigation of that river. I believe it is recognized as the law of nations, as the law of all civilized nations, that a great inland sea running through several Governments shall be open equally to all of them; and besides, as the honorable Senator from Louisiana said, there is no man in Louisiana that would think for a moment of depriving Tennessee of the right of navigating that great river. No, sir, nor Kentucky either, nor Indiana, nor Illinois, nor any other State whose waters flow into that mighty stream. No such thing would ever be done."

That was the Senator's declaration then, that nobody would question the right of those States to navigate that great inland sea. He seemed to show great familiarity with international law. I took it for granted that he had read Grotius and Wheaton upon international law, and all the other authorities on the subject, for he spoke about it with great familiarity, as if he understood it well. How does the matter stand, sir? Before the printer's ink that impressed his speech upon the paper is dry, we find an ordinance passed, as I remarked before, by the State of Louisiana, declaring negatively that she has the right to control the navigation of that river under her act of secession. If the Senator had put himself to the trouble, as I presume he did, or ought to have done, to examine this subject, he would have found that the navigation of the Mississippi river has been a subject of negotiation for years upon years. He would have found that the navigation of various rivers throughout the world has been the subject of long, angry, and contested negotiation. While upon this point, I desire to present to the Senate an extract from a leading authority on this subject. I read from Wheaton's Elements of International Law:

"The territory of the State includes the lakes, seas, and rivers, entirely inclosed within its limits. The rivers which flow through the territory also form a part of the domain, from their sources to their mouths, or as far as they flow within the territory, including the bays or estuaries formed by their junction with the sea. Where a navigable river forms the boundary of coterminal States, the middle of the channel, or *thalweg*, is generally taken as the line of separation between the two States, the presumption of law being that the right of navigation is common to both; but this presumption may be destroyed by actual proof of prior occupancy and long undisturbed possession, giving to one of the riparian proprietors the exclusive title to the entire river.

"Things of which the use is inexhaustible, such as the sea and running water, cannot be so appropriated as to exclude others from using these elements in any manner which does not occasion a loss or inconvenience to the proprietor. This is what is called an *innocent use*. Thus we have seen that the jurisdiction possessed by one nation over sounds, straits, and other arms of the sea leading through its own territory to that of another, or to other seas common to all nations, does not exclude others from the right of innocent passage through these communications. The same principle is applicable to rivers flowing from one State through the territory of another into the sea, or into the territory of a third State. The right of navigating, for commercial purposes, a river which flows through the territories of different States, is common to all the nations inhabiting the different parts of its banks; but this right of innocent passage being what the text writers call an *imperfect right*, its exercise is necessarily modified by the safety and convenience of the State affected by it, and can only be effectually secured by mutual convention regulating the mode of its exercise.

"It seems that this right draws after it the incidental right of using all the means which are necessary to the secure enjoyment of the principal right itself. Thus the Roman law, which considered navigable rivers as public or common property, declared that the right to the use of the shores was incident to that of the water; and that the right to navigate a river involved the right to moor vessels to its banks, to load and unload cargoes, &c. The public jurists apply this principle of the Roman civil law to the same case between nations, and infer the right to use the adjacent land for these purposes, as means necessary to the attainment of the end for which the free navigation of the water is permitted."—*Wheaton's Elements of International Law*, part 2, chap. 4, pp. 252, 253, 254.

Now, what are we told? That Louisiana, for which we paid \$15,000,000, whose battles we fought, whose custom-houses, forts, arsenals, dock-yards, and hospitals we built,—in the exercise of the plenitude of her power, declares that she has control of the Mississippi, and such States may navigate that stream as are on friendly relations with her, she being the judge. Is not this what the dogma of secession leads us to? We see where it carries us; we see in what it will end—litigation, war, and bloodshed. As I remarked before, as we approach and advance in the investigation of the subject, we discover its enormities more and more. I repeat, it is the prolific mother of anarchy, which is the next step to despotism itself. The Senator from Oregon seems not to be apprehensive at all; and yet, before his voice has done reverberating in the Hall, we have the open declaration that they intend to exercise the control of the navigation of the Mississippi. Would it not have been better for Louisiana—

Mr. LANE. I think the Senator ought to allow me to say a word.

Mr. JOHNSON, of Tennessee. I do not want to be interrupted. I certainly mean no discourtesy at all to the Senator.

Mr. LANE. I only wish to say, in the way of explanation, that the people of New Orleans have had police regulations by which they have collected taxes to improve their wharves ever since New Orleans belonged to this country.

Mr. JOHNSON, of Tennessee. It is a very common thing in all cities where there are wharves, either on the river or ocean, to have what is commonly called a wharfage tax. We understand that. The navigation of the high seas and rivers is a different thing from paying wharfage and a little tax to defray the expense of keeping wharves and docks up. We understand all about that. That is a very different affair from placing bat-

teries at this early day upon the banks of that great stream.

Mr. LANE. That was against the common enemy.

Mr. JOHNSON, of Tennessee. I did not know we had any enemies in these States. I thought we were brothers, and were entitled to carry on free trade from one extremity of this Confederacy to the other. I did not know that the people of Indiana and Illinois and Kentucky and Tennessee, going along down that river, had got to be enemies. I suppose, however, when we look at these things our minds change and vary by varying circumstances. When we are candidates for the Presidency, we feel more like brothers; but when we have made the experiment, and signally failed, I suppose the enemy's line begins just at the line where our defeat was consummated. [Laughter and applause in the galleries.]

The PRESIDING OFFICER called to order. Mr. JOHNSON, of Tennessee. How long has it been since we were prepared to go to war with the most formidable Power upon earth because she claimed the right of search? We would not concede to Great Britain the right of searching our ships on the high seas; and yet what do we now see? Batteries placed upon the banks of the Mississippi to enforce the right of search. Do we not see where it will lead? Do we not all know in what it will end?

I have no disposition to do the Senator from Oregon, or any other Senator, injustice. In this connection, I will say, as I have intimated before, that I thought his attack upon me unkind and uncalled for. Let that be as it may, it is not my disposition or my intention, on this occasion, to do him injustice. I intend to do him full justice. In the reply that he made to me—to which I yesterday referred—he gave the contradiction direct to what I stated in the presidential canvass, in answer to the charge that had been made that you, Mr. President, and the Senator from Oregon, were disunionists; were in favor of secession; and that you were used by what was called the seceding or disunion party for the purpose of disrupting and breaking up the Government. I met those charges—because I believed they were untrue, that they were not founded in fact—in various places, before large assemblies, and, I thought, successfully, at least to my own mind, exonerated you and the candidate for the Vice Presidency from the charge. I confess it was somewhat mortifying to me, after the reply which the Senator made, to have to say to the people, and the country generally, that I vindicated him against a charge which was true; for, when we take up his speech here in reply to the remarks that I made on that occasion, none of which had the slightest reference to him, involving neither his position before the country, nor his consistency as a legislator, we find that he took bold ground, advocating and justifying secession, arguing, in fact, that it was constitutional. I felt, after that speech, that I was involved in inconsistency before my people, an inconsistency in which I ought not to have been involved.

But in that same speech, in which the honorable Senator involved me in these contradictions,

he goes on to state—and I will do him justice by reading his speech, for I do not want to misquote him:

“But, sir, understand me; I am not a disunionist. I am for the right, and I would have it in the Union; and if it cannot be obtained there, I would go out of the Union, and have that out of the Union that I could not obtain in it, though I was entitled to it.”

Mr. President, I have called the attention of the Senate to the paragraph of the Senator's speech which I have just read, in which he disavows disunion sentiments; but when you take the preceding part of his speech, you find that he advocates the doctrine of disunion and secession almost from the beginning up to the sentence that I have read. It seems to me it is paradoxical; but that may be my misfortune, not his. He may be capable of reconciling the conflict, the seeming inconsistency of first advocating the doctrine of dissolution, secession, and disunion, and then at the same time exclaiming that he is no disunionist. I do not know how a Senator can be for the Union, and at the same time concede the right that a State has the authority to secede under the Constitution; that it is justified in seceding, and ought to secede; that when it demands rights in the Union that it cannot get, it should go out of the Union to obtain that which could not be obtained in it. But let all that pass. I wish to do him no injustice; and therefore I desired to call attention, in the remarks that I am making, to his disclaimer of being a disunionist and a secessionist.

Mr. President, the Senator, in the sentence I have quoted, assumes that South Carolina, for instance, had the right to secede; and he assumes, also, that South Carolina can obtain that out of the Union which she has failed to obtain in it. Let us raise the inquiry here: what is it, since she entered into this Confederacy of States, that South Carolina has desired or asked at the hands of the Federal Government, or demanded upon constitutional ground, that she has not obtained? What great wrong, what great injury, has been inflicted upon South Carolina by her continuance in this Union of States? I know it is very easy, and even Senators have fallen into the habit of it, to repeat some phrases almost as a chorus to a song; such as “if we cannot get our rights in the Union, we will go out of the Union and obtain those rights; that we are for the equality of the States in the Union, and if we cannot get it we will go out of the Union,” I suppose to bring about that equality. What is the point of controversy in the public mind at this time? Let us look at the question as it is. We know that the issue which has been before the country to a very great extent, and which, in fact, has recently occupied the consideration of the public, is the territorial question. It is said that South Carolina has been refused her rights in the Union, with reference to that territorial question, and therefore she is going out of the Union to obtain that which she cannot get in it.

Now, Mr. President, when we come to examine this subject, how does the matter stand? I showed yesterday, in reference to the protection of slave property in the Territories of this Confederacy, that South Carolina, in connection with

the distinguished Senator from Oregon, had voted expressly that no slavery code was needed; that no further protection was needed, so far as Congress was concerned. They decided it here in this body. South Carolina, by her own vote, on the 25th day of May last, decided that she needed no further protection in the Territories of the United States, so far as Congress was concerned. The Senator from Oregon voted with her. That vote seemed to be connected with and predicated upon the great fact that the Supreme Court of the United States had decided this question; that they had declared the Missouri compromise—in other words, the law excluding slavery north of 36° 30', and making it permissive south of 36° 30'—unconstitutional and void; and, according to our forms of Government, it was in fact stricken from the statute-book by the decision of the court. They thereby said to the country, the supreme arbiter of the land, so made by the Constitution of the United States, has decided that the people have a right, without regard to the character or description of their property, to carry it into all the Territories of the United States, and that under the Constitution of the United States it is protected there. It was said, the court having decided that they had a right to go there with this institution of slavery, and the Constitution finding it there, it was recognized and protected by the Constitution of the United States.

In this connection, permit me to go outside of the Senate Chamber, and state what occurred in my own State. There, those who were the best friends of the distinguished Senator from Oregon, and who are ultra upon this subject, before thousands of the people of that State took the bold ground that they wanted no further protection from Congress; that the Constitution of the United States and the opinion of the Supreme Court were all the slavery code they desired; that the question was settled; that the power was complete; and that protection was ample.

In this connection, sir, we must recollect the decision made by the Senate upon the resolutions introduced by the Senator from Mississippi [Mr. Davis] on the 25th day of May last. On that day, under the solemn sanction of an oath, and all the formalities of legislation spread upon the Journals, the yeas and nays being taken, we declared, after an argument on the subject, that no further protection was needed at that time. The Senate went on and stated, in the fifth resolution—I give the substance, I do not pretend to repeat the words—that if hereafter it should become necessary to have protection of this kind, then Congress should give it; but they said it was unnecessary at that time. If South Carolina and the Senator from Oregon took this position then, what has transpired since that period of time that now justifies a State in withdrawing or seceding from this Union, on account of Congress not doing that which they declared was not necessary to be done?

But let us take the fact as it is. South Carolina, it is said, wanted protection in the Territories. I have shown that she said, herself, that further protection was not needed; but if it should be needed, then Congress should give it. But South Carolina—the Kingdom of South Carolina—in

the plenitude of her power, and upon her own volition, without consultation with the other States of this Confederacy, has gone out of the Union, or assumed to go out. The next inquiry is: what does South Carolina now get, in the language of the distinguished Senator from Oregon, out of the Union that she did not get in the Union? Is there a man in South Carolina to-day that wants to carry a single slave into any Territory we have got in the United States that is now unoccupied by slave property? I am almost ready to hazard the assertion that there is not one. If he had not the power and the right to carry his slave property into a Territory while in the Union, has he obtained that right now by going out of the Union? Has anything been obtained by violating the Constitution of the United States, by withdrawing from the sisterhood of States, that could not have been obtained in it? Can South Carolina, now, any more conveniently and practically carry slavery into the Territories than she could before she went out of the Union? Then what has she obtained? What has she got, even upon the doctrine laid down by the distinguished Senator from Oregon?

But it is argued, striding over the Constitution and violating that comity and faith which should exist amongst the States composing this Confederacy, that she had a right to secede; she had a right to carry slaves into the Territories; and therefore, she will secede and go out of the Union. This reasoning on the part of South Carolina is about as sound as that of the madman, who assumed that he had dominion over the beasts of the forest, and therefore that he had a right to shear a wolf. His friends remonstrated with him, and, admitting his right to do so, inquired of him if he had considered the danger and the difficulty of the attempt. "No," said the madman, "I have not considered that; that is no part of my consideration; man has the dominion over the beasts of the forest, and therefore he has a right to shear a wolf; and as I have a right to do so, I will exercise it." His friends still remonstrated and expostulated, and asked him, not only "Have you considered the danger, the difficulty, and the consequences resulting from such an attempt; but, what will the shearing be worth?" "But," he replied, "I have the right, and therefore I will shear a wolf." South Carolina has the right, according to the doctrine of the seceders and disunionists of this country, to go out of the Union, and therefore she will go out of the Union.

And what, Mr. President, has South Carolina gained by going out? It has been just about as profitable an operation as the shearing of the wolf by the madman. Can she now carry slaves into the Territories? Does she even get any division of the Territories? None; she has lost all that. Does she establish a right? No; but by the exercise of this abstract right, as contended for by secessionists, what has she got? Oppression, taxation, a reign of terror over her people, as the result of their rashness in the exercise of this assumed right. In what condition is her people now? They have gone out of the Union to obtain their rights, to maintain their liberty, to get that out of the Union which they could not get in it! While

they were in the Union, they were not taxed a million and some six or seven or eight hundred thousand dollars in addition to their usual expenditures, to sustain standing armies and to meet other expenditures which are incurred by separation. But still she has the right to tax her people; she has the right to institute a reign of terror; she has the right to exclude her people from the ballot-box; and she has exercised the right, and these are the consequences. She has got her rights! She has gone out of the Union to be free, and has introduced a galling system of tyranny. She has gone out of the Union to be relieved from taxes, and has increased the burdens upon her people fourfold. All this is in the exercise of her right!

Mr. President, when we examine this subject, and follow it step by step, to see what is gained by this movement, human reason deploras the folly which it exhibits. The public mind seems to have been inflamed to madness, and in its delirium it overbears all restraint. To some it appears that our admirable system of civil liberty is crumbling to pieces; that the temple of liberty is upheaved; that its columns are falling, and that nothing will remain but a general ruin; and in their consternation too many stand back appalled, and take no position for the relief of their country in the pending crisis. But, sir, the relations that we bear to the people of the United States, behoove every man, whether Senator or Representative, or even private citizen, to come forward as a patriot and lover of his country, and look at the condition of the country as it is. Without regard to the consequences upon myself, I have determined to meet this question, and to present my views to the country in such form as I believe to be right and proper.

Sir, let us look at the contest through which we are passing, and consider what South Carolina, and the other States who have undertaken to secede from the Confederacy, have gained. What is the great difficulty which has existed in the public mind? We know that, practically, the territorial question is settled. Then what is the cause for breaking up this great Union of States? Has the Union or the Constitution encroached upon the rights of South Carolina or any other State? Has this glorious Union, that was inaugurated by the adoption of the Constitution, which was framed by the patriots and sages of the Revolution, harmed South Carolina or any other State? No; it has offended none; it has protected all. What is the difficulty? We have some bad men in the South—the truth I will speak—and we have some bad men in the North, who want to dissolve this Union in order to gratify their unhallowed ambition. And what do we find here upon this floor and upon the floor of the other House of Congress? Words of crimination and recrimination are heard. Bad men North say provoking things in reference to the institutions of the South, and bad men and bad tempered men of the South say provoking and insulting things in return; and so goes on a war of crimination and recrimination in reference to the two sections of the country, and the institutions peculiar to each. They become enraged and insulted, and then they are denunciatory of each other; and what is the result?

The Abolitionists, and those who entertain their sentiments, abuse men of the South, and men of the South abuse them in return. They do not fight each other; but they both become offended and enraged. One is dissatisfied with the other; one is insulted by the other; and then, to seek revenge, to gratify themselves, they both agree to make war upon the Union that never offended or injured either. Is this right? What has this Union done? Why should these contending parties make war upon it because they have insulted and aggrieved each other? This glorious Union, that was spoken into existence by the fathers of the country, must be made war upon to gratify these animosities. Shall we, because we have said bitter things of each other which have been offensive, turn upon the Government, and seek its destruction, and entail all the disastrous consequences upon commerce, upon agriculture, upon the industrial pursuits of the country, that must result from the breaking up of a great Government like this? What is to be gained out of the Union that we cannot get in it? Anything? I have been zealously contending for—and intend to continue to contend for—every right, even to the ninth part of a hair, that I feel the State which I have the honor in part to represent is entitled to. I do not intend to demand anything but that which is right; and I will remark, in this connection, that there is a spirit in the country which, if it does not exist to a very great extent in this Hall, does exist in the great mass of the people North and South, to do what is right; and if the question could be taken away from politicians; if it could be taken away from the Congress of the United States, and referred to the great mass of the intelligent voting population of the United States, they would settle it without the slightest difficulty, and bid defiance to secessionists and disunionists. [Applause in the galleries.]

The VICE PRESIDENT. There must be many persons in the galleries who have been warned again and again that order must be maintained. I hope not to have occasion to refer to the subject again.

Mr. JOHNSON, of Tennessee. Mr. President, I have an abiding confidence in the people; and if it were so arranged to-day that the great mass of the American people could be assembled in an amphitheater capacious enough to contain them all, and the propositions which have been presented here to preserve this Union, could be reduced to a tangible shape, and submitted to them, politicians being left out of view, the question being submitted to the great mass of the people, it being their interest to do right, they being lovers of their country, having to pay all, having to produce all, having to provide all, there would be but one single response, "Do that which will give satisfaction, ample and complete, to the various and conflicting sections of this glorious Republic."

But, sir, how are we situated? There are politicians here, and throughout the land, some of whom want to break up the Union, to promote their own personal aggrandizement; some, on the other hand, desire the Union destroyed that slavery may be extinguished. Then let me appeal to every patriot in the land, in view of this state

of things, to come forward and take the Government out of the hands of the Goths and Vandals, wrest it from the Philistines, save the country, and hand it down to our children as it has been handed down to us.

I have already asked what is to be gained by the breaking up of this Confederacy. An appeal is made to the border slaveholding States to unite in what is commonly styled the Gulf confederacy. If there is to be a division of this Republic, I would rather see the line run anywhere than between the slaveholding and the non-slaveholding States, and the division made on account of a hostility, on the one hand, to the institution of slavery, and a preference for it, on the other; *for whenever that line is drawn, it is the line of civil war; it is the line at which the overthrow of slavery begins; the line from which it commences to recede.* Let me ask the border States, if that state of things should occur, who is to protect them in the enjoyment of their slave property? Will South Carolina, that has gone madly out, protect them? Will Mississippi and Alabama and Louisiana, still further down towards the Gulf? Will they come to our rescue, and protect us? Shall we partake of their phrenzy, adopt the mistaken policy into which they have fallen, and begin the work of the destruction of the institution in which we are equally interested with them? I have already said that I believe the dissolution of this Union will be the commencement of the overthrow and destruction of the institution of slavery. In a northern confederacy, or in a southern confederacy, or in a middle confederacy, the border slaveholding States will have to take care of that particular species of property by their own strength, and by whatever influence they may exert in the organization in which they may be placed. The Gulf States cannot, they will not, protect us. We shall have to protect ourselves, and perchance to protect them. As I remarked yesterday, my own opinion is, that the great desire to embrace the border States, as they are called, in this particular and exclusive southern confederacy, which it is proposed to get up, is not that they want us there out of pure good will, but they want us there as a matter of interest; so that if they are involved in war, in making acquisitions of territory still further south, or war growing out of any other cause, they may have a *corps de reserve*, they may have a power behind, that can furnish them men and money—men that have the hearts and the souls to fight and meet an enemy, come from what quarter he may.

What have we to gain by that? The fact that two taken from four leaves but two remaining, is not clearer to my mind that it is that the dissolution of the Union is the beginning of the destruction of slavery; and that if a division be accomplished, as some desire, directly between the slaveholding and the non-slaveholding States, the work will be commenced most effectually. Upon this point, I propose to read a short extract from South Carolina herself. Mr. Boyce, late a member of the other House, a distinguished man, a man of talent, and I believe a good man, and who, I have no doubt, in his heart this day regrets most deeply and sincerely the course which South Car-

olina has taken, said, in 1851, when the same issue was presented:

"Secession, separate nationality, with all its burdens, is no remedy. It is no redress for the past; it is no security for the future. It is only a magnificent sacrifice to the present, without in any wise gaining in the future."

"For the various reasons I have stated, I object in as strong terms as I can, to the secession of South Carolina. Such is the intensity of my conviction on this subject, that if secession should take place—of which I have no idea, for I cannot believe in the existence of such a stupendous madness—I shall consider the institution of slavery as doomed, and that the great God, in our blindness, has made us the instruments of its destruction."

He said then, that if South Carolina, in her madness, (but he did not believe she could,) should determine upon secession, he would look upon it that the great God had doomed the institution of slavery. This is the opinion of one of the most distinguished and, I conscientiously believe, best men of South Carolina.

But, sir, I pass on from the paragraph of the speech of the honorable Senator from Oregon to which I have referred; and as there seems to have been a sort of arrangement—at least it appears so to my mind—to make and keep up an attack on me, because I agreed with Mr. Boyce of South Carolina in this respect; because I agreed with many distinguished men; and because I advanced the doctrines of the fathers who formed the Republic, I shall take up these Senators in the order in which I was attacked. Without being egotistical, without being vain, when I feel that I have got truth on my side, when I feel that I am standing on principle, when I know that I have got facts and arguments that cannot be answered, I never inquire as to the difference of ability or experience between myself and those with whom I have to contend.

REPLY TO MR. DAVIS.

The next Senator in order that made an attack upon me on account of my previous speech was the distinguished Senator from Mississippi, [Mr. DAVIS.] who took occasion to do so in making his valedictory address to the Senate after his State had passed her ordinance of secession. It has been the case not only with that Senator, but with others, that an attempt has been made by innuendo, by indirection, by some side remark, to convey the impression that a certain man has a tendency or bearing towards Black Republicanism or Abolitionism. Sometimes gentlemen who cannot establish such a charge, are yet willing to make it, not directly, but by innuendo; to create a false impression on the public mind—

"Willing to wound, but yet afraid to strike."

If the charge can be successfully made, why not make it directly, instead of conveying it by innuendo? The Senator from Mississippi did not attempt to reply to my speech, did not answer my arguments, did not meet my authorities, did not controvert my facts; but after reaching a certain point in his own argument, he disposes of all that I had said in these very few words:

"I am here confronted with a question which I will not argue. The position which I have taken necessarily brings me to its consideration. Without arguing it, I will merely mention it. It is the right of a State to withdraw from the Union. The President says it is not a constitutional right.

The Senator from Ohio, [Mr. WADE,] and his ally, the Senator from Tennessee, argued it as no right at all."

Is that the way for a Senator, a distinguished Senator, an Ajax of his peculiar sect—for when we come to examine this doctrine of secession, it is only broad enough to found a sect upon; it is not comprehensive enough, it has not scope enough, to found a great national party on—to notice the arguments of others? The Senator from Mississippi would not argue the right of secession. I say, that if any government be organized hereafter, in which this principle of secession is recognized, it will result in its destruction and overthrow. But the Senator says that the Senator from Ohio, [Mr. WADE,] and "his ally from Tennessee," regard secession as no right at all; and by that statement the whole argument is answered. What is the idea here? Let us talk plainly, though courteously and respectfully. What was the idea which this remark was calculated, if not intended, to convey? I am free to say, that I think it was intended as well as calculated, to convey the impression that the Senator from Tennessee was an ally of Mr. WADE, of Ohio, who was a Republican, and the whole speech of the Senator from Tennessee, the authorities, the facts, and the arguments, are all overturned by that single allusion. Thank God, there is too much good sense and intelligence in this country, to put down any man by an innuendo or side remark like that. But, sir, so far as the people whom I have the honor in part to represent are concerned, I stand above innuendoes of that kind. They have known me from my boyhood up. They understand my doctrines and my principles, in private and in public life. They have tried me in every position in which it was in their power to place a public servant, and they, to-day, will not say that ANDREW JOHNSON ever deceived or betrayed them. In a public life of twenty-five years, they have never deserted or betrayed me; and God willing, I will never desert or betray them. The great mass of the people of Tennessee know that I am for them; they know that I have advocated those great principles and doctrines upon which the perpetuity of this Government depends; they know that I have periled my all, pecuniarily and physically, in vindication of their rights and their interests. Little innuendoes, thrown off in snarling moods, fall harmless at my feet.

It was said that I was the ally of the Senator from Ohio. I turn to the doings of the committee of thirteen to show who were allies there. I do not inquire what a man's antecedents have been when there is a great struggle to preserve the existence of the Government; but my first inquiry is, are you for preserving this Government; are you for maintaining the Constitution upon which it rests. If Senator WADE, or Senator anybody else, is willing to come up to this great work, either by amending the Constitution of the United States, or passing laws that will preserve and perpetuate this great Union, I am his ally and he is mine; and I say to every Senator; to every member of the House of Representatives; to every man that loves his country throughout the length and breadth of this great Confederacy, if you are for preserving this Union on its great and funda-

mental principles, I am your ally, without reference to your antecedents, or to what may take place hereafter. I say to all such men, come forward, and, like gallant knights, let us lock our shields and make common cause for this glorious people. If I were to indulge in a similar kind of innuendo, by way of repartee, where would the Senator from Mississippi find himself? In the committee of thirteen, a resolution was introduced by the distinguished Senator from New York, [Mr. SEWARD,]—who, I must say, since this question has sprung up, has given every indication of a desire for reconciliation and for compromise, and of a disposition to preserve the Government, that a man occupying his position could do—to this effect:

"Resolved, That the following article be, and the same is hereby proposed and submitted as an amendment to the Constitution of the United States, to be valid, to all intents and purposes, as a part of said Constitution, when ratified by the Legislatures of three fourths of the States:

"1. No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish, or interfere, within any State, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State."

That was a proposition which was calculated, to a very great extent, to allay the apprehensions and the fears that have been entertained in the South in reference to the institution of slavery. Why do I say so? We know what the argument has been before the southern mind. It has been: first, that the northern anti-slavery party wanted to abolish slavery in the District of Columbia, as an entering wedge; next, to exclude it from the Territories, following up the attack upon slavery; but these points were looked upon as of minor importance; they were looked upon as outposts, as the prelude to an interference with the institution within the States, which has been supposed to be the great end and the great consideration. Do you not know this to be the argument: that they were merely taking these positions as entering wedges to an interference with the institution of slavery in the States? Such is the real question, and such it will remain, the territorial question being substantially settled. What does Mr. SEWARD, who has acquired so much notoriety by his "irrepressible conflict," say? He comes here and proposes an amendment to the Constitution, which puts an estoppel upon his "irrepressible conflict" doctrine. He is willing to make it *perpetual*, so that the institution cannot be interfered with in the States by any future amendment of the Constitution. That is Mr. SEWARD's measure. Upon the adoption of that resolution, I believe every member of the committee voted for it, save two. The Senator from Mississippi [Mr. DAVIS] voted for it; Mr. SEWARD voted for it; and Mr. WADE, of Ohio, voted for it. Whose ally is he? Here we find WADE and SEWARD and DAVIS, and the whole committee, with the exception of two, in favor of amending the Constitution so that the institution of slavery cannot be interfered with in the States, making that provision irrepealable by any number of States that may come into the Confederacy. Who were "allies" then?

But, Mr. President, recurring to what I said yesterday, there are two parties in this country

that want to break up the Government. Who are they? The nullifiers proper of the South, the secessionists, or disunionists—for I use them all as synonymous terms. There is a portion of them who, *per se*, desire the disruption of the Government for purposes of their own aggrandizement. I do not charge upon them that they want to break up the Government for the purpose of affecting slavery; yet I charge that the breaking up of the Government would have that effect; the result would be the same. Who else is for breaking up this Government? I refer to some bad men in the North. There is a set of men there who are called Abolitionists, and they want to break up the Government. They are disunionists; they are secessionists; they are nullifiers. Sir, the Abolitionists and the distinguished Senator from Mississippi and his party both stand in the same attitude, to attain the same end, a dissolution of this Union; the one party believing that it will result in their own aggrandizement South, and the other believing that it will result in the overthrow of the institution of slavery. Who are the disunionists of the North? Who are the "allies" of the distinguished Senator from Mississippi? We find that a resolution was adopted at the anniversary of the Massachusetts Anti-Slavery Society, convened in Boston, in these words:

"Resolved, That the one great issue before the country is the dissolution of the Union, in comparison with which all other issues with the slave power are as dust in the balance; and therefore we give ourselves to the work of annulling this covenant with death, as essential to our own innocence, and the speedy and everlasting overthrow of the slave system."

This resolution was passed by the Abolition anti-slavery society of Massachusetts. They think a dissolution of the Union would result in the destruction of slavery, and absolve them from this "covenant with death," and attest their innocence, as far as the Government is concerned. On that, we find that Mr. Wendell Phillips made the following remarks:

"I entirely accord with the sentiments of that last resolution. I think all we have to do is to prepare the public mind by the daily and hourly presentation of the doctrine of disunion. Events which, fortunately for us, the Government itself, and other parties, are producing with unexampled rapidity, are our best aid."

Again: in reply to a remark made by Mr. Giddings, respecting the dissolution of the Union, the Boston Liberator says:

"Mr. Giddings says truly, that the dissolution of the Union has long been held up as a scare-crow by the South; but when he adds that the friends of liberty never demanded it, his statement is untrue, unless he means to confine it to his political associates, who are but compromisers at last. We demand nothing short of a dissolution, absolute and immediate. The Union which was founded by our fathers, was cemented by the blood of the slave, and effected through his immolation."

And still further: William Lloyd Garrison, at a Fourth of July celebration, at Farmingham, Massachusetts, declared:

"Let us, then, to-day, rejecting as wild and chimerical all suggestions, propositions, and contrivances for restraining slavery in its present limits, while extending constitutional protection to it in fifteen of the States, register our pledge anew before Heaven and the world, that we will do what in us lies to effect the eternal overthrow of this blood-stained Union; that thus our enslaved countrymen may

find a sure deliverance, and we may no longer be answerable for their blood."

The Union is to be overthrown by way of getting clear of the "great sin of slavery." Mr. J. B. Swassey, on the same occasion, said:

"In the olden times, I was what was called an anti-slavery Whig; but, Mr. President, it has come to my mind, like a conviction, that it is utterly in vain to hope that we can live under such a Government as this, with our professions, and with our pretended love of freedom and right. Why the thing is impossible. There cannot, in the nature of things, be any union between the principles of liberty and slavery. There never has been any union, except by the subjugation of the principles of liberty to those of despotism. For one, sir, I believe that the duty of every true man is to take the ground of secession."

Again: Wendell Phillips, in a speech at Boston on the 20th of January, argued that disunion was desirable, because it would abolish slavery. He also argued that the North would gain by disunion, and used the following language:

"Sacrifice everything for the Union? God forbid! Sacrifice everything to keep South Carolina in it? Rather build a bridge of gold, and pay her toll over it. Let her march off with banners and trumpets, and we will speed the parting guests. Let her not stand upon the order of her going, but go at once. Give her the forts and arsenals and sub-treasuries, and lend her jewels of silver and gold, and Egypt will rejoice that she has departed."

He looks upon disunion as the beginning of the destruction and overthrow of the institution of slavery. Then, when we come to talk about "allies," whose allies are these gentlemen? Whose allies are the Abolitionists of the North, if they are not the allies of the secessionists and disunionists of the South? Are they not all laboring and toiling to accomplish the same great end, the overthrow of this great nation of ours? Their object is the same. They are both employing, to some extent, the same means. Here is Wendell Phillips; here is Garrison; here is the anti-slavery society of Massachusetts; and all, in the very same point of view, the allies of the distinguished Senator from Mississippi and his coadjutors; all in favor of disrupting and breaking down this Union, with the view of destroying the institution of slavery itself. "Allies laboring to destroy the Government!" Who else are laboring to destroy it but the disunionists and secessionists of the South, and Garrison and Phillips, and the long list that might be enumerated at the North? Here they stand, presenting an unbroken front, to destroy this glorious Union, which was made by our fathers.

Mr. President, I have alluded to this subject of "allies" in order to show who is engaged in this unwholy and nefarious work of breaking up this Union. We find first the run-mad Abolitionists of the North. They are secessionists; they are for disunion; they are for dissolution. When we turn to the South we see the red-hot disunionists and secessionists engaged in the same work. I think it comes with a very bad grace from them to talk about the "allies" of others who are trying to save the Union and preserve the Constitution.

"I went back yesterday and showed that South Carolina had held this doctrine of secession at a very early day, a very short time after she entered into the Articles of Confederation, and after she had

entered the Union by which and through which the independence of the country was achieved. What else do we find at a very early day? Go to Massachusetts during the war of 1812, and the Hartford convention, and there you will find men engaged in this treasonable and unhallowed work. Even in 1845, Massachusetts, in manifesting her great opposition to the annexation of Texas to the United States, passed a resolution resolving herself out of the Union. She seceded; she went off by her own act, because Texas was admitted into the Union. Thus we find South Carolina and Massachusetts taking the lead in this secession movement. We find the Abolitionists proper of the North shaking the right hand of fellowship with the disunionists of the South in this work of breaking up the Union; and yet we hear intimations here that Senators from the South who are not secessionists are Black Republican allies! If I were compelled to choose either—I would not wish to be compelled to make a choice—but if I were compelled to be either, having the privilege of choosing, I would rather be a black Republican than a red one. I think the one is much more tolerable than the other. If red republicanism is ever to make its way into this country, it is making its way in this disunion and secession movement that is now going on; for we see that right along with the sentiment of secession the reign of terror prevails. Everything is carried away by it, while the conservative men of the country are waiting for the excited tempest to pass. It is now sweeping over the country. Everything is carried by usurpation, and a reign of terror follows along in its wake.

I am charged with being "an ally" of the Senator from Ohio! I, who, from my earliest infancy, or from the time I first comprehended principle, down to the present time, have always stood battling for the same great principles that I contend for now! My people know me; they have tried me; and your little innuendoes and your little indirections will not alarm them, even if your infuriated seceding southern men dare to intimate that I am an ally of Mr. WADE. The Senator charges me with being "an ally;" while he and the leaders of Abolitionism are uniting all their energies to break up this glorious Union. I am ally! Thank God, I am not in alliance with Giddings, with Phillips, with Garrison, and the long list of those who are engaged in the work of destruction, and in violating the Constitution of the United States.

So much, Mr. President, in regard to the argument about allies. I am every man's ally when he acts upon principle. I have laid down, as the cardinal point in my political creed, that, in all questions that involve principle, especially where there was doubt, I would pursue principle; and in the pursuit of a great principle I never could reach a wrong conclusion. If, in the pursuit of principle, in trying to reach a correct conclusion, I find myself by the side of another man who is pursuing the same principle, or acting upon the same line of policy, I extend to him my assistance, and I ask his in return.

But the Senator from Mississippi, in his reply to me, also said:

"I was reading, a short time ago, an extract which re-

ferred to the time when 'we'—I suppose it means Tennessee—would take the position which it was said to be an absurdity for South Carolina to hold; and Tennessee still was put, in the same speech, in the attitude of a great objector against the exercise of the right of secession. Is there anything in her history which thus places her? Tennessee, born of secession, rocked in the cradle of revolution, taking her position before she was matured, and claiming to be a State because she had violently severed her connection with North Carolina, and through an act of secession and revolution claimed then to be a State."

I suppose it was thought that this would be a poser; that it would be conclusive; and as Tennessee was "born of secession, rocked in the cradle of revolution," I was stopped; that my lips were hermetically sealed, so far as related to anything I could give utterance to in opposition to this heresy. When we come to examine the history of that subject, we find the Senator has fallen into just as great an error as he did in his allusion to allies. Tennessee had her birth not in secession—very far from it. The State of Frankland had its origin in that way. They attempted to separate themselves from the State of North Carolina. When was that? In 1784. Peace was made in 1783; but in 1784—I read from Wheeler's History of North Carolina:

"In 1784, the General Assembly, in April, at Hillsboro', among other acts for the relief of the General Government, ceded her western lands, and authorized her delegation in Congress to execute a deed, provided Congress would accept this offer within two years.

"This act, patriotic and self-sacrificing, was worthy of the State; and although not then accepted by Congress, was the real source of the civil commotion which we are about to record."

What was that civil commotion? The pioneers of that country had suffered great hardships, and they viewed with suspicion this act of 1784. On the 24th of August of that year, they held a convention at Jonesboro', and resolved to send a person to Congress to urge the acceptance of the offer of North Carolina. But I will read from this history:

"The General Assembly of North Carolina met at Newbern on the 22d October, 1784, and repealed the act of the former session, in consequence of which the convention at Jonesboro' broke up in confusion." * * * *

"The spirit of the people was roused. On December 4, 1784, a convention of five delegates from each county met at Jonesboro'. John Sevier was made president of this convention. They formed a constitution for the State of Frankland, which was to be rejected or received by another body, 'fresh from the people,' to meet at Greenville in November, 1785. This body met at the time and place appointed; the constitution was ratified; Langdon Carter was Speaker of the Senate; William Cage, Speaker of the House of Commons. John Sevier was chosen Governor; David Campbell, Joshua Gist, and John Henderson, judges of the superior court. Other officers, civil and military, were appointed.

"The General Assembly of the State of Frankland, by a communication signed by both Speakers, informed Richard Caswell, Esq., Governor of North Carolina, that the people of the counties of Washington, Sullivan, and Greene, had declared themselves sovereign, and independent of the State of North Carolina.

"Governor Caswell was a soldier and a statesman. He was not of a temper to brook such high-handed measures. He issued, on the 25th of April, 1785, his proclamation against this lawless thirst for power." * * * *

"But the State of Frankland did not heed this warning, so properly expressed, and so dignified in its character and tone. It proceeded to erect new counties, levy taxes, appropriate money, form treaties with the Indians, and exercise all the power and prerogatives of a sovereign State." * * * *

"The scarcity of money was severely felt. The salary of the Governor was £200 annually; a judge £150; the treasurer £40; to be paid from the treasury. The taxes were to be paid into the treasury, in the circulating medium of Frankland, such as they had, namely: good fax linen ten hundred, at three shillings and six pence per yard; good clean heaver skins, six shillings each; racoon and fox skins, at one shilling and three pence; deer skins, six shillings; bacon, at six pence per pound; tallow, at six pence; good whisky, at two shillings and six pence a gallon.

"This has given rise to some humor at the expense of the State of Frankland. It was referred to in debate in our House of Commons, 1827, by H. C. Jones, and in Congress some years ago by Hon. Daniel Webster; which was replied to by Hon. Hugh L. White. It was pleasantly stated that the salaries of the Governor and judges were paid in fox skins, and the fees of the sheriff and constables in mink skins, and that the Governor, the sheriffs, and constables were compelled to receive the skins at the established price.

"Even this primitive currency was, by the ingenuity of man, extensively counterfeited, by sewing racoon tails to the opossum skins—opossum skins being worthless and abundant, and racoon skins were valued by law at one shilling and three pence."

"The General Assembly of North Carolina, assembled at Newbern, in November, 1785, passed an act to bury in oblivion the conduct of Frankland, provided they returned to their allegiance, and appointed elections to be held in the different counties for members to the General Assembly of North Carolina, and also appointed civil and military officers to support those already appointed. The next year, 1786, presented a strange state of affairs; two empires existed at the same time over the same territory and over the same people.

"Courts were held by both Governments, military officers appointed by both, to exercise the same powers. John Tipton headed the party for North Carolina, and John Sevier the Frankland party."

"The next year taxes were imposed by both administrations; but the people most innocently pretended that they did not know to whom to pay; so paid to neither. Thus deprived of one of the chief means of government, the affairs of Frankland were approaching to its end. Tipton and Sevier were both residents of Washington county. Sevier was a brave soldier; he had proved his valor on King's mountain; but he was seduced by the allurements of office and ambition—

"The sin whereby the angels fell."

"He applied to Dr. Franklin for advice and support; to the Governor (Matthews) of Georgia, and to Virginia; from none did he receive any aid or advantage. He realized with fearful truth, the fable of Gay—

"The child who many fathers share,
Hath rarely known a father's care.
He who on many doth depend
Will rarely ever find a friend."

All this shows, Mr. President, that the State of Frankland took its origin in 1784. A government was recognized, and it continued until September, 1787. The Legislature that year met at Greenville, the very town in which I live.

"In September, 1787, the Legislature of Frankland met for the last time at Greenville. John Menifee was Speaker of the Senate and Charles Robinson Speaker of the House. They authorized the election of two Representatives to attend the Legislature of North Carolina, and one of the judges of Frankland was elected (David Campbell) and her Treasurer (Landon Carter) the other.

"Had the party of Sevier accepted the liberal, fair, and just proposition of Governor Caswell, in 1785, as stated previously, how much pain and trouble would have been spared to this country, and how much personal suffering to himself? With all his virtues, honesty, and former public service, he was at this time a doomed man.

"On the return of the members from the General Assembly at Tarboro', in February, 1788, it was soon understood that Frankland was no more.

"An execution against the estate of General Sevier had been placed in the hands of the sheriff, and levied on his negroes on Nolichucky river. These were removed for safe keeping to the house of Colonel Tipton."

"Brave in his character, obstinate and headstrong, Sevier

raised one hundred and fifty men, and marched to Tipton's house, on Watauga river, eight miles east of Jonesboro'. Tipton had information of Sevier's design, only time enough to obtain the aid of some fifteen friends, who were with him on Sevier's arrival.

"Sevier, with his troops and a small cannon, demanded an unconditional surrender of Tipton and all in his house. Tipton had barricaded the house; and in reply to the unceremonious demand, sent him word 'to fire, and be d—d.' He then sent a written summons to surrender. This letter Tipton forwarded forthwith to the colonel of the county, for aid. This aid, through Robert and Thomas Love, was promptly afforded. The house was watched closely. A man by the name of Webb was killed, a woman wounded in the shoulder, and a Mr. Vann. While, from extreme cold, Sevier's guards were at the fire, a large reinforcement from Sullivan county, under Maxwell and Pemberton, passed the guard, and joined the beleaguered household. The moment the junction was formed they sallied out with shouts; a tremor seized the troops of Sevier, who fled in all directions at the first fire of Tipton. Pugh, the high sheriff of Washington, was mortally wounded, and many taken prisoners. Sevier himself escaped; his two sons, James and John, were prisoners."

"Judge Spencer, one of the judges of the State of North Carolina, holding court at Jonesboro', issued a bench-warrant against Governor Sevier for high treason, (1788.)

"In October, Colonels Tipton, Love, and others, apprehended Sevier, at the house of Mrs. Brown, near Jonesboro'. Tipton was armed, and swore that he would kill Sevier; and Sevier really thought he would do so. Tipton was, however, with much exertion, pacified. Handcuffs were placed upon Governor Sevier, and he was carried to Jonesboro'. From thence he was carried, under strong guard, to Morganton, in Burke county, North Carolina, and delivered to William Morrison, the sheriff of Burke.

"As he passed through Burke, General Charles McDowell and General Joseph McDowell (the latter who was with him in the battle of King's Mountain, and fought by his side) became his securities for a few days, until he could see some friends. He returned punctually, and upon his own responsibility the sheriff allowed him time to procure bail. His two sons, with friends, came to Morganton privately, and under their escort he escaped.

"Thus the career of the first and last Governor of Frankland terminated. But with all his defects, John Sevier had many virtues. He was fearless to a fault; kind to his friends; and hospitable to all. This gave him great weight among the people; and although in the General Assembly of North Carolina, (Fayetteville,) in 1788, general oblivion and pardon were extended to all concerned in the late revolt, John Sevier was especially excepted in the act, and debarred from all offices of trust, honor, or profit.

"The next year (1789) so great a favorite with the people was Sevier, that he was elected from Greene, to represent that county in the Senate of the General Assembly of North Carolina. He appeared at Fayetteville at the time appointed for the meeting of the Legislature, (second Monday of November.)

"Such was the sense of his worth, or his contrition for the past, that the Legislature passed early, an act repealing the section disqualifying him from any office; and on taking the oath of allegiance, he was allowed his seat. Thus were the difficulties settled.

"North Carolina had ever been willing to allow her daughter to set up for herself when of lawful age and under proper restrictions. Cherishing this feeling, she was never unjust towards her fair and lovely offspring.

"On the 25th of February, 1790, as authorized by a previous act of the General Assembly, passed in the year 1789, Samuel Johnston and Benjamin Hawkins, Senators in Congress, executed a deed to the United States in the words of the cession act; and on the 2d of April of that year, Congress accepted the deed, and Tennessee was born.

"By proclamation, dated September 1, 1790, Governor Martin announced that the Secretary of State for the United States had transmitted to him a copy of the act of Congress, accepting the cession of North Carolina for this district of the western territory, and the inhabitants of said district would take due notice thereof, and govern themselves accordingly."

John Sevier was brave and patriotic, a man loved by the people; but he had fallen into this error of secession or separation from the State of

North Carolina that I have called your attention to here in the history of that State. We find that this doctrine of secession could not even be sustained by him, with his great popularity and with the attachment the people had for him. Instead of Tennessee having her origin or her birth in secession, the precise reverse is true. The State of Frankland had its birth in an attempt at disunion and was rocked to death in the cradle of secession; and its great defender and founder at that time, notwithstanding his great popularity and the attachment the people had for him, was lodged in irons. That is where secession carried him, with all his popularity, with all his patriotism, with all the attachment the people had for him. Yes, sir, this nefarious, this blighting, this withering doctrine of secession ended by placing that distinguished man in irons.

What next occurred? North Carolina passed a law for general pardon and oblivion for all those that had been engaged in this movement, with the exception of this great man, John Sevier. His name is even now venerated in the section of the country where I live; but, with all his talents and popularity, this infamous, this diabolical, this hell-born and hell-bound doctrine of secession carried him into chains. The State of Frankland had expired, rocked to death in the cradle of secession, and he went back to Greene county, and was elected a member of the Legislature of North Carolina. In passing this general oblivion and pardon, he was made an exception; and he was not permitted to take his seat in the Legislature until the exception was removed. It was removed, and he took his seat in the Legislature of North Carolina. Frankland had expired; it was no more; and yet we see the odious weight that was heaped upon him by this nefarious doctrine of secession.

Then what follows, Mr. President? When we turn to the history, we find that North Carolina then made her cession act, completed it in 1790, and ceded the territory to the United States. A territorial government was established. General Washington himself appointed the first officers in the Territory, which was then styled "the Territory southwest of the river Ohio." In 1794, the Council or Legislature of that Territory elected James White the first delegate to the Congress of the United States from the Territory southwest of the river Ohio—not Frankland or Franklin, for that is numbered with the things that were, but are not. Even with the popularity of the name of Dr. Franklin, it was consigned to oblivion, and now sleeps with the things that were. In 1794, the delegate to represent the Territory made his appearance here, and took his seat. In 1796, the constitution was formed; and then it was that Tennessee began her existence. The peace was made in 1783, and in 1796 Tennessee formed her constitution and applied for admission into this Union. Then it was that Tennessee was spoken into existence. She did not pass through this ordeal of secession; this probation of disunion. She germinated upon proper principles. The Territory was first organized by Congress after the death of the organization called Frankland; and in 1796, the people of Tennessee formed their constitution, and were admitted into the Union as a State. And, sir,

who came into the Union with her when she was admitted as a State? Andrew Jackson. It may have been that his early knowledge of the country, it may have been that his early information upon the subject, made him understand and appreciate ever afterwards the value of the Union. When Tennessee was ushered into this family of States, as an equal member of the Confederacy, General Jackson took his seat as her Representative. The Senator from Mississippi said that Tennessee was "born in secession; rocked in the cradle of revolution." Sir, she has many fond recollections of the Revolution; but with all her revolutionary character, her people have never attempted secession. General Jackson first represented her in Congress when she came into the Union; she brought him to the notice of the people of the United States as a public man. In 1833, when an attempt somewhat similar to the present was made, he was President of the United States; and it is unnecessary for me to relate what his views of secession were then. It is not necessary for me to refer to the acts of General Jackson in 1833. And now, sir, not intending to disparage others, but to give utterance to my conscientious belief, I must say that if such a man as Andrew Jackson were President of the United States at the present time, before this moment steps would have been taken which would have preserved us a united people without the shedding of blood, without making war. I believe that if Andrew Jackson were President of the United States, this glorious Union of ours would still be intact. Perhaps it might be jarred a little in some places, but not sufficiently to disturb the harmony and general concord of the whole. That is my opinion. I do not say it to disparage others; but I believe that this would have been the case, if he had been President, pursuing the policy which I feel certain he would have pursued in such an emergency.

Tennessee came into the Union in 1796. She was the third State that entered the Confederacy after the old thirteen ratified the Constitution. She was in this Union before Alabama, before Mississippi, before Louisiana, before Florida had an existence. There was a Union then, and she was in it. She has been in it ever since; and she has continued to contribute her money, her men, and her blood, to the defense of the flag of the Union; and though these other States may go out, I trust in God that she will still remain in the position she occupied before they were spoken into existence. We have been told that the Union is broken up—that it is already dissolved. Why, sir, according to the Constitution, nine States formed the Government; and provision was made for taking in new States. Taking in a State or taking out a State does not disturb the Union. It was a Union before the State came in; it is a Union after it goes out. We got along very well before these States came in; and where is the great injury now to result to Tennessee because they propose to go out?

I took occasion, in my former remarks, to call the attention of the Senate, and of my constituents to the extent that I have the honor to represent them, to the kind of government that was likely to be formed by the seceding States, and the coun-

try they might acquire after they did secede. In relation to this, the Senator from Mississippi said:

"But the Senator found somewhere, I believe in Georgia, a newspaper article which suggested the advantages of a constitutional monarchy. Does the Senator believe there is any considerable number of people in any of the States who favor the establishment of a constitutional monarchy?"

The Senator from Georgia [Mr. IVERSON] felt called upon to say something in the same connection. He said:

"As allusion has been made by the Senator from Mississippi to an article which appeared in a paper in my own town, and about which a good deal of noise has been made, and which was referred to by the Senator from Tennessee, in his celebrated speech, the other day, as evidence that there was a party in the South in favor of a constitutional monarchy"—

He went on to state that that idea was suggested in some paper, he could not exactly tell how; but it was not by the editor, and it did not amount to much. I did not refer to a single paper; but I made various extracts from newspapers and speeches, simply as surface indications, as symptoms of what lay below, and what was intended to be the result. I referred to the Charleston Mercury; I referred to other papers; I referred to the speeches of distinguished men, some of them leaders in this movement. Is it not apparent, now, that unless the public mind is aroused, unless the people are put on the alert, there is a design to establish a government upon the principles of a close corporation? Can any one that has the least sagacity be so unobservant as not to see what is going on in the South? It is apparent to all. They seem to unite in setting out with the proposition that the new confederacy shall exclude every State which is not slaveholding, for the reason that those States which are interested in slaves should have the exclusive control and management of them. Here is a great family of States, some free and some slave, occupying, in one sense, the same relation to each other that individuals in the community do to one another. The proposition is started to form a government of States exclusively interested in slaves. That excludes all the free States. Is the argument good? Has not slavery been secure heretofore in the Union with non-slaveholding States; and will not our geographical and physical position be just the same after the present Union is dissolved? Where does the argument carry us? We must have a confederacy now composed of slave States exclusively. When we have excluded the free States, and we come to make a new government, does not the same argument apply that we must have a government to be controlled and administered by that description of persons among us who are exclusively interested in slaves? If you cannot trust a free State in the confederacy, can you trust a non-slaveholder in a slaveholding State to control the question of slavery? Where does your argument carry you? We see where they are drifting; and, as a faithful sentinel upon the watch-tower, I try to notify the people and sound the tocsin of alarm. If this idea be not carried out, it will be because the public feeling, the public opinion, is aroused against it.

I alluded yesterday to the fact that the freemen of the State of South Carolina have not been per-

mitted to vote for a President since it was a State. There is a great terror and dread of the capacity of the people to govern themselves. In South Carolina, when the ordinance was passed to withdraw from the Union, did the convention trust the people to pass their judgment upon it? Were they consulted? Did they indorse it? Have they passed their judgment upon it to this day? Taking the language of Mr. BOYCE as an index of their feeling, I have no more doubt than I have of my existence that if this reign of terror subsides, and the hearts of the people of South Carolina can be gotten at, it will be found that a majority of them disapprove and repudiate what has been done there. What do we find in the State of Georgia? There the proposition was moved to submit the ordinance to the people; and were the people consulted? The vote was 138 to 116, I think. It shows a great division. Did they submit it to the people? Oh, no. I know something of the people of the State of Georgia; and I believe this day, if that seceding ordinance could be submitted to the voting population of Georgia, and the question be fully canvassed and fairly understood, they would repudiate and put it down. Go to Florida: were the people consulted there? Not at all. Look to Alabama; look to the arguments made there in the convention. It was said, our power is ample; we must consummate this thing, and not let the people pass upon it. Louisiana refused to refer the matter to the people. The people have not been consulted. A reign of terror has been instituted. States have been called upon to make large appropriations of money to buy arms and munitions of war; for what end? The idea has been: "we can, almost with the speed of lightning, run States out of the Union without consulting the people; and then, if they dare resist, we have got an army, we have got the money to awe them into submission." These gentlemen are very fearful of coercion, exceedingly alarmed at the word "coerce;" but when you attempt to interpose and stop their career, they do not know of any other term but coercion. Look at the dispatch which Governor Pickens sent to Mississippi:

CHARLESTON, January 19, 1861.

Judge Magrath and myself have sent four telegraphs to you. Please urge Mississippi to send delegates to the Montgomery meeting of States, at as early a day as possible—say 4th of February—to form immediately a strong provisional government. It is the only thing to prevent war, and let that convention elect immediately a commander-in-chief for the seceding States. You may as well return, at least as far as Montgomery.

F. W. PICKENS.

To Hon. A. BURT JACKSON.

South Carolina has a military establishment, with officers appointed, and the taxes necessary to support them now are grinding her people to the dust; but she expects in a very short time to transfer that military establishment, with her officers, to the southern confederacy that is to be established; and I suppose the great object in getting the leader appointed at once is that they may be able by military force to awe the people into submission. Have we not seen that nine regiments have been authorized to be raised in Mississippi, and a distinguished Senator, who occupied a seat on this floor a short time since, made the major general? No doubt, when the scheme is consum-

mated and carried out, when the military organization is complete, if the people offer to resist, they will be subdued and awed, or driven into submission at the point of the bayonet. Some of these gentry are very much afraid of the people.

Why, sir, a proposition was even started in my own State, to raise sixteen regiments; for what? With whom are we at war? Is anybody attacking us? No. Do we want to coerce anybody? No. What do we want with sixteen regiments? And it was proposed to appropriate \$250,000 to sustain them. There is a wonderful alarm at the idea of coercing the seceding States; great dread in reference to the power of this Federal Government to secure obedience to its laws, and especially in reference to making war upon one of the States; but the public property can be taken, your flag can be fired upon, your ships driven out of port, your gallant officer, with a few men, penned up in a little fort to subsist as best they may. So far as the officer to whom I have just alluded is concerned, I will give utterance to the feelings of my heart when I express my profound approbation of his conduct. He was put there to defend the flag of his country. He was there not as an intruder. He was there in possession of the property owned by the United States, not to menace, not to insult, not to violate rights, but simply to defend the flag and honor of his country, and take care of the public property; and because he retired from a position where he could have been captured, where the American flag could have been struck and made to trail in the dust, and the Palmetto banner substituted, because he, obeying the impulses of a gallant and brave heart, took choice of another position; acting upon principles of humanity, not injuring others, but seeking to protect his own command from being sacrificed and destroyed, he is condemned and repudiated, and his action is sought to be converted into a menace of war. Has it come to this, that the Government of the United States cannot even take care of its own property, that your vessels must be fired upon, that your flag must be struck, and still you are alarmed at coercion: and because a gallant officer has taken possession of a fort where he cannot very well be coerced, a terrible cry is raised, and war is to be made?

I was speaking of the proposition brought forward in my own State to raise sixteen regiments. Sir, as far back as the battle of King's mountain, and in every war in which the rights of the people have been invaded, Tennessee, God bless her, has stood by that glorious flag, which was carried by Washington and followed by the gallant patriots and soldiers of the Revolution, even as the blood trickled from their feet as they passed over the ice and snow; and under that flag, not only at home, but abroad, her sons have acquired honor and distinction, in connection with citizens of the other States of the Union. She is not yet prepared to band with outlaws, and make war upon that flag under which she has won laurels. Whom are we going to fight? Who is invading Tennessee? Conventions are got up; a reign of terror is inaugurated; and if, by the influence of a subsidized and mendacious press, an ordinance taking the

State out of the Confederacy can be extorted, those who make such propositions expect to have our army ready, to have their bands equipped, to have their pretorian divisions; then they will tell the people that they must carry the ordinance into effect, and join a southern confederacy, whether they will or not; they shall be lashed on to the car of South Carolina, who entertains no respect for them, but threatens their institution of slavery unless they comply with her terms. Will Tennessee take such a position as that? I cannot believe it; I never will believe it; and if an ordinance of secession should be passed by that State under these circumstances, and an attempt should be made to force the people out of the Union, as has been done in some other States, without first having submitted that ordinance to the people for their ratification or rejection, I tell the Senate and the American people that there are many in Tennessee whose dead bodies will have to be trampled over before it can be consummated. [Applause in the galleries.] The Senator from Mississippi referred to the flag of his country; and I will read what he said, so that I may not be accused of misrepresenting him:

"It may be pardoned to me, sir, who, in my very boyhood, was given to the military service, and who have followed that flag under tropical suns, and over northern snows, if I here express the deep sorrow which always overwhelms me when I think of turning from the flag I have followed so long, for which I have suffered in ways it does not become me to speak of; feeling that henceforth it is not to be the banner I will hail with the rising sun, and greet as the sun goes down; the banner which, by day and by night, I am ready to follow. But God, who knows the hearts of men, will judge between you and us, at whose door lies the responsibility of this."

There is no one in the United States who is more willing to do justice to the distinguished Senator from Mississippi than myself; and when I consider his early education; when I look at his gallant services, finding him first in the military school of the United States, educated by his Government, taught the science of war at the expense of his country—taught to love the principles of the Constitution; afterwards entering its service, fighting beneath the stars and stripes to which he has so handsomely alluded, winning laurels that are green and imperishable, and bearing upon his person scars that are honorable; some of which have been won at home; others of which have been won in a foreign clime, and upon other fields—I would be the last man to pluck a feather from his cap or a single gem from the chaplet that encircles his brow. But when I consider his early associations; when I remember that he was nurtured by this Government; that he fought for this Government; that he won honors under the flag of this Government, I cannot understand how he can be willing to hail another banner, and turn from that of his country, under which he has won laurels and received honors. This is a matter of taste, however; but it seems to me that, if I could not unsheath my sword in vindication of the flag of my country, its glorious stars and stripes, I would return the sword to its scabbard; I would never sheathe it in the bosom of my mother; never! never! Sir, my own feelings in reference to that flag are such as must have filled the heart of that noble son of South Carolina, Joel R. Poin-

sett, when, nearly thirty years ago, in an address to the people of Charleston, he declared:

"Wherever I have been, I have been proud of being a citizen of this Republic, and to the remotest corners of the earth have walked erect and secure under that banner which our opponents would tear down and trample under foot. I was in Mexico when the town was taken by assault. The house of the American ambassador was then, as it ought to be, the refuge of the distressed and persecuted; it was pointed out to the infuriated soldiery as a place filled with their enemies. They refused to attack. My only defense was the flag of my country, and it was thrown out at the instant that hundreds of muskets were leveled at us. Mr. Mason—a braver man never stood by his friend in the hour of danger—and myself placed ourselves beneath its waving folds; and the attack was suspended. We did not blanch, for we felt strong in the protecting arm of this mighty Republic. We told them that the flag that waved over us was the banner of that nation to whose example they owed their liberties, and to whose protection they were indebted for their safety. The scene changed as by enchantment; those men who were on the point of attacking and massacring the inhabitants, cheered the flag of our country, and placed sentinels to protect it from outrage.

"Fellow-citizens, in such a moment as that, would it have been any protection to me and mine to have proclaimed myself a Carolinian? Should I have been here to tell you this tale if I had hung out the palmetto and single star? Be assured that, to be respected abroad, we must maintain our place in the Union."

Sir, I intend to stand by that flag, and by the Union of which it is the emblem. I agree with Mr. A. H. Stephens, of Georgia, "that this Government of our fathers, with all its defects, comes nearer the objects of all good governments than any other on the face of the earth."

I have made allusions to the various Senators who have attacked me, in vindication of myself. I have been attacked on all hands by some five or six, and may be attacked again. All I ask is, that, in making these attacks, they meet my positions, answer my arguments, refute my facts. I care not for the number that may have attacked me; I care not how many may come hereafter. Feeling that I am in the right, that argument, that fact, that truth are on my side, I place them all at defiance. Come one, come all; for I feel, in the words of the great dramatic poet:

"Thrice is he armed that hath his quarrel just;
And he but naked, though locked up in steel,
Whose conscience with [treason] is corrupted."

I have been told, and I have heard it repeated, that this Union is gone. It has been said in this Chamber that it is in the cold sweat of death; that, in fact, it is really dead, and merely lying

in state waiting for the funeral obsequies to be performed. If this be so, and the war that has been made upon me in consequence of advocating the Constitution and the Union is to result in my overthrow and in my destruction; and that flag, that glorious flag, the emblem of the Union, which was borne by Washington through a seven years' struggle, shall be struck from the Capitol and trailed in the dust—when this Union is interred, I want no more honorable winding sheet than that brave old flag, and no more glorious grave than to be interred in the tomb of the Union. [Applause in the galleries.] For it I have stood; for it I will continue to stand; I care not whence the blows come; and some will find, before this contest is over, that while there are blows to be given, there will be blows to receive; and that, while others can thrust, there are some who can parry. God preserve my country from the desolation that is threatening her, from treason and traitors!

"Is there not some chosen curse,
Some hidden thunder in the stores of heaven,
Red with uncommon wrath, to blast the man
Who owes his greatness to his country's ruin?"

[Applause in the galleries.]

In conclusion, Mr. President, I make an appeal to the conservative men of all parties. You see the posture of public affairs; you see the condition of the country; you see along the line of battle the various points of conflict; you see the struggle which the Union men have to maintain in many of the States. You ought to know and feel what is necessary to sustain those who, in their hearts, desire the preservation of this Union of States. Will you sit with stoic indifference, and see those who are willing to stand by the Constitution and uphold the pillars of the Government driven away by the raging surges that are now sweeping over some portions of the country? As conservative men, as patriots, as men who desire the preservation of this great, this good, this unparalleled Government, I ask you to save the country; or let the propositions be submitted to the people, that the heart of the nation may respond to them. I have an abiding confidence in the intelligence, the patriotism, and the integrity of the great mass of the people; and I feel in my own heart that, if this subject could be got before them, they would settle the question, and the Union of these States would be preserved. [Applause in the galleries.]





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