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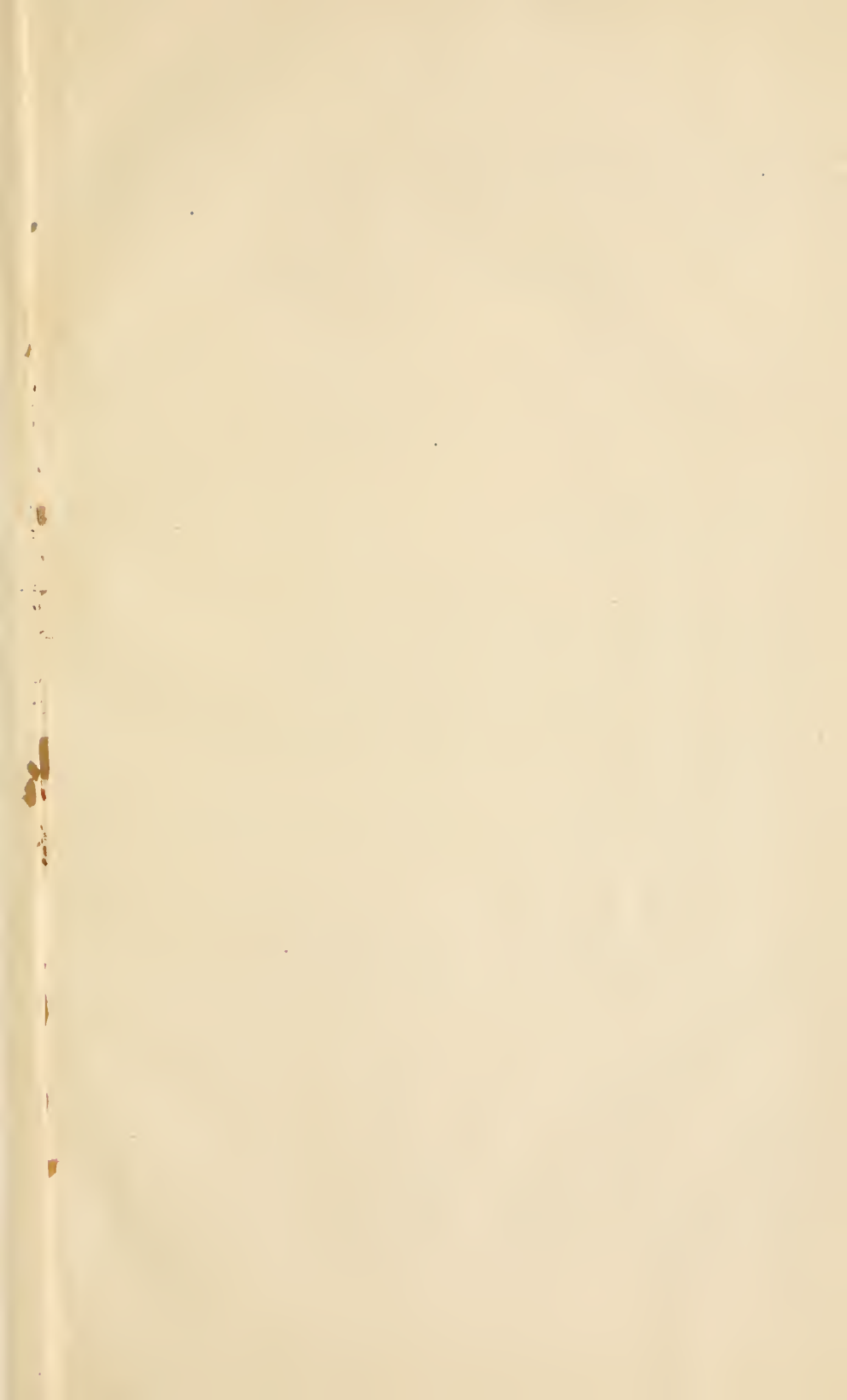


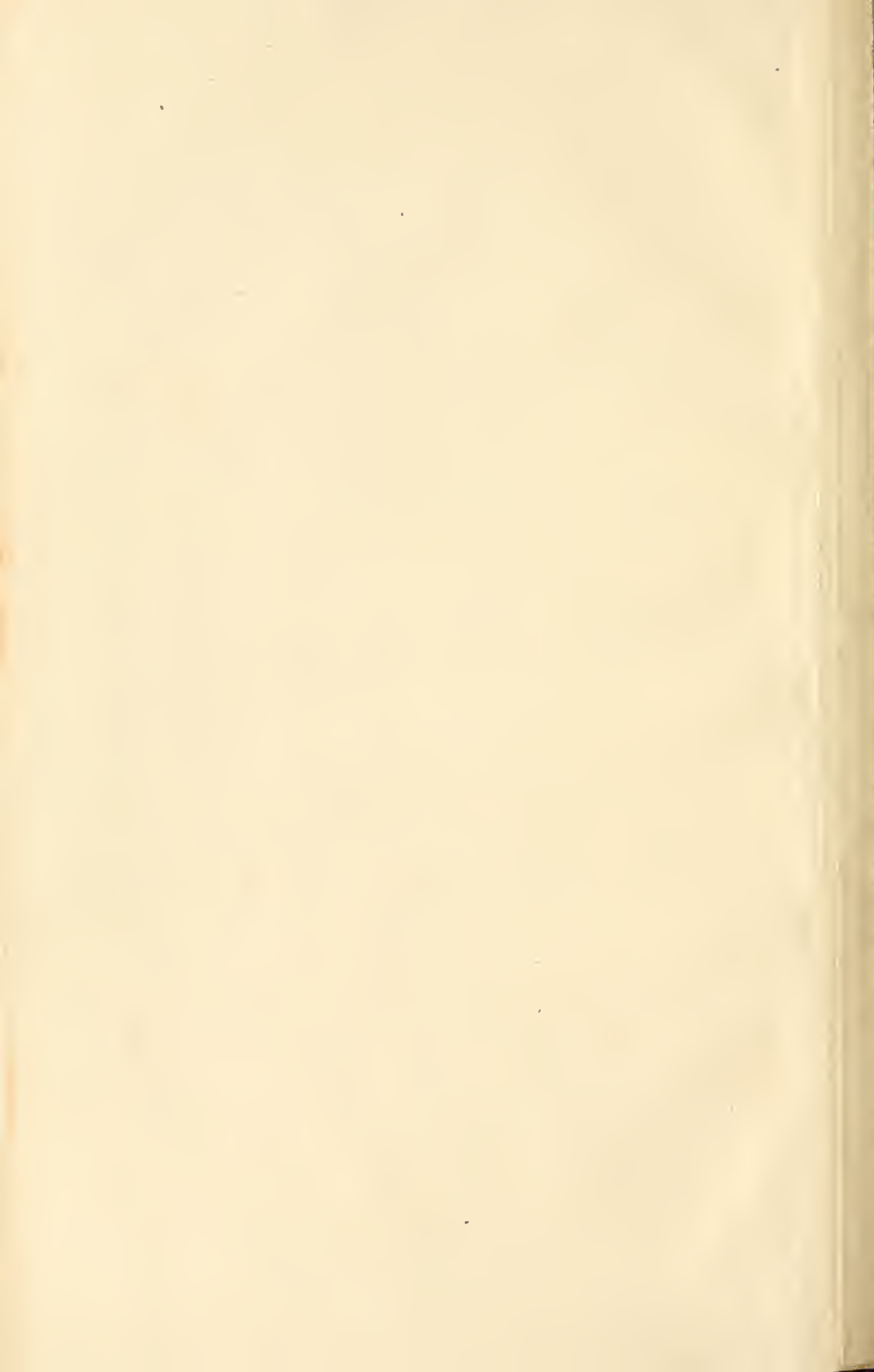
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SPEECH

OF

HON. P. SOULÉ, OF LOUISIANA,

IN REPLY TO

HON. HENRY CLAY, OF KENTUCKY,

ON

THE MEASURES OF COMPROMISE.

DELIVERED IN THE SENATE OF THE UNITED STATES, MAY 23, 1850.

The Senate having under consideration the special order, being the bill to admit California as a State into the Union, to establish Territorial Governments for Utah and New Mexico, and making proposals to Texas for the establishment of her western and northern boundaries—Mr. SOULÉ said.

I had not the least idea, Mr. President, that the very unpretending remarks which I thought it my duty to present to the consideration of the Senate, on the day before yesterday, would have been deemed worthy of the reception which they met with at the hands of the honorable Senator from Kentucky, (Mr. CLAY,) and be made the theme of the eloquent speech he delivered in reply to them.

The honorable Senator imparted to those remarks an unmerited degree of interest, by thus commending them to a notice which they could by no other means have attracted.

I most cordially thank him for it. But, while I feel grateful for the attention which he was pleased to bestow upon them, I owe it to myself not to let some of the suggestions which he thought fit to make, with regard to the course which I was pursuing, go forth to the country, under his high authority, unheeded and unanswered.

The honorable Senator has inferred, from the observations I made on that occasion, that I was to be classed among those whom no compromise or concession whatever was likely to satisfy, and who might be willing rather to continue the agitation which has grown out of the matters attempted to be adjusted and put to rest by the bill under debate and its associated measures. The imputation was neither kind to me, nor just in itself; and quite as uncalled for, as it was wholly undeserved; and meant doubtless to weaken and disarm any resistance which the South might oppose to his cherished scheme. It was one of those feats of oratorical adroitness by which we sometimes seek to rid ourselves, at a dash, of stubborn facts and troublesome arguments. But, sir, if the honorable Senator conceived that he could deter me, by artifices as shallow as these, from the performance of what I regarded as a stern, but sacred duty, I can tell him that, if his time was not wholly thrown away, his labor was scarcely worth the pains.

Was it either fair or just, I would respectfully ask, that so courteous an opposition, as mine, to the section then under debate, should be put forth to the country as an imposing proof that I was favorably inclined to a rupture of the Union? I had expected from the honorable Senator a fairer course of argument than the one he

thought proper to pursue on that occasion. He surely did not suppose that I would consider myself as sufficiently answered by inferences so strained and inconsequential that they had no warrant whatever from anything which I had said; and intended evidently to forestal a favorable public opinion upon the humble merits of my remarks, by imputing to me tendencies of mind to oppose, if not purposes of defeating, all plans of adjustment; while nothing could have been further from the sentiments I entertained or the feelings which animated me on the occasion referred to.

Sir, I entertain too exalted an opinion of, and set too great a value upon, the rights and privileges of an American Senator, to suffer them on any occasion, or under any circumstances, to be dealt with so ungraciously and arrogantly as the honorable Senator from Kentucky has seemed disposed and willing to treat them. When the Senator knows me better, perhaps he may spare me the annoyance of repeating the attempt. So far, I think, the failure has been signal; and the words of the poet most aptly describe the shaft he aimed at me:

“Telum imbellè, sine ictu.”

But, sir, the honorable Senator must be his own judge as to the occasions and modes of assailing me, and I, of the necessity and manner of repelling them. I mean not to complain (though I thought he felt inclined to handle me somewhat unceremoniously) that he thus brought upon me the necessity of thrusting myself once more upon the patience of the Senate, and of taking up again some of the matters which, in the ardor of debate, I may have overlooked when I was up before.

The Senator did me the honor to inquire whether I was prepared to proffer something that would be more likely, than anything which he had proposed, to heal the wounds of the country and to conciliate the two great contending sections. Surely the honorable Senator could not have been serious when thus propounding to me such a question. Why, does he not know that the South is in the *minority*, and that it were idle for her to think of proposing compromises, while the power to carry them out depends wholly upon the disposition of those opposed to her? However, I will say to the honorable Senator, that, if becoming in me to present one, I would take care that it were something that would not speak to the *eye* what it meant not to the *sense*; that would not deceive by a mere trickery of words, doubtful in import because duplex in meaning. My compromise would be such, that, while healing the wounds of the country, it would blur with no stain the South's honor, nor bring a blush to her cheek. Such would be characteristic of any compromise which I might tender, and no plan of adjustment without them can ever have my support.

Instead of aught resembling this, what are we presented with? Why, with a batch of measures the import and bearing of which their very authors cannot agree about—a scheme and compromise decisive of nothing, complex in expedients, impracticable in action—a compromise which can satisfy neither the South nor the North, for want of precision as to the aims and ends it proposes in settlement of the pending difficulties, and of distinctness in the disposition of the very few matters embraced in its enactments.

What is there that this plan really settles? If we resort to the Senators who formed the committee, to assure ourselves of the true meaning of the measures which it recommends to the Senate, we find that scarcely any two members of the thirteen can agree with each other as to the manner in which it is to operate and may eventually affect the interests of either of the great parties at issue in the controversy.

In my humble judgment, the South has been losing ground, and losing it rapidly, from the moment of the introduction of the original resolutions of the honorable Senator from Kentucky. What has resulted from the reference of those resolutions? They all went to the committee; but all of them did not return here either in the form of bills or otherwise; and those which did, were so shorn of their propor-



tions, and are muffled up in such disguises, that scarcely a trace of them can be recognised in the bills; to identify them, there is none.

The resolution No. 2 provided that "as slavery does not exist by law, and is not likely to be introduced into any of the Territories," "appropriate Territorial Governments ought to be established by Congress," &c., "without the adoption of any restriction or condition on the subject of slavery;" that is to say, forbidding Congress to restrict the introduction of slavery thither, and of course forbidding Congress to confer such an authority upon the Territorial Legislature.

Now, the report by no means repudiates the assumption, in this resolution, that the Mexican laws prohibiting slavery are now in force there; but, on the contrary, is introduced with a speech from the honorable chairman of the committee, not only maintaining their existence, but avouching it as the opinion of a vast majority of the people and jurists of the United States. It assigns as reasons for not imposing the Wilmot proviso that it was unnecessary; and so assigns them, that it is impossible that any one could vote for the bill accompanying the report, without admitting a *power in Congress to pass the Wilmot proviso!* Hence, in these features, there is nothing to choose between the resolutions and the report and bill. But a vast and vital difference exists between them, in this: that while the second resolution restrained *both* Congress and the Legislature from restricting the introduction of slavery, the bill, under the honorable chairman's explanations, restrains the Territorial Legislature from protecting it, and, indeed, sanctions its *expulsion*, when there; and, worse still: it not only reserves in Congress a power to *veto* any law made for its *protection* by the local Legislature, but imposes no restriction whatsoever upon *itself* from passing the Wilmot proviso whenever it thinks proper, though it were the day after the passage of this bill, without it. Which is best for the South?

I would ask, also, how have the matters been disposed of by the Committee that were embraced in the sixth resolution, which reads as follows:

"6. *Resolved*, That it is expedient to prohibit within the District the slave trade in slaves brought into it from States or places beyond the limits of the District, either to be sold therein as merchandise, or to be transferred to other markets without the District of Columbia."

Look at the bill! It provides that "it shall not be lawful to bring into the District *any slave whatever for the purpose of being sold*, or for the purpose of being placed in depot," &c.; "and if any slave shall be brought into the District by its owner, or by the authority or consent of its owner, contrary to the provisions of this act, such slave shall thereupon become liberated and free." How will this do? A Southerner must shut his eyes if he does not see in this, an ominous beginning which can end only in the total abolition of slavery in the District—not of *all* the slaves; to be sure, but of *some* of them, and "without the consent of Maryland, the people of the District, and without just compensation to the owners of the slaves," which the honorable Senator from Kentucky, in his 5th resolution, exacts as a condition precedent to any emancipation here at all. Why, this is far beyond what the abolition petitions against the slave trade in the District have ever asked; for their assaults were exclusively directed against the *negro traders*, the parading of their slave gangs in public places, and their placing them in private depots for safe-keeping. That was all. But mark the workings of the bill. A debtor in an adjoining county of Maryland or Virginia, owes debts in the District or at home beyond his means of payment. His entire property is in slaves. He honestly resolves to part with them in order to meet his liabilities. At fair prices, they might pay all; at home prices, not fifty cents in the dollar. He brings them here for the honorable purpose of paying all; but this bill converts that purpose into a heinous *crime*, and forfeits his slaves, to his own ruin and that of his creditors. Is that just to either—or to the people of the District, or the State of Maryland, or the slaveholding States? Is not that discriminating against *slave property* with a vengeance? Congress could not forbid his bringing any *other property* here to pay his debts; and where does

the Constitution confer a power on Congress to legislate upon one species of property more than upon another? Such a discrimination saps the foundation of all equality in the *rights* of property as well as of its *protection*, and, of course, of all equality in the rights of the States, and opens widely the way to all further aggressions upon the rights of slaveholders *any where* and *every where*. As I said on another occasion, after Congress has decided that slaves shall not be brought into the District, even for the *honorable* purpose of paying the owner's debts, what could prove more tempting to Abolitionists than to insist upon, and press to accomplishment, the passage of a law to forbid their being brought here *for any other purpose*? The next step in the march of aggression would naturally be to forbid the slaves now here from being sold out of the District and removed to the South; and next, and last, and most surely, would follow, and *promptly*, too, the emancipation of those who are here; for, after the South had assented to the exclusion of slaves from the District for the payment of debts, none would dread or respect her resistance to that progressive emancipation which would inevitably flow from it.

This leads me naturally to another matter, which I hold as of the highest importance—I mean the action of the Committee upon the most disturbing and perilous question that has menaced the country—the WILMOT PROVISIO; or, in other words, whether Congress possesses a constitutional power to abolish or exclude slavery in and from the Territories of the United States? A large majority of the North, it is believed, affirm and maintain such a power in Congress. The entire South, with rare exceptions, wholly disaffirm it. The whole country feels and knows that the question cannot be safely deferred longer. There can be no peace until it is decided. It must be settled somehow: if not settled congressionally, or judicially, it may be settled by a rupture of this glorious Union.

Such being the state of public opinion and the impending dangers, it is no wonder that great anxiety should have prevailed in all the sections of the country to have had the opinions of the Committee of Thirteen upon the power of Congress over slavery in the Territories. There was hardly a doubt on the public mind, from the very constitution of the committee, and the well-known opinions of its members, that the decision must have been against the power of Congress. Such a conclusion was easily arrived at. The committee consisted of thirteen members—seven from the slave, and six from the free States. Of the seven, the chairman, (Mr. CLAY,) I believe, affirms the power of Congress, but contests the *expediency* of using it. But the other six, it was well understood, explicitly denied the power. It was equally well understood that at least two of the other Senators who composed the Committee (Mr. CASS and Mr. DICKINSON) concurred in this last opinion. The committee, then, must have stood eight to five against the CONSTITUTIONALITY of the *Wilmot proviso*. If such was the opinion of a majority of the committee, Mr. President, was not the South entitled to have that opinion made known to the Senate and to the country? I do not say but that there might be cases where, under special circumstances, a committee might not withhold its opinions from the Senate and be justified. But I do maintain with great confidence that if a committee undertake to state any opinion at all about a matter referred to them, or to make any statement from which its opinion may be fairly and clearly inferred, that it is bound to take care that what is to be inferred is the opinion of the majority of the committee. Now, sir, I insist that the report of the committee does express an opinion upon the *constitutionality* of the Wilmot proviso, and in support of its constitutionality, through the irresistible inference and infallible implication which arise from the reasons it assigns why the committee *refrained* from engraving the *proviso* upon the bill under debate. The report, then, if the computation which I have just made be a correct one, represents the sentiments of the *minority*, and that too upon a question of constitutional power! It is almost trite to say, what any one knows, that the report of the committee, without a precedent to the contrary, not only represents, but is the only official evidence of the sentiments of the *majority*. Yet, to all seeming, the report contains not their opinions, but just the reverse of it.

But the South has not only a just cause of complaint, that the decided opinion of a majority of the committee on so vital a question as the constitutionality of the Wilmot proviso was suppressed, but that the committee have not brought back to the Senate, for their solemn deliberation and vote, the only two of the original resolutions of the honorable Senator from Kentucky which bore the least semblance of protection and immunity for the institution of slavery in the District and at the South. These two resolutions were as follows :

"5th. *Resolved*, That it is expedient to abolish slavery in the District of Columbia, whilst that institution continues to exist in the State of Maryland, *without the consent of that State, without the consent of the people of the District, and without just compensation to the owners of slaves within the District.*"

"8th *Resolved*, That Congress has no *power* to prohibit or obstruct the trade in slaves between the slaveholding States ; but that the admission or exclusion of slaves brought from one into another of them depends exclusively upon their own particular laws."

It will be remembered that, when the resolutions were first introduced, an animated debate sprung up in the Senate, and that they were assailed at all points. Among other criticisms to which they were subjected, it was declared that they had nothing practical about them ; that they were mere *abstractions*. Against this charge the honorable Senator from Kentucky defended them with his usual warmth and eloquence. He maintained that they were *not* abstractions ; that all of them involved *principles*, and that he designed to have the deliberate vote of the Senate upon each of them. This declaration was highly satisfactory ; for, in these exciting times, when the South was menaced with being pressed down to the earth under the assaulting hosts of the fanatics, a large and commanding vote of the Senate, asserting the rights and immunities of slaveholders in the District and in the States to be secure, both under the plightings of the public faith and the prohibition of the Federal constitution, would have served two valuable purposes : the *one* in checking and discouraging the assailants in their mad career, and the *other* in its tendency to soothe and quiet the South, aroused and inflamed as she was through their menacing bearing and galling calumnies. It would not, indeed, have been any thing to *boast* of ; yet it would have been something in the way of a plea for further forbearance on her part, to have had assurances, through the solemn votes of both houses of Congress, that while they were stripping the South of her legitimate rights to share in the migration and settlement of Federal Territories, yet that the rights of slaveholders in the District and between the States would remain sacred and inviolable.

True, I would not have voted for the fifth resolution, without a reservation upon the question of *power*, which might have been implied in an amendment asserting that, "without affirming or denying a power in Congress to abolish slavery, it is *inexpedient*," &c.

Were there no other grounds of objection to this scheme of adjustment, (as most unhappily there are,) I must think that the withholding from the vote of the Senate the important resolutions, and the suppression of the deliberate opinion of the committee, that Congress possesses no *power* under the constitution to prohibit or abolish slavery in the Territories of the United States, constitute objections which of themselves would be almost insuperable.

If the committee has no other alternative to offer to the South but that presented by the compromise before me, let us by all means have the Wilmot proviso. Bad as that is, it scorns all disguises, and takes all of the responsibilities of all that it imports, and of all that can be imputed to it. Aggressions, in the garb of *aggressions*, can be confronted and resisted ; but aggressions, in the garb of *concessions*, that look you *fair*, but mean you *foul*, gilding the bolus which masks the hemlock, is the worst form that the worst wrong can assume. It deceives while it assails : it ruins while it allures. Sir, I mean no offence to any body, when I declare that this mode of botching up a settlement of great issues, to which sovereignties are parties, is something distasteful to my sentiments. The whole thing is unreal ; it has no substance in it.

Yet I was told, on yesterday, by my friend and colleague, (Mr. DOWNS,) that the South should not be too strict and peremptory in her requirements; that she should *also* make some sacrifices; and that, after all, what the compromise proffered to her was *the best she could get*. Has it come to this, Mr. President, that when we are pleading for our just and constitutional rights, we are to kneel down in supplication before the North, and be content and rejoiced that we meet not at her hands a still worse treatment—as whatever we have is at her mercy; as all she takes is hers, and all she leaves us is a boon?

Mr. President, I am at a loss to conceive how the committee can save itself from the reproach of having left undecided the most important matters of controversy existing between the South and the North. And I would ask, what would the fathers of the republic have thought, when they were preparing the constitution—that noble palladium of our right and our liberties—if the committee men, charged with framing that instrument, had reported nothing in the form of positive enactments, but merely a tissue of misleading alternatives, decisive of nothing, and leaving all in doubt as to what the committee deemed expedient to be done or let alone?

What have we in this compromise? Little indeed; very little: so little that I hardly dare to touch it, lest it should vanish into thin air. Others, however, with surer optics than mine, have found, or thought they found, in this project a protection to Southern interests, which all the magnifying powers of their eloquence have failed to bring within the scope and compass of my vision; and it has been insisted upon by the honorable Senator from Kentucky, and afterwards by my honorable colleague, that the South gained a great deal by the compromise, as that the two obnoxious *postulates* contained in the second of the original resolutions (touching the present existence of the Mexican anti-slavery law in the ceded Territories) had been extirpated from the *projet*, and were nowhere engrafted or to be found among the provisions of the bill before us.

I readily admit that these *postulates* were the most objectionable features in the original scheme; but is it true that they have been lopped away from the bill, and may not even now be lurking in some of the folds of its multifarious clauses?

Mr. DOWNS. If my honorable colleague will permit me, I will say to him that I do not consider that it was the province of the committee to judge of the constitutionality of any measure. I think it is a sufficient decision on the Wilmot proviso, that it was not sanctioned by the committee. If my honorable colleague wants an expression against the proviso, there is a distinct expression in the report that it is rejected. I read it yesterday to the Senate. This committee was not appointed as judges, but to report something that would be satisfactory to the whole country. I certainly never understood them as having to decide the whole question as to the constitutionality of the proviso. If that was to be the course, there is no settlement of the question.

Mr. SOULE. My colleague says that he considered the committee were not bound to adjudicate the matters which I have alluded to, as they had been raised only for the purpose of projecting a compromise; that they were not to judge of such difficulties, but to report back to the Senate something that would be satisfactory to all. I would ask him how could a compromise be effected at all, unless the matters to be adjusted were intelligibly disposed of one way or the other? If chosen, with one or two other members of this House, to decide a dispute between private individuals, would my colleague consider the arbitrament effected and conclusive, if it were couched in terms so equivocal as to be wholly incomprehensible to the parties to the reference; and if, when asked what it decides, he could say no more nor otherwise than that the arbitrators disagreed as to the precise import and meaning of the terms of the award which they had made? Sir, a settlement so extraordinary as this would be without a parallel, and undeserving of a name; it would unsettle every thing, and open up afresh all the issues of the contestation. I said such a settlement would be without a parallel; I was too fast, sir: the parallel stands revealed and surpassed in the provisions to be found among the bills, as will be more and more obvious in the progress of the debate.

Mr. DOWNS. If the Senator will point out any particular provision of the compromise that the committee do not understand, and understand alike, of any thing that he does not understand, I shall be much obliged to him. It is true, with me, as with every one of the Committee, that

there are several things in that report that I do not approve of; but I think I understand them, and the committee understand them. I think there is no ambiguity in them. Besides, as my colleague has propounded the question, I will answer; and I think it is no uncommon thing to settle disputes in this way—a thing recognized by the laws of our own State; and we have what are called amicable compounders, that do not decide legal points of the law strictly, but decide what is fair, just, and equitable, honorable to all. Such, I consider, was the duty of the committee which reported this bill.

Mr. SOULE. Truly so. The laws of Louisiana, and doubtless of other States also, recognize amicable compounders; and I am willing that the committee, for the sake of the argument, be viewed in the light of amicable compounders. But, then, amicable compounders always decide *something*, while the committee have left *every thing* undecided. Did I say that the committee were bound, and that we expected them, to decide the questions submitted to their consideration according to strict rules of law?

Mr. FOOTE. Will my friend bear with me while I ask him a single question, having been interested in the matter? When he voted to raise this committee, did he suppose it would be the duty of the Committee to decide the constitutionality of the Wilmot proviso, or to endeavor to set on foot some plan of adjustment that, avoiding the decision of disputed points, would yet settle all matters of difficulty upon terms of honorable and fraternal forbearance of the various sections of the Union?

Mr. SOULE. I will answer the question promptly. When I voted in favor of the resolution raising the committee, I did not expect that the Wilmot proviso would be acted upon by the committee in such a manner as to come back to us with an *abstract* declaration of its constitutionality or unconstitutionality; yet I did expect that some measure would be reported to the Senate, intimating the sense of the committee, and bringing the proviso itself *in its practical bearing*, to a test that would have enabled the country to know whether or not the *monster* was still alive.

But resuming the observations of my colleague, (Mr. DOWNS:) Why, does he suppose that I ever thought of suspecting that the members of the committee did not understand the meaning of the bills reported? I intimated nothing of the kind; and my colleague has strangely misconceived me. It would have been highly discourteous in me to treat thus slightly, not only him, but the other members of the committee.

I said, truly, that they could not agree as to the *legal consequences* of the measures reported; but, though the parliamentary courtesy of debate forced the concession from me that the committee understood the true import of their own measure, yet I had no control over that liberty of speech of the honorable members of the committee, through which they convinced me (as they must have convinced every member of the Senate) that, though all the members may have understood the true import of their own bill, it was not to be doubted that *they understood it in a different way*. What could be said, sir? There stood the honorable chairman of the committee insisting most earnestly and resolutely that, had he doubted at all that the Mexican law prohibiting slavery was in force in the Territories, he would have utterly opposed the whole section under discussion; which plainly means, if it means any thing, and the Senator from Kentucky never speaks without a meaning,) that, in such a conjuncture, he would have imposed no restraint either upon the local Legislatures or upon Congress, in enacting a revival of that Mexican law, or (what is precisely the same thing) the enactment of the *very Wilmot proviso* ITSELF, so determined was he that the anti-slavery restriction, in some name or other, in some form or other, should be applied to these Territories. On the other hand, there stands my honorable colleague, (Mr. DOWNS) who honored me with the high praise (which I should be as proud of, did I deserve it, as I am grateful to him for bestowing it) of declaring that he regarded my humble argument upon this point "as infinitely superior to that of the Senator from Kentucky;" and that he fully concurred with me in the conclusion it had brought me to—leaving the inference irresistible that he would not have voted for the bill without the section, nor for the section, but for the construction it bore (in his judgment) of putting an end to the Mexican anti-slavery restriction law, if it *was* there, and of keeping it out, as well

as all other anti-slavery restrictions, if it was not. If there were mere differences of views between the friends of the same measure, it would not have been at all surprising, as I had occasion to remark in the course of what I said the other day. Such things happen sometimes. Statesmen concurring in measures passed *sub silentio*, and without any consultation with each other, and found thereafter putting various and even opposite constructions upon the same clauses of the same statute, present clashings of opinion by no means without example. But instances of statesmen of high intellectual powers, after carefully and thoroughly weighing the inferences and reasons of each other, finding themselves at utter variance and in irreconcilable opposition and absolute antagonism to each other, and yet continuing to give a mutual support to the same measure, unshorn of its duplicities, present a case exceedingly rare, if it ever happened at all.

What, then, is it, I will ask again, that this famed plan tenders to the country? Three or four bills, prepared with a view to the final settlement of the difficulties which so unhappily divide the two great sections of this empire; three or four bills, well considered, well understood no doubt by each member, and acceptable to each in the interpretation he gave them, yet so put together, so replete with ambiguities, that their authors cannot agree as to what will be their legal bearing and consequences, when brought to the test.

Mr. DOWNS. I dislike very much to interrupt my colleague. But if he will state the point as to which the committee disagree, and the terms, I shall be pleased to hear it.

Mr. SOULE. I will do so with great pleasure; and in order to satisfy the gentleman, I shall avail myself of the disclosure which he made in his speech of yesterday, when he stated that there were many provisions in the bill about whose legal meaning and import he could not agree with other members of the Committee. Did I understand what my colleague said on the occasion?

Mr. DOWNS. I trust my honorable colleague will also recollect that the chairman (Mr. CLAY) at the moment said I was mistaken in supposing we differed about the fugitive slave section; that he perfectly agreed with me in my construction of it.

Mr. SOULE. I am still more surprised; and the difficulty is greater than I supposed. Then the honorable Senator considered on yesterday that he had not agreed with the chairman, (Mr. CLAY,) and he probably would still be under that impression, had not the honorable Senator assured him from his seat that he was mistaken, and that they were agreed! Now, Mr. President, I wish to be clearly understood as to my appreciation of the disagreement which separates me on this occasion from my friend and colleague. It is to me a subject of unfeigned concern and of deep regret that I find myself at points and antagonism with him, and on an issue like this; for there is none whom I hold in higher esteem, and to whom I would like to show a readier deference. I feel assured, however, that this disagreement will in no way weaken those ties of mutual respect and friendship which have heretofore united us, and which, for the good of our common State, as well as for my own personal satisfaction, will, I hope, steadily strengthen and last long. Yet, so it is; and while I am on this subject, I had as well take leave to express my surprise at the language which my colleague (though unintentionally, I am sure) thought proper to use, when, answering one of my arguments of the previous day, he exclaimed, in a tone full of significance, "Shall this warfare last forever?"

Mr. DOWNS. If there was any thing in any remarks I made showing any thing but a kindly spirit towards the honorable Senator, or in the slightest degree construed in such a sense by him, it was not my intention. I alluded to no "warfare" between him and myself. I had no such idea. I referred to the "warfare" on the slavery question. Though I did not, in the heat of debate, on a subject of great interest, always form my sentences with that precision, elegance, and polish which characterize my honorable colleague, still my intentions, my feelings, my wishes, with regard to him, are as kind and friendly as they ever have been, and I trust ever will be.

I wish nothing to occur—nothing has occurred, and nothing will, I trust, occur—in this debate, however we may differ, to disturb, in the slightest degree, the cordial relations which have always existed between us. If any thing I said has wounded, in the slightest degree, his sensibilities in any way, it was the furthest thing from my intentions.

Mr. SOULE. There was no necessity for the explanation which my colleague has just given of the language which he used on yesterday. Had it been still stronger,

and more pointed than it was, being well assured, as I am, that it could not but have been delivered under the promptings of his heated zeal, and without the least intention to wound my sensibilities, I should have met it with the best feelings. I, indeed, would even now abstain from all reference to it, were it not that, as it will go to the country and be read with peculiar interest throughout our common State, justice to myself requires that I should say something in vindication of the course which, by implication at least, it seemed to impeach.

I was going to remark, when my colleague interrupted me, that I had in no manner shared in the warfare about which he is now so deeply concerned—otherwise, at least, than in joining many of those who had heard him on a former occasion, and on this very subject, in the praises which they bestowed on the manly independence and boldness with which he, from the outset, assailed and repudiated the very propositions which he now defends with so much warmth and earnestness. If I have erred in the course which I have pursued—if I am still on the wrong tack with respect to the matters embraced in this compromise—I may, without doing my colleague the least injustice, disburden myself of a great share of my responsibility, by laying my delinquencies to his door; for he will not take it as unkind in me, if I should remind him that he led the way in the opposition which was manifested in the first instance to the scheme embraced in the resolutions of the honorable Senator from Kentucky, and afterwards to the compromise reported by the committee, on its first appearance in the Senate. Being among the youngest of the Senators who were to take a share in the debate, I did not venture to settle definitely upon the part which it might become me to act, until I was able to direct my steps by those lights which I knew his fuller knowledge of public affairs and his larger experience in parliamentary life, would cast upon the path opening before me; and he will pardon me if, having received from him those first impressions which roused me to resistance against this compromise, I prove to be more steadfast than himself in the distrust and aversion which a memorable speech of his own has awakened in my breast and keeps there.

But to recur to my subject: The friends of the compromise exult in the fact that the two propositions, injuriously affecting the slave interests, contained in the second of the original resolutions of the Senator from Kentucky, have been excluded from the bill, and insist that, in this at least, the compromise improves the terms allotted to the South. Will my colleague tell me whether there be any thing in the report repudiating the doctrines of these propositions? He certainly was under the impression, and is still in the belief, that they have been actually repudiated; and he has referred me to the very part of the report from which I had intended to read, in order to show that, far from this being the case, the obnoxious propositions were (most adroitly, it is true, but) most unequivocally ingrafted in the report accompanying the bill. What was it, in these propositions, which brought from the South her deep dissatisfaction and her loud complaints? It was the irresistible implication it carried with it, that if slavery was established by law in the Territories, or was likely to be introduced there, not only would the power of Congress to abolish it have been asserted, but its exercise declared *expédient*. And what less than this does the report of the honorable Chairman announce? Why, it announces exactly, not in *words*, but in *sense*, what this resolution had spoken forth before; what the Senator's speech introducing that report proclaimed afterwards; and to make the matter free from all doubt, and do the honorable Senator full justice, I shall now give him the benefit of his own views, in his own words:

“The bill for establishing the two Territories, it will be observed, omits the *Wilmot proviso*, on the one hand, and on the other makes no provision for the *introduction* of slavery into any part of the new Territories.”

Had the report stopped here, my colleague might be right in the interpretation which he puts upon it; but it explains the reasons why the obnoxious *proviso* was not inserted in the bill, and thus justifies its exclusion:

“That proviso has been the fruitful source of distraction and agitation. If it were adopted and applied to any Territory, it would cease to have any obligatory force as soon as such Territory was admitted as a State into the Union. There was never any occasion for it to accomplish the proposed object with which it was originally offered.”

Had, therefore, the *occasion* existed, it might have been justified. The want of an *occasion* is the only plea for its not being there! The honorable Senator shakes his head, I see, and finds, perhaps, that I am placing a forced construction upon his words. I would be loth to do him any injustice. But he says, further, “it has been clearly demonstrated by the current of events.” Is that evident? How has the current of events demonstrated that there was no occasion for the *Wilmot proviso*? Why, by the coming of California into the Union *with it*; and furthermore:

“California, of all the recent territorial acquisitions from Mexico, was that in which, if any where within them, the introduction of slavery was most likely to take place; and the Constitution of California, by the unanimous vote of her Convention, has expressly interdicted it. There is the highest degree of probability that Utah and New Mexico will, when they come to be admitted as States, follow the example.”

Such are the reasons and motives set forth by the committee, through their organ, for not having inserted the *Wilmot proviso* in the Territorial bill. *There had never been any occasion for it, as was “demonstrated by the current of events.” California presented herself for admission with the proviso in her constitution, and it was likely that Utah and New Mexico would follow the example!*

Yet my colleague was satisfied, and thought that Southern slaveholders ought to be content, inasmuch as, if they actually possessed any right, under the constitution, to carry slaves there, nothing in the bill could impede them in the exercise of those rights. But I have already shown, and I think conclusively, how illusory would their deductions and expectations have been under the clause in the 10th section divesting the local Legislature of all authority to pass such laws and provide such remedies as would ensure *protection* to the slaveholder, and secure him in the enjoyment of his property, imposing no duty on Congress to do so, with a reservation of an absolute veto upon all local legislation.

I must now notice another argument of the Senator from Kentucky, (and, if not meant as an argument, personal, and conveying a reproach,) which I would rather have been spared; The honorable Senator most exultingly, as it seemed—and I must think against all parliamentary usage—brought to the notice of the Senate the very important circumstance that the clause in the 10th section which the amendment sought to modify had been moved in committee by my own colleague, (Mr. Downs,) and, from the emphasis and relish with which he urged that fact against me, I could not but be struck with the extraordinary pretension it implied, that I ought not, on that account, to have questioned either its orthodoxy or its conclusiveness. Whether this circumstance was brought forward as an argument or as a sentiment, I must think it came with but ill grace from the honorable Senator. Above all other Senators here, he holds (if I have understood him aright) that his position on this floor is one of absolute Senatorial independence, and that he is responsible to his own judgment and conscience alone for whatever he says and does here. At an early day of the session, and upon the point now under debate, we all heard him exclaim, with an ardor and warmth that brought down from *certain portions* of the galleries loud plaudits;—*that he would never vote, and that no earthly power should ever induce him to vote, for the admission of slavery into Territories now free.* Whether the Senator's views of Senatorial responsibility are right or wrong, is no business of mine, and I meddle not with it. But, while he holds these opinions, how does it become him to rebuke other Senators for exercising that free judgment and Senatorial independence which he claims for himself? And when he so unceremoniously gives up the obnoxious clause, after having doubtless concurred to its insertion in committee, how can he pretend to hold me fast, not to any opinion of mine, but to that of my colleague? But, sir, be the paternity of that clause where it may, how can its merits or demerits be enhanced or impaired by it, when it comes here with the sanction of the committee, and must stand or fall by its merits alone?



A fresh sanction has been claimed for this clause, as being couched in the identical terms adopted by the eminent statesmen who prepared the Clayton compromise. This was undoubtedly true of the original *project* of that measure which I have now before me. In the very words of the new compromise, which to me are so objectionable, it declares, among other things, that "*no law shall be passed respecting slavery.*" But my colleague overlooked altogether the important circumstance that this language proved quite as distasteful and exceptionable to the Senate of that day as, I think, it will prove to the Senate of this. The obnoxious words were stricken out, and on motion of a Senator from Maryland (Mr. JOHNSON) the following substituted: "respecting the prohibition or the abolishment of slavery."

But why carry this argument further? The question is now settled; the battle is over; our adversaries have surrendered, and surrendered, verily, at discretion. The honorable Senator from Maryland (Mr. PRATT) has kindly banded us this morning an amendment, proffered, as I understand, with the sanction of the honorable Senator from Kentucky and his friends—embodying, in my humble judgment, every matter provided for in the pending amendment of the honorable Senator from Mississippi, (Mr. DAVIS,) and accepted by him in lieu of his own.

The Senate was told on yesterday that there was no occasion for allowing the Territorial Legislature the power which the amendment acknowledges by implication; and this on the ground that slaves being *property*, the laws applying to all other kinds of property, would equally apply and extend to them. When my honorable colleague comes to consider more seriously of that matter, I have no doubt he will admit that this is by no means a satisfactory solution of it. Slaves assimilate to other property interests in two particulars only: the one is, that, under the Constitution and laws, they are equally *property*; the other, that they are equally entitled to *protection*; but the laws regulating and protecting either widely and necessarily differ from each other, as my colleague will admit, when he calls to mind the great number of laws we have in Louisiana, regulating the functions of slavery, and protecting the right of the master to the services of the slave. Why, sir, if the act of 1793, providing the extradition of fugitives from service were repealed, and Congress should refuse to pass any further law upon the subject, and all laws in the free States touching the matter were abolished, would the general laws, (in Pennsylvania, for instance,) protecting the rights of owners with respect to other kinds of property, be construed as authorizing the restitution of his slave to a citizen of a slave State? No, no; and it would be equally in vain that he would expect protection for slaveholders in the new Territories.

Mr. FOOTE. Will the honorable Senator from Louisiana bear with me a moment?

Mr. SOULE yielded the floor.

Mr. FOOTE. I simply wish to inform him of a fact of which he is evidently not aware. The amendment which he speaks of as a substitute for that portion of the bill to which he is objecting was drawn up by the Senator from Indiana the day before the Senator from Louisiana, who is now addressing the Senate, commenced his speech. It was handed about the hall, agreed to on all sides, and offered to the Chair before, but was decided not to be in order. It was embodied in the speech which I made last week, and which was printed two or three days since, before the honorable Senator commenced his speech. So that he will perceive, I suppose, that although it may be a very signal triumph, it was conceived and agreed to on all hands before his speech was made. In addition to this, I will say that when this proposition, originally in the Clayton compromise bill, was under discussion here, the very language which the gentleman from Louisiana (Mr. DOWNS) is said to have offered in the committee, was proposed by the present Attorney General of the United States, a Southern gentleman and a profound jurist. I suggested the very objection to it which the Senator from Louisiana (Mr. SOULE) has suggested, that it was perhaps more plausible than solid, and I suggested the amendment to which the then Senator from Maryland (Mr. R. JOHNSON) at once acceded, and it became incorporated in the Clayton compromise bill in its present form. That is the history of the affair. It originated with Southern gentlemen, and, so far as I know Northern gentlemen never objected at all to the modification. Certain it is that the modification now proposed, in order to remove the objection to the bill, was agreed to on all sides of the House before the honorable Senator from Louisiana (Mr. SOULE) addressed the Senate.

Mr. DAVIS, of Mississippi. My colleague is entirely mistaken in supposing the amendment now pending to be the same as that suggested by the Senator from Indiana.

Mr. FOOTE. I was simply replying to the Senator from Louisiana, and did not refer to the amendment offered by my colleague. I mean to say this. The Senator from Louisiana just now said that the objectionable phraseology in the bill as reported from the committee was effectually cured by the introduction of other words which are tantamount to the words in the Clayton compromise bill. I addressed myself to that point especially, and I said that that particular modification had been agreed to before the Senator from Louisiana (Mr. SOULE) addressed the Senate at all. I say furthermore, now, what my colleague well knows also, that immediately upon the suggestion of the modification of that amendment, which is now universally satisfactory on this side of the house, it was agreed to on all sides of the house. The honorable Senators from Kentucky, (Mr. CLAY,) Massachusetts, (Mr. WEBSTER,) New York, (Mr. DICKINSON,) and others, all agreed to it without the least difficulty, and never made the least obstacle. If the amendment of my colleague (Mr. DAVIS) had assumed this form in the first instance, and had not used the term "ownership," which seems to some to imply a disposition on the part of Congress to afford especial protection to property in slaves in the Territories, (although I do not think that it bears that construction,) I have no doubt that it would have been immediately acceded to on all sides of the house.

Mr. DAVIS, of Mississippi. I did not intend to argue the question of who had got the victory, further than to say that this bill as originally reported contained an odious discrimination against slave property, and that it is true that an amendment in that respect has been finally acceded to. Beyond this, sir, it is also true that nobody on the other side of this question ever proposed to modify the bill so as to meet our views until the amendment first offered by me had been argued; and, finally, those on the other side of this question have acceded to the amendment, but adding to it that which I considered of no importance at all. All that my colleague (Mr. FOOTE) suggested that he would move, and could not move because my amendment was before the Senate, was to declare that the Territorial Legislature should not admit or prohibit slavery. That I consider to be a constitutional question, above Congress and above the Senate; but what we have from the first contended for, and to the last adhered to, is this, that the Territorial Legislature shall be permitted and required to give such protection to slave property as is extended to all other species of property; and if that had not been incorporated in the substitute for my amendment, offered yesterday by the Senator from Maryland, (Mr. PRATT,) I, for one, would never have accepted it.

Mr. FOOTE. I merely rise to say that, like my colleague, all of us entertain the opinion that substantially there could be no change that would be effective except such an amendment as that now proposed. If my colleague will simply look at a speech of mine, made and printed some time before this discussion came up, he will find that I then advanced this view of the subject, that no restriction could be necessary, inasmuch as the Territorial Legislature, in my judgment, could have no such power to legislate except for the protection of slavery.

Mr. HALE. If the Senator from Louisiana will allow me a moment, I only want to make a single remark. The honorable Senator from Mississippi says that the amendment draughted by the Senator from Indiana was shown all round the Senate, and that every body assented to it. I think the honorable Senator has fallen into the same mistake which he fell into once before; he only showed it to the leading men. [A laugh.] So far, sir, as I am concerned in the exercise of my right as an humble individual—

Mr. FOOTE. I do not really know what the Senator's object is. I said nothing about leading Senators.

Mr. HALE. Mr. President, I do not know then what the Senator means by the expression. I was aware that gentlemen from his section often looked upon the whole North as rather an unimportant division of the country; and, being certain that the amendment had not come to me in passing all round the hall, I was unwilling to rest under a wrong implication that it had; for I am opposed to these amendments, one and all. I prefer the original bill as it came from the committee. Let us have the whole thing; I want to take the thing as a whole.

Mr. FOOTE. I said that it had been agreed to all round the house, and then I limited the remark by specifying those gentlemen friendly to the measure. I purposely qualified the language of my remark, and I cannot see why the Senator from New Hampshire carps at it.

Mr. HALE. I do not carp at the phraseology, but when the vote is taken it might give rise to mistakes if it went forth that this amendment was assented to on all sides. I have neither directly nor indirectly assented to any provision or amendment of this sort, and I shall vote against them. I prefer the bill as it came from the hands of the committee to any of these amendments.

Mr. SOULE. I am much surprised, indeed, that my distinguished friend should grudge to my remarks so slight a merit as to have seconded with their feeble aid the able effort of his honorable colleague, (Mr. DAVIS,) whose sagacity first unmasked the mischiefs lurking in this ambiguous section, and to whom is due all the credit and whatever of triumph there may be in bringing the matter to the Senate's notice. My contributions to the victory were but those of the humble

gleaner in a well-reaped field ; and if my worthy friend claims the spoils for others, why, regarding the amendment as outvaluing the triumph, let that be *ours*, and the other *theirs*. If the Senator would have considered for a moment of the disadvantages and embarrassments which beset me at every term of the sentence, in the whole progress of the argument, on account of my speaking in a language not originally my own—how the pent-up thoughts crowd on one another, in awaiting the words which are to give them utterance—if, moreover, he would make some allowance for one who, with all these imperfections and deficiencies, is found engaged in a conflict where he has to encounter all the strategy of the most consummate marshalship—alas, sir, he would no longer impute to me so vain a thing as even a hope of triumphing over such odds as I have before me.

We are told that the amendment now in debate is not deemed necessary for the protection of slave property in the Territories. My honorable friend forgets that a very strong argument was urged on yesterday, on the assumption that, unless the obnoxious clause, against which I have been debating, had been inserted in this section, slavery would have been in imminent and constant peril there, supposing that it could exist under the constitution; for, my colleague went so far as to say that, without it, there was nothing to prevent the Territorial Legislature from meddling with slavery and abolishing it, nor Congress from interposing its *veto*, should the Territorial Legislature have granted it protection. But, while it was insisted that the clause ought to remain as a protection, we were assailed for guarding that very Legislature from all inhibition that might prevent it from affording slavery, if it should exist there, such *police* ordinances as would regulate its function as property: in other words, while, upon one hand, the section was defended on the ground that it secured slave property against all interference on the part of the territorial authority; on the other, the amendment of the honorable Senator from Mississippi was assailed on the ground that by giving to the Legislature, by implication, power to afford protection, it actually surrendered the doctrine of non-interference!

Mr. DOWNS. I am very sorry to interrupt my honorable friend; but I beg leave to state to him that I said I was in favor of the provision of the amendment as it now stands.

Mr. SOULE. I am glad to hear this. Such is my confidence in the honesty of purpose and the exalted patriotism of those who advocate the compromise, that when this matter comes to be thoroughly understood, I feel assured that many of those who now oppose us will be found to stand by us, upon the same platform.

In connexion with this, let me remark that we are accused of unwillingness to be satisfied in any way, even should the measures be modified to our liking. I might complain of the gross injustice of such an imputation, and even recriminate and strike back with no small advantage; but I forbear. Well, sir, how stands the fact? We have opposed the 10th section on the ground that, under the guise of granting the South *something*, it actually stripped her of *every thing*; yet, after strenuous efforts from the other side to maintain that section as it is in the bill, we find our opponents surrendering the disputed ground, and admitting, by implication at least, the correctness and justice of our opposition. Let another part of the compromise meet a similar fate, (I allude here to the admission of California, unqualified as it is in the bill,) and as the other matters are such as must be of easy adjustment between us, I hesitate not to say, we will easily be induced to vote for the bill, and to assist in securing its passage.

Sir, I have ever been in favor of admitting California with suitable boundaries, (as expressed in the first of the resolutions of the honorable Senator from Kentucky,) and with such guaranties on her part as will secure the title and rights in the United States to the primary disposition of the public domain, &c. against all interference and danger. But this question belongs to another part of the subject before us, and will come up more appropriately when the general merits of the bill shall be discussed, or when special amendments may be pending, with a view to attain those important ends. I wish to be understood as remaining uncommitted

as to my final action upon the several provisions of this bill, except and to the extent that the debate progresses. I am not and cannot be opposed to the settlement of the difficulties which distract the country upon any just terms, come from what quarter they may. Let the bill before us be amended and improved in those parts which, in my opinion, are not only obnoxious, but threaten the utter annihilation of Southern rights and equality, and I am willing to yield it a most cordial support.

Amongst other remarks which fell from my colleague on yesterday, while he was attempting to prove the inexpediency of the amendment under debate, there was one which struck me as somewhat strange—I mean that having reference to the non-existence of police enactment in Louisiana, regulating the functions of slavery, prior to 1812. Let me remind my colleague that there is no State in the Union where that matter is so thoroughly methodized and minutely regulated as in Louisiana, where prevails, from the very organization of the colony, a complete code of laws covering the whole subject, going so far back as the early days of Louis the Fifteenth's reign.

We were told, also, by the honorable Senator from Kentucky, that objections to the amendments reported to the fugitive slave bill came with but small grace from Louisiana, as she had but slight interest in the question, while these amendments were satisfactory to Senators from the States *mainly* interested. The Senator treated *my* interference as out of place and intrusive, as it raised objections to a measure which could in no manner affect the interests of my constituency. Sir, I do not understand, nor am I willing to submit to, this sort of supervision over my action here, and still less to any assumption to control it. Will the Senator tell me where he finds a warrant for *his* interference with my Senatorial duties here? Can he adduce any reason why I may not enjoy, undisturbed and unquestioned, all that freedom and independence of action which he asserts for himself? I claim nothing more, and the honorable Senator will understand that I can be content with nothing less. I can assure the honorable Senator that he has fallen into a great mistake in supposing that Louisiana had but small interests of her own in the fugitive slave question. Her interests are large and her losses heavy. The immense number of river and sea crafts which annually visit her principal port, (New Orleans,) coupled with the vested privilege of mariners and boatmen to moor in front of her principal plantations, day and night, furnish facilities almost unexampled for the abduction and escape of slaves.

Louisiana, then, having a large interest at stake in the reclamation of fugitives from service, has a corresponding interest in opposing and arresting all obstructions to the exercise of her rights. The section reported by the Committee, besides other requisitions unknown to the existing laws, and certainly not contemplated by the Constitution, imposes upon the slaveholder the obligation of procuring a record from a competent court exhibiting both the fact of ownership and escape of the slave sought to be recaptured—an obligation which the amendments recommended by no means leave optional to the master, as my colleague seems to suppose and argues, but which is made a *necessary* prerequisite to the delivery of the fugitive, as plainly appears from the words of the section:

“And upon the production by the said party of other and further evidence, if necessary, either oral or by affidavit, *in addition to what is contained in said record*, of the identity of the person escaping, he or she shall be delivered up,” &c.

Now, under the Constitution of Louisiana, such a record could in no way be considered as a judicial proceeding, which imports a suit, for, a suit must represent and embrace more than one party; and being a suit, and the slave absent from the State, the courts of Louisiana could have no jurisdiction to entertain a judicial proceeding in anywise affecting his rights and interests, while he was absent and unrepresented. Moreover, if there cannot be a suit, how can there be an adjudication? Our courts of justice are rigorously inhibited by our Constitution from

interfering with any thing that is not *strictly judicial*; and such a record, therefore, could not be obtained.

I was asked whether the *South* ought not to make *sacrifices*? Most undoubtedly, if necessary, and to the full extent of any sacrifices made or proffered by the North. Her duties enjoin upon her not a do it more. I would wish that the South would guide herself upon the line of conduct that was marked out on yesterday by my colleague with respect to States in general. When a State is weak, she should be careful of her rights, and cautious that they were not invaded. When a State is strong, she may be less strict, because of her ability to resist oppression. But will my colleague permit me to remind him that while, on the one hand, he recommended to the South forbearance, on account of her strength and power to resist, on the other he made a strong, and, indeed, an impassioned appeal to her, calling her to unite on account of her own weakness? And feeling myself as my colleague seemed to feel on yesterday, when he ended his speech, that the South has come to be the weaker of the two contending sections, I would recommend to her to stand by the rights for which she is now struggling, unless she chooses rather to wait until it is too late, and when nothing can save her from being crushed in the struggle.

I have not been of those who were ready and willing, at the beginning of the session, to stake the very existence of this Confederacy upon such an issue, unless I should be convinced that it could not possibly be averted with honor and safety to Southern institutions. I am for peace and concord, for harmony and for union, but I am for justice also; I am for a strict adherence to the precepts of the Constitution; I am for equal rights among the States, and for the erecting and upholding of such barriers against Federal encroachments as will keep the power of this Government within the bounds assigned to it by its founders. And if all this has to be surrendered—if the South is to be inmolated, let her face her doom, but with dignity and resolution, and let no blush cover her cheek.

Mr. MASON obtained the floor.

Mr. DOWNS. Mr. President, I wish to say only one or two words—

Mr. CLAY. Will the Senator from Louisiana allow me one word. I do not wish to interfere with the Senator if he wishes to avail himself of an opportunity of replying, but I desire an explanation from the Senator from Louisiana who has just taken his seat. I understood the Senator to say that the committee had held to the eye one thing, intending at the same time another and a different thing—intending to cover the question with a “drapery” or “trickery;” I did not hear the precise expression, but I thought it was one or other of these words.

Mr. SOULE. Oh, no; the Senator from Kentucky is mistaken.

Mr. CLAY. Well, then, I want to know what the Senator did say?

Mr. SOULE. The honorable Senator gives to my language a meaning which I had not intended it should convey. Speaking of the measures in progress of debate, and commenting upon them, I said, indeed, that “they spoke to the eye what they meant not to the sense;” intimating thereby that they were so worded that a careless reader might be led to imagine that they imported something which, in fact, they did not import. I did by no means intend imputing to the committee a deliberate design to impart to the measures which they recommended, and with a view to mislead, the duplex meaning which I thought I discovered in them; I intended only to signify that such would be the effect of the phraseology which had been adopted, and that it would unavoidably be misapprehended. That such would be the case is most clearly shown in the fact, now apparent to all of us, that those who concurred in the bill are still in disagreement as to the legal bearing of some of its most important provisions. Besides, from the manner in which I have conducted my humble share in this important discussion, I had hoped I would have been spared the misapprehension that I had designed any thing that was unkind or disrespectful to the honorable Senator and his colleagues.

Mr. CLAY. Mr. President, I certainly felt gratified by the very unmerited compliment which the honorable Senator chose to pay me personally; but that does not satisfy me if, as I supposed, he intended to cast reflections on the motives of the committee by intimating that it was their purpose to practice any deception towards the Senate.

Mr. SOULE. Truly, sir, the honorable Senator bears down hard upon me; for, even supposing that any unseemly expression had escaped my lips, ought I not to have met at his hands somewhat more of indulgence, and I might say of strict justice, considering that I was wrestling with the peculiarities of a language not my own, whose vocabulary is so apt to rebel against my best inten-

tions! I questioned the motives of no one. I believe them good, and do not doubt at all the purposes of the committee were most patriotic and honorable.

Mr. CLAY. I am satisfied. As the chairman of the committee, and as one of the committee, I certainly would not have allowed without suitable explanation any remarks reflecting upon the purposes or intentions of that committee.

Sir, I should be glad if time permitted to make a reply to the honorable Senator, but I shall have other occasions to do so. But will he and the Senate allow me for a few moments only to make one or two observations?

Now, sir, what is the course of the honorable Senator with respect to these resolutions of mine, and the report of the committee? The Senator takes them up and compares them together. *Cui bono?* The resolutions were the resolutions of an individual; the report of the committee is the report of an aggregate number of gentlemen sent out for the purpose of considering these subjects. To bring, therefore, the report to the test of the resolutions is to suppose that I, who was alone responsible as the author of these resolutions, constituted the committee of thirteen to act upon the whole of the subject. He says that in my resolutions the South was promised suitable limits to California. Well, sir, the committee have said that the limits of California as proposed are suitable limits, and I never intended to exclude the consideration of the limits which California took for herself.

But I do not mean to-day to go into the subject, except to make one additional observation.

Sir, the Senator is not satisfied with the repudiation in the bill of the Wilmot proviso. No, sir, it is not there, and all that the South has been struggling for for years has been to avoid its being put there. But he wants more. He wants an argument against it; he wants it denounced as unconstitutional. Now, let me put this case. The referees are sent out to make a decision upon a case referred to them. Although they agree in the decision, each having his peculiar reasons, but all uniting in the conclusion, yet if they do not agree in the premises, and in the arguments, according to the doctrine of the Senator their award is worth nothing.

Sir, the Senator tells us that he is for compromise and for the Union, although I was sorry to hear him concluding his speech by saying that he did not consider disunion so great a calamity as others did.

Several Senators around Mr. CLAY. "No, no;" "he never said so;" "you are mistaken."

Mr. SOULE. Will the honorable Senator excuse me for interrupting him; but I must say, distinctly, that I never said anything of the kind. The Senator does me injustice. I most emphatically deny having ever said anything of the kind.

Mr. CLAY. I understood the Senator most distinctly to say that he did not see anything in the calamities which would result from a dissolution of the Union.

SEVERAL SENATORS. "No, no." "You are wrong, he did not say so."

Mr. SOULE. No, sir; that *could* not be. I said nothing that *could* have conveyed any such meaning. On the contrary, I most unequivocally declared that I was not of those who would stake the perpetuity of the Union upon the issues before us, should it be possible to avert it by any sacrifices we could make without dishonor, although I apprehend they might seriously endanger it.

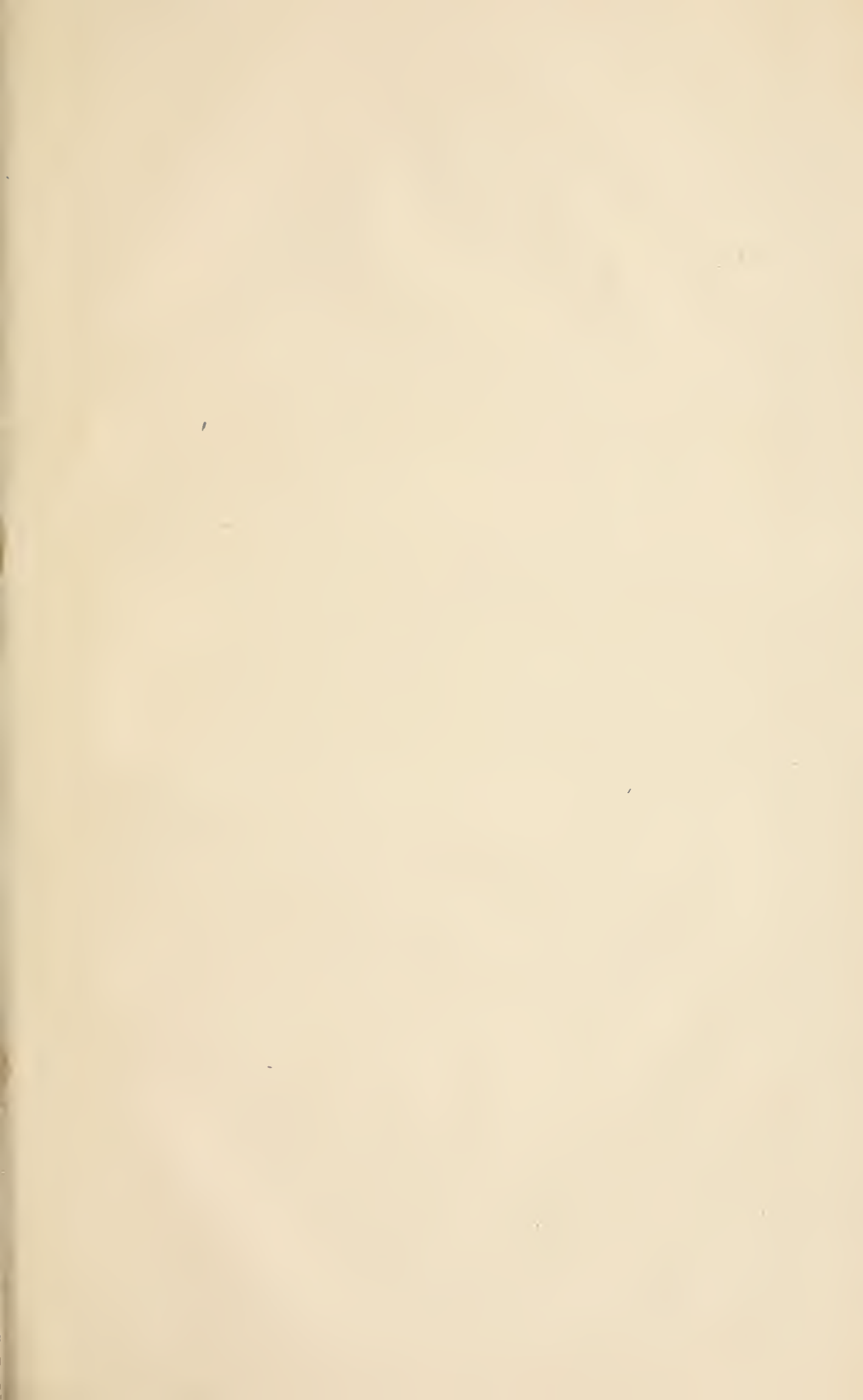
Mr. CLAY. I am very happy to hear it.

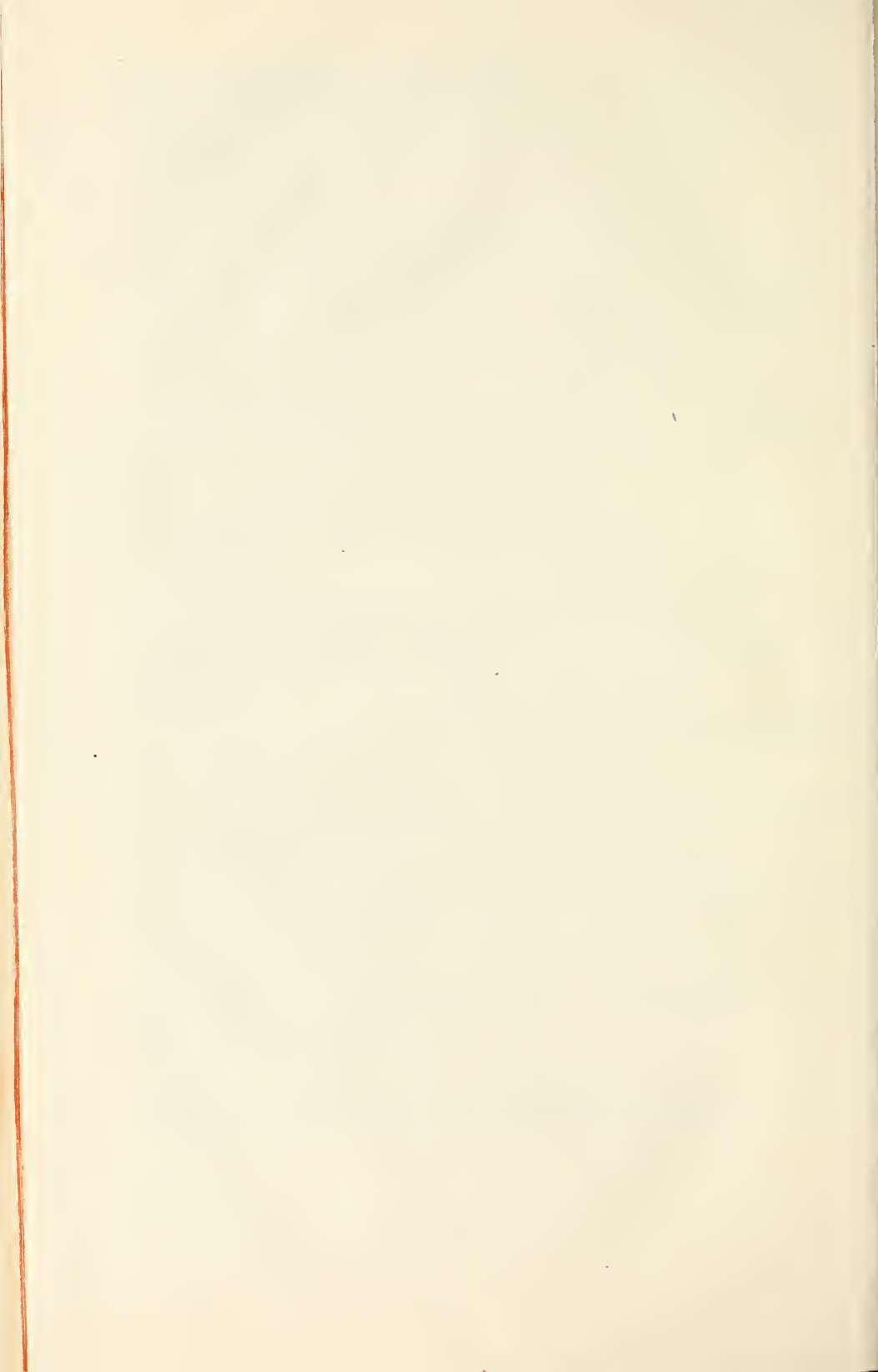
Mr. SOULE. Sir, there could have been no mistake—no misunderstanding. Every Senator here, I feel assured, understood me differently. What I did say is this: that if the South was to be crushed to the ground, and at least she should be suffered to fall with dignity, and so as to command the respect, and not to attract the insulting pity of her adversaries. [Applause.]

Mr. CLAY. I am, indeed, happy to hear these sentiments from the honorable Senator, but he will allow me to say, that although he may not be desirous—and am I sure he is not—of a dissolution of the Union, the course which he may happen to take may possibly lead to such a consequence at no distant day. He said that he did not like this compromise. He complained that while he was restricting himself to the subject under debate, he had been misrepresented by me as having travelled over the whole compromise. Now, I appeal to the Senate whether the Senator did not take up every topic in the report and comment upon, and criticise, and reject it. I hope, Mr. President, that, when this measure which has been before the committee shall have received all the improvements of which it is capable, of which nobody will be more desirous than the committee, the Senator may yet find it in his power to concur with the committee in their efforts to settle these questions.

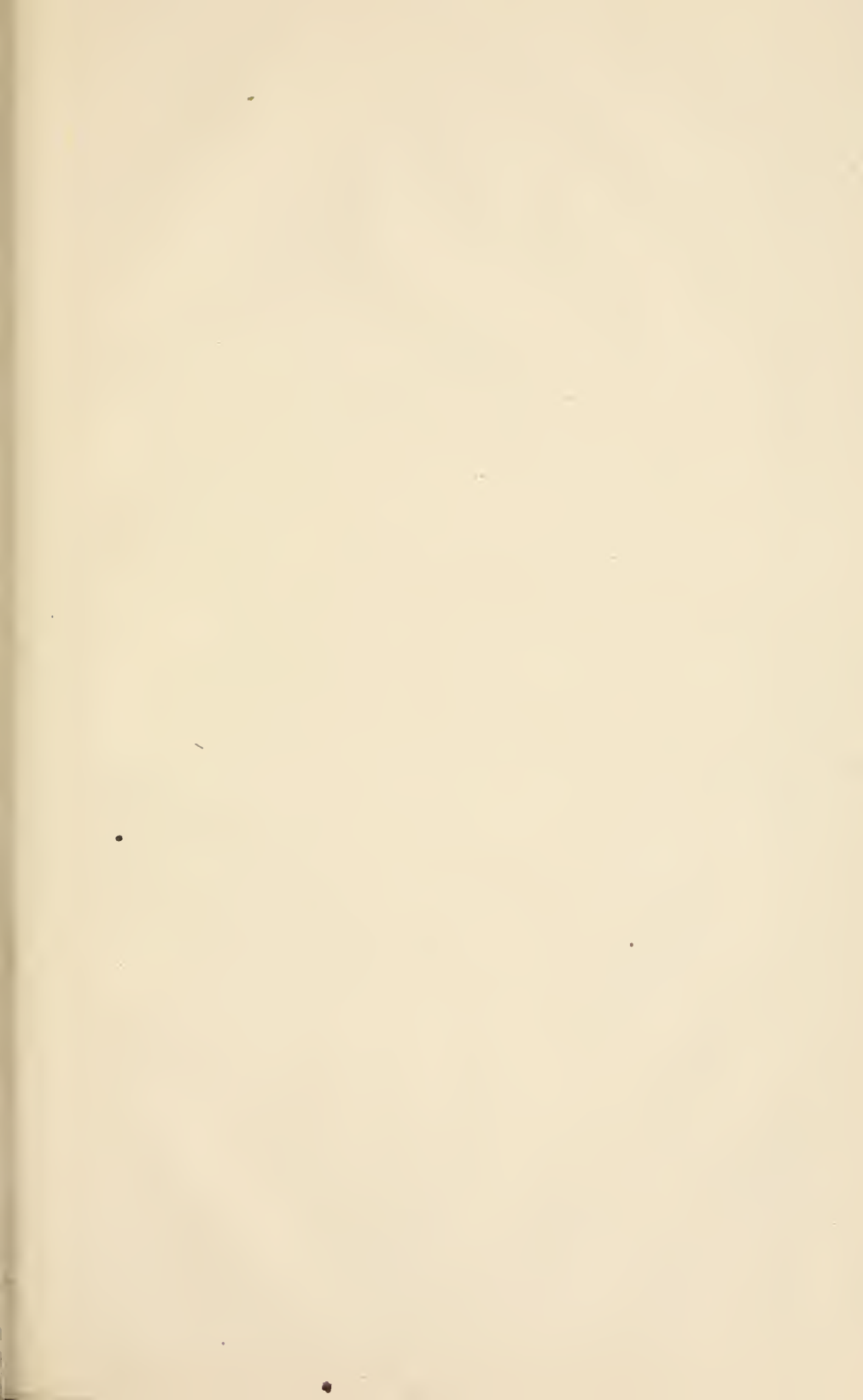
Mr. SOULE. I should be most happy if I am able to do so.

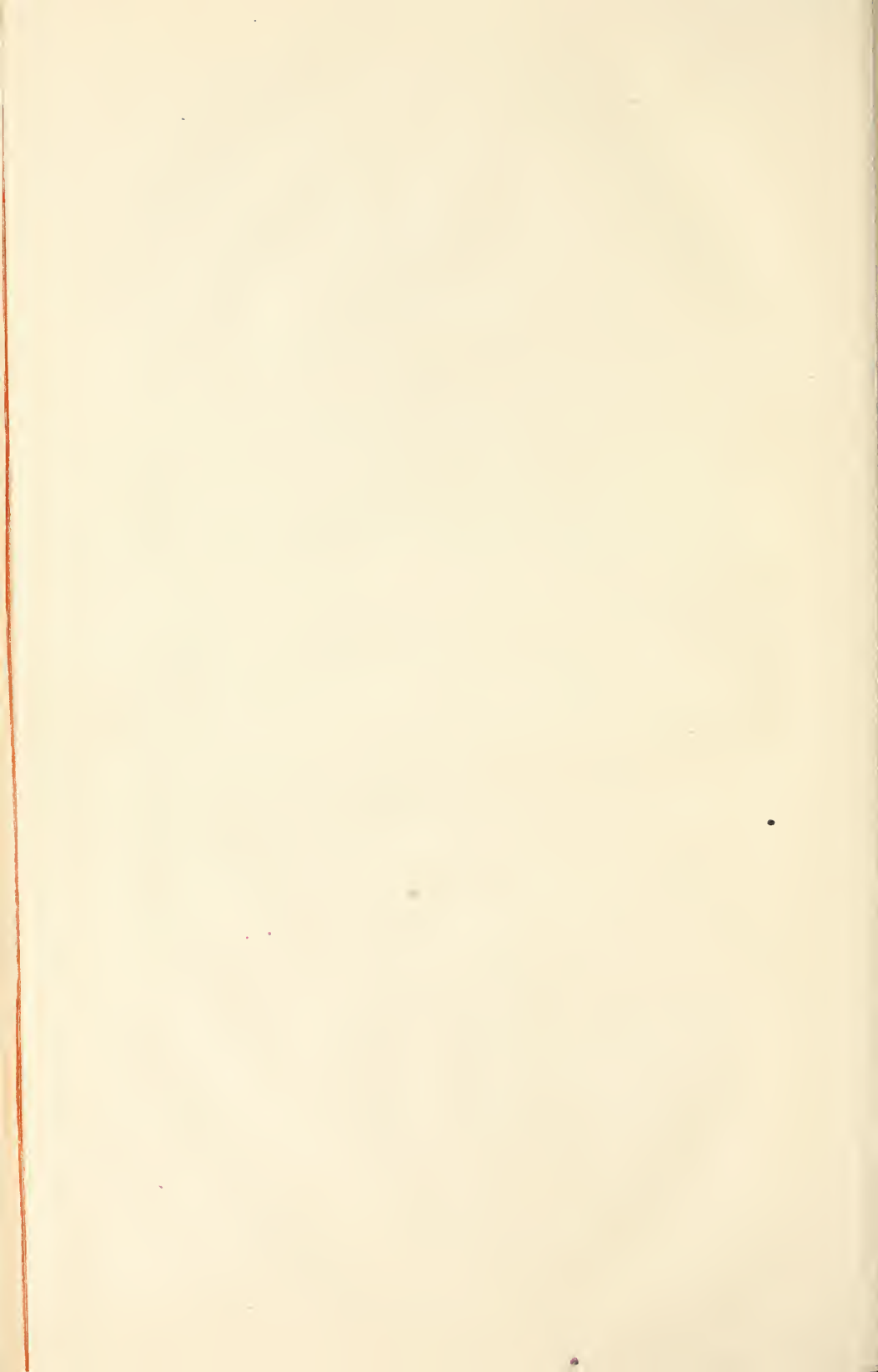
Mr. CLAY. I have already said that at this hour, and for other reasons, I will not detain the Senate now, especially as the Senator from Virginia, (Mr. MASON,) having obtained the floor, desires to speak. I forbear, therefore, making any further observations until some future occasion.

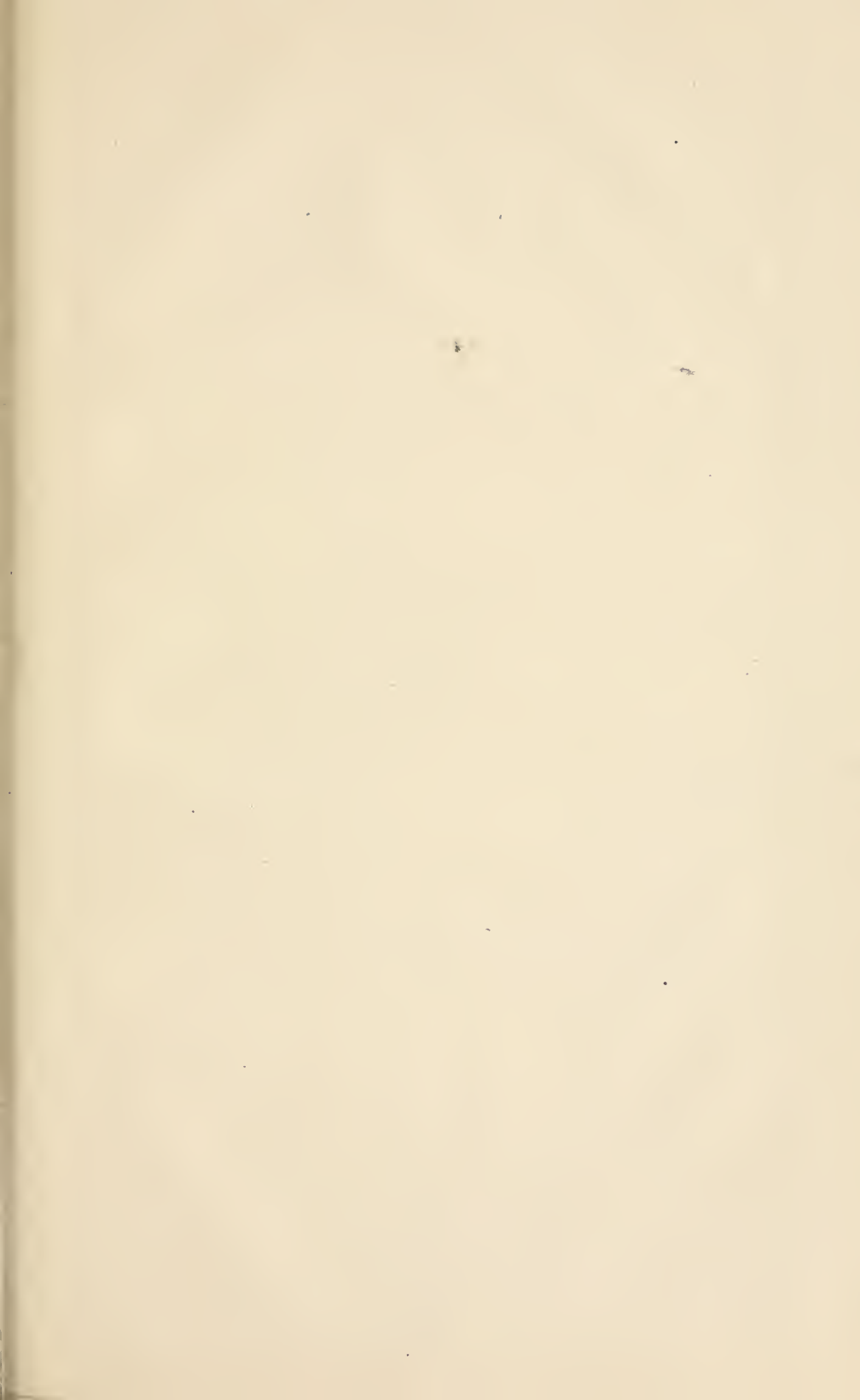


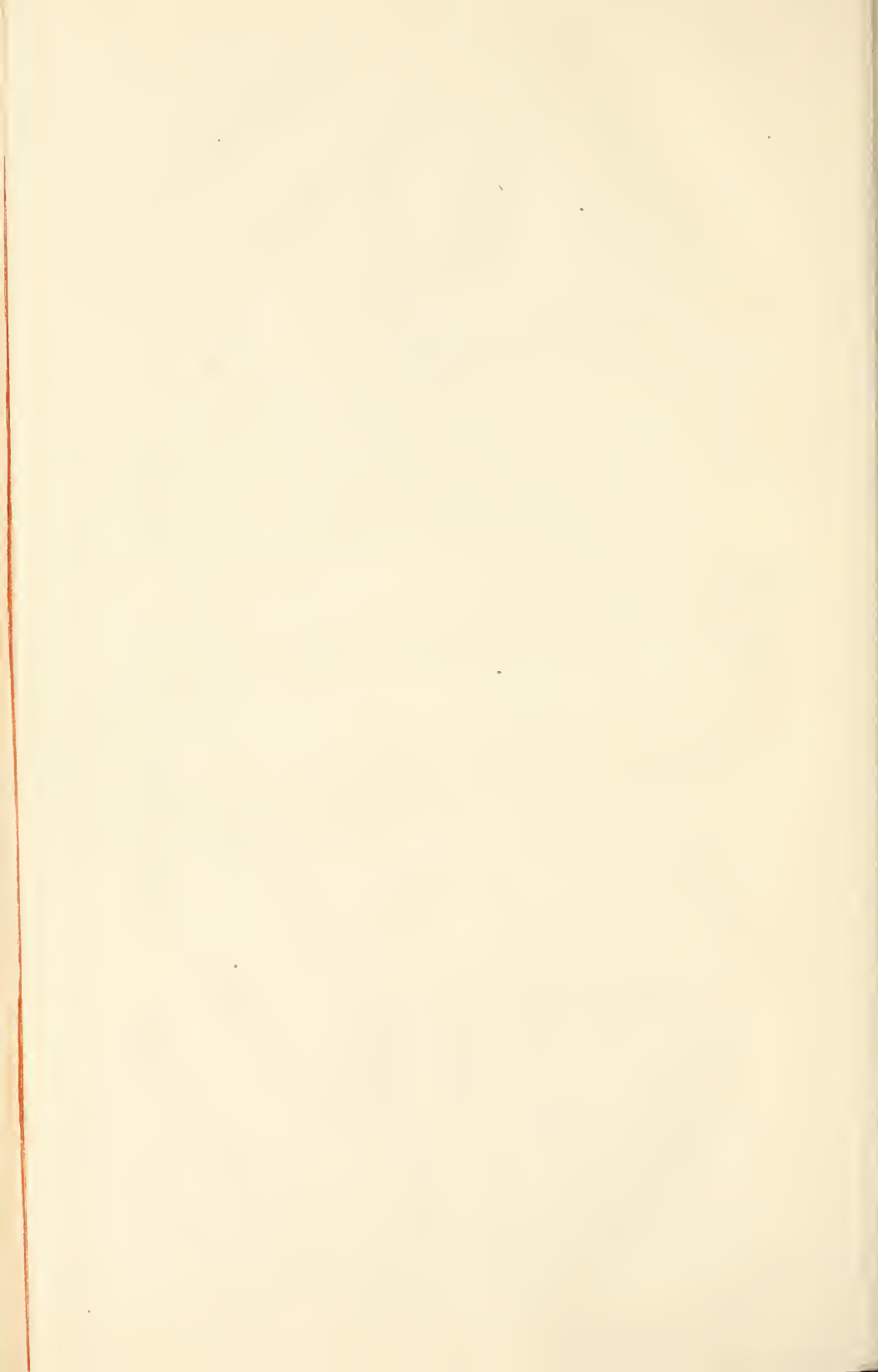


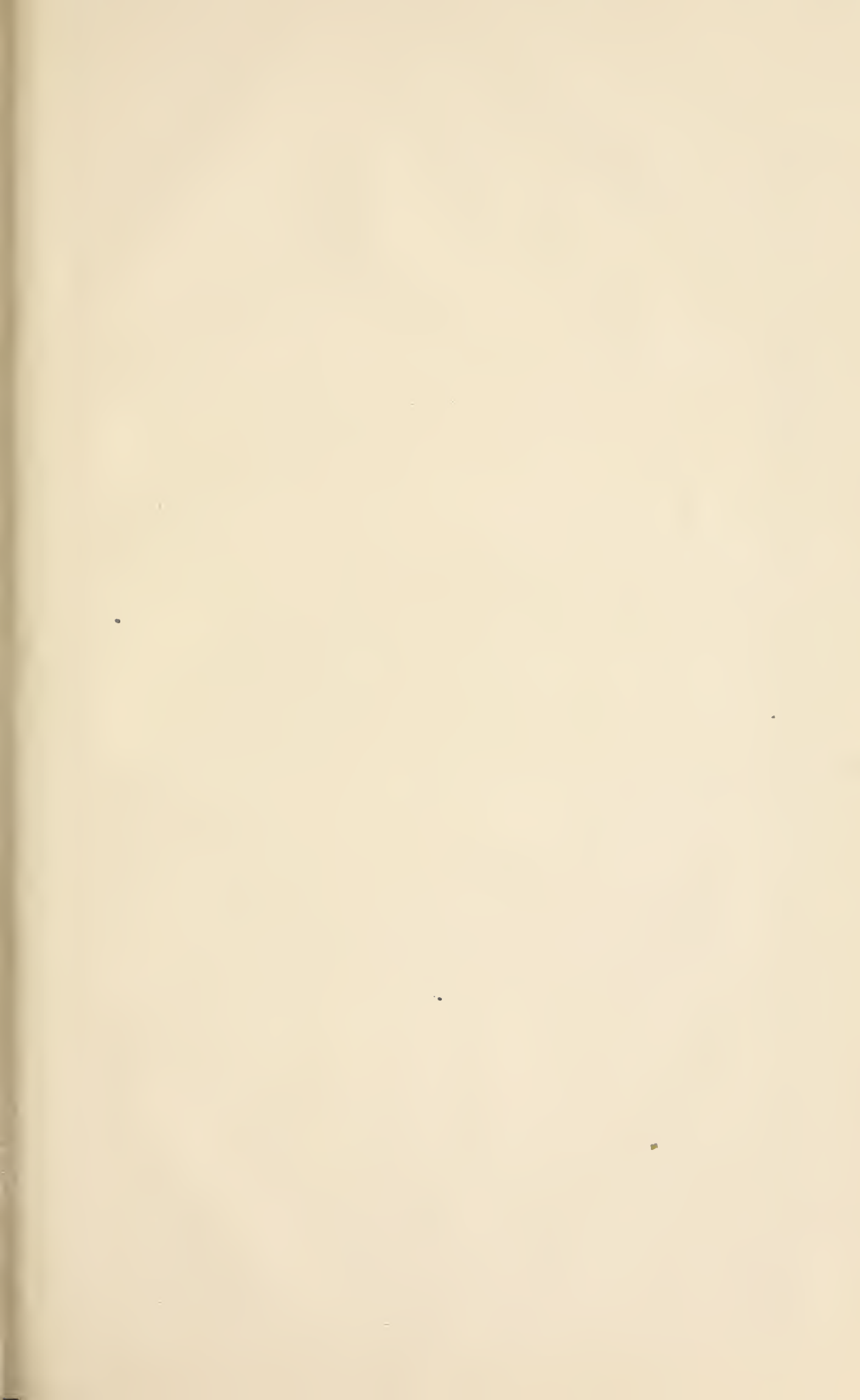


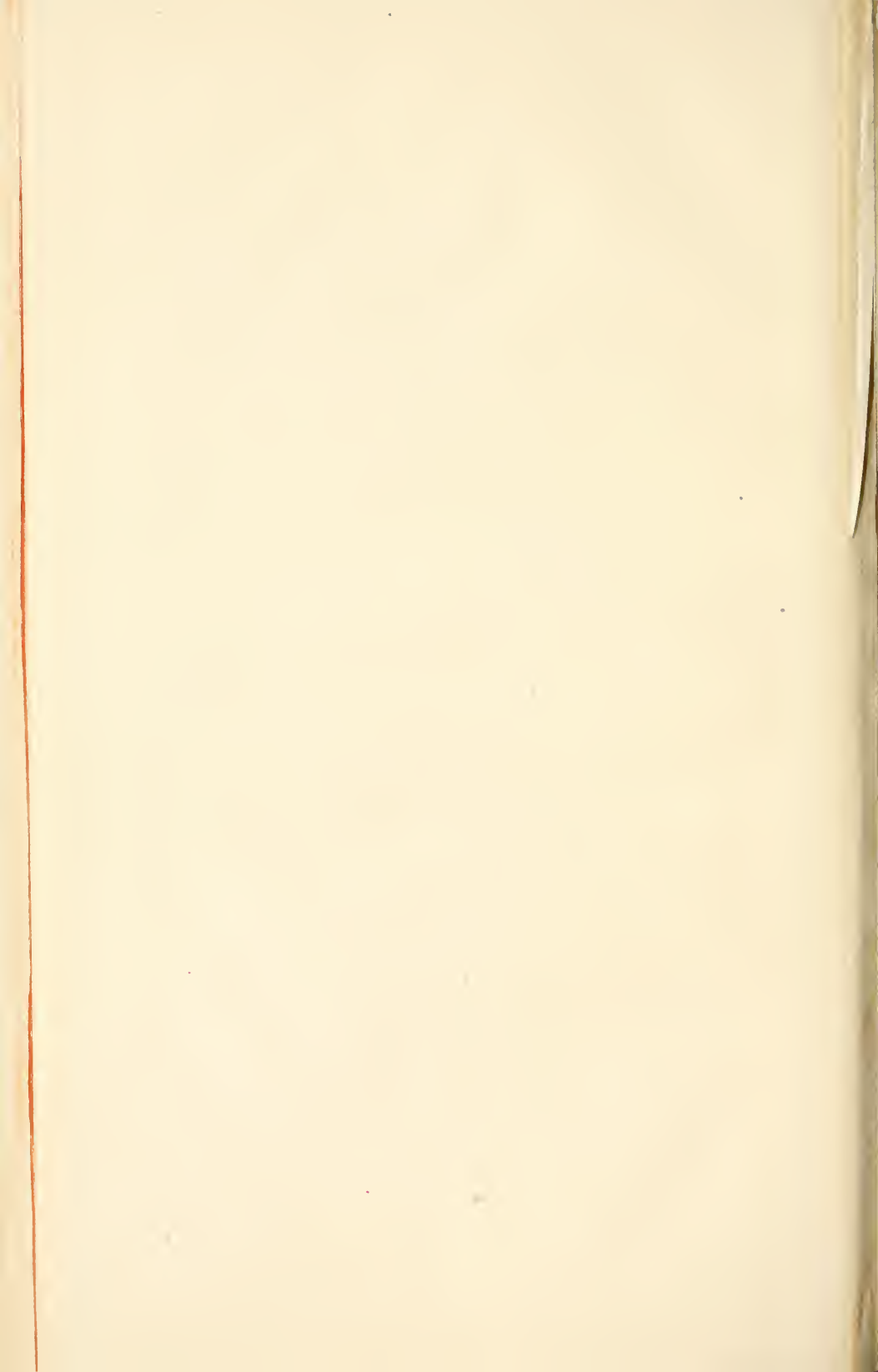


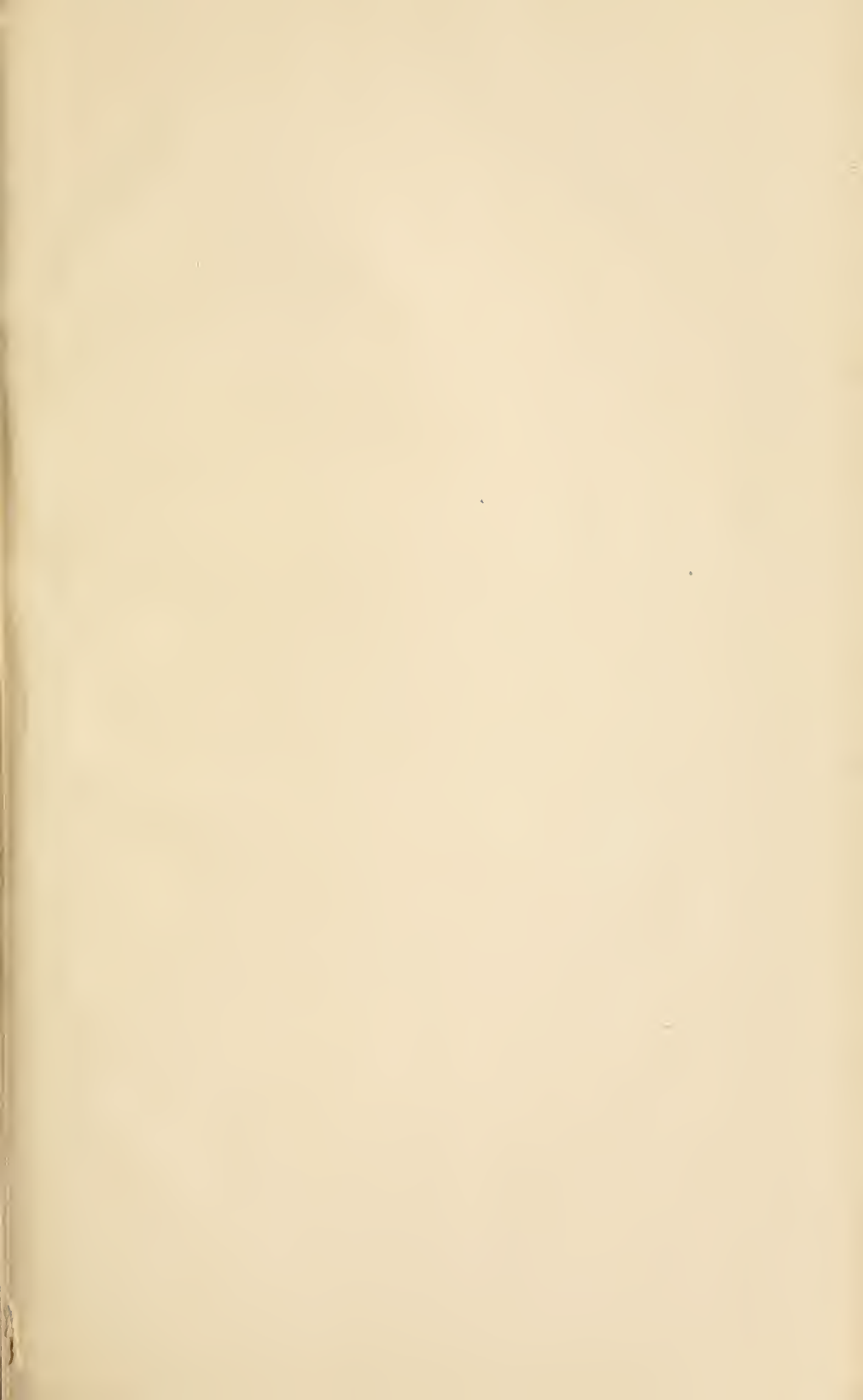


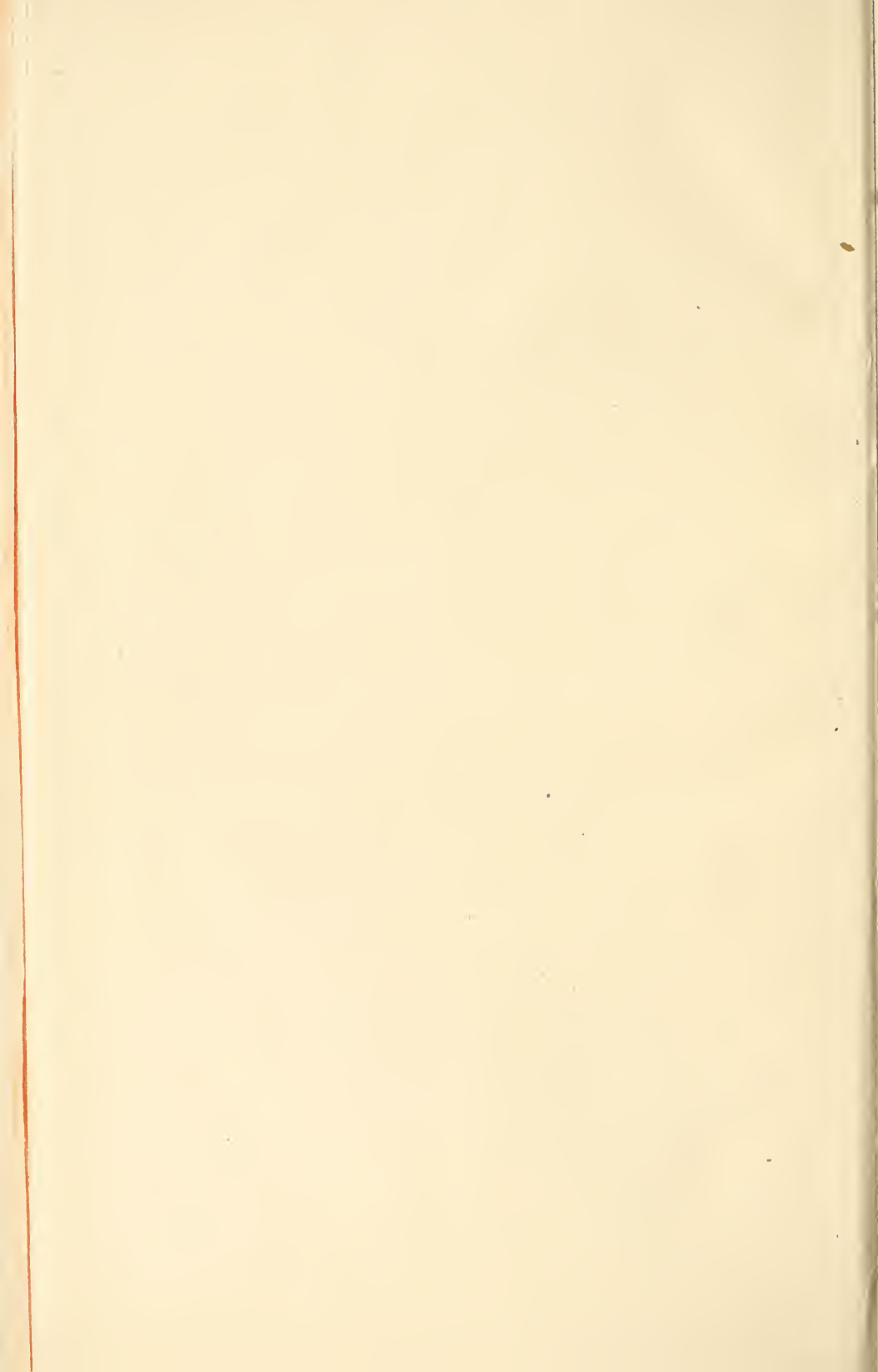






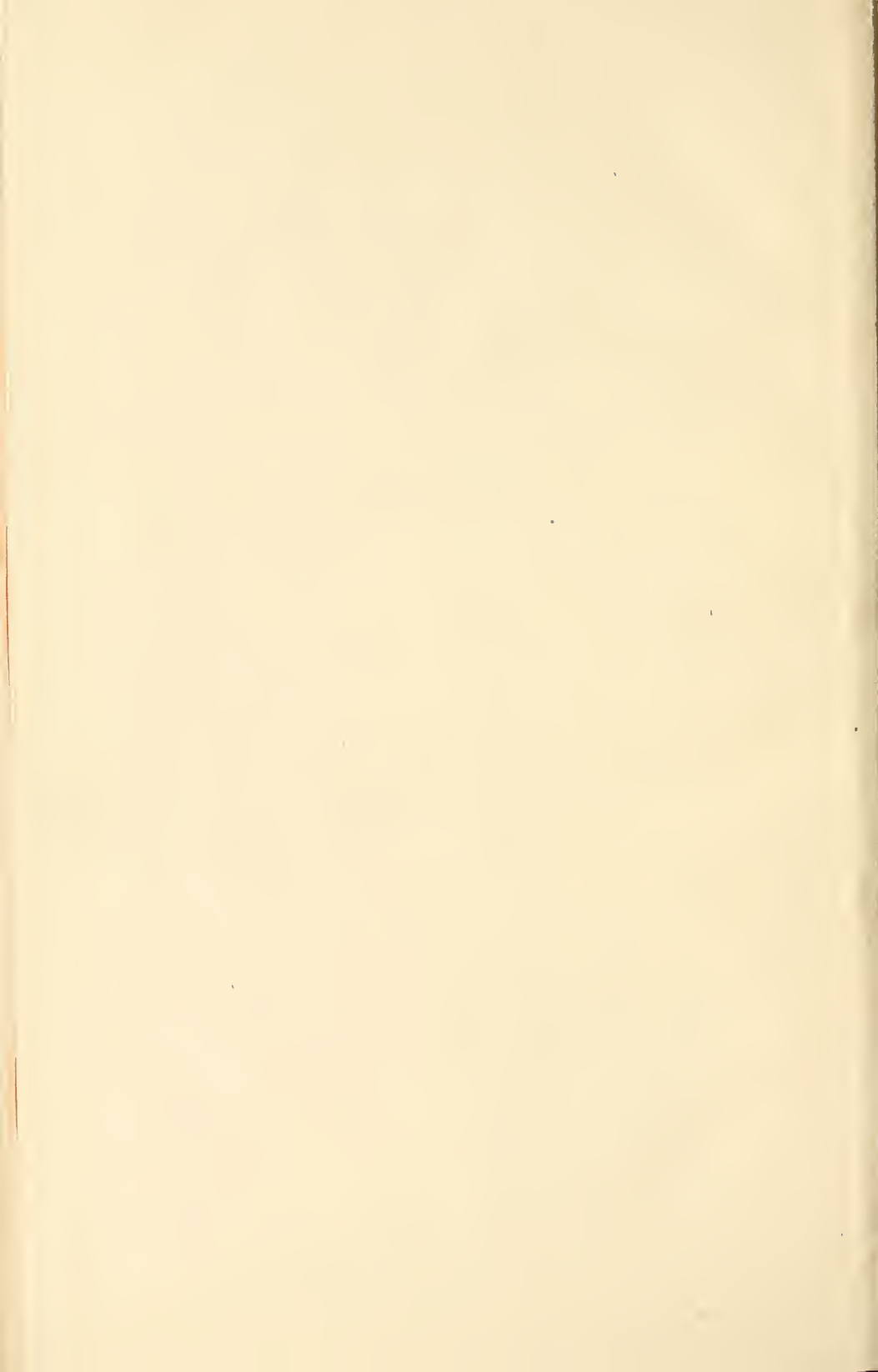














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